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Seven Tensions in Stewarding the Long Life of an Author's Work

A Framework for Those Navigating Control, Change, Access, and Legacy

by Charlotte Jones Voiklis, Ph.D.

What To Do With a Legacy?

Most writers hope their work will outlive them.
If it does, its future will be shaped by other people.

That future may be managed formally or informally. There may be a company, a trust, significant licensing income, and several people keeping track of the rights. Or there may be two family members, a handful of books, a box of papers, and an old publishing contract nobody has looked at recently. Either way, somebody is making choices: what remains available, what stays private, which opportunities to pursue or decline, and how much of the future to decide now.

We tend to talk about literary estates in the language of ownership and control: who owns the rights, who can grant permission, who can stop a use, who gets paid. Those questions matter, but they do not tell us what the stewardship is trying to accomplish.

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First we must answer:

What are we trying to sustain, and what are we trying to make possible?

The answer may be income, readership, scholarship, family memory, artistic integrity, educational use, cultural presence, or simply the continued availability of the work. Usually it is several of these at once and, inconveniently they can pull in different directions.

The language of “legacy” can itself be misleading. It can make creative work sound finished. But if a work is still being read, published, taught, adapted, studied, challenged, or rediscovered, its life is not over simply because the author’s is. The work keeps entering new contexts, and the estate is one of the actors shaping what happens next.

> Sometimes good stewardship means holding on; sometimes it means loosening the grip. Most of the difficult decisions are somewhere in between.

This paper is meant for people stewarding literary estates and those who work with them, and for living authors thinking about what they want to leave behind: what should be protected, what should remain possible, and what is better left to future judgment.

The examples that follow are hypothetical or composite. That is deliberate. Discretion is part of stewardship, especially in a field where books, money, family relationships, private histories, and confidential contracts have a way of ending up in the same conversation.

Those decisions tend to gather around a recurring set of tensions. The seven that follow are not problems to solve once and for all, but questions to keep in view as the work continues to live.

Seven Tensions in Literary Stewardship

1. Structure vs. Discretion

How much should be decided in advance, and how much judgment should remain with future stewards.

2. Present Benefit vs. Future Agency

What might an estate gain now, and what choices might that foreclose later?

3. Access vs. Sustainability

How widely should the work circulate, and what is necessary to support its long-term life?

4. Transparency vs. Privacy

What should an estate share, and what should it keep private?

5. Fidelity vs. Creative Freedom

How can an estate protect what matters in the original work while giving others room to make something genuinely new.

6. Continuity vs. Change

How much should an estate preserve what it inherited, and how actively should it shape the way the work meets the present?

7. Silence vs. Voice

When should an estate use its public authority in relation to the author, and when should it refrain?

What are we trying to protect, and what might that protection prevent?

What are we willing to leave open, and what risks come with that openness?

1. Structure vs. Discretion

How much should governance determine in advance, and how much judgment should remain with future stewards?

Living authors often want to protect their work from bad decisions after they are gone. Fair enough. They may create trusts, companies, boards, voting rules, approval requirements, succession plans, or detailed instructions about particular rights. In a smaller estate, governance may mean an agreement among siblings about who handles permissions, who talks to the publisher, and what happens if they disagree.

Structure can make authority legible, prevent confusion, and create accountability. But every structure is also a way of making decisions in advance for people who will know things we do not.

The more an author determines now, the less room later stewards have to respond to circumstances that could not have been anticipated. A person chosen because everyone trusted her may remain in place long after the reasons for that trust are gone. A procedure that made perfect sense for one generation may be baffling to the next. Complexity has consequences of its own: if only one person understands how the estate actually works, that person has power whether or not the documents quite say so.

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Informality has the opposite problem. Two people may manage an estate perfectly well for twenty years by talking everything through. Then one dies, or a new generation arrives, and nobody knows whether those conversations amounted to policy or merely habit.

The answer is not necessarily more governance, but enough structure to make authority and responsibility clear without assuming that every important decision can be made in advance.

Consider this

Two adult children inherit copyright jointly. One has always handled publishing matters because she knew the author's work well; the other has been happy to defer. Years later, a significant licensing opportunity arrives and they disagree for the first time. There is no written understanding about who takes the lead, how they will make significant decisions together, or what happens when they disagree.

Questions worth asking

- What decisions really need to be settled in advance, and where will future stewards need room for judgment?
- Who has formal authority, and who is likely to exercise practical power?
- What happens when the people or relationships change?
- Which inherited structures still serve their purpose, and where is there room to change, clarify, or formalize them?
- **For a living author:** What exactly are you trying to prevent, and is permanent structural constraint the best way to prevent it?

2. Present Benefit vs. Future Agency

What might an estate gain now, and what choices might that foreclose later?

Some rights decisions are really decisions about time. A large advance, a long exclusive term, a perpetual assignment, or a broad adaptation grant may bring substantial value now. Estates have expenses, heirs may have legitimate financial interests, and a publisher or producer may reasonably need enough control to justify making a serious investment.

Present value is not always money. An estate may accept a restrictive arrangement because it promises prestige, preservation, visibility, institutional support, or simply the chance to see a long-imagined project finally happen. The question is what the estate gives up in return.

A deal made today may still be governing the work after everyone who negotiated it is gone. AI licensing is the current example, though I doubt it will be the last: rights granted under one set of assumptions can have quite different consequences under another.

Maximum flexibility is not always the goal; sometimes a long-term agreement is exactly what allows a project to exist. The harder question is what the estate will no longer be able to decide.

A deal made today may still be governing the work after everyone who negotiated it is gone.

Consider this

A small press offers to bring a neglected body of work back into print and keep it available. The estate cares far more about readership than royalties, but the license is unusually long and difficult to terminate. The value is the chance to see the books available again; the cost is future agency.

Questions worth asking

- What does this agreement make impossible later?
- Is the length of the grant necessary to the project?
- What rights revert, and under what circumstances?
- Are we being compensated, financially or otherwise, for the control we are surrendering?
- Would a renewable arrangement accomplish the same purpose?
- **For a living author:** Which decisions are you making now that your heirs will inherit not as choices, but as facts?

3. Access vs. Sustainability

How widely should the work circulate, and what is necessary to support its long-term life?

Literary estates generally want people to read the work. That sounds almost embarrassingly obvious, but rights management has a way of making restriction feel like the default. Copyright can give an estate the power to say no; it does not tell the estate when no is useful. Libraries, inexpensive editions, educational licensing, accessible formats, digital distribution, archival access, and translation can all extend the life of a work beyond the audience it would otherwise reach.

Sustaining that access requires resources. For a large estate, that may mean staff, rights administration, preservation, educational programs, and public-facing work; for a smaller one, storage fees, a website, a new edition, or simply someone with enough time and patience to keep answering requests. The scarce resource may be money, attention, expertise, energy, or simply someone willing to maintain records, manage relationships, and evaluate opportunities.

"Sustainability" is not a synonym for profitability. A financially modest estate still needs a way to sustain the things it cares about.

Copyright can give an estate the power to say **no**; it does not tell the estate when **no** is useful.

Consider this

A university asks a modest estate for permission to digitize a collection of out-of-print essays and make them freely available for teaching and scholarship. There is little or no income in the proposal, and the estate lacks the resources to undertake a comparable project itself. Granting permission could give the work a new life while giving the estate less control over where and how readers encounter it.

That may be a perfectly good trade. But it is still a trade.

Questions worth asking

- Are we trying to maximize readership, revenue, scholarship, cultural presence, or some combination?
- Should educational, library, scholarly, or accessibility uses be treated differently from ordinary commercial uses?
- What resources does the estate really need?
- Are we restricting access because restriction serves a purpose, or because it is familiar?
- What kinds of access might bring the work to those who would not otherwise encounter it?
- **For a living author:** What kinds of access do you want future stewards to protect or encourage, even when they produce little or no income?

4. Transparency vs. Privacy

What should an estate share, and what should it keep private?

Transparency is one of those words that sounds automatically virtuous. It isn't always. Estates may hold correspondence, diaries, financial information, family histories, contracts, unpublished drafts, and records involving people who never chose to become part of the literary record. Privacy can be an ethical obligation, not a failure of openness. Substitute the word "confidentiality" and you see what I mean.

Too little transparency has costs too. Heirs may not understand how decisions are being made, beneficiaries may have no meaningful way to evaluate the people acting on their behalf, scholars may be denied access to material that genuinely matters, and future stewards may inherit policies without knowing where they came from.

Transparency is not only a public question. Internal legibility matters. In a complex estate, beneficiaries should be able to understand how authority is structured and what interests are shaping decisions. In a small one, the equivalent problem may be that one person knows all the contracts, all the passwords, and all the history, and nobody else has ever thought to ask. I am not sure there is a useful general rule here beyond specificity: transparent about what, to whom, and why?

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Consider this

An archive contains letters that significantly deepen scholarly understanding of an author's work. They also discuss painful family matters involving people who are still alive. Opening everything may serve scholarship while causing unnecessary harm; closing everything may protect privacy while suppressing material of genuine cultural value.

Fortunately, those are not the only two choices.

Questions worth asking

- Who has a legitimate interest in this information?
- What would disclosure make possible?
- What harm might disclosure cause, and to whom?
- Are we protecting privacy, or avoiding accountability?
- Could restrictions, embargoes, redactions, or staged access serve both interests?
- Do the people responsible for the estate know enough about how it operates to participate meaningfully?
- **For a living author**: What should remain private, and what might instead be restricted for a time or under certain conditions?

5. Fidelity vs. Creative Freedom

How much should an estate protect the integrity of the original work, and how much room should it give others to transform it?

Adaptation involves change. A film cannot simply reproduce a novel; translation requires interpretation; theater, graphic novels, audio, illustration, and other forms alter the way a work is experienced.

The estate therefore needs to know what it is trying to protect: plot, character, tone, theology, politics, language, an ending, a relationship, or something harder to name. That can be surprisingly difficult to articulate until somebody proposes changing it.

An estate can authorize a project that strips away what made the work matter, or retain so much control that no serious creative partner is willing to proceed.

Approval rights help, sometimes. Lawyers are very good at making contracts longer, but another page of restrictions does not necessarily make an adaptation more faithful. At some point, the estate is relying on judgment: its own in choosing the project and the people involved, and the creative team's in making it.

That does not mean trust is a substitute for a contract. Relationships change, and the producer, editor, or executive who persuaded the estate to say yes may be gone a year later while the agreement remains. Some protections need to be in writing, but no agreement can eliminate the judgment involved in handing a work to other people.

Estates sometimes have to ask why they want an adaptation in the first place. Is it to reach new audiences, or to see what another artist can make from the work? If so, some degree of transformation comes with the territory. Wanting an adaptation while trying to prevent it from becoming something new is a difficult position to sustain.

Consider this

A small theater company proposes a production that substantially changes the setting and political context of a novel the estate cares deeply about. The production is unlikely to make much money; that is not really what is at stake. The estate has to decide whether the reinterpretation feels illuminating, distorting, or perhaps simply unfamiliar.

It could insist on strict fidelity, identify a few non-negotiables, or decide that the company has earned enough trust to take the risk.

Questions worth asking

- Which concerns are artistic, and which are reputational?
- Does the estate have the expertise to evaluate this particular form?
- What requires approval, what requires consultation, and what can safely be left alone?
- Are we protecting the work, or our own preferred interpretation of it?
- Have we chosen a creative partner we are actually willing to trust?
- **For a living author**: How comfortable are you with the transformation adaptation requires, and what kinds of change would be hardest for you to accept?

6. Continuity vs. Change

How much should an estate preserve what it inherited, and how actively should it shape the way the work meets the present?

Preservation is only part of the job. Estates also make choices about how the work is encountered.

Depending on the rights and authority they hold, estates may choose which books to reissue, which covers to approve, which archival material to release, which anniversaries to mark, which introductions to commission, which neglected works to revive, and how to respond when language or representations once treated as ordinary are read differently later.

Those choices can affect whether the work remains part of the conversation at all, which parts stay visible, and what later readers and scholars make of it.

The line with adaptation can get blurry, but the distinction matters. Fidelity vs. Creative Freedom concerns what others are allowed to make from the work. Continuity vs. Change concerns the estate's own editorial and curatorial choices.

The extent of that authority varies, but where an estate does have a say, neutrality can be hard to claim.

Leaving the text untouched, adding context, revising language, allowing a title to disappear, or bringing a neglected book back into print are all choices. Commissioning a new introduction changes the company the book keeps.

An estate does not have to become the official interpreter of the author in order to acknowledge that it is already making interpretive choices.

Consider this

A children's book contains stereotypes that contemporary readers and educators now find troubling. A publisher proposes a new edition with the original text intact and a commissioned introduction providing historical context; others argue for revising the offending passages or letting the book go out of print.

The financial stakes may be tiny. The questions about history, readership, and responsibility are not. An estate should know which value it is prioritizing when it chooses.

Questions worth asking

- What are we trying to preserve: the original text, the author's intentions, reputation, readership, historical integrity?
- When does contextualization illuminate, and when does it become defensive?
- Should the estate ever revise the original text?
- Who should provide contemporary context?
- Are there neglected works or perspectives the estate should actively bring forward?
- What responsibility does the estate have for shaping the way the work is understood now, and what authority or practical influence does it actually have to do so?
- **For a living author:** What guidance, principles, or practical tools could you leave future stewards to help them make those choices?

7. Silence vs. Voice

When should an estate use its public authority in relation to the author, and when should it refrain?

An estate may be asked to speak because it holds knowledge, records, relationships, or a public role that others do not. Sometimes silence would allow distortion or confusion to stand. Sometimes speaking can clarify the historical record, provide context, or explain the estate's own position.

An estate may also be asked what an author would have thought about a political controversy, a social movement, or the use of the author's words by somebody else. The harder question is what kind of claim the estate is making. Showing what an author said is different from saying what the author would say now. Speaking from the estate's own values is different again. None of those is necessarily illegitimate, but they should not be collapsed into one another.

The author's death creates a real limit: the author cannot respond to new circumstances or revise earlier thinking. That should make an estate careful about claiming contemporary views on the author's behalf. But caution is not the same as silence. What matters is being clear about whose voice is speaking and what authority is being claimed.

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Consider this

A political organization begins using an author's words in a way the estate believes seriously distorts their meaning, and journalists ask for comment. The estate could say nothing, point readers toward the fuller original passage, issue a statement about the author's documented views, or make a contemporary political statement of its own.

Those are different acts, even if they are all issued under the same letterhead.

Questions worth asking

- Can the author's own published words do the work?
- Are we correcting the historical record or entering a present-day debate?
- How certain are we that we know what the author would have thought?
- Whose position are we expressing: the author's documented views, the estate's interpretation, or the estate's own present-day position?
- **For a living author**: What kinds of public questions would you want future stewards to answer on your behalf, and what guidance could you leave about when they should speak, clarify, or stay silent?

Stewardship Over Time

These tensions do not stay politely in their lanes. An author may create rigid governance to protect the work and leave future stewards unable to respond when publishing changes. An estate may accept a long exclusive because it solves an immediate problem or gets important work back into circulation, while giving up choices it might want later. An adaptation can bring a work to an enormous new audience while also fixing one interpretation of it very firmly in the public imagination.

The value at stake is not always financial. A steward may be trying to preserve family memory, maintain scholarly access, sustain a small but meaningful readership, or keep an author's work connected to a particular community.

This is why I am less interested in using the tensions to classify decisions than to slow them down a little. A policy can be useful. It can also make it easier not to notice that the case in front of us is not quite the one we had in mind when we wrote it.

I am less interested in using the tensions to classify decisions than to slow them down a little.

Before asking "What is our policy?", it may be more useful to ask:

- **What are we trying to sustain or protect?**
- **Who is affected by this decision, including people who are not present for it?**
- **What does saying yes or no make possible, and what might it foreclose?**
- **How reversible is the decision, and will somebody twenty years from now understand why we did this?**

That last question is not philosophical. Write things down.

For those stewarding an estate

Those responsible for an estate inherit more than rights and property. They inherit decisions, relationships, and sometimes assumptions nobody has examined for a long time. Some are explicit; others are embedded in practices that have gradually come to feel like policy.

Stewardship does not require reconsidering everything all the time. But it does require knowing what is fixed, what is habit, and what remains open.

For living authors

A living author can give future stewards something they will not be able to recover later: not just instructions, but an account of what those instructions are meant to protect or enable.

Legal documents can specify rights, manuscripts, and permitted uses. But eventually a question will arise that they do not answer. What may matter then is an understanding of the author's priorities: what to protect, which relationships matter, what kinds of readership or use to encourage, and why.

A candid letter may be more useful than an elaborate set of rules. Planning can mean helping future stewards make decisions, not simply making those decisions for them.

For those working with estates

Lawyers, agents, publishers, producers, archivists, librarians, scholars, and others often encounter an estate through a particular problem: a contract, a publication, an archive, an adaptation. Their expertise may be essential, but the problem in front of them may not be the whole problem.

Good advice depends in part on understanding what the estate is trying to sustain.

Beyond Copyright

Copyright eventually expires, and with it one kind of authority. During the term of copyright, an estate may have substantial power over how a work is published, adapted, reproduced, or licensed. That power matters, but it is not the only way an estate shapes the life of a work.

Over time, an estate may develop other kinds of authority through its knowledge of the work and its history, its records and archives, and its relationships with publishers, scholars, libraries, cultural institutions, and readers. It may become a source of information, context, continuity, or expertise. None of those depends on being able to prevent a use.

Nor does the expiration of copyright end the questions of stewardship. There may still be archives to care for, editions to support, scholarship to encourage, factual errors to correct, context to provide, relationships to maintain, and choices about where to put limited attention and resources. The nature of the work changes when legal control recedes, but the responsibilities do not necessarily disappear.

The work, meanwhile, is still being read, argued with, forgotten, rediscovered, taught badly, taught brilliantly, adapted, quoted out of context, and occasionally understood in ways no one responsible for the estate saw coming.

Stewardship need not look the same at every stage. There may be periods of active attention and others when little intervention is needed. In both, stewardship is part of the work's continuing life.

About the author

Charlotte Jones Voiklis, Ph.D., is the founder of Tesser Well Consulting, which works with living authors and literary and creative estates on stewardship, governance, publishing strategy, rights, archives, adaptation, and the long-term life of creative work.

She has managed the literary estate of her grandmother, Madeleine L'Engle, since 2006. She holds a PhD in Comparative Literature. Her work also draws on training in mediation and conflict coaching and on leadership experience in nonprofit and philanthropic organizations.

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The scenarios in this paper are hypothetical or composite and are not intended to describe any particular literary estate or client.

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