



## Academic Archive Volume XI: “All Debts Must be Paid”

by Joe Allen

When I started reading Alan Moore’s graphic novel *From Hell* (Fantographic Books 2003), the historical names and references to late-19th century London overwhelmed my understanding of the Jack the Ripper narrative. It seemed only what Moore terms a Ripperologist, one who retraces the Whitechapel murders in Victorian England hoping to uncover the identity of Jack the Ripper, could easier follow such an intricate story. About fifty pages into this 572-page sprawling account, I started reading the first Appendix which contained detailed endnotes where Moore explains the references and reveals his sources. After backtracking, I had a better sense of the narrative and an even stronger understanding of the depth of Moore’s research and the intrigue regarding the Whitechapel murders. Like many great detective novels, the reader also has the opportunity to slide into the role of the detective, in this case, following both Moore’s depiction of the murder investigation and, more interestingly, how he arrived at his theories as revealed in the endnotes.

The relationship between a work of art and its sources is rarely disclosed in our era of perpetual copyright protection and wide-ranging intellectual property rights. For instance, Pete Rock’s *Soul Survivor II* lists few if any sources, and includes the following statement printed on each of the record’s four sides, “All rights reserved. Unauthorized copying, reproduction, hiring, lending, public performance, and broadcasting prohibited” thereby limiting and restricting its potential use as source material. A recent court decision moves in unison with the idea of private ownership of mass-produced and circulated culture. In September 2004, a three-judge panel of the 6th Circuit Court of Appeals in Cincinnati ruled in *Westbound Records and Bridgeport Music v. No Limit Films*, the case of N.W.A. and an unlicensed but acknowledged sample of a three-note Funkadelic guitar riff. In order to make some news and at the same time offer a tired critique of rap music, the judges asserted, “If you cannot pirate the whole sound recording, can you ‘lift’ or ‘sample’ something less than the whole? Our answer to that question is in the negative.” And then, the judges announced a terse and concise warning to all those who sample: “Get a license or do not sample.”

While this ruling received some mainstream press, it’s significance, if any, remains to be seen. Legal scholar Larry Lessig quickly deconstructed the 6<sup>th</sup> Circuit ruling on his blog, “Sampling, we’re told, is piracy. But be certain to see the 19 footnotes in this relatively brief opinion, or the 28 separate quotes the opinion includes from other peoples work. I assume the court got a license for those.” As we continue to move to what Lessig terms a permission culture<sup>1</sup>, licensing all source material including quotes and paying for every single use could become an Orwellian reality by extending the faulty reasoning of the 6th Circuit Court of

Appeals. I think the impact of the 6<sup>th</sup> Circuit's ruling on copyright law itself will be nonexistent, but such conservative interpretations of copyright law only serve to further hinder the creative process, especially the manner in which art is created *and* influenced by other art. Those that sample will be even less likely to reveal transformed samples and, most likely, strive to transform them well beyond any degree of recognizability.

Here's why, then, Alan Moore's exhaustive endnotes press against the grain of this court's notion of sampling and appropriation. Many of his scenes have an identifiable relationship with a long list of sources. Some scenes are directly lifted, others are influenced by a source or two, while others fill in the gaps in the research. When separating fact and fiction in a case such as Jack the Ripper, each author necessarily stamps his or her perspective on the evidence. Moore freely borrows those perspectives, theories, and materials with merely a reference tucked away in the endnotes, as he says, "I tried to incorporate all of the different Ripper theories to some degree."<sup>2</sup> How could he tell his version of the history otherwise?

Umberto Eco in *The Name of the Rose* (1983) theorizes on the nature of his literary appropriation in the Postscript to his novel about a 14<sup>th</sup> century murder mystery involving Franciscan monks and a labyrinthine library. He admits that his heavy reading of medieval texts has slipped imperceptively and often unconsciously into his composition. When interrogating his material, he clearly sees "the recollection of the culture with which it is loaded (the echo of intertextuality). . . . books always speak of other books, and every story tells a story that has already been told" (508, 511-12). When retracing the steps of his research, one source reveals another, as Eco explains, "My story, then, could only begin with the discovered manuscript, and even this would be (naturally) a quotation. So I wrote the introduction immediately, setting my narrative on a fourth level of encasement, inside three other narratives: I am saying what Vallet said that Mabillon said that Adso said . . ." (512). His is a framed narrative within multiple frames, as he notes, the ". . . plot could be found also in the form of quotation of other plots" (529).

Besides the mountain of research on the Medieval period, Eco also sampled 20<sup>th</sup> century writers, especially Jorge Luis Borges and his infinite library as imagined in "The Library of Babel." Eco explains, "I wanted a blind man to guard the library, and library plus blind man can only equal Borges, also because all debts must be paid" (515). Such signification aside, Eco then openly and surprisingly admits to plagiarism. He wrote the novel with file cards full of quotes, photocopied pages, and pages of books all open in front of him: "My eye would fall first on this one and then on that, as I copied out a passage, immediately linking to another. . . . But now, if someone asks me the source of the quotations or where one ends and another begins, I cannot answer" (521). Here, the myths of originality and creativity are called into question. All creative debts can not be so easily paid after all.

In *From Hell*'s endnotes, Alan Moore reveals a similar moment when a source has been transformed so subtly into his thinking that even he can no longer point to the original. Before the last Whitechapel murder, Moore uses a letter prophesizing its date which "is supported by references in Wilson and Odell's *JTR, Summing Up the Verdict*." Then he admits: "Although I confess that I'm currently at a loss as to where I got the name, Lunigi, from. I know it's in one of my books that currently surround me in teetering mounds, but its precise whereabouts remain elusive. Either take my word for it or come round and do my housework for me" (Appendix I 32). These two examples remind me of the various cases of "unconscious" musical appropriation, (see George Harrison, John Fogerty, and Michael Bolton rulings). I

wonder if producers who have created immense sound libraries also might lose track of a beat or loop or so.

Moore second Appendix titled “Dance of the gull catchers” – told in graphic format – traces the history of Jack the Ripper theories and books. Moore samples from his sources again and also lifts drawings from his own. *From Hell* puts forth the William Gull as Jack the Ripper theory, but the second Appendix concludes, “The greater part of any murder is the field of theory, fascination and hysteria that it engenders. . . . Truth is, this has never been about the murders, not the killer nor his victims. It’s about us. About our minds and how they dance”(22). While Moore is specifically suggesting that the Jack the Ripper murders mirror our various hysterias and fears, for me, though, he is offering his theory of writing as the dynamic interplay of author and source material, as an intertextual dialogue across time and space. The work of other authors mixed with material history dances in our heads to produce new fields of theory and text.

So, who dunnit? After all the research, who committed the Whitechapel murders? Moore dance around his sources again:

. . . the idea of a solution, any solution, is inane. Murder, a human event located in both space and time, has an imaginary field, completely untrained by either. It holds meaning, and shape, but no solution. Quantum uncertainty, unable to determine both a particle’s location and its nature, necessitates that we map every possible state of the particle . . . (Appendix II 16)

Rather than an untouchable master narrative or *the* authoritative version, mapping every “state of the particle” implies use and reuse, sampling and signifying, without obligatorily asking for permission first. After all, for Moore and future authors, there are “still ways to approach the Whitechapel murders that might expose previously unexplored seams of meaning . . . Those events can be read in an almost infinite variety of ways” (303, 335).<sup>3</sup>

I prefer to think of the author as a kind of craftsman, building with and upon raw cultural materials, remixing and reviving culture and history. Materials are recast and recombined, transformed and transfigured. Some remain recognizable while others are bent beyond identification. The notion of an author working in a creative vacuum might give the author complete ownership over a creative work, but such a romantic notion is a culturally and legally *constructed* myth that in no way accounts for the creative process that surrounds and precedes any given creative work.

Alan Moore employs a different kind of appropriation in his graphic novel *The League of Extraordinary Gentlemen* illustrated by Kevin O’Neill (America’s Best Comics 2000). Here, Moore assembles an array of characters lifted from Victorian literature, an *Ocean’s Eleven* supergroup of crime fighters called to eliminate (or embody) the evil as defined by the British Empire just before the turn of the 20<sup>th</sup> Century. Before Moore, comics liberally sampled this era to create heroic characters, as he asserts:

So, *League of Extraordinary Gentlemen*, it was just I’d been thinking about superheroes, superhero groups and I was thinking well, it’d be nice to actually kind of run the tape back to a point before all of the superhero clichés started to come into being. Take it back before Action Comics #1 and the invention of Superman. And if you do that, then you’ve got the pulp adventure stuff from the ’30s and there is the fantastic literature of the late 19th Century, which was a big source of inspiration for an awful lot of comic book characters. The Hulk, for example, is just Jekyll and Hyde. All the invisible characters in comics do owe an

awful lot to Wells' Invisible Man, so I just thought perhaps if I could assemble a group of interesting characters. Round about the second issue, I suddenly thought "Hey, what if I did this so that any character that's mentioned by name had got to be a real character from fiction?"<sup>4</sup>

Moore's *League* includes:

- "Wilhelmina Murray" is Mina Harker of Bram Stoker's *Dracula*
- Allan Quatermain, the hero of H. Rider Haggard's Quatermain books, including *King Solomon's Mines*
- Captain Nemo and his submarine, the Nautilus are from Jules Verne's *Twenty Thousand Leagues Under The Sea*
- Auguste Dupin appeared in the Edgar Allen Poe's "Murders in the Rue Morgue," "The Mystery of Marie Roget," and "The Purloined Letter"
- Dr. Henry Jeckyll and Edward Hyde, from Robert Louis Stevenson's *The Strange Case of Dr. Jekyll and Mr. Hyde*
- the Invisible Man, aka Dr. Griffin, from H.G. Wells' novel *The Invisible Man*.

In this case, Moore does not willingly reveal his sources. Jess Nevins and what he terms a multitude of "divers hands" have thoroughly researched every reference found in every pane. The collective research has been compiled in *Heroes & Monsters: The Unofficial Companion to the League of Extraordinary Gentlemen* (Monkey Brain 2003) and is available online at <http://www.geocities.com/Athens/Olympus/7160/league1.html>. The online annotations include analysis from countless contributors, each uncovering a possible source or revealing a potential connection. The discussion reveals that the authors of Moore's sources were freely lifting from the literature around them at the time. Moore even samples himself, according to Eric Fennessey, "Mina's scarf is red, a perhaps-deliberate hearkening to Walter Sickert's red scarf in Moore's *From Hell*." Moore thanks Nevins for thoroughly and publicly documenting the interconnections, "It's really heartening to know people are going over it in such depth and detail."<sup>5</sup> Compare this openness to DJ Premier's infamous missive about snitching samples on Gangstarr's *Moment of Truth*.

Moore and Eco are not the only artists who readily admit and debate their textual deviations. Building upon Lessig's reminder that creative property has multiple lives, Malcolm Gladwell in his essay "Something Borrowed," says, "by the time ideas pass into their third and fourth lives, we lose track of where they came from, and we lose tracks of where they are going."<sup>6</sup> This article details the plagiarism case of Bryony Lavery's Broadway play *Frozen*. Dorothy Lewis, who studies serial killers, claimed that Lavery had stolen her "essence" in lifting lines for *Frozen* without giving credit. Gladwell was also plagiarized as his profile of Lewis was also sampled in the play. Gladwell said he also felt robbed but now admits, "On some level, I considered Lavery's borrowings to be a compliment . . . instead of feeling that the words had been taken from me, I felt that they had become part of some grander cause." After all, he concludes, ". . . patterns of influence – cribbing, tweaking, transforming – were at the very heart of the creative process."

At the conclusion of Benjamen Walker's "The Creative Remix" radio show, "an hour-long "lawyer free" examination of the art, culture, and history of the remix," he interviews Cory Arcangel who remixes old Nintendo video games without much concern for intellectual property infringement. Walker, then, sums up how the art of appropriation is best practiced: "He [Cory] is just making art. So perhaps we are witnessing a cultural rebirth or a renaissance for the art of

remixing, a renaissance where remix artists use and reuse copyrighted materials for their art-making purposes because they see these copyrighted materials as belonging to their reality.”<sup>7</sup>

Those that sample music are for the most part unfortunately leaning closer to the 6<sup>th</sup> Circuit’s ruling and inadvertently lending credence to its restrictive interpretation of intellectual property while Walker, Gladwell, and Moore are individually and collectively furthering a lawyer-free discussion of the art of appropriation. My hope is that the 6<sup>th</sup> Circuit case will not set a dangerous precedent but rather be expeditiously challenged and overturned.

### **Five or so other historical graphic novels to catch:**

1. Art Spiegelman’s *MAUS I* and *MAUS II* (Pantheon 1986 and 1991). Winning the Pulitzer Prize for literature cemented the importance of Spiegelman’s story of his father escape from a Nazi camp during the Holocaust.
2. Joe Sacco’s *Safe Area Gorazde: The War is Eastern Bosnia 1992-95* (Fantographic Books 2000). While the title covers the content, little can prepare the reader for the narrative and images. Sacco has also covered the conflict in the Middle East in *Palestine* ((Fantographic Books 2001).
3. Marjane Satrapi’s *Persepolis 1* and *Persepolis 2* (Pantheon 2003 and 2004). For a different take on one Bush’s axis of evil, see Satrapi’s stark narrative of coming of age in Iran under a fundamentalist Islamic regime.
4. Chester Brown’s *Louis Riel: A Comic-Strip Biography* (Drawn & Quarterly 2003). This wild story, complete with detailed endnotes, of a 19<sup>th</sup> century Metis leader and his battle with Canadian authorities on the Canadian frontier is one of my favorites.
5. Gilbert Hernandez’s *Palomar: The Heartbreak Soup Stories* (Fantographic Books 2003). A sprawling collection (522 pages) of Hernandez’s series on the mythological town of Palomar, Mexico. While not exactly historical fiction, anything that resembles the magical realism of Gabriel Garcia-Marquez surely comments upon historical realities.

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1. See Lessig’s *Free Culture: How Big Media uses Technology and the Law to Lock Down Culture and Control Creativity*. New York: Penguin, 2004.

2. qtd. in “An Interview with Alan Moore” by Stéphane Mahaut. July 1999. <<http://www.alanmoorefansite.com/features/interviews/alanmoore.html>>.

3. qtd. in Dave Sim’s “Correspondence: *From Hell*” from *Alan Moore: Portrait of an Extraordinary Gentleman*. (Abiogenesis Press 2003).

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4. qtd. in “The Alan Moore Interview” by Barry Kavanagh. 17 October 2000.  
<<http://www.blather.net/articles/amoore/>>.

5. Moore’s *Watchmen* (DC Comics 1986) with Dave Gibbons has also been extensively annotated. Doug Atkinson has compiled them at <http://theory.lcs.mit.edu/~wald/watchmen-index.html>. In addition, Mayfair Games has published two sourcebooks for *Watchmen*, one includes a section by Moore further revealing the sources of the *Watchmen* characters and universe. The apocalyptic narrative set in New York City during 1980s contains many Cold War references and, with its cast of aging and retired super-heroes again signifying upon the super-hero mythology. According to Atkinson’s guide, “Many of the super-heroes in this series are based on the original versions of characters published by Charlton Comics and acquired by DC.” Rather than directly sample earlier characters as in *League*, he creates an alternative history for his characters and then samples that. It reminds me of Quest Love from *The Roots* recording his drumming and then sampling his own kicks and snares. Moore even creates a character reading a pirate comic from the 1950s, *Tales of the Black Freighter*, at a newsstand. This story mirrors the present story as Moore deftly weaves in both images and dialogue from the invented comic. In between chapters, Moore even provide a academic overview of pirate comics and *Tales of the Black Freighter* with an inventive mix of history and fiction.

6. from the *New Yorker* 11 Nov 2004.

7. Benjamin Walker’s “The Creative Remix” radio show is available at the Creative Commons web site: <http://mirrors.creativecommons.org/radio/>. For the code to Cory’s Nintendo remixes, see his web site: <http://www.beigerecords.com/cory/>.