Orleans, Elzbieta M. (2023) *L'Apparition - Appropriation of archival and found material in a post-digital audiovisual practice.* PhD thesis.

http://theses.gla.ac.uk/83450/

Enlighten: Theses
https://theses.gla.ac.uk/
research-enlighten@glasgow.ac.uk

L'APPARITION

APPROPRIATION OF ARCHIVAL AND FOUND MATERIAL IN A POST-DIGITAL AUDIOVISUAL PRACTICE

ELZBIETA M ORLEANS
PHD THESIS

UNIVERSITY OF GLASGOW
COLLEGE OF ARTS
MUSIC
JULY 2022

PRINCIPAL SUPERVISOR: PROFESSOR LOUISE HARRIS
SECOND SUPERVISOR: PROFESSOR TIMOTHY BARKER
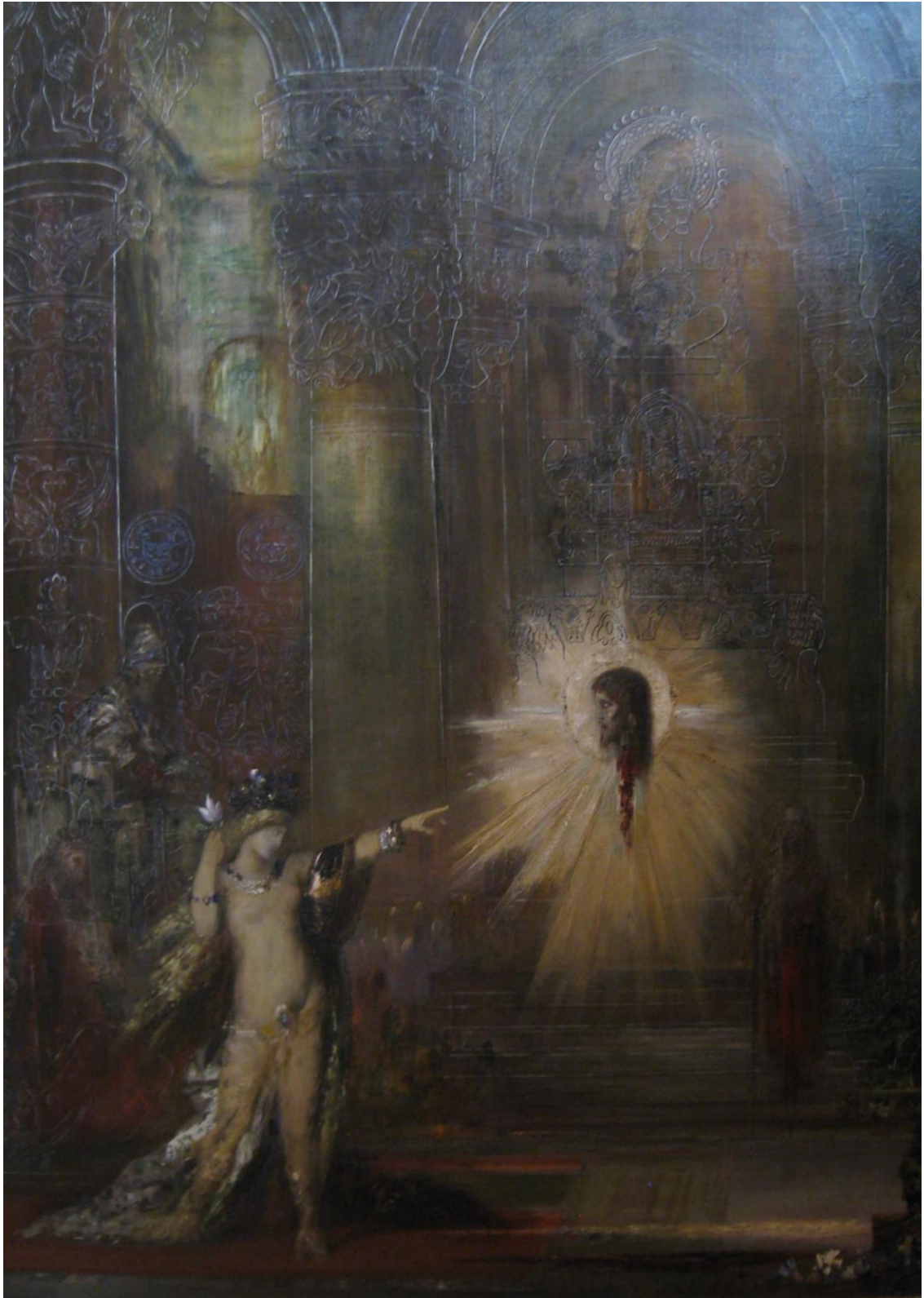ADVISOR: PROFESSOR MIRA SUNDARA RAJAN

FIGURE 1. *L'APPARITION, GUSTAVE* MOREAU (1874-6). PHOTO, I TOOK AT THE MUSÉE DE GUSTAVE MOREAU

TABLE OF CONTENTS

FIGURES AND TABLES

ACKNOWLEDGEMENTS

ABSTRACT

Copy and appropriation of archival or/and found materials have long been an integral part of practices of collage, remix, and sample. Those methods are still a puzzling source of anxiety caused by copyright law.

The aim of this research is to recognise that the artistic practice of copy and appropriation of visual, literary, and musical works protected by copyright requires urgent attention, evaluation, and adjustment to safeguard the contemporary, digital, and post-digital landscape in which artists live and thrive.

This research is divided into two areas respectively concerned with two questions. The first question, *"To what extent the use of copy and appropriation can be considered as a (moral or legal) right of an artist?"* evaluated in *Chapter One* focuses on the meaning of authorship and its legal, moral, and philosophical implications. The second question: *"How can relationships between past and present be represented and interrogated through a creative process that is informed by past methodologies and theories and determined by the possibilities offered in a post-digital age?"* delineated in *Chapter Two* investigates the concept of artistic freedom to copy and appropriate. The practical part includes recordings of audiovisual compositions, documentation of which is available online. The collection includes the title work *L'Apparition,* the culmination of this theoretical and practical research.

Compositional methodology is described in *Chapter Three,* and examples of work leading to the premiere of *L'Apparition* are presented in *Chapter Four*.

This thesis proposes a remodelling of outdated perceptions of authorship and the inconsistent rule of copyright law. It also recommends a plan of action for artists and academics to pave a new way to collaborative and creative approaches based on the ethos of Open Source and Open Access materials. Finally, this research calls for the protection of artistic freedoms expressed in the form of a manifesto; its aim is to start a dialogue leading to reforms of copyright law in accordance with the reality of contemporary art.

THE GLOSSARY / FOREGROUND

This study will relate to specific interpretations of theories, trends, and methods. A general understanding of some of them is at times not relevant or applicable to this research. This glossary therefore serves as a guide for understanding certain key words in the context of this research.

Appropriation

This research will rely on the Latin origin of the noun: *appropriare* – to make one's own. Although different concepts of appropriation will be present throughout this paper, the use of the term in the context of *L'Apparition* will remain neutral to its meaning's polarity or historical (for example Postmodern) background.

Archival or Found Material

To avoid confusion, the term will concentrate on visual, musical, or literary content such as mp3 files, YouTube videos, collections of records and video tapes, newspapers, books, online text, digital photography, and film available in digital or analogue forms of reproduction available through the array of locations from libraries and museums to archival

repositories available online. Similarly, any found footage or reproductions of art will be treated as Archival or Found Material.

Audiovisual

For this research, the term (frequently elsewhere spelled *audio-visual*) will refer to the works classified as art, specifically an *Audiovisual Composition* – the piece of art which is made to be both seen and heard.

Copy

The meaning of copy will apply to the method of reproduction of mainly digitally sourced material in its entirety or in part without formal augmentation. The issue of copy often accompanies the process of appropriation, and each respectively can be compared to "quote" and "paraphrase," both utilised in repurposing an already existing material, similar to a literary citation.

Moral Rights

Created to recognise interests of authors and protect the personal and reputational, rather than monetary, value of a work; they bar intentional distortion, mutilation, or other modification of a work if that distortion is likely to harm the author's reputation (Rosenblatt, 1998). Moral rights are part of *soft* law. Unlike copyright, moral rights cannot be sold or transferred. The practicality of moral rights is based on their inclusion of article 6bis within

Berne Convention for the Protection of Literary and Artistic Works[1]. 178 UN member states (including all EU and the UK) are signatories of the Berne Convention. This inclusion provides the right of an artist or an author to be identified as the creator of their work. The moral rights are therefore an inseparable part of agreements between artists (writers, musicians, filmmakers etc.) and promoters, labels, publishers, or curators. A declaration that both parties accept that artist takes the credit for the work agreed upon, is usually affirmed in the beginning of a legal agreement. The perception of integrity and recommendation of attribution will be most relevant in investigating the implications of moral rights in audiovisual composition based on appropriation and copy of archival or found material.

Open Access

The term will apply to material which can be accessed through online repositories. These materials are usually free to use. Examples relevant are – Rick Prelinger's Archive, MuseScore and FreeSound platforms.

Open-Source

The most consequential aspect of Open Source considered in this thesis is its ethos; it provides the best solution to the variety of copyright issues and presents the path to understanding the implications of moral rights through the Open-Source lens: liberty and freedom to access, study, change, repurpose and redistribute the program/software.

---

[1] Article *6bis* was written and agreed to be a part of the Berne Convention in 1971. As of October 2022, there are 181 states that are parties to the Berne Convention. More about Berne Convention, on the page 32

Post-digital

The premise of term post-digital (often spelled postdigital) is rooted in digital art and was first coined by Kim Cascone (2000) in the pursuit of finding an umbrella for music based on digital failure, especially glitch. What Cascone calls "manipulation in the digital domain" (ibid: 15) applies to some extent to early methods of my creative practice. However, the definition of post-digital formulated by Mel Alexenberg (2013) concerned with humanisation of the digital domain connects more significantly with this research. It is delineated in *Chapter One*.

INTRODUCTION

During the years I spent in the United States, I observed distinct features while travelling along the West and East Coast. On the left side of the map, there was California's Pacific Highway, full of designated vistas, where I could stop, get out of the car, have a sandwich, take a photo, or write notes and revel in the beauty of the landscape. On the right side of the map, there was Maine's US-1N full of signs informing me that here I am on someone's property and shall not treat it as a place to have *Le déjeuner sur l'herbe*[2].

I christened Maine as "Mine!" and have never had the desire to go back. This geographical duality illustrates my journey through art, where public domain and open-source materials offer free access to heritage - an estate from which I can take a piece without altering its abundance and cherish, play, admire, adapt, transform, and appropriate it into a new meaning and use it for my artistic development. This development I am, and have been, eager to share further. On the other hand, there is a widespread misapprehension that any work of art based on already existing material is inherently inauthentic, a plagiarism, and, quite commonly, subject to copyright infringement. These conflicting perceptions question

---

[2] I refer to *Luncheon on the Grass* – the painting by Édouard Manet. The relevance here is that Manet was paying tribute to Europe's artistic heritage, borrowing his subject from the *Concert champêtre* – a painting by Titian attributed at the time to Giorgione.

the nature of my art, its values and originality, even its sense. They also reveal my anxiety to remain creative without compromising the methods I find most effective and personal.

***

This study, comprising of a written thesis and set of audiovisual works, documents the past five years during which I have challenged my artistic methods. My practice, which could be described as visual music, expanded cinema or audiovisual composition, relies on appropriation, sampling and remix combined with my own composition and imagery. The last five years of this practice- research focused on ways of pairing inspiration and integrity in the creative process. I have divided this research into two questions, reflections on which, over the years, have significantly affected my experience as a visual artist and a composer:

Chapter 1: Legal and Moral Questions provides the legal and moral context for the research; a background of my interest in copyright law and how it inspired my journey to find answers to the question *"To what extent can the use of copy and appropriation be considered as a (moral or legal) right of an artist?"* The literature covering moral and legal implications focuses on the definitions of authorship and creative freedom. It examines the subject of copyright from the perspective of moral rights issues. This chapter is also concerned with the theory of authorship and navigates around the practicalities of a moral rights perspective. Its aim is to offer guidance for a specific type of (audiovisual) composer who, like myself, relies on utilisation of a copy of the past. While embracing post-digital creative methodologies such as appropriation, remix, and collage, this research investigates the principles of authorship at odds with post-digital reality.

Chapter 2: Between Past and Present focuses on the second question: *"How can relationships between past and present be represented and interrogated through a creative process that is informed by past methodologies and theories, and determined by the*

possibilities offered in a post-digital age?" It examines historical approaches to appropriation, parody and copying, and investigates theories of originality and authenticity. This section interrogates the relationship between past and present through examples of innovative and unique works of art which utilised creative methods of appropriation, collage, remix, and variation. The chapter investigates digital and post-digital methods practiced thus far whilst revolving around related strands of subjects of memory, freedom, and feminism. Juxtaposed by the practical examples of visual and musical works, *Chapter Two* aims to prove that ever-present past and its unavoidable representations persist within the landscape which modern artist cannot ignore or escape. Furthermore, there is no reason for considering the situation threatening. By layering established definitions over the new, in a comparable way to my methods of writing music, this part aims to encourage discourse and defend methodologies based on the appropriation of archival and found material.

To answer the questions of this research I analysed relevant aesthetic, philosophical and psychological groundwork to initiate a guide for audiovisual artists.

Chapter 3: The Making of L'Apparition, provides literature review relevant to my practice followed by the case study arising from my experience as an audiovisual composer. This section begins with a description of the chronological points which have shaped me as an artist and contributed to this thesis. It explores my audiovisual practice and follows its examples which paved the way to the final, tittle piece, *L'Apparition,* developed incrementally in the last five years while writing this thesis and continuing my work as a film and theatre composer as well as an audiovisual artist.

Chapter 4 – Conclusions and Manifesto brings together the aim of this study: to encourage a broader interest in post-digital, audiovisual composition and find ways to protect it from invasive copyright law.

Apparition aspires to become a companion for a specific group of artists whose discipline is based on audiovisual forms of expression with a focus on archival/found materials as an inspirational prelude and/or the vital component of a new art form. Its intention is to recognise how different methodologies and attitudes towards appropriation have played a part in the history of artistic expression.

All examples mentioned in this study are available to view and listen here:

https://elaorleans.com/lapparition-thesis-portfolio-2/

L'APPARITION – MILESTONES

As the work on *L'Apparition* took six years, its course changed during the years 2016 - 2022. Below, are the milestones in chronological order.

2016 / 2017:   In July I visited Musée de Gustave Moreau in Paris. In October, I began the PhD research through practice at the University of Glasgow. The first 20-minute audiovisual draft was presented in November 2016 at the GLEAM Festival. The further developed version was shown at the *Sound Thought* and *Alchemy* festivals in 2017.

2018/2019:   I focused on development of the concept and storyline of *L'Apparition*, however, from June 2018 I put its audiovisual composition on pause. I mostly focused on *Night Voyager*. Following its premiere at Sonica in November 2019, I joined the roster of Cryptic[3]. Consequently, *L'Apparition* was commissioned for the next Sonica Festival.

2020:   In January I spent a week at the residency in Cove Park in Scotland where I worked on development of live instrumentation of *L'Apparition*. Shortly after that, COVID-19 lockdowns thwarted plans of presenting *L'Apparition* in 2021. I focused on sourcing video clips available online and the composition's trajectory took more personal turn. I gathered

---

[3] An international award-winning producing arts house based in Glasgow.

six-hour worth of musical and video clips and spend majority of the year editing and layering

collected data. In June I subscribed to AIVA[4].

2021: I started to play with accidental effects of visual decoding[5] which then inspired

experiments with *datamoshing*. I tested and played with results of AIVA's possibility to

interpret MP3 format. I focused on editing *L'Apparition's* visual content, developing songs,

and writing lyrics. I learned passages from the films I decided to use and started to play with

the lip-syncing technique.

2022: In January I spent a week at *Le Générateur* in Gentilly, France. I worked on

choreography and filmed two dancers: Iona Kewney and Borys Jaźnicki. I experimented with

video projection and mapped the movement of my performance during that time. I continued

to edit and rehearse *L'Apparition* until its premiere at the Sonica Festival in March.

---

[4] Artificial Intelligence Virtual Artist
[5] It was mostly the result of ripping a file from a DVD

CHAPTER 1

MORAL QUESTIONS, LEGAL DISPUTES

BACKGROUND

In 2000, I responded to an advertisement placed in a Polish national newspaper calling

for electronic, experimental musicians. A few months later I was accepted to participate in

SOUNDS D - the Goethe Institute residency co-hosted by the star of the German electronic

underground, Marcus Schmickler, and his label *A Music*. The residency took place in

Krakow, Poland. At the time, a known Polish music journalist, Adam Księżyk, wrote an

article in which he reviewed ten participants of SOUNDS D. He described my work as

movies for ears which became the moniker I have been using since.

In 2004 I moved to New York (got married) and learned how to transfer files to a

computer, edit, slow-down and reverse the short snippets of music on the free Apple software

Garage Band. The digital possibilities allowed me to convert analogue samples with ease,

speed and at lower cost. The principle of collage has not changed: I cut, copied, and pasted,

printed, cut, photographed, glued, reversed, and cut again fragments of found materials and expressed my creativity in the language which made sense to me.

Around 2006 I began to regularly post recordings of my musical experiments on Myspace. A year later, my debut album *High Moon Low Sun* was released on the Italian net label Setola di Maiale in a limited CDR edition. Shortly after that, I won a mentorship *Composing for the Screen* sponsored by the New York based author rights giant, BMI (Broadcast Music Inc.) That moment marked the beginning of my awareness of the legal side of a musical activity. I joined the BMI agency as a music writer with a handful of sample-based songs with lyrics made up of my favourite poems; I had to reconsider my way of making music as hardly anything I have made so far; I could register without a problem. BMI was like a police station, where I turned up with my pockets full of stolen goods. My records were selling, I started touring, and my recognition was expanding alongside a growing fear of being caught and punished for the past crimes of blissful ignorance.

Before the idea of this research emerged, I was aware that an agency of power (be it music promoters, producers, or label owners) rarely operate on morality of any kind. The lack of legal agreements or transparency around my record deals contributed to self-deprecation, gloom, and poverty – this all settled comfortably to become a modus operandi of what I attempted to treat as a career. I was not alone; my experience was like that of my colleagues. I grew a large body of unique work aided by samples, film clips and old ideas. The sound and look of my art had to have a certain quality and I could only achieve it by stealing. At the outset, my confidence that the results would not see the limelight allowed me to produce countless pieces carelessly.

In 2011, I was approached by London based label *Lo Recordings*, with a request to create a remix of Françoise Hardy's *J'ai bien du chagrin*[6] which was going to be a part of the label's collaborative project with Hardy's agency Alpha Music. The record was never released. Alpha stepped out of the project. Coincidentally (or not), Françoise Hardy became displeased with one project participant; let me call them X. Hardy (or more likely her agency) discovered that over X's prolific and successful career they had been passing parts of Hardy's ideas as written by themselves - the X. Everybody familiar with Hardy's work recognised it. X treated it as a homage, but to a young generation of listeners unfamiliar with French *chanson*, the song writing credit and the glory belonged to X. Hardy - an affluent and extremely wealthy artist and Alpha took a legal action against X and what followed was an expensive court order. Shortly after the suit, X changed their established name and started their career from scratch. Well, not exactly; their work is now an uncanny impression of Chet Baker's 60s recordings. The story threw me into a state of persistent anxiety. I have been using samples for my entire musical life. Ironically, it felt as if I was lucky that I did not *make it.* I had now a chance to adjust and use time of this research to improve my practice and start again or find a way to justify copying.

Moral rights are based on a simple idea: The author of a work develops a special bond with his creation. The relationship between them is permanent. An author is, and always will be, the author of his own work.

Mira Sundara Rajan (2011: 31)

---

[6] *J'ai bien du chagrin* written and performed by Françoise Hardy, appeared on *Le temps des souvenirs*, Disques Vogue – EPL 8369 (1965), France

Relying on remix, montage, collage, and sampling, inspired a search for pathways to a responsible and meaningful relationship with art, literature, and film history. While the past is real, history is our creation and it does not exist outside us, co-constituted in our encounters with the past (Sanders, 2016). The rules of ownership make it possible for music businesses to perpetually collect earnings from the resale of work by an artist who may or may not be alive, while insisting that authors rights protect a sacred territory from profanation. In fact, obsessive attention to technologies allowing control, setting up radars to find and punish for *stealing* or appropriating ideas seems disproportional to the alleged damage copying causes.

1.1. POST-DIGITAL APPROPRIATION

> *Ours is a world that is both everywhere and nowhere, but it is not where bodies live*
>
> John Perry Barlow, *Declaration of the Independence of Cyberspace*[7]

The term *post-digital* appeared for the first time in 2000 in the article by American composer Kim Cascone (2000), who pointed out that McLuhan's concept of the medium "is no longer the message; rather, specific tools themselves become the message" Technology's "failure" in the form of "glitches, bugs, application errors, system crashes, clipping, aliasing, distortion, quantization noise, and even the noise floor of computer sound cards" became the new instruments, "the raw materials composers seek to incorporate into their music" (Cascone, 2000: 12-13).

Florian Cramer (2014) lists the most popular associations with the term *post-digital.* He highlights that the trend of resurrection of technology considered obsolete by the Digital Age[8] such as typewriters, vinyl records, analogue photography and printmaking grew out of a general disenchantment with all things 'digital.' A corresponding inclination to think of digital as 'historical' coincides with revelations exposed by Edward Snowden in 2013 (Cramer, 2014: 11-12). Cramer focuses on the prefix "post" showing the consequence of (digital) reality. Similarly, to post-colonialism not ending colonialism, post-digital does not

---

[7] (Berry and Dieter, 2015: 136)

[8] "Digital Age" signifies the time, place, and nature of the transformation initiated by information and communications technology. Sundara Rajan recommends further analysis in J. Tunney, "EU, IP, Indigenous People and the Digital Age: Intersecting Circles?" EIPR 20 (9), 1998

indicate the end of Digital Age (ibid: 13). While converting digital information, media are not digital but analogue, similarly to media players. "An LCD screen is a hybrid digital-analogue system: its display is made of discrete, countable, single pixels, but the light emitted by these pixels can be measured on an analogue continuum. Consequently, there is no such thing as digital media, only digital or digitised information: chopped-up numbers, letters, symbols, and any other abstracted units, as opposed to continuous, wave-like signals such as physical sounds and visible light" (ibid: 20). While the discourse set by Cramer is at times based on semiotics, it creates a path to understand the formation of the post-digital current. In the introduction to *The Postdigital Membrane: Imagination, Technology and Desire* (Pepperell, Punt, 2000), the term *postdigital* both acknowledges and rejects digital revolution; discussing it provokes shifting between past and present (ibid: 5). Post-digital does not make distinctions between digital and analogue (Berry and Dieter, 2015: 137). The definition of post-digital formulated by Mel Alexenberg (2013) is the most relevant to my practice of audiovisual composition:

> *Post-digital (adjective), of or pertaining to art forms that address the humanisation of digital technologies through interplay between digital, biological, cultural, and spiritual systems, between cyberspace and real space, between embodied media and mixed reality in social and physical communication, between high tech and high touch experiences, between visual, haptic, auditory, and kinaesthetic media experiences, between virtual and augmented reality, between roots and globalization, between autoethnography and community narrative, and between web-enabled peer-produced Wiki-art and artworks created with alternative media through participation, interaction, and collaboration in which the role of the artist is redefined.*

Mel Alexenberg (2013: 10)

In the introduction to *What Is Appropriation? An anthology of critical writings on Australian art in the 80's and 90's,* Rex Butler (1996), gives examples of the ambiguity of the term. Its definition can be as complex to grasp as those offered for post-digital. Its paradox, connected with the difficulty to claim, "certain originality," leads to the assertion that "we cannot say what appropriation is." (Butler, 1996: 10-13)   The three leading movements of the twentieth century: avant-garde, modernism and postmodernism, supply examples of creative practice which deliberately use appropriation (Gazda, 2002). Consequently, the philosophical and technological developments of those movements significantly influenced this research.

Technological developments which allow artists to capture, copy, and paste musical or visual samples aid artistic appropriation in the digital era: anyone with a computer can appropriate. The motive behind artistic appropriation is typically not to exploit but to create a new work using "many other fragments all in a new context, forming a new 'whole' and a new 'original'" (Young and Brunk, 2009: 174). From Béla Bartók's copying of Eastern European folk music, through Antonin Dvořák's quotes of African American Spiritual songs, to the appropriation of Zulu voices by Paul Simon, appropriation is a form of a homage generating "communication and respect across cultural, geographic and territorial divides" (ibid); it can also bring an indigenous voice to broader public attention (ibid: 271).

Appropriation and copying differ. Appropriation can be creative, while a faithful copy can serve as reproduction. When it comes to artistic expression, the repetitive process of reinterpreting methods, patterns, canons, styles, or philosophy may reinvigorate the meaning behind primary references. At times, this may lead to a point where the citation no longer resembles original form. If the value of the original stays intact, there is no need to worry about its reformulation or copy; investigation of the role of the copy in the history of human creativity brings comfort to that area of concern.

An eight-hour long *Variations* podcast recorded in 2009 for Radio Web Macba[9] presents an invaluable source of the fascinating, neatly categorised history of appropriation in music. Jon Leidecker, aka Wobbly - who was a part of collagist group Negativland - curated the series based on the term *variation* which, in music, is a composition based on an earlier musical work - a technique extensively researched in musical history. The history of musical sampling as we know it, begins with Charles Ives[10] whose innovative approach forecasted the musical developments of the 20th century. As well as traditional orchestral composition he embraced electronic recording and mixing to form a singular style. He composed in a cut and paste style with sheet music in a way that predicted what later composers would do with multi-track tapes and mixers (Leidecker, 2009: part 1).

From a musical perspective, Ives' technique dominates *L'Apparition's* appropriation style, which relies on a variety of formats from sheet music to MP3 files which when combined result in a personal, aural diary. Appropriation in the case of my work does not use the past work to hide behind, but to expose the detail and build layers of meanings upon it to create neither old nor new. The methodology behind *L'Apparition* can relate to the theory that post-digital appropriation is like a bitmap pretending to be analogue (Berry and Dieter, 2015: 78), prompting individual thinking without imposing the values of the original. Post-digital appropriation of *L'Apparition* also uses irony, but it reflects on the absurdities of its divorce with reality.

---

[9] The Barcelona Museum of Contemporary Art
[10] (1874-1954) leading American modernist composer considered to be "American original"

1.2.   MORAL RIGHTS AND INTELLECTUAL PROPERTY

The inclusion of moral rights in copyright law indicates a particular copyright philosophy (Rigamonti, 2007: 68) designed to "protect the personal interests of authors and their works" (ibid: 70). The concept of those rules is different in European Civil Law and English and Common Law countries and the lack of specific guidance makes it difficult to know the rules employed by the courts (ibid: 71). The civil law of Continental Europe suggests that whether the material is copyright free or not, it is illegal both "to disseminate a work that has been modified" (on the base of the right of integrity), and/or "to interfere with the author's decision regarding attribution or anonymity, either by falsely claiming authorship or by changing or suppressing the author's name on copies of the work (right of attribution)" (ibid). Those two moral rights are the most relevant in this research. If broken, they could potentially be considered illegal in court, unless specified in the licensing agreement. The idea of moral rights is a real concern for the copyright for which aims "to integrate both economic and moral interests within copyright law" (ibid: 73). However, there is no legally binding regulation serving as a guide to the number of artistic methods growing in the vast post-digital territory of practices that often involve appropriation of a digital copy. If this thesis is to become a guide, a concentration on the multifaceted subject of authorship should be its first recommendation.

Our perception of authorship affects the methods we use. It also has an impact on the variety of manifestations of our appreciation of art – from noticing to utilising. In legal language, authorship applies to individuals whose unique work is protected by the law known as *copyright* or *author rights*. The first British international copyright legislation was introduced in 1839, which gave authors the same protections as had already been in place for

inventors (Woodmansee and Jaszi, 1995: 964). *Droit de créer* - the right to create, belonged to 20th century cultural elite - recognised writers and artists. The Digital Age offered a universal invitation to drink from its bottomless well; it allowed for integrating cultural experience in daily life and in musical terms, it created *The New Listener[11]* (Sundara Rajan, 2006: 36). From a post-digital, creative perspective, the beginning of the 21st century created *The New Copier* – one who grew up on collections of books, records, video tapes and carried that ghostly estate into the ethereal, infinite, digital world.

Professor Mira Sundara-Rajan became the second supervisor of this research in its initial stages. Her expertise, delineated in her seminal work *Moral Rights: Principles, Practice and New Technology* (Sundara Rajan, 2011), drove *L'Apparition* in the direction of the moral side of legal matters linked with the appropriation of archival material and the use of musical and visual samples. The volume explains moral rights foundations and their roots in the relationship between authors and their work. As digital technology challenges this tie, Sundara Rajan presents practical and theoretical perspectives to implement the concepts of Moral Rights. The book focuses on the two critical subjects: the contemporary approach to Copyright Law and the path to its reform with a consideration of Moral Rights. Its call for global remodelling, at times disposed to look on the bright side, brings an inspiring voice to counter an inherently gainsaying Copyright Law. As this thesis is finalised during the Russian invasion of Ukraine, the meaning of free speech and freedom of expression grows as a "principle for the greater goal of creative and cultural development on a global scale" (ibid: 509) further than a few years ago. Progress can be achieved by synchronising economic reality with digital realm in the way a musical *harmony* is achieved

---

[11] the term dubbed by Canadian pianist Glenn Gould in 1960s, who saw the technological change influence the audience. "Gould contrasted the image of the 'old' listener with his image of the 'new' one, who listens in a state of solitude with a stereo and a recording. The new listener seeks communion with the music and adjusts the knobs on the machine until the sound is ideal." Source: https://doi.org/10.1080/13528165.2010.527216 Mauer, B. "Glenn Gould and the New Listener", Performance Research, Volume 15, 2010 - Issue 3: On Listening

(ibid: 91). The analogy with a synchronised sound of two different notes may assist audiovisual artists as a general compass to follow. Sundara Rajan's concept of harmonisation comes from her interest in musical theory and practice as a pianist, which makes her recommendations particularly *sound* in the context of this research. This suggests that legal experts who are also artists (like Sundara-Rajan) show a greater interest in perceiving legal matters from an objective perspective, or even greater kindness towards the creator. "Harmonising moral rights may imply a broader commitment to recognising freedom of speech, individual rights, and cultural objectives around the world." (Ibid: 258).

Intellectual property law modelled on property over land is immersed in the ideas of ownership, individualism, property, and exclusion and remains a controversial subject of both liberal and neo-liberal intellectual disputes of intellectual circles such as the Mont Pèlerin Society, which "have debated over many decades about how, and even *if* ideas can be treated as property" (Slobodian, 2021). In Walter Benjamin's *Age of Mechanical Reproduction* (1968), it became a metaphor for intellectual work. The *Modern Age of Digital Copy* revealed a new metaphor borne from its perplexing regulation: schizophrenia (Lison et al., 2019: 49). Current intellectual property law is rightly compared to a regime (Sundara Rajan, 2006: 24) limiting the freedom of artistic or intellectual expression contradicts the development of recent technologies and the internet. There is no doubt that from the market-based point of view, authors' rights contributed to the wealth of the creative industry. Finding balance between freedom and control is an old quest, and the most divisive subject of the Digital Age; in the one hand the rationale of author's rights supports humanitarian or cultural standards, on the other, it submits to political or economic impulse. Paradoxically, the more liberating technology becomes, the more restrictive copyright design follows. In the light of the ongoing digital revolution, that motivation needs to be reconsidered (Hick and Schmücker, 2017: 22). The concepts of authorship which ignited copyright are now challenged whenever

digital technology is the main method of the creative process, which threatens the artistic freedom of post-digital art.

The media experts knew since broadcast era that "if you are getting something for free, this usually means that you are the product" (Wark, 2019: 1), which suggests that the materials found through search engine such as Google or social platforms such as Instagram, are already a subject of a purchase agreement.

Involvement of copyright with technology is dubious; its inflexibility makes little room for discussing alternative ways of controlling the copyright. The censorship of what technology reveals is deeply concerning. Digital technology allows anyone to *capture and share* anything from the poem to video with the help of the internet; that possibility of *capture and share* "promises a world of extraordinary diverse creativity" (Lessig, 2004: 184).

One area which seems to deal with copyright in a modified way is social media, where memes are protected by copyright law, but the doctrine of fair use is treated in a relaxed manner. GIFs[12] and memes[13] are a part of "convergence culture" creating micronarratives. It is widely accepted that meme's originality relies on "an innovative form of transforming existing material" (Cutchins, Krebs and Voigts, 2018: 390-2). Memes or GIFs appropriate and remix high and popular art into a sharable "atrophied narratives" (ibid: 396) representative of post cinema and post -TV world. From the *Confused Travolta*[14] to appropriations of Rene Magritte's *La trahison des images* (1929) their main task is to humour and express emotions (ibid: 398)

---

[12] The Graphic Interchange Format is an animated, easily shareable video loop developed in 1987 by American computer scientist Steve White (source: Wikipedia)

[13] The term *meme* coined by Richard Dawkins around 1976, has been transmitted and imitated in the manner equivalent of gene (Dawkins, 1976: 249).

[14] The clip of the gesture from the movie *Pulp Fiction* (1994) by Quentin Tarantino

Through acts of remix and collage, participants can express a desired mood, assessment, or response by reappropriating a facial expression, gesture, phrase, or any combination of these from a pop media text. (Milner, 2018: 93-94). Imitation and transformation based on "understanding patterns and precedents well enough to imitate them, reappropriate them – and even contrast or violate them – is the basis of wit, irony, humor, and social commentary." (Ibid: 96)

> *What norms (and then law) will govern this kind of creativity? Should the norms we all take for granted from writing be applied to video? And music? Or should the norms from film be applied to text? Or should the norms of "quote freely, with attribution" spread from text to music to film?*

Lawrence Lessig (2008: 55)

By editing and appropriating the copy of William Dieterle's movie *Salome* with Rita Hayworth (1953) in *L'Apparition,* I did not try to forge it. Is anyone going to think that I filmed Rita Hayworth? Of course not. Will the public appreciate the value of my collected assembly of data and recognise me as an author of the story I am trying to convey or reveal in unique way? I should hope so. To keep my intentions clear, I included the information about every character I used in *L'Apparition* in its credits, which roll in its beginning.

1.3.   HUMAN RIGHTS AND COPYRIGHT

*To Whom / No subject / No image / No taste / No object /
No beauty…*

John Cage[15]

FIGURE 2. ROBERT RAUSCHENBERG *ERASED DE KOONING DRAWING*, 1953

---

[15] Cage's poem was posted on the gallery wall midway through the Stable Gallery exhibition, and it was published with Emily Genauer's review after the exhibition closed. See Emily Genauer, "Art and Artists: Musings on Miscellany," *New York Herald Tribune*, December 27, 1953.

In *Copyright and Creative Freedom, A Study of Post-Socialist Law Reform* Sundara

Rajan (2006) identifies the Digital Age as an "ongoing revolution" and its global orbit as the

point where a fresh approach towards creativity is essential. Sufficient moral justification,

able to attract public support, could promote meaningful copyright protection. Sundara Rajan

points at "attitude and approach" (Sundara Rajan, 2006: 14) of intellectual property systems

such as Berne[16] or TRIPS[17] which trail far behind technological changes and need to be

reconditioned to be relevant. TRIPS did not accept the nature of The Digital Age and

considered it "a privilege rather than a right," a damaging suggestion from the perspective of

cultural development. The US in particular forced restrictions and pressed penalties against

those guilty of copyright infringement. The Digital Millennium Copyright Act (DMCA)[18]

pioneered imposing criminal charges against everyone who did not comply with copyright

standards. WIPO[19] Internet Treaties followed suit, tightening already intransigent rules with

WIPO Performances and Phonograms Treaty (or WPPT) expanding in August 2021 to 109

parties. As the purpose of copyright law is economic, its implications expand into the terrain

of culture and human rights. Therefore, it is vital that the mission of copyright focuses on

revolutionary, well-meaning and lasting dedication to advocate "creative expression and

authorship" (ibid: 71). Moral rights became a part of U.S. federal law since Visual Rights Act

of 1990 ("VARA") became an amendment to the Copyright Act (Adler, 2009: 264)

In *Copyright and Human Rights,* Sundara Rajan calls for a practical way of applying

of human rights which should protect authors from censorship whilst "leading to greater

---

[16] According to World Intellectual Property Organisation, Berne Convention of 1886 was set to protect works
and the rights of their authors (writers, musicians, poets, painters etc.) by giving them power to control how
their works are used.
[17] The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is an international legal
agreement signed in 1998 between all the member nations of the World Trade Organisation (WTO). It sets
down minimum standards for the regulation by national governments of many forms of intellectual property (IP)
as applied to nationals of other WTO member nations.
[18] The Digital Millennium Copyright Act of 1998 can be accessed via United States Copyright Office here:
www.copyright.gov/legislation/dmca.pdf
[19] World Intellectual Property Organisation

legislative and structural clarity in drafting these rights" (Sundara Rajan, 2006: 209). This call should explicitly apply not only to authors but also to methodologies; in the case of post-digital process, the call should be related to its most popular creative techniques such as digital remix and sampling, the use of which is constantly scrutinised and censored.

If technology is an *instrumentum* (Heidegger, 1977: 5) the internet supplies some of the main artistic tools in the Digital Age. Copyright is not concerned if we use those tools incompetently, whenever we play with them without witnesses; it intervenes whenever the effect of that play becomes successful or popular and punishes it as soon it earns any profits, even if minimal. The need to create in a particular way is therefore disregarded, which balances on the border of breaking Article 9 (Freedom of Thought) and 10 (Freedom of Expression) of the European Convention of Human Rights, both created to protect a range of cultural practices from intimidation and fear (Hick and Schmücker, 2017: 34). Additional restrictions and extensions applied to the copyright periods, with some as long as seventy years since the author's death, push appropriation art into forbidden territory.

In his *Trouble of Moral Rights*, Peter Masiyakurima (2005) draws attention to moral rights' limitations which are due to "their inconsistent entrenchment in common law and civilian legal systems" (Masiyakurima, 2005: 412). He wonders what the personality interests in the copies of a work are. Considering that "the reproduction does not normally involve any additional creativity on the author's part, it is unnecessary to confer moral rights protection on exact copies of an original work. (Ibid: 415). Can a copy and appropriation of a mass-produced work (such as LP or film copy) jeopardise an interest of an author? Or is this an assault on corporation? How do we treat pixelated copy of the movie downloaded from You Tube? According to Masiyakurima "an unauthorised but aesthetically superior copy of an original work may deserve copyright or moral rights protection because it develops the ideas

in the original work." He sees criminalisation of the copy as a failure of moral rights "to recognise the incremental nature of modern creativity." (Ibid: 427)

In *Against Moral Rights,* Amy M. Adler (2009) suggests that "moral rights laws endanger art in the name of protecting it." (Adler, 2009: 265). She points out that the language of attribution known also as "paternity" used throughout the moral right scholarship" is problematic as "it allows the artist to insist that *his* work be properly attributed to *him* and that works not be misattributed to *him.*"[20] (Ibid: 269). The comparisons of the art to a child or the suggestion that "an artist in the process of creation injects his spirit into the work" (ibid) echo paternity's irrational rhetoric further. In her critique of moral rights, Adler brings instances of not only famous cases of defacement of the copy such as Marcel Duchamp's appropriation of Mona Lisa *L.H.O.O.Q.*

For Adler, moral rights do not protect the interests of an artist, as she insists that "there is an artistic value in modifying, defacing, and even destroying unique works of art. In fact, these actions may reflect the essence of contemporary art making. As a result, moral rights law endangers art in the name of protecting it." (Ibid: 279). The momentous example of *Erased de Kooning Drawing by Robert Rauschenberg* signified that "new art might be about its own failure to achieve greatness, its impotent rebellion against heroic past." (Ibid: 283) More contemporary attack on moral rights was *Insult to Injury* (2003) by Jake and Dinos Chapman who scribbled all over their purchased copy of the complete set of eighty etchings *Disasters of War* by Francisco de Goya (1863). Chapman brothers affixed additional note to the title, which enraged and delighted critics: *the original Francisco de Goya's 'Disasters of War' prints reworked and improved.*

---

[20] the change of the font into Italic is my addition

FIGURE 3. *DISASTERS OF WAR* BY FRANCISCO DE GOYA (1863)

FIGURE 4. INSULT TO INJURY THE ORIGINAL FRANCISCO DE GOYA'S 'DISASTERS OF WAR' PRINTS REWORKED AND IMPROVED. (2003) BY JAKE AND DINOS CHAPMAN

The human rights model can pave the road for a change of authors rights, but whether it will allow digital artists to think, create and express themselves is open to debate. The challenges imposed on audiovisual artists in the Digital Era by capitalist versions of copyright are continuously more repressive. Sundara Rajan cautiously questions "whether creative expression represents a "fundamental" human value" (Sundara Rajan, 2006: 223).

She admits no proof to that claim and appeals to the main responsibility of copyright: to protect. She also calls for creative experts to play a part in the transformation of the repressive nature of copyright. This call should result in negotiations in relaxing copyright restraints on creative methods. This research aims at pointing at the necessity of such negotiation, so the moral rights address the way copyright overlooks creators who use the technique of collage or other digital or post-digital methods including appropriation of materials available through Open Source or Open Access.

L'Apparition uses mainstream films, museal objects, paintings, and drawings, which play a role in the composition and are not the result of the inability to create new material. As the concept explores portraits of Salome, the collection of historical material is crucial. Sundara Rajan affirms that moral rights protect authors from suffering the consequences of moral, intellectual, or spiritual harm inflicted through the mistreatment of their work; the character of the mistreatment in the light of Copyright as well as moral rights remains ambiguous. Could the using of fragments of other authors work be acceptable if applied carefully? How practical it is for artists to scrutinise every small fragment of what they notice and use in their art? Where is the room for spontaneity which is characteristic of the creative process? And finally, what would it take for a post-digital process to be treated with respect? Moral rights do not provide answers to those questions. The personal and intimate character of the doctrine however does inspire a fresh approach towards copyright; it is intellectually more satisfying for its openness and flexibility. Its ethos sheds light on new paths to creative freedom and if it can bring artists closer to resolving the issue of their creativity, then it is worthwhile to engage in discussion and attempt to challenge copyright law.

The Digital Age offering artists progressive and liberal methods of work turned out to be rich, generous, and enlightening. It handed the keys to the poor and disenfranchised by opening the door to museums, cinemas, libraries, and schools, free of charge.

There is undeniably a link between copying and learning (Hick and Schmücker, 2017: 35). Massachusetts Institute of Technology (MIT) is an exemplary leader in understanding the importance of sharing knowledge. The World Wide Web Consortium was established there (in 1993) followed by OpenCourseWare (in 2002) – the project behind the publishing of "all MIT's course materials and making them available to everyone". In 2017, MIT's Media Lab launched the Disobedience Award, presented to those "engaged in extraordinary disobedience for the benefit of society" (Lison et al., 2019: 53).

Inventive minds have started to explore the free space to sample, experiment and edit Open Access content. Unfortunately, that space is still limited to mostly obscure material. *L'Apparition* has borrowed from Open Access repository. The most relevant fragments however were a part of popular Hollywood productions and mainstream music, none of which belong to Open Access. *L'Apparition* potentially exposes itself to the scrutiny of the copyright law; although I mastered the art of concealing sources, by appropriating, editing, and damaging them until they become unrecognisable, in the case of *L'Apparition*, the deconstruction was counterproductive. The audience was supposed to recognise known fragments and interpret them from a new perspective. There might be a good reason a post-digital practice handbook, discussing the appropriation of archival material has never been published. Some of the most celebrated appropriation artists such as Vicki Bennett (aka People Like Us), refuse to discuss the subject of copyright[21] altogether. If such a guide aimed

---

[21] Bennett frequently expresses reluctance to discuss the subject of copyright publicly. Most recently during her workshop at the Somerset House Studios in London on October 20th, 2021. Source https://www.somersethouse.org.uk/whats-on/vicki-bennett-opening-doors

to openly present ways of making art nowadays, it could compromise the wellbeing of an artist (successful or not) who prefers to remain silent and protective of the sources of their artistic vocabulary.

Mira Sundara Rajan offers the idea of adapting the "spirit of humility" with an appreciation of the complexity of the creative process. In March 2017, she chaired the Moral Rights and New Technologies conference - two days of case studies and discussions which took place at the University of Glasgow. The presented subjects concerned with authorship, attribution, and integrity in a digital world, were introduced by several experts who presented the culturally, economically, and politically diverse landscape formed by a multitude of issues. Professor Louise Harris and I presented our audiovisual practice with an emphasis on how the application of moral rights legislation could protect it. The group came to the agreement that there is a need for the introduction of comprehensive guidance on applying and accommodating moral rights in an open and sympathetic environment to fit its very nature. Although those rules would have to be introduced by law, there is room for creative ways to honour and apply them. As the conference took place in the very beginning of my study, I was not yet prepared to discuss aspects of originality and authorship of an audiovisual composition based on archival or found material available online. If such a conference took place now, I would press for finding practical ways moral rights could help in building a sustainable environment for post-digital practices immersed in the past.

While Sundara Rajan asks "where should we look to find alternatives to the current intellectual property regime?" (Sundara Rajan, 2006: p.27), the academic world treads the muddy waters of originality and plagiarism in research. Unfortunately, it has "never in practical terms rigorously formulated the boundaries and character of either originality or its

violations." which created a path to "make originality, plagiarism, and even fraud infinitely elastic terms" (Freedman, 1998). From the perspective of rigid copyright preventing the use of available material in creative process, academia is a place the entertainment industry could learn from. This research is not trying to claim that plagiarism is acceptable, but that academia's advantage over the entertainment industry shows in tackling intellectual fraud by setting a culture of peer review and developing tools such as distinctive styles of citation as well as a set of modules dedicated to integrity in research. There is a way to find a similar system to Harvard or APA in the audiovisual practice of appropriation and copy. This could be a reasonable and workable path to attribution in the use of fragments protected by copyright in an audiovisual, post-digital artwork.

1.4.   AUTHORSHIP: CONSTRUCTION OF SELF OR WARDING OFF DEATH

"Authorship is a foundation of copyright" (Craig, 2007: 208-9) This means the maker's ownership draws forth the law and dictates the rules. Wherein authorship is one of the most ambiguous concepts of copyright law, which in turn prompts discussion about the nature of its protection. The concept of authorship is new. The nineteenth century valorisation of the extraordinary which perceived copy as a "scourge," determines modern copyright law which regards the imitator as the "copyright's infringer" (ibid: 213). More interestingly, authorship does not equal brilliance or, indeed, originality.

In his essay *Art and Property Now*, John Berger (1969) points out that a song cannot be a property in the same sense that painting or sculpture is (Berger, 1969: 149). Copyright can, with some luck, generate astronomical sums through the collection of authors rights contributions as well as from court cases against those who have tried to steal ideas. When the essay was written in 1969, Berger could not foresee the future of intellectual property, yet he criticises the art world for its lack of a genuine love of art replaced by a greedy mania "so distorted and exacerbated that it now exists as an absolute need, abstracted from reality." (Berger, 1969: 150). Berger worries about art's future of being an item for sale and its once glorious role will be tainted by the hands of the salesman (ibid: 152).

In the same year,[22] close to where Berger's work was conceived,[23] Michel Foucault gave a lecture on literary theory at the Collège de France titled: *What Is an Author?* Later published as an essay in the Bulletin de la Société Française de

---

[22] On 22 February 1969
[23] John Berger moved to Paris in 1962

Philosophie it begins with the quote from Beckett[24]: "What does it matter who is speaking." From that line, Foucault streams into two directions: *exteriority* (Foucault 1986: 102) which manifests itself in creating the world outside the process of writing and in effect, making the process insignificant. The second theme leads towards writing's relationship with death (ibid) and the idea of *immortality*.

Like Foucault, Berger was preoccupied with *time* (History), *space* (Geography) and *being* – the three "formative dimensions of human existence" (Soja, 1989: 21). Unlike Berger, Foucault, did not "commit himself to descriptions of power and oppression with some intention of alleviating human suffering, pain, or betrayed hope." (Damrosch, 2014: 131).
They both questioned and criticised modernity. Berger pointed its inequality, "the unevenness of economic development within that world: the scale of the exploitation" (Berger, 1974: 40). Berger's admiration of art demonstrates that the awareness of significant changes in perception of art and/or history does not insinuate disrespect. In *Space, Knowledge, and Power*[25], Foucault asserts that "history protects us from historicism - from historicism that calls on the past to resolve the questions of the present." (Foucault, 1986: 250). This line of thought suggests that when Foucault calls for an author to "assume the role of the dead man in the game of writing" (ibid: 103), he wishes that the writing was free from the author.

Foucault affirms that "culture has metamorphosed this idea of narrative, or writing, as something designed to ward off death" (ibid:102). He questions the possibilities of embracing and defining the legacy of an author after his death as the definition of *work* does not exist, and "the empirical task of those who naively undertake editing of works often suffer in the absence of such a theory" (ibid:104). According to Foucault, even the authors' name is

---

[24] Beckett, Samuel *Texts for Nothing and Other Shorter Prose*, 1950-1976, Faber and Faber, London, (2010).
[25] interview with Paul Rabinow- the editor of *The Foucault Reader*

problematic for it "manifests the appearance of a certain discursive set and indicates the status of this discourse within society and culture." (Ibid: 107)

Whether one mentions Mozart or Fellini, the connection of the name with a specific aesthetic is recognisable. Everything created and published has the stamp of an author; their ghostly presence is a significant part of the work they created. This rule applies to the omnipresent work of art regularly labelled with the name of the author or the trend he or (scarcely) she developed. Foucault admits that he "unjustifiably limited" his subject to writing (ibid: 113), which can hint that it is acceptable to apply his theory to fine art, music, or choreography. *What is an Author?* helps to understand the association of authorship with ownership. Since the 19th century, literary, academic, scientific, theological (and so forth) discourse was developing on the base of recycled theories, discoveries or writing styles. If such discourse is encouraged and accepted, would it be possible to set up a comparable conversation in the world of music and film? Could it be productive to quote, edit and sample other artists work while creating a new form, a contemporary style, and a new world? How would appropriation affect an author, especially if they are dead? Lastly, if there was no specific instruction forbidding the use of art other than intended, how do we know that artist would not be happy or indifferent to repurposing their work? Foucault turns the spotlight on the tendency to believe in the extraordinary, special, and sacred status of the author. He asserts that the propensity is misleading and that "the author does not precede the works" also, that the importance of the author restrains the unencumbered benefit of art, including the freedom of its appropriation. In the end, Foucault wants the author to disappear and concentrate on the work itself: "where has it been used, how can it circulate and who can appropriate it for himself" (ibid:120).

In 1963 George Maciunas wrote the *Fluxus Manifesto* in which he claimed that an artist's ego should be eliminated and that this can only be enabled by the destruction of

authorship (McClean, 2018: 120). In 1968, Roland Barthes (1977) questions the obsession with the author while pointing out that it is the language rather than an author talking to us and even in the case of old works of literature, our relationship with the text is immediate without a need to live or understand the life of an author. Modern stage and film adaptations of Shakespeare or Moliere can prove that the language of the writer translates in the mind of their reader during the act of writing or reading. Similar process applies to listening and seeing. The originality is scrutinised further as Barthes claims that "the text is a tissue of quotations drawn from innumerable centres of culture." (Barthes, 1977: 146). Barthes does not undervalue Balzac, Proust, or Brecht but implies that their work once completed is in the hands of the reader.

Arguably, post-digital authorship is dead already as "sovereign authorship of an individual artist has de facto disappeared" (Groys, 2008: 96-97) replaced by the multiple authorship of commissioning institutions, curators, sponsors, and other authorities. Under this new arrangement, artists are no longer judged by what they produce but by the circumstances in which their work is presented (ibid). Copyright law does not seem to notice that change, or it is not concerned with the condition of art now. Unfortunately, a "business as usual" attitude does not fit the modern state of art and appears to be irrelevant and inapplicable to modern times.

1.5. PORTRAIT OF AN ARTIST AS A WOMAN

"What does it matter who is speaking."

Samuel Beckett, *Waiting for Godot*

A feminist, according to Carys J. Craig, "might answer that it matters who is speaking precisely because the authoritative speaker is presumed to be a man" (Craig, 2007: 238). The statement highlights the flawed constitution of authorship, which has been historically territory reserved for the Western Man. In her *Feminist Inquiry into the Process of Creativity*, Craig acknowledges that the normative character of authorship relies on societal assumptions and proposes the change of that perception: from "author as a source and authority" to "author as a participant and citizen" which could lead to "a coherent justification of copyright" (ibid: 234). That can be achieved through debate inspired by a feminist *construction of self.* The historic exclusion of women from the benefits of rights is comparable to copyright's prohibition of those who do not fit the definition of authorship. Craig calls for a re-imagination of copyright which "requires a challenge to the concept of autonomous selfhood that inform liberal political theory" (ibid: 236). Questioning evidence of authorship value through the lens of feminist scholarship leads to the realisation that copyright law benefits men by giving them "the absolute right to control and exploit work for economic gain" (ibid: 240-1). The definition of authorship needs to be deconstructed to serve society; the question is how any new concept of authorship can be practical without the consideration that a contemporary female artist's heritage - the history of art, architecture, film, literature, and music - is conceived by men. Indeed, there is currently an abundance of

brilliant and successful female artists. However, those whose discipline is appropriation art rely on work which belongs to men. The authors of all cinematic clips, images, literary and musical pieces portraying Salome I have used in *L'Apparition* are male, even though the legend is female. There is no historical portrait of the legend of Salome made by a woman. Until now.

Me, the commodity, I am speaking!

Jacques Derrida *Spectres of Marx (2012: 198)*

Since the struggle for power has been the domain of male theorists such as Freud, Derrida, Lacan, Marx, or Foucault, the popularity of the image of a woman in art and literature had no equivalent importance in politics or theory. Virginia Woolf's *Room of Her Own* depicts the absurd inequality between the representation of a woman in art and her existence in politics and social discourse. The relationship between cultural male domination and its effect might offer some answers to questions about relationships of past and present expressed in post-digital art inspired by found, museal or archival material.

The year 2000 which Kim Cascone's article marked the beginning of post-digital era, gave everyone unprecedented means to copy and use works of the past. From the feminist point of view the reason had another significance. The toolbox became either free or affordable. It allowed for a creative process to happen in a space big enough to place a computer, often this space was historically appointed for a woman to belong to: the kitchen and the bedroom. My work grew popular on the wave of so-called *bedroom pop* – the genre I frown upon and spent a decade to criticise for it dressed my creative power in pyjamas.

In 2000s, there was no more need for expensive production studios, planning, engagement. Lavish investment and the support of a man was no longer required. Following the first wave of electronic music, digital platform became a stage for women and those less privileged in society; a domain in which people like myself could control how they produce and present their art.

FIGURE 5. SALOME RECEIVES THE HEAD OF JOHN THE BAPTIST, CIRCA 1640 -1645, REMBRANDT VAN RIJN

Although this subject has been delineated in dedicated literature, I find it important to underline that regardless of growing gender equality and the substantial number of female artists, the history of art older than that of the twentieth and current century will never excavate masterpieces made by women as it is irreversibly male. My personal mission therefore is to break its heritage down, appreciate and expose its grand past and use it for my purposes – to collage, copy, paste, remix and appropriate. Reinterpretation by any means

diminishes the value of the art but is a form of absorbing and reframing identity with a goal to move forward from the artistic past stolen from women.

FIGURE 6. SALOMÉ, 1905, PABLO PICASSO

The process of studying the subject of Salome led to the realisation that a large part of my thesis is related to being a female audiovisual composer and artist. This aspect of *L'Apparition* became increasingly significant, although unintended at the start, but from a feminist point of view, Salome's legend offers a different view into appropriation art. Her image and the story have been fetishized in literature and fine art by notable men (Saladin, 1993) - from Rembrandt to Aubrey Beardsley to Oscar Wilde, J.K. Huysmans, W.B. Yeats, to the author of *L'Apparition* - Gustave Moreau, to Picasso.

The impact of the legend authored and invented by men made me question whether appropriation of art inspired by male-controlled metaphors should be, in the case of female artists, a subject of moral rights at all. Perhaps the right to copy and appropriate the past art should be licenced to women by default. One should view artistic copying of *spectres of*

heritage not as a breach of author rights but consider *allowance of copy* to be a part of a compensation for the centuries of violation of women's rights to create, publish and what comes with it, owe, and be celebrated for their art. *The allowance of copy* could be a part of reparation for historical exclusion of women from the influence on the shape of the modern authorship. The way moral rights could help is to investigate how the attribution's genesis in "paternity" relates to female artists. One can wonder if attribution associated with "maternity" had a similar impact on copyright and whether it would exist at all.

FIGURE 7. SALOMÉ, PLATE 14, 1906, AUBREY BEARDSLEY

Decadence, the result of "bourgeois optimism" (Saladin, 1993:13), a myth of a powerful therefore destructive woman was "attest to the unsettling circumstances of time - both epistemologically and culturally" (ibid: 14). While pointing at the contribution of male-controlled repression of women to the societal and psychological disorder of western

civilisation, (Marder, 1968:3). Virginia Woolf exposes evidence of barbarism in all forms of existence; paternal tyranny, "male supremacy, intellectual rigidity" (ibid); this, in Woolf's mind, was a cradle of dictatorship and war. Woolf suggests that cooperation between sexes would be the beginning of a truly civilised world. She recognises the power of art to make the world better by merging feminine and masculine, intuitive and rational in a co-dependent relationship. Virginia Woolf was eighteen when the Women's Movement was at its peak. Deprived of opportunity, immersed in poverty - the woman cannot create. The masculine pedantry of rations and allowances listed in Virginia Woolf's *Three Guineas* (Marder, 1968:78) made irreversible damage to women's roles in politics, education, and culture. Woolf agrees that women are different from men and if they were to have a society at all, it should be one with "no office, no committee, no secretary; it would call no meetings; it would hold no conferences. If name it must have, it could be called the Outsiders' Society" (Marder, 1968: 86).

Sir, a woman's composing is like a dog's walking on his hind legs.
It is not done well, but you are surprised to find it done at all

---

A Survey of Contemporary Music, by Cecil Gray: (Woolf, 1992: 54)

In *Room of One's Own* Woolf describes the path of a female genius as twisted: "She will write in rage where she should write calmly. She will write foolishly where she should write wisely" dealing with the struggle of being withheld rather than granted the right to create, to have a vision or even an opinion (Woolf, 1992: 69-70). Woolf observes that "it is fatal for anyone who writes to think of their sex. It is fatal to be a man or a woman pure and

simple. One must be woman-manly or man-womanly. It is fatal for a woman to lay the least stress on any grievance; to plead even with justice any cause; in any way to speak consciously as a woman." (Ibid: 104)

Woolf's plan of action drifts towards anarchy and then turns to "monastic rule," desperately looking for harmony and reconciliation. The realm of art does not transpire to practical goals determined by women's political status, her artistic success is the result of mastering objective narrative (Marder, 1998: 156). Her art combines thought and feeling to achieve "luminous prose" and "reveal perceptions and universal ideas" (ibid: 177). Those sentiments resonate with my personal intention for the work I compose to become vivid and ubiquitous. My creative etiquette fits within the meditative mood of a nunnery rather than the revolutionary underground. Withdrawal from any form of social life is the condition which dominates my work ethic; while working on a project I am unable to invest my focus elsewhere. This reflects on the solitary and silent workspace I create to focus on material collection, reflection, analysis, and appropriation. Rare visits to slightly less quiet museums and cinemas break the hermit-like environment and are the only form of entertainment I can enjoy without the risk of distracting my work process.

You have never made a discovery of any sort of importance. You have never shaken an empire or led an army into battle. The plays by Shakespeare are not by you, and you have never introduced a barbarous race to the blessings of civilization. What is your excuse?

Virginia Woolf *Room of One's Own* (1992:112)

Decadence - a movement which developed around the mid-nineteenth century in France, focused on religious dogma and used irony to depict it. (Myth came back along the classical themes). The restraint of women continued, supported by a male rhetoric of sexualised, powerful, and destructive female figures paralleled with women's request of power equal to male. The feminine serves as a fetish (Saladin, 1993: 19) to control social change and female rebellion. "The feminine image as a target of violence and exploitation is still to be explored" (ibid: 21). The appropriation of femininity has been a customary practice of the male-dominated art world. It is only fair that those appropriations are challenged, broken, analysed, and repurposed by women who had served as passive objects of male interest for centuries. *L'Apparition* tries to break that rule by appropriation of the historical portrait of the legend, by pointing in the direction of its beauty and related absurd, its tragedy and its power.

It is important to point at the role of the avant-garde which at the time functioned as progressive force against bourgeois culture (Foster, 1983: 18). Postmodernity exposed the system of power that authorises certain representations while preventing women from standing for themselves. In his essay *Feminists and Postmodernism* (Foster, 1983), Craig Owens draws attention to symbols of femininity created by men and represented by characteristics such as two-faced, fickle, disloyal, moody (ibid: 59). The essay critiques both representation and patriarchy borne from postmodern culture, which despite the criticism of the author/ity continued to exclude women from its discourse (ibid: 61). The pluralism postmodernity claimed allowed female voices to express themselves in "a whole string of liberation or self-determination movements" opposed to sexual, racial, and class discrimination (ibid: 62). Postmodern critics started to analyse and classify women artists according to categories belonging to art reserved so far to men (such as collage and montage) and interpret their work from the historical perspective of representation. For example, the

video artist Dara Birnbaum, who re-edited tv footage of *Wonder Woman*[26] for her piece

Technology/Transformation: Wonder Woman (1979) dealt (somewhat similarly to my

relationship with *L'Apparition)* with the "mass cultural image of women". However,

according to prominent art historian Benjamin Buchloh, the piece "unveils the puberty

fantasy of Wonder Woman" (ibid: 72) – an unlikely assumption a female art theorist would

make. While Owens sees philosophical approaches such as Derrida's "phallocentrism," and

"body without organs" by Deleuze and Guattari to agree with a feminist approach, he also

realises that what can be called appropriation art, in the case of women is "more one of

expropriation: she expropriates appropriators" (ibid: 73). The appropriation dramatizes

deprivation of power and is a way to express rejection of the paternal figure of authorship.

Also, the use of certain methods might signify independent and unique messages.

Unsurprisingly, women often choose montage and collage, which has been named the "most

revolutionary formal innovation" of the twentieth century (ibid: 85). The definition of collage

described in *The Object of Post-Criticism* as "the transfer of materials from one context to

another" (ibid), is most relevant to what has been an essence of my audiovisual practice. The

visual and musical toolbox developed by men can be useful and I should be free to use it.

---

[26] Wonder Woman appears in American comic books published by DC Comics. The character first appeared in *All Star Comics* #8 published in 1941 (source: Wikipedia)

1.6. BETWEEN FAIR AND TRANSFORMATIVE

After Foucault, the theory of authorship was replaced by a variety of practical interpretations of an *auteur*, usually related to copyright. Its content drifts from the theory of myth and metaphor to the idea of self-expression of avant-garde practices. The end of the twentieth century questioned authorship again. Structuralism demanded that authorship had broader meaning, whilst post-structuralists claimed that the identity of the author is in a "constant state of flux" (Craig, 2007: 223). The high-profile example of *Rogers v. Koons* was lost by Koons, for his imitation believed to be a.) intentionally exploitative, b.) lacking a parodic value, c.) beyond the scope of fair use. (Ibid: 229-32). The case was widely discussed, and the reasons behind court's decision criticised for "lacking understanding of the principles of appropriation art" (ibid) and a rigid perception of what can be regarded as a plausible authorship and acceptable artistic expression. The tropes of authorship and originality, however, are difficult to decipher by non-experts or even copyright specialists might sound confused, which can be proved by the number of court appeals, followed by new orders and decisions, complicating the issues even further.

In the chapter *Authorship and Artists Rights* Martha Buskirk wonders "When exactly does a work actually become art?" (McClean, 2018: 55-68). Many original works never achieve the status of *art* unless branded with the name of recognised artist. Marcel Duchamp's "ready-mades" such as *Fountain* (1917) eliminated the need to create an original art while producing one of the most influential works of the twentieth century (ibid: 303). The trend continued with the art of Andy Warhol, Jeff Koons and other artists who sprouted on the map of the twentieth-century cultural scene. Their art became significant and appreciated as a concept, a gesture (ibid: 55). Artistic appropriation and copy received

contradictory reviews; some likened appropriation to "clearing cobwebs away"[27] while others argued that copying is an integral part of contemporary art[28] (ibid: 84). In 1990, the treatise *Toward a Fair Use Standard* by Judge Pierre Level proposed that appropriation of expression could be permissible if it is *transformative.* Some of the historical cases such as *Rogers v. Koons* or *Cariou v. Prince* (the latter will be talked about in *Chapter 2*) serve as examples where the *transformative* factor decided defence or settlement in cases of appropriation. Copyright law experienced a *postmodern turn* in which present-day culture and its nature should consider "copying as legitimate artistic technique" (McClean, 2018: 93). The last twenty years brought increasingly liberal changes to the perception of fair use. (Meese, 2018: 46). The trend before was to protect rights holders rather than cases of creative use of their work. In 2008 however, an unauthorised use of John Lennon's song *Imagine* in the movie *Expelled: no Intelligence Allowed* by Nathan Frankowski has been approved by a US court as *Fair Use*[29]. Lennon's estate lost the battle in the case known as Lennon v. Premise Media. The film made 7.7 million US dollars[30]. The matter could be a sign of change or could be an effect of the advice from Lawrence Lessig (2004): "You either pay a lawyer to defend your fair use rights or pay a lawyer to track permissions so you don't have to rely upon fair use rights. Either way, the creative process is a process of paying lawyers." (Lessig, 2004: 107). The legal system works for the wealthiest, not because it is corrupt, but because it is clumsy and expensive. Lessig compares it to "the reality of Brezhnev's Russia." His advice is that "the law should regulate culture only where that regulation does good" (ibid: 305).

---

[27] McLean cites Leo Strindberg in *The Glorious Company*
[28] And Linda Hutcheon's *A Theory of Parody: The Teachings of Twentieth Century Art*
[29] The full text of the court judgement can be accessed here:
http://online.wsj.com/public/resources/documents/expelledsdny.pdf
[30] https://en.wikipedia.org/wiki/Expelled:_No_Intelligence_Allowed

1.7.   ART AND COMMERCE

"Good artists copy; great artists steal."

Pablo Picasso

In *Remix - Making Art and Commerce Thrive in the Hybrid Economy,* Lawrence Lessig (2008) further connects the implications of copyright and links them with the action of sampling and remix. Inspired by the "copyright wars "with "pirates" who pose danger to the profit of American cultural industry, the volume's primary focus is on RO (read-only) and RW (read/write) digital cultures. Lessig's work brings to attention numerous examples of creative work stifled by the outmoded system of copyright. What makes it more significant than other publications in the field of author rights is that *Remix* demonstrates its integrity through several unprejudiced case studies. Lessig opposes the abolition of copyright; instead, he gathers extensive figures and evidence to show the urgency to find solutions and make realistic adjustments pertinent to the here and now.

Many references come from candid telephone conversations with diverse artists such as *Girl Talk* who remixes 200-250 samples from 167 artists. Lessig points out the practice is more like painting than copying (Lessig, 2008: 70). *Negativeland*'s Mark Hosler and Don Jon describe their creativity as collage made with affordable techniques, but also explain that the constant presence of media became a modern artist's landscape (ibid:71). Lessig draws practical plans and drafts point-by-point strategies as to how to reform often absurd copyright law which criminalises non-commercial, amateur, and artistic use of existing material.

Lessig's Creative Commons movement[31] along with Richard Stallman's Free Software Foundation[32] initiate a positive change built on the principles of moral rights. Stallman's idea "to use copyright law to build a world of software that must be kept free" created a domain based on the fundamental concept of freedom, which he actively protected from being taken for granted (ibid: 280). Lessig's *Creative Commons* (CC) idea was to build a layer of reasonable copyright on top of the extremes that now reign. tag their work as CC to allow to build upon its content, thus giving others permission to use the content in an uncomplicated way (ibid: 282).

In *Remix,* Lessig proposes five steps towards improving copyright with the first recommendation being *Deregulation of Amateur Activity.* His second suggestion, *Clarification of Title,* proposes a model like the one developed by YouTube which allows copyright owners to "register" their work by uploading it to the server which then adds the file to the list of protected property. As the strategy's key action, Lessig proposes that all claims are stated clearly ("Clear Title") and relies on the system to perfect itself over time. This idea depends on the design of such a system aspiring to "work well" (ibid: 265). The third step - *Simplification* (of copyright), further develops Clear Title. Lessig suggests that the law needs to be simpler. For example, the doctrine of *fair use* is "designed to limit the scope of copyright's regulation" (ibid: 266-7). Its application, however, should be understandable and adequately practical for both corporations (such as Sony or Fox) and a creative individual. In other words, anyone should be able to understand what the scope of the fair use is. Lessig suggests that the understanding of fair use should be possible for a fifteen-year-old.

---

[31] CC helps overcome legal obstacles to the sharing of knowledge and creativity to address the world's pressing challenges. (Creative Commons, 2019)

[32] The Free Software Foundation (FSF) is a non-profit with a worldwide mission to promote computer user freedom. We defend the rights of all software users. (Stallman, 2019)

The fourth and fifth are subsequently: *Decriminalisation of Copying* and *Decriminalisation of File Sharing* (ibid: 271). The first proposes that copyright should regulate commercial exploitation, such as republishing books (ibid: 268) or "commercial uses in competition with the copyright owner's use" (ibid: 270). *Decriminalisation of File Sharing* could start with the realisation that strategies used by copyright law thus far have failed creators. There is a need for drafting a strategy which will reduce collateral damage which neither stops file sharing nor compensates artists' losses (ibid: 272). In the chapter *Economy Lessons*, Lessig points out that it is difficult to see "how a 'culture of generosity' can coexist with an ethic of profit" (ibid: 233). Later Lessig admits that "legal creativity is the key to a healthy and successful business" (ibid: 248) and hybrids such YouTube can "pave a way toward legal remix creativity" (ibid: 249) which should in effect decriminalise creative expressions.

1.8.   THE FREE MIND OF OPEN ACCESS

Open Access (OA) benefits everyone (Suber, 2012). It is free of barriers such as a price tag or copyright. It was set up by respectively the Budapest Open Access Initiative (2002), the Bethesda Statement in Open Access Publishing (2003) and the Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities (2003). In its statement, BOAI clarified that OA provides full permission to read and use (download, print, copy, quote, pass around etc.) its content; the only rule which should be applied is to give its authors control over the integrity of their text and the right to be properly credited. Both Bethesda and BDOA agreed that the content it gives away is free to copy, distribute, display in public in any medium for any responsible purpose and subject to attribution of authorship (Suber, 2012: 7). Its ethos, based on copyright free work granted by the author, is less problematic in academia where scholars publish their papers without being paid, the impact matters more than money. This is more complex in the case of artistic contribution. Artists can rarely rely on the financial security professional academics enjoy. Precarious living situations thwart generosity. A government salary could change that. The French model where *un intermittent du spectacle (IDS),* like an unemployment scheme with the design focused on artists working in the live performance, film, and audiovisual sectors promotes sustainability and the wellbeing of the art sector (Casse, 2020). This concept by the French Ministry of Culture has broadened its influence since the 1980's with the concept of "cultural democracy" at its helm to promote all kinds of cultural practices and support cultural diversity (Pflieger, 2013) has since set standards for art funding unattainable elsewhere. The situation of art funding in France might supply therefore a suitable ground for sharing and giving back to society.

The impact of the message circulating through Open Access on creativity gives opportunity to both innovation and contribution. It is important to note that OA does not wish to change copyright, neither does it contest the idea of royalty or challenge the "reality of cost" (ibid: 21).

Digital technology created an access revolution. One of the ideas I have considered after reading OA-related articles is self-archiving once I could achieve a salary from other music making sources to the level of the academic professional. Pursuing an academic career might for some artists become the best way to free themselves from poverty and become generous.

When Professor Louise Harris invited the selected group of audiovisual artists to participate in a questionnaire analysing attitudes towards self-description, 11% of artists described themselves as makers, 0% as thinkers and 66% as both (Harris, 2021:31). The result (to which I contributed) suggests, that most audiovisual artists would be inclined to consider contributing to Open Access. Its claim that debate and inquiry is enriched by available knowledge could encourage audiovisual artists and thinkers to start to contribute to Open Access and play a part in setting up the culture of generosity, which in effect might inspire the industry to be of service to Music, Film and Fine Art creators rather than police them. Although the above ideas might sound utopian, considering creative pursuit as civil service might be the only way to genuinely follow the ethos of Moral Rights. Organising forums dedicated to discussion of the feasibility of OA options could be the first step in that direction. The idea might seem to disapprove of authors who make a profit out of their creative output but the concept, if designed well, could instead lead to sustainable revenues for cultural contributions.

Conventional publishing can be as damaging to copyright as OA. The proposed way to find a middle ground is to ask for consent if the work is new and use public domain if it is old. This DIY ethos allowed artists to keep their author rights and most of them can submit their work into Open Access without upsetting a label or a publisher. As the cost of the production of a record can be a burden, artists should look to receive funding for the time and cost of recording; this should, however, not become their main activity. The reform of cultural institutions should be focused on a practical way to support artists by ditching a gruelling application process and focusing on creator's contribution to their cultural landscape. Cultural institutions should support OA in a way which is sustainable by providing subsidies or by connecting artists with wealthy donors; the centre of their attention should focus on the creativity of artists, not on the application process which consumes a great amount to fund its bureaus. Cultural institutions could learn from the economic impact of OA in academia, where "OA benefits for publicly-funded research were 51 times greater than the costs" (Suber, 2012: 133-4). Overall, the ethos of OA provides an inspiring idea which, for sceptics, had used conservative estimates and have been thoroughly studied in the academic environment. The declaration of the Budapest Open Access Initiative[33] states that different initiatives have shown that OA is economically feasible by boosting readership, education and knowledge which drive biodiversity and resilience[34]. The best experienced in the field of self-archiving are physicists, who have been fully (in some areas it reaches one hundred percent) dedicated to OA. Yet it has not affected the journal subscriptions which was publicly disclosed by both American Physical Society and Institute of Physics (ibid: 151). Music or the audiovisual field insufficiently supported by government art institutions thwarts a self-archiving culture; instead, it is enrolled in the perpetual drawback of copyright law. The

---

[33] https://www.budapestopenaccessinitiative.org/read/
[34] https://www.agrowingculture.org/open-source-ethos/

contrast between the accessibility of science and the exclusivity of music and film indicates the need for orchestrated action, revolution even, to allow for the full benefit from cultural heritage, not just for the benefit of the makers but to build a legacy for future generations.

The Public Domain eases the restrictive and often illogical rules of copyright significantly. Unfortunately, this rule hardly applies to the heritage of media and modern music which are scarcely present in the reservoir of the Public Domain. As an artist who draws on the history of moving image, and nineteenth and twentieth century music and art, my possibilities are significantly restricted when tools are unaffordable. Copyright law allows at times a "substantial copying for certain specific purposes" such as research or private study; at times it hands consent to some uses of materials belonging to public institutions such as archives, libraries, or museums (Craig, 2007: 216). The example of collaborative contemporary research which encourages "multiple authorship" (Woodmansee and Jaszi, 1994: 25) offers practical solutions to the use of an OA collection of data.

CONCLUSION

This Chapter wrestled with the first question of this research, *"To what extent the use of copy and appropriation can be considered as a (moral or legal) right of an artist?"* In short, it depends on how rebellious, informed and prepared to defend the work as morally sound one can be. All the aspects should be treated as consequential. My recommendation which I am going to apply to my practice, is to study the materials, be aware of their values, be respectful, whilst maintain the freedom of expression. This chapter set forth the path to the contributing knowledge. I started with the background in front of which the question emerged. I followed the description of my practice with the explanation of the context of post-digital creativity which relies on the techniques of collage and consequently the copy and appropriation. Those methods, however, are a continuation of historically accepted traditions and have been widely present in variety of artistic disciplines. Further immersion in the meaning of authorship and its legal, moral, and philosophical implications displays the fluidity of the concept of an author. My investigation of the principles of authorship at odds with post-digital reality further shows the need to redefine its meaning and reconsider the role of an artist in the modern digital world. The ties between the concept of the author and the concept of self needs to be reconstructed. The adoption of feminist theory and dialogism can rejuvenate copyright law by introducing dialog where its participants - makers, speakers, academics, and lawyers - could shape a new cultural discourse which considers a variety of creative methods including imitation, appropriation, parody, collage, and remix. The confusion and inconsistency are characteristic for both legal and moral context of the practice of appropriation. For an artist who treats archival material as a vital part of the creative

process, applying a moral doctrine may seem to obstruct artistic freedom; legal concerns can hardly be associated with creativity. The moral rights if applied to post-digital reality show the prospect of protecting not only authors but those who copy their work. This chapter proposed some ideas how that could be possible. To adapt to moral rights is to enlighten and recommend two measures: attribution and integrity. Studying moral rights therefore can clarify what (audiovisual) artists have attempted thus far to understand intuitively; those who emerged in the post-digital era seem to know little about their application. In my case, awareness helped immensely with anxiety related to the use of copyrighted material. As for the subject of moral rights- noble, exciting, and universally valid - it would be particularly useful that it becomes discussed outside of academic circles. The vision to reinforce the link between author rights and human rights seems unprejudiced towards post-digital method and its creative freedom. The progress could start with a dialogue between moral rights experts and artists, who's methods such as appropriation, remix, collage, etc. stem from the post-digital domain. The purpose of creating a multidisciplinary panel made of legal and art experts could re-create once visionary copyright law along with constructing a reasonable guide of post-digital, creative conduct.

"Much scholarship on moral rights is concerned with their role in protecting the reputation of an author" (Sundara Rajan, 2006 :225). For the same reason, the protection of creative process should grant post-digital art practice the benefit of the doubt and a chance to prove that a liberal attitude towards appropriation does not damage the works it uses. On the contrary, it contributes to renewed faith in the power of art – past and present. There is a need for the greater awareness of the damaging effect of copyright on post-digital creativity. The moral rights theory needs to acknowledge the demand for change. This could in turn generate respect for creativity and protect existing work while "maintaining the quality of the cultural domain" (ibid). To successfully apply moral rights to present day, the model of author rights

needs to be reviewed, while appreciating reality of globalisation and the charges of exploitation or infringement should become more adaptable, pragmatic, and clearer from the structural and legislative point of view (ibid: 219).

In the chapter *Limits in Regulation*, Lessig (2008: 31-3) chronicles the journey of John Philip Sousa through his successful 1906 case to gain public support for copyright revision and composers' rights. It serves as empirical manifestation of how once relevant copyright regulations need to be reviewed and adjusted to serve not just art and entertainment but also be of service to democracy.

CHAPTER 2

BETWEEN PAST AND PRESENT

CONTEXT

This chapter will investigate the connection of post-digital audiovisual practice with the past. To give the matter a practical context I would like to bring in autobiographical details which contributed to the character of artist I am.

> *Seeing comes before words. The child looks and recognises before it can speak.*

John Berger (1972)

70's

As far back as I can remember, listening to music and looking at paintings has made me experience a mixture of tranquillity and elation. My earliest musical memory is of my mother playing waltzes by Johann Strauss on the upright piano.

When I was five, I was fascinated with my parents' malfunctioning, portable record player called *Bambino* - the only model available to mortals in communist Poland.

FIGURE 8. THE RECORD PLAYER BAMBINO

I particularly loved my family's collection of poor-quality, mass-produced postcard records because they had *nice images* on them, and they were *foreign*. Their most significant trait was skipping in predictable moments. Janis Joplin's "Cry Baby", to my delight, would always get stuck on "You can go around the world." At the time, I had no knowledge of either loop or sample; the *music* sounded great, I kept turning it up louder and louder and sang along tunes in made up languages which kept popping into my head until the record

eventually stopped, or an object (such as a slipper) was thrown in my direction by an exasperated member of my family. This memory signifies my first, spontaneous attempt at improvised, sample-based song writing.

> *Today's child is growing up absurd,*
> *because he lives in two worlds, and neither of them inclines him to*
> *grow up.*

Marshall McLuhan *The Medium is the Massage* (1967)

I have never thought how much my family's involvement brought art to my attention. My mum walked me four times a week to primary music school which I attended in addition to elementary school. My grandfather encouraged me to draw and read at the age of four, and my dad walked me every Sunday to the cinema (after church) where I spent three hours every week immersed in the seances of tales, music, and colour. Those journeys allowed me to forget about competitive sports or collective tree planting from which I have always wanted to withdraw. In a communist Poland, individualism was not welcome or appreciated and my trips to cultural spaces transported me to the alternative reality which I considered safe.

80s/90s

My primary method of creating music sprouted on a collection of tapes I recorded between the late eighties to mid-nineties in Poland from random, often foreign radio stations such as *Radio Luxembourg*, *Radio Canada* or the national radio station called *Tròjka*, which

aired a limited amount of western music late at night. The range of songs was broad, from jazz to post-punk to heavy metal. As the only foreign language I knew at the time was Russian, I journaled each session phonetically in Polish. Psychic TV for example I noted as *Sajkik Tiwi* on the cassette's sleeve. Often, I recorded music without knowledge of its origin and frequently, tracks were missing the beginning or the end.

My tendency to mix visual media started in the art school in Poland which I attended from the age of fourteen. While I worked with traditional paints and brushes, the school introduced *Microsoft Paint*[35] known at the time as *Paintbrush* in its curriculum*;* although developed in 1985 it arrived in Polish schools in the beginning of 1990's. Around that time I also experimented with a Super-8 camera at my town's amateur film club *Chemik*[36]. I aided my paintings with photographs from fashion or film magazines. The usually black and white pictures served as landscapes or models. I copied colour from postimpressionists such as Bonnard or Eastern European realists such as Ukrainian Ilya Repin. I created unique realities of components I appreciated - film composition, gestures, and painterly palettes. The creative techniques concealed the physical inspiration*,* but the copying of its elements became my favourite technique.

Over the years my collection of samples, archival materials, newspaper photos, video tapes, poetry lines and notes became a part of my language expressed in my creative process. The method became problematic as soon I started to foresee the possibilities of becoming a successful artist.

---

[35] a simple raster graphics editor that has been included with all versions of Microsoft Windows. The program opens and saves files in Windows bitmap, JPEG, GIF, PNG, and single-page TIFF formats. (Source: Wikipedia)
[36] Prolific activities of amateur film clubs in the South of Poland inspired Krzysztof Kieślowski's film *Camera Buff* (1979)

2.1. POST-DIGITAL ORIGINAL

The soul is a notebook of phonographic recordings

Friedrich A. Kittler *Gramophone, Film, Typewriter* (2006)

Caroline Basset in *Not Now? Feminist, Technology, Postdigital* defined post-digital as the *New Aesthetic* which *"*lines up with this orientation, and also deals with overflow, saturation and a hybrid aesthetic – albeit through works that – paradoxically – deal largely in the visual and remain representations" (Berry and Dieter, 2015: 137). If a catchy melody can relate to representation, the above thought can be another fitting definition of post-digital my work can identify with. Basset points out that the postdigital is interested in "new materialised worlds" or "forms of life" rather than technology. It reverberates with Hito Steyerl's *In Defence of the Poor Image*[37] – analysing the meaning of downloadable digital formats such as AVI, JPG, MP3. Steyerl points out the source of the *poor image*, its original, as defying patrimony, national culture, and copyright (Steyerl, 2009). The position of all three characteristics appears to be in line with the philosophical findings of *L'Apparition.* Steyerl likens the *poor image* to a "debris of audiovisual production, the trash that washes up on the digital economies' shores" (ibid). The wealth of rare art films, text, music, and images became accessible through platforms such as UBU or Monoskop, some of them ending up republished on YouTube or Vimeo. Easy access to them and the possibility to download

---

[37] Available at: https://www.e-flux.com/journal/10/61362/in-defense-of-the-poor-image/.

audiovisual files hugely contributed to my artistic toolbox. Steyerl mentions examples of every mean I explored to find, download, copy and appropriate.

The circulation of poor images creates a circuit, which fulfils the original ambitions of militant and (some) essayistic and experimental cinema- to create an alternative economy of images, an imperfect cinema existing inside as well as beyond und under commercial media streams.

Hito Steyerl *In Defence of the Poor Image* (2009)

Steyerl perceives the global sharing of the poor image as a movement reconnecting "dispersed worldwide audiences" (ibid). Its rediscovery and use bring what Steyerl calls a *new aura based on the transience of the copy*. *Poor image* is no longer about the original, she continues, but about reality. That reality inspired the direction in which I decided to use found material in the process of retelling.

The mechanism of the children's game *Telephone* is an example of transformation of repeated information, with a potential of altered meaning as an end game result (Krauss, 1981). It accurately illustrates the way stored *memory* plays a significant role in the context of *inspiration*. On the other hand, if, as Walter Benjamin proclaimed, reproduction lacks an aura which belongs to the original, copy is not a real copy (Groys, 2012: 97). For example, I bought the DVD copy of *Salomé* directed by Carmelo Bene (1972) and when I tried to transfer its files to my computer, the process generated an accidental glitch and created an effect of *datamoshing*[38]. The copy which lost its original *aura* was hardly a copy – it would

---

[38] Datamoshing is the process of manipulating the data of media files in order to achieve visual or auditory effects when the file is decoded.

not satisfy anyone looking for a copy. The *gesture*[39] *of copying* produced a new aura as in *Telephone* and it reminded me of works of other artists – mainly impressionist paintings. In the *Introduction to Antiphilosophy,* Boris Groys' (2012) analytical view of Walter Benjamin's thought on reproduction leads to the conclusion that the perfect copy is an impossibility, and "that it shows the face of other, the new, the unexpected" (Groys, 2012: 104).

> *There is no such thing as a copy. In the world of digitalised images, we are dealing only with originals – only with original presentations of the absent, invisible digital original.*

Boris Groys, *Art Power* (2008)

A reputable fine art education includes a rigorous and conservative study of art history. Future artists travel in time, bombarded by a myriad of styles, philosophies, and attitudes: from paintings in the Lascaux Cave to the orders of Ancient Greek and Roman architecture; from the religious imagery of Medieval art to Cubist collage. They eventually find themselves in their studio alone, with an abundance of knowledge to dissect, absorb or reject in practice. The most prominent art and music schools pride themselves in holding a status of Conservatoire or Academy. Those institutions rely on a "Hellenistic structure of consciousness" (Alexenberg, 2013: 63) and whenever a new formula becomes a trend, the Academy, along with art critics, lament about the end of art. Wassily Kandinsky's[40] belief was that art's *recipe* is ever-changing and its conservative perception needs to be liberated (ibid). Art education steeped in the past causes paradoxical situations; on the one hand it celebrates the past, on the other, it carries one of the responsibilities for allowing a reductive

---

[39] I cannot call each act of copying a method for its at times accidental nature
[40] (1866 –1944) Russian painter and art theorist credited for pioneering Abstract Art

system based on the concept of *being equals having* (Barthes, 1981: 8-13) to sabotage

creative methods of the post-digital era which largely rely on the appropriation of the past.

This traditional approach is also present in sound recording; the analogue and digital are

subject of "ontological dichotomy" which classifies them respectively as "natural" and

"artificial" (Natale and Walsh Pasulka, 2020: 55).

The post-digital age extends Walter Benjamin's observations on relationships

between original and copy further into situations in which there is no original at all, only

"invisible, immaterial bits and bytes posted on the Internet and materialized by anyone

anywhere in the world" (Alexenberg, 201:146). In *Geneses, Genealogies, Genres, and

Genius - The Secrets of the Archive*, Derrida (2006) asks "What is reality? What is an event?

What is a past event? And what does 'past' or 'come to pass' mean, etc.?" (Derrida, 2006:

18). The question initially directed at those trying to categorise library archives carries a

universal quest. Literature, especially poetry, holds secrets difficult to decipher and classify.

Similarly, a work of art or music when categorised as historical will carry a contemporary

idea or aesthetic long after its author's passing and might offer a different meaning depending

on the new circumstances of its exhibition, projection, or publishing. The trends return to

become relevant and later obsolete again. We might say that some methods or ideas *age well*

and remain relevant like a quality winter coat or wine. For the author, the past is an

inspiration. Throughout my audiovisual work I have been quoting poets, writers, and

philosophers. I have been copying and pasting images, cutting fragments of my favourite

films, and editing samples from my record collection. Both physical and digital copy

becomes tracing paper between now and then. In *Spectres of Marx* Derrida (1994) develops

the theory of *hauntology*. He starts his thesis with the sentence any creative person could

express: "I would like to learn to live finally" (Derrida, 1994: xvii).

The example of Marx is relevant, for he perceived history as inheritance (ibid: 108). The ghosts of the past live in the present and its appropriation contributes to freedom; borrowing from the past is a sustainable way of managing presence and progressing into the future. 'Inheritance from the spirits of the past" consists, as always, in borrowing' (ibid: 109). The appropriation of *mechanical reproduction (*of the *spectre of the past)* can reinvent heritage and bring the dead to a new life. Once the mission of the revolution is accomplished, the reasons are forgotten (ibid: 111). *Escamotage*[41] - Marx's treasured word (ibid: 127)- of the ghost can slide into a new body or concept and make those reasons important again.

Mark Fisher applied the hauntology term to nostalgia-driven music in which "this ''hauntological'' confluence more than anything else was its confrontation with a cultural impasse: the failure of the future." (Fisher, 2012: 18). He asserted that "practically anything produced in the 2000s could have been recorded in the 1990s. Electronic music had succumbed to its own inertia and retrospection." (Ibid). His statement indicates the expectation of electronic music to continue to be unexpected and somehow shocking. Twenty-first-century electronic music progressed since the twentieth century in a variety of ways from means of production to sound. Fisher's assertion lies in his disappointment that the music of the future reminded him too much of the past. What makes me cautious about Fisher's statement is that the time he expected to bring changes was from the perspective of a vast history of music, brief, and while some electronic artists who became known in 1990s (such as Aphex Twin or Daft Punk) continued to create and influence the industry of 2010, there were certainly new voices such as Holly Herndon or FKA Twigs which will continue to carry their distinct style for years to come. Their sound and influence on my work are quite different from those of Daphne Oram, Pierre Henry, or Delia Derbyshire - once pioneers of the future, which now sound obsolete. According to Derrida "To haunt does not mean to be

---

[41] From French escamoter: to juggle, conjure, make vanish

present, and it is necessary to introduce haunting into the very construction of a concept,'' (Derrida, 1994: 161). I realise, that when I work on music or audiovisual composition, I move forward while looking back and finding old memories of what it was like for me to hear those sounds then, reinvigorating. I do not search for the past because the future is dead or there is no more hope for progress. In contrary, I treat the past as the vehicle which transports me into the future. The more I know about the past the easier it is for me to find my own voice. The important lesson I learnt however is that this knowledge needs to be thorough.

Staring at the photographs of Gustave Moreau's masterpiece *L'Apparition* I took in Paris woke up memories of beautiful but dead stars of the silver screen who either played Salome or reincarnated in the form of mysterious, murderous, and complex femme fatal. The memory of the past found the place in my audiovisual performance. Mark Jennings wrote for *The Financial Times*: "Orleans delivered a radical shift into a unique mix of cinema, theatre, performance and séance" in his review of the premiere of *L'Apparition* at the Sonica Festival in Glasgow, in March 2022. The enthusiastic feedback from the audience made me confident that the result of my hauntological experiments is relevant, surprising, and entertaining. The reaction exceeded my expectations, and I am not sure if as an artist I could hope for more.

2.2. ORIGINALITY COMPLEX

The constant coexistence of drawings of bovines and horses in Palaeolithic caves suggests that originality was not an important part of a creative spirit since the beginning of art. The organisation of male and female sexual symbols shows a schematic approach in Lascaux or Altamira and are further evidence for this hypothesis (Crimp, Krauss et al., 1986: 16). Looking for codes or hunting signals was a distinctly probable reason for drawing *The Hands of Gargas*[42] (ibid: 35). Nevertheless, art history is obsessed with originality, feeding on a splendour of authority as well as on the concepts of authorship and *connoisseurship*. For example, regardless of evidence that copying was an integral part of Medieval manuscript tradition, art historians tirelessly look for traces of a collective author (ibid: 38). The Roman concept of emulation is "neither imitation or convention but rather an honouring of the power of images to convey meaning over long periods of time" (ibid). Cicero, for example, excluded poetry from the Parthenon of arts because it was "inspired rather than rule bound" (Gazda, 2002: 27).

According to art theorist Rosalind Krauss (1981), Modernity's constant drive towards innovation without acknowledging its genesis and desperate move towards originality seems like the idea of a dog running after its tail; its purpose is futile as everything original is rooted in the past; it is at times less evident than in others. The ideology of originality was in the

---

[42] Caves in the Pyrenees region of France are known for their cave art from the Upper Palaeolithic period - about 27,000 years old (source: Wikipedia).

interest of New York collectors, critics, and art dealers of 1950s – 60s (Gazda, 2002: 45) and was later disowned by anti-hierarchical postmodernism.

"It is worth remembering, that it is much more disheartening to have to steal than to be stolen from."

From *Red Shoes* (1948) directed by Emeric Pressburger and Michael Powell

In her essay *Fears and Scruples*, Naomi Cass touches upon a collective anxiety - "the fear of being unoriginal" or "over-influenced." Those "fears and scruples" suggest the need to credit artistic influence whenever it is intentional (Butler, 1996, p. 177); which brings us back to the theory of moral rights. Cass illustrates her essay with a quote from *Kafka and His Precursors* by Jorge Louis Borges[43]: 'If I am not mistaken, the heterogeneous pieces I have enumerated resemble Kafka; if I am not mistaken, not all of them resemble each other"[23] – an illuminating enquiry into the current meaning of recent and older art, which suggests that originality can grow through the process of copying and can transform into distinctive artistic expression.

In the chapter *Art Entertainment Entropy and Retrospective Man and the Human Condition*, of his esteemed *Expanded Cinema,* Youngblood (1971) concentrates on a negative influence of copying while quoting his favourite scholars, poets, or philosophers such as Krishnamurti who considered copying to be a form of "worship of authority" and "one of

---

[43] Borges, J. L.1952 Kafka and His Precursors translated by James E. Irby. In: Borges, J. L. 1964 Labyrinths, Selected Stories & Other Writings, Yates, Donald A., Irby, James E. eds., New Directions Publishing Corporation.

fundamental causes of the disintegration of society" (Youngblood, 1971: 62). Elsewhere, Youngblood quotes Wallace Stevens' "It is easier to copy than to think, hence fashion" (ibid: 59). Youngblood also quotes Bob Dylan's *Blowing in The Wind*[44] to adorn his view on redundant character of the human condition which looks for answers in the past (ibid: 68); a curious choice considering that Dylan's creative work, including his recent Nobel Prize speech[45], has been the result of imitation and plagiarism evident in his music. He copied from countless sources from Hollywood to Shakespeare, from F. Scott Fitzgerald to Junichi Saga's *Confessions of a Yakuza*.[46] He even helped himself to the title of "Eric Lott's study of minstrelsy for his 2001 album *Love and Theft*" (Miller, 2008: 39). Bob Dylan's work is at times puzzling: it both condemns the past and copies it. One of the Dylan's most recent records, *Modern Times,* dusted off the lyrics of Confederate bard Henry Timrod (ibid). In fairness, the source of Dylan's countless inspirations was not known at the time when Youngblood was writing *Expanded Cinema*, but the test of time proves that perception of originality or authenticity can change over a course of years and should be carefully considered when describing a work as unique. Dylan's copying became more transparent during the digital age which enabled die-hard fans to research and scrutinise the artistic past of celebrity stars. Anyone could publish their findings and shed light on any aspect searchable on the internet. In the case of Dylan, it hardly changed the hearts of his fans. The respect he has gained over decades of plagiarising the art of others and reinventing it in his own oeuvre did not upset his stardom. Personally, the shocking discoveries about his plagiarism made me appreciate my own work and brought the genius of Bob Dylan to Earth where it belongs.

---

[44] Dylan, B. Blowin' in The Wind from The Freewheelin' Bob Dylan, Columbia, New York City, (1963)
[45] Bob Dylan Accused of Plagiarizing Nobel Lecture from SparkNotes - Slate writer Andrea Pitzer uncovers striking similarities between musician's thoughts on 'Moby-Dick,' entry on CliffsNotes-like site, by Jon Blisten, Rolling Stone, (June 14, 2017)
[46] from The Ecstasy of Influence, by Jonathan Lethem

According to Derrida, "the genius never appears or is never spoken of in the present." To expect a genius to be innovative might not always be within the realms of possibility as it rests in the conditional past (Derrida, 2006: 87). For the author, be it Bob Dylan, Mozart, or Charles Ives, the past is an inspiration. An easy access to the past and practicability of its copy afforded by the technological revolution of the digital era became an inevitable tool to convey reality and artistic identity. The process can be fast, comfortable, and deeply inspiring. Copying and appropriation are *L'Apparition's* integral components. To scrutinise its most crucial tool or punish its maker for the use of fragments of mainstream Hollywood media or samples of music belonging to wealthy corporations such as Fox or Universal designed to reach masses is deceitful. The lords of mainstream media constantly influence our memory with their produce without our specific request. At times, they leave traces in perceptive minds while selling their produce to the masses. It feels as if they should recompense public for littering its consciousness with a pap of terrible music and dull films. This concept can rightly seem preposterous, but not more than the at times grotesque copyright law punishing artists for the use of mere fragments of their heritage. In his *Deep Copy Culture*, Mark Alfino asserts that we create social meanings through a process of copying to "convey or conceal" copying is therefore an essential part of evolution. From that perspective, the innovation of our ancestors was possible thanks to copying one of the most known tools - a hand axe. (Hick and Schmücker, 2017: 23-5).

2.3. AGAINST ORIGINALITY

In his manifesto *The Art of Noises,* Italian futurist painter and composer Luigi Russolo concluded that the industrial soundscape requires an introduction of an innovative approach to composition and instrumentation. It was now vital to "substitute for the limited variety of timbres that the orchestra possesses today the infinite variety of timbres in noises, reproduced with appropriate mechanisms" (Russolo, 1916). The release of the very first consumer tape recorder in 1946[47] opened possibilities for artists and amateurs alike to separate the sound object (objet sonore) from the body of sound (corps sonore)—a concept coined by the French composer and theoretician Pierre Schaeffer who developed an early form of avant-garde music known as musique concrete. Soon after, the core elements of sampling such as loops, variable running speed and direction, multi-tracks, crossfades and cuts were introduced. The technological situation of the post-digital era allows for those components to become a natural environment where each action can be easily navigated. My production process relies heavily on the methods developed in 1940s, but that has been due to the accessibility to a variety of affordable tools from Tascam 4-track to computer, software, and the internet.

The Situationist International movement (1957–72) proposed the technique of *detournement,* which "turns expressions of the capitalist system and its media culture against itself". Therefore, "any elements, no matter where they are taken from, can be used to make new combinations." (Debord, 2003). *A User's Guide to Détournement* - a Situationist manifesto by Guy Debord - affirms that anyone with a pinch of awareness should not believe

---

[47] the Brush Sound Mirror BK 401 was the first tape recorder to be designed and built in the United States. It was purchased by Clevite Corporation in 1952 to diversify its product line. Source: https://case.edu/ech/articles/b/brush-development-corp

in the superiority of art; that its heritage "should be used for partisan propaganda purposes," and leave behind "the notion of personal property" (ibid: 208). Debord believed that any material used for any purpose can form a valid relationship in a new arrangement. Originality according to the *Guide* belongs to an old restrictive world of conventions. Debord encourages artists to alter the meanings and leave interpretation of them to "imbeciles" (ibid). He advocates humour and talent and proposes that *détournement* becomes "a weapon in the service of a real class struggle" (ibid: 209). The new cinematic *situations* created with *détournement* can express "indifference towards a meaningless original and concern itself with rendering a certain sublimity" (ibid). It did not occur to me that the idea of *sublime appropriation* in the case of *L'Apparition* and other works included in this research could come across as a weapon. The process of making them has helped me to gain the confidence and courage to defend the freedom of a post-digital perspective from the regime of copyright. The defensive character of this research might offer a way to provide audiovisual post-digital art with weapons to protect its right to be inspired by what it believes necessary.

The relationship between past and present is a subject of *The Ancient Art of Emulation: Studies in Artistic Originality and Tradition from the Present to Classical Antiquity* (Gazda, 2002). The significance of Gazda's volume lays in its bibliographical breadth and historiographical thoroughness informed by past methodologies and theories on the problem of copying.

In the chapter *Twentieth-Century Rhetoric,* Ruth Weisberg argues that "there is no unique or singular past" (ibid: 26) as every art movement was a reaction to what was there before - a convincing argument for the futility of rigid frames of ideas belonging to either a certain era or a particular author. The interpretation of author's rights has evolved over time, but its modifications do not align with changes in art trends, possibilities, or methods. The interpretation of the past can be as original as an interpretation of a modern landscape; either

choice can become a valid artistic statement (ibid: 27-8). The rhetoric of copyright however damages the concept of imitation and appropriation. Investigation of continuous changes of rhetoric urges us to question trends and to continue a dialogue with the past to treat it as vital part of the creative process (ibid: 45). Relying on *originality* is like climbing a greasy ladder; one can try to climb it but might end up falling back into the array of historical, literary, aesthetic references, memory fragments or knowledge (ibid); to work against it is limiting and quite possibly unachievable.

Innovation can walk hand in hand with tradition, but authoritative rhetoric continues a never-ending conflict of meanings (ibid). One needs to embrace both "continuity and difference" as a means to artistic freedom to investigate the past (ibid: 43). The result of creative appropriation can be as authentic as we allow it to be. "A work that is inauthentic in a present sense can be vitally authentic in another" (Young and Brunk, 2009: 283). Musical quotation in the form of "the Variation, the Quodlibet, the Medley go back for centuries" (Leidecker, 2009: part 1). Eighteenth-century music became "the finest" of fine arts (Young and Brunk, 2009: 181), but the terms of originality and authorship were non-existent in classical period[48]. Successful imitation was at the time a matter of brilliance (Craig, 2007: 212); the role of originality became significant with the Romantic idea of a genius.

In *The World as Will and Representation*, written in 1811, Schopenhauer (1969) stated "the world is my representation" – a truth which he believed applied to every living and thinking being. Schopenhauer divided representation into two parts - object and subject - and maintained that everything that is in the subject of perception dependent on seeing, feeling, hearing, and sensing is representation. According to the theory of *Postdigital Membrane* (Pepperell and Punt, 2000) the digital reality suggests that the difference between

---

[48] between 1739-1820

object and subject, or *inside* and *outside* is hard to see. Its fragmentation compels us to "mentally create distinctions as we try to understand the world" (ibid: 32).

In the essay *On Vision and Colour*, Schopenhauer (1969) asserts that an understanding of art determines perception therefore a genuine work of art cannot be false (ibid: 39). My process of appropriation inspired by sensorially embodied knowledge of the past echoes Schopenhauer's school of thought. Careful collection of the pieces of music, images, scraps of notes, and samples belonging to the past has been an integral part of my creative process. As far as I remember I have always kept a *diary* which consisted of observations, overheard conversations, lines from literature, bills, designs, sketches of scenes from the bars or streets I frequented, juxtaposed with cinema and gallery tickets; the collection has been a way of holding on to precious memories and keeping memorabilia of experiences I could but did not want to forget. In her seminal essay *Collage: Diversions, Contradictions and Anomalies*, art critic Sally O'Reilly points out the time in which intellectuals accepted collage could have been linked with "the lure of everyday cafe experience that urged artists to consider ephemera – menus, newspapers, labels and handbills – as not simply subject matter but also a legitimate medium" (Craig, 2008: 8). When I work with a new concept, it starts with both: notes drafted on paper and digital files including audio notes recorded on my phone. The number of sources is overwhelming, and I prefer to limit the number of them by deselection - the most time-consuming stage in the beginning of my work process.

In 1855 Leopold August Zellner – a musical critic - became known for his analytical reviews of several musical pieces which has led him to the observation that 'if we go down this path in our critical judgements, the entire musical literature can easily be reduced to a couple of dozen original works'. He asserts that the compulsive search for examples of musical borrowing is akin to the hunt for gossip, based on superficial knowledge and limited

reference as well as an inability to notice and recognise the other components of music which make it valuable. Composer Wilhelm Herzberg went even further with his elaborate chronicle of the problem, asserting that "it is better to make a genuine allusion rather than alter an original piece with clever operations" – a popular notion which allegedly stifled him and other young composers in 1840s (Newcomb, 2005: 135). The word *genuine* appears to be the key in all appropriation I so far practice. The fragments of music or film I use are of profound importance to my audiovisual process; they become the matrix and *milieux de mémoire* organisation of which influences my audiovisual composition and inspires a unique creative process; unique thanks to the variety of materials I treat.

Around the 1860s, the concept of melodic quotation, allusion or borrowing was a subject of interest to musical critics, who reacted against the stress on originality known in Germany as *Meisterwerk* – the creation of extraordinary, historic value (ibid: 136). The obsession with originality came with the music world finding its new place in culture and the marketplace. Until the 1860s, similarity was never a 'positive element' of 19th century music; the inventive melody was more desirable than harmony or rhythm and in general any reminiscence of the past was perceived as 'amateur and dilettante' (ibid).

This attitude towards the alikeness changed in 1900 with the adoption of *collage*. From Cubism to Musique Concrete, collage became one of the most significant techniques of the twentieth century. Re-invention of collage by Pablo Picasso and George Braque "is one of the most scrupulously analysed moments in the history of art." Before that, collage was treated like a hobby. (Gowrley, Freya et al. 2019: 9-10). The techniques were passed further and became popular in Surrealism, Futurism, Pop Art, Dadaism and Soviet Constructivism. Its style based on a copy and paste technique enabled plagiarism in the music of Igor Stravinsky, the paintings of Francis Bacon, novels by William Burroughs or sermons of

Martin Luther King Jr. (Miller, 2008: 42). Although collage has been historically treated as inferior, it "might be called the art form of the twentieth century, never mind the twenty-first" (ibid). The way postmodernism has been dealing with ancient copying shows the impracticalities of the modernist requirement to be original and avoid the past at all costs unless history is treated 'as shameful in cause or shameful in result'[49]. As a neutraliser, one can investigate Vitruvius expressing 'unlimited thanks' to all sources of work which had been 'drawing from them as it were water from springs and converting them to our own purposes'[50] (Gazda, 2002:197-8)

---

[49] From Livy, ed. B.O. Foster, *A History of Rome 1*, preface, Oxford 1998
[50] From Vitruvius, Ten Books of Architecture, preface 7.10 trans. M.H. Morgan, Cambridge, Mass., and London (1914)

2.4. IRONIC APPROPRIATION

---

*Constellations of sound, memory, and expression are
pretty much the core structures of this multiverse.*

Paul D. Miller *Sound Unbound* (2008)

Russian Formalists considered *parody* as a factor contributing to literary evolution
(Hutcheon, 2000) for it replaced old codes with new, more relevant meanings. Quotation can
become parody depending on the context; *Salomé* by Oskar Wilde (1896) could be a parody
of a Biblical text, while the film adaptation of Wilde's work such as the Italian film version
Salomé directed by Carmelo Bene (1972) is a parody of Wilde's play – I used both works in
L'Apparition.

The links between different forms of arts quoting and parodying each other lead to an
original artistic statement. A large part of contemporary music is based on the reworking of
its "formal properties" (Hutcheon, 2000: 3). Parody became a strategy borne out of fatigue
with the increasingly didactic nature of art in general. It has been viewed as disrespectful, for
its incompatibility with the concept of art as a work of genius. From Mozart's parody of
opera seria[51] in *Così fan tutte* to Bartók's *Concerto for Orchestra* (1943) featuring
Shostakovich's *Leningrad* Symphony, from James Joyce's *Ulysses* to Brian Henson's

---

[51] An Italian musical term which refers to the noble and "serious" operatic style that predominated in Europe
from the 1710s to about 1770 (source: Wikipedia)

Muppet's Christmas Carol, the variety of examples of parody is endless and often both respectful and satirical. Hutcheon clarifies her stance about parody and sees it "as a formal or structural relation between two texts." She also gives examples of musical pieces which, as she insists, require "the dual consciousness of the listener of the double-voiced music" (Hutcheon, 2000: 21). Similarly, *L'Apparition* does not intend to disrespect the artistic value of the work it uses but proposes a parallel voice. My attention is not the result of theoretical knowledge, but an empirical one, based on personal taste and style which has grown over years of studying art, through osmosis (of all the art I was exposed to while growing up) and academic learning. I chose specific fragments of painting, film, or music to illustrate, ornament and embellish certain moods – romance, tension, fear, sadness. Humour is a guide, but it appears sparsely, the parody bubbles underneath the montage but its main goal is to make an audience submerge in the chaos, absorb its variety, and grow aware of the image's attraction. Sylvia Plath's feminist approach to the modernist culture she inherited was to rework it, which would add 'strength' to her original ideas (ibid: 54). This notion is particularly close to the way *L'Apparition* uses parody of the inherited legend of Salome. The process of copying and searching for the meaning of collected references was enlightening and inspiring.

Regarding my use of the story of Salome it began with curiosity. Close examination of the way Moreau approached the subject of his female protagonist made me aware of the cliché of the superior angle of a male gaze at a woman and her body. The discovery of his commentary on Salome found in his *Cahier Noir- Petit 48* was unexpected but not surprising. Moreau regarded women as 'beautiful animals' who do not think: "La femme comme des beaux animaux… dans leur gestes, ne rien manifester d'une sensibilité intérieure quelconque – la pensée est absente…" Contempt for women is notorious in Moreau's notebooks; in one of them he implies that women's nature is murderous and stupid. He doubles John the Baptist

from Wilde's play when he compares Salome to a prostitute. Fascination and disgust both put a woman at a distance, so she can be far enough to not influence or control the man. Moreau's debasement of the femme fatal goes hand in hand with the meticulous study of her body, gestures, clothing, expressions. One way of dealing with Moreau's disrespect of female body expressed in *Cahier Noir* notes accompanying the creative process of his masterpiece is by rewriting it using irony. In *L'Apparition*, I use past portraits of Salome to embellish the canon of an evil, hysterical, tempting, and reckless woman. It appropriates the painting by Gustave Moreau, whose diaries explicitly demonise female characters, the grandiose of Strauss' *Salome*, the rampant misogyny of Oscar Wilde's play and a variety of other portraits of femme fatal embraced and approved by the art world which contributed to the propaganda of an inferior and wicked woman.

Proust, Stravinsky, Prokofiev, Picasso used parody to develop their own, distinct style (ibid: 35). *L'Apparition* embraces samples, fragments, and images to create a reflective audiovisual portrait based on observation, mood processing, meditation, acceptance, joke, change and healing. I reach further to Hollywood in search for the development of Salome into a femme fatal, wanton woman, murderess. Finally, I place fragments of archival footage of strippers – all these characters have their name credited in the beginning of the *L'Apparition's* video. My style stays unaltered; the development of my montage and compositional skills corresponds with the act of making and experimenting with new software and plugins. The research inspired the performance which is different than anything I have ever tried before.

In *Sinfonia*, Luciano Berio *trans-contextualises* (the formalists would call the process *re-functioning*) the past by assembling references such as Bach, Schoenberg, Debussy, Ravel, Strauss, and more. He uses Mahler's Second Symphony movement as a 'container within whose framework a number of references are proliferated, interrelated and integrated into the

flowing structure of original work itself' (ibid: 42). Charles Ives' *Fourth Symphony* is an example of parody in which Ives edited a variety of sheet music and added the imitation of a drunk performer (Leidecker, 2009). Using a similar technique, I cut and re-edited the score of *Salomé* by Richard Strauss (1902) and replaced traditional instrumentation with midi synthesisers. It may echo Kurt Weill's[52] reworking of Handel's *Messiah,* which is an example of both respectful and ironic parody where the context of quotations makes it complex to decipher whether Weill is making a mocking satire or a parody (Hutcheon, 2000: 63).

Matthew Arnold[53] – a poet and cultural critic of the Victorian era, considered parody to 'subvert the dignity of art' (ibid: 77). Roland Barthes believed it a 'deceptively off-hand way of showing a profound respect for classical-national values' (ibid: 76). According to Michel Foucault, the enunciation comes from "a particular, vacant space that may in fact be filled by different individuals" (ibid: 87). Decisively, parody helps to come to terms with the past (ibid: 101). Both Sigmar Polke and Gerard Richter used it as a form of a battle with the old (ibid: 107). Linda Hutcheon believes that parody can be both critical and deceptive; it implies change and can "be disruptive and destabilising;" it can also be transgressive (ibid: 101). Parody appropriates the past by referencing and setting new meanings, a gesture which can be manipulative.

Although educational purpose is not something I consider during a creative process, I would like to encourage my audience to find the sources I use, appreciate, and be touched by them as much as I am. I wanted *L'Apparition* to be an entertaining lesson about the history of female portraits in art, literature, and cinema.

---

[52] Kurt Weill (1900-1950) was a German composer, best known for his fruitful collaborations with Bertolt Brecht in 1920s.
[53] 1822 - 1888

2.5. THAT'S THE WAY WE DO IT

FIGURE 9. IMAGE FROM THAT'S THE WAY WE DO IT. SOURCE: CONTEMPORARY ART LIBRARY[54]

Barbara Kruger's poster work for the exhibition *That's the Way We Do It* combines images which are original, appropriated or are the result of cultural memory – their source of inspiration is significant, for each relates to a certain technique and aesthetic. The exhibition, which displayed some of the most celebrated artists from John Baldessari to Andy Warhol to Jean-Luc Godard, was later described as *polyvalent* with appropriation set "to seize, to read, to internalise" (Dziewior, 2011: 24). It took place in 2011 in Kunsthaus Bregenz, Austria. Two essays: *Pictures* by Douglas Crimp (1979) and *The Question Concerning Technology* by Martin Heidegger[55] were reproduced in the exhibition's catalogue. *Pictures* describes the techniques of image appropriation by artists such as Sherrie Levine who 'steals them away from their usual place in our culture and subverts their mythologies" (Singerman, 2018: 9).

---

[54] https://www.contemporaryartlibrary.org/project/that-s-the-way-we-do-it-at-kunsthaus-bregenz-bregenz-6711/1

[55] Heidegger's essay The Question Concerning Technology is outlined in Chapter 1

To evolve from the modernist era, Crimp continues, the approach to mediums must be

radical (ibid: 10). Excerpts, quotes, and reframing are "uncovering strata of representation"

(ibid). The technique and its toolbox stand against the "ballast of representation."[56] As

important as ideology or style a while back, the production and reproduction are united in the

works of leading voices of contemporary art. Similarly, to the work of impressionists or

abstractionists, form is made of the materials (Dziewior, 2011: 35); in this case the found

image or object are the material. Two years later, Crimp writes *The Photographic Activity of*

Postmodernism (1980) in which he uses the term *postmodernism* for the first time (Crimp,

1980: 91-101). He points out that the obsession with art's freedom from institutions or history

comes from the concept of art representing original and unique form. The example of

photography by Richard Prince demonstrates that authorship is not only the result of making

art but also through *invading* (reframing, manipulating, juxtaposing) the old ghosts and

modifying it into a new quality (Singerman, 2018: 26).

The exhibition in Kunstahaus Bregenz included the work of Andy Warhol who claimed

to be married to his tape recorder and likened his mind to the one with single button: "erase."

Warhol claimed to have no memory of yesterday and wished his tombstone to say "figment"

(Dziewior, 2011: 40). John Baldessari – a hero of my art school years - stands elsewhere in

the spectrum of appropriation art. He did not believe in the ownership of imagery, including

his own. "If it is part of the world, it is like owning words. How can you own words? It is

stuff to be used."[57] Baldessari appropriated what has already become a shell - Beethoven,

Ingres, Giacometti. His admiration of an obsolete image made him a skilled *necromancer*,

---

[56] the term used by Sebastian Egenhofer in his essay *Production and Repetition* in the *That's the Way We Do It* exhibition catalogue

[57] Interview with John Baldessari in the documentary *"Recycling Images*." Source: https://www.youtube.com/watch?v=5kxPmDc07oI&t=7s

and although his work was marginal in 70s and 80s, Baldessari became one of the most
influential artists of his generation (ibid: 85-86).

While devouring the exhibition catalogue at the British Library in London, at the end
of 2021, I thought of the approaching performance of *L'Apparition*. The reconstruction of the
myth of Salome broken into fragments never aspired to provide new answers, but a new
perspective: unfocused, of *poor quality* and digitally augmented; viewed through the lens of
personal aesthetic and humour it offered new versions and questioned norms assigned to the
legend in the past. I was not sure if what I tried to convey would come across the stage as
something of significance.
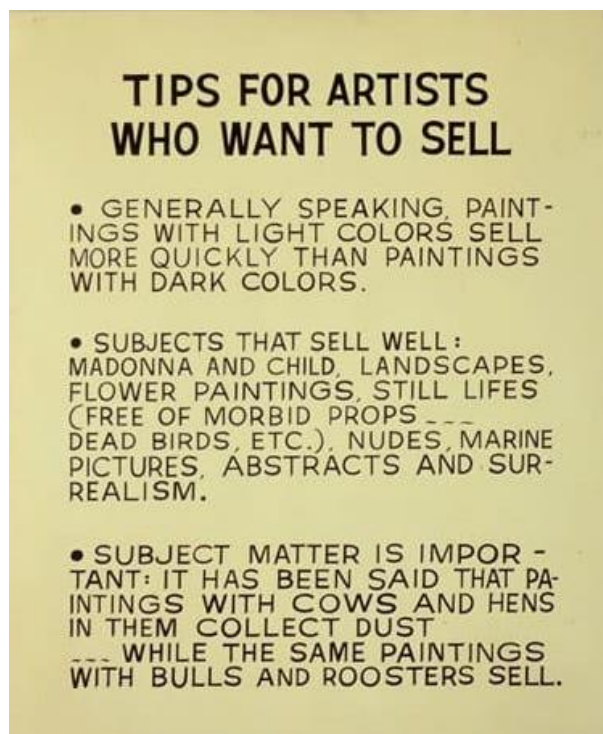
FIGURE 10. TIPS FOR ARTISTS WHO WANT TO SELL, 1966-68. I BOUGHT THE REPRODUCTION OF THIS PIECE IN THE FORM OF A FRIDGE MAGNET AS A SOUVENIR AT PURE BEAUTY - THE SOLO EXHIBITION OF JOHN BALDESSARI AT THE METROPOLITAN MUSEUM OF ART IN NEW YORK IN 2010

2.6.   OUR TECHNOLOGY, OUR PAST

For André Bazin[58] cinema marked the evolution of art. His essays on film theory were the first examples of film criticism I read in my teens following my interest in masters of cinema such as Orson Wells and Jean Renoir. In his *Ontology of The Photographic Image,* Bazin (2005) points out that the camera is a non-living and objective agent. The photographic copy of the object is more reliable and believable than the copy made by a draftsman; thus, photography is "the most important event in the history of plastic arts" (Bazin, 2005: 16). The invention and development of the phonograph enjoyed similar strength to photography. The movie camera allowed us to reproduce reality audiovisually. Bazin argues, that "if the origins of art reveal something of its nature, then one may legitimately consider the silent and the sound film as stages of a technical development that little by little made reality out of the original myth" (ibid: 21). This line of thinking substantiates that copying images can be as significant an artistic method as any other creative input.

The copy of an image or a film becomes effortless as tools provided by technology created new opportunities to produce art; technology also became the landscape in which the modern artist exists. Reading Bazin's essays on cinema feels both old-fashioned and relevant, for the surrounding media and technology provide an easy access to finding and including a movie classic in a new audiovisual composition. The process of technological stimulation continues with the advancement of technological influence. Imagination leads to new discoveries, from artefacts to social platforms, while technology constantly changes the ways of seeing and the methods of creating art.

---

[58] André Bazin (1918-1958) was a renowned and influential French film critic and film theorist.

The philosophical meaning of photography changed in the twentieth century. Susan Sontag remarked that "photographic evidence indicates that reality is fundamentally unclassifiable" (Sontag 1977: 80). For Roland Barthes "it flourishes a moment then ages" (Barthes 1980: 93). He pointed out that photography brings past and present together, while Foucault believed that it "liberated the past from historical discourse" (Ernst, 2013: 49). While Heidegger thought that the "inner world" of the past exists through the media (ibid: 57) Walter Benjamin maintained that it is impossible to find narrative through computing or signal processing (ibid: 61).

According to Heidegger, "Technology is more than instrumental; it transcends the human" (ibid: 56). In his essay *The Question Concerning Technology* (Heidegger, 1977) he wrote that the essence of technology is human, and people should question it and be open for having a relationship with it. "The relationship will be free if it opens our human existence to the essence of technology" (ibid: 3). To claim a freedom in the sense of disconnection from technology is futile but questioning technology and understanding its essence might lead to that freedom. To follow Heidegger's thought that "the possibility of all productive manufacturing lies in revealing" (ibid:12) is to admit that the Digital Age opens a new world, with its set of values, its new methods, and its reality. While understanding that some treat technology as a means to an end and others regard it as a human activity, Heidegger asserts that "the two definitions of technology belong together. For to posit ends and procure and utilize the means to them is a human activity." (Ibid: 4).

My understanding of technology related to my audiovisual composition stems from the invention and development of the electromagnetic audio and visual recordings. My creative process relies on the data which can be compressed or stored in large sizes, copied, pasted, slowed down, played backwards. Learning to play with those functions I consider to be a part of my artistic skill similar to the skill of painting or playing the piano. A computer keyboard,

software and accompanying plugins became *L'Apparition's* instrument, the past and its

mediated representation – its palette. The visual sounds, and musical appears. William

Burroughs believed that his *cut-up method* was "quite literally akin to magic" (Miller, 2008:

41). The meditative process of working with found footage and musical samples feels

engaging and powerful; the inventive juxtaposition of elements, its rhythm and aesthetic

style, as well as skilled composition, montage, and storytelling merge into a deeply

imaginative and inventive process of audiovisual appropriation. Data processing helps to

achieve a certain effect. It also "generates knowledge about us" (Pepperell and Punt, 2000:

10).

  The Medium is the Massage (McLuhan and Fiore, 2008) and other seminal works of

Marshall McLuhan such as *Understanding Media* (McLuhan, 2003) offer a philosophical

background to the omnipresence of media and their influence on human perception

(McLuhan and Fiore, 2008: 41). McLuhan reaches to the past to understand media and,

without blaming it, he points out the futility of individual freedom. The development of the

alphabet into language and literacy provided the opportunity for a man to become individual;

the book allowed him to form a point of view without being involved (ibid: 50). That

detached gaze is likened to the space reserved for an artist and his easel (ibid). The mass,

simultaneous experience provided by media separated man from the world of space, time and

action and put him in a reaction mode (ibid: 63). This distinction between past and present

provides a backdrop for an audiovisual composition inspired by the past, enabled by the

digital, and informed further by a post-digital age. McLuhan's theory suggests that the media

divorce modern people from initiative and undertaking, which suggests that we have no

choice but let media to influence us. Post -digital art of appropriation of existing and

available materials (sound, image, footage, etc.) can be an inadvertent result imposed by

media. Assuming that the creativity of an artist cannot be divorced from their life, its value or

originality has its base in that lived reality. The old ways of carpe diem are "too slow to be relevant or effective" and "they refer us only to the past, not to the present" (ibid). The past (legend of Salome) was an inseparable ingredient of *L'Apparition*. Its final effect was dependent on layers of its interpretations; not all of them, but those which had significant effect on my perception. My perception of the past envisioned *L'Apparition.* The most original part of my work is the method – the way I see and interpret history, art, and literature. The unique process of making influenced by the past evolved into *L'Apparition* - a piece different from anything I have done or seen before. Therefore, the act of copying, appropriating, and interpreting formed something original.

As much as science cannot obsessively focus on one rule, art should be able to experiment with its multiple conventions. By the 1990s the meaning of *media* became so broad it was no longer straightforward (Zieliński, 2006: 33). The digital and post-digital landscape of ever-present media became an immediate reality for the artist. It offered a field to experiment and exercise, as accessible as walking in a forest or visiting a seaside. Immersion in the digital world became a more natural route than arranging a model or assembling an easel in a studio. Artists who might have trouble in performing or showing their art in a traditional gallery setting or concert hall turn to multimedia art to build complex installations (ibid: 272).

Although Marshall McLuhan did not consider the subject of the internet, his writings resonate within the internet era. He accused media of "altering the environment" (McLuhan, 1967: 41) and called his time "The Age of Anxiety" which demands "commitment and participation" (McLuhan, 2013: 12). The process altered human perception - the essential mechanism of inspiration. To say that a modern artist is media's captive (rather than victim) could potentially be a fair assessment. The question arising from this situation is how to separate property from what the surrounding environment of an artist is. How practical is it to

withdraw the right of gathering, noticing, selecting, and adapting or appropriating imagery and sound which is part of the artist's environment as much as nature, and the outside, visible world were once the reality available to artists a century ago. Intertextuality became an integral part of the language; therefore, appropriation is the daily "action of using, assuming, modifying, customising and perverting existing phrases, codes and enunciative positions."[59] (Butler, 1996: 289).

Before the end, something is coming to an end.

Friedrich Kittler, *Gramophone, Film, Typewriter* (2006)

As technology becomes obsolete, its preservation might turn out to be challenging. Today's art will become art's history tomorrow and the post-digital will become obsolete at some point in the future. Appropriation films have been a subject of interest for preservationists whose task is to protect their established artistic and historical value. Restoration of experimental artworks draws attention to the examples of Nam June Paik and Chris Marker. Paik's early works are historically significant and prophetic; in *Tape Study No.3*, he distorts and manipulates footage from news conferences by U.S. President Lyndon Johnson and New York Mayor Lindsey. "Paik briefly asserts his presence by waggling his finger at the screen."[60] "What happens when the artist takes control of television?" asks the voice in Paik's video *The Medium Is the Medium* (1969) before he distorts the symbol of the American flag. While Paik's artistic choice is based on manipulation, he allows

---

[59] Meaghan Morris, "Tooth and Claw: Tales of Survival, and Crocodile Dundee," in The Pirate's Fiancée: Feminism, Reading, Postmodernism, Verso, 1988, p. 266.
[60] source: Ubu Web http://ubu.com/film/paik_video3.html

preservationists to use whatever it takes to make it survive. Marker, by contrast, is determined that each version of the same concept be unique, "making it necessary to replicate the original materials and exhibition conditions of his artworks to the greatest extent possible." In both cases, the restorer's responsibility lies in capturing the spirit of the artwork (Baron, 1994: 172).

2.7.   MEDIA ARCHAEOLOGY AND ARCHEO-APPEAL

He who seeks to approach his own buried past must conduct himself like a man digging.

Walter Benjamin*, Excavation and Memory* (2005: 576)

From the early age my contemplation of images (in museum or in the form of a reproduction), cinema, literature, and music (recorded or played live) were accompanied by strong reactions from fever to fainting and illness. Inconvenient at the time, I think of them as positive responses. Their intensity became more manageable as I got older, but it is often present during the process of making audovisual composition based on the processing reproductions and copying. In the chapter *Hearing and Seeing the Past,* Casey O'Callaghan affirms that we listen to the past when we listen to records. "You hear the sounds and events that occurred at the time of the recording, but experience presents those sounds and events as taking place during the time of listening" (O'Callaghan, 2007: 159). In *Sounds and Visuocentrism* she cites perception theorist, professor D.L.C. MacLachlan who compared a mosquito bite (and associated physical pain) to hearing a noise (which vibrates through ear drums) and concluded their parallel personal accounts (ibid: 7). The analogy hints that since all physical experiences are private, the memory of them is a subject of individual interpretation. If the person experiencing certain exposure to visual or aural stimulation happens to be an artist, the natural outcome of this encounter may result in interpretation or appropriation of those experiences. Like *a pang* or *chills,* discomforts co-occurring with art

appreciation have a profound influence on my choice of detail, effect, light, or tone of each part of my audio and visual work. I collect, edit, and store them in folders from which I pull them later out to modify further.

The major archaeological method is excavation of heritage, which is consequently situated in a museum, to serve as an exhibit, representing myths and history and encouraging us to reassess "inherited modern values about what is socially, aesthetically and economically worthwhile" (González-Ruibal, 2013: 16). Archaeological method is very much like a myth, focused on evidence of the superiority of the western civilisation over Indigenous peoples (ibid: 159). It has assumed that heritage must be preserved for the present and for the future. The 1506 excavation of Laocoön and His Sons (170 BC - AD 50), moved and influenced young Michelangelo enormously.

Classical antiquity shaped generations of artists since. The fragments, ruins, and images of the past became contemporary elements of eighteenth-century art and continued to be present in the work of impressionists, cubists and transpired to modern literature and philosophy. Archaeology materialises memory through engagement or performance (ibid: 360), therefore, audiovisual performance could be a valuable method to reclaim archaeology. Archaeology brings past to present as if by the touch of magic; reclaiming it /bringing memory back can be "a practice of resistance" (ibid: 355) Images of archaeological (historical or past) objects or landscapes shape *milieux de mémoire*[61] (ibid: 357). Archaeology being the science of the past, gave life to philosophical metaphors present in the works of Freud, Foucault, or Benjamin.

Decadence, ruins, and abandonment attracted the modernist world and keep luring contemporary art with its *archeo-appeal*. Appropriation of found footage/archive creates a

---

[61] memory's backdrop (trans.: E. Orleans)

quasi-archival situation (Foster, 2004) which became a form of my expression. Its influence on *L'Apparition* inspired search for a certain quality of both audio and visual materials the composition is made of. I looked for techniques of *ageing* freshly made film to fit the old footage. I looked through filters and used my *movie of the movie* method and applied effects which would bring the quality of image and sound as close to the music and film I grew up on. I paid an attention to movie texture by giving it the *super8 like* character and added retro compressors and effects to sound. I mixed that sound and look with contemporary audiovisual elements such as layers of synthesiser, AI version of composition as well as elements of data moshing, to make the whole piece harmonious and consistently difficult to place in time. I wanted the composition to remind of something but not be entirely comfortable and familiar.

***

Throughout the writing of this chapter, I have been thinking of the scene from the cult

Polish movie called *Rejs (The Cruise)* (1970).

FIGURE 11. SCREENSHOTS FROM REJS (THE CRUISE), 1970, DIRECTED BY MAREK PIWOWSKI (TRANSLATED FROM POLISH BY ELA ORLEANS)

It is impossible to talk about post-digital appropriation of found material without mentioning the digitisation of archives. The ones that opened access to their collections provided audiovisual artists with material they could download and manipulate. Some of them, such as the Prelinger Archive, provided me with the free historical footage I was able to use in *L'Apparition*. The purpose of digitalisation of the image is to make reproductions visible outside exhibition space but paradoxically, digital images are now present in those traditional spaces (Groys, 2008: 83) This shows how significantly the value and strength of the digital image burgeoned since the 1960s[62], and indicates that *the copy of the copy* can emerge as a new kind of a masterpiece.

> *Downstairs in the Modernist reading room I hear the purr of the air filtration system, the rippling sound of pages turning, singular out of tune melodies of computers re-booting. Scholars are seated at wide worktables bent in devotion over some particular material object. They could be copying out manuscript or deciphering a pattern. Here is deep memory's lure and sheltering. In this room I experience enduring relations and connections between what was and what is.*

Susan Howe*, Spontaneous Particulars; The Telepathy of Archives* (2014)

Heidegger thought that the "inner world" of the past exists through the media (Ernst, 2013: 57) and Walter Benjamin maintained that it is impossible to find narrative through computing or signal processing (Ernst, 2013: 61). Media Archaeology, concerned with understanding emerging media through the lens of the past (Huhtamo and Parikka, 2011), initiated the concept of storage of memory and belonging from archives to the cloud, from

---

[62] The first picture to be scanned, stored, and recreated in digital pixels was displayed on the Standards Eastern Automatic Computer (SEAC) at The National Institute of Standards and Technology (NIST) in 1957 (source: Wikipedia)

"the bright sunlit uplands of heritage cinema to Google Street View, from place-bound identities to geotargeting in social media" (Tweedie, 2018: 26).

In her book T*he Archive Effect: Found Footage and the Audiovisual Experience of History*, Jaimie Baron (2016) examines the purpose of the adaptation of archival documents to create a new context. She points out how experiment and fiction shape our memory by creating an alternative or new history. This observation resonates in the futuristic essay from 1967 written by Vannevar Bush[63] in which he affirms that the human mind "operates by association" and that "memory is transitionary" (Bush, 1967: 86). Bush feared that man's brain cannot retain all it learns, so he drafted a device called the *memex*. Its purpose was to register every document, book, record, and picture in a compact library, computed in such a way that it could be recalled with an index system easily accessed with a button and lever.

As much as we may smile now reading the description of the memex mechanism, the idea of a private memory bank seemed as necessary after World War 2 as it is taken for granted now. The concept developed beyond what Bush could imagine and can now fit in a pocket; an abundance of materials can be easily searched for and accessed - materials made using obsolescent technology interbreed with advertisements for the latest technological designs. The psychological impact of endless access to imagery, film, music and so forth, makes it difficult to make distinctions between original ideas, what is a copy and what is appropriation. The subject is not contemporary. Agnes Varda suggests that an artist lives "off the leftovers of others." She does not conform to the past or present, instead she uses the camera to set in motion the still of the painting or a photograph, or she uses digital technology to trace the past. (Tweedie, 2018: 234-5). The task of setting a still in motion was

---

[63] Vannevar Bush was an American engineer, policymaker, and science administrator, known primarily for his work on analogue computing and his political role in the development of the atomic bomb. His idea of Memex was first published in Atlantic Weekly

the biggest challenge of *L'Apparition.* I juxtaposed the still over moving digital backdrop and used minimal transparency to create very subtle movement. I also choreographed and filmed dancers to bring life to the static character of the painting. What I had in mind and tried to recreate was a glimmer similar to the shine of a jewel – mysterious, beautiful, and elusive.

The trajectory of appropriation of the past is observable in the cinematography of directors such as Derek Jarman (*Caravaggio*), Paolo Pasolini (*La ricotta*) Peter Greenaway (*The Tempest*) or Terence Davies (*Distant Voices, Still Lives*). All these examples had a considerable influence on my sensitivity to film; their style often reminded me of certain paintings, sculpture, or architecture and provided a sense of order and harmony of all arts merging to become more profound. That *profoundness* inspired my search for the unique and universally beautiful. It conveyed a certainty about the importance of art and stimulated my appetite for the opulent, melancholic, and alluring. Tracts of memory, art history and references created new, exciting paths between past and present.

It is increasingly difficult to see where appropriation starts or ends. Its layers are often subconscious or deliberately hidden. If art inspires, influences, and/or stimulates, then it is irrational to consider its appropriation to be harmful. However, utilisation of archival or found footage in the form unintended by its maker, whether in a principled/ethical or fraudulent/unethical manner is always an example of "misuse" (Baron, 2015: 256). By appropriating archival documents, we create paths for their interpretation (ibid). The intention of archival practice is preservation and restoration true to the initial context. Regardless of the intention of a film archivist, there is always a chance that the material will be re-contextualised (Bloeheuvel, Fossati et al., 2002)

2.8. PETER TSCHERKASSKY AND THE MEMORY'S ARCHEO-APPEAL

Films by Peter Tscherkassky influenced *L'Apparition* the most. Tscherkassky indicated that the advent of filmmaking based on found footage is a reaction to the abundance of digital imagery. He called it "a conscious return to the artistic specificity of the medium's historical expression."[64] Theoretician and practitioner, Tscherkassky represents the so called third generation of the Austrian *avant-garde film.* He started in the early eighties when modernist logic reached its dead end and video technology took the avant-garde by a storm (Horwath, Loebenstein, 2005: 12). Tscherkassky stood on the precipice of both the nostalgic and the new and his work, while pondering over his aesthetic discourse with the past through its re-appropriation. The super-8 camera is the artist's *microscope,* entering the images; its most precious grain gave the film a character of impressionist or abstract expressionist painting (ibid: 16) offering the new cinematic experience and marking the beginning of post-modern art. Tscherkassky's style refused post-modern *anything goes* and focused on *cinematic fulfilment* based on found footage, breaking bridges between the past and present.

André Bazin predicted cheap ways of making movies, which will suffer a "total intellectual and aesthetic indigence" (Bazin, 2014: 313). We are surely going to see cinema's transformation for as long it exists. "Is cinema mortal?" asks Bazin. Certainly, appropriation of the past can help to preserve its glorious moments.

Tscherkassky experienced the *death of cinema* in the late 1980s when Super-8 production was discontinued; he began to experiment with 16mm and found footage and, as

---

[64] Tscherkassky, P. *A Poet of Images – the work of Matthias Muller*, XXXVI Mostra Internationale del Nuevo Cinema, Pesaro Film Festival 2000 Catalogue

in the cleverly edited *Shot-Countershot,* he refrained from image manipulation out of respect
for the material. By the end of the twentieth century, Tscherkassky moved to 35mm. The
example of that transformation is a homemade movie-portrait of petit bourgeoisie couple in
Happy End, blown up to 35 mm from 8mm. This alteration of the image preserves the
precarious fragility of the footage as if it were an endangered species. For the soundtrack,
Tscherkassky uses 50's French hit *Bonbons, caramels, esquimaux, chocolats*[65] and Michel
Chion's *Requiem aeternam.* The impurities and awkwardness of the shots stay intact and free
from digital retouching (Horwath, Loebenstein, 2005: 38). Later films: *L'Arivée* (starring
Catherine Deneuve) and *Outer Space* (starring Barbara Hershey), are examples of
archaeological appropriation of cinema in which the meticulous montage of the original
features of female protagonists creates new meanings, a lively discourse between artist and
found material (ibid: 48). Tscherkassky called his process *manufracturing.*

---

*The enjoyment of opulent cinematic spectacle remained
with me despite the seemingly contrary intention of my artistic
endeavours*

Peter Tscherkassky *Epilogue, Prologue*[66]

Tscherkassky attended Sunday cinema matinees as a child and that was his first
experience with projection (Horwath, Loebenstein, 2005: 102) – an uncanny similarity to my
experience with moving image. He uses found footage but also musique concrète, double
exposure, and *picture-in-picture-in-picture* mattings. He mixes projection and filming
techniques, which often start with image reversal or turning it into negative; he cuts film
strips, and glues them onto blank film, covering half of the lenses; the playfulness of his

---

[65] The song was composed by Edward Chekler et Marcel Dube. Performed by Annie Cordy in 1952
[66] Autobiographical Notes *Along the Lines of a Filmography* (Horwath, Loebenstein, 2005: 102)

experimentation is astonishing and described by him as "a hell of a lot of fun" (ibid: 160). On his *Parallel Space: Inter-View* he reflects: "I lost my fear of images that are not theoretically legitimised, that cannot be elaborately explained or illuminated. And I turned my attention entirely to the field of found footage filmmaking." (Ibid: 146) – a comforting thought for those who, like me, are not interested in determination or focusing on a plot, which appropriation of certain found footage might suggest. Tscherkassky shows respect for the film, but his thoughtfulness does not limit his experiment.

The only thing that separates us from the past is history - the time, which according to Barthes is "that time when we were not born" (Barthes,1981:64). A historical photograph allows us to experience the past as if it were our memory and allows us to time travel (ibid: 70). The taste of Barthesian *essence* of the image, was my pretext to recreate it. I discovered its power in the beginning of my art education at the age 14. My mother gave me an album with paintings of Ilya Repin[67]. Fascinated with its reproductions, I kept the album close by and open while, eating, falling asleep and working on my paintings. I matched colours with Repin's palette instead of matching the colours of the object I had in front of me. The album accompanied me for the rest of my fine art education which went hand in hand with the practice of copying Repin's colours and contrasts. Then came other influences - Vuillard, Turner, Twombly. A similar process took place with my approach to musical composition. Due to the solitary character of my work (and no access to an orchestra or a band), I used a sample. Now, with additional access to online repositories of midi scores which I can easily load to my software and AI platform to develop them further, the sky is the limit. If I fly carefully between past and the future, I will not land in court.

---

[67] Ilya Yefimovich Repin (1844 – 1930) - Ukrainian realist painter

CONCLUSIONS

This Chapter focused on relationships between past and present and on a post-digital creative process informed by past methodologies and theories. The chronological diary of my artistic development which started in my childhood, provided a backdrop of the environment which has shaped my creative expression. As I grew more aware of my artistic identity, through exposure to art as well as through art education, the choice of copy, collage and appropriation became a natural tool - the language I have been using in my practice. To define relationships between past and present I first examined post-digital reality in which I function as an artist. Since more than the half of the materials I use in my work is copied from already existing work, the emerging question of originality inspired the search for historical approaches to appropriation, parody and copying. My investigation questioned therefore originality and authenticity. My search to find work of art which is truly and entirely original remains unsuccessful.

This section of my research also interrogated the past methodologies and theories whilst listing examples of innovative and unique works of art which used matrix of the past. Those examples have guided me to the position that creative methods of copying are logical and valid, while the obsession with originality, a relatively new requirement, is futile. My study has shown that originality resides in the idea of how innovative the treatment of the past can be whilst insistent escape from the past is counterproductive. Conversely, the use of irony and parody as a form of appropriation of the past have fostered unique works from Mozart's *Così fan tutte to* James Joyce's *Ulysses.* The treatment of archival or found material contributed to the creation of the greatest masterpieces of art and cinema whilst the concept of remix and sample have been instrumental in the blossoming of modern electronic music. More importantly for my practice, the means of copy available in my post-digital reality, has

enabled women to be rewarded for historical and systematic exclusion from art history. The changing technology influences artistic expressions and makes them unique. The progress itself determines distinctive, novel, and original voices which are steeped in the past heritage.

Materiality of media disappears in digital age. Audiovisual data source requires small or virtual space. Apparatus no more requires a large physical space either. Everything is possible within the small room of one's own, large enough for a desk. The typewriter, once linked to women's liberation movement, now in a form of a computer keyboard, becomes a practical tool in musical and visual production in digital era (Kittler, 2006:16). The editing process – cutting, copying, time stretching, colour, rhythm, timbre, and dynamic application, followed by melody and mood combinations meticulously composed from scratch, using both spontaneous and reflective methods, and the mix of all these proceedings by the definition of mathematical probability, is authentic.

While investigating connections between my methods and those of the past, I kept finding examples infused with copy and appropriation. I realised that such artistic labour does not rely on stealing but on selecting, embracing, analysing, experimenting, learning, appreciating, and expressing self. That part of artistic process is, without a doubt, original, and is responsible for the work's authenticity.

Fixation on protecting the past from copying seems disproportionally greater than an interest in the creative output of appropriation art. The copying and reinventing of the past help to deal with nostalgia, a sense of loss of time we had no chance, for good or bad, to be a part of. It also relieves the anxiety of being imperfect, poor, and, as in the case of *L'Apparition*, it becomes the poor (or broke) artist's palette, the engine, and the instrument. The art created in the past - paintings, poems, music, or film are "the part of the rich treasury" (Sanders, 2006: 148) ready for adaptation or/and appropriation - neither is a novel approach.

As Walter Benjamin stated in *The Work of Art in the Age of Mechanical Reproduction*, it frees the art from its "stranglehold of the original" (ibid). Benjamin's remarks on original and copy became relevant in post-digital age "in which there is no original at all, only invisible, immaterial bits and bytes posted on the Internet and materialised by anyone anywhere in the world" (Alexenberg, 2011: 72). A cultural heritage is not a *real heritage* if its copy is forbidden. If the method of copy has been an integral part of creative process over centuries of creativity, it is right to treat the intellectual contribution of the copier with respect. Consequently, copyright should protect rather than vindicate any forms of creative appropriation, practice of which is complex, intuitive, intellectual, and physical.

Books, magazines, film and record collections, and the data accumulated on the web, form our post-digital forest, a beach, and a meadow. With its sunset replaced by variety of visual software transitions, and sun rise triggered by the midi - the medium is a fragment, a coded message, a photo snap found on the phone. A YouTube halts ability of restorative sleep as effectively as chemical substances triggered romantic outbursts of poetry in the past. The loneliness and precarity remain without change.

The notion of appropriation deserves a favourable treatment. Its rationale, steeped in the history of art and philosophy is as poignant or as banal to my artistic future as *to be, or not to be.*

CHAPTER 3

THE MAKING OF L'APPARITION

> *Once set in motion, the oscillation between practice and research cannot stop*

<div align="right">Anthony Gritten, 2016 [68]</div>

My fear of writing about audiovisual practice came from the stand that a creative process is coming from a *gut* or a *heart,* therefore I worried that any attempt of academic evaluation can become either 'prescriptive or naggingly critical' (Lockheart and Wood, 2007: 5). The main anxiety related to research through artistic practice is related to the ephemera of the subject of inspiration. Then, there is an issue of a frequent lack of clarity and difficulty to detect and spell out the meanings behind methods and decisions; "Fuzzy logic" of claims can be a great enemy (Doğantan-Dack, 2016: 80), but "getting on with it" helped immensely to sweep those concerns away. The character of my practice blurs the lines between research

---

[68] From *Determination and Negotiation in Artistic Practice as Research in Music* (Doğantan-Dack, 2016)

and self-reflection. It is not *as* research, but it now *is* research. My fears that "too much thinking" would thwart creativity turned out to be untrue. In contrary, "too much thinking" developed my creativity to the point that it surprised me, and I wish to continue *research-based practice* in the future. This research helped me to understand why I appropriate works of the past. Its study made me reflect, evaluate, and gain confidence in my methods; it uncovered subtle reasons related to my creative process inspired by past art, not coincidentally but by default created by men.

3.1.   READING AND WRITING ABOUT PRACTICE

> *I was reading that night, and my finger ran along the lines*
> *and the words; my thoughts were elsewhere.*

Marcel Schwob*, The Book of Monelle*

The main challenge of drafting this thesis emerged from the absence of literature investigating post-digital audiovisual composition. I assembled relevant fragments of knowledge in a way comparable to the one I used to put together audio and image and build this thesis. The process extended my understanding the post-digital realm.

Composing Audiovisually (Harris, 2021) served as an indispensable publication; its landing towards the end of my PhD journey offered this research a new understanding of the theory and methods of audiovisual composition. Harris explains the function of the term *audiovisual* with a variety of its models and methodologies which encouraged me to find out what I understand to be the mechanism of my methods. Her explanation of the *transdisciplinary* character of audiovisual practice (Harris, 2021: 51) encourages a deeper dive into its principles while citing a variety of viewpoints from a broad spectrum of practitioners and thinkers such as Eisenstein, Lund, Ingold and Chion. Harris proposes four categories/activities constructing the process of *thinking audiovisually:* 1. hear/look, 2.

listen/see, 3. think/engage, 4. understand/reflect (ibid: 66). It organised my audiovisual

practice from the preparation process such as collecting data to cover the most significant (to

me) thematic areas of "balance, coherence, equity and equivalence" (ibid: 39). When Louise

Harris asked me to take part in her research questionnaire, I considered *audio* and *visual* as

two separate ways or perceptive channels which magically merge in the end. In the past I

thought that I should concentrate on one aspect, or I will always have to compromise the

quality of the other - an effect of societal fear of failure. Twenty years ago, I gave up

painting, to concentrate on music. Now I spend equal time working on video and sound, but

one influences the other, changing and modifying like organs, bones, and muscles within an

aging human body. I do not worry about not excelling in either. In fact, I plan to return to

painting once I can put *L'Apparition* to bed. Of all theoretical and practical perspectives on

audiovisual composition, Harris offers a balanced approach to the relations between sound

and sight stemming from her practice. It engages in an interdisciplinary discussion while

touching upon significant aesthetics, philosophies, and concepts. Most importantly for this

research, Harris offered the definition of audiovisual composition in the subtitle she proposed

in the *Introduction*:

Composing Audiovisually: An exploration of the process,
products, and experiences of creating, arranging, and combining
sonic and visual materials.

Louise Harris *Composing Audiovisually* (ibid: 7)

What I found particularly useful was its reflective fusion of insightful theories, which

developed my ability to understand a process that I believed was strictly intuitive, and

therefore, out of control. It helped me to understand and appreciate the practice of finding

words to describe creative process, something I struggled with for the last five years. The

book also helped me to recognise the potential of audiovisual composition and its exercises,
especially *Audiovisual walking,* and *Sensory deprivation* (ibid:101-5), helped me in finding a
meditative and self-reflective space, prompting, and envisioning the construct of
L'Apparition. For the last three months of making *L'Apparition*, walking for two to three
hours a day became a part of my creative practice. I would like to carry the teachings of
Composing Audiovisually into my future career as practitioner and teacher, should lecturing
become part of my career.

   Expanded Cinema (Youngblood,1970) provided this study with a historical
background for the new discourse on a multidisciplinary practice rooted in the historical,
obsolete, and archival estate. Youngblood's views are less sympathetic to the subject of
appropriation of art. In the chapter Popular *Culture and The Noosphere* he refers to artists
working in intermedia as *so-called artists,* accusing them of a cynical exploitation of art
(ibid: 57). It is difficult to judge the accuracy of the statement as Youngblood does not name
anyone and his scepticism expresses a general anxiety about the vulnerability of authenticity
of art. He continues that the disappearance of mystery surrounding the arts made it possible
for individuals to think that "they can do it as well". Youngblood does not seem to notice that
those individuals are often women, rightly believing that "they can do it as well." The words
penned half a century ago, relate to the insecurities expressed in this research. A slight shift
happens in *Artist as Design Scientist*, where Youngblood argues that art cannot purely rely on
innovative ideas (ibid: 72). Youngblood affirms that what makes art important is its style
more than knowledge (ibid). Later, in *Part Three,* he predicts the future in his theory that the
artist will consider his work to be "an extension of his own consciousness" (ibid: 159).

   The modern equivalent of *Expanded Cinema* is *The Audiovisual Breakthrough*
(Carvalho and Lund, 2014). It offers guidance for artists and/or composers who present their
artwork in an audiovisual form. The book is one of the most relevant positions in the

audiovisual domain with an emphasis on its presentation and performance. It also is an example of an alternative format of post-digital research documentation. Designed as a guide helping to understand the concepts behind the changing landscape of audiovisual practice, it aims to inspire theoretical debate while supplying extensive research into definitions of methods used by audiovisual practitioners. It is juxtaposed with sheets documenting surveys conducted amongst audiovisual artists. *The Audiovisual Breakthrough* tries to help artists to place themselves in a complex net of vague definitions and theories which accumulated over years of not paying close attention to the subject. However, its emphasis is on a visual element with the audio part pushed to the background and treated more like accompaniment. In my practice, the music is always a central part of the outcome and can be listened to and enjoyed on its own, I cannot say the same about the visual component, but that might have something to do with either lack of confidence, or/and practice independent of music making. In the chapter *Visual Music*, Lund affirms that "the concept of visual music does not point to a certain form of presentation, a context, or technical support" (ibid: 37). She offers a new model of understanding that the "concepts can all be visual music, even if only partly when the combination of audio and video is organised accordingly" (ibid). In the chapter *Expanded Cinema, by Other Means*, Adeena Mey assessed the impact of confusion of the definition of expanded cinema. "Not only is "expanded cinema" merely a name among others to describe forms of work and artistic practices whose nature is hybrid and cuts across media, but it also always refers to a dynamic field made up of struggling concepts and objects" (ibid: 43). The following part describes the concept of Expanded Cinema with greater detail.

In the chapter *Live Audiovisual Performance*, Ana Carvalho draws attention to corresponding components of the term most relevant to this research: 'live

audiovisual performance.' Her conclusion is that *intermediality* is the ruling theme of all elements taking part in the audiovisual act. The study has confirmed Dick Higgins' analysis detailed in *Intermedia* (Higgins, 2015). Finally, Carvalho observes, that constantly evolving technology will expand definitions of audiovisual expression for it provides artists with endless possibilities of development. The title suggests that both audio and visual components would be treated with equal importance. The lack of focus on interaction between sound and visual components and how they relate with each other. This perpetuates the deficit of comprehensive picture of the *intermediality.* The results of this study, however, are of great significance as they mark the first attempt to assess the meanderings of ambiguous definitions and roles within the audiovisual discipline.

The revised second English edition of *Audio-Vision: Sound on Screen* (Chion and Gorbman, 2019) was first published in France in 1990. The term Audiovisual Composition in the case of *L'Apparition* serves as an umbrella for interaction of music and picture inspired by the existing material such as archival fragment, a sample, musical score, and literature. Chion sets up a clear definition of audiovisual: "two perceptions mutually influence each other in the audiovisual contract, lending each other their respective properties by contamination and projection." (Ibid: 10). Chion's findings initiate more thorough investigation which play a significant part in identifying the roles for audiovisual components e.g.: pace of the process of the ear which "analyses, processes, and synthesises faster than the eye" (ibid). Indeed, auditory reaction time is four times faster than visual reaction time and even faster with the voice[69]. This scientific fact does not extend its meaning to faster capacity for understanding - a consequential factor in selection of specific methods to

---

[69] Nithya Thadani, RAIN (2020). From eyes to ears: Welcome to technology's sensory shift. [online] VentureBeat. Available at: https://venturebeat.com/2020/02/15/from-eyes-to-ears-welcome-to-technologys-sensory-shift/

comment/illustrate and interplay with music which are the substantial part of audiovisual creative process. The lack of (what I would like to refer to as) *insight* might at times initiate the idea of the application of visual content to flesh out the arrangement of sound with temporal meaning. The availability of 'ready to use' footage can provide *insight* instantaneously by supplying an illustration whenever sound on its own fails to express the narrative.

Researchers found that keeping the head still but shifting the eyes to one side or the other sparks vibrations in the eardrums, even in the absence of any sounds[70] Although this subject could be a matter of different investigation, it indicates the reasons behind the importance of analysing audiovisual experience from the angle of what visual perception provokes in choosing certain musical approaches. For example, *Acousmêtre* defined by Chion (2019) relates to the ear that is in the eye, to be converted into auditory impressions in memory. *Acousmêtre* is an acousmatic composition where "relationship to the screen involves a specific kind of ambiguity and oscillation" defined "neither inside nor outside the image" but can "create veritable intersensory reciprocity." (Ibid: 125) The ear can reproduce visual memories; the eye "will leave the impression of something heard". (Ibid: 132). The soundtrack from *L'Apparition, Night Voyager* and other works aim to stand within the visual component or form an independent audio, however its nature: texture, rhythm and melody are closely related to the visual element.

Chion focuses on the audio contribution to film, not the other way round. The reason is practical; the selected cinematic examples represent an AV form, and that form is the subject of analysis. So, there is an example of Hitchcock's *Rear Window* (ibid: 79) not

---

[70] When the eyes move, the eardrums move, too: The eyes and ears team up to interpret the sights and sounds around us. ScienceDaily. Retrieved April 1, 2021, from
www.sciencedaily.com/releases/2018/01/180123171437.htm

Bernard Herrmann's. Chion continues to focus on techniques of visual montage utilised by Jean-Luc Godard or the "great auditively oriented director" Orson Welles (ibid: 132). The presumption that the reader knows the composers or sound artists behind the myriad of cases listed in *Audio-Vision*, stands in the way of understanding the audiovisual process. Chion underlines artistic or sublime examples of audiovisual coordination and synchronisation in film and concentrates on what music or sound does while film is a fixed medium; the pattern in which a composer and/or sound designer makes an effective contribution to the movie rather than co-creating it.

Audio-Vision is invaluable for this research as most examples analysed throughout its pages have had a major influence on the appreciation of cinema which continues to inspire my creativity and practical part of this research – the audiovisual composition. On the metaphysical level, Chion's thorough study of sound in *Silence* by Ingmar Bergman makes his work more important. Its screenplay illustrated by stills from the movie was the first I have read at the age of sixteen, which was the reason I was not allowed to see the movie in the cinema. Seeing it decades later felt like a déjà vu and it surprised me how well I recreated the screenplay in my head; reading Chion's analysis brought back that experience in a profound way.

While Chion concentrates on results rather than on methodology, the angle of Robertson (2009) follows the methods of Eisenstein for whom collaboration with composers such as Prokofiev was a vital part of the creative process; he simultaneously paid attention to aural and visual elements of his films and used "the visual to evoke music and sound" (Robertson, 2009: 140-1). For example, Eisenstein gave Prokofiev a choice as to whether the architecture of the film started with composition or the film montage. Both artists drafted a detailed plan of work; Eisenstein would cut the film according to "arising moments" (ibid: 146). *Eisenstein on the Audiovisual* (Robertson, 2009) provides an account of the inspiring, if

at times chaotic, life of Sergei Eisenstein focusing on his creative approach to filmmaking. The volume presents a catalogue of Eisenstein's methods of montage based on musical and theatrical approaches rooted in his education and professional experience. The book might have had the most personal impact on this research for the reason of coincidental similarities of Eisenstein's upbringing, education, and the language[71] to my own. Eisenstein's way of finding self-portrait in his creativity emphasises the deeply personal connection with his work. For example, he described Mexico, where he lived while working on Que Viva Mexico! as his female alter-ego (ibid: 99). He builds his relationship with an unknown country based on what it reminded him of, and those memory associations resonated throughout his filmmaking career during which he remained dedicated to nourishing music, architecture, poetry, and fine art as his *non-indifferent* relationship with places he visited or lived (ibid: 80). The use of repetition characteristic to Baroque music was his method to portray the state of ecstasy (ibid: 124). To compare it with my journey through music, Bach's *Chorales* were the first compositions I analysed from the creative point and *ostinati* was the term I was familiar with before I learned about the loop. Eisenstein's use of sketches, notations and fascination with literature and poetry are similarly the foundation for my creative work. According to Eisenstein, music could "express what is inexpressible by other means" (ibid: 139). Eisenstein's collaboration with Sergei Prokofiev allowed him to make the audiovisual film *Alexander Nevsky* in which historical events become contemporary. His respect for Prokofiev's music made him adjust the montage for the purpose of audiovisual integrity. As collaborators they often discussed whether the music should dictate the montage,

---

[71] Russian was my second language, and my Russian command was superior to Polish during my late childhood and early adolescence. According to Gordon, R. L., Magne, C. L., and Large, E. W. (2011). EEG Correlates of Song Prosody: a new look at the relationship between linguistic and musical rhythm. Front. Psychol. 2:352. 10.3389/fpsyg.2011.00352, the language is intricately linked with musical rhythm in songs

or the montage should imply the music; that audiovisual collaboration was taking place in montage once the existing visual material was known to both Eisenstein and Prokofiev.

The creative pressure was either on Eisenstein to make the montage correspond with the rhythm of music or on Prokofiev to create a synchronised textural and rhythmic match (ibid: 146). The ability of Prokofiev to retain the information from watching the film material only a few times and bring the "musical equivalent of the visual representation' the next day suggests that he experienced the rhythm of the visual material in a synaesthetic way. Prokofiev worked with stopwatch in hand and assembled the music according to exact times. Nowadays, anyone can edit the music with software without relying on memory (ibid: 150). The synergy of music and vision was a matter of dedication and close collaboration which for audiovisual composers nowadays is a lonely but much faster process.

Eisenstein's linear path for music and film is the main characteristic of my audiovisual process; the achieved feeling or general impression is the result of deliberate work on synchronised audio and vision.

3.2.   SUBLIME APPROPRIATION AS THE METHOD

You take away our right to steal ideas, where are they going to come from?

The Simpsons (Season 7, Episode 18)[72]

   In Millhouse: A White Comedy (1971), Emile de Antonio – one of the most outstanding American documentary makers - mixes Nixon's speeches *I See the Day* with Martin Luther King Jr's *I Have a Dream* using his idea of "democratic didacticism" (Baron, 2016: 26). While he is not distorting or changing the footage, its juxtapositions allow for new interpretation through the comparison of two historically important speeches. In *Night Voyager*, I juxtapose the JFK's speech *We choose to go to the Moon* with the NASA's archive material and Edward Young's poem *Night Thoughts* to bring a new perspective to events following the assassination of JFK and the footage of the American flag being placed on the surface of the Moon. In *Passage À L'Acte* (1993), Martin Arnold edited approximately ten seconds of *To Kill a Mockingbird*[22] by editing reprinted frames of the footage into millisecond fragments, creating a stuttering version of the family dinner scene. Similarly, but using the less labour-intensive techniques of cutting and pasting, I stretch both: the sound of the musical sample and the small movement of the found or archival footage. This creates a

---

[72] American animated television series *The Simpsons*. It originally aired on the Fox network in the United States on March 17, 1996. It was written by John Swartzwelder and directed by Wes Archer. (Source: Wikipedia)

stutter like effect, which illustrates most accurately the way my memory works in between remembering and expressing a certain thought, smell, sound, or quote. That repetitive fraction represents a *mental note* which keeps repeating until it *clicks in place* and continues until the *next interruption.* I use that specific technique frequently, most visibly in *La salle des fêtes*.

In my audiovisual process, the movement of the image is closely followed by music and vice versa; audio dictates the rhythm of cutting the image, so in the end its shape becomes integrated. Detachment from its original purpose makes the footage ironic but not necessarily satirical (Baron, 2016: 39). Whether ambiguous or historical, appropriation enables distancing from the material which "can also be interpreted as a means to a new perspective" (ibid: 58).

In *Something Close to Nothing: Appropriation in Australian Experimental Film and Video of the 1980s*, film and art critic Adrian Martin attempts to make a list of works representing audiovisual appropriation art (Butler, 1996: 284). It includes two films which had a profound influence on *L'Apparition* (and its predecessors): Alain Resnais' *Mon oncle d'Amerique* (1980), with its video montage of quotations animated to a beat and Stan Brakhage's *Murder Psalm* (1984) with its juxtaposition of representational images amid otherwise long abstract passages. Martin suggests that *sublime* is an accurate description of the movement which has been providing powerful voices from Joseph Cornell's *Rose Hobart* (1939) to the works of Bruce Conner who's *A Movie* (1958), *Marilyn Times Five* (1973), *Take the 5:10 to Dreamland* (1976) or *Crossroads* (1976) inspired my way of treating movement, double exposure, and approach to archival material or found footage. Conner's films composed of newsreels, soft-core pornography, B-movies, nuclear tests, and educational archives, masterfully edited using both fast pace and slow motion inspired the use of those effects in my audiovisual composition. Cornell's *Rose Hobart* is an example of an editing exercise, a reorganisation of shots which evolved to a surreal narrative – a feature

often present in *L'Apparition*. Conner's repetition and looping is another technique I employ in montage of found or archival footage. Juxtaposition, layering, jitter, and sampling methods are inspired by or reflect on the aural part of my work. They *inspire* the mood of music, *bead* it with effects, such as ambient noises, vinyl scratches. They guide and *write* the composition by suggesting divisions, through visual movements. Both audio and visual components are *echoed and inspired* in a way difficult to separate or estimate the leadership of either. A live show might change the balance and bring more focus on the musical part of the composition as the nature of a performance points to a performer. I focused and changed that aspect in *L'Apparition* by focusing on mimicking some of the film's fragments on the stage and lip-syncing short lines from Hollywood stars. The movement is framed by four points revealed by lights, which wash my silhouette with colour depending on the position and action. Each musical task on the stage is marked on the stage's floor, which is then lit by a designated spotlight with the colour filter: green – goes to the most central position with the violin, yellow with strobe elements in the back position with microphone, blue – illuminating the computer and electronic station and red – glares towards my final movement leading to standing in the position of Salome in Moreau's painting of *L'Apparition.*

Sublime impulse, according to Martin, can detach images and sounds from their original historical contexts and cultural associations. Not always completely, however the original *aura* of the appropriated material often stays in its form: grain, fashion, flickering image, as the image trembles, poised, between its past context and its imminent "rewriting" (Butler, 1996: 287). What I would like to call a *sublime appropriation* is based on the experience of being around art, watching, listening, and then re-visioning and reflecting. My tendency to re-visit images and films constructs a bridge with the past, the storytelling hovers in a ghostly manner, indefinitely made of fragmentary motifs. This amalgamate of visual, lyrical, and aural snippets merges through additions, montage, repetition, double exposure,

and juxtaposition. The process of experimenting, layering, building up leads to unique results. The first stage I approach with little scrutiny, *hoarding* material rather than collecting it. In the second stage I axe and group sources and focus on augmenting, repeating, and juxtaposing. The *sublime impulse* guides the way in which I separate an image and sound from their natural context; it steers towards a certain movement from the film, suggests a cut and paste, and matches it with other elements. That same *sublime impulse* inspires editing further, slowing down, data moshing, introducing jitter – or any effect which make an impression of reverberating like a distant memory or a dream; inexact, blurry, and mysterious. Some transformations are complex, other ones, simple. The process of *sublime appropriation* is speculative rather than imitative. It is immersed in idea and solution, a thought, and an answer. The audience can be subjective and their experience self-referential or arbitrary. The performance leads that process towards the final part of creative journey.

Ross Gibson's essay-film *Wild* (1992) paved a new direction for critical-realist film, no longer responsible for the accurate use of the archive, the images and the quotations stand without their original sense or historical meaning, more concerned with "sublimity" (Butler, 1996: 289). The number of "meta-commentaries on the very act of appropriation" is exhausting (Butler, 1996: 289). The list of appropriation art is endless, diverse in style, message, and technique.

In her *Title Poem* Jennifer West (2016) reshot over five hundred film title cards. West's fascination with cinema manifests in her meticulously edited, flashback memory like flickering popular and cult classic movie titles. Partially displayed and flickering, they remind one of a found piece of a well-known puzzle. The movie brings memories of feature presentations in a dark cinema or a living room, the excitement of the unknown and the anticipation of a new adventure. West mixes relevant soundtracks which form a musical quiz, to which the answers are easy to give. Both music and picture transport one back in time,

each clip covered with etched drawings, punched holes, fork, and mirror scratches or treated with other unusual tools as a clear example of the appropriative act and a paean to avant-garde cinema. West captures the titles, mixes original scores, and makes a personal statement, an ode to film, memory, and digital revolution. As much as *L'Apparition* grew to become a manifesto against the rule of copyright it is also an ode to film, art, music, and literature; its result brought by the habit of cinema going, gallery hopping and music/sound collecting.

The main technique used in appropriation of images in *L'Apparition* is montage; its aesthetics inspired by French New Wave and early Soviet avant-garde films. The method used is copied from masters of cinema such as Jean-Luc Godard, who in the 1950s attempted to write an introduction into a discourse related to the question of authorship. Godard's *Histoire(s) du Cinéma* is an important reference here. For Godard, appropriation manifests itself in his montage technique. In *Histoire(s)* he pays homage to American film; coexistence of mediums in which one feeds the other is a characteristic feature of Godard's work. He constantly reinvents his voice whilst introducing new techniques to his oeuvre and is not afraid of creating cacophony of senses, diligently following only one method: "one should put everything into a film"[73] (Dziewior, 2011:122).

Histoire(s) show Godard's "digested histories, media and associations" (ibid:122). The appropriation of media inspired Godard to become author as receiver (Silverman, 2001) as opposed to author as producer (Dziewior, 2011:122). Montage has led him to appropriation and transformation, which he believed to be inherent in cinema. His *own* image

---

[73] from the Jean-Luc Godard, Godard on Godard (1986) edited by Milne. T, and Narboni, J., New York, London; Godard said this in 1967. - information from the essay by Volker Pantenburg for That's the Way We Do It (Dziewior, 2011)

Godard would combine with the *found* image, and the two would result in the *third* image
(ibid:123) made of affiliated stories - past and present.

I pictured a mathematical equation:

$$(1.a + 1.\mu): \; \mathrm{K} = \Omega$$

I used **a** (alfa) for original composition/image, **μ** (legacy symbol) for found footage,
sample/archival material, ready-made etc., K (montage symbol) to mean edit and Omega (**Ω**)
symbol as the result.

The merging of literature, history of cinema, random, found fragments and flickering film is
the technique I have been exploring during the last five years. In the case of Apparition, the
audio part is slightly more complicated. It consists of found sound and sample, the old
composition, its AI appropriation (**Ai**). Those layered sections mixed with my composition
(A for Alfa) sprout from the ground of ready-made (μ).

$$A \times (\mu + Ai): \; \mathrm{K} \; A = \Omega$$

This is my first attempt to visualise the process by appropriating or parodying math; I
welcome challenges of the above equation. This formula illustrates what fraction of
appropriation or copy takes part in my process of making an audiovisual composition.
Aesthetic appropriation of the past is "one of the major forms of modern self-reflexivity; it is
a form of inter-art discourse" (Hutcheon, 2000: 2). The above equation can serve as a pattern
for experimentation with found/archival material, inspiring a reflective process of
understanding and appreciation of found content in a post-digital audiovisual composition.

My praxis takes several forms, each being a faithful copy of the past art/music/film. Its articulation comes from a variety of elements afforded by digital repository and is developed further through experiment, which at times steps aside its initial context. Manipulating fragments which move ideas around is the most important part of my practice. I can compare it to letting oneself be lost in the city, and either patiently finding a way to the planned destination or to arrive at the unknown and allowing curiosity to navigate through it. The process of making *L'Apparition* was silent. What I am unable to *articulate*, I try to *illuminate* (Iggulden, 2007: 78) through images, words, and music. The space between performance, film, text, musical composition, and soundscape, is personal. I occupy it precariously, alone and in a spirit of creative fixation.

3.3.   PROCESSES OF COMPOSITION

Research through practice is not only self-documentation but also self-reflection on a process and product (Doğantan-Dack, 2016: 73). The relationship between practice and research exposes a "tendency for vagueness" (ibid: 79), but I observed how the imposter syndrome constantly, and at times effectively, devalued my observations as unconvincing and hollow.

The year before my PhD journey began, I limited the use of samples in my work and tried to adapt existing music, treating its unique style, tempo, and melody as a guide to a new route, carefully concealing its origin. Before that, the internet and my record collection played a key role in creative process. From around 2006, when I bought my first personal computer, Google Image and video search engines became a part of my toolbox. I started to make videos to go with my live shows around 2012. At first, the main intention behind it was to shift attention from myself to a large flickering screen. After a year of experimenting with iMovie, following blogs' demand I started to make video illustrations for each song I made. Songs with videos were more likely to drive attention and were easier to advertise. As there was no budget for making such movies, I used material I found on YouTube; I situated my Canon PowerShot camera in front of my computer screen and pressed *record* and *pause*. I filmed this way old documentaries and instruction videos, NASA Moon landings, videos with choreography by Anne Teresa de Keersmaeker or Alain Platel as well as films by John Cassavetes or Andrzej Wajda; reflections of my room are visible in the videos from that time. I still use this method and call it *a good copy of a poor copy* as this *movie of the movie* has usually a higher resolution than a downloaded YouTube video. I edit recorded material and

use filters to unify the texture of a variety of samples, so they appear more consistent and purposeful.

Montage has been a key part of my artistic practice. Its meditative and calming nature recalls puzzle games and cutting ornaments with scissors. Selecting, editing, piecing together are a part of my decision-making exercise and a main tool in the appropriation process. I adopted this technique from the "cut-up method," used by William Burroughs, whose revolutionary style was based on cut outs from other writers. Burroughs compared his découpage to magic, while "interrogating the universe with scissors and a paste pot" (Lethem, 2008 p.40). Another influence on my "story board writing" process came from Marcel Proust, who created his manuscripts enveloped like maps, which upon unfolding formed paper mosaics laboriously edited and beaded with author's notes.
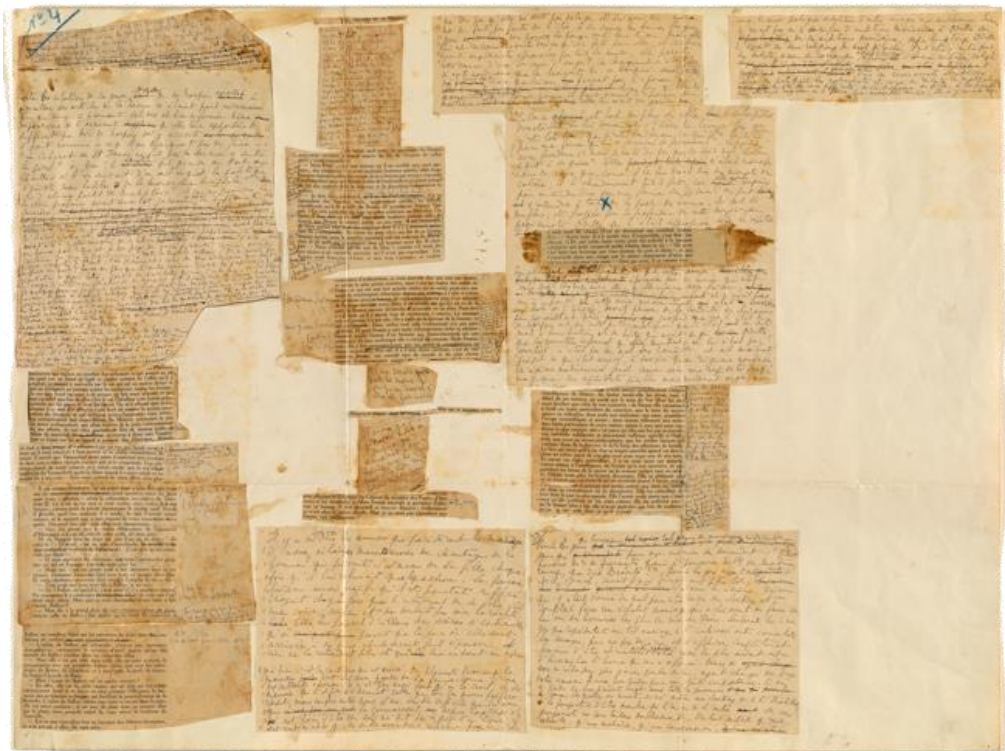

FIGURE 12. MANUSCRIPT OF DU CÔTÉ DE CHEZ SWANN (SWANN'S WAY) BY MARCEL PROUST

As for music sampling, I edit them to create *a musical metronome*[74] - a rhythmic cadence on which I build the melody. Next, I match lyrics; I juxtapose poetry or fragments of literature with my writing, or I paraphrase sentences, so they fit the rhythm of the song. The authors I often use are Arthur Rimbaud, Sarah Teasdale, Bruno Schulz, or Robert Walser; their melodic, moody, and rhythmical style provides a perfect *base* for my song writing. I also search poetry sections in libraries, or second-hand stores, looking for examples which would match the rhythm and mood of the song I have in mind. I rewrite the lyrics, then cut the lines and move them around until they fit the desired form. I have exercised this method with W.B Yeats, Reiner Maria Rilke, or Elizabeth Barrett Browning. I tape the strips of cut lines with magic tape and start to sing them along with the repeated sample. I tried to type or copy and paste but cutting with scissors and moving fragments around with hands comes easier and more naturally. I modify and improvise the lines further; once I have a solid idea about the lyrics of the song I type, print, and place them into my *Performance Notebook.* It will later sit next to the keyboard and a timer during my performance. I mix my typed *libretto* with notes on chords, timing, patch numbers, and any gestures I need to make during the duration of the song including its start and end. Although I memorise them, I like to keep those notes during the performance as my anxiety about forgetting the lyrics can be paralysing and having them around is a matter of neurotic superstition.

---

[74] The term invented by me in one of my early interviews.
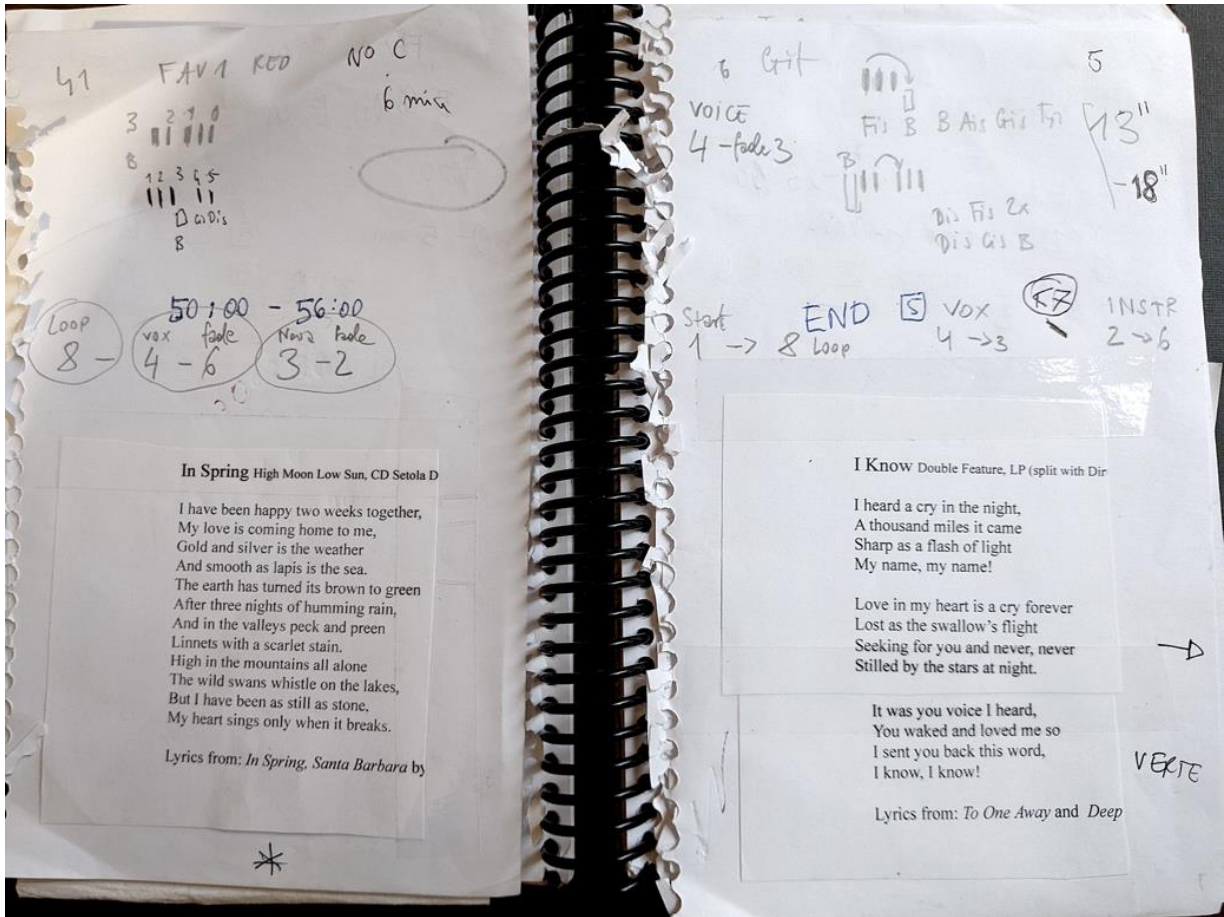
FIGURE 13. PAGES FROM MY PERFORMANCE NOTEBOOK

The midi piano triggers patterns which I manipulate by mapping effects with hardware. I layer them in between the guitar, radio noise, a synthesiser, and samples or drumbeats. Finally, I layer my vocal over, often designing choir in the form of harmonised clusters, which I cover with a blanket of reverb and delay. My aesthetic is "driven by a desire for non-formulaic aesthetics" (Cramer, 2014:18). Equally, the uniqueness of musical experiment is the result of focusing on making rather than finishing. The process of art making brings into being a world I can escape to, a realm made of elements of memory which inspired or made me excited about art in the first place. At times I want to recreate the music I hear in my head.

I did not expect that my music would find an audience; sharing was not my plan in the beginning as I was not aware of how, if at all, universal what I did was. Now, when I have an audience, I care more about the quality of the sound and general result. This does not mean that I compromise the style, but I try to make clearer aesthetic statements, concentrate on more coherent, consistent themes, while I develop my musical and visual skills. I sometimes miss naivety of my first musical attempts, but I am very keen on keeping my musical choices *innocent*. What I mean by that, I focus on art and separate it from the tendencies in music (both popular and highbrow). My works which I describe in the next chapter, are distinct from each other and show that the search for integrity influenced not sparser but more careful use of musical and visual samples.

3.4   TOWARDS *L'APPARITION* - PORTFOLIO

All examples mentioned in this chapter are available to view and listen here:

https://elaorleans.com/lapparition-thesis-portfolio-2/

NIGHT VOYAGER

FIGURE 14. IMAGE COURTESY OF NASA/ STEPHEN SLATER

In the chapter *Part Five: Television as a Creative Medium* Youngblood, (1970), references July 20th, 1969, when four hundred million people around the world watched Neil Armstrong landing on the Moon. Documentation of that event became the main source of my project *Night Voyager*.

2019 marked the 50th anniversary of the Moon landing, and the concept of *Night Voyager* focused at first on celebrating the event. Stephen Slater – the BAFTA-winning Archive Producer, who was in charge of the collection of high-definition NASA archive footage which is one of the largest in existence (over 20,000 hours-worth of material) was the consultant and archive producer of the project. His role was to ensure the best results creatively and historically. I also relied on recommendations from my producer and co-director Stuart MacLean - responsible for technical and financial matters. MacLean's role in making the movie was to oversee the project's transition into a feature movie. As he had access to the source material, he was making compressed, small versions of NASA "tapes" so it was easy for me to quickly scroll and view their contents' potential.

I used three of MacLean's edits in their entirety with slight changes and cut the other six, adding material available on NASA's website or found images from the relevant newspapers on the internet.

Grissom, White and Chaffee, first American casualties of the race to space.

FIGURE 15. THE PHOTO OF APOLLO 1 CREW IN THE ORLANDO SENTINEL NEWSPAPER.

Night Voyager offered the chance to prove my ability to work on a large-scale installation, with exceptional media and exciting content. The project received the support of Canadian Director Guy Maddin, who accepted the symbolic role of Executive Producer. Cryptic Glasgow commissioned the project and scheduled its premiere for November 2019 at the Sonica festival. I received support from Moog Music Inc.[75] which provided a Theremini – a re-imagination of one of the oldest electronic musical instruments, and Subsequent 37 - a (2-note) paraphonic analogue synthesiser that builds upon the design of the ultra-powerful Sub 37 Tribute Edition.

The source material of *Night Voyager* is similar to that of Jordan Belson's *Re-Entry*[76]. Belson, who uses stock footage and literature explained his philosophical, aesthetic but also practical (financial) reasons behind choosing stock-footage (Youngblood, 1970: 157-177). When it comes to the originality of the idea to use a popular archival material the result is what matters most. Those who created the footage did not necessarily approach the subject with originality or creativity in mind. The significance of the historical moment creates that value. The aesthetic and message of found footage or an archive might resonate with individual perception and knowledge in a myriad of ways. Interpretation and re-interpretation of the same matter poses chances, like in the case of scientific discoveries, of a *multiple discovery*. Science and art are similar regarding *multiple discovery* (Lamb and Easton, 1984) The concept provokes an idea that mixing science and art (like in the case of NASA's archive inspiring art) creates a situation for multiple ideas to synchronise because of the same

---

[75] an American company based in Asheville, North Carolina, which manufactures electronic musical instruments. It was founded in 1953 as R. A. Moog Co. by Robert Moog and his father and was renamed Moog Music in 1972. Its early instruments included various Moog modular synthesizer systems, including the world's first commercial synthesizer, followed by the launch of the Minimoog in 1970, which became one of the most coveted and influential electronic instruments of all time. – source: Wikipedia

[76] Belson, J., Re-Entry, film, 7 min, (1964)

information being available for interpretation, digestion and/or appropriation over the space of time, place, and cultural background.

The interest in psychoanalysis and meditation (or a prayer) is another aspect to which I can relate. *Re-Entry* is based on two sources: John Glenn's first space trip and the philosophical concept of *Bardo*[77] known also as the *Tibetan Book of Dead*. As a teenager I was fascinated with *Tibetan Book of the Dead* which I read to calm my anxiety. It influenced my attitude towards art which I treat with reverence akin to religious dedication.

The example of Belson suggests that two (or more) original ideas can be inspired by the same data available for interpretation, digestion and/or appropriation in various times, in different places. Like Belson, I spent a significant amount of time in libraries while writing down ideas and rewriting notes on paper and recording them on my phone's audio application. The results are distinct, for the geographical, generational, and philosophical perspectives influence the way artists appreciate the past.

My aim from the start was to focus on the *human* part of the trip to the Moon – specifically the coexistence of the fear of loss of life and the need for adventure. I was looking for a poem which would express the subject of a journey in the way I could link with the Moon landing. Homer's *Odyssey* was the most obvious choice and for that reason I looked for other examples. In the end I decided to use *The Complaint: or Night-Thoughts on Life, Death, & Immortality*, known as *Night-Thoughts* - a poem by Edward Young published in nine parts (or "nights") between 1742 and 1745. *Night Thoughts* was the first, working title until I realised that in 2016 Brett Anderson of English art rock band Suede called his album

---

[77] a state of existence between death and rebirth, varying in length according to a person's conduct in life and manner of, or age at, death. (Source: *Apple Inc. Dictionary*)

Night Thoughts. Whether he did it coincidentally or not, to avoid confusion, I decided to change the title to *Night Voyager*

The musical illustration work on *Night Voyager* was an exercise in what Michel Chion called *phantom audiovision,* where the idea is not to overwhelm the visual content with sound reaching the level of anxiety. The temptation to keep certain motives float forever and an inability to stop and move on, develop, or change were great. According to Chion "In the audiovisual contract, there is a certain number of relations of *absence* or emptiness that set the audiovisual tones to vibrating in a distinct and profound way." (Chion and Gorbman, 2019; 123) For example in *Night Voyager* I avoided so-called sci-fi library sounds suggesting the motion of machine activity. I concentrated on the emotions of the picture; similarly, Stuart McLean (the co-director of *Night Voyager*), used images to fit the emotive character of the music but not to illustrate them in a way which is too suggestive. Longing, fear, and anticipation were the main states we selected for further interpretation. I did not try to look for examples of how those feelings were expressed in the past; I withdrew from listening to music, radio and from watching films which could potentially influence me during the time of work. Instead, I immersed myself in the archival sound (mainly voice recordings) and built musical blocks and fragments in what I like to call the *echo and inspire* method, where one audio idea is *bounced* against the visual challenge which is then developed with added elements and sent to my collaborator for revision and experimentation. The process would then set up the start, foster audiovisual development and build it up until the formulation of coda. That development made logical sense to me, but I could not know that the audience would appreciate it. The results were even more mysterious in *L'Apparition.*

The 40-minute AV composition consists of nine parts as laid out in Young's poem. I have been working on an adaptation of poems in a way that renders a fair and thoughtful

representation. This echoes the belief that "quotes need to be transformed (…) in a particular way before they can be used" (Caines, Conomos and Haines, 1993: 12).

I found and bought a copy of the poem published in London in 1868 by William Tegg. I also bought its bargain on demand version which could be torn down. I cut out hundreds of passages of the poem with scissors, concentrating on what is relevant and could be representative of images. I kept the order of their appearance in the original text and inspected each line for any mistakes resulting from a publishing error. Next, I lined up the strips of cut up text and glued them on the top of the dedicated notebook with a scotch tape
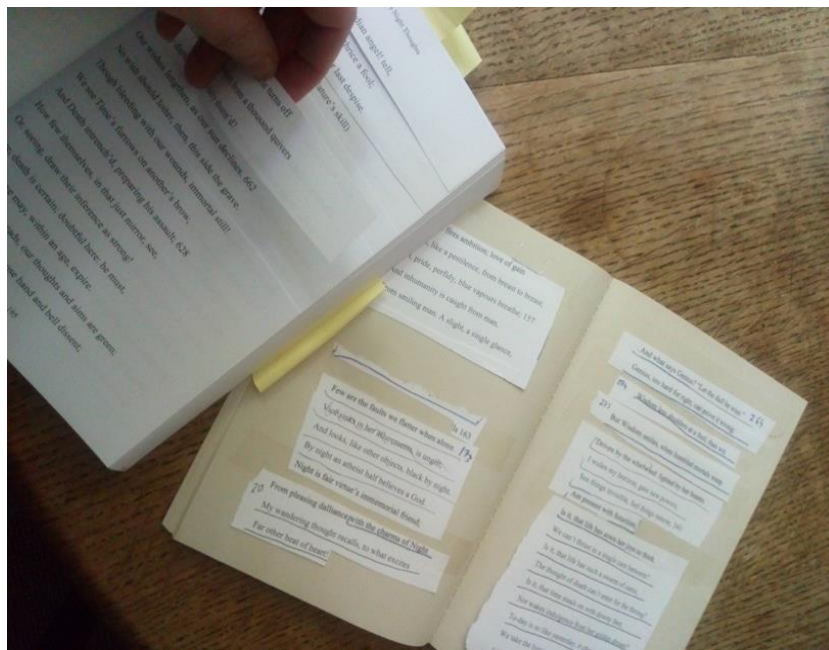
FIGURE 16. THE CUT VERSES LINED UP WITH THE SCOTCH TAPE

Using montage, I constructed a story which became the basis of nine audiovisual compositions with Edward Young's poetry edits superimposed on the film. As a background for the text, I incorporated the original NASA colour graded film ends; blue or off-white film stock worked the best with the rest of the movie and subtly connected with the poem's

nocturnal themes. NASA's attitude towards copy of its material is forward thinking and simple – anyone can use it. In return NASA asks (but does not demand) to be credited.
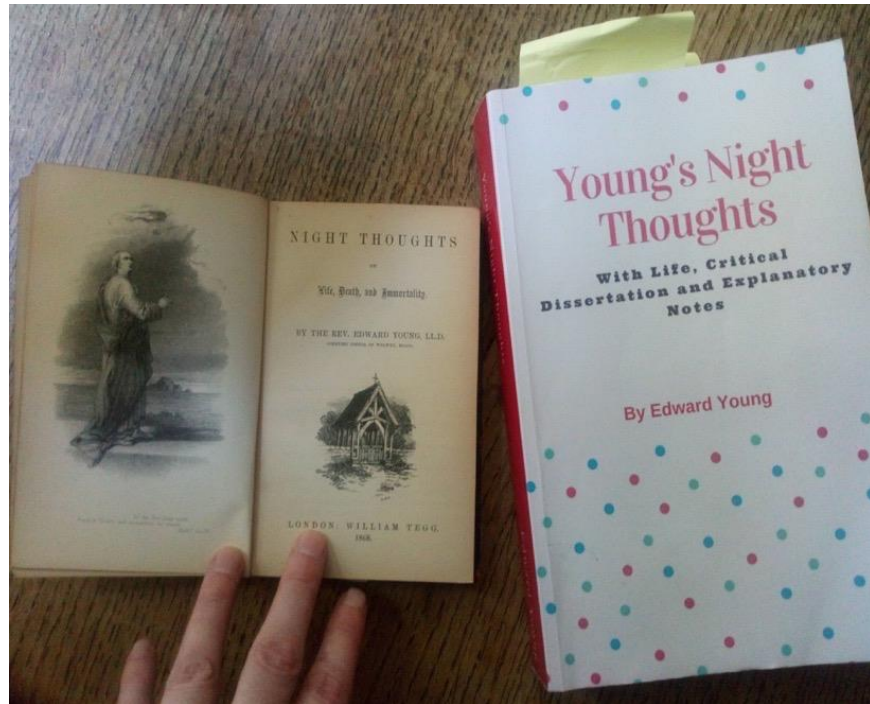
FIGURE 17. TWO PRINTED VERSIONS OF NIGHT THOUGHTS

Lev Manovich in his book *The Language of New Media (2001),* has noticed that remixes, fusions, collages, and mashups control today's cultural and lifestyle contexts (music, fashion, design, art, Web applications, user-generated media, food, etc.); editing is the leading reality-manipulating technology of the twentieth century. The archive effect is still prominent. Appropriation in the case of *Night Voyager* is based on a collection of specified visual content from NASA's archive depicting three leading subjects of the piece: the voyage, its physical and emotional impact, and further reverberations.
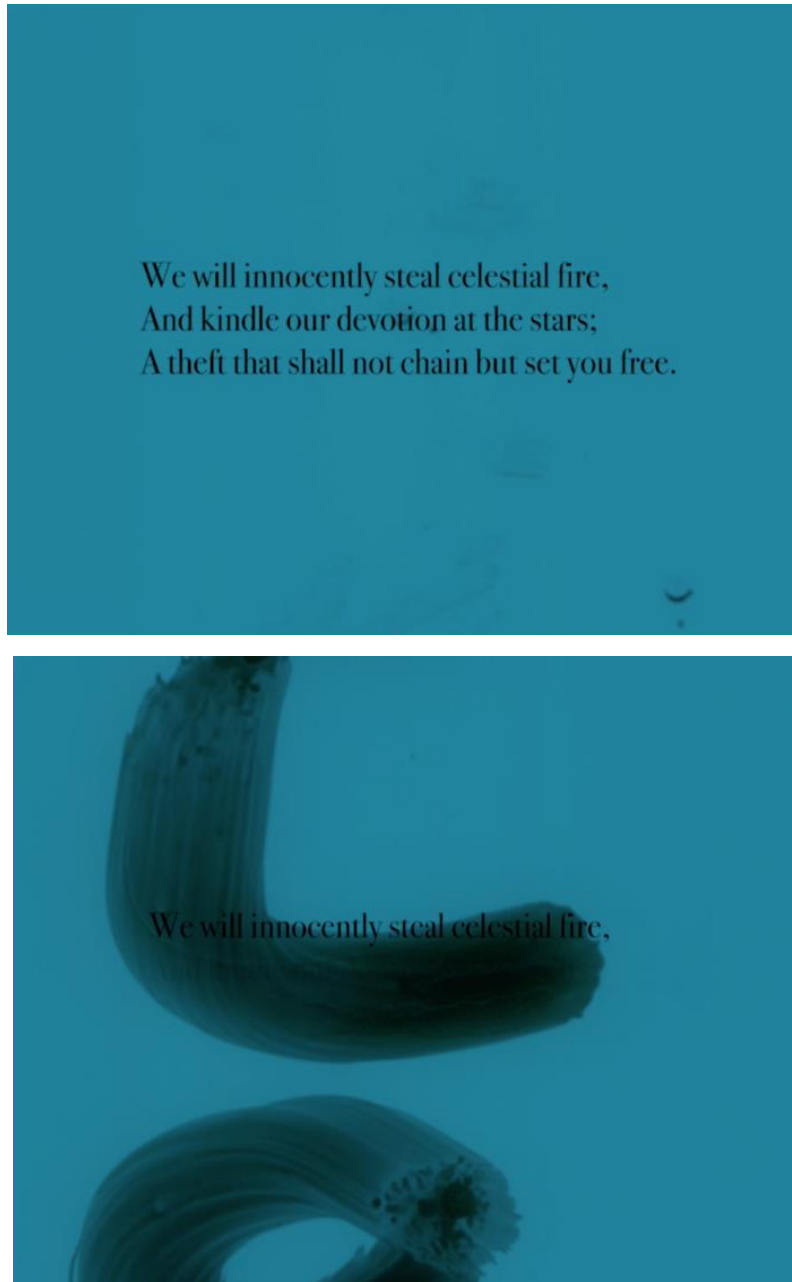
FIGURE 18. RUN OUT/UP OF NASA REELS WITH THE TEXT FROM NIGHT THOUGHTS

As I was playing with images with quotes from *Night Thoughts,* I found that Edward Young's position as an author and *original genius* was analysed by German theorists of authorship (Craig, 2007: 211).

Musically, *Night Voyager* is the result of layering and mixing traditional instrumentation, midi orchestration, electronic production, and original archival sound. The musical production included passages from JFK's speech *We choose to go to the Moon*[78] which I layered over a musical composition featuring slow, melancholic movement with layered violin and midi orchestra. The second sound fragment comes from NASA's archive and is a transmission from the first day of the Apollo 11 mission, where we can hear Neil Armstrong, Edwin Aldrin and Michael Collins reporting manoeuvres, velocity, distance, separations, speed altitude and time to mission control in Houston. Armstrong's broadcast-ready voice is particularly vibrant and clear, which fitted the music based on brass clusters and electronic drones intertwined with the Theremini's glissandos. I became more interested in copying style rather than including samples of existing work. Unless the material is crucial, as is the JFK's Moon speech or the astronauts' voices reporting approaching the Moon territory in the NASA's archive,

At this point, I stopped entirely using musical samples. The only exception is the percussive loop in the Third Song/Part called *Somewhere* from *The Knack (Main Theme)* by John Barry- the first track from the original motion picture score for *The Knack… And How to Get It*[79]. It has been heavily edited and filtered but can be recognisable for those who know the score well. My attempts to replace it with something similar using percussive library unfortunately damaged the original structure of the song and I had to give up efforts to find a substitute. The major musical inspiration for *Night Voyager* came from compositions by Egisto Macchi's *I Futuribili*, sci fi scores in 60/70s British Television, especially *Doctor Who*, *Sapphire and Steel* and *Children of the Stones*, as well as Music Concrète. I decided

---

[78] officially titled as the Address at Rice University on the Nation's Space Effort, is a speech delivered by United States President John F. Kennedy about the effort to reach the Moon to a large crowd gathered at Rice Stadium in Houston, Texas, on September 12, 1962 (source - Wikipedia)

[79] *The Knack… And How to Get It*, directed by Richard Lester, 1965, UK

to rely on my memory and on the way it made me feel. For that reason, I did not listen to them during work on *Night Voyager*.
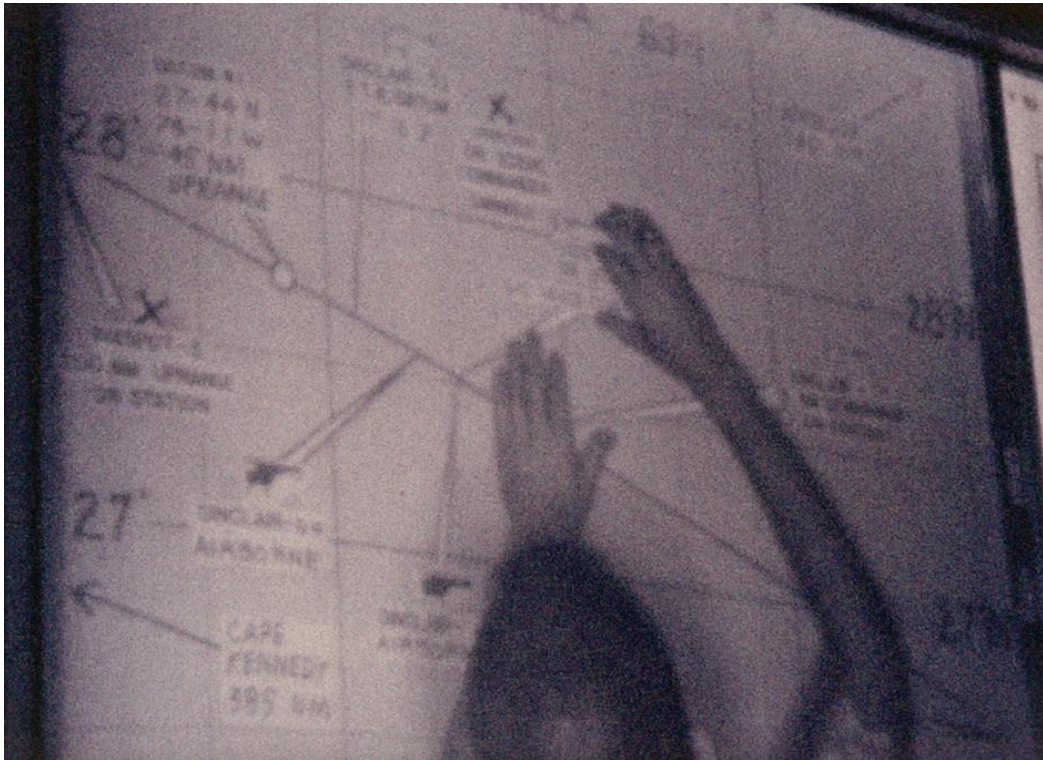
Two weeks before the premiere, I broke my leg and I had to use a wheelchair, which added a new dimension to the performance. A few people in the audience thought that my wheelchair was a specially designed vessel. The spaceship-like look of Theremini particularly contributed to the live performance. Its central position mimicked the space station; I would oscillate between theremini, synthesiser and violin stations, pushed by my press officer – Alan Miller and later just walked between those points. I was keen to create a simple, casual stage movement I have been thinking about using for a while. Having a background in theatre I wanted to *stage* my role. I designed a simple costume idea made of a jump-suit, NASA badges, and shirt to create a look of a technical staff member rather than an artist. It was the first time I used various parts of the stage. Hand gestures inspired by the

Theremini added an understated choreography. After a successful performance at Sonica, *Night Voyager* received invitations to festivals around Europe. Unfortunately, the COVID-19 pandemic cut its chance to tour short. The second time I performed it at the Construction Festival in Dnipro, Ukraine in June 2021. Since the premiere at the Sonica in 2019, I edited down 20 minutes of *Night Voyager* and now it is a 40-minute piece, which I mastered for the future release. Given the delays caused by COVID-19 I predict its release date will happen in the Winter 2022 / Spring 2023, together with *L'Apparition.* At this point it is difficult to decide if I will be co-releasing the material or releasing it on my own, Parental Guidance Records.

L'APPARITION

Symbolism is no mere idle fancy or corrupt degeneration,
it is inherent in the very texture of human life

Alfred North Whitehead, *Symbolism: Its Meaning and Effect* (1958)

L'Apparition is philosophically close to the theory of *rhizome* and the *principle of multiplicity* (Deleuze and Guattari, 2017: 7). The directions and dimensions of motifs changed shape over the time, the story lines replaced and deformed grew out of one concept to increase its size and develop into another. Then, it reached its final form.

L'Apparition's first version was presented at the GLEAM Festival at The University of Glasgow in November 2016. It changed significantly since. It grew into a complex, illuminating, multi-layered narrative based on the legend of Salome - its authors, philosophies, perceptions, and interpretations. The variety of the aesthetic of materials which I viewed, listened to, and analysed, contributed to several musical arrangements and visual edits, which then merged to become a strange, glimmering, pulsating gemstone. Partially distorted, a little rigid, blurry, beautiful, and grim, *L'Apparition* took five years to make. The work was intense in the beginning, then changed its direction in the third year and expanded and flourished in the fifth. I was taking long breaks and there was a time I completely abandoned it, unable to invigorate my interest. In the meantime, I worked on other compositions – *Night Voyager, La salle des fêtes*, and several scores for film and theatre,

some of which I will describe later in this chapter. *L'Apparition* started with a fascination with the art of Gustave Moreau which has led to a deconstruction of the modernist concepts of originality earlier in this thesis. The legend of Salome rooted in the Biblical Middle East, expanded over centuries into western culture. *L'Apparition* mixes traditional eastern and middle eastern music such as samples of Bollywood scores with western elements such as fragments of dialogues from Hollywood movies or passages from *Salomé* by Richard Strauss, who mixed eastern and western elements in the piece. The idea behind that fusion was to uproot the character and make her more *universal* or *stateless*. This way Salome can become an *itinerant everywoman.* I integrated culturally unrelated samples to add unfamiliarity, mystery, and playfulness. They are not caricaturised, and although by default they misrepresent their original purpose, I took care in keeping their original if only fragmentary beauty.

FIGURE 20. ALLA NAZIMOVA IN SALOMÉ DIRECTED BY CHARLES BRYANT

In September 2017, I visited *Musée de Gustave Moreau* in Paris for the second time. This time, I assembled a visual and aural diary focused on sketches made by Moreau exploring the character of Salome, portrayed in the series of paintings, drawings and details which became the foundation for *L'Apparition* (1876). Simultaneously, I developed *Apparition_01* – an audiovisual piece constructed through the lens of literary and cinematic attempts to adapt the subject of Salome. While still in the museum, I bought a souvenir - the printed essay *Trois notes sur le "pays mystérieux" de Gustave Moreau* by Marcel Proust; Later, a friend I stayed with in Paris recommended me to read *Against Nature* by Joris-Karl Huysmans in which *L'Apparition* appears. This painterly and literary background laid the foundations for what I would like to compare to a *composed novel* - a concept described as "an expressive enterprise and a form of communication, reflecting in some way the experience of its creator" (Newcomb, 1984: 233). What I mean by that is an audiovisual piece based on literature, film, fine art, and music; each of its components equally important, exploring the syntax of found or open-access footage, pattern, texture, colour, text, and electroacoustic composition. In one of my journals, I wrote that I would like *L'Apparition* to remind of a ruby flickering in a light. I thought of the kaleidoscopes I spent hours looking into when I was a child. The inspiration came from different strands of information - literary, musical, poetic, and visual. The narrative of *L'Apparition* was set as a concept of music being the result and subject of "interpretation and perception" (Nattiez, 1990).

The discussion about this kind of approach to musical composition started in the postmodernist era during which I grew up as an artist. The premise of the *composed novel* - the dynamic to interfere with what had been done - comes from the idea of *Detournement* developed by Situationists in 1950s. In the chapter *What Is*

Adaptation, Julie Sanders (2016: 21) brings the example of Julia Kristeva, who collected examples from literature, art, and music to create the case she described in *The Bounded Text* (1980) which gave the formula for *intertextuality*, which since relates to "the relationship between literary texts" or "other cultural references" (Sanders, 2016: 214). Similarly, my aim was to create a kaleidoscopic collage of images of paintings of Salome superimposed by the text from Oscar Wilde's *Salomé*. Then I collected examples of adaptations of Salome's dance. In the presented audiovisual composition, I juxtaposed Moreau's paintings with silhouettes of Alla Nazimova[80] (1923), Wilhelm Dieterle's *Salome* (1953) played by Rita Hayworth and Billy Wilder's Sunset Boulevard (1950) with Gloria Swanson as an ageing actress imagining her comeback to the limelight as Salome.
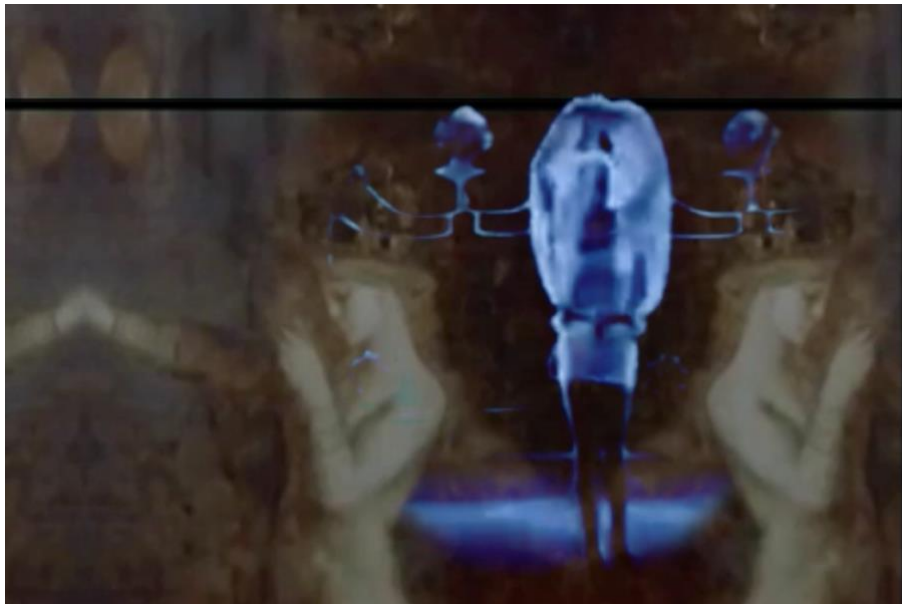

FIGURE 21. ALLA NAZIMOVA'S SALOMÉ JUXTAPOSED ON THE SPLIT AND MIRRORED IMAGE OF *L'APPARITION* BY GUSTAVE MOREAU

---

[80] *Salomé* directed by Charles Bryant (1923)

I filmed Moreau's paintings, but the photographs of his works became the most important part of *L'Apparition*, later layered, and animated using Adobe Premiere and Final Cut Pro. The still, according to Barthes (1977), is "a quotation" and "the trace of superior distribution of features of which the film, experienced in its animated flow, would really be no more than one text, among others. The still, then, is the fragment of a second text whose existence never exceeds the fragment; film and still meet in palimpsest relation, without our being able to say that one is above the other" (Barthes, 1977: 67). The animating of the still was one of the most challenging visual tasks. I used mirror, dust, halftone, and jitter effects.

Tscherkassky's work is most relevant both as an example of found footage and sound as a path to restoration and as a document in which alteration including extraction, re-framing and deformation of an image becomes a prelude to the new (Cahill, 2008). I went through the complete collection of Peter Tscherkassky's work and watched it with attention to details and movement - stopping it, zooming in. I felt drawn to its aesthetic but even more to the method of building tension without conveying too much of a story. Peter Tscherkassky's technique and Super 8 effect served as a pattern to follow as in the past Ilya Repin's colour palette influenced my painting.

Interestingly, one of the curators who saw my *Movies for Ears* performance in Vienna last year, pointed out similarities to his aesthetic: the *fragility* and my *particular use of transparency*. What Peter Tscherkassky said on his film *Freeze Frame* (1983) confirmed that I have not been alone on my path to understanding my process and choosing specific methods to achieve a dream-like incoherence, a nonsensical narrative with recognisable signals of wit and beauty. I could not tell if I was there, but that was my ambitious plan with *L'Apparition*.

> *"I (...) landed in the paradise of malfunctions: over-exposures, under-exposures, seriously blurred shots, sandwich projections, multiple projections, scratched negative material, speed modulations, reverse motion, multiply shifted frame edges, purposely induced skipping and fluttering of the film in projection gate. In the finale, the film burns (...) I wanted to hurl an appropriate, in other words, untamed response at this attempted domestication - which is the rule of commercial film production"*

Peter Tscherkassky[81]

Tscherkassky indicated that the advent of filmmaking based on found footage is a reaction to the abundance of digital imagery. He called it "a conscious return to the artistic specificity of the medium's historical expression"[82] - a sentiment earlier theorised by Marshall McLuhan. The intention of archival practice is preservation and restoration true to the initial context. However, regardless of the intention of a film archivist, there is always a chance that the material will be re-contextualised (Bloemheuvel, Fossati, Guldemond, 2002).

In the foreword to Oscar Wilde's *Salomé* (Wilde, Holland, 1957) the translator Vyvyan Holland recounts the story behind the creation of the play. Oscar Wilde insisted to write the play in French in 1892. Before its publishing in 1893 and due to Wilde's poor command of French, it was revised by Vyvyan Holland, Retté, and Pierre Louÿs and proofed by Marcel Schwob[83]. The corrections where there to purify the linguistic mistakes made by Wilde due to his use of French. The English translation was the result of patchwork made by

---

[81] (Horwath, Loebenstein, 2005: 122-124).

[82] Tscherkassky, Peter, A Poet of Images – the work of Matthias Muller, XXXVI Mostra Internationale del Nuevo Cinema, Pesaro Film Festival 2000 Catalogue

[83] The author of *Book of Monelle* – the unofficial bible of the French Symbolist movement

experiments stitched up in different directions. At times, the play reads as parody of itself - which inspired my thinking in terms of appropriation of the story of Salome.

The main accusations of Wilde's *Salome* were anachronism and plagiarism (ibid: 2). Wilde himself complained of being plagiarised even though he was known as "fearless literary thief" (ibid: 3). The atmosphere around Wilde, his *Salomé,* and his anxiety of protecting what he perceived to be his unique vision, adds context to using the text in *L'Apparition.* It portrays an absurd causality dilemma: 'which came first, the chicken or the egg?"

FIGURE 22. SCREENSHOT OF THE PDF OF DANCE OF SEVEN VEILS SCORE ON MUSESCORE

I used nearly hundred musical samples in *L'Apparition*. From Elvis Presley to Bollywood hits to the voice of Lauren Bacall. One of them, *Il est doux, il est bon*, comes from Massenet's *Hérodiade*, sung by Emma Calvé[84]. I also covered the song *I Wanna Be Loved By*

---

[84] Released on Victor in 1908

You (1928) written by Herbert Stothart, Harry Ruby and Bert Kalmar known for its musical performance by Marylin Monroe in *Some Like It Hot* (1959) by Billy Wilder.

The largest samples come from *Dance of Seven Veils* by Richard Strauss[85] who made an operatic adaptation of *Salomé* by Oscar Wilde. I downloaded the *Dance of Seven Veils* as the MIDI file from the open-source software MuseScore. I separated and edited fragments of the file in Logic software. Then, I *fed* them to AIVA (Artificial Intelligence Virtual Artist) - an online service which generates multiple versions on the base of the midi track. Those versions I further rearranged, sampled, and experimented with until I achieved a satisfactory result. Although AIVA's service is not free, its performance contributes to a faster outcome. The versions come fully arranged for piano, string quartet, symphonic orchestra, and other varieties of ensembles, from folk to techno.
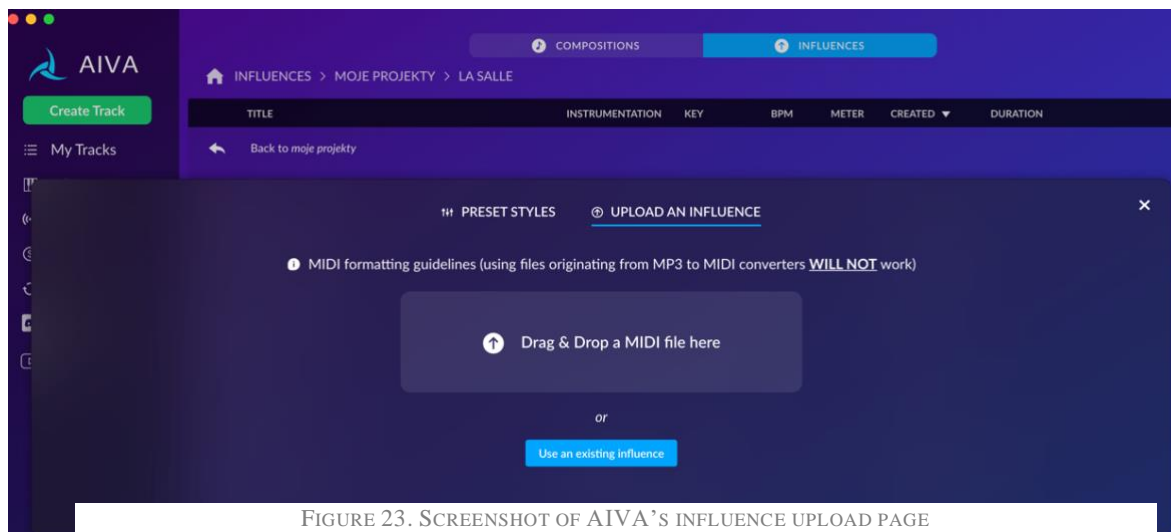

FIGURE 23. SCREENSHOT OF AIVA'S INFLUENCE UPLOAD PAGE

---

[85] *Salomé*, Op. 54, is an opera in one act by Richard Strauss. The libretto is Hedwig Lachmann's German translation of the 1891 French play Salomé by Oscar Wilde, edited by the composer. Strauss dedicated the opera to his friend Sir Edgar Speyer. The opera is famous for its "Dance of the Seven Veils". - source - Wikipedia

My reservation against it disappeared for one reason: once I have the structure (which in the past I built using the sample) I can make alternatives to that arrangement and make it as unique and personal as I wish. All rights reserved, but this time, to me. Music written for synthesiser, analogue instruments and the vocal are weaved into the AI arrangement.

The outcome is at times far from planned which can lead to diversion and unexpected departures from the original idea. The process can be endless, and I found myself at times engaging in curiosity rather than creativity. The more content I found the further I was from the end. I played with ideas and stacked layers; the method meets the principles of *Intermedia* (Higgins, 1966) through collecting data, creating a visual vocabulary, constructing syntactical elements, and combining them into a finished project. I re-framed found sources to create a visual environment leading to extension of the musical vocabulary. A part of my work is based on Music Concrète by the way of transposing and using different speeds, extracting portions of recorded sound, and looping the sound material originating from the variety of archival and found material. Again, I used fragments of Bollywood music and Hollywood films on YouTube. The quality was somewhat significant, but not essential since all the fragments were shredded into particles and loaded into the sampler.

The development of midi and a sampler enabled the mapping of performance and gave birth to a new generation of 'technological' performance. (Emmerson, 2007; 69). When I prepare for a performance I focus on mapping parts of the midi controller to the set of certain instruments, samples, and commands. The ones I use most are *record, play, stop, fade*. I use the live performance software called MainStage. It is difficult and far from intuitive, but it is the only software on the market which is compatible with my live concept. I like to trigger pre-programmed

patterns, and switch between different instruments in a timely, but organic way. When MainStage works it works magically; if it fails, the result is comparable to an anxiety dream. All keys are mapped to a specific sample, effect, and switch of the midi instrument. The midi allows me to switch between different settings. It enables me to create a multi-layered sound which otherwise could only be possible with the help of a big band or an orchestra. My soundcheck is limited to controlling the levels of three stereo outputs.

FIGURE 24. GLORIA SWANSON AS SALOME IN SUNSET BOULEVARD (1950) LAYERED OVER MOREAU'S PAINTING

L'Apparition consists of multi-layered interpretations of the history of Salome, an appropriated collection of both visual data and musical content. I am drawing here from early movies by Eisenstein who experimented with double exposure to convey musical impression. The audiovisual montage was a combination of layered stream of shots and

stream of music and sound (Robertson, 2009: 141). In *L'Apparition,* the visual content consists of the juxtaposition of archives, photography, and open-source images with an aim to lose the artistic control by using AI to manipulate my choices. My voice is emphasised at times but just like in the past work, I like the idea that it appears sparsely and unexpected. In the future I would like to find methods to multiply, clone and harmonise my voice to create the AI choir. I am not thoroughly convinced by the aesthetic quality of the music generated by AI. The quality is inconsistent and time consuming but the rare moments in which the machine seemed to understand my ideas came across like magic. I started mixing AI with vocal, violin and *traditional* samples and I am looking forward to the near future effective way of appropriating *traditional* (and problematic) samples with the AI's increasingly effective function of reading and transferring MP3 format into MIDI. AI can become an affordable way of using ready-made musical material and repurposing it without crippling worries about author rights. AIVA constantly adjusts its software and I have seen significant improvements since 2020 when I first subscribed to it. It cannot compete with the emotional weight of a sample.

An added value, which "engages the very structuring of vision by rigorously framing it" (Chion and Gorbman, 2019:7) and *"works reciprocally"* (ibid: 19) influences my presentation of audiovisual practice. Moreover, framing and reframing are equally as important in my process. Reorganisation and constant deconstruction of story line appears chaotic and abstract where mistakes can lead to a more "advantageous" audiovisual form. The observation of two distinct aspects of audio elements: *empathetic* (according to) or *an-empathetic* (regardless of) are relevant to the way I also apply visuals to music. *Chronography is* another term applying to the interaction of sound and sight written in time as well as in movement. The process of the practical part of this research reflects what Chion

described: "two perceptions mutually influence each other in the audiovisual contract, lending each other their respective properties by contamination and projection." (Ibid: 8-16).

My search for *phonogeny* (ibid: 100) - (the concept similar to photogeny but applied to the sound which appears to be more pleasing "phonogenic" than other), is especially rigorous when choosing a particular tone of vocal timbre or dynamic of video movement. Like in photography, I use filters. Most often I choose tremolo, vibrato, and a variety of reverb effects. Most of the instruments come from an instrument library but, as in *Night Voyager*, I also use violin, synthesisers, and vocals. I often apply effects to improve the "authenticity" of computer-generated sound. For example, I layer the recording of the real violin over virtual strings.

In the chapter *Practice and Discourse: An Introduction as Manual*, Carvalho, and Lund (2015) observe that constant development of technology makes it difficult to establish definitions for live practices (ibid: 9-10). Its conclusion suggests that the reason behind the lack of definitions lies in insufficient research of audiovisual practice caused by either inability to formulate audiovisual methodologies, or it might imply that audiovisual practitioners are not concerned with placing themselves in a specific audiovisual category. I can relate to both. Calling myself a composer is easier. Whenever a visual context is equally important for the result, I then introduce myself as an audiovisual composer.

LA SALLE DES FÊTES

In May 2020, during the first wave of COVID19 pandemic, Cryptic Glasgow commissioned me to create a short piece for an online service called *sensory series of audiovisual appetisers* broadcast at a lunch time on the second and fourth Thursday of every month. Recalling my dreamlike experience of entering the Musée d'Orsay's salle des fêtes and the building's curiously chequered history, I explored the most intriguing history of the museum installed in a former Parisian railway station. Featuring classical orchestration, musique concrète, elements of AI and lyrics inspired by Giorgio de Chirico's surrealist masterpiece *Hebdomeros*, *La Salle de Fêtes* aspired to become a timely ode to travelling, movement and preservation. At the time I was dealing with bereavement, and once again I created for myself a better world to which I could escape.

FIGURE 25. THE STILL FROM RICK PRELINGER'S ARCHIVES LAYERED OVER ONE OF THE GIORGIO DE CHIRICO'S PAINTINGS

What I did was a *quasi-archival situation*. The union of all arts – digital and analogue, with music *echoed and inspired* by the visual content has been a goal of my approach to audiovisual, post-digital composition. Musically I sampled and composed a few fragments using midi instruments and then *fed* ready compositions to the AI software AIVA to create multiple arrangements. The new versions sometimes would be further edited, and the instrumentation changed. Visually I sketched, photographed, filmed, and juxtaposed my work with the art of others - I stole, renovated, recreated, borrowed, traced, changed, cut, and pasted. I used software while heavily relying on literature, fine art, and film, having my hands on the computer keyboard and my eyes on photo albums with art reproductions. I created an audiovisual journal daily, which invigorated my abandoned work on *L'Apparition*. I tried to reflect on my reading, research, and watching art movies. Most significantly, I fantasised about visiting Paris and its galleries again. The contemplation of architectural surroundings and active creation of data sets, painting, drawing, and copying were part of my process on la Salle des Fêtes. Montage was a key part – its meditative and calming nature recalled puzzle games and cutting ornaments with scissors. Selecting, editing, piecing together is a focal part of my decision-making exercise and a main tool in the appropriation process. Once I finished the piece for *Sonic Bites,* I moved the process and its tools back to *Apparition*.

From the psychological point of view, as an eternal immigrant (I spent most of my adult life outside Poland), de Chirico was a natural point of reference; his homesickness may have led to the mysterious, classically inspired pictures of empty town squares for which he is best known. His references to dreams and Freud, the philosophy of Nietzsche or De Lautreamont's poetry brought my hauntological tendencies together to develop a new artistic formula, which is my own and unique ode to travelling, movement and preservation - three

dominant activities inspiring my process, sometimes just simulated in my brain for the lack of real opportunity.

As a child I was obsessed with View-master[86] (Teddies in space circular slideshows were my favourite) and I have been always fascinated by the illusion of being somewhere else while not physically moving. Lyrically I explored Giorgio de Chirico's *Hebdomeros* and developed an abstract story line using Rick Prelinger's Archive to combine whatever could become my *surrealist collection*. The final work was the result of investigating how to emphasise the relationship between electroacoustic and visual environments in a performance / installation related to dreams, memories, and fairy tales. I consider this project to be a teaser and I would like to develop it into a larger piece inspired by and exhibited in the museum spaces.

***

While I was developing audiovisual pieces central to this research: *L'Apparition, Night Voyager and La salle des fêtes*, I worked on several soundtracks; some of them I feel are relevant to include in thesis portfolio. In the beginning of my research. Below is a short description of their context. The work I have done during the last five years has reappearing pattern of time travelling and appreciation of the past. The development of my working technique through my rigorous practice made me revise *L'Apparition* as with every new experience I have developed my skills as a film maker and a composer. Examples presented below to a significant extend deal with appropriation, copy and archive, and I thought that at least fragments of them can give the reader of this thesis a broader context of my creative thinking and methodology.

---

[86] (https://en.wikipedia.org/wiki/View-Master)

SYLVAN GHOSTS / VIRIDIAN ECHOES

In 2017 I secured a three-month residency at Deveron Projects in Huntly, Scotland funded by Scottish Graduate School for Arts and Humanities, where I worked on an audiovisual composition called *Sylvan Ghosts / Viridian Echoes.* The project aimed to create an audio-visual time capsule to capture the sound of the past one hundred years of the town and its lands, within the present-day framework of my electronic composition. It preserves and projects Huntly's aural culture while documenting local Scots and Doric language tied to the people and land, folksong, and sounds of the ecology – all of which have been threatened as the twentieth century progressed into the present. The film *Sylvan Ghosts / Viridian Echoes* stands as an audio-visual time capsule for the future. The references and motives point to themes of memory and perception, to structure and duration, and to the journey in a cinematic fashion (Pattison, 2019).

In his essay accompanying the premiere of the movie, Michael Pattison – the Director of *Alchemy Film & Arts*[87] drew comparisons to structuralist film where "duration and repetition combine in such a way as to affect and inform perception: they deploy the long, uninterrupted take – the single shot – whose durational element is emphasised further by a static, tripod-fixed frame. Crucially, they also minimise variables *within the frame* to draw attention to *variations across time*. In lingering on a single gaze, the uninterrupted take creates a kind of *narrative expectancy*. When, quote-unquote, 'nothing happens' – nothing, at least, in the traditional sense of action – the durational persistence of the image attunes us again to the finer details. These details might be blemishes on the film stock, or they might be

---

[87] organisation based in Hawick in Scotland, UK

a subtle change in light resulting from a drifting cloud. Perception is sharpened by repetition over time." (Pattison, 2019).

During the time I spent in Huntly, I filmed and recorded people singing, dancing, and talking about their town. I received access to Huntly's archive, but also to people's houses or shops where they stored their records. Some of the artists came to my house and let me record them, others invited me for walks and shared a cup of tea with me. I received the permission to record weekly sessions similar to an open mic in the local music venues and pubs. People shared their favourite books and talked about the place they chose to live for the time being. I made detailed notes about every song, and for the first time I did not sample anything without giving it a credit. The method helped me to continue my research in more considerate way than I have been in the past. This project is a document, a study of life, of musical texture and the landscape of the area.

DISPLACED AND ADJUSTED

This audiovisual composition was commissioned by *Ceòl is Craic*[88] and performed in the CCA in March 2018. The piece included in portfolio consists of recorded live show which accompanies the film I made for the occasion. Gaelic songs are performed by Ainsley Hamill. Drums, and percussion instruments: Alex Neilson. Electronics, additional vocals, and violin are by me. I used a variety of found footage on YouTube and Scottish archives representing life before, during and after World War 2. I concentrated on migration and life in exile, the aura of longing, Scottish landscape, and Gaelic language. The construction of the songs is based on improvised style. I asked Gaelic singer Ainsley Hamill to record her favourite

---

[88] Arts organisation and platform for contemporary Gaelic culture in Glasgow.

Gaelic songs on her phone. Once she sent them to me, I made arrangements using original melodies. In some other instances, I improvised over looped motives taken from traditional folk Gaelic recordings. In the last stage, I asked Alex Neilson to improvise a variety of style on the base of simple percussive patterns I wrote.

SOUNDTRACKS:

Beilis Affair (2021)

In January 2021 I won the Envision Sound Commission - a composer grant scheme launched by the British Council Ukraine which partnered with Oleksandr Dovzhenko National Centre in Kyiv, Ukraine, which provided me with the material I then scored. "The Beilis Affair"- a fragmentary edit of the film based on true story directed by Nikolay Breshko-Breshkowsky. Simultaneously, I was matched with the mentor - Neil Brand - composer, writer, broadcaster, and freelance musician. The collaboration with Dovzhenko Archives, allowed for an organic accommodation of moral rights, which gave me freedom to concentrate on creative part. The expertise of Neil Brand, who has been regularly scoring silent movies, allowed me to avoid mistakes of overestimating what the spectator can see. What I mean by that is that my knowledge about that fragmented material was the result of multiple views and research. It is wise to appreciate that the details I noticed might not transpire to the perception of the viewer. The most important part was to match each of the characters with a motive which could potentially be recognised and lead to merging the strands of the story into a coherent narrative. Despite my idea, Dovzhenko Institute and Neil Brand agreed that a potential screening should be accompanied by a written programme

information, to avoid confusion and make the experience of watching the film more enjoyable.

Wróg się rodzi (2019)

The Foe is Born (translation of the original title) was my first collaboration with the Polish creative duo: Aneta Groszyńska (theatre director) and Marcin Kącki (writer/investigative journalist). It was produced by Teatr Horzycy in Toruń, Poland in March 2019. The production drew comparisons between the propaganda spread in Rwandan *Radio Freedom and a Thousand Hills*, which in 1994 was urging its Hutu listeners to take machetes and hunt Tutsi "cockroaches", and the ideology of hate transmitted on Polish Catholic *Radio Maryja* which has been influencing the mentality of its listeners as well as social and cultural processes for thirty years. My main task here was to create live radio sound and music with its announcements, advertisements, and music. I used the video footage and music from Rwandan popular music and recordings found online and used the elements of Polish religious music to create radio jingles, weather reports, and news sound beds. The work on the Rwandan part was distressing and difficult in a way and I had to be careful about its content, while the Polish side of the story was easier for me to understand and safely balance between irony and creative appropriation. In the *Intermedia Network as Nature*, Youngblood points out that media became our reality or "environment" (Youngblood, 1970: 55). The process of working on *The Foe Is Born* made me realise how much certain tropes imposed by media are easier to absorb if they are a part of the vocabulary I grew up with. Our performance was welcome by the protests of Catholic groups outside the theatre. Following the performance, the Artistic Director of the Teatr Horzycy was dismissed and replaced.

Krzycz byle ciszej (2020)

This collaboration with Aneta Groszyńska and Marcin Kącki was produced by Teatr Nowy in Poznań in Poland. It needed a thorough research of Polish media from 1950s which could be heard from the radio on the stage and was audible through the walls of the room of the main character - The play was about the poet Wojciech Bąk, bullied and eventually killed by the Stalinist regime for his love of freedom and casual comparisons of communism to fascism. I used original recordings copied from the Polish Film Chronicle (Polska Kronika Filmowa) - a 10-minute-long newsreel shown in Polish cinemas prior to the main film. It continued the traditions of the pre-war Polish Telegraphic Agency, and in Communist Poland was often used as propaganda tool. The chronicle was for the first time presented in Polish cinemas on December 1, 1944. I used its audio parts to simulate the sound of the Polish media which I mixed and layered with electronic music and ambient street sounds taken from the Polish movies of that era and online FreeSound library. I also appropriated Russian songs and compositions from the post war era and used AIVA to generate parts of the musical pieces using MP3s of Prokofiev's 5th Symphony and a variety of his piano concertos. I also used fragments of Chopin.

The End of the World Will be Funny (2021)

This collaboration with Aneta Groszyńska and Marcin Kącki, produced by Teatr Powszechny in Radom in Poland, presented an exciting but challenging task. The science fiction genre allowed me to experiment with AI, music concréte and electronic composition.

The comedy aspect of the show made me particularly happy about trying something new and more uplifting. I have enjoyed a reputation for making dramatic and melancholic work, so this call brought an opportunity to see my scoring talents in a new light. Both the director and the writer had a specific musical idea, three major pieces I had to base on well-known works. First, *Thus Spoke Zarathustra* by Richard Strauss (1896), and its jazz version by Brazilian artist Erumir Deodato - *Also Sprach Zarathustra* (1979). As I was writing the music for comedy, I found the Midi version of Strauss's Zarathustra, replaced strings with accordion and left the timpani. I misplaced a few notes, to create an out of tune effect. The jazz version was looser, and I was able to improvise while staying in the same rhythm and length. Most of the titles of the tracks I created had *Parody* in the title. There is a slow version of Britney Spears' *Oops!... I Did It Again* (1999), which I performed on polyphonic synthesiser. More difficult was composition of two pieces, which I had to copy rigorously. I had to keep not only rhythm but also number of notes. The reason was that the choreography made for the performance was done and unalterable before I joined the production team. The director picked two pieces for said choreography: *The Rich Man's Frug* by Cy Coleman (1969) and *Sing, Sing, Sing* by Louis Prima (1936). The first I slowed down on Audacity, analysed each section, hummed along, and recorded most catchy versions I could produce. The latter track I found on MuseScore and first followed the rhythm copied from the midi version and replaced it with Abbey Road's percussion library. Then, I time-stretched the track and started to make versions of each bar until it became coherent. It was a gruelling and slow process. Slowing the complex piece down was the only way I could follow the rhythm and the character of the piece without copying it. I walked three hours every day to *rest my ears* as I would become insensitive to the music I was working on. It had nothing to do with disliking it; it was difficult to objectively hear the result as I could not stop hearing the "original" in the back of my head, even once I removed the matrix from the recording file. Another version list was a

parody of the Swedish Eurovision entry - *La Voix,* written by Fredrik Kempe (2008) and performed by Malena Ernman who happens to be the mother of Greta Thunberg – an important detail used in the theatre production. The track was replicated flawlessly by AIVA and the versions it generated were, with a little augmentation, ready to use.

Œil Oignon (2021)

In 2020, French artist and film maker Michel Zumpf asked me to improvise / answer to two parts of the film he was finishing editing. One of them consisted of several sights of Athens, around the Acropolis. The actors recited the manuscript of *Socrate* (1919) the text composed of excerpts of Victor Cousins translation of Plato's dialogue which became a libretto of Eric Satie's work for piano and voice.

FIGURE 26. THE STILL FROM ŒIL OIGNON, DIRECTED BY MICHEL ZUMPF FEATURING THE SCORE FROM SOCRATE BY ERIC SATIE

I found the YouTube video with the piece and found the exact place characters were showing in the film and followed the singer Hugues Cuénod (1902-2010) and sang along the tune. I used fragments of the original recording and layered it over echoed original recording. I recorded a few short, echoed fragments sang and played by recorder flute, and piano which I layered over the rest of the sequence.

3.5. INSPIRATIONS

This abridged list of my audio and visual influences shows an aesthetic range I have been drawn to in the last five years. To each artist I assigned a brief description of the main reason I copy or adapt their methods. There are others, of course, but the tables below present the most significant influences whose works, and methods, have played key roles in my creative process.

TABLE 1. MUSICAL INFLUENCES

Artist	Reasons
Eliane Radigue	Profoundness, aesthetic values: the sound, timbre; patience and perseverance of using singular notes and drones.
Charles Ives	Humour, inventive use of copy, inspiring biography
Vicki Bennet /People Like Us, Negativland	Cleverness, inventive, brave creative spirit.
Andrzej Korzyński	Musical polymath, not afraid to play with different genres. The major musical inspiration and motivation to become a film composer
Duduś Matuszkiewicz Krzysztof Penderecki	Opposites, masters of mood and atmosphere. Both made me conscious of musical tension and dynamic
Bernard Herrmann	Dexterity, style, and ability to convey the feelings of terror, suspense, and mania

Egisto Macchi	Personal story of loss and despair translates into his work without falling into sentimental traps.
Leyland James Kirby aka Caretaker	The use of obsolete and musical collage. Interestingly, Caretaker has moved to Poland and lives in Krakow.
Ennio Morricone	Beauty, intricate combination of rhythm and melody, experiment, focus, catchiness.

TABLE 2. VISUAL INFLUENCES

Artist	Reasons
Jean Luc Godard	Use of colour and words, relentless development as an artist
Agnes Varda	Feminism, shrewdness, humanity, being down to earth
Peter Tscherkassky	Layering of different visual and audio materials, dynamism, 16 mm aesthetics.
Sergei Eisenstein	Montage, double and overexposure
Dziga Vertov	Musicality of montage, the super 8 camera aesthetic
Mathew Arnold	Method of repetition of micro edits
Bruce Conner	Slow motion
Guy Maddin	Fast montage, madness, archive effect
Bill Morrison	Use of obsolete, speed control, aesthetics,
Stan Brakhage	Intellect, concepts, painterly texture
Chantal Ackerman	Use of stills, feminism, ability to convincingly portray women's anxiety, loneliness.

CONCLUSIONS

For every atom belonging to me as good belongs to you.

Walt Whitman, *Song of Myself*

The digital environment is *our* reality and expectations of legal bodies to not copy, cover, or sample are impractical and inequitable. The compass of moral rights brings the matters of law and digital art towards ideal coexistence. On the one hand - making art electronically is easier than ever as computers, tablets and smart phones became a household staple. The abundance of affordable, Open Source or Open Access material, along with social media creates a virtual landscape, artists move around with curiosity different to the one experienced by artists a decade or two ago. But the fascination with the digital world is as valuable, current, emotional, and serious as that of artists who drew on the walls of the Cave in Lascaux. One might frown at such comparisons, but Impressionism, Cubism, Dada have also been frowned upon.

The digital world allows artists to produce and promote their art for a fraction of what was the expected cost of a similar activity in the past. This possibility created a situation for those from underprivileged backgrounds to create outstanding work which can be performed, broadcast, and commissioned worldwide in popular and highbrow art sectors to critical

acclaim. On the other hand, success or popularity do not necessarily provide sustainable income. For example, regardless of prizes, nominations and critical acclaim, my living standards are still below the poverty level while some may consider I am successful in my field. I am happy to report that poverty does not always stop artists from making art, but it might limit their toolbox and put pressure on their mental state. The demand to scrap a major part of inspiration based on elementary concepts of collage and sampling and stop using archival material, is widely perceived as absurd and consequently damaging. Rebellion comes as first aid, deformation of the material to avoid its recognition comes next, secrecy and anxiety are likely followers. The holistic inclusion of the topic of moral rights as human rights into the creative process can rescue the most exhilarating, creative, and persistent methods of our time: collage, sampling, remix, and other creative forms of appropriation. The quotes I used throughout this research served as an extension of my artistic practice of collage and remix. They function as either reminders of distant thoughts which have led me to the points described in the sub-chapters or link with thoughts I have already expressed or are poetic projections of alternative or parallel view.

The manifesto below is a result of the thought process accompanying the making of *L'Apparition;* its aim is to recalibrate my way of thinking about the methods I use. I hope it will provoke a move forward towards the future and bring new ways of orientation in and perception of the art world we grow in as artists. It is not my intention to inspire a utopian polemic. It depends on how willing both artists and legal authorities are to promote a healthy balance between art of the past and future; to create that bridge we need to understand and accept the current reality and be open to the possibilities that reality offers. The ideas and instructions I listed could serve as a point of departure with an estimated time of arrival soon, in which artists and law makers alike can decide whether they are set in its traditionalist ways or work towards progressive reforms which can be sustainable, stimulating and enlightening.

In the beginning of this research, I focused on the challenges, value and integrity of creative appropriation and copy. My intention was to create a guide for audiovisual artists who use and appropriate a found and archival material (see Glossary). In *Chapter One* I delineated the theory of Moral Right and its relation to theory of Authorship. In *Chapter Two* I studied the history of copy and appropriation and investigated several perspectives, interpretations, and applications of them in art, film, music, and literature. In *Chapter Three*, I presented the copying and appropriation in my work. As I am reporting the results of my study, I would like to focus on predestination and the *inevitability of the presence* of the copy and appropriation in every creative activity; whether planned or subconscious, any endeavour in fine, musical, technological, audiovisual process is, has been and will be to a certain degree similar to, or different from, its precursors. Considering all strands of knowledge I acquired, analysed, and reflected upon, I propose the following:

FIGURE 27. STILL FROM L'APPARITION FEATURING VERONICA LAKE

CHAPTER 4

A PATH FOR POST-DIGITAL APPROPRIATION; A

MANIFESTO

1.   This is not a war on what most artists believe to be at times the imbecilic rule

of copyright. On the contrary, this manifesto proposes away for copyright to become

contemporary, constructive, and practical. This manifesto proposes workable ways of

scrapping the rust and mildew from copyright's faucet to make it functional and clear

of forces driving the western society towards its demise, mainly - myopic greed.

2.   From the creative point of view, archival (or found) material is just that -

material with a certain historical meaning. Its nature should always be reflected upon;

a new ground should be nourished to bring understanding and respect from all the

sides of the issue of appropriation. However, it should not be imposed how that

reflection is conducted; its citation and interpretation of its matter should not be

censored or illegal.

3.   Decriminalisation of creativity driven by inspiration by the past is a crucial part in strengthening the moral platform of copyright law. Moral rights are human rights and should be a matter of engagement in a conversation between artists and philosophers, historians, and legal policy makers.

4.   It is consequential that audiovisual artists should modify their practice by a rigorous track-keeping of full credits of used materials. This should be accompanied by study about the primary purpose of the original work. This may seem like a path to wane the spontaneity of the artistic process, however artistic tools (if this is how one can call appropriated material) should never be used mindlessly. To be responsible we may begin with being *aware*.

5.   I propose that all the materials are pooled and categorised, named, stored and on display for those who are curious about its nature, and/or those who recognise but cannot remember the sources, or for those who might be owners or emotionally invested in the work. Such memo might take the form of notes, credits, links etc and could follow the steps of the rule of creative commons.

6.   There is certainly a need to reshape moral rights to become a significant requirement where the environment of an unbiased and receptive discussion and considerate settlement are encouraged. This resolution should be made with the presence and unbiased involvement of legal experts.

7.   Disputes on author rights should never escalate to a court case unless the copy or appropriation masquerades as an original work or is an effect of a cynical exploitation of unknown, Indigenous, or deprived communities. For example, if the artist who appropriates uses contemporary or unknown pieces and does not acknowledge the source, or pretends to be the author, that individual could face a reprimand, issue an apology, and add a needed credit. In cases of gaining an income

which significantly outweighs the wealth of the copied, such individual should contribute a fair part of the generated income to the copied artist and publicly acknowledge the source. A perfect example is Kurt Cobain, who covered three songs by indie band The Vaselines[89]. Although a few knew that Cobain did not write those songs, he actively promoted the Vaselines and mentioned them in his interviews.

8.   Copyright legal teams should practically engage in the historical and philosophical approaches to copying and adapt more than one theory of authorship to serve artists rather than control and censor them. A new work position or duty such as *Creative Appropriation Officer* could be formed. Such a person could liaise between copyright holders and artists and suggest ways to proceed with any work. Artists should not have to pay to defend their rights to appropriate. Scrutiny, whenever helpful, should take the form of advice, workshop, or information, but never a form of prohibition.

9.   Moral rights represent vital social interests and artists can take a substantial initiative by sharing their experience while trailblazing through experiment. Moral Rights' idealism is achievable and practical and could potentially create a peace zone where artists are allowed to use the content of open source/access/found materials for artistic practice and are encouraged to debate their use, thereby promoting harmony and respect in digital territories.

10.   The idealism of moral rights can become realistic only if it is backed by art education. I would like to propose courses tailored to make appropriation, collage, and remix a valued and informed part of artistic practice, embedded with moral rights education; the name of such course could be *Creative Appropriation*. The curriculum

---

[89] *Jesus Wants Me for a Sunbeam* by The Vaselines (retitled *Jesus Doesn't Want Me for A Sunbeam*) that was performed on MTV Unplugged In New York in 1993. Cobain also covered *Molly's Lips* and *Son of a Gun*

of such a course would include History of Art, Music and Film, Moral Rights, Ethics, Philosophy, History and Practice of Collage, Media Archaeology etc.

11. Streaming platforms, such as Vimeo, have already started to introduce tools for artists by using categories into which the submitted work falls into. Other spaces such as Freesound or MuseScore propose simple steps to make integrity a part of a working ethic. The unambiguous explanation about the use of the material could encourage artists to use more of the possible tools to shape their creative process, while committing to giving back what is possible for further use.

12. Since "reasoning by analogy is of considerable importance to science" (Kittler,1999: 30), we can assume that the creative process might be the result of analogy as well. The process of transferring the meaning of musical, cinematic echoes or conveying of any scrap of memory of art to creative process or method takes place in the dynamic sensory system of the cerebrum. How our creative capability uses those *recollections* can be questioned, but accusations of wrongdoing should be considered irrelevant in the light of historical exclusion of women.

13. However, the learning process makes an understanding of our reality possible, it also is not always helping with the unconscious stream of ideas and at times slows the creative process. One may "embrace without qualification" (Lessig, 2008, p. 265). Eisenstein knew that creative objectivity is an impossible task (Robertson, 2009). I would like to propose here the word *reasonable* as a key. We do not require painters to know where their pigments originate from or where the paper or linen was produced (although that might be helpful as well). The comparison of industrial medium to archive should not be formulated simplistically. Instead, the creative process should stand as a constructive and valuable starting point from which relations between artistic concept and methods of achieving it are represented.

14.   Another step I would like to suggest is that we reframe our position as artists. One way could be a consideration of the ways we (artists) can contribute to the wealth of Open Access material. Treating art as research can be enlightening and inspiring, it also connects with peers on broader level. Sharing knowledge could lead to a tangible line of defence in case of the legal proceedings

15.   The archival effect and appropriation of Open Access material in audiovisual composition can be compared to academic productivity which is dependent on obligatory and unpaid labour. However, labour is the only comparable element here as artists are not supported by any artistic institution the way an ordinary lecturer is supported by university.

16.   Extreme privatisation of media and art causes what Deleuze and Guattari called *"schizoid impasse sustained by a failed metaphor": intellectual property* (Lison et al., 2019: xv). As poverty-stricken artists are more prone to breaking the law, there should be a government controlled artistic welfare in place which could provide poorer artists with royalty credit which could also be used to explore and use archival material.

17.   Simultaneously, archival institutions could be open to collaboration with artists. The incentives to create archival libraries in the style of the one run by the Prelinger Archive should be encouraged but also financially supported. Rick Prelinger suggests that the points of academic, artistic, and archival labour should be connected (Lison et al., 2019: 6). As the precarious character of the three should redirect legal pressure to cultural institutions processing sufficient funds for archival, academic, and artistic efforts and support mentoring and collaborative projects.

18.   A creative process which acknowledges or pays homage to the past should not be considered as criminal activity. The results of collaboration between archivists and

artists or scholars could be obliged to share their "toolbox" and introduce integrity in a sustainable, constructive manner. This should not be limited to filling endless forms and paying fees, but through a meaningful collaboration between copyright holders and artists.

19.   I propose the use of the symbol ⌘C, to signal *Digital Creative Appropriation.* It should replace trademark symbols such as ™, ®, ©, and ℠ in every work which copies and appropriates an existing work of art.

20.   Lastly, for this applies to half of the artistic community, the history of art until 20th century hardly mentions its female players. The realisation that women so "successfully" were shut down and prevented to express their artistic voice brings resentment which, however rational, is neither constructive nor creative. This research has led to the realisation that appropriation of historic film, art and literature by a female artist has a different meaning; it is not only an aesthetic tool but also a manifestation of reclaiming and participating in the art history through what once was the only allowed interaction - its observation.

FIGURE 28. STILL FROM L'APPARITION FEATURING VERONICA LAKE

CODA

Working towards a construct in which everyone is satisfied is quixotic, however knowing that moral rights are a tangible choice offering clearly formulated, practical protections could be a place where one can start. The condition of *integrity* which moral rights are based on should have more legal distinction and be described in a way in which abuse of its term is easy to determine and harder to distort. For example, the definition of *fair use,* which is used in United States law, is a positive step towards a more meaningful vocabulary of copyright law. The term however is ambiguous and difficult to use by defendants if a skilled (and expensive) lawyer does not represent them. *Creative fair use* should be a badge lifting any criminal charges. Dragging an artist to a court for appropriating art is absurd. It does not cure the world from theft, and it does not benefit artists dead or alive. The more legal obstacles copyright creates the poorer and more frustrated a modern artist becomes. *Creative fair use* of cultural heritage should grant permission to use any artistic heritage for a creative purpose. If such purpose brings an artist a financial gain, that reward should be treated as fair income which is the result of fair investment of time, equipment, knowledge, and vision to create the artwork. Considering the description of my working process on *L'Apparition* it is fair to say that appropriating certain Hollywood scenes took longer than shooting them. The condition of inclusion of the credit should be respected by artists, however it should be proportionate to the length or size of the work. Should the credit be obligatory, the information about it should be specified in a memo or agreement between agents, archivists, or any copyright holders and the artist using the material. Receiving such agreement should be simple and uniformed so it is practical. As the term *fair use* creates a cavity where the term is vulnerable to misrepresentation and abuse, all efforts should be made

to communicate the use of material so if it misrepresents in clearly disparaging terms the intention of the original creator the law should look to protect the maker. This would require a linguistic reform and formulation of new definitions which would protect but not censor. The complexity of such design will be in assessing the work of the vulnerable, the Indigenous, and the poor.

These points of manifesto could start the process of a considerate use of materials such as Hollywood films and old TV programs. Anything older than ten years should not be a subject of legal disputes, but an open discussion should be encouraged to bring an awareness of the historical, psychological, and social value of found works.

With a growing technological requirement for creation and its distribution there is an urgent need for moral rights to shape copyright laws. The possibilities offered by an Open-Source ethos create the atmosphere in which inspiration and creativity can thrive. Treating that domain as the space of criminal activity is absurd (Lessig, 2008) and the stiff framing of copyright needs to be deconstructed and built from sustainable material so the public domain is not there only for the makers but for the viewers, learners, and future creators, whose borrowing should not be treated as theft but as the development of ideas and appreciated for its creative input which, similarly to science, should find itself in the same domain for generations to come.

The thesis I presented shows the breadth of historical and aesthetic reasons behind appropriation and copying of the past. It also provides ideas behind the utilisation of moral rights. This paper focused on historical events and trends which specifically applied to the making of *L'Apparition*; there are avenues, philosophies, and theories the reader will miss in this study, but hopefully there are plenty of ideas one can explore and adapt to their practice. I expect this research to be the beginning.

To answer the question of the value of appropriation's presence in contemporary audiovisual composition, one needs to look at the blueprint of historical cases where influence or pattern have been an integral part of creative process. To disassociate from the model of the past means to turn away from its knowledge, akin to a declaration of cultural bankruptcy. For artists with the precarious sense of financial instability, for those ignored and historically denied becoming an artistic elite (women and minorities), cultural heritage is the only estate they belong to. Its exploration and utilisation should not be treated as a request of entreaties but be respected and regarded as a lawful way of preserving and celebrating art.

FIGURE 29. STILL FROM L'APPARITION'S LIVE SHOW. PHOTO BY SIYAO LI

BIBLIOGRAPHY

Adler, A. M. (2009). Against Moral Rights. *California Law Review*, *97*(1), 263–300. http://www.jstor.org/stable/20441070

A Growing Culture. (2017). *The Open-Source Ethos | A Growing Culture*. [online] Available at: https://www.agrowingculture.org/open-source-ethos/ [Accessed 13 May 2021].

Alexenberg, M. (2013). *The Future of Art in a Postdigital Age: From Hellenistic to Hebraic Consciousness*. Bristol: Intellect Ltd.

 Baron, J. (2015) *The Ethics of Appropriation, "Misusing" the Found Document in Suitcase of Love and Shame and A Film Unfinished,* in *Contemporary Documentary* edited by D. Marcus, S. Kara, London: Routledge.

Barthes, R. (1977). *Image, Music, Text: essays*. Translated by S. Heath. London: Fontana.

Barthes, R. (1980). *Camera Lucida*. London: Vintage

Bazin, A. (2005). *What Is Cinema? Vol. I*. Translated by Gray, H., Oakland, CA: University of California Press.

Bazin, A. (2014) *Andre Bazin's New Media* translated by Andrew, D., Oakland, CA: University of California Press.

Beckett, S. (2010) *Texts for Nothing and Other Shorter Prose*, 1950-1976, London: Faber and Faber.

Benjamin, W. (1968) *The Work of Art in the Age of Mechanical Reproduction* from *Illuminations*, edited by Hannah Arendt. New York: Schocken Books

Berger, J. (2011) *Art and Property Now* in *Selected Essays of John Berger*, New York: Knopf Doubleday Publishing Group.

Berger, J. (1974). *The Look of Things*. New York, Viking Press.

Berger, J. (1972). *Ways of Seeing*. London: Penguin Books.

Berry, D.M. and Dieter, M. (2015). *Postdigital Aesthetics*. London Palgrave Macmillan Uk.

Bloemheuvel, M. Fossati, G. Guldemond, J. (editors) (2002) *Found Footage: Cinema Exposed*, Amsterdam University Press / EYE Film Institute Netherlands

Budapest Open Access Initiative (2021). *Read the Budapest Open Access Initiative*. [online] Budapestopenaccessinitiative.org. Available at: https://www.budapestopenaccessinitiative.org/read [Accessed 13 May 2021].

Butler, R. (1996). *What is appropriation? an anthology of critical writings on Australian art in the '80s and '90s*. Brisbane, Qld.: Ima; Sydney.

Cahill, J. L., (Fall 2008). *Anacinema: Peter Tscherkassky's Cinematic Breakdowns Towards the Unspeakable Film*, The Instant, René Thoreau Bruckner, editor, Spectator 28:2 90-101

Carvalho, A. and Lund, C. (2015). *The Audiovisual Breakthrough*. Berlin: Fluctuating Images.

Cascone, K. (2000). The Aesthetics of Failure: "Post-Digital" Tendencies in Contemporary Computer Music. *Computer Music Journal*, 24(4), pp.12–18.

Caughie, J. (2001). *Theories of Authorship: A Reader*. London: Routledge.

Chion, M. and Gorbman, C. (2017). *Words on screen*. New York: Columbia University Press.

Chion, M. and Gorbman, C. (2019). *Audio-vision: sound on screen*. New York: Columbia University Press.

Craig, B. (2008). *Collage: Assembling contemporary art*. London: Black Dog Publishing.

Craig, C.J. (2007). Reconstruction the Author-Self: Some Feminist Lessons for Copyright Law. *American University Journal of Gender Social Policy & the Law*, 15(2), pp.207–271.

Cramer, F. (2014). *What Is "Post-Digital"? A Peer-Reviewed Journal About*, 3(1), pp.10–24.

Creative Commons (2019). *Creative Commons*. [online] Creative Commons. Available at: https://creativecommons.org/.

Crimp, D. (1980). *The Photographic Activity of Postmodernism*. In *October* Vol. 15 (Winter, 1980), pp. 91-101. Cambridge, MA: The MIT Press

Cutchins, D., Krebs, K. and Voigts, E. (2018). *The Routledge Companion to Adaptation*. Routledge.

Damrosch, D. (2014). *World Literature in Theory*. Malden, Ma; Oxford: Wiley Blackwell.

Dawkins, R. (1976). *The selfish gene*. New York, NY: Oxford University Press.

Debord, G. (2003). *Complete Cinematic Works: Scripts, Stills, Documents*. Translated by K. Knabb. Oakland, CA: AK Press.

Del Caro, A. (1989). *Dionysian Classicism, or Nietzsche's Appropriation of an Aesthetic Norm*. Journal of the History of Ideas, 50(4), 589–605. https://doi.org/10.2307/2709799

Deleuze, G. and Guattari, F. (2017). *A Thousand Plateaus: Capitalism and Schizophrenia*. Translated by B. Massumi. London, New York: Bloomsbury.

Derrida, J. (2006). *Geneses, Genealogies, Genres, and Genius: The Secrets of the Archive*. Edinburgh: Edinburgh University Press

Derrida, J. (1994). *Specters of Marx: the state of the debt, the work of mourning, and the new international*. Translated by P. Kamuf. New York; London: Routledge.

Derrida, J. (2012). *Specters of Marx: The State of the Debt, the Work of Mourning and the New International*. United States: Taylor & Francis.

Doğantan-Dack, M. ed., (2016). *Artistic Practice as Research in Music: Theory, Criticism, Practice*. London: Routeledge, Taylor & Francis Group.

Dziewior, Y. ed., (2011). *That's the Way We Do It: Techniques and Aesthetics of Appropriation. From Ei Arakawa to Andy Warhol*. New York: Bregenz: Kunsthaus Bregenz.

Emmerson, S. (2007). *Living electronic music*. Aldershot: Ashgate.

Ernst, W. (2013) *Digital Memory and the Archive.* Electronic Mediations, Volume 39. Minneapolis, London: University of Minnesota Press.

Fisher, M. (2012). What Is Hauntology? *Film Quarterly*, 66(1), pp.16–24. doi:10.1525/fq.2012.66.1.16.

Foster, H. (1983) *The Anti-Aesthetic. Essays on Postmodern Culture.* Washington: Bay Press.

Foster, H., (2004) *An Archival Impulse* in *October*, Vol. 110 (Autumn, 2004), pp. 3-22

Foucault, M. (1986) *What Is an Author?* in *The Foucault Reader* edited by Rabinow, P., London: Penguin Books.

Freedman, M. *The Persistence of Plagiarism, The Riddle of Originality* The Virginia Quarterly Review; Summer 1994; 70, 3; Literature Online

Gazda, E. K. (2002). *The Ancient Art of Emulation: Studies in Artistic Originality and Tradition from the Present to Classical Antiquity*. Ann Arbor, MI: University of Michigan Press.

González Ruibal, A. (2013). *Reclaiming archaeology: beyond the tropes of modernity*. Milton Park, Abingdon, NY: Routledge.

Gowrley, F., Elliott, P., Etgar, Y. (2019). *Cut and Paste: 400 Years of Collage*. Edinburgh: National Galleries of Scotland.

Groys, B. (2008). *Art Power*. Cambridge, MA: MIT Press.

Groys, B. (2012). *Introduction to Antiphilosophy.* Translated by D. Fernbach. London, New York: Verso

Harris, L. (2021) *Composing Audiovisually.* London, New York: Routledge

Heidegger, M. (1977). *The question concerning technology and other essays*. London, New York: Harper & Row, Publishers, Inc.

Hick, D.H. and Schmücker, R. eds., (2017). *The aesthetics and ethics of copying*. London, New York: Bloomsbury.

Hick, D.H. (2017). *Artistic License: The Philosophical Problems of Copyright and Appropriation*. Chicago, IL: The University of Chicago Press.

Higgins, D., (1966) *Intermedia, Something Else News, No. 1. also, in The L=A=N=G=U=G=E Book*, edited by Bruce Andrews and Charles Bernstein, Southern Illinois University Press, Cabondale and Edwardsville, 1984

Horwath, A. & Loebenstein, M. (2005). *Peter Tscherkassky*. Wien: Österreichische Film Museum.

Howe, S. (2014). *Spontaneous Particulars; The Telepathy of Archive.* New York: Christine Burgin Gallery

Huhtamo, E. and Parikka, J. (2011). *Media Archaeology: Approaches, Applications, and Implications*. Berkeley, CA.: University of California Press.

Hutcheon, L. (2000). *A Theory of Parody: The Teachings of Twentieth-Century Art Forms*. Urbana and Chicago: University of Illinois Press.

Iggulden, A. (2007). *"Silent" Speech*. In *Practice as Research: Approaches to Creative Arts Enquiry,* E. Barrett & B. Bolt (Eds.). (pp. 65–80) London: I.B. Tauris

Kittler, F. (2006) *Gramophone, Film, Typewriter*. Translated by G. Winthrop-Young. and Translated by M. Wutz. Standford, CA: Stanford University Press.

Knabb, K., Bloch, N. and Cornuault, J., (1981) *Situationist International Anthology*, edited and translated from French by Bureau of Public Secrets, Berkeley,

Krauss, R. (1981). *The Originality of the Avant-Garde: A Postmodernist Repetition. October* 18, p.47.

Krivanec, E. (2014) *"Peter Tscherkassky, ed. Film Unframed: A History of Austrian Avant-Garde Cinema.* Vienna: Austrian Film Museum / sixpackfilm, 2012. Pp. 368, illustrations.," Austrian History Yearbook. Cambridge University Press, 45, pp. 276–277.

Leidecker, J. (2009). *VARIATIONS #1. Transition | Radio Web MACBA | RWM Podcasts*. [online] rwm.macba.cat. Available at: https://rwm.macba.cat/en/research/variations-1-transition [Accessed 27 Nov. 2020].

Lessig, L. (2004) *Free Culture: How Big Midi Uses Technology and the Law to Lock Down Culture and Control Creativity*. New York: Penguin Press

Lessig, L. (2008) *Remix - Making Art and Commerce Thrive in the Hybrid Economy*. London: Bloomsbury Academic.

Lethem, J., *The Ecstasy of Influence: A Plagiarism Mosaic* in *Sound Unbound* edited by Miller, P. D., aka DJ Spooky that Subliminal Kid (2008), The MIT Press, Cambridge, Massachusetts, London, England

Lison, A., Mars, M., Medak, T. and Prelinger, R. (2019). *Archives*. [online] Lüneburg, Minneapolis, London: Meson Press, University of Minnesota Press. Available at: www.upress.umn.edu.

Lockheart, J. and Wood, J. (2007). Editorial The ethical purpose of writing in creative practice. *Journal of Writing in Creative Practice*, 1(1), pp.5–11.

Marder, H. (1968). *Feminism & Art: A Study of Virginia Woolf*. Chicago, London: University of Chicago Press

Masiyakurima, P. (2005). *The Trouble with Moral Rights*. The Modern Law Review, 68 (3), pp. 411 – 434

McClean, D. (2018). *Artist, Authorship & Legacy: A Reader.* London: Ridinghouse.

McLuhan, M. and Fiore, Q. (1967) *The Medium is the Massage.* London: Penguin Books.

McLuhan, M. (2013). *Understanding Media: The Extensions of Man*. Corte Madera, CA: Gingko Press.

Meese, J. (2018) *Authors, Users and Pirates: Copyright Law and Subjectivity*. Cambridge, MA: MIT Press

Miller, P.D. (2008) *Sound Unbound*. Cambridge, MA: MIT Press

Milner, R.M. (2018). *The world made meme: public conversations and participatory media*. Cambridge, Massachusetts: The Mit Press.

Natale, S. and Walsh Pasulka, D. (2020). *Believing in bits: digital media and the supernatural*. New York, NY: Oxford University Press.

Nattiez, J.J. (1990). *Music and discourse: toward a semiology of music*. Translated by C. Abbate. Princeton, NJ: Princeton University Press.

Newcomb, A. (1984). Once More "Between Absolute and Program Music": Schumann's Second Symphony. *19th-Century Music*, 7(3), pp.233–250.

Newcomb, A. (2005). *In Aspects of Modernism. Chapter: The Hunt for Reminiscences in Nineteenth – Century Germany* in *Music and the Aesthetics of Modernity Essays e*dited by Karol Berger and Anthony Newcomb, Cambridge, MA, and London: Harvard University Press,

Nietzsche, F. (1993). *The Birth of Tragedy. Out of the Spirit of Music.* Translated by S. Whiteside. Penguin Group.

O'Callaghan, C. (2007). *Sounds: A Philosophical Theory*. New York: Oxford University Press Inc.

Parikka, J. (2016). *What Is Media Archaeology?* Cambridge; Malden: Polity Press.

Pattison, M. (2019). *Movies for Ears: Ela Orleans*. [online] Alchemy Film & Arts. Available at: https://alchemyfilmandarts.org.uk/movies-for-ears-ela-orleans-deveron-projects/

Pepperell R., Punt, M. (2000) *The Postdigital Membrane. Imagination, Technology and Desire*. Bristol, UK, and Portland OR: Intellect Books

Pierson, M. (2006). *Special effects in Martin Arnold's and Peter Tscherkassky's cinema of mind.* Discourse: Journal for Theoretical Studies in Media and Culture, 28(2-3), 28-50.

Rigamonti, C. P. (2006). Deconstructing moral rights. *Harvard International Law Journal, 47(2),* 353-412.

Rigamonti, C.P. (2007). The Conceptual Transformation of Moral Rights. *The American Journal of Comparative Law*, *55*(1), 67–122. http://www.jstor.org/stable/20454566

Robertson, R. (2009). *Eisenstein on the audiovisual: the montage of music, image, and sound in cinema*. London: Tauris Academic.

Rosenblatt, B. (1998). *Moral Rights Basics*. [online] Harvard.edu. Available at: https://cyber.harvard.edu/property/library/moralprimer.html.

Russolo, L. (1986). *The Art of Noises*, translated by Brown, B., New York: Pendragon Press.

Saladin, L.A. (1993). *Fetishism and Fatal Women: gender, power, and reflexive discourse.* New York: P. Lang.

Sanders, J. (2016). *Adaptation and appropriation*. London, New York: Routledge.

Schopenhauer, A. (1969). *The World as Will and Representation*. Vol. 1. Translated by E. F. J. Payne. New York: Dover Publications.

Schwob, M. (2012) *The Book of Monelle*. Translated by Schluter, K., Cambridge, MA Wakefield Press.

Singerman, H. ed., (2018). *Sherrie Levine*. Cambridge, MA: The MIT Press.

Soja, E.W. (1989). *Postmodern Geographies: The Reassertion of Space in Critical Social Theory*. London: Verso.

Slobodian, Q. (2021). *Are Intellectual Property Rights Neoliberal? Yes and No*. [online] ProMarket. Available at: https://www.promarket.org/2021/04/18/intellectual-property-rights-neoliberal-hayek-history

Sontag, S. (1977). *On Photography*. London: Penguin.

Stallman, R. (2019). *Front Page — Free Software Foundation — working together for free software*. [online] Fsf.org. Available at: https://www.fsf.org/.

Steyerl, H. (2009). *In Defense of the Poor Image - Journal #10 November 2009 - e-flux*. [online] E-flux.com. Available at: https://www.e-flux.com/journal/10/61362/in-defense-of-the-poor-image/.

Suber, P. (2012). *Open access*. Cambridge, MA: MIT Press.

Sundara Rajan, M. (2006). *Copyright and Creative Freedom: A Study of Post-Socialist Law Reform*. Routledge

Sundara Rajan, M. (2011). *Moral Rights: Principles, Practice and New Technology.* Oxford University Press, Inc.

Tscherkassky, P. http://www.tscherkassky.at/

Tweedie, J. (2018). *Moving pictures, still lives film, new media, and the late twentieth century*. New York: Oxford University Press

Wark, M. (2021). *Capital Is Dead: Is This Something Worse?* United Kingdom: Verso Books.

Weisberg, R. (2002). Twentieth-Century Rhetoric: Enforcing Originality and Distancing the Past. *Memoirs of the American Academy in Rome. Supplementary Volumes*, 1, p.25.

Welchman, J.C. (2001). *Art after appropriation: essays on art in the 1990s*. Amsterdam: G+B Arts International.

White, H. (1974). *Metahistory the historical imagination in nineteenth-century Europe*. Baltimore [U.A.] Johns Hopkins Univ. Press.

Whitehead, A.N. (1958). *Symbolism: Its Meaning and Effect.* London: Cambridge University Press

Woodmansee, M. and Jaszi, P. (1994) *The Construction of Authorship. Textual Appropriation in Law and Literature*. Durham and London: Duke University Press.

Woodmansee, M. and Jaszi, P. (1996). The Ethical Reaches of Authorship. *The South Atlantic Quarterly*, 95(4), pp.945–978.

Woolf, V. (1992) *The Room of One's Own. Three Guineas.* New York: Quality Paperback Book Club

Young, J.O. and Brunk, C.G. eds., (2009). *The Ethics of Cultural Appropriation*. Chichester, U.K.; Malden, MA: Blackwell Publishing Ltd.

Youngblood, G. (1970). *Expanded Cinema*. New York: P. Dutton & Co., Inc.

Zieliński, S. (2006) *Deep Time of the Media - Toward an Archaeology of Hearing and Seeing by Technical Means*. Translated by Custance, G. Cambridge, MA; London: MIT Press