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Benjamin Authers  
*Australian National University*

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### Abstract

We don't usually think that lawyers and comic book readers have much in common. Certainly, unflattering representations and stereotypes of each abound. Less obviously, perhaps, each also has a disciplinary veneration of the accumulation of textual knowledge and of often obscure narrative detail. For the contemporary comic book reader, there are voluminous collections of past stories, reprinted in hardcover, paperback, and digitally. Taken together, these offer a rich body of fictional work to be consumed for its own sake, as well as to enhance the enjoyment of new stories printed in hundreds of monthly titles. For lawyers, the corpus of case law, an archive whose mastery is one of the ostensible aims of legal training in common law jurisdictions, acts in a similar fashion, having meaning itself as well as giving legal consequence and context to the matter in dispute.

## **‘What had been many became one’: Continuity, the common law, and *Crisis on Infinite Earths***

**Benjamin Authers<sup>1</sup>**

We don't usually think that lawyers and comic book readers have much in common. Certainly, unflattering representations and stereotypes of each abound. Less obviously, perhaps, each also has a disciplinary veneration of the accumulation of textual knowledge and of often obscure narrative detail. For the contemporary comic book reader, there are voluminous collections of past stories, reprinted in hardcover, paperback, and digitally. Taken together, these offer a rich body of fictional work to be consumed for its own sake, as well as to enhance the enjoyment of new stories printed in hundreds of monthly titles. For lawyers, the corpus of case law, an archive whose mastery is one of the ostensible aims of legal training in common law jurisdictions, acts in a similar fashion, having meaning itself as well as giving legal consequence and context to the matter in dispute.

The following discussion considers the relationship that comics and law construct between their individual and cumulative narratives. In each genre, specific legal cases or comic book issues constitute aspects of larger narratives. These narratives are not simply created by readers in developing mastery over the field, nor are they merely a product of the bare aggregation of smaller, discrete texts. Rather, they have a distinct existence, either as 'continuity' in the case of comics or 'precedent'

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in the common law. While not wholly independent, these narratives are distinct from the myriad of stories and cases that constitute their corpuses and are understood by their readers to be shaped by certain forms and expectations. For those audiences, any change in or development of the cumulative narrative must be brought about in a manner that is deemed appropriate by the relevant community of readers, and must respect generic expectations and adhere to certain norms in doing so.

It is from this perspective that I read DC Comics' 1985-6 limited series *Crisis on Infinite Earths* as a text propelled both by the valuing of a complex narrative that draws on multiple aspects of DC's publishing history and by a commercial desire to constrain that complexity. First appearing in conjunction with DC's 50<sup>th</sup> anniversary, *Crisis* sought to perform a number of functions from both a fictional and a commercial perspective. Prompted by a belief that the company's stories had become so byzantine that they were discouraging new readers, writer Marv Wolfman and penciller George Pérez, supported by DC Editorial, undertook to 'straighten out' and 'simplify'<sup>2</sup> (Wolfman 1988) DC's continuity with the twelve-issue series.<sup>3</sup> To do so, they re-wrote the nature of the fictional universe in which DC's comics took place, removing from continuity a multitude of parallel earths, each with characters and histories that were often reliant on stories from other earths. The result was a unified 'New Earth', intended to be free from such inter-dependence and on which new narratives could take place unburdened by old continuities.

At the same time as it performs this functional task, *Crisis* also tells the story of a cataclysmic event that pits an array of characters against a monstrous adversary. The series incorporates the multiple worlds, genres, histories, and characters of the DC multiverse, thereby foregrounding the diversity of the company's properties. It also dramatises that complexity, representing it as a source of galactic weakness to be preyed upon and so implying that it forms a flawed grounding on which to build a narrative universe. Enacting change in this way, *Crisis* can be read as a story that amends comic book

continuity in a manner that is reliant upon and structured by the genre's own narrative forms and logics. The changes to continuity that the series brings about may have been driven by an editorial mandate (the aforementioned call to 'straighten out' and 'simplify'), but these changes are presented in the text as having been precipitated by the story and as taking place on its narrative terms. It is because they are grounded in the logic of the storyworld that the changes have a claim to legitimacy. Read as a self-referential meta-text, *Crisis* emphasises that for specific comics to be seen as valid, they must be understood in terms of the larger generic project that is continuity. It also underscores that amendments to continuity must be viewed as similarly constrained if they are to be considered legitimate.

Drawing on work in law by Ayelet Ben-Yishai (2008) and Ronald Dworkin (1982), my discussion will elaborate on the textual nature of law and comics and consider how the norms of each serve to constitute and constrain both individual texts and the cumulative narratives of legal precedent and comic book continuity. My reading of *Crisis on Infinite Earths* builds upon this by outlining how a potentially radical narrative change can be incorporated into the terms of the genre and thereby legitimated. By examining *Crisis* in this manner I hope to demonstrate not a direct equation between comics and the law, but rather to suggest that in their similar narrative constructions a comic book story that produces quite radical amendments to continuity might speak to ways of reading change in law. Finally, throughout this discussion the reader holds an important but often implicit function in textual production. My concluding section will turn to the role of the reader to consider their place in determining legitimacy in both comics and the common law.

It is a premise of this discussion that legal and comic book corpuses are forms of cumulative narrative, unifying and providing structural coherence to an apparently disparate body of texts while themselves acting as legible texts. Each has a very different nature: the common law is an archive whose application by the judicature potentially extends over all those under the law, while comic books are a form of popular

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entertainment created by corporations that are constantly attempting to ensure their product's commercial viability. Nonetheless, there are strong structural similarities between the two when read as collective texts, and it is this textual parallel that my discussion will focus on as a way of explaining how meaning is constituted in each.

### 1 Reading and Writing between the Specific and the Cumulative

In the common law, every judicial decision is said to speak to both the individual case at hand and to a broader legal narrative. For example, a specific dispute centred on the ownership of land must engage with property law as it has been constructed across decades, even centuries, by multiple authors in multiple courts. Legal cases can be said to compose the law of property, then, because they are understood collectively to give guidance about what the law is. In essence, two intersecting discursive practices operate here. One is the common law itself, a narrative formed by the accumulation of judicial decisions that is understood (along with the legislative body of statutory law) as an archive from which the nature of law is to be determined. The other is the doctrine of precedent, which constitutes an interpretive lens through which the applicability of past decisions to present ones can be ascertained. Precedent assumes the normative value of analogy as a means of ensuring fairness and predictability in legal reasoning, and embodies 'a basic principle of the administration of justice that like cases should be decided alike' (Cross and Harris 1991: 3). Particularly in those regimes derived from the English system (although with variations across those regimes), precedent is seen to have 'a strongly coercive nature' (Cross and Harris 1991: 3) that shapes how decision-makers adjudicate. While the exact nature of this coercion remains an open debate, the logic of precedent as a structuring principle is central to the textual construction of the common law. This takes the form of fitting each new case (or 'narrative episode') into what Peter Brooks describes as the law's 'master narrative' (2006: 27). The law is consequently cumulative, relying 'on precedent and *stare decisis* in order

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that change or innovation appear to be principled, so that sequence appear not random but an instance of consecution' (Brooks 2006: 27). The common law is thus understood to be determined both in each specific case and across the narrative as a whole.

The coherence attributed to fictional universes in contemporary comic books can be similarly understood. Given the proprietary nature of the characters owned by comic book companies and the copyrighted status of their adventures, it perhaps goes without saying that individual companies' universes exclude each other and interact infrequently. Intercompany crossovers occur, but generally comics exist in realms less permeable than those of legal systems, which readily accept the influence of constitutional law, for example, on criminal law. Nonetheless, while my focus here is on the continuity that exists in the DC Universe, a discrete set of fictional 'storyworlds' (Kukkonen 2010: 40) owned by DC Comics, Inc., the textual practices that constitute DC's continuity can also be read in other equivalent continuities, notably in comics produced by Marvel Entertainment, LLC. Perhaps a better analogy for the interplay between fictional storyworlds, then, is between legal jurisdictions: other jurisdictions might influence the law in one's home regime, but clear distinctions remain between them.

Within the storyworld of a specific company, we can often see a cumulative, multi-layered narrative produced in a manner similar to that of the common law. This is the idea of comic book continuity, what Jason Craft defines as a 'constructive retrospection that determines how the corpus of published work represents a coherent and logical fictional world' (2004: 2). To choose a famous example, the story of Superman is not composed wholly by the 'origin story' of a Kryptonian orphan raised by kindly middle-American farmers. Nor is the character's narrative told in any one issue of *Superman* or *Action Comics*, or even in multi-part storylines like 1992-3's 'The Death of Superman'. Rather, Superman's story is composed of all these tales, along with the many others produced by writers and artists employed by DC Comics to create his various adventures. These intersecting stories function in an integrated manner, constructing Superman's narrative within DC

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Comics' fictional universe over decades and across multiple comic books. Indeed, the story of any DC character might potentially impact, directly or indirectly, on Superman at some point, as his could on theirs. Because these characters and their stories are understood to be integrated and inter-related, a larger and more holistic narrative is constructed on the basis of the accumulation of individual tales.

Both comics and the common law, then, are structured by the idea that individual textual units (comic book issues or specific cases) can have discrete existences while simultaneously forming part of a larger narrative that itself has integrity (continuity or the common law). To some extent, this mirrors the serialised form of many nineteenth-century novels, where a story would be told in weekly or monthly parts before it was collected in volume form. However, the means by which the common law and comics are produced and the way that that is reflected in law reports and comic book issues suggests an additional degree of complexity to that of serial narratives produced by a single author. Both genres are corporate in multiple senses of the word. In the case of comics this is explicit: Superman is trademarked and his adventures are copyrighted by DC Comics. However, the common law and comic book continuity are also corporate in that they are composed by multiple creators working collectively, if disparately. There is no single author directing the development of property law, nor is there one author who creates the fictional life of Superman – although in both cases a single author can certainly be influential. Additionally, while each enterprise is collaborative in the traditional sense of multiple creators working together to produce a specific work – that is, either a multiple-judge-authored decision or a comic story created cooperatively by authors, artists and colourists – there is also a collaborative aspect to the cumulative narrative itself. In each, retrospective fidelity (either to texts that have gone before or to the legal or fictional enterprise as a whole) is a collaborative process, operating through the intertextual incorporation of stories produced by others. This fidelity is also evident in the genre as a whole through cumulatively and often implicitly developed generic practices that make a text recognisable to the appropriate community of readers as a superhero comic or a case report.



In each field, then, the larger projects of continuity and the common law are seen to constrain the production of new entries, self-referentially privileging increments understood to align with the cumulative narrative while rejecting or rendering irrelevant those additions that seem to violate it. Such constraints are certainly not determinative of the texts produced, and each genre includes examples of cases and comics that do not readily fit the narrative norm. However, they do give at least the *appearance* of guidance as to what constitutes an appropriate addition to the cumulative narrative, and have some acceptance as the criteria by which such additions are to be judged.

## **2 Self-Reflexivity and Narrative Constraint in Continuity and Precedent**

As this brief outline suggests, narrative and textuality are central to the form and content of both common law precedent and comic book continuity. In her study of nineteenth-century British law reporting, Ayelet Ben-Yishai (2008) argues for a similarly textual understanding of legal writing – in the idiosyncratic form of the case report – in order to understand the place these reports have in constructing the common law. Ben-Yishai notes that the law reports of the Victorian period are tonally ‘different from the naturalised representation of reality which characterises journalistic, historical, and literary genres of the period’ (2008: 383). Stylistically anti-realist, these reports don’t emphasise external, natural or human referents, but rather legal ones, ‘that which is created by the trial itself or by other trials’ (2008: 385). The textual consequence, Ben-Yishai argues, is that:

the narrative does not tell the tale of a series of events which occurred in the ‘real’ world and which then led up to and necessitated a trial, which in turn created legal persona out of the protagonists and legal occurrences from the events. Rather, the personae and events are always already legal; the narrative is not concerned with their extra-legal existence. (2008: 385)

The reports, Ben-Yishai contends, are denaturalised, constructing

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cases as though their reality were completely contingent upon law; described throughout as ‘plaintiff’ and ‘defendant,’ for example, the parties are rendered important only insofar as they have legal character and consequence. Structured in this way, the reports represent their importance as being *solely* legal, telling stories that have meaning only from within the strictures of law.

Importantly for my discussion, Ben-Yishai also argues that nineteenth-century reports are in large part composed of references to other cases, and so produce a narrative whose meaning is derived intertextually. ‘The result,’ she states, ‘is that even the referential reality – the “pre-legal” one – is in fact a legal one’ (2008: 387). Such self-referentiality operates to define the scope of the reports, to ‘stress their relevance only to the discourse of the common law’ (2008: 387), and so to establish their having a truth that is ‘only truthful within the legal universe of the doctrine of *stare decisis*’ (2008: 388). In the case reports, then, the key referent remains the common law itself, and this fidelity to the precedential project not only shapes the form the reports take, but also how they are read and imbued with meaning.

Noting the historical specificity of the reports that form the corpus of Ben-Yishai’s study and acknowledging that the external contextualisation of case law has increased somewhat in the intervening century, I would nonetheless argue that the texts that compose common law precedent remain largely self-referential in form. Contemporary reports are still published for a largely legal readership, and, in their focus on an exegesis of the legal issues and their relationship to precedent, they are as concerned with the construction of the law as a cumulative narrative as with the case at hand. Indeed, for those not directly involved in the case, it is the report’s ‘embeddedness in the common law tradition’ (Ben-Yishai 2008: 398), and not its externally-determined specifics, that is most important.

Tellingly, Ben-Yishai describes the relationship between the individual case and the common law as ‘a recognizable *continuity* with the past’ (2008: 398, emphasis in original), and many of the tropes of comic book continuity mirror the forms of this multiply-inflected

legal narrative. Richard Reynolds, for example, describes three kinds of continuity in contemporary comics, including a 'serial continuity' that requires all past stories, 'with their explicit or implied content,' to remain consistent with current stories (1992: 38). Reynolds' most expansive form, 'structural continuity' (1992: 41), is the aggregation of 'all the stories and canonical interactions between superheroes, villains, and the supporting casts', coupled with 'those elements of the real world which are contained within the fictional universe of the superheroes' (1992: 41), or, indeed, which are implied by that universe. This form of continuity makes a 'metatext' (1992: 43) of the comics universe, creating a narrative that exists over and above individual published issues, and perhaps resists most firmly the self-referential 'anti-narrativity' (Ben-Yishai 2008: 383) of the law reports Ben-Yishai discusses. Structural continuity is also the point at which the comic book as a genre comes closest to forming a cohesive narrative with the potential to represent an externally referential reality. Indeed, Murdough notes that continuity is often approached by readers as a 'structural dimension of realism that facilitates suspension of disbelief', a promise of the authenticity of prior stories that also increases the genre's credibility through 'real-world principles of cause and effect' (2006: 31).

Like the case report, however, the nature of the comic text also works to undermine such a reading. There are, of course, certain generic resistances to external referentiality that flourish in a medium indebted to fantasy, science fiction, and adventure and sensation literature. Moreover, comic book continuity gestures constantly to itself as a self-referential and commercially-driven narrative that exists simultaneously in the creation of new stories and as an archive of past ones, both of which are available for seemingly endless consumption but neither of which can be truly mastered (Reynolds 1992: 43). Supposedly coherent continuities are subject to alteration as changing writers and artists produce new works. More drastically, narrative disruptions like the continuity revisions brought about by *Crisis on Infinite Earths* can radically change characters and the universes that they inhabit.

The complicated temporality of comics also underscores their status

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as text. In 'The Myth of the Superman', first published in English in 1972, Umberto Eco argues that Superman exists in an 'oneric climate ... where what has happened before and what has happened after appears extremely hazy' (1972: 17). Eco's Superman has adventures that occur without a clear chronology, thereby moving him outside 'the law that leads from life to death through time' (1972: 17). As Kukkonen and Murdough have argued, the changing nature of the comic book has meant that Eco's formulation is no longer entirely accurate; the development of alternate storyworlds allows for 'irrevocable events' (Kukkonen 2010: 49) to occur and many fans now read comics through the accreted fictional history of continuity (Murdough 2010: particularly at 31-38). Nonetheless, a version of Eco's oneric climate remains integral to comic book narrative for very good commercial reasons, as the permanent death of a character, while sometimes making for a profitable story (as Superman's temporary demise did), renders that character unusable as a property. This strange temporality is also a facet of the suspension of disbelief readers must bring to their engagement with characters created decades ago who do not appear to age.

Further, like a conception of the common law that holds it to be acting 'in the same way as it ostensibly always has been' (Ben-Yishai 2008: 398) while also adapting its cumulative narrative, comics similarly incorporate an ahistorical timelessness into a changing, developing continuity. At its broadest, comic book continuity 'creates a space where everything can be represented in simultaneity. It celebrates the systemic and dialogic possibilities inherent in a fantastic perspective on time and space' (Craft 2004:5). This is made spectacularly manifest in *Crisis on Infinite Earths* when parallel dimensions and disparate time periods begin to merge and superheroes who exist in the narrative present meet not only their own alternate doppelgängers, but also ancient sorcerers, World War II soldiers, and the survivors of dystopian futures in a narrative that literally amalgamates fifty years of DC Comics' continuity.

While superhero comic books have a narrative form that has been influenced by realist principles, ultimately these stories find their

legitimacy in the idiosyncratic expectations of the genre itself. Their focus on fantastic events as well as their elastic sense of the operation of time, continual reworking of individual characters' histories, and frequent rewriting of the foundations of their fictional universes all function to distance the genre from realist expectations. This is why stories like *Crisis* that radically change continuity can be considered legitimate: because they occur in a manner that is consistent with the genre's narrative expectations. Despite the importance contemporary readers and creators might place on continuity as a metatextual marker of external referentiality, the medium remains as self-referential, and as subject to its own unique narrative forms, as case reports are in the common law.

How, then, can we think through the production of these jointly cumulative and specific texts? In 'Law as Interpretation' (1982), Ronald Dworkin offers a conceptualisation of the creation and nature of cumulative narratives that is illustrative not only for law but also for comic book continuity. Dworkin's model is premised on the assertion that law is an 'exercise in interpretation' (1982: 179) where interpretation is concerned with 'the meaning of the work as a whole' (1982: 182), rather than a determination of a 'speaker's meaning or intention' (1982: 181). To develop his theory, he turns to the intersection of law and literature. Dworkin suggests that the process of judicial decision-making is akin to the production of a 'chain novel', a novel created sequentially and cumulatively by multiple authors. In his analogy, the authors involved draw lots to determine the order in which chapters will be written. The author with the lowest-numbered lot writes the opening chapter, the next author reads it and writes a second chapter, and so on. The parameter of the authors' project is that they are to write as if they are all contributing to a single novel with a coherent, unified plot and characters, rather than producing a collection of interlinked stories. All authors but the first<sup>4</sup> have the dual obligations 'of interpreting and creating because each must read all that has gone before in order to establish ... what the novel so far created is. He or she must decide what the characters are "really" like; what motives in fact guide them; what the point or theme of the developing novel is' (1982: 192-3). For

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Dworkin, this constitutes ‘interpretation in a non-intention-bound style,’ a methodology wherein the intentions of no single author can be said to be ‘decisive’ to a text (1982: 193), and where the narrative is understood as the cumulative production of authors who must both create and interpret.

Moving from novelists to judges, Dworkin argues that in considering precedent (which he analogises to the prior chapters in a chain novel) a decision-maker must read preceding cases ‘not simply to discover what these judges have said, or their state of mind when they said it, but to reach an opinion about what these judges have collectively *done*, in the way that each of our novelists formed an opinion about the collective novel so far written’ (1982:193, emphasis in original). Thus:

each judge must regard himself, in deciding the new case before him, as a partner in a complex chain enterprise of which these innumerable decisions, structures, conventions, and practices are the history; it is his job to continue that history into the future through what he does on the day. He *must* interpret what has gone before because he has a responsibility to advance the enterprise in hand rather than strike out in some new direction of his own. (1982: 193-4, emphasis in original)

To Dworkin’s mind, then, legal interpretation and creation (and the two are intertwined) is subject to an ‘overriding constraint’ (1982: 195). Judges will consequently ‘include or imply some conception of the integrity and coherence of law as an institution, and this conception will both tutor and constrain his working theory of fit – that is, his convictions about how much of the prior law an interpretation must fit, and which of it, and how’ (1982: 195). The parallels with the comics industry are readily apparent: each creative team must look to the extant body of texts and interpret them as they produce new, aligned texts. Of course the creators’ training and the communities of readers are vastly different in these two fields, but this integration of interpretation and production as the appropriate means by which texts can be known and then disseminated in new but related forms is relevant to understanding both comics and the law. Once again, the relevant context is a self-reflexive one rooted in textuality.

Moreover, to some extent the reality of this practice, whether the judge or author is *in fact* constrained, matters less than the *appearance* of such constraint and fidelity.<sup>5</sup> As I have stressed throughout this discussion, the logic of a corporate, cumulative narrative shapes what constitutes acceptable meaning in comics and the common law. As such, it is often the textual representation of fidelity to the cumulative narrative, the gesturing to precedent and relevant stories from the past, through which the legitimacy of such narratives is determined, rather than any external referent. Quite literally, then, stories matter to the production of meaning within these self-referential, cumulative narratives.

### **3 'A Multiverse that should have been One': Justifying Change in *Crisis on Infinite Earths***

DC Comics' *Crisis on Infinite Earths* provides an intriguing example of how a specific textual unit (a comic book story) might not only add to a cumulative narrative, but also work to amend it while still adhering to the genre's constraints. The series begins with the revelation that the DC multiverse is being destroyed by a wave of anti-matter sent by an unseen foe. Composed of myriad, parallel positive-matter dimensions, the multiverse is home to thousands of distinct earths, each with their own unique populations and many with alternate versions of heroes and villains such as Wonder Woman, Green Lantern, and Lex Luthor. To protect the few earths that remain, the mysterious being known as the Monitor gathers a group of heroes and villains to defend a series of machines he has built. Fuelled by energy released when the Monitor dies at the hands of his assistant (and adopted daughter) Harbinger, these machines work to preserve two of the remaining earths. Later, Harbinger saves a further three.

It is revealed that when Harbinger killed the Monitor she was being mind-controlled by the series' antagonist, an alternate version of the Monitor referred to as the Anti-Monitor. A 'blasphemous parody of humanity' (Wolfman and Pérez 2000: 185), the Anti-Monitor is from

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an evil anti-matter dimension that exists alongside the multiverse. Created in the same event that formed the multiverse, the Anti-Monitor first conquered his home dimension and then turned his attention to destroying the positive-matter dimensions. Rendered dormant for nine billion years, the Anti-Monitor has secretly awoken and renewed his attack on the multiverse. With the Monitor now dead, the heroes face the Anti-Monitor directly, stopping his various plans to destroy the remaining earths at a cost that includes the deaths of Supergirl and the Flash, as well as numerous other less-well-known characters.

Finally, a decisive battle at the dawn of time sees the surviving earths merged into one New Earth, which incorporates aspects of all five saved worlds but without multiple iterations of characters such as Wonder Woman. The Anti-Monitor returns a final time, but he fails to destroy New Earth and is ultimately defeated. As *Crisis* concludes, life begins anew under the revised continuity, with the re-written earth a relatively blank page for stories and only a few characters ending the series remembering either the multiverse or the crisis that befell it.

Marv Wolfman's 1998 introduction to the collected edition sets out that part of the purpose of *Crisis on Infinite Earths* was to 'simplify continuity and lure new readers to the fold' (Wolfman 1998) by revising what were felt to be continuity's more complex and confusing aspects.<sup>6</sup> According to Wolfman, the series was only 'partially' (1998) successful on this front, with some relaunches of books and characters proving more effective than others. While Dick Giordano – who, in addition to contributing inks to the series, was part of DC's editorial and management structure at the time of *Crisis* – is more emphatic about the series' successes, he also notes (without elaboration) that the company did not wholly capitalise on the opportunities that *Crisis* afforded them. Despite these reservations about the series' achievements, it seems fair to suggest that *Crisis* did reduce the amount of repetition in DC's continuity, and so was perhaps successful in ameliorating some of the effects of the fictional complexity confronting new and casual readers.

A parallel, and I would argue equally important, impetus for *Crisis* lies in what Wolfman describes as 'one child's dream of doing a special



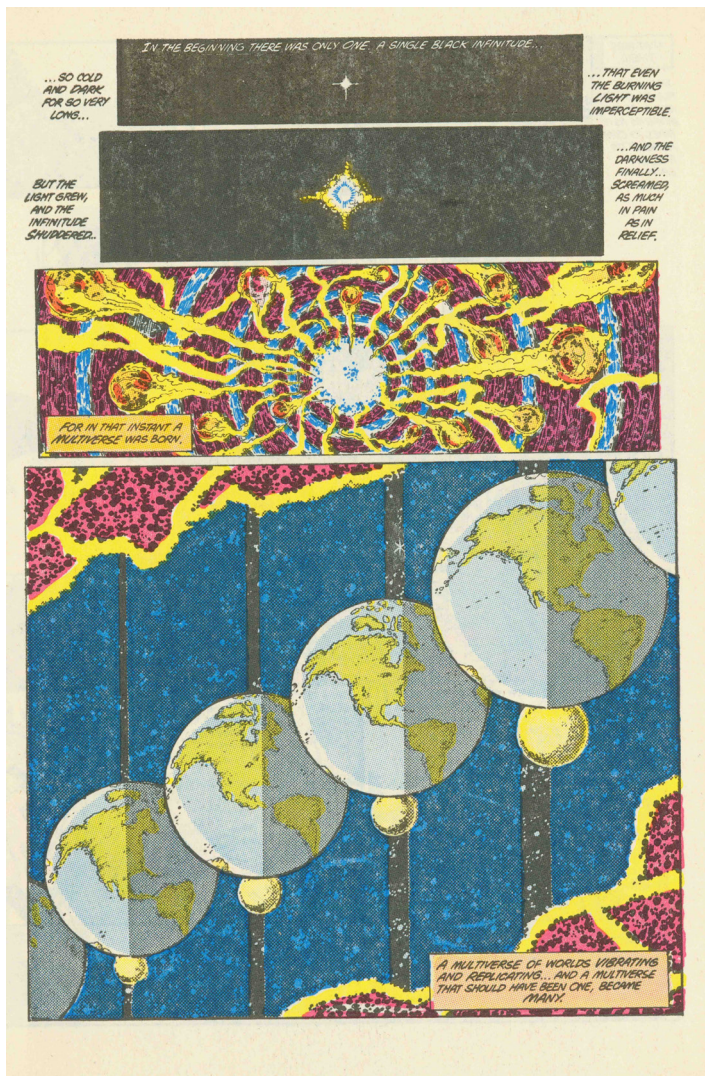
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series featuring all the heroes he knew' (1998). Wolfman recalls that the origins of *Crisis* lay in his desire as a young reader to see not just the superhero team-ups that were a semi-regular feature of the genre by the 1960s, but 'a single story featuring *all* the DC super-heroes from the past, present, and future' (1998: emphasis in original). What this emphasises is a markedly different desire from attracting new readers. Instead, it is a desire for precisely the kinds of complexity that cumulative narratives like comic book continuity make possible. For Wolfman as child-reader, there is a pleasure in continuity, and this pleasure can certainly be seen in *Crisis*, which relies heavily on past stories and diverse and often obscure characters. *Crisis* dramatises the complexity of continuity, using it to generate the story and as the fictional basis for the changes that the story brings about.

Because of this, I would characterise *Crisis on Infinite Earths* as a self-reflexive text that is consistent with continuity and that revises DC's storyworld by engaging with it on its own, fictional terms. The series does not meet its commercial directives by simply starting anew with the stroke of an editorial pen. Rather, *Crisis* brings about change through a story whose form is determined by the constraints of the genre, the believable limits of the plot, and the direct involvement of the characters depicted. It is, as Murdough describes it, a 'self-conscious restructuring of an ongoing serialised narrative *in media res*, with the full awareness of the characters' (2006: 44). As such, and in spite of the editorial directive for simplification driving it, if *Crisis* succeeds as a DC comic book it does so because it manages to maintain a fidelity to the medium's generic and narrative parameters.

It is from this perspective that I read the series' approach to continuity. There is a tension in *Crisis* that can be read in the title itself; this is a crisis not just on, but also prompted by, the perceived problem of infinite earths. Take, for example, the series' expository first page (figure 1).

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**Figure 1:** The creation of the multiverse. Wolfman and Pérez 2000:11  
(™ and © DC Comics)

## 'What had been many became one'

Here, the reader is taken from a long, black panel with a point of light in its centre, to the explosive creation of the multiverse. The page ends with a panel depicting parallel earths, illustrating the repetition on which the idea of the multiverse is based. Simultaneously, the text makes apparent that this is a story of anomaly; in the same panel as the representation of the parallel earths, the caption reads 'A multiverse of worlds vibrating and replicating ... and a multiverse *that should have been one*, became many' (Wolfman and Pérez 2000: 11, emphasis added)<sup>7</sup>.

As the reader goes on to discover (or, rather, is reminded, with the collected edition providing at page 182 a note to one of many intertextual references to the story's pre-texts), the creation of the multiverse was the consequence of the unbridled curiosity of the Oan scientist Krona, whose desire to learn the universe's origins caused it to be splintered into parallel dimensions. In Harbinger's interpretation this event was not benign:

It was not the end of the universe as the Oan legends foretold ... But the beginning of something new ... Something terrible! Something evil ... The universe shuddered ... and the evil antimatter universe was formed. But more than that ... the single universe was replicated. What was one became many. (Wolfman and Pérez 2000: 182-3)

While the multiverse is not understood as evil in the way that the anti-matter universe is, *Crisis* nonetheless frames the link between the two in negative terms: the same 'evil deed' (Wolfman and Pérez 2000: 184) that produced the anti-matter dimension (as well as the malevolent Anti-Monitor) is responsible for the multiverse. The series' privileging of unity thus colours the representation of the origins of these universes, their multiple existences cast as anomalous and inextricably caught up in the creation of something deviant. It is also understood negatively by the characters, with Krona's act prompting the other Oans to create the Green Lantern Corps as a penance to redeem their race.<sup>8</sup>

Moreover, the multiplicity of positive-matter dimensions is repeatedly represented in *Crisis* as a source of cosmic weakness. The multiverse, we are told, is structurally vulnerable:

divided into many parts ... Each one different, independent, yet

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somehow weaker than the whole. Now each part suffers for that weakness ... Destroyed one after another ... because the very fabric of their being is too weak for its total defence. (Wolfman and Pérez 2000: 22)<sup>9</sup>

With each parallel universe that he destroys, the Anti-Monitor (who personifies the anti-matter universe's evil but also its singularity) gains strength. The benevolent Monitor, however, is 'linked with all positive matter' (Wolfman and Pérez 2000: 54) and so subject to the same deficiencies as the fragmented panoply of dimensions that he seeks to protect. Coming into being with the birth of the multiverse, the Monitor dies in order to protect what is left of it from a foe whose base of power is far more coherent, and therefore greater.

The idea of multiplicity as weakness can also be seen in the figure of Harbinger, empowered by the Monitor and similarly created for the *Crisis* series. Harbinger has the power to sense 'each atom within her as an independent force' (Wolfman and Pérez 2000: 22) and, with mechanical assistance, can split herself into multiple, super-powered copies. In doing so, Harbinger, like the Monitor, is analogised with the multiverse. Also like him, this analogy denotes weakness: for Harbinger to separate herself is risky, we are told, because 'she must divide her power among many. Each with power, yet each powerless as well' (Wolfman and Pérez 2000: 22). Artificially produced (like the multiverse), Harbinger's ability to separate is acknowledged as a strength, but also as a source of vulnerability, something that is emphasised when one of her copies is mind-controlled by the Anti-Monitor. In contrast, with the creation of New Earth, Harbinger no longer needs 'a machine to separate her being into many ... now that power is part of her' (Wolfman and Pérez 2000: 329). Harbinger, now stronger and able to access her power without artifice, manifests multiplicity within herself. As such, she acts as a mirror to the manifold possibilities for stories that the reformed New Earth, re-created as it was ostensibly always meant to be, itself provides. Both character and universe literalise the potential that the editorial mandate ascribes to simplification and unification, thriving now that they are no longer

subject to the artifice and weakness of infinite earths.

These kinds of textual justifications for the move from a multiverse to a universe receive an overt affirmation with three explicatory moments at the end of *Crisis*. In the first, Harbinger joins two further characters in contemplating their place in the new continuity. Harbinger's response might very well be said to express the editorial mandate that impelled *Crisis*: 'We should never forget the past, but we should always look to the future ... because that's where we're going to spend the rest of our lives. I don't know about you guys, but I can't wait to see what tomorrow will bring' (Wolfman and Pérez 2000: 363). Such a positive interpretation is then immediately contrasted in an epilogue where the Psycho Pirate, an emotion-manipulating villain who has been driven insane by the events of the series, is institutionalised in Gotham City's Arkham Asylum. Unlike Harbinger, Psycho Pirate sees the unpredictability of this new fictional world as a cause for alarm: 'I'd rather live in the past than today, wouldn't you? I mean, nothing's ever certain anymore. Nothing's ever predictable like it used to be. These days ... y-you just never know who's going to die ... and who's going to live' (Wolfman and Pérez 2000: 364). Coming after Harbinger's more optimistic injunction, Psycho Pirate's statement reads as a regressive and irrational fear of the unknown, an interpretation underscored by the context in which he makes it. Such a reading is then affirmed by *Crisis*' final, explicatory caption, which finishes the series by asserting that this is 'not the end' but 'the beginning of the future' (Wolfman and Pérez 2000: 364), a declaration Murdough describes as carrying 'the force of an official fiat' (2006: 82). All three comments cast *Crisis* as an ultimately positive force of renewal despite the chaos and death in the story and so validate the changes that have occurred. The reader is guided by these statements to a final understanding of *Crisis* that self-referentially sees the series as producing a more exciting, robust, and accessible DC Universe.

None of this is to suggest that *Crisis* capitulates entirely to the demands of the editorial mandate to unify and simplify. The series is a sympathetic exploration of the possibilities of the 'pre-*Crisis*'

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DC Universe in all its complexity, and certainly fulfils Wolfman's childhood desire to bring together as many characters as possible into one story. Importantly, it also gives textual respect to the continuity that it is changing. While its tone is sometimes over-wrought, *Crisis* never treats the passing of DC's old continuity lightly. Rather, there are vague statements in the series to the effect that despite certain characters suddenly finding themselves in a New Earth that has been reformed without a place for them,<sup>101</sup> they, and so the stories they are a part of, nonetheless 'still exist' in some manner: 'You're real ... tangible. You belong' (Wolfman and Pérez 2000: 364).<sup>112</sup> Moreover, despite its negative associations with weakness, certain forms of diversity are represented positively in *Crisis*, with the teamwork of DC's varied heroes enabling them to overcome a powerful, but less organised, army of villains, and to weaken the Anti-Monitor.<sup>12</sup> In order to best protect the multiverse, the Monitor selects both heroes and villains from three alternate earths, underscoring that their heterogeneity and power provide 'our greatest hope' (Wolfman and Pérez 2000: 21).

Finally, to illustrate the gravity of this irrevocable change to DC's continuity, the crisis that precipitates it is represented not as a benevolent occurrence but rather as a tragic, even 'apocalyptic' (Murdough 2006: 10) event caused by an unambiguously evil enemy. The loss of the multiverse is depicted as something to be mourned, with thousands of worlds with billions of inhabitants, including a number of recognisable characters who had an established place in pre-*Crisis* stories, obliterated. Despite Harbinger's optimistic reading of its outcome, one would think that few of the characters involved in *Crisis* would endorse the process. So while the changes to continuity in *Crisis* arguably made the DC Universe more coherent and thus stronger, in its representation of these events the story also repeatedly challenges a ready interpretation of them as a good.

These conflicting yet co-existing interpretations of *Crisis* work to underscore that the text can be read as a revision of continuity that operates from within the strictures of continuity. That is, the story itself provides a narrative explanation for how changes to the DC Universe

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have come about, and it does so in a manner that is consistent with the expectations of the larger, cumulative narrative, even as it works to change that narrative. DC Comics could have amended its continuity by corporate mandate, simply changing the fictional foundations of its stories at an arbitrary point. Yet it chose not to, turning instead to a massive, company-wide cross-over that provides an in-story explanation for how and why these changes have taken place. The series is fantastic, to be sure, perhaps even hyperbolic, but it is nonetheless a *textual* explanation that is produced from within the perceived parameters of the larger narrative of continuity.

Wolfman in many ways acts as Dworkin's idealised chain-novelist here, taking DC's fifty-year continuity, with its 'innumerable decisions, structures, conventions, and practices,' and acknowledging and working with that 'history' (Dworkin 1982: 193). As a text, *Crisis on Infinite Earths* is replete with DC history, and the changes that it makes and the way that it does so are very much in keeping with the generic 'enterprise' (Dworkin 1982: 193). It may, in fact, be read as more self-referential and committed to continuity than many other comics. Certainly, the series persistently encourages the reader to think about the story in relation to the cumulative narrative of continuity, locating it in systemic, literally global terms (see, for example, figure 2). Overt enunciations of the editorial mandate exist – as can be seen in the Introduction and Afterword in the case of the 2000 collected edition – but they function as paratexts rather than as explicit narrative interventions in *Crisis* as a story. Instead, the reader comes to understand the validity of the changes to continuity that the series brings about primarily on continuity's textual terms.



**Figure 2:** The cover of *Crisis on Infinite Earths* issue #1 (1985), which visually illustrates the series' multiple engagements with DC continuity.<sup>13</sup> (™ and © DC Comics)

## 4 Reading Change

Changes in the legal system (usually) take place through more incremental means than those represented in DC's multiversal crisis. How, then, might this story suggest ways for reading the law? Any change brought about by a legal case is reliant on an engagement with the larger narrative of the common law, in a manner similar to that which I have described with *Crisis*, if it is to be considered legitimate. To return to Dworkin's chain-novel model, each chapter (or legal case) has the possibility of amending aspects of the law, but to do so the narrative instance must explicitly relate itself to the cumulative narrative and explain itself on those terms. Distinguishing a case, for example,



requires that a report acknowledge its place in the legal narrative and give recognisable reasons for its difference from precedent. Without this kind of self-referential textual acknowledgment, without telling a story about change that adheres to the forms and tropes of the law as a perceived whole, the legitimacy of the distinguished case is at risk. Institutional factors absolutely matter here, and the textual system of law allows for a more limited range of possibilities than continuity does for the producers of comic books, but to suggest that the process is any less self-referential or narrativised would be a mistake.

I would also suggest that *Crisis* makes explicit the place of a further source of meaning in law and comics: that of the audience. As I have argued throughout this paper, readerly expectations are understood as a constraint on the form and scope of legal and comic book narrative. Continuity, for example, is premised on readers' retrospective construction of meaning from the comics corpus, while precedent speaks to an audience that understands itself as being guided by the legal principles detailed in case reports, making use of those findings in future cases. Audience expectation is represented as a constraint on these literary and legal texts, a way of shaping meaning and of determining the validity of narrative change.

With *Crisis*, the role of the audience in creating meaning can be seen in Wolfman's self-representation of himself as a child who dreams of a story featuring the spectrum of DC's characters. Wolfman momentarily displaces himself as writer in the Introduction, instead figuring himself as a reader who desires a series like *Crisis on Infinite Earths* and who consequently stands in for an imagined group of readers who feel similarly. Articulated in the paratext of his Introduction, Wolfman's desire can be seen in the story itself through the proliferation of characters and the series' expansive use of continuity. If we further understand this child reader as representative of an audience invested in the comic book genre (including its understandings of continuity) then the reader functions as a source of narrative constraint. That is, he or she denotes an audience who both constitutes and is constituted by generic expectations about what a comic book story looks like and how

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continuity can be legitimately changed. The child reader's desire to see a story derived from the expansive breadth of continuity thus comes to be seen as a discourse that is itself structuring how the genre functions.

If the dream of the comic book reader is of a holistic story bringing together the expanse of DC's storyworld, then the constitutive fantasy of the legal reader is of a case that mirrors the cumulative narrative of law itself. Where change occurs in law it does so in a manner that is cognisant of how the forms of the common law are to be read, with each case becoming a microcosm of all that has gone before and of all that may come after. The coherence of the law consequently depends upon individual cases being understood as legitimate precedent; without that, the validity of the cumulative narrative itself begins to break down. To enable this, each report must relate itself to the common law, something foregrounded in the determined self-referentiality of the case reports Ben-Yishai describes. Written for a legal audience and 'as if to stress their relevance only to the discourse of the common law' (2008: 387), the reports detail the judgment in a particular case in a manner that also generalises its findings, thereby holding it out as potential precedent. The legal reader, then, approaches the report as an illustrative aspect of the cumulative narrative. In doing so, she or he reads it through reference to other cases as well as to the hermeneutic norms of law even when, as with cases that have been distinguished, it is held out as fundamentally different. Similarly to the reader of comics, the reader of the case report expects it to be integrally connected with the common law as a whole. Where a case fails to be understood as part of law's narrative, I would argue that a reader will also understand it to no longer be legitimate as precedent, and so law.

Once again, whether law's readers are in fact so constrained in their understanding matters less than that such processes generate meanings that are understood to have legal consequence. The origins of legitimacy lie in the narrative itself, and are given effect by the complex interplay of specific text, cumulative narrative, and audience expectation. The self-referentiality of law and comics is thus not simply a marker of insularity, but the means by which validity can be determined by

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readers of the field. Constituted by texts and shaped by the audience’s expectations and reading practices, narratives in law and comics matter when creating and changing meaning, and serve as the measure by which the legitimacy of either is determined.

### **Notes**

- 1 I would like to thank Patrick Bugeja, Hilary Charlesworth, Kathryn Henne, Emma Larking, Michelle Peek, Kyla Tienhaara, and the anonymous reviewers for their generous and insightful comments on various drafts of this article. Thanks also to Luis Gómez Romero and Ian Dahlman for the opportunity to contribute to this issue and for their editorial support and enthusiasm.
- 2 What I refer to as the series’ editorial mandate.
- 3 The past thirty years have seen at least four such sweeping alterations to DC Universe continuity including *Crisis on Infinite Earths*, *Zero Hour: Crisis in Time* (1994), *Infinite Crisis*/52 (2005-06/2006-07), and the recent *Flashpoint* (2011), in addition to numerous other major and minor revisions.
- 4 Even then, as Dworkin explains in a long footnote, the first author is influenced by the terms of the genre in which she or he chooses to write (1982: 192 n4).
- 5 Dworkin’s theory led to a vigorous debate with Stanley Fish and others about the nature of judicial ‘constraint’ in legal interpretation and production (see, for example, Fish (1982), Dworkin’s response (1983), and Judith M. Schelly’s 1985 attempt to reconcile their perspectives). This debate proved influential for thinking through ideas about legal hermeneutics, notably in the field of law and literature. For the purposes of my discussion, Dworkin’s theory provides a particularly cogent articulation of how judges are understood to be constrained by precedent and common law principles in the writing of judgments, even if the actual nature and extent of that constraint is somewhat different.
- 6 Indeed, this is a common refrain in discussions of comic book continuity, with ‘convoluted story lines’ (Fritz and Boucher 22 August 2011) cited as at least one reason for a declining readership.
- 7 As with all quotes from *Crisis*, ellipses are in the original text.

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- 8 The Green Lantern Corps, a super-powered organisation charged with containing evil in the universe (Wolfman and Pérez 2000: 184) stands as one of the few examples of superheroes acting explicitly like a police force. As Jason Bainbridge argues, superheroes more often serve to remedy the failings of the legal system by battling those villains that police are incapable of subduing, courts of convicting, or prisons of holding. Despite the respect superheroes often profess for the law, they more often act to supplement or critique it than to fulfil an identifiable role within the workings of the legal system.
- 9 See also Wolfman and Pérez 2000: 114.
- 10 That is, they and their histories no longer have a place in the new continuity.
- 11 However, it is worth noting that this occurs after an unseen force has attempted to lure the character in question, the Superman of Earth-2, into a void beyond New Earth. The sense of affinity that Superman feels for the void suggests that his belonging is now to a narrative distinct from the revised DC continuity, one that could potentially be located exclusively in the memories of fans (Wolfman and Pérez 2000: 304-5).
- 12 Although it is a single hero, the Superman of Earth-2, who alone delivers the blow that destroys the Anti-Monitor in an act that exemplifies the character's heroic history, now no longer a part of continuity.
- 13 Depicting heroes and villains from five distinct earths, as well as the myriad parallel earths themselves, this cover dramatises the catastrophic nature of what is to come for individual characters and their worlds as (interconnected) wholes. It also encourages the reader to think metafictionally about the self-referential work of the text by representing those worlds as affected by the events of the series. The cumulative, interconnected narrative of continuity (here illustrated by linked earths with representative inhabitants, including some, such as the Superman of Earth-2 and Ultraman of Earth-3, who are parallels of each other) is thus depicted visually as subject to a threat that brings with it the possibility of significant consequences for the narrative system as a whole.

## **References**

- Bainbridge J 2007 "This is *the Authority*. This Planet is Under Our Protection"—An Exegesis of Superheroes' Interrogations of Law' *Law, Culture and the Humanities* 3: 455-476
- Ben-Yishai A 2008 'Victorian Precedents: Narrative Form, Law Reports and *Stare Decisis*' *Law, Culture and the Humanities* 4: 382-402
- Brooks P 2006 'Narrative Transactions—Does the Law Need a Narratology?' *Yale Journal of Law and the Humanities* 18/1: 1-28
- Craft J 2004 'Comics Universes as Fiction Networks' paper presented at the *PCA/ACA Conference* San Antonio Texas retrieved from [http://www.earthx.org/files/pca\\_print.pdf](http://www.earthx.org/files/pca_print.pdf)
- Cross R and Harris JW 1991 *Precedent in English Law* Clarendon Press Oxford (4th edn)
- Dworkin R 1982 'Law as Interpretation' *Critical Inquiry* 9/1: 179-200
- 1983 'My Reply to Stanley Fish (and Walter Benn Michaels): Please Don't Talk about Objectivity Any More' in Mitchell 1983: 287-313
- Eco U 1972 'The Myth of Superman' Trans N Chilton *Diacritics* 2/1: 14-22
- Fish S 1982 'Working on the Chain Gang: Interpretation in the Law and in Literary Criticism' *Critical Inquiry* 9/1: 201-216
- Fritz B and Boucher G 22 August 2011 'DC Comics Hopes Revamped Heroes and Digital Will Save the Day' *Los Angeles Times: Hero Complex* retrieved from <http://herocomplex.latimes.com/2011/08/22/dc-comics-exclusive-covers-batman-superman-revamped-heroes-and-digital-will-save-the-day/#/0>
- Giordano D 1998 'Afterword' in Wolfman and Pérez 2000: unpagged
- Mitchell WJT ed 1983 *The Politics of Interpretation* University of Chicago Press Chicago
- Murdough AC 2006 'Worlds will Live, Worlds will Die: Myth, Metatext, Continuity and Cataclysm in DC Comics' *Crisis on Infinite Earths* MA thesis Bowling Green State University
- Reynolds R 1992 *Superheroes: A Modern Mythology* University Press of Mississippi Jackson
- Schelly JM 1985 'Interpretation in Law: The Dworkin-Fish Debate (Or, Soccer amongst the Gahuku-Gama)' *California Law Review* 73/1: 158-180

## **Authors**

Wolfman M 1998 'Introduction' in Wolfman and Pérez 2000: unpagged

Wolfman M, Pérez G 2000 *Crisis on Infinite Earths* DC Comics New York  
(collects material first published 1985-6)