Competition between Human Art and AI Art

Is it fair to allow AI-generated art in a human art competition?

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Introduction

As AI technology develops rapidly, it becomes easy to see automation in daily life. Developers are obsessed with automation as it can greatly reduce production costs. Also, most AI products bring convenience to the public and people feel happy to free their hands and let AI do their work. There seems to be no issue with automation. However, when AI comes to Art and Entertainment, people show more resistance rather than acceptance. Theoretically, AI cannot "create" things. Therefore, when people see AI's creation (paintings, novels, music, and so on), they become more doubtful about the development of AI. It has always been arguable whether humans should let AI do artistic work, which highly depends on humans' creative thinking. In this situation, people show the most resistance against AI when AI is allowed in an artistic competition. Most people think AI is a "cheating" machine, but some people argue that AI's production can also be considered as creation. Therefore, it is necessary to discuss the rationality of art competitions between humans and AI before people get more anxious about the development of AI art. In other words, we would like to explore whether it is fair to allow AI artwork to compete with human artwork at an art competition.

One example of AI art and human art competing together was the Colorado State Fair fine arts competition. On August 26, 2022, Jason Allen posted a Twitter about his win at the Colorado State Fair fine arts competition (digital art category). This joyful announcement soon became extremely controversial because his awarded painting *Théâtre D'opéra Spatial (Space Opera Theater)* was completely generated by an AI tool, Midjourney. This result quickly triggered an intense discussion on the internet though the prize was only $300. Many people said, "Art is dead", but the sponsor refused to withdraw the award. As the AI industry develops rapidly in the modern era, people use AI for a variety of purposes. 3D printing, sweeping robots, smart wheelchairs, and more useful tools come into our lives. AI technology brings us convenience but may bring more "cheating" opportunities into some human-based competitions such as art competitions. Whether an art competition should accept AI art has been arguable. Therefore, with more potential AI's involvement in such competitions, the organizers face the challenge of making fair decisions in designing competition rules. For the Colorado State Fair fine arts competition, organizers decided to accept AI art in the competition, but was it fair to do so?

Why is it challenging to make fair decisions?

The Colorado State Fair fine arts competition consists of competitions in various categories, and the *Théâtre D'opéra Spatial* was exhibited under the "digital arts" category, which seems to be a mixture of AI art and human art.

Digital arts refer to any artistic work that includes digital technology as part of the creative or presentation process. (Paul, 2016) It is necessary for us to first determine whether a completely AI-generated artwork belongs to this category. If we suppose that the organizers strictly refer to the (recent) definition of digital arts when reviewing the entries, then a completely AI-generated artwork like the *Théâtre D'opéra Spatial* should not be permitted for this competition because it was completely produced by AI rather than partially. All its creative and presentation processes are finished by digital technology, and it contradicts the definition of digital arts. However, it is arguable whether the production process truly excludes any human intervention. By December 2022, most of the AI art generators still rely on two key inputs: the collected sample works from the public and the keywords entered by the operator. It means that the theme of an AI-generated artwork depends on the creative thinking of the operator, who inputs keywords to determine the conception. Some people argue that the theme is the basement of art, and thus, such an AI-generated artwork does consist of a big portion of human creation. Therefore, it is difficult for organizers to decide whether or not they should allow AI-generated work to take part in a digital/human art competition.

The ethical and fairness issue of AI-generated art

Besides the classification issue, there exists a more practical problem. Currently, AI art/image generators do not "create" their piece. Instead, they learn humans' aesthetics by executing certain machine/deep learning programs, then they represent the learning result on an image. In this process, the machine needs to view a big number of artworks that are created by humans. Therefore, there are ethical concerns of the use of these collected works in the learning

process. Besides the copyright protection of these artworks, the copyright of the resulting artwork itself can also be confusing.

By December 2022, no specific laws have been designed for AI-generated art, while there are general laws about copyright that can be applied to AI art. For example, the US Copyright Office has recently refused to grant copyright registrations for some AI-generated artwork such as *A Recent Entrance to Paradise* by Steven Thaler because human authorship is still necessary for any piece of art to be protected by copyright. (Kinesella, 2022) Hence, under the current US legal frameworks, an AI-generated painting like *Théâtre D'opéra Spatial* is considered non-copyright. Thus, it might be inappropriate to accept these works in a competition.

On the other hand, according to fairness, there is also a huge flaw in the decision of accepting AI art. As mentioned, AI art failed to have copyright protection according to the current legal frameworks for a lack of human authorship. This result verified that currently a completely AI-generated painting is considered to exclude human efforts or creation. Since digital art should include human creation, an AI-generated painting should not be assigned to the digital art category. Generally, humans' creation of artwork with high completeness is time-consuming and full of challenges, whereas AIs' production of art is much quicker. It would also be unfair to compare AI art and digital art at the same stage as it is almost equivalent to comparing AI's learning ability with humans' effort and skills.

In addition, most art competitions require the entries to be original. However, AI-generated art cannot be considered entirely original though some promotions of art generators

said it is. As mentioned before, the AI produces art after being trained with thousands or more artworks created by humans. It will be unfair to those artists, who have "contributed" at this step if the participants only put their names on the application. Plus, if thousands of people have contributed to an AI-generated work, it means that the other individual participants are competing against thousands of artists. That is, if competition organizers put human art and AI art under the same category, then the human artists will have to compete with not only other individual artists but also with machines and more artists who have not participated in the competition. Hence, it would be unfair for the artists that have or have not participated in the competition regarding this issue. As AI art is a new and developing field, it is believed that the ethical issue would be addressed more quickly, but people will need more practice and time to reduce the fairness concern. The fairness issues may also vary as the legal framework varies.

Why not just ban AI-generated art in art competitions?

Because there are fairness issues regarding AI art's participation in art competitions, some people argued that AI art should just be avoided in art competitions, but it is not the fairest idea. Although an AI art generator sounds like a cheating machine, it helps many artists with their creation and presentation of art. For instance, some artists use an AI art generator to see how a machine "thinks about" the keywords and treat that process as part of the artwork. While this is an abstract type of art, it is still considered artistic. Therefore, there is no strong reason for the organizers to refuse AI art like this because the work can be considered partially made of digital technology, and by definition it belongs to the digital art category.

Simply avoiding comparing AI art with human art may temporally fix the fairness issue, but it will not be beneficial in the future. As AI art develops rapidly, people find it generally quicker to generate art automatically rather than to handcraft it. It is highly possible that AI art will enter the market massively in the future, especially after relevant laws of copyright are fixed. AI art may become more trending and may probably take over most of the art market. If human artists want to reduce this risk, they need to compete with AI face-to-face to show that human art cannot be replaced and is still precious, rather than avoid the comparison.

Nevertheless, as mentioned before, AI art is less time-consuming, and it can apply different aesthetics and ideas of thousands of artists. To compete with AI art on the same art competition does make human artists more stressed. For example, many artists that have or have not participated in the Colorado State Fair fine arts competition has already expressed negative expectation of human art after seeing Jason Allen's post. Yet, to protect human art and to prevent humans' negative expectation of art, human artists need to overcome the challenge of AI art. In the near future, they will need the support from the government and the competition organizers to improve their confidence and passion in art creation. One feasible way to support them is to make art competitions fairer.

How to make art competitions fairer?

The competition between AI art and human art is a representation of the competition between technology and the humans' creativity. According to the previous analysis, it will probably be better to keep AI art in art competitions, but people, especially the organizers will

need to fix the current fairness issue for the human participants. After all, it is also true that AI art will be a powerful substitute for human art, and thus, it will be more challenging for many human artists to develop their careers. It is necessary for organizers to add more regulations to AI art's participation in the competitions.

To reduce the unfairness of such competitions and to reduce artists' anxiety about AI development, one way is to limit the number of AI artworks in the competitions. For example, only about 5% of the entries can be accepted as AI art. Since it generally takes less effort to generate AI art (excluding the AI development processes), this limitation makes sure that only valuable AI artworks could be compared with humans' creativity at the same stage. The organizers can also set different amounts of the prize for AI art and human art. For example, if human artists win the first price in an art competition, they will receive $5,000 but if the winner is AI, the AI operator will receive only $1,000 due to lack of creation. In this way, people can reduce the value of AI art, and preserve the value of human art as much as possible.

In the future, regularization would not only reduce unfairness in competitions but also protect human art. AI makes art production cheaper and quicker, but on the other hand, it would never be as creative or inspiring as human artists. With the development of culture and education, more and more people consider the process of creating as part of art, and machines would not achieve this level of understanding.

Conclusion

AI art is a new and rapidly developing industry, while it does not quickly reflect any issues and losses to the society, and thus, most voice about AI art has not been taken seriously by the public. When AI art participates in human art competitions, we noticed the ethical issues such as the copyright and authorship issue of AI art. We also pointed out the fairness issue including the difference of effort between AI's and humans' effort put in art creation, though the effort issue is still arguable. In art competitions, we also must realize the dilemma that it is unethical and unfair to compare human art and AI art at the same stage, but it is necessary for human art to compete with AI art as this would be an important step to protect and develop human art. However, this needs the support from competition organizers and the governments. The organizers can apply restrictions to AI entries or reduce the value of the prizes if AI artworks win, while what methods will be feasible depends on the legal frameworks.

More concern about AI art in the future

In fact, the easiest way to protect human artists and accept AI works simultaneously is to open a new section called "AI art" category, while it is just one way to avoid face-to-face competition between human art and AI art. As discussed before, human artists should not avoid competing with AI. Yet, giving a new category to AI art seems to be the most probable method that the organizers would use in practice.

Although we have developed some possible ways to support human artists in competing with AI, the future of human artists is still highly unpredictable. It may depend on the majority's respect and recognition of the idea of the human spirit. After all, it is possible that machines can teach themselves to be creative in the future. It would be dangerous for human art if most people value a piece of art depending only on its profitability. In that case, AI art that has lower costs and quicker production would be more attractive than human art for consumers.

We have mentioned that human art would face the challenge of the invasion of AI art, but there exists an opposite possibility. With the new challenges, the most aesthetic and interesting human artworks would stand out. Within the battle against the powerful AI, the most intelligent and skillful human artists will survive, and the value of their art will be increasing even faster than AI art. AI art seems to be harmful for the employment and general human art, but it would probably be helpful for people to figure out those "real" human art that would never be surpassed by AI art.

Reference

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