

AI's Role In the Exploitation of Black Music Artists.

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Black music artists have had a long history of being exploited by the music industry. “The regime of dispossession and control, an essential element of slaveholder treatment of African Americans, continued into the recording era. Since the dawn of the recording industry, many Black artists have been denied compensation commensurate to that of other artists. From an economic perspective, former slaves, once owned as assets, have been denied control over their creations, and denied their right of ownership of tangible property such as land, and intangible property, such as royalties from record sales” (Arewa, 2021). As technology has developed and changed the only thing that changes is how the exploitation is done, the goals of ownership and profit remains constant. With the current rapid development of AI technology. Artists’ voices are being used as data to train AI to make new art completely inspired by them, they have no control over. This paper seeks to explore the implications of AI music on the future of ownership, exploitation, and control of Black artists’ and their work.

The capabilities of AI music generation technologies is constantly growing at an unknown pace. In a 2022 study reviewing different AI music applications there was a wide range of capabilities, mostly instrumental music and melodies, described as “still very much in their inception stages and show little consideration for user experience” (Civit, M., Civit-Masot, J., Cuadrado, F., & Escalona, M. J., 2022, pg. 11). Only one reviewed application had the ability to produce even “rudimentary singing (Civit et. al pg.5). In just a year since this study AI music generation has taken great strides to the mainstream consciousness in its user accessibility and quality. Increasingly realistic AI vocal synthesizers are everywhere and music made using those vocals are also becoming more apparent. Many people have no issue with listening to music using AI vocals, with most concerns being about the quality, which will certainly improve. The young people interviewed in a May, 2023 New York Times article had various opinions but were

mostly open to AI music, though some had doubts about the emotion that it can convey (The Learning Network, 2023). As people become accustomed to AI music and, without swift and strict regulations protecting artists, AI will become increasingly used to exploit artists, and as already evident, Black artists will be at the forefront, especially with Hip Hop being one of the most popular music genres amongst young people.

The most well known piece of music with completely AI vocals as of yet was the song “Heart On My Sleeve” produced by an anonymous user on the app TikTok, ghostwriter97. The track used AI vocals to mimic the sounds of the rapper Drake and the singer The Weeknd. Ghostwriter97 released the song on streaming platforms on April 4, 2023, then on TikTok, on April 15 where it gained millions of views across platforms. By April 17, Universal Music Group (UMG) began to remove the song on platforms by claiming the “Metro Boomin” producer tag used in the song (Patel, 2023). “Heart On My Sleeve” was marketed as an AI collaboration between Drake and The Weeknd, making it clear who the AI was mimicking. Drake and The Weeknd are well known and successful artists with teams behind them that can help them push back against music being made replicating their voices, and even so it is difficult to do anything about it without an overt copyright obstruction or reference to a specific artist. Whether the synthesized voice is meant to mimic a specific artist, it must be trained using sample data of someone's voice, which can be done without their consent or knowledge. While these capabilities are a great technological feat, they also allow for new ways to engage in the American musical tradition of appropriating Black music styles and exploiting Black artists.

The American music industry has had the Exploitation of Black music artists at its core from its inception. Stephen Foster, known as “The Father of American Music”, was a composer for minstrel show music, minstrel shows being theater performances where white actors paint

themselves Black and sing and dance to mock Black people for the entertainment of White Audience. Minstrel shows were the most popular form of musical entertainment in Antebellum America, with songs such as "Oh! Susanna", "Camptown Races", and "Turkey In The Straw" are still well known today, even though they are disconnected from their racist origins. The Black artists inspiring and making these songs were not credited at all and were completely removed from having any to their art. As recording technologies became available the music Industry shifted focus to recordings and issues with ownership and compensation became common for Black artists and continue today.

In 2020 the music company BMG Rights Management "found "significant" racial disparities in royalty payouts to Black artists in four of its labels" (Arewa 2021). Not only have Black artists been getting unfair contracts and loss of control over their work by labels, there is also a history of Black artists getting their sound replicated wherein Black musical styles are adopted and made without Black artists' involvement or compensation. In the early days of Rock'n Roll, it was a Black genre under the umbrella of Rhythm & Blues. As the sound grew in popularity, companies saw a profit, and "began recording rhythm 'n' blues disguised as rock 'n' roll with white artists, dubbed as "cover versions"" (Keyes, 2003 pg. 118). Black music has always begun in the hands of Black artists and history shows it is a struggle for it to stay there. AI technology in music makes it possible to exploit Black artists in entirely new ways. With AI, the music does not begin in Black artists hands, completely removing them from the process at all. This regresses the level of ownership back to the enslaved Black people that were the creators of many minstrel songs, with no credit or compensation.

The replication of Artist's voices with AI is not fully protected under current law. California in 1988 argued the "distinctive voice of a professional singer is widely known and is

deliberately imitated in order to sell a product, the sellers have appropriated what is not theirs and have committed a tort” (Midler, B. v. Ford Motor Company, 1988). This only applies to well known artists and only is in regard to selling a product. Given the history of unethical contracts given to Black artists, many Black artists without ownership of their music or likeness are at the complete mercy of music companies who can use AI to make music in their name, with their voice, that they did not create. As AI becomes more mainstream, new contracts may become even harsher in terms of ownership in order for labels to fully utilize AI and their artists’ likeness to their advantage, unless there are laws against these types of contracts specifically related to AI.

The music industry’s issue with AI voiced music is not about the artist's sound being used to create a replica, rather their issue is with it being done without approval. The Recording Industry Association of America (RIAA)’s in a report to the Office of the US Trade Representative’s ‘Review of Notorious Markets for Counterfeiting and Piracy’ stated “2023 saw an eruption of unauthorized AI vocal clone services that infringe not only the rights of the artists whose voices are being cloned but also the rights of those that own the sound recordings” (Tencer, 2023). Record companies have no problem using AI voice synthesizers, as long as it is approved and ownership stays in their hands. Artist’s that do not own their music are not included in RIAA’s statement whose tactical language makes it clear that those who own the music should have the right to clone it with AI even if that owner is not the artist.

The implications of this technology and the music industry’s stance on it makes the outlook on Black artists’ control over their music arguably worse than it was in the past. Even for the enslaved people used as minstrel show inspiration, even with nearly all ownership and control over their music stripped away, they still created it. With record companies having unfair

deals with Black artists they can use the vocal data from songs they own to create new music, completely removed from the artist. Similar ethical concerns have arisen when “holograms” of deceased artists have been used during performances and posthumous albums being released after an artist dies. Even if a deceased artists’ family owns the estate, and makes such decisions or approves of AI being used, that is still not the artist. For the many Black artists that were exploited by companies in their life, even in death the owners of their music and/or estate could decide to continue to make music in their name that they did not create, or know exists.

The practice of Black people being exploited in the music industry is only a subset of the greater tradition of the US exploiting Black labor for profit. AI is simply a tool that can be used to exacerbate this in the music field in unprecedented ways. Without any regulations the culmination of centuries of Black culture and musical styles can be replicated for profit without any Black involvement.

AI technology is growing rapidly and moving faster than laws that can limit it. At the root of the issue is the question of ownership of an artists’ voice and music. Laws that give artists’ ownership over their work, likeness, voice, and sound would help in challenging those that use an artists’ voice without their permission. Given that some artists do not own their music, changes need to be made to make artists’ owning their music a priority. AI is only becoming more available and does not appear to be going anywhere. As it is developing so fast, reforms need to be made regarding copyright laws, contract laws, and personal and individual rights that protect people, including artists from having their unique personal data used by AI. Current copyright laws are not made with things like AI voice clones in mind, making it difficult to make a case against someone using your voice. Having clear guidelines regarding AI and the use of someone's vocal data to train an AI synthesized voice will put the power in the hands of

the person whose voice is being replicated, instead of solely the owner of the music.

Additionally, artist contracts giving more control to artists and there being clear regulations and transparency about the use of AI is necessary. Regulations against AI applications and companies that use vocal sample data to create AI voices need to be strictly enforced in order to ensure that people who do not consent to their voice being used are protected. In order for many of the possible solutions to even begin to be possible the government must make a hardlined stance in protecting individuals privacy and data against companies and require it to be made objectively clear if their data is being used to train AI. The default option needs to protect the individual and require it to be an active choice to submit your personal data.

The president recently issued an executive order (Biden, 2023) on AI protection guidelines but the protection of artists' is not mentioned. Before these protections from AI can be made, the existing disparities and unethical practices against artists that have long hurt Black creators must be addressed and fixed. The issues of ownership need to be fixed, giving the artist using their voice complete ownership of their voice indefinitely, and requiring and enforcing contracts to be reviewed for disparities giving the artist more control over their work. There must be international regulations that protect artists against AI and prioritize people over companies' profits.

Additionally, just as AI music technology is improving its quality, technological advancements along with regulations need to be prioritized to combat unethical practices with AI. Even if the music industry and the government made a drastic change in how they treat artists, AI technology will still be used under the table. Changes must be constantly enforced by keeping AI platforms, and music companies and platforms under review to ensure their ethicality and the protection of artists.

As evident in history, if left unchecked, Black people will have their labor exploited. The difference with AI is it not only exploits the work of Black artists, it sets up a domino effect of using their vocal data, derived from work which they may not own themselves, to create music they not only do not own but did not create. Before Black music artists have complete loss of control over the use of AI with their music, their rights must be clearly and strictly protected and existing racial disparities in the music industry needs to be addressed and fixed, prioritizing the artist and their right to ownership.

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