

British photographer David Slater traveled to an Indonesian forest in 2011, embarking on an extraordinary journey to photograph crested black macaques. Known for his meticulous wildlife photography practice, Slater had a unique approach where he sought to create a participatory environment. By setting up his camera with a wide-angle lens on a tripod, he inadvertently encouraged the macaques to explore it, which led to the iconic monkey selfies. One particularly curious macaque pressed the shutter, creating an image that captivated global audiences due to its spontaneous and joyful depiction.

However, the monkey selfies quickly became embroiled in controversy. Wikimedia Commons uploaded one of the photos, claiming it was in the public domain because a non-human creator captured the image. This decision sparked a legal battle, with Slater arguing for his rights to the images as he facilitated the circumstances under which they were taken. Notably, PETA filed a lawsuit claiming the monkey should be declared the copyright owner, advocating for animal rights in unprecedented legal territory. The case was eventually dismissed, with courts agreeing that non-human entities cannot hold copyright. Yet, many legal scholars argue that the decision missed an opportunity to redefine authorship in collaborative human-nature artworks, suggesting alternatives such as recognizing Slater's creative input.

The emotional and financial toll on David Slater was profound. He experienced lost income due to the unauthorized distribution of the photos, and the legal costs were burdensome. Additionally, this case has had a chilling effect on similar creative endeavors, stifling innovative collaborations between humans and nature. In the context of proposing a percentage allocation system for copyright authorship, dividing the credit 50% to David and 50% to the monkey acknowledges David's essential role while recognizing the unique contribution of the macaque. This framework allows for a balance where David can still benefit financially and artistically from his work, even if he alone doesn't hold full copyright. Thus, the outputs of David's process remain **unfixed**, multitudinous in their possibilities until the monkey comes along and snaps them into reality.