

David Slater, a British wildlife photographer passionate about conservation, embarked on a journey to capture the enigmatic Sulawesi crested black macaques. In the dense jungles of Indonesia, Slater introduced his camera to the curious primates, eventually enabling a monkey to trigger the shutter, inadvertently capturing the now-famous “monkey selfies.” This innovative approach blurred the lines between human and animal agency in art creation, sparking fascination worldwide. However, the captivating images soon became embroiled in controversy when Wikimedia Commons claimed they belonged in the public domain, arguing that a non-human creator—the monkey—invalidated any copyright claims. The People for the Ethical Treatment of Animals (PETA) also joined the fray, attempting to advocate for the monkey’s rights, thrusting this unconventional artistic collaboration into the center of legal and ethical debates.

The legal battle that ensued saw Slater fighting to retain rights to his work, only to receive a mixed verdict. The court ruled that non-human entities cannot hold copyrights, thereby rendering the monkey unable to claim authorship. Though Slater retained partial rights, the decision left many critics questioning the rigidity of copyright law. Scholars like Jonathan Siderits have proposed frameworks to classify such “quasi” works of nature, urging that they should receive at least partial protection under copyright law. The debate underscored a need to reevaluate authorship in collaborative scenarios, where both human and non-human entities contribute significantly.

Emotionally and financially, the conflict took a significant toll on Slater, resulting in the loss of potential income and creating a cautionary tale for other artists exploring similar genres. By recognizing authorship in percentage terms—proposing, perhaps, a 50% allocation for Slater and 50% for the monkey—artists like Slater could be duly compensated, acknowledging the shared agency in such artworks. Such a model would grant Slater the ability to monetize his unique endeavor, while still attributing a portion of its genesis to the macaques, thereby harmonizing the contributions of both parties. Thus, while the outputs of David’s pioneering photographic process remained **unfixed**, a realm of potentialities, it was the monkey who crystallized them into their ultimate reality.