AI Art is Theft: Labor, Extraction, and Exploitation

Or, On the Dangers of Stochastic Pollocks
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Presented by: Alycia Carey

Conduct

- **From Ethos of MLC…**
  - https://mlcollective.org/wiki/code-of-conduct/
- **Highlights**
  - Expectation of Confidentiality
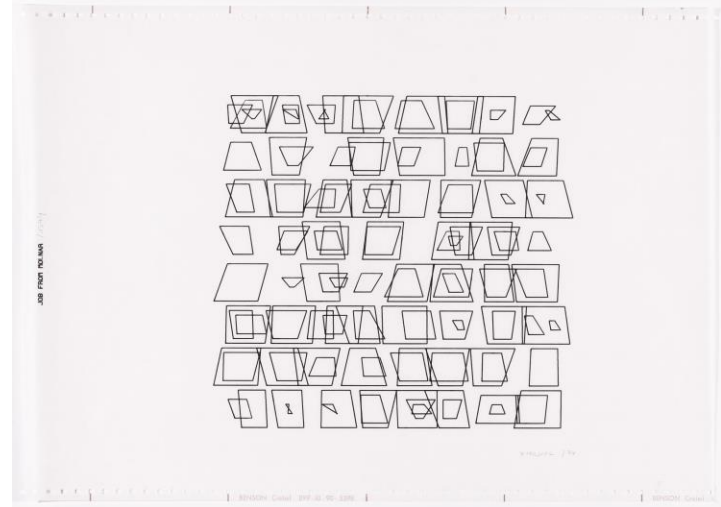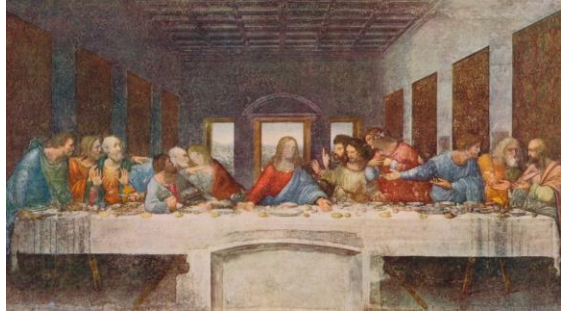 - Reporting -> send me a direct message

Common Questions

- Is using AI generators in art competitions cheating?

  – Reduce drag swimsuit vs. taking a bus to the finish line of a marathon

- Are GenAI Images Art?

Delegitimizing Arguments
Try to show that it is a category error to call
Gen AI "art"

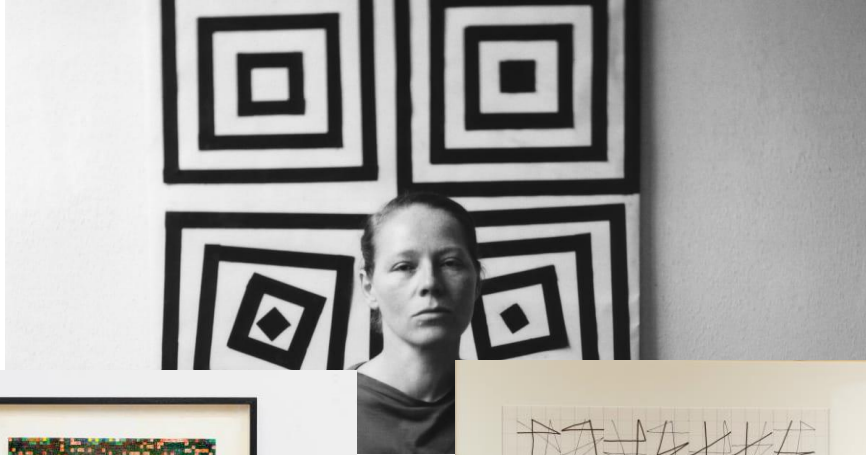# Delegitimizing Arguments Are Not New
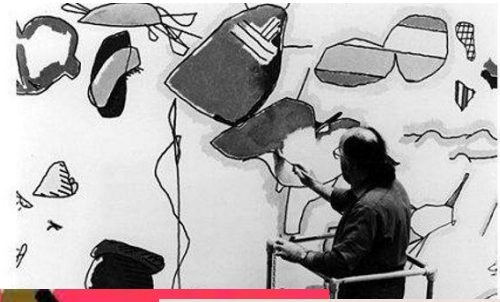
Main Argument: AI Art is Theft

- Specifically, theft of *creative labor*
  - Author argues that AI steals artists' creative labor using arguments by John Locke
  - Makes a distinction between how humans draw on one another's work for inspiration and how AI art works
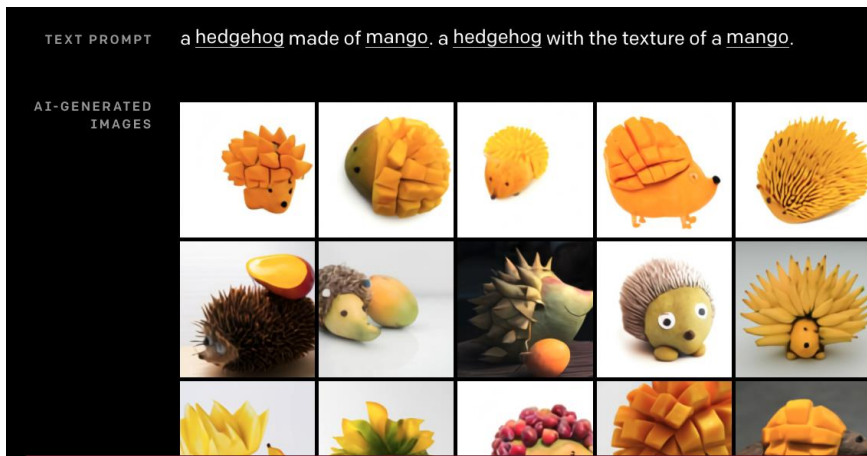
Early AI Image Generators
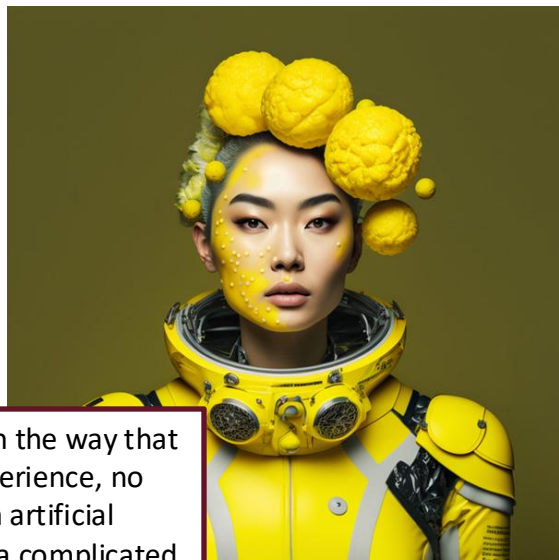
Vera Molnar

Harold Cohen

Diffusion-based Art Generators

Dall-E

Midjourney

TEXT PROMPT: a hedgehog made of mango. a hedgehog with the texture of a mango.

AI-GENERATED IMAGES

"The AI Involved in text-to-image diffusion models is not "intelligent" in the way that human beings or other animals are intelligent. It has not internal experience, no desires, no autonomy, no embodiment, and no creativity. The term artificial intelligence is used here, as in most contemporary contexts, to refer to a complicated machine learning model that replicates results usually only possible through the actions of intelligent beings."

How Diffusion Models Work

- Trained on image-text pairs collected through web scraping and web crawlers
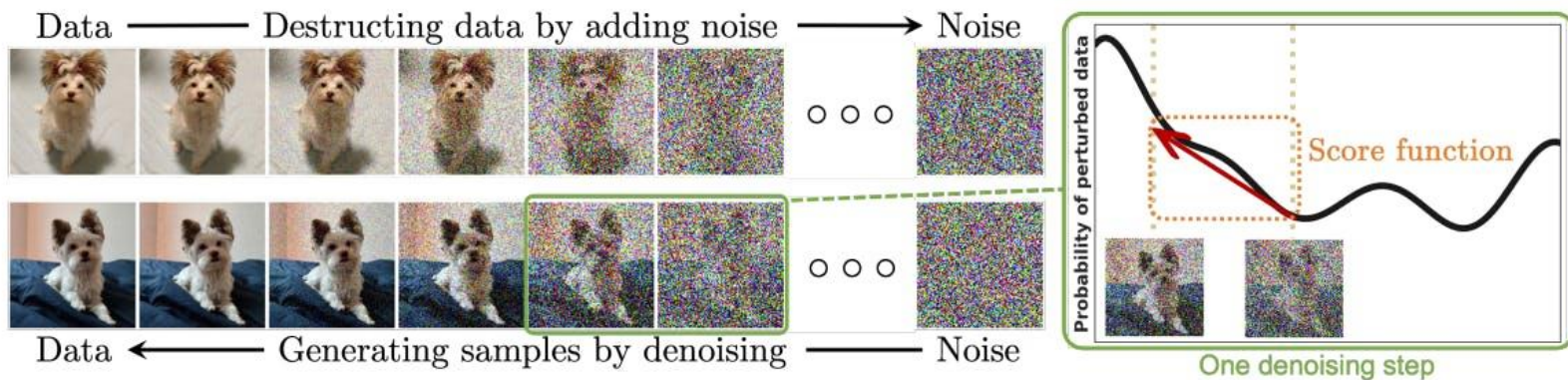
Art *Theft*

- There are several different senses of the concept of *art theft* and many arguments invoke several at once

- ~~Heist~~, Plagiarism, Labor Theft

↑

AI image generators are trained on digital images and therefore nothing has been *physically* taken. No artist has been deprived of the original artwork, so the harms associated with a heist are not instantiated.

Plagiarism

- Illicitly claim creative ownership over a work, that is, to assert that one is the creator of it, when in fact the work was-in whole or in significant part- created by someone else.
- *Theft of responsibility*
- Copying, delegation, and style theft

Copying

- Since diffusion models start from random noise, we might think that this ensures the model's output is always unique, unless the same random seed it used

- However, AI image generators can still produce copies *even when told not to*
  - Uncommon

Delegation

- E.g., a student pays another to do their work
- Students using Dall-E to generate an image for their digital art class
- Students being assigned to design a prompt for Dall-E and then touch it up
  - Gives attribution to the AI model

Style Theft – Also Not a New Discussion

When does inspiration turn into style theft?

Style Theft

- Taking credit for a style or design that was developed by someone else
- GenAI has the ability to imitate the styles of specific artists
  - E.g., Van Gogh, Monet, Rutkowski
- Clients are driven away from original creator and towards cheap imitators
- Reputational damages

Image: Greg Rutkowski/X

Labor Theft

This is the argument AI evangelists are trying to make. Bread is just bread, you make bread and I make bread, so whoever's bread is better people will buy. Seems fair, right?

But to make bread, you require resources. If you're a baker and you want to make and sell bread, you need to buy your wheat... You develop relationships with people who provide you with these resources, compensate them for those resources, make your bread, and sell it...

What's happening with AI is that people have built robots who will fly to the farmer's field and harvest their wheat without consent and deliver it to bakers. The bread is still bread, but bread cannot exist without wheat, and the wheat was stolen from the people who make the wheat and are trying to pay their rent. AI evangelists are arguing "Bread is bread, why are you mad?" while artists are arguing, "I'm the one who grew the wheat, and you stole a portion of my income without consent."

Bread cannot be made without wheat. AI cannot be made without training data... a product cannot exist without input and the input is being robbed on an industrial scale without any concern for consent, ethics, or regulation. [65]

- Locke: Our labor adds a part of ourselves to that which we work on
  - As long as we have a right to use the materials upon which we work, we own what we make from them because we own the labor that produces it, which becomes mixed with the product
  - Foundation of intellectual property
  - Since we own our intellectual labor, we own the creative works that result

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Is All Art Theft?

- Human artists also depend on the works of others to learn and practice their craft
  - Many traditional artists practiced by copying their teachers work
  - Tracing to learn control and proportion in digital art
- Under the Locke argument: it is theft for an artist to use other artists work for reference, inspiration, or learning
- Main difference:
  - Consent
  - Purpose of borrowing from another artist

Data Colonialism

- Conquest pattern: a powerful entity appropriates some resource (digital art), declares that they have a right to it, extracts value from that resource, and accrues the profits, all of which poses and existential threat to the people from whom that resource was appropriated (the artists).

Discussion