

Talking about AI in a gentle summer breeze

A brief encounter with Boris Eldagsen at the Rencontres d'Arles

How many artists, photographers, commentators, policymakers or, simply, voters... can say they understand the impact Artificial Intelligence is going to have on our lives? Speak to a photographer today, and chances are they will confess they prefer not to think about it. But many say the genie has been let out of the bottle, and the change is already upon us. For now, the hands that AI generates are still a bit odd, and inhuman, but the tools are learning at lightning speed. It is said that by the end of the year we will no longer be able to distinguish a genuine photograph from an AI-generated image.

The AI tools are being trained by existing images harvested on the net, whilst the large cohort of authors whose original works are being used for this purpose, does not realize their images are being used in this way. This is in violation of copyright law, a fundamental right. The major tech firms stand to profit from the AI tools, whilst those who provide the primary resource to train the technology receive no remuneration whatsoever for this use of their copyright-protected work. At present, AI companies are not bound by obligations of transparency, so artists have no way of knowing which of their works are being used, in what way, and by whom.

Recently, European Visual Artists, EVA, an European-wide organization of which SOFAM is a member, [published a statement](#) on the topic: "AI hurts human artists by, for instance, increasing the demand for low-cost AI-generated art and therefore causing unfair competition. Also, using authentic works of art without the permission of the authors who do not get any remuneration, whereas AI companies make huge fortunes, raises questions on the legality, ethics and liability of AI applied to visual arts. (...)". The statement continues: "Generative AI must be transparent about deep-fakes and their true origin, to prevent the public being misled, which could have devastating effects." EVA's legal paper on the subject can be [downloaded here](#).

One of the options being investigated is to arrange for collective remuneration via Collective Management Organizations, such as SOFAM and its sister societies. Another focus point is to ensure express consent, but this is technically difficult in the case of the visual arts. In any case, AI throws up all manner of issues pertaining to how we manage this imminent disruption. ADAGP, SOFAM's sister society and fellow member of EVA, has also [published its position](#) on the impact on, and possible solutions for, AI and the visual arts.

The topic of AI and its potential impact is currently resonating throughout the creative sector at large. So too at the [Rencontres d'Arles](#): the opening week of this summer festival devoted to photography traditionally provides ample opportunity for professionals to meet and reflect. Alongside exhibitions, book signings, competitions and other networking events, various lectures and debates address a variety of photography-related topics. The festival makes a fair claim of being a barometer of photography in our times. The size of the crowd that gathered on July 5th for ADAGP's round table,

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*Artificial Intelligence and what is at stake for authors*¹, certainly attests to this. During the one-hour event, some of the artistic, legal, and moral implications of AI were touched upon. Limits of time did not allow for a deeper dive, but it served as a primer for anyone new to the topic; in any case the round table served to flag up its vast complexity. One particularly resonant voice was that of Fred Ritchin, distinguished dean at the school of the International Center of Photography in New York (ICP) and author, who made an impassioned plea for protecting the integrity of documentary photography. Citing the Vietnam war, which would not have ended when it did, were it not for photography, he warned that, if we can no longer trust photography's truthfulness, photography will lose its ability to help people.

Following the debate, I did have the opportunity to dip further into some of the issues, by asking a few questions to the artist and photographer [Boris Eldagsen](#), who works with the aid of AI and who was also in the audience. Earlier this year, he sent ripples through the photography world, after he won (and turned down) the prestigious Sony World Photography Award, with an image he had generated with the aid of Artificial Intelligence. In the absence of acknowledgement of this fact by the competition's organizers, Eldagsen stepped onto the stage at the award ceremony, grabbed the microphone, and made a statement in a bid to bring the historical moment to the world's attention. The days that followed, the story became world news.

¹ Round table: *Artificial Intelligence and what is at stake for authors*, led by Marie-Anne Ferry-Fall, director of the ADAGP, July 5th, at Les Rencontres d'Arles, 2023. With Valérie-Laure Benabou, professor in private law at Paris-Saclay University, photographer Tan Chui Mui (*Just because you pressed the shutter?*), Nicolas Giraud, artist, photographer and art theoretician, Fred Ritchin, distinguished dean at the school of the International Center of Photography (ICP) and author.

Wonderful creation tool for some, an open door to plagiarism for others, Artificial Intelligence (AI) disrupts artistic practices and questions our relation to the artwork and image. Particularly impacted by the development of generative AI (such as Midjourney or DALL-E), photographers must face these new challenges. New means of creation, unfair competition, remuneration and consent, transparency of technological systems...: which consequences for photographers, their rights and their practice?

NB: We will share the link of the video recording of this round table when available.



Pseudomnesia: The Electrician © Boris Eldagsen, 2022

Some preliminary thoughts on Boris Eldagsen's *Pseudomnesia: The Electrician*

The Electrician, part of the *Pseudomnesia* series, is redolent of nostalgia. It is eerie on many levels: on the level of what it depicts, we see the faces of two women who seem caught in a blankly melancholy introversion, going through the motions of preparing for a wedding. The woman in white looks ambivalent, even as she is being groomed for this momentous occasion. It looks as if she can feel there is something not quite right about the impending union, whilst sleepwalking into it. An extra set of hands, not attached to anybody that we can see, is also fussing with the dress. The image is *unheimlich*, in how it evokes the qualities, texture, and possible technical defects of analogue photography. In any case, black and white photography from a certain era does evoke lives that have ended, or youth that has faded, and this image is no exception. As symbolic readings go, the image could be seen as a metaphor for the existential crisis photography is facing right now, embarked as it is on an uncertain union with AI: photography's proponents may well be ambivalent about it, but the marriage is nonetheless inevitable.

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Knowing the image was generated with the aid of AI further affects any reading we have of it. It has an odd mystique. After all, the persons depicted never existed: their likenesses are a machine-generated amalgam, of countless human images, the outcome of innumerable models merged into one, according to rules we cannot pinpoint with precision. This disturbs any notion we might have of individuality: one does not peer into such eyes with the same kind of human curiosity. It shakes our faith in how we look at *any* image that has the appearance a photograph; and when we doubt one, we are required to doubt them all. It appears that the rug of verisimilitude in photography has finally been pulled out from under our feet, and we are falling, looking for stable points of reference.

Can we feel any empathy for an image we know is of a person that never lived; who had no parents, nor progeny, at least not the kind we are accustomed to? What story is this image telling? Who, or what, are its protagonists? Is it the women? Is it photography, with its familiar qualities, so capable of triggering associations? In the image, drooping cables, like disembodied antennae, suggest something is happening over the women's heads, outside the frame, possibly beyond the sphere of their understanding. Or do the strands look like they are the result of a chemical mishap in the darkroom, the result of some grave error at the developing stage? As an image to demarcate the start of the era of the AI-generated image, Boris Eldagsen's *Pseudomnesia: The Electrician* offers ample matter for contemplation, whilst refusing to provide any closing answers. This happens to be the same kind of mental interaction we run into when we encounter truly affecting works of art.

A hint may be found in Eldagsen's chosen title: *The Electrician*. It may refer to the artist himself, who directed the image-generating process (does he consider himself an author? One can buy a signed and limited print edition [online](#)...), but it could also refer to whomever made the AI tools. One element we *can* be sure of is electricity, without which the image could not have been generated. It implies the need for electricians, to switch on and harness the current. No doubt, these are some of the implications Eldagsen had in mind, as he fed numerous prompts into various AI image-generators before arriving at his final image.



Boris Eldagsen at the Rencontres d'Arles

© Kate Mayne, 2023

A short conversation with Boris Eldagsen – July 5th, 2023

Kate Mayne: So, I read about the competition that you won. Why did you do it?

Boris Eldagsen: I didn't apply to win anything. It was just a test. In August-September last year, you had the first real picking up of AI image generators, so there was a lot of press, and in autumn, when you have a new season of calls for photo competitions, I just wanted to see if they had taken into account that AI-generated images could be handed in. So, I looked at their guidelines; had they been changed? Did they do their homework? And, if they hadn't, I just applied. I just wanted to see what would happen. I had no idea that my images could travel that far. I applied to three different competitions, and, every time, the same image was shortlisted. And the first two were online, smaller competitions, and then I published a post, cheekily thanking them for choosing an AI generated image, and I linked to the organizations, to all the jury members, and there was silence. (Laughs) Just silence. (...) And with SONY it was the same. They told me in mid-February that the image was selected as a winner in the creative open category, so I told them immediately: "it's AI generated, and you have the option to disqualify me, which is OK, or, if you want to go ahead, it needs to be accompanied by a discussion on the relationship between photography and AI related images." There was no tangible response. (...) I later sent them a statement that disclosed that it was AI generated and why, and they responded with a thank you email, and I could have thought that they were using my statement to help them inform the press, but they didn't. I had friends in the German press that asked, "Is it AI generated or not?" and they received a generic email, so I realized they wanted to keep it under the

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carpet. I asked them why they didn't use my statement, no response. (...) I realized that they would continue to keep it quiet and not talk about the elephant in the room, so I needed to do something that was so disruptive, that they couldn't be silent anymore. (*Eldagsen refused the award at the award ceremony and suggested for the prize money to be donated to a Ukrainian photography organization, [Odesa Photo Days](#), but he does not know whether this follow-up happened*). And this is what led up to it. And the conversation that has started because of this, is much larger than what I ever hoped for.

KCM: OK, so we had a talk (a round table) here, it was rudimentary, all very good speakers, there was an ethical dimension.

BE: (...) It did hurt me that the artist was using the term AI photography, because part of my stunt was that people should become aware of terminology. It's important to differentiate: if it looks like a photograph and you won't be able to distinguish it from a genuine photograph any more by the end of this year, it's important to look at the process. Photography is still light particles creating an image. Using a lens, but you can also do it in a dark room without a lens. But if you work with AI, you don't need light. You need the internet, you need electricity. With AI you can generate images that also look like drawing, painting, it can be sound, it can be moving images, maybe objects, and there is no terminology that encompasses it. And in the photo world, they seem to keep looking at it only from the photographic perspective.

KCM: What would you propose? There is this train coming towards us.

BE: I think it would be important to define the terminology. Some are suggesting *synthography*, from synthesis. Synthography has so many connotations for me, synthpop, synthesizers, synthetic clothes that I had to wear as a child (...) My favourite is *promptography*, because when you generate whatever, the basis of your work is using prompts. It can be text, it can be images, drawings, whatever. And for me it's a very direct understanding of what is happening, like Googling.

KCM: I think *promptography* is a good term. So, what are the dangers, what are we heading towards?

BE: I think there are many dangers and many advantages. I think AI can take over photography, except documentary photography. And that means there will be fewer and fewer jobs for commercial photographers. Because, already in January, agencies, magazines, started to generate images, and to not ask photographers to produce them. It's the same with illustration. Those jobs will be gone. And the competition will be greater and greater in that field. The whole industry will be disrupted. And with photojournalism, it's under attack from three sides. First, because photojournalists are not paid well enough, to only do photojournalism, so they need to have a second job, which is mainly commercial photography, which is ending. And most publishers don't think about this, that their image producers are going to be in trouble. And the second thing is, that it's so easy to regenerate fake images these days, you need no proper taught skills whatsoever. You can do it with images, you can do it with simple text prompts, and with social media, it's easily spread. So, the number of images that are fake are going to be far greater than the number of images that are authentic. And I think it's impossible to label the fake images, but it would be possible to label the authentic images, which is what our photojournalistic part needs in a democratic society. But how are we going to do this? Who is going to do this; who is paying for it? These are many problems that are not being looked into properly.

I am a member of the [Deutscher Fotorat](#), which is the overall umbrella organization of all photographers in Germany: what we are trying to do is talk to several politicians, the digital experts of the parties, and also to all the publishers. Our aim after the summer break is to get the picture editors

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and the chief journalists on a virtual green table to discuss if the workflow they had been using in the past is still working for the future; whether they need help; how this can be financed without touching the freedom of the press... so, as an organization of photographers we are now trying to sort this out as citizens of a democracy, who care for a democracy; we are looking to see what we can do here to be prepared for the amount of disinformation that is going to happen. As Fred Ritchin says, it's going to happen especially before elections, you just need a few awful images leaking on social media - you can orchestrate that easily with bots - twenty-four hours before an election, no one can verify whether it happened or not. And that's possibly enough to lose votes for a certain politician. There are all these kinds of possible scenarios. And so, in that respect, I became an activist, talking to the press, talking to picture editors, and I am concerned.

As an artist, who comes from an art school, it's the opposite: I just love to work with AI; its absolute freedom from restriction; it doesn't matter whether it's night or day, warm or cold, what gear I have, the location, the light models, whatever, I can work purely from my imagination. And this is something that is great. It's like a tool I have always waited for but didn't know it. And I'm very excited. It's a continent where you just see the coast bit, and I'm as excited as when I started to study art, being a student. But everything's new; you want to do this, you want to do that, but now I have thirty years of experience to use in the process, and that makes a difference.

In Germany I have been talking about AI image generators since September, I was the one to do presentations at photo fairs in October; I think I was the first to have a public workshop about AI image generators in January and, with the work in the *Deutscher Fotorat*; I know the problems my colleagues are facing. I also helped the photojournalists in creating [their position paper](#), by just showing them what is possible, because I am one of the few members of Fotorat who works with those tools on a daily basis. And most people who talk about it have no clue, or they didn't get that far, to really know what you can do and how you can do it and I could be such a good director of this information. If I had the dark side, but I'm not. (Laughter...)

KCM. So, you're helping the light side. Shall we round it off there, is there anything else you'd like to say?

BE. I think I would like to thank the photo community, because you saw from all the people that were there, it is really a pressing question. (...)

KCM: A lot of people here know a lot less about it than you do, so perhaps it was just a primer for many people (...) I was pleased to hear the voice of humanity, in Fred Ritchin's intervention, that reminded us of documentary photography's capacity to help people, for example in communicating what is going on in wars. So, the community, is that how we'll get through it?

BE: Maybe, but my (social media) following is now composed of two worlds that are basically opposites; I have, basically, traditional photographers following me now, and I have many AI artists following me too, because for them it was also encouraging to come out and say: "yeah, I'm working with it, and it's an art, a craft, in its own right. I think many of them are happy to not be attached to photography anymore, like it was before, but AI photography, so what they do is move discipline (...). That that was also encouraging, to say: "OK, so what we do is new, it's different, and fuck photography." And photographers say: "this is just photography, fuck AI", and I'm talking to both sides.

KCM. Interesting.

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BE: And what I try to show is the complexity. The longer I look at it, the more complex it is, and (...) all the different aspects are interconnected, and that made those panel talks so problematic, because an hour is not enough. (...)

KM: Any ideas about authors' rights, and some solutions for that? Have you thought about that?

BE: Yes. I really like what the open-source community is doing. They are creating [spawning](#)²; I don't know if you know "[Have I been trained?](#)" They created an AI text article, that you can put on your webpage and then your webpage is not trained by the bots.

KM: Ok, so it is possible to do it, generally?

BE: It is possible, but what you would wish (...) is that all the companies that offer AI tools would join forces. We don't know what Open AI uses as training material. They are sponsored by Microsoft, and they are not sued because they have quite a lot of training material. It's a business. With the open-source model, everything is open source and transparent, and the initiatives, such as [Laion](#), that offer transparency about training, can be sued, because they say: look here, it's all in there... so who is the bad guy, who is the good guy? (...) With the big companies like Google or open AI, Microsoft, you don't know what they have been using. It could be anything, it could also be the open-source data. The more you look into it, the more complex it becomes, and my mission is more or less to explain the complexity, but you can only do this if you concentrate on one aspect.

(The conversation ended here, because Boris Eldagsen, like so many of the other photography personalities walking around in Arles, was expected at a meet and greet...)

KM: Thank you so much. Now, I'm going to give you this recording, so what I'll do is I'll transcribe it, and I will edit it, and it will be a lot shorter, ok?

BE: You can use AI to transcribe it. It works.

KM: What, to transcribe it?

BE: Yes! You can load it up as a secret YouTube video and do it like that...

KM: I'm going to do it by hand. I'm old school. (laughter)

Article and interview by Kate Christina Mayne, [SOFAM](#)

A big thank you to Boris Eldagsen for making the subject more accessible, to Marie-Anne Ferry-Fall of [ADAGP](#) and to Susanna Brozzu and Laetita Masamba of [European Visual Artists](#) for their valuable input and support.

² ^[1] [Spawning](#), from the website: "is building tools for artist ownership of their training data, allowing them to opt into or opt out of the training of large AI models, set permissions on how their style and likeness is used, and offer their own models to the public." (...) "We believe that a future of consenting data will benefit both AI development and the people it is trained on. [Have I Been Trained?](#) and our [API](#) have helped artists opt-out over 1.4B images from public training datasets. [Holly+](#) is the first project to experiment with consensual interactions around an artist AI model. We have a lot more in the works." However, the same website also states: "There are no guarantees that copyright will be sufficient to protect artists from AI training, so we have little choice but to operate assuming it will not."