Generativität steht für eine neue Entwick-
lungsstufe in der Geschichte automatisierter
Produktion. Auf Wortbefehl hin kann generative
KI bestechende Bildwelten erzeugen, die selbst
surreale Kompositionen in fotografischer
Echtheit erscheinen lassen. Im Unterschied
zur Fotografie, die einst die Bildgeschichte
veränderte, handelt es sich um eine algo-
rithmische Kreativität, die an Bildmotiven
trainiert wird. Indem sie deren Sehweisen
und Stereotypien reproduziert, trägt sie
allmählich und über die digitale Kommunika-
tion hinaus zu einer neuen Ästhetik bei, mit
langfristigen Folgen für die Gesellschaft
und ihre bildliche Erinnerung.

Generativität

Generativität

Beyond the Spectacle of "AI": An Emergent Aesthetic Regime

"The creativity of culture has no outcome, no conclusion. It does not result in art works, artifacts, products. Creativity is a continuity that engenders itself in others."

— James P. Carse, *Finite and Infinite Games: A Vision of Life as Play and Possibility* (1986)

The artist and technologist Sterling Crispin adapted Guy Debord's 1967 book of critical theory *The Society of the Spectacle* for a striking, and humorous, examination of our current image culture. *Spectacle* (2022) stems from Crispin's use of OpenAI's Chat GPT3 to simplify Debord's first ten theses and OpenAI's DALL-E 2 to convert these reduced statements into images (Fig. 1-4). In the text, Debord emphasizes that the "spectacle" is not the image, nor indeed some new form of image, but instead a way of naming how images operate to change relations among people: "The spectacle is not a collection of images; rather, it is a social relationship between people that is mediated by images;" or, "the visual reflection of the ruling economic order."[1] Crispin adapts and bends Debord's famous text, but in so doing also calls upon and distorts Debord's significant authorial voice.[2] *Spectacle*, though identified as the work of Crispin, exists via Debord, Crispin and the public generators, themselves derived from a wealth of unrecognized intellectual and manual labor. Crispin presents the generated aphorism beneath the image it generated, and each aphorism appears twenty times with the twenty visual outputs he selected from prompting DALL-E, confounding the

[1] Guy Debord: The Society of the Spectacle, Detroit 2010, thesis 4 and 14.
[2] Crispin's project might also interestingly be compared to Debord's film based on his text, as well as other artworks responding to Debord's famous text.
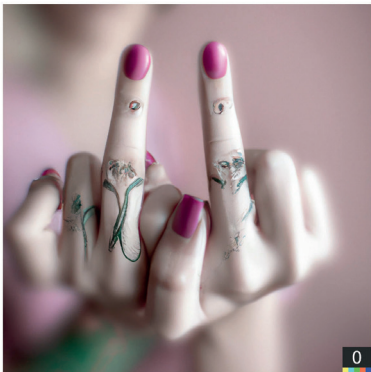
In the present age, people prefer symbols and representations to actual things. This means that for many people, what is not real is more sacred than what is real.

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presumption of a meaningful image amidst the circulating web economies that enabled public generators. What does the text mean if it produces such a variety of visualizations? What is an image, or where is it amidst this collection? Why must the output provide stable meaning, how is it stabilized, and whom does that stabilization serve? These are the provocations that underlie Debord's text and are apt for the cascade of content produced by public generators. In examining this new form of production, without forcing it into prior aesthetic regimes, new frameworks become necessary.

I observe six major critiques responding to these public generators, whose processes and outputs are commonly now termed generative AI:

1. The *environmental critique* recognizes the energy expenditure of deep learning models;[3] though computation can manage data to produce models that help support environmental efforts,[4] the statements from companies like Google and Amazon of investments in AI data centers clarifies that ecological concerns are second to economic opportunity.[5]

2. The *bias critique* stems from prejudices within the foundational model, like LAION or ImageNet (datasets largely devel-

3   Payal Dhar: The Carbon Impact of Artificial Intelligence. In: Nature Machine Intelligence, vol.2, 2020, no.8, pp.423-425, https://doi.org/10.1038/s42256-020-0219-9; Mél Hogan: The Fumes of AI. In: Critical AI, vol.2, 2024, no.1, https://doi.org/10.1215/2834703X-11205231; Sasha Luccioni: The Mounting Human and Environmental Costs of Generative AI. In: Ars Technica. 12.04.2023, https://arstechnica.com/gadgets/2023/04/generative-ai-is-cool-but-lets-not-forget-its-human-and-environmental-costs/; Bernard Marr: Green Intelligence: Why Data And AI Must Become More Sustainable. In: Forbes, 22.03.2023, https://www.forbes.com/sites/bernardmarr/2023/03/22/green-intelligence-why-data-and-ai-must-become-more-sustainable/ [accessed 06/2024]; Emma Strubell, Ananya Ganesh, and Andrew McCallum: Energy and Policy Considerations for Deep Learning in NLP. In: arXiv, 05.06.2019, https://doi.org/10.48550/arXiv.1906.02243.
4   This was first done in 1972 with the computer models used by Donella H. Meadows, Dennis Meadows, Jorgen Randers, and William W. Behrens III.: The Limits to Growth, Falls Church 1972. Their 30-year update showed the accuracy of their original assessments, and recent developments continue to emphasize that such technologies can support social concerns. They just aren't being used that way. UN Environment Programme: How Artificial Intelligence Is Helping Tackle Environmental Challenges, 07.11.2022, https://www.unep.org/news-and-stories/story/how-artificial-intelligence-helping-tackle-environmental-challenges [accessed 06/2024].
5   Mackenzie Holland: Big Tech Invests Billions in AI Data Centers Globally. In: Tech Target. 31.05.2024, https://www.techtarget.com/searchcio/news/366587217/Big-tech-invests-billions-in-AI-data-centers-globally [accessed 06/2024].

oped from scraping the internet), known for problematic associations that reproduce "malignant stereotypes".[6]

3. The *economic and labor critique* recognizes how these generators may replace some areas of human labor in creative industries ranging from illustration to film, and more.[7]

4. The *legal critique* meanwhile considers issues of copyright and intellectual property as regards scraping the internet for the foundational models and the outputs claimed by artists and authors.[8]

5. The *realist critique* initially stemmed from disdain for the "uncanny valley" errors in image production, particularly as regards hands, but improvement in image generation now lead some artists to bemoan the increasing accuracy as narrowing creative possibilities.[9]

6. The *creativity critiqu*e depends on a psychological as well as metaphysical presumptions of imagination and curiosity;[10] debates continue to proliferate on the necessity of the artist's hand ever since Duchamp presented the found object as a work of art.[11]

6 Abeba Birhane, Vinay Uday Prabhu, and Emmanuel Kahembw: Multimodal Datasets. Misogyny, Pornography, and Malignant Stereotypes. In: arXiv, 05.10.2021, https://doi.org/10.48550/arXiv.2110.01963; Emily Denton et al.: On the Genealogy of Machine Learning Datasets. A Critical History of ImageNet. In: Big Data & Society, vol.8, 2021, no.2, https://doi.org/10.1177/20539517211035955.

7 Jesse Damiani: How Future Histories Of 'Other Intelligences' Clarify Today's AI. In: Forbes, 01.08.2023, https://www.forbes.com/sites/jessedamiani/2023/07/11/how-future-histories-of-other-intelligences-clarify-todays-ai/ [accessed 07/2024]; Harry H. Jiang et al.: AI Art and Its Impact on Artists. In: Proceedings of the 2023 AAAI/ACM Conference on AI, Ethics, and Society, pp.363-374, https://doi.org/10.1145/3600211.3604681.

8 Sarah C. Odenkirk: You Can't Copyright AI Art (Yet). In: Right Click Save, 14.03.2023, https://www.rightclicksave.com/article/you-cant-copyright-ai-art-yet.

9 K Allado-McDowell in conversation at Book Launch: Rhizome Presents "Air Age Blueprint" and "The Institute for Other Intelligences," The New Museum, 30.03.2023.

10 Mashinka Firunts Hakopian in Damiani (see note 7): "assumptions about imperiled creativity in the context of generative adversarial networks and large language models often invoke a model of creativity that we'd do well to discard. Consider Arthur Miller's 'The Artist in the Machine'. In this book, he attempts to answer, once and for all, the question of whether automated systems can be ascribed human creativity. To furnish that response, he codifies the characteristics of existing 'geniuses' (the book's list includes figures like Picasso, Georges Braque, Philip Glass, … Peter Thiel), then assesses whether computational systems can produce or approximate those characteristics… Creativity has been defined largely in relation to the creative output of canonical figures—with canonicity sketched through a Western and Eurocentric lens."

11 Yayoi Shionoiri, Megan E. Noh, and Sarah C. Odenkirk: Out of Touch. How

Oddly, given the fact that these critiques and anxieties occurred across a media cycle responding to images, the many questions of aesthetics — what we see as producing ways of thinking, and vice versa — have been largely ignored, or misdiagnosed as issues of style.

Common parlance often confuses "aesthetics" with "beauty," or treats it as a synonym for "style."[12] Aesthetics, when it is acknowledged, often gets lost as a second order analysis, dependent for justification on its relation to ethics or epistemology. Ethics seeks to establish a set of values and presumes, or proposes, a code of human conduct, i.e. a moral system; for it, objects are too simple and need a higher order to validate them. Epistemology examines what we know and how we know what we know, how that is substantiated and communicated; for it, objects are too complex and need to be broken down into simpler components. For various reasons, aesthetics is perceived as untrustworthy on its own, necessitating validation through these systems. However, if we follow Jacques Rancière's understanding of aesthetics as a regime that presents the "distribution of the sensible"— defined as "what is seeable, sayable and possible"[13] — then these public generators instantiate a new regime, one clearly necessitating aesthetic consideration to understand what is presumed as "seeable, sayable and possible." Aesthetics assesses how "qualitative information regarding the world is made sensible and distributed to our sensory capacities."[14] The shifting forms of organization and interpretation reveal new constituencies — therein are the politics to be recognized.

Much AI Is Too Much (from a Copyright Perspective). In: The Brooklyn Rail, May 2023, https://brooklynrail.org/2023/05/criticspage/Touch.

12 Within the context of public generators, foundational models like LAION further confuse the issue by talking about aesthetic analysis of the images in their dataset; for example, identifying: "features capturing the 'aesthetic properties' of an image are proposed with the aim of mimicking photographic rules and practices such as the golden ratio, the rule of thirds and color harmonies." See: Naila Murray, Luca Marchesotti, and Florent Perronnin: AVA. A Large-Scale Database for Aesthetic Visual Analysis. In: 2012 IEEE Conference on Computer Vision and Pattern Recognition, pp. 2408-2415, https://doi.org/10.1109/CVPR.2012.6247954.

13 Joseph J. Tanke: What Is the Aesthetic Regime? In: Parrhesia, 2011, no. 12, p. 71.

14 Michael Young: The Aesthetics of Abstraction. In: Mark Foster Gage (ed.): Aesthetics Equals Politics, Cambridge 2023, p. 129.

While working on this project, colleagues and friends have expressed disdain, horror, and outrage that I would "bother" or "waste my time" looking at these generated productions seriously. Claims that the outputs of such generators have no artistic value do not alter widespread acceptance that both affect socio-economic, political, and cultural systems. This essay attempts to aesthetically critique the new frameworks of these public generators and to suggest that aesthetics can support the efforts of other critiques. I focus on a project that neither alters the output nor engages animation for the sake of forcing the question of authorship and eliminating the issues of moving image given the already large number of elements within the realm of public generators; I selected a project moving between visual and verbal, however, to recall their close relationship within the theoretical discourse of the image, as I will address.[15] From initially drawing on the work of Crispin, Holly Herndon, Patrick Leahy and Alexander Reben, I narrowed to Crispin's project for its plumb line to Debord, but could make reference to Minne Atairu, Ari Melenciano, Michael Mandiberg, Trevor Paglen, or Laurie Simmons, among others.[16] One final caveat, I generally avoid the term "AI" because it blurs a panoply of very different softwares and hardwares, erases the historical debates around "intelligence," and reproduces a conflation between brain and machine processes that many scientists counter, which undermines distinctions around agency that I will address at the end of this essay.[17]

15 Since presenting these ideas in summer 2023 at the original conference, other projects have appeared that add additional considerations of subtlety and complexity, but my main argument around the set and agency remain, as the subsequent sections will show.
16 Charlotte Kent: How Will AI Transform Photography? In: Aperture, 16.03.2023, https://aperture.org/editorial/how-will-ai-transform-photography/; AI Am I? Yeah, We Are. Alexander Reben & the Machine. In: CLOT, 01.10.2020, https://clotmag.com/oped/ai-am-i-yeah-we-are-alexander-reben-and-the-machine-by-charlotte-kent; Art's Intelligence: AI and Human Systems. In: The Brooklyn Rail, July 2024, https://brooklynrail.org/2023/04/art-technology/Arts-Intelligence-AI-and-Human-Systems/; Taking Stock of Generative "AI". Systematic Work of Michael Mandiberg, Trevor Paglen, and Penelope Umbrico. In: The Brooklyn Rail, November 2024, https://brooklynrail.org/2024/11/art-technology/taking-stock-of-generative-ai-systematic-work-of-michael-mandiberg-penelope-umbrico-and-trevor-paglen/.
17 Emily Tucker: Artifice and Intelligence. In: Tech Policy Press, https://techpolicy.press/artifice-and-intelligence/; Robert Epstein: The Empty Brain. Your Brain Does Not Process Information, Retrieve Knowledge or Store Memories. In Short: Your Brain Is Not a Computer. In: Aeon,

The flat, neutral, and corporate style of the images Crispin selects obviates the expectation of a single intentional person having produced the image. These images evoke the stock photography that is the basis for the training data sets of these public generators;[18] that commercial association undermines an association to art, while Crispin's text and context affirm it as an art project. What this section argues isn't for one or other position, but the challenging confluence of such aesthetic contexts. I propose "the set" as a framework for dealing with these complex mergers. It supports interpretation of the myriad elements constituting the whole process: the data set, the prompts, the outputs, the algorithms driving these productions to understand them as a totality. That ensures a constant reminder of the social and economic relations of these differing elements and the users defining them, while also recalling the process of translating such relations into symbolic constructs.

The problem of ontology still resounds across popular art discourse: the object depends on its *being* art rather than situated as art. This remains in a common fixation on the output.[19] Scholars George Dickie, Howard Becker, and Arthur Danto, among others, proposed various arguments in the last quarter of the twentieth century to move away from ontology, postulating a larger context that enabled the identification of an object as art.[20] Their ideas supported the basis of "institutional

18.05.2016, https://aeon.co/essays/your-brain-does-not-process-information-and-it-is-not-a-computer; Will Douglas Heaven: What Is AI? In: MIT Technology Review, 10.07.2024, https://www.technologyreview.com/2024/07/10/1094475/what-is-artificial-intelligence-ai-definitive-guide/ [accessed 07/2024].

18 Roland Meyer: The New Value of the Archive. AI Image Generation and the Visual Economy of 'Style'. In: IMAGE. Zeitschrift für interdisziplinäre Bildwissenschaft, vol.19, 2023, no.1, pp.100-111, http://dx.doi.org/10.25969/mediarep/22314.

19 In generative art, ontological arguments appear in various debates regarding the code or the various outputs being the art. See: Jason Bailey: An Interview with Tyler Hobbs|Part1. In: Right Click Save, 09.05.2022, https://www.rightclicksave.com/article/an-interview-with-tyler-hobbs-part-1; Alex Estorick: When the Artists Met the Algorist. In: Right Click Save, 11.11.2022, https://www.rightclicksave.com/article/when-the-artists-met-the-algorist; Stina Gustafsson: Casey Reas on the Art of Code. In: Right Click Save, https://www.rightclicksave.com/article/casey-reas-on-the-art-of-code. [accessed 11/2024].

20 Howard Saul Becker: Art Worlds, Berkeley 2008; Arthur C. Danto: The Transfiguration of the Commonplace: A Philosophy of Art, Cambridge 1981; George Dickie: What Is Art? An Institutional Analysis. In: Art and the Aesthetic: An Institutional Analysis, Ithaca 1974, pp.19-52.

critique" and movements to "free" art from the value proposition of establishments like museums and mega-galleries' market power.

When artists invoke institutional critique to reject the gallery or museum only to affirm their own signifying function as "creators"—or celebrate the audience's freedom to confer their own meaning and thus become "co-creators"—they pluck interpretive power from one place to deposit it elsewhere, without always retaining the plurality of interpretive possibility, nor assessing their reaffirmation of the object as art. Art, unlike other types of objects (especially amidst niche market tendencies), sustains an extraordinary plurality. The post-structuralist philosopher Roland Barthes posits the death of the author as the birth of the reader. But the text's openness produces the sense of "merely" personal observation, given the seemingly endless plurality, dissolving the text's own ability to anchor possibilities. Such arguments represent the well-worn rebuttals to post-structuralism, and a nostalgia for a master narrative. The loss of conclusive meaning (by individual or institution) gestures toward the birth of a new reader: one who cannot anchor or situate themselves without calling upon and claiming other entities and texts to delineate their position. Meaning appears through contextualization and must always be articulated through a set of references, as Jack Burnham emphasized in relation to art and technology during this same period.[21]

The flat affect that some describe regarding generated images expresses not only the general-use terms of stock photography but also the lingering disassociativeness wrought by post-structuralism's widely misinterpreted interpretive field and the confusion around systems. Through *Spectacle,* Crispin reveals the way that public generators have materialized, to an

21 Jack Burnham: Systems Esthetics. In: Art Forum, vol.7, 1968, no.1, pp.30-35; Real Time Systems. In: Art Forum, vol.8, 1969, no.1, pp.27-38; Systems and Art. In: Arts in Society, vol.6, 1969, no.2, pp.194-204.

extreme, this issue remaining from postmodern discourse and crucial to the contemporary. *Spectacle*'s generated productions are explicitly and implicitly part of a "set"—as a whole body of work, as ten Debordian derivations, as 200 visual outputs, as ten sets of twenty, alongside the various sets associated with public generators. Public generators present a set of possible outputs for users to select amongst, and depend on datasets of foundational models and the sets of terms and concepts that mark and produce them, with the problematic relations addressed by the bias and economic critiques. By referencing Debord, Sterling insinuates early concerns of ideological influence surrounding the mass production and dissemination of images that have been expressed by subsequent scholars. Since artistic projects using generative AI are typically produced as multiples along a common theme, a culture of multiplicity becomes evident within this aesthetic.

In 1996, after many years of debate regarding whether photography could reveal an individual style, the British philosopher Nigel Warburton introduced "series" as crucial to that identification.[22] Warburton refuted earlier dismissals that photographers could display individual style by arguing that the *series* becomes the container for an individual style—the composition, contrast, lighting, etc. presents the artist's preferences, though these are only made apparent across multiple examples. I am adapting Warburton's "series" into "set" to establish a link with data and affirm the variety of elements that constitute a creative project. The outputs of generative AI might be termed a series, but *Spectacle* represents a set that includes Debord's text, Crispin's prompts, the generative AI's code and algorithms (even if these are black-boxed), the outputs, the underlying data sets for the different public generators he used. Warburton also identifies the photographer's selec-

22 Nigel Warburton: Individual Style in Photographic Art. In: The British Journal of Aesthetics, vol. 36, 1996, no. 4, pp. 389-398.

tion from the film roll, or page of negatives, which can now be applied to many artists' process with public generators. The set and selection were important attributes of the emergent aesthetic[23] of the 1990s, apparent in the rise of net art and also the ideas surrounding post-photography.[24] The selection process occurs because of an existing set. For photography and now generators, a single image needs comparative inflections to determine the artist's style. Since style is a recognized feature for aesthetics, set and selection thereby become crucial features of this aesthetic regime. The artist selects from a larger set to make a smaller personal set; set and selection, therefore, imply two important intellectual attitudes: a relationality to some larger entity and an extractive practice. The "set" becomes how these objects get "read" as conveying underlying ideas that artists wish to provoke.

The "reading" of images derives from Dante's *Convivio* (1304-1307), wherein he refers to images as the panoply of figurative language, interpreted according to four levels: the literal, allegorical, moral, and anagogical.[25] These in turn informed a rationale which was then applied to art history through such practices as iconography. Conceptual art eroded demarcations between the visual and verbal, image and text, idea and materialization, as evidenced in Joseph Kosuth's *One and Three Chairs* (1965); 1990s scholarship about the "image" emphasized the term's plurality, though its popular retention for "picture hanging on a wall" diminishes this academic effort.[26] So much overemphasizes the picture, focusing on the text merely as tag or prompt, while at the same time using the text as determinative. These need to be knit together. As Michael Young says in "The Aesthetics of Abstraction":

23 Monet offers an example of this in painting, widely associated with individuality, through his series of Chartres Cathedral, Haystacks or Waterlilies. It may be possible to consider that effort in relation to the general interest of stop motion practices of photography.
24 Robert Shore: Post-Photography. The Artist with a Camera, London 2014.
25 These are presumed to derive from Thomas Aquinas' 'Summa Theologica' (1274), which are Literal, Historical, Moral and Anagogical. Dante shifts the historical for allegorical and by applying this foursome to texts beyond religious texts establishes a modern method for literary interpretation.
26 W.J.T. Mitchell: Picture Theory: Essays on Verbal and Visual Representation, Chicago 1998; What Is an Image? In: Iconology: Image, Text, Ideology, Chicago 2009, pp.7-46; Thomas McEvilley: Thirteen Ways of Looking at a Blackbird. In: Art & Discontent. Theory at the Millennium, Kingston 1991, pp.70-80.

"Aesthetics operates through tensions between the sensory and the intelligible, one that cannot be properly conceptualized prior to the redistributing break. This is true even though the redistribution's spark theoretical arguments regarding the importance of the transformation."[27]

This issue of the sensory and the intelligible takes on a particular significance in the context of how public generators work through the realm of the apparent, via identifiable prompt and output, as well as the known but elusive dataset and code. In addition, a prompt or output may be textual or an image. One can produce the other in a confusion of significative importance. Public generators materialize the theoretical debate from thirty years ago, and challenge us to think through how the sensible and intelligible are fractured and sutured in *this* moment. To link the set of foundational data—inclusive of images, "structure of feeling" determining image production,28 captions, the socio-political dynamics of tagging, and design attitudes informing machine learning code—together with the prompt and output forces a new way of thinking about images overall. The output then becomes just one point in this distributed network. I will hereafter call this package a "large model set" (LM set), given the large (language or diffusion) models that undergird public generators, with an emphasis on the *set* as a practice associated with this regime. Network relations was the significant contribution of second order cybernetics and the establishment of systems thinking, which mitigates easy notions of origin and authorship but invites thinking about how selecting a focus, the scale of examination, any boundary determinations, among other criteria, determines what an analysis can and will present.

27 Michael Young: The Aesthetics of Abstraction. In: Mark Foster Gage (ed.): Aesthetics Equals Politics, Cambridge 2023, p.138.
28 Referencing here Raymond William's concept, productively visualized by Penelope Umbrico's Suns from Sunsets from Flickr (2006-ongoing) and Everyone's Photos Any License (2015-2016), discussed in: Kent: Taking Stock of Generative "AI" (see note 16).

The Aesthetic System

In 1968, Jack Burnham proposed "systems esthetics" to describe a shift in how to perceive art. He argued art is no longer about making things to see but about seeing how decisions are made; the artist used to be a "Homo Faber" (maker of things) but has become "Homo Arbiter Formae" (the maker of aesthetic decisions).[29] Half a century later, these generative systems seem to undermine even that. Crispin is an advocate for Bruno Latour's Actor-Network Theory for shifting away from authorial intentionality, that is goal-oriented decision making, to agential actor.[30] Anything from a windstorm to an artwork can present agency, but its import shifts according to its framing within a complex of network constituents. Authorship and agency are linked in part because of language slippage and terminological imprecision: an author is presumed to be an agent producing a text, and an agent presumed able to author their own acts and texts. Agency is typically attributed to someone with the ability to make something happen. This common conception collates autonomy and agency, where autonomy is the freedom to choose, and agency is having the necessary resources and abilities to enact that choice. All of this orients around the human actor, which Latour and others have put in question. These anthropocentric critiques are largely associated with posthumanism (to include science and technology studies' examination of the broader implications of quantum physics), but also appear in social anthropology and medieval art history, which have reintroduced an understanding of objects' agentive force dismissed or lost in European theorizing influenced by a post-Reformation, "disinterested" art.[31]

29 Burnham (see note 21), p. 35.
30 Tweet by @sterlingcrispin, 26.06.2023, https://twitter.com/sterling crispin/status/1673440093622186032. "I think the most accurate mental framework to understand the world involves some version of Actor-Network Theory. It's especially important to consider if you're trying to make sense of how fast the world is changing with GPT4 like models [...]."
31 For more on this, I recommend the debates surrounding Carlos Fausto: Art Effects. Image, agency, and Ritual in Amazonia (2020). In: HAU. Journal of Ethnography Theory, vol. 11, 2021, no. 3, particularly comments by Caroline van Eck and Caroline Walker, pp. 1235-1237 and 1238-1243, respectively.

To deny the LM set agency purely because it is not an obvious, singular author refuses to consider an emergent regime wherein multiple frameworks and references require articulation. I believe that Crispin's adoption of Latour's framework represents an effort to engage the challenge of systems thinking. That publics already confer agency on video games (as promoting violence) or flags (designating ownership as, for example, stated by the Principle of Effective Occupation expressed by the Berlin Conference in 1884-1885) already reveals the confusion engendered by the term. Copyright claims by artists against public generators (and those using them) highlight the breadth of authors conceived within this milieu and the challenge they present to individualism. In Crispin's work, there is a sense that any image could be replaced by another. As a conceptual art project, this serves his aims, but audiences (and legal frameworks) continue to demand: who is the maker, aka the author? The problem stems from differing definitions of "making": conceptual art legitimated the idea as the fundamental act of making rather than the object; appropriation art legitimated found objects and the placement of the object over its construction; some forms of performance and installation art legitimated audiences as creators or co-creators of the work, although those artists depend on conceptual art and legal frameworks that reinforce the idea as distinguishing the creative act; some have disputed the lack of acknowledgment given studio assistants and construction partners. With public generators, these conversations come to the fore again, and require reassessing the dependency on a singular author as agent.

The LM set exists within a network of relations to other actors (like the artist's statement, institutional situation, platform of distribution, etc.) that inflect its agency. So, when an actor known as an artist takes an LM set and places it at Sotheby's,

that LM set "does" something to art culture and the art market more than when another actor like my cousin texts an LM set to a friend with an LOL emoji. But that cousin's text multiplied by many, many others doing the same thing likewise makes these LM sets in general "do" something to society more generally. That's Debord's point about the relations produced by images, which here applies more broadly to the complex of the LM set. This has nothing to do with the beingness of the image as art necessitating an author, which is the language and framework of prior regimes associated with modernity. The confusion around the authorship of an output strains to keep a discourse alive rather than considering how it must broaden. The LM set introduces systems thinking as a necessity for this aesthetic regime. Over the last fifty years, an interest in contextualizing an artist's culture, background, and practice to explain the work has destabilized the residual authoritative judgements leftover from the academic hierarchies and practices of prior centuries' making. Acknowledging that a work emerges amidst contexts reinforces the need for some form of systems thinking. Public generators make this explicit.

Most object to being in service to the machine, even though our activities provide data enabling the economies behind websites, social media, and apps. The abstraction of such data architectures and extractive economies challenged the imagination, but LM sets have broadened social recognition, perhaps because it impacts "white collar" work.[32] Much of the hype around generative AI's capabilities stems from techno-utopian claims of its closing the gap on "Artificial General Intelligence", whereby the prompt-based machine or Siri/Alexa model evolves into an autonomous agent. So what do we mean by agent in these complex systems that include software designers, hardware limitations, coded productions that even designers can't

32 Concerns are not dissimilar to previous denunciations of data scholars: Cathy O'Neil: Weapons of Math Destruction. How Big Data Increases Inequality and Threatens Democracy, New York 2016; Shoshana Zuboff: The Age of Surveillance Capitalism. The Fight for a Human Future at the New Frontier of Power, New York 2019; Bernard E. Harcourt: Exposed. Desire and Disobedience in the Digital Age, Cambridge 2015; Benjamin H. Bratton: The Stack: On Software and Sovereignty, Cambridge 2015; Lisa Nakamura, Digitizing Race. Visual Cultures of the Internet, Electronic Mediations 23, Minneapolis 2008; Safiya Umoja Noble: Algorithms of Oppression. How Search Engines Reinforce Racism, New York 2018.

explain, as well as already nebulous complex agents such as humans, society, and artwork? Amidst the pluralities already discussed surrounding these new systems, I wish to introduce the same for agency, using a concept proposed by philosopher Jennifer Corns of "distinct agentive forms" that helpfully broadens how we can conceive of ourselves as agents.

Corns introduces these forms in "Suffering as significantly disrupted agency", where her argument orients to the forms of agency enjoyed by humans, but notes that her theory builds from one with a focus on artificial agents.[33] Agentive forms "are overlapping and dynamically related, but the systems, capacities, and norms which partly constitute these different agentive forms are nonetheless usefully distinguished," with at least three extant by virtue of being bio-psycho-social beings.[34] We know that biological hunger can alter psychological states, which can impact social interactions. We then excuse such mindsets and cranky behavior by attributing it to hunger; this represents an attitude already open to Corns' multiple agentive forms. Corns' argument makes explicit a model of multiple and distinct agentive forms in which we are already participating every time we assess the complexity of agencies presented in our encounters with each other. As Corns indicates, "[o]ur agentive forms likely proliferate. So, for some instances, it seems to me that we have financial, aesthetic, familial, and creative agency."[35] Corns elaborated in a webinar that "Whenever we can identify a range of activities, an environment in which the activities are done, and a standard of success for succeeding in that range of activities, we have identified a form of agency."[36] For example, an artist who uses software and enjoys coding may experience it as enhan-

33 Email correspondence with author, 30.09.2024, making reference to: Xabier E. Barandiaran, Ezequiel Di Paolo, and Marieke Rohde: Defining agency. Individuality, normativity, asymmetry, and spatio-temporality in action. In: Adaptive Behavior, vol.17, 2009, no.5, pp.367-386.
34 Jennifer Corns: Suffering as Significantly Disrupted Agency. In: Philosophy and Phenomenological Research, vol.105, 2022, no.3, p.715.
35 Corns (see note 34), p.716.
36 As quoted from webinar conducted by Jennifer Corns and Ben Colburn: Understanding and Enriching Agency in Palliative and End of Life Care, Glasgow, 13.09.2023, https://www.gla.ac.uk/colleges/arts/aboutus/news/headline_999985_en.html. They subsequently published: How Can an Understanding of Agency Be Helpful in Alleviating Suffering? In: SPICe Spotlight | Solas Air SPICe, 10.10.2024, https://spice-spotlight.scot/2024/10/10/how-can-an-understanding-of-agency-be-helpful-in-alleviating-suffering/.

cing their creative agency, with possibilities for broadening their social or financial agency. An illustrator who sees these programs as impacting their employment feels their creative agency devalued by employers preferring the speed of slick renderings in generative AI, with negative consequences for that illustrator's social and financial agency.

Returning to aesthetics, the LM set reveals a troubled agentive form: not so much that of creativity, which despite questionable efforts remains an ill-defined term, but that of aesthetic judgment. In 2022, when Jason Allen won first prize at the Colorado State Fair in the digital art category for a work produced using Midjourney, reactions were hostile, seemingly for "authorship" and "creative" reasons; but, I suggest the dissent came from a lack of knowledge that he had done so, that such submissions were possible, and confusion on the process (he applied at least 624 prompts to get the image he sought).[37] I propose this because far less distress occurs around projects that are explicit about their use of public generators, as for example Holly Herndon, who has been lauded in magazines ranging from *Art Review* to *The New Yorker* for her work. Though unarticulated, my suspicion is that the transition from assumptions around a single agent creating a work of art to the complex system of the LM set produce a sense of unease regarding who and what one is observing and therefore the agentive form harnessed for such assessments is destabilized. When one doesn't know that the "agent" is the complex of an LM set, the reaction is outrage akin to confronting a liar. The problem isn't just the machine, as such, but the uncertainty of how to judge such a joint effort. We do not have norms for such assessments.

Agentive norms indicate the range of conditions under which an agent constitutes its integrity as such, so with agentive

37 Sarah Kuta: Art Made With Artificial Intelligence Wins at State Fair. In: Smithsonian Magazine, 06.09.2022, https://www.smithsonianmag.com/smart-news/artificial-intelligence-art-wins-colorado-state-fair-180980703/.

forms associated with human flourishing, as Corns' work initially investigates, that means a set of norms for biological, psychological, social, familial, etc. behaviors. Each form of agency involves norms that specify when one is succeeding as a friend, a daughter, a thinker, and so on. These standards of success will differ across people, cultures, and times, though there seem to be some loose generalizations possible. As she further explained: "These many forms are functionally integrated and regulated by a range of processes. Conscious decision making is one type of process through which one form is prioritized over another, but there are others."[38] The LM set instantiates several overt agents cooperating, despite themselves: the dataset as it establishes the statistical range of potential image production;[39] the software design that limits, or not, what the model can produce;[40] the human prompter.

Corns' argument aims to distinguish how an agent has multiple forms of agency, some of which may take precedence from one moment to the next. The bias critique, for example, emphasizes the agency of the training data set. Corns' argument also reveals how judgements around agency value one agentive form over another, from one context to another. When bills are due, one's financial agency is of greater value to the payee than any familial agency oriented towards caring for an aging parent. A corporation, like a human agent, has financial and social agency, but not biological agency. The latter does not undermine the corporation as being a potentially powerful agent within financial markets. Likewise, a corporation's social agency may be emphasized and valued over its financial agency by those pursuing environmental, social and governance (ESG) investment portfolios.

Crispin's *Spectacle* helpfully reveals this variety of agentive forms because its flat, quasi-neutral styling disrupts our expec-

38 Email correspondence with author, 30.09.2024.
39 See: Anthony Downey (ed.): Trevor Paglen. Adversarially Evolved Hallucinations. Berlin 2024; Prithvi Iyer: Looking Beyond the Black Box. Transparency and Foundation Models. In: Tech Policy Press, 24.10.2023, https://techpolicy.press/looking-beyond-the-black-box-transparency-and-foundation-models/.
40 Efforts to mitigate bias re-introduce the questions surrounding content moderation. For more, see: Emilio Ferrara: Should ChatGPT Be Biased? Challenges and Risks of Bias in Large Language Models. In: First Monday, November 2023, https://doi.org/10.5210/fm.v28i11.13346.

tation of a distinct artistic voice, and so within the context of art invites the types of queries I have tried to unravel here. I cannot offer at this time an answer to the question of judgment within this new aesthetic system, but invite readers to consider the agentive forms they bring to the various LM sets they encounter, as well as those presented by the LM set. To blame the LM set as the product of a negative techno-capitalist power reiterates the necessity of the author, and ignores the contemporary complex of human, machine, and corporate entanglements. Authorial intentionality was crucial to one discourse around art, but that has been under increasing dispute for a century and is now evidently limiting the possibilities of our thought. The anger expressed by many about how these generators "undermine artistic creativity" aims to return to an earlier model of authorship and authority, one which can undermine efforts to engage generators' impact where they are significantly different. Crispin's reduction of Debord, output selection, and set production for *Spectacle* has a preposterous element that invites laughter, which can then operate as an oppositional affect—one that destabilizes the fixity of our position in relation to these generators and may even allow for new ways of encountering them. These aesthetic systems challenge established values and criteria of judgment, social models and concepts of agency. Amidst the interrelations of globalization, thinking in terms of systems and taking responsibility for the systems we select to acknowledge in considering a set has larger implications, which aesthetics has made sensible through public generators.

Conclusion

In an essay from 1997, Martin Jay identifies three scopic regimes of modernity, as part of an argument he later expanded upon in 2012.41 Here he presents the dominant regime as a Cartesian perspectivalism, though its assorted known tropes are more complicated than is claimed by those who implicate a fixed, uniform position of power in league with a domineering scientific worldview. Jay's point, often forgotten, is that there have been and remain moments of unease in a dominant paradigm, contesting and complicating its status as *the* scopic regime; he also discusses regimes associated with the Baroque and the Netherlandish art of description, relying on Christine Buci-Glucksmann and Svetlana Alpers respectively for his understanding of both.42 Scopic regimes focus on the visual, however in the context of public generators, to speak of "aesthetic regimes" could allow us to address the complexity of the practice and production of these generators. By avoiding the language of the ocular, we can widen how we think about them and move beyond the argument of pictures and videos, of good and bad, of style and technique, of cores and margins.

Attempts to overcome dominant regimes often fall foul of the fantasy that this liberation will free us from politics as such. Different aesthetic regimes dominate in different contexts, representing distinct ideologies. Unauthored objects with destabilized meaning should not revert us back to the comfort of hierarchies enabled by Cartesian perspectivalism or even the Baroque. These public generators don't frame the world as prior regimes determined, but instead plant us within a destabilized environment. Aesthetic defamiliarization cracks a legible politics. When an aesthetic presents a "moment of

41 Martin Jay: Scopic Regimes of Modernity. In: Hal Foster (ed.): Vision and Visuality, Bay Press 1988, pp. 3-23.
42 Ibid., pp. 13-17.

unease" within the dominant scopic regime as Jacqueline Rose articulates it, or a "estrangement" as Viktor Shklovsky termed it, the aesthetic has fractured a dominant mode of reading— that is why it can seem illegible or illegitimate.[43] It disrupts the established systems for the organization of sensible information and in that moment of destabilization produces opportunities, danger, and anxiety. The legitimating structures of ethics or epistemology don't easily slide onto a new aesthetic, but since aesthetic makes evident changes within the social and political which themselves necessitate revisiting by ethics and epistemology. An aesthetic mode of analysis offers an opportunity to consider what new tactics may be necessary to address the associated and insidious politics of an emergent technology. Public generators present us with a regime that evades authorship, veils lineages, lacks intentionality, collapses medium specificity, evacuates or confuses meaning, but also resists individualism, connects diverse actors, coheres plural modalities, encourages mobile frameworks, posits complex agentive forms, and emphasizes networked relations. Change is present. Aesthetics makes us sensible to an emergent social, political, and cultural system, and the criteria of judgement that we still lack.

Acknowledgment

43 Jacqueline Rose: Sexuality in the Field of Vision, London and New York 1986, pp. 232-233, quoted in Jay (see note 41), pp. 3-4. Also, see Viktor Shklovsky: Art as Device. In: Theory of Prose, translated by Benjamin Sher, Funks Grove 1925, pp. 1-14.

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