

OVERCOMING THE AI AUTHORSHIP TABOO

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The concern over AI authorship has reached an all-time high. Regardless of creative domain, the fear that AI-generated content might directly or indirectly enter the market, has produced a whole set of formal and informal mechanisms directed at identifying and prohibiting the prevalence of AI in the creative process. The result has been the creation of a taboo around AI authorship. This AI authorship taboo is, however, predicated on a fundamental misunderstanding of the meaning, nature, and role of authorship. As a social institution deeply influenced by copyright law, authorship balances disparate normative criteria in developing an account of the appropriate human agency needed for different types of creativity. It thus works as a nuanced and contextual mechanism, which the AI authorship taboo risks flattening and oversimplifying. This Article argues for the rejection of the AI authorship taboo by looking to the working of authorship in copyright and beyond. Unpacking the different normative criteria underlying the working of authorship, it shows how the use of AI, to both mediate and generate expression, is fully compatible with human authorship and the mechanisms of collaborative creativity that it has come to embrace. Accepting AI authorship into the fold of authorship does not mean displacing, replacing, or undermining the human element in authorship; to the contrary it brings the meaning and significance of authorship into stark relief, allowing it to flourish and thrive in a world where AI is pervasive.