Will Bangladesh Be Another Egypt?

08-24-2024 ~ The day after former Bangladeshi Prime Minister Sheikh Hasina left Dhaka, I was on the phone with a friend who had spent some time on the streets that day. He told me about the atmosphere in Dhaka, how people with little previous political experience had joined in the large protests alongside the students—who seemed to be leading the agitation. I asked him about the political infrastructure of the students and about their political orientation. He said that the protests seemed well-organized and that the students had escalated their demands from an end to certain quotas for government jobs to an end to the government of Sheikh Hasina. Even hours before she left the country, it did not seem that this would be the outcome. Everyone, he told me, had anticipated more violence from the government.

These protests in Bangladesh this year are not unique. They are part of a cycle of protests that started at least a decade ago, with the issues (an end to the quotas, better treatment of students, less government repression) being similar. These are not simple protests around simple demands that can be easily addressed. The demands—such as quotas—return Bangladesh to what the elite has tried desperately to repress: the ugly history of the country's origins. The quotas are for freedom fighters who risked life and limb to battle the Pakistani military in 1971 and who won independence for Bangladesh. While it is true that such quotas should not be sustained over generations, it is also true that the issue of the quota is caught up partly with the problems of employment for educated, young people, and partly with the reassertion of the Islamist forces in Bangladesh who had been compromised by their association with the Pakistani violence. After the 2018 anti-quota movement, Sheikh Hasina's government decided to cancel the system. The decision went to the courts. The High Court argued that the quotas had to be reinstated, but the Supreme Court—in June 2024—decided that the quotas would not be fully reinstated, but only partly (7 percent for freedom fighters' children,

and not 30 percent). This was the spur for a renewed protest movement. It targeted Sheikh Hasina's government rather than the courts.

Shahbag Square

A decade ago, a massive protest took place in Dhaka at Shahbag Square. People gathered there to protest a decision by the courts to give a life sentence to Abdul Quader Mollah, who had been personally found guilty of killing 344 people during the 1971 genocide in East Pakistan. Quader Mollah was a leader of the fundamentalist party Jamaat-e-Islami, which had collaborated with the Pakistani military even in the worst days of the violence in this part of what was then Pakistan. Despite this verdict, Quader Mollah was given life in prison and as he left the court, he flashed a victory sign to the Jamaatis, the members of the Jamaat-e-Islami. Millions of people were angered by Quader Mollah's arrogance. For a protest that was formed around a gruesome demand (the death penalty), the people there seemed optimistic about their country. The enthusiasm was infectious. "Let's destroy all evil powers. Let's continue the momentum of the movement of Shahbag. Let's play our roles. Let's build the nation. We know how to defeat our enemies," [said](#) Shohag Mostafij, a development professional in Dhaka.

At Shahbag, I asked people if they had been motivated by the Arab Spring that had taken place two years previously. Aziza Ahmed, one of the young people who helped build the Shahbag protests, [said](#) that it was not "an impulse to follow on the footsteps of Arab Spring or Occupy Wall Street." However, these events provided inspiration, even though the protests started due to blog posts against the verdict (many of these bloggers faced the wrath of the Islamist wing two years later when some of them were murdered). The young bloggers and people like Aziza Ahmed allowed the protests to be interpreted as a youth movement (indeed, Shahbag was often called "generation square" or "Projonmo Chottor" in Bangla in reference to the youth). But, in fact, Shahbag carried within it a deep well of hatred against the Jamaat-e-Islami all the way from 1971. There was [harsh language](#) used in the Square against the Jamaatis who had collaborated with the Pakistani army, including calls for their deaths.

Neither the 2013 Shahbag protests nor the [2018 protests for road safety](#)came to any resolution. Anger simmered under the surface, only to reassert itself in 2024 with the new Supreme Court verdict. Large protests took to the streets against the quotas, bringing in social forces such as the students who faced

unemployment and those who had no ancestral connection to freedom fighters (including the Jamaatis). Protests of this kind are predictable, even though their consequence is unpredictable. Until the afternoon of Sheikh Hasina's departure, it was not clear that she would leave. The mood replicated the situation in Cairo in 2011 when President Hosni Mubarak first said he would not seek re-election (February 10) and then when it was announced that he had already resigned and would be leaving the country for Saudi Arabia (February 11).

From Cairo to Dhaka.
After Mubarak left Cairo, the military took charge of Egypt. The people at Tahrir Square, the main protest site, sought protection behind a figure known to the world, Mohamed ElBaradei, the head of the International Atomic Energy Agency. The military, however, was forced to convene a constitutional assembly and then hold elections in 2012. This election brought to power the Muslim Brotherhood, which had been the most organized force in Egyptian politics. In 2013, the military overthrew the Brotherhood government, and put in place what appeared to be a civilian leadership. At this time, they brought ElBaradei in as vice president, but he only lasted from July to August 2013. The military suspended the 2012 constitution and put one of its own into the presidency, first in his uniform and then in a suit. This man—General, now President Abdel Fattah el-Sisi—has been in power for a decade. Many of the leaders of Tahrir languish in prison, their generation demoralized.

The ElBaradei of the Bangladeshi situation is Muhammad Yunus, a Nobel Prize winner and founder of the Grameen Bank (a scheme of micro-credit for poor women using ideas of shame as collateral, which has made considerable money for the largely male bankers). Yunus assembled a cabinet made up of neoliberal officials from the Bangladeshi bureaucracy, academia, and the non-governmental organization sector. The finance ministry, for instance, is in the capable hands of Salehuddin Ahmed, former Governor of the Bangladesh Bank, who will reliably enforce neoliberal economic policy. He will be perfectly comfortable in a conversation with Egypt's newly appointed finance minister, Ahmed Kouchouk, who used to be a senior economist at the World Bank. No progressive agenda can come from these sorts of finance ministries, let alone an agenda to establish the integrity of the national economy.

As of now, the Bangladeshi military remains in the barracks. But the attitude of repression has not subsided, only the address for the arrests has changed.

Yunus's government has pursued members of Sheikh Hasina's government with arrests on charges that include murder. Every day the newspapers in Bangladesh announce new arrests, all on a variety of charges. Sheikh Hasina's Awami League is being gutted, and she herself has lost the right to travel on a diplomatic passport. Rashed Khan Menon, leader of the Workers Party of Bangladesh, was arrested on a murder charge; Shakib Al Hasan, who is currently in Pakistan playing cricket for Bangladesh and is an Awami League member, faces a murder charge regarding the death of a protester on August 5.

Whether there is any merit to these cases is to be seen, but the avalanche of arrests of members of Sheikh Hasina's Awami League and of associated parties appears like a tide of retribution. Meanwhile, the Jamaat sees a resurrection as one of its wings—the Amar Bangladesh Party—was registered as a political party and several of its members are likely to be given responsibility for running several universities. For all the talk of a new Bangladesh, Yunus's government shut down two television channels, Somoy TV and Green TV (which had been previously boycotted by the Bangladesh National Party, the main opposition front) and its authorities arrested Hashem Reza, the editor of Amar Sangbad, as well as senior employees of Ekattor TV, Shakil Ahmed and Farzana Rupa. The liberal sections of Bangladesh's elite are not discomforted by this wave of repression, which suggests that their liberalism is more political than principled.

The Bangladesh Spring seems to be rapidly escalating toward its Winter.

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Source: Globetrotter

How Artificial Intelligence Challenges The Concept Of Authorship

Leslie Alan Horvitz
Photo: lesliehorvitz.com

08-21-2024 ~ *If AI creates the content, who owns the work? Answering this complex question is crucial to understanding the legal and ethical implications of AI-generated content.*

Producing art and text using computers is not new. It has been happening since the 1970s. What is new is that computers are acting independently—without programmers providing any input; the computer program generates the work, even if programmers have set the parameters.

Not only are computers acting more independently but the quality of the content being generated has also increased. How this content is used has changed, too, and it may not always be created with the best motives. This is the new frontier of artificial intelligence or AI.

Coursera, a for-profit open online course provider, [stated](#), "Artificial intelligence is the theory and development of computer systems capable of performing tasks that historically required human intelligence, such as recognizing speech, making decisions, and identifying patterns. AI is an umbrella term encompassing various technologies, including [machine learning](#), [deep learning](#), and [natural language processing](#)."

The "[Generative Artificial Intelligence and Copyright Law](#)" report by the Congressional Research Service offers a more specific perspective: "So-called 'generative AI' computer programs—such as OpenAI's [DALL-E](#) and [ChatGPT](#) programs, Stability AI's [Stable Diffusion](#) programs, and [Midjourney's self-titled program](#)—can generate new images, texts, and other content (or 'outputs') in response to a user's textual prompts (or 'inputs')."

These AI programs are generated by exposing them to staggeringly large quantities of existing texts, photos, paintings, and other artworks. For example, generative pretrained transformers (GPTs) are a type of large language model (LLM) that use massive datasets comprising articles, books, and essays available on the internet to generate any kind of text. (Paul McDonagh-Smith, a senior lecturer in information technology at the MIT Sloan School of Management, [suggested](#) a less technical meaning for the acronym: General purpose technology.)

Programmers create generative AI platforms by searching for patterns and relationships in these vast archives of images and text. Then, the same process used in autofills creates rules and makes judgments and predictions when responding to a prompt or input.

But who has the right to the results or the output? Does copyright, patent, or trademark apply to AI creations? Who owns the content that AI platforms produce for a company or its customers?

Is using LLMs and scraping the internet for texts and images—the term applied to harvesting content online—fair use, as the AI companies claim, or do these companies require permission and owe royalties to the content owners?

Put another way, would it make more sense to confer [copyright on a pen manufacturer for a book](#) rather than the writer who used the pen to write it? In digital terms, it's evident that Microsoft Word can't assert copyright over texts

created using the program. Why should AI be any different? As it turns out, the answer to this question isn't straightforward.

An Uncertain Legal Situation
[Courts have yet to consider](#) how fair use standards apply to AI tools.

"[T]here isn't a clear answer to whether or not in the United States that is copyright infringement or whether it's fair use," [stated](#) Ryan Abbott, a lawyer at Brown Neri Smith & Khan. In an interview with the New York Times, he said, "In the meantime, we have lots of lawsuits moving forward with potentially billions of dollars at stake."

Because the lawsuits raising these questions are in the early stages of litigation, it could be years before a federal district court rules on the matter or these cases go to the Supreme Court. Regulators have yet to make definitive rulings on the rights and responsibilities of AI companies using original content or about the creators of that content.

What U.S. Copyright Law Says
The Copyright Office has [adopted an official policy](#) declaring that it will "register an original work of authorship, provided that the work was created by a human being." This leads to the question of whether or not AI-generated content can be considered to be created by a human being. In one sense, it is, yet the program usually generates content that no human being is responsible for, leaving the question largely unanswered.

To answer this question, we must consider [the concept of authorship](#). [Article I, Section 8](#) of the U.S. Constitution authorizes Congress to "[secure] for limited times to authors… the exclusive right to their… writings." That means that the Copyright Act affords copyright protection to "original works of authorship." What constitutes authorship? Both the Constitution and Copyright Act are silent on that question.

The September 2023 [report](#) published by the Congressional Research Service suggested that the Copyright Office wasn't likely to find the requisite human authorship where an AI program generates works in response to text prompts.

However, we must consider the human creativity required to design AI software. Programmers may make creative choices in coding and training the AI software,

giving them a stronger claim to some form of authorship. Would the programmers' contributions warrant copyright protection? Or would AI—or rather the company that owns the AI program like Microsoft or OpenAI—deserve the protection?

The U.S. Copyright Office acknowledges that the advent of AI presents unprecedented difficulties that Congress must address. "[W]e have concluded that a new law is needed," stated a July 2024 U.S. Copyright Office report "Copyright and Artificial Intelligence." "The speed, precision, and scale of AI-created digital replicas [call] for prompt federal action. Without a robust nationwide remedy, their unauthorized publication and distribution threaten substantial harm… in the entertainment and political arenas."

The report proposes adopting a new federal law that protects all individuals, not just celebrities or public figures, against creating and distributing their digital likenesses without consent. It calls for online service providers to "remove unauthorized digital replicas" upon receiving "effective notice." The report also gives individuals the right to "license and monetize" their digital replica rights. The agency acknowledges that First Amendment concerns need to be accounted for in any new statute. The proposed reforms would also protect "against AI outputs that deliberately imitate an artist's style," but any new law would not define what this style constitutes.

How Other Countries Protect Content
Cases in other countries offer few valuable precedents. In March 2012, for example, in an Australian case (*Acohs Pty Ltd* v. *Ucorp Pty Ltd*), a court found that a work generated by a computer could not be protected by copyright law because a human did not produce it.

In 2009, the Court of Justice of the European Union declared in the Infopaq decision "that copyright only applies to original works, and that originality must reflect the 'author's own intellectual creation,'" stated WIPO magazine.

Courts in other countries—India, Ireland, New Zealand, and Hong Kong—are more favorable to the programmer as the "author." Copyright law in the United Kingdom appears to hedge its bets: "In the case of a literary, dramatic, musical or artistic work which is computer-generated, the author shall be taken to be the person by whom the arrangements necessary for the creation of the work are

undertaken," [added](#) the article.

Lack of Clarity on What Constitutes Infringement
The generative process of making large language models, image-producing programs like DALL-E, music composition, and voice recognition require training. AI can only generate something with this training, which invariably involves making digital copies of existing works.

According to the U.S. Patent and Trademark Office, this [process](#) "will almost by definition involve the reproduction of entire works or substantial portions thereof." For instance, OpenAI [accepts](#) that its programs are trained on "large, publicly available datasets that include copyrighted works."

Whether or not copying constitutes fair use depends on four statutory factors under [17 U.S.C. § 107](#), according to Cornell Law School:

"[T]he purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;

[T]he nature of the copyrighted work;

[T]he amount and substantiality of the portion used in relation to the copyrighted work as a whole;

[T]he effect of the use upon the potential market for or value of the copyrighted work."

Depending on the jurisdiction, different federal circuit courts may respond with varying interpretations of the [fair use doctrine](#), which allows copyrighted work to be used without the owner's permission "for purposes such as criticism (including satire), comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research," according to the nonprofit publication Lawfare. This is called transformative use under the doctrine and lets a person "exploit" copyrighted material in a way it was not originally intended.

In a [submission](#) to the House of Lords Communications and Digital Select Committee inquiry in December 2023, OpenAI said it could only train large language models, [such as its GPT-4 model](#), by accessing copyrighted work. "Because copyright today covers virtually every sort of human expression—including blog posts, photographs, forum posts, scraps of software

code, and government documents—it would be impossible to train today's leading AI models without using copyrighted materials."

According to the congressional [report](#), "OpenAI [argues](#) that its purpose is 'transformative' as opposed to 'expressive' because the training process creates 'a useful generative AI system'" and further contends that fair use is applicable because the content it uses is intended exclusively to train its programs and is not shared with the public. If a work is considered "transformative" based on OpenAI interpretation, it has to be significantly altered from the original so it is not viewed as an imitation.

Meanwhile, OpenAI, which has created tools like [its groundbreaking chatbot](#), ChatGPT, stated that it would be impossible without access to copyrighted material. However, the company insists that it has taken steps to avoid the possibility of infringement, asserting, for example, that its visual art program [DALL-E 3](#) "is designed to decline requests that ask for an image in the style of a living artist."

The AI company also [maintains](#) that it needs to use copyrighted materials to produce a relevant system: "Limiting training data to public domain books and drawings created more than a century ago might yield an interesting experiment, but would not provide AI systems that meet the needs of today's citizens," stated a January 2024 article in the Guardian.

As a legal precedent, the company cites the *[Authors Guild, Inc. v. Google, Inc.](#)*, "in which the U.S. Court of Appeals for the Second Circuit held that Google's copying of entire books to create a searchable database that displayed excerpts of those books constituted fair use," the congressional [report](#) stated.

Unsurprisingly, [OpenAI's position](#) has met with considerable criticism. "We won't get fabulously rich if you don't let us steal, so please don't make stealing a crime!" [wrote](#) AI skeptic Gary Marcus on the social media site X (formerly known as Twitter). "Sure, Netflix might pay billions a year in licensing fees, but 'we' (OpenAI) shouldn't have to!"

When Is a Piece of Work Too Similar?
Copyright owners have to adhere to high standards to demonstrate that the production of an AI program has infringed their rights; for example, if a painter maintains that a DALL-E image bears an uncanny resemblance to their work, it

would lead to copyright infringement "if the AI program both 1) had access to their works and 2) created 'substantially similar' outputs," the [report](#) stated.

"Courts have variously [described the test](#) as requiring, for example, that the works have 'a substantially similar [total concept and feel](#)' or '[overall look and feel](#)' or that 'the [ordinary reasonable person](#) would fail to differentiate between the two works,'" [added](#) the report.

Leading cases have also pointed out that such deduction should consider "[the qualitative and quantitative significance](#) of the copied portion in relation to the plaintiff's work as a whole." However, the painter might be able to prove that an image was scraped off the internet to "train" the program, resulting in an image similar to their original creation in most, if not all, respects.

In OpenAI's words, though, any allegation of infringement by a copyright holder would be "[an unlikely accidental outcome](#)."

Courts have been asked to clarify what a "derivative work" is [under intellectual property laws](#). Alternatively, some AI programs may be used to create works involving existing fictional characters, which sometimes enjoy [copyright protection](#) in and of themselves. An AI program may also be prompted to create artistic or literary works "[in the style of](#)" a particular artist or author. However, emulation of an artist or author's style does not violate copyright law.

These cases also raise the possibility that users of the images and text generated by AI companies, which infringe on the copyrights of existing works, may also be liable, in addition to the AI companies that produced them. (Legal penalties were imposed on users who downloaded music illegally from the now-defunct [Napster](#).)

The AI company could potentially face liability under the doctrine of "[vicarious infringement](#)," which pertains to defendants who have "the right and ability to control the infringing activities" and "a direct financial interest in such activities." Of course, users might be innocent of any wrongdoing if they did not prompt the program with any awareness of what they would obtain. How would the owner of a copyrighted work then establish infringement?

For example, [OpenAI's terms of use](#) seem to let the company off the hook by assigning any blame for copyright issues on the user: "We hereby assign to you all our right, title, and interest, if any, in and to Output." Andres Guadamuz, an

intellectual property law professor at the University of Sussex, [wrote](#) in July 2022 that OpenAI appears to "cleverly bypass most copyright questions through contract."

In September 2023, a U.S. district court stated that a jury trial would be needed to determine whether it was fair use for an AI company to copy case summaries from [Westlaw](#)—a legal research platform owned by Thomson Reuters—to train an AI program to quote pertinent passages from legal opinions in response to user questions.

"[B]y denying summary judgment on copyright infringement to the AI builder and user, the decision opens the door to the kind of lengthy, expensive and uncertain litigation that could deter builders and users of AI from using copyrighted works as training data," [according to](#) Moses Singer, a law firm based in New York.

Does Section 230 Exempt AI Companies From Responsibility?
Under [Section 230 of the Communications Decency Act](#)—which shields companies from hosting potentially litigious content posted by others and social media companies like X and Meta (the parent company of Facebook) that carry content, including ads of AI-generated actors—"[can claim immunity](#)." Since it was established in 1996, Section 230 has been invoked to justify why tech firms have significant legal protection from liability as third-party publishers.

[Chamber of Progress](#), a tech industry coalition whose members include Amazon, Apple, and Meta, argued that Section 230 should be expanded to protect AI companies from some infringement claims. That raises the issue of whether Section 230's exemption can also cover advertising and publicity for intellectual property rights.

AI Companies Offer Their Justifications
Tech companies with AI products have advanced [arguments justifying their methods](#), including using copyrighted material to "train" their programs. Meta [asserts](#) that "a first-of-its-kind licensing regime now" will lead to chaos and send developers scrambling to identify many millions of rights holders "for very little benefit, given that any fair royalty due would be incredibly small in light of the insignificance of any one work among an AI training set."

Google points out that there wouldn't be any copyright questions if training could occur without creating copies. It further [declares](#) that the act of "knowledge

harvesting"—like reading a book and learning information from it—hasn't been considered an infringement by the courts. In that sense, Google is not doing anything different when it propagates AI outputs and makes them available to users.

Microsoft claims that if the company were to obtain consent for accessible works to be used for training, AI innovation would be stifled. It would not be possible to attain the "scale of data necessary to develop responsible AI models even when the identity of a work and its owner is known." Licensing arrangements could also prevent startups and companies in smaller countries from training their own AI models.

Anthropic, an AI company, echoes Microsoft's argument, maintaining that "appropriate limits to copyright" are necessary "to support creativity, innovation, and other values."

Andreessen Horowitz, a venture capital company with many tech investments, says it has worked on the premise that the current copyright law allows any copying necessary to extract statistical facts to develop AI technologies. "Those expectations have been a critical factor in the enormous investment of private capital into U.S.-based AI companies, which, in turn, has made the U.S. a global leader in AI."

If these expectations are compromised, Andreessen Horowitz contends, it could jeopardize future investment in AI and put the United States' economic prospects and national security at risk.

Hugging Face, an AI company, asserts that using a given work in training its models "is of a broadly beneficial purpose"—namely, an AI model "capable of creating a wide variety of different sort of outputs wholly unrelated to that underlying, copyrightable expression." Like OpenAI and other tech companies, Hugging Face relies on the fair use doctrine in collecting content to build its models.

Art, Photos, and AI

Many companies with copyrighted content argue against the justification provided by tech companies for using their material under "fair use." In February 2023, Getty, an image licensing service, filed a lawsuit against the creators of the AI art generator Stable Diffusion, alleging "brazen infringement of Getty Images'

intellectual property on a staggering scale." Getty Images stated that Stability AI, which owns Stable Diffusion, had copied 12 million images without permission, violating the copyright and trademark rights.

Getty also dismissed any defense that relied on fair use, arguing that Stable Diffusion produced commercial products that could jeopardize Getty's image marketing.

Getty asserted that the images produced by the AI company's system were similar or derivative enough to constitute infringement. In another case filed in late 2022, *Andersen et. al. v. Stability AI et. al.*, three artists filed a class-action complaint against several generative AI platforms, claiming that Stability AI had used their "original works without license to train AI in their styles," stated a Harvard Business Review article. The software could generate images responding to users' prompts, which were insufficiently "transformative… and, as a result, would be unauthorized derivative works." In legal terms, the artists claimed that Stability AI was guilty of "vicarious infringement."

Stability AI announced in 2022 that artists could opt out of the next generation of the image generator, which was released to some developers for preview in April 2024. This is not only "too little, too late" but also puts the burden of intellectual property protection on the artists, not the company, since Stability AI will only make an exception for works created by artists who opted out.

The practice of using original works is widespread. This fact was further highlighted in December 2023 when a database of artists whose works were used to train Midjourney—a generative AI program—was leaked online. The database listed 16,000 artists, including Keith Haring, Salvador Dalí, David Hockney, and Yayoi Kusama.

Artists protested in various ways, posting "No to AI-Generated Images" on social media, adopting a tool that "poisoned" image-generating software, and filing several lawsuits accusing AI companies of infringing on intellectual property rights.

One of these tools is called Nightshade, whose website says that it is designed to "address" the "power asymmetry" between image owners and AI by transforming "images into 'poison' samples so that models training on them without consent will see their models learn unpredictable behaviors that deviate from expected

norms," the software website stated.

"Generative AI is hurting artists everywhere by stealing not only from our pre-existing work to build its libraries without consent, but our jobs too, and it doesn't even do it authentically or well," [said](#) artist Brooke Peachley, according to a January 2024 article in Hyperallergic.

Not all artists, however, oppose the use of AI in the creative process. In September 2022, the artist Kris Kashtanova [registered a copyright](#) for a graphic novel whose images were generated by Midjourney. In February 2023, the Copyright Office revoked the registration, arguing that Kashtanova had failed to reveal that an AI model had created the images for her novel.

The Copyright Office [determined](#) that Midjourney, not Kashtanova, was responsible for the "visual material." A month later, guidance was [released](#) stating that when AI "determines the expressive elements of its output, the generated material is not the product of human authorship."

One of the artist's lawyers disagreed, [stating](#) that the Copyright Act doesn't need such creative control and that original art can incorporate "[a degree of happenstance](#)." His position runs contrary to that of a law professor who said that a human user "who enters a text prompt into an AI program has... 'contributed nothing more than an idea' to the finished work," stated the Congressional Research Service report. As a result, the work produced by this idea cannot be copyrighted.

In another case involving an inventor named Stephen Thaler, a federal judge in Washington, D.C., affirmed the policy adopted by the Copyright Office. In [this case](#), Thaler "listed his computer system as the artwork's creator" and wanted a copyright issued and given to him as the machine's owner. When the Copyright Office rejected his request, he sued the agency's director. Meanwhile, the judge ruled that an AI-generated artwork wasn't subject to copyright protection because it lacks "[human involvement](#)."

The Copyright Office also [turned down](#) an artwork titled "Théâtre D'opéra Spatial" by the artist Jason Michael Allen, whose piece won first prize at the Colorado State Fair in 2022. According to a September 2023 article in Wired, Allen [vowed](#), "I'm going to fight this like hell," declaring that he would file a suit against the federal government for denying him copyright protection even though

he used Midjourney to create his work.

The Copyright Office stated Allen was entitled to apply for copyright solely for the parts of the work he had altered using Adobe Photoshop software. "The underlying AI-generated work merely constitutes raw material which Mr. Allen has transformed through his artistic contributions," Allen wrote. The Copyright Office was unpersuaded.

Despite the Copyright Office's position and the artists' vehement opposition, some auction houses and museums have embraced AI. Several artists are happy to exhibit or sell their creations in these institutions. German artist Mario Klingemann, who specializes in AI works, created a series of portraits under the title *Memories of Passersby I*, exhibited in 2019 at Sotheby's, a premier auction house.

For his work, Klingemann used a type of AI program known as a generative adversarial network (GAN), which consists of two modules; the resulting images are bounced back and forth between the modules. In this case, the program was trained with exposure to a vast collection of portraits from the 17th, 18th, and 19th centuries, shortlisted by Klingemann. His was one of several AI-generated artworks that were put up for sale at Sotheby's.

The Museum of Modern Art (MoMA) in New York has also exhibited AI-generated work, hosting the AI installation "Unsupervised" in 2022. Assembled by the artist Refik Anadol, the work ponders what a machine might dream about after seeing more than 200 years of art in MoMA's collection. In the Hague, the Mauritshuis mounted an AI version of Johannes Vermeer's "Girl With a Pearl Earring" while the original was on loan.

Writers Confront AI
Like artists, writers have viewed AI warily, concerned that the ability of the software—specifically ChatGPT—to compose and draft essays, novels, and other forms of writing in response to user prompts could put them out of business. Publishers Weekly, which covers the publishing landscape, reminds readers that AI has existed for many years and is already integrated into much of the industry's software.

The Authors Guild, as well as authors Paul Tremblay, Ta-Nehisi Coates, Michael Chabon, and comedian and writer Sarah Silverman, have filed multiple lawsuits

against OpenAI and Meta, claiming the training process for AI programs infringed on their copyrights in written and visual works. In February 2024, however, a [federal district court](#) threw out most of the arguments made in the copyright infringement lawsuits filed against OpenAI by these authors, [stating](#) that the plaintiffs had failed to show examples where AI-generated output was "substantially similar—or similar at all—to their books."

The ruling, which left the authors' central argument that the OpenAI system "[copied and ingested](#)" their copyrighted work without permission or compensation, was similar to an earlier ruling in a lawsuit filed by authors against [Meta's generative AI system](#), Llama. "When I make a query of Llama, I'm not asking for a copy of Sarah Silverman's book," the judge, in that case, [wrote](#), "I'm not even asking for an excerpt."

[E-books, probably produced by AI](#) (with little or no human author involvement), have begun to appear on Amazon's online bookstore. AI researcher Melanie Mitchell was concerned that a book with the same title as hers—*Artificial Intelligence: A Guide for Thinking Humans*, published in 2019—had appeared on Amazon but was only 45 pages long, poorly written (though it contained some of Mitchell's original ideas), and attributed to one "Shumaila Majid." Despite not having an author bio or internet presence, a search brought up several other titles by "Majid."

An [investigation by Wired magazine](#) using deepfake detection software revealed that Mitchell's suspicion was correct. The software found that the knockoff was 99 percent likely AI-generated. Amazon took down the Majid version, [stating](#): "While we allow AI-generated content, we don't allow AI-generated content that violates our Kindle Direct Publishing content [guidelines](#), including content that creates a disappointing customer experience."

AI-generated summaries of books, marketed as e-books, are another widespread phenomenon that has daunted writers. Computer scientist Fei-Fei Li, author of *[The Worlds I See: Curiosity, Exploration, and Discovery at the Dawn of AI](#)*, [found more than a dozen different summaries of her work on Amazon](#), which she had nothing to do with.

These e-books, which are summaries of original works, have been "dramatically increasing in number," [said](#) Jane Friedman, a publishing expert, who herself was

victimized by another "[AI-generated book scheme](#)." "It's common right now for a nonfiction author to celebrate the launch of their book, then within a few days discover one of these summaries for sale," [wrote](#) Kate Knibbs, a senior writer at Wired, in January 2024.

However, the writers of these summaries may not be liable for infringement. Some experts specializing in intellectual property believe summaries are legal because they don't copy "word-for-word" from the book they're summarizing. Other IP experts are more skeptical. "Simply summarizing a book is harder to defend," [said](#) [James Grimmelmann](#), an internet law professor at Cornell University. "There is still substantial similarity in the selection and arrangement of topics and probably some similarity in language."

"It's disturbing to me, and on multiple moral levels seems wrong, to pull the heart and sensitivity out of the stories," [said](#) author Sarah Stankorb, according to the Wired report. "And the language—it seemed like they just ran it through some sort of thesaurus program, and it came out really bizarre."

She suspects that her book *[Disobedient Women: How a Small Group of Faithful Women Exposed Abuse, Brought Down Powerful Pastors, and Ignited an Evangelical Reckoning](#)* was summarized and posted on Amazon before publication, based on an advance copy of the book distributed only to reviewers. She found the imitation blatant when she compared the two texts. "In my early days reporting, I might do an interview with a mompreneur, then spend the afternoon poring over Pew Research Center stats on Americans disaffiliating from religion."

That's the opening line from Stankorb's book. A summary version of that line stated: "In the early years of their reporting, they might conduct a mompreneur interview, followed by a day spent delving into Pew Research Center statistics about Americans who had abandoned their religious affiliations." The same software that Wired used to determine that AI generated Majid's e-book revealed that Stankorb's summary was as well.

According to Dave Karpf, an associate professor of media at George Washington University, AI might not be as dangerous as people predict. "I suspect… that 2024 will be the year we are reminded of the Ghost of Napster—and other failed digital futures," he wrote in [Foreign Policy magazine](#) in December 2023. "The story that

I often hear from AI evangelists is that technologies such as ChatGPT are here, and they are inevitable."

"If outdated copyright laws are at odds with the scraping behavior of large language models, copyright law will surely need to bend as a result," Karpf [wrote](). But he believes that AI could be "another Amazon," or it may turn out more like WeWork, "a company that so heavily inflated its own revenue projections that it couldn't break even in today's rental market."

"Copyright law doesn't bend to accommodate your vision of the digital future—the digital future bends to accommodate copyright law," Karpf [added]().

AI-Generated Song Goes Viral
The controversy surrounding the [AI-generated song "Heart on My Sleeve,"]()using AI versions of the voices of rap star Drake and singer The Weeknd, raises some of the unprecedented issues posed by AI. While "Heart" received a lot of attention, it is only one in a spate of AI-generated songs with accompanying videos. An AI-generated version of Johnny Cash [singing]() a Taylor Swift song went viral online in 2023.

After its release in April 2023, "Heart on My Sleeve" was credited to Ghostwriter and heard millions of times on streaming services. Although Universal Music Group, which represents both artists, argued that AI companies violate copyright by using these artists' songs in training data, legal observers say the song was original even if it was imitative. They also claim that [Ghostwriter]() wasn't infringing on any existing work whose rights belonged to Drake, The Weeknd, and Universal. By the time Universal sent take-down notices, third parties had copied and uploaded the song.

Copyright does not protect an artist's voice, style, or flow. However, infringement may occur if a song is similar enough to an earlier work in style and "feel," an [ambiguous determination]() that courts are frequently called upon to adjudicate.

[Jered Chavez]() has also been steadily making AI-generated music clips, producing a cappella versions of songs trained to sound like the most recognizable musicians in the world. These clips have proven remarkably popular on TikTok and are cheap and simple to make.

Sting and other music artists have denounced the production of AI songs that use

famous artists' vocals. In a May 2023 [interview](#) with [BBC](#) News, Sting criticized the use of AI in music, saying that it would require musicians to defend their "human capital against AI," declaring, "The building blocks of music belong to us, to human beings."

"It's easy to use copyright as a cudgel in this kind of circumstance to go after new creative content that you feel like crosses some kind of line, even if you don't have a really strong legal basis for it, because of how strong the copyright system is," [said](#) Nick Garcia, policy counsel at Public Knowledge, to the Verge.

Another matter of concern is violating the artists' rights by using their voices to train AI programs. Yet, creators and publishers are armed with relevant laws to fight back. The [right of publicity](#) (sometimes called the "right of privacy") can be invoked by a singer whose voice has been cloned. Still, this right is only on record in certain states—notably [New York](#) and [California](#), where many major entertainment companies are located. Real Drake and The Weeknd could sue Ghostwriter using the same law that Wheel of Fortune's longtime co-host Vanna White relied on to [sue a metallic android lookalike used in a Samsung advertisement](#) in 1992, [pointed out](#) in the Verge article.

These right of publicity laws [protect](#) against unauthorized commercial uses of a person's name, likeness, and persona while protecting individuals' exclusive rights to profit from their identities.

'If You Can't Beat 'Em, Join 'Em'
The singer Grimes has taken a different approach to AI by [allowing](#) her fans to create and distribute songs using an AI-produced version of the artist's voice without legal penalty.

However, she isn't giving up all rights since the invitation requires fans to use a customized "GrimesAI voiceprint" using a software program called [Elf.Tech](#). While they can use the program to produce original songs, they still need to credit the singer as the main or featured artist.

Anyone who uses her voiceprint will also have to [split the royalties with her on a 50/50 basis](#), and Grimes will have to approve the "collaboration." Grimes further [stipulates](#) that she "does not claim any ownership of the sound recording or the underlying composition" unless the composition originated with Grimes. Fans should feel free to use her voice "[without penalty](#)," and added that she [liked the](#)

[idea](#) of "open-sourcing all art and killing copyright."

The New York Times and Other Publications Sue
In December 2023, the New York Times [sued](#) the tech companies OpenAI and Microsoft for copyright infringement. It was the first such challenge by a major American news organization. The Times [contends](#) that OpenAI's ChatGPT and Microsoft's Copilot can produce content nearly identical to the Times articles, giving them a "free ride on its massive investment in journalism to build substitutive products without permission or payment." [NYT claims](#) that Microsoft's search engine Copilot, which uses OpenAI's ChatGPT, provided results that substantially copied "verbatim" from the paper's Wirecutter content.

[OpenAI disputed](#) these claims: "We support journalism, partner with news organizations, and believe the New York Times lawsuit is without merit." NYT admitted in its suit that it had been in [talks](#) with Microsoft and OpenAI about terms for resolving the dispute "but failed to reach a solution," [according](#) to a December 2023 article in the Verge.

In April 2024, eight daily newspapers (including the New York Daily News, Chicago Tribune, and Denver Post) owned by Alden Global Capital followed the Times' example. They [sued OpenAI and Microsoft](#), alleging that the tech companies used millions of copyrighted articles without permission to train their generative AI products.

Alden's suit also cited errors by OpenAI's ChatGPT in response to user prompts and accused them of "reputational damage." One OpenAI response stated that the Chicago Tribune had recommended an infant lounger, which was not the case. Moreover, the product had been recalled because it was linked to newborn deaths. In another example, the AI "made-up answers" falsely said that "research" published in the Denver Post stated that smoking could "cure" asthma, according to the new website Axios. An OpenAI spokeswoman [claimed](#) the company "was not previously aware of Alden's concerns."

The suit comes as other major media companies, such as the [Associated Press](#) and [Axel Springer](#), the German owner of outlets like Politico and Business Insider, have reached data licensing agreements with OpenAI.

OpenAI has also conducted [discussions](#) with the News/Media Alliance, a journalism trade group representing more than 2,200 media outlets worldwide,

"to explore opportunities, discuss their concerns, and provide solutions." In addition, the AI company has also been in conversations with Gannett, CNN, and IAC, an internet media company.

Some companies have realized that it's better to collaborate with AI companies than to fight them. In May 2024, News Corp and OpenAI announced a multiyear agreement to bring the news media's content to OpenAI. That gives the software company access to "current and archived content" from the Wall Street Journal, Barron's, MarketWatch, New York Post, the Times and the Sunday Times, and the Sun (UK), as well as such Australian newspapers as the Daily Telegraph, the Courier Mail, the Advertiser and, the Herald Sun.

In May 2024, Atlantic Magazine and Vox Media (which includes Vox, the Verge, Eater, the Cut, and Vulture) reached an agreement with OpenAI that allows the software company to use its archived content to train its AI models. "Both agreements also allow OpenAI to tap into the respective publishers' current content to fuel responses to user queries in OpenAI products, including ChatGPT," wrote Axios senior media reporter Sara Fischer.

Not everyone involved was pleased with this arrangement. In the Atlantic, writer Damon Beres called the multiyear agreement a "Devil's Bargain," pointing out that the technology has "not exactly felt like a friend to the news industry." However, Beres conceded that "generative AI could turn out to be fine" but that it would take time to find out.

Predictably, compensation is a crucial issue. OpenAI has reportedly offered between $1 and $5 million annually to license copyrighted articles, although for some top publishers, the amount OpenAI has proposed is too low.

Marc Benioff, Salesforce Inc.'s chief executive officer and owner of Time magazine, asserted that AI companies have been ripping off "intellectual property to build their technology." "All the training data has been stolen," he said at the World Economic Forum in Davos in January 2024.

Benioff said, "Nobody really exactly knows" what an equitable compensation for their data would be but suggested that "AI companies should standardize payments to treat content creators fairly." Despite his concerns, Benioff's Time is among publications negotiating with OpenAI to license their work.

In February 2024, [three online media companies](#)—Raw Story, Alternet, and the Intercept—sued OpenAI, claiming that the company had trained its chatbot using copyrighted works without proper attribution. The three companies sought $2,500 per violation and asked OpenAI to remove all copyrighted articles in its data training sets. The Intercept also sued Microsoft, an OpenAI partner that created its own chatbot using the same articles.

"It is time that news organizations fight back against Big Tech's continued attempts to monetize other people's work," said John Byrne, the chief executive and founder of Raw Story, which owns Alternet, according to an [article](#) in the New York Times. "Big Tech has decimated journalism. It's time that publishers take a stand."

The SAG/AFTRA Strike: Why AI Matters to Screen, Television, and Streamer Actors
The use of AI was one of the major points of contention for the labor union, the Screen Actors Guild-American Federation of Television and Radio Actors (SAG-AFTRA), which went on strike from July to November 2023. The screen actors' strike overlapped for several months with the screenwriters' walkout. For the Writers Guild of America (WGA), as the screenwriters guild is known, AI was also one of the [outstanding issues](#) in negotiating a new contract with the studios.

[SAG-AFTRA's March 2023 statement](#) left no room for ambiguity: "Human creators are the foundation of the creative industries, and we must ensure that they are respected and paid for their work. Governments should not create new copyright or other IP exemptions that allow AI developers to exploit creative works, or professional voices and likenesses, without permission or compensation. Trustworthiness and transparency are essential to the success of AI."

SAG-AFTRA's executive director Duncan Crabtree-Ireland "called out the 'double standard' in the relationship between actors and corporations when it comes to copyright infringement," [wrote](#) Katyannah Quach in an October 2023 article in the Register. Why was it permissible for businesses to use AI to generate material as they wish, he asked, but if a person were to use a business's intellectual property, it becomes a problem?

"After all, if an individual decided to infringe on one of these companies' copyright protected content and distribute it without paying for the licensing

rights, that individual would face a great deal of financial and legal ramifications," Crabtree-Ireland said at a conference titled "Creative Economy and Generative AI." "So why is the reverse not true? Shouldn't the individuals whose intellectual property was used to train the AI algorithm be at least equally protected?"

Actors feared corporations could consistently exploit their likenesses for free once the actors were scanned. Tom Hanks has already denounced using his likeness for commercial purposes: "There's a video out there promoting some dental plan with an AI version of me. I have nothing to do with it." The daughter of actor Robin Williams has issued a statement finding it "disturbing" that her father's voice was being replicated in AI tests.

Actress Scarlett Johansson also found that her voice and likeness were used in a 22-second online ad on X. Her attorney filed a suit. Taylor Swift's face and voice were featured in advertisements for Le Creuset cookware. In the ads, the singer's clone addressed her fans as "Swifties" and said she was "thrilled to be handing out free cookware sets," stated a New York Times article. While Swift reportedly likes Le Creuset products, she never appeared in one of their ads.

Johansson was in the news again in May 2024 when she alleged that OpenAI was using her voice for its conversational ChatGPT called Sky. (Sky was one of five voice assistants OpenAI introduced.) Sam Altman, OpenAI's CEO, asserted that the voice wasn't Johansson's but the voice of another actress whose identity he declined to disclose. He had, however, approached Johansson initially, based on his expressed admiration for the 2013 film "Her," for which "she provided the voice for an AI system."

In response to Johansson's complaint, Altman announced that he was suspending the use of Sky's voice. "Out of respect for Ms. Johansson, we have paused using Sky's voice in our products," Altman said in a statement to NPR. "We are sorry to Ms. Johansson that we didn't communicate better." The actress wasn't appeased. "When I heard the release demo, I was shocked, angered, and in disbelief that Mr. Altman would pursue a voice that sounded so eerily similar to mine that my closest friends and news outlets could not tell the difference," she said.

Numerous other AI celebrity endorsements, such as an AI clone of country singer Luke Combs promoting weight loss gummies, have popped up. AI versions of the journalist Gayle King and the YouTube influencer Jimmy Donaldson ("MrBeast")

have also manifested in ads without their permission.

In November 2023, SAG signed a deal that allowed for the use of the digital replication of members' voices for video games and other forms of entertainment if the companies secured consent and guaranteed minimum payments. The agreement will be a "big benefit to talent and a big benefit to studios," said Shreyas Nivas, co-founder and chief executive officer of Replica, a voice AI technology company, adding that it would "[provide] a framework for use of AI in the production of video games," according to Business Standard.

Video Games Actors Strike
Video game performers walked off the job in July 2024 after contract negotiations between the union and the entertainment industry collapsed. Negotiations with gaming companies, including divisions of Activision, Warner Brothers, Electronic Arts, Insomniac Games, and Walt Disney Co., over a new interactive media agreement had been ongoing for two years. The industry accounts for more than $100 billion in profit annually, according to game market forecaster Newzoo. While the union is part of SAG-AFTRA, it has a different contract than the one covering TV and film actors.

As in the case of the SAG strike, AI was at the forefront of the dispute. The union believes its members are harmed if their likenesses are used to train AI to replicate an actor's voice or create a digital replica without consent or fair compensation. "The industry has told us point-blank that they do not necessarily consider everyone who is rendering movement performance to be a performer that is covered by the collective bargaining agreement," said Ray Rodriguez, chief contracts officer for SAG-AFTRA.

The industry negotiators, meanwhile, have been unable to find common ground with the union's stance. "We have already found common ground on 24 out of 25 proposals, including historic wage increases and additional safety provisions," said Audrey Cooling, a spokesperson for the video games companies in the negotiations. "Our offer is directly responsive to SAG-AFTRA's concerns and extends meaningful AI protections that include requiring consent and fair compensation to all performers working under the IMA [Interactive Media Agreement]. These terms are among the strongest in the entertainment industry."

WGA Strike: Why Screenwriters Fear AI

When the screenwriters—who work on film scripts and TV programs (including late-night shows)—struck in early 2023, they also demanded that their work's rights be protected from being used to train AI software and write or rewrite scripts. Using AI for these purposes could theoretically save the studios a lot of money—and potentially put a lot of writers out of work.

In their [statement](), the Writers Guild of America declared that "GAI (generative artificial intelligence) cannot be a 'writer' or 'professional writer' as defined in the MBA [minimum basic agreement] because it is not a person, and therefore materials produced by GAI should not be considered literary material under any MBA."

The WGA held that AI is allowed in some instances, such as when the employer discloses that AI wrote the material or when the writer uses AI in preparing their screenplay or teleplay with the company's consent.

When the [contract was agreed upon](), and the strike ended in September 2023, the guild received much of what it wanted regarding salary increases and AI.

The studios agreed that AI-generated content couldn't be used to generate source material, meaning that a studio executive couldn't ask writers to create a story using ChatGPT and then ask them to turn it into a script (with the executive claiming rights to the original story). The WGA [also]() "reserves the right to assert that exploitation of writers' material to train AI is prohibited by MBA or other law."

Film Directors Accept AI
In marked contrast to SAG-AFTRA and the WGA, which went out on strike in 2023 to secure better terms in their contracts, the Directors Guild of America (DGA) quickly [agreed to a new contract](). However, film and TV directors share the same situation as writers and actors. They are hired for each work they direct.

Under U.S. copyright law, they are considered employers. At the same time, producers are the owners of any copyright ([more rights accrue]() to directors in other countries, including the United Kingdom, France, and Italy). Rights are allocated as a result of union contracts with studios. However, the absence of laws recognizing creators' rights to their creations is alarming because of the advent of generative AI tools, which studios may exploit.

In a [statement](#), the DGA warned: "These third parties, who are not bound to our collective bargaining agreements, may ingest and regurgitate copyrighted films and television shows into AI systems without the participation of the copyright owner or the need to agree to the terms of our new agreement."

In case the courts are unequipped to deal with this issue, the DGA and WGA have called for the "[establishment of moral rights](#)" that would recognize directors (and writers) as the original authors of their work, "[giving] them larger financial and creative control over exploitation of their material even when they don't own the copyrights," [stated](#) the Hollywood Reporter.

Why the Studios Defend AI
The Movie Picture Association (MPA), AI companies like OpenAI and Meta, and tech advocacy groups see opportunities where the unions see a threat. The MPA and software companies differ on "whether new legislation is warranted to address the unauthorized use of copyrighted material to train AI systems and the mass generation of potentially infringing works based on existing content," [according](#) to the Hollywood Reporter article.

The MPA, meanwhile, also declared that the question of fair use should be determined on a "[case-by-case basis](#)." "For example, fine-tuning an AI model, specifically using the library of James Bond movies for the purpose of making a competing movie that appeals to the same audience, likely would weigh against fair use."

Despite exceptions like the hypothetical new Bond movie, the MPA argued in favor of "looser standards" when copyrighting works created by AI. It maintained that the Copyright Office is "too rigid" by conferring intellectual property rights only on works created by humans [because](#) "it does not take into account the human creativity that goes into creating a work using AI as a tool."

The Legal Future of AI
In 2023, two bills were introduced in Congress to address scams that use AI—the [DEEPFAKES Accountability Act](#) in the House and the [No Fakes Act](#) in the Senate. Both bills require guardrails such as content labels or permission to use someone's voice or image.

Congress needs to do much more to update copyright protections related to AI. By mid-2024, Congress had yet to make significant progress in enacting legislation

on this issue. According to the nonprofit [Brennan Center](#) for Justice, several bills introduced in the 118th Congress (2023-2024) focused on high-risk AI, required purveyors of these systems to assess the technology, imposed transparency requirements, created a new regulatory authority to oversee AI or designated the role to an existing agency, and offered some protections to consumers by taking liability measures. Despite sharply polarized divisions between Democrats and Republicans, there is bipartisan agreement that regulation of AI is needed.

On January 10, 2024, at a [Senate hearing on AI's impact on journalism](#), Republican and Democratic lawmakers agreed that OpenAI and other AI companies should pay media organizations for using their content AI projects. "It's not only morally right," said Richard Blumenthal, the Democrat who chairs the Judiciary Subcommittee on Privacy, Technology, and the Law. "It's legally required," stated a November 2023 Wired article.

Josh Hawley, a Republican, agreed. "It shouldn't be that just because the biggest companies in the world want to gobble up your data, they should be able to do it," he [said](#).

Media industry leaders have decried AI's uncompensated use of their content. Only one voice—a journalism professor—objected at the congressional hearing on the issue, insisting that data obtained without payment for training purposes was fair use. "I must say that I am offended to see publishers lobby for protectionist legislation, trading on the political capital earned through journalism," [said](#) Jeff Jarvis, a professor at the Craig Newmark Graduate School of Journalism.

However, experts on AI who were not at the hearing have yet to reach a consensus on the issue of compensation. "What would that even look like?" [asked](#) Sarah Kreps, who directs the Tech Policy Institute at Cornell University. "Requiring licensing data will be impractical, favor the big firms like OpenAI and Microsoft that have the resources to pay for these licenses, and create enormous costs for startup AI firms that could diversify the marketplace and guard against hegemonic domination and potential antitrust behavior of the big firms."

There's some disagreement, even among those favoring some form of licensing for AI training data. Northwestern computational journalism professor Nick Diakopoulos [underscored](#) the ambiguity: "As a high-quality and up-to-date source of information, news media is a valuable source of data for AI companies. My

opinion is that they should pay to license it and that it is in their interest to do so. But I do not think a mandatory licensing regime is tenable.”

If [Congress doesn't intervene](#), it will fall to the courts to determine the legality of using copyrighted works in training datasets for AI companies. Is it fair use if the content produced is considered “transformative” as it differs significantly from the original books or images used to train the software system?

The fact that AI companies are training their systems for profit may sway the Supreme Court in another direction. Do AI companies need to pay for the training data that powers their generative AI systems? Several [lawsuits](#) against Meta, Alphabet, and OpenAI may offer an answer about whether training on copyrighted material constitutes infringement.

“It seems everybody thinks that AI needs to be regulated,” [said](#) artist Stephanie Dinkins, an AI practitioner, during an interview with LG Electronics Associate Curator at Guggenheim Museum, Noam Segal. “I think we need to be thinking about the idea of context and knowing what we’re looking at versus just seeing some materialization of something that nobody understands and thinks exists but maybe doesn’t. I think that we’re so far behind [in] thinking about this in a real way… It still feels like now there are meetings happening, but we’re dragging our feet. And it feels as if, at a governmental level, we don’t quite understand what we’re dealing with yet.”

Echoing Dinkins’ view, Kevin Roose, tech correspondent for the New York Times, [said](#) in a Times podcast that new copyright laws for AI were unnecessary. “But… it feels bizarre that when we talk about these AI models, we’re citing case law from 30, 40, 50 years ago. … [It] just feels a little bit like we don’t quite have the legal and copyright frameworks that we would need because what’s happening under the hood of these AI models is actually quite different from other kinds of technologies.”

Impending Peril or Profound Revolution—or Both?
Forget “[doomscrolling](#).” It’s not half as much fun as the dystopian revels. AI has inspired all sorts of catastrophic scenarios that, in the worst cases, may spell the end of civilization as we know it.

By now, we all know the stories—the deepfakes, including [pornographic images of Taylor Swift](#), that were widely seen before being taken down, or more

disturbingly, the [naked images of high school girls produced by AI](#), or for that matter, the synthetic robocalls by AI mimicking the [voice of President Joe Biden](#) just before the 2024 New Hampshire primaries.

And we're familiar enough with the hallucinations—the seemingly authentic, even oracular, statements by AI that have no basis.

And there are all those jobs that may soon be redundant because of AI—accountants, reporters, data programmers, retailers, paralegals.—In the 2023 Hulu series, "[A Murder at the End of the World](#)," the villain (spoiler alert!) turns out to be AI, echoing the plot of Robert Harris' 2011 novel, *[The Fear Index](#)*, published long before the advent of AI, in which a sinister computer program manipulates the financial markets.

But while the machinery operating the malicious software can be destroyed in the Hulu streamer, the malevolent force in Harris's novel can't be unplugged or blown up because it can always make endless copies of itself.

People fear AI networks because they can't predict what the technology can do. While we can feed it with images, music, and data galore, we—users and programmers alike—do not know what the result will be.

AI may turn out to be as profound and revolutionary as the telephone, radio, television, desktop computers, and smartphones. But as with those inventions, which we tend to take for granted, AI may also become incorporated into the fabric of our lives to such a degree that its impact is blunted by its familiarity.

Americans tend to fall in love with the "next big thing." Or, in the case of AI, the "current big thing." Yet another "next big thing" will always emerge. Maybe it will be neural prosthetics—implants inserted in the brain that will enhance our intelligence, ramp up our motor skills, improve memory, and allow us to read somebody else's thoughts.

Such technological advances could give AI a whole new meaning. Then, as is the case now, alarmists will warn us of the looming perils and impending disasters of these new inventions. Congressional hearings are sure to follow. Ideas for guardrails will be considered and dismissed or neglected—even if they are adopted.

Only time will tell whether AI will improve our quality of life or threaten our livelihood and [existence](#).

By Leslie Alan Horvitz

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Defeating The Fascists Is The First Order Of Business

C.J. Polychroniou

08-21-2024 ~ *In the moral and political struggle to create a future with alternative possibilities, we need to build a united front. Radicalism can co-exist with pragmatic progressivism.*

As we approach the 2024 presidential election, we are constantly told that this election is pivotal for the future of democracy. This may be so because a second Trump presidency would most likely be far more dangerous than the first. It would be foolish indeed not to take seriously when Trump says things like "We will root out the communists, Marxists, fascists and the radical left thugs that live like vermin within the confines of our country." And we already know what he plans to do with the administrative state: demolish it and replace it with MAGA loyalists. As for his energy policies, ways to cut grocery and mortgage costs, and his strategy to deal with the climate crisis, they can all be summarized with one simple slogan: "Drill, baby, drill." Consequently, it is imperative that we defeat Trump in November. But as Bernie Sanders said just last week, "it is not the only task for our progressive movement."

Indeed, there are so many things that need to be done in the hope that we can end predatory plutocracy, lessen the inequities of 21st century capitalism, counter militarism, and reinvent U.S. democracy. On the first day of the National Democratic Convention, all the speakers highlighted with passion the need to defeat Trump in order to protect democracy and the interests of average people. Joe Biden himself told the crowd that democracy prevailed under his watch and now must be preserved.

However, as one would expect from a mainstream political party, the Harris-Walz campaign is not offering an alternative vision for the future, one that would recapture the true essence of democracy. There is a lot of rhetoric about "joy," "freedom," and "a better future," but Harris's economic plan mirrors many of Biden's economic initiatives though in an expanded format, such as her ideas for addressing the housing crisis.

Still, this is a step forward as Bidenomics undoubtedly represented "some of the most progressive domestic policies to have come out of the White House." But let's focus here on the big subject itself, which is democracy. Indeed, this may be the most propitious time to ask ourselves this: Is the U.S. even an actual democracy? There is plenty of evidence to contend that it is not; in fact, the U.S. was never designed to be democratic, so the obsession of the country's political

leaders, past and present, to portray the nation as the "world's greatest democracy" should provoke laughter instead of elicit pride. For many years now, the U.S. has been rated by the [Economist Intelligence Unit](#) as a "flawed democracy," while in 2022 the international democracy watchdog *Freedom House* ranked the U.S. 62nd in the world, "[below every major Western European nation… and about even with Panama, Romania and South Korea](#)."

And how could it be otherwise? First, the U.S. president is not even elected by the popular vote. According to the Constitution—now more than 235 years old and terribly out of touch with contemporary society—members of the electoral college elect the president. Leaving aside the question of the history and [evolution](#) of the electoral college, the fundamental truth about the method used to elect the president is that it subverts the will of the people by allowing presidential candidates to win an election without securing more popular votes. In other words, it is possible for a candidate to win a majority of votes nationally but still lose the election because he/she lost the electoral vote.

We saw such outcomes in the presidential elections of 2000 and 2016 respectively. In 2000, Al Gore won the most votes, a half million more than George W. Bush, but lost the presidency in the electoral vote. Likewise, in 2016, Hillary Clinton won the popular vote comfortably, receiving nearly 3 million more votes than [Donald Trump](#), but lost the election because Trump clinched more electoral votes. These outcomes should not be seen as paradoxes in a perverse political system, but rather as outright scandals. They speak volumes of the [anti-democratic nature](#) of the electoral college and, surely enough, of the [undemocratic nature](#) of the sacred text itself, i.e., the Constitution.

The United States has an even bigger democracy problem with the Senate, "[an irredeemable institution](#)" that disproportionately benefits small states, which are overwhelmingly rural, white and conservative, and is thus "racist by proxy." The one state, two-Senators rule is nothing short of a recipe for minority domination.

Moreover, in U.S. elections, the political currency that carries greater weight is not votes, but money. The candidate who spends more money usually wins, and running for president is a terribly expansive undertaking. It costs billions of dollars. The [2020](#) election totaled $14.4 billion. The [2024](#) election is on track to be the most expensive of all time, expected to reach nearly $16 billion. What's more, a handful of wealthy special interests dominate political funding, especially

since rulings like *Citizens United v. Federal Election Commission* struck down spending limits as unconstitutional violations of free speech. Of course, the public is not happy with this state of affairs, as polls have repeatedly shown that the overwhelming majority of citizens believe that there should be spending limits for political campaigns. But what the public thinks and wants matters very little in U.S. politics. Scores of empirical studies have shown that U.S. politics is heavily tilted in favor of the rich and that political decisions systematically ignore the preferences of the poor and the working and middle classes.

So, what is to be done? How do we move forward towards ending plutocracy and unleashing the transformative potential of economic democracy? Is the undemocratic nature of the U.S. political system an unalterable state of affairs?

Real change is possible and so is a future with alternative possibilities. But change doesn't happen overnight, and, in politics, it takes winning many different battles for a war to be won. Hence, we shouldn't reject reform on account of ideological purity or avoid making some compromises because of deep moral convictions if, doing so, means that we fail to take any step forward. "Two steps forward, one step back" is a tactic that often pays dividends in the politics of radical social change.

We need to recognize that the two-party system isn't about to change anytime soon. But this doesn't mean that all is lost when it comes to making progress on the social and economic fronts. As experience has shown, serious and committed work at the community level can result in making a real impact on the national stage. The real fight for progressive power starts in local communities, one neighborhood at a time. This is because the only way we can sidestep the power of special interests is through solidarity mobilization and citizen participation.

There is a rich history of claiming citizenship not only in the U.S. but across the globe. We should study closely this history while also seeking ways to deepen democracy through citizen action that unites rather than divides progressives and moderates. As progressives, we need alliances. Reaching out to people with different political views from ours should be encouraged rather than discouraged. And we should all be united in combating the surge of neo-fascism or proto-fascism manifested in the MAGA movement. We must not allow anger over specific issues and concerns to derail us from the immediate goal, which is to keep the reactionary forces at bay. Sometimes we can only win one battle at a

time. We should oppose U.S. imperialism and war at every turn while realizing that we can't dismantle the imperial state with one shot.

In the moral and political struggle to create a future with alternative possibilities, we need to build a united front. Radicalism can co-exist with pragmatic progressivism. We have a world to win, to be sure, but we must first defeat today's neofascists.

Source: https://www.commondreams.org/opinion/defeating-fascism-trump-2024

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The Status Of Europe's Autonomous Movements

John P. Ruehl – Source: Independent Media Institute

08-20-2024 ~ *While the EU plays a dominant role in managing autonomous and separatist movements in member states, non-EU countries have their own rules, and can be more vulnerable to outside interference.*

Spanish officials reassuringly heralded a "new era" for the country after May 2024 elections. Catalonian pro-independence parties had lost the parliamentary majority that had enabled them to govern their region since 2015, and for the first time in decades, had failed to secure a majority of seats in regional parliament. Spain's ruling Socialists meanwhile managed to emerge as Catalonia's largest party.

Madrid's political focus on Catalonia has intensified since 2017. After holding what was deemed by Spanish authorities an illegal independence referendum, Catalonia's president and other officials fled to Belgium, prompting a diplomatic crisis. Spain then imposed direct rule over the region, with the EU backing the decision and citing the need for constitutional approval for referendums. In the aftermath, local support for Catalonia's independence declined, offering Madrid a way in.

Spain's separatist and autonomous movements are among Europe's most well-known, and its management of them is watched closely across the continent. Many other European nations, particularly in larger countries, have autonomous movements seeking devolution, self-government, or outright independence. The perceived failure of the EU, international diplomacy, and integration efforts to resolve these issues has led countries to maintain their own policies. Although few movements are considered serious threats, attempts to assert themselves often provoke direct interventions by national governments—when these governments have the capacity to do so.

Many of Europe's once-distinct regional identities have only waned in recent times. The rise of nationalism in Europe in the 1800s led to unitary states that integrated peripheral regions with the capitals, a trend known as "capital magnetism." Additionally, increasing urbanization in other large cities weakened traditional ties to local communities and support systems.

Integration and assimilation pressure was also exerted on regional identities to create more national identities. At the time of Italy's unification in 1861, for example, less than 10 percent of Italians spoke the Tuscan dialect which began to be promoted as standard Italian. Steadily, its use in public and administrative life, mass media, and other methods led to a decline in the use of other regional dialects and languages. Similarly, French policies promoted the Parisian dialect as standard French, and the German Empire promoted High German.

Modern EU states face greater limitations on language suppression. The framework provided by the EU's "post-sovereign" system implores member states to uphold minority language protections and other rights. Nonetheless, national governments have modernized their approaches to establishing national uniformity. Proficiency in majority languages is often a prerequisite for education, media, and employment opportunities, while immigration favors majority language learners. As a result, dozens of minority European languages are on the brink of extinction.

Nonetheless, autonomous movements in Europe do wield political power. Political networks like the European Free Alliance, a group of pro-independence political parties, operate in the EU parliament and serve as political outlets for separatist movements, using democratic processes.

Italy is constantly attempting to more effectively tie to itself its autonomous regions of Sicily, Sardinia, and several northern regions. The transformation of the regional political party Lega Nord into a national one, Lega in 2018, demonstrated some success. The autonomy movements, however, are similarly adaptive. Other northern Italian parties recently rallied to vote to approve legislation approving them greater autonomy in June 2024. South Tyrol, Italy's German-speaking region, brings the added challenge of receiving support from Austria. Austrian leaders have repeatedly proposed granting Austrian passports to German speakers, and, in January 2024, voiced support for further autonomy reforms, drawing a reflexive rebuke from Rome.

Hungary's disputes with its neighbors are even more notable. The 1920 breakup of the Austro-Hungarian Empire left significant Hungarian communities across Romania, Slovakia, and Ukraine. Today, the Hungarian government supports these communities by funding cultural institutions, providing financial aid, and fostering solidarity, which has sparked tensions with these countries. However, as

a smaller nation, Hungary struggles to exert significant influence, especially in EU member states like Romania and Slovakia, and has also found limited success in Ukraine.

Nonetheless, EU countries generally tend to avoid interfering in others' separatist movements. This has helped France to consolidate its rule over its mainland territory. However, it hasn't yet done so over the Mediterranean island of Corsica, purchased by the French in 1768. The rollback of the French Empire after World War II reignited historical tensions, further inflamed by the arrival of many French people and Europeans in Algeria to Corsica in the 1960s. Though violence largely subsided in Corsica after the 1970s, a ceasefire was not reached until 2014, and pro-separatist riots in 2022 show the situation remains tense.

Following the unrest, French President Macron raised the possibility of granting Corsica greater autonomy. Previously, in 2017, as tensions were building in neighboring Spain over Basque separatism, France raised the administrative autonomy of its own Basque territory by granting it single community status, unifying several local councils under one regional authority. Contrastingly, the merger of the region of Alsace in 2016 with two other French areas reduced its autonomy and integrated it more into the national apparatus. The different approaches demonstrate the diverse policies used by national governments to manage their regions.

Germany, the most populous country in the EU, administers several regions with aspirations for greater autonomy. However, its federal system, which grants states greater authority over areas such as education and language, has helped temper separatist sentiment and reduced the need for management from Berlin.

A federal system has not resolved the challenges faced by Belgium. The country's Flemish-speaking and French-speaking regions have sought greater autonomy, with some advocating for unification with a greater Dutch or French-speaking state. While increasing regional autonomy has been part of the solution, the regions remain interconnected through the capital, Brussels, and its wider role as the capital of the EU.

That has not deterred breakup advocates from proposing a similar "Velvet Divorce" between Belgium's regions, like the peaceful split between the Czech Republic and Slovakia in 1992. Polls indicated a victory in June 2024 for Vlaams

Belang, a party whose leader ran on reaching an agreement to dissolve the country or declaring Flanders's independence. But their shock defeat ensured Belgium's continuity and thus the stability of the EU.

Outside the EU, Europe's autonomy issues are also in flux. In the late 1990s, the UK granted greater autonomy to Scotland, Northern Ireland, and Wales. Scottish independence efforts were then disrupted after a failed 2014 referendum and the UK's subsequent EU departure two years later. The Scottish National Party established a Brussels office to maintain EU connections, as did the European Friends of Scotland Group, founded in 2020. The Scottish Independence Convention plans to hold a convention in Edinburgh in October 2024 featuring more than a dozen European groups to coordinate their independence initiatives, though the participation of separatist movements within EU countries may limit the extent of EU involvement.

Brexit also reignited secessionist sentiment across the UK, particularly in Northern Ireland, but also in Wales. Even in England, regional parties like CumbriaFirst, the East Devon Alliance, and Mebyon Kernow advocate for their own regions' autonomy, and devolution within England has been increasingly discussed in recent years. While London has struggled to counter these movements since Brexit, it has succeeded in preventing a resurgence in paramilitary activity since it ended it in Northern Ireland in the 1990s.

Western Europe's relative success in reducing armed conflicts over the last few decades contrasts with its resurgence in Eastern Europe. The region's fragile borders and the emergence of weak states in the wake of the collapse of Yugoslavia and the Soviet Union have seen separatist movements gain increasing power.

The EU and NATO played a pivotal role in the collapse of Yugoslavia and the emergence of new states, often at the expense of Serbia. In response, ethnic Serbian separatism has surged across Bosnia and Kosovo, with supporters citing the EU's and NATO's support for separatist movements in the 1990s as justification for their actions.

Russia has also inflamed separatism in parts of the former Yugoslavia and the former Soviet Union to counter EU and NATO expansion or to incorporate these regions into it. Beyond supporting Serbian interests in the Balkans, Russia has

utilized, to varying degrees, separatist movements in Ukraine, Moldova, Georgia, Armenia, and Azerbaijan to advance its interests.

Russia has long performed outreach to separatist movements in the West, including inviting representatives to conferences like the Anti-Globalization Movement of Russia, though largely consisting of fringe groups. Russia itself has its own separatist and autonomy movements, however, including in Chechnya, Tatarstan, and elsewhere. These have found support from Western actors, including through the launch of the Free Nations of Post-Russia Forum. Turkey has also supported Russian separatist movements, and Turkish President Recep Tayyip Erdoğan meanwhile recently celebrated the 50-year anniversary of the Turkish invasion of EU member state Cyprus in 1974 in support of local Turkish separatists.

Most separatist movements in Europe lack the infrastructure to become independent states without external support, but persist in their pursuit of independence, nonetheless. And European countries with territories outside of Europe, such as France with New Caledonia or Denmark with Greenland, must manage their burgeoning independence movements. Access to the EU may be influential in convincing them to remain, but external factors, such as Azerbaijan's recent support for New Caledonia's independence, could potentially play a stronger role.

A new concern for national governments may emerge closer to home. In the Baltic States, the tension between Russian minorities and national governments remains evident, and the situation faces uncertainty amid the war in Ukraine. The rise of the Alternative für Deutschland political party in East Germany has in turn highlighted the enduring divides within the country less than 40 years after reunification, and how new political entities can emerge to exploit such sentiments.

Yet the most pressing issue appears to be emerging in Western Europe's major cities. French President Emmanuel Macron, aiming to address concerns over what French authorities describe as "parallel societies" of Muslim immigrants and their descendants, proposed a law in 2023 to disrupt the education, finances, and propaganda networks of radical Islam, often from foreign countries. Macron labeled this phenomenon as "separatism." He was referring to marginalized communities on the outskirts of major French cities in the famed banlieues, which

are increasingly beyond state control and driven by domestic grievances and dissatisfaction with French foreign policy. While France's situation appears the most severe, such sentiment is common across Western Europe.

The EU's handling of autonomous and separatist movements has frequently faced criticism from nationalist governments, and balancing separatism with nationalism remains a sensitive challenge. However, major countries like Germany and smaller ones like Denmark demonstrate it is possible to manage these issues within national frameworks. Switzerland, a non-EU state, shows similar success in keeping itself together. Clearly, despite nationalist policies, centuries-old communities are resilient and difficult to absorb and erase, even without outside support. Managing these long-standing issues, as well as emerging movements, will require continual adaptation.

By John P. Ruehl

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Capitalism, Mass Anger, And 2024

Elections
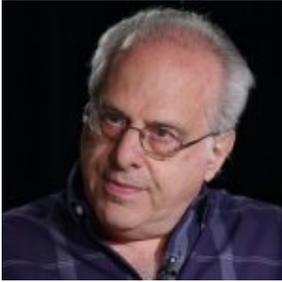
Richard D. Wolff

08-14-2024 ~ In the wake of his huge defeat on June 30, 2024, when 80 percent of voters rejected French "centrist" President Emmanuel Macron, he said he understood the French people's anger. In the UK, Conservative loser Rishi Sunak said the same about the British people's anger, as Labor leader Starmer now says as the anger explodes. Of course, such phrases from such politicians usually mean little or nothing and accomplish less. Such leaders and their parties just keep calculating how best to regain power when they lose it. In that, they are like the U.S. Democrats after Biden's performance in his debate with Trump and like the U.S. Republicans after Trump's loss in 2020. In both parties, a small group of top leaders and top donors made all the key decisions and then organized the political theater to ratify those decisions. Even surprises like Harris replacing Biden are temporary departures from resuming politics as usual.

However, unlike Trump, the others missed opportunities to identify with an already organized mass base of angry people. Trump stumbled into that identification by saying loudly and crudely what traditional politicians treated as publicly unspeakable about immigrants, women, NATO, and traditional political taboos. That set the tone for Trump then doubling down by insisting he had won the 2020 election but had been cheated out of it. The mass anger of populations feeling victimized in their workaday lives found a spokesperson loudly claiming parallel victimizations. Trump and base grasped that together they might victimize their victimizers.

Whether or not they can politically exploit voters' anger, no mainstream leader in the collective West, including Trump, seems actually to "understand" it. They mostly see only as far as what they can plausibly blame on their opponents in the

next election. Biden blamed Trump for a "bad" economy in 2020, while Trump reversed the same blame over the last year and will shortly adjust to blaming Harris. Presidential opponents blame the other for the "immigration crisis," for inadequately protecting U.S. industry from Chinese competition, government budget deficits, and job exports.

No mainstream leader "understands" (or dares to hint or suggest) that mass anger these days might be something more and different from any collection of specific complaints and demands (about guns, abortion, taxes, and wars). Even the demagogues who like to speak about "culture wars" dare not ask why such "wars" are hot now. Angry "Make America Great Again" (MAGA) folks are notably vague and poorly informed as their critics enjoy exposing. Rarely do those critics offer persuasive alternative explanations for MAGA anger (explanations that are neither vague nor poorly informed).

In particular, we ask, might the anger that the MAGA movement enrolls express a genuine mass suffering that has not yet understood its cause? Might that cause be nothing less than the decline of Western capitalism and all it represents? If ideological taboos and blinders preclude admitting it, might that decline's results—anxiety, despair, and anger—focus instead on suitable scapegoats? Are Trump and Biden, Macron and Sunak, and so many others competitively choosing scapegoats to mobilize an anger they misunderstand and dare not explore?

After all, Western capitalism is no longer the world's colonial master. The American empire that succeeded the European empires has now followed them into decline. The next empire will be Chinese or else the era of empires will give way to genuine global multipolarity. Western capitalism is likewise no longer the world's dynamic growth center as that has moved eastward. Western capitalism is clearly losing its former position as the self-confident, unified, ultimate power behind the World Bank, United Nations, International Monetary Fund, and the U.S. dollar as world currency.

In terms of global economic footprints as measured by national GDPs, the United States and its major allies (G7) comprise a total, aggregated GDP now that is already significantly less than the comparable aggregated GDPs of China and its major allies (BRICS). The footprints of the two global economic power blocs were roughly equal in 2020. The difference between the two footprints has been widening ever since and continues to do so. China and its BRICS allies are

increasingly the world economy's richest bloc. Nothing prepared the populations of Western capitalism for this changed reality or its effects. Especially the sections of those populations already forced to absorb the costly burdens of Western capitalism's decline feel betrayed, abandoned, and angry. Elections are merely one way for some of them to express those feelings.

Western capitalism's rich, powerful, and small minority practices a combination of denial and adjustment to its decline. Prevailing politicians, mainstream media, and academics continue to orate, write, and act as if the collective West were still globally dominant. For them and their ways of thinking, their global dominance in the second half of the last century never ended. The wars in Ukraine and Gaza testify to that denial and exemplify the costly strategic mistakes it produces.

When not denying the new reality, significant portions of Western capitalism's corporate rich and powerful are adjusting their preferred economic policies away from neoliberalism toward economic nationalism. The chief rationale for that adjustment is that it serves "national security" because it may at least slow "China's aggressiveness." Domestically, the rich and powerful in each country use their positions and resources to shift the costs of Western capitalism's decline onto the mass of their middle-income and poorer fellow citizens. They worsen income and wealth inequalities, cut governmental social services, and harden police behaviors and prison conditions.

Denial facilitates the continued decline of Western capitalism. Too little is done too late against problems not yet admitted. Deteriorating social conditions flowing from that decline, especially for the middle income and the poor, provide opportunities for the usual right-wing demagogues. They proceed to blame the decline on immigrants, foreigners, excessive state power, the Democrats, China, secularism, abortion, and culture war enemies, hoping thereby to assemble a winning electoral constituency. Sadly, left-wing commentary focuses on refuting the right's claims about its chosen scapegoats. While its refutations are often well-documented and effective in media combat against right-wing Republicans, the left too rarely invokes explicit, sustained arguments about mass anger's links to declining capitalism. The left fails sufficiently to stress that government regulators, however well-intentioned, have been captured by and subordinated to specifically private capitalist profiteers.

The mass of people therefore became deeply skeptical about relying on the

government to correct or offset the failings of private capitalism. People grasp, often just intuitively, that today's problem is the merger of capitalists and government. Left and right increasingly feel betrayed by all the promises of center-left and center-right politicians. More or less government intervention has changed too little in the trajectory of modern capitalism. To growing numbers, politicians of the center-left and center-right seem equally docile servants of the capitalist-government merger that constitutes modern capitalism with all its failures and flaws. Thus today's right succeeds if, when, and where it can portray itself as *not* centrist, its candidates explicitly anti-centrist. The left is weaker because too many of its programs seem still linked to the idea that government interventions will correct or offset capitalism's shortcomings.

In short, mass anger is disconnected from declining capitalism in part because left, right and center deny, avoid, or neglect their link. Mass anger does not translate into or yet move to explicit anti-capitalist politics in part because too few organized political movements lead in that way.

Thus, Rachel Reeves, the Chancellor of the Exchequer in Britain's new Labour Party government—its top financial officer—blithely announces, "There is not a lot of money there." She prepares the public—and preemptively excuses the new government—for how little the new government will even try to do. She goes further and defines her key goal as "[unlocking private investment](#)." Even the words she chooses mirror what the old Conservatives want to hear and would themselves say. In declining capitalisms, electoral changes can and often do serve to avoid or at least postpone real change.

Chancellor Reeves's words assure major corporations and the 1 percent they enrich that Starmer's Labour Party will not heavily tax them. This matters since it is precisely in [major corporations and the rich](#) that "a lot of money" is located. The wealth of the top 1 percent could easily fund a genuinely democratic rebuilding of a seriously depleted post-2008 UK economy. In stark contrast, the typical Conservative programs prioritizing private investment are what got the UK to its present sad state. They were the problem; they are not the solution.

The Labour Party was once socialist. Socialism once meant a thoroughgoing critique of the capitalist system and advocacy of something totally different. Socialists sought electoral victories to win government power and use it to transition society to a post-capitalist order. But today's Labour Party has thrown

that history away. It wants to administer contemporary British capitalism just a bit less harshly than Conservatives do. It works to persuade the British working class that "less harsh" is the best they can hope and vote for. And British Conservatives can indeed smile and condescendingly approve such a Labour Party or else quibble with it over how much harshness today's capitalism "needs."

Macron, also once a socialist, plays a similar role in France. Indeed, so do Biden and Trump in the United States, Justin Trudeau in Canada, and Olaf Scholz in Germany. All offer administrations of their contemporary capitalisms. None have programs aimed at solving modern capitalisms' basic, accumulated, and persistently unsolved problems. Solutions would require first admitting what those problems are: cyclically recurring instability, increasingly unequal distributions of income and wealth, monied corruption of politics, mass media, and culture, and increasingly oppressive foreign policies that fail to offset a declining Western capitalism. Insistent denial across the collective West precludes admitting those problems, let alone fashioning solutions to them woven into programs for real change. Alternative governments administer; they dare not lead. Would a Kamala Harris-Tim Walz regime break with this pattern?

Their administrations will experiment with and perhaps oscillate between free-trade and protectionist policies—as past capitalist governments often did. In the United States, recent GOP and Democrat steps toward economic nationalism remain vote-seeking exceptions to still widespread commitments to neoliberal globalization. Western megacorporations, including many based in the United States, welcome China's new role as the global champion of free trade (even as it retaliates moderately against tariffs and trade wars initiated by the collective West). Support remains strong for negotiations to shape generally acceptable global divisions of trade and investment flows. The latter are seen as profitable as well as a means to avoid dangerous wars. Elections will continue to include clashes between capitalism's free-trade and protectionist tendencies.

But the more fundamental issue of 2024 elections is mass anger in the collective West aroused by its historic decline and the effects of that decline on the mass of average citizens. How will that anger shape the elections?

The more extreme right wing recognizes and rides the deeper anger without, of course, grasping its relationship to capitalism. Marine Le Pen, Nigel Farage, and Trump are all examples. They all mock and deride the center-left and center-right

governments that merely administer what they depict as a sinking ship that needs new, different leadership. But their donor base (capitalist) and long-standing ideology (pro-capitalist) block them from going beyond extreme scapegoating (of immigrants, ethnic minorities, heterodox sexualities, and foreign demons).

The mainstream media likewise cannot grasp the relationship of mass anger to capitalism. Thus they dismiss the anger as irrational or caused by inadequate "messaging" from mainstream influencers. For many months, mainstream economic pundits have bemoaned the "strange" coexistence of a "great economy" and [polls showing mass disappointment](#) at the "bad" economy. By "strange" they mean "stupid" or "ignorant" or "politically-motivated/dishonest": sets of words often condensed into "populist."

The left is jealous of the extreme right's significant mass base now in working-class areas. In most countries, the left has spent the last many decades trying to hold on to its working-class base as the mainstream's center-left movement pulled it away. That meant a greater or lesser shift from communist and anarchist to ever more "moderate" socialist and democratic affiliations. That shift included downplaying the goal of a comprehensively different post-capitalism in favor of the immediate goal of a state-fostered softer, humane capitalism where wages and benefits were greater, taxes more progressive, cycles more regulated, and minorities less oppressed. For that left, what mass anger it could recognize flowed from failures to achieve such a state-fostered softer capitalism, not from Western capitalism's decline.

As capitalism's dynamic center moved to Asia and elsewhere in the global South, decline set in among its old, more-or-less abandoned centers. Old center capitalists participated in and profited greatly as the system relocated its dynamic center. Capitalists, both state and private, in the new centers profited even more. In the old centers, the rich and powerful shifted the burdens of decline onto the masses. In the new centers, the rich and powerful gathered the new capitalist wealth there mostly into their hands but with enough trickling down to satisfy large portions of their working classes. That's how capitalism works and always has. For the mass of employees, however, the ride upwards when capitalism's dynamic center is where they work and live is far more pleasant and hopeful than when decline sets in. The ride down provokes depression and traumas. When they fester without admission or discussion, they often morph into anger.

By Richard D. Wolff

A Note On Noam Chomsky And Climate Collapse

Noam Chomsky ~ Photo: en.wikipedia.org

08-13-2024 ~ *As Noam once said, "if you assume there is no hope, you guarantee there will be no hope."*

In many of his recent writings, [Noam Chomsky](#) has warned that humanity has reached a very [dangerous point](#) because we are now living in a world of cascading crises. Indeed, when we look around us, we see a global web of crises. Economic inequality is destabilizing democracies and making a mockery of the vision of a decent society; armed conflicts continue to mark human existence; and nuclear weapons and global warming threaten humanity's survival. Meanwhile, we must feel aghast over the fact that cynicism and irrationality continue to define the mindset of the powers that be. This is precisely the reason why Chomsky has always seen activism as our only hope.

What's happening in [Gaza](#) is an abomination, one that the leaders of this world are watching coldly from a distance. The same can be said about climate collapse, which is as real as the daily slaughtering of scores of innocent women and children in Gaza by Israel's military. Our global institutions are incapable of doing anything meaningful about these crises. Real power is in the hands of the most powerful nation-states and their leaders have opted to turn a blind eye to both disasters so as not to disrupt business as usual. Profits and geostrategic interests take priority over human lives and the environment. This is as clear as day, and it has always been so since at least the emergence of [capitalism and the rise of the nation-state](#).

The current conflict in Ukraine began on February 24, 2022, and peace remains as elusive as ever. The [U.S.](#) wants peace in Ukraine as much as Netanyahu wants to see a ceasefire deal in Gaza. The continuation of the war in Gaza is vital to the continuation of Netanyahu's political career. In fact, Netanyahu will most likely celebrate by uncorking a bottle of champagne if an all-out war exploded in the Middle East. He knows he can't possibly lose with the U.S. backing [Israel](#). The cost of an all-out war in terms of human lives, either Israeli or Iranian or Arab lives, is simply irrelevant to him–or to Washington. Or what another war might do to the environment. The war in Gaza is also a war on the environment; in fact, it is "a widespread and deliberate act of ecocide," according to a study by [Forensic Architecture](#).

As Chomsky has pointed out, "[history is all too rich in records of horrendous wars, indescribable torture, massacres and every imaginable abuse of fundamental rights.](#)" But the great man has gone to great lengths to stress that the climate crisis is "unique in human history" and, like nuclear weapons, can destroy organized human life as we know it. Yet, humanity spends annually [trillions of](#)

[dollars on weapons and the military](#) but finds it economically unrealistic to devote the necessary funds to protect the earth.

So much for rationality.

Indeed, consider the global implications of the melting of the Antarctica sea ice. It may be winter in the Southern Hemisphere, but the Antarctica is experiencing a major heat wave that has made temperatures rise [50 degrees Fahrenheit](#) above normal. This is the second major heat wave in Antarctica in the last two years. The entire planet has experienced [more than 1.5 Celsius of warming](#) in the 12-month period between July 2023 and June 2024, but Antarctica warms twice faster than the rest of the world, [according to latest observations](#). If all the ice vanished, sea levels might rise by more than 150 feet.

It is no longer an issue of if but when [major coastal cities](#) will go under.

We already know that the super-rich and powerful don't care about the rest of us, but it seems they also don't care about the future of their own children and grandchildren. As Chomsky has underscored in some of the email exchanges that we've had, their self-gratification is even greater now that they know that the climate crisis is speeding toward catastrophe.

Indeed, as [Copernicus Climate Change Service Director Carlo Buontempo](#) recently said in connection with the new record set for the daily global mean temperature "we are now in truly uncharted territory…"

And this brings us to the question of activism, which, as already pointed out, Chomsky sees as our only hope to save the planet. It's our only way to stop carnages; our only way to stop the criminal negligence of climate collapse. We need the greatest possible degree of public mobilization for the purpose of exerting influence on policymakers. But without thoughtless methods like destroying works of art that turn the public against climate activism.

Moreover, Chomsky believes that we have the knowledge, money, and technology to transition from fossil fuels to alternative sources of energy that are clean, affordable and sustainable. This is why he feels that the [Green New Deal](#) is exactly the right idea and finds the [Global Green New Deal](#) initiative laid out by the progressive economist Robert Pollin particularly attractive.

As far as the link between capitalism and the climate crisis goes, suffice to say that Chomsky understands better than most the forces behind environmental degradation and climate collapse. The economic system of capitalism, especially during its neoliberal phase, drives climate breakdown. Global temperatures started increasing at an alarming rate after neoliberalism became the dominant economic force. Nonetheless, Chomsky is also fully aware of the fact that time is running out and we cannot wait for the end of capitalism before the planet can be saved. This is why he finds it so vital that we find ways to get the world off fossil fuels quickly and fairly. We must reach carbon neutrality no later than 2050. And do so in a just manner. For Chomsky, a just transition is imperative to building the political power that would bring about a shift from the fossil-fuel economy to a regenerative economy. Because, again, social activism is our only hope, according to what many have described as the "world's conscience keeper for nearly half a century."

And, no, hope is not an option. As Noam once said, "if you assume there is no hope, you guarantee there will be no hope."

Source: https://www.commondreams.org/opinion/noam-chomsky-climate-collapse

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