

## An Insubstantial Pageant Faded

### Reflections on the AI-Generated Image in Hollywood

#### The Graven Image

I can still recall the impression a famously villainous face had made on me as a child. I would have been 6, or 7 maybe, and was watching the original *Star Wars* on VHS. The Millennium Falcon had been captured - pulled whole into a dark moon, so it seemed - and our rebel princess was being marched into what seemed the control chamber, a vast dome, of the Death Star, toward the silent commander stood at its centre: panning toward whom the camera disclosed the gaunt visage and baleful glare of Peter Cushing.

The sunk flesh, whey and varicose, was livid against the glassy blacks and blue-greys of polished metal and, the lens angling low, its pallor worm-white along the groove rigid from nose to lip as the filed maw rolled and hissed its fricatives and sibilants: “crrush the rrebellion in one sswift sstroke” ... and so direly on. I had remembered it just so, that even in decay, flesh smoulders on the cinematic screen: the mottled grey and bloodshot stare were as sharp as the quick eyes and cocky smirk of the young Harrison Ford - so it came as a shock when, in one of the Disney *Star Wars* movies-of-the-week,<sup>1</sup> the never forgotten countenance of the dead Cushing reappeared: dimly lit but not showing in passing profile only, in full frontal exposure as if, and vivified now not as Van Helsing by the fangs of Christopher Lee, memorably, but reanimated rather by some form of digital necromancy. The pallid menace of the original was lacking, yes, but the apparition was instantly more arresting than the listless plot: not just for the impudence of the thing but for how well it all seemed to have been done. I can see, I remember thinking, just how Hollywood would go in the coming years: the seemingly inexhaustible American appetite for nostalgia, fed by a decade of sequels, soft reboots, and stupefying transmogrifications of the familiar - *Barbie* is showing as I write this - would lead naturally to an accelerated recycling of faces, famous and infamous. If individuating detail could be replicated so expertly, surely it was a matter of time before the moving eikons of the silver screen, from Bogart to Ford, would be headlining the charts again.<sup>2,3</sup>

Then the digi-Cushing spoke, and the spell was broken. The coding had failed, palpably, to work eye and mouth together into a faced purposed by speech: had simulated very poorly the clench-and-release of cheek around the directed eyes and mobile jaw and pursing lips which together produce sound-already-laden-with-meaning that a human being issues when speaking with intent. The extent of training that an

algorithm would need to match syllable with articulation and grammatical mood with expression - to synchronise all and smoothly transition - is surely orders of magnitude greater than the mere reassembly of pixels into smile or frown or scowl; and it is hard to imagine there being sufficient data in existing footage to generate for simulated speech and expression the simulacral fidelity achieved in the look, only, of the digital apparition come before me. So, the prediction had to be revised: to the proliferation in Hollywood film of recognizable faces *sans* actor - not as mainstays but sideshows - which would last on screen for however long the afterglow of a nostalgic start might linger, before being unsettled by programming aberrations.

It has been seven years since digi-Cushing's debut; and inclination has not permitted me to sample enough Hollywood productions in the period to test my guess. But I have come across a few more essays from Disney's *Star Wars*<sup>4</sup> - and, as if on cue, a sequel in the *Indiana Jones* franchise starring a "de-aged" Harrison Ford. He lasted on screen a lot longer than digi-Cushing had: not surprisingly, given the fund of training footage the young Harrison has left behind. Efforts had been redoubled to superimpose fondly remembered mannerisms on familiar patterns of locution: but the prolonged exposure succeeded only in exposing the futility of the exercise, and even brought to light further limitations - the asynchrony between expression and *mise-en-scène*, for instance, particularly in reactions to imminent stimuli, the maintenance of mien with the turning head as it jerked about in action scenes, especially, and a deal more. This latest experiment in AI cannot be set aside as a bad job, though, for it seems to have touched some nerve among the last influential union, strangely enough, in working America: the Screen Actors Guild - SAG, as they willingly abbreviate themselves.

### **Poor Players, Strutting and Fretting**

To the rousing march of smock-aproned spinners clog-stomping into a Lancashire mill, a *faux* rabble, habited in beanies and crocs, swarmed Melrose Place: all armed with spray-gunned placards, to hurl invective at the machine.<sup>5</sup> Much was made, in the television coverage, of the scenes where old darlings of the screen joined hands with stars-in-bud to resist AI's supposed siege of the profession. But the gesture of solidarity seemed oddly backwards: for the digital avatars that have so far appeared have been such, only, as to excite the American appetite for the familiar. The faces pumped for the reanimation of Grand Moff Tarkin and Indiana Jones, Nick Fury and the Terminator, those would make a gallery of Hollywood royalty: but the men behind these faces, or their estates, surely have bargaining power enough to insist in their contracts on clauses that would either

forestall their digital afterlives or else remunerate them handsomely for such work as their digital avatars might do. One is thus tempted to declare the case closed: there are no dopamine hits from unveiling digital nobodies.

But perhaps the source of animus is elsewhere. If Hollywood productions all went the way of *Indiana Jones* it may portend a dim future for the stars-in-bud: so the young are perhaps fighting from being boxed out by the reputations of the old. But then this is no longer a question of the rights to one's image, only a colouring of economic struggle with piety, one is tempted to add, by the inevitable descent of all American dissent into the easy language of rights - and those interested in the controversy must simply wait, it seems, to see how much bargaining power the Actors Guild can muster as it manoeuvres policy to advantage.

One must note now that focus-group data has for decades been used by studio committees - often engagingly styled the "Intellectual Property Development Group" or "Brain Trust" - to assemble recognisable plot sequences and stock characters into The Blockbuster: all to the ruin of the screenwriter's craft. The phenomenon somehow did not occasion the resistance of the Writers Guild: but they duly clambered on the actors' bandwagon after the advent of AI-generated screenplays - perhaps statistics is not so glamorous an adversary before it is baptized "AI". Nevertheless, the threat to the writers is a mature and credible one: while it remains for the fear-mongering fellowship of the slippery slope to say why we may expect algorithms to mime the living well enough, in expressive speech particularly, for digital avatars of actors to be tolerated as mainstays in a film. After all, a multibillion-dollar video game industry has been questing after that fountain of virtual youth for decades - and its playing parishioners even seek simulacral afterlives in a 'metaverse' now.

But "the average American finds it very difficult to believe that there is anything in human nature which is not plastic and changeable"<sup>6</sup> - so Auden had said before he became a New World sage<sup>7</sup> ... and we would do well to keep in mind that in the Disneyverse, the eye very quickly accepts as real the grossest phantasmagoria of corporate design.<sup>8</sup> Say, then, that a hypothetical future comes to pass where screen time dominated by AI-generated characters does translate most to profits for studios: which in turn precipitates a rampant and indiscriminate pumping of faces for images. But assuming such a state of things, even, the normative case is yet to be made for why actors have any legal rights to their images. And one might simply preclude moral disquisition on the matter by pointing to the fact that the declaration of such rights would in practice

prove idle: a casual jaunt down the warren of GIFs and memes on the internet, where actors' images are subjected to all manner of usage by the anonymous many, should instantly show any corresponding duties to be unenforceable. The images of persons are for better or worse surrendered to the public domain, it seems, when they cast their lot with the movies.

## Owners of Faces

The protesting actor would believe, naturally, that his or her image contributes in some unique manner to a film; and a loss of control over its fate may come to seem then as unpardonable alienation. The COO of SAG has boldly struck out to compare the use of AI in Hollywood to slavery: "that's really abusive," he adjures, "and not an OK way for companies to deal with somebody's image, likeness or persona. It's like owning a person."<sup>9</sup> Let us not challenge the COO's authority on the "okay" way for companies to deal with anything. But we might still inquire as to why control over the image amounts to owning the person. To note the obvious: whatever other impact the adventures of their images may have on persons - save with voodoo priestesses maybe - nothing an image endures interferes in any direct way with the autonomy of persons. In a more genial reading of what the COO of SAG has pronounced, even, one cannot maintain that the aliening of image from personal control has much similarity with the alienation of work from labour. Actors stand to lose control over their *filmed images* only: which were never *really* their own to begin with, for however much it may resemble the actor, his or her image in a film is an artefact of collective effort - produced through the collaboration of casting agents, makeup artists, costume designers, directors, camera crew, editors.

To be sure an actor's physiognomy, in Hollywood especially, contributes uniquely to the workings of a film: but only to the extent that in a successful movie it is fit for, and so can be fitted to, some or other character. It is employed, or so Cavell might have said, as a token of some Type -<sup>10</sup> the quirks of Harrison Ford's physiognomy exemplify the attitude of a roguish swashbuckler, say - and for a performance that exhibits the desired Type the actor is duly compensated: rather well in Hollywood. But over and above ownership pertaining to such contractual exchange - where possession is indeed nine-tenths of the law - the topographies of faces are not fiefs over which actors can claim perpetual lordship: for faces, however interesting or quotidian, are but part of the furniture of the world, as much as coconut trees and traffic jams, and anything else an art can use to any effect. The sitter in a painting is sought for this very purpose: is compensated because they, among the many that would exemplify the Type the artist is after, are ready to stay put and be painted. But it would be extraordinary for a painter's

model to expect dividends from the sale of the painting: or royalties when the painting proliferates into calendars, jigsaws, and postcards.

The situation might differ, possibly, when the subject of a painting is a public figure: for then the face is no longer an indicator of character, only, and the person is already personage and *persona*, whatever virtue or vice she or he is then shown to typify. Given how the doings of a public figure shape the doings of the person, how their face is put to work in service of a public image, public personas might be thought to really own their faces - others being *but stewards of their excellence*, maybe, if not their failings. But this is not any profound mystery. The average consumer of Hollywood film is habituated to a similar reversal when actors are cast to play their public personas rather than inhabit a character (we are always aware of watching the Rock, for instance, when Dwayne Johnson is on the screen); and given the oriental craze for big Hollywood heads (consider the billions the *Fast and the Furious* franchise still generates in China) one might easily imagine an eastern future for Hollywood where studios primp their movies with digital images of famously large heads.

It would be curious if in such a scenario, say, the lawyers for *the estate*, or even website, of Tom Cruise, which might be argued to adequate a trustee or guardian of his *persona*, chose to claim a right to his image - which now subsists independently of his films. The possibility is interesting, but only in the abstract; with fame and influence in the modern world comes the ability to cut contracts to satisfactory ends. Michael Jackson's agent likely secured for him handsome royalties from the sale of Jeffrey Koons' porcelain: even Bubbles may have gotten a piece of the pie.<sup>11</sup> We know that the grandees of Hollywood make away with 5 to 10% from the sale of figurines after their likenesses - at least - and often mandate clauses that keep their images away from brands their publicists advise against. It is enough to note that, in half a century of concord between the toy and the movie industry, no putatively inherent right of stars to their images has ever arbitrated dealings. No luck for the hapless mumming Many, of course, but such alas are the ways of Capital: whose doings, so the ghost of Winstanley might dolefully concede, the rights of property ultimately exist to ease.<sup>12</sup>

One might look to ostensibly harder cases, such as the use of deepfakes in pornography, to see if rights will rescue anyone or anything there - and here are usually furtive mouths loudly ready, one would think, to demand the quick minting of rights upon rights. Yet defamation or publicity in false light or plain fraud, rather, have been the preferred litigative routes.<sup>13</sup> Interestingly, these remedies seem to favour lesser-

known actors more, as there could be reasonable doubt now as to whether person or algorithm birthed the pornographic image: discriminating consumers are not likely to mistake mitigating algorithmic apparitions for Hollywood celebrities performing unlikely acts. Celebrities feeling pilloried for their scarlet image would need creative lawyers, one would imagine, to extract compensation – unless, of course, the producer is so careless as to credit the actor and so make, as the Americans say, an open-and-shut case of fraud, bringing defamation and the rest after. As judges become acquainted with the workings of the technology, the footage used to train the algorithm might become salient to the question of ownership: home videos leaked on the internet and rinsed for the fabrication of a digital avatar would likely create liabilities distinct from the use of movie footage as resource - the filmic image is an artefact of collective effort, remember - and so it looks, increasingly, that protesting actors have the least claim to their images.

Returning to the question animating Hollywood today: (pace the COO of SAG) his or her filmed image is not an actor's own - not even the star's own, really, properly regarded - either as a thing made (a paper plane, say) or a ready-made thing (a yacht and crew.) While the citizens of constitutional polities have gradually won sovereignty over their bodies, from varying states of serfdom, their images remain just as alienable as their rights to those are defeasible.

## **Coda**

Speculation of this sort, however, will likely go on in the armchair only: as far as one can see the only plausible motivation for resorting to AI characters in Hollywood is the recognisability of the face being imaged. The virtual physiognomy is safely trapped by a release-22 - if the reader will permit the unwieldy pun - for, as soon as actors become worthy of digital duplication, they are able to contractually prevent it, or insist on compensation before and after, and so become immune to its general misuse. There are marginal cases: where audition tapes are used to train algorithms for crowd augmentation, for instance, which seems to readily invite the intervention of a union - not for the upholding of rights, though, but to bargain against exploitation: which is here a function of the replaceability of workers and not of their uniqueness, mind, as with the digital avatars of successful actors.

Considered soberly, the AI-image betrays the patina of a gimmick: which like 3D and CGI will briefly run amok on screen, very likely, before being duly domesticated. The reader might still remember the 3D-epidemic in 1980s Hollywood which quickly

infected every genre of film - tubby Jaws torpedoing out the water toward you is not easily forgotten - but by the 1990s the technology had been effectively retired: even if it would be employed again a decade later for a limited range of fantasy and action movies. Film buffs of the naughties had taken to bewailing, upon the financial successes of three *Star Wars* sequels in smoothed CGI - muzak for eyes -, the packing away of physical sets and the retreat from actual locations. But beholders of film seem somehow to have remained partisan to the illusionist pact: perhaps their sensory tentacles retain some ghostly sensitivity to the corporeal. Hence the tapestry of the *Game of Thrones* ... and from the spectacular tableaux of a recent *Dark Crystal* essay, it looks as if the old Jim Henson company has received carte blanche from Netflix: whoever foresaw a return of Muppets in the age of AI?

.  
. .  
.

Anirudh Sridhar

---

<sup>1</sup> Disney famously acquired the *Star Wars* property from Lucasfilm in 2012 – and has since been churning out, periodically, films and television series in the franchise.

<sup>2</sup> I use the unusual eikon instead of icon, as the latter word has been degraded in recent times to vaguely signify ‘something or someone famous’, where I mean to convey the sense of an image that enjoys hieratic splendour on screen, drawing on the sense of a Byzantine eikon: one that contains symbolic valency, an object that entreats awe.

<sup>3</sup> The range was from Humphrey Bogart to Harrison Ford because all the qualities of eikons discussed above were factors that were in fact considered in selecting individuals for stars in Hollywood, at least until the 1980s: after which faces like Richard Gere’s began to appear that worked, it seemed, more like ciphers to be filled in by a distracted imagination than as moving eikons.

<sup>4</sup> The fact that the AI image seems to appear most in franchises, like the Disney acquired *Star Wars* and its other properties, such as *Marvel*, is pertinent circumstance, I think. A niche audience would be more likely to forgive programmatic aberrations for the reappearance of a known and liked character.

<sup>5</sup> I do not know if the protestors gathered outside Paramount Studios in Melrose Place saw themselves in the tradition of 19<sup>th</sup> century Luddites smashing mechanical looms in Lancashire and Nottingham, but in the tenor of their slogans against AI seemed a risible wish to channel the working class’s animus for the machine.

---

<sup>6</sup> *The Complete Works of W. H. Auden, Volume III: Prose: 1949-1955*, Edited by Edward Mendelson, p. 373.

<sup>7</sup> Auden moves to America in 1939 and seems aghast at what he finds: the mutation of faces into numbers, of society into crowds of  $n > 1$ , by a government and industry overrun by statistics, especially social science, which studied (and hoped to manipulate) behaviour more than activity. Before Auden himself remakes his poetic style and persona to appeal to this diminished America, he would not have been surprised, I think, to learn that the movie industry would one day successfully pass off algorithmic confections for actual people.

<sup>8</sup> We will recall Jean Baudrillard, who in his visit to America in the 1970s observed that in Disneyland, reality is so far morphed to artifice that it distracts from the fact America itself, seen from a distance, is a kind of Disneyland.

<sup>9</sup> See <https://www.nytimes.com/2023/08/04/arts/television/actors-strike-digital-replicas.html>

<sup>10</sup> See chapter 5, 'Types' in Stanley Cavell, *The World Viewed: Reflections on the Ontology of Film* (Cambridge: Harvard University Press, 1979 [1971]).

<sup>11</sup> Those fortunate enough to have not seen Jeffrey Koons's sculpture, 'Michael Jackson and Bubbles' can, as enthusiastic critics claimed in the 1990s, have their 'idea of sculpture challenged' here: <http://www.jeffkoons.com/artwork/banality/michael-jackson-and-bubbles>

<sup>12</sup> Gerard Winstanley was a Leveller or Digger, an early socialist who had hoped to establish the common inheritance of property in the aftermath of the English Civil War.

<sup>13</sup> See <https://legal-forum.uchicago.edu/print-archive/dont-believe-your-eyes-fighting-deepfaked-nonconsensual-pornography-tort-law> ; and <https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1754&context=jcl>