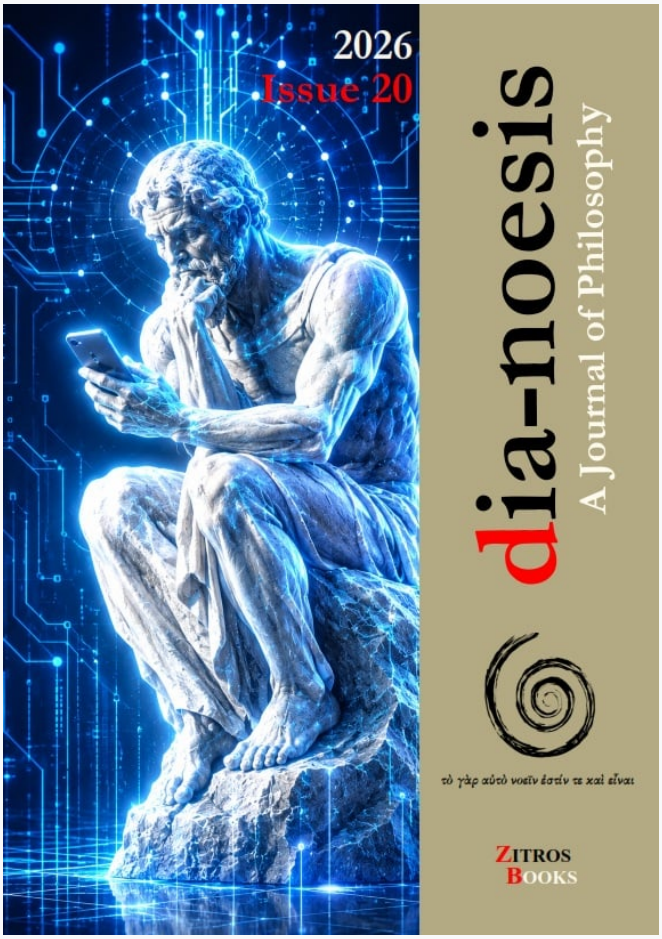
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Artificial Intelligence and the Death of the Author: Originality, Creativity and Generative Art Ontology

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Abstract

The rapid advances in artificial intelligence (AI) have significantly affected creative production, thus raising numerous questions on creativity, authorship, originality in general and the nature of art in particular. Creativity is one of the leading human acts, impacted by individual will, emotions, culture, and traditions. Nowadays, AI systems can generate whatever is required with minimal or no direct input from a human being. The aim of the article is to examine and analyze how the concept of *the death of the author* in a metaphorical sense discussed by Barthes is currently being turned into a technological one, as well as to address the gap regarding what kind of thing AI-generated artworks are or should be referred to. The article presents the following logical argument: if

authorship and creativity are usually linked to human intention and conscious action, and if generative AI systems produce aesthetically valuable works without consciousness or its own intention, relying only on statistical patterns, then the traditional view of art as a purely human activity no longer corresponds to the digital age. Therefore, authorship should be understood not only as a personal act of will by an individual, but also as a distributed process in which technologies, institutions, and cultural context play an important role. The unified account of originality, ontology and creativity is applied to the recent advances in generative AI systems. A qualitative, interpretative research design was used in this research. Three methodological approaches, including conceptual analysis, comparative textual analysis and critical discourse analysis, were utilized in this research. The concept of *the death of the author* was revealed to become a technological reality. The issues of originality, creativity and authorship should be reconsidered. Novel legislation and copyright law should be introduced and implemented to regulate the issues of originality, authorship and fairness. The concept of human and machine interaction is of utmost importance in the modern digitalized world and should be reconsidered and revaluated in the near future.

Keywords: death of the author, artificial intelligence (AI), creativity, originality, generative art ontology, authorship

Introduction

The question regarding who or what can create a specific artwork has become one of the most pressing issues due to the widespread application of artificial intelligence (hereinafter AI) in different fields of human life.[1] For many centuries, authors were at the center of art production. They were considered human beings possessing unique minds, conscious intentions, remarkable creativity, and lived experiences. People understood the concept of creativity as one of the most important human acts, influenced by culture, emotions, and individual will. However, in the modern world, AI systems are capable of generating novels, poems, music, or paintings with minimal or no direct input from human beings (Gunkel, 2023; Veale & Cardoso, 2019). Therefore, this shift has resulted in numerous questions about the nature of creativity, uniqueness, and what criteria should be considered to classify a specific work as a piece of art. AI applications are becoming more sophisticated and exquisite with each day (Asperti et al., 2025). Consequently, all the established frameworks, including

[1] ChatGTP5 and Grammarly have been applied to revise and edit the following article.

philosophical, cultural and legal ones, are under reconsideration (Elias et al., 2025; Schwab, 2020; Jahan, 2026).

In 1967, Roland Barthes introduced the concept of *the death of the author.* According to the researcher's argument, a text's meaning does not reside in its creator's intention. This meaning simply emerges from the readers' involvement with a piece of art (Barthes, 1967). While Barthes challenged human authors' authority, he could not have foreseen a world in which authorship could be questioned not only in theory but also in technological practice. Currently, AI systems, including Large Language Models (LLMs), music synthesis apps, and diffusion-based image generators, may produce content bearing no direct human involvement in the traditional sense. All the mentioned systems are well trained in human-created content that enables them to learn statistical patterns, thus allowing generating novel ones. In such cases and contexts, the concept of *the death of the author* has become anonymous, non-conscious, and insignificant. The leading role belongs to algorithmic processes rather than human beings.

Researchers in different fields have been focusing on AI development. From a philosophical standpoint, the appearance of AI-generated art pieces challenges numerous assumptions regarding creativity and imagination as distinctly human abilities. Margaret A. Boden (2004), one of the leading experts in computational creativity, distinguishes between such creativity forms as exploratory, combinational, and transformational ones. The scholar argues that machines may exhibit exploratory and combinational creativity forms similarly to humans. Colton and Wiggins (2012) state that the line between machine and human creativity may not be as clear as previously assumed. The question arises whether the absence of human consciousness in artwork creation may diminish its artistic value if the work generated by an AI tool is highly sophisticated, emotionally influential, and conceptually coherent (Herzmann, 2018; Dendrinos, 2026).

Moreover, the concepts of originality and authenticity are under thorough reconsideration. In Western traditions and cultures, originality and authenticity are closely related to individual human authorship. For instance, copyright laws require that each artwork must originate from a human and not a machine creator. Secondly, this artwork must reflect a minimum level of creative expression (Ginsburg, 2018). In accordance with the U.S. Copyright Office

(2023), any art piece produced solely by AI is not eligible for registration. It affirms that copyright protection requires exclusively human authorship (U.S. Copyright Office, 2023). This means that authorship is associated with human beings, their conscious intention, and their ability to act with a specific purpose. By contrast, generative AI has no personal experience, feelings, or genuine creative ideas. It works on the basis of statistical patterns and creates texts or images that may appear to be the result of conscious creativity, although, in fact, they are not. It is worth noting that AI-generated artworks do not represent mere reproductions of existing masterpieces. On the contrary, they are unique creations combining novel styles, forms, and concepts emerging on the basis of the patterns learned. This tension between striking novelty and statistical generation evokes debates in various fields.

The cultural and social dimensions of AI-generated artworks also require careful attention. The training data applied to construct generative models contain masterpieces produced by human writers, musicians, or artists. It should be noted that in the majority of cases, these artists are not informed about such uses, nor are they compensated for their masterpieces' utilization for these purposes. Thus, the devaluation of human artists' creative labor and artistic production is of utmost concern (Epstein, Hertzmann, & the Investigators of Human Creativity, 2023). Other researchers state that AI systems assist in democratizing creativity in general. They enable individuals without traditional technical or artistic skills to express themselves either musically or visually (Elgammal, 2019; Mazzone & Elgammal, 2019). These two perspectives emphasize specific tensions regarding technological labor, cultural values, and shifts in modern globalized society.

The authors of this article argue that the introduction and further development of generative AI require humankind to reconsider key concepts, including authorship, originality, and creativity, as they shape human understanding of culture, tradition, and art. Specifically, the article advances a three-part syllogistic thesis: that authorship and creativity have traditionally been grounded in human intentionality and conscious agency; that generative AI systems produce aesthetically significant artifacts without possessing either intentionality or consciousness; and that the traditional human-centric ontology of art is, therefore, inadequate for the digital age, thus requiring a transition to a distributed agency model in

which authorship is understood as an institutional function rather than an individual act of will. Based on the frameworks of cognitive science, legal theory, philosophy of art, and critical theory, this article aims to examine and analyze how the concept of *the death of the author* in a metaphorical sense discussed by Barthes is currently being turned into a technological, literal one.

Literature Review

The Death of the Author and Authorship

The theoretical basis for this article begins with the question of authorship. Barthes (1967) argues that the author is regarded as one of the historically contingent inventions and that a text's meaning should not be determined by the individual who has produced it but by the readers who interpret it. According to Barthes' viewpoint, the concept of the *death of the author* frees texts from a single controlling meaning. Foucault (1969) significantly contributes to Barthes' standpoint and suggests the concept of the *author-function.* Foucault (1969) describes a set of institutional and social practices through which a specific name is attached to a specific body of work, thus shaping how that artwork is to be read, interpreted, or valued. Both Barthes (1967) and Foucault (1969) argue that authorship should be treated as a cultural construction rather than an inevitable or natural fact.

The arguments of literary theory acquire a novel and specific meaning in the context of generative AI systems. Whenever a language model produces a brief essay or an image generator designs a picture, the question on who the author is becomes very difficult to answer clearly. Is it the human who has typed a certain prompt, the engineer who has designed a certain model, or, perhaps, the people whose artworks have contributed to and shaped the AI training data? For instance, Lessig (2004) examines how networked creativity and digital technology have affected intellectual property legislation. The researcher questions the assumption that creative artworks may always be traced back to a single originating mind. According to Poster (2001), novel technologies, such as AI, have been erasing the boundary between creators and consumers. On the other hand, these technologies are capable of creating

numerous forms of cultural production that cannot fit previous models and standards of authorship.

Computational Creativity in the Modern World

The other important issue concerns the nature and limits of computational creativity. Boden (2004) describes three forms of creativity. The researcher states that these forms are relevant to both machine and human production. They comprise exploratory creativity, combinational creativity, and transformational creativity. Exploratory creativity aims to investigate the possibilities within an established conceptual space. Combinational creativity seeks to find novel combinations of existing concepts and ideas. Transformational creativity aims to fundamentally change the rules defining a specific domain (Boden, 2004). Boden states that computational systems are clearly capable of exhibiting combinational and exploratory forms. With regard to transformational creativity, Boden suggests that it may not be categorically beyond the machine reach. It is worth mentioning that this typology by Boden (2004) has often been referred to in the literature on creativity and AI.

Colton and Wiggins (2012) significantly contribute to Boden's considerations. They suggest that genuinely creative systems must not only produce valuable and new outputs but also be capable of demonstrating some degree of self-reflection concerning their own creative processes. This dimension of self-reflection is philosophically significant because it presupposes intentionality in the Husserlian sense: a directedness of consciousness toward objects, processes, and goals. An entity without intentional states cannot genuinely reflect on its own creative processes. It can only produce outputs that superficially resemble the products of such reflection. This distinction is crucial: the generative output of an AI system may be aesthetically indistinguishable from human creative work, yet remain ontologically distinct in so far as it is not produced through a process of intentional poiesis (the Aristotelian concept of purposive making through which an agent consciously brings a form into being). Cope (2001) conducts numerous empirical tests aimed at detecting machine creativity by applying his Experiments in Musical Intelligence (EMI) system, also known as the EMMY system. This system can generate different musical compositions

following the styles of world-famous composers. Consequently, many experts and listeners fail to distinguish original human-created works from those generated by AI. Thus, Cope's experiments reveal that the question of whether art pieces are creative cannot be determined simply by examining the processes that have produced them.

Kaufman and Sternberg (2010) suggest a cognitive-psychological perspective on the issue under analysis. The researchers review numerous studies on the specifics of human creativity and indicate that there are no comparable indications regarding machine creativity. According to Kaufman and Sternberg (2010), creativity should be referred to as a complex interaction of cognitive, environmental, and motivational factors rather than a single trait. Hence, in order to evaluate it accordingly, the cultural and social context in which a certain art piece is produced and utilized must be taken into account. On the contrary, Bringsjord, Ferrucci, and de Sousa (2002) indicate that modern AI systems lack both understanding and intentionality needed for genuine creativity, even if they can produce works that human observers may refer to as creative ones.

Intellectual Property and Originality

The legal concept of originality is of particular importance in the debates regarding AI-generated artworks. For instance, Ginsburg (2018) conducts a scrupulous historical analysis devoted to how originality requirements have emerged and developed in international copyright law. The researcher indicates that the Berne Convention for the Protection of Literary and Artistic Works (1886), as well as other international copyright systems, have always considered human beings to be the sole source of creative expression. The researcher emphasizes that artworks produced entirely without human authorship have not been adequately recognized within these frameworks (Ginsburg, 2018).

The U.S. Copyright Office (2023) confirms that it will not register artworks produced entirely by AI, affirming that human authorship remains a prerequisite. Grimmelmann (2016) examines whether copyright law can adequately address AI authorship. The researcher concludes that existing law is insufficient and that

legislators must, therefore, find a way forward whether by restricting, extending, or replacing all current frameworks. Samuelson (2023) describes how different legislative systems respond to AI-generated content. The researcher notes that courts in the European Union, the United States, and other countries have reached conflicting conclusions, leaving significant legal uncertainty. Hertzmann (2018) challenges the philosophical foundations of originality itself. The researcher emphasizes that all artists, either human or machine, learn through imitation, absorption, and transformation of existing works. Furthermore, Hertzmann (2018) insists that the line between copyright infringement and inspiration has always been less clear than as law presupposes.

Generative Art Ontology

The question of what kind of things the AI-generated artworks, in ontological terms, may be referred to the philosophy of art and aesthetics. Goodman (1968) suggests a specific distinction between allographic forms and autographic forms of art. The researcher notes that AI-generated images or texts are difficult to classify as they are not produced through human poiesis, lack a definitive original, and may be varied or reproduced indefinitely without a stable ontological anchor. This allographic/autographic distinction, while illuminating, requires further elaboration in the context of AI. Unlike a musical score (Goodman's paradigm case of an allographic work), an AI-generated image has no authorially determined notational system; unlike a painting (his autographic paradigm), it has no unique physical instantiation that carries aesthetic significance. Therefore, AI-generated works occupy an ontological position that Goodman's framework cannot accommodate. These works are neither autographic nor fully allographic, but rather what might be termed processual artifacts. They should be referred to as outputs of a stochastic generative process whose identity conditions cannot be specified independently of the system that produced them. On the contrary, Danto (1981) stresses that what makes something an artwork is not only its physical properties but also its relationship to a specific institutional context within the artworld, understood as a horizon of interpretation and meaning-making. In Danto's viewpoint, only the artworld can give a specific

artwork its meaning and value, through interpretative frameworks grounded in collective intentionality. The framework suggested by Danto raises the question of whether AI-generated artworks can enter that artworld, and under what interpretative and ontological conditions such inclusion becomes possible. It is important to consider the parallel with Duchamp's readymades. When Duchamp submitted Fountain (1917), the artworld's conferral of status on a mass-produced urinal was predicated on a specific act of intentional nomination. Duchamp consciously chose the object, signed it, titled it, and submitted it within an institutional context that recognized his gesture as artistically significant. The readymade thus remained a product of human intentional poiesis, however minimal. By contrast, an AI-generated image cannot nominate itself, nor does it possess the intentional directedness required to make a gesture toward the artworld. If Danto's artworld confers status on such a work, it does so without the cooperation of any intentional agent on the producing side. Consequently, this raises the question of whether the artworld's conferral is sufficient, absent the intentional act that gives Duchampian gesture its philosophical weight. This suggests that Danto's institutional theory, while necessary, is not sufficient for a complete account of AI art ontology. Thus, the artworld can grant status, but status alone does not resolve the ontological distinctiveness of the works produced without intentionality.

Manovich (2019) considers AI artworks from a media theory perspective. The scholar indicates that this perspective represents a novel cultural production paradigm in which form and style are no longer expressions of individual intentionality or subjective consciousness but outputs of algorithmic processes that have learned from prior human-created cultural artifacts. According to Manovich, AI aesthetics reveals that all cultural production has been shaped by well-established and recognizable patterns of what has occurred before, thereby challenging traditional notions of originality grounded in singular creative intention. Mazzone and Elgammal (2019) review various AI art systems and introduce an original typology. This typology is based on AI systems' relationship to human creative traditions, particularly in terms of their capacity to simulate, extend, or transform established aesthetic regimes. The researchers distinguish between exploratory, genuinely transformative, and imitative systems. Based on the analysis

conducted, Mazzone and Elgammal (2019) suggest that the most advanced generative systems begin to develop distinct aesthetic tendencies that cannot be reduced to the imitation of their initial training data, thus pointing toward a distributed model of creativity that complicates classical accounts of authorship.

Cultural Influence, Society and Ethics

Many researchers have been addressing both ethical and social dimensions of generative AI. For instance, Epstein et al. (2023) conduct an interdisciplinary review of numerous ethical questions related to AI-generated art. The researchers emphasize the problem of compensation that human artists should receive when their masterpieces are utilized for AI training without any permission or consent, raising concerns about justice, agency, and the ownership of creative labor within technologically mediated production systems. However, this problem extends beyond questions of compensation to a deeper ethical issue that may be characterized as algorithmic appropriation: the systematic extraction of the aesthetic, stylistic, and expressive dimensions of human creative labor to produce outputs that compete with, and potentially displace, the very artists whose work made such outputs possible. Algorithmic appropriation differs from ordinary imitation or influence in that it operates at scale, without acknowledgment, and with the specific commercial purpose of generating outputs that substitute for human creative production. Ethically, this constitutes what may be termed a form of epistemic and economic injustice: the unconsented extraction of value from a class of people whose creative labor is both the condition of possibility of the AI system and the primary casualty of its deployment. Crawford (2021) demonstrates that AI systems and models depend on various factors, including environmental damage, human labor, and the extraction of value from communities that rarely receive benefits or profits from the results obtained, highlighting asymmetries in power, resource distribution, and technological agency.

Birhane et al. (2021) examine the content of large multimodal training datasets and find significant amounts of biased, non-consensual, or harmful data that AI systems have been trained, which, in turn, shapes the representational and interpretative outputs of

those systems. Therefore, the outputs produced may raise ethical and social concerns, particularly in relation to bias, representation, and epistemic injustice. Cetinic and She (2022) review evidence suggesting that, on the one hand, AI systems may augment human creativity and expand access to artistic expression, thereby redistributing the conditions of creative participation. On the other hand, the researchers state that issues of exploitation, homogenization, and bias require thorough consideration. Shanken (2016) examines the relationship between digital technology and modern art since the 1960s. According to Shanken (2016), current debates on AI art concern the role of technology in cultural production and how technological mediation reshapes artistic intentionality and meaning-making practices.

Lyu and Cooper (2022) examine the problem of authenticity in AI-generated artworks. They state that the concept of authenticity has always been of utmost significance and that AI-related issues cannot be simply overlooked, especially when authenticity is traditionally grounded in authorial intention and originality of expression. Zylinska (2020) emphasizes that generative AI has been challenging the boundary between the human and the non-human, thereby destabilizing anthropocentric accounts of creativity and agency. The researcher suggests reconsidering the concept of creativity as a distributed and relational process rather than a property of an individual mind, aligning with post-humanist and process-oriented ontologies. Thus, the emergence of generative AI should be regarded not as merely a technological development but as a cultural issue with significant implications for how the modern world understands the meaning of art, creativity, and value, particularly in relation to intentionality, authorship, and the ontology of cultural artifacts.

Therefore, the reviewed literature demonstrates that researchers in intellectual property law, philosophy of art, literary theory, critical theory, cognitive science, media studies, and other fields have made significant contributions to debates regarding creativity and AI. However, these contributions have not been integrated into a single coherent framework, capable of addressing both the ontological status and the intentional structure of AI-generated works. In particular, the legal debates concerning authorship and originality (Ginsburg, 2018; Grimmelmann, 2016; Samuelson, 2023) have not been adequately connected to the ontological analysis of

what kind of entities AI artworks are (Danto, 1981; Goodman, 1968; Manovich, 2019). Moreover, the issues of exploitation, bias, and power discussed by Crawford (2021), Birhane et al. (2021), and Epstein et al. (2023) have not been fully integrated into this discussion, particularly in relation to the ethical dimensions of distributed poiesis and technologically mediated creativity. This article addresses that gap by presenting a unified account of originality, ontology, and creativity that draws on all three perspectives and seeks to apply them to the most recent advances in generative AI tools and systems, thereby offering a more philosophically grounded framework for understanding AI-generated art.

Methodology

Research Design

This study applies a qualitative, interpretive research design grounded in critical discourse analysis and philosophical inquiry. As the key research questions concern the nature and specifics of creativity, the ontological status of AI-generated artworks, and the meaning of authorship, this study is not principally empirical in a social-scientific sense. It focuses on a systematic analysis of philosophical arguments, theoretical texts, scholarly debates, and legal documents to present a well-articulated account of the problems under consideration. This approach is well suited to subject matter that is primarily conceptual and ontological in nature. The three guiding questions are: What is creativity? What conditions must be satisfied for an artwork to be considered original? And what kind of ontological entity is an AI-generated artwork?

The research design adheres to the traditions of philosophical research methodology as suggested by Creswell and Poth (2018). The researchers explain interpretive inquiry as a systematic approach to the study of concepts, meaning, and cultural phenomena, particularly those shaped by human and non-human intentionality forms. Therefore, the article combines three methodological approaches: conceptual analysis, comparative textual analysis, and critical discourse analysis. The detailed description of these analyses is provided in the following subsections.

Conceptual Analysis

Conceptual analysis involves a rigorous examination of the meaning, scope, and internal logic of key concepts, including originality, creativity, authorship, and ontology as utilized in reference to art and cultural artifacts. Conceptual analysis is applied in philosophy of mind, philosophy of law, analytic philosophy, and aesthetics. It helps identify the necessary and sufficient conditions under which a certain concept is applied appropriately. Moreover, it examines cases that either complicate or challenge standard applications, and hence, contributes to the refinement or reconstruction of these concepts. Kaufman and Sternberg (2010) emphasize this approach's value in their research on creativity. They state that much of the confusion results from researchers applying the same term, *creativity*, to multiple distinct phenomena. Thus, careful conceptual clarification should be provided before empirical questions can be adequately addressed.

In this article, conceptual analysis aims to examine and explain whether such concepts as creativity, authorship, and originality can be meaningfully applied to AI-generated artworks, particularly in relation to questions of intentionality and agency. For each concept, the conceptual analysis follows three essential steps. Firstly, the standard account of the concept is identified. Secondly, cases from the generative AI domain that challenge or complicate that account are examined. Last but not least, a revised account of the concept is proposed, capable of accommodating both AI and traditional cases. Crucially, this third step goes beyond literature summary to produce an original synthesis: each revised account is formulated as a necessary condition statement that specifies what must be true of an entity for the concept to apply, and then tests that condition against both paradigm human cases and AI-generated cases. This procedure generates the following original conceptual proposals: that creativity should be reconceptualized as a spectrum concept admitting of degrees of intentional involvement rather than a binary property; that originality in the legally relevant sense requires not merely novelty but traceable intentional selection; and that AI-generated works constitute a novel ontological category, processual artifacts, that cannot be assimilated to either

Goodman's allographic/autographic distinction or Danto's institutional theory without significant modification.

Critical Discourse Analysis

The critical discourse analysis (CDA) was developed by Fairclough (2003). This approach treats all text types as sites in which power interactions, ideological assumptions, and social meanings are produced, reproduced, and contested. This analysis is applicable to this research as the debates concerning AI and creativity are neither philosophical nor purely technical disputes. Moreover, they can be regarded as political and social ones, shaped by competing interests and forms of institutional power, including those of artists, technology companies, cultural critics, and legal institutions.

By applying CDA to the corpus of texts drawn from various literature discussed in the previous section, this paper is capable of identifying specific assumptions, as well as power relations that structure and influence these debates. The first assumption is that creativity is an exclusively human capability grounded in conscious intentionality. The second assumption is that individual authorship is the natural intellectual property law foundation. The third assumption is that the interests of AI developers and human artists can be adequately reconciled within existing regulatory frameworks, a claim that requires critical examination.

The corpus for the CDA research component comprises approximately forty texts, including foundational theoretical works by Barthes (1967) and Foucault (1969), philosophical analyses of creativity and art by Boden (2004); Danto (1981); Goodman (1968), regulatory and legal documents by Ginsburg (2018), and U.S. Copyright Office (2023), and AI critical social analyses by Crawford (2021); Epstein et al. (2023). All the texts were selected based on their direct relevance to the concepts of creativity, generative art ontology, and originality, as well as their impact within the field under study. The analysis aims to identify key concepts, trace their historical development, consider emergent contradictions and tensions, and assess their implications for the central argument of this article.

Comparative Textual Analysis

Comparative textual analysis aims to compare texts addressing the same question from different perspectives to identify points of disagreement and agreement, as well as various tensions. It is worth noting that the interdisciplinary nature of this research makes comparative analysis particularly significant. Different disciplines often approach the same conceptual problems using distinct frameworks, assumptions, and evaluative criteria. Therefore, the comparative analysis in this article focuses on three essential themes: creativity, originality, and generative art ontology, as specified in the research gap identified in the literature review. For each theme, philosophical, critical, and legal texts are analyzed and, consequently, points of convergence and divergence are systematically mapped. For example, this procedure reveals that while legal researchers treat originality as a threshold property that an artwork may either possess or lack (Ginsburg, 2018), philosophers tend to conceptualize originality as a graded or family-resemblance concept (Hertzmann, 2018). Critical theorists, in contrast, interpret originality as a socially constructed category, whose primary function is to support specific economic and institutional interests (Crawford, 2021; Asimiadis & Kagioglou, 2026). These differences point toward deeper and more fundamental disagreements regarding the nature of creativity, the purpose of intellectual property law, and the relationship between individual self-expression and collective, technologically mediated cultural production and consumption.

Results and Discussion

The Technological Enactment of the Death of the Author

One of the central findings of this article is that the concept of *the death of the author* as elaborated by Barthes (1967) and further developed by Foucault (1969) has shifted from a philosophical metaphor to a newly created technological reality. Barthes (1967) stated that the meaning of the text should belong to readers and not to the intentions of the author. The researcher emphasized the

interpretation by readers. Barthes could not even assume that texts might be produced without the involvement of a human author at all. Currently, the advances of LLMs and diffusion-based image generators have made such an assumption realistic. For instance, modern text generators do not possess their unique memories, biographies, or intentions. They cannot make any choices grounded in specific experience or knowledge. They simply produce certain outputs based on statistical text data. In these cases, the authors are absent from the creation process.

However, this finding does not simply confirm Barthes' argument. Foucault (1969) observed that the author-function, the institutional and social roles attached to authorship, could persist even after the author's declared death, continuing to organize how a text is categorized, valued, and disseminated. The findings of this article confirm that the author-function retains great significance in the context of AI-generated artworks. Elements, such as the technology company's name, model version specifications, and the human who formulates the prompt, all serve as authorship proxies in specific contexts. Yet this redistribution of the author-function across human actors, institutional decisions, and technological systems is not merely a sociological observation: it represents a fundamental ontological transformation. Whereas the classical author-function was anchored in a specific intentional subject whose conscious choices could in principle be traced and attributed, the distributed author-function of the AI context is constituted by a heterogeneous network of intentional and non-intentional agents. The technology company provides the architectural constraints of the system; the prompt engineer provides the immediate intentional direction; the training data provides the aesthetic and conceptual repertoire; and the generative system itself provides the stochastic process of selection and combination. No single node in this network possesses the full intentional structure that traditional authorship requires, yet collectively they produce outputs that bear all the functional marks of authored works. This is precisely the distributed agency model that the present article proposes: authorship, in the age of generative AI, is not an individual act of will but an emergent institutional function distributed across a network of agents and systems.

It is also evident that Lessig's (2004) arguments concerning authorship instability in modern digital culture predicts this scenario

more directly than is often recognized. Lessig (2004) states that digital technology enables a specific creative form, for example, recombination, remix, transformation, or reconsideration, which cannot be attributed exclusively to any single originating mind. Thus, generative AI is an original system that recombines, reconsiders and retransforms at a speed and scale that can make any residual concept of authorship unfounded. The finding's practical implication is that cultural and legal frameworks presupposing a single human author as a creative artwork origin are constantly disconnected from the reality of how essential issues of modern art production occur.

Creativity Reconsideration: Between a Process and a Product

The other key finding of this article concerns the concept of creativity. Much of confusion and debate regarding whether AI tools may be creative originates from a failure to cross a clear line between creativity as a property of the artwork produced and as a property of the process producing that artwork. Boden (2004) emphasizes this ambiguity in her research, but she fails to resolve it fully. Comparative analysis underlines that the above creativity senses lead to different conclusions when generative AI is under study. The present analysis proposes to resolve this ambiguity by introducing a distinction between process-level creativity, which requires intentionality, self-reflection, and the directedness of consciousness characteristic of human poiesis, and product-level creativity, which is a relational property constituted by the response of an audience to an artifact. On the process level, generative AI is not creative: it possesses neither the intentional states nor the qualia that underlie purposive making. On the product level, AI-generated works may be creative, insofar as they elicit in audiences the aesthetic responses, including surprise, admiration, and emotional resonance, that we associate with creative artifacts. This is not a merely verbal distinction: it has direct implications for legal, cultural, and ethical questions about how AI-generated works should be classified and governed. When people consider creativity as a property of the process, the evidence against the creativity of AI is well-grounded. Generative AI systems cannot reflect, intend, or deliberate. Unlike humans, they are incapable of experiencing

emotions, such as frustration, inspiration, remorse, satisfaction, or anger whenever they need to solve difficult tasks. Colton and Wiggins (2012) indicate that unique creativity requires a specific degree of self-reflection on the process of creativity itself. Therefore, modern AI systems lack this capability. Bringsjord et al. (2002) state that creativity requires comprehension and intentionality. These two aspects are not present in the AI systems that process numerous symbols without semantic understanding. Thus, it is possible to conclude that AI systems are not creative at all. However, their works could be impressive and aesthetically significant.

Whenever creativity is regarded as a property of the product, the issue is more complex. Numerous experiments with algorithmic music composition by Cope (2001) demonstrate that trained musicians could not reliably identify AI-generated works from those composed by human composers. According to Mazzone and Elgammal (2019), AI-generated visual artworks may score higher than human-produced ones on such measures as aesthetic quality and novelty when assessed by experts unaware of their origin. These findings align with those of Kaufman and Sternberg (2010), who indicate that creativity can be partially constituted by social acceptance.

A further finding in this field concerns the role of the training dataset as a site of creative agency. Ridler (2021) argues that human curatorial guidance, including prompt engineering, constitutes a distinctive form of authorship and decision-making. The present analysis supports this view. The choices regarding what data should be included in training, how to label it, and what selection criteria to apply all reflect the unique judgement and creativity of human agents. Therefore, AI-generated art pieces should be understood as only partially machine-produced works. They are products of a creatively structured process in which intentional human agency operates at multiple levels: architectural design, dataset curation, prompt specification, and post-generation selection. The creativity of such works is thus distributed across the human-machine network, not located at any single point. This implies that the binary opposition between machine creativity and human creativity is not merely inadequate but philosophically incoherent: what is required is a graduated, network-level account of creative agency in which intentionality is a necessary but not sufficient condition at any given node.

The Inadequacy of Existing Originality Frameworks

A further finding of this article focuses on the concept of originality, as well as its treatment in copyright law. According to the analysis conducted in this article, the current legislation in different countries fails to tackle numerous issues concerning AI-generated artworks, but not simply because AI authorship is not under their consideration and jurisdiction. The deeper problem concerns the concept of originality upon which copyright law is based.

Ginsburg (2018) states that the Berne Convention's requirement that each artwork reflects the intellectual creation of the author is usually interpreted differently worldwide. Consequently, there have been inconsistent decisions taken even in cases where only human authorship was under examination. The U.S. Copyright Office (2023) does not register any AI-generated artworks based on the decision that copyright requires only human authorship. The philosophical analysis conducted in this article reveals that this requirement is not arbitrary: it reflects the deeper ontological assumption that originality, in a legally relevant sense, requires traceable intentional selection. An original work, on this account, is one in which an intentional agent has made choices about form, content, arrangement, or expression that could in principle have been otherwise. Generative AI systems *do make choices* in a technical sense, selecting outputs from a probability distribution, but these choices are not intentional in the philosophically relevant sense: they are not directed toward a goal by a conscious agent. The legal inadequacy of current frameworks is, therefore, a symptom of a deeper conceptual problem: the concept of originality, as deployed in copyright law, is ontologically dependent on intentionality, and this dependency has simply not been made explicit because, until the advent of generative AI, all creative production was human.

Samuelson (2023) analyzes the emerging case law in different jurisdictions and emphasizes that courts have reached various conclusions taking into account the degree of human engagement into the creation process. In some cases, a human selecting, arranging, or modifying AI-generated content has been found to have created a copyrightable work. In other cases, the degree of human

engagement has been deemed insufficient. This inconsistency is not merely evidence of judicial unawareness; it points to a deeper conceptual problem concerning the concept of originality as applied to AI. As Hertzmann (2018) notes that the boundary between imitation and inspiration has always been difficult to demarcate. The practical implication is that legislative reforms must be initiated, and these reforms must begin by explicitly addressing the relationship between originality and intentionality, rather than simply adjusting the threshold of human contribution required for copyright protection.

AI Art as a Novel Ontological Category in the Modern World

The other finding concerns the ontological status of AI-generated artworks. It is evident that existing aesthetic categories cannot adequately accommodate AI-generated artworks and that a novel ontological category must be introduced. The present article proposes the concept of processual artifacts to designate this novel category. A processual artifact is an entity whose ontological identity is constituted by the generative process that produced it, rather than by the intentional act of a human creator (as in autographic works) or by compliance with a notational scheme (as in Goodman's allographic works). Processual artifacts are individuated not by their phenomenal properties, which may be indefinitely reproducible, nor by their relationship to a specific authorial intention, but by their causal-computational genesis. This is a philosophically substantive proposal: it implies that two perceptually identical AI-generated images may be distinct processual artifacts if they were generated by different computational processes, just as two performances of the same symphony are distinct events even if acoustically identical.

Manovich (2019) argues that AI aesthetics introduce a novel cultural production paradigm defined by pattern-learning from large datasets rather than human original expression. This explanation assumes that AI-generated pieces of art should be regarded not as simple imitations of human art but as a novel type of cultural object with its own unique logic, aesthetic features, as well as relationships to the history of human creativity. The concept of processual artifacts developed in this article both supports and

extends Manovich's account: it provides the ontological vocabulary that his media-theoretical framework presupposes but does not explicitly articulate. Moreover, the comparison with Duchamp's readymades, elaborated in the Literature Review, clarifies the limits of Danto's institutional theory: while the artworld's conferral of status is necessary for processual artifacts to function as art, it is not sufficient to determine their ontological character, which is constituted by their generative process. The artworld can recognize a processual artifact as art; it cannot, by that act of recognition alone, make it ontologically equivalent to a work produced through intentional poiesis.

Steyerl (2019) introduces a further critical dimension into this ontological analysis, arguing that AI-generated aesthetics should not be considered neutral: they reflect and reproduce various biases embedded in training data, including those relating to culture, race, gender, and social status. Birhane, Prabhu, and Kahembwe (2021) provide empirical support for this claim, finding that widely used multimodal training datasets contain significant stereotypical and harmful content qualities. The AI art ontological category must therefore be understood as inherently political and ethical. Whatever AI systems produce reflects what they have learned, and what they have learned reflects the unequal or biased social conditions under which training data was constructed.

The Ethics of Generative and Cultural Value

The final finding in this article concerns the ethical dimensions of generative AI and their relationship to cultural values. The analysis conducted substantiates the concerns raised by Crawford (2021) and Epstein et al. (2023). The current AI development model, in which large corporations have been training powerful generative systems on the creative works of numerous human artists without compensation or consent, represents an obvious transfer of value from human creators to technological corporations. However, the ethical analysis conducted in this article goes beyond describing this as a problem of compensation to characterize it as a structural form of what may be called distributive poietic injustice: a systematic asymmetry in which the conditions of creative possibility, namely the accumulated aesthetic, stylistic, and

expressive resources developed by human artists over generations, are appropriated as inputs to a system that then displaces those same artists in the cultural marketplace. This constitutes an injustice not merely because it violates property rights, though it may do so, but because it instrumentalizes human creative poiesis as a resource for a system that denies the creators of that resource any share in the value produced. The ethical response to this injustice cannot be limited to consent mechanisms or revenue-sharing arrangements, though these are necessary first steps. It requires a more fundamental reconceptualization of the relationship between human creative labor and the systems trained upon it, grounded in a recognition that poiesis is not merely a means of production but a form of human self-expression whose dignity and value are not reducible to its market price.

On the other hand, the analysis cautions against purely defensive responses that aim only to protect current intellectual property frameworks. For instance, Cetinic and She (2022) indicate that AI tools possess genuine democratizing potential. They enable novel forms of creative expression that were not previously accessible to people without complex technical training. According to Zylinska (2020), generative AI challenges established assumptions regarding the uniqueness of human creativity. The researcher suggests that the concept of creativity should be reconsidered as a relational phenomenon. These considerations deserve serious attention alongside the protection of the existing economic and social interests of human creators. One of the most significant implications of the above finding is that debates regarding creativity and AI can be treated as debates about the cultural future that humankind wishes to create. It is of utmost importance to determine which parties stand to benefit, who bears responsibility for investment, and on what terms humans and machines can co-create and coexist going forward.

Conclusions

This article has explored three overarching questions: what it means for an AI system to be creative; whether AI-generated works can be considered original in a philosophical and legal sense; and what kind of entity a generative artwork actually is.

The structure of the argument advanced here may now be made explicit. Authorship and creativity have traditionally been ontologically grounded in human intentionality and conscious agency, that is, in the capacity for directed, purposive mental states oriented toward a creative goal, expressed through the act of intentional poiesis. Generative AI systems produce aesthetically significant artifacts through statistical pattern-recognition without possessing intentionality, consciousness, or the capacity for poiesis in any philosophically substantive sense. Therefore, the traditional human-centric ontology of art is inadequate for the digital age. It must be replaced by a distributed agency model in which authorship is an institutional function distributed across a network of human and non-human agents, rather than an individual act of will.

The first finding confirms that *the death of the author* introduced by Barthes (1967) and developed by Foucault (1969) is now a technological reality, but with an important qualification. The author-function has not disappeared but has been redistributed across technology companies, AI engineers, prompt engineers, and users in a network that constitutes a distributed intentional structure. The second finding, on creativity, proposes the process-product distinction as a means of resolving the apparent contradiction between the evident aesthetic significance of AI-generated works and their evident lack of intentional genesis. AI is not creative at the process level, but its outputs may be creative at the product level, insofar as they elicit appropriate audience responses. The third finding establishes that existing copyright law is inadequate not merely because it lacks provisions for AI authorship, but because its concept of originality is ontologically dependent on intentionality in ways that have never been made explicit and must now be legislatively addressed.

The fourth finding introduces the concept of processual artifacts as a novel ontological category for AI-generated works: entities whose identity is constituted by their generative process rather than by authorial intention or notational compliance, and which cannot be adequately accommodated by either Goodman's allographic/autographic distinction or Danto's institutional theory without significant philosophical revision. The comparison with Duchamp's readymades establishes that institutional conferral of artworld status, while necessary, is not sufficient to determine the ontological character of AI-generated works, because it cannot

substitute for the intentional act of nomination that gives the Duchampian gesture its philosophical weight. The fifth finding reconceptualizes the ethics of AI training data as a matter of distributive poietic injustice rather than mere intellectual property violation. The systematic appropriation of human creative labor as a resource for systems that displace its producers constitutes an injustice whose full ethical significance requires a recognition of the dignity of creative poiesis as a form of human self-expression.

Questions concerning creativity, originality, authorship, and AI will be of great significance in the future as AI becomes an inseparable part of human culture. The frameworks developed in this article, including distributed agency, processual artifacts, the process-product distinction, and distributive poietic justice, are offered as contributions to the philosophical, legal, and cultural debates that will determine how these questions are answered.

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