



## Renegade Monkeys

Yanai Toister 

Shenkar College of Engineering and Design - Unit for History and Philosophy, Ramat Gan, Israel

### ABSTRACT

This article focuses on a series of selfies taken by a Celebes Crested Macaque monkey who seized a camera from a human photographer and absconded with it. The monkey's smiling self-portraits appeared in the international press, sparking legal and public controversy around issues of copyright, royalties and fair use of the images. Arguably, the very fact of the debate is indicative of the breakdown of the traditional dichotomies that separate the human from the animal, the natural from the technological. It further calls for a reassessment of photography as a unique act that combines all these aspects and yields surprising definitions of agency and creativity. To this end, the article draws on the Vilém Flusser's philosophy (particularly the concepts of 'apparatus' and 'program') and develops these to examine the ways in which the automation of photography has changed our perceptions of intention, memory and agency to the point that we are all 'monkey photographers.'

### KEYWORDS

Philosophy of Photography;  
Vilém Flusser; program;  
agency; creativity;  
Negentropy

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It is commonly argued that unlike humans, animals will always retain some of the characteristics with which nature has endowed them. Animals that have been removed from their natural environment preserve their animality in zoos, for example. Similarly, animals that have been artificially inseminated preserve some natural attributes that humans supposedly no longer need. With minor editing, the above sentences could encapsulate the history of the theory of photography. Here, too, one also comes across poetic descriptions of an unbreakable link with nature, one that is sacred, embedded in vague descriptions of a mechanical, automatic, or causal relationship. For this reason, even contemporary orthodoxies have failed to abandon the belief that the photograph's main function lies in being

a perfect illustration of aping: human action mimicking natural action.

But if imitative representation of the real world in art and literature, or mimesis, can be defined as the culmination of human creativity – as art historians have claimed since the Renaissance – then, arguably, animals may also exhibit creative agency, even when they are in their natural environment and have no artistic intent in a sense acceptable to humans, no need for intellectual property. The purpose of this article is to explore this circumstance, which, I argue, does not require or depend on subjective experience, but rather stems from 'agential functional states' which, according to Thomas Nagel, are comparable to intentional states. Both types can be ascribed to robots and automata that behave like people. By extension, why not ascribe such states to animals who behave like humans? (1974)

At the heart of this article are *The Monkey Selfies* – a series of head and torso photographs of a Celebes crested macaque taken in 2011 in a forest on Sulawesi Island, Indonesia. According to the story, the monkey created these photographs after having snatched a camera and escaped its owner, nature photographer David Slater. After Slater had retrieved the camera, he found some intriguing photographs on its memory card. The published photographs show the smiling face of a slightly greying monkey whose large amber eyes stare directly at the camera. In one photograph, the monkey is seen sitting on the ground while holding out its hand towards the camera, and the thick green vegetation in the background is slightly blurred, as per aesthetic conventions [Figure 1](#).

Upon his return to the UK, Slater, presuming he held the copyright to the photographs, licensed the Caters news agency to source the images to larger media entities. Shortly thereafter, however, Slater's initial presumption was contradicted by the claim that he did not actually take the photographs, even if he may have owned the camera with which they had been taken. Because they were taken by a monkey, the photographs were apparently not subject to the legal protections provided by intellectual property laws for the simple reason



**Figure 1.** Monkey Selfie, 2011

that a monkey is not, and cannot be, a legal entity capable of holding a copyright. Therefore, it was argued, the photographs belonged in the public domain.

Consequently, the photographs found their way to the Wikimedia Commons database, which stores various types of media on condition that they are not copyrighted. In spite of all this, Slater continues to publish the photographs on his website under another version of the story, according to which the monkey did not flee to the forest to photograph itself in glorious solitude, but rather selfied in Slater's presence with the camera on a tripod. This claim has never been confirmed. A local tour guide who was present at the time 'just happened to go off for a smoke' and could not recall the particulars of the event. However, to support his copyright claim, Slater now posts the images on his website with a watermark bearing his name. He even offers printed copies for sale that can only be purchased with his signature, and promises that 10% of the payment will be donated to the Sulawesi Wildlife Fund.

For the time being, different jurisdictions hold conflicting positions with regard to copyright on works created by animals. To me, the most interesting questions arising from this event do not concern copyright per se but rather the very assumptions that commonly motivate the emergence of copyright controversies. In this particular case the controversy concerns only the theoretical rights humans are willing to grant monkeys. Unfortunately, these rights are backed up by the implicit assumption that every human action necessarily demonstrates agency and is therefore potentially protectable by virtue of its inherent creativity. Arguably, this incident requires that we restructure the complex relationship between animal and human, natural and technological in artmaking. Contrary to medieval iconography, wherein the ape holds a mirror in which a sinning man can recognize himself as an ape of God, here, the 'mirror' which features an ape allows man to recognize that the

‘sin’ lies in ascribing creative agency only to humans, whose actions, like those of apes, are not governed exclusively by intention.

Philosophies of photography turn the discussion of agency and creativity in surprising directions. At one philosophical pole are analytical descriptions of photography as prosthetic human vision. These are influenced, among other things, by early experiments in neurology, and some are also based on a particular experiment performed on a captive macaque called Blind Helen (Humphrey 1970, 1974). Helen, whose visual cortex had been removed, proved that despite her blindness she was able to ‘see’, or at least sense objects in her immediate vicinity. This ability, referred to as ‘blind sight’, reveals that primate research, as Mike Kelly argued, is all too often a theater that plays out contemporary conceits of the nature of human existence using monkeys as actors (Kelly 2016). By extension, ‘blind sighted’ viewers of photos ‘see’ objects in photographs (Walton 1984) despite their ostensible ‘blindness’. These descriptions, although they are not divorced from the traditional identification of vision as humanity’s main bearer of knowledge, do at least assume that other species are capable of a type of vision to which humans can only aspire.

The philosophy of Vilém Flusser (1920–1991) can be understood as a phenomenological extension of that empirical experiment. According to Flusser, human nature does not exist outside ‘natural’ existence and certainly does not contradict it. ‘Traditional’ definitions of humanity, Flusser argues, fall into two competing types of worldviews (or, in his own words, ‘cosmologies’): finite and causal worldviews (Flusser 2011a). The finite worldviews are a reflection of religious, mystical, and pagan traditions in which humans and their world are always defined according to some higher purpose and goal. However, the ambiguity of that purpose and uncertainty about how to reach that goal make many hostile to both. The causal worldviews are an outgrowth

of the natural sciences, in which every event is the effect of a definite cause and in turn, will the cause of a significant future effect. Every situation in the universe, and the universe itself, are the product of a previous state (s), and will necessarily be followed by situations that are its products.

In fact, it may be argued that the two types of worldviews suggest a comparable and perhaps identical linear structure, namely: purpose and goal, cause and effect. Furthermore, Flusser argues that although the two types seem to be contradictory one can live, in the absence of non-linear worldviews, simultaneously within two types of linearity: causal and finite reality. In this way, nature can be viewed from a causal point of view and culture from a finite point of view, so that the laws of nature that govern the actions of macaque monkeys are not valid with regard to humans, all of whom are assumed to be goal-oriented and to act purposefully.

Flusser’s programmatic worldview liberates itself from this dichotomy altogether. In it, causal and finite linearity are no more than two dimensions out of an infinity of temporary states of an all-encompassing program that never ceases to expand. This program absorbs, retains, and redefines the previous worldviews. In this view, the world, or more specifically the entire universe, is a situation in which built-in and specific virtualities are realized through pure coincidence while other possibilities not yet realized may materialize by dint of similar coincidences.

With regard to photography, Flusser develops four major terms: image, information, apparatus, and program (Flusser 2000). Explaining them may serve to clarify how and why ‘monkey selfies’ are a common phenomenon in photography even though they are considered unusual. Note that Flusser makes a unique distinction between traditional and technical images, the first and most fundamental of which is the photograph. For the purposes of this essay, it may be argued that

Flusser uses the term *image* in a somewhat Benjaminian sense and describes it as a magical event (Benjamin 2008). The term *information*, as it appears in Flusser's philosophy, can be understood in a Shannonistic sense, as an event whose likelihood will determine its value (Shannon 1948). For example, the appearance of the postman at the end of the street is not a unique event, but the appearance of a penguin tottering along the same street is an unlikely event and therefore more significant (Flusser 1986, 330). Next, apparatus and program are the most original and fascinating terms in Flusser's taxonomy. An *apparatus* is a complex mechanism a photographer must prepare before shooting, even though it is already prepared. In fact, the word apparatus is derived from the Latin word *apparare*, which means to prepare (Flusser 2000, 21). Although the apparatus is founded on scientific principles and may therefore be structurally complex, using it is quite simple. However, Flusser does not accept Kodak's rhetoric as expressed in its slogan, 'You press the button, we do the rest'.<sup>1</sup> Instead, he assumes that there is an interaction between the apparatus and user. Finally, the term *program* places photography within the broad cultural context of post-industrial production. It describes the totality of decisions that the apparatus is capable of making or is able to generate. In photography, the term also refers to all the possible decisions by the photographer, all of which are conditioned by the program. The apparatus will do whatever the photographer wants and instructs it to do, but the photographer can only want what the apparatus is capable of doing. One might say that the apparatus programs its user – be it a human being or a monkey – and that they are, to a large extent, but one function within the apparatus.

These terms lead Flusser to distinguish between three types of photographs. The first is photographs taken using fully automatic cameras. Contemporary examples can be photographs produced by NASA satellites,

unmanned aerial vehicles, Google Street View, security cameras and various medical devices. The second type is popular or amateur photos, such as those produced using cameras, phones and other everyday devices. The third type is experimental photographs taken by artists and scientists.

The first type encapsulates information programmed by humans and implemented by the apparatus. The third presents information that the photographer is intended to encapsulate, whilst the intention may run counter to that programmed within the apparatus. The second type is probably the most confusing and fascinating of all. Common photographic devices allow us to produce more and more images. In fact, some devices even require it of us. Human society today cannot view the outside world, or even itself, without recourse to the camera and its photographic categories. Flusser called this phenomenon 'photo-mania' (Flusser 2000, 58). However, images created this way are not informative and cannot become such. In fact, the more they multiply, the less significant they become. One must really wonder whether most members of society are in control of the photos they produce, whether all members of society are human, and whether (or when) producing photos is a Pavlovian reflex. Clearly, some people have become an extension of the pushbutton on their photographic devices. Consider the accessory known as 'selfie stick'. In the absence of a better definition, it is an extension of the photographer's hand and at the same time an extension of the shutter release button on a smartphone camera. This accessory clearly demonstrates that in some cases, the photographic device does not function in the photographer's service, but exactly the other way around.

Put differently, the information that some photographs encapsulate is not at all what the photographer may have intended but merely what the camera's programmer (whose claim for 'intellectual property' is by far the strongest) may have intended. Such photographs are

latent options in the camera's program realized by the photographer's conditioned reflex. The result of this peculiar state of affairs is a continuous flood of inadvertently created images: a collective unconscious memory created by the camera. One wonders whether a photo album is no more than a repository of pre-programmed functions. Such interaction with information raises the suspicion that faulty photographs are the most interesting, for they owe their information content, in fact their very existence, to deviation from the program's purpose, or even to what designers or programmers would call a mistake.

Now another aspect of photographic programs should be considered: the tendency to deviate from and even contradict human intent. How does this come about? And should such setups be feared or accepted? Note that every apparatus works automatically, even those that supposedly include a human component. Consequently, given sufficient time, every apparatus will work to realize all the options in its program. In doing so, as stated above, the apparatus is likely to deviate from its program's predetermined scheme and reach a condition that may be understood or described as erroneous. However, Flusser points out, every program is subject to constraints imposed by a higher-level program,<sup>2</sup> and in turn operates within a framework of a meta-program ... ad infinitum. Therefore, a certain aberration in the performance of a particular program may be understood or described as a not unexpected option within a higher-level program or a meta-program. And if, as Flusser argues, apparatus tend to stray from the range of their program or from their humanly designed parameters, should such a runaway apparatus be called a 'conscious monkey' or 'a blind sighted monkey'? And what should the meta-program that controls it be called – 'Lord of the Apes'?

The apparatus called consumer cameras have a program called 'wildlife photography', or sometimes 'nature photography'. This

program usually works efficaciously and without aberrations. Nature, for its part, also runs some programs, albeit of a radically different, well, nature. Within one of these programs, called 'primates', one option is called 'David Slater' and the other 'macaque'. These two options are equally improbable and they, in turn, are both programs with infinite probable and improbable outcomes. In 'macaque', the 'nature photography' option is not particularly useful and the option 'human photographing nature' is no more appealing than is any other, certainly no more than 'monkey photographing nature' or 'monkey photographing monkey'. Hence, in short, the copyright to monkey selfies does not belong to any person or monkey. It belongs, if at all, to nature – the only autonomous program (Thacker 2008).<sup>3</sup>

In fact, defining nature as program makes it clear that any image we humans are able to consciously produce, whatever it is, is an informational state that emerges from entropy. Indeed, every human attempt at self-characterization through mechanisms that produce imagery out of disarray proves that any apparently coherent order is incidental. Therefore, not only is a manmade portrait photograph just as improbable as a monkey's selfie, but any image created by humans since the Lascaux cave paintings – and in fact, any 'information' preserved by humankind – is a negentropic result: an unlikely-ordered formation within disorder. As one monkey on Sulawesi has demonstrated, images are always an attempt to sabotage nature's program, an experiment that, if successful, can only be temporary. In other words, art, ostensibly one of the traditional features of human uniqueness, is not perceptive commentary but disengagement. Every artist is a renegade monkey.

At the same time, even disengagement and other improbable situations are embodied in the program to begin with. They may appear not accidentally but deliberately, an action that Flusser describes as 'to produce

improbable, informative situations to consolidate invisible possibilities into visible improbabilities' (Flusser 2011b, 18). The likelihood of their appearance increases the longer the program runs, and anyone who is familiar with it can predict the advent of improbable situations others among us would consider both probable and improbable (e.g. a monkey, a red heifer, or a parrot reciting the Fourth Geneva Convention). Any preserved information, such as an image, can be created using an apparatus according to the rules laid down by its program. However, the same image may be completely improbable from the perspective of another apparatus running a different program or from the meta-program's perspective. In other words, a human selfie is also an improbability from a monkey's point of view.

Even if it is a venerable human trait, creative agency has never been evenly distributed amongst human beings. Most people's acts simply reflect probabilities that play out obscurely and subconsciously. What's more, the proliferation of uninformative images underlines the danger inherent in any definition of creative agency as an exclusively human ability. Allowing for a generous definition of creative agency, one that stems from functional states (comparable as they are to intentional ones), or simply from probabilities, raises the suspicion that human made artifacts do not possess any virtue that is absent from artifacts generated by animals (or, for that matter, other non-sentient beings).

The monkey selfie images demonstrate that every natural event can generate instances of the halting problem.<sup>4</sup> Sometimes an apparatus created by human beings will continue to operate after the result for which it had been set up has already been achieved, in which case its continued operation may produce unwanted results. In fact, very deliberate act of image creation is comparable to genetic engineering, or further removed, an experiment in artificial life. Can a primate creator of images ever know when to stop? The answer to the question

depends on the identity of the creator: a programmer will indicate the desired result, an experimental photographer will ignore it, a monkey may stop on the indicated mark, and a human will recognize the halting point as only temporary. The history of human photography, much like the population of the London zoo, is a demonstration of the difference between improbability and impossibility.

## Notes

1. This advertising slogan was coined by George Eastman 1888.
2. In fact, in proper computer science terminology, it is higher-level programs that are governed by lower-level ones.
3. Perhaps, following Thacker's ideas about "biological commons" and "genetic commons", we could also define a "programmatically commons".
4. The halting problem is a decision problem about properties of computer programs on a fixed Turing-complete model of computation. The problem is to determine, given a program and an input to the program, whether the program would eventually halt when run with that input.

## Author Information

*Yanai Toister* (Ph.D.) is an artist, writer and educator serving as Director of the Unit for History and Philosophy at the Shenkar College of Engineering, Design and Art in Israel. Toister's artworks have been shown in numerous solo and group exhibitions (including Sandroni.Rey, Los Angeles; Dvir Gallery, Tel Aviv; Kunststahle Luzern, Switzerland; Bolsky Gallery, Otis College of Art and Design, Los Angeles; Maison Européenne de la Photographie, Paris; the 11th International Architecture Exhibition at the Venice Biennale; Kunstmuseen Krefeld, Haus Lange, Krefeld, Germany; Israel Museum). Toister's writing has been published in various books and journals (including: *Philosophy of Photography*; *Journal of Science and Technology of the Arts*; *Mafté'akh Lexical Review of political Thought*; *Ubiquity*; *Photographies*; *Journal of Visual Art Practice*). Toister's book *Photography from the Turin Shroud to the Turing Machine* has recently been published by Intellect/University of Chicago Press.

## Disclosure statement

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## ORCID

Yanai Toister  <http://orcid.org/0000-0002-5605-5233>

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