

Freelance Injustice: How AI Could Doom Comic Book Creators

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There is a long history of comic book creators being effectively, well, screwed. Bob Kane, who for decades touted himself as the sole creator of the billion-dollar character of Batman, was in fact anything but that. While Kane came up with the name, Kane's Batman was a man in a red jumpsuit wearing a domino mask.¹ Bill Finger, Kane's ghost writer, came up with the costume we know today, the name Gotham City, Bruce Wayne's alter ego, and went on to assist in creating other famous Batman characters like Joker, The Scarecrow, The Riddler, The Penguin, and Robin.² This of course, was all while Kane took sole credit for each one these creations, and effectively negotiated with DC Comics for sole legal title and creator of Batman, earning himself a \$10 million fortune in the process.³ While this is a famous example from a previous century, it is far from being the sole incident, nor is it exclusive to DC Comics. In fact, as comic books have now gone on to inspire multi-billion-dollar movie franchises, there seems to be newer and even greater methods when compared to the potential fortune these creators lose out on. Jim Starlin, a comic book creator responsible for characters that star in billion-dollar Marvel movies like Thanos, Drax, and Gamora, has himself claimed to have received more from a minor character appearing in a single DC movie than he did for all of those Marvel characters combined.⁴ To put that into perspective, those Marvel characters were integral to the plot of movies that grossed over a half a billion dollars at the time.⁵

Why go through these examples? To put it simply, these creators need protections. Comic book writers and artists draft stories and character designs that go on to gross billions of dollars. I'm not just referring to the movies, I'm also referring to the Intellectual Property (IP) rights regarding art and character design of a Spider-Man t-shirt, and the Batman design displayed on the side of a kid's lunchbox. IP rights generate an incalculable amount of revenue that barely, if ever, make it back to their original creators.⁶ So how can we fix it? Recently in the news there have been well documented strikes by film writers and actors from their respective guilds. The writers and actors were on strike for nearly 4 months before studios met in the middle and finally struck deals with each of the guilds.⁷ Why can't comic book creators do something similar? Their work is of incredibly high importance to comic publishers like DC and Marvel, who in turn

¹ Daniel Rennie, *Did Bob Kane Steal Batman from Bill Finger?*, BOLD ENTRANCE (March 24, 2020), <https://boldentrance.com/how-bob-kane-stole-batman-from-bill-finger/>.

² *Id.*

³ *Id.*

⁴ Graeme McMillan, *Thanos Creator Was Paid More for 'Batman v. Superman' Than All Marvel Movies Combined*, THE HOLLYWOOD REPORTER (January 24, 2017), <https://www.hollywoodreporter.com/movies/movie-news/thanos-creator-was-paid-more-batman-v-superman-all-marvel-movies-combined-968148/>.

⁵ *Franchise: Marvel Cinematic Universe*, BOX OFFICE MOJO, https://www.boxofficemojo.com/franchise/fr541495045/?sort=releaseDate&ref=bo_fr_resort#table (last visited Dec 3, 2023).

⁶ Joe George, *Neal Adams and the Fight to Unionize Comics*, THE PROGRESSIVE MAGAZINE (May 5, 2022), <https://progressive.org/latest/neal-adams-fight-to-unionize-comics-george-220505/>.

⁷ Dominic Patten, *The Strike Is Over! SAG-AFTRA & Studios Reach Tentative Deal On New Three-Year Contract*, DEADLINE (November 8, 2023), <https://deadline.com/2023/11/sag-strike-ends-actors-studios-deal-contract-1235566470/#:~:text=The%20Strike%20Is%20Over!,On%20New%20Three%2DYear%20Contract&text=After%20118%20days%20of%20the,and%20running%20again%20within%20weeks.>

use their work to generate insane profits. The issue lies in US Federal Law, which dictates that freelancers, a kind of worker that comic book creators fall under, cannot unionize.⁸

The reason why this is even more urgent relates to a major contention that spurred the writers and actors strikes of the previous months regarding the use of AI. Notably during those strikes a concern among writers was the potential implementation of AI not only to dilute credit and compensation from their work, but also that their own writing would be fed to the program just to be used to spit out future scripts.⁹ This is a very legitimate possibility for the comic book world. There is over a century of material available spanning thousands of characters and storylines, all of which could easily be fed to an AI software that could then create its own narrative based on what has come before. The danger for artists is even more imaginable. Instead of having to pay out artists who possess physical and mental limitations that inevitably create time constraints, now you could describe a comic book panel in any way you so please and see the artwork generated. Even now, anyone can access free-to-use websites and generate their very own comic book, with the possibility to create something which could have taken weeks for a professional artist.¹⁰ Sure, maybe major titles like “Batman” and “Spider-Man” can avoid this novelty due to their heightened scrutiny and perhaps “prestige,” but based on comic publishers past behaviors, it is hard to imagine a world where they don’t attempt to cut corners where they can.

If the past few months have taught us anything, it’s that the answer lies with a union organization coming to bat for these creators. The median salary for a comic book artist is around \$36,500, but even that number is questionable due to the vastly freelance nature of that job market.¹¹ Contextualized further, it’s not uncommon for an artist to be paid \$2,000 for a 100-page book, which averages out to mere \$2.50 an hour.¹² This is an already underpaid workforce, where it is uncommon to be salaried and even more uncommon to have consistent work.¹³ Furthermore, most artists are only capable of producing 3-4 pages per week when working on a particular book.¹⁴ To now have to face competition from a program that can vastly out-pace them will likely pose an impossible task for the vast majority of this workforce. The overall issue of unionization and workers’ rights has been an ongoing battle in the industry. In 2022, salaried employees at the independent comic publisher “Image” formed a union in order to argue for a variety of rights but focused on safer and better working conditions.¹⁵ While this is a step in the right direction, it is only applicable to salaried employees, who make up a minority of the comic book workforce.¹⁶ The issue of creators being labeled as independent contractors mirrors the

⁸ Ginny Hogan, *Unionizing Freelancers: What Recent Progress Means For The Self-Employed*, FORBES (May 4, 2023), <https://www.forbes.com/sites/ginnyhogan/2023/05/04/unionizing-freelancers-what-recent-progress-means-for-the-self-employed/>.

⁹ Will Bedingfield, *Hollywood Writers Reached an AI Deal That Will Rewrite History*, WIRED (September 27, 2023), <https://www.wired.com/story/us-writers-strike-ai-provisions-precedents/>.

¹⁰ Lance Whitney, *How to create your own comic books with AI*, ZDNET (September 11, 2023), <https://www.zdnet.com/article/how-to-create-your-own-comic-books-with-ai/>.

¹¹ Megan Leonhardt, *How to create your own comic books with AI*, MONEY (November 2, 2017), <https://money.com/how-much-you-can-earn-in-the-comic-book-industry-from-artist-to-ceo/>.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Zach Rabirotff, *AT IMAGE, COMIC BOOK WORKERS UNITED TAKES ANOTHER STEP IN A LONG UNION WALK*, THE COMICS JOURNAL (March 13, 2023), <https://www.tcj.com/at-image-comic-book-workers-united-takes-another-step-in-a-long-union-walk/>.

¹⁶ *Id.*

struggles faced by Uber and Lyft drivers who are stuck without negotiation leverage regardless of what their conditions may be.¹⁷

In the end, it comes down to a broader issue regarding the labor laws in the United States. The comic book industry is one with many ups and downs throughout a century of history, but now AI threatens to not only harm the workforce for good, but the quality of the product being delivered.¹⁸ Seeing as AI can only operate on inputted data, the more a publisher relies on it for their stories, the more said stories will be recycled.¹⁹ This would result in both a diluted product, but watered-down industry as a whole. Honestly, I personally find it surprising how little discussion has been made relating to this issue. Maybe only when the well of comic book source material dries up for big blockbuster movies to base their stories on, we will see a response to reform the protections for these creators. But until then, comic book creators are left in the shadows of celebrations by SAG-AFTRA and WGA guild members, all while the inevitable threat of AI draws nearer every day.

¹⁷ Annabelle Liang, *US court rules Uber and Lyft workers are contractors*, BBC (March 13, 2023), <https://www.bbc.com/news/business-64947695>.

¹⁸ Antony Brydon, *Why AI Needs Human Input (And Always Will)*, FORBES (October 30 2019), <https://www.forbes.com/sites/forbestechcouncil/2019/10/30/why-ai-needs-human-input-and-always-will/>.

¹⁹ *Id.*