Data After Death: Remembrance and Resurrection

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Digital remains of deceased people are raising questions about what constitutes ethical engagement with the dead.

In a recent documentary about the deceased celebrity chef and author Anthony Bourdain, "deepfake" technology was used to produce audio outputs in order to have passages of Bourdain's writings read by what seemed to be Bourdain himself. These artificially generated voice clips were not detectable to most people who watched the documentary, and while they were produced with permission of Bourdain's estate, they were met with widespread criticism (Rosner 2021).

In early 2021, reports surfaced of a university that offered an asynchronous online class using the work of a deceased former faculty member. His recorded lectures were made available to students without indicating that he had died, and instructors graded student work remotely, producing an experience that was indistinguishable, to many students, from one in which the professor himself had taught the course prior to his demise. Nevertheless, students were distressed to discover that their professor was dead, that they could not email him or discuss the material with him had they wanted to, and some found it disrespectful to present him as merely a vehicle for content delivery without acknowledging him as a person. (Chin 2021)

But not all encounters with the digital dead are so troubling. In one story shared in a comment on a YouTube gaming channel, a viewer relayed his encounter with the ghost of his father in an old video game console… "*...we used to play a racing game, Rally Sports Challenge. and once i started meddling around... i found a GHOST. Literaly. [sp] you know, when a time race happens, that the fastest lap so far gets recorded as a ghost driver? yep, you guessed it - his ghost still rolls around the track today. and so i played and played, and played, untill i was almost able to beat the ghost. until one day i got ahead of it, i surpassed it, and… i stopped right in front of the finish line, just to ensure i wouldnt delete it."* (Bowman 2014)

It is tempting to say that what is wrong about the first two cases is that they are deceptive; they conceal from those who interact with these artifacts some important details and falsely represent these people as being in relation to the viewers in ways that they are not. But what counts as deceptive in this context is unclear. Lies by omission or deception by withholding information are tricky because we cannot and should not provide every conceivable detail about a topic; something only counts as deceptive withholding of information if doing so would matter for the audience, so what about these uses of digital remains matters to us?

Contextual and social self-authorship accounts of privacy can each be useful in getting traction on these issues (Nissenbaum 2004, Susser 2016). In the worrisome cases above, contexts are clearly being shifted; the course lectures are detached from the context of *teaching* and repurposed as something more like a textbook; the written words and voice samples of the chef are taken out of their original context and

recombined into a dramatic reading; the self one presents as teacher in a teaching context may be different from that of the textbook author , and Bourdain is not aware of how he is being presented and cannot participate in the self-authoring process as documentary subject, even if his estate consented. But the same is true for the gaming ghost. So what determines appropriate norms of information flow, or guidance for self-authorship, when it comes to digital remains?

One strategy for delineating guidelines for such data is to argue, as Wolf, Grodzinsky, and Miller (2022) do, that digital remains are relevantly similar to human remains, and that database administrators have a duty to delete them just as one might have a duty to bury or cremate human physical remains. Without such restrictions, we run the risk of permitting others to warehouse and repurpose data about us without restriction, effectively, treating our data as fodder for digital data markets as well as presenting difficult questions about who authors machine learning system outputs trained on deceased people's data. But I explore a different possibility, one that leans into Daoist philosophical injunctions about the importance of accepting death's transformative potential, without licensing exploitation of remains.

As Wolf, Grodzinksy and Miller argue, it seems that ethical assessments of cases involving digital reanimation are going to be tricky. The data used to train these systems (voice recordings, chat transcripts, photographs) is plausibly traceable to the person who lived, but in the service of a project to produce *more* and *novel* data *in the style of* the deceased, and style might be predicated on patterns found in a person's data but are a much more interesting and tricky case - harder to quantify as being *that person's,* especially when and because it arises from interactions with *other* things in our environments (including other people). But this is a problem for data about the living, as well. My conversational patterns arise not just from my thoughts and knowledge and beliefs, but from my conversation partners and context.

Rather than try to delineate what parts of a conversation or an interaction are *mine,* I argue that this amounts to missing the forest for the trees. We should give up on the idea that there is utility in a general principle for determining ownership of particular bits of data, before or after death; this is a lesson to be learned from the contextual and social-self-authorship discussions of privacy cited above. Instead, we should be focusing on how data is integrated into different people's lives and experiences, and how what we think about death should guide the kinds of integration that are good to aim at versus resist. Here I take inspiration from the classical Chinese philosopher Zhuangzi's work; our selves disintegrate after death and go on to be incorporated into new entities and this changes but does not eliminate what it means to care about the deaths of loved ones.

As Zhuangzi puts it, our bodies will be broken down and transformed into many different things after death. Rather than dread this, a stubborn resistance to our own natures, we would do better to embrace our ongoing transformations than deny our fate, which is to be broken down and reconstituted into myriad things simply in virtue of being mortal (Elder 2014). If this is true of our very bodies then seems possible to extend this attitude toward our data as well. It, too, although intimately connected to us while we live, can go on to be disaggregated and reintegrated into new entities, new stories, after we die, and this is to be embraced and even celebrated rather than feared. In fact, given that we just *are* the sorts of creatures who come together for a while, and then go on to recombine in new ways for the rest of the universe, valuing each other should include valuing this feature of our mortality.

This is where the work of both contextualist and social self-authorship theories of privacy are usefully brought into conversation with Zhuangzi's concerns; we have reason to protect information flow norms

within contexts, and to protect people's ability to self-author themselves to others. Doing so redirects us to norms about how to use people's data that we already have in place, or which can be fruitfully constructed in the interest of developing and sustaining contexts that help us to engage with death in ways that support human values. In particular, we can f honor the people who have been important to us, and parts of our lives, just as Zhuangzi paused at his friend's funeral mound to remember the conversations that were only possible
between the two of them. Remembrance can matter even when we embrace the mortality of those we care about, and the fact that their remains, digital and otherwise, go on to be incorporated into the endless mix and flow of the transforming universe. In fact, memories of people by those who cared about them are among the many ways in which aspects of people can persist after death. Creating contexts where remembrance is welcome is part of the work of people interested in an ethical society.

But resurrection, on this Zhuangzi-inspired account, is problematic because overlooking that the dead are no longer participants in authoring the stories of their lives is ethically significant, treating them as mere objects rather than subjects. It says something bad about us when we treat people's own role in telling stories about themselves to be insignificant in understanding them. As Zhuangzi cautions us about our oversimplistic views on life and death, to use AI to 'resurrect' rather than *remember* is to deny the mortality of those we love, and hence not to love them for who and what they really are.

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