

## TECHNOLOGY TODAY

### ARTIFICIAL INTELLIGENCE

# When Death Is Not the End: AI as Life Extension...?

By Katherine B. Forrest

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In a complex world, one truism has always been that two things in life are certain: death and taxes. I am not sure anyone takes great comfort in either event – but the proposition has been more or less incontestable. Until perhaps now.

AI is changing what it *means* for a person to die – not (yet, at least) by preventing the ultimate moment of the body passing from a breathing, blood pulsing, body full of replicating cells.

Instead, a variety of AI tools that are available today (and many still in development), seek to take the concept of cryonics (or freezing some or all of a deceased person's body in a different direction) and save their *personality*.

There have been non-AI versions of this with recording technology allowing terminally ill parents to leave messages for their children; or spouses to leave videos to be watched on designated occasions.

While this may have blurred the line some, the deceased can say nothing new; he or she

cannot answer new questions or participate in as yet to come events. AI tools that can generate images, voice and text of the deceased are changing this.

In the television series “Upload”, the main character's consciousness is uploaded into an idyllic if complex nether world – where relationships with other uploaded characters can be formed, social existence can continue, and even arrange visits with the living.

The AI tools under development span from what are essentially chatbots trained on a corpus of material relating to a particular person's life (say, diaries, recordings, home videos, letters, even interviews with the person or loved ones) to more sophisticated humanoid type robots made to physically resemble the deceased.

In either scenario, questions are able to be asked of the “deceased”, and answers given; as with chatbots, conversations can be geared towards the particular personality of the deceased.



Katherine B. Forrest



There are significant ethical and psychological questions surrounding the creation of a proxy for a deceased person: will one who may need to mourn, be able to mourn?

Will a living griever become psychologically dependent on an artificial instance of the deceased, and face another “death” if a subscription runs out, or at some point the griefbot is turned off or decommissioned, or whatever the right word would be?

And how about the rights, if any, of the deceased? Right to publicity and name and likeness issues extinguish or change hands.

What if the holder of any remaining rights is the possessor of the griefbot itself – and the griefbot then moves in the world either through voice, text message or physical presentation, in a way that the deceased would not have wanted or is not in fact truly representative of his or her true “self”.

There are a number of ways that the deceased already touch the living today. Wills and trusts with stipulations and requirements can place a stamp of approval or rejection by the dead on the living.

But yet, all of that was done before the dead were in fact dead. Could a proxy for that person in the form of an AI model, loaded with all of his

or her available data, possibly replicate the depth and nuances of the wishes of the deceased?

I know that I don’t want my children or wife to be talking to an incomplete version of me after my death. What if that bot says something I would totally disagree with but a loved one, in their grief, cannot distinguish an incorrect response from a correct one, and follows it?

What if there is “model drift” in my AI bot and it starts to act like someone else over time who does not share my values; what if someone hacks into my bot and convinces my loved ones to spend money in ways that are irresponsible? What if my family just feels like it’s somehow disrespectful to turn me off or terminate my “subscription”?

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For some, the relief of having access to the synthesized content from a person’s life that can talk back might provide critical comfort; there could be a time limit known from the outset that would give the mourner the ability to have a slow winding down – and the bot might be architected to assist with that process.

Everyone experiences grief differently and there is no right or wrong to the question of whether such AI tools should exist – they do and they will. It is for every person to ask themselves (before they are deceased) whether they want to make a statement in their will about such a creation; or whether they want to have access as a mourner to such a product.

The legal implications of griefbots are unknown. First, accumulating the corpus of materials that are ingested by the AI model to create a personalized griefbot can implicate intellectual property rights of various sorts.

It may be that the owner or inheritor of any copyrights is the one who wants to use them for this purpose; or it could be that it is someone without those rights (a sibling, a child, a friend, a life partner).

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It might also be the case that if the deceased had writings that were published, or segments of video/audiotape that were made by a third party, the copyrights might reside in a third party.

There is also a lack of regulation over “digital remains” – who has the right to create a griefbot? Can anyone? If a friend creates one, can that friend disseminate publicly statements that the griefbot has made?

What if the deceased was political: can political statements be made by a third party (a friend) after death on behalf of the deceased? Who has the free speech rights there? Can a spouse or child assert ownership of all rights to the griefbots’ statements? (This puts to one side whether there could be multiple griefbots of the same deceased made by multiple people).

It is possible that a griefbot could have something to say about the disposition of his or her

wealth after death; a statement about whether a will contest should be decided one way or the other; views on how charitable gifts should be made and trusts handled.

Imagine that grandchild Johnny wants to use a trust fund for a new car and the griefbot grandmother is asked if that is a good use – and the griefbot says no...or yes... should its views be given any weight at all?

And what about claims that there is an intentional infliction of emotional distress from griefbots gone rogue? Is this possible? What if a griefbot created for a family advises children in a way that the living parent finds unacceptable and harmful?

Who bears responsibility if the bot was trained on the corpus of the deceased’s accessible digital footprint, but continues to learn as it is asked questions and perhaps fed new material over the years? Disclaimers, warranties – all of these are yet to be considered and drafted.

As we are learning with all AI technology, there are new developments all the time. This might also mean that what appears to be a low tech griefbot/chatbot today could be considered to have some consciousness at some point in the future.

That seems far fetched – but so would griefbots in 1980. It’s something worth considering before you launch down a road that could have an indeterminate duration with unknown twists and turns.

At the end of the day, and putting aside taxes, there is now life, death, and something else. AI has added to the menu of what that “something else” might be.