Chatbots that resurrect the dead: Legal experts weigh in on 'disturbing' technology

March 2 2021, by Edina Harbinja, Lilian Edwards and Marisa McVey

Credit: AI-generated image (disclaimer)

It was recently revealed that in 2017 Microsoft patented a chatbot which, if built, would digitally resurrect the dead. Using AI and machine learning, the proposed chatbot would bring our digital persona back to life for our family and friends to talk to. When pressed on the technology, Microsoft representatives admitted that the chatbot was

"[disturbing](#)", and that there were currently no plans to put it into production.

Still, it appears that the technical tools and [personal data](#) are in place to make digital reincarnations possible. AI chatbots have already passed the "[Turing Test](#)", which means they've fooled other humans into thinking they're human, too. Meanwhile, most people in the [modern world](#) now leave behind enough data to teach AI programs about our conversational idiosyncrasies. Convincing digital doubles may be just around the corner.

But there are currently no laws governing digital reincarnation. Your right to data privacy after your death is far from set in stone, and there is currently no way for you to opt out of being digitally resurrected. This legal ambiguity leaves room for [private companies](#) to make chatbots out of your data after you're dead.

Our [research](#) has looked at the surprisingly complex legal question of what happens to your data after you die. At present, and in the absence of specific legislation, it's unclear who might have the ultimate power to reboot your digital persona after your physical body has been put to rest.

[Microsoft's chatbot](#) would use your electronic messages to create a [digital reincarnation](#) in your likeness after you pass away. Such a chatbot would use [machine learning](#) to respond to text messages just as you would have when you were alive. If you happen to leave behind rich voice data, that too could be used to create your vocal likeness—someone your relatives could speak with, through a phone or a humanoid robot.

Microsoft isn't the only company to have shown an interest in digital resurrection. The AI company [Eternime](#) has built an AI-enabled chatbot which harvests information—including geolocation, motion, activity,

photos, and Facebook data—which lets users create an avatar of themselves to live on after they die. It may be only a matter of time until families have the choice to reanimate dead relatives using AI technologies such as Eternime's.

If chatbots and holograms from beyond the grave are set to become commonplace, we'll need to draw up new laws to govern them. After all, it looks like a violation of the right to privacy to digitally resurrect someone whose body lies beneath a tombstone reading "rest in peace".

Bodies in binary

National laws are inconsistent on how your data is used after your death. In the EU, the [law](#) on [data privacy](#) only protects the rights of the living. That leaves [room for member states](#) to decide how to protect the data of the dead. Some, such as [Estonia, France, Italy and Latvia](#), have legislated on postmortem data. The UK's [data protection laws](#) have not.

To further complicate matters, our data is mostly controlled by private online platforms such as Facebook and Google. This control is based on the terms of service that we sign up to when we create profiles on these platforms. Those terms fiercely protect the privacy of the dead.

For example, in 2005, [Yahoo! refused](#) to provide email account login details for the surviving family of a US marine killed in Iraq. The company argued that their terms of service were designed to protect the marine's privacy. A judge eventually [ordered](#) the company to provide the family with a CD containing copies of the emails, setting a legal precedent in the process.

A few initiatives, such as [Google's Inactive Account Manager](#) and [Facebook's Legacy Contact](#), have attempted to address the postmortem data issue. They allow living users to make some [decisions](#) on what

happens to their data assets after they die, helping to avoid ugly court battles over dead people's data in the future. But these measures are no substitute for laws.

One route to better postmortem data legislation is to follow the example of organ donation. The UK's "opt out" organ donation law is particularly relevant, as it treats the organs of the dead as donated unless that person specified otherwise when they were alive. The same opt out scheme could be applied to postmortem data.

This model could help us respect the privacy of the dead and the wishes of their heirs, all while considering the benefits that could arise from donated data: that data donors could help save lives just as organ donors do.

In the future, private companies may offer family members an agonizing choice: abandon your loved one to death, or instead pay to have them digitally revived. Microsoft's chatbot may at present be too disturbing to countenance, but it's an example of what's to come. It's time we wrote the laws to govern this technology.

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