

DIGITAL IMMORTALITY AND TECHNOLOGICAL REANIMATION

THE NEW FRONTIERS

SERIES - 1 / ARTICLE - 8
OCTOBER 20, 2022



By **Jeffrey Brochin, Esq.**

GreenPoint>
ESR

EXECUTIVE SEARCH AND RECRUITMENT

william.anderson@greenpointglobal.com | pranav.menon@greenpointglobal.com
International Corporate Center, 555 Theodore Fremd Avenue, Suite A102 Rye, NY 10580
www.gpesr.com

Is Elvis dead? Is President Kennedy? What about the Rev. Dr. Martin Luther King? Or Bruce Lee? Corporeally speaking, yes, they have all been returned to the Earth from whence they came. But their images remain stored away in Hollywood and newsreel film vaults, and now, on digital media.

And it is this combination of celluloid images coupled with the latest Computer-Generated Imagery (CGI) technology that has made actors and other celebrities 'digitally immortal'. Aside from the sentimental value of seeing 21st Century entertainment releases featuring our favorite—yet decades' deceased—actors and actresses, the reanimation business is reaping a windfall for producers and advertisers and creating a 'lively' practice area for lawyers.

The Impulse for Immortality

The concept of Resurrection of the Dead is found in many religions and would appear to provide an assurance—or at least a hope and a prayer—that our allotted years in this lifetime by no means makes up our entire existence. Whether continuing in an Afterlife or being resurrected to resume living in this world, the need to somehow achieve immortality 'after death' is a desire, and perhaps obsession, of humankind. Although the term 'immortality' has been applied to leaders, discoverers, and inventors based on the ideas, works, and inventions left behind by those deceased, the ability to connect far more intimately with the deceased—and to even engage in a communication exchange with them—is the focus of emerging CGI technology.

Was It Ever Real?

When you think about it, almost all of our entertainment experiences throughout life have been 'fake' unless you happened to have attended a live theater performance or a live concert where living, breathing performers performed. If not, all you saw then, and will see now, are images quickly blinking on a screen (big screen, TV, or personal gadget) accompanied by pre-recorded sound. And, even if you view real-time digital podcasts or 'live' concerts, the medium of

communication is still electronic only.

However, by employing CGI, the performer who is no longer alive to be filmed on set can still 'appear' by having his or her image reanimated so as to present not just the movement and the voice of the performer but interaction with any context the producer and animator desire. It is this technology that allowed us to see the late Bruce Lee 'appearing' in an ad for Johnnie Walker Blue whiskey—looking very much alive.

From Imagery to Intellect

Yet, CGI offers the prospect of a leap forward from one-way communication coming from the digital undead to an actual two-way social intercourse with them. Using AI technology, it is not just the appearance, movement, and voice of the deceased that we can engage with; rather, an intelligent, interactive experience can be achieved. AI technology now goes well beyond the audio-visual to the intellectual and emotional.

In various museums worldwide, visitors can not only view a well-animated, quite life-like hologram of a deceased historical figure but also ask 21st Century questions and receive the person's instantaneous answer based on what the huge assemblage of

Executive Summary

> The Issue

What are the moral, ethical, legal, and psychological ramifications of utilizing CGI technology to achieve immortality through digital reanimation?

> The Gravamen

CGI-AI technology now allows our audio, visual, and social media records to be manipulated into an animated composite which can then be presented as a posthumous continuation of ourselves, but the digital reanimation will never be the same as the true persona of the deceased person.

> The Path Forward

Since digital reanimation addresses some individuals' emotional needs and offers staggering commercial opportunities, a framework must be found that holds regard for maintaining the honor of the deceased over a cheapening of their lives.

accumulated data on the person says their thoughts would be on the subject. One such well-known and highly perfected example of this is at the Illinois Holocaust Museum, where children can query a now-deceased Holocaust survivor on such curiosities as to ‘why didn’t your sisters run away with you?’ which elicits the response ‘it was an impossibility...there was no way they could have run.’

Digital Necromancy

Beyond entertainment or enhancing the educational experience, there is another market for CGI that has met with some criticism, and that is the notion of ‘digital necromancy’, or communicating with the dead. Forget the image of a 42nd Street psychic medium conjuring up old dead husband Homer in a darkened room via a few knocks on the table accompanied by a cool gust blowing a lace curtain. The idea here, as with the museum holograms, is that the dead of one’s family can not only appear but also hold a real conversation. To do so, the files comprising the digital undead had to have been carefully crafted from volumes of social media and other sources used to complete the—everlasting—psychological and emotional composition of the deceased person.

But critics charge that this raises moral issues. No matter how good the reanimation, ultimately, the digitizers are altering the real persona of the person. The hologram cum database will remain just that—the audio and visual digital record of the person newly processed through AI—but never the person himself or herself. And the effect of all of this on surviving family members? The

debate is ongoing, but some counselors in the field of mourning and grief point to the lack of closure and the resistance to moving on from the loss that can result from staying so intimately connected with such digital-human interfacing.

‘Deleb’ Dilemma

Dr. Denver D’Rozario has authored various academic papers on the topic of the posthumous celebrity of now-deceased celebrities whom he refers to as ‘Delebs’. In his writings, he explores the issue of whether special effects studios and others are attempting to ‘play God’ with their digital resurrections, and he questions the ethical and moral implications of the celebrity reanimation industry, which has now generated in excess of \$1 billion from celebrity CGI earnings.

Other Ethical and Legal Concerns

Cited as one example of irresponsible CGI exploitation of the deceased is the Bruce Lee—Johnnie Walker reanimation ad. If, as variously reported, Bruce Lee didn’t approve of alcohol consumption while alive, then the mere association of him with the promotion of a brand of whiskey seems unethical at best. Honoring the memory of a hero is one thing, but cheapening and disrespecting the person’s moral compass via unlikely associations after death, is quite another.

Albert Einstein gave clear instructions that not only his writings but all images of him be owned by the Hebrew University of Jerusalem, which strictly enforces its copyright, and licenses everything from his name to the iconic image of the physics

Action

1 Posthumous Considerations

Consider what makes up your digital self and how you wish to have that accumulation—and the accounts they reside on—handled after your death.

2 Impact on Survivors

Think not just of your own need for ‘immortality’ but also of the impact will be on your loved ones if an AI-rendered version of yourself becomes your legacy.

3 Consultation

Discuss reanimation with a psychologist specializing in grief counseling and/or with a theologian before making the decision to have an AI-rendering of yourself conjured up at will by family members.

4 Estate Planning

Whether your decision is to absolutely forbid reanimation of yourself after death or to allow it in any form, or even commercialization of your digital self, your estate planning should include a reference to what your intentions are.

professor sticking his tongue out. More recently, the late actor Robin Williams directed that neither his image nor any likeness of him (including as a digital Mrs. Doubtfire or as a hologram comedy performance) is used until 25 years after his death. Conversely, many celebrities are bequeathing their digital and social media selves for posthumous CGI exploitation so that their estates may continue to reap revenues from such digital immortality.

But what happens to a person's social media accounts and other digital manifestations after death is not just a question for celebrities. Facebook, Twitter, and other social media

platforms now have policies by which the user can leave instructions as to their social media account after death or which allow family members of a deceased user to control the account, possibly turning it into a memorial for the deceased.

Perhaps rather than worrying about how we will achieve immortality via bits and bytes of data projecting our look, sound, and even thoughts after death, it would be better that we focus on achieving immortality via the good deeds that we accomplish during our lifetimes, and the achievements we leave behind to make the world a better place.



Further Reading

1. <https://www.wired.co.uk/article/james-dean-dead-actors-rights>
2. <https://dl.acm.org/doi/fullHtml/10.1145/3184558.3191606>
3. <https://www.theguardian.com/culture/2015/apr/10/bruce-lee-audrey-hepburn-ethics-digital-necromancy>
4. https://www.researchgate.net/publication/250174231_The_Use_of_Dead_Celebrities_in_Advertising_and_Marketing_Balancing_Interests_in_the_Right_of_Publicity
5. <https://www.hornecoupar.com/insights/social-media-and-death-the-immortality-of-cyberspace/>





Jeffrey Brochin, Esq.

GREENPOINT STAFF COUNSEL AND
CONTENT EDITOR

After receiving his Juris Doctor degree from The John Marshall Law School in Chicago, Mr. Brochin served as an Administrative Law Judge with the Illinois Department of Labor for six years where he presided over cases dealing with job separation issues and matters pertaining to contested Unemployment Insurance claims. He also co-wrote the agency's administrative rules, and periodically served as a 'ghost writer' for Board of Review decisions.

Following that position, he was Director of Development for a Chicago-area non-profit college where he was responsible for High Net Worth donations to the institution. For the next eighteen years he practiced as a solo practitioner attorney with an emphasis in the fields of Real Estate law and Commercial Contracts transactions, and was an agent for several national title insurance agencies.

In 2003 he was recruited to head up a U.S. title insurance research office in Israel, a position he held for four years, and between 2007-2017 he participated in litigation support for several high-profile cases. He has taught Business Law as a faculty member of the Jerusalem College of Technology, and has authored a wide variety of legal White Papers and timely legal articles as a professional legal content writer for GPL clients. Separate from his legal writing, he has co-authored academic articles on Middle East security topics that have been published in peer-reviewed publications.



William H. Anderson, Esq.

MANAGING DIRECTOR

William Anderson is Managing Director and Head of Law & Compliance. He leads the GreenPoint practice in providing regulatory, legal, and technology solutions to law firms, legal publishers, and in-house law departments around the world, overseeing our team of experienced US attorneys and data and technology experts. Will has over 25 years of experience working with corporations to improve the management of their legal and corporate compliance functions. Will began his legal career as a litigator with a predecessor firm to Drinker, Biddle LLP. He then served as in-house counsel to Andersen Consulting LLP, managing risk and working with outside counsel on active litigation involving the firm.

Will has leveraged his legal experience interpreting regulations and appearing before federal (DOJ, SEC, FTC) and state agencies (NYAG) to oversee research and other areas at Bear Stearns. In this capacity, he counseled analysts on regulatory risk and evolving compliance requirements. Will also consulted on the development of a proprietary tool to ensure effective documentation of compliance clearance of research reports. Will then went on to work in product development and content creation for a global online compliance development firm pioneering the dynamic updating of regulated firms' policies and procedures from online updates and resources. Will holds a Juris Doctorate with High Honors from the Washington University School of Law in Saint Louis and is admitted to state and federal bars. He lives in Pawling, NY, with his wife and daughter.



Sanjay Sharma, PhD
FOUNDER AND CHAIRMAN



Pranav Menon, Esq.
LEGAL RECRUITMENT MANAGER
AND DATA PRIVACY SPECIALIST –
LAW & COMPLIANCE | GPESR

GreenPoint> ESR

About GreenPoint Executive Search and Recruiting

- › Founded in 2001, GreenPoint Global offers a blend of proprietary technology and US-trained lawyers to provide advanced legal solutions to our clients. As part of GreenPoint Global, the GPESR team draws upon a deep knowledge base across multiple disciplines including Legal, Publishing, IT, Finance, and numerous other industries.
- › By virtue of our unique methods and a proven history of providing top-tier legal services to our clients, the GPESR team is capable of supporting a diverse client base both in the US and globally. From solo practitioners to AmLaw 100 firms, legal publishers, Fortune 1000 companies, and in-house law departments, our team offers legal staffing solutions to suit any business needs. GPESR provides skilled attorneys in either permanent placements or temporary contracts through a selective recruiting process. Adherence to quality, value, and flexibility are hallmarks of our offerings.
- › Ensuring privacy and security of client data is a critical component of our business. GreenPoint has instituted rigorous physical, administrative, and technical safeguards to protect the integrity, security, and privacy of client data, all of which comply with the most stringent US and global standards and regulations.

GreenPoint> Law & Compliance

About GreenPoint Law & Compliance

- › GreenPoint Global was founded in 2001 and since that time has faithfully served an expanding roster of clients. GreenPoint leverages a unique combination of US-trained attorneys and proprietary technology to deliver a unique offering of skill and flexibility to meet client needs.
- › Our core team of experienced US attorneys is based in Israel and works US hours. The breadth of experience of our attorneys ensures high-quality, cost-effective results across a wide range of legal, compliance, and regulatory matters.
- › GreenPoint's methodology and proven track record of achieving client objectives has resulted in a broad base of clients in the United States, ranging from Fortune 500 insurance companies to solo practitioners, law firms, in-house law departments, and legal publishers. GreenPoint attorneys are selectively recruited and deployed based on possessing demonstrable subject matter expertise covering a broad spectrum of substantive US laws and regulations. The work product of our attorneys is thoroughly vetted internally before delivery to the client. Adherence to quality, value, and flexibility is at the core of our foundation.

