



THE LEGAL STATUS OF MULTIPLE REVIVED VERSIONS OF A PERSON

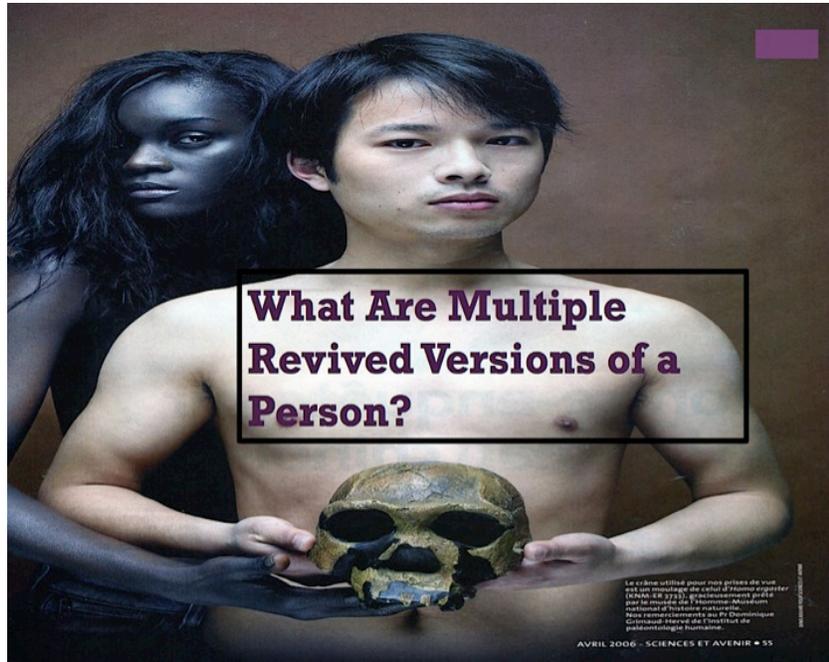
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Martine Rothblatt contemplates manners in which the legal system will accommodate multiple versions of our future selves, be it a single or multiple versions or across multiple substrates of the originating, conscious person.

Keywords: Legal, multiple, future, selves, versions, substrate, conscious, consciousness, embodied, instantiation, nanotechnology, nanotechnological, virtual, software, identity, birth, death, law, declared, ectogenetics, ectogenetically, born, revive, cyber-ectogenetics, 2B, James Remar, Kevin Corrigan, Jane Kim, The Singularity Is Near, Ray Kurzweil, Pauley Perrette, brain, irreversible, cessation, brain function, biostased, biostasis, mindfile, mindware, dead, mechanical heart, mechanical brain, mannerisms, personality, recollections, feelings, beliefs, attitudes, values, death certificate, survival, mind, reality, neuron, synchronized, colloquially, soul, psychological testimony, legal identity, birth certificate, beingness, nunc pro tunc, Barack Obama.

The first question that we need to ask is: “What are multiple revived versions of a person?” In my opinion, the multiple revived versions of a person do not require each version to look the same. In the picture below you see two revived versions of a single person and they look somewhat different. Perhaps there are even three revived versions of a person in this picture.



Credit: Avril 2006 ● Sciences Et Avenir ● 55
<http://www.hominides.com/html/references/histoire-homme-sciences-avenir.php>

My point is that the person IS their consciousness and this consciousness can be embodied in different bodies by being downloaded into different bodies, each of which are created from stem cells of somewhat different DNA resulting in a different phenotypical appearance. It's also possible for the instantiations of a person to involve no flesh at all. Their minds could be downloaded into a nanotechnological shape or form. It's also possible for their mind to operate completely virtually within a software substrate. Multiple versions of a person mean multiple instantiations of the same identity, of the same general consciousness, which is the topic of this article.

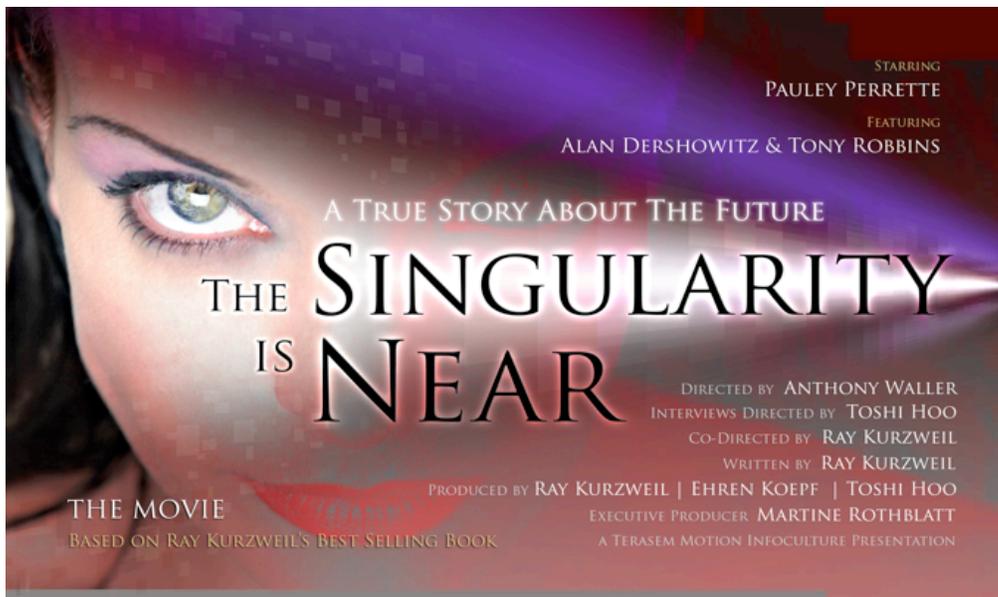
I'd like to address the legal status of multiple versions or revived versions of a person, which may depend on legal definitions of birth and death. If an individual has been declared legally dead, then the revived version of such an individual could be deemed to be a new person. By law, a new person can arise only from being born, but maternal birth is not the only way to be born. Most, if not all revived versions of people will be born ectogenetically, meaning outside of a placental womb. For example, a revived version of someone born inside of a computer system is someone born via cyber-ectogenetics. People can also be born as revived versions via download of their mind into stem cell regenerated bodies; this is another form of ectogenetics. This method of birth was demonstrated in the films *2B* [Rothblatt et al 2009]¹, starring James Remar, Kevin Corrigan and Jane Kim and *The Singularity Is Near* [Rothblatt et al., 2010]², starring Ray Kurzweil and Pauley Perrette.

¹ Rothblatt, Martine (Executive Producer), Nadler, Eric (Producer), & Kroehling, Richard, Director. [2009] *2B*. United States: Transformer Films in association with Terasem Media and Films.

² Rothblatt, Martine (Executive Producer), Kurzweil, Ray; Koepf, Ehren; and Hoo, Toshi (Producers), & Waller, Anthony (Director). [2010] *The Singularity Is Near*. United States: Terasem Motion Infoculture.



Credit: <http://www.2bmovie.com/presskit.pdf>

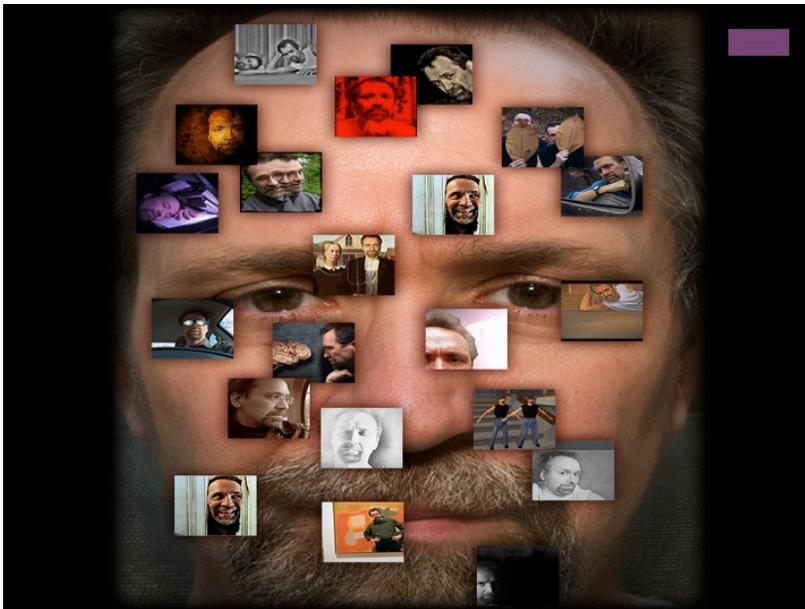


Credit: <http://www.teraseminfoculture.com/home.html>

On the other hand, death means the irreversible cessation of all brain function. If one's upper brain functions, such as their consciousness is not actually halted, but instead only biostased in a mindfile and later awakened in an android body with future mindware that is true to their pre-biostasis consciousness, we might conclude that such a person was never dead at all. Since their most important upper brain functions were

not irreversibly ended, but instead have come back, they never really died. Just like a person with a mechanical heart is still alive, why should a person with a mechanical brain not still be deemed alive? The mechanical heart still conducts a person's blood and a mechanical brain can still conduct a person's mannerisms, personality, recollections, feelings, beliefs, attitudes and values. In this case, perhaps instead of the revived person being thought of as being born, we should instead simply tear up their death certificate and agree that they had actually never really died.

Whether the revived person is alive because their death certificate was invalidated or is alive because they have been issued a fresh birth certificate, the result should not be any different for more than one version of the revived person. Each of us contains multiple versions of ourselves within a singular identity. We certainly do not feel we have the same mind we had twenty ago and, in fact, many of our thoughts, feelings and memories are quite different from even twenty days ago. Nevertheless, there is a constancy to our identity that is enormously useful for our sanity and our survival. This constancy of our identity is no less useful if our mind, in parallel, is processing reality via more than one instantiation as opposed to processing reality within a single skull via more than one set of neurons.



It is sometimes said that no matter how well multiple instantiations of ourselves might be synchronized, they would soon each develop unique experiences and feelings and thus become separate people and identities. I disagree because even within a single brain, if I may poetically say, even a well-synchronized brain within a single, well-synchronized skull, we maintain multiple, conflicting experiences and feelings, but we still maintain the fiction of a singular, constant identity. We often say, colloquially, that we are of "two minds". We are often torn between our heart and our soul or our heart and our mind. More commonly we simply say, "I can't make up my mind". None of these processes make us less a singular identity. Just because these same

processes occur across multiple revived versions of ourselves would also make us no less of a singular identity.

There will of course, be instances in which some continuers of a revived person do not wish to continue as that person's legal identity; they desire a new identity for themselves. This should not surprise us. After all, notwithstanding every marrying couple, swearing before God to stay together in sickness and in health, until death do us part, half of them split apart within one to two years. People may have the best intentions to be as one, but then decide to be other than as one; that's okay. That is what we have the legal system for; to adjudicate claims, often with the guidance of expert psychological testimony. In our case, as discussed in this article, if one of the revived versions of a person wanted a separate, legal identity they would seek that status through the legal system. Their legal representative would obtain expert psychological certifications that such individual was sufficiently differentiated from their predecessor's identity as to constitute a new person. In this case they would probably be given the equivalent of a birth certificate.

Perhaps there would be a new category of coming into beingness; something called a beingness certificate. It's also quite possible that such differentiation of multiple revived versions of one's self into more than one legal identity could be instigated by one revived version of one's self against another; a self-destructive version of themselves. Just like we have "no fault" divorce, we could have "no fault" differentiation into multiple legal identities. Once again, the topic of legal identity for multiple revived versions of one's self is not really different in nature from spouses wanting to divorce or deciding to stay together for life, or even some children suing to be separated from a seriously dysfunctional parent, or the alternative of a child deciding to remain the child of a parent for their entire life.

In summary, I believe the legal system is flexible enough to accommodate multiple revived versions of ourselves. This may be accomplished with new birth certificates for birth via ectogenesis, or the invalidation *nunc pro tunc* (retroactive) of death certificates, or new beingness certificates. There are many family law analogs for multiple versions of a person to separate into unique legal identities however; I suspect that the vast majority of the time, multiple revived versions of one's self will want to remain as a singular, legal identity. To do so enables one person to experience more of the fullness of life, to enjoy both the novelty of youth and the wisdom of age, to be in more than one place at a time, to multiplex experiences as described so well by Ray Kurzweil [Kurzweil, 2005]³.

You can already see the beginnings of this today with our multiple instantiations of multiple social networking websites, talking on the phone while we shop, texting with one person while we eat with another; this is natural. As said by candidate Barack Obama, "A president needs to be able to do more than one thing at a time (Obama, 2008)⁴." So does a person. Having multiple selves makes it all that much easy to do.

³ Kurzweil, Raymond. [2005] *The Singularity Is Near: When Humans Transcend Biology*. London, England: Viking Penguin.

⁴ Stein, Sam. [2008, September 24]. Obama And Democrats Call McCain's Bluff. Huff Post. Retrieved from http://www.huffingtonpost.com/2008/09/24/senate-dems-call-mccains_n_129009.html

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