

## Chapter 6

# Mindclone Technoselves: Multi-Substrate Legal Identities, Cyber- Psychology, and Biocyberethics

**Martine Rothblatt**  
*Terasem Movement Foundation, USA*

### ABSTRACT

*Ethical issues arise with respect to a digitized analog of a person. Such an analog exists when a person transfers an adequate quantity of digitized memories into a database coupled to software capable of discerning, and reproducing, a close facsimile of the person's apparent consciousness, including personality, mannerisms, recollections, feelings, beliefs, attitudes, and values. This chapter refers to such a digitized analog of a person as a "mindclone." The requisite software to create a mindclone is called "mindware," and the database upon which mindware operates is called a "mindfile." The purpose of this chapter is to assess two issues with respect to the ethical boundaries and cyber-psychological precepts for mindclone technoselves. First, is the legal identity of the mindclone separate from, or unified with, the identity of the biological original? Second, how does traditional bioethical analysis of biomedical actions toward people morph into a biocyberethical analysis of biomedical actions toward mindclones?*

### INTRODUCTION

To parse the legal identity of a mindclone it is necessary to begin with an agreed upon source of authority for claiming identity. In general, society accepts a claimant of identity as determinative of such a "law-abiding and civilized member" (Koestler, 1967, p. 243). Ultimately, the source

of authority for claiming identity is a government entity responsible for providing documentation of identity (Harbitz & Boekle-Giuffrida, 2009). This may be a department of vital records, or in some cases, a judge's ruling. In cases of ambiguous psychological identity the testimony of appropriately certified psychologists will generally be determinative (Federal Rules of Evidence, 1999).

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The chapter explains why it will be necessary to certify a specialization in cyber-psychology as mindclones arise. Cyber-psychological determinations of mindclone identity will go well beyond standard descriptions of and variations upon the brief, “conversational” Turing Test of artificial consciousness (Turing, 1950, p. 441). A reasonable model is the year long psychological certification protocol known as the “real life test” required of individuals who desire a surgical change of sexual identity (Standards of Care, 2001).

The chapter will explain each of several legal identity outcomes from a cyber-psychological assessment protocol. There is the possibility that a single legal identity will transcend both a biological and cybernetic substrate. If this is not successfully achieved, there is the possibility of unique legal identities that are associated with each of the biological original and the mindclone. Finally, it is possible that the purported artificial consciousness based in cybernetic substrate will not be deemed to have successfully manifested the prerequisites of human sentience. In this third case, there are a number of non-identity sub-possibilities ranging from that of an automaton to that of pet-like or wild-animal sentience.

There is no experience with applying the principles of bioethics to multi-substrate technologized identities. The bioethical principles of autonomy, beneficence, nonmaleficence and justice must be reconsidered when applied to technoselves for whom consent, intentionality, harm and fairness will often have meanings that differ from humans not transcended with technology. In this chapter the standard principles of bioethics will be evolved to a set of cyberbioethical precepts that have greater traction with technologized identities.

This chapter relates to the discipline of psychology by illuminating concrete issues of identity and ethical responsibilities that will apply to technoselves, while complimenting philosophical analyses within the field of consciousness studies. Similarly, this chapter may provide an ethical framework for discussions focused on the willing-

ness, ability and regulatory freedom of people to technologize their bodies and minds. Ultimately, by documenting the specific pathways to legal identity, and the applicable guidelines for ethical treatment, this chapter makes an important contribution to the personification of a technoself.

## BACKGROUND ON THE NATURE OF IDENTITY

While identity may seem the most obvious of concepts—I am I and you are you—it has in fact been problematic for philosophers to arrive at a logically consistent definition (MacDonald, 2003). In the first instance the unique personality and memories that we associate with a person’s identity are, in fact, continually in flux (Kolak, 2004). None of us are the people we were as children. Indeed, even from day to day our memories differ, and in subtle ways so do our beliefs, attitudes and values. It can also be observed that much of what a person thinks and even how they behave is incorporated from interactions with other people. Hence, identity can latch onto neither an unchanging self, nor even a self as fully distinguished from other selves.

As Naam (2005) observes:

*Neurotechnology doesn’t radically alter the nature of identity—it just brings some of the limitations of the idea into starker relief. The reality is that we’re constantly changing. Every experience we have alters us—intellectually, emotionally, neurobiologically. (p. 59)*

One attempt to rescue identity from this miasma is to consider it a characteristic pattern of thoughts and feelings. However, this semantic sleight of hand really just moves the ambiguity from specific sets of memories and thoughts to undulating patterns of the same. It does nothing to deny the fact that the patterns that characterize us some times of our lives differ from the patterns at other times, and that at all times the patterns

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