

# Perhaps we should honor victims by not honoring them at all

🕒 Feb 24, 2017

📌 Save This ()



Courtney Gabrielson

Nonmember Contributor

(/about/person/0011a00000DIK6nAAF)

Another tragedy, another listicle of victims, another knot in my stomach. Since I've become a privacy professional, something about them just doesn't **feel** right.

Maybe you know what I'm talking about. If you don't, context: news organizations like BuzzFeed have taken to publishing a list of victims after a newsworthy tragedy. They have been for years, unquestioned. There's one for the [San Bernardino shootings](https://www.buzzfeed.com/maryanngeorgantopoulos/victim-of-san-bernardino-shooting-remembered-as-wonderful-an?utm_term=.myDX2weEa#.imxgeYNyX) ([https://www.buzzfeed.com/maryanngeorgantopoulos/victim-of-san-bernardino-shooting-remembered-as-wonderful-an?utm\\_term=.myDX2weEa#.imxgeYNyX](https://www.buzzfeed.com/maryanngeorgantopoulos/victim-of-san-bernardino-shooting-remembered-as-wonderful-an?utm_term=.myDX2weEa#.imxgeYNyX)), the [Pulse Nightclub massacre](https://www.buzzfeed.com/stephaniemcneal/orlando-shooting-victims?utm_term=.dxo7qN9mB#.bvAlMRVxX) ([https://www.buzzfeed.com/stephaniemcneal/orlando-shooting-victims?utm\\_term=.dxo7qN9mB#.bvAlMRVxX](https://www.buzzfeed.com/stephaniemcneal/orlando-shooting-victims?utm_term=.dxo7qN9mB#.bvAlMRVxX)), the [Bataclan terrorist attacks in Paris](https://www.buzzfeed.com/buzzfeednews/here-are-the-victims-of-the-paris-attacks) (<https://www.buzzfeed.com/buzzfeednews/here-are-the-victims-of-the-paris-attacks>), the murders of the [Charleston church-goers](https://www.buzzfeed.com/jessicasimeone/these-are-the-victims-of-the-charleston-church-shooting) (<https://www.buzzfeed.com/jessicasimeone/these-are-the-victims-of-the-charleston-church-shooting>), etc., etc., etc.

I understand the spirit of these kind of listicles. Numbers become faces, occupations, histories, friends, anecdotes, lives, and readers are compelled to examine the horror of a tragedy in a more visceral way. "John Smith, father of 3, dog lover, third grade teacher," etc., is more of a gut punch than "12 dead at the scene." If you're an optimist, these lists become a sort of digital memorial, a cyber gravestone, a place in the matrix to lay some flowers. And then they never wilt, and those remembrances never fade.

It can be beautiful to flood websites clogged with tragedy with the warm stories of people loved and perhaps caution lawmakers, would-be terrorists, or the indifferent that there are consequences for violence. I get that. It causes people to feel, and that can be important.

However, there are other issues to consider. From a privacy perspective, are these lists – right? And, regardless, looking big-picture, do we need to rethink how we view post-mortem privacy in the Digital Age?

Yes.

I can hear the counter-arguments now. "The information from those articles is public!!!!" Maybe. But I'm guessing these people didn't expect to die tragically and have their information plastered all over social media for public consumption. Had they any inkling of what their futures held, would they have changed their privacy settings? Who knows? All we have is the particularly shallow and incomplete data they left behind.

Ethically, I don't think "public" here equals "fair game," especially when one considers that the dead have living loved ones, whose lives could be adversely affected by poorly thought out and glaringly public post-mortem mourning. If the question journalists, readers, data handlers, privacy pros, etc., begin asking, is, "how far can we go with this dead person's information?," they — we, even, as consumers — are asking the wrong question and engaging in the wrong dialogues. Data-for-profit turns a virtual memorial into trite TMZ-esque clickbait, a desecration of peoples' memory in the pursuit of viral domination.

I get it. In the physical world, death signals the end of most legal contracts, unless otherwise specified. If marriages don't survive into the afterlife, how can we expect privacy to?

Put past expectations and practices aside, though. The web still represents unexplored territory and regulators and analysts alike are quick to dub its myriad issues [the "Wild West \(https://iapp.org/search?q=wild%20west\)"](https://iapp.org/search?q=wild%20west). Privacy pros are scrambling to understand and control new issues every week, it seems, laying the foundation for the future that promises to be even more connected than before.

Whether we like it or not, our actions today are creating the cultural norms for tomorrow. As author Drew Gilpin Faust writes in her book, ["This Republic of Suffering: Death and the American Civil War \(http://www.penguinrandomhouse.com/books/48460/this-republic-of-suffering-by-drew-gilpin-faust/9780375703836/\)"](http://www.penguinrandomhouse.com/books/48460/this-republic-of-suffering-by-drew-gilpin-faust/9780375703836/), context matters in grieving, and how society handles trauma sets precedent. While we continue to build the future, we must ask ourselves if we like the results before it settles.

Something to keep in mind when discussing this future of post-mortem privacy is that old journalism adage I'm constantly reminded of: "Do the most good while doing the least harm." When looking at the BuzzFeed listicles, for example, I can't say they pass that test.

While death is a public record and clearly not akin to some shoplifting charge from 1998, there's no reason the circumstances of a death need to be widely available.

These issues and the Right to Be Forgotten cases we've seen play out across the globe, from the EU to Japan, both zero in on the idea of dignity through obscurity. Judges have forced sites like Google and Yahoo to strike links to petty crimes; the GDPR brings this idea to the mainstream. While death is a public record and clearly not akin to some shoplifting charge from 1998, there's no reason the circumstances of a death need to be widely available. Ought we be able to control the circumstances of our deaths via some kind of digital will?

Peer pressure alert: Other industries are tackling post-mortem issues, too. While Tupac's holographic Coachella performance [caused controversy \(http://www.billboard.com/articles/columns/the-juice/494288/opinion-the-problem-with-the-tupac-hologram\)](http://www.billboard.com/articles/columns/the-juice/494288/opinion-the-problem-with-the-tupac-hologram) in 2012, the intellectual property camp is most recently abuzz after [SPOILER ALERT] Carrie Fisher-as-Princess-Leia and Peter Cushing-as-Grand-Moff-Tarkin were digitally recreated for "Rogue One: A Star Wars Story." After Fisher's untimely death a few weeks after the release, many are [calling on Disney \(https://qz.com/878928/disney-please-dont-turn-carrie-fisher-into-a-full-fledged-cgi-character-in-star-wars-episode-ix/\)](https://qz.com/878928/disney-please-dont-turn-carrie-fisher-into-a-full-fledged-cgi-character-in-star-wars-episode-ix/) to forgo using a digital likeness of Fisher in future "Star Wars" films, while other actors reportedly [began scrambling to protect their images \(http://www.dailymail.co.uk/news/article-4078154/Actors-seek-posthumous-protections-big-screen-resurrections.html\)](http://www.dailymail.co.uk/news/article-4078154/Actors-seek-posthumous-protections-big-screen-resurrections.html) until long after their death. Robin Williams did something similar in his will, stipulating his likeness would remain untouched [until 2039 \(http://www.theverge.com/2015/4/1/8324667/robin-williams-likeness-copyright-exploitation\)](http://www.theverge.com/2015/4/1/8324667/robin-williams-likeness-copyright-exploitation).

---

case, taking a long, hard, scholarly look at “[Protecting Privacy After Death](http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1240&context=njtip) (<http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1240&context=njtip>).” Then there’s a recent op-ed calling for a registry of “data donors” who elect to give researchers legal access to their medical information [after they die](http://theconversation.com/why-you-should-donate-your-data-as-well-as-your-organs-when-you-die-72555) (<http://theconversation.com/why-you-should-donate-your-data-as-well-as-your-organs-when-you-die-72555>). While just discussing these questions doesn't solve the problem, it's a heartening start.

In the end, perhaps the most human thing we can do is realize that a human isn’t a summation of Tweetable data points we can outline or contain in a 1,000-word BuzzFeed article. I’d like to think that I’m more than my job and a few random facts. Perhaps, by letting people die in privacy, we’re letting them be truly themselves: infinite, messy, and unknowable.

photo credit: P. Marioné [in memory](http://www.flickr.com/photos/62376145@N04/32645294225) (<http://www.flickr.com/photos/62376145@N04/32645294225>) via [photopin](http://photopin.com) (<http://photopin.com>) (license) (<https://creativecommons.org/licenses/by-nc-nd/2.0/>)

© 2022 International Association of Privacy Professionals.  
All rights reserved.

Pease International Tradeport, 75 Rochester Ave.  
Portsmouth, NH 03801 USA • +1 603.427.9200