

LARA BRONNER

—

WORD COUNT: 3258

The Facebook Graveyard: Have we sold our right to be remembered?

Introduction

Digital remains, the data that is generated through life and exists after death, is a part of our shared digital cultural heritage. Yet, the processes by which digital remains are treated and controlled, differ to the processes physical items of cultural heritage are subject to. Key to understanding this discrepancy, is the overwhelming power of internet based private companies. For the private company, treatment of digital remains is foremost a financial concern, set latterly against ethical, legal, and cultural positions. Resultingly, there exists a conflict between the interests of the private citizen, and the shareholders of private companies.

This discrepancy is highlighted by issues of memorialisation. Individuals are concerned by legacy upon death, seen through the aesthetics of burial, the celebration and mourning of life, the execution of a last will and testament. With the advent of data and existence of digital remains, concerns for legacy upon death are now extended to the curation of a digital footprint. There is a recognition that we are all curators, aiming to control our legacy and remembrance through data.

This essay will review the extent to which the dead have sold their right to control this remembrance. This paper will first review literature to discern the legal provisions relevant to digital remains. The work of the artists Timm Ulrichs and Oreet Ashery will then be analysed as examples of the power of memorialisation to the human psyche: one's anxiety of death, and our place in the world once we have passed. The memorialisation settings of the Facebook company, and other prominent social media platforms, will then be examined alongside how those settings are made accessible to the public. These memorialisation settings will then be

cross-examined with the legal structures, and two case studies that expose the extent to which we have lost control of our personal legacies.

This paper finds that there is a dearth of public awareness as to an individual's rights upon death, and that there is an urgent need for social media companies to reform their memorialisation settings. The discrepancy between Facebook's memorialisation policies and Britain's inheritance law, as well as the risk posed to digital remains by the privileging of financial incentives by private companies, pose risk not only to memorialisation, but to the digital cultural heritage that we are all a part of.

Literature Review

Elaine Kasket's book *All the Ghosts in the Machine* (2019) addresses the terms and conditions of social media sites and their application upon death. Kasket uses examples, such as the case of Hollie Gazzard's murder (2014), to highlight the issues that arise with online memorials, and passes comment on the impact of online 'trolls' on the passing of legacy. Through highlighting the discrepancies between company policy and law, Kasket highlights the absence of control for both the victims, and their mourners.¹ In a similar vein, Edina Harbinja's article (2017) explores the boundaries of post-mortem privacy, and the level of control an individual can exert over digital remains. Harbinja argues that international discrepancies across a globalised social network, and in the execution of electronic wills, undermines the ability to control remembrance. In highlighting these discrepancies, Harbinja argues for changes to law so that

¹ Elaine Kasket, *All the Ghosts in the Machine: The Digital Afterlife of Your Persona Data* (London: Hachette, 2019), 75.

upon death, digital remains are treated similarly to physical possessions, whereby items are bequeathed or passed on to the next of kin.²

Stokes (2012) explores how we unwittingly curate an online memorial through the data trails we leave of ourselves online, while also questioning the “persistence of identity”³ of a deceased person. In questioning the construction of the projected online image, and the difficulty posed should we wish to have that image eradicated, Stokes is concerned with permanence, though through the lens of disappearance: though some create legacies, other strive to be forgotten. This is a desire revisited in the study of Timm Ulrichs and Oreet Ashery. Similarly, Irving Goh discusses the pervasive interaction with electronic surveillance. Galloway’s *Tactics for Nonexistence* (2007) explores this, by addressing how a person could virtually disappear. He describes non-existence as “a tactic for anything wishing to avoid control”.⁴ This is a phenomenon which goes against the grain of the government’s directions – to disappear is to evade control.

Öhman’s and Watson’s article positions digital remains as a part of a “shared cultural digital heritage” that may prove of value for future cultural research when “viewed in the aggregate”.⁵ Facebook is therefore considered an invaluable resource for future generations to understand our generation of living, with the article noting that, “hundreds of millions of dead people will be added to the network” within the next century.⁶ Due to the value of this resource, they call for a “multi-stakeholder approach” to the management of digital remains, as they fear that a loss of data through improper control risks the advent of a “digital dark age”.⁷ However,

² Edina Harbinja, “Post-mortem Privacy 2.0: Theory, Law, and Technology,” *International Review of Law, Computers & Technology* 31, no. 1 (2017): 37.

³ Patrick Stokes, “Ghosts in the Machine: Do the Dead Live on in Facebook?” *Philosophy & Technology* 25, no. 3 (2012): 363.

⁴ Alexander R. Galloway, and Eugene Thacker, “Tactics of Nonexistence,” *The Exploit: A Theory of Networks* (2007): 136.

⁵ Carl J. Öhman and David Watson, “Are the dead taking over Facebook? A Big Data approach to the future of death online,” *Big Data & Society*, (January–June 2019): 9.

⁶ Öhman and Watson, “Are the dead taking over Facebook,” 11.

⁷ Öhman and Watson, “Are the dead taking over Facebook,” 11; Terry Kuny, “A digital dark age? Challenges in the preservation of electronic information,” *International Preservation News* 17 (September 1997): 8.

though Öhman and Watson criticise the power of private companies, they do not conclude how a “multi-stakeholder approach” would function with the potentially contrasting aims of centralised government, the family of the deceased, or the deceased themselves.

Artist Review – The curation of our legacy

For millennia, humankind has sought answers to the existential: truth in creation, existence of an afterlife, if the ferryman at the river Styx will accept contactless payment? Anxiety and the existential are closely linked, yet in the absence of fundamental truths, many derive meaning through the fostering of a personal or shared legacy; to achieve and leave something behind. Forms of legacy will differ, but nurturing children and families, charity, art, religion, and humanist studies, are typical examples of how meaning can be created and applied to a life where death is but one of few certainties. This paper explores two artists that have addressed their personal legacy and death, control and absence, through their works. Their expressions are a physical example of what many attempt to achieve online, with a pictorial series and curated message that interacts with humankind’s fundamental anxieties.



Figure 1: Timm Ulrichs, *Versteinerte Texte und Bilder*, 1969.

Timm Ulrichs has curated his legacy through art works that obsessively utilise his personhood as material. Death is a recurring theme: Ulrichs examines the world through a lens where he is

present and where he is absent.⁸ One artwork which manifests this, is the tombstone designed in anticipation of his death. The inscription reads: “Always remember to forget me! Timm Ulrichs” (Fig. 1).

The End is a work which Ulrichs tattooed onto his own eyelid in 1981 (Fig.2). Reminiscent of a movie ending, the eye shuts, and with it, at some point in time, so will Ulrich’s life. But where will we disappear to? This question is explored through the work *Meta Breath* (1976/99) (Fig.3). Ulrich’s face disappears behind a pane of glass that steams up due to the expiration of his breath and prevents him from looking through – he disappears by way of his own vivacity.⁹

Ulrichs has managed to direct and guide his life towards his death, making the inevitability of it into a complete phenomenon, and the pinnacle to all his life’s work: “A life for art: this can only mean a life in preparation for death, to shape it, to stage it, as a climax and as a culmination point” (Timm Ulrichs).¹⁰



Figure 2: Timm Ulrichs, *The End*, 1981.



Figure 3: Timm Ulrichs, *Meta Breath*, 1976-99.

⁸ “Vorspiel – Nachspiel: Timm Ulrichs,” Philara, accessed March 21, 2021, <https://www.philara.de/en/exhibitions/2021-02/timm-ulrichs>.

⁹ Philara, “Vorspiel – Nachspiel: Timm Ulrichs.”

¹⁰ Wulf Herzogenrath, “Monumente-Denkmal: Dokumentation zur Ausstellung im Kölnischen Kunstverein (18.3. – 20.4.) und im Badischen Kunstverein, Karlsruhe (22.7. – 14.9.),” *Kunstforum International*, vol. 37 (1980): 173.

Another artist to have explored legacy and what we leave behind, is Oreet Ashery. Ashery is a transdisciplinary artist, whose work explores philosophical, socio-political, practical and emotional relationships, often culminating in the topic of death.¹¹ Her artwork *Revisiting Genesis* (2016) (Fig.4) is a film series which features a fictional storyline about ‘Nurse Jackie’, who assists people in creating their own digital legacies by way of forming a biographical slideshow. The work critically explores how capitalistic enterprises market and package death, to give customers the impression of autonomy and control. The idea projected by Nurse Jackie is that an online legacy is the closest thing to immortality; the deceased live on in the digital realm. Episode five, “Archives, Avatars” features a humanoid robot that instructs, “People don’t have to die”, because “death is optional... immortality is accomplished by creating consciousness and self-replicating machines that can be distributed throughout the cosmos.”¹²

Revisiting Genesis offers the illusion of control, through a “solution” for the dying to share achievement after they have passed. The artwork is thus a commentary for the real absence of control in the real world. Nurse Jackie is a fiction, and the control of legacy ultimately rests in the hands of tech companies.

Ashery and Ulrichs speak to contrasting sides of the desire to be memorialised: to be remembered or forgotten? Social media would appear to offer both options, with Facebook sporting a Nurse Jacky costume. Facebook puts forward the illusion of control, where the individual curates for an online audience. This curated memorial is interactive, multimedia, accessible round-the-clock and round-the-world and it’s in your pocket for the one-off cost of

¹¹ “Oreet Ashery,” Stanley Picker Gallery, accessed 27 April, 2021, <https://www.stanleypickergallery.org/fellowships/oreet-ashery/>.

¹² T.J. Demos, “The Death of Death: Oreet Ashery’s *Revisiting Genesis*.” *Afterall*, October 3, 2016; Oreet Ashery, “*Revisiting Genesis*, Episode 5,” filmed 2016, video, 07:13, <https://vimeo.com/164894241>.

Terms and Conditions. To use Stokes' terminology, our identity "persists" in a manner that is a far cry from Timm Ulrich's request that his audience "remember to forget him".¹³

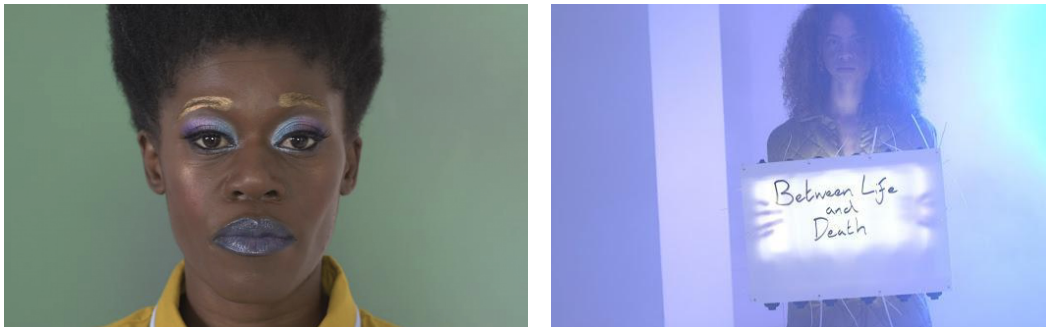


Figure 4: Oreet Ashery, *Revisiting Genesis*, 2016.

Analysis of Facebook and Memorialisation

'Social media' is defined as a platform which "enables users to create and share content or to participate in social networking".¹⁴ These websites and applications provide the opportunity to control a projected image of ourselves through a combination of audial, visual, and textual data inputs. It is how social media protects and controls this data, that this essay explores through a study of the memorialisation settings of Facebook, the flagship platform of Facebook Inc.

Meta, previously known as Facebook Inc., is the parent company of Facebook, WhatsApp, Messenger and Instagram, each ranking in the top five most popular platforms by unique users (Fig.5). The size of its user base places the company in a unique position in terms of financial profits and influence over digital remains.

¹³ Stokes, "Ghosts in the Machine," 363.

¹⁴ "Social Media," Oxford dictionary, accessed 23 April, 2021, <https://languages.oup.com/google-dictionary-en/>.

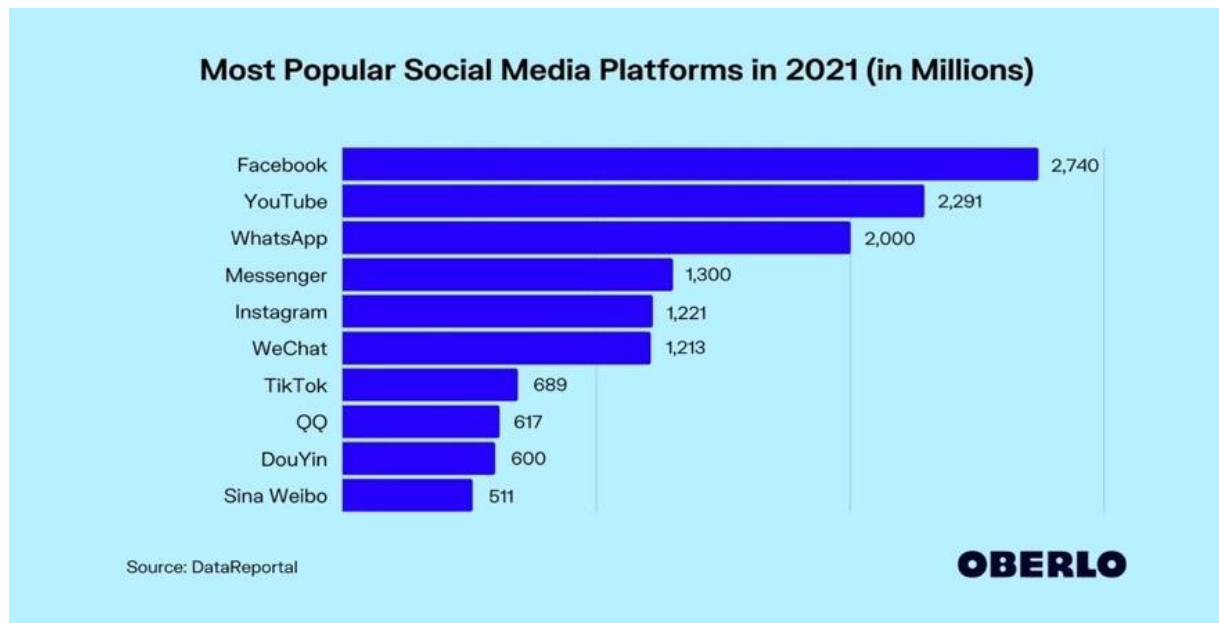


Figure 5: Most Popular Social Media Platforms in 2021 (in Millions), *Oberlo*.

Facebook’s memorialisation settings provide for the deletion of an account or the nomination of a “legacy contact”, to whom control of an account will transfer upon death (Fig.6). The legacy contact has authority limited to: managing profile and cover pictures, responding to friend requests, writing posts to the deceased’s wall, and deleting or deactivating the account. The contact cannot, for example, read personal messages or upload new media in the guise of the dead. Though the family of the deceased can apply for the deactivation of an account, access is limited to the provided legacy contact.

Facebook’s memorialized profile policy used to dictate that an account’s privacy would be set to “friends-only”, meaning that only those the deceased had accepted as a friend during life, could view the memorialised account. However, this changed in 2014 with the release of a new company statement, presented in the form of introspective reflection: “Are we honoring the wishes and legacy of the person who passed away? Are we serving people who are grieving the loss of a loved one as best we can?”¹⁵ The new settings dictated that the privacy status

¹⁵ Chris Price and Alex DiSclafani, “Remembering Our Loved Ones,” *Facebook*, February 21, 2014.

selected by the user during life, would continue as the *de facto* settings when the account is memorialized (Fig.7).

In the event of a peaceful or expected death, there is an understandable presumption that a user can modify their privacy settings to reflect their desires for remembrance, be that open to the public, or limited to friends. However, such forethought is precluded in the instance of untimely death, such as accidents, homicides or suicide. The general lack of public understanding of the consequences of Facebook's terms and conditions is one example for how it can be argued that we sold our right to remembrance, a point illustrated by the murder of Hollie Gazzard.¹⁶

In 2014, Hollie Gazzard was stabbed 14 times by her ex-boyfriend. She died of her injuries. Those wishing to pay tribute to her life, visited her curated social media accounts.¹⁷ However, prominent on Hollie's Instagram and Facebook profiles, were photographs of Hollie pictured next to her murderer (Fig.8). Seeking to respect her memory, the family tried to alter Hollie's profiles. Yet, though the family had not made an official request, Hollie's accounts had already been memorialised, thus limiting the alterations that could be made. The family proceeded to contact Facebook, expecting cooperation, but were offered only the alternative of deleting the account. The blanket algorithms of one of the world's most powerful companies could not find a suitable solution for a grieving family, and Facebook's memorial settings did not provide for Hollie's case (Fig.9). Yet Hollie's case is not rare, as the millions of victims of domestic abuse around the world could attest.¹⁸ That Facebook did not provide for such an instance is a

¹⁶ Kasket, *All the Ghosts in the Machine*, 70.

¹⁷ "My sister was murdered at work by her ex," Crime Investigation, accessed 23 April, 2021, <https://www.crimeandinvestigation.co.uk/article/my-sister-was-murdered-at-work-by-her-ex>.

¹⁸ "How common is domestic abuse?" Women's aid, accessed 9 May, 2021, <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/how-common-is-domestic-abuse/>.

derelection of duty to its millions of users, and a sign that we may have sold our rights of remembrance to an outfit not yet fit for purpose.

The notion of a “multi-stakeholder approach” must be returned to. If the policy of social media companies can be influenced to prioritise proper remembrance, rather than prioritising finance, then the memories of the deceased might be respected, and loved ones might mourn without undue pain or difficult decisions.¹⁹

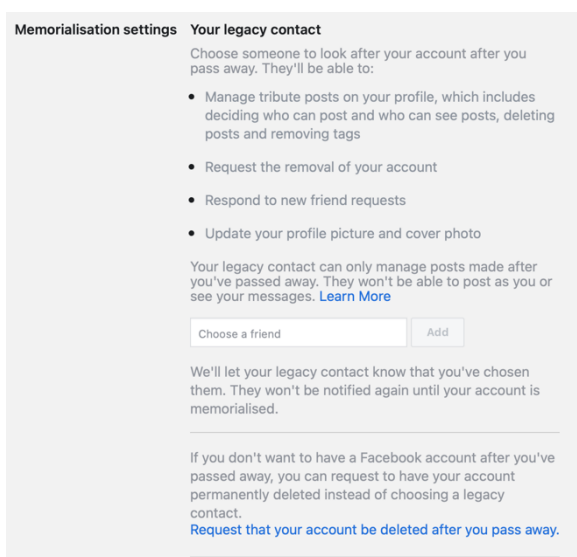


Figure 6: Facebook Screenshot, *Memorialisation settings*.

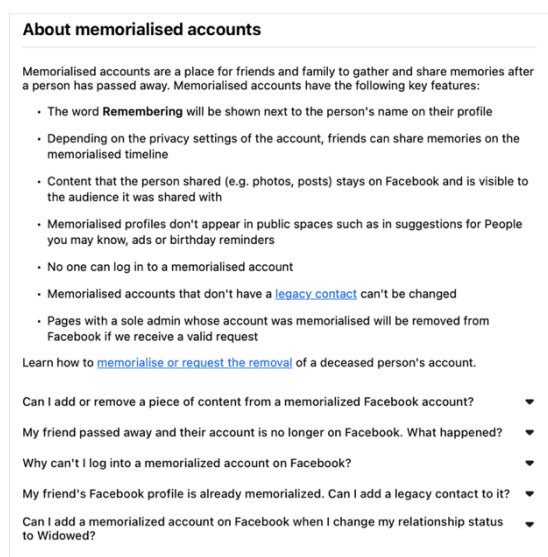


Figure 7: Facebook Screenshot, *About memorialised accounts*.

¹⁹ Öhman and Watson, “Are the dead taking over Facebook,” 11.

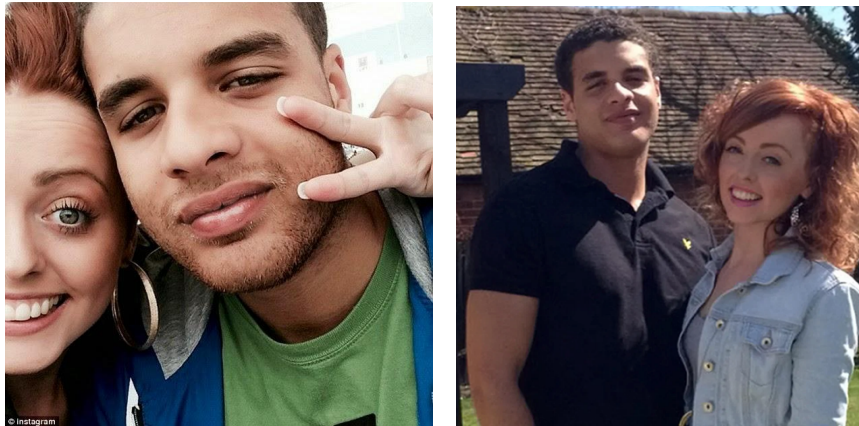


Figure 8: Instagram photos of Hollie Gazzard (victim) and Asher Maslin (murderer).

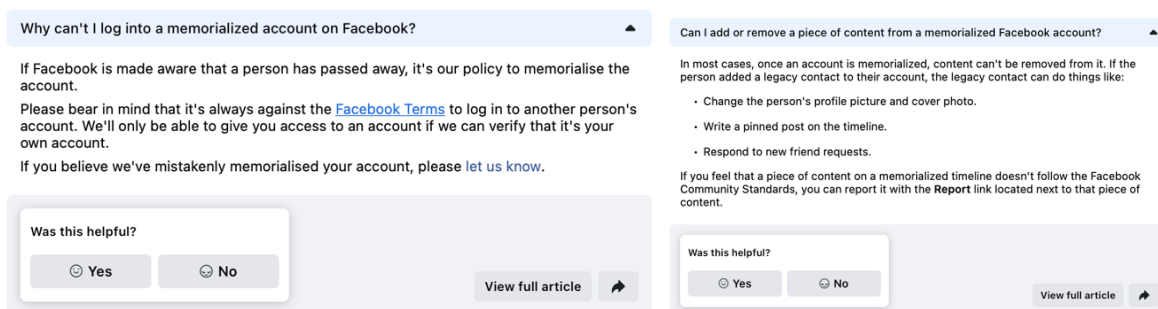


Figure 9: Facebook Screenshot, *About memorialised accounts*.

Terms & Conditions under British Law

An absence of internationally regulating government legislation relating to digital remains has led to discrepancies between social media platforms, and the rules of inheritance pertaining to electronic data and that of physical estates.

When Facebook introduced the legacy contact as part of the memorialisation settings in 2015, the company received positive media attention.²⁰ There was praise for the level of control that a legacy contact would have over an account, as well as the limitations to their authority. Examples of this can also be seen in the many positive articles written about it (Fig.10).

²⁰ Jed R. Brubaker, Vanessa Callison-Burch, "Legacy Contact: Designing and Implementing Stewardship at Facebook," *Facebook Research* (May 2016): 8.

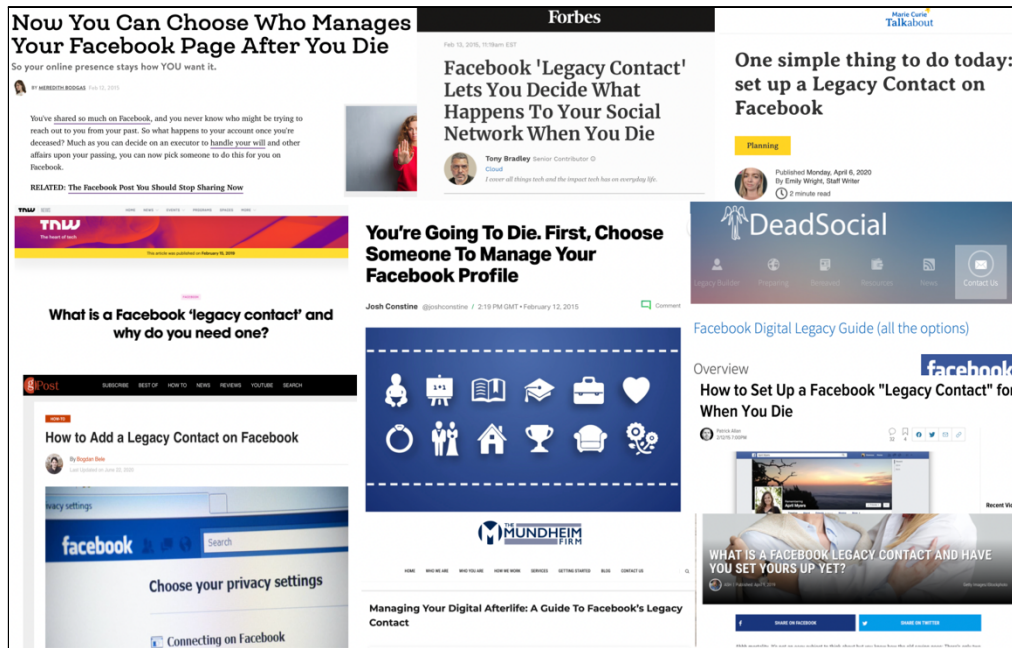


Figure 10: Collection of online articles about Facebook's "legacy contacts".

The nomination of a legacy contact also received court backing in the US, where at federal level there now exists the Uniform Fiduciary Access to Digital Assets Act (UFADAA), which is a template for state legislature. The UFADAA is the first instance anywhere in the world, of legislature pertaining to access to digital remains. Further, the UFADAA stipulates that if the deceased has stated online, using any service or technology, how digital assets should be disposed of, then that electronic declaration supersedes the specifications of any physical will for that particular asset.²¹ However, as mentioned, there is little corresponding international regulation for digital remains. In the UK, for example, electronically signed instructions are not recognised as legally binding upon death, and for a will to be legally valid, it must be signed, deposited with the court and executed as the law stipulates.²²

²¹ Kasket, *All the Ghosts in the Machine*, 97; Alberto B. Lopez, "Posthumous Privacy, Decedent Intent, and Post-Mortem Access to Digital Assets," *George Mason Law Review* Vol. 24:1 (2016): 189.

²² Kasket, *All the Ghosts in the Machine*, 96.

Unlike in the US where the UFADAA gives the declaration of a legacy contact legal weight, this is not the case in the UK. As such, the legal claim of the next of kin to a Facebook account and its data, takes precedence to the legacy contact and wishes of the deceased, if said legacy contact is not someone to whom the deceased was related or legally married. This would directly defy the deceased's wishes, but more importantly, also eradicate any form of control the deceased may have thought they had over their data. Perhaps unsurprisingly, information on the legality of bequeathing online data is not mentioned in the Facebook help portals, articles, FAQs, or in the media's 2015 appraisal of the legacy contact.

In 2017, discrepancies between digital and physical inheritance and Facebook memorialisation settings, were focalised by the suicide of 14-year-old Mollie Russell. With Mollie Russell's suicide believed to have been part-fuelled by the social media giant's "pushy algorithms" that filled her Instagram feed with self-harm "memes" and suicide material, her family hold Instagram particularly responsible for her death.²³

Harbinja's (2017) concerns with post-mortem privacy were raised, with Mollie's parents wishing to gain access to Mollie's data to better understand the conditions that led to her suicide. Though Mollie, at 14, had not executed a legally binding will, all her physical belongings were bequeathed to her parents. However, British law does not legislate for the inheritance of digital remains, and so Mollie's data remained in the control of Facebook Inc. When Mollie Russell's parents appealed to the social media giant for access to their daughter's data, on the basis that her data may hold information that can be used to prevent similar cases in the future, Facebook and Instagram refused. Facebook summarily released a statement,

²³Ashna Hurnag, "Grieving dad of Molly Russell says tech giants must be forced to hand over data," *Sky News*, January 17, 2020.

declaring that “it is against its policies for someone to log into another person's account”, unless a court order compelled them to do so. The Russell family failed to receive the necessary legal aid to mount such a case, as their plight was deemed to be “not of public interest”.²⁴

What is argued by Dr. Edina Harbinja, is that testamentary freedom should in principle extend to digital assets created in the online world; the same autonomy and freedom to dispose of one's physical wealth should extend online and enable individuals to decide what happens to their online “wealth” when they die.²⁵ Once more, the unsuitability of Facebook's memorialisation process is brought to light. We have sold our profiles to a company that exists between the borders of legality, and in doing so have sold our right to be remembered.

²⁴ “Molly Russell: U-turn over legal aid for inquest,” BBC News, accessed 27 April, 2021, <https://www.bbc.co.uk/news/uk-47545796>.

²⁵ Harbinja, “Post-mortem Privacy 2.0,” 37; “Public lecture by Dr Edina Harbinja at RGSL on 15 March 2019 at 15:30,” Riga Graduate School of Law, accessed 23 April, 2021, <https://www.rgsl.edu.lv/news-and-events/events/public-lecture-by-dr-edina-harbinja-at-rgsl-on-march-15-2019-at-1530>.

FacelessBook

An algorithm was used to decide the automatic responses to initial enquiries following the deaths of Hollie Gazzard and Mollie Russell. Yet ,the importance of algorithms to Facebook Inc., runs far deeper than surface level interaction, with complex mathematics being used to determine how fiscal policy should interact with ethical, legal and cultural positions.

One example is seen in the absence of adverts on a memorialised account, which means that Facebook does not directly monetize through the profiles of the dead. However, as pointed out by Öhman and Watson, Facebook indirectly profits through preservation of the deceased's profiles, as individuals maintain their accounts to access the company's platforms to mourn those that have died.²⁶ A cynical, though likely accurate take, is that an algorithm has calculated how best to financially gain from the profiles of the dead: the cost of maintenance calculated against the gain in mourning traffic. The changes to memorialisation are therefore designed to appease and appeal to a public base, whilst satisfying the fiscal aims of the company and its shareholders. But what happens to the digital remains, when the algorithm no longer calculates positive financial rewards from the maintenance of memorialised accounts?

A solely commercial approach to data management poses potentially deleterious repercussions to future generation's access to our digital remains. As argued by Öhman and Watson, the profiles of the dead hold a value beyond the economic spreadsheet, and as such a "multi-stakeholder approach" must be adopted.²⁷ Ethical, religious, scientific and the historical values of digital remains must outweigh corporate profitability. To neglect this, is to risk losing

²⁶ Öhman and Watson, "Are the dead taking over Facebook," 10.

²⁷ Öhman and Watson, "Are the dead taking over Facebook," 2.

our right to remembrance, and pitching our era into the “digital dark age” where only the rich and powerful can interact with what we leave behind.²⁸

²⁸ Kuny, “A digital dark age?” 8.

Conclusion

Facebook's memorialisation settings and legacy contact fails to protect some of the most vulnerable users of social media. There is an urgent need for public awareness to be raised to the discrepancies between the Facebook company and national law, but whilst legal rights and the power of an electronic declaration are not widely understood, it is a dereliction of duty to the dead that Facebook does not make this clearer.

On the part of the public, through failing to read the terms and conditions, in failing to be alert to discrepancies between legal procedure and a platform's settings, and in trusting a multinational company at face value, our right to be memorialised through our digital remains is at risk. This risk will remain in perpetuity, as will the threat of the "digital dark age", until the financial concerns of the private company are offset by the future involvement of state, private individuals, or charitable organisations.²⁹

²⁹ Kuny, "A digital dark age?" 8.

Bibliography

Ashery, Oreet. "Revisiting Genesis, Episode 5." Filmed 2016. Video, 07:13.

<https://vimeo.com/164894241>.

Barret & Co. "What happens to the digital version of you when you die?" Accessed March 21, 2021.

<https://www.barrettandco.co.uk/2021/02/02/what-happens-to-the-digital-version-of-you-when-you-die/>.

BBC News. "Molly Russell: U-turn over legal aid for inquest." Accessed 27 April, 2021.

<https://www.bbc.co.uk/news/uk-47545796>.

Brubaker, Jed R., Callison-Burch, Vanessa. "Legacy Contact: Designing and Implementing Stewardship at Facebook." *Facebook Research* (May 2016): 1-12.

<https://research.fb.com/wp-content/uploads/2016/11/legacy-contact-designing-and-implementing-stewardship-at-facebook.pdf>.

Crime Investigation. "My sister was murdered at work by her ex." Accessed 23 April, 2021.

<https://www.crimeandinvestigation.co.uk/article/my-sister-was-murdered-at-work-by-her-ex>.

Demos, T.J. "The Death of Death: Oreet Ashery's Revisiting Genesis." *Afterall*, October 3, 2016.

<https://www.afterall.org/article/the-death-of-death-oreet-ashery-s-revisiting-genesis>.

Edwards, Lilian. "Post Mortem Privacy." *SCRIPTed* 10, no. 1 (2013): 1-6.

<https://script-ed.org/article/editorial-2/>.

Facebook. "About memorialised accounts." Accessed 23 April, 2021.

<https://www.facebook.com/help/1017717331640041/about-memorialized-accounts>.

Galloway, Alexander R. and Thacker, Eugene. "Tactics of Nonexistence." *The Exploit: A Theory of Networks* (2007): 135-137.

Giaxoglou, Korina. *A narrative Approach to Social Media Mourning: Small Stories and Affective Positioning*. London; New York: Routledge, 2020.
<https://doi.org/10.4324/9781315268675>.

Harbinja, Edina. "Post-mortem Privacy 2.0: Theory, Law, and Technology." *International Review of Law, Computers & Technology* 31, no. 1 (2017): 26-42.
<https://www.tandfonline.com/doi/full/10.1080/13600869.2017.1275116>.

Herzogenrath, Wulf. "Monumente-Denkmal: Dokumentation zur Ausstellung im Kölnischen Kunstverein (18.3. – 20.4.) und im Badischen Kunstverein, Karlsruhe (22.7. – 14.9.)." *Kunstforum International*, vol. 37 (1980): 159-191.
<https://www.kunstforum.de/artikel/monumente-denkmal/>.

Hurynag, Ashna. "Grieving dad of Molly Russell says tech giants must be forced to hand over data." *Sky News*, January 17, 2020.
<https://news.sky.com/story/father-i-have-no-doubt-that-social-media-helped-kill-my-teen-daughter-11910407>.

Irving Goh, "Prolegomenon to a Right to Disappear," *Cultural Politics*, Volume 2, Issue 1, Berg, 2006: 97-114.

Kasket, Elaine. *All the Ghosts in the Machine: The Digital Afterlife of Your Persona Data*. London: Hachette, 2019.
<https://www.theguardian.com/technology/2019/apr/27/elaine-kasket-what-happens-to-data-when-we-die-ghosts-in-the-machine>.

Kuny, Terry. "A digital dark age? Challenges in the preservation of electronic information."

International Preservation News 17 (September 1997): 8-13.

<https://archive.ifla.org/IV/ifla63/63kuny1.pdf>.

Lopez, Alberto B. "Posthumous Privacy, Decedent Intent, and Post-Mortem Access to Digital Assets." *George Mason Law Review* Vol. 24:1 (2016): 183-242.

https://www.georgemasonlawreview.org/wp-content/uploads/Lopez_ReadyforJCI.pdf.

McCallig, Damien. "Facebook after death: an evolving policy in a social network."

International Journal of Law and Information Technology, Vol. 22, No. 2 (2014): 107-140.

https://www.researchgate.net/publication/263568477_Facebook_after_death_An_evolutionary_policy_in_a_social_network.

Mint. "Who owns your Facebook profile when you're dead?" Accessed March 21, 2021.

<https://www.livemint.com/technology/tech-news/who-owns-your-facebook-profile-when-you-re-dead-1550116101037.html>.

Oberlo. "Most Popular Social Media Platforms in 2021." Accessed 23 April, 2021.

<https://www.oberlo.com/statistics/most-popular-social-media-platforms>.

Öhman, Carl J. and Watson, David. "Are the dead taking over Facebook? A Big Data approach to the future of death online." *Big Data & Society*, (January–June 2019): 1-13.

<https://journals.sagepub.com/doi/full/10.1177/2053951719842540>.

Oxford dictionary. "Social Media." Accessed 23 April, 2021.

<https://languages.oup.com/google-dictionary-en/>.

Philara. "Vorspiel – Nachspiel: Timm Ulrichs." Accessed March 21, 2021.

<https://www.philara.de/en/exhibitions/2021-02/timm-ulrichs>.

Price, Chris and DiSclafani, Alex. "Remembering Our Loved Ones." *Facebook*, February 21, 2014.

<https://about.fb.com/news/2014/02/remembering-our-loved-ones/>.

Purewal, Sarah Jacobsson. “How to memorialize someone’s Facebook account.” *Cnet*, April 22, 2017.

<https://www.cnet.com/how-to/how-to-memorialize-someones-facebook-account/>.

Riga Graduate School of Law. “Public lecture by Dr Edina Harbinja at RGSL on 15 March 2019 at 15:30.” Accessed 23 April, 2021.

<https://www.rgsl.edu.lv/news-and-events/events/public-lecture-by-dr-edina-harbinja-at-rgsl-on-march-15-2019-at-1530>.

Stanley Picker Gallery. “Oreet Ashery.” Accessed 27 April, 2021.

<https://www.stanleypickergallery.org/fellowships/oreet-ashery/>.

Stokes, Patrick. “Ghosts in the Machine: Do the Dead Live on in Facebook?” *Philosophy & Technology* 25, no. 3 (2012): 363-79.

<https://link-springer-com.gold.idm.oclc.org/content/pdf/10.1007/s13347-011-0050-7.pdf>.

Wikipedia. “Facebook, Inc.” Accessed 23 April, 2021.

https://en.wikipedia.org/wiki/Facebook,_Inc.#Management.

Women’s aid. “How common is domestic abuse?” Accessed 9 May, 2021.

<https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/how-common-is-domestic-abuse/>.

List of images

Figure 1: Timm Ulrichs, *Versteinerte Texte und Bilder*, 1969.

https://asset.museum-digital.org/hessen/images/9/6747-m_200658/gedenktafel_denken_sie_im_gedenktafel-denken-sie-immer-daran-timm-ulrichs-6747.jpg.

Figure 2: Timm Ulrichs, *The End*, 1981.

https://www.philara.de/sites/default/files/styles/max_1400/public/exhibitions/2021-02/exhibits-253-timm-ulrichs-end.jpg?itok=6IjlzHFG.

Figure 3: Timm Ulrichs, *Meta Breath*, 1976-99.

https://www.philara.de/sites/default/files/styles/max_1400/public/exhibitions/2021-03/exhibits-270-timm-ulrichs-meta-atem-uber-inspiration-und-expiration.jpg?itok=XB-DuCKW.

Figure 4: Oreet Ashery, *Revisiting Genesis*, 2016.

<https://www.afterall.org/img/contain/1960/1099/2016/11/02/oreet.jpg> ;
<http://oreetashery.net/site/wp-content/uploads/2017/01/full-image-website-copy2-1024x662.jpg>

Figure 5: *Most Popular Social Media Platforms in 2021* (in Millions), Oberlo.

<https://www.oberlo.com/media/1615285671-most-popular-social-media-platforms-in-2021.png?fit=max&fm=webp&w=1800>.

Figure 6: Facebook Screenshot, *Memorialisation settings*.

https://www.facebook.com/settings?tab=account§ion=account_management&view.

Figure 8: Instagram photos of Hollie Gazzard (victim) and Asher Maslin (murderer).

<https://www.thesun.co.uk/wp-content/uploads/2019/02/NINTCHDBPICT000468613246-e1549982711504.jpg?strip=all&w=944> ;
<http://1.bp.blogspot.com/-cFCvQAYw-S4/VATKpMbOtmI/AAAAAAAAABA/-ZxgWYp2OtY/s1600/Gazzard%2Band%2BMaslin.jpg>.

Figure 9: Facebook Screenshot, *About memorialised accounts*.

<https://www.facebook.com/help/1017717331640041/about-memorialized-accounts>.

Figure 10: Collection of online articles about Facebook’s “legacy contacts”.

Own collection of screenshots from selected articles.