

Avatars, Extended Reality and Virtual Rights

A recent article by Sjors Ligthart et al.'s (2022) includes a valuable discussion on the boundaries of the relationship between authority (legal, political and medical) and the application of different degrees of coercion to individuals within a prison setting. I consider the legal excursus the authors provide on the human rights documentation behind the duty to facilitate resocialization as interesting and praiseworthy (though from a different angle, I touched upon related themes elsewhere), yet my focus here will follow a different path. Their article brings forth a number of fascinating questions evolving around the use of XR—with a particular emphasis on how such “immersive” simulations could function well as tools to reintegrate forensic patients into society. In other words, Ligthart et al. try to show how a virtual world might function as the perfect environment in which to “test” new ways of helping people suffering from mental issues (or simply having been imprisoned as a result of crimes) finding means to be reintegrated into society—and hopefully contributing in improving their existential condition as well as that of society more broadly. Despite my sympathy toward this possible implementation of this technology, here I want to stress a possible “negative spin-off” of such portray within a forensic setting. The more we affirm that XR represents a close representation of reality, the more we are to deal with a variable that sees an additional problem—not a solution—arising from the use of XR: if someone’s avatar is molested in the XR world, does that not constitute an infringement of human rights? If so, how and why should such an infringement be conceptualized differently from an infringement occurring in the “real world”?

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