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HUMAN RIGHTS AND EQUALITY INSTITUTION OF TÜRKİYE

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Muharrem KILIÇ*

ABSTRACT

“Reality” today appears to be produced by miniaturized cells, matrices, and command models. Transcending the boundaries of time and space, this reality leads to new forms of human interaction within the so-called “cyberspace.” In this context, the metaverse is defined as a network of three-dimensional virtual realities created through virtual space and augmented reality. At the heart of this simulative network is a vision of an immersive internet as a huge, unified, permanent, and shared space. However, this digitalization and big data are paving the way for “surveillance capitalism.” The main challenge related to the metaverse appears to be the state of human rights within this man-made virtual world. The fundamentals of human rights in the metaverse include many problematic areas, the foremost being issues of privacy, legacy, intellectual property, and harassment.

With advances in intelligent computers and information communication technologies, the universe of physical reality is evolving toward a universe of virtual reality. The philosophical nature of this universe in relation to the transition from a human to a post-human age is referred to as “transhumanism.” It is foreseen that this post-human age, in which human intelligence will gradually become more powerful by overcoming its physical and cognitive limitations, will lead to a technological singularity. It is further stated that simulation singularity will occur if the ideal of singularity becomes indistinguishable from the reality of simulated worlds.

Keywords: Artificial intelligence, cyberspace, virtual reality, metaverse, human rights, singularity of simulation.

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This article was published in the 2021/1 issue of Journal of Galatasaray University Faculty of Law.

I. INTRODUCTION: META-NARRATIVES ABOUT THE META-UNIVERSE

The metaverse, which can be defined as a universe of new-generation reality arising as a part of the developmental history of digital technology, is creating a new “virtual universe,” which is existentially threatening to the unique nature of humanity in line with the ideal of transhumanism. This virtual universe is eroding many of the ontic layers of humanity, and particularly the idea of authenticity, the sense of belonging that develops through a sense of time and space, and the sense of responsibility that is immanent to the idea of order. It is predicted that the meta-data universe will build a new meta-order, which will in turn transcend even some categories that are essentially descriptive of existence, such as quintessence, quantity, quality, relativity, time, space, and possession¹. It is furthermore expected that the virtual universe that will build this new meta-order will create a new plane of existence in the near future that embodies humanity's sense of transcendence. This existential plane, which will be innate to the virtual universe, will be manifested as a virtual demonstration of power triggered by the desire for perfection, completeness, and certainty. The meta-universe, which is transcendentalized by being immanentized, is a sociopolitical, socioeconomic, and sociological metamorphosis of meta-surveillance. It is predicted that this virtual universe revolution, which will make it possible to narrate human history prospectively through a new meta-narrative, will bring about radical historical transformations with more sophisticated “exposure” technology or technologies.

It is apparent that new meta-narratives about the virtual meta-universe will continue to be produced from different perspectives envisaged with a straightforward projection from today to the future. These meta-narratives primarily explain or analyze subjects in light of purely technological or socio-technological contexts. Futurist Ray Kurzweil, one of the key figures behind such meta-narratives, predicts that virtual reality and virtual humans will become a technology that will usher in radical change by 2030. Metaverse technologies have rapid development dynamics, which may support Kurzweil's prediction.² However, this subject needs to be analyzed from a multi-intellectual perspective, particularly its fundamental dimensions that include meta-universe ontology, meta-universe sociology, and meta-universe axiology. On the other hand, it is also necessary to analyze the subject with consideration of new initiatives that will be developed within the framework of dialectics of ideas and order, the foremost of which is the idea of human rights.

1 See ARISTOTLE, *Categories* (trans. Y. Gurur Sev), 1st Edition, Pinhan Yayıncılık, İstanbul, 2019.

2 Foreword to *Virtual Humans*, 2003, <https://www.kurzweilai.net/foreword-to-virtual-humans> (Date of Access: 29.03.2022).

One of the most important dimensions of these multiple and relational planes of analysis is the sociology of the metaverse due to its direct relationship with social life. As such, this digital simulative universe, which is predicted to lead to a deep “sociological withdrawal,” will produce new “socio-virtual” contexts. In fact, avatars of real socialization contexts are created with such meta technologies. Thus, this socio-virtual context radically transforms perceptions of time and space. It is seen that in this virtual universe, which can also be deemed a “shadow world,” people may maintain their lives in simulated time in a parallel universe after their perception of reality is lost. This meta-universe, embedded in simulative time, leads to external surveillance and even a “self-restriction” of each individual life. In other words, this plane of virtuality leads to social restrictions and the self-restriction of people’s self-realization. Within the algorithmic reasoning system that establishes this plane of virtuality, each human being is considered as a data source or data subject. Thus, in this simulative universe, humans are reduced to their personal data and cease to be subjects defined by ontic specificity.

The immanent ontology created by the virtual plane of the meta-universe radically transforms the classical concept of space and makes it possible to construct the metaverse through a new idea of space. In relation to this, the metaverse can be defined as the unconditional transitivity of the meta-universe in the time/space plane (*transcendence over space*) or as the possibility of changing space. In a sense, this points to the possibility of a planar transition from the physical universe to the meta-universe. As such, there is a possibility of an ontic loss of direction or a state of directionlessness occurring as a result of the loss of connection between the simulative subject, which exists within this meta-universe, and physical space.

The metaverse, which is a universe based on a new meta-ontology, brings with it anxieties of the metaverse turning into a valley of death between the physical universe and the simulative universe. This worrying situation may lead to the blurring of the vital visage of individual tastes and preferences. It is envisioned that the metaverse, which is the product of this new digital cosmology that establishes the meta-universe, will lead to a fundamental conceptual transformation, especially in social fields. It is furthermore apparent that this new cosmology will bring about a paradigmatic change and lead to serious normative shifts on onto-political and onto-juridical planes. It is also predicted that this meta-universe will build a new social space through the production of new sociological contexts. Therefore, it is obvious that a systematic structure to regulate the new meta-order is needed. In this context, it is necessary to create a new “meta-constitution” and/or “meta-legal frameworks” that are specific to the meta-universe or the simulative plane.

The subject of this study, which was undertaken with recognition of the need to problematize the metaverse considering its multi-planarity, is virtual reality, which transforms perceptions of space and will be explained here starting from the developmental history of cyberspace. This study discusses the metaverse, which transcends the boundaries of time and space, and the problem areas created by this virtual universe. This study also draws attention to the sociopolitical context of the phenomenon of meta-surveillance created by the meta-universe in parallel with technological dynamics. Subsequently, an analysis is conducted of the metaverse as a human rights problem on the basis of rights and freedoms. Lastly, the relationality between the ideal of singularity and the metaverse is discussed. In this context, a framework for the conceptualization of simulation singularity is put forward.

II. CYBERSPACE: THE SPACE OF VIRTUAL REALITY

“Reality” today is produced by miniaturized cells, matrices, and command models. This makes it possible to reproduce the truth an infinite number of times and it is argued that the perception of reality has gained a transactional appearance. French thinker and sociologist Jean Baudrillard predicted that when we start living in a space that has no relation to reality or truth, we will transition into a “simulation era” in which all sending systems are liquidated.³ The capacities of modern science and technology to transcend the boundaries of time and space are facilitating the emergence of new forms of human interactions in the area of cyberspace. Thus, cyberspace is leading to a paradigmatic change in power relations between individuals, governments, and social institutions, creating new forms and expressions of governance. In this context, cyberspace is considered an environment where the concepts of liberation, empowerment, and the transcendence of physical subjugation can be discovered. Some regard this situation as an opportunity for libertarian self-realization, freed from the authoritarian political practices of *potentia* or power. However, it is agreed that cyberspace is not an area free of disputes.⁴

3 BAUDRILLARD, Jean, **Simulacra and Simulation** (trans. Oğuz Adanır), 8th Edition, Doğu Batı Yayınları, Ankara, 2014, p. 15.

4 LOADER, Brian D., “The Governance of Cyberspace: Politics, Technology and Global Restructuring,” in **The Governance of Cyberspace Politics, Technology and Global Restructuring** (ed. Brian D. Loader), Routledge, United Kingdom, 1997, pp. 2-3.

At this point, an explanation of the theory of hyper-reality, in which Baudrillard points to the specific ontology of this era through the development of cyberspace and especially the potential capabilities of virtual reality technologies, is of importance for discussions about postmodernism and computer-mediated communication. In this context, Baudrillard suggests that such technologies are constructing a completely new social environment and an electronic reality.⁵ This is true to such a profound extent that, according to him: "Immersion, immanence and immediacy - these are the characteristics of the Virtual. There is no gaze any longer, no scene, no imaginary, no illusion even, no longer any exteriority or spectacle. The operational fetish has absorbed all exteriority, reclaimed all interiority, absorbed time itself in the operation of real time. In this way we come closer to a world that is integrally realized, that is effectuated and identified as such, but not closer to the world as it is, which is something quite different."⁶ Baudrillard's argument here has made waves among those who argue that cyberspace represents an alternative virtual reality.⁷

Idealism regarding cyberspace often produces contradictory statements about the reality of that space. On the one hand, cyberspace is often considered to be more real than real life, while on the other hand, harms that occur in this virtual universe are often ignored since they are not physical or bodily harms by nature and thus "not really real." This tension has the potential to lead to inconsistencies in cyberspace. For example, an approach holding that freedom of expression in cyberspace is "really real" and thus should be protected may manifest, but it may also be claimed that harassment is not "really real" and thus no one needs protection against it in this virtual universe.⁸

Cyberspace itself has extraordinary potential to become a space of liberation, transcendence, and social equality. The possibility of being liberated from the physical restrictions imposed on individuals because of their identities and exercising control over one's self-representation is important for groups who have been marginalized due to their physical characteristics.⁹ It is argued that time, space, and individual identity are separated from modern physical space

5 LOADER, p. 9.

6 BAUDRILLARD, Jean, **The Intelligence of Evil or the Lucidity Pact** (trans. Oğuz Adanır), 3rd Edition, Doğu Batı Yayınları, Ankara, 2015, p. 28.

7 LOADER, p. 9.

8 FRANKS, Mary Anne, "Unwilling Avatars: Idealism and Discrimination in Cyberspace," **CJGL**, Vol. 20, 2016, p. 2.

9 FRANKS, p. 6.

throughout the hyper-reality of cyberspace. This virtual reality technology, which has emerged from its period of infancy, makes possible computer-generated simulated environments in which individuals can interact through iconic identities that they can change at any time.¹⁰ Thus, cyberspace offers new possibilities of interaction that allow individuals to promote alternative identities. The capacity of cyberspace to facilitate the emergence of new forms of power relations attracts attention to considerations of the nation-state's ability to exercise power over its citizens and to continue to manage citizens with traditional methodologies of policing and regulatory governance.¹¹

At this point, the studies of French thinker and sociologist Michel Foucault on governmentality are of importance for discussions about the governance of cyberspace in two ways. First, these studies clearly highlight the liberating potential of electronic spaces, where subjects can extricate themselves from non-selected, given identities. Second, they analyze the reactions of nation-states to the threats of cyber interactions.¹²

As a result, as scientific, technological, and social revolutions radically transform contemporary social structures, they also facilitate the creation of new social groups, social institutions, electronic ecosystems, and the meta-universe. This phenomenon is simultaneously transforming the role of the human in social structures such that humanity is entering a new era of digitalization and the metaverse. In parallel with this, the field of public relations is rapidly transforming as new subjects and objects emerge. As a result, interactions between subjects and objects are transitioning from the real world to the virtual universe.¹³ In addition, the widespread adoption of virtual reality on a global scale brings with it new opportunities in the form of learning environments and experiences that reflect the changes in our social and professional lives.¹⁴ At this point, the sociology of cyberspace poses some important questions not only about the emergence of new forms of community and sociality but also about the proper comprehension of those forms. Forms of social interaction

10 LOADER, p. 10.

11 LOADER, p. 14.

12 LOADER, p. 13.

13 KOSTENKO, Oleksi. "Electronic Jurisdiction, Metaverse, Artificial Intelligence, Digital Personality, Digital Avatar, Neural Networks: Theory, Practice, Perspective," **WS**, Vol. 1, No. 73, 2022, p. 3.

14 ROSPIGLIOSI, Asher. "Metaverse or Simulacra? Roblox, Minecraft, Meta and the Turn to Virtual Reality for Education, Socialisation and Work," **ILE**, Vol. 30, No. 1, 2022, p. 1.

exercised through computer-mediated communications, especially on the internet, are pushing social theory beyond the scope of the simple duality of direct and indirect relationships and modern concepts of self and society.¹⁵

In traditional societies, the physical forms of individuals are accessible to other individuals. In this context, being in the same place with another individual is defined as common existence. Historically, the plane of common existence for individuals has been the realm hosting social relations and exchanges.¹⁶ At this point, regarding the sociality of cyberspace, the techno-social subject and the reality of sociality are other topics that need to be discussed. Manifesting as a digital persona or a data image, the concept of the techno-social self raises some important questions for modern social theory.¹⁷

III. METAVERSE: FROM THE PHYSICAL UNIVERSE TO THE VIRTUAL UNIVERSE

Considering that humans and machines are steadily acquiring each other's characteristics and growing closer to each other, the technology industry has always followed developmental dynamics that allow for either human mechanization or machine humanization. Machine humanization is defined as a transition from the industrial revolution to artificial intelligence, wherein machines acquire the powers, intelligence, and other characteristics that humans possess. The developmental dynamics of metaverse technologies are also in line with human mechanization, such that the meta-universe transfers human consciousness and experience to the digital world, facilitating the mechanization of humanity. For this reason, the metaverse is considered to be the latest generation of human mechanization. Until the creation of metaverse technology, the "real space" in which humans existed and the "digital space" in which machines operated were separate realms. For example, the images of a computer game seen on a monitor and the real space of the room in which the game was being played were separate. The metaverse, on the other hand, integrates areas of humans and machines that were previously separate in order to accelerate the mechanization of humans through the digitization of entertainment experiences.¹⁸

15 LYON, David, "Cyberspace Sociality: Controversies Over Computer-Mediated Relationships," in **The Governance of Cyberspace Politics, Technology and Global Restructuring** (ed. Brian D. Loader), Routledge, United Kingdom, 1997, p. 30.

16 LYON, David, **Surveillance Society: Monitoring Everyday Life** (trans. Gözde Soykan), 1st Edition, Kalkedon Yayıncılık, İstanbul, 2006, p. 34.

17 LYON, 1997, p. 32.

18 KUDAN, "The World Beyond the Metaverse: Artificial Perception Enables the Fusion of Human and Machine," **White Paper**, 2022, pp. 3-4.

The metaverse is a network of three-dimensional virtual realities that emphasize social interaction through virtual space and augmented reality (AR). Derived from a portmanteau of “meta” and “universe,” the metaverse is a comprehensive and immersive experience that allows individuals to interact with each other through a virtual plane that is technologically facilitated and beyond the real material dimension.¹⁹ In other words, the metaverse may be described as a hypothetical synthetic environment connected to the physical world, as indicated by the combination of the prefix “meta” with the word “universe.” The term was first coined by Neal Stephenson in his 1992 science fiction novel *Snow Crash*. In this novel, the “metaverse” is depicted as a three-dimensional space in which one’s avatar is the intermediary for one’s actions in the simulated world.²⁰

Metaverse theorist Matthew Ball defines a meta-world as “a network of interconnected experiences, applications, devices and products, tools and infrastructure.”²¹ According to futurist Richard van Hooijdonk, the metaverse will make it possible for everyone to socialize, work, and do many other things that are currently done in the physical universe at any time and any place. He predicts that the metaverse will also make objects, events, creatures, senses, abilities, and “worlds” that we could only dream of before increasingly possible and will exempt humanity from any physical limitations. Metaverse users will be able to enter and exit this parallel universe, which will encompass an infinite number of virtual spaces inside other virtual spaces, contain all kinds of imaginable environments, and even serve as a prototype of the real world.²² Decoupled from the physical boundaries of time and space, the metaverse, far beyond being a mere game, offers new transformational opportunities across industries.²³ In fact, it seems that metaverse applications are being designed to integrate entities or sensations in the physical universe into the virtual world. In line with these applications, parallel virtual avatars are created. It has been suggested that the metaverse project is creating a “digital twin” of the physical universe.²⁴

19 CHOHAN, Usman W., “Metaverse or Metacurse?,” **Discussion Paper Series: Notes on the 21st Century**, 2022, p. 3.

20 BOLGER, Ryan K., “Finding Wholes in the Metaverse: Posthuman Mystics as Agents of Evolutionary Contextualization,” **Religions**, Vol. 12, No. 9, 2021, p. 5.

21 MERWE, David van der, “The Metaverse as Virtual Heterotopia,” **Third World Conference on Research in Social Sciences**, 22-24 October 2021, p. 1.

22 The Metaverse: Blurring the Lines Between Our Physical and Virtual Worlds, <https://blog.richardvanhooijdonk.com/en/the-metaverse-blurring-the-lines-between-our-physical-and-virtual-worlds/> (Date of Access: 29.03.2022).

23 Metaverse: 5 Questions Shaping the Next Frontier of Human Experience, 2022, https://www.ey.com/en_gl/digital/metaverse-5-questions-shaping-the-next-frontier-of-human-experience (Date of Access: 22.03.2022).

24 ZHU, Hongyin, “MetaAID: A Flexible Framework for Developing Metaverse Applications via AI Technology and Human Editing,” **AAAI**, 2022, p. 1.

The metaverse has been developed to further facilitate digital transformations in all realms of our physical life. The meta-data universe is understood as a digital copy of what we see in our reality. At the same time, the meta-data store is perceived as a social microcosm where players (i.e., people who use the meta-data store) can exhibit realistic social behaviors.²⁵ In the meta-database, all individual users have their own avatars created to represent the user's physical self in order to experience an alternative life in virtuality, which is a metaphor for the user's real world. The meta-universe has transformative effects in different areas including socializing, learning, shopping, gaming, and traveling.²⁶ However, virtual reality also has the potential to lead to risks of disconnection from the original environment.²⁷

The meta-data store needs a mechanism that makes it possible for users to live full-time within virtual boundaries. This entails the creation of a unified means of economic exchange. Therefore, it is expected that corporate platforms will try to create their own currencies. In addition, it is argued that a meta-universe that issues its own digital currency, in the same vein as national currencies, can better implement its own corporate doctrine by promoting user conformity.²⁸ The meta-universe may thus have a paradoxical effect due to the fact that it is a temporary interface between digital and physical realms, between what is lived and simulated. For this reason, the meta-data universe is also referred to as "phygital," a portmanteau of "physical" and "digital," in recent studies. In the relevant body of literature, this set of virtual worlds is described as a "placeless place."²⁹

At the heart of the meta-database lies an immersive vision of the internet as a huge, unified, permanent, and shared space. Although a metaverse supported by emerging technologies looks futuristic, it is thought that the "digital big bang" of cyberspace is not far off. For example, the Caribbean island nation of Barbados has signed a contract with Decentraland, one of the popular crypto-supported digital worlds, to create a "metaverse embassy." This embassy is expected to conduct actual ambassadorial operations such as issuing electronic visas and creating virtual land.³⁰

25 LIK-HANG, Lee, et al., "All One Needs to Know about Metaverse: A Complete Survey on Technological Singularity, Virtual Ecosystem, and Research Agenda," *JLCF*, Vol. 14, No. 8, 2021, p. 39.

26 LIK-HANG et al., p. 38.

27 ROSPIGLIOSI, p. 1.

28 VERGNE, Jean-Philippe, "The Future of Trust will be Dystopian or Decentralized: Escaping the Metaverse," *Forthcoming in Special Issue of Revista de Occidente on The Future of Trust*, 2021.

29 FOUCAULT, Michel, "Of Other Spaces: Utopias and Heterotopias," *AMC*, 1984.

30 The Position of Metaverses in the Field of Law, 2021, <https://www.digicrimjus.com/2021/12/31/the-position-of-metaverses-in-the-field-of-law/> (Date of Access: 27.03.2022).

To reiterate, the metaverse, as the successor to the internet, is a three-dimensional virtual space in which people interact with objects, the environment, and each other themselves or through their avatars as their digital representations. It should be remembered that the metaverse, which has been a source of inspiration for science fiction novels for decades, is not a new concept. On the contrary, early versions of the metaverse are already available, particularly in the gaming industry, and as a result of the convergence of the physical and the digital, facilitated by the Covid-19 pandemic³¹ and the integration of complementary and emerging technologies, the metaverse is becoming widespread in all areas of human activity.³²

IV. META-SURVEILLANCE: GOVERNANCE TECHNOLOGIES IN THE VIRTUAL UNIVERSE

Digitalization and big data at all levels pave the way to “surveillance capitalism” and intensify the Taylorist methods of discipline for labor.³³ This change in digital technology makes it possible to collect large quantities of data. As political scientist Nick Srnicek accurately points out in his work titled Platform Capitalism, “with a long decline in manufacturing profitability, capitalism has turned to data as one way to maintain economic growth and vitality in the face of a sluggish production sector.”³⁴ Additionally, the British sociologist Anthony Giddens argues that surveillance should not be considered as only a reaction of capitalism (e.g., monitoring workers in the factory) or the nation-state (e.g., conducting administrative inspections of citizens); rather, it should also be considered as a producer of power. Karl Marx showed special interest in surveillance as an aspect of the struggle between labor and capital. In this context, Marx’s understanding of surveillance, which entails supervising and monitoring workers, is a means of maintaining administrative control on behalf of capital. On the other hand, Max Weber focused on the methodology of developing data storage and retrieval methods in a quest for the efficient functioning of all modern organizations within bureaucracy.³⁵

31 For an analysis of artificial intelligence-based applications used to combat the COVID-19 pandemic, see KILIÇ, Muharrem, “Ethico-Juridical Dimension of Artificial Intelligence Application in the Fight Against Covid-19 Pandemics,” in **The Impact of Artificial Intelligence on Governance, Economics and Finance** (ed. S. Bozkuş Kahyaoğlu), Springer, 2021, pp. 299-317.

32 Metaverse: 5 Questions Shaping the Next Frontier of Human Experience, 2022, https://www.ey.com/en_gl/digital/metaverse-5-questions-shaping-the-next-frontier-of-human-experience (Date of Access: 22.03.2022).

33 ROBINSON, William I., **The Global Police State** (trans. Akin Emre Pilgir), 1st Edition, Ayrıntı Yayınları, İstanbul, 2022, p. 71.

34 ROBINSON, pp. 68-69.

35 LYON, David, **The Electronic Eye: The Rise of Surveillance Society**, University of Minnesota Press, Minneapolis, 1994, p. 7.

It is suggested that the widespread adoption of bureaucratic supervision in the twentieth century produced a new category of relations between citizens and large centralized administrative organizations. It is furthermore apparent that computerization has intensified this trend. The phenomenon dubbed the “data image” of individuals by Kenneth Laudon is said to be created in this context and judgments have been made about it accordingly.³⁶ Australian computer scientist Roger Clarke devised the concept of “dataveillance” to highlight the risks of the convergence of new technologies for developed societies. The power of data surveillance lies not only in computers and telecommunications systems, but also in the huge number of new configurations that are available.³⁷

In this context, order and control on a global scale appear as important motives. However, as surveillance shifts to take on the form of simulation, the concepts of order and control in virtual interaction areas are evolving toward a one-sided conceptualization of modern bureaucratic sovereignty. “Nomadic bodies” and digital players are distinct from earlier surveillance regimes as subjects of today's computer-based surveillance technologies to such an extent that nomadic bodies, digital players, and the relationships among them all are created by surveillance practices.³⁸

The prevalence of the surveillance society phenomenon is explained with the development of time-space relations. As Giddens states, tools such as clocks and time tables have come to dominate modern life as ways to coordinate social activities.³⁹ As the concepts of time and space shift, and as the fluidity of global communication and the dependence on surveillance based on physical data rather than interrogation of the individual increase, a blurring occurs.⁴⁰ Academic Christopher Dandeker observes that surveillance in the modern world “is shifting from personal and patronage indirect control systems to direct control through bureaucratic administrative power systems.” According to him, modern systems are comprehensively “depersonalized.” This impersonalization makes it difficult to name the person or sometimes even the institution conducting the surveillance.⁴¹

36 LYON, 1994, p. 84.

37 LYON, 1994, p. 48.

38 LYON, 2006, p. 73.

39 LYON, 2006, p. 38.

40 LYON, 2006, p. 22.

41 LYON, 1994, pp. 92-93.

One of the main problems brought about by modernity is the “disappearance of bodies” that arose as a result of the spread of communication and information technologies on a global scale. Because of this, social agencies have emerged to follow personal traces in order to balance the difficulties caused by embodied surveillance that monitors visible bodies.⁴² In fact, a world that is unstable and uncertain, where spatialization does not exist, gives rise to questions about the traditional concepts of subjectivity, bodies, and spaces. Bodies are genetically or biometrically interrogated without speech, and places possess locations on only a temporary basis. Therefore, questions about time and space, which arise together with bodies in motion and vision, are pivotal in relation to surveillance. New surveillance methods make it possible to locate and regulate people’s behaviors on both macro and micro time-space planes and allow for interactions between the two.⁴³ In addition, the most fundamental problem area for decentralized universes is that each individual exists as a stranger who has no authority over others. Inside this virtual environment, which has been characterized as a “tourist trap,” each individual plays the role of a passive subject.⁴⁴

Cyberspace surveillance management is based on abstractions, electronic impulses, and discursive fields.⁴⁵ It is envisaged that any action in the metaverse would be an illusion of autonomy and bodily integrity, such that a company that owns a database will control even the virtual air to be inhaled in a metaverse.⁴⁶ Therefore, in order to resolve these issues, an approach that promotes individual autonomy and forms the basis of human rights and civil rights needs to be developed.⁴⁷

Finally, surveillance now appears as the main way to keep unformed relationships focused on the sum of individual details. The proliferation of surveillance societies provides data on values and power relations.⁴⁸ In addition, in line with the goal of identification and classification, surveillance is being further deepened for the purposes of monitoring, controlling, and testing individuals.⁴⁹

42 LYON, 2006, p. 34.

43 LYON, 2006, p. 42.

44 VERGNE, 2021.

45 LYON, 2006, p. 99.

46 The Metaverse is a Human Rights Dilemma, 2021, <https://www.zdnet.com/article/the-metaverse-is-a-human-rights-dilemma/> (Date of Access: 27.03.2022).

47 The Metaverse is a Human Rights Dilemma, 2021, <https://www.zdnet.com/article/the-metaverse-is-a-human-rights-dilemma/> (Date of Access: 27.03.2022).

48 LYON, 2006, p. 36.

49 LYON, 2006, p. 142.

V. METAVERSE: AN ANALYSIS ON THE BASIS OF HUMAN RIGHTS

“The platform of virtuality, unreality, surreality, and artificiality that is embedded in the digital universe is producing and diversifying new life forms, which we can conceptualize as ‘onto-robotic representations.’ This new existential state produced through algorithmic creations, artificial intelligence technologies, robot technology, and android devices is causing concerns regarding the existential threats that it poses for human dignity on an ethical basis.”⁵⁰ The biggest challenge regarding the metaverse is related to the state of human rights in the virtual universe as the meta-universe offers a synthetic environment conducive to violations of human rights and ethics. Violation of privacy and data invasion are only some of these problem areas.⁵¹ In the meta-data universe, large amounts of data, and particularly residence, workplace, and contact information, are being collected by the companies and individuals that operate the metaverse. This situation that facilitates the collection of large amounts of data corresponds to more intervention by state and private sector surveillance mechanisms.⁵²

Electronic personalities and electronic avatars today rarely copy a person's typology or behavioral forms. Nor do they reproduce the appearance of the real owner or user of the avatar. In most cases, an electronic avatar is a manifestation of an imaginary generalized or idealized image of an impersonalized person or a fictional character.⁵³ Each identity in the virtual world is based on the creation of a special database. Individuals have no control over this database. The decisions of the companies that create such virtual structures are definitive by nature. It is predicted that the possibility of something that is a part of an entire ontic entity and identity being canceled by companies will lead to “enslavement.”⁵⁴

It is also thought that, as a result of the impermeable control of what we see and what we do, an individual who loses his or her freedom of thought may become a

50 KILIÇ, Muharrem, “Transhumanist Representations of Legal Reason and Onto-robotic Forms of Existence,” *AD*, 2021/1, No. 66, p. 17.

51 Metaverse Will Bulldoze Human Rights: The Last Thing That World Needs Right Now, 2021, <https://www.dkoding.in/business/industry/metaverse-will-bulldoze-human-rights-last-thing-that-world-needs-right-now/> (Date of Access: 26.03.2022).

52 Metaverse Will Bulldoze Human Rights: The Last Thing That World Needs Right Now, 2021, <https://www.dkoding.in/business/industry/metaverse-will-bulldoze-human-rights-last-thing-that-world-needs-right-now/> (Date of Access: 26.03.2022).

53 KOSTENKO, p. 4.

54 The Metaverse is a Human Rights Dilemma, 2021, <https://www.zdnet.com/article/the-metaverse-is-a-human-rights-dilemma/> (Date of Access: 27.03.2022).

“virtual slave.”⁵⁵ In other words, it can be said that the digital mechanisms produced by this virtual universe will lead to “meta-slavery.” An individual who exists under the yoke of technological hegemony evolves into “fractal and virtual monads” on the virtual plane. On this virtual plane, a “human who was informed in the Web 1.0 process is becoming a being who thinks, speaks, feels and gains an artificial identity and space for itself in the Web 2.0 world.”⁵⁶ As Baudrillard accurately put it, the modern individual, who has reached the latest stage of liberation through networks, screens, and new technologies, is transforming into a “fractal subject.” “The modern individuals, who no longer take part in an order that transcends them and are prey to their own will, faced with the impulse to become what they want and to want what they are, finally set their sights on themselves and spend their own means on consumption.” Baudrillard describes this situation as a new form of voluntary slavery.⁵⁷

It is argued that people do not really exist on social media, nor will they exist in the meta-data universe. This is because the identity of each individual is a dream of a database. Thus, this virtual universe leads individuals to an illusion of identity. In this context, it is argued that without control and autonomy, individuals will not have a meaningful identity. In this virtual universe, people are pawns of the database owner on a practical level.⁵⁸ Former Google CEO Eric Schmidt expressed his concerns about plans for the metaverse, saying that a metaverse “is not the best thing for human society” and that artificial intelligence would be “a giant false god” creating unhealthy and parasocial relationships.⁵⁹

At this point, the phenomenon of “avatar narcissism” also needs to be discussed. Avatar narcissism is an avatar norm that arises as a result of individuals not fully reflecting their real age, weight, and general appearance in the virtual world. On the contrary, individuals are sometimes observed to reflect themselves in this universe with different colors, costumes, and animal characteristics or as cartoon characters. In these cases, the ways in which individuals represent themselves in the virtual

55 The Metaverse: Blurring the Lines Between Our Physical and Virtual Worlds, <https://blog.richardvanhooijdonk.com/en/the-metaverse-blurring-the-lines-between-our-physical-and-virtual-worlds/> (Date of Access: 29.03.2022).

56 Platon'un mağarasına geri dönüyoruz: METAVERSE, 2022, <https://www.lacivertdergi.com/dosya/2022/01/26/platonun-magarasina-geri-donuyorum-metaverse> (Date of Access: 22.03.2022).

57 BAUDRILLARD, Jean, **Impossible Exchange** (trans. Ayşegül Sönmezay), 3rd Edition, Ayrıntı Yayınları, İstanbul 2018, pp. 52-53.

58 The Metaverse is a Human Rights Dilemma, 2021, <https://www.zdnet.com/article/the-metaverse-is-a-human-rights-dilemma/> (Date of Access: 27.03.2022).

59 FENN, Louise, “Metaverse or Metacurse?,” 2021, https://ecs.co.uk/resources/metaverse-or-metacurse/#_ftnref8 (Date of Access: 28.03.2022).

environment differs from how they appear in the physical universe. This process of imagination leads to questions about the existence of a parallel universe in which people are always young, beautiful, and thin, or where they take on different identities to mask their mediocrity.⁶⁰

In fact, avatars create new identities of their own in the metaverse. This raises new questions and leads to a new idea about human life as it suggests that the digital clone of humanity existing in the meta-universe will live on forever. Even if the physical body of a person is destroyed in physical reality, that individual's digital personality lives on in the meta-universe. This brings with it technical, design, and ethical problems related to the digital selves of metaverse avatars. In this context, there are questions about human rights, the obligations related to long-lived avatars, and the right to inheritance in digital settings.⁶¹

The meta-universe is a microcosm of social structures. Regulations and policies need to be put into place to manage the meta-database, the platform, and its members. This virtual universe enables users to interact with other virtual beings and avatars. Information on relationships and social interactions plays a pivotal role in understanding the habits, activities, and choices of users in the meta-data store. In addition, the meta-data contained in all types of social interactions with other avatars (for example, conversations or reactions) carry privacy risks for users.⁶² In this context, another serious concern related to the metaverse is the challenge it poses for the maintenance of privacy. Technological devices are collecting a plethora of data, primarily including personal information such as physical, cultural, and economic characteristics; the behaviors of users, including their habits and choices; and communications, or meta-data.⁶³

AR glasses carry the risk of greatly undermining expectations of privacy in both private and public spaces. A person wearing AR glasses has the potential to easily record his or her surroundings secretly and it is predicted that this situation may acquire more dangerous dimensions when surveillance technologies such as facial recognition are also considered.⁶⁴ Additionally, there is a risk of the theft of

60 20 reasons why the Metaverse may not work out as we think it will, 2021, <http://donaldclarkplanb.blogspot.com/2021/12/20-reasons-why-metaverse-may-not-work.html> (Date of Access: 23.03.2022).

61 LIK-HANG et al., p. 46.

62 BERMEJO, Carlos, & HUI, Pan, Life, the Metaverse and Everything: An Overview of Privacy, Ethics, and Governance in Metaverse, <https://arxiv.org/pdf/2204.01480.pdf> (Date of Access: 23.03.2022).

63 LIK-HANG et al., p. 38.

64 Virtual Worlds, Real People: Human Rights in the Metaverse, 2021, <https://www.eff.org/deeplinks/2021/12/virtual-worlds-real-people-human-rights-metaverse> (Date of Access: 28.03.2022).

the electronic copy of a person or de facto electronic kidnapping and the use of avatars without the consent or knowledge of the individuals who own them. It is envisaged that “electronic human trafficking” can be used to access the financial and material resources of the owner or to carry out terrorist acts, not only in the cyber environment, but also against physical objects, people, and societies.⁶⁵

The meta-data universe also allows the acquirement of property and land. Related to this, the anonymity of the virtual universe allows more favorable conditions for crimes against property such as theft. In particular, blockchain-based non-fungible tokens (NFTs), which are used to prove the ownership of digital property, have the potential to become a target for attacks.⁶⁶ In this context, another reflection of the metaverse within the current legal order will be seen in the field of inheritance law. It is apparent that in the event of a user’s death, new legal regulations will be needed to determine the status of that person’s avatar and assets in the metaverse. In accordance with a court decision on digital inheritance in Turkish law, it has become possible to leave digital assets as an inheritance. The first decision on the issue of digital heritage or inheritance was made by the 6th Civil Department of the Antalya Regional Court of Justice, dated 13.11.2020.⁶⁷

Issues of intellectual property and other property types also carry importance in the meta-universe. Today, it is apparent that the technical components of the meta-universe belong to legal entities and developers. Similarly, precedent court decisions have been made that recognize the ownership of avatars or game objects by users who have spent real financial resources on their creation and use in the game environment. For example, the Supreme Court of the Netherlands decided that the virtual form of an object does not carry importance in the case of the mandatory transfer of electronic game features. The Supreme Court ruled that virtual objects constitute data and that the main feature of these virtual objects is the possibility of private control over the objects. For this reason, it was concluded that forcefully taking said control away from players against their will would constitute a type of theft crime. This case was the first case on a regional scale to generate serious attention in the European judicial system. Specifically, this case distinguished between different levels of “ownership” within the meta-universe in

65 KOSTENKO, p. 4.

66 The Position of Metaverses in the Field of Law, 2021, <https://www.digicirimjus.com/2021/12/31/the-position-of-metaverses-in-the-field-of-law/> (Date of Access: 27.03.2022).

67 Tavşan Deliğinden Aşağıya Bakmak: Metaverse Dünyası & Onu Bekleyen Hukuki Sorunlar, 2021, <https://www.cetinkaya.com/insights/tavsan-deliginden-asagiya-bakmak-metaverse-dunyasi---onu-bekleyen-hukuki-sorunlar> (Date of Access: 24.03.2022).

order to resolve questions of securing the rights of both virtual world developers and users.⁶⁸

Researchers report that harassment, assault, bullying, and hate speech are already widespread in virtual reality games that are part of the metaverse and that there are few mechanisms to conveniently report misbehaviors. According to the nonprofit Center for Countering Digital Hate, incidents that violate human rights occur every seven minutes in VRChat, a popular virtual reality game.⁶⁹ It is thought that inappropriate behaviors such as harassment and violence in the meta-data universe have the potential to become more severe than today's online harassment and bullying because virtual reality is evolving into an all-encompassing digital world with immersive sensory experiences, where people can be made to feel unwanted touches as real. There are difficulties involved in monitoring inappropriate behaviors in virtual reality. One reason for this is the fact that events occur in real time and are usually not recorded.⁷⁰

For example, on November 26, 2021, a beta tester reported to Meta (Facebook) that they were groped by a stranger in Horizon Worlds, an online virtual reality game published by Meta Platforms. As a result of Meta's review of the incident, it was suggested that the beta test device incorporate a "safe zone" tool as part of a set of security features built into the game. This "safe zone" is described as a protective bubble that users can activate when they feel threatened.⁷¹ It creates a private space for people where no one can touch them, talk to them, or interact with them in any way.⁷² Virtual worlds, which are more conducive to unpredictable actions and consequences when compared to the physical universe, allow for new types of crimes to emerge besides the many crimes whose typologies are already determined in current laws.⁷³ The spread of fake and malicious content in the metaverse, including fake news, deepfakes, and state-sponsored propaganda,

68 KOSTENKO, p. 5.

69 <https://www.nytimes.com/2021/12/30/technology/metaverse-harassment-assaults.html> (Date of Access: 20.03.2022).

70 <https://www.nytimes.com/2021/12/30/technology/metaverse-harassment-assaults.html> (Date of Access: 20.03.2022).

71 Virtual Worlds, Real People: Human Rights in the Metaverse, 2021, <https://www.eff.org/deeplinks/2021/12/virtual-worlds-real-people-human-rights-metaverse> (Date of Access: 28.03.2022).

72 The Metaverse Has a Groping Problem Already, 2021, <https://www.technologyreview.com/2021/12/16/1042516/the-metaverse-has-a-groping-problem/> (Date of Access: 23.03.2022).

73 The Position of Metaverses in the Field of Law, 2021, <https://www.digicrimjus.com/2021/12/31/the-position-of-metaverses-in-the-field-of-law/> (Date of Access: 27.03.2022).

creates situations that must be handled with sensitivity in order to protect the rule of law and social cohesion.⁷⁴

A large number of virtual worlds, with separate rules for each of them, will be created in the meta-data store to manage users' behaviors and activities. Therefore, efforts to manage and maintain such virtual worlds are important. Metaverse designers, who deem the meta-data universe a virtual society, need to work toward ensuring "algorithmic justice" as a fundamental value or ideal.⁷⁵ As new opportunities and challenges for society arise in the meta-data universe, it will be important to focus on legal legislation and regulations that maintain flexibility. At this point, considering the main aspects of the development of social relations, it is suggested that the metaverse is the technology for the cosmopolitan development of mankind.⁷⁶

Wherever there is society, there is law (*ubi societas ibi jus*). Although meta-universes are virtual worlds, people conduct actions and transactions there that have consequences in the legal universe and they do have some rights in these worlds. This gives rise to questions about the adaptation of existing legal rules⁷⁷ to these new virtual worlds.⁷⁸ The development of law in the metaverse is the first stage of the reflection of the laws of physical society on electronic social relations. Due to the cosmopolitan nature of the metaverse, the laws of different states will not apply in this universe. However, the development of a "global electronic legislation" in the metaverse will facilitate the modernization and improvement of national legislations.⁷⁹ In fact, current archaic or "analogue era" legislations are being revised to address legal issues in electronic media. The rules and norms of behavior in the meta-data universe are institutional in nature, since they are still a projection of the physical universe. In this context, it is important to develop public moral norms that will regulate the open attributes of electronic states and cosmopolitan electronic social relations in the meta-universe.⁸⁰

74 Cyprus: Law in the Metaverse, 2021, <https://www.mondaq.com/cyprus/fin-tech/1129978/law-in-the-metaverse> (Date of Access: 25.03.2022).

75 LIK-HANG et al., p. 38.

76 KOSTENKO, p. 11.

77 See also KENNEDY, Rónán, "Law in Virtual Worlds," *IJL*, Vol. 12, No. 10, 2009.

78 The Position of Metaverses in the Field of Law, 2021, <https://www.digicrimjus.com/2021/12/31/the-position-of-metaverses-in-the-field-of-law/> (Date of Access: 27.03.2022).

79 KOSTENKO, p. 11.

80 KOSTENKO, p. 9.

Today, social relations in the meta-universe exist concurrently with the traditional social relations of the physical world. This universe is also being regulated by the laws immanent to the physical universe. However, it is apparent that the legal doctrines of this virtual universe need to be restructured within the framework of a single global e-jurisdiction. Through this restructuring, electronic subjects and electronic objects will acquire new forms and legal statuses.⁸¹ Therefore, it is necessary to analyze the problem of protecting the rights of electronic assets and objects in the meta-universe. In this context, it is expected that legal regulations will be implemented in a separate global electronic jurisdiction conformed to by all users, regardless of their citizenship in the physical world and whether they are registered in any country, or that there will be a two-tier jurisdiction. In relation to this, it is also predicted that the new legal regulations will see to it that general legal disputes on social relations are resolved in the meta-universe first, and the legal regulations will end in the jurisdiction of a certain country.⁸²

It is emphasized that, as there will be no national borders in the metaverse, a “meta-jurisdiction” specific to this virtual universe is necessary.⁸³ The absence of national borders in the meta-data universe also raises questions about which state’s legal rules and which laws related to privacy, consumer product safety, labor standards, and contracts will apply there.⁸⁴ It is currently being argued that the jurisdiction that may apply in the meta-universe will be a “universal jurisdiction” that allows a state to carry out legal responses in the face of certain serious crimes, regardless of the nationality of the perpetrator and the victim or where the crime was committed, or that provides for the compulsory fulfillment of this obligation. Within the framework of this authority, a state would be able to apply the relevant criminal laws applicable to an action committed by any person anywhere in the world in cases where the action in question is recognized by states to be damaging to the international order.⁸⁵

In this context, it is proposed in the literature that a legal system specific to the metaverse should be created. Since situations that may arise in the metaverse differ dramatically from those seen in daily life, it is envisaged that virtual universes

81 KOSTENKO, p. 12.

82 KOSTENKO, p. 10.

83 The Position of Metaverses in the Field of Law, 2021, <https://www.digicrimjus.com/2021/12/31/the-position-of-metaverses-in-the-field-of-law/> (Date of Access: 27.03.2022).

84 Why We Need ‘Meta Jurisdiction’ for the Metaverse, 2021, <https://thehill.com/opinion/technology/583529-why-we-need-meta-jurisdiction-for-the-metaverse/> (Date of Access: 26.03.2022).

85 Why We Need ‘Meta Jurisdiction’ for the Metaverse, 2021, <https://thehill.com/opinion/technology/583529-why-we-need-meta-jurisdiction-for-the-metaverse/> (Date of Access: 26.03.2022).

should have their own unique legal system. This would entail avatars existing in the meta-universe having rights similar to “real-world” human rights. However, such a situation would raise a number of questions. For example, there are discussions on whether the banishment or deletion of a person’s avatar from the metaverse as the result of a crime committed there is equivalent to the death penalty or not. Similarly to a person’s right to live in the face of such sanctions, the plausibility of defining an area of fundamental rights along the lines of “everyone has the right to access the metaverse” is being questioned.⁸⁶ Considering the fact that the metaverse may become an integral part of our lives and the high probability that humans will conduct a large portion of their daily activities in virtual universes in the coming years, it is envisaged that preventing an individual’s access to the metaverse may correspond to that person being excommunicated from social life.⁸⁷

The metaverse may not only threaten human interactions; it may lead people across the globe to increasingly prefer the virtual world over the real world. It has been predicted that the metaverse could become a safe haven where everyone can feel happy and appreciated, and that people will take refuge in the metaverse at times when real life becomes annoying, too complicated, or challenging to deal with.⁸⁸ Similarly to Plato’s allegory of the cave,⁸⁹ future generations born into this technological universe may begin to perceive the created virtual universe, a shadow of reality, as reality itself, and it may become unbearable for them to continue their existence outside of that virtual universe.⁹⁰ The situation of being trapped in Plato’s cave and not being able to comprehend the difference between reality and illusion is one of the most important thought experiments in epistemology. The cave allegory highlights the subjectivity of our reality and how this reality is shaped by our perceptions of the world and our experiences.⁹¹

86 Tavşan Deliğinden Aşağıya Bakmak: Metaverse Dünyası & Onu Bekleyen Hukuki Sorunlar, <https://www.cetinkaya.com/insights/tavsan-deliginden-asagiya-bakmak,-metaverse-dunyasi---onu-bekleyen-hukuki-sorunlar> (Date of Access: 24.03.2022).

87 Tavşan Deliğinden Aşağıya Bakmak: Metaverse Dünyası & Onu Bekleyen Hukuki Sorunlar, <https://www.cetinkaya.com/insights/tavsan-deliginden-asagiya-bakmak,-metaverse-dunyasi---onu-bekleyen-hukuki-sorunlar> (Date of Access: 24.03.2022).

88 The Metaverse: Blurring the Lines Between Our Physical and Virtual Worlds, <https://blog.richardvanhooijdonk.com/en/the-metaverse-blurring-the-lines-between-our-physical-and-virtual-worlds/> (Date of Access: 29.03.2022).

89 PLATO, **Republic** (trans. Sabahattin Eyüboğlu & M. Ali Cimcoz), 10th Edition, İş Bankası Kültür Yayınları, İstanbul, 2019.

90 Tavşan Deliğinden Aşağıya Bakmak: Metaverse Dünyası & Onu Bekleyen Hukuki Sorunlar, <https://www.cetinkaya.com/insights/tavsan-deliginden-asagiya-bakmak,-metaverse-dunyasi---onu-bekleyen-hukuki-sorunlar> (Date of Access: 24.03.2022).

91 Plato’s Cave 2.0: Virtual Reality to Decipher Animal Behavior, 2020, <https://www.ab.mpg.de/211731/plato-s-cave-2> (Date of Access: 28.03.2022)

VI. METAVERSE: AN ANALYSIS IN REGARDS TO THE IDEAL OF SINGULARITY

Since the language revolution roughly 70,000 years ago, humans have been living in an “intersubjective reality” that comprises human inventions such as nations, countries, borders, and traditions, which were created in order to allow comprehensive and flexible cooperation between individuals.⁹² With advances in intelligent computers and information communication technologies, this universe of reality is evolving toward a universe of virtual reality. The philosophical nature of this universe that is related to the transition from a human to a post-human age is referred to as “transhumanism.”⁹³ American sociologist William Sims Bainbridge suggests that the true ideal of transhumanism will serve humanity by allowing humans to change and improve their bodies and ensuring that they achieve a morphological zenith. He also predicts that this ideal will offer the freedom to live in different bodies, including virtual bodies. He points out that empowering avatars is not merely a matter of increasing a person’s effectiveness in performing actions; it can also allow for a modified form of consciousness that expands the opportunities for experiences and is beyond the traditional system of moral restrictions.⁹⁴

In this context, it is suggested that the aim of transhumanism⁹⁵ is to turn people into “super robots” through technology. In line with this, futurist Ray Kurzweil predicts that in the year 2045, our souls will exist on the threshold between the physical world and the digital world. It is further suggested that the metaverse was developed in order to support a vision similar to that foreseen by Kurzweil. In *The Singularity Is Near*, Kurzweil states that “there will be no distinction between human and machine or physical reality and virtual reality in the post-Singularity period.” According to him, “our experiences will increasingly take place in virtual environments” and “we will be able to become a different person in virtual reality, both physically and emotionally.”⁹⁶

92 COSTANTINOS, Berhutesfa, “Artificial Intelligence, the Singularity, Metaverse and Critical Thinking in Unleashing African Transformation,” *PLRL*, Vol. 22, No. 738, 2022, p. 401.

93 STEINICKE, Frank, *Being Really Virtual: Immersive Natives and the Future of Virtual Reality*, 1st Edition, Springer, 2016, p. 156.

94 BAINBRIDGE, William Sims, “Transavatars,” in *The Transhumanist Reader: Classical and Contemporary Essays on the Science, Technology, and Philosophy of the Human Future* (eds. Max More & Natasha Vita-More), 1st Edition, 2013, p. 92.

95 See also FM-2030, *Are You A Transhuman?: Monitoring and Stimulating Your Personal Rate of Growth In a Rapidly Changing World*, Warner Books, USA, 1989.

96 KURZWEIL, Ray, *The Singularity Is Near: When Humans Transcend Biology*, Viking Penguin, New York, 2005.

Transhumanists are still discussing the potential risks, benefits, responsibilities, and ethics of using the technologies that will cause the evolution toward technological singularity. In astrophysics, “singularity” refers to a point in space-time where ordinary laws of physics do not apply, such as inside a black hole.⁹⁷ The idea of accelerating technological progress by using machine superintelligence dates back several decades. This idea, which is now often referred to as “singularity,” describes a human lifestyle in which the social relations that were considered normal throughout human history cannot continue, and makes it appear as if we are in fact approaching an important singularity.⁹⁸

In other words, this singularity constitutes an era in which intelligence will gradually cease to be biological, becoming trillions of times more powerful than today. The singularity is also seen as the harbinger of the birth of a new civilization that will strengthen people’s creativity in ways that will allow them to overcome biological limitations.⁹⁹ The technological singularity is conceived of as a possibility based on the assumption that the human brain is the only source of consciousness and that technology is its descendant.¹⁰⁰ The technological singularity is also seen as a hypothetical moment in the future when artificial intelligence becomes indistinguishable from human intelligence and is able to create more intelligent iterations of itself.¹⁰¹

However, “as the world evolves towards technological singularity, the monopoly of humans as the only advanced sentient life form on the planet supported by a series of post-human incarnations, including enhanced humans, trans-humans, robots, and cyborgs, is under threat.”¹⁰² Israeli historian Yuval Harari predicts that “the 21st century will be dominated by algorithms,” and such an outcome would unarguably make algorithms the most important concept in our world.¹⁰³ It is generally accepted that the human condition dictates that one body equals one person. However, that situation is changing in parallel with technological

97 STEINICKE, p. 156.

98 MORE, Max, “The Philosophy of Transhumanism,” in **The Transhumanist Reader: Classical and Contemporary Essays on the Science, Technology, and Philosophy of the Human Future** (eds. Max More & Natasha Vita-More), 1st Edition, 2013, p. 12.

99 COSTANTINOS, p. 402.

100 KILIÇ, p. 27.

101 Nearing the Simulation Singularity: What Would Immersive Computing Mean to the Human Mentality?, <https://www.ecstadelic.net/top-stories/nearing-the-simulation-singularity-what-would-immersive-computing-mean-to-the-human-mentality> (Date of Access: 30.03.2022).

102 KILIÇ, p. 24.

103 COSTANTINOS, p. 401.

transformations. We are now witnessing a virtual universe in which an individual can have many different avatars. This change is considered a step toward “multiplexes” or variable personalities.¹⁰⁴

It is further envisaged that a “simulation singularity” will occur when the simulated worlds created by the ideal of singularity become indistinguishable from reality.¹⁰⁵ Thus, the metaverse could reach the potential to enable people to exist as any gender, race, or species. Laura Beloff, who conducts studies in the field of wearable technology, describes contemporary human agency as that of a virtual “hybronaut” that possesses a continuous existence in real time and in connection with virtual space. According to her, “the individual can be seen as a network of connections that intersects with the body and technological devices, as well as with other bodies and the environment.” Beloff argues that the relationship between users and wearable technologies uniquely affects society, making it possible to view humans as systems which gave up on thinking humans are framed by clearly defined bodies. Hybronauts are conceptualized as figures whose existences are deeply rooted in a hybrid environment and the various relationships formed in that environment. In line with this conceptualization, technology is no longer considered as only a communication channel for performing tasks or transmitting messages; it is also becoming a dimension of the environment and an integral part of the people who are connected to the network.¹⁰⁶

There are different predictions for the future regarding the systemic transformation of law in a social structure dominated by transhumanist thought. Richard Susskind predicts that, over time, all legal structures will be embedded in business practices and in our brains or remotely accessible chips or networks. The questions of how human rights can be applied in the context of the conception of the human developed within the framework of this understanding and how the basic principles of law can be adapted to the transhuman age are also important.¹⁰⁷

104 **The Transhumanist Reader: Classical and Contemporary Essays on the Science, Technology, and Philosophy of the Human Future**, p. 65.

105 Nearing the Simulation Singularity: What Would Immersive Computing Mean to the Human Mentality?, <https://www.ecstadelic.net/top-stories/nearing-the-simulation-singularity-what-would-immersive-computing-mean-to-the-human-mentality> (Date of Access: 30.03.2022).

106 BELOFF, Laura, “The Hybronaut Affair: A M nage of Art, Technology, and Science,” in **The Transhumanist Reader: Classical and Contemporary Essays on the Science, Technology, and Philosophy of the Human Future** (eds. Max More & Natasha Vita-More), 1st Edition, 2013, p. 87.

107 KILIÇ, p. 27.

As a result of the evolution of technological singularity into simulation singularity, there will also be changes and transformations in the legal system. In this context, "legal singularity" is emerging as an ideal that involves the elimination of "legal indeterminacy" and the development of an uninterrupted legal system that can be accessed in real time on a universal level. It is anticipated that laws will exist in a state of constant balance between facts and norms in the age of legal singularity. However, legal singularity is also characterized as a proposal for the elimination of legal reasoning, which forms a basis for the resolution of disputes, and the distribution of rights, responsibilities, and powers.¹⁰⁸

It is expected that a legal system based on legal singularity would eliminate the problem of legal indeterminacy, as future legal systems that have reached legal singularity are described as an "uninterrupted legal order with completely specific rules that is accessible to everyone in real time."¹⁰⁹ Academic Pierre Legrand, who takes a critical approach to the ideal of legal singularity, claims that attempts to harmonize or unify "law" will result in a process of "meta-law."¹¹⁰ According to Legrand, what lies at the basis of the ideal of legal singularity is the idea of instrumentalizing law, which manifests itself through harmony, integration, uniformity, and the streamlining of law.¹¹¹

VII. IN LIEU OF A CONCLUSION

The ideal of creating superhumans developed within the framework of efforts to overcome human cognitive and physical limitations through artificial intelligence, algorithmic creations, and robotic technology is a projection of humanity's desire to dominate the world. As we conceptualized in a previous article titled "Transhumanist Representations of Legal Reason and Onto-Robotic Forms of Existence" the progressive "techno-cognitive mind" was motivated by man's desire to dominate the world of nature and objects and it has given rise to the birth of modern technology. Thus, the dynamics of technological advancement are driving the virtualization of the social order from the education sector to the health sector, from the defense industry to the service sector, and from the economy to the legal

108 Lex Ex Machina: From Rule of Law to Legal Singularity, <https://www.trusttech.cam.ac.uk/perspectives/foundations-trustworthy-design/lex-ex-machina-rule-law-legal-singularity> (Date of Access: 28.03.2022)

109 WEBER, Robert F., "Will the 'Legal Singularity' Hollow Out Law's Normative Core?," *MTLR*, Vol. 27, No. 97, 2021, p. 99.

110 LEGRAND, Pierre, "On the Singularity of Law," *HILJ*, Vol. 47, No. 2, 2006, p. 517.

111 LEGRAND, p. 517.

sector.¹¹² Modern science and technology have made it possible to practice life in cyberspace by overcoming the boundaries of time and space. This practice of virtualization creates transformative effects in every aspect of human life, and the virtual universe created by the hegemonic forces of the data universe¹¹³ brings with it threats to the human self.

Those threats are particularly clear considering the fact that “digital citizenship,” which emerged with the data revolution, is evolving into “meta-citizenship” within the framework of a new phase of development. Alongside this transformation, a new “meta-legal universe” is being created in which civil rights are defined and limited by digitized personal data. In order for each individual to be a subject of rights within the legal order and to benefit from the normative field of rights and freedoms, they need to be recognized by and registered in the digitized data network. Citizenship in the digital world, entailing the processing of personal data, gives rise to a number of obligations for the individual to become a subject of rights, exceeding the necessities stipulated by classical citizenship law. It is apparent that all citizens will need to have some degree of digital skills in order to use their civil rights effectively and accessibly.

In this meta-universe, digital personas are gaining autonomy and transforming into meta-personas. This virtual universe enables individuals to exist with different identity patterns in multiple universes that are unique to each individual. Individuals may present diverse identity appearances via different channels of the social universe and particularly via social media, and the distance between those appearances is growing larger. As a result, this virtual universe leads individuals to an illusion of identity. Concretely, the language and content of the public profiles that individuals create for such channels and platforms are diversifying. For example, while it is observed that individuals exhibit a more demonstrative positivity in channels that, as a concept, allow visual sharing with the public (e.g., Instagram), in a field of discourse that instead allows verbal sharing and uses the language of ideological, positional, and tendential oppositions and conflict (e.g., Twitter) it is seen that the same individuals produce negative discourses with negative language. The unique public profiles produced by individuals within the

112 For an analysis of the impact of artificial intelligence technologies on legal professions, see, KILIÇ, Muharrem, “Ethical-Judicial Inquiry Regarding the Effect of Artificial Intelligence Applications on Legal Profession and Legal Practices,” *JMLJ*, Vol. 14, No. 2, 2021, pp. 202-226.

113 FENG, Qinyu & CAI, Renjie, “Data Hegemony: Reflections for the Application and Development Direction of Metaverse Technology in Urban Design Based on Digital,” *JWA*, Vol. 5, No. 6, 2021.

framework of the specific display languages and discourse mechanisms of each medium generally show conflicts or discrepancies with each other.

As a virtual reality universe, the metaverse is a cosmopolitan universe. This is because this virtual universe produces a network-based social cosmopolitanism that includes individuals with different ethnicities and identities within a global network mechanism. In this cosmopolitan virtual reality plane, all identities, including those of ethnicity, language, religion, and race, lose their essence and meaning and become anonymized. Modern meta-surveillance technologies anonymize individuals by reducing subjects to data and thus making them lose their personalities. The metaverse is emerging as a new generation of digital surveillance technology. Such surveillance technologies embedded in the virtual universe are producing a new body politic and surveillance motif. The modern surveillance management produced by these new surveillance technologies carries the risk of violating personality, body, and privacy rights.

The meta-data universe, which we may characterize as a product of “Disneyland societal ideology,” offers a prototype aimed at the social field. With this metaphor, it is assumed that Disneyland, as a miniaturized social microcosm of the United States, creates a prototype of society by idealizing certain cultures and values. Disneyland is thought to be a perfect model in which all orders of simulacra are intertwined. This prototype resembles a miniaturized social microcosm of the real United States as all values belonging to the US are miniaturized and glorified in their reproduction as cartoons.¹¹⁴ Due to the fact that the meta-universe is also considered a microcosm of social structures, constitutional/legal regulations and policies are needed to manage this virtual universe. From the perspective of future projections, it is foreseeable that rights, ethical principles, and values that are digitized in the meta-data universe will produce social prototypes.

In conclusion, it is clear that all of the developments in the social sphere caused by the wide dissemination of digital technologies are reflecting developmental dynamics that support the ideal of technological singularity. With the evolution of the ideal of singularity into that of simulation singularity, the distinction between the physical and the virtual will gradually disappear. Virtual reality, as the ultimate creation of technology in the digital age, has the potential to lead to radical transformations in the future. This virtual reality plane creates a substitutive artificial representation and also contains in itself threats to human autonomy and identity. Therefore, it is imperative for virtual society to create its own unique laws, normative systems, and meta-constitution.

114 BAUDRILLARD, 2014, p. 29.

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