

Chapter 6.4

Bringing Real Justice to Virtual Worlds: World of Warcraft and Second Life

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ABSTRACT

The purpose of this chapter is to advise developers, content providers, end users, legislators, and business managers about the challenges and ramifications of conducting business in virtual worlds. The chapter examines crime in virtual worlds, as well as evaluates the current status of property rights (real, actual, and intellectual), and suggests changes to the existing legal structure in order to confront virtual crime. Recommendations to the business manager are also included in this chapter.

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INTRODUCTION

Virtual worlds offer a host of opportunities for the Web 2.0 ideal of disseminating information to the masses. Indeed, virtual worlds offer means for collaboration with like-minded individuals; association with other users thousands of miles, national borders, and continents away; unique opportunities for user development of content and applications; and even virtual economies, market systems, means of purchase, sale, trade, and auction that operate according to the same market forces we encounter in the real world. At its best, a virtual world aspires to be the total package: a conception of the world that users

want to create for themselves, having total control over every aspect of the virtual society; they are self-governing, self-sufficient, and self-creating.

Unfortunately, the full promise of virtual worlds has not yet been achieved. Just as our real-world society contains corruption, violence, and bad elements, virtual worlds suffer from their share of transgressions, too. Just as our real society has developed rules and regulations, powers of authority, and means of enforcement, virtual worlds must confront the same issues and resolve them in order for their societies to function without constant interruption from online evildoers. Resolution of these issues in virtual worlds is a matter of significant discussion. What are the rules and who makes them? What authority determines when a rule has been broken? What penalties exist for breaches of the stated regulations and what means are there to enforce those penalties? At what point does a bad act rise to the level that it is no longer appropriate for virtual justice to take the place of real-world law?

Virtual worlds are a place for fun and games, a place for exchanging information and ideas, a place for creativity and development, and even a place for business and profit. Virtual worlds are also a place ripe for abuse and exploitation. Serious issues arise in virtual worlds that profoundly affect game play, the user experience, the rights of the content provider, and the legal and social norms of these virtual worlds. It became obvious in 1993 with the first recorded virtual rape that just because you are online does not mean you are safe from real-world vices.

Today, user experiences are affected by transgressions both minor and extremely serious. Thug behavior and assault are common within today's virtual worlds. Worse, child exploitation, indecency, and pornography have found niches in virtual worlds. Property rights have come into question: What intellectual property protections do end users have for their creations? How do property rights deal with virtual personal property? What rights do content providers have over their

own proprietary material? Beyond these property questions, what kinds of tax implications arise when dealing with virtual economies? If virtual worlds seek to provide users with a total virtual reality experience, then these real questions must be answered.

This chapter examines the challenges that virtual worlds have in creating their virtual reality. In particular, attention will be given to two of the most sophisticated virtual worlds—Linden Lab's *Second Life* and Blizzard Entertainment's *World of Warcraft*—and the means by which those companies have addressed some of these issues. Examples of the complications of virtual worlds are illustrated, at times showing the nature of virtual crimes committed through these infrastructures and at times showing the off-line consequences of virtual-world activity. Finally, recommendations are offered for business managers and governments to address the challenges facing virtual worlds. These recommendations are for legislators, content providers, and content users as a means to improve the virtual-world experience and make it safer, more profitable, more just, and more ideal.

VIOLENT CRIME AND PECUNIARY CRIME

As early as 1993, it was clear virtual worlds were fair game for some of society's most vile acts. In the virtual world LambdaMOO, a female user's avatar was raped. Julian Dibbell later chronicled the event in an article titled "A Rape in Cyberspace, or How an Evil Clown, a Haitian Trickster Spirit, Two Wizards, and a Cast of Dozens turned a Database into a Society," published in *The Village Voice* (Wikipedia, 2008). According to "A Rape in Cyberspace":

The "cyberrape" was performed by an avatar named Mr. Bungle (after the band of the same name). This user behind the avatar ran a "voodoo

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