

GOVERNING VIRTUAL WORLDS

**TO WHAT EXTENT IS IT POSSIBLE TO EMPOWER PLAYERS AND
PRESERVE THEIR RIGHTS IN VIRTUAL WORLDS, AND WHAT IS
THE BEST METHOD OF DOING SO?**

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Abstract

In this paper I will consider the possibilities for establishing democratic governance in virtual worlds. I will look at the freedoms currently available to players in Second Life, contrasting these to those established in Raph Koster's "Declaring the Rights of Avatars", and assess whether some restrictions are more necessary in game spaces than social spaces. I will look at the early implementations of self-governance in online spaces, and consider what lessons we can take from these, investigating what a contemporary democratic space looks like, in the form of A Tale in the Desert, and finally consider how else we may consider giving players more rights in these developing social spaces.

In an April 2007 article, Cory Doctorow declared that “Online games are Dictatorships”. This I would agree is a fair summary of the current state of affairs, and would seem to be one that the designers of these worlds are keen to maintain. In this paper I will examine existing literature on the rights of players and consider previous attempts at enforcing (and extending) these rights through self-governance. I will then take a look at some recorded abuses to player rights that have been recorded in the virtual world “Second Life”, contrasting these to Raph Koster’s (2006) “Rights of the Avatar”. I will finally consider what alternative exists to self-governance in order to give players a greater degree of rights and freedom in these developing social spaces

Existing Literature

In 2000, Raph Koster first published his “Declaration of the Rights of the Avatars”. He created this from the position of a game administrator, and much of the early discussion of drafts of the document took place amongst administrators on the Mud-Dev mailing list. Much of the feedback to the original drafts was of the nature you would expect from game administrators, namely extremely critical. Koster details much of this feedback in the online version of his paper, with common themes being that administrators do not want to be tied to a game, and giving players rights might restrict their ability to terminate it, that game design considerations cause many of the rights to be problematic, and the age-old argument that avatars, like chess pieces, don’t deserve rights, only the players behind them. There is also some criticism that appears valid from a players perspective, primarily complaining that the document is too vague, and has too many escape clauses allowing admins to justify abuses by saying they are “necessary for the world’s survival”. (Koster, 2006, p. 61)

The original rights of avatars document then evolved into a version entitled “Advice to Virtual World Admins”, on which Koster (2006) reports “mud admins find the second doc much more palatable. Phrased in this way, it's not an abrogation of their power. It's concrete advice that will help you retain your playerbase.” (p. 65) The most important of these revised rights, at least for my purposes here, are #6, which reads “The code of conduct should evolve based on the way the MUD culture evolves, and players should get a say in how it evolves. The MUD admins get to write it however they want, but they have an obligation to listen or else players might leave” (p. 64) and “You can't punish someone in a way not in the code of conduct, and you the admin don't get to rewrite the code of conduct after the fact to make it legal. The only exception is action taken to keep the MUD from going “poof”” (p. 64) In essence, this is targeting two key areas, the first that players should have a say in the formation of the code of conduct, and the second that the code of conduct must be enforced ‘as is’, not according to the whim of the administrators. Koster’s work was later published in the book “The State of Play”, resulting from the State of Play Symposium at New York Law School.

Lastowka and Hunter took up this topic in 2003, in their paper “The Laws of the Virtual Worlds”. Both authors are law professors, and were writing for a legal audience, with the article eventually published in the California Law Review. In this paper they analyse a number of virtual worlds (though largely concentrating on The Sims Online), taking a look at the history, the avatars and the property rights. For the purposes of this paper however, it is the section on the relationship between the avatars and the players that is of significance. They attempt to build on Koster’s previous work, asking whether Koster’s “experimental notion of avatar rights, and a *Declaration* defining them, amount to the ravings of a over-imaginative game designer...or whether there might actually be something here worthy of

legal notice” (p. 71), concluding that the question of whether avatar rights should exist is beyond the scope of their paper. They do however make a number of valuable points.

They raise three primary problems; the first of which they call the God problem. In summary, this is that “gods”, or administrators of virtual worlds, be they an individual, a committee or a company, ultimately have their finger on the power button. Those who understand the code shape the physics, the layout and the existence of the world; they enable the players to do things, and can prevent them in the time it takes to modify the code. They consider the legal argument on how such restrictions may be implemented, from a US Law perspective, and conclude that the state actor doctrine may be invoked, even if not constitutionally tenable, offering the example that “If we are concerned about the effect that limitations upon speech might have in company towns or shopping malls, how much stronger might we feel about speech limitations placed on entire worlds?” (p. 81)

The second problem that they note is what they refer to as “the rights of cyborgs” (p. 83). They label avatars this way because of the projection of the avatar onto the player, and the cyborg being “a mixture of human and machine” (p. 84), offering the example of how “you” can equally mean your real life persona or your avatar in conversations in “The Sims Online”. They utilise the examples of rape in TinyMUD (p. 92) and the complications caused by gender-swapping player characters (p. 89) as examples of the real emotions felt by players to their characters, and thus the implication is that the administrators of these environments have a duty to consider the real attachment between players and avatars when dealing with the avatars, giving justification for the extension of rights to avatars (or cyborgs).

The final problem Lastowka & Hunter consider is what they entitle “Cyborg Skeptics” (p. 90). These are defined as people who consider the events in a virtual world to be immune from law, at least in the traditional sense. They suggest that these arguments were seen in the

early days of cyberspace, and were discarded as “Jack Goldsmith, Tim Wu, Andrew Shapiro and others patiently explained that all cyberspace actions and transactions don’t really occur in cyberspace, they occur in the real world, at your computer.” (p. 92) The authors however argue that to ignore the avatar part of the cyborg relationship is problematic, as each Virtual World “generates its own internal norms and conventions and rights.” (p. 93) As the authors state, when actions are dealt with by the administrators or the community, there is little in the way of a problem, but a problem arises when there is a crossover between the virtual and real world, and virtual and real world communities would treat the incident in different ways. They state that “We might well conclude that, whatever rights a cyborg may have, those rights should be addressed exclusively through remedies fashioned and provided for within the virtual world” (p. 95), arguing that the alternative (asking real world courts to apply virtual world law) will cause significant “cross-jurisdictional legal issues too mid-boggling for courts already overburdened” (p. 95). They question however whether plaintiffs would be willing to accept this state of affairs, particularly where a loss on which a cash value can be placed on the loss, or whether eventually we will see a court having to rule on this.

They offer a further conclusion; that “We will have to recognize that these are separate places, with a separate community, separate laws, and separate rights. Sometimes the inhabitants of these worlds will come down to our world, to have recourse to our law, and gain protections against their gods. But more and more they will live out their lives in a different world... In time perhaps they won’t care what we think or what our laws say. They will live and love and law for themselves”. (p. 98)

Other authors have also made valuable contributions and observations to this topic. In 2006, the web peer-reviewed journal *First Monday* published a series of articles on player governance. T.L. Taylor’s article, “Beyond Management: Considering Participatory Design

and Governance in Player Culture”, argues that players already have a significant investment in their games, that they are in fact productive players. She considers how players are considered by developers, and proceeds to investigate ways in which players could be more engaged in the design process, utilising techniques from participatory design. These include suggestions that players could be given a “place at the formal design table”, arguing that this might increase innovation in game design, and that they should be involved in some form of decision making power when it comes to adjudicating game disputes.

In the same edition of the journal, Richard Bartle has a piece entitled “Why Governments aren’t Gods and Gods aren’t governments”. He argues that the structure of the power relationship in Virtual Worlds can be summed up by a three stage model. At the top of this model is the Real World, with Virtual Worlds being part of this because their hardware exists in the real world, and ultimately the real world could insist they are turned off. The second stage he argues to be Virtual World developers, who have ultimate rights in the virtual world “to the extent that they are allowed to by real-world governments”. Below this are the players, who can organise “their own rules within the constraints of the virtual world’s physics and the real world’s laws”. He continues to say that in theory this relationship is akin to “rock/paper/scissors: it should be possible in a democracy for the players of a virtual world to prevail over real-world governments through the power of their vote”. The article continues to support the original hierarchy, and he concludes that “without gods of its own, the virtual world becomes just another part of the real world. Where’s the fun in that?”

As mentioned at the start of this paper, Cory Doctorow argued in 2007 in a piece for the Information Week magazine that online games are dictatorships. He gives the example of a Disney park, arguing that Disney has its own rules and its own currency on its own private property, and that this is essentially equivalent to virtual worlds. He further argues that whilst

you don't need democracy to accrue wealth, you do need it to maintain it, offering the example of wealth accumulated in Second Life, and the implications if you lose an argument with Linden Labs, stating that "your virtual capital investments are totally contingent." (p. 3). He offers a potential solution; that you create a democratic game, "with all the prerequisites for stable wealth" (p. 3). This would necessarily be open-source and run by elected representatives, and I would further argue that it would have to run over distributed servers, in order that the owner of the network on which it is hosted does not hold ultimate power. After all, even if a player can move to a world identical in terms of code, it would not be identical in terms of its society. He proposes the problem however that it may not be fun, as players may vote in a rule that all are equally great, and then what is left to do. He states "I've never done anything run by a government agency that was a lot of *fun*. It's my sneaking suspicion that the only people who'd enjoy playing World of Democracy would be the people running for office there" (p. 4).

Early Self-Governance: A not-so-new direction

In their article, "The Laws of the Virtual World", Lastowka and Hunter (2003) refer to the example of LambdaMOO. In 1993, three years into the operation of LambdaMOO, Pavel Curtis, the creator of the game, abdicated power to the players with a statement indicating that LambdaMOO was taking a "new direction". As Jennifer L. Mnookin (1996) puts it in "Virtual(ly) Law: The Emergence of Law in LambdaMOO"; "the oligarchs instituted a petition system, a process through which the players in LambdaMOO could enact legislation for themselves".

Mnookin continues at length to detail the structure that Curtis created for LambdaMOO, but the essence is that virtually any change imaginable could be proposed, discussed and voted on. Prior to the voting stage, such petitions were vetted by the Wizards according to set

criteria, amongst which was that it is “not likely to bring the wizards or Xerox (who hosted the world) into conflict with real-world laws or regulations”, a process the author likens to that of judicial review. She continues to discuss the dispute resolution system created, which was staffed by experienced volunteers, and is handled through an arbitration procedure with any other interested parties. The remedies permissible were described as “almost any action *within the MOO*”.

Ultimately, Curtis realised that the code of LambdaMOO was the law, and vice versa, and thus regardless of his declared abdication, the players still regarded him and the other administrators (or wizards) as omnipotent. Curtis eventually acknowledged 3.5 years later, in the words of Lastowka & Hunter (2003), that the gods “would not and could not fully submit to the will of the community” (p. 78) and the world of LambdaMOO returned to being ruled by the wizards, overriding the positions with a right to modify or veto, and arbitration with a right to veto or change decisions. The wizards asked that the players come up with their own mechanisms to reduce the involvement of the wizards, and were ultimately given the power to institute a majority vote which would cause the shutdown of the world. Whilst this may seem to be giving away the ultimate power of the wizards, it has never been tested, and whilst the players may eventually vote for a shutdown, somebody still has to actually pull the plug.

This was a world without the corporate overheads of modern worlds, and so the problems are only exaggerated in the contemporary worlds that are often discussed today.

Contemporary Self-Governance: A Tale in the Desert

More recently, self-governance in virtual worlds has been tried with “A Tale in the Desert”. This is a game aimed at a small niche audience, set in ancient Egypt, and focussing on social and economic aspects as opposed to the monster killing found more frequently in the mass market games such as World of Warcraft. The game is cyclical, with new games (“tellings”)

starting at undefined intervals. In each game cycle, players can create and vote on laws and make feature requests. Whilst the laws are implemented immediately after being voted upon by the players, the feature requests go to the developers for evaluation, and are not guaranteed to be added. A law is defined as a request that does not grant new abilities to players, gain access to knowledge they should not otherwise have, or negate challenges. The last one is, from my perspective, the most interesting: it is a restriction imposed in order to maintain the game play. In *A Tale in the Desert*, gameplay consists of trying to pass “the Seven Disciplines of Man” (“tests”) given to the citizens of Egypt by “The Stranger”. The *Tale in the Desert* Wiki (http://wiki.atitd.net/tale3/Tests/Test_Of_The_Obelisk) defines one of these tests as requiring “that you build the largest Obelisk of its kind in your region... [and] you must retain the title of largest Obelisk for at least one hour”. An example of a law that would not be approved is cited by the Wiki (<http://wiki.atitd.net/tale3/laws>) as “Each citizen will (automatically) updated as to when another player is building an Obelisk in their region. This will allow people to better organize themselves, and reduce the need to compete for time and resources.” This would significantly reduce the challenge of the “test”, and as such infringe upon gameplay.

This seems to me to not really be self-governance at all. It is in fact only what Bartle (2006) suggests is the current standard for virtual worlds, namely that players organise “their own rules within the constraints of the virtual world’s physics and the real world’s laws”. The owner of the virtual world has told the players they are able to change the game environment in certain ways, and even with those retains a veto over suggestions put forward by the players.

Second Life

In 2007, Ludlow and Wallace published “The Second Life Herald”, which offers a collection of stories collected since the launch of this online newspaper in 2003. Chapter 16, “Ruling the Metaverse” gives numerous examples of the interaction between Linden Labs and its “residents”, and several of those examples are worth considering here, especially in the context of Raph Koster’s (2006) “Rights of the Avatar” document which I discussed previously. Whilst the authors make mention of their attempts to contact Linden Labs for explanations of some of the issues described here, it appears that little in the way of response has been forthcoming.

Ludlow & Wallace (2007) document that "Time after time, the *Herald* received reports from SL residents who had been banned from the world or had had their accounts temporarily suspended without being given the slightest clue why. Nor can residents confront their accuser." (p. 237) and that "...the authorities of Second Life and many other virtual worlds wielded their power inconsistently at best, and often in an ad hoc manner that made it difficult for residents to know what the rules actually were at any given moment" (p. 241).

They offer an example where a dispute between two groups, the Space Monkeys and XLS arose, where XLS recruited a Space Monkeys member (Xaphon) and through Second Life’s software, ‘stole’ \$320 (in real currency) worth of Space Monkey’s land (in-game) and transferred it to XLS. The Space Monkeys complained, and whilst "...all he had done was to sell group land, something the software tools of the world had enabled him to do. Within both the code and the laws of Second Life, he was perfectly within his rights... But the company's response was utterly disconnected from its own legal documents. Despite the fact that Xaphon hasn't contravened the TOS, he was promptly suspended. The heisted land was seized, and a small proportion of it was returned... It was simply the prerogative of the gods

of the Grid to do as they pleased. They decided the land should belong neither to the Space Monkeys nor to XLS, but rather to the gods themselves." (pp 239-240)

A second case presented in the book evolved from an internal dispute in a group between characters known as Hank Ramos and Adam Zaius. Zaius was, according to the authors, "widely recognized as a favourite of the Lindens and a member of what Prokofy Neva had called the Feted Inner Core" (p. 240). In this case, "Linden Lab had forcibly seized land from a group of which he was an officer and founding member, and later expelled him from the group without even the due process that is coded into the world's grouping tools.

Typically, no explanation was forthcoming from Linden Lab. No part of the Terms of Service had been broke, to anyone's knowledge. Yet again, the company jumped in to make changes without reference to any of the laws by which its world was supposed to operate" (p. 240)

The authors conclude that "If the Lindens really did want to help build a new world, a new kind of society on the frontier of cyberspace, they had chosen the worst way to go about it". (p. 241) Even this very small subset of cases seems to breach a number of Koster's declarations, namely (with the summary in brackets being my own interpretation) #1 (All players are equal), #2 (Right to liberty & property), #3 (Rights and standards are known), #7 (You can't punish somebody for something not in code of conduct), #8 (You can't rewrite the code of conduct to punish somebody), #9 (Innocent until proven guilty), #14 (Answerable to players) and #17 (Let people hang out wherever).

I don't mean to imply with this that these abuses are in some way unique or particular to Second Life. It happens to be a world with which I am familiar, and one whose activities are well documented in a published source. It is my belief from speaking to players who participate in different worlds that such abuses could be found throughout the contemporary MMO market, were full information available to make that comparison. My opinion is that if

we searched hard enough, we could probably find violations of just about every one of Koster's declarations.

Is Democracy the answer?

Even with individual developers; whilst they have a certain investment in how the world develops, they should not have the ultimate say. Social spaces develop over time. Democracy has evolved from monarchy, and numerous other regimes over the years, and it has evolved because people demanded it. Until people rise up and demand the rights in these new social spaces that are developing before our eyes, there is no interest from developers, or their corporate overbears, to write the code that enables it. Once they write that code, to some extent the control of the world is out of their hands. Developers will return to the argument that they can still turn the world off when they like, so if players (or courts) ask them to do something they don't want to do, they will turn the world off. But how far are we from the day when a court rules that a virtual world is serving a public interest, and orders that the code is transferred to somebody willing to keep the world running?

So the question that necessarily follows is whether a form of democracy would solve all the problems in a social space. Perhaps it depends on who you are designing the world for; in western culture, democracy is generally seen as a mainstay of a positive existence, yet many countries find other forms of governance quite acceptable. What however I think most people would agree on is that there are fundamental rights which the government, regardless of which form it takes, should not have the right to prohibit. These are enshrined by the United Nations "United declaration of human rights", which is not one of the documents that Raph Koster considered, though he does acknowledge that the UN documents would have provided an alternate starting point.

Overseeing the worlds: A higher authority

This led me to start considering how we, as players and/or scholars, might enforce some form of regulation, if the developers are not willing to enforce it themselves. Of course one form is for players to rise up within the game, and demand the rights they think they should receive. This could prove problematic for game-based worlds, where the rights players want may be in conflict with the design decisions taken by the developers for game play reasons, and will restrict the variety of designs available, which may be to the detriment of developers, players, researchers, and society if Virtual Worlds are truly to be used as a breeding ground for varying socio-economic simulations.

What I would perhaps propose instead is a higher authority that enforces those rights which are seen to be universal, whilst allowing the individual worlds within to operate under their own codes of conduct. This body could also act as arbitrators in cases that cannot be settled in world, these would likely be issues between the virtual world authorities and players, but could also include a range of issues between players on which the virtual world has made a ruling unsatisfactory to one of the parties.

In order for such a body to have the necessary authority for virtual worlds to respect it, it would require power to be manifested upon it from a higher authority, which could come in two forms. The first is some form of legal or governmental system bestowing authority on the regulatory body, with it having some form of enforcement procedure to fine or otherwise sanction the responsible parties, akin to OFCOM and OFWAT in the UK or a similar regulatory body in another country. The problem with this of course is that Virtual Worlds are rarely restricted to one nation state, and attempts to regulate it in the country where it is hosted is likely to lead to problems should arbitration be required, not least because countries

have vastly different legal systems, and you would be placing a burden on the plaintiff to learn the necessary legal constructs to present their case to the regulatory body.

The alternative is I would suggest more likely, and probably more interesting from an academic perspective. When considering other industries which are currently largely unregulated, and where the activity takes place online, the obvious comparison for me is to internet gambling. These companies are often based in offshore countries such as Antigua, Costa Rica and Panama, where there is little player protection, and are often not regulated at all even by the country in which they are hosted. In spite of that, the industry has flourished, and players primarily find themselves in a safe environment. The reason for that is that shortly after these industries started, volunteer regulatory websites founded, and eventually became fully fledged businesses, employing a number of staff.

The primary examples of these regulatory sites are Sportsbook Review for the Sports betting industry (at least those with a US-focus) and Casinomeister for the casino industry.

Sportsbook Review operates a rating system, currently rating 755 sportsbooks from A+ to F, and will arbitrate in disputes between players and sportsbooks. Casinomeister maintains an “Accredited Casinos List” of casinos that are approved, and a blacklist of “Rogue casinos” (and casino operators for reference with new operations). Whilst there is certainly the argument to be made that it is far easier to move between casino operators than virtual worlds, especially in the area of social ties, I think the counter-argument can be made that if players are given fuller information on the type of regime they will encounter in the virtual world, there is a far better chance that they will make an informed decision and find a suitable environment for their desired living space.

The success of these websites is down to the trust placed in them by players. They know that if a website is recommended by one of these companies, they are likely to have a safe

experience, and that should any problems arise; they can go to the website to receive aid in arbitration. Whilst this is not always successful, if companies do not allow the website to mediate disputes, or, having gone through the process of mediation, fail to adhere to what is considered a just ruling, they find themselves blacklisted or their rating reduced, depending on the method employed by the site. This has proven to have a significant long-term effect on their business, and thus in the current climate, all but the most short-sighted establishments co-operate, and those that do not quickly go out of business, generally stealing far less than if they had been allowed to continue unabated. There are certainly parallels to Virtual Worlds here, and an independent regulator, either funded by players, sponsorship or the industry itself, would seem to be a good measure to reduce the reliance on the “real world” legal system, and also to give players fuller information about the worlds they are considering joining.

Future Work

There is much work remaining to be done in this field. Amongst the topics I would like to consider is a working distinction for separating Virtual Worlds and games, looking at the methods it is, and is not, valid to apply to both, and the crossover that can be found between the two. There is also a discussion to be had on what principles of democratic governance could carry into the Virtual Worlds, how they would be implemented, and the pitfalls that we can take from the LambdaMOO and Tale in the Desert attempts at establishing democratic governance. I believe it to be possible to create a set of principles upon which an open-source world has the possibility to be built, incorporating both the underlying principles that I feel should be available to all players, and the restrictions it is possible for players to add to the world as they go along, be it to enhance gameplay, or to create a sector of the world which allows a particular form of socio-economic experiment to take place. Having these areas as sectors of the world would, I will argue, enhance the value of the experiment, as

people would be able to come and go between sectors, whilst retaining a reduced set of ties between worlds, similar to moving in the Real World.

For me however the most interesting study emanating from this work is to establish the fundamental set of rights which all Virtual Worlds should be held to, and to create a framework within which the worlds can be assessed, players can bring forth claims for arbitration, and the feedback of the players can be communicated to both industry and the remainder of the player base. I see this as being a valuable step forward for the industry, and also potentially a commercial hole in the market that has yet to be exploited.

Conclusion

Developers need to understand, just as Sportsbook operators did in the mid 1990s, that they can no longer be gods within their own domains. These environments are too good, too popular, and too important to be the domain of one man, or one company. They are now social spaces where people spend increasing proportions of their time, and they deserve the protection that society extends to other such spaces. The “I have my finger on the power button” argument is no longer just. If these worlds are to truly be the social spaces they have the desire to be, that finger will be taken off the power button, and the code ordered to be given to somebody who will preserve it.

Ultimately, implementing a form of self-regulation would serve to protect both players and developers from governmental interference, preserving the games we know and love, whilst ensuring the social interaction within them conforms to the norms of a just society. Will developers like this? Probably not, for as Ludlow and Wallace say in “The Second Life Herald”, when at State of Play the Lindens were advised to consider player-based governance, “Being a god was a heady tonic, and the Lindens could not let it go” (p. 245). And maybe, just maybe, that is the biggest problem of all.

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