

Gaming, Virtual Worlds and the Law:
A Study of the Legal Future of Massively Multiplayer
Online Role Playing Games

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Abstract

Governance of virtual worlds presents a complicated array of questions to legislatures, lawyers and gamers alike. Nobody is quite sure where the legal system for virtual worlds should originate. Some sort of synthesis and agreeable working relationship needs to be reached. This study analyzes the current status of the law and virtual worlds. It is meant to trace the steps of the past decade and relay the findings. There is consensus that the real world holds the ultimate power over virtual worlds, but the question remains as to the extent to which real world legal systems should exercise their power. I argue that virtual worlds and governments can work together in a way that maximizes the 'competitive advantage' of each entity. If both bodies concentrate on areas of their expertise and leave the other to do likewise, then I believe virtual worlds and legal systems will move in a direction that is beneficial for governance, virtual worlds and the future of virtual and terrestrial societies alike.

Overview

When you enter into a virtual world do you know what laws govern your behavior? Are you bound strictly by the End User License Agreement (EULA) for the virtual world? Who administers the EULA? Are they overzealous?

These quandaries are just the beginning of an endless list of questions regarding the place of real world law in virtual worlds, and more specifically in MMOs. Governing virtual worlds presents a challenge that is unprecedented in human history. Users can cross borders with more regularity, frequency, and freedom than in real life. Finding the 'correct' legal system to adjudicate under becomes infeasible, impractical and nearly impossible. Certain local bodies might claim to have sovereign powers over a user, but undoubtedly the user can find infinite reasons to dispute that claim.

These concerns about the law and virtual worlds are not new. David Post and David Johnson (1996) addressed these issues a full decade ago in their article *Law and Borders: the Rise of Law in Cyberspace*. During the last decade the debate over the legitimacy of claims to sovereign power in virtual worlds has raged with a vast array of solutions put forward. The debate will not going to go away, and it needs to be addressed by legislators and gamers alike. The virtual

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<http://www.trinity.edu/adelwich/worlds/students.html>

age is still in its infant stages. As humans we are only at the beginning of our interplay with virtual worlds. It is imperative that legislatures, gamers, and all members of virtual communities address this issue while it still is young because it will only become more complicated and difficult to deal with as humankind becomes more interconnected via virtual worlds.

In theory the internet contains no borders. Certain technical barriers can be erected that prohibit passage by users of the internet, but the internet provides possibilities for 'travel' that could not exist otherwise. What other forum allows a lumberjack in Minnesota's northern arrow access to distant cousins in Sri Lanka? The commercial, social, and economic possibilities provided by virtual worlds are nearly endless. Like all things that provide for infinite opportunities for good, virtual worlds also open a Pandora's Box of problems. Humans are subject to thorough laws and regulations when they cross borders in their physical form, but virtual worlds eliminate these barriers. The quandary is self evident. Some internet pundits believe that territorial regulations can govern interaction in virtual worlds. Others find this claim ridiculous and protest for a more global enunciation of laws.

Either way, the necessity for law (or rules, I will use the terms interchangeably) is accepted on all sides of the dispute. All parties recognize a need to establish something concrete for both the rulers and their constituency. The question that we must answer is where these rules should come from and to what degree they should change the status quo. A divide still exists between an ideologically perfect situation and one that is practical, but as members of both the virtual world and the real world, we all must work to close the divide and create a clear system.

My journey into the world of law and virtual worlds begins with one question: What is the current status of the endeavor to create a satisfactory set of rules that governs the behavior of gamers?

Literature Review

The State of Play III Conference hosted by the New York Law School in October 2005 featured a forum titled The Great Debate. The Great Debate set out to address one statement—"A legal system based on geography, territory, and physical force is inappropriate for virtual worlds (The Great Debate, 2005)." The wonderful forum proceeds with David Post, David Johnson and Richard Bartle arguing in the affirmative while Viktor Mayer-Schonberger, Tim Wu and Joel Reidenberg defend territorial laws based in the real world. These six panelists sum up a major problem belying the gaming industry. They are quick to point out that currently the real world still holds the lion's share of power and that real world legislators still are yet to take the virtual world as seriously as they should (Bartle, 2005).

There are several reasons why no overarching laws governing player conduct in MMOs exists. Without even giving credence to real world legislatures, who stand as a third party to this debate, we see two distinct groups: gamers and designers. In the argument over whether real world law belongs in the

virtual world these parties combat each other and often use basic assumptions to make very broad arguments (Grimmelmann, 2005). The two biggest problems that stand at the base of nearly all of these debates are: 1) the view that real world law has no place in the virtual world and 2) the desire to prohibit the trade of virtual items for real world money. The most important, although certainly not the only, issue involves intellectual property rights and becomes a question of who ultimately owns the rights controlling virtual world interaction (Grimmelmann, 2005). Complicating the issue is the dispute over borders.

Virtual worlds have no physical borders, so some would argue that physical laws can't apply to the virtual world. The simple fact is that while the real world can map its laws to physical borders, the virtual world cannot. One example of this would be the German government regulating the sale of *Mein Kampf* at a shop in Second Life (Post, 2005). It is illegal to sell *Mein Kampf* in Germany but that doesn't preclude a German citizen from buying a copy of the book while in Second Life. Might the German government have the ability to stop a German citizen from behaving this way in a virtual world? Once again, the conundrum is self evident. How transparent should 'borders' really be? Currently, one of the largest barriers is unwillingness to compromise. Without generalizing too much, one can easily make the argument that both gamers and designers want to have their cake and eat it too. Both parties want to use the law where it is advantageous and ignore it where it is not. Designers want autonomy from the law when the law is trying to infringe on their worlds and regulate what can and cannot be done in their worlds. But they generally want the law to stop people from selling in game items for real world dollars (Grimmelmann, 2005).

Many legal experts and game designers have spent a lot of time trying to state their case as American legislation becomes more inevitable. In one of the original articles on the topic of cyber law, advocates David Johnson and David Post (1996) argued that "Law, defined as a thoughtful group conversation about core values, will persist. But it will not, could not, and should not be the same law as that applicable to physical, geographically-defined territories (p. 23)." Some users take that principle and mold it to their personal use, and some ignore those arguments all together. This allowed for the creation of the two main factions in this debate: the virtualists and the realists. Again, there are people that often implement both virtualist and realist arguments at different times. While the distinction is not all encompassing, nor completely clear, it is helpful.

Virtualists want as much autonomy from the real world as possible. They want their freedom, and they want to reap the benefits of their time spent in the virtual world. David Burk (2005) illustrates how complicated the distinction can become, when he argues that "player-generated scenario seem to fit the copyright categories of joint or derivate works. Such recognition of game scenario authorship seems legally plausible from the results of past video game cases and ethically plausible on a deontological theory of copyright (p. 4)." The introduction of 'joint or derivate works' illustrates a complicated issue. On the face it would seem as though Burk outlines a view supported by Realists, but some believe that the idea of in-game authorship provides immunity from real world copyright protection. Thus, virtualists claim that any gear, loot, or in-game

material that they come up with belongs to them and is not under the real world protection of copyright law and can be treated as property of the gamer. Their logic reads that without their in-game effort the material would not have been produced, so designers relinquish any alleged copyright claims. Realists take the perspective that real people are guiding their avatars. Therefore the law code ruling over the user would be same law code ruling over the avatar. Therefore since the game design owns copyright to the game, they own copyright to anything that might occur in game.

Recently the plea to move toward a middle ground has surfaced; imploring parties to look at their likenesses and ways the real and virtual world are interconnected and not diametrically opposed. A leader in this movement has been James Grimmelmann who proposes that, "talking about real-money trade points out the deep interdependence of the virtual and the real. It is possible only because of the interrelationship....To the extent that real-money trade is a problem, its solution must recognize the interdependence of virtual and real (p. 18)." From this interdependence we must then ask the question, how do we legislate well? The answer could be simple. "But what the law CAN do, it often OUGHT NOT to do. How do we make "good" law? Often it's by asking the local constituency -- the people most affected by the set of laws -- to vote! This is the entire precept of local self-governance, and of vertical federalism (Fairfield, 2006)." While this observation might be simple enough on the face, it raises the question again: Who is the local constituency? The designers? The players? This question brings the debate full circle and shows why developing rules has been so difficult and why it must be approached very carefully in order to satisfy all real life members of the virtual community.

Another question that has become more and more important in the debate over law and virtual worlds is the ownership of identity. Gaming allows players the opportunity to attach attributes of themselves to their avatars. Increasingly the line between avatar and player is beginning to blur as players conduct more and more 'business' online (Crawford, 2004). As that line blurs, the power of 'virtual world gods' remains the same. As Crawford summarizes the problem, "it is disturbing to learn that online intermediaries now have "ownership" of online identities, together with hooks allowing them to remove identities they don't like (p. 212)." Where does identity protection come from if intermediaries can go unchecked by law? Clearly in certain egregious cases the ruling class usurps their loyal subjects' attempts at individuality. That doesn't go to say that certain intermediaries aren't justified in some of their identity revoking, but any system without checks needs reevaluation. That is why it is pertinent to explore the development of a new online legal system that melds the needs of designers and gamers together.

Study Design

The goal of my study is to assist in the incremental advancement of a comprehensive 'law of the land' for gamers. There needs to be some sort of legal system governing online play, the source of that system remains undetermined. With that in mind I wanted to study the current system. A set of laws cannot know where it's going until it determines where it has been, or still is. Unlike

most studies for this class, I didn't concern myself with game play or with players of the game. I studied scholars, lawyers and game designers. I decided to call them my gaming academics. They come from an array of ideological backgrounds, so the feedback could come from both extremes of opinion.

My participant search was actually fairly simple. I wanted to talk with experts in the field, people that have had their noses to the proverbial grindstone. The Great Debate from the State of Play III Conference (New York City, October 2005) focused my interest in the topic, so I decided I should start with members of that panel. David Post, David Johnson and Richard Bartle sat on the panel while Dan Hunter mediated. Susan Crawford, Greg Boyd and Josh Fairfield spoke at the conference on different panels. James Grimmelmann wrote a paper in response to The Great Debate. These theorists have been extremely outspoken about my topic during the last 6 months, so logically they were easy to pick out. As you will see in my recruitment letter (Appendix A) my biggest problem is begging them for time. Five of the eight of them are involved in academia and thus face the same time constraints that I do right now. Their semesters are winding down just like mine and they have to give out finals and grade papers. The thought also crossed my mind that my study might seem somewhat trite to them. They are all accomplished scholars that have been thinking about this for a very long time, so what sort of impact could my study possibly have? I decided against including that point in my recruitment letter though for one simple reason: If it seemed like I was second guessing my research topic they surely would as well.

I conducting my interviews via email proved to be the most effective method. I think that my questions (see Appendix 2) are phrased in a way that they could elicit long and fairly complex answers (they did). I did conduct one of my interviews over the phone, but I found email to be much more accurate. The phone conversation allowed the opportunity to ask spur of the moment questions, but was much tougher to track. This brings me to the first conclusion of the paper: Despite my love for the virtual world, nothing can replace good old face to face interaction.

Results

Five of the eight academics that I targeted were able to participate in my study, although one was on vacation and couldn't answer my questions by the time this edition of the paper was submitted. While I named my target academics earlier in their paper I will attribute their answers anonymously in order to preserve their privacy.¹ I received a variety of responses, but several clear themes arose that helped to illustrate the current status of the law and gaming interplay.

End User License Agreements (EULAs) typically provide the rule set by which players must abide. Usually designers possess most of the power for

¹ In my paper I will quote my gaming academics anonymously based on a request from one of them. I know that attributing quotations to academics is the norm, but I wanted to honor the request and keep a consistent format throughout my paper. Please contact me with questions about this issue.

determining the exact language in the EULA for their virtual worlds. EULAs provide one potential vehicle to establish a defined set of rules for gamers, after all if we can establish a contract that players agree to then we create a binding agreement. Could this agreement become standardized across MMOs? The answer from my respondents was a resounding “No!!”

It's hard to see how a binding agreement could arise that covers “all players in all MMOs”. On the other hand, it's likely there will be standardization—if only because one game god will emulate what works well for others. –Tango

Point: Virtual worlds will continue to evolve and police themselves even closer without dicta from the real world.

Better law, better social science, better rights for women, better mechanisms for player empowerment, yes; better virtual worlds, no. –Zulu

The impossibility, improbability, and undesirable nature of sanctioned real world bodies illustrates another point that seems to support the preservation of the status quo. Consensus is that governments don't know how to run virtual worlds. Virtual world God's and their constituency are best suited to govern and tweak their worlds; governments cannot accomplish anything physically productive in virtual worlds. Real world fiat promoting better virtual worlds is still a pipedream because:

In the real world gamers are not a political force. –Echo

Plus...

The real world does not treat the virtual world with much respect –Zulu

Sprinkle in a little...

Most governmental interest in games takes the form of efforts to control content –Tango

Mix it all together with a dash of...

Real world governments and courts currently apply and are going to continue to apply to these games. I doubt there will be any special legislation for MMOs –Niner

And we get the reality that right now governments aren't going to drastically change the people in virtual worlds. They might however alter the physical formation of the virtual worlds. No good can come from this.

The hammer of real world legal systems needs to be aimed at those exploiting virtual worlds for any number of perverse reasons ranging from fraud to violation of tort law. We know that the real world law can strike at offenders

of real world law, and the opinion seems to be that offenders of real world will be combated, even if they are in virtual worlds:

I think that traditional governments will intervene mostly to go after those who are engaged in serious wrongdoing (fraud, etc) and who are using online spaces as cover for those activities. –Tango

Some people are going to feel that other people do very profound and really terrible things and they will try and stand up for the in game character by saying, “well you are really trying to push my buttons, and that is intentional infliction of emotional distress or disorderly conduct. We want governments, real world legal systems to come in and force you to not be such a jerk.” –Echo

The conundrum that legal systems probably will answer with some potentially interesting results could be that of copyright issues. A divide still exists on the topic of ownership of in-game property. Legally there already is a clearly articulated standard.

The people that made and paid for the world own everything. –Niner
Recent buzz supports the idea that virtual property might belong to the player. This rift between players and designers could be potentially very problematic for virtual worlds for one simple reason.

We can keep the status quo just so long as virtual worlds don't cause many real-world headaches and there's no political capital to be made by hammering laws down on them. –Zulu

A potential real world headache? I think so.

Discussion

The unknown often provides a treacherous and difficult challenge for any adventure. Gaming and the law certainly is an adventure, and there are clearly parties in the fray without much prior knowledge. Virtual worlds frighten those that aren't part of them. To outsiders they are depicted as illicit dens of malpractice cultivating sexual predators, killing machines and social derelicts. The real world judges harshly and attempts to adjudicate in virtual worlds without giving online spaces their deserved credence.

The dialog regarding virtual world and the laws that should apply to them grows longer and more complicated every day. There are advocates for more autonomy in virtual worlds. There are cries for the real world to step in and provide protection. To complicate matters, we have both gamers and designers striving for protection on the same issue, from opposing ends of the ideological perspective. The question becomes, what is the law to do?

The need for this debate didn't necessarily arise from either party. It isn't as though virtual worlds have done anything wrong. Likewise, the law has yet to

egregiously infringe on virtual worlds. This interplay is just part of the global soap opera that is the Age of the Internet.

I argue that virtual worlds and the law must leave each other to their own methods in order to build a future that preserves the legitimacy of the law and maximizes the potential for virtual worlds. The future depends largely on the ability of these two opposing entities to cooperate. One of the key factors to a cooperative future will be recognition of the fact that a solution cannot be reached with large, blind leaps of faith. The two sides must work together and piece by piece construct the framework for lawful virtual worlds.

In the interplay between governments and virtual worlds a crucial factor becomes letting both sides practice their areas of expertise (competitive advantage anyone?) and allowing the other side to do so as well. I am by no means advocating that either side should be granted complete autonomy. After all, the virtual world couldn't exist without the real world and the servers, screens, and people that exist in that real world. I am suggesting that real world should police the action of people, while members of the virtual world should police the physics of their world. Virtual worlds are the creative right side of the brain; legal systems are the analytical left side. The crucial insight is that they are part of one whole, not two separate entities.

Let's start with virtual worlds. Virtual worlds exist because game designers provide the physical space for interaction between users of their worlds. At the most basic level we will label development and game content as the area of expertise for the virtual world. The virtual world should be given the freedom to create their virtual worlds without imposition by real world law (more on that in a moment). If games designers were forced to limit or constrain their creations the entire infrastructure for game play could crumble. "The tipping point is the moment that a government determines what physics a virtual world must contain. In that instant, the creative link between designer and virtual world is broken (Bartle, 2005)."

Legal systems provide the analytical function that keeps the behavior of people, not the physical worlds under control. There are two examples that I believe illustrate the crux of my point: the content example and the EULA example. These examples overlap a little bit, but they do help to illustrate different parts of the same picture. Before I go too far I want to clarify one distinction for the rest of my paper. When I talk about governments stepping in and regulating virtual worlds I will use terms like 'punish criminally' or 'criminally charge'. I realize that some of the infractions that I will comment on could be properly categorized as civil infractions under the American system. That being said, I'm not going to distinguish between civil and criminal charges because I don't think that such a distinction is absolutely crucial for the sake of this paper.

The content example involves the design of the 'physical' virtual world. As Bartle points out, the design rests solely with designers. Governments can't do anything to positively assist this process. Designers concern themselves with creating a graphical interface with usable game mechanics that both attract and satisfy players. Designers provide the infrastructure for virtual worlds to exist.

Governments should have almost no level of power regarding content of virtual worlds because they rarely accomplish anything that makes the virtual world better.

Consider a world that governments would consider prosecuting. Let's pretend that a designer were to create a game that depicts rape, or sexual predation. In that case a government would have every right to edit content because those types of prurient themes have never been considered tolerable anywhere in society, let alone in gaming circles. Governments cannot however limit the content of virtual world using killing or gore as justification. Violence has gone unchecked in the gaming industry thus far, and an unprecedented limiting of content for those reasons would be wrong.

EULAs are in place to protect those users that governments would be concerned about protecting. By going through a EULA, it essentially says the player has no issues with the content of the game. Problems could arise later with how other users act after coming into the virtual world (EULA example, coming up next), but that does not mean that the EULA failed to properly illustrate the content of the game.

A major fear for members of the virtual world is that legislatures are going to make law for the internet in a similar fashion to the way that they made law for television. At the most basic level (and the way that they apply relevantly to potentially bad virtual world laws), laws for television are aimed at protecting children for harmful content that they might stumble across on the tube. Legislatures think that they need to prohibit content in virtual worlds for reasons like this. What they fail to realize is that such a prohibition would vastly overstep the bounds of necessity.

It's (a real world watchdog policing virtual worlds) realistic for games designed that way; it's unrealistic for games not designed that way. If all games have to be designed that way (because of bad lawmaking), we'll lose much of what virtual worlds can offer. What next, J. K. Rowling should be made to write what her fans want her to write in the next Harry Potter book? –Zulu

Gamers don't need protection from content in virtual worlds. They sign the EULA, they pay the monthly fee, and they act a certain way. A contract exists between virtual world and gamer, no such contract exists between television viewer and television producer.

One can also look at the protecting children argument from the security level. Parents purchase televisions, and they pay for television service. Similarly with virtual worlds, the game is purchased and the monthly fee is paid. I believe that is where the similarities stop. Television is television; it is really more a way of life than it is a leisure activity anymore. MMOs however end up becoming a crucial part of a child's leisure time. Parents need to buy a game, pay the monthly fee, and sign the EULA for their child. I see this triumvirate as a built in level of security. If a parent doesn't stop their child from playing a 'harmful' game after those three occurrences, should the blame fall on virtual worlds? I

would argue no. This probably isn't a question that can be answered in a scientific fashion, and is probably better suited for a sociologist to address. Again, I propose that the answer is fairly clear cut. Therefore I think virtual worlds illustrate the lack of evidence supporting content legislation. In the end I think that television is patently different from virtual worlds and so the laws governing them should be as well.

The EULA example gets more into mixture of law and virtual worlds. I've tried to establish that designer content (i.e. virtual world content independent from the behavior of other users) shouldn't be regulated by governments. EULAs however are the contract between players and virtual worlds, and thus are subject to scrutiny of the law. Governments regulate law, violating contracts is illegal. Egregious EULA violations should be in the realm of real world law. Throughout the history of virtual worlds designers have regulated player violation of EULAs, mostly through levels of exclusion. Just as I thought that the law should stay away from areas it is unfamiliar with, I believe that designers should also not tread into unfamiliar waters.

EULAs provide the self policing mechanism for virtual worlds. They are passed down by the virtual world God (game designer) to the constituency (users) who voluntarily abides by the law. If the law is broken I believe it is the place of the real world to step in and regulate. There should be some level of demand for this from players. Take the now famous funeral raid from WoW for example. There has been a large outcry for criminal prosecution of the players that stormed the funeral. The perpetrators make claims like, "Don't play PvP unless you want to reap the consequences." The real world would say, "Don't try to intentionally inflict emotional distress on others."

The real world can more readily deal with criminal activity than can virtual worlds. Exclusionary practices can only send the right signals for so long. If a player gets booted from one virtual world they can join another. If a player ends up in jail, well that's a different story. Ask any economist to crunch the numbers as to how a persons set of personal preferences would change, and I'm sure he would tell you that the behavioral results would be pretty conclusive. One could even look at this as a way of providing incentives to follow the law.

When prosecuting contract law in virtual worlds the problem of differing interpretations certainly provides a conundrum. Lewd conduct is often one topic discussed in EULAs, but lewd conduct is different in the United States than it is in Korea. This takes us back to the problem of where the law should originate. Scholars of the internet have been unable to address this question successfully, and I don't propose the solution, just a suggestion. I believe that online gaming can provide an arena to test potential strategies. For example we could allow production companies (such as Blizzard for WoW) to determine guilt and then allow prosecutors in the guilty parties country the ability to hand out the punishment. As we search for the answers to such a complicated question we must do so incrementally. Virtual worlds might provide one of those crucial implements.

Another question that legislatures must address before making law is that of individuals versus society. Legislation would be made to protect individuals from 'bad' parts of virtual worlds. But, the internet is a global marketplace for ideas, commerce and interaction. Laws aimed at protecting persons could severely hinder the global internet marketplace. The question then becomes one of principle: Is it worth protecting individuals at the cost of global commerce? The utilitarian and most members of virtual communities wouldn't think so. It isn't my place to determine whether law makers should satisfy the masses or the minority, but they need to acknowledge this potential before passing legislation.

These examples are only the tip of the iceberg. The idea is simplistic, but I think it will prove to be beneficial. Nobody ever established edict saying that the relationship between legislatures and gamers needed to be adversarial. We aren't going to solve all of the problems inherent in adjudicating virtual worlds in one fell swoop. But I believe that if duties are delegated to those best fit to handle them, answers will start to become obvious and the divide between law and virtual worlds should begin to shrink.

Conclusion

Earlier in this paper I quoted Joshua Fairfield as saying, "But what law can do, it often OUGHT not to do." As I conclude, I put to you that this statement shouldn't be limited to law. In the scope of this debate, both the law and virtual worlds have to ability to DO nearly anything. While the law holds the proverbial ace of trump since it can still override virtual worlds if it wants, I would challenge both parties to defer whenever possible. Adjudication of online arenas will prove to be a test of discipline and teamwork, not one of brawn and egos.

Virtual worlds are not going to go away. They WILL become an increasingly important part of the society, polity and economy of countries throughout the world. Truly the impact of virtual worlds is already being felt throughout world markets. Whether governments take full advantage of the advantageous possibilities of virtual worlds, time will certainly tell. To marginalize virtual worlds by limiting them with odious real world laws would be a mistake.

Likewise, the mistake would be equally egregious if members of the virtual worlds acted in a manner that forced governments to adjudicate on their behalf. A mutually beneficial partnership can be born between the law makers and members of virtual worlds if only the members of each party would pause for moment, fully grasp their surroundings and recognize the aspects of interaction in which it would be best for them to defer to the other party.

The competitive advantage argument arises from economic evidence that cooperation between separate members of the same marketplace provides a more efficient and beneficial solution. Virtual worlds aren't as clear cut as dollars and cents and apples and oranges, but I believe that the principle deserves consideration.

There seems to be agreement that virtual worlds and their members lack the political clout to change much in the government. I propose to you that there isn't much that needs changing. "I have not yet seen anything that leads me to believe MMOs need anything special or different to govern them (Niner, 2006)." If Niner is correct then the status quo can be maintained so long as members of the virtual world do what they're good at and governments do likewise. The real world will always carry the ultimate power in their relationship with virtual worlds, but if both parties can behave in mutually beneficial and conciliatory manners then the future holds much promise.

Appendix A: Sample Recruitment Message

Greetings Mr. Azeroth,

My name is Matt Kovacs and I am an undergraduate student at Trinity University. This semester I've been studying online gaming under the tutelage of Dr. Aaron Delwiche. (The class syllabus is posted at: <http://www.trinity.edu/adelwich/worlds/students.html>) Most of my classmates are conducting ethnographic research projects about game play, but I am more interested in the place of law in the world of online games.

One of the things that sparked my interest so heavily was the Great Debate forum at the State of Play III Conference. I've watched the video feed from the forum and synthesized ideas from other experts in order to come up with some questions about the topic.

I have read your article Virtual Borders: The Interdependence of Real and Virtual Worlds. I was wondering if I could take just a few minutes of your time to ask some questions about the future of law in the virtual gaming world. I would like to thank you in advance for any time spent in answering my questions as I know that you are extremely busy. I'm appending a sample list of questions, but we could also conduct the interview over the telephone or using instant messaging if that is easier for you.

I understand that this is a hectic time of the year, and completely understand if you are too busy to participate.

Thanks in advance for your time,
Matt Kovacs

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Appendix B: Recruitment Questions

Will there ever be a time that virtual worlds will move away from separate EULAs and develop a set of rules that governs the virtual decorum of all players in all MMOs? Or if the opportunity to establish a single set of EULAs is too optimistic, do you think that some sort of standard for inter-MMO cooperation could arise?

In his article *Virtual Borders: The Interdependence of Real and Virtual Worlds* James Grimmelmenn talks about the conciliatory nature that real and virtual worlds need to maintain in order to govern peacefully. On the other hand, in *Law and Virtual Borders*, Johnson and Post talk about how distinct the two worlds are. With those two thoughts in mind, is it possible that gamers and legislators can work together to develop an international body (similar to the World Trade Organization or World Court) that could govern game play? One possibility of this idea would entail member nations and game designers joining this group, which would be run by multiple people from inside the gaming community.

Again, if such a proposal seems to optimistic or far-sighted, where do you see the legal interplay between real and virtual worlds heading in the next 5-10 years? Are we heading for a time of more cooperation as Grimmelmenn proposes? Is there going to be autonomy, or might real world governments force feed laws into action?

In *Who's in Charge of Who I Am?: Identity and Law Online* Susan Crawford talks about the paramount problem of preserving one's identity online. She mentions 'virtual world gods' as one of the main prohibiting factors to identity maintenance. Do you think that we are close to seeing 'virtual world gods' relinquishing some control in order to create a more egalitarian, group governed gaming experience?

Despite all of the discussion on the topic of gaming and its interplay with the law/governments/etc do you think that the current situation is necessarily bad or problematic? What do you see as some of the biggest hurdles facing gamers in that interplay in the next couple of years?

This next one is sort of long and probably a little confusing, I apologize in advance: It seems from my research that gaming pundits advocate for a system in which virtual worlds could have governance by the constituency of the world with real world law as a sort of watchdog policing egregious behavior (ie fraud, particularly vulgar harassment, etc.). Is this incorrect? Is it realistic?

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