



Virtual Law -- Will real and virtual identity converge or diverge?

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Abstract

Some of the differences (conflicts, even) between real and virtual identity are thrown into sharp relief in the world of online games, where vast virtual worlds are already inhabited by millions of virtual characters. While they might be **only** games, they may contain some real insights into the future relationship between real and virtual identities.

Virtually the Whole Country

Virtual worlds have been around for a long time: even when I was at University, the first mainframe multi-user dungeons (MUDs) were being played. When I got my first personal computer, an Apple IIe, I spent many happy hours playing (text) adventure games such as Hitchhikers **Guide to the Galaxy** and so on. Over the years, graphical interfaces transformed the interaction between player and game and then (more importantly, in my opinion) networks transformed the interaction between players and each other. Simple text adventure games have, over time, evolved into fully-fledged virtual worlds.

As broadband becomes ubiquitous, the dynamics of virtual worlds appear to go into overdrive and the number of people with one or more **virtual selves** explodes. These virtual selves, generally known as avatars, are clearly more than just playing pieces in a game. The psychological link between people and their avatars is a complex one, more the domain of sociologists than computer technologists, but it is very interesting in one specific context: it may be an indicator of the future relationship between our physical and virtual identities in social, organisational and business **games**.

South Korea provides the case study. Nearly three-quarters of homes have broadband: thousands of online fantasy worlds are inhabited by people interacting virtually, often representing themselves with animated characters in a blend of game play and chat, and at times hundreds of thousands of people (appearing as beautiful women, warriors, half-human beasts and the rest of the **normal** range of fantasy creatures) are communicating, fighting and even embracing [1].

Developers are working to enhance the interface between virtual characters even further. An example is There, an online community about to be launched [2]: avatars in There convey emotions through both facial expressions and body gestures. When an avatar frowns, shoulders sag along with the corners the mouth (etc. The prototype version offers more than 100 different emotional states to choose from,

everything from surprise to anger, and the company plans to add ten a month).

These virtual worlds have already crossed some sort of line that we didn't know was there: in some of the largest worlds, a small number of avatars earn a living for their owners. Avatars from Sony's massively multiplayer online game Everquest are sold on eBay for \$100-\$700 and while Sony Online Entertainment says it opposes such selling, there's not much they can do about it [3]. In a famous study, economist Edward Castronova calculated that the GNP per capita of Norrath, the imaginary world in Everquest, is somewhere between Bulgaria and Russia [4]! Incidentally, he's since discovered that the gender gap extends to Norrath: female avatars are bought and sold for some 12-16% less than male avatars [5].

Naturally, the parallels with the physical world go further. Crime, for example, has always been a problem. In Lucasfilm's Habitat virtual world, subscribers complained about the killing and corpse-looting that was going on and the company responded by changing the software to remove death: at a stroke they proved Lawrence Lessig's famous aphorism that code is law in cyberspace [6]. This kind of development opens up the general issue of laws, and law enforcement, in the virtual world.

Rights and Responsibilities

This is about more than games, of course. As more and more people go on line, and more and more of the economy goes with them (just look at the eBay phenomenon to see how quickly this can happen), virtual worlds will force the examination of some interesting questions. One easy way to focus such a debate while avoiding getting sidetracked by virtual sex, the almost inevitable fate of such discussions is to look at property rights. Does Leadbelly Gutbucket, my alter ego in an online Dungeons and Dragons type of game, own his magic axe in the same sense as I own the computer I'm typing these words on?

My bet is that he does, and some lawyers are coming out and saying the same thing. A recent working paper from the University of Pennsylvania Law School [7], looking at this issue in some detail, concludes that on the basis of economic accounts that demonstrate the real world value of the virtual world objects and the exchange mechanisms for trading them, virtual world property interest are indistinguishable from real world property interests. If the basis for prosperity is property rights enforced by courts, then it's clear that some virtual worlds will experience economic growth much higher than many third-world countries.

What's currently missing from this picture are the technologies for encryption and authentication to bind virtual world property to owners in the physical world. So long as someone can just guess your password and take over your virtual world, it's difficult to build on that virtual world as a place to do real business. The relevant technologies are, however, well-known and well-understood (public key infrastructure and so forth) so it shouldn't be difficult to incorporate them. One could imagine, for example, a future version of Everquest coming with a smart card and smart card reader (along the lines of the Britney Spears fan club experiment) to enable people to establish cryptographically-based property rights in Norrath.

Property rights are the first step on a ladder of law that will confer rights on avatars as well. Once avatars and cryptography come together introducing authentication, digital signatures and so on then the scene is set. Ultimately, we'll stop distinguishing between a person's real identity and the identity of their avatars (and possessions) and simply grow accustomed to the idea that a physical individual has a number of digital identities and that Dave Birch the employee of Consult Hyperion is not the same as Dave Birch the private citizen or Leadbelly Gutbucket, mightiest of the Dawrven heroes of Ravenscrag Pass.

The Fourth Annual Consult Hyperion Digital Identity Forum will be held in London on November 4th and 5th 2003. The theme for this year's forum is the intersection of physical and virtual identity. For more information, please visit www.digitalidforum.com or e-mail the author.

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