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The Application of Lawrence Lessig’s Four Modalities of Regulation in a Virtual Society: An Examination of the Legal Structure of the World of Warcraft

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In the last ten years, the video game industry has grown into a legitimate entertainment powerhouse. Though console gaming drives the market, PC gaming has developed as strong and steady a following as any console. With the advent of much more affordable graphics and processing power, PC games are able to take advantage of the technology in a way that allows for unique gaming experiences. One other aspect of PC gaming that, until recently, had set it apart from consoles is internet connectivity.

PC games were the first place where you could go online and play video games with your friends, even if they were half-way around the world. First person shooters like Unreal Tournament and the Quake series were the first genre of games to really take off with online gaming. However, in the last ten years, with the widespread adoption of home broadband, many other genres of games have taken advantage of online capability. No such genre is hotter right now than massively multiplayer online role-playing games or MMORPGs for short.

MMORPGs allow players to take on the role of a character they create and engage in a virtual, online world with thousands, if not millions, of other players. The first games of the genre to really take off were Ultima Online and Everquest, both of which had/have rabid followings. From that point, major movie franchises lent their licenses to MMORPGs like Star Wars Galaxies and an upcoming Lord of the Rings game. However, the genre really took hold a couple of years ago when one of the most storied franchises in PC gaming history decided to release their own MMORPG.
Blizzard Entertainment has been a giant in the PC gaming industry since the mid-1990’s releases of *Warcraft* and its sequel *Warcraft II*, both real-time strategy games that required you to build up armies of humans, elves, orcs, and trolls to either defend your own settlements or attack another army. The *Warcraft* games took advantage of online gaming by introducing the BattleNet network. Now, players could build armies and face off against one another. The releases of *Warcraft III* and the space-themed *Starcraft* served to further expand Blizzard’s fan base and solidify their profile as an industry giant. However, even with all this success, their greatest triumph was yet to come. Blizzard had decided to enter the realm of MMORPG gaming with their latest and greatest entry, *World of Warcraft*.

From the moment *World of Warcraft* (WoW) was released on November 22, 2004,¹ it was a phenomenon. Gamers immediately signed up for the subscription-based MMORPG by the thousands. Subscriptions cost about $0.50 a day and are paid online by credit card, or can be bought as a prepaid subscription card through retailers, offering 60 days of gameplay for $30.² As of March 7, 2007, WoW had amassed over 8.5 million subscribers³ including over 2 million in North America, 1.5 million in Europe, and 3.5 million in China.⁴ The most recent WoW release, expansion pack *The Burning Crusade*, shattered the PC game sales record for first day sales with a mark of 2.4 million units, which was more than any other PC game had ever sold in its first month.⁵

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Crusade’s first month sales finished at over 3.5 million units, clearly shattering previous first month records.6

As many more sign up for WoW every day, the phenomenon grows larger, and with it grows the fictional world of Azeroth. When a player creates his or her own character, they are dropped into one of the many areas of Azeroth that are assigned to different online game servers. From that point on, you are in control of a citizen of Azeroth. For all intents and purposes, you are a citizen of Azeroth. You are now a member of a new, virtually realistic society that exists outside of the real world. Your actions in this world not only affect your character and your game, but the characters and games of the tens of thousands of people you coexist with in Azeroth. WoW has created a gaming experience that is more immersive and complex than any that has come before it. Not only that, but it has created a social experiment the likes of which have never been seen. How do you get millions of people, the majority of whom are strangers, to buy into a societal model where there are virtually no real world implications for their actions other than a possible suspension or cancellation of their account? Are there laws? Is there justice? Is there any real world after-effect created by this online shadow society? This paper hopes to answer some of these questions as it explores the legal structure of World of Warcraft by applying Lawrence Lessig’s four modalities of regulation (law, social norms, markets, and architecture) and analyzing how each modality is represented in Azeroth.

6 Id.
~ Orcs and Night Elves and Taurens…Oh my! ~

Before one can begin to analyze something, one must familiarize himself with what it is he is analyzing. Thus a description of World of Warcraft and its gameplay mechanics is warranted. As stated before, the first step in entering the world of Azeroth is to create your character. Initially, you have to choose one of ten races for your character, which in turn will determine with which of two factions you will ally yourself. The benevolent Alliance includes Humans, Dwarves, Gnomes, Night Elves, and the newly added Draenei; while the malevolent Horde is comprised of Orcs, Taurens, Undead, Trolls, and now also the Blood Elves. Within each race, players must choose their class (Druid, Hunter, Mage, Paladin, Priest, Rogue, Shaman, Warlock, or Warrior) which determines what talents and attributes your character will have. Warriors and Hunters, for example, will have higher fighting and strength attributes while Mages, Druids, and Warlocks will have higher magic attributes, but different types of magic spells. What faction, race, and class you choose are the primary determinants for what server you will play on, and how you will interact with other players and environments.

After your character has been created, you are assigned to a server. The servers that you start out on are race specific. It is on these proving grounds that you will start to “level” your character. This involves taking up various quests and slaying different beasts to amass items, gold (the game’s currency), and all-important experience points. The more experience points you obtain, the higher levels your character will reach. The higher your character’s level, the more damage he will be able to withstand and the more powerful his attacks will be.
Leveling your character is the driving purpose of the game. Much time is spent on wandering around Azeroth fighting various ill-tempered beasts that attack you as soon as you approach them. The grind begins as you make your way through these low-level annoyances, picking up sparse experience and a few minor items. Much of the gameplay consists of this day to day grind of building experience. However, at certain times during your adventure, you will be asked by a high-ranking NPC (non-playable character) to take on a quest. Quests are story-driven adventures that usually take the form of collecting a certain item or slaying a problematic monster. They offer more experience at one time than most things in WoW. Quests start out as very simple requests that don’t require you to travel as far from your village and aren’t dangerous enough that you can’t defeat it on your own. When the quests get more difficult and more involved, that’s when the defining aspect of the WoW experience takes effect: co-operative gameplay.

If a quest is particularly involved or requires the defeat of an especially powerful monster, a player must team up with fellow players on the server and take on the quest together. The members of a questing party are usually at or near the same level as one another and are most likely made up of varied character types. For example, they will balance Fighter-types with Magic Users, with the Fighters engaging an enemy with melee attacks while the Magic Users play a support role, casting ranged spell attacks and healing the Fighters. As the quests get larger, so too do the questing parties. In fact, they get so large that they turn into guilds, which are groups of about 60 or 70 players who quest and do battle as a team. On “Player V. Player” (PvP) servers, where the sole purpose is to engage in combat, entire guilds will gather to battle an opposing guild in large scale warfare.
The gameplay is quite simply fun and addictive, and it is the game experience itself that keeps players hooked and draws thousands more in every day. With so many people engaging in the WoW experience, it is no surprise that it has become the cultural phenomenon that it is. There are signs of WoW’s influence throughout popular culture. *Jeopardy* recently featured WoW as a question to one of their answers, which referred to a now famous viral video about the WoW antics of a lovable, renegade player named Leeroy Jenkins. On Wednesday, October 4th, 2006, the iconic Comedy Central show *South Park*, a phenomenon unto itself, chose to run as their tenth season premiere a story where the boys from South Park, apparently avid WoW gamers, had to stop a powerful WoW renegade who refused to play by the rules. The episode featured computer animation from the game itself, as Blizzard collaborated closely with the show’s creators Trey Parker and Matt Stone. The phenomenon held true as 3.4 million viewers tuned in, making it Comedy Central’s highest rated midseason premiere since 2000.

The WoW phenomenon even spread to the epidemiological world in September, 2005. There was a quest that involved the slaying of Hakkar the Soulflayer, the god of blood. Hakkar had an attack called “Corrupted Blood” that drastically reduced a player’s health every second that they were afflicted. For a higher-level character, it was survivable, but for lower-level characters it could prove fatal. As it happened, higher-level characters, able to continue healing themselves for long periods while still infected, and “pets” kept by players began to spread the “disease” throughout Azeroth. Most of this damage was done as the plague spread to key NPCs throughout the game. As NPCs are characters that exist solely for plot-driving and questing purposes, they are unable to

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die from such an infection but can spread it nonetheless. As players approached these seemingly “clean” NPCs, they too would become infected and die. As entire cities within the game became uninhabitable, Blizzard took several steps to cure the plague, including the quarantine of key areas. Finally, the problem was solved by changing the gameplay mechanics of the Hakkar battle so that the disease did not spread from player to player. After this entirely bizarre ordeal, the Centers for Disease Control and Prevention requested statistical information on the incident for research on the spread of epidemics,9 as did several other academic institutions who were interested in the idea of using a virtual world as a point of reference for studying how people react to environmental pathogens.10

~ We the People, in order to form a more perfect Azeroth… ~

As can be seen from the above description, what lies at the center of World of Warcraft is a virtual society, comprised of millions of people, joining together to quest and do battle in the land of Azeroth. Like any game, WoW has rules. However, if the game is viewed not as a game, but as a virtual society, these rules are more appropriately viewed as laws and a code of conduct for players. In his article “The Law of the Horse: What Cyberlaw Might Teach,” Lawrence Lessig proposed that there were four modalities of regulation in both real space and cyberspace: law, social norms, markets, and architecture.11 Each of these four modalities is reflected in the regulation of World of Warcraft.

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The first of Lessig’s modalities of regulation is law. The law orders people to behave in certain ways and threatens punishment if they do not obey. If our government wishes to restrict a behavior in real space, they legislate against it. If they wish to encourage one, they legislate for it and provide incentives. Regulating people in real space, in effect, regulates cyberspace. The laws of contract, property, copyright, defamation, and obscenity are all present in cyberspace and threaten ex post punishment in real space for those who violate these laws in cyberspace. It is no different in the land of Azeroth; however, the most direct legal constraint on the player-citizens of WoW comes from contract law, in the form of the End User License Agreement and the Terms of Use.

The End User License Agreement (EULA) and Terms of Use (Terms) are the primary legal constraints on World of Warcraft players. The EULA is agreed to and takes effect as soon as you install the game software on your computer, while the Terms take effect when you subscribe to the online service. It is very important to note that one cannot play WoW without being subject to these agreements. Together, the two documents serve as a constitution of sorts for the citizens of Azeroth, providing a basis in law for the governance of their virtual society. Instead of engaging in a social compact under a document like the U.S Constitution, you are engaging in a binding legal contract with Blizzard. The EULA is primarily a notice to the purchaser of his or her obligations to Blizzard under the law and a waiver of all liability by Blizzard. One of the most important parts of the EULA sets out restrictions on re-selling, renting, or licensing the

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12 Id.
13 Id. at 508
game to another person.\textsuperscript{14} In effect, this is regulating citizenship within WoW. This is very similar to the Citizenship Clause of the Fourteenth Amendment to the U. S. Constitution that reserves for the Federal government, and not the States, the right to grant U. S. citizenship.\textsuperscript{15} Blizzard is saying that they are the arbiters of who will be allowed to play and become a citizen of Azeroth, not the players themselves. The EULA makes it clear that Azeroth is not a land by and for the people, but by Blizzard and for Blizzard. Already, the player is made aware of constraints on his behavior that are thrust on him merely by installing the game on his computer. He is subject to the full force of United States contract, property, and copyright law, among others, and including some international laws.\textsuperscript{16}

The Terms of Use, as stated before, take effect when you subscribe to the required WoW online service. At the heart of the Terms is a code of conduct for players to follow when playing the game. It is this set of rules that governs the day to day interactions and experiences of the denizens of Azeroth. The first part of the rules of conduct regulates the naming of characters and guilds. Blizzard applies many restrictions on naming including not being able to use copyrighted or trademarked material as all or part of your name or impersonating other people, but mainly it asks that players adhere to rules of common decency regarding offensive, obscene, racial, religious, hateful, etc., forms of speech.\textsuperscript{17} Much of the same, including the issue of fraud, is regulated against in the second part of the rules of conduct that governs in-game communication and interaction.

\textsuperscript{14} World of Warcraft End User License Agreement (last updated February 2, 2007), http://www.worldofwarcraft.com/legal/eula.html
\textsuperscript{15} U.S. Const., Amendment 14, Section 1.
\textsuperscript{17} World of Warcraft Terms of Use Agreement (last updated January 11, 2007), http://www.worldofwarcraft.com/legal/termsofuse.html.
with other users and Blizzard representatives. The third and final part of the rules of conduct deals with regulating gameplay. Here, Blizzard concedes that due to the nature of the game, some interactions that may be undesirable or inconvenient to the user (being killed by someone of the same race or alliance, “camping,” etc.) cannot and will not be regulated against and will be considered merely “part of the game,” with very limited exceptions.

The rest of the Terms set up Blizzard’s absolute and final rights in all matters, resulting in what appears to be a form of digital Communism. This includes their absolute right to suspend, terminate, or delete your account at whatever time they wish, inherently reserving the right to erase your digital existence and revoke your citizenship. Blizzard also asserts that they are the only entity that retains right and title to anything in the game including the virtual goods and currency that one obtains while playing the game. Communism is defined as “a system of social organization in which all economic and social activity is controlled by a totalitarian state dominated by a single and self-perpetuating political party.” All of Azeroth (its citizens, physical nature, virtual goods, etc) is under the control of Blizzard Entertainment, Inc. All social and economic activity, be it in-game or out, is under their direct discretion and control. If one was to define the system of government that was in place to administer the rule of law in

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18 Id.
19 “Camping” is a term used in gaming to describe the practice of a player staying in one area of the game world waiting for enemies to kill or useful objects to appear or to come to the player rather than actively seeking them out, in an effort to gain an advantage over other players. It is considered a very unsocial and widely frowned upon practice in gaming.
21 Id.
22 Id.
World of Warcraft’s virtual society, you would be hard pressed to find a more suitable term than Communism.

Law regulates Azeroth society both directly and indirectly. The rules imposed by Blizzard through their End User License Agreement and Terms of Use directly regulate players in cyberspace by telling them what they can and cannot do within the game itself. The laws of the United States and that of other nations also help regulate by imposing themselves on players in real space in a wide range of matters from contract law to copyright law. It is easy to see how Lessig’s first modality of regulation is reflected in World of Warcraft.

~ How the West was won… ~

In the late 19th century, America was expanding its borders faster than the law could catch-up. As the American people drove this expansion westward, they settled in areas where no law was known. Groups of pioneers established small towns in the middle of nowhere in a quest for prosperity, and perhaps more than a little adventure. In a land without law, every day is an adventure. From cattle rustlers to bank robbers, opportunists made their way through this unregulated region stealing what they wanted, terrorizing peaceful citizens, and killing whoever got in their way. The Wild West was a place where crime was an everyday occurrence, but a paradoxical one. What is a crime if there are no laws?

So how did western settlers survive until the law caught up with them? The same way every civilization has survived absent a rule of law; social norms led the way. There may not have been hard and fast laws, but that doesn’t mean there wasn’t regulation. Groups of settlers banded together to protect what was theirs and each other. Sheriffs
took it upon themselves to act as the law in their towns. Throughout human history, communities of people have established codes of conduct that other members of the community must follow or else face being ostracized. The fear of social punishments is a strong one, and is why social norms represent the second of Lessig’s modalities of regulation.

Social norms are like laws in that they threaten punishment; however, the punishments are not centralized. Social norms are enforced by a community, not a government, and regulate by constraining behavior. Why is it that nobody ever leaves their house in just their underwear and a cape? Social norms are why. Why do we go to the back of a line and wait our turn? Social norms. Why do men behave a certain way toward women? Social norms. There are many constraints on behavior that we agree to when we enter into a social compact with the rest of the community, and we do so for the many benefits that are to be gained by being part of a community; benefits such as protection and a sense of belonging.

A situation exists in World of Warcraft that is not entirely unlike the Wild West. The minute WoW went online, it was inundated with subscriptions. Blizzard clearly anticipated a popular response to their product, but they didn’t expect the level of instant popularity they obtained. Within weeks, the servers proved no match for the massive influx of gamers immigrating to Azeroth. The servers got slower, and eventually multiple crashes were common. It took a while before Blizzard was able to even support the millions of player-citizens they had on their hands. As thousands more subscribed each day, it became increasingly difficult to ensure that the law of the land was

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25 Id.
administered. Even today, Blizzard is not set up to monitor the behavior and activities of all of its players and it is unknown whether such a small, centralized entity will ever be able to effectively govern its fictional lands. In the meantime, the gamers themselves have taken to regulation of their own virtual community.

Since the social aspects of WoW are such a big part of its appeal and, ultimately, its success, it should be no surprise that social norms play such a big part in the day to day regulation of Azeroth. Guilds play perhaps the biggest part in this regulation. Guilds are basically communities within the community where gamers can band together to take on especially difficult quests and acquire especially rare items. Guilds usually have their own rules of conduct. They also usually set in place a system for distribution of the various items that they find on their quest that can be based on need, contribution to the quest, or pure chance. If a guild member doesn’t comply with the norms established by the guild, perhaps through breaches of etiquette or not pulling your own weight, he might find himself cast out of the guild and forced to fend for himself. At a certain point in the gameplay, it really does become rather impossible to progress through the more involved quests without help from other players. This reality can persuade a player into following the social norms established by a guild out of self-preservation if nothing else.

Along with norms established by guilds, there are numerous rules of gaming etiquette that have developed over the years which are followed throughout the gaming world. These many and varied unwritten rules exemplify the idea of regulation by social norms through the collective recognition and rejection of undesired behaviors. “Camping,” as mentioned before, is the generally discouraged practice of a player standing in one spot in order to kill enemies that come along or pick up valuable objects
that often appear in that place. It is generally considered to be a cheap, “bush league” move and therefore many gamers tend to stray from such behavior. Another gaming practice more specific to WoW is “griefing,” which is the term used to describe a situation where higher-level players pick on lower-level players by killing them indiscriminately. Again, such a practice is widely frowned-upon.

When law is limited or even non-existent, social norms can step in to help regulate where law is lacking. In World of Warcraft, it is a simple reality that Blizzard doesn’t have the capacity to monitor all of its players at all times of the day. When their overlords fail to regulate, the gaming community itself steps in to ensure that order prevails. Guilds form smaller communities within the game that use social norms and the promise of success within the game to keep guild members in line. Outside of that, there are rules of etiquette that have been developed by gamers that are followed by gamers and have been followed for some time. At its core, WoW is just a video game, and video games are played to have fun. Surely, this simple truth forms the basis of the social compact in which all players engage when they enter the land of Azeroth.

~ How much is that Level 60 Night Elf Warrior in the window? ~

Regulation by markets, where behaviors are regulated by prices, is Lessig’s third modality of regulation. An easy example of how markets regulate is how gas prices dictate how much one drives. Markets constrain both individual and collective behaviors with the help of both law and social norms. Markets are governed by contract and property law, and operate within the domain permitted by social norms. In cyberspace, markets regulate in many ways. Perhaps the foremost way in which markets regulate are

27 Id.
price structures limiting access to cyberspace. We pay for access to the internet through an ISP or maybe for a password that allows us access to a certain website or service. Popular sites are rewarded with increased advertising revenue, while advertising may be pulled from an unpopular site.²⁸

Market regulation can be seen in several aspects of *World of Warcraft*. The most accessible example is the price one pays for access to the game. If you want to join WoW, you first need to buy the original game software with the accompanying account number that used to sell at about $49.99, but has dropped to $19.99. After that, you need to pay monthly (about $15 a month) to actually play your game on the WoW servers. As time goes on, you play the game to a certain point and then have little more to do within it. So, you buy expansion packs that the company puts out to supplement the game and whose cost is comparable to that of the original software. Here, even before you step foot in the land of Azeroth, markets regulate your access to it, all the while deterring more casual players who might not be willing to make such a financial commitment.

The in-game market also helps to regulate behavior. WoW has its own in-game currency system (gold) that drives a lot of the gameplay. Many people quest for hours to acquire enough gold to buy special items or weapons. To get the 100 gold it takes to buy a mount (be it horse or saber-toothed tiger) for your character to ride on, the average player could “gold farm”²⁹ for hours. How long one has to farm and how fruitful the farming is depends on the area where you do the farming and the level of enemies you’ll be facing. Higher-level players will be able to farm more dangerous areas and acquire

²⁸ Id. at 508.
²⁹ “Gold farming” is the term used to describe the practice of exploiting repetitive elements of a game’s mechanics in order to acquire items of value, such as gold or weapons. This involves repetition of any mundane action within the game that could result in an item or gold drop.
more gold in less time than a lower-level player farming in a much less dangerous area.
The more valuable or rare an item is, the more it regulates your behavior. If it’s especially
rare or valuable, you could play for hours to obtain it. If it’s especially difficult to obtain, you’re more likely to band together with others in the game to help you achieve your goals. These are just a few ways in which the markets established in the game regulate behavior.

Strangely enough, the effects of the in-game markets in WoW have been felt outside cyberspace in real space. The in-game market, in the form of WoW gold, has made its way into our real-world markets. As it became clear how enormous the impact of WoW was, people began to see opportunities to make real money with it. One of the ways in which this was facilitated was through person to person auctions through sites like eBay. For a great while it was routine to find listings that were offering highly-leveled player accounts, rare or valuable items or weapons, or even just amounts of in-game gold for large amounts of real money. Some of the highest-leveled characters had sold for hundreds of dollars, until eBay recently shut down these operations by banning all virtual property from sale on eBay.30 In response to criticism, eBay stated that it was not creating a new policy, but rather was merely enforcing an existing policy on digitally delivered goods which said “the seller must be the owner of the underlying intellectual property, or authorized to distribute it by the intellectual property owner.”31 Given the nebulous nature of virtual property, and the fact that the WoW EULA prohibits such

31 Id.
transfers, it seemed to them that this situation fit that policy. Of course, since the ban by eBay, several new auction sites created explicitly for the purposes of trading virtual property have been popping up. Clearly, where there is demand, supply will follow to make a quick buck.

Outside of the realm of online auctions, WoW’s in-game economy has found its way into the real economy through the emergence of “gold farms.” In many Asian and South American countries, small shops have opened that are filled with dozens of gamers playing WoW and other online role-playing games, harvesting gold and other items, and then selling their harvests to gamers throughout the world. Simply enough, because these shops only exist to farm gold, they are referred to as gold farms. China is particularly dominant in the gold farming market. Due to abundant labor, highly available high-speed internet, and cheap computers, China has developed the largest gold farming economy thus far.

According to a recent New York Times article, it is estimated that more than 100,000 people in China, ranging in age from 18-25, are engaged in full-time gold farming and making anywhere from $100 to $250 U.S. per month. Some of these “virtual sweatshops” offer room and board in return for gamers working twelve-hour shifts. The gaming factories range in size from ten computer stations to 300, and are based in abandoned warehouses, cavernous basements, internet cafes, or even private

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35 Id.
Many gold farmers make better money by playing video games all day than they would if they were working in a restaurant.

Gold farms have to be very careful about how they do business. As the EULA forbids the sale of characters or items collected in the game, Blizzard will ban an account if it discovers that it has been used for farming activities. However, the problem is that since WoW is so vast, and Blizzard’s manpower so limited, it is nearly impossible to monitor game activity to the extent that is necessary to eliminate the effects of these gold farms. Nonetheless, gold farms hedge their bets by hiding their activity and moving their items through several different accounts before they get to the client’s account. It is interesting to note that WoW has not yet started banning users who buy these treasures through a gold farming service; only those users that they find to be gold farmers.

It is unclear exactly how much the regulation of Azeroth is affected by this virtual black market. Some users argue that it dilutes the game; that it throws off the delicate balance inherent in the gameplay. They argue that the economy of the game is being displaced. Surely, this affects behavior in WoW. If people are able to buy gold or items instead of having to actually play to obtain them, perhaps they will be less likely to buy into the social compact of the game. If one disadvantage to not engaging in the society is that you wouldn’t be able to obtain certain items, then it would be nullified by the fact that a person could always just pay someone to get the item for them. Whether it’s the effect of gold farms or online auctions, or the effect of price structures on access to the game itself, Lessig’s market modality definitely plays its role in *World of Warcraft.*

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36 Id.
Lessig’s final modality of regulation refers to the physical world as we find it; the actual physical constraints imposed on us that function in a way that shapes our behavior. Lessig refers to this modality of regulation as architecture. While in the real world architecture is experienced only as it already exists, in cyberspace it is capable of drastic change. Whereas in real space architecture manifests itself as physical matter, in cyberspace it manifests itself as code. The term “code” refers to the software and hardware that makes cyberspace the way it is and which constitutes the constraints on behavior that exist in cyberspace. These constraints differ in the way they are experienced; whether they’re passwords constraining access, or encryption technology constraining eavesdropping, the people who write the code embed certain values or make the realization of certain values impossible. Architectures of cyberspace (what Lessig refers to as West Coast Code) can enable or disable the values implicit in law (which Lessig refers to as East Coast Code); and law, acting on the architecture in cyberspace, can enable or disable the values implicit in the code. In this way, authors of code may develop a program that displaces law, while the authors of law might pass legislation that displaces code. The interaction between law and architecture is very important in the regulation of cyberspace.

40 Id. at 508.
41 Id. at 509.
42 Id. at 521.
43 Id. at 531.
In *World of Warcraft*, one can easily see the impact that the modality of architecture makes on the regulation of Azeroth. What makes the society in WoW unique, is that all physical aspects that restrain the behavior of a character are purely code. Trees aren’t actually trees, it’s code manifesting itself as trees. Any behavior in the game can be controlled strictly through modification of the architecture, or code, of the game. If a certain monster proves too difficult for people to kill, it can be weakened. If a required item is too rarely found to satisfy need or demand within the game, it can be made more abundant and accessible. When certain classes of characters are proving too powerful in combat, the developers can limit some of their abilities or make other classes’ abilities more powerful. In this way, Blizzard is not only the government, but a pantheon of demigods able to alter the reality of Azeroth on a whim. In fact, such practice is commonplace. Every two weeks or so, new patches, or game updates, are downloaded to fix bugs or refine gameplay mechanics. Entire worlds and races of additional architecture are released every couple years or so at a premium in the form of expansion packs like the most recent *Burning Crusade*. Blizzard also repeatedly scans their citizens’ computers for third party software to ensure that the architecture of their game remains in their control.

Blizzard has the ability to change any aspect of Azeroth it wants, whenever it wants, and for whatever reason it wants. This is the reality of a virtual world. However, Blizzard’s power does not go unrestrained. The company is a savvy one that knows that keeping its customers happy ensures they will continue to buy WoW and other Blizzard products. They have to restrain themselves from wielding this power in manner that alienates their customers. Though they can essentially fix any flaw they see in this world
and regulate any behavior, they have to allow a certain amount of freedom for the game to be effective. The free-roaming independence of *World of Warcraft* is perhaps the strongest part of its appeal. First and foremost, Blizzard wants to make Azeroth the most desirable online place to live and adventure in, and WoW the most desirable product on the market. Though the architecture aspects of WoW would seem to be the most powerful and effective of all the modalities, it too is limited.

*~ One Modality of Regulation to rule them all? ~*

*(Okay, I had one more in me)*

In *World of Warcraft*’s virtual society, law regulates by imposing itself on the characters through contractual relationships with the user in the form of the End User License Agreement and Terms of Use. Social norms fill in where law cannot reach to regulate behavior through the promise of an enhanced gaming experience if you buy into the social compact. The market regulates by imposing price structures on access and in-game economies, among other things. The architecture of Azeroth is continually capable of total change and can be tailored to regulate any possible behavior. Lawrence Lessig said that the net regulation of any policy is the sum of the regulatory effects of the four modalities together, trading off between each one depending on which one works best for the situation. But does one regulate more than the other three? Do certain modalities work together more effectively than the others? I believe that the modality of regulation that is most active in affecting the regulation of *World of Warcraft*’s virtual society is the market.

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Architecture is the most directly applied of the modalities, and the most centralized. The code for the game’s architecture comes directly from Blizzard, which is at its core a business first and foremost. The bottom line in all businesses is money, so it’s no surprise that the market modality is the one that works most closely with architecture. As was discussed earlier, the manipulation of the game’s code to regulate behavior is most directly limited by the fact that Blizzard needs to put out the best product it possibly can. If Blizzard started to eliminate all unwanted behavior from their game, it would turn into a most restrictive gaming experience, and people would eventually stop buying it. Even in its EULA, Blizzard states that some unwanted behaviors will not be regulated as they are thought of as “part of the game.” When the in-game economy is threatened by online auctions and gold-farming, Blizzard makes no changes to the basic structure of the game; instead, they only remove the accounts of those they have found to be involved in selling. The reason for their reluctance is that trading and auctioning through accepted, in-game channels is one of the social aspects of WoW that makes it so popular. At the same time that the market affects architecture, the reverse is also true. The changes to the game that Blizzard can make, repairing bugs and resolving situations like the “Corrupted Blood” episode discussed earlier, are part of the reason it is one of the best-selling video games of all-time. Their ability to keep their product in working order keeps demand in the market high, and keeps their failures minimal.

Blizzard relies on the law to protect their product’s integrity and marketability. Copyright protection helps deter piracy of WoW software, and ensures that the market for

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the game remains strong and an active part of its regulation. Law acts as an indirect constraint on the player in real space, which in turn constrains that player’s behavior through his character in WoW. The more smoothly gameplay and character interaction in Azeroth is, the better the product is and the more marketable it is.

Social norms interact with the market modality in a similar manner. The more valuable the game and service are seen, the more players will try their best to get the most out of what they paid for. If they’re paying monthly to play, they’re most likely going to want to achieve as much as they can in as little time as possible. As discussed earlier, the best way to advance through the most difficult quests and find the most valuable items is to socially engage with other players in questing groups like guilds. At the same time that the market is encouraging social gaming, that very aspect is making the game more appealing to people looking to buy a game.

Clearly, the purpose of World of Warcraft is to make money for Blizzard. Then, of course, it should come as no surprise that the market modality is the one that works most effectively and directly with the other modalities. Though law, social norms, and architecture definitely all do their part to help regulate Azeroth, markets lie at the nexus of such regulation. If one were to rank the modalities of regulation by how much they contribute to the net regulation formula in WoW, markets would obviously be first because of its high interactivity. Architecture plays the next biggest role as it exhibits the most direct control over the game itself. Social norms would come next for the part they play in shaping in-game behavior and gameplay. Finally, law affects WoW in the most indirect way through legal agreements affecting the players, influencing the in-game virtual society the least of the four.
~ Conclusion ~

Few video games rise to the level of cultural importance that *World of Warcraft* has. Indeed, from the moment it went online, it became a phenomenon the likes of which have not been seen. The incredible experiment that has been undertaken under the guise of a mere computer game has transcended its divertive roots to become an important study of human social behavior, market economy, and legal theory. WoW provides the perfect stage to showcase Lawrence Lessig’s modalities of regulation. Because the experience one receives in the land of Azeroth is so richly immersive and multilayered, the virtual society that results is able to fully demonstrate each modality and the part it plays among the others.

Analysis and study of life in Azeroth is important in a world where the internet is fast becoming the place where we do business and interact with others. As we steadily move forward into the cyber age, it is important to discover how law and other types of regulation can be applied in this new and ever-changing online world. In a medium where almost anything is possible, we need to know that whatever situation arises we will have a way to efficiently regulate it and maintain order. Hopefully, this paper has shown that in applying Lessig’s modalities to *World of Warcraft*’s virtual society, achieving order and reasonable regulation in cyberspace is a “virtual” reality.