



TABAH ANALYTIC BRIEF | NO. 9 | JUNE 2009

ETHICS & VIRTUAL WORLDS

Second Life as a Case Study

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TABAH ANALYTIC BRIEF, NO. 9, JUNE 2009

ETHICS & VIRTUAL WORLDS: SECOND LIFE AS A CASE STUDY

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ETHICS & VIRTUAL WORLDS

Second Life as a Case Study

Subject: An introduction to Linden Lab's *Second Life* and virtual worlds, the ethics of virtual worlds, and an outline of related issues in need of informed Shari'ah reflection.

Significance: *Second Life* is a popular interactive virtual world accessible through the Internet. Virtual worlds present several issues in need of reflection from Shari'ah experts and Muslim opinion leaders. These areas include the conception (Ar. *al-taṣawwur*) of virtual actions, the legal and ethical standing of these actions, and assessing potential risks and benefits.

Executive Summary: Linden Lab's *Second Life* is one of the many interactive virtual worlds where people spend a great deal of time and money. Virtual worlds include online metaverses, online computer games, and video games (e.g. *Second Life*, Blizzard Entertainment's *World of Warcraft*, and Rockstar Games' *Grand Theft Auto*). Participants in these increasingly-realistic life-like virtual universes engage in activities ranging from simple conversations and financial transactions, to simulated sex, violence, and rape, or even marriage and divorce. There is a real need to examine the legal status and ethical standing of interactions within these virtual worlds.

The first section of this Analytic Brief introduces *Second Life* and its applications, followed by a summary of criticisms and concerns that have already been raised.

The second section gives a summary of how ethicists have analyzed virtual behavior in the context of computer games and virtual worlds.

The third section of this Brief presents issues related to virtual worlds which are in need of informed Shari'ah reflection from scholars and opinion leaders, and shows how classic Islamic legal reasoning already provides answers to many of the relevant issues.

INTRODUCING SECOND LIFE

Second Life is an Internet-accessible virtual world developed by Linden Lab. A virtual world is “a computer-based simulated environment that users can inhabit and in which they interact with others either as themselves or through software agents (bots) or graphical representations called avatars. A virtual world can have anything one might encounter in the real-world as well as objects and phenomena with no real-life counterparts”.¹

Virtual worlds can be broadly classified into metaverses (e.g. *Second Life*), online games (e.g. *World of Warcraft*, CCP Games’ *EVE Online*), and video games (e.g. *Grand Theft Auto*). While the three share several qualities, metaverses possess several distinctive qualities:

- A single seamless, persistent world that continues even when an individual participant leaves, and where users can transparently roam around different regions without pre-defined objectives.
- Users generate and retain ownership of almost all content.
- The scale and complexity tend to be considerably higher than those found in online games.
- There is often a growing economy in which users buy and sell in-world content, and sometimes even real-world goods.
- Metaverses are also dynamic, with users continually creating and modifying objects and places.

Linden Lab’s *Second Life* is the most popular metaverse today. *Second Life* is “a continuous and persistent world that was designed to provide users with control over nearly all aspects of their world, in order to stimulate users’ creativity and self-expression which would translate into a vibrant and dynamic world full of interesting content. In *Second Life* users can be whoever they want to be and do whatever they want to without many of the various constraints of the physical world”.²

Second Life is for users who are at least eighteen years of age. There is a sister site for users between thirteen and seventeen years of age.

Unlike a traditional computer game, there is no designated objective, traditional game play mechanics, or rules. *Second Life* contains an extensive world that can be explored and interacted with; and there is no concept of winning or losing. Linden Lab provides a toolset that Residents can use to create their own content and services, though the vast majority of users use it primarily as an interactive entertainment medium.

1. S. Kumar et al., “Second Life and the New Generation of Virtual Worlds”, *Computer* 41, no. 9 (September 2008): 46–53.
2. S. Papagiannidis, M. Bourlakis, and F. Li, “Making Real Money in Virtual Worlds: MMORPGs and Emerging Business Opportunities, Challenges and Ethical Implications in Metaverses”, *Technological Forecasting and Social Change* 75, no. 5 (2008): 611.

HISTORY & USAGE

The history and usage statistics of *Second Life* show its evolution and growth.

- **1999** Philip Rosendale formed Linden Lab.
- **2003** In June, *Second Life* went online.
- **2006, November 26** Ailin Graef's in-world avatar Anshe Chung announced that she had become the first online personality to achieve a net worth exceeding one million US dollars from profits entirely earned inside a virtual world.
- **2006** During the year, Residents (users within *Second Life*) spent over 51 million hours online, with a peak of 18 thousand Residents online at a single time. Residents spent over US\$94 million in user-to-user transactions (selling virtual goods, land, and services), and exchanged over US\$19 million via Linden Lab's exchange.
- **2007** During the year, Residents spent over 246 million hours online, with a peak of 58 thousand Residents online at a single time. Residents spent over US\$303 million in user-to-user transactions (selling virtual goods, land, and services), and exchanged over US\$82 million via Linden Lab's exchange, and at the end of the year the total land owned by Residents had reached 984 million square meters.
- **2008, July 25** Gambling within the *Second Life* world is banned, sparking a bank run that renders Ginko Finance unable to repay the US\$750,000 it had collected from its investors.
- **2008** During the year, Residents spent over 397 million hours online, with a peak of 77 thousand Residents online at a single time. Residents spent over US\$350 million in user-to-user transactions (selling virtual goods, land, and services), and exchanged over US\$100 million via Linden Lab's exchange, and at the end of the year the total land owned by Residents had reached 1,724 million square meters.³

Second Life was honored at the 59th Annual Technology & Engineering Emmy Awards for advancing the development of online sites with user-generated content.⁴

- **2009, May** At the end of the first quarter, Residents had spent over 124 million user hours online, with a peak of over 88,200 users online at a single time. Residents spent over US\$120 million in user-to-user transactions, and exchanged over US\$28 million via Linden Lab's exchange. At the end of the quarter, the total land owned by Residents had dropped to 1,632 million square meters.

3. Linden Lab, "First Quarter 2009 in Detail", <https://blogs.secondlife.com/community/features/blog/2009/04/16/the-second-life-economy--first-quarter-2009-in-detail> (accessed 26/5/2009).

4. National Academy of Television Arts & Sciences, "Winners of 59th Technology & Engineering Emmy Awards Announced By National Television Academy At Consumer Electronics Show", http://www.emmyonline.tv/mediacenter/tech_2k7_winners.html.

Linden Lab projected that user-to-user transactions will total nearly US\$450 million in 2009.⁵

In May, it was announced that Residents had consumed over 15 billion voice minutes per month, making *Second Life* one of the largest VoIP providers in the world.⁶

- **2009, May 28** The *Second Life* live data feed reports that
 - 15,550,429 Resident accounts were open and in good standing.
 - 1,404,199 Residents accounts had been logged in during the past 60 days.
 - US\$2,372,089 worth of resident-to-resident transactions had occurred within the past 24 hours.
 - 47,156 Resident accounts were currently logged in.⁷

It is clear that a large number of users already spend a great deal of time and money within *Second Life*, and that it is safe to expect it to continue to grow.

RESIDENTS & AVATARS

Before entering *Second Life*, a prospective user must create a personal account and download client software for accessing *Second Life*. Although there is no charge for creating a *Second Life* account or for making use of the world, a Premium membership (US\$9.95 per month) provides the user with a weekly stipend of L\$300 and an increased level of technical support.

Users, called ‘Residents’, interact through avatars. An avatar is a user’s representation in a virtual world. Avatars may be in any form: inanimate objects, plants, animals, or a resemblance of the Resident’s real-world form.

After creating a new avatar, the user can then begin his “life” as a Resident in *Second Life*.

Residents can communicate with other Residents in their vicinity using local chat, or with individuals using global instant messaging. Users can also use voice chatting, and send SMS messages and receive calls from outside *Second Life*. Instant messages may optionally be sent to a Resident’s email when the Resident is logged off, although message length is limited.

Residents can explore, travel throughout the world, socialize with other Residents. They can participate in individual and group activities.

5. Linden Lab, “First Quarter 2009 in Detail”.

6. Linden Lab, “Over 15 Billion Voice Minutes Served”, <https://blogs.secondlife.com/community/features/blog/2009/05/20/over-15-billion-voice-minutes-served> (accessed 26/5/2009).

7. Linden Lab, “Live Data Feeds”, http://wiki.secondlife.com/wiki/Live_Data_Feeds (accessed 28/5/2009).

Residents can also create and trade virtual property and services with one another. Trading is done using Linden Dollars which can be purchased using real-world currency or earned within *Second Life*. Linden Dollars can also be exchanged for real-world currency.



Help Island: where veteran Residents offer assistance to newer members. This image shows a selection of the variety of avatars present in *Second Life*.

APPLICATIONS

Second Life has applications beyond the social interaction and commerce mentioned above. Its other primary applications include:

- **Commerce** Real-world companies use *Second Life* for marketing and selling their real-world goods. Dell Computer has its own virtual island where one can customize and purchase a *real-world* Dell personal computer from Dell's virtual factory within *Second Life*.
- **Education** *Second Life* is used as a platform for education by colleges, universities, libraries, government entities, and other institutions. *Second Life* offers an experience that is more personal than traditional distance learning, and it has the advantage of being a low-cost platform for offering high quality service to a world-wide audience.

There are over one hundred *Second Life* regions used for educational purposes covering a wide range of subjects. Over three hundred real-world universities teach courses or conduct research in *Second Life*. Several educational institutions operate exclusively within *Second Life*.⁸

8. Patrick Michels, "Universities Use Second Life to Teach Complex Concepts", <http://www.govtech.com/gt/252550> (accessed 27/5/2009).



The Estonian Embassy (left). The Maldives Embassy (right) located on Diplomacy Island.

- **Religion** Religious organizations have meeting places within *Second Life*. Islam Online purchased land to allow Residents to perform Hajj in virtual reality form. This gives them experience before performing Hajj in person.⁹
- **Embassies** *Second Life* includes a “Diplomacy Island” where many countries host virtual embassies. Virtual embassies exist for the Maldives, Sweden, Serbia, Estonia, Albania, Columbia, Israel, Macedonia, and the Philippines. Malta and Djibouti plan to open virtual missions. At the Maldives’ embassy, visitors can talk face-to-face with a computer-generated ambassador about visas, trade and other issues. “Diplomacy Island” also hosts Diplomatic Museum and Diplomatic Academy. The Island is established by the DiploFoundation as part of the Virtual Diplomacy Project.¹⁰
- **Military recruitment** The US Army has two islands in *Second Life*. One island serves as an information kiosk and virtual-recruitment center; the other island offers virtual experiences like sky diving, rappelling, and using weapons.¹¹
- **Entertainment** *Second Life* is used as a medium for traditional entertainment, including: live sports, music and theater, art exhibits, and online gaming.

9. Sky News, “Second Life Visit to Mecca for the Hajj”, <http://news.sky.com/skynews/Home/Sky-News-Archive/Article/20080641297721> (accessed 27/5/2009).

10. Diplomacy Island, “Diplomacy Island”, <http://www.diplomacy.edu/DiplomacyIsland/default.asp> (accessed 27/5/2009); Megan Jacobs, “Second Life Israel”, <http://www.jpost.com/servlet/Satellite?cid=1200308085985&pagename=JPost%2FJPArticle%2FShowFull> (accessed 27/5/2009); Second Life Update, “Serbia Enters Second Life”, <http://www.secondlifeupdate.com/2007/11/19/serbia-enters-second-life/> (accessed 27/5/2009); Akela Talamasca, “The Maldives Virtual Embassy”, <http://www.secondlifeinsider.com/2007/05/23/the-maldives-virtual-embassy/> (accessed 27/5/2009); The Times Online, “Tiny Island Nation Opens the First Real Embassy in Virtual World”, *The Times Online*, http://technology.timesonline.co.uk/tol/news/tech_and_web/article1832158.ece (accessed 27/5/2009); Living in the Metaverse, “Serbia is Entering Second Life”, <http://metaverse.acidzen.org/2007/serbia-entering-second-life>.

11. Noah Shachtman, “Army Builds Fantasy Island in *Second Life*”, <http://www.wired.com/dangerroom/2008/12/the-armys-new-f/> (accessed 20/5/2009).

ECONOMY

Residents can buy, sell, rent or trade land or goods and services with other Residents using *Second Life's* internal currency, the Linden dollar (L\$).

- **Land** Premium membership allows the Resident to purchase land from Linden Lab, which usually auctions off only large plots of land. Residents without Premium membership can purchase or rent land from other Residents.

Once a Resident buys land, he can use it for any purpose that is not prohibited by the *Second Life* Terms of Service, subdivide it, rent it out, or sell it to other Residents.

- **Virtual objects** The Linden Lab toolset allows Residents to create buildings, vehicles, devices of all kinds, animations, clothing, skin, hair, jewelry, flora and fauna, and works of art. The creator of an object owns the objects and its copyright, and can use the object himself or transfer its ownership to another Resident. Creating a virtual object requires time, knowledge, and skills, and Residents are willing to pay for ready-made objects.
- **Services** This includes performing labor within *Second Life* for another Resident, business management, entertainment, custom content creation, and advertisement.

Second Life's economy is not confined to *Second Life* itself since real-world currencies and Linden Dollars can be exchanged through Linden Lab, independent brokers, or other resident users. The exchange rate is approximately L\$260 for US\$1.

Buying Linden Dollars credits a Resident's account; selling Linden Dollars debits a Resident's account. This allows real-world money to flow in to *Second Life* and then back out again.

Items can be obtained from within *Second Life* or outside *Second Life* using an online store. The transaction is similar to using a vending machine or automated teller machine (ATM). The buyer browses through various items. A picture, short description, and price are displayed for each item. The buyer indicates his selection to initiate the transaction. The amount is then deducted from the buyer's account and credited to the seller's account, and a copy of the item is added to the buyer's inventory.

For example, Alice in London uses her credit card to exchange British Pounds for Linden Dollars. The Linden Dollars are credited to her Resident's account. She then walks her avatar to an in-world kiosk where Bob offers roller skates for L\$10. Alice purchases the roller skates. L\$10 are deducted from her account and credited to Bob's, and a set of roller skates are added to her Resident's inventory which Alice can now don. Bob, located somewhere in the US, decides to transfer Linden Dollars from his Resident's account for US Dollars. Bob uses these US Dollars to buy a sandwich at his local deli.

A relatively small number of users earn large amounts of money from *Second Life*. According to figures published by Linden Lab, approximately 64 thousand users made a profit in

Second Life in February 2009, of whom 38,524 made less than US\$10, while 233 made more than US\$5,000.

Some companies generate earnings as affiliates providing services in *Second Life*. The total value of these transactions has not been calculated, though it was reported to exceed US\$6 million in 2008.

CRITICISMS & CONTROVERSIES

Second Life is not without its technical, legal, and social criticisms and controversies.

Technical

Most of the technical issues do not have relevant legal or ethical consequences, although here are a few exceptions.

Residents have taken advantage of the toolset's capabilities to create objects that harass other Residents or damage the system. Linden Lab do not protect Residents from these types of attacks.¹² The potential for abuse is increased since Linden Lab allow a single user to have multiple avatars, and there is a great deal of anonymity between Residents.¹³

Another problem is inventory loss, where items in a user's inventory disappear without warning or fail to appear when requested. Linden Lab do not offer compensation for "inventory loss", and do not even record the data for debugging purposes unless the Resident is a Premium subscriber. Although they are under no obligation to do so, some in-world businesses will attempt to compensate for or restore lost items.¹⁴

Although *Second Life*'s client and server incorporate Digital Rights Management technology to prevent the unauthorized use of protected content, the visual data of an object must ultimately be sent to the client in order for it to be drawn and means have been found to bypass these protection schemes.

Residents who copy content belonging to other users face being banned from *Second Life*, but Linden Lab has yet to sue a Resident for copyright infringement. Since the Resident creators (and not Linden Lab) retain ownership of the rights, it is not clear whether Linden

12. Robin Linden, "Security and Second Life", <https://blogs.secondlife.com/community/features/blog/2006/10/10/security-and-second-life> (accessed 27/5/2009); *BBC News*, "'Worm' Attacks Second Life World", <http://news.bbc.co.uk/2/hi/technology/6164806.stm> (accessed 27/5/2009).

13. Jeff Linden, "I'll See Your Million... and Raise You a Million", <https://blogs.secondlife.com/community/features/blog/2006/12/15/ill-see-your-million-and-raise-you-a-million> (accessed 27/5/2009); Clay Shirky, "Linden's Second Life Numbers and the Press's Desire to Believe", http://many.corante.com/archives/2006/12/26/lindens_second_life_numbers_and_the_presss_desire_to_believe.php (accessed 27/5/2009).

14. Hamilton Linden, "Inventory Loss Reduction Initiative", <https://blogs.secondlife.com/community/features/blog/2007/10/12/inventory-loss-reduction-initiative> (accessed 27/5/2009); Torley Linden, "Experiencing Inventory Loss? Read On..."; <https://blogs.secondlife.com/community/features/blog/2007/04/14/updated-experiencing-inventory-loss-read-on> (accessed 27/5/2009).

Lab would be legally able to do so. Linden Lab will comply with requests to remove illegally resold copyrighted content.¹⁵

Legal

Residents are required to adhere to the *Second Life* Terms of Service and to obey the same laws that apply to their user while outside *Second Life*.

To buffer Residents from undesirable content, Linden Lab have split *Second Life* into regions that are “PG” and “Mature”. Adult activities are restricted to parts of the *Second Life* world with a Mature rating.

Residents have asked for a rating between “PG” or “Mature”, since the current system forbids even mildly foul language in the “PG” area. Linden Lab plan to create a new rating of “Adult” to encompass more extreme violent and sexual content. Residents who are not verified as over-18 years of age will not be able to access such content.

Problems can arise when Residents governed by different laws interact with one another, such as when Resident Alice meets Resident Bob in a “PG” area and presents him with a pornographic image that is legal in her country but illegal in his. Alice has not broken a law of her country, though she has violated the *Second Life* Terms of Service and her account can be banned or suspended. Bob has broken a real-life sex offense law in his country and faces a far worse penalty since he will undergo an investigation and suffer humiliation and reputational and other damages.

As with real life and other parts of the Internet, there is a sexual side to *Second Life*. The *Second Life* toolset allows users to place pornographic content within *Second Life* and there is even a market for virtual genitalia that can be added to one’s avatar. Furthermore, objects can be scripted in order to simulate sexual acts via animation and allow Residents to simulate a certain degree of sexual interaction. Residents also use the various means of messaging for sexually explicit conversations.

Second Life is intended for users over 18 years of age (Linden Lab point out that *Second Life* is not for minors) and participation is implicitly consensual. Since one’s avatar can take on virtually any shape, sexual exploration tends to be limited only by the technology. So far, the existence of sex, fetishes, and other adult themes have generated little controversy. Age-play (sexually-related activity involving avatars with child-like appearances) presents an exception to this laissez-faire attitude.

While Linden Lab consider “depiction of sexual or lewd acts involving minors” a bannable offence, there is still the issue of such acts when no actual minor is involved. Some countries treat computer-generated (“simulated”) pornographic images of apparent children as

15. Fresh Baked Goods, “Sweet Justice...?”, <http://slfreshbakedgoods.blogspot.com/2008/09/sweet-justice.html> (accessed 27/5/2009); Benjamin Duranske, “Second Life Content Creators’ Lawsuit Against Thomas Simon (Aka Avatar ‘Rase Kenzo’) Settles; Signed Consent Judgment Filed”, <http://virtuallyblind.com/2007/12/03/kenzo-simon-settlement/> (accessed 27/5/2009).

child pornography, on the grounds that society should permit no indulgence of paedophilic desires.

Rights & Enforceability

There is a great deal of confusion concerning what legal rights users have with respect to their virtual land, items, and account. Furthermore, a US court ruled that parts of the Terms of Service are unenforceable due to it being unfairly balanced against *Second Life* users.¹⁶

Linden Lab typically offer no compensation when a change is made to the Terms of Service or the *Second Life* technology, even when it has a serious negative effect on users. Linden Lab have changed the *Second Life* Terms of Service to bring business activities within *Second Life* into compliance with various international laws. An effect of these changes is that large portions of *Second Life* economy which used to be free are now regulated or banned. Linden Lab does not typically offer compensation for businesses that are damaged or destroyed by these changes, often at great expense in time and effort to the affected parties.

In July 2007, Linden Lab announced a ban on in-world gambling. The announcement was met by in-world protests.¹⁷ Users who had invested in gambling or casinos lost their investments of time and money. In August 2007, the in-world Ginko Finance bank announced that it would not be able to repay the US\$750,000 it had collected during its three and a half year course back to its investors. Linden Lab's ban on gambling had triggered a run on the bank which resulted in the bank's insolvency. Other in-world virtual banks also collapsed.

Since January 2008, Linden Lab have banned fixed interest on cash deposits in unregulated banking activities in-world. Banks without real-world charters were closed or converted to virtual joint stock companies. A few companies continue to offer zero-interest bearing deposit accounts.¹⁸

Fraud & Terrorism

Fraud occurs within *Second Life*. Linden Lab do not investigate or enforce contracts or agreements made between users of *Second Life*, though they will cooperate with real-life courts or law enforcement in doing so. This sets up an environment in which Residents can safely defraud other Residents of Linden Dollars which can be converted to real-world currency. Since most cases of fraud tend to involve less than US\$100, it is unlikely that victims will pursue real-life legal recourse.

16. Brandon Boyer, "Judge Rules Against *Second Life* Terms of Service", http://www.gamasutra.com/php-bin/news_index.php?story=14176 (accessed 27/5/2009); VintFalken.com, "Second Life, a World Imagined, Created, and Owned By Its [sic] Residents No More", <http://www.vintfalken.com/second-life-a-world-imagined-created-and-owned-by-its-residents-no-more/> (accessed 27/5/2009).

17. Thomas Claburn, "Second Life Gambling Ban Gets Mixed Reaction", *Information Week*, <http://www.informationweek.com/news/internet/showArticle.jhtml?articleID=201201441> (accessed 27/5/2009).

18. Ken Linden, "New Policy Regarding in-World 'Banks'", <https://blogs.secondlife.com/community/features/blog/2008/01/08/new-policy-regarding-in-world-banks> (accessed 27/5/2009); Robin Sidel, "Cheer Up, Ben: Your Economy Isn't as Bad as This One", *The Wall Street Journal*, http://online.wsj.com/article/SB120104351064608025.html?mod=todays_us_page_one (accessed 27/5/2009).

The US government has expressed fears that *Second Life* will be used for money laundering and terrorism. Philip Rosendale – the founder of Linden Lab – pointed out that the average withdrawal from *Second Life* is one dollar, making it “relatively easy to spot larger transactions”. He also said that Linden Lab “have managed to maintain a fraud rate that is a fraction of a percentage point. The [real-world financial] industry average is closer to 1 percent”.¹⁹

Taxation

In September 2007, Linden Lab announced that they would be required to charge VAT on land fees to users inside the European Union. Although the EU law allows businesses to “VAT register” which enables them to retain a competitive edge, there is no practical way for *Second Life* businesses to actually meet the conditions.

When the VAT was introduced, European users were automatically billed without being given the opportunity to reduce their service consumption. As a result, users were forced to pay what many considered an unacceptably high bill.

Social

Based on a presentation given by Rosedale and Ondrejka (vice president of technology) of Linden Lab, Papagiannidis, et al. report that:

- 25% of *Second Life*'s users came from outside the US, with the UK being the second-largest country of origin.
- 32 years was the average user age.
- 43% of the users were female.
- 180,000 objects were sold in a 30-day period.
- 75% of users were buyers, 25% were sellers, and a few hundred identified *Second Life* as their full-time job.²⁰

During an interview, Robin Harper of Linden Lab said that: “Women account for about 27% of our total registered population but nearly 45% of the population by usage hours. The average age is around 32 – although we have a steady continuum of ages from 18 through 72”.²¹

The primary motivations for using *Second Life* include socializing, seeking community, relaxation, and an alternative from real life.

19. Sharon Weinberger, “Congress Freaks Out Over *Second Life* Terrorism”, *Wired*, <http://www.wired.com/dangerroom/2008/04/second-life/> (accessed 21/5/2009).

20. Papagiannidis, Bourlakis, and Li, “Making Real Money in Virtual Worlds: MMORPGS and Emerging Business Opportunities, Challenges and Ethical Implications in Metaverses”.

21. womengamers.com, “A *Second Life* With Robin Harper”, <http://www.womengamers.com/archives/articles/robin.php> (accessed 21/5/2009).

Studies of general MMORPG (massively multiplayer online role-playing game) usage show that users tend to spend 22.71 hours per week playing MMORPGs, and that the primary motivations for female players are forming relationships with other players, immersion in a fantasy world playing someone else, and escapism, while the primary motivations for males are personal gains, satisfaction, and manipulation.²²

Real-world consequences of virtual world actions

What users do through their avatar within the virtual world can have consequences in the real-world. Virtual infidelity has already resulted in a real-world husband and wife seeking divorce in the real-world after the wife witnessed her husband's avatar engaging in a virtual affair with another avatar. The couple have already obtained a virtual divorce.²³

In addition to in-world actions triggering a real-world response, there is increasing evidence that virtual worlds can influence real-world behavior in subtler ways.

Psychological studies on the influence of avatars on behavior

There have already been several studies of how one's avatar can influence behavior within a virtual world as well as in the real-world.

In one study, subjects who had been assigned good-looking avatars tended to display more confidence, friendliness and extroversion, just as in the real-world.

In another study, some users were assigned either a short or tall avatar to see how one's perception of height influences their behavior. Users who had been assigned taller avatars tended to bargain more aggressively and users with shorter avatars were twice as likely to accept an unfair split (e.g. 40/60 instead of 50/50). These trends continued even when the test subjects were asked to repeat the same tasks but while seated face-to-face in the real-world.

Yet another study found that subjects who watched avatars of their own likeness exercising were far more likely to exercise within the next 24-hour period than subjects who watched either an avatar in their own likeness lounge around or an avatar of the same sex and age but did not resemble them.²⁴

22. Nick Yee, "MMORPG Hours vs. TV Hours", <http://www.nickyee.com/daedalus/archives/000891.php> (accessed 31/5/2009); Nick Yee, "Primary Motivations", <http://www.nickyee.com/daedalus/archives/print/001612.php> (accessed 31/5/2009); Nick Yee, "Motivations for Play in Online Games", *CyberPsychology & Behavior* 9, no. 6 (2006): 772-5; A. Meredith, Z. Hussain, and M. Griffiths, "Online Gaming: A Scoping Study of Massively Multi-Player Online Role Playing Games", *Electron Commer Res* 9, no. 1-2 (10 June 2009): 4-5, 15.

23. Amanda Cable, "Divorced From Reality: All Three Accounts of the Second Life Love Triangle That Saw a Woman Separate From Her Husband for Having a Cyber-Affair", <http://www.dailymail.co.uk/femail/article-1085915/Divorced-reality-All-accounts-Second-Life-love-triangle-saw-woman-separate-husband-having-cyber-affair.html> (accessed 27/5/2009).

24. Kristina Dell, "How Second Life Affects Real Life", *TIME*, <http://www.time.com/time/health/article/0,8599,1739601,00.html> (accessed 21/6/2009).

The section on virtual ethics includes possible explanations for how users identify and become attached with their avatars.

VIRTUAL ETHICS

Most discussions on the ethics of virtual worlds focus on the issues of whether actions within virtual worlds are significant, the nature of the wrongness and the status of harmful actions within virtual worlds, and punishment. These discussions are not limited to *Second Life* or metaverses, rather they also include video games and online games.

The basic questions asked in virtual ethics concern:

- The moral significance of actions within virtual worlds
 - Are interactions in cyberspace real events, or are the domains of the virtual and the real mutually exclusive?
 - Can someone commit a moral wrong against another person, even though the interactions take place entirely in cyberspace?
 - Are the harms that some people claim to have suffered in cyberspace real moral wrongs?
 - To what extent is there a morally significant difference between passively observing a virtual act and being an active participant?
 - Does our ability to interact with others in cyberspace pose a new moral condition?
- The nature of wrongness in virtual worlds
 - What reasons could anyone have to believe that it is wrong to murder, rape, torture or rob virtual human characters in virtual reality?²⁵
 - If ultra-violent video games are wrong, where is the wrongness?
 - Is participating in simulated violence itself, even when there is no victim, somehow morally objectionable? Are there any victims? Is there anything wrong with going through the motions of an immoral act, and if so what is it?
 - What is the moral significance of ‘murdering’ a virtual person whose actions are

25. Much public attention was drawn to this issue when Amazon.com banned Illusion's *RapeLay*, a PC game where players gang rape virtual women and can then force them to have an abortion (see Matthew Moore, "Rapelay Virtual Rape Game Banned By Amazon", <http://www.telegraph.co.uk/scienceandtechnology/technology/4611161/Rapelay-virtual-rape-game-banned-by-Amazon.html> (accessed 11/6/2009)). As reported in Powers' article, virtual rape has been an issue of concern since 1993 (see T. Powers, "Real Wrongs in Virtual Communities", *Ethics and Information Technology* 5, no. 4 (December 2003): 191-8).

generated by the program as opposed to ‘murdering’ a virtual person who is connected to a real person?

- Why do people derive pleasure at all from committing (virtual) violent acts? Why are violent computer games so attractive? What does this say about who we are?
- If no actual children are abused in acts of virtual paedophilia (life-like simulations of the actual practice), does that mean we should disregard these acts with the same abandon we do virtual murder?
- The status of harmful actions within virtual worlds
 - What is the moral status of this form of interpersonal harm? How should we respond to the victims?
 - Is harm done to a virtual character a harm to its real controller? Is that harm also a wrong?
 - How serious is virtual harm and what is its moral significance?
 - What types of attachment do we consider morally significant?
- Punishment
 - Why would something done in an ‘unreal place’ – that is, in virtual reality – morally require a punishment at all?
 - Can we, in a moral sense, punish avatars in cyber communities? Can we punish an avatar because of actions performed in the non-virtual world by its physical controller?



A scene from within *Manhunt 2*

REASONING ABOUT THE MORAL SIGNIFICANCE OF BEHAVIOR WITHIN VIRTUAL WORLDS

Several arguments have been presented towards determining whether behavior within virtual worlds is morally significant, making moral judgments about this behavior, and identifying the nature of its moral wrongness. Philip Brey’s “The Ethics of Representation and Action in Virtual Reality” is one of the earliest attempts to answer these questions,²⁶ and many articles have examined and extended his work. It is beyond the scope of this analytic brief to present each argument in full, so only a summary of the major arguments will be presented.

26. P. Brey, “The Ethics of Representation and Action in Virtual Reality”, *Ethics and Information Technology* 1, no. 1 (March 1999): 5-14.

Brey demonstrates how consequentialism and Kantian duty ethics can answer the question of what “reasons could anyone have to believe that it is wrong to murder, rape, torture or rob virtual human characters in virtual reality?”.²⁷

Brey writes that

Kantian duty ethics, first of all, upholds as the most fundamental moral principle that human beings have a duty to treat other persons with respect, that is, to treat them as ends and not as means, or to do to them as one would expect to be treated by others. However, a virtual person is not by any measure a real person, but is merely a simulation of a person, so it would seem that human beings have no intrinsic duty to treat virtual persons with respect. Yet, perhaps it can be argued that our duty to treat real persons with respect requires that we do not treat virtual beings or things disrespectfully. But what argument could support such a claim?²⁸

He then offers two arguments: an *argument from moral development* and an *argument from psychological harm*.

Kant himself provided the basis for the first in his argument that it is wrong to treat animals with cruelty since disrespectful treatment of animals causes disrespectful treatment of human beings. “Certainly, if disrespectful treatment of animals causes disrespectful treatment of human beings, then disrespectful treatment of a virtual character, which may be even more similar to such treatment of real humans, will have the same consequence”.²⁹ Brey admits that this argument rests upon the existence of empirical evidence that “cruel or otherwise immoral behavior practiced in one domain necessarily carries over to other, similar domains”.³⁰

The second argument, the *argument from psychological harm*, is that

third parties may suffer psychological harm by the knowledge that a representation of themselves or individuals like them, or representations of other beings or things that they value, are not treated with respect by others. According to this argument, people tend to identify with representations of themselves or of social categories in which they fit or with which they identify. If such representations are not treated with respect, then they themselves feel disrespected and abused.³¹

Johansson points out that the *argument from psychological harm* “suggests that a psychological connection between the real life person and the avatar makes the virtual reality subject to moral considerations”.³²

27. Ibid., 8.

28. Ibid., 8–9.

29. Ibid., 9.

30. Ibid.

31. Ibid.

32. M. Johansson, “Why Unreal Punishments in Response to Unreal Crimes Might Actually be a Really Good

Slightly modified versions of these two arguments can support a consequentialist argument against immoral behavior within virtual worlds.

Consequentialist theories of morality typically hold that those actions should be performed that bring about the greatest good over bad for everyone affected by the act, and that immoral actions are those that unnecessarily harm others.³³

Here, the modified *argument from moral development* is stated as “immoral behavior in [virtual worlds] leads to actions in the real world that have harmful consequences (as compared to actions that are disrespectful to others),”³⁴ and the *argument from psychological harm* is stated as “actions in [virtual worlds] are immoral if the psychological harm experienced by those who are offended by such actions is greater than the joy experienced by those performing them.”³⁵

David Waddington points out that a *significant possibility of risks* is itself a risk, so certainty of actual risks is not required.³⁶ He concludes that “a utilitarian might err on the side of caution by suspending judgment about violent video games until more information about the cost of these games was available. After all, although it may not be wrong to engage in something that is only *potentially* wrong, it could plausibly be deemed *imprudent*.”³⁷

Matt McCormick points out that not all risk-increasing acts are morally objectionable, and that our society’s threshold for acceptable risk tends to be very high for recreational activities.³⁸ He also questions whether the Kantian and consequentialist arguments work for video games at all, and suggests that Aristotelian virtue ethics provide a better framework for explaining our intuitions that something is wrong with video game violence.

Aristotelian virtue ethics

takes a broader interest in the character of the person, rather than the implications of an act for other people or its conformity with a rule [...] By participating in simulations of excessive, indulgent, and wrongful acts, we are cultivating the wrong sort of character.³⁹

He points out that “our moral intuitions that simulating violence in our entertainment predisposes us to real violence are confused and inconsistent with a wide range of other activities that we find morally acceptable,”⁴⁰ such as sports, like football.

Thing”, *Ethics and Information Technology* 11, no. 1 (12 December 2009): 73.

33. Brey, “The Ethics of Representation and Action in Virtual Reality”, 9.

34. *Ibid.*

35. *Ibid.*

36. D. Waddington, “Locating the Wrongness in Ultra-Violent Video Games”, *Ethics and Information Technology* 9, no. 2 (20 September 2007): 122–4.

37. *Ibid.*, 124.

38. M. McCormick, “Is it Wrong to Play Violent Video Games?”, *Ethics and Information Technology* 3, no. 4 (2001): 280–1.

39. *Ibid.*, 285.

40. *Ibid.*, 286.

Waddington follows up on McCormick's article, remarking that Plato pointed out that there is no way to tell the difference between real and simulated virtue in others.⁴¹ He then argues that confusion can lead to a devaluation in virtue and wrongness itself.

As video games increase in verisimilitude, and continue to up the ante in terms of violence, it will become increasingly difficult to differentiate between real transgressions (which everyone knows are wrong) and simulated transgressions (which everyone knows are OK). If one cannot differentiate between real transgressions and simulated transgressions, then one has to *devalue the idea of wrongness*.⁴²

...if simulated acts were possible that look wrong, seem wrong, and thus cannot easily be distinguished from real wrong acts, wrongness cannot easily be distinguished from real wrong acts, wrongness becomes less useful as a moral value. In other words, it becomes devalued.⁴³

Waddington closes with an observation that "If the idea of wrongness is gradually disappearing, we may notice that *something* important is disappearing, even if [we fail] to pinpoint the exact nature of the disappearance".⁴⁴

Monique Wonderly presents an argument made through Humean sentimentalism. Ultra-violent video games are wrong because "they may damage our empathic faculties, and in so doing, they may be directly harming our centers of moral judgment".⁴⁵ Her approach offers several advantages in that "it elucidates a direct connection between playing such games and moral harm" and "does not depend solely upon unfavorable consequences that *might* occur in the future".⁴⁶ Her argument cites recent brain research which suggests a neurobiological foundation for empathy.⁴⁷

Powers combines J. L. Austin's theory of speech acts⁴⁸ with John Rawls' concept of rules to show that virtual actions are morally significant. Powers limits his argument to multiverses, though Reynolds in a later paper argues that it applies to online games.⁴⁹

In the theory of speech acts, utterances are categorized as *constative* – normal declarative sentences conveying meaning that can be either true or false (e.g. "Today is Sunday"), or *performative* – sentences that do not convey meaning that is either true or false but rather commands, exhortations, condemnations, and other types of socially significant expressions

41. D. Waddington, "Locating the Wrongness in Ultra-Violent Video Games", 126.

42. Ibid., 127.

43. Ibid.

44. Ibid., 128.

45. M. Wonderly, "A Humean Approach to Assessing the Moral Significance of Ultra-Violent Video Games", *Ethics and Information Technology* 10, no. 1 (March 2008): 8.

46. Ibid.

47. Lea Winerman, "The Mind's Mirror", *Monitor on Psychology* 36, no. 9 (2005 October): 48.

48. J. L. Austin, *How to Do Things With Words* (Harvard University Press, 1962).

49. Reynolds, "Ethics and Practice in Virtual Worlds", http://game.unimore.it/Papers/R_Reynolds_Paper.pdf (accessed 25 May 2009); Powers, "Real Wrongs in Virtual Communities".

(e.g. “Pass the salt!”, “Get lost!”). A performative speech act has an *illocutionary force* – what was intended by a *performative* speech act – and a *perlocutionary force* – its social effect.

Performative speech acts can be directed at other avatars (*transitive*) or at the uttering avatar (*reflexive*). Transitive performances build community by establishing boundaries and expectations. Reflective performances adorn one’s avatar and connect the avatar to the controller in ways unimaginable with technologies limited to conveying transitive performances, such as fax machines. Powers concludes that

the strength of the character-controller identification and the moral boundaries set for the controllers by the practices of the virtual community lay out the basis for a moral judgment. In other words, the character-controller identification allows harm to a character to become a wrong to a controller.⁵⁰

A consequence of this analysis is that moral wrongness will always depend upon community norms which vary from virtual world to virtual world. In an online game deceiving or coercing a team member may be unacceptable, while both are acceptable – even expected – with non-team members. In sharp contrast to this, the *Second Life* metaverse tends to reflect real-world feelings about the various types of deception and coercion.

Analyzing virtual world communication in terms of speech acts offers a theory of how virtual societies are built and how controllers identify with and become attached to their controllers.

According to Jessica Wolfendale, avatar attachment is expressive of identity and self-conception. This attachment is morally significant and cannot be dismissed without also dismissing other, more acceptable, forms of attachment such as attachment to possessions, people, cultural and religious ideals, and communities.⁵¹ Wolfendale writes that

Anecdotal evidence indicates both that virtual harm is common and that victims of virtual harm can be extremely upset by the experience – sometimes more upset than they themselves expected. [...] It is clear that being affected by online harm is not a mark of obsessive or abnormal behavior, but is a common experience for many participants who are emotionally engaged in the online world.⁵²

Wolfendale shows that empirical evidence does not prove the claim that participation in virtual worlds leads to social isolation, financial problems, or other negative consequences. She also claims that “avatar attachment enables a greater awareness of and empathy with other participants as real people who can be hurt by virtual harm”,⁵³ and that *lack of attachment* “is the same kind of attitude that virtual criminals – player-killers, harassers and

50. Powers, “Real Wrongs in Virtual Communities”, 196.

51. J. Wolfendale, “My Avatar, My Self: Virtual Harm and Attachment”, *Ethics and Information Technology* 9, no. 2 (20 September 2007): 111.

52. *Ibid.*, 112.

53. *Ibid.*, 118.

virtual torturers – tend to have toward other participants”.⁵⁴

Marcus Johansson has written about the possibility of punishments in virtual worlds. He closes his article with the following summation:

I have argued that there could be cases where it might be morally justified, and even morally obligatory, to punish an avatar. I have argued for this controversial possibility along four different lines of argument. First, we might be justified in punishing an avatar on strictly consequentialistic grounds. Second, the punishing of an avatar might be justified by a principle of appropriateness, which a priori doesn't preclude any punishing of an avatar. Third, the punishing of an avatar might be justified because of a view of the moral agent as an organic whole, containing both the avatar and the real life person. And fourth, we might be justified in punishing the avatar because of the inability to delimit the moral center, which is the candidate for punishment, into a certain physical (or non-physical) space.⁵⁵

He offers several possibilities for virtual punishment, including the confiscation of property or fines, community service, public disclosure or humiliation, restrictions on one's behavior, avatar modification, ostracism, imprisonment, and public capital punishment.

This concludes our summary of the major arguments used when reasoning about the moral significance of behavior within virtual worlds.

MODERN SHARI‘AH REFLECTION

Muslims hold that Islam is the final religion, that the Qur'an is the final revelation, and that Muhammad (may Allah bless him and give him peace) is the final prophet. A corollary of this doctrine is that Islam is valid for all times, places, peoples, and situations. Muslims consult Islam's sacred code of doctrine and praxis when assessing new ideas, actions, and circumstances in order to ensure that life is in harmony with that doctrine and practise. This assessment is usually done through scholars who have been trained in the traditional corpus of law and the methodologies of jurisprudence for deriving legal rulings from the Qur'an and Prophetic narratives. *Second Life* presents issues which call for such an assessment.

Second Life is a virtual world within which users represent themselves with and act through an avatar. Actions include moving within the world, interacting with virtual objects, and interacting and communicating with other avatars. Modes of communication include gestures, voice, and text; voice and text communication can include participants who are not themselves users of *Second Life*. Users often become attached to and identify with their avatars, and can feel hurt and morally wronged by in-world actions affecting their avatar.

54. Ibid.

55. Johansson, "Why Unreal Punishments in Response to Unreal Crimes Might Actually be a Really Good Thing", 77.

Virtual objects have a visual representation and can be programmed to interact with their environment in a complex, conditional way. Programmed behavior can be limited to the object itself, extend to other objects and avatars, or even communication with the world outside.

Avatars can possess objects and can choose to transfer a possession to another avatar. *Second Life* has its own in-world currency which can be exchanged from and for real-world currencies. The ability to transfer ownership of objects and currency allows *Second Life* to have its own internal economy. Users can create their own virtual objects that they can keep for themselves, give, or sell in-world. The ability to exchange in-world currency for real-world currency allows users to make real-world earnings from virtual transactions.

Even though *Second Life* is intended for adults, anything potentially offensive (such as harsh language, nudity, and sexually explicit behavior and content) is restricted to areas that have been designated “Mature” and which users have an option to enter.

Second Life is already a popular medium for socialization, communication, entertainment, education, and commerce.

Although *Second Life* is the focus of this Analytic Brief, most of the following discussions are relevant to metaverses in general and, to a lesser extent, computer games and online games (e.g. Rockstar Games’ *Grand Theft Auto*, and Blizzard Entertainment’s *World of Warcraft*).

USERS AND AVATARS

Users interact in *Second Life* through an avatar. Linden Lab provide a toolkit which allows users a great deal of flexibility in creating their own avatar.

- What is the relationship between a user and his avatar?

It seems safe to consider an avatar a device for directly expressing and communicating the user’s will. The avatar is an extension of the user and not a slave, proxy, animal, or inanimate device under his control. A user is responsible for his behavior through his avatar, just as he responsible for the words he utters and types through his cell phone, and just as he is responsible for the damage he causes by striking with his gloved hand, throwing a rock, or riding a horse.

- Is it permissible to use an avatar resembling a human being?
- Is it permissible to use an avatar of the other gender?

Most users who do this already do it to experiment. While there are legitimate reasons for doing this (e.g. avoiding racial or sexual harassment), the Prophet (may Allah bless him and give him peace) did warn against effeminate men and masculine women.⁵⁶

56. Muḥammad bin Isma‘īl al-Bukhārī, *Al-Jāmi‘ al-Ṣaḥīḥ*, (Beirut: Dār ibn Kathīr, 1987), #5886.

- Is it permissible to use an avatar if it
 - represents an object that is filth or unlawful to use (e.g. a pig, flute, wine),
 - is identified with performing the unlawful (e.g. a witch, soothsayer, prostitute),
 - will be identified with another religion (e.g. an avatar wearing a cross), or
 - is specifically unlawful to depict (e.g. sex acts, public nudity) or depicts a specific individual (e.g. the Prophet [may Allah bless him and give him peace], the Companions [may Allah be pleased with them all])?



These issues will be discussed below.

- What laws must a Muslim user of *Second Life* adhere to within *Second Life*?

Second Life is hosted on machinery located in the US. Can Muslim users follow the opinion of some Hanafi scholars concerning transactions in non-Muslim lands? What if the Muslim user is physically located within Muslim lands?

- Will it matter if the avatar is not identified as representing a Muslim and will not in any way be connected with Islam?

REAL-WORLD VS VIRTUAL WORLD

While virtual worlds must resemble the real-world and may do so to a high degree of verisimilitude, they clearly are not identical and it is not sound to presume that virtual-world objects and actions carry the same legal status as their real-world counterparts.

The legal status and consequences of non-physical behavior is not a new question for the Sacred Law. The *Muṣṣannaḥ* of ‘Abd al-Razzāq al-Ṣan‘ānī includes a report attributed to ‘Alī (may Allah be pleased with him) wherein a man complains about someone having erotic dreams about his mother. ‘Alī (may Allah be pleased with him) responds: “Go to him, stand him under the sun, and beat his shadow”, thus imposing a non-physical punishment upon a non-physical crime.⁵⁷ The behavior in this report differs from virtual world behavior in that an individual in a dream is a non-participating observer, whereas in a virtual world he is an active participant.

Classic books have discussed issues involving fantasy and the imagination. An early example of this is found in Imām al-Ghazālī’s *Iḥyā’ ‘Ulūm al-Dīn* where the author states that imagining a woman based on what one has heard about her has the same legal status as looking at

57. ‘Abd al-Razzāq al-Ṣan‘ānī, ed. Ḥabīb al-Raḥmān al-‘Azamī, *Al-Muṣṣannaḥ*, (Beirut: al-Maktab al-Islāmī, 1403 AH) 6:411–2 #11426.

her in real life. When it is unlawful to look at her, it is unlawful to imagine her; when it is lawful to look at her, it is lawful to imagine her. Imām al-Ghazālī explains that imagining a woman who is unlawful to look at brings one to think about things that are themselves unlawful and incline one to seek what is not lawful to obtain.⁵⁸

The Shāfi‘ī scholar Qāḍī Ḥusayn formulated this as a legal maxim: *Just as it is unlawful to look at what is unlawful, it is unlawful to think about what is unlawful, because of the verse And desire not the thing in which Allah hath made some of you excel others* (Q 3:32), the import of which has been seen to have applications to cases such as coveting what someone else has (e.g. that he be married to his neighbor’s wife), or desiring what is itself unlawful (e.g. intimacy with an unlawful partner).⁵⁹

Later scholars also mention the case of a husband thinking about another woman during intercourse with his wife. The predominant opinion in the school is that this is not reprehensible provided that it is not combined with a desire to engage in actual fornication, since he is forgetting the true attributes he considers unappealing by imagining attributes he finds appealing. This is not unlawful since it only involves imagining something contrary to what it is in reality. It would, however, be unlawful if he planned to commit sin with the object of his imagination if given the opportunity. Although this is the predominant opinion within the Shāfi‘ī school, the other schools and a minority of Shāfi‘ī scholars consider it unlawful or offensive.⁶⁰

The Shāfi‘ī school presents an interesting issue related to an *object* and its *representation*. The predominant opinion in the school is that it is permissible to look at the reflection of a woman who is not permissible to look at directly provided that the observer does so without fear of temptation or lust. Looking at her reflection is permissible because it is the reflection that is seen, not the woman herself.⁶¹

These examples show that the previous generations of scholars were aware of non-physical (virtual) actions, and that they distinguished active participant from mere observation. The examples also show that reflection and mental fantasy are treated as different than what they represent in the real-world, and that there are limits to lawful usage of the imagination.

One might argue that classic Islamic law has been dealing with virtual worlds since the earliest centuries of Islamic scholarship since early legal scholars proposed answers to scenarios that seemed far fetched or impossible in their time. Shāfi‘ī scholars considered the incredibly remote possibility of gold and silver ceasing to circulate or be dominant as currencies;

58. Abū Ḥamid al-Ghazālī, *Iḥyā’ ‘Ulūm al-Dīn*, (Cairo: Maṭba‘ah al-Istiḳāmah, n.d.), 2:279.

59. Ibn Ḥajar al-Ḥaythamī and Yaḥyā bin Sharaf al-Nawawī, *Tuḥfat al-Muḥtāj bi Sharḥ al-Minhāj*, (Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī, n.d.), 7:262.

60. ‘Abd al-Raḥīm bin al-Ḥusayn al-‘Irāqī, *Tarḥ al-Tathrib*, 1:390; Muḥammad al-Zarkashī, *Al-Manthūr fi al-Qawā‘id*, ed. Taysir Fā’iq Aḥmad Maḥmūd and ‘Abd al-Sattār Abū Ghuddah, (Kuwait: Wizārat al-Awqāf wa al-Shu‘ūn al-Islāmiyyah, 1985), 1:466.

61. Al-Dumyāṭī and al-Milibārī, *Iyānat al-Ṭālibīn*, (Cairo: Maktabah wa Maṭba‘ah Muṣṭafā al-Bābī al-Ḥalabī, n.d.), 3:301; Shams al-Dīn Muḥammad al-Ramlī and Yaḥyā bin Sharaf al-Nawawī, *Nihāyat al-Muḥtāj ilā Sharḥ al-Minhāj*, (Cairo: Maktabah wa Maṭba‘ah Muṣṭafā al-Bābī al-Ḥalabī, 1967), 6:187; al-Ḥaythamī and al-Nawawī, *Tuḥfat al-Muḥtāj bi Sharḥ al-Minhāj*, 7:245.

authors often use the words *ḥattā* and *laww* (which indicate that what follows is an extreme limit or an impossibility, respectively) to give rulings for scenarios that are preposterously improbable or counterfactual.

With all of the preceding in mind:

- Does a virtual object take the same ruling as the real-world object it represents? Does a computer-generated object representing a pig take the same ruling as a real-world pig?

While we might find it difficult to consider the reflection or photograph of a real pig to be filthy, what about computer generated tones resembling a flute: Would music played with these tones take the same ruling as the music played on a real flute? Would it be permissible to create, possess, buy, or sell a virtual pig?

Questions such as these require understanding whether the underlying apparent cause returns to the *form, substance, effect, or a predominant aspect* of the real-world object. For example:

- A naked body excites sexual arousal which can lead to illicit intimate contact. Paintings, reflections, photographs, or other media depicting nudity elicit the same effect.
- A pig's body is filthy; this quality does not exist in depictions of pigs.
- Wine is an intoxicant; this quality does not exist in virtual wine.
- In the time of the Prophet (may Allah bless him and give him peace), musical instruments were predominantly associated with drinking. Today the association between musical instruments and drinking is weak, with it being even weaker for virtual instruments.

Some of these differences will change the ruling of the virtual object.

- How do actions that take place only within a virtual world differ from actions that cross between the real-world and the virtual?

The ruling of a virtual action may not even be determined by the same apparent cause as its real-world counterpart. In the real-world, sex with a stranger is unlawful because it is expressly forbidden by textual evidence and undermines chastity and the preservation of lineage which are among the major objectives of religion. But in the case of virtual sex with a stranger, physical chastity and lineage are not at risk, although the virtual action does contradict the general prohibition against engaging in any action that leads to illicit sex and which is understood to include sexual advances whether it be through direct touch or indirect communication (Q 17:32).

- What is the status of a virtual action that in the real-world would be unlawful to perform,

observe, or be in the proximity of? For example: the consumption of alcohol or pork, performance of magic, illicit sex acts, public nudity, rape, murder, theft, worshipping an idol, slander, backbiting.

- Electronic communication within virtual worlds can be pure text, audio, and even video. What is the status of these various means of communication with respect to finance (e.g. sales, rentals, partnerships, prizes) and personal status (e.g. marriage, divorce, accusations of adultery) issues?

It seems safe to consider speech and writing communicated through avatars as real-world acts of communication since communicating speech through an avatar is the same as communicating speech through a phone, and likewise communicating text through an instant message or email is the same as communicating through a letter. It follows that lying, slander, backbiting, accusations of adultery or infidelity or illegitimate lineage, and apostasy performed by one's avatar are in fact acts of real-world communication bearing their known consequences.

- Islamic law includes prescribed punishments (Ar. *ḥadd*, the singular of *ḥuddud*) for homicide, bodily harm, fornication, unfounded accusations of fornication, drinking alcohol, theft, highway robbery, and apostasy. It also includes provisions for discretionary punishment of unlawful behavior for which there is no prescribed punishment (Ar. *ta'zīr*) or for cases where a judicial doubt (Ar. *shubḥah*) prevents the application of a prescribed punishment.

Are actions performed within a virtual world punishable?

Most of the prescribed punishments mentioned above cannot apply to their virtual-world counterparts. The punishments for homicide, bodily harm, fornication, drinking alcohol, and highway robbery all require a physical element that is lacking in their virtual forms, so the prescribed legal punishments would not apply to their virtual counterparts.

Although a virtual object's utility is confined to the virtual world to which it belongs, it does have a market value and it does represent a quantity of real-world currency. It fol-



A visit to IslamOnline's virtual Haram, where Residents can practice making a virtual-Hajj.

laws that theft of a virtual object is in fact real-world theft. An accusation of fornication or a declaration of apostasy (may Allah protect us) performed through an avatar is no different than its performance through a phone or written on paper. Theft, accusations of fornication, and declarations of apostasy performed in the virtual world are, in fact, real-world actions and their respective prescribed punishments apply. It may be difficult, however, to prove one's case in front of the judge.

- Finding that one's spouse has engaged in a virtual affair would be a cause for feeling distress and betrayal. Would it be grounds for pronouncing or requesting a divorce?

CONTRACTS

Users can own, buy, sell, and give away virtual objects and real estate. They can also create their own objects and develop virtual real estate. Real-world currency can be exchanged for Linden Dollars which can be used for in-world transactions. Linden Dollars can also be exchanged for real-world currency.

- What is the status of Linden Dollars? Should they be treated as real-world currencies and subject to zakah and riba in the same ways?

Linden Dollars can be exchange to and from real-world currency and operate within *Second Life* as currencies operate in the real-world, so it does not seem reasonable to treat them differently – especially in light of the fact that in-world transactions are already subject to taxation by the EU.

- A virtual object is a composite of graphic form (e.g. images and geometry) and programmed behavior. Is a virtual object considered an item (Ar. *'ayn*) or a service (Ar. *manfa'ah*)?

At first glance, it seems that virtual objects exist only as services within a virtual world. They are, however, more than this in that a virtual object does have a representational form (and not just function) within the virtual world, and in that it does possess a degree of lasting physical existence in that everything necessary to recreate the object can be written out. A virtual object seems more akin to an item than merely a service.

- Objects can be obtained from within *Second Life* or outside *Second Life* using an online store. The transaction is similar to using a vending machine or automated teller machine (ATM). The buyer browses through various items. A picture, short description, and price are displayed for each item. The buyer indicates his selection to initiate the transaction. The amount is then deducted from the buyer's account and credited to the seller's account, and a copy of the item is added to the buyer's inventory.

Is this a valid transaction?

It seems reasonable to treat this transaction as the sale of an item of guaranteed attributes

(Ar. *bay' al-mawşūfi al-dhimmah*) and where the offer and acceptance are written. There is no denying that consent and intention have both occurred and that property has been exchanged.

- What is the status of marriage and divorce in virtual worlds?

It was suggested earlier that communication through avatars is real-world communication between the users. Communicating through an avatar is the same as communicating in real life: words are in fact uttered or written with a particular recipient in mind, so they can be assimilated to their respective sections in the Sacred Law.

The Sacred Law prescribes caution whenever dealing with marriage contracts. There are scenarios for the marriage contract that allow the offer and acceptance to be conveyed in writing and without requiring the simultaneous physical presence of the groom, bride, and witnesses, though this is beyond the scope of this Analytic Brief.⁶²

- When a user sells land in *Second Life*, the built-in land selling controls allow the seller to retain some control and, thus, remain the landlord. Linden Lab acknowledge the landlord as the owner of the land, and it will not intervene in disputes between Residents. Consequently, a landlord can withdraw a Resident's land from availability without refunding their money, and Linden Lab will not arbitrate the dispute.

How should we view this situation? Does the transfer of incomplete ownership indicate that the transaction should be treated as a rental and not a sale?

How should we view a case where the landlord withdraws a Resident's land from availability without a refund?

While it is clear that the Resident's payment has been misappropriate, it is not clear what else has happened: whether the land was stolen, the rental agreement has been broken, or something else entirely. What has happened here differs from theft in that the Resident did not ever have complete ownership, and it differs from "acts of God" (Ar. *al-āfāt al-samāwiyyah*) like locusts destroying one's crop or erosion in that an identifiable sentient human agent is to blame for the loss.

- A single user can have multiple avatars and the user's identity might never be known to other users. Some contracts require knowing the identity of one or more of the contract-

62. In his well-known commentary, Ibn 'Abidīn quotes from *al-Fatḥ al-Qadīr* that: "A marriage contract is valid when it is conducted in writing just as it is conducted by speech. Its scenario is as follows: A man writes a letter declaring his proposal to a certain woman. When she receives the letter, she brings the witnesses, reads it before them and says: 'I offer myself to him in marriage', or: 'So-and-so has written asking to marry me. Bear witness that I accepted his offer'. However, if she says in the presence of witnesses: 'I offer myself in marriage to so-and-so', the marriage contract is ineffective. This is because a condition for the validity of the marriage contract is that the witnesses hear the spoken form, and by reading out or expressing the content of the letter, the witnesses will have heard the two side of the contract – in contrast to the case when they are not mentioned..." in Muḥammad Ibn 'Abidīn, *Hāshiyat Radd al-Muḥtār* (Cairo: Maktabah wa Maṭba'ah Muṣṭafā al-Bābī al-Ḥalabī, 1984), 3:13–4; Kamāl al-Dīn, *Sharḥ Fatḥ al-Qadīr* (Iḥyā' al-Turāth al-'Arabī, n.d.), 3:109.

ees. Knowing the real-world identity in sales may not be important outside of conflict resolution, since Linden Lab itself handles in-world transfer of ownership and sales. Questions about identity do, however, pose problems for issues related to marriage and divorce.

GENERAL USAGE

- A “Terms of Service” contract “acts as a universally binding contract governing user behavior. In describing which behaviors are acceptable and unacceptable, it also gives users an idea of what kinds of behaviors they should expect within a given virtual world”.⁶³

Is such a contract binding, especially in light of the fact that Linden Lab has a history of changing its terms?

- What does the Shari’ah say about *digital* intellectual properties?

This is an issue above and beyond the issue of whether one must adhere to stipulations of the *Second Life* Terms of Service contract – a contract that one entered into voluntarily.

- Since Linden Lab does not enforce user-to-user contracts and does not resolve in-world disputes, what can Muslims do towards settling in-world disputes?
- What are the limits to how much time one spends in a virtual world, taking into account that virtual worlds can be used with different goals in mind, such as entertainment, socializing, commerce, or education?

Conclusion: Virtual worlds allow users to participate in simulated worlds which are not limited by the same physical, legal, and moral constraints found in the real-world. Users can participate in worlds where fantasy and the physically impossible are the norms, can engage in behavior that is morally wrong or even unlawful in the real world, and report that participation in virtual worlds affects them in the real world. Muslims participate in *Second Life*, *World of Warcraft*, *Grand Theft Auto*, and other virtual worlds, so there is a pressing need to assess how virtual worlds fit within Islamic doctrine and praxis – which are held to be valid for all times, places, and situations – and how these worlds can be used in ways that are beneficial in this life and the Hereafter. Contemporary Muslim scholars interested in the issue will find that although virtual worlds are a new technology, many of the inherent legal and ethical issues have already been discussed by prior generations of scholars who strove to apply the Shari’ah to every potential situation. Western ethicists have written about the ethics of virtual worlds for over a decade and they have employed a wide-range of ethical systems in their discussions. They, and Muslims, await an Islamic contribution.

63. A. Craft, “Sin in Cyber-Eden: Understanding the Metaphysics and Morals of Virtual Worlds”, *Ethics and Information Technology* 9, no. 3 (July 2007): 209.

AREAS FOR FURTHER RESEARCH

- How does the Shari‘ah view non-tangible intellectual properties?
- When discussing the wrongness of ultra-violent video games, some ethicists have argued that virtual murder and rape are wrong because they simulate an action that is wrong, whereas a virtual soldier’s killing is not wrong because it simulates an action that is acceptable. If we adopt this idea that the wrongness of a virtual action is determined by its fictional context and differentiate between virtual murder and virtual combat, would we also differentiate between cybersexing with a stranger and cybersexing with a fictional spouse?
- Several ultra-violent video games are popular in the Middle East. Some of these games encourage the in-game murder of virtual civilians. If virtual world behavior influences real-world behavior, what impact do simulated acts of violence have on our ability to be agents of mercy and compassion; and how do simulated acts of sex prepare us to be chaste, modest, and practice self control?
- What are the guidelines for appropriate online behavior, including modesty?
- Virtual worlds allow participants to engage in virtual acts of wronging others and there is worry that engaging in virtual wrongness has a lasting negative effect. At the same time, virtual worlds also allow participants to be recipients of virtual wrongness and to experience virtual death and injury and to engage in virtuous actions such as generosity, mercy, and humility. The realness of the virtual wrongness they receive and the virtual goodness they perform are no less real than the wrongness of the virtual wrongness they inflict upon others.
- How would Islamic virtual worlds differ from existing examples?
- If participants are allowed to engage in virtual wrongness, to what extent are the people who made it possible also responsible?

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