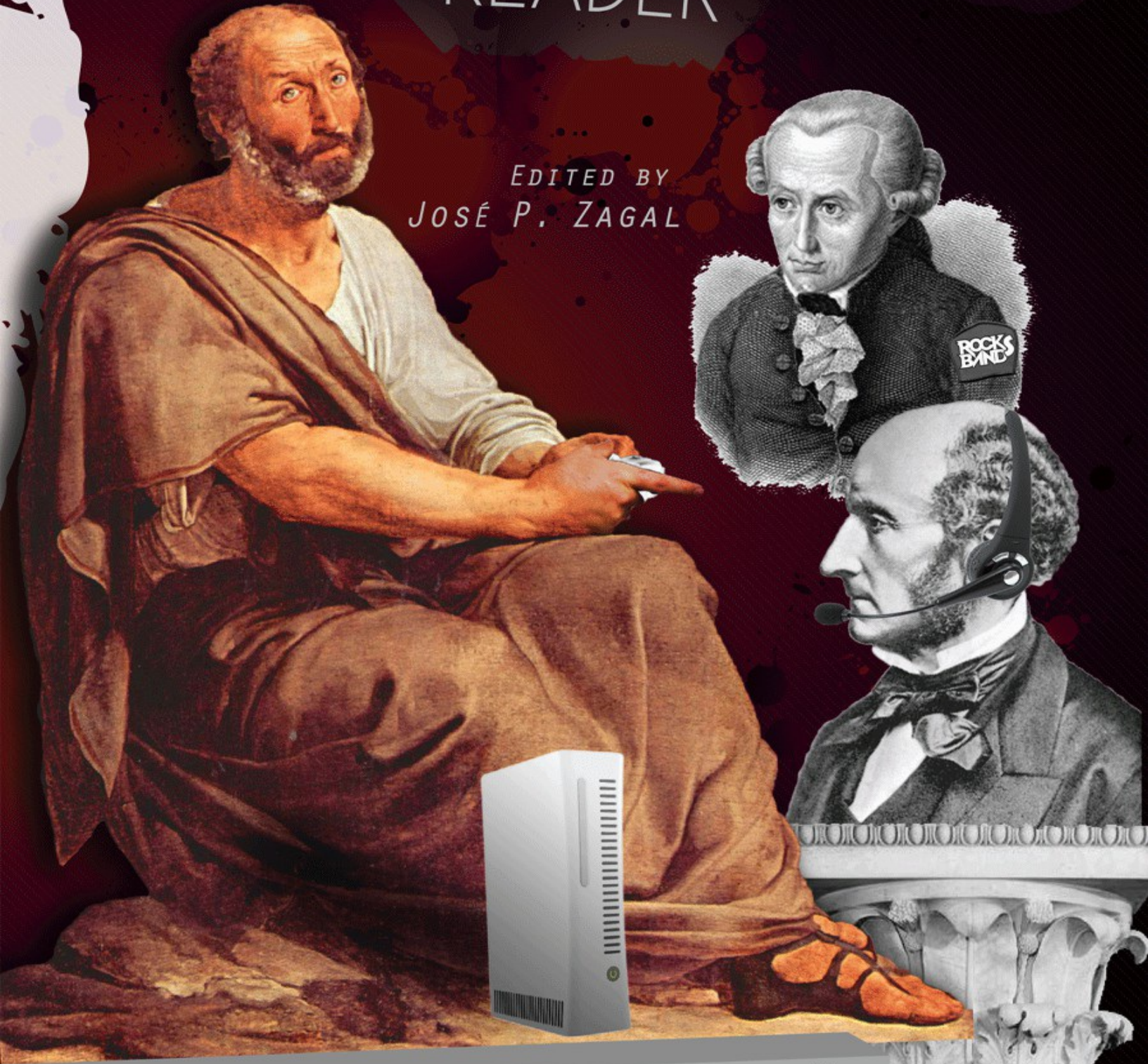


THE VIDEOGAME ETHICS READER

EDITED BY
JOSÉ P. ZAGAL



revised first edition

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Preface

A few years ago, I was offered a choice. It wasn't a difficult choice. Would I rather teach a course on videogame ethics or an introductory game design course? At the time I didn't know much (if anything) about moral philosophy, so I decided on the videogame ethics course. It seemed like a good opportunity to learn something interesting. I also thought that a few weeks would be enough to get up to speed on the debates, consensus, and understanding of the intersection of ethics and videogames. I naively assumed that all there was to "videogame ethics" was deciding whether or not violent videogames should be banned.

It's now a few years later and I am still travelling down what I quickly realized was a rabbit-hole of fascinating questions, issues, and ideas. Violent videogames and their potential effects are thin thread in a larger and richer tapestry of themes and topics. The more I learn and discuss with others, the more convinced I am that videogames, as the dominant art form of the 21st century, will increasingly play a central role in our understanding of morality and ethics. How we go about designing and creating videogames, what we choose to say and express with them, and how we engage with and play them, will all increasingly reflect and inform our behavior and broader understanding of who we are, and who we can aspire to become.

This book offers a collection of essays and readings that have been useful to me and my students as we have examined and explored questions of ethics through the lens of videogames. On the surface, it would appear that many of the chapters in this book aren't about ethics. However, they all highlight ethical questions and topics that are incredibly relevant to videogames. It just depends on the perspective on ethics and games you are using.

Perspectives on Ethics and Games

Why do we find lying a reprehensible activity, yet celebrate great Poker players for their ability to lie and deceive their opponents? Does playing an ultra-violent videogame imply that I'm a bad person? Is it ethical for a game designer to purposefully attempt to elicit negative emotional reactions like

fear, anger, or guilt from their players? Should videogame makers discourage players from spending unhealthy amounts of time playing their games? Should players have the right to transfer or sell their saved game files or characters created in online games? Is it ethical to use a strategy guide or cheat codes to play a game? Does it make a difference if the game is multiplayer? Should certain games be banned based on their content? Should they be banned based on their gameplay? These are just some of the questions I've been asked over the years. They're all about videogames, and they're all about ethics. However, they assume different perspectives, focusing on the games, what is in the game, the players and what they do in game, or the people who make them. When examining these questions I've found it useful to pay attention to these perspectives since they highlight different issues and concerns.

Focusing on the Games

Can a “mere game” be good or bad in a moral sense? Should we condemn a game about the Columbine school shootings¹ simply because it is about a serious and emotional topic? Perhaps there are themes or topics that should never be part of a videogame, regardless of how they are treated or presented. Many people would agree with this. Consider for example the outcry in Germany regarding the announcement of *1378*, a student-created game set in the Cold War that would allow people to play as border guards shooting political refugees trying to cross the Berlin wall². Or, recall the controversy surrounding *Medal of Honor*, a first-person shooter game published in 2010 by Electronic Arts? The game, set during the opening moments of the US invasion of Afghanistan, originally featured a multiplayer mode would allow players to play as the Taliban. After considerable pressure and outcry, the term “Taliban” was replaced with “Opposing Force” though the game remained otherwise the same. Does simply changing the name solve any ethical issues the game might have? More generally, does the act of playing a game inherently trivialize the issues it tackles and thus render any game about a serious topic inherently inappropriate and unethical? Are there things for which it will always be unethical to make game about?

We could perhaps then examine the moral worth of a videogame by focusing on the consequences that the existence of a game may have. From those consequences, we might have a basis for determining the morality of a game. In what ways does a game affect its players, our society, or our culture? For example, is the hyper-violent game *Madworld*, released in 2009 by SEGA for Nintendo's Wii console, good or bad? We might argue that its depictions of violence are such that the game might have a negative effect on its players by desensitizing them to violence. It might even increase the chance that they will become more violent individuals. On the other hand, perhaps it is a moral game because of what we can learn from it about game design and for the pleasure it may bring to those who play it. After all, popular game site IGN³ praised the game (rating it with a 9/10) calling it a "playful, absurdist celebration of the playful, absurdist celebration of violence in video games."⁴ So, which of these factors should we consider, and how we should weigh them?

Focusing in the Game

If we think of ethics as rules for guiding our behavior and then look at games, there are remarkable parallels. Games are also systems of rules. Sometimes those rules are arbitrary or nonsensical (Why can't I pick up a golf ball with my hand and place it directly in the hole?), but they are rules nonetheless. They are also effective, through the use of rewards and other incentives, at influencing our behavior. I've seen players spend hours with a game trying to get one last golden coin. If, in addition to a game's system of rule, we add a rich narrative storyline, characters, and detailed settings, we can begin to examine the ethics of actions in games as defined by the games themselves. Perhaps your character did something that was wrong (you lied to another character) and the game reacted accordingly (your friends no longer trust you). You know it was wrong because it's been defined that way in the game. More broadly, we can imagine games that realize worlds in which certain ethical ideas are simulated and implemented. What would it be like to live in a world in which lying was simply not possible? Or how about a game in which the characters reacted to the player based only on the consequences of

their choices rather than the intention behind their actions? These mini-worlds can serve as sandboxes for ethical reflection and analysis. In fact, some games include ethical systems that morally evaluate a player's actions, often awarding "good" or "evil" points. By figuring out what actions result in good or evil points as well as the consequences of accruing these points, players can effectively explore a moral framework created by a game's designers. Although many of these systems may currently be simplistic or primitive, they represent bold steps in providing people with opportunities directly experience and participate in moral frameworks. I wouldn't be surprised to see moral philosophers turn to game design as a medium for sharing and communicating their ideas.

Focusing on the Players

Another perspective is to consider the ethics of our behavior when we play games. What does it mean to be an ethical player? What does our behavior in a game say about us as players and human beings. I've always been intrigued by the contradiction between behaviors that are reprehensible except when they occur while playing a game. A good player may be one that best exploits his opponent's weaknesses or deceives his fellow players most effectively. Is it unethical to do so? Some games allow players to enjoy, explore, and examine unethical behaviors in a constrained setting. While playing a criminal in a computer role-playing game may not mean the player is a criminal, it is interesting to note how players often describe their in-game activities in the first person: I killed, I stole, I destroyed, and so on. What are the ethical implications of this? The rise of online gaming, especially in massively online multiplayer games like *World of Warcraft*, also highlights the role that players have in determining the values and morals held in their online communities. In many ways, these games host mini-societies and cultures each with their own ethical and moral guidelines. What are they like? How did they develop and how are they negotiated between players? For example, consider gold-farming, or playing a game in order to acquire and sell in-game currency or virtual goods. Gold farmers play a game not for the pleasure of play, but rather as work, is it unethical to do so? These ethics of play seem to have to do mostly with the unwritten rules of a game and how,

when, and why, players regulate their behavior beyond what may “officially” be required. After all, the notion of sportsmanship, or the aspiration of enjoying a game for its own sake, is fundamentally tied to virtues and ethics: respecting one’s opponents, playing fairly, winning gracefully, and more.

Focusing on the Industry and Society

Another way to talk about ethics and games is to consider the ethics of their production and creation. What does it mean to create games ethically and, what issues are most salient given the current state of the videogame industry? In mid-2011, a group of former employees of Team Bondi, the developer of the critically acclaimed and best-selling title *L.A. Noire*, created a website⁵ that lists the names of employees (and former employees) that were either not recognized or incorrectly attributed for their contributions to the game. For a few years now, the International Game Developers Association (IGDA⁶) has taken this issue of moral rights quite seriously. For example, in 2007 they drafted a game crediting guide⁷ that provides guidelines for how and when people working on a videogame title should be attributed and credited. The game industry has also been criticized for other issues such as its lack of non-White non-male characters in primary roles, sexist and misogynistic portrayals of women, lack of racial and gender diversity in its workforce, and exploitative work conditions. What are the main ethical principles and moral problems that arise in these professional environments?

The rapid growth of the videogame industry, coupled with the widespread acceptance and incorporation of videogames into our culture has also highlighted broader concerns that are interesting to examine from an ethical perspective. For instance, over the years many attempts have been made to regulate and/or censor videogames and their content. Should videogames be regulated at all? In what ways? For instance, most game rating systems focus on the visual and thematic content of games, however online interactions are unregulated. Should they be? The videogame industry also has a long and deep-seated tradition of player participation via level editors, mods, customization options, and more. Nowadays, for some games like *Little Big*

Planet, the game editor and distribution channel has effectively become the game. An environment in which the roles of consumers and producers are fluid undoubtedly raises ethical questions regarding the practices, responsibilities, and rights of its participants. What rights should authors have over their creations? Is it reasonable for a game's publisher to assert ownership over a player's detailed description of her character in a game? These are but some of the questions we are currently dealing with. As new games are made and new technologies are developed we will undoubtedly run into new ones.

Organization of the Book

This book is organized into four sections that loosely represent the different lenses we can use to examine issues of ethics and videogames. It isn't necessary that they be read in the same order they appear in the book. In fact, for some readers it might make more sense to skip around based on their interests.

Section 1 – Effects

1.

In *Blazing Angels or Resident Evil? Can Violent Videogames Be a Force for Good?*, Christopher Ferguson presents an in-depth examination of the controversies surrounding violent videogames that includes the history and reasons behind media-related fears and moral panics, a review of current theories and findings from research in videogame violence and aggression, and an overview of the positive impact that violent videogames can have on their players. This chapter helps illustrate and unpack the complicated and convoluted relationship that exists between videogames and its purported effects on its players.

2.

In *Now It's Personal: On Abusive Game Design*, Douglas Wilson and Miguel Sicart discuss the notion of abusive game design as a practice that highlights the intentionality that a game's designer has in encouraging certain emotional reactions or effects from its players. They examine games

that are brutally unfair, embarrassing to play, and even painful. This chapter highlights the ethical issues in the relationship between players who willingly submit to gameplay experiences and the designers who willfully create them.

3.

In *The Meaning of Race and Violence in Grand Theft Auto: San Andreas*, Ben DeVane and Kurt Squire describe how three groups of youth, each from different backgrounds, actually play and make sense of the critically acclaimed and best-selling title *Grand Theft Auto: San Andreas*. When the game was released it was sharply criticized for its violent content and racial and social stereotypes. This chapter demonstrates the importance of the social and cultural context in which a game is played demonstrating how, even though a videogame may have objectionable content, the setting in which it is played plays a critical role in the meaning, understanding, and “effects” it may have on its players.

4.

In *Encouraging Ethical Reflection with Videogames*, I examine some of the ways that games can be designed to encourage ethical reasoning and reflection. Through its analysis of *Ultima IV*, *Manhunt*, *Heavy Rain*, and *Fire Emblem: Radiant Dawn*, this chapter demonstrates how a game’s narrative, gameplay, and interface can all contribute to create responses that can lead to ethical reflection.

Section 2 – Ethics of Play

1.

In *Gaining Advantage: How Videogame Players Define and Negotiate Cheating*, Mia Consalvo offers a wide range of perspectives for defining and understanding cheating in games. These perspectives are drawn from interviews with players and include multiple definitions of cheating, the role of the game industry, positive reasons for “cheating”, and more. This chapter illustrates how players negotiate the meaning of a game experience while also negotiating the boundaries of acceptable behavior, even when that behavior may not directly impact or affect other players.

2.

In *A Rape in Cyberspace: Or TINYSOCIETY and How to Make One*, Julian Dibbell describes a shocking and unfortunate incident that occurred in a text-based online multiplayer environment called LambdaMOO. His retelling of the event is complemented by the effects this incident had on the broader player community. This chapter examines the ethical tension between the make-believe qualities of play afforded by online environments and the expectations of players regarding appropriate behavior in those communities.

3.

In *Playing Metal Gear Solid 4 Well: Being a Good Snake*, Jim Gee examines the duality of roles that a player assumes when playing a videogame. On the one hand, the player controls and inhabits a character that exists in a pre-determined fictional setting while on the other, he directly influences and determines the characters behavior. This chapter uses the game *Metal Gear Solid 4* as an example to examine what it means to a good player and the responsibilities this entails.

Section 3 – In-Game Ethics

1.

In *Grow-A-Game: A Tool for Values Conscious Design and Analysis of Digital Games*, Jonathan Belman and his colleagues describe a tool they have created to help game designers imbue their games with moral, social, and political values. They argue for the need for the systematic examination of the resonances that a design feature may have in a game, and describe how this can be achieved through a series of case studies. This chapter foregrounds the need to discuss and analyze the values (and morals) that may be built into existing games not only at the level of characters and story, but also in the game mechanics and actions allowed to the players.

2.

In *Kantianism and Utilitarianism in Fable*, Peter Rauch analyzes the ethical framework implemented in the videogame *Fable*. He complements his examination of the game with a detailed exploration of how the game could be changed to better reflect and embody two moral philosophies:

Kantianism and utilitarianism. This chapter helps illustrate the potential that videogames have for realizing and making moral and philosophical claims.

3.

In *Applying Ethics: Case Studies*, Miguel Sicart analyzes the ethical frameworks in three games: *Bioshock*, *DEFCON*, and *World of Warcraft*. His examination considers single player, multiplayer, and persistent online games and notes how they each raise different issues and concerns. This chapter examines the role that different elements of a game have in its ethics, from the design of choices in a game, to how its interface communicates information to the player, including the design of policies and incentives for regulating how players interact with each other.

4.

In *Videogames and the Ethics of Care*, John Murphy and I use ethics of care as a lens for analyzing two videogames: *Little King's Story* and *Animal Crossing: City Folk*. This chapter helps illustrate some of the insights that can be obtained when using an alternative moral model, in particular in games whose focus is on relationships. This perspective can also be productive in better understanding ethical issues in social and multiplayer games.

Section 4 – Industry + Society

1.

In “*EA Spouse*” and *the Crisis of Video Game Labour: Enjoyment, Exclusion, Exploitation, Exodus*, Nick Dyer-Witheford and Greig de Peuter provide an overview of labor conditions in the videogame industry. Their examination takes into account the pleasures of working in the games industry, its issues with gender diversity, the culture of working extreme hours and its consequences, and current attempts to solve these problems. This chapter highlights the ethical issues in the production practices common to the games industry while also contextualizing why they exist in the first place.

2.

In *Putting the Gay in Games: Cultural Production and GLBT Content in Video Games*, Adrienne Shaw provides an in-depth examination of gay,

lesbian, bisexual, and transgender representation (GBLT) in videogames. Her analysis is comprehensive in accounting for the structure of the industry, its members, and how GBLT identities can be represented in videogames. This chapter illustrates the variety of issues and the complexity of their inter-relations in a matter that on the surface seems simple: why isn't there better representation in videogames of minority groups?

3.

In *Production Protection to Copy(right) Protection: From the 10NES to DVDs*, Casey O'Donnell carefully traces the connections between modern digital rights mechanisms (DRM) used employed to limit and control access to videogame content, and technical design decisions made in early game consoles like Nintendo's NES and Sega's Genesis. These early technical decisions resulted in an industry (and culture) that favors the rights of copyright holders over the production rights of users and consumers. This chapter articulates the role that technology can play in shaping and affecting not only production and access to media but perhaps more importantly our expectations and understandings of a medium.

4.

In *Codemining, Modding and Gamemaking*, James Newman describes some of the productive practices that gaming communities engage in. These include the detailed examination of computer program code, the recreation of earlier games, as well as the creation of entirely new ones. This chapter highlights the ethical concerns of these production practices and the tension that exists between avid fan communities and a videogame industry that embraces and supports them while also stifling and rejecting them.

5.

In *Free Speech and the Entertainment Software Association: An Inside Look at the Censorship Assault on the Video Game Industry*, Clay Calvert and Robert D. Richards examine the political and legal landscape faced by the games industry in the mid 2000's. At the time, the videogame industry faced a variety of legislative efforts to control or restrict violent content in videogames. They also present a candid and extensive interview with Doug Lowenstein, (now former) president of the Entertainment Software Association (ESA), an industry organization dedicated to serving the

business and public affairs of videogame companies. This chapter provides an “insider” perspective on the reasons why videogames deserve the same protections afforded other creative media under the first amendment of the US constitution⁸.

Notes on Style and Formatting

This book contains texts from a variety of sources each with their own rules and guidelines in terms of their style and presentation (e.g. some sources refer to “videogames” while others may use “video games”, citations might be of the form author’s last name followed by the year while other chapters might list citations numerically, and so on). I have chosen to leave the original texts unchanged in order to preserve the author’s voice and intentions. In some cases, a chapter in this book may refer to other chapters from the book from which it was originally taken. Rather than change the original text, I have chosen to include an “editor’s note” hopefully clarifying any confusion that may arise. Similarly, rather than collect all of the author’s references at the end of the book, I have opted to leave them at the end of each chapter in order to make it easier to read and follow.

Feedback

I am under no illusions that this book is perfect or that there is no room for improvement. I appreciate getting feedback and comments (positive and negative) as well as suggestions, corrections, and ideas for revised or future editions. Please send them to jzagal@cdm.depaul.edu or José P. Zagal, DePaul University, College of Computing and Digital Media, 243 South Wabash Ave, Chicago, IL 60604.

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I would also like to thank the team at Cognella for their hard work, advice, and incredible patience working with me. It was Al Grisanti's early enthusiasm for this book that convinced me it was a good idea to work on this project.

Most of all I would like to thank the authors and publishers for allowing their work to be published in this volume.

José P. Zagal
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Notes

[1](http://columbinegame.com/) *Super Columbine Massacre RPG!*, available at <http://columbinegame.com/>

[2](http://www.bbc.co.uk/news/11453443) <http://www.bbc.co.uk/news/11453443> and <http://www.dw-world.de/dw/article/0,,6059839,00.html>

[3](http://www.ign.com) <http://www.ign.com>

[4](#)

<http://www.gameinformer.com/games/madworld/b/wii/archive/2009/09/22/review.asp>

[5](http://www.lanoirecredits.com) <http://www.lanoirecredits.com>

[6](http://www.igda.org) <http://www.igda.org>

[7](http://www.igda.org/sites/default/files/IGDA_Game_Crediting_Guide_Draft_8-5.pdf) http://www.igda.org/sites/default/files/IGDA_Game_Crediting_Guide_Draft_8-5.pdf

[8](#) These protections were all-but guaranteed by the US Supreme Court as decided in *Brown vs Entertainment Merchants Association* on June 27, 2011.

EFFECTS

Blazing Angels or Resident Evil? Can Violent Video Games Be a Force for Good?

Christopher J. Ferguson

Christopher J. Ferguson, "Blazing Angels or Resident Evil? Can Violent Video Games Be a Force for Good?" Review of General Psychology, vol. 14, no. 2, pp. 66–81. Copyright © 2010 by Elsevier B.V. Reprinted with permission.

Violent video games have been a source of controversy in the United States and elsewhere for several decades. Considerable concern has been raised in the public and scientific communities about the alleged deleterious effects of violent games. These concerns may coincide with periodic moral panics about media's influence, particularly on youth. This paper argues that the negative effects of violent games have been exaggerated by some elements of the scientific community, fitting with past cycles of media-focused moral panics. By contrast, potential positive effects of violent video game play have been ignored in the debate on violent games. The current paper considers research in several areas, including aggression, but also the nascent research fields of visuospatial cognition, social networking, and use as educational tools. It is argued that the debate on video game violence should be broadened to include both potential negative and positive effects.

Keywords: mass media, computer games, aggression, violence, visuospatial cognition, health psychology, social skills

The era of the modern video game began in the 1970s with the advent of arcade features such as *Space Invaders* and *Asteroids* and the quick launch of the Atari 2600 home game console. Debates immediately emerged about the moral and social implications of video games featuring violent content, as well as their potential positive use in education and other settings. Arguably, from *Death Race* to *Grand Theft Auto*, the greater part of the debate has focused on the negative effects of violent content. Such a debate is understandable. Social science has come to understand aggression as primarily socially learned (Bandura, 1965; Bandura, Ross, and Ross, 1961).

The American Psychology Association's pamphlet on youth violence asserts that violence is learned rather than genetic, although violence may interact with other variables with strong heritability, such as learning disorders, impulsivity, and low IQ (American Psychological Association [APA], 1996). Although evidence from molecular and behavioral genetics (Caspi et al., 2002; Ferguson, 2010; Rhee and Waldman, 2002) suggest that significant genetic factors may either directly influence or interact with environmental factors to cause aggression, the "learning only" view remains the dominant paradigm for understanding aggression (Buss and Shackelford, 1997). Fears about video game violence also fit into a sociological and historical context of fears of new media, particularly in United States culture, but also in a broader historical world context (Cumberbatch, 2008; Grimes, Anderson, and Bergen, 2008; Gauntlett, 1995; Kutner and Olson, 2008; Trend, 2007). However there is a risk that such concerns could move beyond objective scientific examination and into the realm of ideology, dogma and moral panic (Gauntlett, 1995; Grimes et al., 2008). An overemphasis on the potential deleterious effects of violent games, whether real or imagined, also preempts discussion of the strategic use of violent games as a positive force in cognitive development, education, psychological treatment, and health care. In this article, I attempt to bridge the gaps in the current discussion of violent video game effects, and open a wider discussion of the potential benefits and risks of video game playing among youth.

Before discussing the issue of video game violence, it is important to operationalize relevant terms such as aggression and violence. In this article, aggressive behavior is defined as intentional behavior produced to cause physical harm or humiliation to another person who wishes to avoid the harm (Baron and Richardson, 1994). Aggression can thus be distinguished from aggressive play in which two or more consenting individuals are wrestling, playing war, and so forth, but mutually enjoy the activity. Not all aggressive behaviors are violent, nor even necessarily maladaptive or socially discouraged. In this article, violence is defined as intentional behavior produced to cause considerable physical harm to another person who contrastingly wishes to avoid the harm (Ferguson, 2010). Violent behaviors inherently are aggressive, yet many aggressive behaviors that do not cause physical harm are not violent. Video game violence itself generally has been characterized by researchers as intentional acts within game play directed to

cause physical harm to an animated character within the game (e.g., Pober, Thompson, Haninger, and Yokota, 2008).

The Sociological and Historical Context of Violent Video Game Fears

Most psychologists are likely aware that debates and concerns about media—particularly media with violent, sexual, political, or antiauthority content—have raged in the social sciences and public arena across the 20th and 21st centuries. Before detailing the current controversies about violent video games, it is important to understand them in the sociological context of media controversies that historically have occurred in the United States and elsewhere.

The history of media violence debates have been covered in detail in several excellent reviews (Cumberbatch, 2008; Kutner and Olson, 2008; Trend, 2007). Concerns about the harmful and corrupting nature of media on consumers, particularly youth, have been recorded since at least the time of the Greeks and Romans. Plato cautioned that plays and poetry might have a deleterious effect on youth, and that society might be better off were they banned (Griswold, 2004). Plato is perhaps the first person on record arguing that children may be unable to distinguish fact from fiction (although research seems to suggest that, in fact, children as young as 3 years old can reliably distinguish fictional and factual events in at least a basic sense. See Woolley and Van Reet, 2006). His mentor, Socrates, is reported to have been suspicious even of the alphabet (McLuhan and Fiore, 1967) as a source of harm. Media violence, in a broad sense, likely reached the nadir of brutality during the Roman Games, which featured public executions, gladiatorial combats, and even plays in which prisoners were slain during death scenes (Coleman, 1990; Wells, 1995). Although the Games were vastly popular, early Christian theorists such as Tertullian (200) and Augustine (397), as well as pagan orators (e.g., Seneca, 64), worried about the moral effects of the Games on spectators. These early comments were largely polemics, as social science in the modern sense did not yet meaningfully exist.

The post-Roman Middle Ages arguably saw less hand-wringing over media influence. Most people could not read and there were few if any plays to see.

War, famine, pestilence, and oppressive servitude were likely more imperative concerns. Yet jousting, less brutal than the Games, although still violent, was condemned by the Catholic Church (National Jousting Association, 2008).

During the Reformation the Catholic Church was concerned about non-Latin translations of the Bible which were thought to promote heresy, rebelliousness and sin. Unlike the purveyors of controversial media today who might fear lawsuits or angry e-mails, Renaissance purveyors of controversial media, including the Bible itself might find themselves burned at the stake (Daniell, 2004).

Not all fears about media effects originated from religion although conservative religious groups continue to this day to form one facet of causal hypothesis advocacy (the term “causal hypothesis” will be used to indicate the belief that media violence causes aggression). By the 18th and 19th century many of the concerns were secular in nature, usually originating from established authority figures or society elders concerned about youth, women or immigrant groups (Kirschenbaum, 2007; Trend, 2007). Common targets included novels such as *Don Quixote* and Samuel Richardson’s *Pamela* (it was thought that women, in particular, couldn’t distinguish fact from fiction; Kirschenbaum, 2007), penny-dreadfuls such as *Varney the Vampire*, political texts, and early films such as *The Great Train Robbery*.

The early film era saw the beginning of modern social science’s involvement in controversies about media violence. Concerns about media violence dovetailed with other moral issues of the day including sexuality, temperance, immigration, and a general decline in cultural values, particularly among youth (Trend, 2007). It has been noted that these moral crusades were rooted in a sense of “inerrancy” vis-à-vis a particular set of beliefs. Some groups endorse attitudes that their moral beliefs are “factual,” and those of other groups are wrong (Sherkat and Ellison, 1997). In an effort to head off looming government censorship, the motion picture industry established the Hays Code (1930). Graphic depictions of violence, the techniques of murder or other crimes, smuggling and drug trafficking, the use of liquor (unless required by the plot), revenge, safecracking, train robberies, adultery (which was not to be presented as an attractive option), interracial relationships, sexually transmitted diseases, nudity, and even “lustful kissing” were all forbidden or strictly controlled under the Hays Commission.

Social science research regarding the adverse effects of films began in roughly the 1930s. Perhaps most famous of these were the Payne Fund studies (Blummer, 1933) which purported to find a link between movie viewing and delinquency. Setting the stage for debates that would occur over the next century, critics of the Payne Fund studies noted the lack of control groups, difficulties in validly measuring aggression, and sampling problems as limiting their usefulness (Lowery, and DeFleur, 1995). Taking a “blank slate” approach on child development, the Payne Fund studies provided considerable fuel to the fire of belief that media exposure could harm youth.

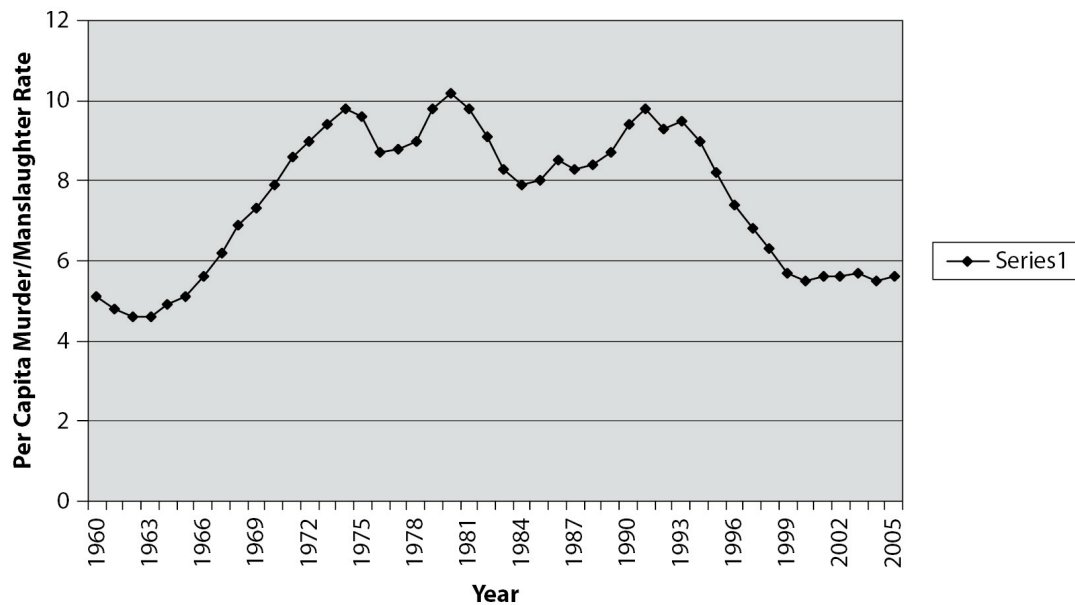


Figure 1. Per Capita Murder/Non-Negligent Manslaughter Rates in the United States by Year.

The advent of TV triggered a new round of concern, particularly when some felt that crime increases beginning in the late 1960s might be attributed to the introduction of TV several decades before (e.g., Bushman and Anderson, 2001; Centerwall, 1989). Although an almost 20-year gap occurred between the mass production of TV and significant crime waves beginning in the late 1960s, the apparent correlation was likely too tempting for moral crusaders. Figure 1 presents murder/non-negligent homicide trends in the United States. It is apparent that such trends appear to form a sine wave pattern. Violent crime spikes of similar magnitude to those of the 1970s and 1980s occurred earlier in the 1930s and 1880s (Ferguson, 2002). Currently,

homicide rates are returning to a low point as of 2010, their lowest in four decades. By focusing on a limited period in U.S. crime trends, it was possible to ostensibly link violent crime rates to TV despite that the period in which violent crimes spiked saw massive social upheavals in the United States, as well as a damaged economy and increased poverty and homelessness. The adoption of social learning theory (Bandura, 1965; Bandura et al., 1961/1963) as a leading paradigm by the psychological community beginning in the late 1960s provided further framework for media violence research taking place in the latter half of the 1960s.

Beginning in the TV era, and continuing into the video game era, the causal hypothesis increasingly has been presented not only as one side of a reasonable debate, or a theory with some support, but rather as a fact (Bushman and Anderson, 2001; Cook, 2000) and a public health crisis on par with smoking and lung cancer (Bushman and Anderson, 2001; Huesmann, 2007), or even a scientific law (Huesmann and Taylor, 2003). Such rhetoric is, of course, quite rare in the social sciences, due to the limitations of social science research (Uttal, 2007), and even uncommon in the “hard” sciences. This rhetoric appears to have, if anything, increased in direct contrast to plummeting crime rates in the United States (Federal Bureau of Investigations [FBI], 1951–2009) and more frequent criticisms of media violent research (e.g., Freedman, 2002; Grimes et al., 2008; Olson, 2004; Savage, 2004; Savage and Yancey, 2008; Trend, 2007; Unsworth, Devilly, and Ward, 2007). Given the rarity of such rhetoric in the social sciences, concerns have been raised that psychology’s focus on media violence effects as “truth” may have less in common with the objective sciences of physics, chemistry, and biology, and more in common with moral advocacy crusades such as temperance and antipornography crusades (Gauntlett, 1995; Grimes et al., 2008).

The Public Debate Regarding Video Game Violence

Arguably the debate regarding video game violence in the scientific community only indirectly influences the debate about video game violence in the public. The news cycle about video games tends to focus on three main phenomena: the release of controversial games such as the *Grand Theft*

Auto series, unsupported statements by nonscientists such as Jack Thompson and David Grossman (two antivideo game violence activists), and efforts to tie individual real-life violent crimes to violent games, despite evidence that violent crimes, including youth crimes, generally are decreasing. Far from being independent, these three phenomena oftentimes intersect. For instance, the publicity and hyperbole over the release of *Grand Theft Auto IV* in 2008 seem to have provided a convenient excuse for the criminal behavior of some young men (e.g., Gamepolitics.com, 2008a), notwithstanding evidence that these young men often had prior criminal records. Naturally, criminal offenders oftentimes blame others for their crimes, whether their parents, their victims, alcohol use, society, a bad childhood, or the media. Most such excuses would not be given much credence, but claims by some offenders that video games motivated them to commit crimes sometimes are given unusual credibility.

Nonresearchers also fuel the debate at times by providing misinformation. For instance Florida attorney and antigame activist Jack Thompson claimed that the Virginia Tech Shooter, who killed 32 people at a university in Virginia in 2007, was an avid player of violent video games (Thompson, 2007). Yet the Virginia Tech Review Panel ultimately found that Seung-Hui Cho, the shooter, did not play violent games at all (Virginia Tech Review Panel, 2007). Similarly, psychologist Cooper Lawrence supported a Fox News claim that the game *Mass Effect* contained full frontal nudity and pornographic scenes, which it did not (Gamepolitics .com, 2008b). These public statements of misinformation naturally inflame an existing moral panic rather than inform the populace.

Perhaps most respected of the causal hypothesis activists has been David Grossman (1996) who has written several books on video games and refers to himself as an expert in “killology” who claims that violent games mimic combat simulators used by the military and ultimately desensitize and train youth to kill. Grossman’s main argument is that, as the military has begun using video simulators, modern troops are much more likely to fire at the enemy than troops during World War II (WWII). He neglects to note that comparing conscripted, poorly trained, nonprofessional WWII soldiers firing primarily the semiautomatic M1 with limited ammunition, to the modern volunteer, professional, highly trained soldier firing primarily the fully automatic M16 or M4 is a manifest example of comparing apples to oranges.

Changes in training regarding selecting specific targets (in WWII) versus using “blind” suppressing fire (in the modern army) better explain differences in firing rates, than do any use of simulators. Why police organizations would use similar simulators to *decrease* bad shootings is also not well explained in Grossman’s treatise. Grossman also claims that media violence generally, and video game violence specifically, are powerful predictors of youth violence rates (Grossman and Degaetano, 1999) although this conclusion does not acknowledge the significant decline in youth violence rates since 1993.

Exactly what impact such debate has on the perceptions of individual news consumers or parents is unclear. Some research suggests that most parents express some concern that *other* children may be influenced by violent games, but that their own are not (Kutner, Olson, Warner, and Hertzog, 2007). Public fears about violent video games may be further assuaged by a recent study by the Pew Research Center (Lenhart et al., 2008) that found video game playing, including games with violent content, is nearly ubiquitous among youth with 97% of youth playing some form of video games and that negative impact appeared to be negligible. In fact, video game playing was found to offer significant opportunities for social interaction and civic engagement. Similarly, Durkin and Barber (2002) found that frequent video game playing children were better adjusted than nonplaying peers. It is this positive side of video games, violent games included, that receives little attention from either the public or the scientific community.

The Etiology of Moral Panic

A moral panic may be defined as a quest by some members of society to impose their moral beliefs on the greater society through the tactic of fear (Cohen, 1972; Gauntlett, 1995). Most commonly, established or “elder” members indulge in moral panics as a means of maintaining the status quo, maintaining control over communication in the society, and reigning in the independence of youth. Politicians, scientists and scientific organizations, religious figures and advocacy groups may all contribute to moral panics. Moral panics may also serve to distract society from concerns that are intractable, complex or embarrassing to established authority, replacing them with “folk devils” which can deflect blame for societal problems (Cohen,

1972). One essence of a “moral panic” is that previous “folk devils” are often forgotten, particularly when dire consequences do not seem to originate from their existence, with new “folk devils” taking their place (Cohen, 1972). Examples of recent moral panics include “rainbow” oral sex parties among teens (Lewin, 2005) and ritual Satanic abuse (Jewkes, 2004).

Gauntlett (1995) developed a model for how media violence has functioned as a moral panic. An updated version by Ferguson (2008) is presented here in Figure 2. The moral panic wheel is spun, if you will, by general societal beliefs. These societal beliefs may be cultural, or religious, or may be supplied by society’s authoritarian political, scientific, and activist elements. In modern mass-media society, society’s concerns about a particular phenomenon are reported in news media, oftentimes implying that the concern is “fact.” Research is called for which will support the initial concern. Given the relatively low threshold for supporting theory in psychology and an emphasis on positive statistical significance over null results, including the “publication bias” effect (Cohen, 1994; Loftus, 1996; Rosenthal and Rosnow, 1991; Uttal, 2007), research that supports the original concern is obligingly provided. The claims of such research may match poorly with the data; indeed the claims made may be excessively conclusive yet largely escape scrutiny. By contrast, findings that disconfirm the moral panic, or that criticize the supportive social science are largely ignored. Findings that reinforce the panic are dutifully reported in the media, then borrowed by politicians for political gain, perpetuating the wheel. In this model, the authority figures of society all generally “win” through the promotion of fear. Politicians and other “elders” of society retain authoritarian control over the masses. The youth are portrayed as dangerous, in need of a firm but caring adult hand to keep them from moral decrepitude. Scientists benefit both by perpetuating existing dogma, and by securing grant funding (it is difficult to attain grant funding by arguing that something is *not* a pressing social concern, after all). It has been observed that scientists have participated in moral panics at various times including over sports fan violence (Moorhouse, 1991; Ward, 2002), belief in emerging juvenile superpredators (Muschert, 2007) or the “death” of childhood (Darbyshire, 2007). Perhaps more famously, a meta-analysis that questioned the harmful effects of child sexual abuse (Rind, Tromovich, and Bauserman, 1998) kicked off a protracted if understandable emotional reaction from both the

political and scientific community (see Dallam, 2001 for a time-line) that may be akin to a moral panic (this was a rare time in which a peer-reviewed scientific article was censured by congress).

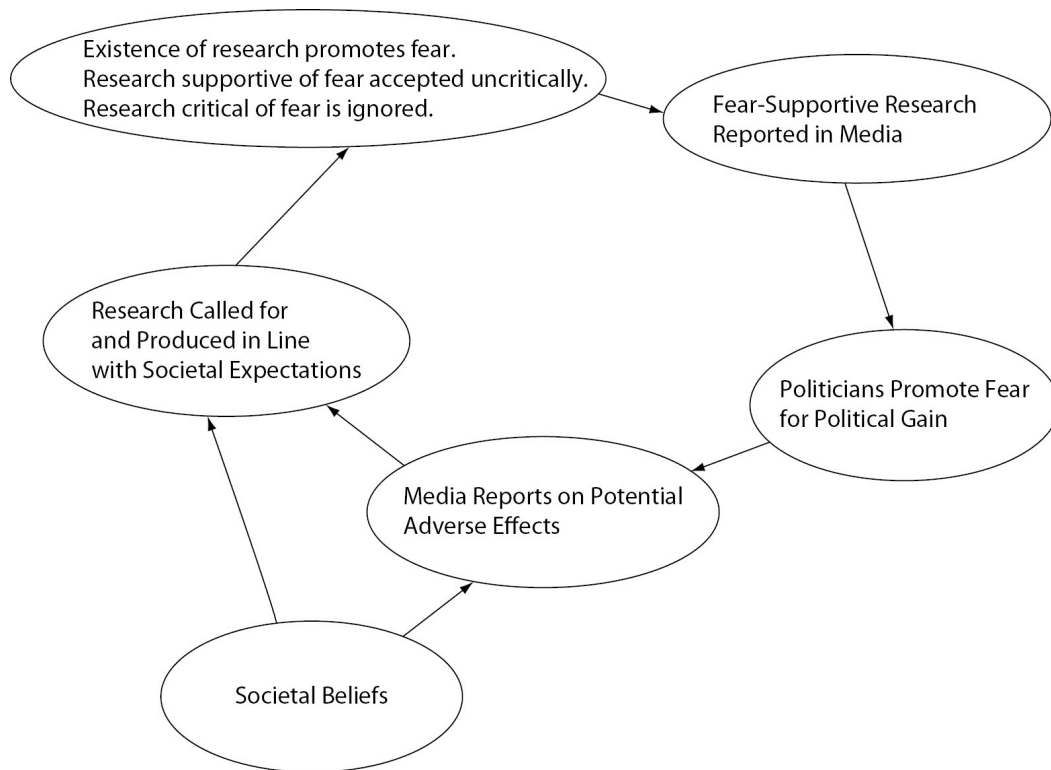


Figure 2. The Moral Panic Wheel.

The Predominance of Social Learning Theory and Its Consequences

In the early 21st century, the paradigm of social learning arguably retains dominance in psychology. This paradigm is based upon the work of Bandura purporting to demonstrate that aggression, in particular, can be modeled (Bandura, 1965; Bandura et al., 1961/1963). Briefly, the famous Bandura studies involved children watching videos of adult models hitting a bo-bo doll. Children were then frustrated by the experimenters, and placed in a room with a bo-bo doll. Children who had seen the video of the adult acting aggressively toward the bo-bo doll were more likely to mimic the behavior themselves, unless they witnessed the model get punished for those actions. The Bandura experiments are not beyond reproach (see Gauntlett, 1995). For

instance, far from being a powerful lasting influence, modeling effects witnessed appear to be small and evaporate quickly. It is unclear whether the children were necessarily more motivated to engage in aggression in general, as opposed to mimicking *specific* aggressive acts. In other words, overall aggressive behaviors may not have changed much, but the style of the aggressive behaviors might have been altered due to the novel kinds of aggressive behaviors presented. It is also unclear that the children were necessarily motivated by aggression, as opposed to aggressive play or even the desire to please the adult experimenter. Children are quite used to being given instructions by adults and they may arguably have simply viewed the models (who were adults) as instructors telling them what to do. In other words, the children may have even believed that they might be scolded or punished if they didn't follow the model's lead. Lastly, in a subsequent paper, Bandura (1965) found that showing the model being punished for attacking the bo-bo doll decreased modeled behaviors in child participants. Yet the punishments themselves appeared to involved considerable aggressive behavior. As described in the original text (Bandura, 1965 p. 591):

For children in the model-punished condition, the reinforcing agent appeared on the scene [this occurs after the children watched the model hit the bo-bo doll] shaking his finger menacingly and commenting reprovingly, "Hey there you big bully. You quit picking on that clown. I won't tolerate it." As the model drew back he tripped and fell, and the other adult sat on the model and spanked him with a rolled up magazine while reminding him of his aggressive behavior. As the model ran off, cowering, the agent forewarned him, "If I catch you doing that again, you big bully, I'll give you a hard spanking. You quit acting that way."

From this description it is reasonable to wonder what we can conclude when it appears that children are willing to imitate nonviolent aggression against an object, but viewing violence against an actual person inhibits their aggression. We may conclude that perhaps the children were able to judge the context of the aggression, unreal bo-bo doll or live human, or violence which was rewarded in one case and punished in the other. Of course following logic down this path might lead to speculation that modeling is more complex than the mechanistic law portrayed by some (e.g., Huesmann and Taylor, 2003). Indeed, modeling might be something that humans *can* do rather than

something that they *must* do. Modeling may be motivated by intrapsychic factors (motivation, biological instincts, personality, perhaps even agency) rather than controlled by immutable laws of external cause and effect.

Modeling certainly can occur and can be a good way for humans to learn procedures such as tying shoes or driving a car. It is less clear that modeling *must* happen or that it can fundamentally change the brain and personality of the viewer. Nonetheless social learning theory in various forms retains prominence in most sub-fields of psychology, including aggression, sometimes pushing out competing theories such as evolutionary and genetic theories that may be considered solid in other fields (Buss and Shackelford, 1997). Unlike evolutionary and genetic theories, which are the product of the biological and medical sciences, social learning is a unique creation of psychology itself. Social learning is psychology's one true contribution to modern understanding of human behavior. Thus, it may not be surprising to see social learning deified and presented as more consistent, more mechanistic and applied to behaviors and constructs beyond its natural reach. The APA's youth violence brochure (1996) provides one such example, downplaying the influence of genes and promotes the influence of social learning. The pamphlet has not yet been updated despite evidence that the interplay between learning and genetics is much more complex (Caspi et al., 2002; Ferguson, 2010; Rhee and Waldman, 2002, see also Ferguson, 2009; 2009a).

The risk of such a deification of social learning is that it becomes a dogma to be protected, as opposed to a science to be corrected, at least in some subfields. This is not meant to say that social learning is universally *wrong* just that it is not so much universally *right* as some psychologists may assume. Indeed it may be a weaker explanation for some phenomenon, including aggression, than are evolutionary and genetic explanations (Ferguson, 2010). For instance the U.S. Department of Health and Human Services (2001) concludes that risk markers for youth violence that many psychologists would likely consider quite strong, such as media and family violence exposure, are in fact weak predictors at best of youth violence.

As scientific dogma and moral panic are both intended to protect the established order from change (Gauntlett, 1995; Kuhn, 1970) they can dovetail easily within social science. Scientific dogmas, like moral panics, rigidly defend established beliefs and present opinion as "fact," oftentimes

resting on impressive looking but ultimately weak, distorted and unreliable data (Uttal, 2007). The millennia-long dominance of humoral theories of disease, as well as the related miasma theory of disease transmission provides examples of both the difficulties in overthrowing established scientific dogma, and the harm to scientific inquiry and society generally that dogma can do (Johnson, 2006). The question before us is whether the concerns among psychologists about violent video games' alleged negative effects are real or dogma, and what effect such concerns have had on the potential utility of violent games as force for potential societal benefit.

Violent Video Games and Aggression: State of the Research

If social learning, in a mechanistic lawfully determined form, has become a dogma in social science, it has almost certainly permeated media violence studies. In media violence studies, claims of causal certainty are unprecedented (e.g., Anderson et al., 2003; Bushman and Anderson, 2001; Huesmann, 2007). These claims, such as that the impact of media violence on viewers approaches that of smoking and lung cancer, should have invited close scrutiny and skepticism from the scientific community. Instead they have been embraced by professional scientific organizations with minimal oversight. For instance the American Academy of Pediatrics (AAP, 2009; Cook, 2000) in support of media violence effects research has claimed that 3,500 studies have been conducted on media violence with only 18 finding null effects. In fact most meta-analyses and reviews (Bushman and Huesmann, 2006; Freedman, 2002; Paik and Comstock, 1994) can only find between 200 and 300 articles including unpublished and non peer-reviewed studies. Indeed this 3500/18 statistic is apocryphal and now well-known to be an "urban legend" (Freedman, 2002), yet was restated verbatim by the AAP 10 years later (AAP, 2009) despite that it could only still be true after 10 years if no research on media violence had taken place in the interim.

Similar claims of certainty have emerged within the violent video games effect literature (Anderson, 2004; Carnagey and Anderson, 2004). Once again oversight and adequate peer review appears to have been minimal. The 2005 American Psychological Association resolution on video game violence (APA, 2005) was written by a committee of causal hypothesis scholars

commenting largely on their own work and ignoring that of skeptics or research with opposing findings (e.g., Colwell and Kato, 2003; Durkin and Barber, 2002; Freedman, 2002; Olson, 2004; Savage, 2004; Williams and Skoric, 2005). It is concerning that a more balanced panel of experts was not convened, calling into question the objectivity of the resolution.

A close look at the research on violence in video games reveals that findings are far less consistent than have been reported by some sources. For instance, while some research does find an effect for violent game playing on aggression (e.g., Anderson and Murphy, 2003; Bartholow, Bushman, and Sestir, 2006) others clearly do not (e.g., Baldaro et al., 2004; Durkin and Barber, 2002; Ferguson and Rueda, in press; Ferguson, Rueda, et al., 2008; Ferguson, San Miguel, and Hartley, 2009; van Schie and Wiegman, 1997; Wiegman and van Schie, 1998; Williams and Skoric, 2005). Some find that exposure to violent games is related to *reduced* aggression (e.g., Barnett, Coulson, and Foreman, 2008; Colwell and Kato, 2003; Unsworth et al., 2007) and others claim to have found effects, but a close examination of their results demonstrates that they have not (Anderson and Dill, 2000; Gentile, Lynch, Linder, and Walsh, 2004). For example, a correlation between video game exposure and aggression all but disappears once gender is controlled in one study (Gentile et al., 2004) and, in a common problem among media violence studies Anderson and Dill (2000) focus on one out of four aggression outcome measures that was significant and ignore the other three that were not in interpreting their results (a Bonferroni correction, if correctly applied, would have rendered all four results nonsignificant). Indeed the Anderson and Dill (2000) paper provides an example of the limitations of the peer-review process that has overseen the violent video games effects literature. The error in interpretation is readily apparent upon reading the results section of their experimental study, but appears to have escaped notice during peer-review and the paper continues to be influential if misleading.

Meta-analyses of video games similarly produce weak and inconsistent results. Two early meta-analyses claimed to find small but significant effects for video game violence on aggression (Anderson and Bushman, 2001; Anderson, 2004), although a subsequent review of these meta-analyses during a court case revealed that the authors may have simply ignored research that didn't fit with their hypotheses (*ESA, VSDA and IRMA v. Blagojevich, Madigan, and Devine*, 2005). The Illinois case cited above

mentions this issue, noting that:

With regard to their conclusions, Dr. Goldstein and Dr. Williams noted that Dr. Anderson not only had failed to cite any peer-reviewed studies that had shown a definitive causal link between violent video game play and aggression, but had also ignored research that reached conflicting conclusions. Dr. Goldstein and Dr. Williams noted that several studies concluded that there was no relationship between these two variables. They also cited studies concluding that in certain instances, there was a *negative* relationship between violent video game play and aggressive thoughts and behavior (e.g., initial increases in aggression wore off if the individual was allowed to play violent video game for longer period).” (*ESA, VSDA, and IRMA v. Blagojevich, Madigan, and Devine*, 2005, Pp. 14–15).

The court also expresses similar concerns about cherry-picking of data by politicians involved in enacting antigame legislation, noting (*ESA, VSDA, and IRMA v. Blagojevich, Madigan, and Devine*, 2005, Pp. 16):

Finally, the Court is concerned that the legislative record does not indicate that the Illinois General Assembly considered any of the evidence that showed no relationship or a negative relationship between violent video game play and increases in aggressive thoughts and behavior. The legislative record included none of the articles cited by Dr. Goldstein or Dr. Williams. It included no data whatsoever that was critical of research finding a causal link between violent video game play and aggression. These omissions further undermine defendants’ claim that the legislature made “reasonable inferences” from the scientific literature based on “substantial evidence.”

A contemporary meta-analysis by Sherry (2001) found only weak effects, and Sherry concluded that any effects were weaker than for TV, contradicting concerns that the active nature of video games may produce higher effects on aggression. In a follow-up analysis Sherry (2007) concluded that the video game violence research currently available did not support the social learning view of aggression effects questioning “Further, why do some researchers (e.g., Gentile and Anderson, 2003) continue to argue that video games are dangerous despite evidence to the contrary?” (p. 244). This conclusion was

supported by two meta-analyses by Ferguson (2007a/2007b) who concluded that video game violence effects research had been deeply affected by publication bias problems which inflated reported effect sizes, and the misuse of unstandardized unreliable measures of aggression, which allowed researchers too much latitude in picking results that supported their hypotheses. A third recent meta-analysis of media effects generally (Ferguson and Kilburn, 2009) reached similar conclusions for both TV and video games. Neither form of media was associated with increased aggressive behavior, and better validated measures produced weaker results than poorer measures. Also, the claim that video games may produce higher effects due to their interactive nature was not found to be supported. From the social learning perspective, it would have seemed plausible that the interactive nature of video games might have produced higher effects for aggression than for other forms of media. Effect sizes, even from meta-analyses that claim support for violent game effects, do not offer support for this conclusion. For instance in the recent Ferguson and Kilburn (2009) meta-analysis, there effectively was no difference in the (negligible) effect size for video games and TV on aggressive behavior.

Publication bias, the selective publishing of positive effects in journal articles is also well demonstrated in the Anderson (2004) meta-analysis in which a plurality of published studies demonstrate statistically significant (if weak) effects, yet almost all unpublished studies included demonstrate null effects. Yet in their most recent update (Anderson et al., 2010) Anderson's team are critical of publication bias analyses (e.g., Ferguson and Kilburn, 2009), suggesting that including unpublished studies is a better fix for publication bias. Yet as noted by an accompanying commentary (Ferguson and Kilburn, 2010) Anderson et al include a number of their own unpublished articles while failing to solicit those from other groups, particularly from researchers skeptical of their own findings (apparently replicating the issues identified in the *ESA, VSDA, and IRMA v. Blagojevich, Madigan, and Devine*, 2005 court case). Such a biased sample of unpublished studies highlights the potential pitfalls of including unpublished studies in research. This most recent Anderson et al meta-analysis also contains significant flaws: including numerous studies with measures which are un-standardized or have poor validity, focusing on bivariate correlations rather than better controlled estimates of video game effects, failing to include some published work from

authors critical of the causal hypothesis and including an unreliable evaluation of “best practice” studies that conflates measurement error with “best practices” due to the failure to consider the impact of unstandardized assessment measures. Despite a number of flaws, all likely to inflate effect size estimates, the authors nonetheless find only weak effects for video game violence ($r = .15$). Unfortunately in arguing against a comprehensive statistical analysis of publication bias in favor of a clearly flawed and biased effort to include unpublished studies, the authors argue against rigor rather than for it.

Taken together these meta-analyses range from those which argue against meaningful effects (Sherry, 2001, 2007; Ferguson 2007a; 2007b; Ferguson and Kilburn, 2009) to those which find weak effects (e.g., Anderson, 2004; Anderson et al., 2010). Thus the debate on video game violence has been reduced to whether video game violence produces no effects ... or almost no effects.

Methodological and Theoretical Problems that Limit Our Interpretation of Video Game Violence and Aggression Research

For a research field to have addressed the level of certainty claimed by some researchers (e.g., Anderson et al., 2003; Bushman and Anderson, 2001; Huesmann, 2007) it must rest on solid methodology, firm theoretical footing, and highly invariant findings with a high degree of predictability in relation to real-world phenomenon (Uttal, 2007). This high level of consistency is what has allowed certain physical phenomenon to reach “law” status, whereas there have not been any behavioral equivalents in psychology. Other scholars have pointed to vast methodological and theoretical problems with media effects research in general, and violent video game effects specifically (Freedman, 2002; Gauntlett, 1995; Grimes, Anderson, and Bergent, 2008; Olson, 2004; Savage, 2004; Trend, 2007). These issues are described briefly below:

- 1.

Many aggression measures used are invalid. Put simply, many measures

used in video game studies claiming to represent “aggression” in fact don’t correlate well with actual real-life aggressive acts or violent behaviors (Ferguson and Rueda, 2009; Ferguson, Smith, Miller-Stratton, Fritz, and Heinrich, 2008; Ritter and Eslea, 2005; Tedeschi and Quigley, 2000). Although this appears to be a near-universal problem for laboratory measures of aggression, many survey instruments such as peer and teacher nominated aggression also appear to obtain weak validity coefficients (e.g., Henry and Metropolitan Area Child Study Research Group, 2006).

2.

The “third variable” effect. This concern is that other variables such as gender, family violence, genetics, and so forth, may account for any small relationship between violent video game exposure and aggression (Ferguson, 2007b; Freedman, 2002; Savage, 2004). Univariate statistics may be overinterpreted at the expense of multivariate statistics. For example, as noted above Gentile et al., (2004) overinterpret bivariate correlations between violent video games and aggression, and fail to note that controlling for gender alone removes most of the overlapping variance. As boys are both more aggressive and play more violent video games than do girls, any bivariate correlation may simply be masking an underlying gender effect. A recent paper by Anderson et al., (2008) provide another example in which video game violence account for only half a percent to 2% of the variance in aggression in a longitudinal study of children, whereas other relevant factors such as family environment, peer environment, poverty, and genetics were not controlled nor even discussed as alternate explanations for such a weak correlational link. Antigame research is not unique in this respect; Kutner and Olson’s (2008) research on video games, although finding few meaningful effects, largely relies on small bivariate correlations, most of which would likely have evaporated altogether had gender, trait aggression or family violence been well controlled. In support of this concern, Ferguson, Rueda et al., (2008) in a multivariate analysis, found that trait aggression and family violence were predictive of violent criminal acts, whereas violent game exposure was not. Ferguson, San Miguel, and Hartley (2009) similarly found the video game and TV violence held no predictive value for serious youth violence, once other factors, primarily peer delinquency, antisocial personality, and

depression were controlled.

3.

Citation bias. Numerous critics have noted that media effects scholars ignore work, even from their own results, which contradicts their hypotheses (Freedman, 2002; Gauntlett, 1995; Moeller, 2005; Savage, 2004). As noted earlier in studies such as Anderson and Dill (2000) and Gentile et al., (2004) this issue continues to be a concern for video game violence effects.

4.

Publication bias. Although this is certainly not an issue specific to video game violence, studies of video game violence appear to be deeply influenced by publication bias (Ferguson, 2007a/2007b). Studies with statistically significant effects, no matter how small in practical effect, are more likely to be published than those with null results. Although a problem throughout published research, in an atmosphere of moral panic, publication bias effects are likely to become greater in magnitude. This has been demonstrated both through statistical publication bias analyses (Ferguson 2007a;2007b) as well as through examining differences between published and unpublished studies (e.g., Anderson, 2004). Ioannidis (2005) notes that publication bias and bias more generally are highly likely for research fields with small effect sizes, small studies, great flexibility in designs, measurement and analysis, and “hotter” and more political issues raised, all clear issues for the violent video game field.

5.

Small effect sizes. Estimates on the size of effect for violent video games on aggressive behavior range from (using $r^2 \times 100$) effectively zero through 2.5% (Anderson and Bushman, 2001; Anderson, 2004; Anderson et al., 2010; Ferguson 2007a/ 2007b; Sherry, 2001/2007). Many scholars have argued that these effects, even if assumed to have been produced by methodologically perfect research, are too small to be meaningful (Ferguson, 2002; Freedman, 2002; Gauntlett, 1995; Olson, 2004; Savage, 2004; Sherry, 2007). Some scholars have countered that these effects are similar to those found in smoking and lung cancer research or other medical effects (e.g., Anderson, 2004; Hues-mann, 2007) although these claims

appear to be based on faulty statistics which underestimate medical effect sizes (Block and Crain, 2007; Crow, 1991; Ferguson, 2009b; Hsu, 2004).

6.

Absence of clinical cut-offs. In clinical psychology, to make a claim such as “eating avocados causes schizophrenia” it would be necessary to demonstrate that avocado eaters were pushed over a clinically meaningful score on a clinical measure of schizophrenia with documented sensitivity and specificity for detecting the disorder. It wouldn’t be enough to demonstrate that avocado eaters had a t-score of 52 on the MMPI 8-Scale, when nonavocados had only a t-score of 49 (these score differences are about on the magnitude of aggression score differences seen in violent video game effects research). A t-score of 52 or 49 are both well within the normal range (t-score means are 50 with SD = 10). Yet this is exactly what occurs in video game violence research. The absence of clinical cut-offs on aggression measures make it impossible to document whether a particular variable influences *pathological* aggression. Instead it is assumed that aggression has no adaptive function and is always pathological and undesirable. This would appear to be naive, and at best is an assumption. In moderate doses, aggression may very well be adaptive, guiding individuals toward many behaviors approved of by society including standing up for one’s beliefs, assertiveness, defending others in need, careers in law enforcement, the military, business, legal affairs, and so forth, sporting activities, political involvement, debate and discourse indeed including scientific debate (Hawley and Vaughn, 2003; Smith, 2007). Particularly as most video game research uses individuals who may be expected to be below average in aggression, such as college students or healthy children, we should be wary of regression to the mean effects. In the absence of clinical cut-offs aggression scores remain difficult to interpret.

7.

Unstandardized use of aggression measures. As noted in Ferguson (2007a) one significant concern is that some measures of aggression, such as the modified Taylor Competitive Reaction Time Test have been used in an unstandardized way. Different studies use this test to measure aggression in far different ways. Sometimes even the same authors use the measure differently between studies. Ferguson found that measures used in such an

unstandardized way resulted in higher effect sizes, likely as authors were free to choose outcomes that supported their hypotheses and ignore outcomes which did not.

8.

The mismatch between violent video game consumption and violent crimes. Put simply, this issue notes that both public and scientific concern (Anderson, 2004, refers to violent video game effects as “somewhat alarming” Pp. 120) is not matched by violent crime data, which for both adults and youth (Childstats.gov, 2008; FBI, 1951–2007) has plummeted at the same time as video games have increased in popularity. Figure 3 presents these data for all the years available for both sets of data on video game sales and youth violence (Entertainment Software Administration, 2007; Childstats.gov, 2008). As can be seen, as video games sold increased in number, violent crimes among youth have declined. The statistical relationship between these two variables is $r = -.95$. It should be carefully noted that video game consumption is unlikely to be responsible for this decline (e.g., ecological fallacy), even in part. Just as the alleged correlation between TV introduction and violent crime increases 20 years later proved to be illusory, so too is this correlation most likely due to other factors. However, we can be sure that violent video games have not sparked a violent crime epidemic because there is no violent crime epidemic. The violent video game issue is a crusade in search of a crisis. Some causal hypothesis scholars may claim that this real-world data does not matter, but the same scholars often pointed to violent crime trends when they appeared to work in the favor of their hypotheses (e.g., Bushman and Anderson, 2001) or raise the issue of youth violence while ignoring youth violence data (e.g., Anderson et al., 2008). Claiming that video game effects theories need never relate to actual world phenomenon is a pseudoscientific claim, one that is more akin to a moral panic than objective science.

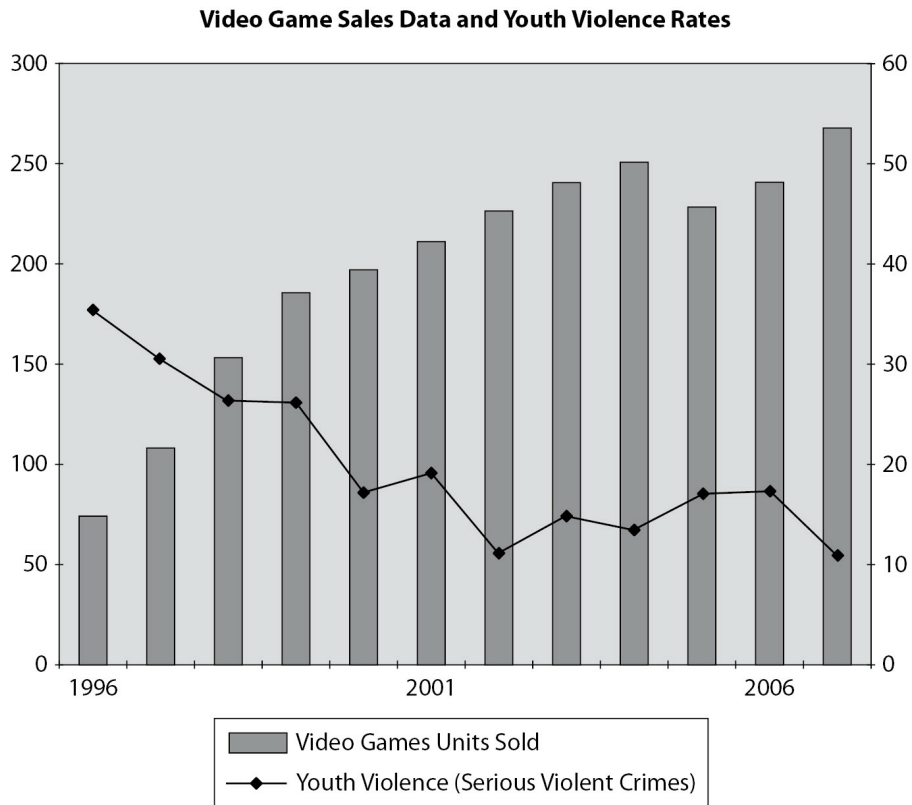


Figure 3. Youth Violence and Video Game Sales Data.

Source: Video game sales data from The NPD Group, Inc. and Retail Tracking Service. Youth violence data from childstats.gov

9.

Low standards of evidence. As noted above, one issue that is oftentimes raised (Freedman, 2002; Ferguson, 2007b; Olson, 2004; Savage, 2004) is that video game violence effects, like those in media violence more broadly, are small, but that some authors exaggerate their significance promoting unnecessary concern. This is likely not unique to video game studies, as the standards of evidence for psychological theories are universally low (Uttal, 2007). Specifically, demonstrating “statistical significance” is not an adequate method for determining the utility of theories in explaining events (Cohen, 1994; Loftus, 1996) particularly when increasing sample sizes can make almost any effect statistically significant. Some researchers (e.g., Anderson, 2002) have cynically encouraged researchers to chase statistical significance by increasing sample sizes, in tacit acknowledgment that effects are small. Given that null results are easily dismissed as type-II

errors, it is not practically feasible to falsify psychological theories. Thus a weak theory, such as the causal hypothesis may remain influential despite frail evidence (Grimes et al., 2008).

One other issue that bears mentioning is that some studies do not clearly distinguish violent from non violent video games in making contrasts. For example, Konijn, Nije Bijvank, and Bushman (2007) examined the impact of playing violent video games on young boys. The authors found that boys who played a violent game were more likely to select these supposedly damaging noise levels on the Taylor Competitive Reaction Time Test (TCRTT). However, when a personality variable, namely identification with aggressive role models was controlled, the direct impact of video games became negligible. Of greater concern however, was that several of the “nonviolent” games that the authors test (*The Sims 2*, *Tony Hawk’s Underground 2*, *Final Fantasy*) have actually received Entertainment Software Ratings Board (ESRB) content descriptors for violence. As such, the authors appear to have unsatisfactorily distinguished nonviolent from violent games. Thus any alleged difference between game conditions cannot be due to violence, since the researchers inadequately controlled for violence in the “nonviolent” game condition. It is possible, instead, that participants may have picked up on demand characteristics for their performance. Other studies may compare relatively primitive and outdated games such as *Tetris* against complex, graphical, story-driven games with violent content. Such game conditions vary on multiple levels (complexity, characterization, storyline, presence of dialogue, etc.) that it is not possible to attribute any differences to violence. Such studies lack internal validity.

The Positive Effects of Violent Video Games

To many, the very idea that violent video games can have a positive impact will seem absurd. Yet I’d argue that this is an emotional reaction, not an objective one, particularly if it rises up before even the evidence is fully heard. A better skepticism would be, if violent video games *don’t* teach aggression, why would they be able to teach anything else? In other words, if social learning of violence doesn’t occur for video game effects, why would

we expect that other forms of information can be transmitted via video games?

One possible answer is simply that not all information is the same (Ferguson, 2009a). This is readily apparent, of course, as children can be watched eagerly modeling fun tasks, while ignoring modeling opportunities for chores. As discussed earlier, the Bandura studies themselves find that even very young children are selective in what they model. However in the following section, this paper will discuss a different kind of information than that assumed to transfer via aggression. Namely, for the media effects on aggression hypothesis to work, viewers must learn to shape their internal goals, motivation, and core personality as a result of media exposure. As already argued, the evidence that this happens appears to be quite thin (although it remains plausible that some small segment of the population may be at risk, whereas the majority are unaffected, see Markey and Markey, 2010). By contrast, other kinds of learning, such as visuospatial cognitions, information about medical diseases, science and math skills, and so forth, don't require internal shifts in a largely stable personality. Put more simply, video games may be effective in communicating raw data or information, but they aren't effective in transmitting moral beliefs, personality traits, and so forth. Information transfers but personality traits such as aggressiveness do not. A few of the most promising positive developments regarding video games, including those with violence, are outlined below. It should be noted at the outset that, like the research on aggression, none of these research fields are without flaws. Indeed the merits of all research, positive or negative, should be subject to more intense scrutiny than has previously been the case. However, an intelligent discussion of violent game effects needs to consider both sides of the coin if it is to escape the realm of moral panic.

Visuospatial Cognition

Broadly defined visuospatial cognition involves intellectual and cognitive processes related to attending, scanning, selecting, processing, and mentally altering visual information (Ferguson, 2007a; Green and Bavelier, 2007; Shah and Freedman, 2003; Spence and Feng, 2010). These tasks are oftentimes thought to relate to the performance subtests on common intelligence tests such as the Wechsler scales (e.g., Atkinson, et al., 2003;

Kramer, Kaplan, Share, and Huckeba, 1999) and may be important for career paths involving visual acuity and processing.

Currently, a number of studies, both experimental and correlational, have found that playing violent video games is associated with higher visuospatial acuity, perception, processing, visual memory, and mental rotation (Castel, Pratt, and Drummond, 2005; Feng, Spence, and Pratt, 2007; Ferguson, Cruz, and Rueda, 2008; Green and Bavelier, 2007; Green and Bavelier, 2006; Green and Bavelier, 2003; Rosser et al., 2007). For reasons that are not well understood, results for nonviolent games such as *Tetris* are considerably weaker (e.g., Quaiser-Pohl, Geiser, and Lehmann, 2006; Sims and Mayer, 2002). A recent meta-analysis of studies examining the effects of violent video games on visuospatial cognition (Ferguson, 2007b) found that, after controlling for publication bias effects, video games still had a moderate effect on visuospatial cognition ($r = .36$) whereas no effect was found in studies of aggressive behavior ($r = .04$). These results appear to support the earlier suggestion that cognitive information can be transmitted more easily via video games than can moral information or personality traits. It is not clear that the violence, per se, is the primary agent of increased visuospatial cognition. Rather, it may be the type of fast action commonly found in a first-person-shooter game that increases visuospatial cognition rather than violence per se (see Spence and Feng, 2010 for an in-depth discussion). Nonetheless these game engines may be of practical value. Smith and Trenholme (2009) recently found that a simulator based on the Source Engine used in *Half-Life 2* was effective in improving participant performance during evacuation fire drills.

It should be noted that, in comparison to the research on video games and aggression, research on violent video games and visuo-spatial cognition is much more consistent, yet at the same time generally smaller regarding the number of studies. Many of the studies use relatively small sample sizes, oftentimes of convenience samples (although as stated earlier, this occurs commonly for aggression studies too). The generalizability of laboratory studies of visuospatial cognition, particularly those that don't use well validated measures such as the Wechsler scales, to real-life visuospatial tasks may also be limited, much as the generalizability of many aggression measures is limited. In short, this is a relatively new research field. Thus far promising and interesting results have been found, yet more research is

needed, particularly on ecologically valid visuospatial tasks. At the same time it should be noted that one recent study (Boot, Kramer, Simons, Fabiani, and Gratton, in press) found that although expert gamers were better at visuospatial tasks than were nongamers, this effect was difficult to replicate through practice in the lab with nongamers. We must be cautious in not rushing to judgment regarding visuospatial skills related outcomes, as has happened in the debates on aggression effects. As a side issue it is interesting to note that most publications in this research area prefer the term “action” game rather than “violent” game (notwithstanding that many of the same or similar games are used). Choosing the term “violent” as opposed to “action” (or vice versa) appears to be a clear effort by researchers to frame the debate in prosocial or antisocial terms which once again might be expected in the atmosphere of moral panic. “Action” games are violent games, although much of the research detailing “action games” has focused on the first-person-shooter genre of violent game.

Social Involvement

One common concern is that video games impair social connections for youth (e.g., Putnam, 2000). It is feared that video games may lead to reduced social skills and fewer friendships among youth players. However, beginning in the 1990s, easy access to the Internet expanded games into a new realm for potential social interaction (Olson, 2010). Players could now play first-person-shooter games such as *Medal of Honor* against (or in cooperation with) other players online. Some games allowed for entire social communities to develop online. Collectively called Massively MultiPlayer On-Line Role Playing Games (MMORPG), games such as *Everquest* and *World of Warcraft* allowed for complex social interactions to occur within the game world (Barnett and Coulson, 2010). Current evidence suggests that social connections formed through such online games can be very deep and meaningful to those involved (Murphy, 2007; Yee, 2006).

The Pew Research Center’s study on youth and video games (Lenhart et al., 2008) found that video games, far from being an isolationist activity, were highly social activities for most children. Children who engaged in highly social interactions while playing video games were also highly likely to take an interest in civic involvement (see also Bers, 2010). Violent and nonviolent

games appear to be equally predictive of such involvement. Somewhat by contrast Williams (2006) and Smyth (2007) found something of a trade-off, with online social and civic engagements replacing some off-line engagements.

Although research evidence in this field remains thin, there appears to be little concern that video game play necessarily impairs social functioning in other realms. Perhaps a more pertinent question is whether interactive video game play may influence the social functioning of those already low in social skills, particularly shy individuals who find in-person social interaction to be anxiety provoking. Some early research suggests that some gamers may indeed use online MMORPGs to meet social needs (Hussain and Griffiths, 2008; Williams et al., 2006). Other research has suggested that positive social experiences online can encourage social experiences off-line (Kobayashi and Ikeda, 2006) and that video game play is effective in meeting needs for relation with others (Ryan, Rigby, and Przybylski, 2006).

At present, however, there are no controlled trials demonstrating the potential impact of video game play, either socially in real life, or via online play on the social skills and quality of social interactions for youth or adults with social skills deficits. However, such controlled trials may form a fruitful avenue for future research.

Use in Education

As noted earlier, violent video games appear to be poor conveyors of personality traits related to aggression itself. But can violent video games form a medium in which other kinds of information may pass more freely? Put another way, given that violent video games are quite popular (Lenhart et al., 2008), can they be used as a medium to convey purely informational content? If the violence in the game secures players' attention, will they then prove able to learn material that may be boring or difficult to attend to in another context?

There has been some evidence to suggest that video games may provide a useful platform for education (Annetta, 2010; Durkin, 2010). Some of the most promising research in this regard has come out of health psychology, where specifically targeted video games have promoted the health of young medical patients (see Kato, 2010). In one remarkable recent study,

researchers found that a first-person shooter game *Re-Mission* improved self-efficacy, cancer knowledge, and treatment adherence in teen and young adult cancer patients (Kato, Cole, Bradlyn, and Pollock, 2008). In the game *Re-Mission* players play as a microscopic female robot who is injected into the bodies of cancer patients and blasts cancer cells and infections with a variety of weapons. Arguably the game succeeds because it presents a lively action-oriented platform that holds players' attention, allowing the educational components of the game greater opportunity for impact. *Re-Mission* takes advantage of the existing, popular first-person shooter format and applies this format for a prosocial purpose.

It might be reasonable to ask whether a nonviolent game wouldn't be just as successful. Indeed, violence in a game is probably tangential to any educational content (except perhaps in military or police simulators). However, the strategic nature of using violent games for educational purposes is in drawing in video game audiences who intrinsically prefer violent games. Given that boys particularly seem to prefer violent games (Lenhart et al., 2008; Olson, 2010; Olson et al., 2007), ignoring the use of this medium out of hand may be short-sighted. To be direct, educational games are inherently at a disadvantage regarding the time demands of potential child and teen players, vis-a-vis commercial games. To refuse to incorporate design elements that make commercial games successful, at times including violence, places educational games at further disadvantage.

Not surprisingly, given the controversy over violent video games, there have been many educational games that have been developed with minimal violent content (e.g., Lim, 2008; United Nations World Food Program, 2008). Those that include violence such as *Re-Mission* tend to include relatively mild levels of violence. Both nonviolent and mildly violent educational games have demonstrated short-term efficacy for specific educational goals in controlled settings (Asakawa and Gilbert, 2003; Reiber, Smith, and Noah, 1998), yet little research has expanded outcomes to longer-term, global, and ecologically valid results. It is not well understood how nonviolent games and violent games compare in regards to their potential educational value. One challenge for any educational video game is that it must compete with commercially available games in a medium where short shelf-lives are quite common.

The use of video games directly in educational settings faces several

practical constraints, including time commitment limitations and teacher prejudices against video games (Rice, 2007 see also Ceranoglu, 2010 for a discussion of similar issues in play therapy). However, the use of violent video games in informal settings may also promote some cognitive development, although this is usually an unintended element of game play. For instance research in this area has typically focused on *World of Warcraft* (WoW) a MMORPG that has enjoyed an unusually long active life. WoW is a fantasy role-playing game with violent content, for which many players actively participate in message boards and blogs related to the game (Barnett and Coulson, 2010). Some early research has suggested that WoW may promote reading and writing achievement, including among boys who previously had little interest in such activities (Steinkuehler, in press; Steinkuehler and Duncan, 2008; Steinkuehler and Williams, 2006). Similarly VanDeventer and White (2002) found that children who displayed expertise at mildly violent games were likely to display higher-ordered thinking skills.

Research on the use of violent video games in promoting educational agendas remains in infancy. Yet the promise of *Re-Mission* directly, and *World of Warcraft* somewhat indirectly has led to calls for increased use of video games, including those with violent content, to promote educational agendas. For instance, NASA has begun development of an MMO to promote science education (National Aeronautic and Space Association, 2008). The adoption of violent games as potential educational tools will naturally need to take place in the framework of a larger discussion of positive and negative effects of violent games. Yet, given the appeal and staying power of violent games, it may be worth having this discussion.

Conclusions

Research regarding the impact of violent video games on aggression is inconsistent and hampered by poor methodologies and the intrusion of ideology and scientific dogma. Particularly in light of increased video game consumption and declining youth violence, at present time, there appears to be little reason for speculation that violent video games are a significant factor in promoting youth violence. Unfortunately, by maintaining a myopic view on negative issues related to video game violence, a broader discussion

of the benefits and risks of violent game playing is prohibited. It is argued here that if psychology is serious about understanding violent video games from an objective rather than ideological view, a broader and less activist stance must be taken.

Although the research on violent games and aggression appears to be much less solid than some scholars have indicated, it must also be emphasized that research on the positive effects of violent games is nascent, but entirely incomplete. It may still be that, on balance, an objective examination of violent games finds that they cause more harm than good, or that they have little impact on human behavior whatsoever. By failing to conduct a thorough examination of violent game effects, we risk losing a potentially valuable tool for promoting human welfare, and risk expending scientific, social, and financial efforts on promoting a 21st century folk devil.

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Now It's Personal

On Abusive Game Design

Douglas Wilson and Miguel Sicart

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In this paper, we introduce the concept of abusive game design as an attitude towards creating games—an aesthetic practice that operates as a critique of certain conventionalisms in popular game design wisdom. We emphasize that abusive game design is, at its core, about spotlighting the dialogic relation between player and designer.

Category: Arts and Humanities: Fine Arts

General Terms: Design

Keywords: Game Design, Abusive Game Design, Indie Games

Introduction

A simple swing of the wiimote, and the moaning sounds kick in. Suddenly, two young men find themselves having virtual gay sex—in front of a crowd, no less.

Surprise! This isn't your typical Wii game.

In 2008, Doug (one of the authors) and the Copenhagen Game Collective prototyped a no-graphics, collaborative sex rhythm game played with Wiimotes. We called it *Dark Room Sex Game* [13]. The project was intended as a stupid but subversive party game—something that would get some laughs.

But the game was *also* a twisted design experiment, developed around a particular idea: by playing on cultural taboos that surround sex and eroticism, we could design a game that not only aroused players, but also *embarrassed* them. Whether the game actually arouses remains unclear. The

embarrassment, however, is pretty much guaranteed.

There are several particular features that make *Dark Room Sex Game* such a potentially uncomfortable experience. First and foremost, the game is (primarily) multiplayer; it's not only played in front of other people, but *with* other people. Second, because the game is audio-only, the visual imagery only exists in the players' imaginations. Deprived of the catharsis of over-the-top, computer-rendered sex organs, players are left on their own to fill in the gaps. Finally, the nature of the game requires partners to coordinate closely. Without any graphics to guide them, players are coaxed into looking at *each other*. This eye contact—or conspicuous avoidance of eye contact, as the case might be—drives home the social awareness that your partner might think that you're having dirty thoughts, and vice versa. In short, *Dark Room Sex Game* is an experience optimized for maximum awkwardness.

From a design perspective, how might we conceptualize embarrassing games like *Dark Room Sex Game*? Mischievousness aside, what could possibly be gained from designing such a game?

This paper explores the concept of abusive game design—an alternative design practice that challenges conventions of normative game design. Specifically, abusive game design challenges the notion of “player advocacy”—an ideology that inevitably allows the language of consumerism to outshine the particular human beings who design and play games.

We define abusive game design as an *attitude*—one that focuses on creating a dialogue between designer and player. Despite the harsh imagery surrounding the term “abuse,” abusive game design, perhaps counter-intuitively, aims to forefront the particular human beings behind gameplay, both player and designer. For the abusive game designer, the hope is that players are forced out of their expectations and into an experience in which the importance of understanding the game system is eclipsed by that of understanding the designer behind the system.

Thus, abusive game design reframes gameplay as a dialogic relation between player and designer—a kind of conversation that presents itself in the form of a dare. In this sense, the theory of abusive game design is equally as incompatible with author-centric design approaches as it is with heavily player-centric approaches. Ultimately, abusive game design is neither about the player nor the designer, but rather the dance between them.

Conservatism in Current Game Design Theory

Examining the current game design literature, we can identify a red thread regarding the “best practices” of creating games. By and large, game design theorists have positioned game design as the craft of satisfying players’ desires [8, 17, 23, 24, 35]: “It may seem too simple a question to even ask, but determining what players want out of a game is a question all game designers must contemplate if they want to make great games” [35, Pp. 1].

One way to describe the role of the designer in this perspective is as “an advocate for the player,” as Tracy Fullerton phrases it [17, Pp. 2]. As a design philosophy, player advocacy focuses on how to satisfy player desires by crafting systems tailored to those desires. Player advocacy is a systems-centric approach to game design (“If you want to be a game designer, try looking at the world in terms of its underlying systems” [17, Pp. 8])—one which privileges the relationship between system and player above all else, even if that means minimizing the presence of the designer. As Fullerton writes, “We tell our game students to always keep in mind that ‘you don’t come in the box,’ meaning that when the game goes out to the public, you won’t be there to explain it to each and every player” [17, Pp. 252]. While this wisdom is certainly true in a literal sense, the rhetoric betrays a certain effacement of the human being behind the design. Chris Bateman and Richard Boon are considerably more direct in their textbook, stressing that “Game design must be egoless” [8, Pp. 8].

The ideology of player advocacy has resulted in an “accessibility turn” in computer game design. Contemporary reflections and theories on game design stress the importance of making games accessible to their ever-widening target audiences [23, 24]. The driving values behind this accessibility turn encourage the creation of games that challenge players just enough so that they will feel satisfaction with their actions, yet simultaneously give more advanced players extra-hard modes and other in-game rewards that can be used to showcase expert skills.

Casual games, riding the cultural wave of expanding digital games-based leisure to wider audiences, have been a particularly visible force in directing design innovation efforts towards the issue of accessibility: “The casual revolution is a reinvention of both games and players: casual game design is a genuine innovation in game design and a return to lessons long forgotten,

while the idea of the less-dedicated, less-obsessed casual player helps us to move beyond the prejudice that video game players are nerdy and socially inept. This lets developers reconsider who will be playing their games, when and why. It also removes some of the stigma that has been attached to video games” [23, Pp. 63].

Even so-called “indie” developers, known for designing games with punishing challenges, frequently embrace notions like playability and replayability. *Mighty Jill Off* [3] and *VVVVVV* [10], for example, are 2D platformers of considerable difficulty, yet both games feature reward structures and usability conventions like save/reload points and fast respawn time. As such, both games are in close accordance with contemporary accessibility ideals; the games might be very challenging, but in another sense they remain “easy to play.”

This accessibility turn is closely connected to a kind of “player narcissism,” a perspective on gameplay in which players stand at the center of the gaming experience, ready and eager to be pleased within the bounds of their established tastes, interests, and skills. Player narcissism is an extreme but inevitable consequence of user-centered design practices that subordinate all design concerns to the satisfaction of an ideal player’s desires and demands.

Our concern is that the accessibility turn is narrowing the type of play that “best practice” game design aspires to create. Player narcissism leads to what we call “monologic play”—a one-sided arrangement in which systems adapt to the ideal and potential performances of players in order to satisfy them in an instrumental fashion. Monologic play can be thought of as a conversation in which only the player speaks, while the designer merely nods along—hardly a conversation at all. In the monologue of player narcissism, the player (the customer) is always right. Design becomes a rote catering to a user, devoid of any possibility of nurturing an open dialogue between creator and user. Players become mere customers, and designers become mere providers. In general, this type of monologic game design is not concerned about play as an activity, but about how games as systems can facilitate a form of play that is relatively constrained to formal, predictable outcomes that can be deduced from constrained, self-contained systems of rules [37].

It is our intention to point out that this current trend represents an intrinsic conservatism in the exploration of the medium and its aesthetic possibilities. According to the accessibility turn, games are supposed to challenge the

player *within the limits* of what an *implied player model* suggests, always maintaining a desired and “positive” experience of the game. But where does this notion come from?

Play theorist Bernard Suits writes on the notion of “the lusory attitude” [42], an active state of mind in which players try to uphold both the rules of a game and the particular patterns of action needed to create a satisfactory play experience. The lusory attitude is an approach to gaming in which players voluntarily accept the constraints, goals and challenges posed by the game, granting the activity of play central importance while playing. Under the lusory attitude, players strive to find and sustain the experience they want to achieve through the game, be that “fun” or any other type of engagement. In short, the lusory attitude is an artifact of the players’ desire to make their gaming experience worthwhile. To understand the importance of the lusory attitude in contemporary game design theory and practice, we need only consider the emphasis placed on popular notions like “seamless play” and “balance” [24].

We define conventional game design as the craft of building systems, interfaces, and interaction affordances that contribute to a successful experience of the lusory attitude, without breaking the relation between a player and a well-crafted game. The lusory attitude, at least in this understanding, is a driving force behind the monologic approach to game design. In this paper, we present a different take: abusive game design, as an aesthetic move made in the hopes of establishing a dialogue with the player, purposefully breaks conventions that try to formalize the lusory attitude around principles of system design.

Defining Abusive Game Design

By arguing that game designers are first and foremost advocates for the player, contemporary game design theory has implicitly established that games-mediated play consists of the relation between a player and a system. The designer becomes the odd-one-out, pressured to efface their own presence in order to ensure that the game is optimally tailored to the player.

Not all game design practices need fit this model. In fact, we believe that the most provocative game design possibilities are found where this relation

is disrupted. We are interested in what happens when players engage in a dialogue with the designer—when play becomes personal.

Our intention with this project is to understand the types of practices that both lead to and are defined by these types of games. The first step is to propose a thesis, to establish a framework of definitions and concepts that allow us to articulate this phenomenon. The framework consists of three assertions:

One: There are no “abusive games,” only abusive game *design*. The type of phenomenon we are examining in this paper resists attempts at formal analysis. Ours is not an ontological claim about the nature of *some* games, but an examination of intentionality and design strategies, inspired by our own experiences analyzing and creating particular games. In other words, the theory is *prescriptive* rather than descriptive. Our claim is that there exist abusive game design practices that may lead to abusive gameplay experiences. The game, as designed object, is of secondary interest.

Two: Abusive game design should be understood as an *aesthetic* position or move by the designer.

Three: Abusive game design subverts the systems-centric design paradigm and calls for an approach to game design that aims to establish a personal dialogue between player and designer, by means of a game. The game is only the mediator in this dialogue. As such, abusive game design understands games as a personal affair between individuals. Abusive games recast play as a dialogic interplay between player and designer.

Modalities of Abuse

Even though only game design, and not games themselves, can be accurately labeled as “abusive,” we need not allow the specter of intentional fallacy stop us from conjecturing about existing games. With an eye towards future design projects, an analysis of existing games can help illuminate and inspire techniques for abusing the player, regardless of what the game developers actually intended. To that end, we hereafter employ the term “abusive game” as convenient shorthand for any game that both: 1) *seems* like it was intended to abuse and 2) has something to teach us about how we might abuse the player.

In the following sections, we examine a number of abusive games that showcase a variety of different modalities for abusing the player. Again, our primary interest lies not in the games themselves, but rather in the design lessons that the examples have to offer.

Physical Abuse

The most literal approach to abusing the player is that of physical abuse. *PainStation* [28], an art installation qua arcade machine, stands as one especially prominent example.

PainStation pits two players against each other in a modified version of the classic arcade game *Pong*. Both players must keep one hand on the “Pain Execution Unit.” When a player loses a point, that player is physically punished by burn, electric shock, or lash, depending on where the missed ball lands. If a player lifts their hand—“either out of painoverload or [blackout]”—they lose [29]. The playful but antagonistic spirit behind the game is nicely expressed by the designers’ humorous admonishment: “The next time someone urges you politely to choose the weapon, choose the painstation.”

Less outwardly aggressive but still markedly abusive is the infamous *Desert Bus*, a minigame from the unreleased *Penn and Teller’s Smoke and Mirrors* Sega CD game [1].¹ In *Desert Bus*, the player is tasked with driving a bus from Tucson to Las Vegas, without steering off the road. But like in the physical world, it takes a full *eight hours* to complete the drive. The game’s desert scenery is extremely sparse, and the only animation is that of a bug that occasionally hits the windshield. According to Penn Jillette himself, the game was designed as a snarky retort to politicians who advocate censorship of violent videogames: “*Desert Bus* was a game we thought would really appeal to people who didn’t like unrealistic games, and didn’t like violence in their games. It was just like real, loving life” [11].

Most obnoxiously, the bus veers slightly to the right so that, as Jillette explains it, “you could not simply tape down the accelerator button on your Genesis pad and leave the game alone.” Worse yet, the player earns only one measly point for successfully completing the drive. Jillette reminisces: “And then when you got in—and I love this—when you got into Vegas and pulled in and stopped, the counter—which was five zeros—went to 1.” In short,

Desert Bus is physically abusive because the player “had to man the wheel at all times,” for an unreasonable duration. The player vs. designer mentality inherent to the game is evidenced by some of the ill-fated promotional material, which taunted: “We *dare* you to stay awake for an actual eight-hour bus drive from Tucson to Las Vegas!” (emphasis theirs).²

Unfair Design

Perhaps the most familiar modality of abuse is “unfair design”—games that are devilishly hard, to the point of absurdity. Many games, especially older games from the 8-bit age, are certainly challenging to the point of frustration. Abusively difficult games, however, visibly relish in the dementedness of their challenges, gleefully shoving it in the players’ faces.

One particularly infamous such game is *Kaizo Mario*, a series of user-created levels for *Super Mario World* [30]. Also known as “Asshole Mario,” the mod was popularized by a series of YouTube videos that show a player struggling through the levels’ twisted traps and precision jumps [4]. Due to a language barrier, the origins of the mod remain elusive.³ Popular legend holds that the levels were created by a designer with the specific intention of challenging his friend.

Kaizo Mario is so funny precisely because it seems so unfair and user-unfriendly, breaking any and every unwritten rules about “good practice” level design. For instance, the levels are littered with invisible blocks—obstacles that only appear when it is too late to avoid them—placed exactly where the player is most likely to jump. As one YouTube commenter puts it: “The only person who really had lots of lols from this is prolly the creator ... laughing all the way to the end of creating each level imagining how people will suffer in the future playing it” [49].

Several traps creatively exploit strange quirks of the *Super Mario World* game system, to hilarious effect. In Stage 10, for example, the player finally completes the level, only to fall into a pit during the victory animation [6]. As it turns out, the player can only prevent the seemingly inevitable death by hitting a special switch before completing the level; we can almost hear the player cry out in frustration as we watch the video.

Kaizo Mario itself aside, the “Asshole Mario” videos are themselves valuable case studies. Edited to show the player’s many failures in addition to

his successes, the videos convey a compelling narrative of comic tragedy. Death after death makes the player's frustration palpable. In addition, the videos make visible the contest between player and designer that so fundamentally characterizes the abusive gaming experience. In Stage 6, for example, the player approaches a narrow passageway [5]. Halfway through the passage, the player halts; something feels wrong. The player turns around, realizing that he can instead swim underneath, below the bottom edge of the screen (another strange *Super Mario World* quirk). His instincts are proven prescient, as a bullet eventually streams down the suspicious passageway. As one YouTube commenter describes it: "The player pwned the creator so bad when he knew something was up with the killer plant hallway" [50]. In other words, the player didn't beat the obstacle as much as he did the human designer.

In the indie games community, this kind of unfair design has become so popular that it has earned its own subgenre name, "masocore" [2]. Mike O'Reilly's *I Wanna Be The Guy* [32], another platformer game, stands out as one popular example. As O'Reilly explains it, the game is all about "getting into someone's head, and making everything that they do an act of paranoia" [33]. O'Reilly's central design inquiry—"how much can I piss my friend off, and have him still play the game?" [34]—is all about the struggle of player against designer.

Lying to the Player

Closely intertwined with unfair design is abuse by explicitly lying to the player. *I Wanna Be The Guy*, for example, routinely sets false premises, only to break them in cruel and comical ways. At one point in the game, the music suddenly stops and a Windows error message pops up, as if the game had crashed; but moments later, the message box falls downwards, suddenly becoming a dangerous in-game obstacle. In an abusive game like *I Wanna Be The Guy*, players are quickly trained to distrust everything.

In the aforementioned *Penn and Teller's Smoke and Mirrors*, the designers lie in especially egregious fashion, teaming up with the owner of the game to scam a second player. The *Buzz Bombers*, minigame, for example, is a simple arcade shooter with secret controls designed to give the owner an insurmountable competitive advantage. The full practical joke, at least as

envisioned, was elaborate: the colluding player would be able to change the disc's packaging to give the false illusion of a standalone *Buzz Bombers* game; then, the game disc could be booted in a special mode so as to mask the game's true identity.

A more successfully commercial example of lying to the player is Silicon Knights' *Eternal Darkness: Sanity's Requiem* [41], an acclaimed horror-action game for the Nintendo GameCube. The game is primarily remembered for its "sanity meter" mechanic: as the player character encounters more enemies, their sanity meter is depleted, and they begin to hallucinate. Some of these hallucinatory effects are relatively straightforward: disturbing sounds, off-kilter camera angles, and monsters that turn out to have been illusions. Other hallucinations, however, are decidedly non-diegetic, directed at the *player*, rather than at the character. For example, the game will occasionally pretend that it is *deleting* instead of saving the player's current progress, as if the player had mistakenly selected the wrong option.

Viewed as nuggets of abusive design, these tricks succeed because they so fittingly complement the *Eternal Darkness* narrative and atmosphere. Far from feeling forced or superfluous, the hallucinations—even the non-diegetic ones—manage to intensify the horror experience.

Aesthetic Abuse

Another way to abuse the player is to assault their bodily senses. This kind of aesthetic abuse most commonly targets visual perception. One recent exemplar is Jonatan "cactus" Söderström's *Tuning* [44], a trippy 3D platformer that employs brash colors, distorted perspectives, and other visual tricks in service of making the game challenging in an unsettling way. Particularly abusive are the nausea-inducing levels in which the view spins around and around, as if the player were on some demented virtual merry-go-round.

Aesthetically abusive games can also use sound and music to attack our sense of hearing. Mark "messhof" Essen's *Flywrench* [15], for example, features a soundtrack of discordant industrial noise. Already a very difficult game on its own, *Flywrench* dares the player to maintain focus amid a sonic maelstrom. The sound, despite how grating it is, feels appropriate because it perfectly embodies the frustration of dying repeatedly in rapid succession.

Though very rare, there do exist abusive games that target experience beyond the audiovisual. Al Lowe's *Leisure Suit Larry: Love for Sail!* [40], for example, manages to qualify as "olfactory abusive." Humorously, the game shipped with CyberSniff 2000, a scratch-and-sniff card with nine different odors designed to be smelled at specific moments throughout the game. In addition to innocuous odors like salt air and chocolate, the card also concealed—perhaps predictably—a fart smell [27]. In the irreverent world of the *Leisure Suit Larry* series, the gag feels right at home.

Social Abuse

Returning to our example from the introduction, *Dark Room Sex Game* does not fit so neatly into any of the modalities we have so far described. Instead, we choose to classify the game as "socially abusive"—one that aims to disrupt or disturb players' social relations.

Socially abusive games can certainly take the form of games geared towards solo performance; the infamous adolescent party game "Truth or Dare?" stands out as one obvious example. Nevertheless, as *Dark Room Sex Game* demonstrates, games that are more explicitly multiplayer allow for a qualitatively different type of abuse. The directness of performing *with* others, rather than only *for* others, affords additional opportunities for manipulating interpersonal dynamics.

One particularly extreme (albeit non-digital) take on socially abusive "game" design can be found in "Jeepform," an experimental, uniquely Scandinavian approach to role-playing games. A central goal of the Jeepform agenda is creating "bleed"—the blurring of the border between character and player. As Frederik Berg Østergaard explains it, bleed happens when "something spills over into the player" or when "you get angry at a fellow player, and can't shake the feeling after the game" [51].

Jeepform games tend to be quite provocative; angering, shaming, or otherwise discomforting the players is often the point. Østergaard's *Fat Man Down* [51] stands out as one especially intense example. In *Fat Man Down*, the fattest male player in the room plays the Fat Man, while the other players act out a series of collectively improvised vignettes from the Fat Man's miserable life, ganging up on him to ridicule him about his weight. To further accentuate the tension between the Fat Man and the other players, both sides

are fed different lies about how the game works. For instance, the Fat Man secretly works with the Game Master to “ensure that the premise of the game comes to fruition,” mischievously playing up how taxing the experience is on him.

Like other Jeepform games, *Fat Man Down* is designed to “sting” the players. But as Østergaard explains, the main target of the game is not the Fat Man himself, but rather the players who are forced to torment him. Østergaard writes: “What happens in the scenes are sometimes just too much. To cope with this, [the players] will try to disarm their evil and react with a laugh to alleviate the stress [...] When players are disarming themselves, one of the game’s objective has been reached, and the borders between game and player has been blurred” [51, Pp. 5].

Synergies of Abuse

As we have observed of games like *I Wanna Be The Guy* and *Fat Man Down*, abusive game design machinations are especially effective when they combine multiple modalities of abuse, synergistically.

One of the very first abusive console games, *Takeshi no Chousenjou* [45], provides another compelling example.⁴ Designed by famous filmmaker Takeshi Kitano for the Japanese Famicom system, *Takeshi no Chousenjou* betrays Kitano’s outright contempt for the player. First and foremost, the game is notoriously difficult, in deliberately irritating ways. For instance, one part of the game features a deceptively familiar side-scrolling shoot-em-up challenge in which the player can, frustratingly, only move downwards and not upwards.

Worse yet, the game seems maddeningly arbitrary. Early on in the game, the player is forced to sing the same karaoke song into the controller, repeatedly.⁵ The criteria for success is never explained; in fact, it isn’t clear whether the player’s input even matters, or whether the game only passes the player after a predetermined lengthy period of continuous activity. This karaoke challenge could also be construed as socially abusive; forcing the player to sing the same, cheesy karaoke song again and again is an effective way to make them look like a clown.

Adding insult to injury, the game’s ending goes as far as to mock the player for bothering to complete the game. On the final screen, a pixilated image of

Kitano's head appears, taunting: "Why're ya taking this game so seriously?"
Players versus designer indeed.

Takeshi no Chousenjō stands out as an especially outrageous example of abusive game design because Kitano leveraged his fame to sucker players into buying the game; Egawa Tetsuo, a salesperson who supposedly took part in the development of the game, recounts that around 80,000 copies of the game were sold [18].⁶ Notably, the majority of these players were children—the very audience least equipped to understand Kitano's cruel humor.

Productive Abuse

Power Play: Foucault and Abusive Game Design

If games are about challenges, they are also about power: the power we players concede to game systems in order to organize our behaviors, structure our needs, and reward our actions. Conventional, monologic game design understands the act of playing a game as engaging with a structure of processes designed to maintain the lusory attitude. Games, in this view, can be understood as feedback systems that reward players for staying within the boundaries of the lusory attitude, challenge their skills in order to teach them new abilities. Games are designed to keep this loop active by means of rewards, from extra lives to the laurel in the heads of the champions.

In this context, it is relevant to think about computer games as power structures. Let us define games as systems of power in which subjects become voluntarily subordinate to a network of processes, actions, rewards, and values that define what actions are valid, valuable and socially recognized. This power theory approach will explain why, in abusive game design, the game system is a secondary element in a personal dialogue between players and designers.

Power, here, should be understood in a Foucaultian perspective, as a productive notion. Power, according to Foucault, organizes humans and institutions in productive relations—it creates subjects, it creates knowledge, it *creates* [16, Pp. 59]. Power is only productive if social; hence, power is productive in a dialogic situation. In fact, the dialogue and its productivity are an outcome of the accepted power structure. Power is between employers and

employees, between tyrants and the oppressed, but also between lovers, between mentor and student, and between designers and players.

If we understand play as productive [42], then games become the systems with which this productive experience is generated, engaged, and controlled. Games are “technologies of play,” systems that produce productive engagement by promoting the lusory attitude in their players. For Foucault, power “needs to be considered a productive network which runs through the whole social body (...)” [16, Pp. 119]. Therefore, one could argue that technologies of play are power structures, productive networks of relationships between systems and agents that generate subjectivities and knowledge

Our interpretation of Foucault, however, goes further than other interpretations of Foucault within game studies [39]. In *The Ethics of Computer Games*, Foucault is used to understand how games produce a subjectivity. However, this understanding of Foucault is limited. It is only those games that establish a dialogic relation between players and designers that take full advantage of the productive capacities of power in the social context. Power is only productive in a dialogue.

In the logic of conservative game design, the designer advocates for the player by creating a tool for predicted pleasures. That is, players engage with the game system, and are encouraged to instrumentalize their play by means of system procedures that reinforce the intended experience. In this view, the power structure is between a player and a system, with the designer vanishing into the background. The lusory attitude is interpreted as an instrumental good, a measure of the success of a design in terms of a player’s engagement with a system.

Abusive game design operates in a different manner: it uses the productive capacities of play as a power relation to override the instrumental perspectives that deem the game system as central to the play experience, and instead encourages players to focus on the human designer. The game system, rather than take on a generative position within the network, simply *mediates* the interactions between players and designers. Abusive game design is designed to break the “toolness” of conventional game systems and, instead, create instruments that support a personal relation between designer and player. The game object becomes a means for a dialogue, rather than an isolated tool for play.

In abusive game design, the technology of play is reframed as an element in a more complex, interpersonal relation between players and creators. The “true” game, as exemplified by games like *Kaizo Mario* as described above, is not about mastering the system, but about knowing the designer. Therefore, the activity of play is not instrumental or tool-oriented, but productive and oriented towards the intersubjective. Play, in our view, is only productive in dialogue.

It is in this sense that we affirm that abusive game design is not a functional approach to design, but an aesthetic one: abusive game design de-instrumentalizes a technology of play in order to enhance the interpersonal, human relation established in the gameplay experience. Abusive game design builds on moments of hesitation, cracks in the seamless experience of play, in which the player needs to establish a personal connection with a designer in order to understand the activity of play. The key insight here is that the lusory attitude is not generated or upheld by a system, but rather arises as a product of realizing the deeply personal nature of gameplay.

User-Unfriendliness and Critical Design

The Faraday Chair is not really a chair. The Faraday Chair is more like a small bed encased in a glass box, in which users lie down in a fetal position. A snorkel provides fresh air. There is not much else to do. The Faraday Chair was created with the intention of highlighting “the difference between visual and radio transparency” [14, Pp. 143], as a way of imagining a space where humans could be isolated from electromagnetic space. Of course, the “chair” is not actually intended for practical use. But it does aim to establish a dialogue between design, user, and designer, by means of an evocative yet low-technology object.

The Faraday Chair, a design proposal by Anthony Dunne [14], is a kindred spirit of the abusive game design examples described above. By its very nature, abusive game design is closely related to Dunne’s concept of “critical design.” In his *Hertzian Tales*, Dunne urges designers to design for user reflection: “By poeticizing the distance between people and electronic objects, sensitive skepticism might be encouraged, rather than unthinking assimilation of the values and conceptual models embedded in electronic objects” [14, Pp. 22].

Design, in Dunne's work, is an aesthetic practice that challenges standard usability paradigms, in ways that reveal the poetic beauty of our interactions with an object: "In a world where practicality and functionality can be taken for granted, the aesthetics of the post-optimal object could provide new experiences of everyday life, new poetic dimensions" [14, Pp. 20]. The "post-optimal" object is intended to introduce strangeness into our world of electronics, to call for new experiences by means of objects that do not function as expected, but that break order and convention so that "something else becomes visible, unnamable, unable to find a correspondence in the material world" [14, Pp. 73].

For our purposes, the most relevant facet of Dunne's theory of the post-optimal object is his notion of "user-unfriendliness." Dunne argues that post-optimal objects can act as poetic breaches in the conventionalisms of de-ideologized design: "[...] design is always ideological. User-friendliness helps conceal this fact" [14, Pp. 22]. Dunne continues that design, at least as commonly theorized, "holds back the potential of electronics to provide new aesthetic meanings" [14, Pp. 30]. As a reaction against this conventionalism, Dunne proposes that we push design practices towards the user-unfriendly, "a form of gentle provocation [that] could characterize the post-optimal object" [14, Pp. xviii]. This viewpoint shifts the focus from the user to the object, to "providing aesthetic experiences through the electronic objects themselves" [14, Pp. 35].

Abusive game design, as an aesthetic provocation of the ideology of player advocacy, is certainly an example of user-unfriendly design. However, we believe that our understanding of abusive game design takes this agenda one step further. In Dunne's work there is still a certain appreciation of the direct interaction between object and user as the source of the provocation; it is the *object* that creates the aesthetic experience. Abusive game design, however, intends to create objects that appeal the player to face and understand the designer. In other words, abusive game design, as an aesthetic position, is justified by the dialogue between player and designer, beyond the object designed; the object in itself is just a vehicle for a form of interpersonal interaction. As such, abusive game design differs from the object-centric approach of Dunne. It overcomes the instrumentality of the game-as-system paradigm by framing play as a personal affair.

Evaluating Abusive Design

From a design perspective, we might reasonably ask how to go about evaluating abusive game designs. Are all abusive designs equally productive? And if antagonizing the player is the whole point, is there a way to distinguish between “good” and “bad” antagonism, without resorting to conventional design principles that ultimately depersonalize the designer?

The question of how to reconcile deliberately provocative design practices with notions of “success” and “failure” continues to vex the design research and HCI literature [9, 14, 19, 20, 22, 25, 38]. As William Gaver and his colleagues explain, the “open-endedness” of various alternative design approaches “raises challenges for how systems should be evaluated, because what it means to succeed, and indeed the dimensions relevant for success, may vary widely depending on how people achieve a meaningful relationship with a given design” [19, Pp. 2213].

Despite these challenges, Gaver et al. maintain that such designs are nonetheless compatible with definitive assessments of success or failure. They argue that continued voluntary engagement with a design prototype over time, “beyond any explicit declaration of liking,” provides one fundamental metric of success. They define successful systems as “those which continue to occasion new surprises and new insights over the course of encounters with them” [19, Pp. 2219–2220].

This notion of “new surprises” certainly rings true in the aforementioned “masocore” school of abusive game design. Mike O’Reilly, writing about the process of designing *I Wanna Be The Guy*, emphasizes the importance of using a wide variety of challenges, and placing them in an appropriate rhythm: “I must keep the game difficult, but balanced. I must keep the player on their toes and yet still have to surprise them when they’re most alert. If I randomly kill the player too much he loses interest. If I’m too kind he grows weak and loses his fearfulness” [33].

The wisdom here is that abusive game design requires the designer to walk a thin line. The trick is to push players right up to the breaking point, but not beyond; after all, you can’t abuse your players if they stop playing your game. In this sense, an abusive game designer is like a virus—one which avoids killing the host in order to better propagate throughout the population.

This advice also explains why *Kaizo Mario* stands out from the crowd,

despite a recent flood of sadistic *Super Mario World* mods that have tried to take the abusiveness even further. As one YouTube commenter remarks of the *Super Kusottare World* mod [36]: “This is weak sauce compared to Kaizo. Any dork can make something impossible to the point of being unplayable, but Kaizo is more imaginative and has that glimmer of hope that it is possible” [48].

That a legion of imitators failed to duplicate the *je ne sais quoi* of *Kaizo Mario* is not so unexpected. If abusive game design thrives on the element of surprise, then originality is essential. For this reason, aspiring abusive game designers would do well to explore some of the more under-used modalities of abuse, like social abuse. Revisiting our *Dark Room Sex Game* example, we would argue that the game is effective precisely because it plays off Nintendo’s family-friendly image; many players just aren’t prepared to deal with emotions like embarrassment, especially in the cultural context of the wiimote controller.

This example also reminds us that we cannot judge an abusive game design based on the game system alone; audience and context are an indispensable part of the equation. Consequently, it can be difficult to predict which designs will succeed. *Desert Bus*, for example, is hardly an innovative or surprising game, at least on the surface of things. But the game, rediscovered years after its creation, happened to strike the right chord at the right time, inspiring an annual “Desert Bus for Hope” charity event that has since cemented the game’s place in the abusive game canon [26].

For some abusive game designers, audience and context even trump the game itself. Jeepform co-founder Tobias Wrigstad stresses that “the meta play is as important to the game as the actual play” [47]. Given the sensitivity of the subject matter that Wrigstad sometimes tackles in his games, it is of the utmost importance to him that players are prepared to treat the game scenario appropriately.⁷ For Wrigstad, “success” is heavily dependent on the people playing—their expectations and attitudes, as well as the life experiences they bring with them to the game.

All that said, perhaps the clearest indicator of a successful abusive game design is that the player feels like they are playing against a particular person (or team of persons), and not just a system. As long as the player takes the abuse personally, so to speak, the true spirit of abusive game design is alive

and well.

Conclusions

In this article we have outlined the concept of abusive game design. We have introduced its theoretical origins, as well as some design practices that articulate it. It is our intention for this paper to be read as an academic manifesto. We live in an era of usable games, wide audiences, and pleasing designs. More and more, our games are designed to please us, becoming the perfect tools for our leisure.

In spite of this trend, we believe that gameplay can be a deeply *personal* experience. It involves an other, the one you play *with*, the one you play *for*. Abusive game design creates these games: it aims to break the instrumentality, the isolated “toolness” of games. Rather than give players what they “want” or what they supposedly “need,” abusive game designers give players something idiosyncratic, weird, and confrontational—something that will trigger a more conversational relation. Abusive game design is about getting the player to understand how the designer works, and *visa versa*. It’s not a monologue, but a dialogue, an open invitation to explore the extremes of gameplay experiences, together. Abusive game design confronts the conventional and reminds us that play is, above all, something personal.

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Notes

1 *Penn and Teller’s Smoke and Mirrors* was originally slated for release in 1995. The game was completed, and even marketed. However, the game was never released commercially because the development company, Absolute Entertainment, went bankrupt around the same time [12].

2 An executable ROM of the game, along with a wealth of promotional material created before Absolute Entertainment’s demise, enjoys widespread unofficial circulation over various bittorrent channels. For example, a torrent of the material was posted in 2006 by Andy Baio on his website, waxy.org [7].

3 The videos and the mod itself can be traced back to a Japanese website, now defunct:

<http://web.archive.org/web/20080224201125/http://pokoweb.com/pds/434451/kaizom>: Both the files on the website and the “Asshole Mario” YouTube videos are dated 2007, though it’s unclear whether the levels were created even earlier. The video descriptions attribute the level design to “T. Takemoto,” and suggest that the footage was recorded by the designer’s friend, “R. Kiba.”

4 The title translates to “Takeshi’s Challenge.” As with *Kaizo Mario*, the language barrier makes it difficult to find verifiable information about the game. The game has been discussed extensively in the online gaming world, but surprisingly little of the information is sourced reliably. The information in this paper has primarily been gathered from a fan-translated episode of Fuji TV’s “GameCenter CX” [18].

5 The Japanese Famicom, unlike its North American counterpart, shipped with a second controller that featured an inbuilt microphone [31].

6 Tetsuo reminisces that Kitano sometimes designed the game while drinking sake:

“Back then, our developers wrote down everything he said, even the stuff he said when drunk” [18].

[7](#) In the rules to his controversial game *GR*, Wrigstad instructs: “Playing ironically, over-the-top or trying to laugh things off is not allowed. Better then to stop playing, or not play at all” [46, Pp. 4].

The Meaning of Race and Violence in Grand Theft Auto: San Andreas

Ben DeVane and Kurt D. Squire

Ben DeVane and Kurt D. Squire, "The Meaning of Race and Violence in Grand Theft Auto," Games and Culture, vol. 3, no. 3-4, pp. 264–285. Copyright © 2008 by Sage Publications, Inc. Reprinted with permission.

This research study investigates how youths actually play Grand Theft Auto: San Andreas and what meanings they make from it. This study finds that players use their own experiences and knowledge to interpret the game—they do not passively receive the games' images and content. The meanings they produce about controversial subjects are situated in players' local practices, identities, and discourse models as they interact with the game's semiotic domain. The results suggest that scholars need to study players in naturalistic settings if they want to see what "effects" games are having on players.

Keywords: videogames; youth; media; violence; race

Early in the summer of 2005, newspapers and televisions across the country lit up with a brand new controversy: the top selling videogame of 2004–2005, Grand Theft Auto: San Andreas (GTA: San Andreas), was hacked, revealing "hidden scenes" where players can manipulate their avatar to have sexual intercourse with nonplayer characters (Goodale, 2005). This hack, called "hot coffee," launched just the latest debate surrounding the GTA series, games in which players can steal automobiles, hire prostitutes, and join gangs. The game series, which is now pushing 40 million in global sales, is one of the most dominant media franchises of the new millennium and a cornerstone media point for millions of today's youth. As a result of media outrage over the hack, politicians like Senator Hillary Rodham Clinton warn that "lewd and violent" games are "spiraling out of control," while media outlets prominently feature stories connecting the game to violent behavior (Associated Press, 2005a, 2005b).

Although all of the games in the GTA series have generated some public outcry, GTA: San Andreas, which takes place in fictionalized 1990s West Coast U.S. cities, explicitly added the dimension of race to the game's narrative, further complicating the issue. As such, the controversy surrounding GTA: San Andreas is situated in broader public debates about the emergence of "gangsta rap" in popular culture, which scholars characterized as a result of the political-cultural conflict between a mobilized White middle-class and the youth subculture of the deindustrialized, deskilled inner-city (De Genova, 1995; Kelly, 1999; Rose, 1994). Likewise, some scholars contend hip hop has continued to provide a public voice for dispossessed young Black males who lived on the margins of American society, their viewpoints shaped and informed by poverty and institutionalized racism (hooks, 1992). If games are play spaces where players can experience an economy of pleasure (Gee, 2005), then does GTA: San Andreas provide marginalized youth spaces where they have increased agency in a semiotic system that actually matters to them? If part of the pleasure of the game is the chance to inhabit marginalized identities and vicariously experience these highly stylized life worlds (Habermas, 1984–1987), how do middle-class players make sense of the experience?

This study contrasts with psychological research probing the ostensible "effects" of violent videogames in that it investigates "why [individuals] play games and what meaning games have for them" (Olson, 2004, p. 149; cf., Anderson and Carnagey, 2004; Anderson and Dill, 2000). But unlike "static" texts (Aarseth, 1997), GTA: San Andreas is a dynamic text that requires the player to actively interact with the semiotic artifact in fundamentally different ways. Some players may shoot characters or destroy property, while others may simply drive around San Andreas running ambulance, taxi, or police missions. What kinds of meanings do players make of the game world? Do they see it as bearing back on their lived experiences? This research study examines three cohort groups' experiences playing and discussing GTA: San Andreas and examines how they construct meaning through the text. It investigates how these meanings are situated in social practices and how "cultural models" are employed to coproduce those meanings (Gee, 1996).

Literature Review: Toward a Situated Theory of Game Play

The GTA series is a somewhat curious artifact, reflective of today's global digital media. The game world itself is neither real nor fiction but hyperreal, a stylized rendition of 1990s California, containing a mixture of authentic and fictitious state landmarks and neighborhoods (mostly representing the Los Angeles area). And the "Los Angeles" depicted in GTA: San Andreas is not "any old Los Angeles" but one created by a team of developers from Dundee, Scotland, most of whom first visited California during preproduction for the game and were a little surprised that it was not as portrayed in popular media (King, personal communication, November 5, 2002). As such, GTA: San Andreas is an oddly global artifact, the result of a team of Scottish developers raised with the Los Angeles depicted in N.W.A. music and Spike Lee films exporting that culture back to Americans.

The controversy surrounding GTA: San Andreas was not exclusively directed at the game's violent content—the game's depictions of race also drew scrutiny and criticism from many sectors. The game's predecessor in the series, GTA: Vice City, had been subjected to intense criticism because of its representation of many different ethnic groups in a fictional setting resembling Miami, Florida. Representatives from Italian American, Latino American, and Caribbean American groups were incensed at the portrayals of their communities in the game. By the time GTA: San Andreas was released, critics were primed to critique its rendering of the "gangsta" culture of a fictionalized early 1990s-era Los Angeles, guaranteeing that the title would receive intense censure and disapproval.

This criticism of GTA: San Andreas focused on its recapitulation of popular media's depiction of African American males as hyperviolent and criminal. The player inhabits the character of Carl Johnson, a Black man who, having left his home to escape the violence engulfing his life and community, returns to San Andreas to attend his slain mother's funeral. Immediately upon returning to San Andreas, Carl is accosted by the police, framed for a crime he did not commit, and warned that he had better stay out of trouble. The game's quest-based storyline takes the player on a violent, but heavily satirical, trip to becoming a criminal kingpin over the course of dozens of hours of game play. Players are invited to try on the personae of an inner-city gang member, experiencing some of what it means to live in a stylized 1990s rap world. Critics charged that this portrayal of African American and Latino communities as hubs for violence and criminality both reifies discriminatory

stereotypes and provides young adolescents with negative role models.

As a game, GTA: San Andreas is known as an open-ended play space that provides multiple ways of interacting with the world, thereby complicating research for those who want to study the presumptive “effects” of the game on players. After the opening scene (described earlier), the player is handed a bicycle and told to pedal home. Afterward, the player can do as she or he pleases. Running over, shooting, or otherwise injuring another character in the game is not required to play in the game space, but the game’s narrative often mandates said actions. Game play can simply mean interacting with the rich virtual environment by racing cars, buying clothing, dancing at clubs, taking a virtual girlfriend on a date, acting as a fireman, or hunting for hidden “Easter eggs.” However, the games’ branching narrative missions often require the player to participate in violent and harmful acts. In such missions, the game explicitly discourages the random violence with which it has been associated through the “warrant level” game mechanic and often has a punitive component for violence as the main character is relentless pursued by police and rival criminals afterward. Thus, violence is a predominant theme in the game, yet overall, the game’s complex possibility of action and meaning is derived from a rich, expansive world with options for play that go beyond merely shooting, robbing, and killing.

It is important to empirically examine a player’s actual practices instead of treating all forms play as equivalent, because the game’s fan communities have undertaken the task of exploring and cataloguing the boundaries of the game space, often “poaching” or reworking the designed intent of the text (Jenkins, 1992). For example, a popular practice within player communities is using cheat codes and hacks to explore new dimensions of the world or serve as a scaffolding for players to get past difficult challenges. However, cheats in GTA often open up whole new spaces and subgames that would sometimes require many hours of play to access. Online communities feature powerful economies of information exchange that allow players to manipulate the design of the game so that the field of play is more elaborate and involved than before.

Psychological Models of Meaning Making

In part, the game's controversy has been fueled by widely publicized psychological research that has condemned violent videogames as a cause of violence and wrongdoing. One frequently cited study declares that videogames with violence in them increase "aggression-related thoughts and feelings" and decreases "prosocial behavior" (Anderson and Dill, 2000). This study was notable in that its main aggression instrument measured the longevity and intensity with which participants directed a loud noise at a fictional opponent who, they had been told, was competing to do the same to them. Participants who had been playing a violent videogame made the noise an average of a few tenths of a second quicker than the control group. Mass media and professional organizations have seized on these studies as evidence that videogames do cause violence. The American Psychological Association (APA, 2000) went so far as to say that videogames with violent components "provide a forum for learning and practicing aggressive solutions to conflict situations," belying a conviction on the part of scholars that videogames with any depictions of violence, independent of context, beget violent thoughts and actions.

Other psychological studies of aggression and videogaming raise doubts about the APA's final verdict and alarming public proclamations. One similar study of aggression and videogames expressed bewilderment at its "failure to find the expected relationships between a preference for violent games and aggressive, externalizing behaviors" (Funk et al., 2002, Pp. 141). These researchers were somewhat baffled by their inability to find any causal link between game play and violence, leading to a number of interesting hypotheses about why they failed to find a correlation between videogames and aggression. A metareview of the literature found that "there is a small effect of videogame play on aggression" and that strangely "there is a trend suggesting that longer playing times result in less aggression" (Sherry, 2001, p. 427). This intriguing trend may suggest that as players learn to experience games, they understand their "design grammar" (cf., Robison, 2006) and come to develop metacognitive understandings of how violence is represented.

Some studies were more skeptical of the relationship between violence and videogames. Durkin and Barber (2002) observed that "no evidence was obtained of negative outcomes among game players" but that gamers did score better than nongamers in terms of "family closeness, activity

involvement, positive school engagement, positive mental health, substance use, self-concept, friendship network, and disobedience to parents” (p. 373). Likewise, an epidemiological study commissioned by the Washington state legislature found that “research evidence is not supportive of a major public concern that violent videogames lead to real-life violence”

(Bensley and VanEenwyk, 2000, as cited in Bensley and van Eenwyk, 2001, Pp. 256). Few of these studies have received the media attention or continued funding that reports claiming causal links between videogames and violence have. Perhaps the lack of findings that might support such claims is not surprising given the general decrease in youth violence during the 1990s (Cook and Laub, 2001) as violent videogame titles increased dramatically.

Underlying both the growing body of psychological literature on game violence is a “transmission model” of meaning making with media (cf., Laswell, 1948; Shannon and Weaver, 1949), which holds that there is a decontextualized meaning in an artifact that triggers a set interpretation in the receiver. In contrast, many contemporary theories of communication recognize the socially and culturally situated nature of media “reception.” Researchers from these perspectives recognize meaning as the dynamic result of a person interacting with an artifact within a given context. From this perspective, it is critical for researchers to examine interactions with media in naturalistic settings, for example, to understand the meanings that people, like the youths in this study, make in context.

Knowing and Meaning Making with Texts

The way that users or readers interact with multimodal texts to produce meaning is an enduring, problematic issue for those who study learning. Games researchers have been both blessed and cursed in that there are already well-developed, albeit complex, bodies of work that examine the relationship between meaning and semiotic artifacts. Such mature studies allow the research of games to build on already robust theories but also raise the danger that said research will simply apply frameworks developed with older technologies in mind. Nevertheless, the question of how to conceive of meaning as a productive interaction with a text has been central to theoretical frameworks as diverse as pragmatism (Fish, 1980; Rorty, 1979),

structuralism (Jakobson, 1960), and Marxism (Jameson, 1972; Lukacs, 2001). Influential paradigms in North America argued that texts express meaning through objective and universal symbols that are contained entirely within (Eliot, 1950; Wimsatt and Beardsley, 1946), while popular European perspectives characterized textual meaning as continually deferred through a series of signifiers—never centered, stable, and present (Barthes, 1977; Derrida, 1978). Although there is indeed a danger of reproducing ideological approaches to texts that are irrelevant to games, they do serve as useful starting points for thinking about how we engage in meaning making with semiotic artifacts, and game studies scholars can profit by building on (rather than reinventing) these traditions.

Eco's (1989) notion of a text's "field of meaning" productively captures the relationship between text, reader, and the range of potential meanings when the "text" is in fact a game. The way that GTA's many possibilities draw in players and lead to unique trajectories through the space instantiates a "field of meaning" that is delimited by both powerful social discourses and authorial intent yet expanded by the productive subjectivity of the reader. The signification of this "field" has set limits and prescribed tendencies, but at the same time, the text offers the reader a "construction kit" (Eco, 1989) for assorted and divergent meaning. Texts, then, can be semiotic spaces that are rich with potential, rather than assigned, meanings, an idea reflected in videogame scholarship that considers games as spaces (cf., Gee, 2003; Jenkins and Squire, 2002; Squire, 2006). For Eco, works of literature are most rewarding when they allow the reader agency in productive meaning making, suggesting a potentially powerful framework for games researchers. However, Eco's notion that the "open work" ultimately serves idealized aesthetic and poetic functions suggests the need for a socially situated model of meaning making.

Socially Situated Literacy

Eco's notion of the field of meaning does less to suggest how meanings are legitimated, communicated, and stabilized. Early literacy theorists treated texts as fixed, essential meaning and literacy as an inherent, universal trait that structures thought, cognition, and thus behavior in certain ways;

however, more recent researchers have viewed literacy as a socially and culturally situated practice (Goody, 1977; Havelock, 1976; Ong, 1986; Street, 1993). Although it is unreasonable to suggest that print literacy has no effect on cognitive abilities and capacities—just as it would be strange to suggest that violent videogames have no effect on a player’s mind—its effects are highly dependent on the reader’s cultural models and social literacy practices. This open reading of a text as a social practice takes place through the interplay of the text and the players’ discourse models, or cultural models (Gee, 1996), and local “interpretive communities” (Fish, 1980). As such, this analysis also uses the framework of the new literacy studies, which sees interaction with texts as rooted in practice (Gee, 1989; Gumperz, 1982; Heath, 1983; Kress, 1985; New London Group, 1996; Scollon and Scollon, 1981; Scribner and Cole, 1981; Street, 1984,1993) to look at games as practices.

Print literacy can have a wide array of meanings and consequences in different settings. Different reading and writing practices, and differing cultural models of literacy, mean that literacy gets produced and enacted in different ways and in different contexts (Heath, 1983; Scribner and Cole, 1981). Indeed, research on literacy “sponsors” illustrates how the practices and beliefs inculcated by institutional literacy agents shape and bind the uses of literacy with regard to critical thinking (Brandt, 1998). In short, the values and norms that shape and legitimize meaning making are fundamentally social and enacted through discourses (Gee, 1989, 1996). These discourses are “forms of life which integrate words, acts, values, beliefs attitudes and social identities” or in other words, an “identity kit.” If a technology of communication like print literacy, which the powerful economic, political, and legal institutions of modern society depend on to communicate accepted, defined meanings, has such diverse interpretations and effects based on the discourse model of the reader, then one might reason that videogames—a medium used almost entirely for leisure—need to be examined in social and cultural contexts before they are assigned specific cognitive roles such as fueling aggression or creating indolence.

Method

This article looks at the game play of three cohort groups of “at-risk” youths to understand their meaning-making processes and interrogate how the world of GTA: San Andreas is understood by its players. The interviews were conducted in focus groups, using a semistructured format, allowing us to explore issues of concern to both participants and players. When possible, interviews were tape recorded (some participants refused to be recorded) and key sections of the tape were transcribed. In using focus group interviews, we hoped to (a) encourage participants to converse with each other so that they would talk about the game in their own usual ways and (b) see how they produced meaning socially. Using a constant comparative method (Glaser and Strauss, 1967), the interviews were then analyzed for emergent themes and frameworks.

Both authors played approximately 200 hours of GTA, with one playing approximately 130 hours—mostly in the central storyline—of GTA: San Andreas to build a richer understanding of the participant’s talk and practices. As it turned out, our ability to relate to and talk about game play experiences was a crucial aspect of building rapport with participants, who were often initially suspicious of institutionally affiliated adults, especially researchers. Additionally, we browsed online fan sites and read message boards to become familiar with what young players actually do with the game, which simultaneously broadened our understanding of the sheer scope and diversity of game play itself.

Three peer groups or cohorts of four male adolescents each participated in the study (see Table 1). All participants were selected from “at-risk” populations of school-age children in the northern Midwest, a diagnosis made by those concerned with media and videogame violence based on the children’s socioeconomic status and disaffiliation with school. These students shared marginalized positions in institutional discourses surrounding violence (and are indeed those “at risk”), but at the same time, they (may) have inhabited considerably varying life worlds and discourses leading to differing individual and collective interpretations.

This focus of this study on youths, especially “at-risk” youths, has its limitations. Because of concerns about a tacit endorsement of GTA: San Andreas, we were not able to observe and interview these youths playing the game. Suspicious of White, middle-class researchers recording them, some parents or guardians of these young people did not want the interviews to be

videotaped. As a result, portions of the interviews with “The Athletes” and “The Casuals” rely on hand-written notes, so their quotes are approximations. Given these limitations, this study does not claim to offer a final verdict on how youths make meaning with GTA: San Andreas but rather attempts to provide an outline of what future research into contentious subjects in videogaming might look like.

Table 1. Basic Demographic Data on the Three Interview Cohorts.

Cohorts	Number of Players	Ages	Ethnicity	Characteristics
The "Casuals"	4	9 to 12	Predominantly African American	Nondominant cultural group Not school affiliating
The "Athletes"	4	13 to 15	African American	Nondominant cultural group Not school affiliating
The "Gamers"	4	16 to 18	European American	Dominant cultural group, Socially marginalized

Results

The results of this study are organized according to two themes that emerged in our interviews (as coconstructed by participants and interviewers): violence and race. Each cohort displayed differing way of playing GTA and distinct cultural models of race and violence.

Cultural Models of Violence

The Gamers: A culture of expertise. The Gamers were an all-White group of 16-to 18-year-olds who attended a suburban alternative school known for its high rates of absenteeism. From working-or lower middle-class backgrounds, all of them had either been moved out of traditional public high schools for disciplinary or academic reasons or opted out for social reasons. They were very dedicated game players, with three out of four having completed the main storyline in the game (an estimated 150 to 200 hours of game play) and all of them having played at least three releases in the GTA series. This cohort, when speaking to each other and to the interviewer, talked about game play primarily in terms of challenges faced and missions accomplished

so that their way of being in the game space profoundly affected the meanings they took away from the game. For them, the game was an opportunity for accomplishment, which privileged gaming skills like the ability to complete missions quickly or in unconventional ways. They valued encyclopedic knowledge of various locations, names, and features in GTA: San Andreas. In short, this was a gaming culture of expertise (Squire, in press).

Although theories of violence in media often treat young people as passive consumers who are easily swayed by content, the Gamers had sophisticated theories of violence in media. When asked if in-game violence could affect a person's behavior, they were all concerned that the "wrong person" could be adversely influenced by the game. However, they had different theories as to how the game might cause someone to become violent:

Gamer 1: Like I'm gonna run out and do this. I don't want to grab an Uzi and run around and shoot some cops, but I dunno ... but it makes you more immune to the amount of violence. It's just a game running around and blowing heads off people up. Sniping people heads pop off and like blood squirts out—it's kind of gory.

Gamer 2: I think it's less influential because it's a third-person game and not a first-person shooter. Because of the angle ... it's like the angle ... it's different.

Gamer 1 first rejects a theory of imitation like that advanced in psychological research on media violence (Anderson et al., 2003; Huesmann, Moise, and Podolski, 1997) but hypothesizes that the game could desensitize a person to violence because of the amount in the game. Gamer 2, however, then speculates that the type of embodied experiences the player has (third-person view rather than first-person view) may effect the extent to which they might be influenced by the game—a recently advanced hypothesis in videogame theory that looks at how players inhabit spaces (Clinton, 2004). All of the Gamers display fairly well developed notions of how aggression is or is not transferred across settings, yet they have trouble identifying the "wrong person" that might be affected by videogame violence as such:

Gamer 1: Who are these people, these violently influenced children?

Gamer 2: I know, because I used to babysit the kid. He was like crazy about the game and hitting his friends and all of that.

Gamer 3: How old was he?

Gamer 2: Eight.

Gamer 1: I don't know of many 8-year-olds walking around with Grand Theft Auto. People always complain that people shouldn't be playing these games, but if the kid comes up with \$60 ... if an 8-year-old plays the game, something is wrong there.

Gamer 2: Try to buy it at Best Buy. Around here, Gamestop and the main places they check IDs. If you don't' look old enough, they'll ask if your mom is here.

Gamer 2 identifies a child whose periodic violent behavior, he felt, had been negatively affected by the game. However, Gamer 1 then wants to know the context in which this behavior took place. Under the assumption that an 8-year-old child should not be playing the game, Gamer 1 then implies that "something is wrong" with the child's home environment if the child was able to bypass the regulatory mechanisms of game stores, find funds to purchase the game, and then allowed home access to it. Gamer 2 then rejoins that it is indeed difficult for an underage person to purchase the game. The Gamers here moved from discussing the mental effects of the game to the unsupervised game play and its social gatekeepers. For them, the two topics are intertwined in a broader society-wide conversation about the game:

Interviewer: A younger friend or niece nephew ... you'd let them play?

Gamer 1: No I wouldn't.

Gamer 2: It depends. If they were a crazy child, I wouldn't let them.

Gamer 3: If it's your family, it's easier to take it away from them than some random kid.

Gamer 1: It would all depend on how into it they are.

Gamer 2: You just play a game, but if they're too into it, you can probably tell if they're like "yeah, this is real."

Gamer 1: The kids most influenced have no secure sense of self.

Gamer 2: They're looking for, like, to find out who they are. They can see it better by seeing what other people do. If they get involved like something like that if game is real fun for them.

Interviewer: But most teenagers don't know who they are yet.

Gamer 3: But most do ... well that's true ...

Gamer 1: It depends on how into it they are. If the game is real fun for them, they'll start imitating that.

Gamer 3: Obsession.

Gamer 2: Most don't know who they are yet. Those people are the most easily influenced don't have a secure sense of self they're looking to find out who they are and are looking to see. Not that all do ...

In discussing the conditions under which they would let a person for whom they were responsible play the game, the Gamers' discussion centers on the role of identity in making negative or hurtful meanings with the game. For them, the danger is that a person might not have a "secure sense of self"—that they might be unhappy with their everyday identities—and would start to "find out who they are" from the game. Rather than viewing the game as having an undifferentiated "effect" on users, these players display concern about the context in which the game is played and the cultural models of the players.

The Athletes: Game violence vs. "real" violence. The Athletes were a group of 13- to 15-year-old African American youths from working-class families who became friends because of their shared interest in basketball. All of the Athletes were disaffiliated with school, expressing negative opinions about it and frustration with what they perceived as unjust and too frequent disciplinary actions there. Their affinity for hip hop music and culture was immense and that led in part to their interest in GTA. The Athletes played the game differently than the Gamers: Three out of the four had played 75 hours or more of the main storyline, but much of their time spent playing the game was in social settings with friends, making it difficult to advance through the plot. When with friends, their play became more like that of the Casuals

(described later), as they enacted and performed a provocative masculinity. The fact that so many of the Athletes played GTA: San Andreas on friends' or neighbor's consoles raises interesting questions about how patterns of console ownership and differential access affect play. All of the adolescents we interviewed (including casual gamers attending our camp) had access to and had played GTA. However, much fewer had access to the hundreds of hours of serious play that completing GTA: San Andreas requires. Popular in-game activities in such settings included seeing how "wanted" by the police one could become without getting caught or showing off stunt car jumps that they had discovered. In this way, the game play of the Athletes was part directed and part free form, depending on the social arena in which they found themselves.

The Athletes had very different ideas about the "effects" of in-game violence than the Gamers did. Unlike the Gamers, the Athletes did not think the violence in the game was realistic in any meaningful way. The characters were not realistic, the violence was not realistic, and overall, they felt the comparison of the virtual and the real trivialized the real violence they faced in their everyday lives. Because violence was a constant threat to them in their life world, they saw the virtual violence in the game as clearly fictional and nearly trivial. For them, the notion that the violence in their neighborhoods, which had very substantial and real underlying causes, would actually be caused by playing a videogame was unbelievable.

However, the Athletes also subscribed to a belief that violent media could play into violent acts for "crazy" people. When asked if they were concerned that the game would cause anyone to become violent, they said that they were thought that people who were "crazy" or "messed up" might become violent from playing the game. Yet not one member of this group of adolescents, who most media researchers would consider "at risk" to engage in violent acts after exposure to violent content, said that they knew of someone who might become violent after repeatedly playing the game. Asked if they would allow a younger sibling or relative to play the game, all of them said that they would. One participant went so far as to say that he would let a 5-or 6-year-old child play the game if it was the child's choice, causing his friends to erupt in laughter. The consensus view that emerged within the cohort was that a child needs to "know what's real and what's fake" in the game's world before they play it. And ultimately, the person who they considered at risk of

engaging in violent behaviors from playing the game was an undifferentiated Other—a distant, unknown threat that bordered on fictional.

What is remarkable about the Athletes' talk of violence in the game is that it was relatively unshaped by the conversation (Gee, 1996)—or society-wide exchange of ideas—that we have about videogames adversely affecting children, save perhaps the notion of the “crazy person.” When the Gamers spoke about violence in the game, they spoke about it in terms that we find widespread in our media, at school board meetings, in legislatures, and around water coolers and then shaped their responses and criticisms around this mainstream discourse. In contrast, the Athletes seldom mentioned such prevalent models of violence and games, as they did not allow these widespread notions limit their talk about the game. Instead, the Athletes talked about their understanding of in-game violence in terms of their experiences and social groups.

The Casuals: Violence as performance play. We met Honovi via an afterschool gaming camp around historical gaming, where Honovi expressed his preference for GTA: San Andreas over historical simulation games. When we first interviewed Honovi about GTA: San Andreas, he surprised us with his view of the game. He said that he did not enjoy enacting violence in the game very much. At first, he said he thought it was novel, but now he found all the gun violence “boring and dumb.” This was surprising, as we were prepared to talk to Honovi about the more violent game play actions such as drive-by shootings and “gang wars.” However, Honovi insisted that he preferred the less violent parts of game play, like customizing cars, or “pimping rides”; competing in the numerous racing missions through the game; or completing rescue challenges as a paramedic or fireman. We talked at length about which cars and motorcycles were his favorites and discussed his preferred accessories and paint jobs. Honovi's depth of knowledge on these aspects of the game revealed that he was not kidding us; he had explored these aspects of the game more deeply than we had at first believed. Noting that he wanted to work in vehicle customization as a career, he said that he had learned about car accessories and design using the game.

The following week, we conducted a formal interview with Honovi and his friend about GTA: San Andreas and were surprised by Honovi's response. Here, he fed off his friend's enthusiasm for violence in the game, and they talked excitedly about being able to steal cars and kill opposing gang

members. In a subsequent interview, Honovi again insisted that he seldom enacted violence in the game and that, although he did participate in the games' gang shootouts sometimes, he did not think it affected his or his friends' behavior. He talked at length about the new cars and motorcycles he had discovered along with new geographic spaces in the game, while contrasting parts of the game's cities, which are loosely based on the Los Angeles area, to their real geographic locations. Although some might think that Honovi is misleading about his practices in the game, we would suggest that it is more important to examine how he performs and reinterprets the game's many intersecting semiotic systems depending on his social context. He can use the game as a tool to participate in the discourse of popular hip hop culture among other teenagers, or he can use it to simulate and engage in professional practices, depending on his setting.

For the most part, Honovi's play delineates the collective play style of the Casuals. Most of them did not own the game, so they engaged with it only on a limited basis in social settings—at the homes of friends, family, or neighbors. They had little interest in the intended storyline and game activities but rather in performing in the game space for their friends. According to their reports, most of their play in these situations consisted of engaging in outrageous and socially disobedient acts—driving a tank down the interstate the wrong way, for example, or “jumping” vehicles off in game services like hills or parking garages and trying to evade police who came after them as a result of their reckless driving. This defiant, sandbox-type play did still include violence, which they said mostly consisted of trying either to jump-start an in-game police chase or to compete to see who could create the biggest explosions by using weapons obtained from cheat codes. Three of the four in the group said they avoided the gangland warfare that so troubles critics of the game.

They gave a number of reasons for this: that the shooting part of the game was boring and the controls were awkward, that it made their typically permissive parents angry, or that, sometimes, they found it “creepy.” For the most part, then, game play for the Casuals was social, competitive, and performative. They were most interested in exploring and expanding the boundaries of the game's possibility space in front of their peers. Such ambiguity of play is what problematizes attempts to assign singular “effects” and meanings to games.

Cultural Models of Race

How do these “at-risk” youths interpret the racial semiotics of GTA: San Andreas? Is their meaning making with the game akin to what critics feared? *The Gamers: Intertextual literacy and representations of race*. Because the Gamers were from a nearly all-White suburban area, we were particularly interested about their views regarding the portrayal of young African American and Latino young men in the game. Given the sensitive nature of approaching a homogenous group of young White men to talk about issues of race, we broached this topic with some trepidation. However, the Gamers, who had played hundreds of hours of the game, had already formulated fairly sophisticated views about how the game depicts race and were eager to discuss it:

Interviewer: What do you think about how race is portrayed in the game?

Gamer 1: I was gonna bring that up too. Your main character just got out of jail, a Black dude in LA joining back up with a gang. All the gang members—the skinny guy and the fat guy—are smoking bowls and passing shit. It’s so stereotypical. Obviously.

Far from simply reproducing discriminatory discourses regarding young Black men, Gamer 1 explicitly recognizes and identifies or “calls out” the negative stereotypes present in the game: the notion of a Black man joining a gang and the gang members having certain character archetypes. In their talk, the Gamers recognize that these archetypes are recreations from other forms of media:

Gamer 2: Dude, all the other GTAs are stereotypical of Italian Americans and stuff. I heard that Vice City that one line that was really controversial: “Kill all the Haitians.” He was being like its genocide. It wasn’t bullshit that they just threw in there. It was controversial between those two groups. Whenever I played Vice City, it was like being in the movie Scarface—the same movie, same city. They are all the same ones in Scarface. You pretty much live in the same house—it’s all down to the detail. When I played San Andreas, the first movie I

thought of was Menace II Society. All their names are all brought from those characters.

Significantly, Gamer 2 reads the game off of previous films that are popular in the gangsta genre, thereby producing intertextual understandings of the origins of GTA character stereotypes in popular media. Moreover, he displays that he has identified and informed himself about the controversies surrounding in-game lines of dialogue that involve Haitian Americans in previous games in the series (see Thorsen, 2003). One Gamer went so far as to characterize GTA: San Andreas as an homage to films about Los Angeles gangsta culture:

Gamer 3: They've taken the storyline, characters, the way they act and the surrounding area and made it into a game. They're trying to sell games ... each gang person has ... they have their own colors so that you can see a group of people. Like, if I run over there, I can kill those people but not another. Gangs are more represented by the colors [worn] than race.

Gamer 2: They do it more so it's obvious to the player. They're not sneaking things in.

Here, the Gamers exhibit a theory similar to that of some games theorists—that cultural representations are “window dressings” (cf., Koster, 2004) designed only to facilitate game play. The Gamers' discourse about race is shaped by mass media discourses about racial stereotypes and representations; however, far from exemplifying the uncultured White media consumer who tacitly accepts biased portrayals of minorities, the Gamers actively identified stereotypes with regard to race. Again, a larger conversation about race that is remediated through the mass media provides the discursive lens for the Gamers' discussion, one which here centers on representations and stereotypes. This discussion contrasted starkly with that of the Athletes.

The Athletes: Structural representations of race. When asked about their views on race in the game, the Athletes' discussion took an entirely different direction than we expected. As White researchers with whom they were only casually acquainted, we expected the Athletes to be reticent to talk about their views of race in the game. We were entirely wrong:

Interviewer: What do you think about how race is portrayed in the game?

Athlete 1: Well what do you mean?

Interviewer: Do you think how Black and Latino people are portrayed is realistic or not?

Athlete 1: Yeah, I think maybe it's realistic for places like LA or the Southside, but not here.

These responses were a little confusing to us; never for a moment had we considered the depictions of race in GTA: San Andreas to be realistic. When questioned on his remarks, Athlete 1 explained that the game was realistic because the starting area of the game, "Los Santos," had endemic poverty and violence like the housing projects in the south side of Chicago. Quickly, he added that the game was also realistic because the in-game police were racist and corrupt. Surprised, we queried the group if this was true for their neighborhood. Athlete 1 then said that he did not think the police in their neighborhood were corrupt but that they were definitely racist. Athlete 2 interjected that their police were clearly racist and went on to relate two stories about instances in which he had been harassed by the police while playing basketball or hanging out with his friends outdoors. Athlete 4, who was a more casual player of GTA: San Andreas compared to the other three young men in his cohort, appeared to disagree:

Athlete 4: The cops ain't racist ...

Athlete 1: Yeah they are! How d' you know anyway?

Athlete 4: They just bust you when you run a light or hit another car or something.

Interviewer: Oh, you're talking about in the game?

Athlete 4: Yeah, in the game.

Athlete 1: Yeah.

Athlete 4 had not played through the storyline of the game at all but had just engaged in performative "sandbox" game play in social settings. As such, he viewed the behavior of the in-game police as very rule based and just. The

other Athletes, who had played through the game's storyline, thought the in-game narrative arc portrayed police as racist and corrupt. Surprised by the Athletes' views of the police, we asked what about race in the game they considered unrealistic:

Athlete 1: How you [the main character Carl Johnson] buy a nice house.

Interviewer: Why's that unrealistic?

Athlete 1: Because it's hard for a Black man to buy a house in America.

Athlete 3: Yeah ...

Athlete 1: It's damn hard.

Again, the Athletes discussed the meanings of race in the game in terms of their own experience and perceptions of racism, which for them were structural issues in that they had to deal with their perceptions of discriminations by legal institutions and entrenched economic systems. Issues of inequity in the housing market, which many players are not be concerned about when playing the game, are prominent in this cohort's meaning making with the game.¹ When the Athletes spoke about race in the game, they did not frame their discussion with issues frequently raised in the larger social debate about the issue, nor did they adopt a language critiquing negative cultural representations. Instead, they used their own experiences to identify depictions of race in the structure of institutions in the game. Asked specifically if they thought that the game might buttress stereotypes, the Athletes all said that they were somewhat concerned about the issue but that, for the most part, they were glad to have a game that featured hip hop music and culture and spoke to issues important to them, however indirectly. The Athletes' talk about the game in terms of their experiences is not trivial; they produce developed meanings by comparing the game with their own cultural models based on their experiences in their neighborhoods and life worlds.

Unlike the Athletes or the Gamers, the Casuals had simpler views of the game's depiction of race. Even though three of the Casuals were African American, they were for the most part uninterested in discussing what they thought the game said about race. One participant said that he thought depictions of race in the game were "bad" but that he did not think about it when playing. The others agreed with the latter point and noted that most of

the people who were upset about how race was shown in the game were adults. However, none of these participants would elaborate on the reasons for their feelings (or lack thereof) about the racial representations in GTA: San Andreas. Their disinterest in the topic may have been a result of their youth, their relative inexperience playing the game, uncertainty about their cultural identity or perhaps a general apathy toward the topic altogether.

Discussion

Throughout our interviews, each cohort uses the game to make situated meanings that reflect their cultural models and their circumstance-specific interpretive communities. Peripheral social groups within the dominant class—White, working-or middle-class—enjoyed the satire of GTA: San Andreas but displayed concern about stereotypical representations of race. Conversely, participants from socially and economically marginalized groups—African American, working-class, or working poor—used the game as a framework to discuss institutional racism in society.² Economic realities and larger social trends interact with these youths' experiences and cultural models as they make meanings about race during game play. Likewise, the different cohorts reflect on their experiences with and theories about the causes of violence as they talk about violence in the game. The meanings made by these young people are not trivial, nor are they restricted by their race, culture group, or socioeconomic class. Rather, they create their meanings by using their situated experiences.

The ways in which meanings are made in “possibility spaces” like GTA: San Andreas have interesting repercussions for the study of meaning in games as well as the design of game-based learning environments and serious games. Games are not just texts that can be interpreted in different ways but rich semiotic spaces that are specifically designed to have multiple layers of meaning, which in turn appeal to different audiences. This plurality of meaning is facilitated by three overlapping aspects of the game and game play: (a) differing cultural models of the world based on the player's individual or collective experiences, (b) locally situated practices in play that are dependent on the social identity that the player is inhabiting, and (c) the relative meaning-making possibilities designed into the game space.

Differing Cultural Models

Throughout our study, the players' cultural models guide and direct the meanings they make about the game. The Athletes brought cultural models to the game that focused on the experience of being a Black man in the ideological world and, as such, interpreted game play in political and cultural ways. They were drawn to the game because they saw it as an extension of hip hop culture, replete with the ability to inhabit a Black character in a space that had somewhat real elements of their life world, like poverty and racism. However, this space also allowed them opportunities for economic empowerment, individual expression, leisurely exploration, and outrageous resistance. They juxtapose the possible meanings of this space against their everyday discourses and experiences and appropriate the resulting ideas for use in critical interpretations about their circumstances and the game itself. For example, they thought the notion that videogames could be a cause of violence was unbelievable because it was completely foreign to their cultural model and ran contrary to their lived experience. As such, a game that has been labeled a general cause of violence and racism among young people was then reappropriated by its users to reflect on injustices in the larger society (cf., Gee, 2003).

In contrast, the Gamers brought experiences to the game that could not be easily meshed with the possibilities available in the space, so their framework for interpreting the game was mediated mainly by mass media. Although the Gamers' cultural model may have been shaped by mass media discourses, their way of interpreting the semiotic space was also heavily accented by their gaming disposition. Their sizeable amount of experience doing side missions, "Easter egg" hunts, and explorations had convinced them that the game was, in large part, a satire of media representations. As a narrative, they read GTA: San Andreas in terms of a tradition of a gangster genre in American media. As a game, they read their experiences in systemic terms, seeing ethnic character and uniform dress of the various criminal factions in the game as a mechanic to advance game play. Although nascent at best, there was some evidence that a gaming disposition, when activated around a game with such deep social satire, opened space for these marginalized kids to critique contemporary social structure.

Locally Situated Play Practices

Locally situated play practices, in particular, players' relative expertise with GTA: San Andreas, shape the available field of meaning so that differing levels of expertise literally made a "different" GTA: San Andreas available to different players. The Casuals had limited experience in the game world and thus held simple theories about the game's meaning. Again, their play consisted mostly of using cheat codes and basic driving mechanics in the game's starting area. In contrast, most of the Athletes had engaged in more than a hundred hours of game play and were thus able to relate the game's representation of racism to their own cultural models to produce a pretty accurate description of the negative effects of racism in urban Los Angeles. The Gamers had each played hundreds of hours of the game and used this extensive expertise in the game space to produce fairly complex interpretations. As a result, they were able to take obscure parts of the game storyline and intertextually reframe these narratives in relation to the urban satire subgenre of popular film.

Games are remarkably fluid artifacts, and locally situated play practices were highly dependent on the social circumstances in which the play (and interview) occurred. This situated nature of play is best illustrated by Honovi. When Honovi is trying to fit into the discourse of a transgressive teenage boy to forge bonds with his friends, he coproduces a narrative of violence, masculinity, and disobedience with the game. Likewise, when he wants to reside in the discourse of a vehicle designer for a different audience, he can produce rather detailed descriptions of vehicle and vehicle accessories in somewhat technical language or inhabit the space as an ambulance driver reading complicated city maps to reach the nearest hospital for a parent. Ultimately, the meaning Honovi makes when he plays with the game is contingent on the identity that he assumes and the practices attendant to that identity as much as it is on the designed content of the game itself. Nonetheless, the identities available for him to inhabit are ultimately constrained by the design of the game space.

Game Space Possibilities

This notion that differing levels of expertise expose different fields of meaning for players is critical for games scholars. It is quite difficult to

effectively “read” GTA: San Andreas if you cannot steer the bicycle past the first mission (a difficult task for many first-time players). Not only do novice players not see all of the content, they cannot experience the feeling of driving into a neighborhood their actions helped “turn” against them—let alone experience what it is like to seamlessly inhabit a character or facilely manipulate controls. The meanings the player makes with the game are circumscribed by practical considerations the players’ access to the game and their proficiency as players.

GTA: San Andreas is not a blank slate onto which players can reinscribe their cultural models at will. It is a designed artifact with affordances and constraints as well as possibilities and limitations. The player makes meaning in concert with the ideological world of the game through play, and play entails some form of acceptance of the semiotics of the game space, if only temporarily. Even though the game is a designed space, meaning is plural, multiple, and situated because it is a possibility space—an open work that allows the player many potential actions and thus styles of play. The player can choose to become a criminal kingpin, a renowned dancer in nightclubs, a custom car aficionado, an ambulance driver, or weightlifter. In short, the semiotic space is rich and varied so that the player has more productive agency than even the usual reader does. Not only can players contest the dominant meanings in the space, they can also continually reconstruct the game as text through their choices in play.

Thus far, cultural critics have mostly been concerned, as were some of our participants, with the symbolic content of GTA: San Andreas, but few have examined how inhabiting a socioeconomic system in the game space remediates players’ understandings of phenomena outside the game. Certainly, the game has many flaws, but the ability of some players to “read” sophisticated critiques of social, political, and commercial institutions suggests that the game’s semiotics and overarching narrative may have more depth than its critics allow.

Scholars need to study players in naturalistic settings if we want to see what manner of meanings they are making with games or even what “effects” games are having on them. Players bring their own experience and knowledge to a game rather than passively receiving the games’ images and content. The act of make-meaning results from the situated interaction of a player’s local practices, identity, discourse models, and the game’s semiotic

domain—four important aspects of meaning making for scholars of games to consider. In this study, the above factors greatly influence how players built their own theories about the game’s narrative. Research that looks at decontextualized play and that refuses to acknowledge the agency of players in making meaning is ultimately insufficient. Players, especially young players, are exceptional at making diverse meanings in complex game systems, and research should, in the very least, seek to explain rather than exclude this heterogeneity.

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Notes

¹ A wealth of scholarly literature on economic disparity produced conclusions similar to that of the Athletes regarding the housing market (Conley, 1999; Massey and

Denton, 1993; Oliver and Shapiro, 1995). Many sociologists and economists consider the disparities in home ownership to be the predominant factor in educational and economic inequality.

2 The ideas of the two groups reflect differing theories of race and racism in sociology throughout the latter part of the 20th century (Omi and Winant, 1994). Theories either treated racism as a symbolic problem—simply stereotypes and prejudices associated with skin color—or a structural one whose roots lay in political and economic institutions as well as the class structure of society. Omi and Winant’s (1994) notion of racial formation theory bridges the divide, defining race simply as “a matter of both social structure and cultural representation” (p. 56).

Encouraging Ethical Reflection with Videogames

José P. Zagal

Games can be an ideal medium for providing players with experiences that make them reflect on their ethics and moral reasoning. They can do this by helping players identify moral or ethical issues, encourage them to assess their own ethical values and the social context of issues identified, and also consider the ramifications of alternative actions. Ethical reflection can occur for a variety of reasons. These may be related to the game, or may simply occur due to the player's personal circumstances (e.g., an in-game scenario may remind the player of something unethical he did outside of the game). In this chapter I examine four games and describe aspects of their design that can help encourage ethical reflection. Before that, however, it is useful to consider the perspective of the player regarding such reflection. In particular, how do players respond to ethical situations in games?

Emotional Responses: Guilt, Shame, and Moral Dilemmas

Emotional responses that are ethically motivated, so to speak, are usually triggered when the player realizes that they have, or are about to, violate a moral standard. For instance, a player may feel shame or guilt for something they did in a game such as shooting an innocent alien in *Unreal*. In the case of shame, the objectionable in-game behavior is seen as reflecting, more generally, an objectionable self ("I did a bad thing, therefore I am a bad person"). The case of guilt is similar, although the focus is on the thing that was done, rather than the individual (Tangney, Miller, Flicker, and Barlow, 1996). Games that encourage emotional responses often encourage players to become invested in their narrative and fictive elements of a game while simultaneously highlighting the role that the player has in guiding the choices and decisions made in a game. Sometimes, like in *Chrono Trigger*, the player is not aware that choices he makes in the game are interpreted by the game as a reflection of his values and ethics. Early in the game, Crono, the player-controlled character, is falsely accused of kidnapping and taken to a courtroom to face trial. The trial's outcome depends on a series of seemingly

irrelevant actions and interactions that Crono may (or may not) have had earlier in the game during a town festival. If Crono picked up an unattended package of food, its rightful owner appears at the trial. “Him! He ate my lunch right off the table!” he accuses. On the other hand, doing the right thing leads to witnesses testifying in Crono’s favor. “This nice man.... He brought me my kitty. Thank you for being so kind!” says a little girl whose cat was recovered. Each of the witnesses comments on Crono’s morality as reflected by his actions. As the trial unfolds, the player is often shocked to realize that the things he did earlier reflect his moral character. Sicart describes a similar example from *Metal Gear Solid 3: Snake Eater*, when during a trip up a river, the player is reminded of all the needless deaths he has caused. If the player hasn’t killed more than those required to progress in the game, he faces few ghosts and the trip is short. If he killed soldiers who needn’t have died, the trip is much longer and tortuous. (Sicart, 2009)

It is also sometimes the case that misunderstandings can lead to powerful emotional responses. In the following example the author Emily Short describes her experience playing *Fable II* with a female character and what happens when she meets a male non-player character:

I saw the symbol of a ring on the meter of how much he liked me. I reasoned that this meant, if I made him like me more, he’d give me a ring. So I spent a little time with him, doing dances and falling over afterward, because he seemed to get a big kick out of this buffoonery. I made faces. I gave him the thumbs-up sign. I flirted a little, just to butter him up.

But when he’d fallen in love with me and wanted to get married, I was startled and not at all pleased. I realized what the ring on his meter indicated then, when it was too late and I’d led him on. I had no intention to get married, but when he started to follow me around (a mistake thanks to more confused socialization on my part), I let him.

I let him follow me out into the wild, and when we were set upon by bandits I didn’t give him a second thought, just assumed he’d look out for himself or have the sense to hide behind a rock. My dog never got killed, after all. But then the battle ended and he wasn’t following me anymore.

I actually couldn't tell what had just happened: did he run away? Or—it seemed more likely—did he fight and die because I was too absent-minded to attend to him? I felt guilty about that. It was the first thing in the game that made me feel like I'd done something wrong. [...] I'd cold-bloodedly ignored some guy, toyed with his affections and then led him to his death. That felt culpable. (Short, 2009)

Emotional responses can also be triggered through the use of moral dilemmas. Moral dilemmas are the substance of much of our creative and expressive work. The power of drama, as witnessed in theatre, literature, and film, often relies on placing characters in seemingly irresolvable moral situations. Using a variety of rhetorical devices and strategies, the audience empathizes with the characters and share their pain and turmoil. Computers, however, allow their users to play equivalent roles to both the drama performer as well as the audience member (Laurel, 1991). Pohl (2008) argues that it is the emotional involvement that characterizes computer games. We often care about a game character's fate. We feel for him, we identify with his concerns and want to know how the story turns out for him and for us (Pohl, 2008). Theatre, film, literature and games can all present troubled characters facing moral dilemmas and, hopefully, emotionally involve the spectator, reader, or player. However, games are particularly well-suited to directly present the player with a moral dilemma. This is not the same as presenting the player with a dilemma faced by a character. I call this the distinction between the character's dilemma and the player's dilemma. The dilemma faced by the character is, by definition, one step removed and thus potentially less powerful or effective for eliciting ethical reflection.

Rational Response: Puzzles and Simulations

Games that encourage rationalized responses typically engage players' critical thinking and problem-solving skills in moral contexts or situations. In these instances, moral situations are perceived as problems or puzzles to be explored and solved. It is often the case that figuring out the morally "optimal" solution is part of the fun. For instance, in the PC game *Star Trek: Starfleet Academy*, the player must face a scenario called the Kobayashi Maru. This scenario is well-known in *Star Trek* canon as a test given to Star Fleet Academy cadets. It is a no-win scenario designed to test a cadet's

character in the face of impossible odds. In the videogame, the player is given the choice to reprogram the simulator (to cheat) prior to the test. Three different cheating options are provided. Players well-versed in *Star Trek* lore would presumably recognize the scenario and try to determine what the correct course of action should be. Should they cheat in the same way as Captain Kirk from the original TV show did, by reprogramming the simulator so that the enemy captains fear and respect the player? Or, should they honor the spirit of the test and try to do their best? Perhaps the best situation is to cheat at the test in a novel way? In this case, meta-knowledge of the *Star Trek* universe creates an interesting ethical situation in which the player must try to figure out the “ideal” solution.

In other cases a player may want to explore the limits of the ethical system. What sorts of actions are morally significant in the game and which ones aren't? How are certain actions evaluated? Someone playing *The Sims* may want to see how damaging certain actions are to the relationships between characters in the game. Is it possible to abuse a Sim-guest so much that they commit suicide? Will a Sim character try to prevent another from causing harm? What kinds of amorous relationships can Sims enter into? The designer of *The Sims*, Will Wright, notes how: “In some sense, when you're playing the game you're trying to reverse-engineer the simulation in your head (quoted in Sieberg, 2000).” In essence, players exploring these situations are crafting experimental situations to test both the limits of the game's encoded ethical framework as well as the design space of the game.

Games also encourage rational responses when players “experiment with ethics” as a sandbox in which they may examine the consequences of certain kinds of behavior as well as the reasons for those consequences. Games that allow players to play as “good” or “evil” often encourage these kinds of responses. In this case, the ethical choices don't determine overall success at the game (you can “beat the game” regardless of whether you played as an evil or good character). For example, PC role-playing game *Baldur's Gate* has an alignment system that reflects in-game character's morality using two axes (good/evil and lawfulness/chaos). Depending on your character's alignment (and also their reputation), other characters may choose to join (or leave) your party, you may receive greater discounts or markups in stores or temples, and certain gameplay options become available. Playing an “evil” character is usually not all that different in terms of how the game's storyline

unfolds compared to that of the “good” character. In the context of the game both are considered valid.

Case Studies

In the following sections I will analyze four games focusing on aspects of their narrative, gameplay, the interaction between them, and ultimately how they are perceived and understood by the player. The idea is to better understand how different parts of a game encourage ethical reflection, and what sorts of responses are encouraged from players.

The Virtues of *Ultima IV*

Ultima IV: The Quest of the Avatar (UIV) is perhaps the earliest videogame to explicitly encode an ethical system and require its players to discover, learn, and adhere to it to win the game. *UIV* was designed by Richard Garriott and was released in 1985 for the Apple II computer (Garriott, 1985). After creating the first three *Ultima* games, Garriott noted how the narratives of computer RPG games were simplistic and player actions were mostly devoid of consequences. The storyline of these games was essentially “here’s some money, here’s some weapons, here’s some monsters, go kill them and you win.” (Spector and Tyler, 1999) *UIV* was different. It attempted to use gameplay as a means to build a story and a message with philosophical and ethical implications (Mäyrä, 2008). In doing so, it helped develop the computer role-playing game genre to another level of maturity by emphasizing social and cultural conflict over “hack ’n’ slash” (Barton, 2008; CGW, 1996; Halford and Halford, 2001). Garriott explained how “the idea I’m trying to put forth is more philosophical than religious—that in a society where people have to interact with each other, there are certain kinds of rules whose rationale you should be able to understand.” (Addams, 1990) Scorpia’s review of *UIV* explains the goal of the game:

You, an ordinary person, are called upon to make the long and arduous journey that will culminate in your becoming an Avatar, a perfect mortal. There is no central evil to defeat here; no Mondain, no Minax, no Exodus awaits you [Note: Scorpia refers to the villains in the earlier

games in the series]. Rather, this is a quest where you seek to perfect your inner being, to become enlightened in the eight virtues of Compassion, Valor, Honor, Justice, Humility, Sacrifice, Spirituality, and Honesty. (Scorpia, 1986)

Success in *UIV* required players to learn about, and adhere to, the eight virtues listed above. Failure to follow the requirements for each virtue resulted in a setback. In gameplay terms, acting in a virtuous manner would result in positive progress toward achieving enlightenment in a particular virtue. For example the virtues of compassion and sacrifice could be “increased” by donating gold to beggars and blood to healers respectively (Addams, 1990). Conversely, fleeing from combat would result in a loss of progress toward valor. Also, what mattered was the net effect over a multitude of independent actions. It was not enough to do one good deed; you had to do enough of them.

Garriott felt it was important that *UIV*'s players feel a degree of personal and social responsibility toward their actions in the game. His reasoning was that “in most of these games you are the puppeteer running this puppet around the world. If this puppet is doing bad things, it's not you, it's the puppet.” (Spector and Tyler, 1999) So, rather than create a character by choosing from available options or using random dice-rolls, the character in *UIV* was supposed to be “the essence of you as an individual.” (Spector and Tyler, 1999) In the introductory sequence of the game the player meets a gypsy woman who asks the player to answer seven questions:

On the table before you lie two cards, one representing the virtue of Valor, the other representing the virtue of Justice. As though from a distance, the gypsy's voice floats across to you, saying: “Consider this: Thou halt been sent to secure a needed treaty with a distant lord. Thy host is agreeable to the proposal, but insults thy country at dinner. Dost thou: a) Valiantly bear the slurs or b) Justly rise and demand an apology?” (Scorpia, 1986)

Each question posed a moral dilemma with two possible answers. Since each response represented a particular virtue in the game, answering the dilemma was interpreted as favoring one virtue over the other. In the example above, answering “a) Valiantly bear the slurs” meant favoring the virtue of valor

over that of justice (option “b” in example above). The purpose of this sequence of dilemmas was to determine which of the eight virtues was favored by the player. Since each of the professions embodied a specific virtue, the player’s character would thus, in some way, represent their values in the game. Garriott describes how, anecdotally, when people were asked to rank the eight virtues in order of importance, their responses were almost exactly the same as what was determined by the game (Spector and Tyler, 1999). The character used in the game was thus determined by the players’ personal ethics, rather than simply choosing, or randomly generating, a character at will. (Scorpio, 1986) The character creation process encourages a rationalized response from the player that invites them to reflect on their personal ethics and establishing priorities between different virtues.

UIV’s use of moral dilemmas was a novel approach to character creation. It was not, however, the only time players faced them. One of Garriot’s design goals was to make sure the game was full of ethical tests. (Massey, 2007) He describes one of the tests as follows:

One of the things that I was very proud of in Ultima IV is a room I had created in the final dungeon and the room included a lever in middle of the floor and when you threw the lever it opened the gates on some cages that were in the corners of the room and the cages were full of children. The children were in fact really monsters, because that is all they could be at that level of technology, and the children would attack you in the center of the screen next to the lever. You’d be surrounded by these children who were attacking you and since you were the Avatar at this point and you were at the very end of the game, I knew—or I hoped—that players would be very worried about what to do about the situation. They wouldn’t want to kill the children because they’d be in fear of losing their compassion or their honor or a wide variety of other metrics that the game really was watching. I assumed players would struggle over what to do in this room. (Massey, 2007)

The goal of the “children’s room” in *UIV*, as explained above, was to elicit an emotional response, make the player uncomfortable and question the game. Is the game really asking me to slaughter children? What should I do? The dilemma is twofold. First, the game apparently requires an action that is morally repugnant in the real world. Second, the game appears to require the

player to do something that contradicts the stated goals of the game. Virtuous people do not kill children. Fortunately, there were multiple ways around the dilemma. Players could cast a sleeping spell, force them to run away, and so on. While there is no formal evidence of the effectiveness of the “children’s room” in promoting ethical reasoning, issues with its design did come up during playtesting.

A few weeks prior to us publishing Ultima IV, my brother [Robert Garriott] came into my office with a letter that he’d received from one of our QA testers and the letter basically read: “I refuse to work for a company that so clearly supports child abuse.” And they referred to this room as a game design that encouraged child abuse because I had forced the players into harming these children in this room. My brother came to me up in arms and going like, “Oh my god Richard, how could you have included such a horrible thing in your game?” To which I responded and said, “First of all, the fact that someone would take it that seriously and be so emotionally moved by this incredibly simple thing that I put in this game, I find is a statement of success.” (Massey, 2007)

While the QA tester’s reaction was perhaps unwarranted (after all, there was a way to solve the dilemma), it serves to illustrate how games can make players feel personally invested or responsible for the decisions they make in a game.

Ambiguity in “Heavy Rain”

Heavy Rain is a videogame developed by Quantic Dream and originally released for the Playstation 3 platform in 2010 (Quantic Dream, 2010). The game, described in promotional materials as an interactive drama, features four main playable characters who are all involved, in some way or another, in the mystery of the Origami killer. *Heavy Rain* presents its players with numerous moral situations and dilemmas. These situations, however, are rarely straightforward to solve. Through its novel interface system, the game is able to encourage and create tension between players’ emotional and rational responses. The player can interact with the game in several ways.

These include:

- moving the main character around the environment;
- pressing a button to select different camera viewing angles;
- responding to onscreen cues. Some cues appear suddenly, while others are triggered contextually based on the character's location or current situation. Responding to these cues usually involves pressing buttons, moving the Dualshock controller's right analog stick in a specific manner, or moving the entire motion-sensitive controller in a certain way, or;
- pressing a button to see what thoughts the character is currently having on certain topics or issues (these constantly change throughout the game). Pressing an additional button (depending on the thought selected) allows the player to hear an internal monologue on that thought.

Additionally, some actions may lead to further actions that also need to be completed. These additional cues are "chained"; they must all be accomplished in order to fully complete the action. The additional onscreen cues appear alongside the earlier ones in the chain. Also, some actions must be executed slowly while others must be completed in a certain time limit. The cues for which buttons must be pressed, which controller actions must be taken, and what thoughts the character currently has, all appear in different places onscreen (e.g., floating around the characters' head or alongside an item in the scene).

Heavy Rain's interface helps create ambiguity in the moral situations players encounter. The interface also provides insight on, and takes account of, the character's emotional state. Having access to the character's thoughts allows the player to better understand what the character is going through, as well as understand what potential options are available. For example, toward the end of the chapter called "Jayden Blues," FBI agent Norman Jayden has a panic attack. He mumbles, "Triptocaine... The tube is on the bedside table... All I need is... to take some... and the pain will go away." He continues, "I should resist. This is going to kill me. I know I can resist. I just need to stay in control and do something until it goes away." Four icons float around his head: Tripto, Withdrawal, Temptation, and Calm Down. From the player's perspective, it is not entirely clear what Jayden will do (or think) if Temptation is selected. Will Jayden give in and consume the drug on the bedside table? Will he think something about how hard it is to resist the temptation? The options provide enough context so as not to seem entirely

arbitrary, yet still leave room for ambiguity. Similarly with the environment cues, “the cues make clear what can be interacted with, but not necessarily how.” (Edge, 2010) If you were an addicted drug addict experiencing withdrawal symptoms, are you sure you’d be able to control your impulses and not give in to the temptation? Furthermore, there is additional pressure on the player because he’s not sure what happens if no action is selected, does Jayden break down and consume the drug? Is this something that will happen if the player does not intervene? If so, how much time is there before that happens?

There is an additional complication, when a character is stressed or emotionally affected in some way (e.g., angry, scared, etc.), the floating icons shake, shift, and move around. The effect is unsettling because it makes the icons hard to read and figure out. The challenge the character faces (I can’t think clearly, what should I do?) is passed on to the player who can’t easily figure out what the available options are, making it more likely that she will make a mistake or do something she’ll later regret. It effectively simulates the idea that in the heat of the moment, things oftentimes can, and do, go wrong. It forces the player to suffer as the character is suffering. There is a scene where Norman Jayden and a detective are interrogating a suspect. Things quickly get out of hand and the suspect draws a gun on the detective who in turn yells at Norman to shoot the suspect. Almost immediately, multiple icons appear and begin rapidly circling Norman’s head. All of them, except for the one labeled R1 (with no accompanying text) flit in and out of view. This last one simply wobbles next to Jayden’s head. It is hard to read what the icons circling Jayden’s head say. While this happens, the detective continues yelling and insisting that Jayden shoot the suspect. Under this pressure, it is easy to simply press R1 (e.g., Short, 2010). Dawdling while trying to figure out the other options might take too long and the suspect, clearly unstable, might shoot the detective. Pressing R1 results in Jayden firing his weapon, instantly killing the suspect. It is obviously the unethical choice, but it’s understandable, perhaps even forgivable, given the dramatic tension of the moment. It aptly demonstrates the role that emotions can play in what would otherwise be a straightforward moral decision.

Not all the scenes in the game rely on the pressures of time and interface obfuscation and ambiguity to create an experience of tension for the player. “During some of the more strenuous tasks, [the player] may need to hold

down four or five [buttons] at once, twisting [their] fingers into a knot. It is hard to describe how much more immersive this technique is than a flashing icon in the middle of the screen, or a black bar at the top of the frame listing all your possible choices.” (Orca, 2010) In this case, an extended action consisting of multiple button presses is chained together in such a way as to physically strain the player who must maintain an awkward and uncomfortable hand position that in some way reflects the discomfort the character is experiencing on the screen.

The idea that a game’s designer might choose to intentionally abuse its players has been explored as a way of spotlighting the relation between the player and designer (Wilson and Sicart, 2010) [Editor’s note: See Wilson and Sicart’s chapter in this volume]. In the case of *Heavy Rain*, however, I argue that it is done to encourage ethical reflection. By presenting the player with situations that are ambiguous, ill-defined, and in which the choices are obfuscated or physically uncomfortable to accomplish, the game helps the player enter a similar state of mind as that experienced by the characters in the game. This can result in greater empathy, and a greater sense of personal investment that results in a more authentic ethical experience.

Manhunt: The Dilemma of Violence

Manhunt is a videogame developed by Rockstar North and originally released for the Playstation 2 in 2003 (Rockstar North, 2003). In the game, the player controls the character James Earl Cash, a death row criminal who is rescued from his execution and coerced into starring in his kidnapper’s snuff film productions. The kidnapper, known as “The Director,” witnesses and records Cash’s carnage through a network of security cameras. The Director also goads, threatens, and provides instructions via an earpiece worn by Cash. The player controls Cash in a third-person perspective and the gameplay is best described as requiring both elements of action and stealth. Cash is outnumbered and must carefully and quietly make his way through a gauntlet of dilapidated environments to surprise and execute his victims using a variety of items including plastic bags, shards of glass, bats, and other weapons.

Manhunt is in many ways the opposite of *UIV*. The player-controlled

character, through the game's mechanics and narrative context, is not encouraged to be good or carry out good actions. It actively encourages the opposite. As I will show, however, the game is also capable of creating an emotional experience in the player.

Manhunt created a media controversy when it was released due to the graphic nature of the violence it depicted. The most notorious element of violence in the game is the execution system. Executions are perhaps the most effective way to eliminate opponents and are, on occasion, required to progress in the game. The player, however, is responsible for deciding how brutal an execution should be. For example, let's say Cash sneaks up behind a gang member with a plastic bag. Pressing the attack button will result in Cash yanking the bag over the victim's head and suffocating him. If the player holds down the button for a few seconds, the execution is more violent and Cash might punch the victim in the face in addition to suffocating him. The third, and most brutal, type of execution is carried out by holding down the attack button even longer.

The premise and violence in *Manhunt* are undeniably gory and brutal. From an ethical perspective, however, this game is not notable due to the violence of the executions. It is notable because of the position in which the game places the player. As mentioned, the brutality of an execution is a choice made by the player. *Manhunt* forces the player to question and evaluate her actions and motivations for how to play the game. The player is forced to examine the role of successful play as a moral dilemma itself. There are no intrinsic (in-game) benefits for carrying out executions in the most brutal way. Extrinsically, players are rated at the end of each area and, by obtaining high ratings (three or five stars, depending on the difficulty level), they can unlock bonus features and codes. This only applies to five of the twenty areas and there is no discernible benefit for getting five stars in all the areas. (Rodoy, 2003) So, why should the player choose to execute Cash's opponents in the most brutal way possible? The player is tasked with reflecting on how far they are willing to go in carrying out the executions. Not only are the executions brutal and sickening, but they are also unpleasant to watch.

Manhunt's player-based (rather than character-based) moral dilemma is made all the more intense through the use of a USB headset. Using the headset allows the player to use his voice to distract enemies in the game. It also enables the player to hear The Director's instructions directly via the

earpiece. Both elements narrow the cognitive and emotional distance between the player and the grotesque world of *Manhunt*. The microphone does this by allowing a more direct form of agency while the headset heightens the tension by channeling The Director's wishes and desires directly to the player's ear. In this way, The Director assumes the role of the "evil conscience." As a player, you hear him inside your head. His voice goads, taunts, and cheers you on when you cave in to his desires. There is nothing more sickening and disturbing than hearing The Director cackle maniacally as Cash murders a gang member. As expected, The Director derives more pleasure from the more gruesome executions.

Let us examine the narrative and gameplay context the player is provided with when deciding if he should execute gruesome executions instead of "regular" ones? Can the player shift his moral responsibility by placing it on the character whose role he is simply playing? The answer, from the position of the narrative, is no. Cash is a convicted death row criminal and it is reasonable to assume that, when placed in a kill-or-be-killed situation, Cash would not hesitate to kill. The Director wants Cash to be as brutal as possible since his illegal snuff-film operation demands it. Cash, however, has no motivation to perform the most brutal types of executions. The Director is the antagonist; what reason would Cash have to want help him? Also, executions are risky to execute. While the player keeps the attack button pressed, Cash is exposed and vulnerable to attack. We might expect Cash to reason that a solution to his predicament might be to kill as few enemies as possible and to do so in the least gruesome way (thus not allowing himself to further The Director's desires). From the context of the narrative, the player has no reason or motivation to opt for greater brutality in executions. Role-playing Cash does not exculpate the player from Cash's actions.

From a game-design perspective, the context for deciding the dilemma is the opposite. In a macabre twist, the player is awarded "extra points" for completing more gruesome executions. As mentioned, higher ratings serve no function or purpose within the context of the game. The player is not rewarded with anything that makes playing the game any easier. The non-player characters don't know or care that the player got a five-star rating in the previous area. The only purpose of the rating system seems to be to tempt the player. To force the player to question how much he really values a meaningless measure of achievement. How far would you go for the five-star

rating? As a game player, how do you value your competitiveness and achievements as a player (get the most points and unlock the most extras) versus doing the right thing in the context of the narrative? The juxtaposition of the games' reward structure and its narrative highlights the true moral dilemma of *Manhunt*.

“Fire Emblem: Radiant Dawn”

While *UIV* encodes a virtue ethics framework that is arguably positive, it would seem that everything about *Manhunt* is negative. Is it possible to create a player's dilemma without a salient ethical framework or morally repugnant gameworld?

Fire Emblem: Radiant Dawn (FE:RD) is a tactical role-playing game for the Nintendo Wii console (Intelligent Systems, 2007). It features a multi-faceted storyline in which the player follows (and controls) characters from different factions that occasionally intersect. It is at these intersections that the game becomes ethically notable.

FE:RD is divided into four sections. In the first section, the player controls a group of characters led by a character called Micaiah. In section two, the player controls two different groups of characters from earlier versions of the game. In the game's third section, the player controls each of the three groups separately. In the final chapter of the third section, the player controls a group of characters led by Ike, who faces an enemy force led by Micaiah. Micaiah's force includes many characters the player has, until recently, been controlling and improving. Totilo describes how in this chapter:

[The goal] was to annihilate every character on the other side. Was I reading this right? I had to slaughter all of the enemies? All of Micaiah's forces? [...] I could not believe what the game was asking me to do. I sat dumbfounded. Really? I have to destroy all of those characters I spent all that time improving? Zihark, and all the rest, had to bite the bullet? (Totilo, 2008)

Faced with the dilemma and his unwillingness to blindly accept the missions' goals, Totilo ventured online to see if there was a way out. He discovered that instead of annihilating enemies he cared about, he “only” needed to ensure

that 80 enemy combatants perished. Totilo's solution to the dilemma was to ensure that the characters he cared about remained as far from each other as possible, regardless of whether or not they were labeled by the game as "the enemy."

And as soon as I did it, I felt a bit sick. Video games always require you to value some characters' lives over others. Goombas' lives don't matter. Mario's does. But here I was deciding that some of my enemies should die and that others shouldn't. It got more twisted. After a few turns of action I noticed that the kill-counter in the upper right hand corner of the screen was counting deaths of enemy soldiers and unnamed partner soldiers who were fighting alongside Ike as part of the same total. That meant I could reach my goal of 80 battlefield deaths not just through the slaughter of certain enemies but through the death of my own allies.

Is it creepy that I took this as good news? This meant the mission would end sooner, that my chosen people on both sides would be out of harm's way faster. I began to root for my "enemy" Zihark when he strode out into the battlefield again and started chopping down my allies. (Totilo, 2008)

Totilo realizes that he is subverting not only the game's narrative, but also the established game goals. Micaiah views Ike as the enemy and the gameplay goal is consistent with that. Why should he not do as instructed? Totilo was clearly uncomfortable with the dilemma and how he responded.

I had made quite a judgment of gameplay-based morality. I had decided that some characters, some who were with me and some who were against me, deserved to live. I'd judged that others, some with me and some against me, were better off dead. I'd chosen favorites. Essentially, the characters with names, the ones I had trained—they deserved life. The unnamed grunts both helping and harming me? Expendable. I'd cheered for the deaths of supposed friends and allies and was relieved when they failed to kill enemies I had once trained. I refused to assist some allies in need. I'd transgressed traditional battle lines. Like I said above, I felt a twist in my gut. What kind of battlefield general had this game made me? What kind of commander of men and women? (Totilo,

2008)

We could argue that Totilo's solution to his dilemma was an unethical one. However, that would miss the point: Totilo was emotionally invested to such a degree that he was willing to forgo the context of both narrative and gameplay. Unlike *UIV* and *Manhunt*, he faced an ethical dilemma that, while intended by the game's designers, wasn't about a particular in-game ethical framework.

Discussion

By examining four games, I have shown different ways that games can encourage ethical reasoning and reflection. However, this doesn't mean that this will happen with all games, even those with explicit moral systems and gameplay. In order to analyze and better understand the potential of a particular game, it is important to also consider the following questions or challenges.

Is the Ethical Framework Discernible and Consistent?

The effort that goes in to creating an ethical framework in a game will ultimately be for naught if the player is not able to discern right from wrong (according to the game's values). More importantly, the player should understand why given actions are right or wrong and be able to deduce the moral consequences of his actions. Ethical systems that are opaque to their players risk becoming perceived as morally irrelevant: if there is no way to understand, why bother. Ethical systems that are inconsistent face an even greater risk: confusing the player. Confusion subverts the efforts of establishing an ethical framework by making the evaluation seem arbitrary. I note that it is not necessary for the framework to be both comprehensive (consider all actions in the game as ethical in some sense) and complete (ethically consider all possible intentions and/or goals behind player actions). Rather, the ethical rules must apply when the player expects them to, and when they do not it must be possible for the player to understand why. For example, in many adventure games players steal or loot objects with no apparent consequences; it does not matter if the object came from a treasure

chest found in the woods or if it came from a chest located inside the house of a friendly neighbor. Other games discriminate if the item was from an urban location (e.g., the rule that it's not okay to steal from a villager's home) or from the wilderness (e.g., the rule that it's okay to loot a chest in the woods). Rauch notes how *Fable* can often seem inconsistent "since 'examine' and 'take' use the same key, I have often found myself 'stealing' items by accident. At moments like these, the rules of both Albion and Fable itself can seem alarmingly random, and this randomness interferes with player experience by frustrating both the ability to grasp the intricacies of the rule system and the ability to maintain suspension of disbelief and become emotionally involved in the narrative." (Rauch, 2007) [Editor's note: See Rauch's chapter in this volume.]

Who Faces the Moral Dilemma?

The power of moral dilemmas in games is that they can require the player to participate (rather than simply to be a spectator). However, it is easy to fall into the trap of assuming that simply because there is a moral dilemma in the game, the player will become personally invested. Many games, especially those with well-developed storylines, involve characters in moral situations. It is often the case that the player is merely a witness to the moral situation and lacks the agency to guide the decision made by the player's character. Earlier, I referred to these cases as character-based moral dilemmas. One of the most-often remembered and discussed moments in *Final Fantasy VII* (Square, 1997) is the death of the character Aeris (Edge, 2007; Lopez and Theobald, 2004). Aeris, who is at certain times a player-controllable character, chooses to sacrifice herself to save the planet. Her decision is one that is made by the game's designers. It's a dilemma the character faced and was troubled by, although the player had no real say in the matter. Similarly, in the third person-shooter game *Max Payne* (Remedy Entertainment, 2001), although the character Max is depicted as troubled by his situation and many of the decisions he makes, the player does not participate in any of those choices. Should Max ally with a known criminal to gain equipment and resources that will let him take out another mob boss? Max decides, not the player.

Is the Dilemma Moral?

Difficult decisions are not always moral decisions. A player wracked by the decision of how to spend a limited number of points on character upgrades is arguably more concerned with gameplay than ethics. It is not hard to realize that these situations are not moral dilemmas. The danger lies when dilemmas are presented as moral but, for some reason or another, are not regarded as such by players. In the first-person shooter game *Star Wars Jedi Knight: Dark Forces II* (JK) (LucasArts, 1997), the player controls Kyle Katarn. The game follows Katarn as he journeys to confront his father's murderers, while simultaneously discovering (and developing) his latent abilities in The Force (a metaphysical power in the *Star Wars* universe). Over the course of the game, the player earns points that can be used to increase a variety of (Force) abilities categorized into three groups: dark, light, and neutral. The player can, for the most part, spend the points on any of the abilities he fancies. Once the player is approximately two-thirds of the way through the game, "Kyle finally decides on the light or dark side of the Force, and acts accordingly. (This decision is determined both by the powers you've taken, and how you've treated civilians throughout the first parts of the game.)" (Thomas, 2004) The decision to embrace evil (or not) is arguably one that should not be taken lightly. However, two things conspire against considering this a moral dilemma. First, the player is not allowed to make the decision at that specific moment in the game. This is because the result (join the Dark/Light side of the force) happens as the result of an accumulation of many decisions that have been made over hours of gameplay. Second, and perhaps more importantly, there are no real consequences to the decision. As Dulin noted in a review, "many [players] will also be disappointed to learn that the distinction between the Light and Dark sides, once the choice has been made, is not as striking as one would hope." (Dulin, 1997) Dulin continues, noting that "The Light Side is obviously the path you are supposed to take—you get more cut-scenes and more narration throughout the last few levels. But apart from this and the different Force powers at your disposal, choosing the Dark Side only leads to one really shocking plot element, a slightly altered level, and a completely different ending (which is, in many ways, far more satisfying)." (Dulin, 1997) When faced with what is perhaps the game's key moral dilemma, the player must choose between light and

dark side based on what content they want to experience and what force powers they would like to use for the rest of the game. Evil and good are understood by the player at a procedural level, a state in the machine, rather than at a semantic one. (Sicart, 2008, 2009)

Conclusion

I have shown how we can use games to make moral demands of players by encouraging them to reflect on ethical issues. I have shown how games can achieve this. Specifically, my analyses of *Ultima IV*, *Heavy Rain*, *Manhunt*, and *Fire Emblem: Radiant Dawn* highlight a variety of ways games can make the player feel personally invested or responsible for the decisions they make in the game. They can also encode an ethical system and require the player to learn it and follow it to succeed. Sometimes games may present players with dilemmas or situations in which their understanding of an ethical system is challenged. We can also create moral tension between the player's goals and those posed by both the narrative and the gameplay. But there is still much work to be done to fully explore the potential for ethical reasoning and reflection through gaming. As recent work in moral psychology has shown, both emotions (e.g., Greene, Sommerville, Nystrom, Darley, and Cohen, 2001) as well as moral rules play a critical role in moral judgment (e.g., Nichols and Mallon, 2005). If ever there was a perfect test-bed for helping people learning about ethics and ethical reasoning, games would be it. After all, these findings from moral psychology echo, in some sense, the fundamental qualities of games: activities proscribed by rules to elicit and create emotionally meaningful experiences in their participants. (Salen and Zimmerman, 2004) I believe that the medium has only just begun to scratch the surface and we wonder what other mechanisms we can develop to foster ethical thinking. In what additional ways can we use games to help explore ethical questions?

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Notes

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ETHICS OF PLAY

Gaining Advantage

How Videogame Players Define and Negotiate Cheating

Mia Consalvo

Mia Consalvo, "Gaining Advantage: How Videogame Players Define and Negotiate Cheating," Cheating: Gaining Advantage in Videogames, pp. 83–105, 200–201. Copyright © 2007 by MIT Press. Reprinted with permission.

It is all about suspense; it is like someone telling you how an action movie ends. So what is the point in seeing it if you already know how the movie ends?—*Jake, age twenty-two*

If a game is good and I am enjoying it, it becomes almost part of my life—I will think about it on the bus home, wake up in the mornings thinking, “Aha! I wonder if I could do that?” And [I] close my eyes at night to find flashes of the game rushing around inside my head.

—*Hope, age thirty*

How do game players play games, and does the experience of gameplay extend beyond direct interaction with the game itself? Beyond thinking about what games do *to* players, there is still a comparatively small amount of research concerning how players themselves organize their gameplay time and space(s), how they make choices about which games to play and why, and what else might be involved in their gameplay experiences, beyond a console, a controller, and a comfy seat.¹ Some researchers have explored how women enjoy games.² Others have analyzed the communication and community practices of FPS players.³ Likewise, T. L. Taylor and Mikael Jakobsson have looked at player dynamics in *EverQuest*, studying how power gamers play the game in ways quite different from more casual gamers, even if they put in the same amount of time.⁴

Still, comparatively little is known about game players' experiences, especially when compared to a field such as television studies, where the audience is still presumed to be more passive than a game player. As players actively engage with games, they don't do so in a vacuum. Players have

various ideas and information about games before they begin playing, and they gain further knowledge as they progress. Key components of that information flow include knowledge about supplemental materials such as walkthroughs, strategy guides, and the employment of cheat codes.

One way to contextualize such new knowledge is by thinking about player activities through the lens of gaming capital. As previous chapters have demonstrated, the paratextual industries associated with games, including magazines and enhancement devices, have helped define how players should play games, in addition to how they might evaluate and think about them. Yet such industries can't dictate the terms of use; individuals are active in how they choose to use (or not) such items as well as how they view such things relative to the games they play. Neither side (the player or the industries) has total control, but power differentials do exist. The construction of such industries and elements helps set the terms for debate as well as frames what is debated. And even as paratextual industries have helped to create a thriving system of gaming capital that individual gamers may draw from or contribute to, that very system of capital is sometimes at odds with some of the means of achieving capital.

As we seek greater knowledge about the cultural impacts of videogames, the experiences of players themselves demand attention. This chapter addresses one part of the larger question "How do people play games?" by examining players' uses of supplemental items during gameplay, how they define what is and is not cheating in reference to those items, and then, what actions they ultimately take in accordance with their beliefs and reasoning. In doing so, this chapter offers a more detailed exploration of how gameplay is experienced by a selection of players, and what is involved in that gameplay in terms of the use or rejection of a growing paratextual industry.

Cheating in Games: Breaking Unseen Rules or Violating the Spirit of the Game

First, what does it mean to cheat in a videogame? How can one cheat? Asking such questions forces us to consider the issue of just where the rules of a videogame can be found, and then determine how they could be secretly broken or bent for personal gain. Where are the rules? One easy answer is in

the instruction manual that comes with a game. The manual often explains the objective of the game, the background of the characters and the situations, how to use the interface (controller) correctly, and what the player needs to do to win the game. It can give pointers for advancing through the game and serves as a (more or less useful) reference to consult during gameplay. But even if instruction manuals describe an objective and detail what characters can do in the game, they don't truly give the player the rules. And many players don't even read the manual and seem to get through the game just fine.

The rules of a videogame are contained within the game itself, in the game code. The game engine contains the rules that state what characters (and thus players) can and cannot do: they can go through certain doors, but not others; they can't walk through walls or step over a boulder (except maybe a special one); they can kill their enemies, but not their friends; and they must engage in certain activities to trigger the advancement of the story and the game. All of these things are structured into the code of the game itself, and thus the game embodies the rules, is the rules, that the player must confront.

Lawrence Lessig writes about the code of the Internet, but his observations also apply to games. He believes that code regulates, and "as the world is now, code writers are increasingly lawmakers."⁵ He also maintains that at least in reference to the Internet, our rhetoric about its "essence" hides the truth that this space is constructed, and that real choices have been made about what processes or activities are privileged or discouraged. Although he is correct in assessing current beliefs about the Internet, something different has occurred with games. Here, too, code is law and constructs the rules of the game. But for game players, this rule of law is not a hidden construction, and is also, for some, open to question and even alteration.

There have always been attempts to go beyond the rules in videogames. If we state at the outset that a player must abide by the coded rules in a videogame, what might cheating include? For some, it means going beyond the instruction manual to friends, strategy guides, and gaming magazines for hints or walkthroughs explaining how best to advance through a certain area. Help like this has been around since at least *Nintendo Power* magazine, which as discussed earlier [Editor's Note: see Mia Consalvo, *Cheating: Gaining Advantage in Videogames*, MIT Press: 2009] provided players with

extensive guidance to help them play games and find all of the hidden secrets in a game. Cheating might also include the use of cheat codes that when entered into a controller or keyboard, produce a certain (beneficial) effect, such as a complete restoration of health, unlimited ammunition, or more powerful weapons. Cheating might extend to the use of a GameShark, which enters codes electronically to a game system to unlock other features. Cheating might involve altering the code of the game itself, secretly, to gain advantage in multiplayer games. It might also include paying real money for game currency or items, through such sites as the independent International Game Exchange or Sony's Station Exchange. Those aren't the only ways to cheat, and some players would definitely not label them all cheating, but this is at least an idea of what could constitute an advantage for a player.

But how prevalent are certain constructions of cheating? Do all players see cheating in the same way? How do individual game players define cheating for themselves? This chapter investigates those questions, and offers a variety of views and insights into why the definitions vary, and what this can mean for individuals as well as groups of players.

Gamers, Game Players, Gamegrrls, and Gamegeeks

As part of this project, I conducted in-depth interviews with twenty-four self-identified game players ranging in age from fourteen to forty-one. Of that group, eleven were girls and women. Two interview methods were employed: half the sample was interviewed face-to-face, with each interview being audiotaped and then transcribed; and the second half of the interviews were conducted over e-mail, with questions initially e-mailed to participants recruited from several sources, and then follow-up e-mail(s) sent for clarification and expansion of certain answers. I also conducted an open-ended survey of fifty game players ranging in age from nineteen to thirty-two who were part of a college-level course on digital games and culture. All subjects from both samples were active game players (with variation in the types of games played, the hours played, and experience levels). Interviewees were recruited through a snowball sampling method, identifying more game players from those first interviewed (initial interviews were with university students who responded to a call for gamers, and others were recruited

through Web sites such as womengamers.com and joystick101.org). All interviewees and survey respondents have been assigned pseudonyms, or chose one for themselves, for identification purposes in the study. Interviews and surveys were conducted between May 2001 and May 2004.

This chapter explores several issues, including how respondents chose to define cheating in their own terms, both as an abstract concept and related to game playing; if respondents cheated or not in actual gameplay and why; how this reconciled with their definition(s) of cheating; and what actual material and social elements they used, including such items as walkthroughs, strategy guides, GameSharks, hacks, cheat codes, online sites, help from friends, and any other artifact or source mentioned.

Players' Definitions of Cheating

This section looks at how peoples' definitions of cheating vary and what the differences could mean to us, and does not take into account subsequent player actions. Here, my interest is in how people define the actions they will or won't take, rather than which they actually choose. The way players talk about cheating appears to fall into three categories, with one overarching theme. It's important to note that players' answers sometimes spanned categories, but when they did, there was always a logical progression in how they did so.

Overarching: Cheating Gives You an Unfair Advantage

Running throughout all the definitions was the feeling that cheating creates an unfair advantage for the cheater. Although many times this advantage was in relation to another player in a multiplayer game, it was also mentioned in regard to single-player games as just an unfair advantage in general. And it was mentioned as well by players who thought walkthroughs "were" and "weren't" cheating, and those who felt you could "certainly" or "never" cheat in a single-player game. The common thread appeared to be that cheating was more than just *breaking* a rule or law; it was also those instances of bending or reinterpreting rules to the players' advantage. Players actively made ethical judgments about gameplay that extended beyond the coded rules of the game.

Even as digital games can code in rules for players to follow, there are also

“soft rules” that are negotiated. Those rules can be broken more easily than the game code or “hard rules,” but to many players they are still important in understanding the bounds of acceptable gameplay and how far one can push those boundaries before an accusation of cheating is made.

The three categories that follow all draw from the unfair advantage conceptualization, but begin to draw distinctions between certain actions and items that when used, can constitute cheating. These categories actually might better be thought of not as separate but as lying on a continuum. That allows for players’ more fluid practices to be taken into account as well as to see linkages between concepts.

“Anything Other than Getting Through the Game All on Your Own”

At one end of the continuum or spectrum would be the purist. This player would take the position highlighted above—believing that anything other than a solo effort in completing a game is cheating. Players here define cheating quite broadly, such as “when you use external sources to complete a game” (Tina, twenty-eight). Yet this position quickly becomes qualified, or is a bit of a straw person, as players in this group usually modify their statement along the lines of “anything other than getting through a game all on your own, with the exception of having a friend in the room helping you figure things out” (Mona, thirty-two). Even the most hard-core purists admitted to asking a relative, spouse, or friend, when they got stuck in a game. And for this group, the “ask a friend” lifeline seemed acceptable, but was couched in terms of “but only if you’re really stuck,” meaning that you had already tried to figure out the situation on your own first.

Along those lines, this group sees commercially published strategy guides, Web site walkthroughs, cheat codes, real-money trade, and everything “beyond” that as all being cheating. For example, one player states that cheating is “using information acquired outside of the game and your head to get items, find shortcuts, etc., that you wouldn’t otherwise, while playing earnestly” (Jessica, twenty-five). Likewise, another player explained that “using information from a site, purchased guide, or telephone hotline in order to get around a problem, kill an enemy, solve a riddle, gain a skill, or something like that—without having at least tried to solve the issue yourself

—is cheating” (Hope, thirty). While this group sees the use of items like walkthroughs and strategy guides as cheating, even they generally maintain that the use of such things is “acceptable,” but in specific situations only—such as when the player has already tried repeatedly to solve the puzzle or kill the boss (or so on), but can’t and is thus stuck. At that point, the player might stop playing the game out of sheer frustration and a real inability to progress further. It appears that even if it is labeled as cheating in that instance, it is considered OK.

Likewise, if a player has already beaten or completed a game, and wants to play again to explore new areas or try new things, the use of guides and other items becomes acceptable. A forum on the game magazine *Electronic Gaming Monthly*’s Web site that asked the question “Do you use cheat codes?” was answered by numerous players, the majority of whom responded that the use of such codes and other items was fine, once they had completed the game and were on at least the second round of play.⁶

It’s important to keep in mind that the players defining cheating in this grouping are all referring to single-player games. These are not games where a person is opposed to another player—only to the machine (multi-player cheating is discussed in the third theme). While there is much talk of “only cheating yourself,” which may not be serious, these players do still see cheating in games where the player is not competing against anyone but oneself as well as in games that are multiplayer. How can that be, when cheating is normally defined as gaining an unfair advantage over another player?

This particular formulation of cheating can be better understood by referring to Johan Huizinga’s concept of the magic circle as well as Espen Aarseth’s discussion of aporias and epiphanies in adventure games.⁷ For Huizinga, play can only occur in a magic circle that sets the boundaries for the game to be played, where “inside the play-ground an absolute and peculiar order reigns ... it creates order, is order.”⁸ What bounds the circle are the rules of the game.

As discussed before, the rules of a digital game are contained within the programming of the game itself. Yet players also acknowledge certain soft rules in defining for themselves how far one could perhaps venture outside the circle for help. This is certainly not the breaking of rules such as the

cracking or hacking of codes that form other definitions of cheating but is instead a more complex negotiation of cultural systems of support in gaming culture. How far will players move into that support system? At some point, players must make individual decisions about what they will and won't read, who to ask and for how much information, and so on, in playing a game.

For this group, gameplay is a bounded experience, and the use of almost any external item or resource could be considered cheating. Acceptable gameplay, then, is limited to interacting solely within the game world and cannot include other elements. The more interesting question is what are the implications of doing so? If we can see the benefit of such support (getting past a point where one is hopelessly stuck), is there a drawback as well? If one is only cheating oneself, why would a player be concerned with seeing guides and walkthroughs as wrong in any way?

Just as the magic circle defines the rules of the game, Aarseth's formulation of gaming's aporia-epiphany structure lends clues to this puzzle. Aarseth explains that in digital games such as adventure games, there often arise aporias or gaps that are "local and tangible, usually ... concrete, localized puzzle[s] whose solution eludes us."⁹ We must search for a solution to a puzzle, or the correct strategy to defeat an enemy, to move past the aporia and continue on with the game. The moment when we grasp the logic of the puzzle or determine what attack to employ is our epiphany. "This is the sudden revelation that replaces the aporia, a seeming detail with an unexpected, salvaging effect: the link out."¹⁰

While Aarseth does not speculate further on the instance of the epiphany for the player, it seems that it is frequently an emotional "aha!" moment, when the player either realizes that she overlooked an important clue or she has painstakingly solved a difficult problem. The greater the struggle is, the more satisfying or bigger the epiphanic moment. Taking this back to the use of guides and walkthroughs, such items will either reduce or eliminate the satisfaction derived from having an epiphany. The player is, essentially, looking up the epiphany in a book. While players themselves admit that such use is acceptable to salvage a failing game or in a second play, they reject the overuse of such items in the first round as cheating. Perhaps they are objecting to being cheated out of the epiphany or the emotional gratification of the epiphany. While they are not breaking any rules, an essential aspect of

the gameplay—excitement and satisfaction—is reduced further and further with each glance back through the guide.¹¹

Code Is Law: Breaking the Rules of the Game

Midway across the continuum is a group that doesn't see the use of items like walkthroughs and guides as cheating but draws the line at items such as cheat codes, unlockables, and alterations of the game code itself. Here again, people accept the possibility of cheating in single-player games (as well as in multiplayer games), where the manipulation of code for its own sake can be enough to qualify.

For example, one player talks about cheating as “altering the framework that has been set forth, either something like what I understand is done in some online games where the code is actually altered to assist a certain player or using a cheat code” (Roy, twenty-six). Likewise, another player believes that “cheating is when you unfairly take advantage of ‘quirks’ in the game to further the development of your character in the game or your progress in the game itself” (Sally, twenty-four).

Players make distinctions between using codes that have been created by game developers, and those that players design to hack or alter the game code. Yet for this group, the use of both amounts to the same thing: cheating. There is an echo here of the danger of “epiphany loss” mentioned with the first group; one player said that the use of codes to win a fighting game would be a “hollow win” (Sally). But for this group, there appeared to be a distinction between, on the one hand, asking friends and consulting guides, and on the other, using code to win. The difference here was in the level of interference with the game—a player would have to actively alter the game rules, break the rules, in order to gain the (unfair) advantage.

For this group, as for Lessig, code is law. Players acknowledge that items such as cheat codes are readily available and accepted in some quarters, but the reconfiguration of game code is the central key to what constitutes cheating for them. Here the bending of rules is shifted—lines are drawn more closely around the game itself and further from “outside” elements like walkthroughs, which this group sees as acceptable. While actively hacking the game code is a clear rule breakage, the use of codes to unlock items or benefits not earned through gameplay becomes the bending that is deemed

unacceptable. The magic circle bounding play contracts; to push or bend the boundaries involves the use of code, rather than using outside information or items. At this location along the continuum, cheating can involve other players, but can still be a single-player issue.

You Can't Cheat a GameCube, You Can Only Cheat Another Player

Finally, a third group of players defined cheating as only existing in relation to another player. These players more closely aligned with J. Barton Bowyer, who characterizes cheating as a social activity: “to cheat, not to play the game that reflected the norm, indicated that there was another world, the world of deception, in which people did not play the game, your game, but their own.”¹²

One person described cheating as involving “wrongdoing. Someone has to be worse off because someone else took unfair advantage ... You can only cheat another person” (Ralph, twenty-four). Similarly, other players talk about cheating as “breaking the rules or finding a loophole (like a bug in the code) to gain an advantage against someone else who is playing by the rules” (Niles, age not given). It is also implied here that cheaters are using hacks or other enhancements that other players are not—they are hiding their advantage. This should be distinguished from groups of players that, for example, all agree to play a game where player killing (PK) is allowed; in that situation, killing a fellow character would not be cheating, yet playing on a server where it is banned would be.

For this group, cheating is necessarily social (or antisocial), involving others. The use of items such as walkthroughs or code devices in a single-player game is acceptable because, by definition, one cannot cheat a machine or oneself. Those items may further progress, but they do not make another player worse off. Cheating means the introduction of deception and possible chaos into the game world, which is shared with other players. Since players are unaware of who may be cheating, uncertainty and distrust increase, especially as players move from multiplayer games at home with friends and relatives to online games that can feature thousands of unknown colleagues and opponents. Eventually, cheating (or its rumor) can lead to the breakdown of games—such as the problems that have occurred with *Diablo* and *Speed*

Devils Online Racing.¹³ While some correctives can be attempted (such as the creation of the company Even Balance and its PunkBuster product to stop cheating in online games, discussed in chapter 6), at other times game worlds are simply abandoned due to the rampant cheating.

For this group, the magic circle admits many players, yet the “game” being played differs by player. While deceiving others is the key to cheating, that can include hacking or altering code, exploiting systems, or socially exploiting other players. To cheat is to deceive others, but to make it appear that you are not doing so. The bounds of the magic circle have been cracked in some way, yet only the cheater can perceive the change.

Do What I Say, Not What I Do: Cheating as a Daily Practice

Although players have definite ideas about what does and does not constitute cheating, most of them engage in the practice on a regular basis:

“I’ve cheated in games before because sometimes it is fun to not play by the rules or get that ‘god mode’ feeling.”—*Abe, twenty-two*

“Yes, I find some games far too difficult, and due to my lack of patience I will find a code to make me invulnerable or allow me to skip levels.”—*Noel, twenty*

“Yes, I have cheated, but no one was taking the game seriously anyway! I mean, everyone was cheating! We all knew. It was funny. So, my cheating was OK because the rules were redefined.”—*Cathy, twenty-one*

“I have definitely cheated in games. I cheated in *Diablo II* online and I had to agree not to cheat before I started playing. ... I like to have any possible advantage against people who do not necessarily want to play fair with me.”—*Pete, twenty-two*

As these excerpts demonstrate, players who may define particular actions as cheating have few qualms about actually using that information or resource, at least in specific circumstances. They usually feel the need to justify their actions, however, given the generally negative connotations associated with the term cheating. Notice even in the above examples that players talked of

“everyone else cheating” or other players who don’t want to play fair to begin with. Likewise, even in single-player games, the activity of cheating is justified—games are too difficult or there is fun in playing god.

When players do decide to cheat, what is it they are using or doing? Most often, it’s the benign activities that players engage in—asking friends for help with solving puzzles, going online to consult a Web site or walkthrough with tips on how to beat a specific opponent, or the steps necessary to gain a particular weapon. Clearly the Internet has been a boon to game players, as the availability of what is likely gigabytes of free information makes playing games more fun, more communal, and easier to do.

Almost all players utilize free sources of information—asking friends and family in person and strangers online, and consulting informational sources on the Internet. Next in line are print sources such as strategy guides. Many players do not admit to using such sources or at least to purchasing them on their own. At that stage money is involved, and a greater need must be identified than one simple problem (or the player must have a larger investment in a game, such as being a fan of the series) in gameplay. Following guides would be (legal) technological devices such as the Action Replay and GameShark. While those products are more versatile than a single title guide (being able to hold codes for many games), they also carry with them a greater stigma of cheating and offer one central type of cheating—the entering of codes—that does not appeal to all players.

Finally, coming in last are real-money trade and tip lines. None of the players who I talked with admitted to using real money to buy in-game currency, items, or accounts. That is probably due to the stigma that the practice still carries for many players as well as its violation of most games’ terms of service agreements. I’ll discuss such dedicated cheaters more in the next chapter [Editor’s Note: see Mia Consalvo, *Cheating: Gaining Advantage in Videogames*, MIT Press: 2009], and will offer a more detailed account of real-money trade in chapter 7.1 [see note above] also couldn’t find any players who admitted to calling a game tip line for information, although a couple of individuals did mention that someone they knew (a “friend?”) had done so. Tip lines seemed to offer the least utility, and especially with the prevalence of information on the Internet, tip lines were seen as a waste of money, and it is questionable how many still exist.

Yet beyond the constraints of money and convenience, which certainly play

a certain role in individuals' cheating and noncheating behaviors, why did people cheat? They cheated for different reasons, each of which is discussed in detail next.

To Cheat or Not to Cheat: What Made Me Do It?

There is no one single reason why people will cheat (or “enhance their gameplay experience”) in games. After talking with interviewees, game developers, those working in peripheral industries, and monitoring discussion boards for many games over a period of several years, it is apparent there are multiple reasons for player cheating that are not mutually exclusive. Further, these reasons can change for individual players in different situations, on different days, and in different games. Perhaps the only constant is the lack of a constant factor.

That's because cheating isn't just about subverting the (game) system; it's also about augmenting the system. It's a way for individuals to keep playing through:

- boredom
- difficulty
- limited scenarios
- rough patches or just bad games

Cheating, or however such activities might be differently defined, constitutes players asserting agency, taking control of their game experience. It is players going beyond the “expected activity” in the game. Knowledge of how, when, and why people cheat (or refuse to) can help to better understand the gameplay experience.

Because I Was Stuck

It may seem obvious, but individuals want to play games and succeed in some way at them.¹⁴ While learning can come from making mistakes and failing, too much of such negative “learning” destroys the pleasure in playing and may ultimately end the game. The most cited reason that players offer for cheating in games is getting stuck and being unable to progress any further.

That failure happens because either the player or the game does not measure up in some way relative to the other.

Although researchers have begun to investigate the differences between play styles and the interests of men and women (and boys and girls), there is little information concerning the actual skill levels of different players across different types of games. It would probably even be difficult to determine what skills to measure and how to measure them—either in a game, over time, across game playing, or by any other yardstick. Even without such information, however, we can guess that player skill varies enormously, and the challenges that various games offer also differ, along with design competencies. And even among the best players, gameplay difficulties can occur, such as when a highly skilled 2D platform gamer moves to 3D FPS games for the first time. Different screen-reading tactics, methods for controlling the interface, and recognition of iconic elements all come together to create an experience that can be exciting and fresh, but also confusing and potentially discouraging.

Those situations occur with great frequency, especially as we move away from considering the abilities of the hard-core or power gamers to the more casual (and much larger) game-playing audience. Individual players run up against roadblocks to their game playing in many instances, including but not limited to:

- a puzzle they cannot solve
- an enemy who cannot be beaten
- a level with no obvious end point
- an unclear objective
- bugs that inhibit certain actions

Virtually every player I have talked with will use some form of help or cheat to get unstuck in the above situations, whether they define it as cheating or not. Such actions are perfectly rational, as without the help, it is unlikely that gameplay can even continue—the game is put aside in frustration and anger. Yet even as players know that they are trying to salvage some fun out of the game and have no intentions of further cheating, they still often try to justify their actions. For example, Mona explains that “If I’m stuck on a level and just cannot figure out what to do next, I’ll look at the walkthrough for

just that part, but not for the whole game. In that way, I can get on with the game, but I haven't spoiled all of it."

Likewise, another player argues that guides:

"... help me get through certain points where I just need to get to the next point and I'm not seeing what I need to see. It's probably 'cause I haven't had enough sleep and I've been overeating in front of the TV for the last few days, but it's a, uh, that's what I use them for, more than anything else. And before I buy a guide I'll call my brother-in-law, Ray, and say 'Ray! You've played this game, haven't you? What do I do? Here?'"—*Harmony, twenty-eight*

Even if players do not see these activities as cheating, they still justify the actions as legitimate in some way:

"If I am stuck I will use walkthroughs. I also employ friends' help. I don't consider that cheating because you can justify it in odd ways. That is, using a walkthrough can be like a character's gut reaction."—*George, nineteen*

"I only use the help as a last resort. In the past when I didn't, I would not finish games when I got frustrated."—*Ely, thirty*

Why would players try to legitimize an activity they don't see as cheating? In part, perhaps because cheating has a negative connotation to it and players are aware of such meanings. Many players have also stressed the importance of playing and winning a game "on one's own," and therefore, without outside help. The pleasure of a game often comes from achievements, and as players relate, when achievements come from consulting a guide or using a code—rather than the players' own ingenuity, creativity, or skill—the pleasure is hollow.

Such explanations can also tie back to gaming capital. Although guides and magazines can give players essential knowledge, and thus capital, over-reliance (or perhaps any reliance, depending on the player) comes at a cost: admitting to an initial lack of gaming capital, at least in that particular situation.

While gaming capital has evolved, it has done so in interesting ways. Although industries have arisen to help players increase their enjoyment of

gameplay, there is a striking contradiction at work. Players are not supposed to need help. If a person claims a certain amount of gaming capital, that capital bespeaks a certain level of expertise, which the player should possess. And so, the use of enhancement devices becomes furtive, in order to save face. Gamers in the know are not supposed to need such things—yet they do. So they may talk of only using them “when stuck” or “when a game is already beaten.” Of course, not all players see gaming capital as limiting their options, but the coolness and “elite gamer” attitude fostered by such industries can work against as well as for their efforts.

These justifications, for whatever reasons, suggest that when players cheat to get unstuck, they are performing an instrumental action relative to gameplay. Codes, walkthroughs and hints are tools that players employ to restart a game that they cannot play—either because their skill level does not equal the games’ imagined audience or because of faulty game design. It is not about extending or enhancing the game but about reentering it. Here, cheats are the “key” that allows players back into the game world and gives back the opportunity to re-create lost pleasure.

Finally, it should be noted that players themselves see these cheats for getting unstuck as “a last resort” and something that does have the ability to diminish their enjoyment. That could be due to either the concern that the use of outside information may destroy the pleasure of the epiphany or a fear of others’ discovery of a player’s lack of gaming capital. Yet players are willing to sacrifice some pleasure or admit to a lack of gaming skill if it means they can continue to play the game.

For the Pleasure of the Experience: It’s Fun to Play God

“I have cheated on certain occasions in some off-line shooter-type games, simply to make the game more enjoyable and long lasting (so I didn’t have to start over again and again.)”—*Drew, twenty-seven*

“Sometimes it’s good, at the end of a long, frustrating day, to put on the god cheat in *Quake III* and just mow opponents down left and right. ... It can be very cathartic for me.”—*Mona*

Although less frequently mentioned, many other players also report cheating for the pleasures it can bring. For the most part, this group referred specifically to playing either single-player games this way, or in situations

with friends where cheating was openly acknowledged and condoned by the group. Cheating for pleasure in multiplayer games is discussed in the last section of this part of the chapter, as there appear to be different reasons for that sort of cheating.

Here, contrary to the player using a cheat to get back into the game, a cheat is used to bring even more pleasure to an already-pleasurable experience. The player may have already completed and beaten the game once, or is curious about secrets or alternative options within the game. In such situations, the paratext surrounding games comes into play—players have read or heard about secrets within games, including things like side quests for powerful weapons, or ways to get the Golden Chocobo in *Final Fantasy IX* or the bicycle in *Crazy Taxi*. The information might have come from friends, Internet sites, or a strategy guide. Whatever the case, players are often invested in getting a complete gameplay experience, and so for many of them, that includes doing everything possible in a game.

In such situations, players may or may not see such activities as cheating. For those who do, they are careful to stress that they only do such things after they have beaten the game once already. Tom (twenty-one), for example, explains that “the help that I use is usually unlimited weapons; no damage; sniper-fire for all guns. I cheat so I can go back and have fun [but] ... only when I have already beaten the game and started over with codes.”

Relatedly, some players don’t explicitly mention pleasure or fun as a reason to cheat but instead talk about wanting to “obtain everything,” “uncover secrets,” or “explore the game freely and more easily,” or doing it “for the novelty.” Here, enjoyment is tied to completion or a deeper knowledge of a particular game. Gamers are aware of all the extras now built into games, and are intent on experiencing as much of that content as they can. In that regard, the paratextual industry has succeeded in creating high expectations for game players about what should be part of regular gameplay and “how much” content they should be getting.

Cheating, in this instance, is not the instrumental action that it is when a player is stuck—it’s more ludic in form. Cheats here are a playful expression for the player, intent on staying within a certain frame of mind, whether or not that action actually constitutes cheating or not. For those who do consider it cheating, it seems that certain instrumental obligations must be met first—such as finishing the game once or justifying the purchase through reference

to spending a lot of money. At that point, the player can turn to (or see as justified) such actions. For those who don't consider it cheating, it is pure pleasure.

Time Compression: Hitting Fast-Forward

As Julian Kücklich explains, some cheats allow players to speed up the narrative of games and thus involve a “condensation of space.”¹⁵ Such cheats can take different forms, depending on the type of game being played—adventure gamers may consult a walkthrough to learn how to solve a puzzle more quickly, while FPS gamers might obtain a code to give them unlimited ammo and therefore clear levels at a faster rate. Importantly, though, the player is moving through the game at a presumably higher speed than they would “on their own.”

Kücklich doesn't explore specific reasons for players choosing (or not choosing) such cheats, and although conceptually they may go together fairly well (the walkthrough hint and the unlimited ammo code), often players do see distinctions between them. As mentioned before, players tend to draw lines based on how “conceptually close” the cheat is to the game. For some players, walkthrough hints are OK, but codes are too similar to altering the structure of the game itself. Although both might achieve a similar end (that is, fast-forward), they do remain distinct for some players.

And yet, different players do employ such cheats. Players specifically mentioned using codes or walkthroughs to “get through a game as quickly as possible” to achieve some sort of completion. If a game had a particularly involved story, the story was frequently cited as a catalyst for the action:

“I could have figured it out, but I was in a hurry to get to the end. I wanted to see what was going on, what was coming next.”—*Harmony*

“I am more interested in the advancement of the game's story than the value I place on the game's ability to challenge me.”—*Steve, twenty-one*

Players can become involved in a particular story line, and want to see the conclusion without investing the required time to accomplish all the game-given tasks. And as many RPGs can require fifty-plus hours to complete, it's really no surprise that some players would want to arrive at the ending

without spending the equivalent of more than an entire week of paid work to get there.

Such practices by game players do speak to the desire of some players for still-engrossing but less-lengthy games. Codes and hints can be fruitfully employed by the savvy gamer to tailor the gaming experience to their own time frame, but other players (or potential players) may be put off by the required time investments and not even attempt such games.

In counterpoint to wanting to witness story resolution, other players simply felt the need for closure with the game and wanted to hurry to the end point.

“Just to get a game over with.”—*Kris, twenty-four*

“When I give up on the game, so I don’t want to invest the time to finish it, but I still want to see how it ends. I paid for it. I might as well see the ending.”—*Tim, thirty-two*

Here, the instrumental use of cheats returns, as they help players achieve a goal that is not entirely in line with the developers’ original intent. The story isn’t mentioned as a driving force for finishing the game, leaving us to speculate that players may also desire a certain amount of closure for its own sake—either being able to say that one has finished a game or the self-knowledge of completion. Some players also suggest that more interesting parts may be coming, and they wish to get past the “crap” and hopefully find more engrossing subject matter.

The instrumental nature of the cheat is in evidence, as it allows the gamer to move on to different games or activities that offer more promise of pleasure. In the case of those wishing to complete a story, the cheat may also allow pleasure in the knowledge of the story ending, if not in the actual gameplay.

Being an Ass: Multiplayer Cheating

Finally, there’s the person most of us think about when we envision the cheater. Playing against others, either online or in person, the cheater is the player who everyone else loves to hate.

“Sometimes I just feel like being a jerk online and will use cheat programs online.”—*Tim*

“I think I cheated (multiplayer) because I was an ass, and/or I wanted

revenge against another player.”—*Victor, twenty-one*

“I have definitely cheated in games. I cheated in *Diablo II* online and I had to agree not to cheat before I started playing. I like to have any possible advantage when playing a game online against people who do not necessarily want to play fair with me.”—*Pete*

Multiplayer cheaters were the definite minority of the players I interviewed. Players offered multiple reasons for such behavior, and most acknowledged that it was wrong or at least illegal to cheat in those ways. Several players admitted to doing such things as using aimbots and hacking the game code for the fun of causing distress and anger in other players. Others pointed to an already cheat-filled situation, and claimed that their own cheating was only to level the playing field. And one player mentioned his prowess in gaming, declaring that superior players had earned the right to cheat. By contrast, he felt that those without elite gaming skills were the ones not deserving of the greater abilities to be gained by cheating.

That last informant was illustrative of the “game the system” type of cheater who others have written about.¹⁶ They tend to see themselves as elite gamers who have already surpassed the normal challenges offered by a game and so turn to gaming the game itself for exploits. In keeping with that approach, it would make sense for such players to express disdain for lesser-skilled players who attempt the same hacks. As Derek (twenty-one) explains,

If a person knows how to play the videogame, if they’ve proven time and time again that there aren’t many games that can keep them like, you know, that they can’t beat, then I have no problem with cheating. It’s the people who don’t know videogames and then they decide they want to cheat so they can run off and play people who are way bigger than them and kill them. ‘Cause that’s just not, I don’t know, I mean [if] you don’t have any actual ability within the game, you shouldn’t in a way be privy to that knowledge of how to soup your guy up.

Yet in addition to the act of earning the right to cheat, players such as Derek and others also engage in the activity as a way to cause trouble or disturb other players. Cheating in order to “be a jerk” or “an ass” focuses on the reactions of other players, and may not necessarily be tied to actual self-advancement in the game. While players may be breaking or bending rules to

do so, they aren't necessarily better off at the end of the session. Such types of behavior tend to be categorized as what Chek Yang Foo and others have termed "grief play."¹⁷

Much like hackers, such cheaters are using the logics of code to demonstrate superiority over certain other players. For some this may be less directly confrontational, such as achieving great wealth by the careful deception of others (as a scam on *Eve Online* reveals), or it may be through actively defeating others in gameplay, by illegally (or unethically) acquired skills or items.¹⁸

I'll explore this concept and important exceptions to it in the next chapter [Editor's Note: see Mia Consalvo, *Cheating: Gaining Advantage in Videogames*, MIT Press: 2009]. Yet it is fairly safe to say that the vast majority of game players consider the cheater as beyond the bounds of fair play—and often the cheaters acknowledge this themselves. Mostly, however, where the line between the full-on cheater ends and other activities begin to appear is a blurred one, which most players dynamically negotiate.

Conclusions

This chapter has investigated how players define and enact game-playing practices that could fall into the category of cheating. All players define cheating in a game as an activity that confers unfair advantage to the player. Yet that's where the consensus begins to break down. In their operational definitions, players identified different items and activities as cheating or not. From the purist to the purely social, cheating ranged from anything outside "one's own thoughts" in a single-player game to activities that had to make other players worse off. What can such a range of definitions tell us?

First, it reminds us of the diversity of play styles and practices that players bring to their games. Although it can be tempting to think only of the *Counter-Strike* hacker or the gold-buying player subscribed to an MMO, cheating, as defined by players themselves, can encompass a wide variety of actions. Second, that diversity points out the different ways that players make distinctions. For some players, the game world is defined quite narrowly—it is the game's code itself and the player—and all else is conceptualized as

ideally out-of-bounds. That player wants to experience the game on its own terms, believing the game world to be cohesive enough to provide all the clues and skill builders necessary to complete it. Of course many games (or players) fall short of that expectation, at least occasionally. But that is how the purist approaches the game and sets about playing.

Next is the player who defines the game situation more broadly: the game world admits the game as well as help from other people, walkthroughs, and guides. Here, the line becomes the code of the game itself; altering it is the boundary line that players do not wish to cross—or at least during the first pass on a game. The physical code is the limit, yet the player allows other items and help into the game world.

Finally, there's the social player who only sees unfair advantage as something that can be expressed with other players present. Items and activities that are freely available to all are by definition not cheats; only secret activities used to best or gain advantage over others can "count." The game world in this instance must contain other players in order for cheating to potentially exist. And it must result in gain for the player.

If that's the range of how players define cheating, how do their actions measure up? It would be easy to argue that player definitions are based on ideal situations and their actions reflect actual playing difficulties, but while this is true to some extent, that explanation misses some key elements of cheating behaviors.

As mentioned, getting stuck is a major reason for cheating, and while making better games might diminish that problem, it will never be eliminated. Players have widely different skill levels as well as patience thresholds for different games, on different days, in different situations. Game developers will always be limited by deadlines and budgets to finish products, perhaps before they are all truly "done." There will always be times when players get stuck, or do not have ninety-plus hours to spend finding every secret item and location in a game. Likewise, even a twenty-hour game may be too long for some players, who would prefer to spend ten hours playing, see the ending, feel a sense of completion, and move on to another game. For all such reasons, people will cheat or use items others consider cheating.

Yet beyond instrumental reasons to cheat, there are purely ludic ones as well. Being playful—running around with ninety-nine lives or a bobble head

—can be immensely satisfying for its own sake. It may have nothing to do with advancing the game or gaining skill. The player is gaining more enjoyment from the game, in a variety of ways.

The instrumental and the ludic, moreover, come together in social spaces, when the cheater enters the game. To be about more than grief play—which implies a solely ludic approach—the cheater incorporates instrumentality into his activities. The cheater gains the advantage and has fun in doing so. The enjoyment might differ from the form described above, as it often comes at the expense of other players (to be an ass), yet it is still about pleasure in the game.

To conclude, what does such knowledge tell us? Paratextual industries have created products and practices that play a contested role in players' experiences. They may contribute to the acquisition of gaming capital, but for some players signal its lack. Players carefully negotiate the use of such items in their gameplay, and there is a diversity of approaches in that use. Players are active and thoughtful, accepting and resisting various forms of guidance, help and cheats. Their activity indicates the complexity of the gameplay experience, which this chapter has only begun to explore. That investigation continues in the next chapter, which examines the cheater in greater depth. It asks who such players are, and how the cheater performs a critical role in the world of multiplayer games.

Notes

¹ Or a computer, a keyboard, and a mouse.

² See Gareth Schott and Kristy Horell, "Girl Gamers and Their Relationship with the Gaming Culture," *Convergence* 6, no. 4 (2000): 36–53; Pam Royse, Joon Lee, Undrahbuyan Baasanjav, Mark Hopson, and Mia Consalvo, "Women Gamers: Technologies of the Gendered Self," in *New Media and Society* (forthcoming); T.L. Taylor, "Multiple Pleasures: Women and Online Gaming," *Convergence* 9, no. 1 (2003): 21–46.

³ Hector Postigo, "Of Mods and Modders: Chasing Down the Value of Fan-Based Video Game Modifications," in *Digital Games Industries*, ed. Jason Rutter (Manchester: Manchester University Press, forthcoming); Talmadge Wright, Eric Boria, and Paul Breidenbach, "Creative Player Actions in FPS Online Video Games," *Game Studies* (2002), <<http://www.gamestudies.org/0202/wright/>>.

⁴ T.L. Taylor and Mikael Jakobsson, "The Sopranos Meet EverQuest: Socialization in

Massively Multiuser Games,” in *Command Lines*, ed. Sandra Braman and Thomas Malaby (forthcoming).

[5](#) Lawrence Lessig, *Code: And Other Laws of Cyberspace* (New York: Basic Books, 1999), 60.

[6](#) “Do You Use Cheat Codes or Not?” *Electronic Gaming Monthly* message boards, 2002, <http://boards.gamers.com/messages/message_view-topic?name=egmandid=zrcdr>.

[7](#) John Huizinga, *Homo Ludens: A Study of the Play Element in Culture* (Boston: Beacon Press, 1950); Espen Aarseth, *Cybertext: Perspectives on Ergodic Literature* (Baltimore, MD: Johns Hopkins University Press, 1997). Elsewhere I critique the magic circle, as it suggests boundaries for gameplay that seem unrealistic in the contemporary world of games, where guides, fan fiction, and codes found in magazines (among other things) can appear and mediate gameplay at times apart from the actual playing of games. Yet the concept can still be helpful, I believe, in asserting that there is a boundary for games, which I believe are the rules of the game itself. Thus, the circle defines a conceptual rather than a spatial limit to games.

[8](#) Huizinga, *Homo Ludens*, 8.

[9](#) Aarseth, *Cybertext*, 124.

[10](#) Aarseth, *Cybertext*, 91.

[11](#) Oftentimes, even the guides themselves advise players to use them sparingly, in order not to spoil the excitement of figuring things out on their own. One of the guides to *Myst* at GameFAQs.com admonishes players to try to play through the game without consulting the more detailed walkthrough, unless the player is absolutely stuck. Additionally, the commercial strategy guide for the Nintendo game *Legend of Zelda: Majora’s Mask* actually seals the information about the final battle and end of the game in a separate envelope at the back of the guide.

[12](#) J. Barton Bowyer, *Cheating: Deception in War and Magic, Games and Sports, Sex and Religion, Business and Con Games, Politics and Espionage, Art and Science* (New York: St. Martin’s Press, 1982) 300–301.

[13](#) Mike Laidlaw, “Cracking Pandora’s Box,” *The Adrenaline Vault*, <<http://www.avault.com/articles/getarticle.asp?name=pandbox>>.

[14](#) “Success” is obviously a loaded term here, and could include grief players who measure success through the levels of discomfort they cause in other players as well as more traditional players who try to follow the game’s various success markers.

[15](#) Julian Kücklich, “Other Playings: Cheating in Computer Games,” (paper presented at the Other Players conference, IT-University of Copenhagen, December 2004), 4.

[16](#) Chek Yang Foo, “Redefining Grief Play,” (paper presented at the Other Players conference, IT-University of Copenhagen, December 2004); Chek Yang Foo and Elina M.I. Koivisto, “Grief Play Motivations,” (paper presented at the Other Players conference, IT-University of Copenhagen, December 2004).

[17](#) Foo, “Redefining Grief Play”; Foo and Koivisto, “Grief Play Motivations.”

[18](http://static.circa1984.com/the-bigscam.html) Nightfreeze, "The Great Scam," <<http://static.circa1984.com/the-bigscam.html>> (accessed March 1, 2005).

A Rape in Cyberspace

Or TINYSOCIETY, and How to Make One

Julian Dibbell

Julian Dibbell, "A Rape in Cyberspace," My Tiny Life: Crime and Passion in a Virtual World, pp. 11–29. Copyright © 1998 by Julian Dibbell. Reprinted with permission.

They say he raped them that night. They say he did it with a cunning little doll, fashioned in their image and imbued with the power to make them do whatever he desired. They say that by manipulating the doll he forced them to have sex with him, and with each other, and to do horrible, brutal things to their own bodies. And though I wasn't there that night, I think I can assure you that what they say is true, because it all happened right in the living room—right there amid the well-stocked bookcases and the sofas and the fireplace—of a house I came later to think of as my second home. Call me Dr. Bombay. Some years ago—let's say about halfway between the first time you heard the words information superhighway and the first time you wished you never had—I found myself tripping now and then down the well-traveled information lane that leads to LambdaMOO, a very large and very busy rustic mansion built entirely of words. On the occasional free evening I'd sit down in my New York City apartment and type the commands that called those words onto my computer screen, dropping me with what seemed a warm electric thud inside the house's darkened coat closet, where I checked my quotidian identity, stepped into the persona and appearance of a minor character from a long-gone television sitcom, and stepped out into the glaring chatter of the crowded living room. Sometimes, when the mood struck me, I emerged as a dolphin instead.

I won't say why I chose to masquerade as Samantha Stephens's outlandish cousin, or as the dolphin, or what first led me into the semifictional digital other-worlds known around the Internet as multiuser dimensions, or MUDs. This isn't quite my story yet. It's the story, for now, of an elusive congeries of flesh and bytes named Mr. Bungle, and of the ghostly sexual violence he committed in the halls of LambdaMOO, and most importantly of the ways his

violence and his victims challenged the thousand and more residents of that surreal, magic-infested mansion to become, finally, the community so many of them already believed they were.

That I was myself already known to wander the mansion grounds from time to time has little direct bearing on the story's events. That those same events were, months after, to draw me deeper into the complex, flickering core of Lambda-MOO's shadow reality than I had ever thought to go is also, I suppose, of only a slight and hindsighted relevance to the matter now at hand. I mention it only as a warning that my own perspective may, at this late date, be too steeped in the surreality and magic of the place to serve as an altogether appropriate guide. For the Bungle Affair raises questions that—here on the brink of a future in which human existence may find itself as tightly enveloped in digital environments as it is today in the architectural kind—demand a clear-eyed, sober, and unmystified consideration. It asks us to shut our ears for the time being to techno-utopian ecstasies and look without illusion upon the present possibilities for building, in the online spaces of this world, societies more decent and free than those mapped onto dirt and concrete and capital. It asks us to behold the new bodies awaiting us in virtual space undazzled by their phantom powers, and to get to the crucial work of sorting out the socially meaningful differences between those bodies and our physical ones. And perhaps most challengingly it asks us to wrap our late-modern ontologies, epistemologies, sexual ethics, and common sense around the curious notion of rape by voodoo doll—and to try not to warp them beyond recognition in the process.

In short, the Bungle Affair dares me to explain it to you without resort to dime-store mysticisms, and I fear I may have shape-shifted by the digital moonlight one too many times to be quite up to the task. But I will do what I can, and can do no better than to lead with the facts. For if nothing else about Mr. Bungle's case is unambiguous, the facts at least are crystal clear.

The facts begin (as they often do) with a time and a place. The time was a Monday night in March, and the place, as I've said, was the living room—which, due largely to the centrality of its location and to a certain warmth of decor, was in those days so invariably packed with chitchatters as to be roughly synonymous among LambdaMOOers with a party. So strong, indeed, was the sense of convivial common ground invested in the living room that a cruel mind could hardly imagine a better place in which to stage a violation

of LambdaMOO's communal spirit. And there was cruelty enough lurking in the appearance Mr. Bungle presented to the virtual world—he was at the time a fat, oleaginous, Bisquick-faced clown dressed in cum-stained harlequin garb and girdled with a mistletoe-and-hemlock belt whose buckle bore the quaint inscription *KISS ME UNDER THIS, BITCH!* But whether cruelty motivated his choice of crime scene is not among the established facts of the case. It is a fact only that he did choose the living room.

The remaining facts tell us a bit more about the inner world of Mr. Bungle, though only perhaps that it wasn't a very cozy place. They tell us that he commenced his assault entirely unprovoked, at or about 10 p.m. Pacific Standard Time. That he began by using his voodoo doll to force one of the room's occupants to sexually service him in a variety of more or less conventional ways. That this victim was exu,¹⁹ a South American trickster spirit of indeterminate gender, brown-skinned and wearing an expensive pearl gray suit, top hat, and dark glasses. That exu heaped vicious imprecations on him all the while and that he was soon ejected bodily from the room. That he hid himself away then in his private chambers somewhere on the mansion grounds and continued the attacks without interruption, since the voodoo doll worked just as well at a distance as in proximity. That he turned his attentions now to Moondreamer, a rather pointedly nondescript female character, tall, stout, and brown-haired, forcing her into unwanted liaisons with other individuals present in the room, among them exu, Kropotkin (the well-known radical), and Snugberry (the squirrel). That his actions grew progressively violent. That he made exu eat his/her own pubic hair. That he caused Moondreamer to violate herself with a piece of kitchen cutlery. That his distant laughter echoed evilly in the living room with every successive outrage. That he could not be stopped until at last someone summoned Iggy, a wise and trusted old-timer who brought with him a gun of near wizardly powers, a gun that didn't kill but enveloped its targets in a cage impermeable even to a voodoo doll's powers. That Iggy fired this gun at Mr. Bungle, thwarting the doll at last and silencing the evil, distant laughter.

These particulars, as I said, are unambiguous. But they are far from simple, for the simple reason that every set of facts in virtual reality (or VR, as the locals abbreviate it) is shadowed by a second, complicating set: the "real-life" facts. And while a certain tension invariably buzzes in the gap between the

hard, prosaic RL facts and their more fluid, dreamy VR counterparts, the dissonance in the Bungle case is striking. No hideous clowns or trickster spirits appear in the RL version of the incident, no voodoo dolls or wizard guns, indeed no rape at all as any RL court of law has yet defined it. The actors in the drama were university students for the most part, and they sat rather undramatically before computer screens the entire time, their only actions a spidery flitting of fingers across standard QWERTY keyboards. No bodies touched. Whatever physical interaction occurred consisted of a mingling of electronic signals sent from sites as distant from each other as the eastern seaboard of the United States and the southern coast of Australia. Those signals met in LambdaMOO, certainly, just as the hideous clown and the living room party did, but what was LambdaMOO after all? Not an enchanted mansion or anything of the sort—just a middlingly complex database, maintained for experimental purposes inside a Xerox Corporation research computer in Palo Alto and open to public access via the Internet.

To be more precise about it, LambdaMOO was a MUD. Or to be yet more precise, it was a subspecies of MUD known as a MOO, which is short for “MUD, Object Oriented.” All of which means that it was a kind of database especially designed to give users the vivid impression of moving through a physical space that in reality exists only as words filed away on a hard drive. When users log in to LambdaMOO, for instance, the program immediately presents them with a brief textual description of one of the rooms of the database’s fictional mansion (the coat closet, say). If the user wants to leave this room, she can enter a command to move in a particular direction and the database will replace the original description with a new one corresponding to the room located in the direction she chose. When the new description scrolls across the user’s screen it lists not only the fixed features of the room but all its contents at that moment—including things (tools, toys, weapons) and other users (each represented as a “character” over which the user has sole control).

As far as the database program is concerned, all of these entities—rooms, things, characters—are just different subprograms that the program allows to interact according to rules very roughly mimicking the laws of the physical world. Characters may not leave a room in a given direction, for instance, unless the room subprogram contains an “exit” at that compass point. And if a character “says” or “does” something (as directed by its user-owner via the

say or the emote command), then only the users whose characters are also located in that room will see the output describing the statement or action. Aside from such basic constraints, however, LambdaMOOers are allowed a broad freedom to create—they can describe their characters any way they like, they can make rooms of their own and decorate them to taste, and they can build new objects almost at will. The combination of all this busy user activity with the hard physics of the database can certainly induce a lucid illusion of presence—but when all is said and done the only thing you really see when you visit LambdaMOO is a kind of slow-crawling script, lines of dialogue and stage direction creeping steadily up your computer screen.

Which is all just to say that, to the extent that Mr. Bungle's assault happened in real life at all, it happened as a sort of Punch-and-Judy show, in which the puppets and the scenery were made of nothing more substantial than digital code and snippets of creative writing. The puppeteer behind Bungle that night, as it happened, was a young man logging in to the MOO from a New York University computer. He could have been Mother Teresa for all any of the others knew, however, and he could have written Bungle's script that night any way he chose. He could have sent an emote command to print the message *Mr_Bungle, smiling a saintly smile, floats angelic near the ceiling of the living room, showering joy and candy kisses down upon the heads of all below*—and everyone then receiving output from the database's subprogram #17 (a/k/a the "living room") would have seen that sentence on their screens.

Instead, however, he entered sadistic fantasies into the "voodoo doll," a subprogram that served the not-exactly kosher purpose of attributing actions to other characters that their users did not actually write. And thus a woman in Haverford, Pennsylvania, whose account on the MOO attached her to a character she called Moondreamer, was given the unasked-for opportunity to read the words *As if against her will, Moondreamer jabs a steak knife up her ass, causing immense joy. You hear Mr_Bungle laughing evilly in the distance*. And thus the woman in Seattle who had written herself the character called exu, with a view perhaps to tasting in imagination a deity's freedom from the burdens of the gendered flesh, got to read similarly constructed sentences in which exu, messenger of the gods, lord of crossroads and communications, suffered a brand of degradation all-too-customarily reserved for the embodied female.

“Mostly voodoo dolls are amusing,” wrote exu on the evening after Bungle’s rampage, posting a public statement to the widely read in-MOO mailing list called *social-issues, a forum for debate on matters of import to the entire populace. “And mostly I tend to think that restrictive measures around here cause more trouble than they prevent. But I also think that Mr. Bungle was being a vicious, vile fuckhead, and I ... want his sorry ass scattered from #17 to the Cinder Pile. I’m not calling for policies, trials, or better jails. I’m not sure what I’m calling for. Virtual castration, if I could manage it. Mostly, [this type of thing] doesn’t happen here. Mostly, perhaps I thought it wouldn’t happen to me. Mostly, I trust people to conduct themselves with some veneer of civility. Mostly, I want his ass.”

Months later, the woman in Seattle would confide to me that as she wrote those words she was surprised, to find herself in tears—a real-life fact that should suffice to prove that the words’ emotional content was no mere fiction. The precise tenor of that content, however, its mingling of murderous rage and eyeball-rolling annoyance, was a curious amalgam that neither the RL nor the VR facts alone can quite account for. Where virtual reality and its conventions would have us believe that exu and Moondreamer were brutally raped in their own living room, here was the victim exu scolding Mr. Bungle for a breach of “civility.” Where real life, on the other hand, insists the incident was only an episode in a free-form version of Dungeons and Dragons, confined to the realm of the symbolic and at no point threatening any player’s life, limb, or material well-being, here now was the player exu issuing aggrieved and heartfelt calls for Mr. Bungle’s dismemberment. Ludicrously excessive by RL’s lights, woefully understated by VR’s, the tone of exu’s response made sense only in the buzzing, dissonant gap between them.

Which is to say it made the only kind of sense that can be made of MUDly phenomena. For while the facts attached to any event born of a MUD’s strange, ethereal universe may march in straight, tandem lines separated neatly into the virtual and the real, its meaning lies always in that gap. You learn this axiom early in your life as a player, and it’s of no small relevance to the Bungle case that you often learn it between the sheets, so to speak. Netsex, tinysex, virtual sex—however you name it, in real-life reality it’s nothing more than a phone fuck stripped of even the vestigial physicality of the voice. And yet, as many a wide-eyed newbie can tell you, it’s possibly the

headiest experience the very heady world of MUDs has to offer. Amid flurries of even the most cursorily described caresses, sighs, or penetrations, the glands do engage, and often as throbbingly as they would in a real-life assignation—sometimes even more so, given the combined power of anonymity and textual suggestiveness to unshackle deep-seated fantasies. And if the virtual setting and the interplayer vibe are right, who knows? The heart may engage as well, stirring up passions as strong as many that bind lovers who observe the formality of trysting in the flesh.

To participate, therefore, in this disembodied enactment of life's most body-centered activity is to risk the realization that when it comes to sex, perhaps the body in question is not the physical one at all, but its psychic double, the bodylike self-representation we carry around in our heads—and that whether we present that body to another as a meat puppet or a word puppet is not nearly as significant a distinction as one might have thought. I know, I know, you've read Foucault and your mind is not quite blown by the notion that sex is never so much an exchange of fluids as it is an exchange of signs. But trust your friend Dr. Bombay, it's one thing to grasp the notion intellectually and quite another to feel it coursing through your veins amid the virtual steam of hot netnookie. And it's a whole other mind-blowing trip altogether to encounter it thus as a college frosh, new to the Net and still in the grip of hormonal hurricanes and high school sexual mythologies. The shock can easily reverberate throughout an entire young worldview. Small wonder, then, that a newbie's first taste of MUD sex is often also the first time she or he surrenders wholly to the quirky terms of MUDdish ontology, recognizing in a full-bodied way that what happens inside a MUD-made world is neither exactly real nor exactly make-believe, but nonetheless profoundly, compellingly, and emotionally true.

And small wonder indeed that the sexual nature of Mr. Bungle's crime provoked such powerful feelings, and not just in exu (who, be it noted, was in real life a theory-savvy doctoral candidate and a longtime MOOer, but just as baffled and overwhelmed by the force of her own reaction, she later would attest, as any panting undergrad might have been). Even players who had never experienced MUD rape (the vast majority of male-presenting characters, but not as large a majority of the female-presenting as might be hoped) immediately appreciated its gravity and were moved to condemnation of the perp. exu's missive to **social-issues* followed a strongly worded one

from Iggy (“Well, well,” it began, “no matter what else happens on Lambda, I can always be sure that some jerk is going to reinforce my low opinion of humanity”) and was itself followed by others from Zakariyah, Wereweasel, Crawdaddy, and emmeline. Moondreamer also let her feelings (“pissed”) be known. And even Xander, the Clueless Samaritan who had responded to Bungle’s cries for help and uncaged him shortly after the incident, expressed his regret once apprised of Bungle’s deeds, which he allowed to be “despicable.”

A sense was brewing that something needed to be done—done soon and in something like an organized fashion—about Mr. Bungle, in particular, and about MUD rape, in general. Regarding the general problem, emmeline, who identified herself as a survivor of both virtual rape (“many times over”) and real-life sexual assault, floated a cautious proposal for a MOO-wide powwow on the subject of virtual sex offenses and what mechanisms if any might be put in place to deal with their future occurrence. As for the specific problem, the answer no doubt seemed obvious to many. But it wasn’t until the evening of the second day after the incident that exu, finally and rather solemnly, gave it voice: “I am requesting that Mr. Bungle be toaded for raping Moondreamer and I have never done this before, and have thought about it for days. He hurt us both.”

That was all. Three simple sentences posted to **social*. Reading them, an outsider might never guess that they were an application for a death warrant. Even an outsider familiar with other MUDs might not guess it, since in many of them “toading” still refers to a command that, true to the gameworlds’ sword-and-sorcery origins, simply turns a player into a toad, wiping the player’s description and attributes and replacing them with those of the slimy amphibian. Bad luck for sure, but not quite as bad as what happens when the same command is invoked in the MOOish strains of MUD: not only are the description and attributes of the toaded player erased, but the account itself goes too. The annihilation of the character, thus, is total.

And nothing less than total annihilation, it seemed, would do to settle Lambda-MOO’s accounts with Mr. Bungle. Within minutes of the posting of exu’s appeal, HortonWho, the Australian Deleuzean, who had witnessed much of the attack from the back room of his suburban Melbourne home, seconded the motion with a brief message crisply entitled “Toad the fuokr.” HortonWho’s posting was seconded almost as quickly by that of Kropotkin,

co-victim of Mr. Bungle and well-known radical, who in real life happened also to be married to the real-life exu. And over the course of the next twenty-four hours as many as fifty players made it known, on **social* and in a variety of other forms and forums, that they would be pleased to see Mr. Bungle erased from the face of the MOO. And with dissent so far confined to a dozen or so antitoading hardliners, the numbers suggested that the citizenry was indeed moving toward a resolve to have Bungle's virtual head.

There was one small but stubborn obstacle in the way of this resolve, however, and that was a curious state of social affairs known in some quarters of the MOO as the New Direction. It was all very fine, you see, for the LambdaMOO rabble to get it in their heads to liquidate one of their peers, but when the time came to actually do the deed it would require the services of a nobler class of character. It would require a wizard. Master-programmers of the MOO, spelunkers of the database's deepest code-structures and custodians of its day-to-day administrative trivia, wizards are also the only players empowered to issue the toad command, a feature maintained on nearly all MUDs as a quick-and-dirty means of social control. But the wizards of LambdaMOO, after years of adjudicating all manner of interplayer disputes with little to show for it but their own weariness and the smoldering resentment of the general populace, had decided they'd had enough of the social sphere. And so, four months before the Bungle incident, the archwizard Haakon (known in RL as Pavel Curtis, Xerox researcher and Lambda-MOO's principal architect) formalized this decision in a document called "LambdaMOO Takes a New Direction," which he placed in the living room for all to see. In it, Haakon announced that the wizards from that day forth were pure technicians. From then on, they would make no decisions affecting the social life of the MOO, but only implement whatever decisions the community as a whole directed them to. From then on, it was decreed, LambdaMOO would just have to grow up and solve its problems on its own.

Faced with the task of inventing its own self-governance from scratch, the LambdaMOO population had so far done what any other loose, amorphous agglomeration of individuals would have done: they'd let it slide. But now the task took on new urgency. Since getting the wizards to toad Mr. Bungle (or to toad the likes of him in the future) required a convincing case that the cry for his head came from the community at large, then the community itself would have to be defined; and if the community was to be convincingly

defined, then some form of social organization, no matter how rudimentary, would have to be settled on. And thus, as if against its will, the question of what to do about Mr. Bungle began to shape itself into a sort of referendum on the political future of the MOO. Arguments broke out on *social and elsewhere that had only superficially to do with Bungle (since everyone seemed to agree he was a cad) and everything to do with where the participants stood on LambdaMOO's crazy-quilty political map. Parliamentary legalist types argued that unfortunately Bungle could not legitimately be toaded at all, since there were no explicit MOO rules against rape, or against just about anything else—and the sooner such rules were established, they added, and maybe even a fullblown judiciary system complete with elected officials and prisons to enforce those rules, the better. Others, with a royalist streak in them, seemed to feel that Bungle's as-yet-unpunished outrage only proved this New Direction silliness had gone on long enough, and that it was high time the wizardocracy returned to the position of swift and decisive leadership their player class was born to.

And then there were what I'll call the technolibertarians. For them, MUD rapists were of course assholes, but the presence of assholes on the system was a technical inevitability, like noise on a phone line, and best dealt with not through repressive social disciplinary mechanisms but through the timely deployment of defensive software tools. Some asshole blasting violent, graphic language at you? Don't whine to the authorities about it—hit the @gag command and said asshole's statements will be blocked from your screen (and only yours). It's simple, it's effective, and it censors no one.

But the Bungle case was rather hard on such arguments. For one thing, the extremely public nature of the living room meant that gagging would spare the victims only from witnessing their own violation, but not from having others witness it. You might want to argue that what those victims didn't directly experience couldn't hurt them, but consider how that wisdom would sound to a woman who'd been, say, fondled by strangers while passed out drunk in the middle of a party, and you have a rough idea how it might go over with a crowd of hardcore MOOers. Consider, for another thing, that many of the biologically female participants in the Bungle debate had been around long enough to grow lethally weary of the gag-and-get-over-it school of virtual-rape counseling, with its fine line between empowering victims and holding them responsible for their own suffering, and its shrugging

indifference to the window of pain between the moment the rape-text starts flowing and the moment a gag shuts it off. From the outset it was clear that the technolibertarians were going to have to tiptoe through this issue with care, and for the most part they did.

Yet no position was trickier to maintain than that of the MOO's resident anarchists. Like the technolibbers, the anarchists didn't care much for punishments or policies or power elites. Like them, they hoped the MOO could be a place where people interacted fulfillingly without the need for such things. But their high hopes were complicated, in general, by a somewhat less thoroughgoing faith in technology (*Even if you can't tear down the master's house with the master's tools*—read a slogan written into one anarchist player's self-description—*it is a damned good place to start*). And at present they were additionally complicated by the fact that the most vocal anarchists in the discussion were none other than exu, Kropotkin, and HortonWho, who wanted to see Mr. Bungle toaded as badly as anyone did.

Needless to say, a pro-death penalty platform is not an especially comfortable one for an anarchist to sit on, so these particular anarchists were now at great pains to sever the conceptual ties between toading and capital punishment. Toading, they insisted (almost convincingly), was much more closely analogous to banishment; it was a kind of turning of the communal back on the offending party, a collective action that, if carried out properly, was entirely consistent with anarchist models of community. And carrying it out properly meant first and foremost building a consensus around it—a messy process for which there were no easy technocratic substitutes. It was going to take plenty of good old-fashioned, jawbone-intensive grassroots organizing.

So that when the time came, at 7 p.m. PST on the evening of the third day after the occurrence in the living room, to gather in emmeline's room for her proposed real-time open conclave, Kropotkin and exu were among the first to arrive. But this was hardly to be an anarchist-dominated affair, for the room was crowding rapidly with representatives of all the MOO's political stripes, and even a few wizards. Lombard showed up, and Aurea and Quanto, Spaff, TomTraceback, Eldopa and Bloof, ShermieRocko, Silver Surfer, MaoTseHedgehog, Toothpick—the names piled up and the discussion gathered momentum under their weight. Arguments multiplied and mingled, players talked past and through each other, the textual clutter of utterances

and gestures filled up the screen like thick cigar smoke. Peaking in number at around thirty, this was one of the largest crowds that ever gathered in a single LambdaMOO chamber, and while emmeline had given her place a description that made it infinite in expanse and fluid in form, it now seemed anything but roomy. You could almost feel the claustrophobic air of the place, dank and overheated by virtual bodies, pressing against your skin.

I know you could because I too was there, in one of those pivotal accidents of personal history one always wants later to believe were approached with a properly solemn awareness of the moment's portent. Almost as invariably, of course, the truth is that one wanders into such occasions utterly without a clue, and so it was with me that night. Completely ignorant of any of the goings-on that had led to the meeting, I showed up mainly to see what the crowd was about, and though I observed the proceedings for a good while, I confess I found it hard to grasp what was going on. I was still the rankest of newbies then, my MOO legs still too unsteady to make the leaps of faith, logic, and empathy required to meet the spectacle on its own terms. I was fascinated by the concept of virtual rape, but I was even more so by the notion that anyone could take it altogether seriously.

In this, though, I found myself in a small and mostly silent minority, for the discussion that raged around me was of an almost unrelieved earnestness, bent it seemed on examining every last aspect and implication of Mr. Bungle's crime. There were the central questions, of course: Thumbs up or down on Bungle's virtual existence? And if down, how then to ensure that his toading was not just some isolated lynching but a first step toward shaping LambdaMOO into a legitimate community? Surrounding these, however, a tangle of weighty side issues proliferated. What, some wondered, was the real-life legal status of the offense? Could Bungle's university administrators punish him for sexual harassment? Could he be prosecuted under California state laws against obscene phone calls? Little enthusiasm was shown for pursuing either of these lines of action, which testifies both to the uniqueness of the crime and to the nimbleness with which the discussants were negotiating its idiosyncracies. Many were the casual references to Bungle's deed as simply "rape," but these in no way implied that the players had lost sight of all distinctions between the virtual and physical versions, or that they believed Bungle should be dealt with in the same way a real-life criminal would. He had committed a MOO crime, and his punishment, if any, would

be meted out via the MOO.

On the other hand, little patience was shown toward any attempts to downplay the seriousness of what Mr. Bungle had done. When the affable Shermie-Rocko proposed, more in the way of a hypothesis than an assertion, that “perhaps it’s better to release ... violent tendencies in a virtual environment rather than in real life,” he was tut-tutted so swiftly and relentlessly that he withdrew the hypothesis altogether, apologizing humbly as he did so. Not that the assembly was averse to putting matters into a more philosophical perspective. “Where does the body end and the mind begin?” young Quanto asked, amid recurring attempts to fine-tune the differences between real and virtual violence. “Is not the mind a part of the body?” “In MOO, the body IS the mind,” offered Shermie-Rocko gamely, and not at all implausibly, demonstrating the ease with which very knotty metaphysical conundrums come undone in VR. The not-so-aptly named Obtuse seemed to agree, arriving after sufficient consideration of the nature of Bungle’s crime at the hardly novel yet now somehow newly resonant conjecture that “all reality might consist of ideas, who knows.”

On these and other matters the anarchists, the libertarians, the legalists, the wizardists—and the wizards—all had their thoughtful say. But as the evening wore on and the talk grew more heated and more heady, it seemed increasingly clear that the vigorous intelligence being brought to bear on this swarm of issues wasn’t going to result in anything remotely like resolution. The perspectives were just too varied, the memescape just too slippery. Again and again, arguments that looked at first to be heading in a decisive direction ended up chasing their own tails; and slowly, depressingly, a dusty haze of irrelevance gathered over the proceedings.

It was almost a relief, therefore, when midway through the evening Mr. Bungle himself, the living, breathing cause of all this talk, teleported into the room. Not that it was much of a surprise. Oddly enough, in the three days since his release from Iggy’s cage, Bungle had returned more than once to wander the public spaces of LambdaMOO, walking willingly into one of the fiercest storms of ill will and invective ever to rain down on a player. He’d been taking it all with a curious and mostly silent passivity, and when challenged face-to-virtual-face by both exu and the genderless elder statescharacter PatSoftly to defend himself on **social*, he’d demurred, mumbling something about Christ and expiation. He was equally quiet now,

and his reception was still uniformly cool, exu fixed an arctic stare on him—*no hate, no anger, no interest at all. Just ... watching.* Others were more actively unfriendly. “Asshole,” spat MaoTseHedgehog, “creep.” But the harshest of the MOO’s hostility toward him had already been vented, and the attention he drew now was motivated more, it seemed, by the opportunity to probe the rapist’s mind, to find out what made it tick and if possible how to get it to tick differently. In short, they wanted to know why he’d done it. So they asked him.

And Mr. Bungle thought about it. And as eddies of discussion and debate continued to swirl around him, he thought about it some more. And then he said this:

“I engaged in a bit of a psychological device that is called thought-polarization, the fact that this is not RL simply added to heighten the affect of the device. It was purely a sequence of events with no consequence on my RL existence.”

They might have known. Stilted though its diction was, the gist of the answer was simple, and something many in the room had probably already surmised: Mr. Bungle was a psycho. Not, perhaps, in real life—but then in real life it’s possible for reasonable people to assume, as Bungle clearly did, that what transpires between word-costumed characters within the boundaries of a make-believe world is, if not mere play, then at most some kind of emotional laboratory experiment. Inside the MOO, however, such thinking marked a person as one of two basically subcompetent types. The first was the newbie, in which case the confusion was understandable, since there were few MOOers who had not, upon their first visits as anonymous “guest” characters, mistaken the place for a vast playpen in which they might act out their wildest fantasies without fear of censure. Only with time and the acquisition of a fixed character did players tend to make the critical passage from anonymity to pseudonymity, developing the concern for their character’s reputation that marks the attainment of virtual adulthood. But while Mr. Bungle hadn’t been around as long as most MOOers, he’d been around long enough to leave his newbie status behind, and his delusional statement therefore placed him among the second type: the sociopath.

And as there is but small percentage in arguing with a head case, the room’s attention gradually abandoned Mr. Bungle and returned to the discussions that had previously occupied it. But if the debate had been edging toward

ineffectuality before, Bungle's anticlimactic appearance had evidently robbed it of any forward motion whatsoever. What's more, from his lonely corner of the room Mr. Bungle kept issuing periodic expressions of a prickly sort of remorse, interlaced with sarcasm and belligerence, and though it was hard to tell if he wasn't still just conducting his experiments, some people thought his regret genuine enough that maybe he didn't deserve to be toaded after all. Logically, of course, discussion of the principal issues at hand didn't require unanimous belief that Bungle was an irredeemable bastard, but now that cracks were showing in that unanimity, the last of the meeting's fervor seemed to be draining out through them.

People started drifting away. Mr. Bungle left first, then others followed—one by one, in twos and threes, hugging friends and waving good night. By 9:45 P.M. only a handful remained, and the great debate had wound down into casual conversation, the melancholy remains of another fruitless good idea. The arguments had been well-honed, certainly, and perhaps might prove useful in some as-yet-unclear long run. But at this point what seemed clear was that Emmeline's meeting had died, at last, and without any practical results to mark its passing.

It was also at this point, most likely, that TomTraceback reached his decision. TomTraceback was a wizard, a taciturn sort of fellow who'd sat brooding on the sidelines all evening. He hadn't said a lot, but what he had said, in Emmeline's room and elsewhere, indicated that he took the crime committed against Exu and Moondreamer very seriously, and that he felt no particular compassion toward the character who had committed it. But on the other hand he had made it equally plain that he took the elimination of a fellow player just as seriously, and moreover that he had no desire to return to the days of wizardly intervention. It must have been difficult, therefore, to reconcile the conflicting impulses churning within him at that moment. In fact, it was probably impossible, for though he did tend to believe that the consensus on **social* was sufficient proof of the MOO's desire to see capital justice done in the Bungle case, he was also well aware that under the present order of things nothing but his own conscience could tell him, ultimately, whether to ratify that consensus or not. As much as he would have liked to make himself an instrument of the MOO's collective will, therefore, there was no escaping the fact that he must in the final analysis either act alone or not act at all.

So TomTraceback acted alone. He told the lingering few players in the room that he had to go, and then he went. It was a minute or two before 10 P.M. He did it quietly and he did it privately, but all anyone had to do to know he'd done it was to type the @who command, which was normally what you typed if you wanted to know a player's present location and the time he last logged in. But if you had run a @who on Mr. Bungle not too long after TomTraceback left emmeline's room, the database would have told you something different.

Mr_Bungle, it would have said, *is not the name of any player*.

The date, as it happened, was April Fool's Day, but this was no joke: Mr. Bungle was truly dead and truly gone.

They say that LambdaMOO wasn't really the same after Mr. Bungle's toading. They say as well that nothing really changed. And though it skirts the fuzziest of dream-logics to say that both these statements are true, the MOO is just the sort of fuzzy, dreamlike place in which such contradictions thrive.

Certainly the Bungle Affair marked the end of LambdaMOO's brief epoch of rudderless social drift. The rash of public-spiritedness engendered by the events might alone have led in time to some more formal system of communal self-definition, but in the end it was the archwizard Haakon who made sure of it. Away on business for the duration of the episode, Haakon returned to find its wreckage strewn across the tiny universe he'd set in motion. The elimination of a player, the trauma of several others, and the nerve-wracked complaints of his colleague TomTraceback presented themselves to his concerned and astonished attention, and he resolved to see if he couldn't learn some lesson from it all. For the better part of a day he puzzled over the record of events and arguments left in **social*, then he sat pondering the chaotically evolving shape of his creation, and at the day's end he descended once again into the social arena of the MOO with another history-altering proclamation.

It was to be his last, for what he now decreed was the final, missing piece of the New Direction. In a few days, Haakon announced, he would build into the database a system of petitions and ballots whereby anyone could put to popular vote any social scheme requiring wizardly powers for its implementation, with the results of the vote to be binding on the wizards. At last and for good, the awkward gap between the will of the players and the

efficacy of the technicians would be closed. And though some anarchists grumbled about the irony of Haakon's dictatorially imposing universal suffrage on an unconsulted populace, in general the citizens of LambdaMOO seemed to find it hard to fault a system more purely democratic than any that could ever exist in real life. A few months and a dozen ballot measures later, widespread participation in the new regime had already produced a small arsenal of mechanisms for dealing with the types of violence that called the system into being. MOO residents now had access to a @boot command, for instance, with which to summarily eject berserker "guest" characters. And players could bring suit against one another through an ad hoc mediation system in which mutually agreed-upon judges had at their disposition the full range of wizardry punishments—up to and including the capital.

Yet the continued dependence on extermination as the ultimate keeper of the peace suggested that this new MOO order was perhaps not built on the most solid of foundations. For if life on LambdaMOO began to acquire more coherence in the wake of the toading, death retained all the fuzziness of pre-Bungle days. This truth was rather dramatically borne out, not too many days after Bungle departed, by the arrival of a strange new character named Dr. Jest. There was a forceful eccentricity to the newcomer's manner, but the oddest thing about his style was its striking yet unnameable familiarity. And when he developed the annoying habit of stuffing fellow players into a jar containing a tiny simulacrum of a certain deceased rapist, the source of this familiarity became obvious:

Mr. Bungle had risen from the grave.

In itself, Bungle's reincarnation as Dr. Jest was a remarkable turn of events, but perhaps even more remarkable was the utter lack of amazement with which the LambdaMOO public took note of it. To be sure, many residents were appalled by the brazenness of Bungle's return. In fact, one of the first petitions circulated under the new voting system was a request for Dr. Jest's toading that almost immediately gathered several dozen signatures (but failed in the end to reach ballot status). Yet few were unaware of the ease with which the toad proscription could be circumvented—all the toadee had to do (all the Ur-Bungle at NYU presumably had done) was to go to the minor hassle of acquiring a new Internet account, and LambdaMOO's character registration program would then simply treat the known felon as an entirely new and innocent person. Nor was this ease necessarily understood to

represent a failure of toading's social disciplinary function. On the contrary, it only underlined the truism (repeated many times throughout the debate over Mr. Bungle's fate) that his punishment, ultimately, had been no more or less symbolic than his crime.

What was surprising, however, was that Mr. Bungle/Dr. Jest appeared to have taken the symbolism to heart. Dark themes still obsessed him—the objects he created gave off wafts of Nazi imagery and medical torture—but he no longer radiated the aggressively antisocial vibes he had before. He was a lot less unpleasant to look at (the outrageously seedy clown description had been replaced by that of a mildly creepy but actually rather natty young man, with *blue eyes ... suggestive of conspiracy, untamed eroticism, and perhaps a sense of understanding of the future*), and aside from the occasional jar-stuffing incident, he was also a lot less dangerous to be around. It seemed obvious, at least to me, that he'd undergone some sort of personal transformation in the days since I'd first glimpsed him back in emmeline's crowded room—nothing radical maybe, but powerful nonetheless, and resonant enough with my own experience, I felt, that it might be more than professionally interesting to talk with him, and perhaps compare notes.

For I too was undergoing a transformation in the aftermath of that night in emmeline's—and was increasingly uncertain what to make of it. As I pursued my runaway fascination with the discussion I had heard there, as I pored over the **social* debate and got to know exu and some of the other victims and witnesses, I could feel my newbie consciousness falling away from me. Where before I'd found it hard to take virtual rape seriously, I now was finding it difficult to remember how I could ever not have taken it seriously. I was proud to have arrived at this perspective—it felt like an exotic sort of achievement, and it definitely made my ongoing experience of the MOO a richer one.

But it was also having some unsettling effects on the way I looked at the rest of the world. Sometimes, for instance, it grew difficult for me to understand why RL society classifies RL rape alongside crimes against person or property. Since rape can occur without any physical pain or damage, I found myself reasoning, then it must be classed as a crime against the mind—more intimately and deeply hurtful, to be sure, than cross burnings, wolf whistles, and virtual rape, but undeniably located on the same conceptual continuum. I did not, however, conclude as a result that rapists

were protected in any fashion by the First Amendment. Quite the opposite, in fact: the more seriously I took the notion of virtual rape, the less seriously I was able to take the tidy division of the world into the symbolic and the real that underlies the very notion of freedom of speech.

Let me assure you, though, that I did not at the time adopt these thoughts as full-fledged arguments, nor am I now presenting them as such. I offer them, rather, as a picture of the sort of mind-set that my initial encounters with a virtual world inspired in me. I offer them also, therefore, as a kind of prophecy. For whatever else these thoughts were telling me, I have come to hear in them an announcement of the final stages of our decades-long passage into the Information Age, a paradigm shift that the classic liberal fire wall between word and deed (itself a product of an earlier paradigm shift commonly known as the Enlightenment) is not likely to survive intact. After all, anyone the least bit familiar with the workings of the new era's definitive technology, the computer, knows that it operates on a principle impracticably difficult to distinguish from the pre-Enlightenment principle of the magic word: the commands you type into a computer are a kind of speech that doesn't so much communicate as make things happen, directly and ineluctably, the same way pulling a trigger does. They are incantations, in other words, and anyone at all attuned to the technosocial mega-trends of the moment—from the growing dependence of economies on the global flow of intensely fetishized words and numbers to the burgeoning ability of bioengineers to speak the spells written in the four-letter text of DNA—knows that the logic of the incantation is rapidly permeating the fabric of our lives.

And it was precisely this logic, I was beginning to understand, that provided whatever real magic LambdaMOO had to offer—not the fictive trappings of voodoo and shape-shifting and wizardry, but the conflation of speech and act that's inevitable in any computer-mediated world, be it Lambda or the increasingly wired world at large. This was dangerous magic, to be sure, a potential threat—if misconstrued or misapplied—to our always precarious freedoms of expression, and as someone who lives by his words I dared not take the threat lightly. And yet, on the other hand, I could no longer convince myself that our wishful insulation of language from the realm of action had ever been anything but a valuable kludge, a philosophically imperfect stopgap against oppression that would just have to do till something truer and

more elegant came along.

Was I wrong to think this truer, more elegant thing might be found on LambdaMOO? I did not know. I continued, in my now-and-then visits, to seek it there, sensing its presence just below the surface of every interaction. Yet increasingly I sensed as well that if I really wanted to see what lay beneath those surfaces—to glimpse unveiled whatever there was of genuine historical novelty in VR's slippery social and philosophical dynamics—I was going to have to radically deepen my acquaintance with the MOO somehow.

For a time I considered the possibility, as I said, that discussing with Dr. Jest our shared experience of the workings of the place might be a step toward the understanding I sought. But when that notion first occurred to me, I still felt somewhat intimidated by his lingering criminal aura, and I hemmed and hawed a good long time before finally resolving to drop him MOO-mail suggesting we have a chat. By then it appeared to be too late. For reasons known only to himself, Dr. Jest stopped logging in. Maybe he'd grown bored with the MOO. Maybe the loneliness of ostracism had gotten to him. Maybe a psycho whim had carried him far away or maybe he'd quietly acquired a third character and started life over with a cleaner slate.

Wherever he'd gone, though, he left behind the room he'd created for himself—a treehouse *tastefully decorated*, as he'd described it, with rare-book shelves, an operating table, and a life-size William S. Burroughs doll—and he left it unlocked. So I took to checking in there occasionally, heading out of my own cozy nook (inside a TV set inside the little red hotel inside the Monopoly board inside the dining room of LambdaMOO) and teleporting on over to the treehouse, where the room description always told me Dr. Jest was present but asleep, in the conventional depiction for disconnected characters. The not-quite-emptiness of the abandoned room invariably instilled in me an uncomfortable mix of melancholy and the creeps, and I would stick around only on the off chance that Dr. Jest might wake up, say hello, and share his understanding of the future with me.

It happens, in fact, that Dr. Jest did eventually rise again from his epic sleep. But what wisdom he had to offer on that occasion I couldn't tell you, for I had given up the habit of my skittish stakeouts by then. Some final transformation had come over me between visits to that lonely place: the complex magic of the MOO grew gradually to interest me less and less as a way of understanding the future and more and more as a way of living the

present, until one day I teleported home from Dr. Jest's treehouse for the last time, determined to wait no longer for a consultation with my fellow doctor to give me what I wanted from the MOO, but to wrest it instead from the very heart of the place. I was resolved now, to make a life there—to loosen for a while the RL ties that kept me still a sort of tourist on the MOO and to give in, body and soul, to the same powerful gravity that kept so many other MOOers logged on day after day and for hours at a time.

And in the end that's just what I did, so that for a brief, unforgettable season the buzzing haze of VR came at last to envelop my existence: my small daily dramas were absorbed into the MOO's teeming reservoir of small daily dramas, my labors were directed as much toward the ongoing construction of that virtual world as toward the quotidian maintenance of my stake in the material one, and my days were swept by the same broad currents of MOO history that gave rise to the Bungle Affair and the momentous social changes that followed on it.

That is all quite another story, of course. Yet as I said before, it begins where Mr. Bungle's ends, and there remains now only a very little of his to tell. Dr. Jest did finally reawaken, it's true, one late-December day—but he didn't even make it to January before he decided, for no apparent reason but old times' sake, to go on a late-night Bungle-grade rampage through the living room, thus all but formally requesting to be hauled before an official mediator and toaded with a vengeance. The new MOO polity promptly obliged, and I, still busily contriving to loosen those RL ties in preparation for my full-time residency, missed by days my last chance to hear the doctor's story from his own virtual mouth.

But this was no great loss, I suppose. For after all what more could I have learned? Dr. Jest's relapse into mindless digital violence, mocking as it did my wishful projection of hard-earned wisdom onto him, was lesson enough, driving home what Bungle's story in its fullest implications should have already taught me by then: that nothing in the MOO was ever quite what one imagined it to be.

I would still have to learn this lesson many times over, of course. I'd learn it again when on the eve of my immersion in VR two separate and credible sources revealed to me that the virtual psychosis of Mr. Bungle had been even starker than anyone guessed: that the Bungle account had been the more or less communal property of an entire NYU dorm floor, that the young man

at the keyboard on the evening of the rape had acted not alone but surrounded by fellow students calling out suggestions and encouragement, that conceivably none of those people were speaking for Bungle when he showed up in Emmeline's room to answer for the crime, that Dr. Jest himself, thought commonly to have reincarnated the whole Bungle and nothing but the Bungle, in fact embodied just one member of the original mob—just one scattered piece of a self more irreparably fragmented than any RL multiple personality could ever fear to be.

I don't know exactly how often it occurred to me, in the VR-saturated months to follow, that other such shards of Mr. Bungle's shattered identity might lurk among the ethereal population I moved through on a daily basis. But if they were there they never made themselves known, and I certainly never tried to sniff them out. It was far too late for that: the time had come for me to live in LambdaMOO, and I no longer sought the company of ghosts.

Notes

[19](#) Pronounced approximately eh-SHOO.

Playing Metal Gear Solid 4 Well

Being a Good Snake

James Paul Gee

James Gee; Drew Davidson, ed., "Playing Metal Gear Solid 4 Well: Being a Good Snake," Well Played 1.0: Video Games, Value, and Meaning, pp. 263–274. Copyright © 2009 by James Gee. Reprinted with permission.

M*etal Gear Solid 4: Guns of the Patriots*, and the whole series of *Metal Gear Solid* games, involve an amazingly complex story which is resolved in this the last game in the series. I will not detail the story in this paper—because it is too long; I have never fully understood it; I don't pay attention to its details when I play (though its basic themes are important to me); and detailing it would give away many things people may want to discover for themselves. Readers can look up the story and all the characters involved on many websites and on Wikipedia, just as I do when I have forgotten something that I need to know in playing and thinking about *Metal Gear Solid* games. There is LOTS to say about *Metal Gear Solid 4* only a very little of which I say here.

Seth Schiesel—a savvy technology journalist who often writes about video games for the *New York Times*—had this to say about *Metal Gear Solid 4: Guns of the Patriots*:

I play games because of the freedom they afford. In contrast to a book or a film or a theater performance, a game lets me decide what happens next, or at least lets me operate under the illusion that my actions matter ... *Metal Gear Solid 4* is not like that. Instead it is a linear narrative by the Japanese designer Hideo Kojima. You, the player, are along for the ride. MGS4 is Mr. Kojima's world, and you are just passing through for the moment while he tells you where to go next, what to do and more or less how to do it. (Schiesel 2008)

Well, Seth is a lot younger than I am. And he does, indeed, know his game stuff. But in my view, he's wrong about *Metal Gear Solid 4: Guns of the*

Patriots (hereafter “MGS4” for short). He doesn’t get it.

But then I have to add: Seth would probably think I’m wrong and I don’t get it. Despite all the Games Studies efforts to search for a grand theory of games, there is, in my view, none to be had.

Different types of video games are different. Different types of players are different. And games and players interact in different ways. My MGS4 isn’t yours and isn’t Seth’s. Yours isn’t mine. And THAT is the freedom I love in video games.

When I say my MGS4 isn’t yours and yours isn’t mine, I don’t mean the obvious truth, a truth about any media: different people have different interpretations. That ho-hum truth is true of books, films, games, and any and every use of language.

What I mean is that in MGS4 I (Jim Gee) am Solid Snake, not you, not Seth, not even Mr. Kojima, the game’s designer. In fact, as far as I am concerned, Mr. Kojima is just along for the ride—in his own game to boot!

Well, o.k., of course, Mr. Kojima IS in this with me. I am willing to say (I guess) that it is not just me, but him and me together that are Solid Snake, really. We’re a team, but I hold the upper hand (I say).

At the end of his review, Seth says:

Of course, by the time those credits did roll, I was ready for the MGS4 experience to be over. Not that I hadn’t enjoyed it. It was probably the best near-future action movie I had ever seen. But I was ready to make some of my own choices. In short, I was ready to play a game.

MGS4 does have long, gorgeous, exciting, amazing, over-the-top-by-any-standards cut scenes. The final one lasts well over an hour. MGS4 is, indeed, a great action movie.

However, when I played the game the second time around, on a harder mode, I cut off all the cut scenes: too bad, then, for the millions of dollars Mr. Kojima’s spent on them. Hey, there are players who cut off all the cut scenes the first time around.

But, that—cutting off the cut scenes at least the second time around—is what the game is designed to have you do. MGS4 is one of those games that you are supposed to play more than once.

Why? Well that is what this paper is about, so I shouldn’t tell you now. But I will. It’s because to play MGS4 “well,” YOU HAVE TO BE A GOOD SNAKE. And you are a better Snake the second or third time around. There

is not just one way to be a good Snake, though.

So Seth, at the end of his first play through, having seen all those great cut scenes, should have been “ready to play” MGS4 all over again. And he could have dispensed with the cut scenes. So much for the movie.

But that’s just my view as a player, not necessarily his. We’re different and his Solid Snake is not mine and mine is not his (remember). Maybe he doesn’t really care about Solid Snake. But I do.

So what does it mean to play MGS4? What does it mean to play it “well”? These are vexed questions (forget—so that we can gradually build to a climax—that I already told you the answer). MGS4, more than any game I have played, makes them vexed.

Let me start with something really simple: in MGS4—unlike in any other game I can remember—playing well can mean playing badly. Most anyone would think, especially if they are thinking of sports, say, that to play well is to get things right and do well. But this is not always so in MGS4.

One example: There is a moment in MGS4 where Snake—who in MGS4 is sick, old, and tired—has to remember a code. Surely forgetting the code is not getting things right and doing well. But when Snake (my Snake, me) forgets the code—hey, I’m 60 years old—it becomes part of the story.

Otacon is already worried about Snake’s physical and mental deterioration, as is Snake himself. This code forgetting just confirms (as the game goes on to indicate), both for Otacon and Snake, that things are getting worse, as indeed they are. Aren’t you supposed to forget the code, if you want to go along with the game’s narrative?

When I was playing the game second time round, Snake (I) got the code right and Otacon was relieved. [See, Seth, my choice made a little bit of difference].

Which way is right? Which way is “well played.” Who is the better Snake? Hey, my Snake the first time around is not even my Snake the second time around and he is never your Snake (remember).

In MGS4 Snake is sick, old, and tired, as I said (due to intentional gene manipulation of Big Boss’s clones, of which Snake is one, if you must know). He regularly grunts and holds his back in pain. He has to inject himself with a special medicine even to keep going at all.

So when I play badly—when I mess up on sneaking or miss a head shot, when I have to make do best I can after my mess up—am I playing well?

Aren't I playing Snake as the sick and tired old man he is in MGS4?

Or am I playing well when I and Snake rise above all the pain and succeed in fine fashion, as a hero like Snake might very well do? But, then, even in some of the cut scenes in MGS4 Snake doesn't do so well this time around. By the end of the game, he is literally crawling on the ground to meet the final boss, Liquid Ocelot.

Which way is being a good Snake for this game?

You see THAT is what it's all about for me: being a good Snake in this specific game (having been a good Snake, too, in all the earlier games). And THIS in a game that ends [spoiler coming] when Snake's father (Big Boss) tells him that the world no longer needs any Snakes, therefore: "Go be a man."

What for heaven's sake, does it mean to be a good Snake? What does it mean to "be a man" for that matter?

So what DOES it mean to be a good Snake? Well this is embarrassing, I must admit. The first thing (though not the last) I have to say about what it means to be a good Snake is a bunch of "theory" that got me into trouble in my first book on video games (Gee 2003/2007).

In my first book on video games I said that video games were a "semiotic domain." Lots of reviewers decried my "jargon" (but they were mostly, ironically, academics, not gamers).

I came to regret using the term. Now, low and behold, what does Mr. Kojima do in MGS4 but shove it in your face that video games are semiotic domains. He thereby forces me back to my disgusting jargon (and I hear the readers creeping away).

Saying a video game is a "semiotic domain" means video games are not pretty pictures, not "eye candy." They are, rather, "signs" to be "read." To play well you have to read the signs well.

In MGS4, being a good Snake means reading the signs well. So, what's that mean, "reading the signs well"? Well, let's take a quick tour through MGS4, because MGS4 makes a big deal indeed out of reading signs well.

MGS4 regularly plays with the medium to get players to reflect on the fact that they are playing a video game [Some people call this sort of thing "post-modern," but it is actually "modernist," but who cares about these sorts of things in a paper like this anyway?]. Let me just say that MGS4 constantly "goes meta" in the sense that it makes you think about the fact that you are

playing a video game and does not let you just play it and forget about it.

Remember those great film-like cut scenes? In some of them we see rain or ice on the camera lens. This makes us well aware that the action is being filmed. But wait, it can't be being filmed, there is no camera, this is a video game!

It's a regular film technique to do stuff like that, showing muck on the camera lens, to make the viewer aware the action is being filmed and filmed from a certain point of view. It calls direct attention to the medium (film) as a medium, rather than seeing the medium as a transparent window onto the world.

But Mr. Kojima is calling attention to the wrong medium: this is a video game and not a film and there is no camera. Maybe he is calling wry attention to all the controversy about how games should not be movies (ala Seth) while they get more movie-like all the time. Maybe he isn't. I don't know.

And, of course, he is signaling what genre of Hollywood film he wants you to compare his cut scenes to, namely an avant garde action film. But, wait a minute, there is an irony here. When Snake is at his very best—when you are playing him particularly well—he sneaks quietly past everyone unseen and there is no action. During game play, often it's only when you mess up (as sneaky Snake) and have to fight it out (as violent Snake) that Snake is in an action movie.

Hey, the cut scenes and the game aren't the same thing (surprise, surprise). The game is not acting out the cut scenes. The cut scenes aren't showing you how to play the game. So we will have to worry later about what those cut scenes are doing in this game. [Short answer right now: they are telling you what YOU owe Snake].

But no matter why Mr. Kojima is showing muck on the non-existent camera, he is surely telling us to pay attention to the signs: to the rain and ice on the camera. He wants us to see that these signs signal the fact that this is all artificial, not real, not a transparent window onto the world, even a fantasy world. It's a video game pretending to be a movie, knowing all the while it's a video game.

MGS4 also constantly makes references to earlier MGS games as games. It makes constant reference, as well, to the fact that you are playing a video game, even a violent one, and even suggests that maybe such games are training for real violence and, hey, maybe you shouldn't be doing this. MGS4

even makes several references to the fact that you are playing on a PlayStation 3.

The signs that you are playing a game are rubbed in your face. You are told not to forget that you are playing a video game, not to mistake it for reality any more than you should mistake those movie like cut scenes for reality (remember the muck on the camera).

Some specific examples that I love—and there are many in the game: Snake ends up in exactly the place where in an earlier game he fought and defeated a tank by throwing grenades into it. I remember. I did it. Did it damn well, if I say so myself. But Otacon tells Snake that he has checked with an expert and the expert told him that no individual could defeat a tank that way. It's impossible. He asks Snake how it did it; he marvels that he did it—how did he do it? Maybe it was just a game, not real. Snake just grunts.

Another example: Deep into the game, Otacon tells Snake that the disk needs to be switched. He asks him if he sees a second disk. Snake says no. Otacon says something like, oh, I remember, this is a PlayStation 3 with Blue Ray disk technology. We don't need to switch disks any more like in the old days. He then marvels at the wonders of new technologies and Snake tells him "to get a grip."

Here is another example: One level starts off with the exact 2D game level from an earlier game. This is a level I remember very well indeed. I have even used screen shots from it in my talks. You (re-)play the old game a bit and then all of a sudden it stops and you see that Snake was having a dream. Hey, he dreams video game dreams.

Yet another example: During those gorgeous cut scenes a little "x" comes on in the corner of the screen every once in a while. If you keep pushing "x" on the controller you see flashes of scenes from earlier games—scenes thematically connected to what you are seeing in the cut scene. The cut scene is totally realistic looking, but the flashback is out of an earlier game and, thus, looks much more "primitive." The realism is ruined (and after all that money spent for the good graphics!).

This juxtaposition of realism and less realistic graphics from earlier games surely tells the player that no matter how realistic MGS4 looks—thanks to that wonderful PlayStation 3 technology—it is still a video game and, in core respects, not different than the earlier games, games which were worse as "eye candy," but just as good as games. But then it can't be the graphics that

make a game and the superb graphics of MGS4 aren't what makes it a great game.

Indeed, MGS4 is one of the most realistic looking video games in history. But it regularly undercuts that realism to underscore that you are playing a video game—and not just any video game, but an MGS game. Not only do we get all the references to the earlier games. We also get decidedly unrealistic conventions (carried over from the earlier games) like a question mark or an exclamation point showing up over an enemy's head when he thinks he has discovered Snake (the question mark) or when he definitely has discovered Snake (the exclamation point). If question marks and exclamation marks are not signs to read, I don't know what are.

So, throughout, Mr. Kojima makes it clear that gamers have to read signs: signs like the water on the camera, the question and exclamation marks, the flash backs to earlier games, the wry comments on the fact that you are playing a game and that what Snake has done earlier (and, therefore, probably now, too) can't be real.

Why this obsession with signs and reading signs? Why the need to keep telling you to pay attention to the fact that you are playing a video game and an MGS game to boot?

Two reasons: First, reading signs of a certain sort in a certain way is what you have to do when you are playing any video game. That's why I called them "semiotic domains," for all the grief it caused me. Mr. Kojima is just making the same point in a much better and more entertaining way.

Second: This—reading signs in a certain way—is ESPECIALLY what you have to do in MGS games in a SPECIAL way, not just because they are stealth games, but because that is one of the things Snake is good at (reading signs) and you are supposed to be a good Snake.

Well we are very close to the point now. We have come to the heart of the matter. But, sadly, I have to pause, because I sort of lied to you.

Remember when I told you that MGS4 "constantly makes reference to the fact that you are playing a video game"? Remember when I asked "Why the need to keep telling you to pay attention to the fact that you are playing a video game and an MGS game to boot?" (it wasn't all that long ago)?

Well, the weird fact is that MGS4 does not actually constantly remind YOU you are playing a video game, it actually constantly reminds Snake. Of course, you are Snake and so it is telling you, too. But it most certainly is

telling Snake. So it is telling a video game character that he is playing a video game! Isn't that just plain weird?

But Snake can't be playing a video game, he isn't real. But it WAS him—Snake—who defeated the tank (the one that a real person could not defeat, remember), wasn't it? Well—ok, maybe no—it wasn't him, it was ME (as Snake) that beat that tank. But then real people—and I am real—can't defeat tanks in that way. But—ok, I almost forgot—I was only playing a video game. But Otacon told Snake that it was HIM that was just playing and not beating the tank for real. I'm confused!

Here's my idea: Snake's a gamer. So am I. We're both gamers. Sounds weird, uh? Well, ok, stay with me. It will get better (no, actually, it's gonna get worse, then it will get better, maybe).

Think about it this way. Mario is really good at jumping. But gamers don't jump. Mario jumps and the gamer does something else. Sonic is really good at speeding, but gamers don't speed. Sonic speeds along and the gamer does something else. Riddick is really good at beating people up, but gamers don't beat people up (so much for that “games lead to violence” nonsense). Riddick beats people up and the gamer does something else. Mario, Sonic, and Riddick, whatever they are doing, **THEY AREN'T GAMING.**

But Snake IS. What Snake is **REALLY** good at is just what gamers are **REALLY** good at **WHEN THEY ARE PLAYING WELL.**

And what is that?

Well—sad news, indeed, here—(I told you it would get worse) just at the dramatic moment when I am about to unveil “the point,” when I am about to tell you “the answer,” I am going to use another piece of jargon. Surely, you would think I had learned my lesson by now. Alas, I am (and I hate it, believe me) an academic.

It means that Snake **PAYS ATTENTION TO AFFORDANCES**, just like savvy gamers do. Good gamers are really good at paying attention to affordances. And Snake is really good at paying attention to affordances. In fact, it's his super power. So, unlike Mario, there is one thing that Snake does that gamers do too. Snake is good at what gamers are good at.

So, what in the hell does it mean to “pay attention to affordances”?

An affordance (Gibson 1977, 1979—see, this is old stuff) is something in the environment that you can use to accomplish a goal. A hammer is an affordance for banging in nails, if that's your goal. But an affordance is really

an affordance only if you have the skill to use it. No opposable thumb and that harmer is no longer an affordance (for you) for nailing. Another example: if you have not taken Skinning as a skill in World of War Craft, then stags are not an affordance for skinning for you, though they are for someone who did take the skill.

So to pay attention to affordances means to pay attention to how your skills match up with aspects of the environment to take advantage of them as affordances for accomplishing your goals. It's all about matching your skills with what's on offer in the world, what's out there that can be manipulated for your purposes.

When you are playing a video game, the skills you have pay attention to—that you have to match up to the world—are: (a) your skills as a gamer; and (b) the skills you inherit from the character you are playing (Snake in this case, who, for example, can't speed like Sonic, but is good at moving quietly); and (c) the skills you inherit from the character you are playing that you choose to use (say, sneaking, rather than killing).

So playing video games as a savvy gamer is matching skills to aspects of the environment that can become affordances to carry out goals. In MGS4 this means carefully observing the environment to find good hiding places; to find vantage points for stealth attacks or sniper shots; to find paths around enemies; to find just the right place to stand or the right way to move in the environment to defeat a boss. And much more, all with due regard for your own skills as a player, for Snake's skills (remember, he can't speed), and for what sort of Snake you want to be and can be (say, a sneaky Snake, rather than a lethal Snake).

Once again, Mr. Kojima is well aware of all this, even without using my jargon. For instance, in MGS4 he gives Snake a device that just shouts out my affordance theory: it's all about matching your skills with your environment.

Snake has a special suit that allows him to meld into his environment (like a chameleon) so well he becomes virtually invisible. With the suit, nearly every part of the environment is an affordance for Snake to disappear. Without the suit (and you don't have to wear it) he cannot meld and no part of the environment offers him an affordance for disappearing.

O.K., I know some of you think I am making all this stuff up about gamers, gaming, and affordances. But obviously Mr. Kojima doesn't, since he

devotes one level of MGS4 to a tutorial on the matter, as if the Octocamo suit wasn't enough already.

In this level, Snake has to use his "Solid Eye," a device that gives him hyper-vision where he can clearly see foot prints, hidden enemies, and other "signs" (like where loot, such as ammo and rations, are) even in bad light conditions. Raiden (yes, he's back) tells Snake that he must track the people who took Naomi (yes, she's back), all the while watching out carefully for enemy soldiers.

But Snake says he really has no tracking skills (oops, that's a problem). Therefore, nothing in the environment is going to be an affordance for Snake to track.

Raiden comes to the rescue. He gives Snake a tutorial on how expert trackers like Native Americans use all their senses to pay close attention to every little sign (e.g., broken twigs, heavier or lighter foot prints, the distribution of the weight shown by a foot print, sounds, disturbances however small in the environment). He tells Snake he must read these signs carefully (see, I told you, it's all about reading signs). After the tutorial, Otacon coaches Snake through the whole thing.

So Snake (and you) learn to pay very close attention to the environment (thank god for the Solid Eye). Snake (and you) learn to read all the signs, no matter how subtle. Then Snake (and you) can use them as affordances to know where to go—which path out of many choices to follow—so Snake (and you) can pursue Naomi's kidnappers without being seen. Snake is getting a lesson, and so are you, a lesson on tracking and, I argue, a lesson on playing video games, at least games like MGS4.

Because, after all, Snake is usually good (though not this time) at reading the signs to use his environment to his advantage. It's his "super power." He is always acutely aware of his environment and has many different skills for getting through it (and, thus, there are many different ways to play the game, to be Snake). And you need to be good at this, too, if you are going to be a good gamer and a good Snake.

Snake can sneak past enemies, he can sneak up on them and stun them, he can snipe them, he can meld into the environment to avoid them, he can check out his environment with a robotic drone. He can do much more. And he and you need carefully to match these skills to the environment to find affordances to accomplish your goals.

I must say that my Snake was not all that good at the tracking. But remember Snake said he wasn't good at tracking. He is just learning, like me. And he is old (so am I) and sick and tired. So this is another case where not doing well is doing well (being Snake as he is). But he gets through (not all that badly—for Snake, for me, or for my Snake—I must say, especially the second time round and remember I said above that the second time round is important).

So that's what good gamers do: match skills to the environment to create affordances for accomplishing goals. That's what they do when they play Sonic or Snake. So Snake and I both got a lesson from Raiden, Otacon, and Mr. Kojima on the whole theory. Get some skills and match them to the environment to accomplish goals. That's gaming (later I'll tell you that that's life, too).

But, unlike Sonic, Snake himself is good at THAT—it's his super power, as I said—and so he, too, is a good gamer. Snake is a model gamer. He and I are both gaming, just as MGS4 keeps telling us. [If the point is still too arcane, then consider this: Mario jumps, gamers don't. Snake pays close attention to affordances, gamers do too. Snake and gamers do the same thing. Mario and gamers don't. Mario's great, but this paper's about Snake].

To be a good gamer is to be a good Snake; to be a good Snake is to be a good gamer. But remember, Snake's father told us that after our heroic accomplishments in MGS4, the world needs no more Snakes—"go be a man." Perhaps, Mr. Kojima wants us to stop gaming and go out and change the world.

No, that's not what he means, I think. Or, at least, not all that he means. In "Self, video games, and pedagogy" Jenny Wright (to appear) compares heroes in Native American myths and heroes in role-playing video games. She says: "[t]he sense of achievement you gain from becoming an expert manipulator of any environment is addictive and affirming."

Being a good gamer and being a good Snake in fact requires the core skill, not just of heroes, but of "a man" or "a woman"—of an effective, efficacious human being—and that skill is: becoming adept at gaining and matching skills with different aspects of the environment to use them as affordances to accomplish important goals.

Sounds too academic, doesn't it? But try changing the world without that skill.

To play MGS4 well means to be a good Snake. And that means to be a good gamer. And that means to be a hero. And that means to be a thoughtful human. Pay attention to those affordances.

Every hero, every human has different skills, different desires. Every hero, every human matches skills and desires to environments to accomplish goals differently. Every player plays Snake differently. My Snake is not yours, yours is not mine. My life is not yours, yours is not mine. My excellence is not yours, yours is not mine. As long as we are trying to play well, to honor Snake, to be good Snakes, the best we can, we are all the hero crawling to the last boss to become “a man,” “a woman,” “a human.”

But why does Seth have to play MGS4 a second time and maybe a third too? Because each time around, you’re a better Snake.

And why are all those gorgeous cut scenes there? Just to tell you that Snake is a hero and what sort of hero he is. Snake IS a hero and YOU can’t let him down.

But, remember, too, the best Snake (in fact the one you have to be on the hardest level of the game) is a sneaky non-lethal Snake, the Snake that always misses the action movie in favor of disappearing unseen, unheard into his environment, all the while accomplishing his goals [On “The Boss Extreme Difficulty” level, you must complete the game in under 5 hours with no alerts, no humans killed, and no continues, while using no health replenishing items and foregoing the Octocamo stealth suit. I’ve beat the level. In my dreams].

Being a sneaky Snake is hard this time around, in MGS4, the final game. Snake is old. So am I. So it’s ok to make mistakes. But we play again. Make less mistakes. Snake and I get better—perhaps, too, just a bit younger.

And why is it ok to cut off those cut scenes? Because I know Snake already and have long wanted to be him and have been him now four times. He is my hero.

And what a ride it has been. Snake and I became good gamers together. Time now to be “a man.” Or find another game.

I have tracked her unique prints in the snow (and they said I was no good at tracking!). But I am far away. She does not see me or hear me. She does not know I am here. But I know she is there. I wait. The world is covered in wind and snow and ice and mist. It is a pure white out. There is no visibility. Then all of a sudden the mists part. I have waited patiently. I am ready. My

silenced sniper bullet hurls through the air for a perfect head shot. Unseen. Unheard. Crying Wolf is defeated. I have been a good Snake. Even though I am old. Oh, but I will be a better Snake next time around. I'll use non-lethal ammo. I'll stun her. And move on.

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IN-GAME ETHICS

Grow-a-Game

Tools for Values Conscious Design and Analysis of Digital Games

Jonathan Belman, Mary Flanagan, Helen Nissenbaum, and James Diamond

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Introduction¹

Values at Play (VAP) is a project that brings together game designers, gamers and scholars from a variety of disciplines to explore the relationship between values and digital games. More specifically, we are interested in the processes through which designers imbue their games with moral, social, and political values, whether intentionally or inadvertently, and the corollary processes through which these values are interpreted by players.

Unfortunately, in the public discourse on games, the word “values” has become associated with a particularly strident (and often disingenuous) strain of “family values” oriented criticism. From the “family values” perspective, games are a pernicious medium, encouraging young people’s violent and prurient impulses. While it is beyond the scope of our paper to address the inaccuracies of this view², since 2005 VAP has aimed to foster a more constructive discourse on values and games.

Our recent initiatives and outreach include:

1.

The development and implementation of a curriculum to introduce graduate and undergraduate game design students to “values conscious design” (The curriculum is freely available to download at www.valuesatplay.org; for a detailed overview, see Belman, Flanagan and Nissenbaum, 2009). To clarify what we mean by “values conscious design,” we describe games as

“values conscious” when their designers have systematically considered the moral, social, and political resonances of design features. In our experience, a values conscious approach effectively inspires innovation in design. This is because values conscious designers explore themes and work with constraints that are typically outside of mainstream, entertainment-focused designers’ concern; therefore, they tend to produce games that are markedly different than their mainstream counterparts. The curriculum has been used in several leading American game design programs, including at Georgia Tech, The University of Southern California, University of California San Diego, the Rochester Institute of Technology, Dartmouth College, Hunter College, and others.

2.

VAP has run workshops that invite leading scholars in a variety of media and technology-related fields to participate in values-focused exploration of many emerging and rapidly evolving technical design fields (e.g. virtual communities, mobile computing environments). The output of these workshops contributes to our overall understanding of the complex relationship between values, media and technology.

3.

As a further proof of concept, we are in the process of a multi-method, multidisciplinary inquiry into designing games that affirm the value of empathy and foster feelings of empathy in players. Games are well-suited to facilitating empathetic experiences because they allow players to inhabit the roles of other people in a uniquely immersive way. This work has many practical and pro-social applications, including the design of games to combat prejudice, and the design of games to sensitize people towards important social issues (for an overview of this research, see Belman and Flanagan, 2010a).

This paper will focus on a tool developed by VAP researchers in the course of our larger research project, namely, the Grow-a-Game cards, whose purpose is to facilitate values-conscious design and analysis of digital games. In it, we report five case studies of Grow-a-Game exercises, each demonstrating how the cards can be used to guide meaningful exploration of the relationship between values and games. The case studies are prefaced by

three preliminary sections. The first discusses the intellectual foundations of the VAP project, the second describes how the Grow-a-Game cards are used, and the third relates our process for deciding which values to include in the Grow-a-Game deck.

Intellectual Foundations

The fundamental principle of our project is that games do carry values, both in their mechanics and in their narrative/ representational elements. Through the design process, values are embedded in games whether designers intend them to be or not. This idea is rooted in two distinct scholarly perspectives.

First, there is considerable evidence from the social sciences that other entertainment media do have a practically significant influence on audience perceptions of social realities. For example, studies have found that television can impact viewers' attitudes towards sexuality, society, race, gender roles, and other deeply value-laden topics (for an excellent review of research on television-specific media effects, see Morgan, Shanahan and Signorielli, 2008). It would be surprising if games were somehow impotent in this respect, neither perpetuating nor challenging moral, social, and political values.

This does not mean games are capable of brainwashing people. When pundits blame catastrophes like the Columbine high school massacre on the influence of games, they vastly overestimate the power of media effects. To be sure, how games and other media are interpreted, that is, the meanings that are ascribed to them, is significantly influenced by surrounding social contexts. At the very least, however, it is reasonable to argue that as games become a more prominent part of the media landscape they take on greater significance in the broader cultural discourse.



Figure 1. Giant Joystick.

Second, in the philosophy of technology, there is a long history of debate and an accompanying rich literature supporting the argument that values are embodied in technical artifacts (e.g. MacKenzie and Wajcman, 1985; Akrich, 1992; Latour, 1992; Friedman and Nissenbaum, 1996; Brey, 1997; Weber, 1997; Flanagan, Howe and Nissenbaum, 2008). For example, this is the position taken by Langdon Winner (1988) with reference to structures designed by Robert Moses, an influential urban planner who shaped much of New York City's physical infrastructure in the mid-20th century. Moses masterminded the development of bridges over many New York City parkways. The bridges are built far too low for buses to pass underneath, and since some of New York's beaches could only be reached via the parkways which flowed under the bridges, people who depended on public buses for transportation (i.e. those who could not afford cars) were effectively denied access to the shoreline. Winner's argument is that the Robert Moses bridges, by the function of a specific design feature (i.e. their height), facilitated classist outcomes by keeping poor people off certain beaches. In this analysis, values based on socioeconomic class were built into the physical infrastructure of the city.

Values are built into games in analogous ways. Consider Mary Flanagan's interactive sculpture *Giant Joystick* (2006), which affirms the value of collaboration by modding the user interface of classic Atari 2600 games. Using a standard controller, these games are in some ways an isolating pursuit; they shift players' attention towards the action onscreen but also away from friends in the physical environment. Change a specific element of

the design (in this case, the scale of the user interface) and the experience is transformed. Visitors cannot play with *Giant Joystick* by themselves; one person (or sometimes more than one person) moves the stick, while another person presses the fire button by jumping on it. With the new interface, the games become a joyous celebration of collaborative fun (though, of course, the original incarnations of these games are deeply engaging in their own ways).

The user interface, however, is not the only design element of games that carries values. In VAP research conducted on student design work, the team identified eleven game elements in which values are typically implicated, i.e. premise, characters, story, actions in game, tools/ resources available, player agency/ options, rules for interaction with other characters or players, rules for interaction with environment, reward structure, strategies, and scoring. The list is not meant to be exhaustive; values can certainly be present in game elements not mentioned. But the results of our research do suggest that any of several “moving parts” in a game can color the overall values content.

The Grow-a-Game Cards

A typical deck of Grow-a-Game cards contains four categories or subsets of cards that may be used in concert:

- Values Cards: Each card lists a value term, e.g. trust, privacy, liberty, sustainability.
- Verb Cards: Each card lists a game-related verb, or mechanic, e.g. leading, building, matching, avoiding, nurturing.
- Games Cards: Each card names a familiar game to build upon, or mod, e.g. Hopscotch, Pac-Man, Civilization, World of Goo.
- Issues Cards: Each card names a problematic social issue, e.g. displacement, global warming, racism, urban sprawl.



Figure 2. The Grow-a-Game Cards.

In brainstorming exercises, two or more card categories are often used to set the parameters of a design challenge. For example, how would you design a game that (a) mods the game of Civilization, to (b) address social issues related to food politics, while (c) affirming the value of equality?



Figure 3. A Grow-a-Game Exercise in Progress.

Some combinations seem to present an impossible challenge, e.g. modding Space invaders to use the verb/ mechanic of collecting and address issues relating to civil rights. But in documented experiences using the Grow-a-Game cards with students, designers, and scholars, there seem to be few if any insurmountable challenges once initial reactions or resistance are put aside. Unusual constraints, in fact, do not appear to stymie the design process. Rather, they encourage more creative and unconventional ways around a problem, perspectives on a story, and fundamentally interesting and

novel designs.

In this paper, however, we focus on two types of exercises that use only the “values cards.” One activity involves values-focused analysis of games, while the other facilitates the act of values-conscious design. In the analysis activity, participants draw or choose a values card from the deck, and discuss the value on the card with reference to existing games. This can be an enlightening process as players do not always consciously process the values that are embodied in games they play. By taking an analytical perspective towards their prior play experiences, participants often discover that games they assumed were value-neutral are charged with social, moral, and political meanings. In the design-focused activity, participants begin by drawing or choosing a values card from the deck. The value on the card becomes the focal point for the exercise, which can be 15 minutes of brainstorming for rough game ideas, a finished semester project, or anything in between. Participants commit to consistently affirming (or otherwise exploring) the value on the card through both the mechanics and narrative/ representational elements of their design. For example, if a designer commits to the value of peace, it would be problematic to create a 1st person shooter where the hero lays waste to a belligerent force that threatens world peace. In this kind of design, the narrative might carry values related to peace but the combative game mechanics would undermine those values. There would be a conflict between values embodied in the narrative and those embodied in mechanics. In this case, the challenge would be to devise a clever, peace-affirming mechanic that engages players as much as more conventional shooting, stabbing or punching mechanics. Our research suggests that when these kinds of conflicts are successfully addressed, it often leads to the creation of innovative new mechanics (Belman and Flanagan, 2010b).

Whose Values?

In deciding which values to select for the Grow-a-Game cards, we focused on those that are prominently highlighted in ethics and philosophy literatures, as well as those that are commonly cited in the foundational documents of liberal, egalitarian democracies (e.g. the United States Constitution and the Canadian Charter of Rights and Freedoms). In addition, other values, such as

environmentalism, were included because we have encountered a great deal of interest from designers in affirming those values in games.

Our list of values is of course not exhaustive, and in some cases reflects culturally specific perspectives. For example, the value of ‘autonomy’ might particularly resonate with Americans, but may be less important in societies that are more inclined towards collectivist values. We have included blank cards in the Grow-a-Game deck, so that users are encouraged to “mod” the cards by adding values that reflect their own world views and commitments.

Case Studies

Each of the following sections describes a case where a Grow-a-Game exercise strongly resonated with participants, or where it helped to produce an interesting and innovative design. In some of the case studies, participants were professional designers, and in others they were students. With both types of audiences, our experience has been that the cards facilitate a value-conscious approach to game design and analysis.

Case Study 1: Design Experts Using the Cards to Explore the Values at Play in Existing Games (Generosity in MMORPGs)

In an early workshop with our project advisory board, we used the Grow-a-Game cards to guide analysis of existing, mainstream games. One of our liveliest discussions took place after the generosity card was drawn. Dr. Celia Pearce, an interactive media designer and game design educator, used the value of generosity to describe an interesting class of emergent behaviors in MMORPGs.

As players increase in level in an MMORPG, they continually acquire more powerful items, equipment and other resources. Because items are acquired so frequently, it is common for players to have an inventory filled with items they have never used. For example, in *World of Warcraft*, a player at the top level of a battleground bracket may own a bow that could have been useful at a lower level, but has since been made obsolete by more powerful bows.

Instead of keeping or selling the obsolete bow, she can offer it for free to a weaker player at the lower end of her battleground bracket. In the vernacular of MMORPG players, these acts of generosity are called “twinking.”

In most MMORPGs, there is no explicit reward for giving a gift to a less experienced player, so it may be considered an act of pure generosity. However, as in the non-game world, there are important social rewards for generosity. Giving a gift to a player may earn his or her loyalty, and may also improve one’s reputation in the broader player community. Players value these kinds of social rewards, and thus some forms of giving become a common activity in nearly all MMORPGs. It was noted, however, that some MMORPGs do provide material rewards for supporting less experienced players. In *Asheron’s Call*, “mentors” keep a percentage of the experience points earned by their mentees. This raised some thought-provoking questions about the relationship between design features and values. If twinkling is performed with the expectation of material rewards, can it still be considered a manifestation of generosity? In other words, do material rewards eliminate the possibility of genuinely generous play?

Ultimately, our discussion turned to the ways that particular reward systems might impact the social dynamics of MMORPGs. If there are no material incentives for generosity, does this encourage players to focus on social rewards, such as the friendships that often blossom between “newbies” and the veteran players who help them to navigate unfamiliar game worlds? On the other hand, if experience points or some other material rewards are used to incentivize generosity, as in *Asheron’s Call*, how does this influence the character of mentor-mentee relationships? In such cases, perhaps both mentors and mentees will be more likely to treat their interactions as little more than mutually beneficial transactions, something distinct from and in some ways less meaningful than true friendships. This could conceivably affect the emotional tenor of an MMORPG, subtly undermining a sense of community and encouraging a mercantile view of interpersonal relationships in a game world.

The consensus amongst our advisory board was that this basic Grow-a-Game exercise revealed some potentially fruitful avenues for research (e.g. a comparative ethnography of twinkling across numerous MMORPGs), and also highlighted some important considerations regarding rules that govern player sharing that are often glossed over in the design process.

Case Study 2: Design Students Using the Cards to Explore the Values at Play in Existing Games (Compassion in Mario and Sonic Games)

In game design classes that use the VAP curriculum, the first assignment typically requires students to examine a game they have already played using the Grow-a-Game cards. They draw a “values card” from the deck, and then as homework, identify and document a segment of a video game that exemplifies the value on the card. During the next session, they present the segment to classmates, and collectively explore exactly how the value is articulated, affirmed, challenged and/or violated in specific aspects of the game’s design.

‘Ali,’ an undergraduate student at a large urban university, was taking an introductory game design class that was largely based on the VAP curriculum. Although she rejected the label of “hardcore gamer” for herself, she avidly played platformers, her favorites including games in the Super Mario Bros. and Sonic the Hedgehog series.

When she drew the “Compassion” card in class, Ali’s first instinct was to present scenes from the Mario and Sonic games. Her impression had always been that the heroes of both series are motivated by compassion. In literally hundreds of games over three decades, Mario is usually trying to save Princess Toadstool from his arch-nemesis Bowser, the malevolent king of a militant turtle society. Likewise, in many Sonic games, the hero ends each level by rescuing imprisoned animals from the evil machinist Dr. Robotnik.

However, after a spirited discussion in her class, Ali began to think that her view of Mario and Sonic games as compassionate did not account for all aspects of their design. Specifically, while a concern for others was expressed in the stories of these games, their cartoonishly violent gameplay seemed less consistent with the value of compassion. This more nuanced appreciation of the values at play in Mario and Sonic games was reflected in Ali’s subsequent writing for the class:

I actually remember on Sega, the game *Sonic the Hedgehog 2*. What’s funny about this one is that during the actual levels, Sonic is racing

around collecting rings and killing robotic animals—greedy and murderous acts. However, at the end of each act, after defeating the boss, you jump on this capsule to free the poor animals, exemplifying compassion. ... This seems to be common amongst most games. The storyline doesn't quite match up with the mechanics. The value isn't shown throughout the game, but serves as motivation for the game.

A core principle of our project is that values are at play in both the mechanics and narrative elements of games—and that often the values embodied in narrative can conflict with those embodied in mechanics. This is an understanding that students often come to through the Grow-a-Game exercises, and it very commonly informs their design work in classes using the VAP curriculum. Our findings suggest that when students apply this insight to their designs, they are more likely to create games in which particular values are consistently affirmed, as opposed to games in which narrative and mechanics are at odds with each other.

Case Study 3: Design Students Using the Cards to Explore the Values at Play in Existing Games (Humility in Shadow of the Colossus)

After the first year of implementing the VAP curriculum, our team interviewed participating instructors for feedback. One instructor, 'Jack,' told us the Grow-a-Game cards had been a valuable tool for encouraging his game design students to experiment with innovative projects. Due to time constraints, Jack could not assign the video exercise as homework (as described in the previous section). So he devised an in-class activity that was similar in purpose. He took several "values cards" from the deck, and asked students to consider how the values on the cards were represented in popular games. One value in particular piqued the class's curiosity and ultimately influenced some of his students' design projects.

When Jack drew the "Humility" card, he thought it might not elicit much of a response from his students. After all, so many popular games are enjoyable because they make players feel powerful—it is fun to be the deadly assassin dispatching heavily guarded VIPs, or to guide a thriving civilization through

history, or to be the indomitable space marine who almost single-handedly repels attacking hordes of sentient robots. Even when the player character (PC) is relatively weak at the start of the game, there is usually the expectation that s/he will become much stronger by the end. Given the medium's propensity for immersing players in powerful roles, Jack wondered whether his students were likely to find themes of humility in either the games they liked to play or in those they wanted to design. After some initial bafflement, a few of the students related their experiences with *Shadow of the Colossus* (*SotC*) on the Playstation 2, one of the most critically acclaimed and also atypical games in console history.

The game begins as the PC, a warrior named Wander, asks an otherworldly entity to resurrect a dead girl (presumably his romantic partner, though this is never explicitly stated). The entity agrees, but says it will only be possible once Wander kills sixteen colossi that live in a barren wasteland. The colossi are beautifully designed characters, their aesthetic a hybrid of animal and architectural features, virtually all of them so large that they are essentially landscapes in and of themselves. Some of Jack's students said that when first encountering one of the colossi, their impulse to look and admire was stronger than their impulse to attack, which is an unusual reaction to an "enemy" in a video game. Once the first colossus is killed, it is evident the designers did have something unusual in mind, and that *SotC* is departing from the familiar themes of its medium.

The tone of the colossus's death scene seems tragic rather than celebratory. It does not die in a satisfying explosion or drop valuable loot. Instead of a victory jingle, the music is vaguely funereal. As the player progresses, it becomes even clearer the colossi are not typical video game enemies. They do not threaten anyone, and often do not attack the PC until they are attacked. It also becomes clear that Wander is not a typical video game protagonist. As he kills the colossi, he physically changes, but not so that he appears more powerful. Rather, he looks increasingly gaunt, shadowy and sinister. At the end of the game, the deaths of the colossi release a powerful malevolent spirit from imprisonment. At first, Wander's quest seemed to fit a conventional save-the-princess paradigm, but it is ultimately revealed to be self-centered and destructive.

Some of Jack's students felt that humility was the game's most prominent theme, and that this differentiated it from almost all other mainstream games.

In most games, there is a more or less direct alignment between the PC's personal goals and the greater good. In *Super Mario Galaxy*, for example, Mario saves his romantic partner, the Princess Toadstool, but in the process he is also thwarting Bowser's plans for universe domination. In *SotC*, however, Wander could only serve the greater good by denying his personal goals and retreating from his quest (although to do so would end the game). There is an element of humility in recognizing that your own goals are not, in fact, paramount, and that yours is not the exceptional case where the ends justify violent means. The consensus that emerged in Jack's class was that *SotC*'s extraordinary emotional (and ethical) impact is attributable to the game's artful exploration of this theme.

For their final project, each student designed a playable non-digital version of a game. The primary constraint was that it had to consistently affirm or challenge a particular value through both narrative elements and mechanics. Based on his previous experience as a design instructor, Jack had initially assumed most of his students would produce games that fit the sometimes rigid conventions of their favorite genres. For example, a student might focus on the value of justice in a cops-and-robbers themed shooter, or the value of cooperation in an MMORPG that rewards cooperative combat tactics.

Contrary to Jack's expectations, many of the students chose to work with values that are less commonly reflected in video games, such as dignity and open-mindedness. Furthermore, in his estimation, they did so in ways that thoroughly departed from mainstream conventions. Jack attributed his students' adventurousness in part to the Grow-a-Game exercise. First, through analyzing what made *SotC* innovative, they developed an enthusiasm for innovation in their own work. Second, with respect to innovation in game design, they began to think of human values as a real point of interest. For VAP researchers, this was an encouraging sign as one of our goals is to develop instructional tools that help students make the connection between values-conscious design and innovation (Belman and Flanagan, 2010b).

Case Study 4: Experts Using the Cards in Design (Empathy in Layoff)

In 2009, Dr. Flanagan's Tiltfactor Labs released *Layoff*, a game that is

structurally similar to *Bejeweled* (and many other “match three” games), but distinct in that it addresses issues related to economic insecurity through its mechanics and representational elements. *Bejeweled*, in its original form, presents the player with an 8x8 grid in which each tile is filled by one of six different kinds of gems. The player switches adjoining gems to create horizontal or vertical sets of three or more identical gems. When sets are created, their component gems disappear and are replaced by new gems falling from the top.

In *Layoff*, the player is “corporate management” and the goal is to cut jobs. The playing board is like *Bejeweled*, except each tile represents a worker instead of a gem. When three or more workers are matched in a set, they drop off the bottom of the grid into an “unemployment office” and are replaced by new workers who fall from the top. The message is that workers are often treated like parts, easily disposed with, and easily replaced.

When the recent economic crisis began, the idea for *Layoff* had already been conceived, although its design had not yet been finalized. The crisis, which affected the lives of so many people around the world, gave the project a greater immediacy and emotional charge. Our team decided that *Layoff*'s design should be altered so that the game would more sharply focus on the experiences of people who were at risk and suffering in the current economic climate. After brainstorming with the Grow-a-Game cards, the design team settled on empathy as the value that would guide the refocused design process. The new design goal was to encourage empathy towards the workers who are represented in the game (and, of course, their “real world” counterparts).

In the final version of *Layoff*, each worker has a detailed personal biography that appears on the bottom of the screen when their tile is selected. For example:

Annick, 42, is an airline flight attendant, working for Trelta for over a decade. Annick was promoted frequently during this span of time. Annick has 5 more years to complete on his current job to enjoy full benefits, but has a hip problem which is not covered under the medical benefits.

Layoff was designed, in part, to research how players process the values embodied in games they play. In our research with *Layoff*, we found that

there are at least two distinct ways people play the game. Some play as if it were *Bejeweled*, matching tiles without paying much attention to the biographies. But many players read the biographies closely, turning every move into a dilemma. Do I fire Rae the single parent or Kas the depressed divorcee? Obviously, from a business perspective, workers' personal biographies provide little useful insight. Consequently, players who read the biographies usually adopt a more empathetic perspective, taking a significant amount of time between moves as they weigh the details of workers' personal lives against each other.

Using the Grow-a-Game cards helped the designers progress from a relatively vague and open-ended design goal (i.e. to sensitively represent the experiences of workers affected by the economic crises) to a more specific goal (i.e. to foster empathy towards those workers). More generally, the VAP research team has found that maintaining focus on a single value or set of values during the design process helps to produce games that have greater clarity and impact for the player (Belman and Flanagan, 2010a).

Case Study 5: Students Using the Cards in Design (Empathy in Cabbies)

Several instructors who are implementing the VAP curriculum told team researchers that empathy is one of the values students most frequently choose to guide their values-conscious design projects. Probably, this is because the students often design games that address a topical social issue, and empathy is deeply relevant to so many social issues. For example, students working with the VAP curriculum have designed games that are intended to foster empathy towards victims of high school bullying, sexual assault survivors, homeless people, and Inuit people in Alaska whose economic livelihoods and cultural traditions are threatened by offshore drilling.

One undergraduate student, 'Marcus,' wanted to make a game representing the experiences of newly arrived immigrants to New York City who are working as cab drivers. He particularly wanted players to understand how difficult it is for these people to earn a living wage, especially when they are still in the process of learning English. Of the values represented in the Grow-a-Game cards, he felt empathy was most germane to his design goals.

In Marcus's own words, a well-designed empathy-focused game might "[put] the player in a position to be more sympathetic towards the person who does not understand English that well instead of saying, you know, Learn English already."

Marcus realized he would not achieve his design goal if empathy was only embodied in the game's narrative. Certainly, it would be easier to design a game in which the empathy-focused elements were relegated to narrative cutscenes. But he knew from his own experience as an avid gamer that players often totally ignore cutscenes, and that they are much more likely to pay attention to content that is embedded in gameplay.

Marcus decided that his game, which he called *Cabbies*, could only succeed if the gameplay forced players to vicariously experience some aspect of the hardships faced by newly immigrated cab drivers. Ultimately, he devised a mechanic that accomplished this in an interesting and innovative way. As he describes in his design document:

Gamers will have the option of choosing from twenty-five different languages, and giving the player a main language, and a secondary language. By switching the player's main language to Spanish, or Bengali, players will distort their ability to read instructions in English. For example, if a player's main language is Bengali, the instructions a passenger gives him will have words missing. Additionally the player will not be able to use the GPS device if he cannot understand. [...] This obstacle will demonstrate how language barriers can cause bad relations with passengers, as well as affect the player's income. If the player does not get to his destination within the time provided, then the passenger will not tip him. If the full time runs out and the player cannot find the location at all, the passenger will get out of his cab cursing, and no pay his fare.

Marcus's primary challenge was to translate the value of empathy into a design feature that fit the gestalt of his game, contributing to its social relevance and persuasive power without detracting from playability (this of course was also a major point of deliberation in the design process for *Layoff*). The nature of this challenge is in keeping two balls in the air so to speak (the first being the value, and the second being the quality of the play experience), and if either drops the project fails. Students who rise to the

challenge of values-conscious design projects, as Marcus did, usually find that they have to innovate beyond familiar design patterns and experiment with features that might not be considered in more traditional projects. This can expand their understanding of what constitutes effective game design, and contribute to their development as designers who are more imaginative and less bound by convention.

Discussion

The Grow-a-Game cards have become very popular amongst game designers and game design educators. They have been used in a variety of educational contexts, including graduate and undergraduate courses, K–12 classrooms, afterschool programs, and workshops with professional designers and game scholars. Recently, the team iterated version 2.0 of the cards, producing three specialized versions: one intended for use with high-school students, the second for university design courses, and the third for expert designers.

In both design and analysis contexts, the cards help participants to explore how values are implicated in design features. An important take-away for participants is that values are “at play” in mechanics as well as in narrative/representational elements. Games are comparable to other creative media, like literature and film, in that they embody values. However, they are distinct in that they convey meaning in part through the rule-based systems that define their gameplay experiences. This is a crucial insight for designers who wish to deliberately embody specific values in their work.

As demonstrated in the final two cases studies, Grow-a-Game helps designers apply this insight to their work. Specifically, in design contexts, the cards require designers to identify and/or articulate the values that are relevant to their project, and to translate them into mechanics. Designers using this approach are well-positioned to create games in which both mechanics and narrative/representational elements convey consistent messages to the player.

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[1](#) This paper builds on a previous Values at Play paper that described an early iteration of the Grow-a-Game cards: Flanagan, M., Nissenbaum, H., Diamond, J. and Belman, J. (2007). A Method for Discovering Values in Digital Games. Full paper presented at Situated Play DiGRA '07 (Tokyo, JP September 24–28).

[2](#) Though it is often claimed in the popular media that violent video games have been proven to cause aggression, in fact social scientists are deeply divided on this issue. For a recent and excellent snapshot of both sides of the debate, see Bushman and Rothstein, 2010 and Ferguson and Kilburn, 2010. A more extreme (yet incessantly repeated) position is that games inculcate violent tendencies to such a degree that they will cause a major breach of peaceful social relations. This position is without scientific support, and is addressed in the Ferguson and Kilburn article.

Playing with Good and Evil

Videogames and Moral Philosophy

Peter E. Rauch

Peter E. Rauch, “Kantianism and Utilitarianism in Fable,” *Playing with Good and Evil: Videogames and Moral Philosophy*, pp. 32–62. Copyright © 2007 by Peter E. Rauch. Reprinted with permission.

Despite an increasingly complex academic discourse, the videogame medium lacks an agreed-upon definition. Its relationship to previous media is somewhat unclear, and the unique attributes of the medium have not yet been fully catalogued. Drawing on theory suggesting that videogames can convey ideas, I will argue that the videogame medium is capable of modeling and critiquing elements of moral philosophy in a unique manner. To make this argument, I first address a number of questions about the proper definition of videogames, how games in general and videogames specifically convey ideas, and how games can be constructed to form arguments. Having defined my terms, I will conduct case studies on three games (*Fable*, *Command and Conquer: Generals*, and *The Punisher*) [Editor’s note: For the second and third case studies, see Peter Rauch, “Playing with Good and Evil: Videogames and Moral Philosophy,” MIT Comparative Media Studies Master’s Thesis: 2007.], clarifying how the design of each could be modified to address a specific philosophical issue.

For Every Choice, A Consequence,” reads the ad copy for *Fable*. It is a bold claim, from a design perspective, hinting at the holy grail of interactive storytelling so derided by Poole. A third-person adventure game, *Fable* occupies a well-worn genre. Its claim to originality developed from its treatment of morality. Like *Black and White*, *Fable* received a great deal of press during its long development time, and also like *Black and White*, it was perceived by many players that the creators’ ambitious promises were not realized in the final game design. In practice, *Fable* is an unremarkable adventure game, and while many actions do have moral consequences, these consequences are predominantly superficial. However, a great potential for

moral argument remains inherent in the design.

Fable is a world to be explored, with an ethical framework to be discovered through play. The narrative involves human-like characters that can lie, coerce and kill each other. Some of the actions of these characters are categorized as “good” or “evil” according to the beliefs of the designers, and the player is relatively unrestricted in choosing to perform them. Finally, the player’s actions are acknowledged by the rest of the world, however imperfectly, in the sense that NPCs respond to the player’s past actions, as well as the avatar’s appearance. *Fable* possesses all the raw materials to create a convincing, semi-realistic world that is intentionally biased toward a specific worldview—to argue the validity of a moral philosophy. That this possibility was not realized, or not sufficiently realized, or not meaningfully realized, does not alter the game’s potential. As such, *Fable* seems an ideal place to start when conceptualizing games that make meaningful arguments about morality.³

To this end, after exploring *Fable* in some detail, I will investigate two strictly opposed moral philosophies, Kantianism and utilitarianism, and suggest ways in which *Fable*’s design could be altered to argue these viewpoints. I will then examine specific points on which the two philosophies are opposed, such as honesty and justice. Finally, I will suggest ways in which, by opposing the imperatives of gameplay and narrative, satirical arguments could be made.

The player begins *Fable* as a (male) child in a small, fantasy-medieval village in the land of Albion. Childhood functions, rather appropriately, as a tutorial, introducing the player to most of the basic play mechanics, as well as the game’s moral engine and social system. On the day in which the game begins, it is the protagonist’s sister’s birthday, and he needs money to buy her a gift. His father, eager to cultivate noble habits in the boy, offers the protagonist a coin for every good deed he does. The player is then presented with several conflicts demanding his or her intervention: each allows the player to make right or wrong choices, and the player is explicitly told the morality of his or her choices by a change in the protagonist’s “alignment.” The player can engage in these conflicts in any order; I have numbered them here only for convenience.

In the first conflict, a little girl tells the protagonist that her teddy bear has

been taken. Elsewhere in town, the protagonist finds a little boy being threatened by a bully. The little boy is in possession of the teddy bear in question. The bully, the player learns through dialogue, is the little girl's older brother, and wants the teddy bear so he can destroy it. (How the little boy came to be in possession of the teddy bear in the first place, in such a way that its owner was unaware, is never fully explained.) The bully offers to pay the protagonist one coin to get the teddy bear from the little boy. Here, the player has two initial options: he or she can beat up the bully, or pummel his victim. If the player chooses the former, the bully will begin whining with the first blow, and eventually run away. In this case, the little boy thanks the protagonist and gives him the teddy bear, which can then be returned to the little girl. Both assaulting the bully and returning the bear to its owner are considered "good," and have a positive effect on the avatar's alignment. If the player chooses to assault the little boy instead, the boy will complain about this injustice and give the player the teddy bear in an attempt to stop the violence directed at him. At this point, the player faces another choice: to give the teddy bear to the bully, receiving a coin as reward, or take the teddy bear to the little girl, performing a good deed for which the protagonist's father will also pay him one coin. Attacking the boy is a "bad" action, as is giving the teddy bear to the bully—each gives the player two "evil" alignment points. Returning the bear to its owner is a "good" action, worth two "good" alignment points. Consequently, a player who hits the little boy and then returns the teddy bear to its owner will end up with the good and bad actions cancelling each other out, numerically, although the player can get an additional two "good" points by attacking the bully after the fact. No matter which course of actions the player chooses, the protagonist will end up with one coin.

In the second conflict, a woman complains of her philandering husband, and asks the protagonist to find out where he is and what he's doing. Sure enough, the player finds the man engaged in an amorous embrace with another woman—upon discovery, he offers the protagonist a coin to keep quiet. (The game warns the player that rumors travel fast in the village, and people will know he took the bribe.) If the player takes the bribe, he or she receives two "evil" points and gets the coin, although he or she can balance those points out by breaking his promise to the adulterous husband and telling his wife the truth. From a monetary perspective, this is the ideal

solution, since the player gains two coins, one from the husband and one from the protagonist's father for doing a good deed.

In the third conflict, a merchant asks the protagonist to watch his barrels while he runs an errand in town. Some local boys urge the protagonist to break them and see what's inside. Honoring the merchant's wishes gets the player two "good" alignment points and a coin from the protagonist's father, while smashing all the barrels earns the player two "evil" alignment points and a coin from inside one of the barrels. Curiously, if the player can break all the barrels and get back to where the protagonist was supposed to be standing guard before the merchant returns, the merchant will thank him for watching the merchandise, and the player will receive two "good" alignment points and a coin from the protagonist's father, despite having broken his promise. Again, the "neutral" path, i.e. performing both good and evil deeds with no apparent logic connecting them, presents the fastest way to earn money, buy a gift for the protagonist's sister, and advance in the game.

At first glance, it would seem that these examples do not lend themselves to moral subtlety. Even in "real life," morality is taught to children first in broad strokes, and the morality of many fantasy worlds is similarly rendered in black-and-white. It makes perfect sense, from a design perspective, to deal with morality on a very simple level in the tutorial and flesh it out as the game continues. However, the *Fable* tutorial fails to accomplish even this, because of a poorly thought-out reward system that severely limits players' choice of action and defines morality in terms of discrete actions, regardless of motive or intent. In the conflict involving the teddy bear, no non-violent options exist: the player cannot attempt to reason with the bully or threaten him verbally. While it can be argued that some conflicts can only be solved through the judicious application of violence—*Fable* is an adventure game, after all, and much of the game is spent killing—few would argue that this is necessarily the case for conflicts involving children, and that beating up the bully is the best moral option available to the player. In addition, the "evil" alignment points given to the player for hitting the little boy can be cancelled out by attacking the bully, even though there is no logical reason to do so. Therefore, in *Fable*, random, illogical violence for the sake of violence is perceived as morally superior to violence as a means to an immoral end. Similarly, it could be argued that taking the adulterous husband's bribe and then telling his wife anyway is, morally, the worst option, since it could be

interpreted to represent an amoral pursuit of profit. Finally, that the player can break the merchant's barrels without him realizing it, and be rewarded for it, simply makes very little sense.

The problems presented here are twofold. First, it seems that *Fable's* designers put very little effort into deciding why given actions are right or wrong. Actions are decided to be moral or immoral, but few clear principles seem to have been defined to guide these decisions, and those that do are not consistently applied. Second, the game as it currently exists can respond to play actions, but not player intent. The importance of intent in morality is hotly debated of course, and intent is coded into *Fable* by the designers. However, the player has no role in deciding this intent. Like the protagonists of many adventure games, *Fable's* hero is presented as a tabula rasa, and the player never hears him speak (dialogue choices are generally presented as a simple "yes" or "no"). A character who cannot speak cannot easily articulate his intent, but this intent does nonetheless exist at a narrative level. If the player's intent for a given action differs from that which the designers scripted, the result can be quite jarring.

Some of my own experiences can attest to this. Once, early in the game, I was called upon to to attack an aggressive (but ultimately unthreatening) NPC. A punch would have done the job, but in an attempt to role-play an evil character, I drew my sword and slashed the NPC, intending to kill him, which I assumed would be considered an evil action. The game responded as if I had punched the NPC, and I received "good" alignment points as a reward. The morality of violence is handled much as it is in other adventure games, in which the vast majority of violence (preemptive and otherwise) can be in some way interpreted as self-defense: attacking or killing unarmed civilians is marked as evil, but any entity designated by the game as an enemy is fair game, in the sense that no moral penalty is assigned for killing them. Some monsters are value neutral (giving no alignment points in either direction) while others, such as the werewolf-like "balverines" and generic "bandits," reward the player with "good" alignment points for every kill. The balverines, being replicable supernatural entities that cannot reasonably be dealt with through non-lethal means, are generally consistent with how such creatures are "morally" dealt with in the genre of horror fiction, but the bandits present a more problematic case. The bandits are human criminals, and Albion does not seem to have a functioning police force or justice system

outside certain settlements, but it nonetheless gives me pause that their assassination is unquestioningly acknowledged as a universal good—even if the bandit in question has not yet noticed the protagonist, and may not have yet attacked anyone else, the player is rewarded for firing an arrow into his throat from a great distance.

Similarly, it is common enough for adventure games to litter the landscape with treasures to be picked up by players. Some games apply this concept uncritically—many *Zelda* games allow players to wander into NPC houses, take money and smash objects, with no apparent response from the houses' owners—while others apply different rules to items found while “exploring” wilderness and items found while “exploring” private residences. *Fable* is at times very vague with the distinction, and since “examine” and “take” use the same key, I have often found myself “stealing” items by accident. At moments like these, the rules of both Albion and *Fable* itself can seem alarmingly random, and this randomness interferes with player experience by frustrating both the ability to grasp the intricacies of the rule system and the ability to maintain suspension of disbelief and become emotionally involved in the narrative.

Fable's authorial narrative is standard fantasy fare. The emergent narrative is slightly more ambitious, as various NPCs respond to the avatar's appearance (which reflects the protagonist's “attractiveness” and “scariness,” as well as a visual index of the his alignment) and behave accordingly. However, the two rarely feel like elements of a cohesive story. The moral engine is what makes *Fable* an interesting game and a valuable object of study. Though the designers' stated aims were not realized, *Fable* can nonetheless serve as an effective blueprint for some of the more basic principles necessary to craft videogames that argue and critique elements of moral philosophy: specifically, a world allowing a high degree of freedom in which the actions taken by the player are perceived, by NPCs in the gameworld and players outside it, to be morally meaningful. On this basis, the *Fable* engine is well-suited to the task at hand.

The philosophy espoused by Immanuel Kant holds that there is an a priori moral law that is inherent in consciousness itself, and can be discovered through reason alone. The fundamental principle of Kant's moral law is expressed in the categorical imperative. The categorical imperative—imperative because it is a command that a free being can choose to violate,

categorical because it is not a means to any other end, but rather an end unto itself—is one principle with several formulations, the first of which is “act only in accordance with that maxim through which you can at the same time will that it become a universal law” (Kant 73). The morality of a given action is determined entirely in terms of its accordance with the moral law. This law cannot be deduced through empirical means, but only reached analytically through logic (Kant 77). Conversely, the morality of a given action is fundamentally unconnected to its empirical consequences, such as its ability to produce pleasure, or its accordance with the dictates of a religious order. Though these differing perspectives often reach similar moral conclusions about given actions, they are fundamentally incompatible with Kant’s understanding of freedom.

Kant depicts human beings as rational animals, beings that deal with both the sensible (that relating to sensory perception) and intelligible (that relating to rational thinking). That humans either have free will or believe they have free will and act accordingly demonstrates the dominance of “practical” reason, that reason associated with action, over sensory “inclinations.”⁴ Inclinations, belonging to the world of the sensible, include not only physical stimuli such as hunger and pain, but also subjective emotional states such as happiness and “moral feeling.” Because inclinations are subjective and ultimately subservient to the will, morality cannot be a matter of feeling. Rather, morality must be ascertained through rational processes, and the moral law must hold for all rational beings. Because it is logical, the law must not conflict with itself. The sanctity of free will is therefore the basis for Kantian moral law: autonomy must be protected in general, and can only be restricted when it restricts another being’s autonomy. For Kant, this can be the only basis for morality: wrong actions are not wrong because they bring about unhappiness, or because they violate the will of God, or because they fail to conform to principles of moderation. They are wrong only because they are wrong. Moreover, actions cannot be said to be good merely because they conform to the law, because the actions could just as easily have been performed for another reason and conformed to the law only by coincidence (Kant 52–53). Rather, a moral action is one committed in conformity to the law, for no reason but respect for the law itself.

One particularly famous, and controversial, example of the categorical

imperative is the prohibition of lying. The justification for this rule follows from the categorical imperative, in the sense that if everyone were permitted to lie, lying would cease to be possible. For Kant, this is problematic not for the consequences it would wreak (general erosion of trust), but because it represents a contradiction in terms. To lie, one must first have an assumption that one will be believed; lying, by definition, assumes a prohibition against lying. Illustrating the point with a hypothetical, Kant describes a man who needs to borrow money, but knows that he will be unable to repay the loan within the allotted time. Clearly, by Kant's standards, it would be immoral to do so, because a maxim such as "when I believe myself to be in need of money I shall borrow money and promise to repay it, even though I know that this will never happen" cannot become a universal law without creating a contradiction:

For, the universality of a law that everyone, when he believes himself in need, could promise whatever he pleases with the intention of not keeping it would make the promise and the end one might have in itself impossible, since no one would believe what was promised him but would laugh at all expressions as vain pretenses. (74)

In response to critics, Kant steadfastly defended his prohibition on lying even in the most extreme circumstances. *On a Supposed Right to Lie from Philanthropy* discusses another hypothetical case, in which a man is hiding in a friend's house from a murderer. The question at hand is, if the murderer comes to the door and asks if the man he is pursuing is hiding in the house, is the house's owner obligated to tell the truth?

It seems obvious, at first glance, that it would not be immoral to lie to a murderer in order to save a human life. Kant, focusing on duty itself and not the immediate empirical consequences of following it, disagrees:

Truthfulness in statements that one cannot avoid is a human being's duty to everyone, however great the disadvantage to him or to another that may result from it; and although I indeed do no wrong to him who unjustly compels me to make the statement if I falsify it, I nevertheless do wrong in the most essential part of duty in general by such falsification, which can therefore be called a lie [...] That is, I bring it about, as far as I can, that statements (declarations) in general are not

believed, and so too that all rights which are based on contracts come to nothing and lose their force; and this is a wrong inflicted upon humanity generally. (612)

Lying to the murderer may protect one man from harm, argues Kant, but it would also directly harm every rational being in existence for its conflict with the moral law. Kant goes even further, suggesting that one cannot be certain that saying “yes” to the murderer’s query would result in the friend’s death, since the friend could have escaped during the conversation, resulting in the murderer looking for him in the wrong place, and possibly being captured by neighbors in the process (613). Following the law does tend to lead to good consequences, but only if the law is followed out of duty: the law cannot be “hacked,” to use some gaming parlance, for our convenience.

That any action could be moral because of its context contradicts Kant’s ideal “kingdom of ends” in which every will acts as sovereign over the actions of every being:

The concept of every rational being as one who must regard himself as giving universal law through all the maxims of his will, so as to appraise himself and his actions from this point of view, leads to a very fruitful concept dependent upon it, namely that of a kingdom of ends. [...] For, all rational beings stand under the law that each of them is to treat himself and all others never merely as means but always at the same time as ends in themselves. But from this there arises a systematic union of rational beings through common objective laws, that is, a kingdom, which can be called a kingdom of ends (admittedly only an ideal) because what these laws have as their purpose is just the relation of beings to one another as ends and means. (83)

In summary, Kant proposes a moral system derived from logic, based on the principle that what is right for one must be right for all. Such a morality is often counterintuitive, as in the example above, and it certainly bears no resemblance to the diegetic factors that motivate players and protagonists in most videogames. Were *Fable* to be reimagined based on Kantian principles, some effort would have to be made to teach the player what constituted morality in this universe. Kant, after a fashion, offers his own opinion on how this could be best accomplished.

In *The Metaphysics of Morals*, Kant lays out a plan for instilling his moral philosophy in youth. Differentiating his approach from that of the “dogmatic” method, in which the teacher alone may speak, and Socratic dialogue, Kant suggests a “moral catechism,” in which the teacher proposes questions and the student is obliged to answer him or her:

The formal principle of such instruction does not [...] permit Socratic dialogue as the way of teaching for this purpose, since the pupil has no idea what questions to ask; and so the teacher alone does the questioning. But the answer which he methodically draws from the pupil’s reason must be written down and preserved in definite words that can not easily be altered, and so be committed to the pupil’s memory. (592)

Under this system, when a question is posed, a student must arrive at the answer through use of his or her own reason, and the teacher must arrange the questions to ensure that the student’s reason does not go astray. When the correct answer is found, it must be committed to memory. This moral catechism bears a striking resemblance to the learning mechanism employed by most adventure games, which, despite being less linear than straight action games, nevertheless rarely give the player a legitimate, meaningful choice as to what choice of action to take. In such a game, the game poses a “question” to the player (in the form of a problem to be solved), and the player attempts to “answer,” based on his or her reading of the game’s rule system, aided by narrative’s connection between the rule system and recognizable human experience. A correct “answer” allows the player to progress, and must often be repeated many times to ensure the player can reproduce the answer by memory when he or she is called upon to do so.

By Kant’s standards, the existing *Fable* tutorial is deeply problematic. First, that the protagonist is paid for good deeds allows him to operate from an inclination toward greed, and act in accordance with the law without understanding why he ought to do so. Rather, the fulfillment of duty must be directly connected to the best win condition (there must, after all, be several), and it must be represented non-diegetically, i.e. it must have no empirical value in the game world itself. Though the two persons of the avatar, the player and the protagonist, will both to some extent share their sensible perception of the world, only the player has the outright power to command.

Therefore, elements outside the game narrative are a more effective representation of the intelligible world than elements inside it.⁵ Actions must have empirical consequences as well, of course, and it will be important to develop a diegetic means to mark the happiness of NPCs.

Second, the father expects the child to intuitively know what is right and what is wrong—presumably through moral feeling—and gives little instruction on how to pursue the good. It's possible that he gave the protagonist more specific moral training when he was younger (i.e. before the game narrative begins), but it is not present in the text as is. Consequently, players face the often bizarre results discussed earlier. A Kantian perspective, introduced in the narrative and reinforced through gameplay, would be one way to provide consistency. In the case of the philandering husband, clearly the worst option, in terms of the categorical imperative, would be to accept the bribe and inform on the husband anyway, even though this may seem largely indistinguishable, in terms of consequences, from refusing the bribe in the first place. (The money earned by the player in the tutorial section of the game ceases to exist once the tutorial concludes.) The conflict involving the barrels must not allow the player to perform bad actions and yet receive a reward without an internally consistent narrative explanation as to why, simply to avoid stumbling into nonsense; beyond that, the primary moral option is obvious, as Kant's perspective clearly opposes the breaking of promises and the unlawful destruction or seizing of property. In the conflict involving the teddy bear, the issue of intent must first be resolved before a clear perspective can be discerned.

As it is currently written, this scenario presents the player with three options: hit the bully and give the teddy bear to the little girl, hit the bully's victim and give the teddy bear to the bully, or hit the victim and give the bear to the little girl. The first is obviously the "good" solution, and the second is obviously less desirable, from a moral perspective. The third is harder to interpret, since it makes little sense. What kind of intent would logically lead to the performance of those actions? One possible explanation is that the protagonist (more accurately, the player) changed his or her mind; if this is the case, this will need to be acknowledged by the narrative, and the player will have to make a conscious decision to apologize or otherwise acknowledge that his or her intent has changed. Giving the protagonist the

ability to speak, and the player to manipulate this speech through some method (such as a dialogue tree), would be useful for this purpose. At any rate, using Kant as a model, only the best solution would qualify as a good deed, while the others would be failures of varying severity, a trope that would need to be consistent across any conflicts designed to have multiple parts. In addition, failure to conform to the moral law must have consequences (primarily non-diegetic, but possibly diegetic as well) to the player that are greater than the consequences resulting from the actions' resulting pleasure or pain.

Pleasure and pain will need to have a direct effect on the game experience. Two ideas could be applied to this end. In the first, empirical consequences (i.e. pleasure and pain) would be predictable consequences of most actions; in the second, the consequences of a given action would be randomized. Each solution yields a slightly different argument.

If the empirical consequences of actions are predictable, situations could be designed in which strict conformity to the moral law will produce either pleasure or pain for the public (in the form of NPCs). In the former case, the a priori moral law happens to produce the best empirical results, and there is no conflict between the two. The latter case is far more interesting, since it places the two in direct conflict. Kant argues that this scenario is the test of a good will: the ability to obey the moral law even when one is strongly tempted, by inclinations such as moral feeling or popular sentiment, to do otherwise (591). On a more general level, arguing for a moral perspective that goes beyond mere expedience will necessitate allowing the protagonist to be punished for doing the right thing.

If the empirical consequences of actions are randomized, on the other hand, the player will have a radically different experience that is Kantian on a more fundamental level. In this arrangement, the happiness of others is acknowledged as a good—Kant connects it with the struggle for self-perfection as part of the moral law (517)—but also holds that happiness, belonging to the world of the sensible, cannot be predicted *a priori*, and thus cannot be the basis for moral law. A player of this game would quickly learn that honors bestowed on the protagonist by the others for increasing their happiness, while enjoyable to the protagonist and useful to the player, must not be confused with morality itself. Whether empirical consequences are predictable or randomized, the gameplay conventions of *Fable* present one

major problematic issue: the morality of violence.

Kant, frames human relations in terms of a lawless state of nature on one hand and government, presumably one resembling the governments of 18th century Europe, on the other. Property right is a concept that properly belongs only to government, and it can be assumed that prohibitions on violence are also absent from a state of nature. (*Fable* does allow players to buy property, but its actual use value is minimal, and as such I do not intend to dwell extensively on property right.) It could be argued that an agreed-upon prohibition against certain types of violence is, in fact, the definition of society, and that that agreement itself removes humans from the anarchic state of nature. Albion is clearly not a state of nature, but it also does not resemble a state under a government as described by Kant. There are civil laws, certainly, and the idea of the “criminal” exists, but enforcement of these laws does not extend to large sections of the game map, and while police can (and do) harass, fine and/or attack the protagonist for wrongs he has done to others, he cannot appeal to any external authorities for the same privilege if he is wronged by a third party.

Moreover, it is unclear how a concept like self-defense fits into the categorical imperative. Kant writes extensively about the importance of capital punishment for murderers, but offers little about whether the moral law allows the lawful killing of those attempting murder. Because self-defense is the basis for most of *Fable*’s violence—and therefore most of the game in general—I am positing a right to defensive violence that I believe to be consistent with the categorical imperative: a person who has not committed a crime may resort to lethal violence to prevent murder, and the party attempting murder forfeits his possessions upon his death. The extent to which pre-emptive attacks are thus justified on characters marked as “criminals” that have not been shown to have committed a specific crime warranting capital punishment varies on whether it can be known, apriori, that a group of armed NPCs intends to do the protagonist harm. This is a particularly important issue because, under the rules set forth by Kant, positive consequences resulting from a dead “undesirable” are not sufficient to justify the act of killing.

Every action, including every kill, must be consistent with the moral law, and the consequences of actions that contradict the law must be far less

reversible than the empirical consequences of such actions. *Fable* allows the protagonist's reputation to follow him, to some degree, but this reputation is based only on the total sum of the player's actions. The damage to a player's alignment, and therefore reputation, through evil actions can be undone by performing good actions. Assuming the NPCs care primarily about empirical consequences (i.e. the happiness of their community), this is a plausible model, but the moral law is not so fickle. The game's reward system must ultimately be tied into a non-diegetic representation of morality that does not allow players to "buy back" evil actions with good ones. The pain caused by an evil action can be counteracted, but damage to humanity itself cannot.

Adherence to the moral law, then, must be represented, because videogames necessarily involve representation. It must also be represented in a non-diegetic fashion, so it cannot be interpreted as "empirical" within the world of the protagonist. The player's "alignment," measuring adherence to the law, need not be accessible to players at all times, though there are certainly advantages to doing so. The only time when it is necessary to represent the law to the player is after the game's conclusion, and the protagonist's "conclusion" as well: the protagonist's afterlife.

Just as consciousness necessarily leads to the moral law, Kant claims that the existence of the moral law necessarily suggests the idea of a perfect being, a God (240).

Similarly, that adherence to the law is imperative yet ultimately impossible to fulfill suggests the existence of an afterlife of perpetual improvement (238). The gameplay possibilities suggested by the necessity of an afterlife are myriad, but beyond the scope of this discussion, if only because Kant is understandably unclear on what such an afterlife would entail. It is sufficient to note that an afterlife must exist at a narrative level, whether or not any gameplay is involved, and that this afterlife is the point where the non-diegetic, non-empirical consequences of the protagonist's actions become diegetic, and therefore visible to the protagonist himself.

The existence of a God or gods and an afterlife, often treated with empirical, scientific certainty in adventure games, is not strictly necessary in a utilitarian model. In fact, utilitarianism does not rely upon a knowledge of the universe itself attained through reason, as does Kantianism. Utilitarianism, by attempting to derive morality from empirical knowledge and human sensibility, offers a very different perspective, which in turn leads

to very different design rules.

While Kantian philosophy owes much to Greek and Christian conceptions of logic and morality, it can be adequately described in terms of the writings of the individual for whom it is named. Utilitarianism, named for a property of the theory itself and not one of its proponents, has a wider canon. In this chapter, I will deal with two primary texts: Jeremy Bentham's *An Introduction to the Principles of Morals and Legislation*, and John Stuart Mill's *Utilitarianism*. The utilitarianism espoused by Bentham and Kant is preceded by Greek theories of hedonism, and would later be divided into more specific variants such as act-utilitarianism and rule-utilitarianism. However, I will be dealing primarily with the texts detailed above, which (despite their differences) I believe are sufficiently integrated to form the basis of a single videogame.

“Nature has placed mankind under the governance of two sovereign masters,” writes Bentham: “pain and pleasure” (1). In this sentence lies an exceptionally concise summary of utilitarianism. Pain and pleasure, far from animalistic inclinations to be subordinated by the will, are depicted as dominant. What Kant subjugated to the realm of the sensible, the utilitarian interprets to be the most fundamental fact of existence, and the source of all morality. Expanding on Bentham's work, John Stuart Mill suggests that any moral philosophy must necessarily begin with observation of that which is self-evident, rather than deduced abstract principles:

The truths which are ultimately accepted as the first principles of a science, are really the last truths of metaphysical analysis, practised on the elementary notions with which the science is conversant; and their relation to the science is not that of foundations to an edifice, but of roots to a tree, which may perform their office equally well though they be never dug down to and exposed to light. [...] When we engage in a pursuit, a clear and precise conception of what we are pursuing would seem to be the first thing we need, instead of the last we are to look forward to. A test of right and wrong must be the means, one would think, of ascertaining what is right or wrong, and not a consequence of having already ascertained it. (2)

By assuming the primacy of what can be known through observation, the principle of utility—“that principle which approves or disapproves of every

action whatsoever, according to the tendency which it appears to have to augment the happiness of the party whose interest is in question”—is the only logical place to start in defining a moral philosophy (Bentham 2). Bentham defines the terms quantitatively, measuring pleasure and pain in terms of “intensity,” “duration,” “certainty or uncertainty,” and “propinquity or remoteness,” (29) while Mill adds a qualitative distinction, suggesting that intellectual pleasures are inherently superior, and more valuable, than their bodily counterparts (Mill 7).

Put simply, a utilitarian *Fable* will necessitate a moral engine that quantifies the pleasure and pain that result from actions and determines their morality accordingly. As in the Kantian model, the narrative will have to be sufficiently integrated with the game’s ethics to make actions appear morally significant. However, this will require less focused explanation in the utilitarian model, since the happiness of the world’s inhabitants should be readily apparent to the player, and increasing the happiness of NPCs naturally lends itself to diegetic rewards. Many games rely on such incentives: an NPC, pleased by a player’s previous action, rewards the protagonist, allowing the game to progress. Most adventure games, after all, conclude with the hero having made the world a demonstrably happier place. The designers may “piggyback” on existing genre conventions, needing only to take care to note that the ideal is global utility, not personal gain. Failure to treat the happiness of others as a goal in itself, as opposed to a means to other goals, could plunge the game’s moral system into egoism. If aggregate happiness is a tangible good, it must be treated as the game’s goal.

Once this is established, however—possibly by directly referring to Bentham’s rules, upon which the moral engine could be easily coded—very little in the way of tutorial play would be necessary. Unlike Kant’s catechistic model, which mirrors the linear building of complexity found in most adventure games, utilitarianism suggests an approach more reminiscent of sandbox games: set the rules in motion and let the player experiment. If the player finds a counter-intuitive solution that the designers did not foresee, all the better.

For this reason, the *Fable* tutorial, which was made more restrictive for the Kantian model, becomes less so for a utilitarian model. The three tutorial scenarios described earlier—the stolen teddy bear, the philandering husband, and the merchant’s goods—are much less intuitive from a utilitarian

standpoint. The stolen teddy bear presents two decisions: how to acquire the bear, and what to do with it afterwards. While the “best” solution by utilitarian standards would likely be the same as the “best” solution in the existing *Fable* (hitting the bully and returning the teddy bear to the little girl), complications might nonetheless arise. While the little girl seems to have the most right to the bear, what if it could be known that the bully would appreciate it more, or that his continued possession of the bear would create more happiness than returning it to the little girl? What are the consequences of hitting the bully, as opposed to the little boy? If, even after the bully has been run off, the little boy refuses to hand over the teddy bear, the player would have no choice but to attack the little boy anyway. Would attacking the little boy first, thus committing an act of violence against only one person, be preferable than attacking them both?

Similarly, the philandering husband requires a more complex reading if aggregate happiness is to be the goal. The wife clearly suspects her husband, and seems to be bothered more by his continued absence (and consequent inability to help with the household) than by his infidelity. However, it could still be argued that the wife would be happier not knowing the truth about her husband’s activities, and the husband would certainly prefer this outcome. He prefers it so much, in fact, that he’s willing to pay for it. Under these assumptions, taking the bribe and staying quiet could be seen as the most moral solution. If we assume that the wife would, in fact, prefer to know, the issue is still not resolved. If the player chooses to accept the bribe and inform the man’s wife anyway—the worst option from a Kantian standpoint—it might lead to greater overall happiness than refusing the bribe. After all, the amount of money involved is a pittance to an adult, but crucially important to the child protagonist, and doesn’t a man who attempts to bribe a child to deceive his wife deserve to lose the money he offers? An option to accept the bribe, tell the truth, and then return the bribe to the wife (who will, presumably, use it more responsibly) might produce an even better result.

It should be noted that the iterative nature of videogames would make it easy for players to replay the same scenarios repeatedly, looking for the best results. Designers of a utilitarian *Fable* would be wise to allow frequent saving and loading of game-states to exploit this feature of the medium. Counter-intuitive solutions, such as taking the philanderer’s money and squealing anyway, will produce unique results, and these results may be

compared through repeated play. Unlike in one version of the Kantian model, however, the consequences of any action must be fixed—players must have a reasonable ability to predict the consequences of their actions. Without this ability, utilitarianism becomes untenable as a philosophy, whether on Earth or in Albion.

Despite this restriction, the utilitarian model offers the possibility of a causality better suited to long-term plans. After all, unlike Kantian morality, utilitarianism has no particular problem with treating people as means to an end rather than as ends in themselves, as long as the net gain in happiness is sufficient. That an individual action causes pain does not necessarily make it a bad choice, as certain actions will produce different results depending on the larger series of actions of which they are a part.

Responding to claims that it is not feasible to expect people to consider the happiness of society as a whole in their actions, Mill writes:

[T]he motive has nothing to do with the morality of the action, though much with the worth of the agent. He who saves a fellow creature from drowning does what is morally right, whether his motive be duty, or the hope of being paid for his trouble; he who betrays the friend that trusts him, is guilty of a crime, even if his object be to serve another friend to whom he is under greater obligations. (17)

This produces an objection: what if someone saves a drowning man for the purposes of slowly torturing him to death? What if, on the other hand, someone betrays a friend's trust because lethal consequences would result were that trust maintained? Mill answers:

I submit, that he who saves another from drowning in order to kill him by torture afterwards, does not differ only in motive from him who does the same thing from duty or benevolence; the act itself is different. The rescue of the man is, in the case supposed, only the necessary first step of an act far more atrocious than leaving him to drown would have been. (61)

Mill goes on to clarify the distinction between intention and motive, defining intention as “what the agent wills to do” and motive as “the feeling which makes him will so to do” (61). Using Mill's terminology, motive would be irrelevant in a utilitarian *Fable*, and thus the game engine would not

need to know such information in order to respond to it. As for intention, it might be necessary to force players to establish their intentions before a given action, but it would likely be sufficient to “deduce” player action from the actions that follow it, as in the example of the drowning man. Since the player, unlike the avatar (or a real person), could be privy to her overall contribution to the happiness of the human species at any given time, she need not wait for a chain of actions (e.g. saving a drowning man, then torturing him to death for some reason) to be completed to see that the end result of a chain of actions is the sum total of the results of the actions within it—and that a positive action might retroactively become a negative action, or vice versa, depending on the actions that follow it. While this might allow players to perform good acts without good motives, the engine is designed to track the morality of actions, not the moral worth of the actor. Mill’s “motive,” in the case of a videogame, calls to mind the dual nature of the avatar. The protagonist often has motives that the player does not share. The “worth of the agent,” to use Mill’s phrase, depends on a factor about which the game itself neither “knows” nor “cares”: the state of mind of the player. When the player performs actions that lead to increased happiness without intending to do so, or without communal happiness being his primary aim, she is behaving morally, but only when she performs actions that promote happiness because they will promote happiness has she demonstrated her worth as a moral agent. In the Kantian *Fable*, scenarios must be carefully designed to devalue actions taken in conformity to the moral law, but not out of respect for the law itself, but to make such a distinction in the utilitarian *Fable* would, in and of itself, contradict Mill’s division between motive and intent.

There are several such instances, in which a design element easily amenable to one moral philosophy becomes more complicated in another, or an element crucial to one becomes irrelevant or necessary to exclude in another. Growing as they do from such radically different principles—duty to an *a priori* moral law for its own sake, and aggregate human happiness—it is unsurprising that Kantianism and utilitarianism yield different answers to a great many moral questions. This is not to suggest that there are no agreements to be found between the two philosophies, however. The study of morality tends to focus on the points of conflict, because nearly any moral philosophy will yield similar answers to the normal, day-to-day experiences that make up the

average human life. It is likely that, given a sufficiently mundane design (at both narrative and ludic levels), adaptations of *Fable* based on Kantian or utilitarian principles would appear to have only superficial differences. To create such games, or even to design them at a conceptual level, would be something of a waste of time. To make the philosophical basis of the games' morality engines most meaningful, designers must ensure that players are routinely forced into situations in which the world's morality at first appears counterintuitive. These situations are most apparent when two competing philosophies are placed in contrast to one another. Hence, I will now compare the Kantian and utilitarian *Fables* directly, focusing on two key issues with which each game must necessarily deal: lying, and justice.

Standing apart from theft and murder, lying is a generally agreed-upon sin that is largely absent from videogames, for the simple reason that lying requires the ability to converse. Most games feature dialogue of some sort, but the player's freedom of action is invariably limited by the technical and creative limits of modern videogame design. Either the conversations are scripted outright, and the player becomes an observer, or the player is allowed to choose between several scripted options (a dialogue tree), which often have only superficially different results.⁶ In order to lie, conversation itself must first be an option.

I do not believe, however, that the current limitations on videogame conversation make morally meaningful arguments about lying impossible. The dialogue tree, limited as it is to games that allow both conversation and limited (but meaningful) control over player dialogue, allows players to lie in many games. However, even when morality is specifically part of the game's rule system, lying is not always treated as being morally significant. I recall a frustrating experience playing Troika's *Arcanum* as a character I intended to be "good," and finding it impossible to complete a given task without lying, knowing that the game would not consider my character less good for such an act, and also that my character would receive no credit for failing to achieve the goal out of a refusal to lie. This, therefore, must be addressed in either *Fable* adaptation: the distinction between truth and falsehood must be a morally meaningful one.

As discussed in *On a Right to Lie from Philanthropy*, the categorical imperative excludes lying as a morally permissible option even under the

most dire circumstances. Lying to achieve a goal that is, in itself, laudable must negatively affect an avatar's morality in the *Kantian Fable*. The consequences of such a lie, for reasons discussed earlier, can indeed be quite positive, or quite negative, and may manifest in any number of ways. There is no reason that all NPCs inside the text need subscribe to the moral arguments put forth by the text, after all, and thus the protagonist might not even be considered untrustworthy as a result of certain lies. The non-diegetic consequences, of course, must remain. Conversely, the utilitarian perspective considers a lie that increases the world's total happiness to be a categorical good, and the consequences must be made visible empirically—though the outcome of such a lie might be difficult to predict.

The most direct way to illustrate these principles is that supplied by one of Kant's critics quoted in *On a Supposed Right to Lie from Philanthropy*: a frightened man comes to a friend's house and asks to hide out from a murderer. The friend allows the man into his house, and the murderer subsequently arrives, and asks if the man is inside.⁷

The correct response is obvious, and different, from both philosophical perspectives. The Kantians say yes; the utilitarians say no. However, the problem does not end with the player's answer.

What if, asks Kant, the frightened man has, unbeknownst to his friend, slipped out the back window during the conversation and begun to flee through a field? If the friend tells the murderer what he believes to be the truth—that the marked man is, indeed, inside the house—the murderer will no doubt search the house, allowing the frightened man to get further and further away, and increasing the likelihood that the murderer will be apprehended before any more damage is done. If, on the other hand, the friend has “lied” to the murderer, by giving an answer contrary to what he believed to be true, he has then increased the likelihood that the frightened man will be killed (612). The fate of the man in question is not Kant's primary concern, of course, and he merely uses the example to point out that consequences in the sensible world cannot be predicted *a priori*. Additionally, he suggests that the friend (or, in our current focus, the player) is fundamentally complicit in the death of a man as a consequence of a lie, whereas he is ultimately innocent in the death of a man as a consequence of telling the truth (612–613). The Kantian answer is simple. It is radically contrary to most people's sense of

morality, but it is simple, and it requires no particular skill to execute. The utilitarian answer, when consequences are made difficult to predict, is perhaps more satisfying to the modern mind, but it is also more difficult. The utilitarian model must textually allow the player to figure out, with some skillful reading of the game text, the correct action; the Kantian model need not. Lastly, it must be noted that conventions of the adventure genre would likely suggest to players that the correct course of action, whether or not the player tells the truth, is to kill the murderer on sight. This problem will need to be addressed, in a narratively convincing fashion. Kant, perhaps, was not describing a society as ubiquitously violent as that of the modern adventure game.

Another major point of conflict between the two perspectives is that of justice. H.J. McCloskey suggests a scenario in which a hypothetical utilitarian is visiting a community torn by racial strife (qtd. in Rachels 110–111). In this community, a black man rapes a white woman. Riots ensue, as white civilians swarm through the streets beating and killing blacks. The hypothetical utilitarian knows that he will be believed if he claims to have witnessed the crime, and that this false testimony will end the rioting. In this scenario, is the utilitarian morally obligated to falsely accuse someone in hopes of ending the riots and restoring public safety? James Rachels summarizes the conflict as follows:

The argument is [...] that if someone were in this position, then on utilitarian grounds he should bear false witness against the innocent person. This might have some bad consequences—the innocent man might be executed—but there would be enough good consequences to outweigh them: The riots and lynchings would be stopped. The best consequences would be achieved by lying; therefore, according to Utilitarianism, lying is the thing to do. But, the argument continues, it would be wrong to bring about the execution of an innocent man. [...] Justice requires that we treat people fairly, according to their individual needs and merits. The innocent man has done nothing wrong; he did not commit the rape and so he does not deserve to be punished for it. Therefore, punishing him would be unjust. (111)

To be sure, it can be argued that utilitarianism need not support such an action, or generally conflict with ideas of justice. John Stuart Mill, discussing

the concept of justice in *Utilitarianism*, offers his own definition:

It appears from what has been said, that justice is a name for certain moral requirements, which, regarded collectively, stand higher in the scale of social utility, and are therefore of more paramount obligation, than any others; though particular cases may occur in which some other social duty is so important, as to overrule any one of the general maxims of justice. (59)

However, this definition does not solve the problem detailed above, for it leaves unclear the question of whether this problem happens to be one of those particular cases. Others have made distinctions between ways of putting utilitarianism into practice by making a distinction between act-utilitarianism (in which every action is judged on its consequences) and rule-utilitarianism (in which actions are judged by their overall tendency toward consequences), but our analysis concerns only the former.

This point of conflict is, after a fashion, a natural outgrowth of the previous one: a challenge to the idea of the noble lie that is more plausible, and more disturbing, than the murderer at the door. The lie, in this case, is a larger one, told to the community at large instead of a particularly violent individual. From a Kantian perspective, any lie makes victims of the whole world, but assuming a more conservative view of lying and its victims, there seems to be a categorical difference between a lie that results in the frustration of a murder attempt and a lie that results in the death of an innocent. The Kantian perspective is identical for both: one must not lie, even if to do so will save lives. The utilitarian must either embrace the moral necessity of the death of an innocent, or find another reason to reject it on the basis of aggregate happiness.

Assuming, for the sake of argument, that this cannot be done, a scenario like this one could be easily designed in an adventure game like *Fable*. However, it need not be presented as a simple binary, like the murderer at the door. Regardless of its morality, the solution to the rioting “problem” suggested in McCloskey’s hypothetical is certainly a creative one. Players who opt for such a solution in the absence of direct prompting ought to be rewarded if this result is consistent with the moral rules of the game text: this might be seen as an example of the kind of emergent behavior that a utilitarian engine might encourage. But even then, there might be further

long-term consequences that outweigh the short-term benefits to the community, and a utilitarian *Fable* would need to address this possibility. The Kantian model, of course, has but one solution, regardless of how the empirical consequences play out.

In the Kantian and utilitarian models I have proposed, the same design principles apply: delineate a “correct,” or ethical, way to play, and reinforce these ethical rules through both gameplay feedback and narrative. The rules, if supported by the narrative, will appear plausible and meaningful, and as in a work of literature, the player will have the ability to make connections between the fictional (or virtual) world and the real one. This act of making connections is not an “effect” as the term is usually applied to videogames, but is rather more like that of a children’s fable, or any story (for any intended audience) in which the author seeks to convey to the audience that a certain action was moral or immoral for a certain reason.⁸ But these games need not be so straightforward: if games can make arguments directly, they can also do so satirically.

To accomplish this feat, the formula must simply be reversed. The player must be compelled to play in a way that is explicitly defined as nonsensical or immoral by the narrative. This will make the rules appear arbitrary, and the protagonist will appear foolish for following them. If the Kantian model were to reward the player non-diegetically for displaying adherence to the moral law out of duty, while narratively emphasizing only the pain such behavior causes and repudiating the afterlife Kant claims is suggested by the law’s existence, players would leave behind a ruined world that would have been far happier had they never entered it. Players would be assured of the rightness of their (intuitively appalling) actions only by the fact that they would have received a good moral “score,” a score the narrative had depicted as meaningless. Conversely, if the utilitarian model were to emphasize Kant’s moral law at the narrative level, players would nonetheless be forced to break it constantly to satisfy the game’s ethics and advance—only to be reassured of the meaninglessness of the happiness they sowed when all the world’s inhabitants find their souls surviving death, and the empirical consequences of their actions rendered irrelevant.

Anyone who has spent a sufficient amount of time reading moral philosophy will eventually come to the conclusion that, regardless of the

value such debates may have, life tends not to present us with such clearly delineated moral dilemmas. In the next chapter [Editor's note: see Peter Rauch, "Playing with Good and Evil: Videogames and Moral Philosophy," MIT Comparative Media Studies Master's Thesis: 2007], I explore moral issues raised by the recent "War on Terror," suggesting ways in which videogames may argue moral viewpoints in a way that are less academic and more immediately relevant to the public at large.

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Notes

- [3](#) My examination of *Fable* is based on *Fable: The Lost Chapters for Windows*. To my knowledge, the elements I discuss are common to all iterations of *Fable*.
- [4](#) Kant uses both of these terms repeatedly in several of his works, most notably in *Metaphysics of Morals*.
- [5](#) I must note here that Kant defines the intelligible as impossible to represent. I can only respond that *Fable* is a text, and texts represent things. There is nothing else they do. Nonetheless, I cannot deny that Kant would likely have found this idea appalling.
- [6](#) As always with such sweeping statements, there no doubt exist some counter-examples, but these are the most common models for videogame dialogue in single-player games.
- [7](#) This hypothetical scenario does not allow the friend to respond with anything other than a yes-or-no answer. Some convincing reason for this restriction of action might be useful, but since players are rather used to restricted action in videogame conversations as it is, it might not be necessary.

[8](#) This is rather similar to the “meanings” model proposed by Henry Jenkins in “The War Between Effects and Meanings,” to be discussed in more detail in the conclusion [Editor’s note: see. Peter Rauch, “Playing with Good and Evil: Videogames and Moral Philosophy,” MIT Comparative Media Studies Master’s Thesis: 2007].

Applying Ethics

Case Studies

Miguel Sicart

Miguel Sicart, "Applying Ethics: Case Studies," The Ethics of Computer Games, pp. 151–188. Copyright © 2009 by MIT Press. Reprinted with permission.

It is now time to put my ethical framework into practice. So far, most of the argumentation has been purely theoretical, with a number of examples that specifically illustrated the key arguments of this method for describing the ethics of computer games. In this chapter and the ones that follow [Editor's note: see Miguel Sicart, *The Ethics of Computer Games*, MIT Press: 2009], I will apply the framework to specific issues, starting with a close reading of the ethics of three games: *Bioshock*, *DEFCON*, [1](#) and *World of Warcraft*. These games will also be used as illustrations of more general reflections on the ethics of single-player, multiplayer, and online game worlds. The analyses are not exhaustive, but serve as an illustration of how to analyze computer games from an ethical perspective.

Bioshock and the Ethics of Single-Player Games

The mainstream computer game industry can sometimes be rather conservative. It is true that games push the boundaries of technological development, and they often use the most advanced resources afforded by computing research. In fact, it is possible to claim that computer graphics as a discipline benefits very much from approaches that have an origin in computer game needs. Nevertheless, as much as it is an innovative technological field, the game industry is culturally conservative. The degree of innovation in the technology is seldom coupled with innovation in gameplay, storytelling, or virtual world creation.

Of course, there are economic reasons for this, based on the large budgets game development companies require to produce a high-quality title, and the risk aversion of the investors that provide those budgets. But sometimes there

are companies that dare to try something new, and the games that result from this combination of daring, innovation, and talent are often heralded as the symbols of what computer games can contribute to both the popular and the fine arts.

Launched in 2007 to critical acclaim, and heralded as the definitive step of mainstream games toward the artistic and expressive capacities of media like cinema, *Bioshock* constitutes one of the most significant examples of what the mainstream game industry understands as a game that pushes the boundaries of game design expression, targeting mature computer game players. Furthermore, thanks to its storyline and game mechanics, *Bioshock* was also received as a game in which moral gameplay would be of extreme importance for the game experience. It is therefore of interest to analyze this game in light of the ethical theories I have presented in the previous chapter [Editor's note: see Miguel Sicart, *The Ethics of Computer Games*, MIT Press: 2009].

In this analysis I am not going to describe some elements that could be of interest in outlining *Bioshock*'s ethics, like the online communities around the game, the technical problems that the game suffered on release and how they affected some players, or the game's reception by its core target audience. *Bioshock* is interesting because it both failed and succeeded in the task of creating an interesting ethical single-player computer game experience. Understanding this duality and what it teaches us about the development of ethical games is of extreme interest. I am also aware that *Bioshock* is very much a successor to the classic game *System Shock 2*, ² but again, there is little in that comparison that can inform my interest in the particular ethical experience that this game creates, and how it illuminates the range of ethical gameplay possible for single-player games.

Bioshock is an example of a large-budget production aimed at creating something different and recognizable as worthy of merit even by those who are not interested or invested in computer games. The art direction, combining the impressive graphics technology with a unique vision of how the game world should be experienced, immediately distinguished *Bioshock* from all the other first-person shooters in the market. Nevertheless, this is a rather conservative game in terms of gameplay design: it is a conventional first-person shooter where the player navigates a 3-D environment using

weapons and special powers to eliminate enemies. These enemies' resistance increases the more the player explores the game world, with the occasional "boss fight" against a particularly powerful rival. The innovations in the basic mechanics and rules of the game are superficial: players can acquire genetic powers that work in combination with the environment, allowing an "ecology" of weapons, a set of tools that encourage tactical combat. Nothing radically new, but interesting and rather well implemented.



Figure 1. *Bioshock*: Welcome to Rapture.

What makes *Bioshock* unique is the game world where the actions take place, and its consistency as a designed experience. Unlike most other first-person shooters, *Bioshock* does not take place in a space station, the enemies are not aliens, and the protagonist is not a space marine. As a matter of fact, as players we know very little about the main character's past: we do know that the enemies were once human, and that the year is 1959. *Bioshock* builds its unique aesthetic in blending futuristic technology, such as intelligent robots and genetic engineering, with the fictional space of a hypothetical 1950s art deco underwater city. The world of *Bioshock* is unique and refreshing.

But it's not only the world that makes the game interesting. Its storyline has to be taken into consideration, since it is relevant for the ethics of *Bioshock*. The game starts with a plane crash, and the discovery by the only survivor, adrift in the middle of the ocean, of a strange access gate to some kind of underwater facility, called "Rapture." Soon the story unfolds: Rapture

is an underwater Utopian city created by a man named Andrew Ryan, a Randian objectivist who believed in rational self-interest and a kind of extreme libertarian capitalism where all humans are equals and mankind is the only God.

But Rapture is a dystopia, where the deranged citizens fight for meager resources, their minds forever lost due to the excessive use of genetic manipulation. There is also a latent conflict between Ryan and a mythical character called Atlas, who resisted the forms of despotic order that ended the initial dream of Rapture. The protagonist is drawn into the last efforts of this resistance, and he is progressively guided by Atlas toward the murder of Ryan, and thus the end of Rapture. But of course, interesting plot twists reveal the protagonist to be a pawn in a larger power struggle that only ends with the closure of the dream at the bottom of the sea.

This is a rough summary of the main elements of *Bioshock*'s storyline, which is of course more complex and detailed, and rather compelling in its character-driven depth. Its use of environmental cues in the ruins of Rapture configures a classic and very well thought-through computer game narrative. What makes *Bioshock* the target of this ethical analysis is the importance that the developers gave to moral choice and moral reasoning in the game. The story is of course important, but it is oriented toward a certain reflection on the modes and motives of player agency in the game world. In other words, *Bioshock* was designed as an ethical experience, and it is thus interesting for what it will illuminate about the ethics of single-player game experiences.

The main reason why *Bioshock* is interesting from a moral perspective is its insistence on choice as the game world's reason to exist. Of course, choice is related to the particular interpretation of objectivism the game proposes, but also to the experience of the game. Choice appeals to the ethical player, who has to reflect on the meaning of her actions and their consequences. *Bioshock* has two significant ethical devices oriented toward that ethical player—two methods of creating moral gameplay that I will analyze, in their relative success and failure, in order to cast light on the ethics of single-player computer games.

The first interesting ethical design element is based on the story of the game and how it mirrors the gameplay experience. As I have mentioned, the player is put in the middle of a conflict in Rapture, a conflict between the founder of the city, Andrew Ryan, and Atlas, a mysterious character who,

well into the game, reveals his true identity and motives. It is quite clear from the beginning that one of our main missions will be to kill Andrew Ryan: all the actions in the first half of the game are oriented to disable the defenses behind which Ryan is hiding. As players, we suspect that Ryan will be a boss fight and that we will have to eliminate him using the powers and knowledge we acquire.

But the more information we gather, the more we suspect about Atlas's intentions, and the more the narrative paces us toward questioning the purpose of our actions. We think: maybe we would need to hear him, maybe we should actually ally with him ... and then the interesting ethical mechanic takes place: we cannot avoid killing Andrew Ryan. Throughout the game, up until that moment, we have been controlled by Atlas, who had implanted some kind of mental domination system that could be triggered by uttering some words—the same words we as players heard in the briefings for the different missions up to that point. In a moment of stellar writing, a cut scene gives meaning to all the previous gameplay, and challenges our experience of the game so far. And it is precisely this intense manipulation of player agency that makes this sequence in *Bioshock* an interesting, successful ethical experience.

Before analyzing the game in detail, it is important to describe some of the less stellar aspects of *Bioshock* as a computer game. The choice of the first-person shooter genre, and the strict allegiance to its tropes and figures of style, makes *Bioshock's* innovations relative: the game still plays like a conventional shooter, and there is no advance of the genre in terms of mechanics. The worst problem, from a design perspective, is that this focus on classic shooter mechanics seems to have come at the expense of game world exploration: Rapture is a fascinating environment, but as players we are only allowed to explore some parts of it, while the rest tempts us from behind the windows and in drawings and stories placed in the environment. *Bioshock* feels more like a theme park and less like a game—the environment is limited, focused on very concrete experiences, very carefully designed, and as such the capacity to explore the rest of the world is secondary. This means that for most of the game, the player merely moves from checkpoint to checkpoint, completing missions in order to unlock new spaces. Rapture seems a theme park, and not a world.



Figure 2. *Bioshock*: A Choice Between Two Evils.

In classic shooters of this structure, player agency was rather limited in terms of thinking about the meaning of the actions that were taken. It is a genre convention not to think about the world around the player and to just focus on moving from one series of challenges to another, much like in the classic *Half-Life*.³ What makes *Bioshock* ethically interesting is how it intertwines the narrative with this design convention in order to explore the ethics of choice. As players, until the moment when Ryan is murdered, we basically follow Atlas's instructions in order to advance and "finish" the game. When confronted with Ryan, the moment in which the truth is finally unveiled, the process of playing the game comes into new light: the instructions were part of a mind-control scheme, and all the actions have led to a morally questionable conclusion, the death of Andrew Ryan.

This manipulation of player agency is what gives this design choice its ethical nature. As I have argued, a player is an ethical subject that has the capacity to reflect on the meaning of her actions, and of her values within the game. Most computer games do not challenge those values: the player is the hero, the actions are consequent, and there are no moral dilemmas, no need for a deep reflection on means and purposes. *Bioshock* builds on this tradition, as said, in an intelligent use of the player repertoire. We don't expect these missions, the close path we are following, to be anything other than the reflection of the actions the designers and developers want us to experience, in the order they want us to experience them. We can reflect on what they mean, but we cannot do anything to change them. This is precisely

what the narrative of *Bioshock* is actually saying: we had no choice, at all moments we were guided by a force more powerful than our own will. All of a sudden, our actions become moral actions while we are facing Ryan, the character we are supposed to kill.

There is a further mechanical refinement in terms of ethical player agency: as soon as we meet Ryan, our agency becomes even more limited—we can move around, but we cannot interact with the game world, and we are deprived of our weapons. We have no choices, and the game resorts to a computer-controlled scene in which we witness how we kill Andrew Ryan. The change from actor to spectator, from agent to passive being, marks what should be read as a designed ethical experience: we are powerless, contemplating a horrendous act of which we are mere witnesses, yet that we have caused by our previous actions.

The understanding and manipulation of the network of distributed responsibility is what makes *Bioshock*'s mental control plot a brilliant example of the ethical capacities of computer games. Throughout most of the game, it seems that players are central agents in a world designed by the developers to be interacted with in a specific way, shaping in this way a two-way relationship in which developers have the responsibility for the game world and the freedom of the player within it, while the player is responsible for the actions taken within the game. But when the moment of killing Ryan arrives, the balance in that network shifts: suddenly the player is not an agent, but passive in the hands of the computer, which acts with the values of the narrative. By introducing a new element in this distributed responsibility network and showing that there was no choice or freedom, we are forced to reflect upon the meaning of the game and our actions; that is, our weight in the network of responsibilities of the game experience. We are not empowered beings, but mere agents in a larger system in which the extent of our agency will be questioned. And this is precisely the root of an ethical experience: the reflection upon the meaning of the previous actions and our being as players in the world of Rapture.

This design decision in *Bioshock* is particularly fascinating because it presumes a moral agent. I have argued that computer game players are moral beings, but we seldom find a game that appeals directly to our morality as agents. *Bioshock* requires an ethical player to understand the design decision of depriving the player of control at a specific point, but also of forcing her to

reflect upon the meaning of the previous actions taken in the game, all consequent with her player repertoire but clearly unethical in the context of the game narrative. By appealing precisely to the ethical player, limiting her choice and agency in the game world, and creating a simulation structure that mirrors the ethical issues of choice and consequence raised by the narrative, *Bioshock* has a strong ethical component in its configuration as game experience. This argued requirement of a reflective ethical player brings the closed, linear world of Rapture to a dimension of moral experience that defines the game as an interesting blend of narrative, gameplay, and ethics. And it does so by combining the narrative aspects with a moral reflection on the nature of game mechanics and how they are mapped onto the player repertoire.

Bioshock's marketing campaign was focused on another element of ethical gameplay—one that, as I will argue in the rest of this analysis, is both questionable and much less innovative than the narrative-based approach I have just described. This second element was centered on the presence in Rapture of girls called Little Sisters and their importance in the gameplay progression. The alleged moral dilemma focused on the convenience or not of killing these girls to harvest some resources, but the implementation of this mechanic was not successful, for reasons that are closely connected to the merits of the mind-control ethical gameplay.

Little Sisters are genetically modified young girls with zombie eyes and a large syringe. They are always protected by a Big Daddy, a biomechanical monster out of Jules Verne's worst nightmares. Little Sisters are in charge of collecting Adam from corpses, one of the key substances in Rapture's genetic nightmare. Their apparent fragility is compensated by the presence of the Big Daddies, a true challenge for any player who wants to take them down. Little Sisters are precious because the Adam they harvest can be used for buying new upgrades for the player's genetic powers. But to obtain these resources, players first have to kill the Big Daddies, then eliminate the Little Sisters. And this is designed to be the central ethical gameplay mechanic of *Bioshock*—will you kill the Little Sister and harvest her resources, or will you let her live, and survive with fewer resources but with a cleaner conscience?

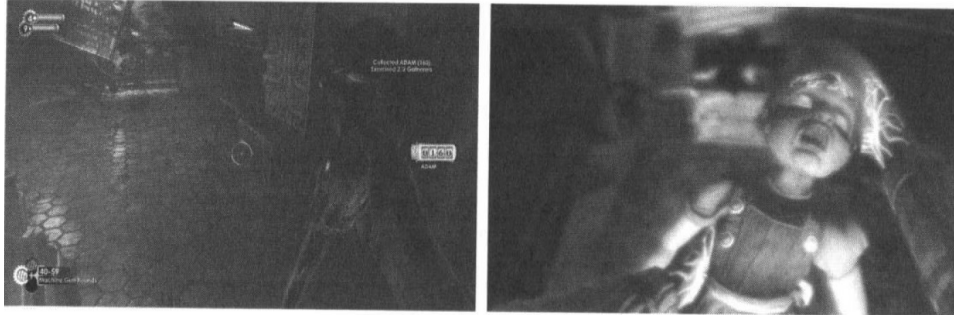


Figure 3. *Bioshock*: Harvesting versus Rescuing a Little Sister.

Initially, this type of decision seems to appeal to both the player as subject in the game and to her ethics outside of the game, since the Sisters are portrayed as harmless girls. It could also look like an ethical choice: it involves life or death and reflecting about consequences and actions, involving the player as an ethical agent in the game world. But the Little Sister mechanic turns out to be an incomplete implementation of an ethical mechanic due to the misinterpretation of the game's weight as a designed system in the ethical configuration of the player and her relations with the game world.

Let's analyze this mechanic in more detail: from a purely formal perspective, players are faced with the choice between fewer resources and more resources, depending on a decision that the game's semantic layer insists on telling us is of moral nature. These resources are potentially linked to the difficulty of the game, and how much the player can do to beat it. So far, it seems quite clear that a design of this type would surely yield interesting ethical gameplay, involving the player in the larger experience of the game world and empowering her to take a moral standpoint in her ways of inhabiting it. In this sense, this is a good lesson to learn in terms of the design of ethical computer game experiences: if the player's choices are closely tied to survival in the game world, but those choices about resources will affect her position in the network of responsibility of the game, then we will most likely have an ethical game. More clearly, if the players' choices concerning resources have an impact on how the world perceives and responds to the players' values, then we will have ethical gameplay.

But this is not the case in *Bioshock*, due to a problematic design choice: there is barely any difference between letting the Little Sisters live or die, since the player will receive Adam as a gift if they are left alive, in a quantity

similar to what she would get after killing the girls. Furthermore, the decision to let the girls live or die only has an impact on the ending of the game, and not on its progression, much less in the way the game world reacts to the player's ethical stance. Rapture, it seems, does not care much about the ethics of its inhabitants, and all choices are deprived of meaning—which in itself is an interesting topic to explore, as the mind-control example shows, but not in the way implemented in the Little Sister mechanic.

The problem with this mechanic is that it trivializes the moral capacities of the player to reflect on her actions by depriving the choice of any consequence to her relation with the world. If the inhabitants of Rapture reacted in varied ways to different paths taken with Little Sisters, or even if they acknowledged the difference in these choices, then there would be meaning for this action. If the game design is going to afford a decision as ethical, then it has to implement consequences, subsystems of rewards tied to the initial choices. Otherwise, players will react to the dilemmas not with a moral stance, but with their player logic, focused on achieving their goals in the game experience.

In the case of the Little Sisters, players will most likely decide if they want to kill them or not based on how much Adam they require to explore certain genetic power trees, or if they want to see any of the alternative endings of the game, or if they want to calculate how much Adam is it possible to get, provided the different gameplay paths. Furthermore, those players that may want to experience the game ethically will not receive any kind of feedback for their actions besides the differing amount of resources gathered. In *Bioshock* there is no experience of the player-subject as an agent with creative capacities, constructing their own values within the game world and living by them. The game turns their alleged key ethical decision-making mechanic into a resource management process that does not require any type of moral reasoning for the player to succeed.

It is precisely this that makes *Bioshock's* Little Sister mechanic an unethical design choice: it taunts the values of the player. It seems to put the player in the central position of the network of responsibilities within the game, as a master of her own ethical presence in the game world. But in the end, there is no meaning attached to choice, and the player sees her own ethical agency deprived of any content or capacities. It is the developers who have already decided how the world will respond to her actions, in a binary

system of outcomes: either she kills the girls, or she doesn't, and if she does so, there will be a negative ending, and in the other case a positive ending. And the resources will be roughly the same, so the gameplay progression is not affected by moral choice.

In most ethical games, gameplay progression is affected by ethical choice. Every choice taken by a player has to reflect her values in the game and see those values reflected in the game system, in terms of resources, mechanics, and the behavior of other computer-controlled or human agents. The fact that the result of the choice between the life and death of the Little Sisters is more or less insignificant deprives the player of any interest in applying her ethical capacities to the game experience, which in turn will make the game less interesting from a moral perspective.

I would like to push this analysis one step toward the field of game design. As I will argue in chapter 7 [Editor's note: see Miguel Sicart, *The Ethics of Computer Games*, MIT Press: 2009], there are tools and techniques that allow us to analyze, and potentially create, ethical gameplay. What *Bioshock* illustrates are two facts that can hamper the design of any game as an ethical experience: the dominance of the narrative and the obsession with gameplay balance.

Admittedly, the story in *Bioshock* is of very high quality, almost unseen in computer games. Its references to objectivism, dystopian literature, and art deco are a relief in an entertainment form dominated by examples of poor, derivative science fiction narratives. Nevertheless, if what we are interested in is computer games as ethical experience, even good narratives have to be subordinate to the player-system relation and its ethical implications. A story must not prevail over player agency, unless that story brings something to the player as ethical subject: the example of the mind-control plot is effective because it forces players to see actions and consequences in a different light. But the lack of significant consequences when facing the Little Sisters dilemma deprives the game of interesting ethical outcomes, only because there is a story that needs to be told. Any story, then, in any single-player game that wants to become an interesting ethical experience, should be either subordinate to the ethical actions taken by the player, or should illustrate the actions taken by the player, forcing her to reflect on the meaning of her presence in the game world.

Similarly, any action that ought to be understood as a moral one in the

game has to be supported by the game design; that is, reflected by the game system and providing a sufficiently distinct outcome so the player feels that her actions are of a moral nature. This means thinking about game balance in a different way than classic game design theory has reflected on. A game needs to be balanced in its overall experience, but it does not need to be balanced in the particular outcomes of ethical choices; furthermore, imbalanced outcomes are a particularly relevant tool for game designers to make statements via game design. If *Bioshock* feels ethically dull it is because there is little to no difference between saving and killing the Little Sisters—players don't need to think about their actions, since the outcome of the design always benefits them.

In classic conceptions of game balance, this is probably a positive thing: the game is balanced to different play styles. But when it comes to developing ethically relevant games, this balance is ineffective, since it is disconnected from player agency. There is, then, the possibility of thinking about some kind of ethical balance, a design choice that needs to be made when creating the game system, and that is related to how the game reacts to actions in which the player's ethical agency is at stake. In this sense, game imbalance can yield interesting ethical balance—and of course the task of the game designer is to allow for the game to be playable, despite these imbalances. Developers interested in creating ethical gameplay experiences with single-player narrative games should consider classic game balance principles as a tool, a guide toward establishing an interesting relation between players, game worlds, and stories.

Bioshock is a worthwhile game, a bold attempt at pushing the boundaries of computer game expression. Its art direction, the carefully crafted, yet sometimes too obvious narrative, and the thrilling world of Rapture make this creation depart from most conventions in the world presented to the player. But the player's experience is unfortunately mediated by an overly conventional take on first-person shooter mechanics. And the same allegiance to conventions harms the otherwise noble intention of turning *Bioshock* into an interesting ethical experience. If *Bioshock* is interesting from an ethical perspective, it is not because of its alleged moral game mechanics, those related to the choice of letting the Little Sisters live or kill them for their resources. *Bioshock* is interesting from an ethical perspective precisely when the player is devoid of choice, when an interpretation of game conventions

and the player's repertoire are used to cast light on the meaning of actions in the game world and the overall nature of choice. The mind-control sequence is probably one of the most intense ethical experiences a computer game developed with commercial intent has ever created.

The failures and successes of *Bioshock* in its attempt to create ethical gameplay point to the two main aspects that any single-player game that wants to create ethical gameplay should consider. A single-player game places the player, as ethical agent, as the sole and most important agent in a system that is designed to react to her input. The relevance of the player's ethical agency in the network of distributed responsibility is high: the player has to feel empowered to either apply her own values to a world that acknowledges them, or to live the values of the system and reflect upon its consequences and meanings. In other words: choice has to be meaningful and the system has to react to it in moral ways—the game design has to acknowledge and support the player as an ethical agent. Or it has to be designed to reinforce the values the player has to live by, the ethics of the persona she is becoming in the game world.

A single-player game experience is, from an ethical perspective, the exploration of the meaning of choice and values in the game world by an empowered moral agent. *Bioshock* succeeds in turning the experience of the game into a reflection on actions and consequences, but it fails to give meaning to choices. Its ethical discourse is somewhat contradictory, and not supported by the game design. Any single-player ethical game is a system designed with a moral agent and an ethical experience in mind, and classic notions like game balance, difficulty, or even replayability are secondary. The design of single-player games that want to create an ethical experience is a challenge, an exploration of the player alone in a game world destined to be its ethical counterpart. A single-player ethical game is the exploration of who we are as ethical players.

DEFCON and the Ethics of Multiplayer Games

Historically, single-player games are somewhat an anomaly—if we look at both digital and analog games in our culture, we will notice that a vast majority of them are, in one way or another, multiplayer. Single-player

computer games are mostly the outcome of the simulation possibilities of computers applied to the creation of semi-intelligent autonomous agents that can be used to wrap and enhance a particular mode of player interaction with the game world. Multiplayer games, on the other hand, tend to fall short on the narrative or fictional side, and focus much more on two classic forms of multiplayer game design: cooperation versus competition. ⁴ What is interesting about multiplayer games is not the story, or the world, but how that story or that world foster either of these basic elements of gameplay experience.

It is not my intention to write about the ontology of multiplayer games as opposed to single-player games, despite the obvious interest of that subject; my goal is to analyze a multiplayer game in the light of the ethical theory I have presented, with the intention of introducing some of the key elements that need to be taken into consideration when analyzing, and perhaps even designing, the ethical modalities of play in a multiplayer game. My focus is on games where more than one agent plays in nonpersistent worlds, ⁵ games like DEFCON, but also Age of Empires, Civilization, Guitar Hero, or Dance Dance Revolution. What is interesting about these games is not their online persistent world, but how gameplay sessions are experienced by multiple agents simultaneously.

My case study will be DEFCON, an independent multiplayer game developed by Introversion Software and launched to critical acclaim in 2006. Before introducing the game, I would like to add that DEFCON, as opposed to the other two main case studies I am presenting, is a game developed with a low budget, by a small team, and with different publisher/developer relations than the other two mainstream titles. Some could argue that the design decisions I will analyze here as ethical choices may have been a consequence of these production constraints. Nevertheless, any game that tackles the slightly controversial topic of worldwide nuclear war is making itself a target for ethical scrutiny, and as such my analysis of DEFCON as an ethical experience is validated.

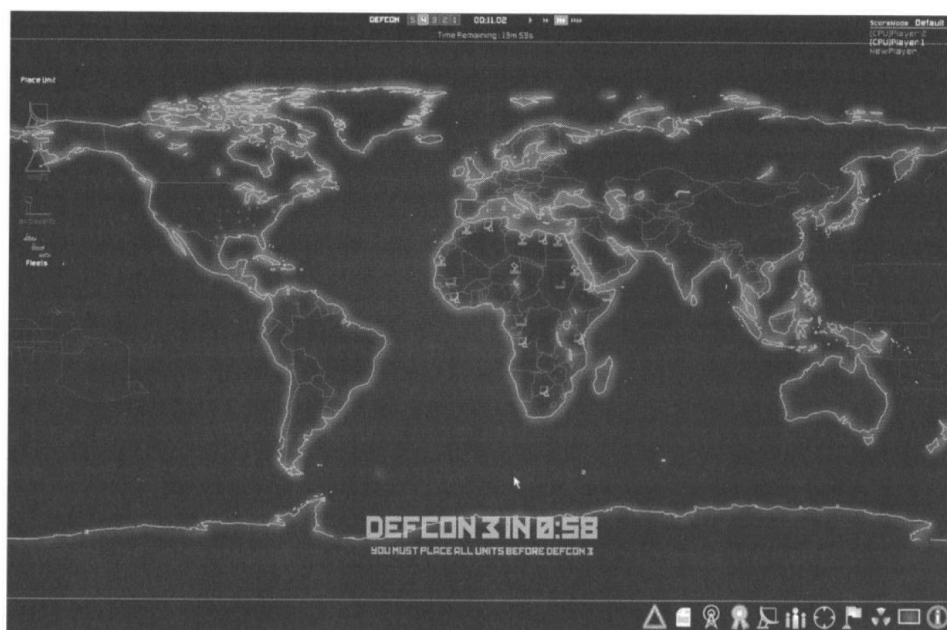


Figure 4. Defcon: We're All in a Bunker Now.

Anyone who has seen the classic 1983 film *WarGames* will understand how to play DEFCON: the player is presented with a vector graphics representation of the globe, and the sounds immediately cue the fiction of an underground nuclear silo, a doomsday refuge in the advent of nuclear war. The game is played like a classic real-time strategy game: players are given a territory and a number of units they have to manage while trying to eliminate most of their opponents. The difference is that DEFCON simulates nuclear war, and as such is a rather radical game: there is no victory, only degrees of defeat. The game world is there to be destroyed, cities will not produce units, and their populations are the mere statistics that generate meaningful strategies. Playing DEFCON is engaging in a dehumanized simulation of nuclear war where the goal is to lose the least. ⁶

The basic DEFCON gameplay places the player as the commander of a specific territory, with a population of 100 million and a number of military resources that need to be deployed. There can be up to six other players in the game, competing for the best strategies of setting their attack and defense elements in place for the unavoidable conflict. The game goes through a number of states, named after different DEFCON codes: DEFCON 5 and 4 allow for the positioning of units, but not for attacks, nuclear or otherwise; DEFCON 3 and 2 allow for conventional combat, but not nuclear weapons;

DEFCON 1 signals the last stage of the game, where nuclear missiles can be launched, and where the fate of the game is decided. Depending on the game type, the score is calculated on the basis of the number of population units that have survived, and the number of “megadeaths,” or million population units eliminated by each player. The score is a result of the balance between these two numbers, in other words, the winner is not always who kills the most, but also who loses the least.

An interesting design choice, to which I will return later on, is the possibility of making alliances: players can create alliances between them, which grants them access to their allies’ radar units, which in turn allows for a more detailed vision of the environment, since DEFCON also uses the classic strategy game mechanic of the fog of war, or the inability of players to see beyond their territory or the space their radar units can cover. But there can only be one winner: alliances are always broken at some stage in DEFCON, creating an interesting tension between players’ wish for maximized information on their rivals, and the dependency on what they know is going to be a broken alliance at some moment. The social dynamics that emerge from these contradicting mechanics are also of relevance for understanding the ethics of DEFCON, and of multiplayer games.

DEFCON can be a game of patience, of tactical psychology, waiting for other players to make a move and predicting what that move will be so that it can be countered. This is a game that puts players in an isolated environment, but with the knowledge that there are other humans there, in front of similar maps, plotting similar strategies to get rid of the enemies. This sense of isolation dehumanizes the other players, but as players we know that they are human agents—this tension between how the game is played and how we understand it is, in my opinion, crucial to understand the depth of DEFCON’s ethical gameplay, as I will argue later on. But for now, it suffices to say that the game, in its audiovisual design, cues the player to think as if inserted in a bunker environment, isolated from humanity, in a place where population and enemies are just numbers that can be adjusted, modified, and deleted.

The reception for this independent game was quite positive, and many reviewers actually noticed a certain degree of ethical thinking in the design of the gameplay. ⁷ DEFCON is a shining example of the independent game industry: a well-made, original, independently produced title that brings some

new experiences to players by means of cleverly manipulating genre conventions. These facts make DEFCON interesting from an ethical perspective as well. This is not to say that all good independent games are ethically relevant—DEFCON is interesting because its innovations, its essential mechanics, and the score system are ethically interesting.

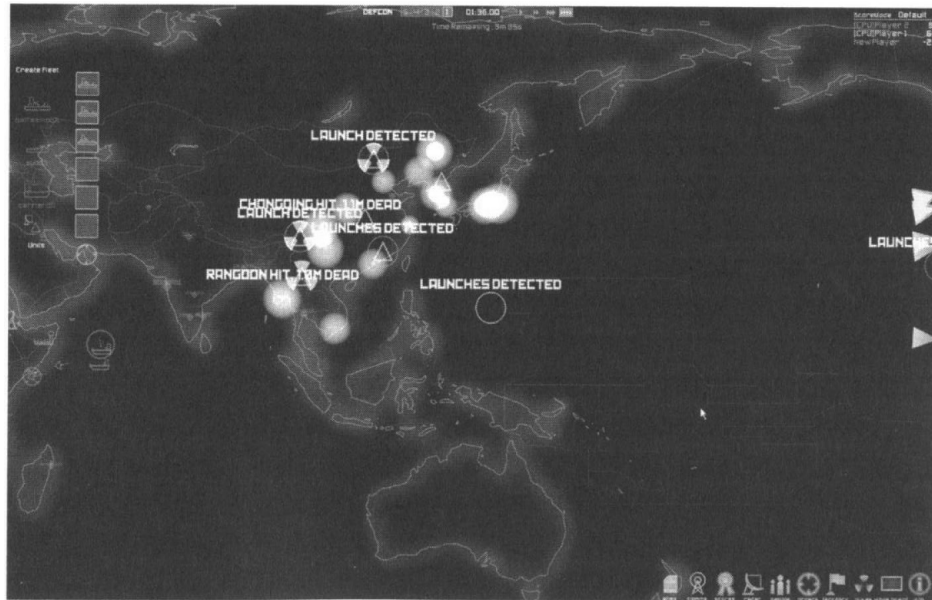


Figure 5. Defcon: The Aesthetics of Atomic War.

But why is DEFCON so relevant, so enticing for an ethicist? First of all, it is a game about the ultimate war, about the annihilation of the human race by means of atomic weaponry—and it is fun to play. But beyond its topic, DEFCON is interesting for the game experience it creates around it: the feeling of isolation, the calculations of megadeaths and victory, the ultimate tension between detachment and attachment to the game world—all these elements configure a ludic experience of enormous relevance. In DEFCON, players are calculating how to maximize their nuclear strikes to annihilate as much of the enemy population as possible without suffering severe losses in the game's inevitable outcome. This calculation is part of a process of reflection on the meaning of the game world, and it appeals to players both as subjects in the game, and as ethical citizens.

Two of DEFCON's design choices require ethical analysis: the alliance system and the calculation of victory based on the number of losses in population. The alliance system regulates the behaviors of and relations between agents in the game system, and as such is of primary interest for the

understanding of the ethics of DEFCON. The winning condition rule, on the other hand, brings forth the more direct implication of game designers in the value systems of the games they develop, and how they are projected into a specific game experience.

DEFCON is also interesting because it is a multiagent environment that pits moral agents against each other under the agreed and sanctioned rules of a game, following the mechanics afforded to them by the designers. Multiplayer games are ethically important because they are designed mediators of player interactions, and since both the design and the agents are ethically relevant, the ways they affect each other are of extreme relevance for understanding the particular ethics of a game experience.

In this chapter I am going to analyze the alliance system and the winning condition design in DEFCON. They will both illustrate aspects to take into consideration when describing the ethics of a multiplayer game, since they cover the way agents relate to the game world and to other agents in it, and the influence of game design in the experience of the game by these moral agents. My reflections will be based on DEFCON, but they will apply to multiplayer games in general, except those played in persistent worlds, which I will analyze in the next chapter.

We start with the alliance system: in DEFCON we have a plurality of agents competing for resources, in this case space, with limited time and opposing goals. There can only be one winner, so the domination of space and the deployment of units that allow for massive strikes and defensive networks are crucial. These processes are troubled by the players' lack of absolute information: the visibility of the map is rather limited, and choices have to be made in light of those limitations—unless, of course, players engage in alliances. Alliances are useful because they allow players to have a wider perspective on the playing field, sharing the radar visibility with the other players in the same alliance. Alliances also have their own, private, chat channel. These benefits make it a tactical advantage to establish alliances.

But alliances, as I have already pointed out, are counterbalanced by the fact that there can only be one winner, regardless of the alliances established during the game. Both alliances and the winning condition show the developers' special interest in creating a type of designed experience based on the equilibrium between information and mistrust, a balance crucial for understanding the historical balance of power during the Cold War, elegantly

simulated by Chris Crawford in the classic game Balance of Power. ⁸

From an ethical point of view, any multiplayer game designer will have the challenge of managing the presence of a number of moral agents in her game world. This challenge is twofold: on one hand, players need to be respected as ethical agents, capable of reflecting on the meaning of their actions and how they treat other agents in the game experience; on the other hand, developers have to ensure that whatever ludic experience they set out to create with that game is present when players interact with their game, and that this experience is, closing the conceptual loop, respectful to the ethical being of players.

DEFCON achieves the goal of creating a compelling moral experience with the combination of the two mechanics, showing a way of both respecting players and imposing on them, via system design, a specific behavior that will lead to desired, successful ethical experiences. Players of DEFCON see their ethical agency respected by allowing them a great degree of freedom in the selection of the strategies, especially in terms of alliances. Players can enact their values to a certain extent in the game experience, being collaborative or secretive; remaining individualists, helping other players, or directly conspiring against others. This degree of enhanced agency allows for the player's deep moral engagement with the game world.

We could argue that multiplayer games that want to introduce ethical gameplay as a part of the ludic experience need to design the patterns of interaction between players, allowing them to enact their own values, while guiding the ways these values can be used in the game world. In any system that manages the simultaneous input of different ethical agents, it is necessary to think about those modes of interaction in ethical ways: what types of ethical issues are going to arise, and how can players solve them, without a direct intervention of the system designers? Players can self-manage abusive alliances in DEFCON, since there is no rule that states that there cannot be massive alliances against one player; in this sense, the game empowers players to reflect about their own actions to others during the game experience, which is a desired outcome of any multiplayer game that wants to create an ethical experience.

This ethical experience is nevertheless created and guided by the designed system of rules. In the case of DEFCON, the relative openness to ethical

agency of players in the game world is limited by the presence of a strong design constraint: there can only be one winner. While players are respected ethically, the developers created a very intense ethical experience by ultimately turning that freedom against their own intentions as players. Winning the game means to survive the strongest alliances and to break them at some moment. In this sense, the game is affording a type of behavior that can have interesting ethical interpretations by players. DEFCON wants, by design, to spiral down in a storm of broken alliances and treason, only to mimic, by means of design, the insane last moments before nuclear dawn.

Multiplayer games construct their ethical systems by means of modifying the behavior of the agents in the world through the use of game rules and game mechanics. The balance between the freedom of ethical agency provided by these and the constraints dictated by the winning condition and end state of the game are crucial to understanding the ethics of any multiplayer game. In DEFCON, the ethical experience is created by conflicting interests in terms of ethical player agency and the game system's end state: there can be alliances, but only one winner. These types of tensions, which are created by means of alternatively manipulating the players' intentions of cooperating and of conflicting by means of game design, can create relevant multiplayer ethical experiences, forcing us to reflect on what we have to do, and how those actions affect the other agents of the system.

The other ethical design choice that makes DEFCON relevant as an illustration of moral multiplayer gameplay is its understanding of the score system. As stated, DEFCON is a game about nuclear war. From an ethical standpoint, nuclear war is absolutely evil: it not only indiscriminately massacres by the thousands, it also ruins the environment for future generations. And yet for many years nuclear warfare was considered a part of the legitimate arsenal of the Cold War superpowers, and the world lived under the shadow of a war that would, this time around, end all wars.

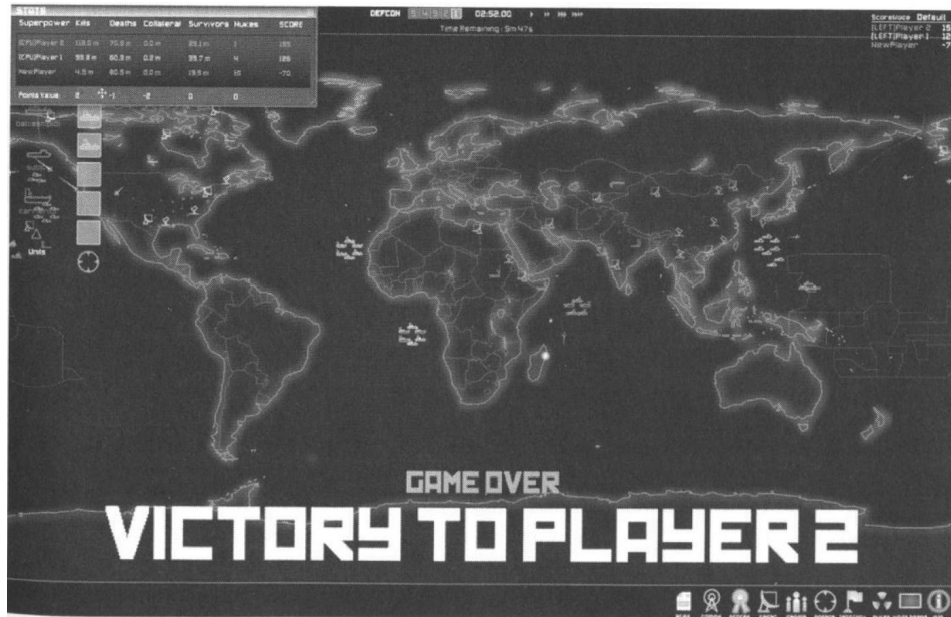


Figure 6. Defcon: Endgame Score Screen.

This absolute nature of nuclear war is simulated in DEFCON by means of its scoring system. Conventionally, the winner of any game is that who wins the most points. There are exceptions to this rule, but in general most games have a correlation between number of points and declaration of the winner. In DEFCON, playing in the default scoring mode, players win by accumulating megadeaths, but also by avoiding them. As a matter of fact, players who suffer severe losses, no matter how well they perform in their attack, will lose. In the Survivor scoring mode, players have to lose the least in order to win, no matter how well they perform in their offensive mode. And this reflects an ethical affordance in the game design: nuclear war is always lost.

I have argued that computer games are designed systems for interaction that can have embedded values. Some of these values, as in the example of the amnesic killer in XIII, are experienced as clumsy interferences in the ethical agency of players. In fact, it is not easy to create a game that is ethically relevant by means of design while encouraging its users to think and experience the values they play by. In DEFCON, this balance is created precisely because it is a multiplayer game, and the focus is not on the development of a narrative within the game world, but on the dynamics of interaction between players. This is not to say that it is not possible to create an ethical multiplayer game with a strong narrative—but interesting moral gameplay in these games takes place not in the way the story unfolds, but in

the ways players relate to others through the system, thus the importance of looking at the game design.

DEFCON cleverly manipulates our conventions concerning victory conditions by changing the meaning of the final score and turning victory into a measurement of defeat. Of course, this choice has meaning within the semantics of the game world, but it is arguably designed to resonate in the ethical fabric of players: their actions, their strategies, everything done in the course of the game session is oriented to the extermination of their rivals' populations. And that fact is highlighted precisely by the scoring system. Any score is an evaluation by the system of the players' behavior, but it is also an enticement for players to optimize their behaviors following the rules of the game, and to play the game again. Pinball machines, with their scores in the millions, have largely set the trend in scoring design: encourage players to earn as many points as possible, and greet them not with 10, but with 10,000 points.

DEFCON modifies this rhetoric with an ethical approach: players are encouraged to score by the millions—actually, by millions of population kills. And not only that, but in two out of three game modes, players are also punished for allowing their own millions to be annihilated. What is relevant is both the fact that the winner is not who scores the most but who loses the least, and also the semantic layer added to the notion of points: these are not abstract units, but “population,” a metaphor enhanced by the design of the user interface and the game world. Players own, protect, and destroy “cities” with populations of millions—those populations are their scores.

Of course, DEFCON can be played ignoring this metaphor, and it still holds as a cleverly designed multiplayer strategy game. But playing it that way is ignoring one of the reasons why this game is a fundamental example of multiplayer moral gameplay: DEFCON does not only appeal to the passive, button-mashing player, but also to the ethical player, who will play, and win, but still reflect on and be affected by the experience of the game. And that player is appealed to by the combination of game world design and game design, by the way the rules and mechanics are wrapped in an intense metaphor directly targeted to the thinking player.

Multiplayer games have to be analyzed as ethical objects and experiences, keeping in mind that these are multiagent systems where the network of responsibility, unlike in single player games, is not a process exclusive to the

developers, the system, and the player. In multiplayer games, there is also an element of player-to-player relations that needs to be taken into consideration: the ways players relate to each other, the ways they compete, and how they determine the validity of their actions in the game world.

In the case of multiplayer games, though, the weight of the design in the ethical experience is of extreme relevance. It is by means of design that we relate to others during the game experience, and so they shape at least partially our moral agency in the game world. Of course, game design is a rather large task, and not all of it can be ethically relevant for multiplayer games. As I have argued using the example of DEFCON, there are three elements that need to be taken into consideration when analyzing the ethics of a multiplayer game design: the winning condition, the player-to-player specific mechanics, and the way the game world coherently reflects those mechanics. In DEFCON, the rule that states that the winner is the one who loses the least, the alliance system conditioned by a single winner, and the aesthetics of nuclear war as a desensitized experience all configure the game ethics. In any other multiplayer game, starting the analysis with these elements is a first step for the description of its ethics as projected by an object to a moral player.

This does not mean that players will blindly follow whatever instructions, goals, and mechanics the game affords them—players are, or ought to be, empowered users who can reject some strategies or actions that the game provides if they feel they are contrary to their values as players or as human beings. But this ethical empowerment has to be understood in connection to the importance of behavior design in multiplayer games: players will create their ethical values in the game experience oriented by the game design, and that can have a strong influence in the actual ethics of the game as experienced by ethical agents. In this process, the importance of player interaction design is crucial, and much more determinant than in single-player games, or even than in online worlds, since in multiplayer games there are no persistent communities, at least not with power and presence in the game world.

DEFCON is a rare gem, a computer game that feels and plays as a rather complex experience, a combination of the exhilarating features of multiplayer games coupled with the depth of reflection traditionally only present in other media. Despite some of its shortcomings, especially in terms of usability (for

all its aesthetics, DEFCON is a rather complicated game to learn to play), this is a very interesting ethical computer game. It does not try to teach or educate its players, and it never renounces the goal of creating fun—but it does so by appealing to our rational, ethical minds. DEFCON is a multiplayer experience that makes us, its players, face our own values and thoughts—we are alone in its world, and the others are just blips in an impersonal depiction of a possible world. Many computer games are about exploration: exploration of worlds, of narratives, or of human relations and the sense of competition. DEFCON, a multiplayer game, is a game mostly about exploring our own values as ethical agents, while we push a button and the screen laconically informs us that New York is gone, and we have scored another five million deaths.

World of Warcraft and the Ethics of Online Game Worlds

So far, I have analyzed both single-player games and multiplayer games. It is time now to tackle the most complex of all contemporary gaming phenomena: virtual worlds designed for creating ludic experiences. But before I embark on this case study, there are two caveats that need to be mentioned: first, I am here analyzing those virtual worlds designed to be experienced as games, that is, World of Warcraft or Eve Online, but not Second Life or Habbo (a social networking site). Second, this chapter should be read as an introduction to the analysis of the ethics of virtual worlds—the sheer complexity of these multiagent systems calls for detailed and exclusive analysis, deeper than what I will present here. Nevertheless, my intention is to provide a snapshot of the applicability of this framework, used for analysis of computer game ethics, to the understanding of virtual worlds.

I will use the MMORPG World of Warcraft as an illustrative case study. The phenomenal success of this game, which as of February 2008 had reached ten million denizens, has made it somehow the classic case study for online worlds—so much so that it could be possible to say that there is a burgeoning field of World of Warcraft studies. But my decision to analyze this game is not tied to its popularity, but to the fact that, while I was playing it, there was an interesting event that showed me in a very clear fashion the network of responsibilities at play in online worlds, and how that network affects communities and the moral fabric of gameplay.

Even though World of Warcraft is a rather well-known game, I will give a short description of it, including its universe, essential gameplay mechanics, and aspects of the game community. I will focus on the honor system, its implementation and how it affected the ethical being of the game. The honor system is a gameplay rule that rewards and encourages player-versus-player combat and its implications for the game experience. I will argue that the honor system is a perfect illustration of ethical affordances in the design of the game and how the player-subject may relate to them from a moral perspective. The analysis of the game I am presenting here is based on my personal experience playing, observing, and participating in the community. The portrait of the community I am going to present is based entirely on my observation and participation: no empirical data sampling has taken place, thus all the derived caveats should be applied.



Figure 7. World of Warcraft: Flying Is a Pleasant Experience.

I played World of Warcraft an average of three hours a day, from its European launch in March 2005 until December 2005, reaching levels 60 and 40. The period of time reflected in this case study description, though, comprises only a fraction of that time, between patches 1.1 to 1.7 (September 2005). The nature of an online virtual world like World of Warcraft, in constant development, suggested an approach that limited the timeframe of

this research. I decided to stop my analysis of the world with the advent of patch 1.7. Since then, there have been interesting examples of ethical issues arising in the online world, and no doubt there will be more in the future, some of them related to the perception that Blizzard has of the player community and the use of its end user license agreement to pattern and control behavior. ⁹ Nevertheless, for the sake of this research, I have put some time boundaries on the description of the world. In this chapter, then, there is a description of World of Warcraft and a history and analysis of the honor system, since the public release of the game until the release of patch 1.7.

World of Warcraft is a massively multiplayer online role-playing game based on the Warcraft franchise, started by Blizzard Entertainment in 1994 with the launch of the real-time strategy game Warcraft: Orcs and Humans. This initial title, followed up in 1995 and 2002 with two sequels, as well as complemented by three expansion packs, created the game world of Azeroth, where the epic struggle between the Horde and the Alliance takes place. I will not describe here in full detail the mythology of World of Warcraft, but I would like to give readers an impression of the fictional layer of the game, which is important for understanding some design decisions that influence the gameplay mechanics and community values and practices.

Azeroth, the world of Warcraft, is a place where magic forces of good and evil are entangled in a battle for supremacy. The world was originally home to a number of races that cohabited in relative peace. The invasion of the “evil” orcs and other magical events destabilized this world, starting a never-ending war between the Horde (orcs, undead, trolls, and tauren) and the Alliance (humans, elves, dwarves, and gnomes). These two main factions fight for control of the ruined world of Azeroth, but they are both threatened by the presence of other forms of evil, such as the Scourge (an undead infection of evil) and the Silicid (huge wasp-like insects). There is no time for solace or peace in Azeroth, as dangers lurk in every inch of this vast world.

World of Warcraft is played on servers divided by play style: player-versus-player, role-playing, or player-versus-environment, with the added combination of player-versus-player role-playing servers. Furthermore, there are important differences between the gameplay in the beginning of the game and in the end of the game. What I am about to describe is an account of the

steps a player goes through in order to experience a fraction of what World of Warcraft offers as a game experience. This account will not be systematic, but focused on those elements that will be of relevance for the following discussion on the ethics of computer games. Also, it is worth mentioning that my own experience playing does not include some endgame content, such as large raids, simply because I never got to that level of involvement in the game. The following, thus, is a partial vision of World of Warcraft, albeit a reflective one.

The first thing a player of World of Warcraft will do is choose and design an avatar. At that stage, the player has to choose between the Alliance and the Horde. Once the faction is chosen, players have to choose one race out of four (currently five), and then which class they will play. Class is particularly important because it determines which kind of gameplay the player will engage in the most. These classes have different gameplay attributes: there are damage dealers (mages) and primary (priests) and secondary healers (shamans), melee damage dealers (rogues), ranged damage dealers (hunters), and so on. ¹⁰ Gameplay depends largely on the class of the player; any other choice (except that of faction, as I will argue further on) is more or less cosmetic. Nevertheless, it is important to mention that players grow fond of the physical appearance of their avatars, and that they use magic and enchantments to personalize, within very narrow margins, the look of their characters, by means of clothing or “glowing items.”

Once all these aspects have been chosen, the player is inserted into the world of Azeroth. World of Warcraft is a huge environment with dozens of different settings, from deserts to high mountains, where day and night are differentiated, but where the world does not change—not even as an effect of the weather conditions. It does not matter what the actions of the players are, the world is immutable to them. Killing computer-controlled characters, even those that will be in charge of giving quests, does not have a lasting impact on the world, as they will eventually respawn.

In this world players can talk to nonplayer characters that will command them to do quests, which are rewarded with money or items and experience points. Players need equipment in order to improve their skills and thus their survival rate. The more powerful a player is, the more regions of Azeroth she will get to know. Accepting a quest usually implies going somewhere else

and slaying some monsters. Players can also spend their time killing monsters outside of quests, because each kill usually gives some loot of different economic value, and experience points, depending on how difficult to kill or rare the monster is.



Figure 8. World of Warcraft: A Gnome and a Cow, Two Faces of the Conflict.

Acquiring experience points, money, and gear is the main goal of the game, and its mechanics are oriented toward it. Even though there are some players who enjoy the social aspect of meeting other players, or speculating in the in-game economy to make money, World of Warcraft is relatively unsuccessful in providing tools for expanding the gameplay beyond the repetitive actions of slaying monsters, together with others or alone, in search of better items or money that can buy them. Mastering World of Warcraft's game mechanics means mastering the player's character class, both in playing solo and with others, so the chances of improving her gear and economy are better.

Combat and communication are then the two pillars of this experience. Combat is performed by activating the avatar class's powers in the most effective way according to the enemy at hand; meanwhile, the system calculates the success of the attack and the damage depending on statistical data related to the player's class, race, and equipment. In World of Warcraft,

combat is dependent on skills like timing, coordination, and knowledge about the game mechanics and the rules of the game.

Communication, or socialization, on the other hand, usually takes place in those spaces where combat is less likely to happen, such as cities or villages. Communication is usually made via the text chat, complemented by emoticons or “slash commands,” which trigger avatar animations related to the input command. ¹¹ Communication is organized around a number of chat channels, some of them common to the world, meaning anybody anywhere in Azeroth can read them; some of them common to the world but exclusive to groups or guilds; and some of them limited to specific provinces or cities, and only heard in those spaces.

Essentially, World of Warcraft consists of a series of repetitive and relatively similar quests, which the player has to complete alone or in the company of other players (up to 40 if it is a raid instance, up to five if it is a normal instance). ¹² Some of the quests take place in the persistent world, and other quests take place in instanced maps, which exist as they are experienced only by the group that enters them and only for the period of time in which they are inside. All high-level content takes place in instanced dungeons.

One of the most controversial aspects of the design of World of Warcraft is its player-versus-player mechanics. Allowing players to attack other players brings forth issues related to the values of the game, arbitration and game balance. Games like Anarchy Online ¹³ and the already classic EverQuest allowed player-versus-player actions only in certain areas. Balancing the design of this type of gameplay with the sheer number of players involved in a MMORPG, combined with the experiential ladder that these games present, has led some designers to view player-versus-player gameplay with contempt. ¹⁴

But World of Warcraft’s designers chose to enable player-versus-player combat in a different way. In the player-versus-environment and role-playing servers, players can choose to be eligible to engage in player-versus-player gameplay or not. A player of the opposite faction cannot attack a rival who has chosen not to participate in player-versus-player. Nevertheless, Blizzard provided servers where there was no need for consent in order to engage in

this kind of gameplay. If any player spotted an opposite faction character, they could attack and then a duel would start. In this way, Blizzard ensured that the dangers that the fictional element of the game suggested for players, this never-ending war, could be matched with the gameplay players could experience.

The possible pitfalls of player-versus-player revolve around how the players will behave with each other. Given the fact that a difference in levels of experience implies differences in powers and abilities, there is always the risk that players with more power will harass players of lesser power—not to mention that players can always group and hunt down lower-level players. But in some way, it seems like the developer conceived that as a part of the fictional level of the game, and thus as a set of behaviors against which policing is superfluous. In fact, in the policies stated by the developers, [15](#) when harassing is mentioned (in the form of griefing other players), player-versus-player content seems to be beyond these laws of conduct, quite coherently within the game world’s fictional basis.

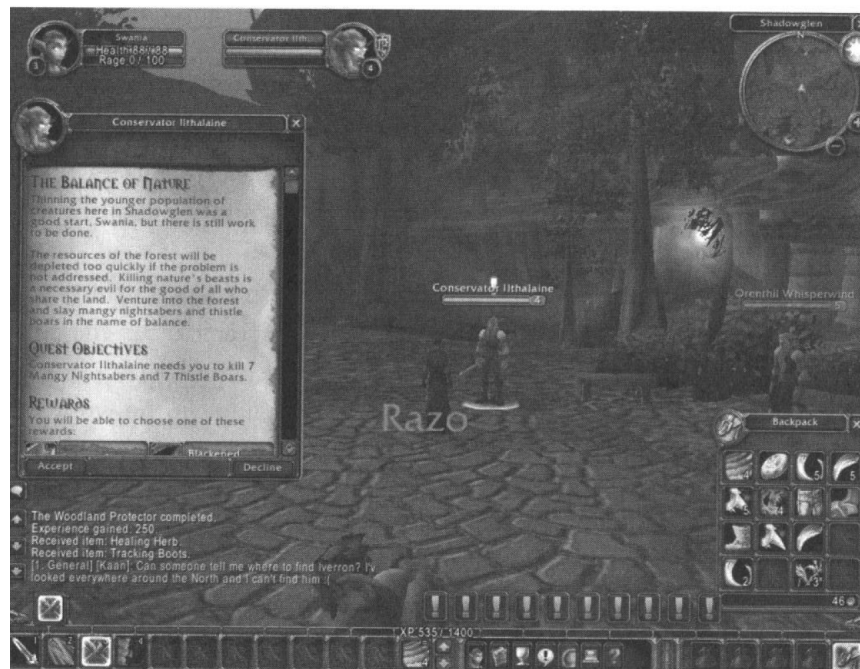


Figure 9. World of Warcraft: Quest Structure and a Sense of Story.

World of Warcraft is, at the moment of writing, not only the most successful MMORPG in the world, but also the design example for other developers to follow. With a very careful balance of classes and races, a

fascinating game world, and engaging gameplay that attracts both casual and hardcore players, World of Warcraft is an example of excellence in game design. But, how good is it from an ethical point of view? To answer this question, I will describe a design choice, which I will argue demonstrates the ethical affordances and constraints that players of World of Warcraft are faced with. This design choice is the honor system, as implemented and modified before the 1.7 patch.

The honor system illustrates the effects of embedded moral values in the design of the ludic system, and how they affect the community. When the game was launched in March 2005, it came almost as a surprise that the designers had implemented a system for player-versus-player combat on certain servers. For the first months of gameplay, there were no rewards for engaging in that activity. Player-versus-player combat was reasonably limited in low-level areas, and quite extensive in zones where only those characters that had already reached the end level of the game could survive. There were large-scale battles, but as a general and not always respected rule of sportsmanship, high-level characters would spare the life of lower, less powerful players.

Everything changed with the introduction of the honor system. ¹⁶ In the beginning, the honor system was a reward points system based on the number of “honorable kills” of other players. By “honorable kills,” the developers meant those kills that took place in a gap of eight levels, meaning that a level-60 character could slaughter level-52 players and so be rewarded. Those honorable kills were translated into player-versus-player points, which were used to access rewards. The honor system did not contemplate any kind of punishment for any kind of behavior.

As it turned out, the honor system created certain chaos in this game world: the large number of players that had already reached the endgame level saw the system as a way of adding content to their gameplay, engaging in major battles in specific points of the geography of the world, in search of honorable kills and player-versus-player points that could give them the glory of new items and social recognition. This situation created major lags in areas of combat, because the servers were not prepared to support such a large number of players battling others simultaneously, and because end-level players were actually strolling around the world engaging in combat with

low-level characters, which spawned a large amount of ganking ¹⁷ and other player-versus-player-related behaviors. With these rewards came also a rupture of the sportsmanship that had characterized player-versus-player gameplay—deviant behaviors emerged, exploiting the fact that the honor system rewarded aggressive play styles against other players, with no risk of punishment.

The honor system divided the community of World of Warcraft players. There were a number of players who considered it highly unbalanced, shattering the hitherto well-crafted gameplay balance. On the other hand, numerous players found the new player-versus-player system an extra encouragement to continue playing with more people, seeing it as a way of extreme socializing within the gaming environment of World of Warcraft. This situation rapidly changed when the honor system was completed with the introduction of “battlegrounds,” instanced maps specifically dedicated to multiplayer player-versus-player, outside of the flow of the game world. Battlegrounds introduced specific places for player-versus-player gameplay, as well as unimaginable rewards. Players who just want to engage other players meet at the battlegrounds and do not interfere with the rest of the world, and therefore with the rest of the players. Sportsmanship is valued again; gankers and other kinds of griefers are not so ubiquitous.

If we were to analyze the honor system from a virtue ethics perspective, we could argue that it is unethical, because it encourages and fosters aggression toward other players without putting in place any punishment system. With this system, the possibilities for players to practice and use their moral reasoning are limited, and it creates behaviors that are deemed unethical by the player community, which is at the same time disempowered to react to this embedded ethical affordance. Again, it must be stated that the player is a virtuous being. When immersed in a game situation, players apply their ethical reasoning. In the case of World of Warcraft and the honor system, they at first accepted the open, self-regulated player-versus-player gameplay as an exciting element of gameplay mechanics. Some ethical rules and values were created for exploring the possibilities of this kind of gameplay. Even though there were players that enjoyed harassing weaker rivals, or that engaged in grievous actions, ¹⁸players enjoyed the casual duels, self-arranged battles, and the dangers of possible mousetraps. It was a dangerous

world, Azeroth, but a world of honor.

When the honor system was first introduced, players reacted, as I have already stated, in very different ways. The game system rewarded player-versus-player gameplay, and did not punish the potential advantages of engaging in combat with weaker adversaries. Furthermore, the honor system rewarded those players who engaged in player-versus-player, giving them access to items that made them even more powerful, and it did not punish those players who exploited an evident weakness in design: there was no punishment for harassing other players of weaker capacities. The reaction of those players who rejected the honor system shows that players reflect ethically about playing a game and about the consequences of the design affordances. Many players showed their disgust for a system that unbalanced the game, which allowed and encouraged actions that a part of the community saw as contrary to those values that the same community had tacitly agreed upon. Some players that complained threatened to close down their accounts, even though those threats may have been just a verbalization of their disaffection with the game.

What this example shows is players reflect on the values that the game system tries to impose on them. If the community of World of Warcraft player-versus-player users had not been split, if it had not disagreed about the effect of the honor system on their gameplay experience, then we would have to think of players as mindless subordinates to the game system. But players, some at least, reacted; they argued against the honor system using reasons that concerned their experience of the game, reasons that were of a moral nature. Players behaved like moral, responsible agents.

This best possible player-subject is not only one who can win the game, or achieve more of the game goals (in the case of games without a clear winning condition). The virtuous player is the one who is capable of adapting her behavior to the situation of the game as well as to the goals and constraints it creates. What kind of player somebody wants to be is not determined by the promise of victory, but by how to win; that is, the virtuous player will try to win by playing virtuously, using her ludic phronesis to assess the strategies and choices made. In this sense, the players who refused to accept the honor system in World of Warcraft showed how this reflection process takes place: there are unethical affordances in the new design of the game, and those affordances actually collide with what they consider to be the best way of

playing, thus they publicly show their disagreement with that design decision.

If we apply the ludic hermeneutic circle to the case of World of Warcraft and the honor system, it can be seen as follows: a player agrees to play on a player-versus-player server, assuming the inherent affordances of the game design. Nevertheless, the player interprets those affordances, giving a certain meaning to the act of playing against another player. It could be deemed as something wrong, or avoidable, to harass other players of inferior powers. This player then participates in the player community by the mere act of playing the game, developing a tacit moral system for the game in player-versus-player mode, created by the players, and run and judged by the players. This behavior seems to be enjoyable, and justifies the monthly fee for the game.

When the honor system is instituted, the player assumes that by killing other players, some of them of inferior powers, she will get rewards and no punishment. But her reflection as a moral player deems that wrong, for reasons that the player feels are important. These values are also those of the player community, or, at least, of that part of the player community who cherishes one type of experience of World of Warcraft. The community perceives this change as an immoral affordance in the game design. For some members of that playing community the ethical dilemma reached beneath their player-skin—they found it wrong also in their real-world ethics: paying for a service that provides means for unethical behavior is not to be accepted.

In the case of World of Warcraft, and the honor system, I argue that the game does not provide a sufficiently strong ethical framework, which led to the problems caused in a part of the community. The implementation of the honor system, the battlegrounds, and the lack of punishment for possible grievous behavior were all done in a top-down manner by the developers. The game design was significantly changed, including ethical affordances that collided with those created by a part of the community. This lack of openness in the ethical experience produced reactions against it by those members of the community who had an ethical investment in the player community. Moral agents complained, and were neither heard nor respected by the game's ethical development.

In the case of the honor system, World of Warcraft provides an example of unethical game design: it did not respect the creative and ethical capacities of players and their communities, and it imposed by force an ethical design

affordance that caused an unwanted and unnecessary disruption in the game world. The player and the community are partially responsible for the ethical values of a game, together with the possible ethical affordances and constraints that the game may have in its design. Because in the case of computer games access and modification of most of the design is quite difficult, if not impossible, game developers have a share of responsibility for how that design encourages players' values and actions. A player is responsible for her acts in a game, for the way she behaves and for what she makes of a game. The ethical issues that a game may create are the responsibility of the player, to the extent that the game designers have allowed players to create and afford their own values in the game.

Understanding this ethical imbalance in the game, and how the informational relations between the agents and patients of the infosphere shape the ethics of the game, requires using of the concept of levels of abstraction. In World of Warcraft, the four relevant levels of abstraction are:

1.
the game as a system of rules, mechanics, challenges, and goals; that is, the world of Azeroth as a space for play.
2.
the player as an in-game agent; that is, the player that selects a class and plays according to the affordances and constraints of that class, leveling up and completing the quests relative to that class.
3.
the player in the world; that is, the player as how she relates to other players by means of the tools, challenges, and methods provided by the game.
4.
the player as a homo poieticus; that is, the player in the community creating and actively enhancing values on the good play.

It is in the third level of abstraction where we see the ethical implications of the honor system in World of Warcraft. The informational charge that the honor system brought to World of Warcraft changed the relations and dependences of the beings in the game. By assigning value to a certain part of

gameplay, and considering that gameplay could be defined as the exchange of information as required by the game system to achieve ergodic experiences, the designers introduced an element of disruption into the game balance. Now potentially grievous actions such as corpse camping were rewarded, and became, on the game system level, desirable actions. But those actions disrupted the gameplay for a majority of players who complained and found their experience shattered by those players who did not see that the game is more than the system in itself—the game is the system as infosphere, including all the agents and informational beings that comprise the system.

If we contemplate the honor system from the fourth level of abstraction, where the player does adopt a more proactive approach, we could argue that the players of World of Warcraft showed their care for the game experience where they are player-subjects. Players of this virtual world, and of every virtual world, effectively present active stewardship in the construction of the values and behaviors of that world, and they can do so from inside the game, if that is possible, or by participating in the game community. Again, the importance of the game community is revealed. In this case, ethics explains the presence of players as active elements of the game world, casting a shadow over the procedures of the World of Warcraft developers: if the players are in fact morally capable of reflecting on the harm that a specific design implementation causes, but yet are not heard and their influence is not rewarded in the design of the game, can World of Warcraft on player-versus-player servers be then considered an ethically sound game?

From my perspective, the answer would be no. By design, and by the developers' policy, World of Warcraft is a game in which one party can cause the users ethical harm, whereas the users are not capable of implementing their ethics in the game. Assuming that a player is a homo poieticus, voluntarily engaged in this game, then she has to be allowed to intervene in the structure of the game. Only if the player complaints had yielded a reaction from the developers that restored the balance of the game according to those values that the users believed were appropriate—or better, only if the players were able to actually police themselves, and the developers acted only as a guarantee against harmful informational imbalances (cheating or grieving)—only then could World of Warcraft, in its implementation of the honor system, be considered an ethical game. But the game is still closed to players' self-policing, and the developers remain the only ones capable of creating

policies and enhancing design choices, ever hoping (or expecting) that players will adapt to those choices as they ultimately did adapt to the choices derived from the honor system.

Despite being one of the best-designed and most successful MMORPGs in history, the player-versus-player implementation in World of Warcraft (at the time I described the game) made it at least partially unethical. Its structure does not take into consideration, nor respect, the possible influence that design choices with embedded ethical values have on the game experience. Furthermore, players are denied their capacities as moral agents—once there is a formal implementation of unidirectionally appointed player-versus-player rules, the player’s voice is not heard, nor are the player’s self-created ethical policies, which did actually preserve the informational balance of the game before the honor affordances, respected. In this respect, World of Warcraft is an unethical game.

World of Warcraft is a symbol of dominant trends in virtual world game design. Its tremendous success, grounded in an excellent design and compelling environment, will most likely ensure that online worlds will look like it for some years to come, and furthermore that innovation will always look at the essential design mistakes that this game made. One of the elements that could be improved is the ethical balance of the game, especially the capacity for players to create their own values in the game, and live by them.

Managing 10 million players, or even managing some thousands, is a complex task, and by no means do I want to downplay the quality of this game. But the absolute control over the game world and how players experience it that Blizzard showed with the implementation of the honor system is a misstep on the path toward the implementation of ethics in online worlds. The most effective way of creating ethical experiences in games is to balance the network of responsibilities in such a way that players are responsible for behaviors within the game experience, without any interference from the developers, while developers focus on maintaining the game system and dynamically responding to player needs in terms of game world evolution or balancing the economy.

A game like Eve Online shows a possible way of understanding the ethics of online worlds: by letting the players manage the values of the game, the developers are contributing to the expansion of and attachment of players to

the experience of their game. Because players are reinforced as ethical agents with relative constructive capacities within the game experience, Eve is a better example of applying the principle of players as homo poieticus, and how that can affect game design.

Online worlds are fascinating environments of almost unlimited potential. The games and the social experiences that players have at their disposal are symptoms, perhaps, of the types of games and worlds we will be inhabiting in the future. But for these worlds to be ethical, they need to be open to our ethical being—they need to respect and reflect the ethical agency of their denizens. The ethics of online worlds are simple to summarize: give players a world, and word in that world, and let them determine the values they are going to play by. Developers have the ethical duty of facilitating that process, and players the moral obligation of inhabiting those worlds not only as denizens, not only as players, but as full, mature, ethical beings.

Notes

1 Introversion Software 2006.

2 Irrational Games/Looking Glass Studios 1999.

3 Valve Software 1998.

4 Smith 2006 has a very complete analysis of these modalities related with player behaviors.

5 Persistent online game worlds or social environments are those that keep on existing and functioning after logout, like World of Warcraft or EverQuest 2 or Second Life.

6 At least in two of the three game modes: in “Genocide” mode, players are rewarded for killing the most. In this analysis I will focus on the other two modalities of the game, “Default” and “Survivor,” where the scoring system is ethically more interesting.

7 See IGN’s review: <http://pc.ign.com/articles/732/732711pl.html> (accessed March 15, 2008); Gamespot’s: <http://www.gamespot.com/pc/strategy/DEFCON/review.html> (accessed March 15, 2008), or playthisthing.com’s: <http://playthisthing.com/DEFCON> (accessed March 15, 2008).

8 Chris Crawford 1985.

9 It became famous in the case of a gay-friendly guild that got a warning from the developers for “infringing the harassment policy.” See http://news.com.com/2100-1043_3-6033112.html (accessed March 15, 2008).

10 There is detailed information about classes in World of Warcraft at <http://www.wow-europe.com/en/info/classes> (accessed March 21, 2008).

[11](#) For example, if a player types “/wave” in her chatbox, the avatar will perform a predetermined waving animation. There are, nevertheless, emoticons that are sound-only (like “/silly”) or those that are only described in the text but not performed as an animation, like “/spit.”

[12](#) An instance is a map generated exclusively for the group of players that enters a certain area of the map. Instances, then, are areas of the geography that are created for the group of players that enters this space. These players will be alone in this area, uninterrupted by other players. Typically, instances are self-enclosed areas where the opposing bots are stronger and the rewards are higher. Also, instances are areas specifically designed to be played in groups. The name and concept of instance is derived from object-oriented programming, where it defines a member of a class loaded in the memory at a specific time.

[13](#) Funcom 2001.

[14](#) For a critical analysis of player-versus-player gameplay, see Rollings and Adams 2003, pp 525–530.

[15](#) Available at <http://www.wow-europe.com/en/policy> (accessed March 16, 2008).

[16](#) The current version of the honor system is explained at <http://www.worldofwarcraft.com/pvp/honor-system-faq.html> (accessed 16/3/2008).

[17](#) “Ganking” is the action of attacking an enemy player so low in the level hierarchy that she has absolutely no chance of winning the combat. Players generally perceive it as an unethical action.

[18](#) By grievous actions I refer to all those actions deemed as acts of harassment by the player community or the developers, through their public harassment policy (<http://www.wow-europe.com/en/policy/harassmentpl.html> accessed March 16, 2008). One example of these behaviors is corpse camping.

Videogames and the Ethics of Care

By John Murphy and José Zagal

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Abstract

Videogames have the potential to create ethical experiences and encourage ethical reflection. Usually, this potential is understood in the context of the dominant moral theories: utilitarianism and Kantianism. However, it has been argued that a complete moral theory must also include the concept of an ethics of care. We utilize the ethics of care as an alternative lens for examining the ethical frameworks and experiences offered by videogames. We illustrate how this perspective can provide insights by examining *Little King's Story* and *Animal Crossing: City Folk*. *Little King's Story's* fictive context, gameplay, and asymmetrical power relationships encourage the player to care for the citizens of his kingdom. In *Animal Crossing: City Folk* the player is a member of a community that encourages her to care for her neighbors as part of a larger interconnected social ecosystem. Both games encourage players feeling an emotional attachment to the game's characters, and the value placed in these relationships becomes the motivation for further ethical player behavior. We conclude by outlining future research questions and discussing some challenges and limitations of a care ethics perspective.

Videogames and the Ethics of Care

Videogames have been shown to encourage ethical reflection in players (Pohl, 2008). As described by Sicart, games can enact ethical frameworks with which players interact (Sicart, 2009). They do this by encouraging

players to engage in some behaviors while discouraging others. Placing a framework of what is correct and incorrect in a narrative context can connect the ethics of the game system to a player's understanding of the ethical rules and values in the world outside of the game (Rauch, 2007). In doing so, the player is encouraged to reflect upon the ethical values of the system and how they relate to the player's own values. Videogames can create these ethical experiences in several ways. The game's ethics can be engineered to reinforce real-world ethical ideals (Brown, 2008). They can also present the player with moral dilemmas (Zagal, 2009). Games can allow players to enact scenarios that they could potentially experience in real life, but would rather not because they know that the ethical consequences would be severe (Stevens, Satwicz, & McCarthy, 2007). In this way, players reflect on their personal identity and relationship to the world outside of the game by comparing and contrasting their in-game behavior with that in the real world. In general, games allow for ethical experiences by allowing the player to learn something about themselves and their personal values through their assessment of the meaning of their interactions with an ethical framework.

In videogames, some actions are rewarded and encouraged while others are not. In the context of the game, those actions that are encouraged are good, those that are not are bad. When contextualized by a narrative framework, this evaluation of in-game actions can enact an ethical framework (Zagal, 2009). The ethical frameworks of videogames and player's interactions with them are often discussed in terms of traditional moral philosophies. These analyses examine games using utilitarian or Kantian moral philosophy, or some combination thereof. For example, Rauch used theoretical alterations of the moral choice system of *Fable* to highlight how the ethical framework of a game could be altered to represent utilitarian or Kantian philosophies (Rauch, 2007). In a utilitarian system, the costs and benefits of each option can be weighed and the outcome of a player choice reflects all of those positive and negative effects. In a Kantian system, a decision that violates an absolute moral rule might not have negative repercussions in the game world, but the game would need to represent some sort of afterlife at which point the player would face consequences for his immoral actions. Rauch goes on to describe a game design that he feels would allow for an exploration of a specific real world situation, combining elements of these two philosophies in order to discuss the issue of torture. Many games that create ethical situations by

giving the player ethical choices are more specifically creating situations where the pros and cons of various options are weighed, compared, and calculated. This encourages ethical reflection from the perspective of utilitarian moral philosophy. Alternatively, games can present players with abstract moral rules to which they are encouraged to adhere, encouraging reflection from a Kantian perspective. Videogames can encourage ethical reflection based on either of these philosophies or from those combining elements of both philosophies, but these are not the only perspectives that can, or should be considered.

It has been argued that a complete model of ethical reasoning must include an ethics of care (Held, 2010). Consequently, we believe that an understanding of ethics in videogames will be more robust if the perspective of care ethics is taken into account. In this article, we briefly describe the ethics of care and discuss how it can be a valuable tool for understanding ethical experience and reasoning in videogames. Despite the potential for alternative perspectives like care ethics to provide insight into ethics in videogames, analysis from such perspectives is scant. We illustrate the application of this perspective by analyzing two games using the ethics of care as a lens. For each, we discuss how their game design, fictive context, and gameplay can encourage players to build caring relationships, thus creating opportunities for moral reflection from the perspective of care ethics. In particular, we examine the question of how a videogame can implement an ethic of care and what it means for it do so. More generally, we ask how we can look at videogames from the perspective of care ethics and what consequences follow from taking this perspective.

The Ethics of Care

Utilitarian and Kantian moral models represent the traditional and dominant moral philosophy points of view (Held, 2010). It has also been argued that they are distinctively masculine concepts of morality (Noddings, 2008). Feminist moral philosophers have criticized these traditional models as not taking into account a female point of view (Noddings, 2008; Held, 2010). When moral philosophers developed the currently dominant models of morality, men dominated the public sphere. Models of moral philosophy

came to emphasize aspects of public life, such as duty, bargaining, contractual obligations, and calculations of costs and benefits. There was also an emphasis on impersonal relationships, rational thought, and decision making that had to take into account the needs of large numbers of people. As a result, it is argued, moral theory reflects this rational, impersonal point of view (Held, 2010).

Feminist moral philosophers have proposed alternative moral models which include an ethic of care (Noddings, 2008). Noddings argues that we all have fond, early memories of experiencing care, both in being cared for and caring for others. This creates a natural need to care for and be cared for. As a result of this natural urge for care, people feel a need to care ethically. This ethical care is said to require more effort than natural caring. In some cases, the urge to care ethically is not strong enough to cause initial action, but in cases like these, according to Noddings, we are obliged to act out of the value that we place in the relatedness between people. As such, this relatedness is at the core of an ethic of care. From this perspective, building and maintaining relationships is the motivator of ethical behavior instead of the optimization of pain and pleasure or the adherence to abstract moral rules. The focus on specific relationships also means that an ethic of care lends itself to a focus on specific, concrete situations rather than on formulating a more general set of principles. The focus of ethical reasoning from a care ethics perspective is on the individual's reflection upon the goodness inherent in concrete caring situations.

Some have agreed with Noddings on the necessity of an ethic of care in moral philosophy, but have disagreed with some aspects of the way that she has conceptualized it (Held, 2010). Though Noddings asserts that the possibility of relation rather than concrete relation is all that is necessary to apply an ethic of care, she also argues that an ethic of care does not apply in situations where there is no potential for dynamic, reciprocal growth in relation. This is a problematic formulation of care ethics because it allows a feminist ethic of care to be turned on itself (Held, 2010). According to Noddings, an individual is not obligated to care for people who that individual will never meet, regardless of their suffering. Noddings' view on care ethics also indicates that one is not obligated to care for animals or nature because neither can reciprocate in a caring relationship. Curtin rejects this assertion and adds that an ethic of care must be politicized to avoid these

problems (Curtin, 1991). She argues that one should care *for* individual people, animals, or plants, but that one must also think of these specific situations in a political context that allows them to care *about* larger-scale issues, thereby allowing them to care for other specific people, plants, or animals with which they may never relate. Held also insists that, due to the lack of a universal moral theory, a feminist ethic of care should be but one tool that should be reconciled with other moral models and that different moral models ought to be applied to different domains (Held, 2010).

The ethics of care differ from traditional moral theory in that there is a greater focus on personal, partial, and emotional experience. At the heart of the ethics of care is the assertion that rational thought and decision-making is not the only valid moral motivation. Subjective factors, especially the value placed in specific interpersonal relationships, are considered to be valid motivators for moral decisions and behavior.

Moral theory centered on an ethic of care has been applied to many domains. As mentioned previously, Curtin used a politicized ethic of care to apply the ethics of care to animals and the environment (Curtin, 1991). Held extended Noddings' perspective on the ethics of care to allow for the care of other people on the level of a global society (Held, 2010). Caring relationships with artificial intelligence and relational objects has been a subject of interest (Turkle et al., 2006). The work of Turkle et al. can be expanded to consider relationships with virtual relational objects such as videogame characters. Work on improving our understanding of human reasoning about relationships with such objects (Kahn et al., 2004) can be extended similarly. The interest in caring relationships with relational objects and the ethical consequences of such relationships have also been addressed (Kim & Petrina, 2006). This work, if extended to virtual relational objects, indicates a potential for ethical reasoning motivated by relationships between videogame players and games. Despite current interest in ethical gameplay, little work has been done to examine how care ethics could apply to videogames. Care ethics have recently been applied to videogames in the context of prosocial learning (Koo & Seider, 2010). Koo and Seider examined frameworks for approaching moral education through videogames. They considered care ethics among the potential frameworks for thinking about prosocial teaching through videogames. However, their discussion focused on the educational methods preferred by advocates of various

schools of thought, so their discussion of care ethics was limited to care ethicists' emphasis on accomplishing prosocial learning through the examination of literature (Koo & Seider, 2010). There has been little discussion of the relationship between videogames and the philosophical underpinnings of care ethics.

If there is some value in examining ethical issues through the lens of an ethics of care, which we believe there is, then there is also value in an examination of what this perspective might mean for videogames. Just as it has been argued that a complete model of ethical reasoning must include an ethics of care (Held, 2010), so must our understanding of ethical experience and reasoning in videogames. What does it mean for a videogame to have a care ethic? How can we look at videogames from this perspective, and what are the consequences of taking this perspective? In this article, we explore these questions by analyzing the videogames *Little King's Story* and *Animal Crossing: City Folk* from the perspective of care ethics. For each, we discuss how they can encourage players to build caring relationships, thus creating opportunities for moral reflection from the perspective of care ethics.

Responsibility and Reciprocity in *Little King's Story*

In *Little King's Story*, the player assumes the role of a timid little boy who finds himself transported to a fantasy world where he is a king (Xseed Games, 2009). The gameplay of *Little King's Story* includes a combination of role-playing, real time strategy, life simulation, and adventure game elements. In the game, the boy possesses a crown that gives him the ability to charm people and make them follow his orders. The player uses his power of persuasion to enlist and command his subjects. Through adventuring with a party of citizens, collecting treasure and defeating enemies, the player is able to improve and expand his kingdom with the ultimate goal of achieving world domination. The game's presentation is colorful, lighthearted, humorous, and cartoony. However, the game contains many instances of political and social commentary as well as sardonic humor. Through its narrative, symbols, and rules, *Little King's Story* encourages consideration of an ethics of care. In particular, one that focuses on issues of governance and asymmetries in power relations.

Little King's Story encourages the player to recognize, relate to, and ultimately care about the citizens of his kingdom. For instance, citizens will greet the player's avatar warmly if he walks past them in town. Also, each citizen is not only named, but also has his or her own identity. If the player takes the time to interact with the citizens, he will discover that each of these non-player characters has his own personality and story. The act of choosing specific citizens from the general population to form the player's adventuring party further encourages attachment to particular citizens. As citizens travel in a group together, some will grow to love each other, at which point the player can send a pair into a church to get married and have children. In this way, the player becomes an important part of his citizen's lives, having an impact that goes beyond their martial responsibilities, but also extending into their private and personal lives. Over the course of the game, the player becomes familiar with the citizens that he spends more time with, observing them interact with each other and with the player's avatar. All of these things serve to encourage the player to care about the well-being of the citizenry of his kingdom.

Much of *Little King's Story's* narrative and gameplay serve to highlight the relationship between a ruler and his citizenry, focusing on the ethical considerations of the asymmetrical power relation between them, such as the potential to abuse that power and the greater ethical responsibilities of the ruler. For example, with a push of a button, the player's avatar is able to recruit citizens into a party of adventures. Citizens can then be ordered to enter job training facilities, dig holes, or attack enemies. The ease with which citizens are commanded is interesting. It raises ethical questions for the player because it becomes clear that his followers will blindly follow any order. The fealty of the citizens is also reinforced at the narrative level. A soldier who has nearly died in battle, if prompted, will tell the king that had he died in the service of his king it would have been the best way to go. Witnessing the self-sacrifice of the citizens as they engage in behavior that will certainly lead to their death can create an ethical experience for a player who has grown fond of his citizens. Citizens will often also offer themselves as recruits for the king's royal guard that accompanies him on his adventures. When prompted to interact with the player, one citizen says, "I enthusiastically volunteer for any campaign you plan on waging!" (Xseed Games, 2009). The loyalty and trust of the characters in the player's abilities

can prompt the player to reflect upon his greater responsibility to succeed in the game while keeping his citizens safe.

The loyalty of the king's subjects gives the player a strong sense of responsibility for their well-being. As described, this is apparent in the narrative, but also in the gameplay and interface. Commanding a citizen to carry out an order involves pointing the player avatar in a direction and pressing a button. The player avatar then physically throws the next NPC in his entourage in that direction. The NPC then travels in a straight line until it encounters an object with which it can interact. If this leads them into the kingdom's farm, the NPC emerges as a farmer. If it leads them to an enemy, they will attack it until the player orders them to retreat, and so on with other buildings and areas. In this way, the player's role in his citizens' lives is reinforced at the level of the mechanics of the game. The direct manipulation of the citizens' behavior reinforces the player's sense of responsibility to use his power carefully.

Little King's Story also fosters an experience of ethical responsibility towards the NPC population through various rewards and punishments. When counting the spoils after returning from battle, for each citizen that has died, some of the player's earnings are subtracted in the form of death benefits to the family of the deceased as noted on a ledger. Even in death, a player is still responsible for his townsfolk. Other feedback is also provided. In most cases, citizens that died in battle the previous day wash up on a nearby shore and wander back into the town. Although in most cases the lost NPCs can be recovered, there is a chance that, upon exiting his castle in the morning, the player will discover a town in mourning with citizens wearing black and a funeral including the friends and family of the now permanently deceased NPC. Citizens in mourning will share their feelings with the king. They will sob and bemoan the death of their friend. They sometimes mention disappointment at being "too late" finding the body on the beach. This serves to highlight that, rather than the loss of a valuable resource (deceased citizens are eventually replaced by new ones), it is the loss of a specific character to which the player has grown attached produces the need to care for his citizens. This results in an ethical experience for the player, who feels guilty for being reckless with his subjects rather than reckless with his resources.

Interestingly, there is little evidence that the citizens blame the king for the death of a friend or family member. They do not criticize directly. The only

evidence is in the kingdom status report available from one of the NPC advisers. The report includes the number of citizens that love, hate, and have a neutral opinion of the king. The number of citizens that hate or are neutral toward the king increases if many citizens are consistently dying, but their behavior is largely unchanged. The emotional reaction of the citizens to death, paired with their continuing loyalty despite their disapproval, enhances the player's feeling that he must care for his subjects even as they are powerless to disobey. By fostering a caring relationship between player and kingdom, the game encourages the player to be motivated to care for his population based on an ethic of care rather than relying on standard cost-benefit feedback or absolute moral rules outlined by the game.

Because *Little King's Story* encourages the player to care about the well-being of the NPCs under his influence, the player feels a need to engage in ethical gameplay that takes into account his own ethical values when making gameplay decisions. The game often presents the player with scenarios where more care and time is required in order to ensure the safety of their citizenry. Combat consists mainly of repeatedly attacking and retreating with the player's entourage of citizen adventurers. The player can send members of their party at an enemy and allow them to take damage while attacking continuously, or they can repeatedly pull the party members out of the fray to recover before sending them back in so as to minimize the risk of injury and death. In many cases, the safer strategy takes longer, requires more attention, and demands tedious, repetitive action on the part of the player. Nevertheless, the player feels compelled to take this extra time and care, not because it will harm their chances of succeeding in the game, but because they feel the need to take care of their citizens.

The ethical framework of the game also encourages reflection on the consequences of adopting care ethics. The enemies are usually presented as cute and non-threatening, resulting in a hesitation to kill them on the part of the player. The narrative and visual aesthetics of each kingdom give the impression that each has its own culture. However, the game requires the player subjugate all the cultures and kingdoms that he encounters, with his citizens blindly following in his quest to take over the world. The player might feel as though the only reason he is willing to attack these other kingdoms is that he has not had the opportunity to develop attachments to individuals, and that he is experiencing something like Noddings' lack of

obligation to starving Africans (Noddings, 2008). While the player's care for his citizens indicates an ethics of care, his impression of the other kingdoms serves to highlight the result of a lack of caring. When the player conquers a civilization, he reflects upon the legitimacy of his actions. After a civilization is conquered, his citizens participate in morbid celebrations in the town square, dressed as members of the conquered kingdom while applauding the expansion of their own. These celebrations serve as a rest period in the progression of the game, where the player is able to reflect on his actions until he is ready to proceed and orders the celebrations come to a halt. From Noddings' perspective, an ethic of care only applies to relationships that have the potential to be mutually caring (Noddings, 2008). For example, some argue that an ethic of care does not make obligatory the caring for starving children on the other side of the world as it does caring for one's own child. The different ways in which the player is expected to behave towards the citizens of other kingdoms and those of his own kingdom encourage reflection on whether or not this is a valid point of view. On the other hand, one can use the perspective of a politicized ethic of care (Curtin, 1991) to examine this relationship between the player's kingdom and the other civilizations represented in the game. In this case, the development of emotional attachments to citizens of the player's kingdom may lead the player to reflect on concepts of loyalty and responsibility on a larger scale. This could lead the player to apply these ideas to the other civilizations with which they interact, resulting in a more interesting and profound experience when it becomes necessary for him to destroy these other civilizations with which he may come to understand and identify with.

The unique ethical experience of the game is in part a result of the point of view of the player's avatar. On one hand, the player is able to see large sections of the world at once from a third person perspective that overlooks the landscape. The player is put in a godlike position that encourages him to take risks with his citizens. For example, this perspective encourages the player to see citizens as expendable units that can be thrown into dangerous battles with little thought for their well-being. This is the way that most real time strategy war games are played. However, *Little King's Story* puts a twist on this design standard by putting the player's avatar on the field of play, which is something that most real time strategy games don't do. The result is a tension between the dispassionate overseer point of view and the

personalizing point of view of the avatar that lives amongst the game's other characters.

Little King's Story allows the player to interact with a strong ethical framework in order to explore the particular ethical experience of ruling a kingdom. The pairing of power inequality with the player's care for his citizens serves to motivate the player's ethical behavior. The player's relationships with his citizens, and lack thereof with the citizens of other kingdoms, further serve to create ethical experiences. Unlike most games that challenge the player to interact with an ethical system that focuses on calculations of costs and benefits, duty, and justice, *Little King's Story's* ethical gameplay is built upon and motivated by the relationships between the player and the game's characters.

Communities and Personalization in *Animal Crossing: City Folk*

Animal Crossing: City Folk is a life simulation game (Nintendo EAD, 2008) in which the player controls a cartoon avatar that has recently moved to a small town. The gameplay revolves around improving the town and getting to know the humanoid cartoon animals that are the player's neighbors. The player can complete various tasks around town such as pulling weeds, harvesting fruit, fishing, and planting trees. These activities either influence the player's neighbors' opinion of the town or provide the opportunity to acquire in-game currency by selling items at the neighborhood store. Currency can then be used to make improvements to the player's house, donate to the town-improvement fund, or buy items to customize the player's appearance or to give to the neighbors as gifts.

In addition to collecting, selling and buying, the player spends most of her time interacting with her neighbors. Each of the six to ten neighbors that live in the town at any given time have their own unique name, personality, and home. The game provides opportunities to develop relationships with these characters in a self-directed fashion. The player can initiate conversations in which some text will be provided concerning topics including that neighbor's life, rumors about the relationships between other neighbors, or recent happenings around town. Occasionally the neighbor will ask the player's

opinion on something or request that the player do a favor for them. A player can also communicate with their neighbors by sending them letters, the text of which is provided through keyboard input by the player.

Where *Little King's Story* creates ethical experiences by highlighting asymmetrical power relations and encouraging caring for the less powerful, the ethical experiences in *Animal Crossing* stem from its focus on social networks between independently acting characters. The game's ability to represent NPCs as entities with their own lives is due largely to the real-time game world. Time passes according to the Wii console's system clock. If the player has not played the game for several days, upon starting the game, the town will have changed. The other characters will also often inform the player of events that have occurred while they were away. Some of the characters may have redecorated their homes. Even if these events are randomly generated when the game is restarted, in the player's mind the other residents of their town have been going about their lives while she was away. This illusion of independent action, or liveliness (Gingold, 2003), encourages emotional attachment and creates a desire to maintain relationships. In most games, the other characters are in some way there to serve the player, but in *Animal Crossing* they are depicted, and in many ways act, as equals. Because neighbors are perceived as being equals and having wills of their own, they are more likely to produce player behavior similar to how they would react if they were controlled by a human player.

The fact that neighbors are not permanent further encourages players to think of their neighbors as independent and autonomous. In fact, as the game progresses, characters move in and out of the neighborhood. Occasionally, the player will return after an absence from the game to find that one of her neighbors has moved out and left her a letter indicating their disappointment in not having had the chance to better get to know her. In other cases, a neighbor might refer to their life as distinct from the player's in a way that gives an impression of their independence. For example, one neighbor points out in conversation that she and the player ought to make the most of their time as neighbors because at some point they may need to go their separate ways. Bogost, referring to an earlier version of the game available for Nintendo's Game Cube platform, notes the sense of loss a player experiences when an NPC neighbor moves away, and the ability of the persistent world to stimulate the player's imagination to think of the NPCs as having lives of

their own (Bogost, 2007). This reinforces the notion that the neighbors act independently and reminds the player that the point of the game is building and maintaining relationships.

Bogost's analysis examines the relationships between the multiple players that can asynchronously play in the same town (Bogost, 2007). He does not devote much discussion to the relationships between players and their NPC neighbors. The significance and potential for caring relationships with NPCs in games is more apparent when the lens of care ethics is applied. More specifically, this lens can provide insight into that which drives players to participate in a play experience like that of *Animal Crossing* and what design choices and elements help to foster that desire.

Consider, for example, that relationships with the other characters in *Animal Crossing* are not a means to an end. There are games that encourage the development of relationships, but usually the relationship is a means of gaining something that the character possesses and the player needs to progress in the game. For example, in the role-playing game *Shin Megami Tensei: Persona 4*, the player seeks to improve relationships with other high school students in order to acquire and improve her abilities (Atlus, 2008). In *Animal Crossing*, building and maintaining relationships is an end in itself. The value of a relationship comes from the emotional connection to the characters and the investment that has been put into them. The game is designed to be played over a long period of time, with the player experiencing changing seasons, holidays, and other events while developing relationships with her neighbors. Sending a letter to a neighbor is usually appreciated. The player writes the content of letters, which requires an investment of time in building a relationship. This results in the player being more emotionally attached to her neighbors. The act of thinking of what to write in a letter is also a form of self-expression that personalizes the experience for the player.

Direct interactions with neighbors also promote the strengthening of relationships. The player is rewarded for repeatedly initiating conversation with a neighbor. A player who cares about her neighbors receives more information about them, their thoughts on the town, and their views on life in general. This extra investment does not aid the player in accomplishing any concrete goals, but it indicates the game's focus on investing in relationships. Sometimes a neighbor will comment on the relationship between two others,

giving the impression that the characters interact with each other in addition to interacting with the player. This further indicates to the player that she is not at the center of the neighborhood but only another individual in a social network, thereby encouraging her to put effort into doing her part in maintaining that network. Conversations with neighbors also include a significant amount of positive feedback, and insisting that they and the player are going to be great friends, or later, that they can always count on the player when they need help. Doing favors for other characters results in them expressing their gratitude. The positive feedback, along with the investment in solving the character's problem, help establish the player's emotional connection to that particular neighbor. Often doing a favor for a character involves finding them a new piece of furniture or clothing item. The character will wear or display the item proudly, and this visual representation of the player's impact also aids in the development of relationships with the town's other residents.

The relationships that the player develops while playing *Animal Crossing: City folk* also come with obligations and responsibilities. The obligations and responsibilities will not have an effect on the player's ability to complete objectives in the game, but the relationships with the neighbors have gained value in the ways previously described. A neighbor will occasionally make plans to have the player over for a visit sometime within twenty-four hours. The player will not lose currency or fail a mission if she breaks the plans, but the neighbor will express disappointment the next time the two meet. Sometimes a neighbor will ask the player's opinion. For example, a neighbor might ask whether or not he or she uses a given phrase too often. If the player indicates that she does think that the character says the phrase too often, the character will express sadness and self-consciousness, but will also appreciate the player's honest opinion.

The establishment of relationships with the player's neighbors provides the potential for ethical experiences. When the player is asked her opinion by one of her neighbors, she may become concerned about hurting the character's feelings. When making plans to visit a neighbor, the player may experience the sense of responsibility inherent in any relationship in which one is relied upon by others. Even when the focus is not on ethical dilemmas, the process of investing in a community and putting forth effort to develop relationships can encourage reflection on the value placed in relationships. This can

contribute to the player's understanding of her own ethical priorities. A game with a social component like that of *Animal Crossing* could be structured so as to explore more serious ethical issues than whether or not the player likes a cartoon animal-person's shirt. However, even in as benign and safe a context as is presented in this game, exploring a player's ethical priorities regarding the value placed in interpersonal relationships can be valuable and enlightening.

Discussion

We have shown how videogames can be designed in such a way as to encourage ethical play and reflection with a focus on the ethics of care. *Little King's Story* encourages the development of relationships between the player and his citizens by directly involving the player in the lives and behavior of individual citizens. The game then proceeds to encourage ethical reflection by allowing the player to use his power over his citizens in situations that allow for him to take into account, or to ignore, the relationships he has established. *Animal Crossing: City Folk* creates an ethical experience for the player by placing her in a social network where she builds and maintains relationships with her neighbors. In both cases, the ability to develop relationships with the other characters derives in part from the fact that the relationships are an end in themselves. In *Animal Crossing*, there are no predetermined goals, so maintaining relationships is done for its own sake. The same is true of *Little King's Story*. The citizens' opinions of the king are monitored, but this has no impact on the ability of the player to complete game objectives.

The examples that we have provided could have been examined from the perspective of other moral philosophies. However, we think that for games whose focus is on relationships, an ethical perspective that is centered on relationships can be particularly productive for analysis. It has been argued by Held that the ethics of care should be part of an eventual universal moral theory (Held, 2010). Correspondingly, a complete understanding of ethical play and experience ought to include care ethics and examine relationships, issues of reciprocity, emotional connections, and so on. Held also argues that different moral philosophies are perhaps more applicable to different

domains. We wonder if this may also be true for the application of an ethics of care to videogames.

People often make moral decisions based on their relationships and emotional connections rather than on utilitarian calculations or Kantian moral rules. While they may not play a dominant role, these emotional and relationship-based influences are at least a factor in ethical thinking and decision-making (Greene et al., 2001). Analyses of ethical play should take these factors into account. Also, in order for videogames to create opportunities for meaningful ethical experiences, they must be designed in such a way as to allow the player's own potential for ethical caring to be explored.

We have examined games that focus on the relationship between a single player and non-player characters. In addition to further study in this area, future work should include an examination of multiplayer games from an ethics of care perspective. This could include both games in which multiple players simultaneously interact with NPCs and games in which players primarily interact with each other. Because the relationships that develop between people in multiplayer games are more varied and complex than those between player and NPC, we believe that care ethics is particularly useful in understanding the ethical experiences and behavior of players in these types of games. From an examination of more traditional multiplayer games, the application of care ethics can be extended to social games. For example, from this perspective, what are the ethical implications of a *Farmville* player sending annoying requests to their friends? Similarly, what can a care ethics perspective add to the discussion of in-game social networks like guilds in games such as *Everquest* or *World of Warcraft* (Taylor, 2006; Williams et al., 2006)? Care ethics may prove productive in helping us better understand in-game activities such as griefing or helping of other players. Learning in MMOs has been examined (Steinkuehler, 2004), as has social interaction in these online worlds (Ducheneaut & Moore, 2004), but care ethics could lead to a more complete understanding of ethical behavior in such environments.

Montola describes extreme role-playing games designed to create intense emotional experiences in their players (e.g. tragedy, horror, powerlessness, etc.). He describes the designers' intention to achieve "bleed", a moment in which the thoughts and feelings of the player are influenced by the characters they play, and vice versa (Montola, 2010). The techniques used in the design

and enactment of these games could be examined under this lens. In fact, the “bleeding” of players’ emotions with those of their in-game characters is sometimes apparent in their conversations about their experiences playing alone (Waern, 2010). A care ethics perspective could provide insights into the conditions that lead to bleed, the kinds of bleed effects that are ethically desirable, and the development of relationships between players as a result of experiencing bleed in their shared gameplay experiences.

There are also potential pitfalls in relying on an ethics of care to create or attempt to design ethical experiences in games. Because games are usually goal-oriented, it is easy to entangle the goals of a game with the desire to build relationships. Other factors, such as investment of time, attachment to a character, or fandom can be confused with caring. In order to accurately model caring-focused ethical experiences, the value in the relationships established must be as intrinsic as it is in real life. There may also be ethical concerns inherent in any game that is too successful at making the player care. Ethical play is in some sense practice for real-world experience, and when these play experiences are based on relationships and emotional attachment, there is a danger of players valuing those experiences more than is appropriate or constructive. The value of these in-game relationships is lost when players care too much. As Turkle discusses, there is a concern that the eschewing of relationships with others in favor of pleasant virtual companionship will become a reality (Turkle, 2007). In this sense, designing for caring relationships in games has the same potential problems as does designing appealing companion robots (Whitby, 2008).

We have mentioned that games should be designed to include an ethics of care if they seek to more accurately model real-world ethical experiences, but more work needs to be done toward understanding how to accomplish this. Might it help if game characters were more dynamic and autonomous? Would more reciprocity in relationships between players and NPCs aid in the development of relationships? Future work should include examination of the mechanisms of the growth of relationships between people and of games and technology that successfully foster this growth.

We have mentioned that players can form caring relationships while playing games, but these experiences are not well-described. In order to understand ethical experience in games both game and player need to be understood. More work needs to be done to distinguish between genuine care

and other factors such as conditioned behavior. Laboratory observation and experiments of players engaging in caring play could be helpful in adding to our understanding. An examination of players' descriptions of these experiences with other players can also be enlightening (Waern, 2010).

To conclude, we feel that ethics of care can be a productive lens for examining not only games but also how play activities are negotiated and shaped. We look forward to further examination of many of the questions and issues we have discussed.

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INDUSTRY + SOCIETY

“EA Spouse” and the Crisis of Video Game Labour

Enjoyment, Exclusion, Exploitation, Exodus

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The blog postings of “EA Spouse,” partner of an exhausted video game programmer, have catalyzed discussion of epidemic overwork in the digital play industry. This paper analyzes the crisis of labour in this glamorous new medium. After a brief overview of the industry and its production process, we discuss its labour conditions under four headings. “Enjoyment” examines the real pleasures game workers find at their jobs. “Exclusion” discusses the gendering of game work. “Exploitation” investigates the corporate processes that drive toward a work culture of extreme hours and the consequences game workers suffer. “Exodus” looks at current attempts by workers to escape this predicament—attempts including legal action, educational efforts, entrepreneurial flight, and union organizing.

Introduction: “My Happy Supportive Smile Is Running Out”

On November 10, 2004, an open letter posted to a blog titled “EA: The Human Story” sent shockwaves through one of the coolest sites of contemporary media labour. Signed by “EA Spouse,” the letter was authored by the “significant other” of an employee of one of the video game industry’s largest corporations, Electronic Arts (EA). EA Spouse (2004) described how initial enthusiasm for a job with a company listed as one of Fortune’s “100 Best Companies to Work For” had evaporated, as seven-day, 85-hour work

weeks, uncompensated either by overtime pay or time off, became routine. It told of EA's "put up or shut up and leave...human resources policy"; of its dubious invocation of California labour-law exemptions on "specialty" employees to avoid paying overtime; and of creativity decomposing in a "money farm" churning out commercially safe game designs. Describing an industry pressing its workers "to individual physical health limits," EA Spouse wrote of how "the love of my life is coming home late at night complaining of a headache that will not go away and a chronically upset stomach, and my happy supportive smile is running out." She concluded with a question for EA's CEO:

[Y]ou do realize what you're doing to your people, right?...That when you keep our husbands and wives and children in the office for ninety hours a week, sending them home exhausted and numb and frustrated with their lives, it's not just them you're hurting, but everyone around them, everyone who loves them? When you make your profit calculations and your cost analysis, you know that a great measure of that cost is being paid in raw human dignity, right? (EA Spouse, 2004)

As responses to the post poured in, and as countless websites linked to the letter, it rapidly became obvious that EA Spouse's narrative, far from being an isolated case, articulated a seething reservoir of resentment and discontent within the video game industry.¹

This paper examines the conditions that generated the crisis in video game labour exposed by EA Spouse and the variety of responses this exposure has elicited from both game corporations and game workers. This empirically grounded case study is in part intended as a contribution to the theoretical discourses surrounding the concept of immaterial labour, a concept that has received considerable attention (e.g., Terranova, 2004; Wright, 2006) in the wake of the widely circulated writings on the topic by Michael Hardt and Antonio Negri in *Empire* and *Multitude* (2000; 2004). This literature lies largely outside the academic borders of communication studies but is nonetheless complementary to the growing body of contemporary scholarship in political economy and cultural studies on the conditions of media and cultural labour (e.g., McRobbie, 2002; Menzies, 2005; Ross, 2003). Immaterial labour has been defined broadly by Hardt and Negri as that which

“involves communication, cooperation, and the production and reproduction of affects” (2000, p. 53). This spans technological work with computers and networks, work manipulating emotion-generating a sense of ease or excitement-and work involving communication and coordination. Discussions of immaterial labour have usefully identified some of the core features and tendencies of contemporary capitalist production under advanced post-Fordism. However, this term is frequently used abstractly, at some disconnect from the experiences, hierarchies, and oppressions of such labour on the ground, in bodies, within specific sectors (cf. Tsianos and Papadopoulos, 2006). To counter the sometimes disembodied terminology deployed in the discourse surrounding immaterial labour (Dyer-Witford, 2005), we offer the following analytical portrait of the composition of one particular strata of immaterial labour. Such grounded inquiry is the foundation from which the theorizing of communicative labour must proceed.

Our analysis of the preconditions and consequences of EA Spouse’s intervention confirms that the game workplace is a site of conflict, rather than of acquiescence. The struggle between game capital and game labour therein is critically analyzed under four headings: “Enjoyment,” “Exclusion,” “Exploitation,” and “Exodus.” These, we argue, are points on a continuum of control, discontent, fight, and flight. For many, the initially enjoyable aspects of work in digital play mutate into a linchpin of exploitative and exclusionary practices. In terms of exclusion, we note that game development studios are deeply gendered, a structure of inequality in which, we suggest, the (excessive) work routines to which a largely male-dominated work force are subjected are sustained by a largely female-conducted sphere of invisible, unpaid caring labour. Of the various manifestations of exploitation in this industry, we concentrate in these pages on just one: overwork. After the EA Spouse episode, game studios cannot hide their endemically excessive hours-in turn a major source of game labour’s fights and flights. Those game workers who are beginning to speak out are revealing the rust on the “digital sublime” mythology (Mosco, 2004); in the process, they are not only exposing the false promise of being paid to play, but also broaching the topic of labour organizing, a development whose significance, we believe, cannot be overstated. For the game industry is historically steeped in the ludic entrepreneurialism of the “Californian ideology” (Barbrook and Cameron, 1996) and thus presumed to be fundamentally at odds with the definition of

the workplace as a site of labour conflict, be it through class-action lawsuits or the traditions of trade unionism.

Although we focus in this paper on the ostensibly glamorous technical and artistic labour involved in game development in the cities of the global North, it must not be forgotten that these immaterial labourers remain extraordinarily privileged in terms of the planetary hierarchy of labour. The game industry, like other digital businesses, is dependent on a manufacturing work force located in maquiladoras and free-enterprise zones in Central and South America, Eastern Europe, Southeast Asia, and China (de Peuter and Dyer-Witheford, 2005; Dyer-Witheford, 1999, 2001; Lugo and Lossada, 2002). At the depths of gaming's hidden abodes of production lie links to activities such as the mining of columbine tantalite (a rare mineral used in game consoles and other high-tech commodities) in the Congo and Egypt. The dependence of digital play on this highly exploited assembly and extraction work must be remembered, lest we fall right back into the above-mentioned problem of ethereality-and, in so doing, forget that it is not just glamorous, but also deadly, labour that makes digital play possible. This is not to say, however, that the conditions of these immaterial game labourers are unimportant. Indeed, as we shall see, there is an intensifying trend toward outsourcing game development work, with big studios such as EA on a global quest, from Shanghai to Ho Chi Minh, for new sources of skilled game labour. Within even its most privileged echelons, there are no certainties under conditions of globalization.

Contextualizing Video Game Labour: "Our Machinery Is the Mind"

To contextualize our inquiry into game labour, we must briefly outline the structure of the industry and the main job types game development involves. The U.S. \$28 billion global games business turns on the relation between developers, who make games, and publishers, who finance and market them (Lowenstein, 2005). Publishers' control over funding, advertising, licensing, and distribution give them enormous power-a power consolidated in a dozen or so transnational corporations. These include the three console-makers (i.e., Microsoft, Nintendo, and Sony); a cluster of U.S.-based multinationals (e.g.,

EA, THQ); a similar European-based group (e.g., UbiSoft, Vivendi); and a set of Japanese publishers (e.g., Capcom, Namco). Many publishers, like EA, operate in-house development studios, though the demand for a steady churn of fresh content means that independent studios, supplying the megapublishers with games, proliferate. Concentrated in metropolises like Los Angeles and Vancouver, studios therefore range widely in size, from mammoth 800-person facilities to small ones with a single 20-person team. In terms of employment figures, the U.S. game industry directly employed some 30,000 people in 2000 (Entertainment Software Association, 2001), while in Canada the number stands at about 6,000 (Dyer-Witthford and Sharman, 2005).

“Our machinery is the mind,” one studio executive told us (interviewee 2, executive, company name withheld, Vancouver, BC, personal interview, 5 June, 2002). This cerebral machinery is set to work in teams numbering from 20 up to 100, with the development of a console game costing anywhere from U.S. \$5 million to \$25 million (Geoghegan, 2005) and consuming a period of between 6 and 24 months, depending on a game’s complexity. The core job categories in game development include designers, artists, programmers, testers, and producers. Designers establish the basic game concept, characters, and play mechanics. Artists develop characters, worlds, textures, animation, and sound. Programmers write the code and create the game engines on which a game’s functionality is based. Testers play a game to evaluate it for bugs and playability. Producers lead the project and manage the development team, trying to maintain a coherent vision of the game’s design and facilitate communication among various subteams.

In terms of work force composition, the game work force is youthful, as it has tended to be since the genesis of the industry in the 1970s. It is now aging slightly, with an average age of 31, but the largest proportion of game workers is still between their late-teens and thirties (International Game Developers’ Association [IGDA], 2005). Over 60% of game workers hold college or university degrees, and a further 16% have graduate degrees (IGDA, 2005). Salaries vary depending on rank, department, experience, and location. Celebrity designers rake in as much as \$400,000 (US). Programmers average some \$70,000, artists about \$60,000 (US), while testers are often on contract and paid minimum wage (IGDA, 2005; Olsen, 2004). Springing from a Silicon Valley environment outside the orbit of traditional labour

movements, game development is a non-unionized sector. There are, however, an active professional association—the International Game Developers Association (IGDA)—and a network of magazines, websites, and industry gatherings, which help connect members of this work force.

The analysis of video game labour that follows is informed by four main sources. The first is the discussion in online forums, game-industry publications, and the mainstream press generated by EA Spouse’s post. The second is a series of studies on “quality of life” in the industry, most notably those produced by the IGDA (2004a; 2004b; 2005). The third is the growing body of academic literature on the video game industry (Kline, Dyer-Witheford, and de Peuter, 2003), including that on its gendered division of labour (Cassell and Jenkins, 1998; Laurel, 2001). Our fourth source is a set of in-depth interviews with game workers we conducted between 2002 and 2004 in the context of a larger study of the political economy of the Canadian video game industry.² Canada is a small but significant node in the global circuits of digital play, and while its game development business has distinctive features (Dyer-Witheford and Sharman, 2005), it is broadly representative of industry norms in North America in terms of workplace conditions.

Enjoyment: “I’m Going to Work. Cool!”

For millions of young men, and a very few women, to be employed in a game company seems a “dream job” (Chung, 2005). Once hired, many game workers clearly do—or at least at some time did—enjoy their work. Creativity, co-operativeness, and coolness were among the pleasurable qualities of work in digital play that we were told of in our interviews. Acknowledging that the scope of creativity enjoyed by game workers of course varies with role and rank, a lead designer conveys a sense of what the industry offers those in its upper reaches:

The best thing is the flexibility and the fact that I can continue to learn new things. It’s never really the same. It never gets boring. If I do have a task that is in some way tedious, it’s not going to be that way forever. I know that I’m not doing the same thing over and over again. That’s

absolutely...the best thing. (interviewee 3, designer, company name withheld, Vancouver, BC, personal interview, 6 June, 2002)

With responsibilities that include generating original game ideas and working on proofs of concept to pitch to publishers, this designer underscores the degree of artistic freedom he enjoys: “I have a huge amount of flexibility and autonomy, and a huge amount of support in terms of getting resources for realizing these ideas” (interviewee 3, designer, company name withheld, Vancouver, BC, personal interview, 6 June, 2002). Similar attractions are found on the programming side, where people who come to game development from computer engineering often express their enjoyment at “being creative at work and still using my technical skills....It’s like architecture and engineering rolled into one...” (interviewee 4, programmer, company name withheld, Vancouver, BC, personal interview, 8 August, 2002). Evidence that game developers find their work exciting is not just anecdotal; in response to IGDA surveys, 83% said their job was “constantly or usually stimulating” (2005, p. 17).

Creative freedom is in turn related to workplace organization. In small-and medium-sized development companies in particular, relatively flat structures are commonplace. One software engineer used the concept of “working anarchy” to explain how the game development process unfolds at the mid-sized studio where he works:

There’s little bureaucracy. It’s just people doing their thing to make good games....We have very little hierarchy, very little formal structure, very little “understood” ways of doing things. ... In a situation where everyone more or less knows their role everyone just divides the work, you work on your bit, and everyone knows what to do. It just works out. (interviewee 4, programmer, company name withheld, Vancouver, BC, personal interview, 8 August, 2002)

The intensifying consolidation of ownership in the industry is, however, reducing such “working anarchy” in favour of the more rationalized production processes that tend to be found in the giant studios. But even in larger studios, participating in the complex division of labour that making a game entails, and seeing it all weave together, can in itself be exhilarating. One employee described the co-operative aspect of game development as a

source of great solidarity and fun:

It's the rush of being involved in a big project. There is a lot of teamwork. You make really good friends, because you all suffer together. You're all up at 4:00 in the morning trying to code and you end up playing a game or watching TV...it's fun. It's almost like being in school and getting paid for it. I went to school and worked really late on team projects, and I really miss that....[T]he game industry provides a little bit of that. (interviewee 6, assistant producer, company name withheld, Vancouver, BC, personal interview, 1 June, 2002)

A third factor that makes game work enjoyable is rooted in these creative and co-operative practices but adds a less tangible layer-an ambience of "cool" built up around unregulated hours, lax dress code, studio pranks, free food, fitness facilities, lavish parties, funky interior design, and an array of other perks and promises. In terms of the cool factor, many of the people we talked to referred to the "rebelliousness" found in game studios, which some contrasted to the "hideous" stiffness and rationality of the "corporate world." "In the industry there are a lot of very bright, very jaded people," one producer explains. "[N]one of our people would ever attend a meeting in a suit" (interviewee 7, producer, company name withheld, Vancouver, BC, personal interview, 5 June, 2002). Such informality is encouraged because managers see it as necessary to inspiring the creativity they must harness: "[L]eeway to express yourself [is essential]. People have to be entirely comfortable to be who they are to come up with anything spontaneously, to have that real dynamic" (interviewee 7, producer, company name withheld, Vancouver, BC, personal interview, 5 June, 2002).

Organizational culture also bends to a work-as-play model because game companies face recruitment and retention problems. Anxious about workers leaving midway through a game project, developers are loath to invest in an employee's training and to provide them with access to contacts in the industry, only for them to go to another company or start their own studio. "Keeping your people is this almost maniacal focus for the people that run companies," explains one studio owner who worked at a number of game development companies before starting his own. "[There is an] almost coercive quality of being manipulated into staying. 'Oh my God, you don't want to leave here!'" (interviewee 1, owner, company name withheld,

Vancouver, BC, personal interview, 14 August, 2002). Hip corporate culture also feeds into the off-job cachet of working in the game sector. This benefits the social life of game workers, with one candidly describing the “added bonus” of his job: “If I’m at a bar, and someone cares about it, and I say I’m working [in the game industry], they go, ‘Whoo, that’s cool.’ I try not to perpetuate it but it happens. It’s this thing that you can’t control” (interviewee 6, assistant producer, company name withheld, Vancouver, BC, personal interview, 14 August, 2002).

Individual creativity, collective co-operation, and a cool aura make for a very attractive package. Indeed, it is impossible to understand the situation of game labour without coming to terms with remarks such as this: “Generally, when you go to work, it’s not, ‘Ah, I gotta go to work.’ It’s, ‘I’m going to work. Cool!’” (interviewee 8, producer, company name withheld, Edmonton, AB, personal interview, 1 June, 2002). Or: “You come in, you see your friends, you get to make video games, and you get to play some. It’s pretty cool. It’s really not even so much like work here” (interviewee 9, tester, company name withheld, Vancouver, BC, personal interview, 1 June, 2002). The irony is that the very attractions that make employment in game development “not so much like work” can also forge the iron cage of endless hours described by EA Spouse, converting a dream job into a nightmare.

Exclusion: “It’s a Total ‘Old Boys’ Club”

“If you go into a games company,” one studio owner warned us, “what you’ll basically find is a big room full of all these sort of quiet, essentially anti-social and shy guys, hammering away at their keyboards with their headphones on” (interviewee 1, owner, company name withheld, Vancouver, BC, personal interview, 14 August, 2002). Both our observations and survey-based studies confirm this gender imbalance. As in all supposedly male social domains, there is, however, a female counter-history to game development (ELSPA, 2004). There have been, and are, female game developers. The mid-1990s saw a “girl game” movement and a wave of entrepreneurial feminist game experiments (Cassell and Jenkins, 1998). Although many of these failed (Laurel, 2001), there is a plausible argument that some of the momentum of this movement was harnessed in the creation of “gender-

neutral” games such as *The Sims*, often held up as a flagship of gender equity (Jenkins, 2003). There is also a tradition of feminist game “modders” challenging norms and representation of gender in game culture (Schleiner, 2005).

Nonetheless, game development is an overwhelmingly masculine dungeon. An estimate we received from a female insider was that women account for an average of only 10-15% of a game developer’s staff. An IGDA (2005) survey, which garnered some 4,000 responses, mostly from North America, found that women made up only 11.5% of respondents. Of these, few are in senior positions. IGDA found that “male workers heavily dominate most of the core content creation roles” (2005, p. 12) and that a \$9,000 (US) annual compensation gap exists between women and men in comparable positions. Despite marginal shifts in the late 1990s, the verdict of most women we interviewed on the industry’s gender balance was scathing. Said one, “It’s a total ‘old boys’ club” (interviewee 11, details withheld on request, personal interview, 2002).

This exclusion of women can be traced to gaming’s genesis, and it is perpetuated and reinforced at multiple levels. First, many developers hire candidates either with previous experience in the games industry or at least with a passion for play. Since historically games have been marketed primarily to a “testosterone niche” (Kline et al., 2003, p. 257), the result has been an industry built around games made by males for males. Secondly, there is the gendered nature of many of the disciplines that provide training in requisite game development skills—for example, computer science, where female enrolment is actually declining in North America. Thirdly, there is risk aversion in the game industry, which has historically been reflected in a lack of funding for start-up developers who want to experiment with a game that might appeal to a cross-gender audience:

If you were to ask any of the women who have tried...they do not get support in the industry at all...that’s the problem when you have a really dominant gender leading and they’re the ones who have the purse strings. (interviewee 11, details withheld on request, personal interview, details withheld on request, 2002)

That game play is de facto training for game work generates an obvious circularity in work force composition. While some men we interviewed

expressed a desire for greater gender balance, they noted a serious obstacle in the fact that women played less than men: “[W]e see it is a problem and we’d like to see it change, but feel like there’s not too much that we can do about it right now” (interviewee 4, programmer, company name withheld, Vancouver, BC, personal interview, 8 August, 2002). Several team leaders stated as a regrettable but unavoidable fact of life that while male and female job applicants might have the same qualifications on paper, the former nearly always had more gaming experience. Others offered a clearer window into the sexism of the industry, explaining that “girls” often do not have “the right ideas” when it comes to games (interviewee 12, producer, company name withheld, Ottawa, ON, personal interview, 8 June, 2002) or that the main reason for hiring women is that it “looks good” for a developer to employ “some girls” (interviewee 13, artist, company name withheld, Vancouver, BC, personal interview, 8 June, 2002).

Undoubtedly, games such as *The Sims* have in the last decade attracted female players, and casual online gaming is a field where many women play. But some recent examinations of digital culture suggest that “visions of inclusive gaming...remain some way off” (BBC News, 2005). Female game workers themselves point out that there remains “huge risk aversion” in this sector, with publishers and developers concentrating on males as the “core demographic.” Even if there has been a shift in the gender of game players, “there’s not much of a change in hiring numbers,” we were told (interviewee 7, producer, company name withheld, Vancouver, BC, personal interview, 5 June, 2002). As one analyst observes: “An already male dominated workforce and tribes of determined male hardcore gamers means that unless companies make an effort to look at less traditional sources of recruitment, they may never see many female applicants” (Haines, 2004, p. 6).

As a masculine dungeon, the game studio is a place of creative camaraderie, technological intensity, and cerebral whimsy, but it is also often obsessively hard driving, punishingly disassociated from rhythms of domesticity, sleep, and nourishment. In yet another feedback loop, however, the insane hours of work (addressed in the next section) extracted from this male-dominated cultural activity and workplace in turn become a barrier to the participation of women, who will often carry the burden of a “second shift” (Hochschild, 1990) of childcare and domesticity awaiting them at home. The construction of the game studio as “a world where women are referred to as ‘ladies,’

where to go home early is to let the team down, and to fit in is to be seen as ‘laddish’” (Haines, 2004, p. 7) means that the contribution of women to game development is often invisible, taking the form of the unacknowledged labour charted by a generation of feminist scholars (Dalla Costa and James, 1972; Waring, 1990)-in the domestic activities of the mothers and partners who clean up after, take care of children for, and provide emotional sustenance to a predominantly male work force. This brings us back to the exploitive conditions exposed by EA Spouse.

Exploitation: “You Can Sleep Here All Night”

While there are several sources of discontent in game studios, the length of the working day—and night—is the secret whose disclosure by EA Spouse has deeply embarrassed video game corporations and galvanized many of their workers. The length of the working day varies widely, depending on the company, the stage a team is at in the development process, a worker’s role on a project, and the worker’s slot in the hierarchy. But the IGDA survey reports that almost 60% work 46 hours or more a week, and nearly 20% work over 55 hours. These hours are subject to regular intensifications, with one interviewee telling us digital play is an industry where “circadian rhythm is regularly broken” (interviewee 14, artist, company name withheld, Montreal, QC, personal interview, 15 August, 2004). “Crunch time” is the industry term that indicates an apparently unusual period of crisis in the production schedule. During crunch time, more than 35% of respondents reported working 65–80 hours a week, with 13% doing more than 80 hrs; reports of working more than 100-hour weeks are not unheard-of (IGDA, 2004a). Perhaps the most startling thing about the IGDA report is that more than half of respondents said that “management sees crunch as a normal part of doing business,” with only about 2% actively implementing “no crunch policies” (IGDA, 2004a, p. 19). Crunch time has become “built into the equation” (Hyman, 2005).

Why do these situations arise? Under the best of circumstances, maintaining an orderly workflow is an organizational challenge for studios. As IGDA notes, “significant chunks” of the workflow are often outside the developer’s control, as publishers may demand design changes, licensed

assets may be delayed, or third-party tools and libraries may be “late, buggy, or both” (2004a, p. 13). On top of this, game developers work to unforgiving deadlines. Pressure in this direction arises from the revenue model that keeps studios afloat. A publishing contract identifies a series of scheduled milestones; each time the developer meets one, a payment is triggered. As one programmer said, “There’s a lot of pressure when you’re looking at a deadline and something just has to work and it doesn’t, but you just have to make it work by next Tuesday. You end up working really long hours” (interviewee 4, programmer, company name withheld, Vancouver, BC, personal interview, 8 August, 2002). While developers with a hit game behind them may be able to negotiate tolerable deadlines, vulnerable start-ups often complete deals that place intense demands on workers. “Sometimes companies are just so intent on getting that contract that they’ll promise anything...” (interviewee 13, artist, company name withheld, Vancouver, BC, personal interview, 8 July, 2002). And as a game development project approaches conclusion, things become more frantic, as “it is often true that the ship date is impossible to delay without catastrophic consequences like cancellation or even bankruptcy” (IGDA, 2004a, p. 13). While the major studios do not suffer exactly the same time pressures as small studios, they are exposed to others, such as the need to complete a game for the all-important Christmas season, to synchronize with the start of a sport’s season, or simply to clear the decks for the next game in a relentless stream of projects.

A point often made in the discussions around EA Spouse is that the “garage invention” model that lies in the roots of the game industry is not well fitted to meet these challenges. From this point of view, the “working anarchy” of small studios, while perhaps favouring creativity, is all too likely to fail at crisis avoidance. This is especially the case, it is argued, as games demand larger teams. IGDA’s Della Rocca observes that when game production involves “200 plus people and a production budget of maybe \$20 million, that garage band approach to things doesn’t scale to match” (cited in Chung, 2005, p. R7). In this logic, the overwork issue is a problem of industry “maturity,” a failure to develop sufficient managerial skills and organizational competence to keep pace with industry success, and, by implication, a problem that can be dealt with by a process of education.

There is some validity to this explanation. But it has one obvious weakness.

If recurrent crunch time results from insufficient managerial experience, one would expect the worst offenders to be new, small companies. And there is no shortage of horror stories from such places. But EA Spouse's complaint deals with a well-established studio: EA has been making games since 1982. Many of these games are among the most formulaic and hence plan-able products in the business.

Its sports franchises, such as Madden NFL and FIFA—the sort EA Spouse's partner was working on—are infamous as the type of unoriginal games that are updated annually with the addition of some new features and statistics. If any company could be expected to overcome the managerial problems of preventing overwork, it would be EA. EA Spouse, speaking of the “crunch” in which her partner suffered, wrote:

Every step of the way, the project remained on schedule. Crunching neither accelerated this nor slowed it down; its effect on the actual product was not measurable. The extended hours were deliberate and planned; the management knew what it was doing as it did it. (EA Spouse, 2004)

Normalized crunch time therefore points to a very elementary economic fact: it is a good deal, a steal in fact, for game companies. The IGDA survey (2004a) showed that for just under half of respondents, overtime was uncompensated. When it is compensated, it usually is not in the form of direct payment. The most common forms of compensation are time off at the end of the project, royalties, and profit-sharing; only 4% of respondents said their companies paid overtime in cash.

An important factor in all of this is the labour legislation that enables video game companies to exempt high-tech workers from overtime payment. In the U.S., the Fair Labor Standards Act (FLSA) exempts companies from paying overtime to computer professionals engaged in a strictly defined set of tasks and making over a certain amount per hour. This has often been interpreted by companies as an excuse to withhold such payments from all salaried programmers. However, each state has its own labour regulations. In the event that the FLSA and any state laws differ, the employer must follow the law or rule that provides the greatest protection to the employee. Labour law in California, where EA and other major publishers have studios, stipulates companies do not have to pay overtime to software programmers if they

make more than \$41 (US) an hour and engage in advanced work that is creative or intellectual in nature. In Canada, British Columbia, Alberta, and Ontario also have overtime exclusions for high-tech workers, and, in British Columbia, EA and other game companies lobbied vigorously to secure this deregulation.

Why have game workers put up with these long hours? This is, at first sight, puzzling. Demand for skilled programmers and designers is high. Companies anxious about losing talent would seem to have an incentive to treat well workers who could quit to join a competitor. In part, the answer to this puzzle is that while experienced game workers are in short supply, new entrants are plentiful. Though excessive hours are widespread, they are disproportionately endured by the youthful contingent of the work force. “[S]o many people in the video game industry are like nineteen or twenty-just fresh out of school,” says one game artist who recalls his own first game job. “I had never even had a dishwashing job before. I was working fourteen-hour days and never seeing the light of day, which was great at the time. I just stayed there all the time.” Consenting to such hours, he says, “partly has to do with the fact that they promote, you know, ‘Hey, we have a couch here. You can sleep here all night.’ ... You’re nineteen” (interviewee 13, artist, company name withheld, Vancouver, BC, personal interview, 8 July, 2002).

One studio owner, who had also worked at other developers, was equally straightforward:

Companies tend to get these young guys that come out of film school, game programming school, or art school and get them to work their asses off. The mechanism for doing that is the game industry’s corporate culture: “You don’t have to leave because we give you all the Pepsi and all the potato chips you’d ever want.” (interviewee 1, owner, company name withheld, Vancouver, BC, personal interview, 14 August, 2002)

The stamina of youthful game workers helps set a studio norm of overwork, an instance of what Angela McRobbie refers to as “enforced youthfulness” (2002, p. 110), so prominent in many creative-industry workplaces.

Excessive hours are further reinforced by a variety of incentives. While smaller studios can offer chips and a couch to sleep on, the attractions proffered by larger ones are more extravagant. One of the most striking

examples is EA's massive campus-like Vancouver studio. Specializing in the sport genre, EA Canada's complex employs about 1,000 people and features a fully equipped gym, pool tables, basketball courts, a soccer field, and snowboarding field trips. Even the former president of EA Canada, Glenn Wong, admits his company's spectacular facility is "just candy": "Here it is, 3:30, a gorgeous afternoon, and my soccer field is empty. But I can tell you that at 3:30 this morning, there will be 75 people in this building working their butts off" (cited in Taylor, 1999 n.p.). Why? "The guts of it that makes it a cool place to be is that the people here want to win. Trying is nice, making mistakes is okay, but it's all about winning."

Even after the appeal of the perks wanes, other corporate strategies bind workers to the workplace. One of the common forms of compensation for unpaid overtime is what one developer calls "the Golden Shackles":

You work on a game and they offer you a profit-sharing agreement, but you have to stay at the company to take advantage of it. So you work for two years on a game with the intent that if it sells a lot then you'll get a share of that, and then it takes another six months to get the game to market, and then it takes another six months before the money starts to filter back. So you've got this employee who stuck around for at least another year to get in on that profit sharing and, by this time, they've already started on another game and are sort of stuck there. (interviewee 1, owner, company name withheld, Vancouver, BC, personal interview, 14 August, 2002)

At the start of one's career, another worker admits, stock options can be "totally compelling. People at first are saying, 'Holy shit, I'm getting stock options.'" But eventually the gold on the shackles flakes: "Take your stinking stock options away from me! I'm happy having time to myself. I need time to recharge. This isn't my life. It's a part of my life, but not the whole thing" (interviewee 13, artist, company name withheld, Vancouver, BC, personal interview, 8 July, 2002).

A further factor is the volatility of the industry. Since the labour market is tight, a game worker unhappy with an established company like EA might well be able to get a job somewhere else. But, given the high rate of bankruptcies in the business, he would also have to calculate the possibility that his new employer would vanish within a year or so. Or, indeed, be

bought up by EA or some other giant publisher. This was a point raised by EA Spouse, who cites the “collapse of dozens of small game studios, no longer able to acquire contracts in the face of rapid and massive consolidation of game publishing companies,” as a reason why EA could get away with its alleged “If they don’t like it, they can work some place else” policy (2004).

Many of the enjoyments of game development that we described earlier can become links in the chains of overwork. Passion to make a good product, team solidarity, and social glamour are all part of the allure of game labour. But these also produce a hard-driving, largely internalized work ethic intensely beneficial to the employer’s bottom line. To this is added the “concept of ownership,” actively deployed by some studios:

When you are responsible for something in a game, you “own” it. If something goes wrong with that [part of the] game after release, you can pretty much kiss your ass goodbye....That’s where a lot of the stress comes from. [Y]ou’re not supposed to do overtime, but you don’t mind doing it because you’re given “ownership.”...When you work in this industry...you are judged for what you’ve done. So you want to make a good name for yourself. You want people to consider you a hard worker, a good worker; a guy that can do a bit more than what’s expected, because the thing with the game industry is that it is, really, a small business. A lot of guys have made the mistake of quitting work during “alpha” or something. They’ll never get a job in the industry again. (interviewee 6, assistant producer, company name withheld, Vancouver, BC, personal interview, 1 June, 2002)

Youthful enthusiasm, home-away-from-home workplaces, stock options, the risks of leaving, macho bravado, and a cool corporate culture-these are among the softly coercive elements of video game companies’ culture of extreme work. Indeed, the IGDA speaks of a culture of “forced workaholism” (2004a, p. 6). While acknowledging that there are game companies that pursue responsible and humane management strategies, its aggregate portrait is one of “horrible working conditions” (IGDA, 2004b, p.1).

Along with a severe work regimen, workers highlight stress and health issues. Asked how they felt after extended periods of crunch time, the responses of workers interviewed by the IGDA ranged from “exhausted” to “flipped out” (2004a, p.71). Referring to the systemic extreme hours, one

artist told us, “I don’t think it’s good for you to work like that that often, and to be creative all the time without a break. It just isn’t good for your brain.” Stress can be huge. “[At some studios] where you’re expected to work those hours...or you’ve done all this work and there is no recognition-you feel like crap afterward. It’s ongoing. ‘Holy shit, I’ve totally been screwed around’” (interviewee 13, artist, company name withheld, Vancouver, BC, personal interview, 8 July, 2002).

Some of the most tragic aspects of the picture emerging in the wake of EA Spouse’s disclosures are the testimonials about social and domestic relationships. A programmer from a Canadian studio speaking of “the havoc the game industry wreaked in my personal life” says his “last 3 girlfriends blamed the game industry as the reason our relationship didn’t work out” (IGDA, 2004a, p. 76). A game tester for a U.S. company remarked, “[A] lot of people become alcoholics, they lose their families, they miss their kids,” because they are “just at work all the time” (IGDA, 2004a, p. 81). Disgruntled workers refer to studios such as EA as “divorce factories” (cited in Takahashi, 2005a). A game designer for a studio in St. Catharines, Ontario, who on one occasion worked 45 hours straight and on another did 120 hours in a single week, “almost got fired for taking Saturday off to celebrate his wedding anniversary” and finally quit when he and his wife were expecting their first child: “If I had stayed, I probably wouldn’t have been able to go to the hospital when my wife was in labour” (cited in Chung, 2005, p. R5).

Exodus: “The Only Thing that Will Get Publishers to Budge Is Unionization”

It is hardly surprising that many game workers seek a way out from the conditions we have described. IGDA (2004a) discovered an exceptionally high rate of turnover in the industry, with a growing number of game developers leaving the sector altogether: more than 50% plan to leave the industry within ten years, 35% within five years. Other workers are exploring varied lines of fight or flight. Discontent in the game industry has for some time expressed itself, for example, in clandestine activities such as leaking a game online before its official release date (de Peuter and Dyer-Witthford, 2005). Below we review some more institutional options game workers are

pursuing, including legal challenges, educational approaches, union organizing, and entrepreneurial escape.

Around the time EA Spouse's blog post appeared, several groups of game development workers were launching class-action suits against their employers. One, *Kirschenbaum v. Electronic Arts*, filed in California, alleged EA improperly classified some of its employees so as to avoid paying them overtime (Feldman, 2004). Kirschenbaum's lawyers argued their client's job as an "image production employee" did not entail original, creative work, and as a result, he and others in similar positions are eligible for overtime pay. California's overtime exemption does not apply to image-effects workers in the entertainment industry, of which, they argued, EA is part (Takahashi, 2005a). In 2005 the case was settled out of court, costing EA U.S. \$15.6 million. The settlement, which specifies that future entry-level EA employees will not receive stock options but will be eligible for overtime pay, has been hailed as marking a revolution in Silicon Valley culture. A series of similar class-action suits remain unresolved.

Meanwhile debates about remedies for the labour crisis rage. While there is wide agreement about the need to slow the production process and reduce the hours game workers surrender to work, two different approaches are appearing. One advocates an educational strategy designed to enlighten management: "We need to educate the middle managers, the project managers, and the producers-or bring in outside management to deal with the chaos and the fires and the pressures of managing large-scale, big budget projects" (Della Roca, cited in Hyman, 2005). An outcome of this conciliatory approach has been an extensive set of forums and papers on "best practices," designed to minimize the situations that provide the official excuse for crunch time (Howie, 2005). One welcome aspect of these discussions about "work-life" balance is that they are increasingly linked to those about gender equity in the workplace, with the "long hours culture" seen as both a cause and effect of the industry's institutionalized sexism (Haines, 2004, p. 13).

The other approach argues that the appropriate response is unionization. Della Roca describes IGDA as "union neutral" (cited in Hyman, 2005), and, within its forums, opinions fall strongly on either side of the issue. Some see parallels between the tumult in the game industry of the 2000s and that in Hollywood in the 1920s and 1930s, the latter resulting in the emergence of

the Screen Actors Guild and Writers Guild of America. Some insist big publishers are not going to “benevolently change today’s abysmal work conditions without pressure. They will make small changes, but not much else, if the threat of unionization seems real” (T. McPherson cited in Hyman, 2005). Other game workers are looking to labour organizations such as WashTech (Washington Alliance of Technology Workers), a local of the Communication Workers of America—a cross-sectoral union that has started some organizing efforts among game workers. EA Spouse has come out in favour of unionization, observing that while the spate of publicity about work hours has temporarily curbed the imposition of permanent crunch time, “I don’t think that will be very long-lived. In my opinion, the only thing that will get publishers to budge is unionization, which I believe to be the best solution” (cited in Hyman, 2005).

Union organizing will, however, face major obstacles. The strong entrepreneurial ethos of game development would seem to be antithetical to traditional labour-movement culture. Many game development workers themselves tolerate bad working conditions because they see a period of corporate drudgery as a step to starting their own companies. A symptom of the labour crisis in the industry, and of an overall creativity crisis arising from publishers’ dependence on clones and franchises, has been a revived interest in indie games, expressed in initiatives such as Manifesto Games. These projects express the aspiration of game developers to increase their control over the quality and content of their work, an ambition they aim to fulfill by constructing small companies committed to realizing the creative potential of games. Such attempts to diversify video game culture deserve support. But we suspect this path of entrepreneurial exodus from the labour crisis will be difficult in the face of the current wave of corporate consolidation.

The other barrier to collective organization by game workers is, of course, the reactions of game companies to the rumblings of dissent. EA Spouse’s posting, coupled with a string of lawsuits, has shocked game corporations, throwing them on the defensive. One result has been a flood of promises to improve working conditions. Ubisoft’s Montreal studio appointed a “VP of continuous improvement” to address quality-of-life and workflow issues and created a 60-person “bureau de project” dedicated to “planning and streamlining production,” with one aim being to reduce crunch time (Chung,

2005, p. R7). At the same time, some corporations have asserted that long hours arise “more from a certain bravado or peer pressure than from management” (Allard, cited in Hyman, 2005). In EA’s proposals for reform, the desire to prevent unionization is unambiguous. While claiming that EA is “in the forefront” of addressing “work-life balance,” the developer’s Human Resources VP warns against “people who want to step in and take a piece of the pie or get in the middle of things without contributing to the growth of the business” (cited in Hyman, 2005).

Many are sceptical about the sudden flurry of corporate good intentions. One of the lawyers representing aggrieved workers in the above-mentioned Kirschenbaum case suggested “most employers rely on their employees being hesitant to bring lawsuits and just hope it will blow over” (Graves, cited in Chung, 2005, p. R7). There were reports that in the wake of lawsuits EA had decided to “move hundreds of employees to Florida and Canada after being forced to reclassify which positions are eligible for overtime in California” (Feldman, 2005). This type of strategy—a corporate riposte of fight and flight—is likely to become much wider in scope. Offshore outsourcing is beginning to hit the gaming sector. EA this year opened a centre in Singapore. And EA’s recent appointment to its Board of Vivek Paul, vice-chairman at Wipro, one of the leading companies in providing software outsourcing to India, is seen as a sign that it may be looking toward centres on the subcontinent to find a cheaper labour force (Takahashi, 2005b). The huge fixed investment represented by game studios in places like Vancouver, Montreal, and California will probably ensure that in the near-to mid-future much of the high-concept game development remains at these locations, even if formulaic components are increasingly outsourced. In the longer term, the North American and European game-labour force will have to wage their fight for survivable working hours across a global battlefield.

Conclusion: “Everyone Works Too Much”

Despite the difficulties that organizing videogame workers will face, the recent revelations of the industry’s labour problems constitute an advance. The video game industry’s work-as-play ethos has been one small element in an overarching mythology that presents digitization as dissolving the

contradictions and conflicts of capitalism. The shattering of this ethos is a step toward a more realistic assessment of digitized work conditions. One could see the story told by EA Spouse as just a disclosure of the problems arising from a very specific industry, with an unusual history, an extreme gender bias, and a unique corporate culture. To a degree, this is true. But for all its exceptionalism, the conditions of the video game industry are suggestive of a broader tendency. Indeed, one of the strengths of the IGDA “Quality of Life” white paper is that it opens its examination of long studio hours by observing that while the problems it documents may be “particularly strident in the game industry, we do not hold a monopoly on them by any stretch of the imagination” (2004a, p. 10), and it substantiates this observation with a section headed “Everyone Works Too Much,” which places these issues in the context of a broader, and well-documented, North American crisis of workplace stress (Menzies, 2005; Schor, 1993).

From this perspective, anyone inclined to read our paper only as an account of the workplace troubles into which an echelon of young male game workers with a dubious cultural obsession have fallen might reflect on how similar their problems of long hours, boundary-less toil, and workplace burnout are to those suffered by an apparently very different group of workers-academics. The implications of this paper’s story of overwork with respect to strategies of organized labour are also suggestive. For the conclusions drawn by EA Spouse are similar to some made more than a century ago—namely, that if one wishes for a life in which human energy can “blossom forth,” then “the shortening of the working-day is its basic prerequisite” (Marx, 1981, p. 959). To strategize in this direction would be to take seriously, with EA Spouse, one of EA’s corporate mottos: “Challenge Everything!”

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Notes

¹ The identity of EA Spouse was disclosed on April 26, 2006. Erin Hoffman is married to Leander Hasty, an engineer at EA in Los Angeles. Hasty helped launch a

now-settled class-action lawsuit against EA for unpaid overtime.

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Putting the Gay in Games

Cultural Production and GLBT Content in Videogames

Adrienne Shaw

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This article addresses gay, lesbian, bisexual, and transgender (GLBT) representation in video games from a cultural production perspective. It addresses how members of the video game industry account for the relative lack of GLBT representation in this medium. Previous studies have shown that certain stakeholders actively invest in GLBT representation in media. Factors in the inclusion of GLBT content include (a) the presence of motivated producers in the industry, those that are personally, politically, or commercially interested in GLBT content; (b) how the audience for a text or medium is constructed; (c) what the public backlash from both the GLBT community and conservative groups will be, as well as industry-based reprisals in the form of censorship or ratings; (d) the structure of the industry and how it is funded; and (e) how homosexuality, bisexuality, or transgender identities can be represented in the medium.

Keywords: video games; cultural production; gay, lesbian bisexual and transgender representation

In 2006, the video game *Bully* (Rockstar) garnered media attention, not for its display of schoolyard violence but because it allowed players' male avatar Jimmy Hopkins to kiss both male and female characters (Lumpkin, 2007; Matei, 2006). This finding was both celebrated and decried by critics. Media coverage of this optional homosexuality or bisexuality noted that video games were becoming more inclusive. This is not the first instance of explicit nonheterosexual content in video games; recent examples include the *Sims* series of games (Electronic Arts, 2000-present), *Fable* (Microsoft Game

Studios, 2004), and the Temple of Elemental Evil (Atari, 2003) to name but a few (Barton, 2004; Consalvo, 2003b; Ochalla, 2006; Thompson, 2004). The widespread media attention for *Bully*, however, demonstrates an increased attention to gay, lesbian, bisexual, and transgender (GLBT) content in video games as well as GLBT gamers and video game designers. Specifically, coverage of this game emphasized the rarity of GLBT representation in video games. ¹ Curiously, however, in the broader space of popular culture, such content is not new. In television, film, advertising, news, and other media, the GLBT community is visible and has been for decades (Gross, 2001). Why then, when video games have been a popular medium since the 1970s, are questions about the representation of diverse sexualities and gendered identities only now being discussed? Although I cannot answer this question specifically herein, by drawing correlations between how GLBT representation came to be present in other media, I show how a cultural production approach can help make sense of the dearth of GLBT representation in video games.

Although there has been research on representation in video games, generally it has focused on gender and race (Beasley and Collins Standley, 2002; Delp, 1997; Dietz, 1998; Glaubke and Children Now, 2002; Huntemann and Media Education Foundation, 2002; Leonard, 2006; Miller, 2006). Research on representation of the GLBT community is scarce (Consalvo, 2003a, 2003b, are rare exceptions). Similarly, research on the creation and reception of those representations is wanting (preliminary work includes Rockwood, 2006). In my interviews with GLBT gamers, popularly referred to as gaymers, respondents often replied that video games are a “new medium” and that representation would come “in time,” a perspective repeated in press articles and interviews for this project. This article critiques this evolution narrative of GLBT representation.

Previous studies have shown that GLBT representations do not just happen in media, but rather certain stakeholders actively invest in their creation (Alwood, 1996; Becker, 2006; Benschoff and Griffin, 2006; Gross, 2001; Montgomery, 1979; Sender, 2004). Following in this tradition, this article addresses the issue of GLBT representation in video games from a cultural production perspective. Specifically, this article addresses how members of the video game industry account for the relative lack of GLBT representation

in this medium and what needs to take place for there to be more. Among the factors affecting the representation of the GLBT community are the attitudes of those in the video game development community, the construction of the gamer audience, the expected backlash for having GLBT content, whether the structure of the industry allows it to face this backlash, and the potential for representing sexual and gendered identities in the medium. Although this analysis focuses primarily on the North American video game industry, the findings might be useful in future analyses on the international video game sphere and GLBT content.

Methodology

For this project, a theoretical sampling method was used (Glaser and Strauss, 2006 [1967], p. 45). First, a list of GLBT characters/themes, and so on was compiled from articles and discussion forums (Barton, 2004; Brute, 2007; GayGamer.net, 2007;

Gaymer.org, 2007; Lopez, 2004; Ochalla, 2006; Shuman, 2005; Thompson, 2004; Wikipedia, 2006). ² Then e-mails were sent to the developers of (a) games which, according to more than one article or discussion forum, contain implicitly or explicitly (based on the assessment of the poster/author) homosexual, bisexual, or trans-gender characters or (b) games noted for having optional or “Easter Egg” ³homosexuality or bisexuality. ⁴ Individuals who had written press articles or blog posts on GLBT content, gamers, or game developers were also contacted. ⁵ Finally, requests for interviewees were posted on six message boards: International Game Developers Association (IGDA), Womengamers.com, GameDev.net, Gamersexperimentations.com, GayGamer.net (2007), and Gaymer.org (2007), all of which have game developer and journalist presences. ⁶

Participants were given the option of answering questions via phone, instant messaging (IM), or e-mail to accommodate their schedules (the “crunch time” work schedule of the video game industry is discussed in Nichols, 2005). Eight respondents chose e-mail, three offered IM, and one offered phone (though one who I conversed with via e-mail later spoke with me on the phone as well). I was also able to ask additional questions of some who

replied to the e-mailed questionnaire, allowing for a more dynamic, less survey-like, discourse. Interviewees include four journalists/bloggers/academics from online video game news sources, one mainstream video game journalist, five game developers/designers (three of whom worked on games with GLBT content), and two graphic designers, one from a video game marketing department and the other with training in video game design (N = 12). Eight identify as heterosexual and four as gay, bisexual, or queer. All but two are White (one Native American, the other Indian American). Only one respondent, from Paris, lived outside of the United States. While this may not be a generalizable sample per se, the consistency of responses and themes in these interviews and the other sources of data offer compelling insight into the relationship between representation of marginal identities and cultural production. The “strategic selection of cases” was useful in “*testing* theoretical ideas” (Hammersley and Atkinson, 1995, Pp. 43, italics in original), namely those ideas presented in previous studies of the production of GLBT media representation.

Interviews were supplemented with analysis of all the press coverage I could find from online and print news sources on GLBT video game content, gamers, and game developers (N = 26). IGDA’s message boards on diversity in the industry, games, and audience, particularly those relating to GLBT topics were also analyzed (13 threads and a total of 222 posts). I was given permission, moreover, to use the raw survey data from IGDA’s 2005 workforce diversity survey (N = 6,436; Jason Della Rocca, personal communication, July 20, 2007). These sources allowed me to see how industry, content, and audience diversity are discussed in the game development community. To analyze the survey data, I used SPSS and the interviews, articles, and discussion forums were analyzed using the qualitative coding software NVivo. The themes which emerged from this analysis are discussed herein in light of previous research on the production of GLBT representation in other mediums.

Production of Video Game Culture

Why is representation in games even a goal? As Sender notes, it is problematic to look for tolerance in the “consumer sphere” (2004, Pp. 242).

It could be argued, as some interviewees did in my previous study, that it is more beneficial for the GLBT community to be left out of media than to be only referenced through stereotypes. If we use the structuralist model proposed by Althusser, however, we see that not being referred to in the public discourse is just as problematic as being referred to stereo-typically. Not being “hailed,” in his terms, is a form of “symbolic annihilation” (Gerbner and Gross, 1976; Tuchman, 1978b). In essence, lack of media representation is a way of saying: “Your concerns/thoughts/lifestyle and so on are/is not important.” Framing this in terms of cultural studies, we can think of this issue in the way Couldry does: “[C]ultural studies thinks of culture in relation to issues of power; the power relations (whether driven by economics, politics or other forms of social discrimination) which affect who is represented and how, who speaks and who is silent” (2000, Pp. 2). In this sense, the heterocentrism of most video games, as Consalvo (2003a) describes and as it is often spoken of in popular media and in interviews in this project, is an ideological problem that requires attention. ⁷

It can be argued, of course, that it does not matter how or whether GLBT identities are represented in games, as the relationship between producer encoding and audience decoding is uncertain (Hall, 1997 [1990]). Nondominant groups can appropriate texts in a “struggle within signification” (Hebdige, 1997, Pp. 367). Doty explores this particularly in the realm of queer readings (Doty, 1993, Pp. 16). Evans and Gamman discuss the manner in which queer audiences can destabilize the gender and sexuality normalizing discourses of texts. “Some texts do seem to ‘encourage’ queer viewing ... because the sexualized images are so ambiguous. But even texts which have overt heterosexual narratives can come over time to be seen as queer” (Evans and Gamman, 2004, Pp. 218). In my previous research, “gaymers” were well versed in the subversion of texts. Female gamers have taken similar approaches to problematic representations of women, as T. L. Taylor discovered in her study of *Everquest*. “[W]omen in EQ often struggle with conflicting meanings around their avatars, feeling they have to ‘bracket’ or ignore how they look.

In many ways, women play despite the game” (Taylor, 2003, Pp. 36). That the players can enjoy playing and “deal with” the aspects of play they do not like, however, does not mean that it does not matter how or whether marginal

groups are represented. As Doty concludes in *Making Things Perfectly Queer*:

By publicly articulating our queer positions in and about mass culture, we reveal that capitalist cultural production need not exclusively and inevitably express straightness. If mass culture remains by, for, and about straight culture, it will be so through our silences, or by our continued acquiescence to such cultural paradigms as connotation, subcultures, subcultural studies, subtexting, the closet, and other heterocentrist ploys positioning straightness as the norm. (Doty, 1993, Pp. 104)

That is to say, queer readings may allow audiences to compensate for a lack of representation, but that does not preclude a demand for representation. Rather it signals that queerness is always-already a part of “straight” media and thus does not have to be seen as something at the margins. GLBT content does not have to exist just for those that identify with that acronym. Rather than approach this topic via audience reception, this study takes a cultural production perspective. Of interest is not whether video games can be “queered,” but rather how members of the industry understand the place of and problems surrounding the representation of different sexual and gender identities within video games.

The cultural production perspective offers a useful way of providing insight into video game content. As King and Krzywinska describe, “[t]o be understood fully, games have to be situated within the cultures in which they are found, including the wider industrial/economic context” (2006, Pp. 217). Studying how texts are produced and how certain types of representation come to be has a long history in communication studies. DiMaggio and Hirsch (1976), for example, encourage us to look at how works of art are created, funded, distributed, and consumed. Kline, Dyer-Witford, and De Peuter (2003) detail the benefits of using this approach in video game studies, as it allows us to see how meanings are produced and reproduced in the complex interrelationship between the game development industry, video games, and players.

In particular, this perspective is useful in analyzing how certain identities come to be represented in video games. The masculine prevalence in both the video game development community and audience, for instance, is the main

reason given for the sexist portrayal of women in most video games, if they are represented at all (Cassell and Jenkins, 2000; Huntemann and Media Education Foundation, 2002). Video games are largely created for the stereotypical gamer market, teenage to young adult males (Kline et al., 2003, Pp. 195). Gansmo, Nordli, and Sorensen (2003), for example, studied a number of game development companies and found that masculine fantasies dominated design discussions. “What unfolds in the managed dialogue of commercialized digital design is a process in which commodity form and consumer subjectivity circle around each other in a mating dance of mutual provocation and enticement” (Kline et al., 2003, Pp. 196). Game developers create games that they think appeal to their target market. These games are successful and thus the companies continue to produce them over time. As only economically successful genres are reproduced, this results in a narrower vision of what “gamers” play. This is displayed in what Kline et al. (2003) describe as the “militarized masculinity” prevalent in many video games. Efforts to rethink this cycle are demonstrated in the main area in which sectors of the video game industry have attempted to address underrepresentation and problematic representation, the “girl games” movement.

It has been argued that because women make up over half the world’s population, the video game industry greatly limits their market by only appealing to male gamers, specifically by creating games with problematic representations of women. Symbolically annihilating (Gerbner and Gross, 1976; Tuchman, 1978b) girls and women from gaming culture potentially circumscribes their participation in technology careers, because games are often a gateway to computing careers (Cassell and Jenkins, 2000; Gorriz and Medina, 2000, Pp. 43). Thus, by limiting their audience by gender, it is argued, the video game industry is also limiting its own diversity and its ability to appeal to diverse audiences (Schuster, 2007).

Recognizing both the social and economic importance of targeting female gamers, some companies have attempted to court the “girl gamer” market. Market research, by companies such as Purple Moon, sought to establish essential qualities of the “girl games market” by looking at how boys and girls play outside of gaming (Gorriz and Medina, 2000, Pp. 47). Significantly, they did not look at what girls who were already gamers did or did not enjoy but rather were targeting the nongaming girl market. According

to Gansmo et al. (2003), when female players are discussed by designers, generally a very traditional feminine stereotype is evoked, which translates into game designs built around social relations, romance, emotions, and role-playing (also described in Kerr, 2006, Pp. 97). Creating a subgenre of games that appeals to stereotypes of gendered play habits resulted in the “ghettoization” of girl games and few—though this may be changing—attempts to incorporate women into mainstream video gaming culture.

As the “girl games” example demonstrates, historically “better” representation of a given group in video games has relied on targeting that group as a consumer market. However, unlike representing women as more than big breasted vixens, GLBT representation is highly controversial.⁸ The hindrances to this content are thus more numerous than those for the representation of gender and sexually normative women. Studies on the rise of GLBT visibility in film, television, press, and marketing are useful in understanding why it has not been present in video games and how it might come to be. The literature on the production of GLBT content indicates several factors that influence media representation. Factors that emerge in this literature as well in the research done for this project include (a) the presence of motivated producers in the industry, those that are personally, politically, or commercially interested in GLBT content; (b) how the audience for a text or medium is constructed; (c) what the public backlash from both the GLBT community and conservative groups will be, as well as industry-based reprisals in the form of censorship or ratings; (d) the structure of the industry and how it is funded; and (e) how homosexuality, bisexuality, or transgender identities can be represented in the medium. Herein I discuss the correlations between other media and the data I have obtained on the video game industry in these regards.

Who Wants to Make Gaymes?

The presence of motivated producers is one requirement for GLBT content in media. Motivation can come from identifying as part of the GLBT community or feeling that diversity in content is important. However, individual motivation is tempered by dominant identities and discourses in the industry.

As seen in the “girl games” discussion, diversity of producers is discursively associated with diversity of content. This is logical, as historically the presence and acceptance of GLBT professionals in the media has affected how the community is addressed in a given medium. Benshoff and Griffin (2006) detail the role queer filmmakers have played in inserting vague and explicit representations of the GLBT community into movies. Alwood (1996) addresses how a shift from mostly closeted gay journalists to out gay journalists influenced a positive shift in the representation of gay issues in the news. Sender (2004) discusses how GLBT marketers played a large role in producing gay-directed marketing. Unlike homosexual journalists who were originally not supposed to cover “gay issues” as they might not be objective (Alwood, 1996, Pp. 175), GLBT marketers were sometimes favored for their “insider knowledge” (Sender, 2004, Pp. 76).

Statistically, the video game industry is fairly homogeneous. According to the data from IGDA’s 2005 survey of workforce diversity ⁹ (N = 6,436), the vast majority (91.6%) of respondents identify as heterosexual, 5.1 % as gay, lesbian, or bisexual, and 3.2% declined to answer. Males accounted for 89.1% of those surveyed and 1.5% of all respondents identify as transgendered. ¹⁰ In press articles and forums, this homogeneity is used to explain the lack of GLBT content in video games.

Generally, it is presumed that members of the GLBT community would be the people most concerned with and knowledgeable about GLBT content in video games. Indeed, when I submitted requests for interviewees to various message boards, early respondents often directed me toward GLBT game designers or gaymer discussion forums. Articles and discussion forum posts indicate that they would be able to strike a balance between stereotyping and properly reflecting “gay identity.” According to academic and video game blogger Matthew Barton, “[i]f GLBT individuals are involved directly in development, they can work against the stereotypes and ensure they’re represented in a positive way” (personal communication, June 29, 2007). Graphic designer Jean Luc Pierite also suggests that having members of the community on a development team “saves some time on market research, as the target niche is right there” (personal communication, July 18, 2007). This is similar to Sender’s (2004) finding that many GLBT marketers felt they had an edge in creating advertising for the gay market. There is also a

presumption that these individuals have an investment in seeing homosexuals “properly” represented; “If the gay community doesn’t speak out repeatedly things will not change and the LGBT community will continue to be excluded” (Gene Wendel, [11](#) personal communication, July 10, 2007).

Arguably, representation of GLBT characters is not only the province of GLBT designers. Some interviewees caution that heterosexual and traditionally gendered individuals should also be concerned with representation: “not only LGBT people should be concerned about what and how characters are portrayed” (Blair Cooper, personal communication, July 18, 2007). As Jay Koottarappallil, artist and president of a game design firm, notes, “A GLBT may not represent their community well, just as we’ve seen countless heterosexual developers massacre a hetero relationship in games. Awareness is the key. Good writing helps too” (personal communication, July 13, 2007). Echoing this point, all of the game designers that I interviewed who worked on games with GLBT content identified as heterosexual.

The IGDA survey data demonstrate that traditionally underrepresented groups are not the only ones concerned with diversity in the video game industry, game content, and gamers. The majority of respondents felt that “a diverse workforce has a direct impact (broad appeal, quality, etc.) on the games produced” (59.4%). Even more (62.8%) thought that “workforce diversity is important to the future success of the game industry.” Finally, a vast majority (71.7%) agreed that “better/more research on consumer/gamer diversity would be valuable.” Demographic factors, however, did influence how strongly respondents agree with those sentiments. Women, non-heterosexual, non-White people, all feel more strongly that diversity in the industry and content is important and that we should study consumer diversity more than men, heterosexuals, whites. [12](#)

Thus, minorities and underrepresented groups are somewhat more concerned with diversity in video game content. Their abilities to act on these concerns, however, are influenced by the atmosphere of the industry. Before GLBT designers can insert diverse sexuality and gender representations into games, they must feel comfortable being “out,” as seen in other media industries (Alwood, 1996; Benshoff and Griffin, 2006; Sender, 2004). In articles, interviews, and forums, members of the GLBT community discuss

high variation in the level of acceptance across the industry (Dancer, 2007; Leupold, 2006; Ochalla, 2007). ¹³ Transgender people are reportedly welcomed in the industry (Next Generation Online, 1999; Ochalla, 2007). Stories vary from those who successfully prevent homophobic comments from being included in games (and are thanked for educating their coworkers) to those who are barraged with homophobic jokes in company e-mails (Next Generation Online, 1999; Ochalla, 2007). In one interview, Jeb Havens notes that while there are GLBT individuals in the video game industry “there’s no presence or community. There’s no ‘gay’ face to it” (Ochalla, 2007). Generally being gay is a “nonissue” (Ochalla, 2007). Not being hostile is not the same as being inclusive however. Referring to an industry conference, Jeb Havens states that “there was such a strong frat-boy heterosexuality among the industry people that it made me realize that even if there were gay people in the industry, they probably wouldn’t feel very comfortable talking about it” (Ochalla, 2007). The openness with which industry professionals can express their sexual or gender identities affects how they are able to represent those identities in media texts (Alwood, 1996; Benshoff and Griffin, 2006; Sender, 2004).

Beyond how individuals are treated, we must look at how diversity is discussed and thought about in terms of content. Largely when GLBT content is supported, it is discussed as a matter of fairness, a sentiment my interviewees shared. Jean Luc Pierite emphasizes this point:

The GLBT experience must be fairly represented in all forms of media. Else, our community is stifled and held back from sharing in the larger progress of mass communication. We have bisexual books, lesbian magazines, transgender movies, gay television series, and more. The need and demand for a gay-centric video games is greater now than ever. (Personal communication, July 18, 2007)

Developers of Fable (Lionhead) stated that optional homosexual content was included as it occurred naturally in the game’s coding and it seemed unfair to actively exclude it (Lumpkin, 2007; Ochalla, 2006). Similarly, Tom Decker, producer of Temple of Elemental Evil, states that “I particularly felt strongly that since we had several heterosexual marriages available...we should include at least one homosexual encounter...on par with the other

relationships available in the game” (Barton, 2004). In *Fahrenheit/Indigo Prophecy* (Atari), there is an incidental but important character, Tommy, the gay neighbor of one of the protagonists. According to David Cage, the writer/director of the game, having a diversity of characters was central to the game (personal communication, August 28, 2007). Moreover, “having a gay character was also some kind of political message for homosexual rights” (David Cage, personal communication, August 28, 2007).

That is not to say all members of the industry feel GLBT representation is important, although those that do not are a statistical minority according to the survey data. Notably, the IGDA’s White Paper on Workforce Diversity states that they received many negative reactions to their question about sexuality. “Responses such as...‘who cares about sexual preference...’ expressed quite common sentiments...others expressed that they would not take the survey as a direct result of this particular question” (Gourdin, 2005, Pp. 15). Similarly some respondents on discussion forums fail to see a place for sexuality in video games. Not all were opposed to homosexuality, per se. Some were concerned that inclusion for the sake of inclusion would result in tokenism and poor video games.

Interestingly, the main argument against GLBT content is that “real world” issues have no place in virtual fantasies. Conversely, arguments supporting GLBT content emphasize that it reflects the reality of the world we live in. “[T]he medium is pushed forward the more it is able to properly represent real world characteristics. The GLBT community is just another aspect of the real world to properly represent” (Jay Koottarappallil, personal communication, July 13, 2007). Whether games are meant to be fantastical or realistic, that certain identities are represented and not others it is telling. “The moment any choices are made about what material to include, how to treat it and what kinds of activities are required of players in order to succeed, particular meanings—or the potential for such meanings—are created” (King and Krzywinska, 2006, Pp. 172). Part of the reason certain realities are shown is that the constructed audience for video games follows the demographic norms of the industry itself: heterosexual, White males.

Who Wants to Make Gaymers?

If video game designers are to include GLBT content, they must believe there is an audience for this content. The production of culture literature emphasizes that the imagined audiences for a text or audience responses to a text shape production decisions (D'Acci, 1994; Dornfeld, 1998; Henderson, 1999). Similarly, how GLBT content is included in media texts relies highly on how the audience for that text is constructed. As with gay marketing described by Sender (2004), Alwood (1996), Benshoff and Griffin (2006), and Gross (2001) discuss targeting a GLBT audience as one way of justifying GLBT content. One might also target "gay aware" heterosexual audiences, as seen in Becker's (2006) analysis of the upsurge of gay characters in prime time network television of the 1990s. This holds true for video games.

Kerr (2006) traces the inner workings of the digital games industry and describes how the video game market has been mainly defined by industry presumptions. One presumption about gamers that is often offered as a reason for not including GLBT content is that they are largely homophobic. As Jeb Havens notes in one interview, this characterization of gamer culture as homophobic "comes more from the perception of the players....It's almost condescending in a way, that reinforcement of the idea that gamers are immature and prejudiced" (Dancer, 2007). While gamers, like game developers, span the spectrum of attitudes toward the GLBT community, hardcore gamers of the White adolescent male variety are constructed as homophobic. In particular, the use of the words "fag" or "gay" in online gaming spaces are often noted as proof of this (Chonin, 2006; Leupold, 2006; Sliwinski, 2006a, 2006b; Vargas, 2006). However, in discussion forums, individuals who use these terms note that they do not mean them "that way"; the terms are used more to offend generally than gay bash specifically. While gaymers report conflicting reactions to these remarks, some are bothered and some are not. Generally speaking, video game culture is highly heterocentric. "Gay" and "fag" are used pejoratively, even if that does not indicate a conscious bias against homosexuals against whom one is playing.

When they presume that gamers are not comfortable with homosexuality, video game developers assume that gamers are not homosexual, a construction supported by the video game press. As Jean Luc Pierite describes, "The gaming media plays a role in whether or not gaymers are seen as gamers. Through their ads, reviews, language, humor, they don't give space to gaymers as part of the gaming market" (Jean Luc Pierite, personal

communication, July 18, 2007). As if to emphasize his point, the August 2007 issue of *Electronic Gaming Monthly* (2007b), which has had articles on gaymers, speaks disparagingly of the Japanese game *Ore no Shita de Agake* (Blue Alice), which features a male character whose task is to ruin the lives of and then seduce three different men (p. 18). [14](#)

Several interviewees, as well as discussions on message boards and replies to online articles, note that the “real” gamer audience is wider than that constructed by the video game industry and press. Only recently, however, has the presence of gaymers been recognized (Lopez, 2004; Lumpkin, 2007; Vargas, 2006). Successfully marketing to this group is offered as one step toward more GLBT video game content. As game designer Scott Campbell describes, “[o]nce one game capitalizes on that, you’d better believe that others will follow!” (personal communication, July 12, 2007). In Britain, Sony is taking steps in this direction. The gay magazine *Attitude* featured an ad for the game *Singstar* (Sony) using muscular and flamboyant firemen to sell the game to gay men (Sliwinski, 2006c). Notably, however, the ad appears in a gay magazine, not a gaming magazine. Like girl gamers before them, the homosexual market for games is being appealed to as gays, not as gamers.

The limited construction of the gamer market is only part of why GLBT content is rarely seen in video games. Video game journalist and columnist Clive Thompson notes that,

[T]here’s no easy way to target a GLBT audience. If you spend 10 million on a game and try to sell it through *Electronics Boutique*, maybe that’s not the best way to reach the GLBT gamer audience...so you don’t make your money back and the publisher hates you and won’t do any more of your GLBT games. Plus, if it’s an explicitly GLBT game, *Wal Mart* probably won’t carry it, and that is the kiss of death for mass sales. So the question is not whether the audience is there, but whether there are any mechanisms for reaching the audience with enough efficiency to pay for the awesome cost of making a GLBT game. (Personal communication, August 2, 2007)

One must ask, moreover, whether gaymers want to be appealed to as gay gamers. In my interviews with gaymers and articles about them (Glover,

2007; Lumpkin, 2007), there is a stress on not being marketed to. The ghettoization of “girl gamers” might be one reason for this. Game designer Kevin Mack discusses how appealing to a specific niche market can impede game development.

[I]f the audience is your starting point, you’re really not creating anything sincere, you’re pandering to them....They’ll figure out quickly that you don’t really have a point of view that you’re trying to take from them without giving anything in return....No individual wants to be treated as a “demographic.” (Personal communication, July 27, 2007)

Appealing to a market based on limited notions of identity essentializes what members in that group would want in video games. Not wanting “gay games” also recognizes, as discussed in Sender (2004, Pp. 120), that GLBT people do not only consume niche media, and thus there is reason to target them in mainstream venues. Furthermore, as noted in forums, articles, and interviews, even heterosexual, traditionally gendered gamers may want to play with sexuality and gender in video games.

In spite of counter examples, an assumption made in articles and discussions about GLBT content is that only gaymers seek this content. This stems from the assumption that players identify more strongly with their characters in video games than in other media (Gee, 2003).

They simultaneously know they are ‘only’ an avatar, but because they’re your physical proxy in the virtual world, you wind up having a lot of identify bleed into them. In online games, of course, part of the fun is crafting an elaborate new identity—either one that riffs off your existing identity or wholesale discards it to try something new. (Clive Thompson, personal communication, August 2, 2007)

A major argument for excluding GLBT characters is that the majority of gamers cannot identify with them. Empirically, however, we know very little about how and why players identify with some characters and not with others. Throughout the history of video games, cross-gender play has been prevalent (e.g., Tomb Raider). In the online realm, surveying players of Everquest, Yee (2001) found that 47.9% of male and 23.3% of female players have a least one game character that is of the opposite gender and did so for reasons including in-game strategy, role-play purposes, and gender

exploration. More research on how identity operates in closed games, particularly identifying across socially constructed boundaries such as gender, sexuality and race, is imperative. As Becker's (2006) research found, producers can use gay content to appeal to heterosexual audiences. A somewhat problematic video game example is the game *Fear Effect 2*. This game's primary audience was straight men, although the main characters were lesbians. In fact, none of the games that contain GLBT content have been marketed to the gaymer community.

As heterosexual masculinity is the presumed normative identity in both the audiences and industry, it is unsurprising that video game content follows similar norms. In general, interviewees expressed a tension between the GLBT community pushing for nonheterosexual, nontraditionally gendered content, and non-GLBT gamers supporting and purchasing such games. All agreed, however, that content is shaped by what the video game industry expects its audience to want and feel comfortable with.

Fear of Backlash

Although the IGDA survey, interviews, and articles indicate that the video game industry by and large is supportive of diversity, there seems to be little action to back up these sentiments. The construction of the gamer audience as both heterosexual and potentially homophobic leads to fears of backlash for including GLBT content. Alwood (1996), Becker (2006), Sender (2004), and Benshoff and Griffin (2006), all discuss similar fears in the media industries they analyze. This backlash can come in the form of loss of sales, ratings, and censorship as well as pro-GLBT content activism.

The reasons given in forums, articles, and interviews for not having GLBT content in games mirror perfectly the reasons given for not appealing to the gay market described by Sender. First, "advertisers ... were concerned that their merchandise might be branded a 'gay product,' thereby alienating their heterosexual customers" (2004, Pp. 35). Jay Koottarappallil states, "[p]eople are afraid to get pigeon-holed as the 'gay game'" (personal communication, July 13, 2007). "Second, advertisers were worried that approaching gay consumers might provoke retribution from...Moral Majority boycotts" (Sender, 2004, Pp. 35). According to game designer Kevin Mack,

“[h]onestly, I think a big reason is that GLBT content can engender outright hostility Christian ‘family’ groups can get all over you” (personal communication, July 27, 2007). “Third...advertisers expressed anxiety over explicitly sexual advertising in gay publications” (Sender, 2004, Pp. 35). Similarly, sexual content is a very contentious issue in video games, as David Cage describes. “Sexuality in general is a very sensitive issue...even a man and a woman kissing or making love in a game is considered as a sin that would deeply alienate our kids if they discovered it” (David Cage, personal communication, August 28, 2007). Due to this, it is very difficult for video game creators like himself to put sexuality into games.

Video game developers must take into account the fiscal and regulatory ramifications of content choices. Fiscal risk is noted throughout discussion boards, blogs, articles, and interviews as a reason for not including GLBT content in video games. The risk posed by including gay content can affect both the company and individual executives, as Kevin Mack describes: “Remember that any executive at a large company has a large cadre of enemies who are actively trying to get them out of that job, so these people become very risk-averse and in the end, nobody gets fired for saying no” (personal communication, July 27, 2007). Much research on the video game industry suggests that it is highly risk-averse (Kerr, 2006, Pp. 93; King and Krzywinska, 2006, Pp. 225; Williams and Clippinger, 2002, Pp. 49).

Recently increased attention, negative and positive, on GLBT content in games has caused developers to be cautious. Developers of *Lord of the Rings Online* decided to exclude marriage altogether rather than allow same-sex or interracial (elf/hobbit) marriages (Glover, 2007). *Army of Two* reportedly toned down the homoerotic undertones pointed out when the game was first announced (*Electronic Gaming Monthly*, 2007a, Pp. 31), though this could not be confirmed through industry sources. Often the fear of offense and risk has more to do with what audiences might do, however, than what they have actually done, following the “imaginary feedback loops” described in DiMaggio and Hirsch (1976, Pp. 80).

Institutionalization of these fears of backlash can affect game content. This includes forms of self-censorship like ratings systems (Benshoff and Griffin, 2006), industry norms against showing explicit sex (Sender, 2004, Pp. 35) or mentioning homosexuality (Alwood, 1996). In the case of film, studies have shown that sexual scenes weigh more heavily than violent scenes on the

Motion Picture Association of American (MPAA) movie ratings (Leone, 2002). Moreover, homosexual content can garner more severe ratings than similar heterosexual scenes, as demonstrated in this film is not yet rated (Dick, 2006). The ratings given by the Electronic Software Ratings Board (ESRB) seem to operate similarly. According to Scott Campbell, the ESRB,

[T]ruly is the equivalent to the MPAA for computer games. Although the ESRB has definite guidelines for their ratings, they are still subjective based on the situations which they occur. For example: A character professing their sexuality might be flagged as a “Sexual Themes” descriptor, which is an automatic Teen (or higher) rating. However, if the scene [with GLBT content] is particularly intense or descriptive (even without showing partial nudity), it could be flagged as “Strong Sexual Content” which is an automatic Mature rating. (Scott Campbell, personal communication, July 12, 2007)

In fact, when the gay kiss in *Bully* was discovered, critics like attorney and anti-violent video games legislation proponent Jack Thompson were outraged that this Mature content was included in a game given only Teen rating (Sliwinski, 2006c, italics added). This call for a higher rating is not innocuous as it can limit distribution of the game; “WalMart, for example, won’t carry ‘M’ rated games” (Kevin Mack, personal communication, July 27, 2007).

Both the ratings standards and lack of GLBT content in video games are connected with the contentious relationship between games and sex. Part of this is because video games are often construed as a children’s medium. “Most parents don’t want their children to be exposed to ANY material that would cause their children to even bring up the subject of sex (hetero or gay) or transsexuality” (Jay Koottarappallil, personal communication, July 13, 2007). Even though “cartoon” violence is, at least tacitly, acceptable for young children, any mention of sex makes a game mature. “Most companies shy away from having (or even mentioning) sexuality in their products. Violence is OK. Sexuality is still taboo” (Scott Campbell, personal communication, July 12, 2007). While video game academics, journalists, and developers will fight against too much regulation of violent games (Entertainment Consumers Association, 2007; Jenkins, 2007; Jones, 2002), a similar fight for expression of sex in video games is rare, excepting the Sex in Games special interest group of the IGDA (Brathwaite, 2006). It is worth

further research into why regulation of sex is considered more acceptable than regulation of violence.

Backlash can also take the form of pro-GLBT activism. Montgomery (1979), for example, looks at the role gay activists played in the representation of homosexuals in television in the 1970s. She notes that while all of their demands were not always met, networks generally conceded to some of the activists' demands though they rarely admitted to succumbing to pressure (p. 139). Benschoff and Griffin (2006) describe gay activist protests of movies such as *Cruising* (1980) and *Windows* (1980). Alwood too describes the role media activists played in shaping coverage of gay issues in journalism (1996, Pp. 58). Activism for GLBT content can also come from within industries, as writers, marketers, directors, and so on insert GLBT representation into their media products (Sender, 2004, Pp. 90).

Rarely do GLBT rights group takes interest in video game content. Lambda Legal's intervention on behalf of Sara Andrews in her fight with Blizzard is one of the few examples. ¹⁵ As video gaming is not a readily recognized part of gay culture, a common sentiment in my interviews with gaymers, there seems to be no call from consumers for organized activism for in-game representation. This may also have to do with the sociohistorical context in which video games have developed. Unlike other media, video games developed largely after both the Stonewall Riots (1969) and the AIDS crisis, both of which galvanized gay visibility groups in the United States (Gross, 2001; Walters, 2001). As Aaron describes in reference to *New Queer Cinema*, "it is AIDS that provided the key site for the development of queer practices and productions" (2004, Pp. 11). Same-sex marriage, it would seem, is the only corollary social issue for video games. This may explain why so much attention has been paid to video games, which include gay marriage options. Articles on *Temple of Elemental Evil* and *Lord of the Rings Online*, for example, reference the current legislative battles over same-sex marriage in the United States (Glover, 2007; Thompson, 2004). It is implied that in this political environment, games in which marriage is an option can make strong statements on either side of the political spectrum.

Although organizations like Gay and Lesbian Alliance Against Defamation (GLAAD) do not have resources to address video games as a medium, it is empowering that individual acts can create change. When people stand up

against derogatory gay content or suggest that homosexuality should be an option, anecdotally at least, others listen (Dancer, 2007; Glover, 2007). If fear of activism against GLBT content is enough to dissuade companies from including it, perhaps eventually fear of pro-GLBT content activism could hold similar sway.

Even with motivated individuals in an industry with a liberal atmosphere and a receptive audience, game development companies must assess the risks of including GLBT content. Pro-GLBT content activism could potentially double these risks, as seen in Montgomery's (1979) study of gay activists and television networks. While the networks, in response to the gay activists, tend to approach the issue of homosexual representation very carefully, "steering away from any kind of portrayal which could elicit criticism from the gay community at large. At the same time, the network was careful not to present a picture of gay life that would be in any way offensive to the heterosexual audience" (1979, Pp. 197). The risks game developers are willing to take in the face of backlash are affected by how those companies are structured and funded.

Structural Impact on Gayme Content

How industries are organized and funded influences their response to activism and whether they can risk including controversial content. A product with a primarily conservative market cannot afford to offend its consumers by courting homosexuals (Sender, 2004). Conversely, during the 1990s, "network executives incorporated gay and lesbian material into their prime-time lineups in order to attract an audience of upscale, college-educated and socially liberal adults" (Becker, 2006, Pp. 81). Likewise, independent, low-budget films can afford to appeal to a small GLBT audience (Benshoff and Griffin, 2006). According to my interviewees, smaller video game firms are able to risk appealing to narrower markets than big firms, particularly as they are not responsible to shareholders and spend less on marketing overall. The relationship between game developers and game publishers can also influence the level of "controversial" content (the sometimes antagonistic relationship between the two is discussed in *Game Informer*, 2007, Pp. 18–22).

One way to get around the industrial gatekeepers and include GLBT content might be to foster an independent gaming industry. In other media, this has often taken the form of texts produced within and for the GLBT community, like the gay press (Alwood, 1996) or new queer cinema (Benshoff and Griffin, 2006). “Indie has always been the way GLBT stuff got made for decades—centuries even” (Clive Thompson, personal communication, August 2, 2007). Although in the past it was difficult to release independent games on video game consoles, Kevin Mack notes that Internet networks on newer consoles are changing this: “All three manufacturers sell small independent games online...and they’re desperate to keep those pipelines full—to make sure they have the most compelling content, so they’re making it much easier to develop for these platforms now” (personal communication, July 27, 2007). Although there have not, to my knowledge, been any games released through these channels with GLBT content, the decrease in gatekeepers makes the potential for independent GLBT game development high however.

“[G]ame content that raises questions about dominant social-political assumptions is more likely to be found in niche products than those which seek to reach a mass market” (King and Krzywinska, 2006, Pp. 228). Small game companies and independent games released online are much more capable of targeting niche audiences than large game companies. Even small independent companies, however, must work with the medium’s ability to represent GLBT identities.

Representing Gayme Content

Industry norms, driven by how the industry is organized, affect media content (Tuchman, 1978a). Although audience construction and industry discourses about the risk involved in controversial content impede the active inclusion of overt GLBT content, the general lack of overt GLBT content in games may have more to do with practical aspects of video game design than active exclusion. Several interviewees mentioned that the industry needs to mature before we can get “good” GLBT representation. Such representation may exist “when the medium is truly considered an art form, and there are companies who want to deliver unique experiences to the audience, not just

churn out the same visceral reactions” (Scott Campbell, personal communication, July 12, 2007). Rather than read this as part of an evolutionary narrative, at some level people are still trying to work out what makes games good, the design concerns of making a good game and seeing beyond the market as it has been constructed. “We’re barely at the point where people can convey emotions through characters. It’s easier for developers to rely on stereotypes and/or archetypes for now” (Leon Woods, personal communication, July 18, 2007). While trying to work out the details of the medium, concepts like representation are forgotten, not intentionally, but for people who do not identify as G, L, B, or T, it is not central to their thought process (assuming it would be even for GLBT developers). As Scott Campbell points out:

I don’t think [GLBT content] even comes to mind with the vast majority of game developers. Most development begins with an idea for a game mechanic (like first-person shooter, or rope-swinging platformer), then the art style, and lastly, the story. When you just need a character to hold a gun or chop up zombies, I don’t think developers pay much attention to their sexual orientation. (Personal communication, July 12, 2007)

When sexuality is used in game content, games generally rely on heterosexual narratives (Consalvo, 2003a, p. 172). As Jay Koottarappalli acknowledges, “since games rarely focus on any sort of relationship complexity, most developers feel it’s easier and more accessible to use a standard heterosexual relationship” (personal communication, July 13, 2007). Such statements reflect that heterosexuality remains the unmarked normative category and for all other identities to be represented their existence must be defended. Certainly sexual and gender identities are not always “marked” in games, normative or not, nor is identity more generally, but when it is the absence of GLBT or other, marginalized identities must be critically examined.

When GLBT content is discussed, developers and journalists, like gaymers in my previous research, were concerned about how to include it without relying on stereotypes. This is difficult, however, as it has been noted throughout analyses of GLBT media content that sexuality is rarely written on the body except through stereotypes (Benshoff and Griffin, 2006; Gross,

2001; Sender, 2004). “The history of gay visibility reveals the tensions between invisibility and limited visibility, between typification and stereotyping, and between needing to find telegraphic ways of representing gay-ness and doing so at the expense of gay people” (Sender, 2004, p. 13). Moreover, denouncing stereotypical representations outright is a bit heterosexist as it often relies on ignoring the nongender normative members of the GLBT community (Jean Luc Pierite, personal communication, July 18, 2007). In writing *Fahrenheit* (Indigo Prophecy), David Cage discusses his struggles with trying to create a diverse cast without relying on typical video game stereotypes:

Characterization is often the weak part of interactive writing. Characters are often very stereotyped (sexy girls, very evil villain, heroes with big muscles...). One of my goals in *Fahrenheit* was to try to create characters who would have a background that the player could very easily and quickly relate to. To achieve this goal, I tried to use archetypes (which are different from caricatures, hopefully...), types of characters that everyone has the feeling of having seen before. (Personal communication, August 28, 2007)

Thinking outside of stereotypes, however, is difficult. In her study of four focus groups attempting to create ideas for television shows featuring a White character, an American Indian character, and a female character, Bird (2003) found participants often relied on stereotypes for characters of racial identities different from their own. One of the White male groups, “even with their determination not to stereotype ... essentially found themselves unable to draw on cultural knowledge that would help them imagine a fully-developed Indian character” (Bird, 2003, p. 99). Moreover, while White people may have learned not to characterize Native Americans negatively, they still rely on stereotyped assumptions about behavior, though they may be “positive” stereotypes (Bird, 2003, Pp. 88–89).

The question might not be, however, whether gay video game characters represent stereotypes, but how labeling them as homosexual functions in the game. Dyer distinguishes between “types ... which indicate those who live by the rules of society (social types) and those whom the rules are designed to exclude (stereotypes)” (1999, Pp. 298–299). Stereotypes are used as disciplinary forces by clearly demarcating homosexuals from heterosexuals.

Rather than talking about whether stereotypes are true or offensive, it is better to ask what purpose they are serving in the text. Is it to emphasize the oddness of a character, to provide comic relief, to add depth to a feeling of otherness, to make a statement for diversity and tolerance?

Avoiding stereotypes was a central concern for my interviewees in both my interviews with gaymers and the interviews conducted for this article. One potential solution offered by interviewees was that GLBT representations should only be included in a game “if it matters.” As Leon Woods put it: “I feel like it depends on the context of the story/game....If you try to force something in just to add it, it runs the risk of diminishing what you are trying to communicate” (personal communication, July 18, 2007). Making the sexuality of a character too relevant could also make the game, as several interviewees and forum posters noted, “about being gay,” which may limit the interested audience and make the game seem “preachy.” Similarly, adding a gay character into a game “for the sake of diversity,” ends up feeling shallow and is read either as a cheap attempt to cater to diversity or as out and out offensive, particularly when designers signify gayness by relying on stereotypes like “the leather-daddy, liling gay, or butch lesbian stereotypes” (Scott Campbell, personal communication, July 12, 2007).

In other games, where there are set characters moving through preset stories in which relationships are of little or incidental importance, it takes motivation to have a traditionally underrepresented group as the main character. One example making sexuality fit into a video game narrative is Fear Effect 2. Kevin Mack, who worked on the never released Fear Effect 3, describes the logic behind the lesbian relationship in Fear Effect 2.

I know that one of the intentions for Hana’s character was to give her somebody to care for. She’d been such a hard character in the first game, they wanted to introduce another side of her. It’d probably be disingenuous of me to suggest that there wasn’t a prurient side to that choice as well, I don’t know for sure how the story and the characters were developed, but the primary motivation at work was to give Hana somebody she could care about enough that she’d be vulnerable to this character being put in jeopardy. (Personal communication, July 27, 2007)

Although interviewees and forum members describe the lesbianism in this

game as largely a marketing gimmick, it was also used because it fit the logic of the story for the game.

Representation should also fit within the logic of the game mechanics. “Good games...generally prompt meaningful choices by the player” (Kevin Mack, personal communication, July 27, 2007). In my previous research with both Arab gamers and gaymers, interviewees argued that gameplay is as important if not more so than in-game representation. Thus, it makes sense, that games centered on choices and intercharacter relationships are the place where homosexuality and bisexuality have been incorporated. In open narrative, “sandbox” and “simulation” games, seeing all possible options is at the center of the design process. Making games innovative relies on including nontraditional choices like being gay (Leon Woods, personal communication, July 18, 2007).

In the case of the games *Bully*, *Fable*, *the Sims*, and *Fallout 1 and 2*, a player could make their avatar have relationships with either gender (Ochalla, 2006). Lead designer on *Fallout 1*, Scott Campbell stated that “[f]or the game design, we were very adamant about allowing the player to do anything they wanted” (personal communication, July 12, 2007). Campbell’s point indicates that tying sexuality to game mechanics is a way of including sexuality organically. Qualitative evaluations by the interviewees seemed to rate the implicit or stereotypical gay characters in video games as not ideal. However, the optional representations, ones that rely on players playing the game a certain way, were seen as positive or neutral. Generally speaking, however, optional homosexuality, bisexuality, and potentially transgender identity are discussed as the path of least resistance to including GLBT content.

It is somewhat problematic, however, that homosexual, bisexual, or transgender identities must be justified to be included in games. Dominant discourses about sexuality often frame nonheterosexuality as nonnormative (more detailed discussion of how sexuality has been constructed is available in Foucault, 1990). Jay Koottarappalli discusses the difficulty of including homosexual relationships without making it “about that,” however; “In games, a GLBT relationship would take more explaining and would oftentimes become a central theme to the game in the mind of the consumer, even if the designers didn’t intend it to be so” (personal communication, July 13, 2007). Thus, unless otherwise noted, heterosexuality is the presumed

norm.

Making a character's homosexuality relevant to a story rests on homosexuality being nonnormative. However, as one poster to an industry forum points out, “[s]ometimes a person can be gay or black or a woman for no reason whatsoever. The idea that a white straight male is the default hero is spread over many mediums, but it doesn’t mean it’s right.” Praise for the game *Bully*, in fact, focused on its being added to the game without much fanfare (Lumpkin, 2007; Sliwinski, 2006c). Scott Campbell supported this type of representation: “Instead of other mediums preaching understanding and tolerance of the subject, I see ‘Good Games’ dealing with the subject matter-of-factly—showing that it is just another aspect of human existence” (Scott Campbell, personal communication, July 12, 2007). This type of portrayal, however, might lose a chance to stress the significance of including GLBT content in a medium in which it is rarely seen.

Paradoxically, making a game with GLBT content “about that” falls into hegemonic discourses, which classify nonheterosexuality, nongender normativity as deviant but including it incidentally lacks political vigor. Interviewees and forum respondents were split on whether video games should make political statements, while press articles operated under the assumption that games with GLBT content had made strong statements. In either case, the ability of developers to make such statements is tempered by the ability of the medium to represent GLBT identities as well as the relevance of sexual identities in the design of a game.

Conclusion

This article is just a small part of the larger subject of GLBT representation of video games. It was not the task of this project to analyze GLBT representation in video games. Moreover, how audiences receive representations of a whole variety of identities is an important area of further study. Finally, this is not a full and representative survey of the entire gaming industry. The strong correlations between themes that emerged in this study and previous studies of GLBT representation in other media, however, are significant.

Analyses of interviews with video game designers and journalists, press

articles, and message board discussions indicate that, as there are specific reasons that GLBT representation exists in other media, there are specific reasons for why it is not seen in video games. That is to say, it is not necessarily a matter of homophobic exclusion (though that exists too) but rather specific concerns of this industry make including GLBT content difficult and shape how the content that does get into games ultimately looks and plays (e.g., optional content). As DiMaggio and Hirsch describe, “[discovering the blueprints for imaginary feedback systems, and the ways in which they are formed and change, might provide the key to unlock the issue of information control in liberal societies” (1976, p. 80). As this analysis has shown, the attitudes of members of the industry toward GLBT content, how the audience for video games is constructed, what market and institutionalized risks there are to presenting nonnormative sexualities and genders, the structure of the industry and the ways in which sexual and gender identities are incorporated into game design all factor into how the GLBT community is represented in video games.

Literature on previous GLBT media also makes us aware of potential pitfalls in representation. Studies on the history of GLBT representation in the media have shown that often less gender normative or socially privileged (including lower class and racial minorities) members of the community are often excluded from media visibility, or at least given limited and problematic representation. Potentially, targeting the gaymer market may rely on very narrow definitions of what it is to be a gay gamer, an identity found in my previous research to be adopted by a wide variety of people. Also, focusing too heavily on having GLBT game developers making GLBT content ignores that heterosexual designers can also be concerned with, and are capable of, representing the GLBT community. Moreover, games with non-heterosexual, non-traditionally gendered characters could appeal to those outside the GLBT community. Finally, relegating GLBT representation to the realm of independent game developers could result in a ghettoization of content similar to that seen in the “girl games” movement.

This discussion has focused primarily on the North American context. Video games, however, are an international industry. In fact, a great many of the games that contain homoerotic content come from Asian countries (Korea and Japan primarily). Part of this may have to do with the fact that video games are not seen as children’s toys in these countries as all generations

play them, allowing for more open inclusion of sexual content for mature markets. Often this content is altered when the games are exported to other markets, a topic worthy of study in and of itself. How GLBT content is created and received within and across non-Western cultures is an important area of further study. I suspect, however, that though the perceptions of homosexual, bisexual, and transgender individuals vary by country and culture, the fact that certain industrial logics work to promote the inclusion or exclusion of GLBT content would hold true across cultures.

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Notes

1 Whether there is quantitatively as much representation within video games as other mediums is an empirical question that this article cannot address. Discursively, however, GLBT representation in video games is being spoken of as something new, as something rare, within the data analyzed for this study. As institutional discourses shape practices (Phillips, Lawrence, and Hardy, 2004), this article is less concerned with the "quantitative difference." That said, however, given that only 56 video games (see note two) reportedly have GLBT characters, and even that is a problematic number, and in light of the number of television shows listed in just the Prime Time Closet (Tropiano, 2002), I am willing to propose that there is less representation of the GLBT community in video games than in other mediums. To fully address this question, however, would require a text-focused study, which is not the task of this project.

2 Combining all sources, there are 56 video games that reportedly have GLBT characters, options, or references, including content that was removed prior to exportation from Asia. Although not the task of this article, a more thorough analysis of the content of these representations, particularly because many are ambiguous references to homosexuality, bisexuality, or transgender identity, would be an important addition to the literature.

3 Easter Eggs are hidden messages, images, and content found within video games by

those with the skill and motivation to look for them.

[4](#) I could only obtain contact information for six video game development companies, particularly because many of the developers of the games that are on the list mentioned in Note 2 have since folded. I received two refusals and four nonresponses.

[5](#) In almost all cases, press articles are the only places to find out about GLBT content without either playing the game or word of mouth, making the video game press as pertinent to the production of GLBT content as game designers.

[6](#) I e-mailed eight journalists and one mainstream gaming magazine who/which have written about GLBT content in video games and received five responses. I e-mailed, was put in touch with, or was contacted by nine video game designers, but only five were able to complete the interviews. In addition, two graphic designers replied to my message board posts and both completed the interview process.

[7](#) I have outlined this in previous work as well: “The ‘hero rescuing the damsel in distress’ genre of games, for example, is usually only ever subverted by having the woman as rescuer. Past romances are sometimes mentioned in the background stories to give characters depth but (almost) never refer to same-sex relationships. Heterosexuality is often referenced by way of flirtations or sexual language and banter (Gee, 2003; Pickard, 2003). Often when homosexuality is included in games it is hidden and requires a player to actively seek or create the ‘queer’ content. In role-playing games, for example, this requires arriving at a particular point in the game with the appropriate character traits and in-game experiences to achieve the same-sex relationship (ex. Fallout 1 and 2). It is possible, thus, to play these games without ever seeing a reference to homosexuality. The circulation of dominant gender norms in these games also negates the more open relationship with gender categories present in the LGBT community” (Shaw 2007).

[8](#) Arguably, it is philosophically problematic to distinguish between gender and sexuality in this regard. The reason for doing so is that representation of “women” has been addressed a great deal more than “GLBT” identities in the literature and offers a useful comparison for this analysis.

[9](#) Unlike the IGDA’s analysis of the data, I did not exclude any cases as doing so did not radically change demographic percentages but did allow for more varied comparisons, particularly international ones.

[10](#) In addition, only 19.7% of all respondents identify as not White. Similar to video game market demographics (Entertainment Software Association, 2006), the mean age for respondents was 29.7. Most have a higher education, 57.5% have college degrees, and 20.5% have postgraduate degrees. The majority (53.8%) of respondents are from the United States, followed by Europe and Russia (14.8%), Canada (11.6%), and the United Kingdom (9.1%). The IGDA’s report states that a North American bias in the topic of the survey and the language barrier may have precluded greater representation of other regions.

[11](#) Alias.

[12](#) Survey responses from those who identify as transgender were not different from those who do not, though the number of transgender individuals made these results statistically insignificant.

[13](#) Comments on IGDA's survey on industry diversity demonstrate this array of attitudes.

[14](#) The disparaging remarks were made about the homosexuality specifically and not necessarily directed toward the game's overall quality.

[15](#) This controversy arose when Andrews, a member of the MMORPG World of Warcraft, advertised the creation of an in-game GLBT friendly guild in a public chat area of the game. Blizzard, the company that owns the game, sent the player a warning that she had violated the games' sexual harassment policy. They argued that by being gay friendly, the guild would inevitably open itself up for harassment from anti-gay players and thus create a negative situation in the game. The public outcry, as well as support from Lambda Legal, forced the company to overturn its suspension of the player's account.

Production Protection to Copy(right) Protection

From the 10NES to DVDs

Casey O'Donnell

Casey O'Donnell, "Production Protection to Copy(right) Protection: From the 10NES to DVDs," IEEE Annals of the History of Computing, vol. 31, no. 3, pp. 54–63. Copyright © 2009 by IEEE Computer Society. Reprinted with permission.

Much of what modern digital rights management (DRM) systems attempt to accomplish was actually forcefully implemented on videogame consoles beginning with the Nintendo Entertainment System (NES) and SEGA Genesis system in the early 1980s. Examining the links between modern DRM mechanisms and these early production and copy protection systems can help contextualize the future of media production and access.

Nintendo's introduction of the Nintendo Entertainment System (NES) in the winter of 1985 marked a significant moment for the videogame industry. ¹⁶ The NES and its underlying 10NES chip signaled a sea change in the digital media landscape, and scholars are only now beginning to understand its impact on media users and consumers. ¹⁷

The 10NES chip in the NES and a similar technology in the Sega Genesis system shifted user and consumer understandings of and expectations for videogames in ways that differ from music, movies, and other forms of emerging digital media technologies. By scrutinizing the functionality of these different forms of production protection as well as reviewing the introduction of encryption and related US-based legislation, it is possible to reconstruct the evolution of digital media protection controls.

Essentially, the 10NES chip marked a consequential moment for the future of videogame players and media users and consumers, when the digital media industry transitioned from production protection to copyright protection. This transition is crucial to understanding the broader implications that developments in videogame technologies have had on subsequent digital media technologies such as DVDs. The implication is that these technologies

have affected what users and consumers expect from digital media technologies.

The emphasis on copyright rather than production rights has created a trend that has been imported, perhaps even accidentally, into other media industries. Consequently, most digitally distributed content now contains some form of production protection, copy protection, and regional encoding.

Impact of the NES

Scholars who have examined the history, political, and economic impacts of the videogame industry have noted that Nintendo introduced the NES and the 10NES chip as a means of “fixing” what it perceived to have gone wrong with the previous generation of videogame hardware (see Figure 1). For example, Atari, one of the most prominent early commercial console videogame developers, sued to prevent start-up organizations like Activision from making third-party games for the Atari 2600 Video Computer System (VCS) system in 1980, but it was unsuccessful. After the court case was settled, numerous other third-party publishing companies began making cartridges for the 2600. Any company capable of determining how the 2600 worked and willing to pay for the cost of producing cartridges could then market their games, which set a low bar for quality. Infamous examples of this include Custer’s Revenge and E.T. Even ports of games like Pac-Man were deemed of low quality because of poor graphics performance and glitches in the games. The sheer quantity and poor quality of games being released for Atari console systems was at least partially, if not entirely to blame for the “crash” of the videogame industry in 1984. (For a more popularized discussion of this history, see Steven Kent’s book *The Ultimate History of Video Games*. [18](#))

As a result, Nintendo intended to keep tight control over the kinds and quality of games released for the NES by enforcing strict licensing agreements. [19](#) [20](#) [21](#) Whether the company succeeded is arguable, [22](#) but the perception of quality persists among many who work within the videogame industry even today. Nevertheless, these analyses fail to examine both the broad, long-term effects that strict licensing had on the game industry and the

shift it caused with respect to consumer expectations of videogame consoles.

FIG. 1

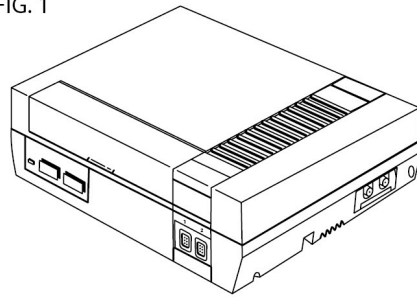


FIG. 2

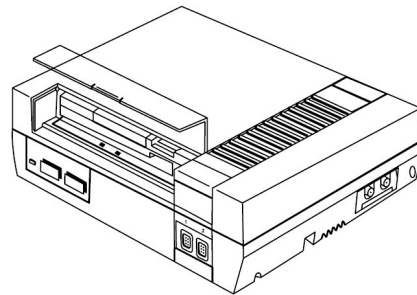


Figure 1. The Nintendo Entertainment System (NES) design patent. [23](#)

The introduction of the 10NES (also referred to as the 10NES Lockout Chip), was designed specifically to enforce, at a technological level, Nintendo's licensing and manufacturing agreements (see Figure 2). The following excerpt from the US patent filing details the invention: [24](#)

To verify that the external memory is authentic, duplicate semiconductor devices, for example microprocessors, are separately mounted with the external memory and in the main unit, respectively. The semiconductor associated with the external memory device acts as a key device and the duplicate device mounted in the main unit acts as a lock device. [25](#) of all external memory devices produced for their game systems.

Several court cases, filed by companies not wanting to work with Nintendo on its terms, quickly followed Nintendo developing these technologies. Nintendo's own testimony indicated that the 10NES chip was designed specifically as a means to enforce licensing agreements. At that time, the interest was in protecting Nintendo's ability to determine who could make and release games for the NES, rather than in copy protection, as indicated by the following court transcript excerpt:

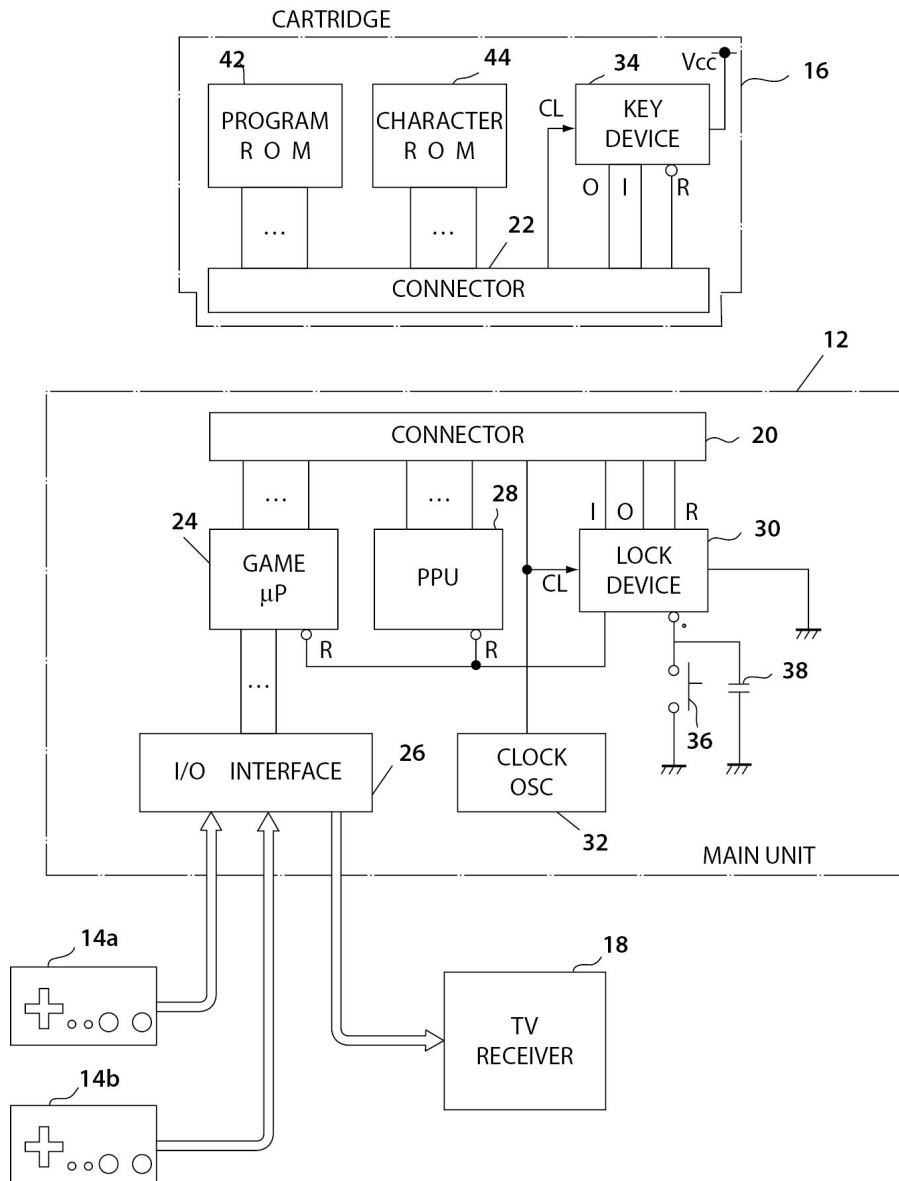


Figure 2. The lock and key of the 10NES patent.¹

Nintendo designed a program—the 10NES—to prevent the NES from accepting unauthorized game cartridges. Both the NES console and authorized game cartridges contain microprocessors or chips programmed with the 10NES. The console contains a “master chip” or “lock.” Authorized game cartridges contain a “slave chip” or “key.” When a user inserts an authorized cartridge into a console, the slave chip in effect unlocks the console; the console detects a coded message and accepts the game cartridge. When a user inserts an unauthorized cartridge, the console detects no unlocking message and refuses to

operate the cartridge. Nintendo's 10NES program thus controls access to the NES. [26](#)

This deceptively simple description belies a much more complicated device: a semiconductor lock and key. Nintendo designed a silicon lock and key to ensure the “authenticity.”

This technological legislation, as Lawrence Lessig termed it, [27](#) encouraged developers to work directly with Nintendo. This approach differed dramatically from how videogame production had been managed for previous consoles, such as Atari's grudgingly laissez-faire attitude. At the same time, it was only the beginning in terms of how significant this device would become. Up until the introduction of the NES, videogame production companies were largely able to create games without licensing.

The 10NES changed that relationship so significantly that Atari attempted to pursue an antitrust suit against Nintendo. This was partly because Atari had tried to circumvent the NES production protection mechanisms and was then sued for violating the copyright of the program contained in the 10NES chip. Atari's attempt to initially reverse engineer the chip through analysis of the 10NES chip itself ultimately failed, as the following quote indicates:

Atari first attempted to analyze and replicate the NES security system in 1986. Atari could not break the 10NES program code by monitoring the communication between the master and slave chips. Atari next tried to break the code by analyzing the chips themselves. Atari analysts chemically peeled layers from the NES chips to allow microscopic examination of the object code. Nonetheless, Atari still could not decipher the code sufficiently to replicate the NES security system. [28](#)

It is important to note that Atari lost its case against Nintendo, at least in part because the way it went about reproducing the 10NES program made it guilty of both patent infringement and copyright violation. Because Atari's initial attempts at reverse engineering failed, it eventually turned to the US copyright office for information about the functionality of the 10NES lock and key (Pp. 248–259). [29](#) This departure from the acceptable means of reverse engineering was ultimately what caused Atari to lose its case against

Nintendo. Had Atari continued with its original approach, it might have won the case because reverse engineering falls within allowable industry practices. Several companies did manage to circumvent the 10NES, but most then faced the difficulty of getting their games onto store shelves (unlike Atari, which had already established significant distribution networks with retailers).

Economics scholars examining similar industries have noted that these markets, based on particular hardware and software platforms, are multisided, and that when it introduced the NES, Nintendo created a two-sided platform of videogame consumers and developers. This enabled Nintendo to sell its hardware at a loss and encouraged partnerships with external development companies, or third-party developers. Nintendo was then able to charge a royalty for each cartridge produced for these developers. This “reward appropriation” on the part of Nintendo provided it a reward for the risk associated with developing and marketing the device. ³⁰ Developers were provided with a platform that they did not need to market or produce themselves. Nintendo argued that it did this in the interest of controlling the quality of NES games, but the situation also created artificial scarcity because Nintendo limited the number of games that could appear on the market at any given time. This coupled with high demand meant that prices could remain higher. (Interestingly, the practice of pricing console game systems at below cost and depending on licensing fees to buoy a manufacturer has begun to decline. By the end of modern consoles’ lifetimes, the consoles themselves often are quite profitable. In some cases, such as the massively popular Nintendo Wii, the console is actually no longer a loss leader, but the reward appropriation system remains in place.)

Accolade’s Defense

At nearly the same time Nintendo introduced the NES, its competitor Sega, having introduced its own console into the market with its own proprietary lockout mechanism, was fighting a court case with another videogame publishing company, Accolade. Accolade had managed to distribute videogame cartridges that circumvented the protection mechanisms of the new Sega console’s Trademark Security System (TMSS). Sega had licensed the TMSS technology rather than developing it in-house. The TMSS

functioned in a variety of ways across the Sega consoles, although its Genesis III implementation is particularly interesting:

The most recent version of the Genesis console, the “Genesis III,” incorporates the licensed TMSS. When a game cartridge is inserted, the microprocessor contained in the Genesis III searches the game program for four bytes of data consisting of the letters “S-E-G-A” (the “TMSS initialization code”). If the Genesis III finds the TMSS initialization code in the right location, the game is rendered compatible and will operate on the console. In such case, the TMSS initialization code then prompts a visual display for approximately three seconds which reads “PRODUCED BY OR UNDER LICENSE FROM SEGA ENTERPRISES LTD” (the “Sega Message”). All of Sega’s game cartridges, including those disassembled by Accolade, contain the TMSS initialization code. [31](#)

Because of the Genesis III’s TMSS licensing implementation, the court case between Sega and Accolade focused more on Accolade’s displaying the license screen even though it had not obtained a license. Even at this particular juncture, videogame console manufacturers were not concerned with copyright protection. Quite differently from the Nintendo and Atari case, however, Accolade succeeded in its defense of the litigation because of the methods it had used to bypass Sega’s security measures:

Accolade used a two-step process to render its video games compatible with the Genesis console. First, it “reverse engineered” Sega’s video game programs in order to discover the requirements for compatibility with the Genesis console. As part of the reverse engineering process, Accolade transformed the machine-readable object code contained in commercially available copies of Sega’s game cartridges into human-readable source code using a process called “disassembly” or “decompilation.” Accolade purchased a Genesis console and three Sega game cartridges, wired a decompiler into the console circuitry, and generated printouts of the resulting source code. Accolade engineers studied and annotated the printouts in order to identify areas of commonality among the three game programs. They then loaded the disassembled code back into a computer, and experimented to discover the interface specifications for the Genesis console by modifying the programs and studying the results. At the end of the reverse engineering

process, Accolade created a development manual that incorporated the information it had discovered about the requirements for a Genesis-compatible game. According to the Accolade employees who created the manual, the manual contained only functional descriptions of the interface requirements and did not include any of Sega's code.¹⁶

Although not explicitly mentioned in the court case, there was a significant difference between how the TMSS searched for particular bytes in a precise location on the game cartridge and the 10NES's functionality as a program—the TMSS ran on the console while the 10NES ran on the cartridge. This is particularly relevant for discussions about what does or does not count as encryption or digital rights management (DRM) in the context of the Digital Millennium Copyright Act (DMCA) era. (The DMCA was passed and signed into law by Bill Clinton in 1998. The amendments it made to copyright were far reaching, though most specifically focused on criminalizing the circumvention of copy protection systems.) The most far-reaching consequence of these cases is that both licensed and unlicensed videogame development had previously been crucial to the growth and success of the videogame industry.

As a case in point, Electronic Arts (EA) and Activision, now the two largest videogame publishing companies in the game industry, based their early business models on making unlicensed games for the Atari VCS.⁵ [32](#) It was in part their ability to make more money from their games without the cost of licensing fees that made them so financially viable. Similar to Accolade, EA was also able to successfully reverse-engineer the lockout mechanisms of the Sega Genesis.

Although EA's case never made it to court, it is indicative of how a company able to reverse-engineer, instead of licensing, lockout mechanisms could yield a competitive advantage. Because it had successfully defeated Sega's TMSS system, EA argued for reduced licensing fees from Sega, which it was ultimately granted. [33](#) From this point forward, licensed game development was nearly the only recognized and acceptable form of videogame production.

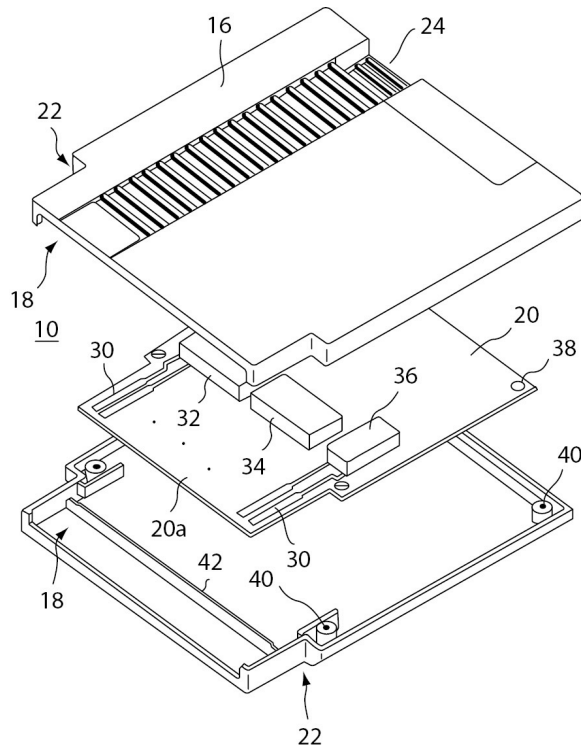


Figure 3. A schematic of an NES cartridge assembly. [34](#)

Economic considerations for companies like Nintendo and Sega extend beyond licensing fees. Because game console manufacturers control the means of production, the creation of console cartridges can on its own become a lucrative business (see Figure 3). Although actual price lists for many of these items are difficult to find, it was common knowledge among many working in the videogame industry that Nintendo made significant profits from manufacturing its cartridges. [35](#) Nintendo was also able to charge different fees for different storage capacity cartridges. If a cartridge needed a battery to retain saved game data, a battery price was included. The printing of instruction manuals, posters, warranty cards, or any other materials that were to be included with a game’s packaging were also included in these transactions. This aspect of production control still exists.

Although the margins on production of disks for modern consoles are not as significant as those during the time of the NES, the economic interests remain.

Distribution Controls

Critically linked to these production and copyright protection policies was the introduction of systems designed to control distribution through technological mechanisms. Although the NES did not explicitly use regional encoding or region lockout mechanisms, the cartridges created for the Japanese Famicom (or family computer) were shaped differently than those of the US-based NES. ³⁶ Nintendo did patent an adapter for the NES that allowed the NES to play Famicom cartridges (see Figure 4). ³⁷ However, because demand for Japanese games had not yet taken hold in the US, the adapter was not widely sold or marketed. This meant that it was left to the discretion of a videogame publishing company where it would like its game distributed. Producing cartridges for each market demanded separate manufacturing runs, for which the publisher had to pay in advance. There were several other regional differences between the two game consoles, particularly Nintendo's decision not to create or market a disk drive for the NES similar to the one made for the Famicom.

The high cost of console cartridges also served as a significant barrier to their unauthorized production. Because the NES was designed to accept only a specific, patented cartridge form factor, it was difficult for companies—even with the ability and resources to reverse-engineer the NES's capabilities—to produce their own cartridges. Because the NES's cartridges contained ROMs and the cost of memory was significantly higher than it is now, these devices were extremely expensive to produce. Nintendo also viewed cartridge production as a money-making opportunity, not simply as a loss-leader or a break-even situation. Thus, the medium itself was a means to control the rights of production.

Combined, the lockout mechanisms, proprietary cartridges, and constant legal vigilance over these devices, created a space where the ability to create media destined for a particular videogame console was highly controlled. These restrictive production controls still largely remain in place and have affected the structure of the videogame industry. Every videogame console released since the NES has included some kind of lockout mechanism. Although not every videogame console has included regional lockout mechanisms, most have. These ensure tight control over videogame licensing and distribution.

Beyond the 10NES

Videogame production control has effectively influenced and infiltrated all manner of digital media technologies. We can trace the connections between the NES restrictions and those now placed on other digital media products, particularly for DVD technology. [38](#) These approaches to locking devices have even altered how media users have come to understand their relationship with and rights of access to produce digital media.

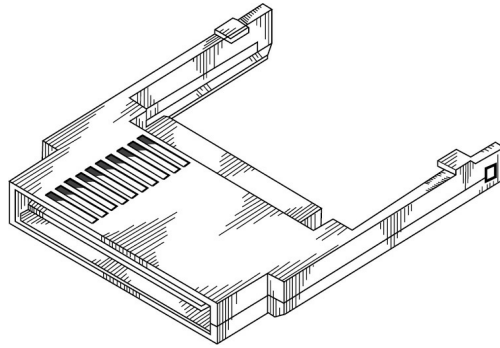


Figure 4. Schematic for an adapter that let users play NES cartridges on the Japanese Famicom. [39](#)

How did the transition from thinking about these technologies as production protection or trademark security devices designed to address concerns over copyright occur? Because these devices were not publicly discussed, there is no one distinct moment. Likely, the transition gradually emerged around the time of the early lobbying efforts by the Entertainment Software Association (ESA). The ESA was an industry representative group formed originally in 1994 under the name Interactive Digital Software Association. The ESA was responsible for the significant rise in public service announcements about unauthorized copying of PC-based videogames. Yet, these technologies enable videogame manufacturers to carefully manage those who wish to produce games for their systems, which is often omitted from discussions surrounding DRM or copyright.

Numerous patents related to the protection and authorized use of software reference the Nintendo patent. [40](#) These patents then become the foundational materials for other software copy-protection methods. The number of patents in this particular area exploded around the same period (between 1985 and

1986). An early text on legal maneuverings in the worlds of software and hardware producers states that the 10NES “put(s) in mind immediately the AutoCAD lock” (p. 247).¹⁴ The AutoCAD lock was a physical device connected to the computer running the software; it functioned similarly to the 10NES chip. Even Nintendo’s later patents that reference the 10NES patent evolved from focusing on ensuring authorized production to “restricting the playing and copying of video games to authorized users.” [41](#) It is precisely this transition from production protection to authorized use that has been lost. The conceptual connection between the 10NES and the Content Scrambling System (CSS) technologies is what’s important. CSS is an algorithm, a program much like 10NES, but it takes the negotiation one step further. Once a DVD is judged valid by the CSS algorithm, CSS also becomes the intermediary, decoding the data from the disk and delivering it in unencrypted form. The 10NES and CSS programs are designed to do similar things, but CSS is considered encryption and the 10NES is not.

DVD encryption uses CSS to not only lock disks, much like the 10NES chip, it takes the idea one step further. NES cartridges can be directly read and copied to computer systems. These can frequently be found online at websites that, with questionable legality, distribute ROMs. Someone with enough time, interest, and knowledge of the system’s processor and assembly language can even decipher the game’s original source code. This of course is not the case with DVDs. The data on a locked disk must be decoded using the CSS algorithm, which is a copyrighted trade secret. The proper hardware and software is required to produce DVDs, and data pulled from a DVD is unreadable in its native state.

The same is true for viewing DVD content. Nintendo remained largely content with explicitly protecting its control over production and implicitly enjoying the difficulty of unauthorized reproduction. The rise of digital technologies and high-speed Internet service has made the control of redistribution a renewed area of focus for intellectual property (IP) rights holders. Because they essentially embody the means for controlling copyright, DVDs and CSS make it significantly more difficult for unauthorized copying, but these technologies also let manufacturers control production, just as they did with the 10NES chip. The content burned to a disk must be simultaneously encrypted, which is one reason why DVD (and

earlier CD-ROM) burners were initially expensive and required significant computer hardware power to create. If a computer's CPU was unable to make those calculations quickly enough, the disk-burning process would fail. This also required that software and hardware makers license the CSS algorithm from the DVD Content Control Association in order to create those burning tools. Despite DVD's being an industry "standard," it retains many of the core ideals of ensuring controlled production.

Put another way, production control supersedes copyright or IP protection. All copyright or IP protection mechanisms have elements of production protection, which lets a device or media manufacturer dictate who can or cannot produce media for a given device. Licensing becomes the *modus operandi*, closing a market to the producers outside established corporate partnerships. In many cases, this also indicates that the technologies are no longer accessible to the producers outside official organizational networks.

Ramifications for Competition

Because the CSS algorithm is considered encryption, it falls into a new category of illegal-to-circumvent technologies under the DMCA.⁴² So while these new technologies primarily focus on copyright, they continue to have significant historical links to controlling production capabilities. Although this approach historically might have been rooted in reward appropriation in an effort to recover RandD costs, in many cases it has more to do with ensuring "proper" use of copyrighted material. Especially when a media technology is new, cost by itself is a significant production protection mechanism. As a new technology becomes more pervasive and affordable, such controls over production diminish. Of course, in the videogame industry, where platforms and technologies are made obsolete by the release of new hardware every five years, the equilibrium point is never reached. Each of these platforms also tends to take a particular technology and add additional complexities to discourage affordable production tools. This dramatically increases the production costs for these systems.

The inability of companies to compete by circumventing these production protection mechanisms has shifted the entire videogame industry. Efforts that were once cited as fostering innovation in the game industry are now

impossible. Anyone hoping to produce digital media outside the legally defined lines risks being taken to court on criminal charges.

These limitations and their implications have been examined in, for example, the well-known cases of Jon Johansen (the creator of the DeCSS program that allowed for unauthorized DVD decryption) and of academic researchers conducting encryption and security investigations.⁴³ At the same time, it seems important to rethink these cases in light of the Sega, Atari, and Nintendo cases mentioned earlier. One might involve legitimate reverse engineering of production protection technology, while another might entail illegitimate or illegal circumvention of DRM technologies. However, these early cases examined productive capacity, something that subsequent court cases have not.

In the Atari and Accolade cases, the legality came down to a question of the methods of bypassing of the 10NES and TMSS. The possibility of circumventing production rights was never in dispute. Atari was found to be in violation of copyright and patent law because it was attempting to directly copy the 10NES code and because it used the copyright office to determine how the device functioned. Its claims about encouraging free competition were never in question and were even considered a particularly laudable aspect of its court case.

On the other hand, Accolade's reverse-engineering approach stood up in court:

Accolade engineers focused on the code segment identified by Lorenzen. After further study, Accolade added the code to its development manual in the form of a standard header file to be used in all games. The file contains approximately twenty to twenty-five bytes of data. Each of Accolade's games contains a total of 500,000 to 1,500,000 bytes. According to Accolade employees, the header file is the only portion of Sega's Code that Accolade copied into its own game programs.¹⁶

Only 25 bytes of reverse-engineered object code was necessary to allow Accolade to circumvent the Genesis TMSS. Regardless of the amount of code, the question was if the duplication of this disassembled object code counted as fair use. Accolade's argument eventually swung the court's

decision in its favor:

Accolade's fourth argument [that disassembly of object code in order to gain an understanding of the ideas and functional concepts embodied in the code is a fair use], however, has merit. Although the question is fairly debatable, we conclude based on the policies underlying the Copyright Act that disassembly of copyrighted object code is, as a matter of law, a fair use of the copyrighted work if such disassembly provides the only means of access to those elements of the code that are not protected by copyright and the copier has a legitimate reason for seeking such access.¹⁶

In an environment where there are no other mechanisms by which to determine how a system functions, it remains fair use to disassemble that device.

Sega claimed in the trial that Accolade could have determined another method to work around the TMSS. However, the burden of proof for alternative methods was on Sega:

The cartridges were prepared by Nagashima, an employee in Sega's Hardware Research and Development Department who was "familiar with the TMSS system." At most, the Nagashima affidavit establishes that an individual familiar with the operation of the TMSS can discover a way to engineer around it. It does not establish that a competitor with no knowledge of the workings of the TMSS could do so. Nor is there any evidence that there was any public or industry awareness of any alternate method for gaining access to the Genesis III. Evidence that an individual, even an independent expert, produced one or more cartridges is not sufficient proof that an alternate method exists.¹⁶

The court was acutely concerned with whether Accolade had the capacity to develop a "commercially feasible alternative" means of production outside of Sega's mandates, and it recognized that ultimately the case was one about production capabilities. If Accolade had a means to work around the TMSS in order to create games for the Genesis that did not violate copyright and was economically feasible, then it was obligated to do so. Because Sega did not demonstrate an alternate method, Accolade was permitted to use its developed circumvention methods.

However, Accolade was one of a very few companies able to circumvent these systems and develop games for videogame consoles without licensing agreements. A number of companies did manage to circumvent Nintendo's lockout mechanisms, but based on unscientific searches, only 87 unlicensed titles were released, compared to the 670 licensed titles for the NES. [44](#)

Ultimately, through these efforts, the videogame industry was able, early on, to realize and implement those structures, systems, and user expectations that are now common to digital media technologies. Although the DVD introduced encryption technologies in the realm of consumer electronic devices, the videogame industry fathered these restrictive systems. In the end, it was encryption in concert with the DMCA that ultimately realized the goal of uncircumventable production protection.

There are crucial similarities between what Jon Johansen attempted to do and the cases of Sega, Nintendo, Accolade, and Atari. The difference is that Johansen was not interested in production; he sought freedom of access to data, rather than functionality, interoperability, or production. This is where the DMCA is explicit:

The committee emphasizes that nothing in those subsections can be read to authorize the circumvention of any technological protection measure that controls access to any work other than a computer program. [45](#)

Thus, the emphasis on access, rather than on creative capacity, has enabled the continued advancement and spread of DRM and technologically enforced copyright protection.

Conclusion and Implications

Certainly, a great deal has changed since the time of the NES, Genesis, 16NES, and TMSS. We must not, however, forget the historical context in which technologies like Apple's iPod FairPlay DRM system and DVD's CSS are rooted: their predecessors controlled not simply copyright but production as well.

In nearly all respects, DRM was birthed by the videogame industry with very little media user and consumer resistance. Even when users and

consumers have resisted these mechanisms, the argument focuses on access to data and copyright, rather than on productive capacity or production rights. Users clearly enjoy being able to access their content or data across various systems or devices, and the DMCA specifically makes that problematic. These impediments are becoming more serious, and as digital distribution of all forms of media content grows, the ability to share or move our programs, media, and data becomes ever more difficult. These same technologies restrict the ability for users or media producers outside established corporate networks to create content for these devices as well.

Technologies like CSS, developed from the desire or need to control copyright and IP, inherently possess foundational aspects of production control that were introduced by the videogame console industry. This aspect of DRM technologies has been obscured in current debates about copyright. Controlling media consumption has paradoxically trumped the importance of how the industry controls media production, which precedes copyright.

Acknowledgments

Some of the material presented in this article draws on research supported by an NSF Dissertation Improvement Grant #0620903 titled “Videogaming, Work, and the Play of the New Economy.” It also draws on research conducted as part of a larger dissertation project at Rensselaer Polytechnic Institute in the Science and Technology Studies Department. [46](#)

Notes

[16](#) Further examination of the long-term effects of the 10NES chip on the videogame industry more broadly can be found in C. O’Donnell, “The Nintendo Entertainment System and the 10NES Chip: Carving the Videogame Industry in Silicon,” to be published in *Games and Culture: A Journal of Interactive Media*, expected Spring 2010.

[17](#) The distinction between users and consumers is made because of differences that are important when examining digital media. There is a significant tension between what users do with digital media and what digital media producers wish, expect, or allow them to do. In part, this tension is central to those issues that now face a Web

2.0 world, in which the expectations of users to be able to (re)mix, shift, and play with technologies runs into conflicts with media producers' desire.

[18](#) S.L. Kent, *The Ultimate History of Video Games: The Story Behind the Craze that Touched Our Lives and Changed the World*, Three Rivers Press, 2001.

[19](#) D. Sheff, *Game Over: How Nintendo Zapped an American Industry, Captured Your Dollars, and Enslaved Your Children*, Random House, 1993.

[20](#) S. Malliet and E. Zimmerman, "The History of the Video Game," *Handbook of Computer Game Studies*, J. Raessens and J. Goldstein, eds., MIT Press, 2005, Pp. 23–46.

[21](#) J. Johns, "Video Game Production Networks: Value Capture, Power Relations, and Embeddedness," *J. Economic Geography*, vol. 6, 2006, Pp. 151–180.

[22](#) Of course, we need only look at the analysis of some particularly vocal videogame critics to note that the "Seal of Quality" does not always indicate levels of quality on the NES. The "Angry Video Game Nerd" has become a viral Internet phenomenon because of his lampooning of particularly bad NES games (<http://www.ScrewAttack.com/AVGN>).

[23](#) M. Yukawa, Video Game Control Unit, US Patent No. D299726, to Nintendo Co., Patent and Trademark Office, 1985.

[24](#) Several texts have mentioned the existence of the 10NES chip, but none ever offered any proof of the device's existence (see Clapes' *Softwars* and Sheff's *Game Over*). Despite this, researchers have used these reports as facts, without inquiry into the validity of these claims or the device's functionality. (See S. Kline, N. Dyer-Witherford, and G. de Peuter, *Digital Play: The Interaction of Technology, Culture, and Marketing*, McGill-Queen's Univ. Press, 2005.)

[25](#) K. Nakagawa, System for Determining Authenticity of an External Memory Used In an Information Processing Apparatus, US Patent No. 4799635, to Nintendo Co., Patent and Trademark Office, 1985.

[26](#) K. Nakagawa and M. Yukawa, Memory Cartridge and Information Processor Unit Using Such Cartridge, US Patent No. 4865321, to Nintendo Co., Patent and Trademark Office, 1987.

[27](#) *Atari Games Corp. and Tengen, Inc. v. Nintendo of America Inc. and Nintendo Co., Ltd.*, 975 F.2d 832, 1992.

[28](#) L. Lessig, *Code and Other Laws of Cyberspace*, Basic Books, 1999.

[29](#) A.L. Clapes, *Softwars: The Legal Battles for Control of the Global Software Industry*, Quorum Books, 1993.

[30](#) D.S. Evans, A. Hagui, and R. Schmalensee, *Invisible Engines: How Software Platforms Drive Innovation and Transform Industries*, MIT Press, 2006, Pp. 115–153.

[31](#) *Sega Enterprises Ltd. v. Accolade, Inc.*, 785 F.Supp. 1392, 1992.

[32](#) T. Donovan, "Top 20 Publishers," *GameDeveloper Magazine*, vol. 13, no. 10, 2006, Pp. 11–18.

[33](#) F. Cifaldi and J. Fleming, "We See Farther—A History of Electronic Arts," *Think*

Services Game Group, 2007; http://www.gamasutra.com/view/feature/1711/we_see_further_a_history_of_php

[34](#) Nintendo, “NES Licensed Game List,” 2003; http://web.archive.org/web/20070317023021/nintendo.com/doc/nes_games.pdf

[35](#) An example of the price list for the Nintendo 64 can be found in the SEC filings of some companies. (See Bam Entertainment, Inc., “IPO S-1, EX-10.31, Material Contract,” 2001.) Other such price lists can be found in similar filings, but fewer and fewer have been included in the public filings of companies, making research on the precise economics of this system difficult.

[36](#) Scholars have noted that regional coding schemes have been used in videogame systems like Sony’s PlayStation console (see T. Gillespie, *Wired Shut: Copyright and the Shape of Digital Culture*, MIT Press, 2007, p. 265). It appears to date back even further than the PlayStation 1. Region “coding” has been part and parcel of the videogame industry ever since the release of the NES. The close control over production and distribution, although not technologically enforcing these rules, has significant repercussions for regional distribution.

[37](#) The creation of legitimate means to import videogames or circumvent regional encoding has never been marketed to consumers since this device. The only means users have of circumventing these devices is to purchase mod chips, which are illegal in most countries (see Gillespie’s *Wired Shut*, p. 266). Not surprisingly, these devices also allow developers to circumvent production protection. Many aspiring videogame developers import mod chips from countries like China and Korea in the hopes of learning how to develop games for these systems. Some videogame developers also use these devices to supplement their supply of development kit hardware (dev kits). See, for example, “Lik-Sang.com Out of Business due to Multiple Sony Lawsuits” (http://www.gadgetmadness.com/archives/20061024-likesangcom_out_of_business_due_to_multiple_sony_lawsuits.php).

[38](#) Some scholars have cited the introduction of DVD as being a particular departure from “squabbling over video formats,” as was seen early on in media technology. (A.R. Galloway, *Protocol: How Control Exists after Decentralization*, MIT Press, 2004.) On the other hand, we can now point to technologies such as Sony’s Blu-Ray, which seem to indicate a shift in the other direction. Certainly there is little interoperability between many of the media formats that exist on our emerging digital media technologies. This shift owes a debt of gratitude to the videogame industry, which has provided a blueprint from which to work to advance these efforts.

[39](#) Y. Inoue, Adaptor for a Game Machine Cartridge, US Patent No. D308197, to Nintendo Co., Patent and Trademark Office, 1987.

[40](#) For example, an early NCR patent describes a now common method by which a program counts down the number of days a user has to register a piece of software prior to its no longer functioning. They note specifically Nintendo’s “lock” and “key” approach to authorization. The patent document itself (G.L. Edwards Jr., US

Patent No. 5014234, to NCR Corp., Patent and Trademark Office, 1986.) addresses the perceived need for copyright control: “unauthorized use of proprietary computer programs is widespread” and it is “necessary for developers of such software to set licensing fees for the use of such software at a sufficient level to recover such costs.” Despite the prevalent use of these methods today, most software packages have not declined in price.

[41](#) T. Hibino and Y. Satoshi, Security Systems and Methods for a Videographics and Authentication Game/Program Fabricating Device, US Patent No. 5599231, to Nintendo Co., Patent and Trademark Office, 1994.

[42](#) DMCA. To amend title 17, United States Code, to implement the World Intellectual Property Organization Copyright Treaty and Performances and Phonograms Treaty, and for other purposes, 17 U.S.C. §§512, 1201–1205, 1301–1332; 28 U.S.C. § 4001; 17 U.S.C. §§ 101,104, 104A, 108, 112, 114, 117, 701. 1998.

[43](#) P. Samuelson, “DRM {AND, OR, VS.} THE LAW,” *Comm. ACM*, vol. 46, no. 4, 2003, Pp. 41–45.

[44](#) P. Samuelson, “Reverse Engineering Under Siege: Is Reverse Engineering a Lawful Way to Acquire Trade Secrets?” *Comm. ACM*, vol. 45, no. 10, 2002, Pp. 15–20.

[45](#) P. Samuelson, “Anticircumvention Rules: Threat to Science,” *Science*, vol. 293, 2001, Pp. 2028–2031.

[46](#) C. O’Donnell, “The Work/Play of the Interactive New Economy: Video Game Development in the United States and India,” doctoral dissertation, Science and Technology Studies Dept., Rensselaer Polytechnic Inst., 2008.

Codemining, Modding and Gamemaking

James Newman

James Newman, "Codemining, Modding and Gamemaking," Playing with Videogames, pp. 151–178. Copyright © 2008 by Taylor and Francis Group. Reprinted with permission.

Playing with Code

So far, we have explored a range of practices that repurpose videogames through the manipulation, extension and adaptation of their representational systems or reconfigure them through the transformativity of sometimes radical play [Editor's note: This paragraph refers to the structure of the book *Playing with Videogames* from which this chapter was taken.]. In Part 2, in particular, we noted that this configurative play frequently involves a close scrutiny and analysis of the operation of the game system that exposes a clear consideration of the videogame as algorithmic rather than representational, as malleable material for playing with rather than static text, and as a nonetheless bounded system that is exploitable due to the permeability and minute imperfection of the underlying program. The hunt for and use of glitches and the production of detailed Game Guides speak of an engagement with the game as code, its operation, rules and inconsistencies. The practices we have seen so far involve scrutiny of the manifest effects of the program, whether these outcomes are intended by the developers or not, assuming that it is even possible to discern the intended from the glitch. In Part 3, we will turn our attention to some of the ways in which gamers may modify the actual program itself. The authors of Game Guides and walkthroughs seek to understand, analyse and virtually decompile the code, interpreting and representing the complexity of routines, subroutines, contingencies and loops as plain advice, guidelines and principles that can be understood by gamers and, most importantly, used in their gameplay. Practices such as 'modding,' however, in which commercial games are literally modified or even remade using software tools, involve tinkering with and directly affecting the codebase of the program, altering its

operation, creating different and sometimes wholly new playing experiences.

Clearly, there is a high degree of technical competence demanded here that places some of the practices we will examine in this chapter out of the reach of many gamers (see Dovey and Kennedy 2006, on ‘technicity’). However, two things are noteworthy. First, and in common with a number of the creative and productive endeavours we have encountered throughout these pages, while the direct modification and manipulation of the code are practised by a minority, the outputs of this work exist within and even create wider cultures, communities and rich contexts for criticism, review and play. As such, even though the highly technical work of creating modifications is open to only a small subset of gamers, the availability of the products of these groups sustains and provides renewed opportunities for a far more extensive group using, discussing and offering critique of these products. These modding communities that might include the active programmers, level designers and artists as well as eager players and supporters of these individuals and teams are embedded within the processes of production and consumption as they offer feedback and non-technical input. Second, gamers operating in these highly technical areas of production do not necessarily operate in isolation. We have noted that the support of a community is commonplace within videogame and wider fan cultures, but it is important to note that while media fandoms often exist in a tenuous relationship with the mainstream of the commercial media industries, tolerated or ignored in the shadow economy of fandom (Fiske 1992) until they present problems or challenges (see Jenkins 1992, and note the issue of ‘Foxing’ below), in the case of videogame modding, gamers enjoy a quite different position. Indeed, as we shall see, the work of modders is not merely accepted but is positively encouraged with tools, support and means of distribution on offer. Of course, all is not unproblematically rosy, and mod teams work under often restrictive licensing agreements that severely curtail their ability to exploit their work and that appear to significantly advantage the commercial producers who benefit greatly from the work of these dedicated teams of gamers.

We will investigate the reconfiguration of the game and the creation of new levels and even new games through the use of bespoke modification tools supplied and supported by the game’s developers in the second part of this chapter. Before that, however, it is useful to remind ourselves that resourceful and dedicated gamers do not need an official invitation from developers to

probe and modify program code.

Codemining: Looking Inside the Game

In Chapter 3 [Editor's note: see James Newman, *Playing with Videogames*, Routledge: 2008], we noted the inventiveness of the community of gamers coalescing around Sonic the Hedgehog. We observed the depth of analytical skills and the breadth and rigour of research that extended far beyond the original canonical texts into magazine articles and interviews with the development team often read in translation as well as the authorship and attribution of the titles themselves. Moreover, we noted that the collective knowledge created in the online dialogical space of the forum displays a remarkably detailed understanding of the canonical and extended universe texts as well as the practices and processes of production that give rise to them. However, the knowledge of the production practices with which the Sonic community operates goes deeper still than an awareness of the authorship and a, perhaps misplaced or overstated, notion of the involvement of individuals such as Yuji Naka in development and design. While pre-release screenshots are scoured for indications of abandoned levels, characters or modifications of graphics, for more technically-savvy gamers, the code of games reveals many palimpsests that may be able to shed yet more light on these pre-release directions. Within the released and therefore publicly available code, it is often possible to find the remnants of graphic designs that were sidelined or superseded. These are not secrets designed to be found by avid players or acolytes of the game and cannot be accessed via the game itself. Rather, these are simply materials that remain unused in the game but undeleted from the code and that may only be revealed by probing the original code with PC-based editing and programming tools such as Hex editors, for example. As we will see later, the legality of these endeavours is at best a grey area.

For those gamers keen to glimpse into the production processes, access to pre-production or 'beta' code is the Holy Grail as it might contain underdeveloped ideas, unfinished levels, sequences, animations and even characters that are later abandoned and absent from the publicly released game:

Welcome to S2B [Sonic 2 Beta]. This site is dedicated to the archival and research of prototype versions of SEGA's video game Sonic the Hedgehog 2 made for the Genesis/MegaDrive. Much like a movie, a video game undergoes heavy "editing" before shipping, and significant amount of data is stripped due to time or space constraints. In the case of Sonic 2, several zones were completely cut from the final version. For years, questions have been asked regarding the staggering discrepancies between Sonic 2 and old magazine preview screenshots. Gamers could only dream of being able to play the lost levels first-hand—until the binary image of Sonic 2 Beta surfaced on the Internet in late 1998 ...

(‘The Sonic 2 Beta Page’ (n.d.) [online])

The sources of pre-production code vary though it is common practice to send incomplete preview versions to magazines and television programmes or to demonstrate them at trade shows, for instance, whereupon the code may be intentionally leaked or even stolen. Speaking of the Sonic 2 Beta code that is the focus of much of the Sonic Secrets Scene's activity, Sonic Team lead developer Yuki Naka explains:

I guess I am pretty surprised at the level of dedication of fans on the Internet. But how do I say this ... there is a bit of a problem. I mean, I am glad that people really, really like the games, but if it gets to the point where they are engaging in activities that can hurt us or Sega in some way, that's not good at all. Like, way back when we had a beta ROM of Sonic 2 that was stolen by someone. That one even had the Hidden Palace in it ... You see, back in mid-1992, we had taken a demonstration cartridge to a toy show in New York. It wound up being stolen, and although we searched and searched all over, it was never found. So that's probably where the data comes from.

(Kemps 2005 [online])

For the members of the ‘Sonic Secrets Scene,’ the Sonic 2 Beta code provides unheralded insight into the videogame production processes and unparalleled access to this evidently much-loved game's assets and resources that may be interrogated and celebrated. The continued research of gamers

and their investigative efforts, revealing graphical fragments and theorising about reasons for the abandonment of levels and ideas, keeps Sonic 2 alive long after its release fifteen years ago, and long after its original platform has been superseded and disappeared from retail.

What Is Sonic 2 Beta?

Sonic 2 Beta is an unfinished, prototype version of Sonic 2. Sega sent these out to magazine companies for preview before the final version was out. What's the big deal about an unfinished prototype version?

Some "lost" levels can be found in the beta version. Lost levels are zones that were originally planned to be included in the final release of Sonic 2, but were missing in the final version. The lost levels include a desert level, Wood Zone, Hidden Palace Zone and Genocide City Zone. Some existing zones have special features that are not available in the final version, such as the wooden balls in Oil Ocean Zone.

(‘Frequently Asked Questions about Sonic 2 Beta’ (n.d.) [online])

The ‘Sonic Secrets Scene’ thrives on the investigation of the raw beta code and gamers have even developed their own software analysis tools and level editors to access the inner workings and extract the fullest possible level of detail and information from the incomplete program. Pages at ‘The Sonic 2 Beta Page’ meticulously document the changes in animation cycles between beta and release code as well as differences in level design and layout and even missing levels. What is important here is not only the level of technical expertise on display as sprites, backgrounds, music and levels are extracted from the original game code, but also the degree of triangulation. Magazine articles and TV previews of the in-production game are scrutinised for corroborative detail and suggest new directions for research (‘staggering discrepancies between Sonic 2 and old magazine preview screenshots’). As such, we note the way that the videogames press’s focus on the imminent presents a rich resource for gamers who pore over screenshots and interviews not only to seek out clues of forthcoming games, but also refer back to this library of reference materials as they compare final games with their earlier incarnations and the claims of their developers.

Without doubt, the value of the Sonic 2 Beta code is found in the

opportunities it offers for visible mastery of the series. It is an extension of the canonical texts that offers new pleasures for play and interesting juxtapositions as music, levels and animations familiar and unfamiliar are combined in unexpected ways. Available for this degree of scrutiny after the release of the final game, and consequently encountered outside its chronological position in the Sonic canon, it appears as a remix of the released title. However, there is more to the beta than this. The code provides glimpses into the production and pre-production processes and sheds light on the development cycle. In this way, even though it precedes it in development time, the beta is a means of better understanding and recontextualising the original, canonical game as a playable experience.

However, while the revelation of these palimpsests may represent a considerable technical achievement and is evidence of a dedication and interest in the very workings of the game, not to mention an awareness of the processes of production, they do not always simply give up their heritage or neatly provide answers to fans' questions. It may be considered that this is precisely compatible with the fans' desires. The revelation of ambiguous graphic designs, for example, encourages deliberation and analysis as to what they may have been, how they might have been deployed, why they were unused. This, in turn, gives rise to a separate strand of fan writing: the 'theory.' As we have seen, within the Sonic the Hedgehog community, fanwriting may be differentiated in terms of its compatibility with and closeness to the canon. Theories that attempt to posit explanations for apparent inconsistencies in the games' narrative continuity are thus differentiated from 'fanfics' that are more fanciful and imaginative in their scope. The extract below is taken from the 'Missing Sonic 2 Levels' community website:

Sonic 2 Time Travel Theory

So far, Sonic CD is the only Sonic game with a time travel feature. But as I recall, Sonic Team was going to put time travel into Sonic 2 too! So, they designed levels with TT in mind. Sources claim that each level was supposed to be set in a certain time period, however, that may be incorrect. I think I've found the proof Sonic 2 was going to feature a Sonic CD-type time travel (without the Past). Take a look at first five

levels in Sonic 2 Beta ...

I may be going too far, but listen to the music. 01 certainly sounds like a Good Future remix of 00. And 03 sounds like a Bad Future. As for Wood Zone, it uses the same music as the two Metropolis Zones, but that's okay, they would remix it in a later date.

Talking about Wood Zone—its design and idea are pretty pointless; a forest with conveyor belts and hollow trees? But when you look at it differently (what a factory looked like in the past) then it makes sense. And the hollow tree was going to be a warp tube from Metropolis—try jumping on it. You can't. You can't jump on warp pipes too! And speaking of Metropolis, why are there two Metropolis Zones? They are both Bad Future. One of them was supposed to be a Good Future, which is basically Bad Future with graphics changed. Wait ... something ain't right here ... I know. Wood Zone only has two acts, but Metropolis has three. This is the real proof. In Sonic CD, act three always goes on in the future. And, as far as I can think (not very far) 01 and 03 zones have act 3 too! So, depending on how you completed acts 1 and 2, act 3 was a good or bad future.

(‘Missing Sonic 2 Levels’ (n.d.) [online])

The richness of this work, and the subsequent discussion and debate among the community, and the willingness to engage in critical recuperations and analyses of the canon in light of these new findings derived from inside the game code illustrate the technical savvy, inventiveness and rigorous research upon which these theories are often founded and the way in which the revelations from the beta codemining are worked into the more general analysis thereby becoming part of the community's collective knowledge.

Rewriting Videogames: Hacking Mother

In a media environment in which global corporations appear to dominate and gaming experiences are increasingly available both offline and online, it is useful to remind ourselves that not all videogames enjoy a release in all territories. We briefly noted at the beginning of Chapter 3 that the Japanese RPG is one genre in particular that has been denied a wider audience

[Editor's note: see James Newman, *Playing with Videogames*, Routledge: 2008]. The argument usually concerns the potentially marginal profitability of the titles given the high costs of translating and localisation. As we have seen, the copious quantities of text in RPGs make the translation alone a significant task. As such, a number of titles such as the Fire Emblem, Final Fantasy and Seiken Densetsu series (known in Europe and the US as the Mana series) assumed sizeable fanbases among Japanese gamers and garnered considerable respect among gaming aficionados but did not (initially at least) see releases outside Japan. However, the magazine culture that we noted in Chapter 2 brought glimpses of these exotic and elusive experiences to gamers outside Japan some of whom went beyond lusting over screenshots and took action to remedy the iniquity of the situation [see note in paragraph above].

In common with fans of other media forms protesting the cancellation of television series, for instance (see Jenkins 1992; Tulloch and Jenkins 1995), gamers have engaged in letter writing campaigns that seek to urge publishers and developers to release titles or reinstate abandoned projects. Petitions amass signatures in the hope that the sheer number will convince the publisher or developer that a market exists and a translation is financially viable. Speaking to the UK Official Nintendo Magazine about the Earthbound series whose third installment, Mother 3, has had a troubled development history that has seen the project cancelled and restarted but which has not been officially translated for English-speaking gamers, Nintendo's Shigeru Miyamoto notes:

We had high hopes for Earthbound, the Super NES version, in the US, but it didn't do well. We even did a TV commercial, thinking, 'Hey ... this thing could sell three million copies!' But it didn't. You might not know this, but there was a petition in the US, a 'Please make Mother 3' petition and it got about 30,000 signatures! After that, we thought 'Wow ... Earthbound fans are really solid.'

(Miyamoto 2003 [online])

Much of the work in co-ordinating the petition was undertaken by contributors to Starmen.Net who operate as an important fansite in the Earthbound community and continue to campaign for the release of the title

by assembling fanart and fiction to illustrate the extent of the regard that is afforded the game (see 'Starmen.Net's Mother 3 Petition (n.d.) [online]) for further information on the petition and the creation of 'The Earthbound Anthology,' a 268-page bound volume of fanart and discussion used to highlight the commitment of gamers to the series (see 'Starmen.Net Staff' 2007).

While organising petitions and assembling fanart and critical commentary on a videogame series are mightily impressive acts of dedication, even more radical strategies are available to the RPG community and a number of unofficial translation projects have been undertaken. The team at Starmen.net, for instance, have teamed up with other gamers to form a 'Mother 3 Fan Translation' team to work on an English language translation of the recently released Japanese GameBoy Advance title (see 'The (Unified) Mother 3 Fan Translation' (n.d.) [online]) while others have attempted work on titles such as Final Fantasy V and Seiken Densetsu 3, for example. 'Romhacking dot net' hosts information on a range of active and abandoned projects as well as tools, news and information for would-be translation hackers.

There are clear parallels between the practices of videogame 'fanslation' or translation hacking and the 'fansubbing' in which television or film texts are translated and subtitled by fans for distribution among a wider audience. Jenkins (2006: 158) cites an interview with Sean Leonard, president of the MIT Anime Club who explains, 'Fansubbing has been critical to the growth of anime fandom in the West. If it weren't for fans showing this stuff to others ... there would be no interest in intelligent, "high-brow" Japanese animation like there is today.'

However, there are important differences between the practices of fansubbing anime (or any televisual or film text, for that matter) and translation hacking videogames. Perhaps the most significant difference arises as a consequence of the sheer size of the videogame. RPGs are commonly marketed and described not only in terms of the richness of their narratives, settings and characters but also in terms of the number of hours of gameplay they offer. As an example, recent sleuthing in Japanese forums for information on the forthcoming Crisis Core: Final Fantasy VII for the Sony PSP has unearthed claims of 100+ hours of gameplay ('Oldschool' 2007). We should immediately get a sense of the scale of the translation project but

the situation is further complicated if we consider the structure of the videogame. The RPG is not a linear text and, as we have seen, while we may be able to identify a main plot thread, the structure is actually comprised of multiple, overlapping sequences and scenes, detours and sidequests. Even if spoiler writers like those identified by Burn (2006b) can reduce the non-linear complexity of the branching structure to a single, coherent narrative thread, the translation hacker cannot. Each element of the game, whether or not it appears to advance the ostensible 'plot' per se, is a potentially valuable part of the experience that helps gamers better understand the motivations and histories of characters, contextualises events or just simply offers pleasurable opportunities for play. The prevalence of sidequests and detours, the potentially branching structure of the narrative and the sheer amount of materials (some of which may only be revealed under certain playing conditions demanding that the game system and mechanics are utterly known and appreciated) render the videogame translation a significant undertaking. One can begin to appreciate the reluctance of publishers to approve and fund localisation even with full knowledge of the extent of the game. For gamers, the game has to be learned to discern even what elements exist within it before translation can proceed. The structure of the videogame certainly makes the project of translation quite different from that faced by fansubbers of anime which remains, in itself, an impressive demonstration of ingenuity.

Just as the fansubbers Leonard describes made use of technical systems such as time-synchronised VHS and S-VHS recorders for dubbing and rerecording with the newly fashioned subtitles, translation hackers rely on a series of software and hardware tools to gain access to the game code. Like Tool-Assisted Speedrunning, the practices we have seen in this chapter so far rely on the availability of emulation software that turns the general purpose PC into a virtual console machine, and ROMs which are 'dumps' of the original game code. As such, these are not remakes of games, but the original code extracted from the cartridge, disc or tape, and made investigable and playable.

In some cases, gamers go far beyond interrogating this code, theorising the development trajectories it appears to indicate, or even translating the text and exercising their game design skills creating variations of the original title by modifying graphics or level designs. Where the Mother translators are concerned with retaining the integrity of the original, revered canonical game,

other hackers are concerned with modifying the game and creating new, derivative works. As such, for some games, including the Sonic and Mario series, technically-savvy gamers have created dedicated game editors. These software applications allow the assets of the game to be altered, replacing character designs or moving objects and pathways around to create new levels. In some cases, changes may even be as trivial as palette shifts where references to colour tables are edited and in-game graphics appear with new hues or may go beyond the aesthetic to include modifications of character attributes. As well as providing a public forum for the demonstration of high level technical skills, the creation of modified games performs at least two important functions. First, like the theorising and fiction writing we have noted earlier in this book [Editor's note: see James Newman, *Playing with Videogames*, Routledge: 2008], we note a clear desire to imprint oneself onto the canonical work. To fashion a new game from the assets of the original or placing one's own visual designs into the context of the original game is to meld one's own productive endeavours with those of the canonical authors. As we shall note in the following section, such activities move gamers beyond participation and the attentive position of readership par excellence into what Sue Morris has termed a 'co-creative' relationship where 'producer' and 'consumer' are both responsible for the ultimate experiences of gameplay. Second, there is more to the development of modified games than the creation and management of personal identity within the community. Indeed, this highly technical work is often motivated by a desire to extend and remake the original text to maintain its life by offering both new challenges within the context of the canonical game, and also new challenges that stretch the community of gamers. Modified games may be redesigned to be more difficult than the original thereby mirroring both the superplay imperative and the desire to share additional challenges that separate out the expert gamer. Many of the Super Mario Bros. 'hacks' hosted at 'Zophar's Domain' ('NES Hacks' (n.d.) [online]), for instance, revolve around increasing the difficulty level of the game thereby operating in a similar way to the community challenges that encouraged gamers to impose and respect new ludus to constrain and modify their gameplay. With these hacks, however, the code of the game is altered and the modified ludus are programmed into the new game system.⁴⁷

All of this creativity, imagination and collaboration comes at a significant price, however. The practices described here are legally problematic as they frequently rely on the unauthorised acquisition and use of program code running under emulation. Emulators are software applications that enable one piece of hardware to manifest the operational and functional behaviours of another. Typically, this involves rendering a PC capable of running the original, unaltered code of a game system such as a MegaDrive, Super Nintendo or even PlayStation. While the creation of emulation software is not an illegal activity in itself, ‘ripping’ and distributing code from commercial videogames is highly problematic (see Conley et al. 2004, for more on the legality of videogame emulation). For Nintendo, the situation is clear:

The introduction of emulators created to play illegally copied Nintendo software represents the greatest threat to date to the intellectual property rights of video game developers. As is the case with any business or industry, when its products become available for free, the revenue stream supporting that industry is threatened. Such emulators have the potential to significantly damage a worldwide entertainment software industry which generates over \$15 billion annually, and tens of thousands of jobs.

‘Legal Information (Copyrights, Emulators, ROMs, etc.),’

Nintendo (n.d.) [online]

While this position is understandably intolerant of game copying and the distribution of emulators and ROM images as it harms sales and infringes copyright and IP, it is important to note that theft is not the only motivation of emulator users and the practices of TAS, codemining and translation hacking are significantly jeopardised. However, while some of these practices might operate in the murky world of illegally dumped and obtained code and stand in opposition to the mainstream videogame industry’s commercial imperatives, other types of game modification are rather more legitimised and even encouraged within the mainstream.

Modding, Hacking and Cracking

Before proceeding, we should note that the term ‘mod’ is an ambiguous one with a variety of uses in videogame and wider computing cultures. The term can refer to physical, artistic modification of the ‘semblance’ of personal computing or console hardware (see Sotamaa 2003). ‘Case modding’ involves altering the external appearance of a PC tower often transforming it into something almost unrecognisable as a personal computer. The intricacy and inventiveness of mods such as ‘Doom 3 Project Mars City’ are more than evident in the detailed instructions and step-by-step annotated illustration of the creative process (‘Crimson Sky’ 2005 [online]). While this DOOM-inspired case is undoubtedly impressive and speaks of the visual and cultural power of the DOOM identity and aesthetic, it is a mod unlike those that we will turn our attention to as it is only obliquely concerned with modifying the experience of play and performance.

‘Mod’ is also frequently used in relation to efforts to ‘crack’ videogame systems. Where hacking may cover legitimate or illegitimate activity (see Lister et al. 2003), cracking is usually understood to describe illicit performances of technical skill. The attentions of crackers may be directed towards disabling security systems. In relation to videogames this can mean one of three related endeavours. First, crackers may seek to bypass region coding systems that prohibit the use of games distributed in one territory from running on hardware from another territory. As we have seen previously, region coding is utilised in the videogames industry to protect markets and releases are often staggered or even restricted to specific territories making some titles extremely desirable given their temporary or permanent scarcity. As such, the circumvention of region coding opens up the possibility of a grey market of imports that extends beyond the control of videogame publishers. The public debacle involving Sony Computer Entertainment and videogame importer Lik-Sang (see Chapter 2, note 4 [Editor’s note: see James Newman, *Playing with Videogames*, Routledge: 2008]) speaks eloquently of the tension that exists between videogame publishers and retailers and gamers seeking to take advantage of the affordances of region free consoles. Second, videogame crackers may seek to bypass copy protection systems that are designed to restrict unauthorised duplication and distribution. This activity may involve developing software tools that enable discs or downloads to be duplicated using a personal computer or may centre on mechanisms for extracting or ‘ripping’ code from

cartridges such as those presently used by Nintendo for the GameBoy and DS handheld consoles or the proprietary disc format used by Sony's PlayStation Portable (PSP). Once the code exists only in digital form and has been decoupled from the physical cartridge or disc, it may be distributed across networks, often using file sharing systems, and used by gamers whose consoles are suitably equipped with custom hardware and software that enables code to be run in this form. Third, in order to run copied or ripped code, consoles typically have to be modified to bypass the checks that run to prohibit the use of illegally obtained material. Accordingly, some crackers seek to modify videogames hardware to enable what is often referred to as 'unsigned' code to be run.

In fact, there is more to the attempts to run unauthorised code than piracy. The Sony PSP is illustrative. The PSP has come under a sustained attack from crackers keen to enable the system to run 'homebrew' software (that is, software that has not been officially sanctioned or 'signed' by Sony through the legitimate development process). Chief among the 'homebrew' applications are emulators that afford the ability to transform the PSP into a different virtual console. Crackers have sought to exploit software bugs in the PSP's operating system and have even produced their own customised firmware to run on the machine that facilitates the operation of these amateur software applications. The relationship between these hardware modders and the commercial videogames industry is an extremely uneasy one and each iteration and update of the official PSP firmware seeks to address the security vulnerabilities that afforded the cracker's exploits. It is unsurprising to note that these releases are met with feverish attempts from the cracking fraternity to find new ways to run unsigned applications (see the 'N00bz!' PSP homebrew site, for further information).

In a related use of the term, 'mod' may also refer to chips or other hardware devices that are fitted to videogame consoles and that circumvent the kinds of security systems that usually prohibit the use of games from different retail and distribution territories (thereby allowing Japanese titles to play on European systems, for instance, by bypassing the region checking routines). In many cases, these 'modchips' are used to enable copied rather than original games to be played on modded systems. As such, modchips have become indissolubly linked with software piracy.

In this chapter, following the work of Morris (2003) and Nieborg (2005) for

instance, we will focus on yet another type of ‘modding.’ Here, modding centres on the modification of game code, assets and level designs and we see concerted efforts to alter the experiences, aesthetics and structures of games. As Sotamaa (2003) suggests, this activity is distinct from ‘game hacks’ that seek to unfairly alter the gamer’s ability to perform in the game. This is especially pronounced in multiplayer games where game hacks may be used to gain an advantage over others.

In contemporary gaming culture ‘game hacks’ seem to have a bit different resonance. Popular forms of game hacks range from skill hacks that boost the skills of the player character to map hacks that enable [the] player to control the game world more easily. An illustrative example of skill hack is aimbot, used especially in first-person-shooters, that significantly improves the accuracy of aiming. Then again, a programme called wallhack makes all dungeon walls transparent and thus help to locate enemies, monsters and bonuses. Usage of hacks is usually treated as cheating and cheaters normally gain little appreciation among other gamers. Gamers using cheats are often banned from multi-player servers and several anti-cheat websites and projects can be found in the net.

(Sotamaa 2003: 4)

In fact, as Sue Morris (2003) points out, many of the automated anti-cheating systems that identify and restrict the use of ‘aimbots’ were originally developed by gamers and have been formally adopted by game developers and service providers thereby further demonstrating the embeddedness of the endeavours of the modding community within the mainstream, commercial videogames industry.

The practices of modding that we are concerned with here appear to bear much in common with the beta codemining and ROM hacking we encountered at the beginning of this chapter. There are some important differences, however. Unlike the ROM hacking we saw earlier and that gave rise to fanslations and even new versions of games based on the resources, assets and systems of originals, and unlike the hardware and software cracking above, this form of ‘modding’ is wholly legal and even endorsed, supported and enabled by the mainstream videogames industry. Indeed,

where emulation, the ripping and distribution of ROMs, and the cracking of systems threaten the commercial videogames industry, modding has been adopted within the business practices of certain game developers. At one level, modding may be seen as an exercise in marketing and building brand loyalty through high levels of participation (Jones 2006). However, things are more complicated. According to Nieborg (2005: 4), the relationship between modders and the commercial industry is quite different to that between the producers of television series and fans. ‘The latter is one more of mutual suspicion or even open conflict (Jenkins 1992), emotions which seem to be absent in the FPS mod community.’

However, as we shall learn, we may consider that the industry operates in an overly restrictive manner, exploiting the community and productivity of gamers to serve their corporate, commercial ends by locking modders into a commodity culture in which the terms are far from equal. In the remainder of this chapter, ‘modding’ is taken to refer to this authorised modification of game code using developer-supplied and supported tools.

Make It Mine: Modding, Agency and Co-Creative Media

Histories of videogame modding invariably begin with discussions of gamers making their own level designs or ‘maps’ in DOOM, or analyses of the emergence of ‘skinning’ in which in-game character graphics are altered and replaced with scans of figures from other games, other cultural texts, or images of gamers themselves (see Dovey and Kennedy 2006, for example). The lineage may, in fact, be traced back further still to games such as Electronic Arts’ Pinball Construction Set (1983), Adventure Construction Set (1985), Racing Destruction Set (1985) or Sensible Software’s 1987 title Shoot Em Up Construction Kit. As their names imply, these titles were not so much games as they were resources with which to make games.

The underlying code of the game was essentially fixed—hence the Adventure ‘Set’ differed from the Racing ‘Set’ as their programs were optimised to facilitate a specific style or genre of game and gameplay. However, the art and audio assets, the content of the adventure texts, the layout of the racing tracks, were placed under the command of the gamer whose task it was to create their own specific and individualised

implementation. While the sophistication and scope of these early editing, game design and assembly tools are significantly limited when compared with those of current systems, we see the emergence of an interesting relationship in these 'Construction Sets' that foreshadows that between the contemporary modding community and commercial videogames industry, and between the gamer and the game.

We noted in the opening of this chapter that the detailed documentation of the effects of combinations of Materia in Final Fantasy VII or the systems that govern the dialogue loops, sequences and branches in Animal Crossing are indicative of an engagement with the game code, its operation, implementation, rules and inconsistencies. These practices involve highly attentive play and deep analysis of the manifest effects of the program and its operation as gamer and game system exercise agency, adapting and responding, in the creation of the rich gameplay experience (see Moulthrop 2004; cf. Eskelinen 2001). If we consider the literal opportunity that the Construction Sets offer gamers to collaborate in the creation and shaping of the levels, aesthetics and rule systems with and within which their configurative play with the adaptive and responsive system takes place, we see a further means by which their agency may be expressed and also a further blurring of the distinctive positions of author and consumer. This reminds us of du Gay et al.'s (1997) calls for consideration of the interrelations between production and consumption practices (see also Deacon 2003). For Nieborg, an analysis of modding encourages us to move beyond assertions about the agency of gamers being expressed through 'interaction' within textual and rule boundaries defined by the 'producer' (see Marshall 2002, for instance).

By producing additional or replaceable game content, the agency of gamers goes beyond the mere interaction with the text itself. Gamers are able to change almost any aspect of gameplay of many FPS games and by doing so, taking their agency to another level, rivalling but also cooperating with the cultural industry.

(Nieborg 2005: 4)

It is interesting to note that while the Construction Sets straddled a number of genres, modding has developed in a rather more specific and focused

manner. Indeed, although modding tools and communities exist for Real Time Strategy games (see Morris and Hartas 2004b) as well as specific titles such as The Sims and MMORPGs such as World of Warcraft, the First Person Shooter (FPS) has become particularly closely associated with modding and modding culture. Importantly, this activity is largely restricted to the PC as a gaming platform as access to the code and the ease of installing and running additional applications to modify and work on the program are mostly prohibited in console gaming (though see the final section of this chapter for a glimpse of a shift towards console game modding). Among developers of PC-based FPS titles, modding is not merely tolerated but actively encouraged. Indeed, as we have suggested, the very tools that facilitate modding are created and distributed by the game's developers and made available with the game package in a wholly open and equitable manner. This stands in stark contrast to the tools deployed by ROM hackers to modify their games of choice which are not supplied with these resources and are not designed to be modified. Such is the currency and centrality of modding to the FPS genre that Henry Lowood (2007: 75) observes, 'When a computer game is released today, it is as much a set of design tools as a finished game design.' Lowood's comments are particularly useful in drawing our attention to the increasingly extensible and flexible sets of resources, systems, and software tools that are made available to gamers by the developers of FPS games such as Quake and Unreal Tournament. We should note, however, that mod tools are not quite as ubiquitous as this might suggest and certainly those tools that do exist are not always created by developers. World of Warcraft is blessed with an extremely vibrant modding community yet the tools are developed by third parties although Blizzard offers considerable support to these independent developers. In fact, mods may even transcend or transform the popularity of the original game. As Sotamaa (2003) has suggested, Quake III Arena has been revived and sustained by the vibrancy and productivity of the modding community that seized on its tools and created new modes of play after the original game was less than well received.

For Morris (2003: 9), the widespread nature of modding tools and the agency they offer gamers in directly shaping their gameplay environments and opportunities are sufficient for her to name contemporary FPSs 'co-creative media' as 'neither developers nor player-creators can be solely

responsible for production of the final assemblage regarded as “the game,” it requires the input of both.’

We would certainly want to argue that the contours of this ‘dual input’ should include the configurative play that we have seen in our analysis of practices of superplay, for instance, but Morris’s point is that there are yet more direct means by which gamers engage in the process of transforming the game, some of which even precede the transformativity of play and performance, and directly impact upon the worlds, environments and systems to be played with. Moreover, the technological systems and tools that facilitate the modification, gameplay and even distribution of the FPS might seamlessly mesh tools, products and services created by gamers and professional developers alike. According to Morris, investigation of the modding culture of FPSs and the embedded nature of the outputs of the mod community in the systems deployed by the commercial industry demands that we move beyond conceptualisation based around the participatory cultures of media fans or the tactics of poaching:

An FPS gamer playing online uses not only the game software and content as purchased on the CD, but also a variety of software, game content and services provided by mod makers and the wider gaming community. Some programs are originally developed in the mod scene, and then bought by game companies and released commercially.

(Morris 2003: 9)

Even though we have seen that there are clear antecedents in the Construction Sets of the 1980s, the journey towards the mod culture and the development of freely available mod tools was not a clearly planned project. In fact, as Kushner (2003) recounts, it was an unofficial mod for id’s Wolfenstein that set out the current course. In a marked shift in aesthetic, the Wolfenstein mod had replaced the WWII-themed music and imagery of the original with that drawn from children’s television series Barney who assumed the role of Camp Commandant. The mod was created without support or official tools but id software were visionary enough to identify this as an important direction of travel for their games and adjusted their development patterns accordingly. For their follow-up title, DOOM, libraries and directories of files were reorganised so that media assets such as

character graphics could be more easily accessed and edited. Lead programmer John Carmack also released the source code of the program online as a shareware project and very soon development tools and editors were being fashioned by the emergent community of modders. The success of the DOOM mod scene is well documented by Kushner (2003) and others and we have noted that it formed the basis for a variety of superplay and Machinima projects. Whether or not modding was the invention of the commercial videogames industry, as Sotamaa (2003) notes, it has become institutionalised as a key development and marketing strategy.

Since DOOM, the embedding of mod culture in the FPS genre has been anything but accidental or haphazard. As Lowood (2007) notes, developers and publishers provide easy access to level design tools and other suites of applications that facilitate the modification of game assets such as graphics, music, virtual cameras, object behaviours and even physics. With each iteration of an FPS series or major overhaul of the game engine, toolsets become increasingly complex and Dovey and Kennedy (2006) rightly point out that the high levels of technicity demanded place the practice of mod-making out of the reach of many gamers. Indeed, as we shall see in the following sections, mod tools such as those supplied with Unreal Tournament 2004, for instance, have mutated into little short of game development environments. Where the Construction Sets prescribed the genre of the gamer's productive efforts, the flexibility of modern mod tools gives rise to the possibility of developing games unrelated to the original, not just aesthetically, but deviating from the core gameplay and genre. However, it is useful to note that mod tools are frequently supported by developers who offer tutorials and guidance as well as technical documentation and incentives for community participation in mod-making. As Nieborg (2005: 6) observes, two features of the release of Unreal Tournament 2004 are particularly revealing. First, the Special Edition DVD package includes a variety of materials designed especially for the modding community. The three disc set includes the game itself along with a variety of maps, graphics and other options to play with and the user-friendly GUI editor UnrealEd 3.0 to edit all Unreal related material, as well as other tools used by the original game developers. The final disc is particularly notable as it is primarily made up of educational and support materials and includes in excess of 150 hours of video tutorials that cover level design, the principles of weapon, character

and vehicle making, and even the basics of producing Machinima. The package speaks of the high level of support that is offered to potential mod makers though it also indicates the complexity and scope of the tools which are a far cry from the accessibility and user-friendliness of the Construction Sets. Second, to further stimulate the UT2004 modding culture, the game's publisher teamed up with graphics card manufacturer NVIDIA to launch the '\$1,000,000 Make Something Unreal Contest.' In offering lavish prizes for the best mods, the competition adds a range of incentives while offering new possibilities for collaboration and channels for distribution.

Regardless of the degree of technical support, there is no doubt that the practice of mod-making necessarily remains one open to only the most technically-savvy in the community. Although, we should be mindful that as Ray Muzyka of Bioware notes, 'If only one percent of a million user base makes content, then you have a lot of module designers. And that's enough to make a game self-sustaining for a long time.' However, it is important to remember that, in common with a number of the productive endeavours we have encountered in this book [Editor's note: see James Newman, *Playing with Videogames*, Routledge: 2008], although the direct manipulation and modification of code and assets may be practised by the minority, the outputs of these endeavours exist within, and even help to create and sustain, the wider cultures, communities and rich contexts for criticism, review and gameplay. As such, the influence of the mod culture of FPS gaming extends far beyond those who create these transformed versions of the game to those countless millions who play with them and whose gameplay opportunities are irretrievably enmeshed within the co-creativity of commercial and amateur development. We should note also that Morris (2003: 5) suggests that some level of involvement in the mod scene is commonplace. In her email survey of Quake II gamers conducted in 1999, 83% 'had completed some sort of creative project related to the game, from creating webpages to model and level design.' Morris demonstrates the centrality of creative input in the culture of FPS gaming and observes that this productive activity 'allows players to see themselves as playing a recognised role in the games they enjoy and in the gaming culture.' Importantly, these 'creative projects' do not only include the physical manipulation of code and the direct use of mod tools. Immersion in the culture of FPS modding might range from the creation of graphics, music and sound effects, level designs, models or the

design and maintenance of webpages hosting materials for community members.

Certainly, it would be a mistake to consider that high level programming, 3D modelling or advanced physics simulation skills were the only routes into modding. Level design and playtesting require deep knowledge of the operation game system, the pleasures of gameplay and considerable gameplay virtuosity without necessarily demanding any coding competence, for instance. Similarly, there is no reason why the programmer or physics modeller should be an especially good level designer. As a consequence of the variety of skillsets demanded in the production, it is quite usual for modders to work in teams. In this way, the working practices among amateur modders may be seen to broadly reflect changes in commercial videogames development (see Newman 2004).

There is considerable variety in the flavours of mods which range from comparatively simple alterations of graphics that serve to relocate the game in a different setting (transporting the action of Quake into the Star Wars universe, for example) through to complete transformations and overhauls. As we hinted at above, some of the transformations are so significant that they practically reinvent the game leaving it unrecognisable. Consequently, and further adding to the ambiguity of the term 'mod,' it is important to make an additional distinction. For the most part, and perhaps truer to their name, mods leave the underlying game mechanisms largely or completely unaltered and change assets such as graphics, sound or, most often, redesign levels and 'maps' to create a new gaming experience that is clearly and unambiguously located within the locale and context of the original game. These 'Partial Mods' are differentiated, however, from 'Total Conversions' which utilise the increasing extensiveness and scope of contemporary mod tools to build what is often a wholly new game involving radically new gameplay and even belonging to a different genre than the original. In the following sections, we will examine some key case studies and explore the ways in which modding is simultaneously locked into the protocols of FPS development and the business of videogames publishing and marketing, and yet remains for the many gamers who partake in this amateur development, a marginalised and decoupled activity governed by often restrictive rules and agreements.

Total Conversions, Partial Mods and the Challenge of Intermediality

Of all the Total Conversion mods, Counter-Strike is perhaps the best known. Beginning life as a mod for Valve's Half-Life, Counter-Strike is a round-based, team action game where opposing groups adopt the role of terrorists and counter-terrorists. Missions are won by either completing the ostensible object or by eliminating the opposition forces. The immense popularity of the game certainly speaks of its success in encapsulating the pleasures of online play and has been an influential title with its fingerprints found on a number of subsequent mods and FPS games. However, it is Counter-Strike's status that has made it something of a cause celebre in the mod community and the focus of some scholarly attention (see Jenkins 2006; Dovey and Kennedy 2006, for instance). Counter-Strike originated as a Total Conversion mod for Valve's Half-Life. It is notable that Half-Life is itself built around the 'GoldSrc' engine, a heavily modified version of the Quake engine thereby further demonstrating the difficulty of defining modding because as Sotamaa (2003) observes, the high costs of developing game engines from scratch mean that code is frequently licensed and reused by commercial developers turning them into modders of sorts. Discussing his motivations for creating the mod, Minh 'Gooseman' Le stressed the independence of his vision:

My initial motivation [for making mods] was probably the same as anyone else involved in the mod scene. I just wanted to customize the game to fit my vision of what a game should be. First and foremost, it is MY vision. not anyone else's. I don't spend 10 + hours a week working on a mod for free just to make a mod that satisfies everyone, I make a mod that I am happy with and if someone else happens to like it, then that's a bonus.

(‘rizzuh’ 2000 [online])

What is particularly important about Minh 'Gooseman' Le's and Jess Cliffe's work on Counter-Strike is that its success prompted Valve to offer both of the amateur developers positions within the company and thereafter publish the mod as a standalone game. The extraordinary popularity and commercial success of Counter-Strike and Le and Cliffe's transition from

enthusiastic amateurs personally motivated to work on projects they wanted to play themselves rather than with any specific commercial goal might lead us to overstate the mobility of modders and the innovation of the mod scene in general. Au (2002), for example, notes that, ‘mods can come up with new gameplay elements that the industry is too conservative to implement, or too non-creative to come up with.’ Certainly Total Conversion mods such as Q3Pong in which Quake III Arena is given a 1972 makeover and turned into a multiplayer version of the table tennis simulator (Sotamaa 2003: 13—14) and Duffers Golf that transforms FPS Unreal Tournament 2004 into a 32-player pitch and putt course (Nieborg 2005: 7) lend weight to this position and present clear evidence of the dedication and inventiveness of modders. Similarly, politically motivated mods such as the Political Arena projects that turn Quake III Arena into a satire on the 2000 US election campaign demonstrate an engagement, topicality and desire to take risks that might be impossible in the mainstream industry (see Nieborg 2005: 10—11). However, in the face of this celebration of the innovation of mod culture, Dovey and Kennedy (2006) sound a rightly cautionary note. They resist the temptation to romanticize Minh Le and Jess Cliffe as lucky amateurs. As they explain, Counter-Strike production was, in fact, the result of a highly skilled, focused collective effort. Moreover, the team did not emerge from their garrets as struggling artists. While their effort should not be underestimated, they were far from unknown. Indeed, Counter-Strike was first showcased at the ‘Half-Life Mod Expo,’ an event funded and supported by Half-Life developer Valve to publicise the innovative modifications of their game being made by their ‘player creators’ (Dovey and Kennedy 2006: 125).

Moreover, while we can highlight and showcase some of the more noteworthy creative endeavours such as Counter-Strike, we must be mindful of the fact that, as Sotamaa (2003: 6) suggests, most modding is an altogether more modest affair, ‘a noteworthy share of the game add-ons consists of modest variations of game characters, weaponry and visual appearance of the game environment that barely can be interpreted as highly intellectual resistance of corporate media dynamics.’

This is hardly surprising given the levels of technical skill and amount of time required to produce mods of the size, scope and significance of Total Conversions such as Counter-Strike, for example. If we examine the more prevalent partial mods, we see the privileging of rather different sets of skills

and the operation of different motivations. If Total Conversion teams embrace mod tools and software development kits as game development environments, those working on partial mods make a much more sparing use of the tools and typically leave the underlying mechanics of the game substantially unaltered and turn their attentions to editing or replacing media assets such as graphics and sound. Among the most common partial ‘remix’ mods are those that alter the availability or power of weaponry or the visual appearance of in-game characters. For Anne-Marie Schleiner, parallels with developments in music technology are inevitable. ‘Like the hip-hop sampler or reggae dub mixer, the game patch artist manipulates the prefab semiotics of the game engine, a kind of “versioning” that reorganizes along both paradigmatic and syntagmatic axes’ (Schleiner 1999 [online]).

The allusion to remixing is useful here and draws our attentions not only to the position of the partial modder as an editor of material and creator of a final, playable experience rather than as an originator of assets (see also Manovich 2001), but also to the range of materials from which the modder might draw. Modifications based around remodelling in-game characters frequently reference other media texts and sit within complex networks of intertextuality. By appropriating the visual representations of *The Simpsons* or *Star Wars*, for instance, modders manifestly demonstrate their cultural frames of reference and situate videogames within a wider context of cultural production and consumption. The reliance on textual material as diverse as *Lego*, *Tux the Linux mascot* and *Clippit the Microsoft Office Assistant*, moves Sotamaa (2003: 8) to term *Quake III Arena* mod production ‘radically intermedial.’

Of course, while we might celebrate the media literacy of these radical inter-medial modders as poachers, participants and co-creators, the situation is not unproblematic. Interestingly, while we have noted a respect for intellectual property and copyright in other areas of amateur and fan production, here we see a wholesale and often unattributed incorporation of characters, representations and properties and the orientation of mods around this textual appropriation. As Dovey and Kennedy (2006: 133) correctly note, ‘The *Quake III Arena* mod world is populated by player-created avatars that turn the game into a cult playground, where Maximus from *Gladiator* can battle against the Terminator, Darth Vader or Dr Evil from the *Austin Powers* films.’ It is unsurprising to learn that there are many instances in which these

practices have not been frictionless. Nieborg (2005: 9) reports the case of a team developing a GI Joe-themed mod for the Battlefield franchise:

The developers of a GI Joe Mod stumbled upon the boundaries of using existing IP. Lawyers of the Hasbro Corporation, a toy manufacturer and owner of the GI Joe IP, had contacted the mod team and issued a cease and desist letter.

(Nieborg 2005: 9)

The situation will be more than familiar to scholars of and participants in media fan cultures (see Jenkins 1992, for a thorough discussion). Indeed, the phrase 'Foxing' has emerged to describe what is seen within the fan community as unnecessarily overbearing or overzealous legal action (Foxing derives from the actions of 20th Century Fox who have been seen to publicly pursue their rights in relation to fan production). Here, then, we note that the modder is in a curious relationship with the commercial media industries. On the one hand, the videogames industry appears to be extraordinarily supportive of the acts of amateur production and facilitates the creative endeavours of a community that is virtually brought under its wing while, simultaneously, modders are thrust into an arena in which the harsh commercial and legal realities of ownership and rights have to be encountered and dealt with. The irony of the situation is that it is both the productive possibilities and the visibility of the ultimate works of modding that emerge from the ease, formality and institutionalisation of distribution that create these tensions for the modder.

However, this again rather romanticises the situation and positions the modder as struggling, dedicated fan rather than potentially budding developer and unduly positions the legalities of rights and intellectual property as draconian impositions on a cottage industry of charmingly amateur production. Indeed, this is but one of the legal restrictions that potentially constrain the operations and activities of the mod community. To use the mod tools supplied with commercial FPS games such as Unreal Tournament 2004, Quake and Battlefield, modders must abide by a set of rules and guidelines laid out in the End User License Agreement (EULA).

Eulas: Industrial Relations and the Institutionalisation of Modding

We have noted elsewhere that the videogames industry has a somewhat peculiar relationship with its own cultural heritage seemingly preferring to fix gamers' eyes on the imminent future and the forthcoming release than on the present or past. It might come as something of a surprise, then, to note the willingness of developers and publishers of FPSs to embrace the practice. Drawing on Aarseth (2002), Sue Morris (2003: 7) notes the potential conflict. 'The most profitable games for the industry are those that are largely disposable—played once and abandoned for the next.' Accordingly, gamers dedicating their time to playing Counter-Strike years after its original release do little to drive sales of the upcoming products that we have seen the industry is so keen to focus our attentions on. As Morris (2003: 7) explains, 'This has led to some tensions in the industry, in which community building has been seen by some as being a little too successful.'

We might well ask how we should account for the time, effort and resource that goes into creating and supporting the mod tools and communities that utilise them given that their very use and existence appears to run contrary to the commercial imperative. One answer at least might be found in the EULA. Every user of commercially available mod tools is required to abide by the terms of the license agreement that sets out, among other things, the need to ensure standards of legality and decency in productions. As Nieborg (2005: 11) has noted, a number of politicised projects have moved to open source software to pursue development given the incompatibility of their aims with the terms and conditions of use for commercial mod tools which, in the case of Unreal Tournament 2004, for example, state that mods cannot include 'libellous, defamatory, or other illegal material, material that is scandalous or invades the rights of privacy or publicity of any third party' ('Unreal Tournament 2004 EULA'). For Nieborg (2005), the business model of the videogames industry and its use of proprietary engines and EULAs to police the boundaries between legitimate mods and the production of material deemed 'illegal' is a problematic one. In contrast with the claims of innovation and the matchless creativity of the modding community, Nieborg argues that the protocols, restrictions and regulations on the practice lead to a

self-censoring, commodified culture. In addition to the impact on the richness of mods, the obligation to maintain standards of decency also potentially affects the diversity of production and the opportunities for political expression as it exerts its normative effects. Indeed, as Nieborg notes:

Games with strong ideological and potential offensive content chose to use the open-source Genesis3D engine, instead of e.g. the more technological advanced Unreal Engine. Games such as the extreme-right Ethnic Cleansing, (National Alliance, 2002), the anti-Israel game Special Force (Hizbullah Central Internet Bureau, 2003), and the religious shooter Catechumen (N'Lightning Software, 2000) all use the same open-source game technology.

(Nieborg 2005: 11)

More than this, however, and serving the commercial interests of the industry even more manifestly, modern EULAs usually insist that mods require the use of the original game in order to operate. In other words, the mod cannot exist as a standalone product but must be an add-on to the original title which remains a commercially and functionally integral part of the new production. For Henry Jenkins, this condition problematises the practices of modding as contexts for new and innovative production because the relationship with the original text as a commercial entity is not merely presupposed by but enshrined in the contracts of production and consumption. While Jenkins sees the potential for modding to occupy a special position in the participatory cultures of fandom in which new interactions with the game are created through reprogramming, he notes an important caveat. Although game developers and publishers might provide flexible tools and position their games as mutable, playable systems in which the creation of new experiences is a vital part of the gameplay, the situation is not one of unfettered production and creativity and the commercial industry continues to exert considerable control of the process. 'I can change the fundamental code of the game if I mod it, but at the same time, nobody can play my transformed version of the game unless they become a consumer of the original work' (Jenkins 2006: 163).

As Kushner (2003: 168—169) observes, the earliest DOOM mod tools were issued in a rather more open spirit without any such formal stipulations

on the relationship of the mod to the original game. Sotamaa's analysis of the Quake III Arena EULA shows how far id's position and that of the industry in general has moved. The EULA states:

ID grants to you the non-exclusive and limited right to create for the Software (except any Software code) your own modifications (the 'New Creations') which shall operate only with the Software (but not any demo, test or other version of the Software).

Importantly, however, the restrictions on distribution of mods go considerably further than this. Not only can modders not distribute the fruits of their labours without locking them into the code of the original game and ensuring that any gamer wishing to play with their work must be a consumer of the original game, but also modders are prohibited from directly receiving remuneration for their works:

You shall not rent, sell, lease, lend, offer on a pay-per-play basis or otherwise commercially exploit or commercially distribute the New Creations. You are only permitted to distribute, without any cost or charge, the New Creations to other end-users so long as such distribution is not infringing against any third party right and is not otherwise illegal or unlawful.

(Quake III Arena EULA 1999)

The terms of the EULA simultaneously ensure that mod makers do not manoeuvre themselves into a position of competition with the originating game developer, and that budding gamers keen to immerse themselves in the rich and vibrant communities and cultures of user-generated content and the innovations that the mainstream cannot or will not produce (if we follow the argument offered by Au 2002) cannot but be paying consumers. As Mactavish (2003) has rightly observed, the EULA is a tool that effectively polices the boundaries of this productive practice and that ensures that the creativity of modders and the eagerness of gamers continue to act as a brand loyalty and marketing device. Ultimately, the EULA might tempt us to consider the commercial videogame industry's support for modding in bleak terms. Sotamaa (2003: 16) notes that for the videogames industry, modders may constitute an inexpensive research and development team (see also

Dovey and Kennedy 2006). Jenkins (2006) sees things rather more positively in his discussion of Raph Koster's work on engaging Star Wars fans during the production of Star Wars Galaxies and concludes that 'games companies have been able to convince their consumers to generate a significant amount of free labor by treating game design as an extension of the game-play experience' (Jenkins 2006: 165).

Without doubt, and regardless of whether they are willing and grateful participants, the EULA places the creative and productive act of modding into an institutionalised context that is heavily weighted in favour of the commercial developer. As we have suggested, the implications of the EULA affect those gamers wishing to play within the cultures of modding as their continued purchases and subscriptions are a necessary condition of entry. Regardless of the legalities and commercial ethics of this situation, the fact remains that the customisation that is privileged in modding is a vital part of the cultures of FPS gaming. Moreover, as we shall see in the final section of this chapter, the influence of modding is beginning to spill out of this genre and even beyond the PC as a gaming platform.

'Game 3.0': User-Generated Content

Although Morris (2003) has drawn our attention to a number of different creative and productive roles that do not necessarily require high levels of coding proficiency, Dovey and Kennedy (2006) are right to note that the production of mods is not an activity open to all. Interestingly, in this regard, the development of modding culture has seen a marked shift from its origins in the Construction Sets and level designers built into some commercially available titles of the 1980s. There, the ethos was one of inclusivity and accessibility and the game making process was very much centred on issues of experiential design with the technical and technological operations concealed behind the visible, manipulatable, 'user-friendly' toolkit. Of course, we should remember that the complexity of game technologies has been transformed in recent years as have the expectations of modders who have become increasingly accustomed to an extremely fine-grained control over the minutiae of the game engine and system. Moreover, while the Construction Set might have offered design opportunities to the non-adept,

the ability to share these productions was severely limited compared with the heavily institutionalised systems of distribution that embed mod productions into the mainstream. With modding tools becoming ever more complex and requiring considerable levels of dedication, investment and support on the part of both commercial developers and modders alike, we might be tempted to consider the production of mods as becoming increasingly unevenly available and marginal activity. However, Sony Worldwide Studios president Phil Harrison's keynote speech at the 2007 Game Developers Conference signals an interesting turn. In outlining the company's vision for 'Game 3.0,' Harrison alluded to a synthesis of the openness and accessibility of the Construction Set of old, with the community, collaboration and sharing of the contemporary PC/FPS mod scene. According to Harrison, Game 1.0 was characterised by the standalone, non-networked console with games made up of 'static' content. By static, Harrison refers not to a lack of dynamism or responsiveness in the simulations and models of the games but rather to the fact that the extent of the game is fixed and not usually extended. Super Mario World's 96 levels, for example, are supplied, hardwired on the silicon in the game cartridge and are not, perhaps cannot be, easily updated. According to Harrison's history, Game 2.0 saw the move to Internet connectivity. This shift made it possible to download expansion packs and other officially sanctioned materials essentially making the static content available episodically. Content, however, remains created by the few and distributed to the many, from developers to gamers. Game 3.0 differs in centring on online collaboration and user-generated content:

Suddenly the content is dynamic and, as Sony says, Game 3.0 'puts the spotlight back on the consumer.' Harrison explained that Sony was influenced by the ideas put forth by web 2.0—sites such as MySpace and YouTube that are driven by user-generated content.

(Radd 2007)

The situation of gaming within the collaborative cultures and practices of social networking sites such as MySpace or the user-generated content networks of YouTube marks the formal acknowledgement of the significance of the collective intelligence of gaming culture. Beyond merely being embedded within or facilitating networks for sharing comment and criticism

or even the modifications of a comparative minority of technically-savvy gamers, Sony's plan for Game 3.0 are to leverage the connectivity of the PlayStation Network and the console's local connections to gamers' media. Of the titles Harrison demonstrated, LittleBigPlanet is particularly illustrative of the vision:

The community-based game effectively lets players have a major say in the look and feel of their game and character via customisation and collaboration with other players. The game comes with an initial set of levels but it will be up to the players to take the game to the next step by generating environments themselves. Characters can move anything in the gameworld and build new objects and items without a level design tool—everything is handled by the in-game toolset and gameplay. And when players are done customising and changing the levels, they can share them with the world and let others play and rate the creations.

(French 2007)

What we see in Media Molecule's creation is essentially a sandbox in the style of the Construction Sets but offering the sophistication of an environment replete with complex models of simulation and in which objects are subject to the effects of real world physics, for instance. Although there are some pre-made levels, the game is essentially a set of mod tools that primarily exist to facilitate the creation of new and original gameplay experiences. In a similar way to the PC game modding, here, we note that gameplay and game development are seamlessly integrated as Jenkins (2006) observes. In fact, this is perhaps not as innovatory as Harrison and Sony might want us to believe. We have seen with consoles such as the Xbox and the facility in games such as Amped 3 to replace the provided soundtrack with music ripped from the gamer's own CD library, that customisation and personalisation have been gradually emerging beyond the PC platform. What is particularly interesting about LittleBigPlanet, however, is the means by which gamers create these original productions and the scope of the resources they can draw upon.

As a 'convergent' media device that incorporates the ability to upload, store and view digital photographs, music and video, the PS3 can interface with gamers' digital still and video cameras as well as their digital music

collections. Where the console presently allows photo slideshows, home movies and music to be viewed and listened to in dedicated player applications that exist alongside but outside the gaming functionality of the console, LittleBigPlanet brings this content into its gameworld. By storing digital photos on the PS3's hard drive, for instance, or plugging a camera memory card into the card reader slots in the front of the console, these images become material that can become part of the game with a few clicks of the joypad. Photos may be wrapped around the in-game character models, warped, edited and modified as they become a seamless part of the malleable material of play. In this way, the gamer's personal digital media library becomes indistinguishable from the audiovisual resources and assets supplied by the developers with the game. Personalisation and customisation in LittleBigPlanet, then, go beyond the remixing and 'manipulation [of] the prefab semiotics of the game engine' (Schleiner 1999). It goes beyond the rearrangement and assembly of pre-existing assets such as character designs, textures and backgrounds that we have seen in the Construction Sets to afford the easy inclusion of rich media materials derived from gamers' digital media collections. Like PC-based modding, LittleBigPlanet encourages and facilitates the sharing of these highly personalised gamer creations which are uploaded to a central server where they may be downloaded, experienced and further played with by other gamers. In this way, LittleBigPlanet clearly situates itself within the contemporary media environment that has seen the veneration of user-generated content, sociality and networking and shares much in common with Web 2.0 applications such as FaceBook and YouTube.

None of the GDC Game 3.0 titles are commercially available at the time of writing though Sony's PS3 virtual community Home that similarly affords the personalisation and customisation of an avatar and a 'private' apartment has been available in beta version for some time and offers many of the rich social and creative opportunities that residents of Linden Labs' Second Life will recognise. Regardless of the success of these specific games and services, it is particularly interesting to observe the way in which the sociality, creativity and productivity of a community or interconnected gamers assume so central a position in the strategy of so significant a platform holder. In some sense, neither LittleBigPlanet nor Home are games, though they may include elements of games within them. Rather, they are systems and services, toolkits and suites of resources that may be adopted and

adapted by the community of gamers. Indeed, to have any purchase, they have to be adopted and adapted and their resources have to be augmented and personalised. Were we to subscribe to the criticisms of Boris Johnson et al. that we noted at the beginning of this book, Game 3.0 simply could not work. Without the creativity, productivity and sociality of gamers, without their collaborative networks, the sharing of knowledge and information, the development of new practices of performance and environments to perform within, neither Home nor LittleBigPlanet would be conceivable. It is my hope that by demonstrating the rich and varied ways in which gamers already engage in precisely these activities regardless of whether it is easy, convenient or accessible, the wild assertions of the detractors of videogames may finally be silenced. In the cultures, communities and emergent practices of videogaming, we see a richly diverse set of activities that provide an eloquent rejoinder to arguments about the poverty of videogames as a form and gaming as a pastime. It has not been my intention in this book to simply offer an apologist's account of videogames and gaming cultures. We have noted a number of highly problematic areas of practice and there is no doubt that many of the activities we have seen here, like much of the stuff of media fandoms, dance dangerously close to illegality and copyright infringement, for instance. However, it is my hope that the reader of this book will be left with a view of videogame cultures that is somewhat more balanced and informed than that offered by the critics determined to ignore or simply unaware of its contours.

Notes

[47](#) In fact, most 'hacks' operate by applying their modifications to the original, unaltered code. As such, the data of original 'ROM' image is not actually modified but rather its operation and the way in which it is interpreted is modified by the 'patch.'

Free Speech and the Entertainment Software Association

An Inside Look at the Censorship Assault on the Videogame Industry

Clay Calvert and Robert D. Richards

Clay Calvert and Robert D. Richards, "Free Speech and the Entertainment Software Association: An Inside Look at the Censorship Assault on the Video Game Industry," Journal of Legislation, vol. 31, no. 1, pp. 22–49. Copyright © 2005 by Clay Calvert and Robert D. Richards. Reprinted with permission.

Introduction

The year 2005 found the video game industry in an increasingly familiar yet certainly uncomfortable position—tied to the whipping post of censorship and fighting off in courts across the country a spate of new laws restricting the access of children to video games.¹ The year 2004 ended with the governor of Illinois proposing legislation—legislation that ultimately, in a revised form, became law in 2005—targeting minors’ access to video games depicting images of violence² and claiming that “[v]ideo game manufacturers and retailers are putting profits ahead of what’s best for our children.”³

The beginning of 2005 witnessed a bevy of similar initiatives across the United States. In fact, more than fifteen different bills targeting violent video and computer games were introduced in just the first two months of 2005 in over a dozen states,⁴ as well as in the District of Columbia.⁵ For instance, in California, legislation was proposed in February 2005 that would impose up to a \$1,000 fine on businesses and individuals that “knowingly sell, rent, distribute, send, cause to be sent, exhibit, or offer to distribute or exhibit by any means a violent video game to a minor.”⁶ The originally drafted California legislation borrowed, in part, from the United States Supreme Court’s three-decade-old test for sexual obscenity in defining what constituted a so-called “violent video game.”⁷ It also game players required

violent games to carry a label that stated: “This game may not be sold to anyone under 17 years of age.”⁸

The bill’s sponsor, Assembly Speaker pro tempore Leland Y. Yee (D.-San Francisco/Daly City),⁹ has a proven track record of success in this area, and a substantially revised and amended version of Assembly Bill 450 sailed through the Assembly Judiciary Committee by an 8-0 vote in April 2005 in a hearing that featured a well-staged parade before the committee members of forty uniform-clad Girl Scouts from across the Golden State, each testifying on behalf of the legislation.¹⁰ That success is not surprising. In September of 2004, California Governor Arnold Schwarzenegger (R.) signed into law the Yee-sponsored Assembly Bill 1793 that requires video game retailers to “post a sign providing information to consumers about a video game rating system or notifying consumers that a rating system is available to aid in the selection of a game. The sign shall be posted within the retail establishment in a prominent area.”¹¹

Yee’s interest in the effects of violent content on minor game players is no doubt genuine and heartfelt. He holds a doctorate in child psychology from the University of Hawaii,¹² and he served for eight years on the San Francisco Unified School District Board of Education.¹³ In an official press release trumpeting his new legislation, while referring to his success in 2004 with Assembly Bill 1793, Yee explained why he believes more legislation is needed:

Last session, we were quite successful in passing a bill that requires retailers to post a sign explaining the video game rating system. However, since that bill passed many new games have been introduced, like Manhunt and JFK Reloaded, which are even more violent and more realistic. Clearly, the video game industry is not concerned with the welfare of our children and thus it is imperative that we step in to prevent the sale of these harmful games to our children.¹⁴

The game “JFK Reloaded” to which Yee refers deals with the assassination of President John F. Kennedy; the game certainly is offensive and no doubt repulsive to many people.¹⁵ In particular, the game allows players to take the perspective of assassin Lee Harvey Oswald “and fire away at a 3-D image of the presidential motorcade passing through Dealey Plaza in Dallas.”¹⁶

But the constitutional problem with Yee's access-limiting legislation is that it goes against both the First Amendment's right of free speech¹⁷—a right that generally protects offensive expression¹⁸—and a steadily growing body of judicial precedent that protects minors' rights to access violent video games. For instance, in 2001, Judge Richard Posner and a unanimous United States Court of Appeals for the Seventh Circuit declared unconstitutional an Indianapolis, Indiana, statute that sought “to limit the access of minors to video games that depict violence.”¹⁹ That setback for censorship advocates was followed up in 2003 by the United States Court of Appeals for the Eighth Circuit's decision declaring unconstitutional, in violation of the First Amendment, a St. Louis County, Missouri, statute that made it “unlawful for any person knowingly to sell, rent, or make available graphically violent video games to minors, or to ‘permit the free play of graphically violent video games by minors, without a parent or guardian's consent.”²⁰ And then, in July of 2004, U.S. District Court Judge Robert Lasnik held both unconstitutionally vague and unsupported by sufficient evidence a Washington state law that restricted minors' access to “video or computer game[s] that contain[] realistic or photographic-like depictions of aggressive conflict in which the player kills, injures, or otherwise causes physical harm to a human form in the game who is depicted, by dress or other recognizable symbols, as a public law enforcement officer.”²¹

In baseball terms, that would be three up and three down for legislators targeting video games. But the censorship proponents refuse to go down that easily and, instead, they continue to stand at the legislative plate, taking political whacks at the video game industry. Perhaps they do this because video games are incredibly popular;²² the more they sell, the more attention they will attract from politicians, precedent be damned.²³ And it certainly doesn't hurt the cause when popular television shows like *Law and Order: Special Victims Unit* and *60 Minutes*²⁴ keep the issue in the public eye with episodes suggesting that video games cause crime.²⁵ In addition, mainstream print-media gives much attention to lawsuits blaming video games for violence in society.²⁶ It also doesn't help the video game industry that there are zealous plaintiffs' attorneys like Miami's Jack Thompson, “a national critic of violence in video games,”²⁷ who are ready and willing to sue the games' manufacturers when real-life violence occurs. Finally there is the fact

that protecting supposedly fragile children from supposedly dangerous media content just never goes out of style. What legislator, after all, can go wrong with voters and constituents by taking a stand against violence²⁸ and, simultaneously, claiming to protect children from the supposedly harmful effects of media content? As Assembly Speaker pro tempore Leland Y. Yee told a newspaper reporter in announcing his most recent anti-video game bill, “[t]hese ultraviolent video games teach our children how to kill, how to maim and how to desecrate human beings. It teaches young boys how to abuse women, and it teaches young boys how to kill and maim police officers.”²⁹

As the legislative movement against violent video games gains momentum across the country, it is likely to pick up support from various groups and organizations. For instance, a Washington, D.C.-based organization called Peaceoholics has begun its own form of sartorial protest against violent video games: the creation of “a T-shirt with an X on it. The T-shirt comes in black, gray and white, but the X is red on all three. It’s a big red X on a scene from Grand Theft Auto, the hit video-game series.”³⁰ The group’s founders also stage protests outside of stores that sell video games, utilizing slogans like “Best Buy is selling San Andreas! Best Buy is selling poison to our children!”³¹ San Andreas refers not, in this case, to a major earthquake fault line in California, but rather to a video game called “Grand Theft Auto: San Andreas.” It was the “top title in the United States in 2004, with 5.1 million units sold”³² and it allows players, at least virtually speaking, “to steal cars, kill cops and pick up prostitutes.”³³ The game was the Peaceoholics’ object of both attention and scorn in early 2005, as the group “mailed letters to 11 stores in the Washington area—Best Buy, Blockbuster, Target and Wal-Mart, among others—demanding that they stop selling San Andreas in 30 days. The group didn’t hear back, so it sent another round of letters: two of them were hand-carried, the rest were sent by certified mail.”³⁴

Given the timeliness and importance of the topic, this article takes an in-depth and inside look at the recent and current legal controversies surrounding the censorship of violent video games. In particular, the centerpiece of the article is an exclusive interview and dialogue-analysis, conducted by the authors in Washington, D.C., in March of 2005, with Douglas Lowenstein, president of the Entertainment Software Association (hereinafter “ESA”). Lowenstein has held this position since the ESA was

founded in 1994 under its original name, the Interactive Digital Software Association. According to its Web site, the ESA is:

exclusively dedicated to serving the business and public affairs needs of companies that publish video and computer games for video game consoles, personal computers, and the Internet. ESA members collectively account for more than 90 percent of the \$7.3 billion in entertainment software sold in the U.S. in 2004, and billions more in export sales of U.S.-made entertainment software.³⁵

As the head of the ESA, Lowenstein frequently finds himself the public point person for the legal disputes surrounding the video game business. He provides official commentary on the industry's perspective for newspapers across the country, including the *Washington Post*,³⁶ *Sacramento Bee*,³⁷ *Boston Globe*,³⁸ and *St. Louis Post-Dispatch*.³⁹ Never before, however, has Lowenstein sat down for an in-depth discussion, in the academic context of a law journal article, of the legal issues surrounding the video game industry and, in particular, the assault against video games with violent storylines and plots.

In this article, Lowenstein discusses and addresses a wide range of issues, including:

- the reasons why video games are such a popular legal target today for politicians and legislators;
- the argument asserted by many people that video games cause real-life violence and therefore laws targeting the games are necessary;⁴⁰
- the steps the video game industry and the ESA often take to address legislative attacks against their products;
- the reasons why the First Amendment guarantee of free speech should protect the content of video games depicting violent images or featuring violent story lines; and,
- the common types of laws and legislative initiatives targeting video games.

Part I of this article describes the setting for the interview, the procedures used by the authors for both taping and transcription, and the steps taken to preserve editorial objectivity and autonomy.⁴¹ Next, Part II sets forth the

interview, including three separate sections, each on a different topic or theme; each section, in turn, is prefaced with introductory material before providing a question-and-response format for the remarks of Lowenstein.⁴² Finally, Part III analyzes Lowenstein's comments and provides the authors' conclusions.⁴³

The Setting

The interview took place on Friday, March 18, 2005, at what was then the Entertainment Software Association's headquarters on the sixth floor of a Washington, D.C., office building on Connecticut Avenue near DuPont Circle (the office has since moved to 7th Street in northwest Washington, D.C.). The ESA's office lobby reflects its high-tech, core business—video games. Four television sets hang down from the ceiling against a cardinal painted wall, each attached to a different video game apparatus like Playstation 2 and Nintendo Game Cube. Copies of magazines with titles such as Gamestar lie on a waiting area table.

The walls of Douglas Lowenstein's corner office are bedecked in an eclectic mix of political, music and sports memorabilia and artwork. A signed and numbered version of a bright, blue-and-gold print by artist Roy Lichtenstein called "Oval Office" hangs on one wall,⁴⁴ while another features a picture of Lowenstein with a man who used to occupy the real-life workspace depicted in the Lichtenstein piece, President Bill Clinton. The political material fits in well with one of Lowenstein's former jobs; he worked in the mid-1980s as legislative director for Howard Metzenbaum, the former Democratic U.S. Senator from Ohio. Politics aside—or, perhaps, reflective of it—a large, colorful poster advertising a series of October 1980 shows by the Grateful Dead at Radio City Music Hall in New York City hangs on another wall. There's also an autographed picture of former Baltimore Orioles' baseball star Cal Ripken on a wall, a plastic-encased ticket stub from a Stanley Cup hockey game on his desk, and a number of aging, black-framed photographs Lowenstein took during his world travels.

The interview lasted approximately eighty minutes. It was recorded on two different audiotapes that were later transcribed by a professional secretary and then reviewed by the authors. The authors made minor changes in syntax,

but did not alter the substantive content or meaning of Lowenstein's comments. Some of the questions and responses were then reordered to reflect the themes and sections in Part II of this article, and other portions of the interview were deleted as extraneous or redundant.

A copy of the revised transcript was then forwarded to Lowenstein in April of 2005. Lowenstein returned to the authors in late April 2005 the transcript with minor syntactical revisions—the authors input all of these changes—and a signed separate statement verifying that the transcript, with those changes, accurately reflected his remarks. A copy of his verification is on file with this law journal.

Importantly, Lowenstein exercised absolutely no editorial control over either the conduct of the interview or the content of this article. He did not, in fact, review the article itself before it was submitted to this journal. Lowenstein only reviewed the raw interview transcript.

For purposes of full disclosure and the preservation of objectivity, it should be emphasized that neither of the authors of this article has ever been an employee of the ESA. Furthermore, the authors are neither members of the ESA nor do they contribute to it financially.

The Interview

The interview portion of this article is divided into three sections. Section A focuses on the reasons why the video game industry finds itself under severe legislative attack today; the explanations and grounds stretch from what Lowenstein describes as a generational gap between game players and law makers to the release in late 2004 of the über-violent and offensive game, “JFK Reloaded.” Section B then centers on the strategies, tactics and responses employed by the ESA and the industry to counter some of the common arguments and attacks against it, such as those centering on the claim that viewing video game violence leads to real-life violence. Finally, Section C concentrates on the ramifications of the battles now being waged; contextualizing potential harms such as self-censorship within the larger framework of the reasons why, from Douglas Lowenstein's perspective, the government must refrain from regulating the content of video games.

Video Game Industry Under Siege: Politics as Usual

Just before the start of the holiday shopping season in late 2004, David Walsh, founder of the National Institute on Media and the Family, stood alongside Senator Joseph Lieberman (D.-Conn), Senator Herb Kohl (D.-Wis.) and Representative Betty McCollum (D.-Minn.) as he unveiled the Ninth Annual MediaWise Video Game Report Card, a document that alerts parents to electronic games they should avoid for their children and grades the entertainment software industry for its efforts in shielding minors from inappropriate content.⁴⁵ The report gave the industry a C-minus for “ratings education” and a grade of “D” for “retailers’ enforcement” of age-related designations and accused the industry of sending “double messages” to parents about the effect of video games on their children.⁴⁶

That same week, a Scottish company called Traffic Management made available for purchase on the Internet a video game called “JFK Reloaded,” allowing players “to get behind Lee Harvey Oswald’s sniper rifle and recreate” the assassination of former president John F. Kennedy.⁴⁷

The release of the report and the controversial game fueled the political metabolism of those in search of an issue that would grab headlines and popular support from an outraged constituency. Shortly thereafter, the governor of Illinois stepped up to the plate to take a swing at the video game industry.⁴⁸ A host of other lawmakers also have gotten a turn at bat.⁴⁹ The irony is, as Douglas Lowenstein points out in this section, that “JFK Reloaded” was not made by any mainstream producer in the video game industry, and it is even not available for sale in retail outlets in the United States because it is an online game.

Lowenstein further notes that before the release of the game, which a spokesman for Senator Edward Kennedy (D.-Mass.) called “despicable,”⁵⁰ things were quieting down on the legislative front, thanks to some recent successes in the courts. In this section, he talks about why the video game industry has resurfaced as a ripe target of attack for politicians on every level of government. With this in mind, this section now turns to the interview.

Question: *Why, in your opinion, are video games such a popular target for the legislative wrath of politicians?*

Lowenstein: Video games are new media, so it's partly generational. We have people in the political power structure in this country today who typically are in their 40s, 50s and 60s. They're just outside the video game generation and are, instead, part of the passive media generation. As has been the case in past eras, the generation in power tends to react with hostility to the media of the younger generation coming behind them. So, I think that's part of it—it's just a visceral reaction to something new that is not of their world.

But I think there are other reasons. It would be intensely naive not to acknowledge that some of the content in games is offensive to people. You don't have to be a nattering nabob of negativism to say, "Gosh, that's awful. I don't like that. Why do they have to make that?" Obviously, you could say the same thing about lots of media, but the fact that this is a new form of media—interactive in nature—causes some people to viscerally react and conclude that it can't be good and, in fact, must be worse than anything else they've seen. In that sense, it's a reaction to what they see.

Question: *There are a number of bills cropping up this year targeting video games. The year 2005, in fact, began with legislation proposed in more than a dozen states across the country. Do you foresee a time when such efforts will eventually fade away or become few and far between? If so, why?*

Lowenstein: Well, I do, but when that happens is a little hard to say. I think it will fade away for the reason I was talking about earlier, partly because the attacks are generational. It's amazing when you think about rock-and-roll music today. If you go to the Rock-and-Roll Hall of Fame in Cleveland, right at the beginning, there are all these great quotes from people who were talking about how this music was a communist plot to destroy America. Today the music that I grew up with, which was all about drugs and sex and, to some degree, violence, is viewed with great benign admiration, and yet it created tremendous outrage and disgust at another time.

That's part of what happens with this. The gaming generation is growing up. The average age of game players is 29. I run into more and more people in government and the media who are gamers. As they take

the tools of power in this country, they will have a greater comfort level with the media they grew up with and those kinds of attacks will begin to dissipate at some point. How quickly does that take place? I don't know.

I hope the other thing that hastens that, beyond the generational shift that I was talking about, is that the courts will continue to be resolute in striking down these kinds of statutes. Then, at some point, legislators will say they have better things to do with their time and, more importantly, with the taxpayers' money. We received almost \$350,000 in legal recoveries from the state of Washington for its failed legislation.

Question: *Really?*

Lowenstein: It is public record, and we received somewhat less than that in St. Louis County from its failed attempt to regulate. This is not an inexpensive place for local government to go. They do have better things to do with their money, so I hope that common sense prevails in more places as well.

Question: *Are there particular lobbying organizations or activist groups that often call for or support video game legislation? Perhaps a group akin to the Parents Television Council's efforts to lobby the FCC on broadcast indecency issues? If so, what are these groups and what are their typical tactics?*

Lowenstein: Actually, I don't think there's a single group behind this. We are seeing a little bit more coordination. The Interfaith Council on Corporate Responsibility, for instance, has been more visible and more outspoken. We're not running into them a lot at the state and local level, so I'm not clear whether they have activists that are encouraging people to introduce these bills. It may be a more subtle kind of effect than a very organized, state-by-state campaign.

Quite frankly, I think that much of what this wave of legislation was triggered by was the very unfortunate product that came out at the end of last year called "JFK Reloaded." It got a tremendous amount of publicity, but was not made by anybody in the mainstream video game industry. The irony is, of course, that it's not even available for sale at retail outlets, so none of these bills would actually touch it.

Question: *Was it from Scotland and a company called Traffic?*

Lowenstein: Yes, and it outraged me and a lot of other people that the makers would exploit that kind of tragedy for this kind of purpose. The game triggered a lot of interest from the governor of Illinois who got a huge amount of national publicity out of it. And politicians are followers—headlines are the crack cocaine of politicians. A lot of people just jumped on this and said, “Wow, this is a winner.”

In truth, things were quieting down. The Washington state lawsuit was a powerful signal—a bill that people thought they had carefully crafted to pass constitutional muster got slapped down in no uncertain terms.

Question: *Is the phenomenon of blaming video games for real-life problems unique or is this part of a larger media blame game?*⁵¹

Lowenstein: You should talk to people like Karen Sternheimer at USC who has written a great book on that issue called, *It’s Not the Media*.⁵² She’s a sociologist there.⁵³ I think there’s certainly a blame game that goes on here. People look for scapegoats. If you lose a loved one to some tragedy, you want an explanation. You want to find something simple and somebody that you can hold accountable for this tragedy.

People aren’t holding the gun manufacturers accountable for it. They may not want to hold certain individuals accountable for it. They don’t want to hold as responsible the deep-seeded problems we have with mental health in this country—untreated mental health, particularly among kids.

Look at teen suicide rates and tell me we have a bigger problem with video game violence than teen suicide. I don’t think so. What are we doing about that? What are we doing about not treating mental health problems with kids? What are we doing about bullying in schools which demonstrably has a much greater impact on violence among kids than any video game ever will?

But those problems are much harder to solve. It’s a lot easier to say, “Let’s go sue the video game companies and try to get \$100 million out of those guys. It will make us feel better that we’ll have gotten somebody to pay for this horrible crime.” I understand the desire to have that sense of

closure and vindication, but I don't think it's going to really get us to solve the problems that have caused youth violence in this country.

Question: *Is that what it really boils down to? Feel-good legislation and feelgood lawsuits?*

Lowenstein: Again, I always want to be careful about questioning people's motives. I had an uncle who was shot dead in his law office twenty-plus years ago by a guy who got a handgun, was mentally deranged and gunned him down. So I have a pretty good sense about how desperate you are to find somebody to blame and, frankly, how vindictive you can feel toward, in this case, even somebody who was mentally ill. So I don't really like getting into questioning or challenging people's motives for those kinds of things.

Certainly, a lot of the legislation is politically inspired by people who feel it's an easy target and it's good public relations. When people knowingly and willfully propose bills that they are virtually certain are unconstitutional, what they are essentially doing is saying, "I want to do this because it's going to get me good press, will make people feel good and I don't have to worry about the fact that when the court strikes it down a year later, nobody will remember." To me, that's just irresponsible and it's a waste of people's money that ought to be spent on more important things.

Every dollar that we spend and every dollar that states or local governments spend to defend these lawsuits could be spent on helping people. Every single dollar could be spent on educating consumers, violence programs in schools or all sorts of things that really make a difference in the lives of kids. Instead, it's just going to a bunch of lawyers. When people do that with their eyes open, I think that's really a pretty cynical use of the political process.

Question: *What do you think of an attorney like Jack Thompson who seems to be on a personal courtroom crusade against the video game industry?*

Lowenstein: Well, I'll leave it to others to comment on Mr. Thompson. I think the courts so far have found his legal efforts quite wanting and I

don't expect that to change. Beyond that, I don't really engage in public discussion about Mr. Thompson.

Navigating the Rising Tide of Legislation: Strategies and Tactics

The Entertainment Software Association unquestionably has a full plate. Sales of computer and video games last year reached a record \$7.3 billion in the United States.⁵⁴ As a result of the burgeoning popularity of electronic games, the trade organization spends considerable time fighting video game piracy throughout the world, working to protect the investment made by large creative teams whose latest design will bring enjoyment to millions of game players.⁵⁵

Lately, however, the ESA has been forced to devote a great deal of attention and resources to combating another threat to the video game industry—one that comes from town halls and state houses across the country. As lawmakers have sought to make political hay by publicly lashing out at the video game industry and trying to force manufacturers and retailers to curb popular games that feature violence, the ESA has had to respond to the threats through intensive lobbying efforts and legal challenges.

In this section, Douglas Lowenstein discusses how the industry is prepared to challenge any legislative initiatives that will tread upon the creative rights of game software designers. He talks about how legislative aides, who typically are younger and more in tune with video game technology than the lawmakers they serve, provide useful assistance in delivering the message that video games are protected expression, particularly in light of the fact that no scientific evidence has ever revealed a causal link between playing violent video games and behaving violently in society. Finally, Lowenstein describes how he came to work for the ESA.

Question: *How does the industry address the argument that video games are different from other forms of media and should receive less First Amendment protection because they are interactive and allow players to control the action?*

Lowenstein: I don't think it matters if the speech is interactive or passive. I think the test of whether it doesn't deserve constitutional protection has

to be based on science and the law. Certainly to date, the courts have not found the science compelling enough to justify overcoming the First Amendment protections. While people may think and believe in their gut that it must be worse and more harmful because it's interactive, the most independent science that I've seen simply doesn't support that position. That doesn't mean the games are for everyone. As I say, it's understandable that people react that way to it, but it's not supported by the research.

Question: *Do you think some of the legislative aides on Capitol Hill who usually are in their twenties or thirties play any role in helping to get your message across?*

Lowenstein: Yes, they do. We have lots of relationships on the Hill with both staff and members. I meet now, more often than ever before, with members of Congress who are familiar with games, whether they are players themselves or whether they play with their kids.

I met with a conservative Republican senator earlier this week who talked openly about how his son wants all these shooting games, and he's not bothered by it. He told me, "I watch what he plays. We get the ratings. My wife and I argue all the time. I think he could play some of these mature-rated games. I don't see a problem with them."

I think there is more awareness, and certainly the staffers are good messengers to their bosses. In some ways the message they're delivering is, "Do you think I'm a bad or deviant individual? I'm handling all of your judiciary, healthcare and environmental issues, and you seem to have confidence in me. And guess what? I play these games."

So they can be assets. I have said often that in fifteen years the President of the United States will have grown up playing "Grand Theft Auto."

Question: *Does the ESA ever counsel or advise companies that manufacture video games to avoid particular types of content or story lines?*

Lowenstein: No. We haven't. I'm not sure that's an appropriate role for a trade association. I have my own standards and my own morality, but I'm no more in a position to impose that on our members than I would want

the government to impose that on our members. I can tell people my honest assessment of the consequences of creative decisions they make for the industry and make sure they have what I think is good information to make good business decisions. Nonetheless, I'm no more in a position to impose my morality on them than the government or religious groups or anyone else would be.

Question: *Taking that one step further, how do you feel about the fact that the voluntary ratings for video games that were developed by the Entertainment Software Rating Board are now being turned against the industry through incorporation directly into legislative initiatives—essentially transforming these voluntary ratings into law?*

Lowenstein: On one level, I think it's rather ironic that some critics attack the accuracy of ESRB ratings while others turn around and say, "Your ratings are so helpful that we want to give them the force of law." On another level, my understanding of the jurisprudence in this area is that, while it might be flattering that they want to give our ratings the force of law, government cannot cede its power to private entities, which essentially is what's happening here. I guess it's the ultimate compliment to the success of our self-regulation, but I don't think it's constitutional at the end of the day.

Question: *How aggressive is the entertainment software industry in challenging video game restrictions in court? Is there a threshold level of restriction that a state or a municipality must meet before the industry responds, or is the industry determined to challenge any and all restrictions on either content or access?*

Lowenstein: The answer is probably that we will challenge any and all restrictions on content and access. I'm hedging only because I don't know what "any and all" really means. Everything we've seen so far would rise to a challenge. There have been some proposals, such as the California signage bill, that we did not take a position on and did not challenge in court. So certainly there are proposals that we have not opposed and, in fact, could support. There are things that we would countenance if we believe they are constitutionally sound. If somebody came up with a way

to address their access concerns that didn't raise constitutional questions, I would look at it.

Question: *What are some of the typical or common legislative approaches or regulatory strategies when it comes to regulating video games? It seems, for instance, that some states try to legislate access to minors. Others require warning signs and other signage. And some do a combination or something altogether different. Can you provide some examples that illustrate the typical approaches, if there is such a thing as a typical approach?*

Lowenstein: The typical approach is a bill that seeks to ban the sale of games based on the presence of what would be defined in the statutes as realistic violence against realistic-looking figures. In addition, sexual content would be regarded as problematic. That's the general nature of most of the attacks.

Now, there are nuances as well. Some of them would attempt to use the ESRB ratings as the standard and would prohibit the sale of games based on ratings. Others are more general in terms of trying to define the type of content that you couldn't sell. There have been some proposals that would establish state rating services where the state would assume the responsibility for rating content.

Another one that we're seeing occasionally would be a tax on content. So the state would impose a tax on violent video games, and then the funds would be used for some responsible public health purpose. That's starting to pop up in a few places. Those are the main forms.

Question: *How do you respond to the common assertion that video games depicting images of violence cause real-life violence in society?*

Lowenstein: My response is to look at the science and to point out that the courts that have examined the science have been quite dismissive of those who make these claims. It's not just a question of a bunch of industry hacks gathering around and circling the wagon. If you look at the specific decisions, whether it's Judge Posner's decision or Judge Lasnik in Washington or the appellate court in St. Louis County that has looked at this, they've all been quite dismissive of the claims that have been put

forth as compelling science.

More and more people are reaching the same conclusion—the quality of science that tends to support the anti-video game perspective is very weak and doesn't support the legislation. The notion that games cause crime or violent behavior is just completely unsubstantiated by any credible research and, quite frankly, defies common sense.

We have this tendency in society to shift accountability and responsibility away from the individual. If young people commit crimes in this country, it would be a lot more surprising if they didn't have video games in their lives than if they did because a lot of kids play video games. But you might also find potato chips and Cocoa Puffs as a common denominator, and I guess there are some people who blame that as well.

Ultimately, the notion that a video game causes people to act completely outside the societal standards that they fully know and understand is just completely ludicrous on its face. The notion that some kid in a police station steals a gun off the cop, shoots three people and then steals a police car, and the only way they thought about breaking the law was by playing a video game is just ridiculous. And the notion that they didn't know what they were doing was right or wrong is equally ridiculous.

Our view is that people ought to be held accountable for their actions. That's what the criminal justice system ought to do, and trying to shift responsibility for that to the media they consume is just looking for scapegoats.

Question: *Certainly, the video game legislation seems popular with the general public because these efforts to link the games to societal violence plays well with the public. What is the industry doing in terms of its own media campaigns to counter that adverse publicity?*

Lowenstein: We, as an industry, are proactively doing a number of things to raise awareness about ratings, the demographics of the industry and the range of content in the industry. In our media efforts, we emphasize our key message that, according to the Federal Trade Commission, eighty-three percent of the time parents are involved in the purchase and rental of the games. This is the dirty little secret that politicians don't want to touch

because it's a lot easier to point the finger at the video game industry and retailers than it is to point the finger at parents who are either not doing their jobs or they just don't agree with the view that these things are harmful.

I know plenty of parents who buy their kids violent video games and the kids are just fine and the parents are not worried about it at all. So I don't want to suggest that you are a bad parent if you buy this game. We try to get information like that out there just to raise people's awareness. It is absolutely an inescapable fact that if twelve-year-old Johnny has "Grand Theft Auto," he probably got it from mom and dad, and I've not seen a law yet that deals with that problem.

Question: *What you're saying is that only seventeen percent of the time would a minor be buying the game on his or her own.*

Lowenstein: A minor would only be buying a game seventeen percent of the time—eighty-three percent of the time, an adult is making the purchase. Actually our numbers are even higher. We show that over ninety percent of the time the actual purchaser is an adult.

Even if you assume that seventeen percent of the time there are kids walking around with forty-nine bucks in their pocket to buy a video game regularly—not once a year but routinely—only sixteen percent of the 200 and something plus video games sold on a unit basis were rated "Mature."

The notion that these kids are only buying mature-rated games is false on this basis as well. That kid with \$49 may just as well walk in and buy "Madden Football" or any one of a number of top-selling games that virtually have no violent content or minimal violence like "Spider Man II," perhaps teen-rated games that people don't seem to have as big a concern about.

It's not even that seventeen percent of the time they're buying inappropriate games and walking out of the stores with them because there's no support for that argument.

This is why the sting operations are the height of intellectual dishonesty. Nobody questions the fact that it is possible for minors to buy games even though the retailers have these voluntary programs in place—they deserve a lot of credit for trying to put these programs in place—and we're

pleased that they're doing that. I think the results are getting better and better, and they need to continue to improve. The retailers accept that fact. But there's a big difference, however, between what's theoretically possible and what happens in the real world, and in the real world parents and adults buy most of the games. If you send a bunch of kids out there in a sting operation, are they going to be able to buy games? Yes, they will.

Question: *Like minors buying cigarettes at the corner store?*

Lowenstein: Yes. It isn't going to work sometimes. It's like sending kids into R-rated movies. Twenty to thirty percent of the time, kids are getting into R-rated movies—we all know that. If you set out to prove that it's possible for minors to buy games, you'll succeed. But there is a world of difference between what happens in the sting and what happens in the real world. In fact, in some of these stings, they don't send out an eleven-year-old kid; they send out sixteen-year-old kids.

Question: *Who look like they could be seventeen?*

Lowenstein: Who look like they could be seventeen. Now you could argue that's no excuse because when the game scans and it says check for ID, the clerk should check. Of course, we're dealing in a retail and mass merchandise environment. We're dealing with fifteen or sixteen cashiers from age fifteen to seventy, some of whom have worked there full time, part time, trained, less trained, turnover, so we're going to have defects in the system. It's never going to be 100 percent effective.

Question: *You mentioned earlier that things were quieting down until "JFK Reloaded" came on the scene, and this producer was really out of the mainstream but has now focused the attention on the mainstream industry. The adult entertainment industry has similar issues. There are some people who are out on the fringes and now their extreme work product is shifting the focus back to the mainstream producers. What is the industry response when someone out of the mainstream creates a product like a "JFK Reloaded"? Does the industry say, "We're all in this together. We've got to embrace these people," or does it shy away from them?*

Lowenstein: It depends on the circumstances. In that case, I was quite outspoken in expressing my views when asked what I thought about this game. I found it contemptible and it was not something that was a product of the mainstream industry. A few years ago I heard about some game that a terrorist had put up in the Middle East in which you could play the role of a jihadist killing Israelis. He coded a video game and put it up. Blaming us for the “JFK Reloaded” is like blaming us for that.

It’s like blaming a book publisher because somebody puts a book together on how to make an atomic bomb and sells it on the Internet. People should not say, “Oh, see the American book-selling industry is a really disgusting industry because they publish books like that.” We can’t be responsible and accountable for everything that goes out under the label “video game.” The industry shouldn’t be blamed for such things. That doesn’t mean there’s not plenty of things that people find controversial in what we do, but I’d rather deal with that than be accountable and responsible for things that are just wholly illogical to attribute to us as an industry.

Question: *On the social science side of the issue, there seems to be a couple of different professors—Professor Craig Anderson at Iowa State University, for instance—who are often used as experts or whose research is cited repeatedly in these cases. Are there individuals out there essentially on the other side of the spectrum or is the only research being done to show the harmful effects?*

Lowenstein: It’s always hard to do research to prove a negative and a lot of people have told me that that kind of stuff doesn’t get published.

Question: *In other words, you need results.*

Lowenstein: Right. Results. It’s difficult to say, “I studied all this and nothing happened.” Okay, there’s nothing to publish. I don’t purport to say that it’s happened hundreds and hundreds of times because I don’t know and perhaps it’s not all that common. Nonetheless, what tends to get published is the negative research.

It is important to look at what the most independent people who have looked at that research have concluded about that science and that would

be the courts. Professor Anderson's research has been put forward by every locality out there, and every court that's looked at it has said it's quite wanting.

On the positive side, there are people looking at the issue of games and crime and taking a hard look at all the research that purports to show that games are harmful. The state of Washington's Department of Health has probably done some of the best work in this area where it looked at all the other research and issued an analysis of it, finding it to be quite unpersuasive.

Question: *How did you become involved with ESA?*

Lowenstein: I was a reporter for eight or nine years and then went to work on Capitol Hill. When I left the Hill after five years, I began working in a couple of private-sector jobs doing public-policy consulting and strategy—things of that sort. In that last firm where I was before here, we did a lot of work with entertainment companies, from MTV to Nickelodeon, and in the course of that we were retained by Electronic Arts—a major video company—to work on more corporate-positioning issues. This is back in 1993.

At the time that we began to talk about things we might do for EA, the first wave of anti-video game proposals began to hit and the industry came together to begin to think about how to organize itself to respond. That was in late 1993 or early 1994.

Out of that came a decision to hire somebody in Washington to help to figure out how they should respond to Senator [Joe] Lieberman. Since we had already been doing some work with EA, although not on that issue, I got to know some of the people in the industry and was eventually asked to represent the industry at large. That eventually led to their decision to create a ratings board and a trade association, and that's when they asked me to run the trade association.

Question: *You've been head of it the whole time?*

Lowenstein: Yes.

Question: *When did that start officially?*

Lowenstein: I started in June 1994.

Question: *Is that when the ESA was formed at that time?*

Lowenstein: It was IDSA at the time—the Interactive Digital Software Association.

Ramifications for Free Expression and the Need for Vigilance

In this section, Douglas Lowenstein initially addresses the possibility of self-censorship in the development of video games that might occur today due to public outcry and legislation. He then looks at how attacks on the video game industry are related to and may affect different forms of entertainment content such as music, and he considers other forms of controversial content in American culture such as sexually explicit expression and pornography. Finally, Lowenstein speculates about the future of efforts to crack down on violent video games, and he concludes by articulating his own philosophy and beliefs about why the government should refrain from regulating the content of video games.

It is on this last topic—the reasons why Lowenstein believes the government should butt out of speech regulation—that he gets to the heart of why the First Amendment protection of free expression exists. As Lowenstein states, “We protect the speech that we find most objectionable, not the speech that we all agree with. That’s why we allow Neo-Nazis to march in Skokie, Illinois.” The analogy is particularly striking. Among some segments of society, including many legislators, violent video games like “Grand Theft Auto” are demonized as an evil almost akin to Nazism, causing violence, destruction and death. Of course, it was Judge Richard Posner who raised a slightly different variation of this point and comparison in striking down an Indianapolis ordinance restricting minors’ access to video games. Posner, in describing the adverse consequences of shielding minors from expressive content, wrote that “[t]he murderous fanaticism displayed by young German soldiers in World War II, alumni of the Hitler Jugend, illustrates the danger of allowing government to control the access of children to information and opinion.”⁵⁶

Lowenstein freely admits that not all of the games produced are to his taste

or liking, but he also is not willing to impose or foist his sense of taste or morality on others, as the censorship advocates would do. Lowenstein's belief on this point mirrors the sentiment of the United States Supreme Court more than thirty years ago in *Cohen v. California*⁵⁷ "that one man's vulgarity is another's lyric. Indeed, we think it is largely because governmental officials cannot make principled distinctions in this area that the Constitution leaves matters of taste and style so largely to the individual."⁵⁸ Lowenstein's views also reflect those of defense attorney Paul Cambria who makes a large part of his living defending a very different but equally controversial form of expressive content—adult magazines and sexually explicit videos. Cambria frequently tells jurors in closing arguments in obscenity cases, "Let you be you and me be me. That's how our society works."⁵⁹ Unfortunately for Douglas Lowenstein, the forces of censorship just won't let the video game industry be.

Question: *Can you point to any instances of self-censorship of content in the video game industry—examples where content was changed or altered because of complaints, negative public opinion or lawsuits?*

Lowenstein: I don't know of instances where negative publicity or lawsuits caused the company to change the content of a game.

It's important to note that it takes two to three years to make a game now. We're talking about design teams of 100 people, from animators to story writers to music composers to engineers to a whole variety of other crafts. So, if you start off in March of 2005, you begin a two-year journey. It takes until March of 2007 to release the game.

When you're making creative decisions all along the way, you may or may not be influenced by events that are going on around you. But people don't know what you are doing, and it's only at the point in time when the game is ready to launch that there could be a public outcry over it. At that point the game is two to three years in development, with \$10 million to \$20 million worth of money sunk into it. You can't suddenly change it from a violent anti-terrorist game into a benign walk in the park. That just can't be done.

Obviously, there are cases where the people creating content are making those creative decisions based on their perception of the political

environment, and that could go both ways. They could decide to push the envelope more or they might decide to be more measured because they want to avoid a particular type of controversy when the product comes out.

Question: *When a game like “JFK Reloaded” comes into the market, it’s not typically from a mainstream company. Is that the case?*

Lowenstein: That certainly was the case there, but there are controversial games that mainstream companies put out.

Question: *Right.*

Lowenstein: There’s been a lot of publicity about a few of them recently, but those companies are making creative decisions within their own bubble. What’s influencing those choices are not things that I’m necessarily privy to. It certainly could be concern about negative media and political reaction or it could be calculated to generate negative media and political reaction. I think there are forces on both sides that are pushing and pulling people one way or the other.

I do know that companies have rejected content and game options that people have presented to them, saying, “No. We’re not going to publish it.” Again, how often that happens is impossible for me to document because companies are looking at ideas all the time and they are setting their own guidelines and standards about the kind of publisher they want to be and the kind of content they are going to be associated with.

The same is true with movie studios that might make certain decisions about their brands. Publishers make those decisions, too. Now, that product may go on to somebody else who doesn’t have the same standards, but there is independent decisionmaking by some publishers not to produce certain kinds of content, in part, for political or value reasons.

The other thing that happens is in the ratings process. The ratings board issues a rating based on what has been submitted by the company. I know that there are instances, more frequent now than in the past, where companies are given ratings that they don’t want. So they are saying, “Well, how do we need to change the content to get a mature rating

instead of an adults-only rating?” That’s a process that goes on that I’m not part of and don’t really know very much about, but the ratings board is in the middle of that.

Question: *The entertainment software industry is not the only form of media to implement voluntary ratings. Movies, television, recorded music all have used the voluntary systems as well.⁶⁰ What type of strategic alliance, if any, is the entertainment software industry forming with these other producers to combat efforts that are designed to restrict either access or content?*

Lowenstein: We certainly work with the other industries on an as-needed basis to gather and secure support for our efforts to oppose bills that are restrictive. I think that these other industries have and recognize a very direct stake in what’s happening here because media are all combined.

For instance, the music publishing industry is increasingly dependent on the video game industry for getting music out to consumers. More and more major artists are clamoring to be in video games as a way to get their music out to all their audiences. The relationship between the film industry and the game industry is ever more linked as licenses pass back and forth and studios recognize the economic potential of the game franchises. So regulating the game industry is increasingly seen as a threat to any content because all those media forms are merging together.

We work closely with them in trying to present the common alliance on these First Amendment issues. The movie industry particularly has been through this for years, and to some degree they have had their fight the last couple of decades. Maybe they’ve emerged into the sunlight that we want to be in sometime in the not too distant future, but they haven’t forgotten and they never take lightly threats to free expression.

Question: *If legislative efforts to restrict the content of video games, at some point, were to survive constitutional scrutiny, would you expect to see similar restrictions placed on other media content?*

Lowenstein: That’s a good question. There is an obvious inconsistency when people in politics talk about how we’re protecting the young people. I conjure up this notion that a 12-year-old kid can go into Wal-Mart or

Best Buy and can buy Natural Born Killers or Texas Chainsaw Massacre, but he can't buy "Resident Evil" or a Tom Clancy video game rated M. It is difficult for people to get their arms around the logical consistency of that position, which is something that the judge in Washington pointed out.

On the one hand, you would think that the video game industry would be just the tip of the iceberg if people were intellectually consistent. I'm not sure people are terribly intellectually consistent. Part of that goes to the point I was making at the very beginning of the interview because people in their 40s, 50s and 60s are comfortable with passive media. They've come to terms with it. There may be movies out there they think are disgusting but, for whatever reason, they've sort of grown up on them and they've accepted them as part of the culture.

Video games aren't there yet. People are more willing to accept the notion that music is expression than they are that games are expression. They hate the lyrics but everybody understands that somebody's written something that has sound and words associated with it, and that's always been protected speech. I don't think people necessarily see games that way. They don't see all those elements that go into it.

Question: *They focus on the conduct. Do they see it more as conduct because the players are using controllers?*

Lowenstein: Exactly. There's not an understanding that, if you take a typical video game, everything that we regard as expressive content is built into a game. Then you add interactivity. But you have original music, scripts, storyboards, drawings and animation, along with any number of other art forms that we clearly acknowledge individually as artistic expression. Yet people have a hard time getting their arms around that fact and believe that if you put it all into a video game it somehow loses something.

Around this office there are shots of video games that were part of an art exhibit that the Los Angeles County Museum of Art staged last year called "Into the Pixel," which is video game art. I defy you to look at that and tell me it's not artistic expression, but that's hard for people to get their arms around. If you took these shots out of the game and hung them

all in an art gallery, people would come and say, “Wow, that’s really beautiful.” But when you put them in the video game, they say, “Well, that’s just a game.”

Question: *Do you see parallels with the adult entertainment industry which, during the 1990s, mainstreamed significantly to the extent today where we see Hustler Hollywood stores located throughout the country, the whole Jenna Jameson phenomenon where everybody would recognize that name, and the content is very popular?⁶¹ It’s reached the stage where there are a few prosecutions here and there, but it’s accepted more and more increasingly. Do you see a parallel type of a situation with video games, without regard to the underlying substantive content?*

Lowenstein: I don’t know. I think this country has a love-hate relationship with sex. There may be parallels in terms of how, over time, video games will become accepted, but I think if that happens, it’s going to be more for the reasons I was talking about earlier.

I don’t really know why porn has become more accepted within the culture and why it’s more mainstreamed. Maybe it’s the same thing. I think in our case it will be more of a gradual generational evolution that will just cause a lot of the hostility to dissipate and people will accept that these are a very core part of the culture.

A lot of the real criticism of games is focused on access. So if you want to look for maybe the silver lining right now it’s that people are not trying to say you can’t make games no matter how contemptible they might feel about some of the content. They are slowly accepting the fact that it is a protective form of expression and the battle is over whether there’s a harmful-to-minors element here that justifies trumping the First Amendment protections. Plus, I don’t think people accept porn as something that we want to give to kids either.

Question: *In fact, sometimes we see that question phrased as, “Well, we don’t allow minors access to Hustler and Playboy in a store, so why should we allow minors access to a video game that depicts violence?”*

Lowenstein: The answer is because courts have consistently and clearly ruled that violence is protected speech whether it’s detective magazines,

movies or music lyrics.

It would be incredibly difficult to determine what kind of violence would be considered covered. How do you distinguish between a video game where there is very graphic violence of troops being killed storming Normandy Beach and violence in a game that some people might find less historically based?⁶² It's the same argument as *Saving Private Ryan* versus the *Texas Chainsaw Massacre*.⁶³ People in the courts have certainly recognized over a long period of years that making distinctions between violent expression is fundamentally impossible. Moreover, if you read the Posner decision, one of the points he talks about is not only is it folly to try to shield kids from violence but it may not be a good idea.

Question: *His point was that if you raise your kids in an intellectual bubble, they will be ill-equipped to face the real world once they reach the age of majority.*⁶⁴

Lowenstein: Exactly.

Question: *So far the efforts to restrict video games ultimately have been unsuccessful in court, as we've been talking about during this interview. As more and more lawmakers seek to impose restrictions, do you expect that pattern to continue or is it just going to eventually bubble up to the point where you're going to see courts accepting some of this?*

Lowenstein: I don't predict what happens in the courts. I hope not. Obviously, not every judge is bringing the same legal analysis and personal morality to every case. I think you always look at this with some understanding that things change. After all, we used to tolerate segregation in this country and now it's unconstitutional. I don't know how the culture will evolve. I don't know how the courts will evolve on this issue. We will deal with it as it comes. For now, in three separate circuits, the courts have been resoundingly clear on this and hopefully that pattern will continue. If it doesn't, we'll deal with it at the time.

Question: *Why should the government at the local, state and federal level refrain from regulating the content of video games?*

Lowenstein: It comes down to a simple proposition for me, which is not a

very politically attractive proposition. Games are protected expression. Government has no business regulating artistic expression. The definition of art is not whether the government or I like it, or whether the church likes it. Rather, the question is: Does it have the elements of creativity? And video games unquestionably do. To tolerate a restriction on the creative expressive rights of video game creators to me is a very dangerous thing for this country, and it is a principle worth fighting for. It is not always a fun principle to fight for. In a lot of ways, it's not a principle that's very popular. But if the government can say, "You can't sell games that depict violence that we in government find objectionable," then why can't you have, at another time in another moral environment, the government saying, "You can't sell games that depict homosexual lifestyles. Or you can't sell games that depict anti-war sentiments." The list goes on and on and on.

That's the whole essence of what we protect. We protect the speech that we find most objectionable, not the speech we all agree with. That's why we allow Neo-Nazis to march in Skokie, Illinois. I find that pretty disgusting, but I think that the benefit of having that right far outweighs not having it and that's the principle we're championing since an eighteen-year-old's right to vote is a right personal to him rather than a right that is to be exercised on his behalf by his parents, the right of parents to enlist the aid of the state to shield their children from ideas of which the parents disapprove cannot be plenary either. People are unlikely to become well-functioning, independent-minded adults and responsible citizens if they are raised in an intellectual bubble.

Question: *Even from your position at the ESA, you might not agree with or like all of the content in all the video games, is that correct?*

Lowenstein: I don't like all the content in all the games. I'm a human being like anybody else. I have my own morality and my own standards, whether in books, movies or video games. There's stuff out there that I don't particularly care for and that I wouldn't and don't bring into my home. There are things that I wish weren't made because I don't think it ennobles the culture and I don't think it ennobles the art form. That's my personal view. It's not my job to defend people's creative choices. It is

my job to defend their right to make those creative choices, and that's a distinction that's sometimes rather painful to carry.

Conclusion

In the 1990s, as the Internet exploded in popularity, lawmakers felt compelled to rein in the proliferation of websites that showcased adult entertainment, fearing that such materials were harmful to minors.⁶⁵ Despite strong-willed efforts by Congress to restrict the popular new media form, civil liberties groups fervently opposed such attempts, as did courts (including the U.S. Supreme Court) that considered the attempts and ultimately led to their demise.⁶⁶ The legislative and judicial wrestling that marked efforts to regulate the Internet at the end of the last millennium seems painfully similar to what is happening now with the latest popular new media form, computer and video games.

At the forefront of the current battle to keep video games free of restrictions is the Entertainment Software Association, under the stewardship of Douglas Lowenstein. An erstwhile reporter and legislative aide to former U.S. Sen. Howard Metzenbaum (D.Ohio), Lowenstein has put to significant service the media relations and political skills he learned earlier in his career to answer journalists' inquiries and fend off legislation designed to clamp down on the industry he and the ESA represent.

As Lowenstein noted several times during the interview, it is largely the novelty of video game technology driving the current national debate over whether minors should be shielded from violent content prevalent in several popular games.⁶⁷ Lawmakers, the vast majority of whom are on the far and graying side of forty, are not familiar or comfortable with the gaming technology. As Lowenstein observed, "the generation in power tends to react with hostility to the media of the younger generation coming in behind them."⁶⁸ This generational tension leads to controversy. Where there is controversy, there are also headlines—what Lowenstein wryly calls "the crack cocaine of politicians"⁶⁹—drawing lawmakers to introduce bills to curb access by minors to these games.

The ESA estimates that more than fifty such legislative initiatives were on

the table in states and municipalities across the country in 2005, including Washington, D.C.⁷⁰ The chorus of officials nationwide that hopes to ban violent and sexually explicit video games may, indeed, emerge as the next family-friendly government initiative. As Lowenstein mentioned throughout the interview—and as he is depending on—the move to halt video game sales carries a high constitutional price tag that even eager lawmakers may not be able to afford.⁷¹

Every piece of legislation to date regulating violent video games ultimately has failed when challenged in the federal courts. Though not a lawyer, Lowenstein boiled down the legal analysis to its core terms—one that he concedes “is not a very politically attractive proposition.⁷² Games are protected expression.” Essentially, video games have expressive elements in that they contain story lines, just like movies and books. And sometimes those story lines are violent—again, just like movies and books. And just as movies and books are protected by the First Amendment, so too are video games. In fact, as Lowenstein pointed out, all of these expressive elements are combined in the video game: “[Y]ou have original music, scripts, storyboards, drawings and animation, along with any number of other art forms that we clearly acknowledge individually as artistic expression.”⁷³

Accordingly, to place restrictions on violent video games, the government will need to prove that the games cause harm to the minors who play them, thus providing them with a compelling interest to protect those youngsters. So far, such evidence remains elusive. Social science research on the topic has never shown a causal link between playing violence on a screen and behaving violently in society. As the Seventh Circuit U.S. Court of Appeals noted in striking down an Indianapolis ordinance limiting minors’ access to violent video games, “[t]he grounds must be compelling and not merely plausible.”⁷⁴ Contrived and artificial academic laboratory experiments, in other words, simply cannot be generalized to real-world situations and thus lack external validity.

Those states and municipalities looking to regulate violent video games have relied upon research that merely shows aggressive feelings encountered when playing violent games, but “[t]he studies do not find that video games have ever caused anyone to commit a violent act ... ”⁷⁵ Moreover, they have not demonstrated that the interactive component of the game leads to

aggressive feelings as opposed to the exposure itself to graphic violence.⁷⁶ As Lowenstein observed, “every court that’s looked at it has said it’s quite wanting.”⁷⁷ While proving a negative (that the games are not harmful) may not be an attractive proposition for researchers, some social scientists have broken down the results put forth by those seeking restrictions and found them “to be quite no unpersuasive,” which gives Lowenstein hope for the future.

The lack of evidence proving harm is only one of the hurdles state and local governments must overcome to enact constitutionally sound video game restrictions. Even if a direct causal connection to real-world violence could be found—and that is not likely to happen—how are violent video games different from violent movies? If a minor who plays a violent game is at risk, surely he or she must be in similar peril when watching a movie. Singling out the game industry for restriction while movies go unregulated will raise other constitutional problems. These constitutional problems will be based on such an under-inclusive and definitively inefficacious remedy.⁷⁸

From Lowenstein’s perspective, much of the problem boils down to the definition of violence.⁷⁹ During the interview he observed and queried, “How do you distinguish between a video game where there is very graphic violence of troops being killed storming Normandy Beach and violence in a game that some people might find less historically based?”⁸⁰ Parsed differently and more bluntly, there is no recognized and agreed upon definition of violence, in stark contrast to the Supreme Court’s three-decade-old and well-accepted definition of “obscenity.”⁸¹

So why waste time creating measures that cannot withstand a constitutional challenge? Lowenstein believes it comes down to an issue of accountability and responsibility. Society tends to shift blame away from individuals and onto industries that produce violent expression. As he pointed out, “It’s a lot easier to say, ‘let’s go sue the video game companies and try to get \$100 million out of those guys. It will make us feel better that we’ll have gotten somebody to pay for this horrible crime.’”⁸²

While Lowenstein is hesitant to ascribe ill motives to those who push for restrictions, he is certain that time is better spent encouraging parents to take a peek at what electronic games their children are playing. After all, he observed that the government’s own figures report that “⁸³ percent of the time

parents are involved in the purchase and rental of the games.”⁸³ Calling this statistic “the dirty little secret that politicians don’t want to touch,” Lowenstein notes that it is much more politically expedient “to point the finger at the video game industry and retailers than it is to point the finger at parents who are either not doing their jobs or they just don’t agree with the view that these things are harmful.”⁸⁴

For now, Lowenstein understandably hopes that courts will continue to strike down legislative attempts to restrict violent video games. Although he is reluctant to predict what will happen in the future, he is confident that, as the younger generation takes the reins of power, the fear generated by this new form of media will dissipate and legislative efforts will dwindle. But if politicians like Assemblyman Leland Yee in California continue to trot out young Girl Scouts in committee hearings to cloak Of legislation in a patriotic flag⁸⁵ and work to assemble broad-based coalitions between the D/T likes of the Girls Scouts of America and the American Academy of Pediatrics,⁸⁶ Lowenstein’s desired result may not be so readily obtained.

Notes

1.

This position is “increasingly familiar” because the video game industry has previously faced legislative initiatives. See generally Clay Calvert and Robert D. Richards, *The 2003 Legislative Assault on Violent Video Games: Judicial Realities and Regulatory Rhetoric*, 11 *vll. sports and ent. l.J.* 203 (2004) (describing and critiquing legislative initiatives from the year 2003 that targeted video games depicting images of violence or featuring violent content). The video game industry successfully fought off new anti-access legislation that was adopted by the state of Michigan in 2005. *Entertainment Software Ass’n v. Granholm*, 404 F. Supp. 2d 978, 983 (E.D. Mich. 2005). Likewise, the industry won a battle in Illinois in 2005 against video game laws in that state. *Entertainment Software Ass’n v. Blagojevich*, 404 F. Supp. 2d 1051, 1083 (N.D. 111. 2005). Another lawsuit was filed in October 2005 against legislation signed into law by Calif. Gov. Arnold Schwarzenegger (R.) earlier that year. *Entertainment Software Association v. Schwarzenegger*, Case No. 05-4188 (N.D. Cal. 2005); see also Greg Hernandez, “Arnold Game for a Fight,” *Daily News of L.A.*, Oct. 9, 2005, at B1 (writing that “Gov. Arnold Schwarzenegger on Tuesday vowed to ‘mount a vigorous defense’ against a lawsuit filed this week by video-game industry trade

groups seeking to strike down a recently signed law that will fine retailers who sell certain video games depicting violence to minors”).

2.

See Clay Calvert, *Censorship of Video Games Wrongheaded*, CHI. TRIB., Dec. 28, 2004, at 21 (analyzing and criticizing “Illinois Gov. Rod Blagojevich’s call for state laws to crack down on the sale and distribution of video games depicting violence and sex to minors and to force retailers to label such games”); John Chase and Grace Aduroja, *Governor Targeting Violent Video Games*, CHI. TRIB., Dec. 16, 2004, at 1 (writing that “if Gov. Rod Blagojevich has his way, Illinois will be leading a national movement to outlaw the sale or rental to children of games like ‘Grand Theft Auto: San Andreas’”); P.J. Huffstutter, *Illinois Seeks to Curb Explicit Video Games*, L.A. TIMES, Dec. 16, 2004, at A1 (describing the legislative proposals of Illinois Gov. Rod Blagojevich made in December of 2004 and designed to “make it a crime for retailers to rent or sell such violent or sexually graphic material to minors, policing video games in much the same way as cigarettes and alcohol”).

3.

Rod Blagojevich, *Editorial, Video Game Law Would Help Us Fight for Our Kids*, CHI. SUN-TIMES, Dec. 26, 2004, at 51. The Illinois measure, proposed by Gov. Blagojevich and known as the Safe Games Illinois Act, “sailed through the Illinois House” in March 2005 by a 91-19 vote despite the fact that “[lawmakers from both parties called the proposal vague, poorly thought out and ‘patently unconstitutional.’” Ben Fischer, *House Approves Controlling Video Game Sales*, CHI. SUN-TIMES, Mar. 17, 2005, at 21. The Illinois measure, after amendment, was signed into law by Gov. Blagojevich in July 2005, but was declared by a federal district court in December of that same year to violate the First Amendment protection of free speech and, thus, its enforcement was permanently enjoined. *Blagojevich*, 404 F. Supp. 2d at 1073–74.

4.

See H.R. 441, Reg. Sess. (Ala. 2005) (prohibiting the sale and rental of violent or sexually explicit video games to persons under the age of eighteen years); H.R. 1852, 85th Gen. Assem., Reg. Sess. (Ark. 2005) (providing that “[i]t is unlawful for any person having custody, control, or supervision of any commercial establishment to knowingly exhibit to a minor violent video games,” defining a violent video game as one “that is rated ‘M’ for mature by the Entertainment Software Rating Board,” and defining a minor as “any person under eighteen (18) years of age”); A.B. 450, 2005–06 Reg. Sess. (Cal. 2005) (providing that “[a] person may not knowingly sell, rent, distribute, send, cause to be sent, exhibit, or offer to distribute or exhibit by any means a violent video game to a minor,” and defining a minor as “any natural person who is 16 years of age or younger”); A.B. 1179, 2005–06 Reg. Sess. (Cal. 2005) (providing in relevant part that “[a] person

may not sell or rent a video game that has been labeled as a violent video game to a minor” and that “[e]ach violent video game that is imported into or distributed in California for retail sale shall be labeled with a solid white ‘18’ outlined in black”); S. 108, Gen. Assem., Jan. Sess. 2005 (Conn. 2005) (prohibiting the use of point and shoot video games in public arcades by individuals under the age of eighteen); S. 1148, 107th Reg. Sess. (Fla. 2005) (prohibiting the sale or rental of adult video games to persons under eighteen years of age and defining an adult video game as “any video recording of a game which contains representations or images of excessive violence, nudity or sexual conduct that is harmful to persons younger than 18 years of age, or criminal activity”); S. 105, 148th Gen. Assem., 2005–06 Reg. Sess. (Ga. 2005) (providing, in relevant part, that “[i]t shall be unlawful to sell, rent, or loan for monetary consideration to a minor any excessively violent video game or any video game containing material that is harmful to minors,” and defining an excessively violent video game as one that “taken as a whole, to the average person, applying contemporary state-wide standards, appeals to minors’ morbid interest in violence, that enables the player to virtually inflict serious injury upon human beings or characters with substantially human characteristics in a manner that is especially heinous, atrocious, or cruel, and that, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors”); S. 106, 148th Gen. Assem., 2005–06 Reg. Sess. (Ga. 2005) (providing, in relevant part, that video game retailers “shall post a sign providing information to consumers about any video game rating system which appears on a video game offered by such retailer. The sign shall be posted in a conspicuous place within the portion of the establishment dedicated to the display or advertisement of video games”); H.R. 698, 419th Gen. Assem., Reg. Sess. (Md. 2005) (providing, in relevant part, that “a person may not knowingly sell, offer to sell, or rent to a minor a video game or computer game which has been given an official rating of ‘Mature’ or ‘For Adults Only’ or an equivalent rating by the video or computer game manufacturer or the entertainment software rating board”); S. 249, 93d Leg., 1st Reg. Sess. (Mich. 2005) (providing, in relevant part, that “[a] person shall not sell or rent a restricted video game to a person who is less than 17 years of age. As used in this section, ‘restricted video game’ means a video game rated AO (adults only) or M (mature) by the entertainment software rating board”); H.R. 1298 and S. 785, 84th Reg. Sess. (Minn. 2005) (providing, in relevant part, that “[a] person under the age of 17 who knowingly rents or purchases a restricted video game is guilty of a petty misdemeanor and is subject to a fine of not more than \$25,” and requiring that “[a] person or entity engaged in the retail business of selling or renting video games from a location or structure with access to the public shall post a sign in a location that is clearly visible to consumers”); H.R. 390, 93d Gen. Assem., 1st Reg. Sess. (Mo. 2005) (requiring “all retailers and manufacturers of video games in this state

... to label video games according to the ESRB rating system,” and mandating that all retailers “post signs explaining the ESRB video game rating system and provide ratings informational brochures on-site.” This section also prohibits the knowing sale or rental of video games “rated M (mature) or AO (adults only) by the entertainment software rating board ... to any person under the age of seventeen”); A.B. 4357, 228th Leg. Sess. (N.Y. 2005) (providing, in relevant part, that “[n]o owner or operator of any premises where video games, including a violent point and shoot video simulator, are provided for entertainment shall permit a person under the age of eighteen to operate such violent point and shoot video simulator.” A violent point and shoot video simulator is defined as a “device that involves one or more individuals firing simulated weapons at a video screen which depicts human silhouettes, life-like representations of human beings or civilian transportation services, including, but not limited to, representations of cars, buses, trains, aircraft and commercial and residential structures,” and that contains “realistic depictions of physical injury to a human silhouette or life-like representation of a human being and realistic depictions of blood, gore, mutilation, or dismemberment of such silhouettes or human beings”); A.B. 4464 and S. 2715, 228th Leg. Sess. (N.Y. 2005) (requiring the establishment of an advisory council on interactive media and youth violence, mandating that businesses “prohibit a person under sixteen years of age from playing or using any video game or interactive media device which as part of the use of such game, requires the player to use a model or toy replica of a gun, pistol, rifle or similar weapon which simulates firing ammunition,” and requiring that ratings be affixed to video games sold or delivered in New York); S. 1635, 228th Leg. Sess. (N.Y. 2005) (requiring those who sell or rent video games to post an “Epilepsy Warning” which provides, in relevant part, that “medical research indicates a small percentage of the population may experience epileptic seizures or seizure-like symptoms when exposed to certain stimuli, including, without limitation, light patterns, flashing lights, or certain patterns of backgrounds on a television screen or video monitor”); S. 2710, 228th Leg. Sess. (N.Y. 2005) (providing, in relevant part, that “[n]o person, partnership or corporation shall sell or rent or offer to sell or rent to any person under the age of eighteen years any video game that has a rating containing racist stereotypes, derogatory language and/or actions toward a specific group or groups of persons”); S. 271 1, 228th Leg. Sess. (N.Y. 2005) (providing, in relevant part, that “[n]o person, partnership or corporation shall sell or rent or offer to sell or rent to any person under the age of eighteen years any video game that has a mature or violent rating,” and noting that such video games may include content “descriptive of, advocating or glamorizing commission of a violent crime, suicide, sodomy, rape, incest, bestiality, sadomasochism, any form of sexual activity in a violent context, or advocating or encouraging murder, violent racism, religious violence, morbid violence or the illegal use of drugs or alcohol”); S. 2,

Reg. Sess. (N.C. 2005) (making it unlawful for a person to “sell, rent, or otherwise disseminate for consideration to a minor a video game that is harmful to minors if the person knows the character or content of the video game,” and requiring video game retailers to “post a sign that notifies consumers of any rating system created by the video gaming industry that is available to aid in the selection of a game. The sign shall be posted within the retail establishment or video arcade in a prominent area”); H.R. 866, 79th Leg. (Tex. 2005) (providing that “[a] person commits an offense if the person sells, rents, or otherwise transfers to a minor for money or other consideration a video game that contains violent or sexually explicit content,” defining “violent content” as “a graphic and realistic depiction of physical conflict and includes a depiction of: (A) decapitation; (B) bloodshed; (C) dismemberment; or (D) grotesque cruelty,” and requiring the posting of a sign by those selling video games that explains the rating system for video games); H.R. 1433, 79th Leg. (Tex. 2005) (including terms substantially similar to House Bill 866); H.R. 293, 56th Leg., Gen. Sess. (Utah 2005) (requiring retailers to “clearly label video games with their rating and to post a sign and provide information about the video game rating system”); H.R. 1366, 59th 1st Reg. Sess. (Wash. 2005) (requiring video game retailers to inform consumers about video game rating systems); H.R. 2178, 59th 1st Reg. Sess. (Wash. 2005) (allowing for personal injury or wrongful death actions “against a manufacturer or retailer of violent video or computer games if the manufacturer or retailer has distributed, sold, or rented a violent video or computer game to a person under the age of seventeen and the game was a factor in creating conditions that assisted or encouraged the person to cause injury or death to another person”).

5.

See Eric M. Weiss, “DC. Seeks Sales Ban on Violent Games,” *Washington Post*, Feb. 3, 2005, at B01 (describing a measure proposed in Washington, D.C. that would “limit the sale of such games as the Grand Theft Auto series, Halo 2 and Mortal Kombat. A store that sells the games to minors could lose its business license and face a fine of as much as \$10,000”).

6.

A.B. 450, 2005–06 Reg. Sess. (Cal. 2005).

7.

Compare *id.* with *Miller v. California*, 413 U.S. 15, 24 (1973). Under the originally drafted California statute, violent video games satisfy all of the following criteria: (A) The game may be played using a portable electronic device or hand held gaming device using a television or computer, (B) Taken as a whole to the average person, applying contemporary statewide standards, the game appeals to minors’ morbid interest in violence, (C) The game enables the player to virtually inflict serious injury upon human beings or characters with substantially human characteristics in a manner that is especially heinous, atrocious, or cruel,

and (D) Taken as a whole, the game lacks serious literary, artistic, political, or scientific value for minors. A.B. 450, 2005–06 Reg. Sess. (Cal. 2005). In *Miller*, the Supreme Court held that the trier of fact must define obscenity by determining: (a) whether ‘the average person, applying contemporary community standards’ would find that the work, taken as a whole, appeals to the prurient interest, (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. *Miller*, 413 U.S. at 24 (citations omitted)

8.

See *supra* note 6.

9.

See generally Speaker pro tempore Leland Y. Yee web site, <http://democrats.assembly.ca.gov/members/al2> (last visited Mar. 5, 2005).

10. See Harrison Sheppard, “Violent Video Games Targeted in New Bill,” *Daily News* (Los Angeles), Apr. 20, 2005, at B1 (describing the committee’s vote and the hearing).

11. *Cal. Bus. and Prof. Code* § 20650 (Deering 2005).

12. See Biography, Speaker pro tempore Leland Y. Yee Web site, <http://democrats.assembly.ca.gov/members/al2/bio.htm> (last visited Mar. 5, 2005) (providing, in relevant part, that Yee “received his bachelor’s degree from UC Berkeley, and his master’s degree from San Francisco State University. After earning his doctorate in Child Psychology at the University of Hawaii, Dr. Yee worked in various mental health and school settings”).

13. See *id.* (providing, in relevant part, that “Dr. Yee spent eight years on the San Francisco Unified School District Board of Education where he fought to streamline bureaucracy, direct funds towards higher standards in core curriculum, update educational materials, reduce class sizes, and increase public access to school services”).

14. Press Release, Speaker pro Tempore Leland Y. Yee, “Round 2: Yee Continues Fight to Protect Children from Violent Video Games” (Feb. 16, 2005), available at http://democrats.assembly.ca.gov/members/al2/press/p_122005013.htm (last visited Mar. 5, 2005).

15. See Jose Antonio Vargas, “JFK Internet Game Assailed; Players Re-Creat Oswald’s Fatal Shots,” *Washington Post*, Nov. 23, 2004, at C01 (describing the game and quoting David Smith, spokesman for Sen. Edward Kennedy (D-Mass.), for the proposition that “[i]t’s despicable. We’re not commenting further”).

16. Bill Hutchinson, “Game Lets Players Take Shots at JFK,” *Daily News* (N. Y.), Nov. 22, 2004, at 8.

17. The First Amendment to the United States Constitution provides in relevant part that “Congress shall make no law ... abridging the freedom of *speech*, or of *the*

press.” U.S. Const, amend. I (emphasis added). The Free Speech and Free Press Clauses have been incorporated through the Fourteenth Amendment’s Due Process Clause to apply to state and local government entities and officials. See *Gitlow v. New York*, 268 U.S. 652, 666 (1925).

18. See *Cohen v. California*, 403 U.S. 15, 25 (1971) (protecting a person’s right to wear a jacket bearing the words “Fuck the Draft” in a public courthouse, and observing that it is “often true that one man’s vulgarity is another’s lyric. Indeed, we think it is largely because governmental officials cannot make principled distinctions in this area that the Constitution leaves matters of taste and style so largely to the individual.”). See generally Clay Calvert and Robert D. Richards, “Free Speech and the Right to Offend: Old Wars, New Battles, Different Media,” 18 *Ga. St. U. L. Rev.* 671 (2002) (discussing the First Amendment’s protection of offensive speech in the context of some relatively recent cases and controversies).

19. *American Amusement Machine Ass’n v. Kendrick*, 244 F.3d 572, 573 (7th Cir. 2001), cert. denied, 534 U.S. 994 (2001). See generally Clay Calvert, Violence, Video Games, and “A Voice of Reason: Judge Posner to the Defense of Kids’ Culture and the First Amendment,” 39 *San Diego L. Rev.* 1 (2002) (analyzing, critiquing and lauding the opinion in *Kendrick*).

20. *Interactive Digital Software Ass’n v. St. Louis County*, 329 F.3d 954, 956 (8th Cir. 2003).

21. *Video Software Dealers Ass’n v. Maleng*, 325 F Supp 2d 1180 1189–90 (W.D. Wash. 2004.)

22. See Matt Richtel, “Game Sales Thrive Thanks to the Big Kids (In Their 20’s),” *NY Times*, Dec. 27, 2004, at C1 (writing that “the video game industry is poised to enjoy a record-breaking holiday season,” and noting that the violent video game “Grand Theft Auto: San Andreas”—a favorite target of politicians—“sold more than 3.3 million copies in the last two months”).

23. Video game sales overall climbed to record highs in 2004, reaching \$7.3 billion. Ariana Eunjung Cha, “Seeking New Twists on Violence, Designers Hesitate to Take Games to Further Extremes,” *Washington Post*, Mar. 16, 2005, at A01.

24. See 60 Minutes: “Lawsuit Claims ‘Grand Theft Auto’ Trained Teen to Kill” (CBS News television broadcast, Mar. 6, 2005) (focusing on a civil lawsuit involving the murder of three men in Alabama who were killed by an individual who claimed to have played the game “Grand Theft Auto” repeatedly for several months before the killings).

25. See Tuesday TV: Tonight, *Newsday* (NY), Feb. 8, 2005, at B23 (noting that the program *Law and Order: Special Victims Unit* ran an episode in 2005 in which “[t]eens re-enacting a video game are the prime suspects in the brutal rape and murder of a prostitute”); Sunday, *Washington Post*, Mar. 5, 2005, at C07 (describing a 60 Minutes episode in March of 2005 featuring a segment that takes “a look at whether a violent video game caused an 18-year-old to murder three

people”).

26. See Leo Standora, “‘Grand Theft’ Game Maker Sued in Slays,” *Daily News* (NY), Feb. 16, 2005, at 42 (describing a \$600 million lawsuit claiming that “[t]he ultraviolent video game ‘Grand Theft Auto’ is to blame for a teenager’s bloody rampage that killed two Alabama cops and a dispatcher”).

27. Stephen Hudak, “Teen Can Stand Trial in Girl’s Murder,” *Plain Dealer* (Cleveland), Sept. 16, 2003, at B3.

28. See “Families Sue over Grand Theft Auto-Like Shootings,” *St. Petersburg Times* (FL), Oct. 27, 2003, at 4E (describing Thompson’s representation of the plaintiffs in a \$246-million civil lawsuit “filed against the designer, marketer and a retailer of the video game series Grand Theft Auto by the families of two people shot by teenagers apparently inspired by the game”).

29. Matthew Yi, “Sale of Violent Videos to Minors Under Fire, Proposed Law Would Impose \$1,000 Fines,” *San Francisco Chronicle*, Feb. 16, 2005, at C3.

30. Jose Antonio Vargas, “A Duo’s Dynamic Attack on Video Game Violence,” *Washington Post*, Mar. 16, 2005, at C01.

31. *Id.* at C04.

32. Cha, *supra* note 23.

33. *Id.*

34. Vargas, *supra* note 30.

35. About the Entertainment Software Association, <http://www.theesa.com/about/index.php> (last visited Mar. 5, 2005).

36. Weiss, *supra* note 5 (quoting Lowenstein in response to video game legislation proposed in Washington, D.C.).

37. Douglas Lowenstein, Op-Ed., “Industry Polices Its M-Rated Videos,” *Sacramento Bee*, Apr. 17, 2004, at B7 (arguing against video game legislation in an op-ed commentary, and contending that “[i]nstead of opening the door to legislation that violates the First Amendment, perhaps we should trust parents—96 percent of whom say that they pay attention to the content of the games their kids play—to decide what books their children can read, what music they should enjoy, what movies to see and what games they can play”).

38. Hiawatha Bray, “Game On; Some Say You’d Better Watch Out for Violent Games,” *Boston Globe*, Dec. 17, 2003, at E6 (quoting Lowenstein as he criticizes legislative measures proposed against violent video games).

39. Peter Shinkle and Hannah Bergman, “Violent Video Games Gain Victory in Court,” *St. Louis Post-Dispatch*, June 4, 2003, at A1 (quoting Lowenstein in response to a federal appellate court decision striking down as unconstitutional a St. Louis County, Mo., ordinance limiting minors’ access to violent video games).

40. This is an argument popular among politicians now proposing measures that crack down on minors’ access to video games. For instance, California Assemblyman Leland Yee, sponsor of Assembly Bill 450 described earlier in this

article, was quoted in April 2005 in the *Sacramento Bee* for the proposition that “there is a plethora of studies that demonstrate that there are harmful effects to children relative to these kinds of ultraviolet video games.” Alexa H. Bluth, “No Mercy for Cruel Games,” *Sacramento Bee*, Apr. 9, 2005, at A3.

41. See *infra* note 44 and accompanying text.

42. See *infra* notes 45–64 and accompanying text. A copy of the signed verification form by Douglas Lowenstein affirming the accuracy of his comments is on file with this law journal.

43. *Infra* notes 65–86 and accompanying text.

44. An electronic version of the print can be found online at the Gallery Brown Web site, Roy Lichtenstein, Oval Office, http://www.gallerybrown.com/lichtenstein/oval_office.htm (last visited Mar. 22, 2004).

45. “Video Game Industry’s Double Messages are Double Trouble for Parents,” *Bus. Wire*, Nov. 23, 2004.

46. *Id.* (“[T]he video game industry says parents should use the ratings, but denies violent video games affect children”).

47. Tom Zeller, Jr., “A Sure-to-Be Controversial Game Fulfills That Expectation Fully,” *NY Times*, Nov. 29, 2004, at C7 (noting that “[O]n television and in print, historians and campaigners against media violence pilloried the game...”).

48. Blagojevich, *supra* note 3.

49. See *supra* note 4 (collecting state initiatives).

50. Zeller, *supra* note 47.

51. See generally Clay Calvert, “Framing and Blaming in the Culture Wars: Marketing Murder or Selling Speech?” 3 *Vand. J. Ent. L. and Prac.* 128, 129 (2001) (describing the media blame game as “nothing new” and contending that “ongoing battles against violence and for control of media content have tried to shape popular teen culture for decades”).

52. Karen Sternheimer, “It’s Not the Media: The Truth About Pop Culture’s Influence on Children” (2003).

53. University of Southern California Faculty Profile Web site, <http://www.usc.edu/assets/college/faculty/profiles/436.html> (last visited April 11, 2005).

54. Entertainment Software Association, <http://www.theesa.com/about/index.php> (last visited Apr. 10, 2005).

55. *Id.*

56. *Am. Amusement Mach. Ass’n v. Kendrick*, 244 F.3d 572, 577 (7th Cir. 2001).

57. 403 U.S. 15 (1971).

58. *Id.* at 25.

59. Clay Calvert and Robert D. Richards, “Adult Entertainment and the First Amendment: A Dialogue and Analysis with the Industry’s Leading Litigator and

Appellate Advocate,” 6 *Vand. J. Ent. L. and Prac.* 147, 156.

60. For instance, background on the Motion Picture Association of America’s voluntary movie rating system can be found online from that organization’s web site at <http://www.mpa.org/movieratings> (last visited Apr. 11, 2005).

61. See generally Robert D. Richards and Clay Calvert, “The Politics of Porn,” *Boston Globe*, Dec. 27, 2004, at A15 (discussing the mainstreaming of adult entertainment and the popularity of Jenna Jameson).

62. Saving Private Ryan is “Steven Spielberg’s acclaimed World War II movie” that contains “graphic violence and profanity.” Jube Shiver, Jr., “FCC Won’t Penalize ABC Over Locker Room Skit,” *LA Times*, Mar. 15, 2005, at C3.

63. The original Texas Chainsaw Massacre, which was remade in 2003, has been described as “the famed low-budget bloodfest of 1974.” Neil Genzlinger, Organized Terror (The Fictitious Kind), *NY Times*, Oct. 31, 2004, at Section 13, 4. When the original movie came out, “audiences were shocked by its brutal and unrelenting violence” that “had the look and feel of a grisly home video.” Nick Chordas, Movie Review “The Texas Chainsaw Massacre,” *Columbus Dispatch* (Ohio), Oct. 17, 2003, at 7d.

64. See *Am. Amusement Mach. Ass’n v. Kendrick*, 244 F.3d 572, 577 (7th Cir. 2001).

65. See Child Online Protection Act, 47 U.S.C. § 231 (2000) (prohibiting any person from knowingly “in interstate or foreign commerce by means of the World Wide Web, mak[ing] any communication for commercial purposes that is available to any minor and that includes any material that is harmful to minors”).

66. See *Reno v. ACLU*, 521 U.S. 844, 849 (1997) (striking down, on First Amendment grounds, a portion of the Communications Decency Act that was designed to protect children from exposure to sexually explicit content on the Internet); *Ashcroft v. ACLU*, 542 U.S. 656, 706 (2004) (holding that a district court judge did not abuse discretion in issuing a preliminary injunction against the enforcement of the Child Online Protection Act).

67. See *supra* Part II. A.

68. *Id.*

69. *Id.*

70. See, e.g., Eric M. Weiss, “D.C. Seeks Sales Ban on Violent Games”; Williams, Fenty Back Limits for Minors, *Washington Post*, Feb. 3, 2005, at 1 (describing D.C.’s legislative initiative and a news conference by D.C. Mayor Anthony A. Williams at which he referred to the video game “Grand Theft Auto” as “a horrible game for kids to be using”).

71. See *supra* Part II.C.

72. *Id.*

73. *Id.*

74. *Am. Amusement Mach. Ass’n v. Kendrick*, 244 F. 3d 572, 576 (7th Cir. 2001).

- 75.Id. at 578 (citing unfavorably Craig A. Anderson and Karen E. Dill, “Video Games and Aggressive Thoughts, Feelings, and Behavior in the Laboratory and in Life,” 78 *J. Personality and Soc. Psych.* 772 (2000)).
- 76.Id. at 579.
77. See supra Part II.B.
- 78.Id.
79. See supra Part II.C.
- 80.Id.
81. *Miller v. California*, 413 U.S. 15,24(1973).
82. See supra Part II.A.
83. See supra Part II.B.
- 84.Id.
85. See supra note 10 and accompanying text (describing how forty Girl Scouts testified on behalf of Yee’s bill in April 2005).
86. See Alexa H. Bluth, “No Mercy for Cruel Games,” *Sacramento Bee*, Apr. 9, 2005, at A3 (writing that, in support of his 2005 bill in California, Yee “has assembled a new, broader coalition of supporters for the measure that includes the Girl Scouts of America, the state Parent Teachers Association and the American Academy of Pediatrics”).