

SHOULD VIOLENT VIDEO-GAMES BE BANNED?

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Abstract

With the recent spurt of highly publicised killings, the debate about violence and video games has again taken the spotlight. Many stakeholders and institutions believe that playing violent video games is morally and ethically objectionable as it leads to contribution and promotion of violence. In this essay I would be looking at the general objections being raised by such stakeholders and also subject these criticisms to the test of various juridprudential tests. I would be focussing on the deontological and utilitarian approach to understand these objections as raised. Furthermore, I have tried to study the structure of modern day video games looking at the root question of whether such a link between violence and video games exist or not? The last question being presented is whether such video games should merely be regulated or banned, and would it curtail freedom of speech.

Keywords: Kant, Freedom of Speech, Utilitarianism, Video Games, Violence

Methodology

The methodology followed by the researcher is a doctrinal one, in which the researcher relies on information already, collected by various authors and compiles them together. The researcher in this case has made the use of the law library situated in NLU – DELHI and apart from that has relied on various e-resources.

Introduction

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On December 14, 2012, Adam Lanza, brutally shot dead 28 children and teachers in his school in Connecticut before taking his own life in one of the worst school shootings in the United States of America². This shooting again raised a debate running on the backburner to the Gun law debates that violent video games are making our society aggressive on a whole and should be banned. This is turn is based on the assumption that there is a direct linkage between violent video games and aggressive acts in society and how our future generation is adapting to video game violence. Therefore in this essay, I shall try to look at the same via a jurisprudential angle and see how would different theories of jurisprudence deal with such a debate and questions.

1.1 Initial Questions

Video games can be defined as "Games played using computer power, where the computer upholds the rules of the game and the game is played using a video display."³ Video games can essentially be divided into two categories, one which are considered 'harmless' as they require for the player to indulge into sports or solve puzzles and are unobjectionable in society, and another set which is violent requiring a player to kill individuals, monsters or commit crimes to proceed and complete in the game.

From Humble beginnings of 'harmless games' like Pong⁴ in the 1970's, video games evolved into games such as Mystique as early as 1982 where the primary objective of the game is to have sex with bound women⁵ or death race in 1976⁶. Modern day video games also provide for a 'sand-box' structure in which the player has to choose between different paths and make choices whether he would like to commit a crime or lead a model life⁷. This flexible structure as provided by such game brings forth the option of choosing one's life in the virtual paradigm, and leaves the decision onto the player himself.

But, then how do we distinguish between a good game and a bad game? Gamers will always look at the entertainment value in video games and sometimes only at the level of graphics and

² <http://www.ct.gov/despp/cwp/view.asp?Q=517284> visited on 2 May 2013.

³ Miguel Sicart: Game, Player, Ethics: A Virtue Ethics Approach to Computer Games, International Review of Information Ethics Vol. 4, 2005, Pp 14.

⁴ Ben Pappas, From Pong to Kingpin, Forbes, May 31, 1999, Pp. 54.

⁵ William Cassidy, Top Ten Shameful Games, Gamespy, 2002, <http://archive.gamespy.com/top10/december02/shame/index4.shtml> visited on 1 May 2013.

⁶ Monique Wonderly, A Humean approach to assessing the moral significance of ultra-violent video games, Ethics and information Journal, Volume 10 Issue 1, March 2008 Pages 2.

⁷ Benjamin Hourigan, The moral Code of Grand theft Auto IV, Institute of Public Affairs, July 2008, Vol. 60, No. 3.

processing to specify what is a good game and a bad game⁸. But when we look at this question from the perspective of the state and politicians; such is distinguished based upon the amount of violence and morality in these games itself⁹ as per the social outlook of the prevalent society. Therefore, how can we judge the inherent morality or violence being spread through these video games? Can a direct link be connected between violent video games and actual physical violence in the non-virtual world?

To answer such questions, we must first look at the virtual moral being and its link with physical non-virtual world violence. Would Humans beings create or follow their own moral and ethical values out of their virtual experience?¹⁰ Jose P. Zagal helps us provide a deep insight about the various moral dilemmas that a player must face while in each game, where he has an option to make moral and ethical choices in all respects. In games such as GTA a wide interactive atmosphere is provided where one can choose the gamers virtual life according to the framework of the game to earn money. The gamer can earn money by killing random pedestrians or get a job in the game, and such decisions are faced by the player itself which have proportionate consequences in the game¹¹, providing an opinion that games only provide for a framework while the gamer makes his own choices. Thereby, such sandbox structure video games leave the virtual world open to the gamer to explore and dictate.

While this may be an example with respect to certain proportion of games, it provides an insight that the game only provides the player with a framework of how the game is to be played and the player himself/herself has to make the choice out of the host of choices which can range from whether to kill an individual in his sleep or in an open market shooting. Thereby, it can be stated that modern day games, always provide an option to the gamers of paths and options in a game and non-virtual beings have to make choices with respect to their presence in the virtual world. But, this does not take away the fact that a majority of games provide objectives which can be achieved only by violent means such as shooting games, or games based on war. Therefore, even if an option of methods is given to an individual, he/she has to complete the objective by the various methods or options provided, leading to eventual violence being achieved by the virtual

⁸ Reynolds, R. (2002). "Playing a "Good" Game: A Philosophical Approach to Understanding the Morality of Games." International Game Developers Association visited on 4 May 2013, from http://www.igda.org/articles/rreynolds_ethics.php.

⁹ Mia Consalvo, Rule Sets, Cheating, and Magic Circles: Studying Games and Ethics, International Review of Information Ethics Vol. 3, 2005, Pp 11.

¹⁰ Miguel Sicart: Game, Player, Ethics: A Virtue Ethics Approach to Computer Games, International Review of Information Ethics Vol. 4, 2005, Pp 15.

¹¹ José P. Zagal, Ethically Notable Videogames: Moral Dilemmas and Gameplay, DiGRA conference: Breaking New Ground: Innovation in Games, Play, Practice and Theory, London, 2009, found at <http://www.digra.org/dl/db/09287.13336.pdf>.

player. This by itself, would be a rudimentary understanding of the violence in any form of media entertainment, and at this stage a question of moral and ethical value fades from the game itself and converges to the player.

Picking from Aristotle's theory about metaphysics and potentiality, games would provide us with rules and potentiality towards anything but the same is not complete without human interaction and the same has to be provided¹² and an ethical player will play according to the rules and objectives as provided by the game itself, therefore no game maker can absolve themselves by firstly creating such an environment which dictate players to commit such acts and then respond by stating that it was to be performed by the player himself based on his moral value and he could have done it in another manner or not at all. Therefore we can see that humans are active players in a video game in which they might have choices but are bound by the overarching rules of the game which might essentially ask them to commit violent acts, as the game necessitates them to do so.

Therefore, the essential question that emerges out of the discussion is whether such violent video games directly result in violence or not? Many authors have conducted a study to discuss the same like the one conducted by Matt McCormick¹³, who relies upon sociological studies¹⁴. But due to no proven clinical trials being conducted these studies do not accurately reflect any substantial proof. Certain studies show a small proof of co-efficient to $r=0.19^2$ to state a link between playing video games and violence¹⁵. Such a small co-efficient collected without empirical evidence of clinical studies is fruitless and less reliable. The General Aggression model in such studies points out that such link is irrefutable¹⁶, but the same has never been proven beyond a rudimentary link¹⁷. Therefore, we can state at this juncture that if a link exists it is only a casual one; but the aim of this essay is not to go into the details of whether a link can be found or not, but to understand from the jurisprudential point of view, the objections to these video games and how they dehumanise and objectify humans.

¹² Miguel Sicart: Game, Player, Ethics: A Virtue Ethics Approach to Computer Games, International Review of Information Ethics Vol. 4, 2005, Pp 15.

¹³ Matt McCormick, Is it wrong to play violent video games?, Ethics and Information Technology, 2001, Volume 3, Issue 4, Pp 277.

¹⁴ Drabman, R.S. and Thomas, M.H. "Exposure to Filmed Violence and Children's Tolerance of Real-Life Aggression." Personality and Social Psychology Bulletin 1, 1974, Pp 198; "Does Media Violence Increase Children's Toleration of Real-Life Aggression?" Developmental Psychology 10, 1974, Pp 420.

¹⁵ Craig A. Anderson and Brad J. Bushman, Effects Of Violent Video Games On Aggressive Behavior, Aggressive Cognition, Aggressive Affect, Physiological Arousal, And Prosocial Behavior: A Meta-Analytic Review of the Scientific Literature, Psychological Science, Vol. 12, No. 5, September 2001, Pp 355.

¹⁶ Susan Villani, Impact of Media on Children and Adolescents: A 10- Year Review of the Research, 40 J. Am. Acad. Child & Adolescent Psychiatry, 2001, Pp 392.

¹⁷ Henry Jenkins, Reality Bytes: Eight Myths About Video Games Debunked, <http://www.pbs.org/kcts/videogamerevolution/impact/myths.html> visited on 4 May 2013.

JURISPRUDENTIAL APPROACH

Many arguments can be raised both for and against violent video games. The first objection that is raised with violent video games is that it de-humanise and de-sensitise gamers towards other human beings; and the second objection that is raised is that it objectifies humans as objects as means towards a goal. Such criticisms are harsh and are well founded in themselves, but can they be sustained when a link no more than casual has been established?

2.1 Objection 1

The Columbine massacre convict Eric Harris called his gun 'straight out of Doom'¹⁸, and was much inspired by the game before committing the crime, where DOOM is an RPG which has the mindless objective of killing monsters to move to the next level in the game. The first objection that is raised against such video games is that they de-humanise individuals and de-sensitise gamers towards other living beings and violence, where gamers would become immune towards violence and their moral consciousness would be affected towards taking certain actions.

The first strike at such an argument by pro-violent video game advocates would be that it is a non-unique harm. This argument can further be elaborated by the fact that for centuries books, theatre and recently the media provide the audience with the same visual imagery with respect to violence and other morally appalling behaviour, so why are video games specifically targeted with such vigour. The rebuttal to this argument can be provided in the distinction between an active audience and couch potatoes. Authors like Mia Consalvo state that movies, media and theatre provide for a passive audience where audiences are mere observers and that cannot be the case in Video Games¹⁹.

The only extension provided in other media would be with respect to the interpretation of polysemic content, but in Video Games, the player has to decide on almost all stages of the game, his path and direction and actions in the game. The morality of such acts itself is a separate question, but interacting with different environments like with your own character in 'The Sims' engrosses a player from the position of a passive audience to an active member controlling the game itself²⁰.

¹⁸ Steven L. Kent, *The Ultimate History Of Video Games*, Three rivers press, 1st Edition, 2001, Pp 347.

¹⁹ Mia Consalvo, *Rule Sets, Cheating, and Magic Circles: Studying Games and Ethics*, *International Review of Information Ethics* Vol. 3, 2005, Pp 8.

²⁰ *Ibid.*

Therefore the concern with modern day games like 'GTA' or 'Manhunt', is not that they are projecting violence which was never seen before in video games or general media but the technological progress under which games such as exist allow for a detailed realistic account of blood, screams and ancillary real world factors and allows users to interact at a much greater level²¹ like knife thrusting motions in consoles such as Wii²². This emerges a player deep into the game; where he is making conscious efforts with respect to actions, movements and decisions. Video games are thus held to a higher pedestal in contention of other media and why video games are specifically targeted as being the most destructive form in all media. Furthermore, it can be argued as per certain studies that these actions desensitise humans towards violence in real life, as players become accustomed to such movements, screams and gore making them less prone to actual violence as stated by Dr David Waddington²³

Therefore, the first objection as made is upheld to a large degree but the jurisprudential question of liberty and freedom still remain unanswered. The question of whether one should ban such video games, and impose a restriction on life and liberty is a question much too be seen from the perspective of the utilitarian camp.

The utilitarian theory moves forward that an act is moral/immoral, if according to the act the overall total benefit to the people is increased or if it causes more harm than benefit. But, it can be argued that a mere increase in risk cannot be a ground for utilitarians considering the benefits it provides; such as money generation, entertainment value and technological advancements. In all studies, no concrete link has been found therefore a utilitarian might be hesitant, as if the benefits outweigh the costs then it is perfectly valid moral act²⁴. Such cons are no greater than playing American football where one may incur injuries and there are possibilities of riots. But, if such sports are not banned, then the strict utilitarian would have a problem defending banning of violent video games.

States nevertheless who may be utilitarian or not, raise arguments to show why we need to ban violent video games. But, before we agree on the same we need to understand the different kinds of acts one can perform. Any action can be classified as a dangerous act, harmful acts and risk increasing acts. Dangerous acts are those which provide for a direct inherent danger which

²¹ Ibid at 3.

²² Guy Cocker and Ricardo Torres, Manhunt 2, Gamespot, 2007, <http://www.gamespot.com/wii/action/manhunt2/news.html> visited on 1 May 2013.

²³ Monique Wonderly, A Humean approach to assessing the moral significance of ultra-violent video games, Ethics and Information Journal, Volume 10 Issue 1, March 2008 Pp. 5.

²⁴ Matt McCormick, Is it wrong to play violent video games?, Ethics and Information Technology, 2001, Volume 3, Issue 4, Pp 279.

would lead to harm such as firing a gun at another; while a harmful act is the final result of a dangerous act causing harm to the individual himself such as being hit by the bullet in the above example. But risk increasing acts, such as not wearing seat belts on driving a car may only be risk increasing but not inherently dangerous in themselves.

Looking back on the argument of the state of banning violent video games, we need to look at the situation that such acts are merely risk increasing as elaborated above due to no formal link that can be attributed to violence and video games. Hence, utilitarians would be hesitant to speak against the same²⁵. Therefore, banning such a game would hit directly on the core issue of liberty and freedom.

Can the state violate freedom of expression and liberty? To answer this question we look at the Utilitarian Thinker, 'John Stuart Mill' and his principle of negative harm. The principle of Negative harm states that the state should not interfere with the freedom of liberty of any individual till the individual is a threat to others. Only when the individual is a threat to others around him, can his liberty be restrained to perform a specific act. In the instant case, no link can be established that gamers would harm other individuals, therefore putting a restraint according to the negative harm principle should not be allowed. If we extend this argument and state that such violent video games, breach the threshold of violence and cross into the sphere of inequality, and ask the gamers to promote racism or commit hate crimes. In such instances the state would be justified to put a restraint on such video games, as they digress into the boundary where they would not merely be suggesting a non-unique harm like violence but also unwanted propagations in society. Although, the lines would be blurred when taking into account the harm principle as if in the second situation the state can be justified to regulate video games then in absence of any link, they should be allowed to do the same in the first also. Due to the reasons specified above, I believe, that till conclusive evidence can be established the state should regulate the sale and create barriers but no full ban on the same can be expounded

Furthermore another objection can be raised from the utilitarian camp and that is with respect to John Stuart Mill's theory of higher pleasure, wherein he might be able to condemn such acts due to them being of a lower pedigree but nothing more.

2.2 Objection II

²⁵ Ibid.

The second biggest objection that can be raised is that such video games objectify human beings and project them as mere objects that can be stepped over to reach the end goal by another human being.

But it is argued that human beings understand and are able to differentiate between the human realm and the virtual realm. This theory is called 'magic circle' where authors state that all humans are rational, know and understand that video games are walled off from reality and provide from a separate set of rules from actual society²⁶. But such an argument precedes that all human beings in interactive games such as *Grand Theft Auto* which stimulate all environment as a real world environment would not affect the perception of any human being with respect to reality. Though this is a flimsy argument, it can stand on its own stating that adults are rational human beings who understand the difference between the virtual and real world. Some suggestions are made that excessive game play makes a person bridge a link or converge the virtual reality with real life situations²⁷ but such is unproven. But this argument is only limited to rational adults, and it falls flat when we state that minors too would understand the differentiation and would be able to make a rational decision. Thus, when we include minors into the equation, gameplay and objectives of a game may lead them to believe that violence is acceptable in society. Therefore, the current notion of regulation is well established.

Looking back at the initial objection of objectification, according to Kant's categorical imperatives, one should not treat others as means to an end but an end in itself. Thus, killing others in a game should project them as an object which is a means to an end which would be against the Kantian theory. But a distinction can be made here that games differ in their objectives where one may play against other human or against the computer but it would generally fail the Kantian notion.

Only in the first situation where one is playing against the human is problematic in games such as Counter Strike, where it can be contended that one is treated in a means in itself. When an individual is playing against the computer, it is only about killing pixels behind which no human being can be projected by the individual. But the argument as stated above would be a flimsy one and would not be able to provide an effective rebuttal to Kant's objection of objectification. Thereby, this objection is an effective one, providing that gamers would objectify individuals and

²⁶ Mia Consalvo, Rule Sets, Cheating, and Magic Circles: Studying Games and Ethics, *International Review of Information Ethics* Vol. 3, 2005, Pp 11.

²⁷ Gordana Dodig-Crnkovic and Thomas Larsson Game Ethics - Homo Ludens as a Computer Game Designer and Consumer, *International Review of Information Ethics* Vol. 4, 2005, Pp 20.

treat them as merely a means to an end which would be violative of Kants' categorical imperatives.

The objection can be continued with respect to the notion of harbouring humane values towards animals and humans²⁸. Even if we are to consider the arguments against Kant, we must keep in mind that butchers and doctor should not sit on the jury as they are accustomed to death²⁹; therefore, it can be argued that gamers do become de-sensitised. But the same argument has been discussed in the first part and it is not being discussed again in this part.

But gamers would argue that playing a game is different from real life situations as the morals of an individual would differ in both situations and he/ she would not be willing to be inhumane outside the sphere of the virtual game³⁰ as per the argument of the 'magic circle' theory and it would be an effective rebuttal for the continuing objection.

Furthermore, another objection that can be raised in continuation to the objection of objectification is of foul mouthing during violent video games³¹. But, such a problem is again a non-unique harm and ever present is all sports where tempers may rise and there is inherent foul mouthing, but then as a theory it is inconsistent to judge specific language as violent and hostile when used in certain sports or occasions and not on other, with usage of the words like 'conquer, kill' etc. Furthermore, as seen during other sports like boxing et al. the players have utmost respect for the other yet they are physically violent in themselves. Therefore, the objection of objectification alone as stated by Kant would still stand and it would stand to be an effect one against pro-violent video games promoters.

Figures from the Department of Justice in the US for example show a decline in juvenile crimes which peaked around 1994 to figures shown in 2005³². Therefore, since advanced video games have hit the market shelves the actual figure of crimes have dropped than increased, thus these figures hit the heart of the debate, and some have started to suggest that such video game bashing can be just sheer moral panic and nothing more³³.

²⁸ Immanuel Kant, Lectures on Ethics.,Hackett Publishing Company, Indianapolis, 1963, Pp 240.

²⁹ Ibid.

³⁰ Matt McCormick, Is it wrong to play violent video games?, Ethics and Information Technology, 2001, Volume 3, Issue 4, Pp 281.

³¹ Ibid.

³² Bureau Of Justice Statistics, Violent Crime Rate Trends, <http://www.ojp.usdoj.gov/bjs/glance/viort.htm> visited 3 May, 2013.

³³ Kline, Moral Panics and Video Games, Research in Childhood, Sociology, Culture and History Conference, 1999, available at <http://www.sfu.ca/media-lab/research/mediaed/Moral%20Panics%20Video%20Games.pdf> visited on 5 May 2013.

Therefore, the question of liberty and freedom of speech would arise as the most competent and effective argument in the scope of lack of evidence. Mills theory of Negative harm would also provide an effective counter to state that such a complete restriction should be unlawful and mere regulation is effective as per the different jurisprudential schools of thought.

-III-

CONCLUSION

It can be concluded by stating that as per all objections raised the sharpest and crudest objection is offered by Kant with respect to why violent video games should be banned, although only a casual link can be found with violence and video games they strike on a different moral footing. These questions did come up in many cases in the Courts³⁴ across the world but all courts till now have repealed such laws and bans as being unconstitutional as they violate the fundamental principle of freedom of speech although restricted and should be controlled and such games should be sold to a particular category of individuals of certain age groups stating a shift in jurisprudential approach from virtue to freedom and liberty.

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