

An Ethical Analysis Of Video Game Regulation

Michael Sullivan

Mathematics, Statistics and Computer Science Department

St. Olaf College

Northfield, MN 55057

sullivmo@stolaf.edu

Joel Couenhoven

Mathematics, Statistics and Computer Science Department

St. Olaf College

Northfield, MN 55057

couenhov@stolaf.edu

Dr. Richard Brown

Mathematics, Statistics and Computer Science Department

St. Olaf College

Northfield, MN 55057

rab@stolaf.edu

Abstract

Video gaming has considerable influence on the field of computer science (CS). Many of those involved with the field have played video games. The video game industry itself is large and growing, which makes it a significant source of employment of for CS professionals. Video games are a primary vector of CS exposure for many individuals. Video games are highly visible in the Media. The medium itself is loaded with controversy, with often mention extreme violence to lesser-known instances of religious criticism. The controversy itself has raised the question of whether or not should the government regulate video games. Legal decisions have been setting precedents for regulation of this particular industry, but they may be applied to other forms of computing.

We performed an ethical analysis of whether or not video games should be regulated using the following method:

1. A socio-technical system, which “is an intellectual tool to help us recognize patterns in the way technology is used and produced. Identification of these patterns will help us to analyze the ethical issues associated with the technology-and-its-social-system” (computingcases.org).
2. Created surveys and collected the data.
3. Analyzed the data.
4. Finalized the reports.

This method, described in (insert Prof. Huff’s book here), is used for the ethical analysis of software systems in the context of society. Here, we applied the same method to software public policy.

The paper has a historic section reiterates many of the most influential events that have shaped this matter, such as the Senate hearings in 1993 to the school shootings of Columbine and Red Lake. There is a section that describes the arguments that are used on both side of the controversy. The ethical analysis uses the methodology describe above. Some of our conclusions include an inverse correlation between knowledge of the Entertainment Software Rating Board and a desire for government regulation, and the necessity of hands-on parental involvement with their children’s video game experience.

Introduction

Video games, once a novelty, have become a global phenomenon over the past decades. Many people have enjoyed the simulated worlds and experiences created by video game entertainment, but video games have come under fire from different groups. Opinions hold that the games desensitize society to controversial topics and provoke violence among video game players.

This paper will focus on the history of video games, review the positions people hold on the issue, and report on an ethical analysis we performed on the subject matter.

History

The term *video game* is defined as “an electronic or computerized game played by manipulating images on a video display or television screen” (Dictionary.com). The first outcry against video gaming violence was in 1976 when a game called *Death Race 2000* came into public view. The game was removed from the market because of public disapproval by people toward the game’s violence (GameSpot). While nothing directly came from this event, it foreshadowed what was to come.

In 1993, Senators Joseph Lieberman and Herbert Kohl began a Hearing on Violence in Video Games (GameSpot). Senator Byron L. Dorgan also attended the investigation. While many senators did not attend the hearing, it began to draw attention from the Media and public. Representatives for the Gaming industry included Nintendo and Sega, two of the largest game producers of the time. The hearing ranged from games to gaming accessories that looked like weapons. Two games were shown in particular, titled “*Mortal Kombat*” and “*Night Trap*”. “*Mortal Kombat*” was a fighting game that came out in 1992. “*Mortal Kombat*” was investigated for its violent themes. Discussion of “*Night Trap*”, on the other hand, seemed to focus more on the sexual aspect of video games (Gamestar).

At the end of the hearing, the senators found that a video game rating system should be put into place, as opposed to outright regulation (vgrebirth.org). The organization that took charge of this rating system was the Entertainment Software Rating Board, or the ESRB for short (GameSpot). The ESRB is a self-regulatory body for the interactive entertainment software industry established in 1994 by the Entertainment Software Association (ESA) formerly the Interactive Digital Software Association (IDSA). ESRB independently applies and enforces ratings, advertising guidelines, and online privacy principles adopted by the computer and video game industry” (ESRB). Some of the possible ratings given to games are Early Childhood (EC), Everyone (E), Teen (T), and Mature (M). The ratings given by the ESRB to a product is intended to inform the buyer about the game’s content, so the consumer may make an informed decision about the product in question. Many of today’s game producers, such as Acclaim, CAPCOM, Lucasarts, and Square Soft, participate and cooperate with the ESRB. The intention is to limit the exposure of minors to inappropriate material in video games.

In 1997, the senators of the Video Game Violence Hearing checked up upon the industry (GameSpot). They were pleased with the progress made by game companies with their efforts to put ratings labels on the games in stores, but they were less pleased with the retailers of the games, who were not enforcing any policies to keep games with mature themes from the hands of minors.

At that time, a bill introduced in Arizona sought to define violence and to make any material, such as video games, that includes violence illegal for minors. Violence was defined as “graphic, bloody depictions of torture, sexual assault, cannibalism, mutilation, murder, and urination or defecation that occurs in a morbid or violent context” (GameSpot). It would be a misdemeanor for a retailer sold such material to a minor. This attempt at regulation of violence to minors was defeated when the Rules Committee, the third step of four, did not approve the bill.

In 1998, Senator Herb Kohl promised that no new laws would be put into place because of the admirable cooperation that the industry gave. He was not happy with arcades, or commercial establishments featuring rows of coin-operated games (Dictionary.com), that did not have a rating system in place. He went so far to warn them that he might call for boycotts of arcades (GameSpot).

Around that time, Florida tries to pass a law that would keep violent video games from being viewed by minors. Even though the bill did not pass, Wal-Mart stores removed 50 arcade games because they were “considered inappropriate by Wal-Mart standards” (GameSpot). This signaled the beginning of voluntary regulation by private corporations.

April 20, 1999, Eric Harris and Dylan Klebold entered Columbine High School. There they shot and killed 12 students and a teacher. They wounded several others, and finished their rampage by committing suicide. It took several hours before the authorities were able to secure the area (Columbine). This was a severe tragedy, and many wished to blame something. Fault was found with music, movies, the Internet, books, television, and video games. The game that was held mainly responsible was “Doom” (freedomforum.org).

The year 2000 brought several events. First, the department stores Sears and Wards cease to sell games with a “Mature” rating. Kmart and Wal-Mart began to require ID for people who wanted to buy “Mature” games. In Indianapolis, the area became the first US city to prevent underage children from playing arcade games that depict graphic violence or sexual content. Targeted arcade games have warning signs posted them and then the games are separated from more minor-friendly games. The American Amusement Machine Association and the Amusement and Music Operators Association filed lawsuits challenging the constitutionality of the law. The law went into effect on September 1st regardless. Also, the Federal Trade Commission (FTC) released a study that claims video game companies were targeting children in their magazine ads for mature-rated games. The FTC also found that the companies placed ads on children’s television networks like Nickelodeon (GameSpot).

On March 23, 2001, a federal appeals court panel ruled that Indianapolis' ordinance restricting children's access to violent video arcade games could not be enforced. The city said that the law “was needed to protect minors from harmful influences”, but Judge Richard Posner said for the panel “[t]o shield children right up to the age of 18 from exposure to violent descriptions and images would not only be quixotic, but deforming; it would leave them unequipped to cope with the world as we know it” (freedomforum.com).

Also, in 2001, the families of victims of the Columbine shootings brought a lawsuit of \$5 billion upon several manufacturers of video games (GameSpot). The lawsuits base was that exposure to violent video games was a catalyst for the event. The companies responded by arguing, “that video games are protected as free speech and the companies who make them cannot be held liable for someone's reaction to them”. The case was dismissed on March 4, 2002. The Judge stated that the defending companies did not know the ramifications of their products. The Judge also “rejected the plaintiffs' claim that video games should not be protected by the First Amendment, ruling that a decision against the game makers would have a chilling effect on free speech” (freedomforum.org).

Soon after, on April 19, 2002, a federal judge “ruled that local governments should be able to limit children's access to violent or sexually explicit video games, saying the games are not constitutionally protected forms of speech”. This case was similar to that of the Indianapolis ordinance, this time being a St. Louis law that required parental consent for a minor to buy or play Mature-rated games. In video games, the Judge said “no conveyance of ideas, expression, or anything else that could possibly amount to speech. The court finds that video games have more in common with board games and sports than they do with motion pictures” (firstamendmentcenter.org). This ruling was struck down in the U.S. Court of Appeals for the Eighth Circuit in 2003 (fepproject.org).

On March 21, 2005, Jeff Weise carried out a Columbine-like shooting at Red Lake High School in rural Minnesota. Attorney Jack Thompson said that the shooting was similar to the game “Grand Theft Auto: Vice City” (MPR)

Finally, one of the most recent laws passed, in California on October 7, 2005, calls for ending the sale and rental of “violent video games that depict serious injury to human beings in a manner that is especially heinous, atrocious, or cruel, to persons who are under 18 years of age. Retailers who violate the act will be liable in an amount up to \$1,000 for each violation”. California Assembly Speaker pro Tem Leland Yee, who is also a child psychologist, authored this law based on his opinions that “[violent video games] serve as learning tools that have a dramatic impact on our children” (democrats.assembly.ca.gov).

Positions

There are many opinions on the subject of video game regulations. Those who promote video game regulation focus on themes of violence, sexuality, drug/alcohol use, language, and religion. An example of violence in video games of the gory “fatalities” used in the “Mortal Kombat” series. These include decapitation, combustion, and other ways of killing your opponent. For sexuality, one may point to the “Tomb Raider” series and its depiction of its female leader character and her sexual characteristics and the videos of nude women in “BMX XXX”. As for drug/alcohol use, “Grand Theft Auto: San Andreas” is an example of a game that has multiple instances of alcohol and marijuana consumption. Cases of strong language may be sampled in the first person shooter “F.E.A.R”. Religious criticism may be found in games such as “Resident Evil 4” and “Tales of Symphonia”, where religious organizations are the main antagonists (Wikipedia). This list is by no means exhaustive.

These subjects are considered so significant they may negatively affect children. Psychologists such as Craig Anderson have performed studies finding that “it is likely that violent video games may have even stronger effects on children's aggression because (1) the games are highly engaging and interactive, (2) the games reward violent behavior, and because (3) children repeat these behaviors over and over as they play” (psychologymatters.org).

Those who believe that the government should not interfere have their arguments as well. First, they claim that video games are protected by the First Amendment, since they can convey ideas much like other mediums, like movies and literature. For example the “Metal Gear Solid” series of video games opposes nuclear proliferation, and “Final Fantasy VII” advocates environmentalist viewpoints (Wikipedia).

They also claim that parents must take responsibility for the choice of games their children play. The ESRB rates certain games as “Mature” and “Adult Only” for good reasons. Thus, it would be the obligation of a parent to control what a child is exposed to in the home. Government regulation is not necessary if parents regulate what their children play (Wikipedia).

One last viewpoint holds that video games are entertainment, not real life. It is not the mediums fault for when one person cannot distinguish between fantasy and reality (Wikipedia).

Ethical Analysis

To assist with researching this topic, we (Couenhoven and Sullivan) performed an ethical analysis of video game regulation. We focused on the effectiveness of the ESRB and if the government should step in and regulate the video game industry and the content in video games. We used a survey and a socio-technical system evaluation to explore these issues.

A socio-technical system (STS) is “an intellectual tool to help us recognize patterns in the way technology is used and produced” (computingcases.org).

The STS

The **hardware** used in this STS consists of personal computers and game consoles. This hardware has little or no effect on the issue of regulation, so we will not consider it further.

Software consists mainly of the video games, but may also consist of rating control programs and features within the games themselves. The ESRB is a source of additional information on software and the rating system.

Some of the various **physical surrounding** are homes, arcades, game shops and other general LAN environments. All of these will be considered to some degree in that parents have responsibility to regulate game usage at home, while on the other hand game usage in public areas, while beyond parental control, could definitely affect game players.

Many **people** play video games. Other people, unlikely to be from the same group, are concerned about violence in video games and censorship. More groups of concerned people include the publishers and developers of games, politicians and watchdog groups.

The main **procedure** that will be considered is the rating system of games, but the marketing and implementation policies of games is also a potential issue that should be considered. Again the ESRB is a potential source of additional information on the rating system and web sites of game producers and developers can give additional insight on their internal policies.

The ESRB rating system is the biggest **regulation** that is in place, and a few **laws** exist that “regulate” video games although to date none have withstood court challenges. In addition to the ESRB web site, other sites that favor or discourage video game regulation have lists of relevant laws.

The different rating levels and the games that belong in the different levels are relevant **data** for the issue of regulation. The rating system and ratings of games should be listed on the ESRB web site.

The Surveys

The first survey we conducted asked a group of faculty nine questions about their knowledge of video games. Ten people responded to this survey, and the questions as well as overviews of the results follow.

1. How much do you know about video games?

Nine of the ten respondents knew very little about video games, and the other's knowledge was acquired through their children.

2. How much do you know about the current ESRB rating system?

Two people were familiar with the rating system and the other eight knew little to nothing about the ESRB. One of the respondents made a comment about lack of enforcement of the system by retailers.

3. What do you think of issues such as violence, sex, drug use, obscenity, and religious references in video games?

Five of the respondents showed concern about minors, children under 18, access to games with the issues mentioned. Four of the other participants did not like the material as a whole included in any video games and the last participant said that some of the issues mentioned are acceptable while others are not depending on the game.

4. Do first amendment rights apply to the video game industry in the same way as they do the movie industry?

Half of the participants said that first amendment rights apply to video games, two said that the rights most likely apply, and the final three said that they do not.

5. Do you or your children control the purchase of your children's video games? (If you have no children, please answer as if you did.)

Nine of the respondents said that they control what video games are purchased in the household and the last one said that the children decided.

6. Do you play video games?

Five of the teachers said that they have played video games at some point and the remaining other have not played at all.

7. Are you in favor of government regulation of video games?

Six of the people believed that there should be government regulation of video games, two did not want any government involvement, one was ambivalent and the last person desired censorship of video games.

8. Do you believe that the media exaggerate the problems with video games?

Six of the participants said that the media exaggerates the problems, two did not have enough information to answer the question, and the last two said that the media does not exaggerate video game issues.

9. Do you believe that video game violence is a cause of real world violence, such as student shootings, etc?

All of the participants agreed that video game violence could be a cause of real world violence but it would not be the only cause.

The second survey we conducted we asked a group of students seven questions about their knowledge of video games. Forty-five people responded to this survey, and the questions as well as overviews of the results follow.

1. What types of video games do you play and what different ratings do those games have?

29% of the students do not play video games at all and 4% did not reply to the question. 27% of the students play games with a rating up to Teen and 40% play games with a rating up to Mature.

2. What is your stance on video game regulation?

73% of the students felt that some form of regulation is appropriate and 13% had no comment.

3. Do you view the current ESRB ratings a form of regulation?

22% believe that the ESRB is not a form of regulation and 27% were not familiar with the ESRB rating system or did not answer the question.

4. If you had children would you (a) allow them to play violent video games, (b) regulate the games they play, (c) want to government to regulate the content of the games, or (d) other?

11% chose option “a”, 82% chose option “b”, 2% chose option “c”, and 4% chose option “d”.

5. Comments on your answer to question 4.

People gave their reasons for answering question four the way that they did, although one student said “that the gov[ernment] just shouldn't let certain types of games be released” even though they selected option “b.”

6. Do you believe that the media exaggerate the problems with video games?

22% of students do not believe that the media exaggerates the problems in video games, and 11% were unable to answer the questions.

7. Do you believe that video game violence is a cause of real world violence, such as student shootings, etc?

38% believe that video game violence has no effect on real world violence and 7% were undecided.

Analysis of the Results

Some 80% of the professors surveyed knew nothing about the ESRB rating system, while 73% of the students were familiar with it. Some 60% of the professors felt that the government should regulate video games and only 2% of the students believed that the government should get involved. This evidence indicates that the more a person knows about the ESRB, the less they desire government regulation.

The large majority of respondents in both groups, 90% of the professors and 82% of the students felt that parents need to take the initiative and regulate what games their children play. The results show that people feel that parents need to take responsibility for their children, become more involved in their lives.

Both groups felt that the media inflates the issue: of the professors only 20% feel that the media does not exaggerate the problems with video games, and 22% of the students felt similarly. Also 90% of the teachers have not played video games where as only 29% of the students have not played. This shows that the majority of people feel that the media exaggerate the issues whether or not those people have played video games.

All of the professors and 55% of the students felt that video game violence is a cause of real world violence, but they also agreed that this is not the only cause, and may have only little effect.

Conclusions

The current results show that those who answered the surveys feel that parents should take responsibility for their children and may need to become more informed about the ESRB rating system. Students also agree that the government should not become involved in the regulation of video games, although the ESRB may need to make some minor changes to the current system. Both populations agree that the media overplays the issues with video games and that if video games have any effect on real world violence it may play a minor role.

We feel that additional research into past experiments and more surveys should be conducted to expand upon this work.

Conclusions

Video games do affect children, but the media overplays the issue. That said, exposure of inappropriate video games to children should be regulated. However, parental regulation is more effective and less invasive to personal rights than governmental regulation would be. Those who still desire governmental regulation should learn about the existing regulation system. As the ESRB can supply information on video games for the parents, the parents are able to regulate game usage effectively, eliminating the need for government regulation.

References

- Dictionary.com/video game*. (2000). Retrieved December 12, 2005, from <http://dictionary.reference.com/search?q=video%20game>
- Herman, L., Horwitz, J., Kent, S., & Miller, S. (n.d.). *The History of Video Games*. Retrieved December 12, 2005, from GameSpot Web site: <http://www.gamespot.com/gamespot/features/video/hov/index.html>
- Video game controversy*. (n.d.). Retrieved December 12, 2005, from http://en.wikipedia.org/wiki/Video_game_regulation
- About ESRB*. (n.d.). Retrieved December 12, 2005, from <http://www.esrb.org/about.asp>
- Hunt, T. (1999, May 21). *School violence stuns nation*. Retrieved December 12, 2005, from Daily Camera Web site: <http://www.boulderdailycamera.com/shooting/21acolu.html>
- Associated Press. (2001, July 19). *Violent video games are protected speech, companies say*. Retrieved December 12, 2005, from Freedom Forum Web site: <http://www.freedomforum.org/templates/document.asp?documentID=14434>
- Associated Press. (2001, March 26). *Federal appeals panel: Indianapolis video game law can't be enforced*. Retrieved December 12, 2005, from Freedom Forum Web site: <http://www.freedomforum.org/templates/document.asp?documentID=13519>
- Associated Press. (2002, April 25). *Federal judges backs limits on kid's access to violent video games*. Retrieved December 12, 2005, from First Amendment Center Web site: <http://www.fac.org/news.aspx?id=3977>
- Media scholars' brief in St. Louis video games regulation case*. (n.d.). Retrieved December 12, 2005, from The Free Expression Policy Project Web site: <http://www.fepproject.org/courtbriefs/stlouissummary.html>
- California prohibits sales of ultra-violent video games to kids*. (n.d.). Retrieved December 12, 2005, from California State Assembly Democratic Caucus Web site: <http://democrats.assembly.ca.gov/members/a12/press/p122005099.htm>
- Associated Press. (2002, March 5). *Columbine lawsuit against makers of video games, movies thrown out*. Retrieved December 12, 2005, from Freedom Forum Web site: <http://www.freedomforum.org/templates/document.asp?documentID=15820>

Video game violence: the savage seven. (2004). Retrieved December 12, 2005, from Gamestar Web site: http://www.gamestar.com/11_04/features/fea_savageseven.shtml

Pettus, S. (2001, September 10). *Volume 4 - Sega CD/Mega CD - a console too soon.* Retrieved December 12, 2005, from Video Game Rebirth Web site: <http://vgrebirth.org/articles/segabase/volume4.asp>

What happened at Red Lake? (2005, March). Retrieved December 14, 2005, from Minnesota Public Radio Web site: <http://news.minnesota.publicradio.org/projects/2005/03/redlake/>

Benson, L. (2005, March 24). *Web postings hold clues to Weise's actions.* Retrieved December 14, 2005, from Minnesota Public Radio Web site: http://news.minnesota.publicradio.org/features/2005/03/24_ap_moreweise/

Anderson, C., Dr., & Gentile, D., Dr. (n.d.). Violent video games - psychologists help protect children from harmful effects. Retrieved December 14, 2005, from Psychology Matters Web site: <http://www.psychologymatters.org/videogames.html>

Huff, C., Frey, W. J., Levine, S. L., Harmon, C., Schendel, Z., DeWall, C. N., et al. (n.d.). Socio-technical system main page. Retrieved December 14, 2005, from ComputingCases.org Web site: <http://www.computingcases.org/>

Dictionary.com/arcade. (n.d.). Retrieved December 15, 2005, from <http://dictionary.reference.com/search?q=arcade>