

„Sex, Drugs and Violence Rock...!“ or the Role of Censorship and Regulation in Digital Games

Like books, magazines, film, comics, music, and television before them, video games became the focus of censorship and regulation efforts. Governments around the world have passed laws that restrict access, prohibit content, or even ban certain video games. Every year a growing number of countries establish censorship rules, classification systems, and rating agencies with the ambitious aim of regulating games on a wide variety of platforms. Censorship, as the strongest form of regulation, generally means the intervention from superordinate authorities (mostly state institutions) in the creative work of an individual or a group. This intervention aims to protect the public through the control of access to content that is not conformable with the dominant norms and values or is actually harmful to society. In this sense, censorship assumes that all individuals, not just children, are vulnerable and need protection from offensive material. For this reason, most democratic societies have founded state or industry-controlled rating agencies who evaluate possible dangerous media content, content that might negatively affect the development of children and adolescents or endanger their ability to become a moral and ethical individual.

Ordinarily, regulating bodies look for subject matter that seems to be indecent, for example, pornography or excessive violence that stimulate criminal behavior or incite racial hatred. All these efforts set out to stop the creation of offensive material, to demand changes, to classify and categorize, or to prohibit or restrict the circulation of certain media products.

Forms of Censorship, Regulation, and Classification

It is useful to distinguish between different kinds of censorship, regulation, and classification. The first distinction is between pre-, post-, and self-censorship. Pre-censorship is censorship in which each media artifact needs to be screened by a state-controlled board before publication. The board decides whether the respective work may be made public and if so, under what conditions. Possible requirements are cuts, modifications of the content, or distribution restrictions (regulations that state which people or age groups may access the respective media). Post-censorship is the most common in Western democracies, meaning that the media product will be reviewed after its release, at which time the board will decide

on access or age restrictions, modifications, or banning. For example, in Germany, if a game contains certain forms of sexual material (like child pornography) or symbols of anti-constitutional organizations such as swastikas, the district court can mandate confiscation (Liesching, 2010, page 15). As a result, access to this material is restricted (Rubin, 2010, page 925). The third form of regulation is self-censorship, where game designers and producers modify their games themselves (before or after release) because they hope to avoid problems with the law or to get a “better” (usually meaning lower) age rating.

The second distinction is between private-regulated and state-controlled classification agencies. For example, the Entertainment Software Rating Board (ESRB) in the United States is run by the industry while the censorship system in the People’s Republic of China is controlled by the state. In Germany, both systems are combined; the *Unterhaltungssoftware Selbstkontrolle* (USK) is, on one hand, financed and organized through the gaming industry, but on the other hand, it remains controlled by a Permanent Representative of the Supreme Youth Authorities of the Federal States.

The third distinction is between rating systems that are mandatory, voluntarily, or legally binding only under certain conditions. For example, in Australia, it is statutory for publishers to rate their games by the Australian Classification Board (ACB) and sales of games rated MA15+ to people under the age of 15 is not allowed. Conversely, in most countries using the Pan European Game Information (PEGI) system, it is not obligatory for publishers to submit games to the PEGI rating agency before they sell them in the PEGI region. In addition, retailers cannot be held accountable afterward if the product is not appropriate for a certain age group. However, in some countries like New Zealand, games must be classified when they contain potentially harmful subject matter or if they are probably only suitable for older juveniles or adults.

The Rise of Video Game Censorship

The public debate about video game censorship began with Exidy’s arcade game *Death Race* (1976). The goal of the movie-inspired game was to run down “gremlins” (originally called “pedestrians”) which were fleeing from the vehicle. As the player hit them, they would scream and be replaced by tombstones, which the player avoided in order to prevent vehicle damage. Another controversial game, which changed the focus of the discussion from violent to sexual content, was Mystique’s *Custer’s Revenge* (1982) for the Atari VCS 2600, in which the Custer player-character’s goal was to rape a Native American woman.

The climax of the debate was reached in 1992 when three games hit the market; *Mortal Kombat* which showed brutal Martial Arts action, the shooting game *Lethal Enforcers* (1992), and the full-motion video game *Night Trap* (1992) which gave the player a voyeuristic look into a slumber party. The public cried out for regulation, and, following some political debates in 1994, the Entertainment Software Rating Board (ESRB) was established. Subsequently, most major markets introduced their own content rating systems soon afterward.

These early games showed what type of content induced discussions or constituted claims for censorship. All regulation bodies share concern for the (excessively) realistic depiction of violence and torture, sexual activities and nudity, racism and discrimination, the offending of religious beliefs, the insulting of national cultural values or territorial sovereignty, obscene or profane language and the portrayal of gambling, drug use or criminal behavior. Most censors believe that this content can stimulate aggressive or anti-social behavior, harm the personal development of younger people or desensitize individuals. To protect the youth and sometimes also adults from these effects the industry and the state answered with classification systems that are, in the majority of cases, based on a combination of age classes and content descriptors, which indicate game elements that may trigger a certain rating or can be of interest to parents. However, the foundations for these evaluations can be very different, ranging from industry checklists, video summaries of possibly debatable content, or the reviews of play-testers.

Ratings Systems

In the U.S. and Canada, the market is regulated by the industry-controlled Entertainment Software Rating Board (ESRB). Although this system is strictly voluntary, nearly all video games that are published in the U.S. are submitted for a rating, since most retail stores don't support the sale of unrated video games and no major console manufacturer had licensed an adults-only "AO" game for their system or published a game without a ESRB rating. An exception arose with *Grand Theft Auto: San Andreas* (2004), when the "M"-rated ("mature") game got an "AO" labeling after the discovery of a sexual mini-game called the "Hot Coffee Mod". The publisher later fully removed the sexual interactive content to get the previous "M" rating again.

Similar to the ESRB, the industry-controlled Pan European Game Information (PEGI) system uses five age categories and only eight content descriptors (the ERSB uses more than 30). The usage of PEGI is also voluntary and likewise based on a code of conduct to which

every publisher using the system is contractually committed. The system replaced many national age-rating systems in 2003 and is, as of early 2011, accepted by 32 countries, which is remarkable considering the cultural diversity and varying norms of member states. For example, Greece is very concerned about gambling, so when PEGI began, games with gambling were given ratings for a mature audience. Germany also has its own system, the USK, because protection of the youth is demanded by the German constitution; consequently, publishers and retailers are legally bound to ensure that children and adolescents are not harmed in their development. Many German publishers also modify their games using strategies like reducing the amount of gruesome content, changing the red color of blood to green or blue, or converting human victims or opponents to non-human (like zombies or space aliens).

The most important rating agencies in **Asia** are the Japanese Computer Entertainment Rating Organization (CERO), the Chinese General Administration of Press and Publication (GAPP), and the South Korean Game Rating Board (GRB). In **Japan** there are hardly any obligations to get a classification before publication or real restrictions for the retailer, with the exception of so-called “Z” games. For these adult titles, a review process through the government is mandatory, selling is only allowed in separate salesrooms, and an age verification process is necessary. Another exception are erotic games, called Eroge in Japan. They are regulated by specialised industry organisations like the Ethics Organisation of Computer Software (EOCS) or the Contents Soft Association (CSA). Normally Eroge titles are only published in Japan, but the game *RapeLay* (2006) was sold also over Amazon.com which started a heated debate in game-rating politics around the world on the controversial “stalking and raping” theme.

In China, the General Administration of Press and Publication uses an obligatory checklist to test if a game is violating basic principles of the Chinese constitution, threatening their national unity, sovereignty, or territorial integrity, divulging state secrets, threatening state security, damaging the nation’s glory, disturbing the social order, or infringing others’ legitimate rights. Additionally, the “Ministry of Culture” (MoC) requires that game companies develop techniques to limit the playing time of minors in order to prevent addiction. The South Korean system resembles the Chinese one insofar as every game developer and distributor must have their games rated before publication. In particular, titles can be banned from the market if they focus on the conflict between South and North Korea (like *Tom Clancy’s Ghost Recon 2* (2004) or the game *Mercenaries: Playground of Destruction* (2005)).

Australia is also an interesting case, because the highest age category is “MA 15+” (not suitable for people under 15), which means that it is currently the only country without an age class for games aimed at an adult audience. Officially, the Australian Classification Board (ACB) does not censor material by ordering cuts or changes, but they are able to effectively regulate media by refusing classification and making this kind of media illegal for hire, exhibition, or importation to Australia.

Finally, The Independent Game Rating System (TIGRS) is noteworthy, because it is a free, self-rating system for developers and publishers of games that are available over the Internet who want to voluntarily educate players about potentially objectionable content.

Criticism of Game Regulation

Video game censorship and regulation is often criticized for some underlying assumptions: first and foremost, for the implicit assumption that digital (not analog) games, due to their inherent interactivity, have a stronger influence on users than other media products (Olson, 2010, page 2). For instance, stimulating aggressive behavior or inhibiting empathic emotions are highlighted, while possible positive effects like the improvement of spatial or process reasoning are ignored or marginalized.

Another criticism revolves around the confusing variety of rating regulations and the impact of the industry on the evaluations. For video game companies, there is the problem that a unified, international ratings system is absent, making it necessary to submit an international title to different rating agencies with various requirements. Additionally, in some nations there is no legal certainty to prevent the banning of an already published game, so that a publisher risks losing investments. On the other hand, critics believe that game companies have too much influence on rating decisions; for example, that a big publisher obtains a “teen” rating for a rather mature orientated title by fraud. This point is often supported by the argument that the industry frequently markets “adult” games to teenagers; for example, through advertisements in youth magazines or respective television shows (Rubin, 2009, page 929). But most of the time, both sides agree that there should be more consumer awareness of rating systems and that the retailers of games should be forcibly pressured to enforce age restrictions.

Finally, there is the rating process itself. First and foremost, the methods used to get a review for a game are criticized. For example, is it sufficient trustworthy to rely (only) on an industry questionnaire or the screening of a video edit of possibly objectionable parts of a game, without actually playing the game itself? (Rubin, 2009, page 928). Another critical

point is that many raters focus too much on the (graphic) realism and amount of violence in a game and often neglect the importance of specific gameplay aspects; many censors don't consider if the displayed aggression is justified, whether the gameplay also allows non-violent actions or solutions, whether gruesomeness is rewarded, or if the game controller alters the feeling of the game. For instance, some critics mentioned the play experience of *Manhunt 2* (2007) was more immersive on the Nintendo Wii (the Wii remote is used to act out executions) compared to other platforms (Casamassina, 2007).

Describing the first *Manhunt* (2003), Jose Zagal writes, “*Manhunt*'s player-based (rather than character-based) moral dilemma is made all the more intense through the use of a USB headset. Playing the game using the headset allows the player to use his voice to distract enemies in the game. It also allows the player to hear the Director's instructions directly via the earpiece. Both elements narrow the 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 your 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” (Zagal, 2009, page 5).

This leads to an argument about the accuracy or objectiveness of the game ratings, the underlying logic of the rating criteria, and the selection of the people who are responsible for the evaluation of games. For example, whether raters with different norms and values judge differently, or whether experienced players adjudicate unlike the layman (Rubin, 2009, page 927). Finally, it is hopeful that in the future, the positive effects of playing games will also be part of rating decisions and that the artistic value of games will be more recognized.

Bibliography:

Brathwaite, Brenda, *Sex in Video Games*, Boston, Massachusetts: Charles River Media, 2007.

Casamassina, Matt, “Eyes on *Manhunt 2* Wii“, May 25, 2007, available at <http://uk.wii.ign.com/articles/792/792012p1.html>.

Garrelts, Nate, editor, *The Meaning and Culture of Grand Theft Auto*, Jefferson, North Carolina: McFarland, 2006.

Gonzalez, Lauren, “When Two Tribes Go to War: A History of Video Game Controversy”, available at <http://www.gamespot.com/features/6090892/index.html>.

Hyman, Paul, “Rated and Willing: Where Game Rating Boards Differ”, *Game Developer* 12, December 15, 2005, available at http://www.gamasutra.com/features/20051215/hyman_01.shtml.

Kutner, Lawrence; and Cheryl K. Olson, *Grand Theft Childhood: The Surprising Truth About Violent Video Games, and What Parents Can Do*, New York, New York: Simon & Schuster, 2008.

Liesching, Marc, “Hakenkreuze in Film, Fernsehen und Computerspielen”, *BPJM-Aktuell* 3, 2010, pages 11-17.

Olson, Cheryl K., “Video Game Politics: An Update”, 2010, available at <http://www.industrygamers.com/news/grand-theft-childhood-author-provides-reality-check-on-california-game-law>.

Rubin, Stephen, “Content Regulation” in Steve Rabin, editor, *Introduction to Game Development*, Boston, Massachusetts: Charles River Media, 2009, pages 923-936.

Zagal, José P., “Ethically Notable Videogames: Moral Dilemmas and Gameplay” in *Breaking New Ground: Innovation in Games, Play, Practice, and Theory*, Proceedings of DiGRA 2009, available at <http://www.digra.org/dl/db/09287.13336.pdf>.