VIRTUAL HUMAN RIGHTS

2ND SEPTEMBER, 2010 PROF. RICHARD A. **BARTLE** UNIVERSITY OF **ESSE***

INTRODUCTION

- THIS IS A TALK ABOUT COMPUTER GAMES AND HUMAN RIGHTS
- THESE ARE NOT TWO SUBJECTS THAT ARE OFTEN DISCUSSED TOGETHER
- THAT DOESN'T MEAN THEY **SHOULDN'T** BE DISCUSSED TOGETHER, NOR THAT THEY **AREN'T**
 - I'VE SPOKEN AT MINISTERIAL-LEVEL EU AND COUNCIL OF EUROPE EVENTS ON THE SUBJECT
- · ALL IT MEANS IS THAT THE CONNECTION IS AS

YET UNDER-EXPLORED

QUESTIONS

• I POSE A LOT OF QUESTIONS IN THIS TALK, AND GIVE FEW ANSWERS

- THIS IS GOOD FROM YOUR PERSPECTIVE - IT'S NEW TERRITORY TO BE EXPLORED!

- HOWEVER, I DO HOPE TO ESTABLISH SOME GUIDING PRINCIPLES
- NOTE THAT MISGUIDED AND OVER-ZEALOUS APPLICATION OF LAWS CAN DO MORE HARM THAN GOOD

- CONSIDER ALL EFFECTS BEFORE YOU ACT!

BIG HIT

· HERE'S SOMEONE GETTING KNOCKED OUT



FUNDAMENTALS

- WHEN IT COMES TO GAMES AND HUMAN RIGHTS, IT'S IMPORTANT TO **REMEMBER** THAT:
 - EVERYONE HAS HUMAN RIGHTS, WHETHER THEY PLAY GAMES OR NOT
 - COMPUTER GAMES ARE PLAYED BY **PLAYERS**, WHO (BEING **HUMAN**) HAVE HUMAN RIGHTS
 - COMPUTER GAMES ARE DESIGNED BY **DESIGNERS**, WHO (BEING HUMAN) **ALSO** HAVE HUMAN RIGHTS
- MANY OF THE ISSUES WE'LL BE COMING ACROSS CONCERN COMPETING RIGHTS

OVER-EXTENSION

- IT'S EASY WHEN DISCUSSING HUMAN RIGHTS TO SLIP INTO OTHER AREAS OF LAW
 - FRAUD MAY BE A CRIME, BUT IT'S NOT A HUMAN RIGHTS VIOLATION
- · LIKEWISE, CONFUSION WITH LAW-MAKING
 - TREATING HUMAN RIGHTS CONVENTIONS AS PART OF A STATE'S CONSTITUTION
- IT'S ALSO VERY EASY TO STRETCH IT THIN
 - IS BEING HURT EMOTIONALLY A SECURITY-OF-PERSON VIOLATION? "IT MADE ME CRY!"

PLAYERS

- MOST GAMES INVOLVE MOVING TOKENS OF SOME KIND THROUGH SOME PLAY SPACE
 EG. CHESSMEN ON A *CHESS* BOARD
- SOMETIMES, ONE SPECIAL TOKEN WILL REPRESENT "THE PLAYER"

- THIS HAPPENS IN RPGS BY DEFINITION

• **IMPORTANT**: THIS TOKEN IS NOT THE PLAYER! IT'S THE PLAYER'S CHARACTER

- IN COMPUTER GAMES, OFTEN AVATAR

• STRICTLY SPEAKING, THAT'S JUST ITS VISUAL APPEARANCE

GAMES CRASH COURSE

- WHAT IS A GAME?
- 1. PLAY IS WHAT HAPPENS WHEN YOU FREELY AND KNOWINGLY BOUND YOUR BEHAVIOUR ACCORDING TO A SET OF RULES IN THE HOPE OF GAINING SOME BENEFIT
- 2. A GAME IS PLAY YOU CAN LOSE
 - COMPUTER GAMES ARE MERELY **GAMES** PLAYED ON **COMPUTERS**
 - NOTE: ON NOT USING EG. LAPTOP FRISBEE

THE GAME PARADOX

• THE **REASON** PEOPLE PLAY IS FOR THE PERCEIVED **BENEFIT**

- USUALLY "TO HAVE FUN" FOR COMPUTER GAMES

• TO GAIN THIS BENEFIT, PLAYERS TEMPORARILY GIVE UP SOME FREEDOM TO ACT

- IE. THEY FOLLOW THE RULES

• PARADOXICALLY, THIS OPENS UP NEW ACTIONS UNAVAILABLE BEFORE

- BECAUSE THE OTHER PLAYERS ARE ALSO CONSENSUALLY BOUNDING THEIR BEHAVIOUR

MAGIC CIRCLE

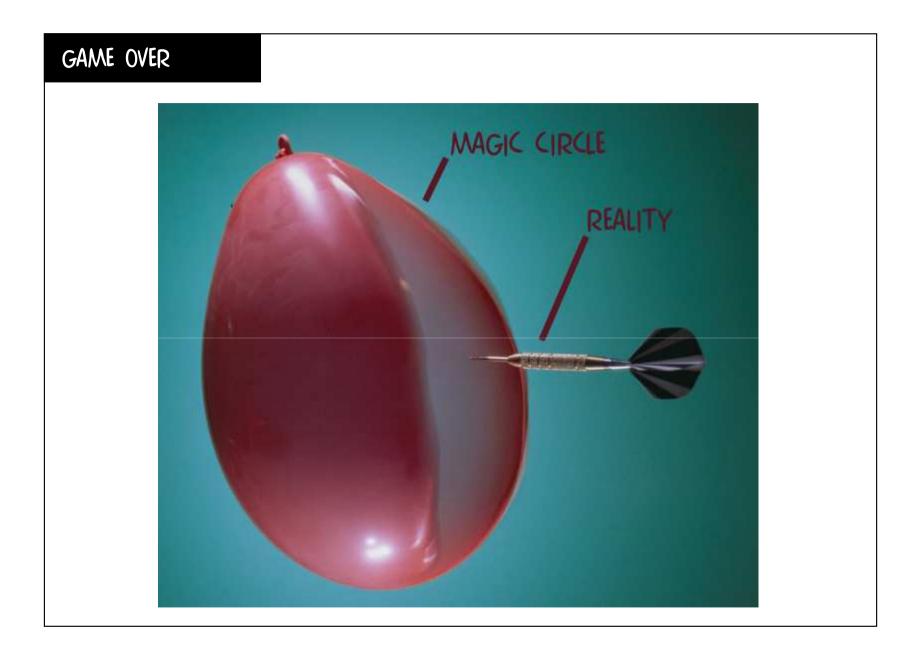
- GAME SCHOLARS CALL THE **SPACE** WITHIN WHICH PLAYERS ARE **BOUNDING** THEIR ACTIONS THE **MAGIC CIRCLE**
- THE CONTEXT IT PROVIDES IS WHAT PSYCHOLOGISTS REFER TO AS A FRAME
 - INCLUDING A SET OF PERMISSIONS TO DO THINGS YOU NORMALLY WOULDN'T

– DARK ROOM SEX GAME

MANY LEISURE ACTIVITIES INVOLVE FRAMES
 – EG. ACTORS BEING SEXIST/RACIST ON STAGE

HALF REAL

- RATIONALLY, THE MAGIC CIRCLE DOESN'T EXIST
 - HOWEVER PLAYERS WANT IT TO SO MUCH THAT THEY WILL THEMSELVES TO IGNORE THIS FACT
 - A SITUATION JESPER JUUL CALLS HALF-REAL
- PLAYERS WILL TOLERATE **SOME** DEGREE OF REALITY **INTRUDING** INTO THEIR GAME
- TOO MUCH THOUGH AND THE MAGIC CIRCLE BREAKS
 - PEOPLE NOT PLAYING BY THE RULES
 - PEOPLE PLAYING BY DIFFERENT-TO-YOUR RULES



DOWN TO BUSINESS

- IT SOUNDS GREAT TO BE TALKING ABOUT HUMAN RIGHTS, BUT WHICH HUMAN RIGHTS?
 - COMPUTER GAMES RAISE MORE QUESTIONS ABOUT SOME THAN OTHERS
- LIKEWISE, TALKING ABOUT COMPUTER
 GAMES SOUNDS COOL, BUT WHICH
 COMPUTER GAMES?
 - SOME TYPES RAISE MORE HUMAN RIGHTS ISSUES THAN DO OTHERS

TIERS

• WHEN IT COMES TO HUMAN RIGHTS, COMPUTER GAMES CAN BE PLACED IN TIERS

- EACH HIGHER TIER HAS FEWER GAMES THAN THE ONE BELOW IT
- HOWEVER, IT HAS THE SAME HUMAN RIGHTS ISSUES PLUS SOME NEW ONES



THE TIERS CONCERN

· RIGHTS OF NON-PLAYERS

- EG. CAN I PLAY GAMES IT OFFENDS YOU THAT I PLAY?

· SINGLE-PLAYER GAMES

- EG. CAN | KILL BEGGARS FOR EXPERIENCE POINTS?

· MULTIPLAYER GAMES

- EG. WHAT IF I ALWAYS SHOOT BLACK CHARACTERS FIRST?

· MASSIVELY-MULTIPLAYER GAMES

- EG. CAN | CAMPAIGN FOR A POLITICAL PARTY?

· WEIRD -UTURISTIC POSSIBILITIES

- EG. IF NPCS ARE INTELLIGENT, CAN I SWITCH THEM OFF?

THE SIMS

• HERE'S A SCENE FROM THE SIMS



• LATER, HUBBY SETS THE HOUSE ON FIRE AND WIFEY SURVIVES BY STANDING IN HIS WEE

NON-PLAYER RIGHTS

- THE FIRST WAY IN WHICH NON-PLAYERS' RIGHTS ARE AFFECTED BY GAMES CONCERNS CONSENT
- EXAMPLE GAME I:
 - COMPUTER GENERATES ONE SECRET RANDOM WORD FOR YOU AND ANOTHER ONE FOR ME
 - THE FIRST ONE OF US TO GET THE OTHER TO SAY OUR WORD WINS
- EXAMPLE GAME 2:
 - AS EXAMPLE GAME I BUT WE GET COMPLETE STRANGERS TO SAY THE WORDS

EXTENDING

- THIS IS **ANNOYING** FOR THE NON-PLAYERS BEING USED AS **PAWNS**, BUT IS IT BREACHING THEIR **HUMAN RIGHTS**?
- WHAT IF INSTEAD OF GETTING THEM TO SAY WORDS YOU PUNCHED THEM?

- FIRST TO KNOCK OUT A STRANGER WINS!

- "WE'RE JUST PLAYING A GAME" WORKS IF THE PEOPLE INVOLVED GIVE THEIR **CONSENT**
 - BOXING (A COMPETITIVE GAME)
- · IT FAILS WITHOUT CONSENT

LIMITS

- BOXING IS INTERESTING BECAUSE BOXERS ARE TEMPORARILY GIVING UP A HUMAN RIGHT
 ARTICLE 3 UDHR: SECURITY OF PERSON
- HUMAN RIGHTS LAWS WOULD ANNUL ANY CONTRACT THAT LET SOMEONE BEAT YOU UP
- IS IT THEREFORE A GENERAL PRINCIPLE THAT PEOPLE CAN OPT TO WAIVE THEIR HUMAN RIGHTS AS PART OF A GAME?
- SHOULDN'T NON-PLAYERS BE ABLE TO PROTECT YOU FROM YOURSELF?

FORMS OF HURT

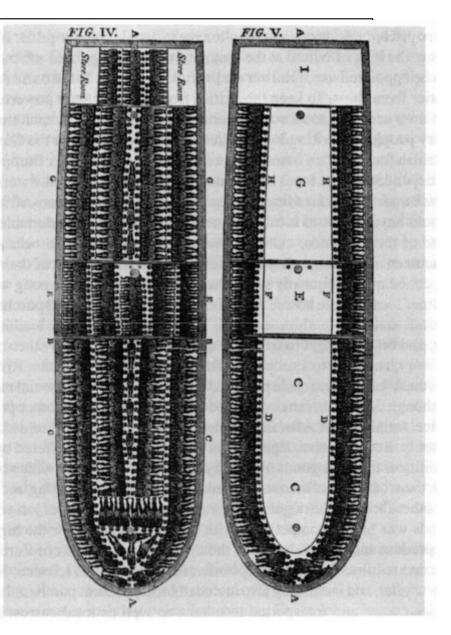
- IMAGINE A GAME IN WHICH YOU PLAYED A MAN STALKING AND RAPING A WOMAN
- WOULD SUCH A GAME BREACH THE HUMAN RIGHTS OF WOMEN? ON WHAT BASIS?

- NO-ONE IS ACTUALLY BEING RAPED

- THE RAPIST CHARACTER MAY BE MALE BUT THE PLAYER COULD BE FEMALE
- A FILM ABOUT RAPE WOULD BE ALLOWED
- IT'S NOT GOING TO TURN PLAYERS INTO RAPISTS
- SUCH GAMES EXIST AS A GENRE IN JAPAN

TRIANGULAR TRADE

- THIS IS A **SLAVE** SHIP
- EUROPEANS TOOK
 MANUFACTURED GOODS
 TO AFRICA, SLAVES TO
 THE CARIBBEAN, THEN
 RAW MATERIALS BACK
 TO EUROPE



IGNORANCE

• THERE IS AN **ARGUMENT** THAT COMPUTER GAMES SHOULD BE TREATED **DIFFERENTLY** BECAUSE THEY'RE **INTERACTIVE**

- PEOPLE LEARN THINGS FROM GAMES

- IF I PLAY GAMES IN WHICH I WITNESS HUMAN RIGHTS ABUSES, PERHAPS I'LL THINK SUCH BEHAVIOUR IS ACCEPTABLE?
- MUCH OF THIS VIEW IS COME FROM FEAR AND IGNORANCE OF COMPUTER GAMES
- · HOW MANY OF THEM SHOW ABUSES ANYWAY?

THE TRIAL REPORT

- A 2009 REPORT BY FRIDA CASTILLO FOR TRIAL ("TRACK IMPUNITY ALWAYS") LOOKED AT 20 FPSS COVERING CONTEMPORARY COMBAT
 - JUDGED AGAINST INTERNATIONAL HUMAN RIGHTS LAW AND INTERNATIONAL HUMANITARIAN LAW
- · SOME GAMES CAME OUT OF IT VERY WELL
- COMMONEST VIOLATIONS WERE:
 - PRINCIPLES OF DISTINCTION AND PROPORTIONALITY
 - EG. DESTROYING CIVILIAN PROPERTY
 - TORTURE AND CRUEL/INHUMAN/DEGRADING BEHAVIOUR

AND YET...

- THE REPORT VIEWS DEPICTION OF IHL ABUSES AS BEING UNIVERSALLY A **BAD THING**
- HOWEVER, THIS SHOWS A LACK OF UNDERSTANDING OF GAME DESIGN AS ART
- EXAMPLE: THE BAD GUYS MAY BE SHOWN USING
 TORTURE SO WE KNOW THEY'RE BAD GUYS
 GOOD GUYS DON'T DO THAT!
- YOU CAN LEARN TORTURE IS BAD THIS WAY ..!
 - THAT'S IF YOU DON'T KNOW ANYWAY -GAMERS AREN'T IN GENERAL BADLY-INFORMED

SINGLE-PLAYER GAMES

- NON-PLAYER INTEREST IN HUMAN RIGHTS AND GAMES (WHETHER COMPUTER OR NOT) PRIMARILY CONCERNS:
 - THE USE OF NON-PLAYERS AS GAME TOKENS
 - PROTECTING PLAYERS FROM BEING COMPLICIT IN THEIR OWN RIGHTS' ABUSES
 - PLANTING **SEEDS** IN THE MINDS OF PLAYERS THAT HUMAN RIGHTS ABUSES CAN BE **ACCEPTABLE**
- THIS LAST POINT BRINGS US TO THE SUBJECT OF SINGLE-PLAYER COMPUTER GAMES

SOLO PLAY

- IN A SINGLE-PLAYER GAME, YOU, THE PLAYER,
 CAN'T ABUSE ANYONE ELSE'S HUMAN RIGHTS BECAUSE YOU'RE PLAYING BY YOURSELF!
- HOWEVER, AS THE TRIAL REPORT SHOWS, YOU CAN DO THINGS WHICH WOULD, IF THEY HAPPENED IN REAL LIFE, BE VIOLATIONS
 - NOTE THE **FRAME** DIFFERENCE: "IN THE GAME" AND "IN REAL LIFE"
- THESE VIOLATIONS DO NOT ALL HAVE THE SAME MASS, THOUGH

DEPICTIONS

- THINGS YOU SEE HAPPEN BUT CAN'T PREVENT – EG. CUT SCENES OF TORTURE
- THINGS YOU CAN DO BUT THE GAME PUNISHES YOU FOR HAVING DONE

- EG. MISSION FAILURE FOR FIRING ON A CHURCH

• THINGS YOU CAN DO AND THE GAME LETS YOU

- EG. IMPRISONING SIMS

- THINGS THE GAME REWARDS YOU FOR DOING
 - EG. EXPERIENCE POINTS FOR KILLING PASSERS-BY
- THINGS THE GAME REQUIRES YOU TO DO

- EG. FEASTING ON BEGGARS AS A VAMPIRE IN OBLIVION

DRAWING A LINE

• OF THESE, THE ONLY ONE THAT THE PLAYER MIGHT FEEL IS AN ABUSE OF THEIR OWN RIGHTS IS THE LAST ONE

- IF I PERSONALLY DON'T WANT TO DO THINGS IN A GAME BECAUSE THEY DISTURB ME, I SHOULDN'T HAVE TO

- THIS BRINGS US TO THE RELATIONSHIP BETWEEN PLAYERS AND DESIGNERS
- BASICALLY, NO, YOU DON'T HAVE TO YOU DON'T HAVE TO PLAY AT ALL

ADDICTION

- PART OF THE DEFINITION OF A GAME IS THAT PLAYERS PLAY FREELY
 - IF YOU DON'T LIKE THE GAME, STOP PLAYING!
- HOWEVER, WHAT IF A GAME WERE DESIGNED TO REMOVE THAT FREEDOM?

- ANOTHER "SECURITY OF PERSON" ABUSE?

- IT'S **POSSIBLE** TO CREATE GAMES WHICH ARE PSYCHOLOGICALLY **ADDICTIVE**
- THE GAMBLING INDUSTRY **DOES** THIS WITH **SLOT MACHINES**

OFLAG IV-C

- THIS IS COLDITZ CASTLE IN SAXONY, A PRISONER OF WAR CAMP IN WWII
- · 130 ESCAPES
- 36 ESCAPEES MADE IT BACK HOME



INDOCTRINATION

- GAME DESIGN IS AN ART FORM
- IT ALLOWS DESIGNERS TO PRESENT POLITICAL VIEWS THROUGH GAMEPLAY AND FICTION
- EXAMPLE: ALL ELVES ARE NATURE-LOVING AESTHETES; ALL DWARFS ARE BEER-DRINKING BOORS
- THIS "SAYS" THAT RACIAL STEREOTYPING IS NATURAL AND JUSTIFIED
- NOT A HUMAN RIGHTS VIOLATION, BUT AN ASSAULT ON ITS **PRINCIPLES**?

OPEN

- THE PREVIOUS EXAMPLE WAS A **TACIT** ENDORSEMENT OF DISCRIMINATION
- IT CAN BE MORE OPEN
- EXAMPLE: THE TRADER MALACHI IN A TALE IN THE DESERT WOULD ONLY TRADE WITH MALE CHARACTERS
- IS THIS AN ABUSE OF HUMAN RIGHTS?
 - MOST FEMALE PLAYERS PLAY FEMALE CHARACTERS
 - MOST FEMALE CHARACTERS ARE PLAYED BY MEN

REFLECTION

• IN **SOME** CASES, RIGHTS ABUSES APPEAR IN A GAME BECAUSE THEY REFLECT **REALITY**

- MEDIEVAL II: TOTAL WAR HAS NO FEMALE GENERALS BUT DOES HAVE PRINCESSES WHO CAN BE MARRIED OFF

- ALL THE SOCCER PLAYERS IN *FOOTBALL MANAGER 2010* ARE MALE
- SOMETIMES, DISCRIMINATION CAN BE THERE TO MAKE AN ARTISTIC POINT

- ALL-FEMALE PRIESTHOOD IN *DRAGON AGE* FEELS UNFAIR TO MEN - LIKE ALL-MALE PRIESTHOODS IN RL DO TO WOMEN?

IDEALISM

- AS THIS SHOWS, GAME DESIGNERS CAN BE QUITE A **LIBERAL** BUNCH OF PEOPLE
- THEY WILL SOMETIMES TAKE AN OPPOSITE EXTREME TO PROMOTE EQUALITY
- PARTICULARLY COMMON IS GENDER BEING REDUCED TO A COSMETIC LEVEL
 - WOMEN ARE AS STRONG AS MEN
 - ONE-SIZE-FITS-ALL PLATE ARMOUR
 - EXCEPT: CAN MEN HAVE **BABIES**?
- · ALMOST A GIVEN IN TODAY'S RPGS

ABUSE?

- IS THIS A HUMAN RIGHTS VIOLATION? - IT'S STRIPPING PEOPLE OF THEIR INDIVIDUALITY
- IT CAN BE VERY ANNOYING TO PLAYERS WHEN IT'S INAUTHENTIC
 - FEMALE POPES IN THE GUILD
- IT CAN ALSO GLOSS OVER AWKWARD TRUTHS
 - SHIPS IN PIRATE GAMES NEVER CARRY SLAVES
- IN SINGLE-PLAYER GAMES YOU CAN GIVE
 PLAYERS A SWITCH TO DECIDE FOR THEMSELVES
 NOT THAT MANY GAMES DO THIS...

MULTI-PLAYER

• MULTI-PLAYER GAMES BRING A WHOLE NEW DIMENSION TO THE DISCUSSION

- OTHER PLAYERS

- PLAYERS OF SINGLE-PLAYER GAMES CAN ABUSE NPCS, BUT NOT OTHER REAL PEOPLE
- PLAYERS OF MULTI-PLAYER GAMES **CAN** ABUSE (THE HUMAN RIGHTS OF) OTHER REAL PEOPLE
- IMPORTANT: YOU NEED TO KEEP IN MIND THAT
 DISTINCTION BETWEEN PLAYER AND
 CHARACTER HERE

CHARACTERISTICS

- WHEN PLAYERS GET ALONG WITH EACH OTHER, THEY FORM OR JOIN **CLANS** OR **GUILDS**
- SOMETIMES, THE ENTRANCE CRITERIA ARE OPENLY
 DISCRIMINATORY
 - "MEN ONLY"
 - SOME OF WHOM MAY BE PLAYING FEMALE CHARACTERS

- "HOMOSEXUAL MEN ONLY"

• CAN A GUILD EVER BAN **BLACK** CHARACTERS?

- DOES CONTEXT MATTER, *EG.* IT'S A ROLE-PLAYING GUILD OF MEDIEVAL **VIKING** CHARACTERS?

OPERATORS

 MOST ONLINE GAMES ARE FACILITATED BY OPERATING COMPANIES

- MICROSOFT, BLIZZARD, VALVE, SONY ETC..

• CAN THOSE COMPANIES PUBLICLY REVEAL WHAT PLAYER IS BEHIND WHAT CHARACTER?

- PRIVACY IS A HUMAN RIGHT - UDHR ARTICLE 12

· BLIZZARD DID JUST THAT EARLIER THIS YEAR

- THEY REVERSED THEIR DECISION AFTER A FEW DAYS DUE TO PLAYER OUTCRY

CONTEXT AND CONSENT

- NOTHING HERE IS CLEAR CUT
- IF YOU'RE TOLD **UP-FRONT** YOUR NAME AND CHARACTER WILL BE REVEALED, THAT'S **OK**?
- IF SOME **FEATURE** REQUIRES DISCLOSURE? - EVE ONLINE'S STELLAR MANAGEMENT COMMITTEE
- · IF GUILD LEADERS DEMAND IT?
- · CONTENT AND CONSENT PLAY A BIG PART
- IS HUMAN RIGHTS LAW GEARED TO HANDLE MULTIPLE NESTED LAYERS OF SUBTLE FRAMES?

MMORPGS

- MMORPGS, OR VIRTUAL WORLDS, HAVE ALL THESE ISSUES AND MANY, MANY MORE
- THEY'RE WHERE ALL THE **ACTION** IS CONCERNING HUMAN RIGHTS AND GAMES
- PLAYED BY UNMANAGEABLY LARGE
 NUMBERS OF PLAYERS FOR OFTEN VERY
 DIFFERENT REASONS
 - NOT ALL OF WHICH ARE LEGITIMATE
- · MY OWN SPECIALIST FIELD

- BECAUSE | CO-WROTE THE FIRST ONE

SCUNTHORPE

• SCUNTHORPE IS A STEEL-MAKING TOWN IN LINCOLNSHIRE, ENGLAND



- RAPH KOSTER'S THOUGHT EXPERIMENT:
 WHAT IF AVATARS (CHARACTERS) HAD RIGHTS?
- REDRAFTED U.S. BILL OF RIGHTS AND FRANCE'S DECLARATION OF THE RIGHTS OF MAN IN TERMS OF AVATARS
 - <u>HTTP://WWW.RAPHKOSTER.COM/GAMING/PLAYERRIGH</u> <u>TS.SHTML</u>
- · ACTUALLY, AVATARS HAVE NO RIGHTS
 - RAPH WAS USING THE THOUGHT EXPERIMENT TO SEE WHAT RIGHTS **PLAYERS** HAD
 - THIS IS AN OFT-MISUNDERSTOOD PAPER!

RIGHTS OF THE AVATAR 2

- THE ORIGINAL DRAFT OF THE PAPER WENT DOWN LIKE A LEAD ZEPPELIN
- RAPH RECOUCHED IT AS "ADVICE TO ADMINS"
 - SOMEONE'S FINGER IS ON THE POWER BUTTON
 - WHAT THIS SOMEONE SAYS GOES
 - IF THIS SOMEONE DOESN'T PROVIDE A CODE OF CONDUCT, THEIR PLAYERS DESERVE ALL THEY GET
 - PLAYERS SHOULD BE CONSULTED OVER CHANGES TO THE CODE OF CONDUCT, BUT CAN BE IGNORED
 - CODES OF CONDUCT SHOULD BE FAIR AND SHOULD BE APPLIED FAIRLY

RIGHTS OF THE AVATAR 3

- SO WHAT DOES THIS MEAN IN TERMS OF ACTUAL **RIGHTS** OF PLAYERS?
 - PLAYERS HAVE RIGHTS IN THE **REAL** WORLD, OF WHICH THE MMORPG **IS** A PART
 - IN CONSIDERING RIGHTS, MMORPGS SHOULD ONLY BE THOUGHT OF IN TERMS REAL-WORLD EFFECTS
 - · SO AN "ESCAPE FROM COLDITZ" GAME WOULD BE OK
 - DEVELOPERS CAN TAKE THEIR BALL HOME IF THEY LIKE
 - PLAYERS DON'T HAVE TO PLAY BALL IF THEY

DON'T WANT TO

FREEDOM OF SPEECH I

- PLAYER RIGHTS CAN THUS BE SUMMARISED AS "IF YOU DON'T LIKE IT, **LEAVE**"
- BUT WHAT IF THEY CAN'T LEAVE?
 - "HEY, YOU ADDICTED ME, YOU HAVE TO ACCEPT YOUR RESPONSIBILITIES"
- WELL TOUGH LUCK! "FREEDOM OF EXPRESSION" PROTECTS DEVELOPERS HERE

- J. K. ROWLING (AN KILL HARRY POTTER IN BOOK 8 AND THERE'S NOTHING "ADDICTED" READERS (AN DO ABOUT IT

- · IT'S NOT QUITE THAT SIMPLE, THOUGH
- IF A DEVELOPER DELIBERATELY KILLED A CHARACTER SO AS TO TRAUMATISE ITS PLAYER, THAT WOULD BE WRONG
- UNEXPECTED CONTEXT SHIFTS CAN **ALSO** FALL FOUL OF THE LAW
 - HARRY DOESN'T GET TO SMOKE DOPE AND SHAG HERMIONE (OR VICE VERSA)
 - BUT IF THE BOOK WARNED YOU ON ITS COVER THAT IT WAS ***-RATED**, IT WOULD BE OK?

GOVERNANCE

 MMO OPERATORS CONSIDER THEIR VIRTUAL WORLDS TO BE PRIVATE SPACES - YET THEY'RE OPEN TO ANYONE WITH A COMPUTER • MANY RIGHTS CONCERN THE RELATIONSHIP BETWEEN AN INDIVIDUAL AND THE STATE - EG. RIGHTS TO REPRESENTATION, AND A FAIR TRIAL • IF AN MMO **ACTS** LIKE A STATE, SHOULDN'T IT HAVE THE **RESPONSIBILITIES** OF ONE? - WOW HAS A LARGER POPULATION THAN HAVE 150 COUNTRIES

SHOULD GOVERNMENTS BEHAVE THIS WAY?!

- · ALL OF THESE ARE HUMAN RIGHTS VIOLATIONS
- DESTROY PROPERTY - **INFRINGE** PRIVACY
- **RESTRICT** FREEDOM OF EXPRESSION
- EXILE THEM
- PUNISH PLAYERS WITHOUT TRIAL
- VIRTUAL WORLD DEVELOPERS **ROUTINELY**:
- THERE IS AN ISSUE HERE

A PROBLEM

RULE

- WELL NO, GOVERNMENTS **SHOULDN'T** BEHAVE THIS WAY
- HOWEVER, MMO OPERATORS ARE NOT GOVERNMENTS
- THEY DO RULE THEIR VIRTUAL WORLDS, BUT THEY DON'T DO SO AS GOVERNMENTS
- THEY RULE AS GODS
- THE DIFFERENCE:
 - GODS OPERATE BY CHANGING THE LAWS OF PHYSICS
 - GOVERNMENTS OPERATE BY JUDICIOUS APPLICATION OF THE LAWS OF PHYSICS THAT PERTAIN TO THEIR WORLD

THE HIERARCHY

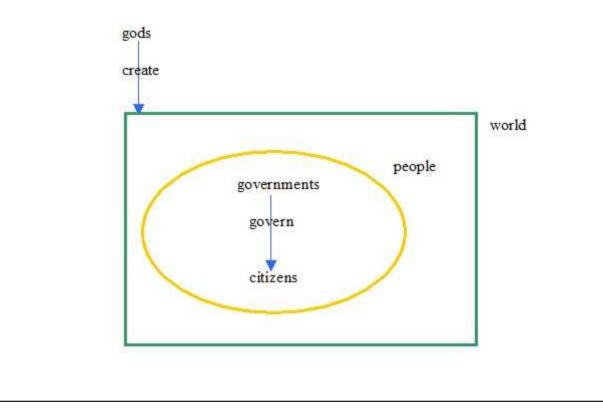
VIRTUAL-WORLD GOVERNMENTS

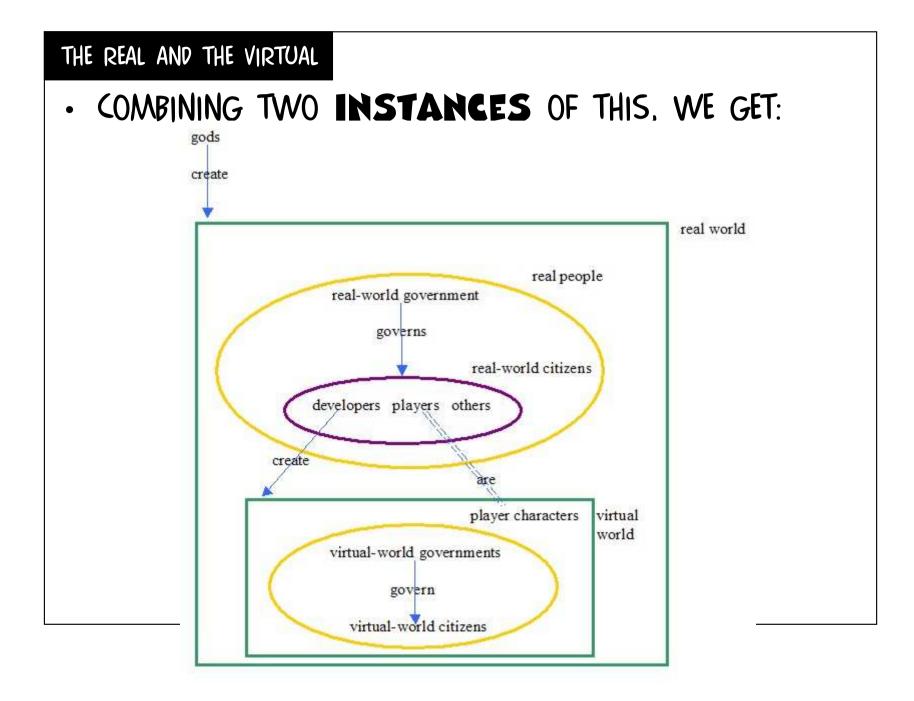
- CAN BE CODED-IN OR SELF-ORGANISED

- PLAYERS! CAN ONLY CHANGE VIRTUAL PHYSICS BY APPEALING TO DEVELOPERS, GOVERNMENTS OR REAL GODS
- VIRTUAL PHYSICS-BOUND PEOPLE
- VIRTUAL WORLD DEVELOPERS
- US! CAN ONLY CHANGE PHYSICS BY APPEALING TO GODS • REAL-WORLD GOVERNMENTS
- REAL **PHYSICS-BOUND** PEOPLE
- 0, I OR MANY, DEPENDING ON YOUR BELIEF SYSTEM
- REAL GODS

GODS, GOVERNMENTS AND CITIZENS

• BASIC RELATIONSHIP: GODS CREATE A **WORLD**, WHICH CONTAINS **PEOPLE**, SOME OF WHOM **GOVERN** THE REMAINING **CITIZENS**





EXPRESSION

- IT THEREFORE REALLY **DOES** COME DOWN TO "IF YOU DON'T LIKE IT, DON'T PLAY"
 - UNLIKE REALITY, IT'S EASY TO SWITCH MMOS
 - (HOWEVER, THAT DOUBLE-DASHED LINE BETWEEN PLAYERS AND CHARACTERS IS AN ISSUE...)
- DESIGNERS CAN CREATE AS OPPRESSIVE AND UNFAIR A WORLD AS THEY LIKE, BECAUSE
 PLAYERS DON'T HAVE TO PLAY IT

- IF I WANT TO CREATE A GAME SET IN A GULAG, I SHOULD BE ALLOWED TO DO SO, SURELY?

FREEDOM TO PLAY

- USER-CREATED CONTENT IS OFTEN TOUTED AS A BIG THING FOR VIRTUAL WORLDS
- IT MAY SEEM ODD THEREFORE TO RANK IT BELOW DESIGNER-CREATED CONTENT
- DOESN'T FREEDOM OF EXPRESSION MEAN PLAYERS SHOULD BE ABLE TO PLAY HOWEVER THEY LIKE?
- IN THEORY, YES, BUT WHAT HAPPENS WHEN
 ★OUR FREEDOM OF EXPRESSION STOPS ME
 FROM PLAYING HOW LIKE?
- "THE PLAYERS" IS NOT A SINGLE GROUP!

RULE-BREAKING

- IN SINGLE-PLAYER COMPUTER GAMES, ALL THE RULES ARE PROGRAMMED INTO IT
 AS PART OF THE PHYSICS
- IN MASSIVELY-MULTIPLAYER GAMES, THERE ARE OTHER RULES NOT CODED-IN
 - EG. YOU CAN STOP PEOPLE USING PARTICULAR SWEAR WORDS BUT YOU CAN'T STOP THEM INVENTING NEW ONES, LIKE SCUNTHORPE
- SOME PLAYERS ONLY PLAY BY THE CODED-IN RULES

THE ISSUE

 THESE PLAYERS WILL SAY THAT THEY'RE SIMPLY PLAYING DIFFERENTLY

- A FREEDOM OF EXPRESSION DEFENCE

- HOWEVER, WHAT IF MY FUN DEPENDS ON YOUR
 MODERATING THAT EXPRESSION?
 - DON'T I HAVE A FREEDOM NOT TO HAVE TO LISTEN TO YOUR EXPRESSION?
- A THREE-MUSKETEERS ROLE-PLAYING GAME IS SPOILT IF YOU TALK ABOUT THE WORLD CUP - YOU BREAK THE MAGIC CIRCLE

EXAMPLE

- GOLD-FARMING IS AN INDUSTRY IN WHICH PEOPLE PLAY MMORPGS TO COLLECT IN-WORLD CURRENCY THAT THEY SELL FOR REAL MONEY
- THIS MEANS PLAYERS CAN BUY SUCCESS - MOST OF THEM DON'T LIKE THIS - IT'S UNFAIR
- . "IF YOU DON'T LIKE IT, DON'T PLAY"
 - COULDN'T | JUST LEAVE AND SET UP A NEW MMO OF MY OWN IF | WAS SUFFICIENTLY ANNOYED?
- · WELL | COULD, BUT YOU CAN THEN COME AND
 - PLAY IT AND SPOIL EVERYTHING AGAIN

PROPERTY

- THIS BRINGS US TO ANOTHER IMPORTANT ISSUE:
 PROPERTY RIGHTS
 - A HUGE AREA IN MMO LAW RESEARCH, SO I'M ONLY GOING TO SCRATCH THE SURFACE
- UDHR ARTICLE 17.2 SAYS NO-ONE SHOULD BE ARBITRARILY DEPRIVED OF THEIR PROPERTY
- RECENTLY, A SHIP IN *EVE ONLINE* WAS ATTACKED AND **DESTROYED** ALONG WITH ITS CARGO

- 74 PILOT LICENCE EXTENSIONS WORTH \$1,295

• WAS THAT ARBITRARY? IT WASN'T DELIBERATE ...

NEURAL NEEDLER

• THIS IS A QUEST-RELATED OBJECT FROM THE WORLD OF WARCRAFT WRATH OF THE LICH KING EXPANSION



Neural Needler

Quest Item

Unique

Use: Inflicts incredible pain to target, but does no permanent damage. (6 Sec Cooldown) "Made in Dalaran."

OWNERSHIP

- THE **BIGGEST** QUESTION ABOUT VIRTUAL PROPERTY IS **WHOSE IS IT**?
- DEVELOPERS ASSERT THAT IT'S THEIRS - IF INDEED IT'S REALLY "PROPERTY" AT ALL
- HOWEVER, PLAYERS **TREAT** IT AS IF IT WERE REGULAR PROPERTY AND CAN **FEEL** IT'S THEIRS
 - ESPECIALLY IF THEY **BOUGHT** IT, WHICH HAPPENS ALL THE TIME IN *SECOND LIFE*
- SO WHAT HAPPENS IF THE GAME ALLOWS PEOPLE TO STEAL PROPERTY?

MORAL RIGHTS

- UDHR ARTICLE 27.2 TALKS ABOUT THE RIGHT TO PROTECTION OF THE **MORAL INTERESTS** IN YOUR ARTISTIC CREATIONS
 - BERNE CONVENTION: RIGHTS OF ATTRIBUTION AND INTEGRITY
- THIS MEANS THAT IF YOU PUBLISH A SCREENSHOT OF MY IN-GAME CREATION, I CAN INSIST ON IT'S REMOVAL
- BUT THE VIRTUAL WORLD **ITSELF** PUBLISHES A STREAM OF SCREENSHOTS THE **WHOLE TIME**..!

MORE

- THERE'S A **LOT** MORE ABOUT VIRTUAL PROPERTY, **SOME** OF WHICH IMPINGES ON HUMAN RIGHTS
- THINGS TO LOOK INTO IF YOU'RE KEEN:
 - NERFING VIRTUAL PROPERTY
 - CLOSURE OF FAILED MMOS IN WHICH PEOPLE OWN VIRTUAL PROPERTY
 - THE EFFECT OF ENFORCING A PROPERTY RIGHT COULD ITSELF DESTROY THAT PROPERTY'S VALUE
 - SALES VERSUS SERVICE OF VIRTUAL PROPERTY

IDENTITY AND IDENTIFICATION

- REMEMBER THE **DASHED** LINE ON THE GODS AND GOVERNMENTS DIAGRAM?
- THE REASON PEOPLE PLAY MMOS IS TO BE AND BECOME THEMSELVES

- THE BENEFIT FROM THE DEFINITION OF GAME

- THE AIM IS FOR YOU AND YOUR IN-WORLD CHARACTER TO BE AS ONE
- · PLAYERS CALL THIS CONDITION IMMERSION

- I HAVE A 2-HOUR LECTURE EXPLAINING THE THEORY, BUT TODAY JUST TAKE MY WORD FOR IT...

UNMEDIATED

- IF PLAYER AND CHARACTER ARE (IN THAT PLAYER'S MIND) ONE, THEN WHAT YOU DO TO THE CHARACTER YOU DO TO ITS PLAYER
- THERE'S A WHOLE FRAME REMOVED FROM THE EQUATION
- IF I'M PLAYING AN EDUCATIONAL GAME IN WHICH I AM A SLAVE AND I GET TREATED BADLY, OK, SO I GAIN SOME INSIGHT
- BUT IF I'M IMMERSED, I'M ACTUALLY SUFFERING EMOTIONALLY!

A CASE STUDY

- · I'M GOING TO END WITH A CASE STUDY
- HOWEVER, FOR IT TO MAKE SENSE | NEED TO EXPLAIN ABOUT THE COVENANT
- OH, THAT PICTURE ON RIGHT IS WEDNESDAY ADDAMS OUT OF THE ADDAMS FAMILY 1960S TV SHOW



MMO DESIGN

- THE DESIGNER OF AN MMO:
 - SETS THE FICTIONAL FRAMEWORK
 - PROVIDES POSSIBLE ACTIONS (MEANS)
 - PROVIDES A RANGE OF GOALS (MOTIVE)
 - PRESENTS EVENTS SUCH THAT PLAYERS HAVE TO MAKE **DECISIONS** AS TO **WHICH** GOALS THEY SHOULD PURSUE AND **HOW** (OPPORTUNITY)
- HOWEVER, PLAYERS DON'T KNOW IN ADVANCE
 WHAT IS EXPECTED OF THEM
 - THIS IS PART OF THE FUN!

THE COVENANT

- PROBLEM: IF YOU DON'T KNOW WHAT THE GAME
 FULLY INVOLVES, HOW DO YOU KNOW IF
 YOU'LL LIKE IT?
- DESIGNERS THEREFORE:
 - CREATE A SET OF GENERAL EXPECTATIONS AS TO WHERE THE BOUNDARIES LIE
 - · MORAL, GENRE AND GAMEPLAY
 - COVENANT WITH PLAYERS THAT, EVEN THOUGH THEY DON'T KNOW WHAT'S COMING UP, IT WILL FALL WITHIN THOSE BOUNDARIES

EXAMPLE

- EXAMPLE: IF YOU'RE TOLD UP FRONT THAT THIS IS A GAME ABOUT KNITTING, YOU CAN'T COMPLAIN IF IT TURNS OUT TO FEATURE A LOT OF KNITTING
- HOWEVER, YOU CAN COMPLAIN IF IT INVOLVES STABBING PEOPLE TO DEATH WITH A KNITTING NEEDLE

- YOU WOULD HAVE EXPECTED THE DESIGNER TO MENTION THAT, ER, POINT

CHANGE

- MMOS ARE ONGOING PROJECTS, AND SOMETIMES DESIGNERS WANT TO **CHANGE** THE BOUNDARIES
- THIS HAS TO BE EXPLAINED OUTSIDE THE CONTEXT OF THE GAME
- *STAR WARS GALAXIES* WAS LOSING PLAYERS AND WANTED TO **STABILISE** AROUND COMBAT
 - "NEW GAME ENHANCEMENTS" WERE ANNOUNCED
 - PEOPLE WHO LIKED CRAFTING RATHER THAN COMBAT HAD THE CHANCE TO LEAVE
- THIS IS FAIR ENOUGH

LEGITIMACY

- DESIGNERS CAN ALSO BREAK THE COVENANT IN-WORLD LEGITIMATELY
- FOR EXAMPLE, YOU CAN OVERSTEP A BOUNDARY IN ORDER TO ESTABLISH IT
- EXAMPLE: WOW QUEST "ZENN'S BIDDING"
 - KILL CREATURES YOU'RE NOT REALLY SUPPOSED TO
 - HAVE TO DO A PENITENCE QUEST TO ATONE FOR IT
- EXAMPLE: WOW QUEST "ARMY OF THE DAMNED"
 - ROLE-PLAY THE BAD GUY AND FIND OUT JUST HOW BAD HE IS

"THE ART OF PERSUASION"

- A QUEST IN WOW WHERE YOU ARE ASKED TO TORTURE A PRISONER FOR INFORMATION
 - THIS IS NOT SOMETHING THAT ALLIANCE PLAYERS HAD BEEN ASKED TO DO BEFORE, EVER
- THE PEOPLE ASKING YOU TO DO THE TORTURING ARE THEMSELVES FORBIDDEN FROM DOING IT!
- **MOST** PLAYERS DID IT WITHOUT A SECOND THOUGHT – "IT'S JUST A GAME"

- HOWEVER, A SIGNIFICANT MINORITY WERE DISMAYED - AND | WAS ONE OF THEM

MEANING

- THERE ARE SEVERAL EXPLANATIONS:
- I) IT'S AN ARTISTIC STATEMENT SHOWING HOW SMALL INCREMENTAL "JUST THIS ONCE" AMORAL ACTIONS CAN LEAD TO DECAY
 - THE BAD GUY, ARTHAS, MADE SUCH A DESCENT
 - THIS QUEST GIVES PLAYERS AN INSIGHT INTO HOW HE BECAME WHAT HE BECAME
- BUT YOU HAVE TO SAY THIS IS SO!
 - OR THE PLAYERS WON'T NOTICE IT
 - OR THEY WILL, BUT WILL THINK YOU'RE A JERK

POLITICAL

- 2) IT'S A **POLITICAL** STATEMENT, MAKING AN ANALOGY BETWEEN THE "WE DON'T DO TORTURE" KIRIN TOR AND THE **US GOVERNMENT**
 - WE DON'T DO TORTURE, SO WE'LL HAND HIM OVER TO SOMEONE WHO DOES - YOU!
 - EXTRAORDINARY RENDITION
- AGAIN, THIS IS A VALID THING TO DO BUT YOU HAVE TO FLAG IT UP

- OTHERWISE, PEOPLE EITHER WON'T NOTICE OR WILL THINK YOU'RE A JERK

DARKER

- 3) THE DESIGNER WANTED TO REFLECT WOW'S GROWING MATURITY BY INCORPORATING EDGIER MATERIAL
- AGAIN, THIS IS JUSTIFIABLE BUT ONLY IF YOU TELL PEOPLE ABOUT THE CHANGES UP FRONT
 - SO THEY CAN STOP PLAYING IF IT BOTHERS THEM
- I DIDN'T KNOW WHEN I BOUGHT THE WRATH OF THE LICH KING EXPANSION THAT IT WOULD BE ASKING ME TO TORTURE NON-PLAYER CHARACTERS

DEFAULT

- 4) THE DEFAULT SITUATION IS WHAT USUALLY APPLIES TO QUESTS
- THE DESIGNER DIDN'T MARK THE QUEST AS TRANSGRESSING PLAYER EXPECTATIONS BECAUSE HE OR SHE THOUGHT IT WAS WITHIN THEM
- WELL, THE DESIGNER WAS WRONG ...
- EITHER THE DESIGNER DIDN'T KNOW WHAT PLAYERS THINK, OR THE DESIGNER DIDN'T BELIEVE TORTURE IS BAD
- EITHER WAY, THE DESIGNER IS A JERK

COPING

- WHY DID SO MANY PLAYERS **NOT** REGISTER WOW'S TORTURE QUEST AS AN ISSUE?
- WELL, MAYBE FOR THEM IT **ISN'T** THEY THINK TORTURE IS FINE
- PERHAPS THEY DID REGISTER IT SUB-CONSCIOUSLY, BUT WANTED TO EXPLORE THAT ASPECT OF THEIR PERSONALITY
- OR PERHAPS THEY HAD LOST ALL SENSE OF NARRATIVE IN THE RACE TO LEVEL 80
- DID YOU NOTICE HARRY POTTER 7 HAD AN UNFLAGGED INSTANCE OF TORTURE?

OTHER EXAMPLES

• WRATH OF THE LICH KING HAD SOME OTHER NEW QUESTS THAT WERE **ALARMING** FOR PLAYERS OF "GOOD" CHARACTERS

- "TORMENTING THE SOFTKNUCKLES"

- "SURRENDER ... NOT!"

- SOME MMOS HAVE **TROUBLESOME** QUESTS THAT NEVERTHELESS **FIT** THE CONTEXT
- FOR THESE, YOU KNOW THE DEAL BEFORE YOU PLAY

- THEREFORE IF YOU DON'T LIKE IT, DON'T PLAY

EXCUSES

- SOME PLAYERS WILL CHEERFULLY USE THEIR "IT'S JUST A GAME" ARGUMENT TO ASSERT THERE'S NOTHING THEY WOULDN'T DO FOR XP!
- SO ... THEY'D DO < THEIR MOST ABHORRENT IDEA OF SEXUAL ASSAULT > TO A REPRESENTATION OF <THE DEITY THEY WORSHIP >?
- EVERYONE HAS SOMETHING THAT WILL SHOCK THEM OUT OF THEIR IMMERSION
- WHEN YOU EXIT THE FRAME OF THE MAGIC CIRCLE, YOU EXIT THE GAME

ANALYSIS

- MY COMPLAINT HERE WASN'T THAT I THOUGHT GAMES SHOULDN'T DEPICT TORTURE
- IT WAS THAT THE QUEST'S DESIGNER HADN'T
 FLAGGED IT

- IN MY CASE, IT WASN'T A HUMAN RIGHTS ISSUE

• SOME PEOPLE, THOUGH, WERE GENUINELY VERY DISTRESSED BY THIS QUEST

- ONE CLAIMED TO HAVE BEEN TORTURED ONCE IN RL!

• IS "WELL DON'T PLAY THEN" A DEFENCE, OR IS IT TOO LATE FOR THAT?

FUTURISTIC

- CAN NON-HUMANS HAVE HUMAN RIGHTS?
- SUPPOSE | CREATED AN MMORPG WITH NPCS SO **SOPHISTICATED** THAT YOU COULDN'T **DISTINGUISH** THEM FROM PEOPLE
- ARE THESE NPCS ENTITLED TO HUMAN RIGHTS?
 - THEY'RE **SENTIENT** BEINGS
 - THEY MAY NOT EVEN KNOW THEY'RE ARTIFICIAL
- · CAN YOU TREAT THEM INHUMANELY?
 - WHAT IF THAT'S WHY THEY WERE CREATED?

- IF YOU COULDN'T HURT THEM, THEY WOULDN'T EXIST

WRAPPING UP

- I'VE COVERED LOTS, BUT NONE OF THE HUMAN RIGHTS ISSUES ARE HEAVYWEIGHT
 NO-ONE IS ON DETENTION WITHOUT TRIAL HERE...
- HOWEVER, MANY **SMALL** RIGHTS ABUSES ARE HAPPENING DAILY TO MANY, **MANY** PEOPLE
- YOU GET TO DECIDE WHAT YOUR OPINION IS ON THESE ISSUES

- VERY LITTLE OF IT IS "DECIDED"

• EXAMPLE: IS **DEPICTING** HUMAN RIGHTS VIOLATIONS ITSELF A HUMAN RIGHTS VIOLATION?

GUIDING PRINCIPLES

- THERE ARE A FEW GUIDING PRINCIPLES TO BEAR IN MIND WHEN MAKING YOUR ANALYSIS
 - ALWAYS REMEMBER IT'S **PLAYERS** NOT **CHARACTERS** THAT HAVE THE RIGHTS
 - PLAYERS WHO CONSENT TEMPORARILY TO GIVING UP A RIGHT SO AS TO GAIN A GREATER BENEFIT WILL NOT LIKE DO-GOODERS INTERFERING
 - THERE IS AN IMPLICIT **COVENANT** BETWEEN DESIGNER AND PLAYERS THAT AFFECTS RIGHTS
 - FRAMES AND THE MAGIC CIRCLE ARE CRUCIAL

• "IT'S ALL FUN AND GAMES UNTIL SOMEONE LOSES AN EYE"

WARNING

• IT'S **POSSIBLE** THAT THE ASSERTING OF A RIGHT IS **SELF-DEFEATING**

- ASSERTING A RIGHT TO **PREACH** IN A STRONG ROLE-PLAYING MMO WOULD EVENTUALLY **CLOSE** IT

- ASK WHY A HUMAN RIGHT EXISTS BEFORE
 MINDLESSLY APPLYING IT
- I'VE SPOKEN ABOUT GAMES HERE, BUT A LOT OF THIS APPLIES TO SIMULATIONS AND SOCIAL WORLDS TOO

- DON'T ASSUME GAMES ARE ALWAYS UNIGUE

CONCLUSION

- AN EARLY TEXT MMO CALLED *MIST* WAS RUN BY A **TYRANNICAL** ADMINISTRATOR WHO ALL THE TIME WOULD DELETE OR IMPRISON CHARACTERS, DESTROY PROPERTY, BAN PLAYERS, INSULT THEM - ALL ARBITRARILY AND ON A WHIM
 THE PLAYERS LOVED IT
 - IT WAS PART OF THE GAME
- SHOULD A GAME LIKE *MIST* BE ALLOWED?
- · LUCKILY, YOU'RE THE EXPERTS NOT ME!