

Resolving the gamer's dilemma

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Abstract Morgan Luck raises a potentially troubling problem for gamers who enjoy video games that allow the player to commit acts of virtual murder. The problem simply is that the arguments typically advanced to defend virtual murder in video games would appear to also support video games that allowed gamers to commit acts of virtual paedophilia. Luck's arguments are persuasive, however, there is one line of argument that he does not consider, which may provide the relevant distinction: as virtual paedophilia involves the depiction of sexual acts involving children, it is therefore an instance of child pornography. I argue that virtual paedophilia involves the depiction of sexual acts involving children, which amounts to child pornography. I then draw on arguments to show that child pornography is morally objectionable. Finally, depictions of virtual murder are not instances of pornography, and so are not morally objectionable for this reason. So, there is a relevant moral distinction to draw between virtual murder and virtual paedophilia that is able to justify the former but not the latter.

Keywords Computer games · Virtual murder · Paedophilia · Pornography

In his essay, 'The Gamer's Dilemma', Morgan Luck raises a potentially troubling problem for gamers who enjoy video games that allow the player to commit acts of virtual murder. The problem simply is that the arguments typically advanced to defend virtual murder in video games would

appear to also support video games that allowed gamers to commit acts of virtual paedophilia. The basic argument to defend virtual murder in video games goes: murder is wrong, but committing an act of murder in a video game does not cause any actual harm, so it is morally permissible to commit virtual acts of murder in a video game. This argument seems intuitively plausible, and indeed is an argument commonly offered by gamers and game developers in defense of virtual murder. Luck's worry, however, is that the same argument could apply to virtual paedophilia with equal force: paedophilia is wrong, but committing an act of paedophilia in a video game does not cause any actual harm, so it is morally permissible to commit virtual acts of paedophilia in video games. Though this argument appears analogous to the defense of virtual murder, it seems to go against intuition—intuitively, we feel that paedophilia, whether actual or virtual, must be morally wrong. But, Luck argues that there is no relevant moral distinction forthcoming—he offers five possible arguments that seek to identify the relevant distinction between virtual murder and virtual paedophilia, and he argues that each argument is insufficient. If this is correct, then the gamer seems to be left with two undesirable choices: 'Either they acknowledge that acts of virtual murder and virtual paedophilia are morally prohibited, or they acknowledge that both are morally permissible.'¹ What is needed, according to Luck's dilemma, is some morally relevant distinction between virtual murder and virtual paedophilia that justifies the gamer's disparate treatment of these two.

Luck's arguments are persuasive, however, there is one line of argument that he does not consider, which may provide the relevant distinction: as virtual paedophilia

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¹ Luck (2009, p. 35).

involves the depiction of sexual acts involving children, it is therefore an instance of child pornography. So virtual murder is morally permissible while virtual paedophilia is not because the latter is an instance of child pornography. The central purpose of my essay is to point out an avenue that the gamer could explore in order to defend the claim that virtual murder is morally permissible while virtual paedophilia is not. Whether my claim—that virtual paedophilia is morally impermissible because it is child pornography—is able to resolve the dilemma will depend on the resolution of many wider issues, which I cannot hope to fully examine here. While I will attempt to offer a route through these issues, my examination of these will be unfortunately brief. However, I hope to show that there is a route available that may offer the gamer a resolution to Luck's dilemma, which is deserving of further consideration. In what follows, I will briefly canvas the five arguments that Luck offers, and will then examine the distinction offered above.

Luck's five arguments

Most gamers who commit acts of virtual murder do not feel like they have done anything wrong. However, Luck's dilemma, if sustainable, would be deeply worrying to the gamer—my students exhibit wide-eyed terror when they realize the implications of the dilemma! Moreover, Luck demonstrates that some seemingly intuitive solutions to the dilemma would be unhelpful. As I have no criticism regarding Luck's analysis of these arguments, I will examine these only briefly.

First, some might argue that virtual murder is morally permissible while virtual paedophilia is not simply because the former has become a socially acceptable norm while the latter is still deeply taboo. The appeal of this argument is understandable as such social forces are deeply engrained. For evidence of this, consider that, throughout the history of fiction, murder has long been a plot point at the center of many enjoyable works of fiction; alternatively, paedophilia rarely is. However, Luck rightly points out that this merely offers an explanation of our intuitions; it does not offer a justification for why our intuitions ought to be correct on this matter. If we ought to hold that virtual murder is morally permissible while virtual paedophilia is not, then we need some justification for this normative claim.

Second, Luck considers the argument that virtual murder is acceptable because the likelihood that gamers will go on to commit actual murder is low, but the likelihood that gamers will go on to commit actual paedophilia is much higher. Luck rejects this argument on the grounds that there is little empirical evidence in support of its premises, and

some empirical evidence to suggest that the opposite of these premises is actually true—it is not clear that virtual paedophilia would lead to an increase in actual paedophilia, and there have been many studies to show that violence in video games may lead to an increase in actual violence. Thus, the truth of this argument's premises is questionable.

Third, some might seek to advance an Aristotelian argument to the effect that virtual paedophilia causes self-harm to one's moral character whereas virtual murder does not. The argument would hold that virtual murder is enjoyed by gamers for instrumental reasons—that is, gamers do not commit virtual murder for its own sake, but rather for the sake of competition or to complete the game. Alternatively, the argument goes, if some gamers commit acts of virtual paedophilia, then they do so because such acts are enjoyed for their own sake. Thus, virtual paedophilia may be a source of self-harm to the gamer: 'were you to enjoy virtual paedophilia, presumably you find something pleasurable about the notion of actual paedophilia. If this were the case, by fostering a pleasure for actual paedophilia you are harming yourself; on the grounds that such a trait injures your character'.² Luck rejects this argument for two reasons: this argument holds that there is nothing intrinsically wrong with virtual paedophilia as it would be possible to develop a game where the player is given the choice to commit an act of paedophilia in order to complete the game, in which case the argument advanced in defense of virtual murder could equally be applied to defend some instances of virtual paedophilia; and some instances of virtual murder are committed for their own sake, which would seem to force us to acknowledge that such instances are morally impermissible. In both cases, Luck's argument is that there can be no moral distinction between virtual murder and virtual paedophilia such that the former is morally permissible while the latter is not—either both are morally permissible or both are not. In addition, Luck notes that gamers often go out of their way to commit acts of virtual murder, suggesting that there is something intrinsic to such acts that gamers actually like. Such acts are voluntary—meaning that participating in the act is not instrumental to completing the game—and so the enjoyment of these acts for gamers appears intrinsic to the act.

Fourth, some might hold that virtual paedophilia is morally impermissible because one group—i.e. children—is being unfairly singled out for harm. As Luck notes, there is some intuitive appeal to this solution: a video game in which the player only murdered Jews or homosexuals would likely not be tolerated, so it seems that 'unfairly

² *Ibid.*, p. 33.

singling out a group for harm is, in itself, additionally harmful'.³ Against this, Luck objects that 'this argument seems to suggest that if a computer game allowed players to molest people of all different age groups, including children, it would be morally permissible to play such a game', which seems absurd.⁴

Finally, one might hold that harming children, even virtually, is morally impermissible because of the special status of children. This argument holds that harming a child is worse than harming an adult, and so the virtual murder of an adult would be morally permissible while virtual paedophilia is not. Luck claims that, while we might accept that child molestation is a worse offense than adult molestation, or that child murder is a worse offense than adult murder, it is not clear that child molestation is a worse offense than adult murder. Such comparisons seem intuitively impossible to justify because all things are not equal.

To remind the reader, I have no objection to any of Luck's five arguments. I am willing to accept each. However, there is one further argument that Luck overlooks, namely that virtual murder is morally permissible while virtual paedophilia is not because the latter, and not the former, constitutes an instance of child pornography. This is the argument that I will pursue in the next section.

However, before continuing, I should note one skeptical worry regarding Luck's assumptions, which I will not pursue further. Luck seems to suppose that gamers treat all instances of virtual murder as morally permissible; but it is not clear to me that gamers actually paint all virtual murders with the same brush. First, some video games allow for virtual murders that are truly heinous and malicious, while others do not. Imagine a video game in which the player is able to commit virtual murder by shooting at random victims from a distance, and compare that to a game in which the player is able to commit virtual murder by slowly and painfully torturing to death a helpless victim. While both acts would result in a virtual death, there is a more disturbing psychological aspect to the latter, which may push such cases over the threshold of impermissibility. Second, while many video games allow for virtual murder, there is often a great difference in the attitude that seems to be promoted by the game towards such violence. Compare *Grand Theft Auto* and *Red Dead Redemption*, both of which allow the player to commit virtual murder (and there is a comparable degree to which those murders can be gruesome or sadistic in each game). In *Grand Theft Auto*, there are often pragmatic reasons within the game to avoid violence—such as avoiding the attention of the police—however, the game does not offer any further deterrence

against violence. If the player is particularly adept at avoiding the police, then the game allows the player to commit whatever act she can get away with. Alternatively, in *Red Dead Redemption*, players lose points towards their Honor rating whether they are caught or not.⁵ Additionally, while violence and cruelty are certainly allowed within *Red Dead Redemption*, such acts go against the central storyline of the game, which is about a man seeking redemption for his wicked past. Given the two points raised above, it is not clear to me that all instances of virtual murder are morally equivalent and equally justifiable, or that hard-core gamers would themselves treat all instances of virtual murder as morally equivalent. While some gamers might feel that *some* virtual murders are morally permissible—reasoning that it is simply harmless fun—it is not clear that all virtual murders are. Even hard-core gamers might balk at virtual sadism. One may be tempted here to question this assumption of Luck's. Perhaps a more nuanced distinction between various acts of virtual murder could offer another avenue to resist Luck's dilemma. I am unsure that such an argument is possible, and I will not pursue this line here. This skeptical concern aside, we can now turn to the argument I wish to defend.

Virtual paedophilia is child pornography

In the cases of virtual murder that Luck is concerned with—cases like *Grand Theft Auto*—the gamer voluntarily chooses to commit the virtual murder and the murders are graphically depicted. So, analogously, imagine a video game in which the gamer is allowed to voluntarily commit an act of virtual paedophilia and the act is graphically depicted. In such a case, the graphic depiction of a character—who is clearly depicted as an adult—engaging in sexual acts with another character—who is clearly depicted as a child—would count as an instance of child pornography. While these may be *virtual* instances of paedophilia, they are still *actual* instances of child pornography.⁶ On the other hand, the graphic depiction of virtual murder, however, disturbing it might be, is not thereby pornographic. While the participation in an act of virtual paedophilia

³ Ibid., p. 34.

⁴ Ibid., p. 35.

⁵ A similar rating system is featured in various versions of *Grand Theft Auto*—such as the Respect rating system in *Grand Theft Auto: San Andreas*—however, it is important to note that these rating systems are often measures of gang loyalty. While the Honor rating in *Red Dead Redemption* carries an inherent moral aspect as *honor* is a moral concept, the Respect rating in *Grand Theft Auto* does not.

⁶ In making this claim, I do not mean to suggest that virtual paedophilia involves an actual child. Rather, I mean to point out that, whether the depicted child is virtual or not, the depiction of sexual acts involving a child constitutes child pornography of a kind. Given this, it may be more accurate to say that each instance of virtual paedophilia is an actual instance of virtual child pornography.

involves the indulgence in an actual instance of child pornography, there is no obvious parallel that we can recognize in the case of virtual murder.⁷ The distinction that the gamer needs in order to avoid Luck's dilemma is this: insofar as the depiction of adults engaging in sexual acts with children is itself morally reprehensible, then to that extent virtual paedophilia is also morally reprehensible because the latter necessarily involves the former.

My claim can be divided into three parts: (a) that virtual paedophilia amounts to child pornography as it necessarily involves the depiction of sexual acts involving children; (b) that virtual paedophilia is morally objectionable insofar as child pornography is morally objectionable; and (c) that virtual murder is distinct from virtual paedophilia as the latter necessarily involves child pornography while the former does not. This argument, if successful, would offer the gamer the distinction needed to resolve the dilemma. In what follows, I will concentrate on offering some justification for premises (a) and (b) and will consider some possible objections.

Is virtual paedophilia a genuine case of pornography?

What counts as pornography is a thorny issue, and many proposals have been offered. Still, I take it that this much is not in dispute: a video game that depicts virtual paedophilia is one that thereby depicts sexual acts involving children. Still, not all depictions of sexual acts are pornographic. While the question of whether virtual paedophilia should count as child pornography will depend on how we are to define *pornography*, there is strong reason to suspect that this should be successful. These two claims will be central to my argument: that virtual paedophilia necessarily involves the depiction of sexual acts involving children, and that gamers who voluntarily commit these acts do so for some reason that they find intrinsically enjoyable. If these two claims are correct, then at least we can say that there is much that virtual paedophilia shares in common with canonical examples of pornography.

In seeking to define pornography, a common starting point is to presume that pornography is distinguished by an intention to produce objects of a particular kind. This could be called the *intention-model*, and example of which is Levinson's (2005). The intention-model defines pornography as 'images intended to sexually arouse in the interest of sexual release'.⁸ This definition focuses on the production of pornography and offers a neat way to distinguish between pornography and, say, sexually explicit works of art, some of which presumably are not intended to sexually

arouse in the interest of sexual release. If we were to adopt this model, then the question of whether virtual paedophilia should count as child pornography would depend on whether the scenes depicting virtual paedophilia are intended to sexually arouse the gamer in the interest of sexual release. Surely, this model then makes it contingent on the intentions of the video game producers whether the game is pornographic or not.

However, there is good reason not to adopt this model. The main problem is that there would appear to be many objects that serve the function of pornography—that is, objects that sexually arouse some consumers and are used for sexual satisfaction—that were not produced with that intention, at least not explicitly. For example, one might think of *Sports Illustrated's Swimsuit Issue*, or a Victoria's Secret lingerie catalog.⁹ Other more extreme cases push further against this model—consider the case of a foot-fetishist who finds shoe catalogs to be highly sexually arousing. Intuition here would suggest that objects can be put to 'pornographic use' regardless of what the object's producers may have intended—thus, the focus shifts from the production of pornography to its consumption. This could be called the *usage-model*, of which Rea's (2001) account is an example. On Rea's definition, objects can be described as 'pornography' in two senses: if the object is put to pornographic use, or if 'it is reasonable to believe that the object will be used as pornography by most of the audience for which it was produced'.¹⁰

So, is it reasonable to believe that gamers who commit acts of virtual paedophilia treat those games as pornography? At least we could say this much: in the hypothetical game we are considering, the gamer's choice to commit an act of virtual paedophilia is voluntary. Luck makes the point that gamers often commit voluntary acts of virtual murder presumably because there is something about it that they like intrinsically. If we grant Luck this presumption, which seems reasonable, then we can say the same: if gamers commit voluntary acts of virtual paedophilia, then presumably they do so because there is something about it that they like intrinsically. While it is not clear what it means to 'treat something pornographically', taking enjoyment in the depiction of sexual acts involving children for its own sake intuitively sounds like it should count

⁷ I am grateful to an anonymous reader for this journal for this suggestion.

⁸ Levinson (2005, p. 230).

⁹ Certainly, one might think that these publications are produced with the intention to be *sexually interesting*, but Levinson (2005) argues that this is insufficient to count these publications as pornographic. Levinson defends a three-part distinction between *pornography*, which is produced with the intention to be sexually arousing in the interest of sexual release, *erotic art*, which is intended to sexually stimulate while also rewarding some artistic interest, and *erotica*, which is intended to sexually stimulate without rewarding any artistic interest. So, on Levinson's account, a Victoria's Secret catalog might fall into the category of erotica, not pornography.

¹⁰ Rea (2001, p. 120).

as treating such depictions pornographically. Thus, it is reasonable to believe that virtual paedophilia is child pornography.

The graphicness of the image

One might hold that the belief that virtual paedophilia is pornographic depends on the *graphic* or *explicit* depiction of sexual acts. But, what if the video game does not depict the sexual act explicitly? I think it is a mistake to think that sexual explicitness is a necessary condition for thinking that some depiction is pornographic, which is a claim that seems to have much evidence in its favor. There are many works that are considered to be pornographic that fail to be sexually explicit—consider the classic cheesecake pin-ups by Elvgren, or much of the work of Bettie Page. Additionally, being sexually explicit is not sufficient for something to be pornographic—the work of artists like Jenny Saville and Lucian Freud are often quite explicit, but are generally not taken therefore to be works of pornography. So, *being sexually explicit* is neither necessary nor sufficient for something to be pornographic. What matters for my purposes is that virtual paedophilia would be analogous to virtual murder if the act of virtual paedophilia is enjoyed for its own sake. If that is the case, then the enjoyment of virtual paedophilia (which necessarily involves the depiction of sexual acts involving children) for its own sake would offer sufficient reason for thinking of those depictions as pornographic, and it would matter not at all whether those depictions were sexually explicit or not. Finally, if a video game does not depict the sexual act at all—that is, if the act occurs ‘off camera’—then such cases would be disanalogous to the acts of virtual murder that Luck is concerned with; so these cases can be set aside.

The moral status of virtual pornography

Finally, the strength of my argument depends on our accepting, along with premise (b), that child pornography is morally impermissible. Should we accept this claim? Common intuition holds that child pornography is obviously morally reprehensible. Unfortunately, philosophers have not spent much time defending this intuition. King (2008) offers a utilitarian defense of this claim, and I suspect that it would not be terribly difficult to construct other defenses using the main ethical theories currently on offer. (One could perhaps go further and suggest that any ethical theory that fails to count child pornography as morally impermissible ought to be rejected for that reason as a poor ethical theory.) Despite this widespread intuition, there remains one potential worry regarding my argument. The worry is that if virtual paedophilia is to count as child pornography, then we must admit that it is *virtual* child

pornography—that is, it is not the depiction of actual children engaging in sexual acts, rather it is the depiction of computer-generated virtual children. One might think that, as no actual child is involved in virtual child pornography, then at least the immoral status of such pornography is diminished, and perhaps may even be morally permissible. Levy (2002) draws attention to a United States Supreme Court case in which the Child Pornography Prevention Act was struck down as unconstitutional. If successful, the act would have prohibited the production and consumption of virtual child pornography, among other things. However, the Court ruled that, as no actual child is involved in the production of such images, then those images could be protected under free speech. This objection threatens to support Luck's dilemma—if virtual murder is morally permissible because no actual person is harmed, then virtual child pornography, and virtual paedophilia, should also be permissible as no actual child is harmed by either. To avoid this objection, it needs to be shown that virtual child pornography is morally impermissible. Levy offers an effective, if surprising, argument to that effect.

Levy argues that, though it seems to go against intuition, the Court's reasoning is justified—there is no reason to think that virtual child pornography harms actual children. However, Levy goes on to argue that child pornography is still morally impermissible, though for reasons other than one would expect. Mainstream pornography, it is argued, harms all women by reinforcing the unequal status of women through its depiction of women as being sexually submissive objects for the enjoyment of men. This sexual inequality has the knock-on effect of reinforcing the inequality and subordination of women's position in society generally by encouraging ‘both men and women to think of women as naturally inferior’.¹¹ Levy argues that, while these arguments might show that pornography is harmful to women, an analogous argument cannot be made to show that child pornography is harmful to children simply because children do occupy an unequal position within society. Instead, Levy argues that child pornography is harmful to *women*. Child pornography eroticizes inequality—as children cannot be depicted as sexual equals, then ‘sexualizing children for adult viewers is necessarily sexualizing inequality’.¹² This eroticization of inequality inherent within child pornography is harmful to women because it undermines the promotion of sexual equality for women; and it matters not whether child pornography is actual or virtual to negatively impact the equality of women. So, the surprising result is that virtual child pornography is morally objectionable, not because it harms children, but rather because it harms women.

¹¹ Levy (2002, p. 322).

¹² *Ibid.*

One final objection

Perhaps one might seek to undermine my distinction by arguing that the enjoyment of violent imagery for its own sake should be regarded as its own kind of pornography—perhaps we need some new category, like ‘murder porn’. As an example, one might think of the *Saw* series of films, fans of which appear to take gruesome pleasure in these films’ depiction of torture and death despite their lacking any further aesthetic or artistic value. If these should count as murder porn, then violent video games should too—if gamers commit virtual murder because they find it intrinsically enjoyable, then they seem to be treating the video game as murder porn.¹³ In response to this objection, I would admit that there does seem to be something rather disturbing about taking pleasure in the depiction of murder and torture; however, I think this argument should be resisted for two reasons. First, it is not clear to me that we should regard this as an instance of pornography as to do so would seem to trivialize the concept *pornography*. If taking pleasure in the depiction of violence for its own sake should count as pornography, then *pornography* seems simply to be a concept denoting ‘things people may take pleasure in that they ought not to’. In that case, the enjoyment of junk food and *schadenfreude* should also count as instances of pornography. Second, it is not obvious to me that the ethical analysis offered by Levy (above) could equally be applied in the case of ‘murder porn’. If pornography is immoral because it is the eroticization of inequality, then could the same be said of murder porn? It is difficult to see how this could work. If taking pleasure in the depiction of violence is morally impermissible, then it would likely be for some other reason.

Conclusion

Luck challenges the gamer to find some relevant moral distinction between virtual murder and virtual paedophilia

that justifies the intuition that these acts are morally unequal. The relevant moral distinction between virtual murder and virtual paedophilia that the gamer needs is simply that the latter is an instance of child pornography while the former is not. It has been argued by Levy that child pornography, whether actual or virtual, is morally objectionable because, through the eroticization of inequality, it undermines women’s efforts to achieve genuine equality. Alternatively, depictions of virtual murder are not guilty of an eroticization of inequality, and so are not morally objectionable for this reason.¹⁴ Given this distinction, virtual murder and virtual paedophilia are not on equal footing. While this is not to say that all instances of virtual murder are morally permissible, some are; alternatively, all instances of virtual paedophilia are morally impermissible. Finally, to reject my account and maintain that the gamer’s dilemma is unresolved, one would need to demonstrate either (a) that virtual paedophilia does not count as child pornography despite the fact that it necessarily involves the depiction of sexual acts involving children; (b) that child pornography is not morally objectionable; or (c) that there is no relevant moral distinction between virtual murder and child pornography. If none of these arguments are forthcoming, then we can take the gamer’s dilemma to have been resolved.

References

- King, P. (2008). No plaything: Ethical issues concerning child-pornography. *Ethical Theory and Moral Practice*, 11(3), 327–345.
- Levinson, J. (2005). Erotic art and pornographic pictures. *Philosophy and Literature*, 29, 228–240.
- Levy, N. (2002). Virtual child pornography: The eroticization of inequality. *Ethics and Information Technology*, 4(4), 319–323.
- Luck, M. (2009). The gamer’s dilemma: An analysis of the arguments for the moral distinction between virtual murder and virtual paedophilia. *Ethics and Information Technology*, 11(1), 31–36.
- Rea, M. (2001). What is pornography? *Nous*, 35(1), 118–145.

¹³ I am grateful to an anonymous reader for this journal for posing this problem.

¹⁴ I leave it open whether some depictions of virtual murder are morally objectionable for other reasons. I trust that those cases which are morally objectionable for some other reason fall outside of the scope of Luck’s dilemma.

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