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Pornography, Ethics, and Video Games

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Abstract In a recent and provocative essay, Christopher Bartel attempts to resolve the gamer's dilemma. The dilemma, formulated by Morgan Luck, goes as follows: there is no principled distinction between virtual murder and virtual pedophilia. So, we'll have to give up either our intuition that virtual murder is morally permissible—seemingly leaving us over-moralizing our gameplay—or our intuition that acts of virtual pedophilia are morally troubling—seemingly leaving us under-moralizing our game play. Bartel's attempted resolution relies on establishing the following three theses: (1) virtual pedophilia is child pornography, (2) the consumption of child pornography is morally wrong, and (3) virtual murder is not murder. Relying on Michael Rea's definition of pornography, I argue that we should reject thesis one, but since Bartel's moral argument in thesis two does not actually rely thesis one that his resolution is not thereby undermined. Still, even if we grant that there are adequate resources internal to Bartel's account to technically resolve the gamer's dilemma his reasoning is still unsatisfying. This is so because Bartel follows Neil Levy in arguing that virtual pedophilia is wrong because it harms women. While I grant Levy's account, I argue that this is the wrong kind of reason to resolve the gamer's dilemma because it is indirect. What we want is to know what is wrong with virtual *child* pornography itself. Finally, I suggest alternate moral resources for resolving the gamer's dilemma that are direct in a way that Bartel's resources are not.

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Introduction

In an influential essay, Morgan Luck (2009) presents a challenge to video game ethicists that he calls the gamer's dilemma. The dilemma begins with a common enough set of intuitions: there is nothing particularly morally interesting about gamers committing what I will call run-of-the-mill virtual acts of murder, though there is something morally repugnant about gamers committing virtual acts of pedophilia. However, Luck argues, there appears to be no sound moral basis for making this distinction—arguments that we might give for the immorality of virtual pedophilia turn out to be arguments for the immorality of virtual murder. So, we are left with one of two options. Either we give up our intuition that there is nothing morally wrong with run-of-the-mill virtual acts of murder—which seems to leave us over-moralizing our video game play—or we give up our intuition that there is something distinctively wrong with virtual pedophilia—which seems to leave us under-moralizing our video game play.

In a recent and provocative essay, Christopher Bartel points the way toward a potential resolution of Luck's dilemma. Bartel's resolution relies on the following three theses: (1) virtual pedophilia is child pornography, (2) the consumption of child pornography is morally wrong, and (3) virtual murder is not murder. Bartel's resolution has several things going for it. First, these three theses, if they can sustain scrutiny, provide a principled moral distinction between virtual murder and virtual pedophilia. Second, thesis three is non-controversial. Third, the most controversial thesis, thesis one, gains at least some plausibility

from two thoughts: pornography is media inspecific, and games with the kind of representational content described by Bartel and Luck are clearly pornograph*ic*. Still, as some readers will likely notice immediately, the truth of thesis one lends an additional argumentative burden to the seemingly non-controversial thesis two thereby rendering it more controversial. This is so because it is not immediately clear why *virtual* child pornography is immoral since, for example, the production of such imagery does not directly harm any actual children. However, Bartel defends of thesis two by appeal to Levy's (2002) argument that the consumption and production of virtual child pornography is wrong because it harms actual women and so his resolution appears to meet the additional argumentative burden that the truth of thesis one lends to thesis two.

Despite its apparent virtues, however, I argue here that Bartel's resolution to the gamer's dilemma is inadequate for a couple of reasons. First, in order to support thesis one—virtual pedophilia is child pornography—Bartel points us to Michael Rea's (2001) definition of pornography. However, if we accept Rea's account, which I think we should, then only a very narrowly circumscribed set of instances of virtual pedophilia will so count. And, the limited recasting of thesis one that we are left with is inadequate to resolve Luck's dilemma. Still, I argue that Bartel can avoid this worry altogether by recasting thesis two—virtual child pornography is wrong—so as to not invoke the concept of pornography, since, ultimately, the moral resources that Bartel relies on, Levy's argument that such imagery harms women, does not require that such imagery be *pornography*. It will be enough, on Levy's account, if such imagery is plausibly seen as sexualizing inequality. Still, I argue that even if this recasting is successful in capturing the phenomena that Bartel intends to capture, and I think that it is, the kind of moral resources that Bartel appeals to in order to support thesis two are in some important sense the wrong kind of reason to resolve this particular dilemma. What we are looking for is something distinctive about what I will sometimes call virtual *child* sexual assault or, what Bartel and Luck call virtual *pedophilia*. Such reasoning should make essential reference to the role that the representation of children plays in marking it out as an *actual* rather than a merely a *virtual* wrong. So, I conclude that we will have to look elsewhere for moral resources that are adequate to the challenge posed by the gamer's dilemma. In closing, I consider two such moral resources, both of which refer essentially to the role that children play in such representations and neither of which rely on ontological claims about pornography.

Is virtual pedophilia child pornography?

To my mind, the most philosophically interesting and controversial aspect of Bartel's proposed solution to the gamer's dilemma is his claim that virtual pedophilia is child pornography. This is an intriguing possibility that, as I claimed earlier, gains plausibility from two thoughts. First, pornography is media inspecific; it might occur in the form of a written narrative, a painting, a photograph, a moving image, or a cartoon, and similarly, it seems, a video game. Second, it is clear that games that involve the graphic depiction of sexual acts between adults and children are pornograph*ic*. As Bartel puts the point, such imagery certainly "sounds like child pornography."

Still, I think that we should be cautious here. As Levinson (2005) and Mag Uidhir (2009) have pointed out, there is a potential source of confusion in our thinking about pornography: we use the adjectival forms of terms for purposes other than indicating what something's ontological category is. To help see this point, let us consider an example that Levinson provides: we might legitimately say of a painting that it is photograph*ic* while consistently denying that it is photograph*y*. Here the adjectival form of the term is legitimate, while the noun/ontological form is not. So, we cannot infer from the fact that the adjectival form of a term legitimately applies to an object that its noun form also legitimately applies. This leaves open the possibility that we might rightly call an image pornograph*ic* without thereby committing ourselves to the claim that it is thereby pornograph*y*. So, the movie *A Clockwork Orange* may be pornographic, but not pornography. The same goes for Robert Mapplethorpe's infamous *Self Portrait* (78).[1] And, it seems, the same might be said of video games, e.g., the notorious hot-coffee scene in *Grand Theft Auto* is clearly pornograph*ic,* but is it pornograph*y*? In order to answer this question, it seems that we will have to know a bit more about the contours of the term 'pornography'.

To be fair to Bartel, he does not intend to offer us a full analysis of the term 'pornography' and hence does not intend to provide a full defense of his resolution to the gamer's dilemma. Instead, he takes himself to be pointing one way toward a resolution. To this end, he suggests that we look to Micheal Rea's definition of pornography. According to Bartel, Rea holds that "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" (2012, p. 14). Bartel goes on to claim that "it is not clear what it means to 'treat something pornographically,'" but that "taking enjoyment in the depiction of sexual acts involving children for its

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[1] Mapplethorpe produced many self-portraits. The one I have in mind here is the infamous image of him taken from behind with a bull whip inserted in his anus.

own sake intuitively sounds like it should count as treating such depictions pornographically" (2012, pp. 14–15).

However, Bartel's reconstruction and subsequent thoughts about Rea's account are curious in several respects. First, according to Bartel, on Rea's view we rightly say of an object that it is pornography if it "is put to pornographic use." But, Rea does not, and I think should not, endorse this idea. Rea makes this point when he asks us to consider the October 1996 issue of *Life* magazine which featured a nude photograph of Marilyn Monroe. Most of us, he claims, would consider the image pornography had it appeared in *Hustler* and not *Life*. In light of this, Rea claims, we might be tempted to say that

> the difference is that in *Hustler*…but not in *Life*, the picture would have been treated primarily as a source of sexual arousal. But that can't be the whole story. It is a common joke that generations of American boys have treated the Sears catalog and National Geographic primarily as sources of sexual arousal without thereby making them pornographic. (2001, p. 118).

The lesson here is not that there are two ways in which something can be pornography, viz., if it is treated primarily as a source of sexual arousal and in some other, yet unspecified, way. The lesson is that being treated primarily as a source of sexual arousal—or what we might call being treated *as pornography*—is all by itself insufficient for something's being pornography, though such treatment is part of a more complete definition. This is an important point to keep in mind, because if Rea has the right account, then it shows us that we will have to know more than that some gamers in fact treat such imagery as pornography. We will have to know if such imagery meets Bartels' second formulation of Rea's account, that it is reasonable "to believe that the object will be used as pornography by most of the audience for which it was produced."

Does virtual pedophilia meet this condition on being pornography? Is it reasonable to believe that gamers will treat it as such? Bartel claims that "it is not clear what it means to treat something pornographically" but that intuitively he thinks that a gamer who enjoys video games that depict virtual pedophilia for its own sake seems to meet this condition. Rea, however, articulates a clear and promising account of what it means to 'treat something pornographically.' So, in order to see if Bartel's claim that virtual pedophilia is child pornography can be supported by Rea's account or not, I propose that we turn directly to Rea's definition of 'pornography'.

> X is treated as pornography by person S $=$ $_{DF}$ (1) x is a token of communicative material (picture, phone call, performance, etc.), (2) S desires to be sexually aroused or gratified by the communicative content of x, (3) if S believes that the communicative content of x is intended to foster intimacy between S and the subject(s) of x, then this belief is not among S's reasons for attending to x's content, (4) if S's desire to be sexually aroused or gratified by the communicative content of x were no longer among S's reasons for attending to that content, S would have at most a weak desire to attend to x.

> x is pornography $=$ $_{DF}$ it is reasonable to believe that x will be used or treated as pornography by most of the audience members for which it was produced (2001, p. 120).

Here Rea presents us with a two-part definition. The first part concerns what it means to treat something as pornography, and the second part concerns what it means for something to be pornography, where something's being pornography—the second part of the definition—is parasitic on being treated as pornography—the first part of the definition. One, but by no means the only, attractive feature of Rea's account is that being sexually explicit is taken neither to be necessary nor to be sufficient for something's being pornography. This rightly allows that video surveillance images of individuals having sex do not count as pornography neither do manuals designed to help individuals have more fulfilling sexual experiences. Each may contain sexually explicit imagery, but neither seems to be pornography. Further, it rightly allows that some kinds of pornography may not be sexually explicit, e.g., pornography of the foot-fetishist type.

Let us consider the first part first. Rea provides a somewhat complicated, but I think clear and comprehensive and account of 'treating something as pornography.' The question before us then is "does a gamer who enjoys playing Bartel's fictional game for its own sake treat it as pornography?" For our purposes, I think that we can safely set aside constraints one and three: video games meet condition one and condition three is hardly ever (if at all) relevant in video game contexts.[2] Further, as I have argued elsewhere (forthcoming, 2013), I think that condition four should be rejected. What about Rea's second condition? Does our imaginary gamer meet this? For Rea, it depends on whether or not the desire—in Bartel's language, the enjoyment—is sexual in nature.[3] Our gamer would have to desire to be "sexually aroused or gratified" by the representational content, otherwise he would not treat it as pornography he would treats it as something else. This,

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[2] The motivation for condition three is to rule out pornographic images that lovers send to one another. These images, Rea thinks, are pornograph*ic* but not strictly speaking pornography.

[3] Obviously desire and enjoyment are not the same thing. However, given that Bartel has invoked Rea's account here, I take the liberty of treating his account as Rea-friendly.

however, is an altogether different notion than Bartel's notion of "enjoying a representation for its own sake" even one whose content is of a sexually graphic nature. To help see this point, consider that I might enjoy the representation of a sexually graphic scene in a movie for its own sake, without having any sexual desires with respect to its representational content at all. I might just think that it is very well done. This would count as enjoying the representation for its own sake, I think, but I doubt we would call my interest in it pornographic precisely because my interest is not sexual. Further, a gamer who enjoys a pedophilic video game *because what it represents is so shocking as to be hilarious,* enjoys the content for its own sake, because it is funny, without having any sexual interest in the game at all.[4] What we will have to know about the gamer in question is if his enjoyment is of a sexual nature. If it is, then he meets the second constraint on using the game as pornography; if it is not, then he does not meet this constraint. If this is right, then Bartel does not provide enough detail about his fictional gamer for us to determine if he treats the game as pornography or not. If we are to follow Rea, and I think that we should, then merely finding out that a gamer enjoys the game does not tell us what we need to know.

Still, let us assume for the sake of argument that Bartel's gamers do as a matter of fact treat the game as pornography in the primary sense that we have identified. That is, let us assume that their enjoyment is sexual in nature. Should we thereby conclude that the game is pornography? If we are to follow Rea, even knowing this is not enough to determine if the game is pornography or not. According to Rea, the question turns not on determining if some set of individuals treats it as such, remember the Sears catalog worry, but instead if it "is reasonable to believe that [the game] will be used or treated as pornography by *most of the audience members for which it was produced* [italics added]." Notice how strong this requirement is. If Rea is right, then we will not be able to tell merely by attending to the representational content (that it involves graphic sexual content, even content that includes adults having sex with children), or by merely attending to the fact that some gamers treat it as pornography in the primary sense. We will have to know something about who the intended audience is and how we can expect that *they* will *reasonably* respond to the representational content.

How might we determine this? For one, we might look to the company that developed the game for clues. For example, finding out that a game was made by Mystique or Illusion might count in favor of thinking that the game is

not just pornographic but pornography, just as finding out that a pornographic image is in *Hustler* magazine would count in favor of it being pornography. However, finding out that the company is RockStar Games might make things more difficult. Since they are known for making games with shocking content, it is at least in the realm of possibility that they would make a game intended to be used as pornography. However, that they have not to my knowledge developed such a game previously makes it much less likely that their version of such a game would be intended to be treated as such. We might further appeal to supplementary information, like how the game is marketed, to help make a determination. Is it advertised in pornographic magazines or to ordinary gamers who are above the age of consent? If this we are to accept something like Rea's account, and I think that Rea's account is the best one on offer, then we will have to know a lot more about a particular game in order to properly assess its status as pornography than Bartel's recasting allows. What is clear is that the mere fact that a game depicts acts of virtual pedophilia or even invites gamers to enact virtual pedophilia combined with the fact that gamers (even a high number of them) enjoy the representation for its own sake is insufficient to make it pornography, even if it is enough to ensure its status as pornograph*ic*.

Are pornographic images of *virtual* children harmful in some way?

Having established that Rea's account is inadequate to support thesis one—the virtual pedophilia is child pornography—I propose that we set this issue to the side and take up Bartel's second thesis, that virtual child pornography is wrong. Though I think that Rea's account is the best one on offer, I grant that it is at least possible that Rea's account will turn out to be flawed, and Bartel expresses optimism that an adequate account will vindicate his claim. Nevertheless, as I mentioned earlier, I do not think that Bartel's argument for thesis two—virtual child pornography is wrong—depends on making the ontological case for its status as pornography. So, at the end of this section, I will work to recast thesis two so that it does not depend on making the case for thesis one. But, for the sake of clarity and ease of exposition I begin by focusing on Bartel's claim, that child pornography including virtual instances, are wrong rather than the claim that virtual acts of child sexual assault are wrong.

To begin our inquiry, let me say a few things that I think most parties to the debate will acknowledge. Producing pornography that depicts actual children engaging in sexual acts is generally wrong at least in part because of the harm that is inflicted on the children that are depicted in such

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[4] I don't mean to suggest here that either type of gamer escapes moral criticism. My only claim here is that such gamers do not put the game to *pornographic* use.

imagery. Further, to the extent that the consumption of child pornography contributes to such activities—without the market for child pornography it would cease to exist—it too is obviously wrong because it indirectly harms children. This is also true even if we decide that for a particular individual it is better all-things-considered to consume child pornography, if, for example, it will overall reduce the number of children that are harmed by sexual predators. An argumentative challenge emerges, however, when the pornographic image is virtual and not actual since no actual children are harmed in the production of the images, and it is not immediately obvious how the consumption of virtual child pornography harms actual children.[5]

In answer to the challenge posed by virtual child pornography, Bartel points us in the direction of Levy's (2002) essay in which Levy links virtual child pornography with the wrongness of mainstream pornography, virtual or not, namely that it harms women. According to Levy, this is so because such imagery sexualizes inequality, specifically it sexualizes that unequal relationship that occurs between an adult and a child. Moreover, Levy argues, imagery that sexualizes unequal relationships harms women. This is so because it is deployed in a cultural climate in which women are systematically treated as unequal, and this inequality is achieved in large part by treating women as sexually unequal, say by treating them as for the sexual delectation of men. This conception of women, as entities who are for the sexual delectation of men, operates as a mechanism to undermine women's autonomy and contributes to their oppression. That is, it harms women. So, Levy reasons and Bartel agrees, any imagery that sexualizes inequality more generally will contribute to the larger cultural assumption that inequality is sexy and so is as things should be. Virtual child pornography does this, so it contributes, however, strongly, to the oppression of women and hence harms women. It is for this reason, that it harms women, that virtual child pornography is wrong.

Though Bartell calls Levy's reasoning "surprising," I'm not sure that it should be since women and children have much higher incidences of sexual assault than adult men,[6]

and women find themselves in much higher numbers the subject of inegalitarian sexualized imagery, both pornography and erotic imagery.[7] Moreover, women's oppression is also often achieved by treating them as less than fully adult. So, it seems natural to think that this kind of imagery contributes to the general climate of sexualizing inequality, and so harms women, however, strongly. In the case of sexualized images of women—be they pornography, pornographic, or merely erotic—the case for harm, though not uncontroversial, comes relatively easily. Since such images are deployed in a cultural context where women are oppressed and this oppression is achieved in part through sexualizing them in way that makes them appear sexy because unequal, any image that sexualizes inequality can reasonably be seen to contribute to the cultural climate and hence to hurt women. However, in the case of children we do not have a similar cultural story to tell. On the whole, children are not systematically oppressed *qua* children, even if some children do experience systematic sexual abuse and even if female children are oppressed *qua* female. Further, children are not generally subjected to representations that sexualize them; in fact, it is quite the opposite. In the United States, for example, we have very little cultural tolerance for images of children that are sexualized[8]—this is what makes images of very young female children who participate in beauty pageants so controversial in the United States at least. Let me be clear here. I am not saying that this does not happen to individual children, it does. What I am saying is that children in general are not harmed *in this way* because in general we have very little tolerance for such treatment. In contrast, we seem to have quite a bit of tolerance for sexualizing women in ways that contribute to their oppression. Children, as a class, are not oppressed in this way; women, as a class, are (which, again, includes female children). It is for this reason, that it is very difficult to make the case that virtual sexualized images of children harm actual children in a way that would parallel the case that Levy makes about women. Of course, individual virtual images might contribute to the harm of individual children. But, it is highly unlikely that even a gamer that treats a Bartel-style game as pornography, i.e., he is sexually aroused by the activity,

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[5] Still, the thought that such imagery harms children indirectly does have some support in public policy. In the United States, for example, the PROTECT Act of 2003 makes such virtual imagery illegal, and those charged with defending this aspect of the protect act have appealed to the harm that such images bring to actual children.

[6] A comprehensive study on child sexual assault in the United States conducted by the Department of Justice found that 285,400 children ages 17 and younger experienced a sexual assault in 1999, which amounts to about 4.1 children in 1,000. Of those victims, 89 % were female and 95 % of the perpetrators were male, see https://www.ncjrs.gov/pdffiles1/ojjdp/214383.pdf. Accessed 25 September 2012. Further, a recent study on sexual assault, again in the United States, found that an estimated 1 in 5 women is sexually assaulted in her

Footnote 6 continued

lifetime, see The National Intimate Partner and Sexual Violence Survey (2011): http://www.cdc.gov/violenceprevention/nisvs/. Accessed 25 September 2012.

[7] For a helpful discussion of the distinction between erotic imagery and pornographic imagery, see Jerrold Levinson's 'Erotic Art and Pornographic Pictures' in *Philosophy and Literature*. 29 (1), 228–240.

[8] While in the United States, there is likely too much intolerance for child nudity, what is likely to survive cross-cultural scrutiny is a general intolerance for the *sexualizing* of children. Where we will are likely to have cross-cultural difference is in what kinds of activities count as sexualizing.

harms actual children *in so doing*. In fact, as is often pointed out, one might even be able to make a compelling case for the opposite claim, viz., no children are harmed in the production of such imagery, children in general are not oppressed by such mechanisms, and such activity makes the gamer less likely to harm actual children. So, if making the moral case relies on making the case for harm, then it seems more promising to rely on a more remote harm, namely the harm to women.[9]

In this section thus far, I have focused on virtual child pornography, leaving to the side my concerns that many games that Bartel would want to count as child pornography may in fact not be. Again, such a game will turn out to be child pornography on Rea's account only if it is reasonable to assume that it will be treated as pornography by the game's intended audience, where treating something as pornography requires that one take a sexual interest in it. However, as I suggested at the beginning of this section, I think that the moral reasoning that Levy, and thereby Bartel, offers here may be applicable to games that involve virtual pedophilia regardless of their status as pornography. This is so because such imagery, even if it is not pornography in the strict sense, still sexualizes inequality and all that is required to establish the moral claim that Bartel needs to establish. Even stronger, consider that we can

make the same charge against all kinds of sexualized imagery that we find in our greater cultures, advertising for instance, and it is likely the case that non-pornographic imagery of this kind is even more harmful because it is so pervasive and culturally acceptable.[10] If Bartel can establish this, then his argument can resolve the gamer's dilemma just as adequately as it could were he able to establish thesis one. That is, if Levy's argument goes through, then Bartel's attempt to resolve the gamer's dilemma is not dependent on making the case that such games are pornography. It will be enough if they sexualize inequality.

Still, I think that we should be cautious here. I do not think that those of us who are interested in resolving the gamer's dilemma as it is posed by Luck will be entirely satisfied with even this revised version of Bartel's resolution. This is so because, rather than telling us what is distinctively wrong with what I will from here on out call virtual child sexual assault, Bartel points us in the direction of an indirect harm, the harm that such images cause to some other kind of entity, namely women. It is precisely this move that makes Bartel's resolution less than satisfying. Though I think that Levy may very well be right to claim that *virtual* images that sexualize children harm women because they sexualize inequality, those of us who are interested in Luck's version of the gamer's dilemma feel its pull because we think that there is something particularly egregious about it specifically because it involves our virtually sexually assaulting *children*. Since, Bartel's analysis does not make essential reference to the role that children play in our moral assessment, his resolution seems to rely on the wrong kind of moral reason. If I am right, then I think that we should conclude that the gamer's dilemma has not been *adequately* resolved by Bartel even if it has technically been resolved because (1) premise one is false, and (2) even though Bartel's resolution does not necessarily depend on making the case for thesis one, the moral resources that Bartel relies on to support thesis two are too far from the core case to offer a convincing, and full resolution. Simply put, even if there are resources available internal to Bartel's argument to gives us the right answer, i.e., there is a morally significant and principled difference between virtual murder and virtual child sexual assault, it does not do so for the right kinds of reasons. As a result his resolution should be unsatisfying.

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[9] It is worth pointing out that in a 2006 discussion paper entitled "Corporate Paedophilia: Sexualisation of Children in Australia," Emma Rush and Andrea La Nauze argue that in Australia there is growing evidence of the sexualization of children in the media, particularly in advertising that is aimed at children. They conclude that "children face a range of risks associated with their sexualisation. These include: an increase in eating disorders at younger ages; increasing body dissatisfaction; more extreme attention-getting sexual behaviours; first sexual intercourse at younger ages; promotion of paedophilia; the undermining of other aspects of their overall development; and the absorption of ethical values that undermine healthy relationships" (p. 47). It seems then that we may be experiencing a shift in our cultural tolerance for the sexualization of children, one that raises concerns about the effect that such a shift will have on children. I do not doubt that children who consume such images are likely harmed in the ways that Rush and La Nauze identify, even though they recognize that we lack the necessary empirical data to adequately support their worries. Still, I'm not convinced that this study can be used to support a Levy-style argument in relation to the kind of sexualized representations that are the subject of this inquiry. Consider, for example, that the primary subject of such sexualization is, unsurprisingly, girls. Also, the case that Rush and La Nauze make is one wherein which children are harmed because *they* are exposed to images that they consume. However, the case that we consider here is one in which adults play a game whose characters are representations of children, not one where children are playing such a game. I have no doubt that we have strong reasons, of the type cited by Rush and La Nauze, for keeping children away from such games. But, in order for this data to support a Levy type argument, it would have to be the case that such imagery plays a part in the willingness of adults to oppress children, and I am not convinced that we are there yet. I thank an anonymous reviewer for pointing to me to this very interesting, and disheartening study.

[10] Here think of advertisements for *American Apparel*, just about any *Maxim Magazine* cover, *Sports Illustrated's Swimsuit Issue*, *Sun Magazine's* page three girls, and *Victoria's Secret Catalog*, just to name a few. Readers are invited to think of cases internal to their own culture.

Are there direct moral reasons to avoid enjoying certain games?

Might there be other, more direct, moral resources available to us? To help explore this issue further, let us consider the following scenario: You find yourself at a party where a group of individuals is playing a fictitious game called *Child Sexual Assault. Child Sexual Assault* is played much like the notorious Japanese game *Rapelay* with one difference. In *Child Sexual Assault,* gamers are incentivized to virtually hunt down and sexually assault what appear to be very young children, both male and female; there is no depiction of a mother. For their part, the group members do not seem to treat the video game as pornography in the sense that Rea uses this term. That is, they do not seem to be remotely turned on by the depictions. Instead, they are laughing and joking, and most of them seem to think that the fact that the game is hilarious precisely because it is so morally transgressive. A member of the group turns to you and bids you to join them. Should you refuse?

It is worth noting that the question 'should you refuse?' is an all-in one. That is, it is a question about what you should do all-things-considered. In answering an all-in question, because it is question about what is to be done all-things-considered, must take considerations of all kinds into account, both moral and non-moral. Since, my focus here is only on moral considerations, let us set aside the all-in question. Instead, let us focus on a narrower one: are there direct moral resources that support our refusal? This question is not about what we should do all-things-considered, but about what kinds of reasons there are that might go into an all-in judgment about what to do.

One consideration that may strike us as salient is an extrinsic one, namely that playing this game in this context will send the wrong moral message. Clearly, our behavior can do this. For example, cheering on a bully sends the signal to others that in certain situations bullying is called for. Conversely, challenging someone's attempt at bullying on moral grounds sends a different moral signal, viz., that bullying is not called for and that disrupting the activities of bullies is what is called for. Given that our behaviors have such moral impacts, we have a prima facie duty to take such facts into consideration in deciding what to do. Similarly, it is reasonable to think that our play behavior can communicate moral messages to those who are privy to such behavior. American football fans, for example, likely communicate messages that glorify violence, when, for example, they cheer at a big hit. Similarly, we might be tempted to think that playing *Child Sexual Assault* in the context described above runs the moral risk of sending the signal that actual child sexual assault is fun or that it is somehow a less serious moral concern than in fact it is.

Still, I think it is quite unlikely that our joining the game would send signals like these. This is so because, as I argued earlier, child sexual assault is so culturally taboo that it is very unlikely that anyone would read our behavior in this way. Perhaps if the group were treating the representations as pornography we might have this worry, but here we clearly do not. So, I see no obvious reason for thinking that it is a legitimate worry.

It is worth noting that a worry about the moral signal that our gameplay might send is a concern about the potential harms to which our gameplay might contribute. And, debates over the moral status of video games, video game play, and video game development tend to focus almost exclusively on making or undoing the case for the harm that such games cause to gamers and those with whom gamers interact.[11] I think that there are several reasons for this. First, harm has obvious moral salience. That an action of mine harms others (or perhaps myself) is a morally relevant consideration that only the most strident moral skeptic would deny. Second, we might be tempted to think that *only* harm has moral salience in video game contexts. This is so because in these kinds of cases we are dealing with highly fictionalized representations and highly imaginative responses. So, we might think that the only way that morality can gain traction in video game contexts is if it can be shown that our engagement with them or their production causes harm to gamers or others. But, if that is true, then it begins to look as if Bartel's indirect resolution to the gamer's dilemma is the best that we can do.

But, for at least some of us, finding out that playing *Child Sexual Assault* for fun is unlikely to harm anyone will not undermine the thought that there is still *something* morally troubling about this game. What, if anything, might ground such a judgment? I have argued elsewhere that there are non-harm based moral resources that might help us to think about morality in imaginative contexts like video games (2011b), pornography (2013, forthcoming), jokes (2011a), artworks (2008a, b), and even idle fantasies (2008a). In general, I have argued that in specific cases the representational imagery that we find in imaginative contexts both gains meaning and loses what we might call a kind of interpretive flexibility. This limits our ability to claim that "it is only a game" and makes the issue of how we should respond to such imagery a cogent moral question. In closing, I draw on this account to further develop it in a way that might apply to *Child Sexual Assault,* and consider what implications this might have for the gamer's dilemma.

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[11] Interestingly, the ethics of video games literature shares this feature with debates over the moral and legal status of pornography. Eaton (2007) calls the thought that any moral criticism of such imagery must rely on making the case that such imagery harms actual people "the harm hypothesis."

Let us begin by considering the following scenario: While watching television alone you come across a white comedian who tells an obviously racist joke. For the sake of simplicity of interpretation, let us further imagine that you know that the comedian is in fact a racist so that you are confident that his joke is intended to be a racially demeaning one. Setting aside issues of harm to oneself or others, are there moral reasons that count against our being amused? I think that there are. In fact, if the joke is bad enough we might conclude that we should not be amused at all for moral reasons: that the aim of the joke is to mock or humiliate those of African descent simply because they are of African descent, for example, might ground our judgment that we should not find the joke funny. I do not mean to suggest that we should never be amused at jokes with immoral content; I think that we will likely have to make such a determination on a case by case basis. However, it is a common enough thought that there are at least some jokes that we should not find funny because their representational content is racially demeaning. This phenomenon suggests that there may be moral reasons to avoid responding positively to at least some putatively imaginative representations that do not rely on making the case for the harm of such responses.

How might an appeal to similar kinds of reasons help us in the case of *Child Sexual Assault?* One noteworthy feature of *Child Sexual Assault* is that it invites us to virtually sexually assault a child. Even stronger, it seems that the game invites us to sexually assault a character *because it is a child.* For some gamers, myself included, this feature of the representation will call to mind actual child sexual assault in a way that undermines or even blocks what might otherwise be the imaginative character of the game: We will be unable to enjoy the game because of a relationship that we see between this game and actual victims of child sexual assault. Since, actual victims of child sexual assault are similarly targeted because they are children. It is in light of this relationship that we see the game as a reflection of, rather than a departure from, our actual moral reality. To the extent that we experience the game in this way, as in some sense a reflection of our shared moral reality, we will refuse to find the game amusing (or at least find it more difficult to find it amusing) for precisely the same reasons that we should refuse to find actual child sexual assault amusing. Such events are not enjoyable they are morally horrifying.

The view that I have sketched thus far might appear to be wholly descriptive. Gamers who in fact see the representation of child sexual assault as a representation of reality will also tend to see it as the kind of thing that should not be enjoyed. Still, it is worth considering the extent to which there is a normative relationship between interpreting representational content in a particular way, and which, if any,

responses are legitimated or ruled out in light of our interpretation. For example, it seems that the gamer who cannot help but see *Child Sexual Assault* as a reflection of or extension of our moral reality should be unable to find this content enjoyable (or, again, should find it very difficult to do so). This is so because the object of her amusement is a different object altogether from the object as interpreted by the gamer who sees it only as a bit of harmless fun. The objects are interpreted quite differently and as a result the instances of amusement involved have different intentional objects. Further, the reason that the gamer who sees the game as a reflection of reality should fail to be amused by it will be roughly the same kind reason that she should fail to be amused by the representational content of a photograph of child sexual assault.

So far, all I have shown is that if interpreting the game as a reflection of our moral reality is reasonable, then it seems our affective response, e.g., our refusal to be entertained, to be amused, or to enjoy the representational content, is also reasonable. The argumentative burden then falls on our ability to show that such an interpretation is, in this particular case, reasonable. How might we make a case for the reasonableness of this kind of interpretation of putatively imaginative representational content? While I do not have space to develop the account fully here, we might begin by looking at cross-sphere similarities that are interpretively relevant and morally salient. As I said earlier, the fact that in the game children are virtually sexually targeted *because they are children* seems relevant here. How so? In part, the answer lies in the fact that it matches the real world in which children are often the targets of sexual violence *because they are children.* It is the fact that we are invited to target characters in this particular way, I think, that serves as a ground for our interpretation here. The video game invites us to target a virtual character by morally irrelevant criteria that are the very morally irrelevant criteria in virtue of which actual individuals are targeted, demeaned, harmed and/or oppressed in the actual world. If I am right, then it is features like this that make it at least reasonable to see responses such as amusement, enjoyment, or other forms of what we might call entertainment morally inappropriate responses to the representational object as interpreted. I am not saying that for any given representational object we should ask ourselves "would our response be fitting were the object actual?" What I am saying is that some kinds of representational details may begin to make it more reasonable to see the in-game activities as reflecting our moral reality rather than departing from it. The same analysis, I think, can be applied to the racist joke. Part of what makes the joke morally worrisome is that it appears to be a reflection of our lived moral reality that includes substantive and widespread instances of racial injustice, injustice which is

supported in part by racially demeaning jokes. The joke, like the video game, asks us to target a virtual character by morally irrelevant criteria which are the very same morally irrelevant criteria that actual individuals are targeted, demeaned, harmed and/or oppressed in the actual world. Though I think that we can make an even stronger case in the instance of racist jokes, and similarly racist video games than we can for video games that invite acts of child sexual assault, I think that the account that have sketched here is at least getting close to what explains the moral responses of those who find *Child Sexual Assault* morally disturbing independent of the harm that enjoying such a game might cause.

Assuming that view that I have begun to sketch here can ultimately be sustained, and in the case of *Child Sexual Assault* there is quite a bit more work to be done to show that such responses are reasonable, there is still yet more work to be done. I think that those who see the game as a reflection of reality are likely to conceive of those who are capable of enjoying such representational content as at the very least morally distasteful and/or morally immature. In order to make this move plausible, we will have to show not only that the interpretation is reasonable but that it is called for. Here again, I think that such a case is more easily made for the racist representational content of the joke than it is for the pedophilic content. If such a case can be made for *Child Sexual Assault,* then I think that it will begin as I have begun it here and continue to show that something about the nature of actual act of child sexual assault makes it more difficult morally to see even virtual representations of it as enjoyable. I further suspect that if such an account can be sustained, it will appeal to facts about the relative helplessness of the victims of such actual wrongs, though, again, I have not made such an argument here. I suspect that disagreement between gamers who see such content as a bit of harmless fun, and those who see it as morally troubling will debate these very issues.

Still, assuming that we can make the weaker case, i.e., it is reasonable to interpret *Child Sexual Assault* as more of a reflection or extension of reality than a departure from it, what implications might this have for the gamer's dilemma? What does this account commit us to in the case of run-of-the-mill first person shooters? We might think that since killing is at least as morally bad as sexually assaulting someone, even a child, and so whatever we say about *Child Sexual Assault,* we will have to say about *Red Dead Redemption* and the like. But, I think that we are in a position now to see that this move relies on a mistaken moral assumption, namely that if our virtual activities are subject to non-harm based moral assessment then they must derive their moral status in a straight-forward way from the status that they would have in the real world. If what I have said thus far is plausible, then what matters

morally in video game contexts is the nature of representational detail that we confront in-game and how reasonably it invokes thoughts of our actual moral reality. So, what is key here is seeing that in the case of a run-of-the-mill first person shooter, we are not targeting individuals in the same way that we are in *Child Sexual Assault*, though we could. For example, a game might invite us to virtually hunt down and lynch characters that appear to be of African descent. A game like this does possess representational details that make it more reasonable to see it as a reflection of our lived moral reality and less like a bit of "harmless fun." But, in what I am calling run-of-the-mill first person shooters, characters are not targeted in this kind of way, which makes it more reasonable to see run-of-the-mill first person shooters as a departure from rather than a reflection of real world moral concerns. So, it seems that if this analysis can ultimately be maintained, we can begin to draw a principled distinction between virtual acts of child sexual assault and run-of-the-mill virtual acts of murder. I say 'run-of-the-mill' here, because on this view not all acts of virtual murder will get a moral pass. Since, as I argued previously, virtual murder too can be presented in such a way that reasonably connects it to our moral reality, it might also be subject to moral criticism. This, I think, counts in favor of this line of reasoning rather than against it as I think that it gives us the right answer in the case of the lynching game. Further, the reasoning that I offer here is direct in a way that Bartel's and Levy's is not. It makes essential reference to role that the fact that the object of our enjoyment is the virtual sexual assault of *children* plays in our moral judgments. Though I have not fully made the case here, what I hope to have shown is that issues of the moral appropriateness of our responses to the representational content that we find in video games and the connection it has to our moral interpretation of this content is a fruitful line of philosophical investigation that may provide a more adequate resolution to the gamer's dilemma.

Conclusion

Here I have argued that Christoper Bartel is mistaken to think that he can rely on Michael Rea's definition of 'pornography' to support his claim that virtual pedophilia is child pornography. This is so because on Rea's view something is pornography if and only if it is reasonable to believe that it will be treated as pornography by its intended audience. To the extent that it is reasonable to believe that video games that contain virtual pedophilic content will not be played *primarily* because their audiences desires to be sexually aroused by the representational content in question, they are not pornography. Perhaps some instances will so count, but certainly we cannot look

to Rea to support the kind of general claim advocated by Bartel. Maybe we can return to the task of definition to help us here, but barring some minor worries that I have about condition four on treating something as pornography, namely the counter-factual desire constraint (2013, forthcoming), I think that Rea's account is the best one on offer. Still, I argued, even if such a claim cannot ultimately be substantiated, this need not worry Bartel since the moral resources that he relies on, Levy's account of the moral wrongness of child pornography, applies equally well to representations that are merely pornographic. Further, I argued that while this line of argument may in fact provide us a moral reason for avoiding games with such content, it does not adequately resolve Luck's version of the gamer's dilemma. What we want is to know what is wrong with virtual *child* pornography, or virtual enactments of *child* sexual assault. If I am right, then we should look elsewhere for a resolution to the gamer's dilemma than to the kinds of indirect harm that such imagery might bring. Finally, I have suggested alternate moral resources for resolving the gamer's dilemma which do not rely on making the case that virtual pedophilia is child pornography and which are direct in a way that Bartel's resources are not.

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