How Videogames Express Ideas

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ABSTRACT
What are the *exact* aspects of the videogame medium, the precise features or combinations of features that lend themselves to expressing ideas and meaning? To chart this out, I begin with an American legal case that serves as a foundation for the basic issues involved and then move on to show how this relates to some of the broader attitudes the world of videogame discourse. Based on this, I break down the expressive strategies of videogames into three aspects—non-playable sequences, rule-based systems, and the relationship between the two—which I then illustrate with examples proving that videogames can indeed be an expressive medium.

Keywords
Expression, First Amendment, Speech, Communication, Ideology, Meaning, Interactivity, Agency, Videogaming Community, Cut-Scene, Dialogue-Scene, Opinion Summary

INTRODUCTION
Being a gamer, the question of whether or not videogames are an expressive medium puzzles me. Not because I'm unsure of the answer, but because the answer to me seems obvious. What I do not completely understand is what prevents others from reaching the same conclusion: that videogames can and do express ideas often and have for years. For a while now, this has been a debate within multiple discourse, ranging from academia to politics to consumers to developers. Do games express ideas? Are they "art" in the same way cinema and literature is "art?" If they are, what makes them so? If not, why do some people insist that they are? Are these people wrong? If so, what are they misunderstanding about this new media that others are not? If they are right, what are their opponents missing in their view that the medium is essentially non-expressive. To my knowledge, there has not been a definitive argument that has resolved these questions. Does there need to be? I suppose not… not necessarily. So far, the discourse on the subject has been lively and organic, with multiple schools of thought staking different claims on what games are and what they are not. Scholars like Janet Murray have provided some groundwork on how games can possibly relate to classical studies of literature and narrative. Practitioners like Eric Zimmerman and Chris Crawford have provided some frank insight into the industry, and how it affects the aesthetics of games. There have been academic movements like the Ludologists who have sought to view videogames first and foremost as games, both historically and as they evolve into the future. And of course, there are millions of people who play games and converse on the Internet about what game are, what they can be, and what they should and should not be.

This is all fine and good. These questions do not *need* to be resolved, after all. If they were, people like myself would be out of work. However, at certain points it can be useful to provide basic paradigms for things. With the Games and Expression debate becoming a hotter topic in light of fears about violence, this might be a good time to explain *exactly* how games express ideas, just so in the future people can have something to point to and say "Look, this is how it works."

This is what I humbly endeavor to do in this piece. Although it is somewhat simplified and not comprehensive, I intend to provide, at least what I believe to be, a clear and concise outline of exactly how games qualify as a medium of expression in their own right. This will not be based heavily on the work of other scholars who have written about games, but rather my own experience as a lifetime gamer. To that extent it will largely be an account of why games seem expressive to me, and I hope my reasoning will be compelling enough that my argument stands on its own. As a framing device, I am going to use a United States court case. Although it was later overturned, it provides a clear picture of the general debate surrounding videogames as an expressive medium, the common assumptions involved, and the mistakes often made in its defense. Hopefully, this will provide some sort of theoretical basis for the expressive properties of games that will be useful to others.

VIDEOGAMES VERSUS THE FIRST AMENDMENT

In April 2002, a U.S. District Court ruled against the Interactive Digital Software Association's (IDSA) claim that a local ordinance violated the First Amendment rights of videogames. The ordinance penalized videogame retailers for selling violent or sexually-explicit videogames to children under 17. Although a ratings enforcement law does not necessarily concern Free Speech, the IDSA made it a speech issue by choosing to frame their argument as such, claiming (incorrectly) that an enforced rating system is a violation of the fundamental rights that all artistic media in the United States are supposed to share. This was an unsuccessful argumentative ploy. Rather than prove an effective line of defense for the gaming industry, this gave Chief Judge Stephen N. Limbaugh an opportunity to set legal precedent on the issue. In his closing remarks, he stated that videogames as a medium do not constitute speech and are therefore not worthy of First-Amendment protection, claiming they exhibit "no conveyance of ideas, expression, or anything else that could possibly amount to speech," and concluded that anything which might seem to be such in a videogame is "inconsequential." [Limbaugh 10, 11]

Why did the court reach this decision? There is a moment in the opinion summary when Judge Limbaugh outlines his reasoning and illustrates his point with an analogy. After giving several examples of other cases in which conventional games such as bingo were concluded not to be free speech, he states:

> The Court has trouble seeing how an ordinary game with no First Amendment protection, can suddenly become expressive when technology is used to present it in "video" form. For instance, the game of baseball is not a form of expression entitled to free speech protection. It is often times surrounded

> by speech and expressive ideas--music between innings, fans carrying signs with expressive messages--however, these expressive elements do not transform the game of baseball into "speech." Rather it remains, just what it is--a game. Nor does the Court think there is some magical transformation when this game of baseball appears in video form. The objectives are still the same--to score runs--and the only difference is a player pushes a button or swings a "computer bat," rather than swinging a wooden bat. Just like Bingo, the Court fails to see how video games express ideas, impressions, feelings, or information unrelated to the game itself. [Limbaugh 12]

What exactly is going on in this statement? Limbaugh is saying several things here that, when unpacked, will begin to show some common misconceptions about videogames. Specifically, he is saying two key things. First of all, he is saying that games do not become speech by virtue of being in a digital format. In other words, he is claiming that the difference between "games" and "videogames" is merely cosmetic, and if games are not speech, then neither are videogames. This brings up a lot of subtle assumptions in his reasoning, first and foremost what his definition of a "game" is. Unfortunately, this is a little elusive. Although throughout the opinion summary Limbaugh cites multiple court cases that ruled against the expressive status of conventional games (bingo, blackjack, etc.), he never once says why these courts arrived at the decisions they did. He only claims repeatedly that they "did not find them to be so."[1] However, if we look closely at Limbaugh's language, some specific criteria pokes through. He *does* refer to the "objectives" of a game being one of its defining elements, giving scoring runs in baseball as an example. For Limbaugh, these types of rule-bound activities are apparently what makes a game a game, hence their presence remaining absolute across the digital boundary. Although he does not say it explicitly, I think it is fair to conclude from this that, in his view, a game is defined as a type of rule-based system, and rule-based systems are not speech.

This is the first misconception that is at the heart of any argument that concludes videogames cannot be expressive. Although it would be easy to claim that Limbaugh is missing some kind of "special quality" rule-based systems gain when they exist in a digital format, I think he is mistaken on a more fundamental level. Rule-based systems can be speech, regardless of whether they are digital or not. Improvisational theatre is a rule-based system. It has objectives, rules, and players but it is considered expression nonetheless. So why is this seen as being different from something like baseball or bingo? I think the level of abstraction involved is key. A sport is a rule-based system abstracted to the point that the negotiation of the system itself is the only purpose, the only pleasure involved. However, a round of improve theatre may retain various levels of symbolism. Its rules and imagery can invoke history, politics, sex, or whatever. A performance could be a re-enactment of a historical battle, only with key elements changed so that when unleashed the system will unwind in a farcical or satirical manner. This sort of thing could almost be considered a "game" of sorts. It could even have the same rules as

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[1] I do not have access to these other court cases, which is why I do no attempt to discover their reasoning myself. I future version of this piece, I will include this information if possible.

baseball. But it is this added level of representational imagery that makes it expression. The game isn't just being played with arbitrary symbols anymore, but meaningful ones. In this sense, it seems simple-minded to assume that just because a rule-based system *does not* express anything that it *cannot* express anything. Unfortunately, this seems lost on the reasoning of the court when Limbaugh concludes:

> This Court has difficulty accepting that some video games do contain expression while others do not, and it finds that this is a dangerous path to follow. The First Amendment does not allow us to review books, magazines, motion pictures, or music and decide that some of them are speech and some of them are not. It appears to the Court that either a "medium" provides sufficient elements of communication and expressiveness to fall within the scope of the First Amendment, or it does not. [Limbaugh 11]

Limbaugh claims that all a medium needs to do is "provide sufficient elements" of expressiveness, however he fails to see a rule-based system itself as a blank-slate upon which symbols can be applied. If he understood this, he might also understand how digital media significantly *augments* this potential. The difference between "games" and certain aspects of "videogames" may not be fundamental, but the possibility for different types of meaningful symbols to be grafted onto it is *exponential* in the expanding digital landscape, where the content and scope of a fictive world is not limited by physical reality. In this sense, videogames may not represent the first time rule-based systems have been utilized for expression, but they do represent an enormous leap in their potential to be expressive. Because some of them choose not to exercise that potential is beside the point. As we will see later in this document, the rule-based systems that are part of videogames have all the "sufficient elements" needed to express ideas, and they have proved they can use them to great effect.

Of course, videogames are not *only* rule-based systems. Some may only make use of that aspect of the medium, and it could even be argued that that aspect is what is most fundamentally unique about videogames. However, what are commonly referred to as "videogames" often involve a mish-mash of other types of communicative devices, hence the term "game" becomes a bit of a misnomer at times.[2] This leads us to the second thing Limbaugh is saying about videogames in the original citation above, which is somewhat predicated on the idea that games by themselves are not speech. He is saying that even *if* expressive forms "surround" a game (e.g. music being played at a baseball

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[2] There is a lot of debate around this topic, about what exactly a "game" is and whether a "videogames" can rightfully be called a "game." This brings into question the accuracy of interchanging phrases like "rule-based system" with "game" as I am doing here. Some might argue that all games are not necessarily rule-based systems, and not all rule-based systems are necessarily games. However, in the context of this argument using the two interchangeably is justified by the fact that I'm working from the court's logic, which seems to recognize the two as basically similar. No doubt, the issue of defining *exactly* what a game is should be the subject of a paper with a different focus. For my purposes, I believe the loose definition I am using is clear and functional enough within the present context.

game) they do not bare a meaningful enough relationship to it to make the entire phenomenon qualify as speech. Why? He is not entirely clear on this, but elsewhere states:

> Plaintiffs claim that the final product contains "extensive plot and character development." However, plaintiffs did not show the Court the final product, the video game, and the issue in this cause of action is whether plaintiffs' video games are a form of expression, not whether plaintiffs' "scripts" are a form of expression. [Limbaugh 13, 14]

These "scripts" which the Limbaugh is referring to are documents submitted to the court by the IDSA. Their exact content is not explained in the opinion summary, but the document does say that the court admits they were "creative and very detailed." [Limbaugh 13] However, the court rejected them based on the reasoning shown above. It might be a little tricky to figure out, but it can be inferred that the "scripts" mentioned above outlined some sort of plot or character content which was not shown when the games themselves were presented, hence why the court "simply did not find the 'extensive plot and character development' referred to by the plaintiffs in the games it viewed." [Limbaugh 14] In other words, it appears that the IDSA provided some expressive content in planned form to the court assuming they would trust that it appeared in the game itself, and although the court seemed to admit that the "scripts" could possibly qualify as speech, this is not translate to the game since they apparently did not witness the aforementioned speech in the segments shown. It is also likely that these segments of "plot and character development" detailed in the scripts referred to non-playable sequences in the games. These are sequences which are separate from the interactive parts of the game and involve no "playing" even though they are still consider part of the overall experience. Of the four games shown, two of them were narratively-driven games which did contain plot and character development: *Resident Evil* and *Fear Effect*. In both of these games, the majority of the story is expressed via non-playable sequences, which are often movie-like and provide narrative context for the action. If we can assume that what the "scripts" referred to were, at least partially, these non-playable sequences, then we can begin to see the logic of Limbaugh's comments about speech "surrounding" games. Just because non-playable sequences might be speech by virtue of their similarities to other media, that does not make the game they are connected to expressive, he seems to be saying. If a videogame is fundamentally a game, and a non-playable sequence is fundamentally not a game, then the two cannot mix, or so claims the logic of the court.

Fortunately, this reasoning proves Limbaugh has a very shaky grasp of how these sequences relate to the gaming experience as a whole. Herein lies the second key misconception about videogames, and this is where Limbaugh's baseball analogy begins to break down. In videogames, the non-playable sequences that express narrative information do not have a relationship to the actual game that is as superficial as that of the stadium music to baseball. If the National Anthem plays before a game, I don't need to hear it to know *why* I am hitting the ball. Nor do I need to hear it to know why there is a ball, why there are bases, why there is a bat, and what I'm supposed to do with all these things. When Limbaugh likens the non-playable sequences of a videogame to

incidental or ritualistic expression of this sort he is showing he does not understand their relationship to the game. They are not arbitrary. They contain information about how the interactive portions are played. They provide narrative context for the activities the player engages in when playing. They don't necessarily *have* to do these things, but these are common functions of non-playable sequences in videogames. Would baseball be viewed differently by the court if the players had to listen to the National Anthem in order to know how to play, if the lyrics provided hints on how to win, or if the players themselves dressed in uniforms resembling those worn in the battle described in the song and the game itself was a symbolic reenactment of the battle itself? Chances are, they would. This would be a much better analogy to make to videogames: a gaming event where at certain moments secondary events provide context for the imagery, information about the rules, and motivation to succeed. As we will see, in addition to rule-based systems, non-playable sequences in videogames can play an integral role in propelling a game towards an expressive end.

Based on the reasoning of this court case, two core misconceptions about videogames have been identified. One, that the rule-based systems they contain cannot be expressive. And two, that the non-playable sequences they contain are arbitrary to the main identity or "essence" of the game. These two ideas are the foundation for the court's conclusion that videogames are not speech and deserve no legal protection as an artform. However, it can be argued that they also resonate beyond the scope of Limbaugh's courtroom and inform some of the larger debates surrounding games in general.

THE BROADER CONTEXT

It would be easy at this point to go directly into examples that illustrate how non-playable sequences and rule-based systems express ideas. However, I think it would be fruitful to add one additional point here. Part of the reason I chose the Limbaugh case is because I felt it brought up points that are symptomatic of debates in the videogaming community at large. The belief in a dichotomy between non-playable sequences and rule-based systems is actually a very common one, and it informs a lot of the discourse surrounding games in academic, professional, and consumer circles. Naturally, the terminology is somewhat different. Most people probably do not use terms like "non-playable sequences" and "rule-bases systems," although some who are more academic or technically-oriented might. In the case of consumers and practitioners, this dichotomy is commonly expressed as being one of "narrative" versus "gameplay." Potentially, this could confuse the issue, so I'm going to tread carefully here, but it is worthy of note that when people speak of these two things as being fundamentally opposed to each other, it often mirrors the rhetorical arguments seen in the above court case. Because they privilege a sequence of events, cut-scenes are often criticized for being at odds with the rule systems that make up gameplay, such as designers like Greg Costikyan have argued.[3] In more academic circles, this is sometimes expressed in terms of

[3] To be fair, in Costikyan's article "Where Stories End and Games Begin" he does not mention cut-scenes specifically. He does, however, mention the "passive" nature of having no meaningful choice in a game because of the imposition of a linear sequence of events that presupposes narrative. This is actually not the same thing as saying cut-scenes or even non-playable sequences in general diminish a game, but the rhetoric is practically identical to arguments where such claims are made. Cut-scenes are one of the common means by which such impositions are made, so

"narratology" versus "ludology." Ludologists, such as the founders of Gamestudies.org, tend to believe that videogames should be studied predominantly as games, not stories. Narratologists,[4] on the other hand, generally see videogames as an extension of historical storytelling traditions and prefer to study them as such. Although it would be incorrect to say that narratologists want games to privilege non-playable sequences and ludologists want them to privilege rule-bases systems, it would be accurate to say that these two camps—as well as many others who play videogames at large—differ sharply on what the role of interactivity, agency, or lack-there-of is in videogames.

These debates do not map *exactly* to the court's rhetoric of games and interactivity, but they do show that the basic theoretical tensions that exist within videogames are recognized on a fairly broad level. Although terms like "narrative" do not necessarily apply to debates about the nature of speech and expression, this is often how they are framed within the videogaming community. On one hand, the mistake of equating non-playable sequences to narrative should never be made. However, given the way non-playable sequences often show story information in a linear sequence, it is important to remember that they are commonly seen as interrelated concepts. Mapping rule-based systems to gameplay is a bit cleaner, though, since it more or less consistently refers to systems that make up the interactive portion of a game. Viewed in this way, it is easy to see how the court's thoughts on non-playable sequences and rule-based systems are representative, albeit loosely, of some of the central debates surrounding videogames.

Hopefully, this will mean that my forthcoming examples that illustrate the expressive qualities of videogames will have some resonance beyond just a legal context. Below are several in-depth explanations of how certain videogames have utilized the expressive palette available to them. Keeping with the terms established in the courtroom discussion, I have divided the expressive strategies of videogames into three key categories. The first is non-playable sequences. The second is rule-based systems. The third is the relationship between the two, and will illustrate what can result when the dissonance between both techniques is leveraged for expressive ends.

NON-PLAYABLE SEQUENCES

I have discussed non-playable sequences at length already, so they should seem fairly self-explanatory by now. They are sequences within videogames that the player does not "play" but are still nevertheless considered part of the "game." This can take many forms. Frequently, these forms mimic the expressive strategies of existing media, such as cinema or literature. The aforementioned "cut-scenes" are an obvious example of this. There are other examples as well, all having some relation to the aesthetics of different genres.

This technique is so omnipresent within contemporary videogames it is difficult to think of an example that shows it especially well. However, I think

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Costikyan's article still stands as a typical example of this basic school of thought as it is commonly expressed among practitioners.

[4] It should be noted that the term "narratologist" is usually not self-applied. Rather, it is a term ludologists have occasionally used to describe people who come to the study of games from fields of narrative study such as literature or cinema.

a sequence in *Xenogears* (Squaresoft, 1998) will provide a vivid enough illustration. It is a role-playing game that is an epic narrative. To give some idea of its scope, it spans 10,000 years, five lifetimes, and explores themes of love, death, and religion at excruciating length. The player assumes the role of Fei, an orphan who embarks on a quest across the world after his tranquil farming village is slaughtered by an imperialist force. The plot of this game defies quick summary and is largely unimportant for my purposes here. I am going to speak of one point late in the game when Fei finds himself trapped within his own mind, being tormented by visions of his traumatic early childhood. This is a long sequence which the player does not control in any significant way. The sole purpose of it is to explore Fei's character, which, the player learns, is mired in a dissociative split. The player watches as Fei tries to reason with his multiple personalities, Id and The Coward. Most of the sequence takes place as a "dialogue scene," that is, a sequence that takes place within the game engine[5] in which the player simply presses the button to scroll through dialogue which is being said by characters. This dialogue is displayed in bubbles or boxes of text, and the actions of the scenes are played out by the characters on-screen. In this way, the player scrolls through the dialogue and the scene plays out almost like an animated comic book where the "pages" are turned by pressing a button. In this case, the player sees a black, empty space, representing Fei's mind. In it hover two movie screens, one on the left and one on the right. Id, who looks like Fei as a child, is standing next to the left screen. The Coward, who also looks like Fei as a child, is sitting facing the right screen, on which a movie is playing of Fei and his mother kicking a ball together. On Id's screen there is an image of Fei as a child, his face splattered with blood having just witnessed his mother's death. Id is complaining to Fei, claiming that The Coward won't share his memories of the fun times he and his mother had. He is angry that he has to solely bare the burden of the memories of their mother's death. As the dialogue in this scene progresses, Fei tries to convince Id and The Coward to share their memories so they can be integrated into a whole personality again. Finally, The Coward gives in and shows what memories he is hiding from Id and Fei. At this point, the sequence cuts out of the dialogue scene and into a fully animated, cinematic cut-scene in which the player watches the "movie" The Coward has been hiding. Afterwards, it cuts back to the dialogue scene in which the two personalities are integrated, and eventually it cuts out of this completely and back into the gameplay where the player can now navigate and interact with the world freely.

Avid gamers will note that the above is a textbook example of a cut-scene/dialogue-scene combination. The line between the two can be blurry. Here I am defining a "cut-scene" as something that requires no interaction whatsoever, whereas a "dialogue-scene" I am considering anything which, although it may be stylistically similar to a cinematic cut-scene, requires the minimal action of the player pressing the button to scroll through it. They basically achieve the same goal: storytelling, although the former ends up having more of the feeling of watching a film, while the latter has the pacing of reading a book. Sequences like these are typically interchanged with each

[5] As opposed to something "pre-rendered" such as a cut-scene or other movie-like sequence that has been animated before hand such as cel-animation, video clips, or CG animation. Something that takes place in the "game engine" can serve exactly the same function as the above, but it is rendered in real-time using the same graphics as the interactive portion of the game.

other, for both aesthetic and technological reasons.[6] Often games use imaginative variations of these techniques, all of which cannot be catalogued here. There are games which use only fully cinematic cut-scenes complete with recorded voice (*Tomb Raider*, and countless others) while others may stay with the comic book inspired text bubbles but require no "virtual page turning" so to speak (*Vagrant Story*.) Still others use an odd combination of voice, text, images, and animation, tossing them all together into a multimedia experience that feels unlike film, literature, or sequential imagery.[7] The important thing is simply to show that games make use of a variety of techniques—often made of a mish-mash of other media—to express dramatic and meaningful events when the player is not playing. The above example is not only typical of the entire game of *Xenogears*, but many games of the role-playing genre, as well as others of various genres.

All these techniques, when experienced as part a continuous phenomenon linked by gameplay, constitute an interactive story—a primitive one ludologists might argue, but one that clearly is able to communicate ideas to its audience. Fei's madness and his triumph over it is just an example of how a videogame can express a cathartic moment of character development, but it is important to remember that in this case there is a clear line between the non-playable sequence and the rule-based gameplay. In games like *Xenogears* it should be noted that relationship between the cut-scenes/dialogue-scenes and gameplay is *non-dynamic*. That is, they exist side-by-side with each other, but they do not influence each other beyond the most basic level of providing motivation and context. This is fundamentally different from what I will be discussion a bit later, in which the *relationship itself* constitutes the expression. Here the goal was only to show that non-playable sequences have the ability to be expressive independent of gameplay, that their expressive qualities are not *predicated* on their connection to the gameplay, although they certainly have a relationship to them that is meaningful and not arbitrary. Next I will show how gameplay is also expressive *independent* of whatever non-playable sequences it may be connected to.

RULE-BASED SYSTEMS

Rule-based systems, as previously discussed, are generally what gamers refer to as gameplay, i.e. the rule-bound, interactive elements of the game. Commonly, these are not associated with expression, but, as we will see, such a thing is possible. It's even frequent, I would argue, although it may be difficult to recognize without the proper analytical tools. Similar to watching a non-playable sequence, the act of playing a game itself can be an expressive experience. By testing its rules and mastering its system, the player can be the recipient of an intended message. Incidents of this occurring can be found in many games of many genres, but an obvious starting point might be the seminal computer game *Ultima IV: Quest of the Avatar* (Origin Systems, 1985.) This game was unique in that it required the player to master an *ethical system*

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[6] For example, games that contain a huge amount of dialogue like *Xenogears* often opt for dialogue-scenes over cut-scenes because they require less time to produce and are less technologically demanding.

[7] Most examples of this are Japanese games that have their aesthetic roots in manga and anime. *Tokimeki Memorial*, *Snatcher*, and other games of this sort combine the conventions of comics, film, and animation in extreme and overlapping ways until the distinctions between them begin to melt away.

to finish the game. This involved no cut-scenes, no non-playable sequences, just a series of rules that governed the player's moral relationship to the world. By exploring the limits of these rules the player was exposed to an ideology of right and wrong. For example, one of the "rules" of the game is to follow the virtue of compassion, while another "rule" is to follow the virtue of valor. Each of these virtues is invisibly quantified by the game and can be gained or lost based on certain actions the player takes. If the player is in a battle and runs, it counts against his/her valor. However, this only applies if the enemy is truly malicious, such as a demon or a monster. If the enemy happens to be an animal that is attacking out of hunger, such as a wolf or a mountain lion, the player does not gain valor by slaying it but actually loses compassion. Furthermore, if the player chooses to run from the battle at the first sign of non-malicious animal, he/she advances more dramatically in the virtue of compassion, less than if he/she had simply let a wounded animal flee. As the rewards and consequences of these combat rules are tested the player will, through trial and error, discover that in the world of *Ultima IV* it is in fact wrong to kill in anything but self defense. This one example feeds ultimately into the goal of the game, which is to become an enlightened, ethically balanced individual by mastering eight fundamental virtues. By exploring how they *work*—not simply being told what they are—the player gains a clear understanding of what the designer, Richard Garriott, was trying to say. A simple ideology? Perhaps, but one that is being expressed all the same. To be fair, this is one of the earlier examples of this type of expressive strategy. In recent years, there have been some perhaps more compelling and timely examples.

Fallout 2 (Black Isle, 1999) offers several such instances. Like *Ultima IV* it involves a complicated network of interrelated rule-sets that govern the many social activities the player can engage in. Although it lacks the overarching ethical rule system of *Ultima*, it frequently has a very wry, socially conscious, and philosophically savvy sense of humor that is played out within the choices the player is given at various points. The most vivid example involves a kind of pointed political satire that could *only* be experienced in a videogame. Set in a post-apocalyptic wasteland, *Fallout 2* chronicles the quest of one person (the player) to discover the identity of a technologically advanced group that is systematically slaughtering people as they try to rebuild society among the nuclear radiated environment. The twist comes at the end of the game when the player discovers that this group is, in fact, the last surviving remnants of the United States government. Protected from the radiation by their superior technology in a submarine bunker, they see themselves as "untainted" by the wastes and are determined to "cleanse" the world to make way for the rebirth of America. Instead of going in guns blazing[8] however, the game offers the player the opportunity to converse with the President, Vice-President, and several scientists in an effort to talk them out of committing global genocide. Although this entire sequence has a satirical appeal, it becomes rather scathing in the conversation with "Vice-President Bird" an obvious parody of real life Republican Vice-President Dan Quayle. The rule-based system here is the conversation itself.[9] The joke is that trying to have an intelligent conversation

[8] Although players can go in guns blazing if they want.

[9] It is important here to distinguish between a "conversation system" or "dialogue engine" and the concept of a "dialogue-scene" mentioned earlier in this piece. The former involves many options

with Mr. Bird is itself a game… a game that's impossible to win. The player can to try reason with him by choosing seemingly "correct" responses in the conversation, but every avenue disintegrates into non-sensical rambling by the Vice-President, and the player's options are reduced to responses like "What the hell is wrong with you?" or "You're out of your mind!" The real gag, however, is that all Mr. Bird's silly responses are *actual statements* made by Vice-President Quayle during his time in office. In other words, what the designers of *Fallout 2* did was make a "Dan Quayle AI" which, the player would inevitably discover, was a raving loon unfit for any sort of political office. Of course, the fact that the player can *only* discover this via interacting with the Vice-President ads the finishing touch which makes this social commentary unique to videogames. It is a piece of humor, written by authors for a satirical purpose, that is waiting to be triggered by the player. It does not exist in time or space, but purely via the interaction the player has with the rule-based system that contains it.

These are examples of expression in games on the most fundamental level. Unlike non-playable sequences, they really tap the potential of how an interactive, digital medium can be an expressive tool in a way *unlike* other media. The above examples are only a fraction of what designers have done in exploring how pure gameplay can be leveraged to communicate ideas. In truth, many of them are not as vivid as these are, but it is common—especially in games that put some sort of premium of constructing a narrative—for games of various genres to dabble in rule-oriented expressive strategies. However, what is more common are games that use a combination of both rule-based systems and non-playable sequences that, depending on how they are implemented, can actually be more complicated than either of the aforementioned techniques by themselves.

RELATIONSHIP BETWEEN TECHNIQUES

I have already discussed the common relationship rule-based systems and non-playable sequences have with each other. On the most basic level, the latter can provide context and motivation for the former. However, on a higher level, they can be involved in a symbiotic relationship that is expressive in ways they cannot be independent of one another. It should be clear from earlier that non-playable sequences do not need to be pared with gameplay in order to be expressive. In other words, if one took a cut-scene or dialogue-scene out of a game they would still retain their expressive qualities, even if the context became unclear. Likewise, rule-based systems do not need to be pared with non-playable sequences in order to be expressive, although cut-scenes and such can provide additional context for them as well. In this final case, we will see how the deliberate paring of these two expressive strategies can form a foundation for yet another mode of expression unique to videogames.

Final Fantasy VII (Squaresoft, 1997) is an example often cited by gamers that uses the relationship between non-playable sequences and gameplay to illustrate a point to the player. Although it primarily relies on cut-scenes and dialogue-scenes to express the psychology of its characters and the events of its

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for the player to choose in the conversation so that the dialogue is organic, dynamic, and consistently interactive—in other words, a game in itself. The latter refers only to dialogue that is linear, has no choices, one outcome, and can only be "moved forward" via the player pressing the same button over and over until it is finished.

narrative, it contains moments where the relationship between the gameplay and cut-scenes becomes more important than the cut-scenes themselves. There is a scene where the player controlled protagonist, Cloud, is being "forced" to attack his girlfriend while under a sort of mind control. This is made clear to the player via his/her inability to negotiate the controls. Every button the player presses moves Cloud closer to attacking his girlfriend even though the actions the player is performing should be doing the opposite. Pressing away from her on the controller forces Cloud to walk towards her, and pressing the button which is supposed to make Cloud sheath his sword makes him point it at her and pull it over his head as if to strike her. This sequence then immediately cuts to an animated cut-scene of her death, in which she is actually murdered by the villain before the player is "forced" to do so. Even though the scene does not follow through with the protagonist performing the murder himself, the build-up where the player's control is lost followed by the punctuation of the inevitable cut-scene results in a moment that is melodramatically compelling.[10] The fact that the girl's death takes place in a cut-scene, which by its nature cannot be altered or interactive with, augments the player's frustration and expresses Cloud's horror at the loss of his own agency. The tension between agency and determinism is precisely what is being expressed here, which makes exploiting the *natural tension* between rule-based systems and non-playable sequences seem like an obvious and effective way to do so.

The above is just an example of a game that does so sparingly, yet it is possible for this technique to be used in a much more consistent and totalizing fashion. *Metal Gear Solid 2: Sons of Liberty* (Konami, 2001) is perhaps the most vivid example of a game that uses tension between different levels of player agency to fuel a multi-faceted ideological argument. Set in the near future, *Metal Gear Solid 2* has the player assuming the roll of a young soldier in the U.S. Special Forces known simply as "Jack." He is called in to defuse an incident off the coast of Manhattan involving a terrorist hijacking of a secret government facility. The ensuing plot is neither possible nor necessarily to explain completely. What is important is that this eventually culminates in the Jack facing an Ex-President of the United States in single-combat, a man who has been revealed to be both his father and leader of the terrorists. By this point, the player has also learned that A) the secret facility actually houses a censorship machine designed by the U.S. government to illegally bottleneck the Internet, B) that this machine has been conceived to maintain America's military/imperialist dominance through control of information, and C) that his father actually wants to stop them and expose that the U.S. is actually a totalitarian regime of thought control. Furthermore, it has just been revealed that Jack is the guinea pig in the U.S. government's social experiment to perfect their methods of control. The events he has experienced so far were designed as a "game," a series of dramatic and challenging obstacles that they knew he would "finish" in exactly the way they intended: by killing the leader of the terrorists and protecting the interests of the government.

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[10] At least theoretically. There is a lot of debate on just how emotionally effective *Final Fantasy* is. Many players are put off completely by its gushy, anime-style melodrama and consider it to be the farthest thing from a progressive example of emotionally compelling content in videogames. Others like it very much and find it moving. For the purposes of this discussion, this debate is not important. My only point is that it qualifies as expression. Whether it qualifies as *good* expression is another matter entirely.

A very meta concept, no doubt, but one that drives it point home clearly in how the tension between what the player can and cannot do plays out. In this case, it is easy to see how the designer's imposed plan or path for the player maps to the tyrannical nature of the government. Throughout the game, frequent use of cut-scenes gives the player the ever present sense of being forced town a specific narrative path until, finally, in the moment before the final battle, Jack is contacted by the government via radio. This is a cut-scene where Jack is told what to do, that he has no choice, and that it his nature even to kill his father and "finish the game." This is, basically, the game designer telling the player what to do, and it becomes clear that the player has no choice but to kill Jack's father. Interestingly enough, once the interactive battle sequence starts, the player has the ability to *attempt* only to wound or knock out Jack's father, but this proves completely irrelevant when, the moment before the player would deliver the final blow, the game cuts again to a cut-scene where Jack virtually cut his father in half. To the player this seems frustrating, like a violation of his/her agency since all efforts to go against the will of the game designer/government have been overwritten by an intrusive non-playable sequence. But this is obviously the point. Like the player, Jack has no agency other than what his puppet masters give him. The experiment is a success, and the ensuing cut-scenes show Jack despairing at the loss of his own free will, if indeed he ever had it.

It might be accurate to call both of the above examples instances of "agency deprivation." When the player's innate desire to affect the gameworld in a meaningful way is challenged, interrupted, or otherwise circumvented an opportunity arises to explore the concept of free will. This is something game designers have realized in the past, and will no doubt continue to exploit in the future because, as we have seen, it is tied to fundamental tensions that exist between the two expressive modes, between those sequences where the player has control, and those where the player does not. This type of expression is not possible in the context of non-playable sequences or rule-based systems alone. If the conversation with the government were removed, the player's inability to save Jack's father during the gameplay sequence would not mean the same thing. One is dependant on the other for the idea being communicated, hence the relationship being the defining agent of expression.

CONCLUSION

To the best of my ability, I have tried to show that videogames are indeed an expressive medium and can be in ways which are varied, complex, and unique. The court case which I used to frame my argument, The Interactive Digital Software Association versus St. Louis County, Missouri, is just one example of how the key artistic virtues of the medium can be misunderstood. This misunderstanding is rooted in the notion that games, by definition, are arbitrary in meaning and symbolism, and also in the notion that more accepted forms of expression cannot have a transformative effect on games when combined with them. I have tired to show that such notions are clearly false, and that they show an ignorance and lack of imagination concerning what can be a vehicle for expression. Although the Limbaugh case itself is not explicitly connected with the broader discussions on videogames going on in academia and the public, its basic themes and rhetoric can be seen in debates about videogames and videogame theory throughout much of its discourse.

Therefore, by unpacking its logic and debunking its claims in detail I hope I have provided some theory of videogame expression that is relevant to anyone who wishes to explore the subject. Ultimately, I hope I have made a compelling case for why some of the more fundamental and non-narrative aspects of videogames ought to be considered speech.

Now more than ever it is important that videogames have a clear argument laid out by which they can be vindicated as an important medium of expression worthy of legal protection and cultural preservation. As a young medium that's boundaries and aesthetics are still being defined, it especially vulnerable to threat from lawmakers who do not fully understand what it is. And it is under equal threat from consumers, academics, and industry spokesmen who cannot effectively articulate how it functions as an artform to those who need to protect it. Even with the pathetically small list of games presented in Limbaugh's courtroom, the IDSA had no excuse for not making the case for expression more effectively. In fact, one of the games shown, *Fear Effect*, is an excellent example of expression. That game involves a narrative climax that makes effective use of the relationship between non-playable sequences and rule-based systems. The game mixes hard-boiled crime story elements with Chinese mythology, so that the result is a game that begins as story about killing but ends on a note of spiritual thoughtfulness. The two main characters of the game, Hana and Glas, are contract killers who are hired to kill a young woman. The player controls each of these characters at different times as they cooperate to track down their target. However, by the end of the game there have been several cut-scenes where Hana has a experienced a spiritual epiphany. Ultimately, she befriends the girl and decides not to kill her. Glas, however, has suffered enormously by the end of the game. A cut-scene shows him being mutilated, dismembered, and left to die while in pursuit of his goal. At the game's end, Hana and Glas meet up and have an argument. Glas thinks he has earned the right to kill the girl for what happened to him, but Hana thinks it would be best to do otherwise. The choice is, of course, the player's to do whatever they will in the final scene, to decide whether justice or compassion is more important in the end.

Had the IDSA shown this aspect of the game with some sort of articulate argument as to what *exactly* was going on between the cut-scenes and gameplay, they might have made a better case for the expressive merits of videogames. Ironically, even though this case was later overturned the finer points of what expressive qualities games have remains somewhat muddled. Although in the appeal it was ruled that there was "no justification for disqualifying video games as speech simply because they are constructed to be interactive" [Arnold 5] the judge failed to define what he meant by "interactive" in a systematic or empirical fashion, instead heaping the notion of game-like interactivity in with the notion of interacting emotionally with a novel. Although this court clearly felt different about the relevance of non-playable sequences to the overall experience of a videogame, it still did not explicitly reach the conclusion that rule-based systems have their own expressive potential, nor did they explicitly describe the particular relationship these systems can share with the parts of the game which are not played.

Until people begin to recognize these virtues of the medium in a more consistent and vivid fashion, videogames will probably suffer many similar and

just as tedious debates both in and out of the courtroom. As a gamer, I would rather not see the medium bogged down by needless confusion and debate over something that should be more accessible and explainable. Hopefully, I have provided something that can help begin to put things in perspective.

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REFERENCES

1. The Interactive Digital Software Association versus St. Louis County, Missouri. Chief Judge Stephen N. Limbaugh, Case No. 4:00CV2030 SNL. *Opinion summary* (April 19th, 2002), pp. 1-26. http://pacer.moed.uscourts.gov/opinions/INTERACTIVE_DIGITAL_SOFTWARE_ASSOC_V_ST_LOUIS_COUNTY-SNL-36.PDF
2. The Interactive Digital Software Association versus St. Louis County, Missouri (Appeal). Circuit Judge Morris Shepherd Arnold, Appeal No. 02-3010. *Opinion Summary* (March 12th, 2003), pp. 1-9. http://www.ca8.uscourts.gov/opndir/03/06/023010P.pdf

GAMES CITIED

3. *Xenogears*, Square EA, Squaresoft, 1998, Playstation.
4. *Ultima IV: Quest of the Avatar*, Origin Systems, Origin Systems, 1985, DOS PC.
5. *Fallout 2*, Interplay, Black Isle, 1998, Windows PC.
6. *Final Fantasy VII*, Squaresoft, Squaresoft, 1997, Playstation.
7. *Metal Gear Solid 2: Sons of Liberty*, Konami, KCET, 2001, Playstation 2.