

Sam Fisher versus Immanuel Kant: The Ethics of Interactive Media

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ABSTRACT

This paper explores the notion of ethical engagement in interactive media through an examination of the *Splinter Cell* series of games.

Keywords

Interactive Media, Ethics, Stealth Games

SAM FISHER VERSUS IMMANUEL KANT

You have the right to freedom of speech ... freedom of worship ... from want ... from fear.

These rights would not exist without a fifth.

The right to protect all other freedoms by whatever means necessary

It's my freedom ... it's my duty ... it is my war.

Sam Fisher, *Splinter Cell* (2002)

Video games face criticism from media and government censors because of their allegedly dangerous content. In some ways this is merely a variation on the 'bad media' moral panic, like video nasties, pulp comics and others in the past. Games do differ from their predecessors because of their interactive nature, one which is not easily conceptualised within the current media ethics framework. Many games are violent, horrific and lack a strong moral voice – but does this mean that they cannot be involve ethical engagement?

This issue of interactive media ethics is a serious one because Australia is one of the most censorious nations of the developed world in regards to video games.¹ This is driven, in part, by the government's presumption that interactivity, by its very nature, is inconsistent with ethical behaviour - given choice, a player/reader may make the 'wrong' choices.[7] This paper seeks to explore the ethical possibilities of interactive media, using the *Splinter Cell* series of stealth games to illustrate that not only is ethical engagement possible, but it can be facilitated in a way impossible in traditional static media.

¹ The Australian censors, the Office of Film and Literature Classification have been active in banning over 20 games some of which were allowed release in modified format. The reasons are described on the OFLC website www.oflc.gov.au and indexed by watchdog site Refused Classification <http://www.refused-classification.com/>

Ethical issues in media usually reflect a clash between two modes of ethical reasoning. Teleological ethics are concerned with consequences, the results which justify individual actions. Deontological models of ethics are concerned with correct behaviour as an end to itself and hold that ends cannot justify unethical means. Video games often adopt teleological ethical themes, justifying violence by some greater good as the quote from *Splinter Cell* above suggests.

Interactivity creates difficulty for textual interpretation, particularly for regulators who are not skilled in media theory or new media literacy. The hierarchical roles of author and reader have already been displaced in traditional media theory and these roles are increasingly complex in interactive media. It is impossible to interpret an interactive text simply on the themes designed by game authors and it is becoming increasingly difficult to judge the impact of these themes as a universal determination.

Censorship in Australia, and elsewhere, is premised on certain assumed 'facts' about interactive media. It is presumed that interactivity increases *impact* of media, amplifying any extreme content, making violence more violent and so forth.² There is also an emphasis on the author as the site of ethical authority over the player, the only ethical content which has been recognised comes in the form of story justification inserted by the game's author. In *50 Cent Bulletproof* extreme violence and sadism was held to be justified by the themes of revenge in the story mode, but the decontextualised multiplayer mode was banned in Australia.[8] The player's status is subservient to the intentions of the author and the reward framework embedded in the code by the author. [7] Interactivity can only be measured as compliance or interference with the 'true' ethical framework of the text.

Understanding the ethical framework is very important due to an idiosyncratic element of the Australian censorship rules³ (the regulator's own rules, not the legislation itself as passed by parliament) that gives the censors a wide reaching discretion to ban any media which 'promote, incite or instruct in matters of crime or violence'. This provision has been dormant for most of its twenty year history but has been used extensively by censors in recent times in relation to crime but not for violence. The focus has been primarily on banning games, for example *Getting Up*:

² Interview with the OFLC's Des Clarke published in Burke AJ (2006) 'Rated R' 149 *Hyper* 19

³ See *Guidelines for the Classification of Films and Computer Games 2005*

Contents Under Pressure for graffiti and fare evasion and *Blitz the League* for use of performance enhancing drugs in sport,⁴ but this provision, and the game precedents, have also been used to ban Islamic political books on the justification that they encourage terrorism.[1]

The *Splinter Cell* games have passed through this regulatory system without comment, even though they concern what could easily be described as terrorist activity on behalf of the NSA and the United States government. If Sam Fisher worked for Al Qaida the situation would no doubt be different. This may simply be because the censors did not examine the game. Australia's censorship system is porous and largely involves endorsement of self-regulated standards. The censors only examine texts which are the subject of complaints and or media controversy.

Games face increasing media controversy, especially as they become more visually realistic. New media have always faced controversy and are usually considered ethically inferior to more established media- cinema was criticised as populist trash, in the nineteenth century the idea of literacy for women was criticised because of fears that women would inflame their libidos by reading romance novels.[10]

The moral crusades against video games and crime are run parallel to criticisms of the internet and of pornography. Some critics even link the games and pornography together, journalist Pamela Paul accuses both games and pornography of infantilising of men and encouraging them to shirk adult responsibilities.[9] Laura Kipnis notes that the targets of moral panics are those the elite classes seek to control: women, children and working class men.[5] In any moral panic the social agenda is always more complex than the ostensible protection of vulnerable social groups.

A part of the moral panics around interactive media is the concept of interactivity itself, both as a fearful new media form but also reflecting the loss of certainty that has arisen with the decline of author centred analysis. If the author can no longer be relied on to provide the moral armature of media (new or traditional) then how is the media to be understood? When DVDs were first introduced, Australian censors expressed consternation about the DVD format which gives the audience power to watch media in ways that cannot be anticipated or controlled by the state or even by the author.[4]

And to be fair to the critics of video games, there is much in the content of interactive media to alarm the moral watchdogs, especially in depiction of violence. This is particularly confronting for those who are not literate in new media and who also presume children are the sole/primary audience of games. It is also difficult to point to alternative viewpoints in a field which is both new and also dominated by a mainstream centred on violent adolescent fantasies.

The field of media ethics is dominated by applied professional concerns of groups such as journalists or advertisers. The concept of dangerous media is generally dealt with as a social science issue rather than an ethical one. These debates are intractably

⁴ Australian Government Classification Board Media Release, *Blitz the League* computer game Refused Classification, 22 January 2007

locked between those who argue that media causes bad behaviour and those who claim that this is untrue. The impossibility of measuring and quantifying the effects of media makes this debate scientifically futile, but an important site of ethical analysis.[3]

Self regulation is the primary mode of media regulation in a liberal democracy. A teleological (or consequentialist) analysis would seek to understand the role of media, the effects that media institutions, genres and individual texts have on society and seek to balance competing interests and outcomes. A deontological approach is more focussed on compliance with rules and standards which also has its place in law and within self regulatory bodies. Interactive media is a newcomer and does not have the shared values that journalism is said to share.

The conflict between deontological and teleological rules occurs where outcomes must be weighed against compliance with rules. *Splinter Cell's* 'fifth freedom', a reference to FD Roosevelt's four cornerstones of American moral thought,[11] reflects a teleological bias in this tension, one which can be as a justification for violence in media (interactive or otherwise) and in reality.

Is this just a variation of the axiom attributed to Goebbels that "you can't make an omelette without breaking some eggs"? Immanuel Kant is one of the most significant exponent of deontological ethics developed in suspicion to this kind of teleological justification and the slippery ethical slope that it places the individual on. Kant's categorical imperative suggests that rational society depends on reciprocal observation of ethical rules as an end in itself.

Nevertheless teleological ethics remain influential, particularly in ideologies such as utilitarianism. It is interesting that *Splinter Cell's* Fifth Freedom argues that teleology both trumps and is ultimately essential for the deontological framework which supports essential human rights. Without assessing the credibility of this as philosophical argument it is significant that the game problematises its themes with ethical language. It also blurs the line between rights and freedoms in a way which would be intolerable for a constitutional theorist, but is outside the scope of this article.

Splinter Cell occupies a genre intersection between games and espionage fiction, assisted by involvement of author Tom Clancy in the development of the games. The impact of espionage fiction foregrounds the realism of the setting (if not the action), the moral and political ambiguity of the conflicts and the spy as hero or anti-hero. As the series develops the moral position grows even more murky until the shifting moral compass becomes a structural game feature in *Splinter Cell: Double Agent*.

The *Splinter Cell* series are stealth games, in the genre pioneered by Kojima Hideo's *Metal Gear* series. On the surface these are visually similar to third-person action games but style of play is distinct, the stealth game takes the form of a puzzle which rewards problem solving and patience as well as quick reflexes.

Action games depend heavily on the sophistication of enemy AI in order to provide tactical challenge for players. Unlike the earliest generation of games where enemies behaved in simple repetitious patterns (consider *space invaders*), modern action games require enemies that respond to player actions and behave with some degree of tactical awareness, spotting the player, chasing them, taking cover, and respond in different ways.

Stealth games grew out of advances in the technological frameworks. Enemies can perceive the actions of the player and respond, however the player's skill comes into play by not alerting enemies in the first place. Just as important as the enemy's ability to engage with player actions is their limitations – what the guards cannot see or hear. In addition to this kind of artificial intelligence, stealth games also require a degree of environmental sophistication, obstacles need to block lines of sight, darkness needs to conceal, different floor textures make different amounts of noise.

Much of the stealth game genre involves observation and planning as well as trial and error. Players need to find places of concealment from where they can observe patterns of guard behaviour, locations of security technologies and paths to mission objectives. Stealth games usually have several different solutions to these puzzles, ways of achieving objectives using different pathways, gadgets or approaches. When do we read the ethics of an interactive text where replay occurs – on each individual attempt or via an overview of these different attempts?

Within the game, a player's success is determined when they attain the core objectives for a level without being killed in the process. The *Splinter Cell* games have changed in their approach to success as the series has developed. In the early games a player failed if they raised alarm three times, either by being spotted by a guard or tripping a security device. In the later games this automatic failure was replaced by a system by which guards reached higher states of alert, took more tactical positions and obtained better armour and weapons, making the mission more difficult for the player.

With this innovation also came a flexibility in approach and potential for real choice. Players can choose to complete a mission entirely by stealth (never making contact with a guard) or can execute a violent commando raid, killing every guard that gets in their way. Most players use some combination of both approaches.

Players can also eliminate guards through a variety of different stealth moves, sneaking up behind a guard and either killing or knocking them out. Significantly, the choice to incapacitate or kill is entirely up to the player and does not impact on game mechanics. In either case the player needs to hide the dead/unconscious body in case it is discovered by a patrolling guard or security camera.

It is this degree of flexibility that really separates stealth games from their action forebears. Players have a broad set of options when moving around the virtual environments, they can follow and observe guards, eavesdrop on conversations, hack security systems, climb over obstacles that ordinary characters walk around, shoot out lights, use gadgets and many other options. Each of these options changes the game space in different ways and holds the danger of alerting guards and other characters. Play is about risk management as well as reflexes. As the games have evolved, these ancillary characters also have more options to respond to what the player has done – they may ignore some effects, may become more suspicious or may raise alarms. Some guards remain cool headed while others panic giving a level of unpredictability and verisimilitude.

The protagonist of the *Splinter Cell* games is Sam Fisher, an agent working for Third Echelon an illegal division of the United States National Security Agency. As an agent in an illegal 'splinter cell'

Fisher is sent into international flashpoints to obtain information, create sabotage and occasionally assassinate a military or political figure. The series is emersed in real world conflicts (ethnic cleansing, Korean tensions, information warfare) and has a sense, perhaps not of moral ambiguity, but a sense of moral unease.

While Fisher is ostensibly committing illegal acts 'for the greater good' of the fifth freedom, the series has grown increasingly uneasy about who is setting this agenda and the motives/methods of Third Echelon. The forthcoming *Splinter Cell: Conviction* (number five in the series) will apparently see Fisher leave the organisation due to his increasingly troubled conscience.

One interesting aspect of the game's moral ambiguity comes through in the representation of guards. Where other stealth games such as the *Hitman* series chose to justify the protagonist's carnage by depicting guards as sadists and thugs, the guards in *Splinter Cell* are often ordinary people who are merely doing their jobs, as evidenced in the conversations which can be overheard. As Fisher notes "These men are not my enemies. They are soldiers just like me. My real enemy is the light."⁵ This approach recalls Kurt Vonnegut's concern about the expendability of bit characters in American literature:

Why were so many Americans treated by their government as though their lives were as disposable as paper facial tissues? Because that was the way authors customarily treated bit-part players in their made-up tales [12]

The ordinariness of the guards is even reflected in scripted moments which sometimes use comedy to humanise them, such as this interaction from *Splinter Cell 3: Chaos Theory* (2005):

Sam Fisher: [at a Japanese tea house, Sam has grabbed a guard from behind in a choke-hold] Bad news.

Guard: Agh! I knew it! I knew there were ninjas around here!

Sam Fisher: What?

Guard: Yeah, you've gotta be a ninja. How else could you sneak up and grab me like that?

Sam Fisher: Listen, I don't know what...

Guard: Wow! A real, live, ninja! I can't believe it!

Sam Fisher: Listen, I'm going to kill you if...

Guard: *Wow*! Killed by a ninja... cool!

A player is then free to knock out or kill this guard, but the humanity expressed in the conversation does make killing the guard at the very least a little mean spirited. This creates an opportunity for an ethical moment of reflection. Where static media may raise the same issues, the game gives the reader a choice and asks them to make a choice based on a variety of concerns and objectives. It also provides a moment to reflect on the lack of ethical reflection in other games and in other media generally.

The facility for choice can on impact on the way a player engages with the game. While the player is free to treat the guards as expendable (they are after all fictional characters) the game's reward system penalises players for unnecessary deaths as well as alarms tripped and other errors. At the end of missions a score for each level which reflects a level of achievement but does not

⁵ Tutorial, *Splinter Cell 3: Chaos Theory* (2005)

otherwise impact on the game. If a player wishes to kill their way through a level, they may still progress as long as they have completed all objectives. A player seeking to beat their personal best score can replay the level, try to be stealthier and eliminate casualties.

So does this amount to ethical gameplay? Of itself perhaps not, but it indicates a significant departure from game conventions that not only facilitated maximum bodycount but provided higher scores for more death. The Australian censors are very concerned with the idea of game reward, and perceive it as a simple form of behavioural conditioning, shaping player behaviour in the real world.[7] Even without accepting this simplistic model of media reception we must recognise that the game score and reward structure is one key way in which game designers communicate with players about the consequences of interactive choice and themes raised by the media.

In a teleological ethical framework games become very interesting. While games are usually limited to providing consequences only to actions foreseen and then scripted/programmed by designers, increasingly sophisticated emergent gameplay makes this relationship more complicated. Far from the narrator dictating the 'moral' of a story, emergent game consequences allow gamers to explore, with varying degrees of verisimilitude, the result of "what happens if I do this?". The replay element of interactive media may encourage an open and experimental stance toward consequences and ethical decision making.

The virtual nature of interactive media, along with the ability of players to try again and see how consequences differ, mean that media become a space of active engagement where choice and consequence can be explored. While this exploration is frequently motivated by self interest (which choice can maximise my outcomes?) this of itself does not automatically prevent it from being ethical activity. While traditional media allows the reader to place different interpretations on a fixed text, it is only interactive media that allows some kind of engagement between gamer and the architecture built by authors.

Early games dealt with ethical choice by either removing it entirely from the player (you must rescue the princess) or in a more deontological mode by simplistic modelling of right/heroic answers which advanced plot and wrong answers which involved a setback. More recently some games have attempted to implement ethical content through the somewhat simplistic morality systems, such as the Star Wars *Knights of the Old Republic* Series where character choices determine whether the character swings to the dark or light side of the force and the resolution of multiple alternative endings. The innovation lies in that these games allow different ethical choices as *valid* choices within gameplay and accord different consequences to them.

Ethical features may be deliberately built into games or may merely be the result of cause and effect programmed into the worlds physical, social, legal, political or metaphysical framework. The deeper the complexity of these systems, the more potential there is for ethical exploration. This is not to say that the player must make weighty ethical decisions. These are after all the fates of virtual characters in entertainment media. But these do make for a more active ethical relationship to media than one in which both action and consequence are pre-determined by authorial decisions.

"Killing thousands to save millions... nobody should have to make these decisions..." Sam Fisher, *Splinter Cell Double Agent* (2006)

Games are a very new media and remain dominated by simplistic escapist scenarios. *Splinter Cell 4: Double Agent*, the latest game in the series addresses the ethical concerns of the game more directly. In this game Sam Fisher is placed as a double agent within John Brown's Army, a terrorist group. His relationship to both that group and to Third Echelon is measured by a trust mechanic. Both sides have contrasting objectives and certain actions will effect the trust of either group and frequently a choice must be made between the earning trust of one group at the expense of alienating the other.

Further, the developers have built in what they call "directed moments" a series of scripted ethical conflicts into the game story. For example Fisher must choose whether to kill an innocent civilian, which will bring him into the inner circle of the terrorists or refuse which makes infiltrating the group much more difficult. It is very important that there is no clearly flagged right and wrong action, rather a conflict between teleological and deontological perspectives. Does the greater good justify breaking a few eggs or must the virtue of each individual action be judged? Either way, the game mechanics are shaped by the decision which the player makes. On replay a player can explore the different branching plot pathways.

Teleological ethics provides an interesting framework to explore new developments in interactive media, particularly involving emergent gameplay. Scripted moral conflicts, such as those in *Double Agent* are interesting but are limited to some the same author-centred limitations that traditional media face. Increasingly complexity in code and hardware will allow these results to emerge in a more naturalistic, teleological manner.

Research into interactivity is in its early stages and has been dominated by accounts of how interactive media are different from film and involve different forms of agency. [2] Interactive ethics is an important aspect of this research, especially in order to challenge the 'facts' of interactivity as used by censors and critics – that games have higher impact than passive media, that they are a form of social conditioning and that player choice, at the expense of authorial direction, prevents games from being a site of ethical engagement.

This article is not meant to suggest that the *Splinter Cell* games should be held up as exemplars of ethical media nor that we should agree that a system of human rights can only be supported by ruthless, teleologically minded secret agencies. Immanuel Kant would almost certainly have disapproved of Sam Fisher's teleology but the *Splinter Cell* games provide an indication of how interactive technology can facilitate ethical reflection. Ethics is a communicative discourse and it is important that media commentators, government regulators and game authors should remain engaged in discussion over the future of interactive ethics.

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