

WE NEED TO FOCUS ON RULES

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ABSTRACT

We take a hard look at game rules and the moral significance of rules agency, going back to a landmark study by Jean Piaget.

We approach the relationship between game rules and players from an interdisciplinary perspective. Since our focus lies in games, we purposely refer to “rules” throughout, even when “norms” would be a more precise term. As for the different functions of game rules, we follow David Parlett’s terminology (Parlett, 2005).

Our main interest is the ethical aspect of game rules themselves. However, our approach straddles the magic circle boundary, especially concerning rules agency, both before and during the game. We submit that rules agency, by itself, has ethical significance, which transcends the game.

This is not a proposal for any course of action; on the contrary, it is a quite theoretical reflection, intended as a contribution to the growing field of ethics in games, and a call -- a challenge, if you will -- for further reflections and discussions.

KEYWORDS

Game Studies, Game Ethics, Game Rules, Rules Agency

1. GAMES AND RULES

There are very few characteristics that can be said to be common to all games, as many philosophers have discovered to their chagrin. Ludwig Wittgenstein famously used games as the ur-example of fuzzy concepts (Wittgenstein, 1953/1986, secs. 66–71); and his contention still rings true, notwithstanding even kicks below the belt (Hurka, 1978/2005, p. 11).

Perhaps the one characteristic shared by all games is that they have rules. This, by itself, does not help to circumscribe and define games, as rules are intrinsic to several other fields of human interest. Indeed, rules helped Huizinga identify the play-element in other cultural activities: the magic circle itself is the locus in which the rules of the game not only exist but take precedence over the rules of the outside world (Huizinga, 1938/1980, p. 10).

Rules are an effective tool. The Latin word *regula* is the origin for both “rule” and “regular”; as a species, since time immemorial we have been creating rules for ourselves and looking for regularities in the world around us. *Homo sapiens* are also *Homo regulans*, those who create rules. Most human social activities are organized by rules and systems of rules (Burns et al., 2015).

In games, rules go beyond mere usefulness and become foundational elements. In a sense, a game *is* its rules (Schell, 2020, p. 189). Thus, it is worthwhile to examine rules a bit more closely, to better understand games. Fortunately, rules – or rather, norms – have already been the subject of choice for various thinkers, from fields such as Sociology, Law, or Ethics – and, naturally, Game Studies.

Johan Huizinga treated rules as fixed and absolute, and he supported this by quoting some words by Paul Valéry. Huizinga may have slightly misquoted Valéry; but the noted French poet was indeed castigating arbitrary and rigid rules which, in order to preserve the hallowed “classical art”, worked to stifle creativity (Valéry, 2015, p. 35).

The operative characteristic, for Valéry, was arbitrary; but Huizinga did not mention it. It fell to another of the “Founding Fathers” of Game Studies, Roger Caillois, to identify arbitrariness as a characteristic of rules (Caillois, 1958/2001, p. 165). This should come as no surprise to game designers since much of their work is precisely to create and change rules. But “arbitrary” does not imply “haphazard”; indeed, the better

the several rules in a game work together, the better the game – for its rules are now a system of rules, a normative system (Raz, 1975/2002, p. 113).

It would be tempting to think of the rules in a game as immutable, at least during actual play; both Huizinga and Caillois seem to think so, as do many others (Salen & Zimmerman, 2004, p. 122). But the world of games always manages to poke holes in certainties: in Peter Suber’s *Nomic*, valid moves can not only change the rules but also create entirely new ones (Suber, 1990, appendix 3); and players in some “free-form” roleplaying games are quite at home with mutable rules.

Game rules may fulfill several functions (Parlett, 2005). The functions of rules in other normative systems may be different, but, in all cases, this has a direct impact on how rules are perceived, and on what expectations are created from them (Gibbs, 1965).

2. RULES AGENCY

All games control the agency of their players. But we must point out that there is players’ agency over the rules themselves. In non-digital games, this agency includes learning, teaching, and enforcing the rules; but many digital games reduce the player’s rules agency, often proudly presenting themselves as “intuitive”.

However, there is one aspect of rules agency that may never be removed: the agency to decide to play, or not to play.

This agency has been considered a fundamental aspect of games. Both Huizinga and Caillois saw games as voluntary activities (Huizinga, 1938/1980, p. 7; Caillois, 1958/2001, p. 6). There have been objections to this characterization – for instance, “if you are pressured by your friends into playing a game that you don’t want to play, is it still a game?” (Salen & Zimmerman, 2004, p. 76). However, here we chose to deal only with games in which free will – the will to play – is a major component of players’ agency.

The will to play is the same agency that Michel Foucault identified as the foundation of all power structures: “power is exercised only over free subjects, and only insofar as they are free” (Foucault, 1982/1983, p. 221). This is not a novel idea; it had already been wondered at by Étienne de la Boétie, in the XVIth century (De la Boétie, 1553/2002), and by David Hume, in the XVIIIth century (Hume, 1741/1994).

Any game can be understood as a power structure, in Foucault’s sense (Sicart, 2009, Chapter 3), just as the modern state and several other cultural institutions. In his study, the French philosopher singled out two characteristics of the modern state: it is individualizing, and it is totalizing (Foucault, 1982/1983, p. 213). The two characteristics are shared by games.

In the modern state, totalization is exercised through “a very sophisticated structure, in which individuals can be integrated, under one condition: that this individuality would be shaped in a new form, and submitted to a set of very specific patterns” (Foucault, 1982/1983, p. 214). This description is perfectly adequate to games: it does not matter who the participants are outside of the game; inside the game, they are shaped in the new form of players, submitted to a set of very specific patterns, created by the game rules.

As for individualization: the foundational rules of a game create a dividing practice (Foucault, 1982/1983, p. 208), establishing some people as players – individuals –, and others as an undifferentiated mass of non-players. Generally, players have considerably more agency in the game than non-players. The players’ agency is the exercise of power: certain actions by the players modify other actions and relations inside the game (Foucault, 1982/1983, p. 219) – effects which are determined by the operational rules of the game.

Both individualization and totalization are contingent on an act of free will. When someone decides to play a game, he is deciding to subject himself to the rules of that game – he is deciding to become a subject of that power structure, by this very act both becoming an individual in the game, and restricting his agency according to the rules of the game.

Furthermore, in the case of games, there is a very special aspect of this: the act of deciding to play creates the game. There is no game before it is created by some people agreeing to the proposal “let’s play a game of...”.

This holds true even when playing games with well-established rules – whether by their designers, their publishers, or their governing bodies. The rules agency of the now-players is the same, even if they decide to play by other than the “official” rules (house rules, variants, and so forth) – and also if they misremember a rule. Board game players like to joke that “there is no game police”.

No rules exist by themselves; but more importantly, no rules can be self-implemented, or self-enforced. Law philosophers and practitioners often speak of “the will of the Law”, or that “the Law enforces” something or other. But this is always a fig leaf under which we find voluntary acts by people in society (Hart, 1961/1994, p. 201).

The agency of subjection/creation of rules is the agency that no game can remove – both because it lies outside of the game, and because the existence of the game itself depends on it.

Players then, both create rules and subject themselves to the rules they created. What does that mean?

All rules are constraints. Even when a rule authorizes some action, it does so by constraining when and how that action may be performed. The foundational rules of a game create fundamental constraints: they define its limits, both in space and in time. The operational rules are constrained by the foundational rules and create further constraints of their own. This brings to mind Bernard Suits’ formulation of games as “voluntary attempts to overcome unnecessary obstacles” (Suits, 1978/2005, p. 55). In other words, players voluntarily subject themselves to rules which constrain their agency.

The creation and subjection to rules is thus an act of self-restraint.

This is an act imbued with deep significance – the same significance which motivated Jean Piaget to use games as the starting point for his study on children’s morality.

“All morality consists in a system of rules, and the essence of all morality is to be sought for in the respect which the individual acquires for these rules” (Piaget, 1932/1960, p. 1). Children are taught to respect the rules – and Piaget names this as a “supremely characteristic of human dignity” virtue (Piaget, 1932/1960, p. 2). More importantly, children are taught to create rules, enforce them – and change them.

The ability to change rules is not a trivial issue. When discussing her game *Train*, on the Holocaust, Brenda Romero asserted that “games are a good medium for approaching any subject, particularly difficult ones, because, by their very nature, they are abstract, invite interaction and allow us to confront and question things... particularly, rules that we may blindly follow” (Brophy-Warren, 2009).

Here we may look back on digital games and the purposeful reduction of rules agency. The fundamental rules agency – to play or not to play – may not be removed, but digital games often remove almost all other rules agency from their players. They do not create (or recreate) the rules, and they do not enforce the rules; occasionally, they can change some rules – by exploiting loopholes or even by design intent.

Perhaps Piaget would be appalled. Here are games that may be played with total disregard to rules because they are no longer relevant to the players. They cannot even disobey the rules; in such a game, the universe itself prevents any rule-breaking. They will not learn to create and to change rules. They will blindly follow whatever rules the universe enforces. In many digital games, there *is* a game police – an all-seeing, pervasive, uncompromising police.

In such games, players do not learn, or exercise, self-restraint – what Norbert Elias considered the foundation of civilization – the “constant restraint and foresight that they need for adult functions” (Elias, 1939/2000, p. 374).

3. FINAL THOUGHTS

Rule, after you have first learned to submit to rule.
– Solon of Athens

The ethical significance of rules is nothing new. Indeed, rules agency has already been used as a tool for investigating the ethical content of games, accepting that “games aren’t an inert medium for conveying ideas but also a negotiated practice” (Koo & Seider, 2010).

However, previous investigations have mainly concerned themselves with the interaction between the meaningful content of games and their rules. Here, we submit that rules agency, by itself, has ethical significance, which transcends the game. Moreover, we assert that this subject deserves further attention and investigation.

We do not propose that all games are, or should be, moral teaching machines. Nonetheless, we contend that game designers ought to be aware of the ethical aspects of what they create – and they go well beyond content and gameplay.

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