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ORIGINAL PAPER

Ludic resistance: a new solution to the gamer's paradox

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Abstract
In this paper, I provide a new solution to the "gamer's dilemma" (Luck in Ethics Inf Technol 11(1):31–36, https://doi.org/10.1007/s10676-008-9168-4, 2009) which is an open problem at the intersection of ethics and aesthetics: the problem consists in reconciling two widespread moral intuitions about virtual actions, i.e. that virtual murder is morally permissible whereas virtual paedophilia is not. To solve the problem, I apply a well-known notion coming from the philosophy of fiction, viz. imaginative resistance, which I adapt as ludic resistance. Connecting the two bodies of literature (the philosophy of fiction and the philosophy of video games) is original and, I argue, helpful: first, it solves the problem under discussion; second, it provides a way of looking back at imaginative resistance in an interesting new light. In (video) games, as opposed to traditional, non-ludic fictions, "resistance" is interpreted against an implicit notion of agency.

Keywords Gamer's dilemma · Imaginative resistance · Feminist philosophy · Virtual pornography · Violence in video games

The gamer's paradox

The original dilemma

Suppose you see me running after my 4 year-old son threatening to eat him alive as if I was a ogre, trying to find the subtle balance between fear and excitement in the course of the game. You would likely be amused by such commonplace game of make-believe. Try and substitute "to rape" for "to eat" in the same game of make-believe and you would probably be appalled by the kind of father I am.

Reflecting on similar intuitions in video games, Luck (2009) put forward a much-commented challenge to the gaming community. It starts with the very commonplace observation that, in some video games, the player character (PC henceforth) can murder non-PCs in cold blood.[1] These are cases of *virtual murder*: what happens in the game is such that, were it to happen in the real world, it would qualify as murder. One famous example is running over innocent pedestrians in *GTA5*, when playing the game in sandbox mode,[2] Such behaviour in *GTA5* might hurt your feelings upon reading this, but in general I think it is fair to say that "virtual murder scarcely raises an eyebrow" (Luck, 2009: p. 31). The main reason why virtual murder is permissible and commonplace is that it is *virtual*: no one actually dies. In other words, the virtual victim is not a victim; and if there is no victim, there is no crime. In the game, the character is a criminal; in reality, the player is not a criminal. This intuitive explanation sounds firm.

Yet, this seemingly harmful reasoning overgenerates quite enormously. Luck cleverly applies the same justification procedure to conclude that virtual paedophilia should also be permissible: real paedophilia is as criminal as real murder; and virtual paedophilia is as virtual as virtual murder. Therefore, a game in which the PC molest a non-PC who happens to be a child in the game should "scarcely raise an eyebrow".

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[1] For simplicity, I follow Luck's original setting where the wrongdoer is a PC whereas the victim is a non-PC. For the record, I think the intuitions generalise to PC victims, see for instance (Reeves, 2018) for an anthropological study of "ageplay" in *Second Life*. As for cases where the wrongdoer is a non-PC, given my argument that ludic resistance is tied up to a notion of agency, I expect our moral intuitions to diverge.

[2] In *GTA5* PCs are gangsters from Los Santos, a fictional city based on Los Angeles. The gameplay is non-linear, letting players freely roam the city and open countryside when they do not take up a quest.

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Moral intuitions do not seem to be in line with this reasoning, though. People are usually much more shocked by virtual paedophilia than virtual murder. Consider, for instance, the very controversial 2006 Japanese video game *Rapelay*, whose aim is for the PC named "Masaya Kimura" to stalk and subsequently rape the Kiryū family (a mother and her two daughters - the young daughter called "Manaka Kiryū" being 12 in the game). This game did raise eyebrows, and has been banned in many countries, including in Japan in 2009. Obviously, stating that the virtual victim is not a victim was not enough to make such a game permissible.

Given this contrast, Luck (2009: p. 32) formulates a dilemma:

> With the types of cases to which we are concerned introduced, we can now focus our attention upon a dilemma faced by game players who routinely commit acts of virtual murder. Unless such players can identify a morally relevant distinction between virtual murder and virtual paedophilia, they must either accept that committing virtual paedophilia is morally permissible, or that they themselves have often committed morally prohibited acts. This is hardly a dilemma for those game players who are willing to permit virtual paedophilia on the grounds that, like virtual murder, no one is actually harmed. However, for those players who are not prepared to bite this bullet, only one option remains if they wish to continue playing such games in good conscience. They must present an argument for the moral distinction between the acts.

The paradox: an overview of the literature

Luck's "dilemma" is now rather discussed in the form of a paradox:

1. Virtual murder in video games is permissible.
2. There is no relevant difference between virtual murder and virtual paedophilia (in respect to permissibility).
3. Virtual paedophilia in video games is not permissible.

This re-formulation of the problem in the form of a *paradox* comes from Luck (2018), and it is helpful insofar as it opens a logical space of possible solutions, viz. arguing for the falsity of either of these intuitively true propositions, as opposed to focusing on arguing against (2) which was the acknowledged aim of the original *dilemma*. Upon discussing how to best frame the problem, Ali (2022) argues for distinguishing at least three more specific versions of this paradox, relying on a typology of video games. Luck (2022), by contrast, argues that this paradox is but an instance of a more general "paradox of treating wrongdoing lightly": there are similar paradoxes obtained by varying both the kind of game (games of make-believe as in the opening example, board games, etc.) and the kind of wrongdoings. In (Luck, 2022: p. 1299), Luck thus distinguishes between *grave* wrongdoings which are wrongdoings in reality and in virtuality alike (Luck's examples: child molestation, rape, homophobic abuse...) and *light* wrongdoings which become permissible when done virtually (Luck's examples: murder, false imprisonment, egregious theft...). As opposed to these fragmenting or abstracting strategies, one can find an apt defence of the "narrow paradox" (corresponding to the above) as a self-standing problem, see Montefiore and Formosa (2022)'s thought experiment game called *How low will you go?*.

There is thus now a (meta)debate about the exact framing of the problem. In this paper, I will stick to Luck (2018)'s paradox as above presented for simplicity, though I will try to flag some relevant distinctions in due course. That being said, given that my contribution to this problem consists in looking at the problem through the lens of "imaginative resistance" and that this notion comes from the philosophy of fiction (more on this shortly), I think it is fair to say that I had Luck's recent generalisation in view upon writing this.

Following Luck's original challenge, most contributions in the literature focus on (2), with notable exceptions like (Ali, 2015; Nader, 2020; Ramirez, 2020) for different ways of qualifying (1). One way to deny (2) is to be "expressivist" or to look for "intrinsic" features of the virtual acts[3] one influential such solution is Bartel (2012)'s identification of virtual paedophilia with child pornography, which can be argued to be morally wrong on independent grounds (see famously (Levy, 2002)). Another way to go is to be "consequentialist" or "instrumental" and claim that virtual paedophilia is actually harmful, despite its being virtual. For instance, Patridge (2011) argues that virtual paedophilia induces social harm which is "incorrigible" in the sense that one cannot get away with it by saying something like: "it's only a game". Alternatively, it has been proposed that though virtual paedophilia does not produce victims, it still is harmful to the player, drawing on virtue ethics considerations (Bartel, 2020; Luck, 2022).

To my knowledge, there is no consensus in the literature on how to reject (2), and this is probably because the basic reasoning rehearsed in the previous section is in fact more robust than one would *prima facie* think. This reasoning can be put into two catch-phrases which deniers of (2) try to

[3] Two excellent reviews of the rapidly growing literature can be found in the beginnings of Ostritsch (2017) and Montefiore and Formosa (2022). The distinction between "expressivist": and "consequentialist" solutions is from Ostritsch (2017); that between "intrinsic" and "instrumental" is from Montefiore and Formosa (2022). These distinctions are almost identical: I ignore more subtle distinctions for simplicity here.

oppose: "it's only a game" and "no victim, no crime". The first one points to what (Patridge, 2011) calls the "amoralist challenge". The second one rather points to the ultra-liberal argument found in the "Ashcroft vs. Free Speech Coalition" (2002) case, in which the supreme court decided that the ban on virtual child pornography (found in the "Child Pornography Prevention Act" 1996) was unconstitutional (and thus protected under the 1st amendment as "free speech"); that decision generated a huge political controversy.

Acknowledging this current lack of consensus, I want to give credit to the above mentioned catch-phrases. In other words, in this paper, I will grant the truth of (2) for the sake of argument, to see where it leads. Therefore, in a sense, a player of *Rapelay* can *truly* and relevantly respond "it's only a game" or "no victim, no crime" to someone who blames them for playing the game; just as a player of *GTA5* would *truly* and relevantly come to the conclusion that "it's only a game" or "no victim, no crime", if they cared to explain why no eyebrows were raised in the first place. This suggests that the underlying problem consists in explaining why these responses do not sound fit to lift the blame on sexually violent video games as opposed to (non-sexually) violent ones. Working under this supposition will allow to explore some ways to deny (1) or (3), which are, as hinted at above, less discussed.

I want to end this overview with a last methodological remark. Note that (1) and (3) are not independent of each other. Indeed, holding fixed the truth of (2), our intuitions about virtual murder and paedophilia should stand or fall together. In some sense, one can look at (2) as a constraint on our best moral theories, and then try to provide an error theory to explain away our inconsistent intuitions. In other words, I will say that (1) and (3) are not, strictly speaking, *moral* intuitions. A similar point is suggested in the last section of Montefiore and Formosa (2022):

> While gamers may indeed intuit a difference between the permissibility of virtual child molestation and virtual murder in a narrow range of cases, [...] it could be some other *non-moral* feature that is underwriting that intuitive difference for them, such as conventional or taste-based aesthetic norm or an implicit psychological attitude, which they are confusing with a moral basis.

Montefiore and Formosa (2022)'s suggestion, in turn, is an invitation to reconsider Luck's "social acceptability" explanation (Luck 2009: 32). This solution is initially dismissed as falling short of what Luck is looking for, i.e. a *moral* justification for denying (2). But perhaps this investigation can prove fruitful: an error theory could ideally explain why we think that (3) is true, even though it is inconsistent with other moral intuitions, viz. (1) and (2). Appeal to imaginative resistance, I think, can be seen as a way to cash out the confused conventional or aesthetic norm at issue; and it is interesting to see where it comes from and how shared it is.[4]

From imaginative resistance to ludic resistance

Elements of imaginative resistance

While discussing fictional truth, Kendall Walton found out that readers are sometimes "unable or unwilling to bring [them]selves to imagine propositions we take to be morally perverse, even if we recognize that they are fictional" (Walton 1990: pp. 154–155).[5] He subsequently developed this remark and engaged in a debate with Richard Moran, both publications setting the frame for what is known as the "puzzle of imaginative resistance" (Moran, 1994; Walton, 1994). The literature on imaginative resistance has considerably grown, and it is now commonplace to rather distinguish between *several* "puzzles of imaginative resistance".[6]

The main problem is introduced with the "Giselda story" (Walton 1994: p. 37):

> Can an author simply stipulate in the text of a story what moral principles apply in the fictional world, just as she specifies what actions characters perform? If the text includes the sentence, "In killing her baby, Giselda did the right thing; after all, it was a girl" [...] are readers obliged to accept it as fictional that, in doing what she did, Giselda behaved in morally proper ways? Why shouldn't storytellers be allowed to experiment explicitly with worlds of morally different kinds, including ones even they regard as morally obnoxious? There is science fiction; why not morality fiction?

[4] As will be seen, imaginative resistance is itself a phenomenon at the intersection of aesthetics and ethics, so this distinguishing of norms will not end up as crystal clear as one might wish them to be.

[5] Walton takes Hume (1757) to be the first philosopher to comment on the phenomenon. Hume, however, does not talk of rejecting some fictional content based on which proposition are to be imagined, but rather suggests that whenever a fiction invites us to imagine some "morally perverse" content, its aesthetic value is greatly diminished. In Hume (1757), one thus find what has later been distinguished as the "aesthetic puzzle" of imaginative resistance in Weatherson (2004). For a useful explanation (and argument for) Hume's claim, see Eaton (2003).

[6] See especially (Weatherson, 2004) for useful distinctions and examples, and Gendler and Shen-yi (2016) for an opinionated review of problems and possible solutions. See also Tuna's SEP entry for a comprehensive introduction to the literature. I need not do into the details for the purpose of this paper, though.

To be clear on the phenomenon described: an author cannot simply write a text to the effect that, in committing female infanticide, Giselda did the right thing *in the fiction*. In other words, female infanticide appears to be a real wrongdoing that will not become a fictional good deed easily. The phenomenon at issue is that readers will systematically read the Giselda story in such a way that she did not do the right thing in the fiction, despite the explicit fictional claim to the contrary. Instead of fictionalising the morally deviant claim (Walton, 1990: p. 38):

> A reader's response on encountering in a story the words, "in killing her baby, Giselda did the right thing; after all, it was a girl", is to be appalled by the morality of the narrator. The sentence probably serves to express the narrator's moral sentiments, not the moral reality of the fictional world.

Moreover, if the fiction originates in a cultural surrounding the reader considers to be morally depraved, then the author, looming up from behind the narrator, so to speak, is also likely to appear morally depraved. As a case in point, consider "a story from a fascist society in which it is firmly and mutually believed that mixing of the races is evil and its repression a moral necessity" (Walton, 1990: pp. 154–155). Contrary to the *Mutual Belief Principle*, according to which what is mutually believed by the *author*'s community is true in the fiction, Walton argues that we, readers, would typically resist that the mixing of the races is evil *in the fiction*. Instead, we would bracket such morally deviant claim as what the narrator thinks (identifying the moral outlook of the narrator with what we know of the author's community).

At this point, let me highlight two distinctions and one effect that will be useful below.

First, there are descriptive and evaluative cases of imaginative resistance. As for descriptive cases, one typically resists in imagining an "oval maple leaf" (Yablo, 2002): maple leafs are not oval and it is not clear how one could comply with Yablo's scenario. By contrast in "morally deviant" stories Moran (1994), one resists imagining an evaluative claim, e.g. "female infanticide is good". This points to a second distinction: "resistance" in "imaginative resistance" is in fact ambiguous (Gendler & Shen-yi, 2016). Either one *cannot* or one *will not* imagine what one is invited to imagine.[7] This distinction is crucial to any good theorising about the underlying psychological phenomenon: the reasons for the inability or unwillingness to imagine are obviously very different.

Second, the phenomenology of what Walton describes as the "reader's response" is quite robust. Imaginative resistance typically prompts a "doubling narrator" effect (Gendler, 2000), also known as a "wow effect" or a "jarring effect" (Weatherson, 2004). This psychological effect has become a subject of empirical investigation as, e.g., Kim et al. (2018)). It is very plausibly a consequence of the re-interpreting the story when imaginative resistance arises in the following way: since the reader cannot or will not imagine what they are invited to, they typically rearrange the invitations to imagine, so as to accommodate what is jarring in the original fiction. Following this line of analysis, Altshuler and Emar (2018) helpfully provide an implementation of this accommodation mechanism within Discourse Representation Theory, a dynamic model for linguistic processing. This accommodation mechanism is in line with Walton's original description: one eventually ascribes the "morally deviant" content to a narrator, which has to be made explicit in the process.

With these points in mind, let us turn to video games.

Ludic resistance at work

Both within philosophy of fiction and video game studies, scholars agree that most video games are works of fiction Tavinor (2005), Meskin and Jon (2012), Cova and Garcia (2015). Though this definition is not uncontroversial (see Tavinor (2008) for a discussion), *prima facie* counter-examples are mostly games like *Tetris* whose status as fiction is questionable, but such games are not the immediate target of the gamer's paradox,[8] Following Robson and Meskin (2016), I think video games should be construed as involving fiction plus some sort of interactiveness, which is an instance of the more general link between games and agency forcefully argued for in Nguyen (2019) and Nguyen (2020). Imaginative resistance, as a general phenomenon about fiction, can thus apply to video games. Interestingly, it takes a special form when combined with interactiveness and agency. I will call it "ludic resistance" for convenience.[9]

First, ludic resistance involves a "won't play" as opposed to a "can't play" kind of resistance: it is normative. Indeed, the intuition behind (3) is not that one is unable to virtually perform child molestation (games like *Rapelay* exist and are easy to play), but one will not play it. The obvious reason

[7] Fictions essentially consist in invitations to imagine: this is the "consensus view" (Matravers 2014: 3) in the philosophy of fiction, and I take it for granted here. "Invitations to imagine" originates in Macdonald (1968) and is given a precise analysis in Friend (2016).

[8] As shown in the Montefiore and Formosa (2022)'s thought experiment *How low will you go?* and Ali (2022)'s distinction between virtual reproduction, simulation and representation, the gamer's dilemma has something to do with agency, perspective taking and realism and so the games to consider need have these features, that non-fictional games like *Tetris* typically lack.

[9] "Ludic" is the adjectival form of "game", not associated with any positive (or negative) connotation, as opposed to, e.g., "playful".

has to do with the "morally deviant" content of the game. However, there is a potential tension with what I said about imaginative resistance, for if ludic resistance is a response to a normative claim in the game, it is not clear that performing virtual paedophilia involves assenting to a normative claim. In other words, the "morally deviant" content is of a different type in the two cases: one ludically resists to an act, whereas one imaginatively resists to a normative claim being true. I need to explain how the notion of imaginative resistance can extend to (virtual) action.

In Walton's fiction, one typically resists imagining that *Giselda did the right thing* by attributing this "morally deviant" claim to a hidden narrator: this is the "doubling narrator"'s effect. Consequently, what is fictional is not that *Giselda did the right thing*, but rather that *the narrator thinks that Giselda did the right thing*. In that way, the reader can distance themselves from the "morally deviant" content they resist: there is a narrator to disagree with. Now, consider a gamer X who virtually molests a child in some game. In the game, the "morally deviant" content is what X did; so X should be blamed for it. The only way for X to distance themselves from the blame is... not to do it. That is, to refuse to play. Of course, there is a metaphysical distinction between the gamer X and X's PC (i.e. the avatar). So, properly speaking, the blame goes to the avatar. But, contrary to the fiction case, there is no way of distancing oneself from one's avatar: in the game, X *is* the paedophile. The specifics of ludic resistance thus points toward identification. Consequently, the more X identifies with their PC, the more they should feel that to refuse to play is the only way out of blame.

To illustrate this point about identification, consider two contrasting cases. Suppose first that X sees Y (a non-PC) virtually molest a child. Since there is, *prima facie*, no identification with this non-PC there is no blame to distance oneself from. It will thus not prompt ludic resistance. As the game unfolds, if X's PC proves to be Y's partner in crime, then ludic resistance is prompted; alternatively, if the game is such that X's PC should hunt Y, then no resistance is expected. So the identification we are talking about here is really about siding with the villain in the game. In playing a game, one is, by design, as it were, required to side with one's PC, but there are other ways of being invited to side with the wrongdoer, and this should prompt ludic resistance in the same way (though perhaps with less intensity). Second, one might consider a case where, in a cut scene, X's PC molests a child, but never does so when under the gamer's control. In such a case, though X's PC is blameworthy in the game, I think it is less a case of ludic resistance. Therefore, one will likely accommodate a narrator-like strategy to distance oneself from identifying with the PC: perhaps, in extreme cases as, e.g., when the PC is expressing their positive attitude toward the rape in the cut scene, one would blame the game designers.[10]

The upshot of these preliminary considerations is that there are thus two related ideas worth distinguishing: one is about identifying with, and the other is about siding with the PC. We can (and perhaps should) conceptually distinguish the two, as Kissel (2021)'s discussion of the "willing endorsement" shows. "Willing endorsement" views are a family of view according to which "players are appropriate targets of moral judgments when their actions reflect their true, real-world selves" (Kissel, 2021: p. 178). Kissel analyses (and criticises) Bartel (2015)'s "Frankfurtian picture", which is a particularly well developed willing endorsement view according to which one can say that a player "endorses a virtual action when he identifies it with his true sense of self." This views is designed to allow the possibility of identifying with the PC reluctantly, by developing what Bartel calls a "fictional moral psychology" in order to distance oneself from the PC (Bartel, 2015: p. 292):

> While we may construct a fictional moral psychology to account for the actions of a villainous character, we do not endorse that moral psychology; and therefore it does not enter into our own moral psychology. We imaginatively maintain a distance between our sense of self and that of the fictional villain.

One ends up attaching the morally deviant claims to the PC, as one would attach it to the narrator in Walton's fiction case: this is thus pushing for a conflating imaginative and ludic resistance. I agree with Kissel (2021)'s criticism that it commits Bartel to players developing a split personality, as it were, for one virtually does what one really condemns: "[...] willing endorsement views ultimately divide the players identity into two parts" (Kissel, 2021: p. 182). Moreover, it does not explain the intuitive difference between virtual murder and child molestation. I take it that the gamer's paradox shows that it is, in practice, more difficult to distance oneself from a virtual child molester PC than a virtual murderer PC. The problem thus consists in explaining why, in performing virtual sexual violence, identifying and siding are so related that the distanciation is very difficult, if not impossible.

At this point, I think it is worth broadening the perspective and consider pictures. Pictures are typically like linguistic fictions (vs. video games) in not being interactive; and they are typically like video games (vs. linguistic fictions) in being narrator-less. Imaginative resistance also happens

[10] I owe Nathan Wildman for thinking about these different cases.

with pictures, and Anne Eaton (2003)'s analysis of Titian's *Rape of Europa* provides a very precise analysis of how it is made to work.[11] The famous painting "eroticizes rape" in such a way that, to fully understand and appreciate it, the viewer needs to consider that, in the fiction, Europa is about to being raped by Zeus *and* that this is in fact not that bad for her, relying on a "common fantasy of rape", viz. that "rape satisfies women's secret desires to be taken and ravished" (Eaton, 2003: p. 163). If one was invited to imagine that in a linguistic fiction, the typical response would be to ascribe such a morally deviant content to a hidden narrator, which would thus become explicit, and perhaps also to the author. But in a painting, such an interpretative strategy is not available, because there is arguably no narrator in painting. As a result, Titian's painting works in such a way that the viewer is invited to identify with the bull, i.e. to side with Zeus's sexual desires which are an instance of the "fantasy of rape". Eaton (2003: p. 174) then remarks that:

> Psychological identification with a character involves, among many other things, adopting her point of view. If the character has a severe ethical flaw [...], then putting ourselves in her shoes means taking up an ethically defective perspective, and this is something that an ethically sensitive person has good reasons not to do.

After reading Eaton's analysis, one understands how the painting works and how impossible it is to abstract away the ethical flaw and keep only the aesthetic pleasure in view. One has thus good reasons not to do what Titian invites us to do. This leads to a radical re-interpreting ethical judgement as actual resistance: "to say that one *cannot* appreciate the work unless one is [a member of the KKK] or is sympathetic to Klansmen [...] is tantamount to saying one *should* not appreciate the work." (Eaton, 2003: p. 177).

I think this much shows that the imaginative resistance literature can help emphasise the ethical aspect of the siding element. Though the "siding with a character" element is arguably trans-medial, identification appears to be more medium-specific. Identification in video-games, as already suggested, relies on virtual interaction in a way that is not typical of other fictions: this is the key difference between imaginative and ludic resistance. I thus want to say a little more about this difficult subject of identification (in its relation to siding) in video games before I can return to a solution to the paradox.

[11] The reproduction of this painting can be seen here: https://upload.wikimedia.org/wikipedia/commons/4/41/Tizian_085.jpg.

Identifying with a PC

That players identify with the PC they control is evident from their linguistic behaviour: we talk of our virtual actions as *ours*, using the first-person pronoun. For this reason, Robson and Meskin (2016) argue that video games should be construed as *self-involving*, in at least this minimal sense in which the pronoun "I" can be used to refer to one's avatar consistently and systematically. That being said, this superficial identification hides a subtler distinction between what they call one's *empirical* and *virtual* self. Indeed, the distinction between the two is made manifest by statements like: "I am dead again"; which can only make sense if "I" refers to one's avatar and *not* to one's empirical self.

The important feature that distinguishes (video) games from other kinds of fiction is that the "videogames engender first-person action talk to a much higher degree than do canonical fictions" (Robson and Meskin, 2012: p. 20). So the linguistic behaviour points toward the deeper phenomenon, namely virtual *action*. There is thus a relationship between the empirical and virtual self, which can be termed "agency borrowing". One identifies a player with its PC insofar as the PC inherits the actual player's agency. Building on Velleman's notion of "automaticity", Robson and Aaron (2012) thus highlight that one performs virtual *with* one's avatar, much like, in tennis, one hits the ball *with* one's racket. "Identification" is thus perhaps a misleading word: it is not very idiomatic to say that one "identifies" with one's racket when one plays tennis. Rather, one treats the racket as part of oneself (or an extension of oneself). Similarly, the player treats the PC as part of themself. "Identification" here used should be read as a term of art for this kind of phenomena.

Agency borrowing is in fact not specific to video games, as just suggested, and Thi Nguyen (2020) has recently defended that it is an interesting defining features of games in general (p. 5):

> When we play games, we take on temporary agencies – temporary sets of abilities and constraints, along with temporary ends. We have a significant capacity for agential fluidity, and games make full use of that capacity.

He contrasts *ordinary* and *ludic* agency in the following terms (p. 4):

> In ordinary life, the form of our struggle is usually forced on us by an indifferent and arbitrary world. In games, on the other hand, the form of our practical engagement is intentionally and creatively configured by the game's designers. In ordinary life, we have to desperately fit ourselves to the practical demands of the world. In games, we can engineer the world of the game, and the agency we will occupy, to fit us and our

> desires. Struggles in games can be carefully shaped in order to be interesting, fun, or even beautiful for the struggler.

Following Nguyen, the phenomenon of identification should be traced back to the essence of games in the sense that it consists in projecting part of oneself (viz. some of our agentive capacities) in the game. This helps explaining (as Nguyen develops at length) several scales along which identification actually proceeds. For instance, one can allow for both a quantitative principle according to which the more agentive capacities one mobilises, the more one identifies; and also a more qualitative principle according to which the more realistic or deep the choices in the game, the more one can reveal, develop or even engineer one's agency.[12]

I think it also sheds interesting new light on our subject matter, for it suggests that ludic resistance should be thought of as a reaction against some forms of agencies, as opposed to others. People, when refusing to play, are unwilling to have their own agency shaped the way the game is designed. If that is correct, then the difference between virtually molesting a child and virtually committing a murder points to a difference in the kind of agency presupposed by the game design. In the next section, I will propose that the main difference is domination, building on the existing feminist literature on the subject. As a solution to the gamer's paradox, we systematically resist to such games (i.e. we feel ludic resistance), because we do not want to occupy a dominating agency; by contrast virtual murder does not (obviously) presuppose a dominating agency. Or so I claim.

Before I proceed with this argument, I note that in this framework, the moral indignation we started with should not so much target the gamers as the game itself. Contrary to what (3) might suggest, the morally repugnant feeling that triggers the need to distance oneself is not so much on the specific virtual actions performed by gamers, than on the game design itself. I think this point was rightly, and forcefully, argued for by Ostritsch (2017) where it is *games* that endorse morally problematic worldviews.

[12] A good part of Nguyen (2020) is about the thesis that games are medium for the *communication* of agencies and Nguyen explores in part III the way in which games create social patterns for better or worse. I note that, interestingly, Nguyen mentions the gamer's paradox (only) once in this part III (p. 190), only to dismiss it as a peripheral problem. I think he could have said a lot more constructive things, along the lines I am trying to push here.

Solving the gamer's paradox

Let me summarise where we are, before taking stock. I have worked under the assumption that there is no relevant moral distinction between virtual murder and virtual paedophilia (i.e. that (2) is true). I thus implied that (3) is in fact conceptually false, for strictly speaking, virtual paedophilia is similar to virtual murder: it is indeed only a game; virtual victims are not victims. However, in looking for an error theory, I suggested that one should rather understand (3) as meaning that virtual paedophilia triggers ludic resistance. Drawing on what we know about imaginative resistance, it is plausible that ludic resistance is triggered when the player needs to side with a morally depraved PC. In the case of (video) games, this siding with has to do with a specific type of identification that I traced back to agency borrowing. Now, I need to explain the difference between the underlying agency built in games like *Rapelay*, as opposed to that of *GTA5*.

A feminist standpoint

I think the answer comes from the feminist literature, and that, despite the gradable nature of wrongdoings (more on this below), there is a cut-off point beyond which (virtual) identification is not justifiable: it relies on the notion of domination, or subordination. To put it bluntly, a real crime that essentially presupposes the subordination of a group under another will trigger ludic resistance when done virtually; by contrast, a real crime that does not presuppose the subordination of a group under another will not trigger ludic resistance when done virtually. Child rape paradigmatically relies on the subordination of children under adults; murder, by contrast, does not presuppose subordination and routinely happens among equals, so to speak. To generalise, when a video game requires identifying with a villain whose wrong-doing presupposes the subordination of a group under another (playing a (child) rapist, a gay basher, a white supremacist or a Nazi criminal, a disabled hater, a speciesist sadist, etc.), ludic resistance is expected, for one will not want to occupy such an explicitly dominating agency. By contrast, Luck (2022)'s example of *light* wrongdoings, like theft or false imprisonment, will not trigger the same kind of ludic resistance.

By *subordination of a group under another*, following the feminist definition, one should understand two things in one breath: the assertion of inequality (e.g. children and adult are not equal) and a hierarchical component (e.g. children are inferior to adults). Subordination is thus, by definition, both a descriptive and normative claim intertwined: it is the promotion of a real or imagined inequality. I think this helps understand *why* it is difficult, if not impossible,

to (temporarily) occupy a dominating position while at the same time distancing oneself from it: one's (virtual) actions exemplify the normative claim, according to which one group should be thought of as inferior. Though it is indeed "only a game", virtual dominating behaviour still exemplifies dominating behaviour.

In feminist aesthetics, a lot of attention has been placed in the representation of women as subordinate to men. The *locus classicus* for film studies is Mulvey (1975), nicely explained and contextualised in Freeland (1998). For painting, Eaton (2008) provides a very efficient overview. For 19th-century literature, seminal work can be found in Gilbert and Susan (2000) and Lanser (1992),[13] What I take to be a result of this literature is that most representations not only objectify women (this is the fundamental mechanism for generating inequality), but they eroticise the resulting inequality, and also aestheticise the subordination of women Eaton (2018). In other words, such representations not only invite imagining women as subordinate to men, but also aim at representing this subordination as sexy or beautiful. In the wake of this literature, I think what is wrong with video games like *Rapelay* is that is gamifies (child) rape. Gamification of (child) rape (which is, I take it, one kind of aestheticisation of rape) involves identifying with a (child) rapist, by temporarily occupying a (child) rapist agency. This gamification makes (child) rape funny, and that is what is wrong.

Another way of putting the same point consists in focusing on the following question: if games are designed to "fit us and our desires" (emphasising the above Nguyen quote), then which of the gamers' desires would games like *Rapelay* answer to? I can very well see the in-game goal of the game and how one could distance oneself from it while playing (because, say, winning this game s instrumental for some other purpose), but the moral repugnance happens when we ask: what is the purpose of the game? To this, it is hard to resist the obvious answer that playing the game actually produces virtual paedopornographic moving images (Patridge, 2013). On this ground, the gamification of sexual inequality is an instance of the more general phenomenon of the eroticisation of inequality, and I think the forceful arguments against virtual child pornography to by found in Levy (2002) indeed carry over to performing virtual child molestation (in line with Bartel (2012)).

Finally, I want to note a potential connection between the present proposal and the "virtue ethics" strategy, as for instance defended in Bartel (2020) and Luck (2022). Perhaps one can argue that (temporarily) occupying a dominating agency is harmful to one's character. In chapter 7 "The Distance in the Game", Nguyen (2020) investigates the nature of games as participatory art. In so doing, he spends some time analysing in what sense the game designers' practice is productive. He ends up defending that game designers quite literally shape the gamers' agency, drawing a serious analogy with urban planners and architects:

> Games, it turns out, are the artistic kin of governments, architecture, and urban design – at least as much as they are the kin of fiction, rhetoric, and conceptual art.

Nguyen uses this analysis to emphasise the socio-political effects games can have on individual agencies. Perhaps occupying a dominating agency as required when playing games like *Rapelay* end up shaping individuals agencies to the worse. That, it seems to me, is compatible with the virtue ethics solutions in the literature, though some details would need to be filled, and I cannot hope to do full justice to this idea in this paper.

Concluding remarks on the degrees of ludic resistance

To finish, I would like to stress that the line of reasoning I am here following has a nice consequence, in that it allows for explaining the manifest complex continuum of intuitive judgements. Identification (understood as occupying a temporal agency) is the important phenomenon, and, as already hinted at above, it is a gradual, multidimensional matter. It is thus perfectly sensible to talk about *personal* ludic resistance both toward virtual paedophilia and/or to virtual murder.[14] For instance, Patridge (2013: p. 32) makes a very clear statement of personal ludic resistance after she presents an invented role playing game called *Child sexual assault* (whose in-game goal is exactly what it says it is):

[13] For a recent, comprehensive introduction to feminist aesthetics, see: Korsmeyer, Carolyn and Peg Brand Weiser, "Feminist Aesthetics" *The Stanford Encyclopedia of Philosophy* (Winter 2021 Edition), Edward N. Zalta (ed.), URL = https://plato.stanford.edu/archives/win2021/entries/feminism-aesthetics/.

[14] One anonymous reviewer suggested that my position entails that I reduce the moral intuitions on which the gamer's paradox are based to an internalisation of feminist theory on the wrongness of subordination; they continue by noting that it cannot be right, for many gaming communities never heard of such theories (or even predate them) and still experience ludic resistance; as an example, they cite the infamous 1982 *Custer Revenge* which rewards players by letting them rape a Native American woman. I do not think one internalises the *theory*: I presuppose that the phenomenon of subordination that the feminists theorise about provides the underlying cutting point, whether people know about it or not. That being said, it seems plain to me that the theory (aims at) explain(ing) what is wrong about this fact, which clearly predates feminist theories. I take it though that *personal* ludic resistance could be strengthen by familiarity with some feminist theories. Just like reading feminist theories enhances our perception of social discrimination (and feeling of injustice), but does not create social discrimination.

> 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.

Another consequence is that ludic resistance is likely to be sensitive not only to personal variation, but also to contextual variation. In particular, Mikkola (2018)'s comparison between *Rapelay* and *Boob wars* strikes me as very apt. *Boob wars* is a video game in which a male PC is to bring an end to a world war between the "Small Chest" and the "Big Breasts", by "using his cock" (understand: give these women what they really want). The point is: though both *Rapelay* and *Boob wars* explicitly rely on rape fantasy (and so the subordination of women), the latter is manifestly idiotic by design in a way the former is not. Mikkola (2018: p. 219) thus writes:

> [...] think of someone who enjoys playing *RapeLay*. But what about less obviously problematic pornographic videogames like *Boob Wars*? The gameplay and the plot are rather idiotic and adolescent, for sure, but we would probably not find a gamer who enjoys *Boob Wars* as morally reprehensible as someone who enjoys *RapeLay*. And so, the morally criticizable features intuitively depend on the individual games.

Though intuitions may vary, bringing in the notion of ludic resistance, i.e. unwillingness to temporarily occupy a specific type of agency, is relevant. I would think that the idiotic design contextually undermines identification: perhaps the temporary agency one is invited to occupy is so exaggerated and grotesque that one does not feel like the PC borrows too much of one's agency.

Finally, the notion of ludic resistance could also be used to re-interpret (1) in a gradual manner. Though, all things being equal, virtual murder systematically prompts less ludic resistance than virtual child molestation, virtual murder considered for its own sake could very well "raise eyebrows" and trigger ludic resistance. Indeed, the personal variation appears to be present when it comes to blaming violent video games. The history of controversies about violence in video games is arguably as long as the history of video games *tout court*. Many people, who of course acknowledge the metaphysical distinction between a player and its avatar, are alarmed by the kind of agency violent games invite to occupy.

As a case in point, shared ludic resistance toward virtual murder was clearly voiced against the 2015 very controversial video game *Hatred*. In this game, the PC is a misanthropic mass-killer who begins a "genocide crusade" to kill as many human beings as possible. In this case, though misanthropy is not an ideology based on the subordination of one group under another, such virtual mass killing *did* raise many eyebrows. Interestingly, it did not cross the (legal) line for being banned. Given the discussion above, I predict that *Hatred*'s PC being completely misanthropic does not cross the cut-off point and so comparatively triggers less ludic resistance than, say, *Rapelay*. However, a slightly modified version of *Hatred* whose PC would mass-murder say, only children, would very likely cross the boundary, all things being equal.

Another interesting, complex example is the 2013 action-adventure game *The Last of Us*, in which the very high degree of violence was universally acknowledged to be subtly counter-balanced by the construction of the PC's psychological complexity. Many critics discussed (and assessed positively) the way this game both triggers and defuses ludic resistance, often highlighting the moral dimension of the complex emotions triggered while playing.[15] I would venture that one explanation lies in the analysis the PC's agency the gamer is invited to occupy: the analysis should show how the balance was designed.

All these concluding remarks echo what I said about "social acceptability" in the overview section above. I hope to have shown that exploring this less discussed part of the logical space was not as pointless as Luck originally suggested. I am open to the idea that, perhaps, virtual murder is to us what slavery was to ancient Rome: it is now socially acceptable, but the next civilisation will look down on us as somewhat morally depraved. Perhaps my opening was a piece of rhetoric that will misfire in the future. Perhaps you already thought I was over-indulging virtual murder all along.

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[15] See for instance the reviews from CVG, Eurogamer, Gaminformer, or Joystiq.

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