

The Player of Games

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Daithí Mac Síthigh, *Legal Games: The Regulation of Content and the Challenge of Casual Gaming*, 3 **J. Gaming & Virtual Worlds**, no. 1 at 3-19 (2011) available at [SSRN](#).

Mainstream coverage of gaming regulation has usually centered on the possible danger of violent games to children, usually accompanied by stills from the latest *Grand Theft Auto*, *Call of Duty*, or *Mortal Kombat* to instill a righteous level of outrage in the public. The underlying message in most of these stories ranges from “something must be done about this” to “ban this filth.” Thankfully, such often uninformed commentary has not been translated into legal scholarship, where the coverage has been more nuanced. With few exceptions, authors dealing with the nascent field of gaming regulation have produced a growing body of work that is both thorough and well-written. A recent addition to the group of scholars interested in games is [Daithí Mac Síthigh](#) from the [University of East Anglia](#) in the UK, and soon to join the [University of Edinburgh](#).

In *Legal Games: The Regulation of Content and the Challenge of Casual Gaming*, Mac Síthigh tackles both the public perception of games regulation in the UK, and the actual practice of such regulation. He comments that most legal studies into games fall into three categories: the study of game production and development, studies into the debate on the effects of video game violence, and more rarely discussions about copyright. Mac Síthigh accurately comments that some of the higher level discussions in gaming studies, for example, the literature that studies the ludic nature of the gaming experience, has been somewhat left out of legal and regulatory commentary in general. So, Mac Síthigh’s article is in part a response against this trend.

The article starts by describing the current practices at the British Board of Film Classification (BBFC), the entity in charge of rating video games in the UK. While one could be forgiven for thinking that this section may not be of interest to international readers, it is actually a very enlightening discussion that is relevant elsewhere for comparative purposes and because of the BBFC’s unique structure and lack of transparency.

However, the article really shines when the author turns his eye to the discussion of video game scholarship itself when contrasted to legal writing on the subject. Here Mac Síthigh shows not only that he understands the wider discussions in game studies, but also tries to draw connecting lines between the interdisciplinary research into games, and the potential legal interest from this angle. Here the author points out that there is a marked lack of understanding of the nature of games in general that could be better informed from reading games scholarly output.

Finally, the most interesting contribution to the existing analysis is that so far legal writing on the subject has concentrated on what could be called hard-core gaming experience, namely virtual worlds, first person shooters, and role-playing games. However, the fastest growing games sector is the casual gaming market. Here, once again, the cluelessness of the regulatory sphere is shown, as the casual online games market is not regulated, and lacks any oversight or rating system. This seems like a huge regulatory black hole given the rise in popularity of games apps for mobile devices, such as the wildly successful *Angry Birds*, to the growing phenomenon of social gaming as exemplified by Facebook games like Zynga’s *Farmville*.

The article concludes that game regulation is made more difficult because of the very difficult nature of games. Whenever games do not fit the traditional narratives in the media, regulators seem to struggle considerably with regulating them..

As mentioned, this article is highly recommended for anyone involved in games regulation regardless of jurisdiction, and it may also be of interest to those whose focus is Internet regulation as a whole. For some time now, games regulation has been mirroring some of the early discussions in control in Cyberspace, and this article is no exception.

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