

Virtual Jus in Bello:

Teaching Just War with Video Games

Tyson Meadors

Old Dominion University

Virtual Jus in Bello: Teaching Just War with Video Games

“War. War never changes.”

So starts each iteration of the *Fallout* video game series, each game channeling both the post-modern narratives of war and the technological connections between the history of war and the development of the video game medium. Video games have always relied heavily on the narrative of battle and the familiar conventions of combat past, present, and future. The first popular “modern” video game was *Spacewar!* (1961), a hobby-horse project of MIT computer scientists working on Department of Defense funded computers. Nearly fifty years later, a war-inspired video game became the most commercially successful entertainment product launch of all time with Activision’s *Call of Duty: Modern Warfare 2* (2009) (Gaylord, 2009). In a similar vein, Blizzard’s martially named massively multiplayer online role playing game (MMORPG) *World of Warcraft* is currently the most widely played multiplayer online game in the world (*Guinness: World Records 2009*, 2009).

Yet, the popularity of militaristic fantasy has prevailed in every rhetorical medium that has preceded the development of video games. Homer’s *Iliad* and *Odyssey* are both the beginning of the Western literary cannon and exemplars of epic poetry. Shakespeare’s plays are often staged at the cusp of military conflict (*Hamlet*, *Henry IV*) or convey war directly (*Henry V*). The novel is besotted by tales of war, from *War and Peace* to *A Farewell to Arms* to *The Things They Carried*. Television and film could hardly exist without depictions of battles, both real and imagined. Thus, any consideration of video games as a rhetorical medium is only lent more credence when one begins with a consideration of its militaristic vein. The implication of video games as a rhetorical medium, however, is that the influence of video games on military

VIRTUAL JUS IN BELLO

conduct and culture must be equivalent to the militarism's influence on video games. The rationale of this point is intuitive, but its implications subtle. In the classical reference, the telling of the *Illiad* is just as much a chronicle of the Trojan War as it is a lesson on the virtues and vices of Greek soldiers and military leaders, especially in the historical context which it originates.

Bogost (2008) writes,

...the [Classical] concept of rhetoric expanded to account for new modes of inscription—especially literary and artistic modes. Writers and artists have expressive goals... Here, persuasion shifts from the simple achievement of desired ends to the effective arrangement of a work so as to create a desirable possibility space for interpretation. In contemporary rhetoric, the goal of persuasion is largely underplayed or even omitted as a defining feature of the field, replaced by the more general notion of elegance, clarity, and creativity in communication... rhetoric 'provides ways of emphasizing ideas or making them vivid. (p. 124)

Staying within the lens of military studies, this understanding of rhetoric allows for the study of war chronicle, war fiction, war documentary, war films, and, finally, war video games to inform and persuade those who are to participate and 'fight' in wars.

Teaching Just War

The pedagogy of military ethics, particularly in Western European and English-speaking countries has transformed profoundly since the Vietnam War. While the ranging degree of change is the product of many social, political, and strategic factors, within academia proper, the moral crises of Vietnam, highlighted at Mai Lai but popularly depicted elsewhere, prompted a great deal of introspection amongst political philosophers and military theorists of all stripes. The popular upheaval of the anti-war movement of the 1960's was perhaps most virulent in the

VIRTUAL JUS IN BELLO

university setting, and from this setting came the nascent field of Just War Theory. The term “just war” comes from the title of Michael Walzer’s 1977 book *Just and Unjust Wars: A moral argument with historical illustrations*. Although philosophers as ancient as Thomas Aquinas had set out formal systems of legitimizing or de-legitimizing the use of violence, Walzer’s book organized a historically and philosophically varied set of moral theories and political philosophies into a new school of academic inquiry. Walzer’s work provided the backbone of the predominant school of military ethics pedagogy for students, cadets, and midshipmen from the institutions ranging from the United States’ West Point all the way to Singaporean Naval Academy.

While Walzer’s ranged and nuanced consideration of moral theory and political philosophy is not universally accepted, his work provided a framework by which the moral conundrums particular to war have continued to be analyzed. Drawing from earlier commentaries, Walzer describes two general vantages by which to analyze war: *Jus ad Bello* (“justice before war” or “just cause”) and *Jus in Bello* (“justice in war”)¹. In general, *ad Bello* considerations examine the just reasons for going to war (i.e. self-defense, protection of sovereign territory or assets, preemptive strikes, etc.). *In Bello* considerations are those that examine the conduct of military personnel and their commanders while in battle (i.e. rules of engagement, combatant/non-combatant distinctions, treatment of prisoners, the use of chemical or biological weapons, etc.). Walzer also established further academic precedent within the field by relying heavily on historical case studies to illustrate his arguments.

¹The terms *jus in bello* and *jus ad bello* were originally used by Medieval scholars, though in a far more restrictive, theological sense. Since Walzer’s work, contemporary Just War theorists such as Micheal Orend have proposed a *post Bello* vantage as well.

VIRTUAL JUS IN BELLO

Contemporary military ethics syllabi follow the general methodology and framework of Walzer's approach². The United States Naval Academy's (USNA) syllabus for its introductory ethics course, "Moral Reasoning for Naval Leaders," (common referred to by its course number "NE203", see appendix 1) focuses on shaping the decision making process of *jus in bello* decision makers. After providing an overview of general moral and philosophical paradigms (Aristotle, Kant, Mill, etc.), through exemplar text, military film clip, and/or historical case studies, the second half of the course traces much of Walzer's treatment of just war. Beginning with the *ad bello* considerations of Aquinas and concluding with Walzer's own writing on guerrilla warfare and considerations of contemporary counter-insurgency operations--again with prodigious use of case studies and video clips to drive the varying serial of weekly focuses home--the USNA course echoes the spirit of Walzer's methodology. The two texts for this course, *Ethics and the Military Profession: The Moral Foundations of Leadership* and *Case Studies in Ethics for Military Leaders*, both co-edited by Captain Rick Rubel (USN, Retired) and Dr. Geoge Lucas, are compendiums of excerpts from philosophical/ethical works and a volume of 52 case studies. The two books complement the subject matter of its companion, the first providing the philosophical, academic arguments and the other providing real life "moral dilemmas" that can be analyzed using the former.

The case study material presented in USNA's moral reasoning course borrows from the study of applied ethics. As Lucas (2006) notes in his introduction to the volume of case studies, "This volume [...] is intended to address a serious deficiency in the teaching and study of military ethics [...] In other areas of [...] ethics [...] students rely [...] upon a large and established body of case

²For this paper, I have primarily considered the introduction to military ethics course taught to all sophomore midshipmen at the US Naval Academy, as I have found from personal experience that the curriculum represents a fairly standard set of considered works, structural framework, and pedagogic method commensurate with cadet/undergraduate instruction.

VIRTUAL JUS IN BELLO

literature to orient them..."(Lucas p. ix). Lucas then lists a number of evaluation criteria that should be utilized in the post-narrative reflection of the students, such as "What *is* the right decision in each instance?" and "How *does* the individual officer decide?" (p. ix) The latter question infers an emphasis on the procedures of ethical decision making, a point I will return to later. What is common to both considerations, however, is that they require a post-facto analysis of an action, as opposed to a pre-facto analysis of a range of available options. While not all of the case studies are presented along with a post-script of the full consequences of the historical and hypothetical actions provided, students are given insights as privileged observers of moral decisions, and are not tasked with taking actions themselves. An example of one of the questions that follows a case study is, "The SF soldiers had many opportunities to shoot to kill. Why were they reluctant to do so? Did they assume too much risk?" In the final didactic event case study, students are asked to judge the decisions presented in the case, determine whether they agree with the decisions made, and to evaluate the moral decisions made from any number of philosophical and ethical vantages.

While there is merit in the rhetorical methodology argued for by Dr. Lucas, Captain Rubel, and others in the contemporary academy, this form of applied ethics pedagogy is susceptible to an obvious criticism: practicing analytical judgments upon the moral decisions of others is not necessarily the development of moral decision making by the student. Arguing against this methodology, Marino (2004) writes:

Ethics missionaries are driven by the assumption that improving our moral lives is a matter of developing our conceptual understanding and analytical acumen. The fantasy seems to be that if up-and-coming accountants just knew a little more about ethics, then they would know better than to falsify their reports so as to

VIRTUAL JUS IN BELLO

drive up the value of company stock. But sheer ignorance is seldom the moral problem. More knowledge is not what is needed. Take it from Kierkegaard: The moral challenge is simply to abide by the knowledge that we already have.

Marino's argument harks back to Aristotle's understanding of morality and virtue. In order to be a moral person, you must practice moral acts. That is, ethical habits make ethical persons. What is needed, then, is not an extensive course of case study and philosophical analysis, but rather the opportunity for students to *practice* making moral decisions. The ultimate ethical classroom, therefore, may not be a classroom at all, but rather an arena of moral play where choices and decision making strategies can be tried and practiced by the students themselves. Enter games.

A Brief History of War Gaming

Militaries have used war games to teach and test strategy and tactics since time immemorial. Halter found “the oldest known board game surviving in its original shape, the Chinese *Go*, represents troop formations and has been used as a strategic training for more than two millennia” (as cited in Deterding, 2010, p. 21). In turn, Shatranj, the Indian game later developed into chess, is nearly as old and survives as a contributor to the Western tradition of war gaming. Amended versions of chess, beginning with the German *Kriegsspiel* (“war game”), became increasingly popular in military training circles starting at the beginning of the 19th century (Deterding). These games went further to simulate the tactical situations of combat, including terrain, massing of troops, “damage” (or “hit points”) and fog of war considerations. This trend towards war gaming gained popular adoption beginning in the World War I-era, when war games for both training and parlor game entertainment came into vogue. Further refinements in war gaming progressed during the Cold War era, which led to the publication of war game books such as *PanzerBlitz* (1970) and *Advanced Squad Leader* (1985) (Deterding).

VIRTUAL JUS IN BELLO

This development paralleled that of another gaming culture, namely *Dungeons and Dragons* (1974), which popularized the “pen-and-paper” role-playing game (RPG) genre. Thus, it is no coincidence that the niche stores that cater to the war game market will also cater to the RPG market, and vice versa.

Beginning with Atari’s *Battlezone* (1980), war gaming quickly expanded to electronic media. *Battlezone*’s porting for the US Army’s use as a trainer for Bradley tanks marked the first of many military adaptions of video games for the training of individual operators. Additionally, this adaption provided a technical precursor for what would later become the first-person shooter genre. Likewise, as computer game ports of strategy games like *PanzerBlitz*, beginning with Muse’s Software’s 1979 game *Global War*, the military was soon transitioned to digital forms of simulations of all flavors, from field strategy for commanding officers, to weapons operation for individual pilots and tank drivers (Deterding, 2010). In the commercial realm, these simulations are analogous to the real-time strategy (RTS), combat simulation, and first-person shooter genres, with exemplar games including *Full Spectrum Leader* (2005), *Ace Combat* (Series), and *Call of Duty: Modern Warfare 2* (2007).

The most recent simulations developed for military use convey not only the employment of weapons systems, unit tactics, and resource allocation, but also “human terrain” factors such as cultural geography and geo-politics, aspects central to the counter-insurgency (“COIN”) strategy used in Afghanistan and Iraq. In cooperation with the Defense Advanced Research Projects Agency (DARPA), the University of Southern California developed two simulations of the Iraq conflict designed to convey the particulars of Iraqi culture and political climate, *Tactical Iraqi* (2004) and *Virtual Iraq* (2005), which later culminated in the release of ELECT BiLAT (2008) (Losh, 2010). (ELECT stands for a pre-existing acronym, “Enhanced Learning

VIRTUAL JUS IN BELLO

Environment using Creative Technology” and BiLAT is shorthand for “Bilateral.) In this pedagogical gaming environment, military personnel are trained to interact with various levels of Iraqi community leadership according to the principles and doctrine espoused in FM3-24 (*U.S. Army/Marine Corps Counterinsurgency Field Manual*). It is described in press releases as a “portable PC-based training programs designed to develop real-world skills. Its technical infrastructure includes a dialogue manager, SmartBody animation technology, PsychSim social simulation system, as well as an intelligent coach and tutor who provide users with direction and in-depth feedback.” (Caron, 2009) Although its proprietary and academic pedigree places it at the forefront of contemporary war game technology, its interface, mission system, and dialogue-based interactions would be familiar to anyone who has played a recent first-person perspective RPG from developers such as Bethesda or BioWare, namely *Fallout 3* or *Mass Effect 2*.

Moral Decision Making in Video Games

Bogost (2008) describes the rhetoric of video games as a form of “procedural rhetoric.” He argues that video games are best suited for examining systems of thought. “[S]ince procedurality is a symbolic medium rather than a material one, procedural rhetorics can also make arguments about conceptual systems” (Bogost). Thus, video games are, at least in theory, capable of making arguments about moral systems and are capable of persuading players to consider the implications of such arguments.

Morality systems have been present in games since the initial publication of *Dungeon and Dragons* (*D&D*) pencil and paper-based role playing game system. Based on the game mechanics of the war game systems described earlier, players are given a range of character customization options analogous to varying the composition of a war game military force, which included a character’s “moral alignment.” This “alignment” aspect serves as a sort of moral

VIRTUAL JUS IN BELLO

compass for the player's justification for character actions as they play the game. This early approach to morality in gaming—as predetermined trait—has been the predominant function of morality in video games up until just recently. Contemporary morality systems, however, are increasingly transitioning to morality systems that are delineated by a player's in-game decisions.

Players in *Mass Effect 2* have any number of decisions to make about the actions of the game's protagonist, Commander Shepard, and his collected band of space mercenaries. Partially in accordance with Cogburn and Silcox's (2009) argument for "games that give players the option of 'winning' them *ethically*, as well as just militarily or technologically" (p. 88), players are given roughly 500 decisions throughout the course of the game, none of which prevent the player from completing the game, but that can significantly alter some aspects of the game play in both advantageous or disadvantageous ways. For example, at one point in the game, the player is confronted with the option of either unleashing a computer virus that will eradicate an entire species of intelligent, albeit robotic and bellicose life forms, or allowing the species to return to their home planet under new leadership, to perhaps attack the player and another allied race of aliens again. The question is posed as a philosophical one, with competing deontological and consequentialist options. While neither option has a major effect on later portions of *Mass Effect 2*'s game play (it only makes a superficial modification to the player's in morally scale and 'levels up' one of the non-playable members of Shepard's squad), there is an implication that the decision may have a major effect on the game play of a later sequel.

Mass Effect 2's game designers have forced the player to consider any number of competing moral paradigms and make decisions, sometimes under conditions of time constraint and ambiguity. That is not to say that *Mass Effect 2* is a free-form moral sandbox. Quite to the

VIRTUAL JUS IN BELLO

contrary, any number of non-playable characters cannot be fired upon or killed in the game, no matter how culpable, no matter how strongly the player may feel justified in doing so.

Additionally, while hundreds of decisions are presented, the game’s morality mechanic favors players who consistently trend towards merciful, compassionate behavior or destructive, tyrannical behavior. Players who make a series of choices in the game that represent an even combination of the two are not rewarded at all. (This binary reward system is a common shortcoming of contemporary gaming morality systems, and is commonly referred to in game development circles as the “Han Solo problem.”)

As Miguel Sicart argues in his book *The Ethics of Computer Games*, “ethical game design” is only present when players are not “deprived of their ethical thinking capacities.” Thus, allowing players the options to make moral or immoral decisions is just as critical as recognizing morality within a game’s system at all. To further illustrate this point, consider the “harvest” or “save” mechanic in 2K Game’s *Bioshock* (2007). Throughout the game, the player has the option of either harvesting a limited resource called “ADAM” from little girl-like non-playable characters called “Little Sisters” by killing them, or to receive a reduced amount of ADAM by “saving” the “Little Sisters.” Allowing players this option is, from Sicart’s perspective, a far more ethical gameplay element than any found in *Halo: Reach* (2010), where the killing of any non-playable character results in the restarting of game play. The ending of Bioshock is affected by the amount of ADAM the player does or does not decide to collect, although this mechanic is masked from the player until the game’s conclusion, providing a final, provocative prompt of moral reflection on the decision s/he has made about how to interact with the game.

Video Games as *in Bello* Moral Settings

VIRTUAL JUS IN BELLO

As noted before, the *in Bello* setting has always been the orientation most widely used setting in video game rhetoric. The action of combat--if the virtual version can be so considered--is as familiar to any avid video game player as it could be to any lifelong soldier. The latest scientific research has even provided us with evidence that combat video games make for more proficient soldiers. (See Green, C.S., & Bavelier, D. (2006), Department of Defense (2010), etc.) As a genre of video games, however, combat simulation games, unlike RPGs, have been extremely want for forcing players into moral decision making situations.

The recent *Medal of Honor* (2010) release by Electronic Arts provides a perfect example of a combat simulation game that falls short when it comes to morality. The game was billed by its producers as an accurate portrayal of “today’s war,” designed for “unparalleled authenticity.” The game’s developers took great pains to incorporate as many realistic environmental, and technical details from the current combat operations in Afghanistan as possible, including hiring special forces soldiers and pilots to write and record the game’s dialog, recording of sound effects from real-life versions of the game’s various weapons, and precise graphical renderings of any number of Afghan settings, the game developers all but omitted the presence of Afghan non-combatants from the game. Players of the game’s single player campaign conduct multiple nighttime raids of villages, direct mortar and artillery strikes in urban areas, and even reduce villages to smoldering ruins from the cockpit of an Apache helicopter, each setting miraculously devoid of civilian Afghans. Given that the nature of counter-insurgency operations that the game purports to authentically represent is fraught with the risk of the errant killing of civilians, the complete absence of such characters within the game is, again in Sicart’s terms, a glaring--if not immoral--omission.

VIRTUAL JUS IN BELLO

Although technically inferior to *Medal of Honor* in almost every way, as an ethical game Nintendo's 1984 arcade game *Hogan's Alley* is vastly superior. In order to achieve success in *Hogan's Alley*, players must quickly shoot villain characters (identified by the weapons they are holding) while simultaneously discerning them from non-villain characters. Although the game does not end if a player shoots a non-villain player, the moral choice to take caution not to do so is rewarded by the game's underlying structure. This game teaches and trains the *jus in bello* principles of non-combatant/combatant distinctions in an immediate, persuasive way. *Hogan's Alley* teaches the *procedure* of making such a moral decision. The game both identifies *and* exercises, albeit in a simple way, the "how" that Lucas has pointed to as being a goal of his presentation of case studies in the NE203 course. (It should be noted that *Hogan's Alley* is a digital port of "shoot houses" that were first developed by the US Army in the 1920s.) As such, even a primitive 8-bit game more adequately fulfills the promise of procedural rhetoric that Bogost gives so much credence, as well as teaching an important facet of the *in Bello* decision making skills of the aforementioned military ethics curriculum.

Video games have both the ability to present the narratology rhetoric of case study with the ludic rhetoric of simulation and war gaming. Thus, they allow for not only analytical reflection, but also the serial teaching and testing of practice. Given that the medium of video games has always found battle as a natural narrative element and that the push towards graphical and tactical realism is found in both commercial games and specifically designed military simulations, the crafting of games that are both morally and operationally challenging seems a natural and necessary step in video game development.

Conclusion: How to Teach Just War with Video Games

VIRTUAL JUS IN BELLO

The series of reflections presented in this paper has argued towards an understanding of the medium of video games as having great potential for the moral education of combatants. I have primarily restricted my analysis to *in bello* ethics, although the medium of video games is certainly capable of far more. For example, the game *September 12th* (2003) by newsgaming.com presents an effective lesson about *jus ad bello* considerations, if not also a persuasive argument about the nature of military force. Likewise, I would be remiss if I do not mention *America's Army* (2002), a game developed for and by the US Army to educate potential recruits about life in the US Army. There have been many commentaries about this particular use of the medium, which straddles the line between combat simulation, advergame, and entertainment. Yet, its presentation of morality in combat is effectively as limited as *Medal of Honor*, *Halo: Reach*, and essentially every other first person shooter that I have played.

The ideal game and methodology for teaching *jus in bello* ethics would have the following criteria:

- Moral decisions are posed in uninterrupted sequence of action and choice. While Lucas argues for the study of cases that are “‘decision-forcing’ ...That is, the cases place the reader in the position of the principal decision maker...,” (Lucas x) actual combat settings often require a multiplicity of decisions to be made within a given period of time. To isolate any one decision, no matter how important in retrospect, does not present combat-level decision making in adequate context.
- The impact of moral decisions cannot be the stoppage of play. While moral decisions in games should have consequences, these consequences should not result in the interruption of the ludic experience. If such an experience is to inform students on how to make decisions in

VIRTUAL JUS IN BELLO

combat, then the games must continue the action regardless of the merits of the decision made. The only exception to this, of course, would be the death of the player-character itself.

- A bulk of the moral decisions presented must be ambiguous in consequence. It is unfair to present moral decision making in combat that are easy or clear-cut. One of the fundamental challenges of moral decision making in combat is having to make perilous, split-second decisions with less than adequate information. An ethically didactic *in bello* game should reflect this uneasy reality as a convention of the simulation.
- No morality achievements/trophies. In the contemporary commercial marketplace, video games with morality systems offer gaming achievements for players who play to one end of the moral spectrum or the other. *Fallout 3*, for example, has three such morality achievements “Last, Best, Hope of Humanity” for players who play an exclusively “good” character, “Scourge of Humanity” for exclusively “evil” characters, and “Paradigm of Humanity” for players who are able to balance their game play decisions between the two styles or morality play. Gamer culture incentivizes the acquisition of achievements and trophies, not moral game play. Thus, this structure undermines the connection of in-game morality to real-life ethical decisions.
- Post-game reflection is required. Although I argue that video games do more to inculcate more decision making skills than the case-study method promoted by Lucas, the case study methodology of discussion and reflection has educational merit. The departure, of course, is that the bulk of classroom discussions should focus on the decisions made by students in the in-game environment rather than decisions made by fictional or historical figures in case studies or movie clips.

VIRTUAL JUS IN BELLO

A curriculum that includes combat simulation video games, commercial or otherwise, has the potential to be vastly more effective in habituating effective, moral *jus in bello* decision making than a course that relies on case study or theory alone. While Bogost and others make strong arguments that video games have the ability to teach the procedurality of any system, due to the nature and history of the medium, the application of this argument is most naturally suited to student warriors preparing for the moral challenges of combat. Confronting future combatants with the challenges of combat in ‘play’ environments is an ancient tradition. While, as the quote at the beginning of this paper suggests, the core moral challenges of war may never change, it does not mean we cannot improve the warrior’s ability to command and conquer them.

References

- Bogost, I. (2008). The rhetoric of video games. In K. Salen (Ed.), *The Ecology of Games: Connecting Youth, Games, and Learning* (117-140). Cambridge, MA: The MIT Press.
- Caron, N. (2009). ELECT BiLAT virtually trains Army negotiators. *gamefwd.com*. Retrieved from http://www.gamefwd.org/index.php?option=com_content&view=article&id=170:elect-bilat-virtually-trains-army-negotiators&catid=51:serious-games&Itemid=51
- Cogburn, J. & Silcox, M. (2009). *Philosophy through Video Games*. New York, NY: Routledge.
- Department of Defense. (2010). Armed with Science Podcast: Episode 51. (Transcript). Retrieved from http://www.defense.gov/blog_files/blog_assets/20100121_AWS.pdf
- Deterding, S. (2010). Living room wars: Early history of video wargaming. In N. Huntemann & M. Payne (Eds.), *Joystick soldiers: The politics of play in military video games* (21-38). New York, NY: Routledge.

VIRTUAL JUS IN BELLO

- Gaylord, C. (2009). Modern Warfare 2 sales nuke all previous records. *The Christian Science Monitor*. Retrieved from <http://www.csmonitor.com/Innovation/Horizons/2009/1112/modern-warfare-2-sales-nuke-all-previous-records>
- Glenday, C. (Ed.). (2009). Guinness: World records 2009. New York, NY: Random House, Inc.
- Green, C.S., & Bavelier, D. (2006). Enumeration versus multiple object tracking: The case of action video game players. *Cognition*, 101, 217-245.
- Losh, E. (2010). A battle for hearts and minds: The design politics of ELECT BiLAT. In N. Huntemann & M. Payne (Eds.), *Joystick soldiers: The politics of play in military video games* (160-177). New York, NY: Routledge.
- Lucas, G. & Rubel, W. (Eds.) (2006). *Case Studies in Ethics for Military Leaders*. Second Ed. Boston: Pearson.
- Marino, G. (2004). Before teaching ethics, stop kidding yourself. *Chronicle of Higher Education*. 20 February. Retrieved from: <http://chronicle.com/article/Before-Teaching-Ethics-Stop/12923>
- Sicart, M. (2009) *The Ethics of Computer Games*. Cambridge: MIT Press.
- Walzer, M. (1977) *Just and Unjust Wars* (Third ed.). New York, NY: Basic Books.