

**Spilling Hot Coffee?
Grand Theft Auto as contested cultural product**

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Grand Theft Auto (GTA) games are highly successful, in terms of sales, and their content is part of an explicit business strategy which aims to exploit the latest technologies and platforms to develop content aimed at adult game players in certain markets. By all accounts this has been a highly successful strategy with the *GTA* franchise selling more than 30 million units across platforms by 2004, even before *Grand Theft Auto: San Andreas (GTA SA)* was launched in late 2004 (Take Two Interactive 2004). The latter was the top selling console game in the USA and in the top ten in the UK in 2005. At the same time the *GTA* series are arguably the most maligned of game products in many markets attracting much negative commentary and numerous legal actions in the USA. This chapter argues that the *GTA* case demonstrates a key tension within the cultural industries between the need to maximise sales globally and the need to conform to, or be seen to conform to, local distribution, social and moral systems. At the same time the story demonstrates that despite the widespread rhetoric of free trade and the dismantling of state sanctioned censorship systems in the USA, most parts of Europe and Australia, the censorship of cultural products continues and is perhaps a less overt, but nonetheless, highly political, socially negotiated and nationally specific process.

GTA games are produced by a network of companies in the UK and in the USA. While the games continue to outsell other games in the USA, the UK and Ireland in particular, the content and increasing realism of the most recent games provoke a strong and largely negative discourse from powerful stakeholders like politicians, parents and the media in those same countries. The resulting discourse revolves around different perceptions of risk, particularly to minors, of adult interactive media content and of the openness of game content and technology. Despite the fact that the industry is largely self-regulated ¹these perceptions have, in some contexts, forced voluntary regulatory bodies to intervene and censor both the content and the distribution of *GTA* games.

The reaction to the release of *Grand Theft Auto: San Andreas (GTA: SA)* in late 2004 provides a case in point. Regulators in most countries gave the game their most mature age rating, ranging from 18+ in Europe to mature/17 in the USA, and the game achieved a very high level of sales, particularly in the Christmas market. Commentators however reacted negatively to the perceived graphic realism of the

¹ This chapter appeared in Garretts, N. (ed) (2006) 'A Strategy Guide for Studying the Grand Theft Auto Series' McFarland Press: Jefferson, North Carolina. This paper emerged from a larger project on the production and consumption of digital games now published as 'The Business and Culture of Digital Games. Gamework/Gameplay' (2006) by Sage publications.

violent content and the dominant media discourse focussed on the potential effect this type of content might have on children if they played the game. By July 2005 the discovery of the hidden 'Hot Coffee' sex mini-game in *GTA: SA* resulted in a revival of the negative discourse this time focussed on the effect of interactive sexual content on minors and the ability of the producers to exploit the digital nature of games to effectively hide content from regulators. Politicians, academics and numerous lobby groups contributed to the debate. In the USA regulators eventually reclassified the game as Adult/18 (effectively removing it from most main street retail outlets) and Australian legislators, having no adult/18 classification, withdrew classification for the game (effectively banning it). In Europe regulators stood by the original rating. What is of interest here is firstly, the attempt and perceived need by the developers to smuggle/hide content from the regulatory bodies; secondly, the varying reactions of stakeholders in different countries to realistic violence and to sexual content in digital games; and finally, the contrast between responses from regulatory bodies in the USA and Australia to those in Europe.

One way to approach the conflict surrounding *GTA* games is to examine it as a struggle for freedom of speech versus new forms of censorship. Another is to view it as a conflict between multinational cultural corporation(s) and local political, cultural and social actors. In fact it is both and in this chapter we will focus on the struggle between multinational cultural corporations in the games industry and local actors in the USA and the UK primarily. The chapter will firstly explore the structure of the digital games industry and secondly, locate the transnational production network and core business strategy behind the *GTA* games within wider trends. Finally, the paper will look at how this strategy is challenged and negotiated by local institutions, discourses and politics.

Understanding the digital games industry

With a few notable exceptions, very few academic texts have been written examining the structure and dynamics of the digital games industry and most tend to focus on the industry in one country or on a particular company (Sheff 1993; Williams 2002; Alvisi, Narduzzo et al. 2003; Aoyama and Izushi 2003). Similarly the latest publications in game studies omit any investigation of the structures and dynamics of the digital games industry (Raessens and Goldstein 2005). Notable exceptions to this are the books by Kline, S. et al. (2003) and Kerr (2006). This neglect is somewhat surprising given that the digital games industry operates internationally, is estimated to be worth approximately \$20 billion globally and both rates of growth and revenues compare favourably to more established media industries in many markets (ESA 2004; OECD 2004).

Digital games have rapidly corporatised and professionalized from the early 1970s to the present. If one was to take Raymond Williams' (1981) four modes of cultural production it is clear that the industry has moved away from, to the most part, artisanal production, and towards corporate professional production

whereby the source of game ideas lies either with a development company or with a publisher.² The vast majority of games are now developed by what are called in-house studios or 'first party' development companies, fully owned by publishers. Much development is also done by second party development companies who are hired to work on a game concept developed by a publisher. Few of the top selling games are developed by and originate with an independent development studio. Indeed the trend over the past five years has been towards greater consolidation between publishers and between publishers and developers. In addition many publishers now own their own distribution companies (Kerr and Flynn 2003). Indeed in order to understand the digital games industry one must understand the powerful role that the publishers play in terms of commissioning, producing, marketing and distributing digital games (Cornford, 2000).

Another key aspect of the digital games industry is that it is made up of at least four different segments or sub-sectors. The conventional approach divides the industry into three segments based on the major technical platforms on which games are played: console, handhelds and PC (Williams 2002). Each of these segments has their own dynamics and while companies may operate across segments most developers decide to specialise in one or two. Top games are often released exclusively on certain platforms and only later are they 'ported' or translated onto other platforms. This segmentation is applied widely in industry reports and using this approach it is clear that in terms of sales, console game currently significantly outsell games sold for other platforms and constitute anywhere from 57 to 78 percent of total global software sales (DataMonitor 2002; Deutsche Bank 2002; Spectrum Strategy Consultants 2002). At present the main consoles are Sony's PlayStation 2 (PS2), Microsoft's Xbox 360 and Nintendo's Gamecube (GC). Some reports group games for handhelds such as the GameBoy Advance (GBA) and Sony's PlayStation Portable (PSP) with the other console platforms.

Interestingly, not all markets demonstrate the same affinity with console games. While console games dominate in Japan, with almost 94 percent of total sales, this falls to 80 percent in the USA and 55 percent in Europe (Spectrum Strategy Consultants 2002:10; ESA 2003). Europe is by far the largest market for sales of PC games, at 47 percent, followed by the USA at 35 percent (Spectrum 2002:11). Sales of games on other platforms form only a small proportion of total revenues currently. However, one UK report estimates that the mobile games market in Europe, the USA and Japan was worth £73m in 2001, with Japan constituting over 50 percent of this total (2002:15). They predicted that the mobile games market would double in value by 2005. Other sources claim that online gaming will increase dramatically as broadband becomes more widely available, and point to the growth of online games in South Korea where online games constitute over 60 percent of the total domestic game market (KGDI 2004).

² Raymond Williams (1981) identified four modes of cultural production based on the relationship and distance between the artist and their clients and the origin of the creative idea. These were artisanal, post-artisanal, market professional and corporate professional.

While there is a strong complementary relationship between hardware and software in the games industry the diversity of relationships between developers and the market, the development of new platforms like interactive television and mobile phones and the development of new genres of games like Massively Multiplayer Online Games (MMOG) pose quite a challenge to the conventional division of the industry. Elsewhere I have developed a slightly different market segmentation of the digital games industry which can be usefully applied in this context to situate and understand *GTA* games and the *GTA* story. This segmentation focuses on the key differences in the power of the key actors, in the degree of openness in the hardware and software system, in how they fund, make and maintain their games and how they sell and distribute their games. Kerr (2006) identifies four distinct segments: standard single and multiplayer closed console games, standard single and multiplayer open PC games, massively multiplayer open online games (MMOGs) and single and multiplayer open mini games. Table 1 summarises the main segments and their key characteristics.

Table 1 Key segments of the Digital Games Industry

| | Market Concentration or Number of Companies | Technology | Production Process | Retail Model/ Interaction with Players |
|--|--|-------------------|---|--|
| Segment 1 Standard Console & Handheld Games | oligopoly | closed | upfront investment by publishers mainly, average dev. time < 2 yrs., dev. team of 12-40 people | shops and advertising/ limited interaction with players |
| Segment 2 Standard PC Games | numerous | open | upfront investment both by publishers and self-pub., updates released online after launch, average dev. time < 1 yr., dev. team of 12-20 people | shops and intermittent updates online/ intermittent interaction with players |
| Segment 3 MMOG | numerous | open | upfront and continuous development, funded by publishers and self-pub., average dev. time < 2 yrs., dev. teams vary with success < > 100 people | shops/ continuous interaction with players online |
| Segment 4 Mini-Games | numerous | varies | upfront investment, numerous intermediaries, average dev. time < 3 mos., average dev. team of < 10 people | advertising, pay per play, pay per download, sponsorship/ intermittent relationships with players online |

GTA games can be situated both in segments one and two but I believe their origin in the more open segment two and their move into segment one is highly significant in relation to recent controversies. Segment one is clearly the most significant in terms of market share at the moment in the USA and in the UK, and therefore is very attractive to game developers. However, segment one is also controlled by a small number of very large corporations and therefore gaining access to this market is not easy. Segment one is often described as an oligopoly with three platform developers involved in both hardware and software production: Nintendo, Sony and Microsoft, alongside a relatively small number of independent publishers, including Rockstar Games/Take Two, publishers of Grand Theft Auto games.³ While one might describe the segment as an oligopoly there is strong competition between the major players in this segment with the three major companies attempting to vertically integrate and control everything from hardware production to software and distribution.

Another significant feature of segment one in terms of understanding the *GTA* story is the fact that standard console games are designed to work on a small number of proprietary, closed and non-compatible technological systems with a lifecycle of four to five years. The hardware manufacturers work hard to create security systems which cannot be modified by third parties and will not play games developed for rival platforms. Of course these are arbitrary and contingent security systems given that all game systems are based on digital technologies and code, but nevertheless both console and handheld devices and the majority of games developed for them attempt to erect technical barriers to prevent game players and other companies accessing their platforms. These technologies are upgraded entirely every four to five years and often changed so fundamentally that they impose not only an extra cost on the consumer but also pose a significant challenge to developers who must attempt to harness the particular technological strengths offered. Thus each generation of platform technology brings a significant qualitative difference in standard console games, not only in terms of graphical quality but also in terms of other features like online capabilities, storage space and interface devices. This closed approach to technology also means that there is limited scope for the average game player to modify commercial products or to produce their own.

In addition to the technology barriers the major players have developed certain business strategies aimed at protecting market share and preventing competitors from developing standard console games. Thus while games can be 'ported', from one platform to another the main platform developers go to great lengths to control the flow and quality of content onto their system and to sign exclusivity deals to ensure popular games only appear on their platform. Thus, Take Two signed an agreement with Sony so that *Grand Theft Auto: Vice City* and *Grand Theft Auto: San Andreas* appeared exclusively on the PS2 initially and only later were the games ported to the PC and the X-Box. Across all the platforms in this segment independent publishers/developers must pay a license fee on every game sold to the platform developer, which is

³ An oligopoly occurs when a market is dominated by few large suppliers

estimated to add \$7 to \$10 to the total cost of a console and handheld game. In addition, all the platform developers impose stringent quality control, known as Technical Certification Requirements (TCRs), on publishers/developers before they will allow a title to be released on their platform. Both the technological and the business strategies help to offset production and marketing costs and help to maintain a relatively high price for standard console games.

The core business strategy adopted by the platform manufacturers in the console segment are to sell their hardware as a 'loss leader' in order to build market share and to rely on the sales of software to make their profits (Alvisi, Narduzzo and Zamarian 2003). This pricing strategy is similar to that adopted by manufacturers of razors, who sell their razors at a loss but make their money back on the sale of razor blades. If the platform developer succeeds in building a large installed base then they can make generous profits on their software and in turn reduce the cost to the consumer of their hardware which should in turn spur sales of software. Thus while market share is dependent upon the sale of consoles, consoles sales are directly related to the number of high quality titles available for the console. This provides an incentive to make some games 'exclusive' to certain platforms. Companies like Microsoft and Sony while leaders in technology development had initially no tradition in game development and thus relied heavily on outside developers and publishers to deliver content. The relationship between *GTA* games and Sony is an important element of the *GTA* story.

Standard console games are sold at a premium price through specialist and non-specialist shops and are generally distributed on write only DVDs or cartridges and packaged in boxes or jewel cases. While retailers currently constitute an important stage in the value chain an interesting development is the growth of console games with online functionality which may in time open up a more direct retail channel. To date both Sony and Microsoft have launched networks to support online multiplayer - PS2 Network Gaming and Xbox Live – allowing users to play against other players online and to download additional game content. The continued development of online functionality may ultimately lead to a different retail and production model in this segment and perhaps reflect more the ongoing support and development evident in the MMOG segment. However, at the moment the segments remain quite distinct and no *GTA* game has thus far had an online element although multiplayer has been a feature of handheld versions.

Segment Two includes standard single and multiplayer PC games but not MMOGs. In contrast to segment one this segment has a much smaller market share, particularly in Japan and the USA, but is still significant in Europe. While this might prove a disincentive for some developers, for others, the smaller market share is outweighed by the cheaper development costs, smaller teams required to deliver a game and the openness of the underlying technology. Indeed many small and start up developers develop standard PC games initially while they are building internal competencies and a profile. In this segment developers do not have to pay a license fee or royalties to the platform manufacturer and this is reflected in a cheaper retail price

than console games. They are also not tied into four-five year technical lifecycles and arguably the rate of, for example, graphical improvement in PC games is much faster than in console games. The downside of this openness is that there is greater competition. Williams (2002) notes that there were 4,704 PC titles available in 1998 compared to 44 for the Nintendo 64 and 399 for the PlayStation. PC games are generally sold as boxed CDs through specialist and non-specialist retail outlets but publishers and developers release upgrades and patches, i.e. software that fixes bugs, online.

An important aspect of the PC game market is that one needs a very high specification computer to play many of the triple AAA titles and many PC game players are very technically competent. Given that the underlying technologies are widely available and relatively open they are more susceptible to modification and hacking than console based games. Indeed many PC developers and publishers openly cultivate the game development and modification skills of their game players by releasing tools and profiling 'mods' developed by game players on their websites (Sõtamaa 2004). One could argue that the relationship between developers and PC game players is qualitatively different than between developers and game players in the console segment and that the culture of hacking and modification is a key part of the standard PC games segment and certainly of those *GTA* games which have been developed as standard PC games.

The history and production of *GTA* games – going adult and international

Console games are seen as a key children's leisure time activity. From Pac-Man to Pokemon and from Ratchet to Rayman the major 'stars' in this industry have tended to be comic book fantasy characters aimed at teenage and younger children. The early console and handheld systems were designed to appeal to young people given their design and choice of colours and input/output devices. However when Sony entered the market and launched the PlayStation One (1994) and Two (2000) they made a concerted effort to broaden the games market beyond children and teenagers. The PS2 in particular was marketed as an 'entertainment system' and its launch campaign which included a David Lynch directed television advertisement with the tagline 'The Third Place' was clearly aimed at young adults (Kerr 2003).

A shift was also perceptible in game content and given the complementary relationship between hardware and software in segment one this is no surprise. While most in-house games developed by Sony still focused on the general audience slowly the company began to publish a range of third party titles which might appeal to older teenagers and to adults. First, there was Lara Croft and her curvaceous figure (initially released in 1996 on PlayStation One). Then some first person shooters (FPS) were ported from PC, such as *Quake III: Revolution* (2001) and *UnReal Tournament* (2001). Standard multiplayer PC games like *CounterStrike* (2000), which pitted terrorists against anti-terrorists and *Half-Life* (1998), which sees top secret experiments go wrong in a research laboratory, spawned a strong late teenage and older gamer culture and eventually made it to the PS2. FPSs were joined by games with more sexual themes and nudity

like *Leisure Suit Larry* (1997, PC) and *BMX XXX* (2002, PS2). Around the same time the first *GTA* game appeared on PlayStation.

The first *GTA* game appeared on the PlayStation and the PC in 1997 and the most notable thing about the first iteration was that the player got to play a bad guy. The trade mark graphics, violence and sexual content were less evident. Of course, the PlayStation was much less powerful than today's consoles and the graphical quality would be incomparable to what a player experiences today given that it was in two dimensions and with a top down perspective. Thereafter all *GTA* games appeared on the PlayStation, the PC and later the X-box. Some of the games have been ported to the Gameboy Advance but the screen size and limited capacity of the storage device limits the aesthetics and gameplay on that platform.

GTA:III was the first three dimensional version of the game and its production coincided with the development of the PS2 and the move to increase the age demographic of the PS2 market. Since then each *GTA* game has attempted to better harness the graphical capabilities of the PS2 and its storage capacity. The latest *GTA* games have appeared exclusively on the PS2 and in the years between major releases the games are ported to other platforms and to PC, clearly to increase sales and to maintain a profile. Much of the porting to other platforms is outsourced to other development teams so that the core Rockstar North development team can begin to develop a new title. Table 2 lists the different *GTA* games from 1997 to the present, their release dates, the platforms on which they were released and their developers and publishers.

Table 2: Timeline of *GTA* games and major business deals, 1997-present.

| Title | Platform (Year) | ESRB (U.S.) | PEGI (Europe) | OFLC (Australia) |
|--|--|--|---|---|
| <i>GTA</i> | PS (1997) PC (1997) *GBC (1999) | Mature (17+), Animated Blood, Strong Language | 18+, Violence *16+, Violence (Finland=15+, Violence) | MA 15+, Medium Level Animated Violence, Adult Themes *M, Low Level Violence, Adult Themes |
| <i>GTA2</i> | PS (1999) DC (1999) PC (1999) *GBC (2000) | Teen (13+), Animated Violence, Strong Language, Suggestive Themes *Teen (13+), Mild Animated Violence | 18+, Violence | MA 15+, Medium Level Animated Violence, Adult Themes |
| <i>GTA3</i> | PS2 (2001) Xbox (2002) PC (2002) | Mature (17+), Blood, Strong Language, Violence | 18+, Violence | MA 15+, High Level Animated Violence (Censored Release=MA 15+, Medium Level Animated Violence) |
| <i>GTA:VC</i> | PS2 (2002) Xbox (2003) PC (2003) | Mature (17+), Blood and Gore, Strong Language, Strong Sexual Content, Violence | 18+, Violence | MA 15+, Medium Level Animated Violence |
| <i>GTA: Advance</i> | GBA (2004) | Mature (17+), Blood, Sexual Themes, Violence | 16+, Violence | MA 15+, Medium Level Animated Violence, Adult themes |
| <i>GTA:SA</i> | PS2 (2004) Xbox (2005) PC (2005) | Mature (17+), Blood and Gore, Intense Violence, Strong Language, Strong Sexual Content, Use of Drugs | 18+, Violence and Bad Language | MA 15+, Medium level Animated Violence, Medium Level Coarse Language |
| <i>GTA: Liberty City Stories</i> | PSP (2005) | Mature (17+), Blood and Gore, Intense Violence, Strong Language, Strong Sexual Content, Use of Drugs | 18+, Violence | MA 15+, (Restricted) Strong Violence, Strong Coarse Language |

As can be seen in table 2 a network of companies in the UK and the USA are involved in the production of *GTA* games. The developer, Rockstar North; the publisher, Rockstar Games/Take Two; and Sony, as owner of the PlayStation 2 (PS2) and the PlayStation Portable (PSP) are the principle actors, but other companies are contracted in when necessary and CapCom publishes the games in Japan. Despite its sunny locales and bikini clad babes *GTA* games are made by a development company based in the rather less than sunny Edinburgh, in Scotland in the UK. Formerly called DMA Design (established in 1989 in Dundee in Scotland) the company was bought by Gremlin Interactive in 1997 only to leave that fold when Gremlin was bought by French publisher Infogrames in 1998. DMA went on to sign a publishing deal in 1999 with Rockstar Games, a division of Take Two Interactive, who proceeded to release *Grand Theft Auto 2* for the PC, PlayStation and Dreamcast. Take2 are an independent game publisher based in New York. DMA was subsequently bought by Rockstar Games/Take2 Interactive and renamed Rockstar North. Acquisitions by publishers of development companies are increasingly prevalent in the games industry and helps publishers to maintain control over key brands and the creatives who develop them (Kerr and Flynn 2003). Interestingly, the lead designer and founder of DMA Design, David Jones left the company in the same year to found another development company, Real Time Worlds.

GTA games appear initially on Sony's console, due to an exclusivity deal with Sony, and subsequently on other consoles, handhelds and the PC. Take 2, its publisher, is based in New York and is comprised of a number of wholly owned subsidiary publishing and distribution companies, illustrating that the company is following the wider industry trends towards vertical integration. Rockstar Games is their premium game publisher which publishes games like *Grand Theft Auto*, *Max Payne* and *Midnight Club*. However it has another two publishing companies, the Gathering which publishes more mid-priced products for console, PC and handhelds including *Railroad Tycoon* and Global Star which publishes 'bargain' products across all platforms and its titles include the *Tycoon*. Finally, Take2 owns its own distribution company in the USA, Jack of all Games.

Take2 also employs over 500 developers in companies mainly in the USA, Canada, the UK and Austria with peripheral and accessory manufacturing in Hong Kong and marketing and sales offices elsewhere around the world including Sydney and Auckland (Take Two Interactive 2004). In 2003 the company's revenues exceeded \$1 billion with net income of \$98 million. In that year *GTA:Vice City* on PS2 accounted for almost 37 percent of all sales. Over 70 percent of total sales were in the American market. More recently *GTA: SA* topped the all format sales charts in the UK and the US in 2004, even though it was only released in early Dec. in both markets. The Entertainment Leisure Software Publishers Association (ELSPA) in the UK also notes that the fastest selling titles in that market are *GTA:III*, *GTA:VC* and *GTA:SA* pointing to some interesting 'geo-cultural' or perhaps 'geo-linguistic' similarities between the two

markets (Hesmondhalgh 2002). The games are less popular in Japan however pointing to some interesting political economic, social and cultural differences in that market.

In its annual report Take2 writes that Rockstar Games 'has forged a unique niche with its titles which utilise sophisticated game play, humour and immersion'. It talks of the *GTA* franchise as a 'blockbuster' and notes that *GTA: VC* 'would rank as the 22nd top grossing movie of all time' if game sales were compared to box office proceeds (Take Two Interactive 2004:2-3). Later in the report it notes that the company has 'pursued a growth strategy by capitalising on the widespread market acceptance of video game consoles and the growing popularity of innovative gaming experiences that appeal to more mature audiences' (Ibid:12). Academic researchers largely agree. While some have questioned the representation of women and ethnicity in the games, most see the *GTA* series as an example of an innovative open ended game (Frasca 2003).

Indeed *GTA:SA* defies generic definition in that it is an action game which includes racing and shooting. The player's avatar can take control of any vehicle in the game, including helicopters, boats and motorbikes, and any number of objects can be used as weapons as the player attempts to take on the role of a petty criminal who tries to complete a number of missions in order to work their way up the ladder of the criminal world in three fictional American cities; Liberty City, Vice City and San Andreas. Of course, one does not necessarily have to complete the missions and part of the pleasure of playing *GTA:SA* is exploring the open endedness of the game and the potential for more ludic orientated play. The potential to play the game in different ways allows for a wide range of game play experiences and player choice. This fact undermines some of the effects discourse which various protractors draw upon and which we will look at in the next section.

The most recent *GTA* games are visually distinct in their use of retro graphics and lurid colours (bright pink arrows etc.), which somewhat complicates discussions which focus on the graphic 'realism' of the games. These games are not socially realistic or even visually realistic in conventional terms although it is clear that there have been great graphically improvements as compared to pre-*GTA III* games. The games are also widely praised for their use of humour and music. While in a car the player can change radio stations from Esperantoso to Wildstyle to K-Chat and play hits from the 80s interspersed with purpose made radio commercials. The games also draw upon and reference a range of existing cultural texts. *GTA:VC* for example recalls the iconic 1980s television series *Miami Vice* in everything from the setting to the dress, the cars and the music and combines this with classic gangster films themes and characters voiced by actors like Ray Liotta, Denis Hopper and Burt Reynolds. *GTA: SA* by comparison is set in 1992 in three cities on the west coast of the USA loosely modelled on Los Angeles, San Francisco and Las Vegas.

Global product, local Conflict - Rating and Regulating *GTA*

In the Republic of Ireland in December 04 the main current affairs programme on terrestrial public service television, *Prime Time*, ran a twenty minute piece on *GTA: SA*. The item opened with a video showing how someone could kill a prostitute in the game and was followed by a discussion with a representative of a parent's organisation and a representative from ELSPA. The discussion focussed on the potential impact of the game on minors and the need to regulate both the content and the circulation of violent games. The ELSPA spokesperson noted that console manufacturers and publishers in Europe ascribe to the Pan-European Game Information (PEGI) System which adds an age rating and content descriptor to every game. Applied in most Western European countries, except Germany, this system has been in place since 2003 and had given *GTA:SA* an 18+ rating signalling its adult orientated and violent content.

By July 05, the discovery of the 'Hot Coffee' mod for the PC and later the PS2 version of the game changed the focus from violence to sex when it was discovered that a simple 'mod' or game modification could unlock a hidden sex scene in the PC version of the game. Despite initial claims that the whole scene was added by a third party the subsequent discovery of the scene on the write-only DVD of the console game indicated that this was not the case. This led Senator Hilary Clinton in the USA to call for stricter regulation of games and Australian legislators to consider banning the product outright (Hernandez and Schiesel 2005). By late July 2005, following an investigation and disturbed by what was perceived as deliberate subterfuge, the Entertainment Software Ratings Board (ESRB) in the USA changed its original rating from Mature/17 to Adult Only/18. This resulted in many mainstream retail outlets in America removing the game from their shelves. Rockstar responded by discontinuing manufacturing the existing version of the game and the new version, without the sex scene, was again given a Mature Rating. An ESRB statement stated:

'Going forward, the ESRB will now require all game publishers to submit any pertinent content shipped in final product even if is not intended to ever be accessed during game play, or remove it from the final disc. Furthermore, the ESRB calls on the computer and video game industry to proactively protect their games from illegal modifications by third parties, particularly when they serve to undermine the accuracy of the rating.' www.esrb.org/about_updates.asp#12-6-05 accessed Jan 2006

What is interesting in this story is firstly that the game developers hid such a scene in the game in the first place knowing that it would probably not be found by game ratings boards but suspecting perhaps that game players would unlock it, particularly in the PC version of the game where both the technology and gaming culture almost demand such modifications. This approach to third party intervention recalls creative efforts by writers to smuggle contentious ideas into literature in countries with strict censorship regimes in the early twentieth century. It highlights, as Müller (2004) notes, that regulation and censorship can result in artists trying to avoid or criticise censorship aesthetically in their work. Secondly, the story shows that a range of stakeholders above and beyond the regulatory body may play a role in the censorship process and in the USA the reaction to the 'Hot Coffee' mod prompted politicians, the media and a range of

academics and other interest groups to exert pressure on the regulator and the company. The discourse particularly focussed on the 'sexually graphic images hidden in the game' which could 'fall into the hands of young people' (Hernandez and Schiesel 2005). The discourse drew upon a strong media effects discourse but ironically the discourse also meant that the scene circulated widely on the internet and became accessible on a wider range of channels than had been originally intended.

Finally, the response of the regulators in the USA to this discourse is noteworthy. Digital games in the USA and in Europe are rated by industry established bodies (i.e. ESRB and PEGI) and thus games are essentially self-regulated. Self-regulation is a system where the state refrains from interfering because it is presumed that the market and other parties will serve to regulate on the basis of an agreed code of conduct. In the USA the ESRB effectively intervened following a period of intense negative publicity to censor the content and circulation of *GTA: SA*. In the UK and Ireland where again the industry is self-regulated and there is no legislative framework within which to censor games a degree of co-regulation between state film and video censors and the industry exists (McGonagle 2005:30). Thus in both countries the distributors forward over 18 games and some over 16 games rated under the PEGI system to the film censors who check the accuracy of the rating with regard to their statutory goal to protect children from harmful or violent content. The censors may refuse to certify a game or request cuts. In 2004 the Irish film censor's office received complaints about two games, *Manhunt* and *The Punisher*.⁴ It received queries as to the suitability of the *GTA* games for younger children but no complaints about the 18+ rating.

The *GTA:SA* story demonstrates that censorship is alive and well in free trade liberal democratic countries and while the job of game censor may not exist censorship may operate in less direct and explicit ways. Further, clearly context of consumption is important in terms of understanding the different reactions and interventions in different countries. For the author this is clearly a struggle involving a number of actors who are attempting to cope with and understand the increasing visual realism and interactivity of digital games on the one hand and the 'adult' and 'mature' nature of digital games on the other. Historically *GTA* games on PC and PS2 received a mature 17+ rating in the USA, an 18+ rating in Europe and 15+ in Australia. The same games ported onto early handheld consoles like the Gameboy Colour and the Gameboy Advance received a lower age rating due to the lower level of animation and storage available on that platform. More recently handhelds like the PSP have moved more towards the graphical and storage capacity of the PC and console versions and thus received more adult ratings. Table 3 demonstrates the varying rating and descriptions given to *GTA* games by the American, the European and the Australian regulatory bodies.

[insert Table 3. The development of and variance between ratings for *GTA* games in different regions.]

⁴ Information gathered in discussion with the film censor and the European project 'Co-Regulatory Measures in the Media sector' See <http://www.hans-bredow-institut.de/forschung/recht/co-reg/>

Recent *GTA* games are clearly aimed and marketed at over 18 game players, an increasing segment of the game market according to recent surveys (ESA 2005). The games contain varying degrees of violence but the most contentious aspect of the game for regulators is the potential for sexualised violence, i.e. against prostitutes, and the depiction of sexual activity. While the player can ignore this potential or may not be able to modify a game to unlock hidden scenes it is videotapes of someone attacking and killing a prostitute in the game which are discussed in detail by the ruling on *GTA:III* by the Australian Office of Film and Literature Classification in 2002 and were shown on Irish television in 2004. What is interesting is that watching videotapes of decontextualised scenes from a game is a qualitatively different experience to playing and interacting with a digital game and one which most game players do not experience. Much of the theoretical work in game studies is concerned with the differences between the cut scenes in a game, which one watches, and the interactive segments of a game which one plays and with the role of the game player in the formation of the gameplay experience. Unfortunately it would appear that most commentators only experience games as 'scenes' which they watch and this leads to games being analysed and assessed in terms of films and videos rather than in their own terms, as games.

Part of the problem it would appear is that most rating systems are not designed to rate games in the first place and particularly not adult orientated games. For example, Australia had no mature rating for games until very recently and so games deemed too mature for 15+ were refused classification (Finn 2003). Both *GTAIII* and *GTA: Vice City* the games were refused classification in Australia because they were deemed to contain 'sexualised violence' which was not covered by the classification system. The games were subsequently released in an edited form. However, it appears that people were able to hack these censored versions to unlock the censored content. Interestingly, initial reports indicate that *GTA: SA* was originally released uncut in Australia. Germany, the only European country to maintain its own rating system, censors the *GTA* games for blood. In Japan the Computer Entertainment Supplier's Association (CESA) has recently introduced new retail controls to stop the sale of adult orientated games to minors and the organisation is developing a voluntary rating system in line with PEGI (Fahey 2005).

In this chapter I have argued that in order to understand the *GTA* story one must place it in the context of a wider shift within the digital games industry to target and develop content for more mature adult audiences. This shift is particularly stark in segment one which has traditionally been largely associated with games for children and which shifted dramatically with the entry of Sony in the 1990s and more latterly Microsoft in this decade. These relative newcomers to the industry have had a powerful shaping particularly on segment one and their desire to grow market share in the USA and the UK has meant that adult orientated content, making deals with developers and publishers who can provide it and the development of more powerful and proprietary gaming technologies to display this content are now key elements of their business strategies. These strategies are in sharp contrast it would seem to the strategies adopted by Nintendo, the other major player in this segment.

Over the past seven years Rockstar North, as developer, and Rockstar Games, as publisher, have developed increasingly sophisticated and adult standard console games which appear exclusively on Sony's PS2 technology. These games are aimed primarily at the American and the British markets and while sales have been very high in both markets the reaction of regulatory bodies to the negative public discourse has been quite different. In the USA the discovery of sexual content particularly in the 'closed' console games has attracted the attention of a range of actors whose discourse of strong effects, security and protection of minors led the self-regulation body in the country to intervene both in terms of the games content and distribution. In Europe and particularly in the UK and Ireland public discourse focussed more on the potential for 'sexualised violence' in the game but regulatory bodies did not appear to feel under the same pressure to change the classification of the game or the need to limit its circulation. This may be related to the stronger tradition of more open PC games in Europe or it may signal a more fundamental difference in cultural politics between Europe and the USA. Regardless, it would appear that while certain cultural products may be produced by a transnational network of companies the reception and circulation of these cultural products may have less to do with 'geo-linguistic' proximity and more to do with locally contingent political, social and cultural processes.

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