

# Real norms, virtual cases

## A rationalist, casuistic account of virtual rape

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### Abstract

The purpose of this paper is to propose and consider a rationalist account of the effects of virtual experiences, such as engaging in simulated acts of violence in video games. This descriptive account will be based on sound principles for case-based reasoning, or what I will refer to as case-norm-case casuistics, and it is put forward as an alternative to emotivist explanations of the effects of virtual violence. Instead of asking how virtual violence might lead to changes in our moral intuitions, the proposed account asks how virtual violence might lead to changes in our moral *reasoning*. The controversial notion of ‘virtual rape’ will be used as an example of how the two accounts ask fundamentally different questions and how the proposed account can yield an increased understanding of how experiences in virtual environments can change our moral norms. Prior to outlining the basics of this account and the issue of virtual rape in particular, I will outline some of the problems with emotivist claims about the effects of virtual violence, especially insofar as these claims rely on ethically and methodologically problematic experiments.

### Keywords:

Moral judgment, casuistics, violent video games, desensitisation, media effects, emotivism, rationalism

### INTRODUCTION

Do we reach moral judgments on the basis of conscious rational deliberation or non-conscious intuitions? This age-old question, sometimes described in terms of emotivist versus rationalist theories of moral judgment, has been subject to heated debate in philosophy, psychology and other disciplines. It lies at the heart of ethics in the sense that moral rules and principles seem redundant if our judgments are primarily dictated by more or less instinctive intuitions. Whether or not we subscribe to a rationalist or emotivist theory of moral judgment also determines how we approach a number of other problems. For instance, how might our judgments change as a result of engaging in or being exposed to virtual violence. By ‘virtual violence’ I mean engaging in acts of simulated violence in interactive computer-mediated environments. A typical case would be a video game in which you witness or perform simulated acts of murder, torture or rape – or if a representation of you (your avatar) is being the victim of such acts. If our moral judgments are primarily motivated by our intuitions, the crucial question becomes: how might our *intuitions* change as a result of virtual violence? If our judgments are primarily motivated by reason, the crucial question becomes: how might our *reasoning* change as a result of virtual violence? The vast majority of claims regarding the effects of virtual violence, especially as put forward in the media and by politicians, seem to take for granted that virtual violence changes our intuitions, and rational deliberation is left out of the picture. In this paper I will instead consider the effects of virtual violence from within a rationalist framework. That is, rather than asking how virtual violence changes our intuitions, I will focus on how virtual violence might change our moral reasoning. One reason for proposing this alternative account is that emotivist accounts, when they do not amount to mere speculation, often rest upon ethically and

methodologically problematic experiments. As a model for moral reasoning, I will focus on casuistics, or principles for sound case-based reasoning, as a *descriptive* model. Thus, the purpose of this paper is to give an account how virtual violence – ‘virtual rape’ in particular – can change our moral judgments in light of a rationalist, casuistic model of moral judgment. Before turning to the outline of casuistics as a rationalist, descriptive theory of moral reasoning and how it can be applied to virtual rape, I will start by describing some problems with emotivist, empirically based claims about the effects of virtual violence.

### **SOME PROBLEMS WITH EMOTIVIST CLAIMS ABOUT THE EFFECTS OF VIRTUAL VIOLENCE**

If our moral judgments result from more or less unconscious, instinctive intuitions, it is difficult to answer questions regarding the effects of virtual violence in any other way than by external observation – such as experiments and surveys. These studies are subject to a number of common methodological and ethical problems, however:

- **Correlation is not causation:** In some studies, a significant correlation has been found between violent behaviour and playing video games (cf. Anderson and Dill 2000). This kind of correlation has also been emphasized by the media with regard to both the Virginia Tech. and Columbine tragedies. One of the biggest, although perhaps overstated, problems in psychological experiments is of course that correlation does not imply causation. If we acknowledge that there is a correlation, this correlation can be due to 1) both playing violent games and being a violent person could stem from a shared cause, or 2) being a violent person in the first place might lead to playing more violent video games, not the other way around.
- **Expectancy effects:** It is difficult to conceal the purpose of these experiments. If a subject is exposed to virtual violence and is then placed in a room in which it is possible to display acts of violence, he or she can easily figure out the purpose of the experiment and act in strict accordance or opposition to what is believed to be the researchers’ hypothesis.
- **Intervening experiences:** Since experiments on virtual violence must assume that these experiences only constitute one part of the picture, it becomes extremely difficult to conduct longitudinal studies due to the multitude of intervening experiences. Thus, most experiments seem to rely on short-term effects only, as for instance in the famous Bandura experiments in the 1960s (Bandura, Ross and Ross 1961).
- **Ethical problems:** If there is a risk that being exposed to virtual violence can lead to dramatic changes in behaviour, then it might be questioned whether these experiments can be ethically justified in the first place.

It is not my purpose in this paper to argue that experiments dealing with the effects of virtual violence are necessarily flawed, but only to point out that the number of methodological and ethical problems, combined with the implicit dependence upon emotivist accounts of moral judgment, warrants consideration of alternative models for evaluating the effects of virtual violence.<sup>1</sup>

### **CASUISTICS AS DESCRIPTIVE MODEL OF MORAL JUDGMENT**

One reason why it is difficult to propose descriptive, rationalist accounts of the formation of moral judgment is that there is no one way in which all persons reason. Thus, I will restrict myself to one method of reasoning and try to show how *that* kind of reasoning is affected by different factors. For the sake of the argument, I will more or less take for granted that one influential way of reasoning about moral problems is sound case-based reasoning – or what is sometimes known as casuistics. Thus, I will use casuistics as a *descriptive* model, i.e. a model which aims to *describe*, rather than prescribe, the formation of moral judgments. Some will argue that a descriptive casuistic model,

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<sup>1</sup> It should be mentioned that Craig A. Anderson has done much to show the methodological validity of these kinds of experiments. See <http://www.apa.org/science/psa/sb-anderson.html> for an overview and further references.

especially one that builds on sound principles for case-based reasoning, is overly optimistic and presents an idealized version of moral judgment not found in most persons. Although this is probably true in many cases, my claim does not entail that all people form moral judgments in this manner. The condition is merely that we *can* act in such a manner and that *some* people do, *some* of the time.<sup>2</sup> If this is the case, it is worth considering how moral judgments might be altered by a process of informed reasoning over new experiences and paradigmatic cases.

‘Casuistics’ is a generic term that covers different forms of case-based reasoning. Central to casuistics is the use of paradigmatic cases as a starting point. In short, a morally problematic case is compared to morally unproblematic cases, and the ethically relevant similarities are analyzed in order to figure out whether the judgment of the paradigmatic case is valid also for the problematic case. To use abortion as an example, the moral justification of such an act can be analyzed in terms of its similarities with cases in which most reasonable persons would agree that killing a living being is justifiable and cases in which it is not. By weighing the relevant similarities and differences against each other, we can come to a more informed decision regarding the ethical justification of abortion.

The advantage with casuistics is its ability to take a range of situational factors into consideration, thereby avoiding the rigidity of universal principles. Since the paradigmatic case should ideally be agreed upon from the perspective of any ethical theory, as well as different religious backgrounds, it can also be seen as a promising means of reaching agreement across cultural, political and religious divides. As long as we agree upon the paradigmatic case and the principles for sound case-based reasoning, the discussion can focus on ethically relevant properties rather than abstract ethical theories or more or less non-rational worldviews. One of its main problems is that it can be difficult to find paradigmatic cases – cases upon which most reasonable persons are likely to agree. After all, reasonable persons disagree on a number of things. Another problem is to discern which properties are (most) ethically relevant and to what degree these properties are shared by the problematic case at hand.

Furthermore, there are two main forms of casuistry, case-to-case and case-norm-case.<sup>3</sup> In case-to-case reasoning, we choose one or more paradigmatic cases with which the case at hand is compared. In case-norm-case reasoning, moral norms are established on the basis of an inductive inference from paradigmatic cases, and the application of these norms is done on the basis of deduction from the general norm to the case at hand. ‘Inference’ and ‘deduction’ is not to be taken in a strict logical sense, but rather in accordance to the various principles for sound reasoning (see below). In this sense, the case-norm-case approach has much in common with John Rawls’ reflective equilibrium (Rawls 1971), where cases and norms are reflected upon and revised in light of each other. Although the case-to-case and case-norm-case models have much in common, the main difference is that the use of norms as an intermediary can foster the method of reflective equilibrium and requires coherency between a larger set of cases than in case-to-case reasoning.

What the different forms of casuistry has in common, at least as a normative model, is a set of rules and principles for how to extend moral judgment between cases and/or norms. The overarching principle is what is sometimes known as the *principle of formal equality*, which can be formulated as follows: Cases that are relevantly similar should be treated (or judged) in a similar manner; a differential treatment requires a relevant difference (cf. Thommessen and Wetlesen 2003:242). The relevant difference in question is a difference in the set of ethically relevant properties. Thus, sound case-based reasoning entails 1) find paradigmatic cases with which the case at hand can be compared, 2) discern the ethically relevant properties in the paradigmatic case, and 3) analyze whether these

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<sup>2</sup> Incidentally, Jonson and Toulmin mention that the reason for attempting to revive casuistry in *The Abuse of Casuistry* was because they realized that they were already thinking in casuistic terms; They ‘were independently struck by aspects of [their previous] methods and results that were hard to account for in terms of current ethical theory’ (1988:vii). It should also be mentioned that casuistics occupy a central role in computer ethics, as reflected in the oft-cited definition of computer ethics by James Moor: ‘A typical problem in computer ethics arises because there is a policy vacuum about how computer technology should be used’ (Moor 1985:266).

<sup>3</sup> We can also add norm-to-case as a third form of casuistry, although this model strictly speaking amounts to a mere deduction from principles, and should perhaps be seen as a merely descriptive model of what happens when paradigmatic, moral norms are taken to be a priori and dogmatic (cf. Thommessen and Wetlesen 2003:247).

properties can be found in the problematic case at hand. If we take animal ethics, for instance, we can argue as follows: 1) All reasonable persons agree that it is *prima facie* wrong to willingly inflict pain on another human being, 2) the ethically relevant property in the paradigmatic case is sentience, i.e. the ability to feel pain,<sup>4</sup> and 3) we have good reasons to believe that a horse is capable of feeling pain (due to having a similar central nervous system and pain-like behaviour). Hence, sentience is a sufficient, if not necessary, condition for extending our moral judgment from the paradigmatic case (humans) to the case at hand (horses). In other words, there is not an ethically relevant difference between humans and horses when it comes to inflicting pain.<sup>5</sup> In reaching this conclusion, we can then form or revise our moral norms in light of that judgment. For instance, the resulting norm would be that, *prima facie*, it is morally wrong to cause pain to *any* being that is likely to be sentient. Judgment regarding other problematic cases can then lead us to further revise and refine that moral norm, for instance in cases such as embryos, animals with no central nervous systems, humans with Congenital Insensitivity to Pain with Anhidrosis (CIPA) syndrome and so forth.

Perhaps the most central aspect of casuistry, and what separates sound casuistry from its abuse, is the requirement that we cannot reach any conclusion we want simply by focusing on the properties that are conducive to the conclusion we wish to reach. I believe this can be emphasized by relating casuistry more closely to discourse ethics, and require it to be twice intersubjective. That is, we take cases upon which most reasonable persons would agree as a starting point, and our arguments concerning the ethically relevant similarities between this case and the case at hand must make sense to any reasonable person – beyond non-rational beliefs.<sup>6</sup> Thus, the starting point and ultimate guiding principle ought to be agreement among reasonable and well-informed persons. This restricts the ethically relevant properties to empirical and theoretical notions. For instance, with regard to the difference between an embryo and an adult human being, lack of central nervous system (empirical) and lack of consciousness (theoretical, i.e. inferred from empirical data) can be ethically relevant. So can ‘being a living entity’, but not e.g. the belief that an embryo is God’s creature from the inception (cf. Thomassen and Wetlesen 2003:243).

As can be seen from the examples above, casuistry is not a direct route to certainty, but at the very least it allows us to focus on the important questions, and it provides a common platform for discussion. As a descriptive model, it can help us understand how we might come to change our moral norms in light of being confronted with new experiences. I will now turn to how our moral norms can be revised in light of experiencing virtual violence, and I will focus on the controversial notion of ‘virtual rape’ and its possible impact on moral norms regarding rape in general.

### WHAT IS A ‘VIRTUAL RAPE’?

In a much-debated 1993 paper, Julian Dibbell describes what is commonly known as the first example of a virtual rape.<sup>7</sup> The event is difficult to comprehend unless one is familiar with different kinds of virtual environments. Indeed, it is difficult to describe without invoking real life metaphors and judgments. Dibbell describes his initial reaction to the phenomenon:

<sup>4</sup> Sentience is Peter Singer’s criterion in arguing that animals should be ascribed a similar moral status as that of humans (Singer 1990).

<sup>5</sup> This similarity entails that it is *prima facie* wrong to inflict pain on horses, but it does not prevent us from having a hierarchy in which this is less wrong than inflicting pain on a human being. See Wetlesen (1999) and Søraker (2006) for two theories of moral status in which beings are ascribed a differing moral status in light of their relevant similarities with moral persons.

<sup>6</sup> Please note that by non-rational I mean beliefs that cannot be verified by or grounded in empirical data. Non-rationality, in contrast with irrationality, is not necessarily inconsistent with reason. Thus, although I see religious beliefs and various forms of superstition as non-rational in this sense, this does not entail that they are *irrational* or necessarily that they ought to be excluded from our value systems. Such beliefs cannot, however, provide the basis for sound, case-based reasoning; History has taught us that mere beliefs about differences between classes can have disastrous effects and, indeed, is the reason why casuistry fell into disrepute in the first place.

<sup>7</sup> Due to constraints on space, I will not go into details on how the virtual rape took place, but refer the interested reader to Dibbell’s work which explains it in both technical and metaphorical terms. Notice especially the importance of the ‘voodoo doll’ and how the victims were unable to protect themselves without thereby violating the rules, or the *conditions of possibility*, of the virtual world.

*I was still the rankest of newbies then ... still too unsteady to make the leaps of faith, logic, and empathy required to meet the spectacle on its own terms. I was fascinated by the concept of virtual rape, but I couldn't quite take it seriously. (Dibbell 1993)<sup>8</sup>*

But, when Dibbell describes the personas and the actions that happened in a virtual world called *LambdaMoo* one night, it soon becomes clear that the differences and, albeit weak, similarities between a virtual and a real rape cuts to the very essence of what it is – *and might become* – to immerse oneself in virtual reality. The main details are roughly as follows. In a virtual environment, the inhabitants are represented by avatars, i.e. graphical representations through which the participants act, speak and portray more or less consistent identities. Some avatar-mediated actions resemble real life actions, whereas others clearly do not. For instance, real-world murder is completely different from virtual murder, but a heinous insult in the real world is not completely different from a heinous insult in the virtual. A virtual rape entails that someone takes control over your avatar, the representation of you in virtual reality, and forces your avatar to engage in acts that you never would consent to. In particular, this includes extreme forms of self-mutilation and sexual activities. The avatar, which you normally use to channel speech and actions according to how you wish to present yourself, is forced into doing these activities while you, and all bystanders, witness the events helplessly. To someone unfamiliar with virtual reality and presenting yourself via an avatar, this might seem like a trivial affair. The problem is that the degree in which you are related to your avatar is highly subjective, ranging from casual detachment to a complete blurring of oneself and one's representation. In order to understand how such actions can be interpreted as equivalent to rape, keep in mind that some individuals dedicate the majority of their social life to online role playing, that they have invested many years in creating a consistent, trustworthy and virtuous character in order to overcome the lack of physical presence, and that all of those efforts can be annihilated by one single instance of having one's avatar commit the unspeakable acts in question. Keep also in mind that these forced acts are witnessed by your closest friends and that there is often no way in which to submit proof that you were in fact under the control of someone else.<sup>9</sup> Your name is damaged for always; trust and friendships dissolve.

When the events that Dibbell describes occurred, there was no ready-made concept to explain these events and the corresponding feelings. The concept 'virtual rape' was neither coined in hindsight nor established beforehand.<sup>10</sup> What made it a virtual rape was simply that the victim and bystanders spontaneously experienced it *as if* it was a rape. It was an attempt to find some real life concept that could give meaning to why the main victims and the spectators found themselves shocked and overwhelmed by their own reactions (Dibbell 1993). Neither was the use of the concept 'rape' a result of one person's over-reaction, since a near unanimous group of spectators found no better word to describe what happened. The main victim of the Dibbell case described that as she was trying to make sense of what had happened 'posttraumatic tears were streaming down her face – a real-life fact that should suffice to prove that the words' emotional content was no mere playacting' (Dibbell 1993).

### **A CASUISTIC ACCOUNT OF 'VIRTUAL RAPE'**

One problem with subjecting these events to case-based reasoning is that it is difficult to find real life cases that are similar, let alone paradigmatic ones. The main reason is that most cases in which rape is widely acknowledged as such involve some form of bodily violation, which seemingly excludes virtual experiences by definition. Whether or not 'rape' can be applied to virtual experiences, then, seems to rely on whether or not bodily violation is a necessary or sufficient condition for something being a

<sup>8</sup> There is no pagination in the original. Dibbell later notes: 'Where before I'd found it hard to take virtual rape seriously, I now was finding it difficult to remember how I could ever not have taken it seriously'.

<sup>9</sup> Although many find it tempting to point out that living the majority of your life online and having only online friends is unhealthy in itself, this does not remove, neither should it devalue, the emotional distress caused by such events.

<sup>10</sup> In this sense, 'virtual rape' does not entirely fit into Philip Brey's Searle-inspired definition of an 'ontological representation of an institutional entity' in which there is a consensus that X counts as Y (in context C). See Brey (2003).

rape. This is the question that Dibbell's case prompts in the proposed rationalist, casuistic account of moral reasoning.

The special and problematic thing about rape is that the mindset of the parties involved makes a crucial difference; the exact same act can be both wanted and unwanted. If we do not consider the mindset and consent of the parties involved, there is in some cases no way in which to ascertain whether it is a rape or not. This is of course the reason why rape, unfortunately, is one of the most difficult cases to prove in court. Any kind of physical act *can* be consensual and desired. Likewise, we cannot claim that experiencing something as a rape is sufficient or necessary for calling it a rape; how we experience something is highly subjective and can be altered by drugs or past experiences. Thus, there seem to be no conditions that in themselves are *sufficient* for something to be a rape. The crucial question then becomes whether there are any *necessary* conditions. In case-norm-case casuistics, this is where we encounter a reflective equilibrium between the case at hand and our moral norms. If we hold that 'virtual rape' is not a (minor) form of rape, we indirectly assume that some kind of bodily violation is a necessary requirement for judging something to be a rape. If we do hold that 'virtual rape' is a (minor) form of rape, we indirectly assume that some kind of bodily violation is *not* a necessary requirement for judging something to be a rape. Thereby, if we are to act consistently and revise our moral norms in accordance with the case at hand, we would need to revise our moral norms regarding rape so as to either exclude or include instances of 'rape' where no bodily violation takes place. We are then left with either a more exclusive or inclusive notion of rape that *carries over into real life judgments*. The conclusion might be the same as an emotivist account, but the explanations are radically different:

- **Possible emotivist explanations:** If our moral norm regarding rape becomes more *inclusive* due to experiencing virtual rape, this is due to being made more emotionally aware of rape-like acts. If our moral norm regarding rape becomes more *exclusive*, this is due to a desensitisation of our emotions regarding rape-like acts.
- **Possible rationalist, casuistic explanation:** If our moral norm regarding rape becomes more *inclusive*, this is due to rationally recognizing that bodily violation is not a necessary requirement for something to be a rape. If our moral norm regarding rape becomes more *exclusive*, this is due to rationally recognizing that bodily violation *is* necessary for something to be a rape.

It is not my concern to prescribe which conclusion we ought to reach; the main lesson is that the two accounts lead to radically different questions and explanations. On an emotivist account, the question is: in what way are your feelings or intuitions regarding rape altered by experiencing virtual rape? On a rationalist, casuistic account, the question becomes, for instance: do you regard bodily violation as a necessary requirement for something to be a rape? The former, especially if we regard intuition as an instinctive and unconscious source of moral judgments, can primarily be answered by ethically and methodologically problematic studies. The latter can be addressed by internal or external deliberation.

## CONCLUDING REMARKS

The rationalist, casuistic account of the effects of virtual violence allows us to ask a different set of questions than emotivist accounts. Rather than asking how our moral *intuitions* are changed, the question becomes how our moral *reasoning* changes. That is, personal experiences and paradigmatic cases are seen as providing new factors to take into consideration when deliberating over our moral norms. Although I have focussed on 'virtual rape' and only given a rough overview of how such a model can be applied, I believe that more research should be done on how these questions can be answered within rationalist frameworks. Such models underline that there is no deterministic relation between virtual violence and immoral behaviour – and that our moral judgments can be altered by other means than emotional distress, trauma, desensitisation and the like. That is, even if we fashion ourselves as immune to any moral detriment from virtual violence, our moral judgments can still be altered by these experiences due to having to consider a set of new factors.

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