

# Textual Co-Construction of Game and Player in German Rating Decisions

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One way to regulate concerns about the relations of computer games to children and adolescents is to assign age-ratings to games. According to paragraph 14 of the German *Jugendschutzgesetz* (henceforth JuSchG) – the Protection of Young Persons Act – these are legally required if a game is to be sold to minors. The organization USK<sup>1</sup> (Unterhaltungssoftware-Selbstkontrolle [Entertainment Software Self-Control]) is conducting a procedure to find the appropriate age from which on the game may be assumed not to “potentially impair the development and education of children and adolescents” (as the law phrases its protective aim in JuSchG, § 14, sec. 1). The results of the age-rating procedure are then written up into a text explaining the decision to the game publishers who have applied for the rating (and have the right to appeal the decision). When explaining or arguing decisions to rate a game, authors of the texts face multiple and potentially conflicting practical requirements, including the following: they are to provide a neutral and objective description of the game, which, at the same time, is able to provide an assessment of the game’s effects on minors’ education or development. The assessment must be written in such a way that it should be possible to read it as the result of a neutral and objective description of the game. The overall text itself must demonstrate that the game was comprehensively examined on its own terms and show the board’s professional expertise on children’s education and development.

How are these requirements met in and through the texts? And how does this relate to concerns about computer games and the relations young people develop with them? This chapter investigates members’ implicit textual methods for

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1 [www.usk.de](http://www.usk.de)

achieving these diverse and potentially conflicting requirements, based on a *membership categorization analysis* (Sacks, 1972a; b; 1992; Schegloff, 2007) of one exemplar out of a larger corpus of written decisions. The analysis is focused on the specific ways these texts categorize their primary object – the particular game in question. Looking more closely, however, the analysis reveals that this object comes in several versions – it is categorized in multiple ways throughout the text, due to the multiple demands such a text can expect to meet. Along with these multiple categorizations of the game, players/children are also categorized in multiple ways across the different sections of the text. The mutual recategorizations of the game and players/children are at the core of the situated methods (cf. Garfinkel, 1967) used by participants to find and argue the appropriate rating for the particular game.

My own reconstruction of these methods thus amounts to providing a detailed description of the specific ways in which the experts on the rating board deal with the relations that the particular game might enter *vis-à-vis* its players and the (possible, likely) effects arising from these relations in children of different age groups. In the context of an ongoing, heated and rather intractable debate<sup>2</sup> between calls for more *youth protection* (e.g. Nikles, Roll, Spürck & Umbach, 2003; Ukrow, 2004; Liesching & Schuster, 2011) and claims of *censorship* (e.g. Seim, 1997; Portz, 2013), the analytical sensibilities expressed by the approach suggested here can provide a foundation to go beyond such one-sided claims by showing how the practical requirements of rating games and the methods for their achievement, make both sides' claims possible – and, indeed, plausible – in the first place.

## THE ORGANISATION USK: WHAT IS IT? WHAT DOES IT DO?

Day-to-day implementation of the most important regulations pertaining to computer games in Germany is done by an organization called the USK. The JuSchG prescribes that only games that do not “impair children’s and adolescents’ development or their education into a responsible person in society” may be sold to minors (art. 12, 14). The law also defines the age groups that are to be used for the rating system (0, 6, 12, 16 and 18). Strictly speaking, from a legal standpoint, the ratings are issued as administrative acts of the state youth authority. However,

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2 This pattern seems not to be limited to debates on computer games, but rather to be typical of controversies about (new) technologies more generally: quite often, they tend to stabilize into hardened positions around a utopian and a dystopian pole.

JuSchG §14 contains a clause enabling the state youth authorities to set up a joint rating procedure with “organisations of voluntary self-control [...] supported by industrial association” (JuSchG, § 14, sec. 6, cl. 1). This is the USK. It was established as an independent not-for-profit company (gGmbH), set up by the two major industry associations (BUI<sup>3</sup>, G.A.M.E.<sup>4</sup>), to conduct the procedure and formally suggest an age-rating, which acquires legal force by the decision being taken on by a permanent representative of the state youth authorities at the USK. In practice, this means that each game is screened before a board composed of four independent experts plus a state representative as chair. They then deliberate and vote on the rating. After the procedure, one of the experts draws up a text describing the game and explaining/arguing the reasons for the decision. This is very important, since publishers (as well as the state representative) have the right to appeal the decision. In this sense, the written decisions are one of the central means by which the USK accomplish their task.

In the following sections, I will briefly sketch the legal background of rating games in Germany (see Dreyer [2018, this volume] for a more detailed account). The major part of this chapter will provide some insights from an analysis of the texts, focussing on one particular decision. I will show how different categorizations of both the game and the players/children<sup>5</sup> enable the written decision to relate to the two in ways addressing the concerns about “impair[ments of] the development and education of children and adolescents” (JuSchG, § 14, sec. 1) in a recognisably balanced and objective fashion. In this, the textual methods of categorizing games and players/children are also methods for achieving exactly this balance and the readability of the game descriptions as objective.

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3 *Bundesverband Interaktive Unterhaltungssoftware* (German Games Association, [www.biu-online.de](http://www.biu-online.de)).

4 *Bundesverband der Deutschen Games-Branche* (Federal Association of the German Games Industry, [game-bundesverband.de](http://game-bundesverband.de)).

5 As I will show in the following, the human part of the game/player ensemble is categorized as either *player* or *children* in different parts of the decision texts. Because this difference is important for the analytical point I am trying to make, I use this construction to refer to both categorizations at once.

## THE PLACE OF AGE-RATING GAMES IN THE LEGAL SYSTEM

Turning to the legal issues relating to the regulation of computer games, the legislation is concerned with balancing two potentially conflicting rights: the children's right to be protected and the right to freedom of expression. The name and substance of the relevant law emphasizes the former: The Youth Protection Act not only regulates sales of media products (on "data media", JuSchG, § 12, sec. 1, cl. 1) to minors, but also limits the latter's access to certain substances (alcohol, tobacco), places (gambling parlours, pubs and other kinds of entertainment sites) and events (most prominently cinema screenings and dances) which might expose minors to different kinds of risks. As pertains to the regulation of computer games and media generally, part of the legal concern is that restrictions on selling media products might unduly interfere with producers' and publishers' economic freedoms as well as their right to freely communicate their ideas, images and the like (Brunn et al., 2007; and Dreyer, 2018, this volume). Seen from that angle, what is officially labelled *youth protection* in the law might also amount to *media control* in the literature (e.g. Seim, 1997). Indeed, much academic literature in the fields of law and political science emphasizes this point (ibid.; Portz, 2013). On the other hand, much of the legal commentary and many practitioners' contributions emphasize the children's right to be protected (Büttner, 2002; Ukrow, 2004).

Academic as well as public debates about the regulation of games quite clearly follow this general pattern in their attempts to define what regulating computer games 'actually, really' is about – they usually attempt to find more or less hidden motives or mechanisms behind, or beyond, the attaching of labels to game covers and data carriers. Seim (1997) argues that the protection of minors is merely a convenient facade behind which, *actually*, elites work to sustain the distribution of power in society, implementing their own moral and ideological standards (we might call this the 'ideology/power thesis'). On the other hand, Ukrow's legal commentary (2004) argues that at least some computer games (and other media) can *really* impair children's education and development and therefore restricting minors' access to at least some of them is not only legally permissible but indeed necessary if the state is to guarantee the rights of its underage citizens (let's call this the 'media effects thesis').

To relate this more explicitly to the theme of the book, we may say that the law is concerned with balancing two different basic liberal-democratic rights (see Dreyer, 2018, this volume), whereas at least many of the contributions to academic and, particularly, public debates seem to be implicitly or explicitly concerned with the adequacy of this balance – either the regulations are seen as undue restrictions

of the freedom of expression, or as not being sensitive enough to the rights and needs of minors.

## CATEGORIZING GAMES AND PLAYERS/CHILDREN

This section is dedicated to an analysis of one exemplary rating decision. The analysis illustrates some of the ways in which games and players/children are mutually configured throughout the text and how these configurations work upon the concerns relating to minors' relations with computer games. The analytical approach is informed by Ethnomethodology (cf. Garfinkel, 1967) and in particular by *membership categorization analysis (MCA)* (see Sacks, 1972 a; b; 1992). It is aimed at finding how categories are accomplished and used both in and through members' everyday practical activities. The activities most relevant in the context of this paper are those of describing and assessing a specific exemplar of a particular class of objects (i.e. a specific computer game) in relation to particular kinds of persons (i.e. children and adolescents). To accomplish these descriptions and assessments, the texts use, among other things, a specific formal structure: every rating decision is divided into three basic parts: a title page, where the object of the decision (the game) is categorized in several different ways; a section headed "description", where the game is described along with a generalized account of the player's activities; and a section headed "reasons" where the players are recategorized according to their age. I will discuss each in turn: the following section will reconstruct the sequence of categorizations of the object; the next will discuss one example of how players are categorized in the description sections; and the last section will show how players are recategorized in the reasons section.

It might be said that this analysis, in particular its obsession with the nitty-gritty details of categorizing game(s) and player(s) and its (overly?) "naïve" reading of the text (cf. Law [2002, p. 32] on the methodological fiction of the "naïve reader"), is making far too much of very little. After all, it is highly unlikely that anyone else will read these texts in such a curious and painstaking way as I do here. And can we really imagine the author of the decision sitting at her or his desk, in front of the computer screen wondering how to categorize the player in different ways and how merging them with the figure of the avatar is suitable for performing the immersive effects of the game in and through her or his text<sup>6</sup>? This

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6 Thanks to Peter Larsen for questioning the adequacy of such an image during the 2015 workshop *Cultures of Video Game Concerns in International Comparative View* held at Ruhr-University in Bochum (cf. Sørensen, 2016).

would certainly be pushing the limits of plausibility. However, the point of such an analysis is not that these ethno-methods for assembling the texts are the outcome of an individual's conscious mental activity. The point is rather that these methods are the tacit means of a specific culture to produce actions to be recognisable in particular ways (cf. Sacks, 1992). Now, if these methods are this culture's means of producing actions *as* specifically recognisable, we can then ask what this recognisability achieves in and for this culture.

## Categorizing Games

As should have become evident by now, the measure for rating games is whether or not a particular game might impair minors' "development and education" (JuSchG, §14, sec. 1), or whether such impairment can be safely excluded for all practical purposes. How is this relation of games and (underage) players achieved in practice? In my analysis of a selection of written decisions from the procedure, I have discovered that both games and players/children are categorized in multiple ways in these texts; more specifically, the texts regularly achieve particular sequences of categorizations of the game-at-hand and players/children in their course. These shifts in the categories used allow the texts to set up a relation between the particular game and generalized players/children allowing for an assessment of the likelihood of detrimental effects for different age groups. They are thus central to establishing the object of the text (the game) as a proper object for regulation by the USK.

First, the object I have so far unproblematically referred to as a *game* undergoes a series of transformations throughout the sequence of the text. Figure 1 shows a section of the title page from the decision on the well-known first-person shooter *Call of Duty: Modern Warfare 3* (Infinity Ward, Sledgehammer Games & Raven Software, 2011). Now, looking very closely at the categorizations used to refer to whatever it is that the text speaks about, it will become apparent that it categorizes this entity<sup>7</sup> in a variety of ways, but not (yet) as a game.

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7 There is an obvious difficulty in speaking about the experiences of such a "naïve reader" as I have created, following John Law (2002, p. 32), as a "methodological fiction" here. The more naïve we make him or her, the less we can assume to know about this mysterious entity that the text describes (can we even know it is an entity?). Therefore, in order to make the methodological fiction workable, we must assume a reader who at least knows that the text is speaking about something beyond itself – that it creates a relation to an outside world populated with objects available for it to speak about. Thus, I will call this entity *the object (of the text)* as a convenient way to unify the referent of

Figure 1: Part of the title page from the classification decision on Call of Duty: Modern Warfare 3

| JUGENDENTSCHIED<br>classification ruling                          |                                        |
|-------------------------------------------------------------------|----------------------------------------|
| Name des Titels / name of the product                             | Call of Duty: Modern Warfare 3         |
| Altersfreigabe entsprechend Jugendschutzbestimmungen / age rating | keine Jugendfreigabe gemäß § 14 JuSchG |
| Antragsteller / applicant                                         | Activision Blizzard Deutschland GmbH   |
| Registriernummer / number of registration                         | 31248/11                               |
| Technisches System / technical platform                           | Microsoft XBOX 360                     |
| Sprache der Software / language of the software                   | deutsch                                |
| Prüfdatum / date of examination                                   | 02.08.2011                             |
| Auflagen, Anmerkungen / conditions, note                          |                                        |

Source: Decision on Call of Duty: Modern Warfare 3, USK-Reg.-Nr. 31248/11, p. 1, my reproduction.

Note: “keine Jugendfreigabe gemäß § 14 JuSchG” translates as “not rated for minors according to § 14 JuSchG”.

The title page provides standardized fields to be filled with certain information on the object. The first field is headed “name of the product”. With this categorization, this portion of the text enacts ‘its’ object as a rather general kind of entity that has been produced, presumably to enter the economy and identifies it by its proper name. At this point, we do not get to know much more about the kind of “product” other than its name. The German version refers to a title instead of a “product”, however also leaving open whether we are dealing with a song title, a book title, film title, etc. As these examples suggest, we can at least guess that the named “product” is some kind of media product. The next field specifies the “age rating”, immediately adding its legal basis in “§ 14 JuSchG”. In this way, the text here categorizes the object as properly covered by the JuSchG (Youth Protection Act) and as the object of a legally-based decision. In this version, also, the object remains remarkably nondescript. The third field, headed “applicant”, tells us nothing at all about the object of the text, but rather categorizes the decision itself as one that has been prompted by an application from the organizational entity

the different categorizations in my own text. Thanks to Estrid Sørensen for bringing this problem to my attention.

named there. The most we can say about the object here is that apparently, the “applicant” entity has taken upon itself to (re-)present the object of the decision, which is also a (media) product, for the purpose of bringing about the rating decision. The next field is headed “number of registration”. With this, the text here categorizes its object as a numbered object in an archive. This categorization thus connects the entire ensemble to an archive of already examined “products” – and the corresponding decisions. In this way, it also marks out the entire process – and the decision, in particular – as being now part of an organizational memory: if the need arises, all concerned parties can refer to this archive of past decisions and the corresponding objects of decision. The following two fields, headed “technical platform” and “language of the software”, respectively, allow us to specify the kind of “product” at least a little further: it is a product programmed as code, requiring further “technical” objects (the “platform”) to be handled by humans. The last field is headed “date of examination”, thus specifying the character of the decision further again: by categorizing the process connecting the application and the decision as an “examination”, this portion of the text marks out the decision as the result of focused attention to the object and that the result is based on fixed, standardized criteria – one can easily draw the analogy to the examination of students in school or patients in medical settings, where curricula or the ICD provide for the respective standards.

This analysis of the title page has shown that, and how, the text works to establish the object of the text as a proper object of examination for the USK – and thus as a legal object; and as one of many in a series of like objects, demonstrating their equal treatment. They thus provide an important means for addressing concerns about the neutrality of the decisions (and, by extension, the USK itself). However, applying the methodological fiction of the “naïve reader” (Law 2002, p. 32) rather strictly, we have also seen that these methods of objectification seem to prevent the texts from actually speaking of a game on the title page, instead using rather pure reference terms (such as “Titel” [title]). This changes when we turn to the description sections of the texts – how do they work to achieve a neutral and objective description of the game?

Turning the page over, we will find (in this case) five further pages of text, divided into two main sections headed “description” and “reasons”. This particular text is one of the longer ones. In general, it might be said that the tendency is for the texts to become longer the higher the rating. This might already be a clue that there is more to be concerned with (and/or that concerns must be dealt with more thoroughly) in those games. How is the object of the text categorized in the description section? This is regularly the first place where the texts actually explicitly refer to a (computer) game, complete with all the elements and attributes that



are usually bound to these kinds of objects – and thus, also to a player. Like games, and because they are categorically bound to them as an attribute, players never appear as such on the title pages; they are always mentioned for the first time in the descriptions.

Let us look at the beginning of the description in a little more detail, focusing on how the textual activity of describing a game is accomplished here – i.e. what are the attributes and activities used in categorizing the game:

- 1 Description:
- 2 “Call of Duty: Modern Warfare 3” is a first-person shooter game for Xbox 360 in English
- 3 language.
- 4 The title is the third part of a series centred on the game characters Captain Price and Cap-
- 5 tain John ‘Soap’ McTavish, known from the previous games. The story of the game im-
- 6 mediately connects to events from the two preceding games: [...]
- 7 The aim of the game is to track down and defeat the terrorist leader Makarov by success-
- 8 fully accomplishing 19 game missions [...]
- 9 The search for Makarov leads the player across the world. [...] In this, the player automat-
- 10 ically takes on the roles of various game characters (e.g. that of an American soldier, one
- 11 of Makarov’s former allies, a bodyguard of the Russian President) according to the course
- 12 of the game. [...]

(Call of Duty: Modern Warfare 3; USK-Reg.-Nr. 31248/11, p. 2; my translation)

The very first sentence identifies the object again by its “name” from the title page, immediately followed by the categorization “is a first-person shooter game” (l. 2). In MCA terms, “first-person shooter” here works as one of several categories from the collection *genre*. This is how the description sections regularly start out – they always repeat the title and then explicitly categorize their object as a game belonging to one, or, more rarely, several, genres. This initial categorization is highly consequential for the attributes that readers of the text can now expect to be used for describing the game further. However, the next two sentences mention attributes that are not strictly bound to particular genre categories, but rather to the more general category *title/(media) product*: it is “part of a series” (l. 4), “centred on [particular, named] game characters” (l. 4-5) and has/tells a “story” (l. 5-6). Of course, these attributes do not pertain to all games (think of chess or card game

simulations), but they are apparently relevant to achieve an adequate description of this particular game<sup>8</sup>.

The text then goes on to recount the story (not shown in the excerpt) and then to describe how the game progresses: there is a defined “aim” (l. 7), which is to be reached by “accomplishing [a certain number of] game missions” (l. 8). So far, we have encountered the game as a differentiated, but self-contained entity. Until now, it is categorized in several different ways (as a (media) title, a piece of software, as belonging to a particular genre, etc.) – all of which (so far) only refer to the game itself. This changes when the text describes how the game progresses: in order to achieve such a description, it becomes necessary to also describe the input by a player, detailing how the game and the player interact so that the story can unfold. Accordingly, this crucial attribute of the game – “the player” (l. 9) – is added next: first (in l. 9), he or she is described as being led by the events-in-the-game, then (in l. 9-10) slightly more actively as “taking on roles” in the game.

The sequence of categorizations discussed so far works to establish the object of the text as a legal object and as one of many in a series of like objects (on the title page), then as a game belonging to a particular genre-category, with specific attributes, implying particular player activities. Describing the latter independently of any further categorizations of the player makes it possible for the decision texts to achieve an objective description of the experience of play – where objectivity means that the description can reasonably hold for anyone engaging with the game. By configuring the player as an attribute of the game, the objectivity of the description of the playing experience is thus achieved. This is crucial to address widespread concerns about the objectivity of the decisions as a whole (see e.g. Höynck, Mößle, Kleimann, Pfeiffer & Rehbein, 2007; Portz, 2013).

## Two Categorizations of *The Player*

Now, looking even more closely, we can see that here, this player is categorized in two different ways, which is regularly the case in descriptions of first-person shooter games. The first categorization could be said to be situated ‘in the game’, interacting rather directly with the game world, its characters, objects, etc.: “The search for Makarov leads the player across the world” (l. 9). In this sentence, it is easily recognisable that the search for Makarov does of course lead the player through the world of the game. The player is thus in the game world, where the

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8 Indeed, further analyses (Schank, 2017) have shown *characters* and *stories* to be among those attributes that are regularly bound to the *first-person shooter* genre (as well as other genres).

search for Makarov happens. Contrast this with the second part of the description of the player's activities: "[...] the player [...] takes on the roles of various game characters" (l. 9-10). We might call this second categorization *the player facing the game*: the "roles" (l. 10), i.e. the "characters" (ibid.) are easily recognisable as existing only within the game; in order for the player to "take [...] on" (l. 10) these roles, he must be elsewhere, i.e. not in the game world. We can easily imagine this role-taking figure sitting on the couch or in front of the screen, physically pushing buttons to control the characters or avatars, etc. Indeed, in the texts these latter two activities (pushing buttons, controlling an avatar) are quite often bound to this categorization of the player, as is also the case later in the same decision: "The player controls his avatar from the genre-typical first-person perspective and observes the game world looking over the barrel of his weapon".

Besides the description of "the player" by way of the activity "control[ing]" an "avatar", reading this sentence and paying close attention to the two categorizations just introduced, reveals a rather curious effect: the two categorizations are merged. Let us see how this merging effect comes about: The main clause ("The player controls his avatar...") seems – at first glance – to refer only to the player facing the game: he is outside, doing the controlling. However, in the same sentence, the phrase "his avatar", situates the player also within the game. An alternative phrasing referring only to the player facing the game would be something like "the player controls the figure of a soldier". In this way, the first part of the sentence works to keep the player and the avatar separate, while merging the two categorizations of the player.

As if to make this example even more curious, the two categorizations of the player are then also merged with a third type of entity – the avatar – in the second part of the sentence. After having already tacitly undermined the distinction between the player facing the game and the player within the game, the dependent clause merges this new, hybrid player with the avatar, resulting in the sentence: "The player [...] observes the game world [...] over the barrel of his weapon". Now, the player does not actually hold a weapon (at least not the one he or she is looking over while playing) – that is the avatar's. What is going on here? Are the experts confusing the game and reality? Do they fail to see the difference between the player (who is just holding a game controller) and his or her avatar (whose arms are visible holding the gun over which "the player [...] observes")? Describing the player as "observ[ing] the game world over the barrel of his gun" risks being seen as indicating a lack of media competence on the board members' part. Indeed, this kind of argument has been made with reference to court decisions restricting access to media by Portz (2013). However, I would like to make a radically different argument: that this way of describing the relation between the

player and the game prepares and therefore grounds the possibility for making particular kinds of claims about the game's effects on its players.

The possibility of making claims about the game's effects on players is one reason why the texts need to categorize players as outside the game in the first place. After all, the most important task of the texts is to work upon the concerns about impairments to young people arising from, but reaching far beyond, the actual activity of play (i.e. effects on players 'outside' the game). In our example, at the very end of the description, the effects are stated as follows: "Overall, there is a high degree of intensity and credibility established, and the overall effects of the game on the player must be termed very intense" (Call of Duty: Modern Warfare 3; USK-Reg.-Nr. 31248/11, p. 4; my translation).

This is a rather strong claim of the "effects" (ibid.), stated as fact – i.e. 'the way things stand': "There is a high degree of intensity and credibility" (ibid., emphasis added). In order for such a statement to be readable as adequate and conclusively derived from observations, its needs to be carefully prepared by detailed examples or demonstrations and practical reasoning. These latter elements are provided by the seamless merging of the two categorizations of the player and the avatar I have discussed previously. The claimed "credibility" (ibid.) has been tangibly demonstrated in and by the text when it merged the player and the avatar: it is exactly the kind of perspective described there ("looking over the barrel of [one's own] gun") that is crucial in establishing this kind of credibility of the playing experience. The merging of the player and the avatar in and through the text achieves a quite remarkable feat: it provides an experience of the first-person perspective in the text, which is much more immediate than merely categorizing the perspective with the words "first-person" (as in the extract above).

To sum up, the category *the player* provides the texts with their most important resource for accomplishing a description performing the experience of playing the game in a generalized fashion. Furthermore, as an attribute of the game, *the player* supports the categorization of games into genres by way of his or her genre-bound tasks and activities. For example, the activity of "looking over the barrel of [one's own] gun" is categorically bound to the first-person shooter genre; this part of the description thus also refers back to the beginning of the description section, where the game was categorized as "a first-person shooter game" contributing to the coherence and plausibility of the text. More generally, *the player's* genre-bound activities allow for a – general and generic – estimate of the demands this particular game puts on all its *players*. This is also why the two categorizations are both needed to achieve this sort of description in practice: *the player* within the game is relevant to describe how the game progresses; *the player* facing the game is relevant to allow for a description of the game's effects.

## Recategorizing the Player by Age

So far, I have provided a detailed account of how the game is categorized in various ways throughout the sequence of the decision text; how descriptions of games as games of particular genres are established; and how generalized descriptions of the experience of play are achieved. However, all these steps can only be preliminaries for the decision to argue the correctness of an age-rating. After all, the practical task for the description section is to provide a generalized description of the playing experience, which means, *inter alia*, abstracting from such specifics as the player's age (as well as other category collections: gender, ethnicity, education, etc.). Therefore, there are no differentiations of players according to their age to be found in the description sections. This changes radically when we move to the reasons sections of the decisions, where "players" (now in the plural) are differentiated according to their age. In the case at hand, arguing a rating of "18", this reads as follows:

- 1 The rating board concurred that underage players should not be confronted with the
- 2 game. The title is a game of the first-person-shooter genre, achieving a high immersive ef-
- 3 fect due to its dramaturgically compelling game story, as well as the sophisticated graphic
- 4 and acoustic realisation. Combat action with a multitude of weapons is framed by the
- 5 staged conflict, a world war threatening humanity.
- 6 In many missions, the game features a high density of opponents and quick succession of
- 7 events, to which the player must react carefully all at once. In this way, the game is also
- 8 characterised by a dense atmosphere.
- 9 For the reasons mentioned, the game *Call of Duty: Modern Warfare 3* is not suitable for
- 10 children and adolescents and can possibly have detrimental effects on minors. Therefore, a
- 11 lower rating was not considered.

(Call of Duty: Modern Warfare 3; USK-Reg.-Nr. 31248/11, p. 6, my translation)

This excerpt from the end of the reasons section, summing up the decision for a rating of "18", starts out with the category "underage players" (l. 1); these are described as "not [to] be confronted with the game" (l. 1-2). The text then lists some of the elements previously described in more detail in summary fashion (l. 2-5). The description of "the title" (l. 2) as "achieving a high immersive effect" (l. 2-3) can be stated in such a matter-of-fact style here because it has been previously prepared for by the text-based technique of merging the two categorizations of the player plus the avatar in the description section. The categorization "underage players" (l. 1) takes up the category *the player* from the description, adding an age-based categorization. It thus implies or enables the inference that "underage

players” (ibid.) have not yet learned the necessary skills to adequately deal with the “high immersive effect” (l. 2-3). At the same time, the category “title” (l. 2) here also refers back to the title page of the text and its categorization of the game as a rather nondescript entity, reminding readers that the text has now come full circle from a rather blurry object to a (now) rated game – and that the USK’s neutral attitude towards the game established there is still in place, despite now having produced an assessment. Thinking of the concerns about possible biases in the decisions (or even the procedure as a whole) mentioned above, this is quite an important method to show in practice that the decisions are made from a neutral perspective.

The next paragraph (l. 6-8) then switches back to the generic category “the player” (l. 7); significantly, this categorization is again used to achieve a description of demands the game puts on all its players, regardless of their age and this portion of the text does not immediately use this description in order to achieve a statement of the effects of the game. The summary description here only refers to elements/characteristics of the game itself (“high density of opponents and quick succession of events” [l. 6-7]; “dense atmosphere” [l. 8]), which is why the more general categorization is used here – these are the same for all players, regardless of their age. In comparison, the final paragraph in the excerpt (l. 9-11) does exactly the reverse: here, the game is described only in terms of its “effects” (l. 10); consequently and significantly, the paragraph categorizes the human part of the game/player ensemble as “children and adolescents” (ibid.). The players are thus figured here as relevantly characterized *only* by their age, enabling the inference that, although the characteristics such as “quick succession of events” (l. 6-7) are the same for every player, the “detrimental effects” (l. 10) of these characteristics remain limited to “minors” (l. 10). These characteristics, in particular “dense atmosphere” (l. 8) and/or “high immersive effect” (l. 2), regularly provide the main reasons for games to be rated “18”.

Taken together, these three paragraphs from the very end of the text work to recategorize the players as differentiated by their ages, implying a trajectory of learning (how to deal with/distance oneself from, e.g. a high immersive effect). In the first step, these players are related to the game as two separate entities: the descriptions of the game characteristics remain limited to the game itself; however, the categorization “underage players” (l. 1) serves to prepare for the recategorization as “children and adolescents” (l. 10). In the final step of the argument, the text uses this latter categorization to enable the inferences necessary for the categorization of the game as “not suitable” (l. 9) for these stages of life to be

readable as based in sound reasoning. These categorizations thus contribute centrally to the acceptability of the decisions as those of experts on both games and the education and development of minors.

## CONCLUSION

The written decisions of the USK are tasked to provide a professional assessment of the game's effects on minors' education and/or development. For the decisions to be acceptable, it should be possible to read this assessment as deriving from a neutral and objective description of the game in question and in particular of the experience of playing the game. These practical requirements for the decisions take up and work upon the concerns circulating in the social and legal environment in which the USK operates: the accomplishment of a recognisably objective description of the game – for which, as I have shown, the double category *the player* provides a crucial means – is appropriate to address the concern about a possible bias in the decisions. The separation of the text into a “description” and a “reasons” section provides a useful infrastructure to practically accomplish description and assessment as separate (textual) activities. Relating to this difference, recategorizing the players in terms of their ages provides a means to further enhance the separateness of the two activities while also providing an elegant means to accomplish the two activities in such a way that the assessment can be seen to have resulted from the observations.

In this sense, the concerns expressed in and by the law also undergo a certain transformation in the process: while it might not be unreasonable to see the mere fact of regulation as putting games under a kind of general suspicion, looking at the process rather than the legal texts also reveals that both games and children are cared for in and by the procedure. More, and more interdisciplinary, work will be required to shed further light on the various entanglements between legal and administrative texts and practices, the categorizations they enact and how these work to take up and transform culturally embedded concerns about minors' associations with media and games.

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