

What are the risks associated with nurturing a modding community, and how can game developers protect themselves?

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Game developers can encourage modifications by releasing the game’s source code to the public. An often repeated example is the case of *Doom* (1993) in which the media files were separated from the main program and made accessible for users [1]. This is historically celebrated as a consequence of mutual respect [2]. Modders use these toolsets to build mods of a number of different scales, from the massive “total conversions” accomplished by teams of modders who remake entire games with new artwork, storylines, and gameplay to smaller mods such as “skin” (aesthetic tweaks to specific graphic models) [3]. Generally far beyond what is designed by the commercial developers [4].

This paper will outline the risks of an active modding community, the benefits, and give examples of how developers have protected themselves.

Modding culture

The motivation to produce a mod can vary from purely aesthetic to a more political one. Projects focusing on particular historical events (*Operation Gulf War Crisis*, *Battle over Hokkaido, 1982: Flashpoint in the Falklands*) often have a national emphasis. Understandably these kinds of themes tend to open up political debates among mod makers [1], which may not align with the developers' vision for their game.

When Todd Howard, the executive producer for Bethesda was asked why some companies are not making their games modifiable, he replied, "I don't understand why they don't, I think it makes your games better" [5]. The *Fallout 3* mod website Nexus hosts more than 7500 mods [6], ranging from sexually revealing armours, nude female models, and the "killable children" mod [6]. The developers had already decided that the child characters in their game could not be harmed, so by enabling this feature the modders are directly contradicting the developers' ethics. Perhaps this subverting of a given design is exactly what a modification should be. But at what cost? A *GTA V* developer famously cost Take-Two \$24 million when the hidden 'hot-coffee' minigame was discovered causing suppliers to remove the game from sale [7].

Mods have been considered to be "hacker art", an artistic endeavour, and a creative outlet [1]. Although, one of the oldest fears about art is that it may corrupt observers and lead them to immorality [8]. In games, the amount of violence usually depends heavily on how a player chooses to act [9]. Ethically notable games either attempt to make the player feel responsible for the decisions they make in the game, encode an ethical system and require the player to follow it in order to succeed, or provide players with situations in which their understanding of the ethical system is challenged [10]. Then can a game that only allows a good course of action be ethically correct if it does not allow free will? Considering the opposite, is Danny Ledonne's 'linear' game *Super Columbine Massacre RPG!* condemned simply because it is a game about a serious and emotional topic? Perhaps the act of playing a game trivializes the issues it tackles and

thus renders any game about a serious topic inherently unethical [10]. I propose that developers should consider how the player can behave ethically, more than the social impact of the narrative.

We should recognize that in the modding community there is resistance to governance. That there are those who choose to ignore the license terms and conditions that come with closed, restricted games [11]. Even a strict modding policy that outlines exactly what is and is not permissible, such as Rockstar has with *GTA V*, can result in controversial cease and desist orders [12]. Nintendo are also extremely protective of their intellectual property, regularly serving takedown notices to modders who dilute the *Mario*, *Zelda* [13], or *Pokémon* [14] brands. Value is derived from sales of software, and goodwill can accrue with an application’s reputation for technical integrity [15]. However, this can backfire against the developer. For example, copyright disputes between corporations and consumers over file sharing and sampling in the music industry have tarnished the goodwill of consumers towards certain bands (i.e. *Metallica*) perceived to be overzealous in enforcing their intellectual property rights [15]. Alternatively, Linden Labs (*Second Life*) have embraced the idea of player-generated intellectual property. President and CEO Phillip Rosedale said “We allow people to create a world which will be thousands of times more compelling than we could create ourselves” [15]. Now, the game world is rife with bootlegged videos and audio streams of popular music [15]. Whilst *Wikipedia* uses scripts that perform the automated tasks of policing content and correcting vandalism [3], censorship imposes a cost that must be part of a consequentialist moral calculation [9].

Modders are an evolution of the consumer, reconfiguring the position of the user. No longer simply purchasing the game as a product, but being actively engaged in its continued development and marketing [15]. With *Skyrim*, the modders also constituted a source of free work upon which Bethesda could capitalize [2]. If the average large mod requires more than 1,000 work hours to complete, we can estimate the development cost

saved by referencing salaries for the profession [4]. Modders unpaid labour can make their work prone to industry appropriation, but can also serve as part of a portfolio [16]. id Software, the company which produced *DOOM*, discovered many of their current employees and development partners based on mods that were created and distributed over the Internet [3].

Conclusion

Inventive mods can not only strengthen the unit sales of the games from which they originated; their innovative playing format can author entirely new genres of games [3], and offer recruitment opportunities.

However, the risks in allowing mods include not just bringing the brand of the intellectual property (IP) into disrepute, but also tarnishing the reputation of the developers and any future work they may accomplish. Considering the public image of a game's brand includes questioning if it is ethical for this game to exist? Should this game have been created in the first place? What in-game actions are defined as "good" by the game [10]? A mod, either as an extension or total conversion, should be subject to the same rigor. Serious attention must be given to the gap that may exist between modders' design desires and corporate interest in the given models of property and authorship [17]. Takedown notices can be served, but community backlash can adversely affect profits and goodwill.

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