PERSISTENCE MEETS PERFORMANCE: PHOENIX WRIGHT, ACE ATTORNEY

The year is 2016, and you are Phoenix Wright, newbie defense attorney, working for famed lawyer Mia Fey. The justice system you work under schedules trials immediately after apprehending suspects, and allows trials to run for only three days — after that, if the Defense Attorney (DA) has not proven a client innocent, there is an automatic conviction. To prove a client's innocence, the DA must find the actual killer and prove their motive. The player can investigate crime scenes for evidence and interview witnesses to prepare for trial. During trial, success demands skilful interrogation of individuals, using evidence and reasoning skills to find contradictions in their testimonies, wear them down, and find the truth. Text-heavy and featuring a limited 2D, static world, *Phoenix Wright* nonetheless is challenging and enjoyable — offering players a game that rewards close readings, curiosity, persistence and style.

Phoenix Wright: Ace Attorney began life as the 2001 Nintendo GBA game *Gyakuten Saiban,* released only in Japan. Four years later, Capcom ported the title to the DS platform, and re-released it with a new chapter added in order to take advantage of the DS's touch screen. The newer version, known in Japan as *Gyakuten Saiban: Yomigaeru Gyakuten*, literally translates as "Turnabout trial: Revived Turnabout." The game was released in North America in late 2005, Europe in 2006, and Australia in 2007. The game can be described as a combination murder mystery, adventure game, and courtroom drama. Its release in North America was met with unexpectedly high demand, going on to sell more than 100,000 units (Phoenix Wright: Ace Attorney, 2008). Two sequels have been released (*Justice for All; Trials and Tribulations*), and the series continues with a new main character — Apollo Justice — in the 2008 release of *Apollo Justice: Ace Attorney.* Extremely well localized, the game has become something of a cult hit with fans, and it appears that Capcom will continue the series for the near future.[1]

Phoenix Wright: Ace Attorney consists of five chapters or cases, with the first four playing with the 'turnabout' of the original title. Named "The First Turnabout," "Turnabout Sisters," "Turnabout Samurai," "Turnabout Goodbyes," and "Rise from the Ashes," each episode presents a new case for Phoenix to solve as well as a continuing narrative that develops around the recurring characters of Phoenix, Mia Fey, her sister Maya, and a few others. But rather than move in a linear fashion through this game of progression (Juul, 2005), this paper concentrates on two cases from the fiction of the world, exploring how elements of the game including the Court Record, the interaction options given to the play, and the localization of the game for western audiences interact with the fiction, and how that combination yields a reading of the game that highlights performance, thoroughness, and persistence.[2]

The first turnabout: Localization

The *Phoenix Wright* games were originally created in Japan for a Japanese audience, although the company likely had plans to sell them elsewhere, since the original game included both Japanese and English versions of the text. Players are allowed to choose which language to use when booting up the game, and because the Nintendo DS is not region locked, English-speaking players outside of Japan likely could easily find the game through an importer, play it, and then spread word about it via the Internet.

Furthermore, the level of localization found in the "Japanese-only" product on the English setting strongly suggests a more global future than just Japanese gamers who wished to practice their language skills. Much more work goes into localizing a game than simple language translation. Edwards calls the process "culturalization" rather than localization, in order to convey a sense of how complex the process can be (2008). And culturalization plays a critical role in *Phoenix Wright*, as the game is text heavy, relying on numerous puns, name-based gags, pop culture references, and the like. While the legal system itself is a fiction, the game relies on wit and exacting uses of language in both dialogue and writing to succeed. Likewise, the player herself must engage with the language of the game as a primary means of gameplay — through interviewing witnesses and defendants, in cross-examinations, and in the reading of pertinent evidence. Thus, getting the content right is something *Wright* must do (pun intended).

As I've written elsewhere about localization, game developers must take into account not only translation of dialogue, but also elements of the game such as graphics, holiday references and celebrations, cultural norms for behavior, idioms and slang (2006). Further, localization is *not* about strict translation, but about altering cultural expressions that might interfere with a game player's understanding or enjoyment

of a game. However, just as the translation isn't exact, neither is localized content a true picture of another country or culture, but more usually a pastiche of symbols, icons, and broad references (2006).

And *Phoenix Wright* is much more than an action or fighting game, with only basic dialogue or directions to rework. The game's localization team, luckily quite candid about their process, worked tirelessly to re-frame a game deeply entrenched in Japanese popular culture into one that North American audiences would find amusing, rather than confusing. Most obviously, the title of the game itself changed — from a focus on the trials (Turnabout Trial) to the central character- Phoenix Wright himself. And Wright's name is also not translated but changed, to allow for his colleagues and friends to play with the meaning of his name in the English as well as in the Japanese versions.

In Japanese, Phoenix Wright starts out with the name Ryūichi Naruhodō (成歩堂龍一). The name "Naruhodo" can be translated as "I see" and is a phrase often inserted in conversation to signal attentiveness or agreement "hai… naruhodo…" ("yes… I see…"). The Japanese version of the game can thus use the character's name to play with the inexperience of the main character, a brand new defense attorney, who may *not* see (or understand) what is going on. Alternately other characters can point to Phoenix's inexperience ("Don't you see?"), echoing the player's potential confusion about how to proceed in a particular case. Naming the English version of the character "Mr. I See" would obviously have been inappropriate, if not ridiculous, and thus the localization team endeavored to give the character a name that would also allow for different types of wordplay within the unfolding narrative, as well as simple puns, such as "Right, Wright?" or "I believe you may be wrong, Mr. Wright."

The team went a step further with Wright's first name, going "back and forth with the translator and the R&D team" in order to decide on "Phoenix," picked to signify the bird that eternally rises from the ashes, thus a character figuratively named to overcome defeat, to eternally struggle and eventually triumph (Ameba, 2008). The character also has a nickname — Nick — used by his close friends, which is more casual and not overtly marked in terms of ethnicity or race. Thus the name Phoenix Wright draws from ancient mythologies (including Egyptian, Phoenician and Greek) and employs a homophone in the English language to create a name that's versatile for various kinds of wordplay.

And the game is a constant play on language. This is an adventure game based on laws and courtrooms, heavy on oral testimony, cross-examinations, and textual and visual evidence. For example, the third episode in the game, "Turnabout Samurai," involves the alleged murder of one television actor by another — both of whom

star in a “tokusatsu” show, or a live action television drama that employs special effects, reminiscent style-wise of such shows as *Mighty Morphin’ Power Rangers* (Phoenix Wright: Ace Attorney, 2008). The case revolves around defending the “Steel Samurai” (the interestingly named “Will Powers”) from what you suspect is a frame-up, by investigating the studio lot where the show is filmed for evidence and crucial testimony from witnesses. Some evidence is found after talking with a young fan-boy (“Cody Hackins”, a play on code hacking) who is obviously an otaku — a hardcore fan who is typically an avid collector, socially awkward, and a lover of techno-pop culture such as anime and videogames.

Cody’s style of talking relies heavily on localized slang, such as when he remarks to Phoenix, “Man, how can one person be so lame?! If you were a superhero you’d be Lame-o-man!” Other characters in the case also employ slang, such as Sal Manella, the director of the show. The writers went even further with altering Sal’s testimony, going not for more familiar spoken idioms, but playing on the written form of leet-speak for his speech patterns. Thus he claims as his profession “I make the Steel Samurai, n00b! ROFL!” Use of such terms as “n00b” and “ROFL” obviously would not work as well (if at all) if spoken. Thus allusions created by the localizers go beyond even spoken idioms, due to the textual rather than oral nature of testimony in the game.

However, the game does keep many fictitious Japanese references, possibly because it would have been extremely difficult to expunge all evidence of “foreign” content. The use of the Steel Samurai show is only one example of a reference that could easily be seen as Japanese in origin. Another might be in “Rise from the Ashes,” where one eyewitness, Angel Starr, sells lunch boxes of rice and fish, similar to the bento boxes that are popular in Japan. Yet perhaps references to Japanese media and popular foods need no longer be erased, or even heavily modified. Recent interest in Japanese pop culture, such as manga, anime, and of course videogames, has been well documented (Allison, 2006; Napier, 2007). Furthermore, while most Japanese companies attempt through localization to erase the ‘cultural odor’ of their products (Iwabuchi, 2002), more recent hardcore fans seem intent on preserving as much of the local Japanese ‘flavor’ as possible (Honeywood, 2007). Thus leaving some of the “Japanese-ness” in the game might be as much of a draw as the game’s skilful use of language.

The second turnabout: The interface

Four of the five cases included in *Phoenix Wright: Ace Attorney* take minimal advantage of the DS’s touch screen and microphone, relying instead of a simple point and touch of the stylus to choose interaction options, and to advance

narratives. The fifth case, “Rise from the Ashes,” was designed with the DS in mind and goes much further, allowing players to do such things as rotate and zoom in on evidence while examining it, assemble together broken objects, and dust items and scenes for fingerprints or blood. During all cases in the game, players can use the built-in microphone to shout “Objection,” but the option to do the same via text is also available — making it a choice for the player of whether or not to vocalize interactions. Likewise, all testimonies are given as text, and only a few phrases are vocalized by actors — such as when prosecuting attorneys scream their own ‘objections.’

The game also provides a fairly utilitarian interface that offers the player an array of options that spell out potential avenues for action. In considering what the interface actually privileges, it’s important to point out that *movement* is not one of them. Similar to more traditional text-based adventure games, the player does not have an avatar to steer through space, nor even is she given options for steering herself closer to or further from game elements, other characters, or objects. Instead, the game gives her four basic commands as large buttons (when not in court) — Move, Examine, Talk, and Present. Pressing “move” gives the player another menu of locations that she can visit at that point in time. As she progresses through episodes, some new locations may open up, while others become irrelevant or disappear from view. She can always visit her office, and she can usually visit the Detention Center at the local jail (to interview her client, most often), the Police Department, and the crime scene, which often has multiple locations/scenes. Yet that movement is always immediate and unseen, with no avatar to steer, and no sense (unless given through dialogue) of the time involved in such travels, or relative distances.

In the context of the game that spatial distance is not necessary, and thus it disappears or collapses from the player’s view. In distinction from worlds such as Azeroth in *World of Warcraft* and Middle Earth in *Lord of the Rings Online,* players are not promised an expansive world to explore, with many exciting and exotic locations. Rather, they are confined to a few, small locations, all of which must be viewed on a single DS screen. While some scenes allow the player to pan the view left and right, most are portrayed in a single screen, and most action involves characters that are static — while they may be active in arguing a case or examining a clue, their virtual bodies, if shown at all, may have a small sprite animation to keep them visually interesting, but they never move in and out of scenes on their own.

Perhaps the element of the interface most central to the game is a large arrow on the bottom touch screen, which advances dialogue and the game generally. Unremarkable in its own right, the arrow button is the central driver of action in the game, keeping the player active in moving the plot forward. Interestingly, the arrow almost always has only one direction — forward. The only time this changes

is during a cross-examination of a witness, when the player can move forward or backward between sections of testimony, to better judge what parts might be faulty, or require the presentation of evidence to expose a contradiction.

Given those limits, the game seems to be a fairly straightforward game of progression, as detailed by Juul (2005). While the screen with four options appears to offer players a choice of how to proceed (should I move to a different location and examine it, or talk with the person in front of me?), there are always a pre-determined number of activities that must be completed for the story to move forward and the game to unlock access to a succeeding section. Thus while not a game totally on rails, players cannot choose *not* to interview particular people, or examine certain locations, at least if they wish to progress within the game. The game's linearity stresses thoroughness, forcing players to ask every question as it becomes unlocked, and to use the cross-hairs to examine every nook and cranny of each location, to ensure all available clues and information are found. Those activities may not be difficult, instead usually being quite tedious, but the player must go through them to advance through the game, much as MMO players must engage with a grind in order to level their avatars (Consalvo, et al, 2008).

A majority of interface elements work to create a game that is largely menu driven. Players have choice — but choice that is strictly defined and controlled by the game's code. One can move or talk, but not sing or create. If I choose to talk with a witness, I have a list of questions to ask or topics to bring up, which might unlock further options, but they are always pre-defined. Asking questions in different orders yields no changes to how characters respond, or in the game's subsequent story. If during a cross-examination the judge asks me whether I wish to present crucial evidence, I can choose to do so or not, but if I choose the 'wrong' answer, I will either be re-directed back to the same question, or penalized for my choice, thus forcing me back again to the option, where I must 'decide' on the right answer. Thus, the game privileges a linear approach to gameplay, rather than offering the player opportunities for emergent choices or results. While this may seem a limitation, within the design of the game it works quite well — as Juul would argue, the fiction of the game helps to support those rules. In courtrooms, defense attorneys simply must not talk out of turn, or decide to shoot witnesses rather than question them. Likewise, the player is still given choices, and gameplay excitement and interest lies in piecing together inconsistencies and enjoying the wordplay in the game. So while a strict path is set out for the player, that path is consistent and promises its own set of pleasures.

The third turnabout: The Court Record

In any recent episode of *CSI,* viewers will find investigators pouring over crime scenes, collecting evidence that will undergo various sorts of testing — ballistics, fingerprint, DNA, and the like. The agents believe that to do so is crucial in putting together a case against a particular suspect (or in exonerating another), because people lie, but "evidence speaks for itself." Following in that tradition, *Phoenix Wright: Ace Attorney* allows the player to gather evidence by searching crime scenes, by interviewing suspects and witnesses, and through talking with sympathetic police officers such as Officer Dick Gumshoe (who isn't nearly as sexy as any of the *CSI* folks). In any case, real or fiction, evidence is critical. But in *Phoenix Wright*, evidence takes on especially interesting properties.

Consider some of the objects collected as evidence in the game's Court Record for the case "Turnabout Samurai:" Phoenix's ever present lawyer's badge, a letter of request, autopsy report, cardkey, photo, Samurai Spear, empty bottle, trailer key, memo, script, Mr. Monkey, Cody's camera, steak plate, and sleeping pill bottle. While some objects are standard and would seem self-evident for a crime investigation (autopsy report, a photo) others are specific to the case itself (Mr. Monkey, Samurai Spear). To play the game, the player must accumulate a variety of such objects, which can come about by diligent searching of crime scenes, or interacting with the correct individuals. Along the way, some artifacts' use value is exhausted (such as the letter of introduction, which the game discards from the Court Record once the player uses it correctly), while others maintain currency over the span of the entire case. It's the player's job to carefully examine evidence, to see if it offers important clues (such as a time of death or cause of death in an autopsy), or if simply the existence of the object is important, when for example a witness gives testimony during trial that a piece of evidence can contradict (such as a photograph of their actions).

Let's look at an example from this case to further clarify the role of evidence and the importance of objects to the game. At first glance, the Samurai Spear would seem to be a critical piece of evidence, as it was the murder weapon allegedly used by Will Powers to kill his victim, Jack Hammer. Yet, as a different piece of evidence — Cody's camera — helps to reveal, Cody witnessed the fight (which he believed was a run-through of a scene) and saw the Steel Samurai do something unbelievable — he lost the fight. Cody actually deleted the photo of the Samurai losing, but the presence of the digital camera, and the questioning of Cody by Phoenix, help to prove to the court that someone is trying to frame Will Powers for a murder, thus making the camera more important than the spear. Backing up a step, it's also key to know that another artifact from the Court Record was instrumental in getting Cody to talk to Phoenix in the first place — an "Ultra Rare Premium" collector's card for

the television show (The Steel Samurai, of course) which Cody coveted. Phoenix managed to 'bribe' Cody into talking to him by presenting him with the desired card, which he obtained from another witness, Penny Nichols, in exchange for giving her an "Ultra Rare" card to complete her own collection. Phoenix obtained the Ultra Rare card from Wendy Oldbag, one of the studio's security guards, who gave it to him as thanks for his giving her a cardkey to Studio One, which he found when examining the Staff Room at the studio. While most evidence doesn't travel such a circuitous path, this journey does indicate the value of objects in the game. Part of the game, then, is figuring out the role of objects and how they can best be 'spent' as currency within the game. Thus objects do seem to have both use value and exchange value in a very simplified sense. During investigations objects can allow for direct access to new locations, such as through keycards, or indirect access, such as through the trading discussed above. During trials, objects become important in a different way, as they function to 'set the record straight' and help explain what really happened in a particular case.

Similar to *CSI*, objects in Phoenix Wright 'speak for themselves,' albeit only if they are presented at the correct time during a witness's cross-examination. More accurately, they serve to demonstrate how a witness is lying, and thus not speaking correctly. Going back to Cody's camera, Phoenix must present it during the trial to goad Cody into admitting what he saw and did the day of the crime. But even when evidence is presented that correctly shows a contradiction in a witness's testimony, the witness is generally allowed to re-cant and re-state what they saw or did during the period under scrutiny.

Thus, Cody at first claims that he saw the Steel Samurai win his fight, but upon being pressed, claims he looked away at a crucial moment, to configure his new digital camera. Phoenix then presents Cody with his photo album, showing the pictures Cody has taken of every single Steel Samurai fight. Shown this evidence and with further prompting from Wright, Cody admits he did indeed witness the final fight, and took a photograph, but then erased it. The reason? The Steel Samurai had lost the fight — something unspeakable to the ultimate fan. But to reach that conclusion, Phoenix must repeatedly present evidence, and then press the witness for clarification. Objects are thus a currency for interactions — they help to reconstruct the past, and are a mediator of relationships between individuals in the cases.

The accumulation of objects is central to playing and winning the *Phoenix Wright* games. Objects are a reward for careful searching of scenes, and a prize for asking the right questions. In a way, the game fetishizes objects, according them greater importance than actual witness testimony. People, of course, can lie, while evidence presumably does not. It's curious that in the game, prosecutors are regularly depicted

as willing to go to any lengths to get a guilty verdict, including instructing witnesses to lie on the stand. Yet objects (as evidence) in the game are in a privileged position. Evidence may not actually speak for itself, but it is always genuine, never faked. While it may be mundane, its importance lies in how it can be exchanged — what it can buy for the player. It might purchase further access, better testimony, perhaps even an innocent verdict. Evidence is key, and thus holds power within the game.

The fourth turnabout: Take that!

Of course evidence cannot present itself within the game, and thus interactions form a central part of gameplay. *Phoenix Wright* gives the player a limited set of interaction options, and here I'd like to focus on how Phoenix can interact with other characters in each case and in the game overall. So for example in the second case, "Turnabout Sisters," Phoenix must figure out who murdered his boss Mia Fey, in order to clear his client, her younger sister Maya. To do so, in addition to investigating the crime scene (Mia's office), Phoenix must talk with a range of individuals, including the accused (Maya), an alleged eyewitness (April May), an attorney reluctant to take this case (Marvin Greenberg), and an unnamed hotel bellboy.

Talking with individuals is as simple as moving to the area in which they are located, and then choosing the "talk" interaction option. From there, the player is presented a range of choices from the broad to the specific, such as "the case" "the day of the crime" and "you and the chief." Sometimes asking about certain topics opens up further options for questioning, as does the presentation of certain pieces of evidence to the witness. It's not possible to always know what evidence or dialogue tree will elicit more information, or which information might be key to continuing the investigation, and so players are forced to cycle through all dialogue choices and present all evidence, if they wish to avoid getting stuck in their progression in the game. Phoenix must investigate all dialogue options, and choosing one option never changes the others, or alters the path of the game's story. Choices are presented as optional to give players a sense of choice, although all choices must eventually be taken, all avenues explored, for the story to continue.

Where this changes is in cross-examination, when there is indeed only one right answer in how to interrogate witnesses, and perhaps expose faulty testimony. Consider again the Turnabout Sisters case, and the testimony of April May, the alleged eyewitness to the murder. During her testimony, Ms. May mentions that she saw the defendant, Maya, strike Mia with a heavy object — more specifically a clock in the shape of the sculpture "The Thinker." She says she knows it was a clock (it has no clock face with traditional hands) because she heard it say the

time, as she listened from her adjacent hotel room. Phoenix is then given several options for challenging her testimony and arguing that she couldn't have heard the clock — because the clock was empty, because the clock was broken, or because the batteries were dead. In this instance, choosing any of the options (even though the first is the correct one) will lead the judge to examine the clock, and discover that the clock is missing it's clockwork. Prosecutor Edgeworth then asks when the clockwork was removed, and the judge will ask Phoenix to prove that the clockwork was removed prior to the crime, and not after it. At this point, the game takes a higher stakes approach to testimony — while Phoenix claims "I have proof," the player must then produce evidence to substantiate that claim. Produce the wrong evidence, and Phoenix loses one of five "health" marks, moving him closer to a guilty verdict. Produce the correct evidence — here Maya's cell phone, already presented once before — to play a recorded conversation that indicates Mia had removed the clockwork earlier in the day, before her murder. And that evidence is linked to Phoenix's claim that April May heard *about* the object being a clock, because she was wire-tapping Mia's phone (Phoenix also presented evidence of wire-tapping that he found while searching May's hotel room). After being contradicted, April May loses her composure, but claims that even if she wire-tapped the phone, she has proof (an eye-witness) that she was indeed in her hotel room at the time of the murder, and thus could not have committed the crime. What remains for Phoenix to do now is find out why Ms. May was wire-tapping the phone, and how she might be involved in the crime as well as in finding out who actually killed Mia.

What such cross-examinations and initial interviews demonstrate is the particular qualities required of the player — a desire for thoroughness coupled with a sense of curiosity. As the defense attorney determined to avenge your client, you *must* want to find out who was actually responsible for the crime, and you must be thorough and persistent in your pursuit of that goal. In doing so, the game forces the player to make a close reading of the text of the game — not unlike what I'm doing here. Because options do not change, and the course of the trial cannot be altered based on player input, the correct response for the player is to find contradictions through close scrutiny of the people and evidence involved. In a throwback to hermeneutics, the player is trying to discover authorial intent — here the wishes of the developers, as to how they have constructed the case. Rather than being open to interpretation, just as in a courtroom drama, a certain decision must be reached, and there is only one correct way to interpret evidence, one truthful account from each witness called. The job of Phoenix is to comb through the evidence, to pick apart testimony, to reach those elements of the one true answer — who really committed the crime.

The final turnabout: Performing law

If you are thorough and persistent in playing Phoenix Wright, you *will* complete each case, and ultimately win the game. The reward for each case won is a continuation of the larger story about Phoenix, and a subsequent new case, except of course for the final one, which instead hints at the forthcoming sequel. The game allows players to save at any point, meaning that frequent saving can keep a player going, exploring each avenue, go down dead ends, present all evidence, until the correct combination is found. Once the player achieves proficiency in closely reading the text — the evidence and testimony — success is guaranteed.

If all of the above is true, what is fun about playing *Phoenix Wright*? Is it simply a game about unlocking 'a' to get 'b' and then testing their correct combination to reach 'c?' Of course, simply describing the gameplay runs the risk of erasing the experience of playing, making it seem that the game is nothing but a series of steps to encounter, ponder, and resolve in some way. But of course while some trial and error is to be expected, there are pleasures involved in a playing of *Phoenix Wright*, revolving around how one actually plays the game.

One way to reinsert pleasure into the experience is through considering performance, specifically playing style. The game offers 'do-overs' that a real life courtroom would never provide, but those missteps, stutters and hesitations on the player's part are also roadblocks to game success, both in literal progress and in stylistic performance. Thus, I may play the game, but if I continually have to restart courtroom testimonies for striking out with the judge, I haven't really played well at all.

One way to understand those relative failures and successes is through Butler's notion of performativity, which she originally developed in relation to gender (1993). In *Bodies That Matter,* Butler argues that gender and gendered identity are not static, inherent parts of our selves, but that instead we all perform our genders, continually enacting them and reifying them in a daily, ongoing process. This is of course not to suggest that such performances are voluntary or easy to change, but that we are implicated in our gendered identities, which are dynamic in their expression.

The concept of performance or performativity can also be mapped onto gameplay, as we think about the actions the player takes in a game and more specifically how those actions are taken. Burrill has written about performance studies in relation to digital games, developing the concept of 'digital choreography' to describe a player's relationship with his avatar (2008). While Burrill's work opens up conceptual space for thinking about performance in gameplay, his work focuses on how avatars move through the space of a game — something that is not a feature in *Phoenix*

Wright. However, we can still employ the concept, modifying it slightly for our own ends. Thus, performativity can also map onto my own (as the player) activity within the game, and my relative success or failure in achieving my goals. In doing so, success becomes about specific ways to succeed — in *Phoenix Wright*, that can pertain to carrying out investigations thoroughly, and cross-examining witnesses correctly. What does correctly mean? When characters present their testimony, Phoenix can press them for more information and he can present evidence at any time to contradict their statements. Once a cross-examination begins it cannot end until the following condition is met — the player successfully presents the right evidence at the right times, forcing the witness to change testimony until the narrative is driven forward. If I present the wrong evidence, at the wrong times, or the right evidence at the wrong time, I suffer penalties from the judge, and if I do so often enough, I receive a guilty verdict for my client, and must re- start the current day's courtroom proceedings. Alternately, I can save my game before each cross-examination starts, or indeed at any point during the cross-examination. However, while saving is easy, it also interrupts the flow of the game. After hitting 'start' to save, the game is suspended, and I have to reboot and reload the game from the save point. While that's much easier and quicker with a DS than with a larger game console, it does take me out of the fiction of the game world. It also interrupts my performance, feeling like a stutter in the flow in the game. The more cautious I get in a cross-examination, the more I save, and the more tedious the game will seem — it becomes all about dropping a breadcrumb behind me for each statement. Yet if I wish to play dangerously I can forsake saving, letting courtroom scenes play out and risking my carefully won progress when I must cross-examine a witness.

One route is more conservative; the other is risky. In playing a scene without saving, I have felt myself grow more anxious as another cross-examination looms — wondering whether I will be able to get through it successfully, perform it to exacting standards. In contrast, when I save frequently, I know my progress is assured, but the constant stop and start ejects me from the game world, and feels suspiciously like cheating. In both scenarios I am playing the game legitimately, yet in one case (the former), I have more style, I am performing without a safety net. In the second scenario, my performance feels more limited, my style less game-like and more cautious. The play element in the second scenario has been lost, or at least diminished. By contrast, in the first case I am freely playing, almost twirling about like the player of ilinx (vertigo) games (Caillois, 1961), seeking that feeling of heightened awareness and danger that I cannot achieve by safely saving every 30 seconds. The game makers could have enacted auto-save, yet their method creates a tension for the player over how to play — and rewards riskier gameplay with a stronger sense of immersion and less breaks in the performance — thus with more style. To do so is to perform as a lawyer, a successful lawyer, in vindicating your clients and enacting justice.

Finally, let me return to Butler and her original conceptualization of performativity. Just as for Butler gender is a process and an activity, so too is gameplay. Through my playing of *Phoenix Wright*, I call the game into being, and in some sense, myself as a player. How I choose to play is also dynamic, yet it is likely that as a player I will have developed strategies that have worked well for me in the past, or I simply might have a particular style that I enjoy, regardless of consequences. Off-topic, I enjoyed the *Buffy the Vampire Slayer* game immensely, yet could never work out strategies for winning, always preferring instead to run and jump into fights, simply for the sheer thrill. Yet in *Phoenix Wright*, my style is more conservative. That style does tend to reduce my enjoyment of the game a bit, at least in one sense — the immersion in the world of the courtroom breaks with each time I hit Save. Yet in another way, I am performing my gameplay in a way that makes sense to me as a player — and I do so iteratively, each time I play, with each game I pick up. And like gender, I can alter that performance, although that can be difficult to do, as it contradicts a growing sense of myself and a certain comfort level with my performance as a game player. But the strictures around the performativity of game playing are not so tight as those around gender, so I can perhaps experiment and shift styles, with little in the way of sanction. Yet overall, in the end, I do enact a game playing performance, and with each game I play, I, like all gamers, call myself into existence as a gamer.

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[1] In addition to the first game, I've played the second in the series (And Justice for All), and have plans to play the rest, although I haven't done so yet.

[2] My reading of Phoenix Wright is based on playing the game through in its entirety once, re-playing specific cases a second time, and referring to a script FAQ (Mead, 2006) online to ensure dialogue and other details from cases were correct.