

Games and evil

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Many of the activities we engage in are morally undetermined. What I mean by this is that performing these activities might turn out to be either a good thing or a bad thing. Take giving advice as an example. Normally, it seems to be a good thing if we help somebody by giving her some (hopefully well grounded) advice. However, it is also possible to give advice to a mass murderer as to how to kill even more people. This is a very bad thing to do. Thus, giving advice is morally undetermined in the sense that performing this activity we might either be doing a good thing or a bad thing.

In this essay, I will put forward the claim that playing a game is an activity which is not entirely morally undetermined. Notably, I shall argue that when we are playing a rule-bound game, we cannot commit evil. Playing a game is an activity that is partly morally determined, as it is impossible to adopt an evil course of action and still be playing the game. The most extreme form of negative behaviour in the moral sphere, namely evil behaviour, is excluded from rule-bound games. This conclusion follows from what it is to play a rule-bound

game. It is because of the defining properties of such games that playing a rule-bound game is a special activity from a moral point of view.

I will proceed in three steps in order to argue for this claim. First, I will briefly outline two classic accounts about what constitutes an evil action. I present both a Kantian account of evil – with a focus on the corrupted rules we follow when acting evilly – and Arendt’s account of evil. She holds that even when we are abiding by the right rules, we might still be acting evilly. The second part of the argument then reconsiders two influential definitions of what it is to play a game: The classical contribution from Caillois (1961) as well as the contemporary approach of Juul (2003). In the third part, I will combine the theoretical findings on evil and on games. Notably, I will highlight how the examined definitions of playing a game seem to coincide in that they exclude evil from the sphere of games. The result of the discussion is the finding that, given the characteristic properties of rule-bound games, we can commit no evil while we are playing such a game.

1 Two accounts of evil

According to Kant (1998a) the moral law is a fact known to everybody. Whenever we are facing a morally challenging situation, upon reflection it is actually clear to us what ought to be done. For Kant, what we ought to do is to autonomously choose maxims, i.e. the rules that we use to guide our actions, that are in line with the moral law and act on them. To see if the maxims we are using to guide our actions truly meet the criterion of complying with the moral law,

one has to check them using the categorical imperative. The most well known formulation of the categorical imperative is the *universal law formula*, namely to ‘act only in accordance with that maxim through which you can at the same time will that it become a universal law’ (1998a: 4:421). The imperative is a compass that facilitates distinguishing right and wrong.

Even with everybody knowing the moral law and having the categorical imperative to check one’s maxims, we still sometimes behave in evil ways. In *Religion within the Boundaries of Mere Reason* (1998b), Kant explains that this is because we have the predisposition to act in a good way, but also the propensity to act evilly. He distinguishes between the two concepts saying that a predisposition is something original, i.e. a constituting part of human nature, whereas a propensity is contingent in the sense that human beings, in principle, are thinkable without this propensity (1998b: 6:29). Yet, it is this propensity which may induce us to adopt maxims for our actions which are not purely informed by the moral law.

For Kant, whenever our maxims are not in line with the moral law, they are corrupted. And whenever we act on corrupted maxims, we commit evil actions. Two of the forms of corruption Kant mentions are of particular interest to us (1998b: 6:29–30). First, the maxims we follow may be corrupted because of *frailty*. If one respects the moral law when setting maxims, but succumbs to one’s inclinations in the situations in which one should act according to them, frailty is the reason of acting on corrupted maxims. Roughly speaking, the idea is that we often choose the right rules to govern our actions, but that we also

sometimes break them for our own benefit in situations in which we ought to respect them. Although we identified the right rule and intended to follow it, we do not actually do so when put to the test.

The second form of corruption is *impureness*. People may do something evil because the maxim that guides their behaviour is not purely motivated by the moral law, but rather is a mixture between respect of the law and self-love. Actions guided by impure maxims may seem good at first glance (e.g. a merchant using correctly adjusted scales) but should not be judged as being good (because some merchants may only do so out of the fear of losing customers). The maxim of the merchant always to use correctly adjusted scales is impure in this case, because it is not his only goal to abide by the moral law, but also to retain customers and make profit. Roughly speaking, the idea is that we might act evilly in some situations, because we simply chose the wrong rules to follow.

Frailty and impureness are reasons for the corruptions of our maxims, and thus precursors of evil actions. Still, Kant is convinced of man's fundamental goodness. This conviction is so strong that he deems us worthy of practising an *imitatio Dei* in the sphere of morality. This is precisely what one does when testing maxims with the categorical imperative: reasoning how a world featuring the self-chosen universal laws would look like.

Whereas Kant firmly believes that humans are not capable of being truly diabolical, i.e. of committing evil by acting on maxims that reject outright the guidance of the moral law, Arendt seems to be empirically confronted with

precisely this situation when writing on the Second World War. She discovers a new kind of evil Kant had not thought about. Arendt's main interest is to find out how seemingly ordinary people can act in morally outrageous ways. And what she finds is that rule-following might be one of the biggest causes of such behaviour.

According to Arendt, it is characteristic of evil that it creates a state of speechless horror that mutes all arguments. The biggest evil is such that has been committed by *nobody*, by human beings that refuse to be persons, and that consequently can neither be *punished* nor *forgiven* (2005: 111–12). Such evil is committed by ordinary men – not by sadists – who turned into perpetrators only because they did what they had been told to do. These ordinary men can be said to be nobody, because they are not persons according to Arendt's definition. The perpetrators refuse to be persons, because they refuse to think for themselves and are not able to remember what they did. 'The greatest evildoers are those who don't remember because they have never given thought to the matter, and, without remembrance, nothing can hold them back' (2005: 95). It is difficult to punish such evil. It seems as if it is rather the anonymous system of rules these men served that is blameworthy. It is impossible to forgive such acts of evil, because you can only forgive a person but never a certain act or a set of institutions that led to a crime. Arendt concludes that it is not necessarily narcissists or sadists who are dangerous, but ordinary people who execute orders according to rules. 'Therein lies the horror and, at the same time, the banality of evil' (2005: 146).

With the notion of the banality of evil, Arendt strongly contradicts the idea that abidance by generally accepted social rules is enough to do no evil. In contrast, we are confronted with the paradox that social rules can actually foster evil behaviour. Whereas *not following* social rules might be bad, people who *unconsciously followed* rules have done more and bigger evil. Put differently, the problem does not seem to be one of choosing the right rules or of always abiding by them. Rather, evil actions may arise where people blindly follow rules commonly perceived to be acceptable.

A further complication is the following one. The exact same activity – the individual, conscious critique of established rules – makes good people better and evil people worse (2005: 104). In a constant state of critique, good people might be able to prevent a lot of banal evil from happening, because many everyday rules may prove to be imperfect on closer inspection. In that same state, however, bad people might be inclined to throw overboard even the last remaining decency and morality. This is especially true as Arendt does not share Kant's conviction that everybody has a well functioning moral compass that reliably teaches right from wrong (2005: 61).

Still, a constant state of critique is the best way to prevent banal evil from happening according to Arendt. If we are reflecting on our actions instead of blindly following rules, banal evil of the kind committed by Adolf Eichmann is very unlikely to occur. In addition, such a constant reflection ensures that we become persons as regards our actions. If we think for ourselves, we are not

nobodies, and thus we become unable of doing unutterable evil without even remembering it.

Note that both Kant's and Arendt's accounts of evil presented here are *formal* rather than material accounts. That is, rather than specifying that murder, rape, genocide and so on are evil actions, they tell us which formal conditions an evil action has to fulfil. Namely, in order to be evil, an action has to be an instance of acting on corrupted maxims or of blind rule-following with severe negative consequences. What I am arguing is that when we are playing games our actions do not meet these formal conditions and thus are not evil.

2 Playing games

Roger Caillois's *Man, Play and Games* (1961) is a classic *locus* for a definition of what it is to play a game. Caillois defines playing a game as an activity which is free (in the sense of voluntary engaged in), separate (in time and space), uncertain (with respect to the outcome), unproductive, rule-governed and make-believe (1961: 9–10). For our purpose, the three most important characteristics Caillois highlights are a game's separateness, unproductiveness, and rule-boundedness.

The first one of these criteria is very intuitive. Games are 'circumscribed within limits of space and time, defined and fixed in advance' (1961: 9). There is a place for playing a game, e.g. a chess board, and a time for playing a game, which is often fixed in advance.

In order to justify the criterion of unproductiveness, Caillois highlights that a characteristic of playing a game is that it 'is an occasion of pure waste: waste of time, energy, ingenuity, skill, and often money' (1961: 5-6). Games are unproductive in that they do not produce new value, like for example a work of art, but only exchange goods and value which already exists. That is, whereas gambling might surely lead to a redistribution of money, we end up 'in a situation identical to that prevailing at the beginning of the game' (1961: 10) with respect to the absolute amount of value present. The games we play, according to Caillois, characteristically are zero-sum games.

Note that this also implies that games are not destructive with respect to value. While it certainly is possible that within games the players are harmed financially, one player's loss always is another player's gain. This is not the case for players incurring non-compensable harms (such as bodily harms). This is why such harms have to be excluded from games. Surely, when playing football, one might end up with bruises and maybe even a broken leg. But the more severe these harms become, the more contrary to the nature of games they are. For in the case of very severe non-compensable harms (e.g. a mutilation of some kind), it is not the case that '[a]t the end of the game, all can and must start over again at the same point' (1961: 5). With respect to these kinds of harms, games must be harmless.

Concerning the aspect of rule-boundedness, Caillois states that games take place 'under conventions that suspend ordinary laws, and for the moment establish new legislation, which alone counts' (1961: 10). Not all games imply

rules (1961: 8). However, there certainly is a specific kind of game for which rules are essential. In Caillois's terminology, the component of *ludus* is very prominent in these kinds of games (1961: 13). Caillois coins the concept of *ludus* in order to express the thought one can classify games along the dimension of whether they stress free improvisation and carefree gaiety, or instead emphasize the aspects of arbitrary, imperative, and purposely tedious conventions. The most paradigmatic kinds of games with a pronounced element of *ludus* are games which are designed in order to experience the pleasure of solving a problem – whose solution might in itself be pointless. Golf seems to be a good example. Even if not all games feature rules, I shall restrict my argument against the possibility of evil in games to rule-bound games.

A more recent yet widely acknowledged definition of games comes from Juul (2003). Just like Caillois, Juul provides us with a list of criteria games have to fulfil.

A game is a rule-based formal system with a variable and quantifiable outcome, where different outcomes are assigned different values, the player exerts effort in order to influence the outcome, the player feels attached to the outcome, and the consequences of the activity are optional and negotiable. (Juul 2003: 35)

The ideas of rule-boundedness and separateness are just as central for Juul as they are for Caillois. Concerning the latter, Juul stresses that games are separate from real life in that they always have to be playable without real life conse-

quences. That is, although some games do feature real life consequences, it is essential that they could also be played without these consequences. ‘A specific playing of a game may have assigned consequences, but a game is a game because the consequences are optionally assignable on a per-play basis. That games carry a degree of separation from the rest of the world follows from their consequences being negotiable.’ (2003: 35)

For Juul, a consequence of games being separate by having negotiable consequences is that games must also be harmless. ‘[T]he only way for a game to have negotiable consequences is to have the operations and moves needed to play the game [be] predominantly harmless’ (2003: 39). He gives the example of games involving weapons as games with strong non-negotiable consequences. This criterion of harmlessness echoes Caillois’s condition of unproductiveness in a very focused way.

Besides the ideas of rule-boundedness, separateness, and harmlessness, Juul’s definition integrates many points familiar from earlier attempts at defining games. This continuity in defining games is just as central for my argument as the orthodoxy of the definitions given.¹ The definitions echo each other in that certain crucial elements appear in them. As already stated, for my argument, the three properties of games as being rule-bound, detached from the proceedings of the real world, and harmless are of particular importance. It is not my goal here to accurately distinguish between different definitions, let alone to argue which one is best. All I want to show is that the definitions agree on some defining properties of games.

3 Evil in games

So how are the characteristic properties of games responsible for the impossibility of doing evil when playing a game? I will address evil arising from abiding by the wrong rules ('impureness'), evil arising from choosing the right rules but breaking them occasionally ('frailty'), and evil arising from choosing the right rules yet blindly acting in accordance with them ('banal' evil) in turn.

With respect to evil arising from abiding by the wrong rules, it is the rule-boundedness of games in conjunction with their detachment from the real world which is decisive in making games immune to evil. Although it seems reasonable to agree with Kant that human beings in general are prone to choosing the wrong maxims to guide their actions, this propensity does not impact on people agreeing on the rules of games in particular. Put differently, every rule of a game passes the test of the categorical imperative that one should only act in accordance with that maxim through which one can at the same time will that it become a universal law. Interpreting the categorical imperative as outlining a decision procedure for determining morally permissible maxims can most easily support this claim.

Consider for example the invention of a new game. Firstly, the players autonomously formulate the rules of the game.ⁱⁱ Secondly, for every rule the players agree that it shall henceforth be a universal law for the game space and the time the play lasts and that everybody must act as the rule proposes. Finally, by

setting out to play the game by the rules they agreed upon, the players demonstrate that they will to act on their chosen maxims.

In other words, the testing of maxims using the categorical imperative – usually a pure thought experiment – comes to life when determining the rules of a game. Creating a game world, the players actually practice the *imitatio Dei* that Kant deems them theoretically worthy of. In the detached game world, players are able to install their own universal laws. Of course, this newly erected world is not real and only exists for a limited amount of time. So we are talking of a form of limited universality here. But this should not hide the fact that games can be said to create worlds of their own. The social and interactive complexity of games can be so substantial that the predicate of ‘creating a world’ is well merited. It is a property common to many games to erect a *magic circle* around them and to feature a second, free unreality in which the game’s rules are the only laws there are and universally valid (Huizinga 1955: 10).

The players lose themselves in the detached worlds of games. All that matters is where they are located with respect to the game space (‘My figure is on this or that field of the board’) and the timing of the game (using time specifications as for example ‘being in the mid-game’). When playing a game, players are in a different reality which possesses its own unconditional laws: the rules of that particular game.

Thus, if one form of acting evilly according to Kant is to act on maxims which are impure, i.e. to act on maxims which would not pass the test of the categorical imperative, then games cannot exhibit this form of doing evil. The rules of

games uniformly pass this test. The chosen rules of games are the universal laws for governing the game world; not only theoretically, but also practically speaking. And they are autonomously chosen and freely agreed to.

So let us turn to frailty next. Recall that evil due to frailty occurs when one initially chooses good rules to follow, but then breaks these rules in situations in which one should have stuck to them. With respect to evil due to frailty, it is again a game's rule-boundedness which is decisive. More particularly, it is the fact that games are governed by *constitutive* rules which makes them immune.

Following Searle (1979: 33–42), we can say that a certain activity is governed by constitutive rules, if the behaviour that constitutes the activity only arises because a certain set of rules is followed. Games are a classic example, Searle argues. Consider golf. The characteristic behaviour that golf features, i.e. hitting a golf ball with a golf club in order to pot it in a hole in the ground, does not pre-exist the rules of golf (or the predecessors of this game). People only started to hit balls using clubs with the intention to pot them once they invented the game of golf. It is the rules of golf which prescribe that the ball must be hit with a club rather than being kicked or thrown, that it must be played as it lies, and so on. And without taking into account these rules, there is no meaning in performing the activities associated to golfing. Put differently, there simply is no behaviour that corresponds to golfing prior to the rules of golf being established.

In contrast, for activities governed by *regulative* rules, there is such behaviour (Searle 1979: 33). A good example are interactions in the public sphere. There

certainly are such interactions before the rules of etiquette, which govern these kinds of situations, come into being. The rules of etiquette regulate a behaviour which is, so to speak, already there before they are adopted in a second step.

Suits (1978) nicely captures the idea of constitutive rules with his example of rules deliberately complicating the achievement of the central goal of a game. In rugby, for example, forward passing is not allowed. Yet, it is the central goal of the game to advance the ball. The situation, therefore, is the following. In rugby, and in many other games, there are rules which prevent the achievement of the game's goals using the most efficient means. It is this practice of requiring less than efficient means for achieving the ends of the game which makes up the game in the first place. '[S]uch rules are accepted just because they make possible such activity' (Suits 1978: 34).

Precisely because a game is governed by constitutive rules, it is not possible to break the rules of a game and still be playing the same game. In contrast to everyday life where violations of social rules happen rather frequently without causing major upheaval, in games, you cannot simply break a rule and go on playing. 'The rules of a game are absolutely binding and allow no doubt. ... Indeed, as soon as the rules are transgressed the whole play-world collapses. The game is over.' (Huizinga 1955: 11). You cannot simply break a rule e.g. by changing the way a rook moves in chess without making it another game, causing the game as it took place until then to end immediately. When a player realizes that an incorrect move was made his attention shifts from the experience of play to making sense of the rules and the game is halted for a moment leav-

ing only two possibilities. Either the incorrect move is undone or the game ends. Imagine the situation in which a chess player moves the rook diagonally for one time only. There is no way in which the game could simply go on after this incident. If the players continued to move pieces in ways contrary to the rules of chess, they would be playing a game other than chess. Thus, breaking a game's rules generally speaking never is a minor problem, but an existential one. If one intentionally breaks or alters the rules of a game, the game one was playing ceases to exist. One cannot break the chosen rule of a game and thereby fulfil the condition of evil due to frailty, since the game falls apart in that very second. One can, so to speak, only do evil ending a game, but not playing it.

Two special cases merit attention. First, the case in which the game comprises a rule for how to punish a certain violation of another rule of the game. Think of fouls and yellow cards in football. In this case, a player might violate a certain rule of the game, e.g. the rule to play fair when tackling a player of the opposing team in too harsh a way, and yet the game does not end. In such cases, it is important to realize that what the punishment rule does precisely is to yield a guide as to what needs to be done in cases of rule-violation. The punishment rule states that if a player does X, then she has to be punished in way Y. By defining the appropriate course of action in the case of rule-violation, the behaviour which violates the first rule (i.e. the rule of fair play) is accounted for within the context of the game. What would be a violation ending play if there were no punishment rule in place, becomes a foreseen special

case. Thus, a harsh foul strictly speaking is not a rule violation within the context of football. Behaviour for which there is a clear rule of what has to be done should it occur in the context of the game can hardly be a violation of the game's rules in the strict sense. The real violation of the rules of football would take case in situations in which brutal tacklings were *not* punished. It is not the initial 'breach' of the rule that is the problem in such cases, but the failure to react to it in an appropriate way as prescribed by the game's punishment rules.

The second special case is that of undetected violation of rules by a cheat. A cheat does not explicitly break the rules. Rather, the cheat's non-compliance comes down to creating an exception of the universal rule. Unlike spoilsports, cheats want to go on playing 'on the face of it' (Huizinga 1955: 11). Cheats neither perfectly comply with the game's rules nor totally ignore them: they create a permanent state of exception for themselves.

Cheating may go undetected for a very long time, and it might leave the game intact for all those who are not cheating. Still, the game ends at least for the cheat himself the second he cheats. Again, take the example of golf. Following Caillois, we can say that golf is 'a game in which a player at any time has the opportunity to cheat at will, but in which the game loses all interest from that point on' (1961: 83). Golf is very much about the idea to play against oneself and to let chance play its role. If one breaks the rules of golf, e.g. by secretly dropping a new ball in the rough when the original ball cannot be found, one does not simply continue to play golf in a slightly altered fashion. Rather, one is not any longer playing golf.

This fact seems to be most easily accounted for with respect to the playing experience of the cheat. At least the cheat knows that he is cheating. So he also knows that he is significantly influencing the extent to which chance determines the outcome of the round of golf he is playing. It is partly determined by chance whether somebody is able to find his ball in the rough when looking for it. And letting chance play a role in determining a game's outcome is essential to the experience of many games.ⁱⁱⁱ In particular, a meddling with chance in the way the cheat does, is destructive with respect to the game of golf.

To summarize, breaking a game's rules is not just a usual rule transgression: it destroys the game or at least immediately pauses the regular course of play. Thus, if evil because of frailty is equivalent to breaking self-chosen rules, then those many forms of play featuring rules are not prone to satisfy this condition of evil.

With Arendt's findings on the banality of evil, the problem of the potential of evil in games becomes that, if we are blindly following rules, evil things might happen even if the rules are the right rules generally speaking. What helps to prevent evil of the banal kind from arising in games, however, is that play is inherently harmless. As Caillois and Juul agree, games are incompatible with the idea of players incurring serious bodily harm in the course of playing. Rather, as soon as enduring bodily consequences appear, the game is either interrupted or ends. However, if no serious harm can be done within the context of a game, then this prevents evil of the kind Arendt describes from taking place in games. Note that unlike Kant, Arendt also focuses on the consequences of

an agent's actions rather than purely on the kinds of maxims he follows in order to define evil. For her, even those people who do not follow corrupted maxims or who are not malignant in any way can cause serious evil. But if a certain activity excludes the possibility that harmful consequences might arise in its course, this activity does not seem to be prone to the banality of evil.

To be sure, one might doubt to what extent this alleged harmlessness of games holds true in extremely competitive games. Sports for instance often carry a lot of injuries. But, as Juul rightfully emphasizes, 'it is part of how we treat these [more dangerous] games that injuries should be avoided' (2003: 39). Even in a state of competition, players try not to cause harm to their opponent. Play does not aim at inducing harm that transcends the boundaries of play, but only at inducing 'harm' that minimizes your opponent's chances of winning, e.g. by capturing one of his pieces in chess. Although the goal of boxing is to knock-out the opponent so that he cannot return to his feet before the referee counts to ten, it is not the goal to harm the opponent to the extent that he can *never* stand up again. The inherent harmlessness of games is the reason behind the existence of the technical knockout rule in boxing and what distinguishes it from plain fighting.^{iv}

The fact that we are aware that we are playing keeps us alert with respect to not causing serious harm to our opponents. This general attitude towards what playing a game is supports all players in keeping up that constant state of critique called for by Arendt, which presents the best way to prevent banal evil from happening. Because we know that we are playing a game, we are especial-

ly cautious not to cause harm. Thus, when we act as players, we act as persons in Arendt's sense. We reflect on our actions, particularly with respect to their potential harmfulness. On the occasion of a player intentionally harming his opponent everybody halts in awe.

A potential criticism might be that the focus on an abstract and idealizing definition of games excludes evil actions from concrete playing by what seems to be definitional prestidigitation. If games are defined as necessarily being harmless, and if evil is defined as involving harm, then of course evil cannot take place in games. But, one might ask, what can we really learn from such a conclusion based on conceptual grounds? However, one should notice that the property of harmlessness as ascribed to games is not the arbitrary result of personal intuition, but of what anthropologists and sociologists find to be the actual use of this concept across different cultures. People only experience activities as playing games that are predominantly harmless.

If harm is being done in the context of the game, the game often does not just halt. Rather, the game world is abruptly shattered. In the very second serious harm enters the scene the game ends. Again, this is why there can be no evil in games, only evil ending games. The most notorious example in this respect might be the lethal fastball thrown by Carl Mays that fractured Ray Chapman's skull during a baseball game in August 1920. As soon as people realized what had happened, the substitutes ran on the pitch, ambulances arrived, and the game was disrupted. The game world was shattered so thoroughly, that a trial for manslaughter against Mays was initiated. One can hardly imagine a more

thoroughgoing destruction of the game world than a lawsuit asking questions about what a game is, and what may legitimately happen in it from a theoretical point of view, with the looming threat of one of the players being convicted for what he has done.

It is because of the utter incompatibility of games and harmfulness, and because the players of games constantly uphold this spirit, that playing a game does not easily fall prey to threats of evil being caused by blind rule-following. As serious bodily harm is done in games, the game immediately pauses or ends for the very reason that such harm has been done. Thus, as with the other forms of evil, we find that given the inherent properties of the activity of playing a game, no evil can be committed while playing a game. Overall, we can therefore conclude that playing a game is not an activity which is entirely morally undetermined.

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Notes

- ⁱ Notably, one could extend the continuity to Huizinga's (1955) original effort to define play.
- ⁱⁱ The choices of the players are not less autonomous even when playing established games, since nobody is forced to play, say, chess by the traditional rules, as hundreds of chess variants reveal.
- ⁱⁱⁱ Concerning this point, see Caillois on the role of *alea* in games (1961: 10–19).
- ^{iv} Although historically speaking 'plain fighting' might have been considered a sport or even a game, I think that Caillois and Juul provide us with convincing arguments as to why this opinion is misguided.