
Michael Vick's Legal Defense: I Was Battling Pokémon

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With the ever-increasing popularity of video games and other electronic based media sources, the discussion about how and what to censor in these video games in an attempt to protect what children are exposed to has quickly become a highly debated topic. In recent years there has been a legislative push to control the availability of violent video games to children, such as requiring individuals to show state-issued identification or have a parent present if they are attempting to purchase a game that has been rated for mature audiences by the Entertainment and Software Regulations Board (Anders). Despite these regulations, children are still regularly exposed to violence through video games, even those supposedly rated “E for Everyone” (E), which make up seventy percent of the videogame market (Anders). Even though a majority of all video games available on the market are rated E, many still contain varying levels of violence. One such example is the extremely popular video game franchise, Pokémon, which, as critics such as PETA point out, “Once you get over how cute and badass these creatures are, you realize the entire premise is centered around fighting Pokémon against each other, like in dogfighting or cockfighting” (Truong). Although many people may not equate the violence portrayed in videogames against animals as equal to violence portrayed to humans, the game is still portraying an act that is currently a felony in all 50 states (Berek). This raises the question of how the makers of the Pokémon video games are continually able to release games that portray animal violence while still maintaining the ability to receive a rating of E, which allows them to ultimately end up in the hands of youngsters. Also, animal violence is a crime with such a high public disapproval, as shown by the conviction of Michael Vick on dogfighting charges in 2007, which resulted in his suspension from the NFL as well as his losing out on advertising contracts in excess of 100 million dollars (Piquero et al.). The widespread disapproval for Michael Vick over his dogfighting charges raises an interesting dichotomy when considering the widespread public acceptance of the Pokémon video games, which feature gameplay similar to what Michael Vick was convicted of doing.

There has been much research and discussion about extremely violent video games, such as *Call of Duty* and *Grand Theft Auto*, and their potential impact on children’s behavior. However, there has been little research and discussion about the video games that portray violence more subtly, such as the recently released Pokémon video games *Pokémon Sun* and *Pokémon Moon*. In order to conduct this research, I analyzed these recently released games specifically through the theoretical lens presented by Keith Grant-Davie about constraints. Grant-Davie claims that for many years constraints were viewed strictly as “limitations on the rhetor” (273). However, he claims that constraints can also be used in a constructive manner, saying that “the rhetor ‘harnesses’ them so as to constrain the audience to take the desired action or point of view” (273). This rhetorical theory can easily be applied to the “constraints” put forth by the Entertainment Software Ratings Board (ESRB), which is the regulating agency that provides age ratings for all video games. The *Pokémon Sun* and *Pokémon Moon* video games must adhere to these constraints in order to maintain an E

rating, which helps their audience take on the point of view that Pokémon battling is age appropriate for children.

The ESRB self-defines itself as a “non-profit, self regulatory body that assigns ratings for video games” (“ESRB Rating Guide”). These ratings provide “concise and objective information about the content in video games... so consumers, especially parents, can make informed choices.” *Pokémon Sun* and *Pokémon Moon* received a rating of E which means that “content is generally suitable for all ages [and] may contain minimal cartoon, fantasy or mild violence and/or infrequent use of mild language.” On top of providing an age rating for all video games, the ESRB also includes a content descriptor, which “indicate[s] content that may have triggered a particular rating and/or may be of interest or concern.” For *Pokémon Sun* and *Pokémon Moon*, the ESRB included the content descriptor of Mild Cartoon Violence, which the ESRB website defines as “violent actions involving cartoon-like situations and characters [and] may include violence where a character is unharmed after the action has been inflicted” and the addition of the term mild “is intended to convey low frequency, intensity or severity.” These ratings restrictions will provide a basis for me to rhetorically analyze how *Pokémon Sun* and *Pokémon Moon* fit into these rating constraints, in order to maintain their reputation of being age appropriate games for children.

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Methods

To discover how *Pokémon Sun* and *Pokémon Moon* stay within the bounds of an E rating, I analyzed all of the cutscenes from the recently released games. I was able to find a YouTube video that had spliced all of the cutscenes together from *Pokémon Sun* and *Pokémon Moon* into one six and a half hour-long video. Since this video contained all of the cutscenes from the games, I did not have to deal with selection bias from choosing which cutscenes to analyze. While going through the video, I used a coding system to track all of the instances of certain types of phrases in order to look for common rhetorical devices and phrases that the game uses to portray animal violence as something loveable and accepted and, therefore, maintain an E rating. As I went through the YouTube video, I kept a tally of every time a certain type of phrase came up. The phrases I looked for, as well as their corresponding codes are:

- 1) V-Phrases about the violence involved in Pokémon battles
- 2) PE-Phrases about the trainer’s personal empowerment from Pokémon battles
- 3) B-Phrases that emphasize the bond and friendship between Pokémon and their trainers
- 4) P-Phrases about the pain Pokémon suffer during Pokémon battles
- 5) S-Phrases that talk about how Pokémon battles make their Pokémon stronger
- 6) H-Phrases about having to heal the injuries Pokémon sustained from battle
- 7) E-Examples of Pokémon working as employees for their owners or assisting their trainers
- 8) D-Examples of Pokémon who have died as a result of battle
- 9) L- Phrases about how trainers love their Pokémon

- 10) PP-Examples of how Pokémon protect their trainers or how trainers protect their Pokémon
- 11) A-Phrases that emphasize the adventure that trainer and Pokémon go on together

One limitation of my analysis is that I only looked at one Pokémon videogame. Over the 20 years of the *Pokémon* video game franchise's existence, there have been over a dozen different games released. The franchise has also pumped out 20 different full-length movies and a long running cartoon series. Obviously, I do not have enough time to do an analysis on all of these games, movies or television shows. Perhaps if someone wanted to further my analysis, they could use the same coding system to do a comparative summary of the other media sources the Pokémon franchise has released over the 20 years of their existence.

Results

Table 1 depicts the number of occurrences of certain phrases, as well as their relative frequency.

Type of phrase	Number of instances	Percent of phrases found
Violence	15	6.3%
Personal empowerment through Pokémon battles	27	11.5%
Partnership/friendship between trainer and Pokémon	22	9.3%
Suffering/pain of Pokémon	12	5.1%
Pokémon gaining strength from battle	35	14.9%
Heal/resting Pokémon	24	10.2%
Pokémon as Employee/Assistant	14	6%
Death	2	0.8%
Love between trainer and Pokémon	14	6%
Pokémon provides protection	37	15.7%
Adventure/making friends through Pokémon battles	33	14%
Total	235	100%

Table 1: Pokémon Moon Primary Research Results

Discussion

One of the phrases that I found most common was the emphasis of the adventure and friendships that the trainer would make on his journey throughout the game, both with other human characters in the game as well as with other Pokémon. This is shown by the relatively high incidence (22 times) of phrases that emphasized the partnership and friendship created between a Pokémon and their trainer as well as the high incidence (33 times), which happened to be the third highest, of phrases that talked about the adventure and friendships that the trainer was able to experience as a result of Pokémon battles. I believe that this helps to create a connection between the player and their Pokémon. This connection is what the Pokémon Company uses to get players to look past the violence that they are putting their Pokémon through because they feel that the battles improve the bond between them and their Pokémon.

Another concept that relates well to this is the high incidence of phrases that emphasize that without Pokémon the player would not be safe from attacks by other wild Pokémon, or enemy trainers. This was the most common phrase that I found (37 times) in the entire game. An example of this is from the beginning of the games where the 'Pokémon professor' explains that without a partner Pokémon to protect you, you would not be able to walk through the tall grass without risking much danger from attacks by other wild Pokémon. There are also several instances throughout the game where the trainer protects his Pokémon from being harmed by an enemy trainer's Pokémon. This helps create a feeling that by catching Pokémon and using them in battle, you are in effect creating a mutually beneficial relationship for both the trainer and the Pokémon. By having a partner Pokémon that you have a strong bond with, your Pokémon players of the videogames are more likely to believe that the Pokémon are willingly entering battle in order to defend them from the danger presented by the wild Pokémon that is attacking them.

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Through my research I also discovered that there was a complete lack of Pokémon dying in the video games. One aspect that is very clear throughout the entire games is the fact that Pokémon only faint after they have been defeated in battle and never die as a result of their injuries, no matter how much stronger the attacking Pokémon is in comparison to the defeated Pokémon. Even though Pokémon never actually die in the videogame, there still is a Pokémon graveyard that you can visit along your journey through the game. This perhaps is another method that the Pokémon Company uses in order to make the battles that trainers force their Pokémon to go through more appropriate for children who may not be emotionally mature enough to process the emotions surrounding death. By not having Pokémon die as a result of battle, I believe that this helps the

Pokémon stay within the E rating constraints presented by the ESRB that allows games to portray violence, as long as the violence is "Low in frequency, intensity or severity" ("ESRB Rating Guide"). If you combine the fact that Pokémon never die with the high occurrence of healing phrases (24 times), such as the multiple instances where characters in the game can instantly heal up your Pokémon, as well as the fact that there are Pokémon Centers in every city that are buildings that can completely and instantly heal your Pokémon back to full health for free, *Pokémon Sun* and *Pokémon Moon* create a situation where the pain that Pokémon suffer during battle is neither deadly nor long term. The fact that Pokémon can so easily be healed helps the games fit into the ESRB's stipulation that violence can be shown in E-rated games so long as the "character is unharmed after the violent action has been inflicted." I believe that by fitting into this constraint put forward by the ESRB, *Pokémon Sun* and *Pokémon Moon* are able to maintain an age-appropriate rating as well as further de-emphasize the violence and pain Pokémon go through as something that is temporary. They are able to create a game that allows players to easily look past the violence and pain they put their Pokémon through during battle.

There also was a very high incidence of phrases that emphasized that Pokémon battling actually allowed Pokémon to gain strength from battle (35 times). This basically makes Pokémon battling similar to going to the gym and hitting a hard workout that leaves you exhausted afterwards but makes you stronger after you have gotten the chance to recover. There was also a high incidence of phrases that emphasized the personal empowerment, success, and respect that Pokémon trainers gain as a result of their successful Pokémon battles (27 times). I believe that the high occurrence of these phrases are used to create a situation that makes the player believe that

Pokémon battles are not only necessary for protection, but that they are also necessary if the trainer and their Pokémon want to get stronger and gain respect from their peers. This is very similar to how some people describe the attractions of actual dogfighting, such as this quote from the ASPCA's website that says "for others, the attraction lies in using the animals as an extension of themselves to fight their battles for them to demonstrate their strength and prowess" ("A Closer Look"). This phrase describes dogfighting but sounds eerily familiar to why Pokémon trainers battle their Pokémon against other trainers, and is yet another instance of the many parallels between Pokémon battling and dogfighting.

Conclusion

It is not surprising that a videogame that has such a widespread following as the Pokémon franchise has a widespread appeal for a reason. I believe that my research has helped identify some of the reasons why this game has such widespread appeal, which also happens to be the same way that they cover up the animal violence portrayed from within the games. Through their strong use of phrases that de-emphasize the amount of violence, as well as the inclusion of multiple ways to quickly heal your Pokémon, *Pokémon Sun* and *Pokémon Moon* are able to stay within the constraints put forward by the ESRB for maintaining an E rating. This E rating helps parents feel comfortable with letting their children play games that feature violence. Emotional appeals create a bond between the player and the Pokémon that he or she captures within the game that allows players to overlook the pain and suffering that they put their Pokémon through in battle. Through these various methods *Pokémon Sun* and *Pokémon Moon* are able to avoid much of the public outcry and disapproval that has reigned down on actual instances of animal cruelty, such as the convictions and fall from public grace of Michael Vick.

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Brian Hutchingson will graduate in December 2018 with a degree in Accounting and a minor in Criminal Justice. After graduation Brian plans to work towards completion of the Certified Public Accountant exam. He is also heavily involved and was an officer in the Business Fraternity Beta Alpha Psi. He hopes to land a job with a Big 4 accounting firm upon graduation so he can begin saving money while he applies to law school. In his free time, Brian loves anything to do with sports, videogames, or politics.