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Elizabeth Hackney

ELIMINATING RACISM AND THE DIVERSITY GAP IN THE VIDEO GAME INDUSTRY

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I. Introduction

This is not a game… at least not for everyone, but it could be.[1] The video game industry has been rife with innovation and in most areas, it excels. However, it lacks in one key area. The video game industry fails to adequately represent minorities.[2]

To establish oneself in the video game industry, an in-depth understanding of science, technology, engineering, and mathematics ("STEM") is essential.[3] The video game industry relies heavily on STEM and many positions require a strong background in STEM. These backgrounds are established in early education, flourish through training in vocational school and/or higher education and rely on increased funding from state and local governments, as well as private entities, to be competitive.[4] Household names, such as Sony, and uncommonly known indie developers have at least one thing in common. Minorities are underrepresented in the video game industry.[5]

The video game industry is thriving, but it is not reflective of today's society.[6] In order to remain competitive with other

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1. Sandy Ong, *The Video Game Industry's Problem with Racial Diversity*, Newsweek (Oct. 13, 2016), www.newsweek.com/2016/10/21/video-games-race-black-protagonists-509328.html (discussing the reasons behind the lack of diversity in video games as a lack of representation behind the scenes).

2. *Id.*

3. Chella Ramanan, *The Video Game Industry Has a Diversity Problem – But it Can Be Fixed*, The Guardian (Mar. 15, 2017), www.theguardian.com/technology/2017/mar/15/video-game-industry-diversity-problem-women-non-white-people (identifying the demographic makeup of gamers and developers, as well as who games are marketed toward resulting in the disparity between the groups).

4. Sidney Fussel, *Black Characters in Video Games Must Be More than Stereotypes of the Inhuman*, Boing Boing (Oct. 9, 2015), www.boingboing.net/2015/10/09/black-characters-in-video-game.html (illustrating the backlash on society by fostering improper biases about minorities and appearances).

5. *Id.*

6. Andray Domise, *How to Close the Gaming Industry's Diversity Gap*, Macleans (Oct. 25, 2016), www.macleans.ca/society/technology/how-to-close-the-gaming-industrys-diversity-gap/ (noting the reasons for alarm about the disparity of representation in the industry).

industries, the video gaming industry must diversify itself to satisfy the entirety of its market.[7] Modern society no longer accepts the status quo of the gaming world. Although the industry is aware of this and has begun to change, critics believe that these changes are not occurring as rapidly as they should.[8] This article will analyze what causes this lack of diversity as well as solutions and initiatives for the future of minority representation in the video game industry.

This article will discuss the reasons racism in video games themselves has caused a lack of diversity in the video game industry as a whole. Many of the contributing factors include demographics in the industry and obstacles that prevent minorities, and females, from entering the field. These factors include financial, societal, and educational barriers.[9]

This article will explore the development and expansion of the industry through mobile gaming and how advancements in technology have caused an increase in demand for higher quality games.[10] It will also discuss the need for gamers to identify more with the characters they play.[11] Although the opportunity to develop more diverse characters has addressed this issue, many believe that it has not gone far enough.[12] Specifically, in terms of what styles and skin tones are offered for minority gamers.[13] For

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7. David Cruickshank, *Understanding Inclusive Growth Efforts Championed by Businesses and the Motivation Behind those Efforts*, DELOITTE (May 17, 2018), www2.deloitte.com/global/en/pages/about-deloitte/articles/wef-business-case-inclusive-growth.html?nc=1 (discussing the need and barriers behind diversification and inclusion in the workplace).

8. *Id.*

9. Benjamin Somers, *Despite Gains, Obstacles Still Exist for Diversity in STEM Education, Says AAAS's Shirley Malcom*, AM. ASS'N FOR THE ADVANCEMENT OF SCI. (April 2, 2010), www.aaas.org/news/despite-gains-obstacles-still-exist-diversity-stem-education-says-aaass-shirley-malcom (discussing the institutional, cultural and financial barriers to minority representation in STEM fields).

10. Eustance Huang, *5G Could Change the Video Game Industry Forever*, CNBC (Apr. 27, 2018), www.cnbc.com/2018/04/27/5g-could-change-the-video-game-industry-forever.html (discussing the transition from high quality platform gaming to mobile and cloud gaming).

11. Keith Stuart, *The Identity Paradox: Why Game Characters Are Not Us, but Should Be*, THE GUARDIAN (Apr. 25, 2014), www.theguardian.com/technology/2014/apr/24/the-identity-paradox-why-game-characters-are-not-but-should-be (noting how players of first-person perspective games do no relate to the protagonist despite players becoming immersed in the character itself).

12. Kyle A. Harris, *"The New Black Face: The Transition of Black One-Dimensional Characters from Film to Video Games."* (OpenSIUC Research Papers, Spring 2016) www.opensiuc.lib.siu.edu/cgi/viewcontent.cgi?article=1910&context=gsrp (noting that the development of minority characters, specifically African American, is lacking and leads to stereotypical, but well-rounded white protagonists).

13. LeSean Payne, *A Life Spent Gaming While Black*, POLYGON (Aug. 13, 2014), www.polygon.com/2014/8/13/5995139/a-life-spent-gaming-while-black (noting the difficulties and emotional challenges black gamers face in a predominantly white protagonist environment).

the purpose of this article, minorities will include people of color, the LGBTQ community, disabled individuals, and other underrepresented people such as, but not limited to, women.

II. BACKGROUND

A. *History of the Gaming Industry*

1. *Early Years*

The video game industry is rooted in 1952.[14] This is when A.S. Douglas created the first documented computer game called Noughts and Crosses.[15] The game was similar to tic-tac-toe, but sparked the beginning of what would become a multi-billion-dollar industry.[16] Shortly thereafter, in 1971, Nolan Bushnell created the first coin-operated arcade game, which later became a staple among the fledgling "gamer" population of the 70's.[17]

In 1972, Magnavox created the first console, the Odyssey, which preceded the Atari by only a few months.[18] Although the Odyssey sold poorly in its inception, it created the groundwork for home gaming.[19] In 1977, the Atari 2600, the first multi-game home console, was created.[20] The Atari 2600 pales in comparison to modern systems such as the PlayStation 4, Xbox One, Wii U, or Nintendo Switch, but these systems should thank the Atari 2600 for their success.[21] Although small and unrefined, these early home gaming systems set the framework for the robustness of the gaming

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14. *The History of Gaming*, PBS (Sept. 17, 2018), www.pbs.org/kcts/videogamerevolution/history/timeline_flash.html (showing the development of the video game industry and its roots in the early technology age).

15. *Id.*

16. Kevin Anderton, *The Business Of Video Games: A Multi-Billion Dollar Industry*, FORBES (Apr. 29, 2017), www.forbes.com/sites/kevinanderton/ 2017/04/29/the-business-of-video-games-a-multi-billion-dollar-industry-infographic/#5ffe19636d27 (noting that the video game industry is a highly profitable industry with thousands of contributors and highly paid employees).

17. *Gamer*, Oxford Dictionaries Online, www.en.oxforddictionaries.com/ definition/gamer (Sept. 12, 2017) (Defined gamer is a person who plays video games or participates in role-playing games).

18. D.S. Cohen, *Magnavox Odyssey - The First Gaming Console*, LIFEWIRE (Oct. 10, 2010), www.lifewire.com/magnavox-odyssey-the-first-gaming-console-729587 (discussing the early stages of the video game industry and the creation and decline of the Odyssey).

19. Riad Chikhani, *The History Of Gaming: An Evolving Community,* CRUNCH NETWORK (Oct. 31, 2015), www.techcrunch.com/2015/10/31/the-history-of-gaming-an-evolving-community/ (discusses the history and evolution of video games from as early as 1940).

20. D.S. Cohen, *A History of the Atari 2600 VCS*, LIFEWIRE (Dec. 14, 2017), www.lifewire.com/atari-2600-console-729665 (noting the history of the Atari 2600 and the basic make-up of the home gaming system).

21. *Id.*

industry today.

2. Present Day

Today, the gaming industry currently brings in about $60 billion dollars per year, dwarfing the film industry.[22] It is projected that by 2020, the industry will bring in $90.07 billion dollars per year.[23] The gaming industry has come a long way from arcade halls to create an industry built on social and mobile gaming and massively-multiplayer online games (MMOGs).[24] With the invention of virtual reality ("VR"") gaming, the industry has begun to tap into yet another platform that may very well change the gaming industry forever.[25]

However, younger generations of gamers care more about high-quality visuals than previous generations, which creates demand for more detailed and intricate graphics.[26] Considering the quality of graphics produced in the 70's and 80's, the industry has come a long way.[27] Specifically, graphics have skyrocketed in importance for younger gamers, climbing from the sixth to the first spot in Entertainment Software Associations' "2015 Essential Facts."[28] This may be attributed to the changing demographic of the average gamer. Women have replaced men as the predominant group among gamers and the average age of gamers has shifted upward: 37 for women and 33 for men.[29] Unfortunately, however, the changing

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22. PBS.org, *supra* note 14.

23. Entrepreneur, *Infographic: The Gaming Industry*, ENTREPRENEUR (May 4, 2017), www.entrepreneur.com/article/293750 (commenting on the present and future state of the gaming industry in regards to finances and economic viability).

24. Hannah Dwan, *The Best MMO Video Games*, THE TELEGRAPH (Nov. 16, 2017), www.telegraph.co.uk/gaming/features/best-mmo-video-games/ (noting that video games where people play online together, typically growing characters together in guilds, completing quests and slaying baddies).

25. Ben Moore, *The Best Virtual Reality (VR) Games of 2018*, PC MAG (June 28, 2018), www.pcmag.com/feature/362099/the-best-virtual-reality-vr-games-of-2018 (noting the recent expansion of VR gaming and the trends for VR gaming equipment).

26. Huang, *supra* note 10.

27. John Gaudiosi, *Virtual Reality Video Game Industry to Generate $5.1 Billion in 2016*, FORTUNE (Jan. 5, 2016), www.fortune.com/2016/01/05/virtual-reality-game-industry-to-generate-billions/ (discussing the rise of virtual reality).

28. Ryan Daws, *The State of the Video Game Industry in 2017*, DEVELOPER TECH (Apr. 21, 2017), www.developer-tech.com/news/2017/apr/21/research-state-video-game-industry-2017/ (discussing the 2017 Entertainment Software Association report findings).

29. *2017 ESA Essential Facts About the Computer and Video Game Industry*, ENT. SOFTWARE ASS'N (Apr. 19, 2017), www.sociologyofvideogames.com/2017/04/19/2017-esa-essential-facts-about-the-computer-and-video-game-industry/ (discussing the findings of the ESA report regarding the makeup of the gamer population, including gender and age).

demographics of gamers has not yet been represented by developers.

B. Demographics of the Video Game Industry

1. Straight, White, Male: The Status Quo of the Video Game Industry

The underrepresentation of minority groups can be explained by the demographic makeup of three groups: (1) video game developers; (2) video game marketers; and (3) gamers.[30] Although gamers consist of diverse individuals, such as people of different races, genders, sexual orientations, and status, developers and marketers primarily consist of one group.[31] This group can generally be classified as straight, white, male.[32] Individuals who fall outside of this category often say they feel out of place in the industry, but that they also want to ensure more people like them can enter and thrive in the gaming industry.[33]

The federal government has attempted to address discriminatory hiring practices, with legislation such as the Equal Opportunities Act.[34] However, these laws do not encourage the primarily straight, white, male developers and marketers to hire and promote minorities in the gaming industry.[35] The Equal Opportunities Act prohibits discrimination "against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information."[36] However, this does not address issues concerning the hiring of minority applicants. This contributes to the disparity of white to minorities in the field.[37]

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30. *See* Ong, *supra* note 1 (noting the make-up of the industry).

31. *Id.*

32. Luke Karmali, *Why We Need More Gay Characters In Video Games*, IGN (Mar. 14, 2014), www.ign.com/articles/2014/03/14/why-we-need-more-gay-characters-in-video-games (discussing the effects of a lack of representation of LGBTQ characters on LGBTQ gamers).

33. Jan Grooten & Rachel Kowert, *Going Beyond the Game: Development of Gamer Identities Within Societal Discourse and Virtual Spaces*, 6 J. CAN. GAME STUD. ASSOC., NO.14, 2015, at 70.

34. Equal Opportunities Act of 1972, Pub. L. No. 92-261, § 2, 86 Stat. 103 (codified at 42 U.S.C. § 2000e(j) (2012)).

35. *Id.*

36. Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 253 (codified as amended in scattered sections of 42 U.S.C.).

37. Johanna Weststar & VictoriaO'Meara & Marie-Josée Legault, *Developer Satisfaction Survey 2017*, INT'L GAME DEVELOPERS ASS'N (Jan. 8, 2018) www.cdn.ymaws.com/www.igda.org/resource/resmgr/. 2017DSS/!IGDADSS2017SummaryReport.pdf (noting the perspectives of various employees about diversity in the video game industry).

2. *Developers Lack Minority Representation*

Disparity in representation begins with the people who create the games. Developers often create games with their own biases in mind or their own misunderstandings of who they are trying to represent.[38] As such, these developers tend to overuse stereotypes that have been portrayed in prior games instead of creating diverse and unique characters. Consequently, if one group monopolizes a field, such as in the gaming industry, there is an unconscious expression of their biases in their work. [39] Hence straight, white, male developers create straight, white, male characters.[40] Although this may be an unintended side effect, the public has expressed a need for change.[41]

Game developers are responsible for the conception and execution of both computer and video games.[42] They create storylines, character profiles and backgrounds, design role-play mechanics, conduct design reviews, and document the game design process.[43] A typical day in the life of a game developer may involve sitting in meetings to hammer out a new game contract or working hours on end to get the timing, color, or difficulty level of a game just right before handing it off to the next stage of development.[44] Game developers make the gaming industry possible with the tasks they perform. Without developers, even the lowest quality games would be impossible.

3. *Art Designers Use Themselves and Those Around Them to Create Characters*

Developers create everything from backgrounds to character to

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38. Hayley Tsukayama, *Critics Say Video Games Aren't Diverse Enough. These Developers are Trying to Change That*, WASH. POST (Mar. 4, 2017), www.washingtonpost.com/news/the-switch/wp/2017/03/02/how-indie-developers-are-bringing-more-diversity-to-video-games/?utm_term. =.213bb8dded08 (independent developer of We Are Chicago, speaks out about the lack of diversity in video games and what indie developers are doing about the situation).

39. Melinda Burgess et al., *Playing With Prejudice: The Prevalence and Consequences of Racial Stereotypes in Video Games*, 14 MEDIA PSYCHOL. 14 (2011) at 289-311. (discussing the commonly held stereotypes concerning violence between black and white characters).

40. *Id.*

41. Grooten & Kowert, *supra* note 33.

42. Keith Stuart, *How to Get into the Games Industry – an Insiders' Guide*, THE GUARDIAN (Mar. 20, 2014) www.theguardian.com/technology/2014/mar/20/how-to-get-into-the-games-industry-an-insiders-guide (discussing the intricacies of entering the video game industry as a developer, coder or artist).

43. *Id.*

44. Suzanne Jackiw, *Title Defense: Creating Consistency In Video Game Title Trademark Law*, 96 J. PAT. & TRADEMARK OFF. SOC'Y 1, 2014, at 3-4 (discussing the difficulties developers face in creating, marketing and protecting a video game).

dialogue.[45] Development departments are filled with a variety of interlocking parts. This includes the artists, in charge of drawing popular characters.[46] Creating the visual elements of a game, such as characters, scenery, objects, vehicles, surface textures, clothing, etc., are all fundamental skills for an art designer.[47] However, knowledge of general human anatomy and being able to draw from everyday life helps artists create characters they are familiar with.[48] Therefore, a good portion of these characters may resemble the artist that created it.[49] This suggests that those characters are straight, white and male.[50] Within video games 85.2% of the characters were male and 14.7% were female.[51] In 2007, games where the gender of characters was known, "in 51% of the games, men were playable, in 26.5% of the games females were playable and 10.2% of the games allowed the player to choose to play as either the male or female.[52] This disparity is also present behind the scenes, this includes the underrepresentation of minorities as coders.[53]

4. The Low Number of Minorities in STEM Fields has led to a Lack of Minority Coders

The number of women employed in computer science is surprisingly low.[54] Although women make up forty-seven percent (47%) of the workforce, they only comprise twenty-seven percent

45. Quora, *What is it Really Like to Work as a Game Developer*?, MASHABLE (July 1, 2015), www.mashable.com/2015/07/01/game-developer-career-profile/#t45DfaINQgqg (noting the difficulties of becoming a game developer-AAA or Indie).

46. Chris Solarski, *The Aesthetics of Game Art and Game Design,* GAMASUTRA (Jan. 30, 2013), www.gamasutra.com/view/feature/185676/the_aesthetics_of_game_art_and_.php (discusses the basics of art design in the video game industry).

47. *Games Artist*, CREATIVE SKILLSET (last visited Sept. 24, 2017), www.creativeskillset.org/job_roles/330_games_artist (explaining the skills and functions needed for a career as an art designer).

48. Luke Plunkett, *So You Wanna Be A Video Game Concept Artist*?, KOTAKU (June 1, 2015), www.kotaku.com/so-you-wanna-be-a-video-game-concept-artist-1708347596 (noting the requirements to become a concept artists).

49. *Id.*

50. Danae Romrell, *Gender and Gaming: A Literature Review*, 36TH ANNUAL PROCEEDINGS: SELECTED RESEARCH AND DEVELOPMENT PAPERS PRESENTED AT THE ANNUAL CONVENTION OF THE AECT (2013), at 170-182 (noting the extreme gap between male and female characters in video games).

51. *Id.* at 172.

52. Burgess, *supra* note 39.

53. Stuart, *supra* note 42.

54. Shana Vu, *Cracking the Code: Why Aren't More Women Majoring in Computer Science*? UCLA NEWSROOM (June 26, 2017), www.newsroom.ucla.edu/stories/cracking-the-code:-why-aren-t-more-women-majoring-in-computer-science (noting that in 2015, women earned only 18% of all computer science degrees in the nation).

(27%) of the individuals that work in the computer science industry.[55] Women, as well as other minority groups, are considerably underrepresented in the computer science field, which causes these groups to be scarcely represented in the programming field.[56]

Vanessa Husna, a coder frustrated by this problem, created Girl Develop It, to help close the gap.[57] However, it will take more than just Husna's program to attract more women to the field.[58] Although women may be interested in Husna's program, if they lack the necessary training and education, it may be impossible for these women to succeed in this field. However, Karlie Klossy[59] also has a program that allows young girls to get involved in the video game industry.[60] The 1,000 girls that will get the opportunity to attend Karlie's coding camps this summer will ultimately learn how to build a mobile app or website by the end of the two-week program.[61] Kode With Klossy currently teaches different "tracks," including back-end and front-end development, allowing kids to learn the fundamentals of programming languages such as HTML, CSS, Ruby, and Javascript.[62] The combination of these programs, and others like it, maybe the first step to closing the gap.

5. *Beta Testers*

A beta testers'[63] job is to play with unreleased products and

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55. Kyla Calvert Mason, *Computer science's diversity gap starts early*, PBS (May 28, 2014), www.pbs.org/newshour/updates/teaching-coding-kids-key-closing-fields-diversity-gap/ (noting the scarce numbers of women in general and women of color in the field of computer science).

56. Vu, *supra* note 54.

57. *Mission Statement*, GIRL DEVELOP IT, www.girldevelopit.com/ (last visited Nov. 19, 2018) (Girl Develop It is an organization that strives to help women be competitive in technology fields. It exists to provide affordable and judgment-free opportunities for women interested in learning web and software development.).

58. *Id.*

59. Gallucci, *infra* note 60 (Karlie Kloss is an American model and entrepreneur. She was a Victoria's Secret Angel from 2011 until 2015, taking a two-year hiatus in 2015 and 2016 to study at New York University. Kloss is the creator of Koding with Klossy.).

60. Nicole Gallucci, *Karlie Kloss is Expanding Her Summer School to Help More Girls to Learn Code*, MASHABLE (Mar. 19, 2018), www.mashable.com/2018/03/16/karlie-kloss-kode-with-klossy-camp-2018/#WR.2pQwkQZqo (discussing how Kloss became a coder and started a program to help girls gain the knowledge necessary to begin koding).

61. *Id.*

62. *Id.*

63. Beta Tester, OXFORD U. PRESS, en.oxforddictionaries.com/definition/beta_test (last visited Nov. 11, 2018) (Defined Beta Tester as a person who tests a trial of machinery, software, or other products, in the final stages of its development, carried out by a party unconnected with its development).

give feedback regarding their experiences. [64] They find bugs in the game and report them to the development team.[65] Beta testers play an intricate role in video game production.[66] Their feedback often helps gauge a game's success and often influences marketing and development strategies.[67] Beta testers are not as monochromatic as other developing groups in the industry.[68] Recently, companies have come to understand that they need an honest population sample in order to market games.[69] Because of this, almost anyone can be a beta tester if they are interested.[70] Beta testers are often asked about their feelings toward certain characters regarding diversity and balance of characters, although most games tend to be pretty far into its completion at this stage.[71]

However, beta testers can still provide invaluable feedback and help move the industry in a direction of change.[72] The role of a Beta tester is to play through a prospective game to locate and make developers and coders aware of bugs.[73] This allows for virtually flawless games to be created.[74] Because of the standard society has come to expect, a Beta testers have become one of the most important parts of video game creation.

a.   The Misconception About the Majority of Gamers

Straight, white, and male begets straight, white, and male. According to a survey by the International Game Developers Association, 83 percent (83%) of game developers identify as white, 88.5 percent (88.5%) identify as male, and 92 percent (92%) identify as straight.[75] These traits predominate the gaming industry and

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64. Emily Hossellman, *What Do Beta Testers Actually Do*?, BETABOUND (June 20, 2014), www.betabound.com/beta-testers-actually/ (noting the responsibilities and requirements to be a beta tester).

65. *Id.*

66. Jimmy Thang, *The Tough Life of a Games Tester*, IGN (Mar. 29, 2012), www.ign.com/articles/2012/03/29/the-tough-life-of-a-games-tester (discussing the hardship of video game tester indicating the long work hours and the several months of work to find all of the bugs in a video game).

67. *Id.*

68. Jennifer Bakos, *How to Become a Video Game Beta Tester*, BETABOUND, (Dec. 15, 2016), www.betabound.com/how-to-become-a-video-game-beta-tester/ (acknowledging companies that are committed to pleasing a diverse gaming population through diversity in beta testing).

69. Shira Chess, Nathaniel J. Evans, and Joyya JaDawn Baines, *What Does a Gamer Look Like? Video Games, Advertising, and Diversity*, Vol. 18(1). TELEVISION & NEW MEDIA, 37–57 (2017).

70. *Id.*

71. Hossellman, *supra* note 64.

72. Gaurav Bhalla, *Collaboration and Co-creation: New Platforms for Marketing and Innovation* p.5 (2010) (discussing new ways of marketing and how customer driven feedback can help boost marketing strategies).

73. Hossellman, *supra* note 64.

74. *Id.*

75. Monica Anderson, *Views on Gaming Differ by Race, Ethnicity*, PEW RES.

have come to be known as the status quo of the industry.[76] Media has portrayed the average gamer as a straight, white, male, who sits on the couch playing video games waiting to get his life together. This is generally caused by white males being the main force behind game development. To change this, it is necessary for the media to take an active role in reducing the predominance of stereotypes straight, white, and male will continue to beget straight, white, and male.[77]

b. Gender "Minorities" and the Rising Gamers

Women have constantly been overlooked in the video game industry. Although about 48 percent (48%) of women play video games, their representation in the industry does not reflect this fact.[78] The vast majority of developers are male.[79] However, the presence of women in the field is slowly increasing.[80] The most pressing issue within the industry is the mentality some men have about women in the industry.[81] "Women have begun the breakthrough in the STEM industry, but there is a long way to go. Societal norms tend to discourage women from entering these fields, because women are not yet prevalent in them. Programs like Girl Develop It and Koding with Klossy help ensure that the gap is closed for good."[82] Some believe that the presence of women in a particular field is not enough to make a real change. However, the mere presence of women does help to support an upturn in women entering the gaming industry.[83]

CTR., (Dec. 17, 2015), www.pewresearch.org/fact-tank/2015/12/17/views-on-gaming-differ-by-race-ethnicity/ (discussing how biases can differ dramatically along racial lines and how a specific background can completely alter your perception of a video game character).

76. *Id.*

77. Domise, *supra* note 6.

78. Charles Pulliam-Moore, *Women Significantly Outnumber Teenage Boys in Gamer Demographics*, PBS (Aug. 21, 2014), www.pbs.org/newshour/rundown/female-adults-oust-teenage-boys-largest-gaming-demographic/
(discussing how the adaptation of mobile gaming has caused women to outnumber men as the dominant sex of gamers despite a lack of representation in the industry. However, the female developer population is trying to change this by creating games that feature female and minority leads).

79. *Id.*

80. Karli Petrovic, *10 Female Programmers who Revolutionized Video Games*, INTEL (Aug. 17, 2016), www.iq.intel.com/10-female-programmers-revolutionized-video-games/ (noting the accomplishments and contributions of women programmers).

81. Cruickshank, *supra* note 7.

82. Bryant Harland, *What You Need to Know About Diversity in the US Video Game Industry*, MINTEL (Oct. 23, 2014), www.mintel.com/blog/technology-market-news/video-game-trends (noting that the lack of diversity among women and minorities is not a new issue, but that not enough is being done to change that fact).

83. *Id.*

c.   Minorities Play More Games than Their White
Counterparts

The underrepresentation of minorities in video games fosters feelings of inferiority and exclusion, despite the fact that a large percentage of minorities, especially blacks and Hispanics, play video games.[84] Although whites are more likely to be seen on screen, and behind the scenes, blacks generally play more video games on average.[85] In fact, 53 percent (53%) of blacks play video games compared to 48 percent (48%) of whites.[86] Of this percentage of gamers, whites are surpassed by blacks and Hispanics whether those groups consider themselves "Gamers" of not.[87]

d.   The Gaming Community Has Yet to Embrace the
LGBTQ Community

The gaming community has yet to tap into the market for LGBTQ character development.[88] The community also lacks a strong LGBTQ presence behind the scenes.[89] Only five percent (5%) of developers identify as LGBTQ.[90] This is unfortunate given the number of LGBTQ gamers that support the industry.[91] Despite the fact that the gaming community has so much support, many LGBTQ individuals are unhappy with the lack of representation in the industry.[92] The LGBTQ community wants more representation

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84. Fussel, *supra* note 4.

85. Kyle Orland, Survey: "*Gamers" Are Poorer, More Male, Less White Than "Game Players"*, ARSTECHNICA (Dec. 16, 2015), www.arstechnica.com/gaming/2015/12/survey-gamers-are-poorer-more-male-less-white-than-game-players/ (noting that a pew research survey showed more black gamers and gamer players than whites).

86. Maeve Duggan, *Who Plays Video Hames and Identifies as a Gamer*, PEWINTENET (Dec. 15, 2015), www.pewinternet.org/2015/12/15/who-plays-video-games-and-identifies-as-a-gamer/ (discusses racial diversity among gamers).

87. Orland, *supra* note 85.

88. David Silver, *The Positive Influence of LGBT Video Game Characters*, VENTUREBEAT (Mar. 31, 2016), www.venturebeat.com/2015/03/31/the-positive-influence-of-lgbt-video-game-characters/ (noting the positive effects of the LGBTQ presence in video games).

89. *Id.*

90. Domise, *supra* note 6.

91. Peter Swann, *The Best LGBTQ Characters in Gaming*, COMINVERS (Jan. 13, 2017), www.comicsverse.com/gaymergate-lgbtq-characters-gaming/ (listing recently introduced LGBT characters and the public response to them).

92. Michael Schulman, *L.G.B.T. Gamers Huddle for a Postelection Reality Check*, N.Y. TIMES (Nov. 18, 2016), www.nytimes.com/2016/11/20/style/lgbt-gamers-gaymerx-east-presidential-election.html (discussing how a pervasive culture of online trolling and hostility, often reinforced by aggressively militaristic games, has made gaming an often unwelcoming place for gays and other minorities.).

within the gaming industry, whether it is through playable characters or advancing up the development ladder.[93] LGBTQ individuals have moved to change this through the creation of indie[94] (independent) games and an increased involvement in the field.[95] Indie games often feature non-white, non-male characters that are missing from mainstream game development.

6. *Misconceptions About Marketing: Men Marketing to Men and Not Minorities*

Although there are exceptions, men typically know what other men want and, in the gaming industry, marketing to men is seen as key to a successful business.[96] This can include fan service[97], such as busty female love interests or having a wide variety of women to choose from.[98] Despite the fact that many games geared toward males dominate the industry, there has been an increase in games for women.[99]

These games include fashion runway games such as Style Savvy[100], a fashion design simulator, and farming simulators such

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93. *Id.*

94. An independent video game, or an indie game, is a video game that is often created without the financial support of a publisher, although some games funded by a publisher are still considered "indie". Indie games often focus on innovation and rely on digital distribution. Indie gaming saw a rise in mainstream popularity in the latter half of the 2000s, primarily due to new online distribution methods and development tools.

95. Lori Grisham, *What Does the Q in LGBTQ Stand For?*, USA TODAY (June 1, 2015), usatoday.com/story/news/nation-now/2015/06/01/lgbtq-questioning-queer-meaning/26925563/ (explaining the acronym LGBTQ).

96. Tracy Lien, *No Girls Allowed*, POLYGON (Dec. 2, 2013), www.polygon.com/features/2013/12/2/5143856/no-girls-allowed (noting that very few parents consider the consequences of buying what they consider gender specific toys for children. Many consider violence, action and superheroes as marketed to boys).

97. *Fan service*, URBAN DICTIONARY (Mar. 28, 2003), www.urbandictionary.com/define.php?term=fan%20service (Defined fan service as scenes designed to excite or titillate the viewer. This can include scantily-clad outfits, cleavage shots, panty shots, nude scenes (shower scenes especially), etc.)).

98. Libby-Jane Charleston, *The Slow Evolution of Women in Video Games*, HUFF. POST (Sept. 7, 2016), www.huffingtonpost.com.au/2016/07/10/the-slow-evolution-of-women-in-video-games_a_21425353/ (discusses the slow progression of women in the video game industry).

99. Colin Campbell, *How to Tackle Gaming's Lack of Racial Diversity*, POLYGON (Sept. 16, 2013), www.polygon.com/2013/9/16/4728320/how-to-tackle-gamings-lack-of-racial-diversity (proposes solutions to the lack of racial diversity in video games).

100. *Style Savvy*, NINTENDO www.stylesavvy.nintendo.com/ (last accessed Nov. 11, 2018) (typically features a designer starting in the industry who must work his/her way to the top by owning her own shop and correctly designing outfits for its customers.)

as Harvest Moon or Animal Crossing.[101] However, many women are not satisfied with games that are marketed toward men because of the hyper-sexualization of their gender.[102] The notion that women are uninterested is in many cases untrue and damaging to a potentially valuable audience.[103] To erase this misconception, women need to show that they are just as interested in blood and gore as they are with fashion and fluff by moving away from the "traditional girl."[104]

C. *Most Stereotyped Games and Gamers*

1. *Violent Video Games*

Violent video games have a strong influence on the racial biases in the gaming industry.[105] They often portray minorities, especially blacks, as violent antagonists that only exist to frustrate the noble white protagonist.[106] As a result, many developers have helped to further the association of black people with crime and/or evil among non-blacks.[107] Blacks, however, tend to empathize more with black characters.[108]

Based on their backgrounds and experience, black gamers are often more open to giving black characters the benefit of the doubt.[109] As a result, black developers and gamers have an overall better reaction to these characters.[110] Despite the majority opinion

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101.   *Animal Crossing and Harvest Moon; Enlighten Me*, GIANTBOMB www.giantbomb.com/forums/general-discussion-30/animal-crossing-and-harvest-moon-enlighten-me-553166/ (last visited Nov. 19, 2018) (Harvest Moon and Animal Crossing are farming simulators in which the main character rehabilitates a dying town, gets married and has children. This is generally geared towards women although the game is gender neutral.).

102. Charleston, *supra* note 98.

103. *Id.*

104.   Rudi   G.,   *Traditional   Girl*,   URBAN   DICTIONARY, www.urbandictionary.com/define.php?term=traditional%20girl (Apr. 8, 2008) (defined traditional girl as [a woman who] waits for the guy to approach her or asks the guy to do favors for her; she expects the guy to be the breadwinner while she lives off him.) For the purpose of this article the "Traditional Girl" is someone who loves pink, Barbie dolls, fashion and all things cutesy.

105. Mark Peffley & Todd Shields & Bruce Williams, *The Intersection of Race and Crime in Television News Stories: An Experimental Study*, 13 POL. COMM. 309-315 (1996) (showing the racial bias of viewers concerning white and black criminals).

106. Fussel, *supra* note 4.

107. Alan Neuhauser, *Video Games May Reinforce Racist Stereotypes*, US NEWS (Mar. 21, 2014), www.usnews.com/news/articles/2014/03/20/video-games-may-reinforce-racist-stereotypes-study-finds (noting the effects the perceptions of race has on game developers and the belief the adherence to those perceptions have on the industry).

108. Anderson, *supra* note 75.

109. *Id*.

110. Yussef Cole & Tanya DePass, *Black Skin Is Still A Radical Concept in*

that favors these stereotypes about blacks in games,[111] black individuals generally do not foster the growth of these stereotypes.[112] Black individuals are also commonly portrayed as angry or ugly which causes both gamers and developers to view them as inferior.[113] The use of minorities as antagonist also furthers a belief that minorities and minority culture are evil or have no place in wholesome society.[114] As such, minorities and/or women may feel as though they cannot be the hero or main character of video games, because heroes like them are extremely rare.[115]

2. *Federal Intervention: Protecting Minors from Violence*

Federal statutes have addressed the growing public concern surrounding violent video games but have focused on the video games themselves as the ultimate issue.[116] This has detracted from the social and economic opportunities the gaming industry can offer for minorities.[117] Most laws that positively address video games deal with intellectual property or restrictions of the First Amendment right of freedom of expression. The negative laws address growing concerns over the violent acts portrayed in games.[118]

Following incidents such as the Columbine shooting, mass hysteria erupted over games like Grand Theft Auto.[119]   This

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Video   Games,   WAYPOINT   (Mar.   1,   2017), www.waypoint.vice.com/en_us/article/78qpxd/black-skin-is-still-a-radical-concept-in-video-games (noting that darker skinned characters are rarely featured on screen despite the outcry from the minority community).

111. Jessica Conditt, *Gaming While Black: Casual Racism to Cautious Optimism*, ENGADGET (Jan. 16, 2015), www.engadget.com/2015/01/16/gaming-while-black-casual-racism-to-cautious-optimism/ (noting how black gamers suffer racism and persecution while playing video games because of the color of their skin and the color of their avatar).

112. Ong, *supra* note 1.

113. *See also* Fussel, *supra* note 4 (explaining how Americans' views of black men are polluted by fiction. Black men were described in fiction as "imposing, hulking, brutish figures" and only necessary "for the sake of diversity").

114. *Id.*

115. Ramanan, *supra* note 3.

116. Brown v. Entm't Merchs. Ass'n, 564 U.S. 786, 821 (2011) (finding that legislation focused on the prohibition of the sale and rental of violent video games to consumers under eighteen unconstitutional).

117. Courtney Tanenbaum, *A Vision for Innovation in STEM Education, Department of Education*, AM. INST. FOR RES. (Sept. 14, 2016) www.air.org/resource/stem-2026-vision-innovation-stem-education (noting the need to address legislatively the disparity of representation of minorities in STEM fields and increasing the number of individuals in STEM occupations overall).

118. Entm't Software Ass'n v. Blagojevich, 404 F. Supp. 2d 1051, 1077-83 (2005) (holding the enforcement of laws banning violent and sexually explicit video games unconstitutional).

119. *Grand Theft Auto*, ROCKSTAR GAMES (1997) (an action-adventure video game series created by David Jones and Mike Dailly which is set in a fictional city and features protagonists working to rise to the top in the criminal

motivated the government to take action by creating stricter laws on gaming, including classification and access to video games.[120] Despite the abundance of laws created to address issues in video games such as violence and obscenity, Congress has failed to enact laws to prepare minorities to create video games, which may address the abundance of violence.[121] Government officials and lobbyist are more concerned with issues that result in casualties or that shock the conscience, which racial stereotypes in video games have yet to do.[122] As a result, the underrepresentation of minorities is often overlooked in favor of anti-violence video game legislation.[123]

3.   *The Other Side of the Coin: Action Games*

Action games are fast paced games that may involve fighting, sneaking, sniping, or extreme acrobatics.[124] Popular action titles include the Uncharted[125] series or Call of Duty.[126] Actions games are generally geared towards men, because of the mistaken belief that these games do not appeal to women.[127] On the contrary, women often play these games, but are disillusioned by the lack of playable female characters.[128] The traditional muscle-bound man

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underworld).

120. Sanders v. Acclaim Entm't, Inc., 188 F. Supp. 2d 1264, 1268-69 (2002) (noting violence in video games and movies as the cause of school shooting).

121. *Id.*

122. Alan Wilcox, *Regulating Violence in Video Games: Virtually Everything*, 31 J. NAT'L ASS'N L. JUD. 253, 256-61. (2011) (noting that violence in video games has become a global issue and that regulation of these games has been the main focus of video game legislation).

123. *Id.*

124. Nadia Oxford, *What is the Definition of an Action Game*, LIFEWIRE (July 25, 2017), https://www.lifewire.com/nintendo-action-game-1126179 (action games defined a genre that typically puts emphasis on challenging the player's reflexes, hand-eye coordination, and reaction time).

125. *Id.*

126. *Uncharted*, NAUGHTY DOG (2007) (an action-adventure third-person shooter platform video game series developed by Naughty Dog and published by Sony Interactive Entertainment for PlayStation consoles. The series follows protagonist Nathan "Nate" Drake (portrayed by Nolan North through voice and motion capture) a charismatic yet obsessive treasure hunter who journeys across the world to uncover various historical mysteries).

127. *Call of Duty*, ACTIVISION (2003) (a first-person shooter video game primarily set during World War II that simulates armed combat and infantry action).

128. Cecilia D'Anastasio, *Study Shows Which Video Game Genres Women Play Most*, KOTAKU (Jan. 20, 2017), www.kotaku.com/study-shows-which-video-game-genres-women-play-most-1791435415 (noting that women make up about 70% of match 3 and family/farm simulation games' audiences. About half of casual puzzle and atmospheric exploration games are played by women, too. The gender ratio plummets when we get to first-person shooters, tactical shooters and racing games. At the bottom of the chart, a mere 2% of sports game-players are women).

can no longer be the rule. There has been some advancement in the access to and development of female characters in action games, such as Tomb Raider[129], and the newest addition to the Uncharted series, The Lost Legacy.[130]

4. Gamers

Gamers encompass anyone who plays games regularly, regardless of whether they consider themselves gamers.[131] In fact, anyone who plays more than seven hours of games per week would fall under this category.[132] Gamers also extend to console, PC, and mobile platform, they are not isolated to any one platform.[133]

Today, more than half of the gamers worldwide are female due to the adaptation of mobile games, which has drastically changed the traditional gamer framework.[134] Mobile games have also had a hand in shifting the demographics of American gamers because it has made it easier to play games on-the-go by tapping into a niche market for quick paced and addictively repetitive games.[135] Examples of these games are Candy Crush[136] or Temple Run.[137] These mobile gamers have a high female presence despite the fact that many women do not consider themselves gamers.[138]

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129. *Tomb Raider*, SQUARE ENIX (2013) (also known as Lara Croft: Tomb Raider between 2001 and 2007, is a media franchise that originated with an action-adventure video game series created by British gaming company Core Design. Formerly owned by Eidos Interactive, then by Square Enix after their acquisition of Eidos in 2009, the franchise focuses on a fictional British archaeologist, Lara Croft, who travels around the world searching for lost artefacts and infiltrating dangerous tombs and ruins.).

130. *Uncharted*, *supra* note 126. (Uncharted: The Lost Legacy is an action-adventure game developed by Naughty Dog and published by Sony Interactive Entertainment in August 2017 for the PlayStation 4. It is a standalone expansion to Uncharted 4, and the first Uncharted game not to feature protagonist Nathan Drake—a straight, white male.).

131. Duggan, *supra* note 86.

132. Peter Sinclair, *Freedom of Speech in the Virtual World*, 19 ALB. L.J. SCI. & TECH. 231, 232 (2010).

133. *Id.*

134. *Id.* at 335 (noting how the introduction of the virtual world brought with it an increase in realism that resembled the material world but was not limited by the actualities of race or gender).

135. Katheryn Thayer, *Why Diversity Is A 'Selfish' Goal At This Mobile Gaming Company*, FORBES (Mar. 8, 2017) www.forbes.com/sites/ katherynthayer/2017/03/08/why-diversity-is-a-selfish-goal-at-this-mobile-gaming-company/#332de0ea1950.

136. *Candy Crush*, KING.COM www.king.com/game/candycrush (last visited Nov. 19, 2018) (a color matching game with bright animations set in a candy world.)

137. *Temple Run*, TEMPLE RUN www.templerun3.co/ (last visited Nov. 19, 2018) (a mobile game that feature a generic character running along the runs of a temple in an endless attempt to escape primate pursuers).

138. *See* Cecilia D'Anastasio, *Study Shows Which Video Game Genres Women Play Most,* KOTAKU (January 20, 2017), kotaku.com/study-shows-

Looking at the racial makeup of gamers today, minorities have trumped the number of white gamers that identify as gamers.[139] Over eighty percent (80%) of African Americans play video games.[140] Of this eighty percent (80%), many have positive feelings of expression associated with the industry as a whole.[141] Hispanics also overwhelmingly identify as gamers compared with their white counterparts.[142] Hispanics are also more likely to self-identify as gamers.[143] Straight whites are also being surpassed by a growing number of LGBTQ members also identify as gamers.[144]

5. *Critics in the Gaming Industry*

Unfortunately, gamers today have come under fire for game usage.[145] Increased concerns over the addictiveness of video games has sparked controversy.[146] Many gamers are also considered to have a lack of social skills which worries parents and the community at large.[147] Lobbyists and advocacy groups are also attempting to control content within video games by reducing violence and sexually explicitness.[148] These groups are also trying to limit exposure to video games through legislation, parental controls and boycotts.[149]

In the World Health Organization's ("WHO") beta for its eleventh International Classification of Diseases, it included gaming disorders under its mental, development, or neurodevelopmental disorders as a means to excessive discourage

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which-video-game-genres-women-play-most-1791435415 (noting that women make up about 70% of match 3 and family/farm simulation games' audiences. About half of casual puzzle and atmospheric exploration games are played by women, too. The gender ratio plummets when we get to first-person shooters, tactical shooters and racing games. At the bottom of the chart, a mere 2% of sports game-players are women).

139. Anderson, *supra* note 75.

140. Duggan, *supra* note 86.

141. *Id.*

142. Burgess, *supra* note 39.

143. Ana Gamboa, *Latino Gamers are Winning and Why the Industry Should Care*, AL DIA MEDIA AND TECH. (Apr. 22, 2014) www.aldianews.com/articles/media-technology/latino-gamers-are-winning-and-why-industry-should-care/35280.

144. STEM 2026, *A Vision for Innovation in STEM Education, Department of Education*, Innovation.ed.gov at www.innovation.ed.gov/files/2016/09/AIR-STEM2026_Report_2016.pdf (2015) (noting the need to address Legislatively the disparity of representation of minorities in STEM fields and increasing the number of individuals in STEM occupations overall).

145. Clay Calvert & Robert D. Richards, *The 2003 Legislative Assault on Violent Video Games: Judicial Realities and Regulatory Rhetoric*, 11 VILL. SPORTS & ENT. L.J. 203, 211 (2004).

146. *Id.*

147. *Id.*

148. *Id.*

149. *Id.* at 231.

video game usage.[150] These classifications, although recognized and invaluable for diagnosing addiction, have hindered the growth of the industry by inciting panic among parents and the community at large.[151] As a result of this classification and the growing concern over addiction, parents have intervened by restricting young gamer's access to video games.[152]

There is good reason for many minorities to be concerned over the rising tension within the gaming industry.[153] Given the level at which minorities play video games, these groups are at an increased risk of being persecuted by the community.[154] These groups will be seen as the target demographic and may be villainized for their love of video games, despite their desire to erase stereotypes of violence and sex in video games. Like violence or sexually explicit content, the social concerns over the addictiveness of video games will detract from the ultimate issue which begins before the game is made.[155]   Video games and the creation of video games lack diversity.

D. *Contributing Factors*

The factors that contribute to the lack of diversity in video games are stereotypes, education, and finance.[156] Together, these factors help to sustain what this comment will refer to as the racial sinkhole of the industry.[157] When developers and marketers fall into the racial sinkhole by pandering to the old majority, white men who believe that video games should be made by them and for them, it furthers a culture that is parasitic to itself and threatens the growth of the industry as a whole.[158]

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150. Susan Scutti, *WHO to Recognize Gaming Disorder as Mental Health Condition in 2018*, CNN (Dec. 27, 2017), www.cnn.com/2017/12/27/health/video-game-disorder-who/index.html.

151. *Id.*

152. *Id.*

153. Wilcox, *supra* note 122.

154. *Id.*

155. *Sanders*, 188 F. Supp. 2d at 1264.

156. Burgess, *supra* note 39.

157. The racial sinkhole is a metaphorical void that developers and marketers fall into when creating games that lead to cookie cutter characters that resemble the majority of developers and marketers, without taking into account the diversity of the market.

158. The racial sinkhole is a term I created to symbolize a metaphorical void that developers and marketers fall into when creating games that lead to cookie cutter characters that resemble the majority of developers and marketers, without taking into account the diversity of the market. Once a developer falls into the racial sinkhole and those methods work it is extremely hard to get out. The concept of "if it ain't broke, don't fix it," best describes this phenomenon because an individual is reluctant to bring about change if that change would be unprofitable, burdensome or seems unnecessary. The racial sinkhole in the video game industry is not as apparent as it should be, but thankfully there is a decline in its use as more and more video games featuring racial and sexual

1. *Stereotypes*

Racial stereotypes in video games are one of the deadliest factors and contribute to the racial sinkhole. Racial stereotypes help to build up the presence of clichéd, outdated and offensive representations, such as the athletic black antagonist or the violent Hispanic "gang-banger."[159] These games include Grand Theft Auto[160] and Saints Row[161] which encourage the various main characters across the series to act in violent ways.[162] Many of these main characters are minorities and are not depicted favorably.[163] These characters generally have no respect for the law.[164] Prostitution, theft, and murder help to advance your standing in the game and may also give you special perks which acts as a reward to continue illicit behavior.[165]

2. *Education*

Without the proper educational foundation, many minorities with positive perceptions of the industry will be unable to compete with their white counterparts for development jobs and therefore, will be unable to create characters that resemble themselves.[166] Schools without support of STEM subjects place their students at a disadvantage.[167] This lack of education is difficult to overcome at

minorities are being introduced.

159. In re Grand Theft Auto Video Game Consumer Litig., 251 F.R.D. 139, 143-44 (2008) (noting sexually explicit content in Grand Theft Auto: San Andreas).

160. *Grand Theft Auto*, *supra* at note 119. Grand Theft Auto is an action-adventure video game series. It is primarily developed by Rockstar North, and published by Rockstar Games.

161. *Saints Row*, DEEP SILVER (2006) (a series of open world action-adventure video games created by Volition and published by Deep Silver, which tells the story of a gang called the Third Street Saints; the title comes from the name of the district of the gang's home territory.).

162. *Id.*

163. Yi Mou & Wei Peng, *Gender and Racial Stereotypes in Popular Video Games*, HANDBOOK OF RES. ON EFFECTIVE ELECTRONIC GAMING IN EDU. (2008), doi:10.4018/9781599048086.ch053 (noting the prevalence of stereotypes in popular video games).

164. Grand Theft Auto is widely known for its violent actions that gain the player fame and prestige. These acts include, but are not limited to, theft and prostitution. Traditionally, the game is filled with ghetto or punk-ish individuals.

165. Jon B. Robinson, *From Pong to Porn: Considering the First Amendment, Violent Video Games, and the Federal Trade Commission's Constitutional Concerns*, 52 LOY. L. REV. 409 (discussing the merits behind protecting violent video games under the first amendment right of freedom of expression and consequently freedom of association).

166. Sproutfund, at www.sproutfund.org/2017/08/15/double-disadvantage/ (last visited Oct. 12, 2017).

167. Janeen Ellsworth, *Poor Schools Face "Double Disadvantage" in STEM*

later stages, when these children are applying to college, vocational schools, or attempting to enter the workforce another way.[168] The inadequacies of STEM course offerings lead to many minorities, who come from disadvantaged neighborhoods, lacking the foundation necessary for gaining employment in a STEM field.[169] Without a proper education, it is unlikely that individuals from minority groups will get jobs in a STEM field, much less to advance up the ladder.[170]

3. *Finances*

In addition to educational barriers, many minorities also face financial barriers. The financial difficulties minorities face when producing games are often overhead costs.[171] These overhead costs include paying employees, getting the necessary software and equipment, obtaining a facility to work in, and maintaining all of these varying aspects.[172] Continuing education and expansion costs also limit minorities' options.[173] In addition to minority developers, minority gamers also often face financial hardships when they attempt to purchase items, which include, but is not limited to, video games.[174] The gaming industry has become a pay-to-play field,

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Education, REMAKE LEARNING (August 15, 2017), www.remakelearning.org/blog/2017/08/15/double-disadvantage (noting the disadvantages between poverty stricken and wealthier districts. 47 percent of fourth graders at high-poverty schools do a hands-on experiment once per week, compared to 61 percent of students in low-poverty schools. 62 percent of eighth grade teachers at high-poverty schools report having the resources they need to teach math, while 79 percent of their low-poverty-district counterparts do. 23 percent of teachers in high-poverty schools hold math degrees, while 31 percent in low-poverty schools do. 52 percent of high-poverty schools offer a statistics class, while 88 percent of wealthier schools do. 39 percent of high-poverty schools offer Advanced Placement Physics compared to 75 percent of high-income schools. These inequities have dire consequences for high-poverty-school students as they enter the workforce, unable to compete for jobs and ill-prepared for the technological demands of the 21st century).

168. This article published by Change the Equations discusses the multiple levels of disadvantages faced by student with subpar access to STEM courses as they prepare for school, work and starting a life.

169. STEM 2026, *A Vision for Innovation in STEM Education*, DEP'T OF EDUC., www.innovation.ed.gov/files/2016/09/AIR-STEM2026_Report_2016.pdf (2015) (noting the need to address Legislatively the disparity of representation of minorities in STEM fields and increasing the number of individuals in STEM occupations overall).

170. *Id.*

171. Cruickshank, *supra* note 7.

172. Jason Streier, *Why Video Games Cost So Much to Make*, KOTAKU (Nov. 18, 2017), www.kotaku.com/why-video-games-cost-so-much-to-make-1818508211.

173. Henry H. Perritt, *Jr. Technologies of Storytelling: New Models for Movies*, 10 VA. SPORTS & ENT. L.J. 106, 140-45 (2010).

174. Ian Ayres, *Fair Driving: Gender and Race Discrimination in Retail Car Negotiations,* 104 HARV. L. REV. 817, 817-18 (1991).

especially in regards to online gaming.[175]

In order to enjoy the game, you must spend money for virtual coins or services, and if you do not you are at a big disadvantage.[176] Therefore, for the consumers that either cannot or will not pay-to-play, the experience may be lack luster if they have goals of advancing in the ranks, which often requires spending money. Since the pay-to-play arena has been extremely lucrative, developers are doing little to hinder both the legal, but unfair, and illegal consequences caused by the system.[177] As a result, minorities experience harassment and women, specifically, are objectified.[178] This article will now further discuss the hardships felt by minorities in the online gaming community and how the law is ill-equipped to deal with this issue.

III. ANALYSIS

The reasoning behind the lack of diversity and inclusion in the video game industry focuses on some contributing factors. This list is not a complete analysis of the factors but focuses on the elements and the disparity between the most heavily involved groups. The main focus will be a lack of representation of minority groups and the effects of years of oppression and exclusion have had on the market.

A. *History of Systemic Racial and Gender Specific Inferiority*

Throughout our history women and minorities have been marginalized and subject to discrimination and oppression as a result of the color of their skin or a difference in physiology.[179] These factors have no effect on our mental capabilities and yet, for hundreds of years, this was the pervasive belief ingrained into the

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175. Simone Darakjian*, Online Gaming and the Pay-To-Win Problem: Legal Deterrence or Industry Self-Regulation?*, 36 LOY. L.A. ENT. L. REV. 213, 213-17 (2012).

176. *Id.*

177. Matthew Golden, *Death of the Secondary Video-Game Market: Natural Causes, or Euthanasia?*, 16 U. PA. J. BUS. L. 1189, 1192 (2014) (noting the increase in video games that use pay to play methods to increase revenue and provide perks for those who can pay, while putting those who can't pay at a serious disadvantage. Although this is legal, it is unfair to those who can't afford to play to play, particularly minorities. Free games often have a paid component which can drastically alter a person's standing in-game. This makes it more difficult for non-paid players to get ahead in the game and may sour their experience).

178. *Id.*

179. National Women's History Project, *Writing Women Back into History*, www.nwhp.org/resources/womens-rights-movement/detailed-timeline/   (last visited Oct. 12, 2017).

minds of both white and colored America.[180] From slavery to the Brandeis briefs, these widely held beliefs have transcended time.[181] Although many in modern America would like to believe that racism and bigotry no longer exist, it is still one of the driving forces that divides society.[182]

Video games are not exempt from racism and in many cases can help further feelings of fear, hate, and inferiority. At the same time, these games have the potential to help erase those fears and turn hate to love or inferiority to strength. However, when individuals experience prejudice because of their race or gender, it becomes difficult for them to want to continue down their path.[183] Whether women and minorities are joining the workforce or STEM occupations, discouragement has been shown to have devastating effects.[184] Women and minorities are objectified and suffer emotional and psychological abuse at the hands of a society focused on white, male privilege.[185]

Lawmakers have attempted to correct the mistakes of the past, but have hit a wall with the courts.[186] Legislation or initiatives that are intended to help increase the presence of women and minorities have been held unconstitutional as a violation of equal protection.[187] Since Congress is unable to single out women and minorities in education and in the workforce, they are baffled at what to do to solve the disparity issue.[188] This has created a problem because it offers no support for the courts to stand on in ruling that these laws are constitutional.[189] While many supporters of women in STEM

180. *Id.*

181. The Brandeis briefs often differentiated between men and women based on unfounded beliefs about the abilities of women that are widely dismissed in modern history and that have been dismissed by subsequent judicial decisions.

182. Burgess, *supra* note 39.

183. Eleanor Chute, *Lack of Diversity Part of Equation in STEM Fields, Pittsburg,* POST-GAZETTE (Feb. 10, 2016), www.post-gazette.com/news/education/2009/02/10/Lack-of-diversity-part-of-equation-in-STEM-fields/stories/200902100187.

184. Zachary Nathan Klein, *STEMing Out Disparities: The Challenges of Applying Title IX to the Study of Sciences, Technology, Engineering, and Mathematics*, 64 RUTGERS L. REV. 895, 921-22 (2012).

185. *Id.* at 898.

186. Elky Almaraz, *The Underrepresentation of Hispanic Women in the Science, Technology, Engineering, and Mathematics Fields: What Can Be Done to "Cure" The Problem*?, 16 SCHOLAR 153, 158 (noting that Hispanic women comprise approximately eight percent of the U.S. population and represent the largest group of minority women, but the demographic only constitutes approximately two percent of the science and engineering workforce).

187. Evelyn N. Butler, *Race, Science Education, and Strict Scrutiny: Increasing Participation of Minorities in Science and Engineering Education Post Grutter*, 52 WAYNE L. REV. 1441, 1441-43 (2006) (noting that initiatives for STEM programs have been shut down by the court due to language that specifies minorities or underrepresented groups).

188. *Id.*

189. Klein, *supra* note 183 (discussing the challenges with Title IX and how

fields believe that legislation on this issue will promote equality in the workforce, critics believe that this will increase equality by putting men at an economic disadvantage.[190]

1. *In Real Life Versus In-Game*

In real life ("IRL"), we cannot change what is innate about us: race, gender, sexual orientation, just to name a few. While we can buy different clothes, eat different foods, act in different ways, and generally force ourselves to be one in a crowd of 7.4 billion, we are who we are. If you walk up to someone on the street, they will see you and how they view you and interact with you from that point on is decided by what beliefs, theories, or fears they have in their head. It is unfortunate, but people tend to subconsciously judge a book by its cover.[191] Society is not always black and white, but to an untrained mind, it is always taken at face value.[192]

The virtual world lets people hide their names, faces, physical appearances, addresses, and overall identity, while also letting them release theories or ideas that may be otherwise socially unacceptable. According to Peter Sinclair, in his article Freedom of Speech in the Virtual World, a distinction exists between the virtual world and the material world.[193]

Sinclair's article focuses on race relations and how massively-multiplayer online role-playing games ("MMORPG") affect them. He notes that some American adults now spend over seven hours a week being "entertained" by video games.[194] This includes both hardcore[195] and casual play[196], although hardcore gamers generally play more than casual gamers.[197] Of those gamers, over 51% also

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it has not helped to increase the number of women in STEM fields).

190. *Id.*

191. An early English idiom that means you shouldn't prejudge the worth or value of something by its outward appearance alone. It's often used to refer to people who are unsightly or rough around the edges to indicate that their personality is different after you get to know them.

192.   *Face   Value*,   MERRIAM-WEBSTER,   www.merriam-webster.com/dictionary/face%20value (last visited Nov. 19. 2018) (Defined face value as "the value indicated on the face" or the "apparent value or significance.")

193. See Sinclair, *supra* note 132.

194. *Id.*

195. For the purposes of this article, hardcore gamers include all gamers that play 7 or more hours of gamers per day.

196. For the purposes of this article, casual gamers include all gamers that play 1-2 hours of gamers per day.

197. Recover v. Elec. Arts Inc., 2010 U.S. Dist. LEXIS 140632, ⁋16 (discusses the categories of hardcore and casual gamers. Hardcore gamers usually play for longer periods of time and for higher stakes than casual gamers, even going so far as to make a living from it. Casual gamers, on the other hand, spend less time playing games; however, they can also be competitive in the way they play).

play online games.[198] Online games, such as MMORPGs can have between a few hundred or a few million players from a variety of locations and backgrounds.[199]

These players create characters that may or may not look like the players themselves, effectively giving them a chance to influence how another person will view them. Changes in skin tone, sex, height, weight, eye color, and even species can cause a person to think differently of you even before they meet you; therefore, appearances not substance governs our lives.[200] Jerry Kang,[201] an Asian American gamer and a distinguished Professor of Law, this first-hand when he, as an Asian American, played an African American character.[202] Kang was taunted and exposed to a barrage of racial slurs and threats upon his life simply for being an African American in-game. He was also treated differently, due to a miscommunication about his name, during the course of his employment for being an Asian American IRL.[203] This experience has caused Kang to grow and to become more self-aware as a minority gamer.[204] He, like others, believes something has to be done to remedy this situation and has taken the first step to moving forward. Similar to any addiction or poor habit, that first step is acceptance.[205]

2.   *Racial Trolling or Spamming*

What Kang and many others have experienced is a form of trolling which can best be defined as racial trolling or spamming.[206] These actions are very similar to cyberbullying in that for the

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198. *See* Sinclair, supra note 132 at 233 (noting that MMORPGs have large player bases and that these individuals come together from all over the world).

199. Sinclair, *supra* note 132.

200. Raymond J. McKoski, *Judicial Discipline and the Appearance of Impropriety: What the Public Sees Is What the Judge Gets*, 94 MINN. L. REV. 1914, 1916 (June 2010).

201. Jerry Kang is Distinguished Professor of Law, Distinguished Professor of Asian American Studies, and the inaugural Korea Times – Hankook Ilbo Endowed Chair in Korean American Studies and Law. He is also the University's inaugural Vice Chancellor for Equity, Diversity and Inclusion.

202. Jerry Kang, *Cyber- Race*, 113 HARV. L. REV. 1131, 1133-34 (2000).

203. *Id.* at 1133.

204. Tina Trinh, *New Video Games Tackle Social Injustice Issues*, VOANEWS (Aug. 6, 2017), www.voanews.com/a/new-video-games-tackle-social-injustice-issues-in-nepal/3974677.html.

205. Kellen Beck, *The Video Games Industry has a Diversity Problem and No One is Surprised*, MASHABLE (Jan. 09, 2018), www.mashable.com/2018/01/09/video-game-diversity/#Q7j8BWSblOqZ (noting that the community has acknowledged that the video game industry has a problem and is ready to face it).

206. *Troll*, MERRIAM-WEBSTER www.merriam-webster.com/dictionary/troll. (last visited Nov. 19, 2018) (a troll is a person who antagonizes (others) online by deliberately posting inflammatory, irrelevant, or offensive comments or other disruptive content).

narrow medium of MMORPGs, the internet is being used as a tool to subject an individual or a group to the kind of treatment forbidden by both state and federal legislation.[207] The effects this kind of treatment has on individuals, especially individuals under the age of 18, is well known and has been repeatedly recognized as a threat to both life and liberty.[208] This does not change because a troll is using video games rather than social media to perform the harmful act.[209]

Racial trolling has not only created issues for administrators, but has also reduced the likelihood that an individual of the targeted group will continue playing.[210] This may also cause members of the group to act out in their own defense due to a lack of administrative intervention.[211] This only furthers stereotypes of the angry minority, especially for blacks, since blacks are often associated with violence or anger.[212] The question then becomes what is the other option? Are black gamers supposed to stay silent and let bigotry reign free or can black gamers do something about it?[213] This article was created to show that the latter is the only option and that by society sitting on its hands, this kind of abuse continues will not be tolerated anymore.[214]

3. *Encouraging Diversity and Inclusion Through Video Games*

This article seeks to address what happens when a person's beliefs conflict with another's enjoyment of video games. The belief racial inferiority, homophobia, or hatred based on race of another gamer's life will tend to cause conflict. Although there are many laws that limit hate speech and hate crimes, enforcement of these laws online and in-game are difficult.

That being said, video games are not all bad. As stated before, video games allow a wide variety of people to associate.[215] In the absence of aggressive racism and bigotry, this helps to expand the knowledge a player has about players of other backgrounds. These players may choose to play together, which will create a sense of

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207. T.K. v. New York City Dep't of Educ., 779 F. Supp. 2d 289, 299-300 (2011).

208. *Id.*

209. Lisa Nguyen, *5 Video Game Trolls Who Totally Got What They Deserved,* THEGAMER.COM (May 10, 2017), www.thegamer.com/15-video-game-trolls-who-totally-got-what-they-deserved/ (noting the harm suffered by tolling in video games).

210. Kang, *supra* note 201.

211. *Id.* at 304.

212. *See also* Fussel, *supra* note 4 (noting how video games foster feelings of violence and hatred towards minorities, specifically blacks).

213. Kang, *supra* note 201.

214. Fussel, *supra* note 4.

215. Sinclair, *supra* note 132.

community and may even develop into friendships, which helps to correct the issues that have dominated the real world.[216]

In *Brown v. Board*, the court held that racial integration was absolutely necessary to create an active and adequately educated citizenry.[217] Segregation only stands to make minorities feel inferior and furthers a notion of superiority among whites. This runs contrary to many large-scale multiplayer games which can only survive if video games create an abuse-free zone that fosters acceptance of differences through community and, if necessary, regulation.[218]

4. Regulation of Racially Offensive Behavior

Video games that are solely console-based have an easier time regulating what can and cannot be said or done within the game because programmers can create concrete levels of code that can filter through inappropriate language.[219] Online games, on the other hand, have a much harder time regulating improper behavior because of the nature of the internet and the First Amendment right of free speech.[220] While all speech is not protected, prior history has shown a tendency for the courts to show restraint in regulating speech within the internet.

In *Reno v. ACLU*, the court stated that the difficulty in regulating the internet is that if access to information is restricted for one, it will be restricted for all.[221] However, online video games do have some rules and regulations that prevent offensive speech.[222] These rules and regulations also provide consequences for violators.[223] However, these rules may not be adequate. Players demand a level of freedom in-game which they are willing to pay for. This has caused an increase in violence and obscenity which has been granted First Amendment protection.[224] Players respond positively to these game (i.e. buy the game) and developers produce

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216. Kang, *supra* note 201 at 1160.

217. Brown v. Bd. of Educ., 347 U.S. 483, 494 (1954).

218. *Id.*

219. *See* Sinclair, *supra* note 132 at 243-44 (noting how difficult it is to control offensive speech considering the interpretation of the First Amendment).

220. *Id.*

221. Reno v. ACLU, 521 U.S. 844, 966 (1997).

222. Nicholas K. Geraniols, *Hate Speech Corrodes Online Gaming*, NBCNews (Apr. 15, 2010), www.nbcnews.com/id/36572021/ns/technology_and_science-games/t/hate-speech-corrodes-online-games/#.W8P65WhKjIU
(noting the violent hate speech exchanged online by many gamers and the fact that this has become commonplace).

223. Chris Baraniuk, *What is the Best Way to Stop Internet Trolls*, BBC (Mar. 21, 2016), www.bbc.com/future/story/20160318-what-is-the-best-way-to-stop-internet-trolls (noting that many social media sites struggle with stopping internet trolls).

224. Roth v. U.S., 354 U.S. 476, 484-85 (1957).

similar games hoping that these will be successful.[225]

Many online gamers desire the freedom of movement, customization and expression that comes with online gaming and developers are happy to oblige if it is profitable.[226] Whether regulation includes blocking out curse words or filters that prevent racially offensive names or actions, this has led to a decline in the number of incidents of racial trolling.[227] However, these consequences may not always provide desired results, because users may be able to create new accounts, called single shot accounts, and continue a cycle of trolling.[228] These new accounts are not as closely monitored as accounts with multiple rule violations or reports of trolling.[229] As such, more aggressive steps need to be taken to ensure that people who cause these incidents are effectively banned from participating in the medium they chose to use for ill-purposes.[230]

A possible solution to this is to block the IP address of the malicious user, which will restrict access to the site or sites from being used by a specific computer.[231] Many "trolls" understand that actions may be taken to block their IP address.[232] If that happens, the malicious user may use a public computer or employ an IP address mask, which would prevent an administrator from locating the correct IP address.[233] This issue goes far beyond the scope of this article, but is nonetheless important to its underlying debate.

5.   *Regulation of the Field*

Legislators have not adequately addressed the issues surrounding racism and a lack of diversity in video games. The problem may stem from not having it adequately addressed IRL,

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225. Bhalla, *supra* note 72.

226. Rupal Parekh*, Personalized Products Please But Can They Create Profit*?, ADAGE.COM (May 21, 2012,) www.adage.com/article/news/personalized-products-create-profit/234838/ (noting that customization in Digital Media if profitable and will likely continue to expand).

227. *See* Sinclair, *supra* note 132 (noting how although it's necessary to control foul language in online games, many gamers enjoy online gaming due to the customization and freedom the gamers can experience).

228. Daniel H. Kahn, *Social Intermediaries: Creating a More Responsible Web Through Portable Identity, Cross-Web, Reputation, and Code-Backed Norms*, 11 COLUM. SCI. & TECH. L. REV. 176, 231-37. (2010).

229. *Id.*

230. Kang, *supra* note 201.

231. *Id.*

232. Kashmir Hill, *How To Bait and Catch The Anonymous Person Harassing You On The Internet,* FORBES (Sept. 28, 2012) www.forbes.com/sites/kashmirhill/2012/09/28/how-to-bait-and-catch-the-anonymous-person-harassing-you-on-the-internet/#241a0157e1a0   (discussing various ways to prevent cyber harassment including blocking the IP address of the user).

233. *Id.*

although the Constitution has been interpreted to allow for direct regulation.[234] Many legislators focus solely on the violent or obscene nature of video games, with a belief that this is the biggest threat to children and young adults playing these games.[235] However, a much more dangerous issue exists that may cause those same children to grow to hate or fear their fellow classmate, coworker, or neighbor. That is racism. Racist beliefs or stereotypes are implanted into children at a young age at home, at school, and in the community.[236] Although video games are meant to be fun and inclusive, racial stereotypes are causing these games to have the opposite result.

Jerry Kang, in his article Cyber-Race,[237] encountered racism and bias both in the virtual and real world caused by assumptions and ignorance, which shows that racism is still alive and well.[238] Racism accompanied by stereotypes and bias have made the video gaming industry billions of dollars, but has also created a problem that society may not be ready to solve, given the racial tension present in America today.[239] Incidents with individuals such as Trayvon Martin,[240] have only caused the gap between races to be widened and, just as a wheel turns, these incidents will always come back to racism.[241]

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234. Elena Kagan, *Regulation of Hate Speech and Pornography After R.A.V.*, 60 U. CHI. L. REV. 873, 891-92. (1993).

235. Video Game Decency Act of 2007, 110 H.R. 1531.

236. *Racism*, MERRIAM-WEBSTER, www.merriam-webster.com/dictionary/racism (last visited Nov. 19, 2018) (defined racism as a belief that race is the primary determinant of human traits and capacities and that racial differences produce an inherent superiority of a particular race).

237. Kang, *supra* note 201.

238. Video Game Decency Act of 2007, 110 H.R. 1531.

239. Greg Botelho, *What Happened the Night Trayvon Martin Died*, CNN (May 23, 2012), www.cnn.com/2012/05/18/justice/florida-teen-shooting-details/index.html (discussing the death of Trayvon Martin which caused a flood of race related concerns and Sparked movements such as Black Lives Matter. This incident also created an increased awareness in police brutality and the connections of white police officers in the deaths of black citizens).

240. Andre Douglas Pond Cummings, *"Lord Forgive Me, But He Tried to Kill Me": Proposing Solutions to the United States' Most Vexing Racial Challenges*, 23 WASH. & LEE J. CIVIL RTS. & SOC. JUST. 3, 4-9 (2016) (noting the racial tension among minorities and authority, specifically white police officers, and the consequences of their interactions).

241. *Trayvon Martin Biography*, A&E TELEVISION NETWORK (last updated Aug. 1, 2018) www.biography.com/people/trayvon-martin-21283721 (Trayvon Martin was a 17-year-old African American teenager from Miami Gardens, Florida, who was fatally shot in Sanford, Florida by George Zimmerman. This seemed to spark a revival of racial separation in the United States.).

B. *Addressing the Issues Caused by Racism*

From the earliest 8-bit game[242] to the newest triple-A titles[243], we have seen a devastating trend towards the adherence to stereotypes in the video game industry.[244] These stereotypes have led to a lack of diversity within the industry. However, growing recognition of this gap has caused many to take action.[245] As a result, there has been a trickling increase in women and minorities entering the industry.[246] This trickle of diversity has been translated to consoles, computers, and even mobile devices, but it still lacks the necessary force to eliminate the need for further representation.[247]

1. *Affinity for Characters*

An individual tends to be drawn to something they can relate to. Whether that is a specific situation or an entire way of life, it creates partiality or an affinity towards the individual.[248] The introduction of look-alikes has, for many gamers, enhanced their enjoyment of video games. Gamers grew tired of cookie-cutter characters with tragic backstories[249] long ago and began to look

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242. 8-bit is a method of storing image information in a computer's memory or in an image file, such that each pixel is represented by one 8-bit byte.

243. Triple-A is a classification term used for games with the highest development budgets and levels of promotion. A title considered to be AAA is therefore expected to be a high-quality game or to be among the year's bestsellers.

244. *See* Neuhauser, *supra* note 107 (noting how the game industry has advanced through its reliance on stereotypes to create game dialogue and plots).

245. Karen Dill-Shackleford & Melinda C. R. Burgess, *Influence of Black Masculinity Game Exemplars on Social Judgments*, vol. 44, (4) SIMULATION GAMING, 562-85 (2012) (discussing how media exemplars of Black masculinity influence the views of and intentions toward other Black men. The data showed the power of mass media exemplars of Black masculinity to prime meaningfully different outcomes in viewers).

246. Libby-Jane Charleston, *The Slow Evolution Of Women In Video Games: Call Of Duty Black Ops 3 Actually Features a Female Soldier*, HUFFINGTON POST (June 15, 2016), www.huffingtonpost.com.au/2016/07/10/the-slow-evolution-of-women-in-video-games_a_21425353/ (noting that until recently the video game industry was dominated by male players and characters while women were left in the background. If women were the main character, such as in the Lara Croft series, they wore next-to-nothing. The justification for this was that a woman's body structure was harder to animate and her emotions required more effort to express).

247. Burgess, *supra* note 39.

248. *See* Karmali, *supra* note 32 (noting that LGBTQ gamers like to identify with characters that share their sexual orientation to create a substantial connection to the character).

249. Plots that involve a traumatic experience the protagonist underwent which helped to bring the protagonist to the point they are at today. This could be the death of a family member, an act of betrayal, or growing up in a poor or war stricken community.

more towards something they could relate to.[250] This is where customization came in. Games began to give gamers the ability to truly create their characters and to decide their physical features, backgrounds, and even species.[251]

Although gamers were pleased with the single option plot with specific timelines, characters, and consequences, customization continued its upward climb. It was not until later that many individuals began to ask for more customization options.[252] These included a wider range of skin tones, body shapes and titles.[253] Sims, a popular customization based game, still lacks a sufficient variety of skin tones.[254] As a result, the Black Simmer[255], among others, has introduced game modifications that allow for additional skin tones to be downloaded into the game.[256] The Black Simmer allowed minorities to truly portray themselves, by offering a wider range of skin tones to add to the game.[257] Like many others, the Black Simmer[258] was upset about the lack of diverse skin tones available for different races.[259] Unlike many others, she decided to

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250. Shay Suban, *Can You Be Gay?: Queer Representation in Video Games*, OUTWRITENEWSMAG.org (Dec. 27, 2016), www.outwritenewsmag.org/2016/12/can-you-be-gay-queer-representation-in-video-games/ (discussing the possibility of queer affiliation in video games).

251. *Id.*

252. Brittney White, *Why Are Games With a Customizable Main Character So Popular?*, MEDIA DIVERSIFIED (Apr. 9, 2014), www.mediadiversified.org/2014/04/09/why-are-games-with-a-customisable-main-character-so-popular/ (discussing how an hour long speech by Manveer Heir, a Bioware developer, delivered at Game Developers Conference (GDC) 2014 about "misogyny, sexism, racism, ethnocentrism, nationalism, ageism, ableism, homophobia, transphobia, queerphobia and other types of social injustice" explains why the customization aspect of a game, especially role-playing games, is so popular).

253. Matthew Kato*, Grand Theft Auto V: Customization Is King For Grand Theft Auto Online's New Content*, GAMEINFORMER (Oct. 19, 2015), www.gameinformer.com/games/grand_theft_auto_v/b/xboxone/archive/2015/10/19/customization-is-king-for-grand-theft-auto-onlines-new-content.aspx (discussing the attractiveness of customizable features in video games, specifically Grand Theft Auto).

254. *The Sims 4*, Electronic Arts (2014) (the Sims is a life simulation game series that was developed by Maxis and The Sims Studio and published by Electronic Arts. The player is allowed to control all aspects of the character's lives, including whether they live or die.).

255. The Black Simmer is a forum created by a simmer who is frustrated by the lack of diversity in the simmer community. This is a place for simmers of all ages to come, meet one another, discuss and share ideas & creations. And no you do not have to be Black to join the forums.

256. @TheBlackSimmer, Tumblr (Oct. 24, 2017, 12:03 PM), http://theblacksimmer.tumblr.com/.

257. *Id.*

258. The Black Simmer is a Sim-enthusiast who after seeing the limited range of skin tones available to players created modifications to create skin tones to reflect minority players.

259. Victoria McNally, *New Study On Virtual Avatar Skin Color Demonstrates Why Diversity Matters*, THEMARYSUE.com (Sept. 5, 2014), www.themarysue.com/why-diversity-matters-gaming-study/, (noting that after

do something and has received an incredible amount of support for her efforts, which only goes to further the notion that gamers want to envision themselves as part of the game.[260]

2. *Acceptance Within the Community of New Groups Entering the Field*

Introduction of characters that defy the status quo is key to opening the field to minorities and women.[261] One of the most underrepresented groups, the LGBTQ community, has recently been recognized, and accepted, in popular gaming titles such as The Last of Us, which features a lesbian protagonist names Ellie and her girlfriend Riley.[262]

This was a major breakthrough in the video game industry and has caused quite a bit of commotion in the LGBTQ community and an urge for even more representation.[263] The video game industry has begun to recognize that society no longer intends to marginalize those with different sexual orientations and is slowly moving towards a general goal of acceptance.[264] As more LGBTQ and minority individuals rise in the field, games with these types of characters will cease to be taboo and will eventually be intermingled into the new status quo.

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reading a fake magazine story called "Meet the Coolest Second Life Residents," the black players who read the story about all-white avatars created avatars that looked whiter, according to unbiased independent coders brought on for the experiment, than those who experienced the higher diversity scenario. They were also reported themselves as much less willing to bring up their actual race as well).

260. Games such as Sims, Harvest Moon, and Style Savvy have become increasingly popular due to their ability to customize your character, and to some extent your world.

261. *See* Suban, *supra* note 249 (discussing how in Stardew Valley, a popular online parody of Harvest Moon, the main character is able to romance and marry any adult character within the game regardless of their gender making homosexual relationships possible).

262. *See* Karmali, *supra* note 32 (showing why LGBTQ characters need to be present in video games).

263. See Silver, *supra* note 88 (discussing the success of LGBTQ characters in video games, specifically the incredibly successful The Last of Us from Naughty Dog. The Last of Us tells the story of a Cordyceps fungus that has adapted itself to infect humans, bringing apocalyptic-like conditions for the uninfected survivors. Throughout the game, you control either Joel (in his late 40s) or Ellie (14), and as the game progresses (told in the prequel story, Left Behind) you learn Ellie is a lesbian who had a relationship with another character, Riley. As the game unfolds, you'll also meet Bill, a very rough and tough gay male (and is old friends with Joel, who is straight) who aids the player).

264. *Id.*

3. *Erasing of Biases (within reason)*

After acceptance comes an erasure of biases. Erasing biases is paramount for reducing racism within society and within the field of video gaming, however, it will not happen overnight.[265] Women and minorities have made great strides over the years in American society.[266] Diversifying the gaming industry will not be any simpler a task.[267] However, given the number of people who have already recognized that a problem exists and created a plan to solve these problems, a truly diverse gaming community is just around the corner.

IV. PROPOSAL

A. *Promoting Diversity: Barriers and Progression*

This section will address solutions to the problems of racism and the lack of diversity in the video game industry.[268] This will include the funding of STEM courses in underprivileged schools and

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265. Patricia Hernandez, *How Lara Croft Has Changed Over The Last 18 Years*, KOTATKU (Jan. 21, 2014), www.kotaku.com/how-lara-croft-has-changed-over-the-last-16-years-1505856265 (noting how the latest installment of Lara Croft has made marked improvements on her physical appearance which was previously oversexualized to appeal to male players. The current version has moved away from the Lara Croft trademark revealing tank top and shorts combo and has moved to a less revealing outfit with cargo pants. The new Lara Croft's features are extremely life like and realistic. Lara Croft does not lose any of her appeal from her new "covered" look).

266. *See* National Women's History Project, *supra* note 178. (recapping the history of women from slavery and the early trials of marriage to suffrage and modern-day employment. The timeline begins in 1701 where history saw its first sexually integrated jury. It ends in 2013 where in United States v. Windsor, the Supreme Court decides that a key part of DOMA, the law that restricts federal recognition of same-sex marriage, is unconstitutional because it violates the equal protection clause of the constitution. The timeline also includes a number of "first" instances for women which have helped the progress of equality).

267. Natasha T. Martin, *Business Law Forum: The Protected-Class Approach to Antidiscrimination Law: Logic, Effects, Reform: Diversity and the Virtual Workplace: Performance Identity and Shifting Boundaries of Workplace Engagement*, 16 LEWIS & CLARK L. REV. 605 (2012) (discusses how even in a virtual workplace, it is difficult to fully eliminate discrimination that may be caused by real world biases or stereotypes and that although the creation of avatars in a virtual world, may help with association, it also create interpersonal dynamics that are just as dangerous to notions of belonging in the contemporary workplace as their physical counterparts).

268. Bryant Francis, *Race And Racism In Games: Dissecting Tech's Struggle With Racial Diversity*, GAMASUTRA (Oct. 13, 2014), www.gamasutra.com/view/news/227631/Race_and_racism_in_games_Dissecting_techs_struggle_with_racial_diversity.php (noting not opening up your social or professional circles can contribute to institutional racism and how isolation from other ethnic groups further racism).

support of organizations that are currently acting to correct historical misconceptions.[269] This section will also discuss the barriers to these solutions, including financial costs and the deep-seeded beliefs of the opposition.

B. *Funding STEM Course*

This article proposes financial subsidizing of STEM courses for under-represented groups to help them develop the skills necessary to thrive in both the gaming industry and the technology field as a whole.[270] As stated before, many women and minorities lack the skills necessary to enter and advance in the technology field.[271] This includes skills learned in both basic and advance STEM classes and training.[272] This is due to a lack of preparation at an early age, in primary schooling, and the costs of pursuing higher education when these groups already start at a disadvantage.[273] These disadvantages include a lack of government funding for education and the inequality of tax-based school systems at the state and local levels.[274]

1. *Government Funds*

As it stands now, schools are provided with funds from federal, state, and local sources with federal funding accounting for the smallest percentage.[275] Of an estimated \$1.15 trillion being spent

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269. Natalie Gomez-Velez, *American Education: Diversity, Desegregation and Resegregation: Can Universal Pre-K Overcome Extreme Race and Income Segregation to Reach New York's Neediest Children? Importance of Legal Infrastructure and the Limits of the Law*, 63 CLEV. ST. L. REV. 319 (2015). (noting that the importance of improving education for children with the highest needs begins early on).

270. Alexia Brunet Marks and Scott A. Moss, *What Predicts Law Student Success? A Longitudinal Study Correlating Law Student Applicant Data and Law School Outcomes*, 13 J. EMPIRICAL LEGAL STUD. 205 (2016) (explaining how investing in STEM programs early on may lead to students being successful in higher education).

271. *See* Ong, *supra* note 1 (discussing how many women and minorities aren't given the necessary help to advance in STEM fields which includes the video game industry).

272. *Id.*

273. Lauren Camera, *Federal Education Funding: Where Does the Money Go*, US NEWS (Jan. 14, 2016), www.usnews.com/news/blogs/data-mine/2016/01/14/federal-education-funding-where-does-the-money-go (noting that since 2002 federal funding for education has increased by 36 percent, from \$50 billion to \$68 billion. Under the Obama administration spending for education for low-income communities peaked at \$97 billion).

274. *See* Gomez-Velez, *supra* note 268 (discussing how the status quo education funding methods are not beneficial to poor communities with lower property taxes).

275. *The Federal Role in Education*, U.S. DEP'T OF EDU., www2.ed.gov/about/overview/fed/role.html (May 25, 2017) (highlighting the

nationwide on education at all levels for school year 2012-2013, a substantial majority will come from state, local, and private sources.[276] Although the government contributes a sizable portion of education funding at all levels, it pales in comparison to other sources and this disparity only increases inequality because the overall disparity of wealth is being ignored.[277] Therefore, this article proposes an increase in government funding for education, specifically in underprivileged school districts.

While the government cannot be expected to eliminate the gap in education funding between the poorest and wealthiest neighborhoods, it can help to close that gap. Government funds are not unlimited and given the current state of the American economy, increased spending will only stand to increase the deficit and put the government in an even bigger bind.[278] With that being said, a government subsidy may be the only solution to this issue. If the government provides subsidies for public schools to fund STEM programs, it will allow minorities and women to get the abilities necessary to tear down some of the barriers to the video game industry.[279]

2. *State Funds*

State spending is impacted by a number of different factors, including teacher's salaries, class size, demographics, and cost of living.[280] These factors dictate how much is available for each student and how much schools have to invest in their curriculum.[281] To equalize opportunity among the higher and lower funded states, it is necessary to equalize the availability of funds. Although not all portions of the state receive the same amount of funds, getting states to give comparable amounts per student will help to ensure that each student receives the same opportunities, in theory.[282] This would help equalize opportunities for minority communities, but

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government's role in education spending).

276. *Id.*

277. Robert Shroeder, *U.S. Ends Fiscal 2017 With $666 Billion Budget Deficit*, MARKETWATCH (Oct. 20, 2017), www.marketwatch.com/story/us-ends-fiscal-2017-with-666-billion-budget-deficit-2017-10-20 (noting that the federal government finished fiscal 2017 with a budget deficit of $666 billion, an increase of $80 billion over the previous year.).

278. *Id.*

279. *Id.*

280. Mike Maciag, *The States That Spend The Most (And The Least) On Education: Several Factors Are Behind The Drastic Differences In Funding*, GOVERNING (Aug. 2016), www.governing.com/topics/education/gov-education-funding-states.html

281. *Id.*

282. James Martin, *North Carolina's Court Fails Nor Carolina's Children: Leandro v. State and the Case for Equal School Funding*, 33 WAKE FOREST L. REV. 745, 793 (1998).

alone this is not a solution.[283] The quality of teaching materials, class sizes, and the number of classes offered also plays a part in the problem, but is tied to the problem of inadequate funding.[284]

If schools cannot afford to get up-to-date materials, have smaller classes, or offer enough classes to meet the growing demand, students are the ones who suffer.[285] This may lead to higher dropout rates or to students failing to even consider higher education.[286] It can be said that states with higher education budgets produce better students, but just because a school has a larger budget does not mean each student will receive an education equal to that budget.[287] Even if it did, a state could not guarantee that each student would receive the same benefits from the increased budget.[288] In order to make this system work, students must actually attend school and do so with their minds focused on learning.[289] States are already donating the majority of the funding for education; however, the amount becomes irrelevant if students do not seize the opportunity.

A solution to this problem is to create an incentive to get state governments more involved with the school systems in a way that is more than just purely financial. This article proposes that a portion of state funds be set aside and awarded to school districts that increase and maintain high levels of enrollment and academic improvement. This will help create a balance between the poorer and wealthier districts, because it does not solely focus on grade, which would benefit wealthier schools. The goal of this program is not to just get students in seats or to reward students that are already on the road to success, but if successful, will lead to a better usage of state funds.

3. Local Funds

One of the biggest problems underprivileged schools face is local funding from property taxes.[290]   Although not held unconstitutional, this method ensures that impoverished

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283. Quentin A. Palfrey, *The State Judiciary's Role in Fulfilling Brown's Promise*, 8 MICH. J. RACE & L. 1 (2002).

284. *Id* at 4.

285. Nancy E. Dowd, *Annual Wells Conference Lecture: Straight Out of Compton: Developmental Equality and a Critique of the Compton School Litigation*, 45 CAP. U.L. REV. 199, 234 (2017).

286. *Id.* at 206.

287. Andrew C. Medrala, *Wasted Money and Insufficient Remedies in Adequacy Litigation: The Case for an Extended School Day and Year to Provide Students Access to Constitutionally Mandated Curriculum*, 54 HOW. L.J. 175, 189-90 (2010).

288. *Id.* at 190.

289. Susan L. DeJarnatt, *School Choice and the (Ir)rational Parent*, 15 GEO. J. POVERTY LAW & POL'Y 1, 33 (2008).

290. *Id.* at 24.

neighborhoods will have underfunded school systems.[291] Logically, the wealthier neighborhoods will have higher property taxes which increases the funding it has for programs that favor advancing capabilities derived from STEM courses.[292] These wealthier neighborhoods will be able to offer more courses and will provide access to higher-level courses and advanced-placement classes.

This contributes to the serious diversity problem in the STEM fields.[293] A widely rejected solution to this would be to abolish the tax system as it stands in favor of a system that collects all property taxes and divides them equally among the districts.[294] This is widely rejected by both sides because parents pay taxes to fund their child's education and feel that it is unfair to be forced to pay for the education of other students.[295] On the other hand, those who receive the benefits may take it as a handout which will either be abused or scoffed at.[296]

At this time, there is no viable solution to the problem of unequal property tax funding for education.[297] Although some state and local governments have recognized the need to supplement or amend this tax policy, courts have declined to hold these policies unconstitutional.[298] As a result, many states have opted to let it stand, even if many agree that it is unfair. A possible solution is to institute a policy similar to that of the education system of Japan according to the Organization for Economic Co-operation and Development (OECD).[299] In Japan, fewer students in struggle and drop out of school—the country's high-school graduation rate, at 96.7 percent, is much higher than in the United States, which is 83 percent.[300] In Japan, only about 9 percent of the variation in student performance is explained by students' socioeconomic backgrounds.[301] The OECD average is 14 percent, and in the United

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291. San Antonio Independent School District v. Rodriguez, 411 U.S. 1, 4 (1973).

292. *Id.*

293. Larry J. Obhof, *Derolph v. State and Ohio's Long Road to an Adequate Education*, 2005 BYU EDUC. & L. J. 83, 83-84 (2005).

294. Peter Erich, *Leaving Equality Behind: New Directions in School Finance Reform*, 48 VAND. L. REV. 101, 154 (1995).

295. *Id.*

296. Committee for Educ. Rights v. Edgar, 672 N.E.2d 1178, 1183-85 (1995).

297. Nicholas Infusino, *Breaking Through the Courtroom Door: Reexamining the Illinois Supreme Court's Public Education Finance Cases*, 34 CHILD. LEGAL RTS. J. 86, 88 (2013).

298. *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 61-62.

299. Alana Semuels, *Japan Might Be What Equality in Education Looks Like*, THE ATLANTIC (Aug. 2, 2017), www.theatlantic.com/business/archive/2017/08/japan-equal-education-school-cost/535611/ (noting that in Japan both rich and poor districts receive very similar educations. Adequate teaching staff and facilities are provided to even the most impoverished areas.).

300. *Id.*

301. *Id.*

States, it's 17 percent.[302] Although not conclusive, this would likely help to decrease the gap between wealthy and impoverished school districts in the United States.

C.   STEM 2020

A number of individuals have recognized the need for women and minorities to become more involved in STEM occupations. The biggest issue is that these target groups have not been adequately prepared to perform these jobs.[303] This causes women and minorities to be overlooked. Scientist, engineer, and inventor Dr. Thomas Mensah succeeded in these fields and wanted to encourage and prepare others to do the same.[304] His program, STEM 2020 seeks to increase the percentage of Blacks and women within science, technology, engineering, and math arenas by inspiring the K-12 age group to pursue education and careers in science, technology, engineering, and mathematics.[305]

Programs such as these correct the misconceptions of women and minorities and their presence in STEM industries.[306] The correction of this misconception will hopefully lead to more interest in the field.[307] The problem with these initiatives is that they can only go so far. Some throw money at students with the hope that they succeed, without offering support, while others only pick the best and brightest by assessing grades and academic achievement.[308] However, the goal of STEM 2020 is to prepare

302. *Id.*

303. Marshall Shepard, *Why Do Many Minorities Avoid Science?* FORBES (Jan. 18, 2016), www.forbes.com/sites/marshallshepherd/2016/01/18/why-do-many-minorities-avoid-science/#6e0a6a812ece (noting the lack of blacks and Asians in the STEM field).

304. PRIDE Newsdesk, *NNPA Foundation Launches 'STEM Reach 2020' with Dr. Thomas Mensah*, PRIDE PUBLISHING GROUP (Jan. 14, 2016), http://pridepublishinggroup.com/pride/2016/01/14/ nnpa-foundation-launches-stem-reach-2020-with-dr-thomas-mensah (discussing a program dedicated to get women and minorities in STEM occupations. Author of "The Right Stuff Comes in Black Too" advocates for support of women and minorities at the early stages of public education).

305. *Id.*

306. Shelby Reherger, *Misconceptions About Gender-Based Talent Harm Everyone, not Just Girls*, SCIENTISTA (Nov. 16, 2014), www.scientistafoundation.com/women-in-science-news/misconceptions-about-gender-based-talent-harm-everyone-not-just-girls (noting that myths about the intelligence of women has contributed to the lack of women in the field).

307. Clare McGrane, *Misconceptions and Stereotypes May Discourage Girls from Studying STEM*, GEEKWIRE (Mar. 13, 2018), www.geekwire.com/2018/misconceptions-stereotypes-may-discourage-girls-studying-stem-study-finds/ (noting that girls and young women in the U.S. are deterred from pursuing careers in science, technology, engineering and math (STEM) from an early age).

308. *See* Burgess, *supra* note 39. (explaining how more programs focusing on increased involvement in the industry by women will aid in increasing

individuals to succeed in STEM occupations which is absolutely vital for a diverse video game industry.[309] Where the industry focus on grade and experience, STEM2020 focuses on status (underprivileged youth) and dedication.[310] Getting your foot in the door is not enough to inspire change. It must be a top-down approach[311] to defeat the stereotypes and biases that have created a multi-billion-dollar industry.[312]

D. Creating Initiatives

Intel has also recognized the need to promote diversity in STEM fields.[313] Intel announced a $300 million-backed diversity initiative.[314] This money helps provide the training necessary for women who are interested or employed in the field to reach the top. [315] The initiative helps support diversity and inclusivity and fund programs that support "more positive representation within the technology and gaming industries."[316] Major technology companies have begun to understand the need for diversity among their ranks and in the field as a whole. This recognition has helped to diminish one of the major barriers to inclusion: acknowledging that a problem exists. Although Intel's initiative focuses on increasing the number of women in technology fields, it is likely that this initiative, if successful, will be expanded to include racial minorities as well.[317]

E. Obstacles to Inclusion

The lack of government funding to predominantly minority

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diversity in the field).

309. Tanenbaum, *supra* note 117. (noting the need to address Legislatively the disparity of representation of minorities in STEM fields and increasing the number of individuals in STEM occupations overall).

310. *Id.*

311. Khushbu Sureja, *What is the Bottom Up and Top Down Approach*? (Apr. 28, 2015) www.quora.com/What-is-the-bottom-up-and-top-down-approach (the individuals at the top must understand that the lack of diversity in the video game is a problem and must take steps to change this before lower level employees will take action).

312. Anderton, *supra* note 16.

313. Bryan Crecente, *Intel Initiative Leads To Big Goal: Doubling Of Women In Game Development By 2025*, POLYGON (Jan. 20, 2015), https://www.polygon.com/2015/1/20/7863077/intel- initiative-leads-to-big-goal-doubling-of-woman-in-game.

314. *Id.*

315. *Id.*

316. Brinda Dasgupta & Varuni Khlosa, *Companies like Dell, Accenture and Intel Introduce Initiatives for Women in Tech Roles*, ECONOMIC TIMES (May 13, 2016),   www.economictimes.indiatimes.com/articleshow/52247295.cms? utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst (discussing how major technology companies are creating programs to prepare women for careers in the IT field).

317. *Id.*

schools poses the biggest threat when addressing an issue that many may not find pressing. The government is currently being controlled by conservative republicans, whose beliefs differ from many minorities regarding the need for education spending. Although neither side of the aisle has taken strides to make real change, the current administration is moving in the wrong direction. At the outset of his presidency, Donald Trump's full budget proposal for fiscal year 2018, called for a $9.2 billion, or 13.5%, spending cut to education.[318] The cuts spread across K-12 and expanded in to higher education.[319] Funding is fundamental for preparing children to enter the workforce, especially science and technological fields.[320] Given this fact, the first obstacle to increasing government funding of STEM programs is to induct an administration with those goals in mind.[321] Given that democrats have started to gain ground in even the most conservative states, such as the democratic victory in Alabama, there may be evidence that the pendulum is swinging back toward more liberal views, which will make higher education spending more likely.[322] This article proposes that underprivileged schools be supplemented by the government and that this funding be heavily regulated. This regulation will provide that education budgets are actually used to advance education instead of advancing student simply being present in school. In addition, a global initiative should be created to bring STEM to these underprovided neighborhoods on a rotating basis. This funding can be reallocated from other sources, such as defense spending, but would likely require the election of a Democratic majority.

V.   CONCLUSION

The lack of diversity within the video gaming industry is being caused by an adherence to harmful stereotypes, a lack of minority

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318. Anya Kamenetz, *President Trump's Budget Proposal Calls For Deep Cuts To Education*, NPR (May 22, 2017), www.npr.org/ sections/ed/2017/05/22/529534031/president-trumps-budget- proposal-calls-for-deep-cuts-to-education.

319. Andrew Ujifusa, *Trump Seeks to Cut Education Budget by 5 Percent, Expand School Choice Push*, ED WEEK (Feb. 10, 2018), www.blogs.edweek.org/edweek/campaign-k-12/2018/02/trump_education_ budget_2019_5_percent_cut_school_choice_push.html (noting that Donald Trump's plan to cut education spending by 5 percent).

320. *Id.*

321. Craig A. Ollenschleger, *Another Failing Grade: New Jersey Repeats School Funding Reform*, 25 SETON HALL L. REV. 1074, 1091 (1995) (noting that a lack of funding for poor school districts has contributed to unequal quality of education which puts poorer students at a disadvantage).

322. Chris Matthews, *Explaining the Mystery of Fast Economic Growth under Democratic Presidents*, FORBES (July 29, 2014), www.fortune.com/ 2014/07/29/economic-growth-democratic-presidents/ (discussing how a Democratic government is more likely to increase education spending).

presence in the industry, and renewed racial tension of the modern age. History has not been kind to women or minorities. These groups have been ostracized and oppressed which has created powerful biases among the majority.

Women are often seen as the damsel in distress and are often oversexualized in accordance with the highly-held belief that "sex sells."[323] Minorities, on the other hand, are depicted as angry, violent, and dangerous, which not only creates feelings of inferiority, but also breeds hostility.[324] Women and minorities want to correct these misconceptions, furthered by the video game industry, but find it difficult to do so or lack the necessary skills.

The lack of representation in management is evidence of the difficulty these groups face entering the video game industry. Women and minorities have not seen people like themselves in leading roles and because of this, they are less likely to seek leading roles.[325] In addition, the people creating games which are predominantly Straight, white and male tend to create characters they have an affinity towards, such as themselves. If women and minorities cannot gain access to these high-level positions, the status quo is unlikely to change. The bright side to this is that women and minorities are not alone in this fight. Many straight, white males have also recognized this issue and see the need to correct these misconceptions. However, this group is vastly outnumbered.

This is where the rest of society comes in. Although history has left a dark impression in the hearts and minds of the citizenry, society has become more accepting of differences. Minorities, women, the LGBTQ community, and the disabled have started to be prominently featured in the video game industry. In addition, gamers have overwhelmingly accepted these differences and encouraged their use.

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323. Brendan Ecock, *Does Sex Sell In Video Games?*, DUALSHOCKERS (Dec. 23, 2009), www.dualshockers.com/does-sex-sell-in-video-games/ (noting that the hypersexualization of female character in video games contribute to sells).

324. Brandy Zadronzy, *Can a Video Game Make You Racist? New Study Says Yes*, THE DAILY BEAST (Mar. 21, 2014), www.thedailybeast.com/can-a-video-game-make-you-racist-new-study-says-yes, (noting whites who played violent video games with a black avatar were not only generally more aggressive than when they play with a white avatar, but they also came away from the game with negative stereotypes, including the belief that blacks are more violent people).

325. Steven Wong, *Female Execs Review State Of Gender Diversity In Video Game*, A.LIST (Nov. 29, 2017), www.alistdaily.com/strategy/female-execs-review-state-gender-diversity-video-game-industry/ (noting that women account for almost half of the global gaming community and they're becoming increasingly involved in all its aspects, from development to Esports. To accurately reflect this dynamic, it's important for video game companies to diversify—particularly among their leadership roles.).