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## Introduction to #Gamergate

If you are not a gamer then you may not be aware of the existing internet cultural/sexism war or "Gamergating". The Gamergate controversy resulted from a pro-harassment campaign which was conducted through the use of the hashtag #GamerGate and exclusively promoted sexism and progressivism in the video game industry, under the guise of enforcing ethics in video game journalism<sup>1</sup>.

## What sparked this controversial and vicious harassment campaign?

Anita Sarkeesian, a media feminist critic and blogger, announced in May 2012 that she was starting a crowdfunding campaign for a video game called "Tropes vs Women in Video Games"<sup>2</sup>. In her blog introducing the video game she explains the benefits of video games, such as improved hand-eye coordination, enhanced cognitive abilities, social skills, and multitasking, but also the negative side of video games, such as a tendency to perpetuate and amplify sexism and misogynistic notions about women<sup>3</sup>. Sarkeesian had set her goal of raising US\$6,000 of crowd funds over the month of May in order to begin the expensive development of her video game, but instead she had raised 26 times that amount in more than 24 hours. However "internet trolls", who are anonymous persons making deliberate, offensive and provocative posts online, launched a crusade of harassment in retaliation, targeting Sarkeesian as well as anyone who held a similar view to her<sup>4</sup>.

The result of Sarkeesian's blog was a cultural shift in the minds of internet trolls whereby they could rally together using the internet to try destroy the lives of people who disagreed with their views<sup>5</sup>. These internet trolls threatened, on every form of online social media available, such as Reddit, Facebook, Twitter and Instagram, to rape and kill Sarkeesian and released the address? of her parents' home online.

The next female victim of #Gamergate was Zoë Quinn, an indie video game developer of "Depression Quest". In 2014, a lengthy post was created online by her ex-boyfriend, alleging that she had multiple affairs during their relationship in order to boost her gaming career<sup>6</sup>. Since then, Quinn has become a target of the large-scale #Gamergate campaign, suffering breaches of privacy such as nude photos being posted online, conspiracy theories such as Quinnsspiracy, and sexual abuse by internet trolls<sup>7</sup>.

Two prominent male video game developers were also targeted for voicing their personal support of women's solidarity against #Gamergate<sup>8</sup>. Tim Schafer, the legendary point-and-click adventure developer, was attacked when his website was taken down temporarily by a Distributed Denial of Service (DDoS) attack<sup>9</sup>. Phil Fish, the creator of

"Fez", a puzzle platformer, was also doxed <sup>10</sup>.

## Cybercrime playground

"Cyberspace", a new medium of electronic communication, is slowly replacing other forms of communication. We send text messages and emails instead of posting letters or telegrams, and we use electronic instead of physical objects <sup>11</sup>.

Cyberspace is comprised of four sub-concepts: place, distance, size and route <sup>12</sup>:

- Place – On which server is a website located? Which email address will the data message be sent to? In which Internet Relay Chat room is the data message located <sup>13</sup>?
- Distance – How many times will data jump across computers to reach its destination?
- Size – How much information is contained? How many links does a website contain?
- Route – What are the specified routes or set of connections to allow our computer to explore the electronic universe?

There is constant growth and potential in cyberspace, but there are also cybercrimes, such as cyberbullying and cyberstalking. Cyberbullying includes acts that involve bullying and harassment through the use of electronic devices or technology, such as posting hurtful comments online and inciting hate speech and violence, falsifying identities to gain trust, threats of violence, compelled assault, sexual assault and doxing <sup>14</sup>.

## Possible remedies in the cyber world for targeted gamers

There are a few civil and criminal remedies for online gamers who are targeted. Cyberspace is constantly growing and expanding and internet trolls hide behind anonymous gamer tag names, making it difficult to identify a person in order to report them to the law enforcement authorities.

Below are a few tips for dealing with an internet troll <sup>15</sup>:

1. It is important to keep all evidence of the cyberbullying or abuse, such as messages, posts, comments or videos, as well as traces of who made or shared such comments or posts.
2. Do not retaliate or contribute to the problem. Calmly request the internet troll or cyberbully to stop. If they refuse you may need to take further action.
3. Contact the service or content provider through which the cyberbullying occurs, such as PlayStation Network or Twitch Inc. Familiarise yourself with their terms of use; many companies prohibit certain destructive and threatening behaviour and provide you with details on how to report and/or block such users.
4. If you are receiving destructive or threatening text messages, contact your cell (mobile) phone company to request support, and keep all evidence of such messages and the phone number. If the contact information reads as "private caller, blocked, restricted, no caller ID" you can contact your cell phone company to uncover more information or download certain apps to unmask callers, such as TrapCall <sup>16</sup>.
5. If you are afraid for your safety, you need to contact your local law enforcement authorities to ask them to investigate and/or prosecute.
6. If the threats or comments are detrimental to your reputation, occupation, health or safety you may want to consult

with a lawyer who specialises in civil actions such as cyber harassment, defamation of character, etc. A legal letter may be all that is needed to prevent further cyber attacks.

Sony's PlayStation Network provides users with a "report bullying and abuse" function<sup>17</sup>, as well as a "blocking user" function. Microsoft's Xbox Live provides the same functions as the PlayStation Network<sup>18</sup> and on social platforms, such as Twitch, Facebook or Instagram, etc., a reporting and blocking function is made available to users<sup>19</sup>. Every company, such as those already mentioned, provides a user with terms and conditions that the user must accept before using the provided services. One of the agreed terms is "you agree not to violate any law, contract, intellectual property or other third-party right or commit a tort, and you are solely responsible for your conduct"<sup>20</sup>.

Where a criminal docket has been opened or is about to be opened, the law enforcement authorities will require personal information of the internet troll or user who is cyberbullying another user. Facebook has set out extensive requirements for law enforcement authorities to follow in order to request documents as evidence in a litigious matter or to serve a subpoena<sup>21</sup>. However, Instagram<sup>22</sup> and Twitch Interactive Inc. allow requests from law enforcement authorities to serve a subpoena or request information and documents with little resistance<sup>23</sup>.

There are various ways an online gamer can address cyberbullying over the various social media platforms and online gaming platforms, as well as with the assistance of their country's law enforcement authorities. Take the time to check your country's laws and do not be afraid to contact your local law enforcement authorities.

Under South African jurisdiction, the following laws will apply to cyberbullying:

- Criminal Law (Sexual Offences and Related Matters) Amendment Act<sup>24</sup>;
- Criminal Procedure Act<sup>25</sup>;
- The Constitution of the Republic of South Africa<sup>26</sup>;
- Promotion of Equality and Prevention of Unfair Discrimination Act<sup>27</sup>;
- Cybercrime and Cybersecurity Bill: provides safety and security for the public against criminals, terrorism, etc. (not yet enacted and still undergoing review)<sup>28</sup>;
- common law, such as *crimen iniuria*; and
- South African case law.

The legal information provided in this article is for general information purposes only and is not intended to be used as legal advice. Should you require legal advice it may be necessary to contact your lawyer in your country of jurisdiction. Dentons assumes no responsibility for errors or omissions in the contents of this article.

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1 Webber, JE (2017) "Anita Sarkeesian: 'It's frustrating to be known as the woman who survived #GamerGate'" [Online at:] <https://www.theguardian.com/lifeandstyle/2017/oct/16/anita-sarkeesian-its-frustrating-to-be-known-as-the-woman-who-survived-gamergate> [Seen 25 July 2018].

2 Carson E & Sherr I (2017) "GamerGate to Trump: How video game culture blew everything up" [Online at:] <https://www.cnet.com/news/gamergate-donald-trump-american-nazis-how-video-game-culture-blew-everything-up/> [Seen 25 July 2018].

3 Carson E & Sherr I (See note 2 above).

4 Carson E & Sherr I (See note 2 above).

5 Carson E & Sherr I (See note 2 above).

6 Tognotti, C (2014) "#GamerGate Trolls Harassed Zoe Quinn For Weeks, But She Says She Won't Stop Fighting" [Online at:] <https://www.bustle.com/articles/40867-gamergate-trolls-harassed-zoe-quinn-for-weeks-but-she-says-she-wont-stop-fighting> [Seen 25 July 2018].

7 Tognotti, C (See note 6 above).

8 Tognotti, C (See note 6 above).

9 Tognotti, C (See note 6 above). A DDoS attack is an attempt to make an online service unavailable by overwhelming it with traffic from multiple sources.

- 10 Tognotti, C (See note 6 above). Doxing is the act of obtaining as much personal information as you can about a person through the internet, such as addresses, phone numbers or banking details, and it is posted online as a form of harassment.
- 11 Bryant, R (2001) "What Kind of Space is Cyberspace?" *Minerva – An Internet Journal of Philosophy* 5 (2001): 138–155.
- 12 Bryant, R (See note 11 above).
- 13 Original authors (2016) "Welcome to #irchelp" [Online at:] <http://www.irchelp.org/> [Seen 27 July 2018]. Internet Relay Chat (IRC) is a chat room online that provides a user with real time communication from across the globe. It consists of separate networks of IRC servers (machines) that allow users to connect to the chat room. It is similar to text messaging, but designed for larger groups.
- 14 *StopBullying* (2018) "What Is Cyberbullying" [Online at:] <https://www.stopbullying.gov/cyberbullying/what-is-it/index.html> [Seen 27 July 2018].
- 15 Patchin, J (2015) "Advice for Adult Victims of Cyberbullying" [Online at:] <https://cyberbullying.org/advice-for-adult-victims-of-cyberbullying> [Seen 6 August 2018].
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- 19 *Twitch* (2018) "How to File a User Report" [Online at:] <https://help.twitch.tv/customer/portal/articles/725568-how-to-file-a-report> [Seen 3 August 2018].
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- 21 *Facebook* (2018) "Information for law enforcement authorities" [Online at:] <https://www.facebook.com/safety/groups/law/guidelines/> [Seen 3 August 2018].
- 22 *Instagram* (2018) "Learn How to Address Abuse" [Online at:] <https://www.twitch.tv/p/legal/terms-of-service/#9-prohibited-conduct> [check link] [Seen 6 August 2018] at 17.
- 23 *Twitch* (2018) "Terms of Service" [Online at:] <https://www.twitch.tv/p/legal/terms-of-service/#9-prohibited-conduct> [check link] [Seen 3 August 2018] at 17.
- 24 Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007.
- 25 Criminal Procedure Act 51 of 1977.
- 26 Constitution of Republic of South Africa, 1996.
- 27 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000.
- 28 *Michalsons* (2017) "Cybercrimes and Cybersecurity Bill – Overview of the Cyber Bill" [Online at:] <https://www.michalsons.com/blog/cybercrimes-and-cybersecurity-bill-the-cac-bill/16344> [Seen 27 July 2018].

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