

Ethical and Legal Aspects of Violence in Video Games

1- Introduction

The global popularity of video games as a means of entertainment has surged significantly, captivating a vast number of players daily. The violence depicted in video games has been a subject of contentious discourse for a considerable duration (Anderson & Bushman, 2001). There is contention among scholars that exposure to violent video games can result in aggressive conduct and adversely influence individuals, particularly those in the developmental stage of childhood and adolescence. However, advocates of video games contend that they serve as a type of fictional amusement and do not directly impact actual conduct in the real world (Redder & Schott, 2023).

Comprehending the ethical and legal dimensions of violence depicted in video games is of significant significance as it facilitates the evaluation of the necessity for regulatory measures in this sphere. By analyzing the possible ramifications of violent video games on individuals and society, it is possible to arrive at informed conclusions regarding the necessity of implementing certain restrictions (Redder & Schott, 2023). Furthermore, understanding the ethical ramifications of violent video games enables us to effectively manage the delicate balance between the liberty to express oneself and safeguarding the well-being of susceptible individuals (Video Game Violence, n.d.).

This study examines ethical and legal dimensions of violence depicted in video games, scrutinizing the rationales in favor of and against implementing regulatory measures. Through a thorough analysis of extant literature, we aim to comprehend the potential effects of violent video games on individuals and the broader society. We aim to assess the ethical implications of using violent video games while considering diverse perspectives and viewpoints.

2. Ethical Analysis

2.1. Brief Introduction to Royakkers' Ethical Cycle

The Ethical Cycle of Royakkers, formulated by Philip Brey and Marianne van den Boomen, is a comprehensive model that provides a methodical methodology for examining ethical dilemmas in technology. The structured methodology of the six-stage cycle facilitates addressing ethical concerns and considerations during the entire life cycle of a technological system or artifact. According to Van De Poel and Royakkers (2006), comprehending, assessing, and reacting to the ethical aspects of technology necessitates critical involvement in every phase of the cycle.

The Ethical Cycle, developed by Royakkers, presents a methodical and organized framework for examining and resolving ethical considerations about the violence depicted in

video games. Through this process, game scholars, decision-makers, and game creators can thoroughly c the ethical predicaments implicated, examine plausible resolutions, and assess the efficacy of current regulations and policies (Van De Poel & Royakkers, 2006).

Comprehending the ethical aspects of violence depicted in video games is paramount as it empowers us to make judicious choices regarding their governance, creation, and utilization (Van De Poel & Royakkers, 2006). A virtuous cycle is a valuable tool for negotiating the complex landscape of reconciling the competing interests of safeguarding vulnerable populations from potential harm, preserving freedom of expression, and ensuring entertainment value.

Using Royakkers' Ethical Cycle in examining violence depicted in video games enables us to surpass superficial discussions and attain a more intricate comprehension of the ethical aspects involved (Van De Poel & Royakkers, 2006). Adopting a holistic approach enables a more comprehensive and conscientious approach to developing, regulating, and utilizing violent video games. The ultimate objective is to advance individuals and society's welfare and ethical considerations.

2.2. Application of Utilitarianism

Utilitarianism prioritizes maximum benefit for the largest possible group of individuals. The benefits of violent video games include entertainment, stress, and problem-solving abilities. According to Waddington (2006), these video games offer players an immersive and captivating experience, enabling them to delve into virtual environments and participate in exciting storylines.

Nevertheless, it is imperative to take into account the potential drawbacks. The desensitization to violence that may occur over time is a possible adverse outcome of engaging in violent video games, as posited by Anderson and Bushman (2001). The potential consequences of exposure to explicit violent content in video games include a possible reduction in emotional response to violence in the real world. Furthermore, empirical support exists for the association between violent video games and heightened levels of aggression and behavioral problems, particularly among minors and young adults. Furthermore, engaging in excessive gaming can potentially lead to addiction and adversely impact both physical and mental well-being (Waddington, 2006).

2.3. Application of Deontology

Deontology is a philosophical approach to ethics that centers on moral obligations and principles. This perspective posits that the ethicality of an action is contingent upon its conformity to a prescribed set of regulations or tenets (Parsons, 2019). The deontological perspective posits that the advantages of violent video games are constrained due to their inherent violation of the moral principle of non-maleficence, which prohibits causing harm to others. According to Parsons (2019), the portrayal of violent acts in these games frequently

entails glorifying and incentivizing aggressive conduct, thereby contravening the fundamental principle of upholding the welfare and honor of others.

The negative aspects of violent video games, as viewed through a deontological lens, are more extensive. Parsons (2019) has identified several negative consequences associated with the portrayal of violence in media. These include the possibility of endorsing violence as a viable solution to conflicts, the potential for reduced empathy and compassion due to desensitization, and the ethical concern of treating violence as a form of entertainment that violates human dignity. According to Parsons (2019), deontological ethics would posit that the aforementioned elements of violent video games are ethically unjustifiable and ought to be shunned.

2.4. Comparing Utilitarianism and Deontology in the Context of Violence in Video Games

The ethical implications of violence in video games are evaluated differently by utilitarianism and deontology, as they offer divergent perspectives. Utilitarianism prioritizes the aggregate outcomes and the resultant happiness or well-being engendered by these activities, whereas deontology accentuates moral regulations and principles that could be transgressed (Redder & Schott, 2023).

The ethical theory of utilitarianism prioritizes the maximization of overall well-being for the largest possible group of individuals. Utilitarianism would assess the effects of video games featuring violence within their overall outcomes. Taking a utilitarian viewpoint into account, it is possible to consider the favorable aspects of violent video games, including their entertainment value, potential cognitive benefits, and ability to relieve stress (Waddington, 2006). The previous games provide users with an immersive encounter, enabling them to participate in dynamic storylines and situations that require critical thinking. Video games have the potential to offer individuals a pleasurable and immersive experience, thereby enhancing their overall sense of contentment and mental health.

Nonetheless, utilitarianism ought to recognize the possible adverse outcomes linked to violent video games. An important issue pertains to the potential for desensitization to violence that may transpire as time progresses. According to Waddington (2006), prolonged exposure to violent graphic content in video games may reduce emotional reactions toward actual acts of violence. The desensitization process can potentially diminish the capacity for empathy and compassion, which can have a consequential impact on both interpersonal connections and the overall welfare of society (Hall et al., 2011). Furthermore, scholarly investigations have indicated a positive association between video games with violent content and heightened levels of aggressive behavior, particularly among minors and young adults. It is imperative to acknowledge that overindulgence in gaming may result in addiction, thereby causing adverse impacts on both physical and mental well-being (Hall et al., 2011).

Conversely, deontology is an ethical framework that assigns significance to moral principles and rules. The ethical considerations surrounding violence in video games are subject to deontological inquiry, which scrutinizes the intrinsic harm engendered by the content and the ethical ramifications of regarding violence as a source of amusement (Redder & Schott, 2023). Deontological ethics emphasizes the inherent worth and welfare of individuals, which is transgressed when acts of violence are depicted and consumed for entertainment.

The deontological viewpoint posits that the advantages of violent video games are constrained, as they intrinsically transgress the ethical principle of refraining from inflicting harm upon others. According to Parsons (2019), many of these games portray violent acts and promote aggressive conduct, thereby contradicting the fundamental principle of upholding the well-being and dignity of others. According to deontological ethics, endorsing violence as a strategy for conflict resolution or insensitivity towards violence can result in substantial adverse effects on individuals and the community. The statement acknowledges the ethical dilemma posed by the depiction of violence as a form of entertainment, as it has the potential to devalue human life and promote detrimental conduct (Parsons, 2019).

When examining the issue of violence in video games, it is crucial to acknowledge the divergent methodologies of utilitarianism and deontology. Utilitarianism is a philosophical approach that prioritizes assessing outcomes and the degree of happiness they produce, considering both favorable and unfavorable factors. Deontology prioritizes the transgression of ethical norms and principles, specifically regarding the intrinsic harm and moral ramifications of presenting violence as an amusement.

2.5. Conclusion of the Ethical Analysis

Ultimately, the intricate and diverse ethical and legal dimensions of violence in video games culminate in a conclusion that is not easily reached. The Ethical Cycle proposed by Royakkers and the ethical principles of utilitarianism and deontology offer significant conceptual frameworks for comprehending and evaluating ethical dilemmas. The ethical frameworks of utilitarianism and deontology provide distinct perspectives on the effects of violent video games, with the former focusing on the potential advantages and disadvantages and the latter emphasizing the transgression of moral norms and principles.

When assessing the ethical and legal ramifications of violence in video games, it is imperative to consider both viewpoints. This entails recognizing the potential positive facets, such as cognitive advantages and entertainment value, and the adverse outcomes, such as addiction, desensitization, and aggression. Moreover, it is crucial to thoroughly evaluate the current regulations and policies to ascertain their efficacy in tackling the ethical issues associated with violent video games.

Through the implementation of a thorough ethical examination, it is possible to cultivate a more sophisticated and knowledgeable comprehension of the phenomenon of violence in video

games, thereby enabling us to make judicial determinations regarding the regulation and conscientious utilization of such games.

3. Legal Analysis

3.1. Introduction to Otter's Legal Cycle

The Otter's Legal Cycle is a theoretical construct formulated by legal experts to furnish a systematic methodology for scrutinizing and resolving legal predicaments. According to Otter (2020), the cycle comprises four discrete stages: identification of the legal issue, analysis of the legal issue, development of a legal solution, and assessment of the proposed solution. Analyzing each step involved in the legal aspects of a specific issue is a crucial method for gaining a comprehensive understanding. This approach can be instrumental in examining violence's ethical and legal dimensions in video games.

The utilization of Otter's Legal Cycle in examining violence in video games presents a methodical and all-encompassing methodology for scrutinizing this matter's ethical and legal dimensions (Otter, 2020). This framework facilitates a comprehensive examination of pertinent legal considerations by identifying, analyzing, formulating, and evaluating the legal problem and its solution. It can serve as a valuable guide for policymakers, lawmakers, and legal professionals in making well-informed decisions regarding regulating violence in video games.

3.2. Overview of Dutch/European Law regarding Violence in video games

3.2.1. Current Legislation and Regulations

The Dutch Games of Chance Authority (Kansspelautoriteit) is the regulatory body overseeing video games in the Netherlands. The aforementioned regulatory body possesses the legal mandate to conduct inquiries and enforce penalties against video game corporations that contravene the statutes of the Netherlands (Sinclair, 2020). The Dutch government has initiated measures to establish a video game rating mechanism that resembles the Entertainment Software Rating Board (ESRB) of the United States (Will & Emery, 2008). The principal aim of this rating system is to furnish consumers with pertinent information regarding the content of video games, thereby empowering them to make judicious decisions concerning their gaming preferences, particularly about minors (Will & Emery, 2008).

The Netherlands' rating system is a valuable mechanism for parents to comprehend the appropriateness of video games for their offspring, considering the content's age-relatedness and degree of aggression (Sinclair, 2020). The aforementioned measure serves as a preventive strategy to inform parents about the possible exposure of their offspring to violent content in video games (Will & Emery, 2008). The rating system endeavors to achieve a harmonious equilibrium between the liberty to produce and access video games and safeguarding susceptible viewers by furnishing unambiguous directives and age-specific recommendations.

3.2.2. Relevant court cases and legal precedents

The 2018 legal case involving Electronic Arts (EA) is a noteworthy example that provides insight into the Dutch government's dedication to regulating the video game sector and enforcing penalties against corporations that breach Dutch legislation. The Dutch Games of Chance Authority imposed a fee of €10 million on EA for violating Dutch gambling laws, as Scullion (2022) reported. The infraction stemmed from the FIFA Ultimate Team (FUT) packs vending, which the Kansspelautoriteit classified as a gambling variant (Williams, 2023).

The aforementioned case holds significant relevance to the discourse surrounding violence in video games, as it underscores the proactive approach adopted by the Dutch government in tackling a range of concerns pertaining to video game content, such as the inclusion of gambling features and potentially harmful practices. The Dutch Games of Chance Authority demonstrated its resolve to uphold existing regulations and safeguard consumers from exploitative practices in the video game industry by imposing a substantial penalty on EA, as Sinclair (2020) reported.

The EA case exemplifies the acknowledgment of the possible influence of video games on individuals, particularly those vulnerable such as minors and those prone to gambling-related harm. The statement posits that the Dutch government is committed to enforcing extant regulations and prioritizing consumer protection, as evidenced by its willingness to pursue legal action against non-compliant companies (Williams, 2023).

The legal precedents and court cases emphasize the Dutch government's dedication to ensuring that video games comply with ethical and legal norms. The Dutch authorities strive to establish a secure milieu for players and consumers while adhering to responsible gaming and media consumption principles by actively regulating and enforcing laws pertaining to violence and other potentially harmful elements in video games (Sinclair, 2020).

3.3. Application of Otter's Legal Cycle to the research question

3.3.1. Identify the legal problem

The legal issue concerning the control of violent content in video games pertains to the jurisdiction of the Dutch government to intervene in the regulation and dissemination of such games. This prompts inquiries into the extent of the government's jurisdiction to oversee the portrayal of violence in digital media and the potential encroachment of such regulations on the expressive liberties of game developers and players.

3.3.2. Analyze the legal problem

Following Dutch legislation, the Dutch Games of Chance Authority (Kansspelautoriteit) has been instituted by the government as the regulatory entity supervising video games. The aforementioned regulatory body has been granted the legal mandate to conduct inquiries and

impose penalties on video game enterprises that contravene the statutes of the Netherlands, encompassing instances of aggression. The Dutch government has instituted a video game rating system akin to the ESRB in the United States, which provides data regarding the content and appropriateness of games for varying age demographics.

The Dutch government's capacity to govern violence in video games is founded upon its obligation to safeguard public safety, particularly for possible harm to underage individuals. Williams (2023) reports that the government has fined Electronic Arts (EA) for violating Dutch gambling laws with their FIFA Ultimate Team (FUT) packs, which serves as an indication of the government's dedication to enforcing regulations. This legal case establishes a precedent and underscores the government's commitment to addressing concerns regarding video game content that may impact consumers, particularly vulnerable children, and adolescents.

3.3.3. Formulate a legal solution

The suggested course of action from a legal standpoint entails the Dutch government's sustained regulation of violence in video games and the enforcement of the current legislation in the Netherlands. This entails upholding the jurisdiction of the Dutch Games of Chance Authority to scrutinize and penalize video game enterprises that contravene Dutch legislation, particularly concerning acts of violence. The government must persist in maintaining and enhancing the video game rating system to adequately enlighten consumers regarding various games' content and possible consequences.

The Dutch government is tasked with achieving a delicate equilibrium between regulating video game content to safeguard susceptible demographics and upholding the artistic autonomy of game developers while devising a solution. The proposed solution should strive towards reducing the likelihood of harm while simultaneously recognizing the significance of artistic creativity and the entitlements of game developers to generate content within lawful parameters.

3.3.4. Evaluate the legal solution

The efficacy of the suggested legal remedy lies in its ability to facilitate the Dutch government's regulation of violence in video games and the enforcement of its legal framework. The effectiveness of the Dutch Games of Chance Authority has been evidenced by its imposition of penalties on corporations that contravene Dutch legislation, as illustrated by the litigation involving Electronic Arts. Implementing this measure serves as a preventive measure against companies that may engage in activities that have the potential to cause harm to consumers, such as the portrayal of violent content.

Furthermore, using a rating system for video games is a proficient mechanism for enlightening consumers, specifically guardians, regarding video games' substance and plausible influence. By providing easy access to this information, individuals can make well-informed

decisions regarding the games they or their children engage in, thus mitigating potential negative consequences.

Regular review and updating of regulations and rating systems by the Dutch government is crucial to keep abreast with the dynamic video game industry and tackling emerging challenges. The task involves engaging in collaborative efforts with professionals from the industry, psychology, and research domains to formulate guidelines grounded in empirical evidence that accurately reflect the evolving nature of video games and their possible impacts.

3.4. Conclusion of the legal analysis

The legal analysis underscores that, following Dutch law, the Dutch government holds the legal power to regulate violence in video games. The Dutch Games of Chance Authority is tasked with supervising video game regulation, while the government has established a rating mechanism to apprise consumers of game content. The suggested legal remedy entails the persistent regulation of violent content in video games and the implementation of Dutch legislation while concurrently achieving a harmonious equilibrium between safeguarding susceptible demographics and upholding the artistic autonomy of game designers. By implementing this strategy, the Dutch government can proficiently tackle the ethical and legal implications linked to violence depicted in video games within its territorial boundaries.

4. Synthesis of Ethical and Legal Analyses

4.1. Comparing and Contrasting the Ethical and Legal Perspectives

The ethical and legal considerations surrounding violence in video games are frequently interconnected, as both aim to tackle the possible adverse effects that violent video games may engender. Nevertheless, there exist notable distinctions between the viewpoints mentioned earlier.

The ethical dimension of the issue pertains to the potential effects of violent video games on individuals and society. Advocates of this viewpoint contend that video games that contain violent content have the potential to desensitize individuals to violent behavior, reinforce the notion that engaging in simulated violence is a positive behavior, and instill in young individuals the belief that violence is a viable means of conflict resolution (Yao et al., 2019). According to Photo (2011), there is an argument that young children may be prone to conflating fantasy violence with real-world violence. Without a structured ethical framework, these children may imitate the violent actions depicted in video games. Critics of this view contend that violent video games serve as a convenient target for attributing blame to real-world violence and that no definitive proof exists to substantiate the assertion that violent video games engender aggressive behavior (Yao et al., 2019).

From a legal standpoint, the predominant focus pertains to the governance of violent video games. Advocates of this view contend that it is the obligation of the government to safeguard minors from harmful material and that violent video games should be subjected to similar regulations as other types of media, such as motion pictures and television programs. The contention is that the First Amendment does not extend protection to violent video games that may harm minors and that it is imperative for the government to safeguard children from being exposed to such content (Photo, 2011). Critics of this view contend that the regulation of violent video games would constitute an infringement upon the freedom of expression and that no substantiated proof exists to corroborate the assertion that violent video games engender deleterious effects (Yao et al., 2019).

4.2. Identifying Potential Areas of Agreement and Conflict

Although ethical and legal perspectives may diverge, there exist potential points of convergence and divergence between them. There is a consensus among scholars regarding the necessity for further investigation into the effects of violent video games. The ethical and legal viewpoints concur that there remains a significant knowledge gap regarding the potential negative consequences that may arise from exposure to violent video games. Subsequent investigations may elucidate the correlation between violent video games and aggressive behavior while also discerning plausible risk and protective factors that could potentially modulate the effects of violent video games on individuals (Video Game Violence, n.d.).

There is a shared consensus regarding the significance of parental engagement in monitoring their children's exposure to violent video games. The ethical and legal viewpoints concur that parents are responsible for overseeing their children's media intake and offering guidance on ethical decision-making (Video Game Violence, n.d.). Using a rating system is a viable approach for parents to ascertain the suitability of video games for their offspring. Additionally, parents can establish restrictions on the duration of their children's video game engagement.

Controversy pertains to regulating video games containing violent content. Advocates of the legal standpoint contend that the government should safeguard minors from harmful material. Adversaries posit that restricting violent video games would transgress the right to freedom of expression (Photo, 2011). This conflict underscores the inherent tension between safeguarding children from harm and upholding the rights of individuals.

4.3. Suggestions for Future Research and Policy Development

Drawing upon the amalgamation of ethical and legal evaluations, several recommendations can be made for future research and policy formulation. Further investigation is required to elucidate the correlation between violent video games and aggressive behavior. Prospective investigations may employ experimental methodologies to randomly allocate

participants into groups that play either violent or nonviolent video games and subsequently evaluate their levels of aggression. Longitudinal research could be employed to investigate the enduring impacts of exposure to violent video games on aggressive behavior (Video Game Violence, n.d.).

Secondly, the formulation of policies should prioritize the engagement of parents in regulating their children's exposure to violent video games. It is imperative to educate parents about the rating system and equip them with resources to make informed decisions regarding the suitability of video games for their children (Video Game Violence, n.d.). It is advisable to motivate retailers to implement the rating system and disseminate information to parents regarding the nature of video game content.

Ultimately, the process of formulating policies must strike a delicate balance between safeguarding children from potential harm and upholding the fundamental rights of individuals. Although safeguarding children from violent content may be a significant concern, any regulations implemented should be meticulously designed to prevent infringement upon the right to freedom of speech (Photo, 2011). Policymakers must consider the possible inadvertent outcomes of regulatory measures, including transferring aggressive material to alternative media platforms.

5. Conclusion

This essay has analyzed the ethical and legal implications of violence portrayed in video games. By utilizing Royakkers' Ethical Cycle and examining the ethical theories of utilitarianism and deontology, a thorough comprehension of the ethical aspects surrounding violence in video games has been attained. The legal dimensions of the matter have been scrutinized through the application of Otter's Legal Cycle, with particular emphasis on the pertinent court cases and Dutch/European law.

The ethical and legal implications of violence in video games have been comprehensively examined in the research inquiries. The ethical implications of violent video games on individuals and society have been examined, considering the potential benefits and the possible negative consequences. The legal authority of the Dutch government to govern violence in video games has been established within the existing legislative and regulatory framework.

Examining the ethical and legal dimensions of violence depicted in video games exposes the intricacy of the matter. The impact of violent video games is a topic of ongoing debate and varying perspectives. However, additional research is necessary to comprehensively comprehend the potential consequences on individuals, particularly minors. Furthermore, parents must actively oversee their children's exposure to violent material and make well-informed choices.

From a legal perspective, governments must maintain regulatory frameworks and implement efficient rating mechanisms to apprise consumers of the nature of video game

content. The Dutch government's proactive stance in imposing penalties on non-compliant companies highlights the significance of consumer protection and responsible gaming practices.

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