

Volume 4, 2023

CRITICAL gambling studies



Volume 4, Number 2, Open Issue

Issue Editors:

Kate Bedford, Emma Casey & Fiona Nicoll

Critical Gambling Studies

Volume 4, Issue 2, 2023

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ISSN: 2563-190X. Available Open Access at <https://criticalgamblingstudies.com>

Editors' Introduction to the Issue

Emma Casey, Fiona Nicoll, Kate Bedford

APA Citation: Casey, E. et al. (2023). Editors' Introduction to the Issue. *Critical Gambling Studies*, 4 (2), i-iii. DOI: <https://doi.org/10.29173/cgs182>

Article History:

Submitted December 12, 2023

Accepted December 20, 2023

Published January 2, 2024

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Editors' Introduction to the Issue

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Article History: Submitted December 12, 2023; Accepted December 20, 2023; Published January 2, 2024
Available Open Access from <https://doi.org/10.29173/cgs182>

Welcome to our brand-new issue of Critical Gambling Studies! The papers gathered in this most recent edition of the journal galvanise some core themes in the broad area of critical gambling studies. They remind us that the importance of thinking critically about gambling, particularly within today's global social and economic crises, is more acute than ever.

Running through the papers is a shared insistence on the importance of fresh and innovative approaches to the critical study of gambling. Each paper, in distinct ways, notes some clearly intractable issues. In particular, they highlight the stubborn continuation of gambling related harms, and the persistence of socio-economic inequalities that are inextricably linked to gambling in capitalist societies. There is an increasingly urgent need to stem the flow of gambling particularly from high to low income countries and to address the proliferation of commercial gambling and the harms it causes. In the United States, record numbers of young people are seeking treatment for gambling related harms, amidst increasingly vocal calls for regulatory crackdowns (Jones, 2023). Meanwhile, in the UK, revenues at gambling firms continue to be buoyant with the British gambling industry currently witnessing record profits, controversially in large part a consequence of the increased usage of online slot machines (Gambling Commission, 2023).

This issue of CGS also follows from the publication of the UK government's White Paper on gambling, which has highlighted the need for stronger regulations to address gambling harms, especially for young people (van Schalkwyk et al, 2023).

As the papers in this issue remind us, a central limitation of much gambling scholarship involves the framing of gambling harm as about individual pathology, dislocated from wider structural and socio-economic forces. Over the years, this limitation has helped absolve gambling companies of meaningful responsibility for the harms caused by their products. If solutions to gambling 'problems' can be addressed by individuals adapting their behaviour, then responsibility for 'harm', it is assumed, lies at the personal level, rather than at the

structural or social level, or at the door of gambling companies themselves. The papers in this issue call for a shift in focus away from the individual, and towards exploring different types of responsibility including from the gambling industry itself. The papers also emphasise the importance of addressing the complexities of gambling practices, and new proposed solutions to gambling harm, head on.

Charles Livingstone's paper "The End of Responsible Gambling" opens the journal issue. The article reflects on the neoliberal period - most commonly recognised as involving dramatic social, economic, and cultural upheavals in the late 20th century - within which commercial gambling liberalisation has been developed and remains firmly situated. Livingstone points to the "responsible gambling" discourse as a key response to gambling harm embedded within neoliberalism. This discourse became increasingly entrenched as neoliberal structures weaved their way into multiple facets of everyday life. Today, this extends to and includes social and public health policy. The resulting "responsible gambling" focus parallels the onslaught of neoliberalism. The entrenchment of the "individual pathologies" approach is not only commonly used by gambling scholars to make sense of the gambling experience; it is also increasingly, as Livingstone notes, a way of informing policy.

In short, a variety of standardised neoliberal discourses have heavily informed the field of gambling research to form an orthodoxy. One particularly concerning consequence of this, as Livingstone notes, is the resulting restriction of diversity in gambling policy and research priorities, which ultimately means that meaningful protection from harm is limited. In response, Livingstone advocates a "critical public health" discourse that would challenge the responsible gambling orthodoxy, and simultaneously expand and diversify the field of gambling studies. It is an ambitious, potentially high impact proposal that could offer a transformed approach to gambling regulation. Moreover, a critical public health approach would move regulators and researchers away from the influence of the gambling



industry. Livingstone's piece highlights the continuity of established public health discourses with responsible gambling, demonstrating the challenge of pushing for change even within the field of public health.

The second paper in this issue (Klara Goedecke, Jessika Spångberg and Johan Svensson entitled "Licence to Gamble: Discursive Perspectives on the 2019, Re-regulation of the Swedish Gambling Market") also develops a critical public health perspective. Goedecke et al offer a joint critique of the dominant free-market approach to leisure consumption, and the framing of gambling harm as a medical problem. They propose fresh perspectives, which would offer a more "discursive" account of the "production and legitimization of meanings around gambling". By focusing specifically on the Swedish model of the (re)regulation of the gambling industry that had previously been dominated by a small number of companies, the paper offers new understandings of how gambling harm is articulated – including through medical, public health and neoliberal discourses.

In particular, Goedecke et al offer a novel examination of the intersection and overlaps between medical, public health and neoliberal discourses on gambling, and they show how these discourses feed into policy. The authors also note the contradictions within these discourses, namely, that individuals are expected to on the one hand submit to the market and consume, but on the other, simultaneously demonstrate personal restraint and resilience, and develop personal solutions to what are ostensibly, social problems.

The discursive overlap described by the authors has the effect of reproducing and entrenching dominant meanings of gambling, which in turn feed into and shape gambling regulation in Sweden and beyond. This gives the paper an excellent potential global reach. Through a detailed analysis of a Swedish government inquiry, Goedecke et al show how the language produced within the written documents enables a discursive analysis that demonstrates how discourses reinforce powerful narratives around gambling.

A particularly useful concept emerging from the paper is the notion of a joint "market-medical" discourse, whereby harm tends to be aligned by policymakers with consumption rather than with production. This is particularly pertinent when considering the production and consumption of gambling products and the ways in which the gambling industry has often avoided being held to account as it continues to produce an ever-expanding range of products. The challenge of ensuring accountability is

compounded by the surrounding discourses that continue to centre individual responsibility.

The third paper in the issue is by Kate Bedford and is entitled "An Affordable Wager: the Wider Implications of Regulatory Innovations to Address Vulnerability in Online Gambling". Bedford's paper, in tandem with the first two papers of the issue, offers a critical analysis of recent attempts to protect vulnerable people from gambling related harm. Specifically, the paper responds to the UK Gambling Commission's proposal to use affordability data to identify potential vulnerability among online players, including collecting data around disposable income, postcode location, and other data that might mark potential financial vulnerability.

Bedford argues that these attempts to monitor the affordability of online play, while well intended, must be subject to rigorous critical evaluation, including for their unintended consequences on different groups of people. Identifying the risks of intensifying surveillance and affordability checks, Bedford notes the ways in which player tracking originated in casinos, for profit, and she argues that many online gambling companies, and 'safer gambling' software companies, have enthusiastically embraced affordability checks. The White paper's proposals to enhance affordability hereby risk making commercial providers - of gambling and of 'safer gambling' software - the ultimate winners. She offers a critical reflection on this new move towards state projects making use of new technologies to sort, monitor and identify gambling harms. The associated risks of commercial gambling operators mixing consumer data, and public data, and third-party provided data (from, for example, credit card companies and loan companies) are palpable.

Bedford's paper also warns against the risk of intensified affordability surveillance, especially for already stigmatised consumers, in a context where unfair gambling products are enabled to thrive unchecked. In this way affordability checks may potentially re-route resources from interventions that may be more effective. Furthermore, in tandem with earlier research, which has noted the ways in which powerful ideologies of neoliberalism are entrenched via everyday narratives of personal responsibility and consumer citizenship, Bedford powerfully argues that data collection targeted on assessing whether the play of "vulnerable" groups is affordable compounds existing rhetoric around the "responsible" versus "irresponsible" consumer - a dangerous narrative that already permeates much public policy discourse, especially in the UK.

Additional critical reflection is offered by Tunde Adebisi, whose short commentary piece "Knowledge of

Play: A Precursor for Rethinking Sports Gambling Among Young Africans” offers further insights. Helping to critique the idea of the homogeneity of gambling that has long permeated gambling scholarship, Adebisi explores communities of gambling within the youth gambling population. He unpicks the social construction of online gambling communities in Nigeria, which include informal hierarchies of gamblers. In particular, he focuses on the factors that shape “autonomy of play” in sports betting. Adebisi argues that the complex weave of drivers and motivations to gamble occur alongside varying and constantly shifting forms of access. Making use of the social media platform X (previously Twitter) to identify communities of gamblers, we see a new type of gambling “celebrity” emerging; one who passes on their “gambling knowledge” in what are highly hierarchical, sports betting communities.

In her book review of *Upholding Indigenous Economic Relationships: nehiyawak Narratives* by Shalene Wuttunee Jobin, Fiona Nicoll returns to the politics of Indigenous gambling investigated by a special issue on *Critical Indigenous Gambling Studies* and blog posts by Laurel Wheeler (2022, 2021). Nicoll brings key arguments by Jobin together with Darrel Maniwabi’s theoretical framework of the windigo to illuminate gambling as an extractive industry that requires a lens of situated Indigenous knowledges to understand and address related harms.

All of the papers in this issue argue for the increasingly urgent requirement of fresh theories and concepts within gambling scholarship. As Bedford notes in her paper, the role of scholars must be to offer critical accounts of gambling. By interrogating the wider, social and economic contexts within which gambling occurs, the papers in this issue explore in diverse ways the experiences of people who turn to gambling within the context of highly unequal societies, which have often repeatedly failed them.

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CRITICAL gambling studies



ISSN: 2563-190X. Available Open Access at <https://criticalgamblingstudies.com>

The End of 'Responsible Gambling': Reinvigorating Gambling Studies

Charles Livingstone

APA Citation: Livingstone, C. (2023). The End of Responsible Gambling. *Critical Gambling Studies*, 4 (2), 1-14. <https://doi.org/10.29173/cgs164>

Article History:

Received May 16, 2023

Accepted November, 17, 2023

Published January 2, 2024

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The End of Responsible Gambling: Reinvigorating Gambling Studies

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Abstract: This paper argues that gambling research has, since the neoliberal-inspired period of gambling legalisation in the late twentieth century, been dominated by a specific discourse, that of ‘responsible gambling’. This discourse originated in a conjunction of rationalities of government and capital, in the process of which commercial gambling was legitimated. Its liberalisation represented an extension of rationalities and technologies to form a new market from what had previously been an unlawful activity. The problems and harms associated with this liberalisation became subject to claims from some pockets of expertise, notably psychosciences, and thus became a focus for analysis. As a consequence, gambling research has been characterised by a discourse of individual pathology as the focus of study. The orthodoxy formed from this discourse constitutes a system or apparatus of economic and quasi-medical power, in which reflexive relations between gambling operators, governments, charities, and some researchers, have been significant. These reflexive relations have largely constituted the *field* of gambling research. This paper contends that the orthodoxy of gambling research has failed to prevent harm arising from gambling and has restricted the expansion of knowledge. A systemic critique of the orthodox discourses and technologies that constitute much of gambling research is required to address these categories. This would also address a lack of diversity in theoretical framings of gambling research priorities. Alternative ways of conceptualising the problem of legalised gambling have emerged, most clearly under the discourse of ‘public health’. The current competition between these two discourses might be categorised as between an orthodoxy (‘responsible gambling’) and a heterodoxy (‘public health’). Extending the heterodoxy into a critical public health discourse may provide a basis for rapid expansion and diversification of the research field, particularly along paths that expand knowledge, facilitate effective regulation of harmful products, and prevent harm to individuals, communities, and populations.

Keywords: Responsible gambling, critical public health, discourse, industry influence

Article History: Received May 16, 2023; Accepted November 17, 2023; Published January 2, 2024
Available Open Access from <https://doi.org/10.29173/cgs164>

Introduction

In 2001, I wrote that:

There is a voluminous and growing literature dealing with particular aspects of the contemporary explosion of gambling ... Much of this is concerned with the pathology of ‘problem gambling’ ... little of it has addressed the local manifestations of gambling, and even less the social politics of this phenomena (Livingstone 2001. 45).

Over the last quarter of a century gambling research has expanded rapidly, and in many directions. But it is still reasonable to assert that most of the literature produced in the field remains preoccupied with ‘problem gambling’ and those pathologized as the subject of explorations of individual failings.

This is despite significant progress in expanding the disciplines that have been brought to bear to better understand the ‘social politics’ of commercial gambling expansion. In popular parlance, gambling harm defaults to ‘problem gambling’, and governments and their regulatory agencies continue to refer to ‘responsible gambling’ programs as being the answer to these difficulties, which are generally rendered at the level of the irresponsible consumer. And, as endless prevalence studies reiterate, these unfortunate people are shown to be few – at least to the satisfaction of responsible Ministers and gambling industry spokespeople. Treatment services are provided, often via a small impost on gambling profits, and that’s that. Unless of course one happens to have experienced gambling harm oneself, or perhaps the way that gambling affects a loved one or family member. Such experiences demonstrate that gambling is not a trivial concern. Yet the reality of

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‘responsible gambling’ programs avoids such considerations.

This framework of deliberate non-understanding has not persisted by accident. It is the product of a system of meaning and representation that serves the commercial interests of powerful corporations and in some cases governments, for whom continuation of ineffective regulatory regimes means maintaining the revenue flow for as long as possible. This system of ineffective regulation relies on ‘responsible gambling’ as a mechanism to ensure that responsibility for harm is loaded on to individuals. It is a carefully laid smokescreen to escape regulatory interventions that, by reducing the addictive and harm producing potential of contemporary gambling products, would reduce profits. It also maintains a status quo that benefits actors from across the gambling ecosystem – gambling operators, device and software manufacturers, government finance departments, multiple ‘good causes’, regulatory apparatuses, some clinicians, and, the focus of this paper, many gambling researchers.

There is a growing concern with this situation. This has come from some researchers and concerned political actors, amongst others. However, it has come most powerfully from those with lived experience of gambling harm. If gambling harms can be prevented, why is it that they are not? What is preventing the introduction of effective regulation and interventions that dismantle the harm producing machinery of contemporary commercial gambling? Despite gambling studies being a relatively new field, and comparatively sparsely populated, there are significant bodies of knowledge available that promise effective interventions to prevent harm. In a few places, some of these have even been implemented.

Yet commercial gambling continues to expand, to frame the harms of gambling as the problems of a few, and mostly their own fault anyway.

This paper argues that we can understand this situation better if we posit a social dialectic that operates to maintain a powerful orthodox discourse. This discourse constructs the political, economic, commercial, and academic mechanisms that allow preventable gambling harm to persist. Effective harm prevention relies on consciously contesting these mechanisms, on developing understanding of the actual situation that maintains them, and bringing unpopular, heterodox understandings to engage in a process of significant reform.

To argue for this, the paper firstly examines the responsible gambling orthodoxy, followed by a candidate for the heterodoxy – critical public health discourses. It utilises some of Pierre Bourdieu’s ideas to

suggest how these discourses might be engaged, with the intention of dismantling at least some of the more egregious aspects of the harm production system of contemporary commercial gambling. This discussion then focusses on the nature of gambling research as an important part of the architecture of the harm production system, notable for upholding an orthodoxy that lacks specificity, has demonstrated few, if any effective interventions, and is widely derided by anyone with lived experience (and many without). The paper concludes with an argument for hastening the demise of the ‘responsible gambling’ orthodoxy and developing an approach capable of effectively contesting those who inflict avoidable harm on communities and populations, with the goal of preventing that harm.

Orthodoxy and Heterodoxy in Gambling Research

‘Responsible gambling’ is an important component of the orthodox approach to gambling studies. It has allowed considerable preventable harm to be inflicted on millions, if not hundreds of millions, globally. But it also provides an example of the power of orthodox discourse, when it is, as usual, fortified by money and political influence, and acts in support of commercial and political interests.

Almost two decades ago we argued that the orthodox research discourse around electronic gambling machine (EGM) gambling was essentially focused on maintaining the status quo, or ‘business as usual’ (Livingstone & Woolley, 2007). In the interim, many scholars have made enormous contributions to the critique of ‘business as usual’ (see, for example, Hancock & Smith, 2017; Miller & Thomas, 2018). But the orthodoxy remains largely intact. This gives effect to a particular set of technologies and apparatuses, operating in sections of the research community, many legislative and regulatory arrangements, and the day-to-day conduct of gambling businesses. This orthodoxy has largely constituted the *field* of gambling research, to adopt Bourdieu’s metaphor for a type of social space in which ‘interactions, transactions and events’ occur (Thomson, 2014, p. 65). This field, in turn, is closely linked to and constitutive of the practices of commercial gambling. To understand the context of this field, we must interrogate: “... the ways in which previous knowledge ... had been generated, by whom, and whose interests were served by those knowledge-generating practices” (Thomson, 2014, p. 65).

This paper seeks to illuminate a growing struggle (Thomson, 2014, p. 78) in the field of gambling research between an orthodoxy of ‘responsible gambling’, and a set of discourses that coalesce under the paradigm of

‘public health’. This latter category can be viewed as heterodox, at present. That is, it is currently ‘subordinated’ in research in this field and many legislative arenas, and despite growing calls for its adoption, has yet to achieve the dominance achieved by the ‘responsible gambling’ orthodoxy.

This paper argues that Bourdieu’s concept of a social dialectic (Bourdieu, 2000) can be utilised to address both the ‘why’, and the ‘how’ implicit in the question: ‘Why did a new institution appear, or why did an existing one change?’ (Rose & Miller, 2006, p. 7).

There are certainly multiple centres of heterodox discourse in the field of gambling research. These include disciplines and research fields that have not been widely accepted by those established in the gambling field – including certain critical disciplines that have less utilitarian purposiveness than either ‘responsible gambling’ or ‘public health’ (see Delfabbro & King 2017a; 2017b).

At this point, however, the heterodoxy of ‘public health’ appears most likely to supplant ‘responsible gambling’ as the technology that will likely succeed ‘responsible gambling’ in governing commercial gambling in some countries.

The category of the problem gambler, opposed to that of the responsible or recreational gambler, is a product of the neoliberal turn that facilitated the liberalisation of gambling in the late twentieth century (Miller et al., 2016; Reith, 2007). Indeed, it is an indispensable element of the discourse of responsible gambling.

The founding principles, and indeed the ethics of responsible gambling, as Blaszczynski et al. (2004) express it in a founding tract of the ‘responsible gambling’ orthodoxy, are that:

Any responsible gambling program rests upon two fundamental principles: (1) the ultimate decision to gamble resides with the individual and represents a choice, and (2) to properly make this decision, individuals must have the opportunity to be informed. Within the context of civil liberties, external organizations cannot remove an individual’s right to make decisions (p. 311).

This proposition, coupled with the critical spectacle of the ‘problem gambler’ – one who cannot control their gambling, and thus represents an irresponsible, flawed consumer (Livingstone & Woolley, 2007) – can be inserted readily into Rose & Miller’s (2008) conception of:

... contemporary forms of power ... built on a premise of freedom, a type of regulated freedom that encouraged or required individuals to compare what they did, what they achieved, and what they were with what they could or should be ... (p. 9).

That is, the ‘responsible gambler’ is one who can control their impulses, exercise their freedom to gamble without incurring harm, and stop when they reach their limits. In contrast, the ‘problem gambler’ is one who gambles in an uncontrolled and harmful way, is unable to observe sensible limits, and incurs harm to themselves and others. This focus on the flaws of individuals, a failure to comprehend the evidence showing that different forms of gambling are associated with different levels of harm (Browne et al., 2023; Binde et al., 2017), and an engagement with industry (Blaszczynski et al., 2004; Livingstone, 2018) suggests that ‘responsible gambling’ discourse is unlikely to achieve success in preventing harm.

Its focus on those already experiencing harm suggests that responsible gambling’s proponents envisage harm prevention as essentially impossible (Livingstone & Rintoul 2020). It is arguable that it is not intended to prevent harm. Rather, ‘responsible gambling’ appears as a smokescreen deployed by industry to assure concerned citizens and governments that all that can be done is being done to address the potential harm of gambling, without discommoding those who are ‘responsible’, or ‘recreational gamblers’. Behind this smokescreen, the exploitation of often vulnerable and disadvantaged people has been legitimated.

Further, the adoption by psy-sciences of this approach (see Livingstone et al., 2018), and the rapid medicalisation of the irresponsible gambler, recreated a disease model:

What is perhaps most immediately striking about its appearance is the fact that although steeped in a climate of commercial proliferation and economic deregulation, explanations of gambling problems were seldom couched in terms of consumer behavior but were rather discussed within a reductive, materialistic epistemology of sickness and disease (Reith, 2007, p.37).

This is not to suggest that ‘public health’ discourses do not invoke similar internalised discipline or related epistemologies to prevent disease. There is a long history of public health actors applying such logics to adjust the eating, exercise, sanitary and other habits of populations

(see Rabinow & Rose, 2006, p. 201), often for economic and geo-political purposes (Clark & Doyle, 2022). Indeed, contemporary exhortations to eat well, exercise regularly, refrain from smoking, and to use seatbelts in motor vehicles pursue such discipline.

However, 'responsible gambling' derives from and is closely aligned to, if not dominated by, a powerful commercial discourse (Bourdieu, 1994a, p. 145) arising from vested interest, produced from neo-liberal technologies to maximise consumption, and focused on individualising externalities to 'irresponsible consumers' (from whom it draws a substantial proportion of revenue), whilst ignoring the systemic sources of harm intrinsic to the consumption of the product (Reith, 2007; Lee & Crosbie, 2020; Kesaite et al., 2023; GREO, 2019).

Public health discourse, in contrast, comes from a different place. It is concerned with identifying the nature of harm, its dispersal throughout the community, its systemic causes, and how it might be prevented. It pursues improved regulatory control over harm-producing systems of consumption (van Schalkwyk et al., 2021; Wardle et al., 2019; Reith et al., 2019). Thomas et al. (2002) assert the first principal of public health ethics as follows: "Public health should address principally the fundamental causes of disease and requirements for health, aiming to prevent adverse health outcomes" (Thomas et al., 2002, p. 1058).

This is closely aligned with the emergence of the concept of the Commercial Determinants of Health (WHO, 2023; Gilmore et al., 2023). It is also a reflection of the distinction recently drawn between the i-frame (interventions that address individuals) and the s-frame (interventions that pursue structural change) in attempts to address 'policy problems' (Chater & Loewenstein 2022). These authors argue that: "... highlighting the i-frame is a long-established objective of corporate opponents of concerted systemic action such as regulation ... (Chater & Loewenstein, 2022, p. 1058).

Because of this an important element for an effective response to the orthodoxy involves recognition and widespread discussion of the actual nature of gambling harms, and their causes. 'Responsible gambling' is much more concerned with locating the problem within the flawed psyche of the 'problem gambler' (Francis & Livingstone, 2021; Reith, 2013).

Recently, work by Browne and colleagues (2021) and Wardle et al. (2019) amongst others have expanded understanding of the nature of gambling harms. However, the 'responsible gambling' discourse posits the individual as the problem and ignores the widespread nature of harm (Reith & Wardle, 2022). Identifying gambling harm as a consequence of individual pathology

limited to a 'small minority' of the population is necessary to permit gambling to continue to pursue business as usual. As commonly asserted: "The majority of the adult population gambles responsibly. Only a small minority of the population develops gambling-related harm" (Blaszczynski et al., 2004, p. 309).

Further, as evidenced by the NSW Crime Commission (2022), a great deal of harm is inflicted on the community via the activities of those who either launder the proceeds of crime through EGMs, or in many cases commit crimes (including drug trafficking) to generate resources to gamble. The harms to the community from these activities are significant, and the associated costs considerable.

Public Health as Heterodoxy

'Public health' has recently emerged as the principal contender to 'responsible gambling' as an apparatus for governing commercial gambling operations. It is defined as "the art and science of preventing disease, prolonging life and promoting health through the organized efforts of society" (Acheson, 1988, p.1).

It has been argued that adopting a 'public health approach' to gambling harm would lead to improved harm prevention and minimisation interventions, and thus reduce harm to populations (Wardle et al., 2021). Industry, and some researchers, have generally resisted such a shift (Delfabbro & King, 2017b). Properly implemented, it involves 'upstream' interventions that tackle the causes of harm (or the causes of causes). If implemented comprehensively, it is argued that these would reduce harm and gambling revenue.

Although concepts of public health can be traced to antiquity, its contemporary form had its origins in the 19th century struggle of nations to build healthy workforces for productive purposes (Tulchinsky & Varavikova, 2014).

As Rabinow and Rose (2006) argue:

Over the eighteenth and nineteenth centuries, nation states, in addition to their theatres of power and public display, began to be key mobilizers of the internal forces of their territories so as to secure their objectives of prosperity and security (p. 203).

In the case of 'public health', claims of expertise arising from improved knowledge of micro-biology and epidemiology lead to improvements in the cleanliness of municipal water supplies. As exercises in governmentality these sought to regulate the way local authorities and communities undertook or exercised

fundamental activities of life. In other words, the constantly changing and expanding “apparatuses of knowledge collection and problematization” that grew throughout the nineteenth century were fundamental in re-creating the idea of ‘the social’ –non-state, decentralised forces (Rabinow & Rose 2006 p. 203). As repositories of expertise, these were sometimes opposed to the state, but frequently joined up to it (Clark & Doyle 2022). Indeed, “[liberal] states can rule only because of the ways in which they manage to connect themselves up to these apparatuses” (Rabinow & Rose, 2006, p. 203). The relevant public health apparatuses operate on the territory of biopower – control of individual and collective power, uncentred, and “productive of meanings, of interventions, of entities ...” (Rose, & Miller 2008, p. 9).

This ‘uncentered power’ of public health actors is not always exercised benignly, or even with regard to reasonable ethical principles. During the COVID-19 pandemic, to take some recent examples, public health restrictions disproportionately impacted disadvantaged populations. These included restricting people’s ability to work and thus earn an income and obtain necessary social and family support (Bear et al., 2020), even in some circumstances where income support or effective relief was inadequate, and the population involved was clearly subject to discriminatory policies because of the structures of economic and employment disadvantage that characterised much of their community (Rachwani, 2021). Highly disadvantaged culturally and linguistically diverse communities largely consisting of women and children were extensively ‘locked down’ without sufficient support (Glass, 2020). Globally, access to vaccines was unequal and sporadic, with many low- and middle-income countries simply unable to obtain vaccines for their populations (Twohey et al., 2020).

Public health, like all forms of knowledge, can clearly be utilised as an instrument of oppression, whether consciously or otherwise. The above examples suggest that in its contemporary form, public health discourse often pays little attention to the actual consequences of its actions, particularly on the already disadvantaged populations who frequently bear the brunt of what can only be seen as discriminatory public health directions. This is a very important consideration for gambling, given that gambling harm is disproportionately experienced by disadvantaged communities (van der Maas, 2016; Raybould et al., 2021; Resce et al., 2019; Latvala et al., 2021), is associated with poverty, homelessness, unemployment and economic inequality generally (Hahmann & Matheson, 2017; Hahmann et al., 2021), and that gambling opportunities are disproportionately

available in more socio-economically disadvantaged areas (Rintoul et al., 2013; Wardle et al., 2014; Pearce et al., 2008; Xouridas et al., 2016; Kristiansen & Lyneborg, 2022; Papineau et al., 2020).

Assuming that a goal of the project of contesting ‘responsible gambling’ is the prevention of harm for those already disadvantaged, public health discourse must address any such ethical failure. The path for adaptation of effective public health principles must therefore arguably be that of a *critical* public health discourse.

Schrecker (2021) proposes five key elements for a critical public health. These involve a commitment to equity; a situating of health inequalities in institutional and social arrangements; a consideration of history; an acknowledgement that medicalisation and the dominance of medical frames may be pernicious; and recognition that production of scientific knowledge is a social process with important material and institutional contexts to be considered (Schrecker 2022 pp. 139-140).

A commitment to equity means taking sides (Schrecker 2022, p. 140) or advocating with and for disadvantaged populations against those who exploit them. This can be contrasted with one of the pillars of ‘responsible gambling’: its claim to be ‘science based’ (Blaszczyński et al., 2004), as if that renders it somehow neutral. In fact, ‘responsible gambling’ has, in practice, provided industry with a basis for the creation and expansion of significant, avoidable harm, inequality, and gross disadvantage. This arguably makes it far from neutral.

Opposing responsible gambling may require a form of overt advocacy that many researchers find uncomfortable – but that is an inevitable consequence of taking sides, and in any event is a choice that many have already made. The ‘disease model’ of ‘problem gambling’ replicates the pernicious medicalisation that Schrecker deplores and must be avoided in a critical public health model. And of course, critical public health must situate the history of commercial gambling amidst the political, economic, institutional, and social structures that allowed it to expand rapidly. That is, it requires an examination of the political economy of responsible gambling orthodoxy as perceived through the lens of the Commercial Determinants of Health (CDoH) (Reith, 2013).

We can imagine that seeking to materialise discourses of critical public health to restrain the consumption of harmful commodities will encounter opposition from governments and corporations unwilling to forego revenue (and the power) derived from production and sale of those products.

As those researching the effects of Corporate Political Activity (CPA) and the Commercial Determinants of Health (CDoH) have shown, corporations have many tools at their disposal to resist limitations on their right to sell harmful commodities. In many cases they can pre-empt them (e.g., de Lacy Vawdon et al., 2022; Miller et al., 2021). These tools are constantly used to persuade governments that, for whatever reason, orthodoxy should prevail. That is, change is unnecessary if just for the sake of improved public health and wellbeing, especially if that reduces commercial revenue. Existing public health discourses within the gambling research field are already heterodox, continually contesting often highly orthodox and powerful institutions keen to defend their financial and political interests. As Reynolds et al. (2020) have demonstrated empirically, the field is dominated by 'responsible gambling' discourses. Further, as Cassidy et al. (2014) have catalogued, gambling industry interests are well placed to make sure that this orthodox hegemony continues. Some of the critics of the developing public health approach to gambling research and policy have clearly identified the risks of this to the orthodoxy (for example, see Delfabbro & King, 2020; Delfabbro & King, 2017a; Blaszczynski et al., 2021).

However, this developing approach needs to be given some additional impetus. Adopting a critical public health discourse may provide an ethical and viable vehicle through which to contest the orthodoxy of gambling research more strongly.

The Critique of Orthodoxy

Bourdieu (1994b) discusses a theoretical process of social change, in which what he calls *doxa* (for Bourdieu, 'opinion', as opposed to *episteme*, 'knowledge'), encapsulating "the universe of the undiscussed", may be broken down in part into different categories that facilitate contest. The universe of the undiscussed (that is, the universe of *doxa*) consists of all that is beyond critique. As Bourdieu (2000) puts it, *doxa* is: "a set of fundamental beliefs which does not even have to be asserted in the form of an explicit, self-conscious dogma (p.16)

We can see *doxa* in such arbitrary² social constructions as the subjugation of women and people of colour, colonial models of conquest and exploitation, and discrimination in many forms. In some cases, the uncontested nature of these examples of *doxa* has broken down into *orthodoxy*, ('correct opinion'). That is,

a powerful and dominant set of discourses that are widely accepted in practice, despite being recognised as arbitrary (Deer, 2014). The recognition of this arbitrariness allows the possibility of critique. It may indeed be that the *doxa* that related to most forms of gambling prior to its widespread legalisation and commercialisation from the 1970s onward broke down because of the need to legitimise commercial gambling.

Reith (2007; 2013) and Francis & Livingstone (2021) argue that the previous construction of gambling by the bourgeoisie as a pariah pastime, the province of criminals, or working-class wastrels, has of necessity broken down into an orthodoxy in which those who gamble are divided into two broad categories: responsible, or recreational gamblers, who readily control their consumption; and problem gamblers, who cannot. The latter represent the containment of the pariah in a small pathologized group, thus permitting the 'vast majority' of those who gamble to do so, and to lawfully transfer funds to corporations and governments that benefit from this process.

Commercial interests with the support of government corroded the *doxa* of gambling as pariah to establish a new orthodoxy that allowed legalisation of gambling. In this context, 'responsible gambling' and the category of the 'problem gambler' are necessary discursive elements of the new orthodoxy. This might be thought of as a key aspect of the process of 'normalising' widespread accessibility and participation in gambling. It also demonstrates that the corrosion of *doxa* can emerge from multiple sources.

The critique of orthodoxy is *heterodoxy* ('non-conforming opinion'). That is, it represents a set of discourses that contests the way things are. The process by which these discourses engage – the hegemonic orthodox, and the subordinated heterodox - constitutes a dialectic of social change.

It might also be interpreted as a process of 'denormalization', where critique addresses aspects of orthodoxy that are injurious to equality, basic human rights, health, or wellbeing (such as sexism, misogyny, racism, colonialism, and smoking). Indeed, denormalization has been and remains a key tool in the reduction of tobacco consumption, and associated cancers and cardio-vascular disease (Hanley-Jones et al., 2023).

This dialectical process helps to explain the nature of things at any given point in time, but it may also assist in understanding the process that critical studies encapsulate and address important questions about *how*

² Arbitrary in the sense that they are not legitimated by evidence, but by power, opinion, and tradition.

the order of things changes. That is, processes whereby we seek to identify the effects attributable to particular ideologies, activities and policies and improve our collective response to address those issues or systems that cause harm. How does Bourdieu's model help us to better understand specific issues related to gambling as a field, both empirically and theoretically?

Gambling Research and the Orthodoxy

The orthodox, responsible gambling focus is largely centred on identifying and quantifying the individual risk factors associated with the likelihood of developing a case of 'problem' or 'pathological' gambling, the purported measurement of prevalence of such cases, and the methods for treatment of these cases (Blaszczynski et al., 2011). This is not unimportant. However, it generally extends little beyond such considerations, and remains congruent with the discourse of 'responsible gambling'. Within this framework gambling operators provide 'information' to their customers, who are then 'enabled' to make 'informed choices' about whether and how much to gamble.

As Reith & Wardle (2022) argue, the capacity of most gamblers to fully comprehend the nature of the technology with which they are gambling is highly questionable. This is certainly true of EGMs (Livingstone, 2017) and of increasingly complex wagering options (Newall & Allami, 2023), which for most gamblers rapidly overwhelm rationality and judgement. Regardless of the impossibility of informing every user of the details of why and how their money disappears, 'responsible gambling', as suggested above, was a development of the gambling industry, a response to the clear emergence of significant harm associated with the burgeoning growth of legalised gambling in the late twentieth century. As with 'responsible drinking' campaigns, it asserts that the responsibility overwhelmingly resides with the individual, and particularly with the 'problem gambler'. The gambling provider, as has been amply demonstrated in multiple jurisdictions, gets away with little in the way of 'responsible provision of gambling', and in many cases its precise opposite (Fiedler et al., 2021, Rintoul et al., 2017). Recent Royal Commissions and inquiries into Australian casino operators, referred to above, provide ample evidence of this (Finkelstein, 2021; Govt. of WA, 2022; Gotterson, 2022; NSW, 2022; NSW Crime Commission, 2022; Crofts & Van Rijswijk 2023).

'Responsible gambling' is endorsed and indeed operationalised by state authority, endorsed by commercial gambling businesses, and helps to legitimise those businesses. It assists the transfer of resources from

generally disadvantaged people to corporations, the state, and sometimes wealthy individuals. Its advocates see it as non-political – i.e., not engaged in forming the technologies to govern the business, or the regulatory activities of states (see, for example, Delfabbro & King, 2020, Blaszczynski et al., 2021). Yet, 'responsible gambling' discourses are crucial to maintaining existing technologies of commercial gambling and thereby supporting the transfer of funds from the disadvantaged to corporations, the state, and some charities.

'Responsible gambling' is and has been necessary for the gambling business to expand as it has. Its great success has been in providing the illusion of concern, while effectively blaming the affected for their plight. There is very little evidence that 'responsible gambling' has developed interventions that effectively prevent or reduce harm (Livingstone et al., 2019; Chóliz, 2018; Ladouceur et al., 2017.), and one of its major discursive elements is the notion that consumers ought to be able to make bad decisions if they wish. This, of course, is consistent with ideas of 'consumer sovereignty', as demonstrated by Reith & Wardle (2022). This operates in direct contradiction to the behavioural addiction to gambling many people experience (see Gabellini et al., 2023), which is largely ignored by the responsible gambling orthodoxy. Indeed, a theory of rational addiction (Becker & Murphy, 1988) (now largely debunked – see Rogeberg, 2020) was once posited as implying that regulation should treat addictive products as little different from anything else.

Further, as Reynolds et al. (2020) discuss, this has meant that the field of gambling research has experienced substantial opportunity costs. Research focused on 'responsible gambling' squeezes out alternative ways of understanding the issue, such as public health or other critical disciplines. The gambling research field has recently expanded to include research employing critical disciplines such as anthropology, sociology, geography, political economy, social theory, history, cultural studies, and public health. But these efforts are contested by those articulating the responsible gambling orthodoxy (Delfabbro & King, 2017a; 2017b; 2021; Blaszczynski et al., 2021), and mostly ignored by governments and regulators.

If the reduction of harm and the enhancement of knowledge are its key objectives (as Ladouceur 2017 et al. suggest), it is highly arguable that 'responsible gambling' has been an abject failure.

Indeed, 'responsible gambling' has arguably failed in three important categories. It has failed to prevent and minimise gambling-derived harm; it has not markedly

improved the state of knowledge; and it has achieved at best a limited theoretical base.

To contest the orthodoxy requires a heterodox project drawing on critical and public health principles – that is, giving priority to the health and wellbeing of populations, especially disadvantaged populations, adopting multiple disciplinary approaches and methods, and adopting a critical, theory-building perspective. In other words, the heterodox project is to better understand and interpret the nature of the gambling system and its specific historical trajectory, and to pursue change, with goals such as preventing and reducing harm, improving the state of knowledge, and enhancing, or perhaps developing a theoretical basis or bases for the field.

This does not mean that a critical public health approach to gambling research would ignore the pressing need for people experiencing harm from gambling to receive support and therapeutic assistance as necessary. Indeed, people harmed by gambling, including affected others who may not gamble themselves, need much improved and more readily accessible support than is currently provided by the state. But to this must be added a host of reforms that effectively curtail the harm producing capacity of the now globally powerful orthodox institutions of commercial gambling, and its companion, ‘responsible gambling’, along with much improved knowledge and a theoretical base for the field.

The Institutional Architecture of ‘Responsible Gambling’

One of the most important transitions required to improve the state of the field is the need to distance gambling research from a reliance on gambling industry funding and influence. In some jurisdictions, gambling research is heavily reliant on money sourced from, and largely controlled by, the gambling industry. Organisations such as the International Center for Responsible Gaming (ICRG) (previously the National Center for Responsible Gaming) claim \$40 million in resources to support gambling research. This comes from “Commercial and Indian casino gaming companies, equipment manufacturers, vendors, ICRG board members, gaming employees and individuals” (ICRG n.d. Second par., ‘Funding’). This includes several of the largest casino operators in the US.

In other jurisdictions, industry funded ‘charities’ have a long history of identifying and funding their own research priorities. GambleAware, a UK charity established by gambling operators, has provided significant funding focused originally on ‘problem

gambling’. It has in recent years become more independent in its mode of research funding but remains reliant on the revenues of the gambling industry for its existence. This reliance caused the UK National Health Service to sever its links with the ‘charity’ in 2022 (McInnes, 2022).

Some gambling operators are themselves significant funders of research. ClubsNSW, the peak organisation representing licenced clubs in New South Wales, Australia’s largest state, boasted of ‘investing’ in research in 2017: “We continue to generate sensible gaming research. This year ClubsNSW extended its gambling research partnership with the University of Sydney and Professor Alex Blaszczynski for another three years, taking our investment to \$2.5 million” (p.12).

The clubs represented by this organisation operate 70,000 EGMs in that state, with annual EGM revenue of over \$4.6 billion in 2022. (Liquor and Gaming NSW, 2023).

Crown casino, the subject of multiple inquiries and Royal Commissions in Australia in recent years (referred to above) engaged three prominent academic gambling experts (Professors Blaszczynski, Delfabbro, and Nower) (Finkelstein, 2021, p. 40) to form a Responsible Gambling Advisory Group in 2019. Despite their efforts, however, the Royal Commissioner inquiring into Crown’s Melbourne operations concluded that “Crown Melbourne had for years held itself out as having a world’s best approach to problem gambling. Nothing can be further from the truth” (Finkelstein, 2021, p.3).

The effects of the predominance of responsible gambling approaches have been to establish its discourse as the major, in some cases the only, way to understand gambling harm minimisation. Such institutionalisation of orthodoxy represents an articulation of the power of industry and demonstrates its ability to influence the state and indeed people who gamble, whose response may be to internalise shame and blame themselves for their problems (Wardle & McManus, 2021, Livingstone & Rintoul, 2020 Rintoul et al. 2023). The coupling of this with the significant resources of gambling operators acts to reinforce the power and credibility of the discourses that institutionalise orthodoxy. Because of the flows of money that derive from the logic of this orthodoxy, governments and corporations remain committed to it. Moving away from this requires interruption of these lucrative, institutionalised arrangements.

Well known gambling researchers in Australia, the US and elsewhere, regularly consult for gambling companies and argue that this is acceptable if undertaken for what they call ‘responsible gambling’ purposes. This includes

editors and associate editors, effectively the gatekeepers, of prominent journals.

Indeed, prominent researchers defending the discourse of 'responsible gambling' have argued that it is not correct to assert that industry funding corrupts gambling research, even though other industries (such as tobacco) have a record of corrupting relevant research priorities and outcomes (Bero, 2005). Although they admit that such concerns are warranted, they also argue that:

... what if, in the case of industry funding, the gambling field is not a follower but a leader? What if, in this case, the gambling field is not another example of industry-funded research gone wrong but instead is an example, indeed *the example*, of research gone right? If this were the case, then, it makes no sense to tar and feather today's gambling researchers who use industry funding with the sins of others (LaPlante et al., 2019, p.10).

Of course, generous funding from any source (whether provided via an institutional arrangement or otherwise) bestows important, scarce resources and thus accrues academic power, via track records for grant success, publications, institutional approval, etc. This power may be symbolic, but it is also tangible. Yet, as Adams (2016) has argued, there are significant risks to integrity, reputation, and ethical standing associated with accepting funding and/or support from vested interests.

The Hollow Orthodoxy

In the discourse of responsible gambling, we can observe an orthodoxy that, although not instituted as beyond question, has been promoted as though it were. This is a remarkable example of Bourdieu's concept of orthodoxy (Deer, 2014). The concept of 'responsible gambling' and of the 'problem gambler' and 'problem gambling' have been widely adopted by legislative and regulatory actors and embodied in legislative and regulatory texts. Yet, there is a persistent sketchiness about these concepts. Implementation of a regulated system of gambling that relies on 'responsible gambling' is widespread. But what 'responsible gambling' looks like remains very unclear.

Hing and colleagues (2016) reported that a comprehensive literature review confirmed the lack of an accepted definition of what they termed "responsible consumption of gambling" (RCG) and 'an agreed set of underlying objectives or principles for RCG' (p. 2).

Content analysis of relevant websites also "confirmed the lack of a consistent definition of RCG in consumer information and lack of clarity about its underlying principles or goals" (Hing et al., 2016, p. 2). The results of a survey of experts (researchers, treatment professionals, educators, and policy specialists):

... overwhelmingly considered RG to be poorly understood by consumers and inadequately promoted in a meaningful way. They considered the existing consumer guidelines for RG inappropriate and lacking evidence of their efficacy. Promotion of RG, particularly by industry and governments, was seen as inadequate for all forms of gambling, but especially deficient in relation to EGM gambling, sports betting and race betting (Hing et al., 2016, p. 2).

In fact, even its supporters concede that it is poorly defined (Blaszczynski et al., 2021). A review of the efficacy of the 'responsible gambling' interventions that are generally implemented under gambling venue 'codes of conduct' revealed a notable lack of evidence for the efficacy of most interventions. These included self-exclusion programs, signage, messaging, interaction with gamblers, removal of ATMs, and responsible gambling codes of conduct (Livingstone et al., 2014). Indeed, one of its key supporters argues that 'responsible gambling' has "... not yet progressed to best practices that are supported by scientific evidence; RG programs mostly remain at the 'seemed like a good idea' stage of development." (Ladouceur et al., 2017, p. 233)

The same authors, who prepared the 'Reno Model, which they describe as "... the first strategic framework describing the fundamental principles necessary to guide the development of RG strategies ..." (Ladouceur et al., 2017, p. 225) argue that although the purpose of responsible gambling programs is "... to prevent or minimize gambling related harms ... the scientific evidence supporting many of these programs and initiatives is absent or weak" (Ladouceur et al., 2017, p. 225).

It would therefore be reasonable to conclude that 'responsible gambling' orthodoxy is ill defined and is associated with few, if any, effective interventions. Modest interventions of uncertain effectiveness characterise the orthodoxy and give it its materiality. Yet even these are mostly ignored (Rintoul et al., 2017).

Thus, like many orthodoxies, 'responsible gambling' is non-specific, ill defined, not well understood or implemented by those who are supposed to use it, non-evidence based, its few interventions regularly ignored in

practice, and its hegemony rarely challenged by regulators or legislators. It endures as the orthodoxy in its field because it is aligned with powerful and well-resourced commercial interests and protects those interests. In this, it emulates the many institutions associated with exploiting minority or disempowered populations, such as racism, sexism, misogyny, colonialism, and of course capitalism more generally. Its purpose is to veil power in a smokescreen of apparent beneficence and concern, without demonstrating any such attributes. In this, it has performed remarkably well.

The dismantling of 'responsible gambling' is more easily argued for than achieved. As we know from recent work on the commercial determinants of health, the situation in gambling is echoed with many other dangerous commodities and the industries that make significant revenues from their production, distribution, marketing, and consumption.

A pressing question for academics in this field is how best to hasten the demise of the responsible gambling orthodoxy. Gambling operators have, ironically, assisted in this project through significant overreach, driven by greed and the lack of oversight and enforcement authority that has characterised gambling regulation around the globe.

Apart from research and the technological and regulatory innovation it may drive, however, what are the key activities that academics might bring to the critical study of gambling?

Of its many faults, the most egregious failure of 'responsible gambling' has been the active neglect of those experiencing harm, the overwhelming majority of whom receive no support (Slutske, 2006), and whose difficulties endure long after they, or their loved ones, have stopped gambling. They are disproportionately drawn from disadvantaged populations, and recent significant expansion of the gambling industry into low- and middle-income countries will, in the absence of effective regulation (Sichali et al., 2023), exacerbate this striking inequality (Bitanirwe et al., 2022).

For this reason, it is imperative that the voices of those who have lived experience of harm are incorporated in our work, whatever its nature. Much of the energy and momentum for change where it has occurred has come from those who know the harms of gambling firsthand. We must choose their side.

Secondly, we must acknowledge that the evidence and literature in this field is patchy, at best, and remains largely focused on an ideological commitment to the study of individual pathologies, represented by the myth of the 'problem gambler'. Further, it frequently pursues largely useless knowledge with the aim of perpetuating

this myth, and other foundational ideologies of the 'responsible gambling' discourse. These relate strongly to the neo-liberal economic ideologies of the later twentieth century, especially concepts such as consumer sovereignty and the supremacy of the market. However, responsible gambling orthodoxies have taken these and supercharged them for the benefit of governments, regulators, and corporate interests. Studies in political economy, anthropology, sociology, philosophy, law and legal scholarship, criminology, and social theory, for example, can produce new literature to support a turn to alternative ways of configuring the way we understand the idea of gambling, and what we should do about it and the harms it causes.

Further, the public health disciplines should critically reinterrogate the epidemiology of gambling harm. As we have learnt from the social epidemiology of disease, mortality and morbidity, harm follows carefully systematised paths, often of disadvantage and discrimination. So, it seems, with gambling. Commercial gambling provides an extraordinary example of the relentless exploitation of vulnerable populations via a poorly regulated legal product.

Finally, it seems remarkable that the theoretical base for gambling research is so thin. Although there are many excellent scholars who have addressed this with great expertise and thoughtfulness, particularly in academic monographs, there is a yawning gap between such work, and the day-to-day research published in journals that has largely powered the growth of commercial gambling.

Assembling the Heterodox

Independence from industry control of research funds, and access to research data, is of pressing importance in the field of gambling research. Cassidy et al. (2014) and Adams (2016) have demonstrated the extent to which industry control has become embedded in academic careers, and thus turned researchers towards the orthodoxy. Reynolds et al. (2020) have demonstrated how the orthodoxy imposes major opportunity costs on the field. Livingstone & Adams (2015) have called for the development of clear principles for integrity in gambling research, and as noted Livingstone (2018) has argued for 'clean' gambling research conferences. The reality is that even if independent sources of funding can be expanded, industry control of conferences and agendas may persist, as Livingstone & Adams (2011) argued.

Developing funding sources that are truly independent of industry control and influence at any level is a major task. Yet it remains a significant priority if research in this field is to become original, productive,

and capable of achieving reasonable goals to protect populations from harm and eradicate exploitation of the vulnerable.

As a first step, establishing research forums that are truly independent of industry influence is a necessity. The major gambling research conferences in the United States, in Europe, and in Australia, are all linked to industry influences (Livingstone, 2018).

Finally, drawing on principles of critical public health, it seems clear that we must systematically address the gulf between what needs to be done, and what is being done to address gambling harm. Prevention is barely in scope in the regulatory and harm minimization regimes of most jurisdictions. This situation will persist while the orthodoxy of 'responsible gambling' and of the 'problem gambler' remain powerful.

We must also act urgently and co-operatively to stem the pandemic of gambling harm that is spreading rapidly from high income countries to low- and middle-income countries (Reith et al., 2019). 'Responsible gambling' and its accompaniments such as 'problem gambling' will not achieve this, for the simple reason that they do not work, and were never intended to. International cooperation, including via global organisations such as the World Health Organisation, is of great importance.

Achieving these goals is a not inconsiderable task. However, it must first involve development of a coherent critical heterodox discourse that can contend with the orthodoxy that has dominated the field. Ignoring 'responsible gambling' will not make it go away.

How can we do this? The first step is, arguably, to identify the elements of 'responsible gambling' that are most at odds with our critical perspectives, disciplinary understanding, or available evidence, and contest them, vigorously. We should also make sure that these contests are circulated as widely as possible amongst our critically oriented colleagues, and as far as possible, policy makers and the interested public.

The establishment of *Critical Gambling Studies* has been a major step in the development of this project. Establishing regular, truly independent international academic conferences is another. Developing a global network of relevant concerned researchers and scholars with a capacity for dissemination of regular updates and ideas is yet another.

Actively contesting 'responsible gambling' in whatever forums we think appropriate is the *sine qua non* to develop a new approach that will allow the field to fully escape from the constraints of what is arguably a shameful tradition of intellectual stagnation and miasma. If this means we must invent those forums, then that is what must be done.

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Funding and Conflict of Interest Statement

Charles Livingstone has received funding from the Victorian Responsible Gambling Foundation, the (former) Victorian Gambling Research Panel, and the South Australian Independent Gambling Authority (the funds for which were derived from hypothecation of gambling tax revenue to research purposes), from the Australian and New Zealand School of Government and the Foundation for Alcohol Research and Education, and from non-government organisations for research into multiple aspects of poker machine gambling, including regulatory reform, existing harm minimisation practices, and technical characteristics of gambling forms. He has received travel and co-operation grants from the Alberta Problem Gambling Research Institute, the Finnish Institute for Public Health, the Finnish Alcohol Research Foundation, the Ontario Problem Gambling Research Committee, and the Problem Gambling Foundation of New Zealand. He was a Chief Investigator on an Australian Research Council funded project researching mechanisms of influence on government by the tobacco, alcohol and gambling industries. He has undertaken consultancy research for local governments and non-government organisations in Australia and the UK seeking to restrict or reduce the concentration of poker machines and gambling impacts, and was a member of the Australian government's Ministerial Expert Advisory Group on Gambling in 2010-11.

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ISSN: 2563-190X. Available Open Access at <https://criticalgamblingstudies.com>

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APA Citation Goedecke, K., Spångberg, J., Svensson, J. (2023). License to Gamble: Discursive Perspectives on the 2019 Reregulation of the Swedish Gambling Market. *Critical Gambling Studies*, 4 (2), 16-29. DOI: <https://doi.org/10.29173/cgs157>

Article History:

Received February 8, 2023

Accepted November 16, 2023

Published January 2, 2024

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License to Gamble: Discursive Perspectives on the 2019 Reregulation of the Swedish Gambling Market

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Abstract: During the last decades, several European gambling markets have been reregulated. In 2019, it was Sweden's turn; the former oligopoly was replaced by a licensing system. In this article, the governmental inquiry in which the new system was proposed, outlined, and justified is studied using discourse analysis. Medical, public health, and free market discourses have been shown to dominate articulations of gambling in several national contexts, but the ways in which these discourses interact, overlap, and differ are crucial to understand better in order to appreciate the production and legitimation of meanings around gambling. Moreover, the 2019 reregulation has not yet been studied from discursive perspectives; thus, the article makes both theoretical and empirical contributions. The article demonstrates that market and medical discourses structure the inquiry. While they sometimes overlap and merge, their co-existence also causes tensions, for instance regarding whether an increase in gambling is acceptable or not. The article points to a strengthening of market and medical discourses and a weakening of public health discussion within Swedish gambling debates.

Keywords: Gambling; privatisation; discourse analysis; Swedish gambling policy; gambling licenses

Article History: Received February 8, 2023; Accepted November 16, 2023; Published January 2, 2024

Available Open Access from <https://doi.org/10.29173/cgs157>

In 2019, following the “Gambling licencing public inquiry” (SOU, 2017a; 2017b), the Swedish gambling market was reregulated. A licensing system replaced the old oligopoly wherein gambling had been controlled by state-owned Svenska Spel and a few other operators. While often studied from medical and quantitative perspectives, and as potentially addictive unless enjoyed responsibly, numerous scholars have shown that gambling and meanings around it are produced discursively (e.g. van Schalkwyk et al., 2022). Gambling policies and inquiries are important arenas for articulating what gambling is; they construct problems as “particular sort[s] of ‘problems’” (Bacchi, 2009, p. 1), a process connected to power where alternative articulations are discarded or hidden. However, the Swedish reregulation has only been studied from tax and legal perspectives (Cisneros Örnberg & Hettne, 2018; Hettne, 2017); its ideological foundations and their implications have not yet been discussed.

The gambling field contains multiple discourses, which change historically and vary between contexts. While this research is still underdeveloped, medical,

public health, and neoliberal discourses which see gambling as a market have been shown to dominate articulations of gambling in several national contexts, in policy and beyond (e.g. Reith, 2007). Not only do these discourses co-exist, they converge, overlap, and differ in specific ways, an interplay that is crucial to understand in order to appreciate the production and legitimation of meanings around gambling. The Swedish reregulation offers a chance to study the interaction between central discourses in the gambling field.

The article analyses the main claims, underlying points of departure, and implications of the governmental inquiry which shaped the reregulation of the Swedish gambling market. Using discourse analysis (Bacchi, 2009; Laclau & Mouffe, 2001), we show that two central discourses, the market and the medical ones, shaped the articulations of gambling, gamblers, regulations, and responsibilities. This article addresses the need for more discursive perspectives within gambling research and contributes with an in-depth study of how central discourses in the gambling field

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interact, overlap, and compete for meaning, using the Swedish reregulation as a case in point.

Gambling: Discursive Perspectives

Gambling studies is a young field dominated by various medical perspectives. However, an emergent body of research employs discursive approaches to understand and critique gambling (e.g. Bacchi, 2009; Reith, 2007; Reith & Wardle, 2022; Selin et al., 2019; van Schalkwyk et al., 2022). Discursive approaches see an entity, like gambling, as socially constructed and in itself unstable. Such entities gain meaning in constant political and rhetorical processes which attempt to achieve stability by excluding competing articulations (Laclau & Mouffe, 2001). As Reith and Wardle (2022) put it, “the choice of language and the setting of parameters within which gambling can be discussed” are central to “the ways that we can and cannot think about gambling, as well as what we can do about it” (p. 71). While religious discourses once shaped understandings of gambling, contemporary discourses include medical, public health, and market ones, emphasising gambling as addictive to the individual, as risky on a population level, and as entertainment and consumerism respectively (Reith, 2007; Reith & Wardle, 2022; van Schalkwyk et al., 2022).

Medical discourses about gambling started to gain traction in the 1970s. Based on psychiatric and neurological ideas, they articulate gambling as addictive and see excessive gambling as pathological and possible to measure with standardised diagnostic instruments (Volberg & Wray, 2007). However, addiction is not a transhistorical, objective diagnosis, but a “cultural-historical understanding” that attempts to *theorise* an excessive behaviour (Borch, 2015, p. 72). While enabling understandings of gambling not as immoral but as compulsive, medical discourses see the problem gambler as irresponsible, irrational, and dependent (Reith, 2007), as “an individual organism whose pathology can be corrected or mitigated by responsibly choosing to seek treatment” while little consideration is given to the gambler as “a social being, a product of particular social conditions” (Volberg & Wray, 2007, p. 67).

Such social conditions are important to public health discourses about gambling, which have become more prevalent in recent decades (Browne et al., 2017; Langham et al., 2016; Productivity Commission, 2010). Public health approaches examine broad impacts of gambling rather than focusing solely on problem and pathological gambling behaviour in individuals (Korn et al., 2003). Wider health, social, and economic costs and benefits are taken into consideration, and the needs of vulnerable and disadvantaged people are centred, as are

prevention and harm reduction. Public health discourses on gambling are complex; in some articulations, they resemble medical views in their focus on addiction, use of epidemiological approaches based on disease models, and efforts to determine links between diseases or lifestyle patterns and loss of healthy life (Sulkunen, 2018). Measuring the efficiency of treatment is another concern linking public health and medical approaches. Additionally, public health discourses may resemble market discourses about gambling (discussed below) when informed, responsible gambling by consumers is emphasised (Reith, 2007; Sulkunen, 2018). Meanwhile, other public health researchers challenge both medical and market views of gambling by highlighting social inequities and the questionable ethics of integrating gambling revenues into state budgets (e.g. Adams, 2016).

Parallel to these medicalised perspectives, gambling is often articulated as a market and as a “consumer product and leisure pursuit” that is “normal and inevitable” (van Schalkwyk et al., 2022, p. 6). The notion of gambling as a market rests on neoliberal ideas, and is common in gambling policies all over the Western world. As an economic theory, neoliberalism advocates minimal state intervention, free trade, and a market that will regulate itself through supply and demand (Holborow, 2012; Reith & Wardle, 2022). However, neoliberalism is also a discourse, legitimating worldviews and producing subjects. In the context of gambling, market discourses articulate gambling as a product like any other and produce subjects as consumers who should “consume, to give in and abandon themselves to the pleasures of self-fulfilment” (Reith, 2007, p. 40).

Critical scholars often point to the fundamental ambivalence at the heart of contemporary understandings of gambling. For instance, Reith (2007) shows that while consumers are expected to give in to the pleasures of consumption, they should also “exercise self-control and restraint” (p. 40). Gambling has a “dual nature” (van Schalkwyk et al., 2022, p. 6), due to the “major tension between profit seeking and harm prevention in the field of gambling” (Selin, 2022a, p. 25). Ideas about “responsible gambling” (RG), now widespread in policy and research, demonstrate this: they are connected to the idea of gambling as a harmless commodity when enjoyed in a responsible fashion, and when subject to responsible government and industry guidelines (e.g. Blaszczyński et al., 2011). However, the stated need for responsibility in itself points to competing meanings; gambling is not just entertainment but associated with risk and abuse. Another example comes from Borch’s (2012) research about gambling discourses in Norwegian newspapers, where she shows

that medical discourses are used to make sense of privately-owned Electronic gambling machines (EGMs) and unregistered online gambling companies from abroad, which become constructed as dangerous and causing addiction. However, state-owned and regulated gambling is understood through market discourses, as harmless consumption.

Medical discourses arguably dominate scholarly and policy discussions about gambling, but they are increasingly accompanied by ideas about gambling as consumption and about responsible gambling (Reith, 2008; see also Cosgrave & Klassen, 2001; Young, 2010). From a discursive perspective, ambivalences and developments like these can be understood in terms of competing understandings of gambling which seek to exclude each other in order to establish a hegemonic, common sense meaning. To simplify, concepts like “responsibility” or discussions about various gambling forms and risk become meaningful in the interplay between, in this case, market and medical discourses, each articulating gambling in a distinct fashion.

By exposing underlying meanings in this manner, contradictions in and consequences of how gambling is articulated may be exposed. For instance, RG approaches are connected to the perception that “those who cannot or will not acquire restraint and knowledge [...] constitute the pathologized or irresponsible minority and are to be viewed as responsible for the harms they experience” (van Schalkwyk et al., 2022, p. 10). Similarly, medical and psychiatric views of gambling “individualize[...] people who experience problems and inoculate[...] government and industry agencies from responsibility for these problems” (Nicoll, 2019, p. 48). The ways in which gambling are articulated matter on ideological, cultural, and practical levels.

In our view, the gambling field is characterised by several over-arching discourses which interact with each other and with other ideas in the process of producing and stabilising meanings of gambling, an interaction which needs closer scrutiny. The aim of this article is to study the interplay of discourses in the inquiry that shaped the reregulation of Swedish gambling, and discuss tensions, overlaps, and implications of how gambling is discussed within it.

Swedish Approaches to Gambling

Swedish gambling debates and legislation are shaped by international ones, most notably those of the EU (e.g. Cisneros Örnberg & Hettne, 2018; Hettne, 2017). During the 20th century, Swedish gambling was an oligopoly, dominated by a few state-owned companies and non-profit organisations which were allowed to offer sports

betting, horse and dog racing, lotteries, and bingo, with surplus money falling to the state, the horse industry, and charitable causes. Developments in digital technologies, particularly increased access to the internet, changed the Swedish (and global) gambling scene, raising questions concerning state control, revenues, and health, many of which are discussed in the inquiry analysed in this article. The 2019 reregulation effected a change to a license-based system, a process that was preceded by two decades of reregulations of various European gambling markets (see Kingma, 2008; Loer, 2018; Nikkinen et al., 2018; Rolando & Scavarda, 2018).

Sweden is well known for being a welfare state even if privatisations of several sectors have taken place during the last decades (Bergh & Erlingsson, 2008). Importantly, it has a long history of using state monopolies to protect its citizens; for example, the retail monopoly on alcohol has strong public and political support. The Swedish gambling oligopoly developed during the 1900s, and gambling was subject to parliamentary debates and inquiries during the whole century (Edman & Berndt, 2016; Ihrfors, 2007).

Public health perspectives on gambling, alcohol, and narcotics have been important in Sweden. The “total consumption model”, which emphasises that increased alcohol-related harm is related to increased per capita alcohol consumption, has been central to Swedish debates about alcohol, and can also be applied to gambling (Rossow, 2019). It proposes that alcohol/gambling consumption must be reduced in the whole population, not only among at-risk users. The high taxes on alcohol in Sweden, the alcohol retail monopoly (Norström et al., 2010), and, arguably, the gambling oligopoly should be understood in this context.

Parallel to public health approaches, gambling has been seen both as addictive and as regular consumption in Sweden (Alexius, 2017; Edman & Berndt, 2016; Ihrfors, 2007). Alexius (2017) notes that while *not* selling games was once seen as responsible, a government-run gambling industry signified responsibility in the early 2000s, a development connected to the articulation of the gambler as individually responsible and to the strengthening of neoliberal perspectives. Apart from this research, which covers the time before the reregulation, discursive perspectives have been uncommon in Swedish research; existing research about the reregulation focuses on the harmonisation of Swedish and EU regulations (Cisneros Örnberg & Hettne, 2018; Cisneros Örnberg & Tammi, 2011). Notably, the reregulation of the Swedish gambling market happened in a context where not only public health but also medical and market

discourses were influential. The reregulation entailed both ruptures and continuities in relation to this discursive landscape, a process explicated in depth below.

Method and Material

In this article, we use the Swedish government inquiry (*Statens offentliga utredningar*, henceforth SOU) called *The gambling licensing inquiry* (*Spellicensutredningen*) as material (SOU, 2017a; 2017b). SOUs constitute grey literature, a type of material that is vital to gambling research (Baxter et al., 2021). SOUs are often appointed to evaluate upcoming policy or legal changes, and have the function of “set[ting] the agenda for the debate” (Bergh & Erlingsson, 2008, p. 87). The present inquiry was initiated in 2015, and the directive from the government was to:

submit proposals for new gambling regulations aimed at creating a gambling market with high consumer protection, high security in games, and clear requirements for being active on the market. The regulation shall be based on a licensing system which means that everyone on the Swedish gambling market shall have permits, and that actors without permits should be excluded. Another starting point is that negative consequences of gambling shall be limited. High consumer protection requires social consideration, with requirements of e.g. moderate marketing. (SOU, 2017b, p. 521)²

The inquiry amounts to 1344 pages, and is separated into two parts (SOU, 2017a; 2017b), 33 chapters, and nine appendices. It contains descriptions of the (then) current Swedish gambling situation and makes numerous suggestions which are justified and discussed in some detail. It does not constitute policy *per se*, but the subsequent policy diverged little from the suggestions in the inquiry.

We approached the material using discourse analysis (Bacchi, 2009; Laclau & Mouffe, 2001). Policies advocating certain solutions to problems also produce these problems discursively: drawing on specific discourses, they *articulate* the problems in certain ways. When problems are articulated, certain interpretations of reality are excluded while others are legitimated, and made to seem intelligible or plausible. While some problem representations are unstable and perceived as open for debate, others are established as inevitable or

as common sense; these have become *hegemonic* (Laclau & Mouffe, 2001). Discourses produce *subject positions*; for instance, RG approaches among Nordic state-owned gambling companies have been shown to produce a subject envisioned as making informed, voluntary choices (Selin, 2022b), a responsible gambling subject produced as different from irresponsible problem gamblers (see also Bacchi, 2009, pp. 91-93). As discourses produce meaning they influence how we understand the world; this connects problem representations and policy to *power*.

We conducted our analysis in several steps. After an initial high-level reading of the material as a whole, we divided the chapters between us to undertake a close reading, directing our attention to how claims were (or were not) made and justified, and how gambling and gamblers were described. All authors copied salient segments of text into separate documents, which were shared and extensively discussed. In this process, we combined inductive and deductive approaches which resulted in a broad selection of themes or codes emanating mainly from the material but also from previous research; for instance, we used literature on gambling policy in other national contexts to search for similarities or discrepancies. Our backgrounds in different but overlapping fields (gender studies, gambling policies and epidemiology, and alcohol policies and epidemiology) enriched and nuanced our discussions.

Bacchi (2009) suggests that the discourse analyst must study how issues and problems are represented and which presuppositions underlie the representation, as well as what is left unproblematic and silent. Furthermore, likely effects of this articulation of the problem and subjects that are produced by it must be discussed (p. 48). In practice, this entails studying how comparisons and lists are used in the text, how accountability is achieved, and alternating between looking at the whole of the texts and its details, and using other discursive studies as well as other previous research in order to make the choices and silences in the text visible (Potter & Wetherell, 1994, p. 55).

Using these questions, we re-evaluated the themes. This process entailed re-readings of the material as well as searches for concepts related to the themes we had found. For instance, regarding the description of gamblers, we searched for “gambler”, “consumer”, and “customer”. Text surrounding these terms was copied into a document which was studied by all authors (Potter & Wetherell, 1994, p. 52). Themes were discussed and

² Quotes have been translated from Swedish to English.

then evaluated, in a reiterative, inductive *and* deductive process, resulting in the identification of the most noticeable over-arching discourses in the material, the medical and market ones, and the ways in which their coexistence resulted in ambivalences, overlaps, silences, and inconsistencies. Throughout, we alternated between studying the material as a whole and studying individual chapters, and between engaging with it and with theory and previous research.

Below, we present our analysis, structured in four themes, each representing an aspect of interaction between the medical and market discourses (and, sometimes, public health approaches). We discuss, in turn, the need for new legislation, the gambling market, articulations of gambling subjects, and problems and solutions in the inquiry.

The Need for New Legislation

The changes proposed in the inquiry are wide-ranging. The most important one is the introduction of a licensing system where licenses shall be obligatory for all gambling providers. Land-based international casinos, some lotteries, and EGMs shall operate under state licences, and other lotteries shall operate under licences reserved for public purposes, but all other forms of gambling will be accessible to licensed companies. Moreover, the inquiry proposes changes in several laws and the introduction of a framework law which shall allow governing authorities to introduce further regulations when needed (SOU, 2017a, pp. 279-283).

In order to make these suggestions convincing the inquiry starts by articulating the problems of the old legislation. The growth of online gambling has, the inquiry states, led to a situation characterised by “unregulated” companies and “non-existent” state control when it comes to online gambling and to gambling companies based abroad (SOU, 2017a, p. 23), which escape taxation and whose obligations to their customers is unclear. Present-day legislation is “partial and obsolete” (SOU, 2017a, p. 23). Thus, a regulation that is flexible and sustainable in the long term is needed:

That the Swedish gambling regulation needs modernisation is fully accepted. It stems from a time when all gambling was land-based and has – with some exceptions – not been adapted to the digital development. Everyone with insight realises that the lottery act (1994: 1000) – which constitutes the foundation of the regulation – needs a fundamental overhaul. (SOU, 2017a, p. 255).

The need for a “modernisation” of the Swedish gambling regulations is motivated by technological developments, and is something that, seemingly, “everyone with insight” “fully accept[s]”. Such matter-of-fact formulations have strong meaning-making effects, as other views of the matter become incomprehensible – only those without insight would disagree. The basis of success of the “earlier ‘doctrine’” (SOU, 2017a, p. 260) has disappeared: “When a market changes radically – or when new technology or competition lessens or increases the need for regulation – politics should develop and adjust to these new realities” (SOU, 2017a, p. 259).

Here, the market and technological changes constitute the “reality” while the old legislation constitutes a “doctrine”. To stick to a doctrine rather than adapt to realities is, of course, unreasonable and irrational; this makes the matter-of-fact effect just mentioned even stronger.

The notions that the gambling legislation was passé, that the state had lost control of the gambling market, and of dangers of foreign gambling companies were well-known in Swedish gambling debates before the inquiry (Cisneros Örnberg & Hettne, 2018; Edman & Berndt, 2016; Ihrfors, 2007). Our material thus draws on well-established tropes. As in British and Finnish gambling debates, technology is framed as “an unknown, unforeseeable force, divorced from commercial and political concerns” (Reith & Wardle, 2022, p. 74; see also Selin et al., 2019). We suggest that the inquiry attempts to articulate the need for change as self-evident and apolitical. Relatedly, it envisions a role of policy and politics as *adapting* and *reacting* to change rather than *initiating* it (see also Bacchi, 2009).

Just Another Commodity? Market and Medical Discourses at Play

In practise, the licensing system meant the end of another Swedish oligopoly. The reregulation of the gambling market followed decades of privatisation of pharmacies, forestry, and infrastructure, and the opening up for competitive private companies in the educational and health care systems in Sweden (Bergh & Erlingsson, 2008). This process has been discussed as a dismantling of the social democratic welfare state, and forms part of a neoliberally inspired development discernible also in other parts of the world (Lindbom, 2002).

In line with this, the inquiry emphasises many neoliberal tenets. For example, it proposes that Swedish gambling enters the financial flows of the global

gambling market, and centres freedom and competition between companies:

Good competition is paramount for dynamics and growth in the Swedish economy. Competition furthers efficient production and resource allocation. Competition contributes to opening markets, benefits the establishment of new companies and the development of innovative products. Efficient competition leads to lower prices and products with higher quality for consumers and other buyers. It also entails increased service and freedom of choice, and possibilities for consumers to affect the supply of commodities, services and other utilities. Damaged competition impacts the economy of citizens and consumers. (SOU, 2017b, p. 277)

Competition is central in the material, most notably in discussions about the future relationship between state-owned company *Svenska Spel* and other companies (SOU, 2017b, pp. 277-292).

The proposed reregulation is compared to other discarded state monopolies: “We can and must learn from reregulations of other sectors, nationally and internationally, not least when it comes to organising infrastructure” (SOU, 2017a, p. 225). After stating this, the inquiry goes on to discuss the privatisation of the Swedish banking, electricity, flying, postal, telephone, railway, pharmacy, and motor-vehicle inspection sectors, as well as the reregulation of the Danish, French, British, and Dutch gambling markets (2017a, pp. 232-254). The main topic of discussion is the “bottleneck problem,” that is, how competing companies shall get access to the necessary infrastructure on equal terms, which in the gambling context mostly pertains to the infrastructure enabling horse racing.

In these discussions, gambling is put on par with other societal sectors, all subsequently transformed into markets. The choice of comparisons is significant: the Swedish alcohol retail monopoly system is not discussed despite pertaining to a product, history, and adverse effects similar and related to gambling. Instead, only markets which have gone through privatisations are discussed, and no consumer perspectives of these privatisations are addressed.

Similarly, the international comparisons chosen in the inquiry are significant: the Nordic countries with remaining or reconstructed gambling monopolies (Finland, Norway) are not brought up. Instead, only countries which, at the time of the inquiry, had wholly or partly privatised gambling are discussed. We suggest

that this selection normalises the proposals made in the inquiry as well as the neoliberal market discourses which underlie them.

Despite its centrality, neoliberalism is not mentioned openly. This is not unusual, as doing so “would be to identify [it] as a political world-view [...] [rather than] a natural law” (Holborow, 2012, p. 18). Instead, “atomised, economic behaviour [is reproduced] as outcomes of supply and demand” and as “beyond human control” (Holborow, 2012, p. 19), which gives neoliberalism a hegemonic, (seemingly) apolitical status. Humphreys (2010) suggests that a similar process is taking place within gambling:

The entanglement of money from casino gambling and government funds is increasingly taken for granted as the state of the world, not as a controversial or preventable fact. By becoming linked with a system of practices to which all major industries and politicians subscribe, casino gambling becomes one commercial interest among many. (p. 501)

Our inquiry similarly attempts to construct gambling as one market among many, and we suggest that the market discourse is to some extent normalised, rendered apolitical, within it.

The existence of market discourses inspired by neoliberalism in the gambling context is not surprising as they are common in other gambling contexts and have been adopted in other Swedish markets. However, in light of the strong position of the alcohol monopoly in Sweden and of previous articulations of gambling as a public health issue, we suggest that the reorientation is remarkable.

Market discourses, while strong, were not the only ones in the material. The inquiry does not propose a completely free market, but one where companies must be licensed, as fields like alcohol or gambling have a different “political logic” than other sectors (SOU, 2017a, p. 225). We suggest that gambling is also articulated through medical discourses that produce it as a risky and addictive pursuit:

Research shows that all games come with a risk for gambling problems. Completely risk-free forms of gambling do not exist, but despite that all gambling is problematic, some games among people with gambling problems are more risky. An important aspect is how the regulation of the gambling market shall be adjusted to different forms of gambling which entail a varyingly raised

risk for unsound gambling and other negative social consequences. (SOU, 2017a, p. 308)

The medical discourse is present throughout, in discussions about the dangers of gambling to children and young people (e.g. SOU, 2017a, pp. 257, 288, 596, 731), about vulnerable groups (2017a, pp. 257, 291, 415, 596, 739), and in proposals of various safety mechanisms required of licensed companies (e.g. chapters 16-18 in SOU, 2017a).

Unsurprisingly, the coexistence of the medical and market articulations of gambling results in recurrent ambivalences in the material:

The gambling market can be understood as a homeostatic system that seeks equilibrium in supply, regulation, and level of risk. If an especially risky form of gambling is introduced, we will see an increased number of people who seek help for their gambling problems with this particular form of gambling. [...] The help-seekers are looked after and some of them free themselves of their problems. Meanwhile, the problematic form of gambling in question is noted and the awareness of its risks are spread throughout society. The public becomes aware of the risks, many gamblers with risky gambling habits realise that the game creates problems for them, and they decrease their gambling, gambling companies reassess their gambling responsibility programs, and regulations may be launched. The effect of this is that the damage of the form of gambling in question is reduced. (SOU, 2017a, pp. 599-600)

The view of the gambling market as a homeostatic system, regulating itself through supply and demand, echoes neoliberal ideas. However, “homeostasis” is a biological term, referring to steady internal conditions maintained by organisms. Thus, the term itself connects to both the market and the medical discourses; risks of gambling are envisioned as regulating themselves over time. In this instance, the two discourses reinforce each other, and their differences are glossed over.

However, in the discussion about whether the proposed changes will result in increased gambling and whether this is acceptable, the differences between the two discourses cause considerable confusion. The inquiry’s directives stipulate that “[t]he demand of online gambling shall be channelled to secure and controlled offers, in a way that does not lead to increased gambling” (SOU, 2017b, p. 526). This is the

only mention of limiting gambling in the directive. The chapter “Purpose of the law” stipulates that “[t]he gambling in Sweden should be kept at a reasonable level” (SOU, 2017a, p. 287). Later, the inquiry argues that “a completely free market would lead to unforeseeable consequences and likely lead to levels of gambling that are everything but reasonable” (SOU, 2017b, p. 291). These three statements are ambivalent: The one from the directive pertains to online gambling only, and even if the following ones attempt to raise concern about increased gambling in a vague way, the meaning of “reasonable” is never defined. Elsewhere, the amount of gambling is connected to the amount of problem gambling:

The accessibility of gambling has a complex relationship to the scope of gambling and gambling problems. Increased accessibility – more forms of gambling, more distribution channels, more places to gamble and longer opening hours do generally lead to more gambling and more gambling problems. (SOU, 2017a, p. 597)

This view draws upon public health ideas, more specifically the total consumption model and its policy implications, such as reducing overall gambling by reducing accessibility (Rossow, 2019). However, there are also other views:

[I]f online gambling is channelled to “safer and controlled offers”, what would be wrong with an increase? It is problem gambling that must not increase. Is there maybe an idea that an increase in gambling automatically leads to an increase in gambling problems? In that case this idea can be discussed. (SOU, 2017a, p. 310)

Here, gambling is seen as disconnected from problem gambling, and the total consumption model is disregarded. Elsewhere, the inquiry states that reregulation will lead to a rise in the number of people playing, since customers who “today are too cautious to gamble will increasingly dare to do so” as games become “more pedagogical and easier to access” (SOU, 2017b, p. 379). This statement, which embraces increased gambling, clearly draws on the market discourse. Additionally, consumer choice is said to reduce risk, which stands in contrast to the reasoning behind the oligopoly, that a *lack* of consumer choice was the safest option.

The ambivalence around increased gambling is, we suggest, one of the most important dissonances between

the market and the medical discourses in the inquiry. An increase in gambling is, on the one hand, uncomplicated or even positive, but on the other hand, it constitutes a risk, especially to vulnerable or irresponsible individuals. Moreover, public health views make a fleeting appearance in the argument about increased gambling being connected to increased problem gambling. The conflict between the medical and market discourses is most visible when the medical discourse temporarily incorporates public health arguments in this manner. Ihrfors (2007) notes a fear of uncontrolled increased gambling in all governmental inquiries of the 1900s (p. 104). In this light, the ambivalence in our inquiry stands out; even if not unequivocal, views of increased gambling as positive do exist. Overall, we suggest that market discourses are strengthened at the expense of medical (including public health) ones. Additionally, the ambiguity within the inquiry offers the gambling industry a lot of leeway to expand its influence over the Swedish gambling market.

Consumers, Gamblers, and Problem Gamblers

Arguably, those who gamble constitute a focal point in all discourses about gambling. In the inquiry, “gambler” is the most common way of referring to those who partake in gambling; it appears more than twice as often as “consumer”, the second most common term. Additionally, “customer” and “problem gambler” are used repeatedly, while “gambling abuser” (*spelmissbrukare*) and “gambling addict” (*spelberoende*) are only used only a couple of times.

“Consumer” is used in the context of advertising, consumer protection, consumer rights and in discussions about the credit purchase law and the National Board for Consumer Disputes. For instance, it is said that “[t]he new gambling regulation shall further gambling that is sound and safe, and have a high consumer protection” (SOU, 2017a, p. 22). “Consumer” is also used about people who might, for instance, receive advertising: “marketing of gambling to consumers shall be characterised by moderation” (SOU, 2017a, p. 39). “Customer” is used similarly: “[t]he customers, when they interact with a licensed gambling operator, shall be sure that they are dealing with a person or company that fulfils a number of basic demands aimed at protecting the customer” (SOU, 2017a, p. 35). The use of “consumer” and “customer” connects to the point made above that gambling is framed as a commodity like any other with consumers like any others, linked to the market discourse. This formulation of the gambler positions him or her as informed and in control, and

vulnerable only insofar as companies fail to engage in proper consumer protection (see also Selin, 2022b).

Meanwhile, the term “gambler” is used in discussions about how much people gamble, about registration and monitoring of gamblers, about money limits in gambling, registering for the national self-exclusion register, bonuses, quick loans, and in relation to crime. In general, “gambler” is used whenever problems are discussed. The term is thus connected to the medical discourse. While the consumer is implicitly framed as a potential victim to marketing or consumer rights violations, gamblers are framed as more active and less innocent, and their gambling practices might put them at risk:

The purpose of opening up and regulating the online gambling market is to guide the consumers towards responsible, trustworthy, and controllable offers as far as possible. The gambling offers should be so attractive that the gamblers are not tempted by the arenas of illegal [gambling] suppliers (SOU, 2017a, p. 290)

Here, consumers are connected to “responsible, trustworthy and controllable” offers to which they should be “guide[d]”, while gamblers are associated with illegal gambling, by which they may be “tempted”. “Gamblers” are also associated with gambling on unregulated sites: “[a]ctors without Swedish permits” direct their services not to consumers, but to “Swedish online gamblers” (SOU, 2017a, p. 177).

However, at other points the gambler and the consumer merge, as when the inquiry states that “The consumer of a game, that is, the gambler, must be able to trust that the games are just and trustworthy and that winnings are actually paid out” (SOU, 2017a, p. 291). Elsewhere it is stated that “it is the gamblers that the state needs to protect but also get to gamble” (SOU, 2017b, p. 353). These statements are ambivalent and draw upon both the market and the medical discourse, most notably the last one, which posits gamblers as lucrative but also at risk.

While the gambler is often at risk, they are not necessarily seen as suffering from a disorder, unlike the “problem gambler”:

The damage of gambling does not only come as a consequence of the amount of gambling that is consumed but also of the size of the losses made by the gamblers, that is, the value of the amount of gambling that is consumed. A tax which raises the price of gambling therefore risks increasing the losses of the gamblers and thus also the

damage. For problem gamblers this is extra important as their demand on gambling is relatively insensitive to changes in prices [...] problem gamblers reduce their gambling to a lesser degree than normal consumers if the prices go up, while they also lose more money. (SOU, 2017b, p. 179)

In this quote, gamblers *consume* gambling, which strengthens the closeness between the two terms. Instead, the irrational “problem gambler” to whom price spikes make no difference, is introduced and contrasted with the “normal consumer”, associated with responsibility and rationality.

The problem gambler is centred especially in chapter 18, entitled “Gambling – problem and responsibility”. This chapter defines problem gambling as “[being] incapable of limiting the expenditures of gambling or time spent on gambling, which has negative effects for the gambler, concerned others, or for society” (SOU, 2017a, p. 593). It also draws upon definitions from International Classification of Diseases (ICD-10), Diagnostic and Statistical Manual of mental disorders (DSM-5), and the Public Health Agency of Sweden (SOU, 2017a, pp. 593-594). These definitions open the chapter; thus, the “problem and responsibility” in its title are instantly framed as problems of a medical nature affecting individuals.

In this chapter, ideas of problem gamblers are informed by ideas about responsibility:

In principle, every person is responsible for their gambling, alcohol intake, etc. However, in reality, the problem is that for some the sense of responsibility is decommissioned by addiction mechanisms. Erroneous beliefs may distort what is perceived as responsible; one cannot judge it properly. Thus: Those with full capacity to be responsible shall use it of course, and those with limited ability to take responsibility shall be supported and steered in the right direction. (SOU, 2017a, pp. 606-607)

Here, problem gamblers are described as unable to take responsibility due to “erroneous beliefs” and “addiction mechanisms” present in “some”, but not all, gamblers. Many researchers note a growing emphasis on gamblers’ responsibility and self-control in contemporary Western contexts (Reith, 2007; van Schalkwyk et al., 2022; Volberg & Wray, 2007), developments that are noticeable also in our material and in Swedish debates (Ihrfors, 2007; Alexius, 2017).

The idea of responsible behaviour as solution echoes the RG approach, which tends to produce a “hypothetical ‘deficit’, a difference between a pathologized ‘problem gambler’ and an ideal-type ‘recreational’ gambler” (Livingstone & Woolley, 2007, p. 364), an argument that is reminiscent of Reith’s (2007) ideas about consumers who should consume *and* exercise self-restraint. In this quote, responsibility represents the “deficit” that separates problem gamblers from consumers.

The articulation of problem gambling in the inquiry produces certain individuals and lack of responsibility as the problem, and responsible gambling that is done with licensed companies as harmless. However, in one instance the inquiry discusses high-risk, moderate-risk, and low-risk games (SOU, 2017a, p. 303). In this passage, (licensed) games are not seen as inherently harmless. Public health perspectives again make a fleeting appearance, but do not, we suggest, alter the dominant narrative of the inquiry.

The focus on the individual and on responsible gambling as harmless is congruent with both medical and market articulations of gambling. The former tend to see the gambler as “an individual organism whose pathology can be corrected or mitigated by responsibly choosing to seek treatment”, using treatment forms that “heighten the sense of personal and individual responsibility for the disorder” (Volberg & Wray, 2007, p. 67). Within the latter, the gambler is obliged to:

temper his or her enjoyment of the thrills of gambling with a prudent awareness of the risks involved, to exercise self-control, to manage losses and, in extreme cases, even to exclude himself or herself from gambling venues altogether—because no one else will. (Reith, 2007, pp. 40-41)

The overlap between the medical and the market discourse makes the ideas of responsible gambling as harmless and of problems as pertaining to the individual self-evident and difficult to refute. The inquiry thus intensifies the focus on individual responsibility noted by Alexius (2017) while also rejecting solutions and models from the public health field, such as primary interventions to prevent ill-health in the citizenry as a whole.

Problems and Solutions: Licensing, Channelling, and Monitoring

As has already been mentioned, the overarching strategy suggested in the inquiry is the *licensing system*. Licensing was well-known from other European gambling

contexts (Nikkinen et al., 2018), and had been discussed as a solution for Sweden since the early 2000s (Edman & Berndt, 2016, p. 102; Ihrfors, 2007, p. 95). The inquiry studied in this article was initiated in 2015 under the name “The gambling licensing inquiry.” Thus, before it was even under way, licensing had been decided upon as its outcome: “this inquiry has not needed to start from scratch, but has been able to direct its efforts at executing and shaping the licensing system that is requested in its directives” (SOU, 2017a, p. 256). That licensing is proposed as the primary solution to the problems of the Swedish gambling market in the inquiry is thus not unexpected, nor is the lack of exploration of other options.

Various forms of licensing are possible, however: exclusive licenses for a whole sector of the gambling market is one possibility, and a strict limitation of the availability of licenses is another, similar to the decision to allow only four licensed land-based casinos in Sweden. A third possibility is to allow a virtually unlimited number of licensed gambling operators. Remarkably, these alternatives are hardly addressed in the inquiry; they are only present in two short discussions on horse racing (2017a, pp. 333-340) and land-based casinos (2017a, pp. 405-409). Without discussing the range of options, the inquiry recommends an unlimited number of licenses except when it comes to land-based casinos and EGMs, that is, for most of the gambling market. The lack of discussion renders this choice unquestionable and inevitable.

We suggest that the proposal of an unlimited number of licenses accommodates problems as they are formulated within both the medical and market discourses (see also Bacchi, 2009). Within the market discourse, problems of gambling have to do with insufficient competition on the market, which would raise prices, and with dishonest companies who launder money or cheat their customers. Accordingly, the inquiry proposes that licensed companies shall be obliged to take measures against fixing matches, money-laundering, and connections to organised crime (SOU, 2017a, pp. 583, 625, 662), while gambling authorities will give and revoke gambling licenses, required for gambling companies as well as gambling developers (SOU, 2017b). This resembles redemption narratives which suggest that “bringing corporations into the gambling business [will] ‘clean it up,’ taking business away from illegal gambling run by organized crime” (Humphreys, 2010, p. 498). The medical discourse (as it is articulated within the inquiry), frames the problems of gambling as occurring in the realms of health, and risks of addiction. These risks are to be mitigated by other aspects of the licensing

system: customer services arms of gambling companies shall be educated about gambling problems (SOU, 2017a, pp. 611-613), and obliged to contact errant gamblers and inform them about gambling problems, the possibility of applying money limits, self-exclusion, and support organisations and hotlines (SOU, 2017a, p. 621).

A system with an unlimited number of licenses is hereby framed as able to solve gambling problems as they are articulated within *both* the market and medical discourses. This mutual compatibility strengthens and stabilises the proposed solutions; had the potential system only answered one formulation of problems, it would have been less successful at excluding potential competing solutions.

Licensing is linked to two other strategies: *channelling* and *monitoring*. Channelling refers to the need to steer gamblers to licensed gambling options:

The games considered by many the most risky are those that must be channelled. If this does not succeed, the regulation will not, in reality, affect the Swedish gambling market. This has to do with increased consumer power following digitalisation. One of the strongest forms of online consumer leverage is to abstain. An unsatisfactory experience or too high prices often leads to consumers voting with their feet and buying their goods or services elsewhere. (SOU, 2017a, p. 269)

Channelling is not a new idea; it is an important tool to protect state interests in several European gambling legislations (Borch, 2022, p. 235; Selin et al., 2019), and in Sweden, channelling gamblers, winning them back from poker sites abroad, was referred to already in 2005 when *Svenska spel* sought permission to offer online poker (Cisneros Örnberg & Tammi, 2011, p. 117). It was also one of the arguments for launching international casinos in Sweden in 2001.

In order for channelling to work, the games on offer must be competitive. This might “trigger self-energising processes where more aggressive forms of marketing and products are constantly developed to outperform competitors” (Borch, 2022, p. 249). A central idea of channelling is “that some people will gamble anyway, in which case the best thing the state can do is make sure that the games provide maximum possible benefit at minimum possible cost” (Borch, 2022, p. 246). If the desire to gamble is represented as a constant in this manner, the possibility that marketing and product development may *create* new demand becomes unintelligible, and negative consequences of gambling become natural and inevitable. As Selin et al. (2019)

point out *à propos* the Finnish reregulation: “the naturalization of the desire to gamble [...] undermined any calls for gambling policies that decreased demand” (p. 157). This illustrates a kind of resignation, where politics again *react* to the market or to human behaviour, constructed as static.

Channelling steers gamblers to licensed gambling companies, which are obliged to *monitor* gamblers’ behaviour as a part of their duty of protection:

all gambling should be registered. This requirement is suggested partly due to the stricter rules about money laundering and financing of terrorism, partly due to the increased responsibility that is placed on the gambling companies according to the proposed regulation. Registering gambling is a prerequisite to it being possible to monitor the gambler, and with regard to what is known about their income etc, be able to intervene if the gambler exhibits a gambling problem. (SOU, 2017b, p. 346)

Apparently, monitoring will reduce criminal behaviour and thus ensure consumer protection, and it will enable gambling companies to intervene if problematic gambling should occur. Monitoring thus makes a virtue out of what is increasingly normalised in all (online) markets: mapping customer behaviours, which enables companies to engage in increasingly fine-tuned marketing.

Monitoring and channelling, like licensing, are said to ensure consumer protection, lead to increased revenues, and provide companies with data about customers, while also ensuring that problem gambling will be discovered and dealt with. Notably, the gambling industry will be responsible for these measures, while the state will engage in “meta-control or ‘the control of control’” (Kingma, 2008, p. 449), which represents a shift within Swedish gambling.

We suggest that monitoring and channelling, like licensing, speaks to market *and* medical views of gambling. That is, they constitute solutions to problems as they are articulated in both discourses, which render them stable and hard to question. However, there are dilemmas: channelling policies may lead to restrictive marketing, as in Norway, or to increased marketing in order to lead gamblers to licensed options, as in the Netherlands (Borch, 2022, p. 248). Additionally, shall the information collected through monitoring be used for marketing, i.e. increasing gambling, or to reduce the gambling of “big spenders”? These dilemmas are not solved but are left to gambling companies and

authorities to handle. The lack of discussion about them in the inquiry stabilises the market and medical discourses, rendering the ways in which problems are conceptualised within them self-evident.

Concluding Discussion

In this article, we have studied the interaction between discourses in the inquiry proposing and envisioning the 2019 reregulation of the Swedish gambling market. While multiple discourses, including the medical, market, RG, and public health ones, have previously been shown to be influential in the gambling field, we contribute with in-depth knowledge of how some of them interact. Our analysis shows that while the co-existence of market and medical discourses sometimes causes ambivalences in the inquiry, they often overlap and reinforce each other.

We argue that in some regards the medical and market discourses compete for hegemony in the inquiry. Thus, there is no hegemonic articulation of gambling, no common-sense articulation of what gambling is, or what it means to be a gambler. This instability, this “dual nature” (van Schalkwyk et al., 2022, p. 6), is, we suggest, not surprising, as some properties of gambling render it particularly difficult to “pin down” discursively: gambling can be consumed, but what do you buy when gambling? The immateriality of gambling renders it a “post-commodity”, “more concerned with the production of desire than with the consumption of individual commodities” (Young, 2010, pp. 258-259; see also Cosgrave & Klassen, 2001). And as the multitude of instruments and criteria to measure problem gambling attest, there is no consensus about what problem gamblers are “addicted” to either (Walker, 1996); analogous to Young’s argument, gambling can therefore be seen as a *post-substance*. These qualities make gambling particularly difficult to categorise and open up space for competing understandings, as the inquiry demonstrates. According to Young (2010), the post-commodity nature of gambling renders it paradigmatic of contemporary consumerist culture. Our approach, to discuss the interplay of discourses about gambling, is vital in order to understand the complexity of this unstable discursive field. The interplay and merging of discourses that we have noted illustrate the fluidity and complexity of processes within contemporary capitalism.

Despite this ambivalence, the medical and market discourses in some respects fit together like pieces in a puzzle (see also Reith, 2007): licensing, channelling, and monitoring make sense from both viewpoints, and the view of the gambling subject as an individual unites both discourses. We argue that these discourses form an

unholy alliance; together, they constitute a joint discourse, and in articulations of gambling as harmless to “responsible” consumers, the two discourses are combined in a way that hides the deep-seated conflicts between them. We suggest that this joint market-medical discourse characterises not only Swedish discussions about gambling, but also discussions in several other Western contexts. Our article exposes the process by which the discourses are linked as well as the points of conflict between them. The latter are important; they can, if harnessed, constitute pressure points from which the discussion about gambling and gamblers may be fundamentally challenged.

Conflicts mainly surface at points where public health perspectives appear in the inquiry. As mentioned above, public health discourses about gambling are related to medical ones but also distinct due to their emphasis on prevention and promoting social equity. Unfortunately, they are rare; thus, several important themes that have been explored by public health scholars are overlooked in this inquiry. Besides the total consumption model, such themes include the disproportionate concentration of gambling expenditure among problem gamblers (Fiedler et al., 2019), the aligning of harm with “consumption rather than production” which “divert[s] attention from the corporate practices, economic systems and political decisions” that produce harm (Reith & Wardle, 2022, p. 74; see also Nicoll, 2019), and the “moral jeopardy” among states and NGOs of accepting and managing gambling revenue (Adams, p. 2016). These critiques hold the potential to challenge market and medical discourses; including them would render upcoming debates about Swedish gambling regulations more dynamic.

The silence around such public health critiques, including equality of health concerns, is remarkable as these have been important in Swedish gambling debates, albeit not as prominently as in discussions about alcohol (as demonstrated by the alcohol retail monopoly system). Furthermore, since 2003 gambling has fallen under the purview of the Swedish public health authorities. The strengthening of duty of care and limiting spending policies potentially constitute important tools from a public health point of view, but they are articulated using RG discourses and ideas about the gambler as an individual. The failure to activate public health perspectives in the reregulation process is enigmatic; the referral process of the inquiry and the more general weakening of these discourses in the Swedish context is a topic in dire need of further study. One observation is that there is no gambling equivalent to the temperance movement in Sweden, and that

patient and significant others’ associations are weak when compared to the alcohol field.

This article has demonstrated the importance of employing discursive perspectives not only to describe various discourses about gambling, but to investigate how they relate to each other. In this regard, the article has pushed scholarly discussions about discourses in the gambling field further. More concretely, the article has contributed a deeper understanding of the articulations of gambling that shaped the Swedish reregulation, including by pointing out some of the dilemmas and tensions involved. However, the consequences of the reregulation, that is, the inquiry’s impact on gambling legislation, practices, and finances have not been discussed; this is an important topic for future research. Several countries have discarded gambling monopolies and oligopolies, and remaining ones are contested and in some cases under reconstruction, for instance in the Nordic countries. Hopefully, our results will deepen the understanding of regulative processes of gambling in these countries and of “vice industries” (e.g. alcohol, tobacco, and sugary food) more generally (Hellman, 2017).

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Funding and Conflict of Interest Statement

The authors have no conflicts of interest to declare. This article was written within the REGAPS (Responding to and Reducing Gambling Problems) research program, funded by Forte, the Swedish Research Council for Health, Working life, and Welfare, grant no. 2016-07091. Between 2020 and 2023, Klara Goedecke has received funding from Forte, the Swedish Research Council for Health, Working life, and Welfare as well as the Public Health agency of Sweden. Jessika Spångberg and Johan Svensson have received funding from Forte, the Swedish Research Council for Health, Working life, and Welfare.

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CRITICAL gambling studies



ISSN: 2563-190X. Available Open Access at <https://criticalgamblingstudies.com>

An Affordable Wager: The wider implications of regulatory innovations to address vulnerability in online gambling

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APA Citation: Bedford, K. (2023). An Affordable Wager: The wider implications of regulatory innovations to address vulnerability in online gambling *Critical Gambling Studies*, 4 (2), 31-50. DOI: <https://doi.org/10.29173/cgs158>

Article History:

Received February 15, 2023

Accepted June 26, 2023

Published January 2, 2024

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Critical Gambling Studies (2023)

Vol. 4, No. 2

An Affordable Wager: The Wider Implications of Regulatory Innovations to Address Vulnerability in Online Gambling

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Abstract: The British government is introducing new regulatory measures to address gambling harm, including affordability checks on online players that rely on cross-operators data sharing. This article seeks to understand these measures, and their limits. Section 1 recaps what we already know about differentiated restrictions on access to gambling, including as manifest in recent state-industry efforts to deploy online gambling technologies to identify and preempt gambling harm. Section 2 summarises agreed and proposed changes to British online gambling regulation since 2019, focusing in depth on affordability checks for players and the related imperative to develop a ‘single customer view’ of play. Section 3 outlines two grounds for concern about the measures, rooted in the industry’s enthusiasm for affordability checks, and ii. the implications for groups of customers who may already be disadvantaged and hyper-surveilled. I raise these concerns in an attempt to identify a way out of an impasse, such that urgent concerns about gambling harm do not translate so readily into regulatory efforts to differentially restrict access to ever-expanding groups of adults considered vulnerable.

Keywords: Affordability; harm reduction technology; UK

Article History: Received February 15, 2023 Accepted June 26, 2023 Published January 2, 2024

Available Open Access from <https://doi.org/10.29173/cgs158>

“An approach to customer interaction which includes consideration of financial context can allow tailored interventions for the minority who are showing signs of gambling which is likely to be unaffordable to them (suggesting loss of control or harm), while allowing those who are not gambling in ways likely to be harmful the freedom to spend their money as they wish. There has been widespread support for this principle” (White paper on gambling reform for the digital age, DCMS, 2023, p. 40).

Introduction: On Wagers and Impasses

Allow me a within-my-means wager. Although rules are in flux, I bet that recent measures to enhance vulnerability and affordability checks on online gamblers in Great Britain² will be extended, as part of a more general overhaul of gambling law. As I explicate below, for online play the national regulator (the Gambling Commission, henceforth the Commission) proposes using data on disposable income, including by postcode,

to ascertain whether individual spending might indicate risk of gambling harm. It also suggests using other data on markers of potential vulnerability and financial harm such as county court judgements, ill-health or disability, bereavement, being a victim of domestic violence, and/or having caring responsibilities (Gambling Commission, November 2020, p. 5). Further, the regulator advocates cross-operator data-sharing, including on affordability, to create a ‘single customer view’ that can identify the vulnerable (Gambling Commission, November 2020, p. 31). These measures are also central to the UK Government’s 2023 White paper on ‘gambling reform for the digital age,’ currently under consultation. This proposes a check for financial vulnerability using open-source indicators “such as County Court Judgements, average postcode affluence, and declared bankruptcies” (DCMS, 2023, p. 42) if an online gambler loses more than £125 net in a month, or £500 in a year. Enhanced, more personalised affordability checks, accessing information about “factors like discretionary income” (DCMS 2023, p. 42)

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² Under the 2005 Gambling Act gambling control in Northern Ireland is substantially devolved, meaning that gambling law reform debates are currently focused on Great Britain (rather than the United Kingdom).



would be triggered at higher rates of loss. (Disposable income is the total amount available, after taxes, to spend; discretionary income is the amount left after necessary living costs are taken into account).

At first glance, a positive outcome to my wager may appear reason for celebration. In 2022, 27% of people in Great Britain took part in online gambling (Gambling Commission, September 2022a), a rise from 14% in 2012 (House of Lords, 2020, p. 9). This expansion has generated considerable concern about consumer harm. While the most recent statistics show stable overall rates of problem gambling (at 0.3% of the population), and of moderate risk and low risk gambling (1.1% and 1.8%), online gambling on slots, casinos, or bingo has a higher rate (8.5% - see Gambling Commission September, 2022a). A wide and growing range of politicians, media outlets, and academics have demanded that the British government act on gambling harms (e.g. Griffiths et al., 2020; Wardle et al., 2021), such that enhanced vulnerability and affordability checks for online play have generally been welcomed rather than critiqued (e.g. House of Lords, 2020; Davies, 2021; Regan et al., 2022; Wardle et al., 2023, p. 155). These innovative measures are also being closely watched by other regulators around the world as a possible model.³

With this article, I seek to start a deeper, more critical conversation about these proposals. More specifically, to understand these new rules and explain their wider relevance I make three steps. In section one, I show that online gambling data has become central to state projects of sorting responsible from at risk players, due to technologies that promise to identify, and pre-empt, gambling harm. I summarise what we know already about the limits, and risks, of these technologies. To underscore what appears to be new about current affordability and vulnerability initiatives, in section two I explicate a series of regulatory measures (either in force, about to be in force, or under consultation) to require vulnerability and affordability checks for online gamblers. Finally, in section three, I outline two grounds for concern about these measures, rooted in the industry's enthusiasm for affordability checks, linked to the profit-making potential of the data to be shared; and ii. the likely disproportionate impacts on groups of customers who may already be disadvantaged and hyper-surveilled. These downsides underscore the urgent need for a wider conversation about the risks of affordability checks.

To explain my own stakes in this argument more explicitly, I should note that I make my rhetorical wager not to win anything, but because I am trying to find my way out of an impasse. With others, I have tried to document the harms that exist in commercial and non-commercial gambling, including online. However, with others, I am also worried that dominant solutions to gambling harm can disproportionately impugn the irresponsibility of predictable groups of consumers, and fail to address systemic unfairness, exploitation, and extraction (Bedford 2015; 2018; 2019; 2022; 2023). As the British debate about gambling has become increasingly polarized (see section two), I have found myself located between, on one side, those who dismiss concern with harm caused by commercial gambling, and, on the other side, those arguing that there is no safe level of gambling, and advocating for access to be differentially restricted for adults who are poor, disabled, widowed, younger, or elderly. The following article is an attempt to identify a way out of this impasse, such that urgent concerns about gambling harm do not translate so readily into a solution – affordability checks reliant on corporate data sharing about disposable incomes – that may prove counter-productive, and that direct resources away from other harm reduction measures.

Methodologically, the article takes a wider approach to law and regulation than utilised by some gambling law scholars. I do not just look at leading cases, or primary legislation, but also at what are sometimes considered 'lower' levels of regulatory activity such as licensing and permit granting, and Commission enforcement action (Bedford 2015; 2018; 2019). In this regard, along with many others, I use the study of regulation as a pathway into what Michael Moran (2003) calls 'low politics, a world of mundane technicalities' (p. 33), or what Mariana Valverde (2011) has termed 'lowly legal mechanisms' (p. 297), and 'everyday legal governance' (2005, p. 55). For this article, I tracked the way that affordability checks have appeared in British gambling regulations, and official consultations and policy debates about changing those regulations, from 2019 (when a new national strategy to reduce gambling harms came into effect) until the April 2023 White paper (which proposes a series of reforms of gambling regulation). In particular, I examined the Licensing Conditions and Codes of Practice (LCCP), and corresponding guidance, issued by the Gambling Commission to specify "the manner in which facilities for gambling are provided" (s. 24 of Gambling Act, 2005). Within the LCCP, a special set of Social Responsibility (SR)

³ The UK's Gambling Commission has repeatedly claimed that other regulators seek to learn from its approach. See e.g. Rhodes (2021; 2022) and Gardner (2022).

codes elaborate obligations on licensed operators. These SR codes have a higher status than ordinary code provisions.⁴

In previous research I have examined the effects (including the unintended effects) of regulatory enthusiasm for player tracking as a solution to gambling harm via extensive fieldwork (Bedford, 2019). I summarise some key lessons from this research in section one. However, with affordability checks I am exploring a set of in-flux proposals that are not fully in effect. One must be very cautious about using in-flux rules to determine, let alone analyse the consequences of, a direction of legal travel. It is also the case that the key regulatory references to affordability are, currently, in guidance, rather than in 'harder' forms of rules like the LCCP itself, or in legislation (though this is likely to change if the White paper is implemented as planned by summer 2024). Nonetheless, there are a number of strong indications, summarised in section two, suggesting that online gambling regulation in Great Britain is moving towards mandated monitoring of affordability for substantial numbers of people, and that this, in turn, is fuelling requirements for commercial actors to share a wide range of data. In section three, I offer an early analysis of the likely downsides of such a shift, reliant in part on the lessons from section one. I do so in full awareness that future studies of implementation, attentive to differential impacts on different groups of people, will be required as part of any robust future conversation about affordability checks.

Section 1: Gambling Regulation, Differentiated Access, and Faith in New Technologies to Reduce Harm

Most states do not straightforwardly prohibit all forms of gambling for all adults. Rather, differentiated restrictions on access to gambling have often been a way for states to show their ability to control markets and prevent social harm (Bedford, 2019; 2022; 2023). While gender, class, and race-based distinctions have long been made regarding which activities count as gambling and which are investment (e.g. de Goede, 2005; Kreitner, 2007; Loussouarn, 2013), or charity (Bedford, 2015; 2018; 2019), lawful engagement in activities defined as gambling has also long been limited to certain groups of adults. As Australian economist Julie Smith (2000) notes (quoting the work of Viti de Marco, an early public finance expert), "the gambling of some people is

punished for the purpose of maintaining public morality, and the gambling of others is legalised for the purpose of obtaining a public revenue" (quoted in Smith, 2000, p. 120). Historically, enforcement of general anti-gambling laws often selectively targeted particular groups, such as Black players and organisers of numbers games in Chicago and New York (Haller, 1991; Harris, 2016), or Chinese immigrants in South Africa who were betting on dominoes (Louw, 2019).

Within this broader critical literature on differentiated gambling regulation, three insights are especially useful for understanding affordability checks. Firstly, state concern with harmful gambling is increasingly manifest via joint industry-state efforts to 'responsibilise' consumers and identify the deviant (Reith, 2004; 2013). Promises to sort between those who can and cannot handle speculative play can thus be part of the "government 'integrity guarantee'" (Smith, 2000, p. 136) upon which commercial gambling relies, involving practices that reassure the public that gambling is properly controlled. Responsible gambling efforts targeted disproportionately on those whose consumption is always considered suspect (such as Indigenous people, young people, and poor people) may hereby function to retrieve the respectability of gambling more broadly, and show that the state is acting, alongside gambling corporations, in the public interest. Australian gambling scholar Fiona Nicoll (2019) argues that in such moments the problem gambler "becomes the foil against which commercial gambling is celebrated as a means of supporting free enterprise and charitable causes" (p. 219). Focusing on Australian efforts to restrict the gambling of Indigenous benefits recipients, she notes that:

The ideological tension between 'freedom to gamble' and 'freedom from gambling' in liberal political debates has very real implications for different populations....We need to attend to the role of gambling in making specific populations the target of punitive welfare policies which involve more or less direct exercise of force through surveillance and policing functions of the state. (Nicoll 2019, p. 16)

Secondly, and relatedly, states have taken increasing interest in the governmental use of commercial gambling

⁴ Under s. 82 of the 2005 Act, operating licences are subject to the condition that gambling operators comply with SR code provisions issued under s. 24. Hence while ordinary codes set out good practice, and have a status more akin to softer, voluntary guidance, a breach of a SR code may lead the Commission "to review the operator's licence with a view to suspension, revocation or the imposition of a financial penalty, and would also expose the operator to the risk of prosecution" if an offence has been committed (see Gambling Commission, 2022 *Social Responsibility Code 3.4.3*, preamble p. 1). Hence guidance on SR codes has a harder legal edge.

data and technologies to sort the responsible from the at risk (Bedford, 2019). Most obviously, player tracking technologies built into gambling machines – initially designed to improve personalised marketing in Vegas casinos – were subsequently retooled for responsible gambling purposes, to enable pop up messaging on excessive spending or time playing (Schüll, 2012). Commercial surveillance technologies to monitor and shape player behaviour have a dual, and arguably inherently conflictual role here: to enable more effective marketing so as to accelerate consumption, while also promising to increase safety (Schüll, 2012, p. 276; see also Hancock, 2011, p. 161; Reith, 2013; Kingma, 2015; Bedford, 2019, pp. 268-300).

Thirdly, as I have argued in an extended study of trends in bingo regulation, there is a particular interest in using new commercial *online* gambling technologies to protect consumers (Bedford, 2019). Paradoxically, given generally higher rates of harmful gambling online (see introduction), the ease of data collection and sharing has led many to argue that online gambling is potentially far *safer* for consumers than retail gambling, and that its cutting-edge player-tracking technologies should be extended to all gambling forms. Online gambling is an especially important *resource* for state regulatory power here, because its technologies offer unprecedented opportunities for surveillance, and subsequent restriction of access, including via pre-emptive identification of potentially problematic, disordered, or risky gamblers, or those vulnerable to becoming such. Specifically, online gambling is an especially fertile sector for the development of algorithmic regulation, where knowledge is generated by computational systems that search massive amounts of data for correlations, and that subsequently use the knowledge to adapt the regulated environment. Researchers, regulators, and gambling companies have been jointly interested in such potentials for a while, collaboratively investing in a pro-innovation narrative of online gambling technologies (see in-depth discussion in Bedford, 2019). Over a decade ago Bwin, a major online betting company, paired up with academic researchers to try and develop predictive algorithms that could identify patterns of disordered gambling, both among those who already have gambling-related problems and those who may develop them in future (LaPlante et al., 2012, p. 172). An initial meeting between the company and researchers established the shared common ground that “the Internet should provide a safer context within which to gamble or conduct other e-commerce because the behaviour of consumers could be carefully monitored and any aberrations from patterns of normal behaviour

could be technologically identified” (LePlante et al., 2012, p. 165). Other researchers have focused on behavioural tracking tools such as PlayScan (developed by Swedish gambling monopoly Svenska Spel) and Observre (developed by Israeli gaming company 888), both of which claim to detect problematic gambling online before it reaches the clinical threshold of a problem gambling diagnosis (Griffiths, 2012). The common thread to this work is a claim that it is far easier to mitigate problem gambling when “all activity is electronically recorded and linked to an identifiable individual,” including because behavioural markers of risky play can be identified, and used “for the purposes of proactively altering the player and/or implementing some type of automated restriction/intervention” (Williams et al., 2012, p. 20).

I have argued elsewhere that such joint state/industry/researcher faith in the harm-reduction potentials of commercial gambling data is often misplaced, and may be harmful (Bedford, 2019). In particular, the Gambling Commission has previously advised moving retail players away from using cash, towards more easily trackable gambling on account, as a harm reduction measure. This advice rests on claims about account-based play as safer than, in turn, rely on celebratory, pro-innovation narratives about new gambling and payment technologies. Yet many low income people, and older people, use cash to help limit spending (Bedford, 2019, p. 268-300), such that encouraging customers to play on account can increase risks. Some parts of the land-based gambling industry are especially keen on account-based play precisely *because* it can automate spending, especially for machine players.

The Commission’s newer interest in vulnerability and affordability checks for online players raises a distinct set of concerns, however. In the remainder of this article, I outline the key features of this more explicitly differentiated approach to responsible gambling consumption (section two), and I examine its broader implications for profitable narratives of technological innovation, and for player surveillance (section three). My aim is to prompt a wider and more critical conversation about these measures, especially among those who wish to prevent harm to players.

Section 2: Regulation of Harm in Online Gambling: Current Trends in Great Britain

“The reality is that it is simple to identify customers that *may* be at risk of harm, based on financial, time and behavioural indicators and applying knowledge about average consumers or

knowledge about individual consumers.”
(Gambling Commission, November 2020, p. 5,
original emphasis).

“Our vision for remote gambling is that the risks
are mitigated, and that we maximise the use of
technology and data to protect people in a
targeted way at all stages of the customer
journey” (DCMS, 2023, p. 30).

Section 2.1: A New, Pro-Technology Approach to Gambling Harm

Social responsibility obligations were placed on
licensed gambling operators under the 2005 Gambling
Act, especially via the third licensing objective
(protecting children and other vulnerable people from
being harmed or exploited by gambling).⁵ Within the
broader LCCP issued by the Commission, a special set of
Social Responsibility codes elaborate obligations on
licensed operators (see methods discussion above).

Such obligations notwithstanding, in recent years the
Commission and Conservative government have come
under growing criticism, linked to a widespread sense
that gambling harms are increasing, and that regulators
have been asleep at the wheel. Public perception that
gambling is fair and can be trusted fell from 49% in 2008
to 29% in 2020 (Gambling Commission, April 2021, n.p.).
In 2019 a new National Strategy to Reduce Gambling
Harms was launched. This prioritised harm prevention,
and better treatment and support for those afflicted
(Gambling Commission, 2019; Advisory Board for Safer
Gambling, 2020, p. 3). In December 2019, the
Conservative Government was re-elected, with a
manifesto commitment to review the Gambling Act
2005, to strengthen protection. In February 2020, the
National Audit Office issued a highly critical report on
gambling regulation, singling out the Commission’s
“cautious approach to changing regulations” on
gambling machines in betting shops (NAO, 2020, para.
19)⁴ and its lack of clarity on consumer vulnerability
(para. 2.11-3). Its first recommendation was that the
Commission “articulate clearly how it interprets which
consumers may be vulnerable, under what
circumstances, and how its work is intended to address
this” (para. 22a). In July 2020 the House of Lords
Gambling Industry Committee published a report

entitled *Gambling Harm— Time for Action* (2020)
containing distressing testimony from players who had
been targeted with inducements to continue gambling,
despite having already lost life-changing amounts. The
report concluded that “gambling operators have made
hay exploiting the *laissez faire* regime that has existed
hitherto, while successive governments and regulators
have failed to keep up with the revolution in the UK
gambling sector” (p. 6).

The approach to regulation, and to harm, is in
considerable flux as a result of this barrage of criticism.
One relatively settled change is that the Commission now
identifies its vision as a market in which players are
“supported to gamble safely and protected from harm”
(Gambling Commission, April 2021, p. 4). To this end,
operators are expected to “work collaboratively with
each other to reduce the risk of harm from gambling;
invest in technology to identify risks and intervene
effectively to prevent crime and consumer harm;...
actively identify and appropriately manage risk and
emerging risk” (Gambling Commission, April 2021, p. 14).
Relatedly, the understanding of harm has shifted “from
solely counting the number of problem gamblers in the
population” (Advisory Board for Safer Gambling, 2020, p.
1) towards more comprehensive measures. ‘Gambling-
related harm’ is now defined as “the adverse impacts
from gambling on the health and wellbeing of individuals,
families, communities and society” (Advisory Board for
Safer Gambling, 2020, p. 11; see also Public Health
England, 2021).

The 2023 White paper confirms that gambling
regulation is increasingly oriented to public health, social
responsibility, and harm prevention. It is underpinned by
a concern with strengthening protections for vulnerable
groups (including the financially vulnerable, and those
aged 18-24) and with targeting state intervention “to
prevent addictive and harmful gambling” (DCMS, 2023,
p. 2). This approach involves more research on links
between gambling and problems such as suicide, debt
and other financial harms (e.g. reduced credit scores, use
of food banks, homelessness); relationship breakdown
(e.g. divorce; separation; use of relationship services);
crime (including domestic violence and abuse), and
“health harms and their social and economic burden”
(Advisory Board for Safer Gambling, 2020, p. 2), including
mental health harms such as increased anxiety and

⁵ See s.1 Gambling Act 2005 on the licensing objectives; see s.22 on the Commission’s duties related to social responsibility, including ensuring that gambling is conducted in a fair and open way, and protecting children and other vulnerable persons from being harmed or exploited.

⁴ The maximum stake for B2 gambling machines (which had proliferated in betting shops) was cut from £100 to £2 in 2019. On the harms of these machines, for both players and betting office staff, see Cassidy, 2020.

stress; feelings of shame and stigma; insomnia; and self-harm (Advisory Board for Safer Gambling, 2020, p. 6). There is widespread consensus about the urgent need to improve data on at-risk groups, and to identify the causal pathways explaining their vulnerability (Public Health England, 2021; DCMS, 2023).

Moreover, there is considerable interest in using new technologies to facilitate innovative protections for players, especially online. The White paper notes that while “particular elements and products within online gambling are associated with an elevated risk of harm” (DCMS, 2023, p. 4):

the online environment also provides many opportunities to make sure people are gambling safely. All online play is account-based, and recent years have seen significant strides in the development of harm detection algorithms which monitor every aspect of a customer’s gambling to spot signs of risk and trigger interventions without human input (29-30).

In the remainder of this article, I zero in on one dimension of this revised, pro-technology approach to gambling regulation: the Commission’s attempts to improve operator monitoring of affordability, to address differentiated vulnerability in online play.⁵

Section 2.2: Affordability checks: the Cutting Edge of a New Approach

Given the confusing and in-process nature of these attempts, I have summarised the key steps in the regulatory journey via a timeline (Figure 1), supplemented with narrative below.

The expanded use of affordability triggers was prompted in part by social responsibility failures related to VIP customers in land-based casinos (Gambling Commission, 27 June 2019). In response, closer monitoring of individual spending, and better use of relevant population-level risk identification frameworks, emerged as a key regulatory innovation, with the Commission issuing a 2019 report on the need to enhance affordability checks. Its’ final paragraph recommended that operators use benchmark triggers based on disposable income levels of their customer base, “to ensure vulnerable customers are identified as early as possible and interacted with appropriately” (Gambling Commission, 27 June 2019, n.p.).

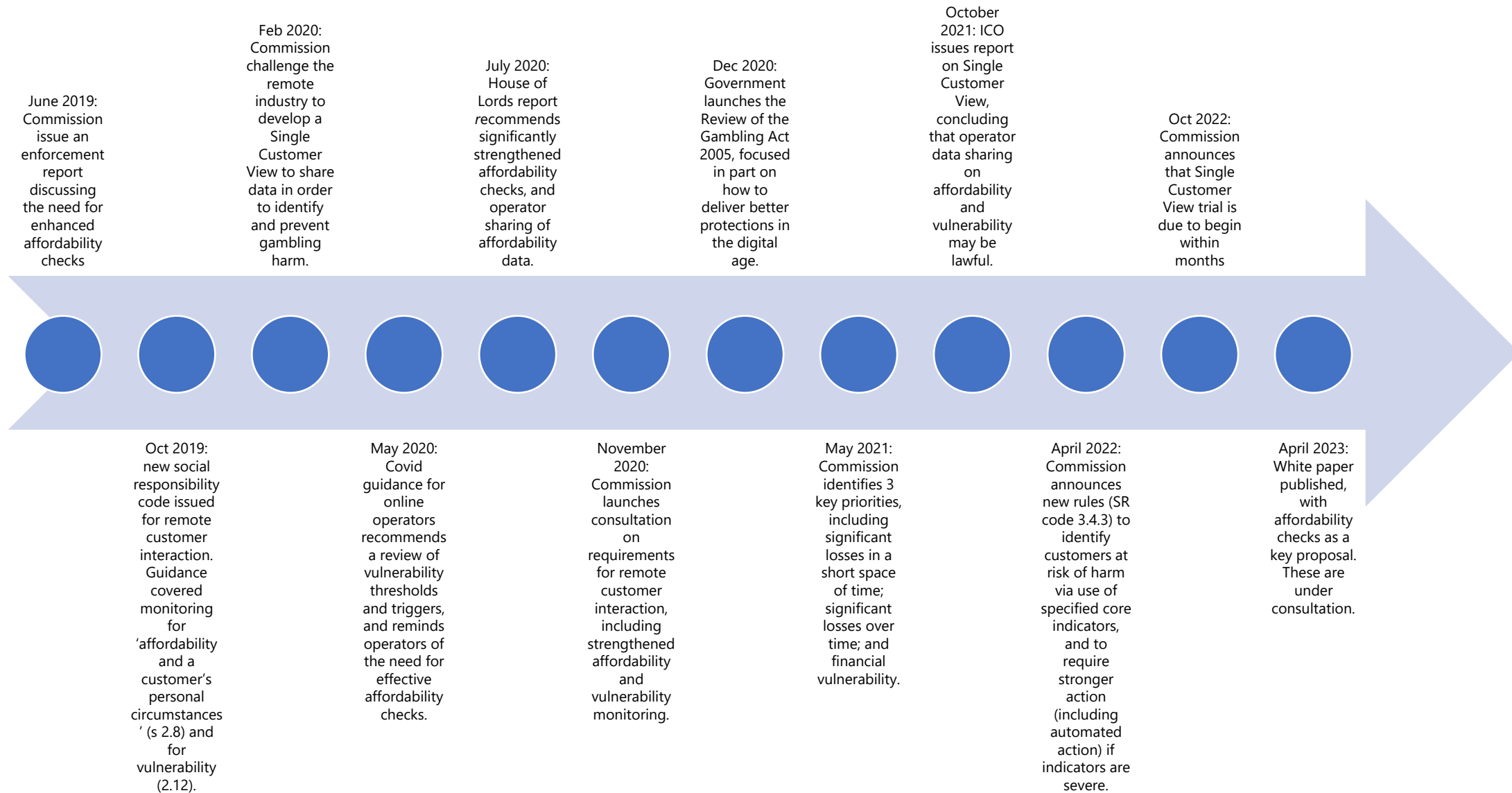
Although the concern about affordability first emerged in relation to casinos, the rules to tackle it quickly influenced the regulation of online play. In February 2019 the Commission issued a response to a consultation on improving age and identity certification for remote gambling. Some participants in that consultation argued that licensees could, and/or should, use information about a customer’s financial circumstances and lifestyle, such as bank statements, income, credit checks, and expenditure, to inform the licensee about how much that customer could afford to gamble (see discussion in House of Lords, 2020, p. 84).

In July 2019, a new social responsibility code provision (s. 3.4.1) was issued, requiring remote operators to interact with customers in a way which minimises the risk of those customers experiencing harms associated with gambling. The accompanying guidance (Gambling Commission, July 2019) required operators to monitor customer activity closely, from when accounts are opened (s. 2.3), and to use a range of indicators (including on time gambling and amount spent) to identify customers at risk of harm (ss. 2.12-2.18). The 2019 guidance on ‘affordability and a customer’s personal circumstances’ noted that “Historically, gambling operators have not systematically considered customer affordability when developing their customer interaction policies” (Gambling Commission, July 2019, s. 2.8), relying instead on deposit or loss thresholds as prompts. Such thresholds should, the guidance stated, be set to realistic levels, based on the company’s Great British customer base, using average available income figures from the Office of National Statistics, ONS (Gambling Commission, July 2019, s. 2.10). In particular, thresholds should reflect awareness of the difference between disposable and discretionary income, since “most people would consider it harmful if they were spending a significant amount of their discretionary income on gambling” (Gambling Commission, July 2019, s. 2.11). Here we see a shift towards greater regulatory interest in data on discretionary income (the amount left after necessary living costs are taken into account); the original, casino-derived rules on affordability were concerned with disposable income (the total amount available, after taxes, to spend).

In July 2020 the House of Lords Select Committee on the Gambling Industry published its report into gambling harms, containing key recommendations

⁵ Affordability checks aim to address two risks: money laundering, and also “whether customers are spending an affordable amount” and hence whether their play indicates vulnerability to gambling harm (Gambling Commission, June 27 2019 27, n.p.). I have addressed money laundering elsewhere, as it relates to measures to reduce cash use in the UK and Canada (Bedford, 2018; 2019).

Figure 1: Timeline showing key developments in affordability checks and the Single Customer View from 2019 to April 2023.



on affordability. The report asserted that “affordability checks are critical to any attempt to make gambling safer and reduce problem gambling” (House of Lords, 2020, p. 83). Individual level checks were crucial, since “what can be an enormous sum and totally unaffordable for most people is, for some, small change” (House of Lords, 2020, p. 84).⁸ It argued that existing guidance on affordability “leaves much to the discretion of individual operators,” and fails to “state in the most explicit terms that it is now the duty of operators to develop policies which will enable them to identify when customers are betting amounts they cannot afford, and to cease accepting their bets” (House of Lords, 2020, p. 85). It also repeatedly asserted that online gambling companies have “the resources to discover what is affordable” (House of Lords, 2020, p. 7; see also p. 85). They need to be reassured that they can lawfully share this affordability data with other operators (see below), and they must be made to apply that data for harm prevention purposes.

In November 2020 the Gambling Commission undertook a consultation on further changes to remote customer interaction requirements, to strengthen rules on identifying vulnerable customers, and intervening – including via automated means – when people show signs of vulnerability, harm, or “gambling beyond their means” (Gambling Commission, November 2020, p. 1). The Commission defined “a customer in a vulnerable situation as somebody who, due to their personal circumstances, is especially susceptible to harm, particularly when a firm is not acting with appropriate levels of care” (Gambling Commission November 2020, p. 26; see original definition in Gambling Commission 2018). The category of “life events’ that should trigger a vulnerability alert included “if an individual is experiencing financial difficulties, is homeless, is suffering from domestic or financial abuse, has caring responsibilities, experiences a life change or sudden change in circumstances such as divorce or bereavement, job loss.” (Gambling Commission November 2020, p. 26). Other indicators of vulnerability included making complaints (including making negative comments about the company in chatrooms), and refusal to use gambling management tools (Gambling Commission, November 2020, p. 8).

With regard to affordability checks specifically, in a section headed “What is the issue?” the Commission explained that:

Individuals spending more than they can afford to lose is one of the harms most commonly associated with a gambling disorder, and the harms can be significant even at spending levels which can be seen as low. The level of spend on gambling at which harms begin to occur will depend on the consumer’s discretionary income. If a consumer can only fund their gambling by using funds that are needed to support necessities, this is unsustainable (Gambling Commission, November 2020, p. 15).

Using information from enforcement proceedings, it gave six examples of customers gambling excessive amounts, with inadequate affordability checks; the average amount lost was £35,700 (p. 18). Although enforcement action was ongoing (p. 17), the Commission wanted stronger rules, including “that operators must conduct defined affordability assessments at thresholds set by the Commission” (p. 9). Its proposals rested on a mixture of general data on average levels of household expenditure, and matching player profiles to ONS data on household expenditure by disposable income (p. 20). This data led the Commission to initially suggest a £100 per month affordability threshold for losses (p. 21). However, the threshold suggestion was subsequently dropped from its recommendations, much to the relief of leading operators (O’Boyle, 2021).

Crucially, the Commission did not expect operators to conduct affordability assessments alone. Its 2020 consultation anticipated “that the majority of affordability assessments will be supported by the use of third-party providers, to validate or supplement information collected from customers directly” (Gambling Commission, November 2020, p. 22). Most commonly, this would involve providers utilising insights based on postcode level data, including average property price, to suggest household affordability level. Credit reference agencies may be able to supply data on other income indicators, such as mortgage payments and other essential expenditure. Publicly-available ‘adverse information’, such as county court judgements, may also be used to help provide “an indication of an individual’s financial position” (p. 22). If better collaboration with the financial sector were enabled, banks could also help

⁸ In this respect the report compared the individual who had gambled (and lost) £2 million in one night [see *Aspinall’s Club Ltd v Fouad Al-Zayat* [2008] EWHC 2101 (Comm)], with the retired postman who had previously self-excluded from a casino but who was allowed to buy-in for £60,000, losing a quarter of it (House of Lords 2020, 84).

address vulnerability relating to unaffordable play by potentially blocking payments.⁹

The full consultation response, and a new SR Code Provision on remote customer interaction, finally appeared in April 2022 (see Gambling Commission 2022, Social Responsibility code 3.4.3). The new code provision included 14 new or updated requirements on licensees. For example, indicators utilised to identify harm or potential harm associated with gambling must now include customer spend, patterns of spend, time spent gambling, gambling behaviour indicators, customer-led contact, use of gambling management tools, and account indicators (Gambling Commission 2022, Social Responsibility code 3.4.3, requirement 5). Licensees must also tailor actions based on the number and type of harms exhibited (Gambling Commission 2022, Social Responsibility code 3.4.3, requirement 9), and these must include taking strong action “as the immediate next step in cases where that is appropriate, rather than increasing action gradually” (requirement 9c), including by using automated processes (Gambling Commission 2022, Social Responsibility code 3.4.3, requirement 11).¹⁰

Guidance on the new code provision 3.4.3 – including on the Commission’s approach to customer vulnerability – was provided in June 2022 (Gambling Commission, June 2022), and was due to come into effect on 12 September 2022, but it was withdrawn at the last minute. The stated reason was that industry had requested an extension to the timeframe, and that the government had taken this opportunity to consult further. Most of the code provision 3.4.3 itself was brought into force, but the parts that refer to Commission guidance are not in effect. In November 2022, the Commission launched a consultation on the June 2022 guidance, running until late January 2023 (Gambling Commission, November 2022).

According to that November 2022, ‘under consultation’ guidance, vulnerability monitoring is a continuous process. Licensees would be required to consider the factors that might make their customers more vulnerable to experiencing gambling harm; understand whether a customer is at greater risk of experiencing gambling harm and to what extent, and take timely action in response to the information they have available, including via through automated, immediate measures if indicators of harm are strong

(Gambling Commission, November 2022, p. 18). Operators are required to monitor continuously to ascertain the appropriate actions, since “a vulnerable situation can be permanent, temporary or intermittent, and may be related to health, capability, resilience, or the impact of a life event such as a bereavement or loss of income” (Gambling Commission, November 2022, p. 23, Proposed formal guidance under SR Code 3.4.3, s.3c.).

Key information that licensees are required or advised to use includes that gained from identity verification, assessment of affordability and source of funds for anti-money laundering purposes, interactions with customer services, chat rooms and player forums, and complaints (Gambling Commission, November 2022, p. 24, Proposed formal guidance under SR Code 3.4.3, s.3d). Factors specified in the under-consultation guidance that might make an individual more vulnerable to gambling-related harm include poor physical or mental health, physical or cognitive impairment, side effects from a brain injury or medication, addiction being a young adult, being an older adult, financial difficulties, homelessness, domestic or financial abuse, caring responsibilities, experiencing a life change or sudden change in circumstances, having a higher than standard level of trust or appetite for risk, and having difficulty accessing product information because of poor literacy or numeracy skills, knowledge, dyslexia (Gambling Commission, November 2022, p. 24, Proposed formal guidance under SR Code 3.4.3, s. 3f). Indicators that can be used to identify harm or potential harm include “amounts spent compared with other customers, taking account of financial vulnerability,” “frequent complaints about not winning,” “amounts spent, taking into account affordability,” amount of time spent gambling; and “time of day gambling, e.g. late night” (Gambling Commission, November 2022, p. 15-16, Proposed formal guidance under SR Code 3.4.3, s. 5b). On affordability specifically, the proposed 2022 guidance on affordability assessments under SR 3.4.3 (Gambling Commission, November 2022, p. 28, Proposed formal guidance under SR Code 3.4.3, s. 4f) reiterated the 2019 guidance on SR code 3.4.1, on using ONS data on levels of household income, and being aware of the difference between disposable and discretionary income when setting thresholds (see also Gambling Commission, November

⁹ Most banks already provide opt-in blocking for gambling payments (although it does not apply to National Lottery tickets). However, the proposal here is that blocks be made on the basis of a risk score generated by a company, rather than after customer request. See discussion in House of Lords (2020).

¹⁰ In a concession to data protection concerns, these automated processes must be manually reviewed, with customers given the opportunity to contest the decision (Gambling Commission 2022, Social Responsibility code 3.3.4, requirement 11). See further discussion of the Single Customer View below.

2022, p. 13). However, it stated that this guidance will be updated based on future consultations.

Finally, the April 2023 White paper proposed a range of new regulations in line with the emphasis on affordability. These will be subject to consultation over the coming months, with planned implementation in Summer 2024. Specifically, the White paper proposes introduction of “a more prescriptive and risk-based model... where remote operators are required to investigate the customer’s financial circumstances in response to certain loss triggers to understand if their gambling is likely to be harmful to them” (DCMS, 2023, p. 40). These affordability checks are a response to the burdens of harmful gambling on the poorest people, including the unemployed and those living in deprived areas (DCMS, 2023, p. 233). Two types of affordability check are proposed:

- i. a financial vulnerability check using open-source indicators “such as County Court Judgements, average postcode affluence, and declared bankruptcies” (DCMS, 2023, p. 42). This would be triggered if a player lost more than £125 net in a month, or £500 in a year.
- ii. an enhanced spending check “which provides much greater insight into a customer’s financial situation by accessing more personalised data to consider factors like discretionary income” (DCMS, 2023, p. 42). This would be triggered on any account with net losses exceeding £1000 in a day or £2000 in 90 days. The trigger amounts for the enhanced check are to be halved for adults aged 18-24 (e.g. to £500 in 24 hours, or £1000 in 90 days) (DCMS, 2023, p. 43).

The White paper estimates that, in the first year the measures are in place, c20% of online gambling accounts will be subject to a financial vulnerability assessment, and c3% will be subject to an enhanced check (DCMS, 2023, p. 44). These checks will be ‘frictionless’ for most customers because they will be conducted online by credit references agencies, or via sharing of banking data: “Further information will only be requested from customers as a last resort where it is necessary to complete an assessment” (DCMS, 2023, p. 4). It will be for the operators to “respond appropriately to any identified risks on a case-by-case basis, taking into account all the information they know about the customer” (DCMS, 2023, p. 4).

It is not that the government is setting a general limit on how much British adults can gamble, then. In fact, the White paper expressly disavows that aim (DCMS, 2023, p. 4). Rather, the affordability checks will enable an operator “to understand if a customer’s gambling is likely to be harmful *in the context of their financial circumstances*” (DCMS, 2023, p. 26, emphasis added). In particular, the checks aim:

to protect those vulnerable cohorts for whom even relatively modest gambling losses could be in itself harmful, for example by limiting income available for necessities. This is particularly relevant in light of the rising cost of living which we recognise is likely to exacerbate issues around financial vulnerability (DCMS, 2023, pp. 39-40).

In turn the enhanced checks will pay “especially close attention to those who lose unusually large sums *relative to both other customers and other likely outgoings*” (DCMS, 2023, p. 39, emphasis added). Interest in discretionary income data again stands out.

Section 2.3: The Single Customer View

“There is no doubt that this can be done” (House of Lords Committee report on *Gambling Harm—Time for Action*, on the Single Customer View, 2020, p. 87).

In terms of where this rapidly-evolving work on affordability fits within the broader ecosystem of regulatory work on gambling harm, besides the further consultations planned the Commission is working “on best practice in the use of algorithms in identifying and taking action to minimise harm” (Gambling Commission, November 2022, p. 20). Most importantly, work on customer vulnerability and affordability relies on another stream of work on sharing data across operators to identify at-risk customers, referred to as a ‘single customer view (SCV)’ (Gambling Commission, November 2022, p. 3). Multi-operator, cross-sector self-exclusion has been in place for land-based gambling for many years, and GAMSTOP, implemented in 2018, also provides players with the ability to self-exclude from online gambling operated by different companies. The SCV goes considerably further, however, allowing operators to monitor online gambling across different accounts, in order to be more proactive about identifying and preventing gambling harms. This is considered important because some people who experience harm will not take up gambling management tools themselves

(Information Commissioner's Office, 2021, para. 4.9). Moreover "online gamblers hold an average of three accounts, with a significant proportion of younger gamblers holding more," and health survey data suggests that customers who take part in multiple gambling activities have an increased risk of harm (Gambling Commission, October 7 2021, np).

The SCV emerged after the Gambling Commission was criticised by the National Audit Office for its limited capability to identify vulnerability and consumer harm. In February 2020, the Commission set the remote gambling industry a challenge, to come up with a cross-operator solution "using technology to facilitate a single view of consumer activity...to make gambling safer" (Gambling Commission, February 11 2020, np). The regulator held an event on the SCV idea; more than 100 gambling and technology specialists attended, including from leading firms such as 888, Bet365, Betfred, GVC, Sky Bet, and William Hill (Gambling Commission, November 6 2020, p. 74; Gambling Commission, February 11 2020). The event was also attended by the Information Commissioner's Office (ICO), the UK government body charged with upholding information rights in the public interest, and promoting openness by public bodies and data privacy for individuals. The Betting and Gaming Council (a gambling industry body representing leading remote operators) was charged with coordinating the sector's response to the Commission's SCV challenge. In turn, the 2020 House of Lords report discussed how a SCV was crucial for effective affordability checks, since it would help prevent a customer turned down on affordability grounds from one operator from "placing bets with another operator who may not have access to the same data against which to test affordability" (House of Lords, 2020, p. 86). Online gambling operators gave evidence that they "have a huge amount of data on our customers" (House of Lords, 2020, p. 86 but that they could not share it with other operators because of concerns about violating data protection rules in the General Data Protection Regulation (House of Lords, 2020, p. 86). The ICO provided a formal response to the Committee inquiry, stating firmly that these concerns were unwarranted: "data protection legislation does not prevent gambling operators from sharing the personal

data of their vulnerable users" (Information Commissioner's Office, 2020, p. 4).

In November 2020, the Gambling Commission was accepted into The Regulatory Sandbox, an ICO initiative designed "to support organisations who are creating products and services which utilise personal data in innovative and safe ways for public benefit" (Gambling Commission, October 7 2021, np). The aim was to give a steer about how the SCV (in conceptual form, rather than as an actual pilot) could be developed in line with data protection laws, in order "to allow data, which already exists around individual player behaviours to be aggregated to drive better decision making, actions and evaluation to reduce gambling related harms across all online gambling operators" (ICO, 2021, para. 1.5). According to an October 2021 report on that initiative, the ICO found that online gambling operators currently use a range of behavioural data to identify and guide interactions with individuals who may be at risk of gambling related harm, including time and money spent gambling, refund requests, use of multiple payment methods, bonus or offer requests, adverse information supplied (e.g. declaration of a gambling problem or relevant circumstances revealed to customer service staff), and payday spending (Information Commissioner's Office, 2021, para. 4.7). However data collected varies across operators, and licensees have discretion in how they identify at-risk customers and make interventions (Information Commissioner's Office, 2021, para. 4.8). It concluded that operator sharing of data relating to individuals identified as at risk may be lawful, depending on the arrangements.¹¹

The Commission's response to the ICO's report outlined the next steps as involving industry trials of a proposed solution (Gambling Commission, October 7 2021). In an October 2022 speech to international gaming regulators, the Commission's CEO Andrew Rhodes said that a SCV trial is set to begin "in the coming months" (O'Hagan, 2022, np). In turn, the 2023 White paper mentions that the Commission "intends to consult on mandating participation in a *cross-operator harm prevention system based on data sharing*, following assessment of the currently live operator trials" (DCMS, 2023, p. 4, original emphasis). The precise interaction between the SCV and the financial checks outlined above

¹¹ Specifically, sharing of behavioural data may be lawful under Article 6 (1)(f) 'Legitimate Interests' or under Article 6 (1)(e) 'Public Task' of the UK GDPR (Information Commissioner's Office, 2021, para. 4.11). If changes were made to gambling legislation or the LCCP making such sharing a legal requirement, Article 6 (1)(c) 'Legal Obligation' would also apply. In the ICO's view, changing the guidance alone would not provide a legal obligation (para. 4.13). Moreover, some of the data - notably around problem gambling as a health status (para. 4.25) - may qualify as special category data under GDPR, requiring an Article 9 processing condition. Article 9 (2)(g) of the UK GDPR, 'reasons of substantial public interest,' may apply (para. 4.28) - reasons may include 'Safeguarding of children and individuals at risk' and/or 'Safeguarding of economic well-being of certain individuals' (para. 4.29). Further analysis of actual initiatives, rather than conceptual plans would be required to ensure the sharing is necessary and proportionate, and to ensure that any automated decision-making complies with Article 22 of the UK GDPR.

remains unclear (DCMS, 2023, p. 225), but the White paper's regulatory impact assessment model assumes a very close relationship, such that "a SCV prevents any spending with another operator where one applies a restriction" (DCMS, 2023, p. 225). While the mechanics of the SCV are a work in process, then, the direction of travel – and its link to affordability checks for financial vulnerability – is manifestly clear.

Section 3: The Likely Downsides

There is a lot to say about these measures, and there will be even more to say as the details are clarified. In this final section, I outline briefly why the measures, as currently framed, give me pause. I focus on two already-apparent downsides of the proposed measures to monitor vulnerability and affordability:

- i. the industry's enthusiasm for affordability checks; and
- ii. the wide definition of vulnerability used, and its implications for groups of customers who may already be disadvantaged. I suggest that these downsides give critical gambling scholars, and harm reduction advocates, reason to pause the embrace of affordability checks. In so doing, I am acutely aware of how industry actors – in gambling and elsewhere – routinely use requests for a delay in action, and more consultation, as part of their standard lobbying playbook when confronted with rules that may harm their operations (Petticrew et al. 2017. However, my suggestion for a pause is motivated by the opposite concern: that gambling operators will potentially benefit enormously from the approach currently being enacted, while the risks of intensified surveillance of spending remain under-examined.

Section 3.1: The Industry's Enthusiasm for the SCV

"Despite the challenges and complexities, when it comes to safer gambling, technology is our friend." (Wes Himes, Executive Director for Standards and Innovation at the Betting and Gaming Council, an industry body for online gambling companies, announcing a trial of a 'Single Customer View' scheme to share data on those most at risk of gambling harm. Betting and Gaming Council, 2022, np).

Firstly, the SCV initiative is warmly welcomed by the remote gambling industry. This should give regulators, and researchers, pause for thought, given the industry's less than stellar track record in using gambling data to benign effect. For example, having fined the company 888 UK for social responsibility failures in 2017, in March

2022 the Commission announced another £9.4 million fine for social responsibility and money laundering failures (Gambling Commission, March 1 2022). 888 UK is a subsidiary of the same company that pioneered online gambling surveillance for harm-prevention purposes (see section 1), suggesting that the data being gathered does not necessarily translate into effective player protection.

Moreover, industry actors who gave evidence to the House of Lords inquiry argued that affordability checks were the crux of the solution to gambling harm, and these claims were taken at face value. Kenny Alexander, then CEO of GVC (now Entain, a major global online gambling company), summarised the position as he saw it:

Affordability is absolutely key. There is a huge desire for the industry to get to a standard view among all licensed operators, all using the same affordability checks, all agreeing and making the same decision about an individual player if they were to come to that business. ... We could take one view of a player, so that he is not spending an amount with me and the same with Ulrik [Bengtsson, of William Hill].... If we can address it and get it right, I think that the number of problem gamblers in existence today—a magnitude of about 400,000—will come down significantly once that plays through over the next three to five years. (Q 136 (Kenny Alexander), House of Lords, 2020, p. 83).

The Committee's only response to this evidence was to query why the scheme should take 3-5 years to implement (p. 83). William Hill's Ulrik Bengtsson also gave evidence, and again the Committee welcomed his suggestions:

The really important thing is that these limits and affordability checks are for individuals. There have been some suggestions of one level for everyone, which clearly would not work. I want to make that clear. (Q 136 (Ulrik Bengtsson)). With that we wholly agree. (House of Lords, 2020, p. 84).

There was no curiosity about why major operators are so enthusiastic about the SCV solution. There was no discussion about how gambling companies use existing data to target marketing, tailor the product offer, and/or refuse bets from people who win too much. Data that could be shared in the SCV, according to the ICO's 2021 report, includes total deposits; average deposit level; deposit level variance and deposit frequency; loss %; and

average stake (Information Commissioner's Office, 2021, pp. 28-29). There was no discussion about how sharing that data could potentially boost profits enormously. The 2023 White paper, in turn, states firmly that "we will ensure this data sharing (on the SCV) is never used for commercial purposes" (DCMS, 2023, p. 4), but it gives no grounds for why players should trust that assurance.

The high level of trust being placed by the Commission (and some researchers) in online gambling companies to co-design the SCV is especially confusing given that some of the companies positioned as experts have a frankly shocking recent record of player protection. In 2020 (the same year that it testified to the House of Lords about the need for data sharing) Entain won 'Safer gambling Operator of the Year' at the industry's premier awards event (Entain, 2020). In 2021, the company began piloting a bespoke, trademarked behavioural tracking safer gambling programme called Advanced Responsibility and Care (ARC), where 'extended behavioral indicators (are) used to identify players potentially at risk' (Entain, 2021, n.p.). It also launched a £5 million partnership with the US-based research unit that had previously worked with Bwin on developing algorithmic approaches to safer play (see section 1). In 2022, Entain were fined *£17 million* for social responsibility and money laundering failures (Gambling Commission, August 17 2022). The current CEO has warned shareholders that the company expects to incur another substantial fine as part of a current investigation into bribery offences (Partridge, 2023). It is also negotiating a deferred prosecution agreement with the Crown Prosecution Service, and is under investigation by HM Revenue and Customs. And yet the online gambling industry is still considered an appropriate co-regulator, able to design the approach to data sharing central to affordability checks.

In addition, regulators are positioning safer gambling software companies as neutral experts in this conversation, rather than as profit-making entities lobbying for an approach that would benefit them handsomely. In one example, the House of Lords Committee (2020) discussion of "How to measure affordability" described safer gambling software company beBettor as:

a gambling compliance data processing company assisting gambling companies with the issue of affordability. They told us that they help gambling companies understand how much their customers can afford to gamble before experiencing financial harm, and measure gambling activity data within their network of

operators against these affordability estimates. (p. 351).

beBettor estimates affordability through mapping individual customer data against publicly available sociodemographic and economic data sources; it then sells screening affordability software to the online gambling industry. Like other companies involved in the space, it offers what we might think of as a data-driven 'integrity guarantee' (Smith, 2000, p. 136) that relies heavily on partnerships between regulators and commercial entities. There is a distinct lack of curiosity about the material interests that the latter have in this arrangement.

Relatedly, the affordability checks and SCV solution further bolster the aforementioned pro-innovation framing of online gambling technology as potentially safer for players, meaning that the industry can argue for lower stake limits online than are operative for land-based play. Although proposing to introduce a new stake limit for online slots, for example, the White paper rejected the idea of simply transferring the current stake limit (of £2) used for electronic gaming machines in the land-based sector, because "of the wider system of protections in place online. For instance, the opportunity for data-driven monitoring of online play may justify a higher limit for online products than in relatively anonymous land-based settings" (DCMS, 2023, p. 56). Accordingly, the government will consult on a stake limit of up to £15. While enhanced player tracking may appear to involve heightened controls on gambling operators, then, if we look closely, we see widespread industry enthusiasm for sharing affordability data, and significant material benefits accruing from a pro-technology approach to social responsibility monitoring.

Section 3.2: The Downsides of Differentiated Affordability Rules for Players

The second concern is that the definition of vulnerability being deployed in this solution to gambling harm is both overly-wide, and insufficiently attentive to more systemic issues such as game design, and stake/prize ratios. The government's proposed approach is to allow some players to lose £2 million (see footnote 12), and others just £125, rather than to impose a general limit on stakes, or play speed, or losses per session, or to require that games involve a fair average return to players. Indeed, the proposed new rules would create a population of people for whom heavy losses (including in binges) are explicitly acceptable, while intervening when others lose relatively small amounts, or spend a lot of time (but not a lot of money) playing. Likewise, the

suggested regulatory solution to players being misled by the deliberate obfuscation of odds of winning, or exploited by random number generated games of chance being pitched as involving skill, is to heighten surveillance of those who report dyslexia, or those with mental health diagnoses, rather than to insist that products offered are fair in the first place. We are moving towards a far more explicitly differentiated approach to regulating online gambling, wherein certain groups are targets for enhanced (potentially automated) restrictions on how they use their money, or time, but operators are otherwise left free to run games that may be manifestly exploitative. Such operators are also expressly allowed to continue restricting accounts when customers gamble too successfully: the White paper merely proposes that the conditions under which this occurs be outlined in the terms and conditions of play, and that players are provided with explanations when restrictions are applied (DCMS, 2023, p. 27).

Moreover, the regulatory approach proposed involves a constant slippage between group-based categories of those considered generically vulnerable, and individuals with habits that mark them as potentially at-risk of financial or other harm (including spending “unusual amounts of time” gambling – see Gambling Commission, April 14 2022, p. 10). The examples of at-risk or vulnerable people are both expansive (those with caring responsibilities; the bereaved; the indebted; young adults; older adults) and very selectively targeted (those living in certain postcodes; the unemployed; the disabled; the mentally ill; customers who express anger at companies who have taken their money for poorly-explained or unfairly-designed games). Proposals would entail increased surveillance of those who not only manifest indicators of harm in their play patterns, but who may have socio-demographic characteristics that suggest propensity to be at risk of manifesting them in future. Most obviously, we must ask how this expansive category of vulnerable consumers – especially the unemployed, and those living in deprived areas overlap with groups always-already identified as problematic consumers, lacking self-control, or insufficiently mature. Likewise, we need to ask about whether affordability checks informed by third-party data would have disproportionate impacts on groups already subjected to intense surveillance.

In this regard, the proposed triggers for enhanced checks (£1000 of losses in a day, or £2000 in 3 months) are so high that one wonders about their efficacy. They

will capture a very small number of accounts (an estimated 3%), and even then, operators are not obliged to cut off play. In the face of data showing high losses from binge gambling, wide discretion about next steps is granted to an online gambling industry that is heavily reliant on a relatively small number of high spending players for profitability.¹²

However, the proposed trigger for financial vulnerability assessments (net losses of £125 net in a month, or £500 in a year) would capture around 20% of accounts. Rather than consider the proportionality and equity concerns involved in gathering, and sharing, data about the significant number of people who hold these accounts, the White paper offers assurances that most of the players affected will not notice. In its discussion of the impacts of its proposed affordability measures (annex A), and based on conversations with credit reference agencies (CRAs), the ICO, and the Commission, the White paper estimates that CRAs or other data providers “can provide “frictionless” financial vulnerability checks for all customers at the lower thresholds”, and ‘frictionless’ enhanced checks for 80% of customers who hit the relevant thresholds (DCMS, 2023, p. 224). Half of the remaining 20% will likely be subject to what it termed ‘semi-agreeable checks’ (e.g. open banking), while the remaining 10% will be subject to ‘disagreeable checks,’ such as manually providing payslips or bank statements (DCMS, 2023, p. 223). Because some operators already ask for financial information from customers, to comply with existing rules on affordability checks, the hope is that “CRA-enabled background checks will bring much lower friction and not interrupt the customer journey” (DCMS, 2023, p. 225). This limited discussion of how most customers will not experience friction sidesteps urgent concerns about the minorities likely to be heavily impacted, and the broader wisdom of regulators drastically enhancing the role of profit-making entities in sharing consumer data.

In turn, the White paper argues that its approach to gambling harms will “have a positive equalities impact” because “some gambling harms are more prevalent within certain protected characteristics (e.g. young people and potentially certain ethnic groups) and also among socio economically deprived groups)” (DCMS, 2023, p. 234). This claim is in line with some research suggesting that harmful gambling is more prevalent in certain groups (e.g. young adults; socio-economically deprived groups; the unemployed; some ethnic groups;

¹² For recent studies of the industry’s reliance on a high spending minority – some of whom are classified as problem or at risk gamblers – see, inter alia, Fiedler et al., 2019 and Wardle et al 2023.

and those living in ethnically diverse postcodes) (DCMS, 2023, p. 233). Hence the proposed measures to monitor affordability for online play appear a positive step in tackling health inequalities. Furthermore, there is no research showing “any significant adverse equalities effects from these measures” (DCMS, 2023, p. 234).

At this stage, it is impossible to ascertain the equalities impacts of the new affordability rules, because we do not know enough about their mechanics. The Commission’s consultation on its proposed 2022 guidance on remote customer interaction is, however, a useful indicator. This explicitly asked for views about the potential equalities impacts of the proposed guidance (Gambling Commission, November 2022, para. 66), but the Commission simultaneously asserted that their guidance had already taken risks of disproportionate effects into account. For example, proposed guidance advises that decisions to cease the business relationship or restrict a customer be “tailored to the customer’s individual circumstances *and not based solely on personal, demographic or other factors for the customer*” (para. 64, emphasis added). In most cases, guidance suggests action in the form of offering support, rather than imposing solutions on customers (para. 64). Moreover, neither SR Code Provision 3.4.3, nor the proposed guidance on it, require that operators assess *all* of their customers for vulnerability, or that *all* customers share information on factors that may indicate vulnerability (para. 65). Rather, guidance on vulnerability “primarily focus(es) on circumstances where operators should identify indicators of vulnerability from information available to them” (Gambling Commission, November 2022, para. 65). The problem, however, is that the information available to them (postcode data; credit scores; information on payday lending; publicly available adverse information) is already skewed in ways that disadvantage particular groups of people. Moreover, even if demographic factors, or disability, or ill-health, are not the *sole* grounds for restrictions, they must be taken into account. In other words, the proposed individualised tailoring is reliant on group-based assumptions about vulnerability that require interrogation.

The risk of over-regulating groups long regarded as suspect consumers is increased by the fact that the current approach gives operators wide discretion to set thresholds for harm indicators (para. 35), and to decide subsequent actions, while at the same time mandating that the number of customer interactions, annually, is at least in line with problem gambling rates for the relevant gambling activity, as published by the Commission (requirement 14 of SR 3.4.3; see also Gambling

Commission November 2022, para. 58). Rates vary from 8.5% with online gambling on slots, casino or bingo, to 1.3% for lotteries (Gambling Commission November 2022, para. 14.b). The justification for not giving detailed guidance on harm thresholds and actions is that operators should “implement processes which suit their product and consumers” (Gambling Commission, November 2022, para. 35) rather than adopt a tickbox approach. The risk of this target-driven but discretion-heavy approach is that operators reach for the most convenient proxies of vulnerability, and – to fill their quota of interactions - interact disproportionately with customers who fit certain demographics, or who have other characteristics that mark them as always-already problematic consumers. Hence while it is unclear how this 2022 proposed guidance will interact with the work-in progress affordability checks, it is apparent that the equalities impact of this overall approach to regulating gambling harm requires considerably more reflection.

Conclusion

This article was motivated by an impasse: how to critically evaluate recent regulatory measures to address online gambling harm by increasing surveillance of affordability, without dismissing concerns about the harms caused by commercial gambling. While these measures are in flux, I have argued that a trend is clear, and needs to be taken seriously. In response, we urgently need to have a wider conversation about the risks of intensified surveillance, affordability checks, and profit-making data sharing. My aim in this piece has been to start this conversation, to open space for academic debate about affordability checks in a way that is attentive to the dangers of such interventions.

At a general level, I have argued that the control of gambling is a crucial marker of the UK government’s ability to manage risky consumption, and sort those who can handle self-governance from those who cannot. Tighter gambling regulation is being used to show that the state is responding robustly to the individual, familial, and social harms wrought by exploitation of vulnerable people and uncontrolled extraction of profit. While use of commercial gambling data for state security purposes originated in casinos, more recently online gambling data has become central to state projects of sorting and monitoring, due to technologies that promise to identify, and pre-empt, gambling harm. These factors mean that developments in online gambling regulation warrant our close critical attention.

While not disputing the harms caused by online gambling, I have argued that we need to reflect more carefully on the downsides of efforts to differentially

restrict access on affordability grounds. We risk endorsing a solution that would give commercial gambling operators greater access to immensely valuable data, and benefit software companies offering proprietary screening tools that mix customer data with data from third-party providers or processors (banks; credit card companies), and public data collected for other purposes (postcodes, county court judgements). We also risk over-regulation of groups long regarded as insufficiently mature, and ramped-up surveillance of us all via merging of private and public databases about our leisure, while opaque, misleading, and unfair products continue unchecked.

So, where does this leave us, and why should we care? In Great Britain, we are left in flux, waiting for yet further consultations while parliamentary time for debate on new legislation fades. I can imagine some readers objecting that we still do not know enough to make a call about these plans: we'd need to see what the precise vulnerability triggers are and what the guidance ultimately says about affordability, vulnerability, and equalities. Then we'd need to monitor how the new rules are implemented by different companies, to empirically evaluate impacts on players. I am involved in a piece of research in this vein myself, working with a colleague in public health to robustly evaluate law and policy measures intended to prevent gambling harm for their effects on different groups. However, all of that will take time, and meanwhile the general direction of travel accelerates, towards greater mandated surveillance, more differentiated access, and increased blurring of the categories of vulnerability and affordability. I have explained why, in my view, we need to reflect more on these measures now, because we already know enough to be concerned about the likely downsides.

Others would likely dismiss the downsides, pointing to the serious harms wrought by commercial gambling deregulation in the UK, and asserting that, in light of such harms, disproportionately limiting the access that some groups have to remote gambling is hardly a serious public policy problem. Respectfully, I think that they are mistaken. Although claiming to offer enhanced control, ramping up surveillance of affordability in this way will likely do little to make gambling safer, or fairer overall. Rather, it will offer an integrity guarantee that companies can potentially exploit, including to argue for higher stake limits on online slots than are allowed in retail gambling. It will differentially restrict access to already stigmatised groups of people, reinforcing existing assumptions about who is a responsible consumer and who is always-already irresponsible. It will fuel the merging of private and public databases in ways

that should concern us all. It will potentially take resources away from interventions that would work better (including low stake limits on online slots). Given these very serious downsides, I would rather lose my wager, and instead help win a pause such that we can design better solutions.

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Funding and Conflict of Interest Statement

Gambling Funding Disclosure¹³

- 2022: £66,000 for a three-year PhD studentship to explore the role of law in preventing and addressing gambling harms, funded by Gamble Aware. Start delayed until 2023. At my request, the funding contract for this project includes provisions expressly focused on independence of the PhD researcher and supervising academic team. It is available on request.
- 2022: CAN\$500 honorarium to present (remotely) as a keynote speaker at the annual Alberta Gambling Research Institute conference (Banff). The research presented (which was not funded by AGRI, or any other external body) was on sumptuary law and gambling.
- 2013-6: PI on an Economic and Social Research Council large research grant (£717, 864 FEC) exploring gambling regulation (ES/J02385X/1, A Full House: Developing A New Socio-Legal Theory of Global Gambling Regulation).
- 2012: CAN \$10,000 for socio-legal research into bingo regulation in Alberta, from the Alberta Gaming Research Institute.

Conflict of Interest Statement

I have neither sought, nor received, gambling industry funding to conduct research, to testify, or to provide evidence of any kind. I have neither sought, nor received, payment or funding from private companies who profit from problem gambling diagnosis or treatment, or from offering 'responsible gambling' services (including 'safer gambling' software). I have neither sought, nor received, payment or funding to advise government agencies seeking to expand gambling.

I have received UK research council funding for gambling research (see above on ESRC). The ethics arrangements for that project precluded all research team members from receiving industry funding, or in-kind contributions. The advisory board included a gambling industry representative, alongside two gambling lawyers, a representative from the UK's national gambling regulator, a charity supporting people harmed by gambling, and a representative from working men's clubs (a non-commercial gambling sector). None of the board members were paid. The research team accepted no financial or in-kind contributions from industry actors, and industry had no role in overseeing or influencing research outputs.

I have received two types of support derived from hypothecated gambling industry levies or taxation (AGRI, and Gamble Aware). In both cases, there were processes in place to prevent conflicts of interest, and industry influence on decisions of the administering body.

- Alberta Gambling Research Institute (AGRI) is a Canadian research unit (spanning 3 universities) funded, at arms-length, by provincial revenues from gambling. AGRI aims to facilitate research that informs gambling public policy and educates Albertans and the wider audience about the effects of gambling. Its funding decisions are made by academics who are not industry funded; industry

has no role in deciding the outputs or outcomes; and AGRI's board is independent of industry.¹⁴ These processes have been in place since I first became aware of AGRI, in 2011. In 2012 I received a small grant from AGRI for a study of charitable bingo regulation in Alberta (see above). In 2022 I received an honorarium to speak remotely at AGRI's annual conference (see above).

- Gamble Aware is funded by money from gambling companies who are fulfilling a mandatory licensing condition from the UK's Gambling Commission to direct an annual financial contribution to approved organisations working on gambling research, harm prevention, and treatment.¹⁵ It also receives money from regulatory settlements. Gamble Aware state that "the gambling industry has absolutely no input, influence or authority over any of our activity and those with lived experience of gambling harm inform and guide our work."¹⁶ It is an approved National Institute for Health Research (NIHR) non-commercial partner and a delivery partner in the National Strategy to Reduce Gambling Harms. It has an independent board of trustees. In 2022 I was awarded Gamble Aware funds (tuition fees and stipend) to support a PhD studentship on the role of law in preventing and addressing gambling harm (see above). As supervising PI I received no funding myself. At my insistence, the funding contract for this project includes provisions expressly focused on independence of the PhD researcher and supervising academic team. It is available on request. I had not applied for money from previous incarnations of Gamble Aware because in my view adequate safeguards around industry influence on research were not then in place.

Additional Disclosures.

- I am an invited member of the Academic Forum for the Study of Gambling (AFSG) (<https://www.greo.ca/en/academic-forum-for-the-study-of-gambling.aspx>). This is a group of academic researchers in the UK dedicated to advancing the research needed to effectively prevent, reduce, and address gambling harm. The AFSG distributes research funding derived from regulatory settlements in the UK. Industry has no role in funding calls or decisions. I have not sought, or received, research funding from AFSG, but I am a member, since adequate safeguards around industry influence on research appear to be in place.
- In 2019 I was invited to be on the editorial board of the peer-reviewed, open access journal Critical Gambling Studies (<https://criticalgamblingstudies.com/index.php/cgs/about>). In 2020 I became a co-editor of the journal. The journal is hosted by University of Alberta Libraries. The journal has not sought, or received, any industry funding. Its ethical guidelines for editorial board members and submitting authors are available here: <https://criticalgamblingstudies.com/index.php/cgs/standards>.

¹³ CGS's guidance requires disclosure of funding over the last three years. Given that the article I am publishing echoes long-standing concerns, raised by many others, about industry influence on gambling regulation, I have provided a career long disclosure, to provide full transparency about my own research funding.

¹⁴ See https://prism.ucalgary.ca/bitstream/handle/1880/114163/AGRI_Annual2020-21_SingleSheets_Final.pdf.

¹⁵ See Licence Conditions and Codes of Practice Social Responsibility code 3.1.1, here, and <https://www.gamblingcommission.gov.uk/licensees-and-businesses/guide/list-of-organisations-for-operator-contributions#ref-%E2%80%A0>

¹⁶ See https://www.begambleaware.org/sites/default/files/2022-10/202216_GA_Briefing%20note_August%202022.pdfdistributing

- In 2022 I was invited to be on the academic advisory board for the Gambling Harms Research Hub (University of Bristol). The hub is funded by Gamble Aware (see above). I receive no payment or in-kind support for my participation on the board. I serve as an individual, not as a representative of the CGS journal.

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Kate Bedford is Professor of Law and Political Economy at the University of Birmingham. Her research explores how law and regulation distribute resources, and how they can impact inequalities. In 2008, she began a project on the gendered political economy of gambling regulation, using commercial and non-commercial bingo to think in new ways about the regulation of everyday speculation. Her second book, *Bingo Capitalism: The Law and Political Economy of Everyday Gambling*, was published by Oxford University Press in 2019. It was awarded the 2020 Hart-Socio-Legal Studies Association book prize and the 2020 International Political Economy book prize of the British International Studies Association. She has recently published on the pandemic-era moral economy of gambling regulation. She co-edits the journal *Critical Gambling Studies*, with Professor Fiona Nicoll and Dr Emma Casey.

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ISSN: 2563-190X. Available Open Access at <https://criticalgamblingstudies.com>

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APA Citation: Adebisi, T. (2023). Knowledge of Play: A Precursor for Rethinking Sports Gambling Among Young Africans. *Critical Gambling Studies*, 4 (2), 52-56. DOI: <https://doi.org/10.29173/cgs167>

Article History:

Received August 24, 2023

Accepted September 29, 2023

Published January 2, 2024

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Knowledge of Play: A Precursor for Rethinking Sports Gambling Among Young Africans

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Abstract: The degree of involvement in sports gambling activities differs among individuals, in terms of knowledge of the sport they gamble on, and betting dynamics. These sorts of differences have created distinct classes of bettors within the youth gambling population, where the lower strata consult members of the highest stratum to maximise gambling success. This article suggests that, within what is known as a youth gambling population, a community of gamblers exists. This demonstrates the necessity to avoid or mitigate the tendency to treat the youth gambling population as a unified whole. The article also articulates important dynamics of sports gambling culture among young people and explains how the activity is perceived and encouraged among/within a gambling community.

Keywords: youth, sports gambling, punters, social networking sites, Nigeria

Article History: Received August 24, 2023; Accepted September 29, 2023; Published January 2, 2024
Available Open Access from <https://doi.org/10.29173/cgs167>

Introduction

Involvement in online sports gambling in Africa is rapidly increasing (Bitanihirwe et al., 2022), however the 'level of involvement' in the activity differs among individuals who gamble. Previous studies have categorised different types of gamblers based on their gambling routine or behaviour, focusing on the frequency of participation as one of the important indicators (Bitanihirwe & Ssewanyana, 2021; Holtgraves, 2009a; Holtgraves, 2009b; Ricijaš et al., 2016; Tabri et al., 2022; Welte et al., 2004). As such, the 'high' frequency of gambling has led to the labeling of regular gamblers as 'problem gamblers', which as a concept has received enormous criticism for its limited scope (Manitowabi & Nicoll, 2021). Indeed, individuals who engage in sports gambling activities differ not just in the frequency of play, but also in their 'autonomy of play' which is indicative of their preference of play, style of play, routine of play, expectation from play, and strategies adopted in play for instance (Adebisi et al., 2021a; Adebisi & Bunn, 2023). In what follows, I offer a classification of sports gamblers, based on gamblers' 'knowledge of play', defined as the level of knowledge of the sport they gamble on, as well as an adequate understanding of sports betting dynamics. This classification attempts to mitigate the tendency to treat youth gamblers as a unified whole, as well as recognising that, within what is known as the youth gambling population, a 'community of gamblers'

exists. Interestingly, within such a community, each category of gamblers could be socially constructed, such that one category is considered higher than the other.

Like many social networking activities, communities of gamblers primarily exist in online spaces, and the classification of bettors based on their knowledge of play is distinctly recognised in such spaces. Young people's involvement with Social Networking Sites (SNSs) is increasing and is expected to continue and thus will have consequences for how they engage with gambling (Adebisi et al., 2023; Boulianne & Theocharis, 2020)

Discussion

Mirroring the 'social class structure', an elite category of sports gambling customers exists at the top of the stratum, who not only predict sporting outcomes to win money but also avail their predictions to other gambling customers (Savolainen et al., 2022). Such sports predictions are either commercialised or made available for free to members of their community, usually online (Sirola et al., 2021). The motivation for their gambling is unclear; however, it is hypothesised that such individuals, more often than not, gamble for social status, mirroring Maslow's top three needs: love and belonging, self-esteem, and self-actualization (Maslow, 2013). Using their perceived intellectual capital to become 'entrepreneurs of self' (Foucault, 2004), this category of individuals demonstrates a superior level of

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knowledge in the sports they gamble on, as well as an adequate understanding of betting nuances. They may conduct a fundamental analysis of the teams involved in their proposed bet, such as checking and analysing team 'stats' and head-to-head. They may likewise possess other relevant skill sets, including mathematical strategy (Arbitrage), and positive EV (Expected Value) sports betting, for instance. An entire enterprise is now being built around the commercialisation of sports betting predictions or forecasts, which has been operationalised as 'betting assistance' (Houghton et al., 2019), where the actors within this stratum are not only considered the most influential within a sports gambling community (González-Vallés et al., 2021) but also the most affluent.

In the Nigerian gambling scene, this category of bettors is notably referred to as 'punters' (Oladehinde, 2022). The concept has been socially reconstructed from its literal meaning to categorise the highest stratum of the youth sports gambling community in the country. While the title has been casually or intentionally used by gambling operators to describe their customers, as well as by researchers (Akpanung & Oko, 2021; Olweny, 2022), in Nigeria reaching the status of a 'punter' is the dream of many regular gamblers (Lopez-Gonzalez et al., 2021). Virtually all research conducted on the African gambling populations, and elsewhere, excludes the 'punter' category. Rather, the focus is mainly on the popular category of gambling customers who could be considered as the 'middle class'. Importantly, the use of elite, middle, or lower class, does not necessarily reflect gamblers' social class or economic power to gamble. The classification is rather based on young people's degree of involvement in sports betting, which is predicated on their level of understanding of the sports they gamble on, as well as a 'good' knowledge of sports betting dynamics, including markets, odds, and platforms.

Members of the 'middle class' are the most common; they are regular gamblers who may gamble for both physiological and safety needs (Aguocha & George, 2021; Binde, 2013). This category is the most susceptible to insidious gambling marketing (Carah & Brodmerkel, 2021; Deans et al., 2017; Griffiths et al., 2018; Thomas et al., 2023), both from gambling brands and 'punters' (Houghton et al., 2019; Lopez-Gonzalez et al., 2021), due to their expectations and recognition of gambling as a pathway to navigate economic hardship characterised by poverty, unemployment or underemployment. This category may possess a relatively limited ability to analyse the sports teams involved in a bet. It is, therefore, common for this stratum to seek betting

assistance from the 'elites' in their gambling community (Forrest & Simmons, 2000; González-Vallés et al., 2021; Houghton et al., 2019).

The 'lower class' within the Nigerian youth gambling scene may be referred to as 'proxy gamblers'; not in the sense of a gambling space or platform, but of their very limited knowledge of the sport they gamble on, and/or betting dynamics. It is important to note that not all football gamblers spectate football. Such individuals may have limited or no understanding of the sport and/or how to bet on a football match. They will often gamble by proxy by relying on the betting codes or tickets of others to place their bet, or simply ask a regular gambler to help them select a series of football games to bet on or patronise the services of online 'punters' offering betting assistance. Although their motivation is unclear, it is hypothesised that such individuals lack substantial agency to keep them away from such an activity they do not understand. Their gambling activities may as well be motivated by susceptibility to structural influences such as the commercialisation of sports gambling, particularly gambling marketing (Deans et al., 2017; Griffiths et al., 2018; Thomas et al., 2023).

The activities of 'punters' in online spaces are increasing the engagement with sports gambling among young people. This may increase the susceptibility of 'proxy gamblers' to participate while encouraging the 'regular gamblers' to keep their hope alive (Owonikoko, 2020). 'Punters' leverage the opportunities presented by SNSs like Telegram and X (formally Twitter) to form online communities. X is popular in Nigeria. It is utilised for several purposes including: disseminating news, information seeking, and expressing personal opinions (Adebisi et al., 2021b; Boon-Itt & Skunkan, 2020). The country's active users is estimated at 4.95 million in early 2023 (Kemp, 2023), and the most followed 'punter' on Twitter has more than 1 million users in his community.

Case Study of a Punter: Mr Bayo's status within the online sports gambling community.

Bayo Adetona Ahmed, famously known as 'Mr Bayo' is arguably the most revered 'punter' in the Nigerian online football gambling space. He owns a website; mrbayo.com.ng where bettors can access his football betting tips at a subscription fee. He also has an X presence; [@mrbayoa1](https://twitter.com/mrbayoa1), where he has built a community of bettors for himself. He joined the microblogging site in 2020 and has grown his X community to nothing short of a million followership in just three years; that is more than 20% of the active X users in the country. His 'Bio' reads "Gaming Lifestyle, Sports lover and a serial winner

in Football Betting. Don't play games you don't understand" The last statement in his 'Bio' is a call to responsibility, which admonishes bettors to do their due diligence when selecting games for a potential bet or to "follow who know road¹", a phrase he has used himself.

Mr Bayo has thousands of tweets and most of them centre on football gambling tips, betting codes, and winning proofs. This aligns with studies (Deans et al., 2017; Wen et al., 2016) where online users normalise the sharing of betting options and positive outcomes with their online followers. Mr Bayo's pinned post, dated April 5, 2021, includes screenshots of his past winnings which he captioned "My recent big bags!! Be inspired 💰💰" (see Table 1).

Table 1 is not only indicative of how "good" Mr Bayo is with sports (especially football) betting, predictions, or

forecasts, but it also shows how affluent he has become as a result of his betting prediction skills. His pinned post alone shows a total of 89,753,602.38 Naira in winnings; that is \$116,155.80, with only \$588.80 (455,000 Naira) spent on the total stakes.

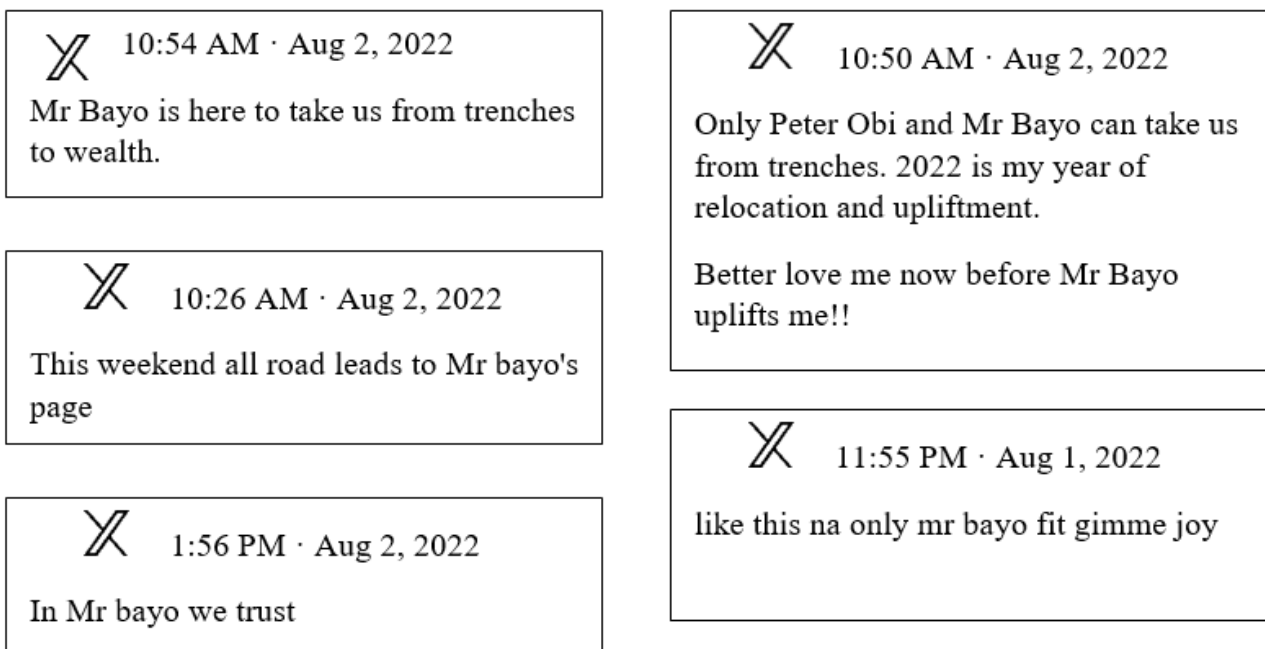
Mr Bayo is also popular for his philanthropic activities where he empowers young people with relevant skills acquisition schemes and cash gifts. He has trended on X – Nigeria several times. However, he began trending on the SNS in the opening week of the start of the 2022/2033 European football season, where many of his followers anticipated his forecasts and expressed hope in his ability to help them navigate harsh economic conditions. A few of the tweets are presented below (Figure 1).

Table 1: Mr. Bayo's pinned tweet

S/N	Betting Brand	Betting Code	Amount Staked in Naira (772.7/\$)	Betting Odds	Winnings in Naira (772.7/\$)
1	Bet9ja	B9Q5039147419KA-1018057	15,000	1731.48	31,166,720.39
2	Bet9ja	B9Q630712212YZ-1018057	50,000	399.30	24,956,311.00
3	Bet9ja	B9QH130414906HJ-1018057	20,000	641.19	15,388,625.75
4	SportyBet	818486	30,000	141.45	5,305,229.93
5	SportyBet	809808	60,000	78.85	6,625,046.29
6	SportyBet	130998	130,000	22.10	3,303,883.76
7	SportyBet	714045	150,000	15.42	3,007,785.26

Bonus on each bet not included

Figure 1: A few Tweets mentioning Mr Bayo during the opening week of the 2022-23 European League football season



¹ In order to follow who know road, one thing is needful; have your ears on the mouth of those who have achieved that milestone you are fighting so hard to achieve

Conclusion

In this commentary, I have contributed a new conceptual framework to the existing gambling research literature. I have investigated the role of gambling knowledge in hierarchical online sports betting communities in Nigeria. Using the case study of an 'affluent' sports gambler with a large community following on X, I have illuminated different relationships to sports gambling embodied in the 'punter' and the 'proxy'. The extent and content of the tweets reveal important dynamics of online sports gambling culture among young people and how football gambling is perceived and encouraged among and within the youth gambling population. It is important to note that the prevalence of this gambling culture is void of betting brand (direct) marketing. This is to say that the youth gambling population markets gambling within itself. This is an important dynamic to consider when regulations are advanced around gambling marketing in Africa and elsewhere. Likewise, it is important to consider the different categories of gamblers based on the 'knowledge of play' in future youth gambling investigations, particularly in Africa where the activities of 'punters' seemingly have a relatively greater influence on other categories of bettors than that of the betting brands in terms of gambling marketing. Conclusively, while it has been established that regular gamblers gamble as a result of poverty, the pursuit of pleasure, the management of boredom, and proximity to online gambling spaces (Bitanihirwe et al., 2022), the drivers and motivations of 'punters' and 'proxy' gamblers should also be investigated and established.

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Funding and Conflict of Interest Statement

The author is a funded PhD Researcher at Ulster University for 3 years. The author has no conflicts of interest to declare. The author did not receive any funding for this commentary.

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ISSN: 2563-190X. Available Open Access at <https://criticalgamblingstudies.com>

Book Review: Shalene Wuttunee Jobin. *Upholding Indigenous Economic Relationships: nehiyawak narratives*. UBC Press, 2023. 272 pp. ISBN:9780774865203.

Fiona Nicoll

APA Citation: Nicoll, F. (2023). Book Review: Shalene Wuttunee Jobin. *Upholding Indigenous Economic Relationships: nehiyawak narratives*. UBC Press, 2023. 272 pp. ISBN:9780774865203. *Critical Gambling Studies*, 4 (2), 58-61. DOI: <https://doi.org/10.29173/cgs183>

Article History:

Received December 19, 2023

Accepted December 22, 2023

Published January 1, 2024

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Shalene Wuttunee Jobin. *Upholding Indigenous Economic Relationships: nehiyawak narratives*. UBC Press, 2023. 272 pp. ISBN:9780774865203.

Article History: Submitted December 12, 2023; Accepted December 20, 2023; Published January 2, 2024

Available Open Access from <https://doi.org/10.29173/cgs183>

In 2021, the Tsuut'ina and Stoney Nakoda First Nations took the Alberta government to court for establishing an online gaming site while requiring all land-based casinos to remain closed during the COVID-19 pandemic (Tsuu T'ina Gaming Limited Partnership v Alberta Gaming, Liquor and Cannabis Commission, 2023). Although this case was lost after an appeal in 2023 (Fairhurst, 2023), it raises important questions about sovereignty and the role of gambling as a tool of economic development and cultural empowerment for Indigenous nations in Canada.

This book review continues a conversation within the *Critical Gambling Studies* (CGS) journal about the political, cultural and economic impact of Indigenous gambling, including in a recent [special issue](#) on critical Indigenous gambling studies. The review introduces an important new book by Shalene Wuttunee Jobin, a Cree scholar who challenges us to consider the epistemological and ethical problems of compartmentalising Indigenous agency into siloed domains of culture, politics and economy. Instead, she reshapes the field of political economy to engage Indigenous critiques of extractivism through the lens of Indigenous sovereignty and resurgence. Seeking to put this important book into dialogue with work in the special issue of this journal, and elsewhere, I will outline some of the interventions of her book and explain how they extend existing academic conversations about Indigenous gambling in North America. (Nicoll, 2016). I focus on three themes in particular: 1. the importance of defining and illustrating the economic relationships that sustain a good living; 2. the lived experience of colonial dissonance; and 3. the connection between resource extraction and gendered political cultures. I conclude with reflections on how the book might assist scholars and others to approach the politics of gambling in ways that uphold Indigenous economic relationships.

Jobin's book enters an expanding field of research literature broadly characterised as 'critical Indigenous studies' over the past two decades (see Hokowhito, et al., 2020, UBC, 2023). Critical Indigenous studies (CIS) breaks with anthropological and area-studies

frameworks and methods for understanding Indigenous peoples. In particular, it refuses the objectifying research gaze as inextricable from colonial regimes of governance and centres Indigenous ways of knowing, acting and being. However, CIS also mobilises and renovates critical frameworks developed by non-Indigenous theorists, foregrounding political projects of Indigenous refusal and resurgence as ways of knowing and creating other worlds within and beyond the academy. Work within CIS can be more or less disciplinary, interdisciplinary and transdisciplinary but there is a common commitment to undoing extractive ways of being that settler-colonizing states have imposed through racializing regimes of property ownership and exploitation. This entails a fundamental shift away from Eurocentric distinctions used to govern human and nonhuman beings, as well as moving beyond liberal frameworks of recognition that has been used to ameliorate social and economic injustices both past and present (see Coulthard, 2017). CIS also unsettles the linear ways of knowing and understanding history and time more broadly on which concepts such as 'civilization', 'modernity' and 'development' depend.

Within the broader field of CIS, Jobin's contribution is specifically in the area of political economy. She explains Critical Indigenous Political Economy (CIPE) as "... an approach through which to examine not only the ways in which Indigenous peoples have been affected by ... settler colonial processes, but also Indigenous peoples' challenges to ... forces that try to reconstitute them or attempt to make them disappear legally, socially, or politically" (2023, 38-39). One of the book's accomplishments is Jobin's *relocation* of how the economic sphere should be thought in relation to political and cultural spheres of governance, most broadly conceived. Generating further research "... that uphold[s] the complexities and beauty embedded in Indigenous knowledges ... broadens the discussion on the economy to include nature's economy and the sustenance economy based on relations to human and nonhuman beings" (2023, 39).



The form and the content of Jobin's book work together to demonstrate that it is impossible to rethink Indigenous political economy in place without understanding the beauty and complexities of *nehiyawiwîn* (Creeness). This, in turn, requires readers not only to reconsider our preconceptions about governance, politics, culture and economy in light of Jobin's demonstration of their intersections through *nehiyawak* art and oral narratives: it also requires us to take time with the Cree language through which these intersections are conceptualised and lived. Jobin provides an explanation of Cree syllabics and a glossary to assist readers in a journey that, if taken, will reorient our understanding and experience of an economic system in which activities such as trade, diplomacy and gifting are embedded in Indigenous knowledges of place and peoples.

Foregrounding *nehiyawak* narratives enables Jobin to develop new methods for understanding the relationality that, arguably, sustains all political economies. These methods include beading, stories, and dreams manifesting concepts from Cree language which structure the book's argument. They extend beyond auto-ethnographic approaches by demonstrating how relationships do not just produce a self but are embedded in the everyday processes which enable a book to enter the world. In this context, Jobin refers to time spent on writing retreats and with human relatives which created a space to be with nonhuman relatives in the land and - in particular - the Saskatchewan River, a powerful motif throughout the book. As she writes:

The river has an ancient history, and yet it is still carving spaces in the present: so too, are the Cree and other Indigenous peoples. Like my people, this river has witnessed many changes and yet constants remain. In this work I draw from the time-honoured words of the past that still flow into our collective presents and futures (2023, 3).

The centrality of the nonhuman world to Jobin's account resonates strongly with an essay by Darrel Manitowabi, gambling theorist and co-editor of a special issue of [this journal](#) dedicated to Critical Indigenous Gambling Studies. Manitowabi introduces the *windigo* as a theoretical framework for understanding Indigenous engagement with gambling, past and present, with an account of a dramatic thunderstorm that interrupted his speech at an Anishinaabek community gathering.

There are other resonances with Manitowabi's approach to gambling research. As the editorial of the special issue explains:

... standard academic frameworks are a predetermined linear trajectory: an introduction, literature review, methods, discussion and

conclusion. In situ, Indigenous knowledge system frameworks often begin with a story and leave discussion and reflection in the place of the listener who is left to draw conclusions. In research settings, this is also the case; Elders or Indigenous knowledge holders may respond to questions with story and, in so doing, research becomes a poetic conversation with lived experience and memory embodied in responses (Manitowabi and Nicoll 2021b, i).

Reconsidering research as a poetic conversation led by Elders or other Indigenous knowledge holders suggests new and productive pathways for interdisciplinary gambling research beyond Indigenous contexts. As Julie Rak's [blog](#) and [article](#) in this journal demonstrate, stories and memoirs are powerful ways through which diverse experiences and institutional forces shaping gambling can be investigated (Rak 2021; 2022).

While Jobin does not engage specifically with gambling and casinos in her book, the ideas and examples woven throughout offer some new ways to understand the ways that Indigenous peoples in Canada make livings in ways that may support or unsettle their *nehiyawak* values and agency. Most of the examples of Indigenous involvement in extractive industries explored by Jobin are taken from the oil and gas sectors. However, as Peter Adams and other critical theorists have demonstrated, gambling over recent decades has become increasingly similar to natural resource extraction (Adams, 2007). This is especially true of the digital forms of gambling that enabled gambling industries to be dominated by electronic gaming machines from the last 20th century. While it is impossible to do justice to the richness of Jobin's evidence and arguments in this short review, I will draw out three contributions that I see as especially useful for understanding Indigenous gambling and gambling, more broadly.

The first is the importance of defining and illustrating the economic relationships that sustain a good living, the second is the lived experience of colonial dissonance and the third is the connection between resource extraction and gendered political cultures.

Jobin demonstrates how changing economic conditions, which opened territories to settler-colonial regimes of trade and property, have affected the capacity of Indigenous people in Canada to live the good life that previous subsistence economies, which included intracontinental trade and gifting ceremonies, afforded. She shows how concepts such as the economy and the state can work ideologically to obscure the fundamental relationality of people, place and labor: 'the relationships we have to the land, people, and other beings create and co-create who we are as individuals and as peoples'

(2023, 25). To shift from a neoliberal model of Indigenous self-determination based on capitalist extractive principles, it is necessary to uphold Indigenous principles that sustain a robust and healthy sense of 'Cree livelihood'. Colonial dissonance describes a 'disconnect between norms of behaviour and lived practices', and can occur 'if one cannot live norms related to relationships between Cree people and the natural environment' (142). Jobin demonstrates how colonial dissonance becomes exacerbated by toxic gender norms that political cultures shaped by extractive industries encourage (96). She draws on a book by Metis Elder, Elmer Ghostkeeper (2007), which documents his community's shift from a subsistence economy to enter into a contract with an oil field company:

The result for [him] was dissatisfaction so intense that it motivated him to revitalize his repressed traditional world view... Ghostkeeper decided to live with the land once again... However, for him this did not mean a complete rejection of Western scientific knowledge or Western economic practices [but] a continual critical and reflective approach, thoroughly examining how decisions and actions will affect the roles and responsibilities that Indigenous peoples hold as central to their identities (Jobin 2023, 90-92)

I will conclude with some reflections on how these insights might assist in understanding and navigating the politics of Indigenous gambling through the lens of relationality.

I've argued elsewhere that 'enjoyment' is a key value in the government of gambling and the government of resources in settler-colonizing nation states (Nicoll 2016, 2019). Arguments in favour of deregulating gambling industries to subsidize taxation shortfalls have often emphasised the importance of non-interference with the enjoyment of recreational gamblers. In practice, this has led to 'responsible gambling' policies including self-exclusion and education campaigns about the risks of gambling excessively. A growing body of literature exists that demonstrates the failure of 'responsible gambling' to minimise gambling related harms for individuals and communities. This body of literature is paralleled by literature – especially by Indigenous feminist scholars – who (like Jobin) demonstrate the relationship between violence to the nonhuman world inflicted by national and transnational resource extraction projects and violence against the bodies of Indigenous women, girls and 2 spirit people. Jobin's book highlights the tension between the structural impacts of resource extraction economies and the capacity to fully enjoy a Cree livelihood.

As with gambling revenue sharing arrangements in Canada, land-use agreements and shareholding arrangements with First Nations have become an

important way for governments and fossil-fuel companies to continue economic relationships based on extraction from human and nonhuman beings. When the lens of enjoyment is applied, the power of extractive industries to shape the definition and experience of livelihoods becomes clear and it is no longer possible to understand Indigenous economic life and values in isolation from the larger climate in which they are diversely practiced, undermined and defended.

While Jobin's book explains and embodies what it means to uphold Indigenous economic relations from a Cree perspective, it also raises important questions about how non-Cree and non-Indigenous actors might contribute to or undermine this project. As the interdisciplinary field of Critical Gambling Studies begins to address these questions, it is valuable to return to Manitowabi's account of Indigenous casinos as expressions of the *windigo*:

In Algonquian oral history, the windigo is a mythic giant cannibal. The underlying meaning of the windigo is the consumption of Indigenous peoples leading to illness and death. One can become a windigo and consume others, and one must always be cautious of this possibility. I propose casinos and Indigenous-provincial gambling revenue agreements are modern-day windigook (plural form of windigo) (Manitowabi 2023, 113).

We see an example of this in the Tsuut'ina and Stoney Nakoda First Nations case against the Alberta government cited in the opening of this review. After benefitting from revenue generated by casinos up to the advent of COVID-19, the province created a new means of extracting revenues through its online gaming site, which left the gambling properties of these nations depleted.

The broader challenge that Jobin and Manitowabi pose to the state and commercial institutions that derive revenues from human and nonhuman beings on Indigenous territories is reconciling the value they offer to players, tax payers and corporate stakeholders with the enjoyment of Indigenous economic relationships. As we continue conversations about Indigenous and non-Indigenous orientations to gambling and gaming within *Critical Gambling Studies*, I hope that different ways of addressing this challenge will increasingly feature in the scholarship we publish.

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Funding and Conflict of Interest Statement

Dr Nicoll has received funds for research from the Alberta Gambling Research Institute since 2016. The Alberta Gambling Research Institute is a consortium of three universities that funds peer-reviewed research and is governed by a board of academic researchers with arms-length distance from government funds. Dr Nicoll has contributed advisory and reviewing work for GREO and the Bristol Gambling Research Hub (UK). She does not accept payment for this work in order to avoid conflicts of interest.

Author Details

Since 2008 Dr Nicoll has published an academic monograph (*Gambling in Everyday Life*, Routledge, 2019) seven sole authored journal articles and book chapters and at least ten co-authored journal articles. The founding editor of the interdisciplinary international journal of *Critical Gambling Studies*, Dr Nicoll has supervised postdoctoral fellowships and graduate students on gambling projects and taught two courses at the UofA on the politics of gambling and the politics of Indigenous gambling and play. Dr Nicoll’s work on the politics of Indigenous gambling includes invited projects and a co-edited special journal issue with Darrel Manitowabi.