

the *Escapist*

Salvation *vs.*
Condemnation:
The Two Faces
of Government

by Jason Della Rocca

ALSO:

EDITOR'S NOTE

LETTERS TO THE EDITOR

NEWS BITS



THE COWARD

by Dave Thomas

For the Children

A Critique of The Illinois *Safe Games Act*

by Matthew Hector, Esq.

WE THE AVATARS

by Mark Wallace

EDITOR'S NOTE

by **Julianne Greer**

In this week's issue, StateCraft, we discuss various ways in which the government affects our beloved gaming, and gaming, government. While I have my own ideas and opinions enough to fill the entire magazine, I thought I might invite a few friends to speak on their areas of interest.

Jason Della Rocca highlights the current dilemma of the government as it relates to gaming – the game industry strengthens economies, but sometimes stretches our sensibilities, causing strife between the branches. Dave Thomas delves into America's Army, our government's first foray into developing a videogame, and the purpose behind the game. New this week is Matthew Hector, discussing the recently signed, shortly to be enacted, Illinois Safe Game Act from a legal point of view. Find these articles, and others in this week's issue of The Escapist.

Cheers,



LETTERS TO THE EDITOR

To the Editor: I've been playing *Battlefield 2* for a few months now. When I cracked onto it I was fairly new to pc gaming in general. I hadn't yet experienced the crack, that is *CS: S*, nor even seen a pictorial representation of the original *Battlefield 1942*. However, I was steeped in squad dynamics due to my extensive love for consoles.

When I broke into my first public server after a few rounds in single player, I think I was in there for five minutes before I was kicked for extensive teamkills. It turns out, somebody couldn't accept the fact that I was laying claymores and decided to actively hunt me down and team-kill himself over and over, until all of the punished kills added up and I was banned.

For a few weeks my experience went on with its ups and downs, and usually doing amazing things vindicated all of the major shortfalls I experienced with the core game-play.

That is, until I found the Tactical Gamer Community.

Here was a community who treasured fundamental elements of this game. They played in squads, they used voip, they had special scripts kicking un-squadded members after a minute of playing in limbo, they had it all.

Playing a productive game of *Battlefield 2* doesn't require finding a clan and coordinating scrimmages. I would like to point anybody who is frustrated with the current offerings on ranked servers the chance to save your \$50 and try out a tacticalgamer.com server. Read the rules and operating procedures in the forums and bring your maturity.

Michael

To the Editor: May I say what a fine magazine you have here, and so on and so on. In contrast to many other readers who write in, I like the layout. It's strange, but at least it's new.

I'm afraid I am writing to express my disappointment that you allowed a certain Mr. Stalzer to paste a massive advertisement for his Online Gaming

Guild right in the middle of your mag, free of charge. I myself was a member of his guild many many moons ago, and while I don't want to go into the details of my long period of experience within the guild, I will mention that Sean is quite the mastermind when it comes to spin.

The Syndicate has not always been, and probably is not now, the massively successful and stable guild that Mr. Stalzer makes it out to be. At the time I left the guild, over four years ago, it was going through a stage of massive revolt among almost all the people in positions of 'authority' within the guild. The aftermath of this period in the Syndicate's life was such that a massive chunk of it's core membership left (albeit, at slightly different intervals and groups, but it was all around the same period).

The truth of the matter is, what really keeps that guild together is Mr. Stalzer's own dedication to it, which I'm sure is commendable in some ways. But for him to make claims about how The Syndicate has survived this and that to become one thing or the other is slightly

misleading, especially given that, by now, almost the entire core membership has changed a few times with almost the only consistent core member being "Dragons" himself.

Rich "Mythiran" Nolan

To the Editor: I see you spend a lot of time about guilds and their various dynamic. But do you think you will ever do an article about solo players? I know they do not have the social aspect that guilds represent and do not cater to the larger audience that guilds do, but we do have our place and do exist.

Thanks for listening.

Ebon.

To the Editor: Thank you for the incredible product. I love the format (I read it as PDF since I think the web-format still is difficult; how about the Extra! in PDF too?) I love the visual presentation (and that's coming from someone who typically cares little for packaging and presentation) I love the content. Keep up the quality focus. I like the dedicated topics in issues.

I recently started playing *Diplomacy* online. I've been fascinated by the game itself (the first time I've played it) and the way the game is played. It's almost as pure of a role-playing game as you could have, even if you don't play in character. I wonder if there is any space in your content schedule for discussion of this game and format?

I echo other calls for expanding your content to include reviews or 'games of interest' or something like that. And I'm very excited for the day in the near future when *The Escapist's* reputation gets you interview access to the biggest and greatest names (developers and publishers alike). I can only imagine how good an interview by you would be.

Thanks again and keep it up!

Jerrod Hansen

To the Editor: This "thank you" isn't to any specific person who writes for or contributes to *The Escapist*, but to all those involved and everyone who contributes to the creation of this thought provoking and truly fresh publication. So, to all those who spent

the time and effort bringing *The Escapist* into fruition and those possibly (and probably) many hours of sleep lost writing, gaming and some incredible hybrid of the two:

Thank you.

I've come to realize that in this world, many things we do come thankless. Even when those things we do are not for ourselves, but for others. Whether you're the ones who has to grueling task of editing or the ones who realize their "eureka" moment into tangible text for the world, I want everyone who works on The Escapist to know that their work is appreciated.

That's all folks.

Kelvin Tam



Salvation vs. Condemnation: The Two Faces of Government

by Jason Della Rocca

Upstanding gentleman by day. Marauding villain by night.

The private lives of politicians aside, it is no wonder that, much like the mysterious case of Dr. Jekyll and Mr. Hyde, the greatest conflict over the good and evil of games rages within government's own walls. No question, government is a complex animal.

Sure, we all know about the crusade against the supposed corrupting power of games - the mass media have been fumbling over the "evils" of *GTA* for years (heck, you'd think they'd at least have their facts straight by now, i.e., you don't get "points" for killing cops, and there is no rape). But, I digress. In fact, the real hypocrisy is delivered by the government itself.

...there is a known rivalry between the Ministry of Culture and Ministry of Science and Technology...

For example, the Australian state of Victoria has extremely robust support for the economic well being of the indigenous game development sector. Among other perks, the state provides local developers with Sony and Microsoft sanctioned developer kits, they fly developers over to Los Angeles for E3 to show off their latest games at a dedicated booth, they sponsor a large-scale developers conference in Melbourne annually and so forth.

And yet, the Australian market is crippled by the fact that the Office of Film and Literature Classification (the government controlled content ratings board) will not allow any rating categories above "MA15+" to be assigned to a game. That is to say, any game not suitable for a 15 year old is outright banned from the country and cannot be legally purchased by **anyone** in Australia! This, despite the existence of "R18+" and "X18+" rating categories for films. From a cultural standpoint, it might seem Australian officials are unable to let go of the antiquated notion

that games are toys for children and nothing more.

Further, censorship is not always about violence and sex. An Australian minister was pushing to have *Project Gotham Racing 2* banned because he was afraid it would promote reckless driving on the streets of Sydney. Similarly, there is hard lobbying over *Mark Ecko's Getting Up: Contents Under Pressure* for fear of a graffiti outburst on the streets of America.

China is another country heavily influenced by the Jekyll/Hyde potion. In fact, there is a known rivalry between the Ministry of Culture and Ministry of Science and Technology, with each arm trying to exert control over the burgeoning national industry.

On the one hand, they are committing in excess of \$100 million to the creation of games based on Chinese culture, mythology and folklore. On the other hand, they have declared that games are bad for children and installed strict

regulations to limit playing time of MMOGs and restrict minors' access to games that include violence. As stated by a Chinese culture minister, apparently player versus player or "player killing" (PK) is harmful to kids:

"Minors should not be allowed to play online games that have PK content, that allow players to increase the power of their own online game characters by killing other players ... They are harmful to young people."

Add that on top of the Chinese government's draconian censorship policies (which banned a soccer videogame because Tibet had its own team) and overall inability to curb piracy (there are several "official" Xbox magazines published monthly, even though the console doesn't legally ship into the country). China is one of the top destinations for pirated software, on a scale so vast that the distribution often involves organized crime rather than mere street hustlers with a CD-R. It is easy to see which side is winning this internal struggle.

As an example closer to home, the state of Louisiana is fighting the same

ideological battle. Just as Louisiana governor Kathleen Blanco approved the state's Digital Media Act to support game and new media production in the state via tax breaks and other incentives, Louisiana State Senator David Cain (R-Dry Creek) announced that he plans to introduce anti-game legislation in the 2006 session.

Back on the other side of the pond, British Prime Minister Tony Blair declares, with great pride, the innovative spirit and value of the English game development industry (rivaling film as a top export) as UK companies head to E3 to display their latest and greatest (just down the hall from the Aussies, of course). Simultaneously, culture minister

...any game not suitable for a 15 year old is outright banned from the country and cannot be legally purchased by anyone in Australia! This, despite the existence of "R18+" and "X18+" rating categories for films.

Kim Howells bashes games as spawn of the devil, stating:

"I look at the video games my kids play... and I see no humanity at all, nothing that tries to highlight and underpin the finer virtues that are in people and society."

Dare we ask what games Howells' kids are permitted to play?

The Jekyll/Hyde pattern has presented itself, quite consistently, across the globe - from Canada to Korea, from Japan to New Zealand. One step forward, two steps back.

Part of this pattern is that the role of Dr. Jekyll is always played by the technology and economic development arm of government, while Mr. Hyde is played by

the cultural arm. Well, from the industry's point of view at least.

Clearly, games do drive business and advance technology. As purely technical products, there's simply no end of excitement on the part of economic development reps to grow their game sector. Only a fool would look at the global games industry and fail to see the enormous cash-flow potential of this medium. On a trip to Northern Ireland, I wound up in a room full of government officials eager to learn how to foster game development as a means to resuscitate the country's lagging economy. They are not alone.

And, in an odd way, this interest and support can provide the shot in the arm that industry needs to break out of its current stagnancy. That is, if the support

is directed toward new entrepreneurial and innovative efforts, as opposed to facilitating the next EA or Ubisoft mega studio.

However, that's all for naught if we can't get over the cultural stigma held by the Hydes of government.

Why is it that the cultural and artistic merit of the game medium is so hard to accept? Are games simply too complex for digital immigrants to grok? Why can't they see games for the powerful medium that they are? Is the word "game" honestly so damaging as to demean the entire creative output of the industry, to reduce it to an empty pastime? Or, are the politicians enacting an entirely different drama where the industry is their hapless whipping boy and the sincerity of their intentions to "save the

children" need to be questioned altogether?

Games are an extension of social man and are in many ways a faithful model of our culture. As Marshall McLuhan noted, games give great insight into a people. Perhaps it is that the Hydes of government are simply uncomfortable with what games have to say about ourselves. ☞

Jason Della Rocca is the executive director of the International Game Developers Association. Opinions expressed do not necessarily represent the IGDA. His personal blog, Reality Panic (www.realitypanic.com), has way too many entries that would really piss off Mr. Hyde.



the coward

by Dave Thomas

The measure of a good bar isn't the depth of the beer selection or the amount of designer fabric and black paint the place boasts. It's really about feeling comfortable, which usually means people are drinking - a lot. Laying down that ruler, the Ogden Street Station in Denver is a good bar. Or at least it's filled with very drunk people on a Friday night.

I'd followed some friends there in search of a little karaoke and a few end-of-the week laughs. When the bartender sloshed my order of good bourdon into a shot glass it was clear people came to this bar to get drunk. A very intoxicated girl carried on the can-can of consumption celebrating her 21st birthday by trying to set my pal up with her Aunt Pam. "She works at Lenscrafters," she oozed.

Then the big guy in the pink shirt cornered me.

the Escapist

His beer waving in his dancing hands, I got his life story: A military brat, went to an all male college and was a former Marine. He loved his sales job but was ready for life's next big challenge - an MBA. With visions of waiting in line for a driver's license or being stuck in a traffic jam, I counterpunched in an effort to bring the conversation back to something interesting.

"Ya know, I'm writing a story that deals with the military."

In the striptease of saloon conversation, I gave him the OK to let it all hang out. He told me how much he loved his country and how proud he was to serve. Then, leaning forward with the menace of a guy that's at least 220 and built like a vending machine said sternly, "But that doesn't mean I support this administration. That doesn't mean that I'm in favor of what they are doing."

Then his face fell as he explained how much respect he had for the people in combat, the soldiers that were serving in the line of fire.

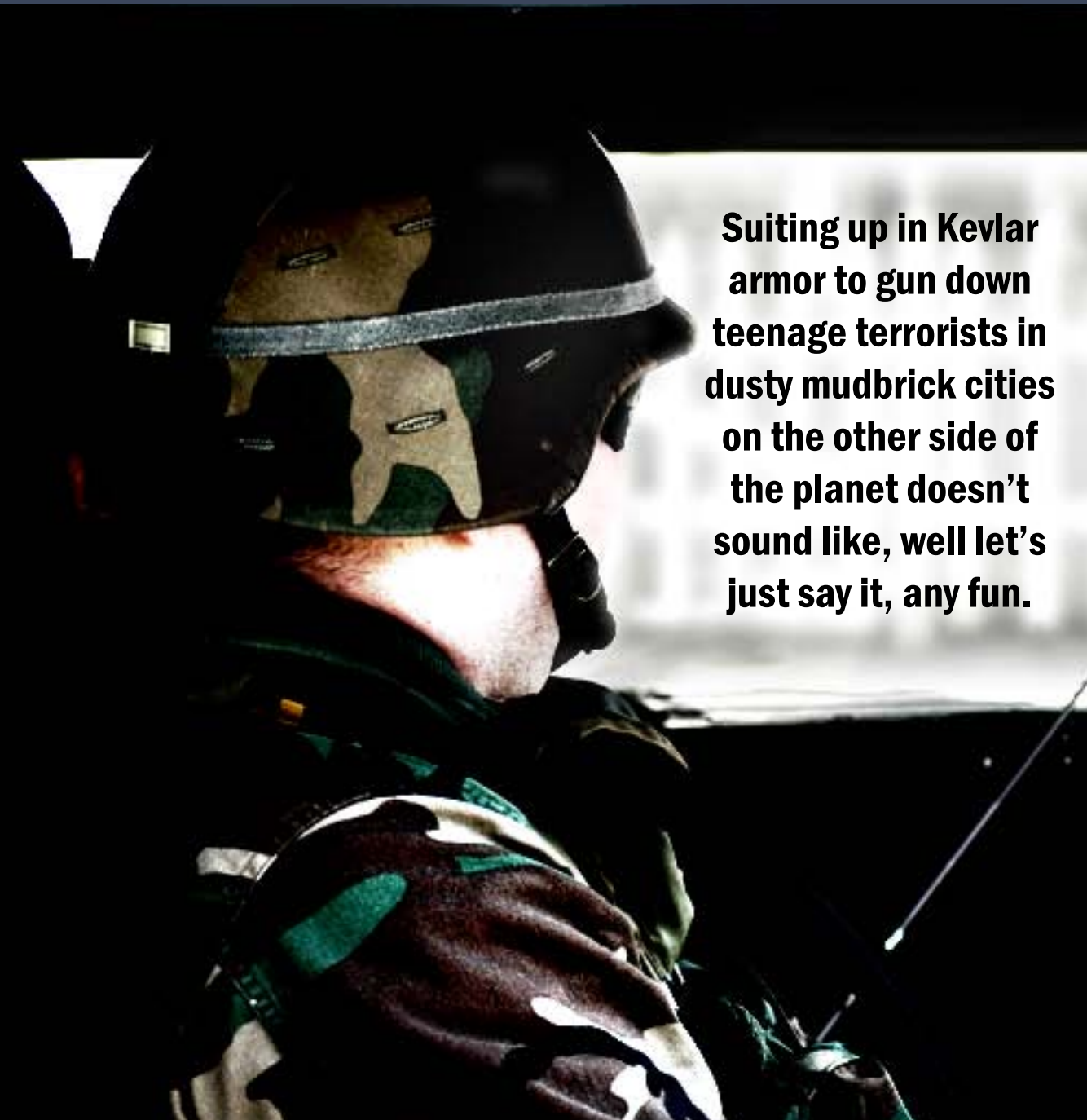
So I asked the question.

"How do you feel about a guy like me who never did serve?"

Without a beat, he pinned me with a stare said flatly, "Well, to be honest, I kind of resent that."

Without anger and with very few words, he told me what I already knew - I'm a coward. The only thing that makes this weight a little lighter is that I live in a country of cowards. Being a coward in America is like wearing black clothes at a Nine Inch Nails concert - it's not just a fashion statement, it's a uniform.

Worst of all, like all the Emo kids who think acting deep means that you actually have anything inside your hollow pubescent chest, the modern American coward thinks they've got it all figured out. They don't call it cowardice; they call it the "American Dream." And only Americans seem to mix up that this dream is just the fantasy of becoming rich and famous. The American Dream is the hallucination of ultimate leisure, of fast cars, early tee times and hot wives spread out across lush backyard BBQs from sea to shining sea.



Suiting up in Kevlar armor to gun down teenage terrorists in dusty mudbrick cities on the other side of the planet doesn't sound like, well let's just say it, any fun.

Suiting up in Kevlar armor to gun down teenage terrorists in dusty mudbrick cities on the other side of the planet doesn't sound like, well let's just say it, any fun.

So we live in the era of the coward. When this particular moment in history started and when it will end seems a lot less important than recognizing that, despite our proclamations to the contrary, we are a nation of the fearful, guided by paranoia and generally shy away from anything smacking of bravery.

Somewhere along the way we replaced actual courage with fey patriotism. We turned into a country filled with flag-waving, gung-ho Patrick Henrys that support the troops by standing safely behind them while discouraging our own kids from signing up for a hitch. In the ruthless calculus of self-interested capitalism, a thousands deaths and a few thousand mutilated young bodies seems a fair price to pay for freedom - as long as Billy can finish his degree and land that coosh consulting job so he can buy Mommy something nice on her birthday.

In a civil society that has come to be ruled by the boardroom, heroism is just

another department in a different corporate division. And more and more, it's someone else's problem.

Uncle Sam Wants You

Since the person I was scheduled to interview about the *America's Army* game wasn't there, I didn't have much choice. Hurry up and wait. Isn't that the Army motto?

"Sure, I can wait for bit," I cooed to my PR contact.

It's something you learn after years of tromping through the Electronic Entertainment Expo as journalist. Reasonably, you could assume you attend the most important videogame show of the year to see product. But everyone knows while stumbling through the expo's existential torpor waiting for something interesting to happen, the real task is to make friends with product managers and publicists. These are the people that make your journalistic life more like happy or more like hell, depending on the circumstances.

So I waited.

Sitting on the floor in the Army's massive marketing display was an olive drab, radio controlled car, or mini-tank. Maybe it was used to find bombs. Or maybe for fighting midgets. Maybe it was the Army's entry in the BattleBot competition. It looked mean.

"You interested in the Talon?"

"Uh, er, I'm just waiting for my appointment to show."

"Well, let me help you," said the soldier. "Major Bret Wilson," he introduced himself with a friendly handshake. "While you're waiting, maybe we can talk."

Major Bret is a Deputy Director for the Office of Economic and Manpower Analysis at the United States Military Academy at West Point. In that role, he is one of the guys behind the America's Army game. And that's what's I'd come to talk about. So, what the hell? Let's talk.

"It's kinda loud in here. You wanna go outside?" he asked.

Huh? Leave the expo? Step outside the sense-deadening audiovisual assault of

We need heroes. Real heroes.



the show floor? Disarm the marketing machine? Back away from the schwag and porn stars dressed as gaming characters. Leave the Talon? Go outside?

What the hell. It was the most interesting thing that had happened all day.

Out on a convention center loading dock, I squinted in the sunlight and stared at the crates. Wasn't E3 all about the flash and bang of **big** sound, **big** graphics and **big** concepts? If so, it was all news to Major Bret. He just wanted to help me understand why my government had spent millions of dollars to develop a videogame.

"The *America's Army* game is a way to bring heroes back into the message," he smiled. Confident. Honest. Major Bret wanted me, the civilian citizen, to understand. He wanted me to understand what he knows. And he wants you to understand too.

We need heroes. Real heroes.

Some people think Lance Armstrong is a hero. I do not.



I think Lance is some super freaky human like the Flash or Wolverine. And maybe if he used his powers to battle super villains and malevolent space aliens, I'd change my mind. Maybe if he had a Bat Cave and a boy sidekick, I'd think differently about him. Maybe if he would just break up with Sheryl Crow I'd give the matter some consideration.

But when I look at the facts, I don't see the hero part.

Fact: Lance rides a bike really fast, for a really long time.

Fact: Lance had cancer, got very sick and somehow didn't die but lost some of his manhood in the process.

Fact: Lance sells yellow rubber bracelets to help support cancer research and is generally an inspiration to those afflicted with the disease.

Let's run these facts through the hero analyzer and see what we come out with.

That Lance rides a bike is not a qualification for being a hero. He may be the greatest athlete of his kind in the history of great athletes. Little kids may

put posters of him on their walls and grown men very well may shave their legs and slip into form fitting Lycra to take a tool around on a bike that cost more than their car. Whatever. These are not the elements of a hero. If so, Sporty Spice is a hero for pushing girl power and exercise. And I'm just not willing to go there.

The word you're looking for isn't "hero." It's "role model." And people - often fans of heavy metal - have proven that role models can model some pretty tasteless behavior and sense of fashion. Thanks to the darker elements of the metal genre, there are still countless young men that

think dirty black t-shirts, long greasy hair and a pre-pubescent beard stubble make you look evil.

So I have no problem with Lance as a role model. But riding a bike does not earn you heroism unless you are being chased by zombie Nazis while delivering life serum to starving children during a particularly difficult mountain stage.

That leaves cancer. And this is where people point when eagerly looking to canonize St. Lance. But let's be honest about this. Surviving a horrible disease does not make you a hero. You might be brave, and you might be generous with

Heroes, in case we've forgotten already, are the guys running UP the stairs in a burning building when everyone else is running down.

how you share your fading strength. Maybe you can find lightness and humor in your darkest moments and share those with the world. These are all noble things. They just are not the qualities of the hero.

The reason is because not wanting to die is not heroic. It's normal. It's natural. It's like ducking when you hear a loud noise or getting off a city bus when a shirtless hobo carrying a pair of nunchucks gets on.

And as positive as it is for Lance to become the patron saint of rubber bracelets, let's not go Mother Teresa on him just yet. Remember, this is a rich guy giving a little back to the community. We don't call Bill Gates a hero for funding inoculations across the globe. We just figure it's better he does that with a few hundred million dollars than build a sex palace on the moon. Really, I don't think of myself as a hero

when I drop a couple of bucks in the Salvation Army can at Christmas either.

Heroes, in case we've forgotten already, are the guys running UP the stairs in a burning building when everyone else is running down.

An Army of Fun

There are two things worth noting about the *America's Army* game.

The second most interesting thing about the game is that it's fun. This is interesting because we assume that the government can't do anything right - at least not as well as the private enterprise of the free market. So, people are surprised to find that AA is good enough that you'd actually think about spending a few bucks to buy a copy. Which leads us to the most interesting thing about the *America's Army* game: It's free.

Finding free games isn't that much of a trick in the era of the Net. Between

easily available porn and Flash games, it's a wonder that U.S. office productivity hasn't dipped below that of Turkmenistan's.

What makes AA a novel freebie is that the government could box up this baby and sell it at Best Buy. It's a polished



shooter game with a distinctive Army stamp.

For example, characters in the game say things like "Range walk," which presumably is something real drill instructors yell at real recruits. If you do stupid things like say, shoot your commanding officer, you'll lose rank

the Escapist

and even end up in the brig. (Which is probably something more squad-based online games should consider.) And you can't do anything smacking of science fiction, like a rocket jump or single-handedly dispatch a half dozen bad guys with an M-16 in one hand and a pistol in the other. The *America's Army* game is like a Tom Clancy's game, just with all the Tom Clancy hyperbole stripped out.

The reason *AA* doesn't get piled in the dozens of other contemporary, first-person shooting titles is because, like Linux, you don't have to pay to play. Both the little operating system that could and the government's own best-selling videogame are products most notable because they are given away. And people find it hard to imagine that anything worth having could be had without a hitch.

So what's the hitch?

The Army can be kind of coy about this, and, frankly, anything they do that costs millions or even billions of dollars. But I think it boils down to this: The Army would like you to spend a little less time thinking about the pick up work they do

for the Bush family and a little more about heroes.

Be All You Can Be

Somewhere in the Pentagon is the guy who worries about people who are not in the Army. His job is to think about the people who the Army protects, who the Army hopes will continue to pay them their substantial allowance for fatigues and cruise missiles and will also be willing to encourage their sons and daughters to spend some time in that most excellent overnight camp known as military service.

These days, though, it sucks to be this guy.

Thanks to a war that nobody really wants to be in, but no one seems to have the slightest idea how to get out of, the Army is missing its recruitment goals by hundreds of thousands of enlistees a year. Politics aside, the arsenal of democracy is running out of floor staff. McDonald's has less trouble staffing the fry station than the Army has putting butts in state-of-the-art combat vehicles.

Even worse, since Vietnam, and maybe even as far back as Korea, Americans



The last time the military had a really good story to tell was when Tom Cruise was in the starring role. "Top Gun" proved that military propaganda was alive and well.

have come to think of the Army as the tool of the current administration. Hate Johnson's Asia policy? Blame the Army. Hate the Bush Agenda? Blame the zealots in the Pentagon.

What the Army needs is a PR campaign, a way to reach out and touch America and convince people the Army matters, to help them understand that Democracy with a capital D depends on a healthy and effective military. The public needs to understand a subtlety and the Army knows full well that Americans gobble up subtlety the way the Saudi's research solar power.

This new message is that the Army is not just a tool of the current administration,

although it is proud and happy to do the job it was asked to do. But even though they may be at the beck and call of a George Bush or two from time to time, sooner or later they'll be taking marching orders from someone else, someone democratically elected into office. The Army of Democracy depends on this - a sort of removed objectivity about getting into whatever scrap, conflict, dust up or flat out war they are asked to enter. This is how democratic armies should work. Because armies that start asking questions start with "Why this war?" but inevitably end up posing the much scarier, "Why are we taking orders from a bunch of civilian chumps? Shouldn't we just be running the show? I mean, guys, don't we have ALL of the tanks?"

The delicate fabric of democracy depends, in part, on the willingness of the Army to play the role of big, dumb and loyal Doberman. But now the pet needs to play seeing-eye dog for an increasingly confused master.

In order to lead the American public in the right direction, you have to move delicately. You have to focus on simple concepts. "Foreign affairs," for example, is out because it already violates the law of simplicity by using two words. Instead, how about "Hero?" And how do you plan to deliver this marketing ordinance? How about by using a medium known for it's massive appeal with young males, tendency to avoid complicated messages and its hurdy-gurdy of reason-confounding multimedia? Why not make a videogame about heroes?

The last time the military had a really good story to tell was when Tom Cruise was in the starring role. "Top Gun" proved that military propaganda was alive and well. And whether or not the Navy needed a bunch of popcorn munching recruits queuing to suit up for air combat, you can bet the Navy brass enjoyed the attention. Not since the Lee



Uncle Sam used to point at the public and make a demand of service. These days, we just point and laugh.

Marvin slipped into an SS Officer's duds in "The Dirty Dozen" has military uniform looked so cool.

Today our images of soldiers are of dusty men and women with goggles propped on their helmets and tired looks on their faces. Our cultural cache of military snap snots includes Lynndie England with cock-eyed cigarette in her mouth and finger pointing at a hooded prisoner's cock. Uncle Sam used to point at the public and make a demand of service. These days, we just point and laugh. Or maybe cringe.

Even when the military does something we like, say by finding Saddam, the joke seems to be on them as they haul a homeless tramp out a hole. Our search for decent villains seems as hopeless as our search for heroes.

As a nation, we've become so thirsty for images of heroism that some of us hauled off and elected yet another actor to govern California. It seems they

remember he did something heroic. Never mind his most notable heroic act happened while wearing a loincloth and involved giving a giant snake god a tonsillectomy with a broadsword. At least it left the smell of heroism in the air.

But where Hollywood has reconstructed the hero as a new kind of fiction, the American Army has captured a little bit of a complicated truth in the imaginary world of their game. If a little bit of the pride, a little sense of the real heroes who understand that to serve their country means to serve a greater good, can come from a videogame, then the game serves a higher purpose.

And that's something you can raise a glass to in any bar. 🍷

David Thomas is the founder of the International Game Journalists Association. He also provides commentary and criticism at buzzcut.com.

For the Children!

A Critique of The Illinois Safe Games Act

by Matthew Hector, Esq.

In my parents' generation, it was rock and roll that threatened Our Nation's Youth™. It turned out that this idea spanned several generations. I can clearly remember the famous "Judas Priest Suicides" of 1985. The idea that there might be subliminal messages in rock music left many parents, who were arguably out of touch with current music, utterly terrified. The Parents Music Resource Center (PMRC) was founded in the same year; its mission: Enlighten parents about the "threat" of rock

music. The music industry responded, accusing the PMRC of fostering censorship.

The music industry survived, and resourceful collectors hoarded copies of the original cover art for *Ritual de lo Habitual*. The labeling of albums was, arguably, a logical progression of the rating system that the Motion Picture Association of America (MPAA) established. Following the trend of industry regulation, the Entertainment Software Ratings Board (ESRB) was founded in 1994. The ESRB rates games based on their content, ultimately indicating the age group for which the game is appropriate. Even with a rating system, video games have been blamed for corrupting the Nation's youth. The recent "Hot Coffee" debacle, where it was discovered that *Grand Theft Auto*:

San Andreas contained a sexually explicit mini-game, has captured the ire of parents and lawmakers alike. A few states have decided that the sale of violent and sexually explicit video games should be regulated.

On June 7, 2005, the Illinois General Assembly sent HB 4023, also known as the Illinois Safe Games Act, to Governor Rod Blagojevich for his signature. This bill was signed July 25, 2005 and, barring and court orders to the contrary, the new law will go into effect on January 1, 2006. The bill has received considerable media coverage, which has filtered down to a multitude of internet message forums. The Safe Games Act imposes criminal penalties on retailers who sell or rent violent or sexually explicit video games to children under the age of eighteen. It would be easy to cry, "Censorship!" and not comment further upon the bill. Doing so would be to ignore the deeper Constitutional and policy-based issues that surround the issue of the regulation of electronic games and their content.

As other states and municipalities have discovered, it is difficult to draft legislation that restricts the sale and

FOR MORE INFORMATION

MPA

www.mpaa.org/movieratings

ESRB

www.esrb.org/about.asp

Illinois Safe Games Act
(HB 4023)

www.ilga.gov/legislation



Think of the Children!

by Nova Barlow

Led by angry and politically savvy Washington wives (and mothers), the Parents Music Resource Center quickly gained the attention of US Senate, leading to a 1985 investigation into “pornographic content” in rock music. As a result, the Recording Industry Association of America (RIAA) introduced a labeling system that still stands today. As for what gets labeled—well, that’s left up to the record companies, so standards arguably vary. The RIAA is a bit ‘late to the party’ - the rating system developed by the Motion Picture Association of America (MPAA) has been in place since 1968, with a few revisions and changes along the way.

After the PRMC incident, things were quiet until 1996, when the Telecommunications Act was passed. The Telecommunications Act required the creation of a rating system for television compatible with “V-chip” blocking technology, and mandated V-chip technology for all new television sets manufactured after a certain date.

Also in 1996, Microsoft, SurfWatch, CompuServe and Cyber Patrol announced they would implement the Recreational Software Advisory Council Internet (RSACi) rating system, allowing parents to block access to Web material without this rating.

The RSACi was adopted into the Internet Content Rating Association (ICRA) just three short years later. The ICRA believes “that self-regulation leads to the best balance between the free flow of digital content and protecting children from potentially harmful material”. In this case, it’s still about ‘thinking of the children’. They’re not alone in these thoughts, with at least sixteen other groups working on a similar mission: making the Internet a safer place for children.

rental of video games without running afoul of the First Amendment. In the American legal system, content-based speech regulation is subjected to very strict scrutiny. While government has considerable freedom to regulate the time, place, and manner in which speech may take place, those regulations cannot cut towards the content of the speech itself. These regulations are “conduct-based.” The most popular example is that it is illegal to shout, “Fire!” in a crowded theater. The restriction is aimed at the conduct of the speaker, not at the content of his or her message.

It could be argued that the Safe Game Act regulates the conduct of retailers who rent or sell video games. The Act does not place an outright ban on video games with violent or sexual content; it restricts the sale of such games based on the age of the purchaser. To this extent, it would seem that the Safe Game Act is similar to State laws that restrict the sale of pornography to minors or that regulate the geographic location of stores that sell adult materials. However, the language of the Act seems to undermine this argument.

The Act defines “violent” video games as games that “include depictions of human-on-human violence in which the player kills or otherwise causes serious physical harm to another human.” It goes on to define “serious physical harm” as “depictions of death, dismemberment, amputation, decapitation, maiming, disfigurement, mutilation of body parts or rape.” The problem with these definitions is that they are vague and overly broad.

When government seeks to regulate speech based on content, it must have a compelling interest in regulating the specific content and the regulation must be narrowly tailored to avoid ambiguity and misapplication. In order to provide a compelling interest, the Act includes several legislative findings that state the harmful effects of violent video games. The findings state that violent video games make minors more aggressive, more prone to violent or anti-social behavior and cause “a reduction of activity in the frontal lobes of the brain which is responsible for controlling behavior.” The Act further asserts that the State has a compelling interest in protecting children from violent video games and in protecting society from

violent and anti-social behavior. It acknowledges that the video game industry has tried to regulate itself, but states that the ESRB ratings are not sufficiently enforced in practice.

It seems that this justification for restricting the sale and rental of violent video games is tenuous at best. While there are studies that indicate the assertions of the Illinois General Assembly are true, there are also studies that indicate the exact opposite. Additionally, the definition of violent games seems a bit ambiguous when viewed from the perspective of a person who has experience with video games. The Act describes violent as human-on-human violence. However, what about games that have humanoid characters? Is an elf or an orc sufficiently human to trigger the statute's restrictions? What about games like *Devil May Cry*? Do vampires count? What about *Resident Evil*? Do games like *Madden 2005*, where players can be maimed as part of the game play, fall under the umbrella of this statute? These questions are important ones to consider. Will games that should be regulated slip through the cracks, or will too many games be regulated because the definition is too vague?

Questions like the ones above are why content-based regulations of speech must be narrowly tailored to be Constitutional. In its zeal to protect children from violent video games, it seems that the Illinois General Assembly has failed to consider these factors. Although protecting minors from objectionable content is important, the purported failure of the ESRB system does not necessarily justify creating a secondary ratings system. In addition to the ESRB stickers that are currently on games, violent video games sold or rented in Illinois must also display an "18" sticker. Failure to label the games exposes retailers to criminal penalties. While this system certainly makes it plain which games are restricted to people eighteen years of age and over, it seems like an overly restrictive means to achieve the end of protecting children.

From a public policy perspective, when government seeks to regulate the content of speech, the least restrictive means is always the best. The findings of the Act beg the question, "If the ESRB system is not enforced, why do we need a whole new system?" A less restrictive method for achieving the Illinois General Assembly's goal would have been to

simply codify the ESRB ratings, requiring retailers to follow the age restrictions established by an industry-based regulatory agency. Certainly, the ESRB's definitions are designed by people who understand video games and the industry better than elected officials. This would also make regulation simpler, especially if other states follow Illinois' example and enact their own Safe Game statutes.

One risk of the Illinois model is that if each state creates its own definition of "violent," it will be difficult for retailers to

guarantee that their stores are in compliance with the law in every state they do business. Another risk is that online retailers will have to stop selling restricted games to residents of Illinois or create an age verification system in



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order to comply with the law. While a credit card was once an effective method for age verification, debit cards and their use by minors makes the task more difficult. A well-planned challenge of the Illinois bill would not only argue that it was an unconstitutional restriction on speech, but also claim that the Act interfered with interstate commerce. The United States Congress is the only legislative body in the nation that has complete power to regulate commerce between the states. It is possible that the impact this legislation could have on online retailers and game rental services runs afoul of Congress' commerce powers.


While it is important to protect children and provide parents with a trustworthy system for determining whether a video game is appropriate for their family, legislation like the Illinois Safe Game Act could create more problems than it solves. If one of the main reasons for its creation is the fact that retailers did not enforce the ESRB ratings and not the inaccuracy of the ESRB's rating system, why throw the baby out with the bathwater and draft a new rating system? In fact, if the ESRB system is so flawed as to require a legislative solution, then why does the Act use the

fact that a game was rated EC, E10+, E or T by the ESRB as an affirmative defense against criminal charges brought under the Act? If a retailer can trust the ESRB rating to tell him whether to sell the game to a minor, why not simply codify the existing system? As it is drafted, the Safe Game Act seems more likely to cause confusion than the current system. It is highly doubtful that retailers will be able to accurately label their stock to reflect the requirements of the statute. Since they are exposed to criminal liability for failing to accurately label games, forcing them to interpret the Illinois General Assembly's definition of violent is an unacceptable burden.

The law also does little to prevent a minor from obtaining a violent or sexually explicit game because it provides a loophole for retailers who sell

the game to a family member of the minor. The statute includes siblings in its definition of family members, which means that all a minor needs is a permissive older sibling to buy the game for him or her. While parents should be allowed to purchase the regulated games for their children if they see fit, allowing siblings the same latitude is highly counter-intuitive if the statute is to effectively achieve its stated goals.

The Illinois Safe Game Act is an example of legislation that is poorly tailored to its stated purpose. It seems to have clear First Amendment issues and may be an unconstitutional regulation of interstate commerce. Its definition of "violent" is ambiguous and vague, and placing the burden of interpreting the statute on retailers will most likely cause them to over-label their games. If retailers

develop a rule of, "if in doubt, restrict the sale," some otherwise acceptable games will be affected. A more efficient method would be to pass legislation that requires retailers to follow the age restrictions indicated in the ESRB rating system for games rated "M" and "AO." While some may argue that the ESRB is ineffective in the wake of the "Hot Coffee" scandal, the fact that it raised the rating on *Grand Theft Auto: San Andreas* to "AO" from "M" shows a responsiveness that would be hard to match via legislative and judicial means. Codifying the ESRB system also guarantees uniform standards that are designed by experienced members of the industry. Ultimately, parents should be the ones to regulate what game content their children can access. If we, as a society, wish to pass laws to assist parents in that endeavor, it is our duty to craft effective, efficient and Constitutional statutes. In the rush to legislate "For The Children!" we cannot lose sight of simple, yet effective solutions. 

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If the ESRB system is so flawed as to require a legislative solution, then why does the Act use the fact that a game was rated EC, E10+, E or T by the ESRB as an affirmative defense against criminal charges brought under the Act?

We The Avatars

by Mark Wallace

Not many gamers I know get too hopped up over the subject of MMOG economics. Sure, we complain about high prices at the auction house, we lament the waiting lines for our chosen servers, we disparage real-money trade, we blather on about "inflation." But when was the last time you checked the Consumer Price Index for your favorite virtual world, or looked to see whether your guild was actually turning a profit these days?

I'm betting never. Not because gamers are too lazy to look, but simply because that kind of data just doesn't exist.

Boring, you say. There's a reason economics is called "the dismal science." How is that gonna help me ding?

In fact, it could help a great deal, because like it or not, virtual economics is about to reach into both your wallet and your games in a big way.

Right now, MMOG gameplay doesn't **feel** very involved in virtual economics unless you're in a place like *EVE Online*, *Ultima Online* or a non-game world like *Second Life*, where the economies float more freely. In the big worlds like *World of Warcraft* you can go on about your business, buying from NPCs and beating mobs, and never have to worry about it.



In the new worlds, though, that's changing. Real-money trade (RMT) has become a hot-button issue with many gamers and game designers. The practice of buying and selling virtual-world items (and services) for real money can lead to lots of things that lots of people view as problems: Low-level characters get twinked with powerful equipment they couldn't possibly have earned yet; gold-farmers suck up all the loot in a region, leaving nothing for innocent adventurers just trying to earn an honest level; characters appear, wordlessly level up under the control of a paid power-gamer, then wander around without a clue once they're back in the hands of their inexperienced owners; developers have yet another obstacle to design their way around while trying to keep their games fun and engaging.

Game developers have been taking RMT into account for some time, but it's only just lately that they've started to make more overt choices in designing for it. And those choices will not remove the issue of economics from our online lives, but get us more deeply embroiled in it than ever.

Sony Online Entertainment's Station Exchange service, which helps *EverQuest II* players on certain servers auction their virtual goods for real money, is only the most visible recent example of a company designing for RMT. The overly shiny MMOG *Project Entropia* has addressed RMT by doing away with monthly fees and creating an economy that's explicitly tied to the dollar. *Project Entropia*'s PED currency is exchangeable at a fixed rate, and players can buy it from the game company with a credit card (or sell it back to them) without even leaving the game. They can also earn PED from other players' activities.

Other worlds are trying on similar revenue models. The forthcoming *Roma Victor* will also have no monthly fee, and will allow similar earnings and purchases (reportedly only up to a certain amount each month). From the sound of things, *Roma Victor*'s designers at Red Bedlam are busy making sure you're going to have to buy some game currency if you want to get much out of the game. But *Roma Victor*'s currency, the Sesterces, will have a variable exchange rate against real-world currencies. And while prices of most things in-world will be determined by player-driven supply and

demand (not unlike *UO* and *EVE*), Red Bedlam, like all game companies, will be free to tweak the economy in an endless number of ways in order to satisfy the gods of gameplay balance.

These kinds of models may sound like an unnecessary complication of things and a way to let game companies micro-manage the economies of their games, but the truth is they're anything but. If new revenue models like *Roma Victor*'s and *Project Entropia*'s take hold, it will



actually put more economic influence in the hands of players. It also means we're going to have to start paying a lot more attention to how our virtual worlds are governed.

At the moment, game companies control far more aspects of their world's

economies than usually occurs to us. They certainly have more control over them than do the people who run real-world economies. No one sits in Washington and decides how productive your steel factory is going to be this month. They can influence it to a certain extent, but not very well.

If new revenue models like Roma Victor's and Project Entropia's take hold, it will actually put more economic influence in the hands of players.

The people who govern virtual worlds, by contrast, can tweak the rate of loot drops and the spawning of mobs and other resources whenever they want. The Department of Energy doesn't get to decide how much oil it's possible to take out of the ground. The designers of an MMOG, by contrast, can not only decide that, they can change it on the fly.

They also control much of the market. NPC prices rarely change in most worlds, and if they do, they don't change much. Any inflation is for the most part limited to the auction house and out-of-game sales. Power gamers and eBay buyers are the minority. Game companies generally won't reveal whether they take auction prices into account when tweaking loot drops and other factors. Even still, it's safe to say that in most worlds, these things don't have a consistent or significant impact on the broader economy (i.e., the parts that are run by NPCs and the environment—in other words, the parts that are run by developers).

A *Roma Victor*-like economy, though, is going to be much less stable. Besides being free to buy sesterces, *RV* players will also be able to set up their own in-

world businesses, flogging the junk they've gathered, looted or crafted to their fellow players, or just buying low and selling high. By weaving players into the fabric of its economy instead of letting them float on top of it in an auction house or on eBay, *Roma Victor* looks to give gamers a much greater impact on the state of the world. In a place where players will be better equipped to compete economically with NPCs in supplying the items people need, players' choices are going to influence the course of the world and the gameplay experience to a much greater extent than it does in most MMOGs today.

As players of *EVE* and *UO* already know, making producers out of players means you've got to keep an eye on the market. I've got 660,286 units of Massive Scordite gathering dust in my hangar bay in the Piekura system at the moment because prices have dipped in the last week or so. I figure there's got to be a ship manufacturer out there who's going to get a hurry-up order soon enough, and when he does he'll put a buy on Scord again at the prices I like. I could get about 9 million InterStellar Credits for it at the moment—but I'd



At the moment, your wallet is just a kind of on-off switch, where MMOGs are concerned.

rather get the 11 million I know it's worth.

For most gamers (that is, those who don't engage in RMT), the only interaction between their bank accounts and their virtual worlds comes in the form of purchase prices and monthly subscription fees. At the moment, your wallet is just a kind of on-off switch, where MMOGs are concerned. All you can do if you're broke is cancel one of your games. But if an *RV*-style pricing model takes hold, your wallet will soon be more intimately involved in your virtual life than ever before.

If you're paying \$14.99 a month in a game like *World of Warcraft*, of course, you can just as well buy \$14.99 worth of sesterces in *Roma Victor* every 30 days (provided you like the game). But what happens when the game gets rebalanced by a new patch and the leatherworker you've been buying from down the virtual lane finds that skins aren't dropping so readily as they were before?

He raises his prices. Now you find yourself spending more game coin on the materials you need to make the armor you're selling out of your own virtual storefront. You try to raise your own prices, but since the company hasn't rebalanced leather armor, no one wants your stuff at the higher price. In a *WoW* economy, your only choice is to work harder for the coin you need to get your materials—the game still costs \$14.99 a month no matter what's going on inside it. In an *RV* economy, however, you can work harder, or you can just spend a couple of extra bucks each month to cover your increased costs. To get the same gameplay experience out of it, you're now paying \$17 a month.

Assuming the skinning tweak was a gameplay issue and not just an evil attempt by the company to make more money, an interesting thing has happened: **The gameplay of a virtual world has had an impact on your real-life bank account.** It works in reverse as well: You can cancel your

World of Warcraft account if you need the extra fifteen bucks a month, but in a game like *Roma Victor*, you never have to cancel, you can just stop buying sesterces. If you're poor in real life, your toon is poor in the virtual world. If you're rich, your toon is rich. That's an environment we haven't really seen before: Even if you never visit eBay, your real-world bank account is affecting your life in the virtual world.

A *Roma Victor*-style economic model will make your wallet act more like a faucet, regulating the flow of cash back and forth between the real world and the virtual one. The marginal effect will only amount to a trickle, at first. But where do you draw the line? The hypothetical patch above raised your effective monthly fee from \$15 to \$17. Would you have signed up for a \$17-a-month MMOG? An \$18 one? \$20?

And what if the armor you were making was selling like there was no tomorrow? You might decide to crank the faucet open and see just how much money you can make—and you might be surprised to find it's quite a bit. But then a patch comes along that doesn't tweak skin drops, but instead requires more leather

for each piece of armor that you make. Now your little virtual business is losing money—real money—like a leaky sieve. And all in the name of gameplay. The patch not only changed your experience of the world, it affected the contents of your wallet.

Now we're on tricky ground. Game companies can make such tweaks to their worlds because we tell them they can: It's in the Terms of Service (ToS). But in a world where patches have a financial impact not just on gold farmers but on all players, that document takes on new meaning.

Game companies are careful to note that everything in a virtual world is owned by

...what happens when the game gets rebalanced by a new patch and the leatherworker you've been buying from down the virtual lane finds that skins aren't dropping so readily as they were before? He raises his prices.

them, and that none of it has a real-world value. But as games economist Edward Castronova of the University of Indiana has pointed out, the mere fact that companies feel they have to stipulate their ownership implies that there's something of value at play here. If plat was **really** worthless, they wouldn't care. The *Roma Victor* model of MMOG economics moves game economy one step closer to the real-world economy, by setting up an explicit economic relationship between the two that's governed by a legally binding document (the ToS).

It seems likely that, sooner or later, someone's going to point out this relationship to a court. Courts in other countries have already begun to question the contentions of the ToS, and it's only a matter of time before it happens here. Whether a game currency comes to be seen as a separate product that's being bought (and owned) or as an investment in a market, the Terms of Service will soon be insufficient as a governing document, and real-world laws will have to get involved.

It's players who are going to make this happen.

You can see the beginnings of it already, in the protests that take place from time to time in MMOGs. In January 2005 a group of unhappy warriors captured the attention of *World of Warcraft's* Argent Dawn server (as well as a few Blizzard GMs), protesting for fixes they demanded be made in their chosen class's powers. They didn't get much for their trouble other than suspended accounts, but they were following in some not so ineffective footsteps.

A similar protest had been planned in *EverQuest* in November 2003. The warriors were mad as hell (this time over nerfing), and they weren't going to take it anymore. A protest was announced, and remarkably, the mere mention of it had some effect. A week after the announcement (but before the protest had taken place), an *EQ* Community Manager announced a major overhaul of combat mechanics. In the end, it wasn't as major an overhaul as many warriors would have liked, but their voices had been heard. The people, in the form of their avatars, had spoken.

This is how governments are born. Remember the Boston Tea Party? That was an economic protest, and one of the

key moments in the run-up to the American Revolution. I doubt the Argent Revolution is going to come along anytime soon and set up its own sovereign nation on Blizzard's servers, but the laws governing cyberspace have yet to be written.

Residents of non-game virtual worlds like *Second Life* find themselves even deeper in the fray, due to their explicit ownership of the intellectual property rights to the things of that online world.

Whenever Linden Lab tweaks the *Second Life* economy, in-world protests break out. Given the many profitable businesses that are run in *SL*, its Terms of Service has become quite a contentious document. Economic changes and inconsistencies of enforcement have a significant impact on some *SL* residents' real-world incomes. But like all the rest, *SL's* ToS says the company can do as it likes.



the Escapist

Sooner or later, this is going to have to change. There will always be game worlds where we agree to give up any say in how they're run in order to get a stable amount of fun out of them. But in non-game virtual worlds and even in some game worlds, players are going to demand more of a voice as those worlds become more deeply entwined with the physical world. Who knows? Maybe one day we'll find ourselves electing representatives to some kind of players' parliament that will be responsible for tweaking loot drops or deciding whether warrior crits do too much damage?

This is pretty far-out stuff, but think of that virtual Consumer Price Index for a moment. There's a reason game companies don't make that kind of information public. As soon as they do, there's going to be a group of gamers somewhere saying, "We're paying you all this money; what are you doing about inflation?" And if it happens in a world that recognizes the value of game currency, the courts could decide that the company had better do something about it after all.

That in itself is a pretty significant (if small) step toward some kind of new

legal and/or governmental take on virtual worlds. In the real world, we pay taxes as part of a deal to insure against a "lead designer" coming in and tweaking the economy whenever he wants in order to balance the "gameplay" of our world. Alan Greenspan has a lot of influence over the economy, but that's only because we the people decided he should. Sooner or later, we the avatars are going to have to decide what kinds of virtual worlds we want to live in.

Those virtual worlds will probably never work quite the same way as our physical world, but they're certainly headed in the same direction. How far down the road they come to rest remains to be seen. Places like *Roma Victor*, *Project Entropia* and *Second Life* are pushing them to the next step. The step after that will be largely up to you. ☑

Mark Wallace is a journalist and editor residing in Brooklyn, New York, and at Walkering.com. He has written on gaming and other subjects for The New York Times, The New Yorker, Details and many other publications.



NEWS BITS

Nintendo Revolution Controller Revealed

Nintendo unveiled their controller at the Tokyo Games Show, and it is, in fact, nothing short of revolutionary. Met with mixed opinions across the board, the wireless Revolution controller sports gyros within the device to detect motion and relay it to the console, allowing users to manipulate onscreen action by moving their hands, rather than using actual buttons. Videos of the device in action proliferated the internet quickly after the announcement.

Console Modder Sentenced to Five Months

The owner of console mod retailer Pandora's Cube, Biren Amin, was sentenced to five months of jail time and five months of house arrest, in addition to nearly \$250,000 in fines for modifying Xboxes to play copied games and selling them to customers. He was found guilty of conspiracy to commit copyright infringement, and violating the DMCA,

which "prohibits the manufacture and distribution of products or services that circumvent technological protection measures designed to prevent unauthorized access to and copying of copyrighted materials." Three other employees were found guilty and received lesser sentences.

360 to Ship November 22

Microsoft announced the Xbox 360 would launch on November 22 in the States, December 2 in Europe, and December 10 in Japan. While the amount of fabricated 360's hasn't yet been confirmed, games analyst Michael Pachter says at least 1.5 million units will sell in the first week. (One should note, Mr. Pachter also claims *World of Warcraft's* subscriber numbers will dip by 75% within a year.) Speculation is also running high on just how well the 360 will sell in Japan, where only 5% of consumers have shown interest in the console.

Casual Friday

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