

The Battle For Brazil's Game Future

By Arthur Protasio

[IGDA Rio de Janeiro head Arthur Protasio writes about the current perception of games in the South American country, talking about cultural and economic challenges that keep games from being recognized as a vital medium in this developing economy.]

It is no mystery that games are a huge medium -- and are growing fast. Likewise, the debate between those who believe in games as a medium deserving respect and those who don't is also not new.

Regardless of which conclusion one comes to, the definition of "art" is independent of evaluations such as "good" and "bad" or "exquisite" and "distasteful". Simply put: art does not need to please one's tastes in order to be legally defined as "art".

However, if one thing has been proven beyond a doubt, it's that games do excel at creatively expressing thoughts and emotions, and are one of the most engaging and popular means of expression in society today. The issue at hand is that, sadly, this is not the perception that prevails among society as a whole.

Specifically in Brazil, the medium faces serious problems, in terms of both the views of society and the government. Therefore, understanding the Brazilian scenario becomes crucial, in order to learn more about developing game markets. Reverting this negative impression will help to impede the marginalization of the medium not only in Brazil, but to also set an example of the medium's recognition around the world.

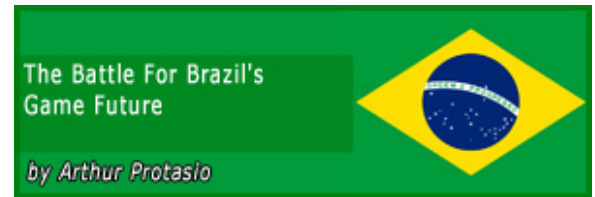
Though games, generally speaking, have been around ever since the dawn of history, video games are the first iteration to come to the fore as a true economic force and creative medium. Unfortunately, as a medium, games still struggle to attain legitimacy outside the game community. Despite statistics clearly showing the average age of video game players [to be above 30](#), the video game medium is still viewed as a toy or a plaything created solely to entertain children and teenagers.

However, when the media discusses the spectrum of games that are not exclusively for ages 13 and below, they tend to focus negatively on the stereotypical definition of the "gamer" and reinforce a negative perception of games. This makes it harder for the average person to admit their enjoyment of games and hampers the "normalization" of gaming. In Brazil, it is common to see news articles constantly preaching the negative effects of games or further emphasizing the idea that the games industry is actually a lucrative toy industry.

This prejudice, however, is not limited to a specific region, but rather is a global phenomenon. Germany has had problems regarding violent games, which even resulted in developer Crytek [threatening to leave the country](#). Activision [had to edit Modern Warfare 2](#) so it could be commercialized in Russia, and all "violent games" had to deal with the EMA vs. Schwarzenegger case which took place at the Supreme Court of the United States of America, even if the final verdict eventually [favored the medium](#).

In Australia, which has very restrictive age ratings, games that would fit into its R18+ classification cannot be released -- it's [non-existent for games](#). And these are but a few examples, the list could go on, but the point's been made: games are the target of political restriction and censorship in otherwise liberty loving countries around the globe.

Here in Brazil, it is no different. The country faces similar issues in relation to government regulations that aim to prohibit both distribution and development of "violent" games. In addition to that, when it comes to Brazil -- other than the stereotypical references to soccer and carnival -- people in the game industry tend to think of piracy.



Though piracy takes place here, it is but one of the barriers that directly affect the access to games in the country. Among these barriers are high prices, which are caused, amidst other reasons, by excessive taxation, but also distribution and licensing issues, along with the unwillingness of companies to officially take place in the market.

The concrete result? A game that costs around \$50 in the U.S. [is sold](#) for around 200 Brazilian Reais, which is the equivalent to about \$110 to \$150.

However, when advocating in favor of the video game medium -- even on economic issues such as taxes -- we, as an industry, run into the negative view that the Brazilian society as a whole has of video games.



Thankfully, given the rising number of game developers, conferences, trade shows, and the general outreach taking place in the country, this is changing, but its speed is severely hindered by a few key factors. Chief among these are the influence of judicial decisions banning "violent" games; legislative bills aiming to ban all "offensive" games (including those which, according to the bill, might be found offensive by Satanists), and a rating system run by the government.

But to really understand how we got here, we have to look back in the '90s, when a few decisions paved the way for the debate that is currently taking place in the country. In 1997, the first of many "administrative decisions in defense of consumer rights" prohibited the game *Carmageddon*.

Then, in 1998, another decision [banned the first game](#) in the *Grand Theft Auto* series. The justification for this decision was that the game was a menace to society due to its message that "crime pays," and the ideas it nurtured in players were that it was a tempting possibility to go out in the streets and cause mayhem by stealing cars, running over people, and escaping from the police.

Then, two years later, a judicial decision prohibited six computer games in Brazil, specifically *Blood*, *Requiem*, *Mortal Kombat*, *Postal*, *Doom*, and "*Duke Nukem 3D*" -- yes, it's on the books with an 'n' at the end. With shallow descriptions of each game, the document stated how these works negatively impacted children and youth in general.

Yet despite how absurd and flawed these descriptions were, there was no one to fight for the rights of developers and game consumers, so laws like these sailed through because of the political gains that could be made by demonizing such an easy target.

Politicians proudly stated that the evaluation of these games was done through the viewing of VHS video tapes and proceeded to attribute the same games -- especially *Duke Nukem 3D* -- as causes of shootings that took place in the country (similar to the Columbine incident).

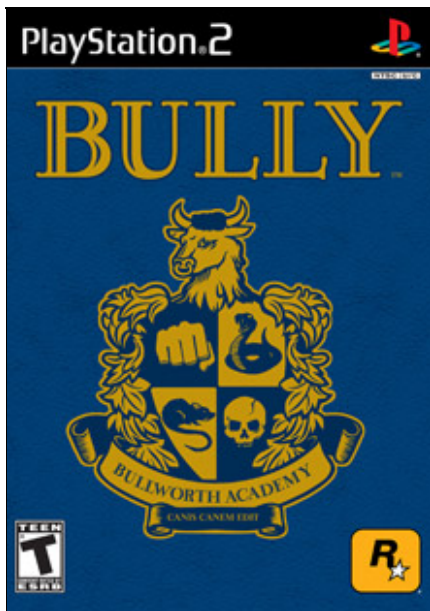
It became clear that no fair evaluation was being given. No one in power was even attempting to understand the medium before dismissing it, because they didn't have to; the stereotype did all their work for them. Had it been an evaluation of a movie, the judgment certainly would have been different.

But now let's jump forward eight years, when the bannings resurfaced. In 2007, *Counter-Strike* and *EverQuest* [were the targets](#). The judge on the case decided *Counter-Strike* taught players urban warfare strategies but, curiously, nothing was said of the latter. Nothing in the document, not even a single paragraph, mentioned the reasons *EverQuest* should be prohibited in Brazil. However, the text was absolutely clear in impeding any sort of distribution and commercialization of both, ranging all the way from magazines to game cartridges, and even reusing the exact same text from the 1999 bannings.

Thankfully, the lawsuit came to a close in 2011. The verdict lifted the prohibition of the specified games and even cited the Supreme Court's decision on the *Brown v. EMA* case. Regardless, the game medium was accused, yet without proper justification. Was it worth it to prohibit a 2000 game in 2007 and spend public resources by debating the issue for four years in court?

Shortly after, in 2008, the game *Bully* was also a victim of censorship. Through a hasty handwritten judicial decision, all distribution of the product ceased in Brazil based on "violence that took place in a school environment." [The judge stated](#) society would lose its ability to raise its children if they had access to such games.

Following the streak of judicial decisions, legislative bills also regained their strength. Although at least 12 anti-game bills are currently ongoing throughout Brazil, specifically one that began its life in 2006 and came into the media spotlight in 2009 after an approval report went public: bill number 170/2006, authored by then-senator Valdir Raup.



[This bill](#) aims to prohibit the distribution and development of all offensive games. The problem, however, is that it not only makes use of such a broad and subjective concept, but it also makes use of non-existent (or unproven) game references, such as one "in which you take control of a super flying thug and beat Jesus' twelve apostles". Curiously enough, the tone in which the games are described resemble much of Jack Thompson's [Modest Game Proposal](#).

It becomes evident that the decisions that are being made regarding the video game medium, lack proper justification and knowledge. Perhaps it is part of society's gradual adaptation to a new medium. Nevertheless, this adaptation also implies that those who truly believe in it must take their stand; just as once the saxophone ceased to be the "devil's flute", games must cease to be seen as "time wasters for underdeveloped men" and "corruptors of youth".

So where is our line of defense? The simple fact that video games are an extremely effective medium of expression. A medium that excels at entertaining people, but also keeps them engaged in various subjects, such as politics, art, education and health. It is no mystery that games are already perceived (and used) by universities as a valuable means of communicating varied messages, and whether "'casual' or 'hardcore', single- or multi-player, mainstream or independent, video games have become a powerful cultural force," as they were described in a [Harvard lecture](#).

When it comes specifically to Brazil: article 5, number 9, of the Brazilian Constitution protects works of artistic, communicative and scientific nature, by granting them free speech. Games obviously fit into this category, and thus deserve to be protected as free speech as well. Unfortunately, this will never be accepted until Brazilian society sees them as more than a pastime or toy, and recognizes their true potential.

Therefore, we need to change the dialogue and take the offensive. Most of the negative bias against games is harbored by people who have never played them, so we have to come out with an aggressive message for traditional media that even people who have never played games can understand.

Is it really beneficial to let the focus of attention be directed towards criminal incidents supposedly related to games, instead of the value of the medium as one capable of formal analysis?

Take the *Grand Theft Auto* series, for example. For the most part, its games are known as simply being controversial -- and assumed to cause criminal behavior and vandalism in teenagers and young adults. However, behind all these accusations, some people do see the series as valid high satire.

We need to bring opinions of men like [Matt Selman](#) and [Seth Schiesel](#), who made public their thoughts on Rockstar's satirical version of the United States (the former compared the series to works of Tom Wolfe, Balzac, and Dickens), to the fore when defending these games in public rather than simply saying "they're harmless toys" ... or worse still, sitting silent, hoping it will all blow over.

Grand Theft Auto is merely the most extreme example. In many of the artistic indie games, such as *Braid* and *Today I Die*, we have plenty of material to evangelize.

Academics and players have seen this medium function not only as entertainment, but also as a vehicle capable of conveying narrative, exploring ideologies, promoting education, and creating and reproducing culture -- by effectively engaging its audience through interactivity.

Games are as legitimate as any other medium. Yet without us publicly defending this idea as an industry, we validate the accusation by omission and remain marginal; as a menace in the eyes of the public.

It is important to note, however, that in Brazil, the Ministry of Justice already provides, since 2001, a well-known and respected rating system for video games. This alone eliminates the need for aggressive content restriction, yet

coupled with parental control-enabled consoles, these ratings can be effectively enforced by parents who will not allow their children to play violent video games.

However, these ratings need to be understood by parents, so they can effectively educate their offspring in making the right decisions, thus avoiding drastic measures.

Nevertheless, the rating system currently employed is not flawless. One of the ramifications that negatively impact the Brazilian gaming industry is that Apple's iTunes store [does not provide games in Brazil](#), because all of them would need to be evaluated by the government. As an alternative solution, developers release their games at the App Store under the Entertainment category or simply don't release them in digital stores Brazilians have access to.

Even if slightly problematic, rating a game and allowing access to the appropriate players is definitively the best solution at the moment, as well as a step in the right direction. At the moment, because of this issue, users need to register their accounts to other countries -- like Argentina, for example -- in order to have access to unrestricted content.

To the industry, this is very problematic because social and mobile games are a pretty big part of the Brazilian game market. In great part, they represent easier ways of breaking into the industry and, given the circumstances, it doesn't make things any easier for big social game developers, Brazilian companies, or independent developers emerge from this scenario.

When it comes to social games, however, since they are usually free-to-play, are hosted on external servers, rely on social network age restrictions, and are classified as "internet", rather than commercial games, they are not rated by the government. This allows developers to explore this market, but mainly does not cause any sort of complications, because the content is generally suitable to everyone.

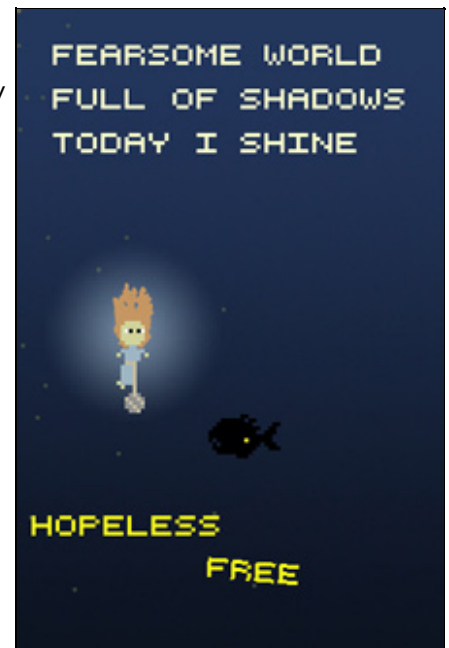
After all, casual social games rarely pose themes as serious or as violent, unlike the situations many retail games delve into. The stigma that games are a medium for children remains, but no sort of news breaks out stating that social game users commit crimes that resemble games like *GTA*.

Furthermore, though the game medium is largely consolidated in some countries due to their mature game industries, in many other countries there are still many growing pains to be overcome. If these issues are not dealt with, and the importance of developing countries is not recognized, the medium might not only lose a potential market (bountiful with paying customers), but avid supporters, and an active worldwide community.

Therefore, it is paramount that the international video game community takes a stand and manifests its concern for the reputation and legal status of the video game medium. Instead of allowing the media to focus on hypothetical connections between shootings and games, let us remind them of museums throughout the world that exhibit games among their art works, and government grants that promote this gradual recognition of the medium as a cultural and artistic manifestation -- such as the official recognition of games as art by the National Endowment for the Arts in the U.S.

The current scenario is changing and Brazil is going through a very important, and positive, transition phase. The future holds high hopes, and the market is ever-growing. However, this current progress must continue.

Regardless of location, works of expression, art, and culture are a universal product of human nature. Laws and governments may vary from country to country, but the video game medium remains the same for everyone. Video games are not only entitled to, but also deserve free speech: now is the time to fight for the medium in Brazil and beyond.



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