

**NOTICE OF DECISION
UNDER SECTION 38(1)**

TO: Secretary for Internal Affairs
Department of Internal Affairs
PO Box 805
Wellington



Title of Publication:	Postal 2: Share The Pain
Other Known Title(s):	Not Stated
Director(s)/Producer(s):	Not Applicable
Publisher(s)/Author(s):	Not Applicable.
Format:	Computer Game
Country of Origin:	USA
Language(s):	English



Decision:

Objectionable.

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Submission procedure:

The publication was submitted by the Secretary of Internal Affairs on 20 September 2004.

Under s23(1) of the FVPC Act the Classification Office is required to examine and classify the publication.

Under s23(2) of the FVPC Act, the Classification Office must determine whether the publication is to be classified as unrestricted, objectionable, or objectionable except in particular circumstances.

Section 23(3) permits the Classification Office to restrict a publication that would otherwise be classified as objectionable so that it can be made available to particular persons or classes of persons for educational, professional, scientific, literary, artistic, or technical purposes.

Description of the publication:

The publication is the latest development of the controversial computer game from the late 1990s entitled *Postal*. The original *Postal* game is unclassified in New Zealand, and was banned in Australia in 1997. The current version is a technically superior variation of the gameplay that uses artificially intelligent characters and enhanced physics engine. The game may be played as a mission-based single player game, or as multiplayer game over a LAN (local area network) or the internet.

Postal 2: Share the Pain is a “first person shooter” (FPS), or more accurately, a “first person adventure” (FPA) game. The player is in control of a malcontent computer game developer who has moved to a small country town for a job at Running With Scissors (RWS), the game development company responsible for producing the *Postal* games. He is married to someone referred to only as “the bitch” and they live in a trailer. Each day, Postal Dude must accomplish a variety of menial tasks or missions before being able to advance to the next day. The game is played over five days, Monday to Friday. On Monday, Postal Dude loses his job and collects a pay cheque from his employer. He is then attacked by a protest group, Parents For Decency, who have been protesting against violent video games. Other tasks during the week include buying milk, returning a library book, voting, buying a Christmas tree, and collecting signatures on a petition requiring “whiney congressmen” to play violent video games. As Postal Dude completes each task, he either initiates or is drawn into conflict with members of a number of stereotyped groups including butchers, postal workers, angry parents protesting violent video games, Arab terrorists, Catholics, hunters, Indian shop owners, gay men, and rednecks. These people are usually heavily armed. These stereotyped minority and protest groups, as well as the menial tasks set for Postal Dude to complete, most of which involve waiting in long queues, are intended to provoke the player into reacting in violent and anti-social ways.

As Postal Dude, the player is free to complete each day's missions in any order, and without a time limit, but must complete each mission in order to proceed to the next day. As missions are completed, new areas on the town map open up for exploration. These include outdoor and indoor environments such as the town's streets, a cemetery, a forest, a napalm factory, a brewery and a shopping mall. The player has the freedom to enter people's houses to search for weapons, health packs and money, though this can result in the homeowner pulling out a

firearm and attacking the player. The player is free to wander around and interact with everyone he sees by exposing his penis in public, urinating on anyone at any time, kicking them, and killing them. Characters react to Postal Dude by insulting him, not doing what he asks, vomiting, screaming, begging for their lives, fleeing, or attempting to kill him. Postal Dude's weapons include spades, police batons, electric tasers, sickles, toxic gas cannisters, petrol cans and matches, Molotov cocktails, machine guns, rocket launchers, shotguns, rifles, pistols, grenades and a festering cow head that releases anthrax. All of these weapons, as well as kicking and urination, may be employed by Postal Dude during the inevitably provocative interactions he has with everyone.

Violent conflict with homeowners, stereotyped group members and other characters tends to attract the attention of the police who will try to arrest and shoot Postal Dude. Postal Dude has the freedom to shoot at or even kill the police, though this increases his wanted level, represented onscreen by a law enforcement insignia. The wanted level decreases over time provided that the player does not come into further contact with police.

The game has a crass sense of racist, sexist, and homophobic humour in its treatment of homosexuals, Asians, militant Islamists, conservatives and others. The game could be said to make coarse political observations with its depictions of suicidal Arab terrorists engaged in warfare against "infidel" Catholics, and its treatment of armed conservatives against video game violence. One mission has the player going to vote. In a reference to the 2000 American election, the paper ballot records Postal Dude's vote as Republican even if he votes Democrat. The voting paper itself produces a dangling chad. Many would find this base humour offensive and unfunny. Some, however, would see this as low-level satire and political commentary that gives the game's "first-person shooter" violence and gore some context.

The meaning of "objectionable":

Section 3(1) of the FVPC Act sets out the meaning of the word "objectionable". The section states that a publication is objectionable if it:

describes, depicts, expresses, or otherwise deals with matters such as sex, horror, crime, cruelty, or violence in such a manner that the availability of the publication is likely to be injurious to the public good.

The Court of Appeal's interpretation of the words "matters such as sex, horror, crime, cruelty or violence" in s3(1), as set out in *Living Word Distributors v Human Rights Action Group (Wellington)*, must also be taken into account in the classification of any publication:

[27] The words "matters such as" in context are both expanding and limiting. They expand the qualifying content beyond a bare focus on one of the five categories specified. But the expression "such as" is narrower than "includes", which was the term used in defining "indecent" in the repealed Indecent Publications Act 1963. Given the similarity of the content description in the successive statutes, "such as" was a deliberate departure from the unrestricting "includes".

[28] The words used in s3 limit the qualifying publications to those that can fairly be described as dealing with matters of the kinds listed. In that regard, too, the collocation of words "sex, horror, crime, cruelty or violence", as the matters dealt with, tends to point to activity rather than to the expression of opinion or attitude.

[29] That, in our view, is the scope of the subject matter gateway.¹

The content of the publication must bring it within the "subject matter gateway". In classifying the publication therefore, the main question is whether or not it deals with the following matters in such a manner that the availability of the publication is likely to be injurious to the public good:

Matters of sex

The publication briefly deals with matters of sex in terms of s3(1) of the FVPC Act. One mission depicts a scripted sequence where Postal Dude is knocked unconscious by two spade-wielding rednecks. When the character awakes he is in a box listening to two voices discussing who is going to "go first." After the player jumps out of the box and confronts his two captors it is revealed that he is wearing a full body gimp suit, with his buttocks protruding. This puts the conversation about "going first" in its sexual context, and refers to a similar scene in the Quentin Tarantino film *Pulp Fiction*.

In a later level the player must receive treatment for a venereal disease which is causing Postal Dude pain (represented by a decrease in health and green chunky urine) each time he urinates. This problem is resolved with medicine dispensed from a machine at the clinic. There is no background information on how the player contracted a sexually transmitted disease.

There is no other sexual activity or nudity in the game as submitted. Matters of sex have therefore been given minimal weight in determining the publication's classification. The inclusion of sexual matters however tends to reinforce that the game is intended for adults.

Matters of crime

The publication deals with matters of crime in terms of s3(1) of the FVPC Act. Matters of crime include violent criminal acts which the player may commit, such as home invasion, assault and murder which are discussed below under matters of cruelty and violence. The game also deals with crime through the ability of the player to smoke health-revitalising pipes, which from the effect they have on Postal Dude, are filled with crack cocaine or methamphetamine. When the player makes Postal Dude smoke the health pipes, he says: "I know this can't be good for me, but I feel great." The pipes provide the player with an immediate health burst. However, after approximately five minutes heart palpitations occur that diminish the player's health.

Matters of cruelty and violence

The publication deals with matters of cruelty and violence in terms of s3(1) of the FVPC Act. The player has the ability to kill animals and people using a variety of weapons and objects. People and animals are dispatched callously, often sadistically and with sarcastic comments such as "I bet you didn't think you were going to die today, did you?". The publication's treatment of matters of cruelty and violence are discussed below under s3(2)(f), in deciding

¹ *Living Word Distributors v Human Rights Action Group (Wellington)* [2000] 3 NZLR 570 at paras 27-29.

whether or not the publication promotes or supports, or tends to promote and support, the infliction of extreme violence or extreme cruelty.

The player's ability to urinate on anyone or anything at will is discussed under s3(2)(d) in deciding whether or not the publication promotes or supports, or tends to promote or support, the use of urine in association with degrading or dehumanising conduct.

Certain publications are "deemed to be objectionable":

Under s3(2) of the FVPC Act, a publication is deemed to be objectionable if it promotes or supports, or tends to promote or support, certain activities listed in that subsection.

In *Moonen v Film and Literature Board of Review (Moonen I)*, the Court of Appeal stated that the words "promotes or supports" must be given "such available meaning as impinges as little as possible on the freedom of expression"² in order to be consistent with the Bill of Rights. The Court then set out how a publication may come within a definition of "promotes or supports" in s3(2) that impinges as little as possible on the freedom of expression:

Description and depiction ... of a prohibited activity do not of themselves necessarily amount to promotion of or support for that activity. There must be something about the way the prohibited activity is described, depicted or otherwise dealt with, which can fairly be said to have the effect of promoting or supporting that activity.³

Mere depiction or description of any of the s3(2) matters will generally not be enough to deem a publication to be objectionable under s3(2). When used in conjunction with an activity, the Classification Office defines "promote" to mean the advancement or encouragement of that activity. The Classification Office interprets the word "support" to mean the upholding and strengthening of something so that it is more likely to endure. A publication must therefore advance, encourage, uphold or strengthen, rather than merely depict, describe or deal with, one of the matters listed in s3(2) for it to be deemed to be objectionable under that provision.

The Classification Office has considered all of the matters in s3(2). The matters which it considers relevant to the publication entitled *Postal 2: Share The Pain* are:

s3(2)(d) The use of urine or excrement in association with degrading or dehumanising conduct or sexual conduct.

The publication promotes and supports the use of urine in association with degrading and dehumanising conduct. The player can only play the game as Postal Dude, who is able to interact with a small country town's surroundings and inhabitants in essentially three ways. Primarily this interaction takes the form of employment of a barrage of weaponry and objects for attacking and killing people. The other two ways to interact are through kicking and urinating.

The player's character has an apparently infinite supply of bright yellow urine. Postal Dude is able to urinate anywhere, at any time, and on people, animals and objects. The gameplay

² *Moonen v Film and Literature Board of Review* [2000] 2 NZLR 9 at para 27.

³ Above n2 at para 29.

requires urination in two situations: if Postal Dude catches on fire, he may urinate on himself to douse it; and he must urinate on his father's grave in order to complete a mission. Apart from these two situations, the player, as Postal Dude, can choose to urinate whenever and wherever he wants. If Postal Dude's trouser zipper is undone in public, the police will try to arrest him.

When people are urinated on they react in a variety of ways. These include audibly spluttering, running away screaming, vomiting, or pulling out a gun and attacking the player. The player is able to set people on fire, using for example gasoline or a Molotov cocktail, and then urinate over the person's charred body causing steam to rise. The player can also urinate on burnt persons as they beg the player for help. Postal Dude will often utter one of his stock phrases such as "now the flowers will grow", or, "that's the ticket." The player has the ability to knock a person's head off using a spade, or blow their head off with a shotgun, and then urinate over their corpse as the neck pumps blood onto the ground. The manner in which this behaviour is presented is highly degrading and dehumanising.

The publication promotes and supports the use of urine in association with degrading and dehumanising conduct because the player is able to employ the urine function at will. The gameplay requires urination in only two circumstances: to put out a fire on Postal Dude himself and to complete a mission by urinating on his father's grave. There is no other requirement for the player to urinate, yet it is possible to urinate voluntarily and get a reaction every time. By including this feature in the game's design, a player is encouraged to urinate at will during the game. If Postal Dude urinates on someone he has just killed, the player is rewarded with one of Postal Dude's quips. The result is that the game legitimises and encourages the use of urine in association with degrading and dehumanising conduct by presenting this activity as enjoyable and entertaining.

s3(2)(f) Acts of torture or the infliction of extreme violence or extreme cruelty.

The publication tends to promote and support the infliction of extreme violence and extreme cruelty. The gameplay is designed to permit the player to kill, using a variety of weapons and spurious reasons, virtually everyone he meets for as long as he likes. Completion of the "missions" merely provides an opportunity to explore new areas of town and find new people to kick, urinate on and kill.

The publication's mailing box and other promotional materials say that the game is "only as violent as you are." Importantly, however, most of the missions require the player to escape from militant and very well armed protest and minority groups. It is possible to run away from these groups. However, only a very small part of the gameplay relates to completing the routine tasks that are the missions; the vast bulk of the gameplay is designed around the interactions Postal Dude has with other characters, and the weapons he uses to kill them. Players' primary engagement with the game, and the source of their enjoyment, is through the ability to kill people in a number of violent and gruesome ways. Some of these unarmed people cower at the player's feet begging for their lives. In giving the player the ability to choose whether they live, are humiliated with urine, or are killed, and encouraging him to kill in a variety of gruesome and humiliating ways, the publication tends to promote and support the infliction of extreme cruelty.

The player begins the game armed with an ordinary garden variety shovel, which can be used to beat other characters mercilessly. If a person is beaten repeatedly their head flies off, releasing a torrent of blood onto the ground. The person's head may be hit or kicked around like a ball. Another particularly violent effect occurs when the shotgun is fired at a person's head. This causes their head to explode and scatters fragments of bone, blood and brain all over the ground.

Another weapon available to the player is the police taser, which can be employed to electrocute people at close-range by pumping them with high voltage electric charges. The charges cause people to fall to the ground, curl up in the foetal position and urinate in their pants.

Finally, and as mentioned under s3(2)(d), the player is able to burn people using either gasoline or Molotov cocktails. This is one of the crueller methods of killing people as it takes a long time for a person to die once they catch on fire. When lit, a person runs around screaming while flames continue to burn them. Eventually the person falls to the ground, writhing and quivering, their body reduced to a bloody and blackened corpse that the player can kick, urinate on, and further mutilate.

The player is also able to inflict violence and cruelty on the population of cats and dogs that wander freely around the town. The player is able to shove his gun barrel into a cat's anus and fire his gun through the cat. The cat is impaled on the end of the shotgun and meows each time the gun is fired. After around ten shots the cat is propelled into the air and splatters into bloody chunks when it collides with a person or object. Animals are not treated as living beings; the player is consistently callous in his torture of them.

The game's visual design and Postal Dude's words reinforce negative stereotypes that contribute racist, sexist and homophobic motivation to the infliction of violence and cruelty. For example, referring to the reputation of Asian restaurants as unhygienic, the kitchen in the Asian restaurant is depicted with blood and meat on the floor and giant flames leaping off the gas elements. In the bathroom, human excrement sits in the wash basin and lies all over the toilet seat. A Middle Eastern dairy is said to smell, and sometimes shows a customer vomiting on a display of food.

The characters in the game are not drawn with any degree of sophistication and have a limited repertoire of reactions. This detracts from the game's realism. The game's setting, however, is realistic and familiar. It is a small country town that has shops, houses, restaurants, banks and people interacting on the street. In this familiar setting, the player is encouraged to run amok with a variety of weapons committing hate crimes. Although the player can be arrested by the police for violent behaviour, the police are just as easily evaded, decapitated and killed in other ways. Criminal behaviour is without serious consequence in the gameplay. Nothing deters or inhibits the player from behaving in the most violent and gruesome ways imaginable and, indeed, the game's design encourages the player to do so.

Postal 2: Share The Pain differs from games such as *Soldier Of Fortune* and the *Grand Theft Auto* series that have been classified R18. *Postal 2's* depictions of killings, particularly shotgun blasts to the head and beheadings with a shovel, exceed other games' graphic detail in their level of gruesomeness. Neither *GTA* nor *Soldier of Fortune* contained *Postal 2's* capacity for cruelty in permitting the player to urinate on and behead someone who is cowering on the ground and begging for his or her life. Unlike other R18 games, *Postal 2:*

Share The Pain has the capacity to be played with less violence, more violence, and different types of violence, depending on how curious the player is and what the player decides in any particular circumstance. The game allows the player to decide when, where and how to interact with the other characters. As one reviewer has said, “there are ample opportunities to get into trouble”⁴ because there is very little in the way of a linear storyline, complex missions or developed characters. Although the main objectives of the game are, ostensibly, to accomplish sets of menial tasks from Monday to Friday, completion of these missions are flimsy justifications that provide the player with further opportunities to humiliate and kill. Unlike other R18 games in which the player is an organised crime boss or mercenary soldier, in *Postal 2* the player has just lost an ordinary job and inflicts violence on people and in places that are part of most people’s everyday life. It could be argued that the ordinariness of the surroundings in which the player inflicts violence could have cathartic value for players. On the other hand, the ordinariness of the surroundings makes it more difficult for players to dissociate their thoughts and decisions in the game from those in real life over the ten to 24 hours it takes to play the game. This raises the possibility that any adverse attitudinal changes caused by playing this game will last longer than those resulting from playing games that are more easily dissociated from a player’s real life.

New Zealand Bill of Rights Act 1990:

Section 14 of the New Zealand Bill of Rights Act 1990 (NZBR Act) states that everyone has "the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form". Under s5 of the NZBR Act, this freedom is subject "only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society". Section 6 of the NZBR Act states that "Wherever an enactment can be given a meaning that is consistent with the rights and freedoms contained in this Bill of Rights, that meaning shall be preferred to any other meaning".

Conclusion:

The computer game entitled *Postal 2: Share The Pain* is classified

Objectionable.

Postal 2: Share The Pain depicts and deals with matters of cruelty, crime and violence in such a manner that its availability is likely to be injurious to the public good. The publication has been found to promote and support the use of urine in association with degrading and dehumanising conduct, and to tend to promote and support the infliction of extreme violence and extreme cruelty in terms of s3(2).

Postal 2: Share The Pain is a “first person adventure” game in which the player plays a character called Postal Dude who must complete a series of simple “missions” such as buying milk. Most of the gameplay has nothing to do with the missions, the completion of which merely create the opportunity to explore new parts of town and interact with new people. Interactions require the player to decide whether to walk away, kick, urinate on, or kill in a

⁴ Mark Smith, *Review of Postal 2 Share the Pain*, 14 June 2004, <http://www.gamerankings.com/itemrankings/launchreview.asp?reviewid=385130>

variety of ways the people he meets. Visual and vocal references reinforce negative racist, sexist and homophobic stereotypes and often provide the motivation for these interactions.

Turning to the relevant provisions of the NZBR Act again, the Classification Office considers that in this instance the freedom of expression is outweighed by the likelihood of injury to the public good that could result from this game's availability. The game is designed, and has the capacity, to allow the player to test how much violence and humiliation he or she can inflict on human beings and animals in a variety of everyday settings and circumstances. Players choose to expose themselves to most of the violence in the game, the quantity and cruelty of which can be gradually accommodated and increased as the player becomes increasingly callous and inured to the violence inflicted. A player's power both to initiate violence and to control the level of violence is part of the process by which this accommodation is made. The constant crass racist, sexist, and homophobic references motivate the player's crimes and further encourage the player to accept and escalate the violence he or she inflicts.

The player's ability to elect the amount, type, and speed with which the violence is escalated into extreme cruelty requires an antisocial attitudinal shift, (and reinforces such attitudes amongst those who already have them) that is likely to be injurious to the public good. The ordinariness of the everyday settings and circumstances in which the player plays the game makes these attitudes more likely to influence the player's real life interactions. The game therefore has the potential to transmit to its likely audience not only an open contempt for, and flaunting of, the criminal law, but also an attitude that committing criminal activity is exhilarating and entertaining. The game's callous ridiculing of individuals based on their race, nationality, religion, gender and sexual orientation serves to create, maintain and reinforce unsympathetic and inhumane attitudes towards such persons. The repeated playing of this game would most likely further entrench these attitudes. Another likelihood of injury arises from the fact that the game immerses the player in violent gameplay intended to be a source of excitement and pleasure. To a greater or lesser degree, this has the potential to inure players to brutal violence generally.

The Classification Office has considered the effects of the Bill of Rights on the application of the classification criteria elsewhere in these reasons. The classification of this publication interferes with the freedom of expression, but this is an outcome that is consistent with Parliament's intention that publications falling under s3(2) are deemed to be objectionable. The classification is also a reasonable limitation on the freedom of expression that reflects the concern of "a free and democratic society" to limit the availability of publications that promote and support the use of urine in association with degrading and dehumanising conduct, and tend to promote and support the infliction of extreme violence and extreme cruelty.

Classification:

The computer game entitled *Postal 2: Share The Pain* is classified as:

Objectionable.

Date: 24 November 2004

For the Classification Office (signed):

OFLC No: 401584



Note:

You may apply to have this publication (or these publications) reviewed under section 47 of the Films, Videos, and Publications Classification Act 1993, if you are dissatisfied with the Classification Office's decision.

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