

A Brief History of Media Violence in the United States: Scientific Evidence, Regulatory Frameworks, Content Ratings, and Landmark Legal Cases.

Aaron Drummond^{a,b*}, and James D. Sauer^{b,c}

^aSchool of Psychology, Massey University, Palmerston North 4424, Manawatu, New Zealand

^bInternational Media Psychology Laboratory

^cPsychology, School of Medicine, University of Tasmania, Australia

*To whom correspondence should be addressed. Email: a.drummond@massey.ac.nz

Introduction

“It’s not that [many] movies have gratuitous sex and gratuitous violence. It’s that they suck. They’re terrible. But people go to see them because they have gratuitous sex and gratuitous violence. Now, if we could just get people to stop going to see crappy movies, [they’d] stop making them, I promise you.” (Sorkin, 1999).

There is much speculation, in both the popular media and the academic literature, that exposure to violent media may have deleterious effects on users, especially children. Concerns about depictions of violence in popular media may appear, on face value, to be valid. However, to what extent does the scientific evidence support these speculations? Does exposure to violent media have negative consequences for consumers? Further, based upon the scientific evidence, what form of regulation of violent media content should be enacted to attenuate any negative effects? Finally, what regulation is possible in the United States, where the Constitution – and particularly the emphasis placed on freedom of speech/expression by the First Amendment to the Constitution – forms much of the legal framework for the regulation of media content? This chapter seeks to examine these questions.

The regulation of media violence in the United States is a unique and challenging context for public policy and law, relative to the broader Western world. Many Western countries have adopted legally binding ratings and classifications systems for media violence. In contrast, the United States has only voluntary ratings systems for media violence, and these systems are generally industry-regulated, rather than statutory-regulated (Brand 2002). Whether one considers this voluntary approach beneficial or disadvantageous for society, it is, like much of the legal context in the United States, unique.

As we will discuss in the present chapter, this distinctive approach to regulating media violence in the United States is largely due to the legal requirement for United States laws to emanate from the United States constitution. In many cases, the move to enact voluntary (cf. mandatory) classifications systems has been largely driven by the 1st amendment and, specifically, the provisions ensuring freedom of speech for United States citizens. Time and again, violent media (of almost all forms has) has been considered by the courts to constitute a form of art and, therefore, to be eligible for protection under the First amendment (see, for instance, Sadler 2005).

The First Amendment states that:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. (U.S. Const. amend. I).

Thus, the First Amendment has generally been a cornerstone of media violence regulation in the United States. Courts have often held that, absent evidence that violent content within media is directly inciting violence, media content cannot be restricted due to the guaranteed freedom of speech the First Amendment provides.

Herein, we will discuss the evolution of media violence debates, and systems for regulating media violence, in the United States. The chapter will discuss the debates surrounding the emergence and establishment of regulatory frameworks for Film, Music, Video Games and Television, and cover some landmark legal cases for each. We will also discuss the scientific evidence regarding links between exposure to media violence and subsequent violent behaviour. The chapter concludes with a section detailing Current and Future Directions of the debates around media violence, prompting a consideration of the adequacy of existing regulations for emerging technologies.

Violent media - myths and monsters.

In 1938, the radio dramatization of Orson Welles' *War of the Worlds* was broadcast across the United States. It is a common assertion that the listeners tuned into this radio drama were so taken in by the fictionalised accounts of a Martian invasion that a kind of mass hysteria spread across the United States. According to numerous newspaper reports, listeners in the tens (or even hundreds) of thousands fled their homes, sought religious shelter, prepared defences, or contemplated suicide. Of particular point of concern to the listeners was, reportedly, the poisonous gas that the Martians were supposedly releasing in their violent overthrow of the human race. In the wake of the broadcast, psychologist Hadley Cantril conducted public surveys and interviewed 135 people known to be upset by the broadcast. Extrapolating from these interviews, Cantril estimated that 1.2 million people had been "frightened, upset, or excited" by the broadcast, and that the broadcast had incited mass panic / hysteria amongst the American population (Campbell, 2016).

The broadcast has since obtained near-mythical status: Often put forward as a symbol of the ways that carelessly distributed violent media can incite alarming, erratic, and violent behaviour amongst the population. However, a number of historical accounts cast doubt on the veracity of Cantril's (2017) interpretations. For example, although increased call loads to police and emergency services from concerned listeners might indicate a large-scale panic, it might also indicate people taking rational action to seek further information about the validity of the broadcast (Campbell, 2016). The reports of traffic jams, while visceral, are correlational at best. Not a single death has ever been directly attributed to the apparent incident (Pooley & Socolow, 2013). Perhaps most tellingly, on the night the program aired, the Hooper ratings service telephoned 5,000 households and asked to what program they were listening – only 2 percent reported listening to the play, and not a single household reported listening to a news broadcast (Pooley & Socolow, 2013). The low listener numbers and the fact that no-one mistakenly reported the play to be a real news broadcast belie the apocryphal nature of this story. Although often presented as a cautionary tale relating to the ease with which media violence can incite erratic behaviour, the *War of the Worlds* myth is better viewed

as a cautionary tale of the ease with which media violence can be scapegoated to foment moral panic.

As case after case detailed in the present chapter show, media violence has, repeatedly in the United States, been viewed by legal bodies as (a) protected by the First Amendment, and (b) not a primary cause in most cases of violence against the self or others. The regulatory frameworks within the United States presently err quite strongly toward limiting regulation and censorship of media on the grounds of media violence (some would suggest too strongly, see, for instance, Anderson, Gentile, & Buckley 2007). However, the appropriateness of current regulatory frameworks, should be considered alongside the empirical evidence about whether exposure to violent media has meaningful, negative consequences. Next, we consider the scientific evidence for the association between exposure to media violence and increases in “real-world” aggression and violence, and the content regulations that currently exist in the United States for violence depicted within different types of media.

Scientific Evidence

Before considering the potentially deleterious effects of violent media content on those who consume it – and, more specifically, considering whether exposure to violent media meaningfully increases the risk of societal violence – we must distinguish between two key concepts: aggression and violence. The terms aggression and violence are often incorrectly used synonymously in the literature when considering the effects of exposure to violent media. This can create confusion relating to the effects of violent media use (Anderson & Bushman 2002, Ferguson & Kilburn 2010). Aggression describes a variety of hostile behaviours (Allen & Anderson 2017, Anderson & Bushman 2002). Aggression is often motivated by fear or frustration, a desire to produce fear or frustration, or a tendency to place one’s interest over others’ (Allen & Anderson 2017, Ramirez & Andreu 2006). Although aggression may be physical, it can also be verbal or relational (i.e., indirectly adversely affecting someone’s relationships with other people). In contrast, violence is a subtype of

aggression, typically involving greater intensity and destruction than other forms of aggression, and often manifesting in an attempt to cause physical harm (Anderson & Bushman 2002, Reiss & Roth 1993). Thus, violence can be aggressive, but in many instances, aggression is not violent (Anderson & Bushman, 2002).

What does the scientific literature tell us about the effects of violent media content upon these two key outcomes; aggression and violence? Despite the large body of literature on the relationship between media violence and aggression, and the strong claims often advanced in the popular media, the evidence is both mixed and contentious. For instance, although early meta-analyses on the relationship between violent media and aggression suggested a large relationship (Paik & Comstock 1994, Huesmann 2007), others have argued that these estimates are artificially inflated by a range of measurement, methodological, and publication biases (Ferguson & Kilburn 2009). Adjusted effect sizes suggest that the true effect of media violence tends to be much smaller and, according to some definitions, would be considered trivial (Ferguson & Kilburn 2009). This general debate has continued most recently in the specific context of research into violent video games. In this context, meta-analyses and reanalyses are commonplace, and although proponents of the links between violent media content and aggression generally suggest the identified effects are both genuine and important (Anderson et al. 2010), sceptics suggest such effects overestimate the true size of the relationship, and that the effects are small if not trivial (Ferguson 2015; Hilgard, Engelhardt, & Rouder 2017).

Researchers have also adopted an epidemiological approach to investigate the relationship between crime rates and movie violence or violent video game sales, to investigate a potential link between media violence and societal violence. In general, the results do not support the hypothesis that violent media is linked to societal violence. Ferguson (2015) reported that homicide rates were not systematically related to violent content in movies across the 20th century: For some time periods, higher levels of movie violence were associated with higher homicide rates, while in other

time periods the relationship reversed and higher levels of movie violence were associated with lower homicide rates. Ferguson (2015) also reported a strong negative relationship between youth violence rates and sales of violent video games between 1996 and 2011. Cunningham, Engelstatter, and Ward (2011) also found no positive correlations between sales of violent video games (VVGs) and violence and, in fact, showed a negative relationship between VVG sales and the rate of societal violence. Similarly, Markey, Markey, and French (2015) showed small but significant decreases in crime rates with increasing video game sales (violent and non-violent), web searches for how to play guides for violent video games, or the release dates of popular violent video games. Drummond, Sauer, and Garea (2018) showed that, if anything, violent crime rates tended to decline after the R18+ rating category for games (which allowed for the distribution of games with higher levels of in-game violence) was introduced in Australia. Thus, the available data clearly do not support the claim that increased media violence is associated with increased societal violence.

Do these findings imply that no person has ever been, or will ever be, inspired by violent media to commit an act of aggression or violence, or that exposure to violent media can never have negative consequences? Of course not. Do these findings imply that there is no need to regulate media violence, or regulate access to violent media for younger audiences? Again, we argue not. However, when lawsuits have attempted to link specific acts of societal violence to specific instances of violent media (e.g., *McCollum v. CBS*, *Brown v. EMA*), the United States Courts have consistently held that such actions are extraordinary and unforeseeable acts committed by disturbed individuals. Moreover, these courts have consistently held that freedom of speech cannot be limited on the basis of such unusual and unforeseeable actions.

Regulatory framework for Violent Media Content in the United States.

As discussed above, the relevant regulatory frameworks in the United States are largely industry-managed, rather than government-mandated. Almost all United States regulation related to media violence is voluntary, and it is rare that such regulation carries any penalty for non-

compliance. Analysis of the various forms of ratings, classification, and censorship systems used in 22 countries shows that industry-led systems (such as those in the US) are typically considered ratings systems, rather than classification or censorship systems. This is, in large part, due to the fact that typically, content restrictions tend to be considered unconstitutional and in violation of the First Amendment, except in specific cases where restriction is considered reasonably necessary in order to achieve compelling governmental interests (Zipursky et al., 1997). Although it may appear at face value that such industry-led content regulation lacks the power to ensure media content is appropriately regulated, two important caveats to this conclusion are essential. First, in the United States, judges and legal experts have consistently argued that the First Amendment renders mandatory restrictions on media content illegal. Second, given the fact that societal violence does not appear to be correlated with media violence of various forms (Ferguson, 2015; Markey, Markey, and French, 2015), there appears to be no evidence that more stringent regulatory frameworks are required (when weighed against the emphasis placed on free expression by the First Amendment).

Within the scope of oversight for media violence, the Federal Communications Commission (FCC) is one agency worthy of discussion, as its activities span three mediums. The Communications Act of 1934 (FCC, 2008), grants the FCC a range of powers to regulate indecent material broadcast across the airwaves, which may include television shows, radio, and films shown on television channels. The rationale for this power is to limit the exposure of children to indecent content. However, it is important to note that the definition of “indecent content” is limited to sexual or excretory activities or organs (Sadler, 2005). Thus, in terms of regulating violent content, the FCC has no jurisdiction to regulate, or impose penalties upon, broadcasters. In short, although the FCC can impose fines on the grounds of material being indecent (defined as “prurient in nature; completely devoid of scientific, political, educational, or social value; and in violation of local community standards.”), they cannot impose fines for content which is considered violent (ALRC, 2018).

Although the FCC has some jurisdiction over the airwaves, the FCC does not have jurisdiction over the showing of movies in cinemas, the sale of music online and in stores, and the rating of video games which are played on computers, game consoles, tablets and phones. Each of these industries has developed their own, specific industry-led responses to the issue of violent content in their media. We discuss each of these ratings bodies within their relevant sections below.

Film

“These movies, they’re so violent. And yet, a kid is able to see the movie if sex isn’t involved, but killing is involved, and maybe they have to put a rating system for that!” – (Trump, 2018, cited in VanDerWerff, 2018)

Fortunately for President Trump, there already exists a rating system for movies. In fact, it is *the oldest content rating system in the United States*. Although movies are newer than some forms of media (e.g., the radio or books), our discussion of the regulation of violent media content begins with movies primarily because movies were one of the first forms of media to be regulated in the United States. In 1930, the Motion Picture Production Code was adopted by the Association of Motion Picture Producers Inc. (Maltby 2003). The code, amongst other things, set out relatively strict rules against various kinds of violence being depicted in movies. For example, the code included clear guidelines regarding the depiction of murder and crime. Maltby (2003) reproduces the specific guidelines in his text:

1. Murder

a. The technique of murder must be presented in a way that will not inspire imitation.

b. Brutal killings are not to be presented in detail.

c. Revenge in modern times shall not be justified.

2. Methods of Crime should not be explicitly presented.

- a. Theft, robbery, safe-cracking, and dynamiting of trains, mines, buildings, etc., should not be detailed in method.*
- b. Arson must subject to the same safeguards.*
- c. The use of firearms should be restricted to the essentials.*
- d. Methods of smuggling should not be presented. (594-595)*

Notwithstanding some ambiguity around what conditions might constitute an “essential” use of firearms in film, these guidelines demonstrate a remarkable specificity and capacity for restricting content when it comes to the depiction of violence, especially when compared with the later Motion Picture Association of America’s (MPAA) guidelines and other United States ratings systems. It is perhaps unsurprising, then, that the popularity of the code began to decline markedly during the late fifties, around the same time as the decline of McCarthyism. In 1966, the MPAA president Jack Valenti declared the Motion Picture Production Code to have the “Odious smell of censorship”, and announced that it would be replaced by a “voluntary rating plan that assures freedom on the screen” (Sandler, 2007, p. 42). In 1968, the Motion Picture Production Code was replaced with the MPAA rating system (Sandler, 2007).

In 1968, the MPAA established the Classification and Rating Administration (CARA): an independent organisation of parents who would rate movies according to the newly established, voluntary MPAA rating system. Although participation in this ratings system was and remains voluntary, most studios and cinemas choose to participate (ALRC, 2018). Indeed, due to the fact that almost all cinemas participate, and many refuse to air unrated movies (Sandler, 2007), it is essentially mandatory for a film to be rated by the CARA in order to be commercially viable. Whether one agrees with a mandatory ratings system or opposes it, this makes the MPAA ratings system one of the most widespread and widely used ratings systems in the United States.

The MPAA rating system has evolved over the years, altering the number of rating categories, and the terminology used to classify films. Since 1990, the MPAA rating system has

included five rating categories, ranging from G to NC-17 (see Table 1). Each category comes with some general rating advice (content descriptors) for parents, and the higher categories restrict access to the films for people under the age of 17. As previously mentioned, these restrictions are voluntary, and enforced at the discretion of the cinema, but most cinemas in the United States adhere to them. In 1990, the MPAA began including content descriptors for R Films, indicating the various types of content that may have earned the film its rating. Later, the MPAA extended this practice to provide content descriptors for their other rating categories (MPAA, n.d.). These descriptors included a violence category, and often include information about frequency or strength of the violence (e.g., frequent strong violence).

Table 1: MPAA ratings and their Meaning

MPAA Rating	Meaning
G	General Audiences; Nothing that would offend parents for viewing by children
PG	Parental Guidance Suggested; Parents urged to give “parental guidance.” May contain some material parents might not like for their young children
PG-13	Parents Strongly Cautioned; Parents are urged to be cautious. Some material may be inappropriate for pre-teenagers.
R	Restricted, people under 17 require an accompanying adult; Contains some adult material. Parents are urged to learn more about the film before taking their young children with them.
NC-17	No One 17 and Under Admitted; Clearly adult. Children are not admitted.

The American public believe that the MPAA guidelines offer useful guidance for what movies children should or should not see, with 80% of survey respondents finding the guidelines useful or very useful for this purpose (Valenti, Anstrom, & Fritts 1997). The MPAA guidelines are often referenced when US ratings systems are discussed. The almost ubiquity with which these rating systems are used is claimed by free speech activists as evidence that binding classifications are not necessary in order for content to be regulated. As discussed below, the perceived efficacy of this system has resulted in other media ratings systems in the United States mimicking the MPAA's approach.

Evidence suggests that there has been a general increase in the frequency and severity of depictions of violence in film (Shiple & Cavender 2001; Thompson & Yokota 2004). However, MPAA ratings are simultaneously becoming more lenient (a phenomenon known as *ratings creep*; Thompson & Yokota 2004). Consider, for instance, the original release of "Robocop" (Neumeier & Miner 1987) – widely considered one of the most violent films of the 80s - against more modern films which received R ratings, such as "Kill Bill Part I" (Tarantino, 2003). While the former has several violent scenes containing large amounts of gore, these predominantly involve only a small number of victims. Kill Bill Part I's "Crazy 88" fight involves much more gore, and ends in a pile of bodies, some alive, crying out, and missing limbs. Despite the increased violent content in Kill Bill Part I, both films received the same classification, demonstrating the tendency for increased violence to appear in films over time.

Violence in Film: Landmark Legal Cases

In 1995, a young couple committed several violent crimes together. After watching the film "Natural Born Killers" (Tarantino, Veloz, Rutowski, & Stone, 1994) – a film depicting series of violent crimes committed by a young couple – Sarah Edmondson (18) and James Darras (18) embarked on a road trip in which they shot two people with a .38 calibre revolver. First, Darras shot and killed a

man in Hernando, Mississippi. Next, the couple went to Ponchatoula, Louisiana, where Edmonson robbed a convenience store and shot the clerk Patsy Byers in the neck, rendering her paralyzed. Byers subsequently sued the Oliver Stone (the movie's director) and Time Warner (the company that distributed the movie), alleging that the intent of the movie was for people like Darras and Edmonson to binge-watch, and then imitate it. Although the lawsuit was allowed to proceed, ultimately the suit was dismissed in 2001, when a Louisiana state judge ruled that neither Time Warner nor Oliver Stone intended for the movie to incite violence. Thus, according to the court, the movie, the filmmakers, and the film distributors were protected by the First Amendment (Sadler 2005).

In 1997, two years prior to the Columbine School Shooting, a teenage student named Michael Carneal (14) shot eight people, killing three students in Kentucky. The parents of the victims filed a \$33 Million dollar law suit against a variety of media companies in response to the shootings. In particular, the suit focused upon the film "The Basketball Diaries" (Goluboff, 1995) which depicts a student (in a dream sequence) shooting fellow classmates to the applause of other classmates. The suit also named 24 other companies (including makers of movies, video games, and websites), alleging that they were responsible for glorifying and inciting violence. In what is now a pattern in United States lawsuits of this nature, the judge ruled that the media cannot be expected to anticipate the mental state and actions of every person who consumes their products, and that the teen's response was an unforeseeable and extraordinary response (Sadler, 2005). Moreover, First Amendment considerations were again raised, with the judge expressing concern that a ruling against the media companies would, in effect, allow the most psychologically damaged in society to dictate what the rest of society could and could not hear, read, and watch (Sadler, 2005).

Music

Parental Advisory: This section contains explicit content.

Like violence in film, violence in music also appears to be increasing in frequency and intensity. To illustrate, the height of concern in 1984 was a song called “Bastard” which describes a stabbing in relatively mild detail with the lyrics “In goes my knife, pull out his life, consider that bastard dead” (Sixx 1983). In contrast, DMX authored a song in 1998 called “Bring your whole crew” (DMX, 1998), which contained the lyrics “I got blood on my hands and there's no remorse, and got blood on my dick cause I fucked a corpse”.

Despite music being an older medium than film, concerns about the effects of violent music on aggression are relatively recent, and postdate content rating systems for violent film in the United States. Perhaps the most notable movement for the regulation of violent music content in the United States began in 1984, when a study conducted by the National Coalition on Television Violence reported that 17.9 violent acts per hour were depicted in music videos (Sadler, 2005). This study paralleled and fuelled a rising concern among a bipartisan group of Republicans and Democrats about violence in music. This group would band together to form the Parents Music Resource Centre (PMRC) in 1985.

The PMRC were an activist group initially founded by Tipper Gore, Susan Baker, Pam Howar, and Sally Nevius, and grew to a peak membership of 22 people, prior to disbanding in the mid 1990’s (Sadler, 2005). The PMRC formed with a particular focus on implementing a rating system for music similar to that used for movies, and were concerned about indecent, sexual, and violent content in music.

The PMRC released a list entitled “The Filthy Fifteen”, detailing the fifteen songs they found most objectionable, based on the song’s content (Grow, 2015). The content of this list suggests that the PMRC’s primary concern was indecent, rather than violent content. Only two of the 15 songs were listed for their violent content: Mötley Crüe’s “Bastard” (Sixx 1983) and Twisted Sister’s “We’re not gonna take it” (Snider, 1984). Although “Bastard” is relatively clear in its violent lyrics, *We’re not*

gonna take it appears less overtly violent, with the only violent references in the lyrics being “We'll fight the powers that be” and later “We'll fight (yeah)” (Snider, 1984).

The PMRC were successful in lobbying the Recording Industry of America to include a parental advisory label for their music, and this practice was introduced in 1985. The sticker was designed to alert parents to potentially inappropriate content in music prior to purchase. The sticker indicates that the product might contain explicit sexual content, strong language, reference to drug use, or violent content. Like many United States ratings systems, the use of the parental advisory label is voluntary, and self-regulated by the recording industry rather than an independent or statutory body. Studies of music stores suggests that only about 0.5% of music receives a parental advisory label, a fact confirmed by the Recording Industry of America (Sadler, 2005). Figure 1 shows a typical parental advisory label.



Figure 1. A parental advisory label for music.

Landmark Legal Cases

In 1984, a year before the parental advisory label was introduced, John McCollum (19) committed suicide by firearm while listening to Ozzy Osbourne’s album *Speak of the Devil* (Osbourne, 1982). Subsequently, McCollum’s family sued Osborne, alleging that his music made suicide appear desirable to the teen (Sadler, 2005). In 1988, the California Court of appeals dismissed the lawsuit. As in many of these cases, the First Amendment was a key reason for the dismissal of the case. A key component of the First Amendment is the fact that it allows for freedom of speech, provided the speech is not a direct incitement to violence. The court has traditionally set an extremely conservative criterion for determining speech to be a direct incitement to violence,

going so far as to interpret vague references to possible future violence as being protected by the First Amendment. In this case, the court ruled that no specific incitement to violence was present in the Ozzy Osbourne's songs cited in the suit (Sadler, 2005).

A year later, in 1985, James Vance and Raymond Belknap engaged in action which would later result in an influential law suit. After listening to Judas Priest's version of *Better by you, Better than me* (originally released by the band Spooky Tooth in 1969; Wright 1969), the pair entered into a pact to end their lives with a shotgun. In 1990 Vance and Belknap's parents engaged a legal team to file a \$6.2M wrongful death suit against Judas Priest, claiming that the lyrics of the music contained suggestive and even subliminal messages about death and suicide and that the song had prompted the suicide attempt and ultimately the youth's deaths (Sadler 2005). Ultimately, both the trial court and Nevada Supreme Court ruled that there were no subliminal messages in the songs (see Vokey & Read, 1985, for a consideration of subliminal message effects in music) and that other factors, such as longstanding mental instability, had contributed to the teens' deaths (Sadler 2005).

Video Games

As with most other forms of media, violence in video games appears to be increasing in frequency and intensity. Further, compared to early, highly-pixelated video game graphics, modern games are highly realistic, with some games even using motion capture technology to enhance the realism of their characters, and this has led to an increase in the realism of the violence depicted. In 1992, "Mortal Kombat" (Midway Games 1992) catalysed public concern about violence in video games because of the increased realism with which it depicted violent acts (e.g., decapitations) of motion-captured, and therefore realistic-looking, characters. Despite the public scrutiny it received, the Mortal Kombat series endures (e.g., 'Mortal Kombat X', Midway Games 2015), with the realism of its graphics and its violence continuing to increase.

Following the introduction of the MPAA movie rating system, video games were the next form of media to receive a content ratings system in the United States. This occurred in the form of

the Entertainment Software Ratings Board (ESRB). Originally established by the Interactive Digital Software Association (which later became the ESRB) in 1994 (ESRB 2018a), the ESRB has 5 rating categories which classify the appropriate audience for any video game. The ratings system was established after consultation with child development and academic experts, by analysing other rating systems, and conducting United States wide research with parents (ESRB 2018b). The game ratings range from being appropriate to everyone, to an Adults Only rating implying that the game is only available for those over the age of 18 (See Table 2). Interestingly, at the highest ratings, the ESRB distinguishes between games containing content appropriate for 17 year old and 18 years old users.

Table 2: ESRB Ratings and their Meaning

ESRB Rating	Meaning
E	Everyone. Content is generally suitable for all ages. May contain minimal cartoon, fantasy or mild violence and/or infrequent use of mild language.
E 10+	Everyone 10+. Content is generally suitable for ages 10 and up. May contain more cartoon, fantasy or mild violence, mild language and/or minimal suggestive themes.
T	Teen. Content is generally suitable for ages 13 and up. May contain violence, suggestive themes, crude humor, minimal blood, simulated gambling and/or infrequent use of strong language.

M	Mature. Content is generally suitable for ages 17 and up. May contain intense violence, blood and gore, sexual content and/or strong language.
AO	Adults Only. Content suitable only for adults ages 18 and up. May include prolonged scenes of intense violence, graphic sexual content and/or gambling with real currency.

ESRB ratings are typically assigned by a trained team of at least three raters (ESRB 2018b). ESRB raters are all adults, and typically have experience with children, in either educational, work, or childrearing settings. These raters collectively deliberate about what rating should be assigned to a game, and final ratings are assigned when a consensus is reached. Although it is not mandatory for a game to have an ESRB rating, almost every game released has sought an ESRB rating (ESRB 2018b). Much as many movie theatres will not show movies unrated by the MPAA, many games retailers in the United States and Canada only stock ESRB-rated games (ESRB 2018b). One notable exception to this process is for games which are only digitally-delivered – for example on mobile phone stores (*Apple Store, Google Store*), or online games stores such as *Steam* or *Xbox Live*. Rather than undergoing an independent content review, digitally delivered games are rated *by the publisher* on the basis of the publisher’s response to a series of multiple-choice questions about the game (the answers to the question immediately determine the game’s rating) through the International Age Rating Coalition (IARC). Questions include questions about in-app purchases, and whether violent content is present (ESRB 2018c). In both rating processes, independent raters may later play the game to verify that the rating given was appropriate, or the ESRB may further investigate the game in the event of a complaint about the game’s content (ESRB 2018c).

Video Games – Landmark Cases

In 1999, Eric Harris (aged 18) and Dylan Klebold (aged 17) entered their high school armed with two shotguns, two 9mm firearms, a variety of knives (Jefferson County Colorado Sheriff 2000a), and 76 homemade explosives (Jefferson County Colorado Sheriff 2000b). The pair killed 13 people, and injured a further 24, before committing suicide (Jefferson County Colorado Sheriff 2000a; 2000b). In 2002, three years after the Columbine High School shootings, the family of slain teacher Dave Sanders sought \$5 billion in punitive damages against video game manufacturers and distributors (CNET 2002). In particular, the lawsuit alleged that the popular game “Doom” (ID Software, 1993) influenced the gunmen, and alleged that the massacre would not have taken place without the killers playing the game. The lawsuit also identified the films “The Basketball Diaries” and “Natural Born Killers” as potential precipitating factors. The filing attorney stated that the lawsuit sought to change the way violent games were marketed and distributed to stop these “super-violent video games that take kids... and turn them into monster killers” (CNET 2002). Evidence included the fact Harris had made many custom levels for Doom (though there is no evidence for the common assertion that they were mock-ups of the high school), and that he had named his shotgun “Arlene”, ostensibly after a Doom character. Incidentally, the Doom games available in the 1990s contained almost no named characters, and no character named Arlene appeared in these games. Instead, a character named Arlene Sanders appeared in a book based on the game, though we note with interest that the lawsuit did not allege printed material to be responsible for the shootings. Irrespective, the case did not proceed to trial, as the District Court Judge Lewis Babcock granted motions to dismiss the case, ruling that there was no way that the makers of Doom and other violent media could reasonably foresee the actions of the gunmen (Wadhams 2002).

When considering landmark legal cases in the area of videogames, it is impossible to ignore the seminal *Brown v. EMA* decision (2011). In 2005, a California bill was authored by Senator Leland Yee which prohibited the sale of certain violent video games to children without parental supervision (*Brown v EMA* 2011). In a stranger than fiction twist, this bill was signed into law by

then-state governor, Arnold Schwarzenegger: A man whom made his fortune on violent films beloved by teens, and who returned to make more of them once his term as governor was complete (Ferguson, 2016). The law faced three separate legal challenges: A District Court challenge, a Ninth Circuit appeal (by Schwarzenegger), and a Supreme Court appeal. In all three of these decisions, the courts ruled that the original law violated the First Amendment, holding that video games constituted a form of protected speech. Specifically the Supreme Court concluded that:

“Video games qualify for First Amendment protection. Like protected books, plays, and movies, they communicate ideas through familiar literary devices and features distinctive to the medium. And “the basic principles of freedom of speech... do not vary” with a new and different communication medium.” (Brown v. EMA, 2011, p.1).

This decision resulted in the rollback of the law requiring parents to be present in order for a child to buy a violent video game. This meant that children of any age in the United States can purchase any game without a parent being present, irrespective of its violent content. An extensive extract from the Supreme Court decision on the Brown v. EMA (2011) decision can be found at the end of this chapter in the Primary Document section.

Television

Violence is a common in modern television. One study estimates that the average child will witness approximately 200,000 violent acts on television by age 18 (AAFP, 2018). Much as in other media, violent content appears to be increasing in intensity. In 1982, one of the more violent episodes aired on television was Magnum P.I.’s “Did you see the sun rise” (Bellasario 1982), in which Tom Sellick’s character shoots an unarmed man off camera. In contrast, modern television tends to offer much more brutal and explicit depictions of violence. Take for instance, the 2014 episode of Game of Thrones - “The Mountain and the Viper” (Benioff & Weiss 2014) - in which Hafþór Júlíus Björnsson’s character graphically crushes a man’s skull *on camera*.

Interestingly, television content is actually the form of media most recently subjected to content ratings in the United States. Despite television pre-dating videogames by approximately 40 years in the United States, television ratings systems did not take effect until 1997, 3 years after the formation of the ESRB for videogames (Valenti, Anstrom, & Fritts, 1997). The ratings, called the TV Parental Guidelines, were developed in response to a Congressional bill called the Telecommunications Act of 1996 (Zipursky et al. 1997). This act called for a rating system similar to the MPAA ratings to aid in parental and consumer decision making regarding appropriate content (Valenti et al, 1997). The ratings established clear guidelines for content appropriate to a range of ages, including two ratings specifically for children, and four ratings for other ages. The ratings and their meanings are listed in Table 3. The ratings appear for 15 seconds at the beginning of a program (in the upper left corner of the screen) and again at the beginning of the second hour of longer programs. Where movies are screened on television, they appear with their original MPAA rating. Alternatively, when a movie has been cut to make it appropriate for television, or predates the MPAA rating system, the movie will appear with a TV Parental Guidelines rating (Valenti et al, 1997).

Table 3: TV Parental Guidelines and their Meaning

TV Rating	Meaning
TV-Y	All children. This content is designed to be appropriate for children.
TV-Y7	Directed to older children. This program is designed for children age 7 and above.
TV-G	General audience. Most parents would find this content suitable for all ages.

TV-PG	Parental guidance suggested. This program may contain some material that some parents would find unsuitable for younger children.
TV-14	Parents strongly cautioned. This program may contain some material that many parents would find unsuitable for children under 14 years of age.
TV-MA	Mature Audience Only. This program is specially designed to be viewed by adults and therefore may be unsuitable for children under 17.

As stated earlier, the industry led television ratings system was implemented in response to a call from congress, which, in essence, demanded the TV industry develop an appropriate television rating system or have one implemented for them by the FCC. The wording of the letter sent from the Presidents of the MPAA, National Cable Television Association, and the National Association of Broadcasters is strongly insistent that the industry-led voluntary system that they developed was sufficient, and that the FCC had no need to develop their own (Valenti, Anstrom, & Fritts 1997). Specifically: “The debates on the Act confirm that Congress intended the Commission to act only if the industry failed to do so” (Valenti et al. 1997, p7). Thus, like other ratings systems in the United States, the TV Parental Guidelines are voluntary and industry regulated. Moreover, the industry response letter suggests a clear preference for this voluntary industry led model of content regulation. One important difference with respect to television ratings systems however, is that the ability for parents to enforce the ratings systems is de facto mandatory due to the required installation of the V-chip in televisions with screens 13 inches or larger (Sadler 2005).

The V-chip

Encoded within the television signal in the United States is information about what TV parental guideline rating a program has received. This information is invisible to viewers, but interpretable by the *V-chip*: a chip which manufacturers have been required by law to install in United States televisions with a screen of 13 inches or larger since the year 2000 (Valenti et al., 1997). The chip receives information about the rating of the current show, as well as content descriptors (e.g., contains violence). This chip allows someone with the V-chip code (ostensibly parents) to block, based on either age rating or content descriptor, particular programs from being displayed by the television unless an appropriate PIN is entered.

The V-chip is one of the few mandatory forms of content control in the United States. As mentioned earlier, this is principally because content based restrictions in the United States are typically considered to be a violation of the First Amendment. As installation of the V-chip is mandatory, but its use is not, it has typically been viewed as constitutional (Zipursky et al. 1997), though some scholars have argued that the technology could pose significant danger to freedom of speech (Balkin 1995). Nonetheless, the technology has been mandatory since 2000, and while the content rating system itself is voluntary, most programs use it and can therefore be blocked by the V-chip.

Is the V-chip effective?

There are various reasons to suspect that the V-Chip is not particularly effective as a content control device. A recent study suggests that more than half (57%) of parents whose televisions are equipped with a V-chip don't know that their television is equipped with this technology (REF). A meagre 16% of parents actually report having ever used a V-chip, but 71% of those who have used it report it to be very useful (Rideout 2007, Vaala et al. 2017). Thus, although those who report using the chip believe it to be effective, the chip appears to serve only a minority of parents (Rideout, 2007). This, in part, may be due to the archaic nature of the menus used to activate the chip, with

parents often needing to navigate multiple menus to set the chip's functions (Jordan 2008).

Nonetheless, despite the V-chip being a mandatory feature of any new television set, it serves only around 1 in 10 people in its target demographic. Nielsen figures suggest that the United States has 118.4 million television sets, and that 96% of these have internet access (which implies that they are equipped with a V-chip).

Television – Landmark Case

In 1977, an adolescent named Ronny Zamora shot his 83-year-old neighbour to death in Miami during a robbery (Sadler, 2005). Zamora argued that he had committed the murder because he had become intoxicated with television violence, having been exposed to it at a young age. Although the lawsuit identified several specific shows (e.g., *Kojak*), it targeted the systemic violence across television more generally. Zamora's parents claimed that viewing an extensive amount of television violence had caused their son to develop a dangerous form of sociopathy, rendering him a danger to himself and others (Sadler, 2005). As in the majority of such cases detailed in this chapter, the courts dismissed the case, ruling in favour of the television networks. The courts noted that the networks did not incite the violence, could not be reasonably expected to predict the behaviour of viewers, and that Zamora had watched the shows voluntarily. Additionally, the courts once again noted that the First Amendment protected television programs as a form of free speech, noting the wider public's right to receive access to a breadth of ideas.

The effectiveness of content ratings?

Whether or not content rating systems are an effective form of ensuring content is consumed only by appropriate audiences is an open question. As noted above, the V-chip seems to serve only a small sub-section of consumers – with around 10% of parents finding it to be a useful content control device. More broadly, however, ratings do seem to provide some potentially useful consumer advice to help guide consumer decision (especially around the appropriateness of content for children). For instance, higher MPAA film ratings are consistently associated with increased

frequency of violence, which means that the ratings are conveying useful information about the amount of violence present within films (Tickle, Beach, & Dalton 2009) and, as mentioned earlier, about 80% of parents find the MPAA ratings useful. In contrast, however, research suggests that most parents find the content ratings for television to be only “somewhat useful” (Vaala et al. 2017). Nonetheless, some evidence suggests that parents who do employ ratings advice in their decision making may help to limit maladaptive child behaviours. For instance, parents who use ESRB ratings for video games to guide decisions about the appropriateness of the content for their children also have children who exhibit better behaviour, such as engaging in fewer fights at school (Laczniak et al. 2017). Of course, this does not indicate a causal relationship. Increased parental involvement is generally associated with improved child behaviour, so it is unknown whether this particular effect is due to curbing exposure to media violence, or is a specific manifestation of a more general benefit relating to increased parental involvement. We also need to be clear that, when considering whether ratings help ensure content is only viewed by appropriate audiences, parents’ perceptions of utility and actual utility are not synonymous. However, if parents perceive that ratings help them make better-informed decisions about the media content to which they expose their children, this might be viewed as a good outcome in its own right. Further research on the issue of ratings is required to understand (a) what can be done to maximise the utility and effectiveness of the consumer advice available through such rating systems, and (b) whether using such rating systems has desirable or undesirable outcomes for parents and children.

Current Directions.

One of the consistent challenges of media policy has been the rapid evolution and emergence of new technologies through which violent content can be delivered (Jordan 2008). In our view, there are two issues which loom large on the horizon of current media violence: violent content on the internet and the adequacy of existing consumer protections for violent content in

virtual reality. Here we will discuss each, and make recommendations for current research and policy needs.

First, let us consider the internet. Adequate content rating systems for violent content on the internet do not exist. There are several reasons for this. First, it is difficult to regulate the content on the internet due to its sheer volume, the large number of countries in which it is housed, and the speed and volume with which users generate content. As quickly as problem content can be identified, it can be replicated and reposted across many websites, making the spread of violent content hard to control. Social media sites, following congressional investigations, are under intense scrutiny at the time of writing around fake news content designed to incite violence, and Facebook has recently announced its intention to remove false information which incites violence (Castillo 2018). While the spread of misinformation is, within itself, an issue, the removal of misinformation designed to incite violence is a step in the right direction. Second, historically, policy makers in Washington D.C. have not kept pace with the emergence of new technologies. For example, Republican Senator Ted Stevens famously described the internet in 2006 as a “series of tubes” (Jordan, 2008). In order for appropriate regulation to be debated and applied, lawmakers must take action to ensure they are familiar with emerging technology.

The second emerging question is whether current media ratings systems are adequate for the emergence of virtual reality technologies. Consumers purchased over 2 million virtual reality (VR) units in 2017 (Orland 2017), and the psychological effects of this technology are largely unknown. There is an urgent need for studies to investigate the psychological effects of engaging with violent content within this highly immersive medium to ensure that existing content ratings systems appropriately recommend content to the correct audiences. In the event that they do not, there may be a need to design content rating systems for such immersive technology. We are not suggesting that violent content delivered through VR technology will be especially harmful (or, indeed, harmful at all). However, this emerging technology does deliver content to users in a highly

immersive format, and the cognitive and behavioural consequences of exposure to violent content in this context warrant investigation.

Conclusion

The effects of media violence, and the most appropriate way to regulate exposure to media violence, in the United States is a controversial issue. The scientific evidence suggests that, in general, media violence may have a trivial-to-small effect on aggression and does not appear to increase societal violence rates. Consistent with this interpretation, the courts have been steadfast in their interpretation of lawsuits surrounding the issue. Generally, they hold that the rare violent crimes linked to violent media are unforeseeable, and that regulation of violent media content would be a violation of the First Amendment of the Constitution of the United States. Voluntary content rating systems have historically been the ‘go-to’ response for industry. These systems appear to work effectively, albeit for the minority of users. Nonetheless, emerging technologies require scientific research and policy discussion to ensure that content rating systems remain current and effective.

Primary Document

Extract from Brown v. EMA Part III and Conclusion

Below is an extract from the Supreme Court Decision on the Brown v. EMA (2011) case in which the requirement that children be barred from purchasing violent video games unless an adult were present was overturned. It is included here as the only primary document because a) it is one of the few Supreme Court Decisions on media violence restrictions and b) it outlines so many of the issues of the First Amendment we discuss in the chapter. The full opinion of the court is available at <https://www.supremecourt.gov/opinions/10pdf/08-1448.pdf>

“Because the Act imposes a restriction on the content of protected speech, it is invalid unless California can demonstrate that it passes strict scrutiny—that is,

unless it is justified by a compelling government interest and is narrowly drawn to serve that interest. *R. A. V.*, 505 U. S., at 395. The State must specifically identify an “actual problem” in need of solving, *Playboy*, 529 U. S., at 822–823, and the curtailment of free speech must be actually necessary to the solution, see *R. A. V.*, *supra*, at 395. That is a demanding standard. “It is rare that a regulation restricting speech because of its content will ever be permissible.” *Playboy*, *supra*, at 818. California cannot meet that standard. At the outset, it acknowledges that it cannot show a direct causal link between violent video games and harm to minors. Rather, relying upon our decision in *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622 (1994), the State claims that it need not produce such proof because the legislature can make a predictive judgment that such a link exists, based on competing psychological studies. But reliance on *Turner Broadcasting* is misplaced. That decision applied intermediate scrutiny to a content-neutral regulation. *Id.*, at 661–662. California’s burden is much higher, and because it bears the risk of uncertainty, see *Playboy*, *supra*, at 816–817, ambiguous proof will not suffice.

The State’s evidence is not compelling. California relies primarily on the research of Dr. Craig Anderson and a few other research psychologists whose studies purport to show a connection between exposure to violent video games and harmful effects on children. These studies have been rejected by every court to consider them, and with good reason: They do not prove that violent video games cause minors to act aggressively (which would at least be a beginning). Instead, “[n]early all of the research is based on correlation, not evidence of causation, and most of the studies suffer from significant, admitted flaws in methodology.” *Video Software Dealers Assn.* 556 F. 3d, at 964. They show at best some correlation between exposure to violent entertainment and minuscule real-world effects, such

as children's feeling more aggressive or making louder noises in the few minutes after playing a violent game than after playing a nonviolent game.

Even taking for granted Dr. Anderson's conclusions that violent video games produce some effect on children's feelings of aggression, those effects are both small and indistinguishable from effects produced by other media. In his testimony in a similar lawsuit, Dr. Anderson admitted that the "effect sizes" of children's exposure to violent video games are "about the same" as that produced by their exposure to violence on television. App. 1263. And he admits that the same effects have been found when children watch cartoons starring Bugs Bunny or the Road Runner, *id.*, at 1304, or when they play video games like Sonic the Hedgehog that are rated "E" (appropriate for all ages), *id.*, at 1270, or even when they "vie[w] a picture of a gun," *id.*, at 1315–1316.⁸

Of course, California has (wisely) declined to restrict Saturday morning cartoons, the sale of games rated for young children, or the distribution of pictures of guns. The consequence is that its regulation is wildly underinclusive when judged against its asserted justification, which in our view is alone enough to defeat it. Underinclusiveness raises serious doubts about whether the government is in fact pursuing the interest it invokes, rather than disfavoring a particular speaker or viewpoint. See *City of Ladue v. Gilleo*, 512 U. S. 43, 51 (1994); *FloridaStar v. B. J. F.*, 491 U. S. 524, 540 (1989). Here, California has singled out the purveyors of video games for disfavored treatment—at least when compared to booksellers, cartoonists, and movie producers—and has given no persuasive reason why.

The Act is also seriously underinclusive in another respect—and a respect that renders irrelevant the contentions of the concurrence and the dissents that video games are qualitatively different from other portrayals of violence. The

California Legislature is perfectly willing to leave this dangerous, mind-altering material in the hands of children so long as one parent (or even an aunt or uncle) says it's OK. And there are not even any requirements as to how this parental or avuncular relationship is to be verified; apparently the child's or putative parent's, aunt's, or uncle's say-so suffices. That is not how one addresses a serious social problem.

California claims that the Act is justified in aid of parental authority: By requiring that the purchase of violent video games can be made only by adults, the Act ensures that parents can decide what games are appropriate. At the outset, we note our doubts that punishing third parties for conveying protected speech to children just in case their parents disapprove of that speech is a proper governmental means of aiding parental authority. Accepting that position would largely vitiate the rule that "only in relatively narrow and well-defined circumstances may government bar public dissemination of protected materials to [minors]." *Erznoznik*, 422 U. S., at 212–213.

But leaving that aside, California cannot show that the Act's restrictions meet a substantial need of parents who wish to restrict their children's access to violent video games but cannot do so. The video-game industry has in place a voluntary rating system designed to inform consumers about the content of games. The system, implemented by the Entertainment Software Rating Board (ESRB), assigns age-specific ratings to each video game submitted: EC (Early Childhood); E (Everyone); E10+ (Everyone 10 and older); T (Teens); M (17 and older); and AO (Adults Only—18 and older). App. 86. The Video Software Dealers Association encourages retailers to prominently display information about the ESRB system in their stores; to refrain from renting or selling adults-only games to minors; and to

rent or sell “M” rated games to minors only with parental consent. *Id.*, at 47. In 2009, the Federal Trade Commission (FTC) found that, as a result of this system, “the video game industry outpaces the movie and music industries” in “(1) restricting target- marketing of mature-rated products to children; (2) clearly and prominently disclosing rating information; and (3) re- stricting children’s access to mature-rated products at retail.” FTC, Report to Congress, Marketing Violent Entertainment to Children 30 (Dec. 2009), online at <http://www.ftc.gov/os/2009/12/P994511violententertainment.pdf> (as visited June 24, 2011, and available in Clerk of Court’s case file) (FTC Report). This system does much to ensure that minors cannot purchase seriously violent games on their own, and that parents who care about the matter can readily evaluate the games their children bring home. Filling the remaining modest gap in concerned-parents’ control can hardly be a compelling state interest.⁹

And finally, the Act’s purported aid to parental author- ity is vastly overinclusive. Not all of the children who are forbidden to purchase violent video games on their own have parents who care whether they purchase violent video games. While some of the legislation’s effect may indeed be in support of what some parents of the re- stricted children actually want, its entire effect is only in support of what the State thinks parents ought to want. This is not the narrow tailoring to “assisting parents” that restriction of First Amendment rights requires.

California’s effort to regulate violent video games is the latest episode in a long series of failed attempts to censor violent entertainment for minors. While we have pointed out above that some of the evidence brought forward to support the harmfulness of video games is unpersuasive, we do not mean to demean or disparage the concerns that underlie the attempt to regulate them—concerns that

may and doubtless do prompt a good deal of parental oversight. We have no business passing judgment on the view of the California Legislature that violent video games (or, for that matter, any other forms of speech) corrupt the young or harm their moral development. Our task is only to say whether or not such works constitute a “well-defined and narrowly limited class of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem,” *Chaplinsky*, 315 U. S., at 571–572 (the answer plainly is no); and if not, whether the regulation of such works is justified by that high degree of necessity we have described as a compelling state interest (it is not). Even where the protection of children is the object, the constitutional limits on governmental action apply.

California’s legislation straddles the fence between (1) addressing a serious social problem and (2) helping concerned parents control their children. Both ends are legitimate, but when they affect First Amendment rights they must be pursued by means that are neither seriously underinclusive nor seriously overinclusive. See *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U. S. 520, 546 (1993). As a means of protecting children from portrayals of violence, the legislation is seriously underinclusive, not only because it excludes portrayals other than video games, but also because it permits a parental or avuncular veto. And as a means of assisting concerned parents it is seriously overinclusive because it abridges the First Amendment rights of young people whose parents (and aunts and uncles) think violent video games are a harmless pastime. And the overbreadth in achieving one goal is not cured by the underbreadth in achieving the other. Legislation such as this, which is neither fish nor fowl, cannot survive strict scrutiny.

We affirm the judgment below.

It is so ordered.” (Brown v. EMA 2011, pp. 11-18)

References

- AAFP. 2018. Violence in the Media and Entertainment (Position Paper). Retrieved from <https://www.aafp.org/about/policies/all/violence-media.html>
- Allen, Johnie J, and Craig A Anderson. 2017. "Aggression and violence: Definitions and distinctions." *The Wiley handbook of violence and aggression*.
- ALRC (2018). Appendix 3. International Comparison of Classification and Content Regulation. The United States. The Australian Law Reform Commission. Retrieved from <https://www.alrc.gov.au/publications/appendix-3-international-comparison-classification-and-content-regulation/united-states>
- Anderson, Craig A, and Brad J Bushman. 2002. "Human aggression." *Annual review of psychology* 53.
- Anderson, Craig A, Douglas A Gentile, and Katherine E Buckley. 2007. *Violent video game effects on children and adolescents: Theory, research, and public policy*: Oxford University Press.
- Anderson, Craig A, Akiko Shibuya, Nobuko Ithori, Edward L Swing, Brad J Bushman, Akira Sakamoto, Hannah R Rothstein, and Muniba Saleem. 2010. "Violent video game effects on aggression, empathy, and prosocial behavior in eastern and western countries: a meta-analytic review." *Psychological Bulletin* 136 (2):151-173.
- Balkin, Jack M. 1995. "Media filters, the v-chip, and the foundations of broadcast regulation." *Duke Lj* 45:1131.
- Bellisario, Donald P. 1982. *Magnum PI*. "Did you see the sun rise" Season 3 Episode 1. Directed by Ray Austin. Written by Donald P Bellisario. Belisarius Productions, September, 1982.
- Benioff, David and D. B. Weiss 2014. *Game of Thrones*. "The Mountain and the Viper" Season 4 Episode 8. Directed by Alex Graves. Written by David Benioff and D. B. Weiss. HBO, June, 2014.

- Blackburn, Bonnie Jean. 2007. The V-Chip and ratings systems in broadcasting 2007. Retrieved from http://firstamendmentstudies.org/wp-content/uploads/2017/03/1st_media_ch3.pdf
- Brand, Jeffrey. 2002. "A comparative analysis of ratings, classification and censorship in selected countries around the world." Retrieved from https://epublications.bond.edu.au/cgi/viewcontent.cgi?article=1886&context=hss_pubs
- Brown v EMA. 2011. Brown v Entertainment Merchants Association Decision. *Supreme Court*. Retrieved from <https://www.supremecourt.gov/opinions/10pdf/08-1448.pdf>
- Campbell, W Joseph. 2016. *Getting It Wrong: Debunking the Greatest Myths in American Journalism*: Univ of California Press.
- Cantril, Hadley. 2017. *The invasion from Mars: A study in the psychology of panic*: Routledge.
- Castillo, Michelle. 2018. Facebook will begin taking down fake news intended to encourage violence. *CNBC*. Retrieved from <https://www.cnbc.com/2018/07/18/facebook-to-take-down-fake-news-intended-to-encourage-violence.html>
- CNET. 2002. Columbine Families Sue Gaming Companies. *CNET*. Retrieved from <https://www.cnet.com/news/columbine-families-sue-gaming-companies/>
- Cunningham, Scott, Benjamin Engelstätter, and Michael R Ward. 2011. "Understanding the effects of violent video games on violent crime."
- Drummond, A, J. D. Sauer, and S. S. Garea. 2018. "The Infamous relationship between violent video game use and aggression – Uncharted moderators and small effects make it a Far Cry from certain." In *Video Game Influences on Aggression, Cognition, and Attention.*, edited by Christopher J Ferguson. Washington DC: Spring.
- DMX. 1998. Bring your whole crew. On *Flesh of my Flesh, Blood of my Blood*. CD. NY: Ruff Ryders Def Jam.
- ESRB. 2018a. ESRB History. Retrieved from <http://www.esrb.org/about/chronology.aspx>
- ESRB. 2018b. Frequently Asked Questions. Retrieved from <http://www.esrb.org/ratings/faq.aspx#1>

- ESRB 2018c. ESRB Ratings Process. Retrieved from https://www.esrb.org/ratings/ratings_process.aspx
- FCC. 2008. The public and Broadcasting. Retrieved from <https://www.fcc.gov/media/radio/public-and-broadcasting#FCC>
- Ferguson, Christopher J. 2015. "Do angry birds make for angry children? A meta-analysis of video game influences on children's and adolescents' aggression, mental health, prosocial behavior, and academic performance." *Perspectives on Psychological Science* 10 (5):646-666.
- Ferguson, Christopher J. 2016. Violent video games and the supreme court: The legacy of Brown v EMA (2011). *The Huffington Post*. Retrieved from https://www.huffingtonpost.com/christopher-j-ferguson/violent-video-games-and-t_1_b_10430874.html
- Ferguson, Christopher J, and John Kilburn. 2009. "The public health risks of media violence: A meta-analytic review." *The Journal of pediatrics* 154 (5):759-763.
- Ferguson, Christopher J, and John Kilburn. 2010. "Much ado about nothing: the misestimation and overinterpretation of violent video game effects in eastern and western nations: comment on Anderson et al.(2010)." *Psychological Bulletin* 136:174-178.
- Grow, Kory. 2015. PMRC's 'Filthy 15': Where are they now? *Rolling Stone*. Retrieved from <https://www.rollingstone.com/music/music-lists/pmrcs-filthy-15-where-are-they-now-60601/>
- Goluboff, Bryan. 1995. *The Basketball Diaries*. Film. Directed by Scott Kalvert. Los Angeles: New Line Cinemas.
- Hilgard, Joseph, Christopher R Engelhardt, and Jeffrey N Rouder. 2017. "Overstated evidence for short-term effects of violent games on affect and behavior: A reanalysis of Anderson et al.(2010)."

- Huesmann, L Rowell. 2007. "The impact of electronic media violence: Scientific theory and research." *Journal of Adolescent Health* 41 (6):S6-S13.
- ID Games (1993). *Doom*. Video Game. Written and Directed by Tom Hall. Richardson Texas: ID Software.
- Jefferson County Colorado Sheriff. 2000a How they were equipped that day. Retrieved from http://edition.cnn.com/SPECIALS/2000/columbine.cd/Pages/EQUIPMENT_TEXT.htm
- Jefferson County Colorado Sheriff. 2000a Bomb Summary. Retrieved from http://edition.cnn.com/SPECIALS/2000/columbine.cd/Pages/BOMBS_TEXT.htm
- Jordan, Amy B. 2008. "Children's media policy." *The future of children*:235-253.
- Laczniak, Russell N, Les Carlson, Doug Walker, and E Deanne Brocato. 2017. "Parental Restrictive Mediation and Children's Violent Video Game Play: The Effectiveness of the Entertainment Software Rating Board (ESRB) Rating System." *Journal of Public Policy & Marketing* 36 (1):70-78.
- Maltby, Richard George. 2003. *Hollywood cinema*: Blackwell Publishing.
- Markey, Patrick M, Charlotte N Markey, and Juliana E French. 2015. "Violent video games and real-world violence: Rhetoric versus data." *Psychology of Popular Media Culture* 4 (4):277.
- MPAA. n.d. Changes in the Rating System. Motion Picture Association of America. Archived 2009, Retrieved from https://web.archive.org/web/20090530061222/http://mpaa.org/Ratings_hstry_Rvsns.asp
- Midway Games (1992). *Mortal Kombat*. Created by Ed Boon, and John Tobias. Video Game. Burbank: Warner Brothers Interactive Entertainment.
- Midway Games (2015). *Mortal Kombat*. Created by Ed Boon, and John Tobias. Video Game. Burbank: Warner Brothers Interactive Entertainment.
- Neumeier, Edward and Michael Miner. 1987. *Robocop*. Film. Created by Ed Boon, and John Tobias. Directed by Paul Verhoeven. Los Angeles: Orion Pictures.

- Orland, Kyle. 2017. VR headset sales are slowly rising out of the doldrums. *ArsTechnica*. Retrieved from <https://arstechnica.com/gaming/2017/11/more-than-a-fad-vr-headset-sales-are-slowly-creeping-higher/>
- Osbourne, Ozzy. 1982. *Speak of the Devil*. CD. NY: Jet/Epic.
- Paik, Haejung, and George Comstock. 1994. "The effects of television violence on antisocial behavior: a meta-analysis." *Communication Research* 21 (4):516-546.
- Pooley, Jefferson, and Michael J. Socolow. 2013. "The myth of the war of the worlds panic." *Slate*. Retrieved from http://www.slate.com/articles/arts/history/2013/10/orson_welles_war_of_the_worlds_panic_myth_the_infamous_radio_broadcast_did.html
- Ramirez, Jesus M, and Jose M Andreu. 2006. "Aggression, and some related psychological constructs (anger, hostility, and impulsivity) Some comments from a research project." *Neuroscience & Biobehavioral Reviews* 30 (3):276-291.
- Reiss, Albert J, and Jeffrey A Roth. 1993. *Understanding and Preventing Violence: Panel on the Understanding and Control of Violence Behavior*: National Academy Press.
- Rideout, Victoria. 2007. "Parents, Children & Media: A Kaiser Family Foundation Survey." *Henry J. Kaiser Family Foundation*.
- Sadler, Roger L. 2005. *Electronic media law*: Sage.
- Sandler, Kevin. 2007. *The naked truth: why Hollywood doesn't make X-rated movies*: Rutgers University Press.
- Scott, David V. 1995. "The V-chip debate: Blocking television sex, violence, and the First Amendment." *Loy. LA Ent. LJ* 16:741.
- Shipley, Wes, and Gray Cavender. 2001. "Murder and mayhem at the movies." *Journal of Criminal Justice and Popular Culture* 9 (1):1-14.
- Sixx, Nikki. 1983. *Bastard*. On *Shout at the Devil*. Record. Hollywood: Cherokee Studios.
- Snider, Dee. 1984. *We're not Gonna Take it*. On *Stay Hungry*. Record. Los Angeles: Atlantic Records.

- Sorkin, Aaron. 1999. *West Wing*. "The Crackpots and these women" Season 1 Episode 5. Directed by Anthony Drazen. Written by Aaron Sorkin. Warner Brothers, October, 1999.
- Tarantino, Quentin. 2003. *Kill Bill*. Film. Directed by Quentin Tarantino. Los Angeles: Miramax.
- Tarrantino, Quentin, David Veloz, Richard Rutowski and Oliver Stone. 1994. *Natural Born Killers*. Film. Directed by Oliver Stone. Burbank: Warner Brothers.
- Thompson, Kimberly M, and Fumie Yokota. 2004. "Violence, sex, and profanity in films: correlation of movie ratings with content." *Medscape General Medicine* 6 (3).
- Tickle, Jennifer J, Michael L Beach, and Madeline A Dalton. 2009. "Tobacco, alcohol, and other risk behaviors in film: how well do MPAA ratings distinguish content?" *Journal of health communication* 14 (8):756-767.
- U.S. Const. amend. I.
- Vaala, Sarah E, Amy Bleakley, Jessica Castonguay, and Amy B Jordan. 2017. "Parents' use of the V-chip and perceptions of television ratings: The role of family characteristics and the home media environment." *Journal of Broadcasting & Electronic Media* 61 (3):518-537.
- Valenti, Jack, Decker Anstrom, and Eddie Fritts. 1997. Letter to the Federal Communication Commission about the TV Ratings System. Retrieved from http://transition.fcc.gov/Bureaus/Cable/Public_Notices/1997/fc97034a.pdf
- VanDerWerff, Todd. 2018. Donald Trump wants explicit movie ratings for violence. Those already exist ... sort of. *Vox*. Retrieved from <https://www.vox.com/culture/2018/2/22/17042002/donald-trump-movie-ratings>
- Wandhams, Nick. 2002. Columbine suit against game dismissed. *MRT*. Retrieved from <https://www.mrt.com/news/article/Columbine-Suit-Against-Game-Dismissed-7811935.php>
- Wright, Gary. 1969. *Better by you, better than me. On Spooky Too*. Record. Santa Monica: A&M.
- Zipursky, Benjamin C, Eric Burns, Donald W Hawthorne, and Thomas Johnson. 1997. "The V-Chip and the Constitutionality of Television Ratings." *Fordham Intellectual Property, Media and Entertainment Law Journal* 8 (2):301.