

SHOOTING THE MESSENGER

Why Censorship Won't Stop Violence

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THE FIRST AMENDMENT:

"Congress shall make no law respecting an establishment of religion, or prohibiting the exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble."

INTRODUCTION:

The Media as Scapegoat

From the catastrophic bombing in Oklahoma City to shootings in workplaces, restaurants and places of worship, America has recently witnessed a number of extraordinarily dramatic crimes. The most alarming have been shootings by students at schools, culminating in the April 1999 multiple murders at Columbine High School in Littleton, Colorado.

Such crimes are extremely rare. "The chances [of a fatal school shooting] are literally one in a million," said Northeastern University criminal justice scholar James Alan Fox. One irony of the debate over violent media is that it occurs at a time when the violent crime rate has fallen dramatically. Violent crime is now at its lowest level since 1973. Nevertheless, violence remains a serious problem.

If tragedies like the Columbine shootings were to spur an honest national search for the deeper causes of violence and a true commitment to real prevention and child protection, this dark cloud would indeed have a silver lining. Unfortunately, the opposite is happening. The Littleton shootings have occasioned a frenzy of sensationalist journalism and opportunistic politicking from both right and left. In the rush to assign blame for the alleged epidemic of youth violence, one supposed culprit has been repeatedly singled out: the entertainment media.

Relying on old and controvertible evidence, professional groups including the American Medical Association and American Psychological Association have declared that TV, film, music and video games teach casual attitudes about belligerence and aggression toward others. The government has launched a fleet of study commissions, all starting from the same premise.' Unsupported and hyperbolic claims fly. "The entertainment industry gets away, literally, with murder," said House Judiciary Committee Chairman Henry Hyde (R-111.), introducing a far reaching violent-content regulation bill. Even some scholars have thrown away their customary caution and represented the link between media and violence as a scientific certainty. Testifying before a Senate committee shortly after Littleton, social psychologist L. Rowell Huesmann of the University of Michigan compared the "risk" of exposure to media to smoking in causing cancer. Of the evidence of a causal link between media violence and real violence, the American Psychological Association's spokesman stated, "To argue against it is like arguing against gravity."

Responding to what they claim to be the will of the people, lawmakers have proposed restrictions on a vaguely and broadly defined category of "violent" media content. In June 1999, Chairman Hyde proposed prohibiting the sale or distribution to minors of books, magazines, recordings, video games or Web pages with "obscenely violent" content, including "sadistic or masochistic flagellation" and "torture." Booksellers and other retailers could have been sentenced to ten years in jail for violating the ban. Hyde's was only one of 44 amendments on cultural issues brought to the House floor in three days. Another bill, also defeated, called for a rating and labeling system for all media under the purview of a committee of bureaucrats at the Federal Trade Commission.

It imposed a civil fine of up to \$10,000 on retailers who broke the law. In the end, the House defeated both proposals. But they quietly approved many others and passed a resolution calling on Congress to "do everything in its power to stop these portrayals of pointless acts of brutality by immediately eliminating gratuitous violence in movies, television, music and video games." It remains to be seen what "everything in its power" will mean.

Although parents have told pollsters they want something done about violence in the media, they are often wary of governmental solutions. For instance, since V chip-equipped television sets became available in the summer of 1999, consumer response has been cool. "I don't know how the V chip works," one father said, "But I don't really trust that someone else is going to have better judgment than we will. "I As this father suggests, Americans may be less eager than they seem to let lawmakers whittle away our democratic freedoms and parental prerogatives on the dubious premise that laws restricting children's access to violent content will somehow protect them from future Littletons.

Before taking such drastic steps, it behooves us to re-examine the "incontrovertible" social-science data on media and on violence. We must also look hard at the problems inherent in such restrictive policies and weigh their hope for benefits against the costs they could exact on kids, families and the body politic.

I.

THE SOCIAL SCIENCE:

Studies Don't Support the Conclusion

That Media Cause Real-life Violence

"It seems obvious to many people that watching violent programs or engaging in violent games would make children aggressive," University of Toronto research psychologist Jonathan Freedman testified in October 1999 to the House Bipartisan Task Force on Youth Violence. But what appears to be true is not always true, he noted. "The earth is not flat, the sun does not revolve around the earth. Staying in bed for as long as possible is not the best way to recover from surgery, crazy people are not inhabited by evil spirits Scientific research has disproved all of these obvious facts."

Contrary to the claims of politicians and pundits, the experts do not agree on the "obvious fact" that violent content in media causes real-life violence. "What is most striking," wrote a committee of the New York City Bar Association that looked at a sample of the 20,000 to 30,000 scientific references to aggression and violence, "is how little agreement there is among experts in human behavior about the nature of aggression and violence, and what causes humans to act aggressively or violently."

Although it has dominated recent public conversation, the social science used to support claims of a relationship between media content and real violence is weaker than many would

suggest. It falls almost exclusively into one minor area of research psychology. Of the 20,000 to 30,000 references mentioned above, which include theoretical, empirical, and analytical work in criminology, sociology, biology, and other disciplines, this group of psychologists has produced only 200 to 300 original studies. The vast majority of those 200 to 300 studies concern television, and many were conducted decades ago, before academics had developed a sophisticated understanding of how people interact with media. Indeed, some of the most authoritative work on the causes and preventives of violence regards the media as such a minor factor that it isn't mentioned at all. In *Understanding and Preventing Violence*, its highly regarded 1993 compendium of biological, psychological and social science research, the National Research Council devised a matrix of "risk factors for violent behavior." Among the scores of social and individual factors were poverty, access to weapons, communications skills, drug use, and neurobiological and genetic traits. Exposure to violent entertainment media was notably absent! *Shooting the Messenger* will begin, then, by looking at the broader social trends that belie the claims of a link between "bad" media and high crime rates in America. The report will then turn to the psychological studies commonly invoked to support restrictive social policy and point out their numerous shortcomings.

1. VIOLENT CRIME: HOMICIDE RATES ARE UNRELATED TO MEDIA CONSUMPTION.

Today, 98% of American homes have a TV set, and 40% have three or more; VCRs are a feature in 84% of American households.' Twice as many videotapes are rented daily as books checked out of the public library.' Video games have become a \$6 billion industry, with rentals increasing 50%, to \$804 million, from 1997 to 1998 alone.

Aside from the increase in the number of media products and outlets-Web sites, TV channels, movies and games-some surveys show that there is more violence in these products than in the past. According to the 1998 University of California/Santa Barbara's National Television Violence Study, the percentage of programs from 1994 to 1997 that contain violence during prime time rose 14% on network TV and 10% on cable. (Studies conflict, however; some report drops in media violence during the same periods while others find rises.)"

But all statistics on crime point in the same direction. Violent crime by both adults and youth has declined dramatically in the 1990s. Between 1993 and 1998, according to the National Crime Victimization Survey of the U.S. Justice Department, violent crime rates fell 27% and property crime rates dropped 32%. That represents the lowest level recorded since the survey's inception in 1973.¹¹ Violent crime committed by children and teens is at its lowest since 1987 and has fallen 30% from 1994 to 1998. The arrest rate for weapons violations among juveniles also saw a 33% drop between 1993 and 1998. And school violence-fights, injuries and weapons carried through the doors-has been falling steadily since 1991, according to studies by the Centers for Disease Control and Prevention."

"No doubt violence on television and in the movies heightens aggression among some people some of the time," the eminent criminologist James Q. Wilson commented. "But we have virtually no evidence that it affects the serious crime rate."

In 1949 fewer than 10% of American homes had a television. At the turn of the 21st century, as noted, almost everyone has at least one set. Maybe it's logical that the tube has been blamed for just about everything that's gone wrong in the last half-century. One researcher who set out to prove this culpability was University of Washington epidemiologist Brandon S. Centerwall. And as recently as 1999, he was being quoted in such influential publications as the Senate Judiciary Committee's report on children and violence, which elevated his conjecture to a "finding": "[If] hypothetically, television technology had never been developed, there would be 10,000 fewer homicides each year in the United States, 70,000 fewer rapes and 700,000 fewer injurious assaults. Violent crime would be half what it is." Centerwall extrapolated these estimates from figures of TV ownership and homicide in four countries after World War II. Three of the nations enjoyed steady rises in TV ownership during the period, but in the fourth, South Africa, televisions were banned until 1975. Using South Africa as a control, he concluded that "the introduction of television [into Canada and the U.S. caused a subsequent doubling of (their) homicide rates."

Centerwall's sweeping claims drew much criticism, but the most devastating rebuttal came from criminologists Frank Zimring and Gordon Hawkins, both of the University of California's Earl Warren Legal Institute. Using Centerwall's methodology, they continued to chart TV ownership and lethal crime in Centerwall's four countries for the years following his inquiries, and they added postwar statistics for France, Germany, Italy and Japan. On these graphs, while the number of TVs climbs with regularity, the crime rates rise and fall irregularly in each country throughout the period. Centerwall's thesis failed to pass its own test and was, quite simply, demolished.

Machete hackings in Rwanda, lethal stoning of women under Afghanistan's Taliban, murder and kidnaping in Colombia, street crime in Haiti-in these countries, people have had little exposure to media. More plausible reasons for this violence are political and religious strife and repression, drug trafficking and poverty.

2. INDIVIDUAL AGGRESSION

In his testimony to Congress, Toronto's Jonathan Freedman stated that a thorough review-in-progress of the new studies about the relationship between media and real-life violence has reinforced his conclusions of a decade earlier: "The research demonstrates either that media violence has no effect on aggression, or that if there is an effect, it is vanishingly small."

Laboratory experiments measure responses to contrived stimuli in controlled environments. From them, social scientists have gathered the strongest evidence that after witnessing an intentionally harmful act in a movie or on TV, a person is more likely to act harmfully. After watching a film of a teacher kicking a blow-up Bobo doll, children battered Bobo, too. Students who watched boxing films were more willing than those who didn't to administer shocks to an errant research assistant. In other studies, people who watched media with violent content responded to questions about hypothetical provocative situations, and, more than those in the control group, imagined themselves striking or punishing others. But the further you move from the hermetic atmosphere of the laboratory, the weaker the links between media and aggression become. In field experiments-where the stimulus is

controlled, but the reaction is recorded in such natural settings as a school or hospital-the results have been less clear than in the lab. Lab and short-term field studies suffer from many of the same problems.

Experiments on the effects of adrenaline have found any activity that stimulates this fight or-flight hormone, whether watching an exciting TV show or riding a stationary bicycle, will increase just about any feeling or behavior the researcher tests for, whether it is generosity, punitiveness or anger." Criminologists Zimring and Hawkins suggest that when the child punches the Bobo doll, he could simply be exhibiting excitement, or "physical tension and the need to discharge it," with "no important link to the propensity to commit a serious assault on another human being." The catharsis of hurting the doll could even lessen the likelihood of taking out any frustration against another person."

"It is seldom acknowledged," wrote behavioral scientists Kenneth Gadow and Joyce Sprafkin in one review of the major field studies, "that television programs specifically produced to encourage pro-social behavior can also disinhibit aggressive behavior." They cite one study conducted in the late 1970s, in which the aggressiveness of a group of normally pacific preschoolers tripled after watching Sesame Street and Mr Rogers.

The much-quoted Grossman, leader of his own invented academic discipline of "killology," expresses opinions; he does not report social scientific findings. Perhaps the largest investigation ever of video-game play, and particularly of aggressive content in games, was a recently completed four-year study by the Australian government. Its conclusions contradict Grossman's claims. Watching children and teens in arcades and at computer screens, researchers witnessed "high levels of enjoyment," excitement, challenge, friendly competition, and much laughter and talking. "Verbal or physical aggression toward others was negligible," the report said, and what there was came softened by joking. "The main type of aggression was robust treatment of the equipment." "Australians play the same video games as Americans. Even if you looked to commercial video games for killing lessons, they wouldn't help you. "I don't see how anyone would learn to fire a weapon accurately from these games without some form of mentoring," said Colonel Ron Krisak, who conducted firearms training at Fort Dix .

In order to test one factor at a time in the lab, investigators screen only one class of shows or games-say, very violent or not at all violent-to each group of subjects within a short period of time. This makes sense from the point of view of experimental efficiency and purity, or

"elegance." But this is rarely the way media are used. In real life, a video gamer may desire the kill-or-be-killed thrill of Quake 11 for 20 minutes, then feel like rebuilding civilization with Civilization. He's also probably playing with other kids, joking, competing, commenting and resting. Similarly, a violent TV show is interrupted by commercials, channel surfing, chats with family members and trips to the kitchen. All these activities alter the messages, mood and effects of the media experience.

For obvious ethical reasons, these studies can measure nothing more than behavior toward inanimate objects or an unseen or hypothetical person. As a result, the subject can behave sadistically with no real-life inhibitions. Even preschoolers know that the Bobo doll, unlike little Jennifer or Jamal, feels no pain when they punch it. Equally important: Bobo doesn't punch back. Such studies may even subtly elicit meanness in their subjects. The child in the study not only knows she will escape punishment, she might even conclude that the adult kicking the doll or showing a violent film approves of bad behavior. Thus, she may imitate the behavior to please the experimenter. Psychologists call this a sponsor effect. Despite the fact that experiments measure aggression toward objects and imaginary people, not real people, researchers commonly infer that aggressive play with toys shows a tendency to be aggressive toward people. In 1995, for instance, Irwin and Gross had boys play video games and then play both with toys and with

other kids. They found that the boys who played violent video games moved about rowdily and treated the toys roughly, more than those who played nonviolent video games. But neither group bashed other children. Still, the researchers concluded that violent video games caused 11 aggression." "University of Utrecht communications scholar Jeffrey Goldstein pointed critically to this conclusion as typical of much work in the field. "What the researchers actually found," he said, "was an increase only in harmless aggression against objects, most likely the result of increased excitement generated by the aggressive video game."

One of the main theories undergirding the research in this field, as well as most common sense thinking, is "social learning" the idea that a child who sees a Halloween movie or plays Quake will adopt the attitudes and imitate the behaviors portrayed on the screen. At least since Albert Bandura's famous Bobo doll experiments in the 1960s, an oversimplified interpretation of social learning theory has trickled down through the ranks of research psychologists to the news-hour talking heads and to frightened parents: Monkey see, monkey do. A big piece of social learning theory is left out of this interpretation: the larger world of relationships and meanings in which the child views a show, associates the images in it with things he knows and feels, and behaves when the picture is turned off. This is the context. The first part of the context of media violence is what happens inside the story and how the story is told. Most studies of the "incidence" of violence in the media are nothing more than a tally of scenes of force wielded with the intent to hurt. Such "neutral" bullet-counting implies that the effect of seeing any scene of force-from a Roadrunner cartoon to a Terminator film-is to inspire enthusiastic approval or blase dismissal of violence. The point is not that such portrayals have no emotional or intellectual impact. Rather, the meaning of violence depends largely on the context-whether the violence is rewarded or punished, banal or calamitous, humorous or serious. And while reactions to a given scene vary from person to person, the context affects every viewer and determines whether she comes away seared, angry, amused, excited or altogether unaffected.

The other part of context is the human environment in which a child consumes media. In a letter to the British journal *The Psychologist*, psychologist Anne Sheppard suggested that aggressive behavior regularly elicited in the lab might be hard to create in everyday family life. "Unlike the experimenter, some parents have strategies for coping with their children's behavior after viewing violent TV, such as *Power Rangers*," wrote Sheppard, who carried out five years of research on the effects of TV on children. "They alter the antecedent and/or reinforcement conditions, so that unacceptable behavior is either not displayed or is not encouraged." In other words, parents talk to their children about whether attacking your little sister with an AK-47 (or even kicking her in the shins) is the way to resolve a dispute about who gets to ride the new bike. And if the child does kick his sister, the parents chastise him. "Social learning theory also emphasizes the importance of cognition on behavior," Sheppard continued. "It is the meaning that children construct from what they see on TV that will determine how they react once away from the screen."

Every critical report of violence in the media trots out terrifying numbers about how many thousands of simulated acts of murders and mayhem a child witnesses during his formative years. These statistics imply a scary chain of events: each bloody scene etches a lesson in the child's brain. Impression is laid upon impression, so that eventually any values of peace and compromise are crowded out by the maxim that might makes right. The next time the child witnesses a bully pushing around a smaller kid, he won't intervene. If someone challenges him, he'll put up his dukes. Over time, the fear is, the media will desensitize him to belligerence by others and disinhibit him from resorting to it himself.

Some kids spend great amounts of time in front of various screens. It is understandable that parents worry that over time, this experience could turn their children into surly or hurtful people. However, science does not support this fear.

One of the most ambitious and frequently cited longitudinal studies assessed groups of boys and girls ages 9 to 11 from the U.S., Finland, Poland, Australia, Israel and the Netherlands over six years in the 1970s and early '80s. This work, steered by research psychologists Leonard Eron and L. Rowell Huesmann, yielded much useful information about the relationships among such factors as parental punishment, socioeconomic status, intelligence, television viewing and aggression. But contrary to the American authors' claims, the study did not provide convincing evidence that watching more violent TV contributed to children's antisocial behavior over time and in different countries. In the U.S., the correlations showed a small increase. In Finland, the correlations for boys increased, then decreased, then increased again; for girls, they decreased, increased, then declined again. In Poland, the graph was similarly bumpy. Commented University of Toronto psychologist Jonathan Freedman, "There is no discernible pattern in the changes."

The Dutch researchers in the study above strongly dissented from the claims of Eron and Huesmann. When they took away the effects of low intelligence and the propensity to aggression that some kids displayed at the debut of

the study, they found, "the relationship [between TV and aggression] disappeared almost completely."" Another study considered state-of-the-art in design and method" came to conclusions that were almost exactly the opposite of Huesmann's and Eron's. Psychologists J. Ronald Milavsky and Horst Stipp assessed more than 3,000 Midwestern students over three years. "Measures of violence exposure were conceptualized in eight different ways" (realistic shows versus cartoons, high levels of violence versus low levels, etc.). "Effects were sought among every different theoretically plausible subset of the sample, such as children who had a history of prior aggressive behavior, children without fathers, poor children, children who lived in families and with peer groups in which aggressive behavior was normative and children whose parents disciplined them with physical punishment." But all that manipulation yielded "only tiny, statistically insignificant" numbers indicating any relationship between exposure to TV violence and antisocial behavior. "Television viewing was not a factor in the development of aggressive behavior among the children in the sample," the authors concluded.'

3. MISINTERPRETING REALITY.

All the political arguments for restricting media because of a purported link between media violence and real violence are based on studies finding a correlation between the two phenomena. But correlation is simply two things happening in proximity, at the same time, in the same person or people. One of those things does not necessarily cause the other. The alarm clock ringing at six a.m. does not cause the sun to come up. In fact, determining when correlation can be read as causation is a crucial and controversial issue in every science. "Causality is very hard to prove," explains Carole Vance, professor of anthropology and Director of the Program for the Study of Sexuality, Gender, Health and Human Rights at Columbia University's Mailman School of Public Health.

"Correlation is a first step, like a red flag, of a possible relationship that's worth investigating. After that, many research designs that go beyond correlation are organized. These better studies feature prospective, longitudinal designs and designs that try to avoid various biases that can produce apparent but mistaken causality. Only after many, many studies have been done, by different investigators, using different designs, with many arguments about possible other explanations for the relationship, is causal relationship even plausible."

After several studies, the evidence of a correlation between media and violence is still weak. Therefore, a causal relationship isn't plausible. The body of data is compromised in other ways, too. Studies that find a "null" effect—that is, neither a positive or a negative effect—tend to be published in obscure journals, if at all, and are excluded from reviews and analyses. That skews the "average" effect upward." Pointing to what he has called this body of "pathetic" evidence, Toronto's Freedman cautioned his colleagues not to leap to conclusions:

"Some of those who read the available research carefully may conclude that the effect probably exists. Others will find that they are unable to make a reasonable guess, and still others will be led to think that watching TV violence probably does not affect aggression. But the research has not produced the kind of strong, reliable, consistent results that we usually require to accept an effect as proved."

Henry Jenkins, director of the Comparative Media Studies Program at the Massachusetts Institute of Technology, explained the Columbine shooters this way to the U.S. Commerce Committee in a hearing on youth violence:

"Far from being victims of video games, Eric Harris and Dylan Klebold had a complex relationship to many forms of popular culture. They consumed music, films, comics, video games, television programs. All of us move nomadically across the media landscape, cobbling together a personal mythology of symbols and stories taken from many different places. We invest those appropriated materials with various personal and subcultural meanings. Harris and Klebold were drawn toward dark and brutal images which they invested with their personal demons, their antisocial impulses, their maladjustment, their desires to hurt those who hurt them.

"So far, most of the conversation ... has reflected a desire to understand what the media are doing to our children. Instead, we should be focusing our attention on understanding what our children are doing with media."

Inconclusive and controvertible data, much of which does a crude job of describing a complex and poorly understood social process, should not be the basis of highly consequential public policy.

II.

How Not to Stop Violence

1. GOVERNMENT REGULATION: NO LAW ABRIDGING MEDIA WITH VIOLENT CONTENT IS GOOD LAW.

Increasingly, laws regulating the distribution to minors of media containing "gratuitous," "excessive" or "obscene" violence are coming to the floors of state legislatures and Congress. Whenever such bills have become law, however, civil libertarians have challenged them as violations of the Constitutional right to free speech. Each time, the judges have sided with the laws' challengers. Given the fundamental importance of protecting even the vilest, most abhorred speech in order to safeguard democracy, the courts have imposed an extremely high standard of

proof that such "protective" legislation actually is protective, and protective from actual harms. The Supreme Court wrote in *Turner Broadcasting System Inc. v FCC*:

"When the government defends a regulation on speech as a means to ... prevent anticipated harms, it must do more than simply posit the existence of the disease to be cured. It must demonstrate that the recited harms are real, not merely conjectural, and that the regulation will in fact alleviate these harms in a direct and material way."

Judges have been repeatedly unconvinced that the claimed harms of violent images and words are demonstrably real and that the proposed regulations would alleviate them. "Every court that has addressed this issue has held that violent content is Constitutionally protected speech," noted Michael Bamberger, one of the country's preeminent First Amendment lawyers.⁴⁴ Supporters of laws that restrict minors' access to sexual media have argued that when the safety of children is at stake-"if just one child is saved"-some speech is expendable. A Constitutional right is abstract, they say, while violence is real. This argument comes up against the many different meanings of violence, the role of government in a democracy and the false promise that censorship protects children.

Often, violent-media regulation is deemed unconstitutional on the grounds that it is too "vague"-that is, a reasonably intelligent citizen can't figure out when she's about to break the law, and a government official has too much leeway to decide she has broken it. Which, for example, would you want the government to find "excessively," "gratuitously" or "obscenely" violent? The tale of a man who kills his father, has sex with his mother, and then gouges out his own eyes? That's Sophocles' *Oedipus Rex*. How about Shakespeare's *Titus Andronicus*, in which two rogues murder a man, rape his wife, hack off her hands and tongue, and then are avenged by her father, who slits their throats, pours their blood into the bowl held between his daughter's stumps, butchers them, grinds their bones, cooks them and feeds them to their mother? The original *Faust*, published in 1587, climaxes when the Devil rips the doctor's soul from his body, splattering flesh and brain. Fairy tales, too, are routinely peppered with dismemberment, arson, and child and animal abuse.

According to the Center for Media and Public Affairs' "Merchandizing Mayhem," a survey of the incidence of violent scenes in popular culture in 1998, the top-grossing film with the most scenes of "serious violence" was the Academy Award-winning *Saving Private Ryan*. In fact, this film accounted for fully 30% of all such scenes on the big screen that year. Could the same artistic goals have been achieved by a less graphic film? Maybe. But perhaps the intense realism of the violence was necessary to portray the sacrifices the Allied troops made to defeat fascism during World War II.

Or consider the video game *War in Heaven*, an advertised "Christian" product, in which players take the part of either angels or devils, brutally smiting their enemies in a fight to the finish. *War in Heaven* is no more or less violent than many parts of the Bible itself.

Free-speech advocate Jim d'Entremont notes that "films that are reviled for their violence-like *Bonnie and Clyde*, *The Wild Bunch*, *Carrie*, *Natural-Born Killers*, or *Basketball Diaries*-are often films that critique the violence that our society foments." These films depict "bad" violence to demonstrate the evils of violence. Which is to say, violence in these films is used in the service of the good.

Inevitably, judgments about what is good and bad violence are matters of taste and individual morality. Defining bad violence, said Motion Picture Association of America President Jack Valenti, is "like picking up mercury with a fork."

Two "child-protective" bills introduced in Congress in 1993 defined violence as "any act that has as an element the use or threatened use of physical force against the person of another, or against one's self, with intent to cause bodily harm to such person or one's self." Using that definition, Ken Burns' *Civil War* and the Three Stooges could be found harmful to minors, as well as the National Football League games and, as a committee of the New York City Bar Association argued, "an overwhelmingly large percentage of our culture." Pondering the obstacles to regulating violence in media, Chief Judge Harry Edwards of the U.S. Court of Appeals for the Washington D.C. Circuit wrote that he could conjure no definition of violence that would safely guide regulators to "distinguish between harmless and harmful violent speech," or "fix rules designed to ferret out gratuitous violence without

running the risk of wholesale censorship of television programming."

In *Bill v. Superior Court* (1983) a mother sued the producers of the "gang movie" *Boulevard Nights* for liability in the death of her daughter, who was shot while walking from the theater to the bus stop after the film. The plaintiff claimed the filmmakers were negligent in failing to provide audiences protection from antisocial types the movie would attract, people who might feel inspired to perpetrate a copycat crime after seeing violence on screen. The California appellate court stated that such liability would have a chilling effect on any other producer who might depict such subject matter, though no one could know what effect it might have on a particular viewer. In ordering a summary judgment in favor of the producers, the judges defined the role of the state as follows:

"When speech is of such a nature as to arouse violent reaction on the part of the lawless, the first obligation of the government is to maintain the peace and enforce the law ... not to silence the speaker."

2. CENSORING KIDS: CRACKING DOWN ON YOUTH CULTURE DOESN'T PROTECT KIDS.

In May 1999, shortly after the Littleton, Colorado, murders, a North Carolina high-school student typed the words "The end is near" on a computer screen as a joke about millennial madness. Another student saw the message, called it a threat, and the school agreed. The boy was expelled for a year, then arrested. After three nights in jail, he was found guilty in state court. His original 45-day jail sentence was suspended, but he was penalized with 18 months of probation and 48 hours of community service. A 13-year-old student in Texas fulfilled an assignment to write a "scary story." His story mentioned the shooting of real people. He was arrested and jailed for six days." In the Denver area, schools banned black trench coats, because the Columbine shooters and their friends were known to wear them. These excessive sentences and overreactions to teenagers' behavior not only violate the Constitutional rights of minors, they also contribute to kids' disaffection from school and the law. As child protection, they are useless, and may even be counterproductive.

In the late 19th century Anthony Comstock, chief special agent of the New York Society for the Suppression of Vice, pored over innumerable moral "traps for the young" that were a staple of middle-class households-half-dime novels, "story papers" and even the daily newspapers. The New York Society for the Prevention of Cruelty to Children "kept a watchful eye upon the so-called Museums of the City," whose advertisements were "like magnets to curious children." According to one society report, a play featuring "depravity, stabbing, shooting, and blood-shedding" so traumatized a 10-year-old girl that she was found "wander[ing] aimlessly along Eighth Avenue as if incapable of ridding herself of the dread impressions that had filled her young mind." In a 1914 issue of *The Atlantic*, Agnes Repellier, a popular conservative essayist, inveighed against the film and publishing industries "coining money" by creating a generation sophisticated in sin. She may have been the first essayist to propose a governmentally run rating system, asking "the authorities" to bar minors "from all shows dealing with prostitution.", (Today that category would include films like *Pretty Woman* and *Trading Places*.) In the 1920s and '30s, jazz came under attack, in the '50s, comic books were regulated, and in the 1960s, rock and roll was decried as a source of the evil that produced everything from premarital sex to resistance to the Vietnam war.

Today, these examples seem prudish, quaint, or simply wrong. What is outrageous in one era is ho-hum in another. But the generation gap has been around for at least two centuries. Since there has been anything resembling youth culture, adults have been exercised about its forms of expression. Frank Sinatra called Elvis Presley's music "the most brutal, ugly, desperate, vicious form of expression it has been my misfortune to hear," and "the martial music of every... delinquent on the face of the earth." Today's generation of parents blamed heavy metal and rap music for young people's suicide and alienation in the 1980s; video games, Internet chat rooms, raves and other aspects of youth culture have all come under fire in the '90s. As technology gallops forward, with kids confidently at the reins, adult technophobia has become outrage. Adults often attempt to censor, not only what kids see and hear, but increasingly, what they say and create.

Advocates of censorship say that shielding children from certain words and images protects them. In fact, it can endanger them. For instance, Internet filtering software installed in the computers of New York City's public

schools has blocked students' access to Web sites about breast cancer, child labor, anorexia and safe sex. High-school students cannot call up information about diabetes among black and Hispanic teens because the relevant sites mention erectile dysfunction." Such "protection" will only diminish kids' ability to keep themselves healthy and to participate intelligently in a complex world.

A student of Henry Jenkins at MIT who had been a goth for many years described what that identity, with its black clothes and taste for macabre music, meant to her. "In high school, before there was even the label goth, some of the disenfranchised youth started to hang out together to give ourselves a safe place to be depressed.

People want a safe space to explore the more depressing aspects of the world they live in. They don't want to feel guilty for not being happy all the time, they don't want to be told to get on Prozac, and they don't want to force themselves to put on masks for the benefit of the people around them." The journal of Columbine shooter Eric Harris opened with the sentence: "I hate the fucking world." He also hated, among numerous other people and things, slow drivers in the fast lane, the WB network, Tiger Woods, and, if his suicide is a clue, himself. Did The Cure or Nine Inch Nails make those goths depressed? Did a neo-Nazi Web site teach Harris to hate everybody? Will prohibiting sales of CDs or blocking Internet sites to minors cheer up unhappy kids, or turn a boy like Eric Harris into a peacemaker? "When people want to censor material that they find vile or violent or disturbing, it's as if they think all the emotions that give rise to the interest in [those materials] will go away," said David Sanjek, director of the BMI Archives and a former educator. A lot of what attracts kids to horror movies or hostile lyrics, he said, is "trying to deal with issues of power" central to growing up and making it in school. "A child isn't going to give up his desire to destroy what has power over him if you don't let him go see a Freddy Krueger movie," Sanjek added.

A rap song about a murder is not a murder, a heavy metal song about suicide is not self-annihilation. The cross-dressing Marilyn Manson is not a seducer. When he snarls at the Church, he's not burning a cross. As MIT's Henry Jenkins told Congress, kids know that pop culture performers are putting on an act, playing a part-a part that offers a sublimated outlet for the audience's anger at authority or ambivalence about sexuality or organized religion. Similarly, no killing is going on in the killing rooms of Doom. The video game instead gives kids a play space to work out fantasies of destruction without destroying anything but pixels on a screen.

In more literal ways, video games can be therapeutic. Psychologists have taken advantage of the state of "relaxed alertness" induced by games to treat attention deficit disorder, depression and anxiety" and to rehabilitate people with brain injuries." And they're educational. Video games hone logic and coordination skills. Players commonly achieve the highly pleasurable combination of deep concentration and intellectual mastery called "flow." That, plus the motivation to win, puts players in an optimal frame of mind for learning-anything from the Highway Code for drivers" to safe-sex negotiation." In fact, video gaming is positively associated with higher IQs: Kids with higher scores play video games more."

Prohibition turned out to be one of the biggest social-policy mistakes of the 20th century. The popular demand for liquor created a booming black market. This gave the burgeoning American Mafia a leg up in business, created a wave of violent crime and made every social drinker a criminal. Especially because the evidence is so weak that violent content in the media presents a danger to kids, crackdowns on access may do children more harm than good. Do we really want them to have to break the law to see a movie with violent content like a classic John Wayne movie or Schindler's List? Some critics have suggested that such enforcement might

only fuel the trade in fake identification, and other forms of subterfuge. It could also backfire in another way. Said one 14-year-old interviewed by The New York Times, "If you put more restrictions on [a movie], kids will just want to go even more."

"Minors are entitled to a significant measure of First Amendment protection, and only in relatively narrow and well-defined circumstances may government bar public dissemination of protected material to them," observed the Supreme Court in 1957. This is still true." Whatever you think of what kids are watching, listening to or saying, they have a Constitutional right to it. And curtailing anyone's rights threatens everyone's rights.

III.

The Real Causes of Violence and Crime

This report cannot begin to survey the causes of man's inhumanity to man, which has been the subject of scientific, philosophical and artistic inquiry for centuries. Nor can it offer the last word on why America has the highest rate of violent crime in the industrialized world." It can, however, attempt to put the alleged role of the media into perspective, The roots of individual aggression and high rates of violent crime are deep and complex, historical, cultural, economic and personal.

Multiple factors: the "ecology of violence." "The truth is no one factor by itself predicts aggressiveness very well," wrote Eron and Huesmann. Although these two are the most cited proponents of the theory that television can cause aggression, they never suggest fictional images are solely or independently culpable.

"To understand the development of aggression, one must examine simultaneously a multiplicity of interrelated social, cultural, familial and cognitive factors, each of which adds only a small increment to the totality of causation. It is unrealistic to expect that any one of these factors by itself can explain much about aggression. But in conjunction with each other they may explain a lot about aggression."

Bernard Friedlander, now retired from the University of Hartford, applied an apt name to these interactions: the "ecology of violence."

Family dysfunction.

The research linking family troubles with child aggression" and adult crime is voluminous. In a summary of the literature, Julie Withecomb, a forensic child and adolescent psychiatrist from the U.K., named poor family functioning and socioeconomic status as "two of the most important factors in the genesis of aggressive behavior in the majority of individuals." Depressed and neglectful parents, frequent and exaggerated discipline, parental strife and battering, and physical or sexual abuse instill suspicion, self-loathing and anger in a child. These can produce a hair-trigger temper and a tendency to turn to violence." Young murderers frequently report they have been abused." Family structure in itself, such as single motherhood, does not predict children's aggression, however."

Poverty.

"Poverty itself does not explain much of the variance in violent behavior," argued Eron, Nancy Guerra and Huesmann in 1997. "However, each of the accompaniments of poverty probably contributes its own effect-homelessness, overcrowding, lack of opportunity, economic deprivation. And these then interact with the biological and psychological factors, e.g., low birth weight, neurological trauma, learning disorders, bad socialization practices of parents, etc."

The results speak for themselves. In 1991, a third of jail inmates were unemployed prior to being locked up, and a third had annual incomes under \$5,000.¹ Historically, high unemployment and high crime go hand in hand. "Murder peaked in the Depression in 1933 at 9.7 homicides per 100,000," Nation columnist Alexander Cockburn pointed out. Meanwhile, recent substantial drops in adult crime have coincided with the longest economic expansion in American history.

Poor education.

According to the Sentencing Project, 65% of state prison inmates in 1991 hadn't completed high school. Among prison inmates 25 and older, a full 40% couldn't read or write. Poor education contributes to poor parenting, which

can lead to childhood aggressiveness and later criminal behavior.

Failure to communicate.

The cultivation of what psychologist Daniel Goleman calls "emotional intelligence" is not just a yuppie parenting trend. It can be an antidote to violence. In a New York Times/CBS poll of 1,083 teenagers in October 1999, the most frequently cited cause of school violence was "pride/being made fun of." The second cause was "people don't get along/argue." That jibes with research about violent delinquents. Such kids, especially if they have been themselves abused, may be constantly on guard for slights and challenges. They may even be certifiably paranoid. Abused children also tend to use fewer words to express their feelings. "This impaired emotional expression may result in children acting out their distress as violence."

Gender.

Although America has seen a slight increase in violent crimes by women, you could say that violence isn't an American problem, it is an American male problem. Ninety percent of murderers are men, as are 99% of rapists." Almost every study linking media consumption with increased aggression sees such effects in boys far more than in girls, if effects are observed in girls at all."

Age.

"Crime rates increased in the 1960s as baby boomers hit their crime-prone teenage years, but it has been essentially stable since then," according to the National Center for Institutions and Alternatives. The most reliable correlate to violence is the number of men, ages 18 to 34, in a given area.

Biology.

Limited intelligence or learning disabilities, schizophrenia and other mental illnesses sometimes contribute to violent behavior. Early, more deterministic theories of the genetic causes of criminality have been supplanted by recent neuroscience that explores the complex interaction between body and environment throughout a lifetime." For instance, a recent study found that early brain injuries may inhibit a person's ability to make moral decisions later on, even if he or she is raised in a stable home and educated well .

Guns.

Guns may explain homicide trends over time. Historians believe that during the 19th century, at least some cities had more crime than they do today." But there were fewer murders then, simply because assailants used knives or clubs, which usually didn't kill the victim. Criminologist Zimring argued that the mini-wave of youth homicides in the 1980s was not the work of a burgeoning generation of remorseless "superpredators," but an artifact of the number of semiautomatic handguns on the street and their employment in crimes related to a brief but viciously destructive period of high crack cocaine use."

Gun ownership may also account for America's extraordinary lethal-crime rate. An illuminating study published in The New England Journal of Medicine compared crime rates of Seattle, Washington and neighboring Vancouver, British Columbia from 1980 to 1986. The cities are fraternal twins-residents' incomes, education and ethnic backgrounds are almost identical; they watch the same TV channels. Overall crime rates were almost the same in

the studied period; existing gun laws were strictly enforced in both cities. But the rate of assaults involving firearms was seven times higher in Seattle, and the risk of being murdered by a handgun 4.8 times higher. Why? Because Vancouver's gun restrictions were far more stringent and firearm ownership was lower, the researchers concluded."

Jens Ludwig, a political science professor at Georgetown University, described the relationship between guns and crime this way: "The availability of guns doesn't affect the rate of crime, but it affects the rates of crimes committed with guns, and therefore the rates of lethal crime. If you punch me in the face, I get a bloody nose. If you shoot me in the face, I die."

IV.

How to Help Kids Be Smart Media Consumers

1. ADULT GUIDANCE.

Most Americans agree that decisions about what we or our children see and hear should be made by consumers, not by the government. Yet many parents feel unsure about their ability to take a strong hand in influencing their children's viewing, listening and playing habits.

Parents are actually more powerful mediators of the popular culture than they imagine. In Eron and Huesmann's cross-cultural study of TV effects in the 1970s, there was one sample of children among whom the effects [of violent content on television] were particularly weak: the kids growing up on Israeli agricultural collectives, or kibbutzim. The reason: When the kids watched TV, the adults talked with them about the content of the shows, including the social costs and meanings of violence. At the same time, cooperative behavior was rewarded and competition and fighting were condemned on the kibbutz. Any values communicated by television were understood in the context of the community's values.

Some families' values dictate that there will be no television in the house at all, no Nintendo, no VCR. The kids may watch TV or play video games at their friends' homes, they may complain-but they also seem to find other ways of amusing themselves. But the majority of American families don't opt out of entertainment technology in the home. For them, the commonsense notion is that the best way to guide kids' media consumption is to do just that: take note of what they're watching, help them understand it and set limits. But a thoughtful investigation of the effects of family interaction on children's experiences of television by researchers at the University of Hartford and Yale's Family Television Research and Consultation Center found that it's not enough to prohibit shows you don't like. It's not even enough to watch with your kids and comment on the shows. "All categories of fan-Lily talk about television are not associated with positive outcomes for heavy viewers of television," the researchers commented. "It is moral judgment and explanation about issues presented on television, rather than the simple act of underlining or pointing out content in a neutral manner, that characterizes the families of children who are skilled at comprehending several aspects of the medium." In other words, say what you think and keep saying it, irritating as your kids may find it.

2. VOLUNTARY RATINGS.

Although there is no substitute for watching a program or looking over your kid's shoulder while he plays a computer game, rating systems can help adults and kids make choices about which entertainment they should consume. Since as early as the 1930s, media makers have written and administered their own voluntary ratings systems.

Movies and videotapes.

The Motion Picture Association of America's current rating system was introduced in 1968, replacing the highly restrictive Hayes Code. The rating board, whose members all have parenting experience and whose demographics reflect the country's, uses a number of criteria to evaluate a movie's content: theme, violence, nudity, sensuality, language, drug use, etc. The current movie rating categories are "G: General audience. All ages admitted;" "PG: Parental guidance suggested. Some material may not be suitable for children;" "PG-13: Parents strongly cautioned. Some material may be inappropriate for children under 13;" "R: Restricted. Under 17 requires accompanying parent or adult guardian;" and "NC-17: No one 17 and under admitted." Advertising for rated motion pictures, including trailers, must also be approved and the rating included. According to a 1999 opinion poll, more than three-quarters of American parents find the movie rating system either "very useful" or "fairly useful."

Television.

In 1993, the four major broadcast-television networks initiated the Advanced Parental Advisory Plan, the legends that air on the screen before a show that contains sexual or violent content. The networks also reprogrammed their schedules to air less violent shows in prime time. The following year, they agreed to conduct jointly an annual qualitative assessment of violence in programming. Shortly thereafter, the major cable networks signed on as well, as part of their Voices Against Violence initiative." In 1997, the broadcasters devised a more detailed system to

work in concert with the V chip.

Audio recordings.

The Recording Industry Association of America licenses a sticker for sound recordings, reading "Parental Advisory/Explicit Content." Use of the stickers is entirely voluntary. Recording companies and their artists decide when it is appropriate to apply the sticker. The National Association of Recording Merchandisers has worked with the RIAA to improve and standardize the Parental Advisory logo. NARM offers music retailers free posters and counter cards that describe the program. Retailers voluntarily display the items in stores to help parents understand the program. The way retailers choose to use the program are as diverse as the communities in which stores are situated. Some retailers sell no stickered product; some have an 18-to buy policy, and some simply display and sell the recordings with the sticker as they would any other recording.

Video games.

The Interactive Digital Software Association empaneled an Entertainment Software Rating Board in 1994 to review and rate interactive entertainment software. Its voluntary ratings, praised by Senator Joseph Lieberman (D-Conn.) as the "most comprehensive system of any entertainment medium in this country," designate games this way: EC: content suitable for everyone 3 or older; E: suitable for everyone 6 or older; T: suitable for people 13 and older; M: for mature users (17 and older) and AO: for adult use only. The ratings are complemented by short phrases that explain the content of the video game.

Voluntary industry efforts on ratings enforcement. For many years, the Video Software Dealers Association has promoted a program called the Pledge to Parents, to educate parents about motion picture and video game ratings and to help ensure that children do not rent or buy material their parents deem inappropriate. Under the program, participating retailers agree not to sell or rent R-rated movies or M-rated video games to persons under 17 without parental consent. Following the Littleton shootings, the VSDA re-emphasized this program to retailers and the public." The Entertainment Software Rating Board has supplemented the Pledge to Parents program with a high profile campaign to encourage parents to use the ratings when selecting games. In addition, the ESRB initiated a Commitment to Parents under which retailers are encouraged to uphold the organization's rating system and agree not to sell computer or video games rated Mature to persons under the age of 17, unless they are accompanied by an adult. Products rated as Adults Only will not be sold to persons under the age of 18.

In 1999, President Clinton and the National Association of Theater Owners (which represent the proprietors of about two-thirds of movie screens in America) unveiled a plan that requires teenagers to show photo identification for entrance to R-rated films. These voluntary programs help parents exercise control over the movies and video games their children have access to, while emphasizing the need for parents to take responsibility for what their children watch and play.

3. MEDIA LITERACY.

A year or so ago, a New Yorker cartoon showed a computer scientist at her workstation telling a colleague, "I have in mind a V chip to be implanted directly in children." In fact, such a "chip" can be "implanted" in a child-and it is far more sensitive than any computer technology. It is called media literacy, the skills of viewing media critically through an understanding of their methods and messages and the way they fit in with the larger culture. Along with educating kids in these skills, we can cultivate their ethical and aesthetic discretion in making judgments about what they see and hear. Media literacy and moral judgments are learned at home, in the community and in school.

Media literacy is now being taught in classrooms from kindergarten through graduate school. All use the insights

and methodologies of a new scholarly discipline, cultural studies, to understand texts from car ads to political campaigns, hip-hop songs to sports. Critical consumption of media doesn't mean just talking about what you like or dislike, or rejecting all the stuff teachers don't like, said Teachers College assistant professor James Albright. "Without being a wet blanket, we want students to get some distance on what they're reading and watching," said Albright. "It's easy to critique things that offend us. But we want them to look at the construction of pleasure, too-how their pleasures are being mobilized by the culture." Media literacy helps students identify the "pre-existing meanings" packaged in the media they receive, said Albright. "Then we want them to ask, What other meanings can we bring to this?"

Conclusion:

The Cure for Problems Created by Speech Is More Speech, Not Censorship

Our society achieves order by giving our elected government the authority to protect us by prohibiting acts we agree to be harmful, such as theft, rape or murder. But we achieve freedom by allowing the widest variety of beliefs to flourish. Unique to our democracy is the supreme respect we hold for the opinion of the minority, even a minority of one. The Bill of Rights protects every individual from the potential tyrannies of the government.

It is hard to balance order and freedom in a democracy. The challenge is to guard this high principle, freedom of expression, while living with masses of "low" speech hateful language, disturbing art, ideologies preaching destruction. The number and variety of media products makes this challenge even greater.

In the 21st century, the media are the air we breathe; we can hardly imagine politics, art or even religion without the media. In such an environment, it is as crucial to debate the meanings and consequences of the stories we show, sing and send through cyberspace as it is to grapple with the threat of violent aggression in a country where weapons are plentiful.

These debates should rage in our schools and neighborhoods, in our families and where entertainment and news are created. But the decisions about what to see, hear, say or think are far too personal and important to be made by a chip or a bureaucrat. The way to fight offensive speech is not to yield to fear and silence it, but to meet it with more and different speech, informed speech, critical speech. Only in a robust intellectual and political exchange will we find answers to the violence that threatens our nation and the world.

ENDNOTES

INTRODUCTION

1. Bureau of Justice Statistics National Crime Victimization Survey, press release NCJ 176353 (Washington, D.C.: July 1999). 2. At this writing, the White House and Congress have announced the formation of such bodies in congressional committees, Federal Trade Commission, the Surgeon General's office, the National Institutes of Health and the National Academy of Sciences. One ad hoc panel of experts from inside and outside government is to be called the Task Force on the State of American Society. Its subject has repeatedly been referred to as "the decline of American society." 3. Lawrie Mifflin, "Many Researchers Say Link Is Already Clear on Media and Youth Violence," New York Times (May 9, 1999). 4. Catherine Greenman, "The V Chip Arrives With a Thud," New York Times (Nov. 4, 1999): G1.

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18. Franklin E. Zimring and Gordon Hawkins, *Crime Is Not the Problem: Lethal Violence in America* (New York: Oxford University Press, 1997): 238-47. 19. Freedman, *Testimony to House Bipartisan Task Force* (1999). 20. The general critiques in this and the next section are

drawn largely from Jonathan Freedman, "Effect of Television Violence on Aggressiveness," *Psychological Bulletin* 96 (1984): "Television Violence and Aggression: What Psychologists Should Tell the Public," in P. Stiefeld and P.E. Tetlock, eds. *Psychology and Social Policy* (New York: Hemisphere, 1991): 179-89; William J. McGuire, "The Myth of Massive Media Impact: Savagings and Salvagings," *Public Communication and Behavior* 1 (1986): 173-257-1 Kenneth D. Gadow and Joyce Sprafkin, "Field Experiments of Television Violence With Children: Evidence for an Environmental Hazard?" *Pediatrics* 83 (March, 1989): 399-405,

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83. Roger Jon Desmond et al. "Family Mediation: Parental Communication Patterns and the Influences of Television on Children," in Jennings Bryant, ed., *Television and the American Family* (Hillsdale, N.J.: Lawrence Erlbaum, 1990): 304. 84. Motion Picture Association of America, 1999. 85. CBS, Capital Cities/ABC, Fox Broadcasting, and NBC press releases (Feb. 1, 1994): "Voices Against Violence: A Cable Television Initiative" (1994). 86. Interactive Digital Software Association. Video Software Dealers Association, 1999.

Since this report was written, four documents have been published that examine the causes and cures for violence, and that review the trends in youth crime. The documents are: "Bruised Inside: What Our Children Say About Youth Violence, What Causes It, and What We Need to Do About It," released by the National Association of Attorneys General (April 2000). "Final Report of the Bipartisan Working Group of Youth Violence," released by The United States House of Representatives' Bipartisan Working Group on Youth Violence (March 2000). "Rampage Killers," a four-part series published by the New York Times (April 9-12, 2000). "School House Hype: Two Years Later," released by the Justice Policy Institute/Children's Law Center (April 2000).

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