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VIOLENCE PANEL: CHILD VIEWERS, **TELEVISION VIOLENCE**, AND THE FIRST AMENDMENT *

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NAME: John C. Wright *

BIO:

* Professor of Human Development, Psychology, and Communication Studies and Co-Director of The Center for Research on the Influences of **Television** on Children (CRITC) at the University of Kansas.

TEXT:

[*33] It is part of the tradition of the past couple of centuries, at least in Western culture, to give scientific fact a turn in the witness chair. Scientific fact is balanced and tempered, of course, by the sense of people and wise judicial process. This notion of the expert witness and the notion of someone who comes to the forum armed with facts are not altogether new. Those who come with facts earn respect, often in excessive proportions.

A deficit exists to the degree in which we listen to the facts especially when we are engaged in thinking about public policy. There is a great deal of scorn heaped upon people who try to make policy out of facts, instead of from common sense, whatever that is. In this paper, I would like to make some assertions about the effects of media on children, based on the recent empirical research literature. In so doing, I would like to dispel a handful of myths about the subject, myths based on "common sense" that in the experimental research literature have proved to be wrong.

There is an indisputable link between children viewing violent **television** and their own aggressive behavior. In the epidemiological sense, and by the toughest scientific standards known, this is as well known scientifically as the link between smoking and lung cancer. You do not need a forum to reach this conclusion. To be sure, the tobacco industry still maintains there is no link, just as the commercial broadcast industry maintains there is no causal link between viewing violent **television** and violent, aggressive behavior. Very simply, however, they are wrong.

These interested parties are increasingly isolated in their beliefs. The convergence of evidence assures even skeptical scientists that watching violent **television** causes violent behavior. This conclusion is proven by the convergence of methods such as surveys, laboratory experiments, field studies, and field experiments. This conclusion is further corroborated by studying different populations such as many different age groups, many nations, and many cultures. Additionally, it is substantiated by the

convergence of longitudinal studies over time, twenty or more years, following the lives of kids who were exposed early to violent **television**. This convergence holds true for these types of evidence, just *exactly* the way the evidence on smoking and lung cancer converges.

The work of Huesmann and Eron makes it clear that over periods of time beginning in preschool, and still present when kids are in their thirties, early violent viewing, with appropriate statistical controls in place, predicts years of violent behavior, ⁿ¹ including arrests and convictions for crimes involving assault. Common [*34] sense tells us that maybe the causal direction could be the reverse: naturally violent people, individuals who are likely sooner or later to commit crimes of **violence**, are likely to have an early interest in viewing violent stories. Indeed the literature shows that there is such an effect, but it is many times weaker than the link between early viewing and later violent behavior.

The Centerwall studies in South Africa should be mentioned because they make a new point about magnitude of influence. ⁿ² The studies illustrate a phenomenon that is not well understood about the normal curve. When there is a critical threshold in one extreme tail of the curve, beyond which an important, but otherwise rare instance occurs, a relatively minuscule shift in the whole distribution can rapidly double or triple the rate of occurrence of these rare but critical events.

Let us suppose that the threshold lies between feeling very angry and actually carrying out a homicidal attack on someone. If the entire population becomes just a tiny bit more angry, perhaps by watching violent **television**, the number of very aggressive people who actually kill or assault someone physically could increase from, say, one per hundred thousand to three per hundred thousand. The change in the hostility and anger in the general population might be almost undetectable except by the use of powerful statistics, but the events released at the extremes of the population by such a change are serious indeed, especially for the victims.

To escape the statistics and give a more lawyerly metaphor, imagine Monument Valley, Arizona where, upon payment of a certain fee to the United Navajo Nation, the Toyota company can lower a brand new automobile onto the top of a vertical-sided red sandstone butte. A helicopter places the car there and a large number of people cover the top of the butte ready to jump up and shout about "what you do for me." Imagine that during the filming of the commercial the car slips on a pebble and moves a tiny little bit, six inches sideways. There is a little stir among the people. Nothing much happens -- a barely detectable movement -- except for the two or three people on the outer edge of the crowd who have no place to move, so they fall off! If we are all potential victims of **violence** instigated in someone by **television**, then we all need to be concerned about it as a risk factor for all children growing up in America.

There is a consequence of watching violent **television** that is much more widespread than violent, aggressive behavior. This consequence affects almost all viewers, typically without their awareness. It is called desensitization; the notion that for everyone who watches enough violent **television** or movies, their acceptance of **violence** as the natural last resort in resolving conflicts increases. ⁿ³ Sometimes individuals promote **violence** from their last resort to their first response. ⁿ⁴

Children are clearly desensitized by viewing **violence** -- not just those who are predisposed to **violence** in the first place -- but all viewers. ⁿ⁵ This holds true for females fully as much as for males, as well as for upper-class as much as for disadvantaged kids. An increased expectation of **violence** accompanies

desensitization as a normal and natural part of life. It is a part of life we can do nothing about except learn martial arts, buy a handgun, or prepare in other ways to respond with **violence**. Thus, innocently viewing **violence** may move basically nonviolent individuals to contribute to the tragedy of a violent society.

Quite naturally, parents, social activists, and concerned social scientists have turned to the sources of violent **television** to seek relief. What they have encountered is another myth among the producers, network executives, and advertising agencies that violent content is absolutely essential if one seeks to attract and maintain a sizable and loyal audience. What actually maintains audience attention and loyalty is more likely to be the action (fast pace, movement, and excitement) that accompanies the **violence**, and the human emotion and drama, rather than the **violence** itself.

In our laboratory at CRITC, we synthesized both cartoon and live-action programs by post-production editing into four types: high action/high **violence**, high action/low **violence**, low action/high **violence**, and low action/low **violence**.ⁿ⁶ High action versions caught and held the attention of young viewers more than low action, regardless of whether the content was violent.ⁿ⁷ But high **violence** only excelled over low **violence** in attention-worthiness when high **violence** was done with high action and low **violence** was done without it.ⁿ⁸

In a national survey, we commissioned Arbitron, an audience ratings company, to carry out a survey in the country's three largest markets. The two types of programs with the largest child audiences between ages two and eleven were those whose production style contained action and excitement and those which contained humor. Once action and excitement were controlled, **violence** did not predict audience size. Once again, the data confounded the common sense of the self-appointed experts.

The highest rated program in the history of **television**, with the largest audience, sustained over the longest period of time in its entire run had zero **violence**, zero explicit sex, and not a single chase scene. It was the *Cosby Show*. The top three children's programs on PBS not only have no violent content, but also eschew verbal hostility and cutting remarks as a means to create humor.

Even the so-called "reality-based" programs -- such as *Real Stories of the Highway Patrol* and *Cops* -- that seem to have such an overwhelming appeal for youthful audiences do not achieve their popularity primarily through violent content. In *Rescue 911*, the most popular reality-based program, the producer explicitly has eschewed **violence**, though not risk of life and limb. There is plenty of drama and excitement to hold the audience in a story about a school bus full of children, teetering for twenty-two minutes on the guardrail above the abyss while various heroic [*35] attempts at rescue are made -- all without a single instance of hostility or **violence**.

Some important research gives us a non-common-sense view about sexuality in the medium as it might affect the child viewer. The findings of The President's Commission of Obscenity and Pornography consistently differ from those on effects of **violence**.ⁿ⁹ **Violence** and sex do not have parallel influences. The research has clarified how it works. Sex forms a catalyst. Adding sex to **violence** creates far more serious negative effects. This increase in **violence** denigrates women and often arouses thoughts of sexual assaults in the minds of young men. In that context, sexuality viciously multiplies the harm done by **violence**.ⁿ¹⁰ But when sex is unaccompanied by **violence** and is devoid of denigration of women, then it is hard to find any effects. Pure, sweet, consenting sex without **violence**, with no power plays

and nobody using sexuality to influence another in any way, has no systemic effect on kids. Once again, the objective, empirical research tells us that not everything we might deplore in our culture as entertainment for children does measurable harm, only some of it.

If we cannot use scientific research to change the beliefs of the makers and disseminators of violent **television**, what about the other end of the communication link? Some scholars like Gerbner ⁿ¹¹ and McLuhan ⁿ¹² have argued that the entire medium has massive effects on the minds of its consumers, regardless of particular programming variation. Gerbner talks of cultivation effects leading to perceptions of a "mean-world" view. McLuhan proposed that those who grow up with the medium all get the same messages: **television**, as a monolithic whole, does more harm than good.

A number of strongly opinionated Cassandras of doom have taken the position, in print, that the best thing to do is to get rid of the **television** set altogether. Writers like Neil Postman, ⁿ¹³ Marie Winn, ⁿ¹⁴ and worst of all, Jane Healy ⁿ¹⁵ have twisted the evidence to make us believe that not only is the entire medium homogeneous, but that the act of watching is itself inherently bad for kids.

This conclusion is false. There is little evidence proving the alleged evils of the medium itself, independent of its content. There is, however, strong evidence that it is not homogeneous or monolithic and is becoming more varied over time, not less.

When FCC Chairman Newton B. Minnow made his famous speech calling the entire medium a "vast wasteland," ⁿ¹⁶ he was talking about commercial, broadcast, entertainment **television**, received on rabbit ears and roof antennas. Surely there was a grain of truth in his allegation. **Television** today is more like a library than a pulp fiction and comic book stand. ⁿ¹⁷ Commercial, broadcast, entertainment **television** is still violent, sexist, racist, and seriously at odds with American reality. That aspect of the medium does harm children, not simply because of the **violence**, but because very young children watch a great deal of **television**. Many hours of prime-time commercial **television** and/or commercial cartoons disadvantage children when it comes to school readiness and the development of pre-academic skills and attitudes necessary for success in school.

One does not close a library because it contains bad books, and one certainly does not censor a medium that is covered by the First Amendment of the Constitution. Even if **television** can legally be regulated to make it serve the public interest in exchange for use of the public's broadcast spectrum, the Constitution cannot be overlooked. ⁿ¹⁸ You may only require stations, as a condition of their broadcast license, to meet the educational and informational needs of children, as Congress has done in the Children's **Television** Act of 1990. ⁿ¹⁹

The telling point here is that the **television** industry *is* capable of making wonderful programs for children. These programs provide informative, cultural, educational, scientific, intellectual, and artistic content that changes the world of childhood for the better. Producers of educational electronic media have just begun to make full use of the immense potentials of the medium to elicit active thought and learning, to stretch the mind and the imagination, to present vivid images of the real and imagined past, the macrocosms and the microcosms of the present, and the possible options for one's own life and the planet's future. ⁿ²⁰

We have been studying a wide range of electronic media for children, ranging from video games that are just as violent and insensitive as commercial cartoons, to interactive computer software for children and PBS programming that does an outstanding job of preparing the young for school. For example, the lineup of PBS kid's shows, collectively, contain less **violence** than any other slice of the medium. These shows also do a lot of good. We now have data that the more children watch educational **television**, the better they do in school, the better their attitude for school, and the better they score on nationally standardized achievement tests. Conversely, the more children watch commercial cartoons and prime-time programming, the lower their test scores, the less ready they will be for school, and the poorer their adjustment when they begin school.

[*36] Thus, everybody who has been talking about what "**television**" does to kids needs to rethink their position. Different kinds of programming can have opposite effects on the same kids. When we try to ban books or close libraries because we do not like some of the ideas they seek to communicate, we justifiably run afoul of the ACLU and the First Amendment. Like stories in a library, the messages receivable through **television**, or any other medium, run the gamut from obscene to inspired. The medium is not monolithic. The medium contains representations of everything in our society, much of it very, very good.

As a card-carrying member of the ACLU, I rejoice in the fact that a home-bound child today can find on PBS, cable channels, or in the video stores more high-quality **television** than she needs to fill her handicapped world. She does not need to watch broadcast, commercial, entertainment **television**. She can avoid those media where the harmful effects appear in our data. Fortunately, alternatives to broadcast, commercial, entertainment **television** have been gaining a larger market share. ⁿ²¹

There will soon be 500 channels of cable, and many levels of interactive media on the net. ⁿ²² Already my four grandchildren, ages one to five, are hooked on **television**. Not one of them knows there is such a thing as broadcast, commercial, entertainment **television**. They get their **television** off the shelf, just like they get their books, and they put it in the VCR. But everything on that shelf is there because some thoughtful, responsible adult recorded it off the air, or bought it, or rented it, and, probably illegally, copied it.

We need to be reminded from time to time that there is nothing quite as important in our legal system, as relevant to the development of a child's mind, as the notion of freedom of speech. Consequently, we cannot get rid of violent **television** by top-down legislation. Nor can we unfairly restrict the distribution of harmful media without infringing upon the First Amendment. That leaves us precious few alternatives.

The Children's **Television** Act of 1990 ⁿ²³ tackles this problem not by censorship of broadcasters, but by requiring them to meet the informational and educational needs of children. Using as its basis the Communications Act of 1934 ⁿ²⁴ and using the only point of leverage which that Act grants the government, namely, power over licensing of stations and affiliates, that Act also limits the non-program content of children's programming.

The commercial media *can* produce outstanding positive programming for kids, but the mythology, the competitive atmosphere, and above all, the economic bottom line, which treats children as a market rather than an audience, places us in a very deep

hole. Requiring particular kinds of informational and educational broadcasting is a policy option and could be accomplished with due respect for the First Amendment.

The danger, of course, is what commercial stations will try to count towards meeting their service requirement. They want to count *G.I. Joe*, *The Jetsons*, and even *Teenage Mutant Ninja Turtles* as educational programming. Stations justify this by referring to a disclaimer at the end of the program, as the *Mighty Morphin Power Rangers* show does. This program's disclaimer states, in effect, "everything we've been telling you is not real. Pay no attention to it, just watch (and believe) the commercial." The disclaimers just do not work at all.

I would like to propose some alternatives for parents and care givers. Not only because I think that is the only point of access and leverage to change the situation, but because, in the present political climate, I think these guardians provide the only place where we can presently have an effect. I see some encouraging signs. One is the media literacy movement, which tries to teach parents how to communicate to their children how the media work. Everything from how forms of media work technically and economically, to how they work legally, as well as psychologically.

There are five or six organizations which vigorously pursue media literacy as an item for school agendas. The Boy Scouts and Girl Scouts, and Campfire Girls have also picked up on this movement. They have been joined by various churches, the YMCAs, the Parent Teacher Associations, the American Medical Association, and the American Psychological Association. A great deal of published information is available to parents, including print materials to use in conjunction with planned viewing and educational videos.

Parental co-viewing with children has often been proposed almost as a panacea. It certainly can be effective. When parents watch with children, conversations such as these take place: "Is that real? Is that really happening? Why did they show that? Is that a good thing to show? Should we be watching this? Is there something better?" Parental co-viewing creates an immense moderating effect. Realistically, we no longer dwell in that nostalgic world of the wonderful two-parent family with one person always available to focus on the children. Most children in this country, by the year 2000, will not grow up in traditional two-parent, one-job families. Parents work hard. They work at more than one job. They get home and pick up a child from child care, cook supper, do laundry, pay bills and try to spend some quality time with their child. They can be forgiven for engaging in a little electronic babysitting.

Childcare centers are scared to death of using even highquality educational **television** because of the myth that any **television** is an evil thing in the lives of children. The public perceives electronic babysitting as a wicked abrogation of parental responsibilities, reflecting a certain malice toward children. This can be the case, but it certainly does not have to be. These ideas comprise the "monolithic-medium" thinking that we must outgrow.

If daycare centers and child development centers were free from the fear that parents would criticize them for using **television**, [*37] no matter how well they used the medium, then such innovative concepts as the Preschool Education Program (P.E.P.) might have a chance to succeed. The Children's **Television** Workshop in New York originated P.E.P. It is a campaign to get quality **television** into regular preschool use. By providing and supporting, topically organized material, packaged with teacher training in a media-friendly preacademic curriculum, it capitalizes on *Sesame Street's* expertise. P.E.P. is trying to promote a collaboration between educators,

researchers, parents, and producers which can and will make use of wonderful educational material for kids in a hands-on, teacher interactive format.

We as a nation can support that kind of effort, or we can continue to let market forces determine what our children will learn. One thing remains certain: all **television** is educational **television** to the very young. As consumers, parents, voters, and politically involved opinion-makers, we have a chance at implementing some attractive and cost-beneficial options. I hope that collectively we seize the opportunity.

Legal Topics:

For related research and practice materials, see the following legal topics:
Computer & Internet Law
Internet Business
Internet & Online Services
General Overview
Family Law
Family Protection & Welfare
Children Abuse, Endangerment & Neglect
Governments
Local Governments
Libraries

FOOTNOTES:

[n1](#) L. ROWELL HUESMANN & LEONARD D. ERON, **TELEVISION** AND THE AGGRESSIVE CHILD: A CROSS-NATIONAL COMPARISON 8-11 (1986).

[n2](#) See Brandon S. Centerwall, *Exposure to **Television** as a Cause of **Violence***, 2 PUBLIC COMMUNICATIONS & BEHAVIOR 11 (1989).

[n3](#) See M.H. Thomas & R.W. Drabman, *Toleration of Real Life Aggression as a Function of Exposure to Televised **Violence** and Age of Subject*, 21 MERRIL-PALMER QUARTERLY 227, 227-32(1975); see also HUESMANN, *supra* note 1, at 13-14.

[n4](#) See George Gerbner & Larry Gross, *The Violent Face of **Television** and Its Lesions*, in CHILDREN AND THE FACES OF **TELEVISION**: TEACHING, **VIOLENCE**, & SELLING 149, 154 (1981).

[n5](#) *Id.* at 158.

[n6](#) See generally Richard Potts, Aletha C. Huston & John C. Wright, *The Effects of **Television** Form and Violent Content on Boys' Attention and Social Behavior*, 41 JOURNAL OF EXPERIMENTAL CHILD PSYCHOLOGY 1, 5-7 (1986).

[n7](#) *Id.* at 9-12.

[n8](#) *Id.* at 12-16.

[n9](#) See NEIL M. MALAMUTH & EDWARD DONNERSTEIN, PORNOGRAPHY & SEXUAL AGGRESSION 27-30 (1984).

[n10](#) Neil M. Malamuth and John Briere, *Sexual **Violence** in the Media: Indirect Effects on Aggression Against Women*, 42 JOURNAL OF SOCIAL ISSUES 75, 76-77 (1986).

[n11](#) See Gerbner & Gross, *supra* note 4, at 151.

[n12](#) See generally MARSHALL McLUHAN, UNDERSTANDING MEDIA: THE EXTINCTION OF MAN (1964).

[n13](#) See NEIL POSTMAN, *AMUSING OURSELVES TO DEATH* (1985).

[n14](#) MARIE WINN, *UNPLUGGING THE PLUG-IN DRUG* (1987).

[n15](#) See JANE HEALY, *ENDANGERED MIND: WHY OUR CHILDREN DON'T THINK* (1990).

[n16](#) See Newton N. Minnow, *How Vast the Wasteland Now*, 5 *MEDIA STUDIES JOURNAL* 67 (Fall 1991) (Recapitulating Minnow's famous speech and discussing the changes in the field during the past thirty years).

[n17](#) See *id.* at 72-73 (discussing the broad range of programming available to children and how it has changed since his monumental speech).

[n18](#) See *Action for Children's Television v. FCC*, 15 F.3d 186 (D.C. Cir. 1994) (presenting the D.C. Circuit's most recent standards for the balance between free speech and the regulation of **television** content).

[n19](#) Children's **Television** Act of 1990, 47 U.S.C. §§ 303a, 303b, 394 (Supp. IV 1992); see also *In Re Policies and Rules Concerning Children's Television Programming, Revision of Programming and Requirements for Commercial Television Stations*, 5 F.C.C.R. 7199, p2 (1990); H.R. Rep. No. 385, 101st. Cong., 1st Sess. 16 (1989), reprinted in 1990 U.S.C.C.A.N. 1605, 1621; Dale Kunkel and Bruce Watkins, *Evolution of Children's Television Regulatory Policy*, 31 *JOURNAL OF CHILDREN'S TELEVISION REGULATORY POLICY* 367, 383-84 (1987) (providing a useful overview of the history of FCC and other government regulation concerning children's **television**).

[n20](#) See John C. Wright & Aletha C. Huston, *A Matter of Form: Potential of Television for Young Viewers*, *AMERICAN PSYCHOLOGIST* 835, 841-42 (July 1983) (discussing the beneficial impact that **television** can have on children).

[n21](#) See Ellen Wartella, Katharine Elizabeth Hentz, Amy Jona Aidman, and Sharon Rose Mazzarella, *Television and Beyond: Children's Video Media in One Community*, 17 *COMMUNICATIONS RESEARCH* 45, 45.

[n22](#) See Bill Carter, *The Media Business: Cable T.V. Industry Turns Pessimistic as Growth Slows*, *N.Y. TIMES* (May 23, 1994) at d1.

[n23](#) Children's **Television** Act of 1990, 47 U.S.C. §§ 303a, 303b, 394 (Supp. IV 1992).

[n24](#) Communications Act of 1934, 47 U.S.C. § 315 (Supp. IV 1992).