

# Violent Video Games Cause Aggression in Children and Should Be Regulated

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*Media Violence*, 2012

"California's marginal control on the sale or rental of violent video games to minors is within the permissible advancement of a significant ... public interest in protecting the development and mental health of minors."

In the following viewpoint, attorney Steven F. Gruel maintains that scientific evidence shows video games are harmful to children. He argues that in the United States, the First Amendment to the US Constitution, which guarantees freedom of speech, has legally been limited in cases involving harm to children. He concludes that the state of California has the legal right to regulate the sale of violent video games to children. Gruel is a criminal defense attorney in San Francisco.

As you read, consider the following questions:

1. According to Gruel, what sort of content is included in M-rated video games?
2. What effect does Gruel say video games can have on the frontal cortex of the brain?
3. Why does children's autonomy deserve less respect from the state than the autonomy of adults, according to Gruel?

California Civil Code Sections 1746-1746.5 prohibit the sale of violent video games to minors under 18 where a reasonable person would find that the violent content appeals to a deviant or morbid interest of minors, is patently offensive to prevailing community standards as to what is suitable for minors, and causes the games as [a] whole to lack serious literary, artistic, political, or scientific value for minors. The respondent industry groups challenged this prohibition on its face as violating the Free Speech Clause of the First Amendment. The court of appeals affirmed the district court's judgment permanently enjoining enforcement of the prohibition.

The questions presented are:

1. Does the First Amendment bar a state from restricting the sale and rental of violent video games to minors?
2. If the First Amendment applies to violent video games that are sold to minors, and the standard of review is strict scrutiny, under *Turner Broadcasting System, Inc. v. F.C.C.*, 512 U.S. 622, 666 (1994), is the state required to demonstrate a direct causal link between violent video games and physical and psychological harm to minors before the state can prohibit the sale of the games to minors?

## Protecting Minors

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By any measure, California has a compelling interest in protecting the physical and psychological care of minors. When juxtaposed against the backdrop of protecting the First Amendment, this [the Supreme] Court has held that the Constitution does not confer the protection on communication aimed at children as it does for adults. When weighing the conflicting concerns of minors this Court correctly carved a flexible standard of review and not a strict scrutiny approach. We know, of course, that a state can prohibit the sale of sexually-explicit material to minors under a "variable obscenity" or "obscenity as to minors"

standard. *Ginsberg v. New York*, 390 U.S. 629 (1968). Just as it was rational for the State to conclude that that type of material was harmful to minors, the restrictions to assist parents in protecting their children's well-being is, in a practical sense, no different than the concerns supporting California's enactment of California Civil Code Sections 1746-1746.5.

Indeed, restricting the sale and rental of extremely violent interactive videos to minors advances the very same societal interests understood in *Ginsberg*. Contrary to the Ninth Circuit's perception, *Ginsberg* was not meant to exclusively apply to sexually explicit materials, but can and should apply to equally harmful materials depicting violence.

Needless to say, the world is much different today than it was in 1968 when *Ginsberg* was decided. What *has* remained for the past 40 years, however, is the commonsense understanding that the First Amendment does not protect materials harmful to minors.

## Immersion and Video Games

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In 2006, a Federal Trade Commission study revealed that nearly 70 percent of 13 to 16 year olds are able to successfully purchase Mature or M-rated video games. These M-rated games, labeled by the industry as such in an attempt to voluntarily "police" the distribution of harmful videos, are designed specifically for adults. The content in these types of games enable the user to murder, burn, and maim law enforcement officers, racial minorities, and members of clergy as well as sexually assault women.

In his March 29, 2006 testimony submitted to the Subcommittee on the Constitution, Civil Rights, and Property Rights of the United States Senate Judiciary Committee, [state] Senator [Leland] Yee noted that the interactive nature of video games is vastly different than passively listening to music, watching a movie, or reading a book. With interactive video games, the child becomes a part of the action which serves as a potent agent to facilitate violence, and over time learns the destructive behavior. This immersion results in a more powerful experience and potentially dangerous learned behavior in children and youth. In fact, often times it is the same technology that our military and police use to simulate and train for real life battle conditions and violent law enforcement confrontations in the community.

Moreover, there is a practical side in favor of the State's effort to regulate the sale or rental of violent video games to children. Parents can read a book, watch a movie or listen to a CD to discern if it is appropriate for their child. These violent video games, on the other hand, can contain up to 800 hours of footage with the most atrocious content often reserved for the highest levels that can be accessed only by advanced players after hours upon hours of progressive mastery.

Just as the technology of video games improves at astonishing rates, so too does the body of research consistently demonstrate the harmful effects these violent interactive games have on minors. Hundreds of peer-reviewed studies, produced over a period of 30 years documenting the effects of screen violence (including violent video games), have now been published in the professional journals of the American Academy of Pediatrics, American Academy of Child and Adolescent Psychiatry, American Psychological Association, American Medical Association, American Academy of Family Physicians, and the American Psychiatric Association and others....

# Heightened Aggression

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Some of the most recent research addressing this serious concern [includes] meta-analysis of approximately 130 studies pertaining to the effects of playing violent video games which was published in March 2010.

These data continually and strongly suggest that participating in the playing of violent video games by children increases aggressive thought and behavior; increases antisocial behavior and delinquency; engenders poor school performance; and desensitizes the game player to violence.

Notably, extended play has been observed to depress activity in the frontal cortex of the brain which controls executive thought and function, produces intentionality and the ability to plan sequences of action, and is the seat of self-reflection, discipline and self-control.

Also, United States Surgeon General David Satcher warned in his *Report on Youth Violence* (2000) of a demonstrated link between screen violence and subsequent physical aggression in children and adolescents that is stronger than the link between secondhand smoke and cancer.

Finally, new data shows that the intensity of interactive video games may be habituating and that 2 to 3 hour sessions of intense interactions with video games raise adrenaline levels in children and produces extended physiological arousal. In the medical community concern has been raised at prolonged and regularly repeated states of adrenalized arousal and hyper-vigilance involved in children watching violent video games and the possible harmful effects on still developing bodies and brains.

These studies demonstrate that playing ultraviolent games can cause automatic aggressiveness, increase aggressive thoughts and behavior, antisocial behavior, desensitization, poor school performance and reduced activity in the frontal lobes of the brain.

# Society Has an Interest in Protecting Minors

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As a society, we understand the clear unequivocal commonsense reasons to prohibit the sale of alcohol, tobacco, firearms, driver's licenses and pornography to minors. That same reasoning applies in the foundation and enactment of California Civil Code Sections 1746-1746.5. Given that the First Amendment does not protect the State's restriction on the sale or rental of harmful violent video games to minors, the Court should reverse the decision of the Ninth Circuit Court of Appeals and uphold the California law as a statutory safeguard necessary in this modern day world.

This Court has long agreed that there is an overriding justification in protecting children from conduct pervasive in society. Without question, restricting a minor's access to gambling, smoking and alcohol serve the community's interest in both protecting a minor's development as well as safeguarding against the individual and widespread collateral consequences which flow from a minor's early addiction to these vices.

As a general proposition, many constitutional rights vary in the degree to which the exercise of the right by minors is protected from government abridgment. For example, minors do not have the right to exercise the franchise. Similarly, a minor's right to have an abortion may be subject to regulations that would be rejected as unduly burdensome if they were applied to adult women. Thus, there is a recognized foundation for distinguishing between minors and adults in analyzing the constitutionality of regulations.

This foundation comports with the common sense intuition that, because children lack maturity to make wise judgments, their autonomy deserves less respect from the state than does the autonomy of adults. While paternalistic state regulations are correctly viewed as demeaning when applied to adults, they are considered appropriate, if not necessary, for children.

In *Ginsberg*, of course, this Court concluded that the State had greater authority to limit the exercise of protected freedoms because children were involved and, in relying on its precedents, recognized that "the State has an interest 'to protect the welfare of children' and to see that they are 'safeguarded from abuses' which might prevent 'their growth into free and independent well-developed men and citizens.'"

As it relates to expressive materials, there is no language from this Court suggesting that the State's interest in protecting minors from such material *is limited* to speech with sexual content. In *Erznoznik v. City of Jacksonville*, a case concerning restrictions on films depicting nudity from being shown in drive-in movies, the Court was unwilling to protect minors from brief exposure to such images.

However, the alleged harm caused by the minimal exposure to nude images a child passing by a drive-in theater might witness cannot realistically be compared to harm resulting from repeated and long term exposure to violent video games. In fact, in *FCC v. Pacifica Foundation*, 438 U.S. 726 (1978), this Court supported an FCC [Federal Communications Commission] determination that the radio broadcast of a George Carlin monologue containing "filthy words" could be restricted precisely because it was accessible to young children.

## Children Are Different

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Children, this Court has acknowledged, are different in the eyes of the law because of brain development. *Ropers v. Simmons*, 543 U.S. 551 (2005). Under the "evolving standards of decency" test, the *Ropers* Court held that it was cruel and unusual punishment to execute a person who was under the age of 18 at the time of the murder. Writing for the majority, Justice [Anthony] Kennedy cited a body of sociological and scientific research that found that juveniles have a lack of maturity and sense of responsibility compared to adults. Adolescents were found to be over-represented statistically in virtually every category of reckless behavior.

In *Ropers*, the Court noted that in recognition of the comparative immaturity and irresponsibility of juveniles, almost every state prohibited those under age 18 from voting, serving on juries, or marrying without parental consent. The studies also found that juveniles are also more vulnerable to negative influences and outside pressures, including peer pressure. They have less control, or experience with control, over their own environment. More recently, in *Graham v. Florida*, 130 S.Ct. 2011 (2010) this Court used the same rationale in finding that some life sentences without parole for minors were

unconstitutional. This unequivocal commonsense approach by the Court to constitutional matters and children should be likewise applied in addressing the deepening dangers to minors from violent video games.

In sum, "[A] state or municipality can adopt more stringent controls on communicative materials available to youths than on those available to adults." [As stated in the] *Erznoznik* [court decision].

Here, California's marginal control on the sale or rental of violent video games to minors is within the permissible advancement of a significant, if not compelling, public interest in protecting the development and mental health of minors.

California's concern for its minors in the modern violent video game world is not fanciful or without basis. Science supports the legislative public policy determination.

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## Further Readings

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### Books

- Craig A. Anderson, Douglas A. Gentile, and Katherine E. Buckley *Violent Video Game Effects on Children and Adolescents: Theory, Research and Public Policy*. New York: Oxford University Press, 2007.
- Emilie Buchwald, Pamela Fletcher, and Martha Roth, eds. *Transforming a Rape Culture*, 2nd ed. Minneapolis: Milkweed Editions, 2005.
- Francis G. Couvares, ed. *Movie Censorship and American Culture*, 2nd ed. Amherst: University of Massachusetts Press, 2006.
- Rusel DeMaria *Reset: Changing the Way We Look at Video Games*. San Francisco: Berrett-Koehler Publishers, Inc., 2007.
- Kate Egan *Trash or Treasure?: Censorship and the Changing Meaning of the Video Nasties*. Manchester, UK: Manchester University Press, 2008.
- Dave Grossman and Gloria Degaetano *Stop Teaching Our Kids to Kill: A Call to Action Against TV, Movie and Video Game Violence*. New York: Crown Publishers, 1999.
- Steffen Hantke *The American Horror Film: The Genre at the Turn of the Millennium*. Jackson: Mississippi University Press, 2010.
- Drew Humphries *Women, Violence, and the Media: Readings in Feminist Criminology*. Lebanon, NH: Northeastern University Press, 2009.
- Gerard Jones *Killing Monsters: Why Children Need Fantasy, Super-Heroes, and Make-Believe Violence*. New York: Basic Books, 2002.
- Jean Kilbourne and Mary Pipher *Can't Buy My Love: How Advertising Changes the Way We Think and Feel*. New York: Touchstone, 1999.
- Steven J. Kirsh *Children, Adolescents, and Media Violence: A Critical Look at the Research*. Thousand Oaks, CA: Sage Publications, 2006.
- Steven J. Kirsh *Media and Youth: A Developmental Perspective*. Malden, MA: Wiley-Blackwell, 2009.
- Eric Lichtenfeld *Action Speaks Louder: Violence, Spectacle, and the American Action Movie*. Westport, CT: Greenwood Publishing Group, 2007.
- Jane McGonigal *Reality Is Broken: Why Games Make Us Better and How They Can Change The*

*World*. New York: Penguin Press, 2011.

- Jeffrey O.G. Ogbar *Hip-Hop Revolution: The Culture and Politics of Rap*. Lawrence: University Press of Kansas, 2007.
- W. James Potter *The 11 Myths of Media Violence*. Thousand Oaks, CA: Sage Publications, 2003.
- Tricia Rose *The Hip Hop Wars: What We Talk About When We Talk About Hip Hop*. London: Perseus Books Group, 2008.
- Aric Sigman *Remotely Controlled: How Television Is Damaging Our Lives*. New York: Random House, 2005.
- Victor C. Strasburger, Barbara J. Wilson, and Amy B. Jordan, eds. *Children, Adolescents, and the Media*. Thousand Oaks, CA: Sage Publications, 2009.
- Gwyn Symonds *The Aesthetics of Violence in Contemporary Media*. London: Continuum, 2012.
- Stephen Vaughn *Freedom and Entertainment: Rating the Movies in an Age of New Media*. New York: Cambridge University Press, 2006.
- S. Craig Watkins *Hip Hop Matters: Politics, Pop Culture, and the Struggle for the Soul of a Movement*. Boston: Beacon Press, 2005.
- Jennifer Hart Weed, Richard Brian Davis, and Ronald Weed *24 and Philosophy: The World According to Jack*. Malden, MA: Blackwell Publishing, 2008.
- Jeremy Wisniewski *Understanding Torture*. Edinburgh, UK: Edinburgh University Press, 2010.
- Rick Worland *The Horror Film: An Introduction*. Malden, MA: Blackwell Publishing, 2007.

## Periodicals

- *American College of Physicians* "Limiting Adolescents' Exposure to R-rate Movies May Help Prevent Early Use of Alcohol and Tobacco," February 14, 2002. [http://www.acponline.org/pressroom/ad\\_exp.htm](http://www.acponline.org/pressroom/ad_exp.htm)
- Brad J. Bushman "The Effects of Violent Video Games. Do They Affect Our Behavior?," *ITHP*, n.d., 2011. <http://ithp.org>.
- Andy Chalk "Australian Study 'Confirms Dangers of Violent Videogames,'" *The Escapist*, November 1, 2011. [www.escapistmagazine.com](http://www.escapistmagazine.com).
- Roger Ebert "Getting Real About Movie Ratings," *Wall Street Journal*, December 11, 2010. <http://online.wsj.com>.
- Brandon Fibbs "MPAA Change a Concern to Parents," *Christianity Today Entertainment*, September 4, 2009. <http://blog.christianitytoday.com>.
- Caroline Fredrickson "Why Government Should Not Police TV Violence and Indecency," *Christian Science Monitor*, September 6, 2007. [www.csmonitor.com](http://www.csmonitor.com).
- John Hudston "Regulating Violent Video Games: A Job for Parents or Government?," *AtlanticWire*, April 27, 2010. [www.theatlanticwire.com](http://www.theatlanticwire.com).
- PBS "Federal Government Calls for Regulation of TV Violence," May 2, 2007. [www.pbs.org](http://www.pbs.org).
- Adam D. Thierer "Should We Regulate Violent TV?," *City Journal*, vol. 21, no. 4, Autumn 2011. [www.city-journal.org](http://www.city-journal.org).
- Shankar Vendantam "It's a Duel; How Do Violent Video Games Affect Kids?," NPR, July 7, 2011. [www.npr.org](http://www.npr.org).
- *Wall Street Journal* "Should the FCC Curb TV Violence?," May 21, 2007. <http://online.wsj.com>.

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