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## REGULATION, ELECTRONIC GAMES

The phenomenal growth of electronic gaming technology, both in popularity and sophistication, has been paralleled by calls for increased regulation of the medium due to concerns about the potential harmful effects of game play on children. Politicians, parent advocacy groups, and other critics of electronic games have been particularly concerned about the interactive depictions of violence and sexuality in popular titles. Over time, pro-regulation forces have attempted to shield children from games by introducing anti-game legislation and by pressuring the industry and retailers to self-regulate, with mixed success.

## EARLY ATTEMPTS TO REGULATE

The first significant attempts to regulate electronic games occurred at the local level in the early 1980s. These early efforts focused on restricting arcades out of concern that they encouraged truancy and delinquent behavior among children and teens. A small group of detractors such as PTA mother Ronnie Lam also voiced concerns about violence and sex in early games, but the graphics were so poor and abstract that few even noticed.

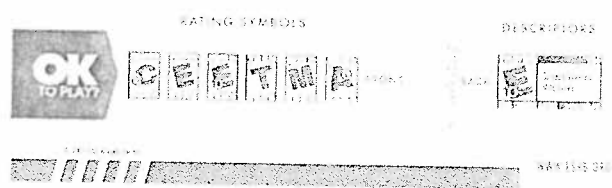
## ELECTRONIC GAMES GO TO WASHINGTON

By the early 1990s, a more realistic generation of electronic games had become popular with children and adolescents, sparking much controversy. *Mortal Kombat*, a colossally successful fighting game featuring gobs of blood and gruesome finishing maneuvers, delighted fans but shocked parents and politicians.

"I USE VIDEO GAME RATINGS TO HELP ME DECIDE WHICH GAMES ARE OK FOR MY KIDS TO PLAY."



CHECK THE RATINGS ON EVERY VIDEO GAME BOX



The Entertainment Software Rating Board (ESRB) has developed and launched a national ad campaign that includes public service announcements like the one above, which appear in print, online, and on radio and TV. The campaign, featuring the slogan "OK to Play?," urges parents and others to use both rating symbols and content descriptors in order to make informed computer and video game purchase decisions. The ESRB provides ratings and advertising guidelines for more than 1,000 electronic games per year. Ratings are determined by a consensus of at least three trained evaluators who review videotaped footage of the game as well as a questionnaire filled out by the game's publisher. In addition to the ratings for age groups, there are more than 30 content descriptors that refer to violence, sex, language, nudity, substance abuse, gambling, humor and other potentially sensitive subject matter.

who launched a crusade against electronic games. Beginning in 1983, Senators Joseph Lieberman and Herb Kohl spearheaded hearings investigating the industry. They called representatives from the major game manufacturers in front of Congress and demanded that something be done to protect children from exposure to certain types of content. In addition to the ghastly violence in *Mortal Kombat*, the sexual portrayals in the full-motion video game, *Night Trap*, were singled out during the hearings. Under threat of governmental intervention and possible censorship, game producers came up with their own solution. They created an organization known as the Entertainment Software Association (ESA) to represent their interests and through it proposed a game ratings system.

### SELF-REGULATION AND THE ESRB

The Entertainment Software Rating Board (ESRB), according to the organization website, is a "self-regulatory body for the interactive entertainment software industry." It independently rates video and computer games. The ESRB ratings system was received favorably by Senators Lieberman and Kohl and has been praised for being the most comprehensive media ratings scheme. ESRB ratings now appear on the boxes of all major games, with two parts to each rating. The first part, the *ratings symbol*, suggests the age-appropriateness of a game. Common ratings symbols include E for Everyone, T for Teen, and M for Mature. The second part, *content descriptors*, indicate specific types of content in a game, usually the one(s) that triggered the ratings symbol. The ESRB has more than 30 common content descriptors indicating multiple varieties of violent, sexual, language, and drug-related content. This ratings system gives parents information to help them decide which games are appropriate for their children.

### RECENT REGULATORY ACTION

Attempts to regulate electronic games did not end with the creation of the ESRB, due to highly publicized events such as the 1999 Columbine school shootings, which some blamed on computer game play, and also on the emergence of controversial new titles, particularly the *Grand Theft Auto* series. In these games, which rose to popularity in the early 2000s, players assume the role of a carjacking criminal who can be made to perform antisocial behaviors ranging from killing police to beating prostitutes to death after having off-screen sex with them. The severity and breadth

of objectionable content in the *Grand Theft Auto* series focused attention on other areas that should be regulated, such as the marketing of games to children and retailer enforcement of the ratings system.

Enforcement of the ratings system has received a great deal of recent attention. Since 2003, several U.S. states (e.g., Illinois and California) have introduced legislation that would make the selling of violent or sexually explicit games to minors a crime. However, most of these bills have been challenged by the ESA and struck down by courts on grounds that they violate free speech rights.

An alternative approach is increased self-regulation. The Interactive Merchants Trade Association (IMTA) represents almost all major game retailers, and member stores have recently pledged to restrict the sale of M-rated games to minors. The success of this initiative has been questioned, however. The National Institute on Media and Family releases a yearly report card with information about the effectiveness of game regulation, and it continually gives low scores to retailer ratings enforcement (although the 2004 report card indicated some improvement over the previous year).

### THE ONGOING CONTROVERSY

A key issue in the ongoing battle over electronic game regulation concerns whether or not games are entitled to free speech protection. In many countries, violent game titles have been censored or banned outright, but this seems unlikely to happen in the United States. As pointed out in work by James Ivory, the willingness of federal courts to restrict the sale of games has diminished over time, due to the technological advances of the medium. While the early electronic game *Pong* may have been little more than the video equivalent of a ping pong match, most current games incorporate narrative, music, and other components of books and films. The addition of these artistic elements aligns games with protected forms of speech and has been made possible by advances in game technology over time.

Technological advances of electronic games are emerging as another important issue that could impact future regulation. In summer 2005, hidden sexually explicit scenes were discovered in *Grand Theft Auto: San Andreas*, prompting Senator Hillary Clinton and others to call once again for more controls on violent and sexually explicit games. It is significant that the sex scenes were not caught by the ESRB, which likely would have rated the game Adults Only instead of Mature if they had seen that material. This brought

attention to the fact that the huge interactive landscapes of many contemporary electronic games may not be possible to fully and accurately rate using existing techniques. As electronic games continue to evolve and become even more sophisticated, the means by which they are regulated will likely need to evolve as well, making the regulation of electronic games an ongoing process in need of attention.

—Paul Skalski

*See also* Aggression Electronic Games and; Electronic Games, Effects of; Electronic Games, Violence in

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## REGULATION, INDUSTRY SELF-REGULATION

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Media industry self-regulation evolves as a response to external criticism and is often implemented as a way to preclude threats of legislation. Public and legislative concern about media reflects society's normative ideal of what media should and should not do in our culture. Particularly where children and adolescents are concerned, there is tremendous interest in mitigating the potentially negative effects of media content and media use and encouraging the positive contributions media can make. But, while calls for government oversight are made, First Amendment

address concerns without having to raise the specter of constitutional issues.

Self-regulation, by definition, puts media industry personnel in charge of overseeing their own media products. Skeptics must be persuaded the industry is making a genuine effort to address the collective concerns of the public. Self-regulation may also, however, be more agile than government regulation in response to changes in the industry such as new technological developments.

Ratings systems are the most evident form of self-regulation that addresses issues with which parents are concerned. The movie industry has age-based ratings. The music industry has warning labels attached to the packaging of recordings with explicit lyrics. Television programs are rated with a combination of age-based and content-based distinctions. Video games are assigned age-based ratings, and some basic content information is available on packaging. Each of these systems is administered either by individual media producers or by an industry trade association. None of the systems uses psychologists or child development experts to help assign ratings. Each of the ratings systems is unique, which makes it difficult for parents to keep track of what each rating truly means. There has been some movement to create a uniform ratings system that could be applied across different forms of media, but so far this service is available only through for-profit companies.

The other prominent media self-regulatory systems apply to the advertising industry and are encouraged by the Federal Trade Commission. Of particular interest regarding children and adolescents is the Children's Advertising Review Unit (CARU), a division of the Council of Better Business Bureaus. This group was formed in the mid-1970s at the request of the advertising industry. Their primary function is to review advertising directed at children under 12 and to ensure that it is true and accurate and takes into account the level of cognitive development of its target audience. Some areas of advertising that receive scrutiny include food products (especially junk food), alcoholic beverages, and violent or explicit media content, especially movies, music, and video games.

Other forms of self-regulation are less well known. Many media organizations have codes of ethics, or a list of standards and practices by which they are to abide. Specific news outlets, from the *Cedar Rapids Gazette* to the *New York Times*, have publicly disclosed