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VIDEO GAME INDUSTRY, REGULATION WITHIN THE

The growing popularity and sophistication of video games has been paralleled by increased calls for regulation of the medium. Politicians, parents, and other critics of games have been especially concerned about the interactive depictions of violence in particular titles, such as the *Mortal Kombat* and *Grand Theft Auto* series. Solutions proposed by pro-regulation forces include outright bans and legislation targeting retailers, and the industry has countered with self-regulatory responses. This entry discusses regulation within the video game industry, including a historical overview and review of regulatory options.

Early Video Game Regulation

Calls to regulate video games came shortly after their emergence as a popular medium in the 1970s. The primitive arcade game *Death Race* (1976), which involved little more than driving a small blocky car and running over stick figures, was the first violent video game to generate controversy. News outlets such as *60 Minutes* broadcast stories featuring the game, and protests followed. Ronnie Lamm, a mother and Parent Teacher Association (PTA) president, emerged as a crusader against video games during the early 1980s. Although other controversial titles were released during this time, most notably the Atari 2600 game *Custer's Revenge*, in which players raped a Native American

woman, no significant attempts were made to regulate content. This is likely due to the rarity and lack of popularity of titles with offending material and (more important) the poor, abstract graphics of early games themselves. Rather than focusing on content or the industry, the first notable attempts to regulate video games attempted to place restrictions on arcades, out of fear that they encouraged truancy and delinquent behavior among children and teens. These efforts occurred at the local level in the early 1980s.

Senate Hearings on Video Games in the 1990s

By the early 1990s, a more realistic generation of video games had become popular, sparking enormous controversy. *Mortal Kombat*, a highly successful fighting game featuring spurting blood and gruesome finishing maneuvers, delighted players but shocked parents and politicians, who launched a movement against home video games. Beginning in 1993, Senators Joseph Lieberman (D-Conn.) and Herb Kohl (D-Wis.) spearheaded hearings investigating the video game industry. They called representatives from major game manufacturers (chiefly Nintendo and Sega) in front of Congress and demanded action to protect children from exposure to certain types of content. In addition to the grisly violence in *Mortal Kombat*, the sexual portrayals in the full-motion video game *Night Trap* also attracted scrutiny. Under threat of governmental intervention and possible censorship, game producers came up with a self-regulatory response. They created an organization called the Entertainment Software Association (ESA) to represent their interests and

through it proposed a game ratings system through the Entertainment Software Rating Board (ESRB).

The Entertainment Software Rating Board and Game Ratings

The ESRB, according to the organization's website, is a "non-profit, self-regulatory body that assigns ratings for video games and apps so parents can make informed choices." ESRB ratings now appear on the boxes (or in the online descriptions) of all major games released in North America, with two parts to each rating. The first part, the *ratings symbols*, 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*, indicates specific types of content in a game. The ESRB has 30 common content descriptors indicating multiple varieties of violent, sexual, language, and drug-related content. In the case of violence, the ESRB rating system distinguishes among cartoon, fantasy, intense, and sexual violence. Senators Lieberman and Kohl responded favorably to the ESRB ratings, a response echoed by many others. However, there have been some criticisms of the ESRB ratings, resulting in modifications to the system, such as the addition of an E10+ rating in 2004 (similar to the PG-13 movie rating).

Although ESRB ratings are now the standard in the United States and Canada, other countries have adopted different systems. The most prominent of these is the Pan-European Game Information (PEGI) age rating system, which replaced the individual systems of several countries across Europe. As of this writing, PEGI represents 30 nations and mirrors the ESRB system in that it has both ratings symbols (with numbers representing appropriate ages) and content descriptors (with pictorial symbols), including violence and a category not in the ESRB ratings—discrimination. In other countries, ratings are determined not through self-regulation but through government-run ratings systems. In Australia, for example, the Australian Classification Board (with help from the attorney general's department) rates video games and other forms of media. Worldwide, ratings appear to be a preferred approach to video game regulation, but other regulatory measures have been proposed or taken.

Anti-Video Game Bills in the 2000s

In the United States, the debate over video game regulation did not end with the creation of the ESRB,

for several reasons. First, highly publicized tragedies such as the 1999 Columbine High School (Littleton, Colorado) and 2012 Sandy Hook Elementary School (Newtown, Connecticut) shootings called attention to video game violence. Some blamed the massacres on violent games because of evidence suggesting that the perpetrators played them. Second, by cementing the idea that games are not just for children but adults too, the ESRB in some ways enabled the game industry to create even more violent titles, particularly the *Grand Theft Auto* series. In these games, which rose to popularity in the early 2000s, a player assumes the role of a carjacking criminal who can be made to perform a host of violent behaviors, ranging from running over pedestrians to beating prostitutes to shooting police officers. The severity and breadth of objectionable content in the *Grand Theft Auto* series focused attention on other areas of potential regulation, such as the marketing of games to children and retailer enforcement of the ratings system.

Enforcement of the ratings system received a great deal of attention in the 2000s. From 2003 on, several U.S. states, including Illinois, Indiana, Louisiana, Michigan, Mississippi, and Utah, introduced legislation against the selling of violent and sexual video games. These laws made the sale of M- and AO-rated games to minors a crime punishable by fines, typically. Interestingly, the target of the laws was retailers rather than the game industry itself. Legislators had already won court battles to regulate the sale of sexually explicit materials and tried to make the case that certain video games are similarly harmful to children. Entertainment trade group representatives such as the ESA countered that these laws were unconstitutional, claiming that video games should enjoy the same First Amendment protections as books and movies. Although the courts struck down the laws in case after case, the battle raged on.

In 2005 California passed the most prominent anti-video game bill of the 2000s. Signed into law by then-governor Arnold Schwarzenegger, it restricted the sale of violent video games to minors. Enforcement of the law was permanently enjoined by a district court ruling, but California argued that games are akin to sexually explicit magazines and had no First Amendment protection regarding sales to minors. Although the Ninth Circuit Court rejected this argument, just as other courts had done to laws restricting video games, California's case, *Brown v. Entertainment Merchants Association*, made history when the U.S. Supreme Court decided to consider

it, making it the first video game regulation case to appear before the Court. The Supreme Court's decision to hear this case surprised both proponents and critics of anti-video game legislation, who eagerly awaited a ruling.

2011 Supreme Court Ruling and Implications

On June 27, 2011, the U.S. Supreme Court ruled against California's violent video game law for violating the First Amendment. In his review of the case in *Boston College Law Review*, legal scholar Christopher Clements outlined the Court's reasoning. The majority opinion, authored by Justice Antonin Scalia, said only a very small subset of speech (chiefly obscenity and incitement) lacks First Amendment protection, and violence is *not* within this subset. Scalia pointed to the long history of unrestricted media violence in American society. He also rejected the notion that violent video games are different because they have interactivity by calling attention to the interactive nature of media as ancient as literature. Furthermore, he said the state of California failed to make the case that video games pose an immediate threat to minors, pointing to the shortcomings on scientific research on the subject. Finally, Scalia said the California law was not the least restrictive way to keep violent video games away from children, which instead could be achieved through the ESRB rating system.

The 2011 Supreme Court ruling effectively ended attempts to regulate violent video games by punishing retailers in the United States. In discussing the decision, Clements said that the violent video game laws of the 2000s inundated the courts with expensive, lopsided battles between states and entertainment advocacy groups, costing the industry and taxpayers alike. Given the Supreme Court's ruling, it makes little sense to continue attempting to regulate video games through this method. In his concluding analysis, Clements argued for a more effective and constitutionally defensible means to regulate violent video games.

Other Forms of Video Game Regulation

One alternative approach to anti-video game legislation is increased self-regulation. The Interactive Entertainment Merchants Association (IEMA), which represented almost all major game retailers (until merging with the Video Software Dealers Association in 2006 to form the Entertainment Merchants Association), pledged to restrict the sale

of certain games to minors. It voluntarily committed to requiring proof of age for all M-rated game purchases. Although the National Institute on Media and the Family questioned the success of this initiative, it noted improvement in compliance over time. To improve self-regulation, Clements suggested that legislators should endeavor to work with the industry rather than against it. Given the continual defeat of anti-video game legislation in the courts, Clements argued that the best method of accomplishing the goals of these laws would be for legislators to accept and expand the efforts of the ESRB. These largely successful efforts already included rating nearly all games sold in retail stores, providing advertising guidelines, and levying corrective actions against publishers that refuse to comply with ESRB requirements. The ESRB efforts could be further expanded, Clements suggested, by making ratings mandatory.

Although this type of industry self-regulation currently seems to be the preferred direction for video game regulation in the United States, there are other options. Craig Anderson and colleagues have enumerated many of them in their book *Violent Video Game Effects on Children and Adolescents* (2007). One of their suggestions, which could be seen as an extension of the ESRB ratings, is warning labels, similar to the ones that appear on tobacco products. These would take age-appropriateness and content labels a step further by spelling out potential effects of certain types of content. A warning label might say, for example, "This game contains violent content. Violent content may increase short-term hostility and long-term aggressive script development." Warning labels would depend on social scientific research findings showing a link between violent video game play and effects, which some experts on media effects have found unconvincing.

Anderson and colleagues also suggested options for video game regulation that rely on governmental intervention. One is licensing requirements through agencies like the Federal Communications Commission (FCC) that are required for broadcast radio and television stations in the United States and could perhaps be extended to other forms of media. Another option, similar to the one proposed by Clements, is for the government to get more involved in ratings systems, such as through government-run ratings systems and agencies, as have been instituted in Australia. Governments might also make the production of certain types of materials illegal, as they do with child pornography.

In her book *Sex and Video Games*, author Brenda Brathwaite (2007) suggested other forms of government regulation. Many of these could also be forms of industry self-regulation (as some already are). Legislators could attempt to require labels on games (such as ratings), for example, as suggested by Clements and Anderson. They could also require electronic prompts for retailers, which many stores already do through checkout systems that tell the sales clerk to check for identification whenever mature games are scanned. Another idea is to require businesses that sell games to obtain special licenses, similar to liquor licenses. Or game retailers could be classified as adult video stores, especially if they sell AO-rated games (which no major ones currently do). Retailers could also be told to separate M- and AO-rated games from more family-friendly titles.

Although Anderson and Brathwaite outline a variety of ways the government can get involved in video game regulation, it seems unlikely that most of these measures would survive First Amendment challenges in the United States. They might work in other nations, however, or as forms of self-regulation.

The Future of Video Game Regulation

A central issue in the ongoing battle over video game regulation concerns whether or not games are a protected form of free speech or a harmful substance subject to government regulation. In many countries, violent game titles have been censored or outright banned, but this seems unlikely to happen in the United States given the 2011 Supreme Court ruling. Games have come a long way since their early days and now incorporate sophisticated narratives and character development on top of advanced graphics and sounds. The addition of these artistic elements aligns games with protected forms of speech, although two future developments may change this and open the door to more stringent regulation such as government intervention.

One pivotal issue in the 2011 Supreme Court ruling was the lack of convincing social scientific research on video game violence effects. As discussed by Clements, courts in many cases involving video game violence have been critical of the research linking game violence with player aggression. This is not to say, however, that there is no link, and many in the scholarly community believe that video game violence may be harmful. If future studies show a more convincing association between video game violence and harmful effects

(perhaps by incorporating physiological measures such as fMRI or longitudinal designs), then courts may be more willing to allow for legislation against them.

Technological advances of video games are a second important issue that could affect future regulation. In the summer of 2005, hidden sexually explicit scenes were discovered in *Grand Theft Auto: San Andreas*, prompting Senator Hillary Clinton and others to call for more controls on violent and sexually explicit games. The sex scenes were not caught by the ESRB, which likely would have given the game an AO- rather than an M-rating if it knew about it. This brought attention to the fact that the highly interactive landscapes of many contemporary games may not be possible to fully and accurately rate using existing techniques.

More recent technological advances of video games have generated even further concern. The violent game *Manhunt 2*, for example, initially received an AO-rating in 2007 even though the first *Manhunt* game was rated M. Some speculated that a reason for this rating jump might be the naturally mapped interactivity in the Nintendo Wii version of the game. Instead of pressing buttons to perform violent behaviors on the Wii, players were able to use the system's motion controllers to mimic violent acts like stabbing and strangulation. To get an M-rating, the content of the game had to be censored somewhat.

Clements pointed to several court opinions that seemingly opened the door for more advanced video game technology to be regulated in the future. He said the Seventh Circuit Court remains open to the idea that video game violence could one day reach a level of cultural disapproval similar to that of sexually explicit material, for example, if the games use real actors who convincingly simulated extreme acts of violence (or if the mode of interaction closely mirrored real-life violent actions, as in *Manhunt 2*). Justice Samuel Alito made a similar point in his concurring opinion with the 2011 Supreme Court ruling. He wrote about ways in which video games differ from older forms of media and said that games may become so immersive someday that it makes little sense to classify them alongside traditionally protected forms of media. As video games continue to evolve, the means by which they are regulated will likely need to evolve as well, making the regulation of video games an ongoing process.

Paul Skalski

See also *Grand Theft Auto*; Interactive Media, Aggressive Outcomes of; Legislating Media Violence: Law and Policy; Rating Systems, Video Games

Further Readings

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Entertainment Software Rating Board; <http://www.esrb.org>

VIDEO GAME PLATFORMS, EFFECTS OF

Digital games are referred to by many names, such as *video games*, *online games*, *massively multiplayer online role-playing games (MMORPGs)*, *adver-games*, and *mobile games*. Regardless of how individuals refer to these types of games, they can be played across a variety of platforms. Video games can be played on cell phones (mobile games), console systems, and on laptop or desktop computers. Digital games played on these platforms can be of different genres and may contain violent content. Just as people once had to go to movie theaters to see films, in the early days of video games people could play them only in arcades and bars. Developments soon led to home console video game cartridge systems (e.g., Atari). As communication technology advanced, so too did console systems, and soon video game developers were selling games that could be played on laptop computers, cell phones, and tablet computers.

One question that arises from the various gaming genres and platforms is to what extent do platforms affect gaming effects? For instance, does mobile

gaming offer different experiences than portable gaming—even if both platforms offer the exact same game? This entry outlines the potential platform effects of gaming technology. First, the overall effects of gaming are discussed, followed by the various effects that can be elicited across platforms.

The Negative and Positive Effects of Video Games

Video games may contain violent content regardless of gaming genre or platform. This violent content has raised concerns from parents, consumer organizations, and even the government. However, not all video game content is deemed to be negative and violent. For instance, the Entertainment Software Association (ESA) states that video games have positive impacts upon artistic design and education, increase interactions between parents and children, benefit the economy, help promote healthy behaviors through motion-sensing technology, and bring awareness to social issues.

There has been much debate about the outcomes of playing video games (see Bushman, Rothstein, & Anderson, 2010; Ferguson & Kilburn, 2010). Numerous research studies have found deleterious effects of playing video games. However, other studies have found that playing video games has had positive effects. For instance, it has been reported that video games can have positive effects on educational outcomes, spatial skills, cognitive abilities, sociability, and therapeutic treatments. However, a 2010 meta-analysis by Craig Anderson and colleagues found that violent video game play was associated with increased aggressive behaviors, aggressive cognition, and aggressive affect, while decreasing empathy and prosocial behaviors. Regardless of whether the effects of video games are positive or negative, they can often be broken down into three primary categories related to cognition (thoughts), affect (emotions), and behavior. To understand potential differences in these effects that depend on the video game platform that is used, one must know some of the differences in the platforms.

The Platforms of Gaming

The gaming industry sometimes distinguishes itself by the type of platform used, such as computer gaming, console gaming, portable console gaming, and mobile gaming. This section discusses each of these platforms in turn.