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Particip@tions Volume 1, Issue 1 (November 2003)

## Footnotes

1. See Appendix for biographies of the Amici. All parties have consented to the filing of this brief.

2. Guy Cumberbatch, "Video Violence: Villain or Victim?" (Video Standards Council, UK, 2001), [www.videostandards.org.uk/video\\_violence.htm](http://www.videostandards.org.uk/video_violence.htm) (accessed 9/13/02).

3. Mike Males, *Framing Youth* (1999), pp. 5-6, 28-70; Jib Fowles, *The Case for Television Violence* (1999), pp. 52-53; Federal Bureau of Investigation, *Uniform Crime Report* (2000) (rates of violent crime for youths aged 10-17 at their lowest level since 1987; between 1990-2000, juvenile violence arrest rates fell 27%, including a record 68% drop in homicides); "Violent Crime Fell 9% in '01, Victim Survey Shows," *New York Times*, Sept. 9, 2002, p. A18.

4. Kevin Durkin, *Computer Games - Their Effects on Young People* (Australia Office of Film & Literature Classification, 1995), p. 2; *Kevin Durkin, Computer Games and Australians Today* (Australia Office of Film & Literature Classification, 1999), p. 3.

5. E.g., Barrie Gunter, *The Effects of Video Games on Children: The Myth Unmasked* (1998), pp. 94-109; Lillian Bensley & Juliet Van Eenwyk, "Video Games and Real-Life Aggression: Review of the Literature," 29(4) *J. Adolescent Health* 244, 256 (2001) (findings "not supportive of a major public concern that violent video games lead to real-life violence"); Mark Griffiths, "Violent Video Games and Aggression: A Review of the Literature," 4 *Aggression & Violent Behav.* 203 (1999) (studies' results are "consistent with the catharsis hypothesis" that fantasy aggression "releases the energy that would otherwise be expressed in aggressive behavior").

6. A correlation between two characteristics, such as aggressive behavior and attraction to violent entertainment, gives no clue as to which causes the other, or whether one or more independent factors – such as a violent home, predisposition, or parental neglect – accounts for both the aggression and the preference for violent media.

7. Cumberbatch, "Video Violence," *supra*.

8. Craig Anderson & Karen Dill, "Video Games and Aggressive Thoughts, Feelings, and Behavior in the Laboratory and in Life," 78(4) *J. of Personality & Social Psych.* 772 (2000).

9. Craig Anderson & Brad Bushman, "Effects of Violent Video Games on Aggressive Behavior, Aggressive Cognition, Aggressive Affect, Physiological Arousal, and Prosocial Behavior: A Meta-Analytic Review of the Scientific Literature," 12(5) *Psych. Science* 353 (2001).
10. Christopher J. Ferguson, "Media Violence, Media Causality," 57(6-7) *Amer. Psychologist* 446 (2002); see also, e.g., Richard Bloom, "On Media Violence: Whose Facts? Whose Misinformation?" 57(6-7) *Amer. Psychologist* 447 (2002).
11. *American Amusement Machine Ass'n v. Kendrick*, 244 F.3d 572, 577-79 (7th Cir. 2001).
12. See Gregory Black, *Hollywood Censored* (1994), pp. 151-54.
13. See Margaret Blanchard, "The American Urge to Censor," 22 *Wm. & Mary L.Rev.* 741 (1992); John Twomey, "The Citizens' Committee and Comic Book Control," 20 *Law & Contemp. Probs.* 621 (1955); Frederic Thrasher, "The Comics and Delinquency: Cause or Scapegoat," 23 *J. Educ. Sociology* 195 (1949).
14. Albert Bandura et al., "Imitation of Film-Mediated Aggressive Models," 66 *J. Abnormal & Soc. Psych.* 3 (1963). Bandura popularized his claims in *Look* magazine: "What TV Violence Can Do to Your Child," *Look*, Oct. 22, 1963, p. 46.
15. Surgeon General's Advisory Comm. on Television & Social Behavior, *Television and Growing Up: The Impact of Televised Violence* (1972), pp. 4, 7, 67. Psychologist Stuart Fischhoff notes that it was almost impossible in these years to get government funding for media research unless one was looking for harmful effects. Fischhoff, "Psychology's Quixotic Quest for the Media-Violence Connection," 4(4) *J. Media Psych.* (1999), <http://www.calstatela.edu/faculty/sfisco/violence.html> (accessed 9/20/02).
16. Willard Rowland, Jr., *The Politics of TV Violence* (1983), pp. 135-96.
17. Jonathan Freedman, "Effect of Television Violence on Aggression," 96(2) *Psych. Bull.* 227 (1984).
18. Jonathan Freedman, "Viewing Television Violence Does Not Make People More Aggressive," 22 *Hofstra L. Rev.* 833, 843-46 (1994). The study was Lynette Friedrich & Aletha Stein, "Aggressive and Prosocial Television Programs and the Natural Behavior of Preschool Children," 38(4) *Monographs of the Society for Research in Child Development* (1973).
19. This phase of the study was reported in Leonard Eron et al., "Does Television Violence Cause Aggression?" 27 *Am. Psychologist* 253 (1972).
20. Richard Rhodes, "The Media-Violence Myth," *Rolling Stone*, Nov. 23, 2000, p. 55; e-mail from Huesmann to Rhodes, Mar. 13, 2000. The follow-up study was reported in

L. Rowell Huesmann et al., "The Stability of Aggression Over Time and Generations," 20 *Devel. Psych.* 1120 (1984).

21. National Institute of Mental Health, *Television and Behavior - Ten Years of Scientific Progress and Implications for the Eighties* (1982).

22. Willard Rowland, Jr., "Television Violence Redux: The Continuing Mythology of Effects," in *Ill Effects: The Media Violence Debate* (M. Baker & J. Petley, eds.) (1997), p. 113.

23. E.g., Thomas Cook et al., "The Implicit Assumptions of Television Research: An Analysis of the 1982 NIMH Report on Television and Behavior," 47 *Pub. Opin. Q.* 161, 181-82 (1983) ("the field experiments on television violence produce little consistent evidence of effects, despite claims to the contrary"); see also "Guns, Lies, and Videotape," 354(9178) *The Lancet* 525 (1999) ("it is inaccurate to imply that the published work strongly indicates a causal link between virtual and actual violence").

24. William McGuire, "The Myth of Massive Media Impact: Savagings and Salvagings," in *Public Communication and Behavior* (G. Comstock, ed.) (1986), p. 174.

25. Brandon Centerwall, "Television and Violence: The Scale of the Problem and Where to Go From Here," 267(22) *J.A.M.A.* 3059, 3061 (1992).

26. Franklin Zimring & Gordon Hawkins, *Crime is Not the Problem - Lethal Violence in America* (1997), pp. 133-34, 239-43.

27. Steven Messner, "Television Violence and Violent Crime," 33(3) *Social Problems* 218, 228 (1986).

28. Freedman, "Viewing Television Violence," *supra*, 22 *Hofstra L. Rev.* at 849-51. The Dutch researchers published their report separately; see Oene Wiegman et al., *Television Viewing Related to Aggressive and Prosocial behavior* (1986); Oene Wiegman et al., "A Longitudinal Study of the Effects of Television Viewing on Aggressive and Prosocial Behaviors," 31 *Brit. J. Social Psych.* 147 (1992).

29. Sprafkin testimony in *Eclipse Enterprises v. Gulotta* (CV-92-3416) (E.D.N.Y. Mar. 28, 1994), pp. 112-13; see also Joyce Sprafkin et al., "Effects of Viewing Aggressive Cartoons on the Behavior of Learning Disabled Children," 28 *J. Child Psych. & Psychiatry* 387 (1987); Kenneth Gadow & Joyce Sprafkin, "Field Experiments of Television Violence with Children: Evidence for an Environmental Hazard?" 83 *Pediatrics* 399 (1989).

30. Jonathan Freedman, *Media Violence and Its Effect on Aggression* (2002), pp. 56, 62-63. For field experiments, the percent of negative results was higher: "only three of the ten studies obtained even slightly supportive results," and even this weak showing gave "a more favorable picture than is justified," for several of the studies with null

results "actually consisted of many separate studies." Counting the results of these separate studies, three field experiments found some support; 20 did not. *Id.*, pp. 106-07.

31. Federal Trade Comm'n, *Marketing Entertainment Violence to Children*, Appendix A, "A Review of Research on the Impact of Violence in Entertainment Media" (2000).

32. *Eclipse Enterprises v. Gulotta*, 134 F.3d 63 (2nd Cir. 1997).

33. Frederick Schauer, "Causation Theory and the Causes of Sexual Violence," 4 *Am. Bar Fdtn Rsrch J.* 737, 752-53 (1987).

34. David Moore, *Statistics - Concepts and Controversies* 486-90 (4th ed.) (1997).

35. Freedman, *Media Violence and Its Effect on Aggression*, *supra*, p. 78. The study was Leonard Berkowitz et al., "Film Violence and Subsequent Aggressive Tendencies," 27 *Public Opin. Q.* 217 (1973).

36. The grant termination example is from Fischhoff, *supra*; the "more hostile" interpretation example is from Anderson & Dill, *supra*. See also Ellen Wolock, "Is There a Reasonable Approach to Handling Violence in Video Games?" *Children's Software Revue*, July/Aug. 2002 (occasional findings of short-term effects are questionable, given how "aggressivity" is measured – "increase in heart rate and blood pressure, negative responses on questionnaires, toy choice, etc."); Craig Emes, "Is Mr. Pac Man Eating Our Children? A Review of the Effect of Video Games on Children," 42 *Can. J. Psychiatry* 409, 413 (1997) (reliability and validity of procedures used to measure aggression "are questionable").

37. Goldstein, "Does Playing Violent Video Games Cause Aggressive Behavior?" Paper presented at U. of Chicago "Playing By the Rules" Conference, Oct. 27, 2001, p. 5. Goldstein notes that "in the rare study that measures both aggressive play and aggressive behavior, violent video games affect the former and not the latter." *Id.* See also Griffiths, "Violent Video Games," *supra* (questioning whether aggressive free play observed in a lab is useful predictor of anti-social aggression).

38. *E.g.*, Freedman, *Media Violence and Its Effect on Aggression*, *supra*, 49-51, 80-83; Cumberbatch, *supra* (quoting "one shrewd four year-old who, on arriving at the laboratory, ... was heard to whisper to her mother, 'Look mummy! There's the doll we have to hit!'); Joanne Savage, "The Criminologist's Perspective," in *Violence and the Media* (Freedom Forum, 2001), p. 28 ("it is possible that showing subjects violent material creates an atmosphere of permissiveness and encourages them to be more aggressive").

39. Other theories of aggression look to social conditions, family environment, brain chemistry, and variations in human character. *E.g.*, Debra Niehoff, *The Biology of Violence* (1999); Jonathan Kellerman, *Savage Spawn - Reflections on Violent Children*

(1999); Rollo May, *Power and Innocence - A Search for the Sources of Violence* (1972); Erich Fromm, *The Anatomy of Human Destructiveness* (1973); Konrad Lorenz, *On Aggression* (1963).

40. David Buckingham, "Electronic Child Abuse? Rethinking the Media's Effects on Children," in *Ill Effects: The Media Violence Debate* (M. Barker & J. Petley, eds.) (1997), p. 34.

41. Henry Jenkins, "Professor Jenkins Goes to Washington," *Harper's*, July 1999, p. 23; Henry Jenkins, "Lessons From Littleton: What Congress Doesn't Want to Hear About Youth and Media," *Independent School*, Winter 2000, [http://www.nais.org/pubs/ismag.cfm?file\\_id=537&ismag\\_id=14](http://www.nais.org/pubs/ismag.cfm?file_id=537&ismag_id=14) (accessed 9/19/02).

42. National Research Council, Nat'l Academy of Sciences, *Understanding and Preventing Violence* (A. Reiss, Jr. & J. Roth, eds.) (1993), pp. 101-02.

43. See John Douglas & Mark Olshaker, *The Anatomy of Motive* (1999), pp. 82-87 (media can provide "modus operandi and signature elements" to criminals, but do not cause law-abiding people to commit violent acts); Fischhoff, *supra* (same).

44. Jenkins, "Lessons From Littleton," *supra*; see also Jeffrey Goldstein, "Why We Watch," in *Why We Watch*, *supra*, pp. 216-20 (appeals of violent entertainment include mood management, sensation-seeking and excitement, emotional expression, and the state of "flow" one experiences when immersed in an activity).

45. Jeffrey Arnett, "The Soundtrack of Restlessness - Musical Preferences and Reckless Behavior Among Adolescents," *7 J. Adol. Rsrch* 313, 328 (1992); Jeffrey Arnett, "Adolescents and Heavy Metal Music: From the Mouths of Metalheads," *23 Youth & Society* 76 (1991); see also Lawrence Kurdek, "Gender Differences in the Psychological Symptomatology and Coping Strategies of Young Adolescents," *7 J. Early Adol.* 395 (1987) (heavy metal music is useful to adolescents in purging anger).

46. Bruno Bettelheim, *The Uses of Enchantment* (1975); see also David Blum, "Embracing Fear as Fun To Practice for Reality: Why People Like to Terrify Themselves," *New York Times*, Oct. 30, 1999, p. B11 (many children and adults enjoy horror movies because they can "experience fear without real danger to themselves" and thereby "tame its effects on the psyche").

47. E-mail to Free Expression Policy Project, Sept. 2, 2002.

48. Joanne Cantor, "Children's Attraction to Violent Television Programming"; Clark McCauley, "When Screen Violence is Not Attractive"; Vicki Goldberg, "Death Takes a Holiday, Sort Of," in *Why We Watch*, *supra*, pp. 113, 149, 28. See also Celia Pearce, "Beyond Shoot Your Friends: A Call to Arms in the Battle Against Violence," in *Digital Illusion: Entertaining the Future With High Technology* (C. Dodsworth, Jr., ed.) (1998), p. 218 (as actual violence in society, especially as a form of public entertainment, has

decreased (beheadings, mutilations, etc.), we have, perhaps, "evolved to the point where more of our violence is vicarious than actual"); Norbert Elias & Eric Dunning, *Quest for Excitement: Sport and Leisure in the Civilizing Process* (1986) (seeking pleasurable excitement from violent entertainment is part of the civilizing process).

49. Gerard Jones, *Killing Monsters* (2002), pp. 6, 11. Jones quotes child development specialist Donna Mitroff ("children have a deep need, an almost physical need, for these archetypes of power and heroism"), and psychiatrist Lenore Terr (like toy guns in the pre-electronic era, fantasy violence is "one of the best tools they have for dealing with their aggressions"). *Id.*, pp. 73, 54.

50. Joel Saxe, "Violence in Videogames: What are the Pleasures?" Paper presented at the Int'l Conference on Violence in the Media, St. John's University, Oct. 1994, pp. 2, 8, 10 (reprinted in 2(1) *CommOddities - A Journal of Communication and Culture*, July 1995).

51. Birgitte Holm Sørensen & Carsten Jessen, "It Isn't Real: Children, Computer Games, Violence and Reality," in *Children in the New Media Landscape* (C. Von Feilitzen & U. Carlsson, eds.) (2000), pp. 119-21. Similarly, David Buckingham reports that children often describe horror films "as 'unrealistic' and even as laughable ... Many [are] keen to draw attention to the liberal use of 'tomato ketchup' and 'make-up.'" Alissa Quart, "Child's Play," *Lingua Franca*, Oct. 2001, p. 55.

52. E.g., J.C. Herz, *Joystick Nation* (1997); John Tierney, "Here Come the Alpha Pups," *New York Times Magazine*, Aug. 5, 2001, p. 38.

53. Saxe, *supra*, p. 11.

54. Goldstein, "Does Playing Violent Video Games Cause Aggressive Behavior?" *supra*, p. 7.

55. Sørensen & Jessen, *supra*, p. 120.

56. E-mail to Free Expression Policy Project, Sept. 12, 2002.

57. E-mail to Free Expression Policy Project, Aug. 15, 2002.

58. Stephen Jay Gould, *The Mismeasure of Man* (1981), pp. 22-23.

