Don't Be So Quick to Ban Violent Videogames

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The First Amendment needs to protect unpopular speech. But does it really need to protect violent video games?

Take, for instance, the game Postal II as described by a judge: "The game involves shooting both armed opponents, such as police officers, and unarmed people, such as schoolgirls. Girls attacked with a shovel will beg for mercy; the player can be merciless and decapitate them. People shot in the leg will fall down and crawl; the player can then pour gasoline over them, set them on fire, and urinate on them.

The player's character makes sadistic comments during all this; for example, urinating on someone elicits the comment "Now the flowers will grow."

All of this is relevant because California made the sale of such games to minors illegal. Sure, adults could still entertain themselves by decapitating, incinerating, and urinating on their virtual victims. But kids could join the fun only if an adult bought the game.

This law is perfectly sensible. Right? But like so many of these games' virtual bystanders, it has been short-lived. The video game industry sued saying that the law violated freedom of speech and a trial and appellate court agreed. Now it's the Supreme Court's turn to hear the case today.

I know, you're probably thinking that the lower court judges are crazy. But before you decapitate their faulty reasoning, let me point out why the case is more complicated than it seems.

For one, who do you think should decide which violence is inappropriate for minors? After all, life and literature are filled with violence. Holocaust images are graphically violent, as are photos of blacks lynched in the South. And don't forget that David lopped off Goliath's head; Odysseus ground out the Cyclops' eye; and Little Gretel pushed the witch into a burning oven.

Sure, you say, but those works are easily distinguishable from violent video games. Holocaust and lynching photos have educational value. And the violence in the Bible, the Odyssey, and Grimms' fairy tales is mild compared to the graphic maiming and killing in realistic video games.

Fair enough, but how do you know these games are harmful? Don't forget that people used to think crime novels and comic books were dangerous for kids and tried to ban them. Yet today we think those works are tame. Perhaps the current outcry over video games is similarly overblown.

Given this uncertainty, maybe courts should insist that the government prove the games are harmful before it regulates them. Indeed, that is precisely what the lower court judges did. Yet proving that violent video games are harmful is easier said than done.

Researchers cannot raise newborns in a vacuum to isolate for the effects of video games. Instead, kids live in the non-virtual world and are influenced by a myriad of things including real violence in their homes, schools, and neighborhoods. So how, then, can researchers know which influence made them violent or psychologically disturbed?

Finally, do you really think Big Brother should play nanny for our nation's children, or is that the job of parents? After all, the video game industry already rates its products. If parents wanted to, they could set their game consoles so they couldn't run adult-rated games. That certainly sounds reasonable. But what if kids are the only ones who know how to adjust the console settings?

These are difficult questions, and I'm not sure how the Supreme Court will answer them. But I do know this. Even if the Court upholds the California law, kids will still get access to violent material. In our media-saturated culture, it is too late to put the violence genie back in its bottle.

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I also know that if we want psychologically healthy kids, it will take a lot more than this law to make it happen. Parents will still need to put in the endless hours it takes to provide kids with the right mixture of love and guidance. And our society will still need to provide kids with safe neighborhoods to play in and schools where they can flourish.

Sure, the question of whether the First Amendment permits regulation of violent video games is a fascinating quandary. But compared to larger problems of failing schools, violent neighborhoods, and disengaged parents, it is little more than a game.

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