

The FCC Should Regulate Violence on Television

Is Media Violence a Problem?, 2010

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Because the television industry is incapable of regulating itself, the Federal Communications Commission (FCC) should take the lead in defining media violence and in taking steps to curb its corrosive effects. While free speech should not be violated and parents should not be absolved of their duty to monitor what their children watch on television, the FCC should make it easier for households to restrict violent content.

Should Congress regulate TV violence? Last month [April 2007] the Federal Communications Commission [FCC] boldly said yes. Boldly, because that position invites a strong rebuttal from defenders of free speech. And boldly again because, well, where does one draw the line on violence?

Regulation Is Needed

The FCC could have let this hornet's nest alone. But it was pushed to examine it by 39 members of the US House and has now responded with a well-reasoned report.

The television industry is not correcting itself to the satisfaction of parents—whose children watch an average of two to four hours of TV a day. Eighty-two percent of parents with young children say violence in children's programming is a major concern. Nine in 10 say it has a serious negative impact on their kids.

Government regulation is tricky here because the courts have protected violent speech and depictions under the First Amendment. But doing nothing would leave children at greater risk to models of violence. And it would leave society at greater risk of aggression committed by people who were influenced by violent media, as many studies show.

Defining violence will be a legal threading of the needle.

The arguments against government regulation can be countered:

Free speech violation. The FCC points to the precedent of regulating broadcast indecency, upheld by the Supreme Court. The court allowed restrictions because of indecency's "uniquely pervasive presence" and its accessibility to children. Indecency also ranked lower as a First Amendment right, because of its "slight social value." The parallels with violence are obvious.

Parents' main job. Yes, parents have an obligation to supervise their kids' viewing. But television violence is

ubiquitous. The TV rating system and the program-blocking V-chip—tools to help parents control viewing—are "not effective," the FCC finds. To simply state that parents alone are responsible for controlling their kids' access to media violence is also to say they should be responsible for such things as safe streets.

Defining violence. The FOX drama *24* is violent, and so are cartoons, the evening news, and movie classics. Defining violence will be a legal threading of the needle. A definition must be narrowly focused on excessive or gratuitous violence to allow a broad range of contextual exceptions. Existing definitions, such as what's used for TV ratings, can serve as a starting point.

Congress Should Define and Regulate Violence

The FCC suggests that Congress define violence. That's the right place for this debate, to better reflect society's consensus and to better stand up in court. The commission also reasonably suggests that Congress restrict the hours of violent programming on broadcast TV—as is the case with indecency.

The government's right to regulate media has long been limited to the "public airwaves." That media, however, is becoming dwarfed by the Internet, satellite, cable, and microwave media. The FCC acknowledges this, at least in part, by suggesting that Congress enable cable and satellite subscribers to purchase only the channels they want rather than "bundled" channels.

Congress may resist a foray into these other media areas. But unless it acts now to claim a right to regulate in them, society might as well give up trying to have any collective controls other than consumer boycotts to curb the corrosive effects of violent media.

Further Readings

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