



Written by [Bruce Walker](#) on April 26, 2010

Minors and Violent Video Games

The Supreme Court has decided to hear an appeal of a Circuit Court decision in February of last year to strike down a California statute that bans the sale or rental of violent video games to minors. The California law specifically bans the sale or rental of video games deemed “excessively violent.” California State Senator Leland Yee of San Francisco warned that allowing minors access to very violent video games could affect the brain development of the child.



The bill was passed and signed into law by Governor Swarzenegger in 2005, with the Governor insisting that violent video games are harmful and that children should be protected.

No one, apparently, saw the irony in this cause being championed by a film star who has starred in some of Hollywood’s most explicitly violent movies, like *Conan the Barbarian* and *The Terminator*. Many Swarzenegger movies were not much more than one long series of bloody battle. The intended audience for these films was children, especially adolescent children (the very group who rent violent video games).

The law would appear to be easy to circumvent. Parents or adult friends can buy or rent very violent videos. Also video stores, which profit from exactly these sorts of video games, could be expected to work with adolescent boys to circumvent or frustrate the law. There would also seem to be little that California politicians could do to prevent children from downloading violent video games from the Internet, and the sale or rental of such games could not be regulated if the vendor lived outside of California. Or vendors could simply require an affirmation that the purchaser or renter was 18 years old or older. Violent television programs could also sate the lust of young males for violence, and that could not be regulated at all by California legislators. Who is going to determine what is “ultra violent” and what is simply mildly violent? How is something so subjective going to be decided?

And if violent video games were banned to children, then what other sort of bans will likely follow? Big government has a whole laundry list of conduct that it would like to regulate or outlaw outright.

But does mean that children should not be guarded from a host of dangers while they are growing up? Of course not. The issue is not whether or not children should be policed but who does the policing — the State; or the parents, who can draw assistance from other family members, the clergy, or voluntary associations like the Boy Scouts. Self-regulation by the video game industry also could be effective. When movies seemed to be getting more sexually explicit and more violent in the 1960s, the Motion Picture Association of America adopted a rating system, G, M, R, and X, which were intended to self-regulate who could and should be able to see certain types of films. That was modified over time to clarify what the rating meant. And of course, the public effectively votes for the kinds of movies that



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want Hollywood to produce, or not produce, by the movie tickets they purchase.

The key was that all aspects of this were voluntary. Parents were given a great deal of information about the level of violence and sexual explicitness in the film. It has been an imperfect system, but the MPAA ratings have worked without any laws, any court cases, or any tinkering with statutes. It cost taxpayers nothing and it required no bureaucrats to monitor the system. Another similar example of self-regulation was the Comic Code Authority, which was, again, voluntary, and largely stopped the descent of comics into increasingly explicit violence and sex. Magazine distributors would often refuse to handle comics without the CCA symbol on the cover.

Children should be protected from a host of evils as they grow. Government, however, is not the best protector. It is often the worst protector.



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