



# Violence on Television

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## Issue Definition

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## Issue Definition

The North American public's concern over the potentially harmful effects of violent television programming dates back to at least 1952, when the U.S. Congress held its first hearings on this issue. Over the years, while technological advancements, such as computer-enhanced special effects and VCRs, enabled violence on the small screen to become more graphic and pervasive, research into the actual impact of such imagery mushroomed.

Although the research produced conflicting conclusions, the dominant opinion today is that television violence does have a negative influence, especially on impressionable viewers such as children. The film and television industry, which tended in the past steadfastly to dismiss concerns about violent entertainment as unfounded and unproven, has been under considerable pressure in the 1990s to take positive steps to deal with such programming. Jack Valenti, representing the Motion Picture Association of America, one of the most powerful voices in the industry, told an American Senate Committee examining television violence in 1993 that the industry would no longer deny that a problem exists: "We are past that. We want to challenge this issue responsibly, without doing a political minuet around a metaphysical maypole."

This publication will summarize the key findings of research into violence on television and outline the measures being taken in Canada to deal with the problem. The regulatory approach of the Canadian Radio-television and Telecommunications Commission and related concerns about freedom of expression will be among the specific topics discussed.

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## **Background and Analysis**

### **A. Defining TV Violence**

"Television violence" usually refers to *all* the violence appearing on TV screens. It includes material broadcast over the air, distributed by cable and satellite systems, and available on videocassettes and disks.

A common understanding or definition of what constitutes "television violence" could be useful in helping to examine and regulate the problem. But arriving at such an understanding is no simple matter. Should the definition include animated portrayals or only realistic depictions? Should the context in which the violence is presented matter -- for example, whether the violence is gratuitous or integral to the plot or purpose of a program, whether it is physical or verbal, or whether it is directed at people, animals or objects?

The problem with a very precise definition of television violence is that it may also be quite restrictive. The definition at one time used by media specialist George Gerbner in his research is a case in point: "the act of injuring or killing someone or the threat of injuring or killing someone." Recent studies have framed violence in slightly broader terms. The National Television Violence Study (1996), funded by the National Cable Television Association in the U.S., for example, considered violence to be: "Any overt depiction of the use of physical force -- or the credible threat of such force -- intended to physically harm an animate being or group of beings." The UCLA Television Violence Monitoring Project (1995),

commissioned by four major American networks (ABC, CBS, Fox, and NBC), defined violence as anything that involves physical harm or a threat of physical harm of any sort, intentional or unintentional, self-inflicted or inflicted by someone or something else.

Another approach is to avoid defining "violence" in finite terms, instead explaining it through examples. Canada's private broadcasters' voluntary code for regulating violence on television takes this approach. The code, while it requires broadcasters to exercise caution in depicting violence, never actually defines "violence," but lists examples of potentially violent scenarios, including situations of conflict or confrontation, death and injury, street crime, and sexual assault. The problem with this method is that television violence may be outlined in too open-ended and fluid a manner to be practical.

Given the many types of television violence, arriving at a standard definition that is comprehensive, yet succinct and unambiguous, could be a daunting task.

## **B. Studying TV Violence**

American surveys of violent programming, done in the 1970s and '80s, found that the level of violence on American commercial television remained constant, averaging five to six violent acts per hour in prime time and 20 to 25 violent acts per hour on Saturday morning children's programs. But these studies concentrated on conventional television and did not take into account all the material watched via newer television technologies such as cable, video and satellite services. Adding these to the mix would likely have shown the amount of violence on television to be rising. As well, none of these studies canvassed changes in the nature of the violence portrayed over the years -- for example, whether television violence had become more graphic or more callous.

Studies of Canadian television programming, including a 1994 report by Laval University's Guy Paquette and Jacques De Guise, have demonstrated that Canadian-made programming is generally less violent than American. The Paquette-De Guise study found the violence index for Canadian television, calculated during one week in March 1993 using the Gerbner method, was 23.4% lower than that for American television. But the less violent Canadian TV fare is not the only programming watched in this country.

The large volume of American television shows flowing across our borders means that American productions undoubtedly contribute in a material way to the amount of violence seen on Canadian TV screens. Thus, it is instructive to note George Gerbner's 1986 report on world-wide research into media violence prepared for UNESCO, which found American programs were significantly more violent than those made in

other countries. The only exception to this general rule was Japanese programming, which was found to be equally violent.

American research has shown, as well, that popular American films are even more violent than American television programming -- a situation of note to Canadians since our domestic home-video market is saturated with American products. For example, media violence experts Ed Donnerstein, Ron Slaby and Leonard Eron, reporting in 1993 on the mass media and youth aggression for the American Psychological Association, noted that blockbuster, Hollywood action films (such as *Die Hard 2*, *Robocop* and *Total Recall*, containing 264, 81 and 74 violent deaths respectively) were far more violent than programming made for commercial prime time TV. The National Television Violence Study (1996) and the UCLA Television Violence Monitoring Project (1995 and 1996) corroborated this finding.

In these two on-going comprehensive studies of violence on American television, qualitative analysis prevails over quantitative information. For instance, the focus of the UCLA Television Violence Monitoring Project (1995 and 1996) was on the context surrounding each act of violence featured, rather than simply on the number of violent acts shown per hour. The project distinguished between depictions involving the meaningless glorification of violence and depictions in which violence was linked with a social message. In other words, a value judgment was attached to every act of violence tabulated, based on the premise that "all violence is not created equal." Among other things, the UCLA study found that programming controlled by the networks, such as network series and made-for-television movies, raised relatively fewer issues of concern than did other formats, such as the films shown on television that had been made for theatrical release. Context was also an important feature of the National Television Violence Study (1996), which identified patterns in portrayals of violence. For example, it found that in the programming sampled: perpetrators went unpunished in 73% of all violent scenes; the negative consequences of violence were often not portrayed; 25% of violent interactions involved handguns; and only 4% of violent programs emphasized an anti-violence theme.

The main controversy over television violence, which raged in social science circles for years, did not concern the types of studies mentioned above, which measure and compare the nature of violent programming. Rather, the real point of contention was the issue of cause and effect -- whether watching violent programming causes individuals to exhibit violent behaviour. Although a direct, causal relationship is difficult to establish, three major American studies, spanning 30 years altogether, each found a *positive correlation* or link between children's viewing of violence on television and aggressive attitudes and behaviours. These studies are: a report to the Surgeon General on the impact of televised violence, released at the end of 1971; the National Institute of Mental

Health's follow-up to the report to the Surgeon General, ten years later; and the 1992 report of the American Psychological Association's Committee on Media in Society.

While the preponderance of research and reports on television violence finds a connection between televised violence and real violence, some experts remain quite sceptical. For example, Canadian psychologist Jonathan Freedman concedes that children who watch more violent television also tend to be more aggressive, but, he argues, field experiments have not proven, consistently and as a matter of incontrovertible scientific fact, that watching violent television actually *causes* viewers to become more aggressive.

Unanimous agreement may never be reached on whether and how television violence affects audiences, but the bulk of the literature amassed on this subject concludes that violence on television could produce at least three negative effects. It has been associated with viewers exhibiting increased aggression or violence toward others (the aggressor effect); increased fearfulness about becoming a victim of violence (the victim effect); and increased insensitivity about violence among others (the bystander effect).

### **C. Dealing with TV Violence**

By the early 1990s, many media violence specialists, including America's Ed Donnerstein, Ron Slaby and Leonard Eron, believed that the interminable debate over the causal relationship between real violence and violence on television should stop. They maintained that the time had come to simply recognize television violence is a problem and do something about it. More and more Canadians seem to share this view and are taking steps to deal with the television violence bombarding our children and youth. Action is taking place on a variety of fronts -- educational, technological, and regulatory -- as described below.

#### **1. Public Awareness and Education Initiatives**

The objective of public awareness and education initiatives is to help viewers make informed and responsible choices about the types of television programs they, or those in their charge, watch. Broadcasters and cable companies have launched projects attempting to heighten public awareness of violence in much the same way that the harmful effects of smoking and drunk driving were brought to the public's attention through media campaigns. The Canadian Association of Broadcasters (CAB), for example, in association with the Department of Canadian Heritage, launched a series of public service announcements in 1994 under the banner "Speak Out Against Violence." Building on this effort, CAB joined

with several government departments in 1996 to launch a national campaign, "Violence - You Can Make a Difference," which tried to encourage Canadians to take action against violence. The Canadian Cable Television Association in 1993 held its "Stop the Silence on Violence" campaign, which informed subscribers about non-violent viewing alternatives and ways of dealing proactively with violence in society.

Sceptics feel it is naive to expect the industry to become a strong opponent of television violence. They point out that, as long as violent programming continues to draw consistently large audiences, broadcasters and cable companies -- who are in business to make a profit through audience-dependent advertising or subscription revenues -- will only pay lip-service to campaigns against such programming.

Since parents and schools are primarily responsible for educating our children, they bear much of the responsibility for teaching them about coping with the violence on television. Educators are embracing the challenge, in part, by teaching their students to become "media literate."

Ontario educator Barry Duncan explains that, while literacy focuses on the written word (the ability to read and write and the skills needed to decode and construct printed words), "media literacy" is about decoding the mass media, especially television. It engages viewers in a process called "deconstruction," whereby they take apart a program's constructed reality and look critically at its underlying values and messages. Someone who is media literate understands the techniques and tricks that go into a production, including its portrayal of violence, and, therefore, can view it from social, ethical and other perspectives and not purely as entertainment. Ontario's Ministry of Education became a pioneer and leader in media literacy in 1988, by formally mandating that it be part of the English curriculum in the province's high schools.

The House of Commons Standing Committee on Communications and Culture, in its 1993 report on television violence, said that parents too should play a pivotal role in guiding and regulating the viewing habits of their children. The Committee observed, however, that it would be unrealistic to place such a burden on parents, without providing adequate media literacy training and technological assistance.

In order to foster media literate citizens and healthier viewing choices, the federal government, alone and in partnership with interested groups, has been developing educational materials. For example, *Prime Time Parent*, a do-it-yourself media literacy kit for parents, consisting of videos, booklets and activity cards, was developed and launched in the summer of 1995 by the Alliance for Children and Television, with the support of Health Canada; and the National Film Board has been assembling an interesting selection of media education resources, including Christopher Hinton's *Watching TV*, a short animated film about television violence, and

*Constructing Reality*, a six-video anthology exploring media issues in documentary film. In 1996, the Media Awareness Network, supported by private sector and federal government funding, launched its web site to serve as an electronic clearing house for media awareness material, including information related to violence on television.

## **2. Technological Devices**

Technological controls can help parents become better programming gatekeepers. Such controls include devices that allow individual programs to be filtered out, entire channels to be blocked, or TV sets and remote controls to be locked, barring young children from turning on equipment by themselves.

The tool that has received the most attention is the V-chip system, invented by B.C. engineer Tim Collings. Any program receiver (i.e., any converter, VCR, tuner or TV set) housing a tiny integrated circuit called the "V-chip" can be programmed to suit individual tastes by blocking out potentially offensive subject matter. With the help of the V-chip, the receiver is able to read the ratings that have been assigned to programs and encoded in their video signals, and to block out those that exceed an individual's pre-selected threshold for violent content.

Since the V-chip must be able to read a pre-programmed rating in order to work, the development of an appropriate rating system for television programming was key to the successful introduction of V-chip technology. Field-testing and fine-tuning the V-chip, therefore, had to be done in tandem with development of a television program rating system for use in Canada. The CRTC provided added impetus to early efforts to design a V-chip responsive to a Canadian television rating system when it formally prescribed deadlines for putting these two initiatives in place across the country, in its March 1996 policy for dealing with violence on television.

That policy called on the cable companies to make affordable V-chip devices available to subscribers by September 1996 (Public Notice CRTC 1996-36). This deadline was later extended to the debut of the 1997 fall television season, to allow the industry to continue to field test V-chip technology before the market roll-out (Public Notice CRTC 1996-134).

With the arrival of the fall 1997 viewing season, V-chip technology had not yet made its way into the hands of Canadian television viewers; but, a new deadline was not set. Instead, the CRTC said that it expects program encoding to be implemented and V-chip devices to be deployed as soon as is feasible. In its June 1997 notice approving a Canadian classification system for violent television programs (Public Notice CRTC 1997-80), the CRTC recognised that the fall 1997 target date would not be met. It noted that a number of issues remain to be resolved before V-chip technology

could be made available to Canadian consumers. One obstacle, for instance, is that the current technology cannot accommodate the multiplicity of rating systems coming into use. In addition, full-scale manufacturing of V-chip boxes for Canadians is not likely to begin until the V-chip is also ready to be introduced to the larger American market.

In the United States, the *Telecommunications Act*, passed in early 1996, requires new television sets to be equipped with a V-chip type of program-blocking feature, as specified in section 551. As was the case in Canada, however, the V-chip system that is ultimately introduced to American consumers will partly depend on the classification system that is finally approved for use by the U.S. federal communications regulator (the FCC). Until that decision is made, deployment of the V-chip will continue to be put on hold in the United States and, consequently, postponed in Canada.

The greatest advantage of the V-chip system is that it allows parents to supervise all their children's home television viewing, without the parents having to stay "glued" to the TV set. Sceptics are quick to point out, however, that the V-chip, for a variety of reasons, does not represent a panacea. Critics from the broadcasting industry argue that assigning ratings to programs for the V-chip to read will be a Herculean task, since hundreds of thousands of hours of programming are shown on television each year. They are also nervous that advertisers will shy away from purchasing advertising spots in programs with a high violence rating, based on the assumption that audiences for such programs will decline and to avoid the possible stigma associated with supporting anti-social television. Other critics point out that the technology is only as good as its users; parents may not want to use it or may not know how to do so and their children may find ways to circumvent it. Some worry that programmers will use the existence of the V-chip as an excuse to air even more violent programming, feeling its existence absolves them of their social responsibilities. Others think the V-chip misses the mark completely, since it only results in good warnings on bad programming.

### **3. Classification/Rating Systems**

The Action Group on Violence on Television (AGVOT), made up of members of the film and television industry, voluntarily assumed the responsibility of inventing a television program classification system in 1993. This industry initiative was bolstered by the CRTC's 1996 policy on violence in television programming which directed the broadcasting industry, via AGVOT, to develop an informative and user-friendly rating system. The deadline set by the CRTC for having the rating system in place was originally September 1996 (Public Notice CRTC 1996-36), but was later extended, at AGVOT's request, to the launch of the 1997 fall viewing season (Public Notice CRTC 1996-134).

In keeping with the fall 1997 target date, AGVOT submitted its proposed six-level classification system to the CRTC on 30 April 1997; in June, the CRTC announced that it had approved this system (Public Notice CRTC 1997 - 80). It will be used to classify all programs, except for those types exempt from being rated; for example, news, sports, documentaries, talk shows, music videos and variety shows. The six levels of program ratings are accompanied by descriptive guidelines to help programming services assign ratings to their programs on an age-appropriate basis. The six categories for classification purposes are: "Children; Children 8 and over; General Audience; Parental Guidance; 14 years and older; and 18 years and older." The Canadian Broadcast Standards Council will serve as a clearing house for information on the new rating system and as an arbitrator in any disagreements arising between viewers and programming services over the classifications assigned to particular shows.

Although the pay television, pay-per-view and French-language services were represented on AGVOT's classification committee, current plans are for the new classification system to be used only by English-language conventional stations and networks and English-language specialty services. All other English- and French-language broadcasting services will continue to use the provincial film and video rating systems. It should be noted, however, that, in approving its classification system in June, the Commission urged AGVOT to continue to work towards harmonising all the television programming classification systems. Also, since technical and other circumstances did not allow for the newly approved classification system to be launched in conjunction with V-chip technology, the Commission agreed to AGVOT's suggestion that on-screen program classification icons be introduced in the fall season.

Development of the U.S. television program rating system has been unfolding concurrently with Canada's system, but under somewhat different circumstances. The American television industry was drawn into creating a "voluntary" rating system for television by the *Telecommunications Act (1996)*, which declared that the government would step in and create a system if the industry did not do so within a certain timeframe. In January 1997, the U.S. television industry submitted its proposed six-level rating system, the "TV Parental Guidelines," to the FCC, which in February formally called for comments on this proposal. In August, the industry submitted a revised proposal and the FCC issued a renewed call for comments. The FCC must now assess the voluntary rating system, which is very similar to the American movie rating system. If it finds the voluntary system acceptable, the FCC will establish technological standards to ensure this system can be handled by the parental control technology (V-chip technology) to be built into television sets manufactured after February 1998.

One of AGVOT's goals, supported by the CRTC, has been to make the Canadian rating system compatible with its U.S. counterpart, in other words, to strive for a North American TV program classification system. Such a system would certainly be more convenient for Canadian broadcasters and program distributors who show American programming, since they would not have to re-encode the U.S. programming according to a uniquely Canadian rating scheme. It remains to be seen, however, whether the Canadian and U.S. systems can be harmonized.

In approving the AGVOT rating system in June 1997, the CRTC commented that this system and the U.S. industry's TV Parental Guidelines appear, despite some variations, to be similar enough to avoid unduly confusing Canadian consumers. The CRTC also acknowledged, however, that the U.S. rating system has yet to be endorsed by the FCC. Noting AGVOT's intention to review and, if necessary and appropriate, amend the Canadian rating system once the American system has been finalised, the Commission pointed out that it would have to approve any substantive amendments.

In summary, three different television program rating systems are now being used by companies providing Canadian television programming services: the provincial film boards' rating systems used by pay television and pay-per-view services, the AGVOT rating system used by English-language conventional broadcasters and specialty services, and the Quebec Régie du cinema system used by French-language broadcasters. In addition, the Americans are well-advanced in the development of their own television rating system. Although a uniform, North America-wide TV program classification system remains a worthwhile goal, it is unclear, at this point, whether it will ever be achieved.

#### **4. Codes on Violent Programming**

Complementing the television program classification systems are the ethical codes or codes of conduct which govern violent programming. Whereas the classification systems provide a benchmark against which parents can assess which programs their children may watch and whether supervision is required, the codes establish the rules according to which the industry will guide itself when selecting and scheduling programming with violent content.

Codes on violence in television programming provide a set of uniform rules or guidelines that broadcasters and other program providers agree to follow. The codes usually establish general rules to govern violent programming, such as a ban on the broadcasting of gratuitous violence, as well as specific rules about the portrayal of violence, designed to protect children and other vulnerable groups. For example, they may establish "watershed hours" (hours after which scenes of violence intended only for adult viewing may be aired), mandate the use of program advisories to

warn viewers when a program might be particularly offensive, and so forth.

The CRTC has been actively encouraging each segment of the television broadcasting system -- privately owned networks and stations, cable providers, and the CBC -- to develop codes to govern the violent content in their schedules. Compliance with the codes is made a condition of operating licences. The results of these efforts are summarized by the chart below.

### **Violence Codes Across the Canadian Broadcasting System**

<b>Industry Segment</b>	<b>Programming Affected</b>	<b>Title/Status of Code Used</b>	<b>Compliance Monitor</b>
Private, conventional broadcasters	all programming aired in Canada by private stations /networks	<i>Voluntary Code Regarding Violence in Television Programming ("the CAB Code")</i> CRTC approved 1993	Canadian Broadcast Standards Council (CBSC) or, if broadcaster not a member, then CRTC
Canadian Broadcasting Corporation	all CBC television programming	CAB Code	CRTC
Cable, DTH satellite and wireless distribution systems	all foreign programming distributed by licensee, e.g., American networks, American stations	none	n/a
Cable, DTH satellite & wireless	any programming that licensee	CAB Code	CRTC

<b>distribution systems</b>	<b>originates, e.g., community channel, pay TV barker/promotional channel</b>		
<b>Cable distribution systems</b>	<b>all cable video games services</b>	<b>CAB Code plus game rating system</b>	<b>CRTC</b>
<b>Cable specialty services licensees</b>	<b>new cable specialty services, e.g., Bravo!, The Discovery Channel, etc.</b>	<b>CAB Code</b>	<b>CRTC</b>
<b>Pay TV and pay-per-view licensees</b>	<b>all pay TV and pay-per-view services, e.g., Super Écran, The Movie Network, etc. and barker channels provided by licensee</b>	<i>Pay Television and Pay-Per-View Programming Code Regarding Violence</i> <b>CRTC approved 1994</b>	<b>CRTC</b>
<b>Video on-demand licensees</b>	<b>Libraries of video-on-demand titles (mainly feature films)</b>	<b>none</b>	<b>n/a</b>

No code applies to violent U.S. programming distributed via Canadian cable systems. The CRTC hinted in its March 1996 policy on television violence, that in order to fill this void it might in the future require cable distributors to scramble the signal for any programming they receive from the U.S. that would contravene an existing, approved code, such as the CAB code. Meanwhile, the experimental success and imminent roll-out of a V-chip based program classification system, which would to apply to this so far unregulated programming, now seems to offer a simpler solution, by putting the power to block undesirable programming in the hands of viewers.

In addition, no code applies to video-on-demand programming undertakings, licensed for the first time in July 1997. Video-on-demand services are offered on a "pick-and-pay" basis, whereby the viewer individually selects and pays for each program, effectively acting as his or her own programmer; hence, a code may not be necessary. Without a code to govern video-on-demand licensees, however, they are free to include any kind of violent content in their libraries of titles. Parents, in this case, might need to monitor their children's viewing selections.

For those segments of the industry using television violence codes, the codes are not without their critics. Some civil libertarians suggest the

codes are replete with internal contradictions and their effective administration would require the wisdom of Solomon. Some script writers and others involved in the imaginative end of productions maintain that the codes impinge upon freedom of expression and will stifle creativity.

Criticisms aside, the CRTC's attempts at co-operative regulation of television violence using industry-designed codes and classification systems may present certain advantages over regulation by government-designed statutory instruments. The codes offer general guidelines and establish rules with sufficient elasticity to allow broadcasting licensees to use their expertise, discretion, and common sense in making programming decisions. The classification systems are also versatile in that they permit viewers to decide for themselves what programs are suitable for their TV screens. The flexibility inherent in the use of codes and ratings systems might not be achievable using legislative instruments, such as formal regulations

## **5. Constitutional Protection of Freedom of Expression**

The CRTC's main strategy in combatting television violence has so far been to invite all the players to seek a co-operative solution. For example, it has brought together members of the industry, parents' groups, and other interested parties to develop and introduce measures to protect children from the harmful effects of television violence. In addition, it has prompted the industry to become better at regulating itself, for example by developing sectoral codes to govern displays of violence on television. The Commission approves each code, when it is satisfied with its contents, and then makes its application a condition of licence for the broadcasting undertakings concerned.

Some legal commentators, such as Paul Horwitz, argue that the Commission's regulatory approach, though characterized as voluntary self-regulation, constitutes coercive government action and that the codes infringe the Charter's guarantee of freedom of expression. Even if the current codes do not constitute sufficient government action to invoke the protection of the Charter, the Commission could take a more hands-on approach in the future by issuing actual regulations (as was acknowledged in its April 1995 Notice of Public Hearing CRTC 1995-5) or the government could choose to intervene by introducing legislation to control violence on television. Any of these activities would clearly constitute government action and the Charter would definitely come into play.

Section 2(b) of the Charter guarantees everyone "freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication." Parliament and the government of Canada, including its regulatory agencies, cannot violate this freedom, unless that infringement is shown to be a reasonable limit, prescribed by law, which

can be demonstrably justified in a free and democratic society -- in other words, unless it is saved by section 1 of the Charter.

The Supreme Court of Canada has decided that all forms of expression are protected under section 2(b), with the possible exception of expression in the form of actual, physical violence. Thus, expression in the form of film, video or television programs would be protected by the Charter. In addition, all nature of expression is protected, even invidious types such as hate propaganda and hard-core pornography. Section 2(b) of the Charter is content-blind.

Given the courts' interpretation of section 2(b) of the Charter, regulatory action by the CRTC or legislative action by Parliament taken to control the violence appearing on television would clearly contravene the guarantee of freedom of expression. Thus, the courts could allow the violation of this right to stand only if they could be persuaded by the government that the violation could be justified under section 1 of the Charter. The task of persuading the courts is not one to be taken lightly. As the Supreme Court of Canada pointed out in *RJR-MacDonald v. Canada* (the 1995 decision in which it ruled that the federal government's law banning tobacco advertising was unconstitutional), the process of justifying a breach of the Charter's protection of free expression involves producing concrete evidence. Logic, intuition, or deference to Cabinet's secret deliberations will not be enough to satisfy the burden of proof resting with the government in such cases.

Some questions that the courts would consider in determining whether a contravening law or regulation was salvageable would include the following: What was the government's objective in creating it? Were the means chosen to accomplish that objective reasonable and fair? Is there compelling evidence of a rational connection between the objective contemplated and the means used? Is the law or regulation sufficiently clear? What is its negative impact?

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## **Parliamentary Action**

The *Broadcasting Act* and the *Criminal Code* are the main federal statutes that provide the actual or potential means to regulate or prohibit depictions of violence on television. Apart from this legislation, other key government responses to violence on television, such as committee reports and policy statements, are summarized in the Chronology, which follows this section.

### **A. Broadcasting Act**

In section 3 of the *Broadcasting Act* (S.C. 1991, c.11), Parliament established a broadcasting policy for Canada which sets goals for the Canadian broadcasting system. These goals include the following: that the Canadian broadcasting system should serve to safeguard, enrich and strengthen the social fabric of Canada; that the programming originated by broadcasting undertakings should meet a high standard; and that all broadcasting licensees should be responsible for the programs they broadcast. Section 5 requires the Commission to regulate and supervise all aspects of the Canadian broadcasting system and to implement the broadcasting policy established under the Act. Section 10 authorizes the CRTC to make regulations, including those respecting standards of programs and the allocation of broadcasting time for the purpose of giving effect to the broadcasting policy set out in section 3 of the Act. These provisions taken together provide the CRTC with the power and authority to regulate and supervise violent television programming.

On the other hand, the Commission's regulatory powers are not limitless. The Federal Court, Trial Division has ruled that the Act does not permit the CRTC to censor the contents of individual programs (*National Indian Brotherhood v. Juneau (No.3)*, [1971] F.C. 498 at 516). Also, as a government agency, the CRTC is required, in performing its functions, to respect the *Canadian Charter of Rights and Freedoms*, which protects, among other rights, freedom of expression.

## **B. Criminal Code**

The *Criminal Code*'s obscenity provision (R.S.C. 1985, c. C-46, s. 163) outlaws, among other things, making, distributing, selling, publicly exposing, and possessing materials, including films and videos that are "obscene." For materials to be considered "obscene," they must involve sex -- more specifically, "the undue exploitation of sex, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence." Violence alone -- i.e., when not depicted in conjunction with sex -- no matter how devoid of socially or culturally redeeming value, is not "obscene" under the law and is not prohibited. Recommendations to change the criminal law to introduce sanctions related to material depicting undue violence alone have been put forward by a number of federal committees over the years, including the Special Committee on Pornography and Prostitution (1985) and the House of Commons Standing Committees on Communications and Culture (1993) and on Justice and Legal Affairs (1994). As well, actual legislative reform was attempted through Bill C-19, an omnibus bill tabled in February 1984 that would have amended the *Criminal Code*, but which died on the *Order Paper*. That bill would have removed the necessary linkage between violence and sex in the Code's obscenity provision and would have added, to the definition of what is obscene, the undue exploitation of violence in degrading representations.

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## Chronology

**June 1952** - In the United States, the House Interstate and Foreign Commerce Subcommittee held the first congressional hearing on violence in radio and television and its impact on children and youth.

**31 December 1971** - The Report of the U.S. Surgeon General's Scientific Advisory Committee on Television and Social Behavior was released. It concluded that a modest relationship existed between the viewing of television violence and aggressive behaviour in some children.

**1977** - The Ontario Royal Commission on Violence in the Communications Industry released a report which found a connection between violence in the media and the incidence of violent crimes in society.

16 October 1980 - The Standing Senate Committee on Health, Welfare and Science, which studied early childhood experiences as causes of criminal behaviour, recommended that the CRTC and CBC take step to ensure a high standard in children's programming.

**1982** - The U.S. National Institute of Mental Health released a report updating the 1972 Surgeon General's report on television and behaviour. It found a consensus among most of the research community that a link exists between TV violence and aggression.

February 1985 - The Special Committee on Pornography and Prostitution recommended that the federal government treat violent material, under the *Criminal Code*, in a similar manner to obscene sexual material and that the provinces establish a system to review and classify videotapes.

**May 1992** - The Canadian Radio-television and Telecommunications Commission (CRTC) released two violence studies (*Scientific Knowledge about Television Violence* and *Summary and Analysis of Various Studies on Violence and Television*) which it had initiated following the shooting of 14 women at Montreal's Institut Polytechnique on 6 December 1989.

**18 November 1992** - Fourteen-year-old Virginie Larivière of Montreal presented the Government with a petition signed by more than 1.2 million Canadians, demanding legislation against violence on television. By early 1993, the total number of signatures collected exceeded 1.3 million.

**31 January 1993** - A patent for an apparatus, the "V-chip," to screen out violent programming on television was granted to its B.C. inventor, Tim Collings.

**19-20 February 1993** - The C.M. Hincks Institute, with support from the

CRTC, hosted a colloquium on TV violence in Toronto, out of which was born the Action Group on Violence on Television. One of the Group's main goals was to help develop a classification system for TV programs.

**19 February 1993** - The federal Minister of Communications, Perrin Beatty, announced a five-part strategy to deal with violence on television which involved an industry-wide code of ethics, public education, advertisers' co-operation, international collaboration and awards for those who make a difference.

**2 June 1993** - The House of Commons Standing Committee on Communications and Culture released its report *Television Violence: Fraying Our Social Fabric*, which concluded that the problem should be addressed by all stakeholders, including parents, government, and the industry, where possible on a voluntary basis and with minimal legislative intervention.

**7 June 1993** - A Gallup poll showed that 72% of Canadians would favour a law limiting violence on television.

**1 January 1994** - The Canadian Association of Broadcasters' code to regulate violence on television, which had been approved by the CRTC in October 1993, came into force.

**16 November 1994** - The House of Commons Standing Committee on Justice and Legal Affairs tabled its *Report on Crime Cards and Board Games* recommending that the obscenity provisions of the *Criminal Code* be expanded to prohibit the importation, distribution or sale of goods or materials whose dominant characteristic is the undue exploitation or glorification of horror, cruelty or violence.

**21 December 1994** - The CRTC approved a code to regulate violence on television developed by the providers of Canadian pay-TV and pay-per-view services.

**8 February 1996** - The U.S. *Telecommunications Act of 1996* came into effect, giving the industry one year to establish a voluntary rating system for television programming and requiring television manufacturers to install a V-chip type system in new sets.

**14 March 1996** - The CRTC announced its policy on violence in television programming and set a deadline of September 1996 for making V-chip technology and a V-chip-based program classification system available for public use in Canada.

**April 1996** - The Minister of Justice released "Undue Exploitation of Violence," a consultation paper aimed at gathering views on gratuitous and excessive portrayals of violence, to help the Minister discern, among other things, whether additional legislative or non-legislative measures are needed to deal with such portrayals.

**4 October 1996** - The CRTC extended the deadline to the start of the fall 1997 programming season for the roll out of V-chip technology and the introduction of a related program classification system.

**18 June 1997** - The CRTC approved a new classification system for violence in television programming proposed by the Action Group on

Violence on Television (AGVOT). Commitments were made to make V-chip technology available to Canadian consumers as soon as feasible and to introduce on-screen displays of program-rating icons as an interim measure.

**28 August 1997** - AGVOT unveiled the graphic icons to be used by English-language broadcasters and specialty services, beginning in September 1997, to identify the ratings assigned to their programs.

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