

Tuning in to the Fine Print: Law and Social Change in Media

Carly Kocurek

The regulation of distribution and access to media has profound implications in the shaping of culture for a country such as the United States, where certain major media, such as Hollywood film, network television, and Top 40 popular music, reach near ubiquitous levels of permeation. However, neither the meanings audience members make of individual media objects nor the channels of access through which these objects circulate are static. This flux is reflected in the decisions of the court cases which have defined the media industries' legal limits, and understanding the shifting relationship between consumers and producers/distributors of media depends on understanding the regulations and restrictions that resulted from this judiciary history.

The result of the U.S. Supreme Court hearing of *Video Software Dealers Association; Entertainment Software Association v. Schwarzenegger et. al.*, scheduled to be heard October 4, 2010, can only reinforce the significance of the legalities surrounding media distribution and access. Assuredly, to study media access is also to follow media law, but beyond the courts, it is also imperative to understand the industry-instituted ratings systems like those employed by the Motion Picture Association of America and the Recording Industry Association of America which shape media access as aggressively as any judge's ruling.

In the United States, where laws infringing on free speech principles are *non grata*, restrictions often take the form of industry standards which operate at a quasi-legal level. While there may be no law preventing 14 year olds from renting or viewing R-rated movies at their own discretion, the MPAA's efforts to curb youth access to R-rated and NC-17-rated films have had such a profound impact on the industry that an NC-17 rating effectively eliminates the possibility of wide distribution. The RIAA's system of ratings may not be as entrenched as the MPAA's, but it, too, effectively limits the audience for specific works.

The MPAA, RIAA, and the Entertainment Software Association introduced guidelines to prove and maintain the industries' veneer of respectability in the face of outraged moralists' incensed response to sexual or violent content. However, the reification of these guidelines through continued economic pressure has serious implications which need to be taken into account when considering audience habits and preference. Ratings systems like those of the MPAA, RIAA, and the Entertainment Software Ratings Board may not carry the weight of law, but the limits they impose have very real effects on media production and access as demonstrated by the refusal of many theaters to screen NC-17 films and the parallel of some retailers declining sell albums that bear parental guidance ratings. These ratings have become so accepted that it is not unusual for younger teens to assume that it is actually *illegal* for them to buy tickets to R-rated films, just as it is them to buy bottles of bourbon or cartons of cigarettes.

Nuanced understanding of U.S. media industries requires knowledge not only of legal limitations, but of industrial ratings systems and guidelines as well. Both laws and guidelines shape what is produced, what is circulated, and ultimately what is seen and by whom. To engage with the cultural meanings of media objects effectively, we, as media scholars, need to be able to understand the legal and industrial factors which have shaped them even before their inception.

Ignoring these critical factors serves to remove media objects from their context and dehistoricize them. As Thomas Doherty has demonstrated, looking at the earliest sound films made in Hollywood without historical context makes them seem anomalous; the nudity and other racy content make no sense without considering that they predate the moral panics that resulted first in the Hays Code and ultimately the MPAA ratings system. The details of what passes industrial censorship may be as vague and vexing as Justice Potter Stewart's infamous definition of hard-core pornography, but remains equally critical to understanding media culture.