



I40 When Freedom of Speech Harms: 13 Reasons Why and Its Influence on Suicide in Youths

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Learning Overview: After attending this presentation, attendees will: (1) know the difference between protected and prohibited speech as guaranteed by the First Amendment, (2) become familiar with the landmark cases relating to the First Amendment and the media, and (3) have a better awareness of how past legal decisions may change because of technological advances in media.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by raising their understanding of the phenomenon of suicide contagion; in particular, how media can influence vulnerable youth to model self-injurious behavior. In addition, there will be a discussion of landmark cases in which the media's freedom of speech was challenged based on its negative impact on society, namely, inciting violence.

Evidence of the effect of the media on suicide has been supported by the literature. The "Werther effect" was coined in 1974 by sociologist, David Phillips, after a rise in suicides committed by young men after reading Goethe's 1774 novel, *The Sorrows of Young Werther*, in which the tragic protagonist ends his life. Phillips substantiated the phenomena of copycat suicides, which has been supported by many ensuing studies. Another important consideration is age-specific effects because youth tend to imitate behavior, such as that shown in suicide clusters. Therefore, when the media focuses on suicide, youth may be highly susceptible to engaging in suicidal behavior.¹⁻⁵

In 2017, Netflix®, a media service self-described as "the world's leading internet television network with 130 million subscribers in over 190 countries," released the show, *13 Reasons Why*.⁶ In the season finale, the 16-year-old protagonist is shown cutting her wrists with a razor and then bleeds out and dies in a bathtub.⁷ In the weeks and months following the program's debut, at least one Los Angeles County psychiatric emergency department noticed a surge of young patients who were admitted involuntarily. For example, a mother brought her adolescent daughter to the emergency room after the daughter sent her a suicidal text message with a knife emoji the morning after viewing *13 Reasons Why*.

Considering the content in *13 Reasons Why*, which depicts suicide and targets a teenage audience, the constitutional protection of freedom of speech under the First Amendment may be challenged. The United States Supreme Court case in *Brandenburg v. Ohio* held that freedom of speech is not protected when it is "directed to inciting or producing imminent lawless action and is likely to incite or produce such action."⁸ The use of this reasoning in subsequent legal cases whereby the media's right to freedom of speech was upheld, as well as cases in which the media were censored and found liable, will be presented.

This presentation will not only discuss the impact of *13 Reasons Why* on the viewing public but will also highlight whether there may be a need to rethink the First Amendment guidelines in the 21st century. In addition, how the right of the media's freedom of speech can be balanced with that of society's right to be protected from harm, via its application in blogging, internet privacy, and other social media, will be addressed.

Reference(s):

1. Gould M.S., Jamieson P., Romer D. Media Contagion and Suicide Among the Young. *American Behavioral Scientist* 2003;46(9):1269-84.
2. Marzuk P.M., Tardiff K., Hirsch C.S., Leon A.C., Stajic M., Hartwell N., et al. Increase in Suicides by Asphyxiation in New York City after the Publication of Final Exit. *New England Journal of Medicine* 1983;329(20):1508-10.
3. Phillips D.P. The Influence of Suggestion on Suicide: Substantive and Theoretical Implications of the Werther Effect. *American Sociological Review* 1974;39(3):340-54.
4. Phillips D.P., Carstensen L.L. Clustering of Teenage Suicides after Television News Stories about Suicide. *New England Journal of Medicine* 1986;315:685-9.
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6. "About Netflix." Netflix Media Center. <https://media.netflix.com/en/about-netflix> (accessed July 16, 2018).
7. Yorkey, Brian, creator. *13 Reasons Why*. July Moon Productions, Kicked to the Curb Productions, Anonymous Content, and Paramount Television, 31 Mar. 2017. Netflix, <https://www.netflix.com/title/80117470>.
8. *Clarence Brandenburg v. State of Ohio*, 395 U.S. 444, (1969).

Freedom of Speech, Suicide, Media