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Re-Intermediation: Distribution, Online Access, and Gatekeeping in the Digital European Market

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Francesco Di Chiara and Valentina Re

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Re-Intermediation: Distribution, Online Access, and Gatekeeping in the Digital European Market

The Logic of Re-Intermediation: An Introduction[1]

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Abstract

This special issue of *Cinéma & Cie* analyses the logic and processes of re-intermediation emerging in the contemporary European media industry landscape, providing an opportunity to bring questions of availability, text circulation and gatekeeping to the centre of scholarly debates and investigations. Through contributions showcasing a wide array of methodological and theoretical approaches, the volume illustrates and analyses the presence of new gatekeepers, their impact in shaping texts and their consumption in different European contexts. Its case studies include file sharing, Curzon Home Cinema, VOD services and the problematic implementation of the Digital Single Market policy.

The introduction is structured in three parts. In the first, we define the logic of re-intermediation as the change in traditional intermediaries and the development of new, different gatekeepers; we then emphasize its importance for a full understanding of the cultural and economic struggles in the contemporary European audiovisual market. The second part provides an example of the ongoing re-intermediation processes by focusing on the lesser known case of 'aggregators' for VOD platforms, in reference to the activities of the international company Under the Milky Way. Finally, the third part provides a detailed overview of the articles included in the special issue.

Re-Intermediation and Distribution: Introductory Remarks

The past decade has witnessed the weakening role of traditional intermediaries, such as distributors, exhibitors and broadcasters, in the European screen industries. This is due to a series of phenomena that have affected traditional patterns of film distribution and consumption: the crisis of home video physical formats and the loss of related revenues; the shrinking of the theatrical window

[1] This work is the fruit of genuine and intensive collaboration on all parts and aspects of the introduction. Valentina Re is principally responsible for writing the first section, Francesco Di Chiara for writing the second section and Stefano Baschiera for the third section.

and, more radically, the crisis of the key principles on which the window system is based, namely exclusive territorial licensing and inter-temporal pricing; the growth of online streaming, especially after the arrival in Europe of global video-on-demand (VOD) services like Netflix and Amazon Prime Video;[2] and, finally, the dissemination of informal,[3] unauthorized services such as P2P portals and linking sites/cyberlockers.

Many of the early contributions to this field of research have underlined the disruptive role of these factors, in what has been defined as a welcome process of disintermediation.[4] This process has been seen as ushering the audiovisual market into a new era, characterized by the weakening of traditional gatekeeping systems and a new array of possibilities for filmmakers to reach their audiences. Nevertheless, excessive emphasis on the supposed obsolescence of intermediaries risks a rhetoric of unconditioned, limitless and ubiquitous content access, as well as the democratization of audiovisual culture in the digital age.

On the contrary, recent scholarship has drawn on the assumption that, rather than disappearing, intermediaries are instead changing shape, through processes of re-intermediation that involve negotiations between several subjects, all interested in maintaining control over content access.[5] This special issue engages with this perspective. We suggest that looking at the logic of re-intermediation — defined as the changing of traditional intermediaries and the development of new, different gatekeepers — it is possible to offer a new understanding of the contemporary European audiovisual market.

Indeed, renewed forms of intermediation have led to fresh strategies of control taking over the old gatekeeping model, engaging with new forms of competition, and creating relationships and synergies with other actors in the market.

With this approach, this special issue aligns itself with the recent renewal of academic attention toward aspects of media distribution as 'a fruitful site for investigating the major struggles over cultural and economic power that have long invigorated the field'.[6] With digitalization, the emergence of new business

[2] See Stuart Cunningham and Jon Silver, *Screen Distribution and the New King Kongs of the Online World* (London: Palgrave MacMillan, 2013).

[3] On the idea of informal media economy see especially Ramon Lobato, *Shadow Economies of Cinema: Mapping Informal Film Distribution* (London: BFI–Palgrave 2012); Ramon Lobato and Julian Thomas, *The Informal Media Economy* (Cambridge and Malden: Polity Press, 2015).

[4] On the idea of disintermediation see in particular *Digital Disruption: Cinema Moves On-line*, ed. by Dina Iordanova and Stuart Cunningham (St Andrews: St Andrews Film Studies, 2012). See also Henry Jenkins, Sam Ford, Joshua Green, *Spreadable Media: Creating Value and Meaning in a Networked Culture* (New York and London: New York University Press, 2013). The authors oppose the traditional idea of distribution to that of circulation, aimed at stressing 'the roles that networked communities play in shaping how media circulates' (p. 2).

[5] See, among others: Michael Gubbins, SampoMedia, *Audience in the Mind* (Château-Renault: Cine-Regio, 2014); Chuck Tryon, *On-Demand Culture: Digital Delivery and the Future of Movies* (New Brunswick, NJ and London: Rutgers University Press, 2013); Virginia Crisp, *Film Distribution in the Digital Age: Pirates and Professionals* (London: Palgrave Macmillan, 2015); Patrick Vonderau, 'The Politics of Content Aggregation', *Television & New Media*, 16.8 (December 2015), 717–33.

[6] 'Introduction', *The Velvet Light Trap*, 75 (2015), 1–4 (p. 1).

models that challenge consolidated practices has presented scholars with new opportunities to question how distribution operates.[7] New developments in 'distribution studies' are characterized by a variety of theoretical frameworks, methodologies, and levels of engagement, all of which have begun to reveal how the long arm of distribution practices profoundly shapes the global media landscape.[8]

Recent research has indeed argued that a focus on the circulation of media products in cultural markets can impact several approaches to media studies, offering new insights on film genre,[9] as well as revealing the manifestation of corporate power through global rights management.[10]

From this perspective, the study of the logic of re-intermediation and its ongoing processes provides a theoretical framework and the analytical tools to delve into these cultural and economic struggles and their effects.

A seminal example of newcomers changing the shape of the audiovisual distribution patterns is, of course, that of VOD services. While both transaction-based and subscription-based video-on-demand services still remain a relatively small sector of the European audiovisual services market, they are also the fastest-growing,[11] and represent a force that traditional gatekeepers could not ignore. In the European market such growth has been driven by the development of VOD services operating at a global level, and in particular SVOD (subscription video-on-demand) services like Netflix (2012) and Amazon (2014).

[7] Alisa Perren, 'Business as Unusual: Conglomerate-Sized Challenges for Film and Television in the Digital Arena', *Journal of Popular Film and Television*, 38.2 (Summer 2010), 72–78.

[8] See for instance, Ramon Lobato, 'The Politics of Digital Distribution: Exclusionary Structures in Online Cinema', *Studies in Australasian Cinema*, 3.2 (2009), 167–78; Alisa Perren, 'Rethinking Distribution for the Future of Media Industry Studies', *Cinema Journal*, 52.3 (2013), 165–71; Kevin P. McDonald, 'Digital Dreams in a Material World: The Rise of Netflix and its Impact on Changing Distribution and Exhibition Patterns', *Jumpcut: A Review of Contemporary Media*, 55 (Fall 2013); Jeff C. Ulin, *The Business of Media Distribution* (New York and London: Focal Press, 2013) (2nd edition); *Distribution Revolution: Conversations about the Digital Future of Film and Television*, ed. by Michael Curtin, Jennifer Holt and Kevin Sanson (Oakland: University of California Press, 2014); Jennifer Holt and Kevin Sanson, *Connected Viewing: Selling, Streaming & Sharing Media in the Digital Era* (London and New York: Routledge, 2014); *Besides the Screen: Moving Images through Distribution, Promotion and Curation*, ed. by Virginia Crisp and Gabriel Menotti Gonring (London: Palgrave Macmillan, 2015).

[9] Ramon Lobato and Mark David Ryan, 'Rethinking Genre Studies through Distribution Analysis: Issues in International Horror Movie Circuits', *New Review of Film and Television Studies*, 9.2 (2011), 188–203.

[10] Philip Drake, 'Distribution and Marketing in Contemporary Hollywood', in *The Contemporary Hollywood Film Industry*, ed. by Paul McDonald and Janet Wasko (Malden, MA: Blackwell, 2008), 63–82.

[11] Christian Grece and others, *The Development of the European Market for On-Demand Audiovisual Services* (Strasbourg: European Audiovisual Observatory, 2015); Laura Croce and Christian Grece, *Trends in Video-on-Demand Revenues* (Strasbourg: European Audiovisual Observatory, 2015); Christian Grece, *The SVOD Market in the EU: Developments 2014/2015* (Strasbourg: European Audiovisual Observatory, 2015); Francisco Javier Cabrera Blázquez and others, *VOD, Platforms and OTT: Which Promotion Obligations for European works?* (Strasbourg: European Audiovisual Observatory, 2016).

Firstly, these services quickly exerted a huge impact on the consumer base, by offering audiences seemingly endless catalogues, and promoting a pervasive 'on-demand culture'[12] characterized by a widespread promise of new forms of immediate, personalized, and ubiquitous access to films and television shows. However, it must be stressed that such infinite, immediate, and personalized access is actually being filtered through interfaces ruled by recommendation algorithms prone on redefining, or re-intermediating, users' viewing habits.[13] In other words, while being oriented by personal preferences, the user experience of SVOD catalogues is guided at the same time by software and business decisions, which do not necessarily benefit the long tail of niche productions, as was enthusiastic suggested in early accounts of these systems,[14] and as Netflix continues to claim today.[15]

Secondly, the debut of these global players in the European market has affected both new and old stakeholders, stimulating competition from local VOD companies as well as Internet service providers or Telcos and broadcasting companies branching out in the VOD sector. In light of the re-intermediation logic, it is particularly interesting to take into account how public service broadcasters, commercial free-to-air broadcasters and pay televisions have developed online services based on a logic of integration between linear and non-linear offerings, that also combines their back catalogue/legacy programs with new original programming and new content acquisitions.[16]

Therefore, seen through the perspective of re-intermediation, the emergence of different kinds of VOD services in the European market — be they global players, local providers, non-linear services belonging to scheduled-programming broadcasters or ISPs, etc. — is affecting the offer of on-demand content while, at the same time, shaping the experience of end-users.

Nevertheless, the behavior of on-demand audiovisual media services and of other, more traditional players in the European audiovisual market is, in turn, also affected by supranational policymaking. We refer, for instance, to the heated debate surrounding the European Digital Single Market strategy.[17] The removal

[12] See Tryon, *On-Demand Culture*.

[13] On the controversial relevance of algorithms in contemporary, data-driven culture see for instance: William Uricchio, 'Television's Next Generation: Technology/Interface Culture/Flow', in *Television after TV*, ed. by Lynn Spigel and Jan Olsson (Durham and London: Duke University Press, 2004), pp. 163–82; Ted Striphas, 'Algorithmic Culture', *European Journal of Cultural Studies*, 4-5.18 (2015), 396–412; Blake Hallinan, Ted Striphas, 'Recommended for You: The Netflix Prize and the Production of Algorithmic Culture', *New Media Society*, 18.1 (2016), 1–21.

[14] Chris Anderson, *The Long Tail: How Endless Choice Is Creating Unlimited Demand* (London: Random House Business Books, 2007).

[15] See in particular Carlos A. Gomez-Uribe, Neil Hunt, 'The Netflix Recommender System: Algorithms, Business Value, and Innovation', *ACM Trans. Manage. Inf. Syst*, 6.4 (2015), 1–9.

[16] See Luca Barra and Massimo Scaglioni, 'Convergenze parallele. I broadcaster tra lineare e non lineare', in *Streaming Media. Distribuzione, circolazione, accesso*, ed. by Valentina Re (Milan-Udine: Mimesis, 2017), pp. 31–47.

[17] For the main policies involved see: https://ec.europa.eu/digital-single-market/en/policies/

of unjustified geoblocking mechanisms,[18] cross-border portability of digital services[19] and cross-border access to online content, the possible abolition of exclusive territorial licensing[20] as well as the obligation to finance and promote European content[21] are eliciting different responses in a variety of stakeholders.[22] This includes European producers and distributors, European public-services and commercial broadcasters, global giants or smaller European VOD services and consumer organizations.

In addition to the formal side of the audiovisual sector, we also need to take into account the informal side. Although it does not exactly overlap with illegal activities, informal practices are mostly associated with a wide array of unmeasured, unregulated, semi-legal or extra-legal practices, thus undermining what is conventionally taken as *the* economy of a specific sector. In this respect, the logic of re-intermediation also concerns informal distribution platforms (for instance P2P portals, newsgroups, linking sites connected to cyberlockers), which feature new forms of gatekeeping through their own policies and strategies and objectives, as well as interaction with formal distribution and its main players.[23]

Informal distribution services, understood as unauthorized forms of 'social distribution'[24] which rely on consumers acting as new intermediaries, play a fundamental role in spectators' viewing habits and choices. The 'curatorial' impulse of consumers or fans, irrespectively of any expectation of profit, emerges in the field of informal distribution, and a 'collective archival activity'[25] produces

shaping-digital-single-market [accessed 15 December 2017].

[18] *Geoblocking and Global Video Culture*, ed. by Ramon Lobato and James Meese (Amsterdam: Institute of Network Cultures, 2016).

[19] <https://ec.europa.eu/digital-single-market/en/cross-border-portability-online-content-services> [accessed 15 December 2017].

[20] Francisco Javier Cabrera Blázquez and others, *Territoriality and its Impact on the Financing of Audiovisual Works* (Strasbourg: European Audiovisual Observatory, 2015). See also: <https://ec.europa.eu/digital-single-market/en/modernisation-eu-copyright-rules> [accessed 15 December 2017].

[21] <https://ec.europa.eu/digital-single-market/en/revision-audiovisual-media-services-directive-avmsd> [accessed 15 December 2017].

[22] See in particular Oxera and O&O, *The Impact of Cross-Border Access to Audiovisual Content on EU Consumers* (2016), defined as a report 'prepared for a group of members of the international audiovisual industry'.

[23] Lobato and Thomas, *The Informal Media Economy*. YouTube, for instance, insofar as a classical mix of both formal and informal elements, has created an advertising market and a TVOD (transactional video-on-demand) service based on precedent video-hosting and video-sharing services; Netflix monitors the most downloaded TV shows to improve its production strategies; many VOD services enhanced their offerings to compete with unauthorized services; finally, circulation in informal communities may lead to the success of independent filmmakers and productions (the network or 'revaluation' effect).

[24] Candace Moore, 'Distribution Is Queen: LGBTQ Media on Demand', *Cinema Journal*, 53.1 (2013), 137–44.

[25] Rayna Denison, 'Redistributing Japanese Television Drama: The Shadow Economies and Communities around Online Fan Distribution of Japanese Media', *The Velvet Light Trap*, 75

catalogues shared by communities. Even today, 'fan-made' or file sharers' catalogues are often more effective in their structure than the libraries of formal services; movies presentations may look more detailed and precise; and the user experience may prove to be even more enjoyable and satisfying. In this respect, human recommendations (lists of top rated movies or most recent comments, for instance) are far more central than in formal streaming services, thus enforcing the sense of community and the loyalty of users.

Finally, it is important to recall that the process of re-intermediation cannot be circumscribed to the domain of digital distribution, but it also affects the role played by other, pre-existing, institutions. An interesting example is that of film festivals. Because of the disruption of traditional release windows caused by the digital distribution technologies in the audiovisual sector, the gatekeeper function of the film festival circuit, and the value-adding process it generates through its economy of prestige,[26] has become all the more important. In fact, circulating and accumulating prizes in the film festivals circuit before entering the film-value chain is a fundamental step, especially for low-to medium budget films competing in the art-cinema sector, to avoid the risk of disappearing into the seemingly endless catalogues of global-operating VOD services.[27]

New, Invisible Players: The Agent Aggregators

So far, we have addressed re-intermediation as a logic that involves the re-definition of market strategies, policymaking and consumption, driven by reciprocal interaction between pre-existing stakeholders (e.g. broadcasters), new players (e.g. over the top [OTT] services), supranational institutions (e.g. the EU) and end-users. However, we want also to draw attention to what is, perhaps, one of the less visible but more symptomatic players to have emerged in this new process of re-intermediation: the 'aggregators', intended as business-to-business services, acting between local rights holders and on-demand platforms. In this respect, it is worth noting that in academic as much as in professional and policy-making discourses, the term 'aggregator' has a rather unstable definition, which varies not only diachronically but also according to the players involved. For

(2015), 58–72.

[26] On the film festival circuit see Thomas Elsaesser, *European Cinema: Face to Face with Hollywood* (Amsterdam: Amsterdam University Press, 2005) and Marijke De Valck, *Film Festivals: From European Geopolitics to Global Cinephilia* (Amsterdam: Amsterdam University Press, 2007). For the value adding process of film festivals, see James English, *The Economy of Prestige: Prizes, Awards, and the Circulation of Cultural Value* (Cambridge, MA: Harvard University Press, 2008) and Marijke De Valck, 'Fostering Art, Adding Value, Cultivating Taste: Film Festivals as Sites of Cultural Legitimization', in *Film Festivals: History, Theory, Method, Practice*, ed. by Marijke De Valck, Brendan Kredell and Skadi Loist (Abingdon: Routledge, 2016), pp. 100–16.

[27] On the fluctuation of value of cultural artifacts, especially in relation to their presence in the catalogues of SVOD platforms, see Vonderau, 'The Politics of Content Aggregation'.

instance, on some occasions the term is used to encompass both VOD retailers and the middlemen providing technical services and/or content to said platforms. A report by Cabrera Blázquez, Cappello, Grece and Valais suggests that the term 'can include the provision of a technical platform to store and retrieve content […]; the management of advertising, transactional or subscription sales related to the content; the recommendation of content proposed to the user, often supported by algorithms.'[28]

On other instances, however, the definition of aggregators is more restrictive, as in the work of Ramon Lobato[29] and Patrick Vonderau who understand them as gatekeepers who connect rights-holders to retailers, performing an 'agent-' rather than a 'retail function' and they are thus labelled 'agent aggregators'.[30]

A similar approach is taken in a recent publication by Fontaine and Simone for the European Audiovisual Observatory, which distinguishes aggregators from retailers. However, the report describes them as 'companies that serve as middlemen between right holders and VOD platforms, often providing technical, localization and marketing services'.[31] In other words, aggregators are understood here as a new form of gatekeeper/intermediator in the digital distribution landscape, which overlaps with, and in many cases outright replaces, the role of traditional distributors.

We believe that this ever-shifting definition of the role of aggregators is indicative of two phenomena related to the scenario of digital distribution.

First, the confusion surrounding the term 'aggregator' emerges from the presence of several players coming from highly different backgrounds, who perform uneven tasks in the value chain. As pointed out again by Fontaine and Simone, 'aggregator' is a blanket term that covers players as diverse as the digital rights departments of big media companies; physical home video companies, which negotiate the rights of their catalogue with VOD retailers; and even companies specialized in digital postproduction, which encode digital files according to the standards required by VOD platforms.

Second, from a diachronic point of view, the role of the aggregator has changed in the past few years, beyond the definition of a middleman between rights-holders and VOD platforms. This particular player has started offering services that are normally provided by distributors, such as localization, marketing, and even content curation, through the assembly of content packages.

These two phenomena stress how the supposed digital disintermediation has instead evolved into a form of re-intermediation through the emergence of new, more flexible and unstable players, that are replacing existing gatekeepers by constantly adapting to changes in technology and policy. In this respect,

[28] Cabrera Blázquez and others, *On-Demand Services and the Material Scope of the AVMSD*, p. 11.
[29] Lobato, *The Politics of Digital Distribution*.
[30] Vonderau, *The Politics of Content Aggregation*, p. 723
[31] Gilles Fontaine and Patrizia Simone, *VOD Distribution and The Role of Aggregators* (Strasbourg: European Audiovisual Observatory, 2017), p. 8.

we believe that Under the Milky Way, a European agent aggregator created in 2010, exemplifies fruitfully the activities and the outcomes of this new kind of player.[32]

Under the Milky Way performs multiple activities that overlap with, and inherently redefine, the roles of pre-existing intermediaries. The company acts as a sales agent of small-scale European films as it directly negotiates with producers to acquire cross-borders licenses; however, at the same time it functions as an international distributor, in that it creates subtitles or dubbing while developing targeted and localized marketing strategies. Finally, it performs relevant curatorial functions with regard to the content, by compiling pre-packaged selections of movies and selling them to (mostly) transactional-based VOD platforms, thus enhancing the appeal of each European film in international markets, boosting demand, and driving consumption. It should be noted that Under the Milky Way performs this activity in synergy with, and with the support of, the EU Creative Europe/MEDIA programme, which in turn has among its current objectives 'the development of licensing hubs to facilitate the licensing of works in countries where they have not been released in cinemas' and the creation of European aggregators.[33]

Therefore, when it comes to re-intermediation, the new digital environment is not abolishing traditional intermediaries such as film distributors, but rather reshaping their activities and complicating the film value-chain with the emergence of new, ductile players that manage to occupy uncovered positions and interact with multiple stakeholders.

An Overview of This Special Issue

This special issue aims to explore the on-going transformations in the gatekeeping systems that regulate the digital distribution of audiovisual content in the European context. The first three contributions deal with the impact exerted by the development of VOD platforms, first taking into account a global phenomenon like Netflix, then analysing local services operating in medium and small-scale European markets, and finally focusing on their inner gatekeeping mechanisms.

When entering European national markets, global distribution platforms face the problem of debuting in countries with already established media systems, power balances and competitive environments, where they face the

[32] See: <http://galaxy.underthemilkyway.com/about> [accessed 15 December 2017].
[33] European Commission, '25 Years of the EU's MEDIA Programme: Questions and Answers' (2016), <https://www.google.it/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwii8qeSoqLXAhXSYlAKHaMhAkwQFggpMAA&url=http%3A%2F%2Feuropa.eu%2Frapid%2Fpress-release_MEMO-16-3881_en.pdf&usg=AOvVaw369gjhm6ZcAkjjooUnxQd> [accessed 15 December 2017].

task of mediating between the expectations and the habits of those countries' mainstream audiences. The first essay, written by Luca Barra, thus follows the carefully planned arrival of Netflix in Italy in late October 2015. A medium-sized market, Italy arguably served as a sort of mid-point between Netflix's debut in European markets a few years earlier, and its planned global launch in January 2016. Drawing on a media-production studies approach, the article focuses on the promotional discourses circulating in the months preceding and following the actual launch, stressing the disruption rhetoric employed by the company's press-office as well as its uncritical adoption by the Italian press and social media. In doing so, the author highlights how a logic of re-intermediation is implied not only by the very gatekeeping function of digital VOD platforms, but also by the role played by different kinds of intermediaries (press-offices, national media, institutions and other stakeholders) in establishing the brand identity of a global service within the media system of a national market.

In the second contribution, Petr Szczepanik moves out of the scope of global OTT platforms in order to investigate the reactions of a whole small-nation market to the challenge posed by the current development of VOD platforms. Taking the Czech Republic as a case study, the author examines how different players in that specific market are reacting to the ongoing changes regarding digital distribution and its intermediaries, highlighting in particular different stakeholders' reactions to the intended process of revision of territorial licensing and copyright regulations, which are part of the EU Digital Single Market strategy. As a result of Szczepanik's analysis, it emerges that both the advent of global players and the possible implementation of the DSM seem to have had a limited impact in a small-nation context characterized by an online audience which is mostly interested in local content and is seemingly loyal to local distribution brands. Thus, rather than in the new possibilities of cross-border circulation implied by the EU strategy, local stakeholders seem to be interested in finding new ways of serving the local market, and thus the process of re-intermediation mostly results in new intermediary roles for the traditional players. This is demonstrable in the case of cinema distributors who have assumed the function of aggregators of digital rights.

Rather than the impact of digital distribution services on European markets, the third contribution focuses on recommendation system algorithms as gatekeepers in a VOD environment. Drawing from his experience in collecting metadata for the VOD platforms owned by the Italian media company Mediaset, Giorgio Avezzù analyses the data supply chain, emphasizing the role played by executive decisions in setting the hierarchy of categories on which recommendation algorithms rely. In fact, despite a rhetoric insisting on the neutrality of automation stemmed mostly by the VOD platforms themselves, recommender systems rely extensively on human processes, ranging from the tagging of videos to algorithm configuration. Furthermore, recommender systems are ultimately shaped by business decisions, and act like intermediaries filtering content and shaping a user's experience of VOD services.

The process of re-intermediation is not limited to the field of VOD distribution, but it also concerns the role played by informal distribution, as well as new gatekeeping practices performed by traditional players: for instance, film festivals and theatrical exhibition. As is the case of less visible albeit nonetheless present new intermediaries of digital distribution, even the structures and policies of unauthorized content circulation can appear invisible if mapped using methods rooted in the logic of the traditional content supply chain. Instead, as Virginia Crisp stresses in her contribution, even in an informal distribution ecology there are gatekeepers that regulate the circulation of cultural goods according to their own set of values and objectives. The author focuses on the release group known as the 'Scene', and on the role it plays in controlling media supplies through a network of distribution outlets including (but not limited to) newsgroups, linking sites, file sharing communities, etc. Operating as a globally spread, hierarchically organized cluster of micro-organizations, the 'Scene' acts as a gatekeeper by disciplining, through its own set of rules, the nature and the scope of the content it provides to said outlets, filtering them through a logic of internal competition based on the speed and technical prowess of single release groups. Far from being devoid of a logic, as it might appear from an outside perspective, informal distribution instead operates through an inner set of values, which are at odds with the practice of aggregating huge catalogues typical of VOD platforms, or with the curatorial attitude of smaller, niche operations.

A curatorial logic is instead prevalent in the two case studies analysed in the final contribution, written by Ian Robinson and focussing on two VOD platforms that were partly financed through the Creative Europe's MEDIA programme. Festival Scope and Curzon Home Cinema have diverse origins: the first is the consumer-targeted evolution of a business-to-business platform, tied to the festival circuit; the second is the division of a distribution and exhibition company specialized in art house cinema. However, these platforms share a similar attitude, as they act as gatekeepers of film culture by proposing carefully selected films from the festival circuit and organizing day-and-date releases of films aimed at a cinephile audience. In fact, as stressed by Robinson, Festival Scope and Curzon Home Cinema re-intermediate the festival and theatrical experience by inducing scarcity through time-limited releases, and thus transforming their online programs into events. But above all, by stressing the expertise implied by their selections, these platforms oppose a rhetoric of curation to the prevalent aggregation logic characteristic of VOD systems. As we have previously seen in the case of the content aggregator Under the Milky Way, emphasizing curatorial activity seems to be an essential strategy for small and medium new operators, which are attempting to emerge in the restructured value-chain introduced by the logic of re-intermediation.

On-Demand Isn't Built in a Day: Promotional Rhetoric and the Challenges of Netflix's Arrival in Italy

Luca Barra, Università di Bologna

Abstract

In the months surrounding Netflix's arrival on the Italian market, different media outlets presented the platform not only as revolutionary, a game-changer, but also as a threat for established broadcasters. After a long wait, with hype fanned by the news coming from the US, the launch in many other European markets, and the strengths of the first branded productions, Italian TV audiences have also been able to access Netflix's library and original series, since 22 October 2015. On the one hand, Netflix has reaped the results of its effort to establish a long-term promotional discourse in Italy. On the other, however, Netflix's late appearance was also couched in the context of a complex media scenario and an already established national on-demand market. A rhetoric of disintermediation has been carefully constructed at the exact moment when a powerful global intermediary was entering the Italian market, masking its (future, intended) gatekeeping role. Adopting a media-industry and production-studies approach, this essay reconstructs Netflix's arrival in the Italian landscape, focusing on the promotional discourse and its rhetoric, and on the reactions from the press, to give a deeper, more nuanced view of the phenomenon in the national media arena.

In the last decade, the emergence and onward march of subscription video-on-demand services (SVOD) has often been presented and marketed as a revolution. After a period of transition, this paradigm shift would destroy the foundations of 'traditional' linear broadcasting, providing unprecedented access to film, television series, and other content without filters or intermediation. However, a closer look reveals how, despite the hopes, rhetoric, and expectations, the transition towards non-linear television has proved more complex, with overlaps and incongruities, as old habits coexist with original innovations, and with no stable outcome. To paraphrase a proverb, 'on-demand isn't built in a day' but requires a long, uncertain gestation.

Concentrating on a single on-demand platform, Netflix, and a single country, Italy, this paper examines how the service was launched on the national market, from announcement to completion. It highlights the challenges of the inauguration, the company's promotional efforts, the role of audiences, opinion

leaders and institutions, the professional routines and approaches involved, the rhetoric used, and its impact on the public discourse. Italy is a peculiar example because of the specificity of the national media, but also due to the launch's intermediate position, between the early-adopter foreign countries, where the service entered some years before, and the one-day global launch in (almost) all the remaining markets in January 2016.

The analysis focuses on three levels. First is the important, even crucial, role played by promotional cultures in presenting a technological, editorial, and commercial innovation that arrived late in the medium-sized Italian market. The choice of specific timings and tools, the 'triggers' used to generate and amplify discourse, and the building of a relationship with a wide range of cultural actors show how promotional goals are always complemented by habits, best practices, and professional logics rooted in screen industries and production cultures.[1] On a second level, from an industrial and professional perspective, reconstructing the trajectory of Netflix's beginnings in Italy brings out not only its distinctive features but also some more general concepts on these services and their expansion logic. These include an international company's relationship between the local and the global, the emergence of a specific model for 'robust large television markets', and the complexities of countries with long histories and intense competition such as Italy (or France, Spain, and Germany),[2] the inevitable clashes between hype and reality, or the compromises and alliances that even a powerful, disruptive service such as Netflix has to forge in order to position itself and be successful. Moreover, on a third level, building on distribution logic and discourses, the step-by-step narration of Netflix's entry into the Italian media circuit highlights the struggle between the disruptive rhetoric and the original forms of re-intermediation provided by on-demand platforms and content aggregators.[3] In film, television, and digital media, distribution is

[1] On promotional discourses and logic in film, television, and digital media, see Catherine Johnson and Paul Grainge, *Promotional Screen Industries* (London: Routledge, 2015) and several articles in the special 'Ephemeral TV' issue of *Critical Studies in Television*, ed. by Catherine Johnson and Elke Weissman, 12.2 (2017), 97–205.

[2] For an overview of the slow but continuous growth of video-on-demand markets in Europe and Netflix's role, see IT Media Consulting, *Il video on demand in Europa: 2015–18*, report, June 2015 (and subsequent updates). Other important sources of information are the European Audiovisual Observatory reports, especially Gilles Fontaine and Patrizia Simone, *VOD Distribution and the Role of Aggregators* (Strasbourg: European Audiovisual Observatory, 2017). On the specificities of the French case history, see Arthur Kanengieser and Olivier Bomsel, *Après Netflix. Sensibilité des obligations de production de la télévision à la pénétration de la SVOD*, Chaire ParisTech d'Economie des Médias et des Marques, September 2014. On the German scenario, see Lothar Mikos, 'Netflix – zwischen Mythos und Realität', *tv diskurs*, 3 (2016), 84–87; and Christian Stiegler, 'Invading Europe: Netflix's Expansion to the European Market, A German Case Study', in *The Netflix Effect: Technology and Entertainment in the 21st Century*, ed. by Kevin McDonald and Daniel Smith-Rowsey (New York: Bloomsbury, 2016), pp. 203–18.

[3] On this topic, see Chuck Tryon, *On-Demand Culture* (New Brunswick: Rutgers University Press, 2013); Patrick Vonderau, 'The Politics of Content Aggregation', *Television and New Media*, 16.8 (2015), 717–33. See also *The Netflix Effect*.

crucial in shaping media texts and their meaning, in making them available and accessible to viewers, in framing, connecting, and monetizing otherwise disparate audio-visual fragments.[4] The debut of the most widespread and significant on-demand subscription platform offers an opportunity to explore both its role in furthering the spread of content and brands and the discursive space occupied by opinion leaders, media gatekeepers, and promotional tactics.[5]

The research presented here follows an approach grounded in media-production studies;[6] it is mainly interested in professional logics, trade rituals, and advertising routines, on the one hand, and the creation of informative and promotional discourses through various professional and amateur players, on the other. Promotion has a value both in itself, as discourse trying to set the agenda at carefully planned times, and to generate other discourses, and in revealing industry strategies and logics, thanks to the public or semi-public role of some of the main professional actors involved; and this is particularly useful in a case of Netflix, where the access to first-hand information and data is extremely limited. Consequently, a complete mapping has been conducted of the articles on Netflix published on paper and digitally by the main Italian newspapers, magazines, and trade publications from May to October 2015. Where necessary, that survey has been supplemented by an analysis of top-down and bottom-up online discourses about Netflix on social media, singling out a selection of user accounts and posts/tweets: while the institutional messages are fully part of every step in the promotional strategy, grassroots ones have been especially important

[4] See Jeff Ulin, *The Business of Media Distribution: Monetizing Film, TV and Video Content in an Online World* (Boston: Focal Press, 2009); *Distribution Revolution: Conversations about the Digital Future of Film and Television*, ed. by Michael Curtin, Jennifer Holt, and Kevin Sanson (Oakland: University of California Press, 2014); Alisa Perren, 'Rethinking Distribution for the Future of Media Industry Studies', in *Cinema Journal*, 52.3 (2013), 165–71; on TV scheduling's role in creating order in the digital scenario, see also Luca Barra, *Palinsesto. Storia e tecnica della programmazione televisiva* (Rome-Bari: Laterza, 2015), pp. 156–82.

[5] For an initial analysis of the significance of distribution and promotion in media trends, see Paul M. Hirsch, 'Processing Fads and Fashions: An Organization-Set Analysis of Cultural Industry Systems', *American Journal of Sociology*, 77.4 (1972), 639–59. The pyramidal model presented there — with production connected to distribution and distribution tied to both consumption and media gatekeepers — is extremely valid for television and digital media, too, and has also shaped the present study.

[6] See John T. Caldwell, *Production Culture: Industrial Reflexivity and Critical Practice in Film and Television* (Durham: Duke University Press, 2008); Mark Deuze, *Media Work* (Malden: Polity Press, 2007); *Production Studies: Cultural Studies of Media Industries*, ed. by Vicky Mayer, Miranda J. Banks, and John T. Caldwell (London: Routledge, 2009); *Production Studies, The Sequel! Cultural Studies of Global Media Industries*, ed. by Miranda Banks, Bridget Conor, and Vicky Mayer (London: Routledge, 2015); *Behind the Screen: Inside European Production Cultures*, ed. by Petr Szczepanik and Patrick Vonderau (London: Palgrave MacMillan, 2013); Timothy Havens, Amanda D. Lotz, *Understanding Media Industries* (New York: Oxford University Press, 2012); *Making Media Work: Cultures of Management in the Entertainment Industries*, ed. by Derek Johnson, Derek Kompare and Avi Santo (New York: NYU Press, 2015); *Media Industries: Perspectives on an Evolving Field*, ed. by Amelia Arsenault and Alisa Perren (Media Industries Editorial Board, 2016).

as indicators able to signal rumours and news, often stimulated or exploited by promotion. The focus was then mainly on the role played by several media outlets in orienting and expanding the official discourses about the platform, and — through a direct analysis of documents such as press releases, where possible, or drawing inferences from journalists' articles — on the official promotion and press-office work.

A Long Wait, Full of Expectation

The Italian version of Netflix launched in late October 2015; the on-demand platform had already achieved considerable success in the United States, developed its acclaimed first original productions — with titles such as *House of Cards* (Netflix, 2013–) and *Orange is the New Black* (Netflix, 2013–) — and launched its service in several foreign countries, including some major European markets: the UK, Ireland, and Scandinavia in 2012, plus France, Belgium, Germany, Austria, and Switzerland in 2013.

As a consequence, the hype, the attention, and many traces of the global discourse about the service was widely experienced in Italy some years before Netflix was available to consumers there. The brand enjoyed a continuous presence in Italian-language web pages, sites, and articles from 2012, with accounts of the platform's features and its global-expansion plans, and rumours about a future debut in Italy, which intensified in the years that followed, and especially in the months leading up to the launch.[7] On national newspapers and magazines, both on paper and online, the international discourse was first mediated by foreign correspondents in the US, framing it as a new curious 'phenomenon' from abroad and a possible future revolution, and later explored in more detail by tech journalists, focusing on platform, interface and library, and by entertainment specialists as well, giving some space to contents, original productions and the actors and writers involved. This sporadic yet constant presence received a boost with the first European expansion of the platform, with mixed feelings of exclusion from the first and second tier of countries involved and of hype on the brand and its main assets, waiting for the almost inevitable Italian 'invasion'.

The start of the Italian version of the service could be carefully planned in fine detail, building both on the knowledge developed by the company in previous years and in similar markets, and on an established groundswell of needs and expectations (which at times were naïve). In 2015, Netflix Italia was entering the national market, where all parties — both the audience, or at least its most informed consumers, and the industry players, such as 'traditional' broadcasters and other on-demand services that launched similar viewing platforms and

[7] Source: Google Trends.

models before Netflix's arrival — had in many ways already formed their own idea about the service, months and years before it materialized.

Netflix's promotional efforts therefore had to take into account a huge number of discourses, hypotheses, opinions and expectations, true and false, about the company's plans, which had already been shaped and disseminated by grassroots users and corporate media. Moreover, this buzz was generated by the local repercussions of the company's US and then international publicity activities, which crossed national borders and laid the groundwork on which Netflix Italia's effort to establish and develop a specific, long-term promotional discourse would be built. It is important, in this initial phase of shaping the on-demand service's public image, to highlight the lack of direct action by the company — which was present only in the knock-on effects of its actions and campaigns in other countries — and the subsidiary role of many intermediaries trying (in an often disorganized, uncoordinated way) to fill this gap and to provide newsworthy information. They included amateur online users and more established sources, such as newspapers, magazines, radio and TV shows, and technology and media websites, including some possible media competitors. This rich yet confused discourse was both a strength, highlighting Netflix's impact and forging a positive image of the brand and the service, and an important and complex challenge, as the company was forced to live up to a growing hype and keen anticipation.

Initial Announcements: The Hype and the (Tentative) Attempts To Control It

The first official announcement of the Netflix launch on the Italian media market came on Saturday, 6 June 2015. The carefully planned story was released on several media outlets especially to reach the service's potential target audience: mainly young viewers and tech-savvy early adopters. At the same time, however, the story was constructed to follow the classic rules of the 'promotional game', reaching mainstream journalists and opinion leaders, helping them to understand the service, and inviting them to contribute to the general discussion. The news spread along four main 'axes', with different tones and targets, giving shape to a multi-faceted discourse.

A classic press release, a short text confirming the Italian launch together with those in Spain and Portugal, was the first action by the company and its delegates. There were no details on the national offering, the features of the service, or the catalogue; it was primarily a teaser, to be explained and expanded on in subsequent months. The second promotional device was a special tweet, in Italian, from the official US Netflix Twitter account,[8] spreading the news online

[8] The tweet, including three emojis (Italian flag, television, and heart-shaped-eyes smile), was: 'Buongiorno! Ora è ufficiale: a ottobre Netflix arriva in Italia. A proposito, come si dice binge-watching in italiano? #ciaoNetflix' ['Hello! Now it's official: in October, Netflix is coming to Italy.

and introducing a special hashtag, '#ciaoNetflix', which the Italian audience used on their own Twitter accounts over the ensuing days (and on other social media, including Facebook). Another important operation in this coordinated effort was the cover of the Italian edition of *Wired* magazine, which showed Hastings, Netflix chairman and CEO, switching off an old TV set and promising to 'turn off old television forever'.[9] Inside, a long interview focused on the company, its goals, its US and global success, and its disruptive power ready to be unleashed in Italy.[10] The fourth pillar was 'Netflix House', a space established in Milan from 29 June to 2 July, where invited journalists could try out and learn to use Netflix in half-hour sessions aided by trained 'educators', all in the presence of Stuart Gurr, director of UK and EMEA originals publicity. As one newspaper headline suggested, 'Netflix exists and is educating the journalists',[11] revealing the company's understanding of the national opinion leaders' fundamental mediatory role. Building the first announcement on a wide set of tools — the press release, a social-media account, an exclusive interview in a tech-oriented magazine, and a PR initiative with mainstream media — reflected not only the company's meticulous attention to the Italian market but also its need to take immediate control of promotion.

Before an official launch date was set, and without an Italian corporate social-media account, Netflix started to build its narrative in third-party spaces, presenting itself as a global success story, a disruptor that could change television and frighten established broadcasters. It was a revolution, a game-changer, a threat: as headlines and summaries reported, on-demand would destroy classic TV, with its obsolete broadcasting models and lowbrow shows, freeing viewers from the tyranny of the schedule, synchronized viewing times, and programming made only of entertainment formats.[12] A slew of newspaper, magazine, and online articles followed, spreading the 'good news' and highlighting the service's strengths: low price, ease of access, a user-friendly interface, excellent compatibility with numerous digital platforms, original content (already familiar to Italian viewers), and a choice of multiple versions of films and TV series: original, subtitled or dubbed in Italian. Some Italian-language publications on this topic began following the lead.[13] The main drivers towards uptake of the

By the way, how do you say binge-watching in Italian?', [my translation] (@netflix, 6 June 2015).

[9] [my translation]

[10] Maurizio Pesce, 'Tutto sull'arrivo di Netflix in Italia. Intervista esclusiva al boss Reed Hastings', *Wired Italia*, June 2015 <www.wired.it/play/televisione/2015/06/29/intervista-reed-hastings-netflix> [accessed 27 July 2017].

[11] Maurizio Caverzan, 'Netflix esiste e istruisce i giornalisti', *il Giornale*, 16 June 2015, p. 26.

[12] A good example is: Stefano Crippa, 'Fuori dal format, Netflix prova la rivoluzione del palinsesto', *il manifesto*, 9 June 2015, p. 13. See also: Andrea Secchi, 'Netflix, lavori in corso per costruire la library italiana', *Italia Oggi*, 30 June 2015, p. 21; Giacomo Gambassi, 'Arriva Netflix. È vera rivoluzione?', *Avvenire*, 2 July 2015, pp. 1 and 24.

[13] These are mostly journalists' and popular analyses. See Stefano Zuliani, *Netflix in Italia e il big bang di cinema e tv* (Milan: Il Sole 24 Ore, 2015); Francesco Marrazzo, *Effetto Netflix. Il nuovo paradigma televisivo* (Milan: Egea, 2016); Ester Corvi, *Nuovo cinema web. Netflix, Hulu, Amazon:*

service were content, and especially money and technology. Some articles also looked at weaknesses, often relating not directly to the service but to Italy's media system and infrastructure in general: the patchy high-speed bandwidth coverage, the paucity of early adopters in an under-developed digital nation, the content library still under construction because of a lack of available licence rights and distribution deals, and the high competition in the market with the other services operated by broadcasters and telcos (such as Mediaset, Sky Italia, and TIM/Telecom Italia) already providing non-linear programming to their small consumer bases.[14] Even the weaknesses were reported by the press using the company's promotional rhetoric.

During this phase, however, the company also tried to establish a counter-narrative, taking into account the struggles of the previous European launches, especially in France, where just after the launch a backlash followed on both press and social media, criticizing the limited width of the initial catalogue and the lack of some important, expected license rights.[15] 'Netflix House' in Milan included a press conference by Joris Evers, then vice-president and head of communication for Europe, the Middle East and Africa, to downplay the revolutionary aspect, to present the on-demand platform as an ancillary service that complemented not replaced free and pay television networks, and to scale down the hype. He and his fellow senior executives proclaimed, among other things, 'we are not at war with the television networks',[16] 'it's like having a sumptuous buffet to hand, but not an unlimited one; people should not expect that, and we want to make that clear from the start',[17] or 'we are not an encyclopaedia, a place where every show is available, but one channel among others'.[18] This narrative, however, would disappear over the ensuing months, as the Italian launch progressed, losing this more nuanced, and cautionary, approach.

From the start, through its strong mediation, the company tried to directly and indirectly orient the local public discourse, carefully building interest in the platform, highlighting its strengths, with few caveats, and enhancing an already extremely positive public image.

la rivoluzione va in scena (Milan: Hoepli, 2016).

[14] On Italy's complex on-demand scene and its relationship with national television broadcasters, see Luca Barra and Massimo Scaglioni, 'Convergenze parallele. I broadcaster tra lineare e non lineare', in *Streaming Media. Circolazione, distribuzione, accesso*, ed. by Valentina Re (Milan-Udine: Mimesis, 2017), pp. 31–47.

[15] 'Après Netflix'.

[16] Paolo Giordano, 'Arriva Netflix: "Non facciamo la guerra alle tv"', *il Giornale*, 30 June 2015, p. 24 [my translation].

[17] Andrea Biondi, 'Netflix: in Italia produzioni globali', *Il Sole 24 Ore*, 30 June 2015, p. 21 [my translation].

[18] Bruno Ruffilli, 'Netflix presenta la sua offerta tv: "Siamo un canale, non l'enciclopedia"', *La Stampa*, 30 June 2015, p 38 [my translation].

The Lead up to the Launch: Italianized Promotion

During summer 2015, the public discourse on the Netflix launch in Italy was kept alive with a different spin. A spotlight on the company, the revolutionary aspects of the service and its success in the US and the rest of the world gave way to a more local attention to the potential strong connections between the global company and the national film, media, and television industry. Some recurring stories, spun by Netflix's PR department (and by other companies looking to tie their image to the incoming service's strong brand) and reported by the national press, then focused on possible future production and distribution links between the two countries. First, there was the foreshadowing, with scant detail, of a mafia-related TV series produced in and for Italy. The article paved the way for later announcements, explicitly highlighting a (supposed) 'panic' among domestic competitors who were already investing in original fiction production, such as Mediaset and Sky.[19] Another step was the early award given by an Italian film festival on the island of Ischia, near Naples, to Netflix chief content officer, Ted Sarandos, flanked by national movie and television producers. The award preceded the launch of the platform, and even any hint about its original Italian productions. However, it attracted international attention to the company's plans.[20] Lastly, national telco company TIM/Telecom Italia announced a non-exclusive partnership and distribution deal with Netflix, to partially resolve the endemic broadband problem, thus strengthening links to Italy and gaining both companies some extra press attention.[21] These morsels of news filled a void, maintaining the interest before the main story broke. Moreover, the first announcement aroused considerable grassroots curiosity, even spawning a counterfeit Italian Netflix Twitter account, which sent 7 tweets and misled a few journalists before it was disabled.[22]

On 1 October 2015, a second official announcement gave full details of the Italian launch: the date October 22nd, the offer, with a month free trial for new subscribers, and three different prices for basic and premium services,

[19] Carlo Tecce, 'Netflix fa Mafia Capitale: panico a Mediaset e Sky', *il Fatto quotidiano*, 8 July 2015, pp. 1 and 15.

[20] 'Ted Sarandos incontra il mondo della produzione audiovisiva italiana', Italian Television Producers Association (APT) website, 18 July 2015 <www.apt.it/focus/ted-sarandos-incontra-il-mondo-della-produzione-audiovisiva-italiana> [accessed 27 July 2017]; Nick Vivarelli, 'Netflix's Ted Sarandos Schmoozes With Italian Industry At Ischia Global Fest', *Variety*, 17 July 2015 <variety.com/2015/digital/festivals/netflixs-ted-sarandos-schmoozes-with-italian-industry-at-ischia-global-fest-1201542936/> [accessed 27 July 2017].

[21] See, for instance, Melania Di Giacomo, 'Telecom con Netflix, la banda larga per la tv via internet', *Corriere della Sera*, 30 July 2015, p. 32; Andrea Biondi, 'L'accordo. Partnership fra Telecom e Netflix', *Il Sole 24 Ore*, 30 July 2015, pp. 23–25; Luca Pagni, 'Telecom porta Netflix in Italia per spingere sulla banda larga', *la Repubblica*, 30 July 2015, p. 26.

[22] Emanuele Capone, 'Ciclone Netflix: scendono i prezzi', *Il Secolo XIX*, 9 September 2015, p. 38, is an example of the articles written drawing on the fake account. It published details of subscription costs.

and some initial hints about the catalogue. Once again, press coverage and online reaction were enthusiastic, adopting the usual rhetoric of revolution and disruption, encouraged by the company and its PR: many articles reported Netflix as a 'hurricane' transforming the media scenario and scaring its competitors.[23]

Following this lead, the weeks before the Netflix Italia launch were punctuated by announcements focusing on content that highlighted the service's espousal of a very loose, general idea of Italianness, while at the same time building on some established world-famous trademark Netflix productions already broadcast in Italy and known to the local audience. The first Italian Netflix co-production, *Suburra* (Stefano Sollima, 2015), made with production company Cattleya and Rai, the public service broadcaster, was officially announced, partially exploiting the promotional effort for the movie, which acted as a pilot for the TV series. The long-term plans for the serialization (released in October 2017) were brought forward to confirm an investment in the Italian market and to exemplify a need for 'local stories with global interest' at the heart of Netflix's production plans.[24] The major production *Marco Polo* (Netflix, 2014–16) was also trumpeted for its Italianness, in terms of the story and the actors involved, with interviews and junkets with the star, Lorenzo Richelmy, and leading Italian film actor Pierfrancesco Favino.[25] Regarding the second aspect, the big Netflix content brands *House of Cards* and *Orange Is the New Black* were heavily exploited, even if the first few seasons had already been broadcast (and released on proprietary on-demand services) by Sky Italia and Mediaset Premium, respectively. With the first title, Netflix had already licensed the broadcasting rights exclusively to Sky, with a life-of-series pre-emption clause, thus depriving the platform of its most recognizable product: in subsequent months, this conflict prompted a social-media PR effort on both sides, with fictional character Frank Underwood protesting from the Netflix official account about the series' absence from the digital service, and his wife Claire sharply responding on behalf of Sky Italia.[26] Netflix and Mediaset struck a deal about *Orange Is the New Black*, meanwhile,

[23] See, for instance: Piero Degli Antoni, 'Dateci la banda larga e avrete i film. Netflix, il telecomando va online', *Il Giorno*, 1 October 2015, p. 14; Mattia Pasquini, 'Intanto anche in Italia arriva il ciclone Netflix', *l'Unità*, 1 October 2015, p. 5; Marco Cubeddu, 'Perché le serie tv di Netflix ci avvicinano all'Apocalisse', *Il Secolo XIX*, 1 October 2015, p. 39.

[24] See, for instance: 'Accordo Netflix-Rai, e "Suburra" (la serie) debutta su internet', *Corriere della Sera*, 6 October 2015, p. 46; Natalia Lombardo, '"Suburra", il cinema che diventa anche tv', *l'Unità*, 6 October 2015, p. 17 and 21; Silvia Fumarola, '"Suburra" arriva online su Netflix. Il film di Sollima diventerà serie tv', *La Repubblica*, 6 October 2015, p. 65.

[25] Simonetta Robiony, '"Con un provino a distanza sono diventato Marco Polo"', *La Stampa*, 6 October 2015, p. 30; Silvia Fumarola, 'Favino: "Cambiamento che non danneggia il cinema"', *la Repubblica*, 23 October 2015, p. 56.

[26] The picture with Frank Underwood's letter was posted on Twitter, as a response to other tweets, by the official series account @HouseOfCards (4 March 2016); the response, with a handwritten note by his wife, Claire, was posted by the Italian Now TV account, the OTT service connected to Sky Italia (@NOWTV_It, 8 March 2016).

allowing it to appear on both platforms, so that Netflix Italia could 'have back' one of its globally distinctive titles since the beginning.[27]

In the months and weeks after the official announcements in the run-up to the launch date, therefore, the promotional effort continued to play on the service's revolutionary power and disruptive strength while seeking some initial ways to mediate with the national taste, the market, and the audience expectations, with many successes and some minor failures.

The Official Launch: Great Power (and Great Responsibilities)

With an official national website, a service app at the main digital outlets, and a host of social-media accounts, Netflix launched in Italy on 22 October 2015. It immediately deployed all its promotional 'weapons', in contrast to the lower-key launches in Spain and Portugal, the other two markets that the service was entering.[28] The main promotional events, with a guest list of journalists, opinion leaders, and celebrities, took place in Milan. First, Reed Hastings and Ted Sarandos presented the service at a press conference, with panel and individual interviews with the two managers; then, actors from Netflix's original productions[29] flooded the city, attending the press conference and various photo opportunities in Milan's main landmarks, from the Duomo and La Scala theatre to Galleria Vittorio Emanuele; finally, there was a huge launch party in the evening, with the actors in attendance. Less visible, but extremely important, was a high-level meeting in Rome between the Netflix policy and legal affairs leads and representatives of the Italian Culture and Economic Development ministries, where Under-Secretary of Communications Antonello Giacomelli bid a 'warm welcome to a company willing to invest in Italy'.[30] Netflix conspicuously cultivated relationships with the national press, journalism and media scene, bringing over top managers and Hollywood actors while at the same time creating useful connections with national institutions and policy-makers.

As a result of this huge synchronized effort, both the press and online discourses adopted the Netflix PR and communication department's promotional rhetoric almost uniformly. Once again, headlines, articles and interviews reported that 'TV 2.0 may end up changing the whole country', portraying the service as an ongoing 'streaming revolution' ready to be completed.[31] When consulted, even

[27] Andrea Biondi, 'Accordo Mediaset-Netflix sulle serie tv', *Il Sole 24 Ore*, 13 October 2015, p. 14.
[28] 'Radiografia de Netflix', *El Paìs*, 21 October 2015, p. 46.
[29] Will Arnett, voice of *BoJack Horseman* (Netflix, 2014–), Kristen Ritter and Carrie Ann Moss from *Jessica Jones* (Netflix, 2015–), Taylor Schilling and Kate Mulgrew from *Orange Is the New Black*, Daryl Hannah and Miguel Angel Sylvestre from *Sense 8* (Netflix, 2015–18), Pierfrancesco Favino, and *Daredevil* screenwriter Steven DeKnight (Netflix, 2015–).
[30] 'Giacomelli incontra Netflix', *Italia Oggi*, 22 October 2015, p. 26.
[31] See, for instance: Renato Franco, 'La partita della tv via web. In Italia è l'ora di Netflix', *Corriere della Sera*, 23 October 2015, p. 1 and 51; Virginia Della Sala, '"Netflix, la tv anche al parco"',

direct competitors and other market stakeholders (including Mediaset's president and the national copyright society SIAE)[32] shared the same basic views on the service, casting it in a predominantly bad light but without disputing the idea of disruption or the on-demand platform's future nationwide power. All caution was abandoned at that point, and Hastings set the bar high in his interviews, explaining that Netflix Italia would be considered a success only when a third of households ('one family in three') was using the service, probably within seven years.[33] Amid the enthusiastic approval of the press and grassroots discourse, the triumphant promotional rhetoric went beyond the Italian market's limits, traditions, and habits, by forecasting a result that will be tough, if not impossible, to reach.[34] At least during the brand's moment of maximum exposure (with wide press coverage, free and promoted trending online topics, and even some reports on the mainstream television news), the choice of brand communication took a strong tone, building on all the previous anticipation and actually ignoring a possible subsequent backlash (as had already happened in France and, to a certain extent, in Germany).[35]

Conclusions: The Mechanics and Consequences of Promotional Discourse

The reconstruction of the promotional efforts, the press response and public discourse in the months leading up to the Netflix launch in Italy — which are investigated mainly through articles, interviews, and social media — serves to identify the various (sometimes conflicting) otherwise hidden promotional approaches and multiple logics, which are seen as neutral or 'natural', and to highlight the crucial intermediary role constantly played both by the US and global company based in Los Gatos and by many national media, stakeholders, and institutions. This is just one of the possible roads to take for an on-demand operator entering a different national market: for instance, a year later, in late

il Fatto Quotidiano, 23 October 2015, p. 9; '"Promettiamo una rivoluzione"', *il manifesto*, 23 October 2015, p. 13; Nicole Cavazzuti, 'Arriva Netflix, la tv è servita', *il Messaggero*, 23 October 2015, pp. 1 and 27; Silvia Fumarola, 'Streaming Revolution. Clicca e guarda. La tv italiana entra nell'era di Netflix', *la Repubblica*, 23 October 2015, pp. 1 and 56; Massimo Russo, 'La tv 2.0 comincia dalle serie e dai film ma può finire per cambiare il Paese', *La Stampa*, 23 October 2015, p. 11 [my translations].

[32] 'Confalonieri: "Con Netflix non corriamo ad armi pari"', *il Giornale*, 17 June 2015, p. 22; 'La SIAE contro Netflix', *il Fatto Quotidiano*, 21 October 2015, p. 21.

[33] Andrea Biondi, 'Netflix punta a una famiglia su tre', *Il Sole 24 Ore*, 23 October 2015, p. 15; Jaime D'Alessandro, 'Il boss Hastings: "Tra sette anni saremo in un terzo delle case"', *la Repubblica*, 23 October 2015, p. 57 [my translations].

[34] In February 2017, the entire market of over-the-top pay platforms in Italy, with Netflix and its three main competitors (Sky Online/Now TV, Infinity, and TIMVision), comprised around 1.6 million subscribers. The estimated number of Netflix subscriber was then of about 570.000, a 36% share of the market (source: EY report, Spring 2017).

[35] On the French case, see *Après Netflix*. For Germany, see 'Netflix – zwischen Mythos und Realität'; 'Invading Europe'.

December 2016, also Amazon Prime Video was launched in Italy, as well as in other countries. Here, building on the already wide-established reputation of the company, and on the large pool of Prime package subscribers, the entrance was slow, without big announcements, following a step-by-step implementation of features and contents, in order to 'naturalize' the service as much as possible; as a result, the press coverage was limited, mostly focusing on Amazon as a multi-faceted company. However, Netflix Italia's noisy entrance in the market constitutes an important promotional strategy for a 'real' newcomer, without previous connection to the national industry, which could also easily be adopted, reshaped, or maybe exploited, by other possible global new players.

In an increasingly interconnected world — especially in the media and communication industries, with constant transversal changes and a strong circulation of discourses — promotional activities must always consider and constantly adapt to what has already happened, including elsewhere. The announcement and launch of Netflix Italia was built on a previously established brand and on its awareness, image, and 'behavior' in the US and in other countries, especially in Europe, resulting in much distortion and oversimplification, as in the building of a shared transnational rhetoric. Even before the platform officially arrived, Italian viewers already had an idea of what to expect, based on the US and foreign practices and discourses. The promotional effort not only expanded this but also mediated and bridged the gap between the huge expectations and the actual experience of the service. By carefully shaping its Italian debut, Netflix's production, distribution, and promotion professionals — some part of the company, others at a national press-office and PR service — could then exploit this established positive brand value. They mainly adopted a highly enthusiastic globalist rhetoric relating to digital media and Silicon Valley, partially tempered only by some references to the Italian media system and imagery. This kind of rhetoric spread across large swathes of the national television and media landscape, social media (already thirsty for news), and the entire journalism world. This also helped to raise high expectations about both the platform and its ability to disrupt a national TV market, connecting directly with the enduring controversies about its oligopolistic nature and its need for profound reform.[36]

Despite the perpetual mantle of disruption and revolutionary rhetoric surrounding Netflix — actively constructed, as demonstrated, by the company itself — the on-demand platform constitutes a complementary new resource for national and global audiences. At the same time, precisely when it appears to

[36] On the history of Italian TV and its numerous conflicts, see Aldo Grasso, *Storia della televisione italiana* (Milan: Garzanti, 2004); Franco Monteleone, *Storia della radio e della televisione in Italia* (Venice: Marsilio, 2004); Irene Piazzoni, *Storia delle televisioni in Italia* (Rome: Carocci, 2014); *Storie e culture della televisione italiana*, ed. by Aldo Grasso (Milan: Mondadori, 2013); Enrico Menduni, *Televisione e società italiana* (Milan: Bompiani, 2002); Peppino Ortoleva, *Un ventennio a colori. Televisione privata e società in Italia* (Milan: Giunti, 1998); Paul Ginsborg, *Silvio Berlusconi: Television, Power and Patrimony* (London: Verso, 2005).

eliminate at least some intermediaries, providing the viewers with direct access to a large pool of audio-visual content, it also acts as an intermediary force at a technological, economic, and editorial level. Moreover, as Netflix tried to insert and position itself in the Italian national media scenario, through communication and promotion, several different yet interrelated layers of mediation between distinct forces inevitably emerged, highlighting the crucial role of several primary and secondary actors in shaping the service's brand image and in connecting it to and engaging the target audience. Each of these forces follows its own rules, practices, and (editorial and promotional) logic, in an intricate network of actions and reactions, 'baits' and source materials, biases and traditional professional cultures. Together with Netflix itself, which constitutes the initial layer of mediation, setting timeframes and managing information and exclusives, the journalists and opinion leaders (online, in the press, and in broadcasting) work as special (added) intermediaries, first as anticipators and trend-setters, then later expanding — often uncritically — on the company's publicity stunts, actions, and rhetoric. Following journalistic logic of exclusivity (the 'scoop') and newsworthiness (news values as unexpectedness, meaningfulness for the national audience, conflict and competition), they shaped the discourse according to the company's lead and spin, at the same time positioning themselves towards their own competition and tailoring the news according to their audience's expected tastes and needs. Ministries and other national institutions are necessary stakeholders for the company to engage when entering a market; however, their regulatory role (often delegated to the European Union) appear mostly to have a discursive value, indirectly reinforcing the promotional efforts. In this case, a logic of double legitimation appears, with Netflix securing a strong connection with the Government, while the latter can position itself as a privileged interlocutor of a huge, highly-valued global company. Even the market competitors — both broadcasters and over-the-top operators already present in Italy — adopt the hype surrounding Netflix's communication, with some provincialism, adding some adverse remarks that nonetheless never question the launch's importance or strong future impact. Here the adoption of a common-sense approach to a complex phenomenon mixes with a negative view on possible change inside the market and with the request of external help (especially from the government) to sustain national ownership and local production. The redefinition, and proliferation, of intermediaries leads then to a common, shared 'spreadable' enthusiasm, an exponentially-growing hegemonic discourse that is perfectly coherent with the classic media logic of newsworthiness and the professional practices of promotion, and also rather contagious to the entire media system, competitors included.

The promotional and discursive path towards Netflix's Italian launch, moreover, exemplifies the service's winding, 'bumpy' road into the major continental European markets, which already had a strong tradition of original television production and a competitive environment with many channels. After Netflix's partially disappointing debuts in both France and Germany, following

a similar series of announcements and marketing efforts along an anticipated timeline, in Italy — and, to a lesser degree, in Spain — some hesitant counterbalances were tentatively added to curb the enthusiastic rhetoric of revolution and disruption. However, the promotion and branding cultures struggled to accept such distinctions and precautions, resulting in a communication that focused more on hype-building than on the actual technology and catalogue. Netflix Italia took particular care to steer the public discourse and to guard against potential damage, but that is less a specific feature of the market and more a concrete example of how the company, its professionals, and its publicists learned from experience and sought to establish a model that could be followed in the subsequent worldwide expansion. The enthusiastic sense of global revolution, then, combined with a more careful, step-by-step market entrance, in dialogue with all the stakeholders.

During the Italian launch, the promotional culture and its discourse built, established, and maintained a strong — and particularly functional — polarization between the hype and the reality of the service, forced as it was to deal with strong, established television systems, with role redefinitions and historical specificities. The struggle between the expectations, raised directly by the company and indirectly by all the surrounding discourse, and the actual first few months of operation in Italy prompted a recalibration of previous hopes, with a more varied, even cynical and detached, online commentary and a 'normalization' for balance and restraint on most mainstream media. In the first months, the attention was (also) on the limited extent of the catalogue (especially regarding films and national production), on the lack of some license rights (including landmarks as *House of Cards*), and on impossible requests like the availability of the new episodes of US network and cable TV series. Later on, as soon as the service features were clearer and the library slowly increased, Netflix Italia's promotion not only concentrated on opinion leaders and early adopters (with a handful of live events in Milan, Rome, or Lucca), but also on the larger mass audience, with promos shown inside national networks' programming and connections to Italian media events and personalities (i.e. the *Festival di Sanremo*, or web star Fabio Rovazzi). After the promotional tricks and efforts, only the hands-on approach by the general audience and the several intermediaries, as well as a recalibrated communication, could shape a more nuanced, complex, and multi-faceted perspective on the Netflix brand, and the huge phenomenon surrounding it.

Localize or Die: Intermediaries in a Small East-Central European On-Demand Market

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Abstract

This article offers an analysis of one small-nation market's perspective on the current and expected changes of digital distribution and its intermediaries. It demonstrates how key stakeholders in the Czech audiovisual distribution sector are reacting to regulatory processes at the EU level and how they are reconsidering their existing business practices, strategic plans, and structural positions vis-à-vis new global trends and competition in the evolving sphere of digital distribution. The article is not a full-fledged analysis of the Digital Single Market's (DSM) potential impacts: instead, it considers DSM as just one factor in the strategic thinking of stakeholders, a factor that functions as a catalyst and a focal point in both business operations and policy-making.

Virtually all key stakeholders in European screen industries have been involved on some level in a heated debate over the last two years, ever since the Juncker Commission (hereafter, 'the Commission') announced its strategy for the EU Digital Single Market (DSM).[2] From an outside perspective, it would seem that most traditional players remain united in opposition to the DSM and are consequently voicing their strong criticism via professional associations that have been lobbying both national and EU policy-makers. These associations perceive DSM as an existential threat, and they have worked hard to minimize the impact

[1] This work was supported by the Czech Science Foundation [project reference 17-13616S] and by the European Regional Development Fund [project 'Creativity and Adaptability as Conditions of the Success of Europe in an Interrelated World', No. CZ.02.1.01/0.0/0.0/16_019/0000734].

[2] See European Commission, 'Shaping the Digital Single Market', <https://ec.europa.eu/digital-single-market/en/policies/shaping-digital-single-market> [accessed 28 August 2017]. Within the framework of the strategy, the European Commission proposed, among others, three key regulations and directives between 2015 and 2016 to eliminate or reduce barriers to the cross-border portability and availability of digital content: 1) the proposal for a regulation on ensuring the cross-border portability of online content services in the internal market (COM[2015] 627); 2) the proposal for a regulation on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organizations and retransmissions of television and radio programmes (COM[2016] 594); 3) the proposal for a directive on copyright in the Digital Single Market (COM[2016] 593).

of what they see as a risk to their established business models and practices: the potential undermining of the territory-by-territory licensing system. However, this image of seeming unity begins to fracture as soon as we move our examination to the more specific local and intrasectoral levels.

This article offers an analysis of one small-nation market's perspective on the current and expected changes with regard to digital distribution and its intermediaries. It demonstrates how key stakeholders in the Czech audiovisual distribution sector are reacting to regulatory processes at the EU level and how they are reconsidering their existing business practices, strategic plans, and structural positions vis-à-vis new global trends and competition in the evolving sphere of digital distribution. The article is not a full-fledged analysis of the DSM's potential impacts: instead, it considers it as just one factor in the strategic thinking of stakeholders, a factor that functions as a catalyst and a focal point in both business operations and policy making.

Digitalization has contributed to significant transformations in audiovisual distribution, but it is also locked into a relationship with and influenced by established practices and business models in home video, broadcasting, and cinema exhibition, as well as the established viewing habits related to them.[3] Commentators often focus on issues of the shortening or merging of distribution windows, online piracy and informal economies, or the supposed disappearance of traditional intermediaries and their replacement with direct-to-consumer approaches.[4] Using the Czech Republic as a case study, I concentrate on the changes that are directly or indirectly connected to the socio-economic and structural features of media industries in small EU countries (i.e. countries with small markets, populations, and languages).

Recent literature on small-nation media has demonstrated that the size of a market has an impact on its key institutional and cultural characteristics.[5] It is presumed here that these specific features make small-nation media systems more dependent on decisions made elsewhere and vulnerable to foreign market dynamics and competition, as well as to structural changes like globalization and concentration. A nation's smallness limits its resources and business opportunities (e.g., the shortage of creative talent and capital, small audience market, and advertisement investment) as well as policy options. However, EU media policy does not take these limitations into account sufficiently.[6] The Estonian media

[3] See Virginia Crisp, *Film Distribution in the Digital Age: Pirates and Professionals* (Basingstoke: Palgrave Macmillan, 2015), p. 56.
[4] See e.g. *Digital Disruption: Cinema Moves On-line*, ed. by Dina Iordanova and Stuart Cunningham (St. Andrews: St. Andrews Film Studies, 2012).
[5] See e.g. *The Cinema of Small Nations*, ed. by Mette Hjort and Duncan Petrie (Edinburgh: Edinburgh University Press, 2007).
[6] Josef Trappel, 'Small States and European Media Policy', in *The Palgrave Handbook of European Media Policy*, ed. by Karen Donders, Caroline Pauwels and Jan Loisen (Basingstoke: Palgrave Macmillan, 2014), pp. 239–53. See Trappel also for the discussion of how 'small country' is defined in relevant literature.

scholar Indrek Ibrus recently claimed this vulnerability is made even more visible by the Commission's DSM initiative, because of 'the limited degrees of freedom' small states are granted in directing their own audiovisual policies.[7]

Critical media industry studies face many challenges when analysing the DSM, since the whole set of legislative measures is extremely complex, still evolving, and places screen industries in a broad context of international trade of digital goods and services. After observing or attending various kinds of consultation sessions and meetings held by different policy-making and cultural institutions on both the national and EU level, I was pushed as a scholar to revise my understanding of what screen industries are by including a number of previously unaccounted agents. I have also had to revise my understanding of the work that distributors actually do today: to accept that they have assumed more complex roles, including involvement in rights aggregation, digital curating, and internet television.

This study is based on ten semi-structured interviews with some of the major players in the on-demand market and covering all the relevant business models. The interviews focused on the respondents' business models, strategies and practices, and on the challenges they associate with the DSM strategy.[8] I am primarily interested in the way they reflect on their changing distribution practices, and more specifically on the new intermediary roles they have assumed with regard to the on-demand market. For the sake of this study, I understand digital distribution intermediaries in a broad sense as content-related services (content aggregation services and, in the realm of the informal economy, user-uploaded content platforms),[9] rather than media infrastructures (such as 'content delivery networks' or 'software infrastructure'), which also fulfill extremely important, albeit often 'invisible' intermediary roles.[10]

[7] Indrek Ibrus, 'The EU Digital Single Market as a Mission Impossible: Audio-Visual Policy Conflicts for Estonia', *International Journal of Digital Television*, 7.1 (2016), 23–38.

[8] The interviewees were first asked to describe their business model, their position on the cross-border accessibility of audiovisual content in the EU (with the focus on their company, the national production, and the role of territorial exclusivity), and their position on the principles of the DSM strategy. Since the DSM strategy is still being reshaped and their awareness of it was uneven, they were also presented with alternative model scenarios of the key legal norms. At the end, each respondent was given opportunity to articulate the most acute problems her/his business faced. The sample consists of executives of the companies Seznam.cz, Bontonfilm, CinemArt, Aerofilms, Doc Alliance Films, Prima, Česká televize, O2 Czech Republic, Banaxi Limited, and Film Europe. The interviews were conducted in late 2016 and early 2017 by myself and my colleague Pavel Zahrádka, with whom I co-wrote an analysis of these stakeholders' perspectives on DSM — See Pavel Zahrádka and Petr Szczepanik, 'Business Practices of Czech Audiovisual Distributors and Their Attitudes toward the Digital Single Market Strategy: Challenges, Risks, and Opportunities', in *The Cambridge Handbook of IP Law & Policy in Central & Eastern Europe*, ed. by Mira T. Sundara Rajan (Cambridge: Cambridge University Press, 2017) (forthcoming, submitted manuscript).

[9] See Gilles Fontaine and Patrizia Simone, *VOD Distribution and the Role of Aggregators* (Strasbourg: European Audiovisual Observatory, 2017), p. 33.

[10] For a discussion of invisibility or 'transparency' of these infrastructural intermediaries, see Joshua Braun, 'Transparent Intermediaries: Building the Infrastructures of Connected Viewing',

Video-on-Demand in the Czech Republic: Market Context

Before presenting the analysis of qualitative data derived from the interviews, observations, and policy documents, it is necessary to present a short overview of the national on-demand audiovisual market in the Czech Republic and its basic socioeconomic characteristics. Similarly to other European countries after 2010, on-demand services represent the smallest, but the fastest-growing segment of the Czech audiovisual market, with SVOD (subscription video-on-demand) being the most dynamic type of on-demand services in terms of consumer revenues. While the Czech Republic's share of the EU on-demand market is relatively low (in 2014, SVOD revenues were highly concentrated to the biggest EU markets: 47% in the UK, 23% the Nordic countries, 11% Benelux, 7% France, and 6% Germany), its compound annual growth rate is high (115% for SVOD between 2010 and 2014).[11] This growth is expected to continue in the upcoming years. While Czech VOD consumer revenues increased from €0.4 to €11.8 million between 2010 and 2014, the Commission's assessment indicates it will reach €55,3 million in 2017.[12] Although there are no official national statistics, an experienced CEO estimates that VOD revenues currently account for almost 50% of the shrinking physical video market, thus gradually compensating for the losses the home entertainment business suffered in previous years.[13]

The Czech on-demand market structure shows a clear division between international and domestic services, between mainstream and arthouse portals, and between long- and short-format, ad-supported videos. Mainstream VOD portals tend to be associated with other kinds of commercial services and cater to a pre-established base of consumers: the largest ones include Voyo (a SVOD owned by the largest domestic private TV network 'Nova' and serving in part as its online archive), O2TV (a transactional VOD of a major telecom operator), and Alza Media (an ancillary service of an internet-based retailer). Niche portals represent the second type of national on-demand services: the TVOD Aerofilms is linked to the strongest arthouse theater chain/distributor, while the SVOD DAFilms is a publicly subsidized documentary platform (founded as a partnership between seven European documentary festivals). The leaders

in *Connected Viewing: Selling, Streaming, & Sharing Media in the Digital Era*, ed. by Jennifer Holt and Kevin Sanson (London and New York: Routledge, 2014), pp. 124-143; for CDNs see e.g. Max Dawson, '"Level Who?" Digital Distribution's Mysterious Middlemen', in *Media Industries Project*, 21 March 2011 <www.carseywolf.ucsb.edu/files/Dawson_NetWorth.pdf> [accessed 28 August 2017]; for a broader discussion of 'media infrastructures' see *Signal Traffic: Critical Studies of Media Infrastructures*, ed. by Lisa Parks and Nicole Starosielski (Urbana, Chicago, and Springfield: University of Illinois Press, 2015).

[11] Laura Croce and Christian Grece, *Trends in Video-on-demand Revenues* (Strasbourg: European Audiovisual Observatory, 2015), pp. 10-11.

[12] See 'Impact assessment accompanying the Proposal for a Directive of the European Parliament and of the Council amending Directive, 2010/13/EU.' Bruxelles, 25 May 2016.

[13] Jan Hanzlík, 'Z VOD se stal životaschopný byznys. Rozhovor s Ondřejem Kulhánkem', *Iluminace*, 29.2 (2017), 105–13 (p. 106).

among international VOD portals are HBO GO, iTunes, Netflix, and Google Play. The last, extremely dynamic group consists of AVOD (advertising-based VOD) portals or short-format internet television.

The DSM strategy has been presented, among other things, as an answer to the notoriously low levels of cross-border availability of European audiovisual content, especially of European films. As the Commission stated in 2015, 'less than 4% of all video-on-demand content in the EU is accessible cross-border.'[14] A recent study showed that EU films are available on VOD in only 2.8 EU countries on average (and 50% of them are available only in one EU country), compared to 6.8 EU countries in the case of US films.[15] In the Czech Republic, the national orientation of the entire audiovisual industry seems even more significant than the EU average. Only 13% of 81 VOD services available in the country (in 2016) are non-national,[16] while 36% of respondents in a Eurobarometer study claimed that 'they would not be able to use or understand the content offered in other Member States' (the fourth highest percentage in the EU and the highest among the EU-13 countries). There is also a relatively low interest in content from other EU countries in Czech Republic.[17] The on-demand market's national orientation is in accord with other media industries. This can be illustrated, for example, by the relatively high market share of Czech films in theatrical exhibition,[18] or by statistical estimates showing that the largest Czech search engine and web platform Seznam.cz is a European exception in terms of being able to compete with Google in its domestic market. Although Google recently surpassed it in terms of full-text search, Seznam — exaggeratedly dubbed 'the only company in Europe that is beating Google' — is still stronger in other parameters, such as news and email.[19]

In terms of the origins of audiovisual content, VOD catalogues available in the country differ significantly between international and Czech platforms. While iTunes' and Netflix's Czech catalogues offer a below-EU-average share of both European and national titles (16% and 14% for EU28 titles, 2% and

[14] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'A Digital Single Market Strategy for Europe' (COM[2015] 192), 6 May 2015.

[15] The difference is even greater in terms of cinema distribution: 2.6 countries for EU films and 9.7 for US films. See Christian Grece, *How Do Films Circulate on VOD Services and in Cinemas in the European Union?* (Strasbourg: European Audiovisual Observatory, 2016), p. 23.

[16] Bruno Zambardino, *AVMSD Refit or Reform? Audio Visual Media Services in the Digital Era* (Bruxelles: I-Com, 2016), pp. 27, 29.

[17] Flash Eurobarometer 411: Cross-Border Access to Online Content (European Union, 2015).

[18] Almost 30% in 2016, see a statistical overview of the Czech Producers Association: Asociace producentů v audiovizi, '2016: rok stabilizace financování kinematografie a rekordního zájmu o českou produkci u diváků', <www.asociaceproducentu.cz/prispevek/33> [accessed 28 August 2017].

[19] See Czech internet statistics <www.toplist.cz/stat/?a=history&type=4> [accessed 28 August 2017]; see also Lloyd Waldo, 'Meet the Only Company in Europe that is Beating Google', *Start Up Yard*, 3 January 2014, <http://startupyard.com/meet-the-only-company-in-europe-that-is-beating-google-seznam-cz> [accessed 28 August 2017].

close to zero for national titles respectively, in 2016/2017), domestic VOD catalogues show a much more European/national orientation: 48% from the EU28 and 11% of national origin in the catalogue of the 'Nova' network's SVOD Voyo.[20] The largest national AVOD, Stream.cz, recently removed all foreign content acquisitions in order to concentrate solely on its original Czech production. The rapidly growing free online service of the Czech public-service broadcaster Česká televize is also limited to its own originally produced content.

Content Types

Distributors operate in a number of various regimes corresponding to differences with regard to types of content, the rights they are buying, and the platforms to which they supply their titles. I distinguish the following 'content types' exclusively in terms of corresponding distribution practices, not by their internal characteristics.

The first, most lucrative and most expensive category consists of major US studios, who sell their titles directly or via European branches to individual territories and for individual distribution windows. The majors operate in a centralized and coordinated manner and sell different kinds of rights separately, while local distributors have a very little bargaining power to influence the rules of the game. When the majors decided to transfer theatrical rights from their long-time local partner Bontonfilm to its competitor Cinemart in 2013, this altered power relations in the entire field, and Cinemart replaced Bontonfilm as the undisputed theatrical market leader. However, Bontonfilm retained DVD/BD rights, which still represent its largest revenue source. Local cinema distributors have little control over the majors' licensing of VOD rights, and there is not much room for local aggregators: with only a few exceptions, the studios manage their digital distribution directly or via their local branches.

The second category consists of US independents, who sell local distributors 'all rights' in a 'bundle' for both the Czech and Slovak markets (which are, from a business perspective, considered one territory). The local cinema distributors thus operate as aggregators of DVD/BD, television and VOD rights, too, with television rights comprising a very lucrative part of the bundle.

The third category are European and global arthouse titles that are similar to the US independents, but differ in terms of negotiating licenses. Licenses are negotiated on an individual basis at industry market fairs and festivals, and local

[20] Gilles Fontaine and Christian Grece, *Origin of Films and TV Content in VOD Catalogues in the EU & Visibility of Films on VOD Services* (Strasbourg: European Audiovisual Observatory, 2016). The Czech Netflix catalogue has grown rapidly in terms of volume since the company's entry into the local market in early 2016, but of a total of 3276 titles (in October 2017), only four were of Czech origin. See <http://unogs.com> [accessed 17 October 2017].

releases often occur long after their original premiere. The local production of DVDs and BDs has proven to be financially unprofitable for the most part, but a small portion of these titles are sold to the domestic public-service broadcaster (PSB) as well as to the local branch of HBO, and most appear on one or more VOD platforms. Arthouse films need to be carefully selected and localized, they require special expertise and sometimes special events (festivals) to build sufficient audience interest, and thus local distributors are not very worried about losing them to global players.

Czech films (both fiction and feature documentaries) form the most diverse category of content. Unlike foreign titles, they can be licensed either for the Czech or the Czech-Slovak market exclusively, if not for selected foreign territories, or even worldwide. Television rights are usually excluded from a bundle, because producers deal directly with the PSB or private networks, pre-selling broadcasting rights in exchange for some production or even development investment. (The PSB Česká televize has been the most frequent co-producer of Czech films since the 1990s.) VOD rights are usually traded as non-exclusive, and on a territorial basis, with multi-territorial licenses for worldwide VOD distribution limited to the titles whose commercial prospects abroad are relatively low. Direct-to-VOD or day-and-date distribution is very rare: Czech producers insist on having a theatrical release even with very low-budget films — even if it is only for a very short time with very low revenues (only several thousand viewers per film is not unusual).

Original short-format web videos, both fictional and non-fictional, comprise a very specific content type. Stream.cz, the strongest national internet television portal mentioned above, currently achieves very high numbers with its most successful shows, primarily satirical comedies, thus effectively competing with the most prominent programs of traditional broadcasters. Public reception has praised its innovative programs for filling a gap in the programming of the PSB, which has been wary of satirizing current political and social affairs. Copyrights to short-format videos are fully controlled by the internet platforms that produced them, which have shown no significant interest in cross-border distribution, apart from to Slovakia.

My examination of the local on-demand market revealed that the VOD business includes some players that would not fit the traditional definition of an audiovisual distributor: internet retailers, telecom operators, film festivals, a search engine, etc. At the same time, VOD rights are traded by the traditional cinema distributors and by broadcasters, too. In the following overview of the key stakeholders, I focus exclusively on the local players, leaving aside operations of global platforms that have so far provided only very weak localization of their catalogues. Netflix, which launched its Czech service in 2016, currently offers just over 130 titles with Czech subtitles and 10 with Czech dubbing,[21] and is widely considered a disappointment. However, there is one significant exception, which

[21] See <http://unogs.com> [accessed 17 October 2017].

would require a separate essay for proper examination: HBO Czech Republic, which is well-established on the local market (it debuted in 1994) and which has supported its pay-cable business and the recent launch of its OTT service HBO GO by producing high-end local programs, including the award-winning mini-series *Burning Bush*, directed by Agnieszka Holland.

Traditional Film Distributors

Bontonfilm is a well-established cinema distributor (founded in 1994) with a 10% share of the domestic theatrical market and has been a local leader in home entertainment. Since the majors moved their theatrical rights to a competitor, it has focused on DVD/BD production. However, revenues from this segment have been steadily decreasing (by 35% between 2011 and 2014, in line with the global trend), and Bontonfilm has decided to be more proactive in the on-demand market. It became the strongest mainstream aggregator of VOD rights with the largest library on the Czech and Slovak market.[22] It tested its own VOD portal, but determined that this development was too risky, and instead decided to collaborate with almost all of the local platforms as well as some of their global counterparts. Similarly to some of its local competitors (Bluesky, Bioscop), it signed a direct aggregator contract with iTunes, which, unlike local VODs, stipulates full exclusivity. According to Bontonfilm representative Ondřej Kulhánek, the 'direct aggregation' contract with iTunes allows for almost complete control over release timing, pricing (within pre-set price limits), marketing, promotion, and to a certain extent over the graphic design of the product page.

Bontonfilm's current distribution strategy aims at shortening holdbacks between paid distribution windows as much as possible. Bontonfilm is still obligated to respect a four-month holdback for first-run theatrical releases (due to the traditionally strong negotiating position of theatrical chains), but then the windows for DVD/BD and TVOD or EST (electronic sell-through) services open simultaneously, followed several months later by SVOD, which converges with pay-TV. The last window is FTA (free-to-air) television, followed in some cases by AVOD — Bontonfilm has also established its own YouTube channel 'KoukeYTe' for older titles in Czech-language versions.

Aerofilms, the strongest local player in the arthouse cinema sector (with a 3% share of the total theatrical market), benefits from its vertical integration with five prominent arthouse theaters and with an in-house TVOD platform Aerovod. It typically purchases all-rights bundles for the Czech and Slovak markets and effectively operates as a cinema distributor, exhibitor, VOD platform, and

[22] When a cinema distributor positions itself as an aggregator, this means that it compiles a catalogue of digital rights, it processes the digital file for the online platforms according to their technical requirements, and it can also provide marketing services and content curation. See Fontaine and Simone.

aggregator at the same time. It is also a national leader in 'alternative content' for theaters (for example, it organizes live transmissions from the New York Metropolitan Opera), which accounts for 50% of its box office revenue.

Co-owner and CEO of Aerofilms Ivo Andrle admits that in the beginning, VOD was just a cheap and relatively undemanding way to test the digital market for arthouse content. But in the last couple of years, revenues have boomed without any significant further investment from his company: 'We do much more marketing work for theatrical releases than for VOD, but the internet grows on its own, just because online audience behavior has changed.' While Aerofilms focuses its marketing campaigns on the exclusive event of the premiere release in its theaters, VOD generates revenues steadily, without any specific campaign. Aerofilm's in-house portal Aerovod is growing rather slowly (700–300 transactions monthly after 5 years of existence), but VOD revenues have become more significant in combination with revenues from other portals.

The vertically integrated Aerofilms strategically focuses on cultivating a strong brand presence and taking advantage of promotional synergy across distribution channels: first by cultivating loyal audiences for its theaters, then using its unique reputation as a reliable niche selector to sell its titles not only via its own TVOD, but also to a number of other platforms. Its basic know-how and competitive advantage consists of an intimate relationship with and deep knowledge of its regular theatrical customers, who partly overlap with Aerovod's online users. As opposed to the 'long-tail' approach of more mainstream VODs, which is based on exploiting vast catalogues of diverse titles, Aerofilms carefully cultivates a narrow selection, intended to be followed by its audiences and business customers as a whole. In this context, the in-house VOD portal is understood as not only an extension of the theatrical distribution strategy, but also as an additional branding instrument, serving to support B2B sales to other VOD portals. Andrle hopes that having such a strong brand means that Aerofilms is better prepared for incoming global competition and for the potential disruption of existing business practices by the DSM.

Broadcasters

Television networks moved into digital distribution in several different ways: by establishing their own catch-up services, by partnering with IPTV (internet protocol television) providers (mostly telecom operators), who introduced time-shifting, or by launching standard VOD portals. Audience numbers in this segment are booming, in line with the global development. Recently, online viewing together with time-shift viewing represents up to 20% share of the total audience of PSB's TV series.[23]

[23] See <www.ceskatelevize.cz/vse-o-ct/sledovanost-a-spokojenost/co-ct-nabidla-analyzy> [accessed 17 October 2017].

All the leading local broadcasters are focused on the national market, with very limited interest in cross-border digital distribution. The one exception is again Slovakia, the only foreign market that requires no specific linguistic localization. Slovaks can to a certain extent receive Czech FTA signals, but TV networks have started limiting IPTV access to their programing because it clashes with territorial licensing and coproduction agreements. In general, Czech broadcasters usually do not engage in territory-by-territory licensing (with the rare exceptions of international co-productions, e.g. with Arte), but instead choose between two kinds or rights: either domestic or global, with the latter reserved for their in-house productions.

As noted earlier, the strongest domestic commercial network Nova has launched its own SVOD called Voyo, which builds upon the network's well-established brand presence and audience base and serves as both its online archive and as a platform for independent Czech and foreign mainstream films and TV series. It has the largest domestic catalogue with over 2000 titles, including a proportionately large selection of recent Czech titles, and offers additional services like the live-streaming of sports transmissions.

The Czech PSB Česká televize employs its own free, partly advertisement-supported streaming portal 'iVysílání' as a potentially unlimited catch-up service. However, all non-internal acquisitions are excluded from the catch-up, while co-productions with independent producers have only limited catch-up. Independent co-producers can also negotiate to retain world-wide VOD rights if they think their title has export potential. But the PSB itself is generally uninterested in active cross-border distribution, because it is funded by the license fee collected from domestic television-viewing households.

New Players

I define as 'new' those players, who either emerged in direct relation to the advent of digital distribution, or who entered audiovisual distribution as a result of digitalization. The largest and the most influential group of new entrants are telecommunication operators, who supplement their IPTV services with VOD portals. The largest of these and the only strong local TVOD, 'O2 Videotéka', is also the leader in the entire on-demand market (where the SVOD model dominates). O2's competitive advantage is based on having a large pre-existing consumer base (over 220,000 customers), and on its direct contracts with Hollywood majors. In its catalogue, O2 offers a mixture of Hollywood titles and content supplied by local distributors or by Czech producers. Despite being owned by an international financial group, O2's TVOD is limited to the Czech territory, and it does not declare any plans for international expansion. Some retailers operate similarly to telcoms: offering their VOD services as a kind of benefit to their customers. Although Tesco Czech Republic closed its VOD portal in 2015, the electronics internet retailer Alza continues to offer TVOD/SVOD as a supplementary service to its customers.

The second group of new entrants are rights aggregators. The strongest commercial standalone aggregator Banaxi, with historical background in brick-and-mortar video rentals, operates its own SVOD portal. However, according to its CEO Radek Přikryl, rather poor business results have led the company to focus instead on B2B services to large telcoms and international electronics producers, including passenger entertainment systems. Banaxi's equivalent in the arthouse sector is the aggregator Film Europe, which specializes in selling film rights to theatrical distributors, broadcasters, and VOD platforms (including global platforms), while at the same time operating its own internet television channels. Its strategy is to build marketing campaigns around special events, most prominently a festival called 'Be2Can', which specializes in presenting 'selected top-notch films from the world's three most prestigious festivals.'[24] Banaxi and Film Europe differ from all the other stakeholders in that they are planning for international expansion in the near future.

Although several unsustainable services (mostly mainstream stand-alone VODs) have already vanished and the on-demand market has matured over the past decade, there are still some mavericks trying their luck in the digital distribution business. The stand-alone VOD/internet television channel 'Obbod' was launched by a former energy entrepreneur, who chose to start his endeavor with the production of an original web series in the early 2017, a strategy that proved temporarily successful, with the most popular webisode attracting a million viewers. Obbod operates as an SVOD focusing on Czech titles selected from the libraries of large local distributors as well as the National Film Archive. Its approach of mixing original short-format web series with acquisitions consisting mostly of American feature films and its emphasis on localization thus makes it a hybrid between internet television and VOD.[25]

While add-on services generally appeal to broadly conceived mainstream audiences, stand-alone services tend to be distinguished by niche content and audiences, including alternatives to the mainstream.[26] This is best illustrated by the documentary SVOD 'DAFilms' initiated by Doc Alliance, a partnership of seven European documentary festivals and operated as a publicly subsidized platform. Although its revenues are still quite low, Doc Alliance has the advantage of close relationships with a dedicated international community of documentary producers, filmmakers, and festival-goers. Its potential and ambition in cross-border distribution is thus logically higher than with all mainstream VODs. DAFilms aims for global circulation whenever it is able to acquire a multi-territorial license. Its catalogue currently consists of over 1500

[24] See Be2Can, 'The Be2Can Manifesto' <www.be2can.eu/en/about> [accessed 17 October 2017].
[25] 'Kamil Ouška (Obbod): Jeden díl Vyšehradu má milion přehrání. Lavický je jako Cimrman' *Lupa.cz*, 25 January 2017, <www.lupa.cz/clanky/kamil-ouska-obbod-jeden-dil-vysehradu-ma-milion-prehrani-lavicky-je-jako-cimrman> [accessed 28 August 2017].
[26] See Elizabeth Evans and Paul McDonald, 'Online Distribution of Film and Television in the UK', in *Connected Viewing: Selling, Streaming, & Sharing Media in the Digital Era*, ed. by Jennifer Holt and Kevin Sanson (London and New York: Routledge, 2014), pp. 158–79 (p. 163).

titles, and it regularly offers carefully curated programs (e.g., festival selections, retrospectives) and organizes its own awards.

As mentioned above, one of the most dynamic segments of digital distribution is short-format video streaming, dominated by Stream.cz, an internet television portal fully owned by the domestic equivalent of Google and the strongest Czech platform, Seznam.cz.[27] The recent boom in this last segment is seen by insiders as a direct result of the development in the online advertising market over the last seven years. The AVOD segment used to suffer from competition with linear TV, which traditionally attracted a larger share of video ad spending. However, the Czech Republic has had the highest online ad spending ratio per capita among the EU13, and it continues to grow at a faster rate than TV ad spending.[28] The recent successes of Stream's original series production, with its top hits reaching hundreds of thousands of views, have made it a serious competitor to both private and PSB networks. Short video streaming is the only formal-economy segment of digital distribution where disintermediation, i.e. the disappearance or collusion of traditional distribution windows and intermediaries (distributors, exhibitors, and broadcasters)[29] seems to be indeed taking place: the online television portal itself acts as sole producer, distributor, and exhibitor of its own content; and it also holds all copyrights. However, even Stream makes use of traditional distribution channels: it launched its own smart TV app in 2014, as of 2017 it is being integrated into the linear television programing of 'Seznam.cz TV' (a HbbTV service of its mother company), and it is experimenting with special theatrical premieres of its new series.

Informal Economy Channels

The sector that Ramon Lobato has called the 'informal economy' — which includes file-sharing platforms of various kinds — is very diverse and has many links and overlaps with the 'formal' distribution channels.[30] Its broad and global offering of immediately accessible free content is extremely attractive for users who are not used to paying for online video, especially in the context of fragmented local markets. YouTube's Content ID, a proprietary copyright

[27] For Seznam's own estimate of its market share see <https://ec.europa.eu/futurium/en/content/digital-single-market-perspective-only-european-competitor-google> [accessed 28 August 2017].
[28] The Czech Republic is among the nine EU countries where online advertising surpassed TV advertising in 2015 — see Christian Grece, *The Online Advertising Market in the EU* (Strasbourg: European Audiovisual Observatory, 2016), p. 18. Interviews with Stream.cz executives and producers were conducted by my student Dorota Vašíčková for her thesis *Stream.cz and Its Original Series Production* (Charles University, 2017).
[29] See Dina Iordanova, 'Digital Disruption: Technological Innovation and Global Film Circulation', in *Digital Disruption: Cinema Moves On-line*, ed. by Dina Iordanova and Stuart Cunningham, pp. 1–32.
[30] Ramon Lobato and Julian Thomas, *The Informal Media Economy* (Cambridge: Polity Press, 2015).

management system allowing rights-holders to identify and monetize user-uploaded content, illustrates how an efficient 'formalization' of an informal economy looks like.[31] Local file-sharing platforms such as Ulozto.cz, on the other hand, oppose the pressure to monitor user-uploaded content or to enter into agreements with rights-holders,[32] because this would destroy their business model (which is based on providing file-hosting services under the 'Safe Harbor' framework, while profiting from subscriptions and advertising) and because the expense of developing an equivalent of Google's Content ID supposedly exceeds their financial possibilities. As a consequence, there is an ongoing fundamental conflict between them and the rights-holders, which is made clearly visible in DSM-related consultations. The platforms' proposals for legalizing user-uploaded content generally transfer responsibilities for the identification and policing of content to the rights-holders, and they are typically rejected for this reason. The file-sharing platforms prefer to continue operating under the 'notice-and-takedown' regime, which rights-holders consider an unreliable and insufficient form of protection.

The Digital Single Market from the Perspective of a Small Country

The DSM-related consultations organized by the Czech Ministry of Culture and the Ministry of Industry and Trade are an opportunity to observe how the Commission's regulatory proposals affect the strategic thinking of all the stakeholders. My colleague Pavel Zahrádka and I took part in some of the meetings (as consultants for the Czech Cinematography Fund), after which we proposed an analysis of the local stakeholders' attitudes toward key elements of the EC DSM strategy.[33] Here I will summarize briefly the key patterns specifically linked to the small-nation market and the concept of cultural intermediation.

Local distributors mostly restrict their operations to the Czech and Slovak markets, and they are not interested in increasing the cross-border circulation of their content. Some of them acknowledge that the DSM may be a legitimate response to consumer frustration with digital barriers that limit legal access to audiovisual content, and that the DSM is in line with the idea of a unified Europe. They accept the necessity of certain minor elements of the strategy (mainly the 'portability' principle allowing cross-border travelers to access their online services abroad), but they do not welcome the long-term strategic goal of the DSM: removing obstacles to the circulation of works and achieving 'full cross-border

[31] For corporate statistics on Content ID see the new version of Google's PR brochure *How Google Fights Piracy* (July 2016).
[32] See the Article 13 on the 'use of protected content by information society service providers' in the Proposal for a Directive of the European Parliament and of the Council on copyright in the Digital Single Market, COM(2016) 593.
[33] See Pavel Zahrádka and Petr Szczepanik.

access for all types of content across Europe'. If the most radical scenario of the DSM is to be implemented (i.e. mandatory pan-European licensing replacing the territory-by-territory system),[34] the local distributors fear they would then lose the segments of independent production to more powerful international competitors. They believe that the all-rights bundles would be divided, license prices for certain content types would increase (especially where natural language barriers do not limit the potential market to the domestic territory), and the DSM would thereby strengthen global competitors and oligopolies. It would complicate their vital collaboration with Slovak partners, both in terms of cross-border cannibalization of distribution windows and the loss of foreign co-production investment. Production investment in Czech films and Czech majority co-productions would be riskier if distributors lose territorial exclusivity.

Stakeholders are not interested in what would theoretically be DSM's key benefits: whether 'passive sales' (accepting cross-border sales from outside the licensed territory, without actively promoting or advertising the concerned services)[35] or saving on transaction costs through a decrease in the number of licensing parties. This is because such costs supposedly do not play any significant role in the process of distributing Czech titles – virtually the only content category that they can hope to sell across Europe.[36] They do not consider the poor cross-border circulation of Czech audiovisual content to be the result of the market barriers that the DSM addresses, but rather a product of the local producers' insufficient resources and lacking motivation to develop internationally marketable products.[37]

[34] The DSM strategy declares its 'ultimate objective' of 'full cross-border access for all types of content across Europe' can be achieved only via a 'gradual approach', because such a goal 'needs to be balanced with the readiness of markets to respond rapidly to legal and policy changes and the need to ensure viable financing models for those who are primarily responsible for content creation'. See COM(2015) 626, 9 December 2015. The Commission does not currently explicitly propose obligatory pan-European licensing, nor a ban of territory-by-territory licensing. However, opponents of the DSM are afraid that the proposal to extend the 'Country-of-Origin' principle to online TV-services and the prohibition of geoblocking would mean a de-facto introduction of pan-European licensing. See e.g. Audiovisual Sector Coalition Position Paper on the European Commission Draft Regulation Applying the Country of Origin Principle to Licensing of Certain Broadcasters' Rights Online <www.europa-distribution.org/assets/AV-Coalition-Country-of-Origin-Paper_November-2016.pdf> [accessed 28 August 2017].

[35] They do not believe there is significant interest in Czech films outside the Czech or Slovak markets.

[36] Copyrights are typically aggregated in the hands of producers, which hypothetically allow producers to grant distributors a multi-territory license; this is why distributors or broadcasters could clear the rights within a single transaction. The Czech producers, however, still prefer traditional territory-by-territory licensing, while direct deals with aggregators or platforms, granting them multi-territory licenses, are an exception. (Only recently did a Czech producer pre-sell global rights to Netflix in exchange for some production investment — the film will be released in the late 2017 under the title *Milada*.) This practice is in line with findings in other European countries — see Gregor Langus, Damien Neven and Sophie Poukens, *Economic Analysis of the Territoriality of the Making Available Right in the EU* (Bruxelles: Charles River Associates, 2014), pp. 96–97.

[37] For an industry analysis of Czech producers' business models and the role of public subsidies in

At the same time, local stakeholders are not as worried as their larger West-European counterparts about losing their market share. The main reason for their restrained approach is the belief that local market specificity and the localization of content will play a crucial role in the on-demand market in the near future. They are not preparing to compete with Netflix by expanding on an international scale, but rather by taking advantage of their intimate knowledge of local audiences — their habits, tastes and preferences — as well as the local media infrastructure, legal system, and industry networks. It is not merely the shared Czech language, but also familiar user interfaces and distributor brands that — according to local distributors — account for the strong loyalty of Czech online audiences. The confident attitude that national orientation and specialization will help to compete with intensifying global competition is typical not only for the add-on VOD services of telcoms or broadcasters, but is even present among arthouse theatrical distributors. Niche distributors like Aerofilms (whose strategy and brand is built on the cultivation of their own chain of specialty movie theaters) or Film Europe (which does the same via several small festivals specializing in award-winning films) feel more secure than their mainstream counterparts like Bontonfilm or Cinemart, who are compelled to search for new allies, to build their digital operations with the help of established local VODs or under the auspices of iTunes, Google Play, and YouTube, rather than establishing their own, stand-alone services. Mainstream distribution seems to be more volatile than that of non-mainstream-oriented content. The common knowledge among industry players is that local, mainstream, on-demand services can survive only through add-on services that build on established consumer bases, or through collaboration with global platforms.

Seen from this perspective, the DSM, although still awaiting its final form, is having quite a different effect than expected by its proponents. Instead of expanding cross-border circulation, supporting cultural diversity, and stimulating innovative business models, it is rather pushing local players to solidify their national orientation as the most reliable survival strategy. Instead of harnessing new opportunities for expansion and export, the main focus of local distributors is pressing policy-makers to preserve the existing system and to implement more efficient regulation of the informal economy. One possible explanation for this centripetal tendency lies with the structural features and limitations of small-country media markets outlined in the introduction to this article. While globally circulating media products and services are developed with the resources of the large markets and adapted to the tastes of large-state audiences (see for example the composition of the local Netflix catalogue), small-nation media systems tend to react by developing strongly localized content and services that do not travel across borders. These are adapted to the limited local resources (including

limiting their motivation to market films abroad, see Petr Szczepanik et al., *Studie vývoje českého hraného kinematografického díla* [A Study of Czech Feature Film Development] (Prague: Státní fond kinematografie, 2015).

public support), and thus not internationally competitive, but able to meet the culturally specific preferences and behaviors of domestic consumers. The prospect of weakening the principles of territory-by-territory licensing compels local stakeholders to adhere to this strategy even more tightly. It seems that the limited bargaining power of small countries has led proponents of the DSM to disregard these specificities of small media markets, which may eventually endanger the strategic goals of the regulatory framework.

Conclusion: Localizing Intermediaries

The outlined descriptive typology of products, practices, and stakeholders indicates that the advent of digital distribution has not erased traditional intermediaries (with the exception of short-format internet television and informal channels), but rather added new layers of intermediation. Instead of resulting in the disintermediation of traditional players, it has expanded the spectrum of intermediaries. Each of the 'players' fulfills a more complex intermediary role than before: film exhibitors are providing much-needed publicity for subsequent VOD releases; cinema distributors are assuming the function of aggregators of digital rights; stand-alone aggregators are moving into various other business activities such as internet television, passenger entertainment systems, or festivals; there are a number of new entrants who have begun to play new intermediary roles via their add-on online services (broadcasters, festivals, telcoms, retailers, search engines, media groups, etc.). Thus, the process of 're-intermediation' operates not just through new intermediaries that are specific to digital distribution, such as stand-alone aggregators,[38] but across the whole spectrum of distribution agents, including traditional cinema distributors and broadcasters.

A market's small size increases the importance of the state's cultural policy as an external factor of intermediation. Public institutions like the Czech Cinematography Fund (with a special support scheme aimed at distribution), the public-service broadcaster (which has launched a successful online service), the National Film Archive (with its extensive plan to digitally restore the national film heritage, with a broad portfolio of older Czech films), or other policy-making institutions (responsible for implementing European regulatory frameworks, including EU copyright reform) influence the way audiovisual content circulates — more significantly than in the case of larger territories where free-market principles function more autonomously.[39] The regulatory proposals of the DSM strategy have so far not led to any significant reconsiderations of the existing business models in the Czech Republic: on the contrary, local stakeholders who entered the domestic or European negotiation processes have articulated

[38] See Patrick Vonderau, 'The Politics of Content Aggregators', *Television and New Media*, 16.8 (2015), 717–33 (p. 720).
[39] See Trappel.

a primary interest in serving the local market. They are pressing local policy-making institutions to limit the strategy's impact on the territory-by-territory licensing system, although their opposition is not as strong as with their West-European counterparts.

The common denominator of most of these tendencies in both business operations and policy-making is localization. Conservative consumer behavior, the local language, well-established (non-audiovisual) commercial services, special events and physical spaces, trusted tastemakers and selectors seem to play more crucial role in digital distribution than the size of and access to a VOD catalogue. The Czech Netflix catalogue currently consists of almost twice as many titles as its largest local counterpart, Voyo, but this does not translate to an advantage in terms of subscription numbers. This is also true with regard to the under-regulated online environment where consumption of an unlimited range of pirated content seems to be a widely accepted practice, and where local file-hosting services play a crucial intermediary role.[40] Local intermediaries with specialized knowledge of the local market, legal system, and distribution infrastructure, equipped with specialized skills for selecting and curating content for local audiences, will — according to the key stakeholders — play a fundamental role in digital distribution in the near future. They will be more important for the survival of local distributors than more quantitative parameters such as the scope of VOD catalogues. The most powerful of these intermediaries, which control what we watch and when, are still traditional players: film distributors and FTA broadcasters. Local stakeholders do not fear technological changes and global competition as much as we might expect — what they perceive as a greater danger to their localized business model is under-regulated online piracy and, in the case of the PSB, the apparent unpredictability of local policy-makers and their susceptibility to political pressures.[41]

[40] See Jakub Macek and Pavel Zahrádka, 'Online Piracy and the Transformation of the Audiences' Practices: The Case of the Czech Republic', in *The Aesthetics and Ethics of Copying*, ed. by Darren H. Hick and Reinold Schmücker (London: Bloomsbury Publishing, 2016), pp. 335–58.

[41] After the 2017 Czech legislative election, the fourth strongest party, the right-wing populist SPD, proposed to nationalize all public-service media in the country, which was met with strong resistance from the public-service management.

The Data Don't Speak for Themselves: The Humanity of VOD Recommender Systems

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Abstract

There is a widespread myth and rhetoric, even in academic discourse, about data and VOD recommender systems, especially with regard to the notion of automation and the innocence of this presumed automation. Behind this rhetoric lies the de-humanization of machine computation, i.e. the removal of all the processual, decisional, 'oriented' aspects informing every online recommender system. This essay focuses on content-to-content video recommendations, which are based on patterns of similarity between different contents, and it intends to show that there is nothing neutral — even in the most seemingly 'objective' form of video recommendation. The aim is to rediscover those very processual elements of the 'data supply chain' — regarding how metadata are created and collected, and how algorithms are configured — so as to make them critically observable again: the funnels, decision points, the multiple layers of human mediation and filtering, in both their relevance and sensitivity.

Rhetoric and Myths

Recommender systems are used in VOD (video-on-demand) platforms in order to help users find videos to watch, and they are considered crucial to the good functioning of such platforms. Netflix, for example, maintains that recommendations account for about 80% of all streaming hours on their platform, as opposed to the 20% taken up by contents actively searched by users.[1] Active searches and recommendations represent two alternative routes to the 'discovery' of contents: one active and informed by human agency, the other passive and machine-assisted.

In the mythically inflected scenario put forth by Netflix and other media providers, recommender systems constitute the backbone of online streaming

[1] Carlos A. Gomez-Uribe and Neil Hunt, 'The Netflix Recommender System: Algorithms, Business Value, and Innovation', *ACM Transactions on Management Information Systems*, 6.4 (2015), 1–19 (p. 5).

services. A narrative thus emerges: the need for such systems, we are told, stems from the 'increasing number of choices' that contemporary audiences face. Machines — the myth goes on to argue — are capable of navigating the wealth of potentially available items far better than their human counterparts, including so-called 'human experts'. The founding narrative of VOD platforms follows an evolutionary logic: plots are seen to have grown in number and complexity over the centuries, from the basic stories of prehistoric cave dwellers to those of our times. Fuelled by technological advances, storylines have multiplied and become more 'engaging', and, Netflix says, they are now more varied and widely distributed 'than ever before', to the point where there are just too many for us to pick: 'humans are surprisingly bad at choosing between many options.' But while human beings are likely to be overwhelmed by such abundance, a machine can easily choose for them. Moreover, recommender systems are seen as intrinsically 'democratic', because they allow direct access to a 'long tail' of contents, and especially because they do so in an 'automatic' and 'machinic' way:

> Recommender systems can democratize access to long-tail products, services, and information, because machines have a much better ability to learn from vastly bigger data pools than expert humans, thus can make useful predictions for areas in which human capacity simply is not adequate to have enough experience to generalize usefully at the tail.[2]

I believe — and am not alone[3] — that a widespread myth (and attendant ideology) can be traced, even in academic discourse, where arguments are made about data and content recommendation, especially with regard to the notion of *automation*. Take, for example, a recent article by Lev Manovich on the importance of data analytics in the contemporary mediascape, dominated by Big Data and data companies.[4] The word 'automation' and its derivatives are used 34 times just in this one essay. On top of that, they are even misused: the over 76,000 genre categories of Netflix's recommendations system are *not* created through computational analysis of media content, as Manovich seems to believe, but by *human* 'taggers', using a 36-page training manual and a tagging system conceived by other, equally human analysts. These employees are tasked to describe films and series, down to the most minute narrative details, including, for example, the amount of gore or romance, plot conclusiveness, the 'social acceptability' of the protagonists and so forth.[5] In fact, complete automation in the analysis of contents is far from being a reality.

To be sure, automated analysis has its uses, and can be especially suited to

[2] Ivi, pp. 1–2, p. 16.
[3] See footnote 12.
[4] Lev Manovich, '100 Billion Data Rows per Second: Media Analytics in the Early 21st Century', *International Journal of Communication*, 12 (2018), 473–88.
[5] See Alexis C. Madrigal, 'How Netflix Reverse Engineered Hollywood', *The Atlantic*, 2 January 2014, <https://www.theatlantic.com/technology/archive/2014/01/how-netflix-reverse-engineered-hollywood/282679/> [accessed 25 July 2017].

certain tasks. It could be applied very effectively, for example, to extract data on the colours used in certain films and then to group those same films in clusters, according to their palettes, or to gather information on other elements such as cutting rates, motion or sound features — companies such as Vionlabs also try to correlate data about action, lightning, colour and sound (e.g. the amount of dialogue and its volume) with the 'feeling' of a movie, the way it affects the spectator. A semantic engine could even be able to identify the subject of a script, and what the main themes are. No doubt, these and other similar applications are bound to galvanize those in favour of applying quantitative analysis to film. And again, there is no debating that the possibilities offered by computational stylometry can be very interesting: a statistical analysis of the various types of camera shots — the kind of things Barry Salt used to like[6] — based on automatically generated data is a compelling prospect, and not at all impossible to imagine even today. Most likely, however, machines would struggle with other aspects of film analysis, especially those not as easily related to identifiable discrete units.

What is more, such a level of automated analysis does not appear to be even remotely as widespread and fundamental for the running of VOD platforms and their recommender systems today as some enthusiastic commentators seem to believe. Nor, for that matter, is Amazon Prime Video using face-recognition algorithms yet, as some seem to imply:[7] the 'X-Ray' feature, despite the technologism of its name, uses IMDb data, and relies on *human* work (not just human review or curation) to describe the characteristics of each scene as it is streamed: music, trivia, filming location and names of the actors present in the frame. This explains why, in *Forrest Gump* (Robert Zemeckis, 1994), X-Ray designates the titular character as Tom Hanks even in those sequences where the main character is a child, played by an obviously different actor: a tag has been applied to the character, and the match is not the outcome of face recognition.

Coupled with the myth of automation, and equally widespread, is the myth of the *innocence* of this presumed automation: 'I believe', Manovich says, 'that computing and data analysis technologies are *neutral*. They don't come with some built-in social and economic ideologies and effects.'[8] One senses in these words a blind faith in the self-evidence of data, the conviction that automated systems and algorithms will be capable of delivering (finally) unequivocal interpretations, more so than any human analytic framework. Another respected media guru, Chris Anderson, expresses a similar sentiment as he celebrates Big Data in his *The End of Theory*:

[6] See Barry Salt, *Film Style and Technology: History and Analysis* (London: Starword, 1983).

[7] See the explanation provided by software engineer Christopher Brian at <https://www.quora.com/How-does-Amazon-IMDB's-X-Ray-work> [accessed 25 July 2017].

[8] Manovich [emphasis in the original]. These sentences were included in the article's 'Fall 2015 – Spring 2016' draft version, which was available on the author's Academia.edu page and on his personal website (<http://manovich.net/index.php/projects/media-analytics> [accessed 25 July 2017]). However, they are no longer present in the revised version of the article. Manovich's 'belief' still seems to inform the text, though (see p. 482).

> With enough data, the numbers speak for themselves. […] We can stop looking for models. We can analyze the data without hypotheses about what it might show. We can throw the numbers into the biggest computing clusters the world has ever seen and let statistical algorithms find patterns […]. Science can advance even without coherent models, unified theories, or really any mechanistic explanation at all.[9]

Anderson's words demonstrate the strength of what I see as the contemporary rhetoric of data, data driven recommendations and algorithmic systems, as well as the anti-humanistic diffidence that appears to be widespread in current computational reasoning. What interests me is the scientistic inflection that transpires in these accounts, the stress on the necessity and perfection of automation, on its neutral and democratic character. The few excerpts I quote here are representative of a much larger discursive trend, which denies the presence of any ideological, theoretical or otherwise *oriented* aspect in the configuration of data-driven systems, be they used for the analysis and interpretation of contents and tastes, or to provide recommendations.

In their very wording, statements like Manovich's cannot but remind the film theorist of controversies, dating back to the 1960s and '70s, about the neutrality of the cinematic apparatus, such as those inspired by Jean-Patrick Lebel's dismissive claim that 'the camera […] is an instrument which is ideologically neutral inasmuch as it is an instrument, an apparatus, a machine. It rests on a scientific basis and it is not constructed according to an ideology of representation.'[10] Among those who joined the debate in response to Lebel were Marcelin Pleynet and Jean-Louis Baudry, who intended to demonstrate precisely the opposite, exposing the ideological underpinnings of the cinematic apparatus, informing the 'scientific basis' of the *dispositif*.

The analogy I suggest here between those arguments and mine, in relation to data and the non-neutrality of recommender systems, is less far-fetched than it might seem. After all, the role these systems play allows us to see them acting very much in the way of strategic apparatuses, translating specific ideas about cinema (and its spectators) into 'conditions of recommendability'. That is to say, if we paraphrase Foucault's definition of the *episteme*, that they turn those ideas and assumptions into the pre-conditions 'which permit of separating out from among all the [recommendations] which are possible those that will be acceptable'[11] — a point to which I return later in this article.

[9] Chris Anderson, 'The End of Theory: The Data Deluge Makes the Scientific Method Obsolete', *Wired Magazine*, 16.7 (2008), <https://www.wired.com/2008/06/pb-theory/> [accessed 25 July 2017].
[10] Jean-Patrick Lebel, 'Cinéma et idéologie', *La Nouvelle Critique*, 34 (1971), p. 72.
[11] See Michel Foucault, *Power/Knowledge: Selected Interviews and Other Writings 1972–1977*, ed. by Colin Gordon (London: Harvester, 1980), p. 187. It originally reads '[…] all the statements […]'.

Reification v. Processuality

For now, I begin by positing that behind the myth of algorithmic recommendations, and the rhetoric of automation, lies the *reification* of machine computation, a phenomenon which in turn relies on the removal from sight of all its *processual* aspects. The de-humanization of technology, along with the rhetorical suppression of its decisional, operational and relational aspects, accounts in my view for the anti-humanistic and post-theoretical views that I outlined above, of both data and data-based recommender systems. Indeed, a much more critical approach to these issues is needed — such as the one articulated by David Berry in *Critical Theory and the Digital*,[12] which I share, and which I endeavour to apply here, albeit with a more limited scope.

Refocusing our attention on the processual elements of the supply-chain of data can easily pave the way for a full evaluation of all sorts of human, theoretical and ideological aspects. Here, however, I prefer to postpone that much needed evaluation, and engage instead in a preliminary survey, so to speak. My intention is to rediscover those very processual elements, so to make them *critically observable* again: the funnels, decision points, the multiple layers of human mediation and filtering, in both their relevance and sensitivity.

It should be noted, in fact, that the algorithms behind every online recommender system — in their initial setup, during their actual operation, and in the results they generate — must, in order to function, unavoidably contaminate their machinic perfection with factors that are, strictly speaking, *human*. These factors should be identified and acknowledged as such — that is to say, as elements that are neither automatic nor machinic (including, for example, rules, editorial filters, strategic decisions, logical assumptions and operations). Those elements, in turn, can be used to investigate deeper layers of meaning. Hidden as they are,

[12] See David Berry, *Critical Theory and the Digital* (New York: Bloomsbury, 2014), p. 10. Closer to our subject are Patrick Vonderau, 'The Politics of Content Aggregation', *Television & New Media*, 16.8 (2015), 717–33; Ramon Lobato, 'The Politics of Digital Distribution: Exclusionary Structures in Online Cinema', *Studies in Australasian Cinema*, 3.2 (2009), 167–78; Ted Striphas, 'Algorithmic Culture', *European Journal of Cultural Studies*, 18.4-5 (2015), 395–412; Blake Hallinan and Ted Striphas, 'Recommended for You: The Netflix Prize and the Production of Algorithmic Culture, *New Media & Society*, 18.1 (2016), 117–37. I fully endorse the critical perspective on big data, computational methods, algorithms and digital humanities exemplified by articles and volumes such as Rob Kitchin, *The Data Revolution: Big Data, Open Data, Data Infrastructures and Their Consequence*s (Los Angeles: SAGE, 2014); Stephen Ramsay, *Reading Machines: Toward an Algorithmic Criticism* (Urbana: University of Illinois Press, 2011); *'Raw Data' Is an Oxymoron*, ed. by Lisa Gitelman (Cambridge, MA: The MIT Press, 2013); Tarleton Gillespie, 'The Relevance of Algorithms', in *Media Technologies: Essays on Communication, Materiality, and Society*, ed. by Tarleton Gillespie, Pablo J. Boczkowski and Kristen A. Foot (Cambridge, MA: The MIT Press, 2014), pp. 167–93; Danah Boyd and Kate Crawford, 'Critical Questions for Big Data: Provocations for a Cultural Technological, and Scholarly Phenomenon', *Information, Communication & Society*, 15.5 (2012), 662–79; and also in most of the articles published in *The Datafied Society: Studying Culture through Data*, ed. by Mirko Tobias Schäfer and Karin van Es (Amsterdam: Amsterdam University Press, 2017).

those 'human biases' grant us a precious insight into what ideas and assumptions are at play in determining what contents VOD platforms offer, and how they conceive of their users — assumptions that are usually unspoken, unconscious and taken for granted. I refer, for example, to those underlying the decision of what factors ought to be counted when determining the degree of similarity (and dissimilarity) between different films, or between different user profiles.

All of this applies both to *collaborative filtering* and *content-based* algorithms. The first type uses *play data* to recommend content and build clusters of users based on their presumed tastes. In doing so, these algorithms could be seen to normalize and simplify different psycho-social profiles; also, they could equate patterns of viewing based on superficial similarities, without taking into account the possibility that identical behaviours might be the outcome of very different rationales. Yet, a discussion of the limitations of collaborative algorithms is beyond the scope of this article.

Rather, I want to focus on the second type, the so-called *content-based* algorithms, which rely on *metadata*, that is to say data that describe contents, their characteristics and features, and *not* on play data generated by the users' viewing patterns. These algorithms may look more objective than the others, but they are *not*. Among content-based algorithms we have, for example, LSAs, which are semantic algorithms capable to infer (among other things) that if two different films cast a certain actor, then the directors of the two films in question are correlated, even when their other films do *not* cast that same actor.[13] More significant for my present argument, however, is another content-based algorithm called kNN. The kNN content algorithm uses information about films in order to assess the presumed *similarity* between them. In order to do so, the algorithm puts all the films it needs to assess on a map, or, rather, a two-dimensional translation of high-dimensional values and relations (fig. 1). Films are displayed as points (or vectors), and the nearer a point is to another, the highest the similarity (NN stands for 'nearest neighbours', and k is the number of items considered).

The resulting assessments are then used to compile rows of content-to-content recommendations on VOD platforms. On Netflix, kNN is used, for example, to fill the 'Because You Watched' row of videos: Netflix IT experts refer to it as a 'video-video similarity', or 'sims' algorithm. In this context, the term 'row' refers to an array of contents, presented to the user as a scrollable list of movie images or posters, displayed in a horizontal line. It is also worth noting that this type of content-to-content recommendation is rarely experienced by the users in its purest form, that is, without the interference of any custom filter. An exception to this is offered by Infinity, a VOD platform owned by the Italian media company Mediaset. At the time of writing (summer 2017), a content page on Infinity

[13] For the sake of simplicity, all the scenarios I discuss here refer exclusively to films, even though VOD platforms obviously offer a wider variety of audiovisual content, and despite the fact that the relevance of my observations can be extended to other types of content.

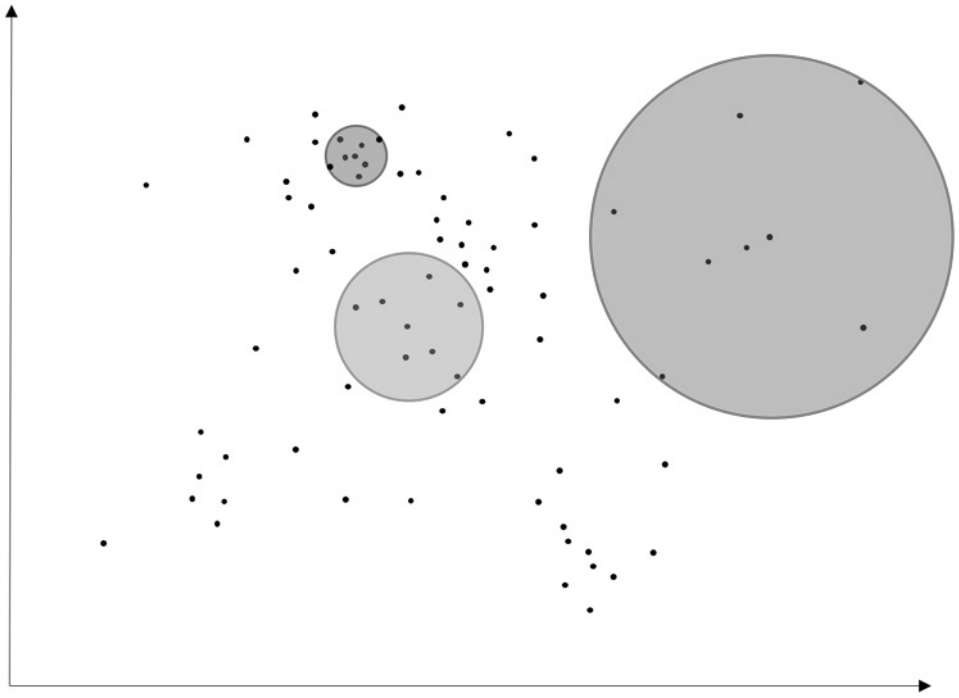

Fig. 1. A hypothetical kNN algorithm map of film similarity. Each circle includes the seven most similar films to another one (k=7).

displays what appears to be a content-to-content row in its pure form, i.e. an unfiltered list that always contains the same matches for a given film, regardless of the user. As far as OTT (Over The Top) services go, moreover, Infinity is still under development, and is thus particularly well suited to prove my point — that is, its *humanity* is more apparent than in other, more 'polished' video streaming platforms.

It should be noted, however, that I do not intend to present Infinity as a fully-fledged case study, also because VOD services are constantly evolving: rules, criteria, the variables used to direct recommendations, all these critical elements are always in flux, as are the catalogues legally available to each platform. Such volatility makes it extremely difficult to produce a snapshot of VOD services at any given point in time, and any such example would be at risk of becoming irrelevant from one week to the next.

Notes on the Data Supply Chain

Rather than focusing on a specific case study, in this article I attempt to sketch an outline of the process leading to content-to-content recommendations in *its*

most general terms. In defining such terms, however, I also draw from my personal experience in the Strategic Marketing Department at Mediaset, which, under the direction of Federico di Chio, has been engaged since 2015 in a vast project to create an archive of metadata for their catalogue of audiovisual content: a project intended, among other things and in the near future, also to improve recommender systems on the VOD platforms owned by the company itself.

Based on this experience, it seems to me that three main phases can be distinguished in an ideal model of the data supply chain behind kNN and similar algorithms: (a) data collection, (b) algorithm configuration, (c) business rules configuration.

(a) Data collection. First, the media company has to decide *which* and *how many* films have to be described. This decision obviously depends on the portfolio of streaming rights the company has, or has acquired, yet the final list may well include 'external' items. Indeed, films regarded as 'classic' or 'relevant' may also be tagged, to serve as points of reference: the pool of potential titles, in this case, includes films whose rights may be acquired in the future, and even films that are never going to enter the portfolio: on Netflix, for instance, external items are tagged in order to recommend 'similar' titles in the available catalogue in response to the users who search for them.

Having reached this point, the media company must decide *who* is to collect data about the selected films. Here, executives face a classic 'make or buy' alternative. Our hypothetical company may opt to buy metadata from an external supplier (such as Gracenote, for example), or to collect the metadata by itself, internally. Buying metadata from an external vendor is probably cheaper, but there might be limitations in the databases available for sale, both in term of granularity and extension. Our company might thus decide to circumvent the problem by collecting metadata internally. Such course of action, however, requires money, and, crucially, competences: it requires *human* experts, people able to analyse audiovisual content, and other people able to coordinate, standardize and clean the process of gathering data. Also, it requires time: the company must decide which films ought to be given priority.

Neither option, i.e. neither the proprietary collection of data nor the use of external pre-existing databases available for sale, can be considered objective, or unproblematic. And here I do not refer solely to the inevitable degree of arbitrariness involved in the tagging process — manifest, for example, in scalar variables: is the level of gore in *The Wild Bunch* (Sam Peckinpah, 1969) a 4 or a 5 on a scale of 5? The same as *Cannibal Holocaust* (Ruggero Deodato, 1980)? Even if we discount for that inbuilt arbitrariness, in fact, companies must nonetheless face — above all else — the problem of *what data* they gather, and *for what*. The owner of a VOD platform has to decide *how* to describe its films, and *which* factors can be meaningful for its goals among the measurable data that algorithms can read and compute. In other words, when a company collects certain data (and not others), it must first form some preliminary idea of *what to*

do with them, or, at least, of *what features*, in the contents it needs to describe, are the most interesting and relevant, or *representative*.

On a basic level, then, the phrase 'data collection' is misleading. Data are neither truly 'given' nor 'collected': they are created. Data do not exist in nature, and the decision to record certain kinds of information rather than others is, in and of itself, the outcome of a generative operation, which involves interpretation and simplification — a *datification* of the available audiovisual material. The media company has to decide its own *metrics*, its tagging system. Put otherwise, it has to decide *what can be data*. It has to identify a certain numbers of variables, such as, in the case of films and just to name a few: directors, actors, production year and country, cinematography, geographical and temporal settings, genre, keywords, themes, plots, various degrees of narrative details, all of which will then be used to describe each film, and to assess potential patterns of similarity. Netflix must have considered whether the 'social acceptability' of the protagonist was relevant, as a variable, to the pursue of its goals. Having decided that it was, then, it must have created a definition, along with an entire typology of related possibilities. Similarly, a media company has to decide *what* a genre is, and what it is not, *how many* genres exist, and *how many* of them can be identified for a single film, and so on. Does 'Kung fu', for instance, count as a genre? Or is it a sub-genre, a subdivision of the wider 'Action' genre? Why not a sub-genre of the 'Martial Arts' film, then, or even of the 'Sport' film? Or, even, neither a genre nor a sub-genre, but a theme? Can a film belong at one time to the genres Kung fu, Action, Comedy, Martial Arts and Sport?

Needless to say, the resulting data architecture can be very articulated, with many different levels for each variable. Nor is there a single *correct* way to organize the descriptors. The outline of the final taxonomy will depend, among other things, on the characteristics of the catalogue, and on what the company hopes to achieve in relation, for example, to its target audience, or to any strategic 'vertical market' that may exist for some or all aspects of the data. Equally significant will be the assumptions and habits of thought, and indeed the culture and nationality of the individuals who conduct the tagging and provide the service, as well as particular market standards and 'currencies'.

(b) Algorithm configuration. The collected data are then transferred to the kNN algorithm, where they are managed using a specific interface. During the transfer, a process of extraction, transformation and loading (ETL) takes place, which is likely to result in a whole remapping of the variables used in the collection. Those, in fact, must now conform to a different logic and architecture: that of the algorithm, but also that of the content management system (CMS), which determines the layout and internal organization of the webpage on which the final recommendations will be published.

Moreover, and crucially, most of the times the algorithm only considers a *subset* of the variables included in the collection, which is selected and *configured* for use independently from the collection phase. *Someone* — not a machine — has

to decide *how many* and *which* variables ought to define similarity between films, and *what their relative weight is*. A recipe of sorts has to be invented. How many actors should be considered in determining the recommendations? Two, ten? Should they all carry the same weight in the assessment, or should the main stars be given more consideration? Do 'ensemble films' — assuming, of course, that such a category has been created and previously defined — require a different approach as to the number and relative relevance of the actors considered? To take another example, does a film like *Cry-Baby* (John Waters, 1990) relate better to other films dealing with the juvenile delinquency in the 1950s, even though it parodies them, or to *Grease* (Randal Kleiser, 1978), which is closer in terms of release and resembles it in theme and genre but not in tone, or even to other parodies dealing with completely different themes? *Someone* has to decide whether a matching theme carries more weight than, say, a convergence of genre, year of production, or tone. Equally, a decision has to be made as to whether *different variables* can correlate: can a film *from* the 1950s be made to match a film *on* the 1950s?

Indeed, the configuration of the subset presents the 'human expert' with a plethora of such decisions. Is the presence of a certain actor *more or less* important than a correspondence in genre? *How much more or less* important is it? Is the year of production more or less important than the production country? Some of these decisions appear, from a conventional *cinephile* perspective, more striking than others. The presence of the same director, for example, may or may not be counted as a condition of similarity. On the current version of Infinity (summer 2017), for example, the director does not appear to have any impact in determining content-to-content similarity. If one accesses the full details page of *Full Metal Jacket* (1987), no other Stanley Kubrick film is suggested as 'similar', despite the fact that some of them are present in the catalogue. It would appear that the director, here, is not just weighted less than other variables: he is simply not considered at all — in other words, *someone* decided his role was just not that interesting, at least for their goals (and for their users). Such a decision might appear to make little sense, considering how the director is, at least to some extent, an invention of film marketing. Yet, it is a fact that any platform can pursue their legitimate editorial interests, above and beyond what we deem to be objective or even 'sensible' criteria of similarity among films. If that is the case, however, we should also acknowledge the editorial nature of the resulting recommendations: the patterns and correlations 'discovered' by the algorithm are partial and certainly not universally valid, despite any claim to the contrary.

Once selected and weighed, the chosen subset of variables is passed on to the algorithm. Again, some companies choose to develop their algorithms internally, while others acquire the code from external developers, a decision which in turn can affect who can access and control the algorithm itself once it is running. Moreover, the code itself can play a key role in determining the final recommendations. Among the factors that can influence the results we can find a 'normalization logic' that assigns different values to tags depending

on their incidence. Irrespective of the weight assigned to the corresponding variable, tags with a lower incidence 'count' more, and those recurring more often 'count' less. Such a normalization logic is widely used in statistical analysis, with computer scientists arguing that it is indispensable for every 'state of the art' recommendation system. In some cases, however, its usefulness appears dubious, but we cannot explore this issue further here. What is most important to us is that such statistical logic — which, in all likelihood, heavily influences the results in many current recommender systems — can be seen to create a hierarchy even in the case of variables whose data, in the original tagging system, were 'flat', that is, not hierarchically arranged. Therefore, here too, a fairly arbitrary ordering principle is introduced, whereby the number of instances for a specific descriptor comes to be considered, roughly speaking, inversely proportional to its importance — which is a human assumption.

(c) Business rules configuration. One final crucial factor comes into play in determining which films appear in the content-to-content rows. The algorithm *rarely* works just by itself. In fact, it never does. 'Business rules' intervene to filter some titles or push up some others, or even to balance the results according to pre-established criteria, so that the platform will have a more diverse row of films, for example. 'Push' rules are used, among other things, to highlight new items in the catalogue. Conversely, 'filter' rules are used to exclude titles, often to protect younger users. On Infinity, at the time of writing, horror or erotic movies are never suggested as similar to a movie, unless the latter is itself listed as horror or erotic. But this rule can be more general, and ensure, for example, that PG (Parental Guidance Suggested) and R (Restricted) rated titles are never suggested as similar to any G (General Audiences) rated movie (a category, it should be noted, which includes films that are not necessarily meant solely for families and younger audiences), and that regardless of how close a match they may be in relation to other variables.

Moreover, filter rules can be used to exclude a portion of the catalogue from the content-to-content row (typically the oldest part, containing films made before the 1980s), or to hide films produced, say, more than ten years before the film they resemble — and that is because older films are usually considered less valuable. Such filters may well result in a catch-22: lesser-watched films (such as the older ones) are considered less valuable, and thus penalized in the suggestions rows, which makes them even-lesser-watched, and so on.

Filter rules can also be used to prevent types of films that are considered *radically* different from appearing alongside 'normal' ones. For example, rules can be put in place that allow documentary films to be listed *only if* the starting title is a documentary film too — this rule was, at some point, part of the Infinity algorithm configuration. In someone's opinion, fiction films could never be similar to documentary films: thematic similarity was not enough, apparently, to allow correlation.

Similarly, on this platform, and even today, animated films appear to correlate

and be correlated only to other animated films. The outcomes of this rule are questionable: on the page for *Rango* (Gore Verbinski, 2011) the algorithm fails to recommend any non-animated westerns, or live action Johnny Depp movies. Conversely, on the page for *Batman: The Killing Joke* (Sam Liu, 2016), adapted from a graphic novel by Brian Bolland and Alan Moore and featuring a blood-splattered poster, the algorithm recommends as similar *The Ice Age* (Chris Wedge, 2002) and *Penguins of Madagascar* (Eric Darnell, Simon J. Smith, 2014). *Rango* is a PG-rated film, while *The Killing Joke* is R-rated, which also suggests the existence of a *hierarchy* between business rules: someone decided that the animation rule should be stronger than the parental rating rule. Some other filter rules really seem bizarre: the page for *The Aviator* (2004) only recommends biographical films, because Scorsese's film is considered one, and a rule apparently dictates that biographical films can only lead to other biographical films, as if they were a genre too radically different from all the others.

Business rules are everywhere in VOD platforms, limiting the discovery of films, and not just through the list of recommendations, but even through the search field: users cannot really search *what they want*, even if the film they want is *there*. Not if someone does not want them to find it, and has blacklisted the title according to some (arbitrary) criterion, such as the year of production. In those instances, the only way to reach the desired title is through the 'tag cloud', as in the case, on Infinity, of *The Firm* (Sydney Pollack, 1993), a fairly recent film that is nonetheless unreachable from the platform search engine, even using the actors' or the director's name.

As those examples clearly show, business rules are an extremely powerful tool. Some *human being* has to decide *which* rules to use, *what for*, and *how* to make them work: their context of use and their scope of action. Granted, there are technical constraints to how they can be configured and how they can operate. These constraints, however, *also* derive from some *human* beliefs about what kind of filtering and pushing makes sense or not.

Similarity

So far I have limited the scope of my discussion to the process leading to content-to-content recommendations, which, as I said, are based on patterns of similarity between different contents. Now, without delving into the philosophical origin of the concept of similarity as a whole, it should at least be noted that even the narrower notion of 'film similarity' possesses a long history of its own. Similarity has long been used to differentiate products and stabilize demand within the film industry. It is, in fact, one of the elements behind the rise of the star system, and the adoption of genres in the studio era. At its root, similarity among films can be considered as an integral element of the economics of cinema, and of film marketing in particular. It certainly was so during specific periods in the history of the medium: one needs only to think of the exploitation

of stock plots and the systemic, occasionally unlikely combination of genres that marked the high concept movies of the 1980s and 1990s. Both of these strategies were meant to push the marketability of a film highlighting the similarities with other titles, the familiar and successful elements, while simultaneously reducing the risk of economic losses.

On VOD platforms, algorithms suggesting similar contents always entail a specific idea of film similarity, while also excluding *other* ideas. Recommender systems — that is to say, all the *people* involved in their designing and functioning — decide which data can adequately describe films, which data can be used to correlate 'similar' movies, and, conversely, which data can be used to separate 'dissimilar' movies. Content-based algorithms, in their purest form, imply that these criteria are *universally* true, as if similarity was independent from the spectator. In fact, there is no such thing as objective similarity. If I consider *Chinatown* (1974) as a Roman Polanski's film, I will want to see other films by the same director listed in the content-to-content row. Someone else may consider it a Jack Nicholson's film, or a Robert Towne's film, or a John Huston's film, or a New Hollywood film, or a (neo-?) noir film, or a Los Angeles film — each of these stances should affect the contents of the similarity rows, but they do not. And this problem can only be *partially* fixed using personal ratings and play data as filters, like in the 'Because You Watched' row on Netflix — however, this solution does not change the weights of the variables considered by the algorithm when assessing the similarity: it merely acts as a filter, or adds a new variable with a much heavier weight.

Moreover, recommender systems (and the people behind them) usually seem to believe that their criteria of similarity should be equally valid for *all the films* in the catalogue, regardless of their country or year of production and so on — genre or cast are weighed the same in a 1950s Hollywood movie and a contemporary Italian film. The director is weighed the same (or is not weighed at all) both in an art-house production and a blockbuster movie — which should probably not be the case: certain metadata should be more relevant for certain films than others. The notion of genre as well as the notion of director (and many others) assume different values in different eras and places: the corresponding data, though they may refer to the same variables, ought to reflect this changing relevance, and be given different values when specific combinations occur. Assuming that it makes sense at all to keep thinking in terms of data (an assumption which in itself may well be reductive: describing all such combinations in discrete terms may prove an impossible task), what this means is that certain data ought to be counted differently when they appear in certain combinations rather than others. To translate a wide catalogue into a homogeneous set of data, using the same variables to describe significantly different contents, can be misleading. If not all users give the same importance to the same variables, it is also the case that not all variables apply equally to all contents. From the point of view of its contents, a catalogue is not a homogeneous collection, and cannot therefore be described by the same parameters.

In this respect, another misleading impression conveyed by content-to-content rows relates to the density of the kNN map, which is, as I said above, the spatialized representation of the patterns of similarity within the catalogue. The output of a recommender system appears to imply that such density is generally homogeneous, and that the films populating the row always have the same degree of similarity among themselves. They do not: that map has different densities, which the linearity of the rows smooths over, effectively hiding the different degrees of similarity between the recommended contents. The recommender system does not tell you exactly how similar those contents are. A title may have more like content in the catalogue than another one, but both titles will display the same amount of similar films in the content-to-content row. The row always includes the same amount of items, regardless of how closely clustered the recommended films are on the map, which is to say without considering how similar they are in terms of the algorithm (see the different circles of fig. 1).

Besides, the relative density of the kNN map is not the only element hidden from the user. Most if not all the steps forming the supply chain of data, as I described them above, from collection to recommendation, cannot be accessed if not through the back-end of the platform. Indeed, analysing VOD platforms as black boxes can be extremely frustrating, as one tries to infer how recommendations work without knowing the weights in the algorithms, or the business rules, or which metadata are used in which part of the system. The metadata fuelling the algorithm can be different from those displayed on the page (indicating, for example, the genre of the selected film): they can belong to completely different data sets. VOD platforms look transparent but are very much *opaque*, if seen from the outside — this is exactly why their functioning seems impersonal, or automatic, and their objectivity indisputable.

Conclusions: The Conditions of Recommendability

I did not want to consider a single case study, nor to expose the flaws of a particular VOD platform in a specific moment of its history, as my point is much more general. I sought to discuss the process behind content-to-content VOD recommendation, and show that there is nothing neutral even in the most seemingly 'objective' form of film recommendation. There is no real scandal in this — there can be legitimate editorial reasons behind the criteria establishing similarity between films. What is largely groundless is the widespread anti-humanistic myth of automation and disintermediation, as well as that other, parallel myth, describing a supposedly new, machine-enabled democracy of choice. Recommender systems do not really promote discovery: on the contrary, the criteria regulating the patterns of similarity tend to *reduce* the complexity of a catalogue. Rather, it seems to me that those systems contribute, if anything, to what Cherchi Usai, talking about something else, defined as the (necessary

and unavoidable, to be sure) *destruction* of cinema[14] — as they select and define criteria of relevance, and priorities, much in the same way as, for example, film historiography does. Ironically enough, the only way to make the most of the long tail of a VOD platform would be to offer *random* rather than similar recommendations. (Incidentally, algorithms are often designed to include an element of serendipity in their recommendations — which may well appear paradoxical and even contradictory, given that such serendipity is nonetheless subject to certain pre-established conditions).

There is much more than meets the eye, in the setup and operation of these systems: theory, subjectivity, unquestioned (scientistic) assumptions, judgements, values, habits. People who decide, define, describe, choose, interpret, think and believe. These systems are much more human and less automatic than what enthusiasts of computational methods claim.

It falls on us to reflect, therefore, on the reasons behind this rhetoric of transparency and disintermediation, the futurism of commentators, their tendency to glorify the 'digital sublime', and to 'advertise the future'.[15] At the same time, we must consider the reasons behind the widespread diffidence towards any manifestation of doubt: the expression of a post-theoretical, anti-humanistic attitude, marked by an unquestioning acceptance of positivist ideas, all too ready to extol 'hard' sciences as immune from partiality and impervious to any situated or oriented influence.

And yet, the perception of technological efficacy is, first and foremost, a product of discourse and culture. And as such, it can very well change. The very rhetoric of machine-generated recommendations may face a turn of tide in the near future. The notion of algorithms falling short (to put it brutally) is gaining some momentum in the culture. Spotify, always particularly proud of what it can achieve through the use of data, appeared to brag in 2016 that 50% of the content played on its platform came, instead, from 'human curated' playlists.[16] Equally, a job posting for a position as film and book editor at Apple, dated 2017, proudly notes that 'at the heart of iTunes is human curation'.

While opposing the rhetoric of automation, however, we also need to reflect more critically about which ideas of audiovisual contents form the basis of VOD platforms; which *conditions of recommendability*, as I call them, those platforms adopt and foster, and for what reason. We need to investigate where such conditions come from, and where they may be taking audiovisual consumption, production and culture. One may venture to speculate that the success of a certain film, at least in terms of its digital consumption, is (also) determined

[14] Paolo Cherchi Usai, *The Death of Cinema: History, Cultural Memory and the Digital Dark Age* (London: BFI, 2001).
[15] Vincent Mosco, *The Digital Sublime: Myth, Power, and Cyberspace* (Cambridge, MA: The MIT Press, 2004); Armand Mattelart, *Histoire de l'utopie planétaire. De la cité prophetique à la societé globale* (Paris: La Découverte, 2000), p. 362.
[16] See Reggie Ugwu, 'Inside the Playlist Factory', 13 July 2016, <https://www.buzzfeed.com/reggieugwu/the-unsung-heroes-of-the-music-streaming-boom> [accessed 25 July 2017].

by its potential for recommendation — its 'discoverability', or 'streamability'. Success, in other words, could be linked to how closely a film matches *certain criteria*, according to which it is *deemed similar to others*, or *suitable for a certain audience*, i.e. for a cluster of users whose interests are, again, *deemed* to match specific aspects and contents.

Data are necessary for recommendations and correlations, but also, as is well known, for advertising and content intelligence, and, by the same token, they end up playing a role in orienting audiovisual production. From this perspective, there seems to be a clear incentive for focusing not only on the analysis of data, or on how algorithms can process them, but also on the criteria that inform their collection, criteria that establish the *possibility* of description, similarity, correlation and interpretation. It is perhaps on the sensitive operation of definition of those criteria of similarity and correlation, from what I called the conditions of recommendability, that the shape and characteristics of much future cinema will depend, and perhaps does already. This, too, encourages us to look at recommender systems as strategic apparatuses, both machinic and fatally human.

Release Groups & The Scene: Re-Intermediation and Competitive Gatekeepers Online

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Abstract

While recent years has witnessed the proliferation of new modes and methods of informal distribution, a certain sector of unauthorized media distribution, namely 'The Scene', has been subject to surprisingly little academic consideration. 'The Scene' is a collective title for several self-identified 'release groups' who collaborate to remove copyright protection from media artefacts (e.g. games, software, films) and repackage them into 'releases' for distribution online. Despite assertions that the Scene is the source of 'most' pirate copies circulating online, the role these online gatekeepers play in selecting what is 'released' into unauthorized online distribution networks has yet to be thoroughly explored. As such, this paper will examine how the practices of The Scene intersect with the wider unauthorized distribution ecology and how they might act as both tastemakers and gatekeepers in an online context that is frequently perceived to be 'free', 'open' and untroubled by traditional intermediaries. In doing so, the paper will consider how the practices of the Scene are emblematic of the wider processes of re-intermediation that are being felt across the audio-visual industries.

In recent years, the growth of the Internet has enabled the proliferation of new modes and methods of what Ramon Lobato has called *informal* distribution.[1] That is, actions that facilitate the dissemination of media content outside of official channels — most commonly referred to as media piracy. This has taken place over the last twenty years via various distribution outlets, for example: newsgroups, private filesharing communities, bittorent listing sites (e.g. The Pirate Bay), Direct Download Link (DDL) sites (e.g. Megaupload), streaming sites, and filesharing software (e.g. Napster). In this time academia has seen a concomitant rise in discussions of these new avenues for informal circulation. However, an aspect of the informal distribution ecosystem that is variously

[1] Ramon Lobato, *Shadow Economies of Cinema: Mapping Informal Film Distribution* (Basingstoke: BFI Palgrave, 2012).

referred to as the 'filesharing Scene', the 'Warez Scene' or simply, the 'Scene', has been subject to surprisingly little scrutiny within these academic discussions of media piracy. Indeed, the Scene is, according to Décary-Hétu, Morselli and Leman-Langois, the least academically researched hacker community.[2] This is despite the existence of numerous claims about the reach and influence of the Scene.[3] As such, this article seeks to redress this lack of research by interrogating: 1) what exactly the Scene is, and 2) how the practices of the Scene intersect with the wider online informal distribution ecology. In doing so, this article will demonstrate how the Scene play a significant role in gatekeeping access to cultural goods within the online informal distribution ecology.

In order to explore these questions, this work will refer to both existing academic literature regarding the Scene and my own experience of studying informal online distribution over the last decade.[4] In order to examine the nature and structure of the Scene, this paper will also draw upon data gathered from the website scenerules.org, which provides a repository of Scene rules from 1996 to the present. This examination will be, in part, used to demonstrate that while the broader 'Scene' operates across mediums, it is actually made up of varying sub-scenes that concern themselves with different mediums and formats and operate according to different rules and standards.

The way practices of the Scene intersect with the wider online informal distribution ecology and how these interactions ultimately position the Scene as gatekeepers of online distribution, will be illustrated through my own model of the informal distribution ecology. This model will illustrate how the gatekeeping position of the Scene is secured because of the pivotal role it plays in controlling

[2] David Décary-Hétu, Carlo Morselli and Stéphane Leman-Langois, 'Welcome to the Scene: A Study of Social Organization and Recognition among Warez Hackers', *Journal of Research in Crime and Delinquency,* 49.3 (2012), 359–82 (p. 361).

[3] See Maria Eriksson, 'A different Kind of Story: Tracing the Histories and Cultural Marks of Pirate Copied Film', *Technoscienza: Italian Journal of Science and Technology Studies*, 7.1 (2016), 87–108 (p. 92); Ard Huizing and Jan van der Wal, 'Explaining the Rise and Fall of the Warez MP3 Scene: An Empirical Account from the Inside', *First Monday,* 19.10 (2014), <http://firstmonday.org/ojs/index.php/fm/article/view/- 5546/4125> [accessed 11 November 2016]; and Alf Rehn, 'The Politics of Contraband: The Honor Economies of the Warez Scene', *Journal of Socio-Economics*, 33.3 (2004), 359–74 (p. 365).

[4] See Virginia Crisp, 'Access and Power: Film Distribution, Re-intermediation and Piracy', in *The Routledge Companion to the World Cinema*, ed. by Rob Stone, Paul Cooke, Stephanie Dennison and others (Abingdon: Routledge, 2017), pp. 445–54; Virginia Crisp, 'Pirates and Proprietary Rights: Perceptions of "Ownership" and Media Objects within Filesharing Communities' in *Cult Media: Re-packaged, Re-released and Restored*, ed. by Andy Willis and Jonathan Wroot (Basingstoke: Palgrave, 2017), pp. 125–41; Virginia Crisp, *Film Distribution in the Digital Age: Pirates and Professionals* (Basingstoke: Palgrave, 2015); Virginia Crisp, 'To Name A Thief: Constructing the Deviant Pirate', in *Piracy: Leakages from Modernity*, ed. by Martin Fredriksson and James Arvanitakis (Los Angeles, CA: Litwin Books, 2014), pp. 39–54; Virginia Crisp, 'The Piratical is Political: Why We Should All (Still) Pay Attention to Debates about Piracy', *Soundings*, 55 (Autumn 2013), pp. 71–80; Virginia Crisp, 'BLOODY PIRATES!!! *shakes fist*': Re-imagining East Asian Film Distribution & Reception through Online Filesharing Networks', *Journal of Japanese and Korean Cinema*, 3.1 (2012), 65–72.

media supply to the aforementioned distribution outlets: newsgroups, private filesharing communities, tracker sites, DDL sites, streaming sites and filesharing software. However, it should be noted that because the structure and operations of online informal distribution practices vary between mediums, it has been necessary to use one medium, film, as the focus for the model. This is because it was deemed that a single model attempting to capture the interactions within the online informal distribution across mediums would become too complex to helpfully illustrate the key role that the Scene plays within this ecosystem. This article will begin with a discussion of what the Scene is and how it operates before presenting the aforementioned model illustrating how the Scene interacts with other aspects of informal online distribution of films.

What is The Scene?

Décary-Hétu, Morselli and Leman-Langois suggest that '[w]hile it is true that some of the warez [files circulated informally online] come from individuals who have shared their personal collections, current research on the phenomenon has shown that there exists a community of hackers who are specializing in the removal of copy-protection schemes and distribution of copyrighted material'.[5] Thus, the 'Scene', often written in title case and/or with inverted commas, has become a collective title for numerous self-identified 'release groups' who remove copyright protection from media artefacts (e.g. games, software, films) and repackage them into 'releases' for distribution online. According to Eriksson, these '"release groups" […] who assemble under the umbrella grid of the "scene" [represent] a highly diverse underground sphere from which most pirate copies originate'.[6]

Huizing and van der Wal, suggest that pirate 'scenes' (in the plural) first developed in the 1980s and (at this point) these scenes were primarily concerned with the informal distribution of computer software and games.[7] These scenes originally evolved because the process of online informal distribution was, and in some cases still is, expensive and laborious and thus collaborating with others enabled copyright protected content to be circumvented and files to be circulated with greater speed and ease. As Huizing and van der Wal suggest, 'In the early days of the MP3 scene, ripping, releasing and distributing a MP3 file was a time–consuming and knowledgeable activity, prone to mistakes and duplicate work that required a joint effort of many different sceners.'[8] While the situation is arguably very different now, especially in relation to MP3 circulation, the early costs in terms of money, time and experience explain why a scene

[5] Décary-Hétu, Morselli and Leman-Langois, p. 360.
[6] Eriksson, p. 92.
[7] Huizing and van der Wal, p 10.
[8] Huizing and van der Wal, p. 4.

developed around online piracy where people collaborated in order to release certain materials.

Scenes within the Scene

However, from these early beginnings, these scenes became what Huizing and van der Wal have referred to as a 'global microstructure', that is, 'forms of connectivity and coordination that combine global reach with microstructural mechanisms that instantiate self-organizing principles and patterns'.[9] In this way, they suggest, 'the MP3 scene soon developed into the primary provider of most pirated artefacts on the Internet.'[10] Within the Scene's microstructure there are innumerable release groups and each of these groups tends to specialise in a particular medium, format and/or genre. So, one might have release groups that variously specialise in Kung-Fu Blu-rays or Vinyl RnB. Décary-Hétu, Morselli and Leman-Langois suggest that overall these release groups 'work and compete in a very distributed and democratic community where we are unable to identify clear leaders'.[11] However, while the Scene overall is distributed and de-centralised, the release groups within it are 'hierarchical, highly-structured organisations with leadership positions that control day-to-day operations, recruit new members and manage the group's various computer archive sites'.[12] Thus, on the one hand, the Scene is highly organised because it operates with its own rules and standards (which will be examined in more detail later in this article) but on the other hand 'a large proportion of release groups are short lived' and 'no actor or actors significantly dominate [the overall] network'.[13]

As well as the release groups that make up the Scene, it is important to note that the blanket term 'the Scene' includes the varying *scenes* that specialise in the redistribution of software, films, music, audiobooks and other media and thus, there are numerous *sub*-scenes within this larger structure. These scenes are related in that, they are all concerned with informal distribution, they are all made up of smaller release groups, and each scene has its own rules and conventions (which have commonalities but are nonetheless distinct). Furthermore, the portals through which others might access each scene's releases may converge (e.g. one might download both music and films via the same filesharing software or DDL sites) although this is not always the case. However, due to specialisation within scenes and release groups, there is not necessarily an *actual* overlap between people who are members of each scene. Such a situation might be likened to

[9] Huizing and van der Wal, p. 1.
[10] Ibidem.
[11] Décary-Hétu, Morselli and Leman-Langois, p. 360.
[12] Peggy E. Chaudhry, 'The Looming Shadow of Illicit Trade on the Internet', *Business Horizons*, 60.1 (2017), 77–89 (p. 83).
[13] Décary-Hétu, Morselli and Leman-Langois, p. 371.

when a city has a thriving live music scene but the gigs and performances within that wider scene, and thus the audiences, would likely differ. For instance, it is unlikely that those who perform at RnB club nights would be the same as those participating in singer songwriter folk jams but they are nonetheless still connected by their status as music performers within the same geographical location — and thus the same live music scene. In a similar manner, the Scene has no centre, it is full of contradictions, and its boundaries are far from clear.

In order to delineate this interconnected yet decentralised Scene, the following section will examine the repository of information regarding Scene rules across mediums and formats provided on scenerules.org in order to demonstrate just how many different factions operate within the Scene and their multiple attempts to standardise their decentralised practises.

The website scenerules.org presents numerous sets of rules that have been devised by one or more release groups in an effort to standardise how their scene creates and distributes 'releases'. For instance, 'The 2014 Complete Bluray Releasing Standards' signed by release groups: BAKED, BDA, CiNEMATiC, GMB, Japhson, LAZERS, NOSCREENS, o0o, PCH, & SEMTEX, provide specific guidelines on how releases should be packaged and tagged named as well as general rules specifying that releases must be region free, that all copy protection should be removed and that watermarks should *not* be used by release groups. Their rules regarding packaging are as follows:

P1) Sample, nfo and sfv are required for each release.
P2) NFO must contain at least:
– IMDB link
– Bluray Region
– Audio streams
– Subtitle streams
P3) Rar's must be split into 250 or 500 MB archives.
P4) Passwords or encryption is not tolerated.
P5) Compression is not allowed.[14]

As the text above illustrates, these rules are clear and specific and language such as 'is not allowed' or 'is not tolerated' implies these rules will be actively policed by the release groups who are signatories to the rules.

The site categorises the rules they make available under headings of 'Current English Rules', 'Ye Olde English Rules' and 'Non-English Rules'. The multiple rule sets are available to view in picture, text or numbered formats or as downloadable .NFO[15] files. Non-English Rules are categorised under Baltic, Danish, Dutch, Flemish, French, German, Hungarian, Italian, Lithuanian,

[14] The 2014 Complete Bluray Standards <https://scenerules.org/n.html?id=2014_BLURAY.nfo/> [accessed 23 October, 2017].
[15] The term NFO refers to 'text files that are attached to digital pirate copies, and offer additional information about them'. See Eriksson, p. 94.

Polish, Spanish and Swedish headings. The Baltic, Danish and Flemish headings only contain one or two sets of rules each whereas, in contrast, the German section has forty separate sets of rules that relate to different mediums (ebooks, TV, scripts) as well as different input (Bluray, TV) and output (DVDR, XViD, Divx) formats. Some of the non-English rules date back to 2001 while others are as recent as 2017. The 'Ye Olde English Rules' are split by input and output format (e.g. Audiobook, FLAC, PS3 etc.) with certain categories (DVDR, Games, MDVDR, MP3, MVID, TV, X264, Xbox 360 and XViD) having more than one set of rules. This section has a total of 125 different sets of rules recorded.[16] There is also an extra '0 Day' section which lists rules for software that is 'released' on the same day as the official release. The earliest set of rules within the 'Ye Olde' section has MP3 rules dating back to 1996. The 'Current English Rules' section represents a consolidation of the earlier rules into forty-two rule sets that are split by format/medium but in this case, there are no longer multiple rules sets for a single format/medium and these rules are presented as the current sets to be followed by Scene release groups.

In total, scenerules.org provides details of two hundred and seventy-seven separate rule sets over multiple mediums and formats. Rules are provided for anything from press books, album covers and audiobooks to PS3 and Wii-U games. Furthermore, each rule set points to a number of release groups that have devised and 'signed' those rules as well as implying the existence of numerous other groups who will adhere to the rules without being signatories. Such a plethora of different rule sets and release groups points to a markedly decentralised and fluid organisational structure, which, scholars such as Rehn have noted, mean that 'the scene cannot be said to exist in anything except a virtual sense. Participants only rarely meet in person, and in most cases know each other solely as "network identities" [...]. It is, in all senses, a virtual, distributed society'.[17] While the existence on so may rules points to an element of self-regularisation, Eriksson suggests that this apparent organisation really amounts to little more than 'an untidy bureaucratic framework for the production of digital pirate copies'.[18]

Furthermore, while the Scene is dedicated to practices of online piracy, it is, perhaps counterintuitively, staunchly opposed to peer-to-peer filesharing listing websites like *The Pirate Bay* who frequently circulate Scene materials. As Andrew Whelan suggests:

> Warez groups consider p2p users to be leeches jeopardising their own activity — at the same time that they are dependent on p2p users to spread their name alongside the releases they (re)produce. The sources of much of the content on p2p are actively

[16] It should be noted that two of these records are marked as potentially fake as they are unsigned by the named release groups.
[17] Rehn, p. 364.
[18] Eriksson, p. 96.

opposed to the distribution of that content; the warez scene attitude towards p2p is not all that different from that of the RIAA.[19]

So, while the files from the Scene 'simmer out to the general public through websites and similar avenues, the community itself is rather closed and abides by its own logic'.[20] This is further illustrated by a 2009 article on the filesharing news site *TorrentFreak* which reports that while being questioned during a court case, one of the co-founders of the *Pirate Bay*, Gottfird Svartholm (AKA Anakata), explained that, 'so-called warez groups […] hate the Pirate Bay [because] they like to keep their releases within a selective group of people'.[21] Despite this wish to stay selective and keep their warez circulating within their own sharing sites and closed communities, Scene releases do seep out of the confines of these spaces and it is the influence of these leakages that will be illustrated in the model of the online informal distribution ecology outlined later in this article.

Having examined the dispersed and contradictory nature of the Scene, this article will now begin to examine how these Scene(s) function through a closer examination of what some of these Scene rules are as well as how they have been developed and formalised.

Scene Releasing: Standards, Practices & Policing

Drawing from Huizing and van der Wal[22] and Rehn[23], the process of Scene releasing can be distilled into the following stages: firstly, a release group sources a copy of the film, album or piece of software they wish to share. These copies might be provided by industry insiders or the release might be copied from a legitimate purchase. Next, the release group checks the Scene database to make sure the group is not about the make a duplicate of an existing Scene release. After this, this source file is 'ripped' from its original version and copyright protection is also thus removed. This 'rip' must adhere to certain Scene rules that dictate the way the 'release' must be 'packaged'. For instance, Scene rules dictate how the file will be named and what other information must accompany each release. This normally consists of providing up to date metadata (e.g. MP3 tags), 'applying a Simple File Verification (.SFV) to verify

[19] Andrew Whelan, 'Leeching Bataille: Peer-to-Peer Potlatch and the Acephalic Response', in *4th Inclusiva-net Meeting: P2P Networks and Processes*, ed. by J. Prada (Madrid: Medialab Prado, 2009), pp. 1–15 (p. 6).
[20] Rehn, p. 363.
[21] Ernesto, 'Anakata Explains in Court How "The Scene" Works', *TorrentFreak*, 20 February 2009 <https://torrentfreak.com/anakata-explains-in-court-how-the-scene-works-090220/> [accessed 11 November 2016].
[22] Huizing and van der Wal.
[23] Rehn.

the file's integrity and including a .NFO file for contact details and credits' for the release group.[24]

Release standards for Scene rips of films first came to the fore when Team Div/X aka DVX published their guidelines[25] and early MP3 releases were standardised by the rather grandly titled MP3 Council. When examining these early release standards, Eriksson notes how these standards for film dictated 'a minimum resolution and bitrate, a maximum file size' alongside guidance for producing 'so-called .NFO-files to pirate copied films' as well as specifying naming conventions.[26] In music the situation was similar, with requirements to encode at a certain bitrate, use an 'approved MP3 encoder' and provide an .NFO file, which needed to contain information about the release group. The creation of the DVX group rules was followed by a proliferation of alternative release standards. According to information on scenerules.org that was last updated in February 2017, forty-two release standards are still currently in use and many more previous standards have faded into obscurity.[27]

These rules thus demonstrate how the Scene is not confined to particular mediums or formats but that these subdivisions have their own specific regulations. That said, a common convention to all rule sets is the requirement that the name of the released file includes the name of the release group, as illustrated by the Official FLAC Standard Rules v3.0, which state that a '[r]elease name MUST contain at least: Artist, Title, Source, Year, Group'.[28] Thus, far from eschewing notoriety due to the illegality of their activities, such naming conventions point to the way release groups are required to mark releases as their own work.

Thus, release standards, as well as representing the Scene's own practices of self-regulation, also act as 'competitive yardsticks' against which pirate materials might be judged and valued; thus engendering a culture of competition amongst release groups.[29] Rehn has suggested that this competition focus within the Scene means that what is released becomes secondary to the perceived speed and technical ability of the release groups.[30] As he claims, 'by and large, the specifics of what is released are less important than the act of releasing itself.'[31] Significantly, motivations for participating in the Scene are generally held to be reputational rather than monetary. In this context, preparing a release 'before another group' becomes particular respected and so '[g]roups will cooperate when it comes to the upkeep of the community's infrastructure (servers and

[24] Huizing and van der Wal, p. 4.
[25] See the Scenerules website <https://scenerules.org/> [accessed 29 July 2017]
[26] Eriksson, p. 94.
[27] Scenerules <https://scenerules.org/> [accessed 29 July 2017]
[28] Official FLAC Standard Rules v3.0 <https://scenerules.org/n.html?id=2016_FLAC.nfo> [accessed 23 October 2017]
[29] Erikkson, p. 93.
[30] Rehn, p. 368.
[31] Rehn, p. 366.

connections), but compete in the production and distribution of products within this infrastructure'.[32]

Furthermore, 'these rule sets have a significant impact on how digital pirate copies are shaped, formed, and packaged — and also how they later come to circulate in the world […]. Much like quality ensuring mechanisms within the market economy, they [release standards] help to separate grain from husk and thus exert power over the future movements of digital pirate copied objects'.[33] This is because the 'rules' dictate certain norms of behaviour. For instance, a notable aspect of the DVX rules is an emphasis on *only* releasing new titles. Such a rule inevitably skews the titles that circulate online.

After the release has been packaged according to Scene rules it will be uploaded to a Scene server — commonly called a topsite. At this point further checking for duplicates would take place. Again, specific rules exist about duplicates and crediting the work of other release groups. For instance, once a product is released by one group is cannot be redistributed without crediting the initial group or the duplicating group may be expelled from the Scene.[34] Due to the aforementioned organisational structure of the Scene, while a particular group or individual might be banded, there is potentially little to stop the group producing releases under another name or for the group's members joining or forming other groups. However, if found, duplicates are 'nuked' (i.e. deleted) from Scene servers and thus release groups have little incentive to duplicate releases. After this final duplicate check, the 'release' is distributed on servers affiliated with the Scene before being sent out to non-affiliated servers by couriers.

The Scene and the Informal Online Distribution Ecology

This elucidation of Scene release processes should now serve as a baseline from which to consider how the Scene might fit within the wider informal online distribution ecology. To examine this question, Huizing and van der Wal's model for informal online distribution activities will be considered. This model suggests that the Scene exists separately to private torrents, newsgroups and peer-to-peer networks and that those within the Scene typically spend more time distributing content online than those in other categories (fig. 1).[35]

Huizing and van der Wal's model is also designed to reflect their argument that Sceners 'collaborated in groups with a strong sense of We-ness';[36] in other words, collaborative behaviour is prized and there is an emphasis on community

[32] Rehn, p. 367.
[33] Eriksson, p. 96.
[34] David Décary-Hétu, 'Police Operations 3.0: On the Impact and Policy Implications of Police Operations on the Warez Scene', *Policy and Internet*, 6.3 (2014), 315–40 (p. 318).
[35] Huizing and van der Wal, p. 8.
[36] Huizing and van der Wal, p. 7.

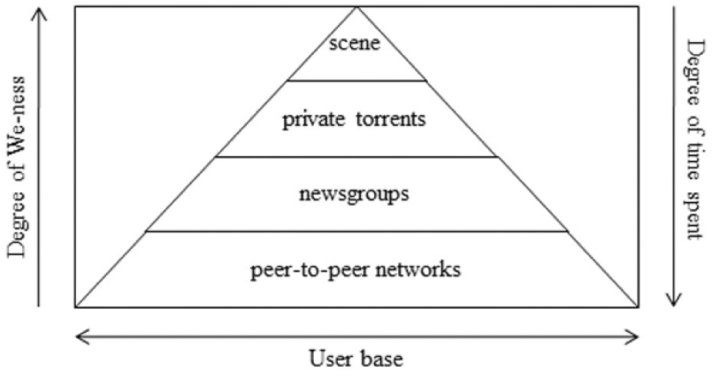

Fig. 1. Huizing and van der Wal's model for informal online distribution activities.

engagement and furthering the mutually shared goal of distributing content online. This 'we-ness' exists, Huizing and van der Wal suggest, in contrast to Private torrents, newsgroups and peer-to-peer networks, within which there is an emphasis on downloading rather than uploading.[37] However, arguably this model is only useful to the extent that it indicates that the Scene is somewhat collaborative and that it has a much smaller user base than peer-to-peer networks. Furthermore, this model does little to illustrate the relationships *between* these informal distribution groups. To address these issues and to illustrate the relationship between the Scene and other aspects of the informal distribution ecology the following model is proposed (fig. 2).

This model is designed to communicate: firstly, the multiple sources for the releases that circulate online as well as the relatively small number of distributors who select and package them; secondly, the relationship between the Scene and other informal online distributors; and thirdly, the interactions between informal online distributors and various access portals, e.g. torrent listing websites and filesharing software. As was noted in the introduction, the informal distribution of *film alone* has been used as an example medium to illustrate the various sources of these original files but similar lists could be complied for other media.

The top part of the diagram perhaps requires the least explanation and illustrates that pirate copies originate from both formal (streaming, home video, TV, cinema, non-theatrical) and informal (screeners, work prints, pirate copies) sources. The distributors level of the diagram (the Scene, Intermediary Distributors, Autonomous Distributors), on the other hand, requires further elucidation.

These categorisations are drawn from distinctions made in previous work between 'informal online distributors' who operate within Scene release groups (labelled in fig. 2 as 'The Scene'), 'intermediary distributors' who circulate

[37] Ibidem.

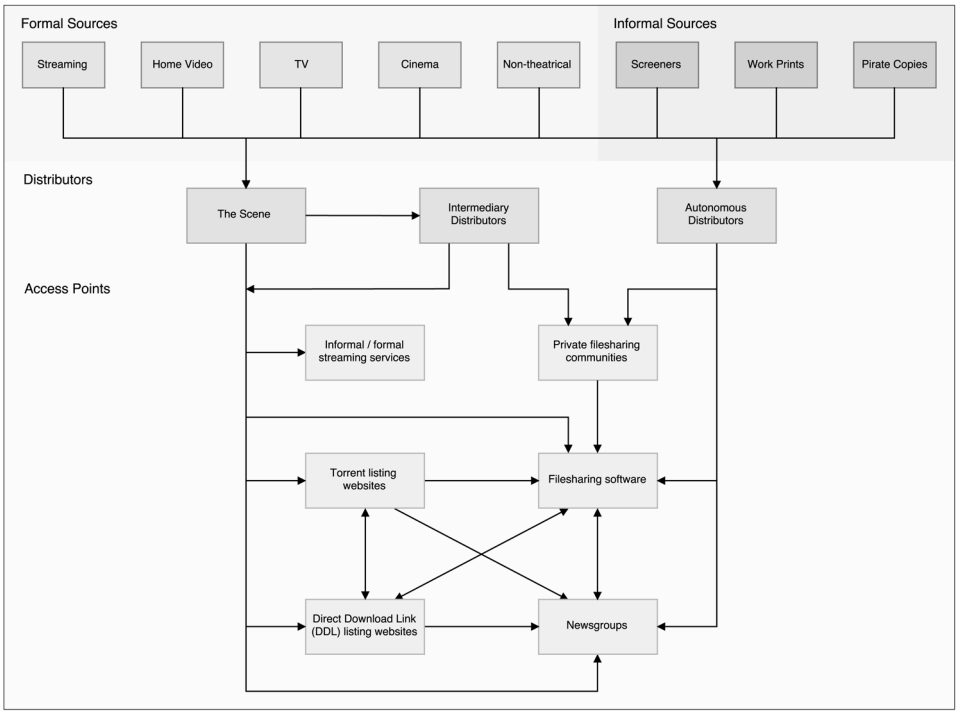

Fig. 2. A model of the relationship between the Scene and other aspects of the informal distribution ecology.

Scene releases through non-Scene networks, and 'autonomous distributors' who prepare releases for specific communities/platforms without being affiliated to the Scene or necessarily following Scene conventions.[38] A sub-set of these autonomous distributors might be understood as what Hinduja has described as 'amateur distributors', i.e. 'individuals who randomly upload copyrighted content on peer-to-peer networks'.[39] That is, these individuals might have files on their computer that they have ripped themselves and by virtue of storing them in certain folders on their hard-drive and using certain software they are incidentally 'sharing' the files, but they did not consciously decide to rip the files for such a purpose.[40] This amateur activity is less deliberate and purposeful that

[38] Crisp, *Film Distribution in the Digital Age.*
[39] Sameer Hinduja, 'Neutralization Theory and Online Software Piracy: An Empirical Analysis', *Ethics and Information Technology*, 9.3 (2007), 187–204, cited in Décary-Hétu, Morselli and Leman-Langois, p. 363.
[40] This form of amateur distribution is most common with music due to the relative technical simplicity of the conversion process from CD to MP3 in comparison to film, software or games which typically require specialist technical knowledge and software in order to circumvent copyright protection and extract files from a particular format (e.g. a Blu-ray disk) and to convert the files into another format (e.g. .avi).

the actions of autonomous distributors who operate in a similar way to release groups but who also tend to work individually, prepare releases for specific communities, and do not necessarily adhere to set release standards.

Scene release groups, autonomous distributors and amateur distributors are all 'distributors' in as much as they are *adding* to the pool of films available through filesharing networks as opposed to simply circulating files that were already there. The exception to this is the category of 'intermediary' distributors which, as mentioned, involves the purposeful act of sharing of Scene releases within specific communities (and thus an element of choice and acquisition takes place) but the release itself, while being more widely distributed by the actions of the intermediary distributor, is *not broadening* the library of files available through informal online channels.

Finally, and most significantly, the diagram illustrates the way files flow from distributors to access portals (private filesharing communities, torrent listing websites, filesharing software, direct download link [DDL] listing websites, streaming sites & newsgroups) and *between* those different portals and the key role that the Scene plays in feedings all of those access points. The access portals identified here are mechanisms through which 'warez' can be downloaded by consumers. These vary in terms of their histories and current usage.[41] Newsgroups, for instance, were very popular during the early days of informal online distribution but have arguably waned in significance at the time of writing this article.[42] Torrent listing websites, e.g. The Pirate Bay, are in some senses still very popular but they are also the more high-profile of the access portals and thus tend to exist in a cycle of being shut down by authorities before being relocated, then they are shut down again, and relocated again, and the cycle continues. What is significant in the diagram is not the existence of these multiple portals but the interactions *between* these access points. For instance, filesharing software and newsgroups tend to be endpoints where files are distributed having been sourced from elsewhere. Direct download link (DDL) and torrent listing websites reciprocally feed each other while private torrent communities tend to be somewhat disconnected from the rest of the informal ecology.

Conclusion

While the breath of Scene practices and their intersections with the broader informal online distribution ecology could not be comprehensibly covered within this article, two important conclusions can be drawn. Firstly, as illustrated by the model outlined in this article, the Scene plays a pivotal role in feeding *all* of the access points within the informal distribution ecology, reflecting the assertions

[41] These variations cannot be dealt with sufficiently within the confines of this article, see Crisp, *Film Distribution in the Digital Age*, for a more detailed history.
[42] With the exception, perhaps, of Usenet which continues to have a dedicated user base.

of Eriksson,[43] Huizing and van der Wal,[44] Rehn,[45] Décary-Hétu, Décary-Hétu, Morselli and Leman-Langois[46] that the Scene is the source of 'most' pirate copies circulating online. In this context, the role these online gatekeepers play in selecting what is 'released' into unauthorized online distribution networks needs to be more thoroughly explored.

Secondly, we need to be particularly concerned about the influential gatekeeping role that the Scene plays within informal online distribution networks and, as such, the role of rules and release standards in influencing what the Scene releases requires greater scrutiny. These release standards arguably foster a defining logic of competition within the Scene and, as such, the particulars and use value of what these release groups actually, crack/rip/release/package and circulate has the potential to become almost irrelevant. So '[a]lthough a release is expected to function (in fact this is necessary for a release to count in the internal system of appraisal), whether or not it is actually used for anything is of little or no interest to how the release is valued within the community'.[47] In this manner the Scene is a community engaged in 'conspicuous production'[48] (where the monetary, aesthetic or use value of what they circulate is of limited internal relevance) and thus the role it plays in controlling the pipeline of content to the rest of the informal distribution ecology must be examined in more detail.

[43] Eriksson, p. 92.
[44] Huizing and van der Wal, p. 1.
[45] Rehn, p. 365.
[46] Décary-Hétu, Morselli and Leman-Langois, p. 363
[47] Rehn, p. 368.
[48] Rehn, p. 370.

Re-Intermediation, Audience Development and the Discourse of the European Film Public: Festival Scope and Curzon Home Cinema

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Abstract

This article considers two recent attempts at developing networked film cultures in online exhibition spaces. Focusing on two video-on-demand platforms, Festival Scope and Curzon Home Cinema, the article examines how VOD is being positioned and utilized as a tool to develop film-literate audiences while also serving the interests of the film industry by promoting and exposing films to different geographic markets. While Festival Scope originated as a platform for industry insiders to view and gather information about films, Curzon Home Cinema has emerged in the last five years as a leader in day-and-date online releases of art films for audiences in the UK and Ireland. The emergence and growth of both platforms is examined with special attention to the rhetoric of on-demand spectatorship as a special event. In both cases, the platforms' presentation of films on-demand, concurrent with their theatrical (Curzon) or festival (Festival Scope) screenings, is offered to audiences as a privileged moment of participation in film culture. The article then argues that these platforms should be understood in close relation to the prevalent discourses of European film policy, funding and industrial support. Both Festival Scope and Curzon are funded in part by Creative Europe's Media programme. The article situates the growth of these on-demand platforms in relation to Creative Europe's competing cultural and economic discourses of public access and competitiveness. An analysis of Creative Europe's funding schemes reveals how VOD figures into the goals of European cultural and economic integration. The re-intermediation of film culture that is fostered by VOD platforms such as Festival Scope and Curzon is considered with regards to how it aligns with Creative Europe's cultural and economic objectives and its emphasis on digitalization and transnationalism.

Video-on-demand has become an inescapable element of screen culture in the second decade of the 21st century. As on-demand television and film offerings further converge with ubiquitous internet connectivity, mobile platforms and connected viewing practices, questions surrounding the materiality of media and the qualities of mediation remain crucial to a critical understanding of emergent forms and sites of media power. Thus far, much of the critical attention to on-

demand film culture has been directed at what Cunningham and Silver refer to as the 'King Kongs' of the industry, the subscription video on-demand (SVOD) and download-to-rent or electronic sell-through (EST) services launched by internet giants including Google, Amazon, Apple and Netflix.[1] Furthermore, the global success of Netflix and Amazon as streaming services and original content producers has encouraged analytical models that position VOD in a televisual framework. Notwithstanding the explosion of serial television content in the on-demand environment and the consolidation of the streaming industry by Amazon, Netflix and Google, considerably little has been written about the mediation of film culture as it moves online. In considering the digital mediation of art-house cinema, this article seeks to redirect the analysis of 'digital disruption', towards film exhibition once again.[2]

Focusing on two video-on-demand platforms, Festival Scope and Curzon Home Cinema, both funded in part by Creative Europe's Media programme, this paper considers how VOD is positioned and utilized as a tool to develop film-literate audiences, while also serving the interests of the film industry by promoting and exposing films to different geographic markets. While Festival Scope originated as a platform for industry insiders to view and gather information about films, Curzon Home Cinema has emerged in the last five years as a leader in day-and-date online releases of art films for audiences in the UK and Ireland. The emergence and growth of both platforms will be examined with special attention to the rhetoric of curation and on-demand spectatorship as a special event. In both cases, the platforms' presentation of films on-demand, concurrent with their theatrical (Curzon) or festival (Festival Scope) screenings, is positioned as a privileged moment of participation in film culture. In conclusion, this article will examine Creative Europe's attempts to address, and thereby articulate, a European public audience through its support of digital distribution platforms.

Film Culture Moves Online: Festival Scope and Curzon Home Cinema

Festival Scope launched in 2010 as an intermediary portal for film professionals engaged in buying, selling, programming and reviewing films. As its name suggests, the business platform was designed to complement the international festival circuit which has developed in recent years into a quasi-market and limited distribution system for non-Hollywood films. Since 2015, Festival Scope operates two parallel platforms. Its original business-to-business platform, exclusive to members of the film industry, has been rebranded as Festival Scope Pro, while its new publicly accessible site operates under the Festival Scope banner. In their

[1] Stuart Cunningham and Jon Silver, *Screen Distribution and the New King Kongs of the Online World* (Basingstoke: Palgrave Macmillan, 2013).
[2] *Digital Disruption: Cinema Moves On-line*, ed. by Dina Iordanova and Stuart Cunningham (St. Andrews: St. Andrews Film Studies, 2012).

partnership with over 60 film festivals from around the world, Festival Scope Pro functions as both a selective archive of festival films and a media player for the one-time viewing of films by industry professionals. The design of the platform presents itself to the industry professional primarily through its use of a database structure for searching and displaying information sorted by festival, film title, sales agency and director. In addition, the 'pro' site includes a curated section for browsing selected films under the 'Expand' heading.

In comparison with its industry-oriented sibling, the recently launched public platform hails a consumer-cinephile audience. With a far more simplistic visual design, the layout of the publicly accessible Festival Scope is also more closely structured around the partnering festivals from which its films are curated. Films are navigable either by festival or by a list of all films sortable by alphabetical order, country of origin, year or release, genre, subtitles and runtime. Another option, 'Collections', expands lists of films associated with year-round labs and contests such as the Torino Film Lab and Nespresso Talents. Limited free 'tickets' are available to online audiences for short periods of time, adapting the timeframe of a film festival.

Curzon Home Cinema, a division of the vertically-integrated Curzon label of exhibition and distribution, launched in 2010. Since then it has made its name on its unique day-and-date model of VOD and theatrical release, marketing itself as the 'latest independent box office, in your home, at the touch of a button'.[3] With an emphasis on European cinema, Curzon's library consists of several hundred award-winning and genre films from around the world. Curzon Home Cinema is available to registered subscribers in the UK and Ireland. Each film costs viewers between £2 and £10.

Curation and Symbolic Value

Despite their distinct target audiences, Festival Scope and Curzon Home Cinema share in their attempts to re-intermediate cinematic experience through their online platforms. Curation, rather than content aggregation, is key to both ventures in their efforts to cultivate and address cinephile audiences and define the experiential parameters of film-going in a VOD platform. The re-intermediation of curatorial expertise in the on-demand media environment challenges the dominant view of streaming culture as an extension of the multichannel television universe. Rather such curatorial interventions exemplify the remediation and expansion of traditional film culture's investment in a system of cultural value based on the expertise of the critic. In Festival Scope and Curzon Home Cinema, curation operates as an appeal to film connoisseurship, albeit within the structures of participatory, digital culture. According to MJ

[3] *Discover Curzon Home Cinema*, online video recording, <http://faq.curzonhomecinema.com/howitworks> [accessed 1 August 2017].

Robinson, the distinction between aggregation and curation can be defined as follows:

> Aggregation is automated, it collects data based on metadata such as keywords not sentiment or content comprehension and it is unable to evaluate context and quality. Curation relies upon expertise and connoisseurship — an understanding of the criteria by which a collection is being assembled — because ultimately the role of the curator is to impart value through contextualization.[4]

Through its reliance on expertise and connoisseurship, curation strategically delivers value, or cultural capital, to audiences.[5] Conversely, the cultural capital that is offered by Festival Scope and Curzon Home Cinemas to their audiences is determined by the degree of connoisseurship that frames the programming on each platform.

The primary curatorial strategy used by Festival Scope is the film festival. Programming a selection of independent films from its source of primarily European partner film festivals, Festival Scope positions itself as an authority on the international festival circuit from Locarno to Rotterdam.[6] As a curator of previously curated festival films, Festival Scope imports the cultural distinction attached to festival screenings to its virtual screening room. Adopting the language of discovery and the metaphor of cinema as a form of travel and mobility across borders, Festival Scope rhetorically addresses its spectators as cosmopolitan cinephiles and participants in its cross-border curatorial project. The website concludes its stated mission under the 'What is Festival Scope?' banner at the bottom of its front page with the sub-heading 'Paths of Glory': 'Festival Scope is the new platform for film lovers who want to tour the world with us in search of the best films at the best film festivals.'[7] Festival Scope spectators are thus addressed in much the same way as festival audiences, as discerning and worldly cinemagoers.

Festivals, it has been argued, construct and maintain an 'alternate system of film distribution' that lies outside of Hollywood's global reach.[8] Whether it constitutes a system of distribution or not, one of the effects of the festival circuit's synergy with independent cinema has been its gatekeeping function, whereby festival films gain cultural capital due to their exclusive availability and their inclusion within a larger programme in addition to their potentially

[4] MJ Robinson, *Television on Demand: Curatorial Culture and the Transformation of TV* (New York: Bloomsbury, 2017), p. 23.
[5] Pierre Bourdieu, 'The Forms of Capital' in *Handbook of Theory and Research for the Sociology of Education*, ed. by John G. Richardson (New York: Greenwood, 1986), pp. 241–58.
[6] At the time of writing, festivalscope.com lists 17 partner film festivals on its public platform.
[7] Festival Scope, <www.festivalscope.com> [accessed 1 August 2017].
[8] Dina Iordanova, 'The Film Festival Circuit', in *Film Festival Yearbook 1: The Festival Circuit*, ed. by Dina Iordanova and Ragan Rhyne (St. Andrews: St. Andrews Film Studies, 2009), pp. 23–39.

challenging or unconventional aesthetic forms.[9] Festival Scope's direction to 'watch hidden gems that you can't find in theatres near you!' is therefore an assurance of exclusivity and an assertion of connoisseurship and the added-value of curation.[10]

Where Festival Scope is engaged with discovery of non-mainstream and non-critically acclaimed films in its cultivation of a cinephile audience, Curzon Home Cinema curates its on-demand programming to include many of the key award-winners and critically-successful films from larger festivals such as Cannes, TIFF and Sundance, especially those that had wider releases in English-speaking markets. As mentioned above, a key feature of Curzon's programming is its release of films on-demand simultaneous to their theatrical release, a window-collapsing model in which films are release on VOD at the same time as in theatres. However, curation for Curzon Home Cinema consists of more than creating a new exhibition channel for films that are widely available on several VOD platforms if not in brick and mortar theatres. Rather, Curzon addresses its audience as a cinema-literate community rhetorically through its programming categories and by engaging its audiences through regular newsletters highlighting added content and new collections. Where Festival Scope's films acquire value by virtue of their attachment to the international festival circuit and their relative exclusivity to the circuit, Curzon relies more directly on its programming categories in order to rhetorically demarcate its expertise as a content provider and its audience's expertise as cinema spectator. Sorted under its 'Collections' label, the site lists a number of thematic programs for viewers to browse, including (at the time of writing) such categories as 'A Life on Film', '2017: The Best so Far', 'Resisting Oppression', 'The Andrei Tarkovsky Collection' and 'Road Movies'.[11] As part of its Curzon Curates program, an additional curated collection is added every second week.[12] With its emphasis on thematic classification and 'best-of' lists, Curzon curates based on ideas of critical judgement rather than aggregation. Moreover, it is the intended audience which is also rhetorically addressed as possessing discerning cultural and aesthetic judgment. Curation thus grants Curzon, and film culture, a level of symbolic capital and cultural prestige that often eludes online video and streaming services.

[9] On the gatekeeping function of film festivals see: Liz Czach, 'Film Festivals, Programming, and the Building of a National Cinema', *The Moving Image*, 4.1 (Spring 2004), 76–88; Marijke de Valck, 'Fostering Art, Adding Value, Cultivating Taste: Film Festivals as Sites of Cultural Legimitation', in *Film Festivals: History, Theory, Method, Practice*, ed. by Marijke de Valck, Brendan Kredell and Skadi Loist (Abingdon: Routledge, 2016), pp. 100–16; Thomas Elsaesser, 'Film Festival Networks: The New Topographies of Cinema in Europe' in *European Cinema: Face to Face with Hollywood*, ed. by Thomas Elsaesser (Amsterdam: Amsterdam University Press, 2005), pp. 82–107.

[10] Festival Scope, <www.festivalscope.com> [accessed 1 August 2017].

[11] Curzon Home Cinema, <https://www.curzonhomecinema.com/collections> [accessed 1 August 2017]. At the time of writing there are 22 such collections. Films are also searchable by genre, actor, director, and country.

[12] Curzon Curates, <http://curates.curzonhomecinema.com/> [accessed 1 August 2017].

The Eventfulness of (Re)Intermediation

Second to curation, Festival Scope and Curzon Home Cinemas address their audiences as cinema-audiences through the rhetorical framing of their film programmes as special events. The qualities of the event, rather than the film catalogue, allow these platforms to address their spectators as participants rather than consumers. Francesco Casetti has advanced the notion of 'filmic experience' as defined by a situation that engages both sensory excess and reflexive recognition of one's own spectatorship.[13] According to Casetti, new media initiates a screen culture in which the spectator 'has ceased simply to consume a show and begins to intervene in the act of consumption.'[14] Drawing on Casetti's historical analysis, I argue that film culture is increasingly underpinned by the expectation and assumption that participation in it consists of a spatially and temporally expanded event. An 'event' connotes the qualities of contingency, singularity and unpredictability as well as, from a contradictory perspective, a designed and mediated structure. Festivals often embody the contradiction of designed experience, offering audiences singular and contingent experiences of communal film spectatorship within a highly regulated and planned environment.[15] As sense of eventfulness in the cinema depends in part on an atmosphere defined by liveness. For instance, in the alternative content industry, also known as 'event cinema', it is the spectator's sense of participation in a live event that drives the high ticket prices. Michael Gubbins argues in this regard that 'event cinema is predicated on the ability to create an illusion of authenticity — a belief that somehow the audience is sharing in at least some of the unique individual experience as those in the actual theatres and concert halls, where the live event is taking place'.[16] More broadly, the drive to 'eventize' film exhibition has been the purview of film marketing, which in the case of Hollywood is driven by 'twin goals' according to Tino Balio: 'to create a unique brand for a new release and to create a must-see attitude for the opening weekend'.[17] The need to offer an authentic and contingent experience in the context of VOD is central to the design and programming of Festival Scope and Curzon Home Cinemas. It is possible that the imperative to eventize programming is even greater in a VOD environment than in a film festival due to the need to compensate for the of lack spatial and temporal contiguity of its audience. Whereas the live festival screening

[13] Francesco Casetti, 'Filmic Experience', *Screen*, 50.1 (Spring 2009), 56–66, (pp. 56–57).
[14] Casetti, p. 63.
[15] See for instance: Janet Harbord, 'Film Festivals-Time-Event', in *Film Festival Yearbook 1*, pp. 40–46.
[16] Michael Gubbins, SampoMedia, *Audience in the Mind* (Château-Renault: Cine-Regio, 2014).
[17] Tino Balio, *Hollywood in the New Millennium* (Basingstoke: BFI Palgrave, 2013), p. 69. For an example of the prevalent industry discourse surrounding film events, see Iain Blair, 'Indie Cinemas Face Challenging Future Together', *Variety*, 17 January 2017, <variety.com/2017/film/spotlight/indie-cinemas-face-challenging-future-together-art-house-convergence-1201961826/> [accessed 1 August 2017].

derives some of its aura from its red-carpet star-sightings, gala programs and endless ticket queues, and the Hollywood blockbuster benefits from the buzz of its marketing machine, the online VOD film program must craft its own eventful strategies in order to establish its value as a gatekeeper of film culture.

One strategy utilized by Festival Scope has been the construction of a sense of liveness in their programming through the restriction of their films' availability over time. Again remediating the temporal model of the film festival rather than the 'always-on' dictum of the mainstream VOD platform, Festival Scope utilizes this temporal scarcity as a resource to frame their programming as a special event. Since Festival Scope draws its programming from the festival circuit, the temporal scarcity of its programming is paramount to its mission to expand the reach of independent cinema beyond the festival venues. Festival Scope' screenings of its festival films occur soon after the close of the festival. For instance the 2017 edition of the Thessaloniki Documentary Festival was held between the 2nd and 11th of March while Festival Scope made a selection of its films available between the 10th and 26th of March on its VOD platform. In other cases, the delay between a film festival and Festival Scope premier is much shorter. During the 2017 Locarno Film Festival the films in 'Filmmakers of the Present' section, dedicated to first time filmmakers, are screened online via Festival Scope the day after their premiere. The 2017 selection includes films of seven new directors, each of which are also eligible for the Cinelab Award, voted on exclusively by Festival Scope viewers. The award is valued at €22.000 in the form of post-production services from Cinelab of Bucharest.[18] As is the case with most Festival Scope screenings, viewership is free but is limited to a relatively small number of screenings, in this case 400 'tickets'. The live event-like qualities of the VOD program are thus triply reinforced by the limited duration of the online festival, the exclusive opportunity to participate with limited availability of tickets, and the recognition of the Festival Scope audience as a community of cinephiles whose collective critical judgment determines an award of considerable monetary value.

For Curzon, liveness is more immediately constructed in terms of the synchrony of the VOD and theatrical release for its premium programming. Although its day-and-date VOD and theatrical releases only represent a small fraction of its entire VOD catalogue, this fairly unique distribution model remains one of the platforms key selling points. Whereas Festival Scope's films are imbued with liveness by virtue of their temporal proximity to live festivals and the short durational availability of each film, Curzon Home Cinema's liveness is attached to the collapsed window of commercial film distribution and the sense of advanced access that comes with a Curzon membership. Moreover, in contributing to the eventfulness of its film program, each release is anticipated and marketed to

[18] Cineuropa, 'Cineuropa Partners up with Festival Scope to Present Films from the Locarno Film Festival', *Cineuropa*, 27 July 2017, <http://cineuropa.org/nw.aspx?t=newsdetail&l=en&did=332176> [accessed 2 August 2017].

Curzon members through regular newsletters. Curzon fully embraces the logic and aura of the live event in its occasional streaming of one-off events. Since 2015, the broadcasting of live events has been part of Curzon's audience development plans, with a live stream of the red-carpet introduction of *Tale of Tales* (Matteo Garrone, 2016) in addition to a Q&A session with the filmmaker and talent in June 2016.[19] A subsequent event-based screening consisted of a live stream of the 2016 European Film Awards in December 2016. Such events, although limited thus far in number, represent attempts to utilize the VOD platform and as a site for more than simply film exhibition. Rather the on-demand environment is constructed as a site for the development of a film-going and film literate community.

The eventization of the VOD experience has been further pursued since 2015 by Festival Scope in its launch of the Scope50 and subsequently expanded Scope100 distribution project. In partnership with Gutek Film, the program seeks to empower local cinephile audiences to select a film for distribution in their given country. The third and latest edition of the project, in 2017, included the participation of nine distributors, each of which was responsible for selecting an audience of one hundred in their territory. A selection of seven films — European festival films without distribution deals — were then made available for the audience juries. The audiences of one hundred were then to select one of the seven films for local distribution. The latest 2017 edition saw Jan Matuszynski's *The Last Family* selected for distribution in four territories including France, Czech Republic, Lithuania and Austria.[20] Audience juries retain key roles in the creation of marketing and publicity for successful films, working as 'film ambassadors' to the local media and public audiences.[21] The Scope50 and Scope100 project represents a significant step for Festival Scope in its cultivation of local cinephile audiences. The eventfulness of the films' exclusive pre-distribution screenings for the selected audience jury in each participating country determines the symbolic capital of each film. It further establishes Festival Scope as a key gatekeeper of European film culture by virtue of its position as a new intermediary in the construction and regulation of the value chain of European cinema in bringing together sales agents, distributors, cinephile audience juries, and ultimately, wider distribution and exhibition for successful films.

[19] Tom Grater, 'Curzon Home Cinema to Trial Live Features', *Screen Daily*, 27 May 2016, <http://www.screendaily.com/news/curzon-home-cinema-to-trial-live-features/5104401.article> [accessed 3 August 2017].
[20] Cineuropa, 'The Last Family Comes Top among the Nine Scope100 Countries', *Cineuropa*, 12 January 2017, <http://cineuropa.org/nw.aspx?t=newsdetail&l=en&did=321322> [accessed 30 July 2017].
[21] Cineuropa, 'Scope100 Winners Picked by Audiences', *Cineuropa*, 03 February 2016, <http://www.cineuropa.org/nw.aspx?t=newsdetail&l=en&did=304751> [accessed 1 August 2017].

European Citizenship and Cinema Audiences

The re-intermediation of film culture that accompanies the projects of Festival Scope and Curzon Home Cinemas is part of a wider attempt to articulate a space for film culture in a cultural field increasingly dominated by online distribution and exhibition. Another important point of consideration is how these projects address political questions surrounding film culture's move online, especially regarding online distribution's ambivalence for political borders and global audiences' expectations for borderless access to online content. The argument here is that both Festival Scope and Curzon participate in a project of pan-European cultural citizenship, albeit one whose fate is yet to be determined.

Both Curzon Home Cinema and Festival Scope are funded by the European Commission's Creative Europe programme, which since 2014 provides funding for the cultural and audiovisual sectors. Creative Europe's aims include such broad goals as helping the 'cultural and creative sectors seize the opportunities of the digital age and globalisation', 'enabling economic potential, contributing to sustainable growth, jobs, and social cohesion,' and giving 'Europe's culture and media sectors access to new international opportunities, markets, and audiences'.[22] However, the goals of European integration and citizenship are only thinly veiled, or co-opted, by these stated economic aims. Issues of representation, citizenship and circulation are important themes of a rationale for MEDIA 2007, one of Creative Europe predecessor programmes, in 2004:

> Increased circulation of European audiovisual works has proved to be an important means of strengthening intercultural dialogue, mutual understanding and knowledge among European cultures to form a basis of European citizenship. […] Unless Europeans are able to watch fiction, drama, documentaries and other works that reflect the reality of their own lives and histories, and those of their neighbors, they will cease to recognize and understand them fully.[23]

Tied financially to the political-economic project of European integration, both Festival Scope and Curzon point to an emerging second order of re-intermediation, wherein the digital platforms of private ventures supply are mobilized to develop transnational markets and cultivate audiences as cultural public spheres. European audiovisual funding is caught between the two elusive demands of media literacy on the one hand, and market competitiveness on the other. Moreover, this is the contradiction that constitutes the discourse on the 'creative industries' which lends its name to the Creative Europe program. The

[22] Creative Europe, <https://ec.europa.eu/programmes/creative-europe/about_en> [accessed 2 August 2017].

[23] Explanatory Memorandum to the Proposal for a Decision of the European Parliament and the Council concerning the implementation of a programme of support for the European visual sector (MEDIA 2007) (Brussels: European Commission, July 14, 2004), p. 2, cited in Luisa Rivi, *European Cinema after 1989: Cultural Identity and Transnational Production* (New York: Palgrave, 2007), p. 59.

'General Objectives' of Creative Europe as mandated by its founding legislation sum up the two goals as follows:

> (a) to safeguard, develop and promote European cultural and linguistic diversity and to promote Europe's cultural heritage;
> (b) to strengthen the competitiveness of the European cultural and creative sectors, in particular of the audiovisual sector, with a view to promoting smart, sustainable and inclusive growth.[24]

As relatively new intermediaries in the digital distribution industry, Festival Scope and Curzon Home Cinemas are the product of a discourse on film which eschews either purely industrial or aesthetic terms. One outcome of this dual orientation has been a preference for projects which aim to develop transnational economic and cultural connections within and beyond Europe. In 2016, both Festival Scope and Curzon Home Cinemas were awarded funding through the Online Distribution scheme of Creative Europe's Media subprogram, a funding program which emphasizes a notion of European content among its criteria for eligibility.[25] In the first stream titled 'Support to VOD Services', of which Curzon is a beneficiary, eligibility requires that no less than 60% of all content be of European origin. Festival Scope's eligibility under the third stream, 'Support to Innovative Multiplatform Releases', determines films to be European as defined by the origin of the producer and an adequate score of points for other talent.[26] In both cases, support for online distribution prioritizes 'transnational marketing, branding and distribution' and 'establishing systems of support for the distribution of non-national European films through theatrical distribution and on other platforms.'[27]

VOD platforms such as Festival Scope and Curzon Home Cinema fulfill the mandate of the European Union's transnational cultural and economic project in cultivating audiences for non-national European films. They reflect the fact that digitization, along with transnationalism, is central to the Creative Europe discourse. To the project of re-intermediating the festival, or the theatrical experience, the re-intermediation of European cultural citizenship could be further added as a goal of transnational digital film platforms. In its new intermediary role, the digital delivery of film culture provides a new space for the negotiation of European belonging and cultural value.

[24] European Parliament, 'Regulation (EU) no. 1295/2013 of the European Parliament and of the Council of 11 December 2013 Establishing the Creative Europe Programme 2014 to 2020,' *Official Journal of the European Union*, 20 December 2013, Article 4, <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1408546810627&uri=CELEX:32013R1295> [accessed 4 August 2017].
[25] 'Creative Europe Invests over €5 Million into Online Distribution Projects', *Creative Europe Desk UK*, 18 November 2016, <http://www.creativeeuropeuk.eu/news/creative-europe-invests-over-%E2%82%AC5-million-online-distribution-projects> [accessed 20 July 2017].
[26] European Commission, 'Creative Europe Media Sub-Programme Support for Online Distribution Guidelines', pp. 9–10, <https://eacea.ec.europa.eu/sites/eacea-site/files/documents/guidelines-online-distribution_en.pdf [accessed 20 July 2017].
[27] European Commission, p. 3.

New Studies

Interfacing with Power: Orders and Computers[1]

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Abstract

Any interest in the relationship between today's popular culture and images or visibility cannot escape the sustained significance of images delivered by various forms of graphical user interfaces. Since these interfaces are not only tools or even mere preparations of presentations but meaningful presentations themselves, this essay proposes to analyze them as operative images. By delivering a sort of signs, that combine iconic as well as symbolic and indexical qualities, operative images sketch out and perform interrelated concepts of both: the user and the computer/the digital.

From this follows the importance of analyzing popular interfaces as a special kind of staging – as a mise-en-scène 'depresenting' the power and work of the computer and interrelating with the promises/fears shaping the myth of 'the digital' since the late 1980s. Struggling for a critical position against the mythical term 'digital', I have proposed the neologism 'digitalicity' [*Digitalizität*]. I will argue that establishing the analysis of 'interface-mise-en-scène' as something like a vital part of today's media studies is largely and indeed long overdue. The graphical user interface of YouTube will be taken here as a case study. It will be discussed as a particular performance of the 'aesthetics of regulation' [*Ästhetik der Verfügung*], that informs the aesthetical appearance of computers, allowing and framing our handling with them. Characterized by a dialectic motion, the aesthetics of regulation raises questions of power: interfaces empower users to regulate and condemn them to be regulated at the same time.

If the present is to be understood as what is frequently and interdisciplinary called 'our digital era',[2] the triumph of the computer is nominally all-encompassing

[1] This article further elaborates a paper presented at the Media Archaeology Section of the XV MAGIS — Gorizia International Spring School in April 2017, devoted to explore the interrelationships between the machinic networks and the processes of subjectivation inherently to the 'There is No Turning Back. Re-thinking the Postmodern' general project.

[2] Cathy N. Davidson and Danica Savonick, 'Digital Humanities: The Role of Interdisciplinary

and decisive. That seems to leave 'us' with just one task: deal with it. This essay is interested in the various conditions and implications of this highly charged issue: dealing with computers. It addresses the real and imaginary, the well-prepared and consequential relationships between humans and computers, as applied in computers and implemented through many-faceted interfaces. This essay combines several aspects of a research project that started in 2012 and led to the published volume *Machtzeichen. Anordungen des Computers*.[3] The latter presents the computer as a unique power machine, studying its interface politics and in particular its ordinary manifestations: graphical user interfaces, that build powerful models but have been underestimated as tools for a long time. Its ambition is to pose a series of questions on interface politics as an important part of today's digitalicity.

Of course, graphical user interfaces describe only one of the multilayered aspects that characterize interfaces in digital computing. These 'symbolic handles', as Florian Cramer and Matthew Fuller have put it, 'which […] make software accessible to users' depend on four other interface aspects: '[h]ardware that connects users to hardware', '[s]oftware, or hardware-embedded logic, that connects hardware to software', as well as '[s]pecifications and protocols that determine relations between software and software'.[4] Moreover today's interface culture is shaped significantly by several non-graphical forms of interface with computers, such as gestures, voices, and embedded interfaces.

The ongoing development of the increasingly concealed dissemination, interconnection and implementation of computers — described for instance by Mark B. N. Hansen's view on 'twenty-first-century media'[5] — cannot be investigated without also accounting for interface processes. Interfaces induce the various procedures of connectivity and transferences, marking the current presence of computers — so often described as being ubiquitous. It is important to remember, that the term 'interface', introduced by the physicists James and William Thomson in the late-nineteenth century, was originally used to describe the transmission of energy.[6] With this in mind, the question of the pursued

Humanities in the Information Age', in *The Oxford Handbook of Interdisciplinarity*, ed. by Robert Frodeman, Julie Thompson Klein and Robert Carlos Dos Santos Pacheco (Oxford: Oxford University Press, 2017), pp. 159–72 (p. 159); Nicholas Rombes, *Cinema in the Digital Age* (New York: Columbia University Press, 2008), p. 4; William A. Cohn, 'Led Astray: Legal and Moral Blowback from the Global War on Terror', in *Assessing the War on Terror: Western and Middle Eastern Perspectives*, ed. by Charles Webel and Mark Tomass (New York: Routledge, 2017), pp. 163–95 (p. 173).

[3] Jan Distelmeyer, *Machtzeichen. Anordnungen des Computers* (Berlin: Bertz + Fischer, 2017).

[4] Florian Cramer and Matthew Fuller, 'Interface', in *Software Studies: A Lexicon*, ed. by Matthew Fuller (Cambridge, MA: MIT Press, 2008), pp. 149–52 (p. 149).

[5] Mark B. N. Hansen 'Ubiquitous Sensation: Towards an Atmospheric, Impersonal and Microtemporal Media', in *Throughout. Art and Culture Emerging with Ubiquitous Computing*, ed. by Ulrik Ekman (Cambridge, MA: MIT Press, 2013), pp. 63–88 (p. 73).

[6] See Pater Schaefer, 'Interface: History of a Concept, 1868-1888', in *The Long History of New Media: Technology, Historiography, and Contextualizing Newness*, ed. by David W. Park, Nicholas

ubiquity and networked embeddedness of computing, relying in essence on the transportation of signals and the transmission of electricity, is a question of interfaces to an even greater extent. The term interface helps to describe the 'interior telegraphy'[7] of the computer as well as all forms of its networks, its relations to us and its incorporation.

Mark B. N. Hansen's description of the experiential shift in *twenty-first-century media* depicts the complex diversity of interacting interface politics:

> Thus, well before we even begin to use our smart phones in active and passive ways, the physical devices we carry with us interface in complex ways with cell towers and satellite networks; and preparatory to our using our digital devices or our laptops to communicate or to acquire information, the latter engage in complex connections with wireless routers and network hosts.[8]

Though these devices are constantly (and 'calmly'[9]) interfacing with networks and servers, we also our smart phones in *active* ways: this is the reason for which we buy and update them. Even today, graphical user interfaces are so obviously omnipresent, that this manifestation of software still is, to quote Cramer and Fuller, 'often mistaken in media studies for "interface" as a whole'.[10] Nevertheless, media studies analyses of common user interfaces remain noticeably infrequent.[11] This absence ought to be addressed, in order to elaborate an understanding of our interrelationship with all sorts of computers, computerized media, and computerized things.

In the second half of the twentieth century, film studies and film analysis became institutionalized in European universities. Given the growing relevance of computing and graphical user interfaces in the last 35 years, it is high time to establish the discipline of interface studies and its analysis in the humanities. These analyses are necessary because interfaces define today's reality in manifold

W Jankowski and Steve Jones (New York: P. Lang, 2011), pp. 163–75; Branden Hookway, *Interfaces* (Cambridge, MA: MIT Press, 2014), p. 59.

[7] Hartmut Winkler, *Prozessieren. Die dritte, vernachlässigte Medienfunktion* (Paderborn: Wilhelm Fink, 2015), p. 294.

[8] Hansen, *Feed Forward. On the Future of Twenty-First-Century-Media* (Chicago: University of Chicago Press, 2015), p. 62.

[9] Florian Sprenger, 'Die Vergangenheit der Zukunft. Kommentar zu "Das kommende Zeitalter der Calm Technology"', in *Internet der Dinge. Über smarte Objekte, intelligente Umgebungen und die technische Durchdringung der Welt*, ed. by Florian Sprenger and Christoph Engemann (Bielefeld: Transcript 2015), pp. 143–68.

[10] Cramer and Fuller, 'Interface', p. 149.

[11] For exceptions see *Interface Politics*, ed. by Teresa Martínez Figuerola and Jorge Luis Marzo (Barcelona: Bau, 2016); *Interface Critique*, ed. by Florian Hadler and Joachim Haupt (Berlin: Kulturverlag Kadmos, 2016); Margarete Pratschke, 'Interacting with Images. Toward a History of the Digital Image: The Case of Graphical User Interfaces', in *The Technical Image: A History of Styles in Scientific Imagery*, ed. by Horst Bredekamp, Vera Dünkel and Birgit Schneider (Chicago: University of Chicago Press, 2015), pp. 48–57; *Interface Criticism: Aesthetics Beyond Buttons*, ed. by Christian Ulrik Andersen and Søren Pold (Aarhus: Aarhus University Press, 2011).

ways. Understood as the complex of various processes of connectivity and conduction, interfaces do carry — on all levels of its acceptation — the worldwide computerization, whereby graphical user interfaces create the equivalents of blockbusters in today's visual politics. The fact that they function so differently to cinematic and televisual appearances and inevitably rely on other interface processes between hard- and software makes interface analysis and critique so urgent. One example I would like to comment on here is the YouTube interface: those immensely popular conditions with which we organize and encounter the vast array of videos on the second most popular website worldwide.[12] But before that I would like to outline my approach a little more.

Depresentation by Operative Images

The interdependency between aesthetics and dispositifs signals the need for attention to the special status of these images and signs, which, to quote a *Windows 10* commercial, 'help you do your thing' (2015). Of course, these so called 'computer icons' could likewise be symbolic, and depend merely on the specific interface design. But regardless of the potentially iconic or symbolic character of these images and signs, all these clickable or touchable appearances correspond to Peirce's idea of indices. These images and signs must have a physical relation to the (variously) presented processes of computing, to the 'interior telegraphy'[13] of the computer; they 'show something about things, on account of their being physically connected with them.'[14] Were this not the case, they simply would not work.

Graphical user interfaces visualize, in a special way, what the computer offers to perform, albeit without actually showing what is happening 'inside' the machines. 'Software, or perhaps more precisely OS', as Wendy Chun has stated, 'offer us an imaginary relationship to our hardware: they do not represent the motherboard or other electronic devices but rather desktops, files, and recycling bins.'[15] This is obviously true, but at the same time this relationship, depresented by symbolic or iconic signs, offers not only an *imaginary relationship* to the working hardware of the computer, such as the motherboard. Simultaneously these clickable or touchable signs are electronically linked to the inner processes of the machine, to its interior telegraphy, where the flow of electronic signals connects, among many others, the motherboard and the indexical signs of the graphical user interface. We click or touch them in order to initiate the promised,

[12] See <http://www.alexa.com/topsites> [accessed 23 June 2017].
[13] See Winkler, *Prozessieren*, p. 294.
[14] Charles S. Peirce, 'What Is a Sign', in *The Essential Peirce: Selected Philosophical Writings (1893-1913)*, ed. by The Peirce Edition Project, 2 vols (Bloomington: Indiana University Press, 1998), ii, pp. 4–10 (p. 5).
[15] Wendy Hui Kyong Chun, *Control and Freedom: Power and Paranoia in the Age of Fiber Optics* (Cambridge, MA, MIT Press, 2006), p. 20.

hidden algorithmic processes; precisely for this reason Frieder Nake calls them 'algorithmic images'.[16]

The contradictory character of these images and signs has led Marianne van den Boomen to the very fruitful term of 'depresentation'. They present what *we* can do; they do not (re)present the 'procedural complexity' and the multitude of attached requirements and consequences:

> [T]he icons on our desktops do their work by representing an ontologized entity, while depresenting the processual and material complexity involved. This is the way icons manage computer complexity, this is the task we as users (in tacit conjunction with designers) have delegated to them.[17]

To address this special quality of the 'symbolic handles',[18] I have defined them as 'operative images', adopting a term introduced by Harun Farocki to describe the production of images by machines for machines.[19] The term 'operative image' or 'operational image' is driven by an interest in processes: not processes that *are represented by* such images themselves, but rather the processes to which operative images contribute and are themselves a part of. The adjective *operative* is thus used to indicate less the existence of these images *per se* nor their opposition to a potential beholder, than their presence as components of electronic technical operations. With this in mind, as Farocki has noted, these images are made for 'operative purposes and not for edification or instruction'.[20]

This last point is crucial, and it marks a productive difference between Farocki's concept and my appropriation of it. Whereas the operative images of the interface-*mise-en-scène* may not be made *for edification or instruction* in a classical sense, they of course do (and have to) instruct the so-called 'user' on what could be done. What they instruct, and are a part of through depresentation, is a form of knowledge of computers, of their usage and of us — an 'implicit knowledge'[21] that Wendy Chun has labelled 'implicit memory'.[22]

Operative images as depresentations of computer labour are, in my opinion, parts and thresholds of mutually connected operations — that is *interface operations* within the meaning of the multilayered aspects of the term interface — and four in particular are as follows:

[16] Frieder Nake, 'The Semiotics Engine: Notes on the History of Algorithmic Images in Europe', *Art Journal*, 68.1 (2009), 76-89.
[17] Marianne van den Boomen, *Transcoding the Digital. How Metaphors Matter in New Media* (Amsterdam: Institute of Network Cultures, 2014), p. 36.
[18] Cramer and Fuller 'Interface', p. 149.
[19] Distelmeyer, *Machtzeichen*, pp. 92–98.
[20] Harun Farocki, 'Quereinfluss / Weiche Montage', in *Zeitsprünge. Wie Filme Geschichte(n) erzählen*, ed. by Christine Rüffert and others (Berlin: Bertz, 2004), pp. 57–61 (p. 61).
[21] See *Medien Interfaces und implizites Wissen*, ed. by Christoph Ernst and Jens Schröter, *Navigationen – Zeitschrift für Medien und Kulturwissenschaften*, 17.2 (2017).
[22] Chun, *Updating to Remain the Same: Habitual New Media* (Cambridge, MA: MIT Press, 2016), pp. 87–88.

1. Operations of the various interrelations between hardware and software, that have these 'general purpose machines' fulfil their tasks;
2. Operations of the correlation of several computers, leading to further co-action between hardware and software through protocol-driven networks;
3. Operations of the connection and communication between computers and forms of interconnected materiality that are not computers — like, for instance, human bodies or technical artefacts, thus creating problems of surveillance and cybernetization of beings and (an internet of) things under programmed control;
4. Operations of 'us' dealing with 'them', i.e. handling and dealing with computers, and hence operations within the meaning of technical, physical and cognitive processes, including questions regarding the links between software and ideology raised by Wendy Chun[23] and Alexander Galloway,[24] as well as Cynthia and Richard Selfe.[25]

Let me highlight here just two aspects of the last category. The first aspect relates to the indexicality of these images, that is, confronting us with one of the most (if not *the* most) thought-provoking characteristic of computers, computer-based media, and computer-based things: their programmability. Graphical user interfaces constantly propose ideas and depresentations not only of the computer, rather '[i]nterfaces and operating systems produce "users" — one and all.'[26] And since all our computer use has to be envisaged and enabled by programming, computer interfaces always empower users to regulate, while nonetheless forcing them to be regulated at the same time. Hence — and this is my central thesis — the depresenting interface-*mise-en-scène* shapes the aesthetical appearance of the computer as an *aesthetics of regulation* [*Ästhetik der Verfügung*].[27]

This aesthetics of regulation is marked by a specific power structure: actively regulating users are being regulated in a system, in which they have to play by the default rules and with the provided tools and prerequisites. However, this is not one-way. Given that every computer operation relies on programs, all programmed functions, regulations, barriers, and pre-settings are principally alterable and expandable by users or hackers. Bearing in mind this processuality of the aesthetics of regulation, the act of dealing with computers becomes a power struggle, thus triggering political issues.

The second aspect of operations relating to the human use of and interaction with computers relates to knowledge, which informs that interaction. Criticized by various media scholars,[28] the mythical term 'digital' has become an extremely

[23] Chun, *Programmed Visions: Software and Memory* (Cambridge, MA: MIT Press, 2013).
[24] Alexander Galloway, *The Interface Effect* (Cambridge: Polity, 2012).
[25] Cynthia L. Selfe and Richard J. Selfe, 'The Politics of the Interface: Power and Its Exercise in Electronic Contact Zones', *College Composition and Communication*, 45.4 (1994), 480–504.
[26] Chun, *Programmed Visions*, pp. 67–68.
[27] See Distelmeyer, *Machtzeichen*, pp. 65–126.
[28] See for instance Lev Manovich, *The Language of New Media* (Cambridge, MA: MIT Press, 2001); Chun, *Control and Freedom*.

powerful buzzword and sales argument since at least the early 1990s. To define 'the digital' as a myth, and to bear in mind the problems of coping with mythical terms as illustrated by Roland Barthes, another not yet mythical term was introduced some years ago: the neologism 'digitalicity'.[29] Following Barthes' mythology, the term digitalicity offers the opportunity, to discuss popular ideas and productions of 'the digital', without automatically reproducing the mythical quality of this term — instead 'digitalicity' seeks to indicate and enable a critical discussion of these mythical aspects.

In Western-European and US-American discourse, from the early 1990s digitalicity has been shaped to a special degree by the promises (and fears) of interactivity, flexibility, control, freedom and empowerment — with a common celebration of the victory of digital media's acclaimed elasticity, as opposed to rigid, inflexible, passive and hierarchy-based predecessors. In the sustained debates about NSA and CIA scandals, and the fundamental criticism of internet-regulation, these promises have since been somewhat re-evaluated. But even these critical discussions often repeat the old myths about empowerment and freedom in something like an act of grief.[30] I would like to quote just one very influential, quintessential, protagonist of digitalicity from the 1990s, Nicholas Negroponte: '[M]ore than anything, my optimism comes from the empowering nature of being digital. The access, the mobility, and the ability to effect change are what will make the future so different from the present.'[31]

Understanding digitalicity as one important discursive aspect of computers, computer-based media, and the highly praised *fourth industrial revolution*, the question thus arises of how a given interface-mise-en-scène corresponds to the promises and fears that have shaped digitalicity. With this question in mind, I would like to turn now to YouTube as an example.

YouTube: Operating Data

If you enter the URL www.youtube.com or follow a corresponding link, bookmark or presetting, the front page of YouTube deploys several selectable, operative images, depresenting potentially upcoming video events.[32] Even without accessing a personal account, the personalizing 'you' of YouTube is taken seriously from the start: thanks to recorded, evaluated, and conjugated former visits and interactions with YouTube, every front page provides a customized

[29] See Distelmeyer, *Das flexible Kino. Ästhetik und Dispositiv der DVD & Blu-ray* (Berlin: Bertz + Fischer, 2012) and Tom Holert, 'Globodigitalizität. Über die Zumutung des Evidenten', Lecture at the Kunsthochschule für Medien Köln, 4 June 2002, <www.khm.de/kmw/kit/pdf/holert.pdf> [accessed 23 June 2017].
[30] See Distelmeyer, *Machtzeichen*, pp. 98–126.
[31] Nicholas Negroponte, *Being Digital* (New York: Knopf, 1995), p. 230.
[32] I describe the YouTube-interface performed by a browser — the interface designed for the YouTube-app differs in details.

performance. This customization is 'our' outcome or yield of our work within the YouTube interface, which Till A. Heilmann has described as 'data labour' in current 'capture capitalism'.[33]

If you make a selection, the former depresented video begins in a frame, where the video is a working as an operative (moving) image in its own right. If one clicks into the running video, it pauses, until another click on the now freezed operative image starts the movement and sound again. A double-click leads to the full screen mode, another double-click brings back the YouTube website interface. Here the expandable video frame is escorted by another arrangement of selectable operative images to the right of the frame. This arrangement could be described as a remaining gesture of wealth and richness — a power of control related to a variety of depresented audiovisual material classified by taglines, genres, categories, and other visualized metadata. It maintains the empowerment gesture and the *ability to effect change*: even though I have already chosen a video, this choice is accompanied by a selection of other to-be-selected material.

This choice-empowerment relies heavily on a mode of presentation that dominated and still dominates more than a few interface enactments. This tradition presents the aesthetics of regulation as an 'order of selectivity',[34] offering options and reassuring usability as a freedom of choice in the form of menus, buttons, lists and the like. This 'freedom as control'[35] is a question of strictly defined and prepared choices.

We encounter this traditional (and surprisingly long-lasting) WIMP cosmos for instance when using popular online shops like iTunes or Amazon, the grid-apposition of apps on multi-touch devices like Google Nexus, Samsung Galaxy, the iPhone and the iPad, on the 'active app' and 'ideal app' arrangements on the Fairphone 2, the 'Launchpad' from Mac OS X 'Lion', the 'tiles' from Windows 8, and the Linux-Interface GNOME 3 with its 'Activities Overview' described by the GNOME Project as 'an easy way to access all your basic tasks. A press of a button is all it takes to view your open windows, launch applications or check if you have new messages.'[36]

Considering our familiarity with this widespread freedom as prepared choice-control, other common aesthetics of regulation could easily be overlooked. Computer games in particular challenge and play with this dominant overview order. Examples can be found in different sorts of games, perhaps the most obvious and long lasting are first-person shooters like for instance the popular *Rainbow Six: Siege* (Ubisoft, 2015), where crucial objective is, of course, not to know but to explore, to find out what actually is offered and waiting around the corner.

[33] Till A. Heilmann, 'Datenarbeit im "Capture"-Kapitalismus. Zur Ausweitung der Verwertungszone im Zeitalter informatischer Überwachung', *Zeitschrift für Medienwissenschaft*, 2.13 (2015), 35–47.
[34] See Distelmeyer, 'Objektwahl. Internetpornographie und personalisierte Ermächtigung', in *Explizit! Neue Perspektiven zu Pornografie und Gesellschaft*, ed. by Lisa Andergassen et al. (Berlin: Bertz + Fischer, 2014), pp. 92–102.
[35] See Chun, *Control and Freedom*.
[36] See <https://www.gnome.org/gnome-3/> [accessed 23 June 2017].

Nevertheless, this exploring mode of aesthetics is quite often supplemented by another order of selectivity, showing available weapons, equipment, maps and the like.

Hence, an order of selectivity, invoking our wealth of choice by menus and similar arrangements, is not in the least determined by technology. Instead this order of selectivity is a cultural construction and just one still dominant mode of regulation aesthetics. It presents the computer as an empowering decision-making devise and shapes YouTube to a great extent.

The aforementioned flexibility of the video appearance in the YouTube-frame is increased by the possibility to transform the video's appearance with regard to language, subtitles and resolution, all potentially adjusted using the operative image of a gearwheel on the bottom right of the video frame. Furthermore, from 2012 YouTube videos have been presented in a paradigmatic way: when the cursor moves the progress bar, the video blurs and a collection of somehow representative single frames pop up as a preview, offering the viewer the possibility to navigate through the whole video by means of this frame collection.

In this way the video does not play, but is displayed as an area, as a visible set of not-yet operative images. This YouTube approach to the order of selectivity raises fundamental questions regarding moving images, elucidated by an even more obvious and radical change in programming that altered the look of YouTube, shortly after it has been sold to Google at the end of 2006. In the early days of the video-hosting website, immediately after a video has been played it continued to fill the entire video frame with one somehow representative image, ready to start anew. From 2007, however, when a video concludes it is replaced with a collection of thumbnails of selectable videos: a new grid order of choice in exactly the frame that was supposedly reserved for moving images. This programmatic displacement becomes especially picturesque, if the video is watched in full screen mode. Regarding this familiar *mise-en-scène* — this grid of selectivity — Geert Lovink's summary of YouTube from 2008 appears loaded with a new intention: 'We no longer watch films or TV; we watch databases.'[37]

Instead of the video's appearance (that is: the chosen succession and process of moving images and sounds as a syntagmatic gesture), now the exact opposite takes over: the invitation to select from a series of replaceable images is a paradigmatic gesture, one that consists of operative images. Thus YouTube's additional service — an additional transformation of moving images into operative images — is demonstrated, once more insistently. Hence, this augmentation engenders the semiotic shift, whereby the potential indexicality of the depresented videos is no longer only generated by a potential trace to pre-filmic reality (not to mention the value of YouTube's 'authenticity'[38]), but also by the trace to the interior telegraphy of

[37] Geert Lovink, 'The Art of Watching Databases. Introduction to the Video Vortex Reader', in *Video Vortex Reader: Responses to YouTube*, ed. by Geert Lovink and Sabine Niederer (Amsterdam: Institute of Network Cultures, 2008), pp. 9–13 (p. 9).
[38] See Matt Gielen, *Ten Commandments of YouTube* (Westport: Frederator Books, 2016).

the networked computer. Bearing in mind the second type of interface operations, the indexicality of collected videos is based not only on the fact that they 'all refer causally and physically to a set of software instructions to be executed',[39] but also their operative trace to the processing of recorded and algorithmically evaluated data labour, with which these appearances are causally and physically linked. The grid collection of recommended videos — that is, the idea and promise of this reference — refers to the recorded viewing and search history. Precisely because these operative images are therefore both depresenting and (inter)acting, these aesthetical questions are also and unavoidable political ones.

With this in mind, a displacement, or more precisely, a diversification of film/video aesthetics by regulation aesthetics can be witnessed here. The logic of the filmic syntagm becomes involved in the paradigmatic logic of digitalicity and its performed freedom as choice-control. In this way, I would like to add, another relationship could be conceived: the connection of this exhibited flexibility, a crucial promise of digitalicity, with the sociocultural ideal and pressure of flexibility in today's formations of flexible and communicative capitalism. Jodi Dean and Franco Berardi describe 'a key contradiction of communicative capitalism': if you 'want to survive you have to be competitive and if you want to be competitive you must be connected, receive and process continuously an immense and growing mass of data.'[40]

The preliminarity and replaceability of the selected video can be interpreted as the visualization of and perhaps familiarization with what Dean calls 'the competitive intensity of neoliberal capitalism'.[41] This aesthetic fate of chosen videos may be understood as a reminder of the competitive pressure, analysed by Boltanksi and Chiapello,[42] and as an echo of Gilles Deleuze's 'societies of control'.[43] Even these, which may once have been selected among the many, have always to face new competition, immediately after the very selection. Ongoing flexibility and changeability is to learn and to become reliant.

I would like to conclude with the observation that even this well-established, paradigmatic logic of YouTube is subject to changes. The installation of the 'Autoplay' mode, switched on by default from 2015, forms a counterpart to the order of selectivity: 'The Autoplay feature on YouTube makes it easier to decide what to watch next. After you watch a YouTube video, we'll automatically play another related video based on your viewing history.'[44] With its 'Autoplay',

[39] Marianne van den Boomen, 'Interfacing by Material Metaphors: How Your Mailbox May Fool You', in *Digital Material: Tracing New Media in Everyday Life and Technology*, ed. by Marianne van den Boomen et al. (Amsterdam: Amsterdam University Press, 2009), pp. 253–64 (p. 257).
[40] Jodi Dean, 'The Limits of Communication', *Guernica*, 1 October 2012, <www.guernicamag.com/features/the-limits-of-communication/> [accessed 23 June 2017].
[41] Ibidem.
[42] See Luc Boltanski and Ève Chiapello, *The New Spirit of Capitalism* (New York: Verso, 2007).
[43] See Gilles Deleuze, 'Postscript on the Societies of Control', *October*, 59 (1992), 3–7.
[44] See <https://support.google.com/youtube/answer/6327615?co=GENIE.Platform%3DAndroid&hl=en> [accessed 23 June 2017].

YouTube creates a new emphasis of 'flow' that can be discussed from various perspectives: for instance, both in terms of YouTube's acclaimed reputation as 'the new television'[45] and in terms of the 'data stream'. Lev Manovich has described the latter as the new cultural form of presenting data in web-based social network services, heightening 'the experience of the "data present"'.[46] Another form of flexibility is performed here — an ongoing flow of change that seems to be no longer under our (prepared and advised) control, but rather controlled by information processing, as a showcase for 'algorithmic governmentality'.[47]

This deserves a closer study. My observations here are intended as starting points for an interface analysis that — in the case of YouTube — account for the complex procedures enabling and pursuing the options of uploading, searching, watching/hearing, 'sharing', classifying, valuing, and exposing data in the form of videos, comments, clicks, and all sorts of metadata.[48] In the end, all of the options depend on processes that challenge new attention for intertwined interface operations.

[45] Jonathan Ford, 'Is YouTube the New Television?', *Financial Times*, 24 November 2014.
[46] Manovich, 'Data Stream, Database, Timeline', *Software Studies Initiative*, 27 October 2012, <http://lab.softwarestudies.com/2012/10/data-stream-database-timeline-new.html> [accessed 23 June 2017].
[47] Antoinette Rouvroy and Bernard Stiegler, 'The Digital Regime of Truth: From the Algorithmic Governmentality to a New Rule of Law', *La Deleuziana – Online Journal of Philosophy*, 3 (2016), <http://www.ladeleuziana.org/wp-content/uploads/2016/12/Rouvroy-Stiegler_eng.pdf> [accessed 23 June 2017].
[48] In the case of YouTube interface analyses overlap with 'platform studies' insofar as 'platform' is understood as 'a broad enough category to capture a number of distinct phenomena, such as social networking, the shift from desktop to tablet computing, smart phone and "app"-based interfaces as well as the increasing dominance of centralised cloud-based computing'. Joss Hands, 'Introduction: Politics, Power and "Platformativity"', *Culture Machine*, 14 (2013), 1–9 (p. 1).

For an Archaeology of Swarming Machines: Genealogy and the Politics of Media Dissent Beyond Representational Metaphors[1]

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Abstract

Following the presentation of a paper at the XV MAGIS — Gorizia International Spring School 2017, this article focuses on some of the theoretical premises that the legacy of postmodern thought offers for the understanding of contemporary forms of media resistance. In particular, it centres the attention on so-called 'digital swarms' that, also known as Distributed Denial-of-Service (DDoS), are one of the leading 'weapons' in the politics of digital media and network dissent. However, in the literature on hacktivism, these 'swarming machines' are predominantly defined via an analogy with direct action, implying assumptions based on humanist epistemologies, which limits their politics as a matter of representation. With the objective of offering a possibility to move beyond the limits of such a metaphorical impasse, genealogy is suggested as a critical approach to link, through ideas of nonlinearity and difference, postmodern thinking and media archaeological investigations.

Introduction

One of the main concerns of postmodern thought has been the understanding and conceptualisation of power beyond its strict comprehension as a form of exercised force. Nowadays the question extends its relevance, since digital media and networks have increasingly become a 'battlefield' where the emergence of novel power relations is constantly faced by new forms of resistance. Gilles Deleuze, in his own personal homage to Michel Foucault, offers a valuable indication of where we should look to identify the relations of power that are

[1] This article follows a paper that was presented at the Media Archaeology Section of the XV MAGIS — Gorizia International Spring School in April 2017. The symposium focused on the legacy of postmodernity — how postmodern thinking still influences contemporary research in the field of media studies and, in particular, how it resonates in novel and not fully structured ways of studying digital media and networking technologies, as it can be in the case of the archaeological study of media.

preponderant in our time.[2] According to Deleuze, locating 'the basis of the "struggles" of each age, and the style of these struggles' is essential to comprehend the diagrammatic of current power mechanisms.[3]

Nevertheless, contemporary studies on the politics of media dissent seem to avoid engagement with some of the outcomes of postmodern thought, and especially with the precious challenges to humanist epistemologies. Rather than definitively liberating from the falsity of dualisms, the fallacious superiority of enlightened reason, and the impossible separateness of representation, very often academic studies of media resistances remain enmeshed in these controversial metaphysical presuppositions — as if Foucault's *Les Mot et Les Choses* had never been published.[4]

So-called 'digital swarms' — also technically known as Distributed Denial-of-Service (DDoS) in the field of computing — are a form of communicational disruption that, in recent years, has hit the headlines of the major news media of the world.[5] Thanks to the digital media actions of hacktivist networks such

[2] Gilles Deleuze, *Foucault*, trans. by Seán Hand (Minneapolis, London: Minnesota University Press, 1988), p. 44.
[3] Ibid.
[4] Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences*, trans. by Alan Sheridan (London, New York: Routledge, 2005).
[5] A critical discussion of the application of the concept of swarming to the specific case of DDoS is beyond the scope of this paper. Clearly, the idea of the swarm comes from the collective behaviour of non-human animals, particularly insects, non-metaphorically expressing the emergent capacities of a multiplicity that acts following a common movement. In the practical and theoretical developments of DDoS as a form of political dissent, the Electronic Disturbance Theatre was the first group to openly use the concept of swarm (in parallel to that of the 'flood'); see for instance Ricardo Dominguez, 'The Ante-Chamber of Revolution. A Prelude to a Theory of Resistance and Maps', *Ctheory* (November, 1998) <www.ctheory.net/articles.aspx?id=203> [accessed 4 December 2015]. Arquilla and Ronfeldt were amongst the first to use the idea of swarms for postmodern, internetworked conflicts (what they call Netwar); see John Arquilla and David Ronfeldt, 'The Advent of Netwar (Revisited)', in *Networks and Netwars: The Future of Terror, Crime, and Militancy*, ed. by John Arquilla and David Ronfeldt (Santa Monica: Rand, 2001), pp. 1–25. For an analysis of swarms, in parallel to other concepts such as networks and multitude, as a mutation of the modern tradition of body politics that coherently links technological, social and biological realms, see Eugene Thacker, 'Networks, Swarms, Multitude', *Ctheory* (May 2004) <http://www.ctheory.net/articles.aspx?id=422> [accessed 1 August 2017]; Thacker, 'Networks, Swarms, Multitude. Part Two', *Ctheory* (May 2004) <http://ctheory.net/ctheory_wp/networks-swarms-multitudes-part-two/> [accessed 1 August 2017]. For a development of these analyses that critique the celebratory voices of network decentralisation, highlighting the condition of contemporary conflicts within a symmetrical opposition between networks as well as offering the possibilities for 'counter-protological', asymmetrical practices, see Alexander R. Galloway and Thacker, *The Exploit: A Theory of Networks* (Minneapolis, London: University of Minnesota Press, 2007). For a discussion of swarms as a form of cultural technique that followed the development of ethological studies from biology to computer sciences, resisting methods of analytic investigation, see Sebastian Vehlken, 'Zootechnologies: Swarming as a Cultural Technique', *Theory, Culture & Society*, 30.6 (November 2013), 110–31. My use of the concept of digital swarms, or my preferred choice for 'swarming machines' follows a conceptual line that moves from the first ideas of the EDT to those of Galloway and Thacker, as well as openly employing the transversal relationality of the Deleuzo-Guattarian 'machine' (see footnote number 10 below); it aims, as such, to stress the

as 'Anonymous', internetworked swarms have become one of the key 'styles' of contemporary struggles within digital cultures: an instance of political dissent that is actualised through digital media and networks. More relevantly, digital swarms are an example of the problems that might arise when a complex phenomenon concerning media technologies is approached via the paradigm of representation. Indeed, since their surfacing as a form of media resistance in the 1990s, swarming disruptions have been read and described via an analogy with politically motivated direct action, framing and limiting their politics as a matter of media visibility.

The objective of this article is to cast light on some of the epistemological assumptions that a non-representational approach to the politics of media dissent might foster in order not to fall back into the limits of humanist-oriented paradigms. First, a brief introduction to the specific case of digital swarms, without entering into the details of ongoing research in the field, is needed in order to outline the argument. Second, I focus on two key aspects of the media archaeological approach that, being informed by the precious legacy of postmodern thought, avoids the *cul-de-sac* of representation-oriented analyses of digital media and networks — particularly of swarming media actions of resistance. Finally, I propose the critical method of genealogy as an opportunity to challenge the remains of modernist reasoning, offering a precious line of connection between postmodern thinking and the archaeological study of media.[6]

Digital Swarms as Direct Action: Media Metaphors and the Limits of Representational Paradigms

The 'Denial-of-Service' (DoS) is one of the leading 'weapons' amongst the contemporary forms of digital media dissent. In the field of computing — particularly in network security — DoS is generally regarded as 'a devastating attack' that 'can cause major and very visible disruption to our world.'[7] As such, it is commonly considered by computing analysts as a tangible threat, one that is able to disrupt the entire internetworked infrastructure on which advanced capitalist societies rely.

Media actions in the form of DoS are actualised to obstruct access to a

non-anthropomorphic and inhuman character of these form of media dissent, emphasising as well a common vital and materialist consistency that fosters an agential realist position; for details see Alberto Micali, 'Hacktivism and the Heterogeneity of Resistance in Digital Cultures' (unpublished doctoral thesis, University of Lincoln, 2016).

[6] Applying the proposed approach to the study of this particular form of media dissent is beyond the scope of this paper. However, the interested reader might find details in Alberto Micali, 'Towards a Nonlinear, Material History of Digital Swarms', *Internet Histories: Digital Technology, Culture and Society*, 1.3 (2017), 238–57.

[7] Jelena Mirkovic, Sven Dietrich, David Dittrich and Peter Reiher, *Internet Denial of Service: Attack and Defense Mechanisms* (Upper Saddle River: Prentice Hall PTR, 2004), foreword, par. 3.

network or data host, making it impossible to reach a determinate Internet resource for its users. For a temporary period, such media disruption makes unavailable the services that are offered by a specific server on the Internet. In the last decades, DoS have arisen as one of the most employed and disputed tactics to block and disrupt an internetwork resource. In fact, DoS has a tangible capacity to interrupt the interconnections of the chosen target. In addition, it can be actualised through a broad range of networked media such as emails, peer-to-peer networks or telephony (as happens in the voice over Internet Protocol — VoIP — configuration). Further, DoS media actions have progressively become more elaborated thanks to the creativity and developments of their practitioners.

Despite the fact that different social actors with various motivations can undertake DoS 'attacks', the history of this form of media dissent is contentious, extending beyond the strict actuality of contemporary times. Doubtless, this media action of resistance is the most discussed in the literature on 'hacktivism', due to its political facets and economic consequences.[8] Since the 1990s, the actualisation of DoSes has been postulated as a non-violent and aesthetic form of political opposition that could be 'performed' on the Internet, namely theorised in terms of 'cyber strikes' or 'electronic disobedience'.[9] However, along with the mass commodification of digital networks, the deployment of 'swarming machines' (especially when politically motivated) began to be condemned, and later was declared illegal in legislation.[10]

According to a broad classification, the main technical feature of digital networks distinguishes the centralised version (DoS) from its distributed one: the Distributed Denial-of-Service (DDoS). Within the distributed topology of a network such as the Internet, this distinction characterises the origin of the attacking packages. Instead of being actualised via a central node, data is deployed through distributed and decentralised modalities, exploiting many

[8] Tim Jordan and Paul A. Taylor, *Hacktivism and Cyberwars: Rebels with a cause?* (London: Routledge, 2004); Molly Sauter, *The Coming Swarm: DDoS Actions, Hacktivism, and Civil Disobedience on the Internet* (New York, London: Bloomsbury, 2014).

[9] Arturo Di Corinto and Tommaso Tozzi, *Hacktivism. La libertà nelle maglie della rete* (Rome: Manifesto Libri, 2002).

[10] I use the word and concept of the 'machine' as it is openly theorised and used by Gilles Deleuze and Félix Guattari throughout their work; that is beyond its strict comprehension and individuation as technological apparatuses. The machine is particularly central in the work of Guattari, who attempts to resist the structuring and despotic forces of language and universal normativity via the open connectivity of the machine. For details and examples, see Deleuze and Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, trans. by Braian Massumi (Minneapolis: University of Minnesota Press, 1987); Guattari, *Chaosmosis: An ethico-aesthetic paradigm*, trans. by Paul Bains and Julian Pefanis (Indianapolis: Indiana University Press, 1995); Guattari, 'On Machines' trans. by Vivian Constantinopoulos, *Journal of Philosophy and Visual Art*, 6 (special issue *Complexity* ed. by Andrew Benjamin, 1995) 8–12; Guattari, *The Anti-Oedipus Papers*, trans. by Kélina Gotman (New York: Semiotext(e), 2006); Gerald Raunig, *Tausend Maschinen: eine kleine Philosophie der Maschine als sozialer Bewegung*, (Vienna: Turia + Kant); Maurizio Lazzarato, *Signs and Machines: Capitalism and the Production of Subjectivity*, trans. by Joshua David Jordan (Los Angeles: Semiotext(e), 2014).

nodes on the network. This creates a multiplicity of connections coming from a wide set of directions: an internetworked 'swarm' of data. Moreover, another technical variation depends on the executability of the swarm; that is, the difference between the automated origination of requests, as for instance happens when specific software is employed to assemble and deploy requests from a large number of computing machines, and the client-side launch of the action, when the contribution of each computer is crucial to its realisation.

Since its emergence as a form of media dissent, the first practitioners and academic readers of hacktivism have theorised and investigated this swarming form of mediation and, particularly, its possible political uses. During the 1990s, the two main groups involved in organising forms of protest in the form of DoS attacks were the Italian, Florence-based Strano Network and the American Electronic Disturbance Theatre (EDT). The leader of the former group, the academic and artist Tommaso Tozzi, was the first to think and propose the idea of a 'virtual strike' (later renamed 'Netstrike'), before actualising it in December 1995 against ten French governmental web addresses; French government that was contested because of the nuclear experiments in the Pacific Ocean.[11] In parallel, EDT began to employ the same media tactic in order to support the struggles of Chiapas, developing in 1998 'FloodNet', an automated script that directed swarms against the main websites of the Mexican Government.[12]

The actualisation of early swarming machines for political reasons was accompanied by their first theorisation. Both groups proposed their forms of media dissent as the re-organisation and re-arrangement of activist demonstrations, such as strikes, boycotts, marches or blockades, within the emerging global networked infrastructure. On the one hand, the emphasis for Strano was on the participatory and communicative, political potential of these media actions — reflecting the inclination of the group for supporting cyber-rights and the democratic promises of networking technologies. On the other hand, EDT equally centred its attention on the activist and participative possibilities of digital swarms, bringing attention to the originated performance, that is, the theatrical capabilities provided by the Internet-as-a-stage. [13]

[11] Di Corinto and Tozzi, *Hacktivism*.

[12] For a more detailed chronology see Tatiana Bazzichelli, *Networking: The Net as Artwork* (Aarhus: Aarhus University, 2008).

[13] For details about Strano Network, EDT and their theorisations and practices of 'Netstrikes' and 'FloodNets', see Strano Network, *Net Strike — No Copyright — Et(-: Pratiche antagoniste nell'era telematica* (Bertiolo: AAA Editions, 1996); Ricardo Dominguez, 'Electronic Disturbance: An Interview', in *Cultural Resistance: A Reader*, ed. by. Stephen Duncombe (London, New York: Verso, 2002), pp. 379–96; Stephan Wray, 'Electronic Civil Disobedience and the World Wide Web of Hacktivism', *Net, Work, Art*, 4.2 (1998); Wray, 'The Electronic Disturbance Theater and Electronic Civil Disobedience', *The Thing*, 17 June 1998 <www.thing.net/~rdom/ecd/EDTECD.html> [accessed 1 May 2013]; Coco Fusco, 'Performance Art in a Digital Age: A Live Conversation with Ricardo Dominguez', *Institute of International Visual Arts*, London, 1999 <www.thing.net/~rdom/nyu/PerformanceArt.doc> [accessed 15 June 2013]; Fusco, 'On-Line Simulations/ Real-Life Politics A Discussion with Ricardo Dominguez on Staging Virtual Theatre', *TDR: The*

The first academic studies on hacktivism embrace this theoretical position, laying the foundations of their analyses on the analogical reading of DDoS forms of media dissent as direct action. Tim Jordan produced some of the first academic research in the Anglo-American literature that openly recognised the emergent phenomenon, dedicating part of the investigation to the swarming media actions in question, and offering later a more focused study on hacktivism.[14] In Jordan and Paul Taylor's proposal, the media actions of Strano and EDT are conceptually posited within a trend of 'mass action hacktivism'. As such, they underline that, in the phenomenon of hacktivism, 'the popular politics of direct action has been translated into virtual realms' and, as regards DDoS media actions, that these are 'the most direct attempts to turn "traditional" forms of radical protest, such as street demonstrations, into forms of cyberspatial protest'.[15] Likewise, in the other most comprehensive study on hacktivism, Arturo Di Corinto and Tommaso Tozzi echo the perspective of considering digital swarms as a rendering of street protests in the electronic realm.[16] This is a line of argument that moves its theoretical premises, without being questioned, to the more recent accounts on the topic: as in *The Coming Swarm*, 'DoSS as direct action' is openly employed to approach the issue as a 'functional metaphor'.[17]

The metaphorical reading produces a fallacious reading of a complex sociotechnical phenomenon, whose politics is framed and limited as an issue of media visibility: a symbolic act that is assumed to be separated from the entangled relationality that co-constitutes it.[18] The assumptions of the analogy between this set of media actions and street political ones presupposes a humanist misreading that considers technical objects as mere prostheses of the human-animal: tools to represent human culture and, in this case, to bring forth rationally a political cause. The metaphorical reading is deeply enmeshed in a representationalist paradigm that uses representations as bridges to fill the gaps that exist in the fallacy of dualisms. Within representationalism, media — and the disruptive processes of mediation that are stake in digital swarms – are separated from their social, cultural and political context, and their intelligibility appears to be exclusively related to signifying semiotics: a symbolic plane of rational meanings. Cyber and street, symbolic and real, online and offline, media and society: these ontological divisions are at the core of the analogy with direct action, evidencing the limits of the metaphorical assumptions. As analogies, swarming mediation withdraws as a container to be filled by a representation (the political issue of the day), favouring a technologized view of social activism or a politically oriented

Drama Review, 47.2 (2003), 151–62; Graham Meikle, *Future Active: Media Activism and the Internet* (New York: Routledge: 2002).

[14] Tim Jordan, *Activism!: Direct Action, Hacktivism and the Future of Society* (London: Reaktion Books, 2001); Jordan and Taylor, *Hacktivism and Cyberwars: Rebels with a cause?*

[15] Jordan and Taylor, *Hacktivism*, pp. 1, 68.

[16] Di Corinto and Tozzi, *Hacktivism*.

[17] Sauter, *The Coming Swarm*, pp. 42–46.

[18] Micali, 'Towards a Nonlinear, Material History of Digital Swarms'.

construction of media hacking; missing, then, the key vital and material aspects of the disruptiveness that is at stake in the actualisation of political resistance through digital media and networks.

In his seminal critique of humanism, Foucault recalls that analogy has played a key part in the organisation of the production of knowledge at least since the end of the sixteenth century.[19] 'Its power is immense, for the similitudes of which it treats are not the visible, substantial ones between things themselves; they need only be the more subtle resemblances of relations.'[20] Analogical thinking has a field of application that is universal, and — not by chance — the privileged point of this space of exercise is man: who is in proportion to and beyond all the existent. 'He is the great fulcrum of proportions — the centre upon which relations are concentrated and from which they are once again reflected.'[21] Analogical correspondence is situated at the heart of representation: it is a repetition that mirrors the word through the anthropocentric prejudice of sameness, relating to the otherness of the existent in a hierarchical and oppressive manner.

With the objective of offering a possibility to approach digital swarms beyond the metaphor of direct action, I discuss below two key theoretical premises of postmodern thought that mark a recent and not-fully developed approach to media: media archaeology. These assumptions involve ideas about difference and nonlinearity, and crucially they find their place in the critique of genealogical investigation that, connecting media archaeology with some epistemological postulations of postmodern thinking, I argue offers a chance to challenge representational readings of media, and particularly digital swarms. The most concrete potential for such a media archaeological-inspired analysis is, more specifically, the development of a materialist understanding; one that fosters a posthuman position, decentralising agency from the hierarchy of the human subject and acknowledging contemporary forms of media resistance beyond a spectacular visibility that neutralises the vital intensities traversing their politics.[22]

Media Archaeologies and the Legacy of Postmodern Thought, or the Differencing Nonlinearity of a Critical Genealogy

> The history of the media is not the product of a predictable and necessary advance from primitive to complex apparatuses. [...] Instead of looking for obligatory trends, master media, or imperative vanishing points, one should be able to discover individual variations. (Siegfried Zielinski, *Deep Time of the Media*)

[19] Foucault, *The Order of Things*.
[20] Ivi, p. 24.
[21] Ivi, p. 26.
[22] The posthuman twist I am proposing to approach swarming machines, is reminiscent of the one offered by Parikka on computer viruses; see Jussi Parikka, *Digital Contagions: A Media Archaeology of Computer Viruses* (New York: Peter Lang, 2007).

The archaeological study of media approaches and considers media and mediation by implying some of the legacies of postmodern thought. It offers, as such, a way out from the impasses of metaphorical readings. In particular, 1) media archaeologies challenge the qualitative depletion of differences, rethinking the processuality of mediation in terms of remediation of the old in the new.[23] Moreover, 2) it contends humanist theological reasoning, fostering a nonlinear, anti-progressive comprehension of human-technological ensembles. These two tied divergences characterise a genealogical critique that, reframed by French readers of Nietzsche such as Foucault and Deleuze,[24] is one of the key analytical tool of media archaeological research. Crucially, genealogy moves beyond representational deadlocks, rediscovering what Zielinski calls the 'deep time' of media: a nonlinear, long temporality that meets the differencing movement of histories through deviations and breaks, estranging and de-familiarising with modernist images of media 'evolution'.[25] Then, I argue, genealogy is a functional tool to study the politics of digital media and network dissent, since it provides a materialist comprehension of digital swarms that is not related to the analogy with direct action.[26]

Thinking of media archaeologically means researching contemporary media cultures by employing visions, knowledge(s) and experimentations emanating from the past. This permits the study of contemporary network cultures at a practical and theoretical level, beyond the specificity of digital media and networks. In fact, in the case of media archaeologies — because of the relevancy given to materiality and time — these cultures appear stratified, allowing unique rediscoveries of technologies from the past in parallel with the growing obsolescence of present ones.[27]

To begin with the first point (1), archaeological readings are not a simple re-propositioning of the old in the new. Archaeological readings stress the necessity for 'qualitative' more than 'quantitative' readings and studies of media forms

[23] For a conceptualisation of remediation as an open process of re-proposition and re-actualisation of older media forms in new ones, see Jay D. Bolter and Richard Grusin, *Remediation* (Cambridge, MA: MIT Press, 1999); for the development of this concept and its application in a non-representationalist framework see Grusin, *Premediation: Affect and Mediality after 9/11* (New York: Palgrave Macmillan, 2010), esp. chapter 3.

[24] Foucault, 'Nietzsche, Genealogy, History', in *The Foucault Reader* ed. by Paul Rabinow, (New York: Pantheon, 1984), pp. 76–100; Deleuze, *Nietzsche and Philosophy*, trans. by Hugh Tomlinson (New York: Columbia University Press, 1983).

[25] Siegfried Zielinski, *Deep Time of the Media: Toward an Archaeology of Hearing and Seeing by Technical Means*, trans. by Gloria Custance (Cambridge, MA: MIT Press, 2006).

[26] As I have demonstrated elsewhere, a genealogical approach to digital swarms points toward a different provenance for these media actions that is not direct action. For details, see Micali 'Towards a Nonlinear, Material History of Digital Swarms'; and Micali 'Hacktivism and the Heterogeneity of Resistance in Digital Cultures'.

[27] Parikka, *What is Media Archaeology?* (Cambridge: Polity Press, 2012). On cultural stratification see Deleuze and Guattari, *A Thousand Plateaus*, esp. chapter 3. For an historical philosophy of stratification see Manuel De Landa, *A Thousand Years of Nonlinear History* (Cambridge, MA: Swerve/MIT Press, 2000).

and processes. Whilst the contemporary capitalist culture of newness establishes the paradigm of 'New Media' as the novel frontier of the advancement of media technologies, the qualitative attention to variations emphasises the continual depletion of the differences of the subsumed forms. This, in a vitalist, entangled and materialist, philosophical perspective that appraises the natural-cultural continuum, is a reduction of life forms as mediation: the drastic reduction of biological differences in media-natures.[28] In this sense, media archaeologies — 'an-archaeologies' or 'variantologies' if we adhere to the multiple lines opened by Zielinski — challenge qualitative exhaustions, pointing towards the superseding of traditional modernist and humanist readings of media and mediation as well as implicitly disputing with contemporary big data epistemologies.[29]

Furthermore, and in connection to point 1, the approach of media archaeology also acknowledges the nonlinearity of historical movement, accounting for the 'theological' progression of media history (2); what Zielinski diagnoses as '*psycopatia medialis*'.[30] Archaeological investigations are applied to a past of mediation and media apparatuses beyond their strict actuality, critically underlining the obsessive idea of progress that characterise contemporary societies. In this sense, media archaeologies critique the linear celebration of the progression of human-technological assemblages. They attempt to overcome the anthropocentric prejudice of dualist separations, implicitly disputing with the elevation of the human-animal from nature by means of technological prostheticity.[31]

[28] Without entering here into the details of neo-materialist perspectives, overviews can be found in *New Materialisms: Ontology Agency and Politics*, ed. by Diana Coole and Samantha Frost (Durham, London: Duke University Press, 2010); and in *New Materialism: Interviews & Cartographies*, ed. by Rick Dolphijn and Iris van der Tuin (Ann Arbor: Open Humanity Press, 2012). Regarding the natural-cultural continuum ('naturecultures'), this is a key assumption of post-humanist thought and details can be found in Donna Haraway, *The Companion Species Manifesto* (Chicago: Prickly Paradigm Press, 2003); Roberto Marchesini, *Post-Human. Verso nuovi modelli di esistenza* (Turin: Bollati Boringhieri, 2002); and Rosi Braidotti, *The Posthuman* (Cambridge: Polity Press 2013). On its development the direction of media and mediation, see Parikka, *A Geology of Media* (Minneapolis, London: University of Minnesota Press, 2015) and Braidotti, 'The Critical Posthumanities; or, is Medianatures to Naturecultures as Zoe is to Bios?', *Cultural Politics*, 12.3 (2016), 380–90.

[29] Zielinski, *Deep Time of the Media*. With the expression 'big data epistemology', I do not exclusively mean the centrality of big data in contemporary 'digital' societies. Rather, I would like to stress the key position that the extraction and interpretation of big data has in so-called 'digital humanities' and in related 'digital methods'. Indeed, these emerging field of research and methodologies do not take care of entangled relationality, dis-acknowledging the performativity of research as well as re-institutionalising problematic hierarchies between its subjects and objects. In this sense, they follow a particular movement that attempts to overcome the boundaries between so-called hard and soft sciences, but do so by re-proposing all the limits of humanist and representationalist paradigms.

[30] Zielinski, *Deep Time of the Media*, p. 8.

[31] One of the key, implicit assumptions of humanist epistemologies is that man separates himself from nature through technology (i.e. fire). This anthropocentric position is at the heart of the false dualism between nature and culture, and fosters a Promethean perspective that assumes

Nonetheless, the archaeological approach to media is not homogeneous, nor does it present exact boundaries to the way media can be studied. Despite the fact that a wide group of theorists can be 'archaeologically' read as precursors, media archaeology does not have master theorists, as it comprises a field of study characterised by experimentation and 'nomadism': it is a work-in-progress.[32] However, according to Parikka, two inspirational theoretical contributions can be identified within the broad set of studies addressed by media archaeologists.[33]

On the one hand, there are Foucauldian archaeologies — which introduced the opportunity to research the conditions of knowledge that lead to the emergence of specific discourses, practices, concepts, opinions, etc. This, in the early work of Foucault, means investigating the set of contingencies that are able to affirm and sustain the existence of certain knowledge(s) and powers — that is, the shifts of epistemic conditions and their capacity to constitute the emergent subjects of knowing.[34] On the other hand, there is Friedrich Kittler, who addressed Foucauldian archaeological methods by further implicating and suggesting the centrality of technological systems, especially in their material possibilities.[35]

Setting aside the influence of Kittler, for the purpose of this article, I will close this section by briefly focusing on the Foucauldian contribution. Indeed, it offered a precious mode of historical investigation that productively provides an escape route from the impasses of the metaphorical reading of digital swarms. This is the Nietzschean genealogical mode of inquiry, which is a significant reference for the archaeological questioning of media and mediation, having equally the capacity to bring central questions about the introduced ideas of difference (1) and nonlinearity (2). In particular, having introduced Foucault as an essential reference, I will now centre my attention on his discussion of genealogical readings as well as implying some comments developed on it by Deleuze.[36] The argument supports the idea that genealogy deals with the plurality of historical movement by fostering a disruptive, differentiating and accidental perspective: one that decisively accounts for nonlinearity and difference, providing — for this reason — the possibility to approach the politics of media dissent by avoiding some of introduced limits of humanist epistemologies.

Genealogy is, for Nietzsche, a method of tracing the lines of descent back to the conditions that made something possible. This is a historical and critical

technologies as mere ancillary objects of the human subject. For details see Marchesini, *Posthuman*.

[32] *Media Archaeology: Approaches, Applications, and Implications*, ed. by Erkki Huhtamo and Parikka (Berkley: University of California Press, 2011).

[33] Parikka, *What is Media Archaeology?*

[34] Foucault, *The Archaeology of Knowledge*, trans. by Alan Sheridan (London, New York: Routledge, 2002); Foucault, *The Order of Things*.

[35] Friedrich A. Kittler, *Discourse Networks, 1800/1900*, trans. by Michael Metteer and With C. Cullens (Stanford: Stanford University Press, 1990); Kittler, *Gramophone, Film, Typewriter*, trans. by. Geoffrey Winthrop-Young and Michael Wutz (Stanford: Stanford University Press, 1999). See also Parikka, *What is Media Archaeology?* and *Kittler Now: Current Perspectives in Kittler Studies*, ed. by Stephen Sale and Laura Salisbury (Cambridge and Malden: Polity Press, 2015).

[36] Foucault, 'Nietzsche, Genealogy, History', pp. 76–100; Deleuze, *Nietzsche and Philosophy*.

method that allowed his readers, such as Foucault, to reconsider excluded readings, reemploying and rehabilitating minor traits of history. Foucault outlined various focal points of the genealogical approach in Nietzsche.[37] Some of these are essential to account for a non-representationalist method that takes on an archaeological analytics of media actions such as digital swarms. In fact, genealogy approaches history through a non-progressive and anti-theological mode of inquiry, searching, conversely, for ruptures, absences and small, disregarded facts.

Rather than seeking an (metaphysical and absolute) 'origin', it is an excavation oriented to the searching of 'provenance' and 'emergences'. It is an investigation that points towards the fragmentary, the heterogeneous and the externality of relations instead of observing immobility and conformities. This means it is not overly directed toward continuities without interruptions, which derive from a single, original point, but rather toward the nonlinear and distributed proliferation of occurrences. In this sense, genealogical queries tend to:

> locate the accidents, the minute deviations — or contrariwise, the complete reversals — the errors, the false appraisals, and the faulty calculations that gave birth to those things that continue to exist and have value for us; it is to discover that truth or being does not lie at the root of what we know and what we are, but the exteriority of accidents.[38]

In addition, reading the genealogical approach as followed by Nietzsche in studying morality, Deleuze suggests the presence of a 'differential element' that lays at the ground of Nietzschean critical project on the origin of values.[39] According to Deleuze's remarks, this origin cannot be assumed to be singular, since such a presupposition would refuse the quality of the forces at stake, limiting and misjudging their actual and virtual potency. As such, genealogy discovers origins as a series of conditions that are processes and relations based always on difference. In this sense, the pluralistic objectives of genealogy, as well as its modalities of investigation, are oriented towards the related understanding of an unstable state of differences – a set of forces that, actively or reactively, do not answer to the metaphysical question par excellence, 'what is it?', rather than questions of 'who?'.[40]

A genealogical account allows, then, to approach the politics of swarming machines by avoiding the trap of the temporal proximity of events, such as when emphasising only the last deployed digital media 'attack' as the ultimate progression of a lineage of digital weapons. On the contrary, it is emergence that characterises the casual play of episodes, functioning as an irruption and

[37] Foucault, 'Nietzsche, Genealogy, History'.
[38] Ivi, p. 81.
[39] Deleuze, *Nietzsche and Philosophy*, p. 2.
[40] Ivi, pp. 75–78.

encounter of forces. A genealogical investigation is anything but teleological, since — again following Foucault — '[t]he forces at play in history do not obey a destination nor a mechanics, rather the chance of struggle'.[41] Hence, employing a genealogical approach that fosters such an accidental nature, the resulting history of media will be formed of a history of multiplications, a history of histories, of discontinuities. This is a media archaeology that goes beyond a mere linear and homogeneous chronology; a differencing archaeology that through the critique of genealogy explores the different forces that conditioned the emergence of certain forms of media actions, moving — as such — from their mere analogical understanding.

Conclusion

Some of the crucial developments of postmodern thought still have a significant resonance in contemporary media studies. These assumptions play a key part in avoiding the limits of a representational comprehension of media and mediation, as well as offering precious modalities to approach and study complex socio-technical phenomena beyond the mere re-proposition of sameness through metaphorical readings. Genealogy, in particular, is a method that critically advances the study of disruptive media processes such as so-called digital swarms. Genealogical critique shapes an archaeological-inspired research that does not look for impossible origins, pointing towards fragmentary conditions, episodes and variations that do not mirror the phenomena in question, and as such challenge humanist paradigms.

From the paradigmatic position of humanist epistemologies in the study of media, with their related representationalism and dualistic patterns of thought, is possible to indicate the evident limits of the contemporary understanding of so-called digital swarms. As I have argued here, a productive way to overcome these dead ends can be found in the valuable inheritance of postmodern thought – and particularly in genealogical accounts, which are centrally at stake in archaeological approaches to media. More precisely, it is by fostering ideas of nonlinearity and difference that genealogy challenges the quantitative annihilation of heterogeneity and the falsely progressive movement of history.

[41] Foucault, 'Nietzsche, Genealogy, History', p. 88.

Reviews/Comptes-rendus

Thomas Elsaesser

Film History as Media Archaeology: Tracking Digital Cinema

Amsterdam University Press, Amsterdam 2016, pp. 416

Thomas Elsaesser's *Film History as Media Archaeology* is a tour de force of monumental theoretical, historical, and bibliographic insights. The volume collects more than a dozen essays published between 1998 and 2016 and makes frequent references to works he authored even before the late 1990s, that is even before Media Archaeology (MA) became a familiar expression. At the same time, Elsaesser never refrains from acknowledging his debts to the work of others — from past master thinkers and notable peers to many of his students and collaborators — while continuously engaging with their work, in both celebratory and critical ways. Because of the volume's modular architecture, readers should not expect it to be as systematic as a *Tractatus*. Still, while this reader believes that the author did not expect such an outcome, the final result is more than the sum of its parts.

Divided into seven parts, the volume's essays are indebted to the history of Elsaesser's many activities. These include teaching courses on media archaeology at the University of Amsterdam as well as designing graduate degrees; direction of a research initiative, the Amsterdam media archaeology project (1993-2011), which in 2005 culminated in his co-direction of the *Imagined Futures* (*iFut*) PhD Programme; and editorial direction of the Amsterdam University Press series 'Film Culture in Transition,' of which this is the 50th volume. From the homages to his colleagues in the Netherlands, Europe, and the U.S., the reader becomes aware of the wealth of debts and decade-long collaborations that the author not only acknowledges, but also reveals as the fabric of his own writing *and* re-writing process.

The extensive introduction (pp. 17–68) traces the author's personal and scholarly trajectory, from his first use of the term 'archaeology,' in mid-1980s debates on early cinema, to a retrospective consideration of the development of film studies in reaction to the historical and theoretical disruptions associated with the digital turn. From the beginning, three working frameworks appear to have sustained the author's work: the Foucauldian conceptual vacillations between archeology and genealogy; the Benjaminian-informed *Vexata Quaestio* of the modernity thesis in all its rich articulations; and, albeit in a more engaging and critical mode, Friedrich Kitter's notion of technology as form-schemata

of human knowledge. By variously engaging with these frameworks, Elsaesser approaches critically the scholarly views that regard the digital universe as a normative status in need of a multilayered excavation. Instead, he reveals how his own approach is more 'film history conducted as media archaeology' rather than a 'media archaeology that is firmly dedicated to tracking the *arche* of the digital' (p. 369).

While adopting Wanda Strauven's map of MA's four key practices, with their emphases on 1. the old in the new (David Bolter and Richard Grusin); 2. the new in the old (Siegfried Zielinski); 3. recurring *topoi* (Erkki Huhtamo); and 4. ruptures and discontinuities (Elsaesser), the author further clarifies this notion. In his writings, MA constitutes an expanded epistemology of film historiography; an expanded epistemology of archival policy, preservation, and museal exhibition; and an expanded epistemology of digital revolution and transmedia/participatory engagement. Compared to Manovich's *The Language of New Media* (2001), which Elsaesser celebrates for its intermedial in-betweenness, *Film History as Media Archaeology* approaches 'digital media practice by having cinema firmly in mind — its apparatuses, its affordances, its supposedly defining characteristics.' (pp. 36-37). Early and pre-cinema, on the one hand, and digital media on the other are kept in a parallax perspective. This position enables the author to look at cinema beyond specific cinematic techniques, more philosophically that is, as a 'thought experiment' (p. 37) along three main lines: epistemological, ontological, and aesthetic.

At the center of Elsaesser's notion of MA is the dialogue between the rich historiography of early and pre-cinema and the pressing conceptual and historical solicitations of the digital turn. This nodal point inspired the *Imagined Futures* research programme, which identified two key periods of transformation for a broad spectrum of media technologies: 1870-1900 and 1970-2000. With this bifocal optics in mind, the key question is not just 'what cinema is,' but more productively 'where cinema has been, is, and will be', even in its ubiquitous invisibility. Thus, Elsaesser's notion of archaeology does not primarily result in a retroactive recovery legislated by mono-causality, but it privileges a metahistorical heterogeneity and interconnection of causes that allow old and new media to interpenetrate one another — in the mode more of alliances and family resemblances than in those of evolution, heritage or family trees. The ultimate terrain is what he calls the *Medienverbund*, or 'tactical alliance of media practices,' which is something utterly different from the notion of '"transfer" or "translation" of the properties of one medium into another.' (p. 112).

From the very beginning, we observe the author's parallax approach which, in order to connect past and present with future, allegorizes early cinema, new media, and cinema's contemporary museal destinies. In one of his most celebrated essays, 'Film History as Media Archaeology' (first published in 2005), Elsaesser explores the multidimensional consequences of positing the digital not as moment of rupture along an alleged continuity, but as *metaphor*, and specifically as 'a metaphor for the discursive space and enunciative position of rupture

itself' (p. 73). To put it in other words, the rupture of new media is not to be understood primarily in technological terms, but as a 'reflexive turn in thinking about cinema' (p. 371). In thinking about the conditions for such a rupture, Elsaesser identifies in early cinema the key prolepsis to the new media paradigms, the crucial site where discussions about change, continuity, and disruption have taken place more vigorously than in most areas of film historiography. Early cinema's alternative, non-hegemonic, and quickly obsolescent forms of visual engagement — together with the critical language they inspired (i.e., 'cinema of attractions') — resonate with both avant-garde experimentations and their new media reactivations. Passed the trap of old and new teleologies, the profitable historiographical trajectory of New Film History can help to discourage all forms of telos, whether related to realism, instant communication or virtual reality, as long as new genealogical ways of thinking do not insist on continuity, whether 'implied or assumed' or on 'unfulfilled promises and incomplete precursors' (p. 93).

The author adopts an archaeological perspective and performs a productive recasting of such *loci classici* of film discourse as 'cinematic *dispositif*' (Part I), Sound (Part II), Interactivity (Part III), 'Digital Cinema' (Part III), '3D,' 'Energy', and 'Entropy' ('New Genealogies of Cinema,' Part V), arriving at the conclusion that MA is both a symptom of obsolescence, a digital ideology, and a form of cure or crisis management, 'deconstructing and reconstructing the human *after* the digital and *through* the technological' (p. 386).

An archaeological approach to cinema cannot be reduced to discussions of its default discourse (i.e., cinematic apparatus, photographic ontology, monocular perspective), but it should also take into consideration those practices that cinematography itself made obsolete, including phantasmagorias, panoramas, dioramas, and other installations. Once we disengage cinema from its conventional association with photography and the movie theater, once we move away from chronological trajectories, then we can recognize cinema's inscription in a longer and broader history of images' mobility, portability, commodification. Further, once we move away from the prescribed notion of representation, other considerations emerge, including those of energy, intensity, and emanation. The necessity to overcome the notion of cinema as an iconic and storytelling medium should open it up to its appreciation as a '*mediator* that prepares and reshapes the physical world as image' (p. 375). The conclusion (of the introduction) is also the conclusion of the volume. 'Film history as media archaeology is, among other things, dedicated to [cinema's] invention' (p. 68), a task that had only just begun and for which this reader finds *Film History as Media Archaeology* to be its indispensable Baedeker.

[Giorgio Bertellini, University of Michigan]

Precarious Creativity: Global Media, Local Labor
ed. by Michael Curtin, Kevin Sanson
University of California Press, Oakland 2016, pp. X + 324

Precarious Creativity encompasses twenty chapters, each with a sharp focus on the increasingly difficult, unsustainable, and exploitative circumstances of creative work in the media industries. Without exception, the contributors offer razor-sharp accounts of the specific conditions in selected locations and contexts, the overall result being far more probing and coherent, however, than a series of loosely interconnected case studies offering diverse reflections on a shared theme. The sense of common purpose and reciprocal awareness that characterize the volume's many contributions undoubtedly have much to do with its origins in a successful conference, and with it being one of the outcomes of a multiyear University of California (Santa Barbara) project on the globalization of labor. This collaborative project's strong integration is also the fruit of common orientation across the individual projects, as each explores a given production site or jurisdiction with a fine awareness, not only of the dynamics and practices of globalized media industries, but of the urgent need to probe debate concerning the changing realities of creative labor. A striking feature of the volume is the high number of contributions by scholars who have initiated and defined the still emerging debate, through socially committed research efforts fueled, in part, by aspirations to realize positive change. The table of contents identifies an introduction by Michael Curtin and Kevin Sanson, chapters by Toby Miller, John Caldwell, Shanti Kumar, Vicki Mayer, Violaine Roussel, Petr Szczepanik, Matt Sienkiewicz, Tejaswini Ganti, Juan Pinon, Jade Miller, Kristen J. Warner, Anthony Fung, Michael Keane, Marwan M. Kraidy, Herman Gray, and Allison Perlman, as well as co-authored pieces by Heather Berg and Constance Penley, John Banks and Stuart Cunningham, and Miranda Banks and David Hesmondhalgh.

In their lucid introduction, the editors set the stage for the collaborative project creating a stark contrast between the glamour that surrounds Hollywood and the realities of its working conditions, identifying a trend towards deteriorating conditions for creative labor since around the early 1990s. The scope of the volume's investigations extends well beyond the West coast of the United States, however, since Hollywood is but one among many domestic and international sites of significant industrial activity. *Precarious Creativity* is thus judiciously designed

to 'offer insight into the changing nature of film, television, and digital media work in diverse locations: Hyderabad, Lagos, Prague, New Orleans, Miami, the Middle East, and of course, Hollywood' (p. 10). A central assumption is that the specificity of the 'screen media's industrial mode of production' has been largely overlooked, and that this situation is best remedied by looking carefully at the 'particular qualities of its highly specialized and detailed division of labor' (p. 9). Media corporations' strategic pursuit of transnationalism, as a means of accessing cheaper labor pools and less regulated production environments, is foregrounded as the single most important factor in the intensification of workers' precarity, a condition characterized, among other things, by a lack of job security and benefits, poor pay, and long working hours. In many cases the relevant strategy — appealing to those who wield globally-oriented corporate power, but often damaging to locally embedded labor — is rendered viable or all the more effective by power dynamics at the national or sub-national levels. For example, tax breaks are a common means of courting inward investment consistent with a given government's or region's priorities and public image.

Precarious Creativity is wide-ranging in its attempt to capture a global trend towards precarity and the specific mechanisms of its intensifying institutionalization on a global basis. At the core of the project are issues of justice and workers' rights, and questions of how change is to be effected in contexts where unions are non-existent, being weakened and undermined, or simply circumvented through the transnational mobility of capital and creative projects. The editors rightly identify the volume's overarching conclusion as follows: 'As our contributors make clear, the central tension is not one between local laborers in different regions — a perspective that feeds too easily into the hands of producers — but is rather a struggle against the diverse yet increasingly interconnected modalities of exploitation in screen media production around the world' (p. 16). Given this emphasis on struggle, a central aim throughout is to identify promising means of advocacy and negotiation, the resources that might make it possible not only to counteract the effects of precarity, but to institute practices that are consistent with the most basic principles of sustainability and fairness. While *Precarious Creativity* for the most part confronts the reader with the stark realities of exploitation in the screen industries, the picture it paints is by no means one-dimensional. The aim, clearly, is also to draw attention to the 'opportunities' that the 'increasingly global nature of media production' make possible (p. 10).

Calls for community engagement and knowledge transfer pervade the spheres of academic research these days. *Precarious Creativity* is a shining example of research with precisely the sort of wider relevance that various versions of the "impact agenda" envisage. Given the significance of the issues that it takes up and the quality of its discussions, this volume deserves to be read carefully not only by scholars and students (at all levels), but by leaders of industry, by government bodies with regulatory and policy-making remits, and, not least, by those considering creative careers. Published through Luminos, the open-access

publishing program of the University of California Press, *Precarious Creativity* is fortunately readily available, and at no cost.

It is impossible in a short review to capture the richness of the individual chapters, each of which meets the highest standards of academic rigor, relevance, and incisiveness. The editors and their team deserve the warmest of congratulations on what is truly a timely, and thus hopeful, achievement.

[Mette Hjort, University of Copenhagen]

Projects & Abstracts

Lotte Eisner: Archivist and Curator

Julia Eisner / Ph.D. Thesis Project[1]
King's College, London

This thesis is a biographical study — an academic biography — exploring the life and work of my great-aunt, Lotte H. Eisner, film critic, writer, curator, archivist and with Henri Langlois, co-founder of the Cinémathèque française in Paris. This will be the first serious full-length critical study of the life and work of someone who is regularly named as a founding figure of post-war German film studies, as a moving force in post-war art cinema (through her work as an archivist at the Cinémathèque française) and as a key figure in exile intellectual history. Lotte Eisner was born and educated in Berlin where, during the 1920s, she worked as a film journalist until March 1933 when she was forced, after the Nazi seizure of power, to flee to Paris where she eventually settled and remained for the rest of her life, becoming a French citizen in 1955. After the war, Eisner worked as Chief Curator at the Cinémathèque française for forty years, responsible for building up an unrivalled collection of film and cinema artefacts whilst at the same time established a career as a film critic, jurist and writer, regularly contributing to established journals such as Cahiers du Cinéma. Recognised by the French government in 1982 when she received the Chevalier de l'Ordre National de la Legion d'Honneur and the Chevalier des Arts et des Lettres, she is mentioned frequently in film studies literature and yet her presence in film historiography remains insecure.

When she died in 1983, Eisner left an extensive and as yet, unclassified archive; material spread amongst institutions such as the Cinémathèque française in Paris, the Deutsche Kinemathek in Berlin and the UCLA Library as well as a large cache of personal papers. The correspondence, texts and artefacts held in these collections reveals a vivid picture of Eisner and her work which, however, contrasts sharply with her presence in film scholarship where her three books,[2] numerous articles and film criticisms are cited and referenced frequently, various interviews are uploaded and freely available online and where it is evident that

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[2] Lotte H. Eisner, *L'Ecran démoniaque*, definitive edition (Paris: Eric Losfeld, Le Terrain vague, 1965); Lotte H. Eisner, *F.W. Murnau* (Paris: Le Terrain vague, 1964); Lotte H. Eisner, *Fritz Lang*, ed. by David Robinson (London: Martin Secker & Warburg, 1976).

she is greatly admired and respected. Equally she is discovered and re-discovered by generations of cinephiles in articles, books and blogs and yet, amongst all this, there is almost nothing scholarly of any length *about* Eisner — not one article, not one monograph and no critical biography.

Rather, film scholarship takes a somewhat uncritical and overly reverential approach to her, which in turn places a disproportionate emphasis on Eisner the writer and film critic and dismisses or ignores her forty years professional role as archivist and curator at the Cinémathèque française where she built up an extraordinary collection of pre-war films, scripts, set designs, music, *maquettes* and costumes. In fact one of the central points that will emerge is precisely the symbiotic nature of Eisner's work at the Cinémathèque française (her day job) and its influence and underpinning of her first major piece of writing — *L'Ecran Démoniaque (The Haunted Screen)*. It was because she was able to view the films that she was able to write the book. Aside from this forgotten contribution to film archiving, Eisner is also habitually contextualised by, and referenced in relation to, various charismatic male figures such as Henri Langlois, Fritz Lang and Werner Herzog so it appears that film history scholars have bypassed any intellectual engagement with Eisner's writing, ignored her life's work in the film archives and as a result created a mythic, legendary figure — a *grande dame* of German film history — who is venerated and who now appears mainly as a reference or citation or as a great figure but in relation to someone else.[3]

So Eisner's is a story in German film history in which paradoxically she is both notably present and yet also notably absent. But this is not an argument or a story of someone 'lost and found' in film history nor is it a case of a woman's 'hidden history' being newly discovered, because Eisner was a conspicuous and public figure and all the facts and information about Eisner's life are available in plain sight. Instead, by using correspondence from the Cinémathèque française and from her personal papers, I will argue that Eisner throughout her life *was* very visible but that her public role and day to day job as collector and curator at the Cinémathèque française obscured the genuine contribution she was making both to film history and to the film archives by laying down and 'writing' the foundations of the archive itself. I will also suggest that this disregard of Eisner as an important collector and archivist is symptomatic of a gender issue specific to the historiography of film which has so far, failed to recognise the collaboration and contribution of work carried out whilst overshadowed by a 'great man' and that as a result, once Eisner had developed a reputation as a writer she was written out of film history as a collector.

[3] An example of this is Werner Herzog who was a close friend and who constantly refers to Eisner in his writings and interviews explaining her significance to him and his filmmaking. As recently as 2016 (https://www.youtube.com/watch?v=mhc8u850eNk) he says: '[…] she was charismatic […] she gave me courage, she gave me legitimacy'.

Using material from archives across the world and her (recently obtained) personal archive of papers, this thesis will be the first serious study to critically address and attempt to counterbalance the uneven and unbalanced accounts that frame Eisner's life and work.

Cinema as a Time Lab: Challenging Ordinary Time Perception through Cinematic Representations and Experience

Federica Cavaletti / Ph.D. Thesis Project[1]
Università Cattolica del Sacro Cuore

This doctoral project is part of a wider, collective research project on the subjective perception of time in the context of the audiovisual arts and media.[2] Specifically, the present project examines the medium-specific ability of cinema to expand the borders of the spectators' ordinary experience of time.

Cinema can deliberately manipulate time and thus challenge the concept of a regular and orderly temporal flow. On the one hand, it can *alter* the spectators' own experience, triggering desynchronizations between their subjectively perceived time and an objectively measurable one. On the other hand, it sometimes gives visible shape to *alternative* forms of experience, which are unfamiliar to spectators since they belong to highly unfamiliar subjectivities. By providing such experiences, cinema turns into a creative time lab that enables spectators to experiment with their own and alternative ways of living time.

The project takes advantage of this time lab to address, particularly, two questions.

Which aspects of cinematic language are responsible for *altering* spectators' own perception of time and making it highly subjective? How can spectators gain, through cinematic representations, at least partial access to *alternativ*e ways of perceiving time, and what can they learn from them?

Time Lab 1: Altering our own Temporal Experience

As remarked above, cinema often *alters* our temporal experience. A frequent form of temporal distortion, in the cinematic experience as well as in everyday life, involves duration.

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[2] PRIN 2015: *Perception, Performativity, and Cognitive Sciences* – Milan Unit: 'Time Perception and Performativity in Audiovisual Experiences: Editing, Camera Movements, Action and Narrative Manipulations. A Neurofilmological Approach'. See https://sites.google.com/view/perception-performativity/research-units/milano-unit

The ability to estimate duration has been explained with reference to various models.[3]

One that the present research project adopts as a central premises connects the estimation of duration to the experience of movement. An intrinsic temporality would permeate our bodily movements and actions, allowing us to interact effectively with the environment and others.[4] This idea seems to resonate with and receive support from recent analyses of the brain's supplementary motor area (SMA): this area appears to regulate not only the planning and execution of movement, but also the estimation of their duration; this is true even in case of movements performed by others and merely observed, i.e. third-person movements.[5]

This last observation opens the possibility to export these mechanisms into the context of cinema. Cinematic representations indeed comprise not only diegetic movements, but also what my research group and I hypothesize to be medium-specific instances of third-person movement: editing, camera movements and all that pertains to the unfolding of the images. We call these formal transformations 'discourse movements' and we intend to investigate how they influence spectators' temporal experience.

In tackling this issue, we refer to the theoretical and methodological framework of Neurofilmology, which combines a traditional approach to film analysis with experimental procedures.[6]

We have designed an experiment to clarify how different kinds of represented action and different styles of editing can alter the perceived duration of a given audiovisual clip.

This relies on a 3x3 matrix. The matrix comprises three actions: A) pouring and drinking water; B) cutting bread; C) moving objects on a table. Each action is: 1) filmed with a static frontal camera; 2) edited according to a slow-paced rhythm; 3) edited according to a fast-paced rhythm. The experimental trial includes three separate phases: first, a pilot phase; second, a behavioural data collection phase; and third, a physiological data collection phase.

In the pilot phase (currently in progress) and the first data collection phase, participants are shown the nine clips and then asked to express duration judgements. The method is based on a retrospective paradigm and combines

[3] For a synthetic review, see Marc Wittmann, 'Embodied Time: the Experience of Time, the Body and the Self', in *Subjective Time: The Philosophy, Psychology and Neuroscience of Temporality*, ed. by Valtteri Arstila and Dan Lloyd (Cambridge, MA & London: MIT Press, 2014), pp. 507–23.

[4] Shaun Gallagher, 'Time in Action', in *The Oxford Handbook of Philosophy of Time*, ed. by Craig Callender, (Oxford & New York: Oxford University Press, 2011), pp. 493–515.

[5] Jennifer T. Coull, Frank Vidal and Boris Burle, 'When to Act, or Not to Act: That's the SMA Question', *Current Opinion in Behavioral Sciences*, 8 (special issue *Time in Perception and Action*, ed. by Warren H. Meck and Richard B. Ivry, April 2016), 14–21.

[6] For an exhaustive introduction to this approach, see Adriano D'Aloia and Ruggero Eugeni, 'Neurofilmology: An Introduction', *Cinéma & Cie*, 22–23 (special issue *Neurofilmology: Audiovisual Studies and the Challenge of Neuroscience*, ed. by Adriano D'Aloia and Ruggero Eugeni, Spring/Fall 2014), 9–26.

different kinds of tasks, paying particular attention to the distinction between quantitative (e.g. numerical duration judgements) and qualitative (e.g. Likert scale) indicators. These indicators provide distinct information about the participants' temporal experience in relation to the experimental clips, shedding light respectively on the perceived *amount* of time passed and the perceived *speed* of the passing of time. Comparing this multifarious data across the whole 3x3 matrix will allow us to isolate the specific relevance of the two variables at stake, namely the kind of action and the style of editing.

Behavioural data collected in the pilot and second phases will orient the design of the final one, in which spectators' responses to the same clips will be studied with brain imaging and other physiological monitoring techniques.

Time Lab 2: Representing Alternative Experiences

Cinema can also provide unfamiliar and normally unavailable forms of temporal experience.

The concept of *Umwelt*, developed by Jakob Von Uexküll, clarifies this point.[7] This concept stresses the generative role of living subjects in relation to the world: each organism, based on its perceptual and motor features, projects its own idiosyncratic environment (i.e. *Umwelt*). This also applies to the world's structural conditions, such that it is possible to speak of spatial and temporal *Umwelten*.

Many of the imaginable temporal *Umwelten* can be easily labelled as unfamiliar and inaccessible: that of animals, but also of human beings that we tend to perceive as drastically distant from us. All of these subjects *live* time in a highly specific way.

The concept of 'lived time' is pivotal to Eugène Minkowski's work, and laid the grounds for both his phenomenological and psychopathological research.[8]

Each subject's experience, Minkowski has claimed, is moulded by the way time-related vital phenomena intertwine harmoniously, defining the subject's attitude toward the future, present and past. When this mechanism starts wavering, psychopathological alterations may arise: the latter are grounded in perturbations of the subject's lived time.Although his overtly anti-organicist approach warns against any easy equation, Minkowski's insights often prove compatible with contemporary psychiatric research, confirming a relationship between psychiatric disorders and distortions in time perception and organization.[9] Thus it appears

[7] Jakob Von Uexküll, 'A Foray into the Worlds of Animals and Humans', in *A Foray into the Worlds of Animals and Humans, with A Theory of Meaning*, ed. by Joseph D. O'Neil (Minneapolis: University of Minnesota Press, 2010), pp. 40–135.

[8] See for his major work Eugène Minkowski*, Lived Time: Phenomenological and Psychopathological Studies*, ed. by Nancy Metzel (Evanston: Northwestern University Press, 1970).

[9] Shaun Gallagher acknowledges both this affinity and this difference in his 'Time, Emotion, and Depression', *Emotion Review,* 4.2 (2012), 127–32.

to be crucial, in order to understand the experiences of psychiatric patients, to gain access to their radically *alternative* ways of living time. In this part of my project, I intend to clarify whether cinema can contribute to this purpose. How can cinema 'represent' time as it is experienced by psychopathological subjects, and how can this affect spectators' understanding of the latter?

The issue of representation traditionally pertains to analytical image theory and semiotics. Yet, other domains and intuitions should be surveyed too: notably, Hugo Münsterberg's pioneering idea that cinema can objectify mental acts and states on the screen;[10] or contemporary phenomenologists' observation that this medium expresses experience through modes of experience itself.[11] Thus, building and skilfully deploying a manifold conceptual toolbox is evidently a further essential precondition for this part of my project.

Both time labs are grounded in the hypothesis that marked, unruly strategies of cinematic representation might be especially relevant to phenomena of time 'subjectivization'. Distortions in duration estimation are to be expected reasonably when editing does not match our perceptual habits (for instance by being too fast); and effective representations of psychopathological, i.e. non-normative, experiences seem to require non-normative technical solutions (slow motion or action fragmentation might serve the purpose). A more general scope of this project, therefore, could be that of investigating and systematizing the correlations between alterations of the temporal experience and alterations of traditional cinematic language, in a contemporary audiovisual scenario that increasingly seems to complicate and radically transform the latter.

[10] Hugo Münsterberg, *The Film: A Psychological Study*, ed. by Richard Griffith (Mineola: Dover Publications, 1970).
[11] See for instance Vivian Sobchack, *The Address of the Eye: a Phenomenology of Film Experience* (Princeton: Princeton University Press, 1992).

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