Treating Viewers as Criminals

Digital Renaissance  By Henry Jenkins  July 3, 2002

Networks say watching TV without the ads is theft. Will blipverts be next?

Remember blipverts?

The 1980s science fiction series, Max Headroom, depicted a society “twenty minutes into the future” ruled by powerful television networks locked in ruthless competition for viewer eyeballs. Concerned by the growing trend towards channel surfing, the blipvert was developed as a rapid-fire subliminal advertisement which pumped its commercial messages directly into consumers’ brains before they had a chance to change the channel.

Unfortunately, the blipvert had the unanticipated side effect of causing spontaneous combustion in a certain number of overweight and chronically inactive couch potatoes. This outcome was viewed as an acceptable risk by the networks, even though it potentially decreased the number of viewers for their programs.

I could not help but think about blipverts the other day when I stumbled across the recent comments of Turner Broadcasting System CEO Jaimie Kellner, who asserted that television viewers who skipped commercials using their digital video recorders were guilty of “stealing” broadcast content. Kellner told an industry trade press reporter that “Your contract with the network when you get the show is you’re going to watch the spots.” He conceded that there may be a historic loophole allowing us to take short breaks to go to the bathroom but otherwise, we are expected to be at our post, doing our duties, watching every commercial, and presumably, though he never said it, buying every product.

Kellner’s intemperate rhetoric is, alas, characteristic of the ways that the media industry increasingly thinks about, talks about, and addresses its consumers in the post-Napster era. Napster may—and I stress, may—have been legitimately labeled piracy, but now all forms of consumerism are being criminalized with ever-decreasing degrees of credibility. Once going to the bathroom or grabbing a snack on a commercial break gets treated as a form of theft, the media conglomerates are going to be hard pressed to get consumer compliance with their expectations, making it impossible to draw legitimate lines about what is and is not appropriate use of media content.

Name-calling is the last resort of once powerful institutions that are finding themselves losing control in the face of rapid media change. Never mind that the same media giants are often the manufacturers of the new media technologies we are using to skip their commercials or that some of the advertisements they want us to watch are marketing us features which allow us to skip advertisements. Never mind that we now have many more media options and we need the networks frankly far less than the networks need us.

I don’t know about you but I want to renegotiate my contract! There has been a significant increase in the number of commercials per hour since I first started watching network programming. Consequently, my workload has doubled or tripled, while my compensation—the programming—has gone down in quantity, if not in quality. One wonders whether it isn’t time for television viewers to form a union, demand that people like Kellner sit down at the negotiating table, and cut a better deal with us, if they continue to expect viewer loyalty. And given research linking extensive television viewing with obesity, perhaps we might have some way of holding the networks accountable for their workplace safety violations as well, before some of us start to spontaneously explode.

But, seriously, the networks do not and never have had contracts with consumers, compensating us for the labor we perform in watching commercials. They do, however, have contracts with advertisers, promising them a certain number of eyeballs in return for their financial support for broadcast content, and in the new media age, they are increasingly failing to make good on those agreements.

For the better part of the twentieth century, three networks dominated American broadcasting. CBS and NBC ruled network radio from the 1920s forward. The networks sought to provide what David Thorburn calls “consensus narratives” which were calculated to attract the interest of the largest possible share of the American public as an incentive for us to watch commercials and in return, they helped to fuel the dramatic increase in consumer goods in circulation within the American economy. Ironically, cable networks, such as those headed by Mr. Kellner, were the first to undermine the economic logic of American broadcasting, though they have been followed by a range of new media technologies—the VCR, the
Treating Viewers as Criminals

DVD player, the game console, the digital video recorder, Pay-Per-View, Webcasting, and so on—which have helped to expand the range of entertainment options available to consumers and thus dramatically decrease the ratings shares of the major networks.

As a consequence, the various ways networks measure their viewership—and make commitments to advertisers—are increasingly losing their credibility. The Nielsen Ratings have long been discredited as having little or no social science validity, measuring, by design, only those consumers who are desired by the advertisers themselves. Most of us frankly don’t count when it comes time to decide which series should be renewed.

These new media technologies, which allow us to mute or fast-forward through advertisements, call into question the concept of the “impression,” the basic unit upon which advertising buys get made. In the old model, the number of people who were watching the program were assumed to be roughly the number of people who were being accessed by the advertisers.

Those of us who grew up in a television culture know that this was probably never true, but it kept the accounting simple for those in the business of buying and selling spots. Consequently, despite a succession of significant shifts in broadcast technologies and consumer behavior, the same basic vocabulary dominated commercial negotiations for decades. Today, those negotiations are reaching a crisis point. The networks are responding not by rethinking how they do business, not by developing new metrics for measuring and accurately reporting viewer interactions with media content, not by adopting new marketing strategies which take advantage of the affordances of the new media environment, but by wagging a finger at consumers and demanding that we behave according to their antiquated dictates.

If the networks stopped at name-calling, that would be one thing, but they didn’t. Last fall, the networks sued SONICBlue, the manufacturer of ReplayTV, and convinced a Federal Magistrate to force the company to collect data on thousands of individual consumers: what shows they watch, what commercials they skip, and what—if anything—they forward to their friends. Not content to wait and worry, the networks are now invading our privacy to ensure that we make good on Kellner’s imaginary contract. Thankfully, the order was subsequently stayed by a higher court.

Confronting such hostility, consumers are increasingly committing acts of passive resistance (flush often!) and forming organizations, such as DigitalConsumer.org, which is making the case that consumers have rights and interests in the negotiations that occur between media producers, technology companies, and policy-makers. To borrow a line from Network, “we are mad as hell and we aren’t going to take it anymore.”

We are now witnessing scorched earth-style warfare between consumers and networks, as the old institutions resist change and hold onto old approaches up until the last possible moment. As the battle lines intensify, we move step by step closer to the blipvert era which Max Headroom predicted not twenty minutes ago but twenty years ago. The future is closer than you think.

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