Streaming Tactics

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*This research seeks to conceptualize streaming media as a cultural practice, a style or poetics, which tactically challenges the "propre" strategies of mass consumer and television culture. This is a site of agonistic struggle, cunning, and constant adaptation within the emergent space of streaming. Unsanctioned streaming is wandering through the strategic "place" of copyright. Streaming is the prerogative of the in-between and deterritorialized poaching. These nodes are temporary collectives or alliances that exist as tactical, ephemeral spaces of digital media. Poaching from de Certeau (1984, p. 174), streamers are "travellers; they move across lands belonging to someone else, like nomads poaching across fields they did not write." Just as there is a "rhetoric of walking" (de Certeau, 1984, p. 100) we might think of a "style of use" (de Certeau, 1984, p. 100) for streamers traversing the geographies of nation-states and the lands of copyright holders throughout the Internet. Unsanctioned streaming of content has become a much wider cultural practice, an everyday practice, which is perceived by consumers as beyond the control of states and territorial government. Users are "making do" through cunning tactics within the practice of everyday Internet life through streaming. The employment of participant observation has yielded a series of insights: streaming has had dramatic impact on the mobility and materiality of media flow; streaming is a process that leads to aesthetic experiences (*jouissance*); and streamers both assume and are cast in the role of the cunning trickster. These activities of unsanctioned streamers have informed industry approaches to streaming technology, leading to emergent industry logics and the growth of a streaming industry.*

Introduction

Unsanctioned streaming of content has become a banal cultural practice, an everyday practice, which is perceived by consumers as beyond the control of states and territorial government. Unsanctioned streaming is wandering through the strategic "place" of copyright. Streaming is the prerogative of the in-between and deterritorialized poaching. Streaming is identified as a liminal space of cunning, which studs daily life with tactical, aesthetic moments. These nodes are impermanent and exist as ephemeral spaces within digital media. Poaching from de Certeau (1984, p. 174), streamers are "travellers; they move across lands belonging to someone else, like nomads poaching across fields they did not write." Just as there is a "rhetoric of walking" (de Certeau, 1984, p. 100) we might think of a "style of use" (de Certeau, 1984, p. 100) for streamers traversing the geographies of nation-states and the lands of copyright holders throughout the Internet. These "third-party unsanctioned streaming" (Burroughs & Rugg, 2014) sites are temporary alliances—not cohesive online communities, which are reliant on the cunning of users. This research attends to the uses of streaming, larger reception practices, discourses, and the aesthetic moments of unsanctioned streaming despite this ephemerality.

For the purposes of this paper, streaming is defined through de Certeau's (1984) framework of strategies and tactics. Streaming is framed as both a tactic for audiences and an emergent strategic logic by industry. For audiences, streaming works tactically as content that people pull, as

networked individuals have access to seemingly ubiquitous streams of content available through unsanctioned third party indexing and hosting sites online. However, for industry, this same tactical practice is reincorporated into industry strategies in the form of Netflix and other sanctioned streaming sites. This paper attends to the tactical cunning of third party unsanctioned streaming.

This emphasis on strategies and tactics is informed by Rick Altman's (2004) conception of "crisis historiography." Altman argues that every "new" media technology goes through a process of negotiation where the "definition of a representational technology *is both historically and socially contingent*" (Altman, 2004, p. 16, emphasis in original). The end uses of technology are completely unknown as "new media, when they first emerge, pass through a phase of identity crisis, a crisis precipitated at least by the uncertain status of the given medium in relation to established, known media and their functions" (Pingree & Gitelman, 2003, p. xii). Streaming is also in the midst of an "identity crisis" with the negotiation between strategies and tactics. Allen-Robertson (2013, p. 187) views illicit networks as playing an invaluable role in developing the contemporary digital media industry, "The shift to digital distribution in the contemporary cultural industries was driven by the conflict between the market of illegitimate distribution networks and the incumbent rights-holder industries." Piracy is often a progenitor of industry incorporation. Allen-Robertson (2013, p. 187) goes so far as to state that without "the illicit networks' innovations and dedication the contemporary digital media market would not exist today." Unsanctioned streaming stands in conjunction with sanctioned streaming as both a productive and disruptive media practice.

The paper first looks at the attempts by the MPAA to discursively construe unsanctioned streaming as deviant or "rogue." I argue that this ubiquitous practice is central to the debates surrounding SOPA and PIPA. Next, the analytic distinction between BitTorrent downloading communities and streaming alliances is proposed, along with an explanation of the differences between hosting and indexing sites in unsanctioned streaming. This form of streaming is then theorized as a tactic through the work of Michel de Certeau, as opposed to a strategy, which invites users to scrape the surface of popular culture. Finally, streaming is theorized as discursive and aesthetic enactments of mobility and materiality, *jouissance*, and playing the role of the trickster.

SOPA and the MPAA

On October 26th, 2011 Representative Lamar Smith (R-TX) introduced into Congress bill H.R. 3261, the "Stop Online Piracy Act" (SOPA) (Congress.gov, 2011). In the press release from the Committee on the Judiciary, Representative Smith stated, "The Stop Online Piracy Act helps stop the flow of revenue to rogue websites and ensures that the profits from American innovations go to American innovators" (Committee on the Judiciary, 2011). The term "rogue websites" became part of the public relations strategy employed by advocates of the bill who wanted to make Internet companies and Internet Service Providers (ISPs) liable for the posting of infringing content. SOPA was followed by a sister piece of legislation the Protect IP Act (PIPA).

Supporters of the bill, most notably the Motion Picture Association of America (MPAA) and the Recording Industry Association of America (RIAA), cited the need to protect intellectual property and the purported billions of dollars lost to piracy from these so-called "rogue websites." Writing in *Forbes*, political analyst and Fox News contributor Doug Schoen (2012, para. 12) expressed concern for "IP intensive industries" that he claims contribute "$7.7 trillion to the economy every year." According to Schoen (2012, para. 2), "the bill's staunchest critics had to

recognize that illegal "rogue" websites undermine American intellectual property and threaten economic growth and dynamism." Opponents of the bill such as Harvard University constitutional law professor Laurence Tribe (2011, p. 4) claimed SOPA would harm emergent technology companies, undermining "the openness and free exchange of information at the heart of the Internet", which would be a violation of the First Amendment.

The bill would have granted the United States government the authority to permanently blacklist foreign infringing websites rather than relying on the DMCA takedown system. The responsibility for monitoring infringing content would shift from the copyright holder making a claim to the Internet Service Providers (ISPs), web browsers, and the Internet companies themselves (this would still not shield the companies from frivolous infringing claims from rival companies and competitors). Google and other prominent technology companies called the bill "censorship" as the tech companies banded together on January 18th, 2012 to "blackout" the Internet as a collective act of protest. Other prominent participating sites included Twitter, Amazon, Craigslist, Reddit, Pinterest, Wordpress, Wikipedia, and Mozilla among many more. An estimated 1 billion people saw the blacked out protest messages, with "4 top-10, 13 top-100 US sites, and 115,000 small and medium sites" participating in the strike (Fight for the Future, 2012).

This is an important moment in the history of unsanctioned third-party streaming because it shows the extent to which the MPAA and RIAA wanted to stop the ubiquitous practice of streaming amongst audiences. The majority of media reporting pointed to the infamous *The Pirate Bay* BitTorrent site as the quintessential "rogue website" example. While this website and other torrenting sites were definitely in the crosshairs of the media industry lobby and the MPAA, the websites which are the site of study for this research were equally—if not more—the target of the industry. In a letter from the MPAA (2011, p. 2) addressed to the Office of the Unites States Trade Representative on the same day the SOPA bill was introduced, the organization outlines three different "rogue" or "online notorious markets" who threaten the "livelihoods of the people who give [the motion picture industry] life." This letter provides keen insight into how the industry understands and codifies streaming. The MPAA letter provides a brief history of content theft, which begins with small private networks in the 1990s and moves to more centralized peer-to-peer (P2P) technologies (Napster) and then de-centered protocols (BitTorrent).

This message from the MPAA permits a glimpse into new and growing industry concerns that have augmented the purported threat posed by these earlier forms of piracy. "Today the online market has further fragmented and content thieves are taking advantage of new online technologies, with streaming sites and infringing download and streaming hubs representing a growing share of unlawful conduct" (MPAA, 2011, p. 2). The document goes on to specifically mention "linking sites," which are the searchable content archives of third party streaming. "Moreover, a secondary market has arisen in the form of 'linking sites,' which are professional-looking sites that facilitate content theft by indexing stolen movie and television content hosted on other sites" (MPAA, 2011, p. 2). Three infringing categories are identified by the MPAA:

1.   Peer-to-Peer Networks and Torrent Portals. The sites listed here are some of the more famous torrenting sites like Thepiratebay.org (TPB), currently thepiratebay.to, and Torrentz.eu. These sites allow users to directly download files onto their computers through torrent technologies that disperse large data files across the network.

2.	Infringing Download and Streaming Hubs. These sites are often referred to as "cyberlockers" or hosting websites. The MPAA lists Megaupload.com or Megavideo.com, Putlocker.com, Wupload.com, Simdisk.co.kr, and VKontakte as some of the most predominant infringing sites. A site like Megavideo received an estimated 4.6 million unique visitors per month, according to the MPAA. These sites rarely remain under the same domain name and have changed dramatically since 2011 (if they remain at all). As the MPAA succinctly explains, the "user uploads a file and the hosting site provides the uploader with a link to that file. Clicking the link will either initiate a download of the uploaded file, a stream of the uploaded file or offer both options" (MPAA, 2011, p. 5). What is complicated about hosting sites is that they are used for infringing and non-infringing purposes. This form of cloud storage is increasingly important for users and businesses.

3.	Linking Websites. These websites give hosting sites a degree of plausible deniability. The sites operate by providing users a rudimentary search function to browse content (most often just by title, season, and episode). The sites, then, "aggregate, organize and index links to files stored on other sites" (p. 6). These other sites would be the hosting sites listed above. Prominent sites listed by the MPAA include Video2k.tv (a derivative of Kino.to), Letmewatchthis.ch, Movie2k.to, Seriesyonkis.com, and 3000filmes.com. These sites are in even greater flux than hosting sites and will be taken down and pop back up under different country codes frequently.

Again, while The Pirate Bay received the bulk of the media attention and scrutiny, the MPAA was building its case against hosting websites or cyberlockers. Less than a week after the introduction of the SOPA bill, the MPAA released a "fact sheet" titled, "It's All About the Money: The 'Business' Model of Rogue Cyberlockers." The "rogue websites" are clearly connected to the practice of unsanctioned third-party streaming. Kevin Suh, the MPAA's senior vice president of content protection, is quoted in CNET (Sandoval, 2012) as saying, MegaUpload "was at the very top of the piracy pyramid." Citing an Envisional report (2011), the MPAA claims, "Estimates show that 73.2% of non-pornographic cyberlocker site traffic is copyrighted content being downloaded illegally." Hosting sites are characterized as a "serious and growing threat" to media industries.

Just a few months later Paramount Pictures released a graphic of the top six file hosting websites surrounding a globe with Megaupload crossed off. The caption reads, "The top 5 rogue cyberlockers receive 41 billion page views yearly…that's over 5 views for every person on the planet" (TorrentFreak, 2012). Megaupload was crossed off the list because, on January 19th, founder Kim Dotcom had been arrested at his residence in New Zealand, the company shut down, and his assets frozen. The MPAA was looking for more prosecution and the passage of SOPA to help enable the shutting down of these streaming websites.

Why all of this industry upheaval and collusion with the FBI and government officials—just to stop people clicking on pop-up soft-core porn ads, streaming movies, and television? All of this depicts an industry acutely aware of streaming media as a larger cultural practice of cunning, a tactic, which momentarily bucks up against the strategic logic of media industries.

A Note on Methodology

As previously stated, unsanctioned streaming sites are impermanent nodes and exist as tactical, ephemeral spaces within digital media. Thus, this article relies on participant-observation, textual

analysis, and self-reflexivity to study this transient space. In following Morley's (1992, p. 13) view that "questions of methodology" are "ultimately pragmatic ones", I recognize the limitations of my own positioning. However, I am still attending to the uses of streaming in everyday life and larger reception practices of unsanctioned streaming despite this ephemerality. This research stems from a larger multi-sited ethnographic study (Burroughs, 2015), wherein I have conducted participant observation within the hosting and indexing sites listed in the MPAA report on "rogue sites" from the years 2012-2104.

Unsanctioned Third Party Streaming

Following the typology of first and third party sanctioned and unsanctioned streaming proposed by Burroughs and Rugg (2014), this paper focuses on third party unsanctioned streaming as part of what the authors describe as "streaming culture." Third party unsanctioned streaming is the ubiquitous streaming of content such as movies and television digitally from third party hosting and indexing sites that do not have licensing agreements with copyright holders. These websites are often divided into two separate, yet interrelated types of sites—those that *host* the streaming content and *indexing* sites that provide links to the hosting websites. The two sets of sites work in tandem. Rarely is it possible to simply type a search query into a search engine and retrieve a desired streaming video from a cyberlocker. Back in 2008, when I wanted to watch content, however, I easily logged onto a computer, opened up a browser, and searched on Google for the name of content with the word streaming, stream, or some similar derivative. This connected me to indexing sites that then connected to the hosting sites. Hosting sites don't often have a searchable database, which means that I can't just go to the homepage of a cyberlocker like Sockshare.com and find the unsanctioned content. There is no search function. This is the role of indexing sites. Hosting sites do release a link to content when someone uploads a file. These are the links that are then posted on indexing sites that grant direct access to unsanctioned content.

Around 2010, with the ramping up of DMCA takedown notices and increased MPAA scrutiny, it was harder to use search engines and unsanctioned streamers needed to know the names of the specific sites. The searching of content expanded to multiple mediated platforms. I used Twitter to search for links to sports games because some indexing sites such as Vipbox started their own Twitter accounts, which would tweet out links to games (unfortunately many of these accounts did not last but frequently you could still find desired content on Twitter). Reddit message boards and subreddits (such as r/BestOfStreamingVideo and /r/cordcutters) devoted to specific hosting and indexing sites were another substantial source of access to content.

As Lobato and Tang (2014, p. 426) outline, the "cyberlocker constitutes the backend of a larger infrastructure that includes release logs, bulletin boards and forums, where links to cyberlocker-hosted content can be found." This means that the indexing sites serve the search function to get access to the content. "Cyberlockers are the storage workhorses of this system; intermediary sites are where users navigate the potentially vast content available" (Lobato & Tang, 2014, p. 426). This is done to try and protect each party by compartmentalizing each step (raising complicated questions about cloud computing and copyright, for example). Justin.tv was an early version of a streaming site (quickly stripped of "illegal," copyright infringing content), which was replaced with links and third party hosting sites like Megavideo, Putlocker or Sockshare (see Bruns, 2009, for a longer discussion on the contribution of Justin.tv to the rise of streaming).

The Motion Picture Association of America defines streaming as a sub-category of "Content Theft" labeled "Streaming Theft." The MPAA anticipates some of the objections to this categorization of streaming as theft (references to advertising and subscriptions) and tries to give "tips" to the public on how to avoid fraud and theft:

> While there are many websites where consumers can legally view streamed content, there are many illegal streaming sites where operators will solicit users to provide payment to purchase "subscriptions" or "memberships" or otherwise pay for illegal content. These sites often feature advertisements for legitimate products or services alongside illegal streaming of unauthorized movie and television content. Website operators of such illegal sites purposely use these techniques to fool consumers into believing that their websites are legal; that's how they make a profit. It's called fraud and theft. (2012)

We are admonished to "watch for titles that are 'too new to be true,'" "trust your eyes and ears" in reference to picture quality, and to avoid websites that don't disclose their location in contact information or who promise to be "100% legal." Consumers are being duped into paying these websites, but the greater harm is that many start to believe that the widespread practice is a legitimate part of everyday consumption patterns. From the industry's perspective, this kind of unsanctioned streaming should be defined as nothing more than streaming theft. In my experience, indexing and hosting sites do appear as legitimate businesses. I have used hosting sites, not just for infringing content, but to send large data files transnationally. This doesn't happen "alongside" unsanctioned streaming but is part of the networked architecture of hosting sites, an example of streaming existing within the interstices of production and consumption.

Streaming is the latest iteration of users' cunning and subversion of state power. Yet streamers are not actively resisting or usurping state authority but are engaging in an ephemeral, momentary bucking of state strategies, which lockdown copyright as supposedly timeless. However, this is an important moment because it marks a potential shift in the cultural imaginary (Boddy, 2004) of Internet users as a space for re-contextualizing thinking about ownership and copyright in a streaming society.

Downloading versus Streaming

Goldsmith and Wu (2005) in their book, *Who Controls the Internet*, end their analysis with the onset of BitTorrent and communities of Internet users who are able to circumvent state control but are isolated from any kind of mainstream cultural impact. These communities are left in the literature as ostracized, niche groups that subsist on the fringes of Internet life. This research makes a contribution to this literature by extending the focus to the ubiquitous practice of third party unsanctioned streaming. There is a great deal of consideration in the popular press and amongst media scholars about P2P file sharing and BitTorrent, but significantly less scholarly attention placed on streaming. Substantive debates surrounding intellectual property and file-sharing (Benkler, 2006; Boyle, 2008; Gillespie, 2007; Lessig, 2002, 2004, 2006; McLeod, 2005; Vaidhyanathan, 2003, 2011) and the economics of piracy and file-sharing (Liebowitz, 2006; Rob & Waldfogel, 2008; Zentner, 2006) with the rise of networked communication are well trodden academic ground. Articles from a critical cultural perspective, as opposed to a legal vantage point, often incorporate ethnographic or quasi-ethnographic approaches that consider the field of study

(Kelty, 2008; Soderberg, 2011). Scholars from a media anthropology trajectory read the collective community through participation, embeddedness, and reading message boards (the "data" of choice is the message board post that succinctly supports the author's claims).

A body of literature focuses on the Swedish context and notorious BitTorrent site "The Pirate Bay" (Allen-Robertson, 2013; Andersson, 2009; Burkart, 2010, 2014; Schwarz, 2013). De Kosnik (2010) argues that what she calls "Pirate TV", predicated upon torrenting rather than streaming, is the future of television. Special issues on "Piracy Cultures" in the *International Journal of Communication* (Castells & Cardoso, 2012) and the recent special issue of *Popular Communication* on "Piracy and Social Change" (Schwarz & Burkart, 2015) continue this trajectory of scholarship. This strand of scholarship often recognizes P2P and BitTorrent sites as communal spaces (Beekhuyzen & von Hellens, 2009; Cenite et. al, 2009; Meulpolder et. al 2010). Newman (2012) looks at the values and ethics P2P communities share about downloading television texts.

However, some scholars challenge the notion that file-sharing constitutes a "community" (Holmstrom, 2014). Andersson (2011) succinctly describes file-sharing as "the unrestricted duplication of digitized media content between autonomous end-nodes on the Internet" (p. 2). Caraway (2012) looks at debates amongst users about the varying degrees and types of community present in file-sharing. This is in contrast to streaming (or cyberlocker hosting sites), which according to Lobato and Tang are not reciprocal (encouraging both uploading and downloading) or collaborative:

> But arguably its most egregious feature, from the perspective of current Web 2.0 discourse, is the fact that the cyberlocker does not foster collaboration or co-creation; its storage-and-retrieval functionality means there is no possibility of textual change for the content hosted on its servers. (2014, p. 431)

For the purposes of this research, I draw an analytic distinction between P2P, file-sharing, and streaming. Streaming alliances scrape the surface of popular culture, whereas BitTorrent communities are inconspicuous and require more technological knowledge. BitTorrent protocols require separate applications for uploading and downloading while hosting sites just need an Internet connection and browser to access content. Another marked difference is the seeding process in BitTorrent communities that creates more social cohesion and reciprocity in torrenting. "P2P communities, by contrast, are subject to the whim of users' *seeding* capabilities, that is, making the file available only when the user wants to spare the bandwidth" (emphasis original, Marx, 2013, para. 14). In contrast, content on unsanctioned streaming sites is always-already available in the minds of streamers. Content just needs to be hunted down, but there is no necessary collaboration to initiate the retrieval, no seeding. A study by Mahanti, Carlsson, and Williamson (2010) finds that with the decline of P2P file sharing that prominent hosting sites offer faster access to popular television content, which is spread more widely than P2P counterpart communities. This is important for the application of participant observation to streaming networks as "temporary alliances" (Wildeman, 1998) or temporary collectives. In scraping the surface streaming, as a tactic, acts as a liminal space, which ephemerally studs user's everyday lives with encounters of mediated content.

Strategies and Tactics: The Cunning of Reading and Streaming

This section begins by defining streaming within de Certeau's (1984) model of tactics versus strategies before moving on to further methodological justifications. Streaming is then placed within an active audience perspective as productive "reading" and as a liminal space of aesthetic moments and temporary alliances. This is followed by an analysis of indexing and hosting websites involved in streaming. Strategies and tactics are a useful conceptual framework for understanding streaming. "Strategy" is defined as the "calculus of force-relationships" where the possessor of power exercises the "will and power" over an environment to assume a place that is sanctioned as proper (de Certeau, 1984, p. xix). Fiske (1988, p. 288) succinctly explains place as the "mastery over time, allowing one to hold on to acquired advantages, to prepare future expansions and to control historical changes to one's own advantage." Tactics have no sustained place of their own but construct a space within the place of the powerful.

Tactics depend on time, are contextual, and belong to the weak. They cannot keep what they win and must consistently manipulate "events in order to turn them into opportunities" (de Certeau, 1984, p. xix). We might think of a park as a strategy by a local government to wield control over a space and make it appear as if time has been suspended. Cutting a corner or walking through the grass in the park might be thought of as a momentary, ephemeral tactic. There is the subversion of authority but not in the way that we traditionally think of compiling the gains of resistance. This is "making do" as streaming within the logics of a Western capitalist system of copyright and ownership.

Streamers are not passive users of the Internet but are active producers or bricoleurs. De Certeau (1984) emphasizes the generative creativity of users within the repetition of everydayness. For de Certeau, consumption and production are interstitial processes—consumption as production. Understanding de Certeau's concept of "reading" is of seminal importance for asserting the active role of streamers as bricoleurs. Rather than passively consuming programmed content, streamers as bricoleurs participate in the recombinatory practice of collecting popular culture artifacts when and where they want. Thus, our normative conception of consumers as passive readers, a view held by many in the Frankfurt school, is deeply embedded in our relation to a scriptural economy according to de Certeau. Writing for de Certeau is strategic and the strategy of those in power, like the Church, that resembles a sender-receiver model where the consumers are "imprinted by and like the text which is imposed on it." In this way, it produces:

> The ideology of consumption-as-a-receptacle…this legend is necessary for the system that distinguishes and privileges authors, educators, revolutionaries, in a word, 'producers,' in contrast with those who do not consume. By challenging 'consumption as it is conceived and (of course) confirmed by these 'authorial' enterprises, we may be able to discover creative activity where it has been denied that any exists (1984, p. 167).

De Certeau is flipping the script and inviting scholars to take consumption practices seriously. This also pushes back against the "author genius" discourse, which dates back to the dissolution of the guild system and implementation of copyright to protect individual productions and works of art— further reducing the generative creativity of consumption. An entire tradition of active audience researchers would follow this novel theory of reading as production and its decentering of privileged producers (or writers) of knowledge.

Antecedents inspired the ethnographic audience research of Janice Radway (1984) on romance readers, Ang (1989) on soap opera viewers of *Dallas*, and Jenkins (1992) on fandom to not

only take popular culture seriously as a site of academic investigation but also to consider the voices of those participating in the reading. De Certeau (1984, p. 169) understands reading as a re-combinatory practice of being in-between where:

> The reader takes neither the position of the author nor an author's position. He invents in texts something different from what they intended. He detaches them from their origin. He combines their fragments and creates something unknown in the space organized by their capacity for allowing an indefinite plurality of meanings. Is this reading activity reserved for the literary critic…or can it be extended to all cultural consumers?

This practice of combining fragments of popular culture and detaching content from their media industry origins makes this form of consumption meaningful, a re-combinatory craft. Streaming can be seen as the latest extension of this tension between consumers and media industries where media consumers are not:

> Totally autonomous from or totally vulnerable to the culture industries. It would be naïve to assume that powerful conglomerates will not protect their own interests as they enter this new media marketplace, but at the same time, audiences are gaining greater power and autonomy as they enter in the new knowledge culture (Jenkins, 2006, p. 136).

Streaming is polysemic practice and cunning, which stands in-between—not completely autonomous, but not completely vulnerable—as a tactic.

A return to de Certeau (1984, pp. 156-157) means a "poetics of uses rather than users" and an analysis "peopled with moments and practices rather than subjects", which might correct for some of the over-fixation on resistant, active audience readings of Madonna and MTV music videos, proliferant in the nineties. No longer is the overarching imperative to search for revolution and an alternative to the current capitalist consumer culture, according to de Certeau and Fiske. The knowledge produced by the researcher "may be used in a number of ways, and it is important to understand here that what is produced is a knowledge, not the knowledge" (Fiske 1988, p. 305, emphasis in original). De Certeau is beginning from the contextual and as a pragmatist; he wants to deal with culture as lived experiences in and through capitalism. Streaming operates in the same way as a contingent practice of "making do" in contemporary consumer culture.

Mobility and Materiality

Another important way that streaming, as a tactic, challenges the "place" of copyright and entertainment conglomerates is by contesting the "place and the timing of scheduled uses" of commercial content that for Fiske (2010, p. 34) is the strategy of commerce. This strategy of commerce works through broadcast scheduling that routinized viewing habits and establishes the place of television programming. Viewers are even given names for various line-ups of shows to demarcate days of the week and blocks of times for weekly viewing. Commercials are a part of the established norms of television watching despite the newness of their number and length. Streaming allows the user to watch programs according to their own timeframe and schedule. While television companies and stations are emphasizing live viewing through new technologies

such as Twitter, streaming is a momentary bucking of that strategy of commerce to lock down viewers. This allows streamers to think about television and consumption beyond the network schedule.

Streamers often describe having entirely different viewing experiences by watching an entire season of a show in one or two binge viewing sessions (that are commercial free!). Binging (a colloquially used term that has been adopted by industry and popular culture) is a tactic because it does nothing to change the official structure of television nor does it even register within official Nielsen statistics and stockpile its winnings, yet, unsanctioned streaming is the art of the weak. Fiske (1988, p. 289) understands this "weak" employment of tactics as "constantly mobile, seizing possibilities on the wing, deriving from the eternal, unsuppressed vigilance of the weak but undefeated in spirit." This mobility is part of the streaming tactic. Not only can you watch *when* you want but with the portability of technology—*where* you want as well. The place of the TV in the home must be rethought because of the many different devices and configurations for viewing facilitated by streaming. An annual NPD Group (2012) study reported that 45% of those surveyed use their television as the "primary screen" for watching free and paid streaming videos, up from 33% in 2011. The study suggests that this is due to the fact that "home installation of millions of Internet-connected TVs is changing the way that consumers access and view streaming video" (NPD, 2012). So as portability is a force de-centering traditional television, streaming is becoming a more dominant mode for consuming all mediated content.

Fan studies in the first wave or "fandom is beautiful" stage "constituted a purposeful political intervention that sided with the tactics of fan audiences in their evasion of dominant ideologies, and that set out to rigorously defend fan communities against their ridicule in the mass media and by non-fans" (Gray, Sandvoss, & Harrington, 2007, p. 2). Poaching and subverting the preferred meaning of the "power bloc" (Fiske, 1989) was a communal display of resistance to dominant ideologies. Streaming can be a moment of active audience resistance and certainly is a moment of "reading" popular culture, but this is increasingly a negotiated space "betwixt and between" (Turner, 1987) audience and industry. The difference is that streaming is performed by the networked individual while fandom has more of a communal ethos. Fan communities, as well as many other participatory cultures, engage in a kind of reclamation project for their valued cultural artifacts and content. In contrast, streaming culture produces a distinct orientation to ownership where the networked individual feels less inclined to own the materiality of content. Returning to the move from flow to files back to flow—even the desire to download content gives way to the implicit trust or faith that streamers have in the ability to access content through the network. The materiality of libraries, DVDs, and CD collections all migrate into a streaming culture.

Jouissance

In an otherwise foundational piece on unsanctioned streaming, Lobato and Tang (2014, p. 432) believe the non-reciprocal nature of hosting sites (cyberlockers) makes the technology beyond romanticizing, "we will watch with interest to see how the remnants of the industry evolve and how future generations of media scholars will reconstruct the story of this unloved and unlovely technology." It is true that hosting and indexing sites do not elicit the same kinds of responses from free culture advocates as BitTorrent communities like *The Pirate Bay*, but from the context of the user experience streaming is not unloved. On the contrary, unsanctioned third-party streaming

permits users to indulge in a cathartic, liminal release from the everydayness of modernity. The ubiquitous form of unsanctioned streaming gives rise to the re-articulation of streaming as an emergent industry. Companies such as Netflix and Amazon are direct benefactors from piracy and the informal media economy (Lobato & Thomas, 2012) (once again, proving Sterne (2012) is correct that pirate practices quickly become incorporated into business practices) and should not go "unloved" by the emergent streaming industry.

De Certeau (1984, p. 37) examined the distinction between revolutions and lived contextual resistance, which can be applied to streaming. De Certeau believes that those using tactics "must vigilantly make use of the cracks that particular conjunctions open in the surveillance of the proprietary powers. It poaches in them. It creates surprises in them. It can be where it is least expected." Modernity routinizes commodity and leisure as leisure is reinforced and constituted through capitalism (think of a cell phone issued by a business to stay in constant contact or emails from students on the weekends). The technological continuation of the commodification of leisure results in the inability to escape work as you are constantly connected (the double-edged sword of connectivity). De Certeau's view of culture perceives cracks and fissures in modernity that allow for the fleeting promise of everyday life to puncture modernity's absence with the presence and pleasure of *jouissance*. This could be a worker quickly checking a Facebook profile or streaming a video to feel that fleeting sense of *jouissance* studding modern life (Silverstone, 1994).

Far from seeing streaming as harmful, lonely, and depressing (see Sung, Kang, and Lee, 2015, for an example of media effects scholarship on the purported negative impacts of binging), streamers within the context of third party unsanctioned streaming find *jouissance* within the fissures of modernity and copyright. De Certeau (1984, p. 135) invites researchers to rethink the project of revolution, which can minimize contingent, agonistic struggle. "Revolution itself, that 'modern' idea, represents that scriptural project at the level of an entire society seeking to constitute itself as a blank page with respect to the past, to write itself by itself (that is, to produce itself as its own system) and to produce a new history on the model of what it fabricates (and this will be 'progress')." The focus of this research then is not on how streaming is "revolutionizing" the strategic logic of media industries but interrogating streaming as a meaningful tactic of cunning, which becomes an interstitial part of everyday media life.

Trickster

> Movie2k.to is back as Movie4k! Nobody should have the power to suppress somebody just because of money! This site is the result of the need of many Human Beings. Everyone wants Movie2k.to/Movie4k.to back. We, the Citizens, have to make clear that a "copyright infringement" cannot be compared to a violent crime. How come bootlegger get five years of jail time while child abuser are free on a 22-month probation? That is because money is way more important than an uniqü (sic) human life. You cannot suppress the will of the People! One website gös (sic), the next day five new appear. Did not the time come to overthink your marketing concepts and accept the new media? (Movies2k.to, 2014)

The above quote is from one of the MPAA listed indexing sites. This is a rare occasion when the site administrators make any kind of public announcement to users of the site. This message is addressed to both government institutions and users of the site at the same time. Related to *jouissance*, the message exemplifies the role of the trickster being played by streamers. Klapp

(1954) defines tricksters as the "clever hero," whereas Turner (1969) describes tricksters as liminal personalities. Horvath and Thomassen (2008, p. 13) extend this conception of liminal trickster—adding that tricksters are without home (place), outsiders, and lack existential commitments. Tricksters, like streamers, are "ambivalent characters. They have no respect for boundaries or for neat and tidy categories" (McArthur, 2000, p. 85). For some streamers, as they dip into the liminal space of streaming, they enact the role of the trickster-subverting the boundaries of popular culture and copyright. This is an affective rush of momentarily breaking established norms. However, it is not the case for all streamers. There are many who may not feel at all like they are blurring boundaries or engaged in anything nefarious. However, as the above quote shows, those who do perform this role wear the banner of the trickster. They enact this aesthetic moment by dipping into the shallow trough of streaming media, rolling around in the content—only to freely exit back into everyday life.

With my own young family, I have noticed a migration away from unsanctioned streaming as my dominant and preferred method of consuming content. I succumb to the convenience of search algorithms rather than the *jouissance* of treasure hunting. Yet, even as I assimilate into the rearticulated flow of an emergent streaming industry, I still play the trickster. I watch Netflix from my wife's sister's account, Amazon Prime from my parents, XFinity by using my brother's cable login and Hulu Plus from a free promotion. I continue to push back and "make do" by scavenging for passwords, manipulating technology, and leveraging my network connections (I am still in search of an elusive HBOGo or HBO Now password).

The entertainment industry makes a great deal of their money from controlling large libraries of content. The business model is to sell that library back to the consumer in as many forms as possible (for example only "owning" a song as a licensed rental on one playing device such as an iPod that is legally non-transferable to another device), so control over content is paramount. Companies want to lock down consumers in a timeless place that naturalizes copyright law so that it seems like it has existed forever and will continue to exist forever. This strategic logic is a relatively new assertion that works of art should belong to companies beyond the life of the author or creator but thanks to the panoptic practice of the Sonny Bono law (officially the Sonny Bono Copyright Extension Act but the colloquially known Sonny Bono law serves to put a happy, clean, eternal/dead face to its existence) the life of copyright has been extended and effectively has frozen in place the public domain. Streaming allows the user to journey through popular culture and cut corners through retrofitting content to the contours of their own cultural imaginaries. The user does not own the fragments of popular culture; they are streamed, and so the user exists in-between with no definitive place. Despite this placelessness, there is the capacity for a multiplicity of readings and combinations of programming. This is the surprise and productivity of poaching and reading within popular culture through streaming.

Sites for streaming are constantly in flux. Streamers are negotiating pop-ups, dead links, and seizing the ephemeral moments of watching a particular program. These sites are not built to last, and takedowns are often the order of the day, so the fleeting pleasure in the pursuit and momentary viewing are part of the undefeated spirit of streaming. Here we could go so far as to say that within the history of streaming, from Napster to Kazaa to our current moment, there exists a larger discursive orientation to streaming amongst those who have grown up downloading and streaming content (this history could be extended to include VHS swapping or other forms of participatory culture). While the use of torrent technology is still very specialized and not as accessible as unsanctioned streaming, there is an internalization to streaming as a practice that

drives me to "make do" and find the content as if it is a part of a game between me and the content controlling industry. I feel I am playing the role of the trickster.

Conclusion

This research is an analysis of third-party unsanctioned streaming and the forces that impinge on this practice. On the one hand, streaming is presented by the MPAA as piracy and the spaces involved branded as "rogue websites." On the other, unsanctioned streaming is conceptualized as a tactical practice, divided into linking and hosting sites, which both satisfies user needs and is a source of cultural and economic innovation. Efforts by institutions, such as the MPAA, and scholars to raise these competing discourses to ascendancy are chronicled. Ultimately this analysis has yielded a series of insights: streaming has had dramatic impact on the mobility and materiality of media flow; streaming is a process that leads to aesthetic experiences (*jouissance*), and streamers both assume and are cast in the role of the trickster.

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