

Stream a Little Dream

How Netflix Turned Our Culture into
Content

Author

Jack Lubin

Acknowledgements

A special thanks to Professor Hanson for routinely being audience to my ravings and attempting to channel them toward cogency, whether or not I make good on his effort; major thanks to Hannah Shaffer and Micaiah Barley for enduring drafts of this paper and helping me figure out what I was trying to say; eternal thanks to James Gandolfini, who changed my life without ever knowing it. Through no fault of his own did he create a monster.

About the Critical Corporate Theory Collection

The Critical Corporate Theory Collection is part of the *Systemic Justice Journal*, published by the Systemic Justice Project at Harvard Law School. The Collection is comprised of papers that analyze the role of corporate law in systemic injustices. The authors are Harvard Law students who were enrolled in Professor Jon Hanson's Corporations course in the spring of 2021.

The Collection addresses the premise that corporate law is a core underlying cause of most systemic injustices and social problems we face today. Each article explores how corporate law facilitates the creation and maintenance of institutions with tremendous wealth and power and provides those institutions a shared, single interest in capturing institutions, policies, lawmakers, and norms, which in turn further enhance that power and legitimates its unjust effects in producing systems of oppression and exploitation.

For more information about the *Systemic Justice Journal* or to read other articles in the Critical Corporate Theory Collection, please visit the website at www.systemicjustice.org.

Contents

RISE AND GRIND.....	6
SCREEN MEMORIES	8
ALGORITHMIC CULTURE	13
ENDNOTES	18

This paper was first published in July 2021. © 2021. The contents and opinions expressed in this paper are those of the author only.

ABSTRACT

Netflix paved the way for streaming corporations to revolutionize our relationship to art and entertainment; in the process, it has remade and captured our culture. By using the same screened devices that have changed our relationship to work, removed us from the physical workplace, and created an ambient, omnipresent need to produce, streaming corporations have altered not only how we fill our rare free time but the very ways we think.

This paper charts the rise of Netflix from DVD rental startup to streaming titan. In so doing, it highlights that the two tools that set Netflix apart—the streaming service that changed the terms upon which we engage with entertainment and the predictive algorithms that steer us toward whatever our viewing data indicates will keep us watching—that have come to define the contemporary cultural terrain.

This paper argues that culture, delivered on these terms, is transformed into “content,” a product that is both addictive and analgesic. Unless streaming is intentionally and fervently resisted, its continued dominance will result in an irreversible cultural loss and cement the corporate capture of human creativity.

Stream a Little Dream

How Netflix Turned Our Culture into Content

A candy-colored clown they call the Sandman

tiptoes to my room every night

just to sprinkle stardust, and to whisper

“go to sleep, everything is alright”

– Roy Orbison, “In Dreams”

[T]he market is just so vast. You know, think about it, when you watch a show from Netflix and you get addicted to it, you stay up late at night. You really – we’re competing with sleep, on the margin.

– Reed Hastings, Netflix CEO,

2017 Q1 Earnings Call

RISE AND GRIND

The 21st century worker is always on call. Both in high- and low-wage workplaces, the productivity mandate has reached a fever pitch. Whether the result of waning union density, a hypercompetitive cultural ethos, the gutted safety net that directly ties ones' ability to survive to their employer, or any other intersecting political economic developments, one thing is certain: as screens and devices proliferate, it becomes harder than ever to clock out.¹

Though rapidly accelerated by the COVID-19 pandemic, screens have long made forays into what little remained on the other side of the work-life divide.² Whether you're a "gig" or a remote worker, your devices connect you to your work wherever you are, at whatever time. Gone are the days when clocking in and out of a physical workplace provided some sort of neat mental divide between work and life. Now, you could always be working – and your boss knows it. Combine this constant availability with today's ever-increasing precarity (think mounting student and medical debts) and its resultant productivity culture, and you end up with an entirely hypothetical work-life boundary. Once you let your job into your home, it is awfully hard to kick it out.

Although the pandemic accelerated and exacerbated these trends, it did not create them – and post-pandemic life, whatever that ends up meaning, will not put an end to these conditions. Our lives, our time, and the world around us continue to be strip-mined for productivity and surplus.

But just because we're always *on the clock* doesn't mean that we're always *working*. How do we fill the increasingly rare hours in which we can tentatively turn away from producing in front of our screens? According to Nielsen, we use those same screens to consume content.³ In the first Nielsen Total Audience Report conducted and published since the onset of the pandemic, the average U.S. adult 18 years or older was found to have spent over 12 hours of the day in front of a screen. Lest it seem that the unique circumstances of lockdown have drastically altered these rates, it is worth noting that the same U.S. adults logged roughly 11 hours per day in 2018, and 11 and a half in 2019. These are welcome trends to the world's premier advertising data company:

A funny thing happened on the road to re-emergence: Consumers, used to choosing when, where and how much content they

connect with, found that by working from home they actually had a newfound choice when it came to their jobs, thereby giving employees a chance to achieve a better work/life balance. . . .

As companies look ahead, many are weighing the implications of a larger work-from-home workforce. In a special survey Nielsen conducted in June, we found that *80% of respondents would prefer to work for a company that allows them to work remotely from any location of their choosing.*⁴

Among the changes in our relationship to screens that the Nielsen Report identifies, one in particular stands out:

Many consumers have more free time at home than ever due to a lack of commute, a propensity to stay up later at night and the immediate restrictions on external activities brought upon by social distancing. In the wake of these restrictions, our collective appetite to stream video content—which was already growing more voracious by the day—has accelerated even more rapidly among people of all ages.

As such, the amount of time people are spending in front of the TV screen viewing streaming content continues to grow. . . as of Q2 2020 streaming now comprises one-fourth of all television minutes viewed, with Netflix being the largest contributor.⁵

In our new world, we don't clock out: we stream.

SCREEN MEMORIES

Netflix, the corporation that introduced streaming into our vocabulary, has incalculably influenced 21st century culture. Like Google, Xerox, or Kleenex, it has reached the rare tier of genericized corporation whose name stands in for the product it hawks. Its signature mode of consumption, “binge-watching,” has become cultural commonplace. If the entry of the term “Netflix and chill” into the lexicon indicates anything, the service has become an entire generation’s substitute for a night out. On the business side, Netflix boasts of 183 million subscribers worldwide.⁶

Netflix began as a DVD distribution service in 1997, back when DVDs were first being introduced to American consumers.⁷ Its founders, Reed Hastings and Marc Randolph, presciently set out to “become the Amazon.com of something,” but when competing with direct sales retailers of like Amazon proved impossible, Netflix shifted to a rental model. As the company’s niche shifted, so did its competition – the DVD rental model put them in the market against brick and mortarⁱ video rental stores like Blockbuster and Hollywood. When the company once again fell behind its established competitors, its leadership experimented with a subscription plan that eschewed late fees and due dates and allowed customers to set a queue of future rentals in advance. The model stuck, and Netflix as subscription DVD distributor took hold.

A DVD rental service does not a culture remake. Netflix set itself apart from its competition—and established its path to capturing American culture—by running like a technological corporation in the mold of Silicon Valley’s now-established titans. First, it had an algorithm, Cinematch, that meant to connect viewers with films and television shows that their collected data and viewing patterns indicated they would enjoy.⁸ Second, in January, 2007 it made certain videos “streamable” on the Netflix website and, shortly thereafter, a number of screened devices.⁹ These innovations created a mutually strengthening feedback loop that increasingly dictated corporate decision-making. The more effective the recommendation algorithm got at suggesting things that subscribers enjoyed, the more consistently subscribers would use

ⁱ The very designation “brick and mortar” is a byproduct of the way that companies like Netflix and Amazon would come to ravage traditional retail industries.

the service; as their consistent use of streaming gave the algorithm insights into specifically *how* they watched, when they stopped, and so on – the data informing the algorithm’s predictive method grew exponentially. These two practices, algorithmic recommendation and streaming content, not only set Netflix apart, but were the tools by which Netflix fundamentally remade culture.

By 2010, Netflix began to offer streaming-only plans, presaging the eventual shift to their current business model, in which their streaming service is the company’s public face and focus.¹⁰ Around the same time, Netflix started emphasizing television as its primary offering.¹¹ This shift in focus came alongside a parallel trend in American entertainment: the rise of “prestige television.” Prestige television, broadly speaking, described a type of program ushered in by *The Sopranos*, to which a combination of plot conventions, intentionally cinematic direction, and expensive production budgets lent a serious and artistic air.¹² Befitting this rise in highbrow television programming, there simultaneously emerged a cottage industry of television writers whose sole job was to elevate, analyze, and glorify television as a medium by uplifting these specific programs.¹³

Prestige television was an innovation for a medium that had traditionally been the outpost for more lowbrow, serialized fare.¹⁴ The perceived mismatch between high and low culture that made prestige television a novelty also posed practical challenges: syndication, or the non-linear repetition of pre-aired episodes, was its *raison d’être*. There’s a reason that entire generations grew up watching *Seinfeld* – stations could play random episodes all day, making sitcom episodes not unlike songs on the radio. Incorporating this new form of television into the preexisting model was like trying to slot a Beethoven movement into the Top 40 radio hour:

Cable networks like FX and AMC were developing expensive, talked-about dramas, the kind HBO pioneered with “The Sopranos” and “The Wire.” But these series, with their complex, season-long story arcs and hourlong format, seemed to be poor candidates for syndication, unlike self-contained, half-hour sitcoms like “Seinfeld,” which can be watched out of order.

[Netflix executives] realized that Netflix could become, in effect, the syndicator for these

hourlong dramas: “We found an inefficiency,” is how Hastings describes this insight. One of the first such series to appear on Netflix was AMC’s “Mad Men,” which became available on the site in 2011, between its fourth and fifth seasons. Knowing from its DVD experience that customers often rented a full season of “The Sopranos” in one go, Netflix put the entire first four seasons of “Mad Men” online at once. *Bingeing took off.*¹⁵

Netflix waged war on the temporal constraints that previously dictated the terms on which people engaged with entertainment. Whereas in the past, television only offered serialized, ambiently entertaining programs or once-a-week eye-grabbers, shows now could be watched at any time, and at any rate. But the birth of binge-watching did more than just interrupt the terms of television viewership:

In 2012, for instance, Netflix began streaming the first three seasons of “Breaking Bad,” the dark drama produced by Sony that ran on AMC. Though praised by critics, “Breaking Bad” had not yet found its audience.

“It really kicked our viewership into high gear,” [Vince Gilligan, the creator of “Breaking Bad”] says. As Michael Nathanson, an analyst at MoffettNathanson, put it to me: “‘Breaking Bad’ was 10 times more popular once it started streaming on Netflix.”¹⁶

Here was a radical zeitgeist shift. Prior to *Breaking Bad’s* streaming debut, it averaged roughly 1.5 million viewers per episode; its finale commanded 10.28 million.¹⁷ By strategically releasing *Breaking Bad’s* back catalogue, Netflix put the trope of “water cooler television”—programs you’d discuss with your coworkers around the water cooler the next morning—into hyperspeed. Viewers, led to the well by breathless critics and evangelized friends, caught up with an entire 54 hours of television in order to see the show’s final season in real time. By combining television’s past, water cooler television, with its future, binge-watching, *Breaking Bad* yielded an alchemical reaction that can be called “event television.” Weekly episodes became anticipated events before which viewers would trade theories, brush up their memory, and bask in the fact that they’d made it all this way in their race against the

finale; in response, media coverage of *Breaking Bad* exploded. After each episode, every culture and entertainment outlet would release a detailed, scene-by-scene recap; episodes were graded, ranked, and analyzed; by the end of *Breaking Bad's* run, its episodes would be followed by a talk show, entitled *Talking Bad*, where viewers were treated to actors discussing what their fictional character had “done” thirty minutes prior.¹⁸

These meta-products took on a life of their own. For that unfortunate lot who couldn't catch up to *Breaking Bad*, or whatever the program *du jour* became, soaking in recaps and online message-boards became a way to simulate the social component of group watching that staring at your screen for hours on end made you yearn after. The tide of recaps grew so powerful that soon outlets would commission writers to embark upon entire re-watches of programs, sharing their thoughts in a perverse mirror opposite of syndication. The rise of prestige television was a gold rush for anybody who wrote, or wanted to write about, the medium.

This event television model of binge-watching, like many things prestige television, was stuck between two worlds. After all, the idea for many participants was a race against the clock in the name of experiencing episodes live so that they could watch alongside others. That changed in 2013, when Netflix dipped its toes into producing its own programming. Its first foray, *House of Cards*, was a political drama starring the not-yet-disgraced Kevin Spacey and directed by the acclaimed David Fincher. *House of Cards* paved the way for the corporate domination of culture in two immediate ways. First, Netflix executives decided to buy and produce the program because their algorithmic data indicated that Netflix subscribers would like it.¹⁹ In that sense, they were right. The show was met with immediate acclaim, both by viewers and, more importantly, the media apparatus that had emerged in the name of stamping certain (but a sharply increasing number of) programs with the imprimatur of seriousness. Second, Netflix released all 13 episodes of the first season at the same time.

Pure binge-watching was born. Viewers came to *House of Cards* with no pressure to catch up to any future airdate, but also no restrictions as to when, or at what pace, they could watch. As people raved not only about the show but about their then-unorthodox viewing habits (habits that would have qualified someone for a wellness check just a few years prior), and as critics and aggregators continued to cover the program, *House of Cards* became something you were supposed to take part in. Bingeing was no longer the uphill battle necessary to participate in a viewing event; now, bingeing *was* the event.

With the success of *House of Cards*, Netflix became a production studio. As the company has grown into the media giant it is today, it has leaned increasingly on its culture production arm—to the point where it spent \$16 billion on the endeavor in 2020 alone.²⁰ The studio, so to speak, has hired both the television and film industry’s biggest stars and most identifiable names, from Leonardo DiCaprio to Alfonso Cuarón, Beyoncé to Martin Scorsese.²¹ One of the Obama family’s first and most prominent moves into public life after exiting the White House was to sign a production deal with Netflix. To say that Netflix has overtaken the televisual industry is to miss the point that Netflix *is* the industry. And the Netflix model—distribute as much content as possible, collect comprehensive data on viewing habits, employ algorithms to nudge viewers in certain directions and determine what it is you end up producing, then repeat with another round of data and financing efficient—is how the industry does its business.

ALGORITHMIC CULTURE

Corporations, following Netflix's lead, have captured our culture. Of course, the world before Netflix was not one where artists existed free of financial constraints, production studios cared more about quality than profit, or the entertainment and culture industries were driven by some humanistic mission. But, by monopolizing the storage, distribution, production, and curation of any cultural form that can be monetized, corporations are fundamentally remaking that other definition of culture—the collective way we go about our days, process our reality, and perceive time. These two definitions of culture—the arts and the society from which they arise—exist in mutually a reinforcing and reforming relationship, simultaneously structural and superstructural. By capturing one, corporations necessarily change the other.

As relationship to culture is increasingly mediated by streaming corporations, the principles that enabled Netflix's success—buying-up licensing rights, getting content to as many screens as possible, and utilizing ever-more-specific predictive algorithms—have come to characterize the entire culture industry.ⁱⁱ By emulating Netflix's playbook, these copycat corporations internalize the Netflixian vision of market dominance: to create a society of binge-watchers.²²

The binge-ification of American culture is made possible through the innovations that enabled Netflix's meteoric rise. By divorcing the experience of watching from its once-designated time constraints—whether a movie showtime or a weekly airing—the streaming model allows viewers to watch whenever they can. By interrupting the standard distribution of films and television, the streaming model allows viewers to also watch at whatever *rate* they'd like. At the same time, an apparatus of culture writers listing content you've missed out on and viral memes (often initiated from official Netflix accounts or [allegedly] astro-turfed from company bots)²³ encouraging you to watch the it-program of the moment to remain culturally fluent combine to

ⁱⁱ Another component of the “Netflix playbook” that has helped it, and other corporations, to thrive in the purportedly free market is that the company does not pay federal income taxes. See Matthew Gardner, *Pandemic Profits: Netflix's Record Profit Haul, Past Tax Avoidance Raise Questions about Tax Law's Weaknesses*, INSTITUTE ON TAXATION AND ECONOMIC POLICY: JUST TAXES BLOG (April 29, 2020), <https://itep.org/pandemic-profits-netflixs-record-profit-haul-past-tax-avoidance-raise-questions-about-tax-laws-weaknesses/>.

legitimate this “watch-whenever” culture and encourage you to watch more, faster. And the more you participate, the more precisely the predictive algorithm can identify what keeps you watching. As the algorithms that once paired viewers with media that already existed now dictate which culture gets produced, we may soon reach the point at which you never have to risk seeing something you don’t enjoy. In the late hours of a neverending day of work, who has the energy to think for themselves? If Netflix’s user interface is any indicator, corporations don’t even expect you to have enough energy to press play on the next episode – so they do it for you.²⁴

Streaming culture, in its ubiquity, is the perfect mirror image of that iteration of late capitalism that both can and does place demands on its subjects at any time, in any place. The predictable work schedule that once allowed viewers to block off a weekly routine is in short order. By feeding on the atemporality of the modern workplace, the omnipresence of screens, and the data that we forfeit as a prerequisite to participating in the modern economy, streaming is the logical cultural manifestation of our brave new world.ⁱⁱⁱ

What makes streaming so deleterious is that it is not just a response to our rapidly deteriorating conditions. Rather, by addicting and anesthetizing its subjects, streaming actively *enables* our descent into a world where capital and corporate power can squeeze profit out of every last thing, from your free time to the part of your brain that art moves. The method by which algorithms, tailored to your understood preferences, predict and promote what will get you to binge-watch content is predicated on a powerful theory of inertia. By making it as easy as possible to consume content—and researching how exactly your brain processes information—Netflix and its streaming companions are less concerned with making sure you come back to their product as they are with ensuring you never *leave*.²⁵ Inactivity governs the streaming world, down to the fact that its subscription model requires a consumer to actively opt out, rather than renew monthly or yearly; as the historical disconnect between Netflix’s reported viewership data (which has raised eyebrows regarding its veracity)²⁶ and its valuation

ⁱⁱⁱ There is a persuasive critique that the very rise of “prestige television,” which in its early iteration largely portrayed hard-working men with unsavory dark sides, was an intentional attempt to corner the market of professional class white men who might see in these programs a vision of escape from their own crushing work routines. See Beck, *Myths of the Golden Age*, supra n. 14.

demonstrates, all that really matters is that people aren't leaving. It's a business model built not on high-minded concepts of consumer choice but on passivity, attempting to circumvent the conscious part of your brain and get directly at what makes you tick.

Therein lies the promise of binge-watching: in a world where you are constantly expected to be on, it feels transcendent to turn your brain off. Only the most dogmatic thinkers would argue that art and culture are impermissible indulgences when there are political battles to be fought, but the availability of all human culture at our fingertips for a quick hit surely softens our bad days in a way that might defuse our willingness to do anything about it. It's easier to stomach hard times when you have instant access to music, films, and television that purport to transport you to another world.²⁷ By offering us such a ready escape, Netflix gives us avoidance mechanisms to ignore the reality of our position or do anything to improve it.

The real problem, though, is that consuming culture via the Netflix model makes us lose an important component of our humanity. Streaming companies, like any corporation equipped with consumer data, look straight to our brain's wiring. The goal of a predictive algorithm is to get so good at recognizing what you have liked that you can be told what you should like. As such, algorithms study, simulate, and pervert the experience of exploration, surprise, and spontaneity that characterize art at its most transcendent.

Streaming corporations view their offerings not as culture, but as content – and, worse yet, as data. The potential that great art has to contextualize the human condition, deepen our understanding of ourselves and one another, and genuinely move people is illegible to algorithmic culture. Algorithms operate by categorizing data, which requires interpreting cultural products as a collection of ever-more-specific inputs, rather than a cognizable sum. This method depends on drawing the sharpest distinctions between genres, moods, directors, actors, and anything else that either goes into or can be used to crudely describe a work of art.²⁸ Algorithmic culture determines worth solely by virtue of what it can categorize and quantify. If you watched all of Film X, which people describe as Genre Y, and was directed by Director Z, then might the algorithm interest you in Film A, which is also Genre Y but directed by Director B, who ripped off Z for their entire career?²⁹ While you decide, the algorithm will go ahead and press play for you.

The algorithm also transforms we, the viewers, into data to be processed and sold. Algorithmic models compensate for their inability to

empathize with or neatly categorize all of art by lumping the people who interact with it together, based on trends they perceive or demographic similarities they identifies. In keeping with the post-2016 media hysteria about political bubbles, it is worth asking whether there is something harmful in beaming targeted content at certain people solely by virtue of where they live. So, too, have reports emerged suggesting that Netflix changes its promotional posters and site setup depending on what it believes a user's race to be.³⁰ Though the reports have been predictably denied, Netflix undeniably collects user data in a way that feels violative of privacy at best and like surveillance at worst.³¹ Though data privacy laws purport to bar these practices, it only takes a bit of nifty “anonymizing” to legalize Netflix and other streaming companies’ actions.³²

As streaming corporations begin to dominate the production space, the algorithmic method of analyzing culture becomes the very thing that informs its production. The byproduct is a cheap and stale culture—the market dictate is no longer to do something people have never seen before, but to constantly replicate what their data says they’ve liked the most. When Netflix’s CEO describes his product as addictive, he doesn’t just mean that it keeps people glued to their screens for hours.³³ Rather, he understands that modus operandi of the streaming corporation is to permanently recreate facsimile experiences of ones we have already had; more specific products, made according to a computer-generated estimation of what it is you might keep hooked, structuring plot arcs and cinematography alike accordingly, never challenging you for risk of your turning off the screen. In the streaming world, all we can do is chase the now-distant, original experience of when art could move us organically.

As more corporations commit to providing streaming services, the realm of culture that is left untouched by algorithms rapidly shrinks. Through streaming corporations’ ability to buy up licensing rights, build their catalogues, and bundle their services for a low monthly rate, they can economically undercut older forms of media consumption.³⁴ Among other things, this contributes to a shift away from physical records and media, delegating the preservation of our cultural history to these streaming corporations’ digital databases, which they only have an interest in preserving so long as their algorithms indicate they will return a profit. In media like the music world, these licensing structures also lead to artists being compensated less and less for their work, which pressures many artists into homogenizing decisions like collaborating with corporate ad campaigns or chasing song structures understood to be algorithm-friendly.³⁵

The tragedy of streaming is that it marks one of corporate power's final conquests. If time spent participating in and engaging with culture is spent outside the matrix of markets and ideology that defines neoliberal capitalism, consuming content is time spent inside it. Yet we still perceive this world of culture as our one opportunity to leave the capitalist status quo. Work may suck, yes, but at least you've got your favorite pastime waiting for you at home; at least you can escape, imagine, and dream. Corporate capture of this realm colonizes yet another dimension of human experience and violates the role art can play in a flourishing society. Where culture once challenged you, expanded your perception, and at its best called you to through the way it helped you see the world and perceive humanity, culture-as-content is solely addictive and anesthetic.

The problem, then, is not only that we can never fully clock out of work, but also that in our fleeting moments of reprieve we find ourselves right back in the laps of the private corporations that dictate the terms of the rest of our lives. There may be no greater triumph of late stage capitalism than binge-watching. We go from selling our labor to buying content; there is no outside, there is no opt-out.

Streaming is now everywhere, and it is getting harder to experience our culture's offerings without giving in. What this capture portends for the future of our culture, both in terms of its offerings and its practices, remains to be seen. What is clear, though, is that any path toward preserving those elements of our culture that bring out the best in us requires our flatly denying streaming's core tenets. Now, more than ever, we need art that comes to us on its own terms, challenges our comfort, and tries to do something new. The only antidote to streaming culture's attempt to get inside of our brains is to work with art that fundamentally changes our minds.

ENDNOTES

¹ Derek Thompson, *Workism is Making Americans Miserable*, THE ATLANTIC (February 24, 2019), <https://www.theatlantic.com/ideas/archive/2019/02/religion-workism-making-americans-miserable/583441/>.

² Danielle Kost, *You're Right! You are Working Longer and Attending More Meetings*, HARVARD BUSINESS SCHOOL: WORKING Knowledge (September 14, 2019), <https://hbswk.hbs.edu/item/you-re-right-you-are-working-longer-and-attending-more-meetings>.

³ *The Nielsen Total Audience Report Hub: August 2020*, NIELSEN (August 13, 2020), <https://www.nielsen.com/us/en/insights/report/2020/the-nielsen-total-audience-report-august-2020/>

⁴ Id. (Emphasis added)

⁵ *The Nielsen Total Audience Report: August 2020*, NIELSEN, 15, <https://www.nielsen.com/wp-content/uploads/sites/3/2020/08/nielsen-total-audience-report-aug-2020.pdf>. Note that this figure only captures viewing hours on a television, not computers or other screened devices.

⁶ Sergei Klebnikov, *Streaming Wars Continue: Here's How Much Netflix, Amazon, Disney+ and Their Rivals Are Spending on New Content*, FORBES (May 22, 2020), <https://www.forbes.com/sites/sergeiklebnikov/2020/05/22/streaming-wars-continue-heres-how-much-netflix-amazon-disney-and-their-rivals-are-spending-on-new-content/?sh=100250b2623b>.

⁷ Gina Keating, *Five Myths About Netflix*, THE WASHINGTON POST (February 21, 2014), https://www.washingtonpost.com/opinions/five-myths-about-netflix/2014/02/21/787c7c8e-9a3f-11e3-b931-0204122c514b_story.html?utm_term=.b4f117558d14.

⁸ Blake Hallinan & Ted Striphas, *Recommended for You: The Netflix Prize and the Production of Algorithmic Culture*, 18(1) NEW MEDIA AND SOCIETY 118 (2016), <https://journals.sagepub.com/doi/full/10.1177/1461444814538646>.

⁹ Ashley Rodriguez, *Ten Years Ago, Netflix Launched Streaming Video and Changed the Way We Watch Everything*, QUARTZ (January 17, 2017), <https://qz.com/887010/netflix-nflx-launched-streaming-video-10-years-ago-and-changed-the-way-we-watch-everything/>.

¹⁰ Netflix still maintains a much smaller operation, DVD.com, that offers these services.

¹¹ Joe Nocera, *Can Netflix Survive in the New World it Created?*, THE NEW YORK TIMES

(June 15, 2016), <https://www.nytimes.com/2016/06/19/magazine/can-netflix-survive-in-the-new-world-it-created.html>.

¹² Eric Thurm, *It's Not Prestive, It's Just TV*, ESQUIRE (April 27, 2017), <https://www.esquire.com/entertainment/tv/a54762/the-flaws-of-prestige-tv/>.

¹³ See generally ALAN SEPINWALL, *THE REVOLUTION WAS TELEVISED: HOW THE DOPRANOS, MAD MEN, BREAKING BAD, LOST, AND OTHER GROUNDBREAKING DRAMAS CHANGED TV FOREVER* (2013); ALAN SEPINWALL & MATT ZOLLER SEITZ, *TV (THE BOOK): TWO EXPERTS PICK THE GREATEST AMERICAN SHOWS OF ALL TIME* (2016). One of the great ironies of the television writing industry is that two of its premier statesmen began their careers covering *The Sopranos* for the *The Star-Ledger*, the real-life local New Jersey paper that the fictional Tony Soprano reads every morning in the show.

¹⁴ But see Richard Beck, *Myths of the Golden Age*, PROSPECT (September 26, 2013), <https://www.prospectmagazine.co.uk/magazine/myths-of-the-golden-age-richard-beck-prestige-tv>.

¹⁵ Nocera, *Can Netflix Survive?*, *supra* n. 11.

¹⁶ *Id.*

¹⁷ Sara Bibel, *Sunday Cable Ratings: 'Breaking Bad' Wins Big, 'Talking Bad', 'Homeland', 'Boardwalk Empire', 'Masters of Sex' & More*, TV BY THE NUMBERS (October 1, 2013), <https://web.archive.org/web/20131024033044/http://tvbythenumbers.zap2it.com/2013/10/01/sunday-cable-ratingsbreaking-bad-wins-big-talking-bad-homeland-boardwalk-empiremasters-of-sex-more/205986/>

¹⁸ Kevin McFarland, *Talking Bad*, THE AV CLUB (August 12, 2013), <https://tv.avclub.com/talking-bad-1798177656>.

¹⁹ Nocera, *Can Netflix Survive?*, *supra* n. 11.

²⁰ Klebnikov, *Streaming Wars*, *supra* n. 6.

²¹ Brooks Barnes, *'The Town Hall of Hollywood.' Welcome to the Netflix Lobby*, THE NEW YORK TIMES (July 14, 2019), <https://www.nytimes.com/2019/07/14/business/media/netflix-lobby-hollywood.html>.

²² See, e.g., Erik Hoel, *Enter the Supersensorium*, THE BAFFLER 45 (May 2019), <https://thebaffler.com/salvos/enter-the-supersensorium-hoel>; Liz Pelly, *The Problem with Muzak*, THE BAFFLER 37 (December 2017), <https://thebaffler.com/salvos/the-problem-with-muzak-pelly>. Liz Pelly does a phenomenal job on her beat at *The Baffler* covering Spotify's practices as a gateway into discussing the stream-ification of the music world, and all of her articles should be considered essential reading on the topic.

²³ Corey Atad, *The Netflix-Twitter Complex*, THE BAFFLER (April 24, 2019), <https://thebaffler.com/latest/the-netflix-twitter-complex-atad>; see also Jerilyn Jordan, *Did Netflix Use Fake Twitter Accounts to Make 'Bird Box' Memes? Is Anything on the Internet Real?*, DETROIT METRO TIMES (December 28, 2018), <https://www.metrotimes.com/the-scene/archives/2018/12/28/did-netflix-use-fake>

[twitter-accounts-to-make-bird-box-memes-is-anything-on-the-internet-real](#); cf. Max Read, *How Much of the Internet is Fake? Turns Out, a Lot of It, Actually*, NEW YORK MAGAZINE: INTELLIGENCER (December 26, 2018), https://nymag.com/intelligencer/2018/12/how-much-of-the-internet-is-fake.html?utm_campaign=nym&utm_medium=s1&utm_source=tw.

²⁴ Bruce Haring, *Netflix Installs New Option to Turn Off “Autoplay” Feature and End Automatic Previews*, DEADLINE (February 6, 2020), <https://deadline.com/2020/02/netflix-new-option-turn-off-autoplay-feature-1202853649/>.

²⁵ Alex Hern, *Netflix’s Biggest Competitor? Sleep*, THE GUARDIAN (April 18, 2017), <https://www.theguardian.com/technology/2017/apr/18/netflix-competitor-sleep-uber-facebook>.

²⁶ Dominic Patten, *Netflix Promises More Viewership Data as Part of Greater “Transparency”, Ted Sarandos Says*, DEADLINE (April 16, 2019), <https://deadline.com/2019/04/netflix-viewership-data-promise-ted-sarandos-umbrella-academy-q1-earnings-1202597103/>.

²⁷ See Hoel, *Enter the Supersensorium*, supra n. 22.

²⁸ See Hallinan & Striphas, *Algorithmic Culture*, supra n. 8.

²⁹ See Codecademy, *Netflix Recommendation Engine*, CODECADAMY, <https://www.codecademy.com/articles/how-netflix-recommendation-works-data-science>.

³⁰ Lara Zarum, *Some Viewers Think Netflix Is Targeting Them by Race. Here’s What to Know*, THE NEW YORK TIMES (October 23, 2018), <https://www.nytimes.com/2018/10/23/arts/television/netflix-race-targeting-personalization.html>.

³¹ Zack Whittaker, *Yes, That Netflix Tweet Is Creepy – and Raises Serious Privacy Questions*, ZDNET (December 15, 2017), <https://www.zdnet.com/article/that-creepy-netflix-tweet-raises-serious-privacy-questions/>.

³² Alyza Zeltzer Hutnik, *Applying the Video Privacy Protection Act to Online Streaming*, KELLEY DRYE: AD LAW ACCESS (June 2, 2015), <https://www.adlawaccess.com/2015/06/articles/applying-the-video-privacy-protection-act-to-online-streaming/>.

³³ See Hern, *Netflix’s Biggest Competitor? Sleep*, supra n. 25.

³⁴ See Brian Beers, *How Netflix Pays for Movie and TV Show Licensing*, INVESTOPEDIA (August 6, 2020), <https://www.investopedia.com/articles/investing/062515/how-netflix-pays-movie-and-tv-show-licensing.asp>; Cf. Michelle Castillo, *Spotify IPO Filing Reveals How Insanely Complicated It Is to License Music Rights*, CNBC: TECH DRIVERS (February 28, 2018), <https://www.cnbc.com/2018/02/28/how-spotify-licenses-and-pays-for-music-rights.html>.

³⁵ Cf. Damon Krukowski, *Making Cents*, PITCHFORK (November 14, 2012),

<https://pitchfork.com/features/article/8993-the-cloud/> (“For the 5,960 times “Tugboat” was played [on Spotify], Galaxie 500’s songwriters went collectively into triple digets: \$1.05 (35 cents each).”).