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Los Angeles

The Digital Art House:
Independent Film Distribution in the Online Era

A dissertation submitted in partial satisfaction of the
requirements for the degree Doctor of Philosophy
in Film and Television

by

Katherine Marpe

2022

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2022

ABSTRACT OF THE DISSERTATION

The Digital Art House:
Independent Film Distribution in the Online Era

by

Katherine Marpe

Doctor of Philosophy in Film and Television

University of California, Los Angeles, 2022

Professor Denise R. Mann, Chair

By examining independent film distribution between 2010 and 2020, this dissertation argues that a new cycle of precarity in independent film history led to the rise of digital distribution methods such as self-distribution, the day-and-date release, and the acquisition and distribution of independent films by streaming platforms. After observing the rise of digital distribution, independent films can be seen in retrospect as one of the initial products exploited in the negotiation of power between theatrical and digital distribution. This negotiation of power is not only economic, but also cultural, with issues of legitimacy, curation, and inclusion at its forefront. Streaming has since triggered an entirely new definition of what it means to be an independent film in the online era, one defined less by theatrical exhibition, a culture of prestige, and an “art house” niche audience, and more so by an “anytime, anywhere” viewing culture, new structures and qualifications at film festivals and awards ceremonies, and algorithm-based viewer

targeting methods that further narrow the “art house” audience from niche to individual. However, this dissertation challenges the notion that Netflix and Amazon are “disruptors,” and instead argues that streaming platforms adopted practices already implemented by independent filmmakers and distributors in the decade prior. Advancement in technological capabilities, and with it, the symbolic value of digital distribution, allowed technology companies to capitalize on simultaneous or exclusively digital release methods and target independent film properties because of the evidence that digital delivery was already successful for these products. Through interviews with independent filmmakers and distributors, a critical reading of industry trade press, analysis of the algorithms and interfaces that deliver these films, and a close look at the distribution of films like *Four Eyed Monsters* (2005), *Margin Call* (2011), *Manchester By The Sea* (2016), and *Justine* (2020), the dissertation that follows will illustrate how the practices of independent filmmakers, distributors, and streaming platforms are changing to adapt to new norms. Therefore, this research is part of the evolving history of independent film and represents a continuation of the ever-changing definition of what it means to be “independent.”

The dissertation of Katherine Marpe is approved.

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2022

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CHAPTER ONE

INTRODUCTION

Just days after Netflix CEO Reed Hastings announced the company's plan to double their investment in original content, specifically feature films, Netflix Chief Content Officer Ted Sarandos gave the keynote address at the 2013 Film Independent Forum. Sarandos' speech claimed that consumers wanted shorter distribution windows, arguing that the current standard of the 90-day theatrical window, strictly enforced by theater owners, was stifling innovation in film distribution; in Sarandos' words, "Not only are they going to kill theaters, they might kill movies."¹ The venue for this message was no accident; Netflix knew the company was heading in a direction that would change the business models of independent film distribution and exhibition. In the mid-2010s, Netflix began targeting independent film markets to participate in the acquisition and distribution of feature films, a practice that would later become the foundation of Netflix's original content efforts.

Also in 2013, independent film theatrical distributors like Magnolia, Roadside Attractions, and RADiUS were using the day-and-date release strategy – simultaneously releasing films in limited theaters and digital video-on-demand on the same day – to supplement box office profit on their independent film titles. To distributors, Sarandos' speech confirmed their fear that Netflix was not only entering the independent film market, but it was also building upon similar methods of digital distribution. When asked for his reaction to the keynote by *Indiewire*, Dylan Marchetti, SVP of Acquisitions and Theatrical Distribution at the independent film distributor Variance Films responded:

1. Film Independent, "Netflix's Ted Sarandos – Keynote Address, 2013 Film Independent Forum," YouTube, October 26, 2013, accessed March 18, 2022, <https://youtu.be/Nz-7oWfw7fY>.

... he knows that any resistance here isn't to day-and-date releasing, it's to "day-and-date and also free for Netflix subscribers." Windows are important, and they are a science, and Sarandos knows that too... if they weren't, we'd see *House of Cards* running on NBC at the same time it showed up on Netflix. After all, everyone with a TV gets NBC, so aren't access to all those eyeballs what's best for the show? Not necessarily — because this isn't checkers, it's chess.²

Marchetti's statement captures an emotion that was not exclusive to Sarandos' keynote in 2013, nor was it exclusive to independent film distributors. This sentiment echoes the polarization that was building between technology platforms and film institutions (including studios, independent distributors, exhibitors, festivals, and awards) for over a decade, marking an important shift in the way both producers and consumers understand the distribution of media today.

The digital distribution of media has been increasingly studied by media industries scholars in the past decade. As early as 2013, Stuart Cunningham and Jon Silver wrote a critical analysis of the ways in which major technology companies affected the global distribution of media products.³ Alisa Perren has not only written about the exploitative practices in independent film distribution in *Indie Inc.: Miramax and the Transformation of Hollywood in the 1990s* but she also contributed formative articles on changing distribution practices as the industry adopts digital delivery methods.⁴ The

2. "Attention, Ted Sarandos: Indie Distributors Have Something to Say To You," *IndieWire*, November 6, 2013, accessed March 18, 2022, <http://www.indiewire.com/2013/11/attention-ted-sarandos-indie-distributors-have-something-to-say-to-you-33224/#articleHeaderPanel>.

3. Stuart Cunningham and Jon Silver, *Screen Distribution and the New King Kongs of the Online World*, (New York: Palgrave Macmillan, 2013).

4. For Alisa Perren's work referenced above, see: *Indie, Inc: Miramax and the Transformation of Hollywood in the 1990s*, (Austin: University of Texas Press, 2012); "Business as Unusual: Conglomerate-Sized Challenges for Film and Television in the Digital Arena," *Journal of Popular Film and Television*, 38 (2010): 72-78; "Rethinking Distribution for the Future of Media Industry Studies." *Cinema Journal*, 52:3 (Spring 2013): 165-171.

anthology entitled *Digital Media Distribution: Portals, Platforms, and Pipelines* enlists the work of contemporary media industries scholars, such as Paul McDonald, Patrick Vonderau, Amanda Lotz, Timothy Havens, and Roman Lobato, to interrogate the consequences from the rise of streaming platforms such as media circulation, the content supply chain, and the negotiation of economic value.⁵ However, only a few scholars have acknowledged that streaming platforms were not the first to find success with simultaneous or direct-to-consumer distribution models. Instead, it was theatrical independent film distributors that developed similar digital distribution strategies using cable video-on-demand or online rental platforms almost a decade prior, setting a precedent for the digital distribution of independent film that the streaming platforms could easily exploit. Therefore, this dissertation will prove that it was the innovations first made by independent distributors that paved the way for streaming companies to succeed in the independent film marketplace, to which they may attribute their eventual success as a competitor in Hollywood. This exploitation of independent film products is not new; it is part of a continual assimilation of independent film by mainstream forces seen throughout independent film history, as dominant industrial powers observe and capitalize on the success of independent film practices and cultures.

By examining independent film distribution between 2010 and 2020, this dissertation argues that the digital distribution of independent film followed a similar pattern, this time fueled by the technological and cultural shifts occurring at the same time. In this iteration of the cycle, the digital distribution practices – such as the day-and-date release developed by independent theatrical distributors in the early 2010s as a way

5. Paul McDonald, Courtney Brannon Donoghue, and Timothy Havens, eds. *Digital Media Distribution: Portals, Platforms, and Pipelines* (New York: New York University Press, 2021).

to circumvent the studio-saturated theatrical space – normalized the digital distribution of independent films and allowed streaming services like Netflix and Amazon to adopt similar business models in the independent film marketplace by the end of the decade. As subscription video on-demand (SVOD) services gained power, studios developed their own direct-to-consumer platforms to remain competitive, which commercialized the digital distribution space overall.⁶ In this context, independent films can be seen as one of the initial products exploited in the negotiation of power between theatrical and digital distribution. This negotiation of power is not only economic, but also cultural, with issues of prestige, curation, and representation at its forefront. To navigate the stigma of straight-to-digital releases, the pursuit of critically-acclaimed independent films connected SVODs with the higher cultural value associated with these products. Streaming platforms have since triggered an entirely new definition of what it means to be an independent film in the online era, one defined less by theatrical exhibition, a culture of prestige, and an “art house” niche audience, and more so by an “anytime, anywhere” viewing culture, new structures and qualifications at film festivals and awards ceremonies, and algorithm-based viewer targeting methods that further narrow the “art house” audience from niche to individual. As this dissertation argues, the monopolization of the independent film market by streaming platforms pushed many independent distributors back to the margins, including those that originated these very digital distribution models, therefore continuing this repetitive cycle of commodification in independent film history.

6. After Netflix, Amazon Prime Video, and Hulu, Disney launched Disney+ in November 2019, Apple launched Apple TV+ in November 2019, Warner Media developed HBO Max in May 2020, NBC Universal launched Peacock in July 2020, and Viacom launched Paramount+ in March 2021.

A Brief History of Independent Film Distribution

This project lies at the intersection of two areas of study: the industrial history of independent film and emerging research on technology and communication platforms in film distribution. The following chapters examine where, how, and why these two paths crossed. However, first illustrating the “when” provides important context in understanding the historical moment when these changes unfolded. The subsequent chapters will be organized chronologically based on the following timeline.

Before any comprehensive study of independent film history, it is important to first understand the term “independent” through the Foucauldian logic of discourse. According to Michel Foucault, the definition of a discourse is to “bring cultural objects into being by naming them, defining them [and] delimiting their field of operation.”⁷ As many independent film historians have addressed, the definition of “independent” changes as it is determined by the contexts of historical time, geographic location, and the product’s industrial and cultural function. Sherry Ortner discusses the discourse of independent film as, “always a reactive discourse, always set strongly against certain stereotypic notions of ‘Hollywood.’”⁸ This is certainly true today as streaming platforms begin defining a new era of independent film distribution. Similarly, Yannis Tzioumakis makes the point that, “as discourses are produced and legitimated by socially authorized groups, it is obvious that there are parties who stand to gain through their association with American independent cinema (and through the exclusion of other parties or

7. Robert Stam, Robert Burgoyne and Sandy Flitterman-Lewis, *New Vocabularies in Film Semiotics* (London and New York: Routledge, 2005), 216.

8. Sherry Ortner, *Not Hollywood: Independent Film at the Twilight of the American Dream* (Durham: Duke University Press, 2013), 30.

groups).”⁹ The nuances of legitimacy, authority, and what specific groups hope to gain are central to the negotiations of power in the film industry at this time, particularly when taking into account issues of diverse and underrepresented voices in cinematic history, ones that have historically found distribution through innovative independent distribution practices because they are paradoxically vulnerable to both the high barriers to entry controlled by predominantly white/straight/cisgender/male decision makers, as well as being taken advantage of for the symbolic gain of equity or cultural capital by the very same institutions. Understanding independent film in a variety of discourses such as this help us understand the role independent film plays in the negotiations of power in a time of vast industrial, economic, and cultural shifts as digital distribution emerged.

What likely comes to mind for most scholars when discussing independent film are two distinct eras in film history: the independents in early cinema that evolved into major players in the studio era such as Universal, Fox, Paramount, and MGM, and a more recent era of independent film beginning in the 1990s, retrospectively named the Sundance-Miramax era. The latter dramatically changed the discourse of independent film as we know it today. Miramax developed exploitative marketing practices that launched independently-produced films, particularly those that had “crossover” potential from niche to mainstream audiences, into public popularity. As Alisa Perren writes in *Indie Inc.*, Miramax understood how to negotiate and manipulate this discourse in a way that changed not only independent film products, but the industry around it:

When appropriate, Miramax certainly exploited discourses of independence that appealed to those possessing greater cultural capital. Indeed, employing such strategies aided the company as it cultivated one of the most recognizable brand identities in contemporary film. Though its roots may have been in the independent film world, and it readily tapped into those discourse as needed, the

9. Tzioumakis, *American Independent Cinema*, 11.

company should not be seen solely in terms of how it ‘made independent film mainstream.’ To do so is to minimize the company’s more wide-ranging impact on film festivals, acquisitions, production budgets, distribution, marketing exhibition, talent development, and multimedia exploitation, along with its influence on critical and cultural discourses about ‘independence’ and the ‘mainstream.’

Miramax changed the discourse around independent and mainstream products for both audiences and industry practitioners in a way that made a substantial and lasting impact. Several independent distribution companies found similar success during this time, and it was not long until the Hollywood studios adopted the same strategy, forming their own independent film divisions such as Focus Features and Fox Searchlight. Miramax was eventually purchased by Disney, which led to its ultimate demise in 2005. From this point forward, studio specialty divisions would dominate independent film distribution using the Miramax model.

The mid-2000s became a time of panic for independent film. The opening of studio independent film divisions threatened small-scale independent distributors, which in turn raised the barrier to entry for independent films to succeed on the market. Discursively, the definition of independent film changed again, now from an industrial/economic-based definition to a style/aesthetic-based definition. The studios were in control, making the products no longer “independent” from studio financing; however, they adopted similar formal elements that replicated the look and feel of independent films made famous by independent distributors. In other words, the independent film style was still popular, but economically, it was harder to make an independent film than ever before.

Industrially, independent filmmakers and distributors outside of studio control began adopting new distribution models, often experimenting with emerging digital tools. Companies like Roadside Attractions, Magnolia, and RADiUS established the day-and-

date model using the new resources of video on-demand to get films in the homes of audiences. Here, the discursive understanding of independent film changes once again: not only economic, industrial, stylistic, or aesthetic, but also defined by the way the films are delivered to and consumed by audiences.

In the late-2000s, around the same time that independent distributors were experimenting with day-and-date release strategies, new technology companies emerged that focused on streaming media content. In 2007, Netflix expanded from a mail-in DVD rental service to a digital streaming platform, Amazon Prime unveiled its Instant Video service, and the top four television networks embarked on a joint-venture streaming platform called Hulu to exploit their television back-catalogs. At the time, these platforms were deemed technology companies that licensed content from the dominant media conglomerates; however, it was not long before these platforms experimented with original content distributed exclusively on their platforms. Streaming platforms' original content started as episodic programming that rivaled television, and the television industry was the first to feel threatened by the tech companies' breakthrough in entertainment.

However, for the distribution and consumption of feature films, it was arguably the day-and-date model that began the transition to digital film distribution in the eyes of both industry practitioners and their audiences; although new technology platforms were being utilized in the practice of day-and-date distribution, it was the decision by independent distributors to deliver their product to audiences via digital purchase or rental at the same time as their theatrical release that initiated the normalization of on-demand viewing practices for new entertainment products. However, between 2015 and 2017, Netflix and Amazon entered the film market and adopted business models that

looked similar to the day-and-date release, either by adhering to an agreed-upon, albeit shorter, windowing schedule in theaters (Amazon), or participating in a very limited theatrical run, if in theaters at all, while simultaneously making the film available to subscribers on their platform (Netflix). By 2018, subscription streaming platforms were operating as their own vertically integrated media conglomerates, producing, distributing, and exhibiting their own film and television products.

Today, it is easy to see the substantial effect streaming services had on the structure of contemporary Hollywood. In both trade and scholarly discourse that emerged following the rise of SVODs, these streaming services are blamed for the precarious state of theatrical exhibition, film festivals, independent distributors, and even legacy Hollywood studios.¹⁰ However, this dissertation argues against the notion that Netflix and Amazon are “disruptors,” which implies that the distribution models practiced by technology companies worked against comparable media industry business structures. Instead, SVODs adopted practices already being experimented with and implemented by independent film distributors. SVODs therefore targeted independent film properties because of the evidence that digital delivery was already successful for these products, and due to the many opportunities these products would grant emerging competitors in the field, such as the convenience of purchasing a completed film, the appeal toward a niche rather than wide audience, and the symbolic connection to film institutions that determined quality and prestige such as awards and festivals, and diverse and underrepresented voices. Echoing Marchetti’s quote at the start of the chapter, “it’s not

10. For a comprehensive study of both trade and scholarly discourse that uses the “disruption” rhetoric in association with streaming platform, see: Gerald Sim, “Individual Disruptors and Economic Gamechangers: Netflix, New Media, and Neoliberalism,” in *The Netflix Effect: Technology and Entertainment in the 21st Century* eds. Kevin McDonald and Daniel Smith-Rowsey, (London: Bloomsbury, 2016).

checkers, it's chess," this dissertation demonstrates that emergence of technology companies in the film market was strategic, and the rise of the SVODs was dependent upon the precarity of the independent film market at the time. Therefore, this research is part of the evolving history of independent film and represents a continuation of the ever-changing discourses of the term "independent."

The next section outlines the four different sites of change caused by the digital distribution of independent film in contemporary Hollywood. The adoption of old *distribution* models is reimaged by new *technological* systems, such as algorithmic targeting methods, data-driven curation, and a restructuring of in- and off-platform marketing. Considering both the shifting distribution practices and changing methods of consumption, the notion of the cinematic audience is redefined by the limiting or altogether absence of theatrical *exhibition*, and the growing acceptance of home-viewing. Finally, the idea of *cultural capital* is continuously negotiated, not only to legitimize streaming platforms and their place in Hollywood, but also through the cultural negotiations of prestige both within the film industry and in the eyes of film consumers, causing a variety of polarizations centered around digitally distributed entertainment products. While the chapters follow a chronological progression of independent film distribution practices, each chapter will consistently examine these four sites of change in each era.

Distribution, Technology, Exhibition, and Cultural Capital

The changes seen in film distribution today are often defined by their polarities; entertainment industry practitioners, scholarly and trade discourse, as well as public opinion are conflicted given the way our new media consumption culture both enhances

and detracts from experiences with media content. Throughout the chapters that follow, this dissertation illuminates the ways independent film is used as an object in these cultural negotiations, focusing on four distinct areas: distribution, technology, exhibition, and cultural capital.

Distribution

Whether or not digital distribution is an advantage or disadvantage to independent film is dependent upon the perspective from which one looks. A common paradigm used by many scholars, practitioners, and consumers argues that streaming platforms have created a more democratic playing field in contemporary Hollywood, providing more opportunity for films that may not have reached audiences in the current theatrical climate. For example, in Dina Iordanova and Stuart Cunningham's anthology *Digital Disruption: Cinema Moves Online*, the arguments made in the introduction as well as many of the claims made by the individual authors suggest that digital distribution increases the chances for a transborder flow of niche and peripheral content and focus on the largely positive ideals of transnational media flow using digital distribution technologies.¹¹ Looking specifically at independent film products domestically, Geoff King's *Indie 2.0: Change and Continuity in Contemporary American Indie Film* notes that after the fall of the Sundance-Miramax era in the mid-2000s, few mid- to low-budget films found their way to screens as studios, theaters, and audiences prioritized mega-budget tent poles. King talks about these changes in the context of both the opportunities

11. Dina Iordanova and Stuart Cunningham, eds. *Digital Disruption: Cinema Moves On-Line* (St. Andrews: Dina Iordanova, 2012), 1-2.

it presents for more democratic means of production and distribution of digital video, as well as the crisis that emerged within the established business models used in the creation and circulation of independent films.

As my work also claims, by the end of the 2000s many films struggled to find theatrical distribution unless they had a significant budget or appealed to the now highly selective independent divisions of major studios, leading to many filmmakers turning to self-distribution or emerging opportunities for digital distribution. According to King, there were many channels through which filmmakers could bypass the dominant Hollywood players, “the digital word has potential to offer a number of alternative channels, ranging from digital exhibition in conventional or alternative venues to the use of the internet, either as a resource for direct sale on DV or as a medium for distribution/sales by streaming video or download.”¹² What is most significant about this new method of independent distribution, King notes, is the simplification of the film-value chain, or a reduction of intermediaries, and consequently release windows, that take a share of the film’s profit. He explains, “a contraction in the chain offers considerable advantages to smaller-scale indie operation by removing several layers of dependence on others and creating the potential for closer and more direct links with target audiences.”¹³ In the early-2010s, theatrical distributors experimented with this through the day-and-date distribution method, not only creating an additional revenue source, but also manufacturing a new business model upon which the SVODs would later base their original film initiative.

12. Geoff King, *Indie 2.0: Change and Continuity in Contemporary American Indie Film* (New York: I.B. Tauris & Co Ltd, 2013), 79.

13. King, *Indie 2.0*, 86.

However, these same opportunities present equally important challenges to the distribution of independent films. The first, potentially detrimental effect is a symbolic reliance on the “algorithm” as the primary vehicle to direct consumers to content. This phenomenon is evaluated in recent research on the transmission of data and information. Notably Patrick Vonderau’s “Questioning the Content Supply Model: A Provocation” brings attention to the fact that distribution is no longer simply about the movement from producer to consumer, but now relies on “complex data traffic that involves connections between a broad variety of actors, networks, and infrastructures dispersed around the globe.”¹⁴ Vonderau explains the consequences of data-driven distribution on the value of media content, claiming that this shift to digital media infrastructures has transformed film and television products from valued artifacts to ephemera, or as he puts it, “waste that is deeply buried in storage.”¹⁵ This idea of “cloud-based” infrastructures turning media products into ephemera may have led Netflix’s critics to argue that while the choice of content is abundant, the choice of *quality* content is limited. This phenomenon is particularly pertinent to the discussion of independent film distribution, as many of Netflix’s critics have argued that the platform’s emphasis on abundance has negatively impacted previous associations of independent film with prestige and quality.¹⁶

14. Patrick Vonderau, “Questioning the Content Supply Model: A Provocation,” in *Digital Media Distribution: Portals, Platforms, and Pipelines* ed. Paul McDonald, Courtney Brannon Donoghue, and Timothy Havens (New York: New York University Press, 2021).

15. Patrick Vonderau, “The Politics of Aggregation,” *Television & New Media*, 16, no. 8 (2015), 729.

16. The “quantity-over-quality” argument in reference to Netflix Originals has been seen in the trades as early as 2016 and as recently as 2022. For examples, see: Sean Hutchinson, “There Just Too Many Netflix Originals,” *Inverse*, May 3, 2016, accessed May 3, 2022, <https://www.inverse.com/article/15104-netflix-originals-value-quantity-over-quality-and-that-may-hurt-them>; and Kim Masters and Matthew Belloni, “Too Fast and Furious: Netflix Focuses on Quantity over Quality,” *Hollywood Breakdown*, April 29, 2022, accessed May 3, 2022, <https://www.kcrw.com/culture/shows/hollywood-breakdown/netflix-leadership-subscribers>.

A similar idea from the perspective of the consumer is commonly referred to as the “overabundance of content,” a paradigm also widely discussed among critics, popular press, and audiences. Overabundance of content leads to another issue specific to the business of film distribution: the marketing of digitally distributed films. SVODs rely on the “algorithm” and data collected from user viewing habits in the marketing process; in fact, a common rhetoric used to explain this process by a Netflix employee is that their algorithmic targeting methods are “built-in marketing.” While this can appear as an enhancement for the streaming platform, it becomes a challenge for the independent filmmakers and producers who, in the absence of proper marketing provided by the distributor, must either navigate new forms of marketing within a digital ecosystem, or they must take the position of marketer themselves. Although taking on the responsibility to promote their film was not a new phenomenon for independent filmmakers, this practice was exaggerated by the overabundance of content and overreliance on algorithmic recommendation systems in the streaming era. As independent film producer Ted Hope writes that in the digital age, both audiences and filmmakers are “more sophisticated than ever,” claiming that, “we can now reach out online and mobilize others to vote both with their feet and their dollars, to act not on impulse, but the knowledge and experience that comes with a highly connected, digital universe.”¹⁷ Reading this statement critically certainly invokes repetitive notions of technological utopianism popular in the mid-2010s when it was written; however, it also suggests that due to that technology, both audiences and filmmakers contribute more labor in their viewing practices to self-promote and self-curate media products. As both claims demonstrate, these changes in

17. Ted Hope, *Hope for Film: From the Frontlines of the Independent Cinema Revolutions*, (Berkeley: Soft Skull Press, 2014), 22.

distribution practices prompt even larger questions about the role of technology in contemporary media distribution and consumption.

Technology

Alongside the technological boom of the twenty-first century emerged network culture: the social and cultural practices allowed by the vast digital space and its different modes of communication, which encouraged dynamic interaction among individuals as well as the abundance and acceleration of knowledge. While the study of network culture is largely rooted in social science and communications research, the shifts that took place in the recent decade undeniably affect the media industries, particularly the distribution and dissemination of media products. Therefore, to accurately provide the historical context for the rise of digital distribution in the independent film industry, this project must also study the rise of network culture that happened concurrently. Yochai Benkler provides a useful analysis of technological shifts and how it has manifested itself in the media industries in his book, *The Wealth of Networks: How Social Production Transforms Markets and Freedom*. As he describes, the “industrial information economy” in the nineteenth and twentieth centuries was characterized primarily by mass communication, or the desire to communicate with people on a large scale, leading to the development of large-circulation mechanical presses, the telegraph, radio, and later television. Benkler elaborates, “wanting to communicate with others was not a sufficient condition to do so,” as information distribution systems were in the hands of few.¹⁸ Written in 2006, Benkler claims that the networked information economy will cause a

18. Yochai Benkler, *The Wealth of Networks: How Social Production Transforms Markets and Freedom* (New Haven: Yale University Press, 2006), 4.

transformation that will leave the economy in the hands of this network of individuals instead of the twentieth-century producers of information, culture and communication; this redistribution of power will be a result of “social and political action aimed at protecting the new social patterns from the incumbents’ assaults.”¹⁹ While we have not seen an absolute redistribution of power away from media conglomerates, it is possible to see Benkler’s prophecy as a realistic description of the balance of power in media distribution today; mass media institutions are certainly in a state of panic as individuals prefer new social patterns governed by a new logic. Platforms like Netflix and Amazon adhere to the affordances such as algorithmic recommendations and an interface that prefers the streaming sites’ “original content” to that of mass media distributors. This type of social and cultural production is made easier by an increasingly accessible online network in Benkler’s networked information economy. However, at the same time, Matthias Frey argues in *Netflix Recommends: Algorithms, Film Choice, and the History of Taste* that traditional modes of human curation are still prevalent under the veil of algorithmic systems. This dichotomy between human and algorithmic influence illustrates the balance of power still taking place as industries and consumers understand new digital systems. These systems often include “affordances” or “protocols”: algorithms that allow the desired logic to appear natural to the user or consumer. While it appears the consumer is guiding the supply and demand, Netflix’s algorithms are guiding these consumers into their seemingly autonomous choice. This dissertation explores how this shift in logic has created an ambiguous relationship between producers, consumers, and service providers where power is in a tug-of-war between these three players today.

19. Benkler, *The Wealth of Networks*, 23.

Exhibition

A very public display of this negotiation of power takes place around the topic of film exhibition. Industry and trade discourse has been vocal about the decline of the theatrical box office and are quick to blame digital distribution as its cause. As streaming platforms and digital distributors continue to ignore the previously-agreed-upon theatrical windowing period, large theater chains have become increasingly skeptical, if not plainly combative, about digitally distributed independent films since the start of day-and-date distribution. In more recent months, these chains have refused to work with companies that allowed a film to appear on a streaming platform within that window. Amazon Studios took a more traditional approach to their exhibition strategy, often partnering with independent film distributors to carry out the three-month theatrical run before allowing the film to appear on the streaming service after that theatrical window. However, Netflix has always defended their approach to release the film on the platform at the same time as its appearance in theaters, if the film appears in theaters at all, arguing that their main priority is their subscribers. These streaming platforms have ultimately led to various, and sometimes confusing, viewing options for audiences, while in reality, at-home viewing options for audiences had been increasing since the early 2010s. Elissa Nelson's "Windows Into The Digital World: Distributor Strategies and Consumer Choice in an Era of Connected Viewing" explains how traditional distributors used new windowing strategies in the wake of digital distribution to provide both greater access and greater value to content, and additionally, how consumers are adjusting to and navigating

rapidly changing viewing options.²⁰ As Nelson's article implies, independent films were the easiest products to aid in the transition to home viewing, with less reliance on spectacle and a track-record of success on DVD and rental, studios were more willing to adapt to alternative windowing schedules for these products. This also caused a shift in the understanding of the audience, as historically niche audience demographics such as those targeted for many independent films are not often enough to sustain a theatrical run but can present sufficient additional income for the film in at-home rental profits.

However, looking at the larger media distribution ecosystem, digital distribution causes a major concern in the negotiation of power between media conglomerates and technology platforms. First and foremost, streaming platforms are vertically integrated companies, controlling the means of production, distribution, and exhibition of their products. Netflix, for example, after acquiring an independent film, often buys exclusive and all-encompassing rights to that film; the film will only be shown on their platform and there are no other opportunities for ancillary profit.²¹ This is exacerbated by Netflix's expansion into exhibition, particularly after purchasing Hollywood's Egyptian Theatre, a trend that is hard not to link to the Hollywood oligopoly of the early studio era.²² This vertically integrated control of media products presents another polarization: while some argue that digital distribution provides more opportunity for independent films to reach

20. Elissa Nelson, "Windows Into The Digital World: Distributor Strategies and Consumer Choice in an Era of Connected Viewing," in *Connected Viewing: Selling, Streaming, & Sharing Media in the Digital Age* eds. Jennifer Holt and Kevin Sanson, (New York: Routledge, 2013), 62-78.

21. Dorothy Pomerantz, "How The Netflix Model Can Screw Filmmakers," *Forbes*, March 19, 2015, accessed March 18, 2022, <https://www.forbes.com/sites/dorothypomerantz/2015/03/19/how-the-netflix-model-could-screw-filmmakers/?sh=22733cef3c47>.

22. Chris Lindahl, "Netflix Finally Sealed the Deal on Hollywood's Egyptian Theatre, but Not Everyone Is Happy," *Indiewire*, May 29, 2020, accessed May 4, 2022, <https://www.indiewire.com/2020/05/netflix-buys-egyptian-theatre-1202234279/>.

audiences, the situation can also be seen as SVODs replacing those high barriers to entry with a new vertically integrated oligopoly in entertainment, now controlled by Silicon Valley rather than Hollywood studios. The next section will expand on these opposing paradigms within industry discourse, and the specific effects of these polarizations will be discussed in the chapters that follow. However, while the business strategies involved in the distribution and exhibition of digitally distributed independent films provide questions around the economic impact of streaming platforms, the cultural impact offers even more stark polarizations on this issue.

Cultural Capital

There have always been conflicting symbolic meanings associated with digital distribution, specifically, the issue of cultural capital, or the negotiation of power associated with status, prestige, and legitimacy. James English's book *The Economy of Prestige* examines the balance between art and commodity in the culture industries, primarily through the lens of prizes and awards. The film industry is clearly addressed, as institutions like the Academy Awards play a significant role in this negotiation of power, particularly for distribution companies that focus on independent film products. English argues that every form of capital works together as a whole, whether that manifests as actual monetary capital, or cultural capital in the form of a prize or a collaboration with "brand name" talent. Sometimes the inclusion of sociocultural issues such as race, gender, and sexuality may be perceived to provide additional cultural value to a historically exclusionary system. Independent films themselves have also gained their own symbolic capital due to their association with artistic pursuits, issue-based narratives, and a historic pattern of awards nominations. Independent film distributors adhere to a set of

cultural negotiations that revolve around awards and prizes, that do, indeed, increase the company's symbolic capital, but also plays an undeniable economic role. These symbolic meanings became polarized after the introduction of subscription streaming platforms, and it is difficult to disassociate their oppositions. First and foremost, the evolution of digital distribution manages to both perpetuate and overcome its own stigma. Day-and-date was often associated with straight-to-DVD, and filmmakers often saw it as a sign that their film was not strong enough to support a theatrical release. However, when the digital distributor of those films became associated with Silicon Valley, which has its own elevated cultural value attached, that stigma changed meaning; some felt the association with Silicon Valley to be positive, while others remained skeptical of this new form of distribution.

Similar polarizing values emerge from prestige institutions such as film festivals and awards ceremonies. Film festivals have been the site of the most conflicting cultural negotiations on this topic. When Netflix and Amazon appeared at Sundance 2016, each buying seven to ten films – triple the norm of theatrical distributors' acquisitions – some industry players saw this as a sign of changing tides, and Sundance has ultimately done little to manage the involvement of SVODs at the festival. Cannes, however, took the opposite approach, banning Netflix from entering their films in the prestigious festival's competition unless they agreed to a traditional theatrical release in France. And to provide an example of the polarization seen in response to a single film at the festival, Netflix's *Okja* (Bong, 2017) was booed at the start of its first Cannes press screening when the Netflix logo appeared, only to receive a standing ovation after the film's premiere later

that day.²³ Similar examples appear in the awards space when we observe the digitally distributed films that do and do not receive awards attention, as awards institutions seem to both embrace and dismiss films distributed by streaming platforms. Steven Spielberg raised the question of whether a film deserves to be nominated for an Oscar at all if it is distributed digitally, instead suggesting they may instead qualify for Emmys, only to then admire the platform for taking chances that studios are not taking, echoing the polarizations in the industry at large.²⁴ These cultural negotiations, though starkly polarized, potentially offer even greater value to the analysis of digital distribution and its impact on media consumption in the online era.

By understanding the polarities in these four areas, this dissertation will argue that streaming platforms' decision to acquire and distribute independent films was purposeful and strategic, and that such moves were only the start of their eventual rise as major players in Hollywood. To aid in this discussion, the chapters that follow draw from a variety of scholarly disciplines and texts to provide theoretical context for the topics above.

Literature Review

Since the mid-2000s, cinema and media studies scholarship had to adapt to the changing digital distribution landscape, and as addressed by media scholars like Alisa

23. Chris Gardner, "Cannes: Netflix's 'Okja' Premiere Gets Four-Minute Standing Ovation After Press Screening Snafu," *The Hollywood Reporter*, May 19, 2017, accessed March 21, 2022, <https://www.hollywoodreporter.com/news/general-news/okja-netflixs-cannes-premiere-gets-four-minute-standing-ovation-press-screening-snafu-1005530/>.

24. David Sims, "Steven Spielberg's Netflix Fears," *The Atlantic*, March 27, 2018, accessed March 18, 2022, <https://www.theatlantic.com/entertainment/archive/2018/03/steven-spielbergs-netflix-fears/556550/>.

Perren and Sean Cubitt, the study of media distribution itself is still at its infancy.²⁵ Seeing that this project investigates changes in media distribution that are still ongoing at the time of this writing, and therefore, scholarly writing on this topic is new and still emerging, to supplement my arguments I draw on a large body of interdisciplinary research to inform this topic. The literature used as a foundation for my study comes from three central research questions: (1) How does digital distribution of independent film extend the scholarship on *independent film history* in new directions, and how is “independent” now defined within this new context? (2) What ideas can be adopted from, contested with, and built upon the existing *media industries scholarship on digital film distribution*? And (3) how does this research fit within the larger discourse on *social media and network culture*, particularly society’s shift from mass media logic to social media logic? While sufficient research has been done to document and explore each of these three areas at large, there has not yet been an in-depth study of streaming practices used specifically for independent films from a critical media industries perspective. A few texts begin to document these changes broadly, so my study therefore builds upon this research to investigate the innovations and reiterations present in our contemporary era of digital distribution of independent film. As you will see in the pages that follow, the chief arguments made about digital distribution beginning in the mid-2000s rely on similar paradigms seen in industrial and trade discourse outlined above, such as the idealistic, democratic notions of Web 2.0, technology as a “disruption” of existing media business models, or digital distribution as an evolution of innovative independent film industry. Instead, I argue that scholars should not rely on these overused code words and

25. See: Perren, “Rethinking Distribution for the Future of Media Industry Studies”; Sean Cubitt, “Distribution and Media Flows,” *Cultural Politics* 1, no. 2 (2005): 193-214.

habitual trade paradigms, but instead explore in detail how independent film distribution was affected by larger technological, industrial, and cultural shifts, marked by our contemporary digital culture's move from mass media to streaming.

History of Independent Film

While the cultural and industrial histories of independent film have been previously discussed in this chapter with a particular focus on the changes brought about during the Sundance-Miramax era, the details of the scholarship on this subject warrant further examination to provide context for contemporary changes in the field. Due to the slippery nature of its definition, independent film scholarship often begins by interrogating the meaning of “independence,” and each author takes a different approach to their definition depending on the context from which they are writing. Industrially and economically, “independent” generally points to an independence from a major studio, or today, a major media conglomerate. In *Indie: An American Film Culture*, Michael Newman makes an interesting correlation in the claim that independent cinema is always defining itself in opposition to something else: not Hollywood, not mainstream, and not commercial.²⁶ Stylistically and formally, Yannis Tzioumakis claims in *American Independent Cinema: An Introduction* that these films generally deviate from norms, playing with the conventions of classical Hollywood cinema.²⁷ Independent cinema is also defined based on its authenticity; in Newman's words, “to be independent is to be free, autonomous and authentic” implying both economic authenticity outside studio funding,

26. Michael Z. Newman, *Indie: An American Film Culture* (New York: Columbia University Press, 2011), 4.

27. Tzioumakis, *American Independent Cinema*, 11-14.

as well as artistic authenticity, true to the filmmaker's vision.²⁸ For many, independent cinema evokes a certain film culture; this includes the community of filmmakers that share a set of artistic and professional values, institutional gathering places such as festivals or art house theaters, as well as audiences that associate certain emotional and symbolic ideas to what they see as an "independent" film.

However, it is important to recognize that the definition of independent is often based on its historical context as well, the place in cinematic history where the author chooses to begin. Tzioumakis' *American Independent Cinema* tracks the definition of "independence" from the advent of motion pictures to what can be classified as an independent film today. Here, he makes the argument that the studios themselves could even be considered independent before they formed the oligopoly of the studio era. Denise Mann's *Hollywood Independents: The Postwar Talent Takeover* investigates what retroactively could be called independent cinema, the hyphenate filmmaker-producers of the post-war, post-studio era. Within each of these historical contexts, the authors illustrate the industrial, economic, stylistic, or cultural elements that are also redefined, not exclusive to independence itself but to the definition of independence in that moment in cinematic history. Positioning the definition of independence historically is an important element inherent in the chapters that follow, specifically considering the new tools, companies, and players that have reshaped this definition using the technology of the online era. Chapter Two will explore questions that pick up where historical interrogations of independent film have left off, asking questions such as: How did online self-distribution by the filmmaker, or a simultaneous release by a theatrical distributor,

28. Newman, *Indie*, 4.

change the industrial definition of independence? How are SVOD platforms further complicating this definition, particularly if companies like Amazon are using these films as an advertising vehicle for their larger e-commerce platform? Scholars like Alisa Perren and Geoff King investigate the meaning of independence and how this definition changed in recent film history, providing a model for how my own research answers similar questions.

Alisa Perren's *Indie, Inc.: Miramax and the Transformation of Hollywood in the 1990s* provides a historical snapshot of the 1990s' "cinema of cool" and, as discussed in the next chapter, the downfall of which led to the contemporary independent film landscape as we understand it now. In fact, many of the studies on independent film end with the fall of the Sundance-Miramax era in the mid-2000s. In her book-length case study of Miramax and its business practices, Perren describes the Miramax brand of independent films as "quality indie blockbusters," or "a film that, on a smaller scale, replicates the marketing and box office" of a Hollywood blockbuster; popular examples include *Pulp Fiction* (1994) and *Good Will Hunting* (1997).²⁹ She calls this transition in independent film history the "cinema of quality" to the "cinema of cool," the former being the art house films of the 1970s and 1980s and the latter being the independent films of the Sundance-Miramax era. While the 1980s "cinema of quality" usually relied on word-of-mouth and critical praise as marketing tools, in the "cinema of cool," Miramax felt it was the responsibility of the company to find the film an audience through any means necessary so they used what became known as "exploitation marketing" to call attention to certain aspects of the film that would capture audiences, often simultaneously

29. Newman, *Indie*, 16.

promoting quality and popular culture.³⁰ For example, techniques like appealing to sex or violence, emphasizing the seriousness of the film (festival award winner, critical praise, etc.), or aligning it with lighter summer films (released in August, “edgy, intense comedy,” etc.) were all used to appeal to audiences.³¹ While this innovative new definition for independent film seemed to be a benefit to independent filmmakers in this era (higher budgets, wider distribution, etc.), the developments that followed ultimately threatened this independent film movement as they knew it at the time. As Miramax films became popular at the box office, Disney acquired the company as its independent film subsidiary. By the mid-1990s, Hollywood studios adopted and exploited the independent film trend by opening what became known as independent specialty divisions, focusing on the films that adhere to the loose set of stylistic and formal rules as well as innovative business practices outlined above. Indeed, in the era that followed in the mid-2000s, many of the films that were considered independent were largely coming out of independent divisions of major studios, contradicting the economic definition of independent film. As Perren concludes, this, accompanied by the general state of panic about declining box office numbers and the emergence of social media and user-generated content platforms, led scholars to start deeming the mid-2000s “the fall of independent cinema.”

This dissertation provides a similar study, considering the next iteration of independent film distribution after the “cinema of cool” era. There are parallels we can glean from these two time periods. The beginning of each is marked by independent filmmakers and theatrical distribution companies taking risks that led to the setting of new standards, only to be poached by larger companies that made these practices the

30. Perren, *Indie, Inc.*, 22-23.

31. Perren, *Indie, Inc.*, 35.

norm. In the Sundance-Miramax era these larger companies were the major media conglomerates, and today the dominating institutions are technology platforms, now acting as media distribution companies themselves. This research also adopts Perren's methodological approach, using a critical media industries perspective to explore the technological, industrial, and cultural changes that led to the contemporary distribution landscape today.

Sarah E. S. Sinwell's *Indie Cinema Online* and Geoff King's *Indie 2.0: Change and Continuity in Contemporary American Indie Film* are some of the few texts that attempt to capture the new definition of independent film in the digital age. Published in 2020, Sinwell's text covers the same time period as this dissertation, however, Sinwell's scope reaches across independent film production, distribution and exhibition. By redefining American independent cinema in the age of convergence, Sinwell provides a useful foundational overview of independent cinema in the digital age.³² Similarly, King's *Indie 2.0* "implies that this has been a period of change, a new iteration of the indie model."³³ As mentioned in the previous section, King defines these changes in the context of both the opportunities and challenges presented by the production and distribution of digital video through the lens of the independent film industry. King studies an overlapping historical moment as this dissertation as he recounts the complex industrial shifts that led to a decline in theatrical distribution and a rise of alternative channels through which filmmakers could bypass intermediaries and simplify the "film-value chain" through the use of the internet, either through direct sale or streaming.³⁴ King's argument is that these

32. Sarah E. S. Sinwell, *Indie Cinema Online* (New Brunswick: Rutgers University Press, 2020).

33. King, *Indie 2.0*, 2.

34. King, *Indie 2.0*, 79.

methods offer, “considerable advantages to smaller-scale indie operation by removing several layers of dependence on others and creating the potential for closer and more direct links with target audiences.”³⁵ However, what is missing from King’s analysis is the potential for how this trend would grow as traditional theatrical distribution companies began to adopt this model. For example, as King states that digital distribution reduces the intermediaries in the film-value chain, this dissertation will prove that these intermediaries regained their power as theatrical distributors experimented with simultaneous release windows and eventually SVOD providers entered the independent film market as well. As I will describe in the next section, King’s analysis of digital distribution relies on the overused paradigm of an idealistic notion of Web 2.0 and the opportunities it promised for a democratized web space. I argue that these paradigms may not fully explain the larger changes that occurred as a result of a new media logic among our contemporary digital culture.

Additionally, King’s text is designed as a broad overview of independent film in this era. The discussions of distribution outlined above are present in the chapter entitled “Industry 2.0: The digital domain and beyond.” However, the rest of King’s text explores topics such as the “quirky” quality of independent film narratives, social realism and art cinema, and the new stylistic traits of what King describes as “the desktop aesthetic,” therefore focusing on the various definitions of independent film, including stylistic, formal, and narrative elements. Both Sinwell and King provide a more broad analysis of our current era of independent film than the chapters that follow; while these texts include digitally distributed cinema, they essentially provide more breadth than depth. I

35. King, *Indie 2.0*, 86.

focus specifically on an industrial perspective, how the film industry understands, conceptualizes, and adapts to these changes, a dynamic I will describe in the section that follows.

Media Industries & Digital Distribution

As Alisa Perren points out, media industries scholarship often pays less attention to distribution than it does to production practices or audience reception.³⁶ Only recently, as the business practices of distribution begin to change, has this element of the industry received more attention. Several scholars have included a study of distribution practices in their larger exploration of the contemporary film industry; particularly anthologies like *Digital Disruption: Cinema Moves On-Line* and *Connected Viewing: Selling, Streaming, & Sharing Media in the Digital Age*, as well as Chuck Tryon's *On Demand Culture* explore important issues associated with the distribution of feature films in the online era including transmedia, globalization, and changes in audience engagement and consumption. However, similar to the way I analyze the trade press and industry discourse, I evaluate this literature by the common terms, paradigms, code words and contradictions used to discuss this new era of media distribution; for instance, the word "disruption" to describe digital distribution, and the use of ideas like "disintermediation," "windowing," and the "film-value chain" are commonly used paradigms across this area of media scholarship. In the next few paragraphs, I will outline which of these terms and paradigms are useful to my research and which are no longer relevant, then suggest new paradigms to potentially adopt in their place.

36. Perren. "Rethinking Distribution for the Future of Media Industry Studies," 165.

Dina Iordanova and Stuart Cunningham's anthology *Digital Disruption: Cinema Moves Online* focuses on the idea that digital distribution increases the chances for a transborder flow of niche and peripheral content; the authors claim that traditional (theatrical) film distribution as we have come to know them will soon be only a fraction of the many ways films can travel around the globe. As the title suggests, the authors use the term "disruption" to define the shifts taking place in the digital distribution landscape – a similar rhetoric used by industry practitioners and the trade press. In the introduction, the authors' use of the term "disruption" is defined as the clash between exponential rates of technological change and the slower rates of change in society, economics, politics and law.³⁷ The argument of the anthology overall implies a more positive, and sometimes idealistic analysis of transnational media flow using digital distribution technologies. Another common paradigm used in this anthology is that of "disintermediation," the process by which direct access to content makes the intermediary in the supply chain obsolete. Like King in *Indie 2.0*, in Iordanova and Cunningham's eyes the intermediary being rendered obsolete is the traditional film distributor. They suggest that filmmakers can now go straight to exhibitors, causing distributors to see themselves as cut off from the supply chain. Consequently, Iordanova and Cunningham argue that, "smaller players now come to be on par with bigger players; the latter may still exert a degree of control over the international theatrical distribution, but they no longer possess an efficient means of barring alternative content from seeking exposure on the internet."³⁸ Both *Digital Disruption* and *Indie 2.0* were written before SVODs got involved in the independent film market, so disintermediation's popularity as a paradigm does fit with

37. Iordanova and Cunningham, *Digital Disruption*, 1-2.

38. Iordanova and Cunningham, *Digital Disruption*, 1-2.

the context in which they are writing. However, it still falls under a common idealistic perspective of a more democratic web space; in reality, this opened the door for even larger companies like Netflix and Amazon to fill the gap left by disintermediation. The question if the barriers to entry are higher or lower will be explored in the next chapter, but it is clear that one cannot jump straight to these democratic notions of an earlier era any longer.

Jennifer Holt and Kevin Sanson's anthology *Connected Viewing: Selling, Streaming, & Sharing in the Digital Age* is a collection of research, not simply about digital distribution of media in the online era, but about the broader ecosystem emerging in the past decade that created the environment in which new forms of media delivery, user engagement, and multiplatform entertainment experiences could evolve. The authors describe "connected viewing" as an outgrowth of Henry Jenkins' idea of "convergence culture;" the media landscape we see taking shape today is not just a result of the complex dynamics brought about by sharing media in the online era, but also by the expanding modes of digital media circulation, business strategies and regulatory practices, as well as user engagement and audience consumption. The underlying argument that links all the chapters in this anthology is that, "connected viewing points to a more fundamental shift in the current media ecosystem, a process in which the various strands of convergence culture have become more fully integrated into the institutional, regulatory, and cultural forces currently shaping media industries worldwide."³⁹ *Connected Viewing* also addresses the disintermediation paradigm; however, Holt and Sanson do admit that many of the innovative business strategies seen

39. Holt and Sanson, *Connected Viewing*, 4.

by media distributors may be an attempt to regain their status as an intermediary. As distributors at first resist the changing business practices, those that adapt and become successful in the new digital distribution landscape maintain their place as an intermediary. As Holt and Sanson also suggest, most of the innovation in connected viewing appears to be coming from the margins. They find that independent film is often more optimistic about this new era of distribution in terms of the alternative storytelling possibilities, as well as new formats and business models that are made possible by new platforms and distribution systems. Independent film producers and distributors are also able to be more flexible because they are operating outside the constraints and expectations of media corporations.

A previously mentioned chapter in *Connected Viewing* that is important to the context of this dissertation is Elissa Nelson's "Windows into the Digital World: Distributor Strategies and Consumer Choice in an Era of Connected Viewing."⁴⁰ In the late-2000s and early-2010s, Nelson cites the exponential growth of digital distribution and consequently the fall of DVD sales, which sent the industry into a panic regarding their previously successful windowing sequence for mainstream titles. The rhetoric of industry leaders at this time shifted from one that wanted to prevent change to one that accepted and adapted to that change, and those that adapted started seeing the benefits of making more content available for online distribution. She cites *Margin Call* (2011) and *Melancholia* (2011) as two of the first films to have a successful day-and-date release, explaining that it was these independent distributors that took a chance on experimental windowing strategies to adjust to the changing distribution landscape. Analyses of

40. Holt and Sanson, *Connected Viewing*, 62-78.

windowing sequences seen here are important considerations for my research, especially as I focus on the industrial and economic definitions of independent cinema. *Connected Viewing*, as a whole, employs a similar approach as my own research, by examining not just the phenomenon of independent film and new processes by which they were distributed, but the industrial, technological, and cultural shifts that solidified these practices.

Chuck Tryon's *On-Demand Culture: Digital Delivery and the Future of Movies* explores similar notions of windowing and the film-value chain to examine how the line of distribution has been condensed using digital platforms. He illustrates the common flow of media today:

Movie distribution is now characterized by new, more accelerated distribution models in which movies move quickly from theaters (if they play on the big screen at all) to VOD and DVD before landing in [...] archives of videos available for streaming, whether through a subscription service such as Netflix, or through a pay-per-view option, such as those offered by Mubi, Vudu, or Amazon.⁴¹

According to Tryon's logic, this accelerated pathway ensures that audiences who are unwilling to pay inflated theater prices have the ability to see these films very soon, if not immediately, after their release for a marginally smaller cost in their own home. This concentrates cash flow, a likely reason distribution companies are adopting these practices. Tryon also provides examples of how this model has failed. For instance, Sundance tried to launch a distribution platform through YouTube in the mid-2000s, however, after receiving only a few dozen views per film this Sundance-YouTube experiment was forced to end. Subsequently, these contrasting examples make it clear that digital distribution models have expanded and are still adapting dramatically to a

41. Chuck Tryon, *On-Demand Culture: Digital Delivery and the Future of Movies*. (New Brunswick: Rutgers University Press, 2013), 9.

changing industry.

Similar to *Indie 2.0*, only two chapters in *On-Demand Culture* are directly relevant to this dissertation, discussing the particular effects of digital distribution on independent film: the chapter entitled “Indie 2.0: Digital Delivery, Crowdsourcing, and Social Media” as well as the chapter, “Reinventing Festivals: Curation, Distribution, and Creation of Global Cinephilia,” which helps to define the new iterations of the independent film community in this new digital context. The other chapters explore topics such as digital breakthroughs in theatrical movie-going, such as 3-D, the demise of the video-rental store with the growth of the DVD rental kiosk, and media viewing on mobile phones. Although Tryon’s study ends in the early 2010s, he does provide a groundwork upon which this dissertation can build. My study frames these distribution patterns in terms of the success of subscription streaming today, and specifically how this affected the independent film industry. As we have seen above, while some of the existing paradigms will still be useful in my analysis, it is imperative to also expand my research to new paradigms, including social media and network cultures that provide a key perspective on the distribution and consumption of media products.

Social Media & Network Culture

When examining the body of research on the subject, network culture is often explained as a shift that took place between the twentieth and twenty-first centuries, one characterized by a change in logic. This “logic” is described as the structures of communication, interpersonal interaction, and distribution of knowledge allowed by dominant communication technologies of the era, behaviors that are made to feel natural among their users. These logics often govern, and are governed by, media institutions,

such as mass communication platforms (film, television, and newspapers), social media (Twitter and Facebook), or user-generated content sites (YouTube). In the chapters that follow, analyzing this era and the changes, advancements, and consequences it produced in our contemporary digital life will be a key lens through which I will examine independent film distribution, a major factor that affects not only the way media institutions, both new and old, do business, but also the way audiences discover, consume, and mobilize media content.

From as early as the 1980s, scholars have documented this shift in logic in a variety of ways. Jose Van Dijck has called this dichotomy “mass media logic” versus “social media logic,”⁴² while Manuel Castells uses the term “organizational logic”⁴³ and Henry Jenkins prefers “social logics.”⁴⁴ Analyses of logic in terms of communication, interaction and knowledge consumption can even be seen as early as Michel de Certeau’s *The Practice of Everyday Life* where he describes behaviors among individuals or groups as “ways of operating” and “operational logics,” meaning collective society’s adoption of certain rules and norms that dictate the way larger media institutions design communication tools.⁴⁵ Histories of technology and society, like Manuel Castells’ *The Rise of the Network Society*, are complemented by theoretical investigations of technological language and interfaces like Alexander Galloway and Eugene Thacker’s *The Exploit: A Theory of Networks*, which

42. Jose Van Dijck and Thomas Poell, “Understanding Social Media Logic” *Media and Communication*, 1, no. 1 (2013): 2-14.

43. Manuel Castells, *The Rise of the Network Society: The Information Age: Economy, Society, and Culture Volume I* (West Sussex: Wiley-Blackwell, 1996).

44. Henry Jenkins, Sam Ford, and Joshua Green, *Spreadable Media: Creating Value and Meaning in a Networked Culture* (New York: New York University Press), 2013.

45. Michel De Certeau, *The Practice of Everyday Life* and trans. Steven F. Rendall (Berkeley: University of California Press) 2011.

provides a dynamic analysis of networks' "nonhuman" form of control, anonymous and immaterial.⁴⁶

As mentioned, Yochai Benkler's discussion of the effects of network culture on the media industries provides a foundation for my own analysis of audience engagement and the distribution of media products. His discussion of the "industrial information economy" explains the shift in communication being controlled by mass media institutions to individuals now having the material requirements to effectively produce and communicate information to both individuals and the masses. This led to two important shifts that have produced what Benkler calls, "the networked information economy." First, we have moved toward an economy centered on information, and symbolic or cultural production. The second shift is the phenomenon of easy access to a networked society, meaning the development of the internet. Therefore, the networked information economy is largely characterized by the autonomy of the individual, as well as social production and exchange, a new form of cultural meaning-making that Benkler predicts will be the central role in advanced economies. My work will expand on this understanding of network society, while also taking into account that a redistribution of power in the media industries does not put the control of consumption in the hands of a network of autonomous individuals, but instead redistributes power to systems that appear to value the autonomous individual in the form of affordances like algorithmic recommendations and an interface that prefers specific and predictable viewing patterns. From the perspective of the audience, it feels as if they have more options and choices when it comes to their film and television preferences, while, in actuality, streaming

46. Alexander Galloway and Eugene Thacker, *The Exploit: A Theory of Networks* (Minneapolis: University of Minnesota Press, 2007).

algorithms are guiding these consumers into their seemingly autonomous choice.

Since the emergence of social media at the turn of the 21st century, existing media industry practices have been impacted by these changes, causing mass media companies (film, television, newspapers) to alter some of their existing conventions to adapt to this new cultural logic. The process by which old media attempts to keep up with the new, leading to the transformation and reimagination of many of mass media's existing practices, is called remediation. As the following chapters will outline in distribution case studies of films like *Four Eyed Monsters* (2005) and *Margin Call* (2011), independent film distributors like IFC and Roadside Attractions were pressured to adopt this new media logic to rebuild their endangered industry, taking advantage of a new, ever-changing redistribution of power. As box office numbers for independent films dropped, the emergence of social media, user-generated content sites like YouTube, and video-on-demand services allowed for new opportunities to find lost audiences. While independent filmmakers historically relied on marketing tools such as word-of-mouth and critical acclaim, they were able to turn new affordances of social media and user-generated content platforms into “viral” versions of these old marketing techniques. As Henry Jenkins, Sam Ford, and Joshua Green explain in *Spreadable Media: Creating Value and Meaning in a Networked Culture*, media producers need to appeal to “spreadability,” or the “technical resources, economic structures, attributes of media text and social networks that encourage sharing.”⁴⁷ Thus, while social media initially presented a threat to mass media institutions, some traditional media companies, particularly independent film distributors left on the margins by studio independent film divisions, attempted to

47. Jenkins, Ford, and Green, *Spreadable Media*, 3.

adapt to these changes, adjusting their content to fit a new logic. Recently released anthologies such as *Digital Media Distribution: Portals, Platforms, and Pipelines* edited by Paul McDonald, Courtney Brannon Donoghue, and Timothy Havens and with new research by Alissa Perren, Patrick Vonderau, and Roman Lobato begin to expand on the correlation between network culture and film distribution with diverse case studies that advance the conversations in this field.⁴⁸ *The Netflix Effect: Technology and Entertainment in the 21st Century*, edited by Kevin McDonald and Daniel Smith-Rowsey, provides more specific study of Netflix, diving deeper into the effects of the affordances mentioned above; articles such as “Netflix and the Myth of Choice/Participation/Autonomy,” by Sarah Arnold, and “Catered to Your Future Self: Netflix’s ‘Predictive Personalization’ and the Mathematization of Taste” by Neta Alexander, offer critical analysis and invaluable insights to my interrogation of how these affordances are used on independent film products.⁴⁹ However, in *Netflix Recommends: Algorithms, Film Choice, and the History of Taste*, Matthias Frey directly opposes the arguments made by Arnold and Alexander, suggesting that streaming platforms’ emphasis on scientific objectivity and all-knowing quality of their algorithms is simply a performance that they must maintain to establish the credibility of its recommendation system, and differentiate its overall service from other media providers. Instead, Frey suggests that these algorithms are not divorced from human input, in fact, are “guided by individual and collective human cognition, logic, and decision-making.”⁵⁰ Building upon

48. McDonald, Brannon Donoghue, and Havens, *Digital Media Distribution*.

49. Kevin McDonald and Daniel Smith-Rowsey, *The Netflix Effect: Technology and Entertainment in the 21st Century* (London: Bloomsbury, 2016).

50. Matthias Frey, *Netflix Recommends: Algorithms, Film Choice, and the History of Taste*. (Berkeley: University of California Press, 2021) 115.

these texts, this dissertation recognizes the algorithms, affordances and protocols that drive this new era of media consumption, as well as the human influence within these systems.

These three areas of literature frame and guide my research on contemporary film distribution and consumption. To summarize my critical intervention in the three fields outlined above, this dissertation: (1) builds upon literature on the history of independent film to illustrate how the independent film industry differentiated themselves from the mainstream, particularly by experimenting with the tools at their disposal in the online era, only later to watch these innovative business practices and consumption patterns be appropriated by new intermediaries; (2) contests the existing media industries scholarship that is dependent upon overused paradigms such as technological utopianism and disruption to explain digital distribution, and instead, explores the cultural rhetoric of industry practitioners as they make sense of the changes in film distribution; and (3) applies paradigms adopted from studies of social media and network culture to contextualize the role of independent film in the balance of power between algorithmic and human intervention in media consumption. In the end, this dissertation stands in dialogue with the scholars outlined above who are exploring different facets of digital distribution of independent film, and it unites these three areas of scholarship to explore the emergence of new norms in media distribution.

Methodology

Building on the areas of scholarship outlined above, this research falls under the field of media industry studies, and focuses specifically on the changes, motivations, and conflicts of industry practitioners in the fields of independent film distribution,

marketing, and exhibition, including traditional independent distributors as well as new streaming companies. While engaging with the industry through interviews and interface ethnography, revisions in media industry scholarship show that it is important to remain critical of industry discourse, which includes interrogating how industry professionals tell their stories, understand their own industry, and what they hope to gain. Texts like John Caldwell's *Production Cultures* or the two *Production Studies* anthologies provide important principles for scholars navigating research in this space.⁵¹ First, I investigate digital distribution practices from an industrial perspective, conducting interviews with industry personnel and observing peripheral industry events such as panels, public interviews, and screening Q&As. This will be coupled with an analysis of the trade press in order to find similarities in the way these trends are discussed in the media.

The most important element of this approach is analyzing the discourse as a text itself. For example, what kinds of paradigms, code words, repetitions, and contradictions are industry professionals using to understand, explain, and recount the era of digital distribution's development? Do they use key industry buzzwords like "disruption" to describe themselves and their business practices, or were they reacting to an outside "disruptor"? There is also a popular discussion about the democratization of media distribution with new online tools; this, however, can be contested as this method of distribution is becoming popularized. Even YouTube's algorithms make it harder for new media creators to become visible, making the barriers to entry just as high as they were before. The common rhetoric that online distribution is disrupting traditional industry

51. Works mentioned: John T. Caldwell, *Production Culture: Industrial Reflexivity and Critical Practice in Film and Television* (Durham.: Duke University Press, 2008); Vicki Mayer, Miranda J. Banks, and John Thornton Caldwell, eds. *Production Studies: Cultural Studies of Media Industries* (New York: Routledge, 2009).; Vicki Mayer, Miranda J. Banks, and Bridget Conor. *Production Studies, The Sequel!: Cultural Studies of Global Media Industries* (New York: Routledge, 2015).

practices will be explored, proving that these changes mirror other issues in media distribution's past and present. Understanding the uses and definitions of these paradigms in industry discourse not only helps to determine the cultural shifts happening within the independent film industry, but omitting them also locates the nuanced practices and affordances underneath the veil of a technological utopian rhetoric.

My research has also been greatly informed by communication studies and the study of digital culture, and the application of social media theories to contemporary changes in the media industries. Theory on digital society and culture is often used to explore the relationship between the platform and the users and the negotiations of power between them; similarly, my study will utilize this scholarship to understand the negotiations of power between streaming platforms, film distributors, and media consumers. My methodology will engage with conceptual frameworks from many of the scholars listed above, but specifically Jose Van Dijck's *The Culture of Connectivity*, which provides a critical history of the evolution of five different social media platforms, analyzing how they relate to each other in the larger ecosystem of "connective media."⁵² My research will adopt a similar approach at times, applying her framework to explore the structures and affordances of digital distribution services and subscription streaming sites. I also consider the platforms themselves, examining the interface and engagement employed by streaming platforms like Netflix, Amazon, and YouTube, asking how the sites algorithms and affordances dictate how audiences consume media and how that, in turn, influences the distribution of media. While technological advancements are often discussed as the *cause* of change in this industry, I approach the topic understanding it as

52. Jose Van Dijck, *The Culture of Connectivity: A Critical History of Social Media* (Oxford: Oxford University Press, 2013).

the *consequence* of larger shifts in contemporary digital culture.

The methodological approaches I do not incorporate in my dissertation are as follows. First, I do not study audiences in the traditional sense of reception studies, analyzing how audiences read the text or perceive meaning from the text. Audiences are analyzed as consumers, investigating their buying patterns, the way they are targeted to consume a product, and their expectations while seeking out and consuming media. In fact, my study does not explore a reading of the film texts at all, unless pertinent to the understanding of the film's distribution. Also, I do not provide a detailed analysis of theatrical distribution practices in the film case studies, the only exploration of the theatrical release is to provide context and background for understanding their digital release.

While some explanation of the following areas may be used for context, my research does not focus on studio-produced films, the development and production process, and includes limited analysis of the home entertainment disc (DVD/Blu-ray) and television release windows. First, my research strictly examines films that are distributed via a digital download or available for streaming after the development and production process of the films are complete. To focus on the distribution portion of a film's lifespan, my study begins when the film is screened at a festival or acquired at a film market, follows it through marketing and distribution, and ends with the film's release (digitally and theatrically, if applicable), its awards participation (if applicable) and reception. Second, I focus on the economic/industrial definition of independent cinema, meaning films that are financed or produced outside of a media conglomerate. While some studio-produced films have been distributed digitally such as *The Interview* (2014) and *The Cloverfield Paradox* (2018), these examples are often an exception, whereas digitally distributing

independent films has become a norm. Other ancillary markets such as DVD/Blu-Ray sales and television broadcasts are only discussed as context to aid in understanding digital distribution as a whole. The history of theatrical distribution, alternative distribution, and all the distribution windows will be discussed in the Chapter Two; however, the rest of the dissertation's chapters will focus on digital distribution through transactional, subscription, and ad-based VOD via OTT platforms or cable and satellite providers as its own business model specific to independent film distributors and streaming platforms. And finally, I limit my discussion to American Hollywood independent film, rather than experimental and avant-garde cinemas or subcultural film movements; thus, I focus primarily on distribution in the United States and Canada, films acquired from independent film markets like Sundance, Telluride, Toronto, and SXSW, and business models by companies that have North American distribution rights. The exception to this is the discussion of the Cannes-Netflix feud at the 2017 and 2018 Cannes International Film Festivals because they serve as symbolic examples of the culture clash in the industry that followed. While digital distribution absolutely affects film circulation on a global scale, I believe that the international implications of digital distribution are so significant that they would require a separate study, and there are many scholars already completing great work in this field.⁵³

Chapters and Organization

The chapters in this dissertation are organized chronologically to illustrate the

53. For work on the international implications of digital distribution, see: Doris Baltruschat and Mary P. Erickson, eds. *Independent Filmmaking Around the Globe* (Toronto: University of Toronto Press, 2015); Benjamin McKay and May Adadol Ingawanij, *Glimpses of Freedom: Independent Cinema in Southeast Asia*, (Ithaca: Cornell Southeast Asia Program Publications, 2012).

recent history of independent film distribution. While this project focuses primarily on advancements in film distribution during the decade between 2010 and 2020, it is essential to provide the context upon which these advancements were built, and the precarious nature of the independent film industry prior to digital distribution. Chapter Two illustrates this history by examining the unsustainable rise of independent film in the 1990s that led to high barriers to entry and studios ultimately regaining control. The chapter will then proceed into an era less present in scholarly discourse, the early intersection between user-generated content platforms like YouTube and easy access to digital filmmaking equipment, which led to trends like self-distribution, crowd-funding, grassroots marketing, and the *mumblecore* movement. A film that exemplifies all of these trends is *Four Eyed Monsters* (2005), which will be the case study in this chapter. Providing the historical context just prior to the industrial adoption of digital distribution illustrates the state of precarity independent filmmakers and distributors were in, as well as the perceived disintermediation of media distribution with the help of direct-to-consumer distribution pathways; these two factors combined to motivate independent filmmakers to experiment with digital distribution business models, specifically popular among smaller distributors who had been pushed to the margins by studio independent film divisions in the 2000s.

By 2010, after the emergence of video on-demand platforms, a simultaneous release model called “day-and-date” emerged as a popular practice among independent film distributors, which combined a limited theatrical release with direct-to-consumer options like digital purchase or rental on the same day. Chapter Three will explore this business practice in detail, focusing on the motivations of theatrical distributors that pioneered this business model, as well as the cultural and technological advantages and

disadvantages of the day-and-date release. Similar to self-distributed films, there was a stigma around the concept of day-and-date, as these films were sometimes deemed “not good enough” for theaters. This chapter will expand on that idea in a case study on the independent film distributor Roadside Attractions, which distributed two films via the day-and-date method: *Margin Call* (Chandor, 2011) and *Arbitrage* (Jarecki, 2012). Both films gained equal or more profit through VOD transactions than they did in theatrical ticket sales, which proved that a digital distribution model could become a profitable avenue for independent films as this technology progressed. Consequently, emerging streaming platforms also observed this success just as they were developing their own original content efforts, making independent films an ideal product to further normalize the consumption of feature films on digital platforms.

Chapter Four will continue chronologically, beginning in 2015 when streaming platforms acted on their intention to distribute “original” feature film content by acquiring independent films from film festivals to exclusively release on their platforms. Since then, Netflix and Amazon have been major players in the independent film market, acquiring more than double the films than the average theatrical distributor at festivals. This chapter will provide a close analysis of *Manchester By The Sea* (2016) beginning with the film’s acquisition by Amazon at the Sundance Film Festival and continuing to examine how this changed the outlook of media distribution in an evolving industry. This chapter will also examine why streaming platforms chose to start with independent films, arguing that independent films made an ideal product for streaming platforms because they were complete, inexpensive, and provided cultural capital to legitimize their preliminary distribution efforts. It will also illustrate the early economic and cultural effects streaming platforms had on the independent film marketplaces such as the

Sundance and Cannes film festivals. This research approaches this business practice by analyzing independent films as a product used by streaming platforms to negotiate power and legitimize their place as a competitor among legacy film studios; for example, acquiring critically-acclaimed independent films provided cultural capital in the form of prestige and awards acclaim to attract more theatrical media audiences and promote their technology brands as a serious player in Hollywood. Further industrial effects, such as vertical integration and high barriers to entry, will also be interrogated in this chapter, arguing that platforms like Netflix and Amazon quickly adapted these distribution methods using their own unique technological advantages, and have left theater owners, theatrical distributors, filmmakers, and cinephiles adjusting to a new world of cinematic consumption.

Chapter Five and this dissertation's Conclusion will return to independent theatrical distributors, notably those that emerged alongside the rise of streaming in the 2010s. Distributors such as A24 and ARRAY have taken a dualistic approach to survival: appealing to the values of art-house quality cinema, while also remaining open to partnering with streaming platforms to remain "agnostic" in the battle between theatrical and digital distribution. This distribution landscape became even more precarious due to the 2020 global health and economic crises, when all films were distributed via streaming platforms, both studio and independent, as theaters closed their doors. This chapter illustrates how the COVID-19 pandemic accelerated the inevitable, as studios executed plans already underway to compete with streaming platforms. As a result, studios have once again saturated the medium independent distributors used as a pathway to differentiate themselves from the commercial mainstream, creating another precarious moment for independent film distribution.

CHAPTER TWO

FLEXIBILITY & TENACITY: PRECARIETY IN THE INDEPENDENT FILM MARKETPLACE (1980-2010)

“We dreamed of art fueled by a love of cinema. And believed that this would be enough to sustain ourselves, both financially and creatively. But all of us in the industry were in for a big surprise. Entertainment industries across the board were about to face their most disruptive era, and few of us were truly prepared for it. To the degree that any of us are still thriving is a testament to flexibility and tenacity.”⁵⁴

- Ted Hope, *Hope for Film*, 2014

Introduction

Ten years after its debut at the Slamdance Film Festival, directors Arin Crumley and Susan Buice reflected on their film *Four Eyed Monsters* (2005). After the film did not receive a theatrical distribution deal at the festival, Buice and Crumley used the opportunities afforded to them in the digital age to become the first film self-distributed on YouTube. As Crumley explained, “There isn’t a model, there’s never a singular way of doing things. It’s just a hybrid of many approaches.” The independently produced and self-distributed film *Four Eyed Monsters* illustrates both the vulnerability exposed by the digital age, and filmmakers’ ability to use digital tools to reinvent the norms of media distribution. This sentiment is common among many independent filmmakers, especially among the many navigating the complex Hollywood distribution system. Indeed, “a hybrid of many approaches” is a theme in independent film’s diverse history. As producer Ted Hope mentions in his book *Hope for Film: From the Frontlines of the Independent Cinema Revolutions*, a culture of “flexibility and tenacity” is inherent in independent film’s survival.

54. Ted Hope, *Hope for Film: From the Frontlines of the Independent Cinema Revolutions*, (Berkeley: Soft Skull Press, 2014), 20.

Retrospectively, the history of independent film can be seen as a repetitive cycle. It begins as independent filmmakers, a community with commonly held creative, cultural, and political beliefs, experiment with formal and stylistic expression in their films, while searching for new pathways to deliver their films to audiences. As a result, independent film distributors are often included in this marginalized creative community, finding new processes of distribution and marketing as they strive to differentiate themselves from the dominant Hollywood studio market. However, that is only until those very Hollywood studios observe the financial and cultural success of the movement and acquire these companies, filmmakers, and beliefs as their own, simultaneously commercializing the cultural movement that they are appropriating. The eventual misalignment of the studio parent companies and their independent film subsidiaries creates another precarious moment for filmmakers on the margins who are again forced to reinvent their creative and industrial processes to regain power in a studio-dominated system, and the cycle begins again.

This has manifested in independent film history in distinct eras. The first cited use of the term “independent” was in the early 1900s. Only one month after the formation of the Motion Picture Patents Company (MPPC), the companies that were excluded from the Trust refused to abide by their regulations, assuming the label “independents” to actively fight against the MPPC’s monopoly of the market. Leaders in this movement include Carl Laemmle and William Fox, the founders of Universal and Fox respectively, who grew to become part of an oligopoly that controlled the industry for decades.⁵⁵ In the late-1940s, after studios were forced to divest their assets as a result of the Paramount

55. Yannis Tzioumakis, *American Independent Cinema: An Introduction*, (Edinburgh: Edinburgh University Press, 2006), 21-22.

Decree, prominent directors, writers, and actors were released from their studio contracts and given the opportunity for more creative autonomy on their films. However, as Denise Mann mentions in her book *Hollywood Independents*, this autonomy was short-lived; quickly, studio heads such as Fox's Darryl Zanuck found ways to exert control, and auteurs like Elia Kazan and Billy Wilder had creative autonomy only as long as they compromised with studio requests.⁵⁶ At the same time, as independent film benefitted from decreased studio production after World War II, Donald Rugoff expanded his successful exhibition business, Cinema V, to incorporate the distribution of "art cinema." Rugoff focused on creating a distinct brand identity that incorporated unique visual marketing that valued the "art of the film." However, by the 1970s, theater investor William R. Forman targeted Cinema V as an exhibition asset, and after significant legal struggle, Rugoff relinquished control to Forman by the end of the decade. Forman deemed Cinema V's exhibition branch very profitable, but the distribution branch was not, and by the 1980s, Cinema V was assimilated into Forman's larger corporate entity.⁵⁷ As Yannis Tzioumakis claims in *American Independent Cinema: An Introduction*, the definition of "independent" film became even more muddled between the "Poverty Row" era of the 1950s and the "New Hollywood" era of the 1970s. After changes in distribution—such as the end of the double bill, an emphasis on "exploitation" as a marketing strategy, and catering to the youth audience that was previously overlooked by the majors – allowed smaller production companies like Republic to gain strength, and new producers like Roger Corman to emerge. However, after the box office slump of the late-1960s,

56. Denise Mann, *Hollywood Independents: The Postwar Talent Takeover* (Minneapolis: University of Minnesota Press, 2008), 121.

57. Justin Wyatt, "Donald Rugoff, Cinema V, and Commercial Strategies of 1960s-1970s Art Cinema," *Media Industries* 4, no. 1 (Summer 2017).

studios looked to these independents to adopt cost-saving production strategies and appeal to new demographics; as Tzioumakis describes, the studios “looked for help in every direction,” and eventually relied on “hyphenate filmmakers that quickly became the model for mainstream Hollywood filmmaking for a short period of time (c. 1967-75).”⁵⁸ While the studios did allow filmmakers an “unprecedented degree of creative control” in this era, the momentum of independent production came to a dramatic halt with the release of *Jaws* (Spielberg) in 1975, as the studios applied the new production and distribution models learned from independents to their old business of big budget blockbusters.⁵⁹ The effects of the continual assimilation of independent film throughout film history not only monopolized the pathways of production and distribution for independents, but it diluted a community of diverse filmmakers by reverting to the conventions of a homogenized consumer culture.

This chapter focuses on the independent film movement that begins in 1989 and preceded digital distribution, which continues to be one of the most well-known eras that still defines independent film in popular culture today. Independent film in the 1990s-2000s is remembered by a couple of names: the “Sundance-Miramax Era,” named after the two most popular sites of cultural production in the independent film community at the time, or “Indiewood” for the eventual involvement of mainstream Hollywood studios who wanted to capitalize on the growing popularity and success of that community. No matter the name, this era is a prime example of independent film’s historical pattern, which led to another precarious moment for independent filmmakers and distributors as another wave of studio independent film subsidiaries monopolized the market. Therefore,

58. Tzioumakis, *American Independent Cinema*, 136 and 170.

59. Tzioumakis, *American Independent Cinema*, 183.

before examining the emergence of digital distribution in the independent film industry, it is essential to understand the rise and fall of the Sundance-Miramax era from the late-1980s to early-2000s, particularly the ways in which this era defined an independent film product formally, industrially, and politically. These definitions are still part of the mainstream understanding of independent film, and undoubtedly play a large part in how and why digital distributors, particularly streaming platforms, define, negotiate, and position independent films themselves. This chapter will then discuss the recent industrial history of the independent film industry, particularly the instability of this era and the new pathways through which the streaming platforms were able to enter. The Sundance-Miramax era created an independent film culture that changed cinema institutions as well as industry norms, and as this dissertation illustrates, its end caused a chaotic reshaping of the independent film industry. The subsequent rise and fall of these studio specialty divisions left a number of independent film distributors struggling to find theaters space as both the market and the very definition of their product had been altered by the over-commercialization of independent films. As a result, independent filmmakers and distributors alike developed new digital delivery practices to find the audience in their home, beginning a new cycle of innovation in the independent film community.

It is important to understand this contextual history of independent film, particularly as a product acquired and sold by Hollywood companies, and now, technology platforms. This chapter therefore introduces a new version of the same cycle, this time with both studios and streaming platforms competing to capitalize on modern independent film culture. The stylistic, political, and economic contexts that follow help to determine the evidence that supports why independent film added value to the SVODs as they built distribution divisions that rivaled Hollywood, as well as the construction of

the contemporary discourse that revolves around independent film as a cultural product.

This historical context will therefore demonstrate that independent film was the product intentionally targeted by streaming platforms to build their in-house feature film distribution divisions because of three key factors: 1) the vulnerable state of independent film distribution following the fall of the 1990s-2000s “Indiewood” era; 2) the fact that independent film practitioners experimented with digital tools to distribute their films on the margins of traditional Hollywood, a method that had already proven successful; and 3) the historical tendency of independent films to be used as an object in a negotiation of power, a prophecy it would fulfill again in the digital age. Positioning the digital distribution of independent film historically is an important context for this dissertation’s argument, specifically considering the new tools, companies, and players that have reshaped this definition using the technology of the online era. This chapter will demonstrate that this negotiation of power is a common theme running through independent film history, and the meaning of “independence” changes based on the powers filmmakers must define themselves against.

The Sundance-Miramax Era (1990s-2000s)

The beginning of the Sundance-Miramax era is often marked by the debut of Steven Soderbergh’s *sex, lies, and videotape* (1989) at the Sundance Film Festival. As a rapidly growing distribution company at the time, Miramax bought this film and used their trademark cutting-edge marketing and distribution techniques to exploit the boundary-pushing narrative and aesthetic conventions of Soderbergh’s film. Miramax, therefore, has been widely cited as the first to popularize these distribution methods, pushing what began as independent, festival films to mainstream audiences with high box

office profits. In her book-length case study of the company, *Indie Inc.*, Alisa Perren notes, “the path taken by Miramax and its competitors in production, acquisitions, distribution, and marketing was a consequence of particular business and creative decisions made by individuals within a specific set of industrial, technological and cultural circumstances that began to crystalize in 1989.”⁶⁰ In the subsequent decade, the Sundance Film Festival saw extraordinary growth, not only becoming the epicenter for a new wave of independent film culture, but also a marketplace for independent film distributors to forge deals with new filmmakers. Indeed, these industrial, technological, and cultural circumstances set in stone an independent revolution, with Miramax and Sundance as the institutions at the forefront. Not only did this movement establish new distribution and marketing strategies for independent films, but it also established a cultural understanding of “indie” as a form of generic classification across the film industry at large.

In the 1980s, just prior to the Sundance-Miramax era, independent film distribution transformed due to increased deregulation in Hollywood studios. The first example of a prominent independent distributor in this era is also one of the first independent distribution companies in film history. United Artists, founded by Mary Pickford, Douglas Fairbanks, Charlie Chaplin, and D.W. Griffith, is an example of the first independent distribution company to support filmmakers “passion projects” or films made independently outside their studio exclusivity contracts. In 1981, over half a century after its founding, United Artists became a subsidiary of Transamerica and was renamed United Artists Classics, which focused on distributing first-run foreign and independent films. In the late-1980s, the company acquired MGM’s back catalog, a strategy that many

60. Alisa Perren, *Indie, Inc: Miramax and the Transformation of Hollywood in the 1990s*, (Austin: University of Texas Press, 2012), 15.

distributors of this time used to exploit the dormant library of films. This practice was known as “niche distribution” and employed “marginal revenue theory,” a method of spending very little on marketing costs to maximize profit and lower risk.⁶¹ Several other companies followed suit and developed their own “niche distribution” divisions, including Triumph Films (1982-85), Universal Classics (1982-4) and Fox International Classics (1982-85). These companies also focused on re-releasing libraries of back catalogs, international art-house films, and the emerging independent film movement. UA Classics focused on international arthouse auteurs and “passion projects” of major Hollywood talent, however, it also had the ability to recognize new, lesser-known talent that would appeal to a niche distribution model. This provides a common rhetoric in the industrial history of independent films, primarily distribution companies: the dualistic purpose to both reinvent and maintain industry norms to survive a monopolistic ecosystem. Like UA Classics, all three of these companies were attached to larger distributors: Triumph was a joint venture between Columbia and Gaumont, Universal Classics was backed by its studio parent company Universal, and similarly, Fox International Classics was the specialty division with a more global focus within Fox Studios.⁶² These companies could only afford this economic approach due to their associations with a larger studio, which allowed them to take advantage of business synergies. As Yannis Tzioumakis demonstrates in the book *Hollywood Indies*, “what is strikingly obvious from the accounts of these divisions, however, is the fact that all three of them had to face a large degree of interference from top management of the corporations to which they belonged,

61. Yannis Tzioumakis, *Hollywood's Indies: Classics Divisions, Specialty Labels and American Independent Cinema* (Edinburgh: Edinburgh University Press, 2012), 28.

62. Tzioumakis, *Hollywood's Indies*, 78.

and especially from their major sister companies.”⁶³ Justin Wyatt introduces another set of independent film distributors in the 1980s in an article entitled, “Independents, Packaging, and Inflationary Pressure in 1980s Hollywood.” Companies like Carolco Pictures, Cannon Group, De Laurentiis Entertainment Group, and Vestron Pictures, all “made valiant attempts to achieve ‘instant major’ status during the brief period of expansion for the independents in the 1980s.”⁶⁴ These companies diversified in ancillary markets such as home video and television, and yet, while they were technically operating outside of studio control, Wyatt points out they were still dependent on the studios for “domestic distribution and occasional financing.”⁶⁵ By the end of the 1980s as studios turned into media-oriented conglomerates, Wyatt explains that “the function of independent packagers such as Carolco was largely usurped,” and these independents “withered by the turn of the decade.”⁶⁶ With studios-turned-conglomerates either controlling or eliminating independent distributors in this way, the fact that these companies were short-lived could have more to do with interference and lack of understanding on the part of the parent companies rather than box office failures.

What studios failed to understand is what Sherry Ortner defines as independent film’s “community of taste.” Ortner describes the independent film “scene” that emerged in the 1980s. Unlike Bourdieu’s “field of cultural production” where artists struggle *against* each other in their craft, Ortner employs the Durkheimian definition of a “scene,”

63. Tzioumakis, *Hollywood's Indies*, 59.

64. Justin Wyatt, “Independents, Packaging, and Inflationary Pressure in 1980s Hollywood,” in *A New Pot of Gold: Hollywood Under the Electronic Rainbow, 1980-1989*, ed. Stephen Price (Berkeley: University of California Press, 2000), 142.

65. Wyatt, “Independents, Packaging, and Inflationary Pressure in 1980s Hollywood,” 142.

66. Wyatt, “Independents, Packaging, and Inflationary Pressure in 1980s Hollywood,” 159.

or a “space of collectiveness, of mutual pleasure and mutual recognition.”⁶⁷ This “shared social and cultural world” exists as an infrastructure of institutions, notably sites of cultural production like festivals, film schools, and magazines. During this era, Robert Redford took over the U.S. Film Festival, rebranding it as Sundance, which became one of the major cultural institutions and sites of the independent film community. While many independent films in the festival at this time can be retrospectively categorized as “midnight films” or “cult classics,” several important films came out of the art-house era of the 1980s. As surveyed by Richard K. Ferncase, important films that emerged prior to the “big bang” of Soderbergh’s *sex, lies, and videotape* in 1989 include *Return of the Secaucus Seven* (Sayles, 1980s), *Stranger than Paradise* (Jarmusch, 1984), *Blood Simple* (Coen, 1984), *Blue Velvet* (Lynch, 1986), and *The Thin Blue Line* (Morris, 1988).⁶⁸ These films are included in what Alisa Perren calls the “cinema of quality” era, just prior to the 1990s popularization (and monetization) of independent films, which she calls the “cinema of cool.” Perren elaborates more about the cultural negotiations associated with this shift, as the independent film scene started to catch the attention of major financing:

Value judgements are frequently made by those who view the rise of indies as a move away from a particular strand of 1980s-era, art house-oriented independents and toward Hollywood practices and conventions. More specifically, commerce is seen to be overriding art as “outsiders” are incorporated into the system, and the vibrancy and vitality of independent film is seen as being depoliticized and homogenized in the process.⁶⁹

This dichotomy between the rise of art house-oriented “outsiders” and their incorporation

67. Sherry Ortner, *Not Hollywood: Independent Film at the Twilight of the American Dream* (Durham: Duke University Press, 2013), 91.

68. Richard K. Ferncase, *Outsider Features: American Independent Films of the 1980s* (Westport: Greenwood Press, 1996).

69. Perren, *Indie Inc.*, 9.

into a “mainstream” Hollywood studio system provides a more comprehensive understanding of the disputes already taking place around the definition of “independence” before Miramax came to power in the 1990s, contributing to this “depoliticized and homogenized” process.

The creation and reliance on the independent film, or “indie,” culture became an important factor as the movement continued throughout the 1990s. “Indie” culture was composed of a specific group of filmmakers, institutions and audiences that came together in spaces like film festivals and held certain political beliefs that became associated with the movement. Ortner makes the important point that “independence” is often described in opposition to something. In the case of the late-1980s and 1990s, “indie” culture positions itself in opposition to Hollywood and “all that it stands for.” Ortner notes that this is often also represented in the independent films themselves; while Hollywood often takes the position of dominant culture, independent filmmakers use their voice to challenge dominant themes and ideas.⁷⁰ Ortner attributes this critical view of dominant culture to Generation X and its skepticism of neoliberal capitalism. In her view, neoliberalism is responsible for studios’ emphasis on blockbusters (making quick profits for their corporations) and therefore responsible for the reactive emergence of independent film.⁷¹ She claims that films and their filmmakers in the Sundance-Miramax era are preoccupied with their generation’s profound sense of economic insecurity. Their films therefore become a cultural critique of neoliberal America: a grim look at the reality of “white collar work under neoliberal capitalism” where it is hard to find and keep jobs,

70. Ortner, *Not Hollywood*, 30.

71. Ortner, *Not Hollywood*, 199.

and if one is lucky enough to find a job, for that job to keep you happy and content.⁷² Examples of these themes can be seen in films like Richard Linklater's *Slacker* (1991) and Mike Judge's *Office Space* (1999). Ortner's thesis provides evidence that independent film is also used culturally and politically, for both filmmakers and audiences. In this sense, the independent film movement of the Sundance-Miramax era not only reflected industrial changes, but also represented the political implications of those changes. This kind of self-referentiality is similar to that seen in the post-studio independent era, which suggests that independent film is redefined in times of industrial uncertainty and political change.

As scholar Geoff King has noted regarding independent film, using textual evidence to classify "independence" has always been variable; it is hard to distinguish a certain set of formal or stylistic characteristics that specifically define "indies."⁷³ However, when examining the body of research written about this time, there are a few stylistic traits that reoccur in the discourse surrounding the Sundance-Miramax era. Michael Newman analyzes these traits in detail in his book *Indie: An American Film Culture*. The title implies the theme of the book and Newman's main argument: independent film in the Sundance-Miramax era became a *culture*, a way of thinking about films as a community with shared expectations.⁷⁴ The era also popularized the term "indie," the shortened and more stylized version of the label "independent," which more aptly represented both the films and the culture that surrounded them. While the "indie" film

72. Ortner, *Not Hollywood*, 74.

73. King, *Indie 2.0*, 2.

74. Michael Z. Newman, *Indie: An American Film Culture* (New York: Columbia University Press, 2011), 245-246.

culture implied a certain set of political or thematic expectations, Newman focuses on the loose set of stylistic expectations in these films which served as a generic marker. First, Newman makes the distinction that while Hollywood studio films focus on plot, “indie” cinema in the 1990s focuses on character. Independent film in this era often captured the ordinariness of everyday life, whereas Hollywood narratives captured the exceptional, fantastic, and out of this world.⁷⁵ This does not necessarily mean “indie” films in the Sundance-Miramax era were less focused on plot or narrative, but rather their plots are thematically identity- or socially-driven. Second, Newman describes “indie” narrative conventions as “formal play,” using the Coen Brothers’ *Blood Simple* (1984) as an example. While *Blood Simple* came out before the start of the Sundance-Miramax era, the “formal play” used in this film extended throughout the Coens’ body of work. The Coens are known for twisting generic expectations and conventions, following certain formal rules while also including a self-consciousness that can at the same time work against those very conventions.⁷⁶ This kind of “formal play” continued through many films of this time – notably, *Pulp Fiction* (1994), *Memento* (2000), and *Eternal Sunshine of the Spotless Mind* (2004) – and was heavily influenced by literary modernism, film noir, art cinema, cult movies, as well as emerging digital media and video games. As Newman asserts, the “formally playful indie film offers a sensibility of sophistication and exclusion,” encouraging repeated viewings, extensive discussion, and the reliance on a niche, art-house culture that shares a similar level of understanding about these films.⁷⁷

75. Newman, *Indie*, 90-91.

76. Newman, *Indie*, 145-146.

77. Newman, *Indie*, 216.

By the mid-1990s, Hollywood quickly began to see the economic benefit of appealing to similar niche demographics, and major studios opened what became known as independent specialty divisions, focusing on the films that adhere to the loose set of stylistic and formal rules outlined above. While this seems like it could have been a benefit to independent filmmakers in this era (higher budgets, wider distribution, etc.), the creation of these specialty divisions ultimately threatened the independent film movement as they knew it. This trend stemmed from the distribution and marketing techniques employed by Miramax. Perren describes the Miramax films as “quality indie blockbusters,” or “a film that, on a smaller scale, replicates the marketing and box office” of a Hollywood blockbuster; examples of these films include *The Crying Game* (1992), *Pulp Fiction* (1994), *The English Patient* (1996), and *Good Will Hunting* (1997).⁷⁸ As Miramax executives often claimed, “marketing is not a dirty word;” the distributor felt they were responsible in this way to find the film and audience. Miramax used what became known as “exploitation marketing” to call attention to certain aspects of the film that would capture audiences, often simultaneously promoting both prestige and popular culture.⁷⁹ For example, techniques like appealing to sex or violence, emphasizing the seriousness of the film (festival award winner, critical praise, etc.) or aligning it with lighter summer films (released in August, “edgy, intense comedy,” etc.) were all used to appeal to audiences. In this sense, Miramax tried to make the film whatever the viewers wanted it to be.⁸⁰

As Miramax films became popular at the box office, Disney acquired the company

78. Perren, *Indie Inc.*, 16.

79. Perren, *Indie Inc.*, 22-23.

80. Perren, *Indie Inc.*, 35.

as its independent niche subsidiary. Another wave of studio specialty divisions soon followed, with NBC-Universal's Focus Features, 20th Century Fox's Fox Searchlight, Viacom's Paramount Vantage, and Sony's Sony Pictures Classics providing niche-oriented films as counterprogramming for the studio's larger tentpole films. As a result of Hollywood's involvement, the economic and industrial value in this movement becomes clear; however, one can argue that what Hollywood was capitalizing on was not merely caused by supplemental box office gross, it was also driven by independent films' uniting formal, stylistic, and cultural factors, which therefore provided both economic capital in the form niche audience appeal, and also the *cultural* capital associated with a community of filmmakers, institutions, and audiences alike. This will become a key motivation for new independent film distributors that focus on digital delivery, and eventually streaming platforms, as they enter the same market a decade later and must prove their legitimacy as a competitive Hollywood distributor to modern audiences, filmmakers, and existing media institutions. This era therefore created a symbolic definition of "independent" as a film product that accomplished three things: 1) it persisted whether the film was actually independent of studio financing and distribution or not; 2) it became embedded in the popular discourse of what it means to be independent; and because of these two factors, 3) it became a symbolic definition on which major industrial institutions could capitalize, both commercially and culturally.

The Fall of Indiewood (2000s-2010s)

By the mid-2000s, independent film had arguably lost its "independence." The pathways initially carved by independent filmmakers to avoid high barriers to entry in the a studio-controlled market had been taken over by independent film divisions within

those very conglomerates. As this section will demonstrate, independent filmmakers and the few independent theatrical distributors that were left were at a crossroads that was on one hand vulnerable in an oversaturated market, but on the other hand, open to new pathways, just as digital distribution systems became available.

By the late-1990s, an independent film culture had been well-established in Hollywood and among consumers, popularizing a business model that several independent distributors and studio specialty divisions maintained through the start of the 2000s. In an interview with *Indiewire* in 1999, Miramax president Mark Gill challenged *Indiewire* editors Eugene Hernandez and Mark Rabinowitz to name this new brand of independent blockbuster, to which they came up with the term “Indiewood.” However, as soon as the new label was created, skepticism was brewing regarding the sustainability of the movement. By the early-2000s, tension between Miramax and Disney were rising as the subsidiary began to shift further away from their mandate to focus on quality, low-budget films; Miramax started to focus more on films known as “Oscar-bait,” which were often in the mid-budget range, meaning more costly to acquire and required an expensive awards-driven marketing campaign.⁸¹ This led to rumors that Miramax was just “buying their way to the top,” using the newfound wealth of their parent company, and often failing to meet the box office minimums to break even on these costly films.⁸²

Furthermore, larger cultural and economic factors contributed to the unsustainability of the Indiewood model. While it appeared that the Indiewood

81. Perren, *Indie Inc.*, 225.

82. Perren, *Indie Inc.*, 227.

movement had many positive contributions in this time – including creating a route for talent to break into the industry, constructing a discourse around independent “quality” film, and increasing independent affiliate subsidiaries across many businesses and organizations – the popularity of this movement also contributed similarly negative effects. First, the business model became unsustainable for smaller distributors, particularly those who did not find a studio parent-company for financial backing; too many films were being produced and submitted to festivals like Sundance, and the cost of acquiring these pictures were driven up by the deep pockets of studio specialty divisions. Similarly, the overcrowding of independent films in theaters was less desirable than it appeared, causing many independent films to only spend a week or so in theaters just to be pushed out by the next low- to mid-budget project. Though they all hoped to break out as the next “indie blockbuster,” rarely did one succeed in obtaining the box office profit that would deem it so. And finally, while the discourse around the Indiewood movement became one of opportunity and breakout success for new talent, the reality in the industry was that the high costs and overabundance of these films raised the barriers to entry for upcoming, unseen talent. Miramax became known for acquiring only awards-worthy projects, often with the appeal of established stars attached.⁸³

In 2005, due to disagreements between Miramax and Disney, Miramax leadership separated from the company. Many other independent film subsidiaries such as Paramount Vantage and Warner Independent closed their doors soon after. By 2008, panic was widespread among the independent sector, while many current and former players in the movement declared the end of the Indiewood era. Miramax was officially

83. Perren, *Indie Inc.*, 232.

sold in 2010 to a group of investors that, and as Perren claims, “it seemed doubtful that the new investors would do much more than license and relicense old Miramax content for physical and digital distribution.”⁸⁴ Thus, as the era of Indiewood came to a close, a gap was left where the intermediaries once stood.

Disintermediation and Early Digital Distribution

A common paradigm used in scholarly research of digital film distribution is the concept of *disintermediation*, or the process by which direct access to content makes the intermediary in the supply chain obsolete, in this case, the traditional film distributor. In *Digital Disruption: Cinema Moves On-Line*, editors Iordanova and Cunningham argue in reference to independent filmmakers and their larger theatrical distribution counterparts that, “smaller players now come to be on par with bigger players; the latter may still exert a degree of control over the international theatrical distribution, but they no longer possess an efficient means of barring alternative content from seeking exposure on the internet.”⁸⁵ *Digital Disruption* was written before streaming platforms entered the independent film market, so disintermediation’s popularity as a paradigm does make sense at this time. However, as discussed in the previous chapter, this notion falls under a common idealistic perspective of a more democratic web space.

In reality, as this dissertation argues, this era opened the door for even larger technology companies like Netflix and Amazon to fill the gap left by disintermediation. In *Connected Viewing*, Holt and Sanson demonstrate that the innovative strategies

84. Perren, *Indie Inc.*, 232.

85. Dina Iordanova and Stuart Cunningham, eds. *Digital Disruption: Cinema Moves On-Line* (St. Andrews: Dina Iordanova, 2012), 1-2.

commonly employed by independent film distributors is a response to disintermediation, or an attempt to regain their status as an intermediary. As we will discuss in the next section, distributors at first resisted changing business practices, but those that adapted and became successful in the new digital distribution landscape maintained their place as an intermediary. Holt and Sanson also recognize that most of the innovations in digital distribution began in independent film, a space that is often more optimistic about alternative storytelling possibilities, new formats and business models, and emerging distribution systems, largely because they operate outside the constraints and expectations of media corporations. Furthermore, as the following chapters will demonstrate, these changes in independent film distribution also have to do with larger cultural shifts in communication, and even in instances of perceived disintermediation, consumers have less control than it appears. For example, distributors learned to exploit the use of social media in marketing campaigns to target consumers with greater accuracy, or to manipulate digital interfaces to guide consumers to specific products. And as these online tools became more accessible, independent filmmakers themselves were able to take advantage of similar methods to promote and deliver their films to audiences.

The example of *Four Eyed Monsters* (2005), one of the first grassroots, digitally self-distributed films, demonstrates the innovative distribution strategies employed when independent filmmakers utilize the powers afforded by technology at the time. This case study illuminates these shifts in communication, self-expression, and hyper-individualized consumption come to the forefront, not only in the story of the film's distribution, but also in the reflexivity of the film itself.

Case Study: *Four Eyed Monsters* (2005)

Apparent in both the film's narrative and the film's method of distribution, *Four Eyed Monsters* is emblematic of the digital age. It is written and directed by Arin Crumley and Susan Buice, who also star as "themselves" in a story based on their "real" offscreen relationship. The characters Arin and Susan are introduced as starving artists in New York City, the former a filmmaker and the latter a painter and illustrator. The two meet online and before their first in-person meeting decide that a classic date with awkward or dull conversation will not suffice; instead, they agree to meet in person but only to interact through artistic media. The rest of the film chronicles their subsequent relationship as a collection of notes, drawings and videotapes accumulate and become the relationship's physical manifestation. In the last few scenes, the couple decides that the natural culmination of their relationship's artistic expression is to make a film, and it is then that viewers realize the reflexivity of the film's narrative.

What is not seen in the film is the tangled tale of *Four Eyed Monsters*' production and distribution. However, this as well as a continuation of the couple's story is detailed in Crumley and Buice's web series, which they called "video-podcasts," and released on their website prior to the film's distribution.⁸⁶ After an attempt to find traditional theatrical distribution failed, *Four Eyed Monsters* became the first feature-length film released on YouTube, and is often cited as the first to use the self-distribution strategies that proliferated in the next decade.⁸⁷

86. Both the web episodes and the feature are still available on: youtube.com/foureyedmonsters.

87. For do-it-yourself distribution in independent film, as well as *Four Eyed Monsters* specifically, see: Geoff King, *Indie 2.0: Change and Continuity in Contemporary American Indie Film*, (London: I.B. Tauris, 2014).

The film's self-reflexive nature as well as the industrial factors behind its distribution makes it a unique example of independent film used as an object in a negotiation of power, not only between traditional and digital distribution methods, but also in the construction of social media profiles, YouTube personas, and online identities, forms of communication that the characters, filmmakers, and much of their millennial audience practiced during this time. Thus, as I will argue, the digitally mediated nature of self-construction in both the narrative of *Four Eyed Monsters* and the film's industrial history provides a unique example of a generational shift in media distribution, a negotiation of industrial power, and communication and self-expression in modern society at large.

Do-It-Yourself Distribution

The “real” Arin Crumley and Susan Buice did meet online, and according to their web series, as in the film, only communicated through artistic media at the beginning of their relationship. However, once they decided to make the film, they enrolled in acting classes and cast themselves as the film's leads and their friends from the acting studio in supporting roles. As this was their first film, the entire production was collaborative, and the couple took the advice of their friends and other artists and filmmakers. They paid for the film entirely through credit cards until their credit ran out. Given its production background, *Four Eyed Monsters* is low-budget and stylistically raw. It debuted at the Slamdance Film Festival, and although it received a positive reception there, it did not receive theatrical distribution as the filmmakers had hoped.⁸⁸

88. Slamdance Film Festival takes place in Park City, UT, the same place and time as the Sundance Film Festival. Founded in 1995, it focuses on emerging filmmakers and “raw and innovative projects.” See: slamdance.com.

The web series narrativizes this struggle, highlighting the obstacles the filmmakers faced in bringing the film to the public. They uploaded these episodes to the film's MySpace page, then eventually the videos were made available as a free download on iTunes and streamed on YouTube. Coincidentally, the same day the first episode was released, Apple announced their new video iPods. With many curious technology consumers suddenly exploring the content to download to their new device, the web series became a cult hit. The filmmakers hoped their growing fan base would attract theatrical distributors as viewers of the web series grew eager to see their film. The first season of the web series emphasizes the idea of authorship, and how the collaborative nature of the production resulted in students from the acting class feeling that they also deserved directorial credit. This issue initially materialized at the Slamdance Film Festival when members of the cast and crew independently introduced themselves as the film's directors when speaking about the film to other festival-goers. At the first screening, the audience was struck by the film's self-reflexivity and asked specific questions about the film's authenticity as well as about Crumley and Buice's role in constructing a story about themselves. Crumley and Buice felt they were unable to take full directorial credit at that first Q&A, leading to a suspicious audience of press and members of the independent film community. In their web series, Crumley and Buice blame this difficult Q&A for their inability to secure a theatrical distribution deal, and claim the questions asked seemed to suggest their amateurism in the professional filmmaking world. Nonetheless, the film's tension-filled debut did not entirely derail its further exhibition. After Slamdance, *Four Eyed Monsters* was accepted by several film festivals, where the filmmakers made their "rounds" and built a gradual following in support of the film. Although a distribution deal was still nowhere in sight, because of this growing enthusiasm they decided to film an

episodic continuation of their story so that fans could follow its progression and the eventual deterioration of the couple's relationship.

The web series also served as a marketing tool that they hoped would increase their audience and build momentum for the film's eventual self-distribution. The filmmakers collected zip codes from their web series viewers and documented the regions with the most interest. Around the same time, *Four Eyed Monsters* was chosen as a finalist for *Indiewire's* Undiscovered Gems, a competition in collaboration with *The New York Times* and Emerging Theaters to give independent films without distribution deals a one-month domestic theatrical release in eleven cities.⁸⁹ The filmmakers then emailed the viewers in those regions to spread the word, causing most of their limited theatrical run to sell out. After these screenings as a form of fan outreach, the web series asked viewers to request more screenings in their area using a virtual, interactive map, and with the armor of their crowd-sourced audience, Crumley and Buice used the requests to bargain with theaters to book "four-walls," or the rental of a theater for the run of the film whereby the filmmaker or distributor keeps all box office revenue.

By 2007, the film's theatrical run was over, but the web series had a small but passionate following. Nonetheless, they still were unable to secure theatrical distribution beyond their "four-wall" arrangements and the month-long run they earned from Undiscovered Gems. Crumley and Buice then decided to foray into the then-unexplored territory of online streaming and uploaded the entire film to YouTube, self-distributing it to audiences for free. Simultaneously, an independent film website called Spout.com offered to donate \$1 to the film for every fan who registered on their site after viewing the

89. Jason Guerrasio, "Forgotten Mavericks: Ten Years Later, What Happened to 'Four Eyed Monsters'?" *Indiewire*, January 21, 2015, accessed March 18, 2022, <https://www.indiewire.com/2015/01/forgotten-mavericks-ten-years-later-what-happened-to-four-eyed-monsters-66068/>.

film on YouTube.⁹⁰ Crumley and Buice filmed a short introduction to the film, still available on YouTube today, explaining their distribution process and asking fans to please support their film through buying a DVD on the film's website or signing up for the Spout website. Additionally, YouTube tried to monetize the film, using it as an opportunity to experiment with introducing advertising on their videos, agreeing to share some of the ad revenue with the filmmakers.⁹¹ Crumley and Buice, however, were skeptical. As Crumley recalls, "[YouTube] would be like, 'What do you think of this?' and it would be Homer Simpson running across the bottom of the movie chasing a donut. I didn't agree with what they were doing at the time and I still don't. But we were part of the problem by working with them." Consequently, this hesitation toward advertising eventually caused tension between YouTube and the filmmakers. Nevertheless, this arrangement between YouTube and the filmmakers became an important moment for independent film distribution. In the end, the filmmakers earned about \$50,000 through Spout and the film's availability on YouTube also boosted the sale of the DVDs, which they attribute to viewers who liked the film wanting to own a better-quality version. This unconventional distribution process earned the film a lot of attention, and eventually they earned a \$100,000 TV run, a retail DVD deal, and international distribution interest.⁹²

After years of struggling to get their film in theaters, the frustrated independent film community saw advantages to the self-distribution strategies of *Four Eyed Monsters*,

90. The encouragement to donate by the filmmakers is still on the YouTube version today.

91. YouTube ads have become mainstream today. YouTube takes 45% of ad profit, and 55% goes to the owner of the video. *Four Eyed Monsters* made approximately \$60,000 from YouTube ads and the Spout.com sponsorship. See: Guerrasio, "Forgotten Mavericks," *Indiewire*.

92. Guerrasio, "Forgotten Mavericks," *IndieWire*.

which circumvented the traditional Hollywood distribution system and, in the eyes of some, provided a solution to the battle between art and commerce.⁹³ As this dissertation argues, *Four Eyed Monsters* is a quintessential example as an independent film used to invite audiences, critics, and both traditional and amateur film practitioners into a larger discussion, one that sheds light on who has the power, and how that power can be displaced using self-distribution tools of the online era. However, while in some ways self-distributing filmmakers may hold more power over their work, they are not immune to other cultural, technological, and industrial power negotiations.

The "Mumblecore" Movement

After describing the film's unique distribution strategy, it is important to situate the film into its appropriate sociocultural context. Film scholar A.J. Christian positions *Four Eyed Monsters* as part of what has come to be called the *mumblecore* movement: a style of filmmaking which emerged at the turn of the millennium that emphasizes the angst of contemporary youth culture, has a digital aesthetic, and explores intimate expression often in the virtual world.⁹⁴ *Four Eyed Monsters* contains each of these elements while also being a self-reflexive film about the creators themselves, and emphasizes what has been seen as the hyper-individualism of this movement and its filmmakers. Christian further characterizes *mumblecore* as:

a small movement of mostly white, male filmmakers making cheap, realistic movies exploring the lives of young people at the dawn of the twenty-first century. The style has its detractors and has weathered strong criticism for its perceived

93. Guerrasio, "Forgotten Mavericks," *IndieWire*.

94. Aymar Jean Christian, "Joe Swanberg, Intimacy, and the Digital Aesthetic," *Cinema Journal* 50, no. 4 (2011): 117-135.

narcissism, blindness to social issues, listless plots, poor technical quality, poor acting quality, self-indulgence, self-importance, and white-centered narratives.⁹⁵

With this passage in mind, it is possible that the negotiation of power exhibited in the mumblecore movement is not the power of a *generation* per se, but of a smaller and more specific *demographic*: twenty-something, white, middle- to upper-class, aspiring artists. It is important to distinguish the sociocultural specificity not only in this case study, but in the digital distribution of independent film as a whole; on the one hand, independent film has a history of being more inclusive of race, gender, class, and sexual diversity, while on the other hand, it's impossible to ignore that these exclusions are still present in every film movement, particularly those that require access to new technologies and methods of distribution, leaving out many consistently marginalized communities. In *Four Eyed Monsters* specifically, race and gender are erased completely, blurred by the frenetic life of New York City or reduced to abstracted body parts.

Other filmmakers associated with mumblecore have also been accused of this same erasure, in particular, Lena Dunham's film *Tiny Furniture* (2010). Dunham often writes about the bittersweet agony of being a confused twenty-something trying to find her way in the world, all the while casting herself as her own protagonists, and now, after the success of her HBO series *Girls* (2012 - 2017), starring in her own voice-of-a-generation brand. Specifically with this television series, Dunham is often criticized for a lack of diversity in her cast and characters. Nonetheless, Dunham's work articulates the anxiety of this demographic as she often exploits her own character's chaotic attempts to gain control of her adult life. A review of *Tiny Furniture* notes, "Dunham has put herself out

95. Christian, "Joe Swanberg, Intimacy, and the Digital Aesthetic," 118.

there, defiantly [...] Her only protection is her self-aware artistry, which is formidable.”⁹⁶ This “self-aware artistry” can also be viewed as the armor of the entire mumblecore movement, presumably protecting filmmakers from the criticism of their generation’s self-centeredness and the movement’s history of culturally-narrow insularity.

While *Four Eyed Monsters* also demonstrates this “self-aware artistry,” the fact that its narrative retells the directors’ own love story takes this self-awareness a step further. Not only is *Four Eyed Monsters* explicitly self-aware, but it is also explicitly an artistry of *self-construction*. This self-construction is another form of a negotiation of power, one that is embedded in a social-media-infused digital age.

Self-Construction in Self-Distribution

Due to the nature of the film’s online distribution, it is essential to examine the context of contemporary digital culture to better understand the text. By the mid-2000s, the idea of self-representation online had been seeping into daily life with the advent of “Web 2.0.”⁹⁷ MySpace was invented in 2003 and personal blogging sites like Xanga had been around since the late 1990s, providing a public outlet for personal thought. *Four Eyed Monsters*, then, was released on YouTube in 2007, only two years after the site was launched. This sudden boom of social media and user-generated content sites shook up the industries of entertainment and communication. As will be discussed in greater detail in later chapters, social media theorists Jose Van Dijck and Thomas Poell use the phrase

96. Philip Lopate, “Tiny Furniture: Out There,” *Criterion*, February 15, 2012, accessed March 18, 2022, <https://www.criterion.com/films/28317-tiny-furniture>.

97. Web 2.0 is an era of the internet that began in the mid-2000s; it emphasizes social media, user-generated content, and interpersonal communication through the internet.

social media logic to distinguish these new communication practices from those of mass media. The authors explain that mass media and social media provide different logics of communication; social media is dependent on qualities like popularity and connectivity rather than on the usual “discursive strategies and performative tactics of mass media.”⁹⁸ Arguably, this shift in primary modes of communication, in turn, shifted the logic of a generation, altering their desires and expectations from communication based on the way in which that communication takes place.

Another aspect of this shift to primary communication through social media is what Alice E. Marwick called *microcelebrity*: “a mindset and set of techniques in which the subject views his or her friends or followers as an audience or fan base, maintains popularity through ongoing fan management, and carefully constructs and alters his or her online self-presentation to appeal to others.”⁹⁹ With apps like Instagram and user-generated content (UGC) sites like YouTube, users are able to construct both a persona and a following of “friends” into the millions. This is especially pertinent when analyzing YouTube vlogs, videos made by YouTube creators that narrate and elaborate on various parts of their everyday life. It is the voyeuristic fascination with the mundane that draws people in, and for the subjects, the desire to be watched. Although these videos are meant to be “candid,” the subjects are always also performing for the camera. Performance is not a new phenomenon; many perform public and private personas that differ greatly. What is new, however, is the constant ability, even necessity, to construct a dual-self online for an ever-present audience. Thus, the *Four Eyed Monsters* web series can be seen

98. Van Dijck and Poell, "Understanding Social Media Logic," 5.

99. See: Alice E. Marwick, *Status Update: Celebrity, Publicity, and Branding in the Social Media Age*, (New Haven: Yale University Press, 2013).

retrospectively as an early example of vlogs, even as it is stylized to mimic the film itself. Moreover, it serves as an example of Crumley and Buice's development of their microcelebrity, constructing this second image to build what they hoped to be a large following. Once they started growing a fan base at film festivals, they knew people were invested in the story they were telling. Therefore, as both a marketing tool and a process of fan management, they continued to broadcast their story online. Indeed, during their short festival run, Buice uses a similar term in the web series to describe their growing fame: *sublebrities*. At the time, a language for this new form of self-mediated construction had not yet been created. As proposed in the previous pages, the industrial context, history, and content of *Four Eyed Monsters* sheds light on how and why social media users self-mediate their online personas.

Self-Distribution as an Industrial Practice

Due to success stories like *Four Eyed Monsters* – which are few and far between – a specific rhetoric became common among the independent and amateur filmmaking community regarding self-distribution: skip the intermediary and harness the opportunity to earn more money for the film's creators. This path would help filmmakers make their film available directly to audiences without the need for a distributor. As mentioned, this was known as a “tightening of the film-value chain,” or the idea that the money would no longer be controlled by an intermediary and a larger portion of the film's income would go straight to the pockets of the producers.¹⁰⁰ Famously, Kevin Smith used this argument during the 2011 Sundance Film Festival when he sold his film to himself

100. King, *Indie 2.0*, 86.

for \$1 and proclaimed he was ready to self-distribute. Being a quintessential figure of the previous Sundance-Miramax era, Smith's performance was symbolic of two things: the abundance of self-distribution tools and methods meant there was no longer a need for the theatrical distributor, but also, as this chapter demonstrates, the Sundance-Miramax era was over, leaving very few distributors outside the studio system to choose from. Smith's was a popular sentiment at the time, as Karina Longworth explains in an article for *LA Weekly*, "we're moving from a top-down culture in which media companies dictate where the eyeballs will be directed to one in which each of us curates our own personal 'mainstream' from a variety of niche content streams."¹⁰¹ This opinion encapsulated the opinion of many independent filmmakers during the start of this phenomenon.

In the mid- to late-2000s, independent filmmakers experimented with self-distribution in a variety of ways. Early on, a digital download could be made available on the film's website, often along with sales of the DVD or Blu-ray. Software that allowed electronic sell-through was also popular, such as a digital purchase or rental on iTunes or early iterations of Amazon Instant Video. At this time, streaming was a less popular option due to the lack of streaming opportunities other than UGC platforms, however, sometimes films were made available for free – with the potential to include ads – on UGC sites like YouTube. Social media was used for word-of-mouth promotion and sometimes crowdfunding, however, this was more common for fundraising to cover production costs rather than in the distribution process. Although streaming was not an easily accessible option for self-distributors, all the options above still contributed to the eventual cultural and industrial acceptance of streaming, particularly the development of self-promotion

101. Karina Longworth, "Kevin Smith: 'I Am So, Like, Sick of Movies and Shit,'" *LA Weekly*, April 7, 2011, accessed March 18, 2022, <https://www.laweekly.com/kevin-smith-i-am-so-like-sick-of-movies-and-shit/>.

and microcelebrity as a key element to succeed in digital distribution. Uploading the content to an online platform alone would not be enough; all the self-distribution methods above relied on a mastery of achieving a certain amount of popularity by negotiating word-of-mouth, branding, and self-promotion to bolster the visibility of that content online. Therefore, while self-distribution had been touted as the future of independent film distribution, especially in the mid-2000s as social media platforms were emerging as quickly as theatrical distributors were falling, this idealistic discourse would not last.

Ted Hope relied on this rhetoric in *Hope for Film*, as he recounts the rise and fall of the independent film era as he knew it, in the end, encouraging filmmakers to use the resources of the online era at their disposal. As the title implies, his book is full of hopeful passages like the one below:

We can now usher in a new kind of cultural democracy and, as both creators and audiences, determine our own futures. And while certain qualities continue to hold value – ambition, discipline, passion, respect for your collaborators – others have taken on greater importance and relevance: making do with fewer resources and using the strength of community empowered by the Internet and social media. Be it true cross-platform transmedia or simply a new way of configuring old models of entertainment, there are several new ways forward – ones that for the first time in our history have the potential to exist mostly outside corporate control.¹⁰²

Of course, Hope makes a point in this passage that is partially true, considering the new rules that arrived with the emergence of online platforms in that time; concurrent with the example of *Four Eyed Monsters* above, the internet did create feelings of empowerment and opportunities for more voices to be heard, not just in the filmmaking community but in modern culture as a whole. However, in retrospect, we can be more critical of idealistic notions like these that imply there are no other invisible powers at

102. Hope, *Hope for Film*, 23-24.

work that may control the flow of seemingly autonomous user contributions online.

First, as addressed above, while there are many success stories like *Four Eyed Monsters*, even more films struggle to find visibility online due to over-saturation of content, or the lack of “going viral.” As Jenkins, Ford, and Green discuss in *Spreadable Media*, the “virus” effect of media distribution is a confusing, and often misleading, description of the process. As the authors observe, “ironically, this rhetoric of passive audiences becoming infected by a media virus gained widespread traction at the same time as a shift toward greater acknowledgement that audience members are active participants in making meaning within networked media.” The authors argue that “viral” content requires “participation within a socially networked system.”¹⁰³ Therefore, popularity in the form of virality here further relies on a negotiation between self-promotion strategies to gain visibility among the platform’s users, and the affordances of the platform itself, its algorithms acting not as a nonbiased participant, but as a system to manage and exploit during the self-distribution process.

Similarly, the digital processes required to succeed in self-distribution are still using intermediaries controlled by larger conglomerates. As scholars such as Chuck Tryon and Yannis Tzioumakis have pointed out, even before corporate juggernauts like Amazon offered the means for self-distribution, independent institutions were also owned or funded by conglomerates, therefore overseeing even what appeared as autonomous distribution pathways. For example, Tribeca once pushed independent filmmakers to experiment with television distribution, with the help of their financier, Comcast, who required exclusive broadcast rights in return. Even the electronic sell-through pathways

103. Henry Jenkins, Sam Ford, and Joshua Green, *Spreadable Media: Creating Value and Meaning in a Networked Culture* (New York: New York University Press, 2013), 20.

needed telecommunication giants for the data transmission of self-distributed films. Therefore, while self-distribution is often touted as an unmediated substitute for theatrical distribution, this rhetoric is also a symptom of an exaggerated American dream fueled by the utopian ideals of 21st century technology, causing self-distribution of feature films to be one of the many processes caught in the larger changes seen in media culture.

Conclusion

As Christine Holmlund and Justin Wyatt describe, the distinction between “independent” and “mainstream” film is a sliding scale.¹⁰⁴ Several factors contribute to this definition, as we have seen above, independence has been defined in terms of cinematic style, narrative form, or the film culture in which it is born. However, most notably, independence can also be defined historically, particularly by the industrial, economic, and political context of the time. Today, digital distribution is creating new pathways between independent filmmakers and audiences. These key moments are driven by industrial, technological, and economic conditions that allowed for cinematic experimentation and innovation in that particular moment in time, one that implies, perhaps, that a concrete definition of independence can never be found.

The next chapter and in turn, the dissertation that follows, therefore continues with an independent film industry in turmoil. Even though independent film was often defined by experimental business strategies, the reshaping of the industry in the late-2000s and early-2010s caused more uncertainty than ever before. This key moment redefined “independent” cinema once again as filmmakers had to find new ways to define

104. Christine Holmlund and Justin Wyatt, eds. *Contemporary American Independent Film From the Margins to the Mainstream* (London and New York: Routledge, 2005), 3.

themselves in opposition to the studio-saturated theatrical market. I refer to this era as “the digital art house,” defined by experimental distribution and marketing strategies that relied on the technological tools and cultural shifts brought about by the online era.

CHAPTER THREE

DIFFERENTLY & EFFICIENTLY: INDEPENDENT THEATRICAL DISTRIBUTORS IN THE DIGITAL ERA (2010-2014)

“We question everything — from how movies are marketed, distributed, screened, to how they are produced [...] We think that technology now allows everything to be done differently and more efficiently, and we will do everything we can to wring inefficiencies out of the business. We enjoy that.”¹⁰⁵

- Todd Wagner, Co-Founder and CEO of 2929 Entertainment

Introduction

Prior to the start of the 2009 Sundance Film Festival, the festival’s director Geoff Gilmore wrote a first-person article in *Indiewire* explaining his observations of the ongoing challenges faced by independent filmmakers to find distribution:

Structurally the biggest issue facing independent film is the theatrical distribution bottleneck. As long as theatrical exposure is the driving force to a film’s revenue streams in the so-called ancillary markets, video/DVD, pay cable etc., then the expense of that theatrical release, the crowded marketplace and the competition with studio and specialized divisions of studios for that same filmgoer, creates a unique challenge. And if specialized distribution and the potential of new technologies, i.e. the Internet, are the answer, the question still remains how to reach filmgoers — how does marketing on the Internet succeed whether it’s viral, social community or niche, and when will revenue streams from new distribution mechanisms actually be significant?¹⁰⁶

As demonstrated in the previous chapter, the end of the 2000s left the independent film industry with many questions, much like the ones Gilmore asks here. High barriers to entry caused by studio specialty divisions left independent distributors fighting for few theatrical spots, while others were finding results as they experimented with what seemed

105. Matthew Ross, “Todd Wagner and Mark Cuban,” *Variety*, November 28, 2006, accessed March 23, 2022, <https://variety.com/2006/film/awards/todd-wagner-and-mark-cuban-1117954641/>.

106. Geoff Gilmore, “Evolution v. Revolution, The State of Independent Film & Festivals,” *Indiewire*, January 12, 2009, accessed March 23, 2022, <https://www.indiewire.com/2009/01/geoff-gilmore-evolution-v-revolution-the-state-of-independent-film-festivals-70934/>.

to be a more democratic web space. Industrially, culturally, and technologically, the end of the 2000s marks a shift in distribution at a time when both filmmakers and distributors were left with no choice but to find alternative pathways to reach audiences, and by 2010, many independent theatrical distributors turned to digital methods of distribution. By interrogating the context, motives, and processes behind the digital distribution practices of independent theatrical distributors between 2010 and 2014, this chapter demonstrates how distributors negotiated power in the studio-saturated market using methods heavily influenced by the rules and consumption patterns of contemporary online culture. This unintentionally set the groundwork for subscription video on-demand (SVOD) platforms to observe the advantages of digital delivery for independent film products and adopt these very methods to use with their own more advanced systems in the years to come.

The primary example of digital distribution examined in this chapter will be a hybrid model popular among independent theatrical distributors at this time called *day-and-date*: a distribution strategy that delivers a film via multiple platforms, commonly theatrical and video on-demand (VOD), on the same day. As studio subsidiaries like Fox Searchlight and Focus Features were spending eight figures on films that fit the formal and stylistic definitions of “art-house” or “indie” popularized by the Sundance-Miramax era, the films left without distribution were independent in the industrial and economic sense: for example, films produced without the financing of a major studio, such as financial thrillers *Margin Call* (Chandor, 2011) and *Arbitrage* (Jarecki, 2012), were released by independent distributor Roadside Attractions and are the subjects of the case study in this chapter. After observing the success of these early day-and-date films, other independent distributors followed suit; Magnolia used the day-and-date model on films such as *Melancholia* (Von Trier, 2011) and *To The Wonder* (Malick, 2012), while RADiUS

experimented with *The One I Love* (Duplass, 2014), by releasing it on VOD two weeks prior to its theatrical run, and *Snowpiercer* (Bong, 2014), with a VOD release coming only three weeks after it opened in theaters. While other forms of digital distribution did exist at this time, they were less common than the day-and-date model; for example, self-distribution and user-generated content on online platforms was sometimes used as a small-scale, grassroots distribution practice, and premium video on-demand (PVOD) was sometimes used by studios on wider releases for a higher online rental price. As seen in the films listed above, day-and-date was often used for midrange independent titles that fit somewhere between mass and niche appeal, and it became the primary business model for digital distribution used by independent film distributors at the time.

The previous chapter concluded with an independent film industry in turmoil, plagued by conglomerate takeover at the end of the 2000s and the subsequent fall of many studio specialty divisions. This chapter will begin by examining the independent theatrical distributors left standing and the industrial decisions behind the shift to the hybrid, digital distribution models that emerged during this era. Therefore, this chapter examines the cultural and technological shifts that happened at the same time, first examining how network culture affected the business of traditional independent distributors, and in turn, placed independent film within the negotiation of power between the analog and the digital. The cultural consequences of these technological shifts were two-fold: first, it changed audience consumption practices by normalizing the home-viewing of independent films, and second, it complicated the cultural and symbolic value of both independent film and home-video products. The negotiation of symbolic value is most clearly seen in the stigma attached to digital distribution among independent filmmakers who associated a day-and-date release with the failure of their

film to attract a significant theatrical audience; however, it is the compromise of those very filmmakers in the decision to accept a simultaneous release that starts to show the growing power of digital distributors in this era who must rely on new methods of media delivery in order to stay afloat in a precarious industrial landscape. Finally, the chapter concludes by examining the early industrial development of streaming platforms, which foreshadows the adoption and exploitation of the day-and-date model only a few years later.

The Industrial History of Day-and-Date Distribution

In the mid-2000s, at the same time *Four Eyed Monsters* became the first film self-distributed on YouTube, methods of distribution were also changing among established independent filmmakers and distributors. In 2005, Steven Soderbergh partnered with Magnolia Pictures to release the first film simultaneously in theaters and VOD on the same day. As a result, many scholars credit the owners of Magnolia Pictures, Mark Cuban and Todd Wagner, as the founders of the day-and-date model. In fact, in his book *Reinventing Cinema*, Chuck Tryon calls the method “Mark Cuban’s day-and-date release strategy.”¹⁰⁷ Jeffrey Ulin gives similar credit to Cuban and Wagner in his book *The Business of Media Distribution*. In the text, Ulin summarizes Wagner’s concerns about the inefficiencies of theatrical distribution at the time:

In particular, [Wagner] has questioned: (1) Why would you want to spend marketing money twice, first to launch a movie theatrically and then for video—would it not be more efficient, and therefore profitable, to combine spending and release a video simultaneously? (2) Why should consumers who may not want to see a movie in theaters, or did not have the time to see it in theaters (as theatrical runs are becoming shorter and shorter), or could not afford to take the family to

107. Chuck Tryon, *Reinventing Cinema: Movies in the Age of Media Convergence* (New Brunswick: Rutgers University Press, 2009), 104.

see it in the theater, have to wait several months to see it on video? Would it not be nice to be part of the water-cooler conversation while the film is in release and is topical?¹⁰⁸

Soderbergh's *Bubble* became the first experiment by Wagner and Cuban's parent company 2929 Entertainment to answer questions like the ones proposed above. *Bubble* was released in theaters, on DVD, and on cable TV on January 27, 2006, notably breaking the six-month theatrical exclusivity window. However, 2929 Entertainment was a vertically integrated company, owning both a distribution and exhibition arm in Magnolia Pictures and the Landmark Theaters respectively. A day-and-date release in this case was a safer bet for Soderbergh and 2929 Entertainment as they knew they were guaranteed a theatrical release in their own theater chain, while many larger theater chains refused to house day-and-date titles.

Independent filmmakers and distributors both were in vulnerable financial straits in the early 2010s; therefore, it's easy to see the business practices that led to digital distribution of independent films motivated by financial need. Historically, the major obstacle facing independents has always been the studios; as mentioned in the previous chapter, digital distribution allowed for disintermediation, or for independent filmmakers to skip the traditional intermediaries such as distribution companies that took a large cut of the profit. Jonathan Sehring, former president of IFC Entertainment, explains, "I think it's becoming necessary to do it in a different way, where you're not dealing with a studio that has all these set processes that you can't manipulate in a way that's specific to your movie."¹⁰⁹ Studios controlled distribution decisions in several ways

108. Jeffrey Ulin, *The Business of Media Distribution: Monetizing Film, TV, and Video Content in an Online World* (New York and London: Routledge, 2019), 37.

109. Steve Pond, "The New Indie Film Arthouse: Is It Moving Online?" *The Wrap*, March 31, 2011, accessed March 23, 2022, <https://www.thewrap.com/new-indie-film-arthouse-it-moving-online-26048/>.

other than just their share of box office profit; marketing, publicity, windowing, and target markets are all key elements in the process of film distribution, especially a more targeted release such as those used for independent films. However, the benefits of distributing an independent film digitally is evident in the direct return of investment in the film's box office numbers. While it's notoriously hard to pin down exact numbers of digital returns, *Filmmaker Magazine* analyzed the on-demand rental and purchase transactions of Pablo Proenza's *Dark Mirror* released by IFC straight-to-VOD in the Fall 2008:

Pablo Proenza's *Dark Mirror*, a low-budget supernatural thriller, for example, was released on VOD in early May as part of IFC's Festival Direct Midnight slate and has become one of the company's top-selling titles, with an estimated 110 to 120,000 buys priced at \$7 a pop. After cable companies take somewhere around 50 percent and IFC takes its cut, the film's sales agent Josh Braun expects the filmmakers to take home \$200,000 to \$250,000 in back-end revenue. (The revenue split for filmmakers tends to be noticeably more beneficial with VOD than theatrical exhibitors.) "Maybe I'm being optimistic," says Braun, "but there's a good amount of money coming in a relatively unobstructed way." Because *Dark Mirror* didn't go out in theaters, IFC's expenses to distribute the film were quite low — VOD expenses include digitizing the film and transferring the file to the cable operators — and therefore filmmakers take a larger share of the gross.¹¹⁰

In some cases, as seen here, independent filmmakers were seeing larger, “unobstructed” shares of the gross income, a method that would have been profitable if it was sustainable. However, understanding the economic breakdown in this way sheds even more light on the decision-making processes of investors such as Wagner and Cuban, and illustrates the version of technological utopianism believed by independent distributors: disintermediation and the perceived “unobstructed” digital rental profits would be financially advantageous, as distributors would receive a larger profit than exclusive theatrical distribution could provide. Whether these motivations were conscious or not,

110. Anthony Kaufman, “Industry Beat: Why VOD is turning into a profitable avenue for indie filmmakers.” *Filmmaker Magazine*, 2009, <https://www.filmmakermagazine.com/archives/issues/fall2009/industry-beat.php>.

they can be seen retrospectively to have the effect of normalizing digital distribution amid the growing perception of an “active” or “autonomous” media audience. However, new intermediaries were on the horizon, and only a few years later, streaming platforms would exploit these same consumers who were primed for online consumption. While independent distributors were aware of streaming’s success, some were clearly not prepared for streaming to make these practices ubiquitous so quickly. Mark Cuban was quoted in 2011 saying that streaming, “won’t replace theatrical, nor will it be more important than VOD. In reality, for most independent movies, VOD will be far and away the largest source of revenue in the future. More than theatrical and far more than streaming.”¹¹¹ As will be discussed in Chapters Four and Five, emerging streaming platforms would take even the most profitable independent film distributors by surprise by the time they entered the festival marketplace only a few years later; however, Cuban’s assertions here demonstrate the confidence independent distributors had in the early years of experimentation with simultaneous release methods.

While digital rental platforms had not been used in this way previously, using ancillary markets as a revenue source was not an unfamiliar business model for smaller independent distributors of this kind. Prior to Wagner and Cuban’s experiments in day-and-date, digital outlets had become popular for home-entertainment sales and rentals, so the idea that a reorganization of release windows could use these digital sell-through transactions to enhance the first-run profits is a logical extension of a traditional ancillary revenue stream. Often cited in discussions of ancillary markets is the “long tail” theory, coined by editor of WIRED Magazine Chris Anderson. Instead of selling a small number

111. Pond, “The New Indie Film Arthouse: Is It Moving Online?”

of “hits” (i.e., big-budget blockbusters) like a Hollywood studio, the “long tail” describes the economic advantage of selling products to niche markets over a longer period. Thinking in terms of a traditional distribution window structure, this typically describes how most of the film’s profit starts upfront with the theatrical release, even the opening weekend. According to the long tail theory, continuing to exploit that property in ancillary markets will add up to a much larger sum. However, as Geoff Gilmore explains, these rules work differently for independent films: “the ‘long tail’ of availability, the keeping of films in the market for longer periods of time, is especially important for independent film. And that a film’s release is ordered by an antiquated theatrical universe is one of the fundamental obstacles facing the independent arena.”¹¹² In other words, while the “long tail” theory emphasizes the performance of a film in its opening weekend and is exploited in ancillary markets thereafter, Gilmore demonstrates that in the studio-monopolized market in the mid-2010s, a theatrical release for independent films was less lucrative, if possible at all, making the ancillary markets even more important for their economic performance. For this reason, with the influx of digital sell-through options, independent distributors adjusted these windows to experiment with the profitability of going straight to ancillary market as a supplement to the theatrical release. Especially considering film properties that may not perform well in the box office, therefore not acquiring that upfront profit, distributors had the option to immediately exploit that product in all markets. And returning to Todd Wagner’s question regarding spending marketing money twice, once for the theatrical run and once for the digital or ancillary release, immediately releasing the film in home video could also be seen as a form of marketing for the

112. Gilmore, “Evolution v. Revolution, The State of Independent Film & Festivals.”

theatrical release. For a handful of independent theatrical distributors this proved to be a profitable strategy, leading to an increase in day-and-date releases in the 2010s.

Therefore, independent films became a low-cost method of experimentation for the day-and-date model, especially for Wagner and Cuban's 2929 Entertainment that had both distribution and exhibition assets at their disposal. According to a *Washington Post* report, "Magnolia, which is owned by Dallas Mavericks magnate Mark Cuban, shows its films at Landmark Theatres, which Cuban also owns; IFC Films, another VOD pioneer, owns a theater in New York and its films are shown in independent theaters, including Landmark. But Landmark often declines to play other companies' day-and-date VOD releases."¹¹³ While this has changed since digital distribution expanded and particularly since streaming platforms began negotiation deals with traditionally art-house theaters such as the Landmark, it is worth noting that the early efforts of Magnolia and IFC relied greatly on their prior affiliations with theater chains and as a result, the guarantee that their film would get a theatrical release despite the exclusivity windows agreed upon by other distributors and exhibitors. Alisa Perren makes a similar point in an article entitled, "Business as Unusual: Conglomerate-Sized Challenges for Film and Television in the Digital Arena." In her analysis of the rise of digital distribution among both studio and independent distributors during this time, Perren observes studios' resistance toward the internet and sees that, "the same is not the case for other media corporations," particularly those specializing in independent film like Magnolia Pictures and IFC. However, the ability for these companies to experiment with releasing films digitally as well as in theaters comes with their own advantages. As

113. Ann Hornaday, "The on-demand indie film revolution," *The Washington Post*, August, 17 2012, accessed March 23, 2022, https://www.washingtonpost.com/lifestyle/style/the-on-demand-indie-film-revolution/2012/08/16/6bf426d6-e57a-11e1-8f62-58260e3940ao_story.html.

Perren writes about Magnolia and IFC specifically, “these companies are able to take these chances with ‘day-and-date’ releasing because they are not only distributors but also theater owners and can release the films on their own screens as well as on screens in independent theaters across the United States.” And even more importantly, independent distributors were able to test this strategy because they have, “much more modest financial expectations for their film,” as they are not looking for the return profit on a big-budget feature as studios would be.¹¹⁴ Of course, independent theatrical distributors were not at a complete advantage; indeed, as this dissertation argues, it was because of their *disadvantage*, being excluded from studio specialty divisions, that they were forced to experiment to stay in business at all. However, it was not until 2011 that a day-and-date release found significant financial success, notably without the ability to rely on any theatrical affiliations.

Case Study: *Margin Call* (2011) and *Arbitrage* (2012)

By 2010, independent distributors were beginning to experiment with digital delivery strategies to supplement their theatrical release. However, it was J.C. Chandor’s 2011 film *Margin Call* that “defied all expectations” for the day-and-date model at this time.¹¹⁵ The film earned nearly \$5 million in VOD rentals in its first eight weeks after its release and matched that with \$5.1 million in the theatrical box office at the same time.¹¹⁶

114. Alisa Perren, “Business as Unusual: Conglomerate-Sized Challenges for Film and Television in the Digital Arena,” *Journal of Popular Film and Television*, 38 (2010): 76.

115. Steven James Snyder, “Could *Margin Call* Upend the Hollywood Business Model?” *Time*, October 28, 2011, accessed March 23, 2022, <http://entertainment.time.com/2011/10/28/whos-scared-of-streaming-could-margin-call-upend-the-hollywood-business-model/>.

116. Pat Saperstein, “‘Margin Call’ Changes VOD Picture,” *Variety*, December 18, 2011, accessed April 1, 2022, <https://variety.com/2011/film/news/margin-call-changes-vod-picture-1118047677/>.

As *Time Magazine* reported, the film's opening weekend \$10,034 per-screen average would have considered it a smash hit; however, as the articles states, these results flipped the traditional notion that giving audiences a choice to watch at home would harm theatrical revenue: "alternative ways of watching a movie actually increases the number of people who will pay to see it without subtracting from their coffers."¹¹⁷ As a result, *Margin Call*'s distributor, Roadside Attractions, gained attention for pioneering this strategy and its subsequent success. Roadside Attractions was founded in 2003 by Howard Cohen and Eric d'Arbeloff. The company found early success in their festival acquisitions, particularly with the documentary *Super Size Me* (Spurlock, 2004). In 2007, Lionsgate bought a 43% stake in Roadside Attractions and in the years following the two companies began co-distributing a larger slate of titles.¹¹⁸ Thus was the arrangement when they acquired *Margin Call* at the 2011 Sundance Film Festival.

Over a decade later as they reflected on the company's decision to experiment with day-and-date, Cohen and d'Arbeloff echoed motivations to minimize marketing costs, condense the long theatrical window, and utilize the growing home entertainment market.¹¹⁹ By the time they considered using the day-and-date model on *Margin Call* in 2011, the theatrical window was getting shorter, and distributors were trying to capitalize on the second opportunity to attract viewers. "Independent film was experimenting," Cohen explains. Due to the limited budgets, independent distributors implemented more

117. Snyder, "Could *Margin Call* Upend the Hollywood Business Model?"

118. Jay A. Fernandez, "Just What's Going on With Lionsgate and Roadside Attractions? Here Are Some Answers," *Indiewire*, September 13, 2012, accessed March 23, 2022, <https://www.indiewire.com/2012/09/toronto-2012-just-whats-going-on-with-lionsgate-and-roadside-attractions-here-are-some-answers-44991/>.

119. The following case-study is based on Howard Cohen and Eric d'Arbeloff's first-person description of events in an interview with the author on November 12, 2021.

efficient marketing and publicity strategies on select projects by condensing the theatrical exclusivity window. As Cohen remembers, “you had to do marketing for theatrical, and then hope people would remember it in five months.” At the time, video on-demand was a relatively new technology used primarily as an ancillary market for library titles, making it an under-utilized avenue for new releases. The effects of disintermediation also provided additional benefits for distributors in the form of more lucrative shares, or “splits,” of revenue on digitally-released titles. As Cohen explains, while the distributor would get about 40% of theatrical box office income, on video on-demand purchase or rental, “the distributor gets 70%, some cases 80%” profit, while the service provider kept 20-30%.¹²⁰ This example reinforces earlier accounts of a relatively “unobstructed” profit from a digital release.

However, while day-and-date distribution clearly had financial significance to distributors, the overall value of day-and-date was complicated based on the unique perspective of each distribution company or individual filmmaker. Prior to the *Margin Call* acquisition, Roadside Attractions and Lionsgate were aware of day-and-date experiments by other independent film distributors such as Magnolia and IFC, however, the “split” of the film’s profit between the distributor, theater, and/or service provider worked out differently for a company such as 2929 Entertainment that owned forms of both distribution (Magnolia) and exhibition (Landmark Theatres); this allowed the company to avoid discussions of the theatrical exclusivity window altogether, something that Roadside Attractions, or any other independent distributor without a theatrical affiliation, would have to negotiate.

120. Howard Cohen, virtual interview by the author, November 12, 2021.

Additionally, while the financial motivations based on profit percentages were clear for independent distributors, independent filmmakers were often more concerned about the symbolic value of day-and-date distribution than the financial profit. The day-and-date release, or any form of ancillary distribution that did not allow for an exclusive theatrical period, carried the connotation that the film could not sustain a theatrical audience on its own. Cohen explains that to the filmmakers, it sometimes felt like “failure mode, like the movie's not good enough to play in movie theaters.”¹²¹ However, even while the day-and-date strategy had a stigma attached, the example of *Margin Call* became an exception that briefly subverted the expectations of a digital release for independent films.

Margin Call is about a group of investment bankers on Wall Street and takes place in a 24-hour period in the early stages of the 2008 economic crisis. The film had a prominent ensemble cast, including Jeremy Irons, Zachary Quinto, Demi Moore, Kevin Spacey, Paul Bettany, Penn Badgely, Simon Baker, and Stanley Tucci. Lionsgate drove the decision to acquire the film with the hope that its recognizable cast would perform well with audiences, particularly in the home entertainment market. Roadside Attractions therefore agreed to distribute knowing the marketing and publicity cost would not be on the theatrical release, but on the home video window. However, about a month after the Sundance premiere, the film was screened at the New Directors New Films festival where it received a glowing critical response, particularly from *New York Times* critic A.O. Scott, who said the film was an “extraordinary feat of filmmaking.”¹²² As the film continued to

121. Cohen, interview.

122. A.O. Scott, “Number Crunching at the Apocalypse,” *The New York Times*, October 21, 2011, accessed March 23, 2022, <https://www.nytimes.com/2011/10/21/movies/margin-call-with-zachary-quinto-review.html>.

receive more critical praise on the festival circuit, Cohen and d'Arbeloff grew more confident about the film's potential in both the theatrical and home markets, which is when they proposed the day-and-date strategy. As Cohen reflects, "it was really the first movie ever that anybody spent money against for the theatrical part of it, with the expectation that it could work in both media." As they adjusted their strategy and prepared for the day-and-date release, Roadside Attractions ended up spending \$3.2 million on the film, which, as Cohen explains, was "much more than we were expecting to," with d'Arbeloff adding that their original budget was a little over two million.¹²³ The higher cost had to do with the fact that Roadside Attractions and partner Lionsgate did not have the same theatrical affiliations as other independent distributors who had tried day-and-date in the past. Cohen explains that the theaters were more than hesitant to play the film, knowing it would have a home video release at the same time. Roadside Attractions resorted to "four-walling," or the process of making a deal with a theater to rent or agree upon terms for a single screen, often for a flat fee or pre-paid percentage. In reference to making these deals with theaters, Cohen explains, "We made these very elaborate, expensive four-wall deals, where we would play the movie, but we had to guarantee money to [the exhibitors]. It was basically like you pre-paid them what would be their portion of the box office. It turned out that it worked out fine because the movie worked. But it was all new territory."¹²⁴ In its widest release, *Margin Call* was in almost 200 theaters domestically, and in the end, its box office gross earned over \$5.3 million. Cohen and d'Arbeloff were not sure what to expect from their digital profits, which were

123. Eric d'Arbeloff, virtual interview by the author, November 12, 2021.

124. Cohen, interview.

mostly driven by cable on-demand platforms.¹²⁵ As Cohen remembers, even though cable VOD was new and often difficult for consumers to navigate, the interface sometimes worked to their advantage. “You went to the on-demand side of Time Warner Cable, and there were these folders. Then there was the ‘Playing in Movie Theaters’ folder.” Cohen continues to explain that the placement of their film in this folder became marketing in itself. “If it was playing in movie theaters, it was special to the audience at home,” Cohen continues, “they’re getting a movie that was in theaters in your home on the same day.”¹²⁶ This form of digital “ticket” sales during the first-run release ended up almost doubling the theatrical box office, earning the film \$8 million in video-on-demand.¹²⁷

A year later, Roadside Attractions used a similar strategy on the film *Arbitrage* (2012). Directed by Nicholas Jarecki, *Arbitrage* was another financial thriller, this time about the troubles of a hedge fund manager played by Richard Gere. As Cohen reflects on using the day-and-date strategy again, “it was still relatively new, different, interesting. No one had really jumped in to do it with us, mostly because of the expense involved, and the elaborate deals you have to make. So even a year later, we were one of the only companies doing it.”¹²⁸ *Arbitrage* was even more successful, and reportedly made \$8 million in theaters and \$14 million on VOD.¹²⁹ After this, other independent distributors

125. Rather than iTunes or Amazon Prime rental, which became the norm a few years later.

126. Cohen, interview.

127. Pamela McClintock, “Sundance 2013: How ‘Arbitrage’s’ VOD Gamble Paid Off,” *The Hollywood Reporter*, January 16, 2013, accessed March 23, 2022, <https://www.hollywoodreporter.com/news/general-news/sundance-how-arbitrages-vod-gamble-412594/>.

128. Cohen, interview.

129. McClintock, “Sundance 2013: How ‘Arbitrage’s’ VOD Gamble Paid Off.”

continued using the day-and-date method, particularly those who saw the success of *Roadside Attractions* on these two releases. However, as Cohen and d'Arbeloff discuss, after *Arbitrage* and only a couple years after their experiments with the day-and-date strategy began, the digital distribution landscape already started to change.

By 2013, Cohen and d'Arbeloff realized that, despite the success of *Margin Call* and *Arbitrage*, the day-and-date model would not remain a long-term business model; digital distribution had another transitional moment as the symbolic value of a simultaneous release diminished. As Cohen describes, “interestingly, [*Margin Call* and *Arbitrage*] were kind of the two experiments in the desert in 2011 and 2012. Neither we nor anybody else really continued doing that, and part of it was because day-and-date suddenly became this massive dumping ground for all the movies that didn't work, so the consumer started to feel like those movies were bad.”¹³⁰ In other words, just as filmmakers feared, the day-and-date release symbolized a certain “failure mode,” or lack of faith that the film could sustain a theatrical audience. This is part of a larger evolution of cultural capital that will grow and evolve with the digital distribution of independent film over time, one that is constantly negotiated among both industrial practitioners and modern audiences. Cohen and d'Arbeloff admit that the philosophies of filmmakers and distributors differed as tension around digital distribution grew. On *Margin Call*, d'Arbeloff reflects that, “the filmmakers definitely deserve a lot of credit” for being willing to experiment with a new distribution system.¹³¹ However, as time went on, filmmakers became more hesitant. As Cohen remembers, as the day-and-date model started to be

130. Cohen, interview.

131. d'Arbeloff, interview.

employed by other distributors, “the filmmakers started to rebel a little bit, I think they didn't want to go down this path.”¹³² As demonstrated here, tensions between filmmakers, distributors, and theaters started long before streaming, and as Cohen and d’Arbeloff explain, had started long before day-and-date as well; as Cohen describes, this pressure between filmmakers and digital distributors, “has been a long time coming [...] I think the filmmakers fought back for a long time like they really didn't want their movies released that way.”¹³³ This is an important context as we will see that the symbolic values negotiated in the day-and-date era mirror that of streaming in the decade to come.

During the rise of streaming, Cohen and d’Arbeloff observed the continuation of these changes in film distribution. D’Arbeloff discusses shifts in symbolic value as “affiliations” that are associated with companies, distribution methods, and cinematic traditions, and the significance changes over time. As d’Arbeloff explains, “I think that in a weird way, as the streamers have gotten bigger and more aggressive, there's a new type of affiliation that comes along.” D’Arbeloff continues by using the analogy of television, explaining that television used to carry a similar stigma, however, it has now elevated in cultural value and is the site of fresh, new voices in entertainment. What d’Arbeloff discusses here is a shift in the value of a medium over time. The cultural capital of television has changed so much that directors are now going from directing their own independent films to directing episodes of television, a career move affiliating them with the “cooler” medium of the moment. The shifting symbolic value of specific media in the

132. Cohen, interview.

133. Cohen, interview.

online era can influence the “affiliations” filmmakers, and even distributors, use to define themselves and their work.

Identity and the communication of value have also shifted in marketing and publicity as a result of the online era. In the previous case study on the self-distributed film *Four Eyed Monsters*, the filmmakers used social media as a tool to promote a self-constructed identity in the marketing of their film, a growing practice demonstrated by the work of Alice E. Marwick and Jose Van Dijck.¹³⁴ However, as the use of social media became more ubiquitous in everyday life, it affected even the more traditional cinematic institutions as well, such as the theatrical marketing and publicity, the culture of film festivals, and the nature of film criticism. While consolidating marketing and publicity costs was a primary goal in the development of the day-and-date method, as the years went on, social media intensified marketing and publicity no matter the release method. D’Arbeloff mentions that journalism is another good example of these shifts; as the news industry changed, many journalists were forced to participate in social media either to enhance their individual brand, supplement their job with a media institution, or in lieu of a job with a media institution. It is especially important to observe Twitter as a tool for journalism through the lens of Van Dijck’s work. Twitter founders intended for Twitter to be a utility, which, as Van Dijck claims, presumes it to be a “neutral platform” with the platform’s infrastructure fading into the background. Twitter, therefore, “presents itself as an echo chamber of random chatter, the online underbelly of mass opinions where

134. See: Alice E. Marwick, *Status Update: Celebrity, Publicity, and Branding in the Social Media Age*, (New Haven: Yale University Press, 2013); Jose Van Dijck, *The Culture of Connectivity: A Critical History of Social Media* (Oxford: Oxford University Press, 2013). Marwick, *Status Update*; and Van Dijck, *Culture of Connectivity*.

collective emotions form and where quick-lived trends wax and wane in the public eye.”¹³⁵ D’Arbeloff observed similar trends, describing that during film festivals there was, “so much pressure on these tweets that are very strong, very initial. And there’s this feeding frenzy around things that go wrong [...] everything sort of got gamified.”¹³⁶ Using the concept of “gamification” in association with Twitter brings up an important point about the norms and affordances of the platform, ones that serve the personal brand of the journalist rather than the promotion of the product they discuss. As Van Dijck continues to describe, Twitter’s “invisible” infrastructure are not as neutral as they seem, in fact, the social practices of “following,” “liking,” and “sharing” actually, “apply filtering mechanisms to weigh and select user contributions.”¹³⁷ Michael Serazio illustrates a similar idea of “gamification” in modern marketing practices that exercise power by prioritizing audience “participation,” explaining that, “consumers are no longer conceived as the stereotypical ‘couch potatoes’ of old, but neither are they fully autonomous agents of new; rather, that positioning of their agency is ‘gamed,’ for lack of a better word, along a continuum, within commercial programs intent on persuading without appearing to persuade.”¹³⁸ As will be discussed in the section that follows this case study, these larger understandings of consumer “engagement” and the underlying effects of social media do not only affect marketing practices. As d’Arbeloff observed, the social practices of “liking” and “following” affect the culture of the independent film marketplace, and the business

135. Van Dijck, *Culture of Connectivity*, 69.

136. d’Arbeloff, interview.

137. Van Dijck, *Culture of Connectivity*, 69.

138. Michael Serazio, *Your Ad Here: The Cool Sell of Guerrilla Marketing* (New York: NYU Press, 2013), 18.

practices of digital distributors as streaming platforms gained prominence. Applying this to changes in the media industries, d'Arbeloff asks, "if you're a journalist desperately trying to get followers on social media, how are you any different than Netflix trying to get subscribers?"¹³⁹ While at a festival where many criticize a film distributed on a streaming platform, journalists are doing so on a platform that requires the same amount of neoliberal labor to quantify their own cultural capital through followers, likes, and shares. As d'Arbeloff expands, "It's an interesting corrective, but it just goes to that whole piece of the theatrical model has gotten very muddled."¹⁴⁰ As shown here, it is not only the distribution of the film that has complicated the cultural capital of the theatrical or digital release, but also a number of factors associated with the online era that contribute to a larger ecosystem of value and understanding.

Another example is the Rotten Tomatoes film criticism aggregate, which d'Arbeloff describes as "very meaningful" from the distributor's perspective, but also contributes to another problem in the online era that d'Arbeloff calls a "crisis of curation." As he explains, "You've got audience scores; you've got the ability for audiences to talk online. But [...] that's just more content."¹⁴¹ What d'Arbeloff discusses here is the "overabundance of content" that comes along with digital distribution. Expanding on Patrick Vonderau's notion that data traffic between a variety of global infrastructures results in media products that are "deeply buried in storage," the fact that even the reviews of these media products are aggregated in the same complex system continues to complicate the

139. d'Arbeloff, interview.

140. d'Arbeloff, interview.

141. d'Arbeloff, interview.

consumer's experience when they must navigate even the very media that is supposed to guide them to content.¹⁴² As d'Arbeloff describes, "we're all co-opted into this huge orb of content of tweets and movies and music [...] in that sense, there's just this incredible blur of creative content." He concludes that this might contribute to the reason more audiences are choosing streaming or on-demand options than going to the theater, explaining, "I think what might keep people home is just the extreme amount of content, and the perception is that there's a lot of good things to watch at home."¹⁴³ As seen here, several factors contribute to the larger ecosystem of digital distribution and the values of the audience.

Many of these issues will become even more prevalent in the analysis of streaming platforms in the chapters that follow, and many of these themes are likely ones that modern audiences first associate with streaming rather than any eras prior. However, as seen here, issues such as the stigma of digital distribution, the shifting symbolic value of media, the construction of an online identity, and the overabundance of content are all themes that began in the mid-2010s before streaming platforms started distributing feature films. However, as Cohen and d'Arbeloff conclude, from the perspective of the distributor these shifts in business practices come down to one thing: the consumer. As Cohen explains, "if the consumer decides they're not going back to movie theaters, guess what? The movie theaters are going to close." As they reflect on their use of day-and-date, Cohen continues, "the successes of [*Margin Call* and *Arbitrage*] were very much of their time and the way that people were thinking about movies then, and pre-streaming."¹⁴⁴

142. Vonderau, "The Politics of Aggregation," 729.

143. d'Arbeloff, interview.

144. Cohen, interview.

With Cohen and d'Arbeloff's words in mind, two things become apparent: these decisions are "market-driven" and economically motivated because of the wants and needs of the consumer, however, they are also part of a larger cultural understanding, the logic of the masses, and the changing beliefs regarding the way a movie can and should be watched. While, industrially, *Margin Call* and *Arbitrage* may have been "experiments in the desert" in terms of the expectation-defying success of the day-and-date method, in larger social, cultural, and technological terms, it was the start of a much larger phenomenon in media distribution.

Independent Film in a Networked Society

As it can be seen from the reflections of Cohen and d'Arbeloff, and as this dissertation argues, digital distribution may be better understood by investigating the larger technological and social shifts happening at the same time. While this dissertation primarily examines the digital distribution of media from an industrial perspective, organizational structures and cultural practices have changed drastically across many industries as a result of the accelerated technological development in the last decade. Janet Wasko argues that an investigation of technological development must also "look at the social setting in which these technological developments occur."¹⁴⁵ To better understand the digital distribution of independent film in this era, it is therefore important to examine the larger social, cultural, and material shifts happening at the same time. The section that follows will discuss how these shifts have created an ambiguous relationship between producers, consumers, and service providers where power is

145. Janet Wasko, *Hollywood in the Information Age: Beyond the Silver Screen* (Austin: University of Texas Press, 1994), 246.

distributed among these three players in a variety of ways. While these changes did occur across institutional boundaries, this section will continue the argument that independent films were the first feature film products used as a bargaining tool in this negotiation of power. Analyzing these shifts while using independent film as the primary case study will therefore clarify how these dynamic relationships between production, distribution, and consumption have changed within one medium and transformed contemporary media distribution in the digital age in increasingly nuanced ways.

Mass Media Logic vs. Social Media Logic

In her article entitled, “Reassessing the ‘Space in Between’: Distribution Studies in Transition,” Alisa Perren acknowledges that, in the development of distribution studies within the media industries, “organizational structures, business models, and cultural practices have continued to evolve in ways that challenge scholars to continually revise their assumptions, update their analytical frameworks, and adjust their research methods.”¹⁴⁶ As mentioned in previous chapters, although it has been primarily discussed within the context of communication studies, Jose Van Dijck and Thomas Poell’s article “Understanding Social Media Logic” provides a useful framework to apply to the social shifts that led to the increased digital consumption of media products. In this essay, the authors describe the effect social media had on patterns of communication, institutional structures, and the routines of everyday life by examining the dynamics between online platforms, mass media institutions, and consumers, identifying a distinct shift from “mass media logic” to “social media logic” at the end of the twenty-first century. Of course,

146. Alisa Perren, “Reassessing the ‘Space in Between’: Distribution Studies in Transition,” in *Media Distribution in the Digital Age*, eds. Paul McDonald, Timothy Havens, and Courtney Brannon Donoghue (New York: New York University Press, 2021), 67.

while digital distribution in the media industries and communication tools such as social media are separate fields of study with their own economic and cultural implications, Van Dijck and Poell's analysis can be applied to the study of media distribution in a similar way. Just as social media changed the communication, social norms, and spread of information among its users, digital distribution changed the modes of consumption, economic behavior, and culture of spectatorship among media audiences. The section that follows will compare previous "mass media" distribution models to the norms of online media consumption within a culture of "social media logic" to illustrate the shifting behaviors of audiences at the time when independent film distributors began experimenting with the digital distribution of feature films in the 2010s.

While mass media and social media both act as systems that organize communication, there are multiple ways the logic has changed between these eras, characterized by three sets of polarities. The first, perhaps most obvious, element is that mass media is meant to target the masses or the lowest common denominator among its audience.¹⁴⁷ An example of this in the media industries would be the "four-quadrant" film, or a film that appeals to the four main audience demographics: men under twenty-five, women under twenty-five, men over twenty-five, and women over twenty-five. Social media, on the other hand, is driven by individual users or niche groups. In network culture, the ecosystem is made up of a collection of microsystems in which users connect and interact under a specific set of rules and guidelines. For instance, email, Twitter, and Facebook are microsystems driven by different forms of interactions, together making up the larger ecosystem of the internet.¹⁴⁸ Second, film distribution, particularly in the

147. Van Dijck and Poell, "Social Media Logic," 4.

148. Van Dijck, *Culture of Connectivity*, 21.

independent film market, is carefully curated by select tastemakers and controlled by industrial intermediaries to reach specific audiences. Social media platforms, on the other hand, guide users to information based on popularity, what information has been liked, shared, and spread by individuals.¹⁴⁹ Finally, mass media is therefore organized as a linear sender-and-receiver model of information transmission. Social media, instead, provides an opportunity for a more dialogic model of communication, promoting a back-and-forth, push-and-pull system of the spread of knowledge. John Hartley suggests that this shift is one from producer or industry control to a “population-wide focus on how all the ‘agents,’ individual or institutional, in a given communication, media or cultural system act and are acted upon as they use it.”¹⁵⁰ This last polarity is one of the most widely disputed among media, digital, and cultural studies scholars. While some scholars such as John Hartley and Henry Jenkins argue that social media logic does, indeed, generate more autonomous users and power to the individual, others, such as Van Dijck, contend that digital networks only appear this way, while larger structures are invisibly guiding user interaction. Nonetheless, the key to understanding these media logics, both mass and social, is that the structures within these platforms feel and appear natural to the societies that use them.

Since the emergence of social media logic at the turn of the 21st century, existing media industry practices have been impacted, causing traditionally mass media companies (film, television, newspapers) to alter their existing conventions to adapt to a new logic. The process by which old media attempts to keep up with the new, leading to

149. Van Dijck and Poell, “Social Media Logic,” 6-8.

150. John Hartley, *Digital Futures for Cultural and Media Studies* (West Sussex: Wiley-Blackwell, 2012), 2-3.

the transformation and reimagination of many of mass media's existing practices, is called *remediation*. As Henry Jenkins, Sam Ford and Joshua Green explain in *Spreadable Media: Creating Value and Meaning in a Networked Culture*, traditional media institutions should appeal to “spreadability,” or the “technical resources, economic structures, attributes of media text and social networks that encourage sharing.”¹⁵¹ Thus, while social media logic initially presented a threat to mass media institutions, traditional media companies have adapted to fit these changes, adjusting their content to fit a new logic. As a result, modern audiences have quickly adopted hybrid distribution systems such as the day-and-date model. With the new “social media logic” pervading modern culture, it is likely that digital distribution systems felt less like experimentation and more like a natural extension of technological progress they were adapting to as it reinvented behaviors of communication, information, and everyday life.

How Social Media Logic Transforms Mass Media Distribution

While many scholars argue that social media has given more power to the individual, certain evidence exists that suggests social media logic has made mass media's power even stronger, and a case can be made for this argument when thinking about the increased engagement that social media allows media audiences. For example, Jeffrey Ulin summarizes Todd Wagner's concerns about independent film distribution by using the idea of the “water cooler,” claiming that audiences will want to be part of the conversation of a topical media event, and increased accessibility to that media product

151. Henry Jenkins, Sam Ford, and Joshua Green, *Spreadable Media: Creating Value and Meaning in a Networked Culture* (New York: New York University Press, 2013), 3.

will therefore be more desirable.¹⁵² With social media, the “water cooler” is now online, where physical location matters less in the cultural practice. In *Network Culture: Politics for the Information Age*, Tizianna Terranova calls this “immaterial labor,” or actions that take place in cyberspace that benefit the larger media institution, but do not in turn feel like work to those participating.¹⁵³ And while social media does provide more opportunity for the audience to engage – therefore more pleasure to be derived from the media text itself – it often also refers to the ways in which the producers of the original text, or the owners of the intellectual property (IP), can make a profit through horizontal integration or through several different media platforms, a practice known as *transmedia*. Economically and industrially, we can see here that digital distribution has had an enormous effect on media engagement, and in turn, how much profit mass media institutions can make from that engagement.

The digital distribution of media texts has also helped to spread mass media’s discourses outside traditional institutional boundaries. In *Digital Futures for Cultural Studies And Media Studies*, John Hartley discusses this in terms of the distribution of public thought. In the network era, Hartley suggests that public thought is now distributed via a process of “differential uptake,” meaning the intersection of “quality and width.” With the advent of digital distribution technologies and the adoption of its “logic,” media products are also being consumed in accordance with both *quality* and *width*: instead of one product being consumed by a large group (masses), digital distribution allows products to be consumed by smaller groups (niches). As Hartley suggests, these

152. Ulin, *The Business of Media Distribution*, 37.

153. Tizianna Terranova, *Network Culture: Politics for the Information Age* (London: Pluto Press, 2004), 82.

processes are now “self-directed, demand-led, and self-organizing.”¹⁵⁴ Independent distributors were likely trying to capitalize on this larger cultural shift in their attempt to reach niche audiences; rather than relying on traditional methods of regional- and demographic-based audience targeting, distributors could now harness the power of digital, direct-to-consumer delivery methods to find these “self-directed” and “self-organizing” consumers.

However, as argued in the study of social media logic, these “self-directed” audiences are not as autonomous as they seem. Much of the scholarship that defends user autonomy in network culture stems from Michel De Certeau’s *The Practice of Everyday Life*, which argues against the idea of the “passive consumer.” He breaks down his argument into two elements: first, “consumer production,” the idea of “poaching” a unique and personal meaning from a media text; and second, “tactics of practice,” the organizational logic that individuals adopt to use these communication tools, sculpting the way the platforms ultimately function.¹⁵⁵ That being said, the idea that audiences have more autonomy over digitally distributed media products does not mean there are not larger powers at play. Users of the platforms that distribute these media products are still guided by certain affordances and protocols allowed by algorithms that dictate the behaviors that appear “autonomous.” This is one of the most important elements of social media logic: the affordances that, as mentioned, make digital communication and consumption appear natural and effortless to users. In *The Culture of Connectivity: A Critical History of Social Media*, Van Dijck exposes these algorithms as ways in which

154. Hartley, *Digital Futures for Cultural Studies and Media Studies*, 111.

155. Michel De Certeau, *The Practice of Everyday Life* and trans. Steven F. Rendall (Berkeley: University of California Press, 2011), xii-xviii.

larger companies can gather data from their users; while users believe they have more freedom to consume what they choose, their data is in turn being sold to third parties for further commercial use. Van Dijck elaborates, “connectivity quickly evolved into a valuable resource as engineers found ways to code information into algorithms that helped brand a particular form of online sociality and making it profitable in online markets – serving a global market of social networking and user-generated content.”¹⁵⁶ Examples of this, as Van Dijck points out in further chapters, can be found in Facebook, Twitter and YouTube. On these platforms, the ideas of connectedness and connectivity are both being employed. *Connectedness* is the idea of user-to-user sharing, such as when users write on another Facebook wall or reply to a tweet. *Connectivity*, on the other hand, occurs when these interactions subsequently are shared with third parties for the platform’s gain. Another example of protocols that dictate these “natural,” autonomous practices is that users’ posts are not treated equally within the platform’s algorithms. While Jack Dorsey, founder of Twitter, claimed that Twitter was a utility, a neutral platform used for interaction and distribution of knowledge, it has been found that trending and following also involves a lot of algorithmic interference, filtering mechanisms weigh and select user contributions.¹⁵⁷ Similarly, Van Dijck positions YouTube between social media and television, claiming it has similar qualities to broadcasting but uses the same sharing/trending models as Facebook and Twitter. For example, certain videos are prioritized over others, and users’ choices are driven by search engine prioritization. To become famous on YouTube one must be familiar with the mechanisms of YouTube, what kind of thumbnails to use, words to put in the title, and

156. Van Dijck, *Culture of Connectivity*, 4.

157. Van Dijck, *Culture of Connectivity*, 69.

tags to attach to your video. As shown here, while user autonomy does create a threat to the conventions of mass media institutions, service providers still hold some power on these seemingly democratic platforms. These same ideas can be applied to digital media distribution. While using streaming platforms as an example would make algorithmic affordances more apparent, examples of connectedness and connectivity can still be seen in early hybrid distribution models such as *Four Eyed Monsters*. In the distribution of *Four Eyed Monsters*, filmmakers Crumley and Buice used social media tools to generate an audience for their film, using tactics like a behind the scenes web series and online petitions used as leverage to create a limited release in some theaters. Despite the fact that the filmmakers did this manually rather than using algorithms built into the platform, this can still be seen as an early example of connectivity as the filmmakers gathered data on their audience and tailored their theatrical run around the information gained.

As a result, while this shift in logic did bolster some mass media practices, it was also undoubtedly seen as a threat, negatively impacting the traditional Hollywood distribution system. For example, this independence or liberty to distribute knowledge also extends to the products mass media once sold exclusively. In *Spreadable Media*, Jenkins, Ford and Green attest that the past two decades have seen social media's powerful impact on the marketplace, specifically in the construction of "alternative" processes for the circulation of media. The authors use the word "alternative" here due to the fact that media-makers that choose to distribute content through these new pathways often "position themselves against a commercial mainstream which remains powerful in its ability to ensure widespread distribution of its products, yet is slow moving in adapting

its infrastructure for this rapidly evolving media landscape.”¹⁵⁸ This is where we can see evidence of independent film as a reactive discourse: as studios were slow to adopt new distribution practices, independent theatrical distributors were positioning themselves against the commercial mainstream, more easily adopting emerging online practices. This notion also foreshadows the future trajectory of these innovations. While the day-and-date model started as an experiment within independent film distributors, after it proved to be a profitable and “safe” strategy that aligned with a significant trend in modern media consumption, larger corporate institutions, this time in the form of technology companies rather than studios, also adopted hybrid distribution. It is with this evidence that this dissertation argues against the common rhetoric that streaming platforms are “disruptors” and suggests that independent filmmakers and smaller theatrical distributors were the first innovators in this system.

It is this contextual history of our contemporary cultural and technological development that we can better understand the logic behind digital distribution and how independent film, constantly defining itself against the commercial norm, was the first object used in the negotiation of power in our shift to the online era.

Exhibition Challenges in an Individualized Culture

In 2011, Steven James Snyder predicted an important trend in *Time*, saying he believed that the, “moviegoing public has already divided itself into two camps: There are now those who are eager to rush out to the movie theater during opening weekend, and then those who are perfectly fine just waiting for the DVD or VOD, whatever the

158. Jenkins et al, *Spreadable Media*, 232.

window.”¹⁵⁹ Based on the success of this strategy among independent film distributors, it is clear that the day-and-date release responded to a larger trend in modern spectatorship, and the changes in media consumption altogether. Network culture had other, more specific consequences on the media industries as seen in changing desires of audiences, the needs of theater chains, and the motives of independent theatrical distributors trying to locate and capture the interest of consumers. Even while a cultural shift toward “social media logic” enhanced the preference toward technology, cinema audiences remained largely polarized about film exhibition.

When day-and-date became a successful business strategy in the mid-2010s, theaters were at a disadvantage, continuing a long war to preserve the theatrical exclusivity agreement. In *Reinventing Cinema: Movies in the Age of Media Convergence*, Chuck Tryon traces the shrinking theatrical exclusivity window all the way back to the late-1990s, when summer blockbusters condensed the agreed-upon six-month theatrical window to five months to ensure home video would be made available for the Christmas holiday. By 2007, the National Association of Theater Owners (NATO) tracked the average window to be only four months and two days.¹⁶⁰ By the time distributors began regularly incorporating day-and-date into their business practices, theater owners mandated the 90-day theatrical window, asking major studios to promise to keep their films in theaters for at least three months before being made available for purchase on any other platforms. As *The Hollywood Reporter* writer Chris O’Falt analyzes when considering the problems with the day-and-date strategy, for the independent

159. Snyder, “Could *Margin Call* Upend the Hollywood Business Model?”

160. Tryon, *Reinventing Cinema*, Kindle Edition, Location 1534.

distributors trying for a simultaneous release, “this means fighting over the remaining independent theater space that does not demand a 90-day window [...] Now the problem is that the limited-release space is so competitive, even some high-profile indies are having difficulty getting into these theaters.”¹⁶¹ The advantage then went to those independent distributors that had ties with exhibition outlets, like the aforementioned Magnolia Pictures whose parent company 2929 Entertainment also owned the Landmark Theaters, which was then known for their art house titles.

This leads to a common misconception in the battle between theater owners and independent distributors; while many place blame on digital distributors for “killing theaters,” it was also the fault of theater owners who left independent film distributors with a difficult choice: either they must adhere to a 90-day theatrical window or the theater will not agree to show the film, while at the same time, theaters also did not have the space for an independent title, and therefore opted to give even more screens to the tentpole films with a guaranteed profit. Tim League, being both the co-founder of independent distributor Neon and CEO of the Alamo Drafthouse dine-in theater chain, has a unique vantage point to analyze both the distribution and exhibition landscape. In an interview with *Indiewire*, League explains, “a person makes one critical decision on a Friday night: to stay in or to go out. Cinema doesn’t compete with the ‘stay in’ options like Netflix, Redbox or even reading a good book. It competes with dinner, bowling, rolling skating, going to a bar, etc., the ‘go out’ options.” League proposes that the film industry should not be as concerned with what a rise in digital distribution will do to their businesses and focus on restructuring the state of theatrical exhibition. He continues:

161. Chris O’Falt, “The 3 Biggest Problems Indies Face With Day-And-Date Releasing,” *The Hollywood Reporter*, December 19, 2013, accessed March 23, 2022, <https://www.hollywoodreporter.com/news/3-biggest-problems-indies-face-666871>.

That said, I do wish more theaters would be open to supporting day-and-date releases for indie films. Alamo Drafthouse is one of the few exhibitors that supports the idea of day-and-date and even ultra-VOD windows. I am open to this for small movies by small distributors who don't have the budget for a massive national P&A spend. We have proven that model can work for the right film.¹⁶²

As League implies, while this is indeed a cost saving strategy for independent distributors that cannot afford a wide release, theaters supporting digitally distributed properties could also be profitable for theaters if done correctly and in cooperation with the distributor.

Snyder proposes that the success of *Margin Call* suggests theater owners have it wrong, and claims instead that a day-and-date release may boost box office profits of an independent film. As Exhibitor Relations analyst Jeff Bock quotes in the same *Time* article, "the video on demand component may have simply increased awareness and exposure for the film [...] I think it proves what a social activity filmgoing is; people say that piracy will hurt moviegoing, but the most pirated movie of all time is *Avatar* and that still did huge business at the theater."¹⁶³ However, Snyder also confesses that it is easy for theaters to be worried as box office profits continue to steadily decline. As audiences adjust to the idea that independent films will be available in their living room, even those viewers who live in markets where the film is available in theater may stop considering the theater as an option. As day-and-date continued to gain traction among film distributors, theater owners became more and more skeptical, holding on even tighter to their 90-day theatrical window.

As a result, some independent filmmakers and distributors noted at the time that

162. Snyder, "Could *Margin Call* Upend the Hollywood Business Model?"

163. Snyder, "Could *Margin Call* Upend the Hollywood Business Model?"

digital distribution methods have become even more important in a theatrical landscape that marginalizes independent films. As Gavin Polone, an independent film producer, described in 2011, “with a movie that's not *Avatar*, particularly documentaries and smaller films that may never come to a theater near you, [on-demand and streaming] become more important than theatrical.”¹⁶⁴ Independent films were prime for change, as the theatrical landscape at the time prioritized spectacle films. Independent films were in a precarious position as studio specialty divisions gravitated more toward acquiring “tweeners,” mid-budget films with an independent narrative or aesthetic style that were more likely to bring in larger box office profits. Mark Lipsky, independent film and digital media consultant, described the landscape at the time:

Unless your film has been fully acquired by a well-capitalized distributor, then you're not only kidding yourself about the value of traditional theatrical but you're contributing to the delay in establishing a sensible, vital and self-sustaining film 'nursery' online where everyone gets a chance at life and the cream naturally rises to the top. Once that begins to happen, no one will ever remember wanting to scratch and claw and mortgage their way into brick and mortar cinemas.¹⁶⁵

While the ideas like this of an online film library providing independent filmmakers a chance for their films to be seen seems like an advantage at first glance, several caveats surfaced in the decade to come. Chuck Tryon discusses a statement made by the Chairman of the Motion Picture Association of America, former U.S. Senator Christopher Dodd, in March 2011 that promotes VOD at this time as, “an alternative that could help to alleviate the problems of physical distance and mobility for ‘families with young children, senior citizens, the disabled, and those living in remote areas.’” Tryon continues to analyze:

In particular, Dodd implied that the continued transition to digital media seemed to offer audiences new forms of access, even if such claims were somewhat disingenuous,

164. Pond, “The New Indie Film Arthouse: Is It Moving Online?”

165. Pond, “The New Indie Film Arthouse: Is It Moving Online?”

given that most people in the United States live only a short drive from a movie theater, although premium VOD could potentially open up a wider range of choices for people living outside of big cities.¹⁶⁶

What these claims ignore is the inaccessibility of technology for similar groups, and more. It is important again to distinguish the sociocultural specificity in the digital distribution as a whole, particularly the use of methods that require access to new and/or expensive technologies, leaving out many consistently marginalized communities. As seen here, the cultural negotiations taking place around the digital distribution of feature films began with a technological opportunistic discourse from practitioners, scholars, and audiences alike.

James Cameron offered his name in a NATO letter regarding the issue, stating to theater owners: “I do feel it’s not wise to erode your core business.”¹⁶⁷ As *The New York Times* elaborates, “the problem, [Cameron] said, is not that on-demand offerings will overlap with the theatrical run, since most films are out of most theaters within a month. Rather, he said, many potential viewers might skip the theatrical experience, knowing that a movie would soon be available at home.”¹⁶⁸ Cameron’s concern is not that audiences will stay home to watch the film during a *simultaneous* release, but instead, that gives audiences a shorter time to wait out the theatrical run to rent the film at home at a lower cost. By 2015, however, this issue became increasingly unavoidable, as some theaters opened themselves up to shorter windowing schedules, notably for independent and

166. Chuck Tryon, *On-Demand Culture: Digital Delivery and the Future of Movies*. (New Brunswick: Rutgers University Press, 2013), 37.

167. Michael Cieply, “‘Avatar’ Director Cautions Against Early Video-on-Demand Release,” *The New York Times*, April 8, 2011, accessed March 23, 2022, <https://mediadecoder.blogs.nytimes.com/2011/04/08/avatar-director-cautions-against-early-video-on-demand-release/>.

168. Cieply, “‘Avatar’ Director Cautions Against Early Video-on-Demand Release.”

niche titles. As reported in Indiewire, a trend was seen in genre films of the time:

Though big theater chains have long resisted the idea of shortening theatrical windows, some have begun to warm to the idea. AMC Theatres and Cineplex Entertainment recently agreed to shrink the window between the theatrical release and home entertainment debut of two of Paramount's low-budget horror titles this fall: "Paranormal Activity: The Ghost Dimension" (October 23) and "Scout's Guide to the Zombie Apocalypse" (October 30). They'll shorten the traditional 90-day home entertainment debut window to just 17 days after the number of screens upon which the film is screened drops below 300.¹⁶⁹

In this case, shortening the distribution window may make economic sense for larger theater chains, reaping the benefits of an opening weekend theatrical run but not bearing the cost of keeping the film in theaters for longer than necessary. The subsequent weeks of the screening are how theaters make their money, but a short opening weekend theatrical run would benefit both parties by promoting the film for its subsequent digital release. This slow evolution of acceptance is emblematic of many feelings about digital distribution at the time; the lack of a traditional theatrical release clearly created economic concerns for exhibitors, as shown here, but the symbolic value of a theatrical release arguably caused even more concerns in the culture of the independent film industry and its audiences.

Cultural Capital and the Stigma of Digital Distribution

While independent film is often correlated with quality, prestige, and positive forms of cultural capital, the *digital distribution* of independent film holds a stigma that lies at the other end of the spectrum. Ticket sales and box office gross are not the only form of capital in the film industry's systems of power. In fact, symbolic capital such as

169. Paula Bernstein, "Theatrical Windows Shorten as Audiences Demand Content ASAP," *Indiewire*, August 21, 2015, accessed March 23, 2022, <https://www.indiewire.com/2015/08/theatrical-windows-shorten-as-audiences-demand-content-asap-59037/>.

institutional recognition, film festival prizes, and awards nominations often hold even more weight in the industrial negotiation of power, and these goods are often exchanged with independent film products. Prior to the emergence of streaming services, these forms of cultural capital in the film industry maintained relatively clear distinctions: distribution executives attended a regular schedule of the same prestigious film festivals each year, acquired films were released in theaters and followed an agreed-upon windowing schedule in ancillary markets, and if they were lucky, they were then nominated in clear categories at the Independent Spirit Awards or, even luckier, the Oscars. However, in the 2010s when independent theatrical distributors experimented with these norms and rumors of Silicon Valley's interest filled the marketplace, this system of cultural exchange in Hollywood became more complicated.

Prior to the fall of the Sundance-Miramax era, independent films gained a reputation that scholars and critics dubbed the “cinema of cool,” maintaining an air of quality and prestige for subsequent decades. However, less discussed is the truth that independent filmmakers always walked a fine line; if their film was not chosen by one of the distributors associated with “cool” (i.e. Miramax, Searchlight) and worse, they failed to garner interest by any theatrical distributors, they risked obtaining the stigma of the straight-to-DVD release. This stigma carried over into day-and-date even when the Sundance-Miramax era was over and independent films struggled to find screens; independent filmmakers still felt that a simultaneous release, or a lack of an exclusive theatrical release more specifically, equated failure.

Literature on taste, curation, and cultural capital can illuminate the issues surrounding these conflicting symbolic associations. James English analyzes the circulation of cultural value in his book *The Economy of Prestige: Prizes, Awards and the*

Circulation of Cultural Value, by primarily examining the balance between art and commodity through the lens of prizes and awards in the culture industries. His main argument is that every form of capital – in this sense both cultural and economic – always work together as a whole. In his own words, capital in its various forms “exists not only in relation to one particular field, but in varying relations to all other fields and all other types of capital.”¹⁷⁰ There is no form of capital that is “pure” and that can stand alone. In the case of independent film, the “prestige” associated with its symbolic capital is also a means to economic capital. Any distributor adheres to a set of cultural negotiations that revolve around awards and prizes, that do, indeed, increase the property’s symbolic capital, but also plays an undeniable economic role. As he explains in terms of the Academy Awards and other prizes coveted in the film industry, the awards “serve simultaneously as a means of recognizing an ostensibly higher, uniquely aesthetic form of value and as an arena in which such value often appears subject to the most businesslike system of production and exchange.”¹⁷¹ This will be discussed at greater length in the analysis of how Netflix and Amazon utilized independent films for this very form of cultural exchange; not only would the award-worthy independent film acquisitions serve as a marketing vehicle for the platform just by word-of-mouth and exclusivity, it would also legitimize their role as tastemakers and curators in Hollywood. However, understanding independent film in this way prior to the popularity of the day-and-date method helps to understand the innate symbolic capital of independent film, even prior to its form of distribution.

170. James English, *The Economy of Prestige: Prizes Awards and The Circulation of Cultural Value* (Boston: Harvard University Press, 2009), 9-10.

171. English, *The Economy of Prestige*, 7.

Film acquisition is a primary function of independent theatrical distributors, especially in film festivals and marketplaces, and therefore, understanding “taste” is an essential quality for distribution practitioners, and later, something streaming platforms would need to learn to earn legitimacy in Hollywood. Music scholar Timothy Taylor discusses the importance of “informationalization of products” in an article entitled, “The New Capitalism, Globalization and the Commodification of Taste.” In the context of his article, Taylor refers primarily to songs and music, however, this idea can also be extended to other media products such as independent film. He relies heavily on notions of taste in the creative industries, using the example of the new role of “music supervisors,” who have become key players in the music and entertainment industries valued for their marketable taste. He expands on this example to discuss recommendation systems in new technologies and platforms. He calls the algorithms that use search terms to recommend and categorize the vast number of online products for consumers the “electronic word of mouth.” In that sense, new capitalism is about networking, diversity, and social capital; this type of capitalism has manifested itself in terms of style, the essence of a particular individual transmuted into the “objectal form” of an artwork. Taste and knowledge about music have become informationalized, commodified, and employed to sell songs; it is no longer commodification that is driving informationalization, but informationalization that is driving commodification. While all of this is easily applicable to digital film distribution, Taylor emphasizes this point by claiming, “what has changed dramatically since the advent of the age of mechanical reproduction is less the means of production of artworks than their distribution. Artistic cultural production, while not having changed much over centuries, relies on recent modes of dissemination, distribution, and marketing, and it is there that shifts in the workings of capitalism can be better located.”

Now that these products are becoming informationalized, digitalized, and data-based, they rely on distribution even more.¹⁷²

Similarly, Bernard Miege discusses the same idea in an article called, “The Cultural Commodity.” Miege wrote this article in 1979, soon after new technologies emerged that allowed consumers to produce or reproduce media products (i.e. video and tape recorders), and also allow for more accessible mass consumption (i.e. televisions and stereos). He calls these products *cultural commodities*, and their rapid development and availability for private purchase led cultural consumption to be more “individual or familial” rather than socialized. While of course Miege is talking about older technologies here – some that have already come and gone – the notion of cultural commodities individualizing cultural practices seems to have perpetuated with the growth and development of these media products. This concept can be extended here to independent films distributed both in theaters and on VOD, so audiences had the option of seeing the film in the privacy of their own home, and now exclusively being released online where there is no longer a “social” option of seeing the film in theaters. Another interesting point Miege makes is how cultural commodities are positioned to meet cultural needs, which he assigns to the job of advertisers. This means, in a market with a surplus of cultural commodities, it is the advertiser’s job to convince consumers of the product’s value. He goes so far to say that the necessity of value realization in the market of cultural commodities is, “completely disconnected from the conditions of production and reproduction and in the end derive only from the skill of advertisers since we are watching a ‘shift of the centre of economic gravity from production to consumption.’” This echoes

172. Timothy Taylor, “The New Capitalism, Globalisation, and the Commodification of Taste,” In *The Cambridge History of World Music*, ed. Philip Bohlman (Cambridge: Cambridge University Press, 2014), 749.

Taylor's assertion that the attention has shifted from production to distribution in the lifespan of cultural commodities, in this case including the industrial practices surrounding distribution like marketing and publicity as well.¹⁷³ However, independent film distributors experimenting with digital delivery methods had an even more complicated relationship with distribution as they had to navigate the stigmas attached to different distribution models; these symbolic meanings only became more complicated as Silicon Valley recognized the opportunity to digitally distribute independent films themselves.

As will be discussed in later chapters, if we only analyzed the business structure of the contemporary independent films distributed by Netflix and Amazon, we would assume the exclusive online release of Netflix would carry the same stigma. However, Netflix and Amazon also have the symbolic capital of Silicon Valley and an association with a younger generation. This contradiction in symbolic capital is at the heart of the feud between theatrical-Hollywood and tech-Hollywood, as well as the cinephiles that choose each side. However, before the theatrical-tech feud, theatrical distributors that experimented with a simultaneous release arguably held more of a stigma; without the symbolic capital of Silicon Valley, experimenting in a direct-to-consumer world created a complicated negotiation of cultural commodification. As Cohen and d'Arbeloff described, after day-and-date gained popularity among independent theatrical distributors, it once again started to develop the same stigma of the straight-to-DVD release. Alisa Perren also examines this phenomenon, observing that, "a certain elevated cultural aura around cinema has been crafted and sustained not only by the promotional machinery of

173. Bernard Miege, "The Cultural Commodity." In *Media, Culture and Society*, 1, no: 3 (1979): 297-311.

Hollywood itself but also by journalists, critics, awards organizations, and film schools.”¹⁷⁴ Even more interesting is that the economic reality opposes the cultural economy of that very product. After observing the suggestion of inferiority in television and web content as compared to the cinematic, Perren continues:

Although for decades most of the revenue for motion pictures has come from home consumption (e.g., DVDs, television licensing, etc.), Hollywood has regularly promoted the myth that people watch movies mainly in movie theaters. For online consumption to be facilitated, changes have to take place in how films are positioned culturally. Yet, the motion picture studios seem unlikely and unwilling to risk demythologizing the theatrical experience at present.¹⁷⁵

As Perren explains, there are many players at work perpetuating the symbolic capital associated with a theatrical release, and while economic analysis above may suggest otherwise, the motivation could still be financially motivated. The way the current lifecycle is structured, marketing and publicity is prioritized during a theatrical release, and the theatrical release itself serves as further marketing for subsequent ancillary distribution. However, the economic value of marketing in the form of a theatrical release does not fully explain the stigma associated with the lack of theatrical distribution. Instead, both spectators and especially filmmakers, attach a cultural, even emotional value, to the standard theatrical release.

Especially in the 2010s as digital delivery leaned more toward experimentation than standard practice, filmmakers were often resistant to go with a theatrical distributor that they knew used the day-and-date model, understanding the lack of an exclusive theatrical release to mean failure. In an interview for *The New Yorker*, even after the popularity of the day-and-date release Alex Ross Perry, director of *Listen Up Philip*,

174. Perren, “Business as Unusual,” 76.

175. Perren, “Business as Unusual,” 76.

explains his resistance to the distribution method. As the article explains, “Perry worries that a modest financial success helped by video on demand may still prove a cultural failure. A real success, he argues, is a film that endures in the popular imagination, not just one that quickly earns back its million-dollar budget.”¹⁷⁶ In Perry’s eyes, the traditional release and the cinematic experience provide cultural endurance.

However, some filmmakers were early to adopt a simultaneous distribution method doing so because they were less worried about the cultural associations with the big screen. In an interview with Ann Hornaday at *The Washington Post* in 2012, Steven Soderbergh spoke about his feelings behind the decision to go with day-and-date distribution for his film *Bubble*. As Soderbergh attests, “I really don’t care how people see my movies, as long as they see them [...] I’m just not interested in controlling how somebody experiences one of my films.”¹⁷⁷ Many will echo Soderbergh’s sentiment over the coming years, and just as many will continue to promote the preservation of cinematic tradition in the exclusive theatrical release. For the next decade, as streaming platforms continued to grow, these cultural negotiations will only cause more tension between theatrical and digital distribution.

Conclusion

As discussed in this chapter, because of technological affordances, gaps in available

176. Calum Marsh, “Cultural Endurance Outside The Movie Theater,” *The New Yorker*, July 7, 2014, accessed March 23, 2022, <https://www.newyorker.com/business/currency/cultural-endurance-outside-the-movie-theatre>.

177. Ann Hornaday, “The on-demand indie film revolution,” *The Washington Post*, August, 17 2012, accessed March 23, 2022, https://www.washingtonpost.com/lifestyle/style/the-on-demand-indie-film-revolution/2012/08/16/6bf426d6-e57a-11e1-8f62-58260e3940ao_story.html.

pathways for independent film distribution, and audiences open to change in spectatorship behavior, independent film distributors made decisions to break the existing norms and simultaneously distribute films theatrically and digitally. By the mid 2010s, Netflix was already in a prime spot to leverage these developments. In terms of technology, Netflix not only mastered streaming, but they also had the numbers to prove it. As *Tech Crunch* reported, as early as May 2011 Netflix was reported as the largest source of internet traffic in the United States, at the time accounting for 29.7% of all peak downstream traffic.¹⁷⁸ They also had the audience numbers, as Chuck Tryon points out, “The most dominant player in the subscription marketplace was Netflix, which could boast 24 million U.S. memberships in June 2012 and approximately 26 million worldwide, making it the leading VOD service, despite complaints about a lack of popular movies available in its streaming catalog.”¹⁷⁹ Using these numbers to their advantage, and keeping these numbers a priority, Netflix was ready to start experimenting with exclusive original content for subscribers. By 2013, they had already seen success with original television series, specifically *House of Cards*, and they started to disclose plans to venture into original features by the end of 2014. In the 2014 third-quarter letter to shareholders, Netflix explained their rationale behind investing in original feature films: “We are investing in original films because doing so can be favorable economically compared to current Pay TV deals and is consistent with the desires of the global on-demand generation to enjoy new movies without having to wait for months after they debut in US

178. Erick Schonfeld, “Netflix Now the Largest Single Source of Internet Traffic in North America,” *TechCrunch*, May 17, 2011, accessed March 23, 2022, <https://techcrunch.com/2011/05/17/netflix-largest-internet-traffic/>.

179. Tryon, *On-Demand Culture*, 27.

theaters.”¹⁸⁰ In their next, fourth-quarter letter to shareholders the same year they claimed the economic benefits of original content: “last year our original content overall was some of our most efficient content. Our originals cost us less money, relative to our viewing metrics, than most of our licensed content, much of which is well known and created by the top studios.”¹⁸¹ Indeed, as the next chapter will illustrate, Netflix will begin to invest in original features by focusing their efforts on the independent film market.

180. Netflix, October 2014 Earnings Letter, 4-5, accessed March 24, 2022 at https://s22.q4cdn.com/959853165/files/doc_financials/quarterly_reports/2014/q3/Q3_14_Letter_to_shareholders.pdf

181. Netflix, January 2015 Earnings Letter, 3, accessed March 24, 2022 at https://s22.q4cdn.com/959853165/files/doc_financials/quarterly_reports/2014/q4/Q4_14_Letter_to_shareholders.pdf

CHAPTER FOUR

TODAY'S REALITIES: STREAMING PLATFORMS IN THE INDEPENDENT FILM MARKETPLACE (2015-2019)

*“We deserve a culture predicated on today’s realities, not yesterday’s routine. As an independent-film producer and an avid fan of ambitious and diverse work in all forms—and as a citizen of the world—I am always excited to keep up with the changing times. But nothing has prepared me for the onslaught of the last few years.”*¹⁸²

– Ted Hope, *Hope for Film*, 2014

By the time independent film producer Ted Hope published his book *Hope for Film* in 2014, leveraging digital tools had become a more established practice in independent film distribution. As an advocate for experimentation and adaptation in the independent film industry, Hope’s book acts as both a memoir and how-to guide to aid independent filmmakers navigating the precarious distribution landscape. Only a few years later, what started as experiments with methods of digital delivery significantly advanced in scale. Subscription media services like Netflix, Hulu, and Amazon dominated the independent film market, both creating new opportunities for the visibility of independent films while also threatening media conglomerates’ control over media distribution. Prior to these events, such subscription video on-demand (SVOD) services relied on media distributors to license content on their platforms; however, by the end of the decade they became competitors to media distributors, skipping the traditional intermediaries to deliver products to their consumers directly.

In 2015, Ted Hope was invited to become the Head of Motion Picture Production at the newly established Amazon Studios. Soon after his appointment to the new position,

182. Ted Hope, *Hope for Film: From the Frontlines of the Independent Cinema Revolutions* (Berkeley: Soft Skull Press, 2014), 22.

Hope showed his support for Amazon’s independent film distribution initiative, claiming, “Amazon Studios’ flood of investment in the movie business is designed to revive a market for independent films.” In the same interview, Hope also stated, “at Amazon, to quote Jeff Bezos, we make movies to sell shoes. The movies are essentially advertising for the platform.”¹⁸³ In other words, while a built-in subscriber base creates a potential audience of millions for films once designated for the art house, independent films also inherently become advertising vehicles for these streaming platforms, some of which specialize in media (Netflix, Hulu), and others specialize in hardware and software (Apple) or general e-commerce (Amazon). The rise of SVOD services therefore triggered a major shift in the technology, consumption, and business models involved in media distribution, with independent films being a key product in this transition.

As Ted Hope states in the epigraph above, even though independent film was often defined by experimental business strategies, the reshaping of the independent film industry in the previous decade had changed core distribution practices for independent films in significant ways. Hope’s career exemplifies the shifts seen in independent film distribution in the past decade, as he went from an independent film producer rooting for new, promising avenues for change, to leading the motion picture division of a major technology conglomerate that capitalized on independent film for its own unique gain. Like Hope, much of the independent film community – including both filmmakers and distributors – would soon make similar choices as streaming platforms adopted the digital distribution practices developed by independent film distributors. The following

183. Cynthia Littleton, “Amazon’s Ted Hope, Bob Berney Talk Big Ambition, Theatrical Strategy at Variety’s Massive Conference,” *Variety*, March 10, 2016, accessed March 25, 2022, <http://variety.com/2016/biz/news/ted-hope-bob-berney-amazon-studios-spike-lee-chi-raq-1201727385/>.

chapter will primarily examine how early iterations of digital distribution that originated in independent film, such as day-and-date distribution, opened the door for SVODs to learn from and adopt key practices already proven profitable for independent film properties. Advancement in technological capabilities, and with it, the symbolic value of digital distribution, allowed technology companies to capitalize on simultaneous or exclusively digital release methods. However, even streaming platforms were faced with resistance as Hollywood studios attempted to maintain power. Therefore, this chapter demonstrates the continued appropriation of independent film by more powerful forces, but it does not represent the full homogenization or commercialization of independent film products just yet. Instead, streaming platforms first relied on independent films to normalize home-viewing of features, build in-house distribution divisions, appeal to quality and prestige to legitimize their place in Hollywood, and draw subscribers into their larger corporate ecosystem.

This chapter begins by examining the industrial motives behind the involvement of streaming platforms in the independent film marketplace, and illustrating the initial consequences this had on traditional independent film distributors as even higher acquisition offers drove them further out of competition. It becomes clear that independent films were intentionally used as a relatively low-cost, high-quality product as they built their own internal feature film divisions within their larger corporate ecosystems. This is exemplified by the film *Manchester by the Sea* (Loneragan, 2016), which was acquired and distributed by Amazon Studios and will serve as the case study in this chapter. Because of an overemphasized reliance on “algorithms” associated with streaming platforms, understanding media products in the context of technology ecosystems requires the application of contemporary scholarship on network culture.

This chapter will look at algorithmic recommendation systems from two perspectives: first, through Sarah Arnold's server-centric perspective, which suggests that the computer-driven algorithms only gather data on user behavior with the server, therefore constructing a "digital identity" that reduces audience agency and masks the algorithms' manipulative effects; and second, through Matthias Frey's user-centric perspective, which argues that recommendation algorithms are neither entirely computer-driven nor objective, rather they are guided by the human decision-making of their company's executives and developers. Applying this research illustrates that independent films are valued for their appeal to niche audiences and institutions that prioritize curation and criticism, which serve the platforms' algorithmic recommendation systems. In this case, independent films benefit streaming platforms in a way that is not only financially lucrative in the form of added monthly subscriptions, but also adds symbolic value as it allows technology platforms to participate in independent film's cultural capital achieved through awards ceremonies and film festivals, which in turn brings a sense of "legitimacy" to their role in the media industries.

The Industrial History of Streaming Platforms in the Independent Film Marketplace

Considering the trajectory outlined in the previous chapters it becomes clear that digital distribution had been growing more powerful as a means to deliver independent films to audiences over the previous decade. With that in mind, the involvement of Netflix and Amazon can be seen as a progression of distribution methods already in practice, as streaming platforms adopted the most lucrative of the strategies already established by independent film distributors and funded them with significantly larger budgets. As discussed in Chapter Two, in the era prior to the digital distribution of independent films,

studio specialty divisions dominated the independent film marketplace, creating higher barriers to entry and a lack of distribution options for independent filmmakers. Yannis Tzioumakis discusses this era in *Independent Cinema, An Introduction*, claiming that the terms “independent” or “indie” developed distinct meanings in the 1990s, and became a marketing category that could be used as leverage by both independent filmmakers seeking distribution, and distributors seeking a return on their investment. However, this return on investment was often only beneficial to the already advantaged independent film divisions of major studios, which further marginalized independent distributors that were not affiliated with studios. Tzioumakis explains:

This was clearly understood by the majors, which managed to appropriate the term and use it for their own financial gain for the rest of the 1990s. Sponsoring their own brand of low budget ‘independent’ filmmaking, the majors secured their own presence in one more film market, while also putting a significant dent in the profit margins of independent companies. The majors’ appropriation of the label for a large number of low-budget films that originated under their corporate umbrellas once again demonstrates the power struggle involved in the usage of ‘independence’ and in effect justifies an approach to American independent cinema as a discourse.¹⁸⁴

Understanding the value of independent films as a product, especially in terms of the transactions associated with distribution, is an important point when understanding the effect streaming companies have on this same ecosystem today. A notable example of the similarities between streaming platforms and studio specialty divisions is their ability to make record-breaking acquisition offers that push small-scale distributors out of the competition. *Little Miss Sunshine* (Dayton and Faris, 2007) became the quintessential example of this trend when Fox Searchlight bought the film with an eight-figure bid. In

184. Yannis Tzioumakis, *American Independent Cinema: An Introduction*, (Edinburgh: Edinburgh University Press, 2006), 13.

John Horn's *Los Angeles Times* article on the film's acquisition at the 2006 Sundance Film Festival, he paints a picture of the executives from leading studio independent film divisions — notably David Linde from Focus Features, John Lesher from Paramount Classics, and Peter Rice from Fox Searchlight — descending upon the Riverhorse Cafe on the Friday after screening the film to win the approval, and rights, from the film's co-directors Jonathan Dayton and Valerie Faris. The negotiation, which Horn describes as “often combative,” lasted until 7:30 am on Saturday morning, with Fox Searchlight walking away as the highest bidder in a \$10.5 million deal. As of 2006, this was the biggest deal for a single film in the history of the Sundance Film Festival. However, because of the cultural shift already seen as studio specialty division drove up the prices at previous festivals, the film's sales agent John Sloss was prepared for the possibility of a contentious negotiation. As Sloss describes, “it was a complicated deal. We knew the film was going to play, so we spent a lot of time designing the deal even before we came out here.”¹⁸⁵ In other words, due to the state of the independent film market at the time, Sloss foresaw an opportunity in the film's cross-over appeal to leverage an eight-figure deal in the studio-dominated market. However, as Tzioumakis points out in the quote above, studio specialty divisions appropriated the independent label for films under a corporate umbrella, making a significant dent in the profits of small-scale independent distributors. In the years that followed, studios' interest in independent films began to fade as the competition for theater space became even greater, and as a result, studio specialty divisions started acquiring only the more “commercial” or “mainstream” titles that played at the festival, promising more mass appeal, and eventually coining the “Indiewood”

185. John Horn, “End of story: A record deal,” *The Los Angeles Times*, January 23, 2006, accessed March 25, 2022, <https://www.latimes.com/archives/la-xpm-2006-jan-23-et-deals23-story.html>.

name. As Tzioumakis points out:

While low-budget quality and less obviously commercial ‘indie’ films continued to be acquired, produced, and distributed both by stand-alone distributors and by the studio divisions, these titles found it increasingly difficult to compete against the more clearly indiewood titles for playdates, marketing support, critical notice, and more importantly, audience attention.¹⁸⁶

As the “low-budget” and “less obviously commercial” independent films were left without distribution, it once again left the independent marketplace vulnerable to be taken over by a new system.

In 2015, Netflix and Amazon were already successfully distributing original episodic content. However, at the 2015 Telluride Film Festival, Netflix bought the distribution rights to Cary Fukunaga’s *Beasts of No Nation*, offering \$12 million and agreeing to a small awards qualifying run in partnership with Bleecker Street with exclusive streaming rights for Netflix subscribers. This was the first deal of that kind, new to streaming platforms, independent producers, and audiences alike. The producers of *Beasts of No Nation* weighed the pros and cons of being the first to distribute a film on a streaming platform. In an interview, producers Daniela Taplin Lundberg and Riva Marker express that they were hesitant at first, hoping that one of the traditional distributors like Fox Searchlight or Focus Features, which “do these films well and know how to release them,” would step forward given their concern about being the guinea pigs for a new platform. As Marker explains, it took time for the filmmakers to understand that their film would be consumed in a new way. She recalls how the tone shifted, and they embraced a new perspective on day-and-date: “for a lot of us, some of our favorite movies, some of the best movies we’ve ever seen, we’ve seen in our own homes, on a VHS tape.”

186. Tzioumakis, *American Independent Cinema*, 11.

She referenced classic films like *The Godfather* (Coppola, 1972) and *Apocalypse Now* (Coppola, 1979), which were predominantly viewed by audiences today in the comfort of their own home even though they had been originally made for the big screen. She continues, “it was embracing this idea that what is different doesn’t have to be negative, this is the way people are consuming and it became exciting to be part of that.”¹⁸⁷ As we can see here, early negotiations of cultural capital are already at work. In the previous chapter, cultural capital was introduced as filmmakers grappled with the stigmas of the digital release, balancing the perceived advantages of technological utopianism with the perceived failure of the lack of an exclusively theatrical release. Here, with the introduction of streaming platforms, digital distribution gains the symbolic value of being associated with a new wave of media consumption.

However, even while the *Beasts of No Nations* producers were able to justify the film’s symbolic value in this way, other stakeholders, such as theater owners, insisted that the previous stigmas associated with day-and-date were still in place when it came to streaming. When learning that the film would be available to Netflix subscribers at the same time as the theatrical run, the four major theater chains – AMC, Cinemark, Regal, and Carmike – refused to give the film any screens.¹⁸⁸ While more detail on the complexities of negotiations between distribution and exhibition will be discussed later in this chapter, this first example of a streaming platform being denied entry from all

187. Gold Derby, “‘Beasts of No Nation’ producers Daniela Taplin Lundberg and Riva Marker on harrowing film,” *YouTube*, streamed live on December 22, 2015, accessed March 25, 2022, https://www.youtube.com/watch?v=XVAtwZwWDJU&ab_channel=GoldDerby%2FGoldDerby.

188. Ben Child, “Netflix’s *Beasts of No Nation* boycotted by big four US cinema chains,” *The Guardian*, March 4, 2015, accessed March 24, 2022, <https://www.theguardian.com/film/2015/mar/04/netflix-beast-of-no-nation-boycotted-idris-elba>.

major theater chains set the trajectory for the tension that would persist in the film industry for years to come.

Nevertheless, only a few months later, both Netflix and Amazon attended the 2016 Sundance Film Festival, and by the end of the 10-day festival period, both companies had bought seven to ten titles each, about four times the average of traditional theatrical distributors; even those who specialize in day-and-date generally buy an average of two films per festival. In 2016, *Tallulah* (Heder, 2016) was reportedly sold to Netflix for around \$5 million, and *Manchester by the Sea* (Lonergan, 2016) was purchased for \$10 million by Amazon Studios.¹⁸⁹ When Kevin Lincoln reported on the films sold at the 2016 Sundance Film Festival for *Vulture*, he examined how Netflix and Amazon were negatively affecting the festival marketplace and the future of film distribution:

Meanwhile, thanks to the vagaries of streaming performance versus box-office numbers, Netflix and Amazon have the luxury of building up their libraries, the very thing cutting into theatrical performance, without necessarily having to sell a certain number of tickets. Because those libraries are still nascent, there's a need among the streaming services for content that distributors like Fox Searchlight, SPC, and A24 just don't have. And it doesn't hurt that right now Netflix and Amazon have money spilling out of their pockets, not to mention that vaunted Silicon Valley burn rate.¹⁹⁰

As seen here, we can already see the ways in which established technology companies are beginning to absorb both the economic and cultural benefits that were associated with the independent film industry starting in the mid-2010s, and the first steps of the commodification of independent film as a product exploited for the benefit of a much

189. Kevin Lincoln, "The Complete List of Movies Sold at Sundance 2016, and Why Amazon and Netflix Went All Out." *Vulture*, February 4, 2016, accessed March 25, 2022, <http://www.vulture.com/2016/01/list-of-movies-sold-at-sundance-2016.html>.

190. Lincoln, "The Complete List of Movies Sold at Sundance 2016, and Why Amazon and Netflix Went All Out."

larger corporate ecosystem.

Indeed, in 2017, the tech companies were ready to make even bigger offers. Amazon reportedly bought *The Big Sick* (Showalter, 2017) for \$12 million and Netflix bought *Mudbound* (Rees, 2017) for \$12.5 million.¹⁹¹ These aggressive offers significantly drove up prices in the Sundance marketplace, leaving independent distributors to pay considerably more to remain competitive. Unable to compete with the SVODs' eight-figure price tags, the selection of films left in the marketplace for independent distributors to purchase became slim, especially "cross-over" independent films which were often profitable for small to mid-size distributors. By 2017, of the almost a dozen films that sold above \$5 million, Netflix and Amazon took half. While smaller distributors used to have a consistent presence in the marketplace, as reported by *Variety*, this dynamic changed the landscape drastically: "In the process of becoming the largest acquirers at Sundance, the two streaming giants appear to be squeezing out other buyers. Lionsgate, which acquired multiple properties each year from 2014 to 2016, bought nothing in 2017, while Magnolia snagged just one film after getting three or four in each of the past three years."¹⁹² As seen here, the very companies that pioneered day-and-date distribution only a few years prior struggled to find products as streaming platforms entered the marketplace.

Executives at independent film distributors had conflicting views on these changes. Magnolia Pictures' President Eamonn Bowles claimed, "it's been a very down

¹⁹¹ Jan Dawson, "Are Netflix and Amazon Driving Smaller Distributors Out of the Sundance Picture?" *Variety*, February 17, 2017, accessed March 25, 2022, <https://variety.com/2017/voices/columns/netflix-amazon-sundance-film-festival-1201989660/>.

¹⁹² Dawson, "Are Netflix and Amazon Driving Smaller Distributors Out of the Sundance Picture?"

year for independent film in general. In the past, minor films would do okay, but now you need something substantial. For anything run-of-the-mill, the bottom has fallen out, both theatrical and on VOD.”¹⁹³ However, Roadside Attractions Co-President Howard Cohen, explains that his company maintained success despite the massive marketplace changes in part by partnering with the very companies presenting competition. That year, the company made several collaborative acquisitions, including its two Amazon partnerships, *Love & Friendship* (Stillman, 2016) which sold for \$14 million, and the aforementioned *Manchester by the Sea*.¹⁹⁴ Commenting on the company’s new strategies, Cohen explained that the relationship with Amazon was a positive experience, saying, “it worked really well for both sides.”¹⁹⁵ However, despite a successful outcome for both parties, considering the historical trajectory illustrated in the last two chapters, the partnership between Roadside Attractions and Amazon is nevertheless symbolic of the continued assimilation of independent film practices by larger corporate powers. Due to the rapidly-rising prices, independent distribution companies, even those who pioneered the day-and-date release method such as Roadside Attractions, were left with few options but to collaborate with streaming platforms as their business model was being appropriated. By 2019, Amazon ended the partnership; as Cohen explains, “they made a corporate decision to go it alone.”¹⁹⁶ Retrospectively it becomes clear that after the three-year partnership,

193. Anthony Kaufman, “Hits & Misses: The Theatrical Performance of the Sundance Class of ’16,” *Filmmaker Magazine*, January 18, 2017, accessed March 25, 2022, <https://filmmakermagazine.com/101064-hits-misses-the-theatrical-performance-of-the-sundance-class-of-16/#.YPcY3ZNKjoo>.

194. Anthony Kaufman, “Hits & Misses: The Theatrical Performance of the Sundance Class of ’16.”

195. Matt Donnelly, “How Roadside Attractions Fights to Give Indies a Theatrical Path to Success,” *Variety*, October 23, 2019, accessed March 25, 2022, <https://variety.com/2019/film/features/roadside-attractions-judy-peanut-butter-falcon-1203378273/>.

196. Donnelly, “How Roadside Attractions Fights to Give Indies a Theatrical Path to Success.”

Amazon was able to successfully build their own in-house theatrical distribution division and succeed in the theatrical marketplace, likely with the practices they learned from Roadside Attractions. This polarizing climate illustrates the cycle of commodification that occurred as independent distributors' fears become a reality; this time, instead of studios capitalizing on innovative practices in the independent film industry, it was technology companies that made the independent film marketplace even more competitive.

Economic Motives to Acquire and Distribute Independent Films

For a couple of years before streaming platforms made their appearance in the independent film marketplace, they had already started distributing original television series, and scholars, journalists, and industry veterans quickly interrogated their motives. Applying this analysis to the economic motives of streaming platforms as they acquire and distribute independent films demonstrates that they were not aiming to mimic the business practices of Hollywood studios; rather, they adopted the successful practices of independent film distributors to establish entirely new models of film distribution and consumption that utilized the unique affordances of their technology. Streaming platforms rely on this technology not only for the function of their platform, but also in their identity as a brand. Therefore, it is helpful to understand the individual brands of these platforms to understand how independent films served to enhance this public identity before defining the ways in which independent films were specifically valuable.

As Chief Content Officer Ted Sarandos articulates: “Our brand is personalization... We didn’t want any show to define Netflix.”¹⁹⁷ In *Netflix Recommends*, Frey finds this

197. Alan Sepinwall, “Why Matt Weiner ‘would lose’ if he wanted to make a weekly Netflix show,” *Uproxx*, January 26, 2016, accessed March 25, 2022, <https://uproxx.com/sepinwall/ted-talk-state-of-the-netflix-union-discussion-with-chief-content-officer-ted-sarandos/>.

rhetoric “both subtle and startlingly direct,” as he analyzes the different ways in which this brand is articulated throughout the platform. Even though Netflix boasts their vast diversity in content, Frey observes that “Netflix marketing rhetoric clearly focuses on accommodating individual tastes and curating personalized viewing experiences.”¹⁹⁸ Sarandos continuously echoes this sentiment, explaining that Netflix is, “catering to a dynamic world full of people with different tastes – and as a result, no two Netflix experiences are alike – we want to have something for everyone to enjoy.”¹⁹⁹ In his article, “Streaming Channel Brands as Global Meaning Systems,” Timothy Havens also presents a paradox in Netflix’s performance of brand identity. As Havens demonstrates, rather than being an innovative strategy exclusive to Netflix’s technology, the diversification of content in the name of “personalization” actually connects Netflix to the philosophies of the early television era by trying to appeal to the widest possible audience. “Much like its broadcast-era forerunners,” Havens explains, “Netflix crafts a corporate identity that can encompass the wide diversity of programming it has to offer in order to compete with other subscription streaming services.”²⁰⁰ However, as Frey describes, even though Netflix may be repeating old patterns of attracting a wide media audience, the rhetoric used to promote their unique technologies is a purposeful attempt to set them apart from “traditional” media competitors. As Frey describes, “The rhetorical attention to the recommender system’s personalization, effectiveness, objectivity, and other big-data

198. Matthias Frey, *Netflix Recommends: Algorithms, Film Choice, and The History of Taste* (Oakland: University of California Press, 2021), 65.

199. Netflix, “There’s Never Enough TV on Netflix,” press release, February 9, 2017, <https://media.netflix.com/en/press-releases/theres-never-enough-tv-on-netflix>.

200. Timothy Havens, “Streaming Channel Brands as Global Meaning Systems,” in *From Networks to Netflix* ed. Derek Johnson, (New York: Routledge, 2018), 321.

mythmaking, however, gestures to a perhaps more important symbolic function. It helps differentiate the brand from other vehicles of motion picture entertainment, from Amazon to HBO.”²⁰¹ In this sense, the Netflix brand is not the content but the mechanisms behind the delivery of that content, algorithms that create the appearance of a personalized viewing experience.

Amazon, as already demonstrated, has even clearer motives: distributing exclusive content draws more subscribers to their Amazon Prime subscriptions. However, as the biggest global e-commerce site, what does Amazon identify as their brand? Rather than appealing to a wide selection of content, evidence points to Amazon aiming to target niche markets. As Karen Petruska finds in her article entitled, “Where Information is Entertainment,” rather than seeking content that is “sort of liked by everyone” Amazon aims to find the shows that can attract greater attention from a “small but passionate group.” As Petruska continues, “beyond this interest in smaller niches, Amazon’s programming also needs to fulfill another rather different job than mere entertainment; instead, content attracts customers to the Amazon website to initiate, extend, and solidify a relationship between that customer and all of Amazon’s retail and service lines.”²⁰² David Carr and Jeff Bezos himself have explained this as the “flywheel effect,” or the idea that businesses can expand their commercial enterprise with small additions to their core business. As Bezos describes in terms of Amazon’s exclusive television content offerings, “these shows are great for customers, and they feed the Prime flywheel.”²⁰³ Previous

201. Frey, *Netflix Recommends*, 112.

202. Karen Petruska, “Where Information is Entertainment,” in *From Networks to Netflix* ed. Derek Johnson, (New York: Routledge, 2018), 355.

203. Amazon, 2015 Letter to Shareholders, accessed March 25, 2022, https://s2.q4cdn.com/299287126/files/doc_financials/annual/2015-Letter-to-Shareholders.PDF.

examination of Amazon's business model led *Advertising Age* to name Amazon 1999 "Marketer of the Year," explaining that Amazon is, "in the business of manufacturing consumer relations, not selling goods."²⁰⁴ Therefore, Amazon's product can be seen as an exclusive relationship between the corporation and the consumer in the form of a subscription, all other business factors within that enterprise just expand this goal. As found in a study of Amazon subscription membership, the addition of exclusive media content has been beneficial to the company's mission; it was found that Prime subscribers spend more than non-members, and those who stream video content are more likely to renew their subscription.²⁰⁵ Like Netflix, the reliance on their personalized recommendation systems is able to increase consumer relations by helping them to understand the individual customer's needs. It is important to distinguish that these motives are not in the same business as studios, given that media properties are just one of the many products used by Amazon to support a much larger business model.

Why Independent Films?

Why, then, were independent films a valuable investment for SVODs in the mid-2010s rather than producing original films for a more mainstream audience? Several factors contribute to why independent films were the streaming industry's initial target.

First and foremost, as discussed in the previous chapters, independent film distribution was in a state of turmoil and struggled to find a clear path to audiences. As

204. Debra Aho Williamson, "Dot-Commerce: World's Biggest E-Tail Brand Writes Book On Marketing Savvy" *Advertising Age*, December 13, 1999, accessed March 25, 2022, <https://adage.com/article/news/dot-commerce-world-s-biggest-e-tail-brand-writes-book-marketing-savvy/59980>.

205. Petruska, "Where Information is Entertainment," 355.

this dissertation argues, the SVODs approached the independent film industry in a time of precarity, and in turn, an openness to experimentation. Additionally, Netflix and Amazon were big names that promised potential profits for independent filmmakers; they had brand identities associated with Silicon Valley, and most importantly, the finances required to make a profitable offer to independent producers. With those two factors at their disposal, the streaming services were able to make a quick entry into the market of independent film distribution. Buying independent films in this manner meant they were able to bulk up their library, giving SVODs a small collection of “original” films before they began producing their own features. Acquiring independent films from the major film festivals not only meant they were purchasing nearly finished products, negating the need for financing production costs, but independent marketplaces also provided a curated venue of films identified by a set of cultural gatekeepers (i.e., festival programmers), and an industrial gathering place for networking and the negotiation of sales.

Retrospectively, we now know that Netflix and Amazon had the ultimate goal of producing their own slate of original films. As claimed in their fourth-quarter letter to shareholders in 2014: “last year our original content overall was some of our most efficient content. Our originals cost us less money, relative to our viewing metrics, than most of our licensed content, much of which is well known and created by the top studios.”²⁰⁶ Independent films, therefore, provided both a cost- and energy-efficient means to build their slate. Not only were the streaming platforms able to establish a business model similar to day-and-date to distribute their films, but it also gave them time to build their

206. Netflix, January 2015 Earnings Letter, 3, accessed March 24, 2022 at https://s22.q4cdn.com/959853165/files/doc_financials/quarterly_reports/2014/q4/Q4_14_Letter_to_shareholders.pdf

own in-house distribution division. Consumers had already become accustomed to the idea that Netflix and Amazon released exclusive “original” films, and the companies were able to establish themselves with key creative talent, hiring marketing, publicity, and distribution employees, and build a reputation as distributors of quality films. Furthermore, because independent films traditionally appealed to niche audiences, they were the perfect product to promote the unique advantages of personalization and recommendation afforded with their technology.

Case Study: *Manchester by the Sea* (Loneragan, 2016)

The story of the film *Manchester by the Sea*'s distribution illustrates the unique experiences of early independent films that were acquired by streaming platforms, and the shifting business practices and audience behavior that happened as a result. *Manchester by the Sea* is the third film made by filmmaker and playwright Kenneth Lonergan; it takes place in the eponymous Massachusetts town as the protagonist, played by Casey Affleck, raises his teenage nephew while navigating his own grief. Following its premiere at the 2016 Sundance Film Festival, Amazon Studios acquired the film in a deal that, according to reports, reached \$10 million.²⁰⁷ In March of 2016, *Variety* announced that Roadside Attractions would co-distribute the film with Amazon, and together the companies planned a limited release in November followed by a nationwide expansion in mid-December, priming the film for awards season.²⁰⁸

207. Mike Fleming Jr., “Sundance Sensation ‘Manchester By The Sea’ Near \$10M Amazon Deal,” *Deadline*, January 24, 2016, accessed March 25, 2022, <https://deadline.com/2016/01/manchester-by-the-sea-10-million-deal-amazon-casey-affleck-sundance-1201689425/>.

208. Brent Lang, “Amazon, Roadside Partner on ‘Manchester by the Sea’ Oscar Season Release,” *Variety*, March 16, 2016, accessed March 25, 2022, <https://variety.com/2016/film/news/manchester-by-the-sea-oscar-amazon-roadside-1201731815/>.

For the film’s producer, Chris Moore, Amazon’s offer was symbolic of the changing industry. By 2017, Amazon had assembled a staff of veteran film executives, including the aforementioned Ted Hope as Head of Production, as well as Bob Berney, former marketing and distribution executive at independent film distributors such as Orion and IFC Films. This team of familiar names not only gave *Manchester* filmmakers the confidence to take the unprecedented risk of working with the e-commerce platform to distribute their film, but it also led to a successful release in Amazon’s first year as a feature film distributor. The film performed well theatrically, earning \$47 million in the box office.²⁰⁹

Moore reflects on the unique marketing techniques used by the streaming company, in particular, the way the film was promoted across the Amazon ecosystem. As Moore explains, *Manchester by the Sea* was not only advertised on the Amazon Prime Instant Video interface, but also through some of Amazon’s other properties, including being featured on IMDb, and even doing a promotion with Whole Foods.²¹⁰ However, Moore reflects that this was part of a larger change that has progressed as more media products are distributed by digital companies. “It’s sort of like what happens now at any one of the big media companies. If you’re Disney, you’re going to end up on ESPN. You can end up on Hulu. But that’s just how it works now. They basically pay each other for that advertising, and you’re really selling to an ecosystem.”²¹¹ While synergistic marketing

209. Figures from BoxOfficeMojo.com.

210. Chris Moore, phone interview by the author, November 15, 2021.

211. Moore, interview.

has long been a practice within media conglomerates, *Manchester by the Sea* became one of the first independent films to be marketed within a primarily online ecosystem.

Part of the attractiveness of *Manchester By The Sea* to Amazon Studios executives was its symbolic value; being from an esteemed writer-director, acquired from a top film festival, and featuring award-worthy performances, *Manchester By The Sea* is further employed as a negotiation of power in Amazon's ecosystem to gain legitimacy as a competitor among established Hollywood studios. Indeed, *Manchester by the Sea* became the first film released by a streaming service nominated for Best Picture at the 89th Academy Awards, and the film also received five more nominations, taking home prizes for Best Actor and Best Original Screenplay.

What was missing from the valuation of *Manchester by the Sea's* performance was the film's streaming numbers. As Moore reflects, this also was the start of a larger theme in digital distribution of independent films; when working with a streaming platform to distribute a film, it's up to the platform to report digital viewership. "It's not going to be released in any way that anyone's going to know whether anybody watched," Moore explains, "We're all just going to be waiting for Amazon to say how many people watched it."²¹² However, Moore also makes the point that the amount of viewers on a specific film is not necessarily the goal of an SVOD. As Moore describes, "the biggest change and the change that is affecting everyone is that the business model has gone from hits to subscribers."²¹³ This echoes Ted Hope's quote at the beginning of this chapter: "the

212. Moore, interview.

213. Moore, interview.

movies are essentially advertising for the platform.”²¹⁴ For independent filmmakers, this shift has not only changed the ways in which they understand their film’s audience, but it also changes the economics of a film’s release. Moore reflects on changes in his own career as a producer, and explains, “I still have hits that are still paying me money. That’s never going to happen again, not for a producer anyway, and it may never happen again for anyone.” He continues, observing that many aspiring filmmakers still have an image of success in mind that may no longer be the reality in a streaming-dominated market. “For a lot of the people that migrate toward Hollywood, some of it is that ‘win the lottery’ kind of mentality,” Moore describes, “The streamers have killed all of that.”²¹⁵ While there will always be exceptions despite the trends in the market, this sentiment has become true in many other creative industries since the start of the online era; the subscriptions model is fundamentally changing the way creative producers are paid. This has led to a new era of uncertainty, particularly those that work in the already precarious industry of independent film.

Streaming has also changed the process of the film’s release, particularly demonstrated by the way films are introduced to audiences. In the standard life cycle of a film prior to day-and-date, there used to be multiple opportunities to promote a film: the opening weekend of the theatrical release, and its subsequent release in ancillary markets. As Chapter Three discussed, day-and-date distribution began with a desire to condense release windows to therefore minimize marketing and publicity spending. However, as digital distribution advanced and the theatrical release was minimal, if at all, the film’s

214. Littleton, “Amazon’s Ted Hope, Bob Berney Talk Big Ambition, Theatrical Strategy at Variety’s Massive Conference.”

215. Moore, interview.

introduction to audiences was complicated even further. Moore calls this introductory period the film's "launch phase." In a traditional theatrical release, promotion for opening weekend was meant to draw in the largest audience in the film's first few days, however, home-viewing creates less urgency for audiences. As Moore explains, "Some launches are super important because they can make everybody think something is huge, right? But most launches nowadays are totally irrelevant because nobody is running to see it right away unless they feel like it." On digital platforms, there is no separation between the opening weekend and the ancillary release, the film's "launch phase" happens in the same moment it is added to a larger library of content. "It's all going to be an audience that found it because of some ecosystem they were in." Moore continues, "But the point is that all you get is that moment, and then it's just part of the library."²¹⁶ This is in part due to the different methods of consumption on digital platforms, such as algorithmic recommendation systems, as well as an overabundance of both content and platforms in the digital era. Instead of drawing in a mass audience, streaming distribution intensifies the conflation of release windows in their appeal to an audience of *individuals* – something that is specific to the technological affordances of streaming platforms, such as the ability of data collection on individual user profiles. What is implied is that this new individualized media distribution system negates the need for a traditionally publicized launch, as the platform's algorithms will target individuals if the film matches previous interests and behavior on their profile. Moore continues, "the problem is when you don't have five chances to tell people about some piece of content, you only have one."²¹⁷ And

216. Moore, interview.

217. Moore, interview.

as streaming libraries continued to grow, this problem only intensified. Without a carefully-planned introduction to the marketplace, this idea echoes critical insight made by Vonderau that these streaming infrastructures' reliance on "complex data traffic" shifts the value of these independent films from valued artifacts to ephemera. While it has been previously argued that streaming platforms have been motivated by the "long tail" strategy to make a larger profit over a longer period of time, Moore's point about the disappearance of a product's initial introduction to the audience demonstrates that streaming platforms are employing a different approach, one that lacks strategically-timed release windows and instead combines all "windows" into one moment as it is added to the platforms' library of content.

As a result of an overabundance of content on streaming platforms, relying on algorithmic recommendation systems is another new practice filmmakers had to navigate. As Moore observes, and as research on algorithmic recommendation systems also demonstrates, the behavior of the audience will inform how the streaming service introduces the film to other subscribers on the platform:

In the distribution side of it, we're in this fascinating moment because human behavior is this weird tennis match. Humans will behave a certain way, so then the industry decides to try to corral that. But then, by corralling it, the humans will behave a different way.²¹⁸

Moore's description is consistent with what scholars have found as they understand more about the way personalization and recommendation systems work. As Matthias Frey finds in *Netflix Recommends*, the algorithms that guide users to specific content on streaming platforms, "exists on a spectrum that spans two basic types: the best works (curation-

218. Moore, interview.

style) vs. what works best (personalization).”²¹⁹ The “curation-style” function of recommendation systems are largely driven by what the industry thinks users may be drawn to, whether that curation comes from critical acclaim, popular culture, or self-promotion of “original” content. However, “personalization” comes from observations of what the platform’s users actually watch, as the personalization algorithm attempts to direct the behavior of that user on the platform and provide content accordingly. As James G. Webster describes, both media industries and audiences are currently trapped in a “widening gap between limitless media and limited attention.”²²⁰ This paradox illustrates the surplus of films added to streaming content libraries and the subsequent reliance on data collection and recommendation algorithms to deliver these films to user profiles to steer them toward content within their predicted interests. That being said, and as Moore describes, this creates a two-way line of communication; while streaming platforms may promote certain content based on whether or not it is new to subscribers or they think it will perform well, they also rely on and respond to the collective behavior of subscribers and promote content that has already proven popular. Frey explains that “recommendations and thus recommender systems function as arbiters of cultural surplus and risk.”²²¹ Not only do algorithms mitigate risk for subscribers as they navigate the vastness of streaming content libraries, it also mitigates risk for the platform as it allows the company to steer consumers in the direction of well-performing content. This complicates Van Dijck’s emphasis on the “affordances” of digital infrastructures, or the

219. Frey, *Netflix Recommends*, 61.

220. James G. Webster, *The Marketplace of Attention: How Audiences Take Shape in a Digital Age* (Cambridge and London: The MIT Press, 2014), 4.

221. Frey, *Netflix Recommends*, 38.

concept that users of the platforms that distribute these media products are still guided by certain protocols *allowed* by algorithms that dictate the behaviors that appear “autonomous.” As Frey describes, and as Moore has similarly observed, even though audience behaviors may not be entirely autonomous, personal recommendation algorithms are still driven by observations of human behavior on the platform, and thus, still partially under the influence of consumer behavior.

As seen here, *Manchester by the Sea*’s release takes place at the very beginning of much larger shifts in film distribution. While Amazon’s resources were used for a theatrical release, robust marketing, and an awards campaign, the story of the film’s distribution also introduced independent film producers like Moore to the complexities of intraplatform marketing within a technological ecosystem in which films are used to attract Amazon Prime subscribers. *Manchester by the Sea* was one of the first independent films acquired and distributed by a streaming platform, and with many more to follow, these complexities will only intensify as streaming becomes more ubiquitous in media distribution.

Streaming Independent Films in the Online Era

Streaming platforms’ success distributing independent films is influenced by many factors in contemporary online culture. As discussed in the previous chapter, Jose Van Dijck and Yochai Benkler both explain the shift from mass audiences to niche or individual audience groups, which satisfies users’ desires for personalization and autonomy in media consumption. While independent distributors have always been in the business of niche content and used marketing and publicity to appeal to target demographics, algorithmic recommendation systems used by streaming platforms have

accelerated this effect, allowing them to target not only niche groups, but also personalize the viewing experience of individual subscribers. Looking at independent films as a product in this transition demonstrates the negotiation of power that occurs not only within industry practices, but also surrounding shifting technology and consumption norms.

The Human vs. The Machine

At the 2015 Sundance Film Festival, Ted Sarandos sat on a panel called “How I Learned to Stop Worrying and Trust the Algorithm.” The primary question asked of the participants was to explain the role of algorithms in media distribution today. This is unique at a festival like Sundance, an institution that notoriously values their team of curators to program the festival’s line up. For independent institutions like Sundance, the question of the algorithm presents an insecurity, if not a threat.

The New Yorker writer Tim Wu went into the panel skeptically. As Wu explains in his article about the experience, “I do think that there is a sophisticated algorithm at work here – but I think his name is Ted Sarandos.”²²² At the panel, Wu therefore asked Sarandos if Netflix’s big decisions are really as data-driven as the company claims. Sarandos responded, “in practice, it’s probably a seventy-thirty mix. Seventy is the data, and thirty is the [human] judgement. But the thirty needs to be on top, if that makes sense.” Sarandos’ answer confirmed the author’s theory; however, the specific details of how the algorithm functions remain ambiguous. While data drives the company’s content decisions, the final and most important decision is still guided by humans. Wu ends his

222. Tim Wu, “Netflix’s Secret Special Algorithm is a Human,” *The New Yorker*, January 27, 2015, accessed March 25, 2022, <https://www.newyorker.com/business/currency/hollywoods-big-data-big-deal>.

article theorizing that even though SVODs do have an edge against their competitors – both technologically and financially – they are doing just the same thing as their theatrical distributor competitors: using their gut to bet on content they think will work based on the desires of audiences. Ultimately, Wu makes the claim, “I do not doubt that companies rely more on data every day, but the best human curators still maintain their supremacy.”²²³ However, despite this fact, opinions among both audiences and industry practitioners still give more power to the “algorithm” than to the actual media executives working at Netflix.

What is “The Algorithm?”

In the years since the 2015 Sundance Film Festival, Netflix has revealed more about their specific algorithmic targeting methods. Although Netflix still does not make their viewership numbers available to the public, reports now claim that 80% of content watched on Netflix is discovered through their specific algorithmic systems, specifically aiming to pair new viewers with the platform’s existing content.²²⁴

As reported in *Wired*, the Netflix algorithm is a “three-legged stool,” meaning it is influenced first by Netflix subscribers’ explicit and implicit interaction with content, then by the company’s designated taggers that categorize the content by genres, categories, and niches, and finally by the machine learning algorithm that puts this data together to create personalized recommendation results for each member. Counting the multiple profiles

223. Wu, “Netflix’s Secret Special Algorithm is a Human.”

224. Libby Plummer, “This Is How Netflix’s Top-Secret Recommendation System Works,” *Wired*, August 22, 2017, accessed March 25, 2022, <http://www.wired.co.uk/article/how-do-netflixs-algorithms-work-machine-learning-helps-to-predict-what-viewers-will-like>.

made within each subscription, in 2017, Netflix was reported to have 250 million active profiles from which to collect data. Explicitly, viewers rate content and save content to their watchlist, while implicitly, Netflix tracks viewer behavior like binge watching, repeated viewings, and what content the viewer watched that was recommended by the algorithm. Netflix also employs taggers whose sole job is to attach descriptions to each piece of content, allowing a film or series to be algorithmically linked with other content and personalized on user profiles.²²⁵

As *The New York Times* reported, the taggers came from an experiment Netflix did in 2008 that the article calls “The Napoleon Dynamite Problem.” In 2008, Netflix had just begun experimenting with algorithms to enhance their DVD mail-in rental service and they extended a challenge to independent computer programmers to try to enhance it, looking for a ten percent bump in the accuracy of their recommendations. Len Bertoni, a retired computer scientist, was one of the many who attempted to solve the challenge and discusses that his major roadblocks revolved around the film *Napoleon Dynamite*. Due to the film’s unique tone, Bertoni found it was impossible to recommend based on ratings and likes alone – it was an acquired taste and was hard to group with other comedies. When the rest of the programmers also struggled reaching the 10% increase in accuracy, it was suggested that the only way to fix this issue might be to assign human employees to watch all the content and assign adjectives that could group the films more efficiently.²²⁶ Back in 2008 when the idea was first presented, Hastings discusses the idea of taggers in a hypothetical tone, as if they would eventually find an easier way. However,

225. Libby Plummer, “This Is How Netflix’s Top-Secret Recommendation System Works.”

226. Clive Thompson, “If You Liked This, You’re Sure to Love That,” *The New York Times*, November 21, 2008, March 25, 2022, <https://www.nytimes.com/2008/11/23/magazine/23Netflix-t.html>.

over a decade later, this still proved to be the most efficient system and is the key to making their recommendation algorithm so successful. The process is observable on the platform when examining the category titles such as, “Suspenseful True Crime,” “Sentimental Romance,” or “Female-Driven Comedy” – each category is a combination of adjectives into which the films have been filed.

Machine learning, the final element of the algorithm, connects the elements above in automated systems that respond to user behavior and personalize individual profiles. However, returning to Sarandos’ breakdown of the influence of humans and algorithms in the company, the example above proves that humans are an even bigger part of the equation than commonly described. Similarly, another part of the recommendation system is assigning unique cover art for each film’s thumbnail; for example, if a film falls under “female-driven comedy,” graphic designers will reshape the thumbnail image to ensure a female lead is at the forefront.²²⁷ These examples support Sarandos’ claim that the 30% human-influence is “at the top,” and may even suggest an even stronger influence by humans than the company lets on.

As streaming’s popularity grew, so did the understandings of personal recommendation algorithms by media scholars. In his book *Netflix Recommends*, Matthias Frey outlines six defining characteristics of algorithmic systems that organize the processes by which these recommendation algorithms function. Frey’s six characteristics are as follows: (1) user data is gathered and analyzed by algorithms to produce recommendations; (2) the concept of personalization is used as a “value-adding

227. Chandrashekar Ashok, Fernando Amat, Justin Basilio, and Tony Jebara, “Artwork Personalization at Netflix,” *The Netflix Tech Blog*, December 7, 2017, accessed March 25, 2022, <https://medium.com/netflix-techblog/artwork-personalization-c589f074ad76>.

selling point” to promote the uniqueness of individual user profiles; (3) algorithmic systems actually remediate traditional recommendation practices such as word of mouth, but on an even larger scale due to the vast data collected on the millions of platform subscribers; (4) these algorithmic systems rely on nontransparency as a form of exclusivity and are treated as a proprietary function of the platform; (5) they attempt to establish a form of credibility in the rhetoric that these algorithms promise scientific objectivity in their technologically innovative design; and (6) algorithmic recommendation systems promote a new form of cultural taste and curation from the “wisdom of crowds,” or data collected from subscriber profiles, rather than traditional cultural gatekeepers such as critics, experts, and curators.²²⁸ In this overview of algorithmic systems, Frey ultimately argues that although streaming platforms have, “designed a recommender system based on the promise of algorithmic personalization and scientific objectivity,” a critical understanding of these algorithms reveals them as, “a mode of credibility building that remediates several legacy recommendation sources.”²²⁹ However, even while Frey argues that human influence drives what appears to be automated processes, a full understanding of how these algorithms may influence media consumption necessitates dissecting the ways in which these algorithms control and contain human behavior.

Connectivity & Datafication

Media scholars often focus on the technological innovations that have led to the current era of independent film distribution while placing it within a discourse bolstered

²²⁸. Frey, *Netflix Recommends*, 41-57.

²²⁹. Frey, *Netflix Recommends*, 62.

by the opportunity and democracy that the web allows. However, critical social media and communications researchers have discussed the nuances bound to online platforms, complicating the way society understands how digital products are spread, translated, and received. Adapting this research and applying it to the business and consumption practices of media distribution can therefore illuminate similar nuances in streaming platforms. Focusing on independent film as the primary product being bought, sold, and consumed, Van Dijck and Poell's concepts of *datafication* and *connectivity* can be applied to discussion of user data, personal recommendation algorithms, and automated curation. Now, with complete control over the platform and interface through which the content is being consumed, SVOD distributors had the ability to manipulate the balance of power between user autonomy and the platform's algorithms, which the authors identify as *connectivity*, and similarly, collect data from content viewership and further control the specificity with which that data is targeted, a process known as *datafication*.

As mentioned, audience targeting was not at all a new phenomenon in the digital age, in fact, independent distributors were very familiar with marketing methods that targeted geographic- and demographic-based niches. However, connectivity relies on different factors that are more abstract than can often be seen in such physical forms. As Van Dijck and Poell expand:

Unlike mass media, social media platforms seldom deal with “natural” geographically or demographically delineated audiences; instead, they expedite connections between individuals, partly allowing the formation of strategic alliances or communities through user's initiative, partly forging target audiences through tactics of automated group formation (“groups you may be interested in” on Flickr) or personalized recommendations (“People who bought this item also bought...” on Amazon).²³⁰

230. Jose Van Dijck and Thomas Poell, “Understanding Social Media Logic” *Media and Communication*, 1, no. 1 (2013): 8-9.

Connectivity, as seen here, is inextricably tied to advertising and marketing. While the authors describe “connectedness” as a word to characterize the interaction, participation, and community-forging nature of social media, “connectivity” introduces the agency of the platform in that interaction, and more importantly, their ultimate desire to connect those users to advertisers, and in turn, profit. In streaming, this definition of connectivity can be extended not just to advertisers, but to the broader goals of the platform’s revenue, whether that is through advertising, subscriptions, individual transactions, corporate funding, or stock value.

However, connectivity would not be as effective without datafication. As described by Viktor Mayer-Schoenberger and Kenneth Cukier, datafication refers to the opportunity presented by digital communication platforms to quantify data that had not had the ability to be quantified before; in the case of streaming platforms, this includes who is watching what content, content with similar themes, genres, filmmakers, and actors, or even how long the user is watching certain content and what portions of the content they watch. The authors refer to datafication as a form of “opinion mining” or “sentiment analysis,” however, importantly, that data is not intrinsically inscribed with specific values or meanings. Datafication involves the process by which the streaming platforms ascribe that meaning to user data, therefore using it within their distribution processes; datafication is therefore used to predict the seemingly autonomous actions of the consumer.²³¹

231. Van Dijck and Poell, “Understanding Social Media Logic,” 9-11.

Audience Measurement and Algorithmic Determinism

As discussed in the previous chapter, network culture introduced media institutions to an individualized and seemingly autonomous audience. At the start of digital film distribution particularly on VOD, distributors knew the audience would be hard to track, and while they had some experimental methods to count audiences, nothing compared to the traditional audience measurement systems of established media institutions. With datafication, streaming platforms could now track audience behavior like never before, which they publicize as a selling point to differentiate themselves from “traditional” media distributors. However, Sarah Arnold points out several paradoxes in this logic in her article, “Netflix and the Myth of Choice/Participation/Autonomy.” As Arnold explains, even while these algorithms claim to promote audience autonomy on their unique profile, the type of datafication being used now in audience measurement signals a shift from user-centric measurement (studying the audience and their television engagement) to server-centric measurement (studying server interactions by users). Netflix self-generates this knowledge through data-mining user behavior with internally generated measurement tools and uses this to create a personalization and recommendations system (PRS) intended to be used on a user’s unique profile. Here, the platform can further mine individualized data, and therefore guide the user to specific consumption decisions. As Arnold notes, this is particularly useful in making content-related decisions:

With large amounts of data on overall user engagement with individual shows, films, or genres, it can more quickly act (to purchase or remove content). It can, in theory, target content to users more effectively, based on the way in which such data can be used to predict viewing patterns.²³²

232. Sarah Arnold, “Netflix and the Myth of Choice/Participation/Autonomy,” in *The Netflix Effect: Technology and Entertainment in the 21st Century*, eds. Kevin McDonald and Daniel Smith-Rowsey, (London: Bloomsbury, 2016), 53.

Here, Arnold refers to content acquisitions in terms of existing studio content rather than “original” films; however, it can also relate directly to decisions made on the independent film market. It articulates Netflix’s unique understanding of the “audience,” or in this case “user,” that allegedly informs independent film purchases for their platform; rather than an acquisitions executive watching a film and making a judgement based on instinct or taste, Arnold implies that Netflix acquisition executives consider the behavior of their server in content decisions.

As Arnold demonstrates, server-centric measurements do not present true understandings of audience desires and habits but rather create a digital identity, or the likeness of an audience made up of individual data profiles. In Arnold’s words, “No longer conceived as an audience or a collection of individuals, the Netflix user becomes classified as a set of data and the information drawn from this data becomes the primary form of knowledge produced by Netflix.”²³³ Arnold derives her rhetoric from theories presented by Antoinette Rouvroy, specifically a framework called “data behaviorism,” a practice that, intentionally or not, avoids actual interactions with human subjects, negating the ability to understand the nuances or context of the causes and intentions of their viewing behavior. Furthermore, Netflix distinguishes between “user expression,” the user’s intentional ratings and taste preferences, and “user behavior,” the interaction with the server, previously referred to as explicit and implicit interaction respectively. However, the company labels the intentional choices of explicit “user expression” as “poor data,” claiming it does not correlate as neatly with the algorithm’s study of implicit “user

233. Arnold, “Netflix and the Myth of Choice/Participation/Autonomy,” 55.

behavior” and the interactions with the platform.²³⁴ As Arnold explains, the issue with understanding audience behavior in this way is that, “the PRS becomes increasingly deterministic, producing a user profile as much informed by its own logic than of genuine and autonomous open interactions by the user.”²³⁵ The measurement is not purely the engagement by members of a film’s audience but rather reflects how the algorithm shapes that behavior through the specific affordances the platform allows, a form of “algorithmic determinism” that John Cheney-Lippold calls the “algorithmic identity.”²³⁶ This presents issues in the audience’s experience of independent films on the platform, specifically in the selection of films using the platform’s micro-generic categories. Independent films have historically given a voice to marginalized communities and artists, many of them presenting issue-driven themes. However, Arnold brings up an important point about the categorization of marginalized identities such as race and gender, separating and recommending films with, as an example, a “strong female lead,” or with a “Black ensemble cast.” As Arnold describes:

In this sense, socially marginalized identities are politicized through their separation from non-marginalized identities. These identities are produced through otherness and alterity, whereby whiteness, maleness, and American-ness are assumed as dominant and pervasive (and, therefore, not in need of positioning) and non-white, non-male, non-American identities as distinct and ‘Other.’²³⁷

This interaction is specific and intentional by the algorithm, governing audiences in a pointed way. Therefore, using this type of interaction in the decisions regarding what is

234. Arnold, “Netflix and the Myth of Choice/Participation/Autonomy,” 58.

235. Arnold, “Netflix and the Myth of Choice/Participation/Autonomy,” 56.

236. John Cheney-Lippold, “A New Algorithmic Identity: Soft Biopolitics and the Modulation of Control,” *Theory, Culture & Society* 28.6 (2011): 164-181.

237. Arnold, “Netflix and the Myth of Choice/Participation/Autonomy,” 57.

acquired and distributed by the platform presents a clear issue in the platform studying itself rather than the true engagement with audiences. It causes clear implications for marginalized audiences and independent filmmakers from the same communities, as it will inevitably be a metric in the data tracked. Therefore, Arnold argues that Netflix is prescribing self-produced identities, rather than understanding human engagement, spontaneity, and intention.

However, Frey's *Netflix Recommends* presents a "user-centric" argument that challenges Arnold's emphasis on algorithmic determinism. In a chapter entitled, "Unpacking Netflix's Myth of Big Data," Frey explains that relying on the datafication or mathematization of recommendation systems undervalues the fact that Netflix recommendation systems, "are not divorced from human input and design." As he describes:

... the system functions by a process in which humans have created the basic categories and labels, the essential semantics and syntax. Humans apply tags to the underlying content, using their interpretative judgment to assign a numerical value to the level of romance, violence, and so on. Humans license or commission the films and series themselves; they compose the thumbnails by which the content will be represented on screen. Humans design system algorithms and thus chart the pathways of machine learning. In this sense, Netflix recommendations—despite all the company propaganda and fawning coverage to the contrary—are neither entirely computer-driven nor truly "objective." Less controlled by artificial intelligence, these systems remain guided by individual and collective human cognition, logic, and decision-making.²³⁸

While Frey makes an important point about the danger in a technological-deterministic mindset, instead reinstating the value of human intervention in the creation and function of algorithms, he maintains that finding a middle-ground between these two ends of the spectrum may illuminate even more about the influence of algorithmic systems among

238. Frey, *Netflix Recommends*, 115-116.

modern media audiences. From a media industries perspective, it is important to recognize that, as previously mentioned, streaming platforms like Netflix and Amazon have poached employees from independent theatrical distributors and studio specialty divisions as they built their internal distribution teams. Therefore, the conception of algorithmic systems, particularly in terms of the curation, categorization, and creation of media content, have been influenced by the same gatekeepers seen in previous eras of independent film distribution, as media executives migrate to streaming platforms along with audiences. That said, Frey and Arnold's discussions combine to produce an important point about the perpetuation of cultural stereotyping and marginalization in algorithmic recommendation systems: algorithms reproduce the built-in biases that have been dictated by Hollywood's existing culture of marginalization.

Furthermore, this myth of big data is something that Frey argues that Netflix actively seeks to cultivate in a "performance of scientific objectivity, innovation, and differentiation as a way to establish the credibility of its recommendations and overall service—similar to the manner in which film critics must perform authority, knowledge, distance to (or familiarity with) the industry in order to establish their trustworthiness."²³⁹ Considering independent films as the initial feature film product in the rhetoric Netflix was cultivating further proves independent films to be an ideal product, as they are associated with the cultural capital and symbolic values produced by these very cultural institutions, particularly the "credibility" of film criticism and the curation of film festivals. As streaming platforms established themselves as producers and distributors of original media content, the combination of this performance of "authority"

239. Frey, *Netflix Recommends*, 100.

and “knowledge,” in conjunction with concepts of “prestige” and “curation” associated with independent films helped to establish Netflix’s brand with one that could compete with legacy film institutions and appeal to media audiences that might be skeptical of Netflix as creator of quality content. Arguably, SVODs assisted in forming a new generation of media consumers, ones who grew accustomed to consuming media through their individualized user profiles instead of in the communal experience of the theater.

The State of Theatrical Exhibition

For the past several years theaters have reported declining box office numbers, caused by the rise of subscription streaming services. As reported in *Variety* at the end of 2017, domestic theatrical revenue was down 2% and attendance down 4-5%. Conversely, however, international attendance of Hollywood films continues to grow, leading studios to focus on internationally marketable blockbuster tentpoles. This, in turn, affects the independent film marketplace, as the economy continues to support mega-budget tentpoles and theaters prioritize spectacle films when booking screens. As has been the trajectory for the past decade, independent films are therefore pushed even further into the margins. As Derek Thompson calls “the summer from hell” in an article for *The Atlantic*, the summer of 2017 did not see declining box office numbers because audiences are not going to the theater in general, rather, as Thompson explains, “the problem for Hollywood isn’t that audiences are ignoring sequels, adaptations, and reboots. The problem is that audiences are ignoring everything else.”²⁴⁰ To ensure profitability in the

240. Derek Thompson, “What Caused Hollywood's Summer from Hell?” *The Atlantic*, September 8, 2017, accessed March 25, 2022, <https://www.theatlantic.com/business/archive/2017/09/hollywood-blockbusters-summer/539235/>.

marketplace, a studio had to own the rights to a popular franchise to maintain box office profits.

Despite the dire outlook of the box office, streaming platforms began their efforts to enter the theatrical exhibition at this time, notably with the help of independent distributors. Amazon adhered to the 90-day theatrical window from the start of their film distribution business by partnering with theatrical distributors like Roadside Attractions to distribute their films in a small theatrical run, and when appropriate after the 90-day window, they released the film digitally on their platform. Slowly, Amazon started to build their own theatrical division by hiring industry veterans like Ted Hope to run what acts as a mini-studio within a technology conglomerate. They announced in 2015 that they would start producing their own films, with a slate of twelve films per year with a budget range of \$5 to \$25 million, a price which notably encapsulates and goes beyond the budget range of small to mid-size independent distributors.²⁴¹ With films like *Manchester by the Sea* nominated for an Oscar in 2017, Amazon has proven that this model can work, however, they had to poach employees from theatrical distributors to do so, further compromising the business of independent film distribution.

As previously discussed, in 2015 Netflix bought Cary Fukunaga's *Beasts of No Nation* for \$12 million with the intention of making the film available to stream on the platform and simultaneously releasing it in theaters in partnership with Bleecker Street. However, the SVOD was stopped in its tracks with a rejection from the four major movie theater chains, Carmike, AMC, Cinemark, and Regal.²⁴² Patrick Corcoran, VP of the

241. Hillary Lewis, "Amazon to Produce and Acquire Movies for Theatrical, Online Release." *The Hollywood Reporter*, January 19, 2015, accessed March 25, 2022, <https://www.hollywoodreporter.com/news/amazon-produce-acquire-movies-theatrical-764659>.

242. Child, "Netflix's *Beasts of No Nation* boycotted by big four US cinema chains."

National Association of Theater Owners, expressed his feelings of the simultaneous release in a statement, saying, "It was merely PR for the home video, which is usually the only point of simultaneous release," referring to both the streaming platforms and the day-and-date release.²⁴³ Fukunaga countered with his own reaction to the rejection by major theater chains in an interview with *The Wrap* saying that, "Those same theater chains would never have shown the film, no matter who released it."²⁴⁴ These statements point to the larger cultural battle surrounding a theatrical screening, however, there were also many questions about the actual economic advantages of such a system.

As Anthony D'Alessandro and Brian Brooks write in *Deadline*, *Beasts* opened to a "horrendous result." In theaters *Beasts* opened to \$51,699, an average of \$1635 per screen. As they analyze these numbers, the authors point out how different this model is compared to day-and-date, and suggest, "one scratches the head as to where Netflix is making their money on *Beasts*."²⁴⁵ However, as the authors also suggest, Netflix's priority in a theatrical release was less about ticket sales as it was meant to qualify the film, and therefore the company, for the Academy Awards. Netflix was looking for the prestige of a quality, independent film, rather than a film that would make money theatrically.

In the spring of 2018, *Variety* reported that Todd Wagner and Mark Cuban's 2929

243. Pamela McClintock, "Why Netflix Isn't Worried That 'Beasts of No Nation' Flopped in Theaters," *The Hollywood Reporter*, October 18, 2015, accessed March 25, 2022, <https://www.hollywoodreporter.com/news/why-netflix-isnt-worried-beasts-832136>.

244. Todd Cunningham, "Movie Theaters Revolt as Netflix's 'Beasts of No Nation' Debuts Online, Arthouse" *The Wrap*, October 15, 2015, accessed March 25, 2022, <https://www.thewrap.com/movie-theaters-revolt-as-netflixs-beasts-of-no-nation-debuts-online-arthouse/>.

245. Anthony D'Alessandro and Brian Brooks, "'Beasts Of No Nation' Gets Mauled At Specialty Box Office, But Netflix 'Happy' with Streaming Results," *Deadline Hollywood*, October 18, 2015, accessed March 25, 2022, <https://deadline.com/2015/10/beasts-of-nation-netflix-bleecker-street-opening-1201587107/>.

Entertainment had put their Landmark Theater chain on the market; at the time, the exhibition branch had two potential buyers, distribution company Entertainment Studios, and Netflix.²⁴⁶ The *Los Angeles Times* reported that Netflix did not pursue the deal in the end due to the high price of the Landmark chain, however, the interest in purchasing this specific theater does say quite a bit about both the future of Netflix and the state of film distribution as a whole.²⁴⁷ The fact that the potential acquisition was the Landmark Theatres, with its history as a site of day-and-date distribution, implies a significant motive for Netflix as it has struggled in the past to find a theatrical home for the company's "original" films. It is also symbolic of the power shift in this era of independent film distribution, as a company that originally developed innovative digital distribution strategies, 2029 Entertainment, considers the sale of their exhibition branch to a streaming company.

While Netflix already is an entirely vertically integrated company, its exhibition outlets are exclusively streaming; owning a theater chain would eliminate their 90-day windowing restriction, increase the profit margins of their films, and elevate the cultural legitimacy of their company within the film industry. This presents an issue that brings us back to the studio era in Hollywood. According to the 1948 Paramount Decree, studios are not able to own theaters; because of the oligopoly they created in the industry, they were forced to divest their exhibition branches, putting the emphasis in the industry on distribution. Prior to the Paramount Decree, the barriers to entry were too high, leaving

246. Brent Lang and Ramin Setoodeh, "Netflix and Byron Allen Could Be Getting Into the Movie Theater Business," *Variety*, April 19, 2018, accessed March 25, 2022, <https://variety.com/2018/film/news/netflix-byron-allen-movie-theater-1202761265/>.

247. Ryan Faughnder, "Netflix has considered buying theaters, including Mark Cuban's Landmark, to gain an Oscar edge, sources say," *Los Angeles Times*, April 18, 2018, accessed March 25, 2022, <http://www.latimes.com/business/hollywood/la-fi-ct-landmark-netflix-20180418-story.html>.

smaller distributors struggling to find space in studio-owned theaters. Now, Netflix and Amazon are creating new barriers to entry too high for new companies to surpass. Netflix, however, already controls exhibition in the form of their streaming platform, and with the growth of their in-house production and distribution teams, they therefore control the entirety of the lifecycle. In *Empires of Entertainment*, Jennifer Holt defines vertical integration as “ownership of all phases of a business from production to distribution and sale.”²⁴⁸ However, streaming platforms replace the direct “sale” of goods with the subscription. Netflix, therefore, subverted a timeless practice of media dominance by hiding its vertical integration within a new model. While Netflix as a buyer and distributor of films does create a pathway for independent films to reach audiences, as history has shown, independent distributors are nevertheless being driven out of competition as this oligopoly strengthens. Many of these issues are rooted in the control of distribution, however, film exhibition has arguably been most affected by the rise of streaming platforms. This has manifested financially, as shown here, but also in the form of cultural debates about preserving the theatrical tradition in cinema culture.

The Culture War & Economy of Prestige

In 1996, Susan Sontag declared the death of cinephilia, citing that the over-commercialization of cinema has made filmmaking a “decadent art.” She also discusses the tradition of viewing a film in the theater, stating:

You wanted to be kidnapped by the movie -- and to be kidnapped was to be overwhelmed by the physical presence of the image. The experience of "going to the movies" was part of it. To see a great film only on television isn't to have really seen that film. It's not only a question of the dimensions of the image: the disparity

248. Jennifer Holt, *Empires of Entertainment: Media Industries and the Politics of Deregulation, 1980-1996* (New Brunswick: Rutgers University Press, 2011), 2.

between a larger-than-you image in the theater and the little image on the box at home. The conditions of paying attention in a domestic space are radically disrespectful of film. Now that a film no longer has a standard size, home screens can be as big as living room or bedroom walls. But you are still in a living room or a bedroom. To be kidnapped, you have to be in a movie theater, seated in the dark among anonymous strangers.²⁴⁹

Sontag's claim that home viewing is "radically disrespectful" of a film echoes the arguments made by industry practitioners fighting for the tradition of the theatrical experience as streaming platforms gained dominance in the late-2010s. In an article entitled, "Catered to Your Future Self: Netflix's 'Predictive Personalization' and the Mathematization of Taste," Neta Alexander reflects on Sontag's claim, and connects it to algorithmic recommendation systems that further complicate our experience with a film. Alexander explains, "the greatest films also tend to be the most difficult to classify or to easily break down into tags and categories."²⁵⁰ Alexander's larger argument suggests that the cultural rejection of streaming by cinephiles, industry veterans, and those that want to uphold the traditions of cinema goes beyond nostalgia for the theatrical experience, and reflects the nuances of the involvement of Silicon Valley in cinema culture.

In addition to arguing over the sanctity of a theatrical release, these debates also take place in three more sites of cultural production. First, Silicon Valley carries its own symbolic values, as primarily seen in the culture of "disruption" pervasive in the rhetoric of streaming platforms, and an over-reliance on this label distorts the understanding of distribution across public discourse. Second, arguments about the changing distribution landscape take place in film festivals and independent film marketplaces, as seen

249. Susan Sontag, "The Decay of Cinema," *The New York Times Magazine*, February 26, 1996, accessed March 25, 2022, <https://www.nytimes.com/1996/02/25/magazine/the-decay-of-cinema.html>.

250. Neta Alexander, "Catered to Your Future Self: Netflix's 'Predictive Personalization' and the Mathematization of Taste," in *The Netflix Effect: Technology and Entertainment in the 21st Century*, eds by Kevin McDonald and Daniel Smith-Rowsey (London: Bloomsbury, 2016), 81.

particularly at the Cannes Film Festival in 2017 when efforts were made to block the streamer from participating in major prizes. Third, backlash toward streaming services has also surrounded awards ceremonies, particularly the Academy Awards. Continuing analysis of symbolic associations and cultural capital, this section will interrogate the new issues that arise particularly around the viewing practices of films distributed on streaming platforms, and the cultural negotiations taking place among contemporary industry practitioners, scholars, and audiences. Alexander illustrates these cultural negotiations as a paradox of taste, “between ‘taste’ as a subjective, personal, and consistent set of preferences manifested via the consumption of cultural goods (clothes, food, furniture, art works, books, etc.) and ‘taste’ as a cultural construct that can be manipulated and shaped by media oligopolies and their ever-increasing advertising budgets.”²⁵¹ With this in mind, this section will break down different areas where cultural capital negotiated with independent film as the primary product, both as an object of consumption as well as a tool to promote a cultural identity.

The Brand of Technological “Disruption”

Scholars, critics, and the popular press have all labeled streaming platforms as “disruptive” since their emergence in the mid-2000s. Over time, however, this cultural coding became pervasive in society, leading to even the companies themselves leaning into this label in their public-facing brand. Branding themselves as “disruptive” is more than just a buzzword: it is an identification with a specific cultural negotiation, placing streaming services in the realm of the new, progressive, cutting-edge brand of Silicon

251. Alexander, “Catered to Your Future Self: Netflix’s ‘Predictive Personalization’ and the Mathematization of Taste,” 82.

Valley at the same time these companies began competing with traditional Hollywood. Retrospectively, we can now see the widespread proliferation of this classification as a strategic promotion to associate companies that used the subscription-based business model as appealing to a changing consumer society, whether or not these business models started in the technology industry. Netflix, in fact, started as an ancillary market in the entertainment industry, and even considered selling the company to Blockbuster, an offer the latter refused in what is now a monumental decision.²⁵² As Netflix continued to grow as an independent company and ventured into new business models such as streaming and eventually original content is when they started adopting the identity of a “disruptor.” At the 2016 Consumer Electronics Show, Netflix CEO Reed Hastings distinguished the company in opposition to television by telling a story of disruption over media history, ending with Netflix.²⁵³ Another important point is that they introduced themselves and their content plans, not at the Upfronts where broadcasters traditionally announced such plans, but at a conference for the technology market, establishing themselves firmly in that space. Hastings appeared as a quintessential tech CEO, rather than a Hollywood studio head. Netflix describes itself in its advertising in the same way, using the slogan “Revolutionary. Disruptive. Fearless,” to further identify itself with perceptions of the tech industry. As noted by Timothy Havens in an article entitled, “Streaming Channel Brands as Global Meaning Systems,” the author finds:

Netflix uses this tech company identity to address both subscribers and investors. For subscribers, this tech identity projects an image of being youthful, tech savvy, and modern. Meanwhile, for investors, Netflix can maintain high levels of capital

252. Minda Zetlin, “Blockbuster Could Have Bought Netflix for \$50 Million, but the CEO Thought It Was a Joke,” *Inc.* September 30, 2019, accessed March 25, 2022, <https://www.inc.com/minda-zetlin/netflix-blockbuster-meeting-marc-randolph-reed-hastings-john-antioco.html>.

253. CES, “Reed Hastings, Netflix - Keynote 2016”, *YouTube*, January 6, 2016, accessed March 25, 2022, https://www.youtube.com/watch?v=l5R3E6jsICA&ab_channel=CES.

investment and investor satisfaction despite small short-term profits in the hopes of massive future revenues—a venture capital tech industry model—whereas investors hold traditional mature legacy media companies to much higher and more immediate profit expectation.²⁵⁴

As seen here, the cultural capital of identifying with Silicon Valley then translates into economic capital in the form of the identity they are crafting for investors. In this sense, many of the cultural negotiations that take place between legacy Hollywood and streaming platforms can be seen to translate to economic profit as well.

In an article entitled “Individual Disruptors and Economic Gamechangers: Netflix, New Media, and Neoliberalism,” Gerald Sim provides a critical reading of Netflix that demonstrates the “pervasiveness of neoliberal discourse from which media history can be more critically distant,” arguing that Netflix is not actually as disruptive as they make themselves out to be. Instead, the widespread understanding that Netflix has disrupted traditional forms of media like film and television is rooted in the way the public has grown to perceive spectatorship practices associated with Netflix, like binge-watching or time-shifting. As many scholars, notably Henry Jenkins, have identified for decades, a cultural shift toward convergence – or the growing desire of media audiences empowered with new technologies to have more active participation in their viewing habits – happened across many media forms, introduced with digital video recording systems like TiVo, or user-generated content sites like YouTube. Sim continues, “the outsized role frequently attributed to Netflix in effecting these changes is ideologically if not politically fraught. Specifically, writers are codifying a history where Netflix, and by extension Hastings, are institutional and individual change agents within a narrative laden with

254. Havens, “Streaming Channel Brands as Global Meaning Systems,” 327.

individualist tropes favored by neoliberalism.”²⁵⁵ Sim also points out the ways in which the company identifies with this ethos internally:

Netflix is famous within Silicon Valley for its constitution (labeled ‘Netflix Culture’ on its website or known alternatively as its ‘Culture Deck’) that rewards performance over effort, and encourages employees to assume personal responsibility and adopt appropriate ethics when utilizing uncommon perks. [...] Peppered with terms from the neoliberal lexicon such as ‘freedom,’ ‘responsibility,’ ‘flexibility,’ and ‘market’ the document grants Netflix staff uncommon freedom to determine where, when, and how they labor. And if they successfully eradicate ‘managed dissatisfaction,’ they will permit subscribers to consume media where, when, and how they desire. The corporate ethos comes full circle.²⁵⁶

With the previous comments in mind, it becomes clear that Netflix embraced this alignment between its brand and the cultural capital associated with Silicon Valley, connecting them to what is new and progressive (social media, technology companies) rather than a traditional (studios, theaters) even while their product and company history as a DVD rental service could have allowed them to choose to align with branding of Hollywood as well. This, however, created tensions within the film industry, when companies aligned with a disruptive technology brand started participating in the independent film marketplace. To gain legitimacy in their world as well, the streaming platforms had a more difficult time.

The Economy of Cultural Legitimacy

In the film industry, established culture-making institutions such as film festivals and awards shows became a site of upheaval when streaming platforms entered the

255. Gerald Sim, “Individual Disruptors and Economic Gamechangers: Netflix, New Media, and Neoliberalism,” in *The Netflix Effect: Technology and Entertainment in the 21st Century* eds. Kevin McDonald and Daniel Smith-Rowsey, (London: Bloomsbury, 2016), 186

256. Sim, “Individual Disruptors and Economic Gamechangers: Netflix, New Media, and Neoliberalism,” 194

marketplace in the mid-2010s. Rules and norms in both institutions had to be altered to either accommodate or restrict the participation of these new companies as industry practitioners negotiated their own feelings about the changes happening in the film industry at large. In *The Economy of Prestige*, James English defines the “cultural economics” of institutions like this, particularly because of the cultural exchange of prizes. English explains that a cultural institution such as this, “assumes certain basic continuities between economic behavior (that is, interested or advantage-seeking exchange) and the behavior proper to artists, critics, intellectuals, and other important players on the fields of culture.”²⁵⁷ However, English demonstrates that cultural prizes can contain the same economic behaviors and interests as that of financial capital as certain companies, players, and artists try to take advantage of a prize’s unique benefits:

And of all the ritual practices of culture, none is more frequently attacked for its compromising convergence with the dynamic of the marketplace than is the prize, which seems constantly to oscillate between a genuinely cultural event (whose participants have only the interest of art at stake) and a sordid display of competitiveness and greed (whose participants are brazenly pursuing their professional and financial interest). When Nicholas Cage, accepting the Academy Awards for Best Actor in 1996, thanked the academy ‘for helping me blur the line between art and commerce,’ he pointed not just to the fact that Oscars have become a huge marketing lever for promoters and a major source of revenue for Disney’s ABC subsidiary, but to the deeper equivocality of all such prizes, which serve simultaneously as a means of recognizing an ostensibly higher, uniquely aesthetic form of value and as an arena in which such value often appears subject to the most businesslike system of production exchange.²⁵⁸

For streaming platforms, participating in cultural institutions such as prizes and festivals brought a symbolic value that could translate even further to an economic value, especially as this legitimacy could draw in bigger stars and a wider audience. However,

257. James English, *The Economy of Prestige: Prizes Awards and The Circulation of Cultural Value* (Boston: Harvard University Press, 2009), 4.

258. English, *The Economy of Prestige*, 7.

the industry veterans could also withhold this symbolic value, further leverage in their own negotiations of power.

After the massive acquisitions at Sundance in 2016, a *Guardian* article asked, “That’s great news for independent cinema, but, um, aren’t Amazon and Netflix actually TV?”²⁵⁹ In March of 2018, Steven Spielberg spoke up about his thoughts on the new landscape of streaming distribution, “once you commit to a television format, you’re a TV movie. You certainly, if it’s a good show, deserve an Emmy, but not an Oscar. I don’t believe films that are just given token qualifications in a couple of theaters for less than a week should qualify for the Academy Award nomination.”²⁶⁰ Spielberg’s claim brings up two issues in the symbolic value of media: first, it is implied that because of its exhibition format, a film distributed by a streaming platform would qualify as television, which has historically had lesser cultural capital than film; and second, Spielberg calls upon the awards institutions to make this distinguishment and to instate rules that will categorize these products, and in turn, their symbolic meaning. Today, the boundaries between distribution platforms are collapsing so much that institutions such as the Academy must rewrite their rules to accommodate. In this way, cultural institutions such as the Academy hold the responsibility to redefine and ascribe a new meaning to films distributed on streaming platforms. As English points out, prize institutions have acted as gatekeepers in this way, placing constraints on the works that can be eligible for the prize in several ways:

259. Brian Moylan, “Amazon and Netflix need to decide if they’re in the TV or movie business.” *The Guardian*, January 27, 2016, accessed March 25, 2022, <https://www.theguardian.com/film/2016/jan/27/amazon-netflix-tv-movies-business-sundance>.

260. Erin Nyren, “Steven Spielberg Doesn’t Think Netflix Movies Deserve Oscars.” *Variety*, March 25, 2018, accessed March 25, 2022, <https://variety.com/2018/film/news/steven-spielberg-netflix-movies-oscars-1202735959/>.

The first stage involves formulating and enforcing rules of eligibility, matters over which judges generally have no authority. Works which might readily win the judges' recognition, and which would seem to meet the stated criteria of genre, national origin, gender, thematic content, and so on, are often excluded on more or less technical grounds such as citizenship of the artist, the size or length of the work, and the date of release of publication. For example, a film cannot be eligible for the Academy Award for Best Documentary Feature unless it was shown in a Los Angeles or New York City theater for at least seven consecutive days at some point during the preceding year. This and other peculiar criteria of eligibility have been imposed by the academy's board quite deliberately as a way of constraining the judges [...] and redirecting them toward popular, and less "controversial" decisions.²⁶¹

Streaming services were certainly a cite of controversy as they built their libraries of "original" films, and especially when they hoped films like *The Irishman* (Scorsese, 2019), *Roma* (Cuaron, 2018), *Marriage Story* (Baumbach, 2019), and *The Two Popes* (Meirelles, 2019) would receive the Best Picture prize. Winning an Oscar in this sense not only works as a form of cultural capital, but more specifically, as a form of cultural legitimacy; winning such an award would place Netflix among not only the traditional Hollywood distributors, but also those independent distributors historically associated with distributing Academy Award winning films. This controversy continued until 2020, when a global pandemic forced the Academy to accommodate streaming for only one awards year, a decision that will be discussed in more detail in the next chapter.²⁶² However, this was not the only site of controversy as streaming platforms attempted to gain legitimacy in the independent film marketplace.

At the 2017 Cannes Film Festival, the collision of digital and theatrical distribution caused a debate that tore the independent film industry in two. On one side of the

261. English, *The Economy of Prestige*, 130-131.

262. "Awards Rules And Campaign Regulations Approved For 93rd Oscars," *Oscars.org*, April 28, 2020, accessed March 25, 2022, <https://www.oscars.org/news/awards-rules-and-campaign-regulations-approved-93rd-oscarsr>.

argument was 2017 Cannes Jury President, Pedro Almodovar, who believed that a film without a French theatrical release did not deserve consideration for festival prizes, in competition for the same artistic recognition as those that would appear in theaters. Many audience members booed the Netflix logo as it appeared before the screenings of Bong Joon-ho's *Okja* (2017) and Noah Baumbach's *The Meyerowitz Stories* (2017). On the other side of the argument were those who were open to changes in independent film distribution, which puts less emphasis on theatrical distribution and utilizes emerging digital delivery methods in the online era. For example, as mentioned previously, actor Will Smith, another member of the 2017 Cannes Jury, defended Netflix's involvement in the festival, celebrating the platform's ability to expose younger generations to films they may not have seen in theaters, claiming that the platform, "broadened [his] children's global cinematic comprehension."²⁶³ However, despite valid arguments from both perspectives, after the festival, the Cannes Board of Directors maintained that all 2018 submissions must guarantee a French cinematic release to obtain a competition slot.²⁶⁴ While this debate seems to revolve around distribution business models, the core of the argument revolves around something more abstract: the changing identity of independent film, and the symbolic value of its theatrical release. Once understood as a theatrically distributed, art-house culture, the growing emphasis on streaming and online delivery of independent films shifts this understanding to an increasingly *digital art*

263. Anne Thompson, "Cannes 2017: Will Smith Clashes With Pedro Almodovar Over Netflix." *Indiewire*, May 17, 2017, accessed March 25, 2022, <http://www.indiewire.com/2017/05/cannes-2017-netflix-will-smith-pedro-almodovar-1201818275/>.

264. Eric Kohn, "Cannes Addresses Netflix Controversy By Forcing Competition Films to Receive Theatrical Distribution In France," *Indiewire*, May 10, 2017, accessed March 25, 2022, <http://www.indiewire.com/2017/05/cannes-2017-netflix-theatrical-release-okja-meyerowitz-stories-1201814678/>.

house. Therefore, while it seems that independent film veterans like those on the Cannes Board of Directors may be resistant to digital distribution, they are speaking not only to changing business models within their industry, but a major shift in the cinematic viewing culture as a whole.

Conclusion

By the end of the decade, Netflix, Amazon, and other subscription streaming services had gained enough strength to become dominant players in the media distribution industry. At the same time, traditional Hollywood studios were creating their own streaming services to remain competitive among the shifts in media consumption. In 2019, Disney and Apple launched their own streaming services, while Universal, Paramount, and Warner Brothers were not far behind. While many saw the massive shifts as a slow progression into a new way of watching movies, what no one anticipated was the outside forces that would quickly accelerate the changes set in motion by streaming just a year later.

CHAPTER FIVE

ACCELERATING THE INEVITABLE: THE EVOLUTION AND EXPLOITATION OF INDEPENDENT FILM DISTRIBUTION (2020+)

... I would say that the pandemic has accelerated what was inevitable. If you look at admissions at movie theaters, it has been flat to declining over the past decade. On top of that, the pandemic exposed, I think, a fundamental weakness in the theatrical model, and that is that they haven't changed their business in a century. And the world has changed that if you want to watch a movie right now, you can dial it up on Netflix and watch it right now.²⁶⁵

- John Horn, *NPR*, December 21, 2020

In January 2020, Hollywood made its annual migration to Park City, Utah. As they do every year, the hotels and vacation rentals in the small ski town filled up, often exceeding the maximum room occupancy as companies packed staffers into the limited accommodations. Shuttles with standing-room only carted filmmakers, buyers, and cinephiles to and from the various screenings around the city, where packed auditoriums showed the latest independent films.

Meanwhile, on January 21, two days prior to the start of the festival, the first confirmed case of a novel coronavirus (COVID-19) was detected in the United States. While coming home from Sundance with a cold was so common it was often dubbed “the Sundance flu,” retrospectively, researchers predict that what spread through Park City in 2020 had the symptoms of the COVID-19 coronavirus rather than a common cold. For Hollywood, and many believe for the United States as a whole, the Sundance Film Festival

265. John Horn interviewed by Steve Inskeep (Host), “What Will The Film Industry Look Like Post COVID-19 Pandemic?” *NPR Morning Edition*, December 21, 2020, Washington, DC: National Public Radio, <https://www.npr.org/2020/12/21/948697829/what-will-the-film-industry-look-like-post-covid-19-pandemic>.

was one of the first petri dishes of the COVID-19 virus.²⁶⁶ As information about the virus became more accessible, South by Southwest (SXSW) staff prepared for public health measures at their own festival that coming March. On March 6, 2020, the SXSW organizers cancelled the festival altogether, and five days later, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic.²⁶⁷

The COVID-19 pandemic is still in progress at the time of this writing, and the entertainment industry is only one of the many industries affected by the economic fallout of the global health crisis. In 2020, as media production halted for an abrupt hiatus and theaters shut their doors, media conglomerates focused their efforts on their recently launched streaming platforms that competed with the now powerful subscription video on-demand (SVOD) services such as Netflix and Amazon. However, as the pandemic persisted and personal safety precautions allowed production and exhibition to continue with limitations, studios employed the same day-and-date distribution methods seen a decade prior by independent film distributors to release their backlogged slate of films. At the end of 2020, WarnerMedia chair and CEO Ann Sarnoff unveiled the company's "unique one-year plan" to release their entire 2021 slate of films simultaneously on HBO Max and in theaters. Disney took a more experimental approach with their delayed 2020 theatrical films by constructing a distribution model for each on a case-by-case basis, opting for premium video on-demand (PVOD) options that allowed existing Disney+

266. Tatiana Siegel, "Was Sundance a 'First Petri Dish' of Coronavirus in the States?" *The Hollywood Reporter*, May 6, 2020, accessed March 25, 2022, <https://www.hollywoodreporter.com/tv/tv-features/was-sundance-a-first-petri-dish-coronavirus-states-1293378/>.

267. For SXSW's COVID-19 response, see: "March 6, 2020: City of Austin Cancels SXSW March Events," *SXSW*, March 6, 2020, accessed March 25, 2022, <https://www.sxsw.com/2020-event-update/>; Laurel Wamsley, "March 11, 2020: The Day Everything Changed," *NPR*, March 11, 2020, accessed March 25, 2022, <https://www.npr.org/2021/03/11/975663437/march-11-2020-the-day-everything-changed>.

subscribers to view films such as *Mulan* (Caro, 2020) and *Black Widow* (Shortland, 2021) after paying an additional rental fee. However, studio streaming platforms were united on a particular goal: the day-and-date release of delayed pandemic blockbusters worked as advertising to draw in subscribers. After examining the evolution of digital distribution over the previous decade, the involvement of Hollywood studios reinforces a historical pattern: media conglomerates capitalize on the practices developed by independent theatrical distributors, and normalized by streaming platforms, to saturate the medium with mass-market blockbusters once again. However, while the pandemic may have accelerated these changes, the previous chapters have illustrated that studios were already on a path to this outcome. As feature filmmakers, distributors, theater owners, and audiences acclimated to this new reality, it has made some think that this is not just an unfortunate, isolated era in cinematic history; as John Horn claims in the epigraph above, the changes that occurred in film distribution and exhibition during the COVID-19 pandemic may have simply, “accelerated what was inevitable.”²⁶⁸

Although the ongoing pandemic makes it difficult to speculate on the future trajectory of these changes, media analysts and scholars are beginning to draw conclusions about the future of post-pandemic film distribution: (1) studios will likely continue to release tentpole blockbusters theatrically because home-viewing revenue has not proven to be comparable, even while there was no theatrical option; however, (2) the shift in the power dynamic toward distributors and away from exhibitors gives distributors more power to experiment with limited theatrical or entirely digital releases in the post-pandemic era, particularly for independent films that do not need to make up a significant budget in

268. John Horn interviewed by Steve Inskeep (Host), “What Will The Film Industry Look Like Post COVID-19 Pandemic?”

theatrical profits.²⁶⁹ Therefore, this chapter concludes this dissertation, not by speculating about the future of digital distribution, but by observing the culmination of a historical cycle in independent film distribution that was already in effect. During a precarious time in independent film distribution when studio specialty divisions saturated the theatrical marketplace with commercialized independent films, independent distribution companies experimented with digital delivery strategies. Streaming platforms then adopted these strategies and employed them on a much larger scale, which normalized for audiences the practice of viewing independent films at home. Now that the studios have adopted these strategies in their own streaming platforms, it presents the same risks to independent film distribution that it did a decade ago, leaving the marketplace over-saturated and studio-dominated.

This chapter will start by exploring the status of the independent distributors that were left standing after the rise of streaming, particularly those that intentionally differentiated themselves and their business practices from that of the SVODs. An in-depth look at new independent distributors that emerged in the 2010s such as A24 and ARRAY will illustrate how they cultivated their own unique, corporate brands, a practice John Caldwell describes as “industrial identity theory.” These companies have also been open to forging relationships with streaming platforms, as seen in the partnership between ARRAY and Netflix; this partnership will be explored in the case-study analysis of independent filmmaker Stephanie Turner, whose debut film *Justine* (2020) premiered on Netflix on March 13, 2020, the same day the United States declared the COVID-19 pandemic a national emergency and stay-at-home orders took effect. The years that

269. Kate Fortmueller, *Hollywood Shutdown: Production, Distribution, and Exhibition in the Time of Covid* (Austin: University of Texas Press, 2021), 66.

followed accelerated a decade of changes in film distribution as media companies were forced to deliver media products straight to audiences' homes. To conclude, this chapter will briefly examine the state of independent film distribution moving forward, as streaming platforms, media conglomerates, and a global pandemic have initiated a new precarious time for independent film distribution.

Independent Theatrical Distributors in the Streaming Era

In the late-2010s as streaming platforms gained power in the independent film marketplace, independent distribution companies were forced to adapt to another changing landscape. By 2017, independent distributors chose one of two directions: they filled gaps in the streaming dominated industry by appealing to a theatrical art-house aesthetic, or they collaborated with streaming platforms to maintain a place in the new, digitally-dominated market. Amazon was the first to enlist smaller distributors to help with the theatrical release. However, *Variety* reported that Amazon's collaboration with these theatrical distributors was doomed to end badly by quoting industry analyst Will Richmond, who claims, "Amazon has a track record of going into various industries and blowing away the competition."²⁷⁰ Even though Amazon initially entered the independent film marketplace and "played by the rules," their dominance in other industries acted as a forewarning that power could quickly shift into Amazon's hands. However, from the perspective of the independent film distributor, the terms of a collaborative relationship with a larger company was not entirely new; Amazon used "service deals" to release these early films theatrically with independent distributors, a common business model

270. Brent Lang, "Amazon, Retail Behemoth, Taking Smaller Steps into Hollywood," *Variety*, March 8, 2016, accessed March 25, 2022, <https://variety.com/2016/digital/features/amazon-studios-movies-marketing-sxsw-1201724314/>.

established years prior.

Service deals are a common practice between larger and smaller distributors. The process traditionally entails a producer paying a flat fee to cover the costs of prints and advertising (P&A) as the distributor finds the theaters, and the two share a cut of the box office profit. An article by *The Hollywood Reporter* explains how it works:

A producer pays a theatrical distributor a fee or “floor” — typically \$50,000 to \$500,000, depending on the scale of the project — for publicity, marketing and the booking, servicing and collecting of box office returns from theaters. All rentals go back to the producer in a designated account. Of that, typically 10%-15% of the rentals are paid to the distributor so he will have an incentive to push the film. The producer might lose money on the theatrical release, but that can be offset if the resulting publicity from theatrical engagements results in greater returns from foreign sales, VOD, DVD, TV, digital and other ancillary outlets.²⁷¹

Notable films that succeeded via a service deal are *My Big Fat Greek Wedding* (Zwick, 2002), *Monster* (Jenkins, 2003), and *The Passion of the Christ* (Gibson, 2004), films that became big enough to signal an evolution in a once stigmatized distribution process. Although a service deal is a risk for independent filmmakers, it means it comes with a greater cut of the profit as well as more control of their release.²⁷² Especially in the mid-2000s, as both studio and independent distributors were closing their doors and therefore limiting the distribution options, producers were further motivated to share the cost of distribution to ensure the film was released at all.²⁷³

However, by the late-2010s, rather than a producer-distributor relationship,

271. Gregg Goldstein, “Service deals becoming a hit at Sundance,” *The Hollywood Reporter*, January 26, 2010, accessed March 25, 2022, <https://www.hollywoodreporter.com/business/business-news/service-deals-becoming-hit-sundance-19985/>.

272. Rania Richardson, “Distribution Partnerships: The Art of the (Service) Deal,” *Indiewire*, March 23, 2004, accessed March 25, 2022, <https://www.indiewire.com/2004/03/distribution-partnerships-the-art-of-the-service-deal-79052/>.

273. Goldstein, “Service deals becoming a hit at Sundance.”

streaming platforms hired independent distribution companies in service deals to theatrically distribute acquired “original” films. For streaming platforms, these service deals have provided an even greater benefit, one that exploited theatrical distributors for both knowledge and resources, as retrospectively, we can see now that Amazon was learning the methods of theatrical distribution themselves, and eventually poaching theatrical distributors’ employees in the process of building that business. In a 2017 interview for *Variety*, Jason Ropell, VP and Worldwide Head of Motion Pictures at Amazon, states that Amazon’s “entry into the market is not particularly disruptive [...] We’re a theatrical company that supports a theatrical window. We have home entertainment sales. In many ways we’re operating like a traditional studio.”²⁷⁴ In reference to Amazon’s theatrical distribution division, he continues, “It represents the final stages of the evolution of our strategy. It completes the picture in terms of our ability to control a film from its inception to how it comes to customers.”²⁷⁵ The article explains that the decision to grow their theatrical distribution branch “required staffing up substantially”; the marketing and distribution team quadrupled what it was a year prior and by 2017 had 40 employees, including a former IFC executive Mark Boxer as head of distribution, famous for working on Richard Linklater’s Oscar-winner *Boyhood* (2014). As the article claims, “The company believes that distributing its own films will help with branding as well as cut costs.”²⁷⁶ As a result, that same year independent theatrical distributors such as Relativity Media, Broad Green, and Alchemy closed their doors, while Apple, YouTube, and Facebook followed in the footsteps of their tech-industry

274. Lang, “Amazon Studios Looks to Shake Up the Movie Business as it Moves into Self-Distribution.”

275. Lang, “Amazon Studios Looks to Shake Up the Movie Business as it Moves into Self-Distribution.”

276. Lang, “Amazon Studios Looks to Shake Up the Movie Business as it Moves into Self-Distribution.”

competitors, filling the gaps left by independent theatrical distributors in the festival marketplace.²⁷⁷

This process continued for a few years after, before the COVID-19 forced the whole industry to confront these changes. With the absence of theaters, even the most successful theatrical distributors like A24 are looking to technology conglomerates for collaboration, financial backing, or an altogether sale.

A24

While Netflix and Amazon epitomize a certain culture of independent film distribution characterized by subscribers, algorithms, and dense libraries of content, new companies emerged around the same time that valued a small slate of quality films, theatrical releases, and social media marketing campaigns that target millennials and Gen Z. These companies – such as A24, Neon, and Annapurna – are often touted as “the new Miramax.” As Brooks Barnes claims in *The New York Times* profile on the company, “A24, a little New York company that has — seemingly out of nowhere — established itself as Hollywood’s leading tastemaker brand: Miramax for a new generation.”²⁷⁸ Similarly, David Elrich writes in *Slate*:

At a time when young people are increasingly going to the movies only for blockbuster spectacle, A24 has established itself as the film industry’s most forward-thinking company by releasing the kind of midsized, stylish, quality films that seemed on the verge of going extinct, transforming them into a collective theatrical experience, and aiming them squarely at a demographic that would rather watch movies on their phones. It’s not remarkable that A24 had set such a goal—it’s remarkable that the company is accomplishing it.²⁷⁹

277. Lang, “Amazon Studios Looks to Shake Up the Movie Business as it Moves into Self-Distribution.”

278. Brooks Barnes, “The Little Movie Studio That Could,” *The New York Times*, March 3, 2018, accessed March 25, 2022, <https://www.nytimes.com/2018/03/03/business/media/a24-studio.html>.

279. David Ehrlich, “The Distributor as Auteur,” *Slate*, September 30, 2015, accessed March 25, 2022,

It was through a variety of smart partnerships and business decisions, along with their commitment to quality film acquisitions, remaining competitive in those acquisitions, and promising a tailored and authentic marketing campaign targeted at millennials, that these companies found success.

The *Slate* article above makes an important observation in its choice of title: “The Distributor as Auteur.” While companies like Roadside Attractions and Magnolia strategized to stay afloat after the fall of the Indiewood era by experimenting with digital distribution, companies like A24 developed a brand that appealed to an established tradition in cinema, namely, to create a following around an *auteur*. In *Production Cultures*, John Caldwell discusses the idea of “industrial auteur theory” by arguing that “negotiated and collective authorship is an almost unavoidable and determining reality in contemporary film/ television.”²⁸⁰ While the reality of collective labor in film production makes the authorship of a film largely an illusion, the idea of authorship is still an important concept in media discourse. Caldwell goes on to analyze the marketing and branding practices of media companies as a way to construct and cultivate a corporate identity, explaining that, “branding initiatives, in particular, attempt to establish a consciousness of quality and corporate individuation within the ever-growing clutter of programming and stifling multichannel market competition,” further labeling this corporate branding practice “industrial identity theory.”²⁸¹ Beyond the title, the *Slate*

http://www.slate.com/articles/arts/culturebox/2015/09/profile_of_the_independent_film_distributor_a24_the_company_behind_spring.html.

²⁸⁰. John T. Caldwell, *Production Cultures: Industrial Reflexivity and Critical Practice in Film and Television* (Durham.: Duke University Press, 2008), 199.

²⁸¹. Caldwell, *Production Cultures*, 234.

article seems to have difficulty describing A24's "industrial identity," using words like a "zeitgeist" and "a happening" to articulate the appeal behind the company's brand. Nonetheless, similar to Vonderau's assessment of media products on streaming platforms being treated as ephemera, part of A24's brand is to treat their films like valued artifacts, upholding the cinematic tradition of the "art house." In this sense, A24 can be compared to even earlier independent film institutions like Cinema V. As Justin Wyatt describes in his article, "Donald Rugoff, Cinema V, and Commercial Strategies of 1960s-1970s Art Cinema," Wyatt describes the ways in which Donald Rugoff built a distinct identity for Cinema V:

Rugoff attempted to develop a unique visual identity for each new release, fostering the image of Cinema V as a bold iconoclast devoted to "the art of the film." Although much initial art cinema relied on simple text announcements, fliers, or neighborhood announcements, Cinema V moved toward a focus on bold ad images that established the tone and set expectations for the film.²⁸²

The unique visual identities that set a tone and expectation for each film, as well as the brand positioning as a "bold iconoclast" that valued film as an art, are both used by A24 to differentiate itself from competitors. In other words, A24 was calling upon established qualities of the art house identity to differentiate itself from Netflix's intentional *lack* of identity. This returns to the idea of cultural capital, as the *Slate* profile on A24 describes, "The company has laid the groundwork to evolve from just another upstart distribution label into a multiheaded mini-studio capable of developing its own content—and so far, they've done it by releasing movies that tend to earn more cultural cachet than they do money."²⁸³ Indeed, A24 has precisely what streaming companies lack, the "cultural

282. Justin Wyatt, "Donald Rugoff, Cinema V, and Commercial Strategies of 1960s-1970s Art Cinema," *Media Industries* 4, no. 1 (Summer 2017), 3.

283. Ehrlich, "The Distributor as Auteur."

cachet” attached to their brand to develop a loyal following of cinephiles to legitimize their place in the industry. A24 also is not afraid of streaming, appealing again to the age of their audience. Making a similar case in support of streaming, *Room* (2015) director Lenny Abrahamson explains:

You want to have a grown-up conversation about the best way to get your work to the people who would spend money to see it [...] A24 thinks hard about the landscape of distribution, and they think hard about the models, and the models are changing. I think theatrical will always be there, but most of my biggest experiences of cinema have been in front of a TV—no one was screening Fellini films in Ireland when I was 19 or 20.²⁸⁴

Similarly, Harmoni Korine, another favorite filmmaker of A24, says, “I want to do the most radical work, but put it out in the most commercial way.”²⁸⁵ All of this is reminiscent of the rhetoric used by Miramax at the time, crafting an image to appeal to a contemporary cinephile audience. In this way, A24 is returning to a niche audience model that upholds the longstanding art house traditions that have been repeatedly undermined by studios throughout independent film history.

ARRAY

Director Ava DuVernay’s film distribution company began as the African American Film Festival Releasing Movement, or AFFRM, which aimed to share independent films made by Black filmmakers to audiences. Five years later, in 2015, the company rebranded as ARRAY, and broadened their scope to filmmakers that identify as women and people of color. As DuVernay explains in an interview for the *Los Angeles Times*, “there is a fundamental disrespect inherent in the distribution and amplification of films. There is a

284. Ehrlich, “The Distributor as Auteur.”

285. Ehrlich, “The Distributor as Auteur.”

cinema segregation in how films are seen and not seen. What we're saying is, we're not going to depend on those things anymore."²⁸⁶ In the new version of the company, DuVernay aimed to be "destination agnostic," explaining that "the consumer is deciding what they want to see and when and how, and filmmakers are more aware and accepting of the fact that success is not predicated on your movie showing in a traditional theater for a certain amount of time." DuVernay concludes, "as long as it's in a place where people can grab it — and different people want to grab it in different ways — it doesn't matter."²⁸⁷ With this in mind, ARRAY is an example of a distribution company that has evolved in a different way to meet the demands of changing times. While A24 created a brand to attract millennials while using more traditional distribution methods, ARRAY embraced the changing behaviors of consumers while also addressing a long problem of systemic bias in Hollywood.

As established in Chapter Four, Netflix, Amazon, and other early media streaming services aim for a wide-reaching brand with a primary goal to attract as many subscribers as possible. That being said, digital distribution has still proven to open more doors for filmmakers from marginalized communities.²⁸⁸ While for streaming platforms this business strategy may not be entirely altruistic, motivated in part by consumer demographic markets while also growing their library of content, providing a distribution

286. Glenn Whipp, "Aiming to diversify storytelling, Ava DuVernay expands scope of film distribution collective," *Los Angeles Times*, September 8, 2015, accessed March 25, 2022, <https://www.latimes.com/entertainment/movies/la-et-mn-ava-duvernay-20150908-story.html>.

287. Whipp, "Aiming to diversify storytelling, Ava DuVernay expands scope of film distribution collective."

288. For studies on diversity in Hollywood, see: *UCLA Hollywood Diversity Report*, (Los Angeles: UCLA, 2019), accessed March 25, 2022, <https://www.nielsen.com/us/en/insights/resource/2021/explore-the-representation-of-diversity-and-inclusion-on-tv/>; *Being Seen On Screen 2021: The Importance of Quantity and Quality Representation on TV* (New York: Nielsen, 2021), accessed March 25, 2022, <https://www.nielsen.com/us/en/insights/report/2021/being-seen-on-screen/>.

outlet is certainly more than traditional Hollywood has historically offered female filmmakers and filmmakers of color, and there is a lot more that could be done for historically marginalized independent filmmakers. Consistent with this philosophy, beginning in 2016 ARRAY has partnered with Netflix to release a number of titles that prioritize diversity both on-screen and behind the camera.²⁸⁹

Case Study: *Justine* (Turner, 2020)

An example of an ARRAY-Netflix partnership is an independent film called *Justine*, written and directed by debut filmmaker Stephanie Turner. Turner also stars as the protagonist, Lisa, who is grieving the recent death of her husband and finds a job as a caretaker for Justine, a girl with spina-bifida. Lisa is white, living with her Black father-in-law, played by Glynn Turman, and her two biracial children. The film not only faces issues of race and disability, but also loneliness, isolation, and grief, and premiered to an audience that was feeling much of the same. The film was released on Netflix on March 13, 2020, the same day the United States declared the COVID-19 pandemic a national emergency, and schools, offices, and public life shut down across the country. As a result, *Justine* is emblematic not only of a digitally-distributed independent film, but one that was released at a time when the whole industry was about to face the same changes.

Turner did not have specific intentions for the distribution of the film initially; having just completed her first feature, she only knew she wanted to share what she and her collaborators created.²⁹⁰ The film premiered at the Newport Beach Film Festival on

²⁸⁹. Nix Santos, "Ava Duvernay's Array Releasing Partners with Netflix to Unleash 'Ashes and Embers,'" *Indiewire*, March 1, 2016, accessed May 13, 2022, <https://www.indiewire.com/2016/03/ava-duvernays-array-releasing-partners-with-netflix-to-unleash-ashes-and-embers-63767/>.

May 2, 2019 to positive reviews. Turner describes that she and the rest of the cast and crew primarily relied on friends and professional connections to spread the word, “without knowing what influence they would have.”²⁹¹ One of those connections turned out to be Ava DuVernay, with whom Turman, also a producer on the film, had previously worked. DuVernay reached out to Turner expressing interest, and asked if the film was still in need of a distributor. ARRAY made Turner a distribution offer, and *Justine* was released via ARRAY’s partnership with Netflix, making the film available on the SVOD for a set time period. As Turner describes, an important mission in ARRAY’s business strategy is to ensure that the filmmaker remains the owner of their film. Through this specific arrangement, ARRAY coordinates the terms of a licensing deal with Netflix and other distribution outlets, if applicable; therefore, Turner primarily communicates with ARRAY rather than to Netflix directly. In this sense, ARRAY has a unique role as a distribution company by acting as an intermediary between their filmmakers and Netflix.

In this arrangement, ARRAY managed the film’s marketing and publicity, which included the social media campaign and promotion in specific press outlets. The company also has a unique marketing approach that promotes the filmmaker in addition to their work. As Turner describes, when DuVernay considered distributing *Justine*, she wanted to make sure that Turner remained at the “center of telling the story.” “ARRAY wants to distribute true indie film that was made by filmmakers, and that was one of the things that was appealing about working with her,” Turner explains, “they only take on movies made by women or people of color, so I knew that was part of the deal with them was that

290. The following case-study is based on Stephanie Turner’s first-person description of events in an interview with the author on December 22, 2021.

291. Stephanie Turner, virtual interview by the author, December 22, 2021.

they were going to be lifting me up.”²⁹² Turner was asked to make a video introducing herself, which became part of the marketing materials that would promote the film, and by extension, Turner as an emerging filmmaker.

Justine became part of Netflix’s library of content along with the rest of ARRAY’s titles released through the partnership. While Turner recognizes the advantage to be curated by an esteemed filmmaker’s distribution company, which distinguishes the film in the vast library of streaming content, Turner thinks Netflix could do even more to set this content apart. “It’s like [DuVernay] is curating a small library of films for [Netflix] that she thinks are important,” Turner explains, “I think they should have a curator’s section, so people who are fans of hers could easily find our movies.”²⁹³ While Netflix prioritizes personal recommendation algorithms in their brand identity, the idea of human curation has been a consistent theme in the analysis of streaming platforms and their business methods. As Mattias Frey points out in *Netflix Recommends*, some platforms such as BFI Player, MUBI, and Spotify use this very idea of human-curated playlists in a way that recalls, “traditional forms of ‘good taste’ and shared cultural norms of quality,” while Netflix maintains the technological utopianism of algorithmic personalization.²⁹⁴ However, during the film’s initial release, Turner observed Netflix’s recommendation algorithm and its effect on the visibility of her film:

That was sort of a curious thing. People would send me pictures of their Netflix home screen and it would be like “Trending Now” and *Justine* would be up there the first couple weeks or month or whatever. So who knows with the internet and the algorithms and all of us being traced and tracked. Did those people get it pushed to their feed because other people they’re connected to also had watched

292. Turner, interview.

293. Turner, interview.

294. Frey, *Netflix Recommends*, 7.

it? I don't know. That's kind of a weird thing about Netflix, nobody really knows.²⁹⁵ However, especially for an independent film, Turner does not see Netflix's complex system as a disadvantage. Turner describes that she was able to resign control, saying, "let's just see who finds it." She continues, "I think that's the thing about Netflix that's interesting is that, yes, things can get buried, but stuff also can get discovered [...] the way they categorize things can be helpful so people who are looking for something can find it and stumble upon something new."²⁹⁶ As previous chapters have discussed, this balance between content being "buried" or "discovered" is a consistent debate across the industry; while a film runs the risk of getting lost in the overabundance of content, independent films also have more opportunity to find passionate audiences, both in its initial release and as audiences continue to discover it.

However, despite the symbolic value attached to the Netflix name, Turner explains licensing her film to the SVOD has not been as financially lucrative as the public perception of the company implies. As she explains:

Netflix needs so much content, and that's a good thing because there is a lot of stuff out there. It's a good thing for indie filmmakers because people want to sell movies and it's great to have platforms. But it's not creating the dollars that everyone maybe thinks it is. Netflix is a huge company, and they're producing their own stuff that's millions and millions of dollars' worth of budgets, hundreds of millions, but for their acquisitions, they kind of hold the power.²⁹⁷

In this sense, perhaps it is helpful to have an intermediary such as ARRAY as part of the partnership. DuVernay's mission to empower female filmmakers and filmmakers of color means she aims to provide even more opportunities for the filmmakers she works with.

295. Turner, interview.

296. Turner, interview.

297. Turner, interview.

Turner has gone on to direct multiple episodes of ARRAY's television projects along with the other female filmmakers under the distributor's umbrella. DuVernay's approach to navigating the changing distribution landscape was to give emerging and historically-marginalized filmmakers the chance she could provide. While there were many different approaches to the precarious distribution landscape in the mid-2010s, ARRAY is taking advantage of changing consumption patterns to promote equity and inclusion by creating pathways for stories that may not have otherwise been heard.

While it may seem that the news of a global pandemic would have overshadowed *Justine's* release, it can also be used as an early example of the advantages streaming had from the start of the events of 2020. As Turner reflects, while the in-person publicity events may have been canceled, the timing of the pandemic did not necessarily change the film's release. "I saw a lot of other filmmakers that were really gearing up for a theatrical release, and that really flipped plans upside down," Turner remembers, "I think maybe they did really feel like they missed out on something that didn't happen, that was never going to happen." However, for *Justine*, Turner reflects that ultimately it did not change much of her experience. As distribution options changed leading up to theater closures, she thought, "we're going to be released on Netflix, we were always going to be released on Netflix, so this is what it is." Without reported viewership numbers, Turner can only speak to the word-of-mouth feedback after the film's release. As she reflects, "I think the themes of the movie resonated with people feeling isolated and alone and wanting connection, so we got a lot of feedback about that, just that it felt very relevant to the time."²⁹⁸ The effect of the pandemic on film distribution ended up creating a stark

298. Turner, interview.

difference in the way films were consumed, and *Justine* was released at the start of a long line of changes for film distribution.

Post-Pandemic Independents

Independent film distribution faced several challenges during the pandemic as audiences stayed home and the opportunity for a theatrical release vanished. For independent films, without the weight of a franchise, studio, or major stars behind them, theaters did not prioritize giving them screens as studios readjusted their slates. However, as demonstrated in the previous chapters, the pandemic was not the only source of precarity for independent filmmakers and distributors. Many independent films found success via streaming and video on-demand during the pandemic by returning to preestablished digital distribution business models. This allowed many independent distributors to stay afloat during the pandemic by using the digital distribution skills they already mastered, especially as audiences were already accustomed to watching independent films in this manner. As Voltage Pictures president and COO Jonathan Deckter describes:

If there's one thing that 20-odd years in this business has taught me, it's that us independents don't stop. We figure it out and we keep pushing through, [...] issues we all face on a daily basis in the independent world [...] As a group – whether it's the producers, financiers and sales agents in L.A., or our partners the world over – we are a scrappy, resilient bunch [...] And we don't generally accept no as an answer.²⁹⁹

A culture of resilience has become a prominent trait of independent filmmakers and distributors, especially after navigating the onslaught of the digital age in the decade

299. Tim Dams, "Indie Uprising: How Independent Film Is Getting Going Again," *Variety*, September 5, 2020, accessed March 25, 2022, <https://variety.com/2020/film/global/venice-film-festival-independent-films-1234760735/>.

prior.

However, independent distributors certainly were not immune to the effects of the pandemic on the global economy, and, overall, the pandemic took a devastating toll on theatrical revenue. As *Variety* reports the box office numbers of two independent films: “‘Ammonite,’ an Oscar contender from Neon, has eked out a meager \$110,000 in two weeks of release, while Sony Pictures Classics’ ‘The Climb’ has managed to earn only \$177,000 over the same time frame. That’s a fraction of what they would have made in pre-pandemic times.”³⁰⁰ A variety of factors contributed to the financial hardship seen in box office numbers, one notably being demographics, as independent film historically appeals to older audiences, those who were a more vulnerable population affected by the coronavirus and rightly taking the most careful safety measures. As an anonymous independent film executive admits to *Variety*, “Our audience is going to be the last to come back to the movies.”³⁰¹ Therefore, independent distributors reacted to global theater closures by leaning in to pre-established day-and-date business models as they navigated complicated state public safety measures and relied more heavily on digital distribution methods. Their previous experience navigating a diversified distribution strategy led to a surprisingly profitable year for many independent film distributors. As CEO of Bleecker Street Andrew Karpen writes, “Everybody is trying to figure out what will be the best way to connect audiences with content [...] You don’t know how many theaters will be open week to week. We like to give people who live in markets where theaters are open and it’s

300. Brent Lang and Matt Donnelly, “In the Face of Coronavirus, the Indie Film Business Embraced its Scrappy Roots,” *Variety*, December 10, 2020, accessed March 25, 2022, <https://variety.com/2020/biz/features/indie-studios-bleecker-street-ifc-pandemic-1234849774/>.

301. Lang and Donnelly, “In the Face of Coronavirus, the Indie Film Business Embraced its Scrappy Roots.”

safe to go see movies the ability to watch them on the big screen, but you can't look at theatrical as the driving force of our business right now."³⁰² Nevertheless, Bleecker Street was able to release a total of thirteen films during the first year of the pandemic. Similarly, IFC Films released twenty-five films between March and November of 2020, and was pleasantly surprised by their success thanks to a surge in streaming revenues, resulting in IFC's most profitable year.³⁰³ As president of IFC Films, Ariana Bocco, states, "We were confident that audiences weren't disappearing; they were just shifting to watching movies in the home [...] We leaned into that, and while a lot of major studios were moving their movies, we benefited from the lack of competition. By being one of the first to explore what the post-COVID world looked like, we were able to shine."³⁰⁴ Magnolia Pictures also continued their own day-and-date release model, leaning more heavily toward the digital in the pandemic times, which led to a profitable year; their documentary about civil rights icon John Lewis resulted in a "high seven figures" revenue.³⁰⁵ As head of Magnolia Pictures Eamonn Bowles remarks, "It's hard to say if we earned as much as we would have if we had released it digitally after a robust theatrical release [...] But we also didn't have the marketing expenses that we would have had if we did that."³⁰⁶ As seen here, independent distributors' prior experience in the home-viewing market often worked to

302. Lang and Donnelly, "In the Face of Coronavirus, the Indie Film Business Embraced its Scrappy Roots."

303. Lang and Donnelly, "In the Face of Coronavirus, the Indie Film Business Embraced its Scrappy Roots."

304. Lang and Donnelly, "In the Face of Coronavirus, the Indie Film Business Embraced its Scrappy Roots."

305. Lang and Donnelly, "In the Face of Coronavirus, the Indie Film Business Embraced its Scrappy Roots."

306. Lang and Donnelly, "In the Face of Coronavirus, the Indie Film Business Embraced its Scrappy Roots."

their advantage, as they were able to exploit the fact that audiences were forced to stay home and looked for content to fill their days inside.

In addition to difficulties in terms of exhibition, independent film distributors also found challenges in acquiring films during the pandemic as film festivals avoided physical gatherings and supplemented them with digital events. Initially, like many of the physical gatherings that were cancelled or postponed during the pandemic lockdown, filmmakers and patrons mourned the loss of the cancelled 2020 film festivals. While the cultural tradition and community comradery were lost, so were important opportunities for independent filmmakers, including having their films acquired by distributors and the loss of high-profile marketing at premiere events. An important example of this occurred when SXSW cancelled their in-person events. As Kate Fortmueller explains in her book *Hollywood Shutdown*:

Although festival films were only slated to play for a ten-day window, the films were made widely accessible to all audiences via a commercial platform (with or without an Amazon Prime membership). While this digital festival could perhaps provide the opportunity for word-of-mouth buzz, the failure to restrict access posed potential impediments for distributors, who might reasonably claim that a film had been too widely distributed to be financially viable. Film festivals often provide buzz and marketing, but equally important for distribution negotiations is the exclusivity of the festival release.³⁰⁷

While independent distributors were certainly impacted by the lack of in-person festival screenings, independent filmmakers also felt economic repercussions, particularly if their film had not received distributor attention prior to the festival run. As actor-director Alex Winters explains, “As an artist, you’re releasing more and more power the more people see the film without you being paid.”³⁰⁸ Nevertheless, some high-profile films did find a

307. Fortmueller, *Hollywood Shutdown*, 50-51.

308. Kaleem Aftab, “Should Filmmakers Accept Online Festival Premieres?” *Variety*, April 9, 2020, accessed March 25, 2022, <https://variety.com/2020/film/festivals/filmmakers-accept-online-festival->

distributor, and not surprisingly, the major streaming platforms were more easily able to acquire films during this time due to their large acquisition budgets and the fact that they were not negatively impacted by theater closures. Examples include *Passing* (Hall, 2021) which sold to Netflix for \$15 million, and *CODA* (Heder, 2021) acquired by Apple, which reportedly broke the record for biggest sale at the Sundance Film Festival, selling for \$20 million.³⁰⁹ Considering these numbers, the independent film marketplace seems largely unchanged as a result of the festivals' move to digital, demonstrating a larger move toward a digital future for independent film.

However, some have pointed out content differences in films produced during the pandemic, especially due to quarantine and physical restrictions on sets. CAA Media Finance executive Roeg Sutherland observes a “surge of creativity” coming out of “micro-budget” movies that led to profitable outcomes. He explains:

Filmmakers are taking creative chances — you have Sam Levinson and Zendaya working in a quarantine bubble to film *Malcolm & Marie* that goes on to sell to Netflix; Doug Liman partnering with Anne Hathaway and shooting *Lockdown* in London; and dozens of other examples. These are not outrageously big productions — they're limited — but the great thing is that we are getting amazing actors and directors to be a part of these movies, because people want to work.³¹⁰

Despite this surge of creativity in the independent space, media analyst Paul Dergarabedian fears many independent films will still go unnoticed, especially due to the backlog of studio releases. Dergarabedian explains, “theaters are going to be desperate to put butts in seats when this is over, and they're going to be mostly interested in showing

premieres-coronavirus-tribeca-cphdox-alex-winter-zappa-1234576233/.

309. Chris Lindahl, “Sundance 2021 Deals: The Complete List of Festival Purchases,” *Indiewire*, June 8, 2021, accessed March 25, 2022, <https://www.indiewire.com/feature/sundance-2021-film-acquisitions-1234605127/>.

310. Lang and Donnelly, “In the Face of Coronavirus, the Indie Film Business Embraced its Scrappy Roots.”

blockbusters.”³¹¹ However, this is not a new issue faced by independent film distributors, as this dissertation has illustrated, given that independent films were largely forgotten time and time again as blockbusters dominated the box office in various eras of film history. Historically the cycle has been that blockbusters dominate the market, then collapse the market after a series of busts, until a new crop of filmmakers emerges. Many predict the “roaring 20s” ahead of the pandemic, with the likelihood that a surge of creativity will emerge from a new generation of independent filmmakers reinvigorating the cinema culture as a whole.

However, as time goes on, even a distribution company as stylish and successful as A24 is not immune to the industrial shifts caused by streaming and the effects of the global pandemic on the independent film and theatrical industries. On July 13, 2021, *Variety* exclusively reported that A24 was exploring a sale with a hefty asking price of \$3 billion. While some are skeptical about the high valuation citing the company’s modest library, the article points out that the “creative strategy is the real prize.”³¹² Indeed, as previously referenced, A24 has achieved cultural value by using a marketing strategy similar to that used by Miramax in the past; like Miramax, A24 branded itself as a destination for an avid following of millennial and Gen Z audiences. Even a small company like A24 with a significant brand is a good investment for a studio or streaming company, as explained by Jimmy Schaeffler, CEO of media consultancy the Carmel Group:

311. Lang and Donnelly, “In the Face of Coronavirus, the Indie Film Business Embraced its Scrappy Roots.”

312. Matt Donnelly, “Indie Film and TV Studio A24 Explored Sale With \$3 Billion Asking Price (EXCLUSIVE),” *Variety*, July 13, 2021, accessed March 25, 2022, <https://variety.com/2021/film/news/inside-a24-billion-dollar-sale-1235018988/>.

Like so many properties, if a big studio or a tech company invests big in an A24 today, there's a greater likelihood that they not only will receive the value of the actual content, but also the greater likelihood on the macro level of an asset whose overall value has increased remarkably [...] I'd be surprised to not see a more-than-usual stream of these types of acquisitions in the time between now and year-end 2021.³¹³

Indeed, A24 is just one of the many independent distribution companies being eyed by technology conglomerates as they use prestige library content to attract subscribers.

Just months earlier, Amazon bought MGM for \$8.6 billion, buying both their theatrical distribution assets as well as their back catalog of intellectual property (IP).

Bezos clearly explained that Amazon was motivated by the vast IP owned by MGM:

“The acquisition thesis here is very simple,” Mr. Bezos said during Amazon’s annual shareholder meeting on Wednesday. He said MGM had a “vast, deep catalog of much beloved” movies and shows. “We can reimagine and redevelop that I.P. for the 21st century.” He said that work would be fun and “people who love stories will be the big beneficiaries.”³¹⁴

However, the article also explains that Amazon could employ former MGM management to help them compete with studios by bolstering two weak spots: theatrical distribution and awards campaigns.³¹⁵ As the article also points out, this could be an early sign of a much-anticipated industrial convergence, and further evidence that Apple could be considering the idea of buying A24:

The Amazon deal could emerge as a pivotal moment in the convergence of Big Tech and the entertainment industry. Instead of acquiring old-line studios, internet companies have grown under their own steam in Hollywood — until now. Apple has flirted with such purchases in the past. This is the first sign that studio-native

313. Chris Lindahl, “A24 for \$3 Billion? It Makes No Sense — Until You Remember Who They’re Dealing With,” *Indiewire*, July 15, 2021, accessed March 25, 2022, <https://www.indiewire.com/2021/07/a24-sale-apple-1234651063/>.

314. Brooks Barnes, Nicole Sperling and Karen Weise, “James Bond, Meet Jeff Bezos: Amazon Makes \$8.45 Billion Deal for MGM,” *The New York Times*, May 26, 2021, accessed March 25, 2022, <https://www.nytimes.com/2021/05/26/business/amazon-MGM.html>.

315. Barnes, Sperling and Weise, “James Bond, Meet Jeff Bezos: Amazon Makes \$8.45 Billion Deal for MGM.”

streaming services have the advantage over original digital-native services such as Netflix and Amazon.³¹⁶

As an Apple-A24 acquisition suggests, not even the most successful independent “brands” are immune to the powers of media consolidation. While companies like A24 and ARRAY may not constitute a new cycle of innovation in independent film distribution just yet, their growth alongside streaming platforms demonstrates how independent film distributors found a way to define themselves against a commercialized market by relying on human curation and the tradition of art-house culture.

316. Barnes, Sperling and Weise, “James Bond, Meet Jeff Bezos: Amazon Makes \$8.45 Billion Deal for MGM.”

CONCLUSION

In 2018, Steven Spielberg implied that filmmakers that have distributed their film on Netflix “deserve an Emmy, not an Oscar” because they have committed to a “television format.” Echoing the sentiment of many legacy Hollywood filmmakers, Spielberg continued, “there’s nothing like going to a big dark theater with people you’ve never met before and having the experience wash over you. That’s something we all truly believe in.”³¹⁷ In response, filmmaker Ava Duvernay defended Netflix, saying in a tweet, “One of the things I value about Netflix is that it distributes black work far/wide. 190 countries will get *When They See Us*. Here’s a promo for South Africa. I’ve had just one film distributed wide internationally. Not *Selma*. Not *Wrinkle [In Time]*. It was *13th*. By Netflix. That matters.”³¹⁸ Reading Duvernay’s claims in response to Spielberg’s statement illuminates Spielberg’s privilege not only as an esteemed filmmaker in Hollywood, but also as a white, male filmmaker who has upheld a consistent brand of mass-appeal blockbusters since the 1970s. At the time that Spielberg made this claim, he had every distribution opportunity afforded to him, unlike filmmakers like Duvernay, who, as a woman of color had fewer ways to make sure *13th*, her documentary about the history of systemic oppression among Black Americans, could be seen. This exchange between Spielberg and Duvernay underscores tensions of race, gender, and privilege that separate marginalized, emerging filmmakers of color, from white, male, commercial directors who

317. Mark Malkin, “Steven Spielberg Takes Veiled Shot at Streamers, Urges Filmmakers to Make Movies for Theaters” *Variety*, February 17, 2019, accessed March 25, 2022, <https://variety.com/2019/scene/awards/steven-spielberg-cinema-audio-society-awards-streamers-1203141954/>.

318. DuVernay, Ava (@ava). Twitter Post. March 3, 2019, 7:57 AM, <https://twitter.com/ava/status/1102236624895655936>.

can afford to ensure a theatrical release for their films. While streaming platforms may have commercial motivations for including diverse works on their platforms – such as appealing to the widest range of audience demographics and content that serves as cultural capital for the optics of the platform – their ability to provide opportunity to important films that would not have otherwise received distribution is significant. In this sense, ARRAY’s commitment to being “destination agnostic” was a reaction to their precarious position, which resulted in the necessity to differentiate distribution methods from legacy Hollywood filmmakers like Spielberg so that they would have the opportunity to reach audiences at all.³¹⁹

However, the nature of Netflix’s distribution goals, and in turn, the nature of feature film distribution as a whole, have changed drastically since this time, and streaming platforms are starting to see the same forms of homogenization and commercialization as they rise in competition with Hollywood studios. In February 2022, Netflix announced its original feature film slate for the rest of the year, which featured 61 English-language live-action films and the promise of a new film being added each week. With theater attendance remaining low and the future of film exhibition in question, Netflix’s slate is packed with the A-list stars and directors that would have previously drawn audiences back to theaters – such as *Avengers: Endgame* (2019) filmmakers Anthony Russo and Joe Russo directing Ryan Gosling and Chris Evans in the action-thriller *The Gray Man* (2022), or the sequel to the theatrically released hit *Knives Out*

319. Glenn Whipp, “Aiming to diversify storytelling, Ava DuVernay expands scope of film distribution collective,” *Los Angeles Times*, September 8, 2015, accessed March 25, 2022, <https://www.latimes.com/entertainment/movies/la-et-mn-ava-duvernay-20150908-story.html>.

(Johnson, 2019).³²⁰ Notably, during that same month, Netflix received the most nominations at the 2022 Academy Awards for films like “The Power of the Dog,” “Tick, Tick ... Boom!” and “Don’t Look Up.”³²¹

Furthermore, the announcement also came weeks after Netflix’s 2021 fourth quarter earnings call, where now Co-CEOs Reed Hastings and Ted Sarandos had to reassure investors after subscriber growth slowed. Hastings expressed that there is “more competition than there’s ever been,” but he still had the same confidence in his platform, declaring that “streaming becomes all of entertainment.” Sarandos reiterated Hastings’ confidence by emphasizing their increased investment on “big-budget feature films” and the confidence that they could “effectively release them and compete with big theatrical releases for audience and for attention.”³²² Time will tell whether or not streaming does become “all of entertainment,” however, these claims do provoke questions for independent distribution partnerships such as that between Netflix and ARRAY. Will ARRAY continue to be “destination agnostic” if films aiming to bolster underrepresented voices also have to compete with Netflix’s big-budget features? And it begs the larger questions: Is digital distribution still the best place for independent films? Or will the independent film community need to redefine themselves once again and differentiate themselves from another oversaturated medium?

320. Nicole Sperling, “Netflix, hoping to keep viewers at home, reveals its 2022 film lineup,” *The New York Times*, February 3, 2022, accessed March 25, 2022, <https://www.nytimes.com/2022/02/03/business/netflix-2022-lineup.html>.

321. Ryan Faughnder, “Oscars 2022: Netflix leads nominations in another streaming-heavy year,” *Los Angeles Times*, February 8, 2022, accessed March 25, 2022, <https://www.latimes.com/entertainment-arts/business/story/2022-02-08/oscars-2022-netflix-leads-nominations-in-another-streaming-heavy-year>.

322. Netflix, Netflix, Inc. NasdaqGS:NFLX FQ4 2021 Pre Recorded Earnings Call Transcript, 6, accessed March 25, 2022, https://s22.q4cdn.com/959853165/files/doc_financials/2021/q4/Netflix,-Inc.,-Q4-2021-Pre-Recorded-Earnings-Call,-Jan-20,-2022.pdf.

The digital distribution of independent film between 2010 and 2020 illustrates the ongoing vulnerability of independent film distribution in the marketplace, including during the transition to streaming. While independent film distributors hoped that digital distribution would promote new paths to success, the last decade has shown the continued exploitation of independent films by mainstream forces just as previous eras of independent film distribution have in the past. This continuous pattern of precarity creates an opportunity for more powerful and profitable companies to adopt innovative strategies pioneered by independent film distributors and appropriate the cultural capital of independent film communities. The paradox is that the only mode of survival for independent filmmakers and distributors is to once again differentiate themselves from mainstream forces by fostering a community of like-minded creatives and finding new pathways to audiences and revenue, leaving their innovative solutions to become an asset vulnerable to corporate assimilation. Rather than provide speculative answers to the questions posed above, it remains for a study a decade from now to examine how a new generation of independent filmmakers and distributors find their way out of the oversaturated streaming market, and the cycle begins again.

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