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Viewer Discretion Advised: How Freedom Given to Exclusive Television Networks  
Enhances Audiences Perceptions

The lights dim. The music slows. The chemistry between the two has been apparent since day one. And now, the intense anticipation is going to pay off. Fitz takes Olivia in his arms, cups her face in his hands, and presses his lips to hers. The two share a moment of heated passion before they break off, with Fitz leading Olivia to the bedroom. The door closes and the screen goes to black. While it is not shown, executive producers and writers of ABC's *Scandal* have successfully given viewers the impression of the intimacy between the two characters, yet left the physical act to the audience's imagination. In an almost complete 180 from the *Scandal* scene, Noah slams Alison up against the wall, simultaneously crushing his lips to hers as he hikes her dress over her hips, her arms, and eventually throws it to the floor. A now nude and visible Alison unbuttons and removes Noah's pants, showing the viewer Noah's naked butt. The two continue in their lovemaking, fully nude, with Noah's behind and Alison's chest aired on screen for audiences to see. The writers and executive producers of Showtime's *The Affair* have successfully given viewers the satisfaction of what has been inevitable since the first episode of the series. Audiences are given the complete image of the passion shared by the two characters, the physical intimacy almost tangible.

Since the late 20<sup>th</sup> century, membership-exclusive television networks, such as Showtime and HBO, have been on the rise. These networks require a subscription beyond

the basic cable package. This exclusivity leads to a freedom in production for these networks compared to that of basic cable networks, such as NBC and ABC. These liberties include leniency in censorship, freedom in promotion, and unique methods of funding. Audiences have reacted positively to these freedoms, as seen at award shows like the Emmys. HBO original series like *The Sopranos*, *Six Feet Under*, and *Game of Thrones* have dominated the nominations at Emmy award shows since 1999, with *Game of Thrones* breaking the Emmy awards record in 2015 by taking home 12 awards. Audiences respond more favorably to the boundary-stretching work of membership-exclusive networks, resulting in high ratings and awards. Because of these networks' success, other networks will follow suit and audiences will expect higher quality content from television even on basic cable networks.

### **Rise of Progressive Television**

Home Box Office (HBO) first launched its membership-based television network on November 8, 1972. By this point, about 47% of American households had at least one television in their household. However, most viewers were limited to watching programming only on the Big Three Networks: ABC, NBC, and CBS (Stephens). HBO, which started out with a mere 8,000 subscribers, began to rise in 1975, accumulating over 100,000 subscribers. This up-and-coming exclusive network focused primarily on broadcasting feature films of a higher quality than those of the Big Three Networks for audiences to enjoy from the comfort of their living room. Following its launch, HBO began to produce original series, with its first series, *Oz*, premiering in 1997. However, it was not until 1999, with the premiere of the mob-inspired drama series *The Sopranos*,

that HBO original series began to receive critical attention from executives, such as The Television Academy – a group of peer executives in the entertainment industry.

Following the ambitious launch of HBO in 1972, the subscription-based television network Showtime launched on July 1, 1976. By the end of its first year, Showtime had accumulated over 55,000 subscribers – almost seven times as many subscribers than HBO had in its first year. This substantial and rapid increase in Showtime subscribers showed how, within just a few years of HBO's premiere, the programming offered on membership-exclusive networks was becoming increasingly popular to viewers. In response to this rise in status, television executives at the Big Three Networks, as well as media specialists in the television industry have researched how to entertain audiences in a more progressive manner.

### **Success with Loose Production Regulations**

The Federal Communications Commission (FCC) is an agency directed by five President-appointed leaders. The primary purpose of the FCC is to “regulate interstate and international communications by radio, television, wire, satellite and cable in all 50 states...” (“What We Do”). According to the official FCC website, The Supreme Court has established these guidelines to determine obscene material:

- An average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest.
- The material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law.
- The material, taken as a whole, must lack serious literary, artistic, political or scientific value.

Over the years there has been controversy as to whether or not HBO and Showtime have to abide by the regulations the FCC holds over the television industry. The FCC's main focus is regulating content that is accessible to the majority of audiences. Therefore, the "FCC's regulatory powers extend only to over-the-air broadcasters, who transmit their programs via the publicly owned spectrum," (Koerner). To many, this double standard seems unfair to cable networks such as NBC and ABC. Koerner argues, "over-the-air broadcasts are inescapable," meaning that every television, satellite or antenna, is subject to pick up basic channels such as NBC, ABC, and CBS (*Slate*). Because of this legal logic, subscription-based networks have the ability to broadcast content that may require the notorious "Viewer Discretion Advised" warning.

Because most audiences must go out of their way to get a subscription to Showtime and HBO, these networks have more freedom in content, which leads to perceived higher quality entertainment. One way that this is evident is through award show performances within the past 25 years. According to their official website, the "Emmy Awards are administered by three sister organizations, which focus on various sectors of television and broadband programming: Television Academy (primetime), National Academy of Television Arts & Sciences (daytime, sports, news and documentary) and International Academy of Television Arts and Sciences," ("Awards"). Members of the various academies have a ballot in which they vote for who they believe best deserves the award for various categories.

The Primetime Emmy Awards includes basic cable network programming, as well as programming from membership-exclusive networks. Though its initial release in the mid-70's was shaky at best, by 1999 HBO had made a name for itself with the

original series, *The Sopranos*, which broke the record of Emmy nominations with 16 nominations. Not only did the number of nominations surpass those original series from NBC and ABC, but *The Sopranos* was also the first non-cable broadcast series to receive a nomination for Outstanding Drama Series. In addition to the 16 nominations for *The Sopranos* alone, HBO came in second to NBC's 82 total nominations with an impressive 74 total nominations. What was deemed most impressive about HBO's performance at the 1999 Primetime Emmy Awards was the fact that at this point HBO only had about 25 million viewers, compared to NBC's average of 99.4 million viewers (Mifflin). This success at award shows continued over the years for HBO. At the 2002 Primetime Emmy Awards, HBO's newest original series *Six Feet Under* led all TV shows with 23 nominations. This continued impressive performance by HBO original series was a "signal once again of the creative strength" of membership-exclusive networks over basic cable channels (Weinraub).

A leading example of HBO's creativity and popularity despite provocative content came at the 2015 Primetime Emmy Awards, where *Game of Thrones* broke Emmy records. First and foremost, the original series won Outstanding Drama Series, a notable award that had been won by its fellow network series, *The Sopranos*. *Game of Thrones* went on to win a number of other awards, taking home a total of 12 Emmys. By winning 12 Emmys, the series broke the record for most awards won in a single year. The record had been previously held by NBC's political drama *The West Wing*, who held the 2000 record of nine wins.

Over the years, HBO has proved that it deserves to be just as, if not more, respected as the Big Three Networks. This is especially true when it comes to awards

earned for the creativity and high quality of the content that HBO provides for its members. “For HBO, each polished Emmy statue helps to further burnish the network’s brand,” (Selter). In 2015, *Game of Thrones* premiered its fifth season, which contained the typical boundary-pushing content found in subscription-based network original series. This season was considered particularly brutal, with *Thrones* producers coming under criticism for explicitly controversial material. In season five, *Thrones* had “raised eyebrows and generated pundit protest ... for its brutal depiction of a world inspired by Medieval Europe,” (Hibberd). The series had included a young character being raped, as well as a character being burned alive. The fact that *Game of Thrones* successfully wooed audiences at the 2015 Primetime Emmy Awards despite such a controversial season gives evidence that audiences positively respond to media that is not restricted by the FCC. HBO’s impressive performance with its original series’ chart-topping amount of nominations yielded a major breakthrough for executives at the Big Three Networks: subscription-based network’s freedom to “create shows without restraints on foul language or on depictions of sex and violence (was) because they ... are not regulated by the Federal Communications Commission,” (Mifflin). Within recent years, this success has forced the Big Three Networks to enhance their original series’ content to increase audiences’ pleasure.

Social psychologists and media specialists have studied how audiences perceive certain content in television series. Sonia Livingstone, a social psychologist with an emphasis in media studies, studied audience interpretation. Livingstone emphasized how she was concerned with “the way in which people make sense of ordinary, everyday phenomena,” (Livingstone 1). During a study conducted by Katz and Liebes in the 1980s,

subjects were asked to watch an episode of the American-based primetime soap opera *Dallas*. While soap operas are network shows as opposed to an exclusive network original series, soap operas were seen as the ‘salacious’ material in the late 20<sup>th</sup> century. After watching an episode of *Dallas*, the focus groups were asked to respond to what they had just seen. Katz and Liebes came to several conclusions during this study. First, they concluded that audiences respond better to more conflict and tension between characters, whether that is verbally or physically. Second, Katz and Liebes noted that audiences tend to react more when the media they watch may be a much different culture than that in which the viewers are accustomed to (Livingstone 116). While this soap opera study is dated, its findings stand out in recent shows such as the Showtime original series *Homeland*, a fictional show that depicts the modern day terrors of America’s involvement in the Middle East. With its explicit language, graphic violence, and raw intimacy, *Homeland* gives audiences a memorable version of a real life scenario. With American audiences watching this gruesome series about a culture on the other side of the world from the comfort of their living room, they respond more positively to this original series. Due to the fact that America’s tension with the Middle East is something that is familiar with audiences, yet the action is heightened in *Homeland*, audiences feel comfortable watching such graphic content, as seen by the series high ratings and award nominations in its five seasons.

### **Distinct Differences in Subscription-Based Networks**

The Big Three Networks are owned by a public spectrum, meaning they are subject to local advertising, paid programming, and restrictions on content. As membership-exclusive networks, HBO and Showtime are not subject to any of these, and

have much more freedom. The three major ways that distinguish a subscription-based network from a basic cable network are promotion, censorship, and funding.

### *Promotion*

As a subscription-based network, HBO was not available in the majority of homes. This unavailability, as well as the unconventional season scheduling found in HBO series required the “network (to) engage in a major promotional blitz to remind existing subscribers of new episodes and lure new ones to subscribe,” (Lotz 126). Lotz notes HBO’s challenges of being a subscription network that limits viewership and overall awareness of HBO original series. These difficulties require HBO to be creative when it comes to advertising. In recent years, HBO has begun using pop culture to promote their series with social media, making them one of the pioneers in creative promotion in the 21<sup>st</sup> century. One way that they have incorporated social media into their promotions is with the use of “pop-culture opinion leaders” used to persuade audiences to view television network original series (Lotz 125). This marketing strategy was seen nationwide during the 2015 Primetime Emmy Awards in August with HBO’s streaming service, HBO Now. Host Andy Samberg, known for his influential sense of humor on *Saturday Night Live*, showed his HBO Now username and password, telling viewers they could use this to go watch *Game of Thrones* and other award-winning HBO original series. What shocked audiences the most was that the login information actually worked. HBO used this moment during one of the most watched cable television events to urge fans to test out a 30-day free trial to their exclusive network and original series (Stelter). This unique marketing technique was not only a way to promote HBO’s

streaming offers, but also a chance for all audiences, regardless of membership, to get a taste of HBO's original series.

As subscription-based networks not owned by public spectrums, HBO and Showtime do not carry what would be considered 'normal' commercials funded by local and national endorsements. Instead, HBO and Showtime air commercials that self-promote. In other words, the commercials and advertisements seen on these networks are simply promoting another original series or film that will be broadcast on that specific network, as well as behind-the-scene features of popular shows. This self-promotion actively engages the audience in the network with teasers, new shows, and upcoming specials. By self-promoting its own content, subscription-based networks are able to further please audiences and emphasize the exclusive content offered.

### *Censorship*

During an afternoon radio broadcast in 1973, comedian George Carlin delivered a monologue over the air that he frequently used in his late-night stand up routines. The monologue was titled "Filthy Words." In his monologue, Carlin discussed the seven words one should never use in a public broadcast: *shit, piss, fuck, cunt, tits, cocksucker,* and *motherfucker*. A man who happened to be listening to this radio broadcast with his son filed a complaint with the FCC on behalf of his son. The man argued that his fifteen-year-old "should not be subject to obscene material on the air during the times of the day that young people are likely to be listening or watching a broadcast station," (Hilliard 22). This issue went on to become a controversial matter between the FCC and the Supreme Court. The major argument was that the FCC was infringing on networks' First Amendment rights for the freedom of speech in their work. In the court case *FCC vs.*

*Pacifica Foundation*, the Supreme Court came to the decision that the “FCC did have authority to take action against a station for what it believed was indecent, but not obscene, speech,” (Hilliard 24).

This indecent and explicit speech can also be found on almost every show broadcast on HBO and Showtime. It is not uncommon to turn on any episode of the popular Showtime original series *Shameless* to hear main character Lip Gallagher make blunt comments such as “Holy shit...they’re still fucking?” (“Just Like The Pilgrims Intended”, 2012). Some audiences see this explicit language as crude and inappropriate, but Livingstone’s findings suggest that audiences respond positively to entertainment in which this language is not only common, but also accepted. HBO and Showtime escape the regulations of FCC thanks to their exclusive original series, meaning audiences are not publicly subject to the profanity, but instead must go out of their way to watch it.

While HBO has proven to be the leading subscription-based network when it comes to awards, many Showtime original series are known for one thing: nudity. In 2013, the creative nonfiction drama series *Masters of Sex* premiered, depicting the lives of sex researchers William Masters and Virginia Johnson. To throw audiences into the genuine lifestyle of Masters and Johnson’s groundbreaking research, the producers and writers of *Masters* create a show filled with graphic sex scenes and nudity of its characters. In *Masters of Sex*, the nudity and sexual situations are used to show not only the chemistry between the two lead characters, but also the significance of their research in the context of the show.

While *Masters of Sex* uses nudity for context in the storyline, Showtime’s *The Affair*’s storyline centralizes around nudity and graphic intimacy as a way to enhance

character dynamics. Since the fourth episode in the first season, there has been full female chest nudity, full male back nudity, and explicit sex scenes where characters are seen engaging in a variety of sex acts. In its second season premiere in Fall 2015, *The Affair* went where drama shows are hesitant to go, briefly displaying full frontal male nudity. Executive producer and co-creator of the hit original series Sarah Treem noted that “Showtime didn’t challenge her choice to feature full frontal male nudity” in the episode, but instead encouraged it, (Wieselmann). Treem incorporated the nudity with a specific purpose. “It frustrates me in general that women’s experiences are not explored in depth on television in the way that I recognize as truthful,” Treem said (Wieselmann). Treem picks up on an apparent distinction in on-screen nudity between genders that has been prominent since the days of Marilyn Monroe. Since the mid-20<sup>th</sup> century, women have been over sexualized in intimate scenes. Treem uses the success of her progressive hit Showtime drama to address this inequality. *The Affair*’s writers and producers speak to the gender nudity inequality by using full frontal male nudity, which introduces audiences to the progressive material found in original series on both Showtime and HBO. The exclusivity of these networks, which allows for the freedom from being regulated by the FCC, allows producers such as Treem to create shows that can address worldly issues like gender inequality.

### *Funding*

Over the years, HBO has proved its worth as a network, despite being subscription-based. HBO has produced high quality entertainment that audiences have been pleased with. Now more than ever brands are essential when it comes to entertainment and “no brand ... speaks to quality more than HBO does,” according to

HBO CEO Richard Plepler (Selter). Being owned by public spectrums, the Big Three Networks rely on paid programming and local advertising to help fund their networks – something that is not readily available to subscription-based networks. HBO and Showtime have come to rely on their online streaming organizations. Plepler stated that the “perception of high quality enables HBO to charge more for its online subscription service, \$15 per month, than Netflix or other competitors,” (Selter). Both HBO and Showtime offer audiences something that cannot be found on any other streaming site which helps add to their funding from investors.

As a frontrunner in the new digital streaming era of television entertainment, HBO has been able to incorporate their success in streaming into their funding and overall popularity. HBO’s original series are known for having irregular seasons that leave audiences begging for more, such as during *The Soprano*’s hiatus from 2004 to 2006. HBO proves its worth as a network in its ability to gain back audiences after long absences, which can be seen as the “exceptional differentiation in the quality of (HBO’s) shows,” (Lotz 105). In addition to quality content, HBO’s ability to find funding in creative ways is in part due to its exclusive networking. Using HBO Go and HBO Now’s streaming sites as incentive, audiences see the subscriptions to these sites as a “monetary investment in consuming content,” (Lotz 105). This streaming strategy from subscription-based networks is a major influence in creative funding that has also inspired basic cable networks to follow suit, with contracts on Netflix and Hulu.

### **Results of Pushing Boundaries**

When *The Sopranos* first premiered on the Home Box Office network in 1999, it was a far cry from the family friendly, high ratings primetime programming of NBC in

the late 90's. Audiences were swept into the middle of a mob family from New York, with explicit language, graphic violence, and nudity. The same can be said for other HBO original series like *Sex in the City*, which inspired girls to seek and find love just like Carrie Bradshaw. These turn-of-the-century series brought something to the entertainment industry that Big Three Networks had never been allowed to do before: sex, language, and violence.

At the turn of the century, primetime sitcoms found on ABC, NBC, and CBS were family-oriented and typically held a positive message, like the hit show *Friends*. While *Friends* had its fair share of mediocre cursing and sexual innuendos, everything was left up to the imagination of the audience. However, ten years later, that is not the case when you turn on the Big Three Networks on a typical Thursday night. Shows such as *How to Get Away with Murder*, *Scandal*, *The Following*, and even *The Big Bang Theory* have been forced to adjust their content to keep up with HBO and Showtime programming, especially when it comes to awards. Comedy series must compete with HBO's *VEEP*, while dramas must compete with *Game of Thrones*, *The Affair*, and many more. *How to Get Away with Murder*, the crime-drama ABC series from executive producer Shonda Rhimes, comes on at 10:00 on Thursday nights on a basic cable network. This drama is filled with steamy sex scenes, relatively graphic violence, and heated dialogue. A journalist in 2011 speculated that the median age for most prime time shows on the Big Three basic networks was in the upper range of 35-50. One of the attributions to this is the fact that cable networks, such as TBS and MTV, as well as subscription-based networks, such as HBO and Showtime, offered younger audiences series that contained appealing, familiar content. Younger viewers ages 30 and below are

accustomed to this progressive television because “cable TV isn’t new territory but something they grew up watching,” (Adgate).

### **Put a Penis in it**

As something that is easily accessible in the majority of American households and is becoming more available on mobile devices, original television series are the media’s forefront for entertainment. Audiences expect to turn on a series and be taken to a reality that excites them. As viewers become more accustomed to more provocative content, membership-exclusive television networks are constantly making their content more progressive for its audiences, something the Big Three networks strive to follow suit.

The growth of membership-exclusive television networks has been a long and rocky road. The Federal Communications Commission continues to regulate the majority of all broadcast material, yet networks such as HBO and Showtime are not subject to those regulations, allowing them to produce higher quality entertainment, as seen in award shows and audience perceptions. Over the years, audiences have responded more favorably to subscription-based networks that push limits in censorship and promotions. This success forces basic cable networks to enhance their programming, as audiences will expect more from these series. And yet, there is the possibility that membership-exclusive television networks’ original programming could go too far. The boundary-pushing content that contains explicit language, graphic violence, and raw intimacy has proven to be well received by the majority of audiences, but runs the risk of becoming sensational rather than purposeful. As networks continue to create content that is boundary pushing, soon there may be a time when the question of how far is too far needs to be discussed.

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