

# Castells, 'Murdochisation', Economic Counterpower and Live-Streaming

## Abstract

In his *Information Age* trilogy, Manuel Castells documents the transformation of economic power by means of network affordances. In more recent work, he has built an account of the linking of economic power with cultural and political power through 'Murdochisation', or 'the networking of networks'. Whilst Castells' account of power has thus developed to acknowledge the integration of economic, cultural and political interests and networks, his account of 'counterpower' remains largely focussed on cultural and political resistance in the form of protest. Here we explore a case of *economic* counterpower; the unauthorised live-streaming of digital sports broadcasts. Analysis of this particular case (of counterpower) is particularly significant given the centrality of 'Murdochisation' in Castells' account of power in the network society. Emerging out of, alongside, and in response to the growth of Murdochised digital media sports networks, we explore the scope and limits of live-streaming as a form of economic counterpower and counter-Murdochisation. In this article, we document Castells' theory of network power, the centrality of 'Murdochisation' to that account, and the centrality of monopoly control over digital sports broadcasting to Murdochised media empires. The scope and resilience of alternative streaming media in switching live sports programming from pay to view to free sharing is then examined. The failure to date of all attempts to prohibit free streams shows the on-going viability of such economic counterpower.

However, whilst dominant actors cannot eliminate economic counterpower, where dominant actors choose not to broadcast, no switching of content can take place.

## **Introduction: Power and counterpower in the global network society**

This article uses the case example of sharing live-streams of English Premier League matches to explore and develop Manuel Castells' idea of 'economic counterpower'.

Over the last 25 years Castells has investigated themes of power, capital and resistance in the 'information age'. For instance, in *The Information City* (1989) and *The Rise of the Network Society* (2009) Castells outlined 'capitalist perestroika', wherein the network mode of development afforded a radical restructuring of the capitalist mode of production in the late twentieth century. In *End of Millennium* (2010) Castells explored the economic consequences and possibilities facing what were once called the 'second' and 'third' worlds. In *The Power of Identity* (2009) he addressed cultural formations, social movements, the transformation of gender relations, and political reactions to the rise of the network world. From these works emerged a picture of a new global economy and a number of cultural and political reactions to it.

For Castells, power in the network society was initially most extensively explored in relation to the economic take up of network affordances. Power is 'capital' for Castells, but, extending beyond its primarily economic form, the term is used to describe political, cultural and informational 'assets', which parallel and reinforce economic modes of ownership and control (Castells 2000). Capital extends into and requires political and cultural forms precisely because it cannot eliminate human action, resistance and challenge. Castells explored politics and culture in the forms of state reconfiguration,

legitimizing, resistance and project forms of identity, mainly as reactions to, rather than drivers of patterns of economic change. Where power was primarily economic power, recent work (2009) shifts analysis to a broader fusion of economic, political and cultural networks, referred to as 'communication power'.

In *Communication Power* (2009) Castells documented the linking of economic, cultural and political power in a more developed fashion than in his earlier (limited) discussion of 'legitimizing identity' (2009: 8). In *Communication Power*, the paradigmatic case of integrated network power, the networking of economic, political and cultural networks, is Rupert Murdoch's News Corporation (hereon News Corp). Castells uses the term 'Murdochisation' to label this networked integration of levels and agents of power. Elite English football has been a prime economic engine of 'Murdochisation' since the creation of the English Premier League in 1992 and the migration of broadcasting rights from free to air terrestrial television to Murdoch's Sky digital subscription service. Pay to view sport has, reciprocally, been central to the rise of Murdoch's digital media empire from its origins in print publishing.

What Castells calls 'Murdochisation', Redhead (1997) calls 'hypercommercialisation' in football. Research into football fan movements opposed to 'hypercommodification' recount fan stories of resentment and anger (see King 2002; Millward 2011). Such

studies tend not to identify credible challenges to the economic foundations of 'hypercommodification'. Research into anti-commercialisation fan movements document 'symbolic' cultural and political resistance and protest. Likewise, academic accounts of the new economics of digital sports broadcasting tend to position protests as marginal, nostalgic and reactive, rather than as serious challenges to dominant arrangements (see Millward 2013). The free streaming of sport online meanwhile directly challenges the dominant economic, monopoly based, commercial broadcasting rights model. Live-streamers may not identify themselves or their actions as 'political' at all. Economic counterpower cannot be judged by a 'political' yardstick. Rather, the question is whether an alternative to the dominant ('Murdochised') digital media 'pay to view' monopoly based economic model exists. In this article, we suggest that it does, and its scope and limits are important to document.

If Murdochisation represents the paradigmatic example of communication power today, the scope and resilience of economic counterpower within the network of networks Murdochisation seeks to command becomes highly significant. Castells pays close attention in all his work to the distinction between the informational mode of development and the capitalist mode of production and does note, in places, that forms of digital sharing afforded by network technology may challenge dominant forms of commercial digitisation. However, his account of this possible economic counterpower remains undeveloped. In *Networks of Outrage and Hope* (2012) he seeks to flesh out earlier

accounts of resistance as cultural and political, but not economic. We explore the scope of free sharing as a viable and significant alternative to Murdochisation to overcome this limitation in extending Castells' framework.

In this article we demonstrate that a substantial form of economic counterpower exists; that it challenges dominant networks of economic, political and cultural power; and is capable of withstanding legal, technical and cultural attempts to constrain it. Whilst we highlight such scope and hence the limits of prior research, we also show that counterpower, whilst viable, remains constrained by the power retained within dominant networks. Power operates through integrating economic, political and cultural networks. Counterpower operates at all these levels as well, but its capacity to integrate and operate across and between all these levels is less developed - explaining why dominant arrangements remain but are not unchangeable.

### **Networks, Power and Counterpower**

According to Castells (2011: 773) '...wherever there is power, there is counterpower, enacting the interests and values of those in subordinate positions.' In the network society, power and counterpower are primarily exercised by and through 'networks' (sets of interconnected nodes, enabled by information and communications technologies). In

this section we briefly outline the key tenets of Castells' conception of power in the network society.

Castells (2009: 42-47) distinguishes four forms of power in the network society:

- Networking power - power over who and what is included in the network
- Network power - power of network protocols/standards over action in the network
- Networked power - power of some nodes or actors over others in the network
- Network-making power - power to constitute and programme networks

According to Castells, of these four, '*network-making power*' is 'paramount' (though 'paramount' does not mean 'absolute'). The overall ability to exercise control and power in the network society relies on two basic mechanisms (Castells 2009: 47). First, the ability to constitute networks, to 'program/reprogram' networks in terms of goals assigned in accordance with particular interests and values. Castells calls the holders of such capacities 'programmers'. Second, Castells refers to the ability to connect and ensure strategic cooperation between different networks. The holders of this second capacity he calls 'switchers' (2009: 45). As such, 'programmers' and 'switchers' are key actors, but they are not the ultimate power holders in the network society. Power ultimately resides in the networks themselves – complex sets of alliances and joint activity constituted around particular projects and interests (Castells, 2009: 45). The owners and controllers of corporations such as News Corp do exercise influence within

firms and conglomerations of firms, yet it is the conglomerations - complex networks, indeed networks of networks – that are ultimately powerful in the network society. They are, Castells (2009: 420) suggests, networks creating networks and not reducible even to their most significant individual players. In other words, power resides within the network(s) of actors, not simply in the actors themselves.

### **The ‘Murdochisation’ of Elite English Football: Sky and the EPL**

Taking Rupert Murdoch’s News Corp as the paradigmatic case, Castells (2009: 89) refers to the rise of such cross-media transnational ‘infotainment’ corporations – corporations that bridge financial, media (traditional and digital), political and national networks driven by profit, market expansion and privatised control – as ‘Murdochisation’. Murdoch himself is characterised as ‘the most deliberate switcher, making power in various networks through his ability to connect them’ (2009: 429). Today, Murdoch holds major shareholdings in Britain’s Sky and North America’s Fox satellite platforms, two of the world’s most powerful media players. A major part of these platforms’ strategy and success has been to develop a monopoly over rights to broadcast American and European variations of football (and other sports). In doing so, these media corporations have become intimately bound up with some of the world’s major sporting competitions, including elite English football, creating complex and extremely lucrative global-media-sports networks.

Having been described as a sport in 'recession' during the 1980s (Taylor 1984) a series of significant interventions in elite English football took place in 1992. After England's fourth place finish in the 'Italia '90' World Cup, the 'F.A. Premiership' (later renamed the 'F.A. Premier League', and hereafter the EPL) was formed. Exclusive rights to broadcast this competition live to the domestic market were immediately secured by Murdoch's digital satellite 'Sky Sports' platform. The shift of broadcasting rights to Sky marked a step-change in elite English football broadcasting which had from the late 1960s been 'free to air' via an 'uneasy cartel' of terrestrial UK state and commercial providers that sought to keep the fees they paid to the Football League at a low level (King 2002). Sky paid a reported £304m to screen games from 1992-7, a sharp increase from the £11m BBC and ITV paid between 1988 and 1992 (Millward 2011). The value of these broadcasting rights has continued to grow exponentially (see David, Kirton and Millward 2014) with the sale of rights to broadcast games in seasons 2016/17 to 2018/19 generating over £5.1bn. Sky and the EPL have essentially become 'marketing partners' in this regard, with the two arguably becoming mutual beneficiaries in economic terms, but mutually interdependent also as part of a new global media-sport network. Given Sky's expenditure, and its pay to view monopoly method of recouping its costs, the platform had to increase consumer demand. It created a new 'programme', 'switching' sport and celebrity through both high and low culture to increase the allure of the new division. That new league - the EPL - was aggressively marketed by its broadcasters

and captured the imagination of a public whose appetite for exciting football 'spectacles' had been whetted by the English national team's unexpected positive performances in the 1990 World Cup (Millward 2011). A key to Sky's success in this domain was a monopolistic control over broadcasting matches. After this total control ended in 2007, Sky continued to retain a legal monopoly over 70 per cent of live televised EPL matches in the UK (*Premier League* 2015).

The initial success of this digital sports-media network lay partly in the monopolisation of content that the particular technological environment afforded between the 1990s and late 2000s. Viewing live sport coverage with any level of visual quality was not possible with the bandwidth available to domestic Internet users until the late 2000s, and as such viewing live content was only really possible via the dedicated digital satellite and cable feeds that broadcasters such as Sky had capitalised on. Such technical limits, combined with legal monopoly broadcasting rights, afforded Sky the ability to build a subscriber base at prices sufficient to make digital subscription television a highly profitable enterprise.

### **Counterpower and the Neglect of Economic Counterpower**

Digital networks afforded the further development of global capitalism. The informational mode of development has been essential to 'Murdochisation'. However, capitalism 'is not, against a common ideological perception, the only game in the global town'

(Castells 2009: 29). In characterising counterpower as 'the deliberate attempt to change power relationships [...] by reprogramming networks around alternative interests and values, and/or disrupting the dominant switches while switching networks of resistance and social change' (2009: 431), Castells acknowledges that both power and counterpower are exercised via the same mechanisms of (re)programming and switching. In *Networks of Outrage and Hope* (2012) he suggests that, for the networks of counterpower to prevail over the networks of power, they have to reprogram the economic, political and cultural dimensions of the society they seek to change. However, in this work, Castells only details political and cultural forms of digital counterpower. For instance, in discussing the Spanish Indignadas movement's occupation of public squares he notes the movement's need to form a practical network for sharing provisions. This economic 'decommodification' in action was the foundation for the alternative political project. However, it is this political project that he then focuses upon, in particular the use of new media to overcome mainstream media blockages and to communicate messages and tactics amongst protestors. Castells argues that the impact of the movement was to change minds in the population, even after its occupation of public space ended precisely because it could not sustain its economic distribution network. Whilst Castells seeks to locate such a changing of people's minds at the core of communication power and media politics in the information age, the movement ultimately remained limited, unable to overturn dominant interests and networks because it could not sustain a mode of economic counterpower in the streets.

Similarly, in relation to the Occupy movement in the United States, Castells suggests that 'Occupy Wall Street' was radical because: 'They targeted the most essential commodity shaping their lives, and everybody's life, virtual money' (2012: 198). By 'targeted' Castells means protesting against, rather than actually changing or removing. The Occupy movement, like Indignadas, failed to maintain itself because it exercised no economic counterpower – the power to 'resource' itself, and undo dominant economic networks. Moral indignation and outrage counts for little in the workings of global finance it seems. Unlike moral and political protest, the free circulation of digital content online both challenges dominant economic networks directly and, in so doing, re-produces and re-distributes economic value across subordinate networks. It does not demand change. It is change.

Carolyn Guertin and Angi Buettner, building on Castells' ideas, show how Internet enabled 'protest formulas', 'political imaginaries', 'cognitive maps', 'imaginational spaces' and 'memes' change the conversation/narrative, allow 'horizontalization', empower 'knowledge producers', and introduce 'narratological disturbance'. Such political and cultural spaces empowered activists who 'sought resistance to neo-liberal capitalism' (2014: 381). *Seeking* to resist is all very well. *Actually*, and successfully, resisting requires more than new maps, narratives and imaginaries. Creating new ways of producing and re-distributing resources requires new economic networks. New communication networks may give marginalised individuals and communities a voice.

Does neo-liberalism listen, or can it be talked past? Can alternative communication be raised into a challenge/alternative to dominant networks of ownership and control? What are the economic foundations that might sustain challengers and can these undo neo-liberalism's circuits? These questions are not those addressed by Castells or Guertin and Buettner. Global network capitalism's power lies in global production and distribution of economic value. Yet this extension is also its Achilles heel, if everything can be globally (re-)produced and distributed for nothing. That makes attention to economic counterpower important.

Castells' limited attention to the scope and scale of economic counterpower via digital networks of mass self-communication is a deficiency in the development of his analysis we seek to overcome. Even Castells and Cardoso's (2012) special issue of *The International Journal of Communication* on online sharing focussed on 'Piracy Cultures' rather than the economic counterpower of downloading, torrents and streaming which we address. We explore the scope of economic counterpower through the example of fans live-streaming English Premier League football matches.

### **Digital Counter-Murdochisation: The Rise of Streaming Media**

The rise of global cross media corporations sits alongside the parallel rise of what Castells calls 'mass self-communication'; the capacity for interactive communication as

distinct from 'mass' (one-way) communication enabled by new digital information, communication and networking technologies. According to Castells, this 'mass self-communication' is significant in allowing the audience to produce their own messages, which in turn 'potentially challenges corporate control of communication and may change power relationships in the communication sphere' (2009: 422).

Internet enabled sharing of digital content is one example of this 'mass self-communication' (2009). Mass self-communication is the fusion of inter-personal communication with broadcast capabilities. The distinction between 'direct' communication and 'mass' (one to many) 'media' breaks down when individuals and small groups use digital networks to communicate with potentially limitless others. When mass self-communication circulates copyright regulated content this breakdown of the distinction between personal and mass communication threatens commercial media. It also breaches the distinction between 'cultural' communication and 'economic' re-distribution and (re-)production. The particular form of mass self-communication that most threatens commercial live sports broadcasting is live-streaming, a process whereby 'a legitimate digital television broadcast is retrieved, and then simultaneously, made available to view online' (Kirton and David, 2013: 84). Streaming services allow users to view content that is streamed rather than downloaded and so no copy is made by the viewer. All EPL matches are legally broadcast live *somewhere* in the world. Every one of these matches is also now simultaneously re-routed via live-streaming channels

*everywhere*. Millions access these streams every week during the football season.

Overall numbers of weekly stream viewings for EPL matches had reached the millions by 2008 (Nicoli 2008 and Nye 2008), whilst those for some individual EPL matches had reached into the millions a year later (Smith 2009). Numbers, whilst illicit and so hard to fully gauge, have continued to spiral upwards ever since. EPL lawyers Kevin Plumb and Mathieu Moreuil (2013: 67) suggest: 'During the 2012/13 season, the Premier League has detected approximately 33,000 live-streams, an increase of 15% from Season 2011-12'. With each such stream attracting anything from a few hundred to millions of viewers, the overall scale of streaming is immense.

Now that broadband internet speeds afford high quality live image transmission free network alternatives challenges Murdochisation. Murdochisation involves network-making (switching) between financial, political, cross-national and horizontally diverse media networks. However, neither News Corp nor Sky are Internet based distribution 'networks'. Free networked alternatives to the 'walled gardens' within their stable of businesses are a threat. News Corp seek to sell access to monopoly controlled content. News Corp did buy the free content – advertising funded – *MySpace*, but sold it when it became unprofitable (David 2010). If monopoly priced content can be freely accessed online they have a problem. News Corp and the Internet are both digitally afforded networks, but are in other respects utterly distinct. In referring to both as networks Castells is not implying they are the same.

As a network of networks News Corp's Sky is contradictory. Sky sells domestic broadband Internet access, whilst its digital television services are challenged by Internet afforded free sharing via streaming channels. In the case of First Row Sports (a free online live-streaming service) Sky was one of the Internet service providers taken to court by the EPL despite Sky also being the EPL's principle marketing partner. Sky sells Internet access, but its television business assumes dedicated channels and monopoly control.

This threat is what we call the 'second' digital revolution in media sports broadcasting (David et al. 2014). Unlike the 'first' digital revolution live-streaming is not monopoly ('pay to view') based. Most streaming service providers sell advertising. Service users meanwhile stream content freely. Advertising funded service providers are an 'alternative business model' relative to pay to view services. Streaming channel users – when breaching copyright control – represent an 'alternative to business' model. Live EPL streaming channels can be found by entering terms like 'Premier League' and 'free live stream' into any search engine. Streaming sites include Justin.tv, Wiziwig and, as we explore in the next section, First Row Sports.

The 'first' and 'second' digital revolutions currently co-exist. Sky, with nearly two decades of technical, legal and economic monopoly control over domestic EPL broadcasting, has built a substantial, profitable and stable subscriber base. However, later entrants to the EPL broadcast business in the UK have all failed to build audience numbers sufficient to make profits and hence to continue broadcasting (David et al. 2014). The EPL and Sky have been actively seeking to curb streaming using a combination of legal, technical and cultural measures. However, to date, such strategies have failed (David and Millward 2012). Below we examine the latest state of affairs.

### **First Row Sports**

First Row Sports is one of many 'streaming' services allowing users to view content online. The largest streaming service is Amazon Prime, a legal subscription service allowing users to access films and television programmes. Streaming services like Spotify and Beats allow users to stream music legally, with advertising and subscription payments used to pay rights holders. Unlike these, First Row Sports is a 'live-streaming' service, allowing non-commercial users to up-load live content other users can watch simultaneously. What makes First Row Sports legally 'controversial' is that up-loaders are rarely the legal copyright holders, and rights-holders are not paid when content is streamed. On one of its web-platforms First Row Sports describes itself as follows:

'Firstrowsports is a sport and TV stream agregator. That means that FIRSTROW aggregates streams from other sources. In case that you think the sources violate some laws (IP, sexually explicit materials etc.), contact responsible websites, where the broadcast occurs (see icon by the source). FIRST ROW is NOT responsible. There are no streams or videos on this website. Just links added by users. Also please let us know about the stream, that you claim to be violating the law at [dmcathefirstrow@gmail.com](mailto:dmcathefirstrow@gmail.com). We will immediatelly withdraw it.

Alternatively send us a mail to Peter Hadrik, Ninos Hereos, Oaxaca, Mexico.

Email: [hadrikmarketer@gmail.com](mailto:hadrikmarketer@gmail.com). If you are an United Kingdom or United States resident, you are forbidden from using this website and you should leave now!' (<http://www.firstrows.eu/tos>)

Like other live streaming services First Row Sports provides channels through which users (not the service provider) broadcast content. One of the earliest live streaming channels, Justin.TV, started life as the 'livescreen' of its creator Justin Kan, but migrated, in 2007, into a service providing others with 'channels' through which they could up-load and stream 'their own' content. The live-streaming of copyright protected content, in particular live sport, being re-routed by users who had accessed it themselves from copyright holders, led to legal attacks. Justin.TV has successfully maintained its legal 'safe-haven' status by: first, announcing that users should not use its service to violate copyright, and second, agreeing to take down content found to be infringing copyright

(Birmingham and David 2011). As 'take downs' require content be investigated Justin.TV can still host infringing content for a large part, or the whole, of an event's duration, before it is removed. New streams appear before older ones are removed. Users easily migrate to another channel within the service to continue watching even whilst the overall service provider remains legally compliant. As the above quote shows First Row Sports makes the same claim regarding its willingness to comply with copyright laws. However, this claim has not been accepted by courts in the United States and the United Kingdom (see below), though it has been elsewhere. Originally from Sweden First Row Sports' IP infringement email (cited above) is Mexican. First Row Sports is a globally distributed network and positions itself wherever authorities are least hostile. It is a paradigmatic 'network enterprise' (Castells 1996), maximising advantages of mobility and bi-passing regulatory blockages. As a network enterprise First Row Sports is an advertising based business. It challenges 'pay to access' services as an 'alternative business model'. Service users infringing copyright through free sharing challenge dominant business models as an 'alternative to' business. As channel providers exercise no editorial control, their alternative business model, whilst distinct, does not impinge upon users' free sharing. Pirate capitalism (alternative business), and free-sharing (alternative to business) are analytically distinct, whilst practically connected, modes of economic counterpower. The latter interests us most here (for the former see David and Halbert, 2015). However, the dependence of free sharers upon 'free' marketeering pirate capitalists is an added contradiction.

## **EPL vs. First Row Sports**

Castells (2009) argues that 'networking power' is the ability to include/exclude individuals and other networks from a particular network, with 'network making power' the ability to 'program' (i.e. create and maintain) a network and to be able to 'switch' (connect between networks). If dominant networks could block networks of counterpower they would be secure. Castells does note that dominant political networks have failed to block social movements in the United States, Egypt and Spain (Castells 2012) and (2009) he documents successful evasion of cultural censorship in China. Indeed, Castells (2009: 67-8) records that YouTube, other streaming services, and peer to peer download networks allow the sharing of economically valuable content, but are threatened by a combination of corporate copyright lawyers and government censors. Attempts at '... the enforcement of technologically outdated copyright laws over digitized material circulated on the Internet...' (Castells 2011: 103) have not been '... capable of preventing the mass insurrection (by tens of millions) of users/producers of content against the media oligopolies' perceived capture of free digital culture...' (Castells 2009: 104). We substantiate the significance of this economic insurrection and the failure to prevent it. UK attempts to shut-down access to First Row Sports exemplify both.

On July 16th 2013, at the High Court in London, Judge Arnold granted the EPL's request for UK Internet service providers to block access to First Row Sports' sites. He claimed the service '...received 9.98 million unique user hits worldwide [in the first half of 2013] and had made considerable sums in advertising and affiliation revenues', was 'profiting from infringement on a large scale', and enabled access to live-sports broadcasts by 'persons who are not entitled to view them either because they have not subscribed to the broadcaster's service, or because the broadcaster has only been licensed by FAPL [Football Association/Premier League] for a different territory' (European Professional Football Leagues 2013: 32). As the service was enabling unlawful access and distribution for both private and public (e.g. pubs) use, Judge Arnold concluded the service should be prohibited (Neal, 2013). He avoided the question of 'liability' for content as such. Therefore, First Row Sports' defence, that streaming services merely enable users to stream what they choose to stream, just as a postal service allows users to post letters (a defence accepted in cases brought against Justin.TV and others – including First Row Sports in Spain) failed.

Major UK Internet service providers complied. Prohibition on grounds of how something can be used stands in opposition to the principle of 'Dual Use', most famously upheld in the 1984 US Sony Ruling (David 2010). The Motion Picture Association of America had requested, against Sony, to prohibit video recorders because they were routinely used to infringe copyright. The application was denied as video recorders had lawful uses and

therefore manufacturers could not be held liable for a user's misuse. Tension between prohibition on the basis of 'potential or predominant use' and permissiveness on the premise of 'dual use' characterised the legal landscape long before the advent of the Internet. The US Digital Millennium Copyright Act (1998) enshrined the strong prohibitionist doctrine, whilst later case law re-affirmed the dual use doctrine (David 2010). It is under the terms of the DCMA that multiple domain names linked to First Row Sports have been 'seized' in the United States (Ernesto 2012). Similar tensions have emerged regarding interpretations of the 2010 Digital Economy Bill in the UK (David and Millward 2012). Judge Arnold's decision tilts towards the prohibitionist end of the spectrum, and remains disputed.

First Row Sports explicitly tells its users not to infringe copyright, and informs users not to use certain sites, yet elsewhere positively encourages users to freely stream world class sporting fixtures. Unlike Justin.TV, a service entitled 'first row sports' might reasonably be said to be trading on access to sports content it does not own. As was the case in proceedings against The Pirate Bay in 2009-10 and subsequently, the more explicit nature of First Row Sports' 'incitement' to infringe made it a target, and legally vulnerable. Incitement to infringe (publicising a service on the basis that it allows access to infringing content), as distinct from simply providing a service that has that potential, has been used by courts to distinguish the passive act of making available (creating a possibility) and distributing (actively disseminating) (David 2010). The latter is a far more

serious offence. First Row Sports are just one example of live-streaming services. However, whilst literally thousands of 'channels' have been taken down (Kirton and David 2013) in recent years, and with First Row Sports having a number of its sites 'seized' in the US in 2012, in 2013 it was the first provider of such streaming channels to be blocked.

Following the court decision UK based Internet Service Providers (ISPs) do now block UK users from accessing First Row Sports web pages 'in the UK'. However, First Row Sports is not based in the UK. Virtual proxy networks allow UK Internet users to log onto First Row Sports' web-sites outside the UK as though they were abroad themselves. Designed to help dissidents and protestors in repressive regimes (Guertin and Buettner 2014: 384), and to enable international, legal and illicit, business dealings, VPNs and 'onion routers' largely undo national Internet regulation. Ian Brown (2014) notes countries that have recently seen copyright holders winning court cases to require ISPs to block user access to copyright infringing content (individual sites at first, but now - with the case of First Row Sports – whole services) are also the countries witnessing the fastest growth in VPN usage. Legal instruments fail to contain new technical affordances by which prohibitions can be bypassed. As such, First Row Sports has not been effectively blocked, and is only one of a myriad of such services. In the same vein, whilst the start of 2015 saw the Spanish courts require ISPs there to block access to the Wiziwig streaming service, alternative accessible sites were available within days. As the

EPLs own legal team concludes in relation to ongoing litigation regarding site blocks: 'We hope that we got our message across but ultimately it is quite clear that even a uniform and very rapid take down procedure is no more than a sticking plaster' (Plumb and Moreuil 2013: 68). In Castells' terms, dominant programmers cannot exclude counterpower switchers accessing their networks and rerouting content. Despite legal blocks, access and use remains high. Millions continue to engage in free-sharing of streams contra 'pay to view' Murdochisation. The free sharing mode of economic counterpower – alongside the pirate capitalist service providers that afford it - have been sustained and continue to challenge copyright monopoly based economic models.

### **Counter point: outside the EPL**

Wigan Athletic F.C. (hereon Wigan) was relegated from the EPL, into 'The Championship' division, at the end of the 2012/13 season, having occupied a place in the EPL since 2005. The time the club played in the EPL was, coincidentally, the period in which use of live-streams to watch matches gradually normalised. Worldwide, the English Football League (hereon EFL), which includes the divisions below the EPL, has struck 192 separate broadcasting deals to show 'The Championship'. However, Championship broadcast revenues are a fraction of the EPL's and overseas interest in this division is much smaller, meaning not all matches are broadcast. Given the

normalisation of football live-streaming during Wigan's time in the EPL, its supporters are a valuable test-case for what happens when streams are no longer available. The following interaction occurred on the Wigan fan forum 'Latics Speyk' on August 2<sup>nd</sup> and 3<sup>rd</sup> 2013, prior to Wigan's first match of the season, away to Barnsley F.C:

**Wigan fan 1:** Looking like no chance of a [live-]stream for tomorrow. But some channel is showing the Bournemouth game so that looks optimistic. Typical, I'm going to Bournemouth [Bournemouth AFC, Wigan's opponents on 17 August 2013] but not tomorrow.... If anyone finds anything for Barnsley shout!

**Wigan fan 2:** The people on the Barnsley forum are confident of a stream, apparently there will be a single Sky camera there. They should know more than us about televised championship games, so I would just keep your eyes peeled tomorrow.

**Wigan fan 3:** I'll be looking so if I find one I will let you know.

**Wigan fan 4:** I can only see Bolton/Burnley and QPR/Sheff Wed on my usual link sites. Found this, which suspiciously is a 'first row' headed address, but has no resemblance to the web address that they normally stream from. Anyone know or used this before? <http://firstrowlivestreaming.com/Barnsley-vs-Wigan-Athletic/>

**Wigan fan 1:** Sounds unlikely. Those on the Barnsley site have lost confidence.

**Wigan fan 5:** crap. I was pretty confident that it will be available online..

**Wigan fan 1:** Wigan Athletic fan 5, check your inbox

**Wigan fan 5:** :)) [emoticon for a happy face]

**Wigan fan 2:** Please share any streams if you have any pleaseeee

**Wigan fan 6:** hey Wigan fan 1 spill the beans

**Wigan fan 7:** pm [personal mail] me if you have a link please Wigan fan 1

**Wigan fan 8:** Share the wealth?

**Wigan fan 5:** he doesn't guys :) he just send me something which says a lot about true Wigan fans. Family club.

**Wigan fan 8:** No worries. Listening on latics player [Wigan's official 'app' which allows audio commentaries of matches] through terrible WiFi on a coach :/

**Wigan fan 1:** Hey guys, I was only passing on something for Wigan fan 5. If I had a stream I'd have passed it on. Apologies for giving that impression!

The supporters are keen to share free links between themselves. It is clearly expected that if one person finds a link they reveal it to the rest of the fan community. A culture of sharing is therefore taken as a given. This interaction allows us to make two observations relevant to the account of economic counterpower left undeveloped in Castells' work.

Despite a degree of global presence, the English Championship league is only a qualified example of 'Murdochisation'. Viewing rights for many of its live matches are not sold to overseas broadcasters, with only delayed 'highlights' packages offered. Counter-Murdochisation is limited by the very limits of Murdochisation. Streamers can, currently, only distribute freely what is being broadcast commercially in the first place. It is no relief to commercial broadcasters if free-sharers can only share that which broadcasters themselves consider commercially attractive. Similarly, it is no comfort to Wigan fans to know that they cannot watch their team free via a streaming channel because that match is not being commercially broadcast to anyone. Power and counterpower coexist. The two threads – selling and sharing - are therefore intertwined. Further, we return to Castells (2009: 29) argument that: 'Capitalism has not disappeared. Indeed it is more pervasive than ever. But it is not, against a common ideological perception, the only game in the global town' (Castells 2009: 29). In economic terms, the other 'game in the global town' is sharing. This economic counterpower creates a new cultural code, such that sharing links to football is normalized (Wigan fan 2 asks: 'Please share any streams'?; fan 6 instructs 'hey Wigan fan 1 spill the beans'; Wigan fan 7 requests a personal message with the link to the football match, while Wigan fan 8 most directly asks 'Share the wealth?'). Such alternatives to Murdochisation have arisen yet have not destroyed capitalism, just as legal strategies, to shore up capitalist property relations in digital content, against sharing, have not destroyed economic counterpower.

## Discussion

The Wigan fan example prompts a number of important questions regarding the place of streaming media within a broader account of sports broadcasting. Coexistence between pay to view and free-sharing alternatives means that some people pay and some people do not; that the people who get paid can't stop the people not paying getting access any more than those who don't pay have put those getting paid out of business (or at least not the central player Sky). The alternative is 'not paying' and broadcasters do not get anything out of that 'arrangement' because it is not an 'arrangement' agreed to, but rather a form of counterpower against them that they have failed to stop. It is fans, otherwise priced out of both live matches and pay to view TV, who get something out of such counterpower. It would hardly be counterpower if it did not counter power. Commercial broadcasters have no incentive to provide unaired matches to streamers.

Broadcasters such as Sky have used the same technologies as streamers to offer subscription based Internet-television, but such services remain expensive. Football club specific television channels exist on a more 'affordable' subscription basis but the collective sale agreement of television rights by the EPL, the English Football Association and the English Football League mean that competitive first team matches cannot be broadcast on such channels.

The 'economy' is more than just market value. The economy is the production and distribution of valuable resources, so free sharing is an 'economy', just one where value is utility, not price, and access is dislocated from scarcity and property rights. It is an affectation of a particular dominant economic configuration that economics be equated with prices, scarcity and intellectual property. The contradiction between a digital economy based on informational goods that can be circulated everywhere at virtually no cost, and a dominant economic model based on scarcity enforced through copyright monopoly, is rendered all the more visible with every failed attempt to regulate streaming (Birmingham and David 2011). Still, it is worth reiterating that free-sharing alternatives to Murdochisation's pay to view monopoly based model rely on advertiser funded alternative business models – though these are free to use, have not editorial controls and so are very different from the dominant model of communication power.

Regarding players and broadcasters, losses by streamers not paying subscription fees cannot be quantified, but it is worth noting here that broadcasters other than Sky (i.e. Setanta Sports and ESPN) have struggled and failed in the post-streaming environment (David et. al 2014). Lower than expected subscription levels contributed to such failure. Post 1992, the escalation of broadcast rights revenues has raised EPL football players' salaries. Streaming would threaten this if right's revenues fell, but – to date – they have not. As player wage inflation has led many EPL clubs into technical insolvency even with escalating rights revenue (David and Millward 2012), the overall 'benefit' of escalating

broadcast rights and player salaries remains ambiguous anyway, so the impact of any threat to such income cannot easily be calibrated.

Not only is it the case that alternatives to business (live-streaming users sharing with one another) rely on service providers who sell advertising to fund their services; but live-stream infringers also 'rely' on dominant businesses to provide the content they then stream. However, in both cases, this reliance does not prevent them redistributing content freely. This creates economic counterpower as it challenges the dominance and control of IP holders. Whether Sky and others are losing more or less money than First Row Sports etc. are gaining from hosting infringing content is largely beside the point. The primary economic gain is the huge expansion in access to content, not how much is or is not being paid, or to whom.

## **Conclusion**

The second digital revolution in sports broadcasting represents 'economic' counterpower on a global scale. The second digital revolution is based upon networks of peer-to-peer 'mass self-communication' sharing. Mass self-communication enables a new pre-figurative politics amongst those marginalised by dominant networks of power (Rovira Sancho 2014). It is also a pre-figurative economic alternative within the very heart of global network capitalism. Castells underplays the significance of economic

counterpower in his work, placing greater attention upon cultural and political counterpower. This article redresses that limitation. Despite attempts at network closure, live-streaming remains a viable mode of economic counterpower. The ability to create and maintain alternative systems of (re-)producing and (re-)distributing economic value (as distinct from political and cultural counterpower that only argues for such redistribution) represents a significant challenge to 'Murdochised' network capitalism. To date cultural and political forms of counterpower have foundered for lack of alternative economic foundations and the inability to undermine existing networks of economic power. The scope to redistribute economic value freely and thereby to undermine existing systems of power and profit opens up both possibilities. Economic counterpower exists, but, to date, connections with cultural and political action have not been developed. Live streamers do not tend to see their actions as political (David and Millward 2012). Contrawise, digital hacktivists rarely identify free streaming and downloading as relevant to their political and cultural struggles. Dominant networks of networks, as Castells theory of communication power points out, make no such separation when integrating economic value management with control over politics and culture. As such, dominant networks continue to outflank their opponents.

Monopoly based digital media networks retain control over 'programming' at least at the level of decisions regarding initial broadcasting of content, even whilst, once enacted, such programmers are unable to prevent alternative network making switchers from re-

distributing content through alternative networks of economic counterpower. In Castells' model of power, dominant networks retain a significant degree of 'network making power' (in terms of content) but lack 'networking power' (the ability to determine inclusion and exclusion from networks). Alternative sharing networks have weak 'network making power' (at least in terms of producing and initially choosing to distribute highly valued content). Sharers are often also dependent upon commercial 'pirate' services – like First Row Sports – though non-commercial services exist. However, once programming is broadcast, sharers do have the switching capacity to redistribute it freely. Even when using pirate capitalist service providers to do so, these alternative business models exercise no 'networking power' – having no editorial control over content. Dominant actors have used the courts ('networked power') to enforce 'network power' (protocols) over other commercial actors (such as in the court ruling requiring ISPs to block First Row Sports via their search algorithms), but simple alternative protocols (VPNs etc.) enable counter 'network power' to evade regulation, and hence the force of legal 'networked power' is undone.

Dominant networks of networks remain dominant because they integrate economic, political and cultural resources. That networks of counterpower remain disconnected limits scope to overcome that which they seek to counter. Economic counterpower exists. Yet it remains largely detached from political and cultural counterpower.

Therefore its neglect by those studying cultural and political movements in the digital age

(including Castells himself) is understandable. However, a comprehensive account of the network society requires that such neglect be redressed. Those seeking to counter dominant networks of networks should also remember what the powerful never forget. Everything is connected!

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