

Debating ‘distinctiveness’: How useful a concept is it in measuring the value and impact of the BBC?

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‘Distinctiveness’ is all the rage nowadays – the buzzword of the 2017 Charter Review process. Indeed, the words ‘distinctive’ or ‘distinctiveness’ appear no fewer than 21 times in last July’s Charter Review Green Paper consultation document.¹ How distinctive the BBC’s output is, or should be, has become a matter for animated debate – between the BBC, its critics and even the Secretary of State himself.

Last month (March 2016), for example, John Whittingdale made headlines at the Oxford Media Convention by claiming that ‘the BBC has become less distinctive in recent years – particularly on BBC 1’.² A few days later, the BBC’s Charlotte Moore responded: ‘I don’t recognize - and more importantly neither does the public recognize - what the Secretary of State said about BBC One last week. ... And I feel compelled to comment on the suggestion that BBC One has become less distinctive in recent years.’³ Both Moore and Whittingdale cited strong evidence to support their claims about distinctiveness. Whittingdale’s comments came in the context of the release of a DCMS-sponsored report into the BBC’s market impact which will doubtless feed into the Charter Review process itself.⁴ Moore

¹ Department for Culture, Media and Sport (2015), *BBC Charter Review public consultation*: www.gov.uk/government/consultations/bbc-charter-review-public-consultation (accessed 12 March 2016).

² Department for Culture, Media and Sport (2016), ‘Speech: Culture Secretary keynote to Oxford Media Convention’: www.gov.uk/government/speeches/culture-secretary-keynote-to-oxford-media-convention-2016 (accessed 12 March 2016).

³ BBC (2016), ‘Charlotte Moore speech 7 March 2016’: www.bbc.co.uk/mediacentre/speeches/2016/charlotte-moore-vision (accessed 12 March 2016). Moore is Controller, BBC TV Channels and iPlayer.

⁴ Department for Culture, Media and Sport (2016), ‘Independent report: BBC television, radio and online services: An assessment of market impact and distinctiveness’: www.gov.uk/government/publications/bbc-television-radio-and-online-services-an-assessment-of-market-impact-and-distinctiveness (accessed 12 March 2016).

referred to ‘Ofcom’s data, backed up by our own, [which] shows that BBC One is the most distinctive popular channel on television.’⁵

So the Charter Review White Paper is likely to employ the notion of distinctiveness in one way or other – perhaps to measure the public value of the BBC’s output, to criticise the BBC’s supposed market impact, or maybe even to justify its downsizing as popular broadcaster. But distinctiveness is not a clear-cut concept. There is no agreement about how it might be defined, let alone measured, particularly in relation to the types of popular, mainstream television where these discussions of the BBC’s output are most salient. That is why it is worth exploring the implications of ‘distinctiveness’ as a public service concept here – beginning by asking why it is being debated and examining various uses of the term, before exploring some of the issues that employing it in this context might raise.

Why are we debating ‘distinctiveness’?

So why has distinctiveness become such a focus for debate about the new BBC Charter? The Charter Review Green Paper explains: ‘Questions also persist around the distinctiveness of the programmes the BBC delivers, and whether it uses its broad purposes to act in too commercial a way, chasing ratings rather than delivering distinctive, quality programming that other providers would not.’⁶ So it is clear that these questions about distinctiveness are not being asked for their own sake, or merely with the aim of improving the quality of the BBC’s output. Instead, they seem to be motivated by government concerns firstly about the market impact of the BBC’s programmes and secondly about the fact that it competes with other broadcasters for audiences. Later the Green Paper reiterates these points by referring to (unidentified) critics’ claims that ‘the BBC [is] competing for ratings not quality, or distinctiveness, under the ‘entertainment’ banner’.⁷

These suggestions call into question the BBC’s role in serving audiences who are seeking entertainment because this might impact on other broadcasters’ profitability (where it might be ‘encroaching on TV genres and formats that could be served well by its commercial competitors, particularly during the peak hours that are crucial for their ability to raise

⁵ BBC (2016), op. cit.

⁶ Department for Culture, Media and Sport (2015), op. cit. p. 2.

⁷ Department for Culture, Media and Sport (2015), op. cit. p. 15.

revenue.’⁸). In an otherwise relatively balanced Green Paper, these concerns about market impact rather than public value might hint at a neoliberal agenda. Or, as Des Freedman has put it: ‘the starting point of the Green Paper is that the BBC’s very success is now its problem.’⁹ Moreover, it is not clear why ratings success and ‘distinctive, quality programming’ should be presented as alternatives to one another. Hitherto, the BBC has always been cast as a universal broadcaster, seeking to provide quality programmes for its audiences across all genres including the kinds of popular programming where the BBC’s impact on the broadcasting market is most likely to be felt. So the focus on distinctiveness conceals a threat to the notion of the BBC as a universal broadcaster as well. Consequently, it is these issues – the BBC’s market impact, its competitive behaviour, and the value of its mission to continue to show the kinds of popular programming that, by definition, the majority of licence-fee payers are seeking – that are discussed below, after we consider how ‘distinctiveness’ has been used in this debate.

Defining ‘distinctiveness’

In the Charter Review Green Paper, the comparison between *Strictly Come Dancing* and *The Voice* represents the most obvious depiction of what ‘distinctiveness’ seems to mean. In arguing that the BBC should be ‘providing distinctive programming across all genre types’ including entertainment, the Green Paper contrasts *The Voice*, as a bought-in format similar to ITV’s *X-Factor*, with *Strictly* ‘which was developed by the BBC in-house and then sold abroad’.¹⁰ Here then, ‘distinctiveness’ seems to support originality rather than imitativity, with the added bonus that developing distinctive formats might attract international sales revenues for the BBC. The Green Paper also reports the BBC’s own research into whether audiences find its programmes to be ‘fresh and new’ – perhaps an analogous, if rather vague, description of ‘distinctiveness’.¹¹

⁸ Department for Culture, Media and Sport (2015), op. cit. p. 38.

⁹ Des Freedman (2015), ‘Inside the bizarre logic of the BBC review’, *The Conversation*, 17 July: <https://theconversation.com/inside-the-bizarre-logic-of-the-bbc-review-44814> (accessed 5 April 2016). And see, for example, Julian Petley (2015), ‘BBC Charter Renewal: Invisible Actors and Critical Friends’, *OpenDemocracy*, 27 July: www.opendemocracy.net/ourbeeb/julian-petley/bbc-charter-renewal-invisible-actors-and-critical-friends (accessed 5 April 2016). Petley notes that the Green Paper ‘far too frequently utilises the inappropriate language of the market’.

¹⁰ Department for Culture, Media and Sport (2015), op. cit. p. 39.

¹¹ Department for Culture, Media and Sport (2015), op. cit. p. 38; BBC Annual Report and Accounts 2014-15, p. 33: www.bbc.co.uk/aboutthebbc/insidethebbc/howwework/reports/ara (accessed 31 March 2016)

The BBC's own definition is different: 'The test ... should be that every BBC programme aspires to be the best in that genre'.¹² It adds that distinctiveness should also be measured across services rather than just individual programmes and that each BBC service should be distinctive from one another (hence Moore's comments about the distinctiveness of BBC One as a service¹³). Here distinctiveness seems to reflect a combination of quality ('the best') and public value. This definition might embrace *The Voice* as well as *Strictly*, as long as both sought to be markedly superior to their commercial competitors.

The BBC's definition seems partly to be supported in the approach taken in the DCMS-sponsored report into the BBC's market impact which Whittingdale's Oxford speech drew upon,¹⁴ even if its requirement to focus on market impact might suggest something different. 'Programmes such as *Doctor Who*, *Bake Off* and *Strictly Come Dancing* are both distinctive and popular – they are public service "breakout hits", and are precisely what BBC1 should be doing', writes Mark Oliver, the report's lead author.¹⁵ And, like the BBC, he sees distinctiveness as applying to services and not just programmes: 'BBC1 is today distinctive from ITV', he notes, although less so than a decade ago.¹⁶ But Oliver and his independent report add a further wrinkle, examining the consequences of the BBC increasing distinctiveness in programming. This, it argues, would involve showing more arts, science, specialist factual and high-end drama in peak time and on BBC One, with a reduction in what it calls 'long running schedule bankers'.¹⁷ Here then, distinctiveness seems to be defined in opposition to populism – a point emphasised in coverage of the report, which described it as a recommendation for the BBC to be 'less populist' and 'less mainstream'.¹⁸ So, by this definition, increasing distinctiveness in BBC programming would appear to involve taking its output upmarket.

¹² BBC (2015), 'BBC submission to Puttnam Inquiry "A Future for Public Service Television: Content and Platforms in a Digital World"', p. 3: <http://futureoftv.org.uk/wp-content/uploads/2015/12/BBC-evidence.pdf> (accessed 12 March 2016).

¹³ BBC (2016), op. cit.

¹⁴ Department for Culture, Media and Sport (2016), 'Speech: Culture Secretary keynote to Oxford Media Convention'.

¹⁵ Mark Oliver (2016), 'Making BBC1 more distinctive is not a threat – it could be a benefit', *The Guardian*, 10 March: www.theguardian.com/media/2016/mar/10/bbc1-distinctive-doctor-who-bake-off-strictly (accessed 12 March 2016)

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Mark Sweney and Tara Conlon (2016), 'Making BBC1, R1 and R2 less populist could benefit BBC's rivals by £115m', *The Guardian*, 1 March: www.theguardian.com/media/2016/mar/01/bbc1-radio-1-radio-2-bbc-dcms

Despite its prominence in the Charter Review debate, it is interesting to note that the notion of distinctiveness is relatively new in regulatory terms. The words ‘distinctive’ or ‘distinctiveness’ do not appear at all in the 2007 Charter and only once (requiring the BBC to enrich ‘the cultural life of the UK through creative excellence in distinctive and original content’) in the accompanying Agreement.¹⁹ Phil Ramsey notes that ‘distinctive’ became one of Ofcom’s ‘PSB purposes and characteristics’ only as recently as 2014.²⁰ It is only in relation to Channel 4 that ‘distinctiveness’ has a significant history. The 1980 Broadcasting Act required the IBA to ‘to give the Fourth Channel a distinctive character of its own’ and Channel 4 is still required to exhibit ‘a distinctive character’,²¹ but legislation has never defined this notion of ‘distinctiveness’ in further detail. Here, indeed, the implication is that the Channel should be distinctive in relation to the remainder of British television. In view of the radical changes undergone by British broadcasting since Channel 4’s foundation, this must mean that its distinctiveness is being measured against an ever-changing target, and the Channel has repeatedly modified its own interpretation of distinctiveness.²²

Even by this limited range of definitions then, distinctiveness can be taken to mean original rather than imitative, foregrounding quality and public value, anti-populist (which, note, is not the same as anti-popular), and different from other channels’ programming. So,

(accessed 13 March 2016). See also Patrick Foster (2016), ‘Culture secretary to call on BBC to abandon “soft” web news and stop dumbing down’, *The Telegraph*, 2 March: www.telegraph.co.uk/news/bbc/12180008/Culture-secretary-to-call-on-BBC-to-abandon-soft-web-news-and-stop-dumbing-down.html (accessed 13 March 2016).

¹⁹ Department for Culture Media and Sport (2006), ‘Royal Charter for the continuance of the British Broadcasting Corporation’, Cm 6925: http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/charter.pdf; Department for Culture Media and Sport (2006), ‘An Agreement Between Her Majesty’s Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation’, Cm 6872: http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/agreement.pdf (both accessed 13 March 2016)

²⁰ Phil Ramsey (2015), ‘The contribution of the UK’s commercial public service broadcasters to the public service television system’, submission to “A Future for Public Service Television: Content and Platforms in a Digital World” Inquiry, p. 2: <http://futureoftv.org.uk/wp-content/uploads/2015/11/Philip-Ramsey.pdf>; Ofcom (2015b) PSB Annual Report 2015. London: Ofcom. http://stakeholders.ofcom.org.uk/binaries/broadcast/reviews-investigations/psbreview/psb2015/PSB_Annual_Report_summary.pdf (both accessed 23 March 2016)

²¹ Broadcasting Act 1980 (1980 c. 64); Ofcom (2014), ‘Channel 4 Licence attachment to notice of renewal dated 11 September 2014’, p. 10: http://licensing.ofcom.org.uk/binaries/tv/c4/Attachment_to_the_notice_of_renewal.pdf (accessed 23 March 2016).

²² See Suzana Zilic Fiser (2010), ‘Social Responsibility and Economic Success of Public Service Broadcasting Channel 4: distinctiveness with market orientation’, paper given at RIPE 2014 conference, Keio University, Japan: <http://ripeat.org/wp-content/uploads/tdomf/1632/Zilic%20Fiser.pdf> (accessed 23 March 2016).

although these might all be worthy aspirations for a public service broadcaster, it appears that distinctiveness is a rather elastic term and at times a contradictory one. These definitional problems show that it would be unwise for 'distinctiveness' to be employed too prescriptively in any future regulatory settlement.

Applying 'distinctiveness'

When we attempt to apply this loose notion of distinctiveness to the future role of the BBC, several potential issues arise. Most obviously, distinctiveness is subjective, rather like quality (with which it is linked in the Charter Review Green Paper²³). Most of us probably believe that we can recognise distinctiveness in television when we see it, but how could we prove or measure its existence? Distinctiveness, then, is essentially an ambition rather than a determinate quality, although there may be merit in the BBC being held to its ambition to be distinctive by Ofcom and any other regulatory body to which it is subject.

Another key point is to acknowledge that the BBC has much greater potential to produce distinctive programming because of its publicly-funded, not-for-profit model. Unlike most commercial broadcasters, it has no requirement to produce programming which aims for a commercial return, so meritorious programmes and programme types can be nursed until they find an audience. This has largely been the basis for the globally-significant innovation in British television which supports the UK's thriving production sectors and Britain's remarkable position as the second most successful exporter of programmes and largest exporter of formats in the world.²⁴ Arguably, many of the BBC's most celebrated programmes of recent years, nationally and internationally, owe their success largely to the ability of this not-for profit model to develop distinctive programmes. For example, *Strictly* and *Doctor Who* are based on BBC properties originating in the less competitive days of black and white television, *Top Gear* has been grown out of a conventional motoring magazine programme to become something unique, while *The Great British Bake Off* originated as a minority interest series with modest ratings. None represented obvious candidates for commercial success, and the audiences for *Top Gear* and *Bake Off* were generated gradually by the BBC through years of relative invisibility when, presumably, they

²³ Department for Culture, Media and Sport (2015), op. cit., p. 36.

²⁴ Jean K. Chalaby (2016), 'Broadcasting Policy in the Era of Global Value Chain-Oriented Industrialisation', submission to "A Future for Public Service Television: Content and Platforms in a Digital World" Inquiry, p. 4: <http://futureoftv.org.uk/wp-content/uploads/2016/02/Jean-Chalaby.pdf> (accessed 31 March 2016).

were supported because of their public value rather than any perception of commercial potential. Today, however, these are among the most lucrative television properties in the world due to programme or format sales or, in the case of *Top Gear*, both. So, paradoxically, the very fact that the BBC represents a different, public service, model for television production, founded substantially on public value rather than merely profit, has been a key factor in its creation of such distinctive, marketable and popular programmes. And, crucially for Britain, the BBC is creating such programmes whilst maintaining a focus on what Robin Foster calls ‘UK stories, topics and faces’.²⁵

So if the publicly-funded, not-for-profit model itself is a key source for the distinctiveness of the BBC’s programmes, what should happen when it generates programmes which become hyper-successful? In Mark Oliver’s terms, *Strictly*, *Doctor Who*, *Top Gear* and *Bake Off* are surely passing from being ‘breakout hits’ to becoming the kinds of ‘long running schedule bankers’ which his report criticises.²⁶ In effect, the BBC is being praised for its popular success in creating these distinctive ‘breakout hits’, but then lays itself open to criticism for a lack of distinctiveness if it continues to commission them. This is where arguments about the BBC’s ‘market impact’ become particularly pernicious. As noted above, one of its key strengths is its ability to create hugely popular and distinctive programmes and formats which commercial broadcasters without public service obligations would probably never consider commissioning. Besides the public value that such programmes create, this represents a strong example of the BBC combatting market failure. But stealing audiences from commercial broadcasters for these same programmes is held by the BBC’s critics to be illegitimate in its impact on the profitability of the broadcasting market – something which the BBC should be prevented from doing. This places the BBC in a nonsensical position and defies logic – ‘generate popularity from distinctive programming but don’t be too popular’. It is the kind of argument which any rational charter review must surely dismiss. Given the success of such programmes, there are also sound commercial reasons why the BBC’s competitors may seek to imitate them, but it would be a perverse disincentive to innovation

²⁵ Robin Foster (2015), ‘A Future for Public Service Television’, submission to “A Future for Public Service Television: Content and Platforms in a Digital World” Inquiry, p. 5: <http://futureoftv.org.uk/wp-content/uploads/2015/11/Robin-Foster.pdf> (accessed 31 March 2016).

²⁶ Oliver (2016), op. cit.; Department for Culture, Media and Sport (2016), ‘Independent report: BBC television, radio and online services: An assessment of market impact and distinctiveness’.

and distinctiveness if the fact that the BBC has made them seem familiar is used as a reason to criticise the BBC for retaining such programmes in its schedule.

The overriding issue here is the continuation of the BBC's commitment to universality, serving all audiences including those seeking popular, mainstream programming. The BBC's ability to create programmes which are distinctive yet popular comes from the fact that it is a holistic broadcaster which appeals to all, rather than a minority broadcaster like PBS in the USA – often seen as an unpopular alternative.

But while debates about distinctiveness and market impact arise out of the BBC's competitive behaviour, they also embrace the BBC's competitive scheduling. With the rise of on-demand viewing, scheduling no longer has the hold on audiences that it once had.²⁷ Nevertheless, it seems likely that scheduling will remain significant in two important areas for the foreseeable future – as a 'shop window' for new programming, around which marketing activities can be focused, and at times of the week most associated with shared family viewing, notably Saturday night. It is no coincidence that programmes such as *Doctor Who* and *Strictly*, along with *The Voice*, are part of the BBC's Saturday night schedule.

Critics concerned about the BBC's market impact and the distorting effect of the BBC 'crowding out' commercial competition²⁸ seek limits to the BBC's competitive behaviour: 'Rather than concentrating on areas where the market is not delivering, the BBC seeks to compete head-on for audiences with commercial providers', a horrified James Murdoch declared in his 2009 Edinburgh speech.²⁹ The historic roots of BBC competition lie in the duopoly system of the 1960s and '70s, where the BBC and ITV sought to compete for peak audiences despite sharing a largely public service orientation. Crucially, unlike the US model, this was not competition for revenue but merely for viewers – in effect, competition

²⁷ See Catherine Johnson (2015), 'Video-on-demand as public service television', submission to "A Future for Public Service Television: Content and Platforms in a Digital World" Inquiry, for a thought-provoking discussion of the implications of on-demand viewing for public service television: <http://futureoftv.org.uk/wp-content/uploads/2015/11/Catherine-Johnson.pdf> (accessed 5 April 2016).

²⁸ See, for example, Patrick Barwise and Robert G. Picard (2014), 'What If There Were No BBC Television? The Net Impact on UK Viewers', Reuters Institute for the Study of Journalism, p. 10: http://reutersinstitute.politics.ox.ac.uk/sites/default/files/What%20if%20there%20were%20no%20BBC%20TV_0.pdf (accessed 5 April 2016).

²⁹ James Murdoch (2009), MacTaggart Lecture given at Edinburgh International Television Festival: <http://image.guardian.co.uk/sys-files/Media/documents/2009/08/28/JamesMurdochMacTaggartLecture.pdf> (accessed 5 April 2016).

for quality and prestige – and it is generally held to have been hugely beneficial in developing the high quality television programming now attributed to a ‘golden age’.

Even in today’s advanced broadcasting market, the same arguments apply. As a beacon of quality in British broadcasting, the BBC leads audience expectations for quality and originality. As a result, it forces other broadcasters to embrace its standards through competition - investing in programming, in UK content production and Britain’s thriving UK production sector. It does this by competing for viewers. As the Charter Review Green Paper acknowledges: ‘If commercial broadcasters want to keep up and deliver audiences to advertisers they need to match the BBC’s quality and delivery’.³⁰ But the value of the BBC’s contribution to UK (and global) broadcasting need not only be measured in qualitative terms. There is now quantitative evidence to show the scale and significance of its contribution for audiences and industry alike. Asking what would happen in the absence of the BBC, Patrick Barwise and Robert G. Picard show that investment in content, especially in UK first-run content, would be substantially lower, with an accompanying reduction in choice and value for viewers, and – crucially – in revenue for the industry.³¹

So BBC competition benefits the viewer and the industry substantially because it is focused on quality and innovation rather than profit. This means that it is appropriate for the BBC, as a universal broadcaster, to seek to produce programming which is both distinctive and popular and use it to compete for audiences. Of course, it does not always succeed on either count, and it is particularly difficult to make a case for the BBC competing with bought-in formats such as *The Voice*. But it is crucial for audiences and industry alike that the Corporation should continue – indeed, increase – its focus on distinctiveness and that the new Charter should reject the misguided view that a competitive BBC damages the market. Equally damaging would be an attempt to define or apply a notion of distinctiveness too prescriptively. Indeed, where distinctive television is genuinely innovative, it is likely to surpass any definitions benchmarked against existing programming, but this is surely too high a bar to set: no schedule could rely wholly on completely innovative content.

Summing up the argument

³⁰ Department for Culture, Media and Sport (2015), op. cit., p. 25.

³¹ Barwise and Picard (2014), op. cit.

The BBC's publicly-funded not-for-profit model is key to its frequent development of programmes and formats which are likely to be more original, popular and distinctive than those produced by for-profit broadcasters motivated by the need for a return on their investment. Such programmes and formats are also likely to serve audiences through being UK-focused. Because it is often original and distinctive, BBC-originated programming has a greater chance of contributing to the UK's remarkable global position as a source of programmes and formats, as well as to maintaining the success of the country's thriving production sector. Nevertheless, distinctiveness can be variously defined and is not a notion that can readily be prescribed or measured definitively.

The BBC's competitive behaviour is crucial to the whole sector in ensuring that its competitors must seek to match the quality of its output in order to compete for audiences. It drives standards up, inspires innovation and leads to the creation of distinctive programmes and formats among its competitors. Any attempt to restrict the BBC from acting competitively would most likely lead to more imitative programmes and lower production values, offering no long-term increase in profitability for the BBC's competitors and a poorer service to UK audiences. So criticism of the BBC for developing programming which gains mass audience approval in a competitive environment is very short-sighted indeed. The notion that the BBC is distorting the market misunderstands the value of its role as a beacon of quality and an inspiration to innovation. Both the public and the industry would be ill-served by a BBC which was denied the opportunity to compete for audiences with distinctive, popular programming.

Recommendations for the future of the BBC

1. The BBC should continue to act as a universal broadcaster, seeking to serve all audiences including a popular, national audience. One of the strengths of the BBC's publicly-funded, not-for-profit model is that it is more likely than commercial models to produce a wide range of innovative and distinctive programming which is available to all viewers, and it is important to recognise that this is also likely to benefit the UK production sector and the global profitability of British broadcasting generally.
2. The BBC should continue to act competitively. Competing for popular audiences is the basis for its beneficial effect on British broadcasting, in which commercial broadcasters need

to match the quality and appeal of the BBC's output. It should not be the BBC's job to provide an easy ride to its competitors simply to shore up their profitability. Where the BBC has developed programmes and formats which have become successful, the BBC should not be criticised for exploiting this success by continuing to commission them subject to audience demand.

3. Nevertheless, the BBC's ambition should be to compete by providing distinctive, innovative programming involving novel programmes and formats where possible. This ambition might be formalised in the Charter or overseen by Ofcom or another regulator (but see below). In this respect, the BBC should not pursue competition at the expense of imagination or innovation; instead its ambition should be to create novel programme offerings including those which can generate popular appeal, rather than merely to outbid its competitors to buy existing formats.

4. Any requirement placed on the BBC to be distinctive must acknowledge that 'distinctiveness' is an ambition rather than a determinate outcome and that it cannot clearly be defined and is not an objective measure. While the BBC should avoid commissioning imitative programmes and aim to produce programming that is the best in every genre, it should not be held to narrow prescriptions or subject to specific measures of 'distinctiveness'. 'Distinctiveness' should not become a shorthand for moving the BBC's output upmarket if that were to mean serving a popular audience less fully.