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# Recovering (From) Janet Jackson's Breast: Ethics and the Nexus of Media, Sports, and Management

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## **Recovering (From) Janet Jackson's Breast: Ethics and the Nexus of Media, Sports, and Management**

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This case study examines the context of and reaction to the uncovering of singer Janet Jackson's breast during the broadcast of the 2004 Super Bowl halftime show. Using a select thick reading of the event and its coverage, the analysis focuses on: a) the *construction* of the event by its organizational stakeholders, b) the *reconstruction* of understandings about how the fiasco came to be and what really happened and should have happened, and c) the *deconstruction* of the event by critics and those in the political environment who had reason to consider the incident and the response to it in a broader social context. Strategies for change and the prospects for "ethical health" in the sport marketplace are considered, with special attention given to promotional communication and crisis management.

We are pleased that a star like Janet Jackson will join the roster of entertainers who have made the Super Bowl Halftime so special.

*NFL Commissioner Paul Tagliabue,  
December 18, 2003 ("Janet Jackson set," 2003)*

Some pieces of the wardrobe are, in a manor of speaking, designed to malfunction. The breakaway jersey, long a fixture in American football, is a good case in point. In order to curb dirty play and to enhance safety, the football jersey tears apart when tugged at. As a result, the torn jersey has become a common occurrence, usually of little note in the course of gridiron action.

Who would have thought that the most memorable play of the National Football League's 2004 Super Bowl, and perhaps of the recent year in sports, would be a variation on something so common as a jersey breaking away? How was it that, during the "CBS meets MTV" Super Bowl halftime musical show, when Jason

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Timberlake was playing defense, that Janet Jackson's offense became so offensive? Why did what was called a "wardrobe malfunction" mean so much to so many? What does the construction of an event that led to the uncovering of Janet Jackson's breast and its cultural aftermath say about the state of affairs in the worlds of media and sports? And what reflections might the incident provoke for the role of ethics in sport management, especially when it comes to promotional communication and response to crisis?

Now that the heat over the uncovering of Janet Jackson's breast has cooled down somewhat with the passing of time, the occasion of this special issue of the *Journal of Sport Management* offers an opportune moment to reconsider what, in many ways, is a critical event (see Dayan & Katz, 1992; Scannell, 1995) that is at the nexus of media, sports, and management. In this essay I consider some of the implications of this case study for those involved in the management of sport and its communication. My analytical strategy relies on a select thick reading (Geertz, 1973) of the event and its coverage in cultural context. Accordingly, the broader context of the Super Bowl in the market economy is considered before examining: a) the *construction* of the event by its organizational stakeholders, b) the *reconstruction* of understandings about how the fiasco came to be and what really happened and should have happened, and c) the *deconstruction* of the event by critics and those in the political environment who had reason to consider the incident and the response to it in a broader social context. I close the essay with some observations about the prospects for "ethical health" in sports promotion and entertainment at a time when the sports and media industries are recovering from the uncovering of Janet Jackson's breast.

### **Context**

As has become custom, the broadcast of the 2004 Super Bowl game was an exercise in building corporate synergy. Synergy, in its most pronounced modern-communication-industry incarnation, is a vertical-integration strategy aimed at maximizing the ways that complementary holdings can strengthen each other through cross-promotion and marketing to make the corporate whole stronger than the sum of the parts. In recent times there has been a move for communication giants to extend effective control over synergy by going beyond alliances or partnerships with sports organizations to owning teams as a way to develop their own sports hook for the most elusive and desirable of viewers, youthful males. Some of these strategies have been successful, such as the Turner-Warner holding of the Atlanta Braves and Hawks and WGN's ownership of the Chicago Cubs. Others have been awkward marriages that have raised questions about the construction of synergy and the truism that the resultant cross-promotional opportunities that come with common ownership will enhance success. Notable recent belly flops in the synergy sweepstakes have been Newscorp/Fox's holding of the Los Angeles Dodgers and Disney's holding of the Anaheim Angels and Mighty Ducks.

In this synergistic opportunity, although ownership of a sports entity was not involved, the communication giant Viacom looked to use their licensing of the rights to broadcast the NFL's Super Bowl not only to build its flagship CBS brand

and its lineup of network programming products (including an upcoming broadcast of the Grammy Awards) but also to mesh with its more youthful MTV brands. It is often difficult for older corporate entities, such as CBS and the NFL, to show that they are hip and use that to market advantage. The “edgy” corporation is too easily spotted as an artifice. Still, hipness can bring more desirable demographics to an aging broadcast network and to the NFL juggernaut long heading the table of the sports mainstream. This was a primary CBS strategy in recommending that the production of the Super Bowl halftime show go to its corporate sibling MTV and for the NFL to officially hire MTV for the task (Jenkins, 2004; Miklasz, 2004).

In essential ways, the goal of successfully creating synergy is a key ingredient in the longevity of the Super Bowl as one of television’s rating leaders. The Super Bowl and its broadcast, coming in the dead of winter and comfortably in the lull after the Christmas to New Year’s holidays, has been marked and promoted as an “unannounced American holiday” (Wenner, 1989). Across the United States the day has fueled Super Bowl parties and is the occasion of many family get-togethers. The chairman of the Federal Communications Commission, Michael Powell, reinforced this notion when he described his viewing of the 2004 Super Bowl broadcast: “Like millions of Americans, my family and I gathered around the television for a celebration” (Ahrens & de Moraes, 2004, p. A1).

For the NFL, the synergies that come with the Super Bowl event taking on the stature of a celebratory quasi-national holiday are enormous, extending well beyond the monies that come with any broadcasting-rights pact. The Super Bowl event and its broadcast have catapulted the NFL into the elite of two worlds simultaneously: the corporate world, on one hand, and the world of entertainment on the other. Not only is the Super Bowl weekend of activities and parties perhaps the premier wining and dining opportunity used to advance corporate influence, the advertising time for the Super Bowl broadcast represents the most premium and prestigious seconds that sponsors can buy. In 2004, purchasing 30 seconds of advertising time during the game broadcast would cost as much as \$2.9 million (Shales, 2004). These landmark costs and derivative events, such as *USA Today’s* Super Bowl Ad Meter, McKee Wallwork’s Adbowl, and CBS’ own prime-time special “Super Bowl Greatest Commercials,” reinforce that the Super Bowl is the commercial king. As such, the strength of the NFL in fueling the corporate engine is seemingly unmatched (Elliott, 2004; Jenkins, 2004).

Moreover, just as corporations wish to grease the wheels by rubbing elbows with the Super Bowl, the NFL looks to rub elbows with the elite of the entertainment world to advance its brand’s glow. The primary symbol of the way that the NFL showcases its status in the world of entertainment is through the Super Bowl halftime show. Here the world of entertainment and all of the stars, hoopla, and panache that it can bring have second billing on what is clearly the NFL’s show. Here, where the NFL is king, the entertainment becomes court jesters for the crowd that has been welcomed to the court. But these are no mere court jesters. These are entertainment royalty and worthy of sitting at the king’s table. And they have been brought forth by wealthy elders in the kingdom of the communication industry who have paid for the right to put on this show.

Although the NFL-as-king analogy might be taken too far, the larger point is that, in this situation, the NFL not only sits higher than the star-laden world of entertainment that it commingles with, but that the show has been brought forth by contracted partners who are looking to do beneficial business with the king in the future. In such a context Viacom's MTV produced the NFL's Super Bowl halftime show for Viacom's CBS broadcast. As icing on the corporate cake, AOL paid the NFL \$7.5 million to serve as the named sponsor of the show, a deal that included three other 30-second spots in the broadcast and the rights to stream a replay of the broadcast show online. With this and an adjacent tie-in promotion of an online ad popularity poll, the event was officially called the "AOL TopSpeed Super Bowl XXXVIII Halftime Show," although AOL had no input over production or content (Powers, 2004; Tresniowski, 2004).

The Super Bowl halftime show presents a challenge in hanging onto a large and diverse audience that extends well beyond die-hard football fans. For many viewers this event may be the only football they watch on television all year. Thus, to appeal in advance to these viewers, the halftime show has been used as an added-value hook to keep the ratings numbers up at a moment when the game (and its extended dissection) may not be enough to keep eyeballs glued to the network that has paid dearly for the rights to the broadcast. There is a greater need to curb the itchy exercise of the remote control and surfing for counter-programmed alternatives designed to siphon viewers. Over the years counter-programming efforts have been amped up beyond marathons of favorite shows to wrestling mega-events and to this year's "Lingerie Bowl" on pay-per-view. Accordingly, Super Bowl broadcasters have increased production values and the level of celebrity in what is now pitched as a halftime "entertainment event."

It is an event, however, that is much in the spirit of Daniel Boorstin's (1961) notion of the "pseudo-event"; nothing is really happening in the lull between the halves except this construction, which has become reliant on flash and flesh. This production that is, by necessity, a gap filler has become a significant cultural event in its own right in that it offers the broadest stage for contemporary shared American experience. Although it is common for the Super Bowl to top the year's television ratings, in recent years the "raised bar" for the halftime-show extravaganza has yielded a ratings' bump beyond the game itself. For the 2004 Super Bowl halftime show, about 2 million extra domestic sets of eyeballs showed up in addition to the 99 million across the U.S. (and over 140 million worldwide) that tuned in for the game. In a sense, then, more was at stake during halftime than during the game itself (Ahrens & de Moraes, 2004; Rich, 2004).

### ***Construction***

On the surface the 2004 halftime event that MTV produced largely followed the pattern of its earlier effort 3 years before. That show, as Rich (2004, p. B1) put it, "featured Britney Spears all but falling out of her halter top and numbers in which both Mr. Timberlake (then appearing with 'Nsync) and Nelly grabbed their

crotches.” In 2004, with this backdrop of knowledge and experience, MTV was again charged by CBS and the NFL with putting together the show. The evidence suggests, however, that although the MTV teenagers had the keys to the car, CBS and the NFL remained in the driver’s seat with the ability to determine where the car would go and how fast it would be driven. Not only did CBS and the NFL have what is called “effective organizational control” (see Turow, 1996), but they also had access to planning and to the test drive. Indeed, CBS and NFL executives, in light of their earlier experiences with MTV as producer, were present at rehearsals to approve the acts, hear the material, and watch the choreography, “signing off” on the tone of the show after seeing “every camera angle” (see Attner, 2004; Drudge, 2004; Rich, 2004, Rybak, 2004). So the means for corporate oversight were in place, but what about the motives that were operant in oversight?

For observers such as Barbara Lippert, advertising critic for *AdWeek*, the motives were clear: “They signed off on it because the kids would like it” (Rybak, 2004, p. 1A). Leading sports-marketing advisors such as Bonham Group chairman Dean Bonham noted that whereas in the past the NFL had lagged behind in using strategies to appeal to young viewers, “now they’re trying to be more edgy and encouraging a younger demographic into the fold” (Martzke, 2004, p. 1C). In a more recent strategy, as a *Time* magazine report put it, the NFL “has not exactly been dainty in courting those vaunted 18- to 34-year-old men,” citing as evidence the league’s parading of “the bodacious Coors Light twins as game trophies” (Poniewozik, 2004, p. 71). There was a lot to motivate the NFL to appeal to young males and also some risks. As advertising scholar James Twitchell observed, sports “is one of the few places adolescent males will slow down long enough to be sold to,” but “when you put your primary goal as reaching young men, your advertisers are going to show dogs jumping into the crotches of people” (Martzke, 2004, p. 1C).

Thus, by strengthening the motives to use the halftime show to appeal in advance to the elusive younger male demographic, a larger conflict of interest might have been created for CBS and the NFL. The conflict pitted appropriate family entertainment against that which would hit the center of the target demographic. The opportunity was certainly there to find a golden mean to meld these conflicting considerations. But the lineup for the show provides evidence that this Aristotelian strategy was likely put aside for what some might have thought was the greater corporate good of corralling the target demographic, rather than the utilitarian approach of doing the greatest good for the greatest number and avoiding harm. As well, with such goals emphasized, it became unlikely that a Kantian “categorical imperative” with the universal best interests of humankind would be exercised, nor was the notion of respect for young children and the less edgy in the audience given significant weight. Indeed, it seems unlikely that such ethical undercurrents came to the fore either during the oversight stage or later, at the rehearsals. Perhaps it was because of this that there would come to be a good deal of regret.

On paper, the show that resulted moved CBS and the NFL towards the goal of boosting their “edginess” quotient. The show’s lineup featured four performers:

three—P. Diddy, Kid Rock, and Nelly—with the known contemporary edginess of rap and hip-hop, and one—Janet Jackson—a pop star with little modesty in using sexiness in her own marketing. In addition, at the time of the show Jackson brought a bizarre second-hand edginess through her relation to her pop-icon brother, Michael Jackson, who was receiving much attention for an eccentric and extravagant lifestyle that included charges of child molestation. Janet's appearance at the Super Bowl would follow on family tradition: brother Michael's 1993 halftime performance was noted as an "all time high" in crotch-grabbing (Lupica, 2004).

The first three artists offered up performances that tracked well with the rehearsals and earlier experiences. P. Diddy, the updated public personae of Sean Combs, formerly known as Puff Daddy, was an icon in the rap-music business, a founder of Bad Boy Entertainment, and the overseer of many big acts, including Notorious B.I.G. P. Diddy's performance set the tone with raps glorifying violence and graphic expressions of sexual desire, a theme reinforced through interaction with dancers in simulated sex. Bob Ritchie, better known by the stage name of Kid Rock, brought a different kind of edginess. A metal rapper who blends rock, country, and hip-hop, Kid Rock was riding on the popularity of \$4.2 million in sales of his *Cocky* album and a new album in the *Billboard* top ten (Carter, 2004; Powers, 2004). With the nickname "Pimp of the Nation" and "a reputation for potty mouth public performances," Kid Rock's costume, a shredded American flag as a poncho, struck many as "defilement" and "disrespectful to the members of our [U.S.] armed forces" (Goudie, 2004, p. 9). His performance featured a salute to "all you bastards at the IRS," to "hookers all tricking out in Hollywood," and lyrics that paid homage to "heroes in methadone clinics" (Nason, 2004).

Edginess took a different, more predictable form in the performance that followed. Hip-hopping rapper Nelly was both edgy and a superstar, with over 20 million albums sold in the last 4 years, and his last album, *Nellyville*, selling over 6 million copies (Carter, 2004; Powers, 2004). The hot edginess of Nelly was most apparent in his rendition of "Hot in Herre." While performing the song that featured the lyrics, "I was like, good gracious, ass is bodacious/It's getting hot in here/So take off all your clothes" (Nason, 2004), Nelly repeatedly grabbed his crotch. Although the NFL claimed that the crotch grabbing was not seen in the rehearsals and would not have been approved of, the song itself had been cleared (Carter, 2004). Of course, the NFL, CBS, and MTV had seen Nelly's crotch grabbing in the halftime show 3 years before. So it wasn't much of a surprise really, just déjà vu all over again.

Janet Jackson had been scheduled to close the Super Bowl halftime show. Jackson, although not as edgy or as currently popular as Nelly and Kid Rock, came with a long and successful pop and music-video career. Her most recent album, *All for You*, had sold over 3 million copies (Carter, 2004). She brought with her the ever-popular Justin Timberlake, now a success on his own, and his current album, *Justified*, had sold 3.5 million copies (Carter, 2004). Jackson and the hip-hopping Timberlake teamed up on a duet of his song "Rock Your Body" to close the show. The number featured Jackson—dirty dancing in a sexy, black dominatrix

outfit—bumping and grinding with Timberlake. Up until this point their performance tracked with those that had come before in the show. Then, as Rybak (2004, p. 1A) put it:

Right after Timberlake sang the lyric, ‘I’m gonna have you naked by the end of this song,’ he reached across Jackson’s gladiator-type bustier and pulled off the fabric covering her right breast, which sported a sun-shaped metal nipple stud.

And with this, Janet Jackson’s breast spilled out into homes across America and the world. This was a Super Bowl first, and as a result the NFL season finale would also become “the first bowl game to become the subject of both congressional hearings and a federal investigation on indecency” and the first to bring the words *nipple shield* into many a family discussion (Kelly, Clark, & Kulman, 2004, p. 49).

### **Reconstruction**

As it might have in an earlier era, the “outing” of Janet Jackson’s breast did not pass as a small blip; it stayed and replayed on many technological radar screens. Users of the digital video recorder TiVo reportedly set an “instant replay record” with what was characterized as “a clinical alacrity heretofore reserved for the Zapruder film” (Rich, 2004, p. B1). Many without TiVo went quickly to the Internet; the Lycos 50, a service that measures search activity on the net, reported that “the breast” had become the all-time most-searched-for topic on the web, replacing the attacks of September 11. This did not surprise a writer at Lycos, Aaron Schatz, who observed, “I don’t know if there’s a bigger stage than the Super Bowl half-time show. . . . [It is the] immutable law of the Internet that people will search like crazy to see somebody naked that you would not expect to see naked (Steenberg, 2004, p. 2). And the buzz moved many to action. The FCC received an all-time high of 500,000 complaints for one incident, and its chairman, Michael Powell, promised swift reprisal (Lewczak & Lapidus, 2004). Powell stated that the “family celebration” he had looked forward to “was tainted by a classless, crass and deplorable stunt” and that “our nation’s children, parents, and citizens deserve better” (Ahrens & de Moraes, 2004, p. A1).

An event of this magnitude demanded some explanation. In hindsight, how, exactly, did such a thing happen? Was it a mere accident? Was it planned? Or did the truth lie somewhere in between? The reconstruction of the events moved through the less-screened and coached explanations of participants to the more strategic responses of senior executives and corporate spinmeisters aimed at damage control. Everyone apologized, and in distinct ways, all assigned blame and provided context.

First out of the gate was Timberlake, who commented after the incident that this was an accident. He assigned blame by characterizing it as a “wardrobe malfunction,” thereby putting a new euphemism into the American lexicon. In these initial comments, Timberlake was contrite and apologetic, using words like “not intentional” and “regrettable” (Nason, 2004). Later on, however, perhaps after being



ceaselessly hounded by questions, Timberlake became more playful on the matter. His laughing comment that “we love giving you all something to talk about,” was widely circulated. More importantly, the comment undercut the apologies and raised questions about what was really intended (Rosenthal, 2004, p. 12). With reflection came the realization that a “wardrobe malfunction” of this variety could not have happened if the principals had not been complicit in planning a stunt.

The other principal in the incident, Jackson, waited until late in the following day to come out with a statement, one that reinforced that this was an accident. At the same time, she admitted that a last minute “surprise” along these lines had indeed been planned, only to go awry. In her statement, Jackson said:

The decision to have a costume reveal at the end of my halftime show performance was made after the final rehearsals. MTV was completely unaware of it. It was not my intention that it go as far as it did. I apologize to anyone offended—including the audience, MTV, CBS, and the NFL. (Carter & Sandomir, 2004, p. D1)

With this statement Jackson took the full brunt of the blame, and yet another euphemism, the technical concept of “costume reveal,” entered the public discourse. Later explanations provided context for what was supposed to have happened. Here we heard that the reveal was supposed to expose a red lace bra beneath the black bustier. Given the context of the song and choreography, however, many felt “two microns of red lace over Jackson’s areola wouldn’t have made that any better” (Poniewozik, 2004, p.73). For them, the performance remained a glorification of a sexual assault that could easily be construed as a prelude to rape. Still, the nipple shield staring people in the face raised doubts about intentionality. Had the nipple not been in full costume—not so “ready for prime time”—the explanations would have been far more plausible. As we will see, plausibility would be further assailed as the press deconstructed the promotion and planning for Jackson’s appearance.

The “suits” in this situation were collectively willing to let Jackson and Timberlake take the blame. Often words like “disappointment” were used, much in the same way parents might reprimand a wayward child after being surprised by a shocking behavior such as drug use that, had the parent been looking for more carefully, they would have seen. Here, the more paternal approaches were taken by the more mature organizations, CBS and the NFL, that were simultaneously most out of touch with and most desirous of the edginess they had contracted for.

In this vein, the statements made by CBS succeed in characterizing them as “clueless.” Their formal response to the incident:

CBS deeply regrets the incident that occurred during the Super Bowl halftime show. We attended all rehearsals throughout the week and there was no indication that any such thing would happen. The moment did not conform to CBS broadcast standards, and we would like to apologize to anyone who was offended. (Shales, 2004, p. C1.)

It is telling that this first response, which continued to anchor the CBS message regarding the incident, clears their conscience for everything in the halftime

show except for the exposure of Jackson's breast. Apart from that moment, one could read from this that all was well. After all, they had attended rehearsals, and only this particular moment deviated sufficiently for comment.

Although senior CBS executives provided additional comment, the basic message stayed the course. The chairman of CBS, Leslie Moonves, expressed anger and was "embarrassed that this happened during our superb broadcast" and reiterated that there was no knowledge that "such an inappropriate display was contemplated" (Carter & Sandomir, 2004, p. D1). Viacom President Mel Karmazin, while continuing to point the blame at Jackson and Timberlake, expressed a different kind of cluelessness and a bit more candor when he admitted, "I wouldn't have picked these songs. I would've had Andy Williams. I am told that's the way adults are dancing these days" (Meek, 2004, p. 18). Responses like these spurred many a shaking head such as the observation in *Advertising Age*: "What if executives were truly clueless about the halftime peak show? Then they apparently lack control over what goes over the airwaves" ("Credibility malfunction," 2004, p. 14).

The NFL's strategy was different. Though they expressed surprise, they moved beyond being duped by the performers to being burned by MTV. This fingering of MTV would have been more difficult at CBS because it would have been an internecine attack on a sister organization at Viacom. Although the initial comment by NFL Commissioner Paul Tagliabue was tempered, he recast the problem as one that went well beyond Janet Jackson's breast, saying "We were extremely disappointed by the MTV halftime show" (Nevius, 2004, p. A1). Other official statements by the NFL clarified that they were "embarrassed by the entire show" (Rich, 2004, p.B1). Expressed many times over, this broadening of the problem to the entire halftime show contrasted with CBS's attempt to limit the problem to the exposure of the breast. These conflicting storylines about the breadth of the problem complicated questions of blame. More importantly, it opened the door for corporate culpability.

That something was awry in the corporate suites was suggested in another aspect of the NFL attempt to assess blame and punt the story. In blaming MTV, the NFL outlined that there was a "communication problem." Their casting of the tale is telling. This is seen in Tagliabue's concession that the NFL needed to be "more assertive" in expressing their vantage point in the planning and rehearsal phases. Part of the reason for this, as the Commissioner put it, was that "[w]e found MTV difficult to deal with" (Toedtman, 2004, p. A4). There was much amplification of this difficulty. Joe Browne, the NFL executive vice president, decreed that "MTV did not live up to their end of the deal. They told us, 'We'll address your concerns' and then things never changed" (Poniewozik, 2004, p. 70). This message was drilled over and over. A crucial addition to the storyline was Tagliabue's claim that the NFL was "on the verge of terminating MTV as halftime producer," and that it was "perfectly obvious CBS couldn't control MTV" (King, Kennedy, & Bechtel, 2004, p. 15). Because the NFL had actually hired MTV, it might have been this last statement that broke the camel's back.

The continued NFL assault led MTV to mount the Viacom defense. Here, chairman of MTV Networks Tom Freston began by explaining that not only was

there mutual review of the songs, choreography, and costumes for the halftime show but also that the NFL had overseen MTV in their Super Bowl production 3 years earlier. As Freston noted, "If you go back and look, you'll see the artists doing similar types of music with similar choreography. You even have guys in 'Nsync doing crotch grabbing. But none of it fell under the microscope" (Poniewozik, 2004, p. 70).

At the very least Freston's comments served to raise real questions about who had the communication problem. Regardless, to many the accident was foreseeable. As Attner (2004, p. 4) put it, "If the NFL is partnering with MTV, what did it expect to get, Snow White? You play with fire long enough, you get Justin and Janet conniving to tweak Big Brother." Perhaps this was the lesson because, in the end, the NFL made public promises never to hire MTV again. In later reports, they put changes in place to create what in the future would be a "family-friendly" halftime show in line with their now-energized corporate ideals. Foremost, according to an NFL spokesperson, "We'll control all facets of their performances, including song selection, choreography and, yes, wardrobe selection" ("This time," 2004, p. 2C).

MTV's initial response to the incident was in many ways the most complex and interesting. It had nuance, and it worked to turn the events to their advantage. For MTV, the error was in the "moment" that CBS had initially apologized for. They called it "unrehearsed, unplanned, [and] completely unintentional" (Rybak, 2004, p. 1A). Here MTV head Tom Freston not only played the victim but also defended what had been planned:

We were victims of a lewd stunt. What happened was deplorable. But if not for the last two seconds, that show would have been seen as a great success. . . . These were artists really down the middle of the youth culture. The most dynamic force in pop music for the past two decades is hip-hop. For anyone under 40 these songs have been heard everywhere. (Carter, 2004, p. E1)

Freston's refrain was telling. On one hand, it smacked of a child's whine to a parent that "everyone else is doing it." On the other, it pointed a finger at how clueless and unhip the executives at CBS and the NFL really were. To many, this helped MTV come out of the incident as the main organizational winner (Tresniowski, 2004). Just as presidential candidates "run for the center," MTV made a dash for the cultural center, and in the process insinuated that those that disagreed—implicitly including CBS and the NFL—while posing at the middle, were in fact retrograde and, if not right wing, were certainly passé. This MTV position mirrors the edict in a *Time* magazine report on fallout from the incident: "Let the bogus outrage and culture wars begin!" (Poniewozik, 2004, p. 70).

The final corporate player at the table, AOL, had the most minor role. Although not involved in the halftime programming, they had the good fortune of buying the title sponsorship for the show from the NFL. Thus, their statement made it clear that they weren't responsible for production. And like CBS and MTV, they "were surprised and disappointed with certain elements" (Tresniowski, 2004,

p. 58). Even with their take that this was a limited offense, they moved to throw the baby out with the bath water. They made it clear that the material was inappropriate for online streaming of a rebroadcast of the halftime show as had been originally contracted for. So they dropped their rebroadcast plans and appealed to the NFL, demanding money back on their sponsorship deal (monies which had been paid to the NFL). In response, the NFL passed the buck by telling them to speak to CBS about making them whole (Hopkins, 2004).

Collectively, if one steps back from the initial responses to the incident and looks only at reasons that the breast was uncovered, much is offered here to defend the incident as an accident and, even if not, for the corporate overseers to claim that they were duped. Unfortunately for the senior players at the table, CBS and the NFL, the deconstruction that followed did not look at the event in isolation, and the accident, like one caused by drunk driving, was cast as foreseeable. One breast led to many issues, and the public relations disaster spiraled onto broader political and cultural grounds.

### ***Deconstruction***

After the initial reconstruction phase, with its varied explanations of what happened, public apologia, and taking and shifting of blame, how did the event and its handling play? How did the principals fair? Would it be possible for the corporate entities to successfully shift blame to the individual level, to Jackson and Timberlake? Would the spin be able to contain the event by suggesting failings on the part of the communication partners, or would the buck ultimately stop with the NFL? Questions such as these were only part of how these few seconds of exposed breast were to play on a broader public stage. The run of the media show would be a comparatively long one, in part because the issue was “titillating,” but also because the media was having a great time with an event that was a punster’s dream.

The legs of the story were extended as one pun topped another in headlines and reporting. As a report on CNN (Costello & Moos, 2004) summarized, the storyline had moved beyond “Duo Caught in a Booby Trap” to “Tempest in a C Cup” and its effects of “shock and bra.” The affront played on U.S. actions in Vietnam, becoming a “tit offensive” and involvement in Iraq, with the search for WMD (weapons of mass destruction) substituting Jackson’s breast as a “weapon of mammary destruction.” The term “CBS Jugheads” was being extended from Jackson and Timberlake to the executive suite. The NFL was tagged as well, characterizing the Super Bowl as “Super Boob” and “Super Bowl 38D,” and NFL Commissioner Paul Tagliabue as “Taglia-Boob.” The puns belied, however, that public reaction was not all in good fun.

The breast was quickly seized as an opportune political football. As media critic Robert Thompson pointed out: “All those people looking to make a cause out of what they see as indecency in the media have just hit the mother lode” (Carter, 2004, p. E1). The head of Common Sense Media, Jim Steyer said “this was MTV meets Middle America, and it was ugly,” whereas the president of

Morality in Media, Robert Peters, called it the “MTV-ization of the NFL,” something that had become a “gladiator spectacle, which people are only watching for blood and sex” (Nevius, 2004, p. A1). Desirous of a more reined-in and less offensive media, advocacy groups were not willing to let the breast pass as an isolated incident. To this end, Phil Burress, president of Citizens for Community Values, vowed “this is going to change things, finally” (Poniewozik, 2004, p. 72).

Pressure from social conservatives was very much mirrored in swift reactions from some at the FCC and in Congress. On the face of it, there was a legitimate concern about the event in terms of a technical infraction: indecency on the public airwaves. After all, the FCC is charged with licensing the CBS-owned and operated stations and its affiliated stations in the “public interest, convenience, and necessity,” and a blatant breach in the broadcasting of indecent material could ultimately result in a license not being renewed. Although the latter possibility was unlikely, the event enabled much political haymaking towards strategic ends.

The FCC, under the leadership of its chair Michael Powell, had recently been making more of an issue over sexual and crude content. In the rollup to the Super Bowl, the radio monolith Clear Channel Communications had been walloped with a \$755,000 fine for sexually explicit broadcasts that had tongues wagging. Public discussion over infractions by Howard Stern, Bubba the Love Sponge, and U2 lead singer Bono’s use of the “F” word at the broadcast of an awards show was high. Powell looked to keep this momentum going by weighing in on the whole halftime show as “onstage copulation” (Ahrens & de Moraes, 2004, p. A1). Perhaps wishing to seize similar incendiary opportunities, select members of Congress quickly got up on this soapbox as well. In short order, at House and Senate hearings, the corporate overseers in the Jackson incident were called on the carpet. Even with their apologies, broadcasters were in trouble. Not atypical was New Mexico’s Republican Representative Heather Wilson’s dress down of Viacom Chairman Mel Karmazin’s testimony: “You knew what you were doing! You wanted to be all abuzz. It lines your pockets” (de Moraes, 2004, p. C7). There were calls for a ten-fold increase in the fines for each infraction of broadcast indecency. A \$550,000 fine to the CBS stations was advocated. It was clear that the media thought this was more than the usual election year grandstanding. Industry analysts said there was good reason for the media to be afraid. The Jackson incident had offered up the perfect “poster child” for an expansion of the federal campaign against media indecency that had already been gaining traction. As a result, the consensus was that this had become a very chilly environment (Janofsky, 2004; Poniewozik, 2004).

The puns and the one-two punch of media advocacy groups and the promise of federal action combined to enable this story to stick around and continue to be shaped. The overarching public relations spin that was being given to the Janet Jackson incident as an accident was readily recognized by the press as a “blame game,” a strategy to deflect and control damage but not provide real answers. To their credit, the press followed the blame game closely. Ultimately, however, as *Advertising Age* moaned, “don’t-blame-me’s are tiresome” (“Credibility malfunction,” 2004) and the media lost patience with this strategy as a dead end and moved

on. Collectively, the “don’t blame me’s” were cast as corporations not willing to take responsibility and come clean. In essence they were charged with not coming clean to what actually happened, but more importantly, with not being more candid about the lapses in strategic thinking that got them into the “zip code” of this kind of jam in the first place (Stanley, 2004). Thus, the net result of spinning too much was that the press dug deeper, thereby preventing the problem from fading away. There were consequences here for all, but especially for CBS and the NFL.

The course of unraveling this story gave way to specific questions about the plausibility of the planning and being clueless to larger ones about hypocrisy in the corporate suite. On the plausibility front, the nipple shield ultimately opened the door. As the press put together the pieces, they saw a number of telltale signs that more than Jackson and Timberlake knew what was being planned, including some in the corporate hierarchy. In the days leading up to the Super Bowl, a story on MTV’s website featuring an interview with Janet Jackson’s choreographer had promised “some shocking moments” in her performance (Ahrens & de Moraes, 2004 p. A1). Whereas the press saw this as evidence of premeditation, perhaps they were not reading this in the corporate suites at CBS and the NFL. Regardless, these promises were more than hints in plain public view. A second dent in plausibility came with the admission that a Jackson aide had been sent shopping in the days before the Super Bowl. As Tresniowski (2004, p. 58) reported:

Her stylist Wayne Scot Lucas went shopping for nipple jewelry at a boutique called Taurian Piercing & Metals in the edgy Montrose section of Houston. According to the owner Byriah Dailey, the stylist took a liking to four rings, including a sterling silver sunburst that would become famous during CBS’s Super Bowl halftime show.

This, combined with a number of reports saying that “top executives” at CBS had approved the “reveal,” broke down the plausibility of “cluelessness” to the stunt (Nevius, 2004, p. A1). These allegations of complicity tended to stick more at this moment because CBS had recently been developing a credibility gap. Recent explanations, particularly those about the cancellation of a mini-series on “The Reagans” and a “softball” interview with Michael Jackson on *60 Minutes* at the same time they were promoting his entertainment special, had created a climate of “implausible deniability” at the network (Stanley, 2004, p. E1)

The breakdown of plausibility, in turn, had many in the press looking at larger issues of “life in the fast lane” for those in big-time mediated sport. Although the core issue remained the Jackson incident, it was now a convenient taking off point. The incident became symbolic of other sordid strategies in the sport marketplace that many felt the NFL and others had recently embraced. In their reflection, the press looked to other areas where effective managerial control had not been exercised, where poor moral choices had been made, and accountability was dodgy. Ultimately, this became more than an interrogation of the increasing commercialization in the sport marketplace. Because indecency was involved, the focus became a moral indictment of the nature of that commercialization, and one that saw the ethical climate as ripe with hypocrisy.

For many in the press, where the buck stopped in the blame game was clear. The summation by Jenkins (2004, p. D1) characterized where many others landed:

No doubt most of the fingers will be aimed at Timberlake and Jackson for further eroding our society. It's that dangerous rap music that makes kids behave this way, right? But I'd rather point my own finger directly at the league. If the Super Bowl halftime show was offensive and unsuitable for family viewing, I blame Paul Tagliabue and his fellow marketing executives at the NFL. It was their show, start to finish.

Many reactions indicated the NFL's strategy and response were disingenuous and they were getting their just desserts for being two-faced. Typical was this assessment by Miklasz (2004, p. D1):

What did the NFL expect? The league hired MTV because it wanted an edgy halftime show. . . . That's why the NFL's hypocrisy is so amusing. The league isn't opposed to raunchy behavior . . . as long as it doesn't go too far, of course. . . . The NFL is enthusiastic about using sex to promote the sport. . . . And yet we are supposed to applaud Tagliabue because he criticized Janet Jackson's dirty dancing? The NFL helps promote the very culture that it now condemns. Jackson exposed something else: the NFL's absurd double standards.

Such commonplace venting by the press allowed the public discussion to spread to other topics, giving wider than usual attention to the tone now being used in the once highly touted Super Bowl commercials. Here, too, the NFL was being held accountable for the increasing coarseness on their watch because the buck stopped with their veto power over CBS about what kinds of ads would be off limits—a power that is exercised, for example, by the Motion Picture Academy in the Oscar Awards broadcast. This group of 2004 Super Bowl commercials were found to be particularly offensive. As Elliott (2004, p. C5) put it, the ads were being “castigated for bombarding viewers with more vulgarity and tastelessness than in any previous Super Bowl” with “punch lines centered on bodily functions, violence and double entendres.” With much crude “frat house humor,” the ads ran the gamut from “sleazy” to “squalid,” featuring a flatulent horse, a dog biting men's crotches, and even, with a monkey making an amorous pass at young woman, a hint of bestiality (Elliott, 2004, p. C5). That the NFL was “embarrassed” by the halftime show stuck in the craw of others who gagged at ads to treat “erectile dysfunction.”

But if the NFL was really so shocked and appalled, why didn't it flinch at the Cialis advertisement that promised men 36 hours of relief from impotence, then warned that if they should experience an erection for four hours straight, they should seek “immediate medical care.” (Stanley, 2004, p. E1)

This spot and one for the release of a new horror movie, “Van Helsing,” which “contained extremely disturbing and graphic images of brutality and gore” galled many as inappropriate to family viewing of the Super Bowl (Shales, 2004, p. C1).

The contagion of animosity towards the NFL's hypocrisy in marketing spread even further, to the themes in its video games and highlight shows. As Madden (2004, p. C2) put it:

Tagliabue is a walking, talking contradiction. He wants to eliminate trash talking, yet NFL-licensed video games include it. He will fine a player for a helmet-to-helmet hit, then allow such hits to be included on a highlights video.

The reporting used the opportunity to target the NFL for an ever-broadening litany of offenses. One report, by Bondy (2004, p. 50), decried the "sad, immoral state of the NFL" by detailing "10 things Tagliabue really ought to be embarrassed about, that have nothing to do with Ms. Jackson's chest." These offenses ranged from glorifying violence to scantily clad cheerleaders to unfair labor practices to poor efforts at hiring minorities in management to the racially offensive nickname of the Washington Redskins. Others, such as Jenkins (2004, p. D1) took aim at the disingenuousness of the NFL using "faux-militarism" and nationalism in its promotional themes. Thus, in the end, the NFL may have been hardest hit by the fallout of Janet Jackson's breast. What had seemed at first an exercise in crisis management had become much more than that. The short of it, as Jenkins (2004, p. D1) put it, was "The NFL tried to use MTV and got used back." The long story and the learning lesson, however, was "what goes around comes around."

In many other ways, the deconstructive contours of this incident are instructive. There is a progression that stems from it being a titillating but biting joke, to it being no joke as political capital, to the loss of patience for the blame game ultimately fueling a breakdown in plausibility and a larger charge of corporate hypocrisy. It is important to note that it is unusual for the press to go beyond blow-by-blow coverage of the blame game as it did in this particular instance. For a variety of reasons, it is difficult for the media to explain the structural pressures and corporate complicity that underlie, encourage, and facilitate wayward individual action. In many ways, the easy way out is to blame individual performers for over-the-edge behaviors used to advance their careers. Such strategies are common in blaming the individual athlete for pushing the envelope by using performance-enhancing drugs in a system that encourages peak performance and pays substantially for its achievement. Often the tendency is to give the boot to the offending individual, but this does little to curb drug use in the larger system, one in which, if it is seen at all, it is seen more as cure than disease. Such is the case in the logic of advanced capitalism. Here, when the logic of the system is seen, it is generally cast as the "genius of the system." In a sound-bite media economy where the media are largely populated by conglomerates willing to reward the creative community for pushing the cultural bounds in order to break through increasing noise and clutter, the public airing and raising of questions about the structural pressures that lead to media and corporate excess become unusual. Unfortunately for the NFL and CBS, the stars aligned in this instance. Consequently, they found themselves, for one small moment at least, on the path toward a promised recovery.



## **Recovery**

The concept of recovery from addiction is in many ways a good fit to describe what could happen in the shadow of the 2004 Super Bowl halftime show for NFL and CBS. They had become addicted to a drug—edginess—that they didn't understand and that was stronger than they were. They had taken too much and embarrassed themselves publicly. Like addicts, their initial instincts were toward denial and a shifting of blame. The NFL, for one, swore off hanging around with unsavory people like those in the MTV crowd and promised to keep themselves firmly in control the next time around. CBS was issued a citation for their vehicle being driven under the influence of the edginess of youth, resulting in a speeding ticket for indecency that disrupted the entire neighborhood. Although they have vowed to fight the fines, it is likely that next time they will not leave the keys out for a drive down that same road. (Levin, 2004).

Nevertheless, when considering the organizational parents in this situation, the NFL and Viacom's CBS, it is clear that a full and lasting recovery will be challenging. For them to recognize that "they have a problem" in a situation where edginess and its manifestations in more graphic sex, violence, and language are both being advanced and applauded in the marketplace requires a leap of faith. Failing to compete with the cultural tidal trends towards explicitness in music, movies, and cable will likely leave them in a niche position rather than one, as at present, of dominance. Pressures such as these make it unlikely that a "one-day-at-a-time" approach to recovery will stay the course. More likely, as has been the case after the many congressional hearings on television violence, there will be a period of retrenchment followed by heightened levels of what was found offensive. In the short run, however, there are still some lessons here about corporate ethics.

First, there is a need for the ethics and standards in the corporation to be clearly stated and to be taken seriously by those in oversight roles. These should not be swept aside when an edgy opportunity comes up. Nor should senior executives delegate important decisions with broad ethical implications and potential consequences to more trendy underlings, especially those who may be unfamiliar or dismissive of ethical signposts. This charge is only magnified when you are talking about overseeing programming that will be seen by the largest audience in the world.

Second, organizations need to put into place programs that will facilitate the "ethical health" of their employees and, particularly, their leadership. In order for this to happen, the first lesson will have to be put into play. The senior management team will need to make decisions about organizational ethics, standards, and values and enmesh them in the reward systems in a consistent way with demonstrable veracity. And senior managers will have to "walk the talk," serving as role models to heighten ethical consideration in decisions, even at the lowest levels. From this basis, programs in ethical training and role-playing can be more successfully implemented.

Third, when the "shit hits the fan," as it most certainly did in the fanning out of embarrassing and negative publicity as a result of the Super Bowl halftime

fiasco, a crisis-management and damage-control protocol should guide corporate public response. In this case study, the blame trail led to competing stories that raised questions about plausibility and undermined veracity. As a result, the lively public interplay over stated motives, the quality of oversight, and real vs. denied intentions led this story in many directions and gave it very long legs. The experiences in this case study point to a heightened need to have a negotiated crisis-management plan in place when organizations, particularly those with disparate agendas and corporate philosophies, come together as partners. This need is magnified when the stakes are as high and as visible as they were in this instance, and when the artists and material were chosen, in part, for their ability to be on a sensitive cultural edge.

Fourth, when organizations come together as a team to produce an event, the designated driver should be known, in the driver's seat, and not be asleep at the wheel. Those not in the driver's seat will have to look out for their own ethical best interests as well. Moreover, it always helps if all organizational partners bring similar ethical priorities to the table. With the Super Bowl halftime show, there is no doubt that the buck stopped with the NFL. The NFL sold the rights to the game to CBS who suggested MTV to the NFL to produce their halftime show. The NFL then hired MTV as producer. The NFL sold the sponsorship rights for the halftime show to AOL. Thus, the NFL was clearly in charge, and they knew what they were getting into because they had hired MTV for the task 3 years before. They had oversight and the opportunity for intervention, but that power was not effectively managed. That the NFL has observed that it had difficulty communicating with MTV is telling. Communication is a two-way process. Often, when the receiver does not get the message, the problem lies with the sender. Communicative competence lies at the heart of ethical health. When managers in a position of power cannot communicate the ethical priorities effectively to subordinates, it is disingenuous to blame the subordinate. In this case study, however, that is exactly what the NFL did.

Earlier in this essay I mentioned a number of ethical strategies that might have been brought to bear in developing and overseeing the 2004 Super Bowl halftime show. These involved familiar time-tested strategies of looking for a golden mean, being loyal to a duty to act to facilitate universal good, acting out of "other-respecting care," and looking for consequences that would serve the greater good for the greater number while minimizing harm. Basic ethical concepts such as these and others are not complex, not difficult to put into play for applied action, and not unyielding to context. Exercising ethics in an organizational setting is not rocket science, but some semblance of "ethical health" needs to be present in order for organizations to successfully navigate problematic waters. Otherwise, managers will not see conflicts of interest when they occur and will not recognize them as ethical dilemmas. Such was the case in the conflict between displaying edginess because it appealed to a desired demographic and programming appropriate family entertainment for television's largest audience. And in this particular instance, where the ethical landmarks may not have been clearly seen nor acted upon, the NFL and CBS will be recovering from Janet Jackson's breast.

## ***The Special Issue***

In this special issue of the *Journal of Sport Management* on "Issues in Sport Media," my consideration of the cultural and political implications of the Janet Jackson Super Bowl saga and its interface with organizational action meshes nicely with the range of topics that are treated in the thoughtful research that follows. Three of the pieces provide insight into how issues of gender play out for women in the mediated sports marketplace. The last two articles reach to understanding strategies used by the NFL with two of its key broadcast products, ABC's *Monday Night Football* and the Super Bowl.

The first piece, "Selling (Out) the Sporting Woman," by Susan Lynn, Marie Hardin, and Kristie Walsdorf speaks to the market pressures that lead athletic magazines designed for women to regress to reliance on images of dominant, and passive, femininity. The next article, "Using Athletes as Endorsers to Sell Women's Sport," by Janet S. Fink, George B. Cunningham, and Linda Jean Kensicki, provides an insightful test of whether the expertise of women athletes in their sport may be a more compelling selling point than attractiveness. In the third view of gender in the mediated sport marketplace, Warren A. Whisenant, Paul M. Pederson, and Michael K. Smucker examine "Referent Selection" in understanding how women sports journalists make assessments about job satisfaction.

The last two pieces provide insight about how NFL football can further succeed in the marketplace. In the first treatment, John Fortunato puts "The Rival Concept" to the test to show how ABC can improve the ratings of its *Monday Night Football* by scheduling games that predictably will be more heavily viewed in more markets. The last article of the issue, "The Effect of Content on Perceived Affect of Super Bowl Commercials," by Scott W. Kelley and L.W. Turley, uses content analysis in a creative way to examine a "story behind the story" of how the Super Bowl commercials rated in *USA Today's* Ad Meter might really work.

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