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Communicative Means and Ends of Justice

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NORMATIVE ANALYSIS IN THE COMMUNICATIONS FIELD

Why We Should Distinguish Communicative Means and Ends of Justice

Max Hänska

ABSTRACT

In the social sciences, we often face normative questions, not least because many areas of inquiry intersect with public policy. Understanding and explaining media and communications is one task, deciding how communication systems *should* be organized quite another, but normative analysis receives scant attention. This article explores normative analysis: what is involved in answering questions about justice and communication, about how sociopolitical and indeed communicative arrangements ought to be organized.

Keywords: communication, technology, justice, normative analysis

Habermas¹ famously lamented that the rise of publicity and entertainment was refeudalizing the public sphere. The work of Hall² and many others has shown us how representations can significantly affect the social standing, opportunities, and even rights of minorities. More recently, a host of issues around privacy, ownership, and control of private data have gained widespread attention. Consider the myriad ways in which large platforms with deep pools of data can affect how people are represented, made visible, treated, and gain voice³; how injustices materialize in networked publics⁴; or how spirals of silence, trolls, and botnets can drown out legitimate voices, and become a mode of censorship.⁵ The list, of course, can go on.

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1. Habermas.
2. Hall and Gates.
3. Taylor.
4. Harvey and Leurs.
5. Noelle-Neumann; Tufekci, *Twitter and Tear Gas*.



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The point is, scholarly and public discourse are suffused with appraisals of what is good and bad about communications, its technologies, and other communicative and informational resources. Our discourse is laced with reference to media and democracy, data and justice, communication and resistance, voice and representations of issues and minorities, media monopolies and power, the myriad ways in which social media are said to empower individuals, and warp democratic politics.⁶ These appraisals tread the peculiar terrain of normative thought. In a broader sense, they raise questions about what, if anything, justice requires of communication.

This essay does not answer that question, at least not directly. Rather, it will map the place of normative analysis in the communication field. By normative analysis I mean the ways we construct and justify normative arguments. While there are extensive discussions about methods of empirical social research, the question what makes a normative claim plausible, robust, and worth endorsing receives slim to no attention. Even in political philosophy, normative analysis receives very little systematic explication. In the communications field claims about what is good and desirable, or bad and pernicious are usually asserted, such that the reader should already accept their rightness. Perhaps the distinction between right and wrong seems too obvious to us, to merit systematic attention. But I want to suggest, that while critical appraisals of bad things we are against may come easily to us, it is much harder to say with precision what we are for. That is why this article aims to set out some basic parameters of normative analysis. What is involved in making assessments about the justness of communicative processes, practices, technologies, institutions, and other informational and communicative resources?

The focus will primarily be on communications, by which I mean processes and practices of producing, expressing, disseminating, accessing, and receiving information and cultural artifacts. As communication practices and processes are often inseparable from technologies, media institutions, and communicative and informational resources, the discussion will touch upon these too. I have in mind questions about people's ability to communicate, to express their views, to be heard, and to access information—questions about information quality, control over information, and representations.

6. Althaus; Bucy and D'Angelo; Gerhards and Neidhardt.

Normativity itself requires a brief definition. Tufekci recently wrote about the problem of data ownership and privacy that “we should all be thinking of ways to reintroduce competition into the digital economy. Imagine, for example, requiring that any personal data you consent to share be offered back to you in an ‘interoperable’ format, so that you could choose to work with companies you thought would provide you better service.”⁷ In the United Kingdom, a group of academics called on the press to “Stop Jeremy Corbyn’s trial by media.”⁸ What these quotes have in common, is that they express normative ideas. For Scanlon, normative questions are about the things that people have reasons to do. Thomson⁹ distinguishes between normative propositions that are evaluatives and directives. Tufekci’s statement is a directive: this is what we *ought* to be doing. The second statement is both evaluative and directive: what the media doing is bad. They should stop it. Both imply that there are good and important reasons for us to act in a different manner—even if the underlying reasons are not fully explicated.

At its simplest, normative statements (and theories) can be contrasted with empirical statements (and theories). While the latter describes the world as it *is* believed to be, the former tells us how it *ought* to be. The concept of “direction of fit” can elucidate the distinction.¹⁰ Let us define theory as mental models (representations of the world, the way we think about or imagine something). Empirical theories have a mind-to-fit-world direction of fit, because they express a belief about how the world *is* believed to be. They aim to explain, or understand the world as it actually *is*. That is, we want our theories, our mental models, to represent (fit) the world as accurately as possible. Normative theories have a world-to-fit-mind direction of fit, because they express a belief about how the world *ought* to be. That is, we want the world to conform more closely to our normative ideals, our mental models of how things should be. To say that something ought to be a particular way, implies that this imagined state manifests something *desirable, valuable, and worthy of endorsement*.¹¹ We could say that normative statements are intentional, rather than descriptive or explanatory. But unlike the methods of empirical analysis, that will be familiar to the reader,

7. Tufekci, “Opinion. We Already Know How to Protect Ourselves.”

8. Letters.

9. Thomson.

10. Humberstone.

11. Gibbard; Korsgaard; Wedgwood.

we have far less understanding of what makes a good normative theory, because we are generally less familiar with normative analysis.

This essay will not focus on normative questions in general, but on a narrower set of questions concerning ideas of justice. Many normative questions concerning the actions of individuals or institutions are properly understood as ethical questions. For the purpose of this article I will define ethics as primarily concerned with individual decision making, with the question “How should I act?” and the attendant question, “What is involved in living a good life?” Justice involves not questions about individual actions (what should I do), or actions between individuals (how should I treat you, what do we owe each other), but with such questions as they arise across society. It is concerned with the principles for organizing wider social relations, what we owe one another across a society. Justice concerns our common life, how it should be ordered, what good government (and governance) looks like. Often questions of justice are concerned with the organization of the state. Yet, as our communication systems become ever more central to the structuring and organization of social and political relations, they too must become subject to considerations of justice.¹² In short, what I mean by justice is an ideal in which social, political, and indeed communicative arrangements are what they *ought* to be.¹³ It concerns questions about what makes such arrangements good and right.

To illustrate the distinction between justice and ethics, consider the following propositions.

A: By right, you may insult Peter.

B: You should not insult Peter.

Both are normative statements in that they contain directives. They are statements about how the world *ought* to be. But we can interpret (A) as a statement about the requirements of justice and (B) as a statement about the requirements of ethical behavior. Not to insult people is a sound ethical principle (i.e., because it avoids rudeness and possible offence). It answers the question what one ought to do in a given situation, but is not necessarily a good principle for organizing wider social relations. In asking how we should act, we are not necessarily concerned with questions of justice. It is not a contradiction to say that while you shouldn't insult Peter, you nevertheless

12. See, for example, Fisher.

13. Michelman.

may. Affirming self-expression (i.e., because of its central importance to autonomy and the pursuit of truth), even of views we find distasteful, is a statement on how social and political arrangements across society ought to be organized. The distinction is important, because A and B clash. But principles of justice are of a higher order than those of ethical behavior—at least if we accept that human autonomy and truth should enjoy priority in our social ordering over the avoidance of rudeness and offence.¹⁴ In this respect, an action can be consistent with justice, but unethical.

In exploring normative analysis, my primary aim is to expand the discussion about what makes good normative theories for the communications field. Normative work clearly has a strong appeal in the field. After all, media and communications scholarship is rich in critical evaluations. Evidently, many scholars are eager to address wrongs and injustices through their work. Sadly, critical appraisals outweigh positive visions of how we may move toward a more just state of affairs. Admittedly, it is easier to know what we are against, than to say precisely what we are for. That is why a secondary aim of this essay is to encourage the development of positive conceptions of what justice demands of communication and its technologies. By encouraging and broadening systematic engagement with normative analysis I hope to encourage and contribute to the development of systematic and rigorous conceptions of communication justice.

Section one of the essay outlines the basic elements that ideas of justice typically consist of. While the essay does not advance a particular conception of justice, it will endorse a republican conception of freedom as nondomination for illustrative purposes. Section two outlines a taxonomy that distinguishes between communication as a means to, and end of justice. It asks what gives certain communicative processes, practices, technologies, institutions, and other informational and communicative resources exceptional value, meriting special protection. I argue that this taxonomy is important if we are to approach questions of justice in a systematic and consistent manner within the communication field.

Goods, Principles, and Procedures

There are two justice-related questions that normative analysis tries to answer. Floyd refers to these as the organizing question: How should we

14. Ash.

arrange our sociopolitical order? and the foundational question: What justifies our answer?¹⁵ Here, I will focus primarily on the organizing question. The question what our social, political (and indeed communicative) arrangements *ought* to be is, in the broadest sense, a question about what justice consists of. Most answers to this question involve stipulations about (a) essential or primary goods (things that are essential to everyone), (b) principles that tell us how these should be distributed, and/or (c) procedural principles that tell us how to decide matters of (a) and (b).

Primary Goods

Answering the organizing question always involves some “currency” in terms of which an idea of justice is articulated. Currencies are those essential, substantive, key, or primary goods (as Rawls¹⁶ calls them in his *Theory of Justice*) that justice should secure. They are those things anyone would need to live a good life, the universal means needed for obtaining human ends. Different traditions of justice reach different assessments of the kind of things people have universal reasons to value. For Rawls,¹⁷ these include economic resources (welfare, jobs, entitlements) and liberties. For Nozick¹⁸ and Scanlon¹⁹ rights and freedoms, a different conception of freedom for Pettit²⁰, and resources for Dworkin.²¹ For Sen²² and Nussbaum²³ the capabilities required to realize key functionings,²⁴ for Utilitarians like Singer, Mill, or Bentham welfare, pleasure, or happiness. All of these are goods that one can reasonably argue are needed for living a good life, be it some resources, freedoms, and rights, or the actual capability to realize a right or freedom. Put simply, saying that a certain set of arrangements is just, is to say that it distributes those goods that are needed to live well in the right way.

Primary goods also provide standards for appraising justice: are rights and freedoms obtained, functionings realized, welfare maximized, or

15. Floyd.

16. Rawls, *A Theory of Justice*.

17. *Ibid.*

18. Nozick.

19. Scanlon.

20. Pettit, *Republicanism*.

21. Dworkin.

22. Sen.

23. Nussbaum.

24. See also Schejter and Tirosch.

necessary resources available. Shifting the focus onto communicative goods, the question may be whether people enjoy the rights, resources, and/or capability to access quality information, or whether they are able to freely express legitimate grievances. While it is tempting to compile an extensive list of primary goods (who, after all, could disagree that all the goods listed above are important), considered parsimony makes for a better answer to the organizing question. After all, different goods can come into conflict with each other: ensuring everyone has sufficient resources may conflict with the right to private property, for instance. In the domain of communication, the right to free expression may conflict with the provision of quality information. To deal with such conflicts requires us to establish a priority between different goods, to decide which we have the most fundamental reasons to value.

Principles

The reader might have an inkling that an answer to the organizing question that merely stipulated a set of primary goods justice should secure would be incomplete. Justice, after all, is concerned with the obligations people have toward each other across society. We could stipulate that everyone should have the capability to express themselves, and the resources necessary to access quality information. However, if this is not already the case, stipulating that a certain communication right, resource or capability is a key good, is insufficient. We must also say how this good is to be allocated, and how the burden of its provision is to be distributed. Are individuals, families, or groups entitled to these goods? And is it local communities, states, technology, or media companies, the most advantaged, or everyone globally who is obliged to help provide them? Theories of justice differ not only on their list of primary goods, but also on the principles used to determine their allocation.

Part two of Rawls's²⁵ second principle of justice, known as the "difference principle" is one means for determining when a redistribution of some resource or good is permissible: namely, when it benefits the least advantaged members of society. In the context of freedom and equality of expression, the difference principle may guide us in considering questions of media ownership. For instance, that "an increased concentration in media ownership is permitted only if it will benefit the representation of

25. Rawls, *A Theory of Justice*.

the most marginalized voices in society, and hence can be seen to increase the pluralism of information and perspectives available in the media.”²⁶ Contrast this with utilitarian theories of justice, for instance, whose central principle is to maximize the aggregate good (e.g., happiness, pleasure, voice). Utilitarian theories would thus permit a change in the concentration of media ownership or power if it increased aggregate representation of voice, even if it did not improve, or even worsened the situation of the least advantaged.

An answer to the organizing question that defines a fixed set of primary goods and invariable principles for their allocation is referred to as a substantive conception of justice, because its parameters fix the distribution of primary goods our social and political arrangements ought to secure. However, at least since Rawls, political theory has recognized social pluralism, the diversity of cultural values and ways of life (what Rawls calls “comprehensive doctrines”), as a key challenge for theories of justice. Rawls asked whether it was “possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical and moral doctrines?”²⁷ Pluralism is the hard problem bedeviling answers to the organizing question. Because providing a fixed definition of primary goods and their ideal distribution, also fixes what a good or just society should ultimately look like, it is a matter of controversy whether substantive conceptions of justice can truly accommodate social pluralism.

Pluralism exposes substantive conceptions to the critique of ethnocentrism, for how can they justify universal value of their conception in culturally impartial ways? How can it be guaranteed that the substantive goods stipulated are similarly valued by different members of pluralistic societies? After all, primary goods (as universal means to human ends) and their distribution should be sufficiently general to allow all of us to value them independently of the specific lives we want to live, our cultural, or religious heritage. To address the challenge of pluralism most answers to the organizing question involve some procedural principles: Rather than providing a fixed definition of just social and political arrangements, they define procedures through which these arrangements should be decided. Procedural (rather than substantive) answers to the organizing question

26. Hänska; see also Chapter 3 in Schejter and Tirosch.

27. Rawls, *Political Liberalism*, 4.

want to remain sensitive to the pluralism of views in society by involving those who live within a sociopolitical order in affirming its parameters.

Procedures

Procedural conceptions of justice attempt solve the challenge of pluralism by avoiding *ex ante* substantive commitments to a particular combination of primary goods and principles. Instead they stipulate some kind of inclusive (imagined or real) process for deciding the contours of justice itself. Rather than offer a substantive answer to the question “What do just social arrangements require?”, they provide us with a method for answering the question. In this sense, procedural conceptions are not directly concerned with primary goods and their allocation, but with legitimate and fair ways of deciding which primary goods should be distributed and how.²⁸ The advantage of procedural conceptions is that they are supposed to be more sensitive to pluralism. Incorporating the democratic axiom that those bound by the law should partake in shaping it, justice resides not in the ideal allocation of universally valued primary goods, but in the process through which we come to determine a specific allocation of goods. Procedures are open ended, such that the shape of just social arrangements may change through time and circumstance. What matters to justice in the procedural view is not, above all, whether a set of substantive conditions are met, but whether the process through which arrangements are decided and put in place meets a set of procedural conditions.

Most procedural theories build on some variant of the idea of public reason to specify the procedural standards that decisions should meet. Rawls, for instance, makes provisions for reasonableness of those engaged in the process of deciding the shape of justice, for the notional person behind his “veil of ignorance.” Deliberative democrats circumscribe deliberation, and make requirements for inclusiveness, rationality, and the quality of argument, which aim to place constraints on the process of deciding just arrangements—those famous requirements often known as the “Habermasian public sphere.” Agonistic pluralists counter that the requirements of deliberation are too onerous and restrictive, that they

28. In distinguishing procedural from substantive conceptions, sometimes a distinction is made between justice and legitimacy, where the former is a feature of sociopolitical arrangements, and the latter a feature of procedures. Here justice resides in the legitimacy of the process, and implies an obligation to accept its results. See Pettit, “Legitimacy and Justice in Republican Perspective.”

sanitize debate by removing legitimate voices that do not meet its restrictive constraints.²⁹ While Nussbaum³⁰ stipulates a list of 11 central capabilities, Sen³¹ declines to do so, favoring local deliberative processes for determining salient capabilities because deliberation is more sensitive to pluralism. Sen also deploys comparative approaches for identifying the most pressing injustices, rather than developing a comprehensive but abstract conception of perfect justice.

A Balance Between Procedures and Substantive Outcomes

Most conceptions of justice are a mixture of substance and procedure. Rawls³² balances substantive stipulations with hypothetical procedures (the “veil of ignorance”) for determining how predefined primary goods (resources and liberties) should be allocated. Deliberative democrats tilt the balance decisively toward procedures, with the aim of giving just social arrangement dialogic, intersubjective foundations, by emphasizing communicative processes for *deciding* what allocation of which goods justice requires.³³

Procedures are (ostensibly) more sensitive to pluralism, because they seek everyone’s input, they should be fair and not prejudice the outcome, thus making space for various comprehensive doctrines. Yet, we would also reject a procedure if its substantive outcome is perceived as unjust. Imagine an inclusive and fair deliberative process through which all men and women decided by consensus that all future decisions should be made only by women. This is why many theories of justice try to strike a balance between procedures and substantive conceptions, usually making provisions, which constrain procedures. As noted, for instance, deliberative democrats stipulate conditions of reasonableness and rationality, which agonistic democrats deem too restrictive. Liberal democracies employ institutions to constrain fickle and capricious shifts in public will.

The distinction between substantive and procedural conceptions of justice bears emphasizing, because communication can play a critical role in both. Liberty is hard to conceive without the right to free expression—as such communication can be critical to substantive conceptions of justice.

29. See Mouffe.

30. Nussbaum.

31. Sen.

32. Rawls, *A Theory of Justice*.

33. Chambers.

But expression, quality of information, debate, and deliberation are also the lifeblood of procedural conceptions of justice.

Organizing Ideal

Earlier on I suggested, following Floyd, that normative analysis seeks to answer two key questions: the organizing question (how should we arrange our sociopolitical order) and the foundational question (what justifies our answer). Whether we find the justification for a particular conception of justice compelling—whether normative analysis sways us—often depends on whether we are already committed to some underlying value. I call these underlying values organizing ideals, but we could also refer to them as primary political values. They are, in a sense, the bedrock of justice.

Organizing ideals undergird every conception of justice, sometimes lurking in the background without being explicitly articulated. We cannot make sense of deliberative ideals, unless we recognize that they rest on some prior commitment to reason and autonomy. Rawls's conception of justice rests on some prior commitment to freedom and equality. Sen's and Nussbaum's on a commitment to human flourishing. There are many possible organizing ideals, including individual freedom (understood as nonintervention or nondomination), autonomy, reason, and equality. Similarly, general welfare, community, flourishing, or happiness are all potential organizing ideals. To endorse one of these is not to say that others are unimportant, but to establish a priority between them, to say which is a primary, and which a subordinate value. For example, we may value equality, but its appeal may be based on some prior commitment to nondomination, in that the value of equality derives from a prior commitment to freedom from domination. Clarity about the organizing ideal we are committed to helps us work out which primary goods, principles, and procedures are consistent with and conducive to this ideal. We could say that primary goods, principles, and procedures are constitutive of the organizing ideal, things that are substantively part of what it means to be free or equal, for example. It is worth noting that procedural conceptions encounter a problem of circularity here: On the one hand, procedures are supposed to be more sensitive to pluralism because they avoid prior commitments to fixed ideals, yet the parameters we stipulate for procedures (e.g., reasonableness, equal participation) can only be justified by appeal to some organizing ideal. In Box 1, I sketch a communicative conception of justice based on the organizing ideal of freedom as nondomination.

Box I Freedom as Nondomination

The aim of this essay is to explore normative analysis in the communication field. To put flesh on the subject matter, let me commit to an organizing ideal for illustrative purposes. Though I find this ideal personally compelling, it is not necessary for the reader to share this commitment. Let us then take freedom as the most basic political value, as our organizing ideal. More specifically, let us commit to a notion of freedom understood as nondomination rather than noninterference.³⁴ For it is conceivable to be free of external interference but still subject to domination, in that the freedom enjoyed depends on the largesse of others (e.g., a benign dictator) who may rescind this freedom at any time. In other words, we may be free but at risk of arbitrary interference. Consider the freedom to communicate that social media platforms afford. Yet these platforms also offer expansive opportunities for control and domination to those who control the social graph. Our communications are free (in a sense) but we are at risk of uncontrolled and arbitrary interference from others, and thus subject to domination. Note also, that a commitment to freedom as nondomination as organizing ideal does not discount other values such as equality or flourishing, but that it establishes a priority. If and when we face trade-offs between freedom and other values, freedom has priority.

Our tentative answer to the organizing question could place the onus on proceduralism, in that social and political arrangements free of domination are best achieved through processes of collective choice that remain open ended (where every choice is temporary, and subject to potential revision in the future). Choice includes important communicative elements. Let us suggest two key communicative goods that justice should secure: (1) the capability to express legitimate grievances and have these recognized and (2) the resource of quality information. The continuous presence of countervailing voices is critical to prevent domination, and quality information is essential to human autonomy. These goods are to be allocated in such a manner that they have the greatest benefit for those most vulnerable to domination. This sketch of a normative analysis stipulates two communicative goods, a principle for their allocation, conceived as procedural constituents of the organizing ideal of freedom as nondomination.

34. Pettit, *Republicanism*; Shapiro.

Communicative Means and Ends of Justice

So far I have argued that we should attune ourselves to the nature of normative analysis. That when we make normative claims these are either evaluative or directive, statements about how things ought to be. And that justice concerns the organizing question: how sociopolitical relations should be organized more generally, not questions that pertain only to individual actions. Answering the organizing question usually involves a combination of stipulating primary goods that justice should secure, principles governing their allocation, and (or sometimes alternatively) procedures to help decide what kind of goods justice should secure and how it should distribute these.

The aim here is to locate communication in ideas of justice. The key question is how communication is related to sources of value: namely, to organizing ideals, primary goods, principals, and procedures. How do certain communicative processes, practices (capabilities), technologies, institutions, and other informational and communicative resources derive value? I propose that they can derive value in one of three ways: Communication can be constitutive of justice (an end of justice), and intrinsically valuable, either as (1) substantive good, or because of its (2) procedural value. Communication can also be (3) a means to justice, in that it can be causally necessary for us to obtain some primary or procedural good, and thus extrinsically valuable (see Table 1).

Communication as a Substantive End of Justice

Specific communicative processes, practices (capabilities), technologies, institutions, and other informational and communicative resources can be intrinsically valuable. When communication has intrinsic value, this

TABLE 1 How communication can relate to justice

	Procedural Justice	Substantive Justice
Ends/Constitutive value	Communication as key to procedural conceptions of justice, for instance, in deliberation. Here procedures and processes are seen as constitutive of the organizing ideal, and the locus of justice itself.	Some communication practices, capabilities (e.g., expression), or resources (e.g., quality information) can be viewed as substantive goods in their own right.
Means/Derivative value	Communication as a means of achieving justice, as central to nonideal theories of justice.	

is either because it is a substantive good in its own right, or because it is central to a procedural conception of justice. In either case, communication is constitutive of an organizing ideal, and can therefore be understood as an end of justice itself.

Substantive conceptions of justice, as outlined above, define primary goods that we should all have reasons to value, as the grounds on which justice is assessed. Depending on our answer to the organizing question, some communication rights or capabilities could be conceived as such primary goods. We can value self-expression and voice as primary goods,³⁵ for instance, because expression can be viewed as the very substance of freedom. Similarly, we could include access to quality information, or the right to privacy, as the most basic goods that anyone would need to live a flourishing life. Though expression, voice, privacy, and information by no means exhaust the list of possible primary goods (depending on the underlying organizing ideal to which we are committed) they could all be said to have intrinsic normative value. That is, we can argue that they are not merely related to, derivative from, or supportive of justice, but substantially constitutive of some organizing ideal (e.g., freedom, flourishing, general welfare). Just sociopolitical arrangements thus prevail to the extent that a fair distribution of these goods is secured.

Communication as Procedural End of Justice

A procedure, rather than as a specific state of affairs, could also be our answer to the organizing question. Here, key communicative practices (capabilities), technologies, institutions, and other informational and communicative resources have substantive procedural value (because they are important to the legitimacy of deciding on sociopolitical arrangements). For deliberative democrats, for example, communication is critical for reaching a consensus, accommodating differences, and facilitating a process of transforming people's preferences through rational debate. For Sen, deliberation is the process through which communities determine locally critical capabilities, their provision, and distribution. Many procedural conceptions of justice build on the organizing ideal of public reason, which is supposed to be engendered in public discourse and debate. Communication is intrinsic to the exercise of public reason. And rational and inclusive collective choices (through which the parameters of social order are to be determined)

35. Ash; Couldry; see Table 2.

are considered to be the very locus of justice. Rather than providing a substantive answer to the organizing questions, in proceduralism the justness of social-political arrangements depends on them being open to revision through fair and legitimate processes of collective choice.

Consider the organizing ideal of freedom as nondomination (see Boxes 1–3). Because most societies are pluralistic, a substantial risk of injustice emerges from the possibility of some group losing its autonomy as another group becomes dominant and imposes its preferred order on everyone else—in which case one group would get what it wants, but all others would be subject to uncontrolled interference. Pluralism of competing forces countervails the risk of any one group becoming dominant. Expressing ones views and interests, and having these recognized, is a desideratum of such a countervailing force, and can be viewed as constitutive of political arrangements free of domination. Repurposing Rawls's difference principle we may suggest that the voices of those most vulnerable to domination should enjoy priority, for instance. Here, the capability to express legitimate grievances is valued intrinsically because it constitutes the substance of nondomination (see Box 2). It is a procedural good central to the legitimacy of the processes in which justice resides.³⁶ Deliberativeness, reasonableness, or participation could also be procedural goods, the absence of which would signal a certain injustice or illegitimacy of prevailing social and political arrangements.

Box 2 A Procedural Conception of Nondomination

In the procedural conception of freedom as nondomination outlined in Box 1, domination is countervailed by fostering two communicative goods: (1) The capability to express legitimate grievances and have these recognized and (2) the provision of quality information. In this view, quality information is a substantive good, because the autonomy that nondomination should secure could not be realized without reliable information on which to base individual choices. The practices and institutions that provide quality information have derivative (extrinsic) value. The capability to express legitimate grievances and have these recognized is a procedural good (with intrinsic value), in that it is constitutive of arrangements that are free of domination. It countervails domination, and serves as an indicator of freedom.

36. Besley and McComas; Schaefer.

Communication as a Means to Justice

Normative analysis should not only be concerned with answering the organizing question, but also with how an idea of justice can be realized. Rawls famously distinguished between ideal and nonideal theory.³⁷ Ideal theory concerns the definition of what justice consists in, and the justification of that definition. Nonideal theory concerns the realization of justice. This three-way distinction—between nonideal and ideal theories, and within ideal theory between substantive and procedural conceptions—augments our understanding of what a just society demands of communication. While communicative processes, practices, technologies, institutions, and other informational and communicative resources can be ends of justice (i.e., constitutive of substantive or procedural conceptions of justice), they can also be a means to justice. They can be important components of nonideal theories.

There is a critical difference: if the capability to express legitimate grievances is constitutive of justice, it is sacrosanct. If, however, it is a means to justice (see Table 2), then it is not sacrosanct. Let us assume our organizing ideal is equality of welfare, then affording someone a voice can be a means to equality, in that it can help us detect salient inequalities. But the capability of expression would only be valuable insofar as it helps ensure a more equal distribution of welfare. Here, capability of expression itself is not constitutive of our idea of justice, and does not necessarily guarantee it. Things change, of course, if it is equality of voice that we are aiming for. Yet, if we are seeking equality of voice, then the

TABLE 2 The capability of expression as a means to, or end of justice

Free expression as substantive end	The capability of expression has intrinsic value, as a substantive part of justice.
Free expression as a procedural end	The capability of expression is an important part of fair and legitimate processes of collective choice, which themselves constitute nondomination. As such, voice has intrinsic procedural value.
Free expression as means	The capability of expression as means to secure equal distribution of welfare, for example. Some also argue that inclusive deliberation will help reach consensus, while others argue that it may actually increase disengagement. Insofar as it secures some of these goods it has extrinsic (secondary or derivative) value.

37. Simmons.

capability of expression may not suffice either. Consider the following: social media may afford everyone a nominal voice, yet that voice may well go unheard. On social media it is more effective to drown out voices you find undesirable (e.g., using botnets and sock-puppet accounts to flood platforms with preferred voices), rather than to censor and suppress them. Perhaps the thing we are seeking to secure is not expression as such, but having legitimate grievances acknowledged—in which case the capability of expression may be a necessary (but not necessarily sufficient) means for obtaining our ends.

Consider another example, the provision of high-quality information, and the role of journalism, media institutions, and technology platforms in securing access thereto. Is it high-quality information as such that is valued, or does it serve as a proxy for political knowledge? Political knowledge is generally regarded essential to the proper functioning of democracy.³⁸ Floridi's³⁹ information ethics is premised on the value of quality information to ethical decision making. But journalism may not necessarily ensure political knowledge. The recent abundance of what Wardle and Derakhshan⁴⁰ call “information disorder”—the proliferation of mis- and disinformation—reveals a tension between the means (provision of quality information) and the ends (political knowledge). We may not suffer a paucity of high-quality information, but an overwhelming volume of low-quality, even disinformation, that muddies the water, drowning-out high-quality information. Assuming this analysis is accurate, lack of political knowledge may not be caused by the absence of quality information, but by the prominence and cacophony of bad information. Therefore, increasing the provision of high-quality information may not necessarily be the most effective *means* of ensuring a well-informed citizenry.

A final example includes some strands of deliberative democracy, which hold that the aim of deliberative communication is to narrow disagreements, facilitate learning, transform preferences, or even mitigate cognitive biases.⁴¹ Here deliberative communication has extrinsic value, derived from its ability to change minds, improve political knowledge, and facilitate decision making by bridging differences, converging opinions, and facilitating agreement. Often inclusion of a diversity of voices

38. Nielsen; Schudson.

39. Floridi.

40. Wardle and Derakhshan.

41. Dryzek, *Deliberative Democracy and Beyond*; “Deliberative Democracy in Divided Societies.”

is considered critical to deliberation, yet as Mutz's⁴² seminal work has shown, people often tend to disengage from processes the more they are exposed to different opinions. Ensuring the greatest diversity of voices may not necessarily facilitate agreement, but rather increase disengagement. Similarly, we may stipulate maximum inclusion to increase the subjective legitimacy of collective decision-making processes (i.e., whether a decision is perceived as legitimate by participants). But an inclusive, participatory choice process will not necessarily yield greater perceived legitimacy than a less participatory process. Britain's EU referendum was more participatory than a parliamentary decision, yet a decision by parliamentary delegates could plausibly have enjoyed greater (cross-cutting) perceived legitimacy than the referendum outcome does.

The distinction between means and ends may seem immaterial, but it has profound consequences for our thinking about the place of communicative processes, practices, technologies, institutions, and other informational and communicative resources in conceptions of justice, and for understanding what justice requires of communication. When communication is regarded as a substantive end or constitutive of some procedural conception of justice, the issue is quite simple. The absence of relevant communicative processes, capabilities, or other informational and communicative resources would indicate a degree of injustice. However, things get more complicated when we think of communication as a means to justice, where its presence or absence serves at best as a proxy measure for evaluating justice.

When the value of communications derives from some other good it can help us obtain (such as autonomy, political knowledge, equality, agreement, or subjective legitimacy), it is not intrinsically valuable, but valued as a means. But means are not sacrosanct. They are potentially fungible, substitutable without detrimentally affecting the overall justness of social arrangements. Constitutive elements of justice (its ends) are sacrosanct, and cannot be substituted. For instance, journalism may be sufficient but unnecessary for securing quality information (making it a means). And quality information may be necessary but insufficient for ensuring political knowledge (making it an end). Insofar as something other than good journalism could help obtain quality information, justice would not suffer the absence of journalism. As political knowledge is impossible without quality information, its absence would detrimentally

42. Mutz.

Box 3 The Means and Ends to Freedom as Nondomination

Journalism has extrinsic value as a sufficient but unnecessary means to quality information. As such, journalism and its institutions are potentially substitutable. The capability to express legitimate grievances and have these recognized is necessary but not necessarily sufficient for insuring nondomination. As such expression is an end of justice with substantive procedural value.

affect justice. In this view, journalism's value is derivative, but that of quality information is constitutive. Similarly, agreement between members of society may be a desideratum of procedural conceptions of justice, but maximizing the inclusion of voices may not actually be the best way of facilitating agreement. Insofar as something other than the widest inclusion of voices could help obtain an agreement, justice would not suffer the absence of some voices. However, hearing and acknowledging the diversity of voices present in society (particularly of its most marginalized members), is necessary for ensuring nondomination (see Box 3).

Normative analysis also requires us to carefully parse the trade-offs involved in prioritizing different organizing ideals and their constitutive goods, all of which we have significant reasons to value. This is an important task, especially if we want to offer a positive vision of communication justice that articulates what we are for (rather than limiting ourselves to critical assessments of those things we are against). For instance, we can value both the capability of expression and quality information, but under certain circumstances the two can compete and even collide—ensuring high-quality information will require us to privilege some voices (e.g., those of experts) over others. As we have seen, inclusive participation and subjective legitimacy can also become rivalrous: After all, more inclusive participation may reduce perceived legitimacy and engagement. On the other hand, a political decision may be widely viewed as legitimate, even if it was not particularly inclusive and participatory.

If our thinking on the place of communication in ideas of justice is to hit the ground of practice, clarity is needed on the priorities that different communicative practices and resources enjoy. How to prioritize voices if not all can be heard? How to prioritize between expression and quality information? Prioritizing requires clarity about the organizing ideal we endorse, from which the value of primary goods, principles, and procedures

ultimately derives. It requires clarity on whether the communicative practice or resource in question has intrinsic or extrinsic value. Properly parsing such trade-offs, under full considerations of competing values and the reasons lending them support, is what normative analysis is about.

Concluding Remarks

In this essay, I have been concerned with normative questions, more specifically questions about justice in the communications field. I have suggested that justice concerns the question how social and political relations should be organized—and the role communications ought to play in this organization. I have not attempted to offer a direct answer, but rather to shed some light on what is involved in answering such questions. If we are to think about what justice demands of communication, and to formulate robust normative views about media and communications, then we are engaged in the underappreciated enterprise of normative analysis. The fact that much social research takes its cue from a certain value-orientation, only underscores its relevance. Moreover, if we conclude empirical work with reflections on the broader significance of our findings, with an assessment of what is good, bad, or valuable about the phenomena we study, we should better be clear about how communication derives value.⁴³ We should know not only what we are against, but also articulate clearly what we are for. To that end, I hope this article can provide an impetus. That it can help us to understand the trade-offs and contradictions between different ways of valuing communication, that become essential in making informed assessments about what is good and bad about various communicative processes, practices, technologies, institutions, and other informational and communicative resources.

I want to end with a call for parsimony, that we carefully consider which specific communicative phenomena can (should) be usefully parsed in the language of justice, and why. Certainly, many communicative phenomena raise salient ethical considerations (questions about how they impact the quality of people's lives), but do not necessarily have any immediate purchase on questions of justice, because they are not immediately salient to wider questions about how a society ought to arrange its social and political affairs. The privacy of family photos shared online, or the kind of content

43. Althaus.

suitable to be aired pre- and post-watershed certainly raise ethical issues. But they do not have any immediate purchase on questions of justice. Not all communication is “justice apt.” That is, not all communication is pertinent to questions of justice, and we must avoid conceptual overstretch, the familiar effort to shoehorn phenomena into a particular conceptual space where all kinds of things are to be parsed in terms of justice. At the same time, just because something is not justice apt, does not mean it is not valuable. But insofar as we believe that communication is justice salient, we need to know why. And knowing why requires us to understand what the underlying values are that determine communication’s relationship to justice. Does communication have intrinsic value as a constituent of justice? Or, does it have extrinsic value because of its relationship to some primary good that, in turn, is a constituent of justice?

Finally, no communication right, resource or capability alone will be sufficient for justice to obtain—it would be absurd to claim that arranging our communicative processes, practices, technologies, institutions, and other informational and communicative resources in the right way is all that justice required. Nonetheless, communication can be an important component of justice, and under conditions of pluralism it is hard to imagine how justice could be realized without communications that help mediate between society’s various interests, views, and ethical outlooks. It is also hard to imagine how people can become autonomous absent high-quality information to base their choices on—they may still be making their own choices, but those choices would less likely deliver the intended outcome. Good communication does not guarantee justice, but under conditions of pluralism it is essential and necessary for its pursuit.

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