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Media, Capabilities, and Justification[1]

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Abstract

In this paper, I evaluate the 'capability approach' developed by Amartya Sen and Martha Nussbaum as a normative perspective for critical media research. The concept of capabilities provides a valuable way of assessing media and captures important aspects of the relationship between media and equality. However, following Rainer Forst's critique of outcome-oriented approaches to justice, I argue that the use of capability approach in media studies needs to pay more attention to questions of power and process. In particular, when it comes to deciding which capabilities media should promote and what media structure and practices should promote them, the capability approach must accept the priority of deliberative-democratic processes of justification. Once we do this, we are urged to situate the concept of capabilities within a more process-oriented view of justice, focused not on capabilities as such, but on outlining the conditions required for justificatory equality. After discussing the capability approach, I will outline the process-oriented theory of justice Forst has developed around the idea of the 'right to justification'. While Forst does not discuss media in depth, I argue his theory of justice can provide a valuable alternative normative standpoint for critical media research

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Introduction

Critical media research addresses complex questions about the relationship between media and equality, freedom, and power. In so doing, it raises important normative issues relevant to social justice and yet, as Sue Curry Jansen (2011: 1-2) and Nick Couldry (2013: 200) have noted, the connections between media research and philosophies of social justice remain comparatively scarce and underdeveloped. Theories of social justice can help media researchers to reflect more systematically on the normative commitments and concepts that necessarily underpin their critical evaluations of media. Without doing this, the danger is that critique rests on questionable assumptions that remain implicit or loses its critical bite, becoming what John Downey and Jason Toynbee (2016: 1263) call 'critique light'.

The recent discussion of the 'capability approach' developed by Amartya Sen (1980, 2009) and Martha Nussbaum (2003, 2011) is a welcome attempt to reflect explicitly on the normative perspectives that underpin critical media research. A number of media theorists have advocated the capability approach, arguing that it can provide a useful way of evaluating media critically and connecting media to broader questions of social equality and justice (Garnham 1997, Mansell 2002, Couldry 2007, 2012, Cohen 2012, Hesmondhalgh 2016). From this perspective, we should define equality in terms of the capabilities people have available to them (what they have an opportunity to be able to do in their lives) and assess media in terms of how effectively they enable valuable capabilities. In so far as media help to promote important capabilities that are essential to social justice, advocates of the capability approach argue that it can justify significant media policy interventions, such as public service media, designed to make these capabilities available to all as entitlements (Garnham 1987: 33, Hesmondhalgh 2016: 12).

In this paper, I evaluate the capability approach as a normative perspective to guide critical media research. I argue that the concept of capabilities provides a useful way of thinking about the relationship between media and equality. However, the concept is less well placed to address important questions related to power, since, as the philosopher Rainer Forst (2014a: 25-30) argues, the capability approach tends to focus attention more on the desirability of particular 'outcomes' than the justifiability of the 'processes' and 'relations' that generate these 'outcomes'. To provide a firm normative basis for critical media research, advocates of the capability approach must explain: (1) which capabilities media should promote, (2) what types of media structure and practices should be used to promote these capabilities, and — most importantly — (3) how decisions about these questions are justified. The most convincing answers to these questions emphasis public deliberation and democratic processes. But once we acknowledge the importance of the principle of democratic justification in this way, we are urged, following Forst (2012, 2014a), to resituate the concept of capabilities within a more process-oriented, discursive theory of justice, focused not on capabilities as such, but on establishing the conditions required to support such justification.

The article is divided into three sections. In Section 1, I will introduce the concept of capabilities, describing how it provides a useful way of thinking about the relationship between media and equality. In Section 2, I will then outline the problem of justification faced by the capability approach, arguing that democratic deliberation ultimately provides the only credible way to ground normative claims. Finally, in Section 3, I will consider how Forst's process-oriented, discursive conception of justice might offer an alternative normative perspective to support critical media research. Building on the work of Habermas (1997) and Rawls (1971, 1993), Forst (2002, 2012, 2014a) has developed a clear and compelling theory of justice based on the principle of the 'right to justification'. Although Forst does not discuss media in depth, I argue that his theory of justice can provide a valuable normative standpoint

to support critical media research, including, as Downey and Toynbee (2016) have suggested recently, the analysis of discourses that may be ideological. At the same time, in so far as media must be implicated in efforts to secure people's fundamental 'right to justification' and 'justificatory equality', media analysis becomes central to struggles to achieve justice more generally.

1. Capabilities and Media

Any convincing normative theory of justice, Sen (2009: 291) argues, is based on some claim about 'equality'. But how equality is defined varies considerably, from equality of basic freedoms to equality of income. Debate, therefore, tends to focus on the question 'equality of what?' (Sen 1980). For Sen (2009) and Nussbaum (2011), an individual's relative advantage and disadvantage is best measured in terms of what 'capabilities' they have (what they have an opportunity to do in their lives), rather than other things such as their resources or the satisfaction of their preferences. Drawing on the capability approach, a number of media theorists have suggested that capabilities provide a useful way of evaluating media systems and conceptualizing the relationship between media and equality (Garnham 1997, Mansell 2002, Couldry 2007, 2012, Cohen 2012, Hesmondhalgh 2016). Furthermore, in so far as media promote certain central capabilities, such as being informed or able to participate in public life, media may be viewed as central to realizing social justice more generally.

The capability approach offers an alternative to economic theories that judge people's advantage and disadvantage in terms of the satisfaction of their subjective preferences. The principles of the 'free market' and 'consumer sovereignty' are based on the idea that market competition and economic imperatives will force companies to respond to consumer preferences and provide consumers with what they want. Leaving aside the fact that people

have vastly different levels of resources to satisfy their preferences through the market, and that markets generate positive and negative 'externalities' not captured by 'market-expressed preferences' (Baker 2002: 82), there are reasons why judging individual advantage and disadvantage in terms of subjective preferences is problematic. Sen (2009: 282-4) and Nussbaum (2011: 81-4) note that disadvantaged groups adapt their preferences to their social circumstances, tailoring them to what they have already or realistically expect to achieve. As Nussbaum (2011: 54) describes, 'Preferences are not hard-wired: they respond to social conditions. When society has put some things out of reach for some people, they typically learn not to want those things'. Since preferences are 'adaptive' in this way, they are an unreliable indication of what people might value in different social circumstances. So, if we measure equality in terms of the satisfaction of existing preferences, we may underestimate the disadvantage of particular groups and reproduce rather than challenge their inequality.

A different approach would be to judge equality in terms of people's resources, such as their income or wealth. The distribution of resources is clearly an important aspect of equality. However, as Sen (2009: 233-5) and Nussbaum (2011: 56-8) argue, the problem with assessing equality solely in terms of resources is that people require different resources to achieve the same things. Sen (2009: 234) gives the following example:

> [I]f a person has a high income but is also very prone to persistent illness, or is handicapped by some serious physical disability, then the person need not necessarily be seen as a very advantaged, on the mere grounds that her income is high. She certainly has more of one of the means of living well (that is, a large income), but she faces difficulty in translating that into good living (that is, living in a way that she has reason to celebrate) because of the adversities of illness and physical handicap.

Rather than focus on the resources people have, it would be better to consider what individuals are able to do with these resources, while recognizing that different individuals may require different resources to achieve a similar level of functioning.

To assess equality, we might focus then on measuring what people do or achieve in their lives. Sen (2009: 235-238) and Nussbaum (2011: 24-6) draw a further important distinction here between 'functionings' and 'capabilities', where functionings refer to what people actually achieve and capabilities to what people have the opportunity to achieve. This distinction is significant, since the concept of capabilities (unlike functionings) encompasses freedom of choice as a value. To show why the distinction matters, Sen (2009: 237) gives the example of the difference between someone who cannot eat because they have no food and someone who chooses not to eat voluntarily:

> [I]n terms of being hungry and undernourished, a person who voluntarily fasts, for political and religious reasons, may be just as deprived of food and nourishment as a famine-stricken victim. Their manifest under-nutrition — their achieved functioning — may be much the same, and yet the capability of the well-off person who *chooses* to fast may be much larger than that of the person who starves involuntarily because of poverty and destitution.

Since it recognizes freedom of choice as an intrinsically important value, the concept of capabilities is a better way of assessing equality than functionings as well as resources and preferences.

What then about the relationship between capabilities and media? While media are not the main focus of the capability approach, Sen (2009) discusses their role. He is well known for his argument about how a free press, along with democratic rights, can help to prevent famines even in relatively poor countries by putting pressure on public authorities

(Sen 2009: 336). As well as 'giving voice to the neglected and the disadvantaged', Sen (2009: 335-337) argues that media can contribute to other important capabilities through their 'major informational role', the 'formation of values', and 'public reasoning'. Sen's recognition of the positive contribution media can make to key democratic capabilities is extremely valuable. However, as Nick Couldry (2012: 202) argues, Sen's discussion of media 'seems to elide a free media and free communication', which can obscure the way in which 'injustice is possible in the media domain *even when* formally free media institutions exist'. Market-based media, although formally free and independent from the state, may still produce or reproduce inequalities and fail to support important capabilities. Subsequent media theorists who have adopted the capability approach, such as Nicholas Garnham (1997), Nick Couldry (2007, 2012) and David Hesmondhalgh (2016), view it as a way of critically evaluating all media, including market-based media systems, and potentially justifying substantial non-market policy interventions.

The appeal of the concept of capabilities for critical media analysis is not hard to appreciate. As already noted, capabilities provide an alternative to subjective preferences as a way of thinking about an individual's relative advantage and disadvantage. From the 1980s onwards, media systems have become increasingly 'marketized' and organized around the principle of consumer sovereignty (see Hesmondhalgh 2013: 119-158). However, the problem of 'adaptive preferences' identified by Sen (2009) and Nussbaum (2011) applies to media as it does other areas. Indeed, the problem may be exacerbated for two related reasons. First, the advantages and disadvantages of media use can be especially difficult for consumers to calculate in advance. Media may take the form of 'experiential goods', the full value of which can only be ascertained after use (Graham 2013: 44). Media-related risks, such as the threat posed to privacy through the collection of personal data, can also be difficult for users to assess (Solove 2012). Second, we often turn to media in order to help us

to form our preferences in the first place (Baker 2002: 12, Hesmondhalgh 2016: 10). As Sen (2009: 335-337) argues, media play a 'major informational role' and contribute to 'public reasoning' and the 'formation of values'. But then if media challenge and change our preferences — through 'an "auto-paternalistic" learning process whose outcome is indefinite', in Jürgen Habermas's (2009: 133) terms — using these preferences to determine the value of media is problematic.

A focus on capabilities also has advantages over approaches that calculate equality in terms of media access. Consider, for example, debates about digital inclusion and inequality (Mansell 2002, Couldry 2007). A focus on access to digital networks alone, however necessary, has long been recognized as insufficient. In conceptualizing digital inclusion, we also need to consider digital skills and literacy, what types of services and content are available to different groups, and ultimately, as Robin Mansell (2002: 420) argues, 'what citizens are able to do as a result of their interactions with the new media and what capabilities they are able to acquire as a result of those interactions'. By moving beyond a focus on access alone, the capability approach has far-reaching implications potentially for how we think about media policy interventions, leading, as Garnham (1997: 27) notes, to 'radical positively discriminatory conclusions'. It suggests the need for a differentiated approach to policy, which is sensitive to how effectively media services and content cater to the needs of diverse groups and which recognizes that groups may require different resources to realize the same capabilities.

Finally, the distinction Sen (2009) and Nussbaum (2011) draw between functionings and capabilities is also important. The choice media markets offer to consumers may be overstated. No matter how dynamic media markets are in satisfying consumer preferences, market forces will still tend to pressure companies, as Robert McChesney (2003: 130) notes, only to offer 'people what they want within the range of where they can make the most

profits'. Still, given the intrinsic importance of freedom of choice as a value, any normative perspective that runs counter to it is not likely to attract widespread support. The focus must then be on the range of opportunities people have available to them, rather than their actual media practices and use alone. This has important implications for policies designed to bring about greater equality. Placing the emphasis on capabilities is, as Garnham (1997: 39) describes, 'particularly important in the context of the critique of welfare as a form of forced consumption, since in the capabilities approach such cases of forced consumption, whether the force derives from market relations or the state, can be seen, in comparison with the achievable relevant capabilities, as a form of deprivation'.

2. Capabilities, Entitlements, and the Problem of Justification

Capabilities then provide a valuable way of conceptualizing the relationship between media and equality and has advantages over other ways of thinking about this relationship such as media-related preferences, media access, and actual media practices and uses. At this stage, however, there is a problem. To provide a convincing account of the relationship between media and social justice and a firm normative foundation for critical media research, advocates of the capability approach need to explain (1) which capabilities media systems should promote as entitlements, (2) what types of media structures and practices should be used to promote them, and — most importantly — (3) how decisions about these questions are justified. While advocates of the capability approach can respond to these questions in different ways, the only really convincing answers, as Forst (2014a: 17-38) has argued, emphasize public deliberation and democratic processes. But then once we acknowledge the importance of the principle of democratic justification in this way, we are urged, following

Forst (2012, 2014a), to resituate the concept of capabilities within a broader process-oriented and more discursive theory of justice.

Nussbaum (2011) is clear about the fundamental capabilities that should be protected and promoted. She identifies a list of 'central capabilities' she argues are required for a 'dignified and minimally flourishing life', which consists of capabilities that relate to 'life', 'bodily health', 'bodily integrity', 'senses, imagination, and thought', 'emotions', 'practical reason', 'affiliation', 'other species', 'play', and 'control over one's environment', both 'political' and 'material' (see Nussbaum 2011: 33-4 for a more detailed description). Given their importance, Nussbaum (2011) argues that these capabilities should, as a matter of social justice, be protected and promoted to all as 'fundamental entitlements'. For Nussbaum, unless capability theorists take a clear position on which capabilities are most fundamental or not, they will not be able to provide a convincing theory of justice. Following Rawls' notion of 'political liberalism', she argues her list of capabilities is 'thin', so that different social groups — supporting varied 'comprehensive doctrines' — should be able to support it (Nussbaum 2011: 90). She also allows some scope for public deliberation in deciding how capabilities are implemented in different political contexts (Nussbaum 2011: 74). Nonetheless, as others have argued (see Clark 2013), the role Nussbaum gives to public deliberation in determining and justifying capabilities is limited. While Nussbaum suggests the 'informed' preferences of social groups are relevant, the role remains 'subsidiary' to that of the theorist (Nussbaum 2011: 80). The main justification of the list appears to be the theorist's 'intuitions' and 'judgements' about what people require to achieve human dignity and flourish (Nussbaum 2011: 78).

Sen (2009) takes a different approach. Rather than use capabilities to construct an ideal theory of justice, he defends the concept as a way of making comparative assessments about individual advantage and disadvantage and argues that we should focus on addressing

inequality and injustice in particular cases through ‘realization-focused comparisons’. He does not advocate a specific list of capabilities and rejects the idea that theorists can determine, in the absence of public debate, which capabilities are most important to protect and promote. Instead, he emphasizes the need for public deliberation to test normative claims and arrive at more objective judgements (Sen 2009: 39-46). As he explains in response to Nussbaum, 'the problem is not with listing important capabilities, but with insisting on one predetermined canonical list of capabilities, chosen by theorists without any general discussion or public reasoning' (Sen 2004: 77).

The debate between Nussbaum and Sen about how to justify capabilities is reflected to some extent in the application of the capability approach to media. In his analysis of the capability approach, Garnham (1997: 30) acknowledges the problem of justification and the different positions Nussbaum and Sen adopt. While he does not side with one or the other, the position he takes in other work suggests he may adopt a Kantian approach and so follow Sen in emphasizing deliberation (see Garnham 2000: 165-189). Couldry (2007: 397), by comparison, favours an Aristotelian perspective, arguing that an objective theory of basic capabilities able to command a broad ‘consensus’ may be possible. However, he does not set out a theory of media capabilities and injustice as such. Following Sen, he focuses pragmatically on specific cases where injustice can be addressed and justice advanced (Couldry 2013: 201-2). Hesmondhalgh (2016) also defends an objectivist approach. He explains that his ‘notion of well-being is *objectivist* rather than subjectivist', arguing that ‘what is good is not simply relative to one's point of view — and social science can help develop ways of thinking about what might be good in a more objective way’ (Hesmondhalgh 2016: 9). He advocates Nussbaum’s list of central capabilities, but — in a significant revision to her framework — suggests adding capabilities related to popular cultural practices (Hesmondhalgh 2016: 13). As an example, he urges us to consider how

popular music may promote human flourishing, arguing that 'the provision of an adequate musical education and funding for musicians and distribution would be a vital element of policy informed by such a capabilities approach' (Hesmondhalgh 2016: 13).

These accounts of the relationship between media and capabilities are extremely valuable and could contribute to public debates about the value of media in important and illuminating ways. However, the status of these arguments ultimately remains unclear. While arguments about the importance of particular media-related capabilities may gain wide public support, it seems problematic to assume they are universal normative claims and matters of consensus without public deliberation — this is especially the case where we move from a 'thin' list of capabilities such as Nussbaum's and make our accounts 'thicker'. Sen's (2004, 2009) argument about the necessary role of public deliberation in deciding upon capabilities appears convincing. To put the point more strongly, democratic discourse appears to be the *only* credible basis upon which to ground universal normative claims (Habermas 1997). As Forst (2014a: 19) argues, 'justified claims to goods do not simply "exist" but can be arrived at only through discourse in the context of corresponding procedures in which — and this is the *fundamental requirement of justice* — all can in principle participate as free and equal individuals'. If this is the case, a normative priority must be to address the inequalities and limitations that characterize public deliberation in practice and to enhance people's capabilities in relation to practices of justification (Bohman 1997, Coleman and Moss 2016). As I describe in the next section, the promotion of particular media-related capabilities may be defended on these grounds, as required by the principle of justification alone (Forst 2014a: 36, 2012).

As well as the question of how particular capabilities are justified, advocates of the capability approach must also consider the justifiability of the structures and processes through which capabilities are created. The capability approach, as Forst (2012: 25-30)

argues, is an 'outcome-oriented' approach to justice in the sense that it tends to focus attention more on outcomes than the processes that produce these outcomes. For example, while the concept of capabilities is helpful in assessing individual advantage and disadvantage, it is more limited when it comes to thinking about the nature and justifiability of the structures and processes that create these advantages and disadvantages in the first place or by which they may be changed. As a result, Forst (2012: 25-30) argues, the capability approach tends to downplay important issues of power and process that are central to social justice.

By focusing on outcomes rather than processes, one problem is that the capability approach may not pay adequate attention to the important question of *how* inequalities of capabilities are produced. As Forst (2014a: 28) explains, commenting on Sen's work:

> [H]ow asymmetries of capabilities, if we take that as the material of justice, actually come about makes an essential difference. Are they the result of deliberate action, of structures that benefit some rather than others and are upheld deliberatively, or are they the result of circumstances the responsibility for which cannot be ascertained? For any theory that, like Sen's, aims to eradicate or at least reduce concrete forms of injustice, it is essential to have a clear focus on these injustices and their historical and structural background. To be sure, a lack of basic capabilities due to hunger or bad health needs to be addressed whatever story is told about how it arose; but for a theory of *justice* it is crucial to ask the genealogical question.

Elsewhere, to illustrate this point, Forst (2014a: 19) notes that there is an important difference between somebody who is disadvantaged because of a natural disaster and someone who is disadvantaged because of unjust political or economic relations. While assistance is needed

either way, he argues that in one case it is a question of '*moral solidarity'* and in the other of '*justice* conditioned by the nature of one's involvement in relations of exploitation and injustice and the specific wrong in question' (Forst 2014a: 19). Although Sen (2009: 23) acknowledges this type of distinction himself, noting that there is a 'real difference' between outcomes that result from human agency and those that do not, Forst (2014a: 28) maintains that the capability approach is not well placed to address the distinction adequately. As he argues, 'because the capability approach is primarily focused on outcomes, its ability to integrate such distinctions into its basic framework is limited' (Forst 2014a: 28).

The question of how inequalities in capabilities emerge is important in relation to the use of the capability approach in media research and policy. This is true in so far as we not only want to describe capability inequalities connected to the media, but also explain how particular media structures and practices may be implicated in producing and reproducing these inequalities and potentially addressing them. Hesmondhalgh's (2016) recent contribution to the debate is especially valuable in this respect, since it aims to combine the capability approach with the political economy of media to explain *how* specific economic factors may inhibit the promotion of valued capabilities. Being clear about what causes capability inequalities and deficits is important when it comes to thinking about policies to address them. For example, those who advocate lightly regulated markets may acknowledge that some media that is publicly funded is required at the margins to mitigate capability deficits associated with 'market failure', but seek to insulate private media organizations themselves from democratic accountability and regulation. However, where particular media structures are associated with inequalities in capabilities, it could be argued that these structures should change or at least be clearly justified to those affected by them.

The importance of the justifiability of media structures as well as outcomes is reflected in a different way in debates about public service media and other policy

interventions designed to address capability deficits. Advocates of the capability approach suggest that public service media can be justified in so far as it promotes valued capabilities as entitlements (Garnham 1987: 33, Hesmondhalgh 2016: 12). But, while achieving particular outcomes are important, public service media cannot be evaluated in these terms alone. Debates about public service organizations tend to focus not just on the content or services they provide and what users gain from them, but also on the quality of the relations public service organizations have with the public and whether they are democratically accountable and justified (Bardoel and d'Heanes 2008: 351). From Forst's perspective, it is critical that policy interventions designed to achieve greater equality or justice are organized democratically and justified to the public. When we focus on outcomes rather than processes, the danger is that we do not pay sufficient attention to these important political questions. As Forst (2014a: 18-9) describes, 'the *political* question of who determines the structures of production and distribution and in what ways is disregarded or downplayed, as though a great distribution machine — a neutral "distributor" — could exist that needs to be programmed correctly using the right "metric" of justice'. Such an approach would be problematic, Forst (2014a: 19) explains, 'because it would mean that justice would no longer be seen as a political accomplishment of the subjects themselves but would turn them into passive recipients of goods – but not of justice'.

Nussbaum (2011) and Sen (2009) acknowledge critiques of the capability approach from a more process-oriented perspective. Comparing outcome- and process-oriented approaches, Nussbaum (2011: 95-6) emphasizes the point that some capabilities encompass the importance of 'fair procedures', including, for example, rights to political participation. She argues that judicial and political processes have a role in implementing capabilities (if not deciding them) and she acknowledges a need for the capability approach 'to think more systematically about political structure' (Nussbaum 2011: 180). However, without

developing a more central connection between justice and democratic deliberation, the danger is that democratic processes remain secondary and marginal, such that 'we end up', as Anthony Simon Laden (2014: 106) argues, 'with a conception of democracy as primarily a voting scheme, rather than a more full-blown form of collective self-government'. As already noted, Sen (2009) places significant emphasis on deliberation and democracy. He discusses the importance of process as well as outcomes and draws a distinction between 'comprehensive outcomes', which consider 'actions undertaken, agencies involved, processes used, etc', and 'culmination outcomes', which refer to 'simple outcomes in a way is detached from processes, agencies, and relations' (Sen 2009: 215). But then, as Sen acknowledges, the concept of capabilities is not well placed to deal with these questions:

> Capability is, as I have tried to emphasize, only one aspect of freedom, related to substantive opportunities, and it cannot pay adequate attention to fairness and equity involved in procedures that have relevance to justice. While the idea of capability has considerable merit in the assessment of the opportunity aspect of freedom, it cannot possibly deal adequately with the process aspect of freedom (Sen 2009: 295).

Citing this passage, Forst (2014a: 30) urges Sen to go further towards a more process-oriented view of justice. The capability approach, he argues, 'is not only incapable of generating an account of fairness by its own means, but it also needs to accept the priority of the process aspects when it comes to the question of justice. For justice is about who determines (and with what justification) the basic structure of society as well as its institutional workings' (Forst 2014a: 30).

To sum up this section, there are important political questions of justification advocates of the capability approach must address to provide a firm normative foundation for

critical media research. Advocates of the approach must explain which capabilities media systems should promote as entitlements and how these decisions are justified. Likewise, the media structures that create capability deficits in the first place and those that are used to address them raise important independent questions of justification. The capability approach is not well placed to answer such questions in its own terms, since it tends to focus on particular outcomes rather than processes. In the next section, I will outline the alternative process-oriented, discursive theory of justice Forst (2012, 2014a) has developed based on the principle of a 'right to justification'. Forst's theory is better able to address the questions of justification raised by the capability approach I suggest, while also providing the means to assess and defend the importance of particular capabilities. Given that media are central to realizing people's 'right to justification', Forst's perspective also provides a valuable alternative normative standpoint for critical media research.

3. The Right to Justification and Justificatory Equality

Justice, for Forst (2012, 2014a), is closely related to power. In this view, people's most basic claims to justice do not come from a desire for more resources or the capabilities they need to flourish, but from a resistance to arbitrary power. When people challenge illegitimate power, they demand that the decisions and structures that shape their lives in politics and society more generally are adequately justified to them. In so doing, they make a claim to a basic '*right to justification'* (Forst 2012: 2). As Forst (2012: 2) defines it, 'this right expresses the demand that there be no political and social relations of governance that cannot be adequately justified to those affected by them'.

What does 'adequate justification' require? Forst follows Habermas (1987, 1997) in emphasizing the importance of public discourse to justification. For any normative claim to

be justified, Forst argues that it must be accepted by all those affected, as determined through inclusive discursive procedures. More specifically, he argues that 'reciprocity' and 'generality' are the key criteria through which justifications are assessed in deliberative processes. '*Reciprocity'*, as he explains, 'means that no one may refuse the particular demands of others that one raises for oneself (reciprocity of content), and that no one may simply assume that others have the same values and interests as oneself or make recourse to "higher truths" that are not shared by others (reciprocity of reasons)' (Forst 2012: 6). '*Generality',* meanwhile, 'means that reasons for generally valid norms must be shareable by all those affected' (Forst 2012: 6). Forst builds his theory on the basis of this particular conception of discursive justification alone, maintaining that all normative claims must be assessed via the criteria of reciprocity and generality, as determined through discourse involving all those affected.

If we accept the centrality of the right to justification, the normative priority must be to enable people to participate in practices of justification on an equal basis with others, so they are able to challenge illegitimate power. Achieving greater 'justificatory equality' will mean securing appropriate processes and relations of justification or what Forst (2014a: 36) calls a 'basic structure of justification'. This will involve 'specific rights and institutions and a multiplicity of means and specific capabilities and information, including real possibilities to intervene and exercise control within the basic structure' (Forst 2014a: 36). Given the conditions required for justificatory equality are substantial and not fully realized, Forst's theory is potentially radical in its implications for both critique and policy. However, these implications follow from the principle of democratic justification and do not depend for their persuasiveness on any other objective truths. The theory is 'autonomous' in the sense that it is based on the basis of principle of justification alone (Forst, 2012: 7).

Once a basic structure of justification is established, Forst (2014a: 36-7) argues that it is up to relevant publics in different political contexts to decide how resources should be produced and distributed. The distribution of any resources not presupposed by the basic structure of justification, including those related to media, will be subject to democratic decision-making. Publics may reach different judgements about which goods should be produced, how they are produced, and how they are distributed. Furthermore, Forst (2012: 175) does not assume that deliberation will necessarily result in consensus and that all groups will be convinced that the best political outcomes have been reached. As he notes, political decisions may reflect a 'compromise', where groups accept an outcome because it balances conflicting interests but does not reconcile them (see Habermas 1997: 166). Political decisions may only be justified 'indirectly', where groups disagree with an outcome but accept its legitimacy since the processes that generated it are justified and there are effective opportunities to reopen the debate in future (see McCarthy 1996). These different possibilities underscore the same central point. Securing people's basic right to justification and ability to participate in practices of justification on a more equal basis with others must be the first task.

As already noted, since justificatory equality is far from being realized, Forst's theory is potentially far-reaching in its implications for critique. Relating his work to the tradition of critical theory, Forst (2014a: 1-13) argues that his normative perspective must be combined with critical social research. What he calls a 'critique of relations of justification' would, among other things, identify 'non-justifiable social and political relations' characterized by 'exclusion, privilege, and domination' (Forst 2014a: 7), and critique '"false" (potentially ideological) justifications' that 'represent non-justifiable relations and structures as being justified' (Forst 2014a: 8). It would also work towards establishing a 'basic structure of justification' and aim to account for 'the failure or lack of effective social and political

structures of justification which would be tailored to uncovering and transforming unjustified relations' (Forst 2014a: 8). Forst (2014a: 10) describes how a critique of relations of justification means focusing on power and in particular the ability to shape and influence the justificatory discourses available to others. Referring to media directly, he describes how a critique of relations of justification 'presupposes an analysis of discursive positions of power in social space (positions, offices, authorities, media, etc.) and in discursive space (hegemonic narratives of justification, counter-narratives, etc)' (Forst 2014a: 19).

While Forst does not develop these comments further himself, it is not difficult to flesh out possible links between his approach and critical media research. As a substantial literature on media and the public sphere demonstrates (see Lunt & Livingstone 2013), media are clearly a crucial site of public discourse, where particular justificatory relations are enacted and justificatory discourses circulate. Critical media research informed by Forst's theory of justice would focus on examining the extent to which today's media environment provides the conditions for justificatory equality, enabling groups to contribute to practices of justification equally with others. Doing this will mean considering the opportunities people have to represent themselves through media, but also the way media organizations — as a crucial site of discursive power — represent their interests and values. The latter question remains central, despite the possibilities of 'mass self-communication' (Castells 2009). As Couldry (2013: 203) notes, 'self-communications do not stop mass media circulating, nor do they influence the degree to which mass media are even-handed in their representation of the social world: nor, given the difficulty of becoming visible online […] do they necessarily have any wider effect beyond the momentary satisfaction of expression'. Drawing on Forst, we can identify a number of tasks for a 'critique of mediated relations of justification'.

A first task would be to evaluate the justificatory discourses media circulate. As Sen (2009: 335-7) argues, media may help to 'give voice to the neglected and disadvantaged' and

promote other important democratic capabilities. Yet critical media research raises the concern that media also reproduce justifications that support (potentially unjust) power relations. In a recent article in this journal, Downey and Toynbee (2016: 164) suggest that Forst's theory of justice can ground the renewal of ideology analysis in media research, where 'ideology critique becomes an analysis of the (unjust) ways in which unreciprocal or unequal relationships between persons are justified'. Such ideological analysis cannot, as Forst (2014a: 8) emphasizes, result in 'definitive answers'. Researchers must accept the ultimate authority of discursive processes among those affected. Nevertheless, media researchers may still question justifications using the criteria of 'reciprocity' and 'generality', as Forst (2014a: 8) suggests, and raise concerns that mediated relations of justification are structured in ways that dominant justifications are reproduced without being adequately tested and confronted by alternative discourses (see White 2004 for an account of ideology along these lines).

Another task would be to explain what prevents more effective mediated relations of justifications from emerging. Media researchers point to various structural factors that may be relevant here, including a reliance on elite perspectives (Corner 2014: 24-7), limited funding directed towards quality independent journalism (Baker 2002, Habermas 2009: 131-7, Fenton 2011, McChesney 2013: 172-215), the concentration of media ownership (Noam & International Media Concentration Collaboration 2015), the tendency towards media fragmentation and personalization (Mancini 2013, Couldry & Turow 2014), and ongoing inequalities in media access and use (Murdock & Golding 1989, Robinson et al. 2015). Meanwhile, critical analyses of the media policymaking process offer reasons why policies to address such issues may be difficult to achieve, by explaining how the policymaking process — even in democratic contexts — can be weighted in favour of the interests and values of particular groups (Hesmondhalgh 2005, Freedman 2008: 80-105). Importantly, Forst's theory

of justice can normatively ground these critiques of media policymaking too, since it encourages us not just to focus on the quality of the relations justification produced through media, but also of the relations of justification that *surround* media and the need for them to be further democratized.

A final task for a critique of mediated relations of justification would be to consider how media might contribute to enhancing justificatory equality in practice. Returning to the concept of capabilities at this stage is useful. As the democratic theorist James Bohman (1997: 326) argues, ideal procedural accounts of deliberative democracy often lack an adequate conception of 'political equality', assuming that 'citizens are similarly situated or similarly capable of making use of their opportunities and resources'. He argues that the capability approach's more sophisticated understanding of 'equality' provides a useful corrective (Bohman 1997). Likewise, in media research, there is a need to investigate not only the 'opportunities and resources' of justification the media environment offers, but also the complex factors that shape how different groups will relate to these 'opportunities and resources' in practice and which will ultimately determine the 'justificatory capabilities' they have available to them (see Couldry, Livingstone and Markham, 2007, Dahlgren 2009, Coleman and Moss 2016). But while the concept of capabilities helps in considering what achieving justificatory equality requires, as Forst (2012: 36) stresses himself, it is Forst's theory of justice that supplies the normative reasoning for prioritizing capabilities related to justification in the first place. In addition, Forst reminds us that policy interventions designed to achieve greater equality — and resulting media structures and practices — must themselves be justified to the public. After all, as described above, social justice is not something that can be handed down to citizens, but is something citizens must determine and achieve for themselves (Forst 2014a: 19).

These necessarily brief comments are meant only to be indicative and demonstrate links that might be drawn between Forst's theory of justice and media. More space would be required to consider Forst's approach and its implications for critical media research and policy in full. Important questions clear remain. Not least, given the fundamental role deliberative reasoning plays in Forst's theory of justification, we need to reflect on what this involves in practice, especially in view of concerns that particular forms of discourse and reasoning can end up sustaining as well as challenging relations of power (on this point, see the essays by Allen (2014) and Olsen (2014) and Forst's (2014b) reply). Nevertheless, on Forst's account, a focus on how to improve the quality of the relations of justification generated by media and the relations of justification that surround these media must be the normative priorities. Indeed, if we accept the 'right to justification' as a guiding normative principle, both these tasks of critical media research become central to achieving justice more generally.

Concluding comments

The application of the capability approach to media has helped to stimulate debate about the normative perspectives that underpin media research and how media relate to social equality and justice. Following media theorists who have advocated the approach (Garnham 1997, Mansell 2002, Couldry 2007, 2012, Cohen 2012, Hesmondhalgh 2016), I have argued that the concept of capabilities captures important aspects of the relationship between media and equality and has advantages over other ways of thinking about this relationship, such as media-related preferences, media access, and actual media practices and use. However, the application of the approach also raises important political questions about power and process that are central to justice and which the capability approach is not well placed to answer in its

own terms. The process-oriented, discursive theory of justice developed by Forst (2012, 2014a) addresses such questions through its emphasis on the 'right to justification' and 'justificatory equality'. His theory of justice provides a means to assess the importance of particular capabilities and provides a valuable alternative normative standpoint for critical media analysis. More than that, given that media must be central to achieving greater justificatory equality, Forst's theory of justice places critical media research at the centre of struggles to realize social justice.

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