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Freedom Without Idealization: Non-Ideal Approaches to Freedom of Communication

Abstract

This article discusses the normative perspectives that guide debates on freedom of communication and media from the perspective of the distinction between *ideal* and *non-ideal* theory. In political theory, ideal theories are often criticized as being detached from actually existing social conditions and real-world problems. Similarly, it can be argued that abstract and idealized models of freedom of communication and media do not provide the most useful theoretical resources for analyzing the factors that enable or constrain free expression in contemporary societies. The article discusses the implication of three different non-ideal approaches to freedom: Axel Honneth's normative reconstruction, the capabilities approach developed by Amartya Sen and Martha Nussbaum, and the notion of agonistic freedom associated with radical-democratic theory.

Keywords: Freedom of communication, ideal theory, non-ideal theory, normative reconstruction, capabilities approach, agonistic freedom

Freedom Without Idealization: Non-Ideal Approaches to Freedom of Communication

In the debate on the roles of *ideal* and *non-ideal theory* in contemporary political theory, it has been suggested that abstract ideals of societal perfection may not always provide the most useful conceptual basis for normative theory and critical research (e.g., Mills, 2005; Stemplowska & Swift, 2012). Ideal theories about notions, such as freedom, justice, or democracy, in particular have been widely criticized for being too abstract and detached from actually existing empirical conditions to guide normative analyses or political action in real-world circumstances. Instead, these critics have argued that there is a need for non-ideal normative theories that can better address actual problems and guide political choices.

The same kind of criticism can be directed at current academic and political debates on freedom as a central normative concept in the context of communication and media. There is no shortage of discussion and disagreement on the different meanings of freedom of expression, communication, and media, or the institutional implications of these ideals. However, the normative conceptions of freedom that underpin these debates are often highly abstract and idealized, to the extent of being vacuous, in the sense that they provide little guidance for actually analyzing and evaluating media systems, performance, or concrete media policy choices.

Instead, it can be argued that ideal-theoretical frameworks of free expression and media freedom often serve the function of normative reassurance: justifying their status as universal abstract principles or defending pre-determined policy positions, rather than actually providing resources for analyzing how these principles have emerged and evolved, or how actually existing structures and practices enable or constrain their realization.

What I mean by "idealized" conceptions of freedom thus refers both to the way of thinking about freedom of communication as an absolute or authentic ideal, detached from empirical conditions, and to the uses of such absolute ideals in public and policy debates as "fetishized principles" to gather support for a variety of agendas (see Freedman, 2015, p. 104).

Especially in political debates on the media, but also in research, the status of freedom as a foundational ideal is often simply taken for granted, which leaves questions of normative assumptions unexamined. At other times, when different normative frameworks of freedom are explicitly invoked, they typically presuppose a classic ideal theory developed in a context very different from the current conditions. Despite the recognition of the decidedly non-ideal circumstances surrounding the contemporary media landscape, the debates tend to be couched in ideal frameworks of the free marketplace of ideas, the public sphere, or some other established model or metaphor of what communicative freedom would mean under idealized, hypothetical conditions.

According to Edge (2013, p. 379), a normative theory of freedom should enable us to evaluate "the way the (alterable) shapes and structures of our societies affect the shape of our freedom, and how our areas, or degrees, of individual liberty are distributed and, indeed, what kind of obstacles might be standing in the way of our actual and potential choices." The debates on freedom of communication and media freedom in contemporary societies clearly touch upon concrete real-world problems that involve complex, evolving obstacles and power structures. In terms of understanding and critically evaluating these constraints or making comparisons between different non-ideal cases, relating these conditions to abstract and timeless idealizations of pure and perfect freedom is arguably not the most useful approach. The idealized way of thinking about freedom as a state of perfection also offers little practical policy guidance: Invoking free speech as an absolute principle may well help compel political

support for the actors and causes that deploy them, but for the purposes of critically evaluating obstacles to communication, different policy options and their consequences, it may sometimes be counter-productive. As many critical scholars have noted, such ritualistic uses risk reducing terms such as free speech, press freedom, or internet freedom to mere fetishized principles or "tired, incoherent mantras" (Freedman, 2015; Tambini, 2012). With enduring and emerging constraints ranging from government control and market censorship to new forms of platform dominance and algorithmic censorship, normative and media policy choices related to freedom of communication arguably need better theoretical and normative grounding.

The aim of this article is to examine and compare three distinct normative perspectives, which approach freedom of communication and media in non-ideal and non-foundational terms. These approaches recognize freedom as a contested, imperfect, and socially constructed ideal, not a state that can be attained in any absolute sense. However, the idea is not to replace ideal theories with relativism or descriptivism, or to argue for accepting the status quo as a given. The non-idealizing perspectives discussed here retain freedom of communication as a central normative principle, but without binding it to any transcendental, universal ideal theory with definite conditions of realization. While they are not without problems, I argue that the three approaches discussed below can, in different ways, provide useful theoretical perspectives for rethinking freedom of communication as a normative concept and for evaluating the structures and practices that enable or constrain it today.

The article begins with a brief introduction to the philosophical distinction between ideal and non-ideal theory. The implications of the distinction in the context of current debates on freedom of communication and media are then discussed. After that, the article present three different theoretical perspectives on freedom that have arguably been, if not neglected, at least underdeveloped in normative debates in communication studies: Axel

Honneth's (2014) approach of *normative reconstruction*, the *capabilities approach* developed by Amartya Sen (2009) and Martha Nussbaum (2000, 2011), and the radical-democratic idea of *agonistic freedom* (Kioupkiolis, 2008, 2009, 2012). After introducing these frameworks, the article discusses the implications of each for thinking about freedom of communication and media.

Ideal and Non-Ideal Theory

The distinction between ideal and non-ideal theory, originally drawn by John Rawls in *A Theory of Justice* (1971/1999), has recently resurfaced in philosophical debates on the proper methods and aims of normative political theory. While there are different ways of understanding the distinction, the term "ideal" is generally understood through its connotations of perfection, but also of impossibility (*idealism* contrasted with *realism*). Ideal theory therefore typically refers to a utopian or idealistic theory that focuses on abstract principles or the hypothetical end-state, whereas non-ideal theory is seen as more realistic, and focused on transitional improvements in various real-life contexts (Valentini, 2012). In brief, the debate thus concerns the question of whether normative political theories should primarily aim to identify ideal visions or models of "societal perfection" or focus more on gradual improvements or comparisons that can guide practical political action without necessarily determining what the optimum is (Stemplowska & Swift, 2012).

Ideal theories typically involve idealized assumptions, seeking to identify principles that would guide political or social arrangements under favorable conditions, regardless of whether these principles can realistically be applied. Proponents of non-ideal theory, in contrast, tend to emphasize how political theory ought to account for the actual functioning of society and offer normative guidance for political action here and now in empirically

contingent circumstances. Non-ideal theory thus focuses more on how values and ideals are translated into actual social mechanisms, institutions, and practices.

As the starting point for these debates, Rawls originally presented ideal theory as the first step of normative theory, a necessary precursor that sets a long-term target and a normative reference point for the kind of non-ideal theory that can subsequently guide action in the real world, under actually existing, imperfect circumstances. As Rawls (1971/1999, pp. 89–90) put it, "until the ideal is identified, at least in outline […] non-ideal theory lacks an objective, an aim, by reference to which its queries can be answered". According to this view, the priority for normative theory is therefore to figure out the principles that would characterize society under ideal circumstances, and only at the second stage to reflect on the way in which principles can be brought to bear on political practices and institutions.

Rawls's theory of justice is often cited as a classic example of ideal theory, but in the context of media and communications, there are several other theoretical traditions that have sought to establish communicative freedom as an ideal normative reference point in this sense. Prominent ideal models include, for example, classical liberal theories of how freedom of expression enables the discovery of truth and self-development (e.g., Mill, 1859/1948) or more contemporary theories of deliberative democracy, discourse ethics, and the public sphere (e.g., Habermas, 1962/1989, 1992/1996). The purpose here is not to review or criticize these theories here. Habermas's work, for example, ranges from historical sociology to moral philosophy, and involves many different ways of constructing and employing ideals. The point is that often these ideals are removed from their original contexts to be deployed as abstract normative reference points or ideal blueprints in debates about the organization of media institutions.

The emphasis on ideal theory in political philosophy has been criticized from many directions, including conservatives, radical-democrats, postmodern theorists, feminists, and

many others (Mills, 2005; Schwartzman, 2006; Stemplowska & Swift, 2012). While critics may have different understandings of ideal theory and different reasons for their critiques, they signal a common concern that ideal normative theories are too detached from reality to guide political analysis or action in actually existing circumstances.

In contrast to Rawls, many critics of ideal theory argue that non-ideal theory cannot be relegated to second-order questions of how to "apply" ideals to practice (Wilson & Ryg, 2015). Instead, it is argued that, to be useful, normative theory should begin from the non-ideal real-world circumstances, and draw on the existing social science evidence documenting specific conditions and problems. In the context of media and communication, for example, this would involve starting from specific circumstances of contemporary media systems and their legal, institutional, and cultural contexts, and developing normative targets on the basis of existing problems rather than superimposing a universal and abstract ideal of freedom on these contexts.

Philosopher Axel Honneth (2014, p. 1) has recently argued: "one of the major weaknesses of contemporary political philosophy is that is has been decoupled from an analysis of society and has thus become fixated on purely normative principles […] drawn up in isolation from the norms that prevail in given practices and institutions".

Similarly, economist and philosopher Amartya Sen (2009) claims that the characterization of spotless justice, or knowing what an identifiably perfect alternative would look like in principle, is simply not necessary or even helpful for the purpose of judging what is required here and now. For Sen, what is needed instead is a comparative approach, which allows the comparison of the relative merits of different options, rather than a transcendental approach, which assesses these in the light of certain ideal principles, conceived under idealized assumptions.

In all, ideal theory and its abstract normative principles are often seen as insensitive to empirical realities and social-scientific analyses of how cultural, economic, and political institutions actually work. Even worse, it has sometimes been argued that ideal theories can be ideological and counter-productive, because by focusing on abstract ideals, they distract attention from actually existing injustices and forms of oppression (Mills, 2005; Stemplowska & Swift, 2012, p. 377).

A comprehensive discussion of the different meanings of ideal and non-ideal theory in philosophy, and the arguments about their merits and flaws, is beyond the scope of this article. The distinction presented here is stylized, and, in practice, many normative approaches combine features of both ideal and non-ideal theory (e.g., Stemplowska, 2008). However, I use the distinction and the criticism of ideal theory here as a lens through which I examine current debates on freedom of communication and media. Are the abstract, idealized notions of free speech and media freedom invoked in academic and political debates actually counter-productive for the purposes of critical research in the current landscape of imperfect and partial media freedom? And what would non-ideal theoretical approaches to freedom entail in the context of media and communications?

Idealizations of Free Communication

It can be argued that the concept of freedom serves a paradigmatic normative function in debates on the role of media and communications in society: As an abstract ideal, it functions not only as a normative benchmark for evaluating media systems, institutions, and practices, but also as an overarching framework that structures intellectual orientation and overall thinking about the role of media institutions in society (e.g., Frega, 2017; Nordestreng, 2013).

Within this normative paradigm, there are different interpretations, or theories, of what freedom in the context of media and communications means and how it can be realized. It is common, for example, to distinguish between negative (freedom from) and positive (freedom to) conceptions of freedom, and their different implications for thinking about the relationship between media, the state, and society. Abstraction and idealization are not specific to any one type of theory, however, and both negative and positive approaches to communicative freedom can rely on ideals of authentic or absolute freedom, conceived under certain idealized assumptions.

In normative political theory, idealization generally refers to contra-factual assumptions that agents or conditions have certain ideal qualities. According to Rawls's (1971/1999, p. 216) original use, ideal theory makes two types of idealizing assumptions. First, it assumes that all actors are generally willing to comply with whatever principles are chosen. In the case of free speech, this can involve for example assumptions that individuals are generally truth-seeking, rational and well-informed. Secondly, ideal theory assumes favorable social conditions: for example, that there are no major economic, social, or educational inequalities, which inhibit people from voicing their opinions and taking part in public speech. According to Mills' (2005, p. 168–169) critical reading, typical assumptions can also include an idealized social ontology of equal and atomic individuals, unrealistic capacities attributed to individuals, and silence on oppression and structural domination.

Both negative and positive conceptions of free expression can contain such assumptions: Libertarian, negative conceptions of free speech typically tend to assume that free speech exists when the state does not directly restrict it (e.g., Kenyon, 2014). The metaphor of the free marketplace of ideas, in which the truth emerges as the result of open discussions occurring without any threat of censorship or governmental interference, is obviously idealizing in the sense that it ignores the real circumstances that obstruct the use of

public speech, such as market failures, self-censorship, and other psychological and ideological constraints. In line with Mills' (2005) criticism of ideal theory, negative libertarians thus tend to abstract freedom from social power, ignoring how real-world conditions and existing structures prevent people from using their freedom.

On the other hand, many positive conceptions of freedom, or notions of positive communication rights, can also be criticized for trying to develop a pre-determined lists of abstract, universal preconditions or specific ends that "authentic" communicative freedom would involve. In line with Berlin's (1969) famous discussion, positive freedom can be criticized for paternalism or essentialism, trying to define the communicative needs and rights of citizens from above. Proponents of positive freedom, who draw on the Habermasian or Kantian ideas of rational autonomy and self-mastery, for example, can be criticized for associating freedom with a permanent essence, based on invariant principles and predetermined laws based on ideal theories of universal reason (see Kioupkiolis, 2009).

The idealizing assumptions of both liberal theories of the free marketplace of ideas and theories of the public sphere have of course been extensively criticized and revised. Assumptions of rationality and the "bracketing" of existing inequalities, for example, are much discussed criticisms of the Habermasian theories of the public sphere and deliberative democracy (e.g., Fraser, 1992). Regardless, and in the absence of better alternatives, ideals and normative metaphors derived from these theories still retain their status as normative reference points in much of the debate on free communication and media.

Freedom is not only a philosophical ideal, but also a political catchword whose rhetorical appeal can be used for a variety of purposes. Therefore, if the ideals of freedom that underlie current debates on media often appear divorced from the actual empirical realities of contemporary media systems and concrete media policy concerns, the reasons are not only philosophical but also political and practical. Public and political debates are rarely

premised on clearly articulated ideal theories. As a normative paradigm, discourses of freedom involve metaphors and myths that involve idealization and abstraction in a different sense from Rawlsian ideal theory. The use of freedom as a politically sacrosanct but often vacuous principle underscores the point that abstract ideals and principles can distract attention from actually existing real-world problems.

In contemporary media policy, many critical scholars have noted how idealized notions of freedom, and the normative appeal they offer, are often mobilized by those in power to block reforms and close down debate. In the debates on media accountability and press self-regulation in the UK, for example, newspapers have successfully invoked the value of "press freedom" as an absolute and inviolable right to oppose any oversight, without needing to define the concept or to provide any arguments of how the proposed measures would actually restrain journalism or reduce their freedoms (Freedman, 2015; Tambini, 2012). Similarly, in the US, corporations have strategically harnessed the principle of "free speech" to resist regulations and expand protections of commercial speech (Weiland, 2017). In the context of internet governance, it has been claimed that the naïve promotion of "internet freedom" often ignores real power relations and restrictions online (Morozov, 2011).

Consequently, the aim of finding alternative, non-ideal perspectives on communicative freedom is not only of theoretical interest but is also politically relevant. But what should a non-ideal, non-foundational approach to freedom of communicative then look like? In debates on ideal and non-ideal theory in political theory, the criticisms of ideal theory as detached from actual empirical circumstances is often translated into a call for more focus on policies and institutions instead of abstract principles (Stemplowska & Swift, 2012, p. 387). In the field of media and communication studies, however, there is no shortage of practice-oriented research on media policy and regulation, media use, journalistic institutions

and technological changes, among other areas. In many of these studies, the focus is on solving practical problems and the ideal of communicative freedom as a normative ideal is taken for granted without much further problematizing. Empirical comparisons of media freedom across countries (e.g., Freedom House, 2017), for example, are typically very focused on concrete policies and institutional developments, but lack engagement with normative theory or concepts. As such, they can be criticized for presupposing a hegemonic conception of media freedom as a fixed, universal ideal. Instead of being detached from real functioning of actual institutions, media and communication studies is often criticized for underdeveloped theoretical resources and lack of engagement with broader political and social theory (e.g., Hesmondhalgh & Toynbee, 2008; Karppinen, 2013).

Thus the problem addressed in this article is not a lack of focus on policies and institutions, but the limited range of theoretical frameworks used in these debates. What I argue here is that there is a need for another type of normative theorizing in communication studies, between abstract ideal models and mere empirical descriptivism, which can function as a conceptual resource for evaluating, identifying, and pushing up against different ways in which actually existing institutions, policies and circumstances enable or constrain freedom of communication. To this end, I examine three, arguably under-developed theoretical frameworks, which in different ways can provide a basis for non-ideal theorizing of communicative freedom.

Three Non-Ideal Approaches

The theoretical approaches discussed here represent mutually divergent traditions, but share the idea of freedom as a historical and contested ideal, and a matter of degree, not as a fixed universal absolute. As such, these approaches are arguably more attuned to considering the specific circumstances that foster or constrain communicative freedom, instead of trying

to imagine universal, definite conditions for its realization. After briefly introducing each of the approaches, I discuss their implications for academic and policy debates on communicative freedom and how they may be useful for communication studies.

Normative Reconstruction and Social Freedom

In his book *Freedom's Right* (2014), philosopher Axel Honneth offers a sharp criticism of the mainstream of political philosophy and, in particular, theories of freedom and rights. Instead of the abstract, formal, and procedural principles of Kantian and Neo-Kantian political theory, represented by theorists like Rawls and Habermas, he draws on Hegel's philosophy to propose a form of critical social theory that he calls "normative reconstruction" and his own conception of "social freedom."

Normative reconstruction, according to Honneth (2014), is a procedure that aims to develop normative theory by identifying and reworking the norms and ideals already inherent in modern institutions, and then evaluating them through normative comparison. Instead of "free-standing constructions" derived from purely normative principles prior to immanent analysis, Honneth (2014, pp. 4–6) argues that critical political theory should derive its ideals from the normative claims that have developed within actual social, economic, and political practices and institutions. After identifying these already existing normative commitments and problems, normative reconstruction then proceeds to evaluate these "institutional promises of freedom" and "claims that have not yet been redeemed" by analyzing the trends and possibilities inherent in existing social reality (Honneth, 2014, p. viii). This does not imply taking the existing institutions and the status quo as given, but involves criticizing existing conditions which fail to actualize their potential to realize these values fully.

Other theorists have proposed similar strategies. The method of normative reconstruction is paralleled, for example, by John Dewey's pragmatic idea of starting inquiry

from "lived experience" and subsequently directing the reworked ideals back into practice to guide subsequent action and knowledge (Wilson & Ryg, 2015, p. 132). In this way, a normative ideal, such as freedom, would not represent a purely abstract principle or an external end superimposed on social reality, but an ideal that emerges from inquiry into existing social values and human practices, on the one hand, and critical evaluation of the existing ideals' normative validity and rationality on the other.

According to Honneth, the normative validity of values and social aims can only be evaluated after understanding how they emerge within a social context. This involves making visible how values do not emerge from thin air but evolve and get re-interpreted in different institutional and practical contexts. By picking up on values and ideas already institutionalized in society and evaluating their moral validity through normative comparison, Honneth (2014, p. 63) thus aims to address actual social, economic, and political practices and institutions in a way that abstract ideal theories fail to do.

Regarding the norm of freedom, in particular, Honneth uses the method of normative reconstruction to develop a three-way taxonomy of the modern concept of freedom by distinguishing between negative, reflexive (positive), and social freedom.

Critical of the abstract, procedural conceptions of freedom promoted by liberal theorists like Locke and Mill, but also contemporary theorists like Rawls and Habermas, Honneth argues that in both idealized negative and reflexive notions of freedom, freedom is detached from the institutionalized settings and the structural preconditions actually existing in society. Honneth thus rejects the atomistic and procedural idea of freedom, abstracted from social reality and existing constraints, and instead argues that social conditions should be a constitutive part of freedom itself. For him, this means taking into account the actual institutional settings and social relations within which people communicate. Freedom is thus not seen as an abstract, transcendental ideal, but a practical achievement that can only be

realized socially, within institutions and practices, and in relation to other people. "Social freedom" is therefore not only an individual right, but a social condition that involves mutual recognition and acting together so that "individuals' intentions are 'interlaced' in a way that constitutes a form of cooperation" (Honneth, 2014, p. 125).

Honneth's previous work on recognition has occasionally been noted in communication studies, for instance by Couldry (2010) in his discussion of the concept of *voice* as a normative value. At least in comparison to Habermas, however, broader engagement with Honneth's ideas of social freedom and the method of normative reconstruction in communication studies has been limited and its full implications for thinking about freedom of communication and expression have not yet been fully developed.

The approach has a number of potentially attractive implications for thinking about freedom of communication and media. First, the call to work with existing values and norms, instead of purely abstract normative principles, implies that a precise institutional blueprint for "free" media systems cannot be generated from abstract principles that precede social analysis. Instead, debates should start from actually existing values developed within civil society and communicative institutions, and their immanent criticism and comparison. Besides laws, this could mean taking into account existing conceptions of freedom in journalism, politics, the expectations of the public and the demands of civil society, and evaluating their validity, mutual cohesion, and conditions of realization. In this sense, the ideals of journalistic freedom or internet freedom, for instance, would not represent embodiments of a higher abstract principle, assumed from above, but contextual, historical norms developed from below. Through normative reconstruction, research would need to assess how actors justify and ground these values, and what limits and constraints they involve in current institutions and practices.

In this way, the approach of normative reconstruction seems to avoid the problem of superimposing abstract, free-standing principles of free speech or media freedom on current institutions and practices and evaluating how they measure up against these abstract ideals. Instead, the approach would start by analyzing what people actually think about the relationship between the media, state, and economy, and after such an immanent analysis, evaluating the problems that these relationships currently involve.

Some of the empirical basis for this kind of approach already exists: Comparative studies of journalism, for example, have mapped how professional norms and ideals have evolved and differ across the world (e.g., Hanusch & Hanitzsch, 2017). In media policy studies, scholars have proposed that studying "social demand," understood as the range of expectations that citizens have with respect to media, can be used as a basis for assessing the legitimacy of media and communication policies (Raboy, Abramson, Proulx, & Welters, 2001). These empirical research findings, however, are not usually incorporated in normative theories of media freedom. The approach of normative reconstruction thus could provide a theoretical-normative horizon through which this empirical work would connect with normative theory and broader debates on freedom of communication and media freedom.

Second, by historicizing and contextualizing the value of freedom of communication as a normative value, the normative-reconstructive approach is also better suited to explain when and how norms and values change and evolve. Rather than invoking an out-of-context quote from Enlightenment philosophers to assess current institutions, the approach would allow us to evaluate how current discourses of internet freedom, press freedom, or free speech perhaps entail conflicting norms, and how norms that have gained currency in one historical constellation may evolve, or perhaps lose their legitimacy, in another situation.

Third, the holistic notion of social freedom also implies a critique of narrow legalistic and procedural conceptions of free speech. Beyond the individual legal right to free speech, it

takes into account the communicative practices and institutions that provide or fail to provide the conditions for individuals to make choices and express themselves. In the context of communication and media, this means taking into account broader structures of markets, democracy, family and personal relations, media use, and everyday life, in a more holistic, sociological view of freedom, which looks at how media systems provide various opportunities for individuals (see Couldry, 2010, pp. 66–67; Edge, 2013).

Fully working out the implications of this approach for media and communication studies needs more development. The approach is also not without its problems. It can be questioned, for instance, how exactly researchers should evaluate and validate the actually existing norms without using any external ideal theories or principles that give critical distance from particular circumstances (see Wilson & Ryg, 2015, p. 137). Also, it can be argued that with its focus on existing values the approach also involves inherent conservatism, a bias towards the status quo, and the inability to imagine radically different alternatives to present conditions. Even with these problems, however, the approach of normative reconstruction offers one theoretical-framework that could potentially provide new, productive perspectives into current debates on free speech and media freedom as normative ideals.

Communication as a Capability

The capabilities approach, developed most prominently by Amartya Sen and Martha Nussbaum, provides another non-ideal normative framework for thinking about freedom of communication and expression. As a distinctive perspective on human rights and freedoms, the capabilities approach has received attention in several fields of social sciences, including welfare economics, social policy, development studies, and some contributions in media and communication studies (e.g. Couldry 2010; Garnham, 1997: Gelber, 2012; Kleine, 2013;

Schejter & Tirosh, 2016). However, as a broader framework of thinking about freedom of communication and media, the approach arguably remains underdeveloped in communication studies (Hesmondhalgh 2017).

The capabilities approach proposes functional freedoms, or central human capabilities, as a normative starting point. The approach is often associated with the positive, or substantial, conception of freedom, because it is not concerned with absence of restrictions only, but with people's real opportunities and their structural preconditions. As Sen (2009) argues, debates on human freedom should shift their focus from transcendental, procedural, and abstract ideals of authentic freedom to expanding the effective, real freedoms that people enjoy, or what people are actually able to do with the resources available.

However, the idea of "real freedom" here does not refer to yet another ideal theory of a set of structures and institutions. Instead of advocating any predefined conception of what genuine, perfect freedom would look like under idealized conditions, the approach recognizes the multiple dimensions of freedom and the impossibility of its perfect realization. Instead, Sen has emphasized the incremental and practical achievements that expand people's opportunities to pursue the objectives that they themselves value. According to Sen (2009, p. 253) capabilities can thus be understood as the actual opportunities people have to achieve the things that they have good reason to value, and that are constitutive of their wellbeing. Instead of the procedural means to achieve various abstractly defined goals, the capability approach is concerned with the actual capability of individuals to achieve the desired end result. Emphasizing the importance of capabilities, rather than particular institutional arrangements or procedures, the capability approach offers an appealing normative framework that can be tailored to various different contexts.

Although the implications of the approach have not been fully and systematically developed, its potential relevance for media and communication studies has been

acknowledged (e.g. Hesmondhalgh, 2017). In the context of communication, the most obvious implication of the approach is that it rejects the formal, procedural focus of much free speech thinking, and instead focuses on the distribution of social resources that enable or constrain individuals' communicative capabilities. As Nicholas Garnham (1997, p. 121) puts it in one of the first discussions of the applications of the capabilities approach for communication studies, "we need to think of newspapers and broadcasting as enablers of a range of functionings rather than as providers of a stream of content to be consumed." Today, the rise of digital platforms and intermediaries arguably make this perspective even more significant. Digital intermediaries and platforms, which increasingly exert structural, algorithmic power that shapes the options and opportunities available to media users, challenge the old conceptual frameworks of "free press" and "censorship." The capabilities perspective provides a normative lens through which various factors, such as technological affordances, market structures and regulations, can both enable or constrain communicative capabilities and functionings. As Hesmondhalgh (2017, p. 213) notes, it allows debate about constraints on what media users do with the opportunities presented to them and what economic, social and cultural factors may stop them from using media and communication resources to achieve functionings that they have reason to value.

Another key implication of the capability approach for communication is that as a normative framework it is comparative. Sen emphasizes the need to normatively compare different options within the feasible set, rather than a transcendental approach, which involves assessing those options in the light of an ideal theory generated under idealized assumptions. Accordingly, one of the most prominent policy uses of the approach is in the development of comparative country rankings, such as the Human Development Index (HDI). Similarly in the context of communication and media freedom, the capability approach could have much to offer as a normative basis for comparisons between countries,

media systems, or platforms – and the relative effective freedom they enable – without the necessity of having an ideal theory of perfect freedom. The capabilities approach thus provides a useful framework for comparative work on how different media systems or policies promote people's real communicative opportunities, or for studying communicative inequalities with regard to access or voice between individuals or groups within societies.

While theoretically and normatively attractive, the operationalization of the approach is not without its problems. The problem of how to identify and select the relevant capabilities or functionings to compare and with what criteria their realization can be assessed through remains, especially in the context of media and communication (Hesmondhalgh, 2017; Moss, 2018). What are the basic communicative capabilities that most people would have reason to value?

Sen himself has not wanted to specify any authoritative list of basic capabilities or their criteria. He has argued against "one pre-determined canonical list of capabilities, chosen by theorists without any general social discussion or public reasoning" (Sen, 2005, p. 158). Others, most notably Martha Nussbaum, have taken the approach in a more substantive direction, arguing that to be useful as more than a theoretical outline, we need to identify what are the basic capabilities that we should aim for all humans to have. In contrast to Sen's more open-ended approach, Nussbaum has consequently developed a list of central, basic capabilities that all democracies have the responsibility to guarantee to citizens. For Nussbaum (2000, 2011), these cover areas including: life; bodily health; bodily integrity; senses, imagination, and thought; emotions; practical reason; affiliation; other species; play; and control over one's environment. Among these, it is easy to recognize several issues related to communication and expression (see also Hesmondhalgh, 2017, pp. 213–214), including for instance, the ability "to use the senses, to imagine, think, and reason – and to do these things in a 'truly human' way […] informed and cultivated by an adequate education";

"being able to use imagination and thought in connection with experiencing and producing works and events of one's own choice" and "being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech" (Nussbaum, 2000, p. 78).

Similarly to Honneth (2014), and his emphasis on institutional settings and structural preconditions, Nussbaum emphasizes the role of public policy in promoting the educational, institutional, and material conditions for the realization of basic capabilities. It is in this way that Couldry (2010) has also drawn on the capabilities approach to argue for treating voice, the effective ability to give an account of oneself, as a fundamental capability, and for evaluating institutional frameworks and the allocation of resources on the basis of how they enable this in practice.

Access to information and communicative resources can also be seen as having an important, facilitative role in the realization of other basic capabilities (Gelber, 2012). We can think of digital capabilities, such as internet access, as an enabling capability, which makes people aware of their other rights, helps them participate in society, and contributes to wellbeing in other ways. In this way, adopting the capabilities approach as a normative framework could also help integrate debates on communication rights and freedoms with other human rights and social justice issues.

Since theorists of the capability approach have so far had relatively little to say about communication or media more concretely, more work is needed to develop the framework for the purposes of theorizing or operationalizing communicative freedom. Beyond general values, such as having a voice, the substance of what basic communicative capabilities would entail in different contexts thus remains an open question to be discussed (see, Moss, 2018). Beyond its empirical uses and questions of operationalization, however, the capabilities approach could, above all, have much more to offer to communication as another, non-ideal

normative framework that provides a language and concepts for talking about communicative rights and freedoms, not as an either/or state of affairs or an idealized first-principle, but as a matter of degree, constrained by several institutional factors.

Agonistic Freedom

A third, distinct theoretical perspective that emphasizes the contested and partial nature of freedom can be found in the radical or "agonistic" theories of democracy, promoted by political theorists such as Chantal Mouffe (2000, 2005). While these theories share the previous two perspectives' criticism of the abstract proceduralism of conventional liberal theories, the radical democratic theories put even more emphasis on the constrained nature of freedom and identifying and challenging the hegemonic power relations that always shape communication.

The central claim of this perspective is that not only the liberal model of the marketplace of ideas but also ideal conceptions of a rational and deliberative public sphere fail to sufficiently address the inevitable nature of power and existing forms of exclusion. As a consequence of emphasizing the ineradicable nature of hegemonic power relations, the aim of promoting freedom of communication from the radical-democratic perspective is not the complete elimination of power relations but their continuing contestation. Instead of imagining ideal models of absolute freedom, the point is to make seemingly neutral power structures and constraints visible so they can be challenged and reformed. As Mouffe (2005, p. 51) argues, "without grasping the structure of the current hegemonic order and the type of power relations through which it is constituted, no real democratisation can ever get off the ground."

Even more so than Honneth or Sen, post-foundational theorists like Mouffe treat ideals of authentic freedom as not only empirically unattainable but also ontologically

impossible. In terms of communication and free expression, the basic premise of this approach is captured in Stanley Fish's (1994) famous argument that "there is no such thing as free speech." Fish's point is that assertions of free speech have never been general, as they are always articulated against the background of restrictions and exclusions that give the concept its meaning. In this sense, relations of power, and the various exclusions and restrictions they impose, are constitutive of public expression. From this perspective, notions like free speech and media freedom are thus understood above all as terms rooted in certain historical practices, institutional arrangements, and privileges that they protect. According to Wendy Brown (1995, p. 6), "freedom is neither a philosophical absolute nor a tangible entity but a relational and contextual practice that takes shape in opposition to whatever is locally and ideologically conceived as unfreedom."

Such radical anti-foundationalism may not at first glance seem like a very sustainable basis for defending or promoting communicative freedom. Postmodern and poststructuralist approaches are easy to criticize for extreme relativism and subjectivism that abandons all principles, allowing the notion of freedom to be used for any purpose by anyone. On the other hand, in contrast to the absolute and universalizing rhetoric, a position that recognizes the contextual and limited nature of freedom can also be seen as a more tenable and empowering basis for expanding and reimagining communicative freedom as a normative value under present conditions.

This argument has recently been made by philosopher Kostas Kioupkiolis (2008, 2009, 2012). Drawing on thinkers like Cornelius Castoriadis and Michel Foucault, Kioupkiolis criticizes the conventional, modern conceptions of freedom for essentialism, tying freedom to unchanging universal laws and definite conditions of realization, and for failing to address the constrained nature of human agency. For him, conceptualizing freedom as the absence of external constraints, such as state censorship, and the assumption that

people are as free as they can be if only there is no outside intervention, affords no insight into how we can actually go about expanding freedom.

In contrast, Kioupkiolis (2008, p. 153) argues for an agonistic conception of freedom, understood as a "limited process of struggle against a multiplicity of constraints, which cannot be fully eradicated." Following Foucault, this approach emphasizes that the multiple constraints that structure human behavior are simultaneously enabling and restraining, and cannot be entirely wiped out. Instead, when the inherently constrained nature of freedom is recognized, "freedom breaks loose from the compulsion to achieve its definite realization within fixed social conditions and particular institutional arrangements" (Kioupkiolis, 2009, p. 474). Accordingly, the agonistic conception of freedom and its heightened appreciation of contingency can enhance creative agency and innovation: projecting new objects and ways of living, allowing individuals to bring new possibilities into existence, and extending the range of political options beyond any predefined alternatives (Kioupkiolis, 2009, p. 484). Similarly, radical-democratic theorists like Mouffe (2000, pp. 33–34) have emphasized that, while concepts such as democracy and freedom are always indeterminate and open to a multitude of interpretations, it is the role of critical research itself to offer these interpretations, and thus provide a basis for real political alternatives.

If some non-ideal approaches, such as Honneth's normative reconstruction, can be criticized for inherent bias in favor of the status quo and existing institutions, then agonistic freedom may invite criticism on the opposite grounds. In terms of concrete implications, its emphasis on the processes of contestation, resistance, and criticism makes it susceptible to the criticism that it is obsessed only with disruption, and incapable of developing any substantive normative positions or concrete institutional suggestions.

The agonistic approach does not have to mean mere valorization of disruption, and it has also been used in critical media policy research as a normative perspective for evaluating

institutional structures and media policies (Karppinen, 2007). In some ways, however, it is clear that the agonistic approach is above all a call to recognize the aspects of power, exclusion, and control inherent in all conceptions of free communication, more than an attempt to defend any particular definition of freedom or its institutional preconditions. Public communication is always subject to a range of constraints and limitations, ranging from individuals' skills and access to market logics, cultural conventions, and other structural forms of social control. Especially in the context of contemporary media, many of these constraints to free communication are novel, under-studied, and not easily observed. Therefore, making visible the operation of power relations and the constraints they pose can itself be a valuable contribution, as an antidote to the simple dichotomies of freedom/control that often frame debates on issues like media freedom or internet freedom. Furthermore, the emphasis on extending the range of options and imagining political alternatives beyond the existing institutional settings is highly relevant to contemporary debates on digital politics and policy.

Conclusions

In line with broader critiques of ideal theory in political philosophy, there is continuing frustration in communication studies with idealizing discourses around freedom of communication and media. On the one hand, philosophical ideals of free speech can appear too detached from the actual functioning of contemporary media institutions and platforms of communication to offer much guidance. On the other hand, debates on freedom of expression, communication, and media are also riddled with politically instrumentalist and theoretically vacuous uses that try to summon the perceived sacrosanct and absolute nature of these principles for a variety of political agendas.

I have argued in this article that there is a need for new normative and theoretical perspectives to guide debates on freedom of communication and media. The article presents three distinct non-ideal, non-foundational perspectives, which can arguably help conceptualize problems related to freedom of communication in the context of current non-ideal circumstances in a more realistic way than some of the ideal models inherited from classic ideal theories of communication studies.

This is not to argue that ideal normative theories have no place at all: among other functions, they can still provide philosophical justifications and analyses of the nature and properties of normative concepts, and may even serve practical political functions by providing a vision of an ideal society, or by drawing attention to the urgency of current societal problems in light of these ideals (e.g., Stemplowska & Swift, 2012). The distinction between idealizing and non-idealizing approaches also need not be exaggerated: their perspectives can complement as well as compete. The purpose of the article is not to denounce the value of ideal theories, nor do I suggest that the frameworks presented above provide the be-all and end-all of thinking about freedom of communication.

The three frameworks are illustrative, not exhaustive, and they are presented for the purpose of broadening the theoretical horizons of media studies, and opening up dialogue between communication studies and broader social and political theory (see Hesmondhalgh & Toynbee, 2008). When it comes to comparing the three approaches, or evaluating their respective value as a theoretical resource for rethinking freedom of communication, the three approaches described here can be seen as all having specific areas of application: Honneth's normative reconstruction provides a way for historicizing freedom of communication and media as a social value. As a values that has emerged and evolved in specific institutional and cultural contexts, it should be analyzed socially, in relation to these expectations and promises. The capabilities approach, on the other hand, offers a normative framework that is

already established in many other fields. It can be employed, for example, in comparisons of how different institutional contexts or media policies enable or constrain people's communicative opportunities. Finally, the perspective of agonistic freedom operates above all as a critical perspective that seeks to make the relations of power that constrain communication visible and that can expand our imaginaries by opening up new "counter-hegemonic" alternatives and political options.

The three different theoretical approaches outlined above also represent very different strands of thinking, each of which comes with its own problems and requires more development in the context of media and communication. Their common implication, however, is that freedom of communication should not be understood as an absolute, foundational ideal, or a state of affairs that can be unambiguously achieved, but more as a matter of degree, subject to a range of empirical constraints and limits. These constraints can be based on state, market, or technological systems, and cultural, political, and social relations of power. The existence of these constraints is not to be seen only as a deviation from the ideal model, but as a starting point that critical research aims to analyze, make visible, and modify.

These non-ideal approaches can also be seen as broadly pragmatic in their goals. They all emphasize a continual process of critical engagement with the existing structures that enable and constrain freedom. To different degrees, they also focus on conducting normative theory in close engagement with empirical research. Instead of attempting to develop an institutional blueprint for free media or communications systems from purely abstract principles, they all emphasize that normative theory requires empirical input and awareness of how real-life, non-ideal media institutions and practices actually work and what types of emergent constraints they pose (cf. Mills, 2005, p. 178).

Abandoning universal principles and ideal theories is often criticized for relativism and subjectivism that makes it impossible to make objective normative judgements or evaluations. Yet, all of these perspectives are also critical and normative. As normative perspectives, they imply different methods and strategies: evaluating the validity of existing institutional promises of freedom, comparing the capabilities afforded by different institutional settings, and making existing constraints and structures of power visible. As conceptual resources for assessing media systems, building hypotheses, and asking new questions, they all offer conceptual resources to guide critical research into the contemporary media landscape, and the multitude of structural, behavioral, and cultural factors that enable and constrain freedom of communication.

References

Berlin, I. (1969). Two concepts of liberty. In I. Berlin, *Four essays on liberty*. Oxford, UK: Oxford University Press.

Brown, W. (1995). *States of injury. Power and freedom in late modernity*. Princeton, NJ: Princeton University Press.

Couldry, N. (2010). *Why voice matters: Culture and politics after neoliberalism*. London, UK: Sage.

Edge, M. (2013). A theory of freedom. *European Journal of Political Philosophy, 12*(4), 368–387. doi: 10.1177/1474885112473721

Fish, S. (1994). *There is no such thing as free speech: And it's a good thing, too*. Oxford, UK: Oxford University Press.

Fraser, N. (1992). Rethinking the public sphere: A contribution to the critique of actually existing democracy. In C. Calhoun (Ed.), *Habermas and the Public Sphere* (pp. 108–42). Cambridge, MA: MIT Press.

Freedman, D. (2015). Media policy fetishism. *Critical Studies in Media and Communication, 32*(2), 96-111. doi: 10.1080/15295036.2015.1024139

Freedom House (2017). Freedom of the Press 2017. Retrieved from https://freedomhouse.org/report/freedom-press/freedom-press-2017

Frega, R. (2017). Normativity of democracy. *European Journal of Political Theory,* Online First. doi: 10.1177/1474885116684760

Garnham, N. (1997). Amartya Sen's "Capabilities" approach to the evaluation of welfare and its application to communications. *Javnost,* 4, 25–34. doi: 10.1080/13183222.1997.11008658

Gelber, K. (2012). Nussbaum's capabilities approach and freedom of speech. In F. Panzironi & K. Gelber (Eds.), *The capability approach: Development practice and public policy in the Asia-Pacific region* (pp. 38–52). London, UK: Routledge.

Habermas, J. (1989). *The structural transformation of the public sphere*. (T. Burger, Trans.). Cambridge, UK: Polity Press. (Original work published in 1962)

Habermas, J. (1996). *Between facts and norms: Contributions to a discourse theory of law and democracy*. (W. Rehg, Trans.). Cambridge, MA: Polity Press. (Original work published in 1992)

Hanusch, F., & Hanitzsch, T. (2017). Comparing journalistic cultures across nations. *Journalism Studies, 18*(5), 525–535. doi: 10.1080/1461670X.2017.1280229

Hesmondhalgh, D. (2017). Capitalism and the media: moral economy, well-being and capabilities. *Media, Culture & Society, 39*(2), 202–218. doi: 10.1177/0163443716643153

Hesmondhalgh, D., & Toynbee. J. (2008). Why media studies needs better social theory. In D. Hesmondhalgh & J. Toynbee (Eds.), *Media and social theory*. New York, NY: Routledge.

Honneth, A. (2014). *Freedom's right: The social foundations of democratic life*. Cambridge, UK: Polity Press.

Karppinen, K. (2007). Against naïve pluralism in media politics: on the implications of the radical-pluralist approach to the public sphere. *Media, Culture & Society, 29*(3), 495–508. doi: 10.1177/0163443707076192.

Karppinen, K. (2013). Uses of democratic theory in media and communication studies. *Observatorio (OBS*), 7*(3), 1-17. doi: 10.15847/obsOBS732013675

Kenyon, A. (2014). Assuming free speech. *The Modern Law Review, 77*(3), 379–408. doi: 10.1111/1468-2230.12071

Kioupkiolis, A. (2008). Post-critical liberalism and agonistic freedom. *Contemporary Political Theory, 7*(2), 147–168. doi: 10.1057/palgrave.cpt.2007.28

Kioupkiolis, A. (2009). Three paradigms of modern freedom. *European Journal of Political Theory 8*(4):473-491. doi: 10.1177/1474885109337997

Kioupkiolis, A. (2012). *Freedom after the critique of foundations. Marx, Liberalism, Castoriadis and agonistic autonomy*. Basingstoke, UK: Palgrave Macmillan.

Kleine, D. (2013). *Technologies of choice? ICTs, development, and the capabilities approach.* Cambridge, UK: MIT Press.

Mill, J.S. (1948). On Liberty and considerations on representative government: Oxford, UK: Basil Blackwell.

Mills, C. W. (2005). "Ideal theory" as ideology. *Hypatia, 20*(3), 165–184. doi: 10.1111/j.1527-2001.2005.tb00493.x

Morozov, E. (2011). *The net delusion: The dark side of internet freedom.* New York, NY: PublicAffairs.

Moss, G. (2018). Media, capabilities, and justification. *Media, Culture & Society 40*(1), 94–109. doi: 10.1177/0163443717704998

Mouffe, C. (2000). *Democratic paradox*. London, UK: Verso.

Mouffe, C. (20005). *On the political*. London, UK: Routledge.

Nordenstreng, K. (2013). Deconstructing libertarian myths about press freedom. In U.

Carlsson (Ed.), F*reedom of expression revisited: Citizenship and journalism in the*

digital era (pp. 45–59). Göteborg, Sweden: Nordicom.

Nussbaum, M. (2000). *Women and human development: the capabilities approach*.

Cambridge, UK: Cambridge University Press

Nussbaum, M. (2011). *Creating capabilities: The human development approach*. Cambridge,

MA: Harvard University Press.

Raboy, M., Abramson, B. D., Proulx, S., & Welters, R. (2001). Media policy, audiences, and

social demand: Research at the interface of policy studies and audience studies.

Television & New Media, 2(2), 95-115.

Rawls, J. (1999). *A Theory of justice* (revised edition). Cambridge, MA: Harvard University

Press.

Schejter, A., & Tirosh, N. (2016). *A justice-based approach for new media policy: In the*

paths of righteousness. Cham, Switzerland: Palgrave Macmillan.

Sen, A. (2005). Human rights and capabilities. *Journal of Human Development, 6*(2), 151–66.

doi: 10.1080/14649880500120491

Sen, A. (2006). What do we want from a theory of justice? *Journal of Philosophy, 103*, 215–

38. doi: 10.5840/jphil2006103517

Sen, A. (2009). *The idea of justice*. Cambridge, UK: Harvard University Press

Stemplowska, Z. (2008). What's ideal about ideal theory? *Social Theory and Practice, 34*(3),

319–340. doi: 10.5840/soctheorpract200834320

Stemplowska, Z., & A. Swift (2012). Ideal and nonideal theory. In D. Estlund (Ed.), *The Oxford handbook of political philosophy*. Oxford, UK: Oxford University Press. doi: 10.1093/oxfordhb/9780195376692.013.0020

Schwartzman, L. H. (2006). Abstraction, idealization, and oppression. *Metaphilosophy, 37*(5), 565-588. doi: 10.1111/j.1467-9973.2006.00457.x

Tambini, D. (2012). *The end of press freedom.* Policy brief, The Foundation for Law, Justice and Society, University of Oxford. Retrieved from: http://www.fljs.org/files/publications/Tambini.pdf

Valentini, L. (2012). Ideal vs. non-ideal theory: A conceptual map. *Philosophy Compass, 7*(9), 654-664. doi: 10.1111/j.1747-9991.2012.00500.x

Weiland, M. (2017). Expanding the Periphery and Threatening the Core: The Ascendant Libertarian Speech Tradition. *Stanford Law Review, 69*(5): 1389–1472.

Wilson, T., & Ryg, M. (2015). Becoming autonomous: Nonideal theory and educational autonomy. *Educational Theory, 65*(2): 127-150. doi: 10.1111/edth.12103