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## Policy as a Research Context

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2002

As with every other social practice, the context within which research takes place or towards which the results are directed provide both demands and limits. Policy was defined as a research context for communications even before the field per se existed. Articulations of the policy need for communication research have gone through several iterations in response to changing technological and political conditions. The policy context generates political issues that affect the logistics of how research results are acquired, perceived, and used. At the analytical stage, it must be remembered that data alone cannot provide solutions to normative problems nor determine which among available responses to policy questions would be best under specific circumstances.

### **The Need: Communication Research as an Input into Policy**

In addition to serving as a resource for policy-making on matters dealing with the communication system, the value of communication research to understanding the communicative aspects of governmental decision making has been recognized since at least the late nineteenth century. This need has been articulated in iterations that reflect changes in technologies as well as in the political environment. The two types of research questions—involving the communicative aspects of decision making and the policy issues that arise in the effort to operationalize constitutional communication policy principles—were articulated at the point of the birth of the bureaucratic welfare state in the late nineteenth century. After World War II, the government took a more instrumental interest in communication that went beyond its constitutional role to pursue other ways

in which it could serve governmental ends as explored via an expanded "policy science." Once the potential of networked computing began to be widely realized, a sense of the functions of communications as part of a governmental "brain" and of the nation-state as an informational organism led to additional types of policy research questions. Another iteration is needed to define a research agenda adequate for a situation in which much policy-making is the result of networks that bring together private- and public-sector decision-makers, the most important structural decision-making often occurs in arenas other than the formal processes of government, and the management of government itself has become de facto information policy.

### **Communication and the Birth of the Bureaucratic Welfare State**

The study of public administration began in Europe in the eighteenth century but it was not until the late nineteenth century that it became a topic of discussion in the United States. Woodrow Wilson included what would today be called communication research in his original argument for policy studies that was introduced in 1887,<sup>1</sup> elaborated upon in a series of lectures at Johns Hopkins University in the 1890s, and experimented with over the course of his presidency.<sup>2</sup> The modes of thinking and practice launched by Wilson set much of the pattern in the United States for communication research devoted to or flowing from policy matters up until the Second World War.

Writing just as the nation-state in Europe and North America was developing its bureaucratic welfare form<sup>3</sup> and as the practices of professional administration first began to appear in both the public and private sectors,<sup>4</sup> Wilson argued for systematic study of policy-making for several reasons: Since the constitutional question of how to shape decision-making processes had been addressed, the next step for political theory was to turn to more detailed issues. The development of the bureaucratic form of the nation-state raised new types of regulatory problems, with the telegraph and postal systems serving as premiere examples. And while there was already a European tradition of the study of public administration, the problem must be taken up anew in the United States because the nature of the system was so different. Wilson outlined three roles for communication research in the world of policy-making: Polls

of public opinion enable citizens to play the important function of critiquing government; data about social processes and phenomena could serve as informational bases for policy-making; and the study of communications among policy-makers should make it possible to improve decision-making processes. Enriching the education of policy-makers, he believed, was important so that they could take better advantage of the information with which they were presented.

Wilson experimented with these ideas during his presidency. He institutionalized the use of press conferences—despite his distaste for news—in pursuit of open government, and for the same reason called for “open covenants openly arrived at” during treaty negotiations at the close of World War I (it did not happen).<sup>5</sup> During the war, Wilson inaugurated the use of information policy in the service of foreign relations with his Committee for Public Information. Though that committee was headed by George Creel and included the U.S. secretaries of war, navy, and state, Wilson remained involved in a detailed way, reviewing proposals for operations and revising galley proofs of propaganda pamphlets prior to distribution.<sup>6</sup> It was also under Wilson that the War Department established the psychological warfare operations that became so important as a funding source for the new field of communication research as it developed after the war. He brought scholars to Washington to develop content for propaganda campaigns and ultimately distributed over 75 million pieces of printed material, most of it written by academics. (Even before the war many scholars had supported the notion of using propaganda in support of foreign policy, with intellectuals such as John Dewey, Thorstein Veblen, and Charles A. Beard among those volunteering to be “information specialists.”) Following the war, Wilson further influenced information policy by promoting the international free flow of information so aggressively that Blanchard<sup>7</sup> called it “exporting the First Amendment.” Doing so served both political and economic ends: While the concept of free flow provided a democratic mask for the United States as it ended its period of isolationism and entered world affairs, the notion also served to cut a path for activities of U.S.-based media and telecommunication corporations as they began to expand internationally. Domestically, Wilson began the process of centralization of

government information<sup>8</sup> and upgrading the government's statistical capacity.<sup>9</sup>

Wilson's legacy contoured the ways in which research and information policy were to be intertwined for several decades. It was during his tenure that many universities established the centers for war propaganda that turned into the communication departments that launched the field, including those at the University of Illinois, the University of North Carolina, and the University of Chicago.<sup>10</sup> The practice of heavy government funding—not always made public—for learning how to communicate persuasively to domestic and foreign populations in pursuit of government goals was established. Meanwhile the habit of developing new communication policies for broadcasting and telecommunications *without* the input of researchers was also put into place, creating a situation in which it was later deemed acceptable for President Hoover to rely upon experts for input in many other areas of policy-making, but not to do so when it came to the Communications Act of 1934 and the formation of the Federal Communications Commission (FCC).<sup>11</sup>

**Communication and the Expansion of Policy Science after World War II**  
The period following World War II saw an upsurge of interest in "policy science," driven by wartime experience in the management of complex and multifaceted enterprises, a moment of optimism by the war's victors that difficult problems could be solved, and the pragmatic needs associated with policy ambitions motivated positively by the desire to build a coherent global economy and negatively by the Cold War. Additional university departments and graduate programs were put into place and foundation support for communication research that had begun before the war expanded significantly.<sup>12</sup> The RAND Corporation, which today contributes to analyses of information warfare and the political effects of the Internet, became the first in what has now become a multitude of think tanks that provide another venue within which communication policy research takes place.<sup>13</sup> Several individuals claimed by the field of communication played important roles in the policy world during this period, including notably Paul Lazarsfeld, Daniel Lerner, and Harold Lasswell.

Lasswell earned the title of the "founder" of policy science with his 1951 definition of the subject as "the disciplines concerned with explaining the policy-making and policy-executing process, and with locating data and providing interpretations which are relevant to the policy problems of a given period."<sup>14</sup> Lasswell saw research as a way of maximizing the use of national resources, and of lengthening the gaze of often shortsighted policy-makers.<sup>15</sup> Like Wilson, he believed public opinion was a critical input into policy-making, and that the study of communications among decision makers was critical to understanding the nature of decision-making processes.<sup>16</sup> He added one more role for communication researchers that is of particular importance in the twenty-first century—expanding the range of possibilities contemplated by policy-makers.<sup>17</sup> Undertaking these responsibilities would serve the individuals involved as well as society in general, he argued, because doing so would enhance their professional status.

Lasswell was quite specific about the ways in which communication research can be useful at each stage of the policy-making process: (1) In the *intelligence* phase, public opinion research should be at the center of efforts to develop alternative policy concepts and tools. (2) During the *promotional* phase, communication research would be valuable in the dissemination of information. (3) Policy-makers seek relatively little help from researchers during the *prescriptive* phase, when they are crystallizing the norms that will be applied to a given situation. (4) There is also relatively little reliance upon research during the *invoking* phase, when a program is operationalized for a concrete situation, but Lasswell believed social science research could play a much larger role here. (5) Social science data is needed again during the *application* stage as administrators seek details about empirical circumstances with which they must deal. (6) Research may play a role in bringing about the *termination* phase. (7) The *appraisal* phase is heavily dependent upon social science research.<sup>18</sup> Contemporary researchers would expand on this by noting the value of the study of decision making during the prescriptive phase and the study of organizational communication during the invoking phase, and by adding the use of informational practices as policy tools in themselves.<sup>19</sup>

Lasswell was aware of the problems social scientists face in effectively influencing policy-making, including conflicts within society and within

individuals over values.<sup>20</sup> There are conceptual confusions regarding the difference between specific historical events and general trends. “Index instability” is the lack of operational indexes that enable analytical terms to clearly refer to identifiable and stable referents, sometimes resulting from the failure of researchers to fully develop their concepts, and sometimes from the qualitative nature of concepts for which quantitative indicators are desired. And there are political issues—once researchers turn their work to the service of power (or it is turned for them), they in turn become political targets themselves. In response to these problems, Lasswell’s mandates to those doing communication research included focusing on contemporary social issues, using interdisciplinary approaches, treating policy-makers themselves as subjects of research and sources of information, studying decision-making processes themselves, creating new institutional forms to bring academics and policy-makers together, and using models to communicate research results to policy-makers.<sup>21</sup> The model of the communication process that dominated for decades—Who says what in which channel to whom with what effect?—was developed to provide a structure for communication research devoted to policy ends.<sup>22</sup>

The communications research that received by far the greatest amount of research funding after World War II was the development of computing hardware, software, and networking technologies in projects remarkable for their consistent lack of input from the social sciences. Of subjects typically included in histories of the field of communication, the topic that received the most government funding for research was media campaigns for the purpose of diffusion of innovations. While work on persuasion after World War I focused on responding to an enemy, following World War II the emphasis was on educating populations in the developing world about agricultural and medical matters in the hopes of promoting the U.S.-style democracy with which these innovations were associated.

### **Communication and Policy in the Information Society**

Early theorists of the information society outlined research agendas that often had direct policy implications. Machlup,<sup>23</sup> for example, attempted an exhaustive economic analysis of a dozen information industries,

beginning with education (only five were complete by the time of his death). In the early 1980s Pool<sup>24</sup> examined the constitutional implications of the convergence of technologies that are the crux of the most important policy debates today. Numerous authors in the famous 1983 "ferment of the field" issue of *Journal of Communication*, at the time clearly the central journal of the field, used their space to talk about adapting existing research agendas to incorporate or respond to new technologies. Porat,<sup>25</sup> whose SIC code-based definition of the information economy was taken up by the U.S. Department of Commerce and subsequently by the rest of the world, also pointed out that the shift to an information economy meant those studying communication policy had to expand their purview to include attention to industries and activities relations previously not defined within the domain.

The research agenda put forward by Donald Lambertson<sup>26</sup> stands out as an exemplar because of the role he has played in bringing together disparate strands of work on informational issues within economics into the subfield of the economics of information.<sup>27</sup> Focusing on one among the functions of communication research noted by Wilson and Lasswell—that of providing informational inputs to decision makers—Lamberton's perspective is also valuable for its relatively grounded articulation of a vision that holds great power today. In its most extreme form, the notion of a "national information policy" appears as a "world brain"<sup>28</sup> or "artificial social intelligence"<sup>29</sup> that is science fiction-like in its utopian versions—and dystopian for those who fear the negative impacts on the quality of decision making that results from undue speed first noted with the telegraph.<sup>30</sup> What Lambertson more realistically suggests is in essence a management information system for the government that simply makes the statistical and data collection practices associated with the nation-state from its beginnings more comprehensive and systematic. Computerization began to draw attention to this possibility,<sup>31</sup> the advent of parallel processing renewed interest,<sup>32</sup> and it is of focal concern in the Homeland Security environment of the early twenty-first century.

Other elements of a research agenda stimulated by the development of the information society include attention to organizational questions such as the nature of computer-supported cooperative work (CSCW), the

effects of what has come to be known as the “digital divide,” and a transfer of some of the familiar types of effects studies from television to the Net. The problem of government research funds going to the making of technologies but not to understanding the ways in which they are used and their effects remains. Even when large-scale projects have included the study of social aspects in their proposals, once funding is received social scientists have tended to be pushed aside in favor of devoting all resources to engineering and software development.<sup>33</sup>

### Communication Research for the Informational State

The role of communication research in policy-making of course changes with evolution of the nature of the state. Discussion of the role of communication research and policy began with the late nineteenth century emergence of the bureaucratic state. In the 1970s, commentators began to note that this form of the state had begun to wane, to be replaced by the early twenty-first century with the informational state.<sup>34</sup> This type of political organization is characterized by its information intensity and by its use of informational power; that is, the exercise of power through control over the informational bases of the material tools and weapons, the rules and institutions, and the symbols and discourse through which other forms of power are manifested. Decision-making in the informational state is characterized—as is the information economy—by network forms that link multiple types of entities in ways that blur institutional boundaries.<sup>35</sup>

There are implications of this change not only for the communication policy research agenda, but also for relationships between communication researchers and policy-makers. The privatization of many public sector activities, the growing importance of policy networks that include members of both the private and public sectors, and the importance of nongovernmental forms of structural decision-making such as those that take place in technical standard-setting discussions and in the very design of the information infrastructure and the computer code that runs it all point to the need to build relationships with private decision-makers as well as public. While historically the term “policy” was reserved for public sector decision-making and the term “strategy” for private, today that distinction no longer holds. These modes of decision-making will be



even more difficult to access with the results of social science research, however, for they are not democratic in nature. A few of the decision-making venues, such as those for standard-setting, are still formal, but many of the arenas in which these types of policies are being made are informal and thus are problematic from the outside to even identify, let alone enter.

The increasing information-intensity of government raises another parallel between governance and economics. For economists, "primary," or "final" products are those goods and services that are available to consumers in commodity form; books, films, and software for personal computers are final goods in the information sector. "Secondary" products, on the other hand, are those goods and services that are used in the course of the production of final goods; statistical data and computer programs that run production equipment are examples from the information sector. The distinction has been important in economics because efforts to evaluate the proportion of the economy that is informational began by identifying only those industries that produced final informational products; only recently has the field begun to grapple with the need to include secondary informational goods and services as well. As society becomes increasingly information-intensive, the relative proportion of economic activity devoted to informational secondary goods is growing, though few are aware of the software embedded in many everyday objects such as refrigerators and automobiles.

The same distinction is important to identifying sites of information policy-making within government. Historically, analytical attention has been devoted to what can be described as "final" communication policies—those that are available for public "consumption" in the form of laws, regulations, and court decisions. The increasing information-intensity of government combined with the growing tendency to manage government according to principles used in management of profit-oriented corporations, however, has made what can be described as "secondary" communication policies increasingly important as the frame within which primary, or final, communication policies take their effect. These secondary information and communication policies are inputs into—and structural constraints upon—final policies and the way in which they are implemented.

These secondary communication policies can sometimes have profound effect. The Office of Management and Budget (OMB) provides a dramatic case, for the requirement that all federal agencies comply with its mandates regarding the cost-effectiveness of all information collection, processing, and access provides that agency with the opportunity to rewrite the informational elements of all other federal agencies. Should the OMB, for example, decide that it is not cost-effective to collect information on the health and educational circumstances of the children of migrant farm workers, that information will not be collected, with the policy effect of erasing that population from the view of policy-makers altogether. Once such a decision has been made, the "communication policy" issue of the access to government information mandated by the Freedom of Information Act (FOIA) becomes moot. The contracting out of a variety of information-related services from the government to the private sector<sup>36</sup> similarly transforms the criteria by which fundamental communication policy issues are made. The domain of secondary information and communication policy has not historically been within the purview of other than communication researchers with very specialized tastes. A redefinition of the policy domain to include these matters, however, points to an additional broadening of the problem necessary for those communication researchers who hope that their work will have some influence on policy decisions.

### The Politics: Policy Uses of Communication Research

Whatever it is that communication researchers would *like* to see happen to their work once it comes onto the policy screen, politicians will use research processes and results to serve their own ends. Political dynamics can enter into the research process at multiple points: determining where funding will go, designing the ways in which research is incorporated into decision-making processes, and in interpretation of the results.

The general population has become keenly aware of the politics of policy use of research as part of the growing awareness that technological change often increases risk rather than improving conditions. The question was first raised during the Vietnam War when the devotion of some university-based researchers to military ends was questioned. More

recently, environmental problems exacerbated by fears of the effects of the genetically modified organisms produced by biotechnology have made arguments for post-normal science a matter of public debate. The impacts of policies put into place on the basis of scientific research are often difficult to assess because of the complexity of the systems into which they are introduced, the length of the causal chains involved, and the imperceptibility of effects when those causal chains extend over long periods of time or across the perceptual borders of the statistical mechanisms of nation-states.<sup>37</sup> As a consequence, nonscientists increasingly argue that the uncertainty and provisionality of scientific claims severely weakens their credibility and leads to the conclusion that any choice by policy-makers to rely upon a particular set of research results must be due to political choices and value orientations rather than the evidentiary value of the data. Some suggest that under such conditions interpretation of research data and decisions about how it should be used should be a democratic matter rather than being reserved for experts, while others use this problem as an opportunity to reject research altogether in favor of a return to decision-making based exclusively on religious thought.

Dysfunctional effects of the use of new information technologies, including the loss in productivity many organizations experience when they take up innovations, the deskilling experienced by both adults and children, and exacerbation of socioeconomic, cultural, linguistic, and geographic class lines as a result of differential access have the potential of bringing post-normal science debates into the communication policy conversation but have not yet done so other than in occasional references to what is popularly referred to as the "digital divide" and concern about protecting children from Net-enabled forms of abuse. The politics of the use of research results by policy-makers and the ways in which attention to research can be designed into policy-making processes to serve political ends, however, have received some attention.

### **The Politics of Policy Use of Research Results**

While within academia disagreements regarding research questions, methodologies, and interpretation of research results are considered healthy evidence of lively and appropriate intellectual debate, policy-

makers often take the same phenomena as proof that social scientists really do not know anything at all. Unwelcome results may be ridiculed, the replicability of results questioned, and counterstudies commissioned. If access to documents not publicly available was a part of the research process, the response to unwelcome findings may be a refusal to allow results to be published. If research that is conducted by entities within government produces results that are politically unwelcome, the agencies responsible may lose their funding altogether.<sup>38</sup> In the first years of the twenty-first century, conflicts over environmental policy have led to accusations that even Cabinet-level officials will actually ignore or completely misrepresent the results of research in order to serve White House policy goals; government employees who have posted research findings that run counter to the Bush Administration's interests have lost their jobs and found their Web sites shut down.

The most detailed study of these politics as applied to communication research has been offered by Rowland,<sup>39</sup> who examined the policy response to disagreements among researchers studying the effects of TV violence in depth. He reports that research undertaken by parents and scholars tended to find negative effects of TV violence on children, while research funded by media corporations tended to find positive effects. Looking at this, congressional leaders fearful of offending the media out of concern over the nature of coverage during election campaigns took the position that it was as a result impossible to know what the effects were and therefore chose to do next to nothing at all. Rowland also points out that the nature and extent of political uses of communication research are completely beyond the control of the researchers themselves. On this others agree; irrespective of a researcher's purpose, all results will be used by policy-makers for their own purposes, and in their own ways.<sup>40</sup>

### **The Politics of the Policy Process**

Research can be a political tool in the course of policy-making processes when it is used to:

- slow down or delay decision making altogether,
- legitimate a decision already made, or

- provide a surrogate for public opinion or consent regarding a contested issue.

An early twenty-first-century example of this problem of great concern is the use of public opinion survey results that illustrate the continuing diffusion of access to the Internet to justify abandonment of policies designed to support experimentation with new information technologies for purposes of community development and other efforts to erase what is popularly referred to as the "digital divide." (Such diffusion does not provide the argument needed for this policy shift because there are multiple points along the diffusion curve during which policy inputs are valuable or even necessary in accordance with certain policy goals.) Awareness of this problem, however, has been expressed only anecdotally; there is as yet no research that details such misuses and abuses of the work of communication researchers.

Zillmann's<sup>41</sup> description of the problems that arose during policy-making on pornography thus stands out as an exemplar of the utility of analysis of the very incorporation of research into the policy process itself. Though original research and syntheses of existing work were commissioned by a group with responsibility for generating recommendations for policy responses to pornography, the results of the commissioned work did not reach policy-makers until *after* a decision had been made. In addition, many critiqued the research panels as having been comprised on political rather than intellectual grounds. The fact that researchers did not agree in their findings made it easier for politicians to dismiss results with implications they did not like. On the basis of this experience, Zillmann offers the useful, if not always practicable, suggestion that identifying policy problems, evaluating research, and making policy recommendations should be separated out as functions to be handled by different committees rather than being comingled in the tasks assigned to one.

### The Ideas: Policy-Makers and Scholarship

The attempt to relate the results of communication research to policy adds a series of intellectual problems as well. The need to translate

theories and research results into lay terms is not only a genre issue, for to do successful translation the researcher must also have a clear conceptual grasp of the landscapes of both popular and policy-making discourses. Policy discourse is defined by Rein and Schon as "the interactions of individuals, interest groups, social movements, and institutions through which problematic situations are converted to policy problems, agendas are set, decisions are made, and actions are taken."<sup>42</sup> Its analysis is growing in popularity: There are theories of policy networks as discourse coalitions,<sup>43</sup> arguments for improving planning processes by treating them as discursive environments,<sup>44</sup> and the suggestion that the real impact of research results on policy-making is discourse structuration.<sup>45</sup> Despite all this talk, however, there is a disjuncture between analysis of policy discourse by scholars and the use of what is learned from such analyses in the design of presentation of research results to policy-makers or in advocacy work.

Contributing to the education of policy-makers so that they can better appreciate and use the results of social science research demands that those in communication learn to link their work to the disciplines in which policy-makers are trained, largely political science, the law, and economics. To be effective communication researchers entering the world of public decision making must also have a clear sense of policy-making processes in themselves.<sup>46</sup> Meanwhile the demands of rigorous research remain in place—just as bad cases make bad law, so bad research makes bad policy.

### **Translating Ideas into Policy**

Academic researchers thinking about policy matters live in a world very different from the one in which policy operates. There can be many a slip between the abstractions of academia and the realities of daily political life. Even when evaluations of the effects of communication policies are undertaken, they rarely explore the paths by which effects reported had derived from specific policies.

Hujanen<sup>47</sup> thus provides a rare detailed case study of the difficulties faced during efforts to translate theoretically based policies into operationally messy practice by Finnish broadcasters in the 1960s. This work provides a model of the kind of analysis that might be done because it

is multidimensional, examining conceptual, political, financial, and logistical factors that led to the failure of what was considered at the time to be a radical experiment in broadcasting—an effort to reverse what was perceived as an audience that was increasingly alienated from politics by providing more information. When Hujanen looked back in the 1990s, there were additional lessons to be learned from this experiment about the dangers of paternalistic policy-making, treatment of the audience as passive rather than active, and the need to consider form as well as content in media regulation.

Many communication researchers fail in efforts to influence policy because they do not understand that policy-making is informal as well as formal and that the questions are different at various stages of the policy process. Researchers often do not appropriately match the level of abstraction of their results with the level of activity towards which those arguments are directed—regulators concerned about regulation of telecommunications pricing simply are not thinking in terms of the Kantian categorical imperative. The structures of the law itself, too, can provide barriers to the translation of theories into policy principles, as does the medium-driven orientation of legacy communication law and regulation.

Finally, researchers may step on their own feet by mixing normative with objective claims in the presentation of their work. In the years leading up to Zillman's engagement with the policy world discussed before, he and his coauthor Jennings Bryant took part in an extended dispute with critics of their work made public in a series of articles in the *Journal of Communication* marked by its vituperative nature. Ritchie's<sup>48</sup> rhetorical analysis of this debate suggests it was launched by the replacement of factual with moral claims and by open advocacy of specific policy positions in the original Zillmann and Bryant<sup>49</sup> piece. Ritchie uses the debate as a case study to illustrate his larger point that the value of social science research publications—to policy-makers as well as scholars—would be increased if there were more attention to their rhetorical nature. In the debate over pornography research, he argues, the implicit taboo against discussion of rhetorical choices in social science literature made it difficult to clarify rhetorical and methodological issues in either critiques or the responses to them.

### Translating Ideas into Policy-related Research

Often the hard part is figuring out just what research might be useful. Telecommunications service providers regularly measure "quality of service" by looking at a standard set of indicators, but Mueller and Schement<sup>50</sup> found that completely different kinds of questions needed to be asked to understand the social processes and concerns behind the usage behaviors observed. Some problems derive from the need to respond to criteria put into place by the policy audience itself. There is the frustration that has been voiced since the earliest periods of experimentation with the systematic analysis of social processes<sup>51</sup> that the most important matters, such as the nature of democracy and the quality of life, are next to impossible to capture in the form of the quantitative indicators most familiar to policy-makers and most easy for them to use. Provision of the information demanded by the government may be dysfunctional for an organization because it requires maintaining two distinct information collection and reporting systems to also acquire the data needed internally.<sup>52</sup> Some agencies, such as the Federal Communications Commission, drastically reduce the pool of researchers from whom it can commission input by demanding scholars undertake the laborious and costly steps required to become designated federal contractors.

The use of communication research in the courtroom, where the problem is meeting evidentiary standards, provides a complex example that reveals a variety of the kinds of problems that can be faced in trying to translate academic ideas into policy-relevant research. It is not often that courts rely explicitly on social science research in cases involving communications.<sup>53</sup> When entertainer Wayne Newton used public opinion research to demonstrate damage to his reputation during a libel suit, he was able to persuade the jury but not the judge.<sup>54</sup> Often, pertinent research is not taken up by courts at all.<sup>55</sup> Though the judicial system has been the element of the American political system most open to institutional reform and explicitly welcomes the input of experts, those in communications have lagged far behind those in other social sciences in exploring questions the answers to which would be of use in the courtroom.<sup>56</sup> The questions of how various types of arguments and means of presenting evidence affect juries and of the impact of cameras in the



courtroom did start receiving attention in the 1970s, but the courtroom itself was quickly declared off-limits to researchers.<sup>57</sup> Today, however, there appears to be an upsurge of work on issues of interest to the judiciary.<sup>58</sup> The courtroom has become one of the primary means available to attempt to affect the extreme communication policies put in place as part of the Homeland Security package, so this is one venue in which empirical research results can have great political value. Survey evidence suggests that a combination of qualitative and quantitative research is likely to be the most successful in the courtroom.<sup>59</sup>

Criticisms of the use of social science research as courtroom evidence include its contribution to the transformation of the role of the jury from primary to secondary determiners of fact<sup>60</sup> and the possibility that variations in the ability of judges to evaluate social science evidence can lead to inequities in the resolution of cases from court to court.<sup>61</sup> Inevitably, the use of data in the courtroom reflects the relative authority of social science relative to other types of knowledge<sup>62</sup> as well as the tension between objectivity and advocacy.<sup>63</sup> Since journalists can, under certain conditions, protect their sources and/or information obtained under the umbrella of confidentiality from revelation in the courtroom, some social scientists also try to claim confidentiality for their research data in this context.<sup>64</sup> The law and society movement, launched in the early 1960s under instigation by a number of foundations, was an effort both to turn scholarly attention to the social effects of legal decision making and to the kinds of research that might be taken into account by courts and legislators as law is made.<sup>65</sup>

The bad news is that even poor research can have a lot of impact. The good news is that if higher quality research becomes available courts prefer it, as Paul, Linz, and Shafer<sup>66</sup> demonstrate in their analysis of the use of social science research by courts seeking to determine whether or not adult businesses have a negative impact on their geographic surroundings. These scholars model some of the ways communication researchers can have an impact on policy-making by going beyond scholarly journal publication, for they submit *amicus curiae* briefs (one was cited by the Supreme Court), and conduct research for communities seeking to determine the effects of adult businesses on specific neighborhoods in the course of development of municipal zoning laws.

## Discussion

There is widespread recognition that our understanding of the effects of the use of new information technologies lags behind development of the technologies themselves, but it is less widely acknowledged that this delay has been a matter of deliberate design. The result of such decisions is that it is very difficult for researchers to get the fundamental support needed to undertake the kinds of research desperately needed by policy-makers. This, too, presents a contradiction in the approach of policy-makers to digital technologies, for a situation has been created in which they must respond to policy problems raised by innovation but have crippled themselves regarding the intellectual tools they need to fulfill that responsibility.

The political uses of communication policy research results and the ways in which attention to those results is incorporated into decision-making processes has not received enough research attention in itself. Too often, academics involved in policy work appear *Candide*-like in the earnestness with which they believe that simply presenting data will be all it takes to make something happen, and in the confidence they have that what happens as a result will be in accordance with their own policy preferences. This situation might be improved if those who design arguments for alternative policies learned from their colleagues who conduct analysis of the policy and public discourses around issues of concern.

Among the phases of policy-making identified by Lasswell, most communication research efforts have been directed at the prescriptive phase, precisely where they are least likely to be of use. Evaluation of the effects of policies once implemented is invaluable in determining which to keep, which to let go, and what types of adaptations may be necessary but communication researchers almost never take part in such evaluations, abandoning the field to reliance upon cost-benefit analysis as taught in schools of policy and public administration. The fact that rigorously conducting such evaluations is difficult methodologically should be taken as an important challenge, not a reason to avoid the subject.

Developing alternative policy approaches and tools during what Lasswell described as "the intelligence phase" may be the most important function communication researchers can fill in today's environment,

given the fundamental nature of change in the subject of communication law and regulation. The need for such thinking has been expressed by policy-makers throughout government; in the United States, beginning in the 1970s, explicit admission of the inability to understand new information technologies and their social effects were an important factor in the argument for deregulation. The scholarship and contemplation required to reconceptualize the policy environment are simply not possible for working policy-makers who must deal simultaneously with a multitude of issues, all on an immediate basis—but they are the daily practices and life commitment of those in academia. The participation of researchers in the contemporary movement for an information commons—whether or not the ideal is practicable in all of its details—is an example of an effort to fulfill such a role.

## Notes

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