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#### Most predictable—the agent and verb indicate a debate about hypothetical government action

Jon M Ericson 3, Dean Emeritus of the College of Liberal Arts – California Polytechnic U., et al., The Debater’s Guide, Third Edition, p. 4

The Proposition of Policy: Urging Future Action In policy propositions, each topic contains certain key elements, although they have slightly different functions from comparable elements of value-oriented propositions. 1. An agent doing the acting ---“The United States” in “The United States should adopt a policy of free trade.” Like the object of evaluation in a proposition of value, the agent is the subject of the sentence. 2. The verb should—the first part of a verb phrase that urges action. 3. An action verb to follow should in the should-verb combination. For example, should adopt here means to put a program or policy into action through governmental means. 4. A specification of directions or a limitation of the action desired. The phrase free trade, for example, gives direction and limits to the topic, which would, for example, eliminate consideration of increasing tariffs, discussing diplomatic recognition, or discussing interstate commerce. Propositions of policy deal with future action. Nothing has yet occurred. The entire debate is about whether something ought to occur. What you agree to do, then, when you accept the affirmative side in such a debate is to offer sufficient and compelling reasons for an audience to perform the future action that you propose.

#### “Resolved” is legislative

Jeff Parcher 1, former debate coach at Georgetown, Feb 2001 http://www.ndtceda.com/archives/200102/0790.html

Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constiutent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Firmness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statement of a decision, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconceivable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desirablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the preliminary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

#### Statutory restrictions are legislative

The Law Dictionary 13 “What is Statutory Restriction?, The Law Dictionary: **Featuring Black’s Law Dictionary Free Online Legal Dictionary 2nd Edition**, Accessed 7-22-2013, http://thelawdictionary.org/statutory-restriction/

What is STATUTORY RESTRICTION?

Limits or controls that have been place on activities by its ruling legislation.

#### “Judicial restrictions” are court restrictions on executive war powers

Singer 7 (Jana, Professor of Law, University of Maryland School of Law, SYMPOSIUM A HAMDAN QUARTET: FOUR ESSAYS ON ASPECTS OF HAMDAN V. RUMSFELD: HAMDAN AS AN ASSERTION OF JUDICIAL POWER, Maryland Law Review 2007 66 Md. L. Rev. 759)

n25. See, e.g., Dep't of the Navy v. Egan, 484 U.S. 518, 530 (1988) (noting the reluctance of courts "to intrude upon the authority of the Executive in military and national security affairs"); see also Katyal, supra note 1, at 84 (noting that "in war powers cases, the passive virtues operate at their height to defer adjudication, sometimes even indefinitely"); Harold Hongju Koh, Why the President (Almost) Always Wins in Foreign Affairs: Lessons of the Iran-Contra Affair, 97 Yale L.J. 1255, 1313-17 (1988) (discussing the Court's use of justiciability doctrines to refuse to hear challenges to the President's authority in cases involving foreign affairs); Gregory E. Maggs, The Rehnquist Court's Noninterference with the Guardians of National Security, 74 Geo. Wash. L. Rev. 1122, 1124-38 (2006) (discussing the Rehnquist Court's general policy of nonintervention in cases concerning actions of governmental agencies and political entities in national security matters); Peter E. Quint, Reflections on the Separation of Powers and Judicial Review at the End of the Reagan Era, 57 Geo. Wash. L. Rev. 427, 433-34 (1989) (discussing the use of the political question doctrine as a means to avoid judicial restrictions on presidential power in cases involving military force).

#### Authority refers to permission given to take an action

Ellen Taylor 96, Associate Professor, Georgia State University College of Law, NEW AND UNJUSTIFIED RESTRICTIONS ON DELAWARE DIRECTORS' AUTHORITY, 21 Del. J. Corp. L. 870

The term authority is commonly thought of in the context of the law of agency, and the Restatement (Second) of Agency defines both power and authority.'89 Power refers to an agent's ability or capacity to produce a change in a legal relation (whether or not the principal approves of the change), and authority refers to the power given (permission granted) to the agent by the principal to affect the legal relations of the principal; the distinction is between what the agent can do and what the agent may do.

b. Agency Concepts

Agency principles are relevant to at least two issues in the Paramount case: the Paramount board's power and authority to cause Paramount to enter into binding contracts with Viacom, and QVC's standing to sue Paramount to invalidate the contracts. Although they are technically neither agents nor trustees, directors have been described as agents of the corporation and its shareholders, n191 as trustees, n192 and as fiduciaries. n193

 [\*872]

Power and authority of the board. An agent is one who acts on behalf of a principal, and subject to the principal's control. n194 Agents have the power and authority to incur legal obligations that bind their principals. n195 This authority may be either expressly or impliedly communicated by the principal to the agent (actual authority), or expressly or impliedly communicated by the principal to a third party (apparent authority). n196 Agents frequently have power that exceeds their authority to act on behalf of their principals (inherent agency power). n197 Although acts outside an agent's actual authority may be wrongful, and may subject the agent to personal liability to the principal, the acts may legally bind the principal vis- -vis third parties. n198

#### A general subject isn’t enough—debate requires a specific point of difference in order to promote effective exchange

Steinberg and Freeley 13, \* David, Lecturer in Communication studies and rhetoric. Advisor to Miami Urban Debate League. Director of Debate at U Miami, Former President of CEDA. And \*\* Austin, attorney who focuses on criminal, personal injury and civil rights law, JD, Suffolk University, *Argumentation and Debate***,** *Critical Thinking for Reasoned Decision Making*, 121-4

Debate is a means of settling differences, so there must be a controversy, a difference of opinion or a conflict of interest before there can be a debate. If everyone is in agreement on a feet or value or policy, there is no need or opportunity for debate; the matter can be settled by unanimous consent. Thus, for example, it would be pointless to attempt to debate "Resolved: That two plus two equals four,” because there is simply no controversy about this state­ment. Controversy is an essential prerequisite of debate. Where there is no clash of ideas, proposals, interests, or expressed positions of issues, there is no debate. Controversy invites decisive choice between competing positions. Debate cannot produce effective decisions without clear identification of a question or questions to be answered. For example, general argument may occur about the broad topic of illegal immigration. How many illegal immigrants live in the United States? What is the impact of illegal immigration and immigrants on our economy? What is their impact on our communities? Do they commit crimes? Do they take jobs from American workers? Do they pay taxes? Do they require social services? Is it a problem that some do not speak English? Is it the responsibility of employers to discourage illegal immigration by not hiring undocumented workers? Should they have the opportunity to gain citizenship? Does illegal immigration pose a security threat to our country? Do illegal immigrants do work that American workers are unwilling to do? Are their rights as workers and as human beings at risk due to their status? Are they abused by employers, law enforcement, housing, and businesses? How are their families impacted by their status? What is the moral and philosophical obligation of a nation state to maintain its borders? Should we build a wall on the Mexican border, establish a national identification card, or enforce existing laws against employers? Should we invite immigrants to become U.S. citizens? Surely you can think of many more concerns to be addressed by a conversation about the topic area of illegal immigration. Participation in this “debate” is likely to be emotional and intense. However, it is not likely to be productive or useful without focus on a particular question and identification of a line demarcating sides in the controversy. To be discussed and resolved effectively, controversies are best understood when seated clearly such that all parties to the debate share an understanding about the objec­tive of the debate. This enables focus on substantive and objectively identifiable issues facilitating comparison of competing argumentation leading to effective decisions. Vague understanding results in unfocused deliberation and poor deci­sions, general feelings of tension without opportunity for resolution, frustration, and emotional distress, as evidenced by the failure of the U.S. Congress to make substantial progress on the immigration debate. Of course, arguments may be presented without disagreement. For exam­ple, claims are presented and supported within speeches, editorials, and advertise­ments even without opposing or refutational response. Argumentation occurs in a range of settings from informal to formal, and may not call upon an audi­ence or judge to make a forced choice among competing claims. Informal dis­course occurs as conversation or panel discussion without demanding a decision about a dichotomous or yes/no question. However, by definition, debate requires "reasoned judgment on a proposition. The proposition is a statement about which competing advocates will offer alternative (pro or con) argumenta­tion calling upon their audience or adjudicator to decide. The proposition pro­vides focus for the discourse and guides the decision process. Even when a decision will be made through a process of compromise, it is important to iden­tify the beginning positions of competing advocates to begin negotiation and movement toward a center, or consensus position. It is frustrating and usually unproductive to attempt to make a decision when deciders are unclear as to what the decision is about. The proposition may be implicit in some applied debates (“Vote for me!”); however, when a vote or consequential decision is called for (as in the courtroom or in applied parliamentary debate) it is essential that the proposition be explicitly expressed (“the defendant is guilty!”). In aca­demic debate, the proposition provides essential guidance for the preparation of the debaters prior to the debate, the case building and discourse presented during the debate, and the decision to be made by the debate judge after the debate. Someone disturbed by the problem of a growing underclass of poorly educated, socially disenfranchised youths might observe, “Public schools are doing a terri­ble job! They' are overcrowded, and many teachers are poorly qualified in their subject areas. Even the best teachers can do little more than struggle to maintain order in their classrooms." That same concerned citizen, facing a complex range of issues, might arrive at an unhelpful decision, such as "We ought to do some­thing about this” or, worse, “It’s too complicated a problem to deal with." Groups of concerned citizens worried about the state of public education could join together to express their frustrations, anger, disillusionment, and emotions regarding the schools, but without a focus for their discussions, they could easily agree about the sorry state of education without finding points of clarity or potential solutions. A gripe session would follow. But if a precise question is posed—such as “What can be done to improve public education?”—then a more profitable area of discussion is opened up simply by placing a focus on the search for a concrete solution step. One or more judgments can be phrased in the form of debate propositions, motions for parliamentary debate, or bills for legislative assemblies, The statements "Resolved: That the federal government should implement a program of charter schools in at-risk communities” and “Resolved; That the state of Florida should adopt a school voucher program" more clearly identify specific ways of dealing with educational problems in a manageable form, suitable for debate. They provide specific policies to be investigated and aid discussants in identifying points of difference. This focus contributes to better and more informed decision making with the potential for better results. In aca­demic debate, it provides better depth of argumentation and enhanced opportu­nity for reaping the educational benefits of participation. In the next section, we will consider the challenge of framing the proposition for debate, and its role in the debate. To have a productive debate, which facilitates effective decision making by directing and placing limits on the decision to be made, the basis for argument should be clearly defined. If we merely talk about a topic, such as ‘"homeless­ness,” or “abortion,” Or “crime,” or “global warming,” we are likely to have an interesting discussion but not to establish a profitable basis for argument. For example, the statement “Resolved: That the pen is mightier than the sword” is debatable, yet by itself fails to provide much basis for dear argumen­tation. If we take this statement to mean Iliad the written word is more effec­tive than physical force for some purposes, we can identify a problem area: the comparative effectiveness of writing or physical force for a specific purpose, perhaps promoting positive social change. (Note that “loose” propositions, such as the example above, may be defined by their advocates in such a way as to facilitate a clear contrast of competing sides; through definitions and debate they “become” clearly understood statements even though they may not begin as such. There are formats for debate that often begin with this sort of proposition. However, in any debate, at some point, effective and meaningful discussion relies on identification of a clearly stated or understood proposition.) Back to the example of the written word versus physical force. Although we now have a general subject, we have not yet stated a problem. It is still too broad, too loosely worded to promote well-organized argument. What sort of writing are we concerned with—poems, novels, government documents, web­site development, advertising, cyber-warfare, disinformation, or what? What does it mean to be “mightier" in this context? What kind of physical force is being compared—fists, dueling swords, bazookas, nuclear weapons, or what? A more specific question might be, “Would a mutual defense treaty or a visit by our fleet be more effective in assuring Laurania of our support in a certain crisis?” The basis for argument could be phrased in a debate proposition such as “Resolved: That the United States should enter into a mutual defense treaty with Laurania.” Negative advocates might oppose this proposition by arguing that fleet maneuvers would be a better solution. This is not to say that debates should completely avoid creative interpretation of the controversy by advo­cates, or that good debates cannot occur over competing interpretations of the controversy; in fact, these sorts of debates may be very engaging. The point is that debate is best facilitated by the guidance provided by focus on a particular point of difference, which will be outlined in the following discussion.

#### Resolutionally grounded deliberation is an essential precondition to deliberation---their arguments, while valuable, justify advocacy for a different topic not for abdicating topical discussion---forfeiting the res destroys the communicative value of debate and means that individual activities could achieve the same purpose

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No doubt, in the course of discussion, someone may feel that it would be wiser for the assembly to discuss a somewhat different proposition than the one specified, perhaps worded in a subtly or substantially different way. But if they want to press the point, the parliamentary rule is that they must move an amendment, changing the wording of the motion under discussion, once again in a specifically formulated way. Proceedings are then devoted to a discussion of the virtues of the amendment, qua amendment, and a vote is taken on that, before the substantive discussion is resumed. And again, we see the virtue of this way of doing things in a diverse assembly. In conversation among friends, the topic may shift in an open-ended way, and people familiar with one another have both the willingness and the ability to keep track. But in an assembly consisting of people who are largely strangers to one another, deliberation would be hopeless if there was a sense that the topic might or might not have shifted slightly after every contribution. So, although amendment processes exist, their formulaic character and the rules governing their proposal and adoption provide a way of keeping track of where the discussion is, a way of keeping track which does not depend upon implicit understandings that some of the members may not share.¶ When discussion is exhausted, a vote may be called for, and-if my experience of law faculty meetings is any indication-someone will immediately leap to their feet and say: "I'm confused. What exactly are we voting on?" In a well-run assembly, the clerk or secretary will be in a position at that stage to read out the proposition (as amended) which now is the focus of the final vote. Once again, the determinacy of that proposition, as formulated and as amended, is important to establish a sense that we are all orienting our actions in voting to the same object. It is important for me to know, for example, that what I take myself to be voting against is exactly what my opponent takes himself to be voting in favor of. Otherwise, the idea that our votes, on a given occasion, are to be aggregated and weighed against one another becomes a nonsense.¶ What I have just described is rudimentary by comparison with the processes employed in actual legislative assemblies such as the Congress of the United States. Bills are longer and more complex than the sort of motions one hears at faculty meetings. They have usually been drafted-more or less competently-in advance, and there are many stages of deliberation (including committee stages, whose proceedings may be much less formal) that bills must go through before they are adopted. And, this is to say nothing of the vicissitudes of bicamerality, conference committees, and the rest.¶ For the most part, however, these complications enhance the need for a determinate text to focus and coordinate the various stages of the legislative process. Without a text to consider, to mark up, to amend, to confer about, and to vote upon, the process of law-making in a large and unwieldy assembly would have even a greater air of babel-like futility than that which is currently associated with Congress.¶ Thus, whether we are talking about a small-scale meeting or a large-scale legislative process, the positing of a formulated text as the resolution under discussion provides a focus for the ordering of deliberation at every stage. The existence of a verbalized bill, motion, or resolution is key to norms of relevance, and key to the sense, which procedural rules are supposed to provide, that participants' contributions are relevant to one another and that they are not talking at cross purposes. Maybe, a one-person deliberative body can do without this-though even there, many of us are familiar with the mnemonic virtues of a formulated proposition in our own solitary decision-making. And maybe, decision-making in a small group of oligarchs or in a junta of familiars can do without this as well, if they can move toward consensus on the basis of conversational informality. But the sense of a determinate focus for discussion-something whose existence is distinct from the will or tacit understandings of particular members'- seems absolutely indispensable for a large and diverse assembly of people whose knowledge and trust of one another is limited.¶ VIII If there is anything to this hypothesis, then we might want to start thinking about the textual canonicity of legislation in a slightly different way. I said in Part I that one of the values most commonly associated in the modern world with legislation is democratic legitimacy: We should defer to statutes because they have been enacted by a democratically elected entity. Just as the idea of democracy is insufficient to explain why we prefer a large elected legislature to a single elected legislator, so the democratic principle is insufficient to explain the particular way in which authority is accorded to legislation in the mod- ern world, viz., by taking seriously the exact words that were used in the formulations that emerged from the legislative chamber. If I am right, we now have an explanation for the importance of the ipsissima verba which is oriented primarily to the legislators' dealings among themselves, rather than directly to the issue of their collective authority vis-a-vis the people.¶ The final step, then, in pursuit of this hypothesis would be to show how this account of the importance of a text to the legislators is connected with the authority of the text for its intended audience. Here there are a couple of lines to pursue. First, as we have seen, the existence of orderly discussion is necessary to secure whatever Aristotelian advantages accrue from deliberation in a large and diverse group. Unless the diverse experiences and knowledge of the various legislators can connect and be synthesized, it is unlikely that their interaction will produce standards that are superior to those that any individual citizen could work out for herself. The conditions for orderly discussion, then, are indirectly conditions for the legislature's authority, in the Razian sense.8 9 In other words, authority requires superior expertise; superior expertise comes from deliberation among those who are different from one another; deliberation among those who are different from one another is possible only on the basis of formal rules of order; and crucial to rules of order is the postulation of an agreed text as the focus of discussion.¶ Second, respect for statute law is partly a matter of respect for the legislature as a forum whose representativeness is an aspect of the fairness 90 of the way a community makes its decisions. To the extent that representativeness requires diversity in the assembly, respect for that fairness is a matter of respecting the conditions under which diverse representatives can deliberate coherently. Thus, fairness-based respect for the legislature as a body may require not only that we respect the standards which it posits, but also that we respect these more formal aspects of the way in which its posited standards are arrived at- and thus that we respect the standards in question under the auspices of text-based formality.9 '

#### The impact outweighs—deliberative debate models impart skills vital to respond to existential threats

Christian O. Lundberg 10 Professor of Communications @ University of North Carolina, Chapel Hill, “Tradition of Debate in North Carolina” in Navigating Opportunity: Policy Debate in the 21st Century By Allan D. Louden, p. 311

The second major problem with the critique that identifies a naivety in articulating debate and democracy is that it presumes that the primary pedagogical outcome of debate is speech capacities. But the democratic capacities built by debate are not limited to speech—as indicated earlier, debate builds capacity for critical thinking, analysis of public claims, informed decision making, and better public judgment. If the picture of modem political life that underwrites this critique of debate is a pessimistic view of increasingly labyrinthine and bureaucratic administrative politics, rapid scientific and technological change outpacing the capacities of the citizenry to comprehend them, and ever-expanding insular special-interest- and money-driven politics, it is a puzzling solution, at best, to argue that these conditions warrant giving up on debate. If democracy is open to rearticulation, it is open to rearticulation precisely because as the challenges of modern political life proliferate, the citizenry's capacities can change, which is one of the primary reasons that theorists of democracy such as Ocwey in The Public awl Its Problems place such a high premium on education (Dewey 1988,63, 154). Debate provides an indispensible form of education in the modem articulation of democracy because it builds precisely the skills that allow the citizenry to research and be informed about policy decisions that impact them, to sort through and evaluate the evidence for and relative merits of arguments for and against a policy in an increasingly information-rich environment, and to prioritize their time and political energies toward policies that matter the most to them.

The merits of debate as a tool for building democratic capacity-building take on a special significance in the context of information literacy. John Larkin (2005, HO) argues that one of the primary failings of modern colleges and universities is that they have not changed curriculum to match with the challenges of a new information environment. This is a problem for the course of academic study in our current context, but perhaps more important, argues Larkin, for the future of a citizenry that will need to make evaluative choices against an increasingly complex and multimediated information environment (ibid-). Larkin's study tested the benefits of debate participation on information-literacy skills and concluded that in-class debate participants reported significantly higher self-efficacy ratings of their ability to navigate academic search databases and to effectively search and use other Web resources:

To analyze the self-report ratings of the instructional and control group students, we first conducted a multivariate analysis of variance on all of the ratings, looking jointly at the effect of instmction/no instruction and debate topic . . . that it did not matter which topic students had been assigned . . . students in the Instnictional [debate) group were significantly more confident in their ability to access information and less likely to feel that they needed help to do so----These findings clearly indicate greater self-efficacy for online searching among students who participated in (debate).... These results constitute strong support for the effectiveness of the project on students' self-efficacy for online searching in the academic databases. There was an unintended effect, however: After doing ... the project, instructional group students also felt more confident than the other students in their ability to get good information from Yahoo and Google. It may be that the library research experience increased self-efficacy for any searching, not just in academic databases. (Larkin 2005, 144)

Larkin's study substantiates Thomas Worthcn and Gaylcn Pack's (1992, 3) claim that debate in the college classroom plays a critical role in fostering the kind of problem-solving skills demanded by the increasingly rich media and information environment of modernity. Though their essay was written in 1992 on the cusp of the eventual explosion of the Internet as a medium, Worthcn and Pack's framing of the issue was prescient: the primary question facing today's student has changed from how to best research a topic to the crucial question of learning how to best evaluate which arguments to cite and rely upon from an easily accessible and veritable cornucopia of materials.

There are, without a doubt, a number of important criticisms of employing debate as a model for democratic deliberation. But cumulatively, the evidence presented here warrants strong support for expanding debate practice in the classroom as a technology for enhancing democratic deliberative capacities. The unique combination of critical thinking skills, research and information processing skills, oral communication skills, and capacities for listening and thoughtful, open engagement with hotly contested issues argues for debate as a crucial component of a rich and vital democratic life. In-class debate practice both aids students in achieving the best goals of college and university education, and serves as an unmatched practice for creating thoughtful, engaged, open-minded and self-critical students who are open to the possibilities of meaningful political engagement and new articulations of democratic life.

Expanding this practice is crucial, if only because the more we produce citizens that can actively and effectively engage the political process, the more likely we are to produce revisions of democratic life that are necessary if democracy is not only to survive, but to thrive. Democracy faces a myriad of challenges, including: domestic and international issues of class, gender, and racial justice; wholesale environmental destruction and the potential for rapid climate change; emerging threats to international stability in the form of terrorism, intervention and new possibilities for great power conflict; and increasing challenges of rapid globalization including an increasingly volatile global economic structure. More than any specific policy or proposal, an informed and active citizenry that deliberates with greater skill and sensitivity provides one of the best hopes for responsive and effective democratic governance, and by extension, one of the last best hopes for dealing with the existential challenges to democracy [in an] increasingly complex world.

#### Vote neg

#### 1. Preparation and clash—changing the topic post facto manipulates balance of prep, which structurally favors the aff because they speak last and permute alternatives—strategic fairness is key to engaging a well-prepared opponent

#### Topical fairness requirements are key to meaningful dialogue—monopolizing strategy and prep makes the discussion one-sided and subverts any meaningful neg role

Ryan Galloway 7, Samford Comm prof, Contemporary Argumentation and Debate, Vol. 28, 2007

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure.¶ Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table.¶ When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. **Far from** being **a banal request for links** to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon **months of preparation**, research, and critical thinking not be silenced.¶ Affirmative cases that suspend basic fairness norms **operate to exclude** particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114). Hugh Duncan furthers this line of reasoning:¶ Opponents not only tolerate but honor and respect each other because in doing so they enhance their own chances of thinking better and reaching sound decisions. Opposition is necessary because it sharpens thought in action. We assume that argument, discussion, and talk, among free an informed people who subordinate decisions of any kind, because it is only through such discussion that we reach agreement which binds us to a common cause…If we are to be equal…relationships among equals must find expression in many formal and informal institutions (Duncan, 1993, p. 196-197).¶ **Debate compensates for the exigencies of the world by offering a framework that maintains equality for the sake of the conversation** (Farrell, 1985, p. 114).¶ For example, an affirmative case on the 2007-2008 college topic might defend neither state nor international action in the Middle East, and yet claim to be germane to the topic in some way. The case essentially denies the arguments that state action is oppressive or that actions in the international arena are philosophically or pragmatically suspect. Instead of allowing for the dialogue to be modified by the interchange of the affirmative case and the negative response, the affirmative subverts any meaningful role to the negative team, preventing them from offering effective “counter-word” and undermining the value of a meaningful exchange of speech acts. **Germaneness and other substitutes for topical action do not accrue the dialogical benefits** of topical advocacy.

#### 2. substantive regulations that demarcate limits are necessary for dialogue---refusal to tailor their identity claims to normative, public stances shuts down the possibility for discussion and democratic respect

John Dryzek 6, Professor of Social and Political Theory, The Australian National University, Reconciling Pluralism and Consensus as Political Ideals, American Journal of Political Science,Vol. 50, No. 3, July 2006, Pp. 634–649

A more radical contemporary pluralism is suspicious of liberal and communitarian devices for reconciling difference. Such a critical pluralism is associated with agonists such as Connolly (1991), Honig (1993), and Mouffe (2000), and difference democrats such as Young (2000). As Honig puts it, “Difference is just another word for what used to be called pluralism” (1996, 60). Critical pluralists resemble liberals in that they begin from the variety of ways it is possible to experience the world, but stress that the experiences and perspectives of marginalized and oppressed groups are likely to be very different from dominant groups. They also have a strong suspicion ofliberal theory that looks neutral but in practice supports and serves the powerful.

Difference democrats are hostile to consensus, partly because consensus decisionmaking (of the sort popular in 1970s radical groups) conceals informal oppression under the guise of concern for all by disallowing dissent (Zablocki 1980). But the real target is political theory that deploys consensus, especially deliberative and liberal theory. Young (1996, 125–26) argues that the appeals to unity and the common good that deliberative theorists under sway of the consensus ideal stress as the proper forms of political communication can often be oppressive. For deliberation so oriented all too easily equates the common good with the interests of the more powerful, thus sidelining legitimate concerns of the marginalized. Asking the underprivileged to set aside their particularistic concerns also means marginalizing their favored forms of expression, especially the telling of personal stories (Young 1996, 126).3 Speaking for an agonistic conception of democracy (to which Young also subscribes; 2000, 49–51), Mouffe states:

To negate the ineradicable character of antagonism and aim at a universal rational consensus— that is the real threat to democracy. Indeed, this can lead to violence being unrecognized and hidden behind appeals to “rationality,” as is often the case in liberal thinking. (1996, 248)

Mouffe is a radical pluralist: “By pluralism I mean the end of a substantive idea of the good life” (1996, 246). But neither Mouffe nor Young want to abolish communication in the name of pluralism and difference; much of their work advocates sustained attention to communication. Mouffe also cautions against uncritical celebration of difference, for some differences imply “subordination and should therefore be challenged by a radical democratic politics” (1996, 247). Mouffe raises the question of the terms in which engagement across difference might proceed. Participants should ideally accept that the positions of others are legitimate, though not as a result of being persuaded in argument. Instead, it is a matter of being open to conversion due to adoption of a particular kind of democratic attitude that converts antagonism into agonism, fighting into critical engagement, enemies into adversaries who are treated with respect. Respect here is notjust (liberal) toleration, but positive validation of the position of others. For Young, a communicative democracy would be composed of people showing “equal respect,” under “procedural rules of fair discussion and decisionmaking” (1996, 126). Schlosberg speaks of “agonistic respect” as “a critical pluralist ethos” (1999, 70).

Mouffe and Young both want pluralism to be regulated by a particular kind of attitude, be it respectful, agonistic, or even in Young’s (2000, 16–51) case reasonable.Thus neither proposes unregulated pluralism as an alternative to (deliberative) consensus. This regulation cannot be just procedural, for that would imply “anything goes” in terms of the substance of positions. Recall thatMouffe rejects differences that imply subordination. Agonistic ideals demand judgments about what is worthy of respect and what is not. Connolly (1991, 211) worriesabout dogmatic assertions and denials of identity that fuel existential resentments that would have to be changed to make agonism possible. Young seeks “transformation of private, self-regarding desires into public appeals to justice” (2000, 51). Thus for Mouffe, Connolly, and Young alike, regulative principles for democratic communication are not just attitudinal or procedural; they also refer to the substance of the kinds of claims that are worthy of respect. These authors would not want to legislate substance and are suspicious of the content of any alleged consensus. But in retreating from “anything goes” relativism, they need principles to regulate the substance of what rightfully belongs in democratic debate.

## 2NC

#### Rationality is good and argumentation should start from empirical and political problem-solving --- the aff devolves into relativism

Rowland 95—Robert,is a Professor of Communication at the University of Kansas, “In Defense of Rational Argument: A Pragmatic Justification of Argumentation Theory and Response to the Postmodern Critique” Philosophy & Rhetoric Vol. 28, No. 4Oct 1, 1995, EBSCO

Against this view, it could be argued that pragmatism, because of its "practical" bent, inevitably degenerates into "hegemonic instrumental reason" in which technocratic experts control society. In Eclipse of Reason, Max Horkheimer takes the position that "in its instrumental aspect, stressed by pragmatism," reason "has become completely harnessed to the social process. Its operational value, its role in the domination of men and nations has been made the sole criterion" (1947, 21). Later, he notes that "pragmatism is the counterpart of modern industrialism for which the factory is the prototype of human existence" (50).

The claims that pragmatism reduces reason to a mere instrument of production or leads to undemocratic technocratic control of society are, however, misguided. Initially, it is worth noting that Horkeimer's aim is not to indict rationality per se, but to focus on the inadequacy of a purely instrumental form of rationality, which he labels "subjective reason." Near the conclusion of Eclipse of Reason, Horkheimer defends "objective reason": "This concept of truth—the adequation of name and thing—inherent in every genuine philosophy, enables thought to withstand if not to overcome the demoralizing and mutilating effects of formalized reason" (1947, 180). The goal of this essay, to develop a theory of rational argument that can withstand the postmodern indictment, is quite consistent with Horkheimer's view that humans need "objective reason" in order to "unshackle . . . independent thought" and oppose "cynical nihilism" (127, 174). While there can be no purely "objective reason," field-invariant and field-dependent principles of argumentation can be justified pragmatically to serve the aims that Horkheimer assigns to that form.

Moreover, a pragmatic theory of argument should not be confused with a decision-making approach based on mere practicality or self-interest. Principles of argument are justified pragmatically, that is, because they work consistently to solve problems. But after justification, the invariant and relevant field-dependent principles may be used to test the worth of any argument and are not tied to a simple utilitarian benefit/loss calculus. The misconception that a pragmatic theory of truth is tied to a simplistic instrumentalism is a common one. John Dewey notes, for instance, that William James's reference to the "cash value" of reasoning was misinterpreted by some "to mean that the consequences themselves of our rational conceptions must be narrowly limited by their pecuniary value" (1982, 33). In fact, pragmatism "concerns not the nature of consequences but the nature of knowing" (Dewey 1960,331). Or as James himself put it, "The possession of true thoughts means everywhere the possession of invaluable instruments of action" (1948, 161). Pragmatism "is a method only," which "does not stand for any special result" (James 1982, 213), but that method can be used to justify principles of argument that in turn can be used to check the excesses of instrumental reason. Moreover, a pragmatic approach to argument is self-correcting. According to James, pragmatism "means the open air and possibilities of nature, as against dogma, artificiality and the pretense of finality in truth" (213). Dewey makes the same point when he claims that pragmatic theory involves "the use of intelligence to liberate and liberalize action" (1917,63). Nor does pragmatism necessarily lead to expert domination. A pragmatic argumentation theory endorses deference to the opinion of experts only on questions for which the expert possesses special knowledge relevant to a particular problem. And even on such issues, the views of the expert would be subject to rigorous testing. It would be quite unpragmatic to defer to expert opinion, absent good reasons and strong evidence.

The previous analysis in no way denies the risks associated with technical reason. It is, however precisely because of such risks that a principled pragmatic theory of argument is needed. Given that we live in an advanced technological society, it is inevitable that technical reason will play a role. Postmodernism points to the dangers of technical reason, but provides no means of avoiding those risks. A pragmatic theory of argument, by contrast, justifies principles of rationality that can be used to protect society from the nihilistic excesses of a purely instrumental reason.

#### Political deliberation about war powers promotes agency and decision-making---reciprocity and public debate facilitates mutual respect that lays the groundwork for cooperation on other issues

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WHAT DELIBERATIVE DEMOCRACY MEANS¶ To go to war is the most consequential decision a nation can make. Yet most nations, even most democracies, have ceded much of the power to make that decision to their chief executives--to their presidents and prime ministers. Legislators are rarely asked or permitted to issue declarations of war. The decision to go to war, it would seem, is unfriendly territory for pursuing the kind of reasoned argument that characterizes political deliberation.¶ Yet when President George W. Bush announced that the United States would soon take military action against Saddam Hussein, he and his advisors recognized the need to justify the decision not only to the American people but also to the world community. Beginning in October 2002, the administration found itself engaged in argument with the U.S. Congress and, later, with the United Nations. During the months of preparation for the war, Bush and his colleagues, in many different forums and at many different times, sought to make the case for a preventive war against Iraq.1 Saddam Hussein, they said, was a threat to the United States because he had or could soon have weapons of mass destruction, and had supported terrorists who might have struck again against the United States. Further, he had tyrannized his own people and destabilized the Middle East.¶ In Congress and in the United Nations, critics responded, concurring with the judgment that Hussein was a terrible tyrant but challenging the administration on all its arguments in favor of going to war before exhausting the nonmilitary actions that might have controlled the threat. As the debate proceeded, it became clear that almost no one disagreed with the view that the world would be better off if Saddam Hussein no longer ruled in Iraq, but many doubted that he posed an imminent threat, and many questioned whether he actually supported the terrorists who had attacked or were likely to attack the United States.¶ This debate did not represent the kind of discussion that deliberative democrats hope for, and the deliberation was cut short once U.S. troops began their invasion in March 2003. Defenders and critics of the war seriously questioned one another's motives and deeply suspected that the reasons offered were really rationalizations for partisan politics. The administration, for its part, declined to wait until nonmilitary options had been exhausted, when a greater moral consensus might have been reached. But the remarkable fact is that even under the circumstances of war, and in the face of an alleged imminent threat, the government persisted in attempting to justify its decision, and opponents persevered in responding with reasoned critiques of a preventive war.¶ The critics are probably right that no amount of deliberation would have prevented the war, and the supporters are probably right that some critics would never have defended going to war even if other nonmilitary sanctions had ultimately failed. Yet the deliberation that did occur laid the foundation for a more sustained and more informative debate after the U.S. military victory than would otherwise have taken place**. Because the administration had given reasons** (such as the threat of the weapons of mass destruction) for taking action, **critics had more basis to continue to dispute the original decision, and to challenge the administration's judgment. The imperfect deliberation that preceded the war** prepared the ground for the less imperfect deliberation that followed.¶ Thus even in a less than friendly environment, deliberative democracy makes an appearance, and with some effect. Both the advocates and the foes of the war acted as if they recognized an obligation to justify their views to their fellow citizens. (**That their motives were political or partisan is less important than that their actions were responsive to this obligation.**) This problematic episode can help us discern the defining characteristics of deliberative democracy if we attend to both the presence and the absence of those characteristics in the debate about the war.¶ What Is Deliberative Democracy?¶ Most fundamentally, deliberative democracy affirms the need to justify decisions made by citizens and their representatives. Both are expected to justify the laws they would impose on one another. In a democracy, leaders should therefore give reasons for their decisions, and respond to the reasons that citizens give in return. But not all issues, all the time, require deliberation. Deliberative democracy makes room for many other forms of decision-making (including bargaining among groups, and secret operations ordered by executives), as long as the use of these forms themselves is justified at some point in a deliberative process. Its first and most important characteristic, then, is its reason-giving requirement.¶ The reasons that deliberative democracy asks citizens and their representatives to give should appeal to principles that individuals who are trying to find fair terms of cooperation cannot reasonably reject. The reasons are neither merely procedural ("because the majority favors the war") nor purely substantive ("because the war promotes the national interest or world peace"). They are reasons that should be accepted by free and equal persons seeking fair terms of cooperation.¶ The moral basis for this reason-giving process is common to many conceptions of democracy**. Persons should be treated not merely as objects of legislation, as passive subjects to be ruled, but as** autonomous agents **who take part in the governance of their own society, directly or through their representatives.** In deliberative democracy an important way these agents take part is by presenting and responding to reasons, or by demanding that their representatives do so, with the aim of justifying the laws under which they must live together. The reasons are meant both to produce a justifiable decision and to express the value of mutual respect. It is not enough that citizens assert their power through interest-group bargaining, or by voting in elections. No one seriously suggested that the decision to go to war should be determined by logrolling, or that it should be subject to a referendum. Assertions of power and expressions of will, though obviously a key part of democratic politics, still need to be justified by reason. When a primary reason offered by the government for going to war turns out to be false, or worse still deceptive, then not only is the government's justification for the war called into question, so also is its respect for citizens.¶ A second characteristic of deliberative democracy is that the reasons given in this process should be accessible to all the citizens to whom they are addressed. To justify imposing their will on you, your fellow citizens must give reasons that are comprehensible to you. If you seek to impose your will on them, you owe them no less. This form of reciprocity means that the reasons must be public in two senses. First, the deliberation itself must take place in public**, not merely in the privacy of one's mind.** In this respect deliberative democracy stands in contrast to Rousseau's conception of democracy, in which individuals reflect on their own on what is right for the society as a whole, and then come to the assembly and vote in accordance with the general will.2¶ The other sense in which the reasons must be public concerns their content. A deliberative justification does not even get started if those to whom it is addressed cannot understand its essential content. It would not be acceptable, for example, to appeal only to the authority of revelation, whether divine or secular in nature. Most of the arguments for going to war against Iraq appealed to evidence and beliefs that almost anyone could assess. Although President Bush implied that he thought God was on his side, he did not rest his argument on any special instructions from his heavenly ally (who may or may not have joined the coalition of the willing).¶ **Admittedly, some of the evidence on both sides of the debate was technical** (for example, the reports of the U.N. inspectors). But this is a common occurrence in modern government. Citizens often have to rely on experts. This does not mean that the reasons**, or the bases of the reasons,** are inaccessible. Citizens are justified in relying on experts if they describe the basis for their conclusions in ways that citizens can understand; and if the citizens have some independent basis for believing the experts to be trustworthy (such as a past record of reliable judgments, or a **decision-making structure that contains checks and balances by experts who have reason to exercise critical scrutiny over one another**).¶ To be sure, the Bush administration relied to some extent on secret intelligence to defend its decision. Citizens were not able at the time to assess the validity of this intelligence, and therefore its role in the administration's justification for the decision. In principle, using this kind of evidence does not necessarily violate the requirement of accessibility if good reasons can be given for the secrecy, and if opportunities for challenging the evidence later are provided. As it turned out in this case, the reasons were indeed challenged later, and found to be wanting. Deliberative democracy would of course have been better served if the reasons could have been challenged earlier.¶ **The third characteristic of deliberative democracy is that its process** aims at producing a decision that is binding **for some period of time**. **In this respect the deliberative process is not like a talk show or an academic seminar. The participants do not argue for argument's sake; they do not argue even for truth's own sake** (although the truthfulness of their arguments is a deliberative virtue because it is a necessary aim in justifying their decision). They intend their discussion to influence a decision the government will make, or a process that will affect how future decisions are made. At some point, the deliberation temporarily ceases, and the leaders make a decision. The president orders troops into battle, the legislature passes the law, or citizens vote for their representatives. Deliberation about the decision to go to war in Iraq went on for a long period of time, longer than most preparations for war. Some believed that it should have gone on longer (to give the U.N. inspectors time to complete their task). But at some point the president had to decide whether to proceed or not. Once he decided, deliberation about the question of whether to go to war ceased.¶ Yet deliberation about a seemingly similar but significantly different question continued: was the original decision justified? Those who challenged the justification for the war of course did not think they could undo the original decision. They were trying to cast doubt on the competence or judgment of the current administration. They were also trying to influence future decisions--to press for involving the United Nations and other nations in the reconstruction effort, or simply to weaken Bush's prospects for reelection.¶ This continuation of debate illustrates the fourth characteristic of deliberative democracy--its process is dynamic. Although deliberation aims at a justifiable decision, it does not presuppose that the decision at hand will in fact be justified, let alone that a justification today will suffice for the indefinite future. **It keeps open the** possibility of a continuing dialogue**, one in which citizens can criticize previous decisions and move ahead on the basis of that criticism**. Although a decision must stand for some period of time, it is provisional in the sense that it must be open to challenge at some point in the future. This characteristic of deliberative democracy is neglected even by most of its proponents. (We discuss it further below in examining the concept of provisionality.)¶ Deliberative democrats care as much about what happens after a decision is made as about what happens before. Keeping the decision-making process open in this way--recognizing that its results are provisional--is important for two reasons. First, **in politics as in much of practical life, decision-making processes and the human understanding upon which they depend are imperfect.** We therefore cannot be sure that the decisions we make today will be correct tomorrow, and even the decisions that appear most sound at the time may appear less justifiable in light of later evidence. Even in the case of those that are irreversible, like the decision to attack Iraq, reappraisals can lead to different choices later than were planned initially. Second, **in politics most decisions are not consensual. Those citizens and representatives who disagreed with the original decision are more likely to accept it if they believe they have a chance to reverse or modify it in the future. And they are more likely to be able to do so if they have a chance to keep making arguments**.¶ One important implication of this dynamic feature of deliberative democracy is that the continuing debate it requires should observe what we call the principle of the economy of moral disagreement**. In giving reasons for their decisions, citizens and their representatives should try to find justifications that** minimize their differences with their opponents. Deliberative democrats do not expect deliberation always or even usually to yield agreement. How citizens deal with the disagreement that is endemic in political life should therefore be a central question in any democracy. Practicing the economy of moral disagreement promotes the value of mutual respect (which is at the core of deliberative democracy). By economizing on their disagreements, citizens and their representatives can continue to work together to find common ground, if not on the policies that produced the disagreement, then on related policies about which they stand a greater chance of finding agreement. Cooperation on the reconstruction of Iraq does not require that the parties at home and abroad agree about the correctness of the original decision to go to war. Questioning the patriotism of critics of the war, or opposing the defense expenditures that are necessary to support the troops, does not promote an economy of moral disagreement.¶ Combining these four characteristics, we can define deliberative democracy as a form of government in which free and equal citizens (and their representatives), justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are binding in the present on all citizens but open to challenge in the future.3 This definition obviously leaves open a number of questions. We can further refine its meaning and defend its claims by considering to what extent deliberative democracy is democratic; what purposes it serves; why it is better than the alternatives; what kinds of deliberative democracy are justifiable; and how its critics can be answered.

#### Both of these are good things, but they illustrate the problems with politics focused on personal experience---Kirk and Portman only expanded their field of concern to the extent that they were personally affected by adversity. The real test of our politics should be the ability to advocate for change on behalf of people who aren’t like us and whose experience we don’t share---the 1AC forfeited an opportunity to engage in policy deliberation on broader issues of concern to people who might be unlike ourselves---that’s a reason to prefer our framework for debate

Fred Clark 3-21, ethicist, journalist, former managing editor of Prism Magazine, 3/21/13, “For Sen. Portman, Sen. Kirk and the rest of us: The next big step is the important one,” <http://www.patheos.com/blogs/slacktivist/2013/03/21/for-sen-portman-sen-kirk-and-the-rest-of-us-the-next-big-step-is-the-important-one/>

Earlier this year, Sen. Mark Kirk, R-Ill., returned to Washington after a long, arduous recovery from the stroke he suffered in early 2012. In an interview with Natasha Korecki of the Chicago Sun-Times, Kirk said he:

[Plans] to take a closer look at funding of the Illinois Medicaid program for those with have no income who suffer a stroke, he said. In general, a person on Medicaid in Illinois would be allowed 11 rehab visits, he said.

“Had I been limited to that, I would have had no chance to recover like I did,” Kirk said. “So unlike before suffering the stroke, I’m much more focused on Medicaid and what my fellow citizens face.”

Kirk has the same federal health-care coverage available to other federal employees. He has incurred major out-of-pocket expenses, which have affected his savings and retirement, sources familiar with Kirk’s situation said.

Harold Pollack commended Kirk for those “wise words, sadly earned,” writing: “Such a profound physical ordeal – and one’s accompanying sense of profound privilege in securing more help than so many other people routinely receive — this changes a person.”

Steve Benen was also impressed with Kirk’s hard-won change of heart, but noted:

I do wish, however, that we might see similarly changed perspectives without the need for direct personal relevance. Many policymakers are skeptical about federal disaster relief until it’s their community that sees devastation. They have no interest in gay rights until they learn someone close to them is gay. And they’re unsure of the value of Medicaid until they see its worth up close.

Which brings us to this week, and the news that conservative Republican Sen. Rob Portman of Ohio now supports marriage equality for same-sex couples. The Cleveland Plain-Dealer’s headline for Sabrina Eaton’s report tells the story, “Sen. Rob Portman comes out in favor of gay marriage after son comes out as gay“:

Republican U.S. Sen. Rob Portman on Thursday announced he has reversed his longtime opposition to same-sex marriage after reconsidering the issue because his 21-year-old son, Will, is gay.

Portman said his son, a junior at Yale University, told him and his wife, Jane, that he’s gay and “it was not a choice, it was who he is and that he had been that way since he could remember.”

“It allowed me to think of this issue from a new perspective, and that’s of a Dad who loves his son a lot and wants him to have the same opportunities that his brother and sister would have — to have a relationship like Jane and I have had for over 26 years,” Portman told reporters in an interview at his office.

The conversation the Portmans had with their son two years ago led to him to evolve on the issue after he consulted clergy members, friends — including former Vice President Dick Cheney, whose daughter is gay — and the Bible.

This is a big deal. Portman is the first Republican senator to endorse marriage equality. And he wasn’t previously someone who seemed on the fence — he was adamantly, religiously opposed before.

So the first thing I want to say is congratulations, kudos, and thank you to Portman. I heartily second the commendations and praise he’s receiving from groups like the Human Rights Campaign, Freedom to Marry Ohio, and PFLAG.

For Portman, as for Kirk, an unbidden circumstance expanded his perspective of the world. That new, larger appreciation in turn expanded his understanding of what justice requires — of what justice requires for people who aren’t necessarily just like him.

This is one way we all learn — one way we all become bigger, better people. It is, for almost all of us, a necessary first step toward a more expansive empathy and a more inclusive understanding of justice. Even if it is only a first step, it is an unavoidable one, and we should celebrate the epiphany that challenging circumstance has allowed these senators.

What Steve Benen said about Kirk is still true for Portman. It is good to see his perspective change due to “direct personal relevance,” but it would be better if he could learn to expand his perspective even without it. That’s the next necessary step, the next epiphany awaiting these senators.

Kirk’s long recovery provided his “Aha!” moment when it comes to other people who are also recovering from a stroke. And Portman’s coming to grips with his son’s identity provided him with an “Aha!” moment when it comes to other LGBT people and their families. But it’s not yet clear that either senator has yet taken the next logical step — the next “Aha!” moment. The next step is the big one. It’s the realization that because I didn’t understand others’ situation or others’ perspective until I myself faced the same thing, I should then strive to listen and to learn and to see the world through others’ eyes so that I can better understand the world without having to experience every situation, every injustice, every ordeal personally.

This next step is necessary for justice, which can only come “When those who are not injured feel as indignant as those who are.”

That next step may seem obvious, but epiphanies always seem obvious in retrospect.

Until that next step occurs, though, the slightly expanded empathy of people like Kirk and Portman seems self-serving, like the “cowardice and hypocrisy” of the privileged, as Morf Morford describes it. They still seem to cling to a cramped, self-centered understanding of justice — one that can only grow when their own, personal interests require it to do so. It still lacks the ability to be “indignant” except when one is personally among the “injured.”

“Moral and political positions aren’t supposed to be something you only take when they’ll benefit you,” Mark Evanier wrote. Empathy becomes suspect when it coincides so closely with personal benefit. It begins to look like what Mark Schmitt calls “Miss America compassion“:

Their compassion seems so narrowly and literally focused on the specific misfortune that their family encountered. Having a child who suffers from mental illness would indeed make one particularly passionate about funding for mental health, sure. But shouldn’t it also lead to a deeper understanding that there are a lot of families, in all kinds of situations beyond their control, who need help from government? Shouldn’t having a son whose illness leads to suicide open your eyes to something more than a belief that we need more money for suicide help-lines? Shouldn’t it call into question the entire winners-win/losers-lose ideology of the current Republican Party?

If we take the first step without ever taking the next step — changing our perspective only when “direct personal relevance” demands it and not otherwise — we can fall into what Matthew Yglesias describes as “The Politics of Narcissism“:

Remember when Sarah Palin was running for vice president on a platform of tax cuts and reduced spending? But there was one form of domestic social spending she liked to champion? Spending on disabled children? Because she had a disabled child personally? Yet somehow her personal experience with disability didn’t lead her to any conclusions about the millions of mothers simply struggling to raise children in conditions of general poorness. Rob Portman doesn’t have a son with a pre-existing medical condition who’s locked out of the health insurance market. Rob Portman doesn’t have a son engaged in peasant agriculture whose livelihood is likely to be wiped out by climate change. Rob Portman doesn’t have a son who’ll be malnourished if SNAP benefits are cut. So Rob Portman doesn’t care.

… But if Portman can turn around on one issue once he realizes how it touches his family personally, shouldn’t he take some time to think about how he might feel about other issues that don’t happen to touch him personally? Obviously the answers to complicated public policy questions don’t just directly fall out of the emotion of compassion. But what Portman is telling us here is that on this one issue, his previous position was driven by a lack of compassion and empathy. Once he looked at the issue through his son’s eyes, he realized he was wrong. Shouldn’t that lead to some broader soul-searching? Is it just a coincidence that his son is gay, and also gay rights is the one issue on which a lack of empathy was leading him astray? That, it seems to me, would be a pretty remarkable coincidence. The great challenge for a senator isn’t to go to Washington and represent the problems of his own family. It’s to try to obtain the intellectual and moral perspective necessary to represent the problems of the people who don’t have direct access to the corridors of power.

Senators basically never have poor kids. That’s something members of Congress should think about.

Will Femia notes that this widely shared observation prompted an insightful — and darkly funny — meme about “hypothetical Republican empathy.”

“If empathy only extends to your flesh and blood, we gotta start shoving people into those families,” Rachel Maddow said.

“Now all we need is 59 more gay Republican kids,” Dave Lartigue wrote.

“Perhaps if we could get the Republican caucus to adopt gay, black Hispanic illegal-immigrant children, who will grow up to be denied insurance due to pre-existing conditions, we’d make some more social progress,” mistermix wrote.

“Eventually one of these Republican congressmen is going to find out his daughter is a woman, and then we’re all set,” Anil Dash tweeted.

And Andy Borowitz chimed in with “Portman Inspires Other Republicans to Stop Speaking to Their Children.”

Endless variations of that joke circulated this week because that joke offers limitless possibilities — as limitless as the stunted “hypothetical empathy” of “Miss America compassion” is limited.

That joke and Yglesias’ argument are correct. An empathy that never moves beyond that first step and that first epiphany is morally indistinct from selfishness. To take that first step without the next one is only to move from “me first” to “me and mine first.” (David Badash and Jonathan Chait also have insightful posts making this argument.)

But no one can take that next big step until they take the first one. So I’m less interested in criticizing Portman or Kirk or anyone else in their position than I am in figuring out how we can urge and encourage them to take that next big step. How can we facilitate the next epiphany?

That’s the bigger issue, the more important challenge. Ari Kohen tackles this challenge in a bookish post building on Richard Rorty’s thoughts. Kohen is interested most of all in how “to accomplish this progress of sentiments, this expanding of our sense of solidarity”:

The best way to convince the powerful that their way of thinking about others needs to evolve is to show them the ways in which individuals they consider to be “Other” are, in fact, much more closely akin to them than they ever realized. It is, in short, to create a greater solidarity between the powerful and the weak based on personal identification.

Rob Portman’s change of heart is a good example of the way in which we ultimately achieve a progress of sentiments that leads to the equal treatment of more and more people. Viewed in this way, it’s really not something people on the Left ought to be criticizing; it’s something we should be working to encourage for those without the sort of immediate personal connection that Portman fortunately had.

(Note that we are, yet again, confronted with the idea of ethics as a trajectory.)

The vital question, then, is how? How can we encourage “a progress of sentiments” along a trajectory “that leads to the equal treatment of more and more people”?

Part of the answer, I think, is to remember how we ourselves were encouraged along — how we ourselves each came to take that next step, how we ourselves came to have that second epiphany.

That’s the approach that Grace at Are Women Human? takes in a firm-but-generous post titled “Changes of heart and our better selves.” Grace highlights Portman’s case as an example of “the tensions between celebrating progress and recognizing that there’s still work to be done.” She draws on her own story and history for humility and perspective, and as a guide to helping others see and take the next steps in their journey:

How easy it is to say Portman … should have done better and forget that I wasn’t so different, not so long ago.

The honest truth: it was getting to know and love queer people that, more than anything else, led me away from the bigotry I’d been taught as faith. … It’s important for me not to forget this, or that it took the thought that my not-yet-born child might be transgender for me to realize that I needed to educate myself about gender identity. It would be dangerous to indulge the fiction that I’ve always held the moral “high ground.” …

That history — her own and that of others who have come to a more inclusive, expansive understanding of justice — informs the advice, and the warning, that follows:

Portman isn’t an exception in having, and indulging, the luxury of ignoring the consequences of politics that don’t affect him personally.

This is a feature, not a bug, of our culture and political system. Power is concentrated in the hands of people who routinely make policy on matters they have little experience or real stakes in. You don’t need any conscious malice in this setup to produce policy that has devastating effects on the communities these issues touch most directly (though there’s plenty of malice, too). All you need is a system run by people who can afford not to care that much about policies that mostly impact other people’s lives.

Which, I suppose, is why civil rights activism often depends on cultivating these very moments of identification with the “other,” on spontaneous and planned appeals to emotion and basic decency. Systemic lack of incentive to care has to be confronted with stories that get politicians or the public to care.

Emmitt Till’s open casket. Rosa Parks’ carefully planned protest of bus segregation – as a more “respectable” face of black resistance than Claudette Colvin. Hydeia Broadbent and Ryan White as the faces of children with HIV. DREAMers taking over public spaces, stories about families torn apart by racist, classist, unjust immigration policies.

… Rob Portman is not an exception. He’s the rule. I don’t say this to suggest that we cut him slack for finally arriving at a basic (and still incomplete) recognition of the humanity of queer people. Nor am I arguing that we shouldn’t critique the circumstances around his change of heart.

What I hope is that we don’t forget ourselves in these calls to do better. That we don’t fall into the deceptive confidence that because we know or do better, we’ve arrived…or forget how many of us had to change and grow to get to where we are now. We’re all capable of fooling ourselves into thinking our standpoints are clearly “rational” or “moral” when it comes to issues that don’t affect us.

#### Personal experience focus shuts down deliberation

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Having traced a major strand in the development of CRT, we turn now to the strands' effect on the relationships of CRATs with each other and with outsiders. As the foregoing material suggests, the central CRT message is not simply that minorities are being treated unfairly, or even that individuals out there are in pain - assertions for which there are data to serve as grist for the academic mill - but that the minority scholar **himself or herself** hurts **and hurts badly**.¶ An important problem that concerns the very definition of the scholarly enterprise now comes into focus. **What can an academic** trained to [\*694] question and to doubt n72 **possibly say to Patricia Williams when effectively she announces, "I hurt bad"?** n73 **"No, you don't hurt"? "You shouldn't hurt"?** "Other people hurt too"? Or, most dangerously - and perhaps most tellingly - "What do you expect when you keep shooting yourself in the foot?" If the majority were perceived as having the well- being of minority groups in mind, these responses might be acceptable, even welcomed. And they might lead to real conversation. But, **writes Williams, the failure by those "cushioned within the invisible privileges of race and power**... to incorporate a sense of precarious connection as a part of our **lives is... ultimately obliterating**." n74¶ "Precarious." "Obliterating." **These words will clearly invite responses only from fools and sociopaths; they will, by effectively precluding objection, disconcert and disunite others**. **"I hurt," in academic discourse, has three broad though interrelated effects**. First, it demands priority from the reader's conscience. It is for this reason that law review editors, waiving usual standards, have privileged a long trail of undisciplined - even silly n75 **-** destructive and, above all, self-destructive articles**.** n76 **Second, by emphasizing the emotional bond between those who hurt in a similar way, "I hurt" discourages fellow sufferers from** abstracting themselves **from their pain in order** to gain perspective **on their condition**. n77¶ [\*696] **Last, as we have seen,** it precludes the possibility of open and structured conversation with others. n78 [\*697] **It is because of this** conversation-stopping effect of what they insensitively call "first-person agony stories" **that Farber and Sherry deplore their use.** "The norms of academic civility hamper readers from challenging the accuracy of the researcher's account; it would be rather difficult, for example, to criticize a law review article by questioning the author's emotional stability or veracity." n79 Perhaps, a better practice would be to put the scholar's experience on the table, along with other relevant material, but to subject that experience to the same level of scrutiny.¶ If through the foregoing rhetorical strategies CRATs succeeded in limiting academic debate, why do they not have greater influence on public policy? Discouraging white legal scholars from entering the national conversation about race, n80 I suggest, has generated a kind of cynicismin white audiences which, in turn, has had precisely the reverse effect of that ostensibly desired by CRATs. **It drives the American public to the right and ensures that anything CRT offers is reflexively rejected.**¶ In the absence of scholarly work by white males in the area of race, of course, it is difficult to be sure what reasons they would give for not having rallied behind CRT. Two things, however, are certain. First, the kinds of issues raised by Williams are too important in their implications [\*698] for American life to be confined to communities of color. If the lives of minorities are heavily constrained, if not fully defined, by the thoughts and actions of the majority elements in society, it would seem to be of great importance that white thinkers and doers participate in open discourse to bring about change. Second, given the lack of engagement of CRT by the community of legal scholars as a whole, the discourse that should be taking place at the highest scholarly levels has, by default, been displaced to faculty offices and, more generally, the streets and the airwaves.

#### Their argument elevates anti-blackness to an all-pervasive force that explains all oppression – that re-inscribes its inevitability---specific analysis of racism is crucial

Margaret L. Andersen 3, Professor of Sociology and Women's Studies and Vice Provost for Academic Affairs at the University of Delaware, 2003, “Whitewashing Race: A Critical Perspective on Whiteness,” in White Out: The Continuing Significance of Racism, ed Doane & Bonilla-Silva, p. 28

Conceptually, one of the major problems in the whiteness literature is the reification of whiteness as a concept, as an experience, and as an identity. This practice not only leads to conceptual obfuscation but also impedes the possibility for empirical analysis. In this literature, "whiteness" comes to mean just about everything associated with racial domination. As such, whiteness becomes a slippery and elusive concept. Whiteness is presented as any or all of the following: identity, self-understanding, social practices, group beliefs, ideology, and a system of domination. As one critic writes, "If historical actors are said to have behaved the way they did mainly because they were white, then there's little room left for more nuanced analysis of their motives and meanings" (Stowe 1996:77). And Alastair Bonnett points out that whiteness "emerges from this critique as an omnipresent and all-powerful historical force. Whiteness is seen to be responsible for the failure of socialism to develop in America, for racism, for the impoverishment of humanity. With the 'blame' comes a new kind of centering: Whiteness, and White people, are turned into the key agents of historical change, the shapers of contemporary America" (1996b:153).¶ Despite noting that there is differentiation among whites and warning against using whiteness as a monolithic category, most of the literature still proceeds to do so, revealing a reductionist tendency. Even claiming to show its multiple forms, most writers essentialize and reify whiteness as something that directs most of Western history (Gallagher 2000). Hence while trying to "deconstruct” whiteness and see the ubiquitousness of whiteness, the literature at the same time reasserts and reinstates it (Stowe 1996:77).¶ For example, Michael Eric Dyson suggests that whiteness is identity, ideology, and institution (Dyson, quoted in Chennault 1998:300). But if it is all these things, it becomes an analytically useless concept. Christine Clark and James O'Donnell write: "to reference it reifies it, to refrain from referencing it obscures the persistent, pervasive, and seemingly permanent reality of racism" (1999:2). Empirical investigation requires being able to identify and measure a concept— or at the very least to have a clear definition—but since whiteness has come to mean just about everything, it ends up meaning hardly anything.

#### Anti-blackness isn’t a monolithic root cause---they shut off productive debate over solutions – means the alt fails

Tommie Shelby 7, Professor of African and African American Studies and of Philosophy at Harvard, 2007, We Who Are Dark: The Philosophical Foundations of Black Solidarity

Others might challenge the distinction between ideological and structural causes of black disadvantage, on the grounds that we are rarely, if ever, able to so neatly separate these factors, an epistemic situation that is only made worse by the fact that these causes interact in complex ways with behavioral factors. These distinctions, while perhaps straightforward in the abstract, are difficult to employ in practice. For example, it would be difficult, if not impossible, for the members of a poor black community to determine with any accuracy whether their impoverished condition is due primarily to institutional racism, the impact of past racial injustice, the increasing technological basis of the economy, shrinking state budgets, the vicissitudes of world trade, the ascendancy of conservative ideology, poorly funded schools, lack of personal initiative, a violent drug trade that deters business investment, some combination of these factors, or some other explanation altogether. Moreover, it is notoriously difficult to determine when the formulation of putatively race-neutral policies has been motivated by racism or when such policies are unfairly applied by racially biased public officials.¶ There are very real empirical difficulties in determining the specific causal significance of the factors that create and perpetuate black disadvantage; nonetheless, it is clear that these factors exist and that justice will demand different practical remedies according to each factor's relative impact on blacks' life chances. We must acknowledge that our social world is complicated and not immediately transparent to common sense, and thus that systematic empirical inquiry, historical studies, and rigorous social analysis are required to reveal its systemic structure and sociocultural dynamics. There is, moreover, no mechanical or infallible procedure for determining which analyses are the soundest ones. In addition, given the inevitable bias that attends social inquiry, legislators and those they represent cannot simply defer to social-scientific experts. We must instead rely on open public debate—among politicians, scholars, policy makers, intellectuals, and ordinary citizens—with the aim of garnering rationally motivated and informed consensus. And even if our practical decision procedures rest on critical deliberative discourse and thus live up to our highest democratic ideals, some trial and error through actual practice is unavoidable.¶ These difficulties and complications notwithstanding, a general recognition of the distinctions among the ideological and structural causes of black disadvantage could help blacks refocus their political energies and self-help strategies. Attention to these distinctions might help expose the superficiality of theories that seek to reduce all the social obstacles that blacks face to contemporary forms of racism or white supremacy. A more penetrating, subtle, and empirically grounded analysis is needed to comprehend the causes of racial inequality and black disadvantage. Indeed, these distinctions highlight the necessity to probe deeper to find the causes of contemporary forms of racism, as some racial conflict may be a symptom of broader problems or recent social developments (such as immigration policy or reduced federal funding for higher education).

#### Only our framework teaches debaters how to speak in the language of experts---that solves cession of science and politics to ideological elites who dominate the argumentative frame

Robert Hoppe 99, Professor of Policy and knowledge in the Faculty of Management and Governance at Twente University, the Netherlands. "Argumentative Turn" Science and Public Policy, volume 26, number 3, June 1999, pages 201–210 works.bepress.com

 ACCORDING TO LASSWELL (1971), policy science is about the production and application of knowledge of and in policy. Policy-makers who desire to tackle problems on the political agenda successfully, should be able to mobilise the best available knowledge. This requires high-quality knowledge in policy. Policy-makers and, in a democracy, citizens, also need to know how policy processes really evolve. This demands precise knowledge of policy.

There is an obvious link between the two: the more and better the knowledge of policy, the easier it is to mobilise knowledge in policy. Lasswell expresses this interdependence by defining the policy scientist's operational task as eliciting the maximum rational judgement of all those involved in policy-making.

For the applied policy scientist or policy analyst this implies the development of two skills. First, for the sake of mobilising the best available knowledge in policy, he/she should be able to mediate between different scientific disciplines. Second, to optimise the interdependence between science in and of policy, she/he should be able to mediate between science and politics. Hence Dunn's (1994, page 84) formal definition of policy analysis as an applied social science discipline that uses multiple research methods in a context of argumentation, public debate [and political struggle] to create, evaluate critically, and communicate policy-relevant knowledge.

Historically, the differentiation and successful institutionalisation of policy science can be interpreted as the spread of the functions of knowledge organisation, storage, dissemination and application in the knowledge system (Dunn and Holzner, 1988; van de Graaf and Hoppe, 1989, page 29). Moreover, this scientification of hitherto 'unscientised' functions, by including science of policy explicitly, aimed to gear them to the political system. In that sense, Lerner and Lasswell's (1951) call for policy sciences anticipated, and probably helped bring about, the scientification of politics.

Peter Weingart (1999) sees the development of the science-policy nexus as a dialectical process of the scientification of politics/policy and the politicisation of science. Numerous studies of political controversies indeed show that science advisors behave like any other self-interested actor (Nelkin, 1995). Yet science somehow managed to maintain its functional cognitive authority in politics. This may be because of its changing shape, which has been characterised as the emergence of a post-parliamentary and post-national network democracy (Andersen and Burns, 1996, pages 227-251).

National political developments are put in the background by ideas about uncontrollable, but apparently inevitable, international developments; in Europe, national state authority and power in public policy-making is leaking away to a new political and administrative elite, situated in the institutional ensemble of the European Union. National representation is in the hands of political parties which no longer control ideological debate. The authority and policy-making power of national governments is also leaking away towards increasingly powerful policy-issue networks, dominated by functional representation by interest groups and practical experts.

In this situation, public debate has become even more fragile than it was. It has become diluted by the predominance of purely pragmatic, managerial and administrative argument, and under-articulated as a result of an explosion of new political schemata that crowd out the more conventional ideologies. The new schemata do feed on the ideologies; but in larger part they consist of a random and unarticulated 'mish-mash' of attitudes and images derived from ethnic, local-cultural, professional, religious, social movement and personal political experiences.

The market-place of political ideas and arguments is thriving; but on the other hand, politicians and citizens are at a loss to judge its nature and quality.

Neither political parties, nor public officials, interest groups, nor social movements and citizen groups, nor even the public media show any inclination, let alone competency, in ordering this inchoate field. In such conditions, scientific debate provides a much needed minimal amount of order and articulation of concepts, arguments and ideas. Although frequently more in rhetoric than substance, reference to scientific 'validation' does provide politicians, public officials and citizens alike with some sort of compass in an ideological universe in disarray.

For policy analysis to have any political impact under such conditions, it should be able somehow to continue 'speaking truth' to political elites who are ideologically uprooted, but cling to power; to the elites of administrators, managers, professionals and experts who vie for power in the jungle of organisations populating the functional policy domains of post-parliamentary democracy; and to a broader audience of an ideologically disoriented and politically disenchanted citizenry.

## 1NR

#### Tailoring identity claims to common topics for deliberation is possible and desirable---the 1ac’s failure to affirm topical action impedes the culture of democratic debate that’s key to effective decisionmaking in a pluralistic society

Amanda Anderson 6, Andrew W. Mellon Professor of Humanities and English at Brown University, Spring 2006, “Reply to My Critic(s),” Criticism, Vol. 48, No. 2, p. 281-290

MY RECENT BOOK, The Way We Argue Now, has in a sense two theses. In the first place, the book makes the case for the importance of debate and argument to any vital democratic or pluralistic intellectual culture. This is in many ways an unexceptional position, but the premise of the book is that the claims of reasoned argument are often trumped, within the current intellectual terrain, by appeals to cultural identity and what I gather more broadly under the rubric of ethos, which includes cultural identity but also forms of ethical piety and charismatic authority. In promoting argument as a universal practice keyed to a human capacity for communicative reason, my book is a critique of relativism and identity politics, or the notion that forms of cultural authenticity or group identity have a certain unquestioned legitimacy, one that cannot or should not be subjected to the challenges of reason or principle, precisely because reason and what is often called "false universalism" are, according to this pattern of thinking, always involved in forms of exclusion, power, or domination. My book insists, by contrast, that argument is a form of respect, that the ideals of democracy, whether conceived from a nationalist or an internationalist perspective, rely fundamentally upon procedures of argumentation and debate in order to legitimate themselves and to keep their central institutions vital. And the idea that one should be protected from debate, that argument is somehow injurious to persons if it does not honor their desire to have their basic beliefs and claims and solidarities accepted without challenge, is strenuously opposed. As is the notion that any attempt to ask people to agree upon processes of reason-giving argument is somehow necessarily to impose a coercive norm, one that will disable the free expression and performance of identities, feelings, or solidarities. Disagreement is, by the terms of my book, a form of respect, not a form of disrespect. And by disagreement, I don't mean simply to say that we should expect disagreement rather than agreement, which is a frequently voiced-if misconceived-criticism of Habermas. Of course we should expect disagreement. My point is that we should focus on the moment of dissatisfaction in the face of disagreement-the internal dynamic in argument that imagines argument might be the beginning of a process of persuasion and exchange that could end in agreement (or partial agreement). For those who advocate reconciling ourselves to disagreements rather than arguing them out, by contrast, there is a complacent-and in some versions, even celebratory-attitude toward fixed disagreement. Refusing these options, I make the case for dissatisfied disagreement in the final chapter of the book and argue that people should be willing to justify their positions in dialogue with one another, especially if they hope to live together in a post-traditional pluralist society.

One example of the trumping of argument by ethos is the form that was taken by the late stage of the Foucault/Habermas debate, where an appeal to ethos-specifically, an appeal to Foucault's style of ironic or negative critique, often seen as most in evidence in the interviews, where he would playfully refuse labels or evade direct answers-was used to exemplify an alternative to the forms of argument employed by Habermas and like-minded critics. (I should pause to say that I provide this example, and the framing summary of the book that surrounds it, not to take up airtime through expansive self-reference, but because neither of my respondents provided any contextualizing summary of the book's central arguments, though one certainly gets an incremental sense of the book's claims from Bruce Robbins. Because I don't assume that readers of this forum have necessarily read the book, and because I believe that it is the obligation of forum participants to provide sufficient context for their remarks, I will perform this task as economically as I can, with the recognition that it might have carried more weight if provided by a respondent rather than the author.)

The Foucauldian counter-critique importantly emphasizes a relation between style and position, but it obscures (1) the importance or value of the Habermasian critique and (2) the possibility that the other side of the debate might have its own ethos to advocate, one that has precisely to do with an ethos of argument, an ideal of reciprocal debate that involves taking distance on one's pre-given forms of identity or the norms of one's community, both so as to talk across differences and to articulate one's claims in relation to shared and even universal ideals. And this leads to the second thesis of the book, the insistence that an emphasis on ethos and character is interestingly present if not widely recognized in contemporary theory, and one of the ways its vitality and existential pertinence makes itself felt (even despite the occurrence of the kinds of unfair trumping moves I have mentioned). We often fail to notice this, because identity has so uniformly come to mean sociological, ascribed, or group identity-race, gender, class, nationality, ethnicity, sexuality, and so forth. Instances of the move toward character and ethos include the later Foucault (for whom ethos is a central concept), cosmopolitanism (whose aspiration it is to turn universalism into an ethos), and, more controversially, proceduralist ethics and politics (with its emphasis on sincerity and civility). Another version of this attentiveness to ethos and character appears in contemporary pragmatism, with its insistence on casualness of attitude, or insouciance in the face of contingency-recommendations that get elevated into full-fledged exemplary personae in Richard Rorty's notion of the "ironist" or Barbara Herrnstein Smiths portrait of the "postmodern skeptic." These examples-and the larger claim they support-are meant to defend theory as still living, despite the many reports of its demise, and in fact still interestingly and incessantly re-elaborating its relation to practice. This second aspect of the project is at once descriptive, motivated by the notion that characterology within theory is intrinsically interesting, and critical, in its attempt to identify how characterology can itself be used to cover or evade the claims of rational argument, as in appeals to charismatic authority or in what I identify as narrow personifications of theory (pragmatism, in its insistence on insouciance in the face of contingency, is a prime example of this second form). And as a complement to the critical agenda, there is a reconstructive agenda as well, an attempt to recuperate liberalism and proceduralism, in part by advocating the possibility, as I have suggested, of an ethos of argument.

Robbins, in his extraordinarily rich and challenging response, zeroes in immediately on a crucial issue: who is to say exactly when argument is occurring or not, and what do we do when there is disagreement over the fundamentals (the primary one being over what counts as proper reasoning)? Interestingly, Robbins approaches this issue after first observing a certain tension in the book: on the one hand, The Way We Argue Now calls for dialogue, debate, argument; on the other, its project is "potentially something a bit stricter, or pushier: getting us all to agree on what should and should not count as true argument." What this point of entry into the larger issue reveals is a kind of blur that the book, I am now aware, invites. On the one hand, the book anatomizes academic debates, and in doing so is quite "debaterly" This can give the impression that what I mean by argument is a very specific form unique to disciplinary methodologies in higher education. But the book is not generally advocating a narrow practice of formal and philosophical argumentation in the culture at large, however much its author may relish adherence to the principle of non-contradiction in scholarly argument. I take pains to elaborate an ethos of argument that is linked to democratic debate and the forms of dissent that constitutional patriotism allows and even promotes. In this sense, while argument here is necessarily contextualized sociohistorically, the concept is not merely academic. It is a practice seen as integral to specific political forms and institutions in modern democracies, and to the more general activity of critique within modern societies-to the tradition of the public sphere, to speak in broad terms. Additionally, insofar as argument impels one to take distance on embedded customs, norms, and senses of given identity, it is a practice that at once acknowledges identity, the need to understand the perspectives of others, and the shared commitment to commonality and generality, to finding a way to live together under conditions of difference.

More than this: the book also discusses at great length and from several different angles the issue that Robbins inexplicably claims I entirely ignore: the question of disagreement about what counts as argument. In the opening essay, "Debatable Performances," I fault the proponents of communicative ethics for not having a broader understanding of public expression, one that would include the disruptions of spectacle and performance. I return to and underscore this point in my final chapter, where I espouse a democratic politics that can embrace and accommodate a wide variety of expressions and modes. This is certainly a discussion of what counts as dialogue and hence argument in the broad sense in which I mean it, and in fact I fully acknowledge that taking distance from cultural norms and given identities can be advanced not only through critical reflection, but through ironic critique and defamiliarizing performance as well. But I do insist-and this is where I take a position on the fundamental disagreements that have arisen with respect to communicative ethics-that when they have an effect, these other dimensions of experience do not remain unreflective, and insofar as they do become reflective, they are contributing to the very form of reasoned analysis that their champions sometimes imagine they must refuse in order to liberate other modes of being (the affective, the narrative, the performative, the nonrational). If a narrative of human rights violation is persuasive in court, or in the broader cultural public sphere, it is because it draws attention to a violation of humanity that is condemned on principle; if a performance jolts people out of their normative understandings of sexuality and gender, it prompts forms of understanding that can be affirmed and communicated and also can be used to justify political positions and legislative agendas.

#### Debate inevitably involves exclusions---making sure that those exclusions occur along reciprocal lines is necessary to foster democratic habits and critical thinking---this process of intellectual exchange outweighs the content of the aff and doesn’t link to any of their offense

Amanda Anderson 6, prof of English at Johns Hopkins The Way We Argue Now, 25-8

25¶ Whether such a procedural approach actually helps to yield any substantive normative guidance is an issue of debate. Habermas has sought to justify communicative ethics through appeal to the principles of respect and reciprocity that he claims are inherent in linguistic practices geared toward reaching understanding. Attempting to redress the overwhelmingly negative forms of critique characteristic of both the Frankfurt School and poststructuralist traditions, he argues that the logocentrism of Western thought and the powerful instrumentality of reason are not absolute but rather constitute “a systematic foreshortening and distortion of a potential always already operative in the communicative practice of everyday life.” The potential he refers to is the potential for mutual understanding “inscribed into communication in ordinary language.” 7 Habermas acknowledges the dominance and reach of instrumental reason—his project is largely devoted to a systematic analysis of the historical conditions and social effects of that dominance—yet at the same time he wishes to retrieve an emancipatory model of communicative¶ ¶ 26¶ reason derived from a linguistic understanding of intersubjective relations. As Benhabib argues, this form of communicative action, embodied in the highly controversial and pervasively misunderstood concept of the “ideal speech situation,” entails strong ethical assumptions, namely the principles of universal moral respect and egalitarian reciprocity (SS, 29).¶ Habermas has famously argued that he does not believe any metaphysical grounding of such norms is possible; he insists instead that we view the normative constraints of the ideal speech community as “universal pragmatic presuppositions” of competent moral actors who have reached the postconventional stage of moral reasoning. Habermas’s theory combines a “weak transcendental argument” concerning the four types of validity claims operative in speech acts with an empirical reconstruction of psychosocial development derived from Lawrence Kohlberg. Benhabib, though she, too, appeals to socialization processes, distinguishes her position from Habermas’s “weak transcendental argument” by promoting a “historically self-conscious universalism” that locates the ethical principles of respect and reciprocity as “constituents of the moral point of view from within the normative hermeneutic horizon of modernity” (SS, 30). Benhabib’s work thus constitutes, like Habermas’s, a strong defense of specific potentialities of modernity. She differs from him in two key respects, besides the emphasis already outlined. First, she believes that Habermas’s emphasis on consensus seriously distorts his account of communicative ethics. Like others who have argued against the conflation of understanding and consensus, Benhabib champions instead a discourse model of ethics that is geared toward keeping the conversation going:¶ When we shift the burden of the moral test in communicative ethics from consensus to the idea of an ongoing moral conversation, we begin to ask not what all would or could agree to as a result of practical discourses to be morally permissible or impermissible, but what would be allowed and perhaps even necessary from the standpoint of continuing and sustaining the practice of the moral conversation among us. The emphasis now is less on rational agreement, but more on sustaining those normative practices and moral relationships within which reasoned agreement as a way of life can flourish and continue. (SS, 38)8¶ ¶ 27¶ The second significant difference between Habermas and Benhabib is that Benhabib rejects Habermas’s rigid opposition between justice and the good life, an opposition that effectively relegates identity-based politics to a lower plane of moral practice, and that for Benhabib undercuts our ability to apprehend the radical particularity of the other. While she believes in the importance of self-reflexive interrogations of conventional identities and roles, she strongly opposes any ethics or politics that privileges the unencumbered or detached self over the concrete, embodied, situated self. She argues in particular against those liberal models that imagine that conversations of moral justification should take place between individuals who have bracketed their strongest cultural or social identifications and attachments. Instead she promotes what she calls an “interactive universalism”:¶ Interactive universalism acknowledges the plurality of modes of being human, and differences among humans, without endorsing all these pluralities and differences as morally and politically valid. While agreeing that normative disputes can be settled rationally, and that fairness, reciprocity and some procedure of universalizability are constituents, that is, necessary conditions of the moral standpoint, interactive universalism regards difference as a starting point for reflection and action. In this sense, “universality” is a regulative ideal that does not deny our embodied and embedded identity, but aims at developing moral attitudes and encouraging political transformations that can yield a point of view acceptable to all. Universality is not the ideal consensus of fictitiously defined selves, but the concrete process in politics and morals of the struggle of concrete, embodied selves, striving for autonomy. (SS, 153) ¶ This passage encapsulates the core of Benhabib’s position, which attempts to mediate between universalism and particularism as traditionally understood. On the one hand, universalism’s informing principles of rational argumentation, fairness, and reciprocity adjudicate between different positions in the ethicopolitical realm, enabling crucial distinctions between those notions of the good life that promote interactive universalism and those that threaten its key principles. It insists, in other words, that there is a specifiable moral standpoint from which—to take a few prominent examples—Serbian aggression, neo-Nazism, and gay bashing can be definitively condemned. On the other hand, universalism “regards difference as a starting point.” It understands identity as “embodied and embedded” and promotes encounters with otherness so as to nurture the development of a moral attitude that will “yield a point of view acceptable to all.”¶ Of course it must simultaneously be recognized that the “all” here cannot coherently include those who have, according to universalism’s own principles, forfeited their place as equal participants in the ethicopolitical¶ ¶ 28¶ community. Ironically, then, Benhabib’s redefinition of universalism insists on inevitable exclusion, but not in the sense that many poststructuralist and postmodernist cultural critics do, as the hardwired effect of universalism’s false claims to inclusiveness, and as victimizing those disempowered by race, class, gender, or sexuality. Against naive conceptions of inclusiveness and plurality, which ultimately prove self-undermining in their toleration of communities, individuals, and practices that exclude others arbitrarily, interactive universalism claims that certain exclusions are not only justified, but indeed required by the principles of recognition and respect that underpin democratic institutions and practices.

#### Avoiding engaging the topic because the state is irredeemably racist over-essentializes modern black-life---switching sides on Afro-Pessimism crucial

McWhorter 9—Associate Professor in the English and Comparative Literature, Columbia (John, What African-American Studies Could Be, [www.mindingthecampus.com/originals/2009/09/by\_john\_mcwhorter\_while\_this.html](http://www.mindingthecampus.com/originals/2009/09/by_john_mcwhorter_while_this.html))

The answer common in such departments is that the principal mission is to teach students about the eternal power of racism past and present. Certainly it should be part of a liberal arts education to learn that racism is more than face-to-face abuse, and that social inequality is endemic to American society. However, too often the curriculum of African-American Studies departments gives the impression that racism and disadvantage are the most important things to note and study about being black.

The question is whether this, for all of its moral urgency in the local sense, qualifies as education under any serious definition.

Typical is the curriculum of one African-American Studies department in a solid, selective state school west of the Mississippi. In this department, racism is, essentially, everything.

One course teaches that "Housing discrimination systematically skews opportunities and life chances," another that "racism, sexism, and heterosexism shape black life chances in a 21st century context," while yet another zeroes in on "the effects of institutional racism on social policy, desegregation, integration, and affirmative action programs."

Then there is "Blacks in the Media" - or, rather, one slice of that subject: "Studying literature, comic books, comic strips, cartoons, music, theater, cinema, broadcasting, and television, students will analyze the mythical imageries which have created stereotypes." This is a common trope in writings on black performance, in which any performer can be jammed into a category such as "Mammy" or "Tragic Mulatto," sidestepping the nevertheless brilliant performances of people like Ethel Waters and Fredi Washington in the old days, or Queen Latifah and Halle Berry today.

Following from this glum desperation is a fetishization of radical politics as blacks' only constructive allegiance. One would never know the marginal import of radicalism to most black lives from its centrality to so many African-American Studies department syllabi. One course analyzes "the tradition of radical thought and the relevance of this thought to the needs and interests of the black community" - but what does the "relevance" consist of except intellectually? Yet the same department also offers a course on, more specifically, black Marxism.

According to this curriculum, being black has been so horrific that we are even challenged by the mere physicality of existence. One courses teaches that black women's bodies have to be "important spaces of resistance," while another is based on the idea that black people have been done in by various permutations of "urban spatial relations."

Because racism and inequality will always exist in some forms, this all qualifies as a bone-deep, almost willful pessimism about black potential. One would expect the thinking class of a troubled race to at least pay more lip service to looking forward. The set-jawed obsession with tabulating obstacles becomes almost peculiar, as if based on an assumption that in some way, black Americans are uniquely exempt from treating challenges as surmountable. There is even a course on black psychology whose description would get a white-run department picketed out of existence in a week, examining "manifestations of various psychological characteristics of people of African decent [sic], their cultual [sic] and behavioral norms, including the way that issues of race, class, gender and sexuality affect their cognitive, social, and emotional development."

One senses that the people teaching in African-American Studies departments feel that blackness is indeed something very different, likely because African slaves were unwilling immigrants. However, Ralph Ellison once asked "Can a people live and develop for over three hundred years simply by reacting?"

To those who would consider themselves representing black people by answering in the affirmative, there are legions of black people of all walks who would heartily disagree. There is no self-standing metric of unassailable truth that justifies intellectuals treating that disagreement - that is, the life-spirit of a people millions strong making the best of the worst for four hundred years -- as unworthy of serious address.

As to the possible objection that course descriptions do not engage these departments closely enough, a look at a few actual course syllabi is useful.

At the University of Pennsylvania, the syllabus for "Racial and Sexual Conflict" openly states that "The term paper for this course should be concerned with the structure, causes, and policies that attempt to alleviate or perpetuate racial and/or sexual discrimination in the United States." Technically, this stipulation could allow an exploration of what people have done to get past obstacles rather than merely describe them. However, the material covered in this course gives precious little support to such an endeavor.

One week, the discussion concerns the questions as to "What role does educational opportunity play in economic opportunity? How has government policy affected educational opportunity by race?" However, the readings include none of the academic literature by scholars such as Joleen Kirschenman, Kathryn Neckerman, Jomills Braddock, James McPartland and Alford Young on how attitudinal factors affect the hireability of many uneducated black men, none of the literature on solid job opportunities for people without college degrees, and nothing on organizations nationwide assisting people in taking advantage of such opportunities. In a course purporting to teach America's brightest and most ambitious students about urgent realities, how are sources such as these irrelevant?

At the University of Massachusetts at Amherst, one course exemplifies the focus on radicalism. "Race, Radicalism and African American Culture" seeks to "track the genealogy of the movement that came to be called 'Black Power,' and to situate black radical artists and intellectuals in the broader history of twentieth-century American thought, culture, and politics."

And the course covers a noble procession of figures: Marcus Garvey, W.E.B. Du Bois, Richard Wright, Paul Robeson, the Black Panthers, Amiri Baraka, Cornel West, Bell Hooks. Not to mention James Baldwin. And Malcolm X. And Stokely Carmichael. Upon which the simple question is: despite their resonance, what effect did any of these people have upon the fact that there are today more middle-class black people than poor ones? Which was more central to making whites comfortable enough with blackness to elect a black President, the legacy of Malcolm X or the legacy of Dr. King?

As to King, the course does address Bayard Rustin, who was central to organizing the March on Washington. But he was at loggerheads with black radicals as the sixties wore on. The main legacy of black radicalism has been mood and fashion. Is its centrality to so many African-American Studies departments' curricula a matter of comprehensive engagement with black political development? Or is it what happens to be a common political orientation among modern academics in the humanities, including black ones?

To the extent that the answer is the latter, students are being underserved. At Columbia, in one African-American Studies course Manning Marable assigns an article by Robin Kelley called "Beyond the 'Real' World, or Why Black Radicals Need to Wake Up and Start Dreaming." But which black radical dreams have borne fruit in a way that would elicit a salute from ordinary black people in 2009? Dr. King had a dream indeed -- but he didn't mean us to stop there.

The issue is not the quality of these courses in themselves. I will gladly assume that these professors are all excellent lecturers, assiduous researchers and dedicated mentors. Yet attention must be paid to their ideological bias nevertheless. An African-American Studies curriculum whose main message is that black Americans' most interesting experience has always been racism, still is, and that this requires radicalism as a politics of choice is not education. It is indoctrination. It proposes a single minority view as sense incarnate. This is not what education is supposed to be.

To the extent that these courses and syllabi are typical, then, there is a problem. And anyone familiar with African-American Studies departments knows that these courses and syllabi are, indeed, typical.

African-American Studies departments have a place in a liberal arts education. However, to deserve that inclusion in anything beyond a symbolic sense, they should revise their curricula in exactly two ways, simple but crucial.

First, there should be full acknowledgment in all courses that the role of racism in black people's lives and fates is receding, and to such a degree that the race's challenges today are vastly different than they were forty years ago.

The aim should not be to downplay the reality of racism, but to present precisely what education consists of: the ambiguities and challenges of real life and how one thinks about it.

Defeatism should be discouraged. Any sense that defeatism is the empirically proper position on black American history in the same way as it would have been for Pompeiians in the face of the eruption of Mount Vesuvius fails -- for the simple reason that progress for black Americans continues on so many fronts.

Most of the people in question would resist being characterized as defeatist, or as not acknowledging change. However, there is acknowledgment and there is genuflection. Plus, a claim that black radicalism is our only real future is, in itself, defeatism. Four centuries of black history give no indication that these politics will significantly affect how most black people thrive.

For example, a course like Yale's on "African-American Politics" should include not only mention of the Bradley Effect (under which whites voters have claimed in polls that they would vote for black candidates but do not at the voting booth) but also that it has been proven to be on the wane repeatedly for twenty years, including in the election of Barack Obama. Otherwise, Yale's teachings will lag behind what even Wikipedia tells us about the reality on the Bradley Effect, as opposed to its recruitment as a strategy of indoctrination.

The course I mentioned on blacks' problems with urban space flags environmental racism - but would ideally mention the important work of Christopher Foreman of the Brookings Institution (black, for the record) showing that claims along these lines have been overblown.

It must also fall out of this that there will be no such thing as a course shoehorning the careers of hundreds of hard-working and excellent black artists and performers as lessons in stereotyping, or as most interesting for how they were hemmed in by racism than for what they accomplished regardless. Just as it is impossible to imagine Jewish Americans submitting themselves to so dispiriting and reductive a historiography of performance as this one, black scholars should step away from this kind of thinking as giving in to, rather than coping with, the ills of our history.

In the same vein, black popular music (including hip hop) should not be treated as most interesting in how it happened to intersect with (leftist and radical) political ideology - anymore than klezmer music, Chinese opera, or Tchaikovsky is. What about how our music is just good?

Second, an African-American Studies department should be considered larval without a course on black conservative thought - upon which courses on black radicalism would then be acceptable as alternative arguments.

Crucially, token assignment of writings of ancient three-named figures like Booker T. Washington, who wrote amidst post-Civil War conditions now ancient history, are a mere beginning. Most departments already slip in Washington, for example - although they should now regularly engage Robert Norrell's new biography that rescues the man from a century of calumny.

However, equally central to honest engagement with "black thought" are modern figures often considered controversial by the campus set, such as Shelby Steele, Thomas Sowell, Walter Williams, Debra Dickerson, and Stanley Crouch. (I will refrain from putting myself on this list, but will mention that my work is not uncommonly assigned to college students and seems not to leave them deaf to America's sociological imperfections.) Also useful, given that African-American Studies syllabi typically include some white writers, would be Stephen and Abigail Thernstrom, Lawrence Mead, Dan Subotnik and Peter Wood.

There is an argument hardly unfamiliar in the halls of ivy that black writers of this ilk are irrelevant to serious discussion because they are traitors to the race. Those charges must be permitted as free speech - but have no place in any brand of academic inquiry. All of the writers I have listed are careful thinkers deeply concerned with the fate of black America. It will not do to tar them as "not scholarly" because they do not all write in academic format or publish in obscure scholarly journals. Writings typically assigned by James Baldwin, Cornel West or even most of the others in this school are not written in this format either.

Thomas Sowell is read by millions in a nationally syndicated column, and this is in part because he is an economics and history scholar of long standing, whose books are often festooned with footnotes and references to academic work. Shelby Steele won the National Book Award, because of rhetorical skill surely the equal of writers like Patricia Williams and Michael Eric Dyson. Stanley Crouch is a polymath whose salty, "down" essence challenges anyone's claim that not being with the black radical program means not being "culturally black."

To be sure, many professors in African-American Studies departments think of themselves as doing their jobs in what they term "contesting" assorted topics. An example is Marable's "Critical Approaches to African-American Studies" at Columbia in which the contesting is the likes of "Remapping the black experience," "Redefining whiteness," and "Race-ing justice." However, this is a rearranging of furniture, very en famille. The confrontational, leftwardly politicized assumptions remain steadfast - while millions of blacks have overcome having never heard of politics of this kind.

These views, nevertheless, have value and should be heard. Yet they are not, on their own, truth. They verge into excess and anti-empiricism as readily as views from the right. There exist as many intelligent "contestings" of these leftist views as there exist "contestings" of the writings of Shelby Steele or myself. In a university department worth the status, contesting from all sides must be heard.

#### Their “politics of respectability” argument assumes that we’re making demands about the manner in which they advocate---ignores the fact that restrictions on the normative content of arguments don’t restrict the form or strategy they use---this answers their whiteness arguments because they can advocate rolling back state power in styles not co-opted by whiteness

Amanda Anderson 6, Andrew W. Mellon Professor of Humanities and English at Brown University, Spring 2006, “Reply to My Critic(s),” Criticism, Vol. 48, No. 2, p. 281-290

There is a way to make Robbins’s point more narrowly which would run something like this: Anderson has a very restricted notion of how argument should play out, or appear, within academic culture, given the heavy emphasis on logical consistency and normative coherence and explicitness. This conception of argument is too narrow (and hence authoritarian). To this I would reply simply that logical consistency and normative coherence and explicitness do not exhaust the possible forms, modes, and strategies of argumentation. There is a distinction to be made between the identification of moves that stultify or disarm argument, and an insistence on some sort of single manner of reasoned argument. The former I am entirely committed to; the latter not at all, despite the fact that I obviously favor a certain style of argument, and even despite the fact that I am philosophically committed to the claims of the theory of communicative reason. I do address the issue of diverse forms and modes of argument in the first and last chapters of the book (as I discuss above), but it seems that a more direct reflection on the books own mode of argumentation might have provided the occasion for a fuller treatment of the issues that trouble Robbins.

Different genres within academe have different conventions, of course, and we can and do make decisions all the time about what rises to the level of cogency within specific academic venues, and what doesn't. Some of those judgments have to do with protocols of argument. The book review, for example, is judged according to whether the reviewer responsibly represents the scholarship under discussion, seems to have a good grasp of the body of scholarship it belongs to, and convincingly and fairly points out strengths and weaknesses. The book forum is a bit looser-one expects responsible representation of the scholarship under discussion, but it can be more selectively focused on a key set of issues. And one expects a bit of provocation, in order to make the exchange readable and dramatic. But of course in a forum exchange there is an implicit norm of argument, a tendency to judge whether a particular participant is making a strong or a weak case in light of the competing claims at play. Much of our time in the profession is taken with judging the quality of all manner of academic performance, and much of it has to do with norms of argument, however much Robbins may worry about their potentially coercive nature.

#### Defending a topic that involves the state for the sake of deliberation is distinct from accepting it in our personal lives---limited content for deliberation in debate is key

**Talisse 2005** – philosophy professor at Vanderbilt (Robert, Philosophy & Social Criticism, 31.4, “Deliberativist responses to activist challenges”) \*note: gendered language in this article refers to arguments made by two specific individuals in an article by Iris Young

These two serious activist challenges may be summarized as follows. First, the activist has claimed that political discussion must always take place within the context of existing institutions that due to structural inequality grant to certain individuals the power to set discussion agendas and constrain the kinds of options open for consideration prior to any actual encounter with their deliberative opponents; the deliberative process is in this sense rigged from the start to favor the status quo and disadvantage the agents of change. Second, the activist has argued that political discussion must always take place by means of antecedent ‘discourses’ or vocabularies which establish the conceptual boundaries of the deliberation and hence may themselves be hegemonic or systematically distorting; the deliberative process is hence subject to the distorting influence of ideology at the most fundamental level, and deliberative democrats do not have the resources by which such distortions can be addressed. As they aim to establish that the deliberativist’s program is inconsistent with her own democratic objectives, this pair of charges is, as Young claims, serious (118). However, I contend that the deliberativist has adequate replies to them both.

Part of the response to the first challenge is offered by Young herself. The deliberative democrat does not advocate public political discussion only at the level of state policy, and so does not advocate a program that must accept as given existing institutional settings and contexts for public discussion. Rather, the deliberativist promotes an ideal of democratic politics according to which deliberation occurs at all levels of social association, including households, neighborhoods, local organizations, city boards, and the various institutions of civil society. The longrun aim of the deliberative democrat is to cultivate a more deliberative polity, and the deliberativist claims that this task must begin at more local levels and apart from the state and its policies. We may say that deliberativism promotes a ‘decentered’ (Habermas, 1996: 298) view of public deliberation and a ‘pluralistic’ (Benhabib, 2002: 138) model of the public sphere; in other words, the deliberative democrat envisions a ‘multiple, anonymous, heterogeneous network of many publics and public conversations’ (Benhabib, 1996b: 87). The deliberativist is therefore committed to the creation of ‘an inclusive deliberative setting in which basic social and economic structures can be examined’; these settings ‘for the most part must be outside ongoing settings of official policy discussion’ (115).

Although Young characterizes this decentered view of political discourse as requiring that deliberative democrats ‘withdraw’ (115) from ‘existing structural circumstances’ (118), it is unclear that this follows. There certainly is no reason why the deliberativist must choose between engaging arguments within existing deliberative sites and creating new ones that are removed from established institutions. There is no need to accept Young’s dichotomy; the deliberativist holds that work must be done both within existing structures and within new contexts. As Bohman argues,

Deliberative politics has no single domain; it includes such diverse activities as formulating and achieving collective goals, making policy decisions and means and ends, resolving conflicts of interest and principle, and solving problems as they emerge in ongoing social life. Public deliberation therefore has to take many forms. (1996: 53)

The second challenge requires a detailed response, so let us begin with a closer look at the proposed argument. The activist has moved quickly from the claim that discourses can be systematically distorting to the claim that all political discourse operative in our current contexts is systematically distorting. The conclusion is that properly democratic objectives cannot be pursued by deliberative means. The first thing to note is that, as it stands, the conclusion does not follow from the premises; the argument is enthymematic. What is required is the additional premise that the distorting features of discussion cannot be corrected by further discussion. That discussion cannot rehabilitate itself is a crucial principle in the activist’s case, but is nowhere argued.

Moreover, the activist has given no arguments to support the claim that present modes of discussion are distorting, and has offered no analysis of how one might detect such distortions and discern their nature.20 Rather than providing a detailed analysis of the phenomenon of systematic distortion, Young provides (in her own voice) two examples of discourses that she claims are hegemonic. First she considers discussions of poverty that presume the adequacy of labor market analyses; second she cites discussions of pollution that presume that modern economies must be based on the burning of fossil-fuels. In neither case does she make explicit what constitutes the distortion. At most, her examples show that some debates are framed in ways that render certain types of proposals ‘out of bounds’. But surely this is the case in any discussion, and it is not clear that it is in itself always a bad thing or even ‘distorting’. Not all discursive exclusions are distortions because the term ‘distortion’ implies that something is being excluded that should be included.

Clearly, then, there are some dialectical exclusions that are entirely appropriate. For example, it is a good thing that current discussions of poverty are often cast in terms that render white supremacist ‘solutions’ out of bounds; it is also good that pollution discourses tend to exclude fringe-religious appeals to the cleansing power of mass prayer. This is not to say that opponents of market analyses of poverty are on par with white supremacists or that Greens are comparable to fringe-religious fanatics; it is rather to press for a deeper analysis of the discursive hegemony that the activist claims undermines deliberative democracy. It is not clear that the requested analysis, were it provided, would support the claim that systematic distortions cannot be addressed and remedied within the processes of continuing discourse. There are good reasons to think that continued discussion among persons who are aware of the potentially hegemonic features of discourse can correct the distorting factors that exist and block the generation of new distortions.

As Young notes (116), James Bohman (1996: ch. 3) has proposed a model of deliberation that incorporates concerns about distorted communication and other forms of deliberative inequality within a general theory of deliberative democracy; the recent work of Seyla Benhabib (2002) and Robert Goodin (2003: chs 9–11) aims for similar goals. Hence I conclude that, as it stands, the activist’s second argument is incomplete, and as such the force of the difficulty it raises for deliberative democracy is not yet clear. If the objection is to stick, the activist must first provide a more detailed examination of the hegemonic and distorting properties of discourse; he must then show both that prominent modes of discussion operative in our democracy are distorting in important ways and that further discourse cannot remedy these distortions.

#### They draw a false line between abolition the state and reform---that dooms the people they aim to help to mass suffering

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However, we must acknowledge that the line between reformist practices and abolitionist practices is not a definitiveone. For example, though the ultimate goal of an abolitionist movement is the total negation of the capitalist state-form, this long-term objective must not prevent us from engaging in a host of immediate struggles to secure the survival and quality of life of those currently imprisoned. We must not allow our expansive vision to blind us to the immediate struggles of those presently locked down by the system. A movement that fails to engage in these types of struggles is at odds with the interests of those on the inside, those for whom these immediate struggles are of utmost urgency.2 A properly radical/ abolitionist movement must work incessantly to suture the divide (both actual and virtual) between the inside and the outsideof the prison, and, more generally, between the local and the global.