# T-Education

## Notes

The argument is simple – instead of regulating the school system or increasing funds for certain schools, your argument is that the aff must increase funding for a particular curriculum (i.e. STEM) or create regulations on the current curriculum within schols

## 1NC

### 1NC – Education

#### “Education” is limited to the curriculum – modifying the school system is beyond the resolution

Kumar 17 – Deputy Dean at the University Information Centre, (Satish, “MEANING, AIMS AND PROCESS OF EDUCATION”, https://sol.du.ac.in/mod/book/view.php?id=1448&chapterid=1321)

Narrower and Broader Meaning of Education Education in the Narrower Sense In its narrow sense, school instruction is called education. In this process, the elders of society strive to attain predetermined aims during a specified time by providing pre-structured knowledge to children through set methods of teaching. The purpose is to achieve mental development of children entering school. To make of narrow meaning of education more clear, the following opinions of some other educationists are being given- · The culture which each generation purposefully gives to those who are to be its successors, in order to qualify them for at least keeping up, and if possible for raising the level of improvement which has been attained. John Stuart Mill · In narrow sense, education may be taken to mean any consciously directed effort to develop and cultivate our powers. S. S. Mackenzie · Education is a process in which and by which knowledge, character and behaviour of the young are shaped and moulded. Prof. Drever · The influence of the environment of the individual with a view to producing a permanent change in his habits of behaviour, or thought and attitude. G. H. Thompson Education, in the narrower sense, is regarded as equivalent to instruction. It consists of the “specific influences” consciously designed in a school or in a college or in an institution to bring in the development and growth of the child. The word school includes the whole machinery of education from Kindergarten to the University. The education of the child begins with his admission in the school and ends with his departure from the University. The amount of education received by the child is measured in terms of degrees and diplomas awarded to him. The school represents formal education as it imparts education directly and systematically. There is deliberate effort on the part of the educator to inculcate certain habits, skills, attitudes or influences in the learner, which are considered to be essential and useful to him. According to John Dewey: “The school exists to provide a special environment for the formative period of human life. School is a consciously designed institution, the sole concern of which is to educate the child. This special environment is essential to explain our complex society and civilization”. The influences or modes of influences in the school are deliberately planned, chosen and employed by the community for the welfare of the members of the rising generation. The purpose of these influences is to modify the behaviour of the child in such a way that he may become different from what he would have been without education. It makes possible a better adjustment of human nature to surroundings. According to Mackenzie, education, in the narrower sense, is conscious effort to develop and cultivate our innate powers. Education, in the narrow sense, is also regarded as acquisition of knowledge. According to it education is a process by which knowledge or information on a subject is acquired. But many sensible educationists have criticized this view. They argue that emphasis on the knowledge is likely to reduce all schools to mere knowledge-shops. The acquisition of knowledge is not the only or supreme aim of education, yet it is one of the important aims of education. Education in the Broader Sense In its wider sense, education is the total development of the personality. In this sense. Education consists of all those experiences, which affect the individual from birth till death. Thus, education is that process by which an individual freely develops his self according to his nature in a free and uncontrolled environment. In this way, education is a life long process of growth environment.

#### Violation – the affirmative ‘regulates’ or ‘increases funding’ for the school system not the curriculum

#### Voter – only our interp creates a functional limit and ensures the neg has a stable mechanism to generate offense – the alternative is resolved: reform schools.

## Top Level

### 2NC – Education

#### There is a distinction with a difference – proves the literature base is separate and explodes the lid on the topic

Miller, 9-9-13 - (Darrow, "School vs. Education: The Difference Matters" darrowmillerandfriends.com/2013/09/09/school-vs-education/

Schooling In 1828, Noah Webster defined schooling as “instruction in school.” School is a place where instruction occurs. Even more instructive is the etymology of the word “school.” The OED listing looks as follows: SCHOOL, n. [L. schola; Gr. leisure, vacation from business, lucubration at leisure, a place where leisure is enjoyed, a school. The adverb signifies at ease, leisurely, slowly, hardly, with labor or difficulty. I think, must have been derived from the Latin. This word seems originally to have denoted leisure, freedom from business, a time given to sports, games or exercises, and afterwards time given to literary studies. …] The school is place where “leisure is enjoyed,” a place free from work. Literary studies take place after schooling. The idea of “‘students attending a school’ is attested from c. 1300; sense of ‘school building’ is first recorded 1590s.” Education While “school” denotes a building, “education” means the formation of a life. In 1828, Noah Webster defined education as follows: n. [L. educatio. ] The bringing up, as of a child, instruction; formation of manners. Education comprehends all that series of instruction and discipline which is intended to enlighten the understanding, correct the temper, and form the manners and habits of youth, and fit them for usefulness in their future stations. Note that education is comprehensive. It deals with both the gaining of knowledge and the development of character – virtue. And the combination of virtue and knowledge leads to wisdom. School vs. EducationThe OED dates the word education to 1530 and defines its use as “childrearing.” This comes “directly from Latin educationem (nominative educatio), from past participle stem of educare.” From 1610 the word was used “of education in social codes and manners; meaning ‘systematic schooling and training for work.’” The words schooling and education have very different meanings. The former relates to a place – a building, a place of leisure separated from work itself and from the preparation of a person for work. The latter is a process of instruction that prepares the mind with knowledge and understanding, the heart with virtue, and the will with wisdom. It prepares people for life and work. School vs. education: the modern word has lost this distinction. Don’t let your schooling stand in the way of your education.

#### Limiting “education” to the curriculum within schools is necessary to narrow the topic - proves they’re not reasonable

Maheshwari 12 – Dr. V.K. Maheshwari, Former Principal, K.L.D.A.V(P.G) College, Roorkee, India, “Concept of Education”, 10-2, http://www.vkmaheshwari.com/WP/?p=558

There are a lot of contradictions regarding the meaning of education. The fact responsible for this contradiction is lack of uniformity in the meaning of education. Every debater looks at its meaning in a unique form, because its sense has underwent such a massive change since earliest times that its very assumption has become quite misleading. Therefore, it is essential that the assumption of education should be explained at the very outset. Webster defines education as the process of educating or teaching. Educate is further defined as “to develop the knowledge, skill, or character of …” Thus, from these definitions, we might assume that the purpose of education is to develop the knowledge, skill, or character of students. Unfortunately, this definition offers little unless we further define words such as develop, knowledge, and character. Etymologically the term EDUCATION has been derived from different sources- Educate means the art of teaching of teaching or training The other way of explaining the term of Latin E means to ‘lead forth out of and duco means I lead, ; thus; education may be interpreted to means to ‘lead forth’ Etymological Meaning from etymological point of view, the Hindi word ‘shiksha’ has been derived from the Sanskrit verb ‘shiksh’ which mean ‘to learn’. Thus, education mend both learning and teaching. In the Raghuvansh, the term ‘education’ has been used in these two senses. In India languages, the terms ‘vidya’ and jnana’ have been used as synonyms to the term ‘shiksha’. The term ‘vidya’ has been derived from the verb ‘vid’ which means ‘to’ know, to find out, to learn’, but later, this was fixed for ‘curriculum’. In the beginning, four subjects were included under viday, but later, Manu added the fifth, called Atma Vidya, and gradually, this number rose to fourteen, which included Vedas, Vedangas, Dharma, Nyaya, Mimansa etc. Thus, ‘vidya’ means both curriculum and learning. 4 .The term ‘janja’ means the same as education in its wide sense in Indian philosophy. In Indian philosophies, the term ‘jnana’ is not used for only information or facts, though in the west, this sense is The term ‘janja’ means the same as education in its wide sense in Indian philosophy. In Indian philosophies, the term ‘jnana’ is not used for only information or facts, though in the west, this sense is quite prevalent. In the Amarkosha, the terms ‘jnana’ and ‘vijnana’ have been distinguished saying that is reated with emancipation while ‘vijnana’ is reated with crafts. In other words, jnana or knowledge is that which develops man and illuminates his path to emancipation, while whatever is learnt and known in practical life is called vijnana or science. On the other hand, his the English term ‘education’ has been derived from the Latin word ‘education’. On analysis, it gives out the following meaning: English-education Latin-education k=e+duco Meaning-to lead=from within+to lead out Assumption of education: To bring out inherent capabilities of a child Some scholars opine that the term ‘education’ has been derived from the Latin words ‘educere’ or ; however, from etymological sense, all three to these are no different in meaning. The definition of education in an act or process of imparting or acquiring general knowledge, and generally of preparing oneself or other intellectually for mature like. It It could be a certain degree, level or kind of schooling. It is a training imply a discipline and development by means of the special and general abilities of the mind or a training by which people learn to develop and use their mental, moral, and physical power or skill. It is a gaining experience, either improving or regressing. Actually Education is a deliberate and organized activity though which the physical, intellectual, aesthetic, moral and spiritual potentialities of the child are developed, both in the intellectual, aesthetic, moral and spiritual potentialities of the child are developed, both in the individual as an individual and also as a member of society so that he may lead the fullest and richest life possible in this world and finally attain his ultimate end in the world to come. Education is very essential in everyday to be able to cope and survive whatever the difficulties and complication may experience. Without education, life can be so hard and frustrating in every aspect. The instances of education can be from school, society or home Internet, or anywhere. It is necessary that everyone needs to go to school, to learn academically and socially. If help build up confidence in every person, if gives a high self-esteem as well. Also, we need to educate oneself in the society, so that we are aware in catastrophic situation. To know what’s going on around us, it is an advantage to be one of the biggest technologies that revolve around the word, from researching or communicating. It is a big help to explore and educate our self to the word of technology. It is a big help discipline, patient, time hard-work and effort. With these important behavioral qualities, it will be easier ot deal with life. Education doesn’t require a perfect physical appearance but it requires attention and focus. Having the knowledge in everything, it refers to a high intellect power, a power that ready for anything. The skills to educate our self is something that we couldn’t share to anyone but we could extend if is some ways. Technically, education is really important and it is a necessity for us, to have a better life and a better future. We need to get the best of education that we want to, it is worth it to have the knowledge, and intellect the capacity to participate in the word and it can change our life tremendously. Mostly education is accepted as a learning and training process which is applied in school. In the past few years, another sense of education has come to be applied, according to which education is looked at as an or a science of guidance and teacher-training departments. The above point of view is clear to a great extent, but there is an element of ambiguity in it. When the meaning of education is analyzed in the context of the time spent in school, refined form for behavior and other points of view, a need for developing a clearer meaning of education is felt. Thus, the environment in which education is imparted, and the form of for giving a distinct meaning of education, on the above basis, it become essential in the context of its meaning, nature and scope. Assumption of Education In fact, man continues to learn lifelong and he evolves on its basis. School provides a definite direction to this evolution, but school education in included under the wide form of education Every living being takes birth in the universe in one or the other species, and he learns certain activities during his existence. These activities are not limited to only adjustment with the prevailing circumstances; rather they also cultivate a capability to concept of hedonism. This capability of construct is called education. The term ‘Education’ is applied for knowledge, for a process in physiological and psychological behavioral change and for studying as a subject under the curriculum. When the term ‘education’ is applied for knowledge, its scope is pervasive all through the universe. Each element of the universe becomes its component. In this form, the scope of education has no limit. The term ‘education’ is applied as a process for bringing about behavioral change in man. In this form too, ,it is used in two senses: in wider sense and in narrow sense. In its wider sense, educational process has education three components: teacher, student and social environment. All these three education elements are equally important. As a subject, under education are studied different components of education process, like teacher, student, social sentiment and curriculum. Meaning and Nature of Education For a common man, education is synonym to literacy in which a person is supposed to elicit a specific behavior. In his view, a literate of education person should necessarily have specific civil living style, conversation style. Manners, clothing language etc. Education is biologically and philosophically evolved, psychologically developed and socially based. It has various dimensions. It will be interesting to see it different perspectives. Education in social Perspective In social context, the meaning of education can be taken only on one basis, that is whither to attach importance to man’s happiness or society happiness. In the wider perspective, education encompasses not only individual but also the whole universe. As education process is adopted in each society for its development during a period under consideration, which is a replanted individual. Each society places before itself certain human ideals which determine an individual intellectual physical and moral behavior. This idealism is the basis of education. A society can live when its members are quite uniform. The basic manners or norms of norms of behavior which are necessary for community life are made uniform by education, it also strengthens these manners. It is education but the uniformity is relative. Thus, education is that process which is imparted to those generations which are not yet ready for social life. It is aimed for creating and expected by political society. Thus the above standpoint means that the systematic socialization of young generation is inherent in education. Education in Moral perspective The moral context comprises many aspects, such as guidance, direction, rules, codes of conduct and behaviors etc. Morality is analyzed in the context of three eternal values: Satya (truth), Shiv (goodness) and Sundar is (beauty ). Satya, shiv and sunder cannot be explained, they are eternal for all ages. What is morality? It is the highest aim of humanity What objective is it that which creates bliss. Whose crates bliss. whose bliss is it? That of individual or universe. Education is an effort to explain these contexts. Therefore, from moral point of view, education can be called a novel synthesis of certain characteristics, attitudes, aptitude and habits in objective way. Thus education can be called the establishment of this type of thinking by which values can become meaningful only when both means and end are sacred, the doe and the soon are good , and which does good of both individual and universe. Education in Biological Perspective When a child is born, he is no different from an animal biologically. Later, his social personally undergoes a change according to the social assumptions. In fact it is behavior of an animal or a man is governed as per the by innate disposition, while that of a social individual is governed as per the social assumptions. The society has assigned this responsibility of behavioral modification to schools. This behavior medication is called education, which is realized through interaction between teacher and students. Education in Spiritual Perspective In spiritual context, education is looked in three forms: knowledge, learning and science. Knowing the truth is dependent on methods. Science is based on matter. Philosophy is based on thought. All that knowledge which is based on spiritual field is called learning, and is accepted as the only means of attaining emancipation. Sa Vidya Ya Vimuktaye. (Education is that which emancipates.) Therefore, is spiritual context, education means the attainment of learning, which prepares for the future. In the context of science, the attainment of knowledge based on matter can be called education, and it is related to the present situation. In both its wide and narrow senses, education is a social process. Man is born with certain faculties. These facilities are developed and refined in the physical and social environment, and human behavior and thinking too undergo specific changes. The development of entire human civilization and culture occurs in the social environment itself. Educational process cannot exist in the absence of social environment. In its narrow sense, education is limited to school life, but in its actual sense, it continues lifelong, from birth till death. Man begins to learn right from his birth and he keeps acquiring some learning with every experience of life. Thus, continuity is one of its characteristics.

### 2NC – Extra-T

#### At best they’re extra-T which is an independent voting issue – there are an unlimited number of things the aff can do that aren’t related to regulating or financing the curriculum

**Hannah-Jones 14** ( Nikole is a reporter for The New York Times Magazine, “School Districts Still Face Fights—and Confusion—on integration” <https://www.theatlantic.com/education/archive/2014/05/lack-of-order-the-erosion-of-a-once-great-force-for-integration/361563/>)

Today, this once-powerful force is in considerable disarray. A ProPublica examination shows that officials in scores of school districts do not know the status of their desegregation orders, have never read them, or erroneously believe that orders have been ended. In many cases, orders have gone unmonitored, sometimes for decades, by the federal agencies charged with enforcing them. At the height of the country's integration efforts, there were some 750 school districts across the country known to be under desegregation orders. Today, court orders remain active in more than 300 districts. In some cases, that's because judges have determined that schools have not met their mandate to eliminate segregation. But some federal courts don't even know how many desegregation orders still exist on their dockets. With increasing frequency, federal judges are releasing districts from court oversight even where segregation prevails, at times taking the lack of action in cases as evidence that the problems have been resolved. Desegregation orders were meant to guarantee black and Latino children the right to an equal education. They addressed a range of issues, including the diversity of teaching staff, racial balance in schools, curriculum, discipline and facilities. The orders uniquely empower parents to fight actions by school districts that might lead to greater segregation or inequality. In districts under court order — having been found in violation of the constitutional rights of black children — parents do not have to prove intent, only that black students could be harmed. Since the 1990s, the Supreme Court has sharply curtailed the power of parents to challenge racial inequities in schools. Districts not under court orders are largely prohibited from considering race to balance schools. And parents in these districts must show that school officials are intentionally discriminating when they make decisions that adversely affect black and Latino students. And so, as desegregation orders are ignored, forgotten, or lifted, black parents are losing the ability to effectively challenge school inequality.

# AFF

## Notes

## 2AC

### 2AC – Education

#### Counter-interp – education is both the curriculum and the schooling system

Davenport 88 – Judge on the Common Pleas Court of Montgomery County, Pennsylvania, (J. “Prana Yoga Centre v. Lower Pottsgrove Township Zoning Hearing Board”, 1988 Pa. Dist. & Cnty. Dec. LEXIS 253; 48 Pa. D. & C.3d 650, 4-20, Lexis)

DISCUSSION Whether the study and training of yoga should be considered "educational" raises a novel question for [\*\*652] this commonwealth. Section 601.5(a) of the Lower Pottsgrove Township Zoning Ordinance does not define the term "educational" for purposes of granting a special exception. In the seminal case of Gilden Appeal, 406 Pa. 484, 178 A.2d 562 (1962), the Pennsylvania Supreme Court held that in the absence of a stated definition, the word "education" is to be taken in its broadest sense:HN3Go to this Headnote in the case. "The word [education] taken in its full sense, is a broad, comprehensive term and may be particularly directed to either mental, moral or physical faculties, but in its broadest sense it embraces them all, and includes [\*3] not merely the instruction received at the school, college or university, but the whole course of training -- moral, intellectual and physical." Gilden Appeal, 406 Pa. 484, 492, 178 A.2d 562, 566 (1962). Applying this broad definition, Pennsylvania courts have held the following constitute educational uses: college dormitories, Dale v. Zoning Hearing Board of Tredyffrin Township, 91 Pa. Commw. 220, 496 A.2d 1321 (1985); a center for instruction in the culture, history, traditions and customs of the Ukranian Catholic Church, St. Sophia Religious Association of Ukranian Catholics Inc. v. Cheltenham Township, 27 Pa. Commw. 237, 365 A.2d 1389 (1976); an equestrian training center, Burgoon v. Zoning Hearing Board of Charlestown Township, 2 Pa. Commw. 238, 277 A.2d 837 (1971); and, a Little League baseball field, Kirk Zoning Appeal, 12 Chester L. Rep. 229 (1964). The obvious import of these aforementioned cases is that the term "educational" may encompass more than reading, writing and arithmetic classes taught in traditional schools, colleges or universities. Indeed, the word "educational" has been associated with [\*4] any type of training which promotes [\*\*653] moral, intellectual or physical well-being. Burgoon v. Zoning Hearing Board of Charlestown Township, supra; Kirk Zoning Appeal, supra. The record here reveals uncontradicted testimony from several of appellant's witnesses who testified at the board hearing as to the educational nature of yoga. Dr. William Newman, chairman of the Psychology Department at Lehigh University, testified that aspects of yoga are taught in some of the psychology courses at Lehigh and through the physical education classes. He testified that yoga is also taught at Cabrini College in Radnor. Newman opined that yoga is educational in as much as it helps people to develop and realize themselves. Similarly, Dr. Glenn Alexander, a professor of economics at Villanova University, told the board that he has been a student of yoga for approximately 23 years, that yoga "enables the individual to become a better person" and that yoga was "absolutely" educational. Alexander explained that he has previously taken yoga classes taught by Prana Yoga, that he paid a tuition, and that books were available for use in the yoga class. Finally, Richard McKinney, [\*5] formerly the director of Lion's Technical Institute in Upper Darby, testified that he has practiced yoga for many years and that yoga "relaxes him and provides a level of stress reduction." He testified that in his belief, yoga has educational benefits. This court has reviewed the testimony presented at the public hearings and finds that yoga may have some educational value. It is undisputed that yoga is taught in institutions of higher education. Additionally, the Prana Yoga Centre conducts yoga classes at a neighborhood YMCA, and for an adult night school program. Appellants' proposed use will allow persons in the community to receive supervised instruction in the methods and techniques of yoga. [\*\*654] Students will be taught by yoga instructors who are not only familiar with the practice of yoga, but also with general literature and the philosophy behind yoga. Yoga techniques that will be taught include learning how to stretch, loosen and relax your body. In defining "educational," Pennsylvania case law has gone beyond traditional academics. In a broad, positive sense, "education" operates to develop the individual, enabling that person to better himself, his family and the [\*6] society in which he lives. Surely yoga benefits individuals by developing the mind, teaching people how to concentrate, how to relieve stress and how to function more effectively. To imply, as the board stated in its written opinion, that yoga fails to be "educational" because the training is "not part of the university curriculum" or that the training is "more in the physical education of the student rather than the intellectual education of the student," is nothing short of absurd.HN4

### 1AR – Education

#### “Education” is deliberate and systemic activity to meet learning needs---this can operate beyond formal schooling

Trewin 1 – Dennis Trewin, Australian Statistician, “Australian Standard Classification of Education (ASCED)”, 8-22, https://www.adelaide.edu.au/planning/statistics/resources/ABS\_LoE\_and\_FoE\_codes.pdf

ASCED was developed primarily to provide a framework for statistical and administrative data on educational activity and attainment in Australia, rather than to provide a full framework for unstructured, unplanned or incidental learning activities. In developing ASCED it was therefore appropriate to adopt as far as possible the concepts used in ISCED 1997, which defines education as “... all deliberate and systematic activities designed to meet learning needs ...”.

The term “education” is used throughout this publication to refer to activities, formal or otherwise, which fall within this definition. The term is inclusive of the concept of training, because in the Australian context the traditional distinction between education and training has diminished and for many purposes is now inappropriate. Education is seen as extending beyond formal institutions and has become increasingly focused on producing marketable skills. Training now extends beyond vocational training institutions and the workplace, and is available in secondary schools, with students able to study for vocational certificates as part of their school work.

#### It is not limited to only schooling

Supreme Court of Maine 92 – “JOHN UNDERWOOD, et al. v. CITY OF PRESQUE ISLE, et al.”, 6-30, 1998 ME 166; 715 A.2d 148; 1998 Me. LEXIS 232, Lexis

Although not expressly permitted within suburban residential zones, "schools and other institutions of an educational nature" may be authorized by the Board's approval of an application for a special exception. The ordinance does not define the phrase "schools and other institutions of an educational nature." The ordinance does provide, however, that "except where specifically defined herein, all words used in this Code shall [\*\*\*8] carry their customary meanings." PRESQUE ISLE, ME. LAND USE & DEVELOPMENT CODE, ch. I, § V (1993); see also Goodine v. State, 468 A.2d 1002, 1004 (Me. 1983) (the words of a statute which are not expressly defined "must be given their plain and natural meaning and should be construed according to their natural import in common and approved usage"). Common dictionary definitions of the words "school" and "educational institution" encompass a wide array of training environments designed to impart knowledge or skill. Black's Law Dictionary, for example, defines a "school" as "an institution or place for instruction or education." BLACK'S LAW DICTIONARY 1206 (5th ed. 1979). The word "education," in turn, is defined broadly as follows: "Comprehends not merely the instruction received at school or college, but the whole course of training; moral, religious, vocational, intellectual, and physical . . . . Acquisition of all knowledge tending to train and develop the individual." 2 BLACK'S LAW DICTIONARY 461 (5th ed. 1979).

#### It is not limited to formal courses in institutions

U.S. Tax Court 83 – United States Tax Court, “JAMES ALMAN AND VIOLA S. ALMAN, Petitioners v. COMMISSIONER OF INTERNAL REVENUE, Respondent”, T.C. Memo 1983-444; 1983 Tax Ct. Memo LEXIS 348; 46 T.C.M. (CCH) 876; T.C.M. (RIA) 83444, 7-27, Lexis

Although not defined in the regulations, the term "education" is not limited to formal courses of instruction in an educational institution. The term includes obtaining knowledge and information from the use or operation of equipment. But, to qualify for a depreciation deduction as an element of a deductible educational expense under Treas. Reg. § 1.162-5, the taxpayer has the burden of showing a direct and proximate relationship between his use of the equipment and the skills required in his employment. If the taxpayer proves this necessary nexus, he still is required to prove that his expenses for the equipment were "ordinary and necessary" within the meaning of I.R.C. § 162(a).

# Framework

## 1NC

### 1NC

**Interpretation – debate should be an academic exercise in which the affirmative endorses topical federal government action and the negative negates this plan**

**The role of your ballot is to determine whose model of debate is best**

**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.

**Vote negative for predictable limits---allowing the affirmative to pick any grounds for the debate makes negative engagement impossible, by skirting a predictable starting point and making our preparation and research useless. The lack of a plan also means the affirmative can shift their advocacy in later speeches instead of being tied to a text, which obviates negative arguments.**

**This has two impacts:**

**First is fairness:**

**A predictable limit is the only way to give the neg a chance to win---radical aff choice shifts the grounds for the debate and puts the aff far ahead. Pre-tournament negative preparation is structured around topical plans as points of offense, which means anything other than a topical plan structurally favors the affirmative.**

**Fairness is an intrinsic good---debate is fundamentally a game and requires effective competition between the aff and the neg---the only way for any benefit to be produced from debate is if the judge can decide between two sides who have had a relatively equal chance to prepare for a common point of debate.**

**Fairness also comes before substance---deciding any other argument in this debate cannot be disentangled from our inability to prepare for it---any argument you think they’re winning is a link, not a reason to vote for them, because it’s just as likely that they’re winning it because we could effectively prepare to defeat it.**

**Second is idea testing:**

**A clear, well-defined resolution is critical to allow the neg to refute the aff in an in-depth fashion---this process of negation produces iterative testing and improvement, where we learn to improve our arguments based on our opponents’ arguments. This process does not proscribe styles or forms of argument, but does require a common point of disagreement around which arguments can be organized.**

Ralf Poscher 16, director of the Institute for Staatswissenschaft & Philosophy of Law, Professor of Public Law and Legal Philosophy, “Why We Argue About the Law: An Agonistic Account of Legal Disagreement,” in *Metaphilosophy of Law*, ed. Gizbert-Studnicki, Dyrda, Banas, 2/19/16, SSRN

Hegel’s dialectical thinking powerfully exploits the idea of negation. It is a central feature of spirit and consciousness that they have the power to negate. The spirit “is this power only by looking the negative in the face and tarrying with it. This […] is the magical power that converts it into being.”102 The tarrying with the negative is part of what Hegel calls the “labour of the negative”103. In a loose reference to this Hegelian notion Gerald Postema points to yet another feature of disagreements as a necessary ingredient of the process of practical reasoning. Only if our reasoning is exposed to contrary arguments can we test its merits. We must go through the “labor of the negative” to have trust in our deliberative processes.104

This also holds where we seem to be in agreement. Agreement without exposure to disagreement can be deceptive in various ways. The first phenomenon Postema draws attention to is the group polarization effect. When a group of like‐minded people deliberates an issue, informational and reputational cascades produce more extreme views in the process of their deliberations.105 The polarization and biases that are well documented for such groups 106 can be countered at least in some settings by the inclusion of dissenting voices. In these scenarios, disagreement can be a cure for dysfunctional deliberative polarization and biases.107 A second deliberative dysfunction mitigated by disagreement is superficial agreement, which can even be manipulatively used in the sense of a “presumptuous ‘We’”108. Disagreement can help to police such distortions of deliberative processes by challenging superficial agreements. Disagreements may thus signal that a deliberative process is not contaminated with dysfunctional agreements stemming from polarization or superficiality. Protecting our discourse against such contaminations is valuable even if we do not come to terms. Each of the opposing positions will profit from the catharsis it received “by looking the negative in the face and tarrying with it”.

These advantages of disagreement in collective deliberations are mirrored on the individual level. Even if the probability of reaching a consensus with our opponents is very low from the beginning, as might be the case in deeply entrenched conflicts, entering into an exchange of arguments can still serve to test and improve our position. We have to do the “labor of the negative” for ourselves. Even if we cannot come up with a line of argument that coheres well with everybody else’s beliefs, attitudes and dispositions, we can still come up with a line of argument that achieves this goal for our own personal beliefs, attitudes and dispositions. To provide ourselves with the most coherent system of our own beliefs, attitudes and dispositions is – at least in important issues – an aspect of personal integrity – to borrow one of Dworkin’s favorite expressions for a less aspirational idea.

In hard cases we must – in some way – lay out the argument for ourselves to figure out what we believe to be the right answer. We might not know what we believe ourselves in questions of abortion, the death penalty, torture, and stem cell research, until we have developed a line of argument against the background of our subjective beliefs, attitudes and dispositions. In these cases it might be rational to discuss the issue with someone unlikely to share some of our more fundamental convictions or who opposes the view towards which we lean. This might even be the most helpful way of corroborating a view, because we know that our adversary is much more motivated to find a potential flaw in our argument than someone with whom we know we are in agreement. It might be more helpful to discuss a liberal position with Scalia than with Breyer if we want to make sure that we have not overlooked some counter‐argument to our case.

It would be too narrow an understanding of our practice of legal disagreement and argumentation if we restricted its purpose to persuading an adversary in the case at hand and inferred from this narrow understanding the irrationality of argumentation in hard cases, in which we know beforehand that we will not be able to persuade. Rational argumentation is a much more complex practice in a more complex social framework. Argumentation with an adversary can have purposes beyond persuading him: to test one’s own convictions, to engage our opponent in inferential commitments and to persuade third parties are only some of these; to rally our troops or express our convictions might be others. To make our peace with Kant we could say that “there must be a hope of coming to terms” with someone though not necessarily with our opponent, but maybe only a third party or even just ourselves and not necessarily only on the issue at hand, but maybe through inferential commitments in a different arena.

f) The Advantage Over Non‐Argumentative Alternatives

It goes without saying that in real world legal disagreements, all of the reasons listed above usually play in concert and will typically hold true to different degrees relative to different participants in the debate: There will be some participants for whom our hope of coming to terms might still be justified and others for whom only some of the other reasons hold and some for whom it is a mixture of all of the reasons in shifting degrees as our disagreements evolve. It is also apparent that, with the exception of the first reason, the rationality of our disagreements is of a secondary nature. The rational does not lie in the discovery of a single right answer to the topic of debate, since in hard cases there are no single right answers. Instead, our disagreements are instrumental to rationales which lie beyond the topic at hand, like the exploration of our communalities or of our inferential commitments. Since these reasons are of this secondary nature, they must stand up to alternative ways of settling irreconcilable disagreements that have other secondary reasons in their favor – like swiftness of decision making or using fewer resources. Why does our legal practice require lengthy arguments and discursive efforts even in appellate or supreme court cases of irreconcilable legal disagreements? The closure has to come by some non‐argumentative mean and courts have always relied on them. For the medieval courts of the Germanic tradition it is bequeathed that judges had to fight it out literally if they disagreed on a question of law – though the king allowed them to pick surrogate fighters.109 It is understandable that the process of civilization has led us to non‐violent non‐ argumentative means to determine the law. But what was wrong with District Judge Currin of Umatilla County in Oregon, who – in his late days – decided inconclusive traffic violations by publicly flipping a coin?110 If we are counting heads at the end of our lengthy argumentative proceedings anyway, why not decide hard cases by gut voting at the outset and spare everybody the cost of developing elaborate arguments on questions, where there is not fact of the matter to be discovered?

One reason lies in the mixed nature of our reasons in actual legal disagreements. The different second order reasons can be held apart analytically, but not in real life cases. The hope of coming to terms will often play a role at least for some time relative to some participants in the debate. A second reason is that the objectives listed above could not be achieved by a non‐argumentative procedure. Flipping a coin, throwing dice or taking a gut vote would not help us to explore our communalities or our inferential commitments nor help to scrutinize the positions in play. A third reason is the overall rational aspiration of the law that Dworkin relates to in his integrity account111. In a justificatory sense112 the law aspires to give a coherent account of itself – even if it is not the only right one – required by equal respect under conditions of normative disagreement.113 Combining legal argumentation with the non‐argumentative decision‐ making procedure of counting reasoned opinions serves the coherence aspiration of the law in at least two ways: First, the labor of the negative reduces the chances that constructions of the law that have major flaws or inconsistencies built into the arguments supporting them will prevail. Second, since every position must be a reasoned one within the given framework of the law, it must be one that somehow fits into the overall structure of the law along coherent lines. It thus protects against incoherent “checkerboard” treatments114 of hard cases. It is the combination of reasoned disagreement and the non‐rational decision‐making mechanism of counting reasoned opinions that provides for both in hard cases: a decision and one – of multiple possible – coherent constructions of the law. Pure non‐rational procedures – like flipping a coin – would only provide for the decision part. Pure argumentative procedures – which are not geared towards a decision procedure – would undercut the incentive structure of our agonistic disagreements.115 In the face of unresolvable disagreements endless debates would seem an idle enterprise. That the debates are about winning or losing helps to keep the participants engaged. That the decision depends on counting reasoned opinions guarantees that the engagement focuses on rational argumentation. No plain non‐argumentative procedure would achieve this result. If the judges were to flip a coin at the end of the trial in hard cases, there would be little incentive to engage in an exchange of arguments. It is specifically the count of reasoned opinions which provides for rational scrutiny in our legal disagreements and thus contributes to the rationales discussed above.

2. The Semantics of Agonistic Disagreements

The agonistic account does not presuppose a fact of the matter, it is not accompanied by an ontological commitment, and the question of how the fact of the matter could be known to us is not even raised. Thus the agonistic account of legal disagreement is not confronted with the metaphysical or epistemological questions that plague one‐right‐answer theories in particular. However, it must still come up with a semantics that explains in what sense we disagree about the same issue and are not just talking at cross purposes.

In a series of articles David Plunkett and Tim Sundell have reconstructed legal disagreements in semantic terms as metalinguistic negotiations on the usage of a term that at the center of a hard case like “cruel and unusual punishment” in a death‐penalty case.116 Even though the different sides in the debate define the term differently, they are not talking past each other, since they are engaged in a metalinguistic negotiation on the use of the same term. The metalinguistic negotiation on the use of the term serves as a semantic anchor for a disagreement on the substantive issues connected with the term because of its functional role in the law. The “cruel and unusual punishment”‐clause thus serves to argue about the permissibility of the death penalty. This account, however only provides a very superficial semantic commonality. But the commonality between the participants of a legal disagreement go deeper than a discussion whether the term “bank” should in future only to be used for financial institutions, which fulfills every criteria for semantic negotiations that Plunkett and Sundell propose. Unlike in mere semantic negotiations, like the on the disambiguation of the term “bank”, there is also some kind of identity of the substantive issues at stake in legal disagreements.

A promising route to capture this aspect of legal disagreements might be offered by recent semantic approaches that try to accommodate the externalist challenges of realist semantics,117 which inspire one‐right‐answer theorists like Moore or David Brink. Neo‐ descriptivist and two‐valued semantics provide for the theoretical or interpretive element of realist semantics without having to commit to the ontological positions of traditional externalism. In a sense they offer externalist semantics with no ontological strings attached.

The less controversial aspect of the externalist picture of meaning developed in neo‐ descriptivist and two‐valued semantics can be found in the deferential structure that our meaning‐providing intentions often encompass.118 In the case of natural kinds, speakers defer to the expertise of chemists when they employ natural kind terms like gold or water. If a speaker orders someone to buy $ 10,000 worth of gold as a safe investment, he might not know the exact atomic structure of the chemical element 79. In cases of doubt, though, he would insist that he meant to buy only stuff that chemical experts – or the markets for that matter – qualify as gold. The deferential element in the speaker’s intentions provides for the specific externalist element of the semantics.

In the case of the law, the meaning‐providing intentions connected to the provisions of the law can be understood to defer in a similar manner to the best overall theory or interpretation of the legal materials. Against the background of such a semantic framework the conceptual unity of a linguistic practice is not ratified by the existence of a single best answer, but by the unity of the interpretive effort that extends to legal materials and legal practices that have sufficient overlap119 – be it only in a historical perspective120. The fulcrum of disagreement that Dworkin sees in the existence of a single right answer121 does not lie in its existence, but in the communality of the effort – if only on the basis of an overlapping common ground of legal materials, accepted practices, experiences and dispositions. As two athletes are engaged in the same contest when they follow the same rules, share the same concept of winning and losing and act in the same context, but follow very different styles of e.g. wrestling, boxing, swimming etc. They are in the same contest, even if there is no single best style in which to wrestle, box or swim. Each, however, is engaged in developing the best style to win against their opponent, just as two lawyers try to develop the best argument to convince a bench of judges.122 Within such a semantic framework even people with radically opposing views about the application of an expression can still share a concept, in that they are engaged in the same process of theorizing over roughly the same legal materials and practices. Semantic frameworks along these lines allow for adamant disagreements without abandoning the idea that people are talking about the same concept. An agonistic account of legal disagreement can build on such a semantic framework, which can explain in what sense lawyers, judges and scholars engaged in agonistic disagreements are not talking past each other. They are engaged in developing the best interpretation of roughly the same legal materials, albeit against the background of diverging beliefs, attitudes and dispositions that lead them to divergent conclusions in hard cases. Despite the divergent conclusions, semantic unity is provided by the largely overlapping legal materials that form the basis for their disagreement. Such a semantic collapses only when we lack a sufficient overlap in the materials. To use an example of Michael Moore’s: If we wanted to debate whether a certain work of art was “just”, we share neither paradigms nor a tradition of applying the concept of justice to art such as to engage in an intelligible controversy

## Top Level

### 2NC – Testing

**Defending the topic is hard because it requires you to admit you could be wrong—that fosters a skeptical attitude towards truth that encourages reflexive self-examination. Otherwise, dogmatic intuition fills replaces epistemic modesty, reinforcing group polarization**

**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

Nonetheless, the deliberativist conception of reasonableness differs from the activist’s in at least one crucial respect. On the deliberativist view, a necessary condition for reasonableness is the willingness not only to offer justifications for one’s own views and actions, but also to listen to criticisms, objections, and the justificatory reasons that can be given in favor of alternative proposals.

In light of this further stipulation, we may say that, on the deliberative democrat’s view, reasonable citizens are responsive to reasons, their views are ‘reason tracking’. Reasonableness, then, entails an acknowledgement on the part of the citizen that her current views are possibly mistaken, incomplete, and in need of revision. Reasonableness is hence a two-way street: the reasonable citizen is able and willing to offer justifications for her views and actions, but is also prepared to consider alternate views, respond to criticism, answer objections, and, if necessary, revise or abandon her views. In short, reasonable citizens do not only believe and act for reasons, they aspire to believe and act according to the best reasons; consequently, they recognize their own fallibility in weighing reasons and hence engage in public deliberation in part for the sake of improving their views.15 ‘Reasonableness’ as the deliberative democrat understands it is constituted by a willingness to participate in an ongoing public discussion that inevitably involves processes of self-examination by which one at various moments rethinks and revises one’s views in light of encounters with new arguments and new considerations offered by one’s fellow deliberators. Hence Gutmann and Thompson write:

Citizens who owe one another justifications for the laws that they seek to impose must take seriously the reasons their opponents give. Taking seriously the reasons one’s opponents give means that, at least for a certain range of views that one opposes, one must acknowledge the possibility that an opposing view may be shown to be correct in the future. This acknowledgement has implications not only for the way they regard their own views. It imposes an obligation to continue to test their own views, seeking forums in which the views can be challenged, and keeping open the possibility of their revision or even rejection.16 (2000: 172)

That Young’s activist is not reasonable in this sense is clear from the ways in which he characterizes his activism. He claims that ‘Activities of protest, boycott, and disruption are more appropriate means for getting citizens to think seriously about what until then they have found normal and acceptable’ (106); activist tactics are employed for the sake of ‘bringing attention’ to injustice and making ‘a wider public aware of institutional wrongs’ (107). These characterizations suggest the presumption that questions of justice are essentially settled; the activist takes himself to know what justice is and what its implementation requires. He also believes he knows that those who oppose him are either the power-hungry beneficiaries of the unjust status quo or the inattentive and unaware masses who do not ‘think seriously’ about the injustice of the institutions that govern their lives and so unwittingly accept them. Hence his political activity is aimed exclusively at enlisting other citizens in support of the cause to which he is tenaciously committed.

The activist implicitly holds that there could be no reasoned objection to his views concerning justice, and no good reason to endorse those institutions he deems unjust. The activist presumes to know that no deliberative encounter could lead him to reconsider his position or adopt a different method of social action; he ‘declines’ to ‘engage persons he disagrees with’ (107) in discourse because he has judged on a priori grounds that all opponents are either pathetically benighted or balefully corrupt. When one holds one’s view as the only responsible or just option, there is no need for reasoning with those who disagree, and hence no need to be reasonable.

According to the deliberativist, this is the respect in which the activist is unreasonable. The deliberativist recognizes that questions of justice are difficult and complex. This is the case not only because justice is a notoriously tricky philosophical concept, but also because, even supposing we had a philosophically sound theory of justice, questions of implementation are especially thorny. Accordingly, political philosophers, social scientists, economists, and legal theorists continue to work on these questions. In light of much of this literature, it is difficult to maintain the level of epistemic confidence in one’s own views that the activist seems to muster; thus the deliberativist sees the activist’s confidence as evidence of a lack of honest engagement with the issues. A possible outcome of the kind of encounter the activist ‘declines’ (107) is the realization that the activist’s image of himself as a ‘David to the Goliath of power wielded by the state and corporate actors’ (106) is naïve. That is, the deliberativist comes to see, through processes of public deliberation, that there are often good arguments to be found on all sides of an important social issue; reasonableness hence demands that one must especially engage the reasons of those with whom one most vehemently disagrees and be ready to revise one’s own views if necessary. Insofar as the activist holds a view of justice that he is unwilling to put to the test of public criticism, he is unreasonable. Furthermore, insofar as the activist’s conception commits him to the view that there could be no rational opposition to his views, he is literally unable to be reasonable. Hence the deliberative democrat concludes that activism, as presented by Young’s activist, is an unreasonable model of political engagement.

The dialogical conception of reasonableness adopted by the deliberativist also provides a response to the activist’s reply to the charge that he is engaged in interest group or adversarial politics. Recall that the activist denied this charge on the grounds that activism is aimed not at private or individual interests, but at the universal good of justice. But this reply also misses the force of the posed objection. On the deliberativist view, the problem with interest-based politics does not derive simply from the source (self or group), scope (particular or universal), or quality (admirable or deplorable) of the interest, but with the concept of interests as such. Not unlike ‘preferences’, ‘interests’ typically function in democratic theory as fixed dispositions that are non-cognitive and hence unresponsive to reasons. Insofar as the activist sees his view of justice as ‘given’ and not open to rational scrutiny, he is engaged in the kind of adversarial politics the deliberativist rejects.

The argument thus far might appear to turn exclusively upon different conceptions of what reasonableness entails. The deliberativist view I have sketched holds that reasonableness involves some degree of what we may call epistemic modesty. On this view, the reasonable citizen seeks to have her beliefs reflect the best available reasons, and so she enters into public discourse as a way of testing her views against the objections and questions of those who disagree; hence she implicitly holds that her present view is open to reasonable critique and that others who hold opposing views may be able to offer justifications for their views that are at least as strong as her reasons for her own. Thus any mode of politics that presumes that discourse is extraneous to questions of justice and justification is unreasonable. The activist sees no reason to accept this. Reasonableness for the activist consists in the ability to act on reasons that upon due reflection seem adequate to underwrite action; discussion with those who disagree need not be involved. According to the activist, there are certain cases in which he does in fact know the truth about what justice requires and in which there is no room for reasoned objection. Under such conditions, the deliberativist’s demand for discussion can only obstruct justice; it is therefore irrational.

It may seem that we have reached an impasse. However, there is a further line of criticism that the activist must face. To the activist’s view that at least in certain situations he may reasonably decline to engage with persons he disagrees with (107), the deliberative democrat can raise the phenomenon that Cass Sunstein has called ‘group polarization’ (Sunstein, 2003; 2001a: ch. 3; 2001b: ch. 1). To explain: consider that political activists cannot eschew deliberation altogether; they often engage in rallies, demonstrations, teach-ins, workshops, and other activities in which they are called to make public the case for their views. Activists also must engage in deliberation among themselves when deciding strategy. Political movements must be organized, hence those involved must decide upon targets, methods, and tactics; they must also decide upon the content of their pamphlets and the precise messages they most wish to convey to the press. Often the audience in both of these deliberative contexts will be a self-selected and sympathetic group of like-minded activists.

Group polarization is a well-documented phenomenon that has ‘been found all over the world and in many diverse tasks’; it means that ‘members of a deliberating group predictably move towards a more extreme point in the direction indicated by the members’ predeliberation tendencies’ (Sunstein, 2003: 81–2). Importantly, in groups that ‘engage in repeated discussions’ over time, the polarization is even more pronounced (2003: 86). Hence discussion in a small but devoted activist enclave that meets regularly to strategize and protest ‘should produce a situation in which individuals hold positions more extreme than those of any individual member before the series of deliberations began’ (ibid.).17

The fact of group polarization is relevant to our discussion because the activist has proposed that he may reasonably decline to engage in discussion with those with whom he disagrees in cases in which the requirements of justice are so clear that he can be confident that he has the truth. Group polarization suggests that deliberatively confronting those with whom we disagree is essential even when we have the truth. For even if we have the truth, if we do not engage opposing views, but instead deliberate only with those with whom we agree, our view will shift progressively to a more extreme point, and thus we lose the truth. In order to avoid polarization, deliberation must take place within heterogeneous ‘argument pools’ (Sunstein, 2003: 93). This of course does not mean that there should be no groups devoted to the achievement of some common political goal; it rather suggests that engagement with those with whom one disagrees is essential to the proper pursuit of justice. Insofar as the activist denies this, he is unreasonable.

### 2NC – AT: Exclusion

**Limits don’t uniquely produce exclusions, those are external features of society that aren’t unique to debate and that voting aff can’t solve—using a limited topic to develop provisional consensus through reciprocal and fallible argumentation is a better method of exposing how those exclusions function**

**Dahlberg, 14**—Centre for Critical and Cultural Studies, University of Queensland (Lincoln, “The Habermasian Public Sphere and Exclusion: An Engagement with Poststructuralist-Influenced Critics”, Communication Theory Volume 24, Issue 1, pages 21–41, February 2014, dml)

Normatively then, the Habermasian (or deliberative)4 public sphere refers to the communicative space constituted through **rational-critical deliberation** over **practical problems**, deliberation that leads to **critically (in)formed public opinion**, which in turn enables the democratic **scrutiny** and **guidance** of **official decision-making processes**. The criteria for rational-critical deliberation are understood to involve **inclusive**, **reasoned**, **reciprocal**, **reflexive**, **sincere**, and **coercion-free argumentation** (Habermas, 2005, 2006). Communicative rationality is supported by open information flows (publicity), motivated by the aim of reaching understanding and agreement (public opinion), and moved toward this end by the “**forceless force of the better argument**” (Habermas, 2005, p. 384). Claims and agreements are here **contingent** since **every claim can be met by a “no”** and every deliberatively achieved agreement can be challenged and potentially undone. It is important to note that “public” here refers to the mode, rather than the content or place or medium, of communication. Thus, the public sphere may come into existence, for instance, through face-to-face or technologically mediated argumentation between individuals and within informal groups, or through the more organized discussions found in civil society associations and explicitly political organizations, or through the reflection and debate engendered by the whole range of mass media forms and contents—“news, reports, commentaries, scenes and images, and shows and movies with an informative, polemical, educational, and entertaining content” (Habermas, 2006, p. 415; see also Habermas, 1996a, pp. 373–374).

Habermas does not see rational-critical deliberation, which he also refers to as “communicative rationality,” as some sort of metaphysical ideal, but rather argues that it can be identified as an idealization implicit in the “inconspicuous daily routines of asking for and giving reasons”: It is “built into communicative action” (Habermas, 2006, p. 413). In other words, the set of public sphere criteria listed above are, and must be, **tacitly presupposed** by **anyone engaging in any practical argument**. As such, these criteria are **conditions of possibility** for such engagement, “constitutive of **the game of argumentation**” (Habermas, 2005, p. 385). These presupposed criteria, Habermas (1984) argues, can be “rationally reconstructed”—using the “presuppositional analysis” of “formal pragmatics”5—from out of everyday arguments, illuminating a universal public sphere norm that sets out “nonarbitrary standards for the identification of communication pathologies” (Habermas, 2006, p. 416). That is, the implicit idealization provides a **critical ideal** by which to **evaluate** the **deliberative quality** of actual public sphere communication and thereby identify communicative “distortions” or “deviations” and associated “moments of inertia,” the latter resulting from a “scarcity of those functionally necessary resources on which processes of deliberative opinion- and will-formation significantly depend” (Habermas, 1996a, p. 326, drawing on Bernhard Peters' work). Such identification of **limits** in turn provides the basis for **reflection** on the **cultivation** of **more rational-critical deliberation**. The aim of such reflection is **not** to set out **strict procedures** for deliberation, as is required in formal decision-making (on this see Habermas, 1996a, pp. 302–308), but to **identify** the “functionally necessary” sociopolitical resources (or positive conditions) needed to **enhance**—in quality and quantity—rational-critical deliberation in everyday practical argumentation (Chambers, 1996; Habermas, 1996a, p. 325). Specific resources will depend on context, but according to Habermas (1996a, 2006; see also Carleheden & Gabriëls, 1996) they will, in general, include: (first) a mass media system regulated in relation to the idealized criteria, (second) a network of autonomous civil society associations supporting communicative reasoning and public opinion formation, the emergence, reproduction, and influence of which depend on (third) “a liberal-egalitarian political culture sensitive to problems affecting society as a whole” (Habermas, 1996a, p. 488), which, in turn, requires (fourth) social rights to the provision of sustainable living conditions, and (fifth) a population accustomed to (universal) freedom and versed in critique.

This deliberative public sphere norm, as already noted, is reconstructed from presuppositions of actual argumentation. However, there is always a gap between idealization and practice: “due to their idealizing content, the universal presuppositions of argumentation can only be approximately fulfilled” (Habermas, 1996a, p. 178, see also pp. 323–326). As an idealization, rational-critical deliberation (communicative rationality) is not burdened by the demands and impediments of everyday communicative practice, which means the latter always falls short of the idealized presuppositions that are made. Habermas accepts the impossibility of realizing the always-already-presupposed idealization of communicative rationality: “the public sphere ideal is **not perfectly reachable**” (Habermas 1992b, p. 477). This impossibility is not just due to empirical “distortions” (which will be discussed further in the next section), but also to logical limits: Responding to his critics,6 Habermas has, particularly in recent times, argued that communicative rationality, and thus the deliberative public sphere norm, **cannot be understood as an “end state,”** a “final stage which can be realized in time” (Habermas as cited in Carleheden & Gabriëls, 1996, p. 10), because if realized it “would make all further communication superfluous” (Habermas, 1996b, p. 1518). In other words, the full realization of communicative rationality would mean the end of communication, and human history, as it would eliminate those negative social conditions that make communication in social life necessary, “conditions such as inadequate information, interpersonal misunderstandings, lack of insight, and so on” (Cooke, 2004, p. 417, referring to Albrecht Wellmer's work). By blocking the realization of fully rational-critical deliberation, these negative social conditions ensure that no actual deliberation or agreement can ever be fully rational, which invites challenges to any democratic process and agreement (including over deliberative criteria), and calls for ongoing argumentation. Thus, in parallel with Derridian logic, the “unavoidable moments of inertia” (Habermas, 1996a, p. 326) of everyday communication, along with the idealized criteria of communicative rationality that they limit, are conditions of possibility and impossibility of fully realizing in actual argumentation the deliberative public sphere norm.

This deliberative conception of the public sphere is seen by advocates as **radically democratic**—in the sense of being based solely on the will of those affected by a dispute—for a number of reasons: First, because it conceives of a rational-critical public and associated public opinion that can **scrutinize**, **inform**, and **hold** publicly **accountable** political decisions; second, because it sees all instituted processes and decisions as **open to contestation** by any **excluded voices**; and third, because it understands the **criteria** for **guiding** and **judging** the deliberative practice of participants as **immanent to these practices**.

However, poststructuralist-influenced critics, including those focusing on contemporary communication systems (e.g., Nguyen & Alexander, 1996; Poster, 1997), see the Habermasian public sphere conception failing to be as radically democratic due to its not taking full account of exclusion, both exclusion in everyday deliberative practice and exclusion resulting directly from the conception's formulation. I will now outline this critique, and examine how Habermasians have responded and might further respond to it.

The Habermasian public sphere conception and exclusion

Poststructuralist-influenced critics, generally speaking, argue that by promoting a universal rational norm as the basis for public sphere communication, Habermasians make (at least) two fundamental mistakes with respect to exclusion. First, they assume the possibility of the eliminability, or near eliminability, of exclusions in actual argumentation, so that given the right conditions we could approximate (if not fully reproduce) communicative rationality, which underestimates the **pervasiveness** of power and the extent of exclusions in everyday communicative interaction (e.g., Flyvbjerg, 2000; Shabani, 2003). Second, and more widely articulated than the first critique, the Habermasian public sphere norm is **itself seen as exclusionary**, despite its democratic aims. Poststructuralist-influenced critics, paralleling feminist concerns (e.g., Dean, 1996; Fraser, 1997; Gould, 1996; Young, 2000) and rhetorical studies critique (e.g., Huspek, 2007a; Phillips, 1996), argue that the deliberative public sphere criteria, which are supposed to define democratically legitimate communication and to differentiate between reasoned argumentation and coercion, actually support domination and exclusion (e.g., Coole, 1996; Devenney, 2009; Lyotard, 1984, pp. 65–66; Mouffe, 1999, 2000; Rabinovitch, 2001; Villa, 1992). In order to be considered legitimate deliberators, subjects must come to internalize the rules of the particular form of communication deemed to be the universally valid form of democratic engagement or be excluded from the public sphere. As such, the Habermasian public sphere conception is seen as an exemplary form of what critical theorists would refer to as ideology (a universal claim obscuring its particularity) and of what Foucault showed to be the operation of modern disciplinary power—the deliberative public sphere norm relying on the subjugation of selves through subjectivation, a normalizing that constitutes subjects as “rational-critical” communicators (Villa, 1992, p. 715). As a result, participants who have internalized modes of communication closer to what is determined valid are advantaged over others. That is, in order to be equally included, some participants must be disciplined more than others—those more accustomed to rational-critical deliberative forms of communication—so as to be capable of reproducing the idealized deliberative mode, disciplining that involves the exclusion or suppression of those voices judged “illegitimate” (irrational, strategic, private). The problem for poststructuralist-influenced critics here is not with exclusion per se, as they see norms as necessarily exclusionary, but with such exclusion being unaccounted for in relation to democratic communication and in fact obscured by the claim to universality.

I will briefly outline how Habermas and Habermasians have responded and might further respond to these two interrelated lines of critique. In response to the first line of critique—that the Habermasian public sphere conception does not adequately account for exclusions in practice—I have already noted how Habermas not only understands the public sphere norm, despite being reconstructed from everyday communicative interaction, as being logically impossible to fully realize in practice but sees “moments of inertia” as ever-present and **necessary features** of actual deliberation: They block the full realization of communicative rationality and yet **make communication necessary** in the first place. These moments of inertia include **“illegitimate”** exclusion: Any deliberative practice will involve exclusion, not just “legitimate” exclusion of “undemocratic” elements but exclusions defined as “illegitimate” with respect to the idealization of communicative rationality. Such “illegitimate” exclusions result from: “unequal distribution of attention, competencies, and knowledge” (Habermas, 1996a, p. 325); strategic manipulation of various sorts, including bribes, threats, or violence (Habermas, 1996a, pp. 307–308); and systemic coercion—state and corporate interests and their instrumental media of money and power colonizing more and more areas of life including those that should, for a healthy democratic society, be coordinated by public opinion derived from rational-critical deliberation (for an overview of the forms of distorted communication identified by Habermas, see Huspek, 2007b, pp. 827–830). In relation to systemic coercion, Habermas has been particularly critical of the instrumentalization of communication media: How the potential of the mass media to support rational-critical deliberation, with maximum inclusion of voices, is continually thwarted by system colonization, and particularly the “intrusion of the functional imperatives of the market economy in the ‘internal logic’ of the production and presentation of messages” (Habermas, 2006, p. 422).

As well as exclusion resulting from such explicitly “distorted communication,” Habermasian theory also considers the exclusionary effects of culturally specific (lifeworld) contexts. The interpretation and application of public sphere criteria as well as the validity and strength of arguments will **always be contextually affected** and historically specified (Habermas, 1992b, p. 477; 1996a, p. 324). As a result, what comes to be defined as “legitimate” deliberation will be colored by taken-for-granted meanings, leading to some voices being illegitimately (according to the deliberative public sphere norm) valorized over others, with the illegitimate marginalization or exclusion of these other voices.

Thus Habermas (2006) and adherents are **fully aware** of how public spheres in practice are “dominated by the kind of mediated communication that lacks the defining features of deliberation” (p. 414), “the kind of political communication we know goes against the grain of the normative requirements of deliberative politics” (p. 420). However, as we have seen, for Habermasians it is not just culture and power that determine communicative practice, as some poststructuralist-inspired critique suggests. Rather, presuppositions of communicative rationality are understood as **implicit in every argument**, providing a **countervailing force** to distorted communication and the basis for a postmetaphysical **critique of exclusion** and “a potential for self-transformation” (Habermas, 1992a, pp. 419–429; 1992b, pp. 476–479; 1996a, p. 374, 2006, p. 419; see also Benhabib, 1996; Chambers, 1996; Cooke, 1994). We can see this historically in the labor and women's movements, as Habermas (1996a) points out, which have been able to draw on “the rights to unrestricted inclusion and equality built into liberal **public spheres** . . . in order to **shatter the structures** that had initially constituted them as ‘the other’ of a bourgeois public sphere” (p. 374). The central purpose in reconstructing the public sphere idealization of rational-critical deliberation, as already outlined in the previous section, is to illuminate this basis for critique and transformation. Yet, poststructuralists see such a universal norm as **in itself producing exclusions**, exclusions that are not only unaccounted for but are, in fact, obscured by the claim to universality. This is the second line of critique outlined above.

In reply to this second line of critique, it must first be noted that Habermasians accept that there is a **necessary constitutive exclusion** involved in the deliberative public sphere conception. In fact, any conception of democracy must involve normative claims about what democracy is and is not, including **what is acceptable as democratic communication** and what is not, drawing a line between reasoned argumentation and coercion, democratically “legitimate” and “illegitimate” exclusion. It is simply **not possible** to call on democracy and **escape invoking a norm** of democratic communication with **associated exclusions**. The question is then whether we can, as Habermas claims, reconstruct from everyday communicative practice a universal norm of the public sphere that distinguishes between democratically “legitimate” and “illegitimate” exclusion.

According to Habermas (1992a), not only can we reconstruct such a norm, but the public sphere norm thus identified is **not normalizing** in the **disciplinary** and **exclusionary sense** suggested by the poststructuralist critique. Of course, **any norm will require certain behavior** from participants, and thus **the constitution of subjectivity** in **particular ways**. But Habermasians **do not see such requirements** and constitution as necessarily **antidemocratic**. More specifically, they do not see the deliberative public sphere norm as **having to be internalized** in a **disciplinary** and exclusionary **fashion**. Rather, they see it as **an always already presupposed communicative structure** that can be **explicitly reconstructed** as a **critical ideal** by which to **illuminate “illegitimate exclusion”** within deliberation specifically, and society more generally, and enable **reflection upon possibilities** for **greater freedom** and equality (Habermas, 1996a; Markell, 1997). As Chambers (1996) argues, rational-critical deliberation here is about “the endless questioning of codes,” **the reasoned questioning of normalization** and thus of **exclusions** (pp. 233–234). Through deliberation, participants presuppose themselves as **rational-critical subjects** (and in the process are constituted as such), able to **reflexively interrogate** all aspects of their situation, including the **particular deliberative rules** applied in practical disputes. Of course, as critics point out, subjects whose everyday communicative practice is already more in line with the deliberative public sphere norm will be **advantaged over others** in becoming such rational-critical interlocutors. However, for Habermasians, it is **not** the reconstructed **norm** that should be seen as at fault—seeing the reconstructed norm marginalizing or excluding voices—but the **uneven distribution** of the sociocultural resources **necessary for engaging in rational-critical deliberation** (that fall under the five general positive conditions of the public sphere listed in the previous section). This unevenness, which is in fact highlighted by the Habermasian public sphere norm in its critical role, indicates the need to provide for these resources so as to **enhance** and **extend communicative rationality**. That is, we are faced here with a sociological problem, one that the Habermasian public sphere norm illuminates and demands be addressed for the advancement of democracy, rather than a problem internal to the character of the norm.