# Deliberative Democracy Kritik

## Top Level

### 1NC Descartes

#### The affirmative's view of free speech as a method of revealing objective truth is a form of Cartesianism, glossing over social contexts

* SCOTUS and Constitution subscribe to truth theory
* Ignores social context
* Assumes universal truth

Williams 8 [Susan H. Williams (Walter W. Foskett Professor of Law, Indiana University Maurer School of Law — Bloomington; Director of the Center for Constitutional Democracy), “Feminist Theory and Freedom of Speech,” Indiana Law Journal. 1/18/08] AZ

The truth theory asserts that we should protect freedom of speech because it is either a necessary or at least a very useful mechanism for discovering the truth. John Milton and John Stuart Mill both developed versions of the truth theory as justifications for freedom of speech.3 And there is little doubt that the truth theory was embraced by the framers of the United States Constitution.4 The Justices of the U.S. Supreme Court have also relied upon the truth theory in some of their landmark First Amendment opinions, such as Whitney v. California and New York Times v. Sullivan. 6 There is a large literature full of critiques and revisions of truth theory. This literature focuses on the extent to which people are actually capable of recognizing the truth when they see it, and on what conditions must be met in order for a free speech marketplace to generate truth. These criticisms and revisions generally accept, however, the model of truth implicit in this theory.7 This model of truth—or more accurately, this family of models—is so much a part of our social institutions and so widely accepted that it is almost invisible to us. And the Supreme Court, like the rest of us, takes it for granted and does not often pause to work out the details or implications of its assumptions. But feminist philosophers Alison Jagger and Susan Bordo have compiled a useful list of the aspects of this model, which is called Cartesianism,8 and these aspects can be traced in both the free speech literature and the Court’s opinions. In Cartesian epistemology, truth is a quality of beliefs: a true belief is one that accurately describes or reflects reality. Reality is, moreover, objective—it exists independent of our understanding or perception of it and independent of our moral or political values. There is, in other words, a fact of the matter about whether or not there is a wall over there and that fact is independent of whether I happen to believe in gender equality or find myself in a democratic society or not. People acquire knowledge about this objective reality through the use of their reason, sometimes supplemented by their sense perceptions. These faculties are understood as characteristics of individuals, independent of a person’s social context: reason is the same for everyone, everywhere. As a result, the knowledge acquired is universally valid—there cannot be multiple, equally valid truths—there is only one truth. The Cartesian assumptions are closely connected to a series of dichotomies that permeate not only the philosophical tradition but also popular culture. The dichotomies include mind/body, culture/nature, universal/particular, reason/emotion, and objective/subjective. While the connection is fairly obvious for most of these dichotomies, the culture/nature dichotomy is worth a slightly closer look because it often functions as a summation of all of the others. Nature represents all that is physical, moved by emotion or instinct rather than reason, sunk in subjectivity and particularity. Culture is the triumph of mind and reason, imposing objective and universal constraints—perhaps most clearly, although not exclusively, in the form of law—over these forces of chaos, danger, and ignorance. Nature may be the non-human world—the resources and raw materials, the natural forces and disasters—against and over which man stands as the representative of culture. But nature may also be people: the “barbarian” hordes of another nation, the subset of our own population in need of control (women, the poor, minorities), or even that part of each individual that sometimes threatens to overwhelm his reason. In other words, the nature/culture distinction constructs the boundary between the orderly and productive realm in which reason and objectivity rule, and the confused, inarticulate, and possibly dangerous area beyond the wall, which has yet to be subdued. Human beings can and do live on both sides of that wall. This Cartesian model of truth forms the foundation for the truth theory of free speech. It is because speech is useful to the discovery of this truth that it is valuable. References to the various characteristics of Cartesianism can be found in both the work of philosophers and the opinions of judges espousing the truth theory.9 And this reliance on Cartesianism should be unsurprising given the fact that this model of truth is so deeply embedded in our social institutions and popular beliefs. When we say that speech will lead us to the truth, this is the kind of truth we have in mind.

#### Descartes’s subject-object distinction isolates from meaning found in everyday experience and objectifies the world, making experience into an aggregation of insignificant objects and isolates meaning to the subjective, disconnected human self, thus resourcifying nature and making existential meaning impossible

Hatab 2k [Lawrence J., professor of philosophy at Old Dominion University, “Ethics and Finitude: Heideggerian Contributions to Moral Philosophy”] **AZ**

To understand Heidegger's treatment of the being-question, it is best to begin with his criticisms of the subject-object distinction originating in the thought of Rene Descartes.‘ The narrative elements in Descartes’s Meditations help us get started. Descartes’s motivation for his philosophical project stemmed from the clashes. Confusions and controversies generated by the New Science and its departures from traditional beliefs and common sense. His intentions were to (1) justify the new scientific orientation in the face of customary powers and habits of thought, and (2) secure this orientation with a methodological ideal of strict certainty. In order to accomplish these aims. Descartes took a retreat from home, education. community, custom, and practical affairs by traveling and engaging in solitary reflection. With his strict criterion of methodical skepticism, Descartes found every form of thought and experience doubtful except the absolute cer- tainty of the doubting consciousness itself, the cogito. Consequently, he located certainty in the thinking subject and thus in the realm of abstract ideas divorced from material things and the confusing flux of sense experience. For Heidegger, Descartes’s posture and findings dramatize and embody the path of modern science in its mathematical essence, in which the truths about nature are discovered through mathematical constructs, laws of motion, and mechanical causal relations. Accordingly, things in the world are now conceived as simply units of mat- ter in motion, quantifiable locations on a grid of space-time coordinates, a frame- work uniformly applicable to any and all kinds of entities. The world is thus stripped bare of particular and variable features, customary meanings and values, common- sense beliefs, practical relations, human involvement-all accomplished through the reflective distance and “inward" turn of abstraction from the immediacy of lived experience. This turn is shown in the primacy of method in modern science and phi- losophy, where the rational mind constructs in advance the criteria and rules for how entities will be properly understood. With modern standards of abstract principles, mathematization, uniformity, causal necessity, and predictability, the world is dis- closed as a set of “objects" that are shaped by way of preconceived constructions of a disengaged, rational “subject." A momentous ideal that emerges out of such an orientation is the free rational individual, which is central to so much of modem thought. Here we have a heroic narrative of the critical thinker liberated from dependency on tradition, community, custom, and superstition, arriving at rational methods and truths that are self-grounding-an epistemological echo of the old theological causa sru‘. But in view of the new model of scientific objectivity, the cost of these developments is, in Max Weber's famous phrase, the “disenchantment" of the world. The world is rendered simply as an aggregate of brute objects explainable by mechanical laws, abstract properties, and causal relations. Notions of existential significance-meanings, values, and purposes-are no longer intrinsic to reality (as was the case in ancient and medieval thought). The world itself is devoid of such significance. If these meanings are to have a location, they cannot be found in objects but rather in the human subject: either in the epistemologically defi- cient sense of being “mere" human or individual projections upon nature that have little intellectual status, or in an alternative foundational sense of being traceable to certain necessary faculties in the subject. In either case, existential significance is no longer a feature of the world, but simply a human, subjective matter. The world itself is stripped of existential significance in deference to modern science’s objective methods and discoveries. Concurrent with this stripping effect is the rise of instrumental reason, where the disengaged subject can picture the world as a fund of resources and raw mate- rials that is manipulable and controllable on behalf of human needs and interests (witness the Industrial Revolution and the growth of capitalism in this era). As Descartes himself indicated, the central benefit of the new mechanical model of nature is the power of technological control it unleashes for those who come to understand the secrets of nature's workings; humans then can become “the mas- ters and possessors of nature.” In sum, the modern philosophical orientation answers the question of being (of what things “are") with a dyadic ontology of subject and object, with each sphere receiving its respective grounding in (1) rational principles, faculties, and meth- ods, and (2) measurable properties, causal relations, verification procedures, and prediction/control efficacy.

#### Cartesian epistemology also reinforces patriarchal gender norms – reject it as a form of unjust hierarchy

Williams 8 [Susan H. Williams (Walter W. Foskett Professor of Law, Indiana University Maurer School of Law — Bloomington; Director of the Center for Constitutional Democracy), “Feminist Theory and Freedom of Speech,” Indiana Law Journal. 1/18/08] AZ

As I have just described it, the social constructionist critique is not unique to feminism. The distinctively feminist version of this argument, however, focuses on the relationship between the Cartesian premises, on the one hand, and the meaning of gender and the oppression of women, on the other hand. Cartesian epistemology has been used as a foundation for defining the difference between the genders and justifying the oppression of women. The Cartesian knower is culturally male. The characteristics associated with the knower—objectivity, reason, intellect, universality—are traditionally associated with men. The thing known is defined as culturally female. The characteristics associated with the object of knowledge— particularity, emotion, physicality—are traditionally associated with women.17 The Cartesian premises and dichotomies do not merely define men and women as different; they also justify gender hierarchy. The side of each dichotomy associated with men is privileged, thus helping to justify the social privilege of those persons who are assumed to best exemplify those characteristics. Women are defined in terms of the opposite set of characteristics, making the acquisition of knowledge by them perhaps impossible, and certainly unfeminine. Since the role of the knower is to exercise power over the known, and since knowers are, almost by definition, male, it is men who are thereby authorized to exercise power. Since women are, almost by definition, part of the natural world to be known, they are among the fit objects of such control. There is extensive argument among feminist theorists over whether this gender hierarchy is a necessary aspect of a Cartesian epistemology or whether it is only an historical accident that the two ideologies have become joined in this way. For the purposes of my argument, it does not matter which position one adopts on this issue. Even if the connection is a matter of historical happenstance, it is too strong and deep to be severed now. Whether or not it was inevitable, it is now the case that part of the meaning and function of Cartesian epistemology is to reinforce gender hierarchy. The feminist critique, then, goes beyond the other versions of social constructionism by pointing out how the Cartesian epistemology constructs and justifies gender difference and hierarchy. Thus, the feminist critique does not merely argue that value judgments and social goals are generally implicit in epistemological choices; it demonstrates how a particular set of values and goals—those of gender distinction and domination—are implicit in a particular epistemology. In short, the Cartesian model of truth is not just epistemologically flawed, it is also morally objectionable.

#### The alternative is to view speech as performative, rather than representational.

* relational model of truth
* admits role of reason
* all language is normative and expresses values from a certain context
* balance between relativism and objectivity—contexts aren't too broad or too narrow

Williams 8 [Susan H. Williams (Walter W. Foskett Professor of Law, Indiana University Maurer School of Law — Bloomington; Director of the Center for Constitutional Democracy), “Feminist Theory and Freedom of Speech,” Indiana Law Journal. 1/18/08] AZ

The relational model of truth is non-Cartesian because it rejects all of the central tenets of the Cartesian model: objectivity, rationalism, universalism, and the representational view of truth. This new model sees truth as fundamentally contextual and normative. That is, knowers can engage in the activity of knowledge-making only from a particular position or perspective, one that is radically shaped by their cultural context, including their normative concerns. Such contexts should not be seen as impediments to knowledge, but as preconditions of it. To ask what we could know if we could escape all such cultural perspectives is like asking what we could see if we could escape having any particular sorts of eyes. Interpretation, with its contextual and evaluative character, is as essential to the process of making truth as the biomechanics of eyes are to the process of seeing. One result of this focus on interpretation is that truth is seen as made by human actors rather than discovered. There is no passive receptivity to an external reality; rather, there is an active process of interpretation. Another result of the focus on interpretation is that the traditional dichotomies—particularly the fact/value distinction—are made untenable. There are no facts that are not permeated by values because all result from a process of interpretation that is inherently normative. The relational model also rejects universalism: truth may often be plural rather than singular. The rationalist bias also falls away. First, reason cannot be understood in the abstract and instrumental way that it traditionally has been, as focused on logic and means/end rationality. Reason, like truth, is highly contextual. Second, reason cannot be contrasted with emotion or politics simply because the latter are seen as normative in nature. The opposite of a reasoned judgment is not an emotional one, but an unreasonable one: emotions are often quite reasonable.25 None of this means, however, that reason should lose its place among—maybe even in the forefront of—those human capacities we use to make knowledge. Reason, like truth, is a category worth rehabilitating. Reason is the process through which we make sense of our experience. “Making sense” is, of course, a highly contextual matter: the sort of argument that can make sense of our experience in a physics laboratory (mass, velocity, vectors) is not the same as the sort of argument that can make sense of our experience at a baseball game (strikes, foul balls, and runs). The concept of reason captures this concern that some things—such as forms of argument and conceptual categories—in some contexts, help us to make sense of our experience better than others.26 Finally, the relational model of truth sees language in a way quite different from the traditional Cartesian propositional, representational view. Because cultural understandings so deeply shape our truths, and because language is one of the primary vehicles through which such understandings are created, maintained, and transmitted, language is seen as performative rather than as representational. To make a truth claim is to do something in the world, not merely to represent something that already exists. With this sketch of the model in place, we can now turn to consider how this model serves the purposes or functions of truth outlined in the previous Part. The first function of truth was to serve as the basis for claims of intersubjective knowledge, claims concerning a shared reality that makes cooperative social action possible. The second function of truth was to serve as the basis for a critique of existing social institutions and conventions, a critique that can be broad and deep rather than merely a matter of “tinkering.” These two functions mark the acceptable range on a continuum: at one end is a cultural framework that is so totally open that it allows for too little shared reality (relativism) and at the other end is a cultural framework so totally closed that it allows for too little critique (conventionalism). If all knowledge is contextual, then one way to see this problem is as a dilemma about the size of the context. If we are looking for a context rich and powerful enough to generate a shared reality on a controversial issue, then we can find ourselves drawing the context ever smaller, in order to find enough common ground for a consensus. Such a shrinking context, however, can leave us with a radical relativism in which truth can be determined only from within a given viewpoint, and viewpoints are—at least potentially—no bigger than a single person. Shared reality would then become difficult or impossible. On the other hand, if we are looking for a context big enough to include deep and broad challenges to our assumptions, then we may find ourselves expanding the boundaries of the context beyond the usual cultural limits. Such an expanding context, however, can leave us with too little in common to draw on for any kind of claim at all. Deep critique would then become meaningless: it would be like criticizing people in a language they do not understand. Thus, the two functions of speech push in opposite directions but each, if taken to an extreme, undermines its own goals. The need for a shared reality pushes us toward smaller contexts, but if they are too small they cannot sustain such a reality. The need for deep critique pushes us toward larger contexts, but if the context is too large it cannot sustain such a critique. When seen this way, the problem is finding the right context: one that is small enough to generate a strong sense of shared reality, but big enough to provide materials for deep criticism of its own assumptions.

### 1NC Bakhtin

#### The affirmative's process of consensus-building seeks to formulate universal norms for deliberation and an end to dialogue – by assigning a *telos* to speech, they render dialogue meaningless– reject this focus in favor of viewing speech as always unfinalizable and never finished

Roberts 12 [Roberts, John Michael. "Discourse or Dialogue? Habermas, the Bakhtin Circle, and the question of concrete utterances." Theory and society 41.4 (2012): 395-419] AZ

Cooke has suggested that critics such as Benhabib who claim that Habermas neglects a concrete level of analysis have misinterpreted the rationale of the Habermasian enterprise. Accordingly Habermas's theory of argumentation demonstrates that participants "must be willing (in principle) to consider the arguments of everyone, no matter how poorly they are articulated, and to attach (in principle) equal weight to these arguments" (Cooke 1994, p. 160, italics in the original). Argumentation must therefore consider and respect the views of others in reaching a consensus. "This means, on the one hand, a recognition of everyone's equal entitlement to introduce new topics into discussion and to express needs and desires and, on the other, a willingness to confront the arguments of others in a fair and unbiased way" (Cooke 1994, p. 160). Each participant should be guided by universal moral respect for the other's argument and by egalitarian reciprocity. In itself this does not constitute a set of transcendentally binding norms of action but instead constitutes a set of argumentative duties and rights within the parameters of a discourse (Habermas 1998, pp. 44-45). As Cooke goes on to observe, such principles are not, as Benhabib and other critics maintain, moral arguments but are the very presuppositions of argumentation. In other words, these principles create a way of assessing the conduct of argumentation and not the arguments themselves. And so, for example, "judgements cannot be criticized on the basis of the knowledge they embody; they can be criticized only on the basis of the way in which they are reached" (Cooke 1994, p. 161; see also White 1988, pp. 73-74). Cooke's response to the critics on this point is both illuminating and important. Certainly it forcibly highlights a concrete procedural moment in Habermas's theory of communicative action; a moment that is often overlooked by his critics. However, this article suggests that Habermas's theory of discourse is found wanting from a Bakhtinian perspective. According to the Bakhtin Circle, dialogue can take one of two forms (Kent 1993, pp. 152-153). First, there is dialogue premised on face-to-face encounters between speakers and hearers (Voloshinov 1973, p. 95). Often dialogue in this instance is studied through distinctive "compositional forms" (Bakhtin 1981, p. 279) such as through speech acts. Second, however, there exists dialogism and this more dynamic use of language explores how single utterances are "only a moment in the continuous process of verbal communication" (Voloshinov 1973, p. 95, italics in the original). By this observation Voloshinov means that dialogism exists at different levels of abstraction in the "all-inclusive, generative process of a given social collective" (Voloshinov 1973, p. 95). Concrete utterances internalize and refract both verbal and non-verbal social processes, which is why Voloshinov is adamant that dialogism can accompany a whole host of dialogic interaction: face-to-face communication, a book, surveys, media, performance art, and so on. Dialogic events, or the utterance as a whole as the Bakhtin Circle also term them, consist precisely in examining utterances in such a way. In many respects Habermas can be said to study discourse rather than dialogism. Habermas is more interested in the first type of dialogue, namely the compositional form of speech. From a Bakhtinian perspective, while such an approach does open up important and interesting avenues to study language it also tends to study discourse at the level of clarity—being clear about speech acts and validity claims—rather than at the level of refracted utterances and dialogism (cf. Bakhtin 1981, p. 280). For the Bakhtin Circle, procedural democracy must at a minimum work in synthesis with faithfulness towards the fullness of the dialogic event (Bakhtin 1993, p. 38). This means being faithful not only to procedural principles such as "the contentual constancy of a principle, of a right, of a law, and even less so of being" (Bakhtin 1993, p. 38), but also implies being faithful to the whole uniqueness of answerable and unrepeatable concrete dialogic acts. Unsurprisingly therefore Bakhtin rejects those discursive approaches—as exem plified by a Habermasian perspective—that "think that truth (pravda) can only be the truth (istina) that is composed of universal moments; that the truth of a situation is precisely that which is repeatable and constant in it" (Bakhtin 1993, p. 37). On the contrary, and as Nikulin (2006, pp. 220-221) observes, the Bakhtin Circle reject theories of language that overly stress the importance of what is repeatable and thus trans-historically universal because this leads to the telos of reaching a consensus. The Bakhtin Circle is more interested in the unfinalizable nature of dialogue, how one's self as both a person and other is dialogically entwined in the other of others and entwined in a series of concrete mediations, and how we understand these processes in and through dialogue itself. Agreement and understanding between interlocutors is first and foremost agreement on the unfinalizability of dialogue. Consensus may result from unfinalizability but it is not a necessity (see also Koczanowicz 2011). A further advantage of this standpoint is that it is attuned to the contingency of hegemonic power relations to the extent that it questions the supposed completed form that a socially constructed consensus must assume. Bakhtinian ideas about utterances force us to critically analyse the constitution of concrete dialogic events including how socio-ideological contradictions come to be stabilised over time into a consensus which benefits some to the detriment of others (see Steinberg 1998, p. 858). If one of the original intentions of early Critical Theory in the guise of Adorno, et al. was "to challenge the very requirement of any moral universalism from the particular" (Morris 2001, p. 157) then the Bakhtin Circle can be said to share many similarities with these early theorists than with Habermas.

#### Turns case – the endpoint of moral consensus converts meaningful dialogue into empty words – people view dialogue as a burden rather than liberation

Gardner 96 [James Gardner (Professor of Law, Western New England College School of Law; B.A. 1980, Yale University; J.D. 1984 University of Chicago Law School), "SHUT UP AND VOTE: A CRITIQUE OF DELIBERATIVE DEMOCRACY," Tennessee Law Review, 1996] AZ

The first benefit of enhanced discourse is said to be the collective self-improvement of the citizenry.78 Deliberative democracy, however, is not well suited to deliver such a benefit because of its strong emphasis on consensus. In fact, the more strongly deliberative democracy is committed to the achievement of consensus, thereby successfully distinguishing itself from traditional liberal forms of protective democracy, the more severely it impedes the delivery of the developmental benefits of dialogic engagement. Deliberative democracy theorists are surely correct to note that participation alone will not improve the quality of political discourse or constitute citizens who are alert, interested and politically alive. To provide these benefits, the participation must be meaningful. Participation is only meaningful, however, when it is a means by which citizens can play a significant role in shaping the decisions that affect their lives.79 For this condition to hold, citizens must feel that there is some reasonable prospect for their participation to lead eventually to actions that affect them.80 When democratic deliberation is conducted under a requirement either of actual consensus or of something approaching actual consensus, citizens are unlikely to experience the sense of self-mastery necessary for them to benefit from the deliberative process. If consensus or near-consensus is a prerequisite to collective action, then little of consequence ever will be done. Citizens can talk all they want, but their talk ultimately disappears into a black hole. Deprived of the satisfaction of seeing their talk translated into social action, the citizens of a deliberative democracy are likely to experience dialogue as a burden-a kind of wasteful, tedious, and purely formal ritual useful only to demonstrate some form of socially mandatory respect for fellow citizens. Deliberative democracy's continual striving for consensus thus hobbles dialogue by undermining its power to benefit the citizenry.

### 1NC Agonism

#### Agonistic democracy fragments dialogue and collapses to nihilism

Koczanowicz 11 [Leszek Koczanowicz (Professor of Philosophy and Political Science, Department of Social Psychology, Faculty in Wroclaw, University of Social Sciences and Humanities ), "Beyond dialogue and antagonism: a Bakhtinian perspective on the controversy in political theory," *Theory and Society*, 6/19/2011] AZ

In this context I place the category of dialogic relations, which are broader than dialogue itself because they “… are always present even among profoundly monologic speech works” (Bakhtin 1994, 125). The dialogical relation, even though it contains antagonistic tension, cannot be reduced to it. “Agreement is very rich in varieties and shadows. Two utterances that are identical in all respects … if they are really two utterances belonging to different voices and not one, are linked by dialogic relations of agreement” (Bakhtin 1994, 125). The dialectics of agreement and disagreement of dialogical utterances can be included in the problem of understanding, which for Bakhtin always has a dialogical character. “Understanding itself enters as a dialogic element in the dialogic system and somehow changes its total sense. The person who understands inevitably becomes a third party in the dialogue … but the dialogic position of this third party is a quite special one.... But in addition to this addressee (the second party), the author of the utterance … presupposes a higher superaddressee (third), whose absolutely just responsive understanding is presumed, either in some metaphysical distance or in distant historical time” (Bakhtin 1994, 126). Such a configuration of dialogue assures that there is no privileged position in it that could be an ultimate instance of understanding. The reference to the superaddressee does not close the discussion; on the contrary, such a reference becomes the subsequent step in a neverending dialogue. “Being heard as such is a dialogic relation. The word wants to be heard, understood, responded to, and again to respond to the response, and so forth ad infinitum. It enters into a dialogue that does not have a semantic end…” (Bakhtin 1994, 127). If we compare the idea of superaddressee with Habermas’s idea of ideal community of communication, then we can see the significant differences between Bakhtin’s and Habermas’s positions. In the introductory parts of the second volume of the Theory of Communicative Action, Habermas claims that the ideas of freedom and community outlined merely in a negative way by Adorno can be developed positively on the basis of Mead’s concept of action. The final result of such a theory is the project of an ideal community of communication—a “utopia” that “serves to reconstruct an undamaged intersubjectivity that allows both for unconstrained mutual understanding among individuals and for the identities of individuals who come to an unconstrained understanding with themselves” (Habermas 1987, 2). It seems that Bakhtin does not have such a transcendental construction for his idea of dialogue. The superaddressee is not the mark of a transcendental or quasi-transcendental horizon of communication. On the contrary, it represents a horizon of dialogue from the point of view of somebody who is engaged in the dialogue, but it is not an “objective” point of reference for understanding.

#### The alternative is to view speech as performative, rather than representational – the alt strikes the right balance between democracy as always antagonistic and democracy as a form of consensus-building

* relational model of truth
* admits role of reason
* all language is normative and expresses values from a certain context
* balance between relativism and objectivity—contexts aren't too broad or too narrow

Williams 8 [Susan H. Williams (Walter W. Foskett Professor of Law, Indiana University Maurer School of Law — Bloomington; Director of the Center for Constitutional Democracy), “Feminist Theory and Freedom of Speech,” Indiana Law Journal. 1/18/08] AZ

The relational model of truth is non-Cartesian because it rejects all of the central tenets of the Cartesian model: objectivity, rationalism, universalism, and the representational view of truth. This new model sees truth as fundamentally contextual and normative. That is, knowers can engage in the activity of knowledge-making only from a particular position or perspective, one that is radically shaped by their cultural context, including their normative concerns. Such contexts should not be seen as impediments to knowledge, but as preconditions of it. To ask what we could know if we could escape all such cultural perspectives is like asking what we could see if we could escape having any particular sorts of eyes. Interpretation, with its contextual and evaluative character, is as essential to the process of making truth as the biomechanics of eyes are to the process of seeing. One result of this focus on interpretation is that truth is seen as made by human actors rather than discovered. There is no passive receptivity to an external reality; rather, there is an active process of interpretation. Another result of the focus on interpretation is that the traditional dichotomies—particularly the fact/value distinction—are made untenable. There are no facts that are not permeated by values because all result from a process of interpretation that is inherently normative. The relational model also rejects universalism: truth may often be plural rather than singular. The rationalist bias also falls away. First, reason cannot be understood in the abstract and instrumental way that it traditionally has been, as focused on logic and means/end rationality. Reason, like truth, is highly contextual. Second, reason cannot be contrasted with emotion or politics simply because the latter are seen as normative in nature. The opposite of a reasoned judgment is not an emotional one, but an unreasonable one: emotions are often quite reasonable.25 None of this means, however, that reason should lose its place among—maybe even in the forefront of—those human capacities we use to make knowledge. Reason, like truth, is a category worth rehabilitating. Reason is the process through which we make sense of our experience. “Making sense” is, of course, a highly contextual matter: the sort of argument that can make sense of our experience in a physics laboratory (mass, velocity, vectors) is not the same as the sort of argument that can make sense of our experience at a baseball game (strikes, foul balls, and runs). The concept of reason captures this concern that some things—such as forms of argument and conceptual categories—in some contexts, help us to make sense of our experience better than others.26 Finally, the relational model of truth sees language in a way quite different from the traditional Cartesian propositional, representational view. Because cultural understandings so deeply shape our truths, and because language is one of the primary vehicles through which such understandings are created, maintained, and transmitted, language is seen as performative rather than as representational. To make a truth claim is to do something in the world, not merely to represent something that already exists. With this sketch of the model in place, we can now turn to consider how this model serves the purposes or functions of truth outlined in the previous Part. The first function of truth was to serve as the basis for claims of intersubjective knowledge, claims concerning a shared reality that makes cooperative social action possible. The second function of truth was to serve as the basis for a critique of existing social institutions and conventions, a critique that can be broad and deep rather than merely a matter of “tinkering.” These two functions mark the acceptable range on a continuum: at one end is a cultural framework that is so totally open that it allows for too little shared reality (relativism) and at the other end is a cultural framework so totally closed that it allows for too little critique (conventionalism). If all knowledge is contextual, then one way to see this problem is as a dilemma about the size of the context. If we are looking for a context rich and powerful enough to generate a shared reality on a controversial issue, then we can find ourselves drawing the context ever smaller, in order to find enough common ground for a consensus. Such a shrinking context, however, can leave us with a radical relativism in which truth can be determined only from within a given viewpoint, and viewpoints are—at least potentially—no bigger than a single person. Shared reality would then become difficult or impossible. On the other hand, if we are looking for a context big enough to include deep and broad challenges to our assumptions, then we may find ourselves expanding the boundaries of the context beyond the usual cultural limits. Such an expanding context, however, can leave us with too little in common to draw on for any kind of claim at all. Deep critique would then become meaningless: it would be like criticizing people in a language they do not understand. Thus, the two functions of speech push in opposite directions but each, if taken to an extreme, undermines its own goals. The need for a shared reality pushes us toward smaller contexts, but if they are too small they cannot sustain such a reality. The need for deep critique pushes us toward larger contexts, but if the context is too large it cannot sustain such a critique. When seen this way, the problem is finding the right context: one that is small enough to generate a strong sense of shared reality, but big enough to provide materials for deep criticism of its own assumptions.

## Links

### GENERIC LINKS

### Link—Transparency/Openness

#### The values of transparency and openness in public dialogue entrench powerful interests – the affirmative's view of "open conversation" as a vehicle for generating objective knowledge promotes social centralization and power asymmetries

Gardiner 4 (Gardiner, Michael E, professor of literary studies at University of Warwick, "Wild publics and grotesque symposiums: Habermas and Bakhtin on dialogue, everyday life and the public sphere." The Sociological Review 52.s1 (2004): 28-48.) AZ

Bakhtin’s position here further implies that the desire to achieve such communicative transparence indicates an interest in regulating language-use, especially by ranking different social languages according to perceived differences in value and legitimacy, which generally benefits powerful groups in a disproportionate manner vis-à-vis the disadvantaged. Bakhtin says as much when he suggests the belief a given discourse can or should have a ‘direct, objectivized meaning’, with the goal of securing a ‘maximum of mutual understanding’, has historically been complicit in a process of sociocultural and political centralization (1981: 271). So whereas Habermas understands transparency as ideologically neutral, a mere facilitator of non-distorted communication and normative consensus, Bakhtin regards the aspiration to ‘know’ the other’s motives and the meaning of their utterances in some sort of clear and unmediated fashion as something that cannot be disentangled from the social position of given speakers and their divergent material interests. The assertion that there is an immanent telos in speech oriented towards ‘mutual understanding’ can therefore have a darker and more pernicious side than Habermas seems willing to countenance. For Bakhtin, the impulse to secure ‘direct unconditional intentionality’ through any privileged discursive form is ‘authoritarian, dogmatic and conservative’ (1981: 286–7). Thus, it can be argued that Habermas’ wish to clarify meaning and open up the individual’s motives to public scrutiny is, despite his undoubted intentions to the contrary, complicit with this pervasive desire to control the power to mean, to limit the semantic flux of the sign. And insofar as Bakhtin regards opacity as an intrinsic feature of concrete languageuse—at one point he suggests the word is best understood as a ‘mask’ that obfuscates, rather than a ‘face’ that reveals—his view would be that semantic clarity can only be ‘forced on the sign by arbitrary social power’ (Garvey, 2000: 380). Habermas wants no ‘hidden agendas’ in dialogue, but the relatively powerless would be at a considerable disadvantage if they accepted without reservation the kind of transparency he thinks is necessary for legitimate dialogical outcomes. In situations of ingrained asymmetries of power, whether relatively informal or more highly structured and institutionalized, the dispossessed often need such agendas, to rely on what Michel de Certeau (1984) calls the ‘weapons of the weak’. Accordingly, for Bakhtin freedom and autonomy are not premised on the acquisition of communicative competence vis-à-vis a particular version of rational dialogue but, rather, on the ability to effectively ‘dialogize’ any given discourse that claims the mantle of truth or rationality, to relate to the ‘alien word’ in a manner that allows us to assess it critically and invest it with novel meanings and associations. Speakers need to become more cognizant of the multiplicity of different discourses at play, to realize that the power of any one language to signify is always a relative and contested one, and to strive to live on the ‘borderline’ between myriad languages, styles of expression, and worldviews. Whilst unitary discourses habitually project themselves as universalistic ‘ “languages of truth”,’ we need to understand that in reality they represent the restricted point of view of certain ‘social groups, professions and other crosssections of everyday life’ (Bakhtin, 1981: 367). It should come as no surprise that Bakhtin’s work evinces a distinct preference for a ‘grotesque symposium’ that breaks down fixed and hierarchical distinctions, as opposed to something resembling Habermas’ ideal speech, mainly because the latter bears too much of the mark of the ‘authoritative word’ for Bakhtin’s comfort. And indeed, one of the most consistent features of Bakhtin’s project is his deep suspicion of a purified or formalized language. He soundly rejects the image of an ‘extrahistorical language, a language far removed from the petty rounds of everyday life,’ advocating instead a ‘prosaic’ outlook that retains a ‘deliberate feeling for the historical and social concreteness of living discourse, as well as its relativity, a feeling for its participation in historical becoming and in social struggle’ (Bakhtin, 1981: 331). This is why he would regard with a considerable degree of skepticism Habermas’ belief in formalized speech-acts as the vehicle of rational consensus that anticipate the supersession of social antagonisms. For Bakhtin, it is crucial that a primordial heteroglossia ‘wash over a culture’s awareness of itself and its language, penetrate it to the core, relativize the primary language system underlying [the] ideology [of a unified language] and deprive it of its naive absence of conflict’ (1981: 368; italics added).

### Link—Habermas

#### Habermas promotes a passive understanding of dialogue that seeks to move toward a unified system of symbols – our alt has no such object

Roberts 12 [Roberts, John Michael. "Discourse or Dialogue? Habermas, the Bakhtin Circle, and the question of concrete utterances." Theory and society 41.4 (2012): 395-419] AZ

Bakhtin compares an active understanding of dialogue with a passive understand ing of language. Confined to analyzing what is the same within common language, a passive understanding explores "an utterance's neutral signification and not its actual meaning" (Bakhtin 1981, p. 281, italics in the original). The problem with a passive understanding of language, then, is that it tends to examine clarity elicited by utter ances at the expense of investigating how utterances actually play themselves out in real dialogic events. One notable illustration explored from the previous section, which again is highlighted by Cooke (1994, p. 128), comes in the form of a "semanticist abstraction" used by Habermas that he himself warns against, namely explaining the meaning of an utterance from the meaning of a sentence independent of its actual use in real dialogic encounters (see, for example, Habermas 1990, pp. 69-70). Cooke, however, thinks this is not a fatal flaw in Habermas's theory. For example, reaching understanding between a speaker and a hearer is also based on everyday narratives that exist in concrete space and time (Cooke 1994, p. 128; see also the useful discussion in McCarthy 1978, pp. 273-282). But while this is true, there are three reasons why we should remain cautious of Habermas's success in fully escaping a passive understanding of the lifeworld in a Bakhtinian sense. First, even if we accept Cooke's point, it is still the case that Habermas views the lifeworld as being a rather fixed and static domain for communication. As he says of the pre-reflective status of the lifeworld: "Single elements, specific taken-for-granteds, are ... mobilised in the form of consensual and yet problematizable knowledge only when they become relevant to a situation" (Habermas 1987, p. 124). Such elements are therefore predominantly conceived as being "unshaken convictions" that are only reflected on during communicative acts. Lifeworld knowledge is thus explored as a "stock of knowledge (which) supplies members with unproblematic, common, back ground convictions that are assumed to be guaranteed ..." (Habermas 1987, p. 125; see also Lecercle 2009, p. 55). Pre-reflective contradictory opinions of the type highlighted by the Bakhtin Circle are subsequently bracketed out of Habermas's analytical oeuvre. Second, one important presupposition for Habermas's theory of communicative action is that everyone should be allowed to express their true intentions and beliefs and be open about these (see Habermas 1990, pp. 82-83). Amongst other things, Habermas's observations on intention move towards a passive understanding because the "full reproduction of that which is already given in the word" is ascertained by exploring how the word might gain "greater clarity" (Bakhtin 1981, p. 281). After all, Habermas wants to integrate different words together in speech acts so that they gain greater clarity in a wider discursive system of validity claims. Intentionality, then, is ultimately intentionality towards a discursive system of meaning and not intention ality towards a dialogic and answerable thematic object (cf. Bakhtin 1981, p. 277). Let us take as an illustration the following communicative exchange based on a regulative speech act presented by Habermas: Speaker 1: "You are requested to stop smoking." Hearer-Speaker 2: "Yes, I shall comply" (Habermas 1984, p. 296). According to Habermas it is the illocutionary nature of speech acts that grounds the propositional content at an intersubjective level between a speaker and a hearer. Both components are necessary for communicative action to transpire. Habermas wants to suggest further that propositional content can be speech act invariant to the extent that a propositional content—"Peter's smoking a pipe"—has the potential to appear in a number of speech acts: "I assert that Peter smokes a pipe." "I beg of you (Peter) that you smoke a pipe." "I ask you (Peter), do you smoke a pipe?" "I warn you (Peter), smoke a pipe" (Habermas 1979, p. 41). Even so, Habermas portrays communicative interaction here as being represented through clearly demarcated units of speech acts. Yet by breaking down real dialogue into discrete units (e.g., different speech acts), it is not at all clear where the beginning or end of these units occur. And so "(i)f their length is indefinite, which of their segments do we use when we break them down into units?" (Bakhtin 1986, p. 70). Think for a moment once again about ordinary speech. In everyday life people engaged in dialogue with one another do so in order to transmit information. As was noted in respect to the question of answerability, everyday speech is a mode for the transmission of information (Bakhtin 1981, p. 339). But transmission is not merely a linear one way flow of information: from speaker to hearer and then from hearer to speaker. That is to say, in real live speech people do not make clear cut standard statements of the sort Habermas highlights. Speech presented by Habermas therefore often seems to lack dialogic interaction because he creates a substitution in speech by his graphic-schematic representation of discourse through relatively unified speech acts; a graphic-schematic example being "You are requested to stop smoking" (cf. Bakhtin 1986, p. 68). Habermas thus brackets off words from real speech processes and instead conceptualizes them as being embedded in relatively unified speech acts and as being uttered by relatively unified individuals. Habermas isolates a graphic schematic set of speech styles—a specific set of speech acts—and elevates these as being the determining properties of language as a whole (cf. Bakhtin 1981, pp. 263 266). "One cannot say that these diagrams are false or that they do not correspond to certain aspects of reality. But when they are put forth as the actual whole of speech communication, they become a scientific fiction" (Bakhtin 1986, p. 68). In real live dialogic events, there is no singular graphic-schematic representation in which words relate to an object. A theme, for example, will be infiltrated by a variety of utterances concerning the same object and it is impossible to reduce this to three (or more) singular speech acts. Passive understanding of utterances often results from graphic schematic representations leading one to posit "an abstract of the actual whole of actively responsive understanding..." (Bakhtin 1986, p. 68). Finally, and as we saw in the previous section, Habermas usually assumes that speech occurs at a face-to-face level between speaker and hearer so that the obligation to provide validity claims also occurs at this level. No necessary reason exists however why the obligation to justify one's claims should be made at a face-to-face level. Indeed, if we take seriously Bakhtin's observation that background language is inherently dialogical then we can begin to investigate how dialogue has the potential to take place between a solitary individual and background language. Or, more precisely, even when alone, individuals still nevertheless adopt an attitude towards themselves based within and upon attitudes that others have about them. We are constantly "eavesdropping" on how others are speaking about us even if they are not physically present to us; we think in a dialogic manner by ourselves. For example, we create rejoinders in our mind around conversations with others at events we have had or will be involved with and we intonate specific words with accents in our own mind and this enables us to evaluate past and potential dialogue when we do enter unique empirical events (Bakhtin 1984, pp. 206-208). As Walker (1995, pp. 110-111) indicates, this view of language moves beyond those theorists such as Habermas who tend to emphasize moral consensus building around relatively unified principles. On Bakhtin's estimation, a truly ethical position should pay close attention to the dialogical pervasiveness of a moral background in which one's own 'double-voiced personality' is deeply embedded. As a result, what might appear to be relatively unified principles of validity or morality held by individuals can in fact turn out to be enmeshed in a diverse range of conflicting ethical standpoints palpable in the most intimate and private spheres of life. Far from providing certainty, the very nature of this dialogical environment frequently makes us unsure or uncertain about our sense of identity. And it is exactly at this moment of uncertainty where we move away from unified principles that we engage forcefully in acts of deliberation.

#### Habermas' ideal communicative situation neglects concrete conditions and flattens understanding to a single plane of rational dialogue

Koczanowicz 11 [Leszek Koczanowicz (Professor of Philosophy and Political Science, Department of Social Psychology, Faculty in Wroclaw, University of Social Sciences and Humanities ), "Beyond dialogue and antagonism: a Bakhtinian perspective on the controversy in political theory," *Theory and Society*, 6/19/2011] AZ

This postulate can be placed very close to Habermas’s idea of “ideal communicative situation” but with some reservations. First, it has been noted that Habermas’s discursive ethics neglects the concreteness of human beings, which significantly restricts its scope, because as Axel Honneth notes: “It can hardly be denied that our notion of the moral does not exhaust itself in the concept of equal treatment and reciprocal responsibility, but includes modes of conduct that consist of asymmetrical acts of benevolence, helpfulness, and philanthropy” (Honneth 1995, 316). Bakhtin’s approach to dialogue in which the concreteness of individual relationships is confronted with the objectified world of culture can be a point of departure for enriching discursive ethics. To do so, it is necessary to identify the ways in which language can be a framework encompassing individual’s decision and choices. Second, democracy is not only about agreement but also about disagreement. Pierre Rosanvallon in his seminal book on counter-democracy states this idea clearly: “The history of real democracies has always involved tension and conflict” (Rosanvallon 2008, 3). He also emphasizes that, “If we wish to comprehend the variety of democratic experiences, we must therefore consider two aspects of the phenomenon: the functions and dysfunctions of electoral representative institutions on the one hand and the organization of distrust on the other. Until now, historians and political theorists have been primarily concerned with the first aspect” (Rosanvallon 2008, 5). Bakhtin’s concept of dialogue is the perfect instrument for analyzing this double-face nature of democracy, as it allows us to grasp the complex ways of coming to understanding. It also shows that understanding is not a flat, onelevel process, but it involves the relationships between various levels of the social that influence each other. Understanding achieved at one level can be contradicted at another level, which is what makes democracy such a complicated enterprise. For democracy, thus, what is most important is creating the conditions that would facilitate dialogue at all levels without the hope for arriving at ultimate understanding. From this perspective, understanding, not consensus, is a point of convergence of different contradictory powers that makes up democratic society

### Link – Intersubjectivity

#### The affirmative’s drive for intersubjectivity and deliberative democracy marginalize and ignore the oppressed.

Gardiner 4 (Gardiner, Michael E, professor of literary studies at University of Warwick, "Wild publics and grotesque symposiums: Habermas and Bakhtin on dialogue, everyday life and the public sphere." The Sociological Review 52.s1 (2004): 28-48.)

Habermas’ concept of communicative reason is essentially about establishing formal criteria, which are simultaneously inclusive and universal, of what constitutes (relatively) ideology-free dialogue oriented towards genuine consensus with respect to issues of public concern. Behind this conception of moral reasoning and discursive democracy is a wish to dispense with the ‘philosophy of consciousness’ that has bedevilled earlier theories, so as to embrace an intersubjective model. But in seeking to grasp the generic and universal features of human communicative action, and to incorporate these elements into a comprehensive social theory, a signiﬁcant problem emerges. Habermas’ thoughts on rational dialogue and the public sphere do not in a substantive way concern themselves with, much less address, the embodied experiences and activities of actual people in the context of their everyday lives. As Ted Stoltz observes, because Habermas focuses almost entirely on the legal-juridical principles that ‘regulate the ﬂow of discursive will-formation,’ his theories are effectively ‘subjectless’ (2000: 150). This is somewhat overstated: perhaps it would be more accurate to say that there is a Habermasian subject, but it is a rather insubstantial entity, one marked by an interchangeable, ‘minimalist’ body (mainly having to do with the human capacity for labour), subtended by a rational mind that engages in purposive dialogue and moral reﬂection. Such a Habermasian body does not seem to be marked by difference, of a gendered nature or otherwise, and nor does it evince the kind of dense, material ‘ﬂeshiness’that thinkers like Merleau-Ponty have striven to comprehend, via what Hwa Jol Jung (1990) has usefully termed a ‘carnal hermeneutics’.It can be argued (albeit not without qualiﬁcation) that there is something of a de facto mind/body dualism operating within Habermas’theories, one that has received relatively little attention in the critical literature to date.2 An important exception is Joan Alway’s article ‘No Body There: Habermas and Feminism’. Although preoccupied mainly with the limitations of Habermas with respect to feminist criticism and politics, Alway makes several valuable points germane to our discussion:

### PHILOSOPHY LINKS

### Link—Communitarianism

#### The ontological conception of self must preclude discussion of social and historical context—we must understand the finitude and embodiment of the self before understanding how social relations shape identity. Only Dasein can bridge the is/ought gap by bringing meaning to human action.

Hatab 2k [Lawrence J., professor of philosophy at Old Dominion University, “Ethics and Finitude: Heideggerian Contributions to Moral Philosophy”] **AZ**

From an ontological standpoint, both liberalism and communitarianism are not penetrating enough regarding the process of world disclosure (the former based in the rational individual ’s perceptions and cognitive faculties, the latter in social constructs that mold and guide the self). In particular, Heidegger’s thinking allows an articulation of the original emergence of the ethical sphere. The very possibility of ethics, in terms of the difference between an ought and actuality, is made possible by Dasein’s transcendence, which is not confined to extant condi- tions and thus is open to the possibility of altered modes of living. Regarding the specific philosophical disputes between liberalism and commu- nitarianism, Heidegger ’s sense of the radical finitude of being-world disclosure issuing from the negativity of ungrounded Dasein-provides an ontological openness that can critique proposed groundings in either the individual or the community, or even in some kind of neat synthesis or organization of individual- ity and community.” An ungrounded ontological openness that is simply thrust into the world’s differentiated conditions implies an ontical complexity and ambi- guity, a dynamic intersection of individuation and sociality, innovation and tradi- tion, that cannot be brought to rest in any standpoint. Although social life is con-textually and episodically orderable as a phronetic balancing of different forces, it can never be such without remainder, and so from a global standpoint it is unstable. Various social theories disclose important elements of ethical and polit- ical life (individuality, group identity, freedom, responsibility, autonomy, author- ity, duties, consequences, fairness, excellence, the secular, the sacred, innovation, tradition) but err in seeking a foundation in some of these elements or in some kind of systematic organization.

#### Dasein functions as a starting point for communitarian ethics—all communities have a shared structure of Being and require a conception of the self that is authentic to its true nature because otherwise change within communal tradition is impossible

Hatab 2k [Lawrence J., professor of philosophy at Old Dominion University, “Ethics and Finitude: Heideggerian Contributions to Moral Philosophy”] **AZ**

At the same time, Heidegger can speak to the limits of sociality and therefore assist liberalism in its warnings against communal consumption of the individ- ual.'° The finite negativity of the self and authenticity are important elements that can counterbalance social cohesion and the connectedness of empathic regard, forces of convergence that can turn an interest in interpersonal relations into an intrusive trespass or the benevolent tyranny of undue paternalism. Evasive absences or idiosyncrasies in the Other should not prompt a mandate to evoke presence or convert to sameness. Regarding Dasein’s sociality, Mitsein is a formal structure that is not commit- ted to any specific form of community, and so it can accommodate a variegated, conflicted set of communal associations. Vlfith authenticity built into the structure of Dasein, individuated divergence is also essential to the social environment. Such structural inclusion shows that disruption and sociality can be correlated; in other words, the “social” need not be identified with something like harmony or homogeneity, since conflict is no less a social relation.” One problem for com- munitarianism is a certain paradox regarding innovation and tradition. A given tradition that presumably molds and guides the self can be seen, from a genealogical perspective, to have originated in a creative divergence on the part of an indi- vidual who resisted and challenged prevailing social and intellectual conventions. Such a paradox can be resolved by a structural inclusion of authenticity that stip- ulates continuing disruption of convention and established patterns. On another level, the human self should not be conceived as some “alienated” being that must be restored or transformed into some whole or completed condi- tion-a theme that has taken many forms in the Western tradition. For Heidegger, part of the self’s being is an anxious alienation that discloses meaning. So proj- ects that advance a restoration of the self ’s “true being” as a merger that will ren- der it whole, restored, or unified-be it in terms of God, nature, reason, spirit, instinct, community, labor. and so on-in fact fantasize a prospect that will abne- gate the conditions of meaningfulness by undermining its tensional dynamics of disclosure.

### Link – Skep

#### **Their skepticism arguments are dependent on Cartesian dualism—a divide between the external world and the internal mind. Dasein challenges that division and solves the question of meaning.**

Hatab 2k [Lawrence J., professor of philosophy at Old Dominion University, “Ethics and Finitude: Heideggerian Contributions to Moral Philosophy”] **AZ**

We have already established that “subject and object do not coincide with Dasein and world" (BT. 87). Reflective disengagement from everyday practices and involvement creates the space of a supposed “internal" consciousness counter- posed to “external” things in the world. Such a division makes possible classic philosophical problems that have marked the modern period: radical skepticism about the existence of the external world or other minds; bifurcations of fact and value, the theoretical and the practical; and a host of philosophical problems gen- erated by these bifurcations. Heidegger's conception of being-in-the-world pre- cedes such divisional thinking, and it also exhibits elements of existential mean- ing and movement, which undermine abstract, fixed constructions that have amounted to a stabilization and reification of being. The tradition has tended to tum Dasein into a “positive" content (BT. 72ft): rational animal, creature of God, biological organism, psychological faculties, material properties, soul, subject, consciousness, spirit, life. Heidegger’s alterna- tive phenomenological rendering of Dasein is being-in-the-world. Dasein is in the world, not in the sense of a merely objective, spatial, locational “in," but more in the sense of being involved or at home, an in-habitive sense captured in the word “dwelling" (BT. 80). Heidegger writes emphatically: “Dwelling is the essence of being-in-the-world" (LH. 260). Dasein‘s existence is initially an involved famil- iarity, as opposed to a disengaged reflection on an object simply present to the gaze of consciousness, a reflection that presupposes a division and exchange between discrete spheres inside and outside the mind. Being-in-the-world essen- tially exhibits modes of concern (Besmgen)

### Link—Kant

#### Dasein’s conception of self and the open letting-be of our ontology better encapsulates human freedom—Kantian freedom is too dependent on a reductive idea of rationality and fails to understand the actual relationship between self and society

Hatab 2k [Lawrence J., professor of philosophy at Old Dominion University, “Ethics and Finitude: Heideggerian Contributions to Moral Philosophy”] **AZ**

With Heidegger’s thought one can articulate a complex modification of the idea of freedom. Heideggerian freedom is an ontological openness that is not confined to a Kantian freedom construed as a rational transcendence of empirical nature. Ontological freedom is a disclosive letting-be that makes possible any and all ori- entations in the world (ET, 12411’), and as such it is prior to something like a will or self-causation (PM, I26-27; see also GA 31). The openness of Dasein is also different from an “existentialist” freedom, a sheer negativity apart from physical nature, social situations, roles, and traditions; rather, Dasein is an openness within such conditions, which therefore allows both coherence and variance. In this way, freedom can be affirmed, not as an absolute ground or condition within the self, but as something situated and contextual, calling for specific analyses regarding what kind of movement is at issue, in relation to what kind of constraint, and for what purpose. There are different kinds of freedom (economic, political, per- sonal, artistic), with respect to different kinds of agents and roles (adults, chil- dren, workers, students, leaders, innovators), in relation to different kinds of con- straint (physical nature, material need, social coercion, conformity). and all of these factors vary and fluctuate between and within circumstances and agents. A phenomenology of such situational balancing acts need not be founded in some kind of primal freedom of the self. Accordingly, we should not begin with a con- cept of freedom from constraints, but rather freedom within the various milieus that help shape the self. As long as we keep sociality in view, we can also think of freedom in relation to the liberal notion of respect, but an existential respect stemming from an onto- logical openness, rather than a Kantian respect that can be problematical owing to its grounding in modernist reason. Existential respect can reflect the postmod- ern affirmation of difference and otherness, which can accommodate a wider range of references than the liberal emphasis on the rational individual (a range that can include creative eccentricities and various group identities having to do with race, gender, religion, and so forth). A Heideggerian Seinlassen, or letting- be, can operate here to balance sociality with modes of release and noninterfer- ence that can protect against domination, control, and presumptive fixtures of human nature, which can be said to violate the ontological openness at the heart of Dasein and being itself. Since Dasein's “self” is ultimately ungrounded and Selfhood, Freedom, Community 179 ungroundable, never a full presence (even to itself), human beings should see themselves and others as free from baseline reductions and free for their possi- bilities.” Existential respect can be taken as a radical expansion of the Kantian notion of respect. Kantian respect for persons refers to them as agents governed by the rational moral law, and not as concrete, factical persons in all their complexity and particularity.” Liberal social theory in one way or another has sustained a Kantian heritage. Although liberalism has certainly affirmed individual differ- ences and can trump forces of consumption that might be implicit in communi- tarianism, it is not clear how much difference can really be accommodated by the liberal attachment to rationality as the origin of, and justification for, individual freedom; people's religious commitments, for example, have tended to be prob- lematical in the wake of liberalism’s secular leanings .2‘ Herein lies the commu- nitarian counter that social life is not always driven by individual interests and rational methods championed in the modern period. The self has many facets and modes of comportment that should not be distilled into a narrow set of faculties. And this is where feminist objections to liberalism achieve their force, in that the experience of women is not fully captured by, and may even be concealed in, models of individual self-assertion and rational self-dim

### SPECIFIC LINKS

### Links—HW Journalism

#### First, their Eberly evidence frames free speech as necessary for the pursuit of objective moral truth

Free speech is also of instrumental value in facilitating other worthy ends such as democratic or personal self-government, n64 public and private decisionmaking, n65 and the advancement of knowledge and truth. n66

#### speech is associated with individual autonomy

In this view, free speech is an essential part of a just and free society that treats all people as responsible moral agents. Accordingly, people are entrusted with the responsibility of making judgments about the use or abuse of speech. n68 From this vantage point, the majority saw a certain moral equivalency in all speech. Even hate speech merits protection under the First Amendment, because all speech has intrinsic value. This is so because all speech, even hate speech, is a communication to the world, and therefore implicates the speaker's autonomy or self-realization. Additionally, any information might be valuable to a listener who can then decide its importance or how best to use it. Accordingly, any suspicion or evidence of governmental censorship must be vigilantly investigated.

#### Second, their Dwyer card states that moral status can only be attained through speech with others – that assumes that the final destination of free speech is an endpoint of "moral progress"

To repeat: direct nonconsequentialism asserts that speech is valuable because linguistic capacities are the expression of the essence of creatures (us) to whom we attribute the highest moral status. The way in which the direct nonconsequentialist makes explicit what is special about speech helps to make sense of a commonly experienced wariness regarding restrictions on speech we hate. We worry equally when the state seeks to prohibit the speech of sexists or Flat-Earthers.

#### Third, Lukianoff equates free speech with a "marketplace of ideas"– that envisions an open exchange that somehow "moves us forward" without analyzing how – this unreflexive acceptance of speech as key proves our links

To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation … Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die. Sweezy v. New Hampshire, 354 U.S. 234, 250 (1957). \*6 In the nearly fifty years since Sweezy, this Court and lower courts have repeatedly reaffirmed the special importance of robust free expression in higher education.3 In Healy v. James, 408 U.S. 169 (1972), this Court made clear that students are an important part of the collegiate marketplace of ideas when it ruled that a college, acting “as the instrumentality of the State, may not restrict speech … simply because it finds the views expressed by any group to be abhorrent.”

#### "Marketplace of ideas" metaphor is a link – 3 reasons

* Hate speech not relevant to "marketplace"
* "Free market" assumes equal playing field, which doesn't account for racism/sexism
* Hate speech isn't rational

Eckert 10 [Lynn Mills Eckert (Associate Professor of Political Science at Marist University), "A Critique of the Content and Viewpoint Neutrality Principle in Modern Free Speech Doctrine," Law, Culture and the Humanities, 2010] AZ

Justices Holmes’ and Douglas’ elaboration of free speech and its role in democracy raise several issues that remain relevant to modern-day legal and philosophical debates about hate speech. Both Justice Holmes and Justice Douglas conflate two different kinds of speech. The strongest version or interpretation of the Holmes/Douglas libertarian position eliminates justifications for almost every proscribable category of speech in modernday constitutional law and leaves courts without guidelines for determining when to apply traditionally proscribable categories of speech such as fighting words. The history that Justices Holmes and Douglas present about the First Amendment is inaccurate too. As is well documented, the founders, in passing the Alien and Sedition Act, proscribed quite a bit of political speech, which explains why modern-day free speech jurisprudence cannot rely upon originalism to justify outcomes like that in R.A.V. v. St. Paul. 34 Moreover, while the core of their free speech theory articulates the centrality of free speech to democracy, their concept of how we arrive at the truth and their use of the market metaphor is faulty. The Court ought not to confuse the speech of minorities and women seeking political change with hate speech. The speech of Martin Luther King Jr. constitutes dissident speech which is “directed at the powerful institutions that govern our lives.”35 Hate speech targets the “least powerful segments” in our political community.36 Mari Matsuda argues that the conflation of dissident speech with hate speech suggests that we have no criteria for distinguishing injurious speech from other kinds of speech.37 Under that logic, we ineluctably find ourselves protecting all speech even libel and fighting words, which are traditionally proscribable areas of speech. Moreover, free markets sometimes malfunction, creating what economists euphemistically call dislocations. The free marketplace of ideas is subject to similar distortions. Racism or sexism frequently affect the ability of the speaker’s ideas to compete; prejudice consciously or unconsciously devalues ideas because they come from a member of the discredited group (women, African-Americans, gays and lesbians, etc.). Racism or sexism can also affect the speaker’s ability to speak. This is the more pernicious effect of racism or sexism because the speaker may internalize racist, sexist, or homophobic beliefs. In describing the effects of segregation in the Brown v. Board of Education decision, Lawrence writes: Psychic injury is no less an injury than being struck in the face, and it often is far more severe. Brown speaks directly to the psychic injury inflicted by racist speech in noting that the symbolic message of segregation affected the “hearts and minds” of Negro children “in a way unlikely ever to be undone.”38 As a result, some viewpoints compete on an unequal footing or never make it to the marketplace. The free marketplace of ideas presumes that rationality or reason is the invisible hand under which the market operates yet racism, sexism, or homophobia constitute irrational judgments about individuals based on their immutable characteristics. Black’s Law Dictionary defines discrimination as the disparate treatment of similarly situated individuals based on arbitrary or unreasonable distinctions such as race or sex. Sexism, racism, and homophobia short-circuit rationality or reason, the one cognitive process necessary for developing criteria for and reaching a consensus about the truth in the so-called marketplace. Rationality or reason is also a crucial cognitive process for the operation of selfgovernment. In democracies, we rely on good, publicly justifiable reasons to exercise legitimate authority. The marketplace metaphor is too often reflexively invoked as a defense of absolutism to the extent that it has become First Amendment dogma. Such absolutist dogma sidelines equally legitimate and compelling interpretations of free speech. Sunstein writes: The most striking development in free speech law is that marketplace thinking has become so dominant, and the competing views so dormant, that it’s difficult to even identify those competing views.39 This is problematic for Sunstein and other scholars, including myself, because the object of free speech is not the object of the marketplace. The end of the political sphere, which is justice, is different from the end of the economic sphere, which is maximizing profit and satisfying consumers. Free competition in the marketplace usually produces efficient economies and satisfies consumer wants, but laissez-faire competition among all kinds of speech, even the most violent, may not produce results conducive to self-government. A constitutional democracy relies on speech and reason to resolve political dilemmas justly. Therefore, the dialogical nature of democracy necessitates that some forms of speech, which provoke violence or corrode reasoned discussion, breaking down deliberation, deserve scrutiny. Speech serves a political end in that self-government depends upon our ability to reason and exchange ideas, deliberate, and debate. A concept of free speech that permits assaultive racist language into the marketplace of ideas, even eloquently defends it, misses the foundational purpose of free speech in a democracy. It allows into the marketplace a form of expression that corrodes the invisible hand upon which the market depends, namely, reason.

### Links—Harrison RP

#### First, the

## Answers

### A2 Consensus Building

#### Dialogue is only possible in the context of specific relations – uniting perspectives is impossible since every speech act takes place in a different context

Koczanowicz 11 [Leszek Koczanowicz (Professor of Philosophy and Political Science, Department of Social Psychology, Faculty in Wroclaw, University of Social Sciences and Humanities ), "Beyond dialogue and antagonism: a Bakhtinian perspective on the controversy in political theory," *Theory and Society*, 6/19/2011] AZ

It seems to me that this perspective is different from that of Habermas, although both would agree that dialogue is a necessary condition of every language encounter between human beings. However, Habermas proposes the strong claim that the dialogical character of language is the consequence of its internal structure, of the logic imposed by the procedures of communication. Rationality of communication, its orientation towards reciprocal understanding, has to lead to a consensus if, of course, the influence of violence or other forms of coercions are eliminated: “…communicative reason does not simply encounter ready-made subjects and systems; rather, it takes part in structuring what is to be preserved. The utopian perspective of reconciliation and freedom is ingrained in the conditions for the communicative sociation of individuals; it is built into the linguistic mechanism of the reproduction of the species” (Habermas 1991, 398). For Bakhtin the dialogical approach of language is very different from that of logic: “… logical and semantically referential relationships, in order to become dialogic, must be embodied, that is, they must enter another sphere of existence: they must become discourse, that is, an utterance, and receive an author, that is a creator of the given utterance whose position is expressed” (Bakhtin 1993a, 184). Dialogical relations are always intersubjective and as a consequence they convey to dialogue itself a tension, which can appear between different subjects. However, dialogical relation is also a basis for agreement to the extent that it is at same time a basis for mutual understanding. “With explanation there is only one consciousness, one subject; with comprehension there are two consciousnesses and two subjects. There can be no dialogic relation with an object, and therefore explanation has no dialogic aspects.... Understanding is always dialogic to some degree” (Bakhtin 1994, 111). What is of special importance for Bakhtin is that “primary ethics” is always concrete. It is, in the words of his commentator, “co-existential ethics”: “Bakhtin’s philosophy of the act radically departs from traditional notions of ethics, both material and formal. Insofar as it deals with the architectonics of co-existence, that is, that level of human sociality which underlines and informs the sphere of values and norms, the philosophy of the act can be described as co-existential ethics prior to ethics in any traditional sense. My concrete, active relatedness to acting others makes the creation and enactment of values and norms possible in the first place” (Eskin 2000, 75). This idea of co-existential ethics has far reaching consequences for political theory, as dialogue is simultaneously language-bound, and as dialogical relation it is an existential relation between acting human beings. In his early works Bakhtin shows that each individual is involved in the relationships with others and that this involvement is a necessary condition for moral philosophy. “It is this concrete architectonic of the actual world of the performed act that moral philosophy has to describe, that is, not the abstract scheme but the concrete plan or design of the world of unitary and once-occurent act or deed, the basic concrete moments of its construction and their mutual disposition. These basic moments are I-for-myself, the other-for-me, and I-for-the-other… All spatial-temporal values, all sense-content values are drawn and concentrated around these central emotional–volitional moments: I, the other, and I-for-the-other” (Bakhtin 1993b, 54). Bakhtin describes the mutual relationships between I and other as a set of passages from one to another. We perceive an event from our own perspective, we can adopt the perspective of the other and enrich our own, but these two consciousnesses never fuse. An individual is always a unique entity but it cannot exist in separation from the other and both moments of this existential situation of the human being are constitutive for dialogue (Koczanowicz 2000). The idea of inevitability of communication with the other for construction of our own identity is recurrent throughout Bakhtin’s work. In the notes to the Dostoevsky book he writes: “A person has no internal sovereign territory, he is wholly and always on the boundary; looking inside himself, he looks into the eyes of another or with the eyes of another” (Bakhtin 1993a, 287).

#### Attempting to create decisions based on collective agreement through deliberation fails – inevitably excludes some preferences

Fabre 3 summarizes Dryzek [Cecile Fabre, "To Deliberate or to Discourse: Is That the Question?" European Journal of Political Theory, 2003] AZ

According to Dryzek, then, discursive democracy differs from liberal constitutional

democracy and from deliberative democracy with respect to the kinds of preferences citizens advance in the public forum as well as to the ways in which they should justify advancing such preferences. Deliberative democracy requires that arguments, and only arguments of a certain kind (as captured in the idea of public reason), be provided in defence of collective decisions (11). By contrast, although discursive democracy recognizes that arguments play a central part in translating preferences into collective decisions, it nevertheless allows other modes of communication, such as rhetoric and story-telling (50ff.). Moreover, whereas liberal democracy merely seeks to aggregate fixed private individual interests into a collective outcome (12, 21) and deliberative democracy seeks to rule out the expression of those interests in the public sphere (169), discursive democracy allows, more realistically, that collective decisions can be a mixture of private and common interests (169–70). It also insists that citizens’ private preferences can change through debate and discussion, and that voting is not the only way, indeed is not the privileged way, in which decisions should be made. The latter two points, according to Dryzek (and to deliberative democrats) are important steps towards rebutting social choice theorists’ claim that it is impossible to aggregate, through voting, citizens’ private preferences into a collective decision.

### A2 Yes Cartesianism

#### Social context shapes knowledge – Cartesian objectivity is flawed

Williams 8 [Susan H. Williams (Walter W. Foskett Professor of Law, Indiana University Maurer School of Law — Bloomington; Director of the Center for Constitutional Democracy), “Feminist Theory and Freedom of Speech,” Indiana Law Journal. 1/18/08] AZ

The feminist critique of Cartesianism begins by arguing that knowledge is socially constructed. The central claim is that knowledge-making is an activity that takes place only within, and deeply shaped by, a cultural context. The critique then links this social constructionist insight to the commitment to end patriarchy, by showing how an epistemology that sees truth as objective, rationalist, universal, and representational works systematically to support gender hierarchy. The critique starts by undermining the claim that truth is objective, in the sense of reflecting a reality independent of the human perception of it. Instead, the critique argues that truth is deeply, necessarily shaped by the social and personal context of the observer. There are at least three ways in which the process of acquiring knowledge is shaped by the knower’s context. First, the very facts that are taken by Cartesianism to be the materials out of which reason constructs knowledge are shaped by culture.13 Our experience does not come to us in prearranged bundles; rather, facts are made by a process of selection from experience. What we notice and the way we organize our experiences are both constrained by the conceptual categories that our culture makes available to us.14 Moreover, the categories available to any given individual may be different from those available to other individuals in her culture. A society may give different conceptual tools to different groups. For example, women may be trained to identify subtle changes in emotional states while men generally are not. The second sense in which knowledge is socially constructed is that, in order to analyze data, interpreters must make value choices. There are always multiple possible interpretations of our experience; to choose between them one must rely—explicitly or implicitly—on a value judgment. Some value judgments are explicitly acknowledged in traditional science—for example, the preference for simplicity and elegance in a theory. But less explicit and more problematic value judgments also shape the choice of interpretation, such as the perennial preference for biological explanations for any difference between the sexes, which tends to support the moral and political values of patriarchy.15 Finally, value judgments affect not only the construction and interpretation of facts, but also the choice of which issues or questions are worthy of investigation. There is no such thing as a problem in need of study without people who have the problem.16 Which problems are studied will depend upon whose perspectives, concerns, and needs are considered most important by society. This phenomenon is well-illustrated by the long history of medical research that ignored the distinctive problems of women or studied shared human problems by looking only at men.

#### Prefer – our kritik doesn't require us to win that all truth is constructed by social interaction, only that a substantial portion of it is. The aff's conception of Cartesian objectivity assumes that ALL facts are independent of human experience, which is clearly false from everyday experience – we choose to think about certain facts based on the split-second value judgments that are affected by cultural concepts

### A2 Alt is Relativism

#### The alt promotes a shared reality without over-emphasis on individualism

Williams 8 [Susan H. Williams (Walter W. Foskett Professor of Law, Indiana University Maurer School of Law — Bloomington; Director of the Center for Constitutional Democracy), “Feminist Theory and Freedom of Speech,” Indiana Law Journal. 1/18/08] AZ

If we adopt the relational model of truth, will it generate a theory of free speech? Indeed, speech is extremely important to the pursuit of truth, understood in a relational sense, but it is important in somewhat different ways than in the traditional truth theory. I will briefly outline why relational truth requires protection for free speech and point out a few of the ways current First Amendment doctrine might be altered by the adoption of a relational truth theory. The most fundamental shift would be to recognize speech as systems of relationships between people and not merely as the expressive acts of individuals. A legal right to free speech under a relational theory would need to include a right to the protection of such systems and relations. I argued in the last Part that the key to unraveling the dilemma posed by the need for both shared reality and deep critique was to recognize that the construction of workable contexts for knowledge-making is not a conceptual problem, but a practical one that can only be solved by social and political activity by people. The central question then becomes: what are the means by which we build our cultural contexts? This question leads us directly to speech.