# LADI Starter Pack

## I. Topic Analysis

### Varad Agarwala

My topic brief will focus just on the positions I wrote, the Libertarianism affirmative, the Militarism affirmative, and T-any. Let’s take a further look at some of these positions:

Libertarianism AFF

I’ve found that the biggest area of conflict for this aff, and where a lot of the contention level debate will come down to, is whether or not words can be intrinsically bad/cause violence. What this means then, is that some aff time needs to be dedicated to preempting this debate. This aff substantively doesn’t seem to be too controversial other than that one point, and most of the evidence goes aff based on my initial research. In terms of the framework, one objection I found in the literature is that schools have different obligations than other settings. So while in the abstract freedom might come a priori, schools have an obligation to maintain safe, educational settings which supersedes the freedom of speech. This likely mixes up normative/philosophical libertarian arguments with more pragmatic, political libertarian arguments that aren’t based on Kantianism, rather are more about the libertarian party. As such, I’m not convinced that this really answers the framework all too much, so I wouldn’t be too concerned. Other than those two arguments presented above, I don’t predict that the libertarianism debate on this topic will have any tricks or nuances that we haven’t seen a million times previously.

Militarism AFF

This aff is strategic because a lot of 1AC time is spent on uniqueness framing, and I think that extending this framing correctly in the 1AR is incredibly important. The argument is basically that a lot of disad/turns the neg is going to go for are reliant on the idea that the aff energizes the racist/sexist/alt-right portion of the populace that will lead to more violence; the problem with that, is that those groups that they’ve just identified are already energized in the status quo. With the election of Donald Trump, the country has changed drastically and it has caused people to start recognizing that the lower white working class exist and they are starting to “speak their mind.” Liberals have refused to engage or even recognize the existence of these individuals which has allowed them to grow and empower themselves without anyone to check them which allows for things such as the rise of Trump. The aff forces liberals in the university setting to engage these discussions that fundamentally alters the way these conversations go down because who exactly is present for these conversations has changed. No longer is it a liberal echo chamber but a multi-faceted analysis which includes even the rightest parts of conservatism. This isn’t a “conservatives are right, liberals are wrong” argument, but an argument that criticizes the way that liberal echo chambers have designed educational settings that systematically exclude conservatism which destroys authentic, critical education.

T-Any

This argument is relatively straightforward and isn’t all too complicated—the word “any” in the resolution means that the AFF plan must end restrictions surrounding all constitutionally protected speech, not just some. This excludes plan affs that specify a kind of speech; the net benefit to the interpretation is a limits argument that says if we allow plans surrounding kinds of speech, it functionally allows for hundreds of tiny affs dealing with specific court cases, kinds of speech, particular words, etc. The topical version of the aff argument basically says that the aff, instead of reading a plan, should just read an aff that lifts restrictions around all constitutionally protected speech and read their aff as an advantage; this theoretically solves their education arguments, which allows you to win that your offense outweighs.

### Nick Steele

At first glance, this topic seems to strike a middle ground between being mostly policy-oriented (like the nuclear power topic), and mostly philosophy-oriented. There are a variety of traditional policy style arguments, philosophy arguments, and critical arguments available to both sides. Let’s take a look at some of the options.

AFF:

AFFs on this topic will range from whole-resolution philosophical defenses of the principle of free speech to plans that remove restrictions on specific forms of speech.

In terms of philosophy AFFs, Libertarian and Levinas frameworks seem to justify that restrictions on free speech are bad because such restrictions limit individuals’ ability to pursue their own conceptions of the good, or impose totalizing notions of what constitutes acceptable speech. Constitutionality frameworks likely auto-affirm on this topic because the AFF burden is to prove that state run universities should not restrict constitutionally protected speech.

Many of these whole-resolution AFFs will face the problem of dealing with hyper-specific NEG PICs. NEGs can advocate the whole resolution minus specific racist, homophobic, or sexist words or phrases. The PIC debate seems largely skewed in favor of the NEG given that entire articles are written on the harmfulness of certain words, and that there is an unpredictably large number of different words and combinations of words that the NEG can PIC out of. Although AFF frameworks will be designed to justify that no restrictions on speech are good, it will be very difficult for an AFF to argue that extremely violent or demeaning forms of speech are justified. Because of the issue of PICs on this topic, AFFs may want to defend removing specific restrictions on speech as opposed to removing all of them.

Those wishing to read specific plans on the AFF should look into areas such as free speech zones, time place manner restrictions, trigger warnings, and things like the Davis Standard, among other areas. There will also be AFFs that argue that specific speech codes are used against marginalized groups more than in their favor (such as people being triggered by talking about marriage equality or Black Lives Matter). One difficulty that AFFs that choose to defend specific plans on this topic will face is the topic committee’s choice of the word “any”. The resolution reads that the AFF must argue that no constitutionally protected speech should be restricted. A viable AFF strategy will be to bite the bullet, and accept a specific-plans interpretation of the topic is not perfectly textual, but nevertheless argue that the pragmatic benefits of plans (especially on this topic) outweigh the benefits of strict textuality.

There are also several critical AFF options on this topic. Neoliberalism AFFs might choose to critique the idea of safe space culture, and argue that it individualizes and psychologizes oppression, which is a depoliticizing move that overlooks the structural, material aspects of neoliberalism. Biopower AFFs might choose to critique the government’s regulation of what acceptable speech norms are. Either of these AFFs might defend hypothetical implementation of the resolution or a more pseudo-topical critique as their advocacy.

NEG:

The NEG has multiple kritik options on this topic. The Cap K can be a staple argument on this topic. There are many anti-capitalist criticisms of protecting free speech at all costs, as well as the capitalist framing of the “marketplace of ideas” which will likely appear in many philosophy AFFs. There is also substantial potential for identity politics positions that single out a form of speech that targets one marginalized identity group.

Policy arguments might form a large portion of well-researched NEG’s preparation. The extinction disad ground on this topic is minimal, but good disads do exist that impact back to more systemic forms of violence. The obvious option is a disad that argues that the AFF leads to an increase in hate speech, and that hate speech causes psychological violence and/or an increase in hate crimes against marginalized groups. NEGs can combine this disad with a PIC out of certain forms of harmful speech to coopt the majority of the AFF’s offense.

NEGs should certainly research prominent speech codes and other types of restrictions on speech to create case NEGs against specific AFFs that might revolve around things like trigger warnings, free speech zones, and the Davis Standard. NEGs should also cut multiple definitions of the term “any”, as well as cards on which forms of speech are currently constitutionally protected, in order to craft quality T interps and inherency presses against specific plan AFFs.

This topic should be a somewhat interesting one, despite the fact that there are some weird issues with topic warning and a general lack of standard policy-style arguments available to both sides. Debaters will no doubt choose to pursue a wide variety of options, and unique debates will definitely ensue.

# Affirmative

## Affirmative Cases

### Libertarianism

#### I value morality.

#### Only constitutivism is normatively binding—any appeal to external standards collapses back to constitutive ones.

Korsgaard 9 (Christine, Harvard prof, “Self-Constitution: Agency, Identity, and Integrity”, Oxford University Press; 1 edition, 15 Jun 2009//[LADI](http://www.theladi.org/evidence))

2.1.7 Constitutive standards are important, I claimed above, because they meet skeptical challenges with ease. But the importance of the idea is deeper than that, for I believe—and I know this is more controversial—that the only way to establish the authority of any purported normative principle is to establish that it is constitutive of something to which the person whom it governs is committed—something that she either is doing or has to do. And I think that Kant thought this too. The laws of logic govern our thoughts because if we don't follow them we just aren't thinking. Illogical thinking is not merely bad, it is defective, it is bad as thinking. The laws of the understanding govern our beliefs because if we don't follow them, we just aren't constructing a representation of an objective world (9.7.5). And as I will argue, the laws of practical reason govern our actions because if we don't follow them we just aren't acting, and acting is something that we must do. A constitutive principle for an inescapable activity is unconditionally binding. How could it be otherwise? Constitutive standards have unquestionable authority, while external standards give rise to further questions, and leave space for skeptical doubt. How then can we ever give authority to an external standard, except by tracing its authority back to a constitutive one? Consider again that house that blocks the neighbors' view of the lake. Why shouldn't the house-builder build it? For I'm supposing that we all do agree that really, after all, he shouldn't do it, in spite of the fact that it wouldn't therefore be a defective house. Well, perhaps he identifies himself as a good neighbor, a citizenly type, and doesn't need to ask why he shouldn't build a house that is a blight on the neighborhood. Or perhaps he loves his neighbors, and wouldn't want to harm them. Or perhaps—to anticipate the success of the views we are working on here—it would be morally wrong to build a house that blocks the view of the neighbors, and so although it might be all very well as a bit of house-building, it would be defective as an action.

#### Agency is constitutive of action—we must respect it.

Ferrero 9 (Luca, University of Wisconsin at Milwaukee, “Constitutivism and the Inescapability of Agency”, to appear in Oxford Studies in Metaethics vol. IV, Version 3.05, 12 Jan 2009//[LADI](http://www.theladi.org/evidence))

3.1 The initial appeal of the shmagency objection rests on the impression that there is a close analogy between agency and ordinary enterprises. If one can stand outside of chess and question whether there is any reason to play this game, why couldnʼt one stand outside of agency and wonder whether there is any reason to play the agency game? The problem with this suggestion is that the analogy does not hold. Agency is a very special enterprise. Agency is distinctively ʻinescapable.ʼ This is what sets agency apart from all other enterprises and explains why constitutivism is focused on it rather than on any other enterprise.¶ 3.2 Agency is special under two respects. First, agency is the enterprise with the largest jurisdiction.12 All ordinary enterprises fall under it. To engage in any ordinary enterprise is ipso facto to engage in the enterprise of agency. In addition, there are instances of behavior that fall under no other enterprise but agency. First, intentional transitions in and out of particular enterprises might not count as moves within those enterprises, but they are still instances of intentional agency, of bare intentional agency, so to say. Second, agency is the locus where we adjudicate the merits and demerits of participating in any ordinary enterprise. Reasoning whether to participate in a particular enterprise is often conducted outside of that enterprise, even while one is otherwise engaged in it. Practical reflection is a manifestation of full-fledged intentional agency but it does not necessary belong to any other specific enterprise. Once again, it might be an instance of bare intentional agency. In the limiting case, agency is the only enterprise that would still keep a subject busy if she were to attempt a ʻradical re-evaluationʼ of all of her engagements and at least temporarily suspend her participation in all ordinary enterprises.13¶ 3.3 The second feature that makes agency stand apart from ordinary enterprises is agencyʼs closure. Agency is closed under the operation of reflective rational assessment. As the case of radical re-evaluations shows, ordinary enterprises are never fully closed under reflection. There is always the possibility of reflecting on their justification while standing outside of them. Not so for rational agency. The constitutive features of agency (no matter whether they are conceived as aims, motives, capacities, commitments, etc.) continue to operate even when the agent is assessing whether she is justified in her engagement in agency. One cannot put agency on hold while trying to determine whether agency is justified because this kind of practical reasoning is the exclusive job of intentional agency. This does not mean that agency falls outside of the reach of reflection. But even reflection about agency is a manifestation of agency.14

#### Combined with the physical world, this justifies protection of outer freedom.

Nance 12 (Michael, University of Pennsylvania, United States, “Kantian Right and the Categorical Imperative: Response to Willaschek”, International Journal of Philosophical Studies, 15 Oct 2012//[LADI](http://www.theladi.org/evidence))

The Kantian argument from the CI to the UPR starts from the fact that we are governed by the CI, which tells us (1) that we must act according to universal laws,15 and (2) that humanity must be treated as an end in itself.16 In the Groundwork Kant describes ‘humanity’ as ‘rational nature’, which I take to mean, at a minimum, the capacity for setting ends (4:228–9).17 The latter phrase is ambiguous. If we construe the capacity for setting ends as a noumenal property of agents, then given Kant’s moral psychology, no one can possibly infringe on anyone else’s capacity to set ends. But as Kant recognizes, morality is not con- cerned only with the performance of inner acts of will; that would be a strange conception of morality.18 Rather, we are supposed to act in the physical world to realize those ends. What matters, from the standpoint of morality, is that we have the capacity to set, pursue, and realize ends. Thus it does not make sense to say that one respects someone as an end in herself if one at the same time forces her, via fraud or physical vio- lence, to conform to one’s ends.19¶ The overall point here is that the CI requires us to respect each per- son’s capacity to set and pursue ends, but we cannot set and pursue ends unless we are free from domination by other persons. Our being permitted to do x and forbidden from doing y presupposes physical non-domination, for commanding me to do something, or not to do something, presupposes that I have control over what I do. Such control, for Kant, requires both metaphysical and physical freedom. Kant takes himself to have shown in the Critique of Practical Reason that we have the relevant kind of ‘inner’ metaphysical freedom.20 The project of the ‘Doctrine of Right’ is to establish the conditions for external, physical freedom. Both kinds of freedom are part of human agency. And both kinds of freedom are necessary conditions for forming and pursuing ends. The point is not that external freedom as non-domination is merely instrumentally valuable for the sake of the abstract property called ‘humanity’. Rather, a person’s ability to do what she pleases with her body, within the confines of universal laws, is part of the capacity for humanity itself. This is one way of understanding what Kant means by the phrase ‘freedom in the external use of choice’ (6:214).

#### However, in the state of nature, conflicting rights claims are irresolvable—it’s fundamentally unfree.

Ripstein 9 (Arthur, Professor of Law and Philosophy at the University of Toronto, and Chair of the Department of Philosophy, “Force and Freedom”, Harvard University Press, 2009//[LADI](http://www.theladi.org/evidence))

These difficulties for innate right in the state of nature—indeterminacy, lack of conclusive defense or nonaggression agreements, and the impossibility of a remedy in cases of completed wrongs—do not make innate right provisional in the sense of being unenforceable. They do, however, stand in the way of its being what we might call “conclusively conclusive,” that is, forming an integral part of a consistent system of rights. The fun- damental feature of all rights is that they are parts of a system of equal freedom under universal law. In a state of nature, the indeterminacy of in- nate right and the impossibility of a remedy in cases of its violation mean that innate rights do not form a consistent set, which is just another way of saying that they do not, after all, fall under universal law. Although par- allel considerations in the case of interacting nations lead Kant only to the conclusion that nations must bring their disputes before a court, in a civil condition the state must have the further power to bring innate right un- der universal law. Acquired rights can only be conclusive under universal law, and the universality of that law requires that innate rights also fall under universal law. If each individual were left with the power to do “what seems good and right” with respect to his or her own person, then each person would be entitled to resist with right the state’s omnilateral claim to enforce acquired rights. Instead, the state must claim the power to define the objective standards governing each person’s person, as well as the power to resolve disputes about wrongs against persons in accor- dance with law that has been laid down in advance. Thus although there is no direct argument from the innate right of humanity to the creation of a civil condition—no civil condition could be mandatory if acquired rights were impossible, because nobody would have standing to force an- other into one—systematic enforcement of acquired rights generates the state’s authorization to make law with respect to innate right.¶ V. Conclusion¶ Kant characterizes the state of nature as a system of private rights with- out public right. The apparatus of private rights applies to transactions in it, but subject to three defects that make that application merely provi- sional. Each of the defects reflects difficulties of unilateral action. Ob- jects of choice cannot be acquired without a public authorization of ac- quisition; private rights cannot be enforced without a public mechanism through which enforcement is authorized by public law; private rights are indeterminate in their application to particulars without a publicly autho- rized arbiter. Even the innate right of humanity is insecure in such a con- dition, both because no remedy is possible in case of a completed wrong against a person, and because even the protective right to defend your person against ongoing attack is indeterminate in its application. These problems can only be solved by a form of association capable of making law on behalf of everyone, and authorizing both enforcement and adjudi- cation under law.

#### This requires a system of equal freedom—reciprocal limits on independence are necessary.

Ripstein 9 (Arthur, Professor of Law and Philosophy at the University of Toronto, and Chair of the Department of Philosophy, “Force and Freedom”, Harvard University Press, 2009//[LADI](http://www.theladi.org/evidence))

Interference with another person’s freedom creates a form of dependence; independence requires that one person not be subject to another person’s choice. Kant’s account of independence contrasts with more ro- bust conceptions of autonomy, which sometimes represent it as a feature of a particular agent. On this conception, if there were only one person in the world, it would make sense to ask whether and to what extent that person was autonomous. Kantian independence is not a feature of the in- dividual person considered in isolation, but of relations between persons. Independence contrasts with dependence on another person, being sub- ject to that person’s choice. It is relational, and so cannot be predicated of a particular person considered in isolation. The difference is important from two directions. First, in principle a slave with a benevolent master and favorable circumstances could be autonomous in the contemporary technical sense. A slave could never be independent, because what he is permitted to do is always dependent on his master’s choice or grace. Sec- ond, autonomy can be compromised by natural or self-inflicted factors no less than by the deeds of others; Kantian independence can only be com- promised by the deeds of others. It is not a good to be promoted; it is a constraint on the conduct of others, imposed by the fact that each person is entitled to be his or her own master.¶ Independence is the basic principle of right. It guarantees equal free- dom, and so requires that no person be subject to the choice of another. The idea of independence is similar to one that has been the target of many objections. The basic form of almost all of these focuses on the fact that any set of rules prohibits some acts that people would otherwise do, so that, for example, laws prohibiting personal injury and property dam- age put limits on the ability of people to do as they wish. Because differ- ent people have incompatible wants, to let one person do what [s]he wants will typically require preventing others from doing what they want. Thus, it has been contended, freedom cannot even be articulated as a political value, because freedoms always come into conflict, and the only way to mediate those conflicts is by appealing to goods other than freedom. As I will explain in more detail in Chapter 2, such an objection has some force against freedom understood as the ability to do whatever you wish, but fails to engage Kant’s conception of independence. Limits on indepen- dence generate a set of restrictions that are by their nature equally appli- cable to all. Their generality depends on the fact that they abstract from what Kant calls the “matter” of choice—the particular purposes being pursued—and focus instead on the capacity to set purposes without hav- ing them set by others. What you can accomplish depends on what oth- ers are doing—someone else can frustrate your plans by getting the last quart of milk in the store. If they do so, they don’t interfere with your in- dependence, because they impose no limits on your ability to use your powers to set and pursue your own purposes. They just change the world in ways that make your means useless for the particular purpose you would have set. Their entitlement to change the world in those ways just is their right to independence. In the same way, your ability to enter into cooperative activities with others depends upon their willingness to co- operate with you, and their entitlement to accept or decline your invita- tions is simply their right to independence.¶ Kant aims to show that independence, understood in this way, comprises a self-contained domain of reciprocal limits. The idea of a system of equal freedom both poses the problem and gives him the resources to provide a principled account of the most striking features of political life. Those who imagine that political powers can be used whenever doing so will bring about beneficial consequences see no need to draw a principledline around them. The Kantian commitment to freedom requires a prin- cipled account. Both the power to displace individual judgment, by hav- ing institutions and officials empowered to make decisions binding on everyone, and the power to enforce those decisions appear to be in ten- sion with the idea that individuals are free to set their own purposes ac- cording to their own judgment. Kant aims to do no less than show that the existence of such powers are not only consistent with but in fact re- quired by individual freedom.

#### Thus, the standard is consistency with a system of equal freedom. To clarify, we don’t say free speech is good or permissible—only that the state can’t *restrict* it. We have a duty to give to charity, but that doesn’t mean I can be forced to do so—prefer it additionally:

#### A. Precludes any consequentialist based theory

Louis-Philippe Hodgson 10 [Associate Professor of Philosophy, Glendon College, York University], “Kant on the Right to Freedom: A Defense”, Ethics 120, July 2010

The argument for the right to freedom rests on the assumption that a justification for the use of force is inadequate unless it is such that all, including those against whom force is used, must accept it. As I have put it, if we cannot answer conclusively an agent who asks, “What is that justification to me?” then our justification is simply of the wrong kind for the use of force. It might be helpful at this point to say more about the kind of view that this is meant to exclude. Classical utilitarianism provides a conspicuous illustration. On the view I attribute to Kant, the idea that the use of force might be justified in terms of its conduciveness to the greatest feasible good is a nonstarter—not because utilitarianism is necessarily false as a view about personal morality but because the proposed justification does not appropriately engage the standpoint of nonutilitarians. The problem is not that utilitarians have nothing to say to those who disagree with them; at the very least, they have the usual arguments in favor of their position. The problem is that the utilitarian justification for the use of force is supposed to draw its strength from the truth of utilitarianism itself—from the fact that morality actually demands that the good be maximized. That is precisely the kind of move that Kant’s approach precludes. On his view, any principle reg- ulating the use of force depends for its justification on whether it is one that all rational agents must accept; being correct according to some objective standard is not sufficient—it is not the right kind of normative fact to do justificatory work in this domain.

#### B. Even if freedom of expression might result in a loss of rights that doesn’t justify a prohibition

Ripstein 9 (Arthur, Professor of Law and Philosophy at the University of Toronto, and Chair of the Department of Philosophy, “Force and Freedom”, Harvard University Press, 2009//[LADI](http://www.theladi.org/evidence))

If you violate a duty of right, however, others are entitled to hinder your hindrance to freedom. This hindrance is not a strategic attempt to reduce the number of violations; it is simply the underlying right reasserting itself in a system in which choices reciprocally limit each other in accor- dance with universal law. If I invade the space you occupy, you can push me away. If I take what is yours, I must give it back, for no other reason than that it is yours. As Kant observes, if another person “has wronged me and I have a right to demand compensation from him, by this I will still only preserve what is mine undiminished.”53 Compelling someone to give me something so as to “preserve what is mine undiminished” cancels the wrong, leaving my external person and means intact. The initial wrong hinders my freedom by depriving me of powers with which I was able to set and pursue my purposes. The remedial force that is exercised in ex- acting payment cancels the initial, wrongful force, thus “hindering a hin- drance” to freedom. The form of the hindering of the hindrance—the matching of the remedy to the wrong, to make it as if the wrong had not occurred—can be shown a priori. Its matter in any particular case—the value of the thing I deprived you of, for example—requires a judgment about empirical particulars, which must be made in accordance with rational concepts, but is not exhausted by them.

#### Contention 1

#### Removing restrictions prevents prohibiting speech which is an essential freedom—restrictions in the status quo prevent people from acting on their agency no matter how miniscule the restrictions is.

Lambert 16 (Saber, writer @ being libertarian, “The Degradation of Free Speech and Personal Liberty,” April 9, 2016, https://beinglibertarian.com/the-degradation-of-free-speech-and-personal-liberty///[LADI](http://www.theladi.org/evidence))

Many individuals in society claim that they live in a free nation full of individual liberties. North American constitutions such as the ones implemented in the United States and Canada allow for freedom of speech. However, it is evident that the government has implemented and enforced policies to the contrary. There are a plethora of entertainment programs that have strict censorship policies that go against freedom of speech as it disallows, for example, television producers and musicians to use words or phrases that may be offensive directly or indirectly to a person or group. Regardless, if it is possibly offensive to one or many, the U.S. and Canadian constitutions allow for individuals to say very controversial things. However, restricting one’s freedom of speech in the form of censorship greatly impacts the exchange of ideas that are said to contribute to the (possibly) improvement of society. It is not up to the government to decide what individuals choose to say, read, or hear, and it should not be up to the government to decide what is acceptable within society. The Federal Communications Commission (FCC) in the United States controls all forms of television broadcasting and claims “it is a violation of federal law to air obscene programming at any time. It is also a violation of federal law to air indecent programming or profane language during certain hours.” It is quite clear that censorship by institutional power is a way to control a society in the sense that it determines what individuals in society can legally say, hear, or read. It is against the majoritarian virtues and values that are constitutionally instilled within a society, and is often paralleled to a form of dictatorship – no matter how miniscule.

#### Turns social justice arguments—lack of free speech re-create the majority/minority divide that means the minority loses out on having their voice heard.

Cartwright 3 (Will, “Mill on Freedom of Discussion,” Richmond Journal of Philosophy 5 (Autumn 2003), http://www.richmond-philosophy.net/rjp/back\_issues/rjp5\_cartwright.pdf//[LADI](http://www.theladi.org/evidence))

Though freedom of discussion was widely accepted even in Mill’s own day, he thinks that the arguments for it are not widely appreciated, something that is no doubt still true, and he holds, as he makes clear in chapter II, that one should not have beliefs without knowing the reasons for them. Moreover these arguments for free discussion have a wider relevance to issues of liberty, for Mill holds that these arguments, suitably adapted, are also arguments for freedom of action.2 There is a third reason for Mill’s emphasis on the arguments for free discussion and for freedom generally. He thinks that freedom is increasingly threatened, not so much by the law as by an oppressive public opinion, in England at least.3 Curbing this threat requires a widespread appreciation of why freedom of discussion and other freedoms are important. And the character of Mill’s arguments for free discussion is instructive in this context. They do not particularly emphasise the predicament of those who have been forcibly silenced. Thus we do not hear about the peculiar frustrations of being prohibited from expressing one’s view of the world and exploring it with others. Nor do we hear about the individual’s right to free speech. As a utilitarian Mill rejects the idea of natural rights, and emphasises that society as a whole, not just the silenced individual, loses by the repression of free discussion. But this means that the social majority, which is the source of the oppressive public opinion that Mill fears, also loses by repression. And it is the case, as we will see, that Mill’s detailed arguments emphasise that silencing people is in one way or another counterproductive, not just for society generally, but for the silencers in particular. One cannot help feeling that an important part of Mill’s aim is to persuade those occasionally inclined to curb free discussion, who will surely sometimes include Mill’s own civilised readers, and therefore us, that such curbs are self-defeating. So Mill has his reasons for devoting so much of his discussion to the case for a freedom that we all ostensibly believe in already. The reason why, in contrast, he has so little to say about the limits to this freedom, dealing with them in the first paragraph of chapter III, is perhaps in part because his position on this is apparently very simple. However it is fair to add that Mill elaborates this issue, with reference to freedom more generally, later in On Liberty.4 Mill’s Case for Liberty of Discussion Mill sets out his arguments for freedom of speech in chapter II of On Liberty. They are linked by a common concern with truth. The general idea is that truth is a casualty of the suppression of free discussion. In effect there are three arguments that are attached to three possible scenarios. In the first you are to imagine that a majority who share a certain view seek to silence the minority who disagree. You are further to suppose that the majority view is false, as it happens, and the minority view is true. Mill argues that in these circumstances it is disastrous to silence the minority, disastrous for the majority, that is, because there is now no means of releasing it from its belief in a falsehood. If however the minority remains free to express its doubts about the majority view, then there is a chance that the majority will be brought to see the falsity of its view. This is a powerful argument. The second scenario is the same as the first except that this time the majority view is true and the minority view false. Here a concern for truth might seem to support silencing the minority since its view is false. Suppressing falsehoods presumably supports truth. However Mill ingeniously denies this. He argues that if the majority silences its opponents, it will never have to defend its belief and over time will forget the arguments for it. But to have a belief without knowing the reasons for it is no way to hold a belief according to Mill. The belief may be true, but it is held as a prejudice. As well as losing its grasp of the arguments for its belief, Mill adds that the majority will in due course even lose a sense of the real meaning and substance of its belief. What earlier may have been a vital belief will be reduced in time to a series of phrases retained by rote. The belief will be held as a dead dogma rather than as a living truth. Finally, beliefs held like this are extremely vulnerable to serious opposition when it is eventually encountered. They are more likely to collapse because their supporters do not know how to defend them or even what they really mean. Mill thinks history repeatedly demonstrates this process at work and offers Christianity as an illustrative example. By Christianity Mill means the ethical core of the religion rather than its full apparatus of metaphysical beliefs, and he seems to think this ethical core is true. But by suppressing opposition to it over the centuries Christians have ironically weakened rather than strengthened Christian belief, and Mill thinks this explains the decline of Christianity in the modern world. Truth is, after all, a casualty of the suppression of falsehood. Mill’s third scenario involves both parties of opinion, majority and minority, having a portion of the truth but not the whole of it. He regards this as the most common of the three scenarios, and his argument here is very simple. To enlarge its grasp of the truth the majority must allow the minority to express its partially truthful view. These three scenarios exhaust for Mill the possible permutations on the distribution of truth, and he holds that in each case the search for truth is best served by allowing free discussion. Assessment of Mill’s Case The first and third of Mill’s arguments are the most persuasive. If the majority view is wholly or partially false, then allowing critical discussion surely enhances the chances of truth replacing error. But if the majority view is already true, as in the second argument, allowing critical discussion does involve risk. In the rough and tumble of public debate people may be seduced away from truth to false ideas. What Mill does in this argument is to draw attention to the risks to truth involved in the opposite strategy of silencing criticism. But the balance of risks here makes this argument less persuasive than the other two.

#### Debate and discourse isn’t intrinsically violent—even if it results in violent things the speech in and of itself isn’t harmful.

Anderson 6 — Amanda Anderson, Caroline Donovan Professor of English Literature and Department Chair at Johns Hopkins University, Senior Fellow at the School of Criticism and Theory at Cornell University, holds a Ph.D. in English from Cornell University, 2006 (“Reply to My Critic(s),” *Criticism*, Volume 48, Number 2, Spring, Available Online to Subscribing Institutions via Project MUSE, p. 285-287)

Let's first examine the claim that my book is "unwittingly" inviting a resurrection of the "Enlightenment-equals-totalitarianism position." How, one wonders, could a book promoting argument and debate, and promoting reason-giving practices as a kind of common ground that should prevail over assertions of cultural authenticity, somehow come to be seen as a dangerous resurgence of bad Enlightenment? Robbins tells us why: I want "argument on my own terms"—that [End Page 285] is, I want to impose reason on people, which is a form of power and oppression. But what can this possibly mean? Arguments stand or fall based on whether they are successful and persuasive, even an argument in favor of argument. It simply is not the case that an argument in favor of the importance of reasoned debate to liberal democracy is tantamount to oppressive power. To assume so is to assume, in the manner of Theodor Adorno and Max Horkheimer, that reason is itself violent, inherently, and that it will always mask power and enforce exclusions. But to assume this is to assume the very view of Enlightenment reason that Robbins claims we are "thankfully" well rid of. (I leave to the side the idea that any individual can proclaim that a debate is over, thankfully or not.) But perhaps Robbins will say, "I am not imagining that your argument is directly oppressive, but that what you argue for would be, if it were enforced." Yet my book doesn't imagine or suggest it is enforceable; I simply argue in favor of, I promote, an ethos of argument within a liberal democratic and proceduralist framework. As much as Robbins would like to think so, neither I nor the books I write can be cast as an arm of the police. Robbins wants to imagine a far more direct line of influence from criticism to political reality, however, and this is why it can be such a bad thing to suggest norms of argument. Watch as the gloves come off: Faced with the prospect of submitting to her version of argument—roughly, Habermas's version—and of being thus authorized to disagree only about other, smaller things, some may feel that there will have been an end to argument, or an end to the arguments they find most interesting. With current events in mind, I would be surprised if there were no recourse to the metaphor of a regular army facing a guerilla insurrection, hinting that Anderson wants to force her opponents to dress in uniform, reside in well-demarcated camps and capitals that can be bombed, fight by the rules of states (whether the states themselves abide by these rules or not), and so on—in short, that she wants to get the battle onto a terrain where her side will be assured of having the upper hand. Let's leave to the side the fact that this is a disowned hypothetical criticism. (As in, "Well, okay, yes, those are my gloves, but those are somebody else's hands they will have come off of.") Because far more interesting, actually, is the sudden elevation of stakes. It is a symptom of the sorry state of affairs in our profession that it plays out repeatedly this tragicomic tendency to give a grandiose political meaning to every object it analyzes or confronts. We have evidence of how desperate the situation is when we see it in a critic as thoughtful as Bruce Robbins, where it emerges as the need to allegorize a point about an argument in such a way that it gets cast as the equivalent of war atrocities. It is especially ironic in light of the fact that to the extent that I do give examples of the importance of liberal democratic proceduralism, I invoke the disregard of the protocols of international adjudication in the days leading up to the invasion of Iraq; I also speak [End Page 286] about concerns with voting transparency. It is hard for me to see how my argument about proceduralism can be associated with the policies of the Bush administration when that administration has exhibited a flagrant disregard of democratic procedure and the rule of law. I happen to think that a renewed focus on proceduralism is a timely venture, which is why I spend so much time discussing it in my final chapter. But I hasten to add that I am not interested in imagining that proceduralism is the sole political response to the needs of cultural criticism in our time: my goal in the book is to argue for a liberal democratic culture of argument, and to suggest ways in which argument is not served by trumping appeals to identity and charismatic authority. I fully admit that my examples are less political events than academic debates; for those uninterested in the shape of intellectual arguments, and eager for more direct and sustained discussion of contemporary politics, the approach will disappoint. Moreover, there will always be a tendency for a proceduralist to under-specify substance, and that is partly a principled decision, since the point is that agreements, compromises, and policies get worked out through the communicative and political process. My book is mainly concentrated on evaluating forms of arguments and appeals to ethos, both those that count as a form of trump card or distortion, and those that flesh out an understanding of argument as a universalist practice. There is an intermittent appeal to larger concerns in the political democratic culture, and that is because I see connections between the ideal of argument and the ideal of deliberative democracy. But there is clearly, and indeed necessarily, significant room for further elaboration here.

#### Arguments aren’t harmful *in-and-of themselves*. The burden of rejoinder is necessary for dialogue to occur, and there’s always a risk something offensive could be said, which proves that dialogue and limits on speech are zero sum.

Anderson 6 — Amanda Anderson, Caroline Donovan Professor of English Literature and Department Chair at Johns Hopkins University, Senior Fellow at the School of Criticism and Theory at Cornell University, holds a Ph.D. in English from Cornell University, 2006 (“Reply to My Critic(s),” *Criticism*, Volume 48, Number 2, Spring, Available Online to Subscribing Institutions via Project MUSE, p. 289)

Probyn's piece is a mixture of affective fallacy, argument by authority, and bald ad hominem. There's a pattern here: precisely the tendency to personalize argument and to foreground what Wendy Brown has called "states of injury." Probyn says, for example, that she "felt ostracized by the book's content and style." Ostracized? Argument here is seen as directly harming persons, and this is precisely the state of affairs to which I object. Argument is not injurious to persons. Policies are injurious to persons and institutionalized practices can alienate and exclude. But argument itself is not directly harmful; once one says it is, one is very close to a logic of censorship. The most productive thing to do in an open academic culture (and in societies that aspire to freedom and democracy) when you encounter a book or an argument that you disagree with is to produce a response or a book that states your disagreement. But to assert that the book itself directly harms you is tantamount to saying that you do not believe in argument or in the free exchange of ideas, that your claim to injury somehow damns your opponent's ideas.

### Militarism

#### The Nazis are back and hiding as “the alt-right” and capitalism is thriving with Trump’s new swamp in the White House—welcome to Trump’s dystopian America where the script has been flipped and liberals live and die by their self-righteousness. Within spaces of education liberals have insulated themselves from the conservative voices around them, which allows for the rise of Trump—only engagement in constructive dialogue can solve.

Dahlen 12/5 (Nathan, reporter @ the Heights, “Political Correctness in the Age of Trump,” December 5, 2016, http://bcheights.com/opinions/op-ed/2016/political-correctness-age-trump///[LADI](http://www.theladi.org/evidence))

“I think the big problem this country has is being politically correct. I’ve been challenged by so many people and I don’t, frankly, have time for total political correctness. And to be honest with you, this country doesn’t have time, either.” By invoking PC culture to excuse his callous language and behavior throughout his campaign, Trump distracted from the way in which the phenomenon has actually become a problem. In these instances, and so many more, Trump isn’t voicing a reasoned view—he is being mean and vindictive. If our politically correct culture stops Trump and people like him from calling women “dogs”, that is, if it upholds commonly accepted norms of treating other people with respect, I hope we can all agree that it is actually a good thing. On college campuses, which pundits often point to as the worst examples of excessive political correctness, we may actually need an even stronger PC culture, if we define it as the suppression of hateful insults. Earlier this semester, on our own campus, someone rearranged the letters of a parking lot sign to spell an anti-gay slur. After the election, several instances of hateful and discriminatory acts toward minorities were documented on other college campuses. But we cannot let Trump distort the term. PC culture is actually beneficial insofar as it suppresses the use of hateful language. The real problem is that it prevents people from expressing their views, which inhibits constructive discourse. It empowers people to ignore other arguments or instinctively condemn them, or worse, their author, as some sort of “ism” without considering the view on its own. In this sense, political correctness does reign tyrannically on college campuses, where the demand for ideological conformity limits intellectual diversity. When people do share dissenting social and political views, some simply refuse to listen, or worse. Innumerable examples have been criticized in the media over and over: Speakers disinvited from campuses, professors and administrators forced to step down, student op-ed columnists attacked and disavowed. It seems to me that these examples, which draw ire from all corners, are the clearest manifestations of a much more subtle and insidious culture that represses thought and expression. Campus debate about Trump and everything he represents, or lack thereof (debate, after all, implies disagreement), is a perfect, though regrettable example. Political correctness, if I can use the term to describe this phenomenon, is definitely a problem when students on campus, and indeed people across the country, feel unable to express their views, their instincts—like their support for Donald Trump—for fear of being labeled and attacked. I was utterly shocked and upset the night Trump won. In the following days, I felt angry and despondent. I had no desire to speak with anyone who voted for him, even though I have very little personally on the line with a Trump presidency. I realize, then, that this is easier for me to say than for others, but I would not be making this point about our culture if I did not feel strongly that decent and respectful conversation is the only way forward. Not only is freedom of thought and expression critical to the preservation of civilization, but without conversation, hearts and minds cannot change. People can only be persuaded if they are engaged in dialogue. People can only be engaged in dialogue if they feel comfortable enough to express their views. The more we realize how much we share in common with each other simply by virtue of being human, and that our political views do not define us, the more comfortable we’ll be talking with one another. Let’s forge a culture that both condemns hateful language and supports respectful, intellectually diverse discussion.

#### The role of the ballot is to voter for the debater that best critically empowers students—Debate should focus on creating a new generation of citizens that are critical thinkers educated about social problems—that’s key to equality

Giroux 15 (Henry, American scholar and cultural critic. One of the founding theorists of critical pedagogy in the United States, he is best known for his pioneering work in public pedagogy, “Higher Education and the Promise of Insurgent Public Memory,” March 3, 2015, http://truth-out.org/news/item/29396-higher-education-and-the-promise-of-insurgent-public-memory)// [LADI](http://www.theladi.org/evidence)

The current call to cleanse history in the name of a false patriotism that celebrates a new illiteracy as a way of loving the United States is a discourse of anti-memory, a willful attempt at forgetting the past in the manufactured fog of historical amnesia. This is particularly true when it comes to erasing the work of a number of critical intellectuals who have written about higher education as the practice of freedom, including John Dewey, George S. Counts, W.E.B. Du Bois, the Social Reconstructionists, and others, all of whom viewed higher education as integral to the development of both engaged critical citizens and the university as a democratic public sphere. (19) Under the reign of neoliberalism, with few exceptions, higher education appears to be increasingly decoupling itself from its historical legacy as a crucial public sphere, responsible for both educating students for the workplace and providing them with the modes of critical discourse, interpretation, judgment, imagination, and experiences that deepen and expand democracy. As universities adopt the ideology of the transnational corporation and become subordinated to the needs of capital, the war industries and the Pentagon, they are less concerned about how they might educate students about the ideology and civic practices of democratic governance and the necessity of using knowledge to address the challenges of public life. (20) Instead, as part of the post-9/11 military-industrial-academic complex, higher education increasingly conjoins military interests and market values, identities and social relations while the role of the university as a public good, a site of critical dialogue and a place that calls students to think, question, learn how to take risks, and act with compassion and conviction is dismissed as impractical or subversive. (21) The corporatization, militarization and dumbing down of rigorous scholarship, and the devaluing of the critical capacities of young people mark a sharp break from a once influential educational tradition in the United States. The corporatization, militarization and dumbing down of rigorous scholarship, and the devaluing of the critical capacities of young people mark a sharp break from a once influential educational tradition in the United States, extending from Thomas Jefferson to John Dewey to Maxine Greene, who held that freedom flourishes in the worldly space of the public realm only through the work of educated, critical citizens. Within this democratic tradition, education was not confused with training; instead, its critical function was propelled by the need to provide students with the knowledge and skills that enable a "politically interested and mobilized citizenry, one that has certain solidarities, is capable of acting on its own behalf, and anticipates a future of ever greater social equality across lines of race, gender, and class." (22) Other prominent educators and theorists such as Hannah Arendt, James B. Conant and Cornelius Castoriadis have long believed and rightly argued that we should not allow education to be modeled after the business world. Dewey, in particular, warned about the growing influence of the "corporate mentality" and the threat that the business model posed to public spaces, higher education and democracy. He argued:¶ The business mind, having its own conversation and language, its own interests, its own intimate groupings in which men of this mind, in their collective capacity, determine the tone of society at large as well as the government of industrial society.... We now have, although without formal or legal status, a mental and moral corporateness for which history affords no parallel. (23) Dewey and the other public intellectuals mentioned above shared a common vision and project of rethinking what role education might play in providing students with the habits of mind and ways of acting that would enable them to "identify and probe the most serious threats and dangers that democracy faces in a global world dominated by instrumental and technological thinking." (24) Conant, a former president of Harvard University, argued that higher education should create a class of "American radicals," who could fight for equality, favor public education, elevate human needs over property rights and challenge "groups which have attained too much power." (25) Conant's views seem so radical today that it is hard to imagine him being hired as a university president at Harvard or any other institution of higher learning.

#### Ethical focuses locks in a grammar of suffering – only a turn towards critical thought can create a new vocabulary for these discussions

Giroux 13 (Henry, American scholar and cultural critic. One of the founding theorists of critical pedagogy in the United States, he is best known for his pioneering work in public pedagogy, “Public Intellectuals Against the Neoliberal University,” 29 October 2013, <http://www.truth-out.org/opinion/item/19654-public-intellectuals-against-the-neoliberal-university>) [LADI](http://www.theladi.org/evidence)

In a market-driven system in which economic and political decisions are removed from social costs, the flight of critical thought and social responsibility is further accentuated by what Zygmunt Bauman calls "ethical tranquillization."6 One result is a form of depoliticization that works its way through the social order, removing social relations from the configurations of power that shape them, substituting what Wendy Brown calls "emotional and personal vocabularies for political ones in formulating solutions to political problems."6 Consequently, it becomes difficult for young people too often bereft of a critical education to translate private troubles into public concerns. As private interests trump the public good, public spaces are corroded, and short-term personal advantage replaces any larger notion of civic engagement and social responsibility. Under such circumstances, to cite C. W. Mills, we are witnessing the breakdown of democracy, the disappearance of critical intellectuals and "the collapse of those public spheres which offer a sense of critical agency and social imagination."8 Mill's prescient comments amplify what has become a tragic reality. Missing from neoliberal market societies are those public spheres - from public and higher education to the mainstream media and digital screen culture - where people can develop what might be called the civic imagination. For example, in the last few decades, we have seen market mentalities attempt to strip education of its public values, critical content and civic responsibilities as part of its broader goal of creating new subjects wedded to consumerism, risk-free relationships and the disappearance of the social state in the name of individual, expanded choice. Tied largely to instrumental ideologies and measurable paradigms, many institutions of higher education are now committed almost exclusively to economic goals, such as preparing students for the workforce - all done as part of an appeal to rationality, one that eschews matters of inequality, power and the ethical grammars of suffering.9 Many universities have not only strayed from their democratic mission, they also seem immune to the plight of students who face a harsh new world of high unemployment, the prospect of downward mobility and debilitating debt.

#### The alt right is being energized in the status quo—this should control the uniqueness frame—students are already engaging in harmful dialogue in the status quo it’s just a question of engagement from the other side—limits on free speech are just being used to sustain white supremacy

Harkinson 12/6 (Josh, reporter @ mother jones, “The Push to Enlist "Alt-Right" Recruits on College Campuses,” December 6, 2016, http://www.motherjones.com/politics/2016/12/richard-spencer-alt-right-college-activism//[LADI](http://www.theladi.org/evidence))

How much support is there for the loose-knit coalition of white nationalists and other far-right extremists known as the "alt-right"? Despite a spike in media coverage for the movement in the wake of Donald Trump's victory, a recent conference hosted by white nationalist Richard Spencer, who coined the term "alt-right," drew only about 275 attendees in Washington, DC. And after a video from the event went viral, showing audience members giving Nazi salutes to Spencer's cry of "hail Trump," the movement faced a fierce backlash. Although Trump named alt-right hero Stephen Bannon as his chief White House strategist, the president-elect went on to disavow the alt-right—in general terms, at least—in an interview with the New York Times. The movement gained momentum online in 2016 but is no longer just about social media, says Spencer; he sees a need to prove that the alt-right can attract supporters in the real world. And he says the best place to do that is on college campuses, starting with a speech he plans to deliver on Tuesday on the campus of Texas A&M University. "People in college are at this point in their lives where they are actually open to alternative perspectives, for better and for worse," Spencer says. "I think you do need to get them while they are young. I think rewiring the neurons of someone over 50 is effectively impossible." Recruiting on college campuses has long been a goal for "academic racists" such as Jared Taylor and Peter Brimelow, a white nationalist whom Spencer helped bring to Duke University for an event in 2007, when Spencer was a student there. In May, Spencer and other white nationalists set up a "safe space" on the University of California-Berkeley's Sproul Plaza to discuss "how race affects people of European heritage." He claims that he will be giving two more speeches about the alt-right at universities in California. "The left just owns academia through and through," Spencer says, "so I think it is important to go to the belly of the beast and not let them own it." In recent months, Breitbart News pundit Milo Yiannopoulos' "Dangerous Faggot Tour" drew crowds at college campuses around the country. Several colleges canceled scheduled talks by Yiannopoulos because of "security concerns." Yiannopoulos does not label himself "alt-right" but has characterized the movement as a legitimate response to political correctness. He often describes white males as victims of "reverse discrimination" and speaks euphemistically of defending "Western values." A talk that he gave on the alt-right at the University of Houston in September drew cheers and a chant invoking the name of the alt-right mascot Pepe the Frog. "That was a revelation for me," Spencer said about Yiannopoulos' talk. "What we are doing is known to people, it's edgy and dangerous, it's cool and hip. It's that thing our parents don't want us to do. So that was definitely a huge inspiration." University campuses historically have incubated a range of social movements, from Marxism to multiculturalism on the left to right-wing movements such as neoliberalism and fascism, including Nazism in Germany (and in the United States). More recently, several groups sympathetic to the alt-right have cropped up on some college campuses: Identity Evropa Identity Evropa describes itself as "a generation of awakened Europeans who have discovered we are part of the great peoples, history, and civilization that flowed from the European continent" and who "oppose those who would defame our history and rich cultural heritage." Founded in February by 30-year-old ex-Marine Nathan Damigo, a junior social science major at California State University-Stanislaus, the group has been active on several California campuses. Its supporters have plastered campuses and downtown areas with posters featuring slogans such as "Let's Become Great Again" and "Serve Your People" superimposed over images or European Renaissance art. Most college professors who teach classes about race and identity "haven't done their homework," says Damigo, who, like Spencer, promotes pseudoscientific theories about cognitive differences between the races. Most of his members, he says, are recent college graduates who discovered racialist ideas on their own and now aim to "mentor" younger students while "waging a culture war" on the ivory tower: "We want to have a constant presence there," he says. "We want to normalize our ideas and get to the point where we can push faculty into incorporating this literature into the lectures and into the educational program." In November, Damigo and more than two dozen Identity Evropa members attended Spencer's conference.

#### Ignoring these ideologies have allowed them to become normalized into mainstream discourse—it’s here whether we like it or not

Roberts 16 (Stephen, writer @ political storm, “The Alt-Right: the Good, the Bad, the Ugly,” December 2, 2016, http://www.politicalstorm.com/alt-right-good-bad-ugly///[LADI](http://www.theladi.org/evidence))

The ugly. There is also a virulent strain of white supremacism at work within the alt-right. Nationalism, when coupled with ethnicity, becomes downright racism. We must display caution here (in a way that many in the alt-right do not): not all of the alt-right are white supremacists. It would be supremely unfair to loop President-elect Trump in with this group simply because they supported him. Even Steve Bannon—former Breitbart editor and current Trump advisor—should not be called a white supremacist for expressing sympathy toward some of alt-rights aims, like nationalism. At the same time, we cannot entirely decouple Bannon and others from the more virulent strains. When popular pundits like Ann Coulter can peddle in the language of the alt-right—using terms like “cuckservative,” for example—she is peddling those virulent views into the mainstream. By providing outlets for elements of this movement that are far beyond the paleoconservative pale, figures like Coulter are generating greater publicity and acceptance for it. The GOP, in particular, must be especially concerned about this movement. It lends itself to the outdated stereotype of the GOP as the racist, misogynistic party. There is nothing wrong with being a nationalist—in fact, renewed patriotism and concern for our national well-being should be strongly encouraged. One can be an anti-PC iconoclast, however, without engaging in the same level of mockery that one would typically expect of the elites. The GOP should carefully distinguish between the populist movement, which swept Trump into power, and the alt-right—and then excise the latter.

#### There’s a direct trade-off—dialogue and first amendment limits are zero sum—even if theoretically they can coexist, the way this materially plays out always chills speech.

Lipson 16 (Charles, real clear politics writer, “Social Justice Warriors Against Free Speech,” August 29, 2016, http://www.realclearpolitics.com/articles/2016/08/29/social\_justice\_warriors\_against\_free\_speech\_131628.html//[LADI](http://www.theladi.org/evidence))

Well, that didn't take long. The Social Justice Warriors have emerged from their safe spaces and begun attacking the University of Chicago's statement supporting free speech and opposing trigger warnings and safe spaces. They are complaining for a good reason: They don’t want free speech to spread to other campuses. What are the main arguments against the Chicago letter? One of my former graduate students sent me this report from a group website for her liberal arts college (a very fine school). What do her fellow alums say? Well, for one, they are surprised they even need to make arguments for their side. For years, they haven't had to. Administrators, like those at the University of Missouri, simply rolled over and played dead rather than confront them. But that was political cowardice, not real intellectual engagement. Now that the Social Justice Warriors must defend their position, what do they say? The arguments against Chicago's free-speech letter They object to "no trigger warnings" because it is insensitive to people who have experienced trauma and might need a "heads-up" if they are going to encounter triggering content in class. They object to "no safe spaces" because those are the only places where marginalized groups will feel completely free to voice their opinions. They say safe spaces are not about banning dissenting viewpoints but about banning hateful, bigoted speech that is truly harmful. They reject the idea that colleges should be places where ideas are freely exchanged because “not all ideas are equal and some are too offensive to have a place in the community.” The common theme is "we must all be more sensitive. Otherwise people will be harmed psychologically." What's right with those arguments, and what's wrong? First, let's consider trigger warnings. There is absolutely nothing wrong with a professor or teaching assistant saying, "We are going to discuss Greek myths and some of you might find them troubling." But it’s also perfectly fine if, all of a sudden in a class on Greek myths, the professor discusses one. The students at Columbia University actually wanted warnings before all myths. Their demand was not about helping one or two students in a large class. It was simply bullying under the cloak of "sensitivity." Anyway, universities are all about discussing sensitive subjects and raising troubling questions. If a university is really vigorous, then the whole place should be wrapped in a gigantic trigger warning. Finally, as a teacher, how can I possibly anticipate all the things that might trigger students in my class on "Big Wars From Ancient Greece to Early Modern Europe" (a lecture course I am teaching next year)? When I mention the Roman war with German tribes on the Rhine, how can I know that your grandfather died fighting on the Rhine in World War II? Of course, if your grandfather did die fighting on the Rhine, or if your mother was named Jocasta and you accidentally slept with her, you might be triggered by the class discussions. What then? Well, that is why universities have mental-health professionals to help you deal with your anxieties, fears, and depression. Again, it is fine if professors want to give students a heads-up, but it is a mistake to demand it of everyone. It is a much bigger mistake to stifle class discussion for fear of offending. That's not hypothetical. That is exactly what happens in classrooms now. (So does ideologically rigid teaching that demands students repeat the professor's views. But that's another topic for another day.) Safe spaces are another ruse. Are they really the only places where marginalized groups will feel completely free to voice their opinions, as these fashionable liberal-arts students say? We need to distinguish among three kinds of places on campus: classrooms, public spaces, and private (or semi-private) places like sororities or campus houses for co-religionists. If classrooms do not invite free expression, then something is badly wrong with the university. Actually, some classrooms do not. They are almost always the classrooms run by the ideological comrades of the students demanding safe spaces. If you think diverse viewpoints are welcome in classes for race and gender studies, you are living in a dream world. In public spaces, like dining halls, people do sometimes group themselves voluntarily by race, sports, or dormitories. Nothing wrong with that, although persistent segregation by race, ethnicity, or religion would be a setback for the students' college experience. Finally, it is perfectly fine for people to find their cozy spaces privately, at Hillel House (for Jewish students) or Calvert House (for Catholics) or a fraternity, sorority, or club. Who invades those private spaces? Normally, it's the Social Justice Warriors from the Dean's Office who object to students wearing sombreros to a party featuring Mexican food. What about the argument that "safe spaces aren't about banning dissenting viewpoints but about banning hateful, bigoted speech that is truly harmful"? The obvious problem is this: Who decides? You think your march is to support women's reproductive rights. Your roommate thinks it is about killing unborn babies. Which position is hateful or bigoted? Again, who decides? Which of these is so hateful that it has no place in an academic community? But let's take the clear-cut example of racial epithets, which are hate speech and add nothing to academic debate or learning. They do cause emotional harm, or at least they can. The difficulty here is "Where do we draw the line?" and, again, "Who draws it?" Is it hate speech to say, "He hates to spend money. What a Jew"? Most Jews would say yes, that's hateful. What if I said, "He hates to spend money. What a Scotsman"? Most Scots would say that recognizes their financial prudence. It is precisely because drawing these distinctions is so hard that our First Amendment, as interpreted by the courts, gives very wide latitude to speech and draws the line at specific threats to individuals and other palpable dangers. Canada, by contrast, has laws barring insults to minorities. (So do most European countries.) That's why a book arguing that Canadian Muslims were not assimilating and some were becoming radicals was prohibited and its authors harshly fined. The author and publisher spent years, and hundreds of thousands of dollars, trying to reverse that ruling. In the U.S., the book sold well, though you probably never heard about it. Muslim-Americans seemed to survive it. There is real hate speech, of course, but you and I might not agree on what it is. And we might not agree on who gets to decide. I don't want some mid-level bureaucrat in the campus housing-and-dining office telling me what I cannot say or wear to a party. Get over it. By the way, the Yale professors who told students exactly that -- try not to be bothered by Halloween costumes you don't like -- were vilified, screamed at, taunted, and ultimately run out of their jobs in the housing system. Irony alert: They were brutally harassed by the sensitivity police.

#### The impact is mass violence and a re-creation of violent hegemonic systems of the status quo—only an unflinching agonistic stance can solve.

Wingenbach 11 (Ed, Notre Dame Government and international studies PhD, “Institutionalizing Agonistic Democracy,” pg 190-198, https://books.google.com/books?id=7-8JrC64UgwC&printsec=frontcover//[LADI](http://www.theladi.org/evidence))

Third, because Knops ignores the situated source of antagonism and the persistence of hegemony in the construction of meaning he misconceives the problem of subordination and oppression. **The objective of agonistic democracy is not to eliminate all relations of domination** and oppression; **this sort of utopian aspiration leads precisely to the rationalist exclusions** they are at pains to expose. Rather, **the goal is to craft conditions under which these relations can be made visible, and thus contested.** The **common values** that **make agonism possible, and their dominant institutional interpretations,** inevitably and explicitly favor some identities**, interests, or other articulations of subjectivity over other**s. In fact, these values and their dominant interpretations act to shape subjectivity so that they are seen not as constructions but simply "the way things are." Because Knops assumes the project of agonism is to eliminate these hegemonic relations of domination, he also assumes that Mouffe needs to establish an unbiased and objective set of criteria by which to identify and ameliorate these injustices. Hence his claim that her theory ultimately must rely on rationalist arguments. But agonism does not share this aspiration. Instead pluralist agonism accepts that the inevitability of injustice is the price of democratic plurality, and endeavors to identify practices that render these injustices amenable to contestation. **Agonism hopes to set interpretation against interpretation, identity against identity, hegemonic claim against hegemonic claim, so that in the perpetual conflict between citizens the burden of domination shifts and moves.** Where Knops sees unbiased consensus on rational principles eliminating domination, Mouffe sees an elaboration of hegemonic power so thorough as to make the injustices it produces not merely invisible but unthinkable. When Knops concludes that Mouffe's agonism should be seen as an adjunct to deliberation, one that calls attention to "the erroneous projection of one party's understandings onto another, constraining their meanings - it is fraught with the possibility of hegemony" (2007, 125), he is mistakenly subsuming agonism into deliberation by eliding the ontological distinctions between the two accounts. Deliberative democracy has faith that careful scrutiny of arguments, rational evaluation of principles, and deliberation oriented toward understanding will produce an unforced consensus shorn of power, domination, and manipulation. Its reconstruction of democratic principles is one that aspires to transcend the ambiguity of the everyday in order to resolve injustice. It takes this possibility as a real one, because its ontology is fundamentaily committed to the universality of human **nature. Agonistic democrats refuse any such commitments, asserting instead that the premises of social life are themselves products of humanity, and that the ontology within which our politics emerges is itself a product of political assertions**. No standard can be found or created that can extract us from this process of meaning creation, and thus all political standards should be understood as both historically constraining (we cannot start anew) and subject to collective reconstruction (we can act upon our situation by rendering it visible). Nonetheless, Knops's confusion is understandable-how is one to know what this process of contestation and reinterpretation looks like, absent some institutional suggestions consistent with the particularity of the history that makes agonism attractive? Political liberalism, modified as I suggested in the last chapter, helps clarify this question. Pluralist agonism requires some shared commitments without which the unavoidably contentious process of disputing hegemonic interpretations will descend into antagonism. Precisely because the clashes of politics are not oriented toward consensus, and precisely because democratic engagement always involves challenges with the potential to become explicitly violent (as all challenges are, at some level, hegemonic contestations), some institutional norms are needed to confine or limit the range of these battles. Agonism proposes that our situated context may provide governing norms that permit the procedures of contestation to occur, without those same norms becoming idealized or acquiring pseudo¬transcendent status. We begin from "our" norms, which contain within them some commitment to fundamental values (liberty/equality), but make the contest over the meaning and implementation of these norms a central aspect of institutional and political debate. Schmittian violence emerges when contestants cannot perceive a commonality sufficient to justify limitations of the tactics employed. But the commonality that permits these shared limits need not hold extra-political status. Put differently, the concern of critics of agonism seems to be that the barrier to violence can only be effective if it is itself uncontaminated by the conflicts it is meant to mediate, or can be sufficiently abstracted from these conflicts as to play a semi-transcendental role. If the boundaries of engagement are recognized as being themselves in play, then they will lack sufficient purchase to restrain politics. Thus the proposed dichotomy: either agonism will collapse into warfare, or agonism presupposes a hidden extra-political claim. Emphasizing the post-foundational elements from which agonism derives helps illustrate why this dichotomy can be plausibly refused. This is why the tum to Rawls (and, to a lesser extent, Habermas) is useful for agonistic democracy. Political liberalism details the way institutional and cultural structures shape and constrain political engagement without demanding an external anchor. Political liberalism is a situated reconstruction of the emergence of the values of liberal democracy and the operation of those values upon citizens. It is only the Rawlsian insistence upon a well-ordered society that makes political liberalism appear as a moralized account of democratic politics rather than a situated and contingent one. As I show in the previous chapter, the effectiveness of the situated norms of liberalism does not, ultimately, depend upon the semi-transcendental status Rawls evokes. That these values are ours historically, and that they shape our identities and aspirations contingently, provides sufficient status to guide political action. **Highlighting** this **contingency** **and inviting** citizen **engagement** **in conflicts over the interpretation** and application **of** these **values** **need not weaken their pragmatic significance**. **It is only dangerous to expose the contingency of our deeply shared ontopolitical premises if one of those premises suggests that legitimacy must be derived from criteria not subject to human agency.** It is on this point that agonism captures better than many theories the central insights of democratic theory. To the extent democracy is identified with individual and collective autonomy from imposed authority, to the extent democracy is identified with individual and collective agency over the terms of social cooperation, and to the extent democracy is identified with the rights of individuals and collectives to challenge these authorities and those terms, an agonistic account of democracy as situated historically while engaged in ongoing reconstruction of the contingent but deeply shared values of liberal democracy represents a powerful vision. It shares with other post-metaphysical theorists, like Habermas and Rawls, an emphasis on the reconstructive aspects of democratic theory, designed to adduce from extant practices and necessary assumptions the best possible description of legitimate democratic politics. But **it pushes these reconstructive projects further by demanding that the practices and institutions of democracy itself be engaged in this reconstruction rather than merely governed by it.** Agonistic democracy emerged reactively, offered as an alternative vision of liberalism, deliberation, and democratic engagement. The **emphasis of this work on critique, practices of identity, contestation of power, exposure of hegemonic interpretations, and so on depict a vision of democracy that is primarily procedural**: democracy reflects practices that take place within the existing realm of the political. **Agonism** thus **explicitly situates itself within existing institutional forms, not outside them.** Unlike radical democracy, **agonistic thinkers propose not a revolution but a reformation,** **urging that extant democratic resources be strengthened, democratic values reinterpreted, and hegemonic structures exposed and contested.** To the extent agonism is transformative, it is transformative from within the horizon of politics from which it emerges. Agonism does not evoke sudden and rapid change in the character of social order. **Over time agonism might lead, directly and indirectly, to dramatic reforms to, and even revolutionary redesign of, democratic institutions, but that change is inevitably slow**. **This makes agonism appear conservative when compared to radical democracy, as radical democracy takes as its goal the near term transformation and elimination of social and economic injustice. Agonism aspires to create a democratic social order that will lead to the amelioration or destruction of injustice, but recognizes that such injustices are embedded in the context of politics within which such work occurs and against which organization, mobilization, and resistance must take place.** **Agonism** does not represent transformation, but it **creates democratic conditions out of which real transformation might arise.** To claim that liberalism in its Rawlsian variant represents the best path for agonism is not a capitulation to the narratives of liberalism and its inevitable injustices, nor an endorsement of chastened conservatism about social change. It is to recognize that transformative politics begins within existing politics, and that an effective strategy must identify the structures most amenable to that project. Agonism as a political practice demands both the common ontopolitical framework within which conflict can take place and an institutional framework open to this practice. Political liberalism offers both, without also requiring agonism to shed its skepticism about foundational or teleological claims. Agonism presupposes active engagement with the situated character of social life in order to grasp our own circumstances without demanding to be liberated from them. Political liberalism takes these circumstances as the frame from which a governing interpretation of justice emerges; as long as this conception remains open to further reinterpretation (as it can be once severed from the insistence on stability) political liberalism supports agonistic politics. The objections of Mouffe and others can be attributed to Rawls's insistence that the governing interpretation of the political embody an overlapping consensus with deep roots in comprehensive moral doctrines, and which can be invoked to resolve contentious questions of democratic life. But as I demonstrated in the previous chapter, **the political conception can** also be understood as a relatively contingent modus vivendi, **subject itself to debate when invoked to resolve conflict.** For Rawls an overlapping consensus is necessary to forestall the sort of deeper public debate and passionate engagement that agonistic democrats hope to foster. Understanding the political conception as the negotiated but revisable shared interpretation of liberal democratic principles permits both the channeling of passionate conflict into agonistic engagement and the possibility that the governing interpretation can be itself an object of engagement. In fact, Mouffe makes the same distinction as Rawls between a political conception ("commitment to principles") and substantive moral doctrines, as does Connolly when he describes the practices of contemporary democratic citizenship: They embrace their faith at one level, and recoil back upon it at another to come to terms with the obdurate fact that it does not convince millions of others. Sometimes their own commitment is punctuated with a residual element of uncertainty. That seems noble to me, but perhaps not necessary to deep pluralism. What is needed is pursuit of a bicameral orientation to citizenship and being, in which you embrace your creed as you bring it into the public realm; and then recoil back without deep resentment on its contestability to open up negotiating space with others (Schoolman 2008: 316). The agonistic practice so envisioned is strikingly similar to that proposed by Rawls: citizens hold their own moral doctrines as true and complete, while recognizing that the entrance of this doctrine into the public realm will expose your absolute in its partiality. The bicameralism Connolly describes mirrors the distinction between comprehensive doctrines and the political conception, with the difference that Connolly does not think that faith is incompatible with democratic negotiation. Rawls excludes the metaphysical because it undermines the overlapping consensus, which must be minimal in order to be consensual. An agonistic political liberalism maintains this model without the demand that the passions, ideals, and beliefs of citizens be confined to the private realm. Since the political conception is recognizably partial, understood as hegemonic, and an explicit subject of political engagement, the line between metaphysical and political need not be policed. What the political conception does, once generated, is provide a guiding framework within which democratic conflicts can be engaged openly, where a real possible result of that engagement is a revision of the negotiated interpretation that is the condition of agonistic encounters. Mouffe asserts that "a difficult balance has to be struck between, on the one hand, democracy understood as a set of procedures required to cope with plurality, and, on the other, democracy as the adherence to values which inform a particular mode of coexistence" (1993: 131 ). Political liberalism shorn of the imperative to consensus capture this balance by offering the framework through which democratic societies can manage plurality by articulating a shared understanding of liberal values, while also permitting this articulation to be contested and revised. Agonism thus forestalls the idea that any democratic institution can claim substantive legitimacy for its use of power-any act of government is an act of a particular identity or interest acting upon (not implementing) the collective. There are collectively binding decisions but no collective decisions; the institutional conditions of democratic agonism are much like those described by Dahl's vision of polyarchy, where minorities rule and liberty is preserved by ensuring that no minority comes to dominate in the name of a fictionalized popular identity. Similarly, Connolly envisages a society "made up of intersecting and independent minorities of numerous types and sorts who occupy the same territorial space and who negotiate an ethos of engagement between themselves" (2000: 92). **This is the structural argument for an agonistic liberalism-a competitive environment of plural identities and interests will tend to undercut any and all claims to overcome contingency, thus cultivating practices that make visible and contest hegemonic interpretations. If this can happen within an agonistic cultural order, within a shared symbolic framework (liberty/equality), exercised by citizens informed by an ethos of reciprocity** and presumptive gratitude (which will, of course, require some material conditions to be maintained), it **is likely to maximize inclusion and minimize domination**. Under such circumstances the range of emancipatory visions and contested democratic norms is likely to be vast. Since the shared interpretation of common principles that permits agonistic participation is itself subject to the same regular challenge and renegotiation, the mechanism for significant democratic change resides at the heart of agonistic liberalism. And to the extent the experience of living in a society in which peaceful but passionate negotiation and renegotiation of the inherited values that bind people collectively is likely to shape subjectivity, as post-foundational thinkers and Rawlsian liberals all suggest, **the possibilities for dramatic transformation to the ontopolitical grounds of that social order increase as citizens come to see both conflict and reciprocity as living norms of political life.** There is room in this modus vivendi for radical visions of the future, and room for these visions to transform the temporary hegemony of the political conception of justice. While no political order, liberal or otherwise, can ever attain full transparency, consensus, or inclusion, an institutional commitment to negotiate and renegotiate terms of agreement that are themselves both the condition of further conflict and themselves subjects of this same conflict offers a vision of political life sufficiently capacious to render transformative change conceivable. I began this book with a discussion of post-foundationalism and its implications for politics. Agonistic democracy, I claimed, offers the account of democratic politics best suited to post-foundational circumstances in which claims to have achieved a stable consensus to guide political action, whether rooted in truth, nature, identity, morality, rationality, or any other extra-contextual criteria, cannot be sustained. I also argued that the justification for democracy, agonistic or otherwise, does not derive from the recognition of post-foundational conditions; like any other hegemonic ideal democracy is a situated product of the history within which its dominant position emerged. That is not to say that convergence on some sort of democratic norms is unlikely, as absent massive coercion or uncommon homogeneity the radical pluralism post-foundationalism tends to provoke is also likely to undermine claims to authority based upon claims of truth. In the case of western societies with liberal democratic histories, however, the convergence of post-foundational pluralism and an historical framework that privileges the values of equality and liberty produces circumstances in which democratic institutions are the unavoidable default for politics. A commitment to liberalism also shapes these historical conditions, so attempts to articulate an appropriate vision of democratic politics that expresses these situated values and embraces a post-foundational account of meaning must also grapple with the powerful role liberalism plays in the interpretation of democratic values in western democracies. These constraints are neither optional nor binding. **We find ourselves always already inhabiting a history of meaning, practice, and identity, and these elements of our being are not infinitely malleable. They may be transformed, reinterpreted, and eventually even** overcome, but such work begins with recognition of our limitations. Marx, despite his otherwise universalistic commitments, captured these circumstances as clearly anything in Heidegger's work, writing in The Eighteenth Brumaire of Louis Bonaparte that "men make their own history, but not of their own free will; not under circumstances they themselves have chosen but under the given and inherited circumstances with which they are directly confronted." The inherited circumstances of western democratic theory include the powerful presence of liberalism, and a viable theory aspiring to deepen democratic possibilities must grapple with this fact. This commitment to dealing with the world as we find it helps explain the recurrent frustration with agonism expressed by more radical critics. Because pluralist agonists focus on the situated possibilities inherent to the hegemonic interpretations and norms already in place and then try to expand these possibilities, they appear to those committed to the complete transformation of contemporary liberalism to be defending the status quo. Tally makes this argument in his review of Mouffe: The most damning critique of On the Political may be that it winds up reinforcing the status quo ... Indeed, Mouffe's agonistic politics does not seem very radical at all. Whenever Mouffe addresses practical matters, she uses the language of adversarial or agonistic politics, but evokes tame and familiar scenes. Mouffe argues for a pluralism that recognizes real differences, but that also ensures that everyone plays by the same rules. "Partisans" who really want to change the political landscape may not be allowed to participate (2007: 7-8). Vazquez-Arroyo (2004) develops a similar critique of Connolly. There are two problems with this critique, and addressing each will help clarify why an agonistic pluralism is best cultivated within liberal institutional bounds. First, the critique underestimates the democratic capacities of liberalism, associating all liberal accounts with a broader indictment of capitalist rationality. Second, the critique fails to account for the situated character of politics, asserting a transformative radicalism that agonism rejects. Often the objection to **liberalism offered by radical theorists represents an objection to an idea of liberalism imbricated with existing structures of inequality**, **a rationalistic account of individual interests**, and the problems of global capitalism. Liberalism thus represents a constellation of problems against which democratic advocates position themselves. Dietz identifies this view of liberalism as an abstracted enemy of democracy: "The polemic that afflicts so many current studies of democracy and citizenship is most evident at the level of discourse on liberal ism, where this complex and multifaceted historical phenomenon has become little more than an ideational enemy, or a suspect to be processed and called forth for 'rebuke'" (1998: 116). But liberalism is as complex and pluralistic as any other major account of contemporary politics, and both its theoretical and historical specificity should not be elided. **Some aspects of liberal politics contribute to visions of subjectivity that will generate resentment and oppression**, **but elements within these same theories might also be used to mitigate such pressures**. **Some versions of liberalism identify closely with capitalism and neo-liberal aspirations, but others endeavor to identify an economic order consistent with liberal values without offering any such privilege to markets or competition.** Some versions of liberalism presuppose strong forms of rationality while others are attentive to the variety of ways different identities organize and prioritize their values and actions. There is no single liberalism, and-democratic theory would do well to be attentive to the range of possibilities available within this plurality. Instead, liberalism "in much contemporary democratic theory, particularly post-structural and post¬foundational work, is taken to embody the flaws of modernity generally and thus becomes the flaw that democratic theorizing is intended to overcome" (Dietz 1998: 117). But a theory of democracy that takes historicity seriously cannot reduce liberalism to polemic and the dominant mode of democratic institution to that which is to be overcome. That liberal democracy is in practice and theory flawed is beyond dispute, but if it also lacks any potential to nurture a more democratic and less flawed practice then there is little hope for post-foundational democratic theory. **If only a rupture and overcoming can achieve democratic outcomes and democracy will ever be over the horizon of history, a democratic theory of institutions and engagement rather than** **resistance** **and aspiration is impossible**. I hope to have shown by looking carefully at Rawlsian liberalism as a singular and situated example of a particular and historically viable form of liberalism that the more **radical aspirations of democratic theory need not begin and end with the rejection of the dominant interpretation of democracy within and against which political action must engage. Agonistic theory can offer an account of democracy mindful of both the danger and the potential of the liberal hegemony.** Agonism does not envision contestation extending "all the way" down, as it were. **The ontopolitical foundations of agonistic democracy are contingent and revisable**, **but they cannot be the constant object of debate**. **If**, as I have tried to argue, **a** **post-foundational politics demands the recognition both of the contingency of foundations and the situated limits to the range of possible meanings found in any particular grounds of the political**, **then an agonistic politics must also be a bounded politics.** **Agonism works within historicity in order to expand the constellation of conceivable conflicts, without rejecting the tragic reality that limits to inclusion are endemic to politics**. **Hegemony can be productive or destructive,** democratic or authoritarian, contested or univocal, **but hegemony cannot be universal.** **Post-foundational politics embraces the inevitability of boundaries and limits**, **and** then **works to make those boundaries as wide as possible without turning debates into ontological conflicts**, conflicts **that cannot but be violent as they take place outside the grounds of shared ontopolitical premises**. **Calling perspectives that accept the contingent liberal principles of democratic politics legitimate may seem dangerous, as it implies that perspectives beyond this consensus are illicit and excluded.** And it does so imply. But the language of legitimacy is unavoidable for post-foundational politics. "Contrary to the dialogic approach, the democratic debate is conceived as a real confrontation. **Adversaries do fight** - even **fiercely** - but according to a shared set of rules, and their positions, despite being ultimately irreconcilable, are accepted as legitimate perspectives" (Mouffe 2005a: 52). The condition of peaceful democratic **agonism is a** **willingness to accept some set of principles, interpretations, or procedures as legitimate, even if that legitimacy is understood as subject to legitimate conflict itself.** Pluralist agonism endeavors not to utterly transform the political in order to bring about a new democratic dawn. Instead, it aspires to deepen, extend, and intensify the democratic capacity for contestation and questioning already latent within the situated norms and hegemonic articulations of the political. **At some point the confrontation between principles is so vast that the contest must be antagonistic**, and enemies simply cannot recognize one another as legitimate. **Political liberalism offers a set of principles and practices compatible with the type of "conflictual consensus" agonistic democrats advocate, while also highlighting the historically contingent yet also ontologically powerful status of these same principles.** Post-foundationalism dictates democratic theorizing both pay close attention to the ontopolitical grounds of any proposed politics and propose ways to preserve the pluralism that inevitably follows from the recognition of contingency. **A theory of agonistic democracy embedded within a modified version of political liberalism can support institutions capable of addressing both imperatives**, **and the institutions it supports are not** remarkably **different from those envisioned by liberal theory**. The resources necessary for agonistic transformation are present in the political institutions, political culture, and political theory of contemporary democracy**. The modified political liberalism proposed in this book is probably not the only institutional possibility for agonistic democracy, but its plausibility demonstrates that institutionalization is neither incompatible with agonistic principles nor impossible to develop within existing social norms. By situating liberalism explicitly within a post-foundational ontology,** **liberalism is transformed in significant ways and its practices opened up to greater contestation, generosity, and active re-constitution.**

#### Only through formative education can students act on civic commitments but that requires a change in how they currently engage in dialogue—try or die for the aff

Giroux 13 (Henry, American scholar and cultural critic. One of the founding theorists of critical pedagogy in the United States, he is best known for his pioneering work in public pedagogy, “Public Intellectuals Against the Neoliberal University,” 29 October 2013, http://www.truth-out.org/opinion/item/19654-public-intellectuals-against-the-neoliberal-university)// [LADI](http://www.theladi.org/evidence)

In a dystopian society, utopian thought becomes sterile, and paraphrasing Theodor Adorno, thinking becomes an act of utter stupidity. Anti-public intellectuals now define the larger cultural landscape, all too willing to flaunt co-option and reap the rewards of venting insults at their assigned opponents while being reduced to the status of paid servants of powerful economic interests. But the problem is not simply with the rise of a right-wing cultural apparatus dedicated to preserving the power and wealth of the rich and corporate elite. As Stuart Hall recently remarked, the state of progressive thought is also in jeopardy in that, as he puts it, "The left is in trouble. It's not got any ideas, it's not got any independent analysis of its own, and therefore, it's got no vision. It just takes the temperature . . . It has no sense of politics being educative, of politics changing the way people see things."28 Of course, Hall is not suggesting the left has no ideas to speak of. He is suggesting that such ideas are removed from the larger issue of what it means to address education and the production and reception of meaningful ideas as a mode of pedagogy that is central to politics itself. The issue of politics being educative, of recognizing that matters of pedagogy, subjectivity and consciousness are at the heart of political and moral concerns, should not be lost on academics. Nor should the relevance of education being at the heart of politics be lost on those of us concerned about inviting the public back into higher education and rethinking the purpose and meaning of higher education itself. Democracy places civic demands upon its citizens, and such demands point to the necessity of an education that is broad-based, critical and supportive of meaningful civic values, participation in self-governance and democratic leadership. Only through such a formative and critical educational culture can students learn how to become individual and social agents, rather than disengaged spectators or uncritical consumers, able both to think otherwise and to act upon civic commitments that "necessitate a reordering of basic power arrangements" fundamental to promoting the common good and producing a strong democracy. This is not a matter of imposing values on education and in our classrooms. The university and the classroom are already defined through power-laden discourses and a myriad of values that are often part of the hidden curriculum of educational politics and pedagogy. A more accurate position would be, as Toni Morrison points out, to take up our responsibility "as citizen/scholars in the university [and] to accept the consequences of our own value-redolent roles." She continues: "Like it or not, we are paradigms of our own values, advertisements of our own ethics - especially noticeable when we presume to foster ethics-free, value-lite education."29

### A2 Fighting Words Turn

#### “Fighting words” doctrine is rarely applied – it’s a narrow criterion

ACLU No Date (American Civil Liberties Union, “HATE SPEECH ON CAMPUS,” https://www.aclu.org/other/hate-speech-campus//[LADI](http://www.theladi.org/evidence))

Q: Aren't some kinds of communication not protected under the First Amendment, like "fighting words?" A: The U.S. Supreme Court did rule in 1942, in a case called Chaplinsky v. New Hampshire, that intimidating speech directed at a specific individual in a face-to-face confrontation amounts to "fighting words," and that the person engaging in such speech can be punished if "by their very utterance [the words] inflict injury or tend to incite an immediate breach of the peace." Say, a white student stops a black student on campus and utters a racial slur. In that one-on-one confrontation, which could easily come to blows, the offending student could be disciplined under the "fighting words" doctrine for racial harassment. Over the past 50 years, however, the Court hasn't found the "fighting words" doctrine applicable in any of the hate speech cases that have come before it, since the incidents involved didn't meet the narrow criteria stated above. Ignoring that history, the folks who advocate campus speech codes try to stretch the doctrine's application to fit words or symbols that cause discomfort, offense or emotional pain.

### Alt Right High Now

#### The alt-right marks the returning of violent white supremacism

Caldwell 16 (Christopher, senior editor at The Weekly Standard, “What the Alt-Right Really Means,” December 2, 2016, http://www.nytimes.com/2016/12/02/opinion/sunday/what-the-alt-right-really-means.html?\_r=0//[LADI](http://www.theladi.org/evidence))

Not even those most depressed about Donald J. Trump’s election and what it might portend could have envisioned the scene that took place just before Thanksgiving in a meeting room a few blocks from the White House. The white nationalist Richard B. Spencer was rallying about 200 kindred spirits. “We are not meant to live in shame and weakness and disgrace,” he said. “We were not meant to beg for moral validation from some of the most despicable creatures to ever populate the planet.” When Mr. Spencer shouted, “Hail, Trump! Hail, our people! Hail, victory!” a scattered half-dozen men stood and raised their arms in Nazi salutes. Mr. Spencer, however you describe him, calls himself a part of the “alt-right” — a new term for an informal and ill-defined collection of internet-based radicals. As such, he poses a complication for the incoming president. Stephen K. Bannon, the executive chairman of Breitbart News, whom Mr. Trump has picked as his chief White House strategist, told an interviewer in July that he considered Breitbart a “platform for the alt-right.” Perhaps we should not make too much of this. Mr. Bannon may have meant something quite different by the term. Last summer “alt-right,” though it carried overtones of extremism, was not an outright synonym for ideologies like Mr. Spencer’s. But in late August, Hillary Clinton devoted a speech to the alt-right, calling it simply a new label for an old kind of white supremacy that Mr. Trump was shamelessly exploiting. Groups such as Mr. Spencer’s, which had indeed rallied behind Mr. Trump, were delighted with the attention. Mr. Spencer called the days after the Clinton speech “maybe the greatest week we ever had.” While he does not consider either Mr. Trump or Mr. Bannon alt-right, Mr. Spencer has expressed hope that the press’s describing them as such will help his own group grow. The alt-right is not a large movement, but the prominence that it is enjoying in the early days of the Trump era may tell us something about the way the country is changing. At least since the end of the Cold War, and certainly since the election of a black president in 2008, America’s shifting identity — political, cultural and racial — has given rise to many questions about who we are as a nation. But one kind of answer was off the table: the suggestion that America’s multicultural present might, in any way, be a comedown from its past had become a taboo. This year a candidate broke it. He promised to “make America great again.” And he won the presidency. Mr. Trump’s success is bound to embolden other dissenters. This could mean a political climate in which reservations about such multiculturalist policies as affirmative action are voiced more strenuously. It could mean a rise in racial conflict and a platform for alarming movements like Mr. Spencer’s. More likely, it is going to bring a hard-to-interpret mix of those things. Mr. Spencer, 38, directs the National Policy Institute, which sponsored the Washington meeting. Despite its name, the institute has little to say about policy, although it has called for a 50-year moratorium on immigration. What it mostly does is seek to unite people around the proposition that, as Mr. Spencer put it, “Race is real, race matters, and race is the foundation of identity.” There are many such groups, varying along a spectrum of couth and intellect. Mr. Spencer, who dropped out of a doctoral program at Duke and worked, briefly, as an editor for The American Conservative, has his own online review, Radix Journal. The eloquent Yale-educated author Jared Taylor, who hosts the American Renaissance website and magazine, was at the conference, too. Kevin MacDonald, a retired psychology professor whose trilogy on Jewish influence is a touchstone for the movement, also came. There were cheers from the crowd at the mention of Andrew Anglin, who runs a neo-Nazi website called The Daily Stormer, but he was not there. Neither was Greg Johnson, whose online review Counter-Currents translates right-wing writings from various European languages. Some of these groups sprouted on the internet. Others have been around since before it existed. There is no obvious catchall word for them. The word “racist” has been stretched to cover an attitude toward biology, a disposition to hate, and a varying set of policy preferences, from stop-and-frisk policing to repatriating illegal immigrants. While everyone in this set of groups is racist in at least one of these senses, many are not racist in others. Not many of the attendees at the Washington gathering favored the term “white supremacist.” The word implies a claim to superiority — something few insisted on. “White nationalist” is closer to the mark; most people in this part of the alt-right think whites either ought to have a nation or constitute one already. But they feel that almost all words tend to misdescribe or stigmatize them. Almost all of them are gung-ho for Mr. Trump. That is a surprise. “I’ve been watching these people for 17 years,” said Heidi Beirich, who follows extremist movements for the Southern Poverty Law Center. “It’s the first time I’ve seen them come out for a candidate.” Mr. Trump disavowed the alt-righters once the excesses of Mr. Spencer’s conference went viral. But as a candidate, Mr. Trump called the government corrupt, assailed the Republican establishment, flouted almost every rule of political etiquette, racial and otherwise, and did so in a way that made the alt-righters trust his instincts. And whether or not he exploited them as shamelessly as Mrs. Clinton alleged, he did little to put the public at ease on the matter — retweeting posts from someone called @WhiteGenocideTM and dawdling before disavowing the endorsement of the former Ku Klux Klan leader David Duke. “I don’t think that Trump is a rabid white nationalist,” the alt-right blogger Millennial Woes said at a speech in Seattle days after the election. “I think that he just wants to restore America to what he knew as a young man, as a child. And I think he probably does know at some level that the way to do it is to get more white people here and fewer brown people.” Mr. Spencer speaks of Mr. Trump’s campaign as a “body without a head” and considers many of his policies “half-baked.” But for him, that is not the point. “Donald Trump is the first step towards identity politics for European-Americans in the United States,” he said. There is no good evidence that Mr. Trump or Mr. Bannon think in terms like these. Not even the former Breitbart editor at large Ben Shapiro, who has become an energetic critic of Mr. Bannon and his agenda, says that Mr. Bannon is himself a racist or an anti-Semite. Mr. Shapiro considers fears that Mr. Bannon will bring white nationalism to the White House “overstated, at the very least.” To be sure, Mr. Bannon holds right-wing views. He believes that a “global Tea Party movement” is underway, one that would fight crony capitalism and defend Western culture against radical Islam. In a 2014 speech he showed an interest in linking up American activists with certain European populist movements, including opponents of both the European Union and same-sex marriage. But while he recognized that some groups, such as France’s National Front, had “baggage, both ethnically and racially,” he expressed confidence that their intolerance “will all be worked through with time.” Until Hillary Clinton’s speech last summer, a similarly broad idea prevailed of what the alt-right was. The Southern Poverty Law Center’s webpage on the movement traces some of its roots to libertarian followers of Ron Paul and traditionalist Christians. Neither were in evidence at the National Policy Institute conference in Washington. The adjective “alt-right” has been attached in the past to those, like the undercover documentarian James O’Keefe (known for his secret recordings of Planned Parenthood encounters), whose conservatism is mainstream, even if their tactics are not. Understood this way, the alt-right did look as if it might be a pillar of Mr. Bannon’s world Tea Party. This was especially so if you worked for one of Mr. Bannon’s enterprises. Last March, Breitbart’s Milo Yiannopoulos, a peroxide-blond gay Trump supporter, critic of feminism and internet “troll” of a particularly aggressive kind, helped write “An Establishment Conservative’s Guide to the Alt-Right,” which painted the movement as “born out of the youthful, subversive, underground edges of the internet,” treating the neo-Nazis in its ranks as unrepresentative. But since then, and certainly since the National Policy Institute event, alt-right has come more and more to mean white nationalist. Mr. Yiannopoulos’s exuberant youths look peripheral to the movement, the extremists central. William Johnson of the American Freedom Party even wrote Mr. Spencer a letter accusing him of squandering what might have been a “start-over moniker” — a gentler term that didn’t invite immediate dismissal — for his fellow white nationalists. How big is the movement? There is a “hard core” of thousands or tens of thousands who are “taking us seriously on a daily basis,” Mr. Spencer said. But both members and detractors have an incentive to exaggerate the alt-right’s size. The National Policy Institute, at this point, would have trouble holding a serious street rally, let alone turning into a mass political party. Even so, this more narrowly defined alt-right may be a force. In the internet age, political consciousness can be raised not just through quarterlies, parties and rallies but also through comment boards, console games and music videos. The internet solves the organizing problem of mobs, even as it gives them incentives not to stray from their screens. The adjective “alt-right” does not just denote recycled extremist views — it also reflects the way those views have been pollinated by other internet concerns and updated in the process. For example, the alt-right has an environmentalist component, centered on a neo-pagan group called the Wolves of Vinland. The Norwegian heavy-metal musician Varg Vikernes, after serving 16 years for murder, has an alt-right blog that contains his musings on everything from Norse mythology to the meaning of the Norwegian mass murderer Anders Breivik. There are sci-fi and video-game enthusiasts, too, including many who participated in the “GamerGate” uproar of 2014, which pitted (as the alt-right sees it) feminist game designers trying to emasculate the gaming world against (as the feminists saw it) a bunch of misogynist losers. But most of all there is sex. The alt-right has a lot of young men in it, young men whose ideology can be assumed to confront them with obstacles to meeting people and dating. Sex-cynicism and race-pessimism, of course, often travel in tandem. At the National Policy Institute conference, the writer F. Roger Devlin gave a talk on why young Norwegian women in Groruddalen, outside Oslo, preferred dating Somali and Pakistani gang members to ethnic Norwegian boys-next-door. “The female instinct is to mate with socially dominant men,” he explained, “and it does not matter how such dominance is achieved.” Likewise, the common alt-right slur “cuckservative,” a portmanteau combining cuckold and conservative, is not just a colorful way of saying that establishment conservatives have been unmanly. According to Matthew Tait, a young ex-member of the far-right British National Party, the metaphor has a precise ornithological meaning. Like the reed-warbler hatching eggs that a cuckoo (from which the word “cuckold” comes) has dropped into its nest, cuckservatives are raising the offspring of their foes. One can apply the metaphor equally to progressive ideas or to the children of the foreign-born. Type “reed warbler” into YouTube, and you will find a video with more than a million views, along with a considerable thread of alt-right commentary. The internet liberates us to be our worst selves. Where other movements have orators and activists, the alt-right also has ruthless trolls and “doxers.” The trolls bombard Twitter and email accounts with slur-filled letters and Photoshopped art. Doxing is the releasing of personal information onto the internet. Last month, several alt-right writers, including Mr. Spencer, had their accounts suspended by Twitter. Mr. Spencer says he appreciates the “frenetic energy” of trolling but doesn’t do it himself. The alt-right did not invent these tactics. But during this election the trolling reached a sadistic pitch. Journalists who opposed Mr. Trump received photos of themselves — and in some cases their children — dead, or in gas chambers. Jewish and Jewish-surnamed journalists were particular targets, especially those seen to be thwarting Mr. Trump’s rise: Jonah Goldberg, Julia Ioffe and Ben Shapiro, among others. The Daily Stormer has been particularly aggressive in deploying its “troll army” against those with whom it disagrees. A signature punctuation of the alt-right is to mark Jewish names with “echoes,” or triple parentheses, like (((this))). One got a strange sensation at the National Policy Institute gathering that everyone in the room was either over 60 or under 40. There was a lot of tomorrow-belongs-to-me optimism, as if the attendees felt the ideas being aired there were on the verge of going mainstream. Whether this had anything to do with Mr. Trump’s victory or the effect of alt-right rebranding was hard for a newcomer to say. As Mr. Spencer spoke, a dapper guy named Ryan looked on. Ryan was a 27-year-old who sported the common “fashy” haircut — close-cropped (like a skinhead) on the sides, free-flowing (like a mullet) on the top. Mr. Spencer was lecturing journalists about how it took courage to embrace a movement that was “quite frankly, heretical.” “For the moment,” Ryan muttered. Mr. Tait, who hopes to start an alt-right movement in England, said: “What you’re seeing now is young people who have never been affiliated to any kind of politics, ever. They don’t remember what it was like before the war or in the 1960s or even in the 1980s. Their motivation isn’t a sense of loss.” That is what is “alt” about the alt-right. These people are not nostalgic. They may not even be conservatives. For them, multiculturalism is not an affront to traditional notions of society, as it would have been in the Reagan era. It is society. The Vanderbilt University political scientist Carol Swain was among the first to describe the contours of this worldview. In her 2002 book, “The New White Nationalism in America,” she noted that young people were quick to identify double standards, and that they sometimes did so in the name of legitimate policy concerns. “I knew that identity would come next,” she recalled. “It had to come. All they had to do was copy what they were hearing. The multiculturalist arguments you hear on every campus — those work for whites, too.” Mr. Spencer, asked in an interview how he would respond to the accusation that his group was practicing identity politics in the manner of blacks and Hispanics, replied: “I’d say: ‘Yuh. You’re right.’ ” Professor Swain’s analysis does not just pertain to radicals. It is a plausible account of what is happening in the American electoral mainstream. The alt-right is small. It may remain so. And yet, while small, it is part of something this election showed to be much bigger: the emergence of white people, who evidently feel their identity is under attack, as a “minority”-style political bloc.

## Answers to Negative Positions

### A2 Neoliberalism K

#### The AFF is key to overturn current restrictions on discourse that depoliticize oppression by focusing on individual trauma and identity politics instead of the structural system of neoliberalism that creates social problems in the first place.

Chowsky 16, Aviva, "Students vs. Neoliberals: The Unreported Conflict at the Heart of Our Campus Culture War”, Salon, 5/25/16. //[LADI](http://www.theladi.org/evidence)

The Neoliberal University University administrators have been particularly amenable to student demands that fit with current trends in higher education. Today’s neoliberal university is increasingly facing market pressures like loss of state funding, privatization, rising tuition, and student debt, while promoting a business model that emphasizes the managerial control of faculty through constant “assessment,” emphasis on “accountability,” and rewards for “efficiency.” Meanwhile, in a society in which labor unions are constantly being weakened, the higher education labor force is similarly being — in the term of the moment — “[flexibilized](http://www.amazon.com/dp/0823228606/ref=nosim/?tag=tomdispatch-20)” through the weakening of tenure, that once ironclad guarantee of professorial lifetime employment, and the increased use of temporary adjunct faculty. In this context, universities are scrambling to accommodate student activism for racial justice by incorporating the more individualized and personal side of it into increasingly depoliticized cultural studies programs and business-friendly, market-oriented academic ways of thinking. Not surprisingly, how today’s students frame their demands often reflects the environment in which they are being raised and educated. Postmodern theory, an approach which still reigns in so many liberal arts programs, encourages textual analysis that reveals hidden assumptions encoded in words; psychology has popularized the importance of individual trauma; and the [neoliberal ideology](http://eepat.net/doku.php?id=neoliberalism) that has come to permeate so many schools emphasizes individual behavior as the most important agent for social change. Add together these three strands of thought, now deeply embedded in a college education, and injustice becomes a matter of the wrongs individuals inflict on others at a deeply personal level. Deemphasized are the policies and structures that are built into how society (and the university) works. For this reason, while schools have downplayed or ignored student demands for changes in admissions, tuition, union rights, pay scales, and management prerogatives, they have jumped into the heated debate the student movement has launched over “[microaggressions](http://www.nytimes.com/2014/03/22/us/as-diversity-increases-slights-get-subtler-but-still-sting.html?_r=0)” — pervasive, stereotypical remarks that assume whiteness as a norm and exoticize people of color, while taking for granted the white nature of institutions of higher learning. As part of the present wave of protest, students of color have, for instance, highlighted their daily experiences of casual and everyday racism — statements or questions like “where are you from?” (when the answer is: the same place you’re from) or “as a [fill in the blank], how do you feel about…” Student protests against such comments, especially when they are made by professors or school administrators, and the mindsets that go with them are precisely what the right is apt to dismiss as political correctness run wild and university administrations are embracing as the essence of the present on-campus movement. At Yale, the Intercultural Affairs Committee [advised students](https://www.thefire.org/email-from-intercultural-affairs/) to avoid racially offensive Halloween costumes. When a faculty member and resident house adviser circulated an [email](https://www.thefire.org/email-from-erika-christakis-dressing-yourselves-email-to-silliman-college-yale-students-on-halloween-costumes/) critiquing the paternalism of such an administrative mandate, student protests erupted calling for her removal. While Yale declined to remove her from her post as a house adviser, she stepped down from her teaching position. At Emory, students [protested](https://www.washingtonpost.com/news/grade-point/wp/2016/03/24/someone-wrote-trump-2016-on-emorys-campus-in-chalk-some-students-said-they-no-longer-feel-safe/) the “pain” they experienced at seeing “Trump 2016” graffiti on campus, and the university president assured them that he “heard [their] message… about values regarding diversity and respect that clash with Emory’s own.” Administrators are scrambling to implement new diversity initiatives and on-campus training programs — and hiring expensive private consulting firms to help them do so. At the University of Missouri, the president and chancellor both [resigned](https://www.washingtonpost.com/news/grade-point/wp/2015/11/09/missouris-student-government-calls-for-university-presidents-removal/) in the face of student protests including a hunger strike and a football team game boycott in the wake of racial incidents on campus including public racist slurs and symbols. So did the dean of students at Claremont McKenna College (CMC), when protest erupted over her reference to students (implicitly of color) who “[don’t fit our CMC mold](http://www.latimes.com/local/lanow/la-me-ln-claremont-marches-20151112-story.html).” Historian and activist Robin Kelley [suggests](https://bostonreview.net/forum/robin-d-g-kelley-black-study-black-struggle) that today’s protests, even as they “push for measures that would make campuses more hospitable to students of color: greater diversity, inclusion, safety, and affordability,” operate under a contradictory logic that is seldom articulated. To what extent, he wonders, does the student goal of “[leaning in](http://www.amazon.com/Lean-Women-Work-Will-Lead/dp/0385349947)” and creating more spaces for people of color at the top of an unequal and unjust social order clash with the urge of the same protesters to challenge that unjust social order? Kelley [argues](https://bostonreview.net/forum/robin-d-g-kelley-black-study-black-struggle) that the language of “trauma” and mental health that has come to dominate campuses also works to individualize and depoliticize the very idea of racial oppression. The words “trauma, PTSD, micro-aggression, and triggers,” he points out, “have virtually replaced oppression, repression, and subjugation.” He explains that, “while trauma can be an entrance into activism, it is not in itself a destination and may even trick activists into adopting the language of the neoliberal institutions they are at pains to reject.” This is why, he adds, for university administrators, diversity and cultural competency initiatives have become go-to solutions that “shift race from the public sphere into the psyche” and strip the present round of demonstrations of some of their power. **Cultural Politics and Inequality** In recent years, cultural, or identity, politics has certainly challenged the ways that Marxist and other old and new left organizations of the past managed to ignore, or even help reproduce, racial and gender inequalities. It has questioned the value of class-only or class-first analysis on subjects as wide-ranging as the Cuban Revolution — did it successfully address racial inequality as it redistributed resources to the poor, or did it repress black identity by privileging class analysis? — and the Bernie Sanders campaign — will his social programs aimed at reducing economic inequality alleviate racial inequality by helping the poor, or will his class-based project leave the issue of racial inequality in the lurch? In other words, the question of whether a political project aimed at attacking the structures of economic inequality can also advance racial and gender equality is crucial to today’s campus politics. Put another way, the question is: How political is the personal? Political scientist Adolph Reed [argues](http://www.commondreams.org/views/2015/06/15/jenner-dolezal-one-trans-good-other-not-so-much) that if class is left out, race politics on campus becomes “the politics of the left-wing of neoliberalism.” As he puts it, race-first politics of the sort being pushed today by university administrators promotes a “moral economy… in which 1% of the population controlled 90% of the resources could be just, provided that roughly 12% of the 1% were black, 12% were Latino, 50% were women, and whatever the appropriate proportions were LGBT people.” The student movement that has swept across the nation has challenged colleges and universities on the basics of their way of (quite literally) doing business. The question for these institutions now is: Can student demands largely be tamed and embedded inside an administration-sanctioned agenda that in no way undermines how schools now operate in the world? Feminist theorist Nancy Fraser has [shown](http://www.theguardian.com/commentisfree/2013/oct/14/feminism-capitalist-handmaiden-neoliberal) how feminist ideas of a previous generation were successfully “recuperated by neoliberalism” — that is, how they were repurposed as rationales for greater inequality. “Feminist ideas that once formed part of a radical worldview,” she argues, are now “increasingly expressed in individualist terms.” Feminist demands for workplace access and equal pay have, for example, been used to undermine worker gains for a “family wage,” while a feminist emphasis on gender equality has similarly been used on campus to divert attention from growing class inequality.  Student demands for racial justice risk being absorbed into a comparable framework. University administrators have found many ways to use student demands for racial justice to strengthen their business model and so the micro-management of faculty. In one case seized upon by free-speech libertarians, the Brandeis administration [placed](https://www.insidehighered.com/news/2007/11/09/brandeis) an assistant provost in a classroom to monitor a professor after students accused him of using the word “wetback” in a Latin American politics class. More commonly, universities employ a plethora of consulting firms and create new administrative positions to manage “diversity” and “inclusion.” Workshops and training sessions proliferate, as do “safe spaces” and “trigger warnings.” Such a vision of “diversity” is then promoted as a means to prepare students to compete in the “global marketplace.” There are even deeper ways in which a diversity agenda aligns with neoliberal politics. Literary theorist Walter Benn Michaels [argues](http://inthesetimes.com/article/2848), for example, that diversity can give a veneer of social justice to ideas about market competition and meritocracy that in reality promote inequality. “The rule in neoliberal economies is that the difference between the rich and the poor gets wider rather than shrinks — but that no culture should be treated invidiously,” he [explains](https://www.jacobinmag.com/2011/01/let-them-eat-diversity/). “It’s basically OK if economic differences widen as long as the increasingly successful elites come to look like the increasingly unsuccessful non-elites. So the model of social justice is not that the rich don’t make as much and the poor make more, the model of social justice is that the rich make whatever they make, but an appropriate percentage of them are minorities or women.” Or as *Forbes Magazine* [put it](http://www.forbes.com/sites/glennllopis/2011/02/21/why-most-corporate-diversity-programs-are-wrong-headed/#35d3b7c9588a), “Businesses need to vastly increase their ability to sense new opportunities, develop creative solutions, and move on them with much greater speed. The only way to accomplish these changes is through a revamped workplace culture that embraces diversity so that sensing, creativity, and speed are all vastly improved.” Clearly, university administrators prefer student demands that can be coopted or absorbed into their current business model. Allowing the prevailing culture to define the parameters of their protest has left the burgeoning Millennial Movement in a precarious position. The more that students — with the support of college and university administrations — accept the individualized cultural path to social change while forgoing the possibility of anything greater than cosmetic changes to prevailing hierarchies, on campus and beyond, the more they face ridicule from those on the right who present them as fragile, coddled, privileged whiners.

#### The alt’s resistance to free speech is exactly what neoliberal elites want: a divided working class with internal strife and intelligible goals that can be easily shut down.

Halberstam 16 Jack Halberstam, You Are Triggering me! The Neo-Liberal Rhetoric of Harm, Danger and Trauma, Bully Bloggers, 5/7/16. //[LADI](http://www.theladi.org/evidence)

What does it mean when younger people who are benefitting from several generations now of queer social activism by people in their 40s and 50s (who in their childhoods had no recourse to anti-bullying campaigns or social services or multiple representations of other queer people building lives) feel abused, traumatized, abandoned, misrecognized, beaten, bashed and damaged? These younger folks, with their gay-straight alliances, their supportive parents and their new right to marry regularly issue calls for “safe space.” However, as Christina Hanhardt’s Lambda Literary award winning book, Safe Space: Neighborhood History and the Politics of Violence, shows, the safe space agenda has worked in tandem with urban initiatives to increase the policing of poor neighborhoods and the gentrification of others. Safe Space: Gay Neighborhood History and the Politics of Violence traces the development of LGBT politics in the US from 1965-2005 and explains how LGBT activism was transformed from a multi-racial coalitional grassroots movement with strong ties to anti-poverty groups and anti-racism organizations to a mainstream, anti-violence movement with aspirations for state recognition. And, as LGBT communities make “safety” into a top priority (and that during an era of militaristic investment in security regimes) and ground their quest for safety in competitive narratives about trauma, the fight against aggressive new forms of exploitation, global capitalism and corrupt political systems falls by the way side. Is this the way the world ends? When groups that share common cause, utopian dreams and a joined mission find fault with each other instead of tearing down the banks and the bankers, the politicians and the parliaments, the university presidents and the CEOs? Instead of realizing, as Moten and Hearny put it in The Undercommons, that “we owe each other everything,” we enact punishments on one another and stalk away from projects that should unite us, and huddle in small groups feeling erotically bonded through our self-righteousness. I want to call for a time of accountability and specificity: not all LGBT youth are suicidal, not all LGBT people are subject to violence and bullying, and indeed class and race remain much more vital factors in accounting for vulnerability to violence, police brutality, social baiting and reduced access to education and career opportunities. Let’s call an end to the finger snapping moralism, let’s question contemporary desires for immediately consumable messages of progress, development and access; let’s all take a hard long look at the privileges that often prop up public performances of grief and outrage; let’s acknowledge that being queer no longer automatically means being brutalized and let’s argue for much more situated claims to marginalization, trauma and violence. Let’s not fiddle while Rome (or Paris) burns, trigger while the water rises, weep while trash piles up; let’s recognize these internal wars for the distraction they have become. Once upon a time, the appellation “queer” named an opposition to identity politics, a commitment to coalition, a vision of alternative worlds. Now it has become a weak umbrella term for a confederation of identitarian concerns. It is time to move on, to confuse the enemy, to become illegible, invisible, anonymous (see Preciado’s Bully Bloggers post on anonymity in relation to the Zapatistas). In the words of José Muñoz, “we have never been queer.” In the words of a great knight from Monty Python and the Holy Grail, “we are now no longer the Knights who say Ni, we are now the Knights who say “Ekki-ekki-ekki-ekki-PTANG. Zoom-Boing, z’nourrwringmm.”

### A2 Hate Speech DA

#### No genocide impact – hate speech in modern Western democracies correlates to decreased violence.

Heinze 14 Eric Heinze, Nineteen arguments for hate speech bans – and against them, Free Speech Debate, 3/31/14, http://freespeechdebate.com/en/discuss/nineteen-arguments-for-hate-speech-bans-and-against-them///[LADI](http://www.theladi.org/evidence)

The ‘Weimar’ (or ‘snowball’) argument: ‘Democracy under the Weimar Republic or the former Yugoslavia show that too much free speech leads to atrocities. Some offensive remarks may, on the surface, appear harmless. But seemingly innocuous offences snowball into more pernicious forms. Once speech reaches a Nazi-like extreme, it becomes too late to avert the dangerous consequences.’ Not all democracies are alike. In my book, I propose the concept of the ‘longstanding, stable and prosperous democracy’ (LSPD), a phrase whose three adjectives do require careful scrutiny, but which elicit a model Western democracy of historically recent vintage, dating no further back than the 1960s. Formal and informal structures of LSPDs have developed many buffers to intolerance, absent in weaker democracies. Social scientists diagnose multiple causes of discrimination, but have never traced hate speech uttered generally within the public discourse of LSPDs to anything like the levels of mobilisation that hate speech is able to prompt in weak democracies. Indeed our freely and massively available media portrayals of violence show no proportionate correlation to increased incidents of violence in West democracies, and have even correlated to periods of decreased violence.

#### Proliferation of hate speech does not correlate to increased violence, but hate speech bans increase hate speech.

Heinze 14 Eric Heinze, Nineteen arguments for hate speech bans – and against them, Free Speech Debate, 3/31/14, http://freespeechdebate.com/en/discuss/nineteen-arguments-for-hate-speech-bans-and-against-them///[LADI](http://www.theladi.org/evidence)

The ‘direct harm’ argument: ‘Hate speech can cause psychological harm, just as hate-motivated violence causes physical harm. Children who are called “nigger”, “Paki”, or “queer” suffer just as much as when they are physically bullied. For adults, verbal abuse can render workplace, educational or other environments unbearable.’ Reply: The problem with that claim is not that it is wrong, but that it misconstrues the serious arguments generally made in opposition to bans. A more literally libertarian, ‘sticks and stones’ argument would indeed allow people to insult each other face-to-face. A position based chiefly on democratic principles, by contrast, takes no such view. Democracy requires only non-viewpoint-punitive expression within the sphere of open, public discourse. Here too, within the LSPD model, no statistically reliable causation from patterns of publicly aired hate speech to patterns of hate crime has been demonstrated, despite the proliferation of hateful and violent speech within our public (e.g. electronic) forums. There is even weighty evidence that, within Western democracies, hate speech bans, far from reducing, is systematically prompting incidents of hate speech, as hate groups routinely tailor their responses to the existing bans and penalties.

#### Freedom of speech allows increased critical dialogue that is net more helpful than harmful for solving bias against marginalized groups. Rauch 13

Rauch 13 Jonathan Rauch, The Case for Hate Speech, The Atlantic, November 2013, http://www.theatlantic.com/magazine/archive/2013/11/the-case-for-hate-speech/309524///[LADI](http://www.theladi.org/evidence)

History shows that the more open the intellectual environment, the better minorities will do. A generation ago, the main obstacle to gay equality was not hatred, though of course there was a good deal of that. Most people who supported the repressive status quo meant well. The bigger problem, rather, was that people had wrong ideas about homosexuality: factual misapprehensions and moral misjudgments born of ignorance, superstition, taboo, disgust. If people think you are a threat to their children or their family, they are going to fear and hate you. Gays’ most urgent need was epistemological, not political. We had to replace bad ideas with good ones. Our great blessing was to live in a society that understands where knowledge comes from: not from political authority or personal revelation, but from a public process of open-ended debate and discussion, in which every day millions of people venture and test billions of hypotheses. All but a few of those theories are found wanting, but some survive and flourish over time, and those comprise our knowledge. The restless process of trial and error does not allow human knowledge to be complete or perfect, but it does allow for steady improvement. If a society is open to robust critical debate, you can look at a tape of its moral and intellectual development over time and know which way it is running: usually toward less social violence, more social participation, and a wider circle of dignity and toleration. And if you see a society that is stuck and not making that kind of progress, you can guess that its intellectual system is not very liberal. The critical factor in the elimination of error is not individuals’ commitment to the truth as they see it (if anything, most people are too confident they’re right); it is society’s commitment to the protection of criticism, however misguided, upsetting, or ungodly. America’s transformation on gay rights over the past few years is a triumph of the open society. Not long ago, gays were pariahs. We had no real political power, only the force of our arguments. But in a society where free exchange is the rule, that was enough. We had the coercive power of truth.

### A2 T – Any

#### Any just means part of something – could even be the smallest amount

Cambridge Dictionary NO DATE (Cambridge Dictionary, online dictionary, “Definition of ‘any’,” http://dictionary.cambridge.org/us/dictionary/english/any///[LADI](http://www.theladi.org/evidence) )

(used in negative statements and questions) **some, or even the smallest amount** (of)

### A2 PATRIOT Act CP

#### The Patriot Act is key to fight terror and has safeguards that protect against abuse.

Sales 11 Nathan Sales, The Patriot Act Is a Vital Weapon in Fighting Terrorism, New York Times, 5/23/11, http://www.nytimes.com/roomfordebate/2011/09/07/do-we-still-need-the-patriot-act/the-patriot-act-is-a-vital-weapon-in-fighting-terrorism //[LADI](http://www.theladi.org/evidence)

America needs the Patriot Act because it helps prevent terrorism while posing little risk to civil liberties. The law simply lets counterterrorism agents use tools that police officers have used for decades. And it contains elaborate safeguards against abuse. Consider the three provisions Congress renewed last May. 1. Congress authorized “roving wiretaps” back in 1986 -- court orders that allow police to monitor criminals even if they switch phones. The Patriot Act allows the same thing in terrorism investigations. The law levels the playing field: If a roving wiretap is good enough for Tony Soprano, it’s good enough for Mohamed Atta. The Patriot Act features strict safeguards. Agents can’t eavesdrop unless they get a judge’s permission. They must demonstrate that the suspect is a terrorist. And they must notify the judge when they go up on a new phone. 2. Grand juries in criminal cases routinely subpoena “business records” from companies like banks and retailers. The Patriot Act lets counterterrorism agents get the same documents. The law simply lets counterterrorism agents use tools that police officers have used for decades. The act’s protections are even stronger than the grand jury rules. Prosecutors issue subpoenas unilaterally, but the Patriot Act requires the F.B.I. to get a judge’s approval. Americans can’t be investigated on the basis of First Amendment activities, and special limits apply to sensitive materials like medical or library records. 3. Before 9/11, it was difficult for authorities to monitor “lone wolves” with murky ties to overseas terrorist groups. The F.B.I. suspected that Zacarias Moussaoui was a terrorist, but agents hadn’t connected him to Al Qaeda, so it wasn’t clear they could search his apartment. Congress fixed that problem. Now, agents can monitor a terrorist even if they haven’t yet found evidence he belongs to a foreign terrorist organization. Again, the Patriot Act has robust safeguards. Agents have to convince a judge to let them track a lone wolf. This tool can only be used to investigate international terrorism, not domestic. And it doesn’t apply to Americans, only to temporary visitors like tourists. A decade after 9/11, the Patriot Act remains a vital weapon in the war on terrorism. Al Qaeda hasn’t given up. Neither should we.

### A2 Hate Speech CP

#### Hate speech restrictions created by those in positions of power are more likely to hurt than help the oppressed.

Glasser 16 Ira Glasser (Former executive director of the American Civil Liberties Union, now president of the board of directors of the Drug Policy Alliance), quoted in “HATE SPEECH IS FREE SPEECH” by Jonothan Haidt, Spiked, 6/12/16, http://www.spiked-online.com/newsite/article/hate-speech-is-free-speech/18444#.WE5XNM6gTds //[LADI](http://www.theladi.org/evidence)

How is ‘hate speech’ defined, and who decides which speech comes within the definition? Mostly, it’s not us. In the 1990s in America, black students favoured ‘hate speech’ bans because they thought it would ban racists from speaking on campuses. But the deciders were white. If the codes the black students wanted had been in force in the 1960s, their most frequent victim would have been Malcolm X. In England, Jewish students supported a ban on racist speech. Later, Zionist speakers were banned on the grounds that Zionism is a form of racism. Speech bans are like poison gas: seems like a good idea when you have your target in sight — but the wind shifts, and blows it back on us.

#### Hate speech should be allowed and engaged with, not censored – to do so destroys freedom of speech and the foundations of democracy.

Furedi 16 Frank Furedi (Frank is a sociologist and author, most recently of Power of Reading: From Socrates to Twitter), quoted in “HATE SPEECH IS FREE SPEECH” by Jonothan Haidt, Spiked, 6/12/16, <http://www.spiked-online.com/newsite/article/hate-speech-is-free-speech/18444#.WE5XNM6gTds> //[LADI](http://www.theladi.org/evidence)

Hate speech is the secular equivalent of blasphemy. Blasphemy targeted ‘evil speaking’, but in a non-religious world, censors don’t do morality. So hate speech is defined as prejudice directed at individuals or groups on the basis of their identity — be it racial, cultural or lifestyle. In our era of identity politics, criticism of a cultural practice can now be interpreted as an instance of ‘hatred’ towards a group. Criticise multi-sex toilets, for example, and you can be accused of hate speech: ‘transphobia’. The focus on bias is important. Since all human beings are biased at some level, hate speech must discriminate between sanctioned bias and prohibited bias; effectively between acceptable hate and unacceptable hate. This is why it is okay to mock Christians but not to ridicule Islam. The prohibition of comments that are considered biased or hateful is an explicit denial of freedom of speech. A tolerant society does not censor speech; it allows its citizens to express their biases and hatred. From the standpoint of an enlightened democracy, the censoring of hate is a far worse evil than the expression of hate. Why? Because it prevents people from judging and evaluating for themselves how to respond to the views — however prejudiced — of their fellow citizens.

#### Allowing hate speech is key to targeting and stopping it – they merely push the problem further underground.

Haider 16 Sarah Haider, quoted in “HATE SPEECH IS FREE SPEECH” by Jonothan Haidt, Spiked, 6/12/16, <http://www.spiked-online.com/newsite/article/hate-speech-is-free-speech/18444#.WE5XNM6gTds> //[LADI](http://www.theladi.org/evidence)

Progress depends on our freedom to express dangerous ideas – a freedom which relies on a strict differentiation between speech and physical acts. Hate-speech policies blur this line; they categorise speech that offends as in itself a form of violence, thereby unwittingly justifying violence as a response to offensive speech. Where once speech was punishable if it insulted the dignity of God, now speech that insults the dignity of His followers can be censored. It is a modern blasphemy, grounded not in scripture, but in the shifting sands that are the feelings of individuals. Censoring hate speech merely pushes hate underground, where it lurks beneath the guise of civility: invisible but not obliterated, looming all the more powerful. Genuine crusaders against prejudice now have a shadow for an enemy: impossible to target, and thus impossible to dismantle.

# Negative

## K – Neoliberalism

### 1NC – Neolib K

#### The claim that free speech leads to democratic debate and social progress is a neoliberal myth – the AFF’s faith in the free exchange of ideas displaces a focus on direct action and re-entrenches multiple forms of oppression. Instead, the alternative is to reject the AFF’s neoliberal framing of speech and direct pedagogy to focus on direct action against oppression.

Tillett-Saks 13 Andrew Tillett-Saks (Labor organizer and critical activist author for Truth-Out and Counterpunch), Neoliberal Myths, Counterpunch, 11/7/13, http://www.counterpunch.org/2013/11/07/neoliberal-myths/ //[LADI](http://www.theladi.org/evidence)

In the wake of the Brown University shout-down of Ray Kelly, champion of the NYPD’s racist stop-and-frisk policy and racial profiling in general, the debate has resurfaced. Rather than talking past the anti-protestors’ arguments, they need to be addressed directly. The prototypical argument in denouncing the protestors is not a defense of Ray Kelly’s racism. It is twofold: First, that a free-flowing discourse on the matter will allow all viewpoints to be weighed and justice to inevitably emerge victorious on its merits. Second, that stopping a bigot from speaking in the name of freedom is self-defeating as it devolves our democratic society into tyranny. The twofold argument against the protestors stems from two central myths of neoliberalism. The argument for free discourse as the enlightened path to justice ignores that direct action protest is primarily responsible for most of the achievements we would consider ‘progress’ historically (think civil rights, workers’ rights, suffrage, etc.), not the free exchange of ideas. The claim that silencing speech in the name of freedom is self-defeating indulges in the myth of the pre-existence of a free society in which freedom of speech must be preciously safeguarded, while ignoring the woeful shortcomings of freedom of speech in our society which must be addressed before there is anything worth protecting. Critics of the protest repeatedly denounced direct action in favor of ideological debate as the path to social justice. “It would have been more effective to take part in a discussion rather than flat out refuse to have him speak,” declared one horrified student to the Brown Daily Herald. Similarly, Brown University President Christina Paxson labeled the protest a detrimental “affront to democratic civil society,” and instead advocated “intellectual rigor, careful analysis, and…respectful dialogue and discussion.” Yet the implication that masterful debate is the engine of social progress could not be more historically unfounded. Only in the fairy tale histories of those interested in discouraging social resistance does ‘respectful dialogue’ play a decisive role in struggles against injustice. The eight-hour workday is not a product of an incisive question-and-answer session with American robber barons. Rather, hundreds of thousands of workers conducted general strikes during the nineteenth century, marched in the face of military gunfire at Haymarket Square in 1886, and occupied scores of factories in the 1930’s before the eight-hour work day became American law. Jim Crow was not defeated with the moral suasion of Martin Luther King, Jr.’s speeches. Rather, hundreds of thousands marched on Washington, suffered through imprisonment by racist Southern law enforcement, and repeatedly staged disruptive protests to win basic civil rights. On a more international scale, Colonialism, that somehow-oft-forgotten tyranny that plagued most of the globe for centuries, did not cease thanks to open academic dialogue. Bloody resistance, from Algeria to Vietnam to Panama to Cuba to Egypt to the Philippines to Cameroon and to many other countries, was the necessary tool that unlocked colonial shackles. Different specific tactics have worked in different contexts, but one aspect remains constant: The free flow of ideas and dialogue, by itself, has rarely been enough to generate social progress. It is not that ideas entirely lack social power, but they have never been sufficient in winning concessions from those in power to the oppressed. Herein lies neoliberal myth number one—that a liberal free-market society will inexorably and inherently march towards greater freedom. To the contrary, direct action has always proved necessary.

#### We have reached a tipping point – neoliberalism is no longer able to control its spiral into disaster. Massive structural violence and extinction are inevitable without a fundamental rethinking of the current system.

Farbod 15 ( Faramarz Farbod , PhD Candidate @ Rutgers, Prof @ Moravian College, Monthly Review, http://mrzine.monthlyreview.org/2015/farbod020615.html, 6-2) //[LADI](http://www.theladi.org/evidence)

Global capitalism is the 800-pound gorilla. The twin ecological and economic crises, militarism, the rise of the surveillance state, and a dysfunctional political system can all be traced to its normal operations. We need a transformative politics from below that can challenge the fundamentals of capitalism instead of today's politics that is content to treat its symptoms. The problems we face are linked to each other and to the way a capitalist society operates. We must make an effort to understand its real character. The fundamental question of our time is whether we can go beyond a system that is ravaging the Earth and secure a future with dignity for life and respect for the planet. What has capitalism done to us lately? The best science tells us that this is a do-or-die moment. We are now in the midst of the 6th mass extinction in the planetary history with 150 to 200 species going extinct every day, a pace 1,000 times greater than the 'natural' extinction rate.1 The Earth has been warming rapidly since the 1970s with the 10 warmest years on record all occurring since 1998.2 The planet has already warmed by 0.85 degree Celsius since the industrial revolution 150 years ago. An increase of 2° Celsius is the limit of what the planet can take before major catastrophic consequences. Limiting global warming to 2°C requires reducing global emissions by 6% per year. However, global carbon emissions from fossil fuels increased by about 1.5 times between 1990 and 2008.3 Capitalism has also led to explosive social inequalities. The global economic landscape is littered with rising concentration of wealth, debt, distress, and immiseration caused by the austerity-pushing elites. Take the US. The richest 20 persons have as much wealth as the bottom 150 million.4 Since 1973, the hourly wages of workers have lagged behind worker productivity rates by more than 800%.5 It now takes the average family 47 years to make what a hedge fund manager makes in one hour.6 Just about a quarter of children under the age of 5 live in poverty.7 A majority of public school students are low-income.8 85% of workers feel stress on the job.9 Soon the only thing left of the American Dream will be a culture of hustling to survive. Take the global society. The world's billionaires control $7 trillion, a sum 77 times the debt owed by Greece to the European banks.10 The richest 80 possess more than the combined wealth of the bottom 50% of the global population (3.5 billion people).11 By 2016 the richest 1% will own a greater share of the global wealth than the rest of us combined.12 The top 200 global corporations wield twice the economic power of the bottom 80% of the global population.13 Instead of a global society capitalism is creating a global apartheid. What's the nature of the beast? Firstly, the "egotistical calculation" of commerce wins the day every time. Capital seeks maximum profitability as a matter of first priority. Evermore "accumulation of capital" is the system's bill of health; it is slowdowns or reversals that usher in crises and set off panic. Cancer-like hunger for endless growth is in the system's DNA and is what has set it on a tragic collision course with Nature, a finite category. Secondly, capitalism treats human labor as a cost. It therefore opposes labor capturing a fair share of the total economic value that it creates. Since labor stands for the majority and capital for a tiny minority, it follows that classism and class warfare are built into its DNA, which explains why the "middle class" is shrinking and its gains are never secure. Thirdly, private interests determine massive investments and make key decisions at the point of production guided by maximization of profits. That's why in the US the truck freight replaced the railroad freight, chemicals were used extensively in agriculture, public transport was gutted in favor of private cars, and big cars replaced small ones. What should political action aim for today? The political class has no good ideas about how to address the crises. One may even wonder whether it has a serious understanding of the system, or at least of ways to ameliorate its consequences. The range of solutions offered tends to be of a technical, legislative, or regulatory nature, promising at best temporary management of the deepening crises. The trajectory of the system, at any rate, precludes a return to its post-WWII regulatory phase. It's left to us as a society to think about what the real character of the system is, where we are going, and how we are going to deal with the trajectory of the system -- and act accordingly. The critical task ahead is to build a transformative politics capable of steering the system away from its destructive path. Given the system's DNA, such a politics from below must include efforts to challenge the system's fundamentals, namely, its private mode of decision-making about investments and about what and how to produce. Furthermore, it behooves us to heed the late environmentalist Barry Commoner's insistence on the efficacy of a strategy of prevention over a failed one of control or capture of pollutants. At a lecture in 1991, Commoner remarked: "Environmental pollution is an incurable disease; it can only be prevented"; and he proceeded to refer to "a law," namely: "if you don't put a pollutant in the environment it won't be there." What is nearly certain now is that without democratic control of wealth and social governance of the means of production, we will all be condemned to the labor of Sisyphus. Only we won't have to suffer for all eternity, as the degradation of life-enhancing natural and social systems will soon reach a point of no return**.**

#### A radical pedagogical stance is key – anti-capitalist movements can be effective, but critical consciousness is a necessary prerequisite.

Peter Mclaren 4, Education and Urban Schooling Division prof, UCLA—and Valerie Scatamburlo-D'Annibale; University of Windsor, Educational Philosophy and Theory, Vol. 36, No. 2, 2004, [www.freireproject.org/articles/node%2065/RCGS/class\_dismissed-val-peter.10.pdf](http://www.freireproject.org/articles/node%2065/RCGS/class_dismissed-val-peter.10.pdf). //[LADI](http://www.theladi.org/evidence)

These are the concrete realities of our time—realities that require a vigorous class analysis, an unrelenting critique of capitalism and an oppositional politics capable of confronting what Ahmad (1998, p. 2) refers to as ‘capitalist universality.’ They are realities that require something more than that which is offered by the prophets of ‘difference’ and post-Marxists who would have us relegate socialism to the scrapheap of history and mummify Marxism along with Lenin's corpse. Never before has a Marxian analysis of capitalism and class rule been so desperately needed. That is not to say that everything Marx said or anticipated has come true, for that is clearly not the case. Many critiques of Marx focus on his strategy for moving toward socialism, and with ample justification; nonetheless Marx did provide us with fundamental insights into class society that have held true to this day. Marx's enduring relevance lies in his indictment of capitalism which continues to wreak havoc in the lives of most. While capitalism's cheerleaders have attempted to hide its sordid underbelly, Marx's description of capitalism as the sorcerer's dark power is even more apt in light of contemporary historical and economic conditions. Rather than jettisoning Marx, decentering the role of capitalism, and discrediting class analysis, radical educators must continue to engage Marx's oeuvre and extrapolate from it that which is useful pedagogically, theoretically, and, most importantly, politically in light of the challenges that confront us. The urgency which animates Amin’s call for a collective socialist vision necessitates, as we have argued, moving beyond the particularism and liberal pluralism that informs the ‘politics of difference.’ It also requires challenging the questionable assumptions that have come to constitute the core of contemporary ‘radical’ theory, pedagogy and politics. In terms of effecting change, what is needed is a cogent understanding of the systemic nature of exploitation and oppression based on the precepts of a radical political economy approach (outlined above) and one that incorporates Marx’s notion of ‘unity in difference’ in which people share widely common material interests. Such an understanding extends far beyond the realm of theory, for the manner in which we choose to interpret and explore the social world, the concepts and frameworks we use to express our sociopolitical understandings, are more than just abstract categories. They imply intentions, organizational practices, and political agendas. Identifying class analysis as the basis for our understandings and class struggle as the basis for political transformation implies something quite different than constructing a sense of political agency around issues of race, ethnicity, gender, etc. Contrary to ‘Shakespeare’s assertion that a rose by any other name would smell as sweet,’ it should be clear that this is not the case in political matters. Rather, in politics ‘the essence of the ﬂower lies in the name by which it is called’ (Bannerji, 2000, p. 41). The task for progressives today is to seize the moment and plant the seeds for a political agenda that is grounded in historical possibilities and informed by a vision committed to overcoming exploitative conditions. These seeds, we would argue, must be derived from the tree of radical political economy. For the vast majority of people today—people of all ‘racial classiﬁcations or identities, all genders and sexual orientations’—the common frame of reference arcing across ‘difference’, the ‘concerns and aspirations that are most widely shared are those that are rooted in the common experience of everyday life shaped and constrained by political economy’ (Reed, 2000, p. xxvii). While post-Marxist advocates of the politics of ‘difference’ suggest that such a stance is outdated, we would argue that the categories which they have employed to analyze ‘the social’ are now losing their usefulness, particularly in light of actual contemporary ‘social movements.’ All over the globe, there are large anti-capitalist movements afoot. In February 2002, chants of ‘Another World Is Possible’ became the theme of protests in Porto Allegre. It seems that those people struggling in the streets haven’t read about T.I.N.A., the end of grand narratives of emancipation, or the decentering of capitalism. It seems as though the struggle for basic survival and some semblance of human dignity in the mean streets of the dystopian metropoles doesn’t permit much time or opportunity to read the heady proclamations emanating from seminar rooms. As E. P. Thompson (1978, p. 11) once remarked, sometimes ‘experience walks in without knocking at the door, and announces deaths, crises of subsistence, trench warfare, unemployment, inﬂation, genocide.’ This, of course, does not mean that socialism will inevitably come about, yet a sense of its nascent promise animates current social movements. Indeed, noted historian Howard Zinn (2000, p. 20) recently pointed out that after years of single-issue organizing (i.e. the politics of difference), the WTO and other anti-corporate capitalist protests signaled a turning point in the ‘history of movements of recent decades,’ for it was the issue of ‘class’ that more than anything ‘bound everyone together.’ History, to paraphrase Thompson (1978, p. 25) doesn’t seem to be following Theory’s script. Our vision is informed by Marx's historical materialism and his revolutionary socialist humanism, which must not be conflated with liberal humanism. For left politics and pedagogy, a socialist humanist vision remains crucial, whose fundamental features include the creative potential of people to challenge collectively the circumstances that they inherit. This variant of humanism seeks to give expression to the pain, sorrow and degradation of the oppressed, those who labor under the ominous and ghastly cloak of ‘globalized’ capital. It calls for the transformation of those conditions that have prevented the bulk of humankind from fulfilling its potential. It vests its hope for change in the development of critical consciousness and social agents who make history, although not always in conditions of their choosing. The political goal of socialist humanism is, however, ‘not a resting in difference’ but rather ‘the emancipation of difference at the level of human mutuality and reciprocity.’ This would be a step forward for the ‘discovery or creation of our real differences which can only in the end be explored in reciprocal ways’ (Eagleton, 1996, p. 120). Above all else, the enduring relevance of a radical socialist pedagogy and politics is the centrality it accords to the interrogation of capitalism. We can no longer afford to remain indifferent to the horror and savagery committed by capitalist's barbaric machinations. We need to recognize that capitalist democracy is unrescuably contradictory in its own self-constitution. Capitalism and democracy cannot be translated into one another without profound efforts at manufacturing empty idealism. Committed Leftists must unrelentingly cultivate a democratic socialist vision that refuses to forget the ‘wretched of the earth,’ the children of the damned and the victims of the culture of silence—a task which requires more than abstruse convolutions and striking ironic poses in the agnostic arena of signifying practices. Leftists must illuminate the little shops of horror that lurk beneath ‘globalization’s’ shiny façade; they must challenge the true ‘evils’ that are manifest in the tentacles of global capitalism's reach. And, more than this, Leftists must search for the cracks in the edifice of globalized capitalism and shine light on those fissures that give birth to alternatives. Socialism today, undoubtedly, runs against the grain of received wisdom, but its vision of a vastly improved and freer arrangement of social relations beckons on the horizon. Its unwritten text is nascent in the present even as it exists among the fragments of history and the shards of distant memories. Its potential remains untapped and its promise needs to be redeemed.

### Link – Right to Free Speech

#### The AFF’s assumption of a property right to free speech assumes an overly idealistic notion of society that ignores economic barriers and is a product of the neoliberal myth that individuality should be protected at all costs.

Tillett-Saks 13 Andrew Tillett-Saks (Labor organizer and critical activist author for Truth-Out and Counterpunch), Neoliberal Myths, Counterpunch, 11/7/13, http://www.counterpunch.org/2013/11/07/neoliberal-myths/ //[LADI](http://www.theladi.org/evidence)

Yet there are many critics of the protestors who do not claim Ray Kelly’s policies can be defeated with sharp debate. Instead, they argue that any protest in the name of freedom which blocks the speech of another is self-defeating, causing more damage to a free society by ‘silencing’ another than any potential positive effect of the protest. The protestors, the argument goes, tack society back to totalitarian days of censorship rather than forward to greater freedom. The protestors, however well intentioned, have pedantically thwarted our cherished liberal democracy by imposing their will on others. The premise of this argument is neoliberal myth number two—that we live in a society with ‘freedom of speech’ so great it must be protected at all costs. This premise stems from an extremely limited conception of ‘freedom of speech’. Free speech should not be considered the mere ability to speak freely and inconsequentially in a vacuum, but rather the ability to have one’s voice heard equally. Due to the nature of private media and campaign finance in American society, this ability is woefully lopsided as political and economic barriers abound. Those with money easily have their voices heard through media and politics, those without have no such freedom. There is a certain irony (and garish privilege) of upper-class Ivy Leaguers proclaiming the sanctity of a freedom of speech so contingent upon wealth and political power. There is an even greater irony that the fight for true freedom of speech, if history is any indicator, must entail more direct action against defenders of the status quo such as Ray Kelly. To denounce such action out of indulgence in the neoliberal myth of a sacrosanct, already existing, freedom of speech is to condemn the millions in this country with no meaningful voice to eternal silence. Every few years, an advocate of oppression is shouted down. Every few years, the protestors are denounced. They are asked to trust open, ‘civil’ dialogue to stop oppression, despite a historical record of struggle and progress that speaks overwhelmingly to the contrary. They are asked to restrain their protest for freedom so to protect American freedom of speech, despite the undeniable fact that our private media and post-Citizens United political system hear only dollars, not the voices of the masses. Some will claim that both sides have the same goal, freedom, but merely differ on tactics. Yet the historical record is too clear and the growing dysfunctions in our democracy too gross to take any such claims as sincere. In a few years, when protestors shout down another oppressive conservative, we will be forced to lucidly choose which side we are on: The oppressors or the protestors. The status quo or progress.

### Link – Marketplace of Ideas

#### The AFF’s notion of the marketplace of ideas is neoliberal rhetoric designed to strengthen corporate power.

Whatler 13 Stuart Whatley, Speak for Yourself: A Meditation on the Marketplace of Ideas, Los Angeles Review of Books, 10/4/13, [https://lareviewofbooks.org/article/speak-for-yourself-a-meditation-on-the-marketplace-of-ideas/#](https://lareviewofbooks.org/article/speak-for-yourself-a-meditation-on-the-marketplace-of-ideas/)! //[LADI](http://www.theladi.org/evidence)

The very notion of a “marketplace of ideas” tracks exactly with neoliberalism’s rising star. This can be seen through Nexis searches of the term, as well as through Google’s n-gram book search between 1800 and 2008. Since first breaking into common usage with a couple dozen mentions in the 1970s, its appearances have increased exponentially decade by decade in books, newspapers, journals, and similar forms of media to the point that it is now published hundreds of times every year. Though use of the phrase actually declined very slightly in books between 2000 and 2008 (not to any degree of significance), it increased in news media year by year over the same course of time — especially between 2008 and 2012. While public policy can be altered and reversed from one administration or congress to another, the fideistic embrace of market vocabulary across political divides indicates that it has become more deeply embedded — instead of being the subject of political debate, it designates the coordinates of what is debatable as politics. It did not take until the 1970s for the “marketplace of ideas” to develop, but it did take that long for it to really become prevalent. Before then it had mainly been the subject of legal opinions, notably in Oliver Wendell Holmes’s 1919 Abrams v. United States dissent. The law scholar Ronald Collins points out that Holmes used the metaphor, if not the exact phrase, when he wrote, “The ultimate good desired is better reached by free trade in ideas — that the best test of truth is the power of the thought to get itself accepted in the competition of the market.” For his part, Holmes was influenced by John Stuart Mill’s On Liberty, which in turn drew from John Milton’s Areopagitica, which asked, “Who ever knew Truth put to the worse in a free and open encounter?” With Holmes as the more direct line of inspiration, the actual words would come to form decades later in other free speech and free press court opinions, including United States v. Rumely (1953) and Lamont v. Postmaster General (1965). In the latter, Justice William Brennan opined that, “The dissemination of ideas can accomplish nothing if otherwise willing addressees are not free to receive and consider them. It would be a barren marketplace of ideas that had only sellers and no buyers.” Back to the early 1970s: big business was a beleaguered beast, feeling the need to counter the popular social movements of the previous decade, and found it prudent to press-gang the “marketplace of ideas” into its service. After a series of crises in capitalism — stagflation, the collapse of Bretton Woods, the 1973 Oil Shock — the solution eventually proffered was even more capitalism. Which is to say, the failure of postwar Keynesian fiscal and monetary policies to turn the economy around led in time to a loss of faith in their effectiveness and to the ouster of leftward-leaning leaders Jimmy Carter and James Callahan. When the recessionary waves did eventually subside, the timing allowed for Ronald Reagan and Margaret Thatcher to dance on their predecessors’ political graves, accredit their own success to market fundamentalism, and move forward full bore with its implementation through tax cuts and financial deregulation. As Reagan later declared on the New York Stock Exchange floor, “We’re going to turn the bull loose.” And so, the “marketplace of ideas” began to appear for the first time in the mainstream press — most notably in reports quoting corporate public relations professionals in defense of their respective industries. To take one early example, in a July 1975 U.S. News & World Report interview titled “Why Business Has a Black Eye,” Alexander B. Trowbridge, president of a corporate advocacy organization called the Conference Board, addressed questions about the lugubrious public favorability of big business: We businessmen have to get out individually into this marketplace of ideas. We have to be far more involved in our communities. We have to be in closer touch with the groups of people with whom we have close contact — our employees, out stockholders, the community leaders in places where we have our plants and offices, and our customers and suppliers. We need to do a better job not only in supporting them with better products, but in explaining the workings of our business system and what makes it all tick. A March 1976 Newsweek article by Michael Ruby and Gretchen Browne titled “Oil: The Mobil Manner” followed, reporting on a full-page advertisement taken out by Mobil in response to a critical NBC News documentary about gasoline prices. According to Mobil’s vice president of public affairs, Herbert Schmertz, “The ad was an effort to participate in the market-place of ideas” (Schmertz’s line would be quoted again two years later in a Harvard Business Review story by Louis Banks, titled “Taking on the Hostile Media”). Such participation, the reporters note, had become a trend of late. And it would only continue, to the point where even Jimmy Carter invoked the metaphor in an unwittingly ironic 1977 statement, declaring Voice of America independent from State Department propagandizing: The agency must not operate in a covert, manipulative or propagandistic way […] Under this administration, [Voice of America] will be solely responsible for the content of its news broadcasts — for there is no more valued coin than candor in the international marketplace of ideas. While it’s unclear how much of this was a consciously cooperative effort on the part of business and pro-market advocates, it was, regardless, in keeping with the corporate PR strategy of the time — what sociologists David Miller and William Dinan have labeled the “third wave of corporate political activism.” That wave rode from the late 1960s through the 1970s, and saw vast and rapid expansion in corporate lobbying, the founding of numerous business-funded think tanks (including the Heritage Foundation, an early influence on the Reagan presidential platform), and increased media involvement on the part of businesses across the board. According to Miller and Dinan, a collective corporate strategy was effectively launched in a private August 1971 memo from corporate lawyer (and later Supreme Court justice) Lewis F. Powell Jr. to US Chamber of Commerce Education Committee chairman Eugene B. Sydnor Jr., in which Powell wrote: “It is time for American business — which has demonstrated the greatest capacity in all history to produce and to influence consumer decisions — to apply [its] great talents vigorously to the preservation of the system itself.”

## DA – Hate Speech

### 1NC – Hate Speech DA

#### Current protections against hate speech are working – on campus harrassment is decreasing nationally now. Sutton 16

Sutton 16 Halley Sutton, Report shows crime on campus down across the country, Campus Security Report 13.4 (2016), 9/9/16,http://onlinelibrary.wiley.com/doi/10.1002/casr.30185/full //[LADI](http://www.theladi.org/evidence)

A recent report released by the National Center for Education Statistics found an overall decrease in crimes at educational institutions across the country since 2001. The overall number of crimes reported by postsecondary institutions has dropped by 34 percent, from 41,600 per year in 2001 to 27,600 per year in 2013. The report, titled Indicators of School Crime and Safety: 2015, covers higher education campuses as well as K–12 schools and includes such topics as victimization, teacher injury, bullying and cyberbullying, use of drugs and alcohol, and criminal incidents at postsecondary institutions. The report found significant decreases in instances of bullying, harassment due to sexual orientation, and violent crime at all levels of education. The number of on-campus crimes reported at postsecondary institutions in 2013 was lower than in 2001 for every category except forcible sex offenses and murder.

#### Removing restrictions on free speech allows hate speech – hate speech IS free speech

Volokh 15 Eugene Volokh,No, There’s No “hate Speech” Exception to the First Amendment, The Washington Post, 5/7/15, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/07/no-theres-no-hate-speech-exception-to-the-first-amendment/?utm_term=.05cfdd01dea4> //[LADI](http://www.theladi.org/evidence)

I keep hearing about a supposed “hate speech” exception to the First Amendment, or statements such as, “This isn’t free speech, it’s hate speech,” or “When does free speech stop and hate speech begin?” But there is no hate speech exception to the First Amendment. Hateful ideas (whatever exactly that might mean) are just as protected under the First Amendment as other ideas. One is as free to condemn Islam — or Muslims, or Jews, or blacks, or whites, or illegal aliens, or native-born citizens — as one is to condemn capitalism or Socialism or Democrats or Republicans. To be sure, there are some kinds of speech that are unprotected by the First Amendment. But those narrow exceptions have nothing to do with “hate speech” in any conventionally used sense of the term. For instance, there is an exception for “fighting words” — face-to-face personal insults addressed to a specific person, of the sort that are likely to start an immediate fight. But this exception isn’t limited to racial or religious insults, nor does it cover all racially or religiously offensive statements. Indeed, when the City of St. Paul tried to specifically punish bigoted fighting words, the Supreme Court held that this selective prohibition was unconstitutional (R.A.V. v. City of St. Paul (1992)), even though a broad ban on all fighting words would indeed be permissible. (And, notwithstanding CNN anchor Chris Cuomo’s [Tweet](https://twitter.com/ChrisCuomo/status/595934009764487168) that “hate speech is excluded from protection,” and his later claims that by “hate speech” he means “fighting words,” the fighting words exception is not generally labeled a “hate speech” exception, and isn’t coextensive with any established definition of “hate speech” that I know of.)

#### Hate speech leads to a genocidal increase in crimes against marginalized groups.

Greenblatt 15 Jonathan Greenblatt, When Hateful Speech Leads to Hate Crimes: Taking Bigotry Out of the Immigration Debate, Huffington Post, 8/21/15, <http://www.huffingtonpost.com/jonathan-greenblatt/when-hateful-speech-leads_b_8022966.html> //[LADI](http://www.theladi.org/evidence)

When police arrived at the scene in Boston, they found a Latino man shaking on the ground, his face apparently soaked in urine, with a broken nose. His arms and chest had been beaten. One of the two brothers arrested and charged with the hate crime reportedly told police, “Donald Trump was right — all these illegals need to be deported.” The victim, a homeless man, was apparently sleeping outside of a subway station in Dorchester when the perpetrators attacked. His only offense was being in the wrong place at the wrong time. The brothers reportedly attacked him for who he was — simply because he was Latino. In recent weeks anti-immigrant — and by extension anti-Latino — rhetoric has reached a fever pitch. Immigrants have been smeared as “killers” and “rapists.” They have been accused of bringing drugs and crime. A radio talk show host in Iowa has called for enslavement of undocumented immigrants if they do not leave within 60 days. There have been calls to repeal the 14th Amendment’s guarantee of citizenship to people born in the United States, with allegations that people come here to have so-called “anchor babies.” And the terms “illegal aliens” and “illegals” — which many mainstream news sources wisely rejected years ago because they dehumanize and stigmatize people — have resurged. The words used on the campaign trail, on the floors of Congress, in the news, and in all our living rooms have consequences. They directly impact our ability to sustain a society that ensures dignity and equality for all. Bigoted rhetoric and words laced with prejudice are building blocks for the pyramid of hate. Biased behaviors build on one another, becoming ever more threatening and dangerous towards the top. At the base is bias, which includes stereotyping and insensitive remarks. It sets the foundation for a second, more complex and more damaging layer: individual acts of prejudice, including bullying, slurs and dehumanization. Next is discrimination, which in turn supports bias-motivated violence, including apparent hate crimes like the tragic one in Boston. And in the most extreme cases if left unchecked, the top of the pyramid of hate is genocide. Just like a pyramid, the lower levels support the upper levels. Bias, prejudice and discrimination — particularly touted by those with a loud megaphone and cheering crowd — all contribute to an atmosphere that enables hate crimes and other hate-fueled violence. The most recent hate crime in Boston is just one of too many. In fact, there is a hate crime roughly every 90 minutes in the United States today. That is why last week ADL announced a new initiative, #50StatesAgainstHate, to strengthen hate crimes laws around the country and safeguard communities vulnerable to hate-fueled attacks. We are working with a broad coalition of partners to get the ball rolling.

## T – Any

### 1NC – “Any” T

#### Interpretation: Any is defined as every

Your Dictionary NO DATE (Your Dictionary, online reference, “any,” http://www.yourdictionary.com/any///[LADI](http://www.theladi.org/evidence))

every: any child can do it

#### Any is an indefinite pronoun that refers to things generally

Language NO DATE (Online English grammar textbook, Unit 42: - Indefinite Pronouns,” http://www.1-language.com/englishcoursenew/unit42\_grammar.htm///[LADI](http://www.theladi.org/evidence))

**Indefinite pronouns replace specific things with** general, non-specific concepts. For example: - I want to live abroad in Italy. - I want to live abroad somewhere. This unit covers indefinite pronouns made with some, any, no, and every. Some / any Some and any can be combined with "-thing" to refer to an undefined object. For example: - There's someone outside the door. - There isn't anyone in the office. Some and any can be combined with "-where" to refer to an undefined location. For example: - I'm looking for somewhere to live. - We don't want to live anywhere near here. Some and any can be combined with "-body" or "-one" to refer to an undefined person. There is very little difference in meaning between "-body" and "-one". For example: - If you have a problem, someone/somebody will help you. - Do you know anyone/anybody who can help? These compound nouns follow the same rules as some and any, that is some is used in affirmative statements, and any is used in negative statements and questions. For example: - I need something from the supermarket. - I don't need anything from the supermarket. - Do you need anything from the supermarket?

#### Violation: The plan ends restrictions surrounding specific forms of speech

#### Net Benefits—

#### Limits – allowing plan affs around specified kinds of speech justifies a limitless number of affs that ban types of speech i.e. hate speech, specific words, and speech in specified time and places, the list goes on and on. Two impacts—

#### Fairness—means that the neg has a limitless number of affs to prepare case negs to which results in shallow engagement and the same generics you’ve heard every day like the politics DA and a process CP. Fairness is a voter, debate is a competitive activity and both sides need equal access to the ballot.

#### Education—shallow engagement means we never actually learn about the aff topic lit in depth—it results in most debates being about T or a generic K, not about the aff which destroys education—education is a voter it’s the reason why schools fund debate.

#### Topical version of the aff – remove restrictions surrounding all forms of constitutionally protected speech – solves 100% of your offense because it ensures we can still discuss the aff but allows for the neg to access links to our generics.

### Extra Neg Definitions

#### Any refers to every

Your Dictionary NO DATE (Your Dictionary, online reference, “any,” http://www.yourdictionary.com/any///[LADI](http://www.theladi.org/evidence) )

every: any child can do it

#### Field context – legal restrictions use any to refer to all

Black’s Law NO DATE (Black’s Law Dictionary, online legal dictionary, “Law Dictionary: What is ABANDONMENT OF CHILD?” http://thelawdictionary.org/abandonment-of-child///[LADI](http://www.theladi.org/evidence))

**What is ABANDONMENT** OF CHILD? **Deserting** a child and having no intention of fulfilling **any obligations** to the child. **Cutting off** all **relations** and obligations to the child.

#### Any refers to all legally – prefer our ev it’s in the context of free speech

Danilina NO DATE (S., staff writer for black’s law dictionary, “Is Flag Burning Illegal?” http://thelawdictionary.org/article/is-flag-burning-illegal///[LADI](http://www.theladi.org/evidence))

Interesting that the burning of the flag has been against the law until 1969. The first U.S. Supreme Court ruling on flag desecration was passed in 1907 in Halter vs. Nebraska case. Most early flag desecration statutes prohibited burning a flag or any other ways of disrespecting the flag. Later, in 1968, Congress responded to the burning of the American flag in the Central Park as the protest against the Vietnam War by passing the Federal Flag Desecration Law. This law prohibited any display of “contempt” directed against the flag. Thus, burning of the American flag had been illegal until 1969 when the Supreme Court ruled the decision to award the First Amendment protection to the burning of the flag.

#### Any is an indefinite pronoun that refers to things generally

Language NO DATE (Online English grammar textbook, Unit 42: - Indefinite Pronouns,” http://www.1-language.com/englishcoursenew/unit42\_grammar.htm///[LADI](http://www.theladi.org/evidence))

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#### Any refers to a broadening – it expands the scope to include everything

Simon 16 (Cecilia, reporter @ the NY Times, “Fighting for Free Speech on America’s Campuses,” August 1, 2016, [http://www.nytimes.com/2016/08/07/education/edlife/fire-first-amendment-on-campus-free-speech.html//LADI](http://www.nytimes.com/2016/08/07/education/edlife/fire-first-amendment-on-campus-free-speech.html//utd-va) \*italics in original) //[LADI](http://www.theladi.org/evidence)

**Title IX prohibits discrimination** based on sex in federally funded educational programs. In the last five years, as **the government** has worked to crack down on sexual assault on campus, it **has broadened the definition of sexual harassment to “*any* unwelcome conduct of a sexual** nature” and eliminated a protection that such conduct had to be offensive to a reasonable person.

## Counterplans

### Hate Speech PIC

#### AFF actors should remove all restrictions on constitutionally protected free speech, and ban the usage of all hate speech, including hate speech not protected by the First Amendment. Hate speech poses a direct threat to the oppressed. Banning it is necessary to promote inclusiveness.

Jared Taylor summarizes Waldron, 12, Why We Should Ban “Hate Speech”, American Renaissance, summarizing Jeremy Waldron, The Harm in Hate Speech, Harvard University Press, 2012, 292 pp., 26.95. 8/24/12, <http://www.amren.com/features/2012/08/why-we-should-ban-hate-speech/> \*\*Note – Taylor does not agree with but is summarizing Waldron’s position //[LADI](http://www.theladi.org/evidence)

First-Amendment guarantees of free speech are a cherished part of the American tradition and set us apart from virtually every other country. They are not without critics, however, and the free speech guarantees under sharpest attack are those that protect so-called “hate speech.” Jeremy Waldron, an academic originally from New Zealand, has written a whole book explaining why “hate speech” does not deserve protection—and Harvard University Press has published it. Prof. Waldron teaches law and philosophy at New York University Law School, is a professor of social and political theory at Oxford, and is an adjunct professor at Victoria University in New Zealand. Perhaps his foreign origins influence his view of the First Amendment. In this book, Professor Waldron makes just one argument for banning “hate speech.” It is not a good argument, and if this is the best the opponents of free speech can do, the First Amendment should be secure. However, in the current atmosphere of “anti-racism,” any argument against “hate speech” could influence policy, so let us understand his argument as best we can. First, Professor Waldron declares that “we are diverse in our ethnicity, our race, our appearance, and our religions, and we are embarked on a grand experiment of living and working together despite these sorts of differences.” Western societies are determined to let in every sort of person imaginable and make them feel respected and equal in every way. “Inclusiveness” is something “that our society sponsors and that it is committed to.” Therefore, what would we make of a “hate speech” billboard that said: “Muslims and 9/11! Don’t serve them, don’t speak to them, and don’t let them in”? Or one with a picture of Muslim children that said “They are all called Osama”? Or posters that say such things as “Muslims out,” “No blacks allowed,” or “All blacks should be sent back to Africa”? Professor Waldron writes that it is all very well for law professors and white people to say that this is the price we pay for free expression, but we must imagine what it must be like for the Muslim or black who must explain these messages to his children. “Can their lives be led, can their children be brought up, can their hopes be maintained and their worst fears dispelled, in a social environment polluted by these materials?” Professor Waldron insists that a “sense of security in the space we all inhabit is a public good,” like pretty beaches or clean air, and is so precious that the law should require everyone to maintain it: Hate speech undermines this public good . . . . It does this not only by intimating discrimination and violence, but by reawakening living nightmares of what this society was like . . . . [I]t creates something like an environmental threat to social peace, a sort of slow-acting poison, accumulating here and there, word by word, so that eventually it becomes harder and less natural for even the good-hearted members of the society to play their part in maintaining this public good. Professor Waldron tells us that the purpose of “hate speech” is to try to set up a “rival public good” in which it is considered fine to beat up and drive out minorities.

### CP – PATRIOT Act

#### The United States Federal Government should repeal the Patriot Act – that’s key to increase free speech and foster progressive criticism of the status quo on campuses.

Macdonald 03 Morgan MacDonald, Patriot Act stifles dissent on campus, Baltimore Sun, 11/24/03, <http://articles.baltimoresun.com/2003-11-24/news/0311240117_1_student-groups-student-information-college-campuses> //[LADI](http://www.theladi.org/evidence)

AS A COLLEGE student, I am acutely aware of both the legal and social effects of the USA Patriot Act on my life and on the lives of my peers. Passed after the 9/11 terrorist attacks, the Patriot Act has led to a broadening of governmental power to define protest as terrorism and to intrude on our fundamental rights as citizens. I am concerned by the Patriot Act's impact on the lives of all citizens, but especially on my peers in colleges across the country. No matter what provision of the Patriot Act we examine, its effects are tenfold on a college campus. A college campus is highly interconnected in every imaginable way, and in that sense differs from the typical small American city. Students are plugged into one central Internet server, student records are compiled in one database, students live in centralized college housing, student groups meet on campus, and so on. To monitor for "subversive" activity or to track a specific e-mail account is made exponentially easier when all the information is centralized and in the control of school administrations. Students on college campuses have far less privacy than the average person. When this problem is compounded by the expansion of government oversight, students' rights are placed in the most precarious of positions. Under the Patriot Act, student groups can be labeled "terrorist" organizations if they engage in certain types of protest or civil disobedience. In Minnesota, student groups such as Anti-Racist Action and Students Against War were labeled as potential terrorist threats. The government can demand that schools hand over student information without presenting probable cause that a crime has been committed. According to the American Association of Collegiate Registrars and Admissions Officers, more than 200 colleges and universities have turned over student information to the FBI, Immigration and Naturalization Service and other law enforcement agencies. Some college police are reporting directly to federal law enforcement agencies, thus allowing the government to monitor the actions of student groups and individual students without notification to the students or even college administrators. Beyond violating constitutionally guaranteed rights, the effect of the Patriot Act on college campuses is to create a suffocating educational and social atmosphere. The result of this legislation is the slow deterioration of student involvement and full intellectual participation on college campuses. If students are not allowed to express themselves in college - to question authority and to team with other students for positive social change - America's future is bleak. I am infuriated when I sit in a student anti-war strategy meeting and one of my peers says she cannot participate in our protest because she is not from the United States and fears the consequences of her actions. That is not the American way. That is not how universities contribute to progress in this country. Those who drafted the Patriot Act failed to create legislation that protects both the safety and the rights of each American. That lack of attention to our country's fundamental values is striking college campuses like a hidden illness. America is a country that advocates free speech and free expression because of the belief that a marketplace of contradictory opinions is beneficial to the progress of society. When students are deterred from participating in free discussion and demonstrations of individuality, the marketplace of ideas loses one of its biggest and most essential contributors. We are not afraid to oppose the Patriot Act because we know the consequences of its implementation. The destruction of our educational freedom must not be allowed.

### CP – Off Campus

#### AFF actors should stop the prohibition of constitutionally protected free speech off of campuses. Off campus free speech is key to check corrupt institutions and doesn’t like to the hate crimes DA.

Lomonte 12 Frank D. LoMonte, Free Speech Off Campus Must Be Protected, The Chronicle of Higher Education, 2/5/12, <http://www.chronicle.com/article/Free-Speech-Off-Campus-Must-Be/130660/> //[LADI](http://www.theladi.org/evidence)

The "disruption" standard is derived from Tinker v. Des Moines Independent Community School District (1969), in which the Supreme Court ruled that schools may regulate speech only if it portends "material and substantial disruption" of their activities. Lawyers nationwide are attempting, with some success, to persuade courts and legislators that, because the Internet makes off-campus speech theoretically viewable anywhere, speech about a school or college is equivalent to speech inside of the institution. But there are crucial differences. A speaker on school premises is talking exclusively to a school audience. On Facebook, the audience may include hundreds of outsiders. Enabling a college to dictate what is acceptable on Facebook means that it may interfere with messages that no student ever sees. What's more, speech on a social-networking page—unlike in a classroom—is entirely avoidable. Offended audience members may easily avert their eyes. While Amanda Tatro is nobody's idea of a journalist, it is impossible to craft an intelligible legal standard that makes "bad" speech punishable and leaves "valuable" speech protected. Thus, disciplinary cases against social-network users will set the standard for all off-campus speech, including journalistic speech. (Indeed, the University of Minnesota characterizes what Tatro did as "blogging.") The ruling that colleges seek—that they may punish speech, on campus or off, that they deem likely to undermine donor support—should alarm all of us. There is no legally meaningful distinction between a remark on Facebook and a letter published on a newspaper's Web site, an interview with a TV journalist posted on the station's site, or an address to the Board of Trustees that is streamed over the Internet. All of it, if higher-education leaders have their way, will become subject to content-based government regulation. While colleges clearly may discipline students for off-campus criminal behavior, the idea that colleges have free-floating good-citizenship authority to punish lawful behavior that administrators subjectively deem "disruptive" is breathtaking in its potential for abuse. There are times when "disrupting" the relationship between a university and its supporters is not just unavoidable, but proper. In recent months, for example, the student newspaper at Florida A&M University, The Famuan, has been at the vanguard of investigative reporting on the tragic loss of a freshman band member whose death has been attributed to hazing. And there are times when speech ought to cause the public to question the legitimacy of entire academic programs, as the University of Minnesota claims Amanda Tatro's writings did. If speech loses its First Amendment protection because it causes so many grantors to withdraw their support that a program's viability is threatened, which is the legal standard that the university is asking the court to adopt in the Tatro case, then no student may ever feel safe, in any venue, blowing the whistle on wrongdoing. To envision how colleges will use blank-check authority over the content of speech, look no further than the case of Ronald Zaccari, who in 2007 used his authority as then-president of Valdosta State University to summarily expel—with no notice and no hearing—a pesky student environmentalist who crusaded on the Web against Zaccari's pet parking-garage project. Cases like Zaccari's are why the First Amendment must furnish a meaningful check against retaliatory discipline. If colleges genuinely believe that students' writing indicates violent intent, then the proper response is, of course, to investigate. But once the investigation is complete and the speech is found to be an unthreatening joke, discipline not only is unjustified, but self-defeating. (In the Minnesota case, it was the disciplinary proceeding itself that caused Tatro's writings to come to the attention of UM donors.) An uncensored student voice is essential for the well-being of the entire campus community. Since the Supreme Court has denuded public employees of most of their free-speech rights, untenured faculty and staff no longer can safely speak out about waste and inefficiency. If administrators can prevent students from exposing the shortcomings of their institutions, then the public may never find out. To be sure, there is no First Amendment impediment to punishing speech that is genuinely illegal or that misuses school and college computer networks. But if the conduct is merely disagreeable and not unlawful, then colleges should do what they do best: Educate. Discuss. Counsel. "Hard cases" may be Justice Holmes's most enduring quote, but his most important comes from the case of United States v. Schwimmer, involving the legality of a loyalty-oath requirement for naturalization. In that case, Justice Holmes instructed that "if there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate."

## Case Answers

### A2 Libertarianism

#### Hate speech has intrinsic harm, particularly against women—turns case

Horne 16 (Solveig, Minister of Children and Equality in Norway, “Hate Speech — A Threat to Freedom of Speech,” 03/08/2016, <http://www.huffingtonpost.com/solveig-horne/hate-speech--a-threat-to_b_9406596.html> //[LADI](http://www.theladi.org/evidence))

Hate speech in the public sphere takes place online and offline, and affects young girls and boys, women and men. We also see hate speech attacking vulnerable groups like people with disabilities, LGBT-persons and other minority groups. Social media and the Internet have opened up for many new arenas for exchanging opinions. Freedom of speech is an absolute value in any democracy, both for the public and for the media. At the same time, opinions and debates challenge us as hate speech are spread widely and frequently on new platforms for publishing. Hate speech may cause fear and can be the reason why people withdraw from the public debate. The result being that important voices that should be heard in the public debate are silenced. We all benefit if we foster an environment where everybody is able to express their opinions without experiencing hate speech. In this matter we all have a responsibility. I am especially concerned about women and girls being silenced. Attempts to silence women in the public debate through hate speech, are an attack on women’s human rights. No one should be silenced or subjected to threats when expressing themselves in public. Women are under-represented in the media. In order to get a balanced public debate it is important that many voices are heard. We must encourage women and girls to be equal participants with men. Hate speech prevents women from making their voices heard. I also call upon the media to take responsibility in this matter. In some cases the media may provide a platform for hate speech. At the same time, I would like to stress that a liberal democracy like Norway strongly supports freedom of speech as a fundamental right. The Norwegian government takes hate speech seriously. In November, prime minister Erna Solberg and I launched a political declaration against hate speech on the behalf of the Norwegian government. Anyone can sign the declaration online and take a stand against hate speech. Politicians, representatives of labour unions and organizations are among those who have signed and supported the declaration. This year the Government will launch a strategy against hate speech. In this connection I have organised several meetings involving organizations and individuals to round table discussions on hate speech, and and received a lot of useful input for our strategy. One of the things I heard about is how destructive hate speech can be for women and girls who participate in the public debate. Some are ridiculed, subjected to sexually offensive language and even threatened with rape and violence. This underlines the importance of combating hate speech. We cannot afford that women are silenced in the public debate, because of their gender. We need arenas for dialogue, tolerance and awareness of the consequences of hate speech. It is important that we discuss this issue with our own children and in schools. We adults have a great responsibility. We need to think about how we express ourselves when children are present. What we say in our family settings have consequences for how our children behave against other people - online and offline. In order to combat hate speech we also need knowledge. I have initiated a research that will look into attitudes towards Jews and how minorities look at other minorities. In addition, the University of Oslo has established a centre for research on right-winged extremism. One of the centre`s mandate is to look into hate speech. The police plays a vital role in the fight against hate speech. Some expressions of opinions are forbidden by law. The new Norwegian General Civil Penal Code’s section 185 protects against serious hate speech which wilfully or through gross negligence is made publicly. The Norwegian police forces has established a net patrol that are working on this issue. Additionally they have strengthen their efforts against hate crime. Hate speech may be directed against people on the basis of ethnicity, religion, disability or sexual orientation. Hate speech can have serious consequences for individuals, groups and the whole society. It is important to take a stand and show that this cannot be tolerated. Politicians, organizations and other actors in the public debate must show responsibility and actively work against hate speech.

#### Hate speech is protected under the 1st amendment

Volokh 15 (Eugene, reporter @ the Washington Post, “No, there’s no “hate speech” exception to the First Amendment,” May 7, 2015, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/07/no-theres-no-hate-speech-exception-to-the-first-amendment/?utm_term=.779cdacd2341/> //[LADI](http://www.theladi.org/evidence))

I keep hearing about a supposed “hate speech” exception to the First Amendment, or statements such as, “This isn’t free speech, it’s hate speech,” or “When does free speech stop and hate speech begin?” But there is no hate speech exception to the First Amendment. Hateful ideas (whatever exactly that might mean) are just as protected under the First Amendment as other ideas. One is as free to condemn Islam — or Muslims, or Jews, or blacks, or whites, or illegal aliens, or native-born citizens — as one is to condemn capitalism or Socialism or Democrats or Republicans. To be sure, there are some kinds of speech that are unprotected by the First Amendment. But those narrow exceptions have nothing to do with “hate speech” in any conventionally used sense of the term. For instance, there is an exception for “fighting words” — face-to-face personal insults addressed to a specific person, of the sort that are likely to start an immediate fight. But this exception isn’t limited to racial or religious insults, nor does it cover all racially or religiously offensive statements. Indeed, when the City of St. Paul tried to specifically punish bigoted fighting words, the Supreme Court held that this selective prohibition was unconstitutional (R.A.V. v. City of St. Paul (1992)), even though a broad ban on all fighting words would indeed be permissible. (And, notwithstanding CNN anchor Chris Cuomo’s Tweet that “hate speech is excluded from protection,” and his later claims that by “hate speech” he means “fighting words,” the fighting words exception is not generally labeled a “hate speech” exception, and isn’t coextensive with any established definition of “hate speech” that I know of.) The same is true of the other narrow exceptions, such as for true threats of illegal conduct or incitement intended to and likely to produce imminent illegal conduct (i.e., illegal conduct in the next few hours or maybe days, as opposed to some illegal conduct some time in the future). Indeed, threatening to kill someone because he’s black (or white), or intentionally inciting someone to a likely and immediate attack on someone because he’s Muslim (or Christian or Jewish), can be made a crime. But this isn’t because it’s “hate speech”; it’s because it’s illegal to make true threats and incite imminent crimes against anyone and for any reason, for instance because they are police officers or capitalists or just someone who is sleeping with the speaker’s ex-girlfriend. The Supreme Court did, in Beauharnais v. Illinois (1952), uphold a “group libel” law that outlawed statements that expose racial or religious groups to contempt or hatred, unless the speaker could show that the statements were true, and were said with “good motives” and for “justifiable ends.” But this too was treated by the Court as just a special case of a broader First Amendment exception — the one for libel generally. And Beauharnais is widely understood to no longer be good law, given the Court’s restrictions on the libel exception. See New York Times Co. v. Sullivan (1964) (rejecting the view that libel is categorically unprotected, and holding that the libel exception requires a showing that the libelous accusations be “of and concerning” a particular person); Garrison v. Louisiana (1964) (generally rejecting the view that a defense of truth can be limited to speech that is said for “good motives” and for “justifiable ends”); Philadelphia Newspapers, Inc. v. Hepps (1986) (generally rejecting the view that the burden of proving truth can be placed on the defendant); R.A.V. v. City of St. Paul (1992) (holding that singling bigoted speech is unconstitutional, even when that speech fits within a First Amendment exception); Nuxoll ex rel. Nuxoll v. Indian Prairie Sch. Dist. # 204, 523 F.3d 668, 672 (7th Cir. 2008) (concluding that Beauharnais is no longer good law); Dworkin v. Hustler Magazine Inc., 867 F.2d 1188, 1200 (9th Cir. 1989) (likewise); Am. Booksellers Ass’n, Inc. v. Hudnut, 771 F.2d 323, 331 n.3 (7th Cir. 1985) (likewise); Collin v. Smith, 578 F.2d 1197, 1205 (7th Cir. 1978) (likewise); Tollett v. United States, 485 F.2d 1087, 1094 n.14 (8th Cir. 1973) (likewise); Erwin Chemerinsky, Constitutional Law: Principles and Policies 1043-45 (4th ed. 2011); Laurence Tribe, Constitutional Law, §12-17, at 926; Toni M. Massaro, Equality and Freedom of Expression: The Hate Speech Dilemma, 32 Wm. & Mary L. Rev. 211, 219 (1991); Robert C. Post, Cultural Heterogeneity and Law: Pornography, Blasphemy, and the First Amendment, 76 Calif. L. Rev. 297, 330-31 (1988).

#### Even libertarians conceded that some exceptions are necessary—hate speech results in war and genocide and causes intrinsic violence

Arthur 11 (Joyce, Founder and Executive Director of the Abortion Rights Coalition of Canada, a national political pro-choice group, “The Limits of Free Speech,” Sep 21, 2011, <https://rewire.news/article/2011/09/21/limits-free-speech-5/> //[LADI](http://www.theladi.org/evidence))

Hate speech should not be tolerated in the name of free speech. It has real and devastating effects on peoples' lives and risks their health and safety. It's harmful and divisive for communities and hampers social progress in fighting discrimination. Left unchecked, hate speech can lead to war and genocide. Although the right to free speech is a fundamental value, it should not be allowed to outweigh the basic human rights of other people, especially their right to life. The popular catchphrase of free speech defenders is a quote attributed to Voltaire: “I disapprove of what you say, but I will defend to the death your right to say it.” Civil libertarians often defend and support the notion that the right to freely express offensive opinions is a bedrock human right that should not be abridged except under very narrow circumstances—typically for hate speech that directly incites violence against a person or group of persons. However, I support broader prosecution of hate speech—defined here as speech that disparages a person or class of persons based on an immutable characteristic (colour, race, origin, gender, sexual orientation, disability, and age), or their occupation, family or marital status, and religion or lack of religion. Proscribing hate speech more broadly would, I believe, foster a more inclusive, tolerant, and safer society. Many western countries already do criminalize hate speech in a more encompassing way, although enforcement is often weak and spotty. A typical example is Canada, where it is illegal to “expose a person or persons to hatred or contempt…on the basis of a prohibited ground of discrimination” (Canadian Human Rights Act) and to “wilfully promote hatred against any identifiable group” (Criminal Code of Canada). The United States, however, stands almost alone in its veneration of free speech at almost any cost. The U.S. Supreme Court insists that the First Amendment protects hate speech unless it constitutes a “ true threat” or will incite imminent lawless action. But societies should take action against hate speech without requiring that a few specific words by themselves must directly and immediately incite violence, or be likely to. That sets a very high bar and is difficult to prove. It also allows purveyors of hate to evade responsibility simply by not making explicit calls for violence. Further, our new digital world raises the stakes—the Internet has spawned a proliferation of hate speech along with useful information such as bomb-making instructions or the home addresses of abortion providers. This has enabled others to commit violence long after the words were first published. Violent acts of hate are generally preceded by hate speech that is expressed publicly and repeatedly for years, including by public figures, journalists, leading activists, and even the state. Some examples include Anders Behring Breivik’s terrorist acts in Norway (June 2011), the assassination of Kansas abortion provider Dr. George Tiller (May 2009) and other abortion providers in the 1990’s, the Rwandan genocide against the Tutsis (1994), the ethnic cleansing of Bosnian Muslims in Bosnia-Herzegovina (1992-1995), and the Nazi Holocaust. Courts of law should be able to look at broader patterns of hate speech in the culture to determine whether a hateful atmosphere inspired or contributed to violence, or would likely lead to future violence. When hate speech is relatively widespread and acceptable (such as against Muslims or abortion providers), it’s not difficult to see the main precursor to violence—an escalation of negative behaviour or rhetoric against the person or group. Dr. George Tiller endured a previous assassination attempt and a decades-long campaign of persecution waged by the anti-abortion movement, which worsened over time, especially in the last year or two of the doctor’s life. Anders Behring Breivik had actively opposed multiculturalism for years and had immersed himself in Christian Right propaganda about the supposed threat of Muslim immigration to Europe, a view popularized only in recent years by a growing army of anti-Muslim bloggers and right-wing journalists. As these examples illustrate, we can often pinpoint the main purveyors of hate speech that lead to violent crimes. In the Norway shootings, the killer Breivik relied heavily on writings from Peder Jensen (“Fjordman”), Pamela Geller, Robert Spencer, Mark Steyn, Jihad Watch, Islam Watch, Front Page Magazine, and others. Such individuals and groups should be charged with incitement to hatred and violence. Similar culpability for the assassination of Dr. George Tiller should rest on the shoulders of the extremist anti-abortion group Operation Rescue and Fox News commentator Bill O’Reilly. In general, anyone spewing hate to an audience, especially on a repeated basis, could be held criminally responsible. This would include politicians, journalists, organizational leaders and speakers, celebrities, bloggers and hosts of online forums, and radical groups that target certain categories of people. We also need to hold people in accountable positions to a higher standard, such as government employees and contractors, ordained religious leaders, CEOs, and the like. Criteria by which to assign culpability could include a speaker’s past record of prior hate speech against a particular person or group, how widely and frequently the views were disseminated, and the specific content and framing of their views. In cases where violence has already occurred, judges could determine how likely it was that the violent perpetrators had been exposed to someone’s specific hate speech, and hand down harsher sentences accordingly. The Harms of Hate Speech The apparent assumption of free speech defenders is that offensive speech is essentially harmless—that is, just words with no demonstrable link to consequences. But questioning whether speech can really incite someone to bad behaviour seems irresponsibly obtuse. Obviously, words have consequences and frequently inspire actions. A primary purpose of language is to communicate with others in order to influence them. If that weren’t so, there would be no multi-billion dollar advertising industry, no campaigns for political office, no motivational speakers or books, no citizen-led petitions, no public service announcements, and no church sermons, along with a myriad of other proven examples where speech leads others to act. The majority of hate speech is targeted towards gays, women, ethnic groups, and religious minorities. It’s no coincidence that straight white men are generally the most ardent defenders of near-absolute free speech, because it’s very easy to defend hate speech when it doesn’t hurt you personally. But hate speech is destructive to the community at large because it is divisive and promotes intolerance and discrimination. It sets the stage for violence by those who take the speaker’s message to heart, because it creates an atmosphere of perceived acceptance and impunity for their actions. Left unchecked, it can lead to war and genocide, especially when the state engages in hate speech, such as in Nazi Germany. Hate speech also has serious effects on its targets. Enduring hatred over many years or a lifetime will take a toll on most people. It can limit their opportunities, push them into poverty, isolate them socially, lead to depression or dysfunction, increase the risk of conflict with authority or police, and endanger their physical health or safety. In 1990, the Canadian Supreme Court stated that hate speech can cause “loss of self-esteem, feelings of anger and outrage and strong pressure to renounce cultural differences that mark them as distinct.” The court agreed that “hate propaganda can operate to convince listeners…that members of certain racial or religious groups are inferior,” which can increase “acts of discrimination, including the denial of equal opportunity in the provision of goods, services and facilities, and even incidents of violence.” In democratic societies that stand for equality and freedom—often with taxpayer-funded programs that promote those values by assisting vulnerable groups—it makes no sense to tolerate hate speech that actively works to oppose those values. Further, hate speech violates the spirit of human rights codes and laws, diminishing their purpose and effect. A society that allows hate speech is a society that tolerates prejudice at every level—politically, economically, and socially—and pays the consequences through increased discrimination and violence.

#### Courts check—things like context solves for crowding out speech that’s productive to solve structural violence

Arthur 11 (Joyce, Founder and Executive Director of the Abortion Rights Coalition of Canada, a national political pro-choice group, “The Limits of Free Speech,” Sep 21, 2011, <https://rewire.news/article/2011/09/21/limits-free-speech-5/> //[LADI](http://www.theladi.org/evidence))

A common objection to prosecuting hate speech is that it might endanger speech that counters hate speech. For example, a critique may repeat the offending words and discuss their import, or it may subvert the hate message in a subtle or creative way that could be misunderstood by some. But context is everything when determining whether speech is actually hateful or not, so this objection seems nonsensical. Any reasonable judge should be able to discern the difference in intent or effect behind a hateful message and the speech that critiques it.

#### A productive school environment outweighs free speech—schools have commitments like a focus on a safe school environment that supersede free speech

CPE 6 (Center for Public Education, “Free speech and public schools,” April 5, 2006, <http://www.centerforpubliceducation.org/Main-Menu/Public-education/The-law-and-its-influence-on-public-school-districts-An-overview/Free-speech-and-public-schools.html/> //[LADI](http://www.theladi.org/evidence))

Students and teachers are free to speak their minds on public school grounds. They can even wear T-shirts with messages, dye their hair funky colors, and wear jewelry or buttons that make a social statement. But, even with First Amendment protection guaranteed by the U.S. Constitution, there are limits in the school setting. And figuring out where the line is drawn is fairly complicated. The reason is that the First Amendment’s Free Speech Clause requires courts and school districts to weigh and balance two forceful ideas that occasionally clash: The need for a safe, orderly school environment conducive to learning. The guaranteed American entitlement to speak or engage in expressive activity. Neither interest is trivial. Words and symbols are at the core of American society, and free speech, many believe, separates the United States from oppressive countries. Public schools are society in miniature, with students and school employees representing the full range of beliefs. It is important to remember that speech, as defined by the Constitution, is not just words. It also includes non-verbal and symbolic expression: clothes, off-campus web sites, dance performances, and art. In today’s climate, questions about freedom of speech are amplified. The nation is polarized by matters of war and peace, and in-your-face moral issues provoke car discussions that make parents cringe. Part of the mission of public schools is to teach children what democracy is all about. Tax-supported schools are also, by their actions, examples of democracy in action. It would be the height of contradiction to teach about the First Amendment and then not follow it. Yet, free speech cannot trump the main mission. As one federal court put it, “Learning is more important in the classroom than free speech.” Free speech as a public school guidepost While the U.S. Constitution applies within schools, rights are slightly reduced for the following reasons: Students are minors. Adults serve as employees. A public learning institution requires a peaceful environment to thrive. Public schools are in a category all their own. They must achieve academic excellence while obeying various laws, rules, and regulations. Private and parochial schools, however, are not similarly restricted by ideas of individual rights, free speech, and other liberties. Further, non-public learning places can trample on freedoms with impunity and never face a date in court. The big idea behind free speech is simply this: Students and teachers are free to reveal their views unless there is a compelling reason to stop it. School officials cannot arbitrarily pick and choose the speech it will allow. The following examples illustrate this conflict. OK: Allowing a student to wear a T-shirt that says “I oppose the war on terrorism.” Political statements are permitted in a school environment. WRONG: Making the student change or cover the shirt because it contains a political message, or because school officials, a majority of students, or the community agree with deployment of troops. The First Amendment is not subject to a popularity contest, and in fact is meant to protect less popular views. \* \* \* OK: Exercising editorial control and screening articles for a school-sponsored newspaper. Because such publications bear the implied message of school backing, officials have a right to filter the content. WRONG: Punishing a student for distributing publications when they are complying with policy and not endangering the safety of other students or employees. If school officials establish the time, place, and manner in which student publications can be distributed they must stick with it. Unless the brochure or pamphlet crosses the line of being inappropriate, public school employees cannot squelch the message simply because they disagree. The Constitution protects unpopular views. If a student is peacefully giving out flyers and following the school rule, then there should be no consequences. \* \* \* OK: Reprimanding a teacher for cursing out a colleague or a student. Aggressive, vulgar speech meant to provoke rarely wins First Amendment protection. WRONG: Transferring a principal who says the K-12 curriculum of the school district is not rigorous. Criticisms that are in the public interest are usually sheltered. Student speech Tinker v. Des Moines Independent Community School District is the single most influential U.S. Supreme Court case on school free speech. The memorable line emanating from the case: “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.” The 1969 case involved Iowa students and their right to wear a black armband in school to symbolically protest against the Vietnam War. The principle outlined in the case that still endures: To prevail, school officials must demonstrate that the speech would provoke “substantial disruption” of school activities or invade the rights of others. Using that measuring stick, the court concluded that wearing armbands is a form of symbolic speech “akin to pure speech” and that the act was a “non-disruptive, passive expression of a political viewpoint.” The court said that a fundamental right of freedom of expression cannot be squelched due to “a mere desire to avoid [the] discomfort and unpleasantness that always accompanies an unpopular viewpoint.” In 1986, the Supreme Court decided Bethel School District No. 403 v. Fraser, affirming the school district’s right to punish a student who gave a lewd, vulgar political speech at a school assembly. The court reasoned that “it is a highly appropriate function of public school education to prohibit the use of vulgar and offensive terms in public discourse.” The court was also concerned about the academic aspect of the case. “The freedom to advocate unpopular and controversial views in schools and classrooms must be balanced against society’s countervailing interest in teaching students the boundaries of socially appropriate behavior,” the court wrote. Two years later, the Court decided Hazelwood School District v. Kuhlmeier, a watershed case that lets school districts remove articles from student newspapers and otherwise control activities that are curriculum-related. Courts need a way of determining whether certain speech is permitted on school grounds and protected under the Constitution or whether schools can place limits. One technique for figuring that out is the “forum analysis,” which enables school officials to control the time, place, and manner of speech. The three types of forums are: Open Forum: A public place, like a park, that is traditionally used as a place of free public discourse. Limited forum: Generally a public area, like the common area in a school. It is not open to anyone, but has been made available in limited ways and at limited times for certain speech. Closed forum: A private space, not used for an exchange of ideas. In fact, the place’s purpose would be lost if free speech were allowed, such as class time, school plays, or curricular-related activities. Web-savvy Students generally have broad freedom under the First Amendment to express themselves on the Internet on their own time, using off-campus computers. The results of that freedom include Out-of-Bounds web sites or blogs (both containing personal diaries or posted conversations) that can be course and offensive at best and harbor threats to people and property at worst. The U.S. Supreme Court has said the Internet is a protected free speech zone, calling it “the most participatory form of mass speech yet developed.” But there is a wide berth between speech that is offensive, obnoxious, and insulting—all of which is protected—and speech that places the safety of others in jeopardy. One Pennsylvania student’s web site requested $20 for a hit man. The reaction of that state’s Supreme Court was this: “We believe that the web site, taken as a whole, was a sophomoric, crude, highly offensive, and perhaps misguided attempt to humor or parody. However, it did not reflect a serious expression of intent to inflict harm.” Another case arose when a Missouri student was suspended for 10 days for a home-based web site that used vulgar language to criticize the principal, teachers, and other things about school. A federal district court in that state ruled that “the public interest is not only served by allowing [the student’s] message to be free from censure, but also by giving the students at [the high school] this opportunity to see the protections of the U.S. Constitution and the Bill of Rights at work.” Employee speech Over the years the courts have ruled that school employees are not always free to express their opinions and beliefs. Employees cannot be disciplined or suffer negative consequences for speaking out on matters of “public concern.” Schools can take action, however, when employees go public with strictly personal concerns. The main U.S. Supreme Court case is Pickering v. Board of Education, which held that freedom of speech—while not absolute—gives employees Constitutional protection if they are speaking about issues of a public nature, rather than those things about which they have a personal stake. Pickering overturned a school district’s decision to fire a teacher for commenting on school expenditures through letters in a local newspaper. For example, if a teacher criticized a building’s weak leadership and lax coordination between grades, it would likely be considered a comment about matters of public interest. If that same teacher complained publicly that she thought she was being unfairly targeted for classroom observations and undesirable assignments, a school district would likely be within their rights to react. But even standing on principles of public concern is not sacrosanct. Employees can still be disciplined based on that expression (like publicly criticizing supervisors) if the district believes that it will impede the employee’s ability to perform assigned duties, or the speech will undermine supervisory authority, disrupt the school, or destroy close working relationships. So when confronted with an employee speech case, the court’s analysis goes like this: Is the speech a matter of public concern? If not, the case ends and the employee loses. If so, then was the employee’s speech outweighed by the state’s interest in promoting efficiency in the delivery of educational services? The following rulings illustrate the kinds of cases decided by federal courts on this issue. A teacher cannot be dismissed for wearing a black armband to class to protest the Vietnam War. A teacher can refuse to participate in the flag salute under the First Amendment if she stands silently with her hands by her side. Teachers are in a particularly special position as classroom leaders. The courts have found that teachers are role models, and when operating in their official capacity become “state actors”—essentially an extension of government power. For instance, even though teachers may have a free speech right to join students at a student-arranged “Meet me at the Pole” prayer gathering before school, doing so could be seen as official endorsement of religion. Furthermore, unlike a college setting, K-12 public school instructors do not have a right of academic freedom. Control of the curriculum—both what is taught and how it is taught—is vested with the board of education and the administration. The Court wrote in the Pickering case that “The state has interests as an employer in regulating the speech of its employees that differ significantly from those it possesses in connection with regulation of the speech of the citizenry in general.” The future One of the interesting, if difficult, realities of First Amendment Free Speech law is that it is a moving target. As new cases arise the Supreme Court has an opportunity to adjust the line or mark it in a bolder color. Given the variety of people who populate them and the young impressionable students that so many people want to reach, schools are a natural venue for these kinds of conflicts to play out. The key is striking a balance so that education occurs while students and employees exercise their constitutionally protected speech right.

#### Clear and present danger is obviously a reasonable exception—when the public good is at risk that speech is no longer neutral

ACRL 15 (Arab-American Civil Rights League, “Arab Festival ruling: Does freedom of speech outweigh public safety?” November 5, 2015, <https://acrlmich.org/arab-festival-ruling-does-freedom-of-speech-outweigh-public-safety/> //[LADI](http://www.theladi.org/evidence))

“The issue of the First Amendment has to take a back seat when it becomes clear and present danger to public safety,” Ayad said. “Not only was there clear and present danger, there was an assault that took place. A riot was about to break. The Circuit (Court) decision is saying you cannot take any action until a riot breaks out. Think about how ridiculous that sounds.” Ayad said the court ruling implies that the sheriff’s office had a clear understanding and objective of what should have been done in that situation. However, he pointed out that it seemed even the 15- body Sixth Circuit bench had difficulty reaching a decision. Seven of the judges believed the county responded accordingly. Ayad added that the Bible Believers would’ve most likely still sued the Sheriff’s Department even if the group had been allowed to conclude its protest or if one of their demonstrators had ended up injured. “The Sherriff’s Department was in a ‘damned if you do, damned if you don’t’ situation,” Ayad said. “This puts an unfair burden on law enforcement agencies. If high judges can’t figure out what police officers are supposed to do, how can you say there is a set precedent? It shows that there is no clear policy over what law enforcement should do in this type of situation.” Many would say the incident at the Arab Festival in 2012 was the final boiling point that resulted in its demise. In the years prior, the festival began earning a reputation as a stomping ground for religious disputes that would result in flaring tensions. The city of Dearborn feared liability issues, pressuring the county to step in to manage security at the event in its final years. Police had been expecting the presence of the Bible Believers at the 2012 festival. A letter was sent to the county days in advance to alert them of the demonstration. In an interview last year, Wayne County Sheriff Benny Napoleon said the county recognized and allowed the group to demonstrate its First Amendment rights. “They have a right to free speech, but they also have to do it in a reasonable manner that would not jeopardize public safety,” Napoleon told The Arab American News. “We didn’t care what the content of their speech was. It wasn’t until we thought that they were an imminent threat to public safety that we shut them down. I think we did the right thing.”

### A2 Militarism

#### Freedoms aren’t applied equally – students of color aren’t a part of your demonstrations because of distrust

Fang 16 (Marina, reporter @ the Huffington Post, “Most College Students Want Free Speech On Campuses — But Not When It’s Hate Speech,” 04/04/2016, http://www.huffingtonpost.com/entry/free-speech-college-campuses-survey\_us\_5701c58ce4b0daf53aeff94e//[LADI](http://www.theladi.org/evidence))

The survey noted that race plays a particular role in college students’ perceptions of First Amendment freedoms. For example, only 39 percent of the black students in the survey reported feeling less confident in the right to peacefully assemble, compared to 70 percent of white students. Students are highly distrustful of the press. Nearly 60 percent of the students surveyed “have little or no trust in the press to report the news accurately and fairly,” and many expressed mixed opinions about the media’s coverage of campus protests. While the vast majority of students surveyed said that the press should generally have unrestricted access to campus protests, close to half said that in some cases, there can be reasons to bar the press, like if protesters think that the reporter may be biased, or whether “the people at the protest say they have a right to be left alone.” The survey indicated that students are also concerned about the use of social media, with many noting that they feel that it can lead to uncivil and hateful discussions and that it can be easy to express opinions anonymously. For example, Yik Yak, a popular social network on college campuses, allows anonymous postings. Many college students have reported seeing hateful Yik Yak posts, increasing pressure on the company to crack down on people who use the app to harass others.

#### Free speech in the abstract allows for micro-aggressions that cause violence to students—they have zero control over whether or not that person will be held accountable.

Ellin 16 (Abby, reporter @ the NY Times, “Studies in the First Amendment, Playing Out on Campus,” JUNE 22, 2016, http://www.nytimes.com/2016/06/23/education/studies-in-the-first-amendment-playing-out-on-campus.html//[LADI](http://www.theladi.org/evidence))

The fracases have left colleges struggling to figure out how to help students and faculty members balance respectful discussions about race and diversity with open conversations on difficult topics. They are asking: How can campuses best navigate inclusiveness and debate while being mindful of students who feel marginalized, disrespected and overlooked? “These are complicated issues, balancing a commitment to academic freedom with these demands for censorship and the greater awareness of the negative impacts on people of hearing speech that makes them uncomfortable for whatever reason,” said Geoffrey R. Stone, a professor of law at the University of Chicago, noting that the First Amendment applied only to students and faculty members at public institutions, not private ones. At private institutions, he said, the issue is one of academic freedom as a matter of policy. In November, the University of Kansas held a meeting on race that drew more than 1,000 people. But during the event, a group of students took over the stage, saying that the forum was organized in an effort to silence voices rather than to listen to them. “There is a fine line, and I don’t necessarily know where that fine line is,” said Harrison Baker, 21, a senior and a member of the Student Senate who attended the event. In May, the City University of New York created both a Task Force on Campus Climate and a Working Group on Freedom of Expression. More recently, Columbia University in New York announced the creation with the John S. and James L. Knight Foundation of the $60 million Knight First Amendment Institute at the university to promote free expression. “Schools need to have statements that clearly express the importance of free speech on campus,” said Erwin Chemerinsky, dean of the law school at the University of California, Irvine. “Universities have to be about open inquiry and ideas. But campuses need to say, ‘We’re a community and we want everyone to be comfortable.’” In the early 1990s, more than 350 schools adopted hate speech codes, he said. But about a half dozen were struck down as unconstitutional, and most schools had not written new statements addressing these questions. In late 2014, Professor Stone and other faculty members created the University of Chicago’s Statement on Freedom of Expression, which was released January 2015. “The University’s fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrongheaded,” they wrote, in part. “It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose.” Thirteen schools including Princeton, Columbia and Purdue have adopted some versions of the Chicago Statement, according to the Foundation for Individual Rights in Education. At Franklin & Marshall College in Lancaster, Pa., a version of the statement was adopted by the faculty in February but was later vetoed by the board of trustees, which said it had legal concerns over the “uninhibited but still respectful exchange of ideas.” “Right now, the faculty has academic freedom, but there is nothing that comprehensively guarantees students free expression,” said Matthew Hoffman, an associate professor of history at Franklin & Marshall who initiated the motion to get the Chicago Statement into the faculty handbook. One school that received praise in certain circles was Emory University in Atlanta. A few months ago, some students were enraged by the appearance of sidewalk “chalkings” of “Trump 2016,” which many considered racist and intended to intimidate. About 40 students protested outside the administration building, and later met with the president, James W. Wagner. In a campuswide email, Mr. Wagner wrote, in part: “As an academic community, we must value and encourage the expression of ideas, vigorous debate, speech, dissent, and protest. At the same time, our commitment to respect, civility, and inclusion calls us to provide a safe environment that inspires and supports courageous inquiry. It is important that we recognize, listen to, and honor the concerns of these students, as well as faculty and staff who may feel similarly.” As for Ms. Quenette, who was unclear about her next career move, if the situation arose again, she said she would “absolutely” use different language. She said she had used the racially charged word solely as an example of how words could be used to discriminate or to victimize others. “Although I never intended to hurt anyone or offend anyone,” she said, “I am sad that this was the outcome of my words.” Enough bad feelings had come to a head that some 200 people felt a need to gather at the University of Northern Iowa on a November night to talk about cultural diversity. The catalyst was the kind of language students were hearing around campus. “I mean, when I hand out a flyer for the Baile,” freshman elementary education major Chloey Arispe said at the time, referring to an Hispanic Latino Student Union dance, “and someone goes, ‘oh, this is just a beaner thing,’ I can’t control what’s coming out of their mouth. But I want, I want to control what happens when I report it — when I say, ‘Hey, I’m not feeling comfortable.’” Encounters like that on campuses across the country are prompting an examination of whether or not limits on speech and expression should exist at a college or university. It’s a controversial topic, raising this sticky question: If limits should exist, where do you place them? An IowaWatch college media journalism project in late winter and early spring found a general aversion to limiting speech and expression on several Iowa campuses but willingness among some to regulate speech – hate speech for instance – that threatens someone. That informal conclusion paired with results of a national study released in April. A national Gallup Poll for the John S. and James L. Knight Foundation and the Newseum Institute showed that seven of 10 college students nationally favored policies against slurs and other intentionally offensive language. “You can be violent with someone without using your body,” Sarah Clark, 21, a Cornell College senior from Salt Lake City, Utah, said. “Basically saying to anyone that you don’t have the right to exist in this space is hateful. It is hate speech.” James Hampton, chair and professor of biology at Buena Vista University in Storm Lake, said college campuses should promote the exchange of free ideas and that restricting what you can talk about on them doesn’t make sense. “But I do think it makes sense that, if you are trying to convince somebody that your idea is the correct one, that you use language that lets them hear you,” Hampton said. “If you’re using hateful language they’re not going to hear your ideas. They’re going to hear your hatred.” INSTANCES IN IOWA Iowa has had a fair share of instances where First Amendment free speech rights were challenged: • University of Iowa officials washed away depictions of hearts abortion opponents drew in chalk on university sidewalks in mid-April. It was one of many incidents nationally involving university policies on what can be chalked and what cannot. • The University of Iowa came under fire from free-speech advocates when administrators asked in December 2014 that a statue of a Ku Klux Klansman be removed from the Pentacrest. An adjunct art professor said he placed it there as a piece of art designed to make people uncomfortable and critical of the Klan. It made people uncomfortable – angry in some instances – and the intended message did not connect with many. University officials said they sought the removal because the artist did not have a permit to display at the Pentacrest. But university officials also apologized for any offense the statue caused. • A Des Moines Area Community College student sued in federal court after college officials stopped him in 2013 from passing leaflets expressing what he said was his religiously based opposition to giving state funds to a conference for gay, lesbian, bisexual, transgender and questioning youth. A campus security officer took the leafleting student to the student activities office, where the student was told to abide by the college’s solicitation and recruitment policy. The college later backtracked, settled the case and changed its free speech zone policy for students. • Iowa State University’s student government rejected a measure calling for expanding free speech zones on campus. Unable to agree on the topic the student leaders opted instead to support a generic call for advocating free speech and asked Iowa State administration to clarify university policy on free speech zones. • Meanwhile, Iowa State is appealing a federal court ruling that said the pro-marijuana group, NORML, may use Iowa State logos on t-shirts. • Students at Cornell College in Mount Vernon are involved in a spring battle of words over how to talk about minorities on campus. College administrators stepped in with public forums to calm nerves while promoting open speech but the words continued to fly into late April. • Students at the University of Northern Iowa report that routinely used racially charged language and attitudes on campus create an unwelcoming atmosphere. Consistent low-level behavior and comments, called micro-aggressions, poison the atmosphere for African Americans and Latinos but also bisexual and transgendered people, students said in IowaWatch interviews and reports in the campus paper, The Northern Iowan. Common student complaints include feeling shut down in conversations when they hold a minority opinion on politics or their personal or religious beliefs. Others tell of feeling threatened, notably because of their ethnic backgrounds. “I’ll be walking around campus and just be thinking, glancing at people and thinking, ‘what do they think of me?’ or ‘are they racist?’ or, just things like that,” Alfred O’Brien, 23, an African American who graduated from Northern Iowa in December with a degree in in marketing management and ethics, said in an IowaWatch interview. Mariah Dawson, 21, a University of Iowa junior studying chemistry said she hears comments about her dark skin. “All the time people say racial slurs,” she said. “You hear people saying nigger all the time on campus. But growing up black it’s something you learn to deal with. If I fought everyone who says nigger to me I’d be tired all day long.” Dawson said she viewed the controversial KKK statue in December 2014 in the context of being an African American. “If a black person sees the KKK we are alarmed. It’s a threat. That situation was more alarming than if someone is saying nigga’ to me at Brothers,” she said. Brothers is a downtown Iowa City bar that is popular with students. Samantha Harris, director of policy research for the Philadelphia-based Foundation for Individual Rights in Education, or FIRE, was critical of the University of Iowa for asking that the KKK statue be taken down and for apologizing for it. “Perfect example of how this subjective determination is an issue,” Harris told IowaWatch. “You shut down speech that is making a contribution to the marketplace of ideas.” Harris said universities across the country increasingly are restricting speech on campuses. “There should not be any more restrictions on campuses than there is in society by the First Amendment,” she said. The University of Iowa set out at the beginning of this year to establish a bias assessment response team that can respond to complaints about racially based comments or incidents that could violate student policy or a crime. Sarah Hansen, University of Iowa vice president for student life, said the team’s focus should not be on punishing people. Rather, the team, using the acronym BART, should provide a meaningful way to address the needs of people hurt or offended by something another student did that might not be illegal or break the university’s student code of conduct, she said. “For those cases that would normally fall through the cracks where there would be no response,” she said. “My focus is much more on creating an atmosphere where we can encourage discourse about issues that we disagree about,” Hansen said. “I think that’s part of the role of higher education. So I would want to focus on upholding our ability to have strong discourse but also understanding that sometimes that affects people and that we need to focus some attention also on how those people are affected.” MAKING BOUNDARIES Writing a coherent definition of hate speech is difficult, said Chris Malloy, a pending University of Iowa College of Law graduate and also a doctoral candidate at the university’s School of Journalism and Mass Communication and supervising attorney at the university’s Student Legal Services. “Any time you are advocating for violence against another group, that is something that can be limited under the First Amendment,” Malloy said. “But beyond that, saying things like ‘I don’t think what this group of people is doing is right,’ I don’t think that’s hate speech.” The Newseum Institute and the John S. and James L. Knight Foundation have embarked on an effort to make suggestions in a report later this year on whether or not acceptable written boundaries for speech and expression can exist at a college or university. They invited 42 students – three from Iowa State – to an April 2 conference in Washington, D.C., for a conference on the topic. IowaWatch was invited, too, and gave a presentation about its college media project. Two of the three Iowa State students were part of the IowaWatch project. Gene Policinski, Newseum’s chief operating officer, said he hopes the conference launched a multi-year project to find a way to protect speech on campuses. “Is there any real point any more to having free speech zones or a free speech location? First of all, my view, all of America is a free speech zone,” Policinski said in an IowaWatch interview. “But, when I can reach the planet with a tweet from my dorm room is there really any point now for universities to establish these zones of free speech? “But there also are issues of intimidation. We see these Twitter campaigns where a person’s reputation can be attacked very easily.”

#### No impact to the aff—most people think we already have free speech, nothing is going to change

Dwyer 16 (Liz, writes about race, parenting, and social justice for several national publications, “College Students Say Free Speech Has Its Limits,” April 4, 2016, http://www.takepart.com/article/2016/04/04/college-students-free-speech-limits//[LADI](http://www.theladi.org/evidence))

Last fall, the football team at the University of Missouri went on strike to protest slow administrative response to incidents of racial harassment on campus, joining other students in a movement that resulted in the resignation of the school’s president. Although students at the school asserted their right to protest, a viral video of Tim Tai, a student photojournalist, being blocked from documenting what was happening raised concerns over whether free-speech rights on the campus were eroding. “The First Amendment protects your right to be here and mine,” Tai told the protesters gathered around him. “Forget a law. How about humanity and respect?” replied a student. A few minutes later, professor Melissa Click, now fired, could be seen on the video trying to prohibit another student from recording the incident. “Hey, who wants to help me get this reporter out of here?” Click yells to the protesters. According to a Gallup survey of college students, released Monday in collaboration with the Knight Foundation and the Newseum Institute, most undergraduates across the United States believe First Amendment rights are secure. At the same time, nearly half think some restrictions on free speech are justified. “Students do appear to distinguish controversial views from what they see as hate. They believe colleges should be allowed to establish policies restricting language and behavior that are intentionally offensive to certain groups, but not the expression of political views that may upset or offend members of certain groups,” wrote the authors of a report accompanying the survey. The survey polled a nationally representative sample of 3,000 college students ages 18 to 24 about their attitudes toward the First Amendment. While 78 percent said that “colleges should expose students to all types of speech and viewpoints,” the report’s authors note that 69 percent believe policies against slurs and intentionally offensive language are needed.

#### First Amendment protections allow white people to commit acts of violence and promotes a bystander culture that is eerily reminiscent of times of slavery

Ross 16 (Lawrence, writer @ the root, “Blackface on College Campuses Isn’t About Freedom of Speech; It’s About White Supremacy,” October 31, 2016, http://www.theroot.com/articles/culture/2016/10/blackface-on-halloween-isnt-about-freedom-of-speech-its-about-white-supremacy///[LADI](http://www.theladi.org/evidence))

It’s Halloween, so put on your seat belts, brothers and sisters, and get ready for an onslaught of racist Halloween costumes coming from white college students who think your humanity is fair game for chuckles. The blackface paint will flow as white students think that smearing it on, along with a sign that says, “Black Lives Matter,” is the most hilarious thing they can do. And when they get caught, and suspended by their universities, they’ll all proclaim, “I had no idea it was racist!” Don’t be bamboozled, my friends. You see, blackface on white college students is as much white supremacy standard operating procedure at Halloween as a Donald Trump fanatic yelling, “Lock her up!” When I was writing my book about campus racism, Blackballed: The Black and White Politics of Race on America’s Campuses, I was able to hit the archives of hundreds of predominantly white colleges and universities, and I found that there have been white students as early as the 1840s, and continuing through the 20th century until today, who have made it a point to use blackface to denigrate African Americans. Within predominantly white fraternities and sororities, hosting racist theme parties, where white students dress like stereotypical blacks, Latinos and Asians, happens every Halloween, even as universities make concerted efforts to educate these students about why they shouldn’t do it. And yet, as the offensive depictions of minorities flow from Instagram, Snapchat and other social media platforms, there will be those who rise up and shout, “It’s all about freedom of speech and the First Amendment,” as though the Bill of Rights were a “Get Out of Racism” card to be played. What’s ironic is that while these people will bend over backward to note that racists (and that’s what I call any white college student who puts on blackface. Don’t like that tag? Don’t put on blackface) have the constitutional right to offend, they’re typically silent as a church mouse when it comes to people of color exercising their own freedom of speech. The hypocrisy of Americanism means that a Colin Kaepernick, who kneels before the flag as a challenge to America to be better, to be more just, is held up as a point of ridicule, whereas the racist just melts back into society. And we see it today. At the University of Wisconsin-Madison, someone decided that he’d dress up as President Barack Obama in a prison uniform with a noose hanging around his neck. The idea? Lynch the first African-American president. It’s the most common, almost clichéd exhibition of white supremacy on college campuses. Remember that two Sigma Alpha Epsilon fraternity members at the University of Oklahoma sang about lynching African Americans before letting them into their fraternity; and the James Meredith statue at the University of Mississippi is regularly targeted with nooses. But what’s disturbing about the University of Wisconsin picture isn’t just that some racist decided that lynching black people was funny. It’s that the white people in the frame of the picture say and do nothing, which is reminiscent of so many pictures of real lynchings, where ordinary white people either smiled for the cameras or impassively bore witness to a horrific murder and felt nothing. These white fans in the University of Wisconsin stands apparently felt nothing. They didn’t point. They didn’t object. They just stared ahead. And that’s more troubling than the costume itself.