## AC Framework

Ethics must be first philosophy. We must recognize the content and force of our obligations prior to any other enterprise. Ethics cannot depend upon some sort of antecedent deduction from external principles, but is a self-evident authoritative framework.

There are three warrants:

**First,** engaging in any academic discipline presupposes we should be engaging in it. However, to have that reason is already to presuppose the realm of the ethical. Thus, any philosophic movement presupposes the nature of ethical commitments. For instance the Enlightenment valued absolute truth and the reason to live according to “true arguments.” So the project of deduction cannot explain its own source.

**Second,** it is impossible to derive an imperative from a state of affairs. For example, the fact that I have an impulse or that something will kill me cannot provide moral reason unless I already believe a normative precept – like that I ought to listen to the impulse, or that my death would be bad. This is inescapable; either you make an irreducibly normative judgment or the conclusion remains merely factual. This means that ethics cannot lie on any other non-ethical foundation – you cannot deduce it from features of the self or the world.

**Third,** explanatory accounts fail – we can’t understand ethics in any terms but the ethical. Displaying the external “rationality” of ethics is the problem with displaying the rationality of anything else we already do, like playing games. Even the way we justify arguments is also an unjustified normative part of our life. Our manner of reasoning practically is not correct in itself, but rather is a product of how we live and are built.

The conclusion is that ethics must begins in the first confrontation with the other prior to any philosophical systematization. Because ethics is first philsophy, it cannot be mediated by any conceptual categorization. All totalization does this. When you sort people into categories or treat people differently based on those categories then your ethical obligation is not first, because you understand its content in a mediated fashion. Totalization cannot give rise to our obligations because our obligations had to be plain prior to the totalization; if my totalization results in treating you at all differently, I must be inconsistent with my obligation because my obligation was full and evident to myself before the totalization occurred.

This obligation to the Other is undeniable. If we have additional obligations that come after totalization, ethics is not first philosophy – if any part of our obligation is derivative on something afterwards, then that part would preclude us knowing what to do in the first place. I have to be able to know right and wrong without theorizing otherwise I cannot know that I should theorize. I wouldn’t have enough information to derive right or wrong.

Thus the standard is respecting the alterity of the other.

Prefer:

1. For an agent to act freely it must first understand the concept of free action, that it can act in response to reasons, which explain a course of action without causally necessitating it That cannot be internal without begging the question, so it must be in response to a summons. That gives you an infinite, unlimited obligation to the Other that rejects all totalization. **Gehrke**[[1]](#footnote-1)

Levinas inverts Hegel by arguing that the otherness of the Other, her/his alterity, or most simply the fact that we are not one being and can never become one being, is both essential to the possibility of the emergence of any will and already bears one’s responsibility to and for the Other. The very possibility for subjectivity and individuality comes in the approach of the Other; I become an “I” only in response to the Other’s approach. The first event of will is always, for Levinas, to respond, and will exists only as response. Thus, in the Other giving to me my subjectivity, I already find myself in a relationship of obligation and debt. Unlike a Hegelian understanding of the will that exists and then encounters the world and another will, for Levinas there is no possibility for will except as a response to having been approached by an Other, and every moment of will or choice is due to (“due to” meaning both “because of” and “owed to”) this Other in front of me at this specific moment. The first fact of the possibility of being, then, is a relationship of obligation, and that relationship precedes (and exceeds) not only desire but even the possibility of thought or language. Preceding cognition and subjectivity, giving the possibility of cognition and subjectivity, means that both the Other and my responsibility to the Other are beyond containing or schematizing in thought. This is one reason why our study of Levinas\*and ethics generally\*can never yield a stable system or code of communication ethics The Gift of the Other The difference between the capitalized Other and the uncapitalized other is significant in reading Levinas. In the original French, Levinas uses two different terms, both of which are translated as other. The capitalized Other is used for autrui, which might best be described as “the personal other, the you,” whereas the uncapitalized other is used for autre, which simply means the common usage of other, such as another (Lingis, 1991, pp. 24􏴠25). The capitalization is significant, for Levinas does not mean that the Other is a collective or a generalized other, but this singular and unique Other before me: you as an individual, different from all other individuals, in this specific moment of appearance, different from every other moment, ultimately exceeding every attempt I might make to organize you into a system of meanings or responses. I do not exist prior to this relation. Rather, I only come to be as an “I” when the Other approaches me. This approach of the Other places me in a capacity to respond, which Levinas might call my responsibility. Thus, the self is constituted by and of responsibility. “For Levinas there can be no such thing as a self-constituting subjectivity. Instead subjectivity is the accomplishment of a movement\*a movement not within an I but between an I and a thou, whereby the thou is the locus from which the constitution of the I springs” (Vetlesen, 1995, p. 374). To be a free individual “does not mean to claim authorship for oneself, to be autonomous, to be the archaic principle of one’s life, but rather to respond (or not to respond) to an appeal coming from the exterior” (Benso, 1996, p. 136). In all these explications what becomes clear is that subjectivity is a gift from the Other that bears with it an obligation that cannot be declined.

2. I experience the world as radically beyond my comprehension and having meaning from a multitude of perspectives. These other perspectives defined by being not-mine, so I have an obligation to respect them – I cannot justify anything else since the nature of the other is always beyond my experience. **Blum[[2]](#footnote-2)**

The experience of transcendence is, at bottom, the experience of having my interiority brought into question ontologically, epistemologically, and morally. Ontologically, I find that I am not the only possible source of reality. Although I am capable of creating, I experience a presence within the world that so overflows and escapes from my experience that I could not have created it. Epistemologically, I find that my perspective on the world is not the only possible [one] perspective. There is a point of view that I can never occupy, because the only way of defining it relative to my point of view is that it is not mine. Because the Other so radically escapes my cognition, it simultaneously threatens my freedom (to such a degree that I am inclined to murder) and awakens my desire (to such a degree that I am inclined to awe, and even to worship). The Other is at once the mysterium tremendum and the mysterium fascinans. If morality is understood as arising in the context of sociation, then the insight that the limits of my understanding become apparent precisely in this context would seem necessarily to have moral implications. Inasmuch as the Other fundamentally escapes my understanding, the forced totalization of the Other murder, in the extreme case is an imposition of my will for which a justification is, in principle, unavailable. As Levinas puts it, murder is impossible- not physically speaking, of course, but morally speaking (Levinas 1961/1969, 198-99). If I kill someone, it is fundamentally because I wish to be rid of the limits that are imposed by his or her presence. The cognitive and moral limits that are illuminated by the face, however, are not eliminated by removing the face from the purview of sensibility. The infinite distance between myself and the Other, once opened in my experience by the Other's epiphany, will remain open. My responsibility, once illuminated, is seen as a part of what I am. The commandment that was initially inscribed on the face of the Other is now inscribed on the heart of the same.19

And, outweighs other framework warrants: **A.** I deny the empirical belief that the other is like yourself, so they can’t justify the generalization of particular reasons in an ethical context. I contest a critical presupposition of their framework link chain and derivation of any system of duties

**B.** My framework identifies the phenomenological basis of agency – if you aren’t culpable for what you do, then you aren’t morally accountable at all. That condition is satisfied only by your distinction from the Other, so my framework derives offense from a prior question

3. Deosn’t matter if you win the NC framework, my impact outweighs: no ethical theory can justify or outweigh totalization impacts because they presume nontotalization in engaging in normative reasoning. **Beavers[[3]](#footnote-3)**

If we can accept this notion that ideas are inventions of the mind, that ideas are, when it comes down to it, only interpretations of something, and if ethics, in fact, is taken to refer to real other persons who exist apart from my interpretations, then we are up against a problem: there is no way in which ideas, on the current model, refer to independently existing other persons, and as such, ideas cannot be used to found an ethics. There can be no pure practical reason until after contact with the other is established. Given this view towards ideas, then, anytime I take the person in my idea to be the real person, I have closed off contact with the real person; I have cut off the connection with the other that is necessary if ethics is to refer to real other people. This is a central violence to the other that denies the other his/her own autonomy. Levinas calls this violence "totalization" and it occurs whenever I limit the other to a set of rational categories, be they racial, sexual, or otherwise. Indeed, it occurs whenever I already know what the other is about before the other has spoken. That is, it is the inscription of the other in the same. If ethics presupposes the real other person, then such totalization will, in itself, be unethical.

4. Specifying the content of obligation is impossible unless we keep open the difference of the Other. **CROWE**[[4]](#footnote-4)**:**

Levinas suggests in *Totality and Infinity* that the irreducible strangeness of the Other presents an unavoidable ethical demand, which radically resists definition. He argues that **our sense of ourselves as individuals is necessarily bound up with our recognition of the ethical status of the Other**. **We** initially **become aware of our individuality by distinguishing ourselves from objects** in our environment, **which we appropriate** and represent as aids to our **enjoyment.** Our awareness of objects leads to language, as objects are communicated and thematised. It also **leads to an awareness of the Other. We** initially a**ttempt to thematise other people in the same way as objects.**  [\*318]  However, as soon as **[When] we** purport to **encapsulate the Other**, it becomes clear that "**the invoked is not what I comprehend**;" the Other "is not under a category."  n24 **The Other demands recognition because she resists thematisation**; the other person, *qua* individual, cannot be reduced to a function of our own enjoyment. **Our attempts to thematise the Other conflict with her fundamental "strangeness**," her "very freedom."  n25 Simon Critchley usefully connects Levinas' observations about the alterity of the Other with the epistemological problem of other minds.  n26 **Suppose I hear someone crying out in pain and rush to her aid**. When I get there, **the person denies that she was in pain at all**. **How can I know whether the remark is sincere?** Ultimately, I cannot: **the Other person's state of mind radically resists my knowledge.** For Levinas, this radical resistance to understanding defines my encounter with the Other. Levinas' focus on alterity in *Totality and Infinity* leads him to emphasise the asymmetrical nature of the ethical encounter. The subject apprehends the Other as both unpredictable and unreliable.

Impact Calc:

1. I cannot totalize to prevent someone else from acting in a totalizing manner:

a) you cannot aggregate, because aggregation concepts are the basis of all totalization – the idea we can amalgamate people into one race, one identity, one way of life etc.

b) To totalize in this way to stop another totalization is to reduce someone as an object of manipulation which is the most fundametnal type of totalization

c) the ethical theory cannot be aggregative as the content of the obligation could be known only after complex social reflection but once you abstract out away from the ethical imperative of the Other you are no longer responding to the Other but instead to the other as social construct.

2. In real action, there is not only you and the other, but a third presence of other others. In that situation, you *must* make choices and use institutions to protect the third from the other. **Yost[[5]](#footnote-5)**

Otherwise than Being abandons this way of thinking about justice. Justice is rejected as a name for a feature of the basic normative relationship, and it is replaced by others such as “substitution” and “asymmetry.” To be sure, justice does figure as a feature of the self-other relationship, but it is a feature of the relationship between the self and multiple others. Justice names the situation where the infinity of my responsibility is tamed, where I am confronted with multiple responsibilities, and must choose between them. Justice also names the normative consequences of this situation: my singular responsibility turns into a requirement to treat everyone as having equal moral standing (OTB 160). Here we find a deep normative tension. One the one hand, justice is a falling-away from the ethical relationship, as the requirements of infinite responsibility simply cannot be honored in the realm of justice. Instead, justice requires the development of concrete moral codes, with their embrace of dischargeable duties, excuses, second-order rules of decision, and the like. On the other hand, justice is ethically vindicated because it forces us to take account of all of our responsibilities. In this sense, justice is an intensification of responsibility, rather than its violation.

### Contention

**The Other’s speech overflows our conceptual categories – we cannot and do not understand its totality. To use one conceptual framework is totalizing and a violation of the Other’s alterity.**

**Trey 98**, George. Solidarity and difference: the politics of enlightenment in the aftermath of modernity. SUNY Press, 1998.

On what grounds, then can this be called a relationship at all? Levinas's curious response is that the relationship is linguistic. In fact, one might even say that radical alterity "establishes" a speech situation (although here situation must be purged of any conceptual connotations and be thought only in terms of proximity). "**Speech proceeds from absolute difference**." **Language** is the relational medium that **enables contact with the other.** But it is not language in the sense of common ground, means for communicating, or point of intervention. **To intervene or establish common territory would be to conceptualize alterity,** which is tantamount to **enacting its violation. Language,** for Levinas, **is** not a source of unity, but rather **the impossibility of unification.** "**Language** accomplishes a relation between terms that breaks up the unity of a genus.'' It **is this interlocutionary relationship**, prior to thematic unity, **that annotates the ethical.** "**The formal structure of language** thereby **announces that ethical inviolability of the Other** and without any odor of the 'numinous,' his 'holiness.'" In other words, the ethical relationship is one that is utterly independent of any active force. As such, ethics is situated in terms of domination-free speech (TI, 194–98). This of course bears certain resemblances to Habermas's ideal speech situation. Further, I think that Levinas would want to say that, in some sense, this is an idealization.12 Nevertheless, on the specific content of the ideal the two part company. **For Habermas the ideal is domination-free intersubjectivity. For Levinas, the "inter"** of intersubjectivity **is already a violation.** Interlocution in Levinas's **"ideal speech situation" is always concerned with interrupting that** in subjectivity **which permits** the "inter"— **the bringing together of I and Other under a single conceptual rubric**.13 When "I" faces "Other," I **is called into question.** **This** questioning, Levinas maintains, **is the original ethical gesture.** The call of the Other is not an attack on subjectivity but rather a mandate to which I must respond. "The 'resistance' of the other does not do violence to me, does not act negatively; it has a positive structure: Ethical." Given this, the question that Levinas must address concerns the status of the ethical structure (TI, 196–97).

**Speech codes violate this –**

**A. Classification: Writing your speech code requires a uniform understanding of the meaning of speech acts and what parts of speech acts are relevant that can be applied to all situations – this needs to be general to be a code at all, but that uniform rubric is exactly what my evidence criticizes.**

**B. Valuation: all codes ascribes differing value to speech – some deserves protection, others is either neutral or heinous enough to not deserve protection. This uses your conceptual categories to evaluate rather than being receptive to them.**

**C. Judgment: to decide whether an instance of speech violates your code, someone must understand the totality of its meaning, intention, communicative content, hurt, etc., which is incompatible with the standard.**

**All of those judgments are also indexed to power structures and sources of authority that can create intersubjective frames at all – means that they retrench the role of brute power rather than reducing it.**

**Trey 98**, George. Solidarity and difference: the politics of enlightenment in the aftermath of modernity. SUNY Press, 1998.

But here, Levinas would claim, a power strategy is enacted. **By introducing content into the discursive relationship between I and the Other, and** by formulating that content in such a way that it can be shared, **the alterity that originally situated the relationship is excluded**. By appealing to the authority of "we," the other to whom I am responsible becomes mine. Stating the Levinasian objection quite explicitly: Habermas's normative accord involves a political subsumption of alterity into rational agreement. It is the absolute authority of reason that is of concern. **Rational consensus seems to close off**, conceptually, **the possibility of** dissent, resistance, **alterity**. In Habermas's own terms, **the** determinate **conditions** of a discursive sitaution eliminate the possibility of radical difference. Further, the intrinsic connection between rational agreement and legitimacy **strategically root**s **legitimacy within a power structure: that of authority**. In order to preserve the pure dominationfree aura of ideal speech, Habermas has to exclude the play of alterity that is situated within the language of discourse. This is achieved by appealing to the unmitigated authority of reason. As such, his **attempt to exclude power from communicative ethics is itself premised on a form of power.**

**The standard requires that agents respect the Other as an independent creator of meaning that we must interact with – this doesn’t mean uncritically accepting their views but treating them as a source of meanings**

ALPHONSO **LINGIS**, Introduction to his translated edition of Levinas, “Totality and Infinity” (1991)

It has been and is still wide1y held that this can be achieved only by a joint sacrifice of self to a neutral, englobing system. But Levinas brings forth very strong evidence to show that this is not the case. **By speaking to the other I enter into relation** with him. **But** this speaking does not bind me down or limit me, because **I remain at a distance from what is said.** Hence real conversation with an other cannot be exhaustively planned. I am never sure just what he will say, and **there is always room for reinterpretation and spontaneity on both sides.** My autonomy remains intact. In fact, in so far as I have any, it is stimulated to further intensity by searching questions from a point of view that is not merely opposite and therefore correlative to mine, but genuinely other. I can always say what I wish, and even begin once again de novo. The same is true of **the other**. He **does not merely present me with lifeless signs into which I am free to read meanings of my own. His expressions bear his meanings, and he is** himself **present to bring them out and defend them.** There is no difference between the active expression and what is expressed. The two coincide. **The other is not an object that must be interpreted and illumined by my alien light. He shines forth** with his own light, **and speaks for himself.**

**Lastly, the content of speech acts are irrelevant:**

**A. Ethics is a phenomenological experience prior to reason – communicative language and its particular meanings is only possible for the rational subject…**

**B. Uptake of language relies on particular schema – imagine insults in Swedish—they wouldn’t have an impact on us because we don’t understand them so the speech is not the cause of violence**

**C. judging the content of speech presupposes the positionality of the other—i.e. our ability to know their intentions but because the other is so radically different we cannot attempt to impose categories.**

**Next, Censorship is an abysmal political strategy.**

#### First, both globally and domestically, speech codes worsen hate and *target minorities* – empirics prove.

**Strossen 1** Strossen, Nadine. [John Marshall Harlan II Professor of Law, New York Law School] “Incitement to Hatred: Should There Be a Limit?” *Southern Illinois University Law Journal*, Vol. 25, 2001.

Based on actual experience and observations in countries around the world, the respected international human rights organization, Human Rights Watch, concluded that suppressing hate speech does not effectively promote equality or reduce discrimination. In 1992, Human Rights Watch issued a report and policy statement opposing any restrictions on hate speech that go beyond the narrow confines permitted by traditional First Amendment principles. Human Rights Watch's policy statement explains its position as follows: The Human Rights Watch policy attempts to apply free speech principles in the anti-discrimination context in a manner that is respectful of both concerns, believing that they are complementary, not contradictory. While we recognize that the policy is closer to the American legal approach than to that of any other nation, it was arrived at after a careful review of the experience of many other countries .... This review has made clear that there is little connection in practice between draconian "hate speech" laws and the lessening of ethnic and racial violence or tension. Furthermore, most of the nations which invoke "hate speech" laws have a long way to go in implementing the provisions of the Convention for the Elimination of Racial Discrimination calling for the elimination of racial discrimination. Laws that penalize speech or membership are also subject to abuse by the dominant racial or ethnic group. Some of the most stringent "hate speech" laws, for example, have long been in force in South Africa, where they have been used almost exclusively against the black majority.42 Similar conclusions were generated by an international conference in 1991 organized by the international free speech organization, Article 19, which is named after the free speech guarantee in the Universal Declaration of Human Rights. That conference brought together human rights activists, lawyers, and scholars, from fifteen different countries, to compare notes on the actual impact that anti-hate-speech laws had in promoting equality, and countering bias and discrimination, in their respective countries. The conference papers were subsequently published in a book, Striking A Balance: 43 Hate Speech, Free Speech, and Non-Discrimination. The conclusion of all these papers was clear: **not** even any **correlation,** let aloneany **causal relationship, could be shown between** the enforcement of anti-hate**-speech laws** by the governments in particular countries **and** an improvement in **equality** or inter-group relations in those countries. In fact, often there was an inverse relationship. These findings were summarized in the book's concluding chapter by Sandra Coliver, who was then Article 19's Legal Director: **Laws which restrict hate speech** have been flagrantly abused by the authorities. Thus, the laws **in Sri Lanka and South Africa have been used almost exclusively** against **the oppressed** and politically weakest communities**. In** Eastern **Europe** and the former Soviet Union these **laws were vehicles for the persecution of critics who were often also victims of** state-tolerated or sponsored **anti-Semitism.** Selective or lax enforcement by the authorities, including in the United Kingdom, Israel and the former Soviet Union, allows governments to compromise the right of dissent and inevitably leads to feelings of alienation among minority groups. Such laws may also distract from the need for effective legislation to promotenon-discrimination. The rise of racism and xenophobia throughout Europe, despite laws restricting racist speech, calls into question the effectiveness of such laws in the promotion of tolerance and non- discrimination. One worrying phenomenon isthe sanitized language now adopted to avoid prosecution by prominent racists inBritain, France, Israel and other countries, which may have the effect of making their hateful messages more acceptable to a broader audience." She adds: The British experience parallels what has happened in the United States, as evidenced by the campus hate speech codes for which enforcement information is available.7 One such code was in effect at the University of Michigan from April 1988 until October 1989. Because the ACLU brought a lawsuit to challenge the code (which resulted in a ruling that the code was unconstitutional),"2 the university was forced to disclose information that otherwise would have been unavailable to the public about how it had been enforced. This enforcement record, while not surprising to anyone familiar with the consistent history of censorship measures, should come as a rude awakening to any who believes that anti-hate-speech laws will protect or benefit racial minorities, women, or any other group that traditionally has suffered discrimination. Even **during the short time that the** University of **Michigan rule was in effect,** there were more than twenty cases of whites charging blacks with racist speech. More importantly, there were only two instances in which the rule punished speech on the ground that it was racist-rather than conveying some other type of bias-and both involved the punishment of speech by or on behalf of black students. Let me underscore that:100% **of the speech punished as racist was by or on behalf of African-Americans.** Moreover, the only student who was subjected to a full-fledged disciplinary hearing under the Michigan rule was an African-American student accused of homophobic and sexist expression. In seeking clemency from the punishment that was imposed on him after this hearing, the student asserted that he had been singled out because of his race and his political views.73 Others who were punished at the University of Michigan included several Jewish students accused of engaging in anti-Semitic expression (they wrote graffiti, including a swastika, on a classroom blackboard, saying they intended it as a practical joke) and an Asian-American student accused of making an anti-black comment (his allegedly "hateful" remark was to ask why black people feel discriminated against; he said he raised this question because the black students in his dormitory tended to socialize together, making him feel isolated). Likewise, the student who in 1989 challenged the University of Connecticut's hate speech policy, under which she had been penalized for an allegedly homophobic remark, was Asian-American. She claimed that other students had engaged in similar expression, but that she had been singled out for punishment because of her ethnic background. Representing this student, the ACLU persuaded the university to drop the challenged policy.7" Following the same pattern, [T]he first complaint filed under Trinity College's then-new policy prohibiting racial harassment, in 1989, was against an African-American speaker[.] who had been sponsored by a black student organization, Black-Power Serves itself. Again, I stress that [T]hese examples are not just aberrational. Rather, they flow from the very premises of those who advocate hate speech codes. As they rightly note, discrimination and prejudice is, unfortunately, endemic in United States society-including on campus and in our legal system. Indeed, exhaustive studies of state and federal courts throughout our country consistently show entrenched patterns of racial and gender bias**."** So, for those of us who are committed to **eradicating discrimination,** the last thing **we should** want to **do is** to **hand over to discriminatory** officials and **institutions power to enforce** necessarily vague hate **speech codes** that inevitably call for subjective, discretionary decisions. This discretionary power predictably will be used in a way that is hardly helpful to disempowered groups.

**Second, backlash – the attempt to close political space is always imperfect and engenders resistance – censoring speech doesn’t change minds but redirects them – that threatens institutions and leaves supporters less prepared to defend their gains. Resistance to abortion proves.**

Bonnie **Honig 93**, Nancy Duke Lewis Professor in the departments of Modern Culture and Media (MCM) and Political Science at Brown, 4-15-1993, "Political Theory And The Displacement Of Politics," Cornell University Press.

The perpetuity of contest is not easy to celebrate. My own afﬁrmation of it is animated, not by the benighted teleological belief that politically active lives are necessarily fuller or more meaningful than their alternatives, but by my conviction that the displacement of politics with law or administration engenders remainders that could disempower and perhaps even undermine democratic institutions and citizens. The US. Supreme Court’s recent decision in Planned Parenthood of Southeastern Pennsylvania v. Carey supplied compelling new justiﬁcations for a woman's right to control her sexuality and reproductive freedom, but it also endorsed new restrictions on that right. **When a woman’s right to choose was ﬁrst recognized** in 1973 by a very different Court in Roe v. Wade, **many** citizens **celebrated** the Court‘s decision as **the end of a battle.** Those opposed to the decision, however, vowed to roll back Roe v. Wade and. nineteen years later, they have had great success.6 **The battle is being refought** in the Court and in the state houses. **Those who thought it was won** in 1973 were surprised by this sequence of events. Many **assumed that,** once juridically recognized, **the right** to abort a pregnancy **would never be returned to** the space of **political contest.** In the past two decades they went on to ﬁght other battles, doing relatively little to mobilize citizens and communities to protect and stabilize this new right, leaving pro-life organizations relatively free to repoliticize and redeﬁne the issues. In response to the juridical settlement of a woman's right to choose, pro-lifers focused on the fetus and the family and on the relations of obligation and responsibility that tie women to them. Soon abortion became known as baby killing. pro-choice became antifamily, and pregnant single women became icons of danger whose wanton, (literally) unregulated sexuality threatens the safety and the identity of the American family. These identities and identiﬁcations are not stable. But in the absence of resistance to them, they could be stabilized. That realization has energized pro-choice citizens into action in the last few years. and the sites of the battle are proliferating. ¶ These observations are by no means meant to imply that it would be better not to entrench a woman's right to terminate a pregnancy—that is a different debate, one that turns on considerations of political strategy and equal justice. My point is that there is a lesson to be learned from the experience of those who misread Roe as the end of a battle and later found themselves ill equipped and unprepared to stabilize and secure their still unstable rights when they were repoliticized and contested by their opponents. **In their mistaken belief that the agon had been successfully shut down** by law, **pro-choice citizens** ceded the agon to their opponents and **found**, years later, **that the terms of the contest had shifted against them. Disempowered by their belief that the law had settled** the issue without remainder, **they failed to engage** the concerns of moderate citizens who harbored doubts about the morality of abortion, **leaving them and their doubts to be** mobilized and **radicalized** by those who had no doubts about the practice‘s immorality and who were determined to see it outlawed again.7 ¶ To afﬁrm the perpetuity of contest is not to celebrate a world without points of stabilization; it is to afﬁrm the reality of perpetual contest. even within an ordered setting, and to identify the afﬁrmative dimensions of contestation. It is to see that **the always imperfect closure of political space tends to engender remainders** and that, if those remainders are not engaged, **they may return to haunt and destabilize the very closures that deny their existence.** It is to treat rights and law as a part of political contest rather than as the instruments of its closure It is to see that attempts to shut down the agon perpetually fail, that the best (or worst) they do is to displace politics onto other sites and topics, where the struggle of identity and difference, resistance and closure, is then repeated.8 These are the platforms of a virtu) theory of politics

#### Third, empirics show community counter-speech solves. Majeed Majeed, Azhar. [J.D., University of Michigan] “Defying the Constitution: The Rise, Persistence, and Prevalence Of Campus Speech Codes.” *Georgetown Journal of Law & Public Policy*, 7 Geo. J.L. & Pub. Pol’y 481, 2009.

Moreover, the **counterspeech** approach **can have significant benefits** **for minority students.** One commentator writes that “only by pointing out the weaknesses and the moral wrongness of an oppressor’s speech can an oppressed group realize the strength of advocating a morally just outcome.” [250] As is the case whenever one participates in campus dialogue and debate, minority students can expect to bolster their arguments and sharpen their views; “Through the active, engaging, and often relentless debate on issues of social and political concern,” they “learn the strengths of their own arguments and the weaknesses of their opponents’. With this knowledge, these groups are better able to strike at the heart of a bigoted argument with all of the fervor and force necessary to combat hateful ideas.” Therefore, the experience and knowledge gained through the process of debate and discussion will serve minority students well in the long run. Minority students also benefit in that engaging in **counterspeech, rather than appealing to** the **authorities for protection, may provide** a **strong** sense of self-autonomy and **empowerment.** The **efforts of minority students will often be met by a receptive** **campus audience,** one which is curious to hear how they respond to hateful and prejudicial messages, affording these students the opportunity to meaningfully impact the way many individuals on campus think about important issues. **Counterspeech “can** serve to define and underscore the community of **support enjoyed by** the **targets** of the hateful speech, faith in which may have been shaken by the hateful speech.” Consequently, when minority students respond to hateful speech with counterspeech, successfully engage the campus community, and inform their fellow students’ views, they gain “a sense of self-reliance and constructive activism” as well as “a sense of community support and empowerment.”[254] Nadine Strossen asserts that, for this reason, counterspeech “promotes individual autonomy and dignity.”[255] These are significant benefits that other methods of responding to hateful speech do not offer, and it is difficult to place a value or measure on the positive impact this can have on students’ lives. He adds: Charles Calleros provides two illustrative examples of such an opportunity. The first arose **at Arizona** State University, where one of **a group of female African-American students who found a racist poster** in a dormitory **convinced** one of the **students who had put up the poster to voluntarily take it down,** then sent a copy of the poster to the campus newspaper along with a letter discussing its racist stereotypes. Calleros, supra note 216, at 1259. She also requested action from the director of the residence hall, which resulted in a residents’ group meeting to discuss the issues involved. Id. Ultimately, **“the result was a series of** opinion **letters** in the campus newspaper **discussing** the problem of **racism,** numerous workshops on race relations and free speech, and overwhelming approval in the Faculty Senate of a measure to add a course on American cultural diversity to the undergraduate breadth requirement.” Id. The second episode took place **at Stanford** University. There**, students**, faculty, and administrators at the law school **responded to** a student’s **homophobic speech by sending** opinion **letters** to the campus newspaper, writing comments on a poster board at the law school,and signing a published petition disassociating the law school from the speaker’s message. Id. at 1261. Several students even wrote a letter reporting the incident to a prospective employer of the speaker. Id. These two experiences, by their very facts and the results achieved, speak volumes about the effectiveness of counterspeech when used to respond to hateful messages.

### Underview

1) I get 1ar theory, aff theory is a reason to drop the debater, and I get the RVI since the 1ar is only four minutes which is not enough time to win both substance and theory. I need drop the debater or they can be abusive and force me to waste more time than I can afford just getting back to an even playing field. I also need the RVI because theory should be a two way street where both sides can garner offense. If we each spend a minute on theory the skew will be 5-2 which is worse than 6-3. **And,** no 2NR RVIs or new theory framing issues – they could always collapse to theory in the 2N with long scripts I couldn’t have predicted since the justification wasn’t there when I made my choice, that’s strat skew.

2) Pre-fiat indicts of AC spikes is a reason to prefer your interp and reject a spike or spikes, not a reason to drop the debater. This is most logical since an interp that indicts an AC spike only justifies why that spike is a bad norm, not the fact that the spike being run is proactively bad

3) Fairness comes before ROTB arguments- **Engagement**: Fairness preserves the possibility of engaging the position, which means it actually gets discussed. Otherwise the only option is to preclude it, since you can’t realistically win on it. Turn their arguments since we only get benefits from discussing it, and fairness is key to that.

3) Presume aff- the neg won 8 percent[[6]](#footnote-6) more rounds at octas and quarters bids in the 2014-2015 season. Prefer statistics since they take into account all factors leading to the side bias, so any logical argument for why the aff should have an advantage is empirically denied. This means you reject theory not weighed against the side bias, since something I do that is slightly abusive is actually good because it just corrects for the side bias.

4) Neg must have only one, unconditional route to the ballot: this does not mean that you can have any number of conditional routes to the ballot, just one, unconditional one. Strat skew: otherwise it gives them too many strategic outs and places an unfair burden for the aff to access the ballot. The neg will always be ahead because they can pick the route the aff necessarily under covers because of the rebuttal time skew, while the aff only has the option to read one AC. Strat skew is key to fairness because we need a coherent strategy to have an equal ability to win.

## AC Util

Ethics must be first philosophy. We must recognize the content and force of our obligations prior to any other enterprise. Ethics cannot depend upon some sort of antecedent deduction from external principles, but is a self-evident authoritative framework.

There are three warrants:

**First,** engaging in any academic discipline presupposes we should be engaging in it. However, to have that reason is already to presuppose the realm of the ethical. Thus, any philosophic movement presupposes the nature of ethical commitments. For instance the Enlightenment valued absolute truth and the reason to live according to “true arguments.” So the project of deduction cannot explain its own source.

**Second,** it is impossible to derive an imperative from a state of affairs. For example, the fact that I have an impulse or that something will kill me cannot provide moral reason unless I already believe a normative precept – like that I ought to listen to the impulse, or that my death would be bad. This is inescapable; either you make an irreducibly normative judgment or the conclusion remains merely factual. This means that ethics cannot lie on any other non-ethical foundation – you cannot deduce it from features of the self or the world.

**Third,** explanatory accounts fail – we can’t understand ethics in any terms but the ethical. Displaying the external “rationality” of ethics is the problem with displaying the rationality of anything else we already do, like playing games. Even the way we justify arguments is also an unjustified normative part of our life. Our manner of reasoning practically is not correct in itself, but rather is a product of how we live and are built.

The conclusion is that ethics must begins in the first confrontation with the other prior to any philosophical systematization. Because ethics is first philsophy, it cannot be mediated by any conceptual categorization. All totalization does this. When you sort people into categories or treat people differently based on those categories then your ethical obligation is not first, because you understand its content in a mediated fashion. Totalization cannot give rise to our obligations because our obligations had to be plain prior to the totalization; if my totalization results in treating you at all differently, I must be inconsistent with my obligation because my obligation was full and evident to myself before the totalization occurred.

This obligation to the Other is undeniable. If we have additional obligations that come after totalization, ethics is not first philosophy – if any part of our obligation is derivative on something afterwards, then that part would preclude us knowing what to do in the first place. I have to be able to know right and wrong without theorizing otherwise I cannot know that I should theorize. I wouldn’t have enough information to derive right or wrong.

Thus the standard is respecting the alterity of the other. Prefer:

1. I experience the world as radically beyond my comprehension and having meaning from a multitude of perspectives. These other perspectives defined by being not-mine, so I have an obligation to respect them – I cannot justify anything else since the nature of the other is always beyond my experience. **Blum[[7]](#footnote-7)**

The experience of transcendence is, at bottom, the experience of having my interiority brought into question ontologically, epistemologically, and morally. Ontologically, I find that I am not the only possible source of reality. Although I am capable of creating, I experience a presence within the world that so overflows and escapes from my experience that I could not have created it. Epistemologically, I find that my perspective on the world is not the only possible [one] perspective. There is a point of view that I can never occupy, because the only way of defining it relative to my point of view is that it is not mine. Because the Other so radically escapes my cognition, it simultaneously threatens my freedom (to such a degree that I am inclined to murder) and awakens my desire (to such a degree that I am inclined to awe, and even to worship). The Other is at once the mysterium tremendum and the mysterium fascinans. If morality is understood as arising in the context of sociation, then the insight that the limits of my understanding become apparent precisely in this context would seem necessarily to have moral implications. Inasmuch as the Other fundamentally escapes my understanding, the forced totalization of the Other murder, in the extreme case is an imposition of my will for which a justification is, in principle, unavailable. As Levinas puts it, murder is impossible- not physically speaking, of course, but morally speaking (Levinas 1961/1969, 198-99). If I kill someone, it is fundamentally because I wish to be rid of the limits that are imposed by his or her presence. The cognitive and moral limits that are illuminated by the face, however, are not eliminated by removing the face from the purview of sensibility. The infinite distance between myself and the Other, once opened in my experience by the Other's epiphany, will remain open. My responsibility, once illuminated, is seen as a part of what I am. The commandment that was initially inscribed on the face of the Other is now inscribed on the heart of the same.19

And, outweighs other framework warrants: **A.** I deny the empirical belief that the other is like yourself, so they can’t justify the generalization of particular reasons in an ethical context. I contest a critical presupposition of their framework link chain and derivation of any system of duties

**B.** My framework identifies the phenomenological basis of agency – if you aren’t culpable for what you do, then you aren’t morally accountable at all. That condition is satisfied only by your distinction from the Other, so my framework derives offense from a prior question

2. Deosn’t matter if you win the NC framework, my impact outweighs: no ethical theory can justify or outweigh totalization impacts because they presume nontotalization in engaging in normative reasoning. **Beavers[[8]](#footnote-8)**

If we can accept this notion that ideas are inventions of the mind, that ideas are, when it comes down to it, only interpretations of something, and if ethics, in fact, is taken to refer to real other persons who exist apart from my interpretations, then we are up against a problem: there is no way in which ideas, on the current model, refer to independently existing other persons, and as such, ideas cannot be used to found an ethics. There can be no pure practical reason until after contact with the other is established. Given this view towards ideas, then, anytime I take the person in my idea to be the real person, I have closed off contact with the real person; I have cut off the connection with the other that is necessary if ethics is to refer to real other people. This is a central violence to the other that denies the other his/her own autonomy. Levinas calls this violence "totalization" and it occurs whenever I limit the other to a set of rational categories, be they racial, sexual, or otherwise. Indeed, it occurs whenever I already know what the other is about before the other has spoken. That is, it is the inscription of the other in the same. If ethics presupposes the real other person, then such totalization will, in itself, be unethical.

3, The AC framework is the only way that one can recognize and solve the root cause of racism – an affirmation of Levinasian ethics is the best way to value those regardless of their otherness. **Burggraeve[[9]](#footnote-9)**

Levinas also considers all of the forms of moral evil discussed up to this point to return in an extreme but consistent way to racism (VA 100). Strictly speaking, racism takes the view that one group of people is morally or culturally superior to another group, based on a hereditary difference in race. Racism considers the racial origin of an individual or a community as the factor determining not only the appearance but also the way of thinking and acting. Moreover, racism accords value to one race above all others, and one who is racist usually reckons himself among the superior race. According to racist thinking, people are considered in the ﬁrst place or even exclusively in terms of their belongingness to a different race, most often visible in color of skin and other physical features (ﬁgure, nose, eyes, and so forth). On the basis of these features, they are then judged and above all condemned. And these condemnations are in turn nourished and strengthened by all sorts of "images of the enemy” cast against the "other" race.

For Levinas, it is clear that racism was incarnated in an "exceptional" way in the persecution of the Jews by the National Socialism of Hitler and his followers (AS 60), which he therefore designates as "the diabolical criminality of absolute evil” (CCH 82). In his work Mein Kampf, Hitler argued for the superiority of the so-called Aryan race, the race of the (Iber-mensch ["Superman”]. Only those who belonged to the "pure" Aryan race, who all the more so embodied this race purely, had the right to live and reproduce. The Nazis therefore not only developed ingenious, scientiﬁcally designed programs to "solve" the Jewish question (the Endlb’sung, or Shoah) by means of concentration camps and gas chambers (of which Auschwitz in Poland was only one, but the most famous). They also developed and enacted complex, extensive sterilization programs aimed speciﬁcally at the physically and mentally handicapped so that the Aryan race would not be stained by begetting "impure" children. And there were also the infamous euthanasia programs established in order to remove "gently" the incurably ill and mentally handicapped, who were thus less valuable and unnecessary members of the Aryan race. Because homosexuals did not contribute to the furthering of the pure Aryan race they were severely persecuted, and the gypsies were eradicated because they did not belong to the Aryan race and therefore represented a threat to its purity. In a Wider sense, one also speaks of racism when one recognizes and relates to others on the basis of their belonging to another culture, language group, or religion. As contemporary examples of this, we can point to the manner in which people today reject immigrants from the Arab world and wish to expel them because of their origin in another religion, speciﬁcally Islam and its related traditions. Or think of the long-standing suppression and discrimination against African Americans in the United States, many of whose ancestors were brought over from Africa as slaves. According to Levinas, the core of racism consists not in the denial of, or failure to appreciate, similarities between people, but in the denial of, or better said, failure to appreciate and value, people’s differences, or better still, the fundamental and irreducible otherness by which they fall outside of every genre and are thus “unique”: "Alterity ﬂows in no sense out of difference, to the contrary difference goes back to alterity” (VA 92). A racist relation wants to recognize and value only the "same," or one’s “own” [het eigene], and therefore excludes the "foreign." Out of self-defense, we areeasily inclined to accept and consider positively only that which agrees with, or is "similar" to, ourselves. One finds the other embarrassing, threatening, and frightening. One therefore tries to expel him from oneself, to place him outside so that he can be considered as the "enemy" from whom one "may" defend oneself, and whom one may even "destroy" as what brings life and well-being under pressure, unless one can reduce him to oneself or make him a part of oneself. One wants to accept ”others” (or "strangers," or ”foreigners”) only to the extent that they belong to one’s own “genre” or “kind,” which is to say to one’s own blood and soil, to the same family, tribe, sex, clan, nation, church, club, or community, do the same work, have the same birthplace and date. One’s ”own” is praised and even divinized at the price of the "other," which is vilified. The “stranger” becomes the scapegoat on whom we blame all of our problems and worries. One accepts differences only insofar as they are a matter of accidental particularities or specificities within a same genre or basic design, in which individuals differ from one another within a same “sort” only very relatively (for example, character, taste, intellectual level), and in which their deeper afﬁnity is not at all tested (VA 97). Against this background, it is clear that for Levinas anti-Semitism, as a specific and advanced form of racism, takes aim at the Jew as the intolerable other. For anti-Semitic thinking and sentiment, the Jew is simply the enemy, just as for every racism the other is the enemy as such, that is to say not on the basis of personality, one or another character trait, or a specific act considered morally troublesome or objectionable, but due only to his very otherness. In anti-Semitism, the Jew, as "other," is always the guilty one. It is never "oneself," the embodiment of the "same" that not only arranges everything around itself but also profiles itself as principle of meaning and value (CAJ 77—79).From this perspective on racism as rejection of the other, it appears, according to Levinas, that racism is not a rare and improbable phenomenon existing in the heart and thought of only some "perverse" people that has nothing to do with us. Insofar as one is, according to the spontaneous dynamic of existing, or conatus essendi, directed toward the "same," toward maintaining and fortifying one’s ”own”—all such as I have just sketched it—one must be considered "by nature” potentially racist, though of course without being "predestined" for it. In itself, this admits no question of psychological or pathological deviation. According to Levinas, this implies that one cannot simply dispense with the racism of Hitler and the Nazis, in contrast to something instead occurring only once, as a wholly distinct and incomparable phenomenon, at least if one views it not quantitatively but qualitatively, which is to say in terms of its roots and basic inspiration. In an attempt to hold open a pure—in fact, Manichean—distinction between "good" (us) and "bad" (the ”others”), thus keeping oneself out of range of the difficulties in question, it happens all too often that Hitlerism is described as something completely unique that has nothing in common with the aims and affairs of the common mortal. The perspective of Levinas shows that Hitlerism, with its genocide and other programs of eradication, is only a quantitative extension, that is to say a consistent, systematic, and inexorably reﬁned outgrowth of racism in its pure form, one that, in its turn, represents a concretization of the effort of existing, which, as the reduction of the other to the same, is the nature of our existence (without,on the other hand, our being abandoned to this nature as a fatality, since as ethical beings we can overcome it). No one is invulnerable; any of us is a potential racist, and at least sometimes a real racist. Racism, like Hitlerism, does not occur by chance, or by an accidental turn. Nor is it an exceptional perversion occurring in a group of psychologically disturbed people. It is a permanent possibility woven into the dynamic of our very being, so that Whoever accedes to and lives out the dynamic of his own being inevitably extends racism in one or another form (AS 60—61). We can no longer blame racism and anti-Semitism on "others," for both their possibility and the temptation to them are borne in the dynamic of our ohm being: as "non-reciprocal determination of the other” (T I 99), which is precisely the kernel of our freedom (TI 97). It is specifically to unmask this racist violence, and all forms of violence as modalities of denial of the other as other, that Levinas discerns the basic ethical norm in the commandment mentioned and explicated above, “Thou shall not kill,” which is to say in the commandment to respect the otherness of the other. In committing to the possible overcoming of evil, and of racism in particular, through the ethical choice for the good, Levinas certainly realizes how vulnerable this "overcoming" of evil is. By rejecting the idea that every objective system, through its ironclad, mechanistic laws and coerciveness, might be able to render evil impossible forever, and instead basing everything on the ethical call to the good, he makes clear that abuse, violence, and the racist exclusion and elimination of the other are constantly possible and can never be definitively overcome. In ethics, there is no eschatology, in the sense of a guaranteed "better world” or "world without evil.” There is only the ”good will” that must always prove itself in a choice against evil that is neither evident nor easy. Only in this way can there be a good future and justice for the other: only through ethical vigilance with respect to all forms of violence, tyranny, hate, and racism, and a society that nurtures in both our upbringing and education a “sensibility” for the other as “stranger.” Such a sensitivity takes in full seriousness the ethical essence of the human person, and serves always to put us back on the path to a culture "where the other counts more than I do,” and where the most foreign enjoys our complete hospitality.

Impact Calc:

1. I cannot totalize to prevent someone else from acting in a totalizing manner:

a) you cannot aggregate, because aggregation concepts are the basis of all totalization – the idea we can amalgamate people into one race, one identity, one way of life etc.

b) To totalize in this way to stop another totalization is to reduce someone as an object of manipulation which is the most fundametnal type of totalization

c) the ethical theory cannot be aggregative as the content of the obligation could be known only after complex social reflection but once you abstract out away from the ethical imperative of the Other you are no longer responding to the Other but instead to the other as social construct.

d) Induction is logically circular because it relies on a past induction: that the past will replicate itself, which presupposes the validity of induction

2. In real action, there is not only you and the other, but a third presence of other others. In that situation, you *must* make choices and use institutions to protect the third from the other. **Yost[[10]](#footnote-10)**

Otherwise than Being abandons this way of thinking about justice. Justice is rejected as a name for a feature of the basic normative relationship, and it is replaced by others such as “substitution” and “asymmetry.” To be sure, justice does figure as a feature of the self-other relationship, but it is a feature of the relationship between the self and multiple others. Justice names the situation where the infinity of my responsibility is tamed, where I am confronted with multiple responsibilities, and must choose between them. Justice also names the normative consequences of this situation: my singular responsibility turns into a requirement to treat everyone as having equal moral standing (OTB 160). Here we find a deep normative tension. One the one hand, justice is a falling-away from the ethical relationship, as the requirements of infinite responsibility simply cannot be honored in the realm of justice. Instead, justice requires the development of concrete moral codes, with their embrace of dischargeable duties, excuses, second-order rules of decision, and the like. On the other hand, justice is ethically vindicated because it forces us to take account of all of our responsibilities. In this sense, justice is an intensification of responsibility, rather than its violation.

### Contention

**The Other’s speech overflows our conceptual categories – we cannot and do not understand its totality. To use one conceptual framework is totalizing and a violation of the Other’s alterity.**

**Trey 98**, George. Solidarity and difference: the politics of enlightenment in the aftermath of modernity. SUNY Press, 1998.

On what grounds, then can this be called a relationship at all? Levinas's curious response is that the relationship is linguistic. In fact, one might even say that radical alterity "establishes" a speech situation (although here situation must be purged of any conceptual connotations and be thought only in terms of proximity). "**Speech proceeds from absolute difference**." **Language** is the relational medium that **enables contact with the other.** But it is not language in the sense of common ground, means for communicating, or point of intervention. **To intervene or establish common territory would be to conceptualize alterity,** which is tantamount to **enacting its violation. Language,** for Levinas, **is** not a source of unity, but rather **the impossibility of unification.** "**Language** accomplishes a relation between terms that breaks up the unity of a genus.'' It **is this interlocutionary relationship**, prior to thematic unity, **that annotates the ethical.** "**The formal structure of language** thereby **announces that ethical inviolability of the Other** and without any odor of the 'numinous,' his 'holiness.'" In other words, the ethical relationship is one that is utterly independent of any active force. As such, ethics is situated in terms of domination-free speech (TI, 194–98). This of course bears certain resemblances to Habermas's ideal speech situation. Further, I think that Levinas would want to say that, in some sense, this is an idealization.12 Nevertheless, on the specific content of the ideal the two part company. **For Habermas the ideal is domination-free intersubjectivity. For Levinas, the "inter"** of intersubjectivity **is already a violation.** Interlocution in Levinas's **"ideal speech situation" is always concerned with interrupting that** in subjectivity **which permits** the "inter"— **the bringing together of I and Other under a single conceptual rubric**.13 When "I" faces "Other," I **is called into question.** **This** questioning, Levinas maintains, **is the original ethical gesture.** The call of the Other is not an attack on subjectivity but rather a mandate to which I must respond. "The 'resistance' of the other does not do violence to me, does not act negatively; it has a positive structure: Ethical." Given this, the question that Levinas must address concerns the status of the ethical structure (TI, 196–97).

**Speech codes violate this –**

**A. Classification: Writing your speech code requires a uniform understanding of the meaning of speech acts and what parts of speech acts are relevant that can be applied to all situations – this needs to be general to be a code at all, but that uniform rubric is exactly what my evidence criticizes.**

**B. Valuation: all codes ascribes differing value to speech – some deserves protection, others is either neutral or heinous enough to not deserve protection. This uses your conceptual categories to evaluate rather than being receptive to them.**

**C. Judgment: to decide whether an instance of speech violates your code, someone must understand the totality of its meaning, intention, communicative content, hurt, etc., which is incompatible with the standard.**

**All of those judgments are also indexed to power structures and sources of authority that can create intersubjective frames at all – means that they retrench the role of brute power rather than reducing it.**

**Trey 98**, George. Solidarity and difference: the politics of enlightenment in the aftermath of modernity. SUNY Press, 1998.

But here, Levinas would claim, a power strategy is enacted. **By introducing content into the discursive relationship between I and the Other, and** by formulating that content in such a way that it can be shared, **the alterity that originally situated the relationship is excluded**. By appealing to the authority of "we," the other to whom I am responsible becomes mine. Stating the Levinasian objection quite explicitly: Habermas's normative accord involves a political subsumption of alterity into rational agreement. It is the absolute authority of reason that is of concern. **Rational consensus seems to close off**, conceptually, **the possibility of** dissent, resistance, **alterity**. In Habermas's own terms, **the** determinate **conditions** of a discursive sitaution eliminate the possibility of radical difference. Further, the intrinsic connection between rational agreement and legitimacy **strategically root**s **legitimacy within a power structure: that of authority**. In order to preserve the pure dominationfree aura of ideal speech, Habermas has to exclude the play of alterity that is situated within the language of discourse. This is achieved by appealing to the unmitigated authority of reason. As such, his **attempt to exclude power from communicative ethics is itself premised on a form of power.**

**The standard requires that agents respect the Other as an independent creator of meaning that we must interact with – this doesn’t mean uncritically accepting their views but treating them as a source of meanings**

ALPHONSO **LINGIS**, Introduction to his translated edition of Levinas, “Totality and Infinity” (1991)

It has been and is still wide1y held that this can be achieved only by a joint sacrifice of self to a neutral, englobing system. But Levinas brings forth very strong evidence to show that this is not the case. **By speaking to the other I enter into relation** with him. **But** this speaking does not bind me down or limit me, because **I remain at a distance from what is said.** Hence real conversation with an other cannot be exhaustively planned. I am never sure just what he will say, and **there is always room for reinterpretation and spontaneity on both sides.** My autonomy remains intact. In fact, in so far as I have any, it is stimulated to further intensity by searching questions from a point of view that is not merely opposite and therefore correlative to mine, but genuinely other. I can always say what I wish, and even begin once again de novo. The same is true of **the other**. He **does not merely present me with lifeless signs into which I am free to read meanings of my own. His expressions bear his meanings, and he is** himself **present to bring them out and defend them.** There is no difference between the active expression and what is expressed. The two coincide. **The other is not an object that must be interpreted and illumined by my alien light. He shines forth** with his own light, **and speaks for himself.**

**Lastly, the content of speech acts are irrelevant:**

**A. Ethics is a phenomenological experience prior to reason – communicative language and its particular meanings is only possible for the rational subject…**

**B. Uptake of language relies on particular schema – imagine insults in Swedish—they wouldn’t have an impact on us because we don’t understand them so the speech is not the cause of violence**

**C. judging the content of speech presupposes the positionality of the other—i.e. our ability to know their intentions but because the other is so radically different we cannot attempt to impose categories.**

**Next, Censorship is an abysmal political strategy.**

#### First, both globally and domestically, speech codes worsen hate and *target minorities* – empirics prove.

**Strossen 1** Strossen, Nadine. [John Marshall Harlan II Professor of Law, New York Law School] “Incitement to Hatred: Should There Be a Limit?” *Southern Illinois University Law Journal*, Vol. 25, 2001.

Based on actual experience and observations in countries around the world, the respected international human rights organization, Human Rights Watch, concluded that suppressing hate speech does not effectively promote equality or reduce discrimination. In 1992, Human Rights Watch issued a report and policy statement opposing any restrictions on hate speech that go beyond the narrow confines permitted by traditional First Amendment principles. Human Rights Watch's policy statement explains its position as follows: The Human Rights Watch policy attempts to apply free speech principles in the anti-discrimination context in a manner that is respectful of both concerns, believing that they are complementary, not contradictory. While we recognize that the policy is closer to the American legal approach than to that of any other nation, it was arrived at after a careful review of the experience of many other countries .... This review has made clear that there is little connection in practice between draconian "hate speech" laws and the lessening of ethnic and racial violence or tension. Furthermore, most of the nations which invoke "hate speech" laws have a long way to go in implementing the provisions of the Convention for the Elimination of Racial Discrimination calling for the elimination of racial discrimination. Laws that penalize speech or membership are also subject to abuse by the dominant racial or ethnic group. Some of the most stringent "hate speech" laws, for example, have long been in force in South Africa, where they have been used almost exclusively against the black majority.42 Similar conclusions were generated by an international conference in 1991 organized by the international free speech organization, Article 19, which is named after the free speech guarantee in the Universal Declaration of Human Rights. That conference brought together human rights activists, lawyers, and scholars, from fifteen different countries, to compare notes on the actual impact that anti-hate-speech laws had in promoting equality, and countering bias and discrimination, in their respective countries. The conference papers were subsequently published in a book, Striking A Balance: 43 Hate Speech, Free Speech, and Non-Discrimination. The conclusion of all these papers was clear: **not** even any **correlation,** let aloneany **causal relationship, could be shown between** the enforcement of anti-hate**-speech laws** by the governments in particular countries **and** an improvement in **equality** or inter-group relations in those countries. In fact, often there was an inverse relationship. These findings were summarized in the book's concluding chapter by Sandra Coliver, who was then Article 19's Legal Director: **Laws which restrict hate speech** have been flagrantly abused by the authorities. Thus, the laws **in Sri Lanka and South Africa have been used almost exclusively** against **the oppressed** and politically weakest communities**. In** Eastern **Europe** and the former Soviet Union these **laws were vehicles for the persecution of critics who were often also victims of** state-tolerated or sponsored **anti-Semitism.** Selective or lax enforcement by the authorities, including in the United Kingdom, Israel and the former Soviet Union, allows governments to compromise the right of dissent and inevitably leads to feelings of alienation among minority groups. Such laws may also distract from the need for effective legislation to promotenon-discrimination. The rise of racism and xenophobia throughout Europe, despite laws restricting racist speech, calls into question the effectiveness of such laws in the promotion of tolerance and non- discrimination. One worrying phenomenon isthe sanitized language now adopted to avoid prosecution by prominent racists inBritain, France, Israel and other countries, which may have the effect of making their hateful messages more acceptable to a broader audience." She adds: The British experience parallels what has happened in the United States, as evidenced by the campus hate speech codes for which enforcement information is available.7 One such code was in effect at the University of Michigan from April 1988 until October 1989. Because the ACLU brought a lawsuit to challenge the code (which resulted in a ruling that the code was unconstitutional),"2 the university was forced to disclose information that otherwise would have been unavailable to the public about how it had been enforced. This enforcement record, while not surprising to anyone familiar with the consistent history of censorship measures, should come as a rude awakening to any who believes that anti-hate-speech laws will protect or benefit racial minorities, women, or any other group that traditionally has suffered discrimination. Even **during the short time that the** University of **Michigan rule was in effect,** there were more than twenty cases of whites charging blacks with racist speech. More importantly, there were only two instances in which the rule punished speech on the ground that it was racist-rather than conveying some other type of bias-and both involved the punishment of speech by or on behalf of black students. Let me underscore that:100% **of the speech punished as racist was by or on behalf of African-Americans.** Moreover, the only student who was subjected to a full-fledged disciplinary hearing under the Michigan rule was an African-American student accused of homophobic and sexist expression. In seeking clemency from the punishment that was imposed on him after this hearing, the student asserted that he had been singled out because of his race and his political views.73 Others who were punished at the University of Michigan included several Jewish students accused of engaging in anti-Semitic expression (they wrote graffiti, including a swastika, on a classroom blackboard, saying they intended it as a practical joke) and an Asian-American student accused of making an anti-black comment (his allegedly "hateful" remark was to ask why black people feel discriminated against; he said he raised this question because the black students in his dormitory tended to socialize together, making him feel isolated). Likewise, the student who in 1989 challenged the University of Connecticut's hate speech policy, under which she had been penalized for an allegedly homophobic remark, was Asian-American. She claimed that other students had engaged in similar expression, but that she had been singled out for punishment because of her ethnic background. Representing this student, the ACLU persuaded the university to drop the challenged policy.7" Following the same pattern, [T]he first complaint filed under Trinity College's then-new policy prohibiting racial harassment, in 1989, was against an African-American speaker[.] who had been sponsored by a black student organization, Black-Power Serves itself. Again, I stress that [T]hese examples are not just aberrational. Rather, they flow from the very premises of those who advocate hate speech codes. As they rightly note, discrimination and prejudice is, unfortunately, endemic in United States society-including on campus and in our legal system. Indeed, exhaustive studies of state and federal courts throughout our country consistently show entrenched patterns of racial and gender bias**."** So, for those of us who are committed to **eradicating discrimination,** the last thing **we should** want to **do is** to **hand over to discriminatory** officials and **institutions power to enforce** necessarily vague hate **speech codes** that inevitably call for subjective, discretionary decisions. This discretionary power predictably will be used in a way that is hardly helpful to disempowered groups.

**Second, backlash – the attempt to close political space is always imperfect and engenders resistance – censoring speech doesn’t change minds but redirects them – that threatens institutions and leaves supporters less prepared to defend their gains. Resistance to abortion proves.**

Bonnie **Honig 93**, Nancy Duke Lewis Professor in the departments of Modern Culture and Media (MCM) and Political Science at Brown, 4-15-1993, "Political Theory And The Displacement Of Politics," Cornell University Press.

The perpetuity of contest is not easy to celebrate. My own afﬁrmation of it is animated, not by the benighted teleological belief that politically active lives are necessarily fuller or more meaningful than their alternatives, but by my conviction that the displacement of politics with law or administration engenders remainders that could disempower and perhaps even undermine democratic institutions and citizens. The US. Supreme Court’s recent decision in Planned Parenthood of Southeastern Pennsylvania v. Carey supplied compelling new justiﬁcations for a woman's right to control her sexuality and reproductive freedom, but it also endorsed new restrictions on that right. **When a woman’s right to choose was ﬁrst recognized** in 1973 by a very different Court in Roe v. Wade, **many** citizens **celebrated** the Court‘s decision as **the end of a battle.** Those opposed to the decision, however, vowed to roll back Roe v. Wade and. nineteen years later, they have had great success.6 **The battle is being refought** in the Court and in the state houses. **Those who thought it was won** in 1973 were surprised by this sequence of events. Many **assumed that,** once juridically recognized, **the right** to abort a pregnancy **would never be returned to** the space of **political contest.** In the past two decades they went on to ﬁght other battles, doing relatively little to mobilize citizens and communities to protect and stabilize this new right, leaving pro-life organizations relatively free to repoliticize and redeﬁne the issues. In response to the juridical settlement of a woman's right to choose, pro-lifers focused on the fetus and the family and on the relations of obligation and responsibility that tie women to them. Soon abortion became known as baby killing. pro-choice became antifamily, and pregnant single women became icons of danger whose wanton, (literally) unregulated sexuality threatens the safety and the identity of the American family. These identities and identiﬁcations are not stable. But in the absence of resistance to them, they could be stabilized. That realization has energized pro-choice citizens into action in the last few years. and the sites of the battle are proliferating. ¶ These observations are by no means meant to imply that it would be better not to entrench a woman's right to terminate a pregnancy—that is a different debate, one that turns on considerations of political strategy and equal justice. My point is that there is a lesson to be learned from the experience of those who misread Roe as the end of a battle and later found themselves ill equipped and unprepared to stabilize and secure their still unstable rights when they were repoliticized and contested by their opponents. **In their mistaken belief that the agon had been successfully shut down** by law, **pro-choice citizens** ceded the agon to their opponents and **found**, years later, **that the terms of the contest had shifted against them. Disempowered by their belief that the law had settled** the issue without remainder, **they failed to engage** the concerns of moderate citizens who harbored doubts about the morality of abortion, **leaving them and their doubts to be** mobilized and **radicalized** by those who had no doubts about the practice‘s immorality and who were determined to see it outlawed again.7 ¶ To afﬁrm the perpetuity of contest is not to celebrate a world without points of stabilization; it is to afﬁrm the reality of perpetual contest. even within an ordered setting, and to identify the afﬁrmative dimensions of contestation. It is to see that **the always imperfect closure of political space tends to engender remainders** and that, if those remainders are not engaged, **they may return to haunt and destabilize the very closures that deny their existence.** It is to treat rights and law as a part of political contest rather than as the instruments of its closure It is to see that attempts to shut down the agon perpetually fail, that the best (or worst) they do is to displace politics onto other sites and topics, where the struggle of identity and difference, resistance and closure, is then repeated.8 These are the platforms of a virtu) theory of politics

#### Third, empirics show community counter-speech solves. Majeed Majeed, Azhar. [J.D., University of Michigan] “Defying the Constitution: The Rise, Persistence, and Prevalence Of Campus Speech Codes.” *Georgetown Journal of Law & Public Policy*, 7 Geo. J.L. & Pub. Pol’y 481, 2009.

Moreover, the **counterspeech** approach **can have significant benefits** **for minority students.** One commentator writes that “only by pointing out the weaknesses and the moral wrongness of an oppressor’s speech can an oppressed group realize the strength of advocating a morally just outcome.” [250] As is the case whenever one participates in campus dialogue and debate, minority students can expect to bolster their arguments and sharpen their views; “Through the active, engaging, and often relentless debate on issues of social and political concern,” they “learn the strengths of their own arguments and the weaknesses of their opponents’. With this knowledge, these groups are better able to strike at the heart of a bigoted argument with all of the fervor and force necessary to combat hateful ideas.” Therefore, the experience and knowledge gained through the process of debate and discussion will serve minority students well in the long run. Minority students also benefit in that engaging in **counterspeech, rather than appealing to** the **authorities for protection, may provide** a **strong** sense of self-autonomy and **empowerment.** The **efforts of minority students will often be met by a receptive** **campus audience,** one which is curious to hear how they respond to hateful and prejudicial messages, affording these students the opportunity to meaningfully impact the way many individuals on campus think about important issues. **Counterspeech “can** serve to define and underscore the community of **support enjoyed by** the **targets** of the hateful speech, faith in which may have been shaken by the hateful speech.” Consequently, when minority students respond to hateful speech with counterspeech, successfully engage the campus community, and inform their fellow students’ views, they gain “a sense of self-reliance and constructive activism” as well as “a sense of community support and empowerment.”[254] Nadine Strossen asserts that, for this reason, counterspeech “promotes individual autonomy and dignity.”[255] These are significant benefits that other methods of responding to hateful speech do not offer, and it is difficult to place a value or measure on the positive impact this can have on students’ lives. He adds: Charles Calleros provides two illustrative examples of such an opportunity. The first arose **at Arizona** State University, where one of **a group of female African-American students who found a racist poster** in a dormitory **convinced** one of the **students who had put up the poster to voluntarily take it down,** then sent a copy of the poster to the campus newspaper along with a letter discussing its racist stereotypes. Calleros, supra note 216, at 1259. She also requested action from the director of the residence hall, which resulted in a residents’ group meeting to discuss the issues involved. Id. Ultimately, **“the result was a series of** opinion **letters** in the campus newspaper **discussing** the problem of **racism,** numerous workshops on race relations and free speech, and overwhelming approval in the Faculty Senate of a measure to add a course on American cultural diversity to the undergraduate breadth requirement.” Id. The second episode took place **at Stanford** University. There**, students**, faculty, and administrators at the law school **responded to** a student’s **homophobic speech by sending** opinion **letters** to the campus newspaper, writing comments on a poster board at the law school,and signing a published petition disassociating the law school from the speaker’s message. Id. at 1261. Several students even wrote a letter reporting the incident to a prospective employer of the speaker. Id. These two experiences, by their very facts and the results achieved, speak volumes about the effectiveness of counterspeech when used to respond to hateful messages.

## AC K

I experience the world as radically beyond my comprehension and having meaning from a multitude of perspectives. These other perspectives defined by being not-mine, so I have an obligation to respect them – I cannot justify anything else since the nature of the other is always beyond my experience. **Blum[[11]](#footnote-11)**

The experience of transcendence is, at bottom, the experience of having my interiority brought into question ontologically, epistemologically, and morally. Ontologically, I find that I am not the only possible source of reality. Although I am capable of creating, I experience a presence within the world that so overflows and escapes from my experience that I could not have created it. Epistemologically, I find that my perspective on the world is not the only possible [one] perspective. There is a point of view that I can never occupy, because the only way of defining it relative to my point of view is that it is not mine. Because the Other so radically escapes my cognition, it simultaneously threatens my freedom (to such a degree that I am inclined to murder) and awakens my desire (to such a degree that I am inclined to awe, and even to worship). The Other is at once the mysterium tremendum and the mysterium fascinans. If morality is understood as arising in the context of sociation, then the insight that the limits of my understanding become apparent precisely in this context would seem necessarily to have moral implications. Inasmuch as the Other fundamentally escapes my understanding, the forced totalization of the Other murder, in the extreme case is an imposition of my will for which a justification is, in principle, unavailable. As Levinas puts it, murder is impossible- not physically speaking, of course, but morally speaking (Levinas 1961/1969, 198-99). If I kill someone, it is fundamentally because I wish to be rid of the limits that are imposed by his or her presence. The cognitive and moral limits that are illuminated by the face, however, are not eliminated by removing the face from the purview of sensibility. The infinite distance between myself and the Other, once opened in my experience by the Other's epiphany, will remain open. My responsibility, once illuminated, is seen as a part of what I am. The commandment that was initially inscribed on the face of the Other is now inscribed on the heart of the same.19

And, outweighs other framework warrants: **A.** I deny the empirical belief that the other is like yourself, so they can’t justify the generalization of particular reasons in an ethical context. I contest a critical presupposition of their framework link chain and derivation of any system of duties

**B.** My framework identifies the phenomenological basis of agency – if you aren’t culpable for what you do, then you aren’t morally accountable at all. That condition is satisfied only by your distinction from the Other, so my framework derives offense from a prior question

Thus the standard is resisting totalization

Deosn’t matter if you win the NC framework, my impact outweighs: no ethical theory can justify or outweigh totalization impacts because they presume nontotalization in engaging in normative reasoning. **Beavers[[12]](#footnote-12)**

If we can accept this notion that ideas are inventions of the mind, that ideas are, when it comes down to it, only interpretations of something, and if ethics, in fact, is taken to refer to real other persons who exist apart from my interpretations, then we are up against a problem: there is no way in which ideas, on the current model, refer to independently existing other persons, and as such, ideas cannot be used to found an ethics. There can be no pure practical reason until after contact with the other is established. Given this view towards ideas, then, anytime I take the person in my idea to be the real person, I have closed off contact with the real person; I have cut off the connection with the other that is necessary if ethics is to refer to real other people. This is a central violence to the other that denies the other his/her own autonomy. Levinas calls this violence "totalization" and it occurs whenever I limit the other to a set of rational categories, be they racial, sexual, or otherwise. Indeed, it occurs whenever I already know what the other is about before the other has spoken. That is, it is the inscription of the other in the same. If ethics presupposes the real other person, then such totalization will, in itself, be unethical.

Radicalism Leads to oppression and defeats the point of Levinasian ethics – both the idea of the alt as “fixing” everything and the theory behind the alt create a new totality and are self-defeating. **Corvellec 5** Corvellec, Hervé. "An Endless Responsibility for Justice: For a Levinasian Approach to Managerial Ethics." Levinas, Business Ethics (2005): 9.

There are at least three options: radical social change, bimoralism and weaker Levinasian program. The radical social change option is to suggest that since capitalism and/or modernity create inhuman social conditions for labour (see, e.g.. Dejour 2000, de Villermé 1840, Linhart 1978, Weil 1951) and these conditions prevent managers from being ethical, one should then change the social conditions of capitalism and/or modernity so that managers can start to be ethical (see, e.g., Parker 2002). The bimoralism option is to consider that managers should or can only live according to different moral regimes as private persons and as professional (see e.g., Carr 1968, Hendry 2004); as a consequence, if a Levinasian ethics, it can then only be of a relevance in the private sphere and not in the professional one. The weaker Levinasian program option, finally, consists in abandoning the idea of an true Levinasian ethics for management (which would be a stronger Levinasian program) and in limiting one’s ambitions instead to an introduction of elements of Levinasian ethics into management whenever managerial discourse and practice offer holes, breaches or fractures likely to be filled with a radical concern for otherness. My reason for choosing this third option are several and blend practical with theoretical and political concerns. I am for example concerned that the radical change option might in its utopia, as other utopias in the past, become a declaration good intentions in the name of which one replaces older forms of oppression with new ones. Likewise, besides that I am concerned by the potentially negative consequences for individuals of ceaselessly switching between two (or more) moral regimes, I am also frightened by the implicit acceptance in bimoralism that something as influential as management become a social locus with a moral of its own, i.e. potentially a moral non-place. This is why a weaker Levinasian program is favoured here. Why weaker? Because An endless responsibility for justice regardless of its extreme intellectual stringency and high set standards, Levinasian ethics is the opposite of a moral system and that trying to turn it into a practical ethical totality would be contrary to its spirit. Levinasian ethics is akin to Levinasian understanding of infinity: an endless resistance to our practical understanding. Anything like a stronger Levinasian program would be therefore be a contradiction in terms. Why Levinasian? Because I am convinced that even without being constituted in a system, Levinasian ethics can introduce into management elements that prove to be beneficial not only to managers but mankind and life on Earth – that which I intend to illustrate in the reminding of this section.

The project of critical pedagogy reduces people into identities and objects. **Joldersma 99** Clarence Joldersma [Professor of Education at Calvin College] “The Tension Between Justice and Freedom in Paulo Freire’s Faith-Full Pedagogy” (1999) < http://www.calvin.edu/~cjolders/WHAM99paper.html >

What a Levinasian-inspired reading makes clear is that constructing knowledge isn’t merely just unveiling the world. The naming process is not neutral with respect to reality; instead, it is a prejudice against its alterity. This bias can be understood as a process of objectification, a way of making the world as other into the familiar world of the same by reducing difference to identity. In this sense, objects qua objects are projects of a conscious subject. Objectification is a form of domesticating the world as other by getting it to surrender, forcing it to "lay itself open to grasp." Objects are not other, difference, but part of the subject’s same, a reduction to identity. To the extent that they are objects they have no mystery but are something known, grasped, conceptualized. Objects are thus thematized entities, with the alterity removed in the naming process. Objects are entities domesticated for possession and control by removing its alterity. Objects are in the circle of sameness, even if they are thought to be outside the subject as such. Subject and object form a totality, with the subject at the center of an ever-widening circle of sameness. The mediating names thus bring the world as other into domination by the active subject. Knowledge turns out to be power because of its domesticating process, thereby making it "the ultimate sense of freedom" (TI p. 45) and control. As a result, I believe that Freire’s constructivist epistemology remains too close to the position he wishes to avoid, namely, knowledge for dominating control by the oppressor. A constructivist epistemology develops knowledge for power and control to transform the world. As such it is nevertheless structurally similar to the epistemology of the oppressors in banking education. Theirs is also knowledge for control and power, a process in which the world is objectified. To use the words of Horkheimer and Adorno, objectification of the world occurs "in order to determine how it is to be dominated" (1972, p. 39). The main difference between Freire and the oppressors is not an epistemological one, but concerns how large to draw the circle of agency. Freire wants all humans to be in that circle, students included, whereas the oppressors systematically exclude a large group of people from sharing in this power, namely, the oppressed, including students. Democratization and universalization of power in this manner is not to be minimized by any means; it certainly is a step in the right direction. But all that has changed is enlarging the site of production to include all humans in the process. It still remains the case that structurally Freire’s epistemology at bottom is similar to that of the oppressors, one for power and domination, possession and control. The freedom required for a constructivist epistemology leads back to oppression. This seems to be in fundamental tension with his ethical project of pedagogy for justice. David Harvey suggests that this sort of Enlightenment project is bound to turn against itself, transforming "the quest for human emancipation into a system of universal oppression in the name of human liberation"` (1989 p. 13; quoted in Vasquez 1997, p. 191). There is a polarity between the means to transformation—i.e., naming—and the goal of transformation—i.e., social justice in term of ridding the world of oppression.

The Levinasian state is constantly improving. **Yost 2** Yost, Benjamin S. "Responsibility and revision: a Levinasian argument for the abolition of capital punishment." Continental Philosophy Review 44.1 (2011): 41-64.

But just as Levinas embraces justice in the very broad sense, so too does he embrace legal- political justice, stating that “institutions and juridical proceedings are necessary,” even ethically necessary (IRB 67).8 In fact, Levinas explicitly endorses the liberal conception, claiming that it is the specific features of liberal justice that distinguish just legal and political regimes from totalitarian or fascist ones (IRB 51). He says that states ought to fairly apportion rights and responsibilities, to strive for equality in benefits and burdens. Levinas reserves his most serious praise for a feature of liberal justice that would likely be unrecognizable to a mainstream political theorist. Levinas identifies within liberalism something he calls the “bad conscience of justice” (IRB 206). For Levinas, this is the consciousness that justice is “not yet just enough” (IRB 51-2), that justice, to use an overused phrase, is always yet to come.9 This consciousness is evidenced by the fact that liberalism “continue[s] to preach that within justice there are always improvements to be made in human rights” (PM 177-78) and recognizes that “justice does not give itself as definitive . . . an even better justice would be necessary” (IRB 51). In striving for an even better justice, the bad conscience of justice harbors a certain utopianism: “the liberal state is a state which holds justice as the absolutely desirable end and hence as a perfection” (PM 177). But this does not mean that it thinks perfection can be reached – it does not. The bad conscience of justice simply refuses to use the fallibility of human judgment as an excuse for “worse justice.” The bad conscience of justice commits itself to “an ever-improving law” and strives to overcome these hurdles, even though they are in principle insurmountable (IRB 230).

The AC framework is the only way that one can recognize and solve the root cause of racism – an affirmation of Levinasian ethics is the best way to value those regardless of their otherness. **Burggraeve[[13]](#footnote-13)**

Levinas also considers all of the forms of moral evil discussed up to this point to return in an extreme but consistent way to racism (VA 100). Strictly speaking, racism takes the view that one group of people is morally or culturally superior to another group, based on a hereditary difference in race. Racism considers the racial origin of an individual or a community as the factor determining not only the appearance but also the way of thinking and acting. Moreover, racism accords value to one race above all others, and one who is racist usually reckons himself among the superior race. According to racist thinking, people are considered in the ﬁrst place or even exclusively in terms of their belongingness to a different race, most often visible in color of skin and other physical features (ﬁgure, nose, eyes, and so forth). On the basis of these features, they are then judged and above all condemned. And these condemnations are in turn nourished and strengthened by all sorts of "images of the enemy” cast against the "other" race.

For Levinas, it is clear that racism was incarnated in an "exceptional" way in the persecution of the Jews by the National Socialism of Hitler and his followers (AS 60), which he therefore designates as "the diabolical criminality of absolute evil” (CCH 82). In his work Mein Kampf, Hitler argued for the superiority of the so-called Aryan race, the race of the (Iber-mensch ["Superman”]. Only those who belonged to the "pure" Aryan race, who all the more so embodied this race purely, had the right to live and reproduce. The Nazis therefore not only developed ingenious, scientiﬁcally designed programs to "solve" the Jewish question (the Endlb’sung, or Shoah) by means of concentration camps and gas chambers (of which Auschwitz in Poland was only one, but the most famous). They also developed and enacted complex, extensive sterilization programs aimed speciﬁcally at the physically and mentally handicapped so that the Aryan race would not be stained by begetting "impure" children. And there were also the infamous euthanasia programs established in order to remove "gently" the incurably ill and mentally handicapped, who were thus less valuable and unnecessary members of the Aryan race. Because homosexuals did not contribute to the furthering of the pure Aryan race they were severely persecuted, and the gypsies were eradicated because they did not belong to the Aryan race and therefore represented a threat to its purity. In a Wider sense, one also speaks of racism when one recognizes and relates to others on the basis of their belonging to another culture, language group, or religion. As contemporary examples of this, we can point to the manner in which people today reject immigrants from the Arab world and wish to expel them because of their origin in another religion, speciﬁcally Islam and its related traditions. Or think of the long-standing suppression and discrimination against African Americans in the United States, many of whose ancestors were brought over from Africa as slaves. According to Levinas, the core of racism consists not in the denial of, or failure to appreciate, similarities between people, but in the denial of, or better said, failure to appreciate and value, people’s differences, or better still, the fundamental and irreducible otherness by which they fall outside of every genre and are thus “unique”: "Alterity ﬂows in no sense out of difference, to the contrary difference goes back to alterity” (VA 92). A racist relation wants to recognize and value only the "same," or one’s “own” [het eigene], and therefore excludes the "foreign." Out of self-defense, we areeasily inclined to accept and consider positively only that which agrees with, or is "similar" to, ourselves. One finds the other embarrassing, threatening, and frightening. One therefore tries to expel him from oneself, to place him outside so that he can be considered as the "enemy" from whom one "may" defend oneself, and whom one may even "destroy" as what brings life and well-being under pressure, unless one can reduce him to oneself or make him a part of oneself. One wants to accept ”others” (or "strangers," or ”foreigners”) only to the extent that they belong to one’s own “genre” or “kind,” which is to say to one’s own blood and soil, to the same family, tribe, sex, clan, nation, church, club, or community, do the same work, have the same birthplace and date. One’s ”own” is praised and even divinized at the price of the "other," which is vilified. The “stranger” becomes the scapegoat on whom we blame all of our problems and worries. One accepts differences only insofar as they are a matter of accidental particularities or specificities within a same genre or basic design, in which individuals differ from one another within a same “sort” only very relatively (for example, character, taste, intellectual level), and in which their deeper afﬁnity is not at all tested (VA 97). Against this background, it is clear that for Levinas anti-Semitism, as a specific and advanced form of racism, takes aim at the Jew as the intolerable other. For anti-Semitic thinking and sentiment, the Jew is simply the enemy, just as for every racism the other is the enemy as such, that is to say not on the basis of personality, one or another character trait, or a specific act considered morally troublesome or objectionable, but due only to his very otherness. In anti-Semitism, the Jew, as "other," is always the guilty one. It is never "oneself," the embodiment of the "same" that not only arranges everything around itself but also profiles itself as principle of meaning and value (CAJ 77—79).From this perspective on racism as rejection of the other, it appears, according to Levinas, that racism is not a rare and improbable phenomenon existing in the heart and thought of only some "perverse" people that has nothing to do with us. Insofar as one is, according to the spontaneous dynamic of existing, or conatus essendi, directed toward the "same," toward maintaining and fortifying one’s ”own”—all such as I have just sketched it—one must be considered "by nature” potentially racist, though of course without being "predestined" for it. In itself, this admits no question of psychological or pathological deviation. According to Levinas, this implies that one cannot simply dispense with the racism of Hitler and the Nazis, in contrast to something instead occurring only once, as a wholly distinct and incomparable phenomenon, at least if one views it not quantitatively but qualitatively, which is to say in terms of its roots and basic inspiration. In an attempt to hold open a pure—in fact, Manichean—distinction between "good" (us) and "bad" (the ”others”), thus keeping oneself out of range of the difficulties in question, it happens all too often that Hitlerism is described as something completely unique that has nothing in common with the aims and affairs of the common mortal. The perspective of Levinas shows that Hitlerism, with its genocide and other programs of eradication, is only a quantitative extension, that is to say a consistent, systematic, and inexorably reﬁned outgrowth of racism in its pure form, one that, in its turn, represents a concretization of the effort of existing, which, as the reduction of the other to the same, is the nature of our existence (without,on the other hand, our being abandoned to this nature as a fatality, since as ethical beings we can overcome it). No one is invulnerable; any of us is a potential racist, and at least sometimes a real racist. Racism, like Hitlerism, does not occur by chance, or by an accidental turn. Nor is it an exceptional perversion occurring in a group of psychologically disturbed people. It is a permanent possibility woven into the dynamic of our very being, so that Whoever accedes to and lives out the dynamic of his own being inevitably extends racism in one or another form (AS 60—61). We can no longer blame racism and anti-Semitism on "others," for both their possibility and the temptation to them are borne in the dynamic of our ohm being: as "non-reciprocal determination of the other” (T I 99), which is precisely the kernel of our freedom (TI 97). It is specifically to unmask this racist violence, and all forms of violence as modalities of denial of the other as other, that Levinas discerns the basic ethical norm in the commandment mentioned and explicated above, “Thou shall not kill,” which is to say in the commandment to respect the otherness of the other. In committing to the possible overcoming of evil, and of racism in particular, through the ethical choice for the good, Levinas certainly realizes how vulnerable this "overcoming" of evil is. By rejecting the idea that every objective system, through its ironclad, mechanistic laws and coerciveness, might be able to render evil impossible forever, and instead basing everything on the ethical call to the good, he makes clear that abuse, violence, and the racist exclusion and elimination of the other are constantly possible and can never be definitively overcome. In ethics, there is no eschatology, in the sense of a guaranteed "better world” or "world without evil.” There is only the ”good will” that must always prove itself in a choice against evil that is neither evident nor easy. Only in this way can there be a good future and justice for the other: only through ethical vigilance with respect to all forms of violence, tyranny, hate, and racism, and a society that nurtures in both our upbringing and education a “sensibility” for the other as “stranger.” Such a sensitivity takes in full seriousness the ethical essence of the human person, and serves always to put us back on the path to a culture "where the other counts more than I do,” and where the most foreign enjoys our complete hospitality.

And the root cause of the violence behind all Western ethics has been one of exclusive violence via the drawing of categories. Only the AC solves the problem. **HAGGLUND[[14]](#footnote-14)**

Consequently, Derrida takes issue with what he calls the ethico-theoretical decision of metaphysics, which postulates the simple to be before the complex, the pure before the impure, the sincere before the deceitful, and so on. All divergence from the positively valued term are thus explained away as symptoms of alientation and the derirable is conceived as the return to what supposedly has been lost or corrupted. In contrast, Derrida argues that what makes it possible for anything to be at the same time makes it impossible for anything to be in itself. The integrity of any positive term is necessarily compromised and threatened by its other. Such constitutive alterity answers to an essential corruptability, which undercuts all ethico-theoretical decisions of how things ought to be in an ideal world

[he continues]

In effect, every attempt to organize life in accordance with ethical or political prescriptions will have been marked by a fundamental duplicity. On the one hand, it is necessary to draw boundaries, to demarcate, in order to form any community whatsoever. On the other hand, it is precisely because of those excluding borders that every kind of community is characterized by a more of less palpable instability. What cannot be included opens the threat as well as the chance that the prevalent order may be transformed or subverted.

### Contention

**The Other’s speech overflows our conceptual categories – we cannot and do not understand its totality. To use one conceptual framework is totalizing and a violation of the Other’s alterity.**

**Trey 98**, George. Solidarity and difference: the politics of enlightenment in the aftermath of modernity. SUNY Press, 1998.

On what grounds, then can this be called a relationship at all? Levinas's curious response is that the relationship is linguistic. In fact, one might even say that radical alterity "establishes" a speech situation (although here situation must be purged of any conceptual connotations and be thought only in terms of proximity). "**Speech proceeds from absolute difference**." **Language** is the relational medium that **enables contact with the other.** But it is not language in the sense of common ground, means for communicating, or point of intervention. **To intervene or establish common territory would be to conceptualize alterity,** which is tantamount to **enacting its violation. Language,** for Levinas, **is** not a source of unity, but rather **the impossibility of unification.** "**Language** accomplishes a relation between terms that breaks up the unity of a genus.'' It **is this interlocutionary relationship**, prior to thematic unity, **that annotates the ethical.** "**The formal structure of language** thereby **announces that ethical inviolability of the Other** and without any odor of the 'numinous,' his 'holiness.'" In other words, the ethical relationship is one that is utterly independent of any active force. As such, ethics is situated in terms of domination-free speech (TI, 194–98). This of course bears certain resemblances to Habermas's ideal speech situation. Further, I think that Levinas would want to say that, in some sense, this is an idealization.12 Nevertheless, on the specific content of the ideal the two part company. **For Habermas the ideal is domination-free intersubjectivity. For Levinas, the "inter"** of intersubjectivity **is already a violation.** Interlocution in Levinas's **"ideal speech situation" is always concerned with interrupting that** in subjectivity **which permits** the "inter"— **the bringing together of I and Other under a single conceptual rubric**.13 When "I" faces "Other," I **is called into question.** **This** questioning, Levinas maintains, **is the original ethical gesture.** The call of the Other is not an attack on subjectivity but rather a mandate to which I must respond. "The 'resistance' of the other does not do violence to me, does not act negatively; it has a positive structure: Ethical." Given this, the question that Levinas must address concerns the status of the ethical structure (TI, 196–97).

**Speech codes violate this –**

**A. Classification: Writing your speech code requires a uniform understanding of the meaning of speech acts and what parts of speech acts are relevant that can be applied to all situations – this needs to be general to be a code at all, but that uniform rubric is exactly what my evidence criticizes.**

**B. Valuation: all codes ascribes differing value to speech – some deserves protection, others is either neutral or heinous enough to not deserve protection. This uses your conceptual categories to evaluate rather than being receptive to them.**

**C. Judgment: to decide whether an instance of speech violates your code, someone must understand the totality of its meaning, intention, communicative content, hurt, etc., which is incompatible with the standard.**

**All of those judgments are also indexed to power structures and sources of authority that can create intersubjective frames at all – means that they retrench the role of brute power rather than reducing it.**

**Trey 98**, George. Solidarity and difference: the politics of enlightenment in the aftermath of modernity. SUNY Press, 1998.

But here, Levinas would claim, a power strategy is enacted. **By introducing content into the discursive relationship between I and the Other, and** by formulating that content in such a way that it can be shared, **the alterity that originally situated the relationship is excluded**. By appealing to the authority of "we," the other to whom I am responsible becomes mine. Stating the Levinasian objection quite explicitly: Habermas's normative accord involves a political subsumption of alterity into rational agreement. It is the absolute authority of reason that is of concern. **Rational consensus seems to close off**, conceptually, **the possibility of** dissent, resistance, **alterity**. In Habermas's own terms, **the** determinate **conditions** of a discursive sitaution eliminate the possibility of radical difference. Further, the intrinsic connection between rational agreement and legitimacy **strategically root**s **legitimacy within a power structure: that of authority**. In order to preserve the pure dominationfree aura of ideal speech, Habermas has to exclude the play of alterity that is situated within the language of discourse. This is achieved by appealing to the unmitigated authority of reason. As such, his **attempt to exclude power from communicative ethics is itself premised on a form of power.**

**The standard requires that agents respect the Other as an independent creator of meaning that we must interact with – this doesn’t mean uncritically accepting their views but treating them as a source of meanings**

ALPHONSO **LINGIS**, Introduction to his translated edition of Levinas, “Totality and Infinity” (1991)

It has been and is still wide1y held that this can be achieved only by a joint sacrifice of self to a neutral, englobing system. But Levinas brings forth very strong evidence to show that this is not the case. **By speaking to the other I enter into relation** with him. **But** this speaking does not bind me down or limit me, because **I remain at a distance from what is said.** Hence real conversation with an other cannot be exhaustively planned. I am never sure just what he will say, and **there is always room for reinterpretation and spontaneity on both sides.** My autonomy remains intact. In fact, in so far as I have any, it is stimulated to further intensity by searching questions from a point of view that is not merely opposite and therefore correlative to mine, but genuinely other. I can always say what I wish, and even begin once again de novo. The same is true of **the other**. He **does not merely present me with lifeless signs into which I am free to read meanings of my own. His expressions bear his meanings, and he is** himself **present to bring them out and defend them.** There is no difference between the active expression and what is expressed. The two coincide. **The other is not an object that must be interpreted and illumined by my alien light. He shines forth** with his own light, **and speaks for himself.**

**Lastly, the content of speech acts are irrelevant:**

**A. Ethics is a phenomenological experience prior to reason – communicative language and its particular meanings is only possible for the rational subject…**

**B. Uptake of language relies on particular schema – imagine insults in Swedish—they wouldn’t have an impact on us because we don’t understand them so the speech is not the cause of violence**

**C. judging the content of speech presupposes the positionality of the other—i.e. our ability to know their intentions but because the other is so radically different we cannot attempt to impose categories.**

**Next, Censorship is an abysmal political strategy.**

#### First, both globally and domestically, speech codes worsen hate and *target minorities* – empirics prove.

**Strossen 1** Strossen, Nadine. [John Marshall Harlan II Professor of Law, New York Law School] “Incitement to Hatred: Should There Be a Limit?” *Southern Illinois University Law Journal*, Vol. 25, 2001.

Based on actual experience and observations in countries around the world, the respected international human rights organization, Human Rights Watch, concluded that suppressing hate speech does not effectively promote equality or reduce discrimination. In 1992, Human Rights Watch issued a report and policy statement opposing any restrictions on hate speech that go beyond the narrow confines permitted by traditional First Amendment principles. Human Rights Watch's policy statement explains its position as follows: The Human Rights Watch policy attempts to apply free speech principles in the anti-discrimination context in a manner that is respectful of both concerns, believing that they are complementary, not contradictory. While we recognize that the policy is closer to the American legal approach than to that of any other nation, it was arrived at after a careful review of the experience of many other countries .... This review has made clear that there is little connection in practice between draconian "hate speech" laws and the lessening of ethnic and racial violence or tension. Furthermore, most of the nations which invoke "hate speech" laws have a long way to go in implementing the provisions of the Convention for the Elimination of Racial Discrimination calling for the elimination of racial discrimination. Laws that penalize speech or membership are also subject to abuse by the dominant racial or ethnic group. Some of the most stringent "hate speech" laws, for example, have long been in force in South Africa, where they have been used almost exclusively against the black majority.42 Similar conclusions were generated by an international conference in 1991 organized by the international free speech organization, Article 19, which is named after the free speech guarantee in the Universal Declaration of Human Rights. That conference brought together human rights activists, lawyers, and scholars, from fifteen different countries, to compare notes on the actual impact that anti-hate-speech laws had in promoting equality, and countering bias and discrimination, in their respective countries. The conference papers were subsequently published in a book, Striking A Balance: 43 Hate Speech, Free Speech, and Non-Discrimination. The conclusion of all these papers was clear: **not** even any **correlation,** let aloneany **causal relationship, could be shown between** the enforcement of anti-hate**-speech laws** by the governments in particular countries **and** an improvement in **equality** or inter-group relations in those countries. In fact, often there was an inverse relationship. These findings were summarized in the book's concluding chapter by Sandra Coliver, who was then Article 19's Legal Director: **Laws which restrict hate speech** have been flagrantly abused by the authorities. Thus, the laws **in Sri Lanka and South Africa have been used almost exclusively** against **the oppressed** and politically weakest communities**. In** Eastern **Europe** and the former Soviet Union these **laws were vehicles for the persecution of critics who were often also victims of** state-tolerated or sponsored **anti-Semitism.** Selective or lax enforcement by the authorities, including in the United Kingdom, Israel and the former Soviet Union, allows governments to compromise the right of dissent and inevitably leads to feelings of alienation among minority groups. Such laws may also distract from the need for effective legislation to promotenon-discrimination. The rise of racism and xenophobia throughout Europe, despite laws restricting racist speech, calls into question the effectiveness of such laws in the promotion of tolerance and non- discrimination. One worrying phenomenon isthe sanitized language now adopted to avoid prosecution by prominent racists inBritain, France, Israel and other countries, which may have the effect of making their hateful messages more acceptable to a broader audience." She adds: The British experience parallels what has happened in the United States, as evidenced by the campus hate speech codes for which enforcement information is available.7 One such code was in effect at the University of Michigan from April 1988 until October 1989. Because the ACLU brought a lawsuit to challenge the code (which resulted in a ruling that the code was unconstitutional),"2 the university was forced to disclose information that otherwise would have been unavailable to the public about how it had been enforced. This enforcement record, while not surprising to anyone familiar with the consistent history of censorship measures, should come as a rude awakening to any who believes that anti-hate-speech laws will protect or benefit racial minorities, women, or any other group that traditionally has suffered discrimination. Even **during the short time that the** University of **Michigan rule was in effect,** there were more than twenty cases of whites charging blacks with racist speech. More importantly, there were only two instances in which the rule punished speech on the ground that it was racist-rather than conveying some other type of bias-and both involved the punishment of speech by or on behalf of black students. Let me underscore that:100% **of the speech punished as racist was by or on behalf of African-Americans.** Moreover, the only student who was subjected to a full-fledged disciplinary hearing under the Michigan rule was an African-American student accused of homophobic and sexist expression. In seeking clemency from the punishment that was imposed on him after this hearing, the student asserted that he had been singled out because of his race and his political views.73 Others who were punished at the University of Michigan included several Jewish students accused of engaging in anti-Semitic expression (they wrote graffiti, including a swastika, on a classroom blackboard, saying they intended it as a practical joke) and an Asian-American student accused of making an anti-black comment (his allegedly "hateful" remark was to ask why black people feel discriminated against; he said he raised this question because the black students in his dormitory tended to socialize together, making him feel isolated). Likewise, the student who in 1989 challenged the University of Connecticut's hate speech policy, under which she had been penalized for an allegedly homophobic remark, was Asian-American. She claimed that other students had engaged in similar expression, but that she had been singled out for punishment because of her ethnic background. Representing this student, the ACLU persuaded the university to drop the challenged policy.7" Following the same pattern, [T]he first complaint filed under Trinity College's then-new policy prohibiting racial harassment, in 1989, was against an African-American speaker[.] who had been sponsored by a black student organization, Black-Power Serves itself. Again, I stress that [T]hese examples are not just aberrational. Rather, they flow from the very premises of those who advocate hate speech codes. As they rightly note, discrimination and prejudice is, unfortunately, endemic in United States society-including on campus and in our legal system. Indeed, exhaustive studies of state and federal courts throughout our country consistently show entrenched patterns of racial and gender bias**."** So, for those of us who are committed to **eradicating discrimination,** the last thing **we should** want to **do is** to **hand over to discriminatory** officials and **institutions power to enforce** necessarily vague hate **speech codes** that inevitably call for subjective, discretionary decisions. This discretionary power predictably will be used in a way that is hardly helpful to disempowered groups.

**Second, backlash – the attempt to close political space is always imperfect and engenders resistance – censoring speech doesn’t change minds but redirects them – that threatens institutions and leaves supporters less prepared to defend their gains. Resistance to abortion proves.**

Bonnie **Honig 93**, Nancy Duke Lewis Professor in the departments of Modern Culture and Media (MCM) and Political Science at Brown, 4-15-1993, "Political Theory And The Displacement Of Politics," Cornell University Press.

The perpetuity of contest is not easy to celebrate. My own afﬁrmation of it is animated, not by the benighted teleological belief that politically active lives are necessarily fuller or more meaningful than their alternatives, but by my conviction that the displacement of politics with law or administration engenders remainders that could disempower and perhaps even undermine democratic institutions and citizens. The US. Supreme Court’s recent decision in Planned Parenthood of Southeastern Pennsylvania v. Carey supplied compelling new justiﬁcations for a woman's right to control her sexuality and reproductive freedom, but it also endorsed new restrictions on that right. **When a woman’s right to choose was ﬁrst recognized** in 1973 by a very different Court in Roe v. Wade, **many** citizens **celebrated** the Court‘s decision as **the end of a battle.** Those opposed to the decision, however, vowed to roll back Roe v. Wade and. nineteen years later, they have had great success.6 **The battle is being refought** in the Court and in the state houses. **Those who thought it was won** in 1973 were surprised by this sequence of events. Many **assumed that,** once juridically recognized, **the right** to abort a pregnancy **would never be returned to** the space of **political contest.** In the past two decades they went on to ﬁght other battles, doing relatively little to mobilize citizens and communities to protect and stabilize this new right, leaving pro-life organizations relatively free to repoliticize and redeﬁne the issues. In response to the juridical settlement of a woman's right to choose, pro-lifers focused on the fetus and the family and on the relations of obligation and responsibility that tie women to them. Soon abortion became known as baby killing. pro-choice became antifamily, and pregnant single women became icons of danger whose wanton, (literally) unregulated sexuality threatens the safety and the identity of the American family. These identities and identiﬁcations are not stable. But in the absence of resistance to them, they could be stabilized. That realization has energized pro-choice citizens into action in the last few years. and the sites of the battle are proliferating. ¶ These observations are by no means meant to imply that it would be better not to entrench a woman's right to terminate a pregnancy—that is a different debate, one that turns on considerations of political strategy and equal justice. My point is that there is a lesson to be learned from the experience of those who misread Roe as the end of a battle and later found themselves ill equipped and unprepared to stabilize and secure their still unstable rights when they were repoliticized and contested by their opponents. **In their mistaken belief that the agon had been successfully shut down** by law, **pro-choice citizens** ceded the agon to their opponents and **found**, years later, **that the terms of the contest had shifted against them. Disempowered by their belief that the law had settled** the issue without remainder, **they failed to engage** the concerns of moderate citizens who harbored doubts about the morality of abortion, **leaving them and their doubts to be** mobilized and **radicalized** by those who had no doubts about the practice‘s immorality and who were determined to see it outlawed again.7 ¶ To afﬁrm the perpetuity of contest is not to celebrate a world without points of stabilization; it is to afﬁrm the reality of perpetual contest. even within an ordered setting, and to identify the afﬁrmative dimensions of contestation. It is to see that **the always imperfect closure of political space tends to engender remainders** and that, if those remainders are not engaged, **they may return to haunt and destabilize the very closures that deny their existence.** It is to treat rights and law as a part of political contest rather than as the instruments of its closure It is to see that attempts to shut down the agon perpetually fail, that the best (or worst) they do is to displace politics onto other sites and topics, where the struggle of identity and difference, resistance and closure, is then repeated.8 These are the platforms of a virtu) theory of politics

#### Third, empirics show community counter-speech solves. Majeed Majeed, Azhar. [J.D., University of Michigan] “Defying the Constitution: The Rise, Persistence, and Prevalence Of Campus Speech Codes.” *Georgetown Journal of Law & Public Policy*, 7 Geo. J.L. & Pub. Pol’y 481, 2009.

Moreover, the **counterspeech** approach **can have significant benefits** **for minority students.** One commentator writes that “only by pointing out the weaknesses and the moral wrongness of an oppressor’s speech can an oppressed group realize the strength of advocating a morally just outcome.” [250] As is the case whenever one participates in campus dialogue and debate, minority students can expect to bolster their arguments and sharpen their views; “Through the active, engaging, and often relentless debate on issues of social and political concern,” they “learn the strengths of their own arguments and the weaknesses of their opponents’. With this knowledge, these groups are better able to strike at the heart of a bigoted argument with all of the fervor and force necessary to combat hateful ideas.” Therefore, the experience and knowledge gained through the process of debate and discussion will serve minority students well in the long run. Minority students also benefit in that engaging in **counterspeech, rather than appealing to** the **authorities for protection, may provide** a **strong** sense of self-autonomy and **empowerment.** The **efforts of minority students will often be met by a receptive** **campus audience,** one which is curious to hear how they respond to hateful and prejudicial messages, affording these students the opportunity to meaningfully impact the way many individuals on campus think about important issues. **Counterspeech “can** serve to define and underscore the community of **support enjoyed by** the **targets** of the hateful speech, faith in which may have been shaken by the hateful speech.” Consequently, when minority students respond to hateful speech with counterspeech, successfully engage the campus community, and inform their fellow students’ views, they gain “a sense of self-reliance and constructive activism” as well as “a sense of community support and empowerment.”[254] Nadine Strossen asserts that, for this reason, counterspeech “promotes individual autonomy and dignity.”[255] These are significant benefits that other methods of responding to hateful speech do not offer, and it is difficult to place a value or measure on the positive impact this can have on students’ lives. He adds: Charles Calleros provides two illustrative examples of such an opportunity. The first arose **at Arizona** State University, where one of **a group of female African-American students who found a racist poster** in a dormitory **convinced** one of the **students who had put up the poster to voluntarily take it down,** then sent a copy of the poster to the campus newspaper along with a letter discussing its racist stereotypes. Calleros, supra note 216, at 1259. She also requested action from the director of the residence hall, which resulted in a residents’ group meeting to discuss the issues involved. Id. Ultimately, **“the result was a series of** opinion **letters** in the campus newspaper **discussing** the problem of **racism,** numerous workshops on race relations and free speech, and overwhelming approval in the Faculty Senate of a measure to add a course on American cultural diversity to the undergraduate breadth requirement.” Id. The second episode took place **at Stanford** University. There**, students**, faculty, and administrators at the law school **responded to** a student’s **homophobic speech by sending** opinion **letters** to the campus newspaper, writing comments on a poster board at the law school,and signing a published petition disassociating the law school from the speaker’s message. Id. at 1261. Several students even wrote a letter reporting the incident to a prospective employer of the speaker. Id. These two experiences, by their very facts and the results achieved, speak volumes about the effectiveness of counterspeech when used to respond to hateful messages.

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2. Blum, Peter C. "Overcoming Relativism? Levinas's Return to Platonism." Journal of Religious Ethics 28.1 (2000): 91-117. [↑](#footnote-ref-2)
3. Beavers, Anthony. "Introducing Levinas to undergraduate philosophers." Colloquy paper, Undergraduate Philosophy Association, University of Texas. Austin (1990). [↑](#footnote-ref-3)
4. Jonathan Crowe [Senior Lecturer and Fellow, Centre for Public, International and  Comparative Law, T. C. Beirne School of Law, University of Queensland] *ARTICLE: LEVINASIAN ETHICS AND ANIMAL RIGHTS.* 2008 University of Windsor Yearbook of Access to Justice [↑](#footnote-ref-4)
5. Continental Philosophy Review, forthcoming “Responsibility and Revision: a Levinasian Argument for the Abolition of Capital Punishment.” Continental Philosophy Review, forthcoming [↑](#footnote-ref-5)
6. Vbriefly. “LD Side Bias.” [Includes every round from an octas or quarters bid during the 2014-2015 season.] 3177 aff wins, 3737 neg wins. [↑](#footnote-ref-6)
7. Blum, Peter C. "Overcoming Relativism? Levinas's Return to Platonism." Journal of Religious Ethics 28.1 (2000): 91-117. [↑](#footnote-ref-7)
8. Beavers, Anthony. "Introducing Levinas to undergraduate philosophers." Colloquy paper, Undergraduate Philosophy Association, University of Texas. Austin (1990). [↑](#footnote-ref-8)
9. http://www.staff.amu.edu.pl/~ewa/Burggraeve-Violence%20and%20the%20Vulnerable%20Face%20of%20the%20Other.pdf (Roger Burggraeve was born in Passendale, Flanders (Belgium), in 1942. Salesian of Don Bosco (priest). Licentiate in Philosophy (Rome, 1966). Doctorate in Moral Theology (Leuven, 1980). Associate Professor at the Faculty of Theology and Religious Studies, KU Leuven (1980-1988). Professor (Ordinarius) from 1988 till 2007; now Emeritus Professor.) [↑](#footnote-ref-9)
10. Continental Philosophy Review, forthcoming “Responsibility and Revision: a Levinasian Argument for the Abolition of Capital Punishment.” Continental Philosophy Review, forthcoming [↑](#footnote-ref-10)
11. Blum, Peter C. "Overcoming Relativism? Levinas's Return to Platonism." Journal of Religious Ethics 28.1 (2000): 91-117. [↑](#footnote-ref-11)
12. Beavers, Anthony. "Introducing Levinas to undergraduate philosophers." Colloquy paper, Undergraduate Philosophy Association, University of Texas. Austin (1990). [↑](#footnote-ref-12)
13. http://www.staff.amu.edu.pl/~ewa/Burggraeve-Violence%20and%20the%20Vulnerable%20Face%20of%20the%20Other.pdf (Roger Burggraeve was born in Passendale, Flanders (Belgium), in 1942. Salesian of Don Bosco (priest). Licentiate in Philosophy (Rome, 1966). Doctorate in Moral Theology (Leuven, 1980). Associate Professor at the Faculty of Theology and Religious Studies, KU Leuven (1980-1988). Professor (Ordinarius) from 1988 till 2007; now Emeritus Professor.) [↑](#footnote-ref-13)
14. “THE NECESSITY OF DISCRIMINATION DISJOINING DERRIDA AND LEVINAS” MARTIN HÄGGLUND [↑](#footnote-ref-14)