## ROTB

Omitted

## Enoch

There is a distinction between justification and justification to someone; appeals to truth are not a sufficient reason to impose any authority on someone else. Your rightness must appeal to someone else to be justified in coercing someone.

David **Enoch** , Against Public Reason,

In the other direction, the natural thought is that **the truth of a principle on which political action is based never suffices for legitimacy**, precisely because of the tension between authority and legitimacy. One way of seeing this is thinking about Estlund’s (2008, 5) example: **Suppose that Catholicism is the true religion**, and that the Pope has a direct line to God. **Still, if you are a non-believer** (or a believer of some other religion), **we find it deeply objectionable for the Pope’s directives to have authority over you, simply in virtue of the truth of Catholicism** and the Pope’s excellent epistemic credentials. Certainly, the thought that you can be politically subject to the Pope’s directives – backed up by **the state’s coercive power – seems unacceptable**. The reason, it seems, is that **while his directives are in some sense justified, they are not justified to you, non-Catholic as you are.** And in order to reconcile legitimate authority with your nature as a free, autonomous agent, there must be something to be said for it, and furthermore, this something must be sayable to you.

The relevant standard of political legitimacy is consent. If justifiability is relevant, people need to agree.

David **Enoch 2**, Against Public Reason,

Recall the characteristic feature of **public reason accounts** – in order to reconcile liberty and authority, they **require that the relevant authority or principles be justified to all those subject to the authority**. And while **falling short of** requiring **consent**, this requirement does require some kind of engagement of the subjects as they actually are. But this **creates a problem**, at least in the context of hoping to vindicate some contemporary states. The problem is that **actual citizens of actual large-scale contemporary states are a very varied bunch. Different people are committed – sometimes even in the deepest ways – to all sorts of views and doctrines, they value – even intrinsically – all sorts of different things.** If the justifications offered to them are to engage them as they actually are – perhaps based on principles they accept, or on the values they hold dear, or on what is already there in their motivational set – then it’s hard to believe that there is anything at all that can be justified to all. This is perhaps clearest on consensus versions of public reason accounts, according to which for a political principle (e.g.) to be legitimate there must be a justification for it that is available (in the relevant way) to all11. **But it remains true even on convergence views, according to which the condition necessary for legitimacy is just that for any citizen, there’s a justification available to her** (without the further requirement that it must be the very same justification that’s available to all)12 . So long as the justification-to requirement is non-vacuous, and so long as the relevant constituency consist of all the citizens of a contemporary state as we actually find them, it’s hard to imagine anything at all passing the bar. Anarchism follows

Thus, the aff must prove that people at public colleges and universities agree that affirming is a good idea. And because saying Public colleges and universities can’t restrict speech, they are restricting speech (i.e. speech that would restrict other speech), which concedes the validity of some restrictions. The majority of college students think some restrictions on free speech are necessary.

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

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

## Particularism

**The AC makes a fundamental error – we cannot account for ethics in any terms but the ethical, so we cannot derive them logically as a set of rules. To do so would either force you to just reflect the way the world is, or presuppose the proper way to make the derivation which smuggles in a hidden moral premise or the value of particular modes of inquiry.**

**The practice of ethical life is complicated and multifaceted – there are many morally relevant features, and different ones are relevant in different cases. This isn’t a question of deducing justifications for them, but reflecting on our actual practice.**

James **Griffin** 5, Rhodes Scholar, American-born philosopher, who was White's Professor of Moral Philosophy at the University of Oxford from 1996 to 2000., Corpus Christi College, 2005, "Human Rights: Whose Duties?," Human Rights And The Moral Responsibilities Of Corporate And Public Sector Organisations Volume 20 Of The Series Issues In Business Ethics Pp 31-43, http://link.springer.com/chapter/10.1007%2F1-4020-2361-8\_3

I said a moment ago that mere ability is one reason-generating consideration in cases of aid. But **moral life is** more **complicated** than that. **Many** other **considerations** also **shape moral norms, for instance,** the one I glanced at earlier: **that a good life is a life of deep commitments** to particular persons, causes, careers, and institutions; **that deep commitments limit our wills** in major ways; **and that our powers of** large-scale **calculation about what maximises good outcomes are** also **limited.** Unless one stresses these other reason-generating considerations, my proposal that ability can fix who should give aid might look odd. A **[Bill] Gates** or a Getty **has a great ability to help the needy. That** ability, no doubt, **means that they have above-average obligations** to help. **But** the obligation upon them does not go on until their marginal loss equals the marginal gain of the needy; nor does it with us. The ethical story is far more complicated than that. **T**hat Gateses and the Gettys - and **we** - **are allowed substantially to honour our** own **commitments and follow our own interests, and these permissions limit our obligations**. All that I wish to claim is that mere ability is one consideration in fixing where to place the duty to help. As with identifying the content of a human right, so also with identifying the related duty-ower: my remarks are only a start on the job. It is characteristic of the Work involved in identifying duty-owers that it too can be long, hard, and contentious. I think that sometimes it will prove impossible to make a clearly successful case for holding anyone in particular the appropriate duty-ower. **Sometimes the identification will have elements of arbitrariness and convention** in it. **Sometimes it will be subject to negotiation in a particular place or time.** We can know that there is a moral burden, without yet knowing who should shoulder it.

**Thus, the standard is consistency with the particularity of moral judgments. Precludes the aff:**

**1. Indeterminacy: rules can’t secure their own application – applying a norm to new situations is indeterminate. If you see the sequence 2, 4, 6 then you might think the next number is 8 or 10 based on different possible rules. You could try to explain what you mean, but all language is defined by social rules built on past usage – there’s no secure foundation.**

(The two rules are summing the previous two terms (2, 4, 6, 10, 16, 26, …) or adding 2 (2, 4, 6, 8, 10, 12, …). Even this isn’t enough to define the rule though, if you’ve been paying attention.)

**My argument is about a problem with the *application* of all moral principles, not the content of any one – this means it takes out the aff even if their framework true, since it’s impossible to defend the application of the principle to any specific case, let alone all of them.**

**2. Humility: demanding the reductive criteria of knowledge to make universal judgments is epistemic arrogance that’s bad for functioning in the world. Humans naturally have limitations so presuming we can deductively arrive at all ethical truths paralyzes action because we will never be able to fully be certain. This outweighs the aff’s framework warrants – the question of what we should center inquiry around is prior to arguments from within a particular tradition. Only my project prevents epistemology from descending into triviality which is uniquely relevant since the resolution asks us for practical guidance.**

**Contention: A. The AC is an absolute principle, which is inconsistent with the call for particularity—it says that there cannot be any instance in which constitutionally protected free speech can be restricted by public colleges and universities, which ignores the possibility of some strange circumstance that we can’t think of until we respond ad hoc. And, because we are on the University of Kentucky Campus, and my opponent agreed to speech times, they agree that at least some restrictions on speech at UK are necessary so they’ve conceded the neg. B. A universal statement like the resolution can’t have a universal truth statement—its truth value is contextual which means that you cannot universally affirm the resolutional statement. And, being in the educational space of a college or university conditions how students think and therefore affects the things they say and don’t say. That means that colleges and universities must restrict free speech because they cause students to not say certain things.**

## Sosa

To affirm is “to be certain”[[1]](#footnote-1), so proving uncertainty about whether the resolutional statement is true is sufficient to negate. “Public colleges and universities” is the only description of the subject the resolution provides, so the resolution represents free speech as being unrestricted because of some morally relevant feature of public colleges and universities. Showing that spaces in which speech should be unrestricted happen to consist of public colleges and universities does not affirm—it severs from the representations in the resolution. Prefer this burden: First, all moral theories distinguish between right and wrong reasons for a statement being true-otherwise, bad reasoning could be applied to justify bad actions. And, the way we represent the subject is key-what we consider as relevant about the subject affects how the logic is applied to other situations. Second, knowledge based on incorrect reasons fails to be knowledge at all. **Sosa[[2]](#footnote-2):**

What is it to *truly know* something? In our daily lives, we might not give this much thought — most of us rely on what we consider to be fair judgment and common sense in establishing knowledge. But the task of clearly defining true knowledge is trickier than it may first seem, and it is a problem philosophers have been wrestling with since Socrates.

One approach suggests that knowledge is a form of action, comparable to an archer’s success when he consciously aims to hit a target. In the complacent 1950s, it was received wisdom that we know a given proposition to be true if, and only if, it *is* true, we believe it to be true, and we are justified in so believing. This consensus was exploded in a brief 1963 note by Edmund Gettier in the journal Analysis. Here is an example of the sort used by Gettier to refute that theory. **Suppose you** have every reason to **believe** that **you own a Bentley, since you have had it** in your possession **for** many **years,** and you parked it that morning at its usual spot. **However, it has just been destroyed by a bomb, so** that **you own no Bentley, despite your** well justified **belief that you do. As you sit in a cafe** having your morning latte, **you muse that someone in that cafe owns a Bentley** (since after all *you* do). And it turns out **you are right, but only because** the other person in the cafe, **the barista, owns a Bentley, which you have no reason to suspect.** So you here have a well justified true belief that is not knowledge.           After many failed attempts to fix the justified-true-belief account with minor modifications, philosophers tried more radical departures. One promising approach suggests that knowledge is a form of action, comparable to an archer’s success when he consciously aims to hit a target.An archer’s shot can be assessed in several ways. It can be *accurate* (successful in hitting the target). It can also be *adroit* (skillful or competent). An archery shot is adroit only if, as the arrow leaves the bow, it is oriented well and powerfully enough. But a shot that is both accurate and adroit can still fall short. Consider an adroitly shot arrow leaving the bow with an orientation and speed that would normally take it straight to the bull’s-eye. A gust of wind then diverts it, but a second gust puts it back on track. This shot is both accurate and adroit, but it fails to be *apt*. A shot’s aptness requires that its success be attained not just by luck (such as the luck of that second gust). The success must rather be a result of competence.This suggests the *AAA account* of a good archery shot. But we can generalize from this example, to give an account of a fully successful attempt of any sort. Any attempt will have a distinctive aim and will thus be fully successful only if it succeeds not only adroitly but also aptly.

Of course, a fully successful attempt is good overall only if the agent’s goal is good enough. An attempt to murder an innocent person is not good even if it fully succeeds. Aristotle in his “Nicomachean Ethics” developed an AAA account of attempts to lead a flourishing life in accord with fundamental human virtues (for example, justice or courage). Such an approach is called virtue ethics. Since there is much truth that must be grasped if one is to flourish, some philosophers have begun to treat truth’s apt attainment as virtuous in the Aristotelian sense, and have developed a *virtue epistemology,* which also turns out to solve problems like that posed by Gettier. (Aristotle himself in VI.2 of the “Nicomachean Ethics” upholds attaining truth as the proper work of the intellect.) Virtue epistemology begins by recognizing assertions or *affirmations*. These can be either public, out loud, or to oneself in the privacy of one’s own mind. An affirmation could have any of many and various aims, and it could even have several at once. It could aim at misleading someone, as when it is a lie. Or it could be aimed at showing off, or at propping someone up, or at instilling confidence in oneself as one enters athletic competition.

A particularly important sort of affirmation is one aimed at attaining truth, at getting it right. Such an affirmation is called alethic (from the Greek term for truth). All it takes for an affirmation to be alethic is that one of its aims be: getting it right*.* Humans perform acts of public affirmation in the endeavor to speak the truth, acts with crucial importance to a linguistic species. We need such affirmations for activities of the greatest import for life in society: for collective deliberation and coordination, and for the sharing of information. We need people to be willing to affirm things publicly. And we need them to be sincere (by and large) in doing so, by aligning public affirmation with private judgment. Finally, we need people whose assertions express what they actually know. Virtue epistemology gives an AAA account of knowledge: to know affirmatively is to make an affirmation that is accurate (true) and adroit (which requires taking proper account of the evidence). But in addition, the affirmation must be apt; that is, its accuracy must be attributable to competence rather than luck. Requiring knowledge to be apt (in addition to accurate and adroit) reconfigures epistemology as the ethics of belief. And, as a bonus, it allows contemporary virtue epistemology to solve our Gettier problem. We now have an explanation for why **you fail to know that someone in the cafe owns a Bentley,** when your own Bentley has been destroyed by a bomb, but the barista happens to own one. Your belief in that case falls short of knowledge for the reason that it fails to be apt. You are *right* that someone in the cafe owns a Bentley, but **the correctness of your belief does *not* manifest your** cognitive or **epistemic competence**. You are right only because by epistemic luck the barista happens to own one. When in your musings you affirm to yourself that someone in the cafe owns a Bentley, **therefore, your affirmation** is not an apt alethic affirmation, and hence **falls short of knowledge.**

Negate: Their offense comes from public colleges and universities being educational spaces or [insert which feature they rely on], not SOLELY because they’re public colleges and universities. For example all your offense would apply to public high schools.

## T-Log Con

#### Interpretation: The aff must that it is likely that public colleges and universities in the united states will restrict constitutionally protected speech. The word “ought” means a logical consequence or what is expected to happen not a moral prescription. Oxford Dictionaries clarifies that ought is

**Used to indicate something that is probable: five minutes ought to be enough time.**

**Violation:** aff offense is normative/they defend the desirability of the plan and not its probability

#### The standard is Textuality--Prefer the definition from Oxford Dictionaries because it updates its definitions four times a year to ensure consistency with common usage, which guarantees accuracy since words are defined by how they are used. And this definition is predictable and consistent with common usage.

Richard Robinson, “Ought and Ought Not,” Philosophy, Vol. 46, No. 177 (Jul., 1971), pp. 193-202.)

**"That ought to be easy to find." "He ought to be here soon." "**I have oiled the bearing and loosened the nut; that ought to do it." **"He ought to have reached London by now." Many ought-sentences express neither a prescription nor a valuation, but an estimate of probability. "He ought to be here soon" can be meant in the same sense as "He will probably be here soon."** Thus there are at least four uses of ought, the moral, the prudential, the ideal,

It’s also key to resolvability—A. ethical debates have been happening for centuries and nobody has come to a conclusion which means there is no way debater will be able to, on the other hand debaters can compare empirical data about what colleges will do B. ethics is epistemically inaccessible because ethical concepts are definitionally not physical and our brains don’t have access to things other than our experiences of the empirical world—i.e. even things like language are constructed through relationships so we can never know ethics, but we can kind of predict what might happen based on empirical comparison and such. Resolvability is key because the judge needs to determine a winner, which they can’t do if there is no way for them to know ethics.

Drop the Aff debater if the round is irresolvable because it was their fault, which means they should be punished. There’s also no argument to drop so you need to just default to dropping them. Reasonability is also irresolvable because A. its subjective—the judge can’t determine what’s reasonably fair and B. it devolves to competing interps because you use offense defense to determine the best brightline. Neg theory outweighs aff theory because problems with the NC were because I was shaken by the Aff’s bad practice. No rvis **A.** it’s irresolvable because if you win because your consistent with resolvability, I should also win for being consistent with resolvability and the judge doesn’t know who to vote for **B.** it’s illogical because this is simply a requirement for the aff: you don’t win for just being resolvable. Justifications derived from logic come first because they are necessary constraints on how we act: even if an RVI would be “fair” or “good”, the fact that is it literally nonsense is a reason to reject it no matter what

#### Restrictions on constitutionally protected free speech will happen. The trend is going the other way – restrictions on free speech are rapidly increasing.

Slater 16 (Tom Slator – editor of this book (it’s a collection of essays from many different people). He also wrote the introduction from which this was cut. Deputy Editor of *Spiked*, runs Free Speech University Ratings, and has written for The Times/The Telegraph/Independent, “Unsafe Space: The Crisis of Free Speech on Campus”, pgs. 2 - 3, https://books.google.com/books?hl=en&lr=&id=vdP7CwAAQBAJ&oi=fnd&pg=PP1&dq=college+speech+restrictions+rising&ots=YBNOvRNy1T&sig=BmpSFkTJts9QsI1YcDAjxmB6dpQ#v=onepage&q=college%20speech%20restrictions%20rising&f=false, EmmieeM)

Over the past few years, **campus censorship has reached epidemic levels**. In 2015, spiked, the magazine I work for, launched the Free Speech University Rankings, the UK’s first free-speech league table. Developed by myself and a team of student researchers, the rankings found that 80 per cent of universities and students’ unions have **censored** speech, and that the vast majority of campus bans came from student leaders. In the US, things aren’t much better. The Foundation for Individual Rights in Education’s (FIRE) 2015 report found that over 55 per cent of colleges substantially restricted speech. This is a tragedy. Universities should be places for thinking the unthinkable and saying the unsayable. This new intolerance poses a threat not only to students, but to the entire, truth-seeking mission of the academy. Of course, there was no golden age for free speech on campus. Before and since the FSM, free speech has faced new threats and challenges. But there is something distinct and dangerous about the contemporary crisis. In the past, campus censorship was used to silence perceived ideological threats. Today, censorship has come to be seen as a moral obligation – a necessary part of protecting thin-skinned students from the harm of words themselves. Once, universities censored ideas they were worried might catch on. Today, they censor anything that might make students ‘feel uncomfortable’. It is this shift that has made contemporary campus censorship so indiscriminate – and, quite often, unintentionally hilarious. In the past few years, universities have taken to banning pop songs, sombreros and, at one US college, ‘inappropriately directed laughter’. But as tempting as it is to, er, laugh it off, this is deadly serious. Free speech is the means through which we develop as autonomous beings, understand the world around us and work out how best to change it. Universities should be engines of understanding, discovery and enlightenment. But it’s becoming impossible to have a casual conversation on campus, let alone a forthright debate. Spike has been writing and campaigning on this issue for all of its 15 years. And the madness that confronts us only affirms what we free-speech fundamentalists have been saying since the beginning: that if you turn a blind eye to censorship it will only spread and spread. Now that feminists are censored in the same breath as fascists and political correctness has become entrenched, there’s no more time to be complacent. We need to remake the case for free speech on campus. We need to insist that silencing the opposition is both a cop-out and a curse. And we need to reinvigorate a belief in the ideas of truth and progress that under-pin freedom of speech. This book, bringing together writers, academics, lawyers, campaigners and activists from both the US and UK, will, we hope, be a vital contribution to that endeavour. But, more than that, we hope to dig a little deeper, trace the battle lines and unpick the myriad trends that have fed into the stifling status quo. The recent explosion of intolerance has brought the issue of campus censorship to international attention. Campus bans make newspaper headlines, spark huge open-letter campaigns and fuel hashtag wars the world over. But even as the monomaniacal excesses of the campus thought police have generated their own kickback, the full breadth of the issue isn’t always grasped. Now that even seemingly respectable figures, like Bill Maher or Germaine Greer, are being smeared and censored, it’s all too easy to pick our fights, dwell on the easy arguments and defend only the most socially acceptable targets.

## Theory-Spec

Interpretation: On the 2017 Jan/Feb topic, the aff must specify a metric for determining what type of speech is constitutionally protected in the AC. They must specify whether we defer to court opinions, the text of the constitution, framer’s intent, etc.

Violation: They don’t

Standards:

First resolvability—without a metric fleshed out in the AC it’s unclear what counts as constitutionally protected speech so it’s unclear whether neg disads are relevant. It also means that debaters just have competing assertions about whether it is constitutional, reading cards past each other and the judge has no way to determine which sort of evidence is better so the round becomes irresolvable. Resolvability is a voter because every debate needs a winner and the judge can’t determine who won if it’s irresolvable. Also it’s terrible for fairness because I don’t know what your advocacy is so you can just shift out of disads, which also guts education because we don’t have a stable basis for clash.

Drop the Aff debater if the round is irresolvable because it was their fault, which means they should be punished. There’s also no argument to drop so you need to just default to dropping them. Reasonability is also irresolvable because A. its subjective—the judge can’t determine what’s reasonably fair and B. it devolves to competing interps because you use offense defense to determine the best brightline. Neg theory outweighs aff theory because problems with the NC were because I was shaken by the Aff’s bad practice. No rvis **A.** it’s irresolvable because if you win because your consistent with resolvability, I should also win for being consistent with resolvability and the judge doesn’t know who to vote for **B.** it’s illogical because this is simply a requirement for the aff: you don’t win for just being resolvable. Justifications derived from logic come first because they are necessary constraints on how we act: even if an RVI would be “fair” or “good”, the fact that is it literally nonsense is a reason to reject it no matter what.

1. “affirm”, [http://www.eudict.com/?lang=engchi&word=to%20be%20sure,%20to%20be%20certain,%20sure,%20certain,%20definite,%20to%20confirm,%20to%20affirm,%20affirmative](http://www.eudict.com/?lang=engchi&word=to%2520be%2520sure,%2520to%2520be%2520certain,%2520sure,%2520certain,%2520definite,%2520to%2520confirm,%2520to%2520affirm,%2520affirmative) [↑](#footnote-ref-1)
2. Sosa, Ernest [Phil prof. @ Rutgers] . "Getting It Right." *Opinionator Getting It Right Comments*. New York Times, 25 May 2015. Web. 17 Aug. 2015. [↑](#footnote-ref-2)