# Rule Util JF17

## Nina and Scarsdale 1AC

### Framework

#### The standard is consistency with rule utilitarianism. Maximizing utility means maximizing happiness and minimizing pain.

#### [1] Intuitions are inescapable.

Huemer (Michael, UColorado philosopher, http://spot.colorado.edu/~huemer/5.htm)

Other things being equal, it is reasonable to assume that things are the way they appear. I call this principle 'Phenomenal Conservatism' ('phenomenal' meaning 'pertaining to appearances'). I have discussed the principle elsewhere, so here I will be relatively brief.(1) There is a type of mental state, which I call an 'appearance', that we avow when we say such things as 'It seems to me that p', 'It appears that p', or 'p is obvious', where p is some proposition. Appearances have propositional contents--things they represent to be the case--but they are not beliefs, as can be seen from the intelligibility of, 'The arch seems to be taller than it is wide, but I don't think it is'. Nevertheless, appearances normally lead us to form beliefs. 'Appearance' is a broad category that includes mental states involved in perception, memory, introspection, and intellection. Thus, we can say, 'This line seems longer than that one', 'I seem to recall reading something about that', 'It seems to me that I have a headache', and 'It seems that any two points can be joined by a single straight line'.(2) All of those statements make sense, using the same sense of 'seems'. Appearances can be deceiving, and appearances can conflict with one another, as in the Müller-Lyer illusion: It initially seems that the top line is longer than the bottom line. But if you get out a ruler and measure them, you will find them to be of the same length. The top line will seem, when holding a ruler next to it, to be 2 inches long, and the bottom line will similarly appear to be 2 inches long. So, all things considered, it seems that the two lines are of the same length. As this example illustrates, an initial appearance can be overruled by other appearances (this does not mean the initial appearance goes away, but only that we don't believe it), and only by other appearances. Some appearances are stronger than others--as we say, some things are 'more obvious' than others--and this determines what we hold on to and what we reject in case of conflict. Presumably, it more clearly seems to you that the result of measuring the lines is accurate than that the result of eyeballing them is, so you believe the measurement result (this may have to do with background beliefs you have about the reliability of different procedures--which would themselves be based upon the way other things seem to you). Things can become complicated when many different beliefs and/or appearances are involved, but the basic principle is that we are more inclined to accept what more strongly seems to us to be true. Appearances can be intellectual, as opposed to sensory, mnemonic, or introspective. It seems to us that the shortest path between any two points must be a straight line; that time is one-dimensional and totally ordered (for any two moments in time, one is earlier than the other); and that no object can be completely red and completely blue at the same time. I accept those things on intellectual grounds. I am not looking at all the possible pairs of points and all the possible paths connecting each pair and seeing, with my eyes, that the straight path is the shortest in each case. Instead, I am 'seeing' intellectually that it must be true--that is, when I think about it, it becomes obvious. Logical judgments rest on intellectual appearances. We think the following inference logically valid (the premises entail the conclusion, regardless of whether the premises are true): Socrates is a man. All men are inconsiderate. Therefore, Socrates is inconsiderate. but the next one invalid: Socrates is inconsiderate. All men are inconsiderate. Therefore, Socrates is a platypus. We 'see' this, not with our eyes, but with our intellect or reason. All judgments are based upon how things seem to the judging subject: a rational person believes only what seems to him to be true, though he need not believe everything that seems true.(3) The function of arguments is to change the way things seem to one's audience, by presenting other propositions (premises) that seem true and seem to support something (the conclusion) that may not initially have seemed true to the audience. An argument has force only to the extent that its premises seem true and seem to support its conclusion. Intellectual inquiry presupposes Phenomenal Conservatism, in the sense that such inquiry proceeds by assuming things are the way they appear, until evidence (itself drawn from appearances) arises to cast doubt on this. Even the arguments of a philosophical skeptic who says we aren't justified in believing anything rest upon the skeptic's own beliefs, which are based upon what seems to the skeptic to be true.

#### And, rule util is most intuitive.

Hooker ’08 (Brad, phil prof @ University of Reading, “Rule Consequentialism,” SEP, <http://plato.stanford.edu/entries/consequentialism-rule/>) OS

We have seen that rule-consequentialism evaluates rules on the basis of the expected value of their acceptance by the overwhelming majority. What rules will such an approach endorse? It will endorse rules prohibiting physically attacking innocent people or their property, taking the property of others, breaking one's promises, and lying. It will also endorse rules requiring one to pay[ing] special attention to the needs of one's family and friends, but more generally to be willing to help others with their (morally permissible) projects. Why? The crude answer is that a society where such rules are widely accepted would be likely to have more good in it than one lacking such rules. The fact that these rules are endorsed by rule-consequentialism makes rule-consequentialism attractive. For, intuitively, these rules seem right. However, other moral theories endorse these rules as well. Most obviously, a familiar kind of moral pluralism contends that these intuitively attractive rules constitute the most basic level of morality, i.e., that there is no deeper moral principle underlying and unifying these rules. Call this view Rossian pluralism (in honor of its champion W. D. Ross (1930; 1939)). Rule-consequentialism may agree with Rossian pluralism in endorsing rules against physically attacking the innocent, stealing, promise breaking, and rules requiring various kinds of loyalty and more generally doing good for others. But rule-consequentialism goes beyond Rossian pluralism by specifying an underlying unifying principle that provides impartial justification for such rules. Other moral theories try to do this too. Such theories include some forms of Kantianism (Audi 2001; 2004), some forms of contractualism (Scanlon 1998), and some forms of virtue ethics (Hursthouse 1999; 2002; Foot 2000). In any case, the first way of arguing for rule-consequentialism is to argue that it specifies an underlying principle that provides impartial justification for intuitively plausible moral rules, and that no rival theory does this as well (Urmson 1953; Brandt 1967; Hospers 1972; Hooker 2000).

#### **[2]** Moral substitutability is true and only consequentialism explains it.

Walter Sinnott-Armstrong ’92 Dartmouth College Philosophical Perspectives, 6, Ethics, AN ARGUMENT FOR CONSEQUENTIALISM

Since general substitutability works for other kinds of reasons for action, we would need a strong argument to deny that it holds also for moral reasons. If moral reasons obeyed different principles, it would be hard to understand why moral reasons are also called 'reasons' and how moral reasons interact with other reasons when they apply to the same action. Nonetheless, this extension has been denied, so we have to look at moral reasons carefully. I have a moral reason to feed my child tonight, both because I promised my wife to do so, and also because of my special relation to my child along with the fact that she will go hungry if I don't feed her. I can't feed my child tonight without going home soon, and going home soon will enable me to feed her tonight. Therefore, there is a moral reason for me to go home soon. It need not be imprudent or ugly or sacrilegious or illegal for me not to feed her, but the requirements of morality give me a moral reason to feed her. This argument assumes a special case of substitutability: (MS) If there is a moral reason for A to do X, and if A cannot do X without doing Y, and if doing Y will enable A to do X, then there is a moral reason for A to do Y. I will call this 'the principle of moral substitutability', or just 'moral substitutability'.

He continues:

Of course, there are many other versions of deontology. I cannot discuss them all. Nonetheless, these examples suggest that it is the very nature of deontological reasons that makes deontological theories unable to explain moral substitutability. This comes out clearly if we start from the other side and ask which properties create the moral reasons that are derived by moral substitutability. What gives me a moral reason to start the mower is the consequences of starting the mower. Specifically, it has the consequence that I [can] am able to mow the grass. This reason cannot derive from the same property as my moral reason to mow the lawn unless what gives me a moral reason to mow the lawn is its consequences. Thus, any non-consequentialist moral theory will have to posit two distinct kinds of moral reasons: one for starting the mower and another for mowing the grass. Once these kinds of reasons are separated, we need to understand the connection between them. But this connection cannot be explained by the substantive principles of the theory. That is why all deontological theories must lack the explanatory coherence which is a general test of adequacy for all theories. I conclude that no deontological theory can adequately explain moral substitutability.

He continues:

All other moral reasons are non-consequential. Thus, a moral reason to do an act is non-consequential if and only if the reason depends even partly on some property that the act has independently of its consequences. For example, an act can be a lie regardless of what happens as a result of the lie (since some lies are not believed), and some moral theories claim that that property of being a lie provides a moral reason not to tell a lie regardless of the consequences of this lie. Similarly, the fact that an act fulfills a promise is often seen as a moral reason to do the act, even though the act has that property of fulfilling a promise independently of its consequences. All such moral reasons are non-consequential. In order to avoid so many negations, I will also call them 'deontological'. This distinction would not make sense if we did not restrict the notion of consequences. If I promise to mow the lawn, then one consequence of my mowing might seem to be that my promise is fulfilled. One way to avoid this problem is to specify that the consequences of an act must be distinct from the act itself. My act of fulfilling my promise and my act of mowing are not distinct, because they are done by the same bodily movements.10 Thus, my fulfilling my promise is not a consequence of my mowing. A consequence of an act need not be later in time than the act, since causation can be simultaneous, but the consequence must at least be different from the act. Even with this clarification, it is still hard to classify some moral reasons as consequential or deontological,11 but I will stick to examples that are clear. In accordance with this distinction between kinds of moral reasons, I can now distinguish different kinds of moral theories. I will say that a moral theory is consequentialist if and only if it implies that all basic moral reasons are consequential. A moral theory is then non-consequentialist[s] or deontological if it includes any basic moral reasons which are not consequential. 5. Against Deontology So defined, the class of deontological moral theories is very large and diverse. This makes it hard to say anything in general about it. Nonetheless, I will argue that no deontological moral theory can explain why moral substitutability holds. My argument applies to all deontological theories because it depends only on what is common to them all, namely, the claim that some basic moral reasons are not consequential. Some deontological theories allow very many weighty moral reasons that are consequential, and these theories might be able to explain why moral substitutability holds for some of their moral reasons: the consequential ones. But even these theories cannot explain why moral substitutability holds for all moral reasons, including the non-consequential reasons that make the theory deontological. The failure of deontological moral theories to explain moral substitutability in the very cases that make them deontological is a reason to reject all deontological moral theories. I cannot discuss every deontological moral theory, so I will discuss only a few paradigm examples and show why they cannot explain moral substitut- ability. After this, I will argue that similar problems are bound to arise for all other deontological theories by their very nature. The simplest deontological theory is the pluralistic intuitionism of Prichard and Ross. Ross writes that, when someone promises to do something, 'This we consider obligatory in its own nature, just because it is a fulfillment of a promise, and not because of its consequences.'12 Such deontologists claim in effect that, if I promise to mow the grass, there is a moral reason for me to mow the grass, and this moral reason is constituted by the fact that mowing the grass fulfills my promise. This reason exists regardless of the consequences of mowing the grass, even though it might be overridden by certain bad consequences. However, if this is why I have a moral reason to mow the grass, then, even if I cannot mow the grass without starting my mower, and starting the mower would enable me to mow the grass, it still would not follow that I have any moral reason to start my mower, since I did not promise to start my mower, and starting my mower does not fulfill my promise. Thus, a moral theory cannot explain moral substitutability if it claims that properties like this provide moral reasons.

#### [3] Moral disagreement means epistemic reliability must be the starting point for ethics.

Neil Sinhababu ’13 The Epistemic Argument for Hedonism, Associate Professor of Philosophy, National University of Singapore, Meta-Ethics, Philosophy of Action, Nietzsche, National University of Singapore

While widespread error leaves open the possibility that one has true beliefs, it reduces the probability that my beliefs are true. Consider a parallel case. I have no direct evidence that I have an appendix, but I know that previous investigations have revealed appendixes in people. So induction supports believing that I have an appendix. Similarly, I know on the basis of 1 and 2 that people's moral beliefs are, in general, rife with error. So even if I have no direct evidence of error in my moral beliefs, induction suggests that they are rife with error as well.3 invokes the reliability of the processes that produce our beliefs. Assessing processes of belief-formation for reliability is an essential part of our epistemic practices. If someone tells me that my belief is entirely produced by wishful thinking, I cannot simply accept that and maintain the belief. Knowing that wishful thinking is unreliable, I must either deny that my belief is entirely caused by wishful thinking or abandon the belief. But if someone tells me that my belief is entirely the result of visual perception, I will maintain it, assuming that it concerns sizable nearby objects or some other topic on which visual perception is reliable. While it is hard to provide precise criteria for individuating processes of belief-formation, as the literature on the generality problem for reliabilism attests, individuating them somehow is indispensable to our epistemic practices.15 Following Alvin Goldman's remark that “It is clear that our ordinary thought about process types slices them broadly” (346), I will treat cognitive process types like wishful thinking and visual perception as appropriately broad.16 Trusting particular people and texts, meanwhile, are too narrow. Cognitive science may eventually help us better individuate cognitive process types for the purposes of reliability assessments and discover which processes produce which beliefs. Epistemic internalists might reject 3 as stated, claiming that it is not widespread error that would justify giving up our beliefs, but our having reason to believe that there is widespread error. They might also claim that our justification for believing the outputs of some process depends not on its reliability, but on what we have reason to believe about its reliability. The argument will still go forward if 3 is modified to suit internalist tastes, changing its antecedent to “If we have reason to believe that there is widespread error about a topic” and/or changing its consequent to “we should retain only those beliefs about it that we have reason to believe were formed through reliable processes.” While 3's antecedent might itself seem unnecessary on the original formulation, it is required for 3 to remain plausible on the internalist modification. Requiring us to have reason to believe that any of our belief-formation processes are reliable before retaining their outputs might lead to skepticism. The antecedent limits the scope of the requirement to cases of widespread error, averting general skeptical conclusions. The argument will still attain its conclusion under these modifications. Successfully defending the premises of the argument and deriving widespread error (5) and unreliability (7) gives those of us who have heard the defense and derivation reason to believe 5 and 7. This allows us to derive 8. (Thus the pronoun 'we' in 3, 6, and 8.)

#### That means util—phenomenal introspection is most epistemically reliable.

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Even though phenomenal introspection only tells me about my own phenomenal states, I can know that others' pleasure is good. Of course, I cannot phenomenally introspect their pleasures any more than I can phenomenally introspect pleasures that I will experience next year. But if I consider my experiences of lemon yellow and ask what it would be like if others had the same experiences, I must think that they would be having bright experiences. Similarly, if in a pleasant moment I consider what it is like when others have exactly the experience I am having, I must think that they are having good experiences. If they have exactly the same experiences I am having, their experiences will have exactly the same intrinsic properties as mine. This is also how I know that if I have the same experience in the future, it will have the same intrinsic properties. Even though the only pleasure I can introspect is mine now, I should believdwe that pleasures experienced by others and myself at other times are good, just as I should believe that yellow experienced by others and myself at other times is bright. My argument thus favors the kind of universal hedonism that supports utilitarianism, not egoistic hedonism.

#### [4] Language cannot describe reality, which means a priori knowledge fails.

Conard ’07 (Mark T, prof @ Marmount Manhattan, “Chaos, Order and Morality: Nietzsche’s Influence on Full Metal Jacket,” The Philosophy of Stanley Kubrick edited by Jerold J. Abrams)

Further, our conscious, rational thought is inseparable from language, and consequently, our understanding of the world is only possible through language. We use words to designate what we see and experience in the world. But, says Nietzsche: “A word becomes a concept insofar as it simulta- neously has to fit countless more or less similar cases—which means, purely and simply, cases which are never equal and thus altogether unequal. Every concept arises from the equation of unequal things. Just as it is certain that one leaf is never totally the same as another, so it is certain that the concept ‘leaf ’ is formed by arbitrarily discarding these individual differences and by forgetting the distinguishing aspects.”3 Our understanding and grasp of the world are achieved through language and concepts. But thought cannot grasp the difference and uniqueness of each individual thing. Rather, it ignores the myriad differences among things and groups them under abstract concepts. Does “leaf” designate or signify any one unique, individual thing? No, of course not; no word does. It covers or describes countless different things. That is how language functions, and again, our thinking is inseparable from language, such that our understanding of the world is based on this falsification of experience.

#### **[5]** Act util fails—6 warrants.

Chappell on Mackie “Indirect Utilitarianism” June 11 2005 Philosophy, et cetera <http://www.philosophyetc.net/2005/06/indirect-utilitarianism.html>

J.L. Mackie (p.91) offers six utilitarian reasons for opposing "the direct use of utilitarian calculation as a practical working morality": 1. Shortage of time and energy will in general preclude such calculations. 2. Even if time and energy are available, the relevant information commonly is not. 3. An agent's judgment on particular issues is likely to be distorted by his own interests and special affections. 4. Even if he were intellectually able to determine the right choice, weakness of will would be likely to impair his putting of it into effect. 5. Even decisions that are right in themselves and actions based on them are liable to be misused as precedents, so that they will encourage and seem to legitimate wrong actions that are superficially similar to them. 6. And, human nature being what it is, a practical working morality must not be too demanding: it is worse than useless to set standards so high that there is no real chance that actions will even approximate to them.

#### And, act-consequentialism relies on specific circumstances and can’t declare a general principle good or bad.

#### **Impact calc:**

#### [a] Reject specific DAs with contingent uniqueness and links caused by variable circumstance—doesn’t link to the aff rule, and any rule it would create would constantly fluctuate.

#### [b] Focus on big impacts is bad—tends towards negative util since we’d be frozen from action, i.e. the butterfly effect.

#### I defend whole rez. CX checks. My rule is that colleges granting free speech as a principle is good.

### Contention 1 – Backlash

#### Restrictions on speech fuel Trump’s agenda regardless of the content – his followers adopt radical stances as part of a larger reaction to the feeling that they’re being silenced

Nichols 1-3

Tom Nichols, “How the P.C. Police Propelled Donald Trump,” 1-3-16, <http://www.thedailybeast.com/articles/2016/01/04/how-the-p-c-police-propelled-donald-trump.html> [Premier]

These brutish **leftist tactics radicalized otherwise more centrist people toward Trump not because they care so much about gay marriage or guns or refugees any other issue, but because they’re terrified that they’re losing the basic right to express themselves. Many of these people are not nearly as conservative or extreme as the white supremacists, nativists, and other assorted fringe nuts who are riding along on Trump’s ego trip. But they are cheering on Trump because they feel they have nowhere else to go.** And for that, **liberals**—especially those **who have politely looked away as such methods were employed in the public square—must directly shoulder the blame.**

**The great mistake made by both liberals and their most extreme wing on the American left is to assume that ordinary people, once corrected forcefully enough, will comply with their new orders. This is, of course, ridiculous**: **Americans do not magically become complacent and accepting multiculturalists just because they’ve been bullied out of the public debate. They will find a new vessel for their views, and will become more extreme with each attempt to shut them down** **as the issue moves from particular social positions to the far more encompassing problem of who has the right to tell whom to shut up,** and to make it stick. Nixon’s “Silent Majority” increasingly feels itself to be a silenced majority, and **Trump is their solution**. Note, for example, how Trump turned the incident in which Black Lives Matter activists humiliated Sen. Bernie Sanders to his own advantage. He didn’t bother drawing partisan lines or going after Sanders. Trump and his supporters couldn’t care less about any of that, and Trump until that point almost had almost never mentioned Sanders. Instead, he made it clear that he’d never allow himself to be shut down by a mob. That, for his loyalists, was the money shot, especially when Trump pretty much dared BLM to disrupt a Trump event, in effect inviting them for an ass-kicking. A lot of people loved that shtick, because they want to see someone—literally, anyone—stand up to groups like BLM, even if it’s in defense of poor Bernie, because they worry that they’re next for that kind of treatment. For the record, I despise Donald Trump and I will vote for almost any Republican (well, OK, not Ben Carson) rather than Trump. I’m a conservative independent and a former Republican. I quit the party in 2012 because of exactly the kind of coarse ignorance that Trump represents. The night Newt Gingrich won the South Carolina primary on the thoughtful platform of colonizing the moon, I was out. If in the end God turns his back on America and we’re left with only the choice of Trump or Hillary Clinton, I will vote for a third candidate out of protest—even if it means accepting what I consider the ghastly prospect of a Clinton 45 administration. But I understand the fear of being silenced that’s prompting otherwise decent people to make common cause with racists and modern Know-Nothings, and I blame the American left for creating that fear. With that said, we have to consider the GOP elephant in the room. If regaining their voice is all that Trump supporters really want, then why haven’t they turned away from him as his statements have become increasingly insane? Trump reveled in the endorsement of Putin, an avowed enemy of the United States; if Obama had accepted a similar endorsement, conservatives would have impeached him. (Recall that when the U.K.’s David Cameron said a nice word about Obama in the 2012 campaign, people who no doubt now approve of Trump’s bromance with Putin went berserk at this foreign interloping from one of our closest allies.) What’s it going to take? **Trump’s staying power**, however, **is rooted in the fact that his supporters are not fighting for any particular political outcome, they are fighting back against a culture they think is trying to smother them into cowed silence. What they want, more than any one policy, is someone to turn to the chanting mobs and say, without hesitation: “No, I will not shut up.”** How long this will go on, then, depends on how long it will take for those people to feel reassured that someone besides Trump will represent their concerns without backing down in the face of catcalls about racism, sexism, LGBTQ-phobia, Islamophobia, or any other number of labels deployed mostly to extinguish their dissent.

#### The link is causal – restrictions on college campuses spill over into politics writ large

Tumulty and Johnson 16

Karen Tumulty and Jenna Johnson, “Why Trump may be winning the war on ‘political correctness’” 1-4-16 <https://www.washingtonpost.com/politics/why-trump-may-be-winning-the-war-on-political-correctness/2016/01/04/098cf832-afda-11e5-b711-1998289ffcea_story.html?utm_term=.db9bc85e5b87> [Premier]

“Driving powerful sentiments underground is not the same as expunging them,” said William A. Galston, a Brookings Institution scholar who advised President Bill Clinton. “**What we’re learning from Trump is that a lot of people have been biting their lips, but not changing their minds**.” One thing is clear: **Trump is channeling a very mainstream frustration**. **In an October** poll by Fairleigh Dickinson University, **68 percent agreed** with the proposition that “**a big problem this country has is being politically correct**.” It was a sentiment felt strongly across the political spectrum, by 62 percent of Democrats, 68 percent of independents and 81 percent of Republicans. Among whites, 72 percent said they felt that way, but so did 61 percent of nonwhites. “**People feel tremendous cultural condescension directed at them**,” and that their values are being “smirked at, laughed at” by the political and media elite, said GOP strategist Steve Schmidt. “‘Political correctness’ are the two words that best respond to everything that a conservative feels put upon,” added pollster Frank Luntz, who has advised Republicans. The label is, he said, a validation that what many on the right see as legitimate policy and cultural differences are not the same as racism, sexism or heartlessness. “**Allegations of racism and sexism have turned into powerful silencing devices**,” Galston agreed. “You can be opposed to affirmative action without being a racist.” The PC backlash does not necessarily mean that people support the kinds of things that Trump is saying, or the way he says them. When the Fairleigh Dickinson pollsters added his name to the same question — prefacing it with “Donald Trump said recently . . . ” — the numbers dropped sharply. Only 53 percent said they agree that political correctness is a major problem. This is not a new debate. It has raged since at least the early 1990s, when college campuses began adopting speech codes. Some went well beyond obvious slurs — with animal rights activists contending, for instance, that the word “pet”was disrespectful and should be changed to “companion animal.” **More recently, the PC wars have flared again in academia, where there is an ongoing argument over whether campuses should be a “safe space” where students are protected from upsetting ideas, and receive “trigger warnings” when course material contains distressing information**. Few would argue that it is wrong to confront and eliminate prejudice. But even some liberals have called political correctness a form of McCarthyism aimed at stifling free expression. **Trump has brought the question from the university quad to the political arena** in a way that no leading candidate has in the past. For many, “it’s satisfying to have a loud tribune like Trump,” said David Axelrod, who was President Obama’s top campaign adviser. “But I don’t think the hunger for authentic plain speech is Trump-specific. One of the appeals of [Democratic presidential candidate] Bernie Sanders is that people think he says exactly what he thinks and is not passing it through a filter. **There is a fundamental yearning for authenticity** that is probably felt more broadly.” The edgy liberal comedian Bill Maher, who for nearly a decade hosted a talk show called “Politically Incorrect,” has said that Trump’s ideas sound “a little ­Hitler-adjacent.” But he has also noted a yearning for “somebody to say, ‘You know what, I just don’t bend to your bull----.’ And Donald Trump, I’ve got to say, I don’t agree with him on a lot, but I kind of get him. We’ve been doing the same thing.” Trump sounded the anti-PC clarion call at the first Republican debate in August, when moderator ­Megyn Kelly of Fox News challenged him on comments that he had made disparaging women. “I think the big problem this country has is being politically correct,” he said. “I’ve been challenged by so many people, and I don’t frankly have time for total political correctness. And to be honest with you, this country doesn’t have time either. This country is in big trouble. We don’t win anymore. We lose to China. We lose to Mexico both in trade and at the border. We lose to everybody.” **It is hard to follow the logic of an argument that insulting women could somehow make the country stronger overseas. But the sentiment behind it came through clearly**. **And it has been picked up by other GOP contenders**. “Political correctness is killing people,” said Sen. Ted Cruz (R-Tex.), because it prevents the Obama administration from focusing on the communications and activities of potential terrorists who are Muslims. “Political correctness is ruining our country,” said former neurosurgeon Ben Carson, after he was criticized for saying a Muslim should not be president. It is corrosive, Carson said in an interview, because “many people will not say what they believe because someone will look askance at them, call them a name. Somebody will mess with their job, their family. This was not supposed to be the way it was in America.” Last month’s terrorist attack in San Bernardino, Calif., carried out by a Muslim couple who appear to have been inspired by the Islamic State, also known as ISIS, has become a case in point for many conservatives. They say political correctness has made the Obama administration too timid in calling it what it is — which is why Cruz and other Republicans taunt the president for not uttering the phrase “radical Islamic terrorism.” “What animates ISIS is an ­apocalyptic religious philosophy. People look at that and don’t understand the unwillingness to say red is red and blue is blue,” Schmidt said. “We live in a post-fact America, where the facts are subordinate to the advancement of an ideology.” Political strategists and others say a number of other forces are behind the backlash. It has both a cultural and an economic component, and it also reflects the continuing polarization that has grown deeper during Obama’s presidency. “For many of these people, they played the game by the rules, and essentially, they got shafted,” Democratic pollster Peter Hart said. **Trump is “the voice of an aggrieved cohort in our society — lower-middle-income working whites who have taken the hit from the big changes in the economy, and are angry about it,” Axelrod said. “He creates a permission structure for others.”**

### Contention 2 – Dissent

#### Strong First Amendment protections are key to dissenting voices in academia – feminism, CRT, and anti-Islamophobia are reliant on it

Bernstein ’03

(David E. Bernstein is a professor of Law at George Mason University, 2003, “Defending the First Amendment from Antidiscrimination Laws”, <http://ssrn.com/abstract_id=489063)>//SJT

Ironically, protecting freedom of expression from government regulation ultimately will benefit left-wing scholars who support censorship, such as radical feminists and critical race theorists, as much as anyone. These scholars advocate speech regulations while living primarily in the very left-wing academic world, where their views are only marginally out of the mainstream. **Yet, if the First Amendment is weakened sufficiently by antidiscrimination law that the government gains the power to suppress speech more broadly, feminists and critical race theorists, as holders of views wildly at variance to those of the public at large, are likely to be among the first victims**. [FN125] That leftists writing in a society that has long been and continues to be hostile to their ideology [FN126] would want to weaken the principle that government may not suppress expression because of hostility to its viewpoint seems counterintuitive, to say the least. Indeed, many critical race scholars and feminists argue that America is innately and irredeemably racist and sexist. [FN127] One need not accept this vision to realize that the Critical Race and Radical Feminist Party, if such a thing existed, would not exactly sweep the American electorate anytime soon. [FN128] **Because many critical race theorists and feminists claim to believe that America is so hostile to their values, they should find constitutional protections against the majority [are] especially meaningful.** Indeed, if left-wing professors wish to preserve their own academic freedom, they will need to learn to be more tolerant of those whose speech they currently seek to suppress. For the last several decades, pressure to censor free speech on university campuses has come primarily from the left. **The current war against terrorism, and the frequent dissent within the academy to that war, has shifted the dynamic, putting many radical professors on the defensive. The First Amendment, and the values of academic freedom that it has fostered, will protect the vast majority of dissenters**, but only because the radical's war against the First Amendment has as yet been largely unsuccessful. Of course, left-wing censors imagine a world in which the government silences only their ideological enemies, and they advocate censorship as an integral part of a much broader scheme for reconstructing society along egalitarian lines. Yet, it should be a cardinal principle of political advocacy that one should not support granting the government regulatory powers that one would not want applied to oneself. This principle would not only reduce hypocrisy, but also remind political activists that politics is unpredictable, driven by power rather than morality. **Power given to government is often unexpectedly ultimately used against those who advocated that the power be exercised against others**. As William Graham Sumner remarked many years ago: The advocate of [government] interference takes it for granted that he and his asociates will have the administration of their legislative device in their own hands. . . . They never appear to remember that the device, when once set up, will itself be the prize of a struggle; that it will serve one set of purposes as well as another, so that after all the only serious question is: who will get it?" [FN129] This is a lesson that academic advocates of censorship would do well to learn.

### Contention 3 – Movements

#### Free expression is key to civil rights movements for racial minorities, women, and LGBT folks – campuses are key

Harris and Ray 14 Vincent T Harris has an M. Ed. degree and is a doctoral student @ LSU, Darrell C. Ray is a prof @ LSU, HATE SPEECH & THE COLLEGE CAMPUS: CONSIDERATIONS FOR ENTRY LEVEL STUDENT AFFAIRS PRACTITIONERS, Race, Gender & Class 21.1/2 (2014): 185-194. ProQuest. [Premier]

Down and Cowan (2012) note that Americans who notice the importance of **free expression** believe, it benefits more than just the oppressor, but **aids in the advancement of the minority group.** **For example, historical movements such as the civil rights movement, the women's movement, and the gay liberation movement were advanced due to freedom of speech, expression, and ideas** (Down & Cowan, 2012). **This advancement has granted many minority groups the ability to experience various prohibited privileges such as, the right to attain an equal education. As campuses strive to become more inclusive and respectful communities there is a critical need to identify the spaces and ways in which students feel free to express themselves and their views**.

#### Historically, First Amendment and its principles have helped secure civil rights, fight prejudice, and move to equality – the aff is oriented toward ending racism of all forms but with a different method than censorship

Friedersdorf 15

Friedersdorf, Conor. (Friedersdorf is a staff writer at The Atlantic, where he focuses on politics and national affairs) "Free Speech Is No Diversion." The Atlantic. Atlantic Media Company, 12 Nov. 2015. Web. 09 Jan. 2017. <http://www.theatlantic.com/politics/archive/2015/11/race-and-the-anti-free-speech-diversion/415254/>. [Premier]

Over the course of U.S. history, both the protections enshrined by the First Amendmentand **the** larger ethos of free expression that pervades American culture have played a major role in everysuccessful push that marginalized groups have made to securecivil rights, fight against prejudice, and move toward greater equality.¶ Despite that history, Jelani Cobb asserts in The New Yorker that to avoid discussions of racism, critical observers of student protests at Yale and the University of Missouri “invoke a separate principle, one with which few would disagree in the abstract—free speech, respectful participation in class—as the counterpoint to the violation of principles relating to civil rights.” The fact that race controversies “have now been subsumed in a debate over political correctness and free speech on campus—important but largely separate subjects—is proof of the self-serving deflection to which we should be accustomed at this point,” he declares.¶ Cobb calls these supposed diversions “victim-blaming with a software update,” and positing that they are somehow having the same effect as disparaging Trayvon Martin, he cites my article “The New Intolerance of Student Activism” as his prime example.¶ He writes as if unaware that millions of Americans believe the defense of free speech and the fight against racism to be complementary causes, and not at odds with each other. The false premises underpinning his analysis exacerbate a persistent, counterproductive gulf between **the** majority of those struggling against racism in the United States, who believe that First Amendment **protections**, rigorous public discourse, and efforts to educate empowered, resilient young people are the surest waysto a more just future**,** and a much smaller group that subscribes to a strain of thought most popular on college campuses.¶ Members of this latter group may be less opposed to speech restrictions; rely more heavily on stigma, call-outs, and norm-shaping in their efforts to combat racism; purport to target “institutional" and “systemic” racism, but often insiston the urgency of policing racism that is neither systemic nor institutional, likeHalloweencostumechoices; focus to an unusual degree on getting validation from administrators and others in positions of authority; and often seem unaware or unconvinced thatotherscananddosharetheirendswhileobjectingto some of their means, the less rigorous parts of their jargon, and campus status-signaling. For this reason, they spend a lot of time misrepresenting and stigmatizing allies.

[**He continues**]

Let me underscore how erroneous his assumptions are. His article is premised on the notion that my piece on Yale and others like one I wrote a day later on Missouri are part of a “diversion,” an attempt to avoid talking about racism through deflection. “The fault line here,” he posits, “is between those who find intolerance objectionable and those who oppose intolerance of the intolerant.” Of course, it’s far more consistent to find intolerance objectionable across the board, and to speak out against it especially when its targets have historically faced discrimination.¶ It’s why I have written not only about recent events at Yale and Missouri, but also about Ferguson’s conspiracy against black residents; racial disparities in police killings; dangers of constructed white identity; the Campaign Zero agenda; the importance of declaring the Charleston attack to be racial terrorism; the long history of thugs attacking black churches; how video is confirming very old claims about prejudice against blacks; the brutality of police culture in Baltimore; radical experiments in converting racists; the importance of grappling with race, even imperfectly; Islamophobia and its deleterious effects; the perils of standing while Hispanic in the Bronx; the harassment of a black man tazed by a white police officer; carnage caused by drone strikes; the horrifying effects of profiling innocent Muslims, etc.¶ Few outside a small part of the ideological left would mistake me for someone seeking to divert discourse away from racism. Moreover, my advocacy for free speech encompasses numerous articles about controversies having nothing to do with race, as well as advocacy for the First Amendment rights of people fighting racism (including high schoolers who sought to wear “I can’t breathe” t-shirts, Black Lives Matter protestors, and Muslims who sought to build a mosque near Ground Zero.) When a staunch defender of free speech in all realms, who writes about racism as often as I do in a national publication, is reflexively cast as using free speech to divert attention from racism, it suggests a charge rooted in ideological blindness, not careful observation.¶ I hope to bridge that gap, and help everyone understand that liberals, libertarians, conservatives, and individualists alike are just as engaged in the fight against racism as the campus left, but in very different ways.¶ We exist. Update the heuristics!¶ Our diverse critiques of the campus left are not a sign that we care too little about fighting racism, advocating for justice, opposing prejudice, or protecting civil rights, or that we’ve yet to be enlightened by the right theorists. They are, rather, a sign that these issues, and concerns that they touch on, free speech among them, are too important to be ceded to a narrow, ideologically insular subculture as prone to blind spots, mistakes, wrongdoing, and excesses as any other; and too fond of jargon that more readily facilitates evasiveness than analytic clarity. The activist left on campus no more benefits from blanket deference than any other political movement, and their defenders should stop conflating criticism of their means and contested assumptions with opposition to or a desire to distract from widely shared ends.¶

### Contention 4 – Hate Speech

#### Hate speech statutes are compatible with the aff

Tsesis 10

ALEXANDER TSESIS\*, prof @ Loyola Chicago Law, Burning Crosses on Campus: University Hate Speech Codes, HeinOnline -- 43 Conn. L. Rev. 619 2010-2011, <https://pdfs.semanticscholar.org/c4c2/a881ffd558d28d2b0d0a738981c7211d85e4.pdf> [Premier]

**In Beauharnais, the Court upheld the constitutionality of a group libel statute that rendered it actionable to "portray[] depravity, criminality . .. or lack of virtue of a class of citizens, of any race, color, creed, or religion" and to expose those citizens to "contempt, derision, or obloquy."**' 02 **The majority found that, given Illinois's history of racial friction, its legislature could enact legislation to punish the dissemination of demeaning messages, such as those opposed to neighborhood integration, because those messages threatened "the peace and well-being of the State."** 03 The opinion conceived of government playing a role in establishing a standard of decency designed to prevent intergroup friction.

### Contention 5 – Abuse

#### Speech codes empower white majorities to silence minorities

ACLU 16: American Civil Liberties Union, “Hate Speech on Campus.” Accessed 3 December 2016. <https://www.aclu.org/other/hate-speech-campus>, WWLD

Historically, defamation **laws or codes have proven ineffective at best and counter-productive at worst. For one thing, depending on how they're interpreted and enforced, they can actually work against the interests of the people they were ostensibly created to protect. Why? Because the ultimate power to decide what speech is offensive and to whom rests with the authorities -- the government or a college administration -- not with those who are the alleged victims** of hate speech. In Great Britain, for example, a[n] Racial Relations Act was adopted in 1965 to outlaw racist defamation. But throughout its existence, the Act has largely been used to persecute activists of color, trade unionists and anti-nuclear protesters, while the racists -- often white members of Parliament -- have gone unpunished. Similarly, **under a speech code in effect at the University of Michigan for 18 months, white students in 20 cases charged black students with offensive speech. One of the cases resulted in the punishment of a black student for using the term "white trash"** in conversation with a white student. The code was struck down as unconstitutional in 1989 and, to date, the ACLU has brought successful legal challenges against speech codes at the Universities of Connecticut, Michigan and Wisconsin. These examples demonstrate that speech codes don't really serve the interests of persecuted groups. The First Amendment does. **As one African American educator observed: "I have always felt as a minority person that we have to protect the rights of all because if we infringe on the rights of any persons, we'll be next.”**

### Contention 6 – Exposure

#### Banning speech drives the root cause underground and leads to more virulent bigotry

ACLU 16 American Civil Liberties Union, “Hate Speech on Campus.” Accessed 3 December 2016. https://www.aclu.org/other/hate-speech-campus, WWLD

**Bigoted speech is** symptomatic of a huge problem in our country; it is **not the problem itself**. **Everybody**, when they come to college, **brings** with them **the values, biases and assumptions they learned while growing up in society,** so **it's unrealistic to think that punishing speech is going to rid campuses of the attitudes that gave rise to the speech in the first place**. **Banning bigoted speech won't end bigotry**, even if it might chill some of the crudest expressions. **The mindset that produced the speech** lives on and **may even reassert itself in more virulent forms. Speech codes, by simply** **deterring students from saying out loud what they will continue to think in private, merely drive biases underground where they can't be addressed.** In 1990, when Brown University expelled a student for shouting racist epithets one night on the campus, the institution accomplished nothing in the way of exposing the bankruptcy of racist ideas.

## 1AC Standard FW

### Framework

#### The standard is consistency with rule utilitarianism.

#### [1] Intuitions are inescapable.

Huemer (Michael, UColorado philosopher, http://spot.colorado.edu/~huemer/5.htm)

Other things being equal, it is reasonable to assume that things are the way they appear. I call this principle 'Phenomenal Conservatism' ('phenomenal' meaning 'pertaining to appearances'). I have discussed the principle elsewhere, so here I will be relatively brief.(1) There is a type of mental state, which I call an 'appearance', that we avow when we say such things as 'It seems to me that p', 'It appears that p', or 'p is obvious', where p is some proposition. Appearances have propositional contents--things they represent to be the case--but they are not beliefs, as can be seen from the intelligibility of, 'The arch seems to be taller than it is wide, but I don't think it is'. Nevertheless, appearances normally lead us to form beliefs. 'Appearance' is a broad category that includes mental states involved in perception, memory, introspection, and intellection. Thus, we can say, 'This line seems longer than that one', 'I seem to recall reading something about that', 'It seems to me that I have a headache', and 'It seems that any two points can be joined by a single straight line'.(2) All of those statements make sense, using the same sense of 'seems'. Appearances can be deceiving, and appearances can conflict with one another, as in the Müller-Lyer illusion: It initially seems that the top line is longer than the bottom line. But if you get out a ruler and measure them, you will find them to be of the same length. The top line will seem, when holding a ruler next to it, to be 2 inches long, and the bottom line will similarly appear to be 2 inches long. So, all things considered, it seems that the two lines are of the same length. As this example illustrates, an initial appearance can be overruled by other appearances (this does not mean the initial appearance goes away, but only that we don't believe it), and only by other appearances. Some appearances are stronger than others--as we say, some things are 'more obvious' than others--and this determines what we hold on to and what we reject in case of conflict. Presumably, it more clearly seems to you that the result of measuring the lines is accurate than that the result of eyeballing them is, so you believe the measurement result (this may have to do with background beliefs you have about the reliability of different procedures--which would themselves be based upon the way other things seem to you). Things can become complicated when many different beliefs and/or appearances are involved, but the basic principle is that we are more inclined to accept what more strongly seems to us to be true. Appearances can be intellectual, as opposed to sensory, mnemonic, or introspective. It seems to us that the shortest path between any two points must be a straight line; that time is one-dimensional and totally ordered (for any two moments in time, one is earlier than the other); and that no object can be completely red and completely blue at the same time. I accept those things on intellectual grounds. I am not looking at all the possible pairs of points and all the possible paths connecting each pair and seeing, with my eyes, that the straight path is the shortest in each case. Instead, I am 'seeing' intellectually that it must be true--that is, when I think about it, it becomes obvious. Logical judgments rest on intellectual appearances. We think the following inference logically valid (the premises entail the conclusion, regardless of whether the premises are true): Socrates is a man. All men are inconsiderate. Therefore, Socrates is inconsiderate. but the next one invalid: Socrates is inconsiderate. All men are inconsiderate. Therefore, Socrates is a platypus. We 'see' this, not with our eyes, but with our intellect or reason. All judgments are based upon how things seem to the judging subject: a rational person believes only what seems to him to be true, though he need not believe everything that seems true.(3) The function of arguments is to change the way things seem to one's audience, by presenting other propositions (premises) that seem true and seem to support something (the conclusion) that may not initially have seemed true to the audience. An argument has force only to the extent that its premises seem true and seem to support its conclusion. Intellectual inquiry presupposes Phenomenal Conservatism, in the sense that such inquiry proceeds by assuming things are the way they appear, until evidence (itself drawn from appearances) arises to cast doubt on this. Even the arguments of a philosophical skeptic who says we aren't justified in believing anything rest upon the skeptic's own beliefs, which are based upon what seems to the skeptic to be true.

#### And, rule util is most intuitive.

Hooker ’08 (Brad, phil prof @ University of Reading, “Rule Consequentialism,” SEP, <http://plato.stanford.edu/entries/consequentialism-rule/>) OS

We have seen that rule-consequentialism evaluates rules on the basis of the expected value of their acceptance by the overwhelming majority. What rules will such an approach endorse? It will endorse rules prohibiting physically attacking innocent people or their property, taking the property of others, breaking one's promises, and lying. It will also endorse rules requiring one to pay[ing] special attention to the needs of one's family and friends, but more generally to be willing to help others with their (morally permissible) projects. Why? The crude answer is that a society where such rules are widely accepted would be likely to have more good in it than one lacking such rules. The fact that these rules are endorsed by rule-consequentialism makes rule-consequentialism attractive. For, intuitively, these rules seem right. However, other moral theories endorse these rules as well. Most obviously, a familiar kind of moral pluralism contends that these intuitively attractive rules constitute the most basic level of morality, i.e., that there is no deeper moral principle underlying and unifying these rules. Call this view Rossian pluralism (in honor of its champion W. D. Ross (1930; 1939)). Rule-consequentialism may agree with Rossian pluralism in endorsing rules against physically attacking the innocent, stealing, promise breaking, and rules requiring various kinds of loyalty and more generally doing good for others. But rule-consequentialism goes beyond Rossian pluralism by specifying an underlying unifying principle that provides impartial justification for such rules. Other moral theories try to do this too. Such theories include some forms of Kantianism (Audi 2001; 2004), some forms of contractualism (Scanlon 1998), and some forms of virtue ethics (Hursthouse 1999; 2002; Foot 2000). In any case, the first way of arguing for rule-consequentialism is to argue that it specifies an underlying principle that provides impartial justification for intuitively plausible moral rules, and that no rival theory does this as well (Urmson 1953; Brandt 1967; Hospers 1972; Hooker 2000).

#### **[2]** Moral substitutability is true and only consequentialism explains it.

Walter Sinnott-Armstrong ’92 Dartmouth College Philosophical Perspectives, 6, Ethics, AN ARGUMENT FOR CONSEQUENTIALISM

Since general substitutability works for other kinds of reasons for action, we would need a strong argument to deny that it holds also for moral reasons. If moral reasons obeyed different principles, it would be hard to understand why moral reasons are also called 'reasons' and how moral reasons interact with other reasons when they apply to the same action. Nonetheless, this extension has been denied, so we have to look at moral reasons carefully. I have a moral reason to feed my child tonight, both because I promised my wife to do so, and also because of my special relation to my child along with the fact that she will go hungry if I don't feed her. I can't feed my child tonight without going home soon, and going home soon will enable me to feed her tonight. Therefore, there is a moral reason for me to go home soon. It need not be imprudent or ugly or sacrilegious or illegal for me not to feed her, but the requirements of morality give me a moral reason to feed her. This argument assumes a special case of substitutability: (MS) If there is a moral reason for A to do X, and if A cannot do X without doing Y, and if doing Y will enable A to do X, then there is a moral reason for A to do Y. I will call this 'the principle of moral substitutability', or just 'moral substitutability'.

He continues:

Of course, there are many other versions of deontology. I cannot discuss them all. Nonetheless, these examples suggest that it is the very nature of deontological reasons that makes deontological theories unable to explain moral substitutability. This comes out clearly if we start from the other side and ask which properties create the moral reasons that are derived by moral substitutability. What gives me a moral reason to start the mower is the consequences of starting the mower. Specifically, it has the consequence that I [can] am able to mow the grass. This reason cannot derive from the same property as my moral reason to mow the lawn unless what gives me a moral reason to mow the lawn is its consequences. Thus, any non-consequentialist moral theory will have to posit two distinct kinds of moral reasons: one for starting the mower and another for mowing the grass. Once these kinds of reasons are separated, we need to understand the connection between them. But this connection cannot be explained by the substantive principles of the theory. That is why all deontological theories must lack the explanatory coherence which is a general test of adequacy for all theories. I conclude that no deontological theory can adequately explain moral substitutability.

He continues:

All other moral reasons are non-consequential. Thus, a moral reason to do an act is non-consequential if and only if the reason depends even partly on some property that the act has independently of its consequences. For example, an act can be a lie regardless of what happens as a result of the lie (since some lies are not believed), and some moral theories claim that that property of being a lie provides a moral reason not to tell a lie regardless of the consequences of this lie. Similarly, the fact that an act fulfills a promise is often seen as a moral reason to do the act, even though the act has that property of fulfilling a promise independently of its consequences. All such moral reasons are non-consequential. In order to avoid so many negations, I will also call them 'deontological'. This distinction would not make sense if we did not restrict the notion of consequences. If I promise to mow the lawn, then one consequence of my mowing might seem to be that my promise is fulfilled. One way to avoid this problem is to specify that the consequences of an act must be distinct from the act itself. My act of fulfilling my promise and my act of mowing are not distinct, because they are done by the same bodily movements.10 Thus, my fulfilling my promise is not a consequence of my mowing. A consequence of an act need not be later in time than the act, since causation can be simultaneous, but the consequence must at least be different from the act. Even with this clarification, it is still hard to classify some moral reasons as consequential or deontological,11 but I will stick to examples that are clear. In accordance with this distinction between kinds of moral reasons, I can now distinguish different kinds of moral theories. I will say that a moral theory is consequentialist if and only if it implies that all basic moral reasons are consequential. A moral theory is then non-consequentialist[s] or deontological if it includes any basic moral reasons which are not consequential. 5. Against Deontology So defined, the class of deontological moral theories is very large and diverse. This makes it hard to say anything in general about it. Nonetheless, I will argue that no deontological moral theory can explain why moral substitutability holds. My argument applies to all deontological theories because it depends only on what is common to them all, namely, the claim that some basic moral reasons are not consequential. Some deontological theories allow very many weighty moral reasons that are consequential, and these theories might be able to explain why moral substitutability holds for some of their moral reasons: the consequential ones. But even these theories cannot explain why moral substitutability holds for all moral reasons, including the non-consequential reasons that make the theory deontological. The failure of deontological moral theories to explain moral substitutability in the very cases that make them deontological is a reason to reject all deontological moral theories. I cannot discuss every deontological moral theory, so I will discuss only a few paradigm examples and show why they cannot explain moral substitut- ability. After this, I will argue that similar problems are bound to arise for all other deontological theories by their very nature. The simplest deontological theory is the pluralistic intuitionism of Prichard and Ross. Ross writes that, when someone promises to do something, 'This we consider obligatory in its own nature, just because it is a fulfillment of a promise, and not because of its consequences.'12 Such deontologists claim in effect that, if I promise to mow the grass, there is a moral reason for me to mow the grass, and this moral reason is constituted by the fact that mowing the grass fulfills my promise. This reason exists regardless of the consequences of mowing the grass, even though it might be overridden by certain bad consequences. However, if this is why I have a moral reason to mow the grass, then, even if I cannot mow the grass without starting my mower, and starting the mower would enable me to mow the grass, it still would not follow that I have any moral reason to start my mower, since I did not promise to start my mower, and starting my mower does not fulfill my promise. Thus, a moral theory cannot explain moral substitutability if it claims that properties like this provide moral reasons.

#### [3] Language cannot describe reality, which means a priori knowledge fails.

Conard ’07 (Mark T, prof @ Marmount Manhattan, “Chaos, Order and Morality: Nietzsche’s Influence on Full Metal Jacket,” The Philosophy of Stanley Kubrick edited by Jerold J. Abrams)

Further, our conscious, rational thought is inseparable from language, and consequently, our understanding of the world is only possible through language. We use words to designate what we see and experience in the world. But, says Nietzsche: “A word becomes a concept insofar as it simulta- neously has to fit countless more or less similar cases—which means, purely and simply, cases which are never equal and thus altogether unequal. Every concept arises from the equation of unequal things. Just as it is certain that one leaf is never totally the same as another, so it is certain that the concept ‘leaf ’ is formed by arbitrarily discarding these individual differences and by forgetting the distinguishing aspects.”3 Our understanding and grasp of the world are achieved through language and concepts. But thought cannot grasp the difference and uniqueness of each individual thing. Rather, it ignores the myriad differences among things and groups them under abstract concepts. Does “leaf” designate or signify any one unique, individual thing? No, of course not; no word does. It covers or describes countless different things. That is how language functions, and again, our thinking is inseparable from language, such that our understanding of the world is based on this falsification of experience.

#### **[4]** Act util fails—6 warrants.

Chappell on Mackie “Indirect Utilitarianism” June 11 2005 Philosophy, et cetera <http://www.philosophyetc.net/2005/06/indirect-utilitarianism.html>

J.L. Mackie (p.91) offers six utilitarian reasons for opposing "the direct use of utilitarian calculation as a practical working morality": 1. Shortage of time and energy will in general preclude such calculations. 2. Even if time and energy are available, the relevant information commonly is not. 3. An agent's judgment on particular issues is likely to be distorted by his own interests and special affections. 4. Even if he were intellectually able to determine the right choice, weakness of will would be likely to impair his putting of it into effect. 5. Even decisions that are right in themselves and actions based on them are liable to be misused as precedents, so that they will encourage and seem to legitimate wrong actions that are superficially similar to them. 6. And, human nature being what it is, a practical working morality must not be too demanding: it is worse than useless to set standards so high that there is no real chance that actions will even approximate to them.

#### And, act-consequentialism relies on specific circumstances and can’t declare a general principle good or bad.

#### **Impact calc:**

#### [a] Reject specific DAs with contingent uniqueness and links caused by variable circumstance—doesn’t link to the aff rule, and any rule it would create would constantly fluctuate.

#### [b] Focus on big impacts is bad—tends towards negative util since we’d be frozen from action, i.e. the butterfly effect.

#### [c] If I win the aff general rule is good, that’s a DA to any PIC even if it solves since it violates the rule.

#### I defend whole rez. CX checks. My rule is that colleges granting free speech as a principle is good.

### Contention 1 – Backlash

#### Restrictions on speech fuel Trump’s agenda regardless of the content – his followers adopt radical stances as part of a larger reaction to the feeling that they’re being silenced

Nichols 1-3

Tom Nichols, “How the P.C. Police Propelled Donald Trump,” 1-3-16, <http://www.thedailybeast.com/articles/2016/01/04/how-the-p-c-police-propelled-donald-trump.html> [Premier]

These brutish **leftist tactics radicalized otherwise more centrist people toward Trump not because they care so much about gay marriage or guns or refugees any other issue, but because they’re terrified that they’re losing the basic right to express themselves. Many of these people are not nearly as conservative or extreme as the white supremacists, nativists, and other assorted fringe nuts who are riding along on Trump’s ego trip. But they are cheering on Trump because they feel they have nowhere else to go.** And for that, **liberals**—especially those **who have politely looked away as such methods were employed in the public square—must directly shoulder the blame.**

**The great mistake made by both liberals and their most extreme wing on the American left is to assume that ordinary people, once corrected forcefully enough, will comply with their new orders. This is, of course, ridiculous**: **Americans do not magically become complacent and accepting multiculturalists just because they’ve been bullied out of the public debate. They will find a new vessel for their views, and will become more extreme with each attempt to shut them down** **as the issue moves from particular social positions to the far more encompassing problem of who has the right to tell whom to shut up,** and to make it stick. Nixon’s “Silent Majority” increasingly feels itself to be a silenced majority, and **Trump is their solution**. Note, for example, how Trump turned the incident in which Black Lives Matter activists humiliated Sen. Bernie Sanders to his own advantage. He didn’t bother drawing partisan lines or going after Sanders. Trump and his supporters couldn’t care less about any of that, and Trump until that point almost had almost never mentioned Sanders. Instead, he made it clear that he’d never allow himself to be shut down by a mob. That, for his loyalists, was the money shot, especially when Trump pretty much dared BLM to disrupt a Trump event, in effect inviting them for an ass-kicking. A lot of people loved that shtick, because they want to see someone—literally, anyone—stand up to groups like BLM, even if it’s in defense of poor Bernie, because they worry that they’re next for that kind of treatment. For the record, I despise Donald Trump and I will vote for almost any Republican (well, OK, not Ben Carson) rather than Trump. I’m a conservative independent and a former Republican. I quit the party in 2012 because of exactly the kind of coarse ignorance that Trump represents. The night Newt Gingrich won the South Carolina primary on the thoughtful platform of colonizing the moon, I was out. If in the end God turns his back on America and we’re left with only the choice of Trump or Hillary Clinton, I will vote for a third candidate out of protest—even if it means accepting what I consider the ghastly prospect of a Clinton 45 administration. But I understand the fear of being silenced that’s prompting otherwise decent people to make common cause with racists and modern Know-Nothings, and I blame the American left for creating that fear. With that said, we have to consider the GOP elephant in the room. If regaining their voice is all that Trump supporters really want, then why haven’t they turned away from him as his statements have become increasingly insane? Trump reveled in the endorsement of Putin, an avowed enemy of the United States; if Obama had accepted a similar endorsement, conservatives would have impeached him. (Recall that when the U.K.’s David Cameron said a nice word about Obama in the 2012 campaign, people who no doubt now approve of Trump’s bromance with Putin went berserk at this foreign interloping from one of our closest allies.) What’s it going to take? **Trump’s staying power**, however, **is rooted in the fact that his supporters are not fighting for any particular political outcome, they are fighting back against a culture they think is trying to smother them into cowed silence. What they want, more than any one policy, is someone to turn to the chanting mobs and say, without hesitation: “No, I will not shut up.”** How long this will go on, then, depends on how long it will take for those people to feel reassured that someone besides Trump will represent their concerns without backing down in the face of catcalls about racism, sexism, LGBTQ-phobia, Islamophobia, or any other number of labels deployed mostly to extinguish their dissent.

#### The link is causal – restrictions on college campuses spill over into politics writ large

Tumulty and Johnson 16

Karen Tumulty and Jenna Johnson, “Why Trump may be winning the war on ‘political correctness’” 1-4-16 <https://www.washingtonpost.com/politics/why-trump-may-be-winning-the-war-on-political-correctness/2016/01/04/098cf832-afda-11e5-b711-1998289ffcea_story.html?utm_term=.db9bc85e5b87> [Premier]

“Driving powerful sentiments underground is not the same as expunging them,” said William A. Galston, a Brookings Institution scholar who advised President Bill Clinton. “**What we’re learning from Trump is that a lot of people have been biting their lips, but not changing their minds**.” One thing is clear: **Trump is channeling a very mainstream frustration**. **In an October** poll by Fairleigh Dickinson University, **68 percent agreed** with the proposition that “**a big problem this country has is being politically correct**.” It was a sentiment felt strongly across the political spectrum, by 62 percent of Democrats, 68 percent of independents and 81 percent of Republicans. Among whites, 72 percent said they felt that way, but so did 61 percent of nonwhites. “**People feel tremendous cultural condescension directed at them**,” and that their values are being “smirked at, laughed at” by the political and media elite, said GOP strategist Steve Schmidt. “‘Political correctness’ are the two words that best respond to everything that a conservative feels put upon,” added pollster Frank Luntz, who has advised Republicans. The label is, he said, a validation that what many on the right see as legitimate policy and cultural differences are not the same as racism, sexism or heartlessness. “**Allegations of racism and sexism have turned into powerful silencing devices**,” Galston agreed. “You can be opposed to affirmative action without being a racist.” The PC backlash does not necessarily mean that people support the kinds of things that Trump is saying, or the way he says them. When the Fairleigh Dickinson pollsters added his name to the same question — prefacing it with “Donald Trump said recently . . . ” — the numbers dropped sharply. Only 53 percent said they agree that political correctness is a major problem. This is not a new debate. It has raged since at least the early 1990s, when college campuses began adopting speech codes. Some went well beyond obvious slurs — with animal rights activists contending, for instance, that the word “pet”was disrespectful and should be changed to “companion animal.” **More recently, the PC wars have flared again in academia, where there is an ongoing argument over whether campuses should be a “safe space” where students are protected from upsetting ideas, and receive “trigger warnings” when course material contains distressing information**. Few would argue that it is wrong to confront and eliminate prejudice. But even some liberals have called political correctness a form of McCarthyism aimed at stifling free expression. **Trump has brought the question from the university quad to the political arena** in a way that no leading candidate has in the past. For many, “it’s satisfying to have a loud tribune like Trump,” said David Axelrod, who was President Obama’s top campaign adviser. “But I don’t think the hunger for authentic plain speech is Trump-specific. One of the appeals of [Democratic presidential candidate] Bernie Sanders is that people think he says exactly what he thinks and is not passing it through a filter. **There is a fundamental yearning for authenticity** that is probably felt more broadly.” The edgy liberal comedian Bill Maher, who for nearly a decade hosted a talk show called “Politically Incorrect,” has said that Trump’s ideas sound “a little ­Hitler-adjacent.” But he has also noted a yearning for “somebody to say, ‘You know what, I just don’t bend to your bull----.’ And Donald Trump, I’ve got to say, I don’t agree with him on a lot, but I kind of get him. We’ve been doing the same thing.” Trump sounded the anti-PC clarion call at the first Republican debate in August, when moderator ­Megyn Kelly of Fox News challenged him on comments that he had made disparaging women. “I think the big problem this country has is being politically correct,” he said. “I’ve been challenged by so many people, and I don’t frankly have time for total political correctness. And to be honest with you, this country doesn’t have time either. This country is in big trouble. We don’t win anymore. We lose to China. We lose to Mexico both in trade and at the border. We lose to everybody.” **It is hard to follow the logic of an argument that insulting women could somehow make the country stronger overseas. But the sentiment behind it came through clearly**. **And it has been picked up by other GOP contenders**. “Political correctness is killing people,” said Sen. Ted Cruz (R-Tex.), because it prevents the Obama administration from focusing on the communications and activities of potential terrorists who are Muslims. “Political correctness is ruining our country,” said former neurosurgeon Ben Carson, after he was criticized for saying a Muslim should not be president. It is corrosive, Carson said in an interview, because “many people will not say what they believe because someone will look askance at them, call them a name. Somebody will mess with their job, their family. This was not supposed to be the way it was in America.” Last month’s terrorist attack in San Bernardino, Calif., carried out by a Muslim couple who appear to have been inspired by the Islamic State, also known as ISIS, has become a case in point for many conservatives. They say political correctness has made the Obama administration too timid in calling it what it is — which is why Cruz and other Republicans taunt the president for not uttering the phrase “radical Islamic terrorism.” “What animates ISIS is an ­apocalyptic religious philosophy. People look at that and don’t understand the unwillingness to say red is red and blue is blue,” Schmidt said. “We live in a post-fact America, where the facts are subordinate to the advancement of an ideology.” Political strategists and others say a number of other forces are behind the backlash. It has both a cultural and an economic component, and it also reflects the continuing polarization that has grown deeper during Obama’s presidency. “For many of these people, they played the game by the rules, and essentially, they got shafted,” Democratic pollster Peter Hart said. **Trump is “the voice of an aggrieved cohort in our society — lower-middle-income working whites who have taken the hit from the big changes in the economy, and are angry about it,” Axelrod said. “He creates a permission structure for others.”**

### Contention 2 – Dissent

#### Strong First Amendment protections are key to dissenting voices in academia – feminism, CRT, and anti-Islamophobia are reliant on it

Bernstein ’03

(David E. Bernstein is a professor of Law at George Mason University, 2003, “Defending the First Amendment from Antidiscrimination Laws”, <http://ssrn.com/abstract_id=489063)>//SJT

Ironically, protecting freedom of expression from government regulation ultimately will benefit left-wing scholars who support censorship, such as radical feminists and critical race theorists, as much as anyone. These scholars advocate speech regulations while living primarily in the very left-wing academic world, where their views are only marginally out of the mainstream. **Yet, if the First Amendment is weakened sufficiently by antidiscrimination law that the government gains the power to suppress speech more broadly, feminists and critical race theorists, as holders of views wildly at variance to those of the public at large, are likely to be among the first victims**. [FN125] That leftists writing in a society that has long been and continues to be hostile to their ideology [FN126] would want to weaken the principle that government may not suppress expression because of hostility to its viewpoint seems counterintuitive, to say the least. Indeed, many critical race scholars and feminists argue that America is innately and irredeemably racist and sexist. [FN127] One need not accept this vision to realize that the Critical Race and Radical Feminist Party, if such a thing existed, would not exactly sweep the American electorate anytime soon. [FN128] **Because many critical race theorists and feminists claim to believe that America is so hostile to their values, they should find constitutional protections against the majority [are] especially meaningful.** Indeed, if left-wing professors wish to preserve their own academic freedom, they will need to learn to be more tolerant of those whose speech they currently seek to suppress. For the last several decades, pressure to censor free speech on university campuses has come primarily from the left. **The current war against terrorism, and the frequent dissent within the academy to that war, has shifted the dynamic, putting many radical professors on the defensive. The First Amendment, and the values of academic freedom that it has fostered, will protect the vast majority of dissenters**, but only because the radical's war against the First Amendment has as yet been largely unsuccessful. Of course, left-wing censors imagine a world in which the government silences only their ideological enemies, and they advocate censorship as an integral part of a much broader scheme for reconstructing society along egalitarian lines. Yet, it should be a cardinal principle of political advocacy that one should not support granting the government regulatory powers that one would not want applied to oneself. This principle would not only reduce hypocrisy, but also remind political activists that politics is unpredictable, driven by power rather than morality. **Power given to government is often unexpectedly ultimately used against those who advocated that the power be exercised against others**. As William Graham Sumner remarked many years ago: The advocate of [government] interference takes it for granted that he and his asociates will have the administration of their legislative device in their own hands. . . . They never appear to remember that the device, when once set up, will itself be the prize of a struggle; that it will serve one set of purposes as well as another, so that after all the only serious question is: who will get it?" [FN129] This is a lesson that academic advocates of censorship would do well to learn.

### Contention 3 – Movements

#### Free expression is key to civil rights movements for racial minorities, women, and LGBT folks – campuses are key

Harris and Ray 14 Vincent T Harris has an M. Ed. degree and is a doctoral student @ LSU, Darrell C. Ray is a prof @ LSU, HATE SPEECH & THE COLLEGE CAMPUS: CONSIDERATIONS FOR ENTRY LEVEL STUDENT AFFAIRS PRACTITIONERS, Race, Gender & Class 21.1/2 (2014): 185-194. ProQuest. [Premier]

Down and Cowan (2012) note that Americans who notice the importance of **free expression** believe, it benefits more than just the oppressor, but **aids in the advancement of the minority group.** **For example, historical movements such as the civil rights movement, the women's movement, and the gay liberation movement were advanced due to freedom of speech, expression, and ideas** (Down & Cowan, 2012). **This advancement has granted many minority groups the ability to experience various prohibited privileges such as, the right to attain an equal education. As campuses strive to become more inclusive and respectful communities there is a critical need to identify the spaces and ways in which students feel free to express themselves and their views**.

#### Historically, First Amendment and its principles have helped secure civil rights, fight prejudice, and move to equality – the aff is oriented toward ending racism of all forms but with a different method than censorship

Friedersdorf 15

Friedersdorf, Conor. (Friedersdorf is a staff writer at The Atlantic, where he focuses on politics and national affairs) "Free Speech Is No Diversion." The Atlantic. Atlantic Media Company, 12 Nov. 2015. Web. 09 Jan. 2017. <http://www.theatlantic.com/politics/archive/2015/11/race-and-the-anti-free-speech-diversion/415254/>. [Premier]

Over the course of U.S. history, both the protections enshrined by the First Amendmentand **the** larger ethos of free expression that pervades American culture have played a major role in everysuccessful push that marginalized groups have made to securecivil rights, fight against prejudice, and move toward greater equality.¶ Despite that history, Jelani Cobb asserts in The New Yorker that to avoid discussions of racism, critical observers of student protests at Yale and the University of Missouri “invoke a separate principle, one with which few would disagree in the abstract—free speech, respectful participation in class—as the counterpoint to the violation of principles relating to civil rights.” The fact that race controversies “have now been subsumed in a debate over political correctness and free speech on campus—important but largely separate subjects—is proof of the self-serving deflection to which we should be accustomed at this point,” he declares.¶ Cobb calls these supposed diversions “victim-blaming with a software update,” and positing that they are somehow having the same effect as disparaging Trayvon Martin, he cites my article “The New Intolerance of Student Activism” as his prime example.¶ He writes as if unaware that millions of Americans believe the defense of free speech and the fight against racism to be complementary causes, and not at odds with each other. The false premises underpinning his analysis exacerbate a persistent, counterproductive gulf between **the** majority of those struggling against racism in the United States, who believe that First Amendment **protections**, rigorous public discourse, and efforts to educate empowered, resilient young people are the surest waysto a more just future**,** and a much smaller group that subscribes to a strain of thought most popular on college campuses.¶ Members of this latter group may be less opposed to speech restrictions; rely more heavily on stigma, call-outs, and norm-shaping in their efforts to combat racism; purport to target “institutional" and “systemic” racism, but often insiston the urgency of policing racism that is neither systemic nor institutional, likeHalloweencostumechoices; focus to an unusual degree on getting validation from administrators and others in positions of authority; and often seem unaware or unconvinced thatotherscananddosharetheirendswhileobjectingto some of their means, the less rigorous parts of their jargon, and campus status-signaling. For this reason, they spend a lot of time misrepresenting and stigmatizing allies.

[**He continues**]

Let me underscore how erroneous his assumptions are. His article is premised on the notion that my piece on Yale and others like one I wrote a day later on Missouri are part of a “diversion,” an attempt to avoid talking about racism through deflection. “The fault line here,” he posits, “is between those who find intolerance objectionable and those who oppose intolerance of the intolerant.” Of course, it’s far more consistent to find intolerance objectionable across the board, and to speak out against it especially when its targets have historically faced discrimination.¶ It’s why I have written not only about recent events at Yale and Missouri, but also about Ferguson’s conspiracy against black residents; racial disparities in police killings; dangers of constructed white identity; the Campaign Zero agenda; the importance of declaring the Charleston attack to be racial terrorism; the long history of thugs attacking black churches; how video is confirming very old claims about prejudice against blacks; the brutality of police culture in Baltimore; radical experiments in converting racists; the importance of grappling with race, even imperfectly; Islamophobia and its deleterious effects; the perils of standing while Hispanic in the Bronx; the harassment of a black man tazed by a white police officer; carnage caused by drone strikes; the horrifying effects of profiling innocent Muslims, etc.¶ Few outside a small part of the ideological left would mistake me for someone seeking to divert discourse away from racism. Moreover, my advocacy for free speech encompasses numerous articles about controversies having nothing to do with race, as well as advocacy for the First Amendment rights of people fighting racism (including high schoolers who sought to wear “I can’t breathe” t-shirts, Black Lives Matter protestors, and Muslims who sought to build a mosque near Ground Zero.) When a staunch defender of free speech in all realms, who writes about racism as often as I do in a national publication, is reflexively cast as using free speech to divert attention from racism, it suggests a charge rooted in ideological blindness, not careful observation.¶ I hope to bridge that gap, and help everyone understand that liberals, libertarians, conservatives, and individualists alike are just as engaged in the fight against racism as the campus left, but in very different ways.¶ We exist. Update the heuristics!¶ Our diverse critiques of the campus left are not a sign that we care too little about fighting racism, advocating for justice, opposing prejudice, or protecting civil rights, or that we’ve yet to be enlightened by the right theorists. They are, rather, a sign that these issues, and concerns that they touch on, free speech among them, are too important to be ceded to a narrow, ideologically insular subculture as prone to blind spots, mistakes, wrongdoing, and excesses as any other; and too fond of jargon that more readily facilitates evasiveness than analytic clarity. The activist left on campus no more benefits from blanket deference than any other political movement, and their defenders should stop conflating criticism of their means and contested assumptions with opposition to or a desire to distract from widely shared ends.¶

### Contention 4 – Hate Speech

#### Hate speech statutes are compatible with the aff

Tsesis 10

ALEXANDER TSESIS\*, prof @ Loyola Chicago Law, Burning Crosses on Campus: University Hate Speech Codes, HeinOnline -- 43 Conn. L. Rev. 619 2010-2011, <https://pdfs.semanticscholar.org/c4c2/a881ffd558d28d2b0d0a738981c7211d85e4.pdf> [Premier]

**In Beauharnais, the Court upheld the constitutionality of a group libel statute that rendered it actionable to "portray[] depravity, criminality . .. or lack of virtue of a class of citizens, of any race, color, creed, or religion" and to expose those citizens to "contempt, derision, or obloquy."**' 02 **The majority found that, given Illinois's history of racial friction, its legislature could enact legislation to punish the dissemination of demeaning messages, such as those opposed to neighborhood integration, because those messages threatened "the peace and well-being of the State."** 03 The opinion conceived of government playing a role in establishing a standard of decency designed to prevent intergroup friction.

### Contention 5 – Abuse

#### Speech codes empower white majorities to silence minorities

ACLU 16: American Civil Liberties Union, “Hate Speech on Campus.” Accessed 3 December 2016. <https://www.aclu.org/other/hate-speech-campus>, WWLD

Historically, defamation **laws or codes have proven ineffective at best and counter-productive at worst. For one thing, depending on how they're interpreted and enforced, they can actually work against the interests of the people they were ostensibly created to protect. Why? Because the ultimate power to decide what speech is offensive and to whom rests with the authorities -- the government or a college administration -- not with those who are the alleged victims** of hate speech. In Great Britain, for example, a[n] Racial Relations Act was adopted in 1965 to outlaw racist defamation. But throughout its existence, the Act has largely been used to persecute activists of color, trade unionists and anti-nuclear protesters, while the racists -- often white members of Parliament -- have gone unpunished. Similarly, **under a speech code in effect at the University of Michigan for 18 months, white students in 20 cases charged black students with offensive speech. One of the cases resulted in the punishment of a black student for using the term "white trash"** in conversation with a white student. The code was struck down as unconstitutional in 1989 and, to date, the ACLU has brought successful legal challenges against speech codes at the Universities of Connecticut, Michigan and Wisconsin. These examples demonstrate that speech codes don't really serve the interests of persecuted groups. The First Amendment does. **As one African American educator observed: "I have always felt as a minority person that we have to protect the rights of all because if we infringe on the rights of any persons, we'll be next.”**

### Contention 6 – Exposure

#### Banning speech drives the root cause underground and leads to more virulent bigotry

ACLU 16 American Civil Liberties Union, “Hate Speech on Campus.” Accessed 3 December 2016. https://www.aclu.org/other/hate-speech-campus, WWLD

**Bigoted speech is** symptomatic of a huge problem in our country; it is **not the problem itself**. **Everybody**, when they come to college, **brings** with them **the values, biases and assumptions they learned while growing up in society,** so **it's unrealistic to think that punishing speech is going to rid campuses of the attitudes that gave rise to the speech in the first place**. **Banning bigoted speech won't end bigotry**, even if it might chill some of the crudest expressions. **The mindset that produced the speech** lives on and **may even reassert itself in more virulent forms. Speech codes, by simply** **deterring students from saying out loud what they will continue to think in private, merely drive biases underground where they can't be addressed.** In 1990, when Brown University expelled a student for shouting racist epithets one night on the campus, the institution accomplished nothing in the way of exposing the bankruptcy of racist ideas.

## Underviews

### TL Underview

#### [1] PICs are illegitimate on this topic—there’s no lit against them since they PIC out of awful things people don’t defend like child porn, and they explode limits since there are thousands of types of speech.

#### [2] Neg gets advantage counterplans to test the intrinsicness of aff offense if the aff gets intrinsicness perms to test the intrinsicness of neg offense. That’s key to reciprocity.

Mankins 84

Michael Mankins, University of Kentucky coach, “Broken Beyond Repair Intrinsicness: Theory Headed for Collision” 1984 - Waging War on Poverty WFU Debater's Research Guide

The concept of **intrinsicness is grounded in the ideal that the resolution should represent a necessary and sufficient causal factor from which advantages are accrued and disadvantages result.** In this respect, **intrinsicness stems from the inherency burden placed** up**on** **the aff**irmative (more or less absolutely, however the case may be). For those who hold this view, **just as the aff**irmative **must gain** its **advantage from a necessary and sufficient action of the res**olution, **so too must the negative's disadvantages stem from similar conditions**.

#### [3] Affirming is harder so aff gets presumption and RVIs on counter-interps to compensate.

#### a. 7-4-6-3 speech times means I’m forced to undercover

#### b. You’re reactive and can always craft the perfect strat

#### c. Reciprocity – neg isn’t bound by the rez and can read T

#### [4] The role of the ballot is to vote for the best policy option—key to political activism.

Coverstone 5 [MBA (Alan, Acting on Activism)

An important concern emerges when Mitchell describes reflexive fiat as a contest strategy capable of “eschewing the power to directly control external actors” (1998b, p. 20). Describing debates about what our government should do as attempts to control outside actors is debilitating and disempowering. Control of the US government is exactly what an active, participatory citizenry is supposed to be all about. After all, if democracy means anything, it means that citizens not only have the right, they also bear the obligation to discuss and debate what the government should be doing. Absent that discussion and debate, much of the motivation for personal political activism is also lost. Those who have co-opted Mitchell’s argument for individual advocacy often quickly respond that nothing we do in a debate round can actually change government policy, and unfortunately, an entire generation of debaters has now swallowed this assertion as an article of faith. The best most will muster is, “Of course not, but you don’t either!” The assertion that nothing we do in debate has any impact on government policy is one that carries the potential to undermine Mitchell’s entire project. If there is nothing we can do in a debate round to change government policy, then we are left with precious little in the way of pro-social options for addressing problems we face. At best, we can pursue some Pilot-like hand washing that can purify us as individuals through quixotic activism but offer little to society as a whole. It is very important to note that Mitchell (1998b) tries carefully to limit and bound his notion of reflexive fiat by maintaining that because it “views fiat as a concrete course of action, it is bounded by the limits of pragmatism” (p. 20). Pursued properly, the debates that Mitchell would like to see are those in which the relative efficacy of concrete political strategies for pro-social change is debated. In a few noteworthy examples, this approach has been employed successfully, and I must say that I have thoroughly enjoyed judging and coaching those debates. The students in my program have learned to stretch their understanding of their role in the political process because of the experience. Therefore, those who say I am opposed to Mitchell’s goals here should take care at such a blanket assertion. However, contest debate teaches students to combine personal experience with the language of political power. Powerful personal narratives unconnected to political power are regularly co-opted by those who do learn the language of power. One need look no further than the annual state of the Union Address where personal story after personal story is used to support the political agenda of those in power. The so-called role-playing that public policy contest debates encourage promotes active learning of the vocabulary and levers of power in America. Imagining the ability to use our own arguments to influence government action is one of the great virtues of academic debate. Gerald Graff (2003) analyzed the decline of argumentation in academic discourse and found a source of student antipathy to public argument in an interesting place. I’m up against…their aversion to the role of public spokesperson that formal writing presupposes. It’s as if such students can’t imagine any rewards for being a public actor or even imagining themselves in such a role. This lack of interest in the public sphere may in turn reflect a loss of confidence in the possibility that the arguments we make in public will have an effect on the world. Today’s students’ lack of faith in the power of persuasion reflects the waning of the ideal of civic participation that led educators for centuries to place rhetorical and argumentative training at the center of the school and college curriculum. (Graff, 2003, p. 57) The power to imagine public advocacy that actually makes a difference is one of the great virtues of the traditional notion of fiat that critics deride as mere simulation. Simulation of success in the public realm is far more empowering to students than completely abandoning all notions of personal power in the face of governmental hegemony by teaching students that “nothing they can do in a contest debate can ever make any difference in public policy.” Contest debating is well suited to rewarding public activism if it stops accepting as an article of faith that personal agency is somehow undermined by the so-called role playing in debate. Debate is role-playing whether we imagine government action or imagine individual action. Imagining myself starting a socialist revolution in America is no less of a fantasy than imagining myself making a difference on Capitol Hill. Furthermore, both fantasies influenced my personal and political development virtually ensuring a life of active, pro-social, political participation. Neither fantasy reduced the likelihood that I would spend my life trying to make the difference I imagined. One fantasy actually does make a greater difference: the one that speaks the language of political power. The other fantasy disables action by making one a laughingstock to those who wield the language of power. Fantasy motivates and role-playing trains through visualization. Until we can imagine it, we cannot really do it. Role-playing without question teaches students to be comfortable with the language of power, and that language paves the way for genuine and effective political activism. Debates over the relative efficacy of political strategies for pro-social change must confront governmental power at some point. There is a fallacy in arguing that movements represent a better political strategy than voting and person-to-person advocacy. Sure, a full-scale movement would be better than the limited voice I have as a participating citizen going from door to door in a campaign, but so would full-scale government action. Unfortunately, the gap between my individual decision to pursue movement politics and the emergence of a full-scale movement is at least as great as the gap between my vote and democratic change. They both represent utopian fiat. Invocation of Mitchell to support utopian movement fiat is simply not supported by his work, and too often, such invocation discourages the concrete actions he argues for in favor of the personal rejectionism that under girds the political cynicism that is a fundamental cause of voter and participatory abstention in America today.

#### Abandoning policy discussion for epistemological questioning slows action and causes violence.

Darryl Jarvis (Director of the Research Institute for International Risk and Lecturer in International Relations, The University of Sydney) 2000 “International relations and the challenge of postmodernism” p. 128-9

More is the pity that such irrational and obviously abstruse debate should so occupy us at a time of great global turmoil.  That it does and continues to do so reflects our lack of judicious criteria for evaluating theory and, more importantly, the lack of attachment theorist have to the real world.  Certainly it is right and proper that we ponder what we ponder the depth of our theoretical imagination, engage in epistemological and ontological debate, and analyze the sociology of our knowledge.  But to suppose that this is the only talk on international theory, let alone the most important one, smacks of intellectual elitism and displays a certain contempt for those who search for guidance in their daily struggle as actors in international politics.  What does Ashley’s project, his deconstructive efforts, or valiant fight against positivism say to the truly marginalized, oppressed, and destitute?  How does it help solve the plight of the poor, the displaced refugees, the casualties of war, or the emrigres of death squads?  Does it in any way speak to those actions and thoughts comprise the policy and practice of international relations?  On all these questions one must answer no.  That is not to say, of course, that all theory should be judged by its technical rationality and problem solving capacity as Ashley forcefully argues.  But to suppose that problem solving technical theory is not necessary – or is in some way bad – is a contemptuous position that abrogates any hope of solving some of the nightmarish realities that millions confront daily.  As Holsti argues, we need ask of these theorists and their theories the ultimate question, “So What?”  To what purpose do they construct, problematize, destabilize, undermine, ridicule, and belittle modernist and rationalist approaches?  Does this get us any further, make the world any better, or enhance the human condition?  In what sense can this “debate towards bottomless pit of epistemology and metaphysics” be judged pertinent, relevant, helpful, or cogent to anyone other than those foolish enough to be scholastically excited by abstract and recondite debate?

### K Underview

#### The role of the ballot is to vote for the best policy option—key to political activism.

Coverstone 5 [MBA (Alan, Acting on Activism)

An important concern emerges when Mitchell describes reflexive fiat as a contest strategy capable of “eschewing the power to directly control external actors” (1998b, p. 20). Describing debates about what our government should do as attempts to control outside actors is debilitating and disempowering. Control of the US government is exactly what an active, participatory citizenry is supposed to be all about. After all, if democracy means anything, it means that citizens not only have the right, they also bear the obligation to discuss and debate what the government should be doing. Absent that discussion and debate, much of the motivation for personal political activism is also lost. Those who have co-opted Mitchell’s argument for individual advocacy often quickly respond that nothing we do in a debate round can actually change government policy, and unfortunately, an entire generation of debaters has now swallowed this assertion as an article of faith. The best most will muster is, “Of course not, but you don’t either!” The assertion that nothing we do in debate has any impact on government policy is one that carries the potential to undermine Mitchell’s entire project. If there is nothing we can do in a debate round to change government policy, then we are left with precious little in the way of pro-social options for addressing problems we face. At best, we can pursue some Pilot-like hand washing that can purify us as individuals through quixotic activism but offer little to society as a whole. It is very important to note that Mitchell (1998b) tries carefully to limit and bound his notion of reflexive fiat by maintaining that because it “views fiat as a concrete course of action, it is bounded by the limits of pragmatism” (p. 20). Pursued properly, the debates that Mitchell would like to see are those in which the relative efficacy of concrete political strategies for pro-social change is debated. In a few noteworthy examples, this approach has been employed successfully, and I must say that I have thoroughly enjoyed judging and coaching those debates. The students in my program have learned to stretch their understanding of their role in the political process because of the experience. Therefore, those who say I am opposed to Mitchell’s goals here should take care at such a blanket assertion. However, contest debate teaches students to combine personal experience with the language of political power. Powerful personal narratives unconnected to political power are regularly co-opted by those who do learn the language of power. One need look no further than the annual state of the Union Address where personal story after personal story is used to support the political agenda of those in power. The so-called role-playing that public policy contest debates encourage promotes active learning of the vocabulary and levers of power in America. Imagining the ability to use our own arguments to influence government action is one of the great virtues of academic debate. Gerald Graff (2003) analyzed the decline of argumentation in academic discourse and found a source of student antipathy to public argument in an interesting place. I’m up against…their aversion to the role of public spokesperson that formal writing presupposes. It’s as if such students can’t imagine any rewards for being a public actor or even imagining themselves in such a role. This lack of interest in the public sphere may in turn reflect a loss of confidence in the possibility that the arguments we make in public will have an effect on the world. Today’s students’ lack of faith in the power of persuasion reflects the waning of the ideal of civic participation that led educators for centuries to place rhetorical and argumentative training at the center of the school and college curriculum. (Graff, 2003, p. 57) The power to imagine public advocacy that actually makes a difference is one of the great virtues of the traditional notion of fiat that critics deride as mere simulation. Simulation of success in the public realm is far more empowering to students than completely abandoning all notions of personal power in the face of governmental hegemony by teaching students that “nothing they can do in a contest debate can ever make any difference in public policy.” Contest debating is well suited to rewarding public activism if it stops accepting as an article of faith that personal agency is somehow undermined by the so-called role playing in debate. Debate is role-playing whether we imagine government action or imagine individual action. Imagining myself starting a socialist revolution in America is no less of a fantasy than imagining myself making a difference on Capitol Hill. Furthermore, both fantasies influenced my personal and political development virtually ensuring a life of active, pro-social, political participation. Neither fantasy reduced the likelihood that I would spend my life trying to make the difference I imagined. One fantasy actually does make a greater difference: the one that speaks the language of political power. The other fantasy disables action by making one a laughingstock to those who wield the language of power. Fantasy motivates and role-playing trains through visualization. Until we can imagine it, we cannot really do it. Role-playing without question teaches students to be comfortable with the language of power, and that language paves the way for genuine and effective political activism. Debates over the relative efficacy of political strategies for pro-social change must confront governmental power at some point. There is a fallacy in arguing that movements represent a better political strategy than voting and person-to-person advocacy. Sure, a full-scale movement would be better than the limited voice I have as a participating citizen going from door to door in a campaign, but so would full-scale government action. Unfortunately, the gap between my individual decision to pursue movement politics and the emergence of a full-scale movement is at least as great as the gap between my vote and democratic change. They both represent utopian fiat. Invocation of Mitchell to support utopian movement fiat is simply not supported by his work, and too often, such invocation discourages the concrete actions he argues for in favor of the personal rejectionism that under girds the political cynicism that is a fundamental cause of voter and participatory abstention in America today.

#### Abandoning policy discussion for epistemological questioning slows action and causes violence.

Darryl Jarvis (Director of the Research Institute for International Risk and Lecturer in International Relations, The University of Sydney) 2000 “International relations and the challenge of postmodernism” p. 128-9

More is the pity that such irrational and obviously abstruse debate should so occupy us at a time of great global turmoil.  That it does and continues to do so reflects our lack of judicious criteria for evaluating theory and, more importantly, the lack of attachment theorist have to the real world.  Certainly it is right and proper that we ponder what we ponder the depth of our theoretical imagination, engage in epistemological and ontological debate, and analyze the sociology of our knowledge.  But to suppose that this is the only talk on international theory, let alone the most important one, smacks of intellectual elitism and displays a certain contempt for those who search for guidance in their daily struggle as actors in international politics.  What does Ashley’s project, his deconstructive efforts, or valiant fight against positivism say to the truly marginalized, oppressed, and destitute?  How does it help solve the plight of the poor, the displaced refugees, the casualties of war, or the emrigres of death squads?  Does it in any way speak to those actions and thoughts comprise the policy and practice of international relations?  On all these questions one must answer no.  That is not to say, of course, that all theory should be judged by its technical rationality and problem solving capacity as Ashley forcefully argues.  But to suppose that problem solving technical theory is not necessary – or is in some way bad – is a contemptuous position that abrogates any hope of solving some of the nightmarish realities that millions confront daily.  As Holsti argues, we need ask of these theorists and their theories the ultimate question, “So What?”  To what purpose do they construct, problematize, destabilize, undermine, ridicule, and belittle modernist and rationalist approaches?  Does this get us any further, make the world any better, or enhance the human condition?  In what sense can this “debate towards bottomless pit of epistemology and metaphysics” be judged pertinent, relevant, helpful, or cogent to anyone other than those foolish enough to be scholastically excited by abstract and recondite debate?

#### Criticisms that lack a political strategy re-inscribe existing structures.

Bryant 12 (levi, prof of philosophy at Collins college, Critique of the Academic Left, http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/)

The problem as I see it is that this is the worst sort of abstraction (in the Marxist sense) and wishful thinking. Within a Marxo-Hegelian context, a thought is abstract when it ignores all of the mediations in which a thing is embedded. For example, I understand a robust tree abstractly when I attribute its robustness, say, to its genetics alone, ignoring the complex relations to its soil, the air, sunshine, rainfall, etc., that also allowed it to grow robustly in this way. This is the sort of critique we’re always leveling against the neoliberals. They are abstract thinkers. In their doxa that individuals are entirely responsible for themselves and that they completely make themselves by pulling themselves up by their bootstraps, neoliberals ignore all the mediations belonging to the social and material context in which human beings develop that play a role in determining the vectors of their life. They ignore, for example, that George W. Bush grew up in a family that was highly connected to the world of business and government and that this gave him opportunities that someone living in a remote region of Alaska in a very different material infrastructure and set of family relations does not have. To think concretely is to engage in a cartography of these mediations, a mapping of these networks, from circumstance to circumstance (what I call an “onto-cartography”). It is to map assemblages, networks, or ecologies in the constitution of entities. Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park: The underpants gnomes have a plan for achieving profit that goes like this: Phase 1: Collect Underpants Phase 2: ? Phase 3: Profit! They even have a catchy song to go with their work: Well this is sadly how it often is with the academic left. Our plan seems to be as follows:Phase 1: Ultra-Radical CritiquePhase 2: ?Phase 3: Revolution and complete social transformation!Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing? But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done! But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc. What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle. I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation. “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry. Everyone knows something is wrong. Everyone knows this system is destructive and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

### Theory Underview

#### First, CX checks on all T and theory on the advocacy. a) Ensures substantive education since we’ll be able to avoid theory in a bunch of instances, which ensures debate about the topic, which is applicable to the real world, b) mutually exclusive interps means I’m forced to take a stance but if I have no idea which you would prefer I just do so arbitrarily so you shouldn’t punish me.

#### Second, if I win a counter-interpretation to T or theory, vote aff. Time-pressed rebuttals means the aff needs the ability to collapse to theory in order to overcome the inequity of the speech times. Otherwise the 2NR would also moot a large portion of the 1AR by kicking theory. Prefer time skew to other links to fairness because it’s quantifiable and verifiable.

#### Third, reasonability and drop the argument on T. The briteline is if it’s been disclosed, defends a ban everywhere in the US for all guns and all individuals, provides link and impact turn ground, and has a CX concession spike. Prefer: a) Only the aff has the burden of meeting topicality, so it’s nonreciprocal to hold it to the same standards as other theory, b) mutually exclusive legitimate T interps—I have to choose one but you could read T no matter what which skews my strat—best possible interpretation is a bad standard, c) research skills—incentivizes the neg to actually prep out slightly more obscure affs instead of reading T which outweighs since it’s one of the foremost educational benefits of debate, d) time skew—it’s nearly impossible to invest enough time on T in the 1AR to win under a normal paradigm without undercovering everything else—makes a 2NR collapse way too easy.

#### Fourth, neg abuse outweighs aff abuse. a) Some aff abuse is necessary to overcome neg side bias and time skew, b) aff speaks in the dark while the neg is reactive, which means when assessing whether their arguments are abusive they can compare directly with the circumstances of the round—I have to do so hypothetically.

#### Fifth, presume aff. 7-4-6-3 time skew means a) if we’re tied, I’ve done the better debating and b) It’s fairer to give the aff the advantage of being able to win by eliminating all offense than the neg.

#### Sixth, no 2NR theory or new neg RVI arguments. 2:1 time trade-off between the 2NR and the 2AR means giving them the ability to uplayer in the last speech is devastating to me. It’s also too late to start that debate—usually becomes irresolvable.

#### Seventh, neg may only read 1 T or theory shell. Multiple shells spread out the 1AR and allow the 2NR to collapse to whichever shell was undercovered, meaning I wasn’t given a fair shot at justifying my practice. Multiple rounds solve your offense since we can check lots of abusive practices over time.

# Case

### AT: Fish

#### [1] Misunderstands debate—you might prove a universal rule is not the best possible rule, but all I have to do is prove it’s net good and comparatively better than your offense. Means to win this you have to actually justify particular restrictions that are good.

#### [2] Missing internal link—you just prove it’s possible not all speech is good since it’s only instrumental, but it could also just be the case that restrictions are good in every instance anyway.

#### [3] The whole point of rule util is that it’s an on-balance question—making exceptions for cases where speech is instrumentally bad means we’re just using act util.

#### [4] Even when speech is instrumentally bad, my offense still proves there are reasons why restrictions in every case are bad.

### Backlash

#### Alt-right growing now—conservatives feel excluded by so-called PC culture so they radicalize, which spills over. Aff resolves the backlash. That’s Nichols and Tumulty and Johnson.

#### *This outweighs everything else:*

#### *[a] Magnitude—only offense that affects beyond the college sphere. Literally caused Trump.*

#### *[b] Turns everything else—makes resolving hate speech and crimes impossible, causes overwhelming sense of persecution.*

### --- AT: Turn

#### [a] Platform outweighs visibility—restrictions on CPS are the *reason* people join the alt-right so even if the aff opens space for them no one will join.

#### [b] Visibility non-unique—they’ll always have lots of spaces outside colleges to speak.

### Dissent and Movements

#### Group contentions 2 and 3. Restrictions will be used to foreclose critical dissent in academia—that’s Bernstein. And, protests won’t happen without free expression—mobilizes and persuades people, and prevents repression—that’s Harris and Ray and Friedersdorf.

#### *Highest layer of offense—means I resolve 100% neg offense in the round since aff allows for criticism and societal shifts that resolve violence in the longrun.*

### --- AT: Repression Won’t Happen

#### [a] My evidence speaks to current trends of repression and the nature of squo restrictions.

#### [b] Err aff—obviously colleges have an incentive to shut down radical dialogue that challenges their positions of power. They’re run by old white men.

### Abuse

#### Speech codes are misapplied against minorities—UMich proves—things like “white trash” are labeled as hate speech. That’s ACLU.

#### *Highest layer of offense:*

#### *[a] All your offense is about why restricting bad speech is good but this proves that doesn’t happen.*

#### *[b] Magnitude—people of color are literally expelled and 100% excluded from all conversations and education.*

### --- AT: Doesn’t Happen

#### Prefer my evidence:

#### [a] Specificity—ACLU discusses specific instances at UMich. Your card has 0 warrant—it just asserts there’s no reverse enforcement.

#### [b] Logic—no reason why UMich would be different from the norm.

#### [c] Err aff—tons of people think things like “white trash” are reverse racist so they’ll probably try to punish people.

#### [d] Your ev is from 1994—that’s ancient

### Exposure

#### Dialogue key—codes drive bad ideas underground which causes MORE violence and sustains hatred through time—that’s ACLU.

#### *Highest layer of offense—impact turns all your args and proves aff resolves in the long run.*

### --- AT: Doesn’t Solve

#### [a] Try or die—the alternative means *no* chance of anyone being convinced.

#### [b] Even if original holders of beliefs are stubborn, they’re less likely to spread.

#### [c] Empirically denied—there are clearly lots of people who used to be really racist and changed views—your ev is defeatist.

# T

### AT: T – Hate Speech

#### Overview: this isn’t T. My interp of hate speech isn’t part of the advocacy, it’s a discussion of what it means to implement the advocacy. My advocacy text is merely the resolution so I’m automatically topical. Means a] I meet, b] no abuse—difference is if you win hate speech is CPS, your offense links, whereas *advocacies* exclude offense no matter what.

#### Counter-interp: Aff can argue that hate speech isn’t constitutionally protected speech.

#### [1] Legal ed—my interp forces debates about what’s constitutionally protected. Outweighs: a] core of the topic and also unique to it and this is the last tournament on JanFeb, b] most portable—constitutionality affects all policies in the US and many debaters become lawyers.

#### [2] Aff ground—there are a million PICs out of types of hate speech that are all hyperspecific. This is just a pre-empt and necessary for a diverse aff strategy, since the aff can’t impact turn net benefits or predict every CP.

#### [3] Stable advocacy—if I meet your interp it’s not that I definitely don’t defend anything you don’t think is your ground, it’s that you just don’t *know* since I didn’t speak to that in the aff. Means I can always delink in the 1AR.

# NC

### AT: Context

#### [1] Incomplete—doesn’t actually explain what’s good or bad so default aff.

#### [2] Circular—says context is key to evaluate ethics, but we need an ethical system to determine which kind of context is relevant. Also means this would just have to be a turn to the aff contention, but they never made it link.

#### [3] Turn—if college students are still developing, they DEFINITELY need to be exposed to offensive speech since otherwise they’ll never be resilient.

### AT: Kant Contention

#### Framing: If I prove aff’s freedom of speech is consistent with equal freedom I win since you have an active obligation to reject unwarranted coercion.

#### And, only *intrinsic* coercion links to the standard.

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

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

#### Affirm:

#### [1] Your specific offense isn’t intrinsic—it’s about the results or associations with free speech…

#### [2] Even if speech interferes with internal freedom by violating others, it doesn’t violate external freedom since it doesn’t stop people from willing ends. Kant says the state only deals with external freedom since it was created to resolve conflicting rights claims.

#### [3] Any violations are consequential—for speech to violate someone it has to first be interpreted in a certain way, but that’s volitional. E.g. if you punch me I have no choice but to feel pain, but if you insult me I have to willingly have certain thoughts before I’m hurt.

#### [4] The constitution defines what even counts as the omnilateral will, so the state can’t violate it in order to pursue equal freedom—that’s contradictory. Negating is unconstitutional since it deprives citizens of constitutionally protected ends.

#### [5] You can never hinder a hindrance anyway—that relies on a circular conception of freedom.

Valentini 12 (Laura Valentini. “Kant, Ripstein and the Circle of Freedom: A Critical Note.” European Journal of Philosophy. 2012.)

In this section, I argue that Ripstein’s ‘right to freedom’ cannot ground all other rights because the notion of freedom on which it relies presupposes the very rights it aims to establish. This is what I call the ‘circle of freedom’. This vicious circularity arises from Ripstein’s endorsement of the following claims: a. The right to freedom grounds all other rights. b. The right to freedom is the right of each individual to be his/her own master, to be independent of the will of others. c. Independence of the will of others consists in the ability to use one’s own means to pursue one’s own purposes robustly unhindered by others. d. One’s own means and purposes are the means and purposes one has a right to. e. The right to freedom is therefore the right to use the means and pursue the purposes one has a right to, robustly unhindered by others. As Ripstein puts it, a system where all have freedom as independence ‘is one in which each person is free to use his or her powers, individually or cooperatively, to set his or her own purposes, and no one is allowed to compel others to use their powers in a way designed to advance or accommodate any other person’s purposes’ (ibid.: 33, emphases added). But how are we to determine what one’s powers and purposes are? Certainly not by looking at their actual powers and purposes. To be sure, when policemen stop a thief, they prevent him from using his (positive, as opposed to normative) powers for his (positive) purposes, yet we would hardly regard such an intervention as unjust, as a violation of the thief’s right to freedom. This is paradigmatically a legitimate intervention, aimed at ‘hindering a hindrance to freedom’ (i.e., the freedom of the victim, whose means would serve someone else’s, the thief’s, purposes). The freedom referred to in the expression ‘hindering a hindrance to freedom’ cannot be any freedom, but must be the freedom one is entitled to on grounds of justice. Until we have an independent account of justice, then, we cannot know whether someone is free or unfree. Unless we know what is ours, we cannot know whether constraints on our de facto agency are violations of our independence or consistent with it. Rather than grounding all rights and entitlements, Ripstein’s Kantian notion of freedom is derivative of them (i.e., it presupposes them). This appears clear once we notice that the cases Ripstein offers to illustrate instances of dependence and independence only work for his purposes if we assume a certain background account of justice. For instance, in the example offered earlier, involving market competition between Sam and John, a tacit assumption was made about the entitlement-generating character of free market processes. Recall that, in Ripstein’s view, Sam’s driving customers away from John does not constitute a violation of John’s freedom as independence. This can only be so on the assumption that free market exchanges are entitlementgenerating independently of their outcomes. This assumption is controversial, and certainly not ‘implicit’ in the meaning of freedom. On some accounts of justice (Rawls’s, for instance), free market processes need to be regulated in order to be consistent with individuals’ rights. If such processes lead to excessive inequalities, Rawls argues, their outcomes need to be rectified in order to preserve free market exchanges over time (Rawls 1993: 266).6 Whether the interaction between Sam and John involves a breach of freedom as independence, then, depends on what particular account of rights and entitlements one holds. The right to freedom as independence is not the answer, but an independent (and necessarily controversial) account of persons’ rights is needed to know what freedom as independence is. If my argument up to this point is correct, the unified nature of the Kantian approach offered by Ripstein is only illusory. His articulation of the right to freedom cannot constitute the ground of all other rights because freedom itself is defined in terms of persons’ rights. Without a prior account of what those rights are, the notion of freedom as independence is empty; with such an account, it is expositionally parsimonious, but surreptitiously presupposes a complex theory of justice. I have suggested that Ripstein’s articulation of the notion of freedom presupposes an account of individual rights and thus cannot strictly speaking ground any such rights. Despite its lacking rights-grounding capacity, this notion may still be of value. That is, it may offer a plausible account of freedom, which we might want to employ in elaborating our all-things-considered theory of persons’ rights and entitlements. After all, as we saw earlier, this notion is more in line with at least some of our intuitive judgements about freedom than the popular notion of freedom as non-interference.7 Freedom as independence conceives of persons’ freedom in relation to their in-principle subjection (or lack thereof) to the will of others. Recall that a slave with a benevolent master is still unfree because in principle subject to the master’s will. Even though the master does not interfere with the slave in the actual world, there are many nearby possible worlds in which such interference would occur (the master is indeed legally entitled to interfere with the slave), and this fact, says the proponent of freedom as independence, must be taken into account when judging whether the slave is free (cf. the discussion in Pettit 1997: ch. 2, and List 2006). Although such a focus on the robustness of non-interference renders freedom as independence rather appealing, the appeal is significantly undermined by this notion’s reliance on a prior conception of rights. If to be independent of the will of another is to not have one’s rights violated (robustly across possible worlds), then limitations of one’s capacity to act that do not violate rights do not count as restrictions of freedom. On this view, my freedom is not restricted when I am not allowed to access property that is not mine.8 Or else, my freedom is not restricted whenever I am forced to pay taxes (if such taxes are demanded by justice). Even more strikingly, I cannot say that my freedom is restricted if I am justly incarcerated for violating others’ rights. All of these judgements are deeply counter-intuitive, but they inevitably follow from an understanding of freedom according to which someone is free if she can robustly use the means and pursue the purposes she has a right to use and pursue. What we would intuitively call ‘justified’ restrictions of freedom are no restrictions of freedom at all, on Ripstein’s account.9 It is worth noting at this point that these counter-intuitive implications of freedom as independence are not fully transparent from Ripstein’s text. In fact, there are passages, discussing the use of coercion, which explicitly exclude them. Ripstein tells us that ‘Kant does not conceive of coercion in terms of threats, but instead as the limitation of freedom’ (Ripstein 2009: 54). From this it would seem to follow that acts of coercion that are consistent with freedom (i.e., with people’s rights) simply do not count as coercive because they do not limit freedom. Again, forcing a criminal to go to jail, on this view, would not be ‘coercive’ because it would be consistent with his freedom as independence (i.e., the freedom he has a right to). Yet Ripstein does not use the language of coercion in this way. Instead, he distinguishes between legitimate and illegitimate coercion, the former being coercion exercised in accordance with people’s rights, the latter being coercion exercised in breach of those rights. He illustrates this with the following example: Using force to get the victim out of the kidnapper’s clutches involves coercion against the kidnapper, because it touches or threatens to touch him in order to advance a purpose, the freeing of the victim, to which Kant, Ripstein, and the Circle of Freedom: A Critical Note 455 © 2012 Blackwell Publishing Ltd. he has not agreed. The use of force is rightful because an incident of the victim’s antecedent right to be free. (ibid.: 55) In this quote, Ripstein appeals to a notion of freedom which differs from the moralized one we encountered in the previous section. If it is true that the use of force to free the victim limits the kidnapper’s freedom because it prevents him from using his resources to achieve his purposes, then ‘his resources’ and ‘his purposes’ have to be interpreted in positive rather than normative terms. ‘His’ resources and purposes are not those he has a right to, but those he happens to possess. There thus appear to be two notions of freedom at play in Ripstein’s work, one (the dominant one, it seems to me) is moralized, the other non-moralized10: FMoralized = A is free if, and only if, A can use the means and pursue the purposes A has a right to, robustly unhindered by others. FNon-Moralized = A is free if, and only if, A can use the means A happens to possess and pursue the purposes A happens to have, robustly unhindered by others.

### Augustine – CX

Develop the best FW args into CX questions

Do you defend the squo?

Put offense in the aff that can turn the NC

Get her to say intuitions

### AT: Augustine – FW

#### [1] This is not a framework—a] you never justify 90% of Augustine’s theory like the tripartite soul, which is key otherwise no reason why the valuation aspect of the soul is normatively relevant, b] the ENTIRE FRAMEWORK never mentions the term “ordo amoris” so be weary of extrapolation and err aff on the line by line, c] you never justify why intuitions matter *in the initial speech* even though you say that’s how the NC justifies the good.

#### [2] Can’t determine proper orientation—you’ll say we don’t need perfect rationalization, but even intuitions don’t solve because thousands of years of moral disagreement proves we have conflicting intuitions caused by varying cultural and environmental contexts.

#### [3] Is-ought fallacy—your args just prove our intuitions *can* point to things we see as intrinsic moral facts but you don’t prove the normative authority of intuitions. Outweighs:

#### [a] At best you’ll make args about how intuitions are *epistemically* important but it doesn’t follow that they have moral importance.

#### [b] Intuitions can’t be normative since they’re contingent evolutionary facts.

Frank summarizes Singer [Robert, Prof @ Cornell U, “The Status of Moral Emotions in Consequentialist Moral Reasoning”, June 2006 (<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.205.3298&rep=rep1&type=pdf>)] PO

Is it morally relevant that thinking about causing someone’s death by pushing him from a footbridge elicits stronger emotions than thinking about causing his death by throwing a switch? Peter Singer argues that it is not—that the difference is a simple, non-normative consequence of our evolutionary past. Under the primitive, small-group conditions under which humans evolved, he argues, the act of harming others always entailed vivid personal contact at close quarters. One could not cause another’s death by simply throwing a switch. So if it was adaptive to be emotionally reluctant to inflict harm on others—surely a plausible presumption—the relevant emotions ought to be much more likely to be triggered by vivid personal assaults than by abstract actions like throwing a switch. A historical case in point helps highlight the distinction. Shortly after British intelligence officers had broken Nazi encryption schemes in World War II, Winston Churchill had an opportunity to spare the lives of British residents of Coventry by warning them of a pending bombing attack. To do so, however, would have revealed to the Nazis that their codes had been broken. In the belief that preserving the secret would save considerably more British lives in the long run, Churchill gave Coventry no warning, resulting in large numbers of preventable deaths. It is difficult to imagine a more wrenching decision, and we celebrate Churchill’s moral courage in making it. But it is also easy to imagine that Churchill would have chosen differently had it been necessary for him personally to kill the Coventry’s residents at close quarters, rather than merely to allow their deaths by failing to warn them. Singer’s claim is that while this difference is a predictable consequence of the way in which natural selection forged our emotions, it has no moral significance. / In sum, the fact that consequentialist moral theories sometimes prescribe actions that conflict with moral intuitions cannot, by itself, be taken as evidence against these theories. Moral intuitions are contingent reactions shaped by the details of our evolutionary history. Often they will not be relevant for the moral choices we confront today.

#### [4] Double bind—either all intuitions are equally valid, so an evil villain who intuitively feels they’re doing the right thing would meet your framework, OR we must establish good intuitions, but that’s epistemically impossible since we’re morally imperfect agents and can’t know if our intuitions are legit or the products of our flaws.

#### [5] Circular—your framework says proper orientation is key so we’re able to unify the will and act, but that’s just to say that we ought to act so we’re able to act, which is incoherent.

#### [6] Virtue ethics is inapplicable—it proves why certain virtuous orientations are obligatory and why the rez aids in achieving them, but it doesn’t follow that the rez is obligatory, only the end result of adopting it.

#### [7] Genetic fallacy—your framework says moral agency requires proper orientation but that doesn’t justify why we’re obligated to pursue that orientation.

#### [8] Turn—intuitions support rationalization of a proper orientation through my framework since we see preferences for emotive impulses over careful deductive reasoning as naïve and dangerous.

### AT: Augustine – Overview to case

#### Your justifications and preclusion arguments describe a necessary structure for a framework rather than a necessary content, and any theory can meet this. If I use my framework to determine appropriate levels of valuation of moral goods then I can still describe myself as acting to correctly orient my values. Means I co-opt your offense and non-unique your “proper orientation first” args—the only offense you get is why *intuitions* have to be the metric to determine an ordering of moral goods.

### AT: Augustine – Contention

#### [1] Your offense doesn’t link to the standard:

#### [a] No inculcation warrant—your offense implies we should inculcate proper orientation, but the framework only says an agent must act *in accordance* with proper orientation. No new 2NR extrapolations from the standard. This is offense—forcing proper orientation is itself a flawed orientation—three warrants.

Bandow ’97 (Doug, “Freedom and Virtue Are Inseparable,” 3/3/97, Cato, <https://www.cato.org/publications/commentary/freedom-virtue-are-inseparable>) OS

Indeed attempting to forcibly make people virtuous would make society itself less virtuous: First individuals would lose the opportunity to exercise virtue. They would not face the same set of temptations and be forced to choose between good and evil. This approach might make their lives a bit simpler. But they would not be more virtuous. In this dilemma we see the paradox of Christianity: A God of love creates man and provides a means of redemption, but allows him to choose evil. Second, to vest government with primary responsibility for promoting virtue shortchanges other institutions like the family and church, sapping their vitality. Private social institutions find it easier to lean on the power of coercion than to lead by example, attempt to persuade and solve problems. Third making government a moral enforcer encourages abuse by whatever interest groups gain power. If one thing is certain, it is that man is sinful. That sin is magnified by coercive power. Those who possess power can of course, do good, but history suggests that they are far more likely to do harm.

#### [b] Consequential—your offense proves bad speech instrumentally precludes proper orientation since it corrupts us, not that it is itself corruption. Even if we should orient ourselves against corruption, no reason we orient ourselves against causal preconditions for corruption.

#### [2] Framing—there’s no CP so the NC must prove the squo is good, but they never prove squo restrictions are the right kind. Turn—codes now are objects of corruption and state censorship, AND they go way beyond banning corrupting language—UC proves.

Conor Friedersdorf 16 (a staff writer at The Atlantic, where he focuses on politics and national affairs; the founding editor of The Best of Journalism) “The Glaring Evidence That Free Speech Is Threatened on Campus” The Atlantic, March 4, 2016. http://www.theatlantic.com/politics/archive/2016/03/the-glaring-evidence-that-free-speech-is-threatened-on-campus/471825/

Or forget big speeches and look to another example of left-leaning speech that is threatened. As Glenn Greenwald wrote at The Intercept, “One of the most dangerous threats to campus free speech has been emerging at the highest levels of **the U**niversity of **C**alifornia **system**, the sprawling collection of 10 campuses that includes UCLA and UC Berkeley. The university’s **governing Board of Regents, with the support of University President** Janet **Napolitano and egged on by the state**’s **legislature**, **has been attempting to adopt new speech codes that**—**in the name of combating ‘anti-Semitism’**—**would formally ban various forms of Israel criticism.”** He continued: Under the most stringent such regulations, **students found** to be **in violation of these codes would face suspension or expulsion. In July, it appeared that the Regents were poised to enact the most extreme version, but decided** instead **to push the decision off** until September, when they instead would adopt non-binding guidelines to define “hate speech” and “intolerance.” **One of the Regents most vocally advocating for the most stringent version** of the speech code **is Richard Blum, the multi-millionaire defense contractor** who is **married to Sen.** Dianne **Feinstein** of California. At a Regents meeting last week, reported the Los Angeles Times, **Blum expressly threatened that Feinstein would publicly denounce the university if it failed to adopt far more stringent standards** than the ones it appeared to be considering, and specifically demanded they be binding and contain punishments for students found to be in violation. The San Francisco Chronicle put it this way: “Regent Dick Blum said his wife, U.S. Sen. Dianne Feinstein, D-Calif., ‘is prepared to be critical of this university’ unless UC not only tackles anti-Jewish bigotry but also makes clear that perpetrators will be punished.” The lawyer Ken White wrote that “Blum threatened that his wife … would interfere and make trouble if the Regents didn’t commit to punish people for prohibited speech.” As campus First Amendment lawyer Ari Cohn put it the following day, “Feinstein and her husband think college students should be expelled for protected free speech.”

#### And, whites corruptly use codes against minorities.

ACLU 16: American Civil Liberties Union, “Hate Speech on Campus.” Accessed 3 December 2016. <https://www.aclu.org/other/hate-speech-campus>, WWLD

Historically, defamation **laws or codes have proven ineffective at best and counter-productive at worst. For one thing, depending on how they're interpreted and enforced, they can actually work against the interests of the people they were ostensibly created to protect. Why? Because the ultimate power to decide what speech is offensive and to whom rests with the authorities -- the government or a college administration -- not with those who are the alleged victims** of hate speech. In Great Britain, for example, a[n] Racial Relations Act was adopted in 1965 to outlaw racist defamation. But throughout its existence, the Act has largely been used to persecute activists of color, trade unionists and anti-nuclear protesters, while the racists -- often white members of Parliament -- have gone unpunished. Similarly, **under a speech code in effect at the University of Michigan for 18 months, white students in 20 cases charged black students with offensive speech. One of the cases resulted in the punishment of a black student for using the term "white trash"** in conversation with a white student. The code was struck down as unconstitutional in 1989 and, to date, the ACLU has brought successful legal challenges against speech codes at the Universities of Connecticut, Michigan and Wisconsin. These examples demonstrate that speech codes don't really serve the interests of persecuted groups. The First Amendment does. **As one African American educator observed: "I have always felt as a minority person that we have to protect the rights of all because if we infringe on the rights of any persons, we'll be next.”**

#### Impacts:

#### [a] Even if they win their offense, colleges aren’t censoring for the right reasons, so codes still can’t represent proper orientation.

#### [b] Outweighs your offense—even if the proper response to corruption is avoidance, it can’t be *corrupt* avoidance.

#### [3] Turn—the proper response to flawed speech is response. Speech is not “corrupting”—that belief represents an improper orientation toward argumentation.

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

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

#### Impacts:

#### [a] Neg offense is a self-fulfilling prophecy—only reason bad speech can be inherently corrupting is if we have an orientation against response and simply absorb bad ideology.

#### [b] No offense to begin with—arguments aren’t corrupting—empirical claim without an empirical warrant.

#### [4] Turn—any coercive policy is a flawed orientation because it values various moral ends over freedom, but freedom has to be the will’s highest value because its authority is presumed in the act of choosing what to value.

#### [5] Lewis in the framework talks about inculcating values in young children who cannot yet reason—double bind, either a] this happens now so colleges are irrelevant and you have no offense, or b] it doesn’t so no matter what people aren’t properly inculcated which non-uniques your offense.

### AT: Hobbes

#### Turn:

#### The sovereign power is absolute

Hobbes 68 Thomas -- philosopher, historian, ethicist, geometrician, squarer of the circle -- *Leviathan*, selected variants from the Latin edition of 1668, ed. w/ intro by Edwin Curley, Hackett. p. 133

**This is absolute power**, and summed up in the last words “you shall be his servants.” Again, when the people heard what power their king was to have, yet they consented thereto, and say thus “we will be as all other nations, and our king shall judge our causes, and go right before us, to conduct our wars.” (verse 19) **Here is confirmed the right that sovereigns have, both to the militia and to all judicature, in which is contained as absolute power as one** man **can possibly transfer to another.** Again, the prayer of king Solomon to God was this: “Give to thy servant understanding, to judge thy people, and to discern between good and evil.” (1 Kings 3:9) **It belongeth** therefore **to the sovereign to be the judge, and to prescribe the rules of discerning good and evil, which rules are laws; and therefore in him is the legislative power**.

#### **To divide powers and give public colleges and universities the right to restrict is totally inconsistent with their being one sovereign**

Hobbes 68 Thomas -- philosopher, historian, ethicist, geometrician, squarer of the circle -- *Leviathan*, selected variants from the Latin edition of 1668, ed. w/ intro by Edwin Curley, Hackett. P. 213-17

There is a sixth doctrine plainly and directly against the essence of a commonwealth, and it is this: That the sovereign power may be divided. For what it is **to divide the power of a commonwealth,** but to **dissolve[s] it; for powers divided mutually destroy each other**. And for these doctrines men are chiefly beholding to some of those that, making profession of the laws, endeavor to make them depend upon their own learning, and not upon the legislative power. **[…He continues…]** Now, seeing it is manifest that the civil power and the power of the commonwealth is the same thing, and that supremacy, and the power of making canons and granting faculties, implieth a commonwealth, it followeth that **where one is sovereign, another supreme, where one can make laws and another make canons, there must needs be two commonwealths of one and the same subjects, which is** **a kingdom divided in itself**, **and** **cannot stand.** For notwithstanding the insignificant distinction of *temporal* and *ghostly*, they are still two kingdoms, and every subject is subject to two masters. For seeing the *ghostly* power challengeth the right to declare what is sin, it challengeth by consequence to declare what is law (sin being nothing but the transgression of the law); and again, the civil power challenging to declare what is law, every subject must obey two masters, who both will have their commands be observed as law, which is impossible. Or, if it be but one kingdom, either the *civil*, which is the power of the commonwealth, must be subordinate to the *ghostly*, and then there is no sovereignty but the *ghostly*, or the *ghostly* must be subordinate to the *temporal*, and then there is no supremacy to the temporal. **[…He continues…]** Sometimes also in the merely civil government there be more than one soul, as **when the power of levying money** (which is the nutritive faculty) **has depended on a general assembly, the power of conduct and command** (which is the motive faculty) **on one man, and the power of making laws** (which is the rational faculty) **on the** accidental **consent, not only of those two, but also of a third; this endangereth the commonwealth,** sometimes for want of consent to good laws, but most often for want of such nourishment as is necessary to life and motion. For although few perceive, that **such government is not government, but division of the commonwealth into three factions, and call it mixed monarchy, yet the truth is that it is not one independent commonwealth, but three independent factions, nor one representative person, but three.** In the kingdom of God there may be three persons independent, without breach of unity in God that reigneth; but where men reign, that be subject to diversity of opinions, it cannot be so. And therefore, **if the king bear the person of the people, and the general assembly bear also the person of the people, and another assembly bear the person of a part of the people, they are not one person, not one sovereign, but three person, and three sovereigns**.

#### Deserting the means of absolute control over speech or judging acceptable speech is deserting means of control, and thus commonwealth stability.

Hobbes 68 Thomas -- philosopher, historian, ethicist, geometrician, squarer of the circle -- *Leviathan*, selected variants from the Latin edition of 1668, ed. w/ intro by Edwin Curley, Hackett. p. 219-220

XXX [3] And **because, if the essential rights of sovereignty** (specified before in the eighteenth chapter) **be taken away, the commonwealth is thereby dissolved, and every[one] returneth into the condition and calamity of a war with every other [person]** man (**which is the greatest evil that can happen in his life**), **it is the office of the sovereign to maintain those rights entire; and consequently, against** his **duty**, first, **to transfer to another** or to lay from himself **any of them.** For he that **[to] deserteth the means, [is to] deserteth the ends**; and he [**the sovereign] deserteth the means that,** being the sovereign, **[if it] acknowledgeth** **[it]self** **subject to the civil laws, and renounceth the power of supreme judicature, or of making war of peace by his own authority, or of judging of the necessities of the commonwealth, or of levying money and soldiers** (when and as much as in his own conscience he shall judge necessary), **or of making officers and ministers both of war and peace, or of appointing teachers and examining what doctrines are comformable or contrary to the defence, peace and good of the people**.

#### The sovereign could never itself be restricted by colleges and universities

Hobbes 68 Thomas -- philosopher, historian, ethicist, geometrician, squarer of the circle -- *Leviathan*, selected variants from the Latin edition of 1668, ed. w/ intro by Edwin Curley, Hackett. p. 174

[6] **The sovereign of a commonwealth**, be it an assembly or one man, **is not subject to the civil laws. For having power to make and repeat laws, [it] may**, when he pleaseth, **free [it]self from that subjection by repealing those laws that trouble [it] and making of new; and consequently, [it] was free before.** For [it] is free that can be free when [it] will, **nor is it possible for any person to be bound to himself, because [it] that can bind can release; and therefore, [it] that is bound to [it]self only is not bound.** [7] When long use obtaineth the authority of a law, it is not the length of time that maketh the authority, but the will of the sovereign signified by his silence (for silence is sometimes an argument of consent); and it is no longer law than the sovereign shall be silent therein. And therefore, if the sovereign shall have a question of right grounded, not upon his present will but upon the laws formerly made, the length of time shall bring no prejudice to his right but the question shall be judged by equity. For many unjust actions and unjust sentences go uncontrolled a longer time than any man can remember. And our lawyers account no customs law but such as are reasonable, and that evil customs are to be abolished. But **the judgment of what is reasonable, and of what is to be abolished, belongeth to [whom]** that **maketh the law, which is the sovereign assembly or monarch**. [8] **The law of nature and the civil law contain each other**, and are of equal extent. **For the laws of nature which consist in equity, justice, gratitude, and other moral virtues on these depending, in the condition of mere nature** (as I have said before in the end of the 15th chapter) **are not properly laws, but qualities that dispose men to peace and to obedience. When a commonwealth is once settled, then are they actually laws, and not before**, as being then the commands of the commonwealth, and therefore also civil laws; **for it is the sovereign power that obliges [people]** men **to obey them**. For **in the differences of private [people]** men**, to declare what is equity, what is justice, and what is moral virtue, and to make them binding, there is need of the ordinances of sovereign power, and punishments to be ordained for such as shall break them; which ordinances are therefore part of the civil law**. The law of nature therefore is a part of the civil law in all commonwealths of the world. **Reciprocally also, the civil law is a part of the dictates of nature**. For justice (that is to say, performance of covenant and giving to every man his own) is a dictate of the law of nature. But **every subject in a commonwealth hath covenanted to obey the civil law** (either one with another, as when they assembly to make a common representative, or with the representative itself one by one, when, subdued by the sword, they promise obedience, that they may receive life); **and therefore, obedience to the civil law is part also of the law of nature.** **Civil and natural law are not different kinds**, but different parts of law, whereof one part (being written) is called civil, the other (unwritten), natural. But the right of nature, that is, the natural liberty of man, may by the civil law be abridged and restrained, nay, the end of making laws is no other but such restraint, without the which there cannot possibly be any peace. And **law was brought into the world for nothing else but to limit** the **natural liberty** of particular men, **in such manner [so] as [people] they might not hurt, but assist one another, and join together against a common enemy**.

# CP

### PICs Bad—Long

#### Interp: Neg can’t read a plan-inclusive counterplan on this topic. *To clarify, a plan-inclusive counterplan is one that ends speech restrictions except for one or more specific types.*

#### [A] Topic lit—no one in topic lit defends awful things like child porn or holocaust denial. Controls internal link to topical education—outweighs

#### [1] We only have 2 months to debate about the topic but can debate other stuff whenever we want

#### [2] It’s the reason we have a topic within academic literature in the first place—otherwise we could just come and debate random topics—means they have to weigh theoretical justifications for the PIC against having a topic.

#### [B] Limits—this topic has infinite things to PIC out of—revenge porn, n-word, etc.—explodes neg ground—I can’t prep them all out. Controls internal link to ground since

#### [C] Jurisdiction—“any” just means part of something – could even be the smallest amount

Cambridge Dictionary n.d. (Cambridge Dictionary, online dictionary, “Definition of ‘any’,” http://dictionary.cambridge.org/us/dictionary/english/any///[LADI](http://www.theladi.org/evidence) )

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

#### Means counterplan actually means affirming which violates jurisdiction. At worst, justifies perm do the CP since the CP can actually be my advocacy.

### PICs Bad—Paragraph

#### PICs are a voting issue on this topic—there’s no lit against them since they PIC out of awful things people don’t defend like child porn, and they explode limits since there are thousands of types of speech.

### PICs Need a Solvency Advocate.

#### Interp: On this topic, if the neg reads a plan-inclusive counterplan, they must read carded evidence that explicitly advocates every plank of the counterplan. *To clarify, a plan-inclusive counterplan is one that ends speech restrictions except for one or more specific types.*

#### Violation – Their author doesn’t defend ZERO restrictions on constitutionally protected speech except \*\*X\*\*, they probably defend other, similar restrictions. The CP should just defend the one restriction plus the status quo.

#### Standards –

#### Predictability – without a solvency advocate the PIC proper isn’t in the lit. I might know the net benefit but I’d expect it as a disad, so I’d prep weighing arguments and defense when those are terrible strategies against a PIC.

#### Ground – they explode neg ground since they can find an author who advocates any one restriction and arbitrarily gain a huge advantage by claiming th at the author also advocates the rest of the aff.

### Any Means Some

#### Perm do the CP—the Supreme Court ruled any means some, so PICs are the aff.

Blevins 11

(Steven, http://knowledgecenter.csg.org/kc/content/congressional-consent-and-permission-states-enter-interstate-compacts)

A literal interpretation of the compact clause would conclude all interstate agreements must obtain the approval of Congress before they take effect and carry the weight of law. **The Supreme Court, however, has ruled that “any” does not mean “all”** in the context of interstate compacts and congressional consent. To clear up the ambiguity of the compact clause, the U.S. Supreme Court in Virginia v. Tennessee held that Congress must approve only two types of compacts: Those compacts that alter the balance of political power between the state and federal government; or Those compacts that intrude on a power reserved to Congress. Thus, when a compact does not touch on either of those two items, the courts have ruled the federal government does not have a direct interest in the compact and congressional consent is not technically required.[2](http://knowledgecenter.csg.org/kc/content/congressional-consent-and-permission-states-enter-interstate-compacts#2) Essentially, if federal supremacy is threatened, then congressional consent is required for the compact to be valid. On the other hand, if federal supremacy is not threatened, then an absence of congressional consent will not render the compact invalid.

### AT: Heresy CP

#### [1] Counterplan flaw—you say we censor PEOPLE who criticize Christianity but censoring people is meaningless, you censor the criticism itself—means the counterplan is meaningless so you can’t vote on it.

#### [2] Turn—counterplan will incite more heresy as protest, empirically proven in authoritarian regimes where censorship caused revolution.

#### [3] No solvency—just because people can’t criticize Christianity doesn’t mean more people will be Christian. Most people are just whatever religion their parents are.

#### [4] Turn—causes Christianity to be seen as an oppressive and institutionalized faith—causes people to shift away from it.

#### [5] Turn—dialogue is key to convince people Christianity is true. If there was no criticism then there’d be no people advocating *for* it.

#### [6] God can’t exist—omnipotence is self-contradictory since an all-powerful being would be able to create a mountain they couldn’t move, or a being more powerful than themself.

### AT: Anti-Semitism CP

#### [1] Either meaningless or can’t solve—no way to know how colleges will decide which journalism is considered anti-Semitic, especially since it’s not a legal term of art. Either means it’s impossible to pass or that colleges will either over- or under-censor.

#### [2] Turn—speech codes for anti-Semitism are counter-productive—France proves.

Shibley 15 (Robert Shibley (Executive Director of the Foundation for Individual Rights in Education). “Censorship can’t cure racism of Oklahoma frat: Column.” USA To- day. 11 March 2015. http://www.usatoday.com/story/opinion/2015/03/10/racism- fraternity-oklahoma-free-speech-free-marketplace-column/24697041/)

Many people may find this disappointing. Indeed, **punishing** those who engage in **offensive expression is** perennially **popular because it gives the impression that we’re “doing something” about the problem of racism, sexism and bigotry. In France, for instance, Holocaust denial has long been illegal**, and just this year the country arrested more than 70 people for praising the Charlie Hebdo terrorist attack. France has put real teeth into laws that punish offensive speech. **Yet according to the Anti-Defamation League, 37% of the French harbor anti-Semitic opinions. In the U.S. — which, thanks to the First Amendment, has never banned Holocaust denial or hateful speech — that number is 9%, among the lowest in the world.** While this comparison can’t capture all the differences between the two nations, **it strongly suggests that** punishing expression is no real cure for bigotry**, and refusing to punish hateful speech does not lead inevitably to its spread. Censorship isn’t necessary for those who are confident in the truth of their views.** **It’s a signal of insecurity and displays a fear that if an idea is allowed to be expressed, people will find that idea too attractive to resist. Somehow, college administrators are convinced that if they don’t officially punish racism, their students will be drawn to it** like moths to a flame. **But** there’s simply no reason to expect that**.** Given the history of campus activism in our nation from the civil rights movement onward, there are myriad reasons to expect the opposite. **Instead of government crackdowns on a viewpoint, it is far better to let the marketplace of ideas determine the social consequences for racist speech. In this instance, the OU members of SAE are not only likely to spend the rest of their college careers as pariahs but to be hounded to the ends of the earth on social media and exposed for posterity on Google. Baseless bigotry won’t survive in a truly free marketplace of ideas — which is what our campuses are supposed to be.** College students are adults. Let’s allow them to make up their own minds about what to believe, free from the coercive power of the state.

#### [3] Turn—Cravatts indicates you’d restrict anti-Zionism, but Zionism is racism.

Myers ’12 (Wayne, The Independent, “Why I am no longer a Zionist,” 11/28, <http://www.independent.co.uk/voices/comment/why-i-am-no-longer-a-zionist-8364214.html>) OS

Nevertheless, post 1948, it is very hard to argue that Zionism has not behaved, since Independence, in a de facto racist way. On that at least, Gilad, Daphna and I can all agree. Right now in 2012 we are watching aghast at yet another massacre of Palestinian civilians in Gaza. Yet again this comes just before the Israeli elections; this time we are hearing Israeli ministers such as Eli Yishai assert that “the goal of the operation is to send Gaza back to the Middle Ages.” Not only can I no longer defend any of this, I can no longer defend Zionism at all, not even in an abstract philosophical sense outside of any context involving the actions of the Israeli state. The Law of Return, under which I - an occasional tourist who just happens to be Jewish – can claim Israeli citizenship at a moment's notice, while a Palestinian actually born in, say, Haifa, but subsequently exiled cannot – that is a racist law. The notion of a Jewish state? That is – as far as it has been put into practice since 1948 - a racist notion. Is Zionism racism? It didn't have to be. There were historical strands within Zionism that were not racist. Martin Buber – Zionist founder, in 1925, of the Brit Shalom organisation advocating a binational state, was not a racist, and nor were the pre-1948 Hashomer Hatzair. But right now? It's really very hard indeed to argue otherwise. And it's such a blessed relief to feel that I am no longer obligated to attempt to do so. That relief does not, however, in any way reduce the anger I feel at the current massacre of civilians in Gaza.

#### [4] Turn—restricting only anti-Semitism privileges Jewish people above other marginalized groups—it sends the message that colleges don’t care about racism or sexism.

#### [5] Perm do the CP—anti-Semitism isn’t constitutionally protected if it violently targets individuals.

#### [6] Perm do the CP—freedom of the press isn’t freedom of speech, otherwise the first amendment would just say freedom of speech and not both!

### AT: Congress CP

#### [1] Perm do the CP—it’s an example of the implementation of the aff. Even if a congress aff would be effects T, the perm just adds an untopical plank which is OK—means CP’s just plan-plus.

#### [2] Perm do both—we’ll just have both actors get rid of speech restrictions, double solvency. Not mutually exclusive.

#### [3] No solvency differential—Lukianoff just saws lawsuits have been effective in getting rid of speech codes but the aff 100% gets rid of them by way of FIAT so it doesn’t matter…

#### [4] Won’t solve—your own evidence says colleges avoid pre-existing legal regulations, no reason the CP would be any different. Also your enforcement is punishments but a) we don’t know what those are, b) colleges might just not care.

#### [5] Agent CPs bad—they moot all aff ground since they perform the exact same action. They’ll always be ahead on proving their actor’s best since they can cherrypick any but I’m bound to one by the rez.

### AT: Holocaust CP

#### [1] Your Foxman card says most Holocaust denial is ads submitted by this one random dude named Bradley Smith. Means [a] there’s not actually that much Holocaust denial, [b] CP doesn’t solve since Bradley will just switch to other mediums—he’s not a college student, [c] squo solves—Foxman says Hillel and the ADL are working hard now to counteract it.

#### [2] Turn—suppression of Holocaust denial is counter-productive—France proves.

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#### [6] Perm do the CP—freedom of the press isn’t freedom of speech, otherwise the first amendment would just say freedom of speech!

### AT: Racial Insults/Racist Cartoons etc.

#### [1] Perm do the CP—racial insults aren’t constitutionally protected.

Lawrence ’90 [CHARLES R. LAWRENCE III, Professor of Law @ Stanford Law School, 1990, “IF HE HOLLERS LET HIM GO: REGULATING RACIST SPEECH ON CAMPUS, ”Duke Law Journal, <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3115&context=dlj>] AG

This regulation and others like it have been characterized in the press as the work of “thought police,”84 but it does nothing more than prohibit intentional face-to-face in- sults, a form of speech that is unpro-tected by the first amendment. **When racist speech takes the form of face-to-face insults, catcalls, or other assaultive speech aimed at an individual or small group of persons, then it falls within the “fighting words”** exception to first amendment protection**.**85 The Supreme Court has held that words that “by their very utterance inflict injury or tend to incite an immediate breach of the peace”86 are not constitutionally protected. Face-to-face racial insults**, like fighting words, are undeserving of first amendment protection for two reasons.** **The first reason is the immediacy of the injurious impact of racial insults.** The experience of being called “n\*gger,” “spic,” “Jap,” or “kike” is like receiving a slap in the face. The injury is instantaneous**.** There is neither an opportunity for intermediary reflection on the idea conveyed87 nor an opportunity for responsive speech. The harm to be avoided is both clear and present. **The second reason that** racial insults should not fall under protected speech **relates to the purpose underlying the first amendment. If the purpose of the first amendment is to foster the greatest amount of speech, then racial insults disserve that purpose.** Assaultive racist speech functions as a preemptive strike. The racial invective is experienced as a blow, not a proffered idea, and once the blow is struck, it is unlikely that dialogue will follow. Racial insults are undeserving of first amendment protection because **the perpetrator’s intention is** not to discover truth or initiate dialogue **but to** injure the victim**. The fighting words doctrine anticipates that the verbal “slap in the face” of insulting words will provoke a violent response with a resulting breach of the peace.** When racial insults are hurled at minorities, the response may be silence or flight rather than a fight, but the preemptive effect on further speech is just as complete as with fighting words.89 Women and minorities often report that they find themselves speechless in the face of discriminatory verbal attacks. This inability to respond is not the result of oversensitivity among these groups, as some individuals who oppose protective regulation have argued. Rather, it is the product of several factors, all of which reveal the non-speech character of the initial preemptive verbal assault. The first factor is that the visceral emotional response to personal attack precludes speech. Attack produces an in-stinctive, defensive psychological reaction. Fear, rage, shock, and flight all interfere with any reasoned response. Words like “nigger,” “kike,” and. “faggot” produce phys- ical symptoms that temporarily disable the victim, and the perpetrators often use these words with the intention of producing this effect. Many victims do not find words of response until well after the assault when the cowardly assaulter has departed. A second factor that distinguishes racial insults from protected speech is the preemptive nature of such insults—the words by which to respond to such verbal attacks may never be forthcoming because speech is usually an inadequate response. When one is personally at- tacked with words that denote one’s subhuman status and untouchability, there is little (if anything) that can be said to redress either the emotional or reputational injury. This is particularly true when the message and meaning of the epithet resonates with beliefs widely held in society.9° This preservation of widespread beliefs is what makes the face- to-face racial attack more likely to preempt speech than are other fighting words. The racist name-caller is accompanied by a cultural chorus of equally demeaning speech and symbols.9’ The subordinated victim of fighting words also is silenced by her relatively powerless position in society. Because of the significance of power and position, the categorization of racial epithets as “fighting words” provides an inadequate paradigm; instead one must speak of their “functional equivalent.”92 The fighting words doctrine presupposes an encounter between two persons of relatively equal power who have been acculturated to respond to face-to-face insults with violence. The fighting words doctrine is a paradigm based on a white male point of view.” In most situations, minorities correctly perceive that a violent response to fighting words will result in a risk to their own life and limb. Since minorities are likely to lose the fight, they are forced to remain silent and submissive.” This response is most obvious when women submit to sex-ually assaultive speech or when the racist name-caller is in a more power-ful position—the boss on the job or the mob. Certainly, we do not expect the black women crossing the Wisconsin campus to turn on their tor-mentors and pummel them. Less obvious, but just as significant, is the effect of pervasive racial and sexual violence and coercion on individual members of subordinated groups who must learn the survival techniques of suppressing and disguising rage and anger at an early age.”

#### [2] Turn—speech codes backfire.

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#### [3] Turn—they’d enforce it against marginalized groups by claiming reverse racism. Empirically proven—white people freak out about white people jokes or slang terms for white people.

### AT: Brand Ambassadors

#### [1] Turn—they’re key jobs. Indeed.com indicates average salary is 16.16 (<https://www.indeed.com/salaries/Brand-Ambassador-Salaries)>. That’s WAY better than anything else college students can get. Outweighs—allows tens of thousands of poor students to pay for food, rent, and student loans. Otherwise they get trapped in poverty and capitalistic oppression which is your terminal impact.

#### [2] No impact—advertising is all around us as it is—billboards, magazines, the Internet, businesses around colleges. We’ll be indoctrinated as consumer capitalists no matter what—no reason why this is uniquely key.

#### [3] Turn—brand ambassadors are for rising startups who want to spread awareness, not giant evil corporations. Obviously Pepsi isn’t paying college students to spread their name. Means [a] no impact, [b] key to help struggling businesses—that’s good, allows for growth and breaks down the monopoly of the most evil giant capitalist firms.

#### [4] No advertising impact—we can still challenge cap while being exposed to businesses a lot. I’m sure Giroux uses a lot of projects and is exposed to lots of ads.

#### [5] You don’t read a real impact card—no reason why reducing agency has tangible impacts. Also, no reason challenging corporate power is bad. Turn—maximizing corporate power is key to social progress.

Martinez ’15 (Andrés Martinez writes the Trade Winds column for our media partner Zócalo Public Square, where he is editorial director. He is also professor at the Walter Cronkite School of Journalism at Arizona State University. “Big Corporations Are Good for Social Progress,” 7/9, <http://www.people2power.info/op-ed/big-corporations-are-good-for-social-progress/>) OS

Maybe we would all benefit if corporations wielded more political power, not less. Ever since the US Supreme Court’s Citizens United decision in 2010, it’s been fashionable to deplore (with full-on How dare they? indignation) the power of big business in our political process. But judging from recent events, I’m more inclined to regret that corporations don’t have a greater say in our civic life. Seriously. Think about the recent rash of exhilarating triumphs for once-marginalized minorities in the United States: the U.S. Supreme Court legalizing gay marriage across the land; South Carolina hastening to lower the Confederate flag of sedition and racism; a Republican presidential candidate being ostracized for bashing Latino immigrants. One of the threads connecting each of these stories is the presence of corporate America flexing its muscles, taking a stand against the bullying and discrimination of minorities. The case for same-sex marriage In the landmark marriage case, a Who’s Who list of blue-chip companies from Procter & Gamble to Goldman Sachs signed onto legal briefs urging the justices to strike down all bans on gay marriage. They argued that such bans conflict with their own anti-discrimination and diversity policies, and that you can’t have a country (and cohesive marketplace) where fundamental rights – like the right to marry — vary from state to state. Even more impressively, big business mobilized in a number of states over the past two years to defeat or roll back proposed “religious freedom” laws seen as disingenuous efforts to legitimize the discrimination of gays. No single company has been more identified with the effort to stand up to such laws than Walmart, which was credited with singlehandedly defeating a proposed measure in its home state of Arkansas. The retailer also joined other prominent businesses in attacking another such law passed in Indiana, which was subsequently altered. Business interests were also instrumental in turning the tide against the Confederacy. The New York Times story on South Carolina Governor Nikki Haley’s decision to call for the removal of the Confederate flag from the State Capitol grounds in the aftermath of the racially-motivated massacre at the Emanuel Church credited “intensifying pressure from South Carolina business leaders to remove a controversial vestige of the state’s past” as one factor leading to the governor’s reversal of her previous position. Active business-community Arizona is another state where businesses leaders fought against, and defeated, a religious freedom law that would have otherwise prevailed. In addition, establishment Republicans and corporate leaders in the Grand Canyon State have been in full damage-control mode since the state legislature passed SB 1070, a controversial anti-immigration measure which proved disastrous to the state’s brand as a tourism and investment destination. Subsequently, the business community mobilized to defeat a number of other, ever more radical, anti-immigrant proposed laws in the state, and to take on the Tea Party Republicans responsible for them. The case for immigration At the national level, the U.S. Chamber of Commerce and other business groups have led the charge for sensible immigration reform – though this effort can’t yet be checked off as a victory. If only the business lobby had as much power as we often assume it does! In the meantime, it was gratifying for Latino activists aligned with business on immigration to watch Donald Trump be fired by corporate partners like Macy’s, Comcast, Univision, and Disney over his hateful comments about Mexicans. Turns out, vicious speech denigrating immigrants may be acceptable speech in certain political circles, but not in the corporate realm. Some politicians eager to cater to local prejudices, and capitalize on them, are clearly chafing at the activism of corporations on behalf of a healthier business climate. This spring, while pushing for his own religious freedom law, Louisiana Governor Bobby Jindal practically whined in a New York Times op-ed: “As the fight for religious liberty moves to Louisiana, I have a clear message for any corporation that contemplates bullying our state: Save your breath.” It’s an interesting line, not only because he ascribed “breath” to companies, doubling down on the much-mocked pronouncement of then-candidate Mitt Romney that companies are essentially people, too. Jindal’s choice of the verb “bullying” is deliciously hypocritical, because in this case (as in the others described above), it was business rising up to oppose the bullying of people by small-minded politicians. Anti-corporate worldview And this is the key issue on which I differ from many of my friends and colleagues in journalism and academia who hold to a reflexively anti-corporate worldview. They see large, distant corporations as the source of much bullying. I tend to see the worst forms of bullying arising closer to home: at the hands of local or state governments, or dominant business interests rooted in one place. No, there isn’t anything inherently virtuous about business leaders. As cynics are quick to note, the political fights I’ve described here are all about business wanting what’s best for business. Companies need to avoid offending existing or potential customers and they need to be seen as being inclusive and diverse employers to the best and brightest potential hires out there. I’ll still take those selfish impulses: If only more governments were similarly motivated, instead of being willing to marginalize minorities. Most business lobbying is admittedly not focused on civic or “business climate” issues like the ones I am raising, but rather on narrower, self-interested agendas of particular companies or industries – say, to influence the drafting or application of regulations, or tax laws. Critics resent the billions spent by corporations and their trade associations in trying to influence the political process, especially since the amounts they spend dwarf the lobbying expenditures of everyone else. But lost in the depiction of a monolithic corporate America pitted against the rest of us, getting its way behind closed doors, is the fact that a significant portion of those business lobbying efforts and dollars are essentially engaged in an intramural corporate contest. It’s about one industry or company seeking to gain advantage (or a level playing field, they might say) against a competitor. Those dollars often cancel each other out. But when the business community does come together to speak with one voice, on broader issues affecting us all, it tends to play a powerful and positive role. Beneficial trade agreements Big business tends to be more enlightened than smaller business interests rooted in only one place, because the broader your perspective, the bigger your market, the less tolerant you can afford to be of idiosyncratic regional prejudices. A company with customers and employees across the country or around the world won’t be comfortable choosing as its home a state that embraces symbols associated with the cause of slavery, or one that passes laws that treat gay couples as second-class citizens or one perceived to be harassing foreigners. It’s no accident that commerce across state lines has always been one of the great motors of progress in this country, and not just economic progress. That is also why trade agreements that seek to harmonize norms across borders are as beneficial to individuals as they are to big multinationals. The prospect of joining the European Union (and attracting investment by large foreign companies) forced governments across Eastern Europe to protect the rights of long-oppressed minorities. As much as Elizabeth Warren and her protectionist allies have attacked President Obama’s proposed trade deal with Asia as a sop to big business, the agreement will help strengthen civil society and individual rights in these countries for precisely the reasons these critics attack it – by standardizing norms of behavior across jurisdictions. Bigotry, and the disregard of people’s rights and dignity that comes with it, don’t travel well. And they’re bad for business.

#### [5] Perm do the CP—your ev just proves ads are protected by the 1st amendment, but doesn’t mean they’re SPEECH—they’re not since they don’t involve vocalizing or writing messages.

### AT: Professors

#### [1] No impact—obviously very few professors actually deny the Holocaust or teach blatant white supremacy. Your ev cites ONE example.

#### [2] Turn—students will learn how to defeat these ideologies, which solves in the long-run and outweighs on longevity. Outweighs—I control uniqueness—people aren’t persuaded now so it’s try or die.

#### [3] Perm do the CP—firing racist professors isn’t a constitutional violation—colleges can just say they don’t like their research/teaching. Besides, it’s not restriction—colleges are the ones hiring them.

#### [4] Turn—firing professors just drives them underground, or makes them go to private universities that become hotbeds of white supremacy.

#### [5] Turn—speech codes for anti-Semitism are counter-productive—France proves.

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### AT: Revenge Porn (Ishan Bhatt)

#### [1] Huge problem with counterplan text—you say colleges should impose restrictions “as a form of sexual harassment,” i.e. the retrictions would be sexual harassment. That’s awful and means the CP is way worse for your harms. Hold him to the exact CP text—anything else is unstable which skews my strat and invites judge intervention.

#### [2] Legislation solves—your Abdul-Alim evidence is from an article literally called “Colleges may get Help Fighting ‘Revenge Porn’” so even if colleges don’t restrict it, the government will.

#### [3] Perm do the CP—revenge porn’s not protected—three warrants.

Harrison n.d. (Anne Harrison, Student Writer for The Journal of Gender, Race & Justice, Volume 18, “Revenge Porn: Protected by the Constitution?,” <https://jgrj.law.uiowa.edu/article/revenge-porn-protected-constitution>) OS

Because the anti-revenge-porn criminal statutes at issue are content-based speech restrictions, the State has the burden of showing they meet strict scrutiny. While content-based speech restrictions are presumptively invalid, legal scholars argue that the Supreme Court has held “where matters of purely private significance are at issue, First Amendment protections are less rigorous.” One scholar on the subject posited that such laws are likely to be upheld because the specific nude pictures involved “have nothing to do with public commentary about society.” There is some support for the notion that the laws will be upheld as cyber-stalking laws have not been found to violate the First Amendment.

#### [4] The CP can’t solve—revenge porn floats around the internet, and you have no evidence that college would be able to successfully regulate it. They don’t control the web.

### AT: Tobacco

#### [1] No impact—*federal* regulations prohibit companies from sponsoring evets, which the aff doesn’t change.

FDA n.d. (“Tobacco Products: Advertising & Promotion,” <https://www.fda.gov/TobaccoProducts/Labeling/MarketingandAdvertising/#sponsoring>) OS

Manufacturers, retailers, and distributors are restricted from sponsoring in a cigarette or smokeless brand name any athletic, musical, or other social or cultural event, or any entry or team in any event, per 21 CFR Part 1140.

#### [2] Perm do the CP—tobacco advertising isn’t CPS.

Langvardt ’14 (Arlen W., Professor of Business Law and Graf Family Professor, Kelley School of Business, Indiana University. “Tobacco Advertising and the First Amendment: Striking the Right Balance,” William & Mary Business Law Review Vol. 5 Issue 2 Article 2, <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1073&context=wmblr>) OS

The new regulatory regime set up by the TCA restricted tobacco advertising and promotion in various ways. It also significantly modified the long required health warnings that must appear on tobacco product packages and in advertisements by requiring the inclusion of color graphics along with the text of the warnings and by specifying that the text-and-graphics warning be very prominently displayed on packages and in advertisements. In addition, the TCA directed the FDA to develop particular graphic images that the tobacco industry would be required to use in their display of the federally mandated warnings. Tobacco companies have brought First Amendment based challenges to the TCA’s various advertising and promotion provisions and to the FDA’s later-promulgated regulation setting forth particular graphic images for required use by the tobacco industry. One federal circuit upheld most, but not all, of the TCA’s advertising and promotion provisions. Another circuit invalidated the graphic images devised by the FDA and sent the agency back to the drawing board. Proper resolution of the First Amendment issues associated with the TCA and related FDA regulations depends upon appropriate navigation of different free speech streams set forth in Supreme Court precedents. This Article’s exploration of those streams and its analysis of the two key federal circuit decisions lead to the conclusion that if properly applied, relevant First Amendment principles should provide the government a fairly long but not limitless leash when it regulates tobacco advertising and promotion. The Article also furnishes guidance to courts and regulators on particular measures Congress and the FDA should and should not be able to employ in light of the First Amendment. The Article’s cautionary remarks about First Amendment thickets to avoid should also be useful if the Supreme Court opts to decide a tobacco advertising case and seeks to rule in a way that does not inject further confusion into an already too disjointed area of the law.

#### And, your ev says advertising is CPS, but not funding social events—the two are obviously distinct.

#### [3] No impact—smoking is declining and prevention is effective.

Rifkin ’15 (Jesse, Huff Post, “Why Cigarette Usage Is At Record Lows And Dropping,” 3/26, <http://www.huffingtonpost.com/2015/03/26/cigarette-smoking-decline_n_6855468.html>) OS

Cigarettes used to be everywhere in American society. Fifty years ago, 42.4 percent of U.S. adults smoked. Since then, that figure has declined by more than half, reaching a record low 17.8 percent in 2014. What’s more, the rate is still dropping. How did we reach the point where clouds of smoke a la “Mad Men” look so anachronistic? Several factors combined to yield one of the most successful and perhaps under-appreciated public health victories of our lifetimes. Here are five reasons for the dramatic decline of smoking in American life. 1. Prevention efforts focus relentlessly on young people. The Surgeon General’s Office estimates that almost nine out of 10 smokers began smoking before age 18, while virtually every smoker — a full 99 percent — started by age 26. Accordingly, a lot of effort has been directed at discouraging young people from picking up that first cigarette. The primary focus has been the public schools. Results from Drug Abuse Resistance Education, the widely used program typically aimed at fifth- or sixth-graders, show that DARE graduates are up to five times less likely to begin smoking compared to their non-DARE counterparts. The program has been implemented in 75 percent of the country’s school districts since its 1983 inception.

#### [4] No internal link—you say advertising makes people smoke, but no reason why sponsoring events is a particularly effective form of advertising.

#### [5] Turn—exposure to tobacco advertising is key to visibility and the ability to challenge the dominance of the tobacco industry—otherwise people don’t realize it’s still a problem.

# DA

### AT: Hate Speech (Stacked Aff)

#### No link – they have to prove that hate speech is protected, but SCOTUS said in Beauharnais that group libel restrictions are OK. That’s Tsesis 10.

#### TURN – backlash. There will be net more hate speech, proven by Trump’s comments and the uptick in hate speech in the past few months in response to PC, safe spaces and trigger warnings. That’s Nichols. Straight turns hate speech and outweighs on duration since long-term white majorities will use restrictions on hate speech to silence opposing ideas.

#### TURN – dissent. Free speech is key to academic dissent against mainstream ideology – key to combat islamophobia and many forms of hate. That outweighs (a) on duration since it solves the root cause of racism and bigotry rather than treating a symptom, (b) scope since that means it spills over into other contexts, and (c) on magnitude since academics can influence larger policy debates and movements. That’s impacted by Contention 3 – free speech key to civil rights movements and protests, which often start on campus.

#### TURN – abuse. Whites can use hate speech codes to silence minority voices, empirically proven at Michigan – that’s ACLU 16. Also used to demonize minorities who disagree – they’re called race traitors, which is oppressive.

#### TURN – exposure. Free speech solves in the long run since we can only beat the ideas if they’re out in the open – bad ideas lose out, but the neg drives them underground.

### AT: Hate Speech

#### [1] No link uniqueness—lots of public universities in the squo don’t explicitly ban hate speech—if hate crimes are going down per impact uq it disproves the disad

#### [2] Turn—in strong democracies like the U.S., hate speech lowers hate crimes—at worst no impact

Heinze ’14 (Eric Heinze, Nineteen arguments for hate speech bans – and against them, Free Speech Debate, 3/31/14, http://freespeechdebate.com/en/discuss/nineteen-arguments-for-hate-speech-bans-and-against-them)

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

#### [3] Turn—banning hate speech backfires

Heinze ’14 (Eric Heinze, Nineteen arguments for hate speech bans – and against them, Free Speech Debate, 3/31/14, http://freespeechdebate.com/en/discuss/nineteen-arguments-for-hate-speech-bans-and-against-them)

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

#### [4] Turn—speech codes are counter-productive—France proves.

Shibley 15 (Robert Shibley (Executive Director of the Foundation for Individual Rights in Education). “Censorship can’t cure racism of Oklahoma frat: Column.” USA To- day. 11 March 2015. http://www.usatoday.com/story/opinion/2015/03/10/racism- fraternity-oklahoma-free-speech-free-marketplace-column/24697041/)

Many people may find this disappointing. Indeed, **punishing** those who engage in **offensive expression is** perennially **popular because it gives the impression that we’re “doing something” about the problem of racism, sexism and bigotry. In France, for instance, Holocaust denial has long been illegal**, and just this year the country arrested more than 70 people for praising the Charlie Hebdo terrorist attack. France has put real teeth into laws that punish offensive speech. **Yet according to the Anti-Defamation League, 37% of the French harbor anti-Semitic opinions. In the U.S. — which, thanks to the First Amendment, has never banned Holocaust denial or hateful speech — that number is 9%, among the lowest in the world.** While this comparison can’t capture all the differences between the two nations, **it strongly suggests that** punishing expression is no real cure for bigotry**, and refusing to punish hateful speech does not lead inevitably to its spread. Censorship isn’t necessary for those who are confident in the truth of their views.** **It’s a signal of insecurity and displays a fear that if an idea is allowed to be expressed, people will find that idea too attractive to resist. Somehow, college administrators are convinced that if they don’t officially punish racism, their students will be drawn to it** like moths to a flame. **But** there’s simply no reason to expect that**.** Given the history of campus activism in our nation from the civil rights movement onward, there are myriad reasons to expect the opposite. **Instead of government crackdowns on a viewpoint, it is far better to let the marketplace of ideas determine the social consequences for racist speech. In this instance, the OU members of SAE are not only likely to spend the rest of their college careers as pariahs but to be hounded to the ends of the earth on social media and exposed for posterity on Google. Baseless bigotry won’t survive in a truly free marketplace of ideas — which is what our campuses are supposed to be.** College students are adults. Let’s allow them to make up their own minds about what to believe, free from the coercive power of the state.

#### *[4] Freedom of speech allows increased critical dialogue that is net more helpful than harmful for solving bias against marginalized groups.*

*Rauch ’13 (Jonathan Rauch, The Case for Hate Speech, The Atlantic, November 2013, http://www.theatlantic.com/magazine/archive/2013/11/the-case-for-hate-speech/309524)*

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

#### Outweighs—I control uniqueness—people aren’t persuaded now so it’s try or die.

### AT: Campaign Expenditures

#### This is the worst DA on this topic.

#### [1] Non-unique—no schools limit their students’ campaign donations now…

#### [2] No impact—their card is about Citizens United and billionaire donations. Poor college students won’t do anything.

#### [3] Turn—student donations COUNTER-BALANCE rich billionaire donations—otherwise they’ll dominate politics even more.

#### [4] Turn—college students are more likely to support progressive candidates who support social justice—we should let them donate.

### AT: Court Legitimacy

#### [1] Non-unique—your ev’s from 2015. NEWSFLASH: Trump nominee kills legitimacy and thumps the link by rolling back progressive precedents.

#### [2] Legitimacy is resilient—new research proves.

Gibson and Nelson 14

The Legitimacy of the U.S. Supreme Court: Conventional Wisdoms, and Recent Challenges Thereto James L. Gibson Sidney W. Souers Professor of Government Department of Political Science Professor of African and African American Studies Director, Program on Citizenship and Democratic Values Weidenbaum Center on the Economy, Government, and Public Policy Washington University in St. Louis Campus Box 1063 St. Louis, MO 63130-4899 United States jgibson@wustl.edu Fellow, Centre for Comparative and International Politics Professor Extraordinary in Political Science Stellenbosch University (South Africa) Michael J. Nelson Ph.D. Candidate, Department of Political Science Graduate Student Associate, Center for Empirical Research in the Law Washington University in St. Louis Campus Box 1063 St. Louis, MO 63130-4899 United States mjnelson@wustl.edu Version 20, February 7, 2014

**After decades of research, judicial scholars have learned a great deal about** the **legitimacy of** **the** U.S. **Supreme Court**, both in terms of its causes and its consequences. Still, the **unprecedented explosion of new work on judicial legitimacy has generated a number of challenges to the conventional wisdoms**. Although much current research suffers greatly from a lack of external validity, some empirical findings seem to undermine existing theories in fundamental ways. Perhaps the most basic question requiring additional research has to do with how citizens update the views toward legal policies and institutions. With only a handful of exceptions, this chapter has reported on cross-sectional research, which of course is limited in its ability to analyze change. The most pressing need for those seeking to understand judicial legitimacy is data capable of supporting dynamic analysis; even experimental research designs are no substitute for analyses of change over time. **Attitudes toward legal institutions** are not set in stone, even if they **do not change easily**; future research should seek to understand how and why these attitudes evolve.

#### [3] Turn—aff’s consistent with legal precedent.

FIRE n.d. (Foundation for Individual Rights in Education, "State of the Law: Speech Codes,” <http://www.thefire.org/in-court/state-of-the-law-speech-codes/>) OS

That the First Amendment applies on the public university campus is settled law. Public universities have long occupied a special niche in the Supreme Court’s First Amendment jurisprudence. Indeed, the Court has held that First Amendment protections on campus are necessary for the preservation of our democracy. Sweezy v. New Hampshire, 354 U.S. 234, 250 (1957) In Sweezy, the Court was faced with the question of whether the Attorney General of New Hampshire could prosecute an individual for refusal to answer questions about a lecture delivered at the state university concerning the Progressive Party of the United States. In holding for the teacher, the Court wrote eloquently that: The essentiality of freedom in the community of American universities is almost self-evident. No one should underestimate the vital role in a democracy that is played by those who guide and train our youth. To impose any strait jacket upon the intellectual leaders in our colleges and universities would imperil the future of our Nation… Teachers and students must always remain free to inquire, to study and to evaluate, to gain new maturity and understanding; otherwise our civilization will stagnate and die.

#### [4] No impact—PERCEPTION of illegitimacy doesn’t matter because courts still CAN check other branches, e.g. even if Congress thinks SCOTUS is weak, courts will still just rule against laws.

### AT: Endowments

#### [1] Non-unique—market volatility means colleges endowment funds are falling

Lorin 9/13 (Janet Lorin, Higher Education reporter at Bloomberg, 9-13-2016, “Seven College Endowments Report Losses in Choppy Markets,” Boston Globe, <https://www.bostonglobe.com/business/2016/09/12/seven-college-endowments-report-annual-losses-choppy-markets/COkaBbauXW35O4MkapugxL/story.html>) SS

Seven public university endowments with assets of more than $1 billion, including the University of California, reported fiscal 2016 investment losses as lackluster economic growth and volatility drubbed markets. College endowments are poised to take the worst slide in performance since the 2009 recession. Funds with more than $500 million lost a median 0.73 percent in the year through June 30, according to the Wilshire Trust Universe Comparison Service. The Wilshire data, from fund custodians, excludes fees. “It was a bit of a bloodbath,” as swings in the markets challenged stock pickers, Jagdeep Bachher, chief investment officer at the University of California system, said at an investment committee meeting on Sept. 9, according to a webcast of the meeting. “Last year was a bad year for active managers all around.” Ohio State University and California had the largest declines through June 30 among the seven at 3.4 percent each while the University of Virginia fell 1.5 percent. It’s shaping up to be the worst year for endowment returns since 2009, when the richest schools had a loss of 21.8 percent, according to the Wilshire service. For fiscal 2016, a benchmark 60/40 portfolio of the Wilshire 5000 Total Stock Market Index for US equities and the Wilshire Bond Index returned 4.5 percent. The value of the University of California’s endowment rose 2.2 percent to $9.1 billion from the prior year due to inflows from shifting cash from short-term funds to the endowment and royalty payments, Bachher said. The investment losses were driven by poor returns from public equity fund managers and hedge funds, he said. Market volatility was due to “central bank actions, slow-to-no growth worldwide, the oversupply of oil on a worldwide basis resulting in prices collapsing and the unexpected Brexit vote,” John Lane, chief investment officer at Ohio State’s endowment, said in an e-mail.

#### [2] TURN – neg bans on speech are part of the problem. Donors are withdrawing because of safe spaces and trigger warnings – only the aff eliminates all of those requirements. The signal is key.

Michaelson 16

Jay, Daily Beast journalist, “University of **Chicago’s P.C. Crackdown** Is Really About Keeping Right-Wing Donors Happy” http://www.thedailybeast.com/articles/2016/08/26/university-of-chicago-s-p-c-crackdown-is-really-about-keeping-right-wing-donors-happy.html

No—I think **this was all about donors**. Just two weeks before the dean’s letter, The New York Times ran a lengthy investigation of the decline of donations to Yale, Princeton, and Amherst, profiling seven **old white guys** (aged 57 to 86) who **were writing the colleges out of their will**, penning angry letters to student newspapers, and the like. According to the article, **29 percent of small, liberal arts colleges reported a decline in donations** between 2015 and 2016. At Amherst, the alumni participation rate dropped to its lowest level since 1975, when the college began admitting women. **Another report described a drop in donations to the University of Missouri in the wake of** now-former professor **Melissa Click**, who cursed at a police officer and tried to prevent journalists from approaching a student protest. And then, seemingly out of nowhere, a letter from the dean telling U Chicago students not to be babies. Considering that anti-P.C. crusaders often depict students as humorless brats—“they missed irony class that day” said one frustrated Yalie—there were a lot of ironies in the Chicago letter. First, the university isn’t actually doing anything. “Safe spaces,” for example, are generally declared by student groups, not universities. And trigger warnings are provided, or not, by professors. And what are safe spaces, really? They’re temporary zones where the usual privileges of being, yes, a straight, white, relatively rich, empowered male are turned on their heads, and other people’s sensitivities come first. If, like me, you’re in that demographic, you’re meant to feel uncomfortable. Ironically, it’s the white dudes like me who need to grow a pair, not the activists pushing back against us. We’re the ones who apparently need to be told to grow the hell up. Second, by “not tolerating” trigger warnings, Dean Ellison is suppressing free speech in the name of free speech. As one professor wrote in the Times, it’s professors’ business if they want to warn their students before they read texts involving rape, sexual abuse, and other topics that could trigger traumatic reactions. Trigger warnings aren’t for delicate students; they’re for trauma survivors. And if a professor wants to issue one—not so that students can dodge issues they prefer to avoid, but so that they can prepare themselves so they don’t freak out about them—why should the dean of students forbid her from speaking as she wishes, in her own classroom? In fact, the dean’s letter itself is a gigantic trigger warning. “Beware,” it basically tells incoming students, “you will not receive trigger warnings at the University of Chicago. Consider this your trigger warning.” In fact, the letter will likely have the opposite effect on some students. For example, the letter said “we do not cancel invited speakers because their topics might prove controversial.” Well, then bring on Rami Kanzu, Monzer Taleb, and other speakers who have been invited by chapters of Students for Justice in Palestine, only to be opposed and sometimes banned by conservative pro-Israel groups. And it seems inevitable that the proposed ban on safe spaces will be discussed by various affinity groups in safe spaces, i.e., places free of angry white men who have a habit of interrupting women and people of color without noticing. That’s why it’s clear that **this letter’s true audience was not the students to which it was addressed, but the alumni who can now read it on the right-wing blogosphere**. (Interestingly, the site to which the letter referred its readers, freexpression.uchicago.edu, was down when I checked it today.) After all, for every one Amherst alumnus dismayed at the renunciation of Lord Jeffrey Amherst (who advocated the genocide of Native Americans by spreading smallpox among them), **there are hundreds of conservative Chicago alumni.** This, after all, is where neo-conservatism was born. **This letter**, in other words, **was a prime example of virtue signaling**, which is when a person makes a statement merely to burnish their credentials within an ideological community. **Look at me**, the letter says, **I oppose political correctness**. And that’s pretty much all it says. Which is why issues like trigger warnings, safe spaces, and political correctness have been so blown out of proportion of late. Of course, there have been occasional outrages like Yale’s ousting of Erika Christakis over an innocuous Halloween note—but then again, she resigned, unlike Professor Click, who was fired by Mizzou. And really, who cares if a professor says “warning, there’s some racist language in this book” or a student group says “we’re not here to discuss whether white privilege exists right now”? Well, **donors care,** readers care, potential voters care, and so therefore, people will write letters and blog posts to inflame tempers, or as is likely in this case, to calm them. By coincidence, the U Chicago dean’s letter came out the same week that the National Labor Relations Board ruled that teaching and research assistants, who work for years as barely-paid serfs, and who until now have frequently been banned from organizing a union, are entitled to do so. The University of Chicago sent out another letter, this time to all faculty and graduate students, alleging (with no evidence, since none exists) that such a union could “be detrimental to students’ education and preparation for future careers.” That kind of issue points toward the real crises affecting American higher education, issues that have nothing to do with Halloween costumes and everything to do with decreases in state funding, increases in corporate funding, the demise of tenure, and outrageous spirals of indebtedness and even poverty among academics. Funny, Dean Ellison didn’t provide any trigger warnings for those.

#### [3] No link uniqueness—it’s descriptive of the squo. It says right now alumni think there’s too much protest—but that wouldn’t be restricted anyway.

#### [4] Your link proves my link turn—benfactors don’t like protests because it’s students arguing for safe spaces, no conservative speakers, etc.

### AT: Title IX

#### [1] No link—DA says restricting sexual harassment is unconstitutional, but it’s not—harassment is “obscene” speech and also incites violence/danger, so it’s not protected.

#### [2] No internal link—if every public college violated that requirement, then obviously Title IX would just change the rules.

#### [3] No impact—you don’t justify why Title IX funds are significant or key.

### AT: Revenge Porn

#### [1] No link—revenge porn’s not protected—three warrants.

Harrison n.d. (Anne Harrison, Student Writer for The Journal of Gender, Race & Justice, Volume 18, “Revenge Porn: Protected by the Constitution?,” <https://jgrj.law.uiowa.edu/article/revenge-porn-protected-constitution>) OS

Because the anti-revenge-porn criminal statutes at issue are content-based speech restrictions, the State has the burden of showing they meet strict scrutiny. While content-based speech restrictions are presumptively invalid, legal scholars argue that the Supreme Court has held “where matters of purely private significance are at issue, First Amendment protections are less rigorous.” One scholar on the subject posited that such laws are likely to be upheld because the specific nude pictures involved “have nothing to do with public commentary about society.” There is some support for the notion that the laws will be upheld as cyber-stalking laws have not been found to violate the First Amendment.

#### [2] No link—colleges aren’t the ones banning revenge porn. Your uniqueness ev proves it would be actual laws, so the aff wouldn’t do anything.

#### [3] Revenge porn isn’t speech even if it’s expression because it’s not spoken.

### AT: Policing

#### [1] Aff doesn’t allow hate speakers—that’s not constitutionally protected since it’s just a contractual agreement, i.e. colleges not hiring them isn’t them restricting speech—they could still theoretically go on campus and just say things.

#### [2] Turn—restrictions cause protest from the right which draws in the same police presence.

#### [3] Case outweighs the turns case arg—even if police make speech more difficult, LITERAL SPEECH RESTRICTIONS shut down way more speech.

#### [4] Turn—police presence solves backlash since right wing people feel less like a persecuted minority.

### AT: Professors

#### [1] No impact—obviously very few professors actually deny the Holocaust or teach blatant white supremacy. Your ev cites ONE example.

#### [2] No impact—college students won’t blindly obey. They have developed beliefs. Outweighs your ev on specificity. Also proves counter-speech turn—students will learn to defeat these ideologies.

#### [3] Aff doesn’t allow guest lecturers—that’s not constitutionally protected since it’s just a contractual agreement, i.e. colleges not hiring them isn’t them restricting speech—they could still theoretically go on campus and just say things.

#### [4] Firing racist professors isn’t a constitutional violation—colleges can just say they don’t like their research/teaching. Besides, it’s not restriction—colleges are the ones hiring them.

#### [5] Turn—firing professors just drives them underground, or makes them go to private universities that become hotbeds of white supremacy.

#### [6] Turn—speech codes for anti-Semitism are counter-productive—France proves.

Shibley 15 (Robert Shibley (Executive Director of the Foundation for Individual Rights in Education). “Censorship can’t cure racism of Oklahoma frat: Column.” USA To- day. 11 March 2015. http://www.usatoday.com/story/opinion/2015/03/10/racism- fraternity-oklahoma-free-speech-free-marketplace-column/24697041/)

Many people may find this disappointing. Indeed, **punishing** those who engage in **offensive expression is** perennially **popular because it gives the impression that we’re “doing something” about the problem of racism, sexism and bigotry. In France, for instance, Holocaust denial has long been illegal**, and just this year the country arrested more than 70 people for praising the Charlie Hebdo terrorist attack. France has put real teeth into laws that punish offensive speech. **Yet according to the Anti-Defamation League, 37% of the French harbor anti-Semitic opinions. In the U.S. — which, thanks to the First Amendment, has never banned Holocaust denial or hateful speech — that number is 9%, among the lowest in the world.** While this comparison can’t capture all the differences between the two nations, **it strongly suggests that** punishing expression is no real cure for bigotry**, and refusing to punish hateful speech does not lead inevitably to its spread. Censorship isn’t necessary for those who are confident in the truth of their views.** **It’s a signal of insecurity and displays a fear that if an idea is allowed to be expressed, people will find that idea too attractive to resist. Somehow, college administrators are convinced that if they don’t officially punish racism, their students will be drawn to it** like moths to a flame. **But** there’s simply no reason to expect that**.** Given the history of campus activism in our nation from the civil rights movement onward, there are myriad reasons to expect the opposite. **Instead of government crackdowns on a viewpoint, it is far better to let the marketplace of ideas determine the social consequences for racist speech. In this instance, the OU members of SAE are not only likely to spend the rest of their college careers as pariahs but to be hounded to the ends of the earth on social media and exposed for posterity on Google. Baseless bigotry won’t survive in a truly free marketplace of ideas — which is what our campuses are supposed to be.** College students are adults. Let’s allow them to make up their own minds about what to believe, free from the coercive power of the state.

### AT: Dropouts

#### [1] No impact—your ev is horrible and from 1990. It also speaks to the squo. Don’t presume weakness—minority students won’t instantly submit to persecution.

#### [2] Turn—hate speech lowers hate crimes, which would obviously cause way more dropouts.

Heinze ’14 (Eric Heinze, Nineteen arguments for hate speech bans – and against them, Free Speech Debate, 3/31/14, http://freespeechdebate.com/en/discuss/nineteen-arguments-for-hate-speech-bans-and-against-them)

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

#### [3] Non-unique—minority enrollment is low. Your uniqueness ev is literally cut from an article called “The Missing Black Students at Elite American Universities.”

### AT: Subaltern Counterpublics

#### [1] No link—call for the evidence—it never mentions speech codes as necessary to form subaltern counterpublics. It just says “journals, bookstores, publishing companies, film and video distribution networks, lecture series, research centers, academic programs, conferences, conventions, festivals, and local meeting places” but no warrant for why the aff destroys any of these.

#### [2] No link—the small text of your card says that feminists were able to form subaltern counterpublics in the US, but there aren’t speech codes outside of colleges.

#### [3] No uniqueness—just says that subaltern counterpublics exist elsewhere in society, but not in colleges.

#### [4] Turn—reverse enforcement means that the state will crush subaltern counterpublics with speech codes.

#### [5] Turn—if the public is so controlled by whiteness, then universities will use speech codes to enforce their white orthodoxy. Free speech solves since the counterpublics can operate free of state control and supervision.

### AT: ACA Ptx

#### They just pulled the bill!

Levinson and Mimms 3:04 p.m. (Alexis, Sarah, reporters, “Republicans Just Gave Up On Repealing Obamacare,” Buzzfeed, 3/24/17, <https://www.buzzfeed.com/alexislevinson/health-care-vote?utm_term=.hpYkb149mM#.pgmEKW286z>) OS

On Friday, just before they were set to vote, Republican leadership abruptly pulled the bill, acknowledging they don’t have enough support to pass it. “The Speaker talked to the president at 3 o’clock today and the president asked the speaker to pull the bill,” a leadership aide told reporters.

### AT: Tax Reform Ptx

#### Non-unique—Trumpcare GOP fractions don’t apply to tax reform—everyone wants cuts.

Chait 4/24 (Jonathan Chait is an American liberal commentator and writer for New York magazine, “Why Republicans Will Pass Trump’s Yuge Tax Cuts for the Rich,” 2017, NY Mag, <http://nymag.com/daily/intelligencer/2017/04/why-republicans-will-pass-trumps-yuge-tax-cuts-for-the-rich.html>) OS

So … they won’t. But that doesn’t mean proponents of “tax reform” will walk away. It just means they’ll have to settle for the same thing they enthusiastically passed in 2001: a debt-financed tax cut that is phased out after a decade. Trumpcare died because a large faction of vulnerable Republicans opposed its essential function of taking health care away from their constituents. Nobody in the party opposes the basic function of cutting taxes for rich people. Some of them want to use their control of government to pass a tax cut that’s more likely to last, but from their perspective, ten years of lower taxes for rich people is going to be way better than none.

#### More free speech means more protests means more university crackdowns, speakers backing out, and Trump tweets. Whatever normal means are, they require getting Congress on board to approve impounding funds or oversight, which expends PC, or they involve direct DOJ action, which also hurts PC

Kozak 4-28, Edmund, reporter, “How Trump and DOJ Can Protect Free Speech at Berkeley,” PoliZette, https://www.lifezette.com/polizette/how-trump-and-doj-can-protect-free-speech-at-berkeley/

The protection of **freedom of speech**, ostensibly one of the nation’s founding principles, appears to have been **jettisoned** **on the campus of** the University of California, **Berkeley**. On Wednesday, conservative author **Ann Coulter finally backed out of a scheduled appearance** at the university. Coulter had initially vowed to speak anyway after campus administrators cancelled the event, but **when** the student groups that had invited her withdrew their support, she relented. Both the university and the students groups cited **threats of violence from radical leftist agitators** in their decisions.Despite withdrawing their support for Coulter to come to campus and speak despite the cancellation, **the Berkeley College Republicans and the Young America’s Foundation have brought suit** against members of the UC Berkeley administration. **The lawsuit claims the original cancellation violates their constitutional rights to free speech, due process, and equal protection under the law.** This isn’t the first time UC Berkeley revealed itself to be an unwelcoming home for conservatives and free speech. Earlier **in April**, **a pro-Trump, free-speech rally** in close proximity to the university **descended into utter mayhem after attendees were attacked by the violent left-wing extremist group Antifa**. In February, an appearance by Milo Yiannopoulos also met with similar violence. “If U.C. Berkeley does not allow free speech and practices violence on innocent people with a different point of view — **NO FEDERAL FUNDS**?” President **Trump tweeted** following the Yiannopoulos incident. President **Trump’s comments raised the possibility of federal action to protect free speech at Berkeley, and both his tweet and the Berkeley College Republicans’ lawsuit demonstrate the two avenues of pursuit available to do so — to threaten funding or to pursue a civil rights investigation.** “**Trump has the power to impound federal funds and then 45 days to ask for congressional approval**,” noted Craig Shirley, Reagan biographer and presidential historian. “**He can also direct the attorney Ggeneral to sue Berkeley under several statutes and constitutional guarantees, including hate crimes, discrimination, free speech, right of association, and other laws**,” Shirley told LifeZette. As Shirley noted, Trump certainly has the means to go after UC Berkeley’s funding. **The 1974 Impoundment Control Act authorizes the president to request that Congress withdraw appropriated funding.** The act specifies that the president may halt funding temporarily for 45 days upon which the funds are reinstated pending a congressional vote on the president’s request. **But**, as one lawyer who wished to remain anonymous told LifeZette, **such a move may invite political or legal challenges.** Indeed, **a similar move by Trump’s to cut off federal funding to sanctuary cities was recently partially blocked in court.** Moreover, as UC Berkeley is tied to the UC system as a whole, it may not be possible to isolate its funds, and **attacking funding that could be used for cancer research** at University of California, San Francisco, **may not be the most politically or legally advisable course of action**. “It may not pass the rather low scrutiny,” the lawyer said. The lawyer who spoke to LifeZette suggested President **Trump could instead ask Congress to address the situation and create a process to withhold funding from institutions that subvert freedom of speech and intellectual freedom. The more efficient, and potentially more politically safe, way** to address the issue **is to look at potential civil rights violations that could be charged under the law by the civil rights division of the Justice Department.** And of course, the violations that could be investigated by the civil rights division are conveniently laid out in the Berkeley College Republicans/YAF lawsuit. The lawsuit alleges violations of both the defendants’ First and Fourteenth Amendment rights. **In addition to the basic violation of the First Amendment right to free speech, the lawsuit also alleges that conservative students were retaliated against after the fact for exercising their rights. It also alleges violations of equal protection under the law and due process as guaranteed by the Fourteenth Amendment. The Department of Justice can investigate all of these violations**. Finally, "**Trump also has the bully pulpit to denounce the criminality of Berkeley,** and he should use this," said Shirley. "He was accused of many … things during his campaign. Now he has the ability to turn the tables on the criminal left." Trump can also look to lessons of the past. "Reagan did not trifle with the spoiled brats of Berkeley," noted Shirley. "**Reagan was asked to negotiate with the student protestors and he replied, 'What is there to negotiate**?'"

#### Free speech is a fight- empirics

Brown 2-3  
Sarah Brown, 2-3-17, "Trump Can’t Cut Off Berkeley’s Funds by Himself. His Threat Still Raised Alarm.," Chronicle of Higher Education, <http://www.chronicle.com/article/Trump-Can-t-Cut-Off/239100> VC  
Back in October, when President **Trump vowed to "end" political correctness on college campuses**, it was unclear how the then-presidential candidate planned to go about doing that. On Thursday, he dropped a hint: **He threatened to cut off federal funding to** the University of California at **Berkeley after violent protests there prompted campus leaders to call off a talk by** a far-right provocateur. Milo **Yiannopoulos** is a Breitbart News editor and Trump supporter who has for months traveled to campuses to give talks that often draw protests and have sometimes resulted in violence. He was once permanently banned from Twitter for his role in a harassment campaign against the actress Leslie Jones, and he has drawn heavy fire for his insulting comments about feminists, Black Lives Matters protesters, Islam, and topics he considers part of leftist ideology. Mr. Yiannopoulos was scheduled to speak on Berkeley’s campus late Wednesday, as part of his "Dangerous Faggot" tour, and more than 1,500 students gathered outside the venue to peacefully protest. Then about 100 additional protesters — mostly nonstudents, Berkeley officials said — joined the fray and hurled smoke bombs, broke windows, and started fires. The **violence forced the campus police to put Berkeley on lockdown and led university leaders to cancel the event.** The following morning, **a political commentator** **suggested** on Fox and Friends First that President **Trump should take away Berkeley’s federal funding.** Shortly thereafter, Mr. Trump decided to weigh in. Not surprisingly, Mr. Yiannopoulos liked that idea. On Facebook Thursday, he linked to a Breitbart article about the federal money Berkeley receives, adding, "Cut the whole lot, Donald J. Trump." Others were quick to condemn the president’s threat. U.S. **Rep**. Barbara **Lee, a California Democrat** whose district includes the Berkeley campus, **tweeted back**: "President **Trump doesn’t have a license to blackmail universities.** He’s the president, not a dictator, and his empty threats are an abuse of power." Later, in a statement, Ms. Lee said Mr. Yiannopoulos "has made a career of inflaming racist, sexist and nativist sentiments." Meanwhile, she wrote, "Berkeley has a proud history of dissent and students were fully within their rights to protest peacefully." **Could Mr. Trump take away a university’s federal funding** for what he sees as a violation of the First Amendment? **Not on his own**, and not entirely, some scholars say, though there are ways **he could advocate for cutting some of it.** **Regardless**, Mr. Trump’s singling out of Berkeley is worth paying attention to, they say, because **it serves as a message to other campus officials that they may soon be put in the position of responding to the president**’s social-media whims.

#### But Trump protecting free speech would be a massive flip-flop

Legum 16 Judd Legum, Editor-in-Chief, ThinkProgres.org, <https://thinkprogress.org/trump-first-amendment-too-much-protection-37e72ee16ea2> 10-24-16

**If Donald Trump is president, he’d like to make some changes to the First Amendment**. In an interview with WFOR, CBS’ Miami affiliate, **Trump** was asked if he **believes the First Amendment provides “too much protection.”** Trump answered in the affirmative, saying **he’d like to change the laws to make it easier to sue media companies.** Trump lamented that, under current law, “our press is allowed to say whatever they want.” He recommended moving to a system like in England where someone who sues a media company has “a good chance of winning.” **Trump has recently threatened to sue the New York Times and the numerous women who say he has sexually assaulted them.**

#### Flip-flops kill the agenda -

Rainey, 8 (6/25/08 (James, Staff @ LA Times, "ON THE MEDIA: Candidates Show Lack of Leadership on Iraq," Daily Herald, [http://www.heraldextra.com/component/option,com\_contentwire/task,view/id,61544/Itemid,53/](http://www.dtic.mil/cgi-bin/GetTRDoc))

The Iraq experts I interviewed agreed that **one of the most problematic barriers to a real debate is** -- as author and journalist George Packer said -- **a culture that has "made flip-flopper the most feared label in American politics."** They could point to another politician, fact averse but stalwart, who took too long to adapt once it became clear Iraq was going sideways. "It seems **in America you are stuck with the position you adopted, even when events change, in order to claim absolute consistency," Packer said. "That can't be good."**

# K

## TL

### TL FW

#### Framework—let me weigh the aff against the K—otherwise it moots the 1AC—that kills valuable discussion of the K because I have to restart. Alt is also “fiated” – weighing the aff makes more sense and solves all their offense

### State Heuristic

#### Debating about government policies is a valuable heuristic — we can learn about the state without *being* it. Their radical framework eliminates the potential for political agency and oversimplifies complex, contingent relationships. Instead of rejecting government policies *in general*, we should analyze particular policies.

Zanotti 13 — Laura Zanotti, Associate Professor of Political Science at Virginia Tech, holds a Ph.D. in International Relations from Florida International University, 2013 (“Governmentality, Ontology, Methodology: Re-thinking Political Agency in the Global World,” *Alternatives: Global, Local, Political*, Volume 38, Issue 4, November, Available Online to Subscribing Institutions via SAGE Publications Online, p. 299-300)

In this article, I have argued that, notwithstanding their critical stance, scholars who use governmentality as a descriptive tool remain rooted in substantialist ontologies that see power and subjects as standing in a relation of externality. They also downplay processes of coconstitution and the importance of indeterminacy and ambiguity as the very space where political agency can thrive. In this [end page 299] way, they drastically limit the possibility for imagining political agency outside the liberal straightjacket. They represent international liberal biopolitical and governmental power as a homogenous and totalizing formation whose scripts effectively oppress ‘‘subjects,’’ that are in turn imagined as free ‘‘by nature.’’ Transformations of power modalities through multifarious tactics of hybridization and redescriptions are not considered as options. The complexity of politics is reduced to homogenizing and/or romanticizing narratives and political engagements are reduced to total heroic rejections or to revolutionary moments. / By questioning substantialist representations of power and subjects, inquiries on the possibilities of political agency are reframed in a way that focuses on power and subjects’ relational character and the contingent processes of their (trans)formation in the context of agonic relations. Options for resistance to governmental scripts are not limited to ‘‘rejection,’’ ‘‘revolution,’’ or ‘‘dispossession’’ to regain a pristine ‘‘freedom from all constraints’’ or an immanent ideal social order. It is found instead in multifarious and contingent struggles that are constituted within the scripts of governmental rationalities and at the same time exceed and transform them. This approach questions oversimplifications of the complexities of liberal political rationalities and of their interactions with non-liberal political players and nurtures a radical skepticism about identifying universally good or bad actors or abstract solutions to political problems. International power interacts in complex ways with diverse political spaces and within these spaces it is appropriated, hybridized, redescribed, hijacked, and tinkered with. / Governmentality as a heuristic focuses on performing complex diagnostics of events. It invites historically situated explorations and careful differentiations rather than overarching demonizations of ‘‘power,’’ romanticizations of the ‘‘rebel’’ or the ‘‘the local.’’ More broadly, theoretical formulations that conceive the subject in non-substantialist terms and focus on processes of subjectification, on the ambiguity of power discourses, and on hybridization as the terrain for political transformation, open ways for reconsidering political agency beyond the dichotomy of oppression/rebellion. These alternative formulations also foster an ethics of political engagement, to be continuously taken up through plural and uncertain practices, that demand continuous attention to ‘‘what happens’’ instead of fixations on ‘‘what ought to be.’’83 Such ethics of engagement would not await the revolution to come or hope for a pristine ‘‘freedom’’ to be regained. Instead, it would constantly attempt to twist the working of power by playing with whatever cards are available and would require intense processes of reflexivity on the consequences of political choices. To conclude with a famous phrase by Michel Foucault ‘‘my point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to hyper- and pessimistic activism.’’84

#### Use government as a heuristic—totalizing rejectionsn fail

Zanotti 13 — Laura Zanotti, Associate Professor of Political Science at Virginia Tech, holds a Ph.D. in International Relations from Florida International University, 2013 (“Governmentality, Ontology, Methodology: Re-thinking Political Agency in the Global World,” *Alternatives: Global, Local, Political*, Volume 38, Issue 4, November, Available Online to Subscribing Institutions via SAGE Publications Online, p. 289-290)

By questioning substantialist representations of power and subjects, inquiries on the possibilities of political agency are reframed in a way that focuses on power and subjects’ relational character and the contingent processes of their (trans)formation in the context of agonic relations. Options for resistance to governmental scripts are not limited to ‘‘rejection,’’ ‘‘revolution,’’ or ‘‘dispossession’’ to regain a pristine ‘‘freedom from all constraints’’ or an immanent ideal social order. It is found instead in multifarious and contingent struggles that are constituted **within** the scripts of **government**al rationalities and at the same time exceed and transform them. This approach questions oversimplifications of the complexities of liberal political rationalities and of their interactions with non-liberal political players and nurtures a radical skepticism about identifying universally good or bad actors or abstract solutions to political problems. International power interacts in complex ways with diverse political spaces and within these spaces it is appropriated, hybridized, redescribed, hijacked, and tinkered with. Governmentality as a heuristic focuses on performing complex diagnostics of events. It invites historically situated explorations and careful differentiations rather than overarching demonizations of ‘‘power,’’ romanticizations of the ‘‘rebel’’ or the ‘‘the local.’’ More broadly, theoretical formulations that conceive the subject in non-substantialist terms and focus on processes of subjectification, on the ambiguity of power discourses, and on hybridization as the terrain for political transformation, open ways for reconsidering political agency beyond the dichotomy of oppression/rebellion. These alternative formulations also foster an ethics of political engagement, to be continuously taken up through plural and uncertain practices, that demand continuous attention to ‘‘what happens’’ instead of fixations on ‘‘what ought to be.’’83 Such ethics of engagement would not await the revolution to come or hope for a pristine ‘‘freedom’’ to be regained. Instead, it would constantly attempt to twist the working of power by playing with whatever cards are available and would require intense processes of reflexivity on the consequences of political choices. To conclude with a famous phrase by Michel Foucault ‘‘my point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to hyper- and pessimistic activism.’’84

### State Good

#### Engaging the state is productive—that means discussions of fiat are valuable. Statism is inevitable—innovative engagement can redirect power for emancipation.

Martin and Pierce ’13 Deborah G. Martin, Joseph Pierce, “Reconceptualizing Resistance: Residuals of the State and Democratic Radical Pluralism,” Antipode, Vol. 45, Issue 1, pp. 61-79, January 2013, DOI: 10.1111/j.1467-8330.2012.00980.x

The state offers a complex set of power structures against and with which resistance struggles (Holloway 2005; Scott 1988; Tormey 2004). Indeed, Holloway (2005) sees the state as so entrenched in power relations such that any resistance in or through the state is irrevocably bound up in its power logic. We acknowledge state power as always present, but not necessarily as monolithic.2 Despite—or perhaps because of— the power relations inherent in state frameworks, it is in part through laws and state regulations that activists can achieve reworked economic relations such as worker ownership, community banks, or cooperative housing (DeFilippis 2004). Hackworth explicitly acknowledges the possibility of a “neo-Keynesian” resistance which seeks to maintain relatively left-leaning state functions. Ultimately, though, he dismisses the resistive potential of such “neo-Keynesian” efforts, arguing that they have yielded “highly limited” successes (2007:191). We argue, however, that focusing on a state's ordering functions [the “police” component of states; as in Rancière (2004)] may provide a lens for examining how resistance through the state might destabilize or subvert neoliberal hegemony. We articulate the notion of residuals, or mechanisms of the state that can, or have historically, been wielded to mitigate inequalities of capitalism. In order to explore this arena as potentially productive for resistance, we first consider radical democracy as an already-articulated conceptualization of neoliberal resistance (Laclau and Mouffe 1985; Purcell 2008). Radical democracy does not seek to enroll the state in resistance to capital, per se, but recognizes the simultaneous co-presence of a hegemonic (but always changing) state, and anti-hegemonic resistances. Radical Democracy: Responding to Hegemony? The concept of radical democracy provides a framework for articulating where residual state apparatuses stand amidst the myriad layers of state functions, power, and hegemony (cf Laclau and Mouffe 1985; Rancière 2004). We imagine a politics in which the state –whether capitalist or not— is always hegemonic, and thus always produces an outside or excluded that is resistant to the hegemonic order. Radical democracy as initially described by Laclau and Mouffe (1985) offered a theory of resistance—although they did not use that term—to capitalist hegemonies.3 Their goal was to identify a leftist, anti-hegemonic political project that did not rely on unitary categories such as class, in response to the identity politics of the 1970s to 1990s and post-structural theorizing of the absence of any common (structural or cultural) basis for political transformation. The theory of radical democracy posits that any order is an hegemonic order; the post-Marxist socialist project of Laclau and Mouffe seeks to destabilize the hegemonies of capitalism and work towards more democratic articulations that marginalize capital, even as forms of inequality may persist (Laclau and Mouffe 1985). Nonetheless, they can seek more articulations, more opportunities for social protest and struggle over multiple inequalities. Each struggle will produce—or seek to produce—new orders, or hegemonies, but these will be unseated by other struggles; this process describes a democracy not defined solely by a capitalist hegemony. As scholars have increasingly taken neoliberalism as the distinct form of contemporary capitalism in response to which resistance is engaged, they have explored the ways that its intense market logic constricts possibilities for traditional political activism to engage the state: the state is responsive primarily to the logic of facilitating the work of private capital (Brenner and Theodore 2002; Harvey 2005; Mitchell 2003; Peck and Tickell 2002; Purcell 2008). At the same time, however, neoliberalism opens possibilities for resistance because of its internal contradictions (like all hegemonic orders); it simultaneously engages the state to facilitate capital expansion, yet rhetorically rejects the state as an active player in market logics (Leitner, Peck and Sheppard 2007; Peck and Tickell 2002; Purcell 2008). In doing so, the door is opened for alternative projects and resistances. Purcell (2008) takes up the ideals of radical democracy to focus on how it might provide specific means for resistance to neoliberalism. He wants to take the insights of Laclau and Mouffe and apply them to a particular, empirically informed framework for engaged activism that actually interrupts, if not challenges (and mostly not, in his examples), neoliberalism. As a result, Purcell engages specifically with the idea of “chains of equivalence”, which he defines as “entities [which] must simultaneously be both different and the same” (2008:74). Political coalitions and actors with shared or complimentary challenges to neoliberalism—but distinct in character, goals, and identities—form networks of equivalence [Purcell (2008), drawing from Hardt and Negri (2004) as well as Laclau and Mouffe (1985)]. Simply put, networks of equivalence conceptually allow for multiple groups with different specific interests and identities to band together to challenge the hegemony of neoliberal capitalism. The crucial point for Purcell, however, and the key radical pluralist component is that those groups can work together without having to resolve their internal differences; they need only share a common questioning of the neoliberal prioritizing of private capital. They share a struggle, then, for a different hegemony (Laclau and Mouffe 1985; Purcell 2008). In the battle against global finance, for example, activists with different specific interests (agriculture or trade policy or environmental protections) confront the state in the form of police in the streets of Seattle or Cancun (Wainwright 2007); their objections are to the state policies and agreements which support and create frameworks for world trade. In Purcell's (2008) networks of equivalence in Seattle, a similar, yet more spatially circumscribed network of neighborhood community activists, environmental activists, and a Native American tribe work together to challenge the terms of the environmental clean-up of toxins in and around the Duwamish River. Their target is the corporate interests being held responsible for actually funding the clean-up. The agent helping to hold the corporate interests accountable is the Federal Environmental Protection Agency (EPA). Seattle area environmental activists have been able to form a “chain of equivalence” with the EPA in the Duwamish clean-up in part by inserting themselves into an EPA framework that seeks stakeholder input through a participatory planning structure. The shared interests of the EPA and environmental activists are not obvious or easy to negotiate; the EPA, as a bureaucracy with many actors situated within the US federal system, is positioned as a complex institutional agent. But its particular mandate with regard to environmental protection offers a difficult relation to capital, one sometimes allied with non-state actors seeking limits to capital. Purcell's (2008) account of this case is insightful and engaging. We are highly sympathetic to his project of conceptualizing resistance and, by connection, a better, more complete democracy. But we differ over some of the details—essential details—of how best to enact successful resistances. In his case study of the Duwamish River clean up in Seattle, Purcell (2008) cites government policies as the factor enabling community resistance and involvement. His account is historically detailed—and necessarily so, for the complexities of the state have everything to do with the sedimented and sometimes inherently contradictory nature of its policies and procedures. In brief, he points to the EPA, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (also known as “Superfund”), and associated environmental laws as a sort of “environmental Keynesianism” that the federal government enacted in the decade of the 1970s (through 1980) (Purcell 2008:137). For Purcell, the neoliberalisation of these laws is evident in the increasing local devolution of governance authority over particular Superfund sites, including his case of the Duwamish River, resulting in “a proliferation of ad hoc and special purpose entities [that] increasingly carries out the everyday decision-making in Superfund cleanups” (2008:137). At the same time, however, Purcell (2008:138) acknowledges “that such ‘flexibilization’ … tends to create political opportunities that social movements can exploit”. We want to engage the idea that such flexible—or Keynesian—tools of the state are levers that can force the state to act in ways that might be counter to capital and in the service of greater democracy. In particular, we hope for a more complex, and, we expect, more practically productive conceptualization of resistance in relation to the state. While Purcell (2008:38, 183, note 2,2) acknowledges resistive possibilities from engagement with the state, he also notes that “the state is fully imbricated in the project of neoliberalization” (a point also made elsewhere; cf Harvey 2005; Holloway 2005; Mitchell 2003; Smith 1996; Wainwright 2007). We do not disagree with the basic contention that the state regulates and administers a hegemonic political economic order of and for capital. But the state is complex; following the persuasive arguments of Laclau and Mouffe (1985) and the example of the EPA in Purcell (2008), the state ought to be conceptualized like any actor: as multifaceted, with many possible subjectivities in relation to any particular conflict. This complexity offers the possibility that the state can be a tool for resistance, one we explore further in the rest of this paper.

#### Critical academia that doesn’t engage politics makes efficacy impossible – they re-inscribe the existing structure in a constant critique

Bryant 12 (levi, prof of philosophy at Collins college, Critique of the Academic Left, http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/)

The problem as I see it is that this is the worst sort of abstraction (in the Marxist sense) and wishful thinking. Within a Marxo-Hegelian context, a thought is abstract when it ignores all of the mediations in which a thing is embedded. For example, I understand a robust tree abstractly when I attribute its robustness, say, to its genetics alone, ignoring the complex relations to its soil, the air, sunshine, rainfall, etc., that also allowed it to grow robustly in this way. This is the sort of critique we’re always leveling against the neoliberals. They are abstract thinkers. In their doxa that individuals are entirely responsible for themselves and that they completely make themselves by pulling themselves up by their bootstraps, neoliberals ignore all the mediations belonging to the social and material context in which human beings develop that play a role in determining the vectors of their life. They ignore, for example, that George W. Bush grew up in a family that was highly connected to the world of business and government and that this gave him opportunities that someone living in a remote region of Alaska in a very different material infrastructure and set of family relations does not have. To think concretely is to engage in a cartography of these mediations, a mapping of these networks, from circumstance to circumstance (what I call an “onto-cartography”). It is to map assemblages, networks, or ecologies in the constitution of entities. Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park: The underpants gnomes have a plan for achieving profit that goes like this: Phase 1: Collect Underpants Phase 2: ? Phase 3: Profit! They even have a catchy song to go with their work: Well this is sadly how it often is with the academic left. Our plan seems to be as follows:Phase 1: Ultra-Radical CritiquePhase 2: ?Phase 3: Revolution and complete social transformation!Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing? But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done! But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc. What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle. I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation. “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry. Everyone knows something is wrong. Everyone knows this system is destructive and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

#### The master’s tools can be used to dismantle the master’s house

James 09

Robin M. James, Assistant Professor in the Philosophy Department at the University of North Carolina at Charlotte, Spring 2009, Hypatia, available via Wiley online library

In these two instances of successful reappropriation of the master's tools—autonomy/universality and the guitar—the particular, real-world advantages offered by this technique might even require its adoption in instances where nothing else can “do” what it “does.” Indeed, to require that we categorically abandon the master's tools seems itself to be an overly abstract “ideal” that overlooks the often contradictory, historically overdetermined real-world contexts in which all ideas are made meaningful and in which actions unfold. In this world, the stage is already set in certain ways, and sometimes the best or only way to maneuver through its various obstacles requires the repurposing of what we find in/on this stage. If, as Coates's discussion demonstrates, power functions not only at the level of ideology, but also at the level of desire, then feminists cannot avoid engaging dominant structures of feeling and affective conventions (such as those at work in tonal harmony and/or rock music), because these cannot be persuaded or altered by “facts” or arguments (that is, ideological critique or demystification). Reading Butler and Peaches from the perspective of non-ideal theory demonstrates that a reappropriation of the “master's tools” is successful not only when it is more effective or affective than anything else, but also when its use of these tools problematizes or voids the master/slave or insider/outsider hierarchy itself. Under these conditions, the master's tools (for example, “autonomy,”“universality,” and playing the guitar) can indeed bring down the master's house.

### Discourse Bad (bad)

#### We should defend our plan, not our discourse—

#### Fairness—justifies one word PIKs that steal all our ground—impossible to research adequate offense on all 1AC words

#### Education—there’s insufficient clashing literature over a single word to sustain an evolving debate throughout the year—it’s better to focus on a topic designed for controversial in-depth debate

#### Reciprocity justifies— they should defend every word too or else kicking offcase positions justifies severing representations

#### A focus on representations destroys social change by ignoring political and material constraints

Taft-Kaufman 95 (Jill, Professor of Speech at Central Michigan University, Ph.D. from UC Berkeley. “Other Ways” Southern Comm. Journal, Spring, v. 60, Iss. 3)

The postmodern passwords of “polyvocality,” “Otherness,” and “difference,” unsupported by substantial analysis of the concrete contexts of subjects, creates a solipsistic quagmire. The political sympathies of the new cultural critics, with their ostensible concern for the lack of power experienced by marginalized people, aligns them with the political left. Yet, despite their adversarial posture and talk of opposition, their discourses on intertextuality and inter-referentiality isolate them from and ignore the conditions that have produced leftist politics—conflict, racism, poverty, and injustice. In short, as Clarke (1991) asserts, postmodern emphasis on new subjects conceals the old subjects, those who have limited access to good jobs, food, housing, health care, and transportation, as well as to the media that depict them. Merod (1987) decries this situation as one which leaves no vision, will, or commitment to activism. He notes that academic lip service to the oppositional is underscored by the absence of focused collective or politically active intellectual communities. Provoked by the academic manifestations of this problem Di Leonardo (1990) echoes Merod and laments: Has there ever been a historical era characterized by as little radical analysis or activism and as much radical-chic writing as ours? Maundering on about Otherness: phallocentrism or Eurocentric tropes has become a lazy academic substitute for actual engagement with the detailed histories and contemporary realities of Western racial minorities, white women, or any Third World population. (p. 530) Clarke’s assessment of the postmodern elevation of language to the “sine qua non” of critical discussion is an even stronger indictment against the trend. Clarke examines Lyotard’s (1984) The Postmodern Condition in which Lyotard maintains that virtually all social relations are linguistic, and, therefore, it is through the coercion that threatens speech that we enter the “realm of terror” and society falls apart. To this assertion, Clarke replies: I can think of few more striking indicators of the political and intellectual impoverishment of a view of society that can only recognize the discursive. If the worst terror we can envisage is the threat not to be allowed to speak, we are appallingly ignorant of terror in its elaborate contemporary forms. It may be the intellectual’s conception of terror (what else do we do but speak?), but its projection onto the rest of the world would be calamitous….(pp. 2-27) The realm of the discursive is derived from the requisites for human life, which are in the physical world, rather than in a world of ideas or symbols.(4) Nutrition, shelter, and protection are basic human needs that require collective activity for their fulfillment. Postmodern emphasis on the discursive without an accompanying analysis of how the discursive emerges from material circumstances hides the complex task of envisioning and working towards concrete social goals (Merod, 1987). Although the material conditions that create the situation of marginality escape the purview of the postmodernist, the situation and its consequences are not overlooked by scholars from marginalized groups. Robinson (1990) for example, argues that “the justice that working people deserve is economic, not just textual" (p. 571). Lopez (1992) states that "the starting point for organizing the program content of education or political action must be the present existential, concrete situation" (p. 299). West (1988) asserts that borrowing French post-structuralist discourses about "Otherness" blinds us to realities of American difference going on in front of us (p. 170). Unlike postmodern "textual radicals" who Rabinow (1986) acknowledges are "fuzzy about power and the realities of socioeconomic constraints" (p. 255), most writers from marginalized groups are clear about how discourse interweaves with the concrete circumstances that create lived experience. People whose lives form the material for postmodern counter-hegemonic discourse do not share the optimism over the new recognition of their discursive subjectivities, because such an acknowledgment does not address sufficiently their collective historical and current struggles against racism, sexism, homophobia, and economic injustice. They do not appreciate being told they are living in a world in which there are no more real subjects. Ideas have consequences. Emphasizing the discursive self when a person is hungry and homeless represents both a cultural and humane failure. The need to look beyond texts to the perception and attainment of concrete social goals keeps writers from marginalized groups ever-mindful of the specifics of how power works through political agendas, institutions, agencies, and the budgets that fuel them.

#### Discourse isn’t over-determinative. Critique must be joined with political engagement

Bryant ’12 Levi Bryant, teaches philosophy at Collin College, “RSI, Discursivity, Critique, and Politics,” Larval Subjects, 7/18/2012, http://larvalsubjects.wordpress.com/2012/07/18/rsi-discursivity-critique-and-politics/

If I get worked up about these issues, then this is because I think they’ve created serious lacuna in our political theory and practice. Suppose I focus on norms, for example. Great, I’ve developed a theory of norms and how they contribute to the social fabric. Yet while Kant claims that “ought implies can”, I’m not so sure. You’ve shown that something is unjust or that this would be the reasonable way to proceed. But at the real-material level people are caught in sticky networks that suck them into life in particular ways. They ought, for example, to drive an electric car, but what if it’s not available where they are or what if they can’t afford it? Well they should do whatever they can to get it? But what of their other obligations such as eating, sheltering themselves, taking care of their children, paying their medical bills, etc? It would be so nice if we just had mistaken beliefs or failed to recognize the right norms. Things would be so easy then. But there’s life, there’s the power of things. Sometimes the issues aren’t ones of ideology– and yes, of course, I recognize that ideology is probably involved in making electric cars expensive and hard to obtain, but not for them always –sometimes they’re simply issues of the power of things. And if we treat things as blank screens we’ll have difficulty seeing this and we’ll miss out on other opportunities for engagement. Long ago I used to keep track of my blog. I had a map that showed me where all my visits were coming from about the world. I noticed that the interior portions of the United States were largely dark with no visits and that the coasts and cities had a high volume of traffic. Given that my blog talks about all sorts of things ranging from weather patterns to beavers to mantis shrimps to octopi (I get all these random visits from folks searching for these things), it followed that the absence of traffic from these regions of the country couldn’t be explained in terms of a lack of interest in French and continental philosophy (yes, I recognize that there are also cultural reasons folks from these reasons might shy away from such things). What then was it? I think the answer must be that there’s a lack easy and inexpensive internet access from these portions of the country. Notice also that these regions of the country are also the most conservative regions of the country. Could there be a relation between lack of access and conservatism? I am not suggesting that lack of access is the cause of conservatism and fundamentalism. Clearly there’s a whole history in these regions and an entire set of institutions that exercise a particular inertia. I’m saying that if the only voices you hear are those in your immediate community, how much opportunity is there to think and imagine otherwise? You’re only exposed to the orthodoxy of your community and their sanctions. I am also not saying that if you give people the internet they’ll suddenly become radical leftists. Minimally, however, they’ll have a vector of deterritorialization that allows them to escape the constraints of their local social field. All of this begs the question of who critique is for. If it can’t get to the audience that you want to change, what’s it actually doing? Who’s it addressed to? Sometimes you get the sense that the practice of radical political philosophy and critical theory is a bit like the Underpants Gnomes depicted in South Park: The Underpants Gnomes have a plan for success: collect underwear —>; ? [question mark] —->; profit. This is like our critical theorists: debunk/decipher —>; ? [question mark] —->; revolution! The problem is the question mark. We’re never quite sure what’s supposed to come between collecting the underwear and profit, between debunking and revolution. This suggests an additional form of political engagement. Sometimes the more radical gesture is not to debunk and critique, but to find ways to lay fiber optic cables, roads, plumbing, etc. How, for example, can a people rise up and overturn their fundamentalist dictators if they’re suffering from typhoid and cholera as a result of bad plumbing and waste disposal? How can people overturn capitalism when they have to support families and need places to live and have no alternative? Perhaps, at this point, we need a little less critique and a little more analysis of the things that are keeping people in place, the sticky networks or regimes of attraction. Perhaps we need a little more carpentry. This has real theoretical consequences. For example, we can imagine someone writing about sovereignty, believing they’re making a blow against nationalism by critiquing Schmitt and by discussing Agamben, all the while ignoring media of communication or paths of relation between geographically diverse people as if these things were irrelevant to nationalism occurring. Ever read Anderson on print culture and nationalism? Such a person should. Yet they seem to believe nationalism is merely an incorporeal belief that requires no discussion of material channels or media. They thereby deny themselves of all sorts of modes of intervention, hitching everything on psychology, attachment, and identification. Well done!

### Pragmatism Good

#### Pragmatic experimentation is better than methodological unity—fallabilistically discarding theoretical purity in favor of contingent action solves best

Jones ’8 Owain Jones, “Stepping from the wreckage: Geography, pragmatism and anti-representational theory,” Geoforum 39 (2008) 1600–1612, doi:10.1016/j.geoforum.2007.10.003

Calls to theory and research as creative action seem de rigour in geography. For example, as Hinchcliffe (2007) pleads in Geographies of Nature, rather than offering interpretations of nature, or analytical concepts, the injunction must be to join the doings, to experiment, to engage in the doings of environments, to environ them in better ways (p. 191). It seems we are all pragmatists now – or should be. Note here there is creativity with judgment – ‘better ways’. How are we to pursue better ways without foundational grounds? Whitford (1991, p. 14) points out that to envisage ‘new social or ethical forms’ is to confine the future within the conceptualisations of the present. ‘Progress’ is not about moving towards utopia, it is about moving away from dystopia, as Bauman (1993, p. 224) puts it, ‘what we want is to get away from here. Where we hope to land [ ] is a ‘there’ which we thought of little and knew of even less’. We need a restless, radical incrementalism. As the Johnny Mercer/Harold Arlen song has it; ‘you’ve got to accentuate the positive, eliminate the negative, latch on to the affirmative’. This can be done by modest, fallibilistic, experimentation, with a constant toing and froing between idea and practice (this is Rorty’s summation of Dewey’s work), a constant will to act and to judge the consequences in the settings of the particular. Thrift (2005), with some added ingredients, sets out a similar trajectory. This work [NRT] earns a living from a relational view of reality [and] a constructionism of a particular kind, namely a transcendental empiricism (or pan-experimentalism) in which construction never takes place in general but always in relation to a matter of concern and commitment, a lure to our attention which provides an intensification of feeling (p. 474). In his paper on Wittgenstein, Harrison (2002) turns to the idea of witnessing to begin to build an ethical/political momentum for NRT (see also Thrift, 2004a). This essentially asks, what can be said about – or done with, Wittgenstein’s call for the event to be taken seriously (in and of itself), the call to describe and not to explain, or worse, to abstract or seek meaning elsewhere/prior to the event. Harrison feels that the direction to readers ‘to pay attention to whatever is taking place in front of them’ (Harrison, 2002, p. 500) can be understood as a call to witness, and that to witness is more than just observing and reporting on an event, it can be to share and deeply empathize with pain and suffering – the negative (although it could be applied to joy and love – the positive) and otherness – without fully knowing it. Pause to think how often it is that understandings of and responses to current/historical events are not prompted by explanation or analysis but by witnessing of one kind or another. Witnessing is often expressed as narrative. And here we connect to the long running tension between explanation (representation) and certain forms of narrative. NRT is drawn to towards ethological narratives – a sort of ‘radical ecological empiricism’. Serres, an influential figure in NRT thinking (Bingham and Thrift, 2000), has made narrative a central means of exploring the flowing interconnectedness of life – ‘what better way to describe this fluctuation than with everyday words, concrete experiences – in short, by narrative?’ (Serres 1995, p. 65). There is a strong affinity between narrative, artistic practice and NRT (see Thrift, 2004a) and related approaches such as hybrid geographies (Whatmore, 2002). More generally the developing of linkages between geographical and artistic interests and methods is going on apace in the pursuit of methodologies sensitive to process, performativity and affect. Writers, painters, photographers, performers, and poets are often commenting upon, ‘analysing’ – witnessing the world and their and/or other people’s place in it, but through affective/creative narratives rather than rational/representational registers. They do this by generating new accounts of/in the world which might witness eloquently. They add new accounts to the world (e.g. images, movements, sounds, artefacts) which at the same time reposition current forms of being (e.g. Dion, 2007). Thrift is not the only one who considers that ‘performances’ are often more telling (of the world) and more ethically and politically alive than much social science and academia. Rorty (1991a)/Rorty (1991b) has been at pains to point out that art, particularly in the form of literature, can have much more telling effect on society than centuries of precisely argued metaphysical philosophy and, latterly, realist social science. Witness and narrative are being explored as means of generating new political and ethical languages within poststructuralism and NRT. Barnett (2005) suggests that, at worst, poststructuralist theory can ‘generate [ ] an epistemological and ethico-political impasse for itself’ through the generic device of ‘essentializing the logic of exclusion as the ontological foundation of all modes of subjectivity’ (p. 8). Barnett suggests that a reading of Levinas alongside Derrida can point to ways beyond this impasse by which the other is excluded. The ethical relationship, he suggests is inevitably (and) ‘irreducibly asymmetrical’ (p. 18), and rests on an openness towards the Other in which temporal dimensions of being are critical. Within this temporal being in relationship to other, Barnett sees ‘acknowledgement’ (knowledge which includes recognition of suffering and sympathy and the demands of the other) as a means by which the gulf between self and other can be crossed. Why should we want the world given to us or revealed to us when we can do it (or, at least, bits of it)? Correspondence theories, essentialist, universal truth claims are always going to be claims. Proof is always a kind of rhetoric, and can always be willfully ignored anyway. Secondly who/what is to say that if there are universal, essential truths that they are going to be comfortable for us or even take any notice of us. Relativism means we are freer to build our own world. Of course there are a myriad constraints, but there are a myriad opportunities as well (science can narrate both). And within this there are surely many possible futures some of which will be better and some worse. Our efforts should be geared to the former. If we get grounded on foundations movement is less possible. Conflicts are bound to occur, and conflicts based on fundamentalisms are extremely difficult to resolve and are the most destructive. Radical incrementalism implies working with, yet away from the present, without any great plans as to where we are going. How do we respond then to the present in this kind of relation? If we keep witnessing (engaging with the practices of the world) and folding these accounts back into ongoing practice, who knows where the world goes? Of course there will be explanations, representations, and plans for action, but these are always framed in an openness and an incremental experimentation which relies on re-witnessing or constant witnessing. And how do we judge as we have to in the end? The judgment is in what we choose to witness and the rewitnessing of the consequences of actions taken. Is this working? How do these stories compare? Where/when/how would I like to live? We need not be too sceptical; we can build on the common currencies of pain, suffering, well being, happiness and love. As Louis MacNeice (1988) put it in the poem ‘London Rain’ – ‘We need no metaphysics/To sanction what we do’ (p. 72). We need to engineer new formations (Thrift, 2005) and pragmatism (like NRT) is a philosophy of heterogeneous engineering. According to Peirce, the most fundamental engine of the evolutionary process is not struggle, strife, greed, or competition. Rather it is nurturing love, in which an entity is prepared to sacrifice its own perfection for the sake of the wellbeing of its neighbor (Burch, 2006, p. 1). This is the idea of ‘‘agapeism” – ‘growth comes only from love’ (Peirce (1893), in Menand, 1997, p. 52).

### AT: Unethical

#### Calls for state action act upon an ethics of social responsibility that can’t be reduced to the evils of the state

Staeheli ’12 Lynn A. Staeheli, “THE 2011 ANTIPODE AAG LECTURE Whose Responsibility Is It? Obligation, Citizenship and Social Welfare,” Antipode, published online 7/25/2012, DOI: 10.1111/j.1467-8330.2012.01026.x

Finally, in undertaking such explorations, we should avoid pre-judging the political stance taken by activists. The politics of care is not unified, in the sense of activists understanding care in the same ways. Furthermore, acting on the politics of care often involves conflict and dissent. The activists who tried to force the state to meet its obligations were not interested in consensus; they were fighting for social transformation, but their visions of what transformation entailed differed. Many of them believe they are involved in actions that deepen democracy and justice in the places they live, and they do so by challenging the state. In pursuing politics of care and obligation, many activists also pursue an insurgent politics they hope will unsettle the status quo. In answering the question “whose responsibility is it?”, they hope to disrupt the politics of responsibility talk and force the recognition of a public responsibility. Extending the comments from the activist in Denver, Mama may have told some of the activists to engage in politics, but it is a politics that insists on a public responsibility—and obligation—from which we cannot disengage.

### Generic Perms

#### 1. Perm: Adopt a pluralist account of critical theories. The aff can be incorporated into the alt.

Bohman and Rehg 14 (Bohman, James, Professor of Philosophy and Professor of International Studies, St Louis University, and William Rehg, Dean of the College of Philosophy and Letters, St. Louis Universty, "Jürgen Habermas", The Stanford Encyclopedia of Philosophy, Edward N. Zalta (ed.), <http://plato.stanford.edu/entries/habermas/>)

**Starting with Marx's historical materialism, large-scale macrosociological and historical theories have long been held to be the most appropriate explanatory basis for critical social science. However, such theories have two drawbacks** for the critical project. **First, comprehensiveness does not ensure explanatory power.** Indeed, **there are many such large-scale theories, each with their own distinctive and exemplary social phenomena that guide their attempt at unification. Second, a close examination of standard critical explanations, such as the theory of ideology, shows that such explanations typically appeal to a variety of different social theories** (Bohman 1999). **Habermas's** actual **employment of critical explanations bears this out. His criticism of modern societies turns on the explanation of the relationship between** two very different theoretical terms: **a micro-theory of rationality based on communicative coordination and a macro-theory of** the systemic integration of modern societies through **such mechanisms as the market** (TCA, vol. 2). In concrete terms, this means that Habermas develops a two-level social theory that includes an analysis of communicative rationality, the rational potential built into everyday speech, on the one hand; and a theory of modern society and modernization, on the other (White 1989). On the basis of this theory, **Habermas hopes to be able to assess the gains and losses of modernization and to overcome its one-sided version of rationalization. Comprehensive critical theories make two problematic assumptions: that there is one preferred mode of critical explanation, and that there is one preferred goal of social criticism, namely a socialist society that fulfills the norm of human emancipation.** Only with such a goal in the background does the two-step process of employing historical materialism to establish an epistemically and normatively independent stance make sense. The correctness or incorrectness of such a critical model depends not on its acceptance or rejection by its addressees, but on the adequacy of the theory to objective historical necessities or mechanisms (into which the critical theorist alleges to have superior insight). **A pluralistic mode of critical inquiry suggests a different norm of correctness: that criticism must be verified by those participating in the practice and that this demand for practical verification is part of the process of inquiry itself.** Although Habermas's attitude toward these different modes of critical theory is somewhat ambivalent, **he has given good reasons to accept the practical, pluralist approach. Just as in the analysis of modes of inquiry tied to distinct knowledge-constitutive interests, Habermas accepts that various theories and methods each have “a relative legitimacy.”** Indeed, like Dewey he goes so far as to argue that **the logic of social explanation is pluralistic and eludes the “apparatus of general theories.” In the absence of any such general theories, the most fruitful approach to social-scientific knowledge is to bring all the various methods and theories into relation to each other:** “Whereas the natural and the cultural or hermeneutic sciences are capable of living in mutually indifferent, albeit more hostile than peaceful coexistence, the social sciences must bear the tension of divergent approaches under one roof” (1988a, 3). In TCA, Habermas casts critical social theory in a similarly pluralistic, yet unifying way. In discussing various accounts of societal modernization, for example, **he argues that the main existing theories have their own “particular legitimacy” as developed lines of empirical research, and that Critical Theory takes on the task of critically unifying the various theories and their heterogeneous methods and presuppositions. “Critical social theory does not relate to established lines of research as a competitor; starting from its concept of the rise of modern societies, it attempts to explain the specific limitations and the relative rights of those approaches”** (TCA, 2: 375).

#### 2. Perm: Do the aff and the alternative in all other instances. Double bind: either the alternative is strong enough to overcome the link, or the link is so strong that the alternative fails regardless.

#### 3. Perm do both—Implementing ideas that don’t normally go together is key to find better solutions and break down our own theories.

Marcus 98 (George E., Professor of Anthro at Rice University, Ethnography through Thick and Thin, Princeton: Princeton University Press, 1998, 186-7)

The postmodern notions of heterotopia (Foucault), **juxtapositions, and the blocking together of incommensurables** (Lyotard) **have served to renew the long-neglected practice of comparison** in anthropology, but in altered ways. **Juxtapositions do not have the obvious meta-logic of older styles of comparison in anthropology** (e.g., controlled comparisons within a cultural area or "natural" geographical region); rather, **they emerge from putting questions to an emergent object of study whose controus are not known beforehand, but are themselves a contribution of making an account which has different, complexly connected real-world sites of investigation**. The postmodern object of study is ultimately mobile and multiply situated, so **any ethnography of such an object will have a comparative dimension that is integral to it, in the form of juxtapositions of seeming incommensurables** or phenomena **that might conventionally have appeared to be "world apart**." **Comparison reenters the very act of ethnographic specificity** by a postmodern vision of seemingly improbably juxtapositions**, the global collapsed into and made and integral part of a parallel, related local situations rather than something monolithic and external to them**. This move toward comparison as heterotopia firmly deterritorializes culture in ethnographic writing and simulates accounts of cultures composed in a landscape for which there is as yet no developed theoretical comparison.

#### 4. Perm: Do the aff and all non-mutually exclusive parts of the alternative. Aff as the net benefit outweighs the risk of the link because the use of parts of the alternative should be sufficient to mitigate it.

#### Perm do both—prefer it—the oppositional nature of our political strategies proves doing them simultaneously solves best

Higgins ‘13 [Kathleen, University of Texas-Austin, Philosophy Professor, Winter 2013, Post-Truth Pluralism: The Unlikely Political Wisdom of Friedrich Nietzche] PO

Progressives are right that we live increasingly in a post-truth era, but rather than rejecting it and pining nostalgically for a return to a more truthful time, we should learn to better navigate it. Where the New York Times and Walter Cronkite were once viewed as arbiters of public truths, today the Times competes with the Wall Street Journal, and CBS News with FOX News and MSNBC, in describing reality. The Internet multiplies the perspectives and truths available for public consumption. The diversity of viewpoints opened up by new media is not going away and is likely to intensify. This diversity of interpretations of reality is part of a longstanding trend. Democracy and modernization have brought a proliferation of worldviews and declining authority of traditional institutions to meanings. Citizens have more freedom to create new interpretations of facts. / This proliferation of viewpoints makes the challenge of democratically addressing contemporary problems more complex. One consequence of all this is that our problems become more wicked and more subject to conflicting meanings and agendas. We can’t agree on the nature of problems or their solutions because of fundamentally unbridgeable values and worldviews. In attempting to reduce political disagreement to black and white categories of fact and fiction, progressives themselves uniquely ill-equipped to address our current difficulties, or to advance liberal values in the culture./ A new progressive politics should have a different understanding of the truth than the one suggested by the critics of conservative dishonesty. We should understand that human beings make meaning and apprehend truth from radically different standpoints and worldviews, and that our great wealth and freedom will likely lead to more, not fewer, disagreements about the world. Nietzsche was no democrat, but the pluralism he offers can be encouragement to today’s political class, as well as the rest of us, to become more self-aware of, and honest about, how our standpoint, values, and power affect our determinations of what is true and what is false. / In the post­truth era, we should be able to articulate not one but many different perspectives. Progressives seeking to govern and change society cannot be free of bias, interests, and passions, but they should strive to be aware of them so that they can adopt different eyes to see the world from the standpoint of their fiercest opponents. Taking multiple perspectives into account might alert us to more sites of possible intervention and prime us for creative formulations of alternative possibilities for concerted responses to our problems. / Our era, in short, need not be an obstacle to taking common action. We might see today’s divided expert class and fractions public not as temporary problems to be solved by more reason, science, and truth, but rather as permanent features of our developed democracy. We might even see this proliferation of belief systems and worldviews as an opportunity for human development. We can agree to disagree and still engage in pragmatic action in the World.

### --- IR Perm

#### Prioritization claims are counter-productive and illogical – you should evaluate the veracity of the 1ac’s claims about the world while embracing a plurality of theories

Andrew Bennett 13, government prof at Georgetown, The mother of all isms: Causal mechanisms and structured pluralism in International Relations theory, European Journal of International Relations 2013 19:459

The political science subfield of International Relations (IR) continues to undergo debates on whether and in what sense it is a 'science,1 how it should organize its inquiry into international politics, and how it should build and justify its theories. On one level, **an 'inter-paradigm' debate**, while less prominent than during the 1990s, **has continued to limp along** **among researchers who identify their work as fitting within the research agenda of a grand school of thought, or 'ism**,' and the scholar most closely associated with it, including **neorealism** (Waltz, 1979), **neoliberalism** (Keohane, 1984), **constructivism** (Wendt, 1992), or occasionally **Marxism** (Wallerstein, 1974) or **feminism** (Tickner, 1992). **Scholars** participating in this debate **have often acted as if their preferred** 4 **ism'** **and its competitors were** either "**paradigms**" (following Kuhn, 1962) **or "research programs**' (as defined by Lakatos, 19701. and some have explicitly framed their approach as paradigmatic or programmatic (Hopf, 1998).

**A second level of the debate involves post-positivist critiques** of IR as a "scientific' enterprise (Lapid, 1989). While the vague label "post-positivist, encompasses a diverse group of scholars, frequent post-positivist themes include arguments that observation is theory-laden (Kuhn, 1962), that knowledge claims are always part of mechanisms of power and that meaning is always social (Foucault, 1978), and that individual agents and social structures are mutually constitutive (Wendt, 1992). Taken together, these arguments indicate that the social sciences face even more daunting challenges than the physical sciences.

**A third axis of contestation has been methodological**, involving claims regarding the strengths and limits of statistical, formal, experimental, qualitative case study, narrative, and other methods. In the last two decades the argument that there is 'one logic of inference1 and that this logic is 'explicated and formalized clearly in discussions of quantitative research methods' (King et al., 1994: 3) has generated a useful debate that has clarified the similarities, differences, uses, and limits of alternative methods ( Brady and Collier, 2010; George and Bennett, 2005; Goertz and Mahoney, 2006).

**These debates have** each in their own way **proved fruitful, increasing the** theoretical, epistemological, and methodological **diversity of the field** (Jordan el al., 2009). **The IR subfield has also achieved considerable progress in the last few decades in its theoretical and empirical understanding of important policy-relevant issues**, including the inter-democratic peace, terrorism, peacekeeping, international trade, human rights, international law, international organizations, global environmental politics, economic sanctions, nuclear proliteration, military intervention, civil and ethnic conflicts, and many other topics.

**Yet** there is a widespread sense that **this progress has arisen in spite of interparadigmatic debates rather than because of them**. Several prominent scholars, including Rudra Sil and Peter Katzenstein, have argued that although research cast within the framework of paradigmatic debates has contributed useful concepts and findings, **framing the IR field around inter-paradigmatic debates is ultimately distracting and** even **counterproductive** (Sil and Katzenstein, 2010; see also David Lake, 2011, and in this special issue, and Patrick Thaddeus Jackson and Daniel Nexon, 2009, and in this special issue). These scholars agree that **IR researchers have misapplied** Kuhn's notion of **paradigms in ways that imply that grand theories of tightly connected ideas — the isms — are the central focus of IR theorizing, and that such isms should compete until one wins general consensus**. Sil and Katzenstein argue that **the remedy for this is to draw on pragmatist philosophers and build upon an 'eclectic' mix of theories and methods to better understand the world** (Sil and Katzenstein, 2010). **In this view, no single grand theory can capture the complexities of political life, and the real explanatory weight is carried by more fine-grained theories about 'causal mechanisms**."

In this article I argue that **those urging a pragmatic turn in IR are correct** in their diagnosis of the drawbacks of paradigms and their prescription tor using theories about causal mechanisms as the basis for explanatory progress in IR. **Yet scholars are** understandably **reluctant to jettison the "isms' and the inter-paradigmatic debate** not only because they fear losing the theoretical and empirical contributions made in the name of the isms, but because framing the field around the isms has proven a useful shorthand for classroom teaching and field-wide discourse. The 'eclectic' label that Sil and Katzenstein propose can easily be misinterpreted in this regard, as the Merriam-Webster online dictionary defines 'eclectic\* as 'selecting what appears to be best in various doctrines, methods, or styles,' as Sil and Katzenstein clearly intend, but it also includes as synonyms "indiscriminate" and 'ragtag.'1 By using the term 'eclecticism' and eschewing any analytic structure for situating and translating among different examples of IR research, Sil and Katzenstein miss an opportunity to enable a discourse that is structured as well as pluralistic, and that reaches beyond IR to the rest of the social sciences.

I maintain that in order to sustain the genuine contributions made under the guise of the inter-paradigmatic debate and at the same time get beyond it to focus on causal mechanisms rather than grand theoretical isms, four additional moves are necessary. First, given that mechanism-based approaches are generally embedded within a scientific realist philosophy of science, it is essential to clarify the philosophical and definitional issues associated with scientific realism, as well as the benefits — and costs — of making hypothesized causal mechanisms the locus of explanatory theories. As Christian Reus-Smit argues in this special issue, **IR theory cannot sidestep metatheoretical debates**. Second, **it is important to take post-positivist critiques seriously and to articulate standards for theoretical progress**, other than paradigmatic revolutions, **that are defensible even if they are fallible**. Third, achieving a shift toward mechanismic explanations requires outlining the contributions that diverse methods can make to the study of causal mechanisms. Finally, it is vital to demonstrate that a focus on mechanisms can serve two key functional roles that paradigms played for the IR subfield: first, providing a framework for cumulative theoretical progress; and, second, constituting a useful, vivid, and structured vocabulary for communicating findings to fellow scholars, students, political actors, and the public (see also Stefano Guzzini's article in this special issue). I argue that the term **'structured pluralism'** best captures this last move, as it **conveys the sense that IR scholars can borrow the best ideas from different theoretical traditions and social science disciplines in ways that allow both intelligible discourse and cumulative progress**.

Alter briefly outlining the problems associated with organizing the IR field around the "isms/ this article addresses each of these four tasks in turn. First, it takes on the challenges of defining "causal mechanisms' and using them as the basis of theoretical explanations. Second, it acknowledges the relevance and importance of post-positivist critiques of causal explanation, yet it argues that **scientific realism and** some approaches to **interpretivism are compatible**, and that there are standards upon which they can agree forjudging explanatory progress. Third, it very briefly clarifies the complementary roles that alternative methods can play in elucidating theories about causal mechanisms. Finally, the article presents a taxonomy of theories about social mechanisms to provide a pluralistic but structured framework for cumulative theorizing about politics. This taxonomy provides a platform for developing typological theories — or what others in this special issue, following Robert Merton, have called middle-range theories — on the ways in which combinations of mechanisms interact to produce outcomes. Here, **I join Lake** in this special issue **in urging that IR theorizing be centered around middle-range theories**, and I take issue with Jackson and Nexon's suggestion herein that such theorizing privileges correlational evidence, and their assertion that statistical evidence is inherently associated with Humean notions of causation. I argue that **my taxonomy of mechanisms offers a conceptual bridge to the paradigmatic isms in IR. adopting and organizing their theoretical insights while leaving behind their paradigmatic pretensions**. The article concludes that, among its other virtues, **this taxonomy can help reinvigorate dialogues between IR theory and** **the** **fields of** comparative and American **politics, economics, sociology, psychology, and history, stimulating cross-disciplinary discourses that have been inhibited by the scholasticism of IR's ingrown 'isms**.'

### AT: VTL

#### Even devalued lives are worth saving

Belliotti 3 – Professor of Philosophy, SUNY (Raymond, Happiness is Overrated, p 84)

Consider the following analysis of human lives. A life is minimally meaningful it embodies enough freely chosen interests, projects, purposes, and commitments to engage the bearer and animate his or her faith in life. Even a minimally meaningful life has a narrative structure as a person organizes her energies and resources around her interests and projects. A minimally meaningful life is minimally worthwhile. **A minimally worthwhile life is** one **worth living**, a life such that one would not be better off dead or never having been born. The activities that bring minimal meaning must be appropriate to the experience, they must be real not simulated, not induced through external agency, nor merely hallucinations. **The bar of a meaningful life is quite low. Minimal meaning produces enough satisfaction** of desires and interests **to block suicide** or voluntary euthanasia. Lives are worth continuing and minimally meaningful where great achievement is lacking. Some lives are more meaningful than other lives. Robustly meaningful lives, the ones to which we aspire, embody interests, projects, purposes, and commitments that produce significance. A robustly meaningful life is significant, sometimes important, occasionally even exemplary. We, typically, hope not merely to maintain our lives, but to strive for our vision of a good life. To be significant, a life must influence the lives of others in uncommon ways. A significant life leaves historical footprints. To be important, a life must be significant enough to make a relatively enduring difference in the world. These historical footprints express, thereby making more public, the importance of the life. To be exemplary, a life must be meaningful, significant, important, and valuable enough to serve as a model or ideal. The distinction between minimally meaningful and robustly meaningful lives allows us to include, as we should, both a disabled, slightly retarded person and Leonardo da Vinci into the pantheon of lives worth living. Thus, **meaningful lives need not be** significant, **important, or valuable lives**. Most of us do not have stunningly significant and important lives, although almost all of us do affect the lives of others. **Most** of our **lives fall** somewhere **between minimally** meaningful **and robustly meaningful** lives. The degree and manner of influence is crucial. To be valuable, lives must be linked to and support value. Some of the more important types of value are moral, cognitive, aesthetic, and religious. Hitler had a meaningful, significant, and important life. He did not have a valuable life nor an exemplary life. A valuable life is always meaningful, but a meaningful life may not be valuable. Hitler's life was meaningful but it is reasonable to view it as valueless in the sense that his collective deeds were stunningly immoral.

#### Ignore value to life criteria

Szacki 96 – Professor Emeritus of Sociology, Warsaw (Jerzy, Liberalism After Communism, p 197)

Thus, the task of **politics cannot and should not** be to **resolve the dispute among different conceptions of life. This is** completely unattainable or is **attainable only by a totalitarian enslavement** of society **in the name of** some **one conception**. This being the case, according to Dworkin, '**political decisions must be** as far as possible **independent of conceptions of** the good life, or **what gives value to life. Since citizens** of a society **differ in these conceptions, the government does not treat them as equals if it prefers one conception** to another.'59

### AT: Root Cause

#### Prefer specific causal claims—k not root cause of aff harms

#### Root cause claims are reductive and create ideological polarization—kills political productivity

Nordhaus and Shellenberger ’13 Ted Nordhaus, Michael Shellenberger, “Wicked Polarization: How Prosperity, Democracy, and Experts Divided America,” Breakthrough Journal, Issue 3, Winter 2013, http://thebreakthrough.org/index.php/journal/issue-3/wicked-polarization/

Ultimately, the authors here are after bigger prey than ideological extremism. They have their sights set on continuing Rittel and Webber’s project of dethroning the dominant mode of expert analysis with its pretenses to value-free analysis and policy making. Problem-definition always arises with presumed solutions. Describing obesity as “caused” by food environments implies changing food environments. A larger set of causes (e.g., poor health care, lack of education) reveals a larger number of potential solutions. To stimulate cooperation and action, we might proliferate the number of policy choices we see as legitimate, even if our highest policy priorities are not at the top of the list. In creating a new pluralism for the “post-truth era,” liberals might, paradoxically, find useful counsel from that most illiberal of modern philosophers, Friedrich Nietzsche. His work undermined the Platonic conceit that the world can be understood or experienced from something other than a highly particular point of view. Behind progressive complaints of conservative mendacity, writes Nietzsche scholar Kathleen Higgins, is the assumption that “if people only knew the truth, we wouldn’t have the problems of global warming, economic recession, and poverty — or at least that such challenges would be far smaller.” There is no going back to older notions of objective expertise, for as Rittel and Webber noted, “there are no value-free, true-false answers to any of the wicked problems governments must deal with.” The problem is not that we are in a post-truth age but rather that we have not learned to adapt to it. Perhaps a good place to begin is by recognizing our own biases, perspectives, and agendas and attempting to hold them more lightly. In the end, rising affluence, democracy, and complexity can empower partisanship, but they can also destabilize it. Wickedness creates all manner of opportunity to disrupt the fault lines of our many intensely polarized debates and to disorient partisans accustomed to knowing exactly what they are supposed to think about any issue. If wickedness is the result of framing problems in ways that lend themselves to familiar and long-desired solutions, then bringing an end to our ideological arms race will ultimately require that we force partisans out of their comfort zone by redefining those problems in ways to which partisans do not already know the answers. It is our hope that the essays assembled here will do just that.

### AT: Nonpolitical Alts

#### ( ) Criticisms that lack a political strategy re-inscribe existing structures

Bryant 12 (levi, prof of philosophy at Collins college, Critique of the Academic Left, http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/)

The problem as I see it is that this is the worst sort of abstraction (in the Marxist sense) and wishful thinking. Within a Marxo-Hegelian context, a thought is abstract when it ignores all of the mediations in which a thing is embedded. For example, I understand a robust tree abstractly when I attribute its robustness, say, to its genetics alone, ignoring the complex relations to its soil, the air, sunshine, rainfall, etc., that also allowed it to grow robustly in this way. This is the sort of critique we’re always leveling against the neoliberals. They are abstract thinkers. In their doxa that individuals are entirely responsible for themselves and that they completely make themselves by pulling themselves up by their bootstraps, neoliberals ignore all the mediations belonging to the social and material context in which human beings develop that play a role in determining the vectors of their life. They ignore, for example, that George W. Bush grew up in a family that was highly connected to the world of business and government and that this gave him opportunities that someone living in a remote region of Alaska in a very different material infrastructure and set of family relations does not have. To think concretely is to engage in a cartography of these mediations, a mapping of these networks, from circumstance to circumstance (what I call an “onto-cartography”). It is to map assemblages, networks, or ecologies in the constitution of entities. Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park: The underpants gnomes have a plan for achieving profit that goes like this: Phase 1: Collect Underpants Phase 2: ? Phase 3: Profit! They even have a catchy song to go with their work: Well this is sadly how it often is with the academic left. Our plan seems to be as follows:Phase 1: Ultra-Radical CritiquePhase 2: ?Phase 3: Revolution and complete social transformation!Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing? But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done! But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc. What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle. I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation. “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry. Everyone knows something is wrong. Everyone knows this system is destructive and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

#### ( ) Policy simulation is key to political activism

Coverstone 5 [MBA (Alan, Acting on Activism)

An important concern emerges when Mitchell describes reflexive fiat as a contest strategy capable of “eschewing the power to directly control external actors” (1998b, p. 20). Describing debates about what our government should do as attempts to control outside actors is debilitating and disempowering. Control of the US government is exactly what an active, participatory citizenry is supposed to be all about. After all, if democracy means anything, it means that citizens not only have the right, they also bear the obligation to discuss and debate what the government should be doing. Absent that discussion and debate, much of the motivation for personal political activism is also lost. Those who have co-opted Mitchell’s argument for individual advocacy often quickly respond that nothing we do in a debate round can actually change government policy, and unfortunately, an entire generation of debaters has now swallowed this assertion as an article of faith. The best most will muster is, “Of course not, but you don’t either!” The assertion that nothing we do in debate has any impact on government policy is one that carries the potential to undermine Mitchell’s entire project. If there is nothing we can do in a debate round to change government policy, then we are left with precious little in the way of pro-social options for addressing problems we face. At best, we can pursue some Pilot-like hand washing that can purify us as individuals through quixotic activism but offer little to society as a whole. It is very important to note that Mitchell (1998b) tries carefully to limit and bound his notion of reflexive fiat by maintaining that because it “views fiat as a concrete course of action, it is bounded by the limits of pragmatism” (p. 20). Pursued properly, the debates that Mitchell would like to see are those in which the relative efficacy of concrete political strategies for pro-social change is debated. In a few noteworthy examples, this approach has been employed successfully, and I must say that I have thoroughly enjoyed judging and coaching those debates. The students in my program have learned to stretch their understanding of their role in the political process because of the experience. Therefore, those who say I am opposed to Mitchell’s goals here should take care at such a blanket assertion. However, contest debate teaches students to combine personal experience with the language of political power. Powerful personal narratives unconnected to political power are regularly co-opted by those who do learn the language of power. One need look no further than the annual state of the Union Address where personal story after personal story is used to support the political agenda of those in power. The so-called role-playing that public policy contest debates encourage promotes active learning of the vocabulary and levers of power in America. Imagining the ability to use our own arguments to influence government action is one of the great virtues of academic debate. Gerald Graff (2003) analyzed the decline of argumentation in academic discourse and found a source of student antipathy to public argument in an interesting place. I’m up against…their aversion to the role of public spokesperson that formal writing presupposes. It’s as if such students can’t imagine any rewards for being a public actor or even imagining themselves in such a role. This lack of interest in the public sphere may in turn reflect a loss of confidence in the possibility that the arguments we make in public will have an effect on the world. Today’s students’ lack of faith in the power of persuasion reflects the waning of the ideal of civic participation that led educators for centuries to place rhetorical and argumentative training at the center of the school and college curriculum. (Graff, 2003, p. 57) The power to imagine public advocacy that actually makes a difference is one of the great virtues of the traditional notion of fiat that critics deride as mere simulation. Simulation of success in the public realm is far more empowering to students than completely abandoning all notions of personal power in the face of governmental hegemony by teaching students that “nothing they can do in a contest debate can ever make any difference in public policy.” Contest debating is well suited to rewarding public activism if it stops accepting as an article of faith that personal agency is somehow undermined by the so-called role playing in debate. Debate is role-playing whether we imagine government action or imagine individual action. Imagining myself starting a socialist revolution in America is no less of a fantasy than imagining myself making a difference on Capitol Hill. Furthermore, both fantasies influenced my personal and political development virtually ensuring a life of active, pro-social, political participation. Neither fantasy reduced the likelihood that I would spend my life trying to make the difference I imagined. One fantasy actually does make a greater difference: the one that speaks the language of political power. The other fantasy disables action by making one a laughingstock to those who wield the language of power. Fantasy motivates and role-playing trains through visualization. Until we can imagine it, we cannot really do it. Role-playing without question teaches students to be comfortable with the language of power, and that language paves the way for genuine and effective political activism. Debates over the relative efficacy of political strategies for pro-social change must confront governmental power at some point. There is a fallacy in arguing that movements represent a better political strategy than voting and person-to-person advocacy. Sure, a full-scale movement would be better than the limited voice I have as a participating citizen going from door to door in a campaign, but so would full-scale government action. Unfortunately, the gap between my individual decision to pursue movement politics and the emergence of a full-scale movement is at least as great as the gap between my vote and democratic change. They both represent utopian fiat. Invocation of Mitchell to support utopian movement fiat is simply not supported by his work, and too often, such invocation discourages the concrete actions he argues for in favor of the personal rejectionism that under girds the political cynicism that is a fundamental cause of voter and participatory abstention in America today.

### AT: Abstraction

#### Abandoning policy discussion for epistemological questioning slows action and causes violence

Darryl Jarvis (Director of the Research Institute for International Risk and Lecturer in International Relations, The University of Sydney) 2000 “International relations and the challenge of postmodernism” p. 128-9

More is the pity that such irrational and obviously abstruse debate should so occupy us at a time of great global turmoil.  That it does and continues to do so reflects our lack of judicious criteria for evaluating theory and, more importantly, the lack of attachment theorist have to the real world.  Certainly it is right and proper that we ponder what we ponder the depth of our theoretical imagination, engage in epistemological and ontological debate, and analyze the sociology of our knowledge.  But to suppose that this is the only talk on international theory, let alone the most important one, smacks of intellectual elitism and displays a certain contempt for those who search for guidance in their daily struggle as actors in international politics.  What does Ashley’s project, his deconstructive efforts, or valiant fight against positivism say to the truly marginalized, oppressed, and destitute?  How does it help solve the plight of the poor, the displaced refugees, the casualties of war, or the emrigres of death squads?  Does it in any way speak to those actions and thoughts comprise the policy and practice of international relations?  On all these questions one must answer no.  That is not to say, of course, that all theory should be judged by its technical rationality and problem solving capacity as Ashley forcefully argues.  But to suppose that problem solving technical theory is not necessary – or is in some way bad – is a contemptuous position that abrogates any hope of solving some of the nightmarish realities that millions confront daily.  As Holsti argues, we need ask of these theorists and their theories the ultimate question, “So What?”  To what purpose do they construct, problematize, destabilize, undermine, ridicule, and belittle modernist and rationalist approaches?  Does this get us any further, make the world any better, or enhance the human condition?  In what sense can this “debate towards bottomless pit of epistemology and metaphysics” be judged pertinent, relevant, helpful, or cogent to anyone other than those foolish enough to be scholastically excited by abstract and recondite debate?

## Theory

### Condo Bad

#### Neg conditionality is a voting issue—destroys 1AR strategic flexibility which is the arc of clash and also provides the neg with a no risk option to follow the path of least resistance—depth is key to debate’s political value, but condo encourages late developing debates where the neg win percentage is astronomically high—reject the debater since rejecting the argument is the definition of condo

### PIKs Bad

#### Reject PIKs—they moot all 1AC offense which functionally gives the neg one more speech than us—they’re also infinitely unpredictable since there are an infinite number of things they could have PIKed out of from the 1AC—we also can’t check abuse with perms—Ks with exclusive alternatives solve all their offense

### Perfcons bad

#### 1] It’s like pre-meditated murder – they knew they were wrong but did it anyway, which makes them worse than us, because we only linked unintentionally. Vote them down first.

#### 2] It forces us to contradict too – if they contradict, we lose our stable advocacy as well, and our ground because they can cross-apply our answers to take each other out, so we always lose.

#### 3] False advocacies are bad for debate – they violate their own arguments, which proves they don’t really believe them. That’s bad for debate because it promotes cynicism and destroys political activism.

#### Vote them down on it for ground and that they link more than we do

## AT: Counterfactual K

#### **Perm do both—shields the link, means the aff ISN’T an affirmation of a racist constitution.**

#### Perm: do the aff and separately embrace the neg’s genealogy.

#### Perm: do the aff while disavowing racist aspects of the constitution.

#### **Genealogies that end in a concrete advocacy are co-opted.**

Medina 11 – prof @ Vanderbilt

(Jose, Toward a Foucaultian Epistemology of Resistance: Counter-Memory, Epistemic Friction, and Guerrilla Pluralism, Foucault Studies, No. 12, pp. 9-35, October 2011)

As Foucault puts it, genealogies can be described as the ‚attempt to de- subjugate historical knowledges, to set them free, or in other words to enable them to oppose and struggle against the coercion of a unitary, formal, and scientific theoretical discourse.‛40 But, as he emphasizes, genealogies do not simply ‚reject knowledge, or invoke or celebrate some immediate experience that has yet to be captured by knowledge. This is not what they are about. They are about the insurrection of knowledges.‛41 Genealogical investigations proceed by ‚way of playing local, discontinuous, disqualified, or nonlegitimized knowledges off against the unitary theoretical instance‛ that filters them out or absorbs them by putting them in their proper place within a hierarchy. Genealogies are insurrections of subjugated knowledges. And the plurals here are crucial, for the plurality of insurrections and of subjugated knowledges has to be kept always alive in order to resist new hegemonic unifications and hierarchizations of knowledges. The danger that the critical work of genealogies can be reabsorbed by hegemonic power/knowledges is brilliantly described by Foucault:¶ Once we have excavated our genealogical fragments, once we begin to exploit them and to put in circulation these elements of knowledge that we have been trying to dig out of the sand, isn’t there a danger that they will be recoded, recolonized by these unitary discourses which, having first disqualified them and having then ignored them when they reappeared, may now be ready to reannex them and include them in their own discourses and their own power- knowledge? And if we try to protect the fragments we have dug up, don’t we run the risk of building, with our own hands, a unitary discourse? 42 Insurrections of (de-)subjugated knowledges and their critical resistance can be co- opted for the production of new forms of subjugation and exclusion (new hegemonies) or for the reinforcement of old ones. The only way to resist this danger is by guaranteeing the constant epistemic friction of knowledges from below, which—as I have argued elsewhere—means guaranteeing that eccentric voices and perspectives are heard and can interact with mainstream ones, that the experiences and concerns of those who live in darkness and silence do not remain lost and un-attended, but are allowed to exert friction. Genealogies have to be always plural, for genealogical investigations can unearth an indefinite number of paths from for- gotten past struggles to the struggles of our present. And the insurrections of subjugated knowledges they produce also need to remain plural if they are to retain their critical power, that is, the capacity to empower people to resist oppressive power/knowledge effects. In the next section I will put this Foucaultian pluralism in conversation with other epistemological pluralistic approaches to memory and knowledge of the past.

#### Their focus on history is bad—it freezes action—we should remain radically open to futurity.

Zupancic ’03 (Alenka, The Shortest Shadow: Nietzsche’s Philosophy of the Two, pg 57-60)

In Unfashionable Observations, Second Piece (“On the Utility and Liability of History of Life”), Nietzsche links the question of forgetting (which he employs as a synonym for the ahistorical) to the question of the act. Forgetting, obvlivion, is the very condition of possibility for an act in the strong sense of the word. Memory (the “historical”) is eternal sleeplessness and alert insomnia, a state in which no great thing can happen, and which could even be said to serve this very purpose. Considering the common conception according to which memory is something monumental that “fixes” certain events, and closes us within their horizon, Nietzsche proposes a significantly different notion. It is precisely as an eternal openness, an unceasing stream, that memory can immobilize us, mortify us, make us incapable of action. Nietzsche invites us to imaging the extreme example of a human being who does not possess the power to forget. Such a human being would be condemned to see becoming everywhere: he would no longer believe in his own being, would see everything flow apart in turbulent particles, and would lose himself in this stream of becoming. He would be like the true student of Heraclitus. A human being who wanted to experience things in a thoroughly historical manner would be like someone forced to go without sleep. Memory holds us in eternal motion – it keeps opening numerous horizons, and this is precisely how it immobilizes us, forcing us into frenetic activity. Hence, Nietzsche advances a thesis that is as out of tune with our times as it is his own: “every living thing can become healthy, strong and fruitful only within a defined horizon; if it is incapable of drawing a horizon around itself and too selfish, in turn, to enclose its own perspectives within an alien horizon, then it will feebly waste away or hasten to its timely und.” Of course, Nietzsche’s aim here is not to preach narrow-mindedness and pettiness, nor is it simply to affirm the ahistorical against history and memory. On the contrary, he clearly states that it is only by thinking, reflecting, comparing, analyzing and synthesizing (i.e. only by means of the power to utilize the past for life and to reshape past events into history) that the human being becomes properly human. Yet, in the excess of history, the human being ceases to be human once again, no longer able to create or invent. This is why Nietzsche insists that “every great historical event” is born in the “ahistorical atmosphere,” that is to say, in conditions of oblivion and closure: Imagine a man seized and carried away by a vehement passion for a woman or for a great idea; how his world changes! Looking backward he feels he is blind, listening around he hears what is unfamiliar as a dull, insignificant sound; and those things that he perceives at all he never before perceived in this way; so palpable and near, colorful, resonant, illuminated, as though he were apprehending it with all his senses at once. All his valuations are changed and devalued;... It is the most unjust condition in the world, narrow, ungrateful to the past, blind to dangers, deaf to warnings; a tiny whirlpool of life in a dead sea of night and oblivion; and yet this condition—ahistorical, antihistorical through and through— is not only womb of the unjust deed, but of every just deed as well; and no artist will create a picture, no general win a victory, and no people gain its freedom without their having previously desired and striven to accomplish these deeds in just such an ahistorical condition.... Thus, everyone who acts loves his action infinitely more than it deserves to beloved, and the best deeds occur in such an exuberance of love that, no matter what, they must be unworthy of this love, even if their worth were otherwise incalculably great. If we read this passage carefully, we note that the point is not simply that the capacity to forget, or the “ahistorical condition,” is the condition of “great deeds” or “events.” On the contrary: it is the pure surplus of passion or love (for something) that brings about this closure of memory, this “ahistorical condition.” In other words, it is not that we have first to close ourselves within a defined horizon in order then to be able to accomplish something. The closure takes place with the very (“passionate”) opening toward something (“a woman or a great idea”). Nietzsche's point is that if this surplus passion engages us "in the midst of life," instead of mortifying us, it does so via its inducement of forgetting. Indeed, I could mention a quite common experience here: whenever something important happens to us and incites our passion, we tend to forget and dismiss me grudges and resentments we might have been nurturing before. Instead of "forgiving" those who might have injured us in the past, we forget and dismiss these injuries. If we do not, if we "work on our memory" and strive to keep these grudges alive, they will more probably affect and mortify our (new) passion. It could also be interesting to relate Nietzsche’s reflections from the quoted passage to the story of Hamlet, in which the imperative to remember, uttered by Hamlet’s father’s Ghost, plays a very prominent role. Remember me! Remember me!, the Ghost repeats to Hamlet, thus engaging him in the singular rhythm that characterizes the hero of this play that of the alternation between resigned apathy and frenetic activity or precipitate actions (his killing of Polonius, as well as that of Rosencrantz and Guildenstern; his engagement in the duel with Laertes . . .). This movement prevents Hamlet from carrying out the very deed his father’s Ghost charges him with. Many things have been said and written about the relationship between action and knowledge in this play, and about how knowledge prevents Hamlet from acting. Although the two notions are not unrelated, it might be interesting to consider this also in terms of memory (not only in terms of knowledge). It could be worthwhile to contemplate the role played by the imperative of memory. Could we not say that one of the fundamental reasons for the difficulty of Hamlet’s position is precisely the structural incompatibility of memory and action that is to say, the fact that action ultimately always betrays memory? And do we not encounter something similar in the wider phenomenon of melancholy (in the play, Hamlet is actually said to be melancholic) as a never-ending grief that keeps alive, through pain, the memory of what was lost? Additionally, although we can recognize in this kind of melancholy a form of fidelity (for instance to use Nietzsche’s words fidelity to a woman or a great idea), this kind of fidelity, bound to memory, should be distinguished from fidelity to the very event of the encounter with this woman or idea. Contrary to the first form, this second form of fidelity implies and presupposes the power to forget.

#### **Your method can only cause rejection and backlash by the masses who view it as too much to process**

Butler 11 (Judith, Waging Non Violence, 4-2, http://wagingnonviolence.org/2011/04/judith-butler-on-the-blurry-line-of-violence/)

NS: In The Power of Religion in the Public Sphere, you find reasons to critique Israeli state violence in a kind of Jewish thought articulated by Walter Benjamin and Hannah Arendt. Yet this seems far from what seems to count as Jewishness in public discourse today. **Do you think those thinkers can be made to matter in public**? JB: I have no idea. **Let’s remember that we are also in the midst of a paroxysm of anti-intellectualism within the U.S., coupled with an attack on public education and the academy**. So **your question implies these broader issues.**  NS: What, then, would you say anti-intellectualism is keeping people from realizing? JB: **In order for democratic principles to have a chance in Israel-Palestine, there has to be a recognition of the ways in which Zionism, though understanding itself as an emancipatory movement for Jews, instituted a colonial project and the colonial subjugation of the Palestinian people. In order for this contradiction to be understood and effectively addressed, we have to be able to tell two histories at once, and to show how they converge, and how the claim of freedom for one became the claim of dispossession for another. Benjamin** made use of Jewish intellectual resources to criticize the kind of progressive narrative that underwrites Zionism, and he **concerned himself with** the question, avant la lettre, of how **the history of the oppressed might erupt within the continuous history of the oppressor.**  NS: **Asking people to remember two histories at once does seem like a public-relations challenge**. And what can we learn from Arendt?

#### Genealogies can be recolonized—there’s nothing inherently liberatory about new readings of history

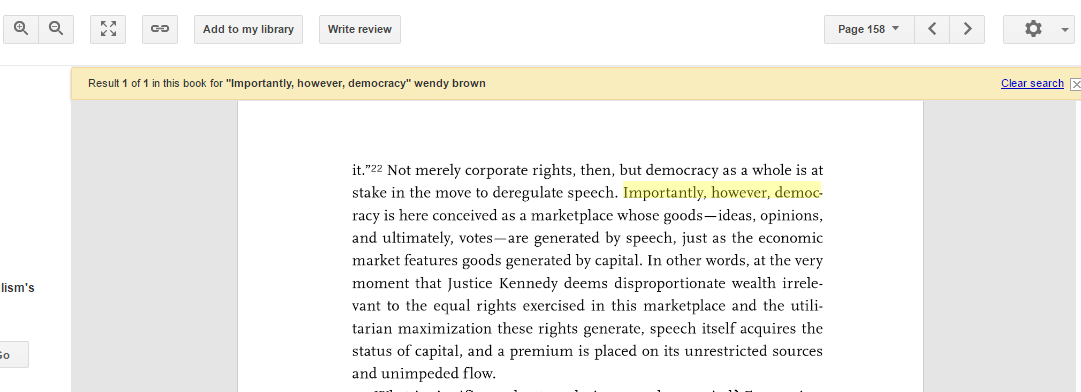
Brown 96, Professor of Women's Studies and Legal Studies, and is Co-Director of the Center for Cultural Studies at the University of California, Santa Cruz, (Wendy, 3 U Chi L Sch Roundtable 185, lexis)

It is from his "Two Lectures" on power, 15 and occurs in the context of his discussion of discovering or "disinterring" subju- gated knowledges: . . . is it not perhaps the case that these **fragments of genealogies are no sooner brought to light, that the particular elements of the knowledge that one seeks to disinter are no sooner accredited and put into circulation, than they run the risk of re-codification, recolonisation**? In fact, those unitary **discourses, which first disqualified and then ignored them when they made their appearance, are, it seems, quite ready now to annex them, to take them back within the fold of their own discourse and to invest them with everything this implies in terms of their effects of knowledge and power**. 16 Here, Foucault's concern is less with disrupting the conventional modernist equation of power with speech on one side, and oppression with silence on the other, than with the ways in which **insurrectionary discourse borne of exclusion and marginalization can be colonized by that which produced it much as counter-cultural fashion is routinely commodified by the corporate textile industry**. While "disqualified" discourses are an effect of domination, they nevertheless potentially function as oppositional when they are deployed by those who inhabit them. However, when "annexed" by those "unitary" discourses which they ostensibly oppose, they become a particularly potent source of regulation, carrying as they do intimate and detailed knowledge of their subjects. Thus, **Foucault's worry would** appear to **adhere** not simply to the study of but **to the overt political mobilization of oppositional discourses.**

## AT: Raffi Cap

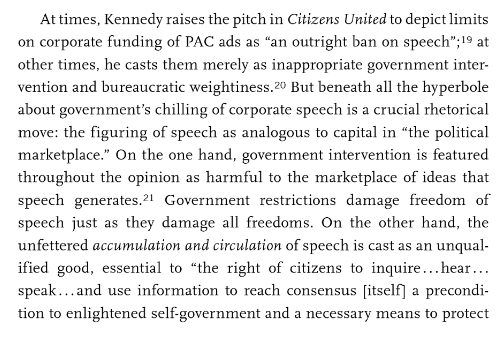
#### [1] Interp: debaters can’t cut a card from the middle of a paragraph.

#### Violation is the Brown card. I have a screenshot.



#### Vote on evidence ethics—you make it super easy to distort ev since you start and end in the middle of an author’s thought. No non-arbitrary cutoff—counter-interp justifies carding two random out of context sentences. intellectual integrity is a voter—destroys debate and is messed up.

#### And, the beginning of the card CONTRADICTS—it qualifies the link arg and says it’s more complicated. Also, it reveals that the card is about a court case about CORPORATE speech which also proves no link. Call for the screenshot:



#### [2] Framework—compare the fiated impacts of policy options. A] Ground—I need to be able to leverage the aff, otherwise I lose to infinite preclusive Ks, B] Ed—k2 valuable discussion of its impact and solvency claims. Reps focus is bad—it detracts from action and makes us get stuck in epistemological questioning.

#### [3] No link—I don’t commodify speech—I don’t say it’s instrumentally valuable for a marketplace of ideas. My offense is about backlash and movements.

#### [4] No link—public is a term of art referring to government, not the same as the public/private distinction your ev is about. And, I don’t use the word public in the aff. Means the neg links just as much because they negate the rez and implicitly accept the same term.

#### [5] Perm do both—shields the link since we criticize cap. And, alt’s not mutually exclusive—even if true metaphysical free speech is impossible, the aff doesn’t rely on that—there’s still a concept of ending literal written restrictions, which the aff proves is good.

#### [6] Case turns the K and is key to alt solvency:

#### [a] Restrictions commodify more—they literally put a price on speech because of school punishment. You choose to take the penalty or not speak.

#### [b] Radicalization internal link also means people are radicalized against cap and less likely to resist.

#### [c] Dissent advantage means aff is key to critical voices in academia that challenge cap.

#### [7] Reformism solves

Dixon 1 **–** Activist and founding member of Direct Action Network Summer, Chris, “Reflections on Privilege, Reformism, and Activism”, Online

To bolster his critique of 'reformism,' for instance, he critically cites one of the examples in my essay: demanding authentic **we need revolutionary strategy that links diverse, everyday struggles and demands to long-term radical objectives, without sacrificing either. Of course, this isn't to say that every so-called 'progressive' ballot initiative or organizing campaign is necessarily radical or strategic. Reforms are not all created equal. But some can fundamentally shake systems of power, leading to enlarged gains and greater space for further advances.** Andre Gorz, in his seminal book Strategy for Labor, refers to these as "non-reformist" or "structural" reforms. He contends, "a struggle for non-reformist reforms--for anti-capitalist reforms--is one which does not base its validity and its right to exist on capitalist needs, criteria, and rationales. A non-reformist reform is determined not in terms of what can be, but what should be." **Look to history for examples: the end of slavery, the eight-hour workday, desegregation. All were born from long, hard struggles, and none were endpoints. Yet they all struck at the foundations of power (in these cases, the state, white supremacy, and capitalism), and in the process, they created new prospects for revolutionary change.** Now consider contemporary struggles: amnesty for undocumented immigrants, socialized health care, expansive environmental protections, indigenous sovereignty. These and many more are arguably non-reformist reforms as well. **None will single-handedly dismantle capitalism or other systems of power, but each has the potential to escalate struggles and sharpen social contradictions. And we shouldn't misinterpret these efforts as simply meliorative** incrementalism**, making 'adjustments' to a fundamentally flawed system.**

#### [8] Inevitability means the perm is best

Wilson 2k – Editor and Publisher of Illinois Academe – 2000 (John K. Wilson, “How the Left can Win Arguments and Influence People” p. 15- 16)

**Capitalism is far too ingrained in American life to eliminate. If you go into the most impoverished areas of America**, you will find that the **people who live there** are not seeking government control over factories or even more social welfare programs; they're **hoping, usually in vain, for a fair chance to share in the capitalist wealth. The poor do not pray for socialism-they strive to be a part of the capitalist system. They want jobs, they want to start businesses, and they want to make money and be successful. What's wrong with America is not capitalism as a system but capitalism as a religion.** We worship the accumulation of wealth and treat the horrible inequality between rich and poor as if it were an act of God. Worst of all, we allow the government to exacerbate the financial divide by favoring the wealthy: go anywhere in America, and compare a rich suburb with a poor town-the city services, schools, parks, and practically everything else will be better financed in the place populated by rich people. **The aim is not to overthrow capitalism but to overhaul it. Give it a social-justice tune-up, make it more efficient, get the economic engine to hit on all cylinders for everybody, and stop putting out so many environmentally hazardous substances.** To some people, this goal means selling out leftist ideals for the sake of capitalism. But the right thrives on having an ineffective opposition. The Revolutionary Communist Party helps stabilize the "free market" capitalist system by making it seem as if the only alternative to free-market capitalism is a return to Stalinism. **Prospective activists for change are instead channeled into pointless discussions about the revolutionary potential of the proletariat. Instead of working to persuade people to accept progressive ideas, the far left talks to itself (which may be a blessing, given the way it communicates) and tries to sell copies of the Socialist Worker to an uninterested public.**

## AT: Neolib

### David Min

#### *Framework—let me weigh the aff against the K—otherwise it moots the 1AC—that kills valuable discussion of the K because I have to restart. Alt is also “fiated” – weighing the aff makes more sense and solves all their offense*

#### AT: Anarchist Library—1] No link: we don’t presume you can speak freely—the ACLU evidence specifically says speech codes restrict minorities. 2] False: clearly people can express themselves—it’s a question of stopping backlash. The aff is a step in the right direction

#### Turn—aff is a shift away from the individualism that sustains systemic neolib—universities focus on individual trauma to market themselves as “progressive”

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

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

#### Case outweighs—default to specificity—their use of neoliberalism as a catch all phrase negates possibilities for change

Barnett 05, Open University social sciences faculty, 2005

(Clive, “The consolations of ‘neoliberalism”, Geoforum, ebsco)

The blind-spot in theories of neoliberalism—whether neo-Marxist and Foucauldian—comes with trying to account for how top-down initiatives ‘take’ in everyday situations. So perhaps the best thing to do is to stop thinking of “neoliberalism” as a coherent “hegemonic” project altogether. For all its apparent critical force, the vocabulary of “neoliberalism” and “neoliberalization” in fact provides a double consolation for leftist academics: it supplies us with plentiful opportunities for unveiling the real workings of hegemonic ideologies in a characteristic gesture of revelation; and in so doing, it invites us to align our own professional roles with the activities of various actors “out there”, who are always framed as engaging in resistance or contestation. The conceptualization of “neoliberalism” as a “hegemonic” project does not need refining by adding a splash of Foucault. Perhaps we should try to do without the concept of “neoliberalism” altogether, because it might actually compound rather than aid in the task of figuring out how the world works and how it changes. One reason for this is that, between an overly economistic derivation of political economy and an overly statist rendition of governmentality, stories about “neoliberalism” manage to reduce the understanding of social relations to a residual effect of hegemonic projects and/or governmental programmes of rule (see Clarke, 2004a). Stories about “neoliberalism” pay little attention to the pro-active role of socio-cultural processes in provoking changes in modes of governance, policy, and regulation. Consider the example of the restructuring of public services such as health care, education, and criminal justice in the UK over the last two or three decades. This can easily be thought of in terms of a ‘‘hegemonic’’ project of “neoliberalization”, and certainly one dimension of this process has been a form of anti-statism that has rhetorically contrasted market provision against the rigidities of the state. But in fact these ongoing changes in the terms of public-policy debate involve a combination of different factors that add up to a much more dispersed populist reorientation in policy, politics, and culture. These factors include changing consumer expectations, involving shifts in expectations towards public entitlements which follow from the generalization of consumerism; the decline of deference, involving shifts in conventions and hierarchies of taste, trust, access, and expertise; and the refusals of the subordinated, refer- ring to the emergence of anti-paternalist attitudes found in, for example, women’s health movements or anti-psychiatry movements. They include also the development of the politics of difference, involving the emergence of discourses of institutional discrimination based on gender, sexuality, race, and disability. This has disrupted the ways in which welfare agencies think about inequality, helping to generate the emergence of contested inequalities, in which policies aimed at addressing inequalities of class and income develop an ever more expansive dynamic of expectation that public services should address other kinds of inequality as well (see Clarke, 2004b). None of these populist tendencies is simply an expression of a singular “hegemonic” project of “neoliberalization”. They are effects of much longer rhythms of socio-cultural change that emanate from the bottom-up. It seems just as plausible to suppose that what we have come to recognise as “hegemonic neoliberalism” is a muddled set of ad hoc, opportunistic accommodations to these unstable dynamics of social change as it is to think of it as the outcome of highly coherent political-ideological projects. Processes of privatization, market liberalization, and de-regulation have often followed an ironic pattern in so far as they have been triggered by citizens’ movements arguing from the left of the political spectrum against the rigidities of statist forms of social policy and welfare provision in the name of greater autonomy, equality, and participation (e.g. Horwitz, 1989). The political re-alignments of the last three or four decades cannot therefore be adequately understood in terms of a straightforward shift from the left to the right, from values of collectivism to values of individualism, or as a re-imposition of class power. The emergence and generalization of this populist ethos has much longer, deeper, and wider roots than those ascribed to “hegemonic neoliberalism”. And it also points towards the extent to which easily the most widely resonant political rationality in the world today is not right-wing market liberalism at all, but is, rather, the polyvalent discourse of ‘‘democracy’’ (see Barnett and Low, 2004).  
1] Indicts their epistemology

#### Alt fails—focusing on safe speech divides working class and helps neoliberal elites

Halberstam 16 (Jack Halberstam, “You Are Triggering me! The Neo-Liberal Rhetoric of Harm, Danger and Trauma”, Bully Bloggers, 5/7/16)

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

### ---AT: Nonpolitical Alts

#### ( ) Criticisms that lack a political strategy re-inscribe existing structures

Bryant 12 (levi, prof of philosophy at Collins college, Critique of the Academic Left, http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/)

The problem as I see it is that this is the worst sort of abstraction (in the Marxist sense) and wishful thinking. Within a Marxo-Hegelian context, a thought is abstract when it ignores all of the mediations in which a thing is embedded. For example, I understand a robust tree abstractly when I attribute its robustness, say, to its genetics alone, ignoring the complex relations to its soil, the air, sunshine, rainfall, etc., that also allowed it to grow robustly in this way. This is the sort of critique we’re always leveling against the neoliberals. They are abstract thinkers. In their doxa that individuals are entirely responsible for themselves and that they completely make themselves by pulling themselves up by their bootstraps, neoliberals ignore all the mediations belonging to the social and material context in which human beings develop that play a role in determining the vectors of their life. They ignore, for example, that George W. Bush grew up in a family that was highly connected to the world of business and government and that this gave him opportunities that someone living in a remote region of Alaska in a very different material infrastructure and set of family relations does not have. To think concretely is to engage in a cartography of these mediations, a mapping of these networks, from circumstance to circumstance (what I call an “onto-cartography”). It is to map assemblages, networks, or ecologies in the constitution of entities. Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park: The underpants gnomes have a plan for achieving profit that goes like this: Phase 1: Collect Underpants Phase 2: ? Phase 3: Profit! They even have a catchy song to go with their work: Well this is sadly how it often is with the academic left. Our plan seems to be as follows:Phase 1: Ultra-Radical CritiquePhase 2: ?Phase 3: Revolution and complete social transformation!Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing? But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done! But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc. What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle. I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation. “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry. Everyone knows something is wrong. Everyone knows this system is destructive and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

#### ( ) Policy simulation is key to political activism

Coverstone 5 [MBA (Alan, Acting on Activism)

An important concern emerges when Mitchell describes reflexive fiat as a contest strategy capable of “eschewing the power to directly control external actors” (1998b, p. 20). Describing debates about what our government should do as attempts to control outside actors is debilitating and disempowering. Control of the US government is exactly what an active, participatory citizenry is supposed to be all about. After all, if democracy means anything, it means that citizens not only have the right, they also bear the obligation to discuss and debate what the government should be doing. Absent that discussion and debate, much of the motivation for personal political activism is also lost. Those who have co-opted Mitchell’s argument for individual advocacy often quickly respond that nothing we do in a debate round can actually change government policy, and unfortunately, an entire generation of debaters has now swallowed this assertion as an article of faith. The best most will muster is, “Of course not, but you don’t either!” The assertion that nothing we do in debate has any impact on government policy is one that carries the potential to undermine Mitchell’s entire project. If there is nothing we can do in a debate round to change government policy, then we are left with precious little in the way of pro-social options for addressing problems we face. At best, we can pursue some Pilot-like hand washing that can purify us as individuals through quixotic activism but offer little to society as a whole. It is very important to note that Mitchell (1998b) tries carefully to limit and bound his notion of reflexive fiat by maintaining that because it “views fiat as a concrete course of action, it is bounded by the limits of pragmatism” (p. 20). Pursued properly, the debates that Mitchell would like to see are those in which the relative efficacy of concrete political strategies for pro-social change is debated. In a few noteworthy examples, this approach has been employed successfully, and I must say that I have thoroughly enjoyed judging and coaching those debates. The students in my program have learned to stretch their understanding of their role in the political process because of the experience. Therefore, those who say I am opposed to Mitchell’s goals here should take care at such a blanket assertion. However, contest debate teaches students to combine personal experience with the language of political power. Powerful personal narratives unconnected to political power are regularly co-opted by those who do learn the language of power. One need look no further than the annual state of the Union Address where personal story after personal story is used to support the political agenda of those in power. The so-called role-playing that public policy contest debates encourage promotes active learning of the vocabulary and levers of power in America. Imagining the ability to use our own arguments to influence government action is one of the great virtues of academic debate. Gerald Graff (2003) analyzed the decline of argumentation in academic discourse and found a source of student antipathy to public argument in an interesting place. I’m up against…their aversion to the role of public spokesperson that formal writing presupposes. It’s as if such students can’t imagine any rewards for being a public actor or even imagining themselves in such a role. This lack of interest in the public sphere may in turn reflect a loss of confidence in the possibility that the arguments we make in public will have an effect on the world. Today’s students’ lack of faith in the power of persuasion reflects the waning of the ideal of civic participation that led educators for centuries to place rhetorical and argumentative training at the center of the school and college curriculum. (Graff, 2003, p. 57) The power to imagine public advocacy that actually makes a difference is one of the great virtues of the traditional notion of fiat that critics deride as mere simulation. Simulation of success in the public realm is far more empowering to students than completely abandoning all notions of personal power in the face of governmental hegemony by teaching students that “nothing they can do in a contest debate can ever make any difference in public policy.” Contest debating is well suited to rewarding public activism if it stops accepting as an article of faith that personal agency is somehow undermined by the so-called role playing in debate. Debate is role-playing whether we imagine government action or imagine individual action. Imagining myself starting a socialist revolution in America is no less of a fantasy than imagining myself making a difference on Capitol Hill. Furthermore, both fantasies influenced my personal and political development virtually ensuring a life of active, pro-social, political participation. Neither fantasy reduced the likelihood that I would spend my life trying to make the difference I imagined. One fantasy actually does make a greater difference: the one that speaks the language of political power. The other fantasy disables action by making one a laughingstock to those who wield the language of power. Fantasy motivates and role-playing trains through visualization. Until we can imagine it, we cannot really do it. Role-playing without question teaches students to be comfortable with the language of power, and that language paves the way for genuine and effective political activism. Debates over the relative efficacy of political strategies for pro-social change must confront governmental power at some point. There is a fallacy in arguing that movements represent a better political strategy than voting and person-to-person advocacy. Sure, a full-scale movement would be better than the limited voice I have as a participating citizen going from door to door in a campaign, but so would full-scale government action. Unfortunately, the gap between my individual decision to pursue movement politics and the emergence of a full-scale movement is at least as great as the gap between my vote and democratic change. They both represent utopian fiat. Invocation of Mitchell to support utopian movement fiat is simply not supported by his work, and too often, such invocation discourages the concrete actions he argues for in favor of the personal rejectionism that under girds the political cynicism that is a fundamental cause of voter and participatory abstention in America today.

### --- AT: Ollman RC

#### Prefer specific causal claims—k not root cause of aff harms

#### Root cause claims are reductive and create ideological polarization—kills political productivity

Nordhaus and Shellenberger ’13 Ted Nordhaus, Michael Shellenberger, “Wicked Polarization: How Prosperity, Democracy, and Experts Divided America,” Breakthrough Journal, Issue 3, Winter 2013, http://thebreakthrough.org/index.php/journal/issue-3/wicked-polarization/

Ultimately, the authors here are after bigger prey than ideological extremism. They have their sights set on continuing Rittel and Webber’s project of dethroning the dominant mode of expert analysis with its pretenses to value-free analysis and policy making. Problem-definition always arises with presumed solutions. Describing obesity as “caused” by food environments implies changing food environments. A larger set of causes (e.g., poor health care, lack of education) reveals a larger number of potential solutions. To stimulate cooperation and action, we might proliferate the number of policy choices we see as legitimate, even if our highest policy priorities are not at the top of the list. In creating a new pluralism for the “post-truth era,” liberals might, paradoxically, find useful counsel from that most illiberal of modern philosophers, Friedrich Nietzsche. His work undermined the Platonic conceit that the world can be understood or experienced from something other than a highly particular point of view. Behind progressive complaints of conservative mendacity, writes Nietzsche scholar Kathleen Higgins, is the assumption that “if people only knew the truth, we wouldn’t have the problems of global warming, economic recession, and poverty — or at least that such challenges would be far smaller.” There is no going back to older notions of objective expertise, for as Rittel and Webber noted, “there are no value-free, true-false answers to any of the wicked problems governments must deal with.” The problem is not that we are in a post-truth age but rather that we have not learned to adapt to it. Perhaps a good place to begin is by recognizing our own biases, perspectives, and agendas and attempting to hold them more lightly. In the end, rising affluence, democracy, and complexity can empower partisanship, but they can also destabilize it. Wickedness creates all manner of opportunity to disrupt the fault lines of our many intensely polarized debates and to disorient partisans accustomed to knowing exactly what they are supposed to think about any issue. If wickedness is the result of framing problems in ways that lend themselves to familiar and long-desired solutions, then bringing an end to our ideological arms race will ultimately require that we force partisans out of their comfort zone by redefining those problems in ways to which partisans do not already know the answers. It is our hope that the essays assembled here will do just that.

### Generic

#### Turn—aff is a shift away from the individualism that sustains systemic neolib—universities focus on individual trauma to market themselves as “progressive”

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

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

#### Alt fails—focusing on free speech divides working class and helps neoliberal elites

Halberstam 16 (Jack Halberstam, “You Are Triggering me! The Neo-Liberal Rhetoric of Harm, Danger and Trauma”, Bully Bloggers, 5/7/16)

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

#### Case outweighs—default to specificity—their use of neoliberalism as a catch all phrase negates possibilities for change

Barnett 05, Open University social sciences faculty, 2005

(Clive, “The consolations of ‘neoliberalism”, Geoforum, ebsco)

The blind-spot in theories of neoliberalism—whether neo-Marxist and Foucauldian—comes with trying to account for how top-down initiatives ‘take’ in everyday situations. So perhaps the best thing to do is to stop thinking of “neoliberalism” as a coherent “hegemonic” project altogether. For all its apparent critical force, the vocabulary of “neoliberalism” and “neoliberalization” in fact provides a double consolation for leftist academics: it supplies us with plentiful opportunities for unveiling the real workings of hegemonic ideologies in a characteristic gesture of revelation; and in so doing, it invites us to align our own professional roles with the activities of various actors “out there”, who are always framed as engaging in resistance or contestation. The conceptualization of “neoliberalism” as a “hegemonic” project does not need refining by adding a splash of Foucault. Perhaps we should try to do without the concept of “neoliberalism” altogether, because it might actually compound rather than aid in the task of figuring out how the world works and how it changes. One reason for this is that, between an overly economistic derivation of political economy and an overly statist rendition of governmentality, stories about “neoliberalism” manage to reduce the understanding of social relations to a residual effect of hegemonic projects and/or governmental programmes of rule (see Clarke, 2004a). Stories about “neoliberalism” pay little attention to the pro-active role of socio-cultural processes in provoking changes in modes of governance, policy, and regulation. Consider the example of the restructuring of public services such as health care, education, and criminal justice in the UK over the last two or three decades. This can easily be thought of in terms of a ‘‘hegemonic’’ project of “neoliberalization”, and certainly one dimension of this process has been a form of anti-statism that has rhetorically contrasted market provision against the rigidities of the state. But in fact these ongoing changes in the terms of public-policy debate involve a combination of different factors that add up to a much more dispersed populist reorientation in policy, politics, and culture. These factors include changing consumer expectations, involving shifts in expectations towards public entitlements which follow from the generalization of consumerism; the decline of deference, involving shifts in conventions and hierarchies of taste, trust, access, and expertise; and the refusals of the subordinated, refer- ring to the emergence of anti-paternalist attitudes found in, for example, women’s health movements or anti-psychiatry movements. They include also the development of the politics of difference, involving the emergence of discourses of institutional discrimination based on gender, sexuality, race, and disability. This has disrupted the ways in which welfare agencies think about inequality, helping to generate the emergence of contested inequalities, in which policies aimed at addressing inequalities of class and income develop an ever more expansive dynamic of expectation that public services should address other kinds of inequality as well (see Clarke, 2004b). None of these populist tendencies is simply an expression of a singular “hegemonic” project of “neoliberalization”. They are effects of much longer rhythms of socio-cultural change that emanate from the bottom-up. It seems just as plausible to suppose that what we have come to recognise as “hegemonic neoliberalism” is a muddled set of ad hoc, opportunistic accommodations to these unstable dynamics of social change as it is to think of it as the outcome of highly coherent political-ideological projects. Processes of privatization, market liberalization, and de-regulation have often followed an ironic pattern in so far as they have been triggered by citizens’ movements arguing from the left of the political spectrum against the rigidities of statist forms of social policy and welfare provision in the name of greater autonomy, equality, and participation (e.g. Horwitz, 1989). The political re-alignments of the last three or four decades cannot therefore be adequately understood in terms of a straightforward shift from the left to the right, from values of collectivism to values of individualism, or as a re-imposition of class power. The emergence and generalization of this populist ethos has much longer, deeper, and wider roots than those ascribed to “hegemonic neoliberalism”. And it also points towards the extent to which easily the most widely resonant political rationality in the world today is not right-wing market liberalism at all, but is, rather, the polyvalent discourse of ‘‘democracy’’ (see Barnett and Low, 2004).  
1] Indicts their epistemology

### --- AT: “Free marketplace of ideas” K

#### It’s a metaphor. Chill df out

## AT: Wilderson

### 1AR TL

#### [1] Perm do both—cut some updates—Wilderson thinks reformism is necessary and in no way mutually exclusive with rejecting the ethicality of the United States. This card will obliterate Wilderson debate forever.

Wilderson ’16 (Frank B. III, interviewed by Samira Spatzek and Paula von Gleich, “‘The Inside-Outside of Civil Society’: An Interview with Frank B. Wilderson, III.” Black Studies Papers, 2.1 (2016): 4–22, https://www.academia.edu/26032053/\_The\_Inside-Outside\_of\_Civil\_Society\_An\_Interview\_with\_Frank\_B.\_Wilderson\_III) OS

The question is, can Black political organizing in Ferguson and Balti-more and these places catch up with that, because unfortunately, we have a problem in that the country is so much more of a police state than it has ever been and you know that just by watching television. When I was in school, if you liked the American flag, if you liked the police, you didn’t have any friends. Now, I find young college students are very slow to say that they hate America, very slow to say that they hate the police. What we’re trying to do now is to infuse an antagonistic orientation in Black people who are white-collar people in college so that their intellectual skills can be enhanced by the orientation that is felt by Black people in the ghetto. If this doesn’t happen they run risk of being anointed and ap-pointed (by the power structure) to manage the anger of Black people in the street, rather than relate to that anger. So that’s a hurdle that we have to overcome. You know, I’ve been doing political education workshops for Black Lives Matter in New York and Los Angeles, and probably will do more in Chicago. And what I hope to have people do workshop exercises around is this concept that I have called “Two Trains Running (Side by Side).” By that I mean, you can do your political organizing that will help us get relief from police brutality right now. We need that. We need that. But that work that we do should be seen as puny in terms of its philosophical and theoretical orientation so that we can educate ourselves politically to be against the police as an institution and against the United States as a country, even while we are working to reform police practices, because we do not have the strength right now that we had in the 1960s and 1970s to act in the way the Black Liberation Army did, or Baader-Meinhof, we do not have the strength to act in the revolutionary mode, but that lack of strength, that lack of capacity, should not contaminate our orientation. We should not feel that we have to accept the existence of police even if we’re working in reformist measures politically. Hopefully this idea of two trains running will pick up. Black Lives Matter has done a great job in opening up a new Black political organizing space. That’s great. Now let’s use that space for an educational project that is soundly anti-American, and soundly anti-police even if tactically, we have to work for police reforms.

#### [2] We’re NOT THE LAW OR STATE AFFIRMATION – making demands on the state and questioning current methods works outside of the political order and *questions its legitimacy*

Newman 10

(Saul, Reader in Political Theory at Goldsmiths, U of London, Theory & Event Volume 13, Issue 2)

There are two aspects that I would like to address here. Firstly, the notion of demand: making certain demands on the state – say for higher wages, equal rights for excluded groups, to not go to war, or an end to draconian policing – is one of the basic strategies of social movements and radical groups. Making such demands does not necessarily mean working within the state or reaffirming its legitimacy. On the contrary, demands are made from a position outside the political order, an**d** they often exceed the question of the implementation of this or that specific measure. They implicitly call into question the legitimacy and even the sovereignty of the state by highlighting fundamental inconsistencies between, for instance, a formal constitutional order which guarantees certain rights and equalities, and state practices which in reality violate and deny them.

#### The social death debate—

#### 1. Empirics prove conditions have gotten better

Omi ’13 (et al; Michael Omi is an American sociologist. Professor Omi is best known for developing the theory of racial formation along with Howard Winant. Omi serves on the faculty at the University of California, Berkeley. Howard winant co-authored this piece. Resistance is futile?: a response to Feagin and Elias, Ethnic and Racial Studies Volume 36, Issue 6, p. 961-973, 2013 Special Issue: Symposium - Rethinking Racial Formation Theory). NS from file

In Feagin and Elias's account, white racist rule in the USA appears unalterable and permanent. There is little sense that the ‘white racial frame’ evoked by systemic racism theory changes in significant ways over historical time. They dismiss important rearrangements and reforms as merely ‘a distraction from more ingrained structural oppressions and deep lying inequalities that continue to define US society’ (Feagin and Elias 2012, p. 21). Feagin and Elias use a concept they call ‘surface flexibility’ to argue that white elites frame racial realities in ways that suggest change, but are merely engineered to reinforce the underlying structure of racial oppression. Feagin and Elias say the phrase ‘racial democracy’ is an oxymoron – a word defined in the dictionary as a figure of speech that combines contradictory terms. If they mean the USA is a contradictory and incomplete democracy in respect to race and racism issues, we agree. If they mean that people of colour have no democratic rights or political power in the USA, we disagree. The USA is a racially despotic country in many ways, but in our view it is also in many respects a racial democracy, capable of being influenced towards more or less inclusive and redistributive economic policies, social policies, or for that matter, imperial policies. What is distinctive about our own epoch in the USA (post-Second World War to the present) with respect to race and racism? Over the past decades there has been a steady drumbeat of efforts to contain and neutralize civil rights, to restrict racial democracy, and to maintain or even increase racial inequality. Racial disparities in different institutional sites – employment, health, education – persist and in many cases have increased. Indeed, the post-2008 period has seen a dramatic increase in racial inequality. The subprime home mortgage crisis, for example, was a major racial event. Black and brown people were disproportionately affected by predatory lending practices; many lost their homes as a result; race-based wealth disparities widened tremendously. It would be easy to conclude, as Feagin and Elias do, that white racial dominance has been continuous and unchanging throughout US history. But such a perspective misses the dramatic twists and turns in racial politics that have occurred since the Second World War and the civil rights era. Feagin and Elias claim that we overly inflate the significance of the changes wrought by the civil rights movement, and that we ‘overlook the serious reversals of racial justice and persistence of huge racial inequalities’ (Feagin and Elias 2012, p. 21) that followed in its wake. We do not. In Racial Formation we wrote about ‘racial reaction’ in a chapter of that name, and elsewhere in the book as well. Feagin and Elias devote little attention to our arguments there; perhaps because they are in substantial agreement with us. While we argue that the right wing was able to ‘rearticulate’ race and racism issues to roll back some of the gains of the civil rights movement, we also believe that there are limits to what the right could achieve in the post-civil rights political landscape. So we agree that the present prospects for racial justice are demoralizing at best. But we do not think that is the whole story. US racial conditions have changed over the post-Second World War period, in ways that Feagin and Elias tend to downplay or neglect. Some of the major reforms of the 1960s have proved irreversible; they have set powerful democratic forces in motion. These racial (trans)formations were the results of unprecedented political mobilizations, led by the black movement, but not confined to blacks alone. Consider the desegregation of the armed forces, as well as key civil rights movement victories of the 1960s: the Voting Rights Act, the Immigration and Naturalization Act (Hart- Celler), as well as important court decisions like Loving v. Virginia that declared anti-miscegenation laws unconstitutional. While we have the greatest respect for the late Derrick Bell, we do not believe that his ‘interest convergence hypothesis’ effectively explains all these developments. How does Lyndon Johnson's famous (and possibly apocryphal) lament upon signing the Civil Rights Act of 2 July 1964 – ‘We have lost the South for a generation’ – count as ‘convergence’? The US racial regime has been transformed in significant ways. As Antonio Gramsci argues, hegemony proceeds through the incorporation of opposition (Gramsci 1971, p. 182). The civil rights reforms can be seen as a classic example of this process; here the US racial regime – under movement pressure – was exercising its hegemony. But Gramsci insists that such reforms – which he calls ‘passive revolutions’ – cannot be merely symbolic if they are to be effective: oppositions must win real gains in the process. Once again, we are in the realm of politics, not absolute rule. So yes, we think there were important if partial victories that shifted the racial state and transformed the significance of race in everyday life. And yes, we think that further victories can take place both on the broad terrain of the state and on the more immediate level of social interaction: in daily interaction, in the human psyche and across civil society. Indeed we have argued that in many ways the most important accomplishment of the anti-racist movement of the 1960s in the USA was the politicization of the social. In the USA and indeed around the globe, race-based movements demanded not only the inclusion of racially defined ‘others’ and the democratization of structurally racist societies, but also the recognition and validation by both the state and civil society of racially-defined experience and identity. These demands broadened and deepened democracy itself. They facilitated not only the democratic gains made in the USA by the black movement and its allies, but also the political advances towards equality, social justice and inclusion accomplished by other ‘new social movements’: second-wave feminism, gay liberation, and the environmentalist and anti-war movements among others. By no means do we think that the post-war movement upsurge was an unmitigated success. Far from it: all the new social movements were subject to the same ‘rearticulation’ (Laclau and Mouffe 2001, p. xii) that produced the racial ideology of ‘colourblindness’ and its variants; indeed all these movements confronted their mirror images in the mobilizations that arose from the political right to counter them. Yet even their incorporation and containment, even their confrontations with the various ‘backlash’ phenomena of the past few decades, even the need to develop the highly contradictory ideology of ‘colourblindness’, reveal the transformative character of the ‘politicization of the social’. While it is not possible here to explore so extensive a subject, it is worth noting that it was the long-delayed eruption of racial subjectivity and self-awareness into the mainstream political arena that set off this transformation, shaping both the democratic and anti-democratic social movements that are evident in US politics today.

#### 2. Ontology can’t arise from historical contingency—antiblackness obviously did since if the black plague killed all white people it never would’ve developed

#### 3. Alt leads to fatalism – they portray oppression as inevitable and deny the agency of transformative black movements – proven by the fact that he rails against Mandela and labels prominent leaders as sellouts – this alienates every active movement – none are pure enough to meet his ideology.

#### 4. No natal alienation: Leaving your home isn’t ontological or all orphans would be dead. Immigrants have lives. Slaves developed new culture. Loss of a culture doesn’t destroy your person.

#### 5. No gratuitous violence: Many different minorities are oppressed - the suffering of blacks is not qualitatively different, even if it’s worse.

#### 6. No libidinal economy: how can Wilderson possibly get inside the minds of all white people? This is psychoanalytic garbage that has no empirical basis. Also, it’s subject to change—people can and do change their minds all the time—proves it’s not an ontology warrant.

#### Framework—their desire to ignore the consequences of their advocacy causes alt failure—we must evaluate consequences of proposals

Christopher A. Bracey 6, Associate Professor of Law, Associate Professor of African & African American Studies, Washington University in St. Louis, September, Southern California Law Review, 79 S. Cal. L. Rev. 1231, p. 1318

Second, **reducing conversation on race** matters **to an ideological contest allows opponents to elide inquiry into whether the results of a particular** preference **policy are desirable. Policy positions masquerading as** principled **ideological stances create the impression that a racial policy is not simply a choice among available alternatives, but the embodiment of some higher moral principle**. Thus, **the "principle" becomes an end in itself, without reference to outcomes. Consider the prevailing view of colorblindness in constitutional discourse. Colorblindness has come to be understood as the embodiment of what is morally just**, independent of its actual effect upon the lives of racial minorities. This explains Justice Thomas's belief in the "moral and constitutional equivalence" between Jim Crow laws and race preferences, and his tragic assertion that "Government cannot make us equal [but] can only recognize, respect, and protect us as equal before the law." [281](http://web.lexis-nexis.com/universe/document?_m=cd9713b340d60abd42c2b34c36d8ef95&_docnum=9&wchp=dGLbVzz-zSkVA&_md5=9645fa92f5740655bdc1c9ae7c82b328#n281) For Thomas, there is no meaningful difference between laws designed to entrench racial subordination and those designed to alleviate conditions of oppression. **Critics may point out that colorblindness in practice has the effect of entrenching existing racial disparities** in health, wealth, and society. **But in framing the debate in purely ideological terms, opponents are able to avoid the contentious issue of outcomes and make viability determinations based exclusively on whether racially progressive measures exude fidelity to the ideological principle of colorblindness. Meaningful policy debate is replaced by ideological exchange, which further exacerbates hostilities and deepens the cycle of resentment**.

#### Turn—Wilderson’s dogmatism forces the black body to embody abjection

Marriott ’12 (David Marriott, “Black Cultural Studies”, Years Work Crit Cult Theory (2012) 20 (1): 37-66) PO

However, this is also not the entire story of Red, White, and Black, as I hope to show. For example, in Chapter One (‘The Structure of Antagonisms’), written as a theoretical introduction, and which opens explicitly on the Fanonian question of why ontology cannot understand the being of the Black, Wilderson is prepared to say that black suffering is not only beyond analogy, it also refigures the whole of being: ‘the essence of being for the White and non-Black position’ is non-niggerness, consequently, ‘[b]eing can thus be thought of, in the first ontological instance, as non-niggerness, and slavery then as niggerness’ (p. 37). It is not hard when reading such sentences to suspect a kind of absolutism at work here, and one that manages to be peculiarly and dispiritingly dogmatic: throughout Red, White, and Black, despite variations in tone and emphasis, there is always the desire to have black lived experience named as the worst, and the politics of such a desire inevitably collapses into a kind of sentimental moralism: for the claim that ‘Blackness is incapacity in its most pure and unadulterated form’ means merely that the black has to embody this abjection without reserve (p. 38). This logic—and the denial of any kind of ‘ontological integrity’ to the Black/Slave due to its endless traversal by force does seem to reduce[s] ontology to logic, namely, a logic of non-recuperability—moves through the following points: (1) Black non-being is not capable of symbolic resistance and, as such, falls outside of any language of authenticity or reparation; (2) for such a subject, which Wilderson persists in calling ‘death’, the symbolic remains foreclosed (p. 43); (3) as such, Blackness is the record of an occlusion which remains ever present: ‘White (Human) capacity, in advance of the event of discrimination or oppression, is parasitic on Black incapacity’ (p. 45); (4) and, as an example of the institutions or discourses involving ‘violence’, ‘antagonisms’ and ‘parasitism’, Wilderson describes White (or non-Black) film theory and cultural studies as incapable of understanding the ‘suffering of the Black—the Slave’ (they cannot do so because they are erroneously wedded to humanism and to the psychoanalysis of Jacques Lacan, which Wilderson takes as two examples of what the Afro-pessimist should avoid) (p. 56); as a corrective, Wilderson calls for a new language of abstraction, and one centrally concerned with exposing ‘the structure of antagonisms between Blacks and Humans’ (p. 68). Reading seems to stop here, at a critique of Lacanian full speech: Wilderson wants to say that Lacan’s notion of the originary (imaginary) alienation of the subject is still wedded to relationality as implied by the contrast between ‘empty’ and ‘full’ speech, and so apparently cannot grasp the trauma of ‘absolute Otherness’ that is the Black’s relation to Whites, because psychoanalysis cannot fathom the ‘structural, or absolute, violence’ of Black life (pp. 74; 75). ‘Whereas Lacan was aware of how language ‘‘precedes and exceeds us’’, he did not have Fanon’s awareness of how violence also precedes and exceeds Blacks’ (p. 76). The violence of such abjection—or incapacity—is therefore that it cannot be communicated or avowed, and is always already delimited by desubjectification and dereliction (p. 77). Whence the suspicion of an ontology reduced to a logic (of abjection). Leaving aside the fact that it is quite mistaken to limit Lacan’s notion of full speech to the search for communication (the unconscious cannot be confined to parole), it is clear that, according to Wilderson’s own ‘logic’, his description of the Black is working, via analogy, to Lacan’s notion of the real but, in his insistence on the Black as an absolute outside Wilderson can only duly reify this void at the heart of universality. The Black is ‘beyond the limit of contingency’—but it is worth saying immediately that this ‘beyond’ is indeed a foreclosure that defines a violence whose traces can only be thought violently (that is, analogically), and whose nonbeing returns as the theme for Wilderson’s political thinking of a non-recuperable abjection. The Black is nonbeing and, as such, is more real and primary than being per se: given how much is at stake, this insistence on a racial metaphysics of injury implies a fundamental irreconcilability between Blacks and Humans (there is really no debate to be had here: irreconcilability is the condition and possibility of what it means to be Black).

### AT: White people

#### You should lose for running afro-pessimism—you have no relevant experience, only reducing black people to objects of your white gaze

Evans ’15 (Rashad, Rashad Evans coached the only college debate team to ever win both the National Debate Tournament (NDT) and Cross Examination Debate Association (CEDA) national championships in the same season. Mr. Evans has successfully coached both high school and college debaters and across all levels of debate including novice, junior varsity and open. As a competitor, Mr. Evans was a national champion debater at the University of West Georgia, winning the CEDA National Debate Championship as a sophomore in college. He also reached the semifinals of the NDT and the late elimination rounds of all major college debate tournaments. While in college, Mr. Evans was selected by the American Debate Association to train high school and college debaters in Russia, Romania, Ukraine and Moldova. As a high school debater, Mr. Evans was named the best individual speaker at the prestigious Barkeley Forum debate tournament at Emory University. In between winning a national championship and coaching a national championship, Mr. Evans attended and graduated from the University of Pennsylvania Law School, where he was also a legal writing instructor. He practiced corporate law for several years in New York City and now brings this depth of experience and training to the classroom and debate tournaments….Mr. Evans has significant coaching experience spanning 15 years. He has served as Director of Debate at the University of Florida, UC-Irvine, Washington University at St. Louis and Western Connecticut State University. Mr. Evans has also served as a contract coach for many other universities including Rutgers University, University of Oklahoma, University of Vermont, University of Puget Sound and Emporia State University. Mr. Evans has also taught at many of the top summer debate camps including at the University of Michigan, UC-Berkeley, Columbia University, Wake Forest University, Emory University and University of Missouri at Kansas City. He has also worked with students from several Urban Debate Leagues including Jersey, New York, Atlanta, Kansas City and Baltimore. “On White Afro-pessimism” http://fivefouraff.com/2015/08/21/on-white-afro-pessimism/)

**Afropessimism is** nothing if not **an affirmation of blackness**. It includes a negation of the world, but it is principally an affirming argument. **For Black people. A white afropessimist makes no sense. White afropessimism is just anti-blackness. If you are a white afro-pessimist you should understand that your existence is complicit in violence against Black people and/or that your non-existence is a necessity to Black liberation. Under no circumstances should you understand your role to be to spread the gospel of pessimism further. Your engagement with the argument will always be theoretical (you have no relevant experience), redundant (you can never be additive to this conversation) and objectifying (reducing black people to objects of study).** Afropessimism is an argument about why **Black people should be the** the **subjects of the** the **debate**. It is about how **Black people are always already the subject of all debates but excluded from them as such. It is not about white people**. All of this assumes that **we are taking the argument seriously and not speaking in metaphorical terms**, something Eve Tuck warns against in the context of settler colonialism. Both the Settler Colonialism and Black Nihilism arguments rely significantly on Fanon. And Fanon’s main point is that the native/colonialist and/or black/white cannot coexist. In practical terms, this meant that Black liberation in Africa required a violent war to the end. It’s an either/or life or death choice for both sides. But, understanding that anti-black violence is foundational is to understand that you have to fight back in literal terms. To end the world is to end the world. I am not certain that debaters fully understand the implications of such. If the students in my lab understood this they would have found the Black Nihilism argument as difficult as the Settler Colonialism argument. But they did not, partially because they were introduced to the argument from the perspective of Gramsci and a theory of civil society and not from Fanon and everyday anti-Black violence, but also because I didn’t take the time to explain the argument fully. **Under no circumstances should non-Black debaters be taught to advocate for afro-pessimism** from a non-Black person. And under no circumstances should two white boys think they have a better shot flipping negative and running afropessimism than reading their own Aff (something I had to explain before a quarters debate at the camp tournament). **When that happens something has gone wrong**.

## AT: Black Nihilism

### 1AR TL

#### [1] Perm do both—we’re NOT THE LAW OR STATE AFFIRMATION – making demands on the state and questioning current methods works outside of the political order and *questions its legitimacy*

Newman 10

(Saul, Reader in Political Theory at Goldsmiths, U of London, Theory & Event Volume 13, Issue 2)

There are two aspects that I would like to address here. Firstly, the notion of demand: making certain demands on the state – say for higher wages, equal rights for excluded groups, to not go to war, or an end to draconian policing – is one of the basic strategies of social movements and radical groups. Making such demands does not necessarily mean working within the state or reaffirming its legitimacy. On the contrary, demands are made from a position outside the political order, an**d** they often exceed the question of the implementation of this or that specific measure. They implicitly call into question the legitimacy and even the sovereignty of the state by highlighting fundamental inconsistencies between, for instance, a formal constitutional order which guarantees certain rights and equalities, and state practices which in reality violate and deny them.

#### *[2] You should lose for running black nihilism—you’re literally asking for a ballot in exchange for you as a white person telling people that black experience is metaphysically excluded—you reduce the black body to an object of your white gaze.*

#### [3] Empirics prove conditions have gotten better

Omi and Winant ’13 (et al; Michael Omi is an American sociologist. Professor Omi is best known for developing the theory of racial formation along with Howard Winant. Omi serves on the faculty at the University of California, Berkeley. Howard winant co-authored this piece. Resistance is futile?: a response to Feagin and Elias, Ethnic and Racial Studies Volume 36, Issue 6, p. 961-973, 2013 Special Issue: Symposium - Rethinking Racial Formation Theory). NS from file

In Feagin and Elias's account, white racist rule in the USA appears unalterable and permanent. There is little sense that the ‘white racial frame’ evoked by systemic racism theory changes in significant ways over historical time. They dismiss important rearrangements and reforms as merely ‘a distraction from more ingrained structural oppressions and deep lying inequalities that continue to define US society’ (Feagin and Elias 2012, p. 21). Feagin and Elias use a concept they call ‘surface flexibility’ to argue that white elites frame racial realities in ways that suggest change, but are merely engineered to reinforce the underlying structure of racial oppression. Feagin and Elias say the phrase ‘racial democracy’ is an oxymoron – a word defined in the dictionary as a figure of speech that combines contradictory terms. If they mean the USA is a contradictory and incomplete democracy in respect to race and racism issues, we agree. If they mean that people of colour have no democratic rights or political power in the USA, we disagree. The USA is a racially despotic country in many ways, but in our view it is also in many respects a racial democracy, capable of being influenced towards more or less inclusive and redistributive economic policies, social policies, or for that matter, imperial policies. What is distinctive about our own epoch in the USA (post-Second World War to the present) with respect to race and racism? Over the past decades there has been a steady drumbeat of efforts to contain and neutralize civil rights, to restrict racial democracy, and to maintain or even increase racial inequality. Racial disparities in different institutional sites – employment, health, education – persist and in many cases have increased. Indeed, the post-2008 period has seen a dramatic increase in racial inequality. The subprime home mortgage crisis, for example, was a major racial event. Black and brown people were disproportionately affected by predatory lending practices; many lost their homes as a result; race-based wealth disparities widened tremendously. It would be easy to conclude, as Feagin and Elias do, that white racial dominance has been continuous and unchanging throughout US history. But such a perspective misses the dramatic twists and turns in racial politics that have occurred since the Second World War and the civil rights era. Feagin and Elias claim that we overly inflate the significance of the changes wrought by the civil rights movement, and that we ‘overlook the serious reversals of racial justice and persistence of huge racial inequalities’ (Feagin and Elias 2012, p. 21) that followed in its wake. We do not. In Racial Formation we wrote about ‘racial reaction’ in a chapter of that name, and elsewhere in the book as well. Feagin and Elias devote little attention to our arguments there; perhaps because they are in substantial agreement with us. While we argue that the right wing was able to ‘rearticulate’ race and racism issues to roll back some of the gains of the civil rights movement, we also believe that there are limits to what the right could achieve in the post-civil rights political landscape. So we agree that the present prospects for racial justice are demoralizing at best. But we do not think that is the whole story. US racial conditions have changed over the post-Second World War period, in ways that Feagin and Elias tend to downplay or neglect. Some of the major reforms of the 1960s have proved irreversible; they have set powerful democratic forces in motion. These racial (trans)formations were the results of unprecedented political mobilizations, led by the black movement, but not confined to blacks alone. Consider the desegregation of the armed forces, as well as key civil rights movement victories of the 1960s: the Voting Rights Act, the Immigration and Naturalization Act (Hart- Celler), as well as important court decisions like Loving v. Virginia that declared anti-miscegenation laws unconstitutional. While we have the greatest respect for the late Derrick Bell, we do not believe that his ‘interest convergence hypothesis’ effectively explains all these developments. How does Lyndon Johnson's famous (and possibly apocryphal) lament upon signing the Civil Rights Act of 2 July 1964 – ‘We have lost the South for a generation’ – count as ‘convergence’? The US racial regime has been transformed in significant ways. As Antonio Gramsci argues, hegemony proceeds through the incorporation of opposition (Gramsci 1971, p. 182). The civil rights reforms can be seen as a classic example of this process; here the US racial regime – under movement pressure – was exercising its hegemony. But Gramsci insists that such reforms – which he calls ‘passive revolutions’ – cannot be merely symbolic if they are to be effective: oppositions must win real gains in the process. Once again, we are in the realm of politics, not absolute rule. So yes, we think there were important if partial victories that shifted the racial state and transformed the significance of race in everyday life. And yes, we think that further victories can take place both on the broad terrain of the state and on the more immediate level of social interaction: in daily interaction, in the human psyche and across civil society. Indeed we have argued that in many ways the most important accomplishment of the anti-racist movement of the 1960s in the USA was the politicization of the social. In the USA and indeed around the globe, race-based movements demanded not only the inclusion of racially defined ‘others’ and the democratization of structurally racist societies, but also the recognition and validation by both the state and civil society of racially-defined experience and identity. These demands broadened and deepened democracy itself. They facilitated not only the democratic gains made in the USA by the black movement and its allies, but also the political advances towards equality, social justice and inclusion accomplished by other ‘new social movements’: second-wave feminism, gay liberation, and the environmentalist and anti-war movements among others. By no means do we think that the post-war movement upsurge was an unmitigated success. Far from it: all the new social movements were subject to the same ‘rearticulation’ (Laclau and Mouffe 2001, p. xii) that produced the racial ideology of ‘colourblindness’ and its variants; indeed all these movements confronted their mirror images in the mobilizations that arose from the political right to counter them. Yet even their incorporation and containment, even their confrontations with the various ‘backlash’ phenomena of the past few decades, even the need to develop the highly contradictory ideology of ‘colourblindness’, reveal the transformative character of the ‘politicization of the social’. While it is not possible here to explore so extensive a subject, it is worth noting that it was the long-delayed eruption of racial subjectivity and self-awareness into the mainstream political arena that set off this transformation, shaping both the democratic and anti-democratic social movements that are evident in US politics today.

#### [4] Warren’s meta-physics argument is unwarranted—just because black existence changed the meaning of things like being in the context of the middle passage doesn’t mean it did so in a sweeping political context

#### [5] Black nihilism creates a self-fulfilling prophecy of oppression.

Miah 94 summarizes West Cornel West (American philosopher, academic, activist, author, public intellectual, and prominent member of the Democratic Socialists of America) “Cornel West's Race Matters” Solidarity ATC 50, May-June 1994 <https://solidarity-us.org/node/3079> JW

West, the former director of Afro-American Studies at Princeton University (he's joining Harvard's Department of Afro-American Studies and Divinity School this fall), considers himself a Christian and socialist. Not surprisingly, he sees the problem of Black survival in moral and political-economic terms. Unlike most socialists, he does not point his finger at capitalism as the primary source of the problem. Nor does he endorse Black nationalism or the revolutionary vision of Malcolm X as the answer. Instead, he says the main problem facing Black survival in the 1990s is nihilism. It is not common for Black intellectuals to explain the problem of the Black community in such terms. I think it is one reason why West's book became so popular in wider intellectual circles. Self-worth, or Black pride, is an important issue. Malcolm X and Martin Luther King, Jr., talked about it in their time. It is a necessary ingredient to include in the political discussion to determine what to do next. In the chapter, “Nihilism in Black America,” West observes “The liberal/conservative discussion conceals the most basic issue now facing Black America: the nihilistic threat to its very existence. This threat is not simply a matter of relative economic deprivation and political powerlessness -- though economic well-being and political clout are requisites for meaningful Black progress. It is primarily a question of speaking to the profound sense of psychological depression, personal worthlessness, and social despair so widespread in Black America.” (12-13) “Nihilism,” he continues, “is to be understood here not as a philosophic doctrine ... it is, far more, the lived experience of coping with a life of horrifying meaningless, hopelessness, and (most important) lovelessness.” (14) “Nihilism is not new in Black America. . . . In fact,” West explains,”the major enemy of Black survival in America has been and is neither oppression nor exploitation but rather the nihilistic Threat -- that is, loss of hope and absence of meaning. For as long as hope remains and meaning is preserved, the possibility of overcoming oppression stays alive. The self-fulfilling prophecy of the nihilistic threat is that without hope there can be no future, that without meaning there can be no struggle.” (14-15) So nihilism is our number one problem as Blacks. Defeating white supremacy, of course, must be our central goal. To fight national oppression, African Americans must regain our hope and self-love. This is the main direction of West's book, and I can agree with that. However, he fails to explicitly show the link between nihilism and the need to organize the fight to end oppression and exploitation. The lack of self-love is directly related to oppression.

#### [6] Their methodology is destructive. Vote them down to promote pragmatism.

Kennedy 12 Randall Kennedy, Harvard Law Professor, Race, Crime, and the Law, Knopf Doubleday Publishing Group (2012), pp. 388-389

True, it is sometimes genuinely difficult to determine an appropriate remedial response. The proper way to address that difficulty, however, is to acknowledge and grapple with it, not bury it beneath unbelievable assertions that, in fact, no real problem exists. Whitewashing racial wrongs (especially while simultaneously proclaiming that courts are doing everything reasonably possible to combat racially invidious government action) corrupts officials and jades onlookers, nourishing simplistic, despairing, and defeatist critiques of the law that are profoundly destructive. The second impression that I want to leave with readers should serve as an antidote to these overwrought, defeatist critiques by acknowledging that the administration of criminal law has changed substantially for the better over the past half century and that there is reason to believe that, properly guided, it can be improved even more. Today there are more formal and informal protections against racial bias than ever before, both in terms of the protections accorded to blacks against criminality and the treatment accorded to black suspects, defendants, and convicts. That deficiencies, large deficiencies, remain is clear. But comparing racial policies today to those that prevailed in 1940 or 1960 or even 1980 should expose the fallacy of asserting that nothing substantial has been changed for the better. This point is worth stressing because of the prevalence and prominence of pessimistic thinking about the race question in American life. Some commentators maintain, in all seriousness, that there has been no significant improvement in the overall fortunes of black Americans during the past half century, that advances that appear to have been made are merely cosmetic, and that the United States is doomed to remain a pigmentocracy. This pessimistic strain often turns paranoid and apocalyptic in commentary about the administration of criminal law. It is profoundly misleading, however, to focus exclusively on the ugliest aspects of the American legal order. Doing so conceals real achievements: the Reconstruction Constitutional Amendments, the Reconstruction civil rights laws, Strauder v. Alabama, Dempsey v. Moore, Brown v. Mississippi, Powell v. Alabama, Norris v. Alabama, Batson v. Kentucky, the resuscitation of Reconstruction by the civil rights movement, the changing demographics of the bench, bar, and police departments—in sum, the stigmatization (albeit incomplete) of invidious racial bias. Neglecting these achievements robs them of support. Recent sharp attacks upon basic guarantees bequeathed by the New Deal ought to put everyone on notice of the perils of permitting social accomplishments to lose their rightful stature in the public's estimation. Moreover, one-dimensional condemnations of the racial situation in America renders attractive certain subversive proposals that are, given actual conditions, foolish, counterproductive, and immoral. I think here in particular of the call for racially selective jury nullification. Such proposals should be openly challenged on the grounds that they fundamentally misperceive the racial realities of American life.

#### [7] Framework—their desire to ignore the consequences of their advocacy causes alt failure—we must evaluate consequences of proposals

Christopher A. Bracey 6, Associate Professor of Law, Associate Professor of African & African American Studies, Washington University in St. Louis, September, Southern California Law Review, 79 S. Cal. L. Rev. 1231, p. 1318

Second, **reducing conversation on race** matters **to an ideological contest allows opponents to elide inquiry into whether the results of a particular** preference **policy are desirable. Policy positions masquerading as** principled **ideological stances create the impression that a racial policy is not simply a choice among available alternatives, but the embodiment of some higher moral principle**. Thus, **the "principle" becomes an end in itself, without reference to outcomes. Consider the prevailing view of colorblindness in constitutional discourse. Colorblindness has come to be understood as the embodiment of what is morally just**, independent of its actual effect upon the lives of racial minorities. This explains Justice Thomas's belief in the "moral and constitutional equivalence" between Jim Crow laws and race preferences, and his tragic assertion that "Government cannot make us equal [but] can only recognize, respect, and protect us as equal before the law." [281](http://web.lexis-nexis.com/universe/document?_m=cd9713b340d60abd42c2b34c36d8ef95&_docnum=9&wchp=dGLbVzz-zSkVA&_md5=9645fa92f5740655bdc1c9ae7c82b328#n281) For Thomas, there is no meaningful difference between laws designed to entrench racial subordination and those designed to alleviate conditions of oppression. **Critics may point out that colorblindness in practice has the effect of entrenching existing racial disparities** in health, wealth, and society. **But in framing the debate in purely ideological terms, opponents are able to avoid the contentious issue of outcomes and make viability determinations based exclusively on whether racially progressive measures exude fidelity to the ideological principle of colorblindness. Meaningful policy debate is replaced by ideological exchange, which further exacerbates hostilities and deepens the cycle of resentment**.

## AT: Nietzsche

### 1AR

#### 1] Perm – do the plan and embrace any other instances of suffering

#### 2] Perm do both

#### 3] Turn—the alt empirically leads to genocide

Simpson 95 (Chris, scholar in Human Rights and the merits of Democracy. Common Courage Press, “The Splendid Blond Beast” 1995. http://www.thirdworldtraveler.com/Genocide/SplendidBlondeBeast.html AD 7/8/09) JM

Friedrich Nietzsche called the aristocratic predators who write society's laws "the splendid blond beast" precisely because they so often behave as though they are beyond the reach of elementary morality. As he saw things, these elites have cut a path toward a certain sort of excellence consisting mainly of the exercise of power at the expense of others. When dealing with ordinary people, he said, they "revert to the innocence of wild animals.... We can imagine them returning from an orgy of murder, arson, rape and torture, jubilant and at peace with themselves as though they had committed a fraternity prank-convinced, moreover, that the poets for a long time to come will have something to sing about and to praise.'' Their brutality was true courage, Nietzsche thought, and the foundation of social order. Today genocide-the deliberate destruction of a racial, cultural, or political group-is the paramount example of the institutionalized and sanctioned violence of which Nietzsche spoke. Genocide has been a basic mechanism of empire and the national state since their inception and remains widely practiced in "advanced" and "civilized" areas. Most genocides in this century have been perpetrated by nation-states upon ethnic minorities living within the state's own borders; most of the victims have been children. The people responsible for mass murder have by and large gotten away with what they have done. Most have succeeded in keeping wealth that they looted from their victims; most have never faced trial. Genocide is still difficult to eradicate because it is usually tolerated, at least by those who benefit from it.

#### 3] Perm – Do the plan then the alt – their impacts claim no time frame.

#### 4] Turn— alt makes rape and violence not only okay but also desirable—independent reason to drop him

Ross 8 (Kelly L., PhD, Department of Philosophy, Los Angeles Valley College. Friesian.com, “Friedrich Nietzsche”, last updated in 2008. http://www.friesian.com/NIETZSCH.HTM AD 7/9/09) JM

But, one might think, violence and oppression are unjust! How could any progressive person not see that exploitation and abuse are wrong! We have Nietzsche's answer: No act of violence, rape, exploitation, destruction, is intrinsically "unjust," since life itself is violent, rapacious, exploitative, and destructive and cannot be conceived otherwise. Even more disturbingly, we have to admit that from the biological [i.e. Darwinian] point of view legal conditions are necessarily exceptional conditions, since they limit the radical life-will bent on power and must finally subserve, as means, life's collective purpose, which is to create greater power constellations. To accept any legal system as sovereign and universal -- to accept it, not merely as an instrument in the struggle of power complexes, but as a weapon against struggle (in the sense of Dühring's communist cliché that every will must regard every other will as its equal) -- is an anti-vital principle which can only bring about man's utter demoralization and, indirectly, a reign of nothingness. [p.208, boldface added] Nietzsche is certainly life affirming, but then violence, rape, exploitation, and destruction are intrinsic to his view of life. Attempts to protect the weak, see that justice is done, and mitigate suffering are "anti-vital" projects that, being adverse to life itself, actually tend towards "a reign of nothingness." Thus, if we actually care about others and are not just interested in asserting power over them and using them for our own pleasure, then we can look forward to extinction. The delicacy -- even more, the tartufferie -- of domestic animals like ourselves shrinks from imagining clearly to what extent cruelty constituted the collective delight of older mankind, how much it was an ingredient of all their joys, or how naïvely they manifested their cruelty, how they considered disinterested malevolence (Spinoza's sympathia malevolens) a normal trait, something to which one's conscience could assent heartily.... To behold suffering gives pleasure, but to cause another to suffer affords an even greater pleasure. [pp.197-198, boldface added] A great part of the pleasure that we get, according to Nietzsche, from injustice to others is simply the pleasure of inflicting suffering. In this it is worth recollecting the feminist shibboleth that rape is not about sex, it is about power. Nietzsche would heartily concur. So much the better! And what is more, the value of rape is not just power, it is the chance to cruelly inflict suffering. The rapist who beats and mutilates, perhaps even kills, his victim, has done no evil, he is instead one of the heroes of true historic nobility. And people think that the droit de seigneur represents some "abuse" of power! No! It is the truly noble man as heroic rapist! Nietzsche would turn around Susan Brownmiller, who said that all men are rapists. No, it is just the problem that they are not. Nietzsche would regard most men as virtual castrati (domestic oxen, geldings) for not being rapists.

#### 5] Nietzsche implicitly says that even the most superior are still weak and true autonomy can’t exist – the alternative can’t ever be fully realized.

Golomb 6 (Jacob, Hebrew University of Jerusalem. The Journal of Nietzsche Studies 32, “Can One Really Become a "Free Spirit Par Excellence"or an Übermensch?” 2006. Project Muse, AD 7/8/09) JM

In HAH Nietzsche suggests that the highly developed spiritual and intellectual component of power may weaken even the most superior personality. Because they are genuinely free and independent, they are unlikely to adhere to any rigid and inflexible set of norms: the values they possess are open to examination and susceptible to being "overcome." They will, then, be more vulnerable to the surreptitious indoctrination and devious manipulations that the weak use against them. Their freedom from any given tradition induces a kind of vulnerability, though it allows them to oscillate perpetually among whatever possibilities they may encounter. Hence, in historical praxis, this dynamic may produce an impressionable personality, susceptible to manipulation and exploitation: "Compared with him who has tradition on his side and requires no reasons for his actions, the free spirit is always weak, especially in actions; for he is aware of too many motives and points of view and therefore possesses an uncertain and unpracticed hand. What means are there of nonetheless rendering him relatively strong? How does the strong spirit come into being?" (HAH I:230). [End Page 24] The problem may be recast as that of turning purely spiritual power into a concrete historical force: Is it possible to preserve the spirit of Hamlet in the body of Faust? Nietzsche's solution focuses on the social fabric woven with religious and moral dogmas that produces a psychological pattern of guilt, vengeance, and bad conscience. These are the weakest threads of culture, responsible for the corruption of spiritual power and cultural achievements. In emphasizing these elements, Nietzsche implicitly admits that there can be no absolute autonomy; even the most powerful are not impervious to the influence of the environment with which they interact. The revaluation of prevalent cultural norms is essential to the evolution of the psychology of the Übermensch, because even the arena of the "authentic legislator" is penetrated by environmental values and forces. Hence it becomes clear that the Übermensch type is essentially different from the free spirit par excellence. The latter, namely, the absolutely autonomous will to power, is, therefore, no more than a regulative idea—one that provides the model for approximation but which can in principle

#### Nietzsche’s affirmation of chaos is willful abandonment of all reason—we become mere pawns of fate, reduced to silence.

Wolin 06 (The Seduction of Unreason: The Intellectual Romance with Fascism from Nietzsche to Postmodernism, Richard Wolin, Professor of History and Comparative Literature at the Graduate Center, City University).

**Once Nietzsche realized the illusory character of all language and human ends, silence became the only viable and honest response. Recourse to "consciousness" and "reason" would only falsify this profound realization**. The "vicious circle" Klossowski alludes to in his title expresses this dilemma. The act of turning the eternal return into a "doctrine" risks falsifying it, risks translating an unfathomable insight into the hackneyed terms of linguistic convention or "culture." The theory of eternal recurrence embodies a new "lucidity"; yet, paradoxically, this lucidity must remain inexpressible. For if such a lucidity is impossible, what the doctrine of the vicious Circle tends to demonstrate is that "belief" in the Return, adherence to the non-sense of life, in itself implies an otherwise impracticable lucidity. We cannot renounce language, nor our intentions, nor our willing; but we could evaluate this willing and these intentions in a different manner than we have hitherto evaluated them-namely, as subject to the "law" of the vicious Circle. **The vicious circle expresses the fundamental paradox of the human condition: "the only way we can overcome our servitude is by knowing we are not free.” We cannot escape the essential determinism of all being. Nevertheless, insight into this condition permits a measure of tragic superiority for a spiritual elite**, the "lucid few." **The anti-intellectual implications** of Klossowski's "parody" **of Nietzsche are stunning. They are tantamount to a willful abandonment of reason, history, and freedom.**

#### Political action isn’t nihilism – their link arguments are contrived and don’t assume a creative path of politics

Bourke 8 - (James, Graduate Student Department of Political Science Duke University, "Nietzsche\Connolly: Problems of a Nietzschean Democracy," http://www.allacademic.com//meta/p\_mla\_apa\_research\_citation/2/6/5/7/7/pages265777/p265777-1.php, AD: 7/8/09) jl

There are at least two ways of going about a critique of Connolly’s appropriation of Nietzsche. One would be largely hermeneutic, and might involve an attempt to show that **Nietzsche’s politics are aristocratic and inegalitarian in such a way that expropriating whatever we might like from this picture destroys the coherence of calling it a “Nietzschean” view in the first place.** To do this successfully one would not merely have to point out some of the many places where Nietzsche either attacks democracy or supports a radical aristocratic political visi[on.](http://www.allacademic.com/meta/p_mla_apa_research_citation/2/6/5/7/7/pages265777/mpsa08_proceeding_265777-4.html) [3](http://www.allacademic.com/meta/p_mla_apa_research_citation/2/6/5/7/7/pages265777/mpsa08_proceeding_265777-4.html) [O](http://www.allacademic.com/meta/p_mla_apa_research_citation/2/6/5/7/7/pages265777/mpsa08_proceeding_265777-4.html)ne would have to go further by showing the ways in which Nietzsche’s political views “hang together” in an overall coherent picture, extraction from which for non-Nietzschean purposes makes a mess of the whole. **One might add to this the claim that Nietzsche’s politics are embedded in an overall metaphysic** (though we might want to qualify the term “metaphysic” with a view to Nietzsche’s perspectivism and epistemological skepticism) of hierarchy and power. I will not attempt such a project here. First, even if, as I think is correct, Nietzsche presents a more or less coherent, though certainly not systematic, view by the time of his late works, it is not clear to me that one could successfully explain away all of the ambiguities and resistances that such a rich and protean thinker as Nietzsche consistently offers up. Moreover, and perhaps more importantly, **it is not clear what would be gained from such an effort by way of critical leverage over Connolly. Though this interpretation might advance the aim of getting Nietzsche “right,” if such a thing is possible, it is not clear that Connolly’s project is thereby undermined.** For **couldn’t Connolly insist that his ideas make sense on their own apart from the accuracy of his interpretations?** As Connolly has said in response to this kind of critic, **these are questions for the “academic police**[”](http://www.allacademic.com/meta/p_mla_apa_research_citation/2/6/5/7/7/pages265777/mpsa08_proceeding_265777-4.html) [4](http://www.allacademic.com/meta/p_mla_apa_research_citation/2/6/5/7/7/pages265777/mpsa08_proceeding_265777-4.html) [t](http://www.allacademic.com/meta/p_mla_apa_research_citation/2/6/5/7/7/pages265777/mpsa08_proceeding_265777-4.html)o resolve, **while** those **using Nietzsche creatively and in ways relevant to the present can consider their enterprise separate from the work of scholarly precision and accuracy. Getting Nietzsche right is less important** to Connolly **than is uncovering ways in which Nietzsche and others disclose political and ethical potentialities that can support the vibrancy of democracy.**