## 1AC

### Part 1: The University

#### For all the talk about getting better or having liberal progress, we have failed. Hate on college campuses is rampant and reporting of incidents is non-existent.

SCU (Santa Clara University, Nov 15th year close to 2016? No exact year, Character Education, “Campus Hate Speech Codes”, Marakkula Center for Applied Ethics, https://www.scu.edu/character/resources/campus-hate-speech-codes/)

There were approximately 75 hate speech codes in place at U.S. colleges and universities in 1990; by 1991, the number grew to over 300. School administrators institute codes primarily to foster productive learning environments in the face of rising racially motivated and other offensive incidents on many campuses. According to a recent study, reports of campus harassment increased 400 percent between 1985 and 1990. Moreover, 80 percent of campus harassment incidents go unreported.

#### The college institution is a manifestation of whiteness that structurally continues to propogate itself.

Patton 16, Lori (Associate Professor, Higher Education and Student Affairs). "Disrupting postsecondary prose: Toward a critical race theory of higher education." Urban Education 51.3 (2016): 315-342.

According to National Center for Education Statistics (NCES) data, **79% of faculty members are White. They comprise** **the majority of full professors, endowed chairs, college and university presidents, and trustees.** **White men are the primary beneficiaries of leadership positions** in postsecondary institutions, with the exception of historically Black institutions and some minority serving institutions. The lack of racial diversity among higher education faculty and leaders is an unsurprising, longstanding trend that is commonplace in the academy. **The deeply embedded nature of White supremacy is also evident in faculty promotion and tenure processes**, which are presumed to be fair and impartial. Citation practices within academic scholarship are also insidious. In his examination of citation practices among law school faculty, Delgado (1984) demonstrated how **scholarship produced by people of color is often marginalized, footnoted, or unacknowledged while a small grouping of White faculty repeatedly cited their own work, contributing to their status.** In tenure and promotion cases, faculty members must explain the impact of their scholarship, which is often done through citations. The process of getting one’s scholarship published is wrought with racist implications because many journal editorial boards serve as gatekeepers, often favoring “mainstream” research (Stanley, 2007). Simply stated, **imperialistic scholarship practices often exclude people of color and have long-term implications on tenure and promotion.** Consumers of higher education can anticipate that little change will occur in the functioning of higher education given the stagnant nature of the leadership (all of whom are college educated), policies, racial climate, curriculum, and culture, which are deeply rooted in Whiteness. **The reproduction of racism occurs without much disruption because those with the power to change institutions were also educated by these institutions, meaning they graduate from their institutions and often perform their lives devoid of racial consciousness.** The everyday nature of race allows it to remain hidden and even when revealed, remain unaddressed. This is quite noticeable at the undergraduate level. Harper and Patton (2007) stated, **It is entirely possible for students to graduate from college without critically reflecting on their racist views, never having engaged in meaningful conversations about race, and using racially offensive language unknowingly.** When issues of race do emerge, many people, whites in particular, are disinterested and argue fatigue. They are tired of talking about it. Tired of hearing about how racist, alienating, and devaluing the campus is. Oftentimes, educators are responsible for letting students and ourselves off the hook rather than engaging the conversation and the necessary subsequent action. (p. 2)

#### History proves that colleges are anti-black

Sharon Stein 16 (PhD candidate in the Department of Educational Studies at the University of British Columbia.). "Universities, slavery, and the unthought of anti-Blackness." Cultural Dynamics 28.2 (2016): 169-187.

Over the past 10 years **there has been growing recognition of the role that US universities and their founders played in Indigenous colonization and Black enslavement** (Auslander, 2010; Brophy, 2008; Brown University Steering Committee on Slavery and Justice, 2006; Clarke and Fine, 2010; Green, 2015; John Evans Study Committee, 2014).1Craig Steven Wilder (2013) offers the most comprehensive and illuminating historical account of this institutional involvement. **By tracing how the profits of the trans-Atlantic slave trade and colonial plantation economy ended up in university accounts, mapping the elite social networks these institutions supported** (and were in turn supported by), and outlining the role of enslaved persons in actually building and serving schools, **Wilder demonstrates that “American colleges were not innocent or passive beneficiaries of conquest and colonial slavery”** (p. 11). Apart from benefitting materially, scholarship produced in many higher education institutions also provided ideological support for racial, colonial, and imperial subjugation (Harding, 2011; Hong, 2008; Said, 1978; Spivak, 1988; Tuhiwai Smith, 1999; Wynter, 2003).

#### University efforts on promoting equality and diversity are attempts to shroud neoliberalism within academia.

**Wagner 11** [Wagner, Anne (is assistant professor in Sociology and Child and Family Studies at Nipissing University), and June Ying Yee. "Anti-oppression in higher education: Implicating neo-liberalism." Canadian Social Work Review/Revue canadienne de service social (2011): 89-105.]

Although the effects of neoliberal thought are evident throughout the system, a concurrent focus on promoting principles of equity is also predominant within academia in the current socio-political context. These superficially contradictory ideologies may be understood as an attempt to shroud creeping neoliberalism within academia through promoting a visible commitment to social justice and equity issues. Although the original intent may have emanated from an interest in fostering change, these initiatives have largely become co-opted and their purpose weakened. As Ahmed (2007) argues, the plethora of initiatives and policies based on notions of "equity" and "diversity" have become a cornerstone of academic policy, promoted as a means of portraying a positive institutional image. However, these overused terms, she posits, are used primarily as a public relations tool rather than a vehicle for promoting social justice. The repetition of these words (albeit in ever-changing terminology) has contributed to "equity fatigue," as people within the sys- tem increasingly choose to ignore what they perceive to be unending rhetoric.Hallman (1998) has described such hollow expressions of commitment to equity principles as having a "magnanimous yet monotonous ring to [them as] ... words swirl about and descend softly like so much white liberal snow while ground disappears beneath our feet" (p. H2). In direct contrast to these realities, public promotions of equity on the part of institutions may be understood as tools used to conceal inequities, which do little to challenge the status quo of the institutional culture. Dissemination of the policy serves as a public display of the university's commitment to principles of equity, thereby becoming part of the "institutional performance" (Ahmed, 2007, p. 594) and presenting the image that the university has completed the job of addressing inequity. As Ahmed further explains, "the document becomes the fetish object . . . [and] its very existence is taken as evidence that the institutional world documented by the document (racism, inequality, injustice) has been overcome" (p. 597). Ironically, the policy becomes a substitute for any subsequent action and may in fact shut down any further consideration of the topic, rather than translating into a commitment to pursuing the issues. Hence, institutional actors are able to divest themselves of any further responsibility, satisfied that they have addressed equity concerns, while paradoxically remaining in a position of innocence, unimplicated in ongoing systems of oppression. As a result, those identified as members of traditionally marginalized groups are "invited in" and expected to adapt to the policies, practices, and culture as these exist. The need to introduce change, to foster meaningful inclusion, remains unacknowledged. Ultimately, as Ahmed (2007) forcefully argues, little actually changes, and systems of power and privilege within the organization continue unchallenged.

#### Additionally, root cause framing is key: particularism obscures the institutional nature of discrimination.

Jennifer Pierce 03. 2003. “‘Racing for Innocence:’ Whiteness, Corporate Culture, and the Backlash Against Affirmative Action,” Qualitative Sociology 26 (1): 53-70.

As George Lipsitz so eloquently reminds us in answering such questions, “The problem with white people is not our whiteness, but our possessive investment in it. Created by politics, culture, and consciousness, our possessiveness in whiteness can be altered by those same processes, but only if we face the hard fact open and honestly and admit that whiteness is a matter of interests as well as attitudes, that it has more to do with property than with pigment” (1998, p. 233). This article contributes to an understanding of our “possessive investment in whiteness” by looking at everyday practices through which it is created, maintained and reproduced. Borrowing from Randall Kingsley, whom I quote in the epigraph above, I term such practices “racing for innocence.” **The race for innocence is a historically specific discursive practice that draws from a broader American discourse, that of liberal individualism.** In the United States, the language of liberal **individualism enshrines the rights and efforts of individuals and defines social life** as the sum total of conscious and deliberate individual activities. **This language serves to recast long-standing, systematic racist practices such as discrimination against African Americans and other people of color in employment and housing into seemingly individual, isolated incidents of personal prejudice.** “Collective exercise of power that relentlessly channels rewards, resources, and opportunities from one group to another will not appear ‘racist’ from this perspective because they rarely announce their intention to discriminate against others” (Lipsitz 1998, pp. 20–21).

#### Oppression occurs at the level of institutions—it’s the result of unquestioned norms. Thus, the standard is resisting institutional domination.

Iris Marion Young 90 (Professor of Political Philosophy, University of Chicago) Justice and The Politics of Difference. 1990.

New left social movements of the 1960s and 1970s, however, shifted the meaning of the concept of oppression. In its new usage, **oppression designates the disadvantage and injustice some people suffer not because a tyrannical power coerces them, but because of the everyday practices of a well-intentioned liberal society.** In this new left usage, the tyranny of a ruling group over another, as in South Africa, must certainly be called oppressive. But **oppression** also **refers to systemic constraints on groups that are not necessarily the result of the intentions of a tyrant. Oppression in this sense is structural, rather than the result of a few people's choices** or policies. **Its causes are embedded in unquestioned norms, habits, and symbols, in the assumptions underlying institutional rules and the collective consequences of following those rules.** It names, as Marilyn Frye puts it, "an enclosing structure of forces and barriers which tends to the immobilization and reduction of a group or category of people" (Frye, 1983a, p. 11). In this extended structural sense **oppression refers to the vast and deep injustices some groups suffer as a consequence of often unconscious assumptions and reactions of well-meaning people in ordinary interactions, media and cultural stereotypes, and structural features of bureaucratic hierarchies and market mechanisms**—in short, the normal processes of everyday life. **We cannot eliminate this structural oppression by getting rid of the rulers or making some new laws, because oppressions arc systematically reproduced in major economic, political, and cultural institutions**. The systemic character of oppression implies that an oppressed group need not have a correlate oppressing group. While structural oppression involves relations among groups, these relations do not always fit the paradigm of conscious and intentional oppression of one group by another. Foucault (1977) suggests that to understand the meaning and operation of power in modern society we must look beyond the model of power as "sovereignty," a dyadic relation of ruler and subject, and instead analyze the exercise of power as the effect of often liberal and "humane practices of education, bureaucratic administration, production and distribution of consumer goods, medicine, and so on. The conscious actions of many individuals daily contribute to maintaining and reproducing oppression, but those people are usually simply doing their jobs or living their lives, and do not understand themselves as agents of oppression.

### Part 2: Speech Codes

#### Even if they are well-intentioned policies, speech codes are never justifiable under the AC Framing:

#### A] Speech codes require reliance on the beliefs and morals of college administrators.

**Herron 93** [Herron, Vince (JD, USC Law School). "Increasing the Speech: Diversity, Campus Speech Codes, and the Pursuit of Truth." S. Cal. L. Rev. 67 (1993): 407.]

Not only do codes suppress ideas which we find profane and unacceptable, but they often censor ideas that should not be censored, ideas which play a legitimate role in academic discourse and should be kept in the university marketplace.83 Opponents of hate speech codes who argue that censorship is bad for the educational environment are pessimistic about the ability of university administrators to censor certain forms of expression without the censorship's "degenerating into an attempt to suppress political opposition or cultural differences."'" But some proponents have argued that codes can selectively censor only ideas which do not play a legitimate role in discussion.85 They argue that censorship enforced by campus administrators should not be worrisome, because codes are neither attempts by the government to censor political ideas nor attempts to perpetuate majority groups' power over minority groups. This type of censorship is initiated by university administrators solely to further the valid goals of education and scholarship.8 6 These proponents must be suggesting, then, that it is possible for university administrators, by exercise of judgment, to promulgate speech codes that only prevent the "right amount of speech" and will not lead down a slippery slope into gross censorship.87

This is a dangerous proposition. Surely those proponents of speech codes cannot deny that this nation, throughout its history, has fought censorship that at first seemed innocent and in the public interest but later became excessive.8 If we put the power of censorship in the hands of a university administration, we place the university at the mercy of the morals, ethics, and judgment that those administrators possess. We cannot trust them to be able to proscribe only speech which they do not believe belongs in the university. "[N]o one group, and no one set of values, has a monopoly on truth.

#### B] Focus on speech regulations obscure the nature of oppression.

Tim Wise 10 (Anti-Racist activist, Former adjunct professor of social work at Smith College), Racism, Free Speech and the College Campus, ZNet Daily Commentary, December 31, 2005,

To begin with, **speech codes have always seemed [like] the easy way out**: the least costly, most self-righteous, but ultimately least effective way to address racism. First, such **codes only target**, by necessity, **the most blatant forms of racism** — the overtly hateful, bigoted and hostile forms of speech embodied in slurs or perhaps neo-Nazi symbolism — **while leaving in place**, also by necessity, **the legality of more nuanced, high-minded, and ultimately more dangerous forms of racism.** So **racist books like The Bell Curve, which argues that blacks are genetically inferior to whites and Asians,** obviously **would not be banned under hate speech codes** (nor should they be), but those racists who were too stupid to couch their biases in big words and footnotes would be singled out for attention: in which case, we’d be punishing not racism, per se, or even racist speech, but merely the inarticulate expression of the same. In turn, **this kind of policy would then create a false sense of security, as institutions came to believe they had really done something importan**t, even as slicker forms of racism remained popular and unaddressed. Furthermore, **such policies would** also **reinforce the** false and **dangerous notion that racism is limited to the blatant forms being circumscribed by statute, or that racists are all obvious and open advocates of fascism, rather than the** oftentimes professional, respectable, and destructive **leaders of our institutions:** politicians, cops, and bosses, among others. Secondly, **hate speech codes reinforce the common tendency to view racism on the purely individual level** — as a personality problem in need of adjustment, or at least censure — **as opposed to an institutional arrangement**, whereby colleges, workplaces and society at large manifest racial inequity of treatment and opportunity, often without any bigotry whatsoever. So, for example, **racial inequity in the job market is perpetuated not only, or even mostly by overt racism** — though that too is still far too common — **but rather by way of the “old boy’s networks,” whereby mostly white, middle class and above, and male networks of friends, neighbors and associates pass along information about job openings to one another.** And this they do, not because they seek to deliberately keep others out, but simply because those are the people they know, live around, and consider their friends. **The result, of course, is that people of color and women of all colors remain locked out of full opportunity.** Likewise, **students seeking to get into college are given standardized tests** (bearing little relationship to academic ability), **which are then used to determine in large measure where** (or even if) **they will go to college** at all; this, **despite** the fact that these students have received profoundly **unstandardized educations**, have been exposed to **unstandardized resources**, unstandardized curricula, **and** have come from unstandardized and **dramatically unequal backgrounds.** As such, lower income students and students of color — who disproportionately come out on the short end of the resource stick — are prevented from obtaining true educational equity with their white and more affluent peers. And again, this would have nothing to do with overt bias, let alone the presence of neo-Nazis at the Educational Testing Service or in the admissions offices of any given school.In other words, **by focusing on the overt and obvious forms of racism, hate speech codes distract us from the structural and institutional changes necessary to truly address racism and white supremacy as larger social phenomena.** And while we could, in theory, both limit racist speech and respond to institutional racism, doing the former almost by definition takes so much energy (if for no other reason than the time it takes to defend the effort from Constitutional challenges), that getting around to the latter never seems to follow in practice. Not to mention, **by passing hate speech codes, the dialogue about racism inevitably** (as at Bellarmine) **gets transformed into a discussion about free speech and censorship**, thereby fundamentally **altering the focus of our attentions**, and **making it all the less likely that our emphasis will be shifted back to** the harder and more thoroughgoing work of addressing **structural racial inequity.** Perhaps most importantly, even to the extent we seek to focus on the overt manifestations of racism, putting our emphasis on ways to limit speech implies that there aren’t other ways to respond to overt bias that might be more effective and more creative, and engage members of the institution in a more thoroughgoing and important discussion about individual responsibilities to challenge bigotry.So **instead of banning racist armbands, how much better might it be to see hundreds of Bellarmine students donning their own come spring: armbands saying things like: “Fuck Nazism,”** “Fuck Racism,” or, for that matter, “Fuck You, Andrei” (hey free speech is free speech, after all).That a lot of folks would be more offended by the word ‘fuck,’ both in this article and on an armband, than by the political message of Chira’s wardrobe accessory, of course, says a lot about what’s wrong in this culture, but that’s a different column for a different day. The point here is that such messages would be a good way to test how committed people at Bellarmine really are to free speech, and would also send a strong message that racism will be met and challenged en masse, and not just via anonymous e-mails.In other words, if Chira is free to make people of color uncomfortable, then others are sure as shit free to do the same to him and others like him. Otherwise, **freedom of speech becomes solely a shield for members of majority groups to hide behind, every time they seek to bash others.** **Instead of banning hate speech,** how much better might it be if everyone at Bellarmine who insists that they don’t agree with Chira, **but only support his rights to free speech, isolated and ostracized him: refusing to speak to him, refusing to sit near him, refusing to associate with him in any way, shape or form.** That too would be exercising free speech after all, since free speech also means the freedom not to speak, in this case, to a jackass like Andrei Chira.

#### C] Empirics affirm: there is always disproportionate enforcement and targeting against minorities.

[**Friedersdorf**](http://www.theatlantic.com/author/conor-friedersdorf/) **15** [Conor Friedersdorf](http://www.theatlantic.com/author/conor-friedersdorf/) The Lessons of Bygone Free-Speech Fights,  Efforts to police offensive language have seldom achieved their goals, and often been turned against the groups they were intended to protect, 12/10/15 Conor Friedersdorf is a staff writer at The Atlantic, where he focuses on politics and national affairs. He lives in Venice, California, and is the founding editor of [The Best of Journalism](http://thebestofjournalism.com/), a newsletter devoted to exceptional nonfiction. <http://www.theatlantic.com/politics/archive/2015/12/what-student-activists-can-learn-from-bygone-free-speech-fights/419178/>

More than 20 years ago, Henry Louis Gates, the renowned historian and director of Harvard’s Hutchins Center for African and African American Research, published the essay “[Let Them Talk](https://books.google.com/books?id=xfITCgAAQBAJ&pg=PP4&lpg=PP4&dq=henry+louis+gates+let+them+talk&source=bl&ots=pi5qnlgU3N&sig=6b-Z6Lzp9QOIMHNn4DhzqFVi6Xk&hl=en&sa=X&ved=0ahUKEwiGpN2kiM3JAhUGSCYKHax-BsEQ6AEIMzAF#v=onepage&q=henry%20louis%20gates%20let%20them%20talk&f=false)” in The New Republic. “The struggle with racism has traditionally been waged through language, not against it,” he observed. “The tumult of the civil-rights era was sponsored by an expansive vision of the First Amendment ... This concrete history and context make it perplexing that a new generation of activists... should choose the First Amendment as a battlefield.” He was writing after the University of Michigan, the University of Wisconsin, and Stanford implemented speech codes targeted at racist and sexist speech. These were efforts to respond to increasing diversity on campuses, where a number of students spewed racist and sexist speech that most everyone in this room would condemn. But those speech codes were policy failures. There is no evidence that hate speech or bigotry decreased on any campus that adopted them. At Michigan, the speech code was analyzed by Marcia Pally, a professor of multicultural studies, who found that “black students were accused of racist speech in almost 20 cases. Students were punished only twice under the code’s anti-racist provisions, both times for speech by or on behalf of blacks.”

#### Prefer empirical evidence over theoretical- hate speech bans always have the opposite effect

Dalmia 16 (Shikha, Senior Analyst/Award winning Journalist <http://reason.com/blog/2016/09/22/debating-nyus-jeremy-waldron-on-free-spe)>

The United States faces a lot of scorn and derision in elite international forums because it is the only country, apart from maybe Hungary, that refuses to enact hate speech bans. But on this Constitution Day, let me just say that it is a very good thing that America has a strong First Amendment tradition standing athwart history yelling stop to hate speech laws. And this is not because I don't care about minorities. I do. Profoundly. After all, I am a minority in nearly every respect. I'm an immigrant from India, a person of color, lapsed Hindu-turned-atheist and, rarest of all, a political libertarian. In my view, Donald Trump's characterization of Mexicans and his anti-minority hate mongering alone ought to disqualify him from the presidency. His comb-over is the other reason. So why do I oppose official bans on hate speech? Mainly because countries with a long history of them have done no better a job than America of protecting precisely what Prof. Waldron wants — the "basic dignity and reputation" of minorities, and a far worse job than America of protecting overall free speech rights. Lets just do a brief survey of the record: Anti-Semitism is undoubtedly much worse in continental Europe. The same is true for Islamophobia, despite its uptick in America in the Age of Trump. It took gays longer to win their rights in America than in Europe, but not because of the absence of hate speech bans. And America's treatment of Hispanics, its dominant minority, is no worse than, say, England's treatment of Indians and Pakistanis, its dominant minority. Blacks of course have a special, complicated history in America, but America has not needed hate speech bans to make racism unrespectable in polite company. Countries with hate speech bans don't have much to show by way of stopping hate and protecting minorities. But their record of protecting free speech is way worse than America's. Here are just a few of the many, many egregious examples: Canada has a Human Rights Tribunal that enforces its hate speech laws that were supposed to limit themselves to prosecuting speech that incites hatred and "could lead to a breach of the peace." What is a breach of the peace? Apparently an article by Mark Steyn, a popular conservative columnist, titled "America Alone," that worried about Europe's growing Muslim population and its implications for Europe's future. The tribunal decided to prosecute both Steyn and Maclean, a highly respected magazine in Canada that published his article. Now I disagree with just about every word in Steyn's article, including "a" and "the," but hate speech? C'mon! Likewise, Britain arrested a British politician for "racial and religious harassment" because he delivered a speech quoting Winston Churchill's unflattering description of Islam. Now, its not that Prof Waldron and other proponents of hate speech bans don't value free speech. It's just that he thinks that's not the only thing one ought to value. Making sure that minorities live in a non-hostile social environment where their basic dignity is protected is also an important social value. It is, no doubt. But is it more important than, say, stopping, terrorism, by censoring articles on "how to make a pressure cooker bomb," something that Trump just demanded? And if Holocaust denial to protect Jewish sensibilities ought to be a prosecutable offense, why not articles by global warming deniers to prevent global climate catastrophe? Why is speech that questions such existential threats to be tolerated if hate speech is to be suppressed? How will we draw any principled limits to stop slipping down the slope of repression and censorship? Hate speech bans are at best irrelevant and at worst worst harmful. Such worries aren't just theoretical. There is empirical evidence from the real world. Indeed, one institution in America where Prof. Waldron's ideas have been implemented are universities. On campuses, Jonathan Rauch, a gay activist and writer for The Atlantic, notes, Prof Waldron's "hostile environment doctrine has become part of the administrative furniture." Furthermore, universities are the most favorable test case for Prof. Waldron's ideas. They have an inherent interest in maintaining public spaces free of hateful or intimidating or threatening signage where everyone can learn. But they also have a special intellectual mission to engage in free and open inquiry where contrarian, uncomfortable and unconventional ideas can be thrashed out. They depend on free speech more than any other institution in society so one can expect them to be most protective of it. Furthermore, universities are run not by politicians who have to win elections but exceedingly learned and benevolent people free of crass political motives and silly prejudices. If there is any institution one could count on to draw the right balance between free speech and hate speech without slipping down the censorship slope, it is universities. So how's that been working out? I think it's fair to say that free speech is more endangered on college campuses than anywhere else in America, although the virus is spreading. Partly this is due to federal mandates like Title IX that require all colleges, public and private that receive federal money, to ensure gender equality on campus and, prevent sexual "harassment" – verbal and nonverbal. But partly it is of their own volitional embrace of political correctness and demands by social justice warriors who want not freedom of speech but freedom from speech. Indeed, a new kind of campus politics scarcely imaginable 20 years ago has emerged around the "right not to be offended." It's goal is to ferret out every last vestige of sexism, racism, and all other -isms lurking in the deep structure of the human mind and turn campuses into intellectual "safe spaces." FIRE (Foundation for Individual Rights in Education, an outfit that fights for constitutional rights on campuses) has uncovered 257 incidents from 2000 to 2014 of speakers who were disinvited because of their views. Weirdly, social justice warriors have banned not only right wing speakers such as former Secretaries of State Condoleezza Rice and Henry Kissinger for perpetrating war crimes but also liberal ones such as Dan Savage, a gay rights advocate and sex columnist (because he used the word tranny for transsexual); International Monetary Fund head Christine Lagarde was disinvited by Smith College for the "strengthening of imperialist and patriarchal systems that oppress and abuse women worldwide." Regrettably but predictably, conservative students have also jumped in on the action and started disinviting leftist speakers. Some at CUNY even asked New York state legislators to ban anti-Israel protests as hate speech. It's a bipartisan game.

### Part 3: Futurism

#### We affirm the resolution as an understanding that institutions will never implement good speech restrictions. There is no hope in placing faith in an institution that is fundamentally anti-black, so instead, we should refuse to place ethicality onto the university. Affirming is a way to refuse state action and say “get the fuck out of our lives”. To clarify, our framing does NOT say constitution good or free speech is valuable, but if we’re telling the university to fuck off, then not restricting constitutionally protected speech is simply a subset of our telling them to fuck off. Several net benefits:

#### A] An attitude of free speech is most consistent with our institutional pessimism: if we don’t care about racists and don’t trust them to improve, why restrict their speech?

Ross 17 Martha Ross, is a features writer who covers everything and anything related to popular culture, society, health, women’s issues and families. A native of the East Bay and a graduate of Northwestern University and Mills College, she’s also a former hard-news and investigative reporter, covering crime and local politics.] 2-2-2017, "Commentary: ‘Odious’ Milo Yiannopoulos should have been able to speak at Berkeley," Mercury News, <http://www.mercurynews.com/2017/02/02/commentary-milo-yiannopolous-should-have-been-able-to-speak-at-berkeley/>

Wednesday’s event. It’s not as if Chancellor Nicholas Dirks endorsed the idea of Yiannopoulos coming to Berkeley. But he believed **it was necessary to allow the British national to speak**, citing First Amendment principles. “In our view, Mr. Yiannopoulos is a troll and provocateur who uses odious behavior in part to ‘entertain,’ but also to deflect any serious engagement with ideas,” Dirks said. Yiannopoulos claims he stands for free speech. But detractors say he’s exploiting those principles to campaign for dangerous, un-American ideas. That may be the case, but Dirks was right in saying that **allowing him to speak was important** “**to defend** all our rights of **free expression**, **especially** at this historic moment in our nation, when this right is once again of paramount importance.” Mean**while**, **the people who came to** peacefully **protest Yiannopoulos’ appearance were likewise entitled to exercise their** rights of **free expression.** The event that moves me to agree with Dirks happened more than three decades ago. I was a student at Northwestern University in Evanston, Illinois, a few years after a group of neo-Nazis announced their plans to march through Skokie, a suburb of Chicago next door to Evanston. In Skokie at the time, one out of every six Jewish residents had survived the Holocaust or was directly related to a survivor. Of course, it would have been deeply offensive and painful for these survivors to watch marchers parade through their town, wearing Nazi uniforms and waving swatiska flags, symbols of a regime that imprisoned them in concentration camps or put their loved ones to death. Skokie denied permission for the neo-Nazis’ gathering, but the American Civil Liberties Union decided to defend the group’s application. These days, the ACLU is enjoying accolades on the left for fighting President Trump’s immigration ban, but the organization has a well-known history of taking on unpopular free-speech cases because of the principles involved. Neo-Nazis certainly qualify as unpopular clients. The ACLU has said that the notoriety of this landmark case caused many of its members to resign but many others saw the case as representing “the ACLU’s unwavering commitment to principle.” The ACLU prevailed in its arguments before the Illinois Supreme Court that the use of the swastika is a form of free speech protected by the First Amendment. As it turned out, the neo-Nazis never marched through Skokie, and staged a rally in downtown Chicago instead. Even though the case was settled before I moved there, it was still a topic of discussion years later, and I came to agree with the ACLU’s arguments that even neo-Nazis should enjoy First Amendment rights to express themselves. I’m sure I have friends who will take me to task for saying Yiannopoulos should have been able to speak at Berkeley. The question for the courts isn’t whether speech is offensive or unpopular, but whether it will cause direct physical harm by inciting others to violence or, in the classic scenario, of yelling “fire!” in a crowded theater, according to writer Victoria Bekiempis in a 2012 commentary for the Guardian. But this question isn’t just a matter for the courts. It’s a matter for all of us. When the ACLU defended the neo-Nazis in the Skokie case, the organization used the same laws it had invoked during the Civil Rights era. As the ACLU points out, that’s when Southern cities tried to shut down civil rights marches with similar claims about the violence and disruption the protests would cause. **Similarly**, **if we say it’s OK to shut down someone like Yiannopoulos because he’s offensive**, **then** **we can’t object when Steve Bannon**, the former Breitbart chairman and President Trump’s chief strategist, **tells** the media, and **anyone** who disagrees with new White House actions, **to** “**shut up**.” For many, and not just those who protested Wednesday night, Yiannopolous’ ideas are intolerable. But free speech is free speech, and failure to protect free speech, “no matter how reprehensibly that right is being exercised,” makes nonsense of the concept of the right itself, Bekiempis wrote. And, yes, that’s something none of us can afford to lose.

#### B] Discourse has the possibility of being reversed through countering linguistic power.

**Butler 97:** “Excitable Speech: A Politics of Performativity” by Judith Butler 1997

Neither view can account for the restaging and resignifying of¶ offensive utterance, deployments of linguistic power that seek at once¶ to expose and counter the offensive exercise of speech. I will consider¶ these at greater length in the chapters to come, but consider for a nioment how often such terms are subject to resignification. Such a¶ redoubling of injurious speech takes place not only in rap music and in¶ various forms of political parody and satire, but in the political and¶ social critique of such speech, where "mentioning" 10 those very terms¶ is crucial to the arguments at hand, and even in the legal arguments¶ that make the call for censorship, in which the rhetoric that is deplored¶ is invariably proliferated within the context of legal speech. Paradoxically,¶ the explicit legal and political arguments that seek to tie such¶ speech to certain contexts fail to note that even in their own discourse,¶ such speech has become citational, breaking with the prior contexts of¶ its utterance and acquiring new contexts for which it was not intended.¶ sThe critical and legal discourse on hate speech is itself a restaging of¶ the performance of hate speech. The present discourse breaks with the¶ prior ones, but not in any absolute sense. On the contrary, the present¶ context and its apparent "break" with the past are themselves legible¶ only in terms of the past from which it breaks. The present context¶ does, however, elaborate a new context for such speech, a future con-¶ 14 1 text, not yet delineable and, hence, not yet precisely a context.¶ The arguments in favor of a counter-appropriation or restaging of¶ offensive speech are clearly undercut by the position that the offensive¶ effect of the speech act is necessarily linked to the speech act, its originating¶ or enduring context or, indeed, its animating intentions or original¶ deployments. The revaluation of terms such as "queer" suggest that¶ speech can be "returned" to its speaker in a different form, that it can¶ be cited against its originary purposes, and perform a reversal of¶ effects. More generally, then, this suggests that the changeable power¶ of such terms marks a kind of discursive performativity that is not a¶ discrete series of speech acts, but a ritual chain of resignifications whose¶ origin and end remain unfixed and unfixable. In this sense, an "act" is¶ not a momentary happening, but a certain nexus of temporal horizons,¶ the condensation of an iterability that exceeds the moment it occasions.¶ The possibility for a speech act to resignify a prior context depends, in¶ part, upon the gap between the originating context or intention by¶ which an utterance is animated and the effects it produces. For the¶ threat, for instance, to have a future it never intended, for it to be¶ returned to its speaker in a different form, and defused through that return, the meanings the speech act acquires and the effects it performs¶ must exceed those by which it was intended, and the contexts it¶ assumes must not be quite the \_same as the ones in which it originates¶ (if such an origin is to be found). Those who seek to fix with certainty the link between certain¶ speech acts and their injurious effects will surely lament the open temporality¶ of the speech act. That no speech act has to perform injury as¶ its effect means that no simple elaboration of speech acts will provide a¶ standard by which the injuries of speech might be effectively acljudicated.¶ Such a loosening of the link between act and injury, however,¶ opens up the possibility for a counter-speech, a kind of talking back,¶ that would be foreclosed by the tightening of that link. Thus, the gap¶ that separates the speech act from its future effects has its auspicious¶ implications: it begins a theory of linguistic agency that provides an¶ alternative to the relentless search for legal remedy. The interval¶ between instances of utterance not only makes the repetition and¶ resignification of the utterance possible, but shows how words might,¶ through time, become disjoined from their power to injure and recontextualized in more affirmative modes.

#### C] Even if free speech might not be the perfect solution, it is comparatively better to any other alternative—restrictions just make the problem worse.

Kenan Malik 12 (Indian-born English writer, lecturer and broadcaster, trained in neurobiology and the history of science.). “Why Hate Speech Should Not Be Banned”. Pandemonium, 2012. https://kenanmalik.wordpress.com/2012/04/19/why-hate-speech-should-not-be-banned/

**And in practice, you cannot reduce or eliminate bigotry simply by banning it. You simply let[s] the sentiments fester underground.** As Milton once put it, to keep out ‘evil doctrine’ by licensing is ‘like the exploit of that gallant man who thought to pound up the crows by shutting his Park-gate’. Take Britain. In 1965, **Britain prohibited incitement to racial hatred as part of its Race Relations Act. The following decade was probably the most racist in British history. It was the decade of ‘Paki-bashing’,** when racist thugs would seek out Asians to beat up. **It was a decade of firebombings, stabbings, and murders. In the early 1980s, I was organizing street patrols in East London to protect Asian families from racist attacks. Nor were thugs the only problem. Racism was woven into the fabric of public institutions.** The police, immigration officials – all were openly racist. In the twenty years between 1969 and 1989, no fewer than thirty-seven blacks and Asians were killed in police custody – almost one every six months. The same number again died in prisons or in hospital custody. When in 1982, cadets at the national police academy were asked to write essays about immigrants, one wrote, ‘Wogs, nignogs and Pakis come into Britain take up our homes, our jobs and our resources and contribute relatively less to our once glorious country. They are, by nature, unintelligent. And can’t at all be educated sufficiently to live in a civilised society of the Western world’. Another wrote that ‘all blacks are pains and should be ejected from society’. So much for incitement laws helping create a more tolerant society. **Today, Britain is a very different place.** Racism has not disappeared, nor have racist attacks, but the open, vicious, visceral bigotry that disfigured the Britain when I was growing up has largely ebbed away. **It has done so not because of laws banning racial hatred but because of broader social changes and because minorities themselves stood up to the bigotry and fought back.**

## Underviews

### Misc Additional Cards

#### Voting aff is an act of self-liberation: by refusing to let the society define their hate speech, we reverse the meaning as a sign of empowerment.

**Butler 97** “Excitable Speech: A Politics of Performativity” by Judith Butler 1997

“One is not simply fixed by the name that one is called. In being called an injurious name, one is derogated and demeaned. But the name holds out another possibility as well: by being called a name[d], one is also, paradoxically, given a certain possibility for social existence, initiated into a temporal life of language that exceeds the prior purposes that animate that call. Thus the injurious address may appear to fix or paralyze the one it hails, but it may also produce an unexpected and enabling response. If to be addressed is to be interpellated, then the offensive call runs the risk of inaugurating a subject in speech who comes to use language to counter the offensive call. When the address is injurious, it works its force upon the one it injures. What is this force, and how might we come to understand its faultlines?” (Pg. 2)

#### And, words only have as much power as you give you them. Negating just causes impact replication and people will just create new forms of hate speech.

Kurtz and Oscarson ’03 - Members of National Council of Teachers of English Conference on College Composition and Communication 2k3 (Anna, Christopher, “BookTalk: Revising the Discourse of Hate,” ProQuest)

However, Butler also argues that the daily, repeated use of words opens a space for another, more empowering kind of performance. This alternative performance, Butler insists, can be "the occasion for something we might still call agency, **the repetition of an original subordination** for another purpose, one whose future is partially open" (p. 38). **To think of words as having an "open" future** is to recognize that their authority lies less in their historical than in their present uses; **it is to acknowledge that people can revise the meaning of words** even as we repeat them; it is to embrace the notion that the instability of words opens the possibility that we can use them to (re)construct a more humane future for ourselves and others. Because words can be revised, Butler contends that it would be counterproductive simply to stop using terms that we would deem injurious or oppressive. For **when we choose not to use offensive words** under any circumstance, **we preserve their existing meanings** as well as their power to injure. If as teachers, for instance, we were simply to forbid the use of speech that is hurtful to LGBT students we would be effectively denying the fact that such language still exists. **To ignore words** in this way, Butler insists, **won't make them go away.** Butler thus suggests that we actually use these words in thoughtful conversation in which we work through the injuries they cause (p. 1.02). Indeed, Butler insists that if we are to reclaim the power that oppressive speech robs from us, we must use, confront, and interrogate terms like "queer." We must ask how such terms affect both the speaker and the subject, what the purpose of their use is, and how their meaning can be altered to empower those whom they name. Thus, as Butler helps us see, language is violence, but only if we allow it to be. She encourages us to believe that words can take on new meanings-ones which forbid stasis, challenge our habits, and open the possibility that teachers and students might be able to create spaces for learning in which everyone feels safe.

#### In the age of Trump, liberation via speech is outside of the university is needed more than ever before.

Abdullah 17 [Melina Abdullah is Professor and Chair of Pan-African Studies at California State University, Los Angeles. She was among the original group of organizers that convened to form Black Lives Matter in 2013 and continues to serve as a Los Angeles chapter lead and contributes to the national leadership. She is co-host and co-producer of the weekly radio program Beautiful Struggle which airs on KPFK. Melina is originally from Oakland, California. She is a single “soccer mama” of three children and resides in Mid-City Los Angeles.] , 1-20-2017, "Black Liberation in the Age of Trump," KCET, <https://www.kcet.org/news-analysis/black-liberation-in-the-era-of-trump>

The following commentary is one in a series from KCET and Link TV writers and contributors reflecting on how the incoming president will shape, change, and redefine the future of California. The election of Donald Trump felt like some massive practical joke. Even overt racists at least want some semblance of decorum in their leaders, right? Apparently not as **White America voted Donald Trump and his blatantly racist**, sexist, homophobic and xenophobic **rhetoric and policy proposals into office** with an overwhelming majority of 58 percent, a 21-point victory over Clinton who garnered only 37 percent of the White vote. **This election marked a return to White entitlement and racial domination**, **at the expense of Black freedom** and racial justice. **However**, it did not go unchecked. **Hate-filled chants** and red caps **were countered** most vehemently **by Black people who risked life** and limb, immersing themselves in Trump rallies and summoning all of the power and resolve of Black forebears **to demand freedom and justice.** Unlike the counter-proposals offered by the Clinton candidacy, **Black activists voice**d **radical re-imaginings** for society **rooted in Black liberation struggle.** The current iteration of the Black freedom movement stands in the face of Trump’s segregationist rhetoric and anti-Black platform, titled “The New Deal for Black America” (NDBA); a cursory plan for gentrification, public education erosion, environmental degradation, mass criminalization and the implementation of an occupied police state in “inner cities” that would perpetuate police violence against Black people. Calls for unity among Black people, of which 92% adhered to in their refusal to vote for Trump, stood in the face of Trump’s attempt to create divisions by pandering to the most conservative elements of the Black Church and offers to those willing to serve as Black faces for White supremacy. Even more than unity at the polls, **the Black Lives Matter era marks a period where Black people are** more **civically engaged** than at any time since the Black Power era. **Public meeting participation**, **policy platforms and street protests** are emblematic of a willingness among Black activists to embrace the Black radical tradition and move beyond reform to transformation. It is this Black movement that must be brought to the foreground as we consider how to resist Trump. Mainstream media has amplified voices of the non-Black resistance to the election of Trump, and such coverage is hugely important to the effectiveness of movements. Public awareness has been raised around how (mostly Latino) immigrant communities are boldly challenging Trump’s threats of deportations and promises to build border walls. Muslim communities are pushing back against Trump’s proposed Muslim registry that feels like the lead-up to Japanese-American internment during World War II. The largest women’s march in world history is planned for the day after inauguration. While the identities of aforementioned groups are not mutually exclusive from Blackness and movements are not without Black involvement, somehow lost **is the recognition of Black resistance to Trump**, most clearly illustrated by Black Lives Matter. Since winning Black freedom requires fundamental and institutional transformation, the struggle for Black liberation offers us all an opportunity to rethink the logic of liberalism, reformist demands and instead commit to deeper societal shifts. Trump is not the first president to ride the wave of White supremacy and anti-Blackness into the White House. Inaugurated exactly 48 years before Trump (January 20, 1969), Richard Nixon was elected president by largely White voters who were stirred into an anti-Black frenzy at the height of the Black Power movement. Nixon promised to dismantle the policies won under the Johnson administration, repeatedly referring to Black people as the n-word. While not yet caught on tape using specific racial epithets, Trump has pledged to not only undo the most progressive policies of the Obama Administration, but to shift public sentiment away from progressive approaches that would end individual and institutional forms of racism. Moreover, his messaging and pledge to “Make America Great Again,” at the very least ignores the history of racial oppression only surmounted by generations of Black struggle. However, another parallel exists. Much like 1969 marked a reassessment of Black Power that resulted in the visionary “survival programs” of the Black Panther Party, this moment offers an opportunity for the Black Lives Matter movement to not simply disrupt and resist Trump, but invest in the building of programs. The Movement for Black Lives Policy platform can serve not only as a demand upon the existing system, but an alternative societal model. The willingness of Black organizers to vision and build must form the basis of the larger resistance. History reminds us of three things: 1) We will survive what feels like an un-survivable moment, 2) **The Black liberation movement is key to advancing freedom for all people**, and 3) We must engage in Black resistance with renewed vigor, not retreat from it.

#### Speech codes restrict critique of dominant structures and don’t provide safety to people

Henry Louis Gates 94, [Professor and Director of the Hutchins Center for African and African American Research at Harvard University], “War of Words: Critical Race Theory and the First Amendment”, in Speaking of Race, Speaking of Sex: Hate Speech, Civil Rights, and Civil Liberties, New York University Press, 1994.

Even more perplexing, especially in the context of an insistence on challenging ahistoricism and attending to context, is the nomination of Britain as an exemplar of a more enlightened free speech jurisprudence. Does anyone believe that racism has subsided in Britain since the adoption of the 1965 Race Relations Act forbidding racial defamation? Or that the legal climate in that country is more conducive to searching political debate? Ask any British newspaperman about that. When Harry Evans, then editor of the London Times, famously proclaimed that the British press was, by comparison to ours, only "half-free," he was not exaggerating much. The result of Britain's judicial climate is to make the country a net importer of libel suits launched by tycoons who are displeased with their biographers. Everyone knows that a British libel suit is like a Reno divorce. It is rather a mordant irony that American progressives should propose Britain, and its underdeveloped protection of expression, as a model to emulate at a time when many progressives in Britain are agitating for a bill of rights and broad First Amendment- style protections. And what of speech codes on American campuses? The record may surprise some advocates of regulations. "When the aclu enters the debate by challenging the University of Michigan's efforts to provide a safe harbor for its Black, Latino and Asian students," Lawrence writes, "we should not be surprised that nonwhite students feel abandoned." In light of the actual record of enforcement, however, the situation might be viewed differently. During the year in which Michigan's speech code was enforced, more than twenty blacks were charged--by whites--with racist speech. As Strossen notes, not a single instance of white racist speech was punished, a fact that makes Lawrence's talk of a "safe harbor" seem more wishful than informed. At Michigan, a full disciplinary hearing was conducted only in the case of a black social work student who was charged with saying, in a class discussion of research projects, that he believed homosexuality was an illness, and that he was developing a social work approach to move homosexuals toward heterosexuality. ("These charges will haunt me for the rest of my life," the student claimed in a court affidavit.) By my lights, this is a good example of how speech codes kill critique. I think that the student's views about homosexuality (which may or may not have been well-intentioned) are both widespread and unlikely to survive intellectual scrutiny. Regrettably, we have not yet achieved a public consensus in this country on the moral legitimacy (or, more precisely, the moral indifference) of homosexuality. Yet it may well be that a class on social work is not an inappropriate forum for a rational discussion of why the "disease" model of sexual difference has lost credibility among social scientists. (In a class on social work, this isn't p.c. brainwashing, this is education.) The trouble is, you cannot begin to conduct this conversation when you outlaw the expression of the view that you would criticize. Critical race theorists are fond of the ideal of conversation. "This chapter attempts to begin a conversation about the First Amendment," Matsuda writes toward the end of her contribution. "Most important, we must continue this discussion," Lawrence writes toward the end of his. It is too easy to lose sight of the fact that the conversation to which they are devoted is aimed at limiting conversation. If there are costs to speech, then there are costs also to curtailing speech, often unpredictable ones.

#### As such, speech codes assume racism is unpopular, which is just empirically denied.

Henry Louis Gates 94, [Professor and Director of the Hutchins Center for African and African American Research at Harvard University], “War of Words: Critical Race Theory and the First Amendment”, in Speaking of Race, Speaking of Sex: Hate Speech, Civil Rights, and Civil Liberties, New York University Press, 1994.

After all, if racist speech really were universally rejected, ordinances against it would be an exercise in antiquarianism. And yet there is something in what Matsuda says: a shared assumption about the weight of the anti-racist consensus, a conviction that at least overt racists are an unpopular minority, that authority is likely to side with us against them. This hopeful conviction about the magnitude of racist expression in America provides the hidden and rather unexpected foundation for the hate speech movement. Why would you entrust authority with enlarged powers of regulating the speech of unpopular minorities, unless you were confident that the unpopular minorities would be racists, not blacks? Lawrence may know that racial incidents are never "isolated," but he must also believe them to be less than wholly systemic. You don't go to the teacher to complain about the school bully unless you know that the teacher is on your side. The tacit confidence of critical race theory in the anti-racist consensus also enables its criticism of neutral principles. This becomes clear when one considers the best arguments in favor of such principles. Thus David Coles, a law professor at Georgetown University, suggests that in a democratic society the only speech government is likely to succeed in regulating will be that of the politically marginalized. If an idea is sufficiently popular, a representative government will lack the political wherewithal to suppress it, irrespective of the First Amendment. But if an idea is unpopular, the only thing that may protect it from the majority is a strong constitutional norm of content-neutrality. Reverse his assumptions about whose speech is marginalized and you stand the argument on its head. If blatantly racist speech is unpopular and stigmatized, a strong constitutional norm of content- neutrality may be its best hope for protection. For these critics, however, that is a damning argument against content-neutrality. This, then, is the political ambiguity that haunts the new academic activism. "Our colleagues of color, struggling to carry the multiple burdens of token representative, role model and change agent in increasingly hostile environments, needed to know that the institutions in which they worked stood behind them," declare our critical race theorists in their joint manifesto. Needed to know that the institutions in which they worked stood behind them: I have difficulty imagining this sentiment expressed by activists in the '60s, who defined themselves in a proudly adversarial relation to authority and its institutions. Here is the crucial difference this time around. The contemporary aim is not to resist power, but to enlist power.

#### Reverse enforcement is especially likely in the case of black youth–their activism is perceived as hostile and militant

Charles R. Calleros 95 [Professor of Law at Arizona State University], “Paternalism, Counterspeech, and Campus Hate-Speech Codes: A Reply to Delgado and Yun,” 27 Ariz. St. L.J. 1249, 1995.

The second "paternalistic objection," that "[a]ntiracism rules will end up hurting minorities, also has more substance in recent experience than Delgado's and Yun's analysis suggests. Although they may be correct that prosecutions of minority group members for violating a campus hate-speech code "seem rare, " s2 two examples serve to illustrate the importance of allowing members of the campus community, including members of minority groups, to engage in speech that may be offensive to others. The first example shows how several outspoken African-American students benefitted from the atmosphere of free speech and counterspeech at A.S.U. after the racist poster incident described in part A above. Vernard Bonner, the African-American leader of Students Against Racism, vented his outrage over the racist poster with an opinion letter that some complained reflected racist stereotyping of whites. 83 Although his own speech was offensive to some and sparked criticism, he was secure in his right to speak his mind without fear of censorship or discipline. Similarly, one year after he led the counterspeech to the racist poster and a year before being elected student body president, Rossie Turman reaffirmed his support for A.S.U.'s policies supporting free speech, precisely because those policies protected his right to strongly express his own views. 84 In the same year, a militant African-American student, Ashahed Triche, expressed his more radical views on race relations in a regular column of the campus newspaper, regularly offending white readers. Though some of the offended readers engaged in their own counterspeech and even recommended that the newspaper drop his column, 85 he continued to express his provocative views free from censorship. A campus policy that prohibited offensive, racially hostile speech presumably would have bottled up these emerging African-American speakers along with their white counterparts.86 Perhaps the result of such a policy would be a kinder, gentler campus, but these African-American students were willing to sacrifice subtlety in their speech to draw attention to their perspectives. 8 A second example illustrates the pain and frustration that accompany a failure to address minority offensive speech creatively and constructively. With the permission of the university administration, the Student Union Governing Board of San Francisco State University awarded a local artist $1,500 to paint a mural on the side of the Student Union building. In commemoration of what would have been Malcolm X's sixty-ninth birthday, the ten-foot-square mural depicted Malcolm X, along with Stars of David near dollar signs, a skull and crossbones, and the words "African Blood." Many Jewish and other members of the campus community understandably regarded the mural as outrageously anti-Semitic and further evidence that multiculturalism on campus had not embraced the Jewish community. The artist and many students, including African-Americans, denied that the mural was intended to offend Jewish students; instead, they argued that it expressed a legitimate political message and had historical significance as a representation of Malcolm X's early views. On orders of the university president, workers painted over the mural, but only after dozens of riot police held back supporters of the mural, some of them weeping over the destruction of the artwork. 88

### Underview (A2 Cap)

#### Censorship is never a viable political strategy: it is always rooted in an arbitrary system of state power that reproduces capitalism and shuts out reform.

Shaw 12 [Padmaja."Marx As Journalist: Revisiting The Free Speech Debate." N.p., 2010. Web. 7 Dec. 2016. http://www.triple-c.at/index.php/tripleC/article/view/389. graduated with a Masters degree in Journalism from Osmania University, India, and an MA (Telecommunications) from Michigan State University, USA. She completed a PhD in Development Studies and has been teaching at the Department of Communication and Journalism, Osmania University, India, since 1988. She has two tracks of interest: Broadcast production and political economy of communication. She contributes regularly to a media watch website, The Hoot, and writes a regular column in a local English language daily newspaper, The Hans India] \*ellipsis from original text

**Marx**’s opposition to censorship was not driven by any desire for an unregulated press. He **argued** for press laws that would be administered by independent judiciary: “… **censorship** … **makes arbitrariness into a law**. ... Just as a press law is different from a censorship law, so the judge's attitude to the press differs from the attitude of the censor. ... The independent judge belongs neither to me nor to the government. The dependent censor is himself a government organ ... The judge has a definite press offence put before him; confronting the censor is the spirit of the press. The judge judges my act according to a definite law; the censor not only punishes the crime, he makes it … The **censorship** does not accuse me of violating an existing law. It **condemns** my **opinion because it is not the opinion of the censor and his superiors.** My openly performed act, which is willing to submit itself to the world and its judgment, to the state and its law, has sentence passed on it by a hidden, purely negative power, which cannot give itself the form of law, which shuns the light of day, and which is not bound by any general principles”. “A censorship law is an impossibility because it seeks to punish not offences but opinions, because it cannot be anything but a formula for the censor, because no state has the courage to put in general legal terms what it can carry out in practice through the agency of the censor. For that reason, too, the operation of the censorship is entrusted not to the courts but to the police.” (Italics in original) (Marx 1842a) Describing true censorship as criticism that is the very essence of freedom of the press, Marx argued that censorship is criticism as government monopoly, **but** that **the government wants to apply it in secrecy and does not itself want to suffer any criticism** (Marx 1842b). Drawing a further distinction between press law and censorship he wrote: “In a press law, freedom punishes. In a censorship law, freedom is punished. The censorship law is a law of suspicion against freedom. The press law is a vote of confidence which the press gives itself. The press law punishes the misuse of freedom. The censorship law punishes freedom as misuse. ... Thus press law, far from being a repressive measure against freedom of the press, is merely a means to discourage repetition of violation through a penalty. … Laws are not repressive measures against freedom, any more than the law of gravity is a repressive measure against movement. ... Rather, laws are positive, clear, universal norms, in which freedom has won an impersonal, theoretical existence independent of the caprice of any individual. … Press law is the legal recognition of freedom”. (Marx 1842c) About freedom of the press, he wrote: “The free press is the ubiquitous vigilant eye of a people's soul, the embodiment of a people's faith in itself, the eloquent link that connects the individual with the state and the world, the embodied culture that transforms material struggles into intellectual struggles and idealises their crude material form. It is a people's frank confession to itself... It is the spiritual mirror in which a people can see itself, and self-examination is the first condition of wisdom”. (Marx 1842d). For Marx, the press is the “most general way for individuals to communicate their intellectual being. It knows no reputation of a person, but only the reputation of intelligence” (Marx, 1842e). Marx believed that **a revolutionary movement must participate in public life and educate the proletariat and that it is necessary to protect free speech**, as newspapers are the primary instruments of public communication (Hardt 2000)

#### Class-analysis’s allow white middle class males to lead non-white people in the revolution. It is an invisible form of white messianism that slips identity through the back door or anti-capitalist movements.

Ross 2k Ross 2000 [Marlon B., Professor, Department of English and Carter G. Woodson Institute for African-American and African Studies, “Commentary: Pleasuring Identity, or the Delicious Politics of Belonging,” New Literary History, Vol. 31, No. 4, pages 840-841]

Although in his contribution Eric Lott targets Professor Michaels's comments and his own recent feud with Timothy Brennan (who unfortunately is not included in this volume) rather than Ken's argument, what Eric says about “left and liberal fundamentalists” who “simply and somewhat penitently” urge us to “‘go back to class’” could also be directed at Ken's conclusion. Ken writes, “Crafting a political left that does not merely reflect existing racial divisions starts with the relatively mundane proposition that it is possible to make a persuasive appeal to the given interests of working and unemployed women and men, regardless of race, in support of a program for economic justice.” On this one, I side with Eric, rather than Tim and Ken. Standing on the left depends on whose left side we're talking about. My left might be your right and vice versa, because it depends on what direction we're facing, and what direction depends on which identities we're assuming and affirming. Eric adds, "Even in less dismissive [than Tim's] accounts of new social movements based not on class but on identities formed by histories of injustice, there is a striking a priori sense of voluntarism about the investment in this cause or that movement or the other issue—as though determining the most fundamental issue were a matter of the writer's strength of feeling rather than a studied or analytical sense of the ever-unstable balance of forces in a hegemonic bloc at a given moment." I agree, but I'll risk mangling what Eric says by putting it more crassly. **Touting class or "economic justice" as the fundamental stance** for left identity is just another way of telling everybody else to shut up so I can be heard above the fray. Because of the force of "identity politics," a leftist white person would be leery of **claiming to lead Blacks toward the promised land**, a leftist straight man leery of claiming to lead women **or queers**, but, for a number of complex rationalizations, we in the middle class (where all of us writing here currently reside) still have few qualms about volunteering to lead, at least theoretically, the working class toward "economic justice." What Eric calls here "left fundamentalism," I'd call, at the risk of sounding harsh, left paternalism. Of the big identity groups articulated through "identity politics," economic class **remains the only identity where a straight white middle-class man can** still feel comfortable **claim**ing himself **a leading political voice, and thus he may** sometimes overcompensate by **scream**ing **that this is the only identity that really matters—which is the same as claiming that class is beyond identity.** Partly this is because Marxist theory and Marx himself (a bourgeois intellectual creating the theoretical practice for the workers' revolution) stage the model for working-class identity as a sort of trans-identification, a magical identity that is transferable to those outside the group who commit themselves to it wholeheartedly enough. If we look back, we realize even this magical quality is not special to a history of class struggle, as whites during the New Negro movements of the early twentieth century felt that they were vanguard race leaders because they had putatively imbibed some essential qualities of Negroness by cross-identifying with the folk and their culture

### Underview (A2 PICs)

#### Attempts to restrict specific instances of speech or discussion fail in the long run – psychological studies affirm.

Mattimore 15: PATRICK MATTIMORE [member of the Society of Professional Journalists and has written commentaries for a variety of publications, daily newspapers, professional magazines, and weeklies. His areas of expertise are law, psychology, and education. He taught high school psychology for many years in the US, and was an adjunct professor of law in the Temple University/Tsinghua University LLM program in Beijing, where he also taught psychology at a private college.] “Guest commentary: If you want to make something more desired, make sure it gets censored” December 10, 2015. http://www.eastbaytimes.com/2015/12/10/guest-commentary-if-you-want-to-make-something-more-desired-make-sure-it-gets-censored/

What makes government censorship of the press and resultant self-censorship by media itself even more baffling, is that psychological science suggests that it doesn’t work. **If you want to make** an idea, or **nearly anything**, **more valuable to someone, make it less available by censoring it.** For example, more than 40 years ago, **when University of North Carolina students learned that a speech opposing coed dorms on campus would be banned, psychologists reported that the students became more opposed to the idea of coed dorms.** Without ever hearing the speech, students became more sympathetic to its argument**.** Advertisers have long been aware of the power of prohibitory admonitions to promote products, enticing consumers by advising them to not taste the forbidden fruit. Before advertisers for Charmin bathroom tissue exhorted customers: “Please don’t squeeze the Charmin,” it’s likely no one ever had. **By ordering stories covered up, the government ensures that those stories will be accorded more importance than they warrant. By limiting individuals’ access to information, that information becomes more attractive. Psychologist Robert Cialdini calls this the principle of scarcity. We want those things that are hard to get even though there is logically no more reason to want a scarce item than a plentiful one.**

#### PICs performatively cede all authority to the state through the ability to interpret the speech

Butler 96, Judith. "Burning Acts: Injurious Speech." The University of Chicago Law School Roundtable: Vol. 3: Iss. 1, Article 9. January 1996. Web. December 07, 2016. <http://chicagounbound.uchicago.edu/roundtable/vol3/iss1/9>.

Two remarks of qualification: first, some critical race theorists such as Charles Lawrence will argue that cross burning is speech, but that not all speech is to be protected, indeed, not all speech is protected, and that racist speech conflicts with the Equal Protection Clause because it hinders the addressed subject from exercising his or her rights and liberties. Other legal scholars in critical race studies, such as Richard Delgado, will argue for expanding the domain of the "fighting words" restriction on the First Amendment. Matsuda and MacKinnon, following the example of sex discrimination jurisprudence, will argue that it is impossible to distinguish between conduct and speech, that hateful remarks are injurious actions. Oddly enough, this last kind of reasoning has reappeared in the recent policy issued on gays in the military, where the statement, "I am a homosexual" is considered to be a "homosexual act." The word and the deed are one, and the claim "I am a homosexual" is considered to be not only a homosexual act, but a homosexual offence.46 According to this policy, the act of coming out is effectively construed as fighting words. Here it seems that one must be reminded that the prosecution of hate speech in a court runs the risk of giving that court the opportunity to impose a further violence of its own. And if the court begins to decide what is and is not violating speech, that decision runs the risk of constituting the most binding of violations.

#### And, PIC’s are theoretically illegitimate:

1] Limits: There are way too many PICs out of different types of speech. They can defend thousands of random different types of speech that have been deemed constitutionally protected. Kills fairness since the aff has to bifurcate their prep between tons of PICs while the neg focuses on one. My interp makes sure that research burdens are drawn on reciprocal lines, since both debaters have to prep for all instances of speech.

2] Ground: I have an absolute burden to defend every single type of free speech prohibition is bad whereas if the neg just proves in one instance a restriction is good they win, which means they get to scoop my entire aff and moot 6 minutes of AC offense by doing almost the same thing. That means the neg gets to select the most desirable slice of offense in the resolution, which proves qualitiative ground loss. That’s a voting issue for fairness- we both need equal access to the ballot to win.

### Underview (A2 Extinction)

#### Emphasis on an impending apocalypse as the major danger to human life is a direct effacement of the everyday violence of institutionalized racism – the fiction of uniqueness for their extinction impact can only be establish through a genocidal forgetting of the historical world-ending violence of white supremacy

Omolade 891989, Barbara Omolade is a historian of black women for the past twenty years and an organizer in both the women’s and civil rights/black power movements, “We Speak for the Planet” in “Rocking the ship of state : toward a feminist peace politics”, pp. 172-176

Recent efforts by Soviet leader Mikhail Gorbachev and President Ronald Reagan to limit nuclear testing, stockpiling, and weaponry, while still protecting their own arsenals and selling arms to countries and factions around the world, vividly demonstrate how "peace" can become an abstract concept within a culture of war. Many peace activists are similarly blind to the constant wars and threats of war being waged against people of color and the planet by those who march for "peace" and by those they march against. These pacifists, like Gorbachev and Reagan, frequently want people of color to fear what they fear and define peace as they define it. They are unmindful that our lands and peoples have already been and are being destroyed as part of the "final solution" of the "color line." It is difficult to persuade the remnants of Native American tribes, the starving of African deserts, and the victims of the Cambodian "killing fields" that nuclear war is the major danger to human life on the planet and that only a nuclear "winter" embodies fear and futurelessness for humanity. The peace movement suffers greatly from its lack of a historical and holistic perspective, practice, and vision that include the voices and experiences of people of color; the movement's goals and messages have therefore been easily coopted and expropriated by world leaders who share the same culture of racial dominance and arrogance. The peace movement's racist blinders have divorced peace from freedom, from feminism, from education reform, from legal rights, from human rights, from international alliances and friendships, from national liberation, from the particular (for example, black female, Native American male) and the general (human being). Nevertheless, social movements such as the civil rights-black power movement in the United States have always demanded peace with justice, with liberation, and with social and economic reconstruction and cultural freedom at home and abroad. The integration of our past and our present holocausts and our struggle to define our own lives and have our basic needs met are at the core of the inseparable struggles for world peace and social betterment. The Achilles heel of the organized peace movement in this country has always been its whiteness. In this multi-racial and racist society, no allwhite movement can have the strength to bring about basic changes. It is axiomatic that basic changes do not occur in any society unless the people who are oppressed move to make them occur. In our society it is people of color who are the most oppressed. Indeed our entire history teaches us that when people of color have organized and struggled-most especially, because of their particular history, Black people-have moved in a more humane direction as a society, toward a better life for all people.1 Western man's whiteness, imagination, enlightened science, and movements toward peace have developed from a culture and history mobilized against women of color. The political advancements of white men have grown directly from the devastation and holocaust of people of color and our lands. This technological and material progress has been in direct proportion to the undevelopment of women of color. Yet the dayto- day survival, political struggles, and rising up of women of color, especially black women in the United States, reveal both complex resistance to holocaust and undevelopment and often conflicted responses to the military and war. The Holocausts Women of color are survivors of and remain casualties of holocausts, and we are direct victims of war-that is, of open armed conflict between countries or between factions within the same country. But women of color were not soldiers, nor did we trade animal pelts or slaves to the white man for guns, nor did we sell or lease our lands to the white man for wealth. Most men and women of color resisted and fought back, were slaughtered, enslaved, and force marched into plantation labor camps to serve the white masters of war and to build their empires and war machines. People of color were and are victims of holocausts-that is, of great and widespread destruction, usually by fire. The world as we knew and created it was destroyed in a continual scorched earth policy of the white man. The experience of Jews and other Europeans under the Nazis can teach us the value of understanding the totality of destructive intent, the extensiveness of torture, and the demonical apparatus of war aimed at the human spirit. A Jewish father pushed his daughter from the lines of certain death at Auschwitz and said, "You will be a remembrance-You tell the story. You survive." She lived. He died. Many have criticized the Jews for forcing non-Jews to remember the 6 million Jews who died under the Nazis and for etching the names Auschwitz and Buchenwald, Terezin and Warsaw in our minds. Yet as women of color, we, too, are "remembrances" of all the holocausts against the people of the world. We must remember the names of concentration camps such as Jesus, Justice, Brotherhood, and Integrity, ships that carried millions of African men, women, and children chained and brutalized across the ocean to the "New World." We must remember the Arawaks, the Taino, the Chickasaw, the Choctaw, the Narragansett, the Montauk, the Delaware, and the other Native American names of thousands of U.S. towns that stand for tribes of people who are no more. We must remember the holocausts visited against the Hawaiians, the aboriginal peoples of Australia, the Pacific Island peoples, and the women and children of Hiroshima and Nagasaki. We must remember the slaughter of men and women at Sharpeville, the children of Soweto, and the men of Attica. We must never, ever, forget the children disfigured, the men maimed, and the women broken in our holocausts-we must remember the names, the numbers, the faces, and the stories and teach them to our children and our children's children so **the world can never forget our suffering** and our courage. Whereas the particularity of the Jewish holocaust under the Nazis is over, our holocausts continue. We are the madres locos (crazy mothers) in the Argentinian square silently demanding news of our missing kin from the fascists who rule. We are the children of El Salvador who see our mothers and fathers shot in front of our eyes. We are the Palestinian and Lebanese women and children overrun by Israeli, Lebanese, and U.S. soldiers. We are the women and children of the bantustans and refugee camps and the prisoners of Robbin Island. We are the starving in the Sahel, the poor in Brazil, the sterilized in Puerto Rico. We are the brothers and sisters of Grenada who carry the seeds of the New Jewel Movement in our hearts, not daring to speak of it with our lipsyet. Our holocaust is South Africa ruled by men who loved Adolf Hitler, who have developed the Nazi techniques of terror to more sophisticated levels. Passes replace the Nazi badges and stars. Skin color is the ultimate badge of persecution. Forced removals of women, children, and the elderly-the "useless appendages of South Africa"-into barren, arid bantustans without resources for survival have replaced the need for concentration camps. Black sex-segregated barracks and cells attached to work sites achieve two objectives: The work camps destroy black family and community life, a presumed source of resistance, and attempt to create human automatons whose purpose is to serve the South African state's drive toward wealth and hegemony. Like other fascist regimes, South Africa disallows any democratic rights to black people; they are denied the right to vote, to dissent, to peaceful assembly, to free speech, and to political representation. The regime has all the typical Nazi-like political apparatus: house arrests of dissenters such as Winnie Mandela; prison murder of protestors such as Stephen Biko; penal colonies such as Robbin Island. Black people, especially children, are routinely arrested without cause, detained without limits, and confronted with the economic and social disparities of a nation built around racial separation. Legally and economically, South African apartheid is structural and institutionalized racial war. The Organization of African Unity's regional intergovernmental meeting in 1984 in Tanzania was called to review and appraise the achievements of the United Nations Decade for Women. The meeting considered South Africa's racist apartheid regime a peace issue. The "regime is an affront to the dignity of all Africans on the continent and a stark reminder of the absence of equality and peace, representing the worst form of institutionalized oppression and strife." Pacifists such as Martin Luther King, Jr. and Mahatma Gandhi who have used nonviolent resistance charged that those who used violence to obtain justice were just as evil as their oppressors. Yet all successful revolutionary movements have used organized violence. This is especially true of national liberation movements that have obtained state power and reorganized the institutions of their nations for the benefit of the people. If men and women in South Africa do not use organized violence, they could remain in the permanent violent state of the slave. Could it be that pacifism and nonviolence cannot become a way of life for the oppressed? Are they only tactics with specific and limited use for protecting people from further violence? For most people in the developing communities and the developing world consistent nonviolence is a luxury; it presumes that those who have and use nonviolent weapons will refrain from using them long enough for nonviolent resisters to win political battles. To survive, peoples in developing countries must use a varied repertoire of issues, tactics, and approaches. Sometimes arms are needed to defeat apartheid and defend freedom in South Africa; sometimes nonviolent demonstrations for justice are the appropriate strategy for protesting the shooting of black teenagers by a white man, such as happened in New York City. Peace is not merely an absence of 'conflict that enables white middleclass comfort**,** nor is it simply resistance to nuclear war and war machinery**.** The litany of "you will be blown up, too"directed by a white man to a black woman obscures the permanency and institutionalization of war, the violence and holocaust that people of color face daily. Unfortunately, the holocaust does not only refer to the mass murder of Jews, Christians, and atheists during the Nazi regime; it also refers to the permanent institutionalization of war that is part of every fascist and racist regime. The holocaust lives. It is a threat to world peace as pervasive and thorough as nuclear war.

#### Reject high magnitude, low probability impacts – they exclude important conversations and are just mathematically bankrupt.

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So let me offer another possibility: the problem isn’t the topic, but modern policy debate. The unrealistic scenarios, exclusive focus on policy scholarship, inability to engage systemic impacts and philosophical questions. And so long as these problems characterize modern policy debate, teams will feel compelled to avoid it.¶ It might be tempting to assign the blame to “USFG should.” But these are bugs, not features of plan-focused, USFG-based, active voice topics. These bugs result from practices and norms that were initially and independently reasonable, but ultimately and collectively problematic. I also believe that these norms can and should be contested. I believe it would be possible for me to have a realistic, accessible, and inclusive discussion about the merits of a federal policy with, say, Amber Kelsie. Or put differently, I’m not sure I agree with Jonah that changing the topic is the only way to avoid being “a bunch of white folks talking about nuke war.”¶ The fact that policy debate is wildly out of touch—the fact that we are “a bunch of white folks talking about nuclear war”—is a damning indictment of nearly every coach in this activity. It’s a serious indictment of the successful policy debate coaches, who have been content to continue a pedagogically unsound game, so long as they keep winning. It’s a serious indictment of policy debate’s discontents who chose to disengage. ¶ That’s not to say there hasn’t been any effort to challenge modern policy debate on its own terms—just that they’ve mainly come from the middle of the bracket and weren’t very successful, focusing on morality arguments and various “predictions bad” claims to outweigh. ¶ Judges were receptive to the sentiment that disads were unrealistic, but negative claims to specificity always triumphed over generic epistemological questions or arguments about why “predictions fail.” The affirmative rarely introduced substantive responses to the disadvantage, rarely read impact defense. All considered, the negative generally won a significant risk that the plan resulted in nuclear war. Once that was true, it was basically impossible to win that some moral obligation outweighed the (dare I say?) obligation to avoid a meaningful risk of extinction.¶ There were other problems. Many of the small affirmatives were unstrategic—teams rarely had solvency deficits to generic counterplans. It was already basically impossible to win that some morality argument outweighed extinction; it was totally untenable to win that a moral obligation outweighed a meaningful risk of extinction; it made even less sense if the counterplan solved most of the morality argument. The combined effect was devastating: As these debates are currently argued and judged, I suspect that the negative would win my ballot more than 95 percent of the time in a debate between two teams of equal ability.¶ But even if a “soft left” team did better—especially by making solvency deficits and responding to the specifics of the disadvantage—I still think they would struggle. They could compete at the highest levels, but, in most debates, judges would still assess a small, but meaningful risk of a large scale conflict, including nuclear war and extinction. The risk would be small, but the “magnitude” of the impact would often be enough to outweigh a higher probability, smaller impact. Or put differently: policy debate still wouldn’t be replicating a real world policy assessment, teams reading small affirmatives would still be at a real disadvantage with respect to reality. . ¶ Why? Oddly, this is the unreasonable result of a reasonable part of debate: the burden of refutation or rejoinder, the responsibility of debaters to “beat” arguments. If I introduce an argument, it starts out at 100 percent—you then have to disprove it. That sounds like a pretty good idea in principle, right? Well, I think so too. But it’s really tough to refute something down to “zero” percent—a team would need to completely and totally refute an argument. That’s obviously tough to do, especially since the other team is usually going to have some decent arguments and pretty good cards defending each component of their disadvantage—even the ridiculous parts. So one of the most fundamental assumptions about debate all but ensures a meaningful risk of nearly any argument—even extremely low-probability, high magnitude impacts, sufficient to outweigh systemic impacts. ¶ There’s another even more subtle element of debate practice at play. Traditionally, the 2AC might introduce 8 or 9 cards against a disadvantage, like “non-unique, no-link, no-impact,” and then go for one and two. Yet in reality, disadvantages are underpinned by dozens or perhaps hundreds of discrete assumptions, each of which could be contested. By the end of the 2AR, only a handful are under scrutiny; the majority of the disadvantage is conceded, and it’s tough to bring the one or two scrutinized components down to “zero.”¶ And then there’s a bad understanding of probability. If the affirmative questions four or five elements of the disadvantage, but the negative was still “clearly ahead” on all five elements, most judges would assess that the negative was “clearly ahead” on the disadvantage. In reality, the risk of the disadvantage has been reduced considerably. If there was, say, an 80 percent chance that immigration reform would pass, an 80 percent chance that political capital was key, an 80 percent chance that the plan drained a sufficient amount of capital, an 80 percent chance that immigration reform was necessary to prevent another recession, and an 80 percent chance that another recession would cause a nuclear war (lol), then there’s a 32 percent chance that the disadvantage caused nuclear war. ¶ I think these issues can be overcome. First, I think teams can deal with the “burden of refutation” by focusing on the “burden of proof,” which allows a team to mitigate an argument before directly contradicting its content. ¶ Here’s how I’d look at it: modern policy debate has assumed that arguments start out at “100 percent” until directly refuted. But few, if any, arguments are supported by evidence consistent with “100 percent.” Most cards don’t make definitive claims. Even when they do, they’re not supported by definitive evidence—and any reasonable person should assume there’s at least some uncertainty on matters other than few true facts, like 2+2=4.¶ Take Georgetown’s immigration uniqueness evidence from Harvard. It says there “may be a window” for immigration. So, based on the negative’s evidence, what are the odds that immigration reform will pass? Far less than 50 percent, if you ask me. That’s not always true for every card in the 1NC, but sometimes it’s even worse—like the impact card, which is usually a long string of “coulds.” If you apply this very basic level of analysis to each element of a disadvantage, and correctly explain math (.4\*.4\*.4\*.4\*.4=.01024), the risk of the disadvantage starts at a very low level, even before the affirmative offers a direct response. ¶ Debaters should also argue that the negative hasn’t introduced any evidence at all to defend a long list of unmentioned elements in the “internal link chain.” The absence of evidence to defend the argument that, say, “recession causes depression,” may not eliminate the disadvantage, but it does raise uncertainty—and it doesn’t take too many additional sources of uncertainty to reduce the probability of the disadvantage to effectively zero—sort of the static, background noise of prediction.¶ Now, I do think it would be nice if a good debate team would actually do the work—talk about what the cards say, talk about the unmentioned steps—but I think debaters can make these observations at a meta-level (your evidence isn’t certain, lots of undefended elements) and successfully reduce the risk of a nuclear war or extinction to something indistinguishable from zero.

### Underview (A2 Phil)

#### Reject abstract ethics - pretending that immoral entities are capable of moral action is abstraction that makes ethics impossible. Traditional ethics is an anti black system that only serves to re-entrench white supremacy.

Curry 13Dr. Tommy; “In the Fiat of Dreams: The Delusional Allure of Hope, the Reality of Anti-Black Violence and the Demands of the Anti-Ethical”

**Traditional**ly we have taken **ethics** to be, as Henry Sedgwick claims, "any rational procedure by which we determine what individual human beings 'ought'—or what is right for them—or to seek to realize by voluntary action” (1981:1). This rational procedure **is** however **at odds with the empirical reality the ethical deliberation must concern itself with. To argue**, as is often done, **that the government**, its citizens, or white people **should act justly, assumes that the possibility of how they could act defines their moral disposition.** If a white person could possibly not be racist, it does not mean that the possibility of not being racist, can be taken to mean that they are not racist. In **ethical deliberations** dealing with the problem of racism, it is common practice to **attribute to historically racist institutions, and individuals universal moral qualities that have yet to be demonstrated.** **This abstraction from reality is what frames our ethical norms and allows us to maintain, despite history or evidence, that racist entities will act justly given the choice. Under such complexities, the only ethical deliberation concerning racism must be anti-ethical**, or a judgment **refusing to write morality onto immoral entities.** In the post-structuralist era, post-colonial thinking about racism specifically, and difference/otherness generally, has given a peculiar ameliorative function to discourse and the performance of “other-ed” identities. In this era, the dominant illusion is that discourse itself , an act that requires as its basis the recognition of the “other” as “similar,” is socially transformative—not only with regard to how the white subject assimilates the similitude of the “other-ed,” but as an actual activity gauged by the recognition by one white person or by a group of white people in any given scenario, is uncritically accepted and encouraged as anti-racist politics.. In actuality **such discourse** appeals, which **necessitate**—become **dependent on—(white) recognition**, function very much like the racial stereotype, in that the concept of the **Black** body being the **expression** **and** **source of** experience and **phenomena** (existential-phenomenological-theorization) **is incarcerated by the conceptualization created the discursive catalyst yearning to be perceived by the white thing seeing the Black**. **Such appeals lend potentiality-hope-faith to** the already present/demonstrated ignorance-racism-interest of the **white** individual, who in large part expresses the historical tone/epistemology of their racial group’s interest. **When morality is defined, not by the empirical acts that demonstrate immorality, but the racial character of those in question, our ethics become nothing more than the apologetics of our tyrannical epoch.**

#### Abstract ethics requires a view from nowhere which allows the white male body to take the dominant position. Embodied experience is necessary.

Yancy 08Prof of Philosophy Duquesne University “Black Bodies, White Gazes *THE CONTINUING SIGNIFICANCE OF RACE Journal of Speculative Philosophy* 2008

I write out of a personal existential context. This context is a profound source of knowledge connected to my "raced" body. Hence, I write froma place of lived embodied experience a site of exposure. **In philosophy**, the only thing that we are taught to expose is a weak argument, a fallacy, or someone’s “inferior” reasoning power. **The embodied self is bracketed and deemed irrelevant to theory**, superfluous and cumbersome in one's search for truth. It is best, or so **we are told**, **to reason from nowhere**. Hence, **the white philosopher/**author **presumes to speak for all of “us” without** the slightest **mention of his or her “raced” identity**. Self-consciously writing as a white male philosopher, Crispin Sartwell observes:  Left to my own devices, I disappear as an author. That is the "**whiteness**" **of** my **authorship**. This whiteness of authorship **is,** for us**, a form of authority**; **to speak** (apparently) **from nowhere, for everyone, is empowering,** though one wields power here only by becoming lost to oneself. But such an authorship and authority is also pleasurable: **it yields the pleasure of self-forgetting** or apparent transcendence of the mundane and the particular, and the pleasure of power expressed in the "comprehension" of a range of materials.(1998, 6)  To **theorize the Black body one must "turn to the** [Black] **body as the radix for** interpreting **racial experience**" (Johnson [1993, 600]). It is important to note that **this** particular strategy also **functions as a lens through which to** theorize and **critique whiteness**; for the Black body's "racial" experience is fundamentally linked to the oppressive modalities of the "raced" white body. However, there is no denying that my own "racial" experiences or the social performances of whiteness can become objects of critical reflection. In this paper, my objective is to describe and theorize situations where **the Black body's** subjectivity, its ***lived* reality**, **is reduced to instantiations of the white imaginary**, resulting in what I refer to as "the phenomenological return of the Black body." These instantiations are **embedded within** and evolve out of **the** complex **social and historical interstices of whites' efforts at self-construction** through complex acts of erasure **vis-à-vis Black people.** These acts of self-construction, however, are myths/ideological constructions predicated upon maintaining white power. As James Snead has noted, "Mythification is the replacement of history with a surrogate ideology of [white] elevation or [Black] demotion along a scale of human value"(Snead 1994,

#### Inequality creates flawed epistemic conclusions, meaning you cannot fairly test their ethical claims without rectifying it first.

Medina 11 Medina, J. (2011). Toward a Foucaultian Epistemology of Resistance: Counter-Memory, Epistemic Friction, and Guerrilla Pluralism. Foucault Studies, 1(12), 9–35

Foucault invites us to pay attention to the past and ongoing epistemic battles among competing power/knowledge frameworks that try to control a given field. Different fields—or domains of discursive interaction—contain particular discursive regimes with their particular ways of producing knowledge. In the battle among power/ knowledge frameworks, some come on top and become dominant while others are displaced and become subjugated. Foucault’s methodology offers a way of exploiting that vibrant plurality of epistemic perspectives which always contains some bodies of experiences and memories that are erased or hidden in the [hegemonic] mainstream frameworks that become hegemonic after prevailing in sustained epistemic battles. What Foucault calls subjugated knowledges3 are forms of experiencing and remembering that are pushed to the margins and rendered unqualified and unworthy of epistemic respect by prevailing and hegemonic discourses. Subjugated knowledges remain invisible to mainstream perspectives; they have a precarious subterranean existence that renders them unnoticed by most people and impossible to detect by those whose perspective has already internalized certain epistemic exclusions. And with the invisibility of subjugated knowledges, certain possibilities for resistance and subversion go unnoticed. The critical and emancipatory potential of Foucaultian genealogy resides in challenging established practices of remembering and forgetting by excavating subjugated bodies of experiences and memories, bringing to the fore the perspectives that culturally hegemonic practices have foreclosed. The critical task of the scholar and the activist is to resurrect subjugated knowledges—that is, to revive hidden or forgotten bodies of experiences and memories—and to help produce insurrections of subjugated knowledges.4 In order to be critical and to have transformative effects, genealogical investigations should aim at these insurrections, which are critical interventions that disrupt and interrogate epistemic hegemonies and mainstream perspectives (e.g. official histories, standard interpretations, ossified exclusionary meanings, etc). Such insurrections involve the difficult labor of mobilizing scattered, marginalized publics and of tapping into the critical potential of their dejected experiences and memories. An epistemic insurrection requires a collaborative relation between genealogical scholars/activists and the subjects whose experiences and memories have been subjugated: those subjects by themselves may not be able to destabilize the epistemic status quo until they are given a voice at the epistemic table (i.e. in the production of knowledge), that is, until room is made for their marginalized perspective to exert resistance, until past epistemic battles are reopened and established frameworks become open to contestation.

## AT: PICs

### Racial Insults PIC

#### Specific racial insults are not constitutionally protected

Heinze 06, Eric ("Reader in Law, Queen Mary, University of London).”Viewpoint absolutism and hate speech." The Modern Law Review 69.4 (2006): 543-582.

In order to approach such problems, we must consider a second distinction, viz, between general and 'targeted' speech. A common and straightforward instance of 'targeted', face-to-face speech could arise, for example, in an employment context, where an employer individually harasses one or more specific, identifiable employees. In such a context, as with solicitation, conspiracy and other distinctly unlawful acts, words are used as only part of a fuller pattern of unlawful conduct (eg, harassment), and hate speech may indeed provide positive evidence of harassment. In Chaplinsky v New Hampshire, the US Supreme Court famously noted:

[The] English language has a number of words and expressions which by general consent are 'fighting words' when said without a disarming smile. [Such] words, as ordinary men know, are likely to cause a fight. So are threatening, profane or obscene revilings. Derisive and annoying words can be taken as [those that] have this characteristic of plainly tending to excite the addressee to a breach of the peace [such as] face-to-face words plainly likely to cause a breach of the peace by the addressee, words whose speaking constitute a breach of the peace by the speaker.147

The Court focuses on offensive words specifically 'directed to the person of the hearer',148 which, moreover, are not limited to the discretely recognized categories that are ordinarily required for hate speech bans, such as race, sex or religion—and which, therefore, do not suffer the hypocrisies of hate speech bans. Under existing law, a jury could certainly be instructed to take account of the impact of invective like 'stupid slob' directed against someone who is mentally handicapped Individual acts of aggression or harassment have long been recognized as legally actionable, regardless of their motivation, ie, intolerance or some other ground. Where there is psychological damage, perhaps requiring treatment, actions such as a tort of intentional infliction of emotional injury have long been available, again, regardless of the motive for the act149 Unlike Western European approaches, however, Chaplinsky does not license government to silence anyone whose words might cause offence to individual listeners, if those individuals are not personally targeted.

### Anti Semitism

#### ASAA restrictions suppress legit criticism.

Solomon 16 [Daniel J. Solomon, “Inflammatory Pro-Israel Posters Pop Up on Campus — Are They Islamophobic?,” Forward, October 26, 2016, http://forward.com/news/national/352698/inflammatory-pro-israel-posters-pop-up-on-campus-are-they-islamophobic/]

A row over Israel on campus is as predictable as the fall of autumn leaves, and it’s no different this season. Fliers accusing pro-Palestinian students of being anti-Semitic have cropped at numerous colleges in October — including the University of Chicago, Tufts University, Brooklyn College and Berkeley — and have been claimed by the David Horowitz Freedom Center, a rightwing organization labeled a hate group by the Southern Poverty Law Center. “Do you want to show your support for Hamas terrorists whose stated goal whose stated goal is the elimination of the Jewish people and the Jewish state? Join us! Students for Justice in Palestine at Tufts University.” read one flier procured by the Tufts Daily. It also featured a Palestinian militant wrapped in a keffiyeh, or traditional headscarf and toting a machine gun. Other posters included specific callouts to individual faculty and students, accusing them of collaboration with jihadists. According to the anti-Zionist site Electronic Intifada, a flier at San Francisco State University labeled one professor “a leader of the Hamas BDS campaign,” while one at Berkeley said that a professor was a “supporter of Hamas terrorists” and an “Islamophobia alarmist.” Most of the posters featured the slogan #Jewhatred and directed people to the Freedom Center’s Web site. Horowitz’s organization has been termed a hate group by the Southern Poverty Law Center, which has described Horowitz as “a driving force of the anti-Muslim, anti-immigrant, and anti-black movements.” According to Electronic Intifada, the current poster campaign was preceded by a smaller episode last spring at the University of California–Los Angeles, where the group circulated similar fliers. Critics of the posters — both campus administrators and others — have said they create an atmosphere of fear. “This is not an issue of free speech; this is bullying behavior that is unacceptable and will not be tolerated on our campus,” Leslie Wong, the president of San Francisco State, said in a comment run by Electronic Intifada. Joanne Barker, a professor at the university, told the Web site that her school “should be contacting federal and state authorities to investigate this incident as a hate crime.” Recently, some rightwing Israel advocates have adopted more hard-nosed tactics intended to publicly shame and sanction their perceived enemies. Created last year, one such effort, the Canary Mission, has compiled dossiers on hundreds of students and faculty that it sees as anti-Israel or anti-Semitic – often conflating the two. Another new organization, the Amcha Initiative, has an “anti-Semitism tracker” on its Web site that puts calls for boycotts, divestment, and sanctions against the Jewish state (BDS) in the same category as Jew-hatred. This also comes on the heels of a controversy at Berkeley, where students and faculty clashed with one another over a course that presented Zionism as a “settler colonialist” movement.

#### The unchallenged pro-Israel lobby is a violent manifestation of latent Islamophobia. Academia is key to disrupt this process.

Bazian 15 [Bazian, Hatem. "The Islamophobia Industry and the Demonization of Palestine: Implications for American Studies." American Quarterly 67.4 (2015): 1057-1066]

In a recent article analyzing a host of survey results since 2001, Charles Kurzman concludes that the data illustrate how “American attitudes toward Muslim Americans have grown more negative” and that “a growing segment of the . . . population is willing to express negative views about Muslim Americans in recent years.”28 More alarmingly, the data show that the percentage of Americans responding unfavorably to Muslims in general has steadily increased since 2006. The survey results raise important questions about the causes for such a shift, the forces behind it, and how best to reverse it in the future. Indeed, the alarming data reflect the success of the Islamophobia industry and its massive investment in demonizing Muslims as a launching pad for pro-Israel groups from which to maintain US unconditional support for Israel. One way to understand the unfolding pro-Israel strategy is to extend Edward Said’s use of “Latent” and “Manifest Orientalism” to the study of Islamophobia. Said argued that Arab and Muslim subjects are constructed and “judged in terms of, and in comparison to, the West, so they are always the Other, the conquerable, and the inferior.”29 Kurzman’s and Said’s writings bring into focus the link between what I refer to as latent and manifest Islamophobia.30 Latent Islamophobia is conceived through an inception process using films, news reports, media talking heads, book publishing, and emphasis on Islam as a violent, backward, and oppressive religion inclined toward despotism and lack of progress. Culture production is not independent of politics or economy; rather, it is informed and hegemonically determined by it. Manifest Islamophobia is evident in the speeches and writing of Daniel Pipes, a right-wing Israel supporter and founder of the McCarthyite-type web site Campus Watch. Speaking before the convention of the American Jewish Congress on October 21, 2001, Pipes stated, “I worry very much from the Jewish point of view that the presence, and increased stature, and affluence, and enfranchisement of American Muslims. . . . will present true dangers to American Jews.”31 This offers a glimpse into some of the thinking behind the Islamophobia industry and how it mobilizes to demonize of Muslims, Arabs, and Palestinians. Conclusion Academe should take the lead in exploring the entanglement of the pro-Israel groups and organizations in Islamophobia content production. Scholars in American studies should centralize research and teaching about Islamophobia because of the impact it has in normalizing racist discourses in society. I urge American studies scholars to be at the forefront and earnestly embrace Islamophobia studies with intersectionality and connectedness to all struggles for social justice while also affirming the centrality of Palestine’s narrative in the field. In this regard, the forum on Palestine in American studies can play a vital role in collaboratively addressing the Islamophobia crisis with regular panels at the annual conference and regional academic workshops on how to teach and counter it on campus and community levels through partnerships with the American Cultures Community Engaged Scholarship. Lastly, American studies scholars should build robust academic relations with Palestinian universities, foster exchange programs, and proactively seek to centralize Palestinian narratives in the conversation and expose Israel’s role in promoting a racist and hostile campus and civil society environments that seek to limit academic freedom and speech while hiding behind distortions about BDS, Palestine, Islam, Muslims and the “War on Terror.”32

### Holocaust Denial

#### Squo solves and Holocaust denial restrictions fail – a perceived refusal to listen to opposing views, no matter how ridiculous, always backfires.

Heinze 06, Eric (Professor of Law and Humanities at the School of Law Queen Mary, University of London) “Viewpoint Absolutism and Hate Speech.” Modern Law Review 69 (4): 543–582. 2006

Dominant public, press and scholarly opinion is commonly cited in these cases to elicit the marginal,34 even pariah status of Holocaust deniers, who are constantly pilloried by historians, politicians, the media, and the public generally, even without the State having to resort to coercive means. Remarkably, however, the various courts and the Human Rights Committee have never considered whether bans are necessary at all in such a hostile social and intellectual environment. Of course, their reasons for not examining such an argument can only be speculative; presumably, however, their fear is that, unchecked, Holocaust denial could insidiously corrupt public opinion.36 Yet that fear recapitulates the fallacy of projecting the 'too much freedom' image of the Weimar Republic onto today's democracies. Even the suggestion that revisionists have made some—very limited—inroads into 'respectable' academic debate37 hardly demonstrates the West's inexorable march towards fascism. Although dominant public opinion in the United States undoubtedly merits criticism on many points, and the nation is far from free of prejudice and discrimination, the opinions of the Ku Klux Klan and similar extremist groups have remained marginal since the civil rights movements of the 1960s, ie, throughout the entire period in which current First Amendment principles have been in place. (Indeed, the mass hysteria of McCarthyism marked the final period of American history in which speech was regulated on the basis of viewpoint.)38 The presence of black figures in American media has constantly grown, and many American universities offer courses and whole degree programmes on African-American studies. Certainly, racism still continues. However, there is no evidence that Western Europe has more effectively combated intolerance with hate speech bans than the US has done without them.

### Internet Sites

#### IMPOSSIBLE AND ONLY INCREASES POPULARITY

Neumann, Peter (International Centre for the Study of Radicalisation King’s College London). "Options and strategies for countering online radicalization in the United States." Studies in Conflict & Terrorism 36.6 (2013): 431-459.

Domestically, any formalized, network-level system for removing content or restricting access would have to be subject to oversight and be open to judicial challenges. In other words, someone in government would have to maintain blacklists of banned websites that would become public, generate political controversy, inspire conspiracy theories, and—worst of all—draw attention to the very content that the government does not want people to see. Given that no technical system for removing content from the Internet is perfect, and that even children seem to be able to circumvent sophisticated filtering systems,44 the likely outcome would be to increase, not reduce, the number of people that view violent extremist content on the Internet.

Indeed, the rise of instant-messenging, blogging, video-sharing, and social-networking platforms has made it more difficult to remove or restrict particular types of content in practical terms. Rather than static websites, which serve only one purpose at a time and may be filtered, the interactive platforms that carry much of today’s online traffic have hundreds of millions of users uploading, posting, and re-posting terabytes of data every minute. Furthermore, the majority of violent extremist content is now embedded in privately owned platforms—YouTube or Facebook, for example—which the U.S. government would never consider shutting down. Even the most sophisticated censorship systems—such as China’s “Great Firewall,” which consists of a highly complex system of formalized and informal controls that are maintained at great expense46—can barely keep up with removing objectionable content of this or any kind.