# Institutions K

## 1NC

#### The link is that the aff defends a right to free speech enforced by public colleges and universities. That is, schools have to create a free speech policy in their world.

#### Several impacts

#### 1] Institution-protected free speech is a trap states use to entrench their own power.

**Crimethinc:** Crimethinc. [News Source] “This is Not a Dialogue.” *Crimethinc*, January 2017. RP

-Problem of changing institutional laws

There appears to be a broad consensus in the US political spectrum in favor of the right to free speech. While opponents may quibble over the limits, such as what constitutes obscenity, pundits from left to right agree that free speech is essential to American democracy. Appeals to this tradition of unrestricted expression confer legitimacy on groups with views outside the mainstream, and both fascists and radicals capitalize on this. Lawyers often defend anarchist activity by referencing the First Amendmentʼs provision preventing legislation restricting the press or peaceable assembly. We can find allies who will support us in free speech cases who would never support us out of a shared vision of taking direct action to create a world free of hierarchy. The rhetoric of **free speech** and First Amendment rights give us a common language with which to broaden our range of support and make our resistance more comprehensible to potential allies, with whom we may build deeper connections over time. But at what cost? This discourse of rights **seems to imply that the state is necessary to protect us against itself, as if it is a sort of Jekyll and Hyde split personality that simultaneously attacks us with laws and police and prosecutors while defending us with laws and attorneys and judges. If we accept this metaphor, it should not be surprising to find that the more we attempt to strengthen the arm that defends us, the stronger the arm that attacks us will become. Once freedom is defined as an assortment of rights granted by the state, it is easy to lose sight of the** actual **freedom those rights are meant to protect and focus instead on the rights themselves—implicitly accepting the legitimacy of the state. Thus, when we build visibility and support by using the rhetoric of rights, we undercut the possibility that we will be able to stand up to the state itself. We also open the door for the state to impose othersʼ “rights” upon us.**

#### 2] The state uses free speech rights to crack down on its critics.

**Crimethinc:** Crimethinc. [News Source] “This is Not a Dialogue.” *Crimethinc*, January 2017. RP

**In the US, many take it for granted that it is easier for the state to silence and isolate radicals in countries in which free speech is not legally protected. If this is true, who wouldnʼt want to strengthen legal protections on free speech? In fact, in nations in which free speech is not legally protected, radicals are not always more isolated—on the contrary, the average person is sometimes more sympathetic to those in conflict with the state, as it is more difficult for the state to legitimize itself as the defender of liberty. Laws do not tie the hands of the state nearly so much as public opposition can; given the choice between legal rights and popular support, we are much better off with the latter.** One dictionary defines civil liberty as “the state of being subject only to laws established for the good of the community.” This sounds ideal to those who believe that laws enforced by hierarchical power can serve the “good of the community”—but who defines “the community” and what is good for it, if not those in power? **In practice, the discourse of civil liberties enables the state to marginalize its foes: if there is a legitimate channel for every kind of expression, then those who refuse to play by the rules are clearly illegitimate.** Thus we may read this definition the other way around: under “civil liberty,” all laws are for the good of the community, and any who challenge them must be against it. **Focusing on the right to free speech, we see only two protagonists, the individual and the state.** Rather than letting ourselves be drawn into the debate about what the state should allow, anarchists should focus on a third protagonist—the general public. We win or lose our struggle according to how much sovereignty the populace at large is willing to take back from the state, how much intrusion it is willing to put up with. If we must speak of rights at all, rather than argue that we have the right to free speech let us simply assert that the state has no right to suppress us. **Better yet, letʼs develop another language entirely.**

#### The implication -- we must reject the aff’s representation of an institutional “right to free speech,” and instead endorse free speech as a form of RADICAL CONFRONTATION. That is, we ought to view PEOPLE THEMSELVES as capable of defining their own free speech independent of the state.

**Crimethinc:** Crimethinc. [News Source] “This is Not a Dialogue.” *Crimethinc*, January 2017. RP

-Don’t depend on institutions for recognition

-Civil disobedience one example of this

**Obviously, anarchists should not organize against free speech. But the stranglehold of the state on the discourse of free speech seems to set the terms of the debate: either we condone censorship, or we condone state protection of our enemies and their right to organize against us and others.** This results in paradoxes, such as radicals being accused of opposing freedom for shutting down a fascist speaker. **In contrast to state protection of KKK rallies and the like, there are models of free expression that neither depend upon the enforcement of rights from above nor sanction oppressive behavior. Anarchists might judge speech not as something fundamentally different from action, but as a form of action: when it harms others, when it reinforces hierarchies and injustices, we confront it[.] the same way we would confront any other kind of abuse or oppression. This is simply self-defense.** When a xenophobic politician comes to speak at a public university, his honorarium is paid with tax money extorted from workers and given to universities so it will continue to circulate among the rich and powerful. Regardless of right-wing whining about the marginalization of conservative opinions, the fact that he is powerful enough to secure lucrative speaking engagements indicates that his views are hardly suppressed. As a wealthy white citizen and public figure, his opportunity to express himself canʼt reasonably be compared to the opportunity of, say, the immigrants he scapegoats. If their voices and agency actually held equal weight, the politician could say whatever he wanted, but would be powerless to subject others to his schemes. When we confront him directly rather than politely disagreeing, weʼre not attacking his right to express his opinions. **Weʼre confronting the special advantages he is accorded: taxpayer money, police protection, an exclusive soapbox. Weʼre confronting the power he wields over our lives through institutions built on violence, a power he means to extend by using speaking events to gain wealth, legitimacy, and recruits to his racist endeavors. Confronting him is a political practice that does not reduce freedom to rights, but challenges the privileges of the state—that makes no false dichotomy between speech and action, but judges both by the same standards—that does not enable the state to frame itself as the defender of free speech, but asserts that** we **are the only ones who can defend and extend our own freedom.**

#### A narrow political focus on the consequences of the plan forces us to outsource our agency – question their scholarship first.

Reid-Brinkley (Dr. Shanara Reid-Brinkley, University of Pittsburgh Department of Communications, “THE HARSH REALITIES OF “ACTING BLACK”: HOW AFRICAN-AMERICAN POLICY DEBATERS NEGOTIATE REPRESENTATION THROUGH RACIAL PERFORMANCE AND STYLE” 2008, LB)

Genre Violation Four: Policymaker as Impersonal and the Rhetoric of Personal Experience. **Debate is a competitive game.112 It requires that its participants take on the positions of state actors** (at least when they are affirming the resolution). **Debate resolutions normally call for federal action** in some area of domestic or foreign policy. Affirmative teams must support the resolution, while the negative negates it. The debate then becomes a “laboratory” within which debaters may test policies.113 Argumentation scholar Gordon Mitchell notes that “Although they may research and track public argument as it unfolds outside the confines of the laboratory for research purposes, in this approach students witness argumentation beyond the walls of the academy as spectators, with little or no apparent recourse to directly participate or alter the course of events.”114 Although debaters spend a great deal of time discussing and researching government action and articulating arguments relevant to such action, **what happens in debate rounds has limited or no real impact on contemporary governmental policy making.** And participation does not result in the majority of the debate community engaging in activism around the issues they research. Mitchell observes that **the stance of the policymaker in debate comes with a “sense of detachment associated with the spectator posture**.”115 In other words, its participants are able to engage in debates where they are able to distance themselves from the events that are the subjects of debates. Debaters can throw around terms like torture, terrorism, genocide and nuclear war without blinking. **Debate simulations can only serve to distance the debaters from real world participation in the political contexts they debate about**. As William Shanahan remarks: …the topic established a relationship through interpellation that inhered irrespective of what the particular political affinities of the debaters were. The relationship was both political and ethical, and needed to be debated as such. **When we blithely call for United States Federal Government policymaking, we are not immune to the colonialist legacy** that establishes our place on this continent. We cannot wish away the horrific atrocities perpetrated everyday in our name simply by refusing to acknowledge these implications” (emphasis in original).116 **The “objective” stance of the policymaker is an impersonal or imperialist persona.** The policymaker relies upon “acceptable” forms of evidence, engaging in logical discussion, producing rational thoughts. As Shanahan, and the Louisville debaters’ note, **such a stance is integrally linked to the normative, historical and contemporary practices of power** that produce and maintain varying networks of oppression. In other words, the discursive practices of policy oriented debate are developed within, through and from systems of power and privilege. Thus, these practices are critically implicated in the maintenance of hegemony. So, rather than seeing themselves as government or state actors, Jones and Green choose to perform themselves in debate, violating the more “objective” stance of the “policymaker” and require their opponents to do the same.

## Add-Ons

#### The far-right claims free speech rights to justify oppressive views.

**Crimethinc:** Crimethinc. [News Source] “This is Not a Dialogue.” *Crimethinc*, January 2017. RP

Anarchists have defended freedom of speech for centuries now. This is important in principle: in an anarchist vision of society, neither the state nor any other entity should be able to determine what we can and cannot say. Itʼs also important in practice: as a revolutionary minority frequently targeted for repression, weʼve consistently had our speeches, newspapers, websites, and marches attacked. But we arenʼt the only ones who have taken up the banner of free speech. **More recently, the right wing in the US has begun to allege that a supposed failure to give conservative views an equal hearing alongside liberal views constitutes a suppression of their free speech. By accusing “liberal” universities and media of suppressing conservative views—a laughable assertion, given the massive structures of power and funding advancing those views—they use First Amendment discourse to promote reactionary agendas. Supposedly progressive campuses reveal their true colors as they mobilize institutional power to defend right-wing territory in the marketplace of ideas, going so far as to censor and intimidate opposition. Extreme right and fascist organizations have jumped onto the free speech bandwagon as well. Fascists rely on the state to protect them, claiming that racist, anti-immigrant, and anti-gay organizing constitutes a form of legally protected speech. Fascist groups that are prevented from publishing their material in most other industrialized democracies by laws restricting hate speech frequently publish it in the United States, where no such laws exist**, and distribute it worldwide from here. In practice, state protection of the right to free expression aids fascist organizing. **If defending free speech has come to mean sponsoring wealthy right-wing politicians and enabling fascist recruiting, itʼs time to scrutinize what is hidden behind this principle.** Despite the radical roots of organizations such as the American Civil Liberties Union that advocate for state protection of free expression, **this form of civil liberties empties the defense of free speech of any radical content, implying that only the** state **can properly guarantee our ability to express ourselves freely** and thus reinforcing the power of the state above the right to free speech itself.

#### Free speech isn’t guaranteed – the state can move to eliminate it when the speech becomes too radical.

**Crimethinc:** Crimethinc [News source and compiler] “This is Not a Dialogue.” *Crimethinc.* No date. RP

**But what if, despite the skewed playing field, someone manages to say something that threatens to destabilize the power structure?** If history is any indication, it swiftly turns out that freedom of expression is not such a sacrosanct right after all. **In practice, we are permitted free speech only insofar as expressing our views changes nothing. The premise that speech alone cannot be harmful implies that speech is precisely that which is ineffectual: therefore, anything effectual is not included among oneʼs rights. During World War I, the Espionage Act criminalized any attempt to “cause insubordination, disloyalty, mutiny, [or] refusal of duty**” or to obstruct recruiting for the armed forces. President Woodrow Wilson urged the billʼs passage because he believed antiwar activity could undermine the US war effort. Alexander Berkman and Emma Goldman were arrested under this law for printing anarchist literature that opposed the war. Likewise, the Anarchist Exclusion Act and the subsequent Immigration Act were used to deport or deny entry to any immigrant “who disbelieves in or who is opposed to all organized government.” Berkman, Goldman, and hundreds of other anarchists were deported under these acts. **There are countless other examples showing that when speech can threaten the foundation of state power, even the most democratic government doesnʼt hesitate to suppress it. Thus, when the state presents itself as the defender of free speech, we can be sure that this is because our rulers believe that allowing criticism will strengthen their position more than suppressing it could. Liberal philosopher and ACLU member Thomas Emerson saw that freedom of speech “can act as a kind of ‘safety valveʼ to let off steam when people might otherwise be bent on revolution.” Therein lies the true purpose of the right to free speech in the US.**

#### Free speech isn’t a dialogue – the state will ignore people and dangle it as a carrot that it can pull away

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**Maybe you missed this, but [Y]ouʼre not in a dialogue. Your views are beside the point. Argue all you want—your adversaries are glad to see you waste your breath. Better yet if you protest: theyʼd rather you carry a sign than do anything. Theyʼll keep you talking as long as they can, just to tire you out —to buy time. They intend to force their agenda on you. Thatʼs what all the guns are for, what the police and drones and surveillance cameras are for, what the FBI and CIA and NSA are for, what all those laws and courts and executive orders are for.** Itʼs what their church is for, what those racist memes are for, what online harassment and bullying are for. Itʼs what gay bashings and church burnings are for. **This is not a dialogue. How could you be so naïve? A dialogue—from which some of the participants can be deported at any time? A dialogue—in which one side keeps shooting and incarcerating the other[,] side? A dialogue—in which a few people own all the networks and radio stations and printing presses, while the rest have to make do with markers and cardboard signs**? A dialogue, really? Youʼre not in a dialogue. Youʼre in a power struggle. All that matters is how much force you can bring to bear on your adversaries to defend yourself from them. You can bet that if you succeed, they will accuse you of breaking off the dialogue, of violating their free speech. They will try to lure you back into conversation, playing for time until they need no more stratagems to keep you passive while they put the pieces in place for tyranny. **This isnʼt a dialogue—itʼs a war.** Theyʼre gambling that you wonʼt realize this until itʼs too late. If freedom is important to you, if you care about all the people marked for death and deportation, start taking action.

#### Free speech isn’t possible in a state marked by disparities – only the rich can ever have a shot at true freedom.

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**The discourse of free speech in democracy presumes that no significant imbalances of power exist, and that the primary mechanism of change is rational discussion. In fact, a capitalist elite controls most resources, and power crystallizes upward along multiple axes of oppression**. **Against this configuration, it takes a lot more than speech alone to open the possibility of social change. There can be no truly free speech except among equals—among parties who are not just equal before the law, but who have comparable access to resources and equal say in the world they share. Can an employee really be said to be as free to express herself as her boss, if the latter can take away her livelihood? Are two people equally free to express their views when one owns a news network and the other cannot even afford to photocopy fliers? In the US, where donations to political candidates legally constitute speech, the more money you have, the more “free speech” you can exercise.** As the slogan goes, freedom isnʼt free—and nowhere is that clearer than with speech. Contrary to the propaganda of democracy, ideas alone have no intrinsic force. Our capacity to act on our beliefs, not just to express them, determines how much power we have. In this sense, the “marketplace of ideas” metaphor is strikingly apt: you need capital to participate, and the more you have, the greater your ability to enact the ideas you buy into. **Just as the success of a few entrepreneurs and superstars is held up as proof that the free market rewards hard work and ingenuity, the myth of the marketplace of ideas suggests that the capitalist system persists because everyone—billionaire and bellboy alike—agrees it is the best idea.**