# 1AC – Agonism

## 1AC

### Part 1: Framework

#### All concepts, identities, and judgements are constructed in opposition to their negative. There can be no conception of good without bad, friendship without betrayal, promises without promise breaking. Ontological violence is foundational to any ethical or political framework. HÄGGLUND 1

“THE NECESSITY OF DISCRIMINATION DISJOINING DERRIDA AND LEVINAS” MARTIN HÄGGLUND

“Derrida targets precisely this logic of opposition. As he argues in Of Grammatology, metaphysics has always regarded violence as derivative of a primary peace. The possibility of violence can thus be accounted for only in terms of a Fall, that is, in terms of a fatal corruption of a pure origin. By deconstructing this figure of thought, Derrida seeks to elucidate why **violence [does]** is **not** merely an empirical accident that **befall**s **something that precedes it. Rather**, violence **[it] stems from an essential impropriety** that does not allow anything to be sheltered from death and forgetting. Consequently, Derrida takes issue with what he calls the “ethico-theoretical decision” of metaphysics, which postulates the simple to be before the complex, the pure before the impure, the sincere before the deceitful, and so on. All divergences from the positively valued term are thus explained away as symptoms of “alienation,” and the desirable is conceived as the return to what supposedly has been lost or corrupted. In contrast, Derrida argues that **what makes** it **possible for anything** **to be** at the same time **makes it impossible for anything to be in itself.** The integrity of **any** “positive” **term is necessarily compromised** and threatened **by its “other.”** Such constitutive alterity answers to an essential corruptibility, which undercuts all ethico-theoretical decisions of how things ought to be in an ideal world.11 A key term here is what Derrida calls “undecidability.” With this term he designates the necessary opening toward the coming of the future. The coming of the future is strictly speaking “undecidable,” since it is a relentless displacement that unsettles any defi nitive assurance or given meaning. One can never know what will have happened. Promises may always be turned into threats, friendships into enmities, fidelities into betrayals, and so on. There is no opposition between undecidability and the making of decisions. On the contrary, Derrida emphasizes that one always acts in relation to what cannot be predicted, that one always is forced to make decisions even though the consequences of these decisions cannot be finally established. **Any** kind of decision (**ethical**, **[or] political [decision]**, juridical, and so forth) **is** more or less **violent, but it is** nevertheless **necessary to make decisions.** Once again, I want to stress that violent differentiation by no means should be understood as a Fall, where violence supervenes upon a harmony that precedes it. On the contrary, **discrimination** has to be regarded as a **[is] constitutive** condition. **Without division**al marks—which is to say: without segregating borders—**there would be nothing** at all. In effect, every attempt to organize life in accordance with ethical or political prescriptions will have been marked by a fundamental duplicity. On the one hand, it is necessary to draw boundaries, to demarcate, in order to form any community whatsoever. On the other hand, it is precisely because of these excluding borders that every kind of community is characterized by a more or less palpable instability. What cannot be included opens the threat as well as the chance that the prevalent order may be transformed or subverted. In *Specters of Marx,* Derrida pursues this argument in terms of an originary “spec- trality.” A salient connotation concerns phantoms and specters as haunting reminders of the victims of historical violence, of those who have been excluded or extinguished from the formation of a society. The notion of spectrality is not, however, exhausted by these ghosts that question the good conscience of a state, a nation, or an ideology. Rather, Derridaʼs aim is to formulate a general “hauntology” (*hantologie*), in contrast to the traditional “ontology” that thinks being in terms of self-identical presence. What is important about the figure of the specter, then, is that it cannot be fully present: it has no being in itself but marks a relation to what is *no longer* or *not yet.* And since time— the disjointure between past and future—is a condition even for the slightest moment, Derrida argues that spectrality is at work in everything that happens. An identity or community can never escape the machinery of exclusion, can never fail to engender ghosts, since it must demarcate itself against a past that cannot be encompassed and a future that cannot be anticipated. Inversely, it will always be threatened by what it can- not integrate in itself—haunted by the negated, the neglected, and the unforeseeable. Thus, a rigorous deconstructive thinking maintains that we are always already in- scribed in an “economy of violence” where we are both excluding and being excluded. No position can be autonomous or absolute but is necessarily bound to other positions that it violates and by which it is violated. **The struggle for justice can thus not be a struggle for peace, but only for** what I will call **“lesser violence.”**

#### This takes out any ideal theory that tries to unify subjects rather than starting with difference. The logic of opposition is incompatible with universal starting points that do away with violence. HÄGGLUND 2

“THE NECESSITY OF DISCRIMINATION DISJOINING DERRIDA AND LEVINAS” MARTIN HÄGGLUND

“A possible objection here is that we must **striv[ing]**e **toward an ideal** origin or **end**, an *arkhe* or *telos* **that would prevail beyond the possibility of violence**. Even if every community is haunted by victims of discrimination and forgetting, we should try to reach a state of being that does not exclude anyone, namely, a consummated presence that includes everyone. However, it **is precisely** with such an “ontological” **[the] thesis that Derridaʼs** hauntological **thinking takes issue.** At several places in *Specters of Marx* he maintains that a completely present life—which would not be “out of joint,” not haunted by any ghosts—would be nothing but a complete death. **Derrida**ʼs point is not simply that a peaceful state of existence is impossible to realize, as if it were a desirable, albeit unattainable end. Rather, he **challenges the very idea that absolute peace is desirable**. **In a state** of being **where all violent change is precluded, nothing can ever happen.** **Absolute peace is** thus **inseparable from absolute violence**, as Derrida argued already in “Violence and Metaphysics.” Anything that would finally put an end to violence (whether the end is a religious salvation, a universal justice, a harmonious intersubjectivity or some other ideal) would end the possibility of life in general. The idea of absolute peace is the idea of eliminating the undecidable future that is the con- dition for anything to happen. Thus, the idea of absolute peace is the idea of absolute violence.” (49)

#### Framework Implications:

#### A. Controls the internal link to every other framework because any theory requires us to choose a conception of the good otherwise they are baseless and cannot prescribe an obligation. So, other theories would have to concede exclusion of beliefs as a condition for their normativity in the first place.

#### B. Controls the internal link to any judge obligation. The ballot forces the judge to make a decision between who did the better debating, which inherently entails a judgement of discrimination because any decision assumes a paradigm for what better debating entails, which necessarily discriminates between various interpretations.

#### And, democratic agonism is most consistent with the understanding of inevitable conflict.

#### 1. The only way to resolve the inevitable conflict that comes with pluralism in our agency and ethics is to embrace that it is in fact inevitable. This requires an agonistic commitment, which recognizes that conflict is inevitable, but frames the other as a legitimate opponent instead of an enemy.

**Mouffe 2k** [Chantal Mouffe, Professor at the Department of Political Science of the Institute for Advanced Studies. June 2000. “The Democratic Paradox”]

"A well-functioning **democracy calls for a vibrant clash** of democratic political positions. **If this is missing** there is the danger that this **democratic confrontation will be replaced by** a **confrontation among other forms of collective identification**, as is the case with identity politics. **Too much emphasis on consensus** and the refusal of confrontation **lead to apathy and disaffection** with political participation. Worse still, **the result can be the crystallization of collective passions around issues which cannot be managed by the democratic process** and an explosion of antagonisms that can tear up the very basis of civility." (104)

#### Thus, the standard is promoting agonistic democracy.

#### Prefer additionally:

#### 1. Double bind – to act morally one must first know what is the right thing to do, which means any moral system has to be derivative of the procedures intrinsic to agonistic conflict:

#### A. If our moral belief changes after an agonistic conflict, then it shows that preserving the relationship based off of openness and disagreement is necessary to identity moral errors.

#### B. If my moral belief remains the same, I have practiced commitment to my belief because defending it assumes values in the belief.

#### C. It’s a no risk issue- they have to justify that something can be uncontestable in order to prove antagonism is good for ethics.

#### 2. Agonism controls the ability for us to engage in activism to solve oppression.

Harrigan 08 **[C**asey, Associate Director of Debate at UGA, Master’s in Communications – Wake Forest U., “A Defense of Switch Side Debate”, Master’s thesis at Wake Forest, Department of Communication, May, pp.43-45**]**

The Relevance Of Argumentation For Advancing Tolerant Politics Cannot Be Underestimated. The **willingness to be open to alternative views has** a material **impact on difference** in at least two primary ways. First, the **rendering of a certain belief as “off limits” from debate** and the prohibition of ideas from the realm of contestation **is** conceptually **indistinct from** the **physical exclusion of people** from societal practices. Unlike racial or gendered concerns, certain groups of people (the religious, minority political parties, etc.) are defined almost exclusively by the arguments that they adhere to. To deem these views unspeakable or irrelevant is to functionally deny whole groups of people access to public deliberation. Second, argument, as individual advocacy, is an expression of belief. It has the potential to persuade members of the public to either support or oppose progressive politics. Belief itself is an accurate indicator of the way individuals will chose to act—with very real implications for openness, diversity and accommodation. Thus, as a precursor to action, argument is an essential starting point for campaigns of tolerance. Argumentative pluralism can be defined as the proper tolerance for the expression of a diversity of ideas (Scriven 1975, p. 694). Contrary to monism, pluralism holds that there are many potential beliefs in the world and that each person has the ability to determine for himself or herself that these beliefs may hold true. Referring back to the opening examples, a pluralist would respect the right for the KKK to hold certain beliefs, even if he or she may find the group offensive. In the argumentative context,pluralism requires that participants to a debate or discussion recognize the right of others to express their beliefs, no matter how objectionable they may be. **The key** here **is expression**: although certain beliefs may be more “true” than others in the epistemic sense, **each should have equal access** (at least initially) **to forums of deliberation**. It is important to distinguish pluralism from its commonly confused, but only loosely connected, counterpart, relativism. To respect the right of others to hold different beliefs does not require that they are all considered equal. Such tolerance ends at the intellectual level of each individual being able to hold their own belief. Indeed, as Muir writes, “It [pluralism] implies neither tolerance of actions based on those beliefs nor respecting the content of the beliefs” (288). Thus, while a pluralist may acknowledge the right for the Klan to hold exclusionary views, he or she need not endorse racism or anti-Semitism itself, or the right to exclude itself. Even when limited to such a narrow realm of diversity, argumentative pluralism holds great promise for a politics based on understanding and accommodation that runs contrary to the dominant forces of economic, political, and social exclusion. Pluralism requires that **individuals** acknowledge opposingbeliefs and arguments by forcing an understanding thatpersonalconvictions are not universal. Instead of blindly asserting a position as an “objective truth,” advocates tolerate a multiplicity of perspectives, allowing a more panoramic understanding of the issue at hand (Mitchell and Suzuki 2004, p. 10). In doing so, the advocates frequently understand that there are persuasive arguments to be had on both sides of an issue. As a result, instead of advancing a cause through moralistic posturing or appeals to a falsely assumed universality (which, history has shown, frequently become justifications for scape-goating and exclusion), these proponents become purveyors of reasoned arguments that attempt to persuade others through deliberation. A clear example of this occurs in competitive academic debate. **Switch-side debating has profound implications for pluralism**. Personal convictions are supplemented by conviction in the process of debate. Instead of being personally invested in the truth and general acceptance of a position, debaters use arguments instrumentally, as tools, and as pedagogical devices in the search for larger truths. Beyond simply recognizing that more than one side exists for each issue, switch-side debate advances the larger cause of equality by fostering tolerance and empathy toward difference. **Setting aside** their own **“ego-identification,” students realize** that **they must listen and understand** **their opponent’s** arguments well enough **to become advocates on behalf of them** in future debates (Muir 1993, p. 289). Debaters assume the position of their opponents and understand how and why the position is constructed as it is. As a result, they often come to understand that a strong case exists for opinions that they previously disregarded. Recently, advocates of switch side debating have taken the case of the practice a step further, arguing that it, “originates from a civic attitude that serves as a bulwark against fundamentalism of all stripes” (English, Llano, Mitchell, Morrison, Rief and Woods 2007, p. 224). Debating practices that break down exclusive, dogmatic views may be one of the most robust checks against violence in contemporary society.

#### 3. Any neg ROB that attempts to force a conception of what oppression is and force it onto the judge for “educational” should be rejected- they re-affirm pedagogical violence which only agonism can solve for. Independent reason to prefer the AC framework over a K.

**Rickert** Rickert, Thomas. ""Hands Up, You're Free": Composition in a Post-Oedipal World." JacOnline Journal

“An example of the connection between **violence** and pedagogy **is implicit in** the notion of being "schooled" as it has been conceptualized by Giroux and Peter Mclaren. They explain, "Fundamental to the principles that inform critical pedagogy is **the conviction that schooling for self- and social empowerment is ethically prior** to questions of epistemology or to a mastery of technical or social skills that are primarily tied to the logic of the marketplace" (153-54). **A presumption** here **is that** it is **the teacher** who **knows (best)**, and **this orientation gives the concept of schooling a particular bite: though it presents itself as oppositional to** the state and the **dominant forms of pedagogy** that serve the state and its capitalist interests, **it** nevertheless **reinscribes an authoritarian model that is congruent with** any number of oedipalizing **pedagogies that "school" the student in proper behavior.** As Diane Davis notes, radical, feminist, and **liberatory pedagogies "often camouflage pedagogical violence in their move from one mode of 'normalization' to another"** and "function within a disciplinary matrix of power, a covert carceral system, **that aims to create useful subjects for particular political agendas**"

#### Impact Calc:

#### 1. The framework is not consequentialist, rather, it cares about creating the structures that allow for agonistic deliberation.

Mouffe 2 [Chantal Mouffe, Professor at the Department of Political Science of the Institute for Advanced Studies. June 2000. “The Democratic Paradox”]

"Following that line of thought we can realize that **what is really at stake in the allegiance to democratic institutions is the constitution of an ensemble of practices that make possible the creation of democratic citizens. This is not a matter of rational justification but of availability of democratic forms of individuality and subjectivity.** **By privileging rationality, both the deliberative and the aggregative perspectives leave aside a central element which is the crucial role played by passions and affects in securing allegiance to democratic values**. This cannot be ignored, and it entails envisaging the question of democratic citizenship in a very different way. The failure of current democratic theory to tackle the question of citizenship is the consequence of their operating with a conception of the subject which sees individuals as prior to society, bearers of natural rights, **and** either utility maximizing agents or rational subjects. **In all cases they are abstracted from social and power relations, language, culture and the whole set of practices that make agency possible. What is precluded in these rationalistic approaches is the very question of what are the conditions of existence of the democratic subject.** The view that I want to put forward is that **it is not by providing arguments about the rationality embodied in liberal democratic institutions that one can contribute to the creation of democratic citizens. Democratic individuals can only be made possible by multiplying the institutions**, the discourses, **[and] the forms of life that foster identification with democratic values.** This is why, although agreeing with deliberative democrats about the need for a different understanding of democracy, I see their proposals as counterproductive. To be sure, we need to formulate an alternative to the aggregative model and to the instrumentalist conception of politics that it fosters. It has become clear that by discouraging the active involvement of citizens in the running of the polity and by encouraging the privatization of life, they have not secured the stability that they were announcing. Extreme forms of individualism have become widespread which threaten the very social fabric. On the other side, deprived of the possibility of identifying with valuable conceptions of citizenship, many people are increasingly searching for other forms of collective identification, which can very often put into jeopardy the civic bond that should unite a democratic political association. The growth of various religious, moral and ethnic fundamentalisms is, in my view, the direct consequence of the democratic deficit which characterizes most liberal-democratic societies. **To seriously tackle those problems, the only way to envisage democratic citizenship from a different perspective, [is] one that puts the emphasis on the types of practices and not the forms of argumentation."** (95)

#### 2. Arguments about construction of certain identities can never turn the framework- that misses the goal of agonism.

**Mouffe 3** [Chantal Mouffe, Professor at the Department of Political Science of the Institute for Advanced Studies. June 2000. “The Democratic Paradox”]

A well-functioning **democracy calls for a vibrant clash** of democratic political positions**. If this is missing** there is the danger that this **democratic confrontation will be replaced by a confrontation among other forms of collective identification, as is the case with identity politics. Too much emphasis on consensus and the refusal of confrontation lead to apathy and disaffection with political participation**. Worse still, the result can be the crystallization of collective passions around issues which cannot be managed by the democratic process **and an explosion of antagonisms** that can tear up the very basis of civility.

### Part 2: Advocacy

#### I defend the resolution as a general principle, but will specify further if asked in CX.

### Part 3: Offense

#### Contention 1: Censorship is Antagonism-

#### Agonism forces everyone to acknowledge each other’s beliefs as structurally legitimate to have engagement.

**Mouffe 4** [Chantal Mouffe, Professor at the Department of Political Science of the Institute for Advanced Studies. June 2000. “The Democratic Paradox”]

They believe that **through rational** deliberation an impartial standpoint could be reached where **decisions would be taken that are equal**ly in the interests of alt.l :! Wittgenstein, on the contrary. suggests another view. If we follow his lead. **we should acknowledge** and valorize **the diversity of** ways in which the **'democratic** **game'** can be played, instead of trying to reduce this diversity to a uniform model of citizenship. **This would mean fostering** a **plurality** of forms of being a democratic citizen **and** **creating** the **institutions that would make it possible to follow** the **democratic rules** in a plurality of ways. What Wittgenstein teaches us is that **there cannot be one single best**, more 'rational' way to obey those rules and that it is precisely such a recognition that is constitutive of a pluralist democracy. 'Following a rule', says Wittgenstein, 'is analogous to obeying an order. We are trained to do so we react to an order in a particular way. But what if one person reacts in one way and another in another to the order and the training? Which one is right?'23 This is indeed a crucial question for democratic theory. And it cannot be resolved, pace the rationalists, by claiming that there is a correct understanding of the rule that every rational person should accept. To be sure, we need to be able to distinguish between 'obeying the rule' and 'going against it'. But **space needs to be provided for** the many **different practices in which obedience to the democratic rules can be inscribed**. And this should not be envisaged as a temporary accommodation, as a stage in the process leading to the realization of the rational consensus, but as a constitutive feature of a democratic society. Democratic citizenship can take many diverse forms and such a **diversity**, far from being a danger for democracy, **is** in fact **its** very **condition of existence**. This will of course, create conflict and it would be a mistake to expect all those different understandings to coexist without dashing. But **this** struggle **will not be** one **between 'enemies'** but among 'adversaries', since **all participants will recognize the positions of the others in the contest as legitimate ones.**

#### This means censorship is never justifiable since censorship relies on the assumption that some viewpoint is not legitimate enough to be voiced.

**Pohlhaus and Wright.** [Using Wittgenstein Critically: A Political Approach to Philosophy Author(s): Gaile Pohlhaus and John R. Wright]

Insofar as a plurality of positions can be accommodated within the 'we' through which individuals can lay claim to an intelligible voice, the 'we' and the language games we play are affirmed in their legitimacy. On the other hand, **insofar as what 'we say' forecloses in advance the acknowledgment of certain individuals as competent speakers of our language, then 'we' put into question our intelligibility to ourselves.** This situation parallels the claim to a private language insofar as our answerability to others would be artificially delimited and our intelligibility to ourselves would be made to seem, in this regard, effortless. Like the individual entertaining the idea of a private lan­guage, 'we' ignore the grounds of our collective intelligibility to others and to ourselves when we deny our dependence, in raising any sort of claim, on an open-ended public language. We will call this the 'extended private language argument'. **Taking the skeptical 'threat' seriously, by this argument, is part of maintaining a commitment to a genuinely open-ended 'we' as a ground to mutual intelligibility**, because not doing so would be to set limits, in advance, on who we will regard as a competent speaker. **For example, say a group's use of 'justice' involves claiming without irony that "justice was served" in situations involving racial minorities whenever they have been punished more harshly than nonminorities** would be for an equivalent crime. Confronted with this group, one might want to say to these people that they are twisting the term to suit their purposes of maintaining a racist social order; yet perhaps when this is pointed out, they persist in claim­ing that they really are 'doing justice'. **If we claim, then, that "they evidently don't know what justice means," one possible response open to them is sim­ply to say, "perhaps *you* don't know what it means, but this is what *we* say** . . . " Any demands put to the racist group to use the term consistently can easily be deflected by an obstinate appeal to the 'real meaning' of the term. As invoked in this situation, **those who object that "that's not what justice means" can be branded as incompetent speakers with a shrug from a member of the racist group.** We are then at a stalemate, at least about our language. The force of the extended private language argument is to show us that **in refusing answerability, both non-racists and the racist group are alienated from their intelligibility** to themselves through the language in which they try to express themselves. In other words, by saying that they do not have to answer m

#### Debate and discourse isn’t intrinsically violent—even if it results in violent things the speech in and of itself isn’t harmful.

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

Let's first examine the claim that my book is "unwittingly" inviting a resurrection of the "Enlightenment-equals-totalitarianism position." How, one wonders, could a book promoting argument and debate, and promoting reason-giving practices as a kind of common ground that should prevail over assertions of cultural authenticity, somehow come to be seen as a dangerous resurgence of bad Enlightenment? Robbins tells us why: I want "argument on my own terms"—that [End Page 285] is, I want to impose reason on people, which is a form of power and oppression. But what can this possibly mean? Arguments stand or fall based on whether they are successful and persuasive, even an argument in favor of argument. It simply is not the case that an argument in favor of the importance of reasoned debate to liberal democracy is tantamount to oppressive power. To assume so is to assume, in the manner of Theodor Adorno and Max Horkheimer, that reason is itself violent, inherently, and that it will always mask power and enforce exclusions. But to assume this is to assume the very view of Enlightenment reason that Robbins claims we are "thankfully" well rid of. (I leave to the side the idea that any individual can proclaim that a debate is over, thankfully or not.) But perhaps Robbins will say, "I am not imagining that your argument is directly oppressive, but that what you argue for would be, if it were enforced." Yet my book doesn't imagine or suggest it is enforceable; I simply argue in favor of, I promote, an ethos of argument within a liberal democratic and proceduralist framework. As much as Robbins would like to think so, neither I nor the books I write can be cast as an arm of the police. Robbins wants to imagine a far more direct line of influence from criticism to political reality, however, and this is why it can be such a bad thing to suggest norms of argument. Watch as the gloves come off: Faced with the prospect of submitting to her version of argument—roughly, Habermas's version—and of being thus authorized to disagree only about other, smaller things, some may feel that there will have been an end to argument, or an end to the arguments they find most interesting. With current events in mind, I would be surprised if there were no recourse to the metaphor of a regular army facing a guerilla insurrection, hinting that Anderson wants to force her opponents to dress in uniform, reside in well-demarcated camps and capitals that can be bombed, fight by the rules of states (whether the states themselves abide by these rules or not), and so on—in short, that she wants to get the battle onto a terrain where her side will be assured of having the upper hand. Let's leave to the side the fact that this is a disowned hypothetical criticism. (As in, "Well, okay, yes, those are my gloves, but those are somebody else's hands they will have come off of.") Because far more interesting, actually, is the sudden elevation of stakes. It is a symptom of the sorry state of affairs in our profession that it plays out repeatedly this tragicomic tendency to give a grandiose political meaning to every object it analyzes or confronts. We have evidence of how desperate the situation is when we see it in a critic as thoughtful as Bruce Robbins, where it emerges as the need to allegorize a point about an argument in such a way that it gets cast as the equivalent of war atrocities.

#### Contention 2: Temporal Language

#### Injurious speech is specifically conditioned by a history of social normalization. Strategies that account for the damage of the utterance in the moment cannot solve for the violence that precedes and follows the moment.

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

**As utterances, they work to the extent that they are given in the form of a ritual, that is, repeated in time, and, hence, maintain a sphere of operation that is not restricted to the moment of the utterance itself. The** illocutionary **speech act performs its deed at the moment of the utterance, and yet** to the extent that the moment is ritualized, **it is never merely a single moment. The "moment"** in ritual **is a condensed historicity: it exceeds itself in past and future directions, an effect** of prior and future invocations **that constitute and escape the instance of utterance.**” (Pg. 3)

#### Implications-

#### 1. Linguistic Reversibility- injurious speech subjugates agents but paradoxically marks them as socially recognizable within language. This presents a site of linguistic reversibility. Since language is temporal, we can reverse the norms that make injurious speech possible.

**BUTLER 2:** “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)

#### 2. Censorship is guaranteed failure-- It prevents survival strategies and it requires using injurious speech in its own critique. This ensures recirculation.

**BUTLER 3:** “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 moment 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" 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 proliferate**d 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. The critical and legal discourse on hate speech is itself a restaging of the performance of hate speech.**

#### Impacts:

#### A. Censorship destroy legitimate forms of resistance and survival methods by closing off the ability to appropriate. So, censorship’s net benefit is non-unique.

#### B. Censorship can’t solve for its own impacts. Using the rhetoric becomes necessary in criticism against the speech. This is particularly true in a legal context that proliferates the utterance in policy.

#### C. This outweighs- directly kills any solvency censorship could have and it turns the link on a long-term basis. The recirculation of speech ensures its survival in language. This is specifically true in the context of censorship critique since it requires deploying the speech in its context. Instead we should appropriate.

### Part 4: Underview

#### 1AR theory is legit and drop the debater—its key to aff strat since the neg has no incentive to not be abusive since they can just go for drop the arg and win off time skew screwing over the 1AR.

#### Empirics flow aff- speech codes on college campuses were policy failures.

Friedersdorf 15, 12-10-2015, "The Lessons of Bygone Free-Speech Fights," Atlantic, http://www.theatlantic.com/politics/archive/2015/12/what-student-activists-can-learn-from-bygone-free-speech-fights/419178/

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.”

#### Counterspeech works- empirics prove it promotes inclusion needed for movements- this also responds to silencing turns since even if those targeted cannot speak up, the community can.

**Calleros 95** [Calleros, Charles R. “Paternalism, Counterspeech, and Campus Hate-Speech Codes: A Reply to Delgado and Yun” (Professor of Law, Arizona State University). HeinOnline. Arizona State Law Journal. 1995]

However, campus communities that have creatively used this approach can attest to the surprising power of counterspeech. Examples of counterspeech to hateful racist and homophobic speech at Arizona State and Stanford Universities are especially illustrative.61 In an incident that attracted national attention, the campus community at Arizona State University ("A.S.U.") constructively and constitutionally responded to a racist poster displayed on the outside of the speaker's dormitory door in February 1991. Entitled "WORK APPLICATION," it contained a number of ostensibly employment-related questions that advanced hostile and demeaning racial stereotypes of African-Americans and Mexican-Americans. Carla Washington, one of a group of African- American women who found the poster, used her own speech to persuade a resident of the offending room voluntarily to take the poster down and allow her to photocopy it. After sending a copy of the poster to the campus newspaper along with an opinion letter deploring its racist stereotypes, she demanded action from the director of her residence hall. The director organized an immediate meeting of the dormitory residents to discuss the issues. In this meeting, I explained why the poster was protected by the First Amendment, and the women who found the poster eloquently described their pain and fears. One of the women, Nichet Smith, voiced her fear that all nonminorities on campus shared the hostile stereotypes expressed in the poster. Dozens of residents expressed their support and gave assurances that they did not share the hostile stereotypes, but they conceded that even the most tolerant among them knew little about the cultures of others and would 62 benefit greatly from multicultural education.  The need for multicultural education to combat intercultural ignorance and stereotyping became the theme of a press conference and public rally organized by the student African-American Coalition leader, Rossie Turman, who opted for highly visible counterspeech despite demands from some students and staff to discipline the owner of the offending poster. The result was a series of opinion letters in the campus newspaper discussing the problem of racism, numerous workshops on race relations and free speech, and overwhelming approval in the Faculty Senate of a measure to add a course on American cultural diversity to the undergraduate breadth **63** requirement**.** The four women who initially confronted the racist poster were empowered by the meeting at the dormitory residence and later received awards from the local chapter of the NAACP for their activism.64 Rossie Turman was rewarded for his leadership skills two years later by becoming the first African-American elected President of Associated Students of A.S.U.,65 a student body that numbered approximately 40,000 students, only 66 2.3 percent of them African-American. Although Delgado and Yun are quite right that the African-American students should never have been burdened with the need to respond to such hateful speech, Hentoff is correct that the responses just described helped them develop a sense of self-reliance and constructive activism. Moreover, the students' counterspeech inspired a community response that lightened the students' burden and provided them with a sense of community support and empowerment. Indeed, the students received assistance from faculty and administrators, who helped organize meetings, wrote opinion letters, spoke before the Faculty Senate, or joined the students in issuing public statements at the press conference and public rally.67 Perhaps most important, campus administrators wisely refrained from disciplining the owners of the poste**r**, thus directing public attention to the issue of racism and ensuring broad community support in denouncing the racist poster. Many members of the campus and surrounding communities might have leapt to the racist speaker's defensehad the state attempted to discipline the speaker and thus had created a First Amendment issue. Instead, they remained united with the offended students because the glare of the public spotlight remained sharply focused on the racist incident without the distraction of cries of state censorship.Although the counterspeech was not aimed primarily at influencing the hearts and minds of the residents of the offending dormitory room, its vigor in fact caught the residents by surprise. 68 It prompted at least three of them to apologize publicly and to display curiosity about a civil rights movement that they were too young to have witnessed first hand. 69 This effective use of education and counterspeech is not an isolated instance at A.S.U., but has been repeated on several occasions, albeit on smaller scales.7° One year after the counterspeech at A.S.U.,Stanford **University** responded similarly to homophobic speech**. In that case, a** first-year law student sought to attract disciplinary proceedings and thus gain First Amendment martyrdom by shouting hateful homophobic statements **about a dormitory staff member. The** dean of students stated that the speaker was not subject to discipline **under Stanford's code of conduct** but called on the university community to speak out on the issue**,** triggering an avalanche of counterspeech. Students, staff, faculty, and administrators expressed their opinions in letters to the campus newspaper, in comments on a poster board at the law school, in a published petition signed by 400 members of the law school community disassociating the law school from the speaker's epithets, and in a letter written by several law students reporting the incident to a prospective employer of the offending student.71 The purveyor of hate speech indeed had made a point about the power of speech, just not the one he had intended. He had welcomed disciplinary sanctions as a form of empowerment, but the Stanford community was alert enough to catch his verbal hardball and throw it back with ten times the force. Thus, the argument that counterspeech is preferable to state suppression of offensive speech is stronger and more fully supported by experience than is conceded by Delgado and Yun. In both of the cases described above, the targets of hateful speech were supported by a community united against bigotry. The community avoided splitting into factions because the universities eliminated the issue of censorship by quickly announcing that the hateful speakers were protected from disciplinary retaliation. Indeed, the counterspeech against the bigotry was so powerful in each case that it underscored the need for top administrators to develop standards for, and some limitations on, their participation in such partisan speech. 72 Of course, the community action in these cases was effective and empowering precisely because a community against bigotry existed. At A.S.U. and Stanford, as at most universities, the overwhelming majority of students, faculty, and staff are persons of tolerance and good will who deplore at least the clearest forms of bigotry and are ready to speak out Of course, the community action in these cases was effective and empowering precisely because a community against bigotry existed. At A.S.U. and Stanford, as at most universities, the overwhelming majority of students, faculty, and staff are persons of tolerance and good will who deplore at least the clearest forms of bigotry and are ready to speak out against intolerance when it is isolated as an issue rather than diluted in muddied waters along with concerns of censorship. Just as the nonviolent demonstrations of Martin Luther King, Jr., depended partly for their success on the consciences of the national and international audiences monitoring the fire hoses and attack dogs on their television sets and in the print media,73 the empowerment of the targets of hateful speech rests partly in the hands of members of the campus community who sympathize with them. One can hope that the counterspeech and educational measures used with success at A.S.U. and Stanford stand a good chance of preserving an atmosphere of civility in intellectual inquiry at any campus community in which compassionate, open minds predominate. On the other hand, counterspeech by the targets of hate speech could be less empowering on a campus in which the majority of students, faculty, and staff approve of hostile epithets directed toward members of minority groups. One hopes that such campuses are exceedingly rare; although hostile racial stereotyping among college students in the United States increased during the last decade, those students who harbored significant hostilities (as contrasted with more pervasive but less openly hostile, subconscious racism) still represented a modest fraction of all students.74 Moreover, even in a pervasively hostile atmosphere, counterspeech might still be more effective than broad restrictions on speech.

#### making demands on the state and questioning current methods works outside of the political order and *questions its legitimacy*.

Newman 10 (Saul, Reader in Political Theory at Goldsmiths, U of London, Theory & Event Volume 13, Issue 2)

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

# Frontlines

## 1AR Framework Interactions

### FW Extensions

#### omitted

### AT ROBs

#### omitted

### AT Virtue Ethics

#### omitted

### AT Util

#### omitted

## 1AR – Case

### Cap

#### No uniqueness to any of your link- universities can crack down even on professors with no explanation – dissent can be silenced on a whim in the squo.

Fiorillo (CCP Adjunct Professor, Black Lives Matter Activist Suspended After Speaking at Rally Divya Nair to face a disciplinary hearing this week. A Change.org petition to reinstate her has over 270 signatures. BY VICTOR FIORILLO , OCTOBER 14, 2015, http://www.phillymag.com/news/2015/10/14/professor-suspended-black-lives-matter-divya-nair/)

Last Thursday, at a rally initiated by the Revolutionary Student Coordinating Committee, PHL, Black Lives Matter activists and others took to the grounds of Community College of Philadelphia to protest, among other things, the presence of a Philadelphia Police Department recruiter on campus that day. The speakers at the protest included CCP adjunct English professor Divya Nair, and later that same day, Nair was suspended by the school. “The administration suspended her with no explanation at all within hours of the protest,” says Kasturi Sen, a Philadelphia attorney who is assisting Nair in an unofficial capacity. More recently, says Sen, CCP administration sent Nair a letter citing a number of policies that she had supposedly violated, but the school did not explain exactly how she violated those policies. “We still, to date, don’t have any factual basis. They’re not saying anything. We’re staring into a black hole at this point.” Nair has not responded to our requests for an interview, and we were told by her supporters that she is likely to refrain from commenting until after a closed-door disciplinary hearing that will take place Thursday afternoon at 3:30 p.m. at 1500 Spring Garden Street, an administrative building at the school. Another protest is scheduled outside of that building at the time of the hearing. Last Thursday’s protest began outside, where Nair spoke about policing and colonization, according to Drexel politics professor George Ciccariello-Maher, who also spoke that day. “She was not disorderly in any way,” he observes. “Security kept yelling about people being disorderly, but she was quieter than most people present. There was no aggression. It’s egregious that she’s being targeted. She an adjunct faculty member, and they think they can get rid of her.”

### Hate Speech

#### Allowing for freedom of discussion solves better for issues of hate speech.

**ACLU** [Hate Speech On Campus, <https://www.aclu.org/other/hate-speech-campus>]

Where racist, sexist and homophobic speech is concerned, the ACLU believes that **more speech -- not less -- is the best revenge. This is particularly true at universities, whose mission is to facilitate learning through open debate and study**, and to enlighten. Speech codes are not the way to go on campuses, where **all views are entitled to be heard, explored, supported or refuted.** Besides, **when hate is out in the open, people can see the problem. Then they can organize effectively to counter** bad attitudes, possibly change them, and forge solidarity against the forces of intolerance.

#### This solves – Britain proves you can’t eliminate bigotry by banning it.

Malik 12 [Kenan Malik, I am a writer, lecturer and broadcaster. My latest book is The Quest for a Moral Compass: A Global History of Ethics, “why hate speech should not be banned”, April 12, 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 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. Of course, as the British experience shows, hatred exists not just in speech but also has physical consequences. Is it not important, critics of my view ask, to limit the fomenting of hatred to protect the lives of those who may be attacked? In asking this very question, they are revealing the distinction between speech and action.

#### Hate speech is not constitutionally protected. ILTW Information Technology Law Wiki, "Constitutionally protected speech", [itlaw.wikia.com/wiki/Constitutionally\_protected\_speech](http://itlaw.wikia.com/wiki/Constitutionally_protected_speech) All speech is considered constitutionally protected unless it falls within several limited exceptions. The right of protected speech is derived from the first amendment of the U.S. Constitution that reads, "Congress shall make no law . . . abridging the freedom of speech."Under common law the U.S. Supreme Court has limited this right by deeming certain types of speech to be outside this protection. They are for the most part: incitement, obscenity, fighting words and offensive speech, and threats. Further, the Court has upheld laws that reasonably restrict speech on the basis of its time, place and manner. There is for the most part, no black letter law as to exactly what speech is protected and what speech crosses the line. The determination is always a matter of context and the specific facts of the situation.

#### Proliferation of hate speech does not correlate to increased violence, but hate speech bans increase hate speech.

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

Here too, within the LSPD model, no statistically reliable causation from patterns of publicly aired hate speech to patterns of hate crime has been demonstrated, despite the proliferation of hateful and violent speech within our public (e.g. electronic) forums. There is even weighty evidence that, within Western democracies, hate speech bans, far from reducing, is systematically prompting incidents of hate speech, as hate groups routinely tailor their responses to the existing bans and penalties.

#### Debate and discourse isn’t intrinsically violent—even if it results in violent things the speech in and of itself isn’t harmful.

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

Let's first examine the claim that my book is "unwittingly" inviting a resurrection of the "Enlightenment-equals-totalitarianism position." How, one wonders, could a book promoting argument and debate, and promoting reason-giving practices as a kind of common ground that should prevail over assertions of cultural authenticity, somehow come to be seen as a dangerous resurgence of bad Enlightenment? Robbins tells us why: I want "argument on my own terms"—that [End Page 285] is, I want to impose reason on people, which is a form of power and oppression. But what can this possibly mean? Arguments stand or fall based on whether they are successful and persuasive, even an argument in favor of argument. It simply is not the case that an argument in favor of the importance of reasoned debate to liberal democracy is tantamount to oppressive power. To assume so is to assume, in the manner of Theodor Adorno and Max Horkheimer, that reason is itself violent, inherently, and that it will always mask power and enforce exclusions. But to assume this is to assume the very view of Enlightenment reason that Robbins claims we are "thankfully" well rid of. (I leave to the side the idea that any individual can proclaim that a debate is over, thankfully or not.) But perhaps Robbins will say, "I am not imagining that your argument is directly oppressive, but that what you argue for would be, if it were enforced." Yet my book doesn't imagine or suggest it is enforceable; I simply argue in favor of, I promote, an ethos of argument within a liberal democratic and proceduralist framework. As much as Robbins would like to think so, neither I nor the books I write can be cast as an arm of the police. Robbins wants to imagine a far more direct line of influence from criticism to political reality, however, and this is why it can be such a bad thing to suggest norms of argument. Watch as the gloves come off: Faced with the prospect of submitting to her version of argument—roughly, Habermas's version—and of being thus authorized to disagree only about other, smaller things, some may feel that there will have been an end to argument, or an end to the arguments they find most interesting. With current events in mind, I would be surprised if there were no recourse to the metaphor of a regular army facing a guerilla insurrection, hinting that Anderson wants to force her opponents to dress in uniform, reside in well-demarcated camps and capitals that can be bombed, fight by the rules of states (whether the states themselves abide by these rules or not), and so on—in short, that she wants to get the battle onto a terrain where her side will be assured of having the upper hand. Let's leave to the side the fact that this is a disowned hypothetical criticism. (As in, "Well, okay, yes, those are my gloves, but those are somebody else's hands they will have come off of.") Because far more interesting, actually, is the sudden elevation of stakes. It is a symptom of the sorry state of affairs in our profession that it plays out repeatedly this tragicomic tendency to give a grandiose political meaning to every object it analyzes or confronts. We have evidence of how desperate the situation is when we see it in a critic as thoughtful as Bruce Robbins, where it emerges as the need to allegorize a point about an argument in such a way that it gets cast as the equivalent of war atrocities.

## 1AR PIC Interactions

### TL PICs

#### omitted