### T - Restriction

#### Interpretation: Rules regarding location or manner of speech are regulations - only rules regulating content of speech are restrictions

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Following Rawls and others, I distinguish between the "regulation" and the "restriction" of basic liberties like free speech. "The priority of these liberties," Rawls says, "is not infringed when they are merely regulated—as they must be—in order to be combined into one scheme as well as adapted to certain social conditions necessary for their enduring exercise" (Rawls 1993, 295). For instance, so-called "time, place, and manner" rules (e.g., scheduling speakers at a public forum on a "first-come, first-served" basis) usually qualify as regulations of speech, as they are merely intended to make communication mutually consistent or to protect the "central range of application" of other basic liberties. On the other hand, prohibitions on the advocacy of particular scientific or political doctrines count as restrictions of speech because they limit its content and thereby place at risk a core liberal value associated with open expression: intellectual autonomy achieved by way of the free exercise of public reason (Rawls 1993, 296; Kant 1996). Certain narrow limitations on the content of speech (e.g., bans on "fighting words," such as racial epithets used confrontationally) could be defended as regulations rather than restrictions, on the grounds that they do not threaten the free exercise of public reason and may protect the central range of application of other basic liberties (e.g., bodily security), but limitations on hate speech as 1 defined it above are prima facie restrictions, because they strike at the heart of such free exercise, which depends crucially on open access to all available arguments regarding scientific and political matters.2

#### Speech restrictions refer to content not place

Martin Borowski (Faculty at Birmingham Law School, Vice-President of the British Section of the International Association for Philosophy of Law and Social Philosophy) 2003 “Religious Freedom as a Fundamental Human Right, a Rawlsian Perspective” in Pluralism and Law, Conference Proceedings” p. 58

Where it is a question of the diminution of the content of basic liberties, Rawls distinguishes between restriction and regulation. He Illustrates this distinction by turning to the example of freedom of speech. Interference with the content of speech counts as a restriction, whereas interference with the modalities of speech, such as place and time, counts merely as regulation. Regulations do not offend against basic liberties; rather they show that basic liberties are self-limiting.5’ It is necessary, however, that the central range of application of the basic liberties be respected. It must be assumed, in Rawls’ theory, that the distinction between restriction and regulation survives the transformation from basic liberty to basic right or freedom, such that the distinction can be found at the stage of constitutional law, too. This gives voice to the question of whether this distinction can serve as an adequate reconstruction of the constitutional protection afforded to religious freedom.

#### Violation: TPM regulations for speech zones are viewpoint neutral and don’t meet the burden of the interp – even if some aren’t you’re still extra T

O’Rourke 17 [Patrick T. O'Rourke (Vice President, University Counsel and Secretary of the Board of Regents University of Colorado); Feb 2, 2017; Transcribed from audio from Colorado Senate Education Committee debate on bill SB17-062 regarding Free Speech Zones (Original Audio in dropbox); http://media-10.granicus.com:443/OnDemand/coloradoga/coloradoga\_8bca4298-f69b-4c35-9f52-b532cf6d9e07.mp4; Audio at 58:30-1:02:20 of original file; //BWSWJ]

There was a case involving the University of Cincinnati from three years ago where they did not allow any expressive activity outside of a very narrow confined space on campus - that's not the way that we've administered to University of Colorado. The other thing that we don't do is that our policies aren't content-based so we don't evaluate whether or not we agree or disagree with the viewpoints of the speaker. We've seen this principle out time and time again, whether it was when the Dali Lama came to the University of Colorado Boulder last year or when mr. Yiannopolus came last week. Our goal is not to evaluate the content of speech but it's actually to create an environment where if people want to engage an expressive conduct we've ensured the adequacy of the opportunity to do that. I apologize that I forget the other gentleman's name - the situations that he described where their organization filed lawsuits, students on the University of Colorado campuses are permitted to engage in exactly the type of activities that he described. The University of Colorado permits canvassing by students, it allows people to be able to hand out literature, however we do place some restrictions on that in the sense that people aren't allowed to hand out things that are commercial in nature we don't want to have advertising and other things promoting products that take place on campus and we wouldn't want students to be able to engage in commercial speech for somebody hires them essentially to hand out advertising for businesses on campus - but if it relates to political, social, and other types of expression that's absolutely allowed and permitted within our canvassing policy. When we view the campus, we view it as a space where we have designated areas for spontaneous speech - those are not subject to any type of content restrictions. For the other spaces on campuses we do an act reasonable time place and manner restrictions including the opportunity to reserve the space is the opportunity for us to be able to coordinate security and to make sure that those events don't disrupt the educational environment. My specific concerns with the bill are a few and I'll try to address them quickly. First is the there are some definitions of public forum which would designate spaces on the campus has a traditional public forum that could cause some confusion in the courts because if something is designated as a traditional public forum it is not subject to time place and manner restrictions unless they are nearly tailored and preserve a compelling State interest or otherwise they may meet strict constitutional scrutiny so I believe that line you could cause some confusion the courts. It also says that we shall not restrict a students constitutional right to speak in a public forum, again we've made some distinctions between commercial speech and and non-commercial speech we've had an active policies say that people don't have the ability to distribute literature that says that the university has taken a position on political issues that we haven't taken I'm so there are very we do have some places where the language of this would prevent us from being able to prevent somebody from coming on campus and distributing advertisements from a recreational marijuana distributor or from a textbook distributor we don't care what the commercial speech is but we don't think that that's the right way to use the campus. As I described before we don't have a designated Free Speech Zone where speeches where speech is confined to those places, I do think that some of the language has been used round Free Speech zones has been confusing at times and we need to be clear that that is not a restriction of speech that is a place where spontaneous speech can occur.

#### Net Benefits:

#### Precision – a broad definition of restriction undermines all policy analysis skills

Heinze 3 [Eric Heinze (Senior Lecturer in Law, University of London, Queen Mary. He has held fellowships from the Fulbright Foundation and the French and German governments. He teaches Legal Theory, Constitutional Law, Human Rights and Public International Law. JD Harvard) 2003 “The Logic of Liberal Rights A study in the formal analysis of legal discourse” http://mey.homelinux.org/companions/Eric%20Heinze/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20%28839%29/The%20Logic%20of%20Liberal%20Rights\_%20A%20Study%20in%20%20-%20Eric%20Heinze.pdf]

Variety of ‘restrictions’**The term ‘restriction’, defined so broadly, embraces any number** of familiar **concepts: ‘deprivation’, ‘denial’, ‘encroachment’, ‘incursion’, ‘infringement’, ‘interference’, ‘limitation’, ‘regulation’. Those terms commonly comport differences in meaning or nuance, and are not all interchangeable in standard legal usage**. For example, a ‘deprivation’ may be distinguished from a ‘limitation’ or ‘regulation’ in order to denote a full denial of a right (e.g. where private property is wholly appropriated by the state 16 Agents without compensation) as opposed to a partial constraint (e.g. where discrete restrictions are imposed on the use of property which nonetheless remains profitably usable). Similarly, **distinctions between acts and omissions can leave the blanket term ‘restriction’ sounding inapposite when applied to an omission: if a state is accused of not doing enough to give effect to a right, we would not colloquially refer to such inaction as a ‘restriction’**. Moreover, in a case of extreme abuse, such as extrajudicial killing or torture, **it might sound banal to speak merely of a ‘restriction’ on the corresponding right. However, the term ‘restriction’ will be used to include all of those circumstances**, in so far as they all comport a purpose or effect of extinguishing or diminishing the right-seeker’s enjoyment of an asserted right. (The only significant distinction which will be drawn will be between that concept of ‘restriction’ and the concept of ‘breach’ or ‘violation’. The terms ‘breach’ or ‘violation’ will be used to denote a judicial determination about the legality of the restriction.6) **Such an axiom may seem unwelcome, in so far as it obliterates subtleties which one would have thought to be useful in law**. It must be stressed that we are seeking to eliminate that variety of terms not for all purposes, but only for the very narrow purposes of a formal model, for which any distinctions among them are irrelevant.

#### Vote Neg - Precision is key to determining what the terms in the resolution mean – you can’t be reasonably topical, it’s a question of whether you prove the resolution true. Semantic justifications outweigh pragmatic ones – you proving another interpretation is more educational or fair is a reason only justifies that it would be more beneficial to debate another topic, not a reason we should use that definition while debating the actual one.

#### Limits - There are thousands of speech codes and policies that the aff can choose to overturn – destroying my ability to engage the aff. Lukianoff (Greg Lukianoff, "Campus Speech Codes: Absurd, Tenacious, and Everywhere", May 23, 2008 , https://www.nas.org/articles/Campus\_Speech\_Codes\_Absurd\_Tenacious\_and\_Everywhere)

For our 2007 report, FIRE surveyed publicly available policies at the 100 “Best National Universities” and at the 50 “Best Liberal Arts Colleges,” as rated in the August 28, 2006 “America’s Best Colleges” issue of U.S. News & World Report. FIRE surveyed an additional 196 major public universities. (because public universities are legally bound by the First Amendment, FIRE is continually adding data on public universities to our database, at a rate consistent with our available resources). Several FIRE staff members spent a substantial portion of their year researching literally thousands of policies and rules in student handbooks, other official campus materials, and on schools’ websites. The policies were then evaluated by FIRE’s specialized lawyers and assigned a red (worst), yellow or green light (best) rating to the university based on the extent to which their written policies restricted constitutionally protected speech. We publicly post all of the relevant materials, our ratings, and excerpts containing the language most dangerous to basic liberties on our Spotlight website (www.thefire.org/spotlight). It is, to our knowledge, the most extensive evaluation of campus codes ever attempted. A school is given a “red light” if it has at least one policy that both clearly and substantially restricts freedom of speech. A “clear” restriction involves a threat to free speech which is obvious on the face of the policy, whereas a “substantial” restriction is one that is broadly applicable to important categories of campus expression. A “yellow light” institution is one that has policies which could be interpreted to suppress protected speech, or policies that, while restrictive of freedom of speech, restrict only narrow categories of speech. For example, a policy banning “verbal abuse” would have broad applicability and would pose a substantial threat to free speech, but it would not be a clear violation because “abuse” might refer to unprotected speech, such as threats of violence or genuine harassment. “Yellow light” policies may still be unconstitutional,28 but they do not clearly and substantially restrict speech in the same manner as “red light” policies. If FIRE finds no policies that seriously imperil protected speech, a college or university receives a “green light.” This does not necessarily mean that a school actively supports free expression. It simply means that the school does not have any publicly available written policies which violate students’ free speech rights. Of the 346 schools reviewed by FIRE, 259 received a red-light rating (75%), 73 received a yellow-light rating (21%), and only 8 received a green-light rating (2%). Six schools did not receive any rating from FIRE. Surprisingly, public schools, which are unambiguously legally bound by the First Amendment, actually had a somewhat higher percentage of “red light” ratings; a full 79% of public schools were “red light,” 19% “yellow light”, and 2% green.

#### My interp strikes the best limit for specific plans – you can still spec but only to remove speech codes that prohibit certain content. Otherwise I need case negs to thousands of codes with destroys limits, your world allows banning any time place and manner regulation – which there are thousands of because they’re constitutionally allowed. Even if the aff is predictable, limits prevent me from adequately engaging. Limits are key to fairness because they protect the negative’s ability to engage the aff and ensure the neg can form a coherent strategy.