# Neg- Harrison Faculty Aff- TOC – Nirmal

## Strat

Very similar to Brianna’s faculty aff—but solvency is more direct

Bioterror pic is specific to research

1 PICS, T, Hate Speech on Case.

## T- Research

#### Interpretation- the aff may only defend removing restrictions on constitutionally protected speech

#### Academic freedom is distinct from free speech

**Post 16** [(renowned legal scholar and dean of Yale Law School), "Robert C. Post on why speech at universities must be regulated," Brown University News, 11/14/2016] AZ

Post went on to differentiate between freedom of speech and academic freedom, which he argued is crucial to the mission of universities, quoting the 1915 Declaration of Principles on Academic Freedom and Academic Tenure by the American Association of University Professors: “Academic freedom upholds not the absolute freedom of utterance of the individual scholar, but the absolute freedom of thought, of inquiry, of discussion and of teaching, of the academic profession.” He argued that academic dissent is absolutely necessary, but that people must first be literate within the academic discipline in which they are voicing dissent — and then dissent in a way that is intelligible to people who already know the discipline. “Disciplines are committed to progress, which means they must have dissent, but unlike classic principles of freedom of speech, they don’t have only dissent — they have dissent that is constantly evaluated by the rules already existing within the community of knowledge that constitutes the disciplines,” he said. “Disciplines that do not encourage internal criticism risk atrophy and death. But disciplines that do not evaluate according to standards of competence risk disintegration and incoherence. That’s the paradox that any discipline lives in. That’s the paradox that the university lives in.”

#### Academic freedom isn't even a constitutionally protected right – it's merely a societal norm designed to promote the common good

**Weinstein 13** [James Weinstein (Dan Cracchiolo Chair in Constitutional Law at Arizona State University, Faculty Fellow, Center for Law, Science & Innovation Associate Fellow, Centre for Public Law, University of Cambridge, "Academic Freedom, Democracy, and the First Amendment," 2013] AZ

The signal contribution that the modern American university has made to the progress of society cannot be seriously doubted. Among other measures, this enormous contribution is confirmed by the impressive number of Nobel Prizes that have been awarded to faculty at American Universities.177 Nor can there be any reasonable doubt that academic freedom has been integral to the creation and dissemination of the knowledge upon which the progress of society depends. But what is open to question is whether it is either appropriate or necessary for the judiciary to vigorously protect academic freedom as constitutional norm. The burden of this paper has been to suggest that the judiciary should have only a modest role in that enterprise. This is because academic freedom has never been conceived as a true individual right but rather as a means of promoting “the common good.” Under our Constitution, it is emphatically the province the political branches government, not the judiciary, to effectuate the common good by balancing competing and often incommensurate general welfare concerns.

#### This also outweighs their Wright evidence- just because two concepts have the same endpoint, that doesn’t make them the same thing. Wright says that both have a similar commitment to the pursuit of truth- but there are other important distinctions that the card doesn’t account for

#### Violation- the aff defends academic freedom, hold them to the plan text

#### Standard-

#### 1. Ground- the aff shifts the basis of debate away from core neg generics toward an entirely different body of literature. Research is conceptually distinct from traditional free speech or protected expression. Research is mostly conducted by professors, not students, and is regulated by a completely different set of disciplinary rules – peer review, university guidelines on research ethics, and technical nature – that allow affs to avoid neg prep on donations, hate speech, or critiques of deliberative democracy. Ground key to fairness- ensures both debaters args operate on the same level. And key to education- it forms the basis for engagement.

#### 2. Limits- saying that research is speech means that the aff gets access to a ton of other plans about types of research that are good or harmful such as biosynthetic research, different types of critical race studies, or military collusion. Underlimiting is better for clash since otherwise the neg is forced to absolutist positions instead of engaging in the nuance of the aff. Limits are also key to fairness- they establish adequate prep grounds for the negative and force well-researched contestation

#### Voter-

#### 1. Fairness, debates a competitive activity, 2. Education, only portable impact. Drop the debater because A. Norms- a loss deters future abuse, B. Timeskew- drop the arg means they can kick their offense for a positive time tradeoff. C. Gateway issue- unfair args skew the rest of the round. Evaluate Competing Interps, A. reasonability is arbitrary and invites judge intervention, B. deterrence- debaters can get away with defense on theory, C. reasonability collapses into competing itnersp because we have offense defense debates about brightlines, D. it’s a binary- either the aff is topical or it’s not 5. No RVI: A. Chills theory- RVIs deter me from reading theory because good theory debaters will bait abuse and go for the RVI which causes infinite abuse. B. Kills substance- they will just collapse to the shell which ruins the possibility of us ever returning to having education. C. Illogical- you shouldn’t win for being fair. Logic is an impact because it’s the basis of argumentation. D. No abuse- you could read your own shell or prove that I violate and you don’t which equals the theory layer

#### Unfairness denies effective dialogue on kritikal issues which turns your impacts.

Galloway 7 Ryan Galloway, Samford Comm prof, Contemporary Argumentation and Debate, Vol. 28, 2007

Debate as a dialogue sets an argumentative table, where all parties receive a relatively fair opportunity to voice their position. Anything that fails to allow participants to have their position articulated denies one side of the argumentative table a fair hearing. The affirmative side is set by the topic and fairness requirements. While affirmative teams have recently resisted affirming the topic, in fact, the topic selection process is rigorous, taking the relative ground of each topic as its central point of departure. Setting the affirmative reciprocally sets the negative. The negative crafts approaches to the topic consistent with affirmative demands. The negative crafts disadvantages, counter-plans, and critical arguments premised on the arguments that the topic allows for the affirmative team. According to fairness norms, each side sits at a relatively balanced argumentative table. When one side takes more than its share, competitive equity suffers. However, it also undermines the respect due to the other involved in the dialogue. When one side excludes the other, it fundamentally denies the personhood of the other participant (Ehninger, 1970, p. 110). A pedagogy of debate as dialogue takes this respect as a fundamental component. A desire to be fair is a fundamental condition of a dialogue that takes the form of a demand for equality of voice. Far from being a banal request for links to a disadvantage, fairness is a demand for respect, a demand to be heard, a demand that a voice backed by literally months upon months of preparation, research, and critical thinking not be silenced. Affirmative cases that suspend basic fairness norms operate to exclude particular negative strategies. Unprepared, one side comes to the argumentative table unable to meaningfully participate in a dialogue. They are unable to “understand what ‘went on…’” and are left to the whims of time and power (Farrell, 1985, p. 114).

## <Insert Bioterror PIC>

## CP- Professor HS

#### Text: Public colleges and universities ought not restrict constitutionally protected speech on the basis of academic freedom or deny tenure to professors, except when white professors use bigoted speech

**Berrett 10** [Berrett, Dan. Senior Reporter at the Chronicle “Academic Freedom and Holocaust Denial.” Inside Higher Ed, October 26, 2010.]

Colleges’ faculty members use social media just how most other people do. Sometimes they share major personal milestones with friends and family and sometimes they post funny anecdotes. But faculty, like some other people, may sometimes post political assertions that contain hate speech or offensive language. Hate speech goes beyond language that might make someone uncomfortable. [According](http://www.americanbar.org/groups/public_education/initiatives_awards/students_in_action/debate_hate.html) to the American Bar Association, hate speech “offends, threatens or insults groups based on race, color, religion, sexual orientation, etc.” Of course, hate speech isn’t a new idea. But social media has become an easy way for people to spread hateful comments, and those who might normally keep hateful ideas to themselves may feel more comfortable airing their beliefs online. Other universities’ faculty have been some of those people to air hateful opinions online. At Concordia University, a professor was [fired](https://www.insidehighered.com/news/2016/10/10/one-professor-fired-another-criticized-comments-related-race) for comments she made online about National Football League player Colin Kaepernick’s protests. A professor at the University of Virginia [posted](https://www.insidehighered.com/news/2016/10/10/one-professor-fired-another-criticized-comments-related-race) a Facebook status equating the Black Lives Matters movement to the Ku Klux Klan, but the university didn’t fire the professor, citing his right to free speech. Unfortunately, these incidents of professors using offensive language online are not [isolated](http://abc11.com/news/duke-professor-makes-controversial-comments-about-race/726470/) and are prevalent on various campuses. These online posts use harsh language to disparage specific religious, ethnic or racial groups, and members of these groups are likely in classes these professors teach. Because of that, faculty members should be fired if they are found to have posted hate speech on social media or elsewhere on the internet.

#### Racism from white professors causes minority faculty to leave schools—that turns the case and results in decreased wellbeings

**Jayakumar 09** [Jayakumar, Uma M. Howard, Tyrone C, Allen, Walter R. Han, June C. (Uma M. Jayakumar is a Postdoctoral Fellow at the National Center for Institutional Diversity. Tyrone C. Howard is an Associate Professor of Urban Schooling and Director of Center X at the University of California, Los Angeles. Walter R. Allen is Allan Murray Cartter Professor of Higher Education and Distinguished Professor of Sociology at the University of California, Los Angeles. June C. Han is a faculty member teaching Biology at Citrus College in Glendora, California.) “Racial Privelege in the Professiorate: An Exploration of Campus Climate, Retention, and Satisfaction” The Journal of Higher Education, Vol,. 80, No. 5 (Sep/Oct 2009). The Ohio State University)] NB

In addition to the factors influencing all faculty, faculty of color are subjected to racist ideologies and racially discriminatory behaviors. “Raced” challenges and barriers negatively influence faculty of color specifically. Such challenges include (a) low numbers of minorities in the professoriate and on campus, (b) barriers to tenure and promotion, (c) feelings of “otherness,” and (d) experiences of racial and ethnic bias. Given the paucity of research on turnover and attrition for faculty of color (Stanley, 2006), literature addressing the experiences of faculty of color at predominantly White institutions primarily informs this study. While research on faculty retention is considered, the study refrains from using the experiences of Whites as the normative standard. The study instead is grounded in the distinctive experiences of people of color, particularly with regard to the four challenges mentioned above.

## Case

### ROB

#### The role of the ballot is to vote for the debater who best maximizes expected foreseen wellbeing

#### Moral realism is true- pain and pleasure are only intrinsic values

**Gray 09** [Gray, James W. "An Argument for Moral Realism." Ethical Realism. N.p., 07 Oct. 2009. Web. 04 Sept. 2015. <https://ethicalrealism.wordpress.com/2009/10/07/an-argument-for-moral-realism/>. MA in philosophy from San Jose State University (2008)]

**If we have evidence** that **anything** in particular **has intrinsic value**, then we also have evidence that **moral realism is true**. Our experiences of pleasure and pain are probably the most powerful evidence of intrinsic value because such experiences are tied to our belief that they have intrinsic value. My argument that pain has intrinsic disvalue is basically the following: We experience that pain is bad. We experience that pain is important. The disvalue of pain is irreducible. The disvalue of pain is real. If pain is bad in the sense of being important, irreducible, and real, then pain has intrinsic disvalue. Therefore, pain has intrinsic disvalue. I am not certain that the premises are true, but I currently find good reasons for accepting them. Therefore, we have reason for accepting the conclusion. The conclusion could be read saying, “We have reason to believe that pain has intrinsic disvalue.” If we accept that **pain has intrinsic disvalue**, then we will simultaneously accept moral realism.1 In order to examine the plausibility of my argument, I will examine each of the premises: We experience that pain is bad. We know pain is bad **because of our experience** of it. If someone described their pain as extremely wonderful, we would doubt they are feeling pain. Either the person is lying or doesn’t know what the word “pain” means. When a child decides not to touch fire because it causes pain, we understand the justification. **It would be strange to ask** the child, “So what? **What’s wrong with pain**?” We experience that pain is important. If pain is important in the relevant sense, then it can provide us reason to do something without merely helping us fulfill our desires. In other words, we must accept the following: The badness of pain isn’t just an instrumental value. The badness of **pain is a final end**. Pain’s badness isn’t an instrumental value – Pain’s disvalue is not an instrumental disvalue because pain can be quite useful to us. **Pain** can tell us when we are unhealthy or injured. We evolved pain because **i**t’**s** **essential** **to** our **survival**. Pain’s bad for a different kind of reason. Pain’s disvalue is found in our negative experience, and this is why pain is a candidate for having an intrinsic disvalue. Whenever someone claims that something has intrinsic value, we need to make sure that it’s not just good because it’s instrumentally valuable. If it’s merely useful at bringing about something else, then it’s not good in and of itself (as intrinsic values are). Pain is perhaps the perfect example of something that is useful but bad. If usefulness was the only kind of value, then pain would actually be good because it helps us in many ways. Pain’s badness isn’t just our dislike of pain – We dislike **pain** because it **feels bad**.2 If pain didn’t feel bad, then we wouldn’t have such a strong desire to avoid intense pain. Pain means “feels bad” and it **is manifested in various experiences**, such as touching fire. **We have to know the meaning of “bad”** in order to understand pain at all. **We attain an understanding of “bad” just by feeling pain**. If pain was only bad because we dislike it, then we couldn’t say that “pain really matters.” Instead, the badness of pain would just be a matter of taste. However, we don’t just say pain is bad because we dislike it. We also say pain is bad because of how it feels. Avoiding **pain is a final end** – A final end is a goal people recognize as being **worthy of being sought after for its own sake**. Money is not a final end **because** it is only valuable when used to do something else. Pleasure and pain-avoidance are final ends because they are taken t be worthy of being avoided for their own sake. We know that avoiding pain makes sense even when **it doesn’t lead to anything else** of value, so avoiding pain is a final end.3 If I want to take an aspirin, someone could ask, “Why did you do that?” I could answer, “I have a headache.” This should be the end of the story. We understand that avoiding pain makes sense. It would be absurd for someone to continue to question me and say, “What difference does having a headache make? That’s not a good reason to take an aspirin!”4 Both realists and anti-realists can agree that pain is bad, and they can both agree that pain is a final end. Our desire to avoid pain is non-instrumental and such a desire is experienced as justified. (However, the ant-realist might argue that it is only taken to be justified because of human psychology.) If pain is a final end, then we understand (a) that pain is important and (b) it makes sense to say that we ought to avoid pain. **Pain’s disvalue is irreducible**. **If the badness of pain was reducible to nonmoral properties, then we should be able to describe what** “bad” means **through a non-moral description**. **However**, **we** currently **have no** way of understanding pain’s badness as being something else. We can’t describe pain’s badness in non-moral terms. If someone needs to know what ” bad” means, they need to experience something bad. To say that some moral states are irreducible is just like saying that some mental states are irreducible. Pain itself can’t be described through a non-mental description. If we told people the mental states involved with pain, they would still not know what pain is because they need to know what it feels like. Someone could argue that **“bad” means the same thing as** something like **“pain,”** and then we would find out that the badness of pain could be reduced to something else. However, pain and the badness of pain are conceptually separable. For example, I could find out that something else is bad other than pain. They could then reply that “bad” means the same thing as a disjunction of various other bad things, such as “pain or malicious intent.” But people who disagree about what constitutes what is “bad” aren’t just arguing about the meaning of the word “bad.” They are arguing about what has the property “bad.”5 Additionally, the word “bad” would no longer have any importance. If “bad” just means “pain or malicious intent,” then why care about it? Why ought I refrain from causing pain or having a malicious intent? It could be that we can find out that “bad” and “pain” are identical, but then “bad” might not be entirely reducible to “pain” (or a disjunction of bad things). We might still think that there are two legitimate descriptions at work. The “pain” description and the “bad” description. (Some people think water is H2O through an identity relation similar to this.) This sort of irreducible identity relation require us to deny that pain is “important.” (If the identity theory did require us to deny that pain is “important,” then we would have a good reason to reject such an identity theory.) I have given reason to think the word “bad” is irreducible, but I haven’t proven it. If someone could prove that pain isn’t important, and we can reduce pain to something else, then I will be proven wrong. I just don’t see any reason to agree with that position at this time. I discuss the badness of pain as irreducible in more detail in my essays “Objection to Moral Realism Part 1: Is/Ought Gap” and “Objections to Moral Realism Part 3: Argument from Queerness.” The badness of pain is real. **If the badness of pain is real**, **then everyone’s pain is bad**. Pain isn’t bad just for me, but not for you. It states that **we don’t** all merely **share a subjective preference** in avoiding pain, **but** that pain’s badness is something worthy of being avoided and helping others avoid it. Why does it seem reasonable to believe pain’s badness to be real? There are at least four reasons. One, I experience that **my pain hurts and I know that other people do as well**. Two, it’s not just people’s subjective preferences in question. People hate pain because of how it feels. Three, people’s pain exists (and if pain exists, then the badness of the pain exists). Four, I see no reason to deny that the badness of other people’s pain exists. I will discuss this final consideration in more detail when I discuss anti-realist objections. We have no good reason to deny that pain is bad. We experience that pain is bad for ourselves, and other people experience that pain is bad for themselves as well. **Even though pain is subjective,** there is nothing delusional about our belief that pain is bad. **It’s not just a** personal **like or a dislike**. We don’t just agree to treat other people’s pain as important as part of a social contract. The belief that the badness of pain is real and “pain is bad no matter who experiences it” will be rejected by anti-realists. If I gave food to the hungry, it would be absurd to question why I did it. Imagine someone who disagrees with my action and says, “Other people’s pain is irrelevant. You should only try to avoid pain for yourself, so feeding the hungry is stupid.” This person’s position is counterintuitive to the point of absurdity. We have all accepted that other people’s pain matters. It makes sense to feed the hungry, it makes sense to give to charity, and it makes sense to give someone an aspirin who has a headache. We don’t have to benefit from helping other people. To deny that “pain is bad no matter who experiences it” isn’t a position that many people can find acceptable. (I suppose some sociopaths might find it acceptable.) If pain is bad, important, irreducible, and real, then pain has intrinsic disvalue. I want to suggest this premise to be justified in virtue of the very meaning of intrinsic value. If pain is bad, important (worthy of being desired), irreducible, and real; then I think we have already established that pain has intrinsic disvalue by definition. We have established **moral facts** that could **give us what we ought to do**, such as, “We ought to avoid pain.” Such an ought judgment is not merely based on my personal belief or desire; it’s based on the fact that pain is important no matter who experiences it. Conclusion: Pain has intrinsic disvalue If my premises are true, then the conclusion follows. I have given reason for accepting the premises, so we have some reason for accepting the conclusion, and the conclusion entails the truth of moral realism. I will take all of my premises to be sufficiently justified, but I will consider why someone might decide that the badness of pain “isn’t real.” An anti-realist could attempt to deny that “pain is bad no matter who experiences it.” The strongest evidence that badness is real is the fact that denying it seems to require unjustified philosophical commitments. I will attempt to show that the alternatives are less justified in the next section.

#### Moral uncertainty means we prevent extinction

**Bostrom 11** --¶ (2011) Nick Bostrom, Future of Humanity Institute, Oxford Martin School & Faculty of Philosophy

These reflections on moral uncertainty suggest an alternative, complementary way of looking at existential risk. Let me elaborate. Our present understanding of axiology might well be confused. We may not now know—at least not in concrete detail—what outcomes would count as a big win for humanity; we might not [or] even yet be able to imagine the best ends of our journey. If we are indeed profoundly uncertain about our ultimate aims, then we should recognize that there is a great option value in preserving**—**and ideally improving—our ability to recognize value and to steer the future accordingly. Ensuring that there will be a future version of humanity with great powers and a propensity to use them wisely is plausibly the best way available to us to increase the probability that the future will contain a lot of value. To do this, we must prevent any existential catastrophe.

#### Their role of the ballot is merely an impact filter- it says to prioritize anti-blackness because it results in suffering- but extinctiojn causes infinite suffering so that would shift your role as the judge

### 1NC- Hate Speech

#### Hate speech is constitutionally protected- the aff restricts it

**Moore 16** [Social Studies Research and Practice www.socstrp.org Volume 11 Number 1 112 Spring 2016 You Cannot Say That in American Schools: Attacks on the First Amendment James R. Moore Cleveland State University]

**The first amendment**, a crucial component of American constitutional law, **is under attack from** various **groups** **advocating for censorship in universities** and public schools. The censors assert that restrictive speech codes preventing anyone from engaging in any expression deemed hateful, offensive, defamatory, insulting, or critical of sacred religious or political beliefs and values are necessary in a multicultural society. These speech codes restrict critical comments about race, religion, gender, sexual orientation, physical characteristics, and other traits in the name of tolerance, sensitivity, and respect. Many **hate speech codes are a violation of the first amendment** **and have been struck down** **by** federal and state **courts**. **They persist** in jurisdictions where they have been ruled unconstitutional; **most** universities and **public schools have speech** **codes**. This assault on the first amendment might be a concern to all citizens, especially university professors and social studies educators responsible for teaching students about the democratic ideals enshrined in our constitution. Teachers should resist unconstitutional speech codes and teach their students that the purpose of the first amendment is to protect radical, offensive, critical, and controversial speech. The first amendment in the Bill of Rights, the foundation of individual freedom in the United States, protecting the freedoms of religion, speech, press, assembly, and petition. These basic freedoms, derived from Enlightenment philosophy and codified in the world’s oldest written constitution, have been an essential characteristic of American democracy and law since 1791. This is continuity considering “between 1971 and 1990, 110 of the world’s 162 national constitutions were either written or extensively rewritten” (Haynes, Chaltain, Ferguson, Hudson, & Thomas, 2003, p. 9). The first amendment has been the conduit employed by U.S. citizens to create an increasingly free and just society based on the constitutional ideals of equality before the law, popular sovereignty, limited government, checks and balances, federalism, and individual liberties (Center for Civic Education, 2009). Advocates for the abolition of slavery and the expansion of civil rights were able, after long struggles, to achieve their goals of expanding freedom and social justice by using their natural rights to free expression and religious liberty (Dye, 2011). Since no constitutional liberty or right is absolute, American institutions continuously debate the definitions, limitations, and exceptions to these fundamental rights based on social, political, and technological changes. This task has been exacerbated by increasing cultural diversity and technological changes (the Internet and social media) that expand communication. In addition, efforts by some people to censor language in the name of tolerance and respect for diversity have increased in recent years (Foundation for Individual Rights in Education, 2013, p.4). The first amendment is the world’s oldest written safeguard for freedom of expression—this includes allowing blasphemy and expression that may be radical, offensive, controversial, ignorant, and militantly bigoted—and is the cornerstone of participatory democracy (Haynes et al., 2003). The first amendment is under constant attack from some religious organizations, political action groups, ethnically-based activist groups, and, most alarmingly, from American public universities that severely restrict freedom of expression and public debate (Foundation for Individual Rights in Education, 2013; Haynes, 2013; Hudson, 2011). The Foundation for Individual Rights in Education (2013) found “**62% of universities** (254 out of 409 universities in the survey) **maintain** severely **restrictive** **red-light speech codes** – **policies that** clearly and **substantially prohibit protected speech**” (p. 4). Many Americans do not understand, or do not accept, that the first amendment protects unpopular, offensive, controversial, and radical speech; this includes making hateful statements about race, gender, religion, and any other topic the speaker wishes to address (Haynes et al., 2003; Marshall & Shea, 2011; Pew Forum on Religion and Public Life, 2010). Many hate **speech codes**, thus, often are defined “as hostile or prejudicial attitudes expressed toward another person’s or group’s characteristics, notably sex, race, ethnicity, religion, or sexual orientation” (Dye 2011, p. 508). The hate speech instituted in American universities and Kindergarten-12 schools **are** often, albeit well-intended, **violations of the First Amendment** (Foundation for Individual Rights in Education; Haynes, 2013; *Saxe V. State College Area School District*, 2001).

#### Speech codes solve – empirics and social studies.

**Gould ’10** (Jon B. Gould is a professor in the Department of Justice, Law and Society and at the Washington College of Law at American University, where he is also director of the Washington Institute for Public and International Affairs Research. 2010-02-15, University of Chicago Press, “Speak No Evil: The Triumph of Hate Speech Regulation” | SP)

Yet the very adoption of hate speech policies has influenced behavior on several campuses. This point was repeated to me by many administrators at the schools I visited, who reported the rise of a “culture of civility” that eschews, if not informally sanctions, hateful speech. “Don’t mistake symbolism for impotence,” they regularly reminded me. Symbols shape and reflect social meaning, providing cues to the community about the range of acceptable behavior. Adopting a hate speech policy, then, could have persuasive power even if it were rarely enforced. Consider the dean of students at a northeastern liberal arts college, who spoke proudly of her school’s hate speech policy. Had the policy been formally invoked, I asked. “Rarely,” she told me, but the measure “sets a standard on campus. It gives us something we can point our finger to in the catalog to remind students of the expectations and rights we all have in the community.” This sentiment was repeated by the president of a well-known institution, who claimed that “we didn’t set out to enforce the policy punitively but to use it as the basis for our educational efforts at respecting individuality.” Still another administrator admitted that, “while we’ve rarely used the policy formally, it does give support to students who believe their rights have been violated. They’ll come in for informal mediation and point to the policy as the reason for why the other person must stop harassing them.” Sociologists would call this process norm production— that symbolic measures can condition and order behavior without the actual implementation of punitive mechanisms. 8 Hate speech policies set an expected standard of behavior on campus; college officials employ orientation sessions, extracurricular programs, and campus dialogue to inculcate and spread the message; and over time an expectation begins to take root that hate speech is unacceptable and should be prohibited. Of course, this mechanism makes regulation a self-policing exercise— colleges need not take formal or punitive action— but the effect is to perpetuate a collective norm that sees hate speech as undesirable and worthy of prohibition. Moreover, considering the isomorphic tendencies of college administrators, the creation of speech policies— or speech norms— at respected and prestigious institutions has a “trickle down” effect throughout academe. Again, sociologists would call this process normative isomorphism, but most people know the phenomenon as “keeping up with the Joneses.” 9 If Harvard, Berkeley, or Brown passes measures against hate speech, then institutions lower in the academic food chain are likely to take note and follow suit. If prestigious institutions advance campus norms that eschew hate speech, then both peer and “wannabe” institutions are likely to consider and replicate such informal rules. Indeed, this is the very fear of FIRE and its compatriots— that if PC policies are not checked now, their message will spread throughout academe infecting other campuses. What FIRE fails to say, but undoubtedly must be thinking, is that informal law and mass constitutionalism are at stake if the spread of speech regulation is not curbed. FIRE can hang its hat on R.A.V., Doe, UWM Post, and the other court cases in which judges have overturned college hate speech policies, but as hate speech regulation continues to flourish on college campuses, informal speech norms are at stake throughout the larger bounds of civil society.Whatever one thinks of FIRE and its agenda, its supporters are like the oldfashioned fire brigade that excitedly shows up at a burning building only to toss paltry pails of water on the inferno. Hate speech regulation has already crossed the firebreak between academe and the rest of civil society and is well on its way toward acceptance in other influential institutions. The initial signs are found in surveys of incoming college freshmen. Shortly after R.A.V., researchers began asking new freshmen whether they believe that “colleges should prohibit racist/sexist speech on campus.” 10 In a 1993 survey, 58 percent of first-year students supported hate speech regulation, a number that has stayed steady and even grown a bit in the years following. By 1994, two thirds of incoming freshmen approved of hate speech prohibitions, with more recent results leveling off around 60 percent. 11 Unfortunately, there are not similar surveys before 1993 to compare these results against, but it is a safe bet that support would have been minimal through the mid-1980s when the issue had not yet achieved salience. More to the point, the surveys show that support for speech regulation is achieved before students ever set foot on campus. If, as the codes’ opponents claim, colleges are indoctrinating students in favor of speech regulation, the influence has reached beyond campus borders. New students are being socialized to this norm in society even before they attend college.

#### Speech codes are good– they diminish right-wing movements and form coalitions of targeted groups.

**Parekh 12** [Parekh, Bhikhu (2012) ‘Is There a Case for Banning Hate Speech?’, in Herz, M. and Molnar, P. (eds.) The Content and Context of Hate Speech: Rethinking Regulation and Responses. Cambridge: Cambridge University Press, pp. 37–56. ]

It is sometimes argued that banning hate speech drives extremist groups under- ground and leaves us no means of knowing who they are and how much support they enjoy. It also alienates them from the wider society, even makes them more detennined. and helps them recruit those attracted by the allure of forbidden fruit. This is an important argument and its force should not be underestimated. How- eyer, it has its limits. A ban on hate speech might drive extremist groups underground, but it also persuades their moderate and law-abiding members to dissociate them- selves from these groups. When extremist groups go underground, they are denied the oxygen of publicity and the aura of public respectability. This makes their operations more difficult and denies them the opportunity to link up with other similar groups and recruit their members. While the ban might alienate extremist groups, it has the compensating advantage of securing the enthusiastic commitment and support of their target groups. Besides, beyond a certain point, alienation need not be a source of worry. Some religious groups are alienated from the secular orientation of the liberal state, inst as the communists and polyamoronsly inclined persons bitterly resent its commitment (respectively) to market economy and rnonogamy. We accept such forms of alien- ation as inherent in collective life and do not seek to redress them by abandoning the liberal state. The ban might harden the determination of some, but it is also likely to weaken that of those who seek respectability and do not want to be associated with ideas and groups considered so disreputable as to be banned, or who are deterred by the cost involved in supporting them. There is the lure of the prohibited, but there is also the attraction of the respectable.

#### Turns the case and outweighs

#### 1. Magnitude- Hate speech normalizes psychological violence which renders educational spaces null and increases likelihood of physical violence

* Makes physical violence more likely—empirically proven
* Causes psychological harms
* Makes educational spaces null and void
* Normalizes oppressive practices
* Easy to reject from a position of privilege

**Heinze 14**: Eric Heinze, professor of law & humanities at Queen Mary university of London. March 31, 2014. Nineteen arguments for hate speech bans—and against them. Free Speech Debate. Free speech scholar Eric Heinze identifies the main arguments for laws restricting hate speech and says none are valid for mature Western democracies. <http://freespeechdebate.com/en/discuss/nineteen-arguments-for-hate-speech-bans-and-against-them/>. RW

On all sides of the debate, we can agree that speech is necessary for democracy. Governments ought not to abridge speech willy-nilly. They must show how the speech in question poses a genuine danger. In the case of hate speech, has any such menace been shown? In my book [Hate Speech and Democratic Citizenship](https://global.oup.com/academic/product/hate-speech-and-democratic-citizenship-9780198759027?cc=gb&lang=en&), I reject the classical liberal defences of free speech, let alone newer libertarian ones. I argue that the strongest case for free speech is grounded on specifically democratic principles, which must not be confused with Millian, liberal ones. I cannot reproduce that thesis here, but will briefly respond to some familiar claims raised by the bans’ advocates. 1. The ‘anti-absolutist’ argument: ‘No rights are absolute. Rights must be limited by respect for others, and by the needs of society as a whole. The British Lord Bhikhu Parekh writes, “Although free speech is an important value, it is not the only one. Human dignity, equality, freedom to live without harassment and intimidation, social harmony, mutual respect, and protection of one’s good name and honour are also central to the good life and deserve to be safeguarded. Because these values conflict, either inherently or in particular contexts, they need to be balanced.” There are, moreover, many regulations of speech to which no one objects, punishing, for example, commercial fraud, graffiti, or courtroom perjury. Hate speech bans are no different.’ The ‘not speech’ argument: ‘The crudest hate speech is not really speech at all. It is merely the kind of “inarticulate grunt” that can legitimately be banned because it forms, in the words of US Supreme Court Justice Anthony Kennedy, “no essential part of any exposition of ideas.”’ The ‘Weimar’ (or ‘snowball’) argument: ‘Democracy under the Weimar Republic or the former Yugoslavia show that too much free speech leads to atrocities. Some offensive remarks may, on the surface, appear harmless. But seemingly innocuous offences snowball into more pernicious forms. Once speech reaches a Nazi-like extreme, it becomes too late to avert the dangerous consequences.’ The ‘direct harm’ argument: ‘Hate speech can cause psychological harm, just as hate-motivated violence causes physical harm. Children who are called “nigger”, “Paki”, or “queer” suffer just as much as when they are physically bullied. For adults, verbal abuse can render workplace, educational or other environments unbearable.’ The ‘indirect harm’ argument: ‘The harms of hate speech do not manifest in a conventionally empirical sense. From some phenomenological and socio-linguistic perspectives, hateful expression is “illocutionary”, i.e. not merely denoting hatred but enacting discrimination, and “perlocutionary”, disseminating adverse psychological effects regardless of any materially evident impact. Anthony Cortese describes a “cultural transmission theory”, whereby cultures “pass hate on to each succeeding generation, making intolerance “normal or conventional.” Hate speech germinates intolerance, not through discrete, causally traceable chains of events, but through cumulative effects.’ The ‘hate crime’ argument: ‘The bans are necessary because hate speech is commonly connected to hate-based acts of murder, battery, rape, assault, and property theft or damage.’ The ‘disproportionate impact’ argument: ‘It’s easy for those in privileged positions to oppose hate speech bans. They do not bear the brunt of hatred. But “individual freedom” looks different from the viewpoint of historically vilified groups.’

#### Turns counterspeech- psychological violence hurts ability to participate in the movement

#### 2. Inclusivity- It causes less discursive participation from minorities which harms ability to reach the truth

**Horne 16**: Solveigh Horne, Minister of children and equality in Norway. “hate speech—a threat to freedom of speech.” March 8, 2016. Huffington Post. <http://www.huffingtonpost.com/solveig-horne/hate-speech--a-threat-to_b_9406596.html>. RW

Hate speech in the public sphere takes place online and offline, and affects young girls and boys, women and men. We also see hate speech attacking vulnerable groups like people with disabilities, LGBT-persons and other minority groups. Social media and the Internet have opened up for many new arenas for exchanging opinions. Freedom of speech is an absolute value in any democracy, both for the public and for the media. At the same time, opinions and debates challenge us as hate speech are spread widely and frequently on new platforms for publishing. Hate speech may cause fear and can be the reason why people withdraw from the public debate. The result being that important voices that should be heard in the public debate are silenced. We all benefit if we foster an environment where everybody is able to express their opinions without experiencing hate speech. In this matter we all have a responsibility. I am especially concerned about women and girls being silenced. Attempts to silence women in the public debate through hate speech, are an attack on women’s human rights. No one should be silenced or subjected to threats when expressing themselves in public. Women are under-represented in the media. In order to get a balanced public debate it is important that many voices are heard. We must encourage women and girls to be equal participants with men. Hate speech prevents women from making their voices heard. I also call upon the media to take responsibility in this matter. In some cases the media may provide a platform for hate speech. At the same time, I would like to stress that a liberal democracy like Norway strongly supports freedom of speech as a fundamental right.

### Hate Speech Link + UQ T/O

#### Academic freedom covers hate speech and false speech- that proves links and impacts to the DA

**Strauss 16** [Valerie Strauss. Washington Post, 3-7-2016, "Does ‘academic freedom’ protect professors who promote outrageous falsehoods?," <https://www.washingtonpost.com/news/answer-sheet/wp/2016/03/07/does-academic-freedom-protect-professors-who-promote-outrageous-falsehoods/?utm_term=.10db89068b80>] NB

A situation at Oberlin College in Ohio in which an assistant professor posted material on social media that the school’s Board of Trustees has termed “anti-Semitic and abhorrent” has raised anew the limits of “academic freedom.” What exactly is academic freedom? According to a primer on the [website of the Association of Governing Boards of Universities and Colleges](http://agb.org/sites/default/files/legacy/u1525/Academic%20Freedom%20Primer.pdf): American higher education relies on the fundamental value of academic freedom. Academic freedom protects college and university faculty members from unreasonable constraints on their professional activities. It is a broad doctrine giving faculty great leeway in addressing their academic subjects, allowing them even to challenge conventional wisdom. Under principles of academic freedom, a faculty member may research any topic. He or she may raise difficult subjects in a classroom discussion or may publish a controversial research paper. The excellence of America’s higher education system rests on academic freedom. Challenging conventional wisdom is one thing; saying things that are historically inaccurate, inflammatory and racist is another. How much does academic freedom actually cover? If a history professor says something fundamentally wrong about a historical fact — such as misidentifying who staged the Sept. 11, 2001 terrorist attacks — is that person’s views covered by academic freedom or is that a question of professional competence? What if a poetry professor says the same thing? Here’s a post that takes a broad look at this question. It was written by Inside Higher Ed reporter Colleen Flaherty, and [first appeared on the website of Inside Higher Ed.](https://www.insidehighered.com/news/2016/03/01/does-academic-freedom-protect-falsehoods) I am republishing it with permission. By Colleen Flaherty One of the biggest privileges of being a professor — especially a tenured one — is having academic freedom. While the real protections offered under the principle vary from campus to campus, faculty work is at least founded on the idea that there’s room to express even unpopular ideas or beliefs. But are arguably unacademic opinions — inflammatory falsehoods that have no apparent basis in fact — also covered? A recent case at Oberlin College raises questions about whether all ideas are created equal when it comes to academic freedom. Earlier this year, several hundred students and alumni at Oberlin College expressed their concerns about what they described as escalating anti-Semitic rhetoric on campus, in an [open letter](https://sites.google.com/site/oberlinagainstantisemitism/) to President Marvin Krislov and others. “As Oberlin students and alumni representing a diversity of views on Israel, we accept criticism of its leadership and policies,” the signatories wrote. “However, we do not believe Israel should be singled out for condemnation and we object to questioning its right to exist. We also abhor the tactics of Oberlin’s pro-[boycott, divestment and sanctions] student organizations that intimidate, threaten and coerce Jewish students, which we have seen and heard in numerous written and spoken reports.” The students and alumni didn’t refer to Joy Karega, an assistant professor of rhetoric and composition studies, by name, but the professor has been named in subsequent media coverage as someone aggressively promoting pro-boycott positions on social media. (She’s also [reportedly](http://www.haaretz.com/jewish/news/1.705812)come under fire for co-sponsoring a lecture later this week called “Fighting Apartheid Since 1948: Key Moments in Palestinian and Black Solidarity.”) Some of Karega’s posts — which have since apparently been deleted but were captured in screenshots by the pro-Israel blog [The Tower](http://www.thetower.org/3012-oberlin-professor-claims-israel-was-behind-911-isis-charlie-hebdo-attack/) — state opinions that, while controversial, are shared by other supporters of the Israel boycott movement. “Let some tell it, an attack on Zionism is an attack on Jews,” Karega wrote on Facebook last January, for example, after the attacks on Charlie Hebdo in Paris. “It’s anti-Semitic, so they say. Total nonsense. And I stopped letting folks bully me with that ‘You’re being anti-Semitic’ nonsense a long time ago.” Also inflammatory — but arguably a legitimate symbol of her political beliefs — Karega shared with that post an image of an ISIS fighter taking off a mask of Israeli Prime Minister Benjamin Netanyahu. Another posted image recalls World War II-era anti-Jewish propaganda, showing Jacob Rothschild, a member of a well-known Jewish banking family, staring down the words, “We own your news, the media, your oil, and your government.” Whether or not all that’s covered by academic freedom may be up for debate — but not here. This story is primarily concerned with a series of other posts, in which Karega makes declarations that most educated people, let alone people with doctorates and regardless of their positions on Israel, would reject as unsupported by fact. All were posted while she was on the faculty at Oberlin. In November 2015, for example, she wrote that ISIS is really part of Mossad, an Israeli intelligence unit, and the U.S. Central Intelligence Agency. “It’s troubling that in this day and age, where there is all this access to information, most of the general public doesn’t know who and what ISIS really is. I promise you, ISIS is not a jihadist, Islamic terrorist organization. It’s a CIA and Mossad operation and there’s too much information out there for the general public not to know this.” Quoting a blog that reports on many conspiracy theories and describes itself as a “weekly whack at the global oligarchy,” Karega also last year posted that Israel was responsible for the downing of Malaysian Airlines Flight No. 17, which has widely been attributed to Russian-backed separatists in Ukraine. In another post, she wrote that Netanyahu visited Paris after the Charlie Hebdo massacre “just in case the message wasn’t received via Mossad and the ‘attacks’ they orchestrated on Paris.” (Netanyahu was in Paris after the attacks, but to visit Jewish people in France who were attacked.) Karega shared a video from Nation of Islam leader Louis Farrakhan suggesting that Zionists and Israeli Jews were behind 9/11, and wrote that he was “truth-telling,” as well, according to The Tower. In a Statement on Personal Views issued in response to media requests about Karega, Oberlin distanced itself from Karega’s statements but backed her right to free speech. Oberlin “respects the rights of its faculty, students, staff and alumni to express their personal views,” reads the note. “Acknowledgment of this right does not signal institutional support for, or endorsement of, any specific position. The statements posted on social media by [Karega] are hers alone and do not represent the views of Oberlin.” (Karega did not respond to requests for comment.) [The Board of Trustees at Oberlin has issued a statement telling school officials to investigate the comments by Karega and report back.] Compare Oberlin’s response to the recent firing of James Tracy, a tenured communications scholar, by Florida Atlantic University, related to declarations on his blog that the 2012 massacre at an elementary school in Newtown, Conn., was really an elaborate government play for more gun control laws. (A termination letter sent to Tracy in January said that he was being terminated for failing to turn in outside employment or professional activity reforms in a timely manner, but the letter referenced activity on his blog and Tracy maintains his case is about free speech.) Certainly there’s more of a consensus around senseless gun violence involving children than there is around the Israel-Palestine debate. But the two different institutional responses suggest that there are different schools of thought as to whether patent falsehoods are protected by academic freedom. Covering Hate Speech? It Depends Some academics, bloggers and several Israeli newspapers have called for the college to speak out or take action against Karega, saying free speech shouldn’t be used as a veil for hate speech, especially in a university environment. Alan Dershowitz, an emeritus professor of law at Harvard University, for example, told The Tower that if Karega “had expressed comparably bigoted views about blacks, Muslims or gays,” Oberlin would have condemned her views, even if it defended her right to express them. But to most experts on academic freedom, Oberlin is doing the right thing.

#### This also proves that academic freedom on most campuses is actually quite high—that also means the aff doesn't do anything- knowledge production is also high right now.

### AT: Yancy- Watchlist

#### 1. This is an alt cause to the aff – the watchlist isn't created by the state or colleges, but an independent website – proves the aff can't solve

**Mele 16** [Christopher Mele (reporter), "Professor Watchlist Is Seen as Threat to Academic Freedom," NY Times, 11/28/2016]

A new website that accuses nearly 200 college professors of advancing “leftist propaganda in the classroom” and discriminating against conservative students has been criticized as a threat to academic freedom. The site, Professor Watchlist, which first appeared Nov. 21, says it names those instructors who “advance a radical agenda in lecture halls.” “We aim to post professors who have records of targeting students for their viewpoints, forcing students to adopt a certain perspective, and/or abuse or harm students in any way for standing up for their beliefs,” wrote Matt Lamb, an organizer of the site. The Professor Watchlist is a project of Turning Point USA, a nonprofit organization that says its mission is to educate students about “true free market values.” Charlie Kirk, its founder and executive director, wrote in a blog post that “it’s no secret that some of America’s college professors are totally out of line” and that it was time to expose them.

#### 2. Low impact- it’s a conservative website and it has no political relevance in terms of enforcement

#### 3. Alt solvency- their evidenbce cites republican ideology, but there are entire political parties that currently challenge those types of ideas

### AT: Perry 16 – FS Key

#### 1. Wrong context- the card is about Trump’s administration and isn’t relevant to college administration policies

#### 2. Our evidence outweighs- theirs have 0 empirics of free speech leading to activism or protests

### AT: Herron- Chilling Effect

#### 1. No chilling effect

**Gelber & McNamara 15** [Katharine Gelber (Professor of Politics and Public Policy at the University of Queensland), Luke McNamara, "The Effects of Civil Hate Speech Laws: Lessons from Australia," Law & Society Review, 2015] AZ

What of the fourth and fifth claims, that hate speech laws have a chilling effect, discouraging people from engaging in robust political debate on important matters of public policy, or that they create free speech martyrs who use the regulatory system to gain prominence for their views? Our analysis of letters to the editor revealed little evidence that public discourse has been diminished over the past 25 years. Robust debates have been had on a broad range of issues including the land rights of Indigenous Australians, same-sex marriage, and the treatment of asylum-seekers. Our analysis revealed the continued expression of prejudice over time. The fact that we detected a shift away from more intemperate styles of language cannot be said to support the chilling effect claim. At the heart of this claim is a concern about the silencing of views and opinion. At the same time that Bolt claimed he was being “silenced” by hate speech laws, he was able to disseminate his views widely through prominent media attention (Gelber and McNamara 2013: 474–76). Therefore, although the distinction may be contentious, we distinguish between desirable and undesirable effects. Hate speech laws are designed to influence the terms in which individuals express their views in public (desirable), however, they are not designed to make certain topics “off limits” (undesirable). Our research suggests that the risk of a chilling effect has not been substantiated. Australians are willing to express robust views on a broad range of policy issues.

#### 2. Colleges are increasingly progressive especially considering protests are high now which means that students are not afraid of the chilling effect and that it’s impact is low because the dominant agenda is the right one

#### 3. Absent a clear policy on speech- the chilling effect is more likely- the aff is equally arbitrary and can conflate certain types of speech with bad activities

**Juhan 12** S. Cagle Juhan (Judicial Law Clerk, Western District of Virginia; JD University of Virginia School of Law). “Free Speech, Hate Speech, and the Hostile Speech Environment.” Virginia Law Review. November 2012

Iota Xi Chapter of Sigma Chi Fraternity v. George Mason University) 70 illustrates the problem with **a discretionary system: government bureaucrats serve as roving commissioners, picking and choosing which speech to regulate,** often on the grounds that certain groups object to it. The danger is threefold. First, **the absence of a written policy leaves a vacuum.** By their very nature, **decisions made on a case-by-case basis lack debated, agreed-upon, and dis-seminated principles that can guide action**.’ Thus, one cannot ex ante abide by guidelines that are unknowable until after one speaks. **The result is the commonly cited “chilling effect”: speakers will say less, even if their speech would be constitutionally pro-tected, because they cannot be assured that they will not be pun-ished for** it.‘ **Second, informal, standardless decision-making processes about what speech should be allowed** are viewed with particular skepti-cism in First Amendment doctrine because they both **contribute to the chilling effect and enhance the risk of discriminatory or arbi-trary regulation**.’ **Ad hoc judgments allow universities to sanction speech** because they disapprove of it, which is precisely the out-come that the First Amendment was designed to prevent.‘The third and related concern is that **administrators are easily captured by campus constituencies that mobilize against hateful or merely unpopular speech**.’ The Iota Xi case offers a clear example of this problem. Students objecting to the fraternity’s speech convinced an administrator that the speech created a hostile educational environment and conflicted with the university’s mission; administrators subsequently imposed sanctions, despite not having done so in an initial meeting with the fraternity that occurred the same day as the one with the offended students. The risk of “captured” administrators is especially high when hate speech is at issue.’ Hate speech frequently targets minorities or historically disfavored groups. These constituencies, in addition to understandably disagreeing with hate speech that disparages them, are some of the most vocal proponents and defenders of the equality, diversity, and tolerance norms that have gained incredible purchase in the realm of higher education. Accusations or percep-tions that a university or its administrators are not sympathetic enough to these norms or to the groups invoking them can have adverse consequences for a university’s prestige and an administra- tor’s career.’ Therefore, **there are strong personal and institutional incentives** to err on the side of equality, diversity, and tolerance ideals and against constitutionally protected speech.‘ One observer has aptly termed **ad hoc decision-making processes “implicit speech codes**.” ’ Ultimately, however, whether ex-plicit or implicit, speech codes increase (1) the chilling effect on speech, (2) the danger of viewpoint discrimination, and (3) the op-portunity for constituencies to suppress opponents by capturing administrators.’