# Neg- Newark Professors Aff- TOC – Nirmal

# 1NC

## 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).

## DA- Endowments

#### Donations to colleges growing at rapid rate – survey of 983 colleges proves

**Lederman 16** [Doug Lederman (editor, co-founder of Inside Higher Ed), "In Giving to Colleges, the One Percenters Gain," Inside Higher Ed, 1/27/2016] AZ

The Council for Aid to Education's study is one of a handful of annual reports (along with today's on endowments, last week's on state support for higher education, and some others) that provide a baseline sense of t he state of higher education finances. The survey drew fund-raising information from 983 institutions, and it extrapolates from those results to estimate total giving **for** 3,900 colleges and universities. The 7.6 percent rise revealed for 2015 by the council's survey, which followed a 10.8 percent gain from 2013 to 2014, was driven largely by giving from individuals (alumni and not), which increased sharply. Donations from foundations and corporations, meanwhile, were either modest or flat, as seen in the table below. Continuing a trend of recent years, the amount of money donated by alumni rose sharply, by 10.2 percent, to $10.85 billion, but the proportion of alumni who contributed fell to 8.4 percent, from 8.6 percent. (It was 11.7 percent in 2007.) Ann E. Kaplan, who directs the survey, attributed the decline mostly to the fact that digital and other technologies are helping colleges track down more alumni. "Participation will only increase if the number of donors rises more than the number of located alumni," Kaplan said in a news release. "This is unlikely in a technological age in which individuals may have multiple means of contact that make them easy to locate. Finding an address is much simpler than cultivating a relationship that leads to a contribution." Giving by nonalumni individuals (donors, parents, etc.) rose by more than any other category, 23.1 percent. Donations for current operations (as opposed to capital purposes) rose by 13.1 percent in fiscal 2015, while funds for endowments, facilities and other purposes were flat. The study attributes the latter result to the fact that there was a huge -- 23.3 percent -- rise the previous year (fiscal 2014) in gifts to restricted endowments, which is the largest category of capital purposes. That kind of donation tends to track the stock market, which was stronger in 2014 than in 2015.

#### Free speech decreases endowments- two links:

#### 1. Administrators need the ability to regulate speech to maintain donations

**Press and Student Nation ‘16** [ALEX PRESS is a PhD student in sociology based in Boston. STUDENTNATION First-person accounts from student activists, organizers and journalists reporting on youth-oriented movements for social justice, economic equality and tolerance. “Silence on Campus: Contingent Work and Free Speech.” The Nation. February 17, 2016. https://www.thenation.com/article/silence-on-campus-contingent-work-and-free-speech/ ]

﻿Corporatization creates a dilemma for higher education: College, unlike most businesses, serves a social function—the production and transfer of knowledge—the achievement of which requires an environment of intellectual freedom that can conflict with profit margins, as some actors central to the model, such as donors, may take issue with controversial speech. In the past, tenure resolved some of this tension—once professors gain tenure, they’re walled off from these pressures, at least theoretically. With the erosion of tenure and a slack academic job market, free speech disappears as professors become increasingly disposable. As Steven Vallas, a sociologist at Northeastern University who researches the changing nature of work, argues, a professor’s right to speak freely presumes a foundation of job stability. “If you have an expansion of the adjunct, precarious professoriate, than you really are eroding the proportion of people who can speak their mind.” In contrast to claims that censorious students are the central threat to the ability of college to serve as a marketplace of ideas, the silencing of speech that comes with a sense of one’s disposability appears much more powerful. Conceding the difficulty of capturing the preemptive stifling of debate that comes with disposable worker status, we can take the severity of repercussions visited upon those who don’t censor themselves as indicative of the problem. Take the case of Steven Salaita, an indigenous studies scholar whose offer of a position at the University of Illinois at Urbana–Champaign was rescinded after he tweeted critically about Israel’s 2014 attack on Gaza. A violation of academic freedom that resulted in a rare formal censure from the AAUP, for Salaita, administrative censorship is no secret. “For the uninitiated, the levels of vitriol and retribution that attend criticism of Israel can be stunning,” he writes, referencing a report authored by the Center for Constitutional Rights and Palestine Legal that details hundreds of reported acts of suppression of pro-Palestine advocacy in under two years. Salaita sued the University of Illinois for violating his rights. While he settled out of court for $875,000, discovery findings from his lawsuit reveal the likelihood of donor influence on the decision to fire him, with the chancellor communicating with donors about Salaita’s tweets and his possible dismissal. As Salaita’s case demonstrates, the extent of donor pressure goes a long way to explain why administrations might choose to silence speech, explains William Robinson, a professor at the University of California–Santa Barbara. In 2009, Robinson caught the attention of outside organizations that then pressured UCSB administrators to charge him with violating the university’s academic code of conduct, according to Robinson’s account of the incident, as well as details published by his supporters. Explaining the role financial needs play in decisions to censor faculty in public higher education, Robinson argues, “As public funding is cut, the administration becomes more reliant on private donors. These donors then use that leverage, threatening to withdraw donations if an administration doesn’t act.” The problem is worsening as public funds for higher education are drying up across the country, according to a recent report by the Center on Budget and Policy Priorities. As this money dwindles, administrations turn to wealthy donors, creating the conditions under which prestigious donors can sway administrator’s decisions on how to respond to controversial faculty, if those faculty can get hired in the first place.

#### 2. Protests and Free speech isolate older donors

**Hartocollis 8/4 [**Anemona Hartocollis, writer for NYT: August 4, 2016(“College Students Protest, Alumni’s Fondness Fades and Checks Shrink” New York Times Available at <http://www.nytimes.com/2016/08/05/us/college-protests-alumni-donations.html?_r=0> ]

Scott MacConnell cherishes the memory of his years at Amherst College, where he discovered his future métier as a theatrical designer. But protests on campus over cultural and racial sensitivities last year soured his feelings. Now Mr. MacConnell, who graduated in 1960, is expressing his discontent through his wallet. In June, he cut the college out of his will. “As an alumnus of the college, I feel that I have been lied to, patronized and basically dismissed as an old, white bigot who is insensitive to the needs and feelings of the current college community,” Mr. MacConnell, 77, wrote in a letter to the college’s alumni fund in December, when he first warned that he was reducing his support to the college to a token $5. A backlash from alumni is an unexpected aftershock of the campus disruptions of the last academic year. Although fund-raisers are still gauging the extent of the effect on philanthropy, some colleges — particularly small, elite liberal arts institutions — have reported a decline in donations, accompanied by a laundry list of g5. Alumni from a range of generations say they are baffled by today’s college culture. Among their laments: Students are too wrapped up in racial and identity politics. They are allowed to take too many frivolous courses. They have repudiated the heroes and traditions of the past by judging them by today’s standards rather than in the context of their times. Fraternities are being unfairly maligned, and men are being demonized by sexual assault investigations. And university administrations have been too meek in addressing protesters whose messages have seemed to fly in the face of free speech. Scott C. Johnston, who graduated from Yale in 1982, said he was on campus last fall when activists tried to shut down a free speech conference, “because apparently they missed irony class that day.” He recalled the Yale student who was videotaped screaming at a professor, Nicholas Christakis, that he had failed “to create a place of comfort and home” for students in his capacity as the head of a residential college. A rally at New Haven Superior Court demanding justice for Corey Menafee, an African-American dining hall worker at Yale’s Calhoun College who was charged with breaking a window pane that depicted black slaves carrying cotton. Credit Peter Hvizdak/New Haven Register, via Associated Press “I don’t think anything has damaged Yale’s brand quite like that,” said Mr. Johnston, a founder of an internet start-up and a former hedge fund manager. “This is not your daddy’s liberalism.” “The worst part,” he continued, “is that campus administrators are wilting before the activists like flowers.” Yale College’s alumni fund was flat between this year and last, according to Karen Peart, a university spokeswoman. Among about 35 small, selective liberal arts colleges belonging to the fund-raising organization Staff, or Sharing the Annual Fund Fundamentals, that recently reported their initial annual fund results for the 2016 fiscal year, 29 percent were behind 2015 in dollars, and 64 percent were behind in donors, according to a steering committee member, Scott Kleinheksel of Claremont McKenna College in California. His school, which was also the site of protests, had a decline in donor participation but a rise in giving. At Amherst, the amount of money given by alumni dropped 6.5 percent for the fiscal year that ended June 30, and participation in the alumni fund dropped 1.9 percentage points, to 50.6 percent, the lowest participation rate since 1975, when the college began admitting women, according to the college. The amount raised from big donors decreased significantly. Some of the decline was because of a falloff after two large reunion gifts last year, according to Pete Mackey, a spokesman for Amherst. At Princeton, where protesters unsuccessfully demanded the removal of Woodrow Wilson’s name from university buildings and programs, undergraduate alumni donations dropped 6.6 percent from a record high the year before, and participation dropped 1.9 percentage points, according to the university’s website. A Princeton spokesman, John Cramer, said there was no evidence the drop was connected to campus protests.

#### Endowments are key to education quality and US competitiveness

**ACE 14** ["Understanding College and University Endowments," American Council on Education, 2014]

An endowment is an aggregation of assets invested by a college or university to support its educational mission in perpetuity. An institution’s endowment actually comprises hundreds or thousands of individual endowments. An endowment allows donors to transfer their private dollars to public purposes with the assurance that their gifts will serve these purposes for as long as the institution continues to exist. An endowment represents a compact between a donor and an institution. It links past, current, and future generations. It also allows an institution to make commitments far into the future, knowing that resources to meet those commitments will continue to be available. Endowments serve institutions and the public by: • Providing stability. College and university revenues fluctuate over time with changes in enrollment (tuition), donor interest (gifts), and public (largely state and federal) support. Although endowment earnings also vary with changes in financial markets and investment strategies, most institutions follow prudent guidelines (spending rates) to buffer economic fluctuations that are intended to produce a relatively stable stream of income. Since endowment principal is not spent, the interest generated by endowment earnings supports institutional priorities year after year. This kind of stability is especially important for activities that cannot readily be started and stopped, or for which fluctuating levels of support could be costly or debilitating. Endowments frequently support student aid, faculty positions, innovative academic programs, medical research, and libraries. • Leveraging other sources of revenue. In recent years, as the economy has been severely stressed, institutions have dramatically increased their own student aid expenditures, and endowments have enabled institutions to respond more fully to changing demographics and families’ financial need. It is not surprising that the colleges and universities with the largest endowments are also the ones most likely to offer needblind admission (admitting students without regard to financial circumstances and then providing enough financial aid to enable those admitted to attend). An endowment also allows a college or university to provide a higher level of quality or service at a lower price than would otherwise be possible. This has been especially important in recent years, particularly for publicly supported institutions that have experienced significant cuts in state support. Without endowments or other private gifts, institutions would have had to cut back even further on their programs, levy even greater increases in their prices to students, and/or obtain additional public funding to maintain current programs at current prices. Encouraging innovation and flexibility. An endowment enables faculty and students to conduct innovative research, explore new academic fields, apply new technologies, and develop new teaching methods even if funding is not readily available from other sources, including tuition, gifts, or grants. Such innovation and flexibility has led to entirely new programs and to important discoveries in science, medicine, education, and other fields. • Allowing a longer time horizon. Unlike gifts expended upon receipt, an endowed gift keeps giving over time. Endowed institutions can plan strategically to use a more reliable stream of earnings to strengthen and enhance the quality of their programs, even if many years will be required to achieve some of their goals. By making endowed gifts, alumni and others take responsibility for ensuring the long-term well-being of colleges and universities; their gifts help enable future generations of students to benefit from a higher quality of education and allow these institutions to make even greater contributions to the public good

#### US leadership prevents great power war and existential governance crises

**Brooks, Ikenberry, and Wohlforth ’13** (Stephen, Associate Professor of Government at Dartmouth College, John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, William C. Wohlforth is the Daniel Webster Professor in the Department of Government at Dartmouth College “Don’t Come Home America: The Case Against Retrenchment,” International Security, Vol. 37, No. 3 (Winter 2012/13), pp. 7–51)

A core premise of deep engagement is that it prevents the emergence of a far more dangerous global security environment. For one thing, as noted above, the United States’ overseas presence gives it the leverage to restrain partners from taking provocative action. Perhaps more important, its core alliance commitments also deter states with aspirations to regional hegemony from contemplating expansion and make its partners more secure, reducing their incentive to adopt solutions to their security problems that threaten others and thus stoke security dilemmas. The contention that engaged U.S. power dampens the baleful effects of anarchy is consistent with influential variants of realist theory. Indeed, arguably the scariest portrayal of the war-prone world that would emerge absent the “American Pacifier” is provided in the works of John Mearsheimer, who forecasts dangerous multipolar regions replete with security competition, arms races, nuclear proliferation and associated preventive war temptations, regional rivalries, and even runs at regional hegemony and full-scale great power war. 72 How do retrenchment advocates, the bulk of whom are realists, discount this benefit? Their arguments are complicated, but two capture most of the variation: (1) U.S. security guarantees are not necessary to prevent dangerous rivalries and conflict in Eurasia; or (2) prevention of rivalry and conflict in Eurasia is not a U.S. interest. Each response is connected to a different theory or set of theories, which makes sense given that the whole debate hinges on a complex future counterfactual (what would happen to Eurasia’s security setting if the United States truly disengaged?). Although a certain answer is impossible, each of these responses is nonetheless a weaker argument for retrenchment than advocates acknowledge. The first response flows from defensive realism as well as other international relations theories that discount the conflict-generating potential of anarchy under contemporary conditions. 73 Defensive realists maintain that the high expected costs of territorial conquest, defense dominance, and an array of policies and practices that can be used credibly to signal benign intent, mean that Eurasia’s major states could manage regional multipolarity peacefully without the American pacifier. Retrenchment would be a bet on this scholarship, particularly in regions where the kinds of stabilizers that nonrealist theories point to—such as democratic governance or dense institutional linkages—are either absent or weakly present. There are three other major bodies of scholarship, however, that might give decisionmakers pause before making this bet. First is regional expertise. Needless to say, there is no consensus on the net security effects of U.S. withdrawal. Regarding each region, there are optimists and pessimists. Few experts expect a return of intense great power competition in a post-American Europe, but many doubt European governments will pay the political costs of increased EU defense cooperation and the budgetary costs of increasing military outlays. 74 The result might be a Europe that is incapable of securing itself from various threats that could be destabilizing within the region and beyond (e.g., a regional conflict akin to the 1990s Balkan wars), lacks capacity for global security missions in which U.S. leaders might want European participation, and is vulnerable to the influence of outside rising powers. What about the other parts of Eurasia where the United States has a substantial military presence? Regarding the Middle East, the balance begins to swing toward pessimists concerned that states currently backed by Washington— notably Israel, Egypt, and Saudi Arabia—might take actions upon U.S. retrenchment that would intensify security dilemmas. And concerning East Asia, pessimism regarding the region’s prospects without the American pacifier is pronounced. Arguably the principal concern expressed by area experts is that Japan and South Korea are likely to obtain a nuclear capacity and increase their military commitments, which could stoke a destabilizing reaction from China. It is notable that during the Cold War, both South Korea and Taiwan moved to obtain a nuclear weapons capacity and were only constrained from doing so by a still-engaged United States. 75 The second body of scholarship casting doubt on the bet on defensive realism’s sanguine portrayal is all of the research that undermines its conception of state preferences. Defensive realism’s optimism about what would happen if the United States retrenched is very much dependent on its particular—and highly restrictive—assumption about state preferences; once we relax this assumption, then much of its basis for optimism vanishes. Specifically, the prediction of post-American tranquility throughout Eurasia rests on the assumption that security is the only relevant state preference, with security defined narrowly in terms of protection from violent external attacks on the homeland. Under that assumption, the security problem is largely solved as soon as offense and defense are clearly distinguishable, and offense is extremely expensive relative to defense. Burgeoning research across the social and other sciences, however, undermines that core assumption: states have preferences not only for security but also for prestige, status, and other aims, and they engage in trade-offs among the various objectives. 76 In addition, they define security not just in terms of territorial protection but in view of many and varied milieu goals. It follows that even states that are relatively secure may nevertheless engage in highly competitive behavior. Empirical studies show that this is indeed sometimes the case. 77 In sum, a bet on a benign postretrenchment Eurasia is a bet that leaders of major countries will never allow these nonsecurity preferences to influence their strategic choices. To the degree that these bodies of scholarly knowledge have predictive leverage, U.S. retrenchment would result in a significant deterioration in the security environment in at least some of the world’s key regions. We have already mentioned the third, even more alarming body of scholarship. Offensive realism predicts that the withdrawal of the American pacifier will yield either a competitive regional multipolarity complete with associated insecurity, arms racing, crisis instability, nuclear proliferation, and the like, or bids for regional hegemony, which may be beyond the capacity of local great powers to contain (and which in any case would generate intensely competitive behavior, possibly including regional great power war). Hence it is unsurprising that retrenchment advocates are prone to focus on the second argument noted above: that avoiding wars and security dilemmas in the world’s core regions is not a U.S. national interest. Few doubt that the United States could survive the return of insecurity and conflict among Eurasian powers, but at what cost? Much of the work in this area has focused on the economic externalities of a renewed threat of insecurity and war, which we discuss below. Focusing on the pure security ramifications, there are two main reasons why decisionmakers may be rationally reluctant to run the retrenchment experiment. First, overall higher levels of conflict make the world a more dangerous place. Were Eurasia to return to higher levels of interstate military competition, one would see overall higher levels of military spending and innovation and a higher likelihood of competitive regional proxy wars and arming of client states—all of which would be concerning, in part because it would promote a faster diffusion of military power away from the United States. Greater regional insecurity could well feed proliferation cascades, as states such as Egypt, Japan, South Korea, Taiwan, and Saudi Arabia all might choose to create nuclear forces. 78 It is unlikely that proliferation decisions by any of these actors would be the end of the game: they would likely generate pressure locally for more proliferation. Following Kenneth Waltz, many retrenchment advocates are proliferation optimists, assuming that nuclear deterrence solves the security problem. 79 Usually carried out in dyadic terms, the debate over the stability of proliferationchanges as the numbers go up. Proliferation optimism rests on assumptions of rationality and narrow security preferences. In social science, however, such assumptions are inevitably probabilistic. Optimists assume that most states are led by rational leaders, most will overcome organizational problems and resist the temptation to preempt before feared neighbors nuclearize, and most pursue only security and are risk averse. Confidence in such probabilistic assumptions declines if the world were to move from nine to twenty, thirty, or forty nuclear states. In addition, many of the other dangers noted by analysts who are concerned about the destabilizing effects of nuclear proliferation—including the risk of accidents and the prospects that some new nuclear powers will not have truly survivable forces—seem prone to go up as the number of nuclear powers grows. 80 Moreover, the risk of “unforeseen crisis dynamics” that could spin out of control is also higher as the number of nuclear powers increases. Finally, add to these concerns the enhanced danger of nuclear leakage, and a world with overall higher levels of security competition becomes yet more worrisome. The argument that maintaining Eurasian peace is not a U.S. interest faces a second problem. On widely accepted realist assumptions, acknowledging that U.S. engagement preserves peace dramatically narrows the difference between retrenchment and deep engagement. For many supporters of retrenchment, the optimal strategy for a power such as the United States, which has attained regional hegemony and is separated from other great powers by oceans, is offshore balancing: stay over the horizon and “pass the buck” to local powers to do the dangerous work of counterbalancing any local rising power. The United States should commit to onshore balancing only when local balancing is likely to fail and a great power appears to be a credible contender for regional hegemony, as in the cases of Germany, Japan, and the Soviet Union in the midtwentieth century. The problem is that China’s rise puts the possibility of its attaining regional hegemony on the table, at least in the medium to long term. As Mearsheimer notes, “The United States will have to play a key role in countering China, because its Asian neighbors are not strong enough to do it by themselves.” 81 Therefore, unless China’s rise stalls, “the United States is likely to act toward China similar to the way it behaved toward the Soviet Union during the Cold War.” 82 It follows that the United States should take no action that would compromise its capacity to move to onshore balancing in the future. It will need to maintain key alliance relationships in Asia as well as the formidably expensive military capacity to intervene there. The implication is to get out of Iraq and Afghanistan, reduce the presence in Europe, and pivot to Asia— just what the United States is doing. 83 In sum, the argument that U.S. security commitments are unnecessary **for peace** is countered by a lot of scholarship, including highly influential realist scholarship. In addition, the argument that Eurasian peace is unnecessary for U.S. security is weakened by the potential for a large number of nasty security consequences as well as the need to retain a latent onshore balancing capacity that dramatically reduces the savings retrenchment might bring. Moreover, switching between offshore and onshore balancing could well be difªcult. Bringing together the thrust of many of the arguments discussed so far underlines the degree to which the case for retrenchment misses the underlying logic of the deep engagement strategy. By supplying reassurance, deterrence, and active management, the United States lowers security competition in the world’s key regions, thereby preventing the emergence of a hothouse atmosphere for growing new military capabilities. Alliance ties dissuade partners from ramping up and also provide leverage to prevent military transfers to potential rivals. On top of all this, the United States’ formidable military machine may deter entry by potential rivals. Current great power military expenditures as a percentage of GDP are at historical lows, and thus far other major powers have shied away from seeking to match top-end U.S. military capabilities. In addition, they have so far been careful to avoid attracting the “focused enmity” of the United States. 84 All of the world’s most modern militaries are U.S. allies (America’s alliance system of more than sixty countries now accounts for some 80 percent of global military spending), and the gap between the U.S. military capability and that of potential rivals is by many measures growing rather than shrinking. 85

#### At the systemic impact level- this turns and outweighs the case

#### 1. Prerequisite- students need to have the capability to enter educational institutions if they want to have a chance in involvement in activism and others

#### 2. Timeframe of education- having access to an education provides better outcomes for the future compared to short term goals of activism

#### High quality training and research at colleges is key to solve climate change

**Snibbe 15** [Kris Snibbe, "Colleges have ‘special’ role in fighting climate change," Harvard Gazette, 3/17/2015] AZ

In an address to faculty and students at Tsinghua University today, Harvard President Drew Faust argued forcefully that universities have a unique and critical role to play in combating climate change. She opened her remarks by recalling her last visit to Tsinghua in 2008. “There is a proverb that the best time to plant a tree is 20 years ago — and the second-best time is now,” Faust told the audience of about 250 Chinese students, faculty, and journalists. “When I first visited Tsinghua seven years ago … I planted a tree with [former Tsinghua] President Gu [Binglin] in the Friendship Garden … I am glad the Tsinghua-Harvard tree stands as a symbol of the many relationships across our two universities, relationships which continue to grow and thrive,” she said. “More than ever, it is as a testament to the possibilities that, by working together, we offer the world. That is why I want to spend a few minutes today talking about the special role universities like ours play in addressing climate change.” Faust’s speech marked the culmination of a series of events in Beijing at which climate change was a central topic. At a gathering of alumni, faculty, and friends on Sunday, she looked on as Ali Malkawi, professor of architectural technology at the Harvard Graduate School of Design (GSD) and founding director of the Harvard Center for Green Buildings and Cities, explained his efforts to reduce the carbon footprint of large human-made structures and systems, from individual buildings to whole cities. On Monday, Faust and Chinese President Xi Jinping, meeting at the Great Hall of the People, discussed governmental and academic efforts to address the threat of climate change. Faust used the opportunity to highlight the important work being undertaken by faculty and students at Harvard and at institutions across the globe such as Tsinghua to develop substantive technological and policy solutions to this global challenge and to urge continued faculty collaborations. “Last November, President Xi and President Obama made a joint announcement on climate change, pledging to limit the greenhouse gas emissions of China and the United States over the next several decades,” Faust said. “It is a landmark accord, setting ambitious goals for the world’s two largest carbon-emitting countries and establishing a marker that presidents Xi and Obama hope will inspire other countries to do the same. “We could not have predicted such a shared commitment seven [years] or even one year ago between these two leaders — both, in fact, our alumni — one a Tsinghua graduate in chemical engineering and the humanities and the other a graduate of Harvard Law School,” she continued. “And yet our two institutions had already sown the seeds of this agreement decades ago by educating leaders who can turn months of discussion into an international milestone, and by collaborating for more than 20 years on the climate analyses that made the agreement possible. In other words, by doing the things universities are uniquely designed to do.” Calling the recent agreement a “defining moment … worthy of celebration,” and giving China credit for building the world’s largest wind-power capacity as well as the second-largest capacity in solar energy, Faust nonetheless said that these efforts represent “only a beginning” of what needs to be done. “Industry, education, agriculture, business, finance, individual citizens — all are necessary participants in what must become an energy and environmental revolution, a new paradigm that will improve public health, care for the planet, and put both of our nations on the path toward a prosperous, low-carbon economy,” she argued. “Universities are especially good at ‘thinking different,’ ” Faust said in her prepared text, quoting an expression often used by Apple founder Steve Jobs. “To every generation falls a daunting task. This is our task: to ‘think different’ about how we inhabit the Earth. Where better to meet this challenge than in Boston and Beijing? How better to meet it than by unlocking and harnessing new knowledge, building political and cultural understanding, promoting dialogue, and sharing solutions? Who better to meet it than you, the most extraordinary students — imaginative, curious, daring. The challenge we face demands three great necessities.” Faust made the case that the three great necessities of creating partnerships, undertaking research, and training students to ask and answer the big questions ultimately will yield substantive solutions to this global challenge.

#### Global warming definitively causes extinction

**Sharp and Kennedy 14** – (Associate Professor Robert (Bob) A. Sharp is the UAE National Defense College Associate Dean for Academic Programs and College Quality Assurance Advisor. He previously served as Assistant Professor of Strategic Security Studies at the College of International Security Affairs (CISA) in the U.S. National Defense University (NDU), Washington D.C. and then as Associate Professor at the Near East South Asia (NESA) Center for Strategic Studies, collocated with NDU. Most recently at NESA, he focused on security sector reform in Yemen and Lebanon, and also supported regional security engagement events into Afghanistan, Turkey, Egypt, Palestine and Qatar; Edward Kennedy is a renewable energy and climate change specialist who has worked for the World Bank and the Spanish Electric Utility ENDESA on carbon policy and markets; 8/22/14, “Climate Change and Implications for National Security,” International Policy Digest, <http://intpolicydigest.org/2014/08/22/climate-change-implications-national-security/>)

Our planet is 4.5 billion years old. If that whole time was to be reflected on a single one-year calendar then the dinosaurs died off sometime late in the afternoon of December 27th and modern humans emerged 200,000 years ago, or at around lunchtime on December 28th. Therefore, human life on earth is very recent. Sometime on December 28th humans made the first fires – wood fires – neutral in the carbon balance. Now reflect on those most recent 200,000 years again on a single one-year calendar and you might be surprised to learn that the industrial revolution began only a few hours ago during the middle of the afternoon on December 31st, 250 years ago, coinciding with the discovery of underground carbon fuels. Over the 250 years carbon fuels have enabled tremendous technological advances including a population growth from about 800 million then to 7.5 billion today and the consequent demand to extract even more carbon. This has occurred during a handful of generations, which is hardly noticeable on our imaginary one-year calendar. The release of this carbon – however – is changing our climate at such a rapid rate that it threatens our survival and presence on earth. It defies imagination that so much damage has been done in such a relatively short time. The implications of climate change is the single most significant threat to life on earth and, put simply, we are not doing enough to rectify the damage. This relatively very recent ability to change our climate is an inconvenient truth; the science is sound. We know of the complex set of interrelated national and global security risks that are a result of global warming and the velocity at which climate change is occurring. We worry it may already be too late. Climate change writ large has informed few, interested some, confused many, and polarized politics. It has already led to an increase in natural disasters including but not limited to droughts, storms, floods, fires etc. The year 2012 was among the 10 warmest years on record according to an American Meteorological Society (AMS) report. Research suggests that climate change is already affecting human displacement; reportedly 36 million people were displaced in 2008 alone because of sudden natural disasters. Figures for 2010 and 2011 paint a grimmer picture of people displaced because of rising sea levels, heat and storms. Climate change affects all natural systems. It impacts temperature and consequently it affects water and weather patterns. It contributes to desertification, deforestation and acidification of the oceans. Changes in weather patterns may mean droughts in one area and floods in another. Counter-intuitively, perhaps, sea levels rise but perennial river water supplies are reduced because glaciers are retreating. As glaciers and polar ice caps melt, there is an albedo effect, which is a double whammy of less temperature regulation because of less surface area of ice present. This means that less absorption occurs and also there is less reflection of the sun’s light. A potentially critical wild card could be runaway climate change due to the release of methane from melting tundra. Worldwide permafrost soils contain about 1,700 Giga Tons of carbon, which is about four times more than all the carbon released through human activity thus far. The planet has already adapted itself to dramatic climate change including a wide range of distinct geologic periods and multiple extinctions, and at a pace that it can be managed. It is human intervention that has accelerated the pace dramatically: An increased surface temperature, coupled with more severe weather and changes in water distribution will create uneven threats to our agricultural systems and will foster and support the spread of insect borne diseases like Malaria, Dengue and the West Nile virus. Rising sea levels will increasingly threaten our coastal population and infrastructure centers and with more than 3.5 billion people – half the planet – depending on the ocean for their primary source of food, ocean acidification may dangerously undercut critical natural food systems which would result in reduced rations. Climate change also carries significant inertia. Even if emissions were completely halted today, temperature increases would continue for some time. Thus the impact is not only to the environment, water, coastal homes, agriculture and fisheries as mentioned, but also would lead to conflict and thus impact national security. Resource wars are inevitable as countries respond, adapt and compete for the shrinking set of those available resources. These wars have arguably already started and will continue in the future because climate change will force countries to act for national survival; the so-called Climate Wars. As early as 2003 Greenpeace alluded to a report which it claimed was commissioned by the Pentagon titled: An Abrupt Climate Change Scenario and Its Implications for U.S. National Security. It painted a picture of a world in turmoil because global warming had accelerated. The scenario outlined was both abrupt and alarming. The report offered recommendations but backed away from declaring climate change an immediate problem, concluding that it would actually be more incremental and measured; as such it would be an irritant, not a shock for national security systems. In 2006 the Center for Naval Analyses (CNA) – Institute of Public Research – convened a board of 11 senior retired generals and admirals to assess National Security and the Threat to Climate Change. Their initial report was published in April 2007 and made no mention of the potential acceleration of climate change. The team found that climate change was a serious threat to national security and that it was: “most likely to happen in regions of the world that are already fertile ground for extremism.” The team made recommendations from their analysis of regional impacts which suggested the following. Europe would experience some fracturing because of border migration. Africa would need more stability and humanitarian operations provided by the United States. The Middle East would experience a “loss of food and water security (which) will increase pressure to emigrate across borders.” Asia would suffer from “threats to water and the spread of infectious disease. ” In 2009 the CIA opened a Center on Climate Change and National Security to coordinate across the intelligence community and to focus policy. In May 2014, CNA again convened a Military Advisory Board but this time to assess National Security and the Accelerating Risk of Climate Change. The report concludes that climate change is no longer a future threat but occurring right now and the authors appeal to the security community, the entire government and the American people to not only build resilience against projected climate change impacts but to form agreements to stabilize climate change and also to integrate climate change across all strategy and planning. The calm of the 2007 report is replaced by a tone of anxiety concerning the future coupled with calls for public discourse and debate because “time and tide wait for no man.” The report notes a key distinction between resilience (mitigating the impact of climate change) and agreements (ways to stabilize climate change) and states that: Actions by the United States and the international community have been insufficient to adapt to the challenges associated with projected climate change. Strengthening resilience to climate impacts already locked into the system is critical, but this will reduce long-term risk only if improvements in resilience are accompanied by actionable agreements on ways to stabilize climate change. The 9/11 Report framed the terrorist attacks as less of a failure of intelligence than a failure of imagination. Greenpeace’s 2003 account of the Pentagon’s alleged report describes a coming climate Armageddon which to readers was unimaginable and hence the report was not really taken seriously. It described: A world thrown into turmoil by drought, floods, typhoons. Whole countries rendered uninhabitable. The capital of the Netherlands submerged. The borders of the U.S. and Australia patrolled by armies firing into waves of starving boat people desperate to find a new home. Fishing boats armed with cannon to drive off competitors. Demands for access to water and farmland backed up with nuclear weapons. The CNA and Greenpeace/Pentagon reports are both mirrored by similar analysis by the World Bank which highlighted not only the physical manifestations of climate change, but also the significant human impacts that threaten to unravel decades of economic development, which will ultimately foster conflict. Climate change is the quintessential “Tragedy of the Commons,” where the cumulative impact of many individual actions (carbon emission in this case) is not seen as linked to the marginal gains available to each individual action and not seen as cause and effect. It is simultaneously huge, yet amorphous and nearly invisible from day to day. It is occurring very fast in geologic time terms, but in human time it is (was) slow and incremental. Among environmental problems, it is uniquely global. With our planet and culture figuratively and literally honeycombed with a reliance on fossil fuels, we face systemic challenges in changing the reliance across multiple layers of consumption, investment patterns, and political decisions; it will be hard to fix!

## CP- White Professors

#### 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

### AT: Flaherty

#### 1. Won't pass – their evidence says it's still in committee

#### 2. Low strength of link- the law is only being considered in two states, the DA outweighs because it spans all 50

#### 3. Another alt cause to the aff – having PUBLIC COLLEGES remove restrictions on academic freedom won't do anything to change STATE LAW – the legislature is obviously supreme in this area. That also means the aff doesn’t solve

### 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

### \*\*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).

#### Removing restrictions on free speech allows hate speech – hate speech IS free speech

**Volokh 15** Eugene Volokh,No, There’s No “hate Speech” Exception to the First Amendment, The Washington Post, 5/7/15, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/07/no-theres-no-hate-speech-exception-to-the-first-amendment/?utm_term=.05cfdd01dea4> //

I keep hearing about a supposed “hate speech” exception to the First Amendment, or statements such as, “This isn’t free speech, it’s hate speech,” or “When does free speech stop and hate speech begin?” But there is no hate speech exception to the First Amendment. Hateful ideas (whatever exactly that might mean) are just as protected under the First Amendment as other ideas. One is as free to condemn Islam — or Muslims, or Jews, or blacks, or whites, or illegal aliens, or native-born citizens — as one is to condemn capitalism or Socialism or Democrats or Republicans. To be sure, there are some kinds of speech that are unprotected by the First Amendment. But those narrow exceptions have nothing to do with “hate speech” in any conventionally used sense of the term. For instance, there is an exception for “fighting words” — face-to-face personal insults addressed to a specific person, of the sort that are likely to start an immediate fight. **But** this exception isn’t limited to racial or religious insults, nor does it cover all racially or religiously offensive statements. Indeed, when the City of St. Paul tried to specifically punish bigoted fighting words, the Supreme Court held that this selective prohibition was unconstitutional (R.A.V. v. City of St. Paul (1992)), even though a broad ban on all fighting words would indeed be permissible. (And, notwithstanding CNN anchor Chris Cuomo’s [Tweet](https://twitter.com/ChrisCuomo/status/595934009764487168) that “hate speech is excluded from protection,” and his later claims that by “hate speech” he means “fighting words,” the fighting words exception is not generally labeled a “hate speech” exception, and isn’t coextensive with any established definition of “hate speech” that I know of.)

#### 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.

#### The DA 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.

### 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: Spanos – FS k2 humanist anthropology

#### 1. Flows neg- it says that the professor is synonymous to the enforcer of institutional practices and that they reproduce the dominant texts while limiting misreadings. That turns the case because it proves more professor academic freedom reproduces dominant modes of thinking which they claim they solve

#### 2. Wrong context- it doesn’t mention otherized professors whose work has been necessary to change the academy

### AT: Spanos- Campuses Key

#### 1. Alt causes- on university campuses, courses, books, student requests, and other texts factor into knowledge production and the humanist paradigm- the aff doesn’t change any of those

#### 2. Weak strength of link- the university is just one site and other methods of knowledge production all exist outside of the university

### AT: Wright

#### Wright goes neg – it explicitly differentiates between free speech and academic freedom

That the free speech values of the pursuit of truth and of collective self-development support academic freedom, even apart from the mission and policy statements cited above, should not be surprising.

#### Even though the values match up, that doesn't mean they are legally equivalent – one legal concept can promote another, but that doesn't mean that they're the same.

#### Wright concedes that the courts have no consistent precedent on whether academic freedom is protected – the whole article is prescriptive, not descriptive about the state of jurisprudence

Beyond the strands of supportive rhetoric, however, lies much current controversy and uncertainty. One court has observed that "'[a]cademic freedom' is a term that is often used, but little explained, by federal courts." Academic freedom is largely unanalyzed, undefined,6 and unguided by principled application, leading to its inconsistent and skeptical or questioned invocation. Thus, the relationship between academic freedom and the First Amendment is typically left unclear. Could any teachers ever have special academic freedom claims that are not subsumed under general First Amendment doctrine? If university administrations and boards of trustees themselves have academic freedom claims of any sort do those claims fall equally within the logic of freedom of speech? Assuming that only public universities are bound to respect First and Fourteenth Amendment free speech rights, does the logic of academic freedom nonetheless suggest any guidance for private universities? The existence of the First Amendment itself has not yet brought clarity regarding the degree, if any, to which a college professor's or other public school teacher's classroom speech is protected explicitly, in academic freedom terms or not, under the First Amendment.

### AT: Levinson

#### 1. The card isn’t relevant to free speech—it just makes a claim about academic freedom which we’ve clarified the distinction between

#### 2. this card proves that the aff has already happened because they’ve passed such academic freedom laws

# 2NC

## T

### AT: Impact Turn

1. postfiat prefiat distinction, we can imagine a peerpsective separate from the oppressor

2. if your substance is important- we need to be able to engage with it

3. our interp is not style neutral- you can debate your aff, there’s t version

#### T is not exclusion or violent – 1. this is non-falsifiable and self-serving – staking the debate on suffering and exclusion creates a moral hazard for the judge; 2. identity shouldn’t trump procedures for competitive equity – a process of engagement that encourages provisional conclusions creates a pluralist community – that’s key to productive discussions; 3. exclusions are inevitable – every argument is a framework argument in the sense that it privileges one over the other – procedural constraints just cut along reciprocal lines.

### Fairness O/V

#### The external impact is fairness- that's Anderson- it’s an impact in of itself- debate is a game of inches, which means that anything that gives them an unfair advantage should be a reason they lose – any skew is enough to be a margin of victory – maximizing competitive equity is a precondition for debates to take place

#### This outweighs their offense:

#### A. This turns their oppression based arguments- Playing a rigged game robs us of value and leads to ressentiment

#### B. Reversibility- there are a variety of ways to learn about your method i.e. other debates, books, college, but we lose fairness in this round

#### C. Fairness controls the internal link- if we prove that it wasn’t possible to engage with the affirmative, that proves that we couldn't accurately test education

### AT: Jashik

#### 1. their evidence uses a court case that is uncertain over it’s ruling, it reads “the appeals court did not rule on the merits of the case, and as it did in its first look at the demers suit”

#### 2. there are two violations—1. Academic freedom doesn’t count as constitutional speech, 2. The aff in addition has to defend other types of constitutional speech—at worst, the aff still violates the second plank so we still get offense

#### 3. prefer our definitions- they don’t use inferences from court cases that are about faculty and apply it to higher education, rather they use pure legal context which outweighs because it’s more specific to the terms that are used in that context

#### 4. we have isolated specific distinctions from free speech and academic freedom which demonstrates their difference

#### 5. even if you buy their definition in the end--- that just means this becomes a theory debate rather than a topicality debate because there are definitions flowing both ways so it’s a question of which practice is better

### AT RVI- Monolothicism

#### These aren’t RVI arguments- these are just impact turns to theory itself, that means that if we’ve beaten their top level overview- these simply have no implication

#### Fairness matters- this will just prove that our NO RVI arguments have offense to them and that they outweigh your reasons for the RVI

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#### Off A- Exclusion

#### 1. Cross apply all the reasons above for why this T shell specifically is not exclusion

#### 1. postfiat prefiat distinction, we can imagine a peerpsective separate from the oppressor

#### 2. if your substance is important- we need to be able to engage with it

#### 3. our interp is not style neutral- you can debate your aff, there’s t version

#### 4. this is non-falsifiable and self-serving – staking the debate on suffering and exclusion creates a moral hazard for the judge;

#### 5. identity shouldn’t trump procedures for competitive equity – a process of engagement that encourages provisional conclusions creates a pluralist community – that’s key to productive discussions;

#### 6 exclusions are inevitable – every argument is a framework argument in the sense that it privileges one over the other – procedural constraints just cut along reciprocal lines.

#### Off B- Whitening DA

#### 1. Being topical isn’t a whitening form of debate- it hasn’t historically been linked that way and it hasn’t created exclusion because we can talk about your role of the ballot under the resolution

#### 2. Their arguments about accessibility and exclusion presume topicality is a metaphysical imposition rooted in objective rules – our argument is that fairness and engagement are communal goods that we should maximize – this ensures competitive respect for your opponent. These conditions best facilitate a process of exchange that outweighs specific conten