**(1:40)**

**Overview**

A college or university is defined as[[1]](#footnote-1) **the building or buildings occupied by an institution of higher education**- A building cannot protect speech- means the res cannot be true.

Speech is an instrumental good. Only agents are intrinsically valuable. Hill[[2]](#footnote-2):

The second argument is roughly this: **Most valuable things[']** have value only because valued [sic] by human beings. Their **value is derivative from the fact that they serve our interests** and desires**. Even pleasure, which we value for its own sake, has** only derivative value, that is, **value dependent on the contingent fact that human beings want it**. Now if valuers confer derivative value on things by their preferences and choices, those valuers must themselves have value. In fact, they must have value independent of, and superior to, the derivative values which they create. The guiding analogy is how we treat *ends*. We value certain means because they serve intermediate ends, which in turn we value because they contribute to our ultimate ends, that is, what we value for its own sake. The value of the means and the intermediate means is derivative from the value of the ultimate ends; unless we value the ultimate end, the means and intermediate ends would be worthless to us. So, it seems, the source of derivative value must be valuable for its own sake. Since **the ultimate source of the value of our contingent ends,** such as health, wealth, and even pleasure, **is their being valued by human beings**, human beings, as valuers, must be valued for their own sakes

Speech only has value in the context of the agent. **A)** The only way speech makes sense is if we value the speech we create, otherwise we would be speaking incomprehensible gibberish without meaning which would also not be valuable **B)** Only the agents can generate value- speech is an instrumental good that can only derive value from agents, insofar as agents aren’t the actor there is no value. The constitution is only valuable because people draw value from its assertions, if we cannot draw value from the content it no longer become valuable.

The government draws obligations from consent of the governed. Darwall[[3]](#footnote-3), Earlier I mentioned that the original use of ‘obligation’ was bipolar. Originally, ‘obligation’ was used to refer to the upshot of an act of obliging, where the latterwas thought to include[s] such actions as bestowing a favor, entering into an agreement or contract, swearing an oath, and the like.17 According to this usage, by doing a good service, for example, a benefactor obligates her beneficiary to her as a debt of gratitude. By entering into an agreement or making a contract, the parties obligate themselves to one another to perform as agreed. By swearing an oath to or before someone, the swearer obligates and makes [themselves] himself accountable to the person to or before whom [they] he [or she] swears for that to which he [or she] swears. And so on. Obligations in the original sense are always owed by an obligor to an oblige

Two impacts: A) The contract is with the college, not the state meaning the state has no authority to assign an obligation to a university B) The to affirm is a paradox- the constitution is based on the idea of consent of the governed, people don’t want the aff. **Washington Post,** Anderson, Nick. "Survey: College Students Seek Balance on Free Speech and Hate Speech." The Washington Post. WP Company, 4 Apr. 2016. Web. 15 Dec. 2016. <https://www.washingtonpost.com/news/grade-point/wp/2016/04/04/survey-college-students-seek-balance-on-free-speech-and-hate-speech/?utm\_term=.2aeacfbd94af>. The survey suggests that students want to strike a balance. Seventy-eight percent said that it’s more important for colleges to create an “open learning environment,” even if that means allowing speech that is offensive or biased against certain groups of people, than to create a “positive learning environment” for all by prohibiting certain types of speech or expression that are offensive or biased. Large majorities of various subgroups — including 70 percent of black students — endorsed the primacy of an open learning environment. But **the survey** also **found that students draw a distinction between speech that is** politically **offensive and expressions that** are slurs or **promote racial stereotypes**: Asked whether colleges should be allowed to restrict political views that are offensive or upsetting to certain groups, 72 percent said no. Seventy-six percent of white students and 59 percent of black students held this view. Overall, **69 percent said colleges should be able to limit the use of slurs and other language that is intentionally offensive to certain groups**. Seventy-nine percent of black students and 67 percent of white students endorsed this view. Overall, **63 percent said colleges should be able to restrict wearing of costumes that stereotype certain racial or ethnic groups**. A larger share of black students — 77 percent — agreed with this statement, compared to 62 percent of white students. **The** telephone **survey of 3,072 students, age 18 to 24, at four-year colleges was conducted from Feb. 29 to March 15**. The overall sampling error was plus or minus 3 percentage points; for white students it was 4 points, and for black students 9 points. The questions sought to gauge student attitudes about the media and First Amendment freedoms in a year in which questions have been raised about whether reporters should be restricted from covering protests and what the appropriate response should be when the last name of a presidential candidate — “Trump” — is scrawled with chalk on campus walkways.

And, Universities aren't moral actors. A precondition to moral action is intentionality; individuals aren't responsible for actions they're not capable of being aware that they are taking. However, a college itself cannot have moral intentions since:  a) They are made up of many people who all possess different viewpoints and have no unified consciousness b) colleges are only structures with positions that are constantly changing.

And, United States is defined as[[4]](#footnote-4) **a federation of states** especially when forming a nation **in a** usually **specified territory**

The resolution does not specify what United States should take action, without specification of a territory the resolution becomes meaningless- why would a random federation follow an unknown set of speech codes, it does not specify the USA constitution.

Agents are self-legislating and can never be commanded by others. Wolff,Robert Paul Wolff, In Defense of Anarchism, University of California Press 1970 JW 2/6/15 Since the concept of taking and forfeiting responsibility is central to the discussion which follows, it is worth devoting a bit more space to clarifying it. Taking responsibility for one's actions means making the final decisions about what one should do. For the autonomous [person] man, there is no such thing, strictly speaking, as a command. If someone in my environment is issuing what are intended as commands, and if he or others expect those commands to be obeyed, that fact will be taken account of in my deliberations. I may decide that I ought to do what that person is commanding me to do, and it may even be that his issuing the command is the factor in the situation which makes it desirable for me to do so. For example, if I am on a sinking ship and the captain is giving orders for manning **the** lifeboats, and if everyone else is obeying the captain because he is the captain, I may decide that under the circumstances I had better do what he says, since the confusion caused by disobeying him would be generally harmful. But insofar as I make such a decision, I am not obeying his command; that is, I am not acknowledging him as having authority over me. I would make the same decision, for exactly the same reasons, if one of the passengers had started to issue "orders" and had, in the confusion, come to be obeyed.

Free speech requires evaluative neutrality, which is impossible, Alexander 1[[5]](#footnote-5): The paradoxical relation between the putative right of freedom of expression and the political philosophy of liberalism that is the natural home of such a right is not just a product of liberalism’s internally paradoxical stance with respect to illiberal religion, association, and expression. Freedom of expression is paradoxical within any plausible normative theory. That is because the requirement of **evaluative neutrality is the core of any right of freedom of expression, but evaluative neutrality cannot coexist with any normative theory.** **Any normative theory,** liberal or not, **will** perforce **take positions on what ought to be done given our best judgment of what the world is like.** To the extent that expression through its message or through its Track Two effects threatens to produce states of affairs inconsistent with those the normative theory prescribes, to that extent the normative theory must, as a matter of logical consistency, rule the expression to be pernicious and of negative value. To paraphrase Locke regarding religion, every normative theory is orthodox unto itself. And no orthodoxy can treat heterodoxy as acceptable. The only expression that a normative theory can regard as valuable is expression that produces effects consistent with what the theory demands. And **from no normative theory can one derive a right to engage in activities**, expressive or otherwise, **that will undermine the theory.** Only a normative theory that ranked the right to freedom of expression as lexically superior to all the other rights and interests that expression might undermine is logically capable of underpinning a human right of freedom of expression. And even that theory would face a paradox in dealing with expression that threatened to undermine it. Steve Smith labels Justice Jackson’s endorsement in West Virginia State Board of Education v. Barnette of the principle of evaluative neutrality “Barnette’s big blunder.”85 As he puts it, “[F]or all of its initial appeal, the ‘no orthodoxy’ position [evaluative neutrality] is self-contradictory, impossible to implement, and radically incongruent with the way governments in this and other countries have behaved or could behave.”86 The previous discussion has shown Smith to be correct, not only with respect to freedom of expression, but with respect to freedom of religion and association as well. And yet, evaluative neutrality is central to our understanding of freedom of expression. To repeat, **if a government states that it will permit only that expression that it believes promotes the values it endorses, it would not be viewed as respecting the right of freedom of expression**. It is for these reasons – **the impossibility of evaluative neutrality, but its centrality to freedom of expression** – that Stanley Fish maintains **[means] “there’s no such thing as free speech.”**87 As one of Fish’s interpreters puts it, “The keystone of Fish’s...argument is the claim that, as a matter of philosophical or conceptual analysis, **freedom can only be important to people because it produces consequences they value.** If freedom is important only because it produces such consequences, then, Fish argues, i**t follows logically that actions which undermine those consequences have no claim to be protected as free actions.** Not only are they not entitled to protection, such actions must actively be constrained by those who are committed to freedom and the consequences it is valued for producing. Such constraint is an expression of the commitment to freedom, not a falling away from it. The passages where Fish makes this counterintuitive point most forcefully occur in his analysis of freedom of speech. In liberal societies, free speech is important because it is believed to produce valuable consequences such as more truth, better democratic politics, and more individual self-development. But this means that any freedom of speech principle carries with it a commitment to constrain speech that destroys these things. **Alternatively put, a commitment to free speech necessarily carries within it a commitment to censorship.**88 **If free speech is only important because of its consequences, those consequences that are valued and disvalued will necessarily reﬂect partisan positions, not evaluative neutrality.**

1. http://www.dictionary.com/browse/college [↑](#footnote-ref-1)
2. Thomas Hill, Jr. “Self-regarding suicide: A modified Kantian view,” in *Autonomy and Self-Respect*, Cambridge University Press, 1991, 102-103. [↑](#footnote-ref-2)
3. BIPOLAR OBLIGATION Stephen Darwall 2011 http://philosophy.sas.upenn.edu/sites/www.phil.upenn.edu/files/events/2011/Darwall%20Bipolar%20Obligation.pdf [↑](#footnote-ref-3)
4. https://www.merriam-webster.com/dictionary/United%20States [↑](#footnote-ref-4)
5. Larry Alexander: *Is There a Right of Freedom of Expression*  [↑](#footnote-ref-5)