# K Version

#### Meaning can only be grounded in a framework of experience. That framework must be understood within a pragmatist methodology.

West 89 summarizes and quotes Dewey, Cornel. (Cornel Ronald West (born June 2, 1953) is an American philosopher, political activist, social critic, author, and public intellectual). The American Evasion of Philosophy : A Genealogy of Pragmatism. University of Wisconsin Press, 1989. The Wisconsin Project on American Writers. Pg 88-89. NP 2/25/17.

For Dewey, modern philosophy has five paradigmatic notions of experience: first, as a knowledge affair; second, as a psychical thing shot through with "subjectivity"; third, as registering what has taken place, with an exclusive focus on the past; fourth, as an aggregation of simple particulars; and last, as antithetical to thought. For Dewey, these five governing conceptions of experience constitute the pillars upon which rests the subject-object epistemological problematic of modern philosophy. His own transactional conception of experience, buttressed by Dar-winian biology and historical consciousness as well as rooted in Emersonian sensibilities, rejects each of these paltry ideas of experience. His three defi-nitions of experience in the essay lay bare his rejection and threefold debt. Experience is primarily a process of undergoing: a process of standing something; of suffering and passion, of affection, in the literal sense of these words. The organism has to endure, to undergo, the consequence of its own actions. Experience, in other words, is a matter of simultaneous doings and sufferings. Our undergoings are experiments in varying the course of events; our active tryings are trials and tests of ourselves ... Nothing can eliminate all risk, all adventure. The obstacles which confront us are stimuli to variation, to novel response, and hence are occasions for progress. If biological development be accepted, the subject of experience is at least an animal, continuous with other organic forms in a process of more complex organization. An animal in turn is at least continuous with chemico-physical processes which, in living things, are so organized as really to constitute the activities of life with all their defining traits. And experience is not identical with brain action; it is the entire organic agent-patient in all its interaction with the environment, natural and social. The brain is primarily an organ of a certain kind of behavior, not of knowing the world. And to repeat what has already been said, experiencing is just certain modes of interaction, of correlation, of natural objects among which the organism happens, so to say, to be one. It fol-lows with equal force that experience means primarily not knowledge, but ways of doing and suffering. Knowing must be described by discovering what particular mode-qualitatively unique-of doing and suffering it is.46 89 Dewey's metaphilosophy is essentially an act of intellectual regicide; he wants to behead modern philosophy by dethroning epistemology. For too long, modern philosophy has deferred to the authority of "knowl-edge" in the name of science, without questioning this authority and demystifying science, i.e., bringing it down to earth, as it were. There-fore, the diversity, complexity, and plurality of experience have been "assimilated to a nonempirical concept of knowledge. "47 This impoverished empiricism "has said Lord, Lord, Experience, Experience, but in practice it has served ideas forced into experience, not gathered from it."48 As I noted earlier, Dewey is demoting knowing without devaluing it. In fact, one can more fully appreciate the value of knowledge when it is viewed as an indispensable functional activity within the larger context of experience. Neglect of context leads toward gross distortion and truncation in epistemology-centered philosophy.

#### A Deweyan pragmatist philosophy does not devolve to abstract moral questions but is embedded in context and materiality – only this understanding allows us to appreciate knowledge as contextual, leaving room for social improvement and revision of ideas

Glaude 7, Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (5-7) NP 2/26/17.

In a Shade of Blue is my contribution to the tradition I have just sketched. My aim is to think through some of the more pressing conceptual problems confronting African American political life, and I do so as a Deweyan prag-matist. I should say a bit about what I mean by this self-description. John Dewey thought of philosophy as a form of cultural and social criticism. He held the view that philosophy, properly understood as a mode of wis-dom, ought to aid us in our efforts to overcome problematic situations and worrisome circumstances. The principal charge of the philosopher, then, is to deal with the problems of human beings, not simply with the problems of philosophers. For Dewey, over the course of his long career, this involved bridging the divide between science, broadly understood, and morals—a divide he traced to a conception of experience that has led philosophers over the centuries to tilt after windmills. Dewey declared, “The problem of restoring integration and co-operation between man’s beliefs about the world in which he lives and his beliefs about values and purposes that should direct his conduct is the deepest problem of any philosophy that is not isolated from life.”9Dewey bases this conclusion on several features of his philosophy: (1) anti foundationalism, (2) experimentalism, (3) contextualism, and (4) soli-darity.10 Antifoundationalism, of course, is the rejection of foundations of knowledge that are beyond question. Dewey, by contrast, understands knowledge to be the fruit of our undertakings as we seek “the enrichment of our immediate experience through the control over action it exercises.”11He insists that we turn our attention from supposed givens to actual consequences, pursuing a future fundamentally grounded in values shaped by experience and realized in our actions. This view makes clear the experimental function of knowledge. Dewey emphasized that knowledge entails efforts to control and select future experience and that we are always con-fronted with the possibility of error when we act. We experiment or tinker, with the understanding that all facts are fallible and, as such, occasionally afford us the opportunity for revision.12Contextualism refers to an understanding of beliefs, choices, and actions as historically conditioned. Dewey held the view that inquiry, or the pursuit of knowledge, is value-laden, in the sense that we come to problems with interests and habits that orient us one way or another, and that such pursuits are also situational, in the sense that “knowledge is pursued and produced somewhere, some when, and by someone.”13Finally, solidarity captures the associational and cooperative dimensions of Dewey’s thinking. Dewey conceives of his pragmatism as “an instrument of social improvement” aimed principally at expanding democratic life and broadening the ground of individual self-development.14Democracy, for him, constitutes more than a body of formal procedures; it is a form of life that requires constant attention if we are to secure the ideals that purportedly animate it. Individuality is understood as developing one’s unique capacities within the context of one’s social relations and one’s community. The formation of the democratic character so important to our form of associated living involves, then, a caring disposition toward the plight of our fellows and a watchful concern for the well-being of our democratic life.

#### Dewey’s pragmatic theory provides a procedure that accounts for plurality within society and enables resolution of conflicts despite conflicting values– this avoids appealing to hegemonic and authoritarian value systems

Ralston 11, Shane J. In Defense of Democracy as a Way of Life: A Reply to Talisse’s Pluralist Objection. sites.psu.edu/wp-content/uploads/sites/9354/2011/09/InDefenseDemocracyWayLife-SRalston.pdf. NP 3/26/17.

In this penultimate section, I present Dewey’s pluralist procedure and offer an illustration of democracy-as-a-way-of-life-in-action: the ‘reasonable accommodation’ debate in Québec, Canada. The reason for examining this case study is not only to illustrate how procedures central to Deweyan democracy operate in practical politics, but also to challenge an implicit assumption of Talisse’s objection, namely, that a single reasonable objection to a democratic theory is sufficient to disqualify it.89 What is Dewey’s pragmatic standard of inclusion? It is a highly, though by no means exclusively, proceduralist standard that asks and answers two questions. The first question pertains to the plurality of interests held in common by different groups—even those espousing divergent beliefs and conflicting worldviews. Specifically, it queries those affected groups, “How numerous and varied are the interests which are commonly shared?”90The second question concerns whether these groups are open to readjusting the ways in which they associate. It asks, “How full and free is the interplay [of conventional forms of association] with other forms of association?”91 Thus, Dewey’s procedure for addressing the fact of pluralism might be called the ‘mutual interest and associative flexibility’ standard of inclusion. According to this two-step procedure, members of different groups, first, identify their shared interests and, second, propose novel and flexible ways for associating in order to address their shared problems. No part of this procedure is coercive or “oppressive” as measured against Rawls’s standard of reasonable pluralism. Moreover, no part requires that groups subordinate their separate worldviews to what Talisse terms “a substantive conception of democracy.” Furthermore, no part coerces citizens to conform their values and ways of life to a governmentally endorsed regime of value commitments, or an official conception of the good life. According to Larry Hickman, “Pragmatism holds that cultural difference per se is not an occasion that calls for inquiry, but only cultural difference that leads to a situation in which there are mutually exclusive claims about what is to be done.”92 Therefore, democracy as a way of life represents a method, not a state-sponsored worldview—a procedure for negotiating, though not permanently resolving, the deeply divisive and sometimes intractable differences between groups beholden to competing forms of life. In this way, Dewey’s democratic theory resembles, as William Caspary suggests, a framework for understanding democracy as a method for mediating conflicts.93 To demonstrate how Dewey’s pluralist procedure functions in a practical political setting, I would like to examine a recent public policy debate in Canada. When a law or norm is contrary to the Canadian Charter of Human Rights and Freedoms, the government has a legal obligation to modify the law or norm accordingly—to, in effect, accommodate reasonable differences between individuals and groups within a liberal regime of procedures and rules. For instance, despite the legal requirement that all voters show their face when casting a ballot, Elections Canada has permitted an exemption for Muslim women wearing the niqab (veil) or burka.94 Though these exemptions are well-intentioned, heated dispute has arisen at the margins. Those groups whose members have been granted exemptions face rival groups claiming that the exemptions violate norms of fair and equal treatment. In the province of Québec, the public debate has oscillated between civil confrontation and xenophobic denunciations. The question at issue is, under what circumstances does accommodation become unreasonable?95 To address the escalating tensions between these groups and their competing ways of life, the provincial government has established a commission composed of two renowned Canadian public intellectuals.96 The Reasonable Accommodation Commission consults with academics, policy leaders and members of the rival groups. Though the results have been mixed, an institutional form (viz. the Commission) has been established as an initial step towards progressively arbitrating, though not permanently settling, the contested nature of what constitutes reasonable (versus unreasonable) accommodation.97 To appreciate the significance of the ‘reasonable accommodation’ debate for my overall argument, it helps to consider the rationale for examining this and other case studies. One reason is to show that in the context of practical politics it would be unreasonable to accept Talisse’s low threshold for invalidating a democratic theory, viz., a single reasonable objection. Instead, if Dewey’s democratic theory is to be criticized internally—or to borrow Talisse’s phrase, “on its own pragmatic grounds”—the theory must be evaluated with respect to its practical consequences for actual public policies. Does the Canadian policy respect the ethnic, cultural, religious and philosophical differences among citizens? Does it enhance political legitimacy and regime stability? Does it tend to bring about fair and just outcomes? Answering these kinds of questions does not fall solely within the preserve of philosophers or democratic theorists. In the real world of democratic politics, policy questions such as these are rarely sequestered to faculty seminars for philosophers and democratic theorists to settle.98 Instead, questions of this type are matters of public policy, addressing problems that are better left to ordinary citizens and their representatives to deliberate about, negotiate over and decide on appropriate policy solutions to. If political philosophers and democratic theorists have any role to play in the policy process, it is that of public intellectuals attempting to persuade their fellow citizens to see the value in sharing their views—a role to which Dewey was no stranger.99 In the world of rough-and tumble politics, unlike the faculty seminar room, a single objection, even if reasonable, is rarely enough to disqualify a candidate theory that would, by its adoption, likely improve our political practices, or the methods by which we solve our common problems. So, Talisse has more work to do if he hopes to successfully convince a critical mass of citizens and policy-makers—let alone pragmatists and Deweyans—to say “farewell to Deweyan democracy.”100 Conclusion Both formulations of Talisse’s pluralist objection fail to convince Deweyans to drop the language of pluralism because democracy as a way of life cannot be construed as an endorsement for a state-sponsored comprehensive worldview or a thoroughly substantive conception of democracy. Instead, Dewey offers a two-step procedure for negotiating TRANSACTIONS Volume 44 Number 4 646 the inescapable fact of pluralism. Similar to this procedure, the approach taken by the Canadian Reasonable Accommodation Commission highlights the affected parties’ mutual interests and suggests flexible new ways for them to associate. However, one might object that this illustration poses the risk of resorting to the same filtering strategy I have identified in Talisse’s work, that is, reading Dewey’s ideas through contemporary theoretical frameworks. Appeals to recent political events typically invoke theories, approaches and views that were alien to Dewey’s times and thought, and in ways strikingly similar to Talisse’s Berlinian, Rawlsian and Sandelian filters. While the risk of filtering is undeniable, I believe that the pragmatic value of appealing to these recent events justifies that risk. Not only does the practice help us to see the contemporary relevance of Dewey’s ideas, it also assists Dewey scholars to rebut objections similar to Talisse’s, and to decline like-minded invitations to give up the language of contemporary political theory. 101

Thus the standard is consistency with pragmatic democratic decision procedure. Clarification: **First**, democracy plays a procedural, not substantive roll in the pragmatic tradition. It doesn’t tell us what impacts matter most, nor is it just another impact to weigh against. Instead, it’s a decision procedure that tells us *what* questions to ask and how we determine answers to those questions. It would not matter if Japanese internment *would have* improved safety because the government cannot rightly even consider the structurally undemocratic policy. Pointing out the significant benefits of particular speech restrictions just does not matter if we are precluded from factoring those considerations into our deliberation. **Second,** impacts cannot be isolated from their history. Arguments that claim some particular speech restriction is good don’t matter if they don’t consider the history of such exemptions.

John **Dewey**. “The Evolutionary Method as Applied to Morality: II. Its Significance for Conduct.” The Philosophical Review, Vol. 11, No. 4 (Jul., 1902), pp. 353-371. Accessed through JSTOR

The reply already hinted at is that the mere existence of a belief, even admitting that as a belief it cannot in any way be got rid of, determines absolutely nothing regarding the objectivity of its own content. The worth of the intuition depends upon genetic considerations. In so far as we can state the intuition in terms of the conditions of its origin, development, and later career, in so far we have some criterion for passing judgment upon its pretentions to validity. If we can find that the intuition is a legitimate response to enduring and deep-seated conditions, we have some reason to attribute worth to it. If we find that historically the belief has played a part in maintaining the integrity of social life, and in bringing new values into it, our belief in its worth is additionally guaranteed. But if we cannot find such historic origin and functioning, the intuition remains a mere state of consciousness, a hallucination, an illusion, which is not made more worthy by simply multiplying the number of people who have participated in it. Put roughly we may say that intuitionalism, asordinarily conceived, makes the ethical belief a brute fact, because unrelated. Its very lack of genetic relationship to the situation in which it appears condemns it to isolation. This isolation logically makes it impossible to credit it with objective validity. The intuitionalist, in proclaiming the necessity of his content, proclaims thereby its objective reference; but in asserting its non-genetic character he denies any reference whatsoever. The genetic theory holds that the content embodied in any so-called intuition is a response to a given active situation: that it arises, develops, and operates somehow in reference to this situation. This functional reference establishes in advance some kind of relationship to objective conditions, and hence some presumption of validity. If the ' intuition' persists, it is within certain limits because the situation persists. If the particular moral belief is really inexpugnable, it is just because the conditions which require it are so enduring as to persistently call out an attitude which is relevant to them. The probability is that it continues in existence simply because it continues to be necessary in function.

#### Prefer additionally:

#### Deliberative democracy is the actualization of pragmatist principles

Rogers 1, Melvin. (Melvin L. Rogers is currently the Scott Waugh Chair in the Division of the Social Sciences and Associate Professor of Political Science and African American Studies at UCLA.) *Liberalism, Narrative, and Identity: A Pragmatic Defense of Racial Solidarity*. 2002. NP 3/12/17.

To begin, deliberative democracy acts both as a device for achieving political justification and a problem-solving mechanism. It aims at justification because it demands, as Joshua Cohen argues, that the legitimacy of the "terms and conditions of association proceed through public argument and reasoning among equal citizens."[70] But it is simultaneously a problem-solving activity to the extent that deliberation in public forums is context specific; it grows out of problems or tensions that develop in the course of collective organization that demand citizens to reason dialogically as to possible solutions.[71] The product of deliberation is registered directly or through legislative representatives, and this in turn connects deliberation to actual legislative institutions that can produce change. It places emphasis on equality, the freedom of individuals from coercion, and publicity. Although this last feature has been the source of disagreement, for our purposes it means that reasons offered in the public sphere regarding proposals must be accessible by the audience to which it is addressed.[72] So political institutions in the U.S. that foster structures that support free and public deliberation can be understood, on one level, as more or less legitimate to that extent. I say "on one level" since deliberative democrats wish to say something substantive about the legitimacy of deliberation that accrue to the outcome rather than the procedure itself. So the system is never legitimate so long as the procedure is fair, but must also be assessed by its ability to extend more substantive goods such as equality of opportunity. ￼￼￼45. This should immediately draw us to our previous discussion relating to reciprocal accountability. But it is important to see that it works on two different fronts. The first of these is the relationship between individuals and political representatives. The second is the relationship among citizens. Let us take up the first of these. 46. 47. Deliberative democrats require as part of their justificatory matrix that "others" see the validity of the principles that underwrite political and economic institutions and the policies that follow. This is vital to the understanding of the public sphere that deliberative democrats endorse. The public sphere is an arena in which individuals understand themselves as members of a political community to the extent that they can register their opinions in response to potential laws and policies and those already in existence to influence their shape. So if fairness and equality are to be secured for historically excluded groups, public policies must, by dint of their claims to legitimacy, gain the assent of those who they claim to serve or those most likely to be affected. So, for example, deliberation about what sanctions should be put in place to effectively deal with racial profiling in legal enforcement units cannot legitimately get off the ground if those most impacted by profiling are excluded from the conversation. Yet, we all know that topics can be excluded from the agenda, and specific problems such as racial profiling can be blocked from being thematized. However, reciprocal accountability views policy responses to discrimination and the historical results of racism, or the absence of such policies by political officials as actions for which they can be held to give an account. If "others" can see the rationality of policies, they can also dispute policy agenda setting by pointing to important features of social reality (i.e. blacks being indiscriminately pulled over on interstate highways) that are necessary to do justice to justice. To see the validity of political principles and policies is to understand them to be candidates for praise and endorsement or blame and rejection. And so this institutionalizes a mechanism of opposition, the nature of which not only contributes to the strength of legitimacy, but is also its life's blood. This begins to shift our emphasis from the institutions that support deliberation, to the content of deliberation that is coextensive with what legitimizes its outcome. If social identities, actions, and institutional developments are constituted through narrative, then deliberation must also be narratively mediated in the public sphere to understand the recurring presence of race and racial solidarity. In other words, one cannot adequately describe the process of deliberation and its origination without presupposing the elements of narrativity. Deliberation's origination in the pressures of collective organization underscores the centrality of setting; its attempt to follow changes in the environment as information for a possible reorientation in action denotes its temporal dimension; and its goal to achieve intersubjective understanding becomes possible because of acknowledged reciprocal accountability. Thus, deliberation turns out to be an instantiation of narrativity. Given this, political legitimacy itself is narratively formed through an on-going dialogue regarding political principles and the institutionalization of policies among those who share a common political horizon. Let me first try to say something about what this does for conversations about race.

#### Only a Deweyan notion of experience and philosophy renders the field relevant – the past matters but doesn’t count exclusively

Glaude 7 on Dewey 2, Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (83-85) NP 3/3/17.

John Dewey’s seminal essay “The Need for a Recovery of Philosophy,” critiques not so much the failure of his age as the scholasticism and conservatism of professional philosophy.38 Dewey believes that modern philosophy suffers from cultural and social irrelevance because its major pre-occupation (securing the epistemological remedy to our subject-object ailments) yields bad ways of thinking about experience. Consequently, he believes, philosophy fails to speak to our everyday doings and sufferings. Dewey aims, then, to emancipate philosophy from a “too intimate and exclusive attachment to traditional problems” in order to make what philosophers do—that is, to envision, imagine, and reflect—useful in deal-ing with our problems. This may at first seem unrelated to the problem of history in black theology, but it is precisely in Dewey’s discussion of ex-perience, and the notion of contingency that it presupposes, that the idea of history serving us takes on added significance. As Dewey writes inDemocracy and Education: “Past events cannot be separated from the living present and retain meaning. The true starting point of history is always some present situation with its problems.”39Dewey contrasts traditional conceptions of experience with notions he views as more congenial to present conditions. In the views he dismisses, experience is regarded as, above all, concerned with knowledge, a psychical thing in which the past counts exclusively and reference to precedent is believed to be its essence. The empirical tradition, then, is committed to particularism. Connections and continuities are supposed to be foreign to experience, and experience and thought are antithetical terms.40 Each of these orthodox views of experience deepens the subject-object problematic at the heart of modern philosophy. Dewey responds by arguing that knowing can be properly understood only as a functional activity in the context of experience. We think or in-quire within experience, for inquiry arises as we encounter difficult problems or meddlesome circumstances. Understood in this way, experience includes both the act of experiencing and the experience, what William James referred to as the double-barreled sense of the word. “Like its congeners, life and history,” Dewey writes, “[experience] includes what men do and suffer, what they strive for, love, believe and endure, and also how men act and are acted upon, the ways in which they do and suffer, desire and enjoy, see, believe, imagine—in short, processes ofexperiencing.”41As such, experience cannot be reduced to simply a psychical thing. The problem, then, is not whether there is epistemic justification for the existence of a world outside our ideas but, rather, how we go about dealing and coping intelligently with our environment.42For Dewey, such activity necessarily entails a degree of randomness, be-cause, as I suggested in chapter 1,“any reaction is a venture; it involves risk.” But to the extent that we generate the foresight to anticipate future consequences in our present doings and sufferings, we engage in intelligent activity. He therefore rejects the notion that “the past exclusively counts.” Experience, for Dewey, is prospective; it is as much about projection and anticipation as it is about recollection and memory. Dewey warns us to be suspicious of eulogistic predicates: invocations of permanence, essence, totality, verum et bonum, and the like lead to an artificial simplification of our lives.43Echoing in some ways Nietzsche, Dewey argues: “If[the past] were wholly gone and done with, there would be only one reasonable attitude towards it. Let the dead bury the dead.”44This connection to the future is the primary basis for critical intelligence—the primary basis, that is, for insisting on our active presence in the world. Critical intelligence is forward-looking, and only by ignoring this, Dewey argues, “does it become a mere means for an end already given. The latter is servile, even when the end is labeled moral, religious or esthetic.”45This prospective orientation presupposes that connections and relations are constitutive of our experiences and that we can infer from these experiences standards and norms that will help us in the future. In the orthodox view of experience, our doings and sufferings provide us no guidance for moral and social behavior. Dewey argues, however, that it is through critical examination of our experiences that we are able to articulate our obligations intelligently and to decide, without guarantee of success, what is best for us to do under specific circumstances. Let me quote in full a passage that, up to now, I have only referred to in fragments: Experience is primarily a process of undergoing: a process of standing some-thing; of suffering and passion, of affection, in the literal sense of these words. The organism has to endure, to undergo, the consequences of its own actions. . . . Experience, in other words, is a matter of simultaneous doings and sufferings. Our undergoings are experiments in varying the course of events; our active tryings are trials and tests of ourselves.46What is interesting about Dewey’s conception of experience is not only his rejection of modern philosophy’s obsession with the “given,” but the role history assumes in our lives once we take his conception of experience seriously.

#### A pragmatic understanding gives us the tools to understand tragic choices created as a product of racism in America

Glaude 7 on Dewey 3, Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (45-46) NP 3/3/17.

I have argued in this chapter that John Dewey’s philosophy presupposes a tragic vision and that a pragmatic view of tragedy is one in which any sit-uation properly called moral entails competing and conflicting values. Dewey sees conflict and uncertainty as constitutive and ineliminable features of our moral experience. For him, there are no guaranteed outcomes when we choose between conflicting values. We learn from tragedy that crude reductions of the complexity of our moral lives can lead to an exclusive attachment to one value and disregard for another.77 Dewey, by contrast, commends a process of intelligently guided experimentation in a world we acknowledge is shot through with contingency. We seek to secure our world, then, not by way of quests for certainty but rather by practical means, exposing our vulnerability as fragile, finite creatures to the perils of evil. To render Dewey’s philosophy of action in slogan like form: There is so much in the world that we cannot control. We should seek to control intelligently that which we can, bearing in mind that even when we succeed, the hazardous character of our world is only modestly modified, never eliminated. Intelligence, in this view, must be understood within the context of a generally humble orientation to the universe. In relation to all that is, we are small and our world is far from grand. Yet Dewey failed to address the evils of white supremacy in his work. To be sure, his influence looms large among African Americans who have struggled to end racism in the United States.78 But he himself never substantively engaged the problems of racism in any of his major work. Such an engagement would not only have offered powerful resources for thinking about certain conceptual problems plaguing African American politics but would also have made explicit the tragic dimensions of American pragmatism. My reading of Toni Morrison’s Beloved is an attempt to re-construct a pragmatic view of the tragic in light of the devastating effects of white supremacy that continue to haunt American democracy. Slave narratives sought melodramatically to disclose the evil at the heart of American democracy. Morrison’s reconstruction of those stories provides a glimpse into the tragic choices made and the consequences endured in the face of that evil. The tragic choices that we as a nation have made in regard to race—the butchering of precious ideals, as William James putit—have, ironically, made possible our present way of life. The knowledge that we gain from America’s past can, however, equip us to engage intelligently the problems that prevent democracy’s realization. By countering immodest claims of America’s greatness and inevitable triumph with the brutal reality of broken black bodies and souls, that past, in all of its complicated beauty, humbly orients us to the world of action. Beloved is a story which insists that our reflections on the future of American democracy begin with the remarkable irony at its root. For me, this is the lesson the novel renders to Dewey and to pragmatism generally: if we are to think se-riously about American democracy, we must come to terms with the tragedy of race and how it has shaped not only the life of the nation but also the choices of a blues people so deeply shaped by it. It is to those choices, so indelibly marked by quests for certainty and security amid the brutality of others, that I now turn.

#### A pragmatist understanding of identity as ontic not ontological enables individuals to maintain a sense of self worth while reconciling with inevitable tragedy

West 89 summarizes and quotes Hook, Cornel. (Cornel Ronald West (born June 2, 1953) is an American philosopher, political activist, social critic, author, and public intellectual). The American Evasion of Philosophy : A Genealogy of Pragmatism. University of Wisconsin Press, 1989. The Wisconsin Project on American Writers. Pg 121-22. NP 2/26/17.

In his conclusion, Hook adopts a Deweyan rhetoric, fused with Emersonian tropes of human creativity and possibility but purged of any utopian, optimistic, and subversive Emersonian elements. As I understand the pragmatic perspective on life, it is an attempt to make it possible for men to live in a world of inescapable tragedy-a tragedy that flows from the conflict of moral ideals-without lamenta-tion, defiance or make-believe. According to this perspective, even in the best of human worlds there will be tragedy-tragedy perhaps without bloodshed, but certainly not without tears ... Pragmatism ... sees in men something which is at once, to use the Sophoclean phrase, more wonderful and more terrible than anything else in the universe, viz., the power to make themselves and the world around them better or worse. In this way, pragmatic meliorism avoids ... romantic pessimism ... and grandiose optimism. Pragmatism, as I interpret it, is the theory and practice of enlarging human freedom in a precarious and tragic world by the arts of intelligent social control. It may be a lost cause. I do not know of a better one, and it may not be lost if we can summon the courage and intelligence to support our faith in freedom-and enjoy the blessings of a little luck.27 Unlike Emerson, Peirce, James, and Dewey, Hook conveys the sense of being cramped and constrained, a feeling of being hemmed in. He affirms the voluntaristic and moralistic aspects of the Emersonian theodicy, yet he refuses to accept the Emersonian idea that the world is somehow con-genial to human-especially American-aspirations. Hook believes neither nature nor history is biased in favor of human progress. In direct reference to Emerson, Hook writes: Even those unconventionally religious men like Emerson and Whitman who accept the world, and believe that man [people] can find security in cheerful affirmation of the natural conditions of his being, must recognize that Nature is no respecter of human purposes or human existence, that Nature can run amok-that the sufferings produced by the mindless intrusions of fire, ice, flood and wind in human affairs often dwarf those resulting from human cruelty. Jehova or Nature are bound by no rules of man.

## Advocacy

I defend the whole resolution.

## Contention

#### First, schools must be guardians of free expression – otherwise students will be willing to cede to external authorities after leaving educational institutions.

Stack and Simpson 10, Stack, Sam F. and Douglas J. Simpson (2010). Teachers, Leaders, and Schools : Essays by John Dewey. Carbondale, Ill: Southern Illinois University Press. Pg 227-229. NP 3/2/17.

There is, however, one domain in which fear of governmental action never became dominant in American life. That is the domain of education. In this field, the founding fathers proclaimed with well-nigh unanimous voice that government, local and state if not national, should act positively and constructively. This voice has been constantly re-echoed throughout the course of our history by political and educational statesmen alike. The voice has awakened a warmer response in the hearts of the American people than any other appeal made to them. Doubtless many parents have responded to the appeal because they felt that school education opened doors to material opportunity and success that were otherwise closed to their children. But the appeal and the response have not been merely material. The American faith in education has been grounded in the belief that without education the ideal of free and equal opportunity is an idle fantasy; that of all the guarantees of free development, education is the surest and the most effective. This fact imposes a great responsibility upon the schools and upon the educators who conduct them. What have the schools done to bring the social-economic goal of freedom nearer to realization? What have they failed to do? What can and should they do to combat the threats which imperil freedom? The mere raising of these questions calls attention to one phase of freedom, a fundamental one which has not been touched upon in the previous discussion—Intellectual Freedom. The Bill of Rights in the federal Constitution (unfortunately not found in all state constitutions) guarantees, as far as law can guarantee anything, freedom of belief, of speech, of the press, of assembly, and of petition. These are aspects of what I have called intellectual freedom, but which perhaps would better be called moral freedom. Eternal vigilance is even more the price of liberty with respect to these liberties than in the case of liberty of external action. The enemies of liberty of thought and expression in fields where it is felt that this liberty might encroach upon privileges possessed and might disturb the existing order, are organized and determined. The ultimate stay and support of these liberties are the schools. For it is they which more than any other single agency, are concerned with development of free inquiry, discussion and expression. Nor is it enough that the schools by example and precept should instill faith in the precious character of these forms of freedom, or even that they should themselves be living models of the practise of freedom of inquiry, experi-mentation, and communication. These things are indeed to be cultivated. But the schools have also the responsibility of seeing to it that those who leave its walls have ideas that are worth thinking and worth being expressed, as well as having the courage to express them against the opposition of reactionaries and standpatters. It is quite possible that in the long run the greatest friend of censorship, whether public and explicit or private and insidious, and the greatest foe to freedom of thought and expression, is not those who fear such freedom because of its possible effect upon their own standing and fortune, but is the triviality and irrelevancy of the ideas that are entertained, and the futile and perhaps corrupting way in which they are expressed. It is indeed necessary to have freedom of thought and expression. But just because this is necessary for the health and progress of society, it is even more necessary that ideas should be genuine ideas, not sham ones, the fruit of inquiry, of observation and experimentation, the collection and weighing of evidence. The formation of the attitudes which move steadily in this direc-tion is the work and responsibility of the school more than of any other single institution. Routine and formal instruction, undemocratic administration of schools, is perhaps the surest way of creating a human product that submits readily to external authority, whether that be imposed by force or by custom and tradition, or by the various forms of social pressure which the existing economic system produces. It is idle to expect the schools to send out [people] young men and women who will stand actively and aggressively for the cause of free intelligence in meeting social problems and attaining the goal of freedom un less the spirit of free intelligence pervades the organization, administration, studies, and methods of the school itself. Educators have a primary responsibility in this respect. In the words of the original brief formulation of the Social-Economic Goals of America, “more and more should teachers become community leaders of thought.” But teachers can-not accomplish this task alone. In the further language of the same formulation, “In that role they will need group solidarity and the support of public opinion, aroused to appreciate the fundamental importance of this aspect of freedom.” The emphasis that is placed upon a greater measure of economic freedom for the mass of the people is not final. It does not stand alone. Ultimately, the economic freedom (which is dependent upon economic security) is a means to cultural freedom, to the release of the human spirit in all its capacities for development through science, art, and unconstrained human intercourse. The school is par excellence the potential social organ for promoting this liberation. In ultimate analysis, freedom is important because it is a condition both of realization of the potentialities of an individual and of social progress. Without light, a people perishes. Without freedom, light grows dim and darkness comes to reign. Without freedom, old truths become so stale and worn that they cease to be truths and become mere dictates of external authority. Without freedom, search for new truth and the disclosure of new paths in which humanity may walk more securely and justly come to an end. Freedom which is liberation for the individual, is the ultimate assurance of the movement of society toward more humane and noble ends. [s]He who would put the freedom of others in bond, especially freedom of inquiry and communication, creates conditions which finally imperil his own freedom and that of his offspring. Eternal vigilance is the price of the conservation and extension of freedom, and the schools should be the ceaseless guardians and creators of this vigilance.

#### This links to the standard -- challenging authoritative dictates about appropriate speech is necessary to produce a democratic ontology and self-critical citizens that challenge power structures.

Burch 9. KerryBurch (Northern Illinois University). PARRHESIA AS A PRINCIPLE OF DEMOCRATIC PEDAGOGY. 2009 Ohio Valley Philosophy of Education Society/Volume 40. files.eric.ed.gov/fulltext/EJ864311.pdf (pg 79-80). NP 3/2/17.

In Democracy Matters, Cornel West theorizes parrhesia in ways that affirm its value as a pedagogical principle vital to the formation of democratic identities.26 He presents a conception of national identity grounded in the contradictory values of democracy versus the ―might makes right‖ values of imperialism. West takes aim at the myth of American exceptionalism and its symbiotic relation to the expansionist warrior ethos. Within this interpretation, the trajectory of U.S. history is driven by the unceasing clash of these opposing tendencies. One of the most compelling points West makes, echoing James Baldwin, is that in order for Americans to ―achieve their country,‖ we must develop the courage to integrate the repressed dark-side of the national memory into our civic self-conceptions. West praises parrhesia for its ability to bring radical scrutiny to the self-congratulatory platitudes which sustain dominant images of American identity. The mythic narratives of moral superiority and national innocence which inform American exceptionalism are predicated on the repression of public memories whose recovery would undermine the legitimacy of these very narratives. Thus, the pedagogical act of retrieving the forgotten memories of slavery, the nuclear attacks on the civilian populations of Hiroshima and Nagasaki, My Lai, Abu Ghraib, or other signifiers of injustice, would qualify as parrhesiatic. To avoid reproducing images of national superiority, inconvenient truths in particular need to be brought into view and integrated into the American civic self-conception. Enter parrhesia as a heuristic device for opening up questions and dialogue about these unsavory, institutionally repressed dimensions of American public life. Significantly, West offers a synthesis of parrhesia‘s political dimension with that of caring for the self: In the face of elite manipulations and lies, we must draw on the Socratic. The Socratic commitment to questioning requires a relentless self-examination and critique of institutions of authority, motivated by an endless quest for intellectual integrity and moral consistency. It is manifest in fearless speech—parrhesia—that unsettles, unnerves, and unhouses people from their uncritical sleepwalking.27 West aptly defines the content of parrhesia‘s pedagogical telos: a project that ―unsettles, unnerves and unhouses people from their uncritical sleepwalking.‖ Such a project can be directed outward toward a critique of institutions of authority or inward toward a critique of one‘s own thinking. The concept thus has the advantage of functioning both as an ontological basis for democratic ideology as well as a potential critique of that selfsame ideology To summarize, I would like to suggest a two part justification for parrhesia‘s inclusion into our pedagogical quivers. First, since one of the purposes of philosophy of education courses is to stimulate critical, independent thinking about students‘ place in the world and who they are as teachers and citizens, it follows that we are talking about educating toward a specific mode of being. This mode of being can be generalized under the heading of a ―democratic civic ontologyor a ―democratic personality formation.‖ Such a formation (by whatever label) will come into being more readily if teachers were to harness the energies and devotions of parrhesia as an intellectual and moral ideal. Further, because the interrogatory qualities of parrhesia can be directed externally or internally—toward official authorities as well as toward one‘s own thinking—it is dialectical owing to its capacity to highlight the complex relations that exist between the ―psyche and the city.‖ Secondly, parrhesia can help fulfill and integrate those dispositions which together constitute a holistic conception of democratic citizenship. The character traits that define democratic selfhood-- questioning, passion for public affairs, dialogue, the capacity to revise, imagination, initiative, a sense of equality, a concern for the common good, an ability to enact positive forms of freedom —are traits derivative of parrhesia. Moreover, as a secular and provisional form of subjective truth, parrhesia appears to be in alignment with how American pragmatists have theorized conceptions of truth conducive to a pluralistic, multicultural society.28 These marvelous qualities and democratic purposes are sequestered within its symbolic boundaries. For all of these reasons, parrhesia represents a sound pedagogical principle for achieving democratic courage in action, a principle sorely needed today to counter the debilitating effects of a market-driven education and the dogged tenacity of the American warrior ethos.

#### Second, avoiding censorship of even offensive ideas is necessary to safeguard universities as protectors of democratic values and avoid dogmatism and groupthink

West and George 17. Sign the Statement: Truth Seeking, Democracy, and Freedom of Thought and Expression - A Statement by Robert P. George and Cornel West (Robert P. George is McCormick Professor of Jurisprudence and Director of the James Madison Program in American Ideals and Institutions at Princeton University. Cornel West is Professor of the Practice of Public Philosophy in the Divinity School and the Department of African and African- American Studies at Harvard University.) March 14, 2017. NP 3/15/17.

The pursuit of knowledge and the maintenance of a free and democratic society require the cultivation and practice of the virtues of intellectual humility, openness of mind, and, above all, love of truth. These virtues will manifest themselves and be strengthened by one’s willingness to listen attentively and respectfully to intelligent people who challenge one’s beliefs and who represent causes one disagrees with and points of view one does not share. That’s why all of us should seek respectfully to engage with people who challenge our views. And we should oppose efforts to silence those with whom we disagree—especially on college and university campuses. As John Stuart Mill taught, a recognition of the possibility that we may be in error is a good reason to listen to and honestly consider—and not merely to tolerate grudgingly—points of view that we do not share, and even perspectives that we find shocking or scandalous. What’s more, as Mill noted, even if one happens to be right about this or that disputed matter, seriously and respectfully engaging people who disagree will deepen one’s understanding of the truth and sharpen one’s ability to defend it. None of us is infallible. Whether you are a person of the left, the right, or the center, there are reasonable people of goodwill who do not share your fundamental convictions. This does not mean that all opinions are equally valid or that all speakers are equally worth listening to. It certainly does not mean that there is no truth to be discovered. Nor does it mean that you are necessarily wrong. But they are not necessarily wrong either. So someone who has not fallen into the idolatry of worshiping his or her own opinions and loving them above truth itself will want to listen to people who see things differently in order to learn what considerations—evidence, reasons, arguments—led them to a place different from where one happens, at least for now, to find oneself. All of us should be willing—even eager—to engage with anyone who is prepared to do business in the currency of truth-seeking discourse by offering reasons, marshaling evidence, and making arguments. The more important the subject under discussion, the more willing we should be to listen and engage—especially if the person with whom we are in conversation will challenge our deeply held—even our most cherished and identity-forming—beliefs. It is all-too-common these days for people to try to immunize from criticism opinions that happen to be dominant in their particular communities. Sometimes this is done by questioning the motives and thus stigmatizing those who dissent from prevailing opinions; or by disrupting their presentations; or by demanding that they be excluded from campus or, if they have already been invited, disinvited. Sometimes students and faculty members turn their backs on speakers whose opinions they don’t like or simply walk out and refuse to listen to those whose convictions offend their values. Of course, the right to peacefully protest, including on campuses, is sacrosanct. But before exercising that right, each of us should ask: Might it not be better to listen respectfully and try to learn from a speaker with whom I disagree? Might it better serve the cause of truth-seeking to engage the speaker in frank civil discussion? Our willingness to listen to and respectfully engage those with whom we disagree (especially about matters of profound importance) contributes vitally to the maintenance of a milieu in which people feel free to speak their minds, consider unpopular positions, and explore lines of argument that may undercut established ways of thinking. Such an ethos protects us against dogmatism and groupthink, both of which are toxic to the health of academic communities and to the functioning of democracies.

#### This links to the standard – free and open deliberation is necessary to recognize particularity of contexts and respect democratic procedures

Rogers 10 summarizes Dewey. (Melvin L. Rogers is currently the Scott Waugh Chair in the Division of the Social Sciences and Associate Professor of Political Science and African American Studies at UCLA.) Contemporary Pragmatism Editions Rodopi Vol. 7, No. 1 (June 2010), 69–91 Dewey and His Vision of Democracy Melvin L. Rogers. P 82-83. NP 3/12/17.

The significance Dewey accords deliberation among citizens yields another point regarding the fact of conflict in modern societies that sends us back to “The Ethics of Democracy.” As he says in The Public and Its Problems: “Differences of opinion in the sense of differences of judgment as to the course which it is best to follow, the policy which it is best to try out, will still exist” (362). Writing now in his post-Hegelian period, Dewey can more easily concede this point. And he amplifies the claim years later in Liberalism and Social Action, arguing that deliberation works to bring “conflicts [among citizens] out into the open where their special claims can be seen and appraised” in understanding the depth and complexity of the political problems and policy proposals.50 To say that deliberation brings conflict out into the open is not to deny that one result of this process may be a deepening of dissonance. Indeed, we will often have conflicts among groups that will need to be mitigated with the least amount of cost to democratic commitments. But, he explains in The Public and Its Problems how he understands the centrality of deliberation: “But opinion in the sense of beliefs formed and held in the absence of evidence will be reduced in quantity and importance. No longer will views generated in views of special situations be frozen into absolute standards and masquerade as eternal truths” (362). For him, the genuineness of deliberation holds out the trans- formative possibility of un-stiffening our commitments – our commitments matter, he argues, but they should never grip us so tightly that they are beyond revision and contestation. Coextensive with democratic decision making are both the transformative role that underwrites how we come to understand political problems in their various dimensions and that contributes to the possibility of forging shared values for action, and informational purposes of communication in con- textualizing expert knowledge. These two elements, Dewey argues, mean that lay and expert knowledge gains whatever vitality it has from being forged through deliberative process that makes each responsive to the other. Without the participation of citizens – understood by Dewey as substantive input – justification of one’s actions would come uncoupled from being accountable to the public. There is a practical upshot to Dewey’s argument. For example, where decision making is based less on the continuous input from public hearings, town hall meetings, advisory councils, and other deliberative bodies, there is greater reason to be concerned about the ends to which those decisions aim and the background interests from which they proceed. Moreover, there is reason to be equally suspicious of bureaucratic processes that are resistant to expanding decision making power by taking a bottom-up approach.51 Of course there may be good reason not to take such an approach, as for example when we think Dewey and His Vision of Democracy 83 about the obstacles that limited resources and time pose for political decision making. Here Lippmann’s point about the obstacles to broad-based inclusion is inescapable. But Dewey’s argument implies that the burden of proof must rest with those who seek less rather than more inclusive arrangements.52 So to the extent that experts guide political power without taking direction from the public in the form of deliberation, the entire decision making process loses in legitimacy what it gains in suspicion.

#### Third, Pragmatism supports freedom of expression, because freedom of expression is the only method of social change that attains reliable and effective radical revisions of society.

Rosenfeld 98 summarizes Rorty. Just Interpretations Law between Ethics and Politics Michel Rosenfeld UNIVERSITY OF CALIFORNIA PRESS Berkeley · Los Angeles · Oxford © 1998 The Regents of the University of California. NP 2/10/17.

The political means Rorty considers necessary to render his hopes for redemption in this world realistic are startlingly simple and familiar. He ― 179 ― states, "I think that contemporary liberal society already contains the institutions for its own improvement. . . . Indeed my hunch is that Western social and political thought may have had the last conceptual revolution it needs. J. S. Mill's suggestion that governments devote themselves to optimizing the balance between leaving people's private lives alone and preventing suffering seems to me pretty much the last word" (ibid., 63; emphasis in original). Moreover, the principal difference between Rorty's postmodern liberal ideal and its Millian counterpart stems from Rorty's insistence on privileging the role of language and narrative to the exclusion of anything that may lie behind or beyond language. In Rorty's ideal liberal society, change is the result of persuasion rather than force, reform rather than revolution (ibid., 60). Also, since the best hope for liberal society is that it will foster useful redescriptions, uninhibited freedom of expression ranks among its paramount objectives. It is true that freedom of expression already occupied a similar prominence in Mill's vision. But Mill, who unearthed the philosophical roots of the marketplace of ideas justification of freedom of speech, was convinced that uninhibited discussion afforded the best possible means toward discovery of the truth (Mill 1859, 15-52). Rorty, by contrast, values discussion for its own sake and preaches freedom of expression as the best hope to lead to more speech instead of the use of force (Rorty 1989, 52). In short, the paramountcy of freedom of expression is doubly justified in Rorty's prophetic vision. On the one hand, it enlarges the horizon for redescription; on the other, it serves to channel conflicts toward resolution by means of discussion as opposed to force. It is Rorty's hope that in a liberal society committed to freedom of expression the poet and the innovator will prevail. And if that makes life harder for others, Rorty reassures us that we need not worry, for it will be harder "only by words, and not deeds" (ibid., 61). In the last analysis, Rorty's critical analysis and his prophetic vision can be plausibly combined to yield a seemingly coherent version of intermediate pragmatism. Moreover, since Rorty's philosophy is driven by at least one constant objective, namely the hope for more useful redescription, the intermediate pragmatism to which it apparently leads would qualify as a pragmatism of ends, at least with respect to one end. That (second-order) end is the maximization of opportunities for imaginative redescriptions, and it calls for at least one legal norm, namely affording the greatest possible protection to freedom of expression. Accordingly, in spite of their otherwise significant differences, Posner and Rorty both concur that pragmatist philosophy lends support to freedom of expression. It is now time to take a closer critical look at this common conclusion, by inquiring whether the pragmatist defense of freedom of expression can overcome the challenge posed by extremist and hate speech. Also, after this inquiry, we will be in ― 180 ― a better position to answer the question raised but left open above, that is, whether Rorty's prophetic vision is ultimately unpragmatic because of its shortcomings regarding means rather than ends.

#### Yes, speech is imperfect and there are problems with the aff. But under pragmatism this cannot be a reason to reject in a final sense. My ethical system is no doubt imperfect, but if you cannot prove yours is perfect we need the aff openness.

Ruti, professor of Critical Theory at the University of Toronto, ‘15

(Mari, *Between Levinas and Lacan: Self, Other, Ethics*, Bloomsbury Publishing, pg. 170-177)

After the collapse of metaphysical justifications for universality, we do not have any choice but to admit that the version of universality we conjure into existence – and the a priori norms that support this universality – inevitably arises in a particular context: it is historically and culturally specific even as it strives to transcend this specificity. But – and my point here mirrors the argument I made about rationality above – this does not mean that our universalism is intrinsically worthless; while the loss of metaphysical foundations for our normative systems complicates their claim to universality, it does not automatically invalidate them. This is exactly what Allen is getting at in the passage I quoted at the beginning of this chapter: we make a mistake if we assume that our only options are either the delusion of being able to transcend our context into a realm of "pure" universality or a descent into "anything-goes" relativism. More specifically, Allen argues that we can profess the universal validity of some of our principles – such as the principles of equality, reciprocity, or mutual respect – as long as we remain aware that these principles are derived from the historical and cultural resources of Western modernity. In this manner, Allen advocates what she calls "principled contextualism": we may take our norms "to be universal and context transcendent, as long as we recognize that the notions of universalizability and context transcendence are themselves situated in the context of late Western modernity" (PS 180). An important part of this recognition is the admission that "it may turn out from some future vantage point that our normative ideals are themselves, in some ways that we have yet to realize, pernicious and oppressive" (PS 180). That is, we need to be "more historically self-conscious and modest about the status of our normative principles" (PS 180); among other things, we need to be open to the possibility that our principles can be contested. Yet this does not imply that "we are incapable of making normative judgments in light of such principles" (PS 180). Allen is looking for a way out of nihilistic relativism by proposing that our awareness that we must continuously interrogate our ethical principles does not mean that these principles are devoid of all value. Nor does our recognition that our principles cannot be divorced from their context mean that we cannot claim that they are capable of transcending their context; that is, our principles can be context-transcending without being context-neutral. This, as we saw in Chapter 2, is Butler's argument in Parting Ways, even if she ends up backpedaling on the universalist implications of her approach. 14 More important for our present purposes, this is how Allen arrives at the "historical a priori" I have referred to in passing. As Allen explains, "The historical specificity of our a priori categories, their rootedness in historically variable social and linguistic practices and institutions" (PS 31-2) does not cancel the power of these categories to order our existence. However, if we want others to be convinced by our a priori ideals, we need to persuade them through a democratic process. If the Enlightenment resorted to aggression to spread its views, the Habermasian democratic method, according to Allen, relies on more collectively formed public opinions. Allen's point is akin to the one Benhabib makes through her notion of "democratic iterations": rather than the solitary Kantian subject trying to figure out in the abstract what everyone might conceivably agree on, the Habermasian approach offers a model where social agents collaborate with each other to forge a perspective that everyone can agree on. This junction of compatible views, then, becomes the current "historical a priori," the current version of the universal. Any given "historical a priori" can obviously take hegemonic forms. I grant, as does Allen, that we need to remain vigilant about the constitutive exclusions that a priori norms often imply. Yet the merits of a normative system that is brought into being through a continuous democratic process – a process that can accommodate the tensions of rethinking, refinement, and renegotiation – also seem considerable. Borrowing from Fraser, one could say that the historical a priori is always open to reframing. Such reframing happens, for instance, when individuals or groups who have been excluded from a given ethical frame demand admission to it, thereby automatically altering the parameters of the frame. Proposing that "misframing" may be "the defining injustice of a globalizing age," Fraser advocates – echoing Butler's observations about the necessity of revising the frames of perception that eliminate some populations from the status of the fully human – "an enlarged, transnational sense of who counts as one's fellow subjects of justice." 15 This implies that when the frame shifts – say, from a national to a transnational one – so does the historical a priori: an a priori that was formulated in a given national context might not be appropriate for a transnational one. There must thus be a period of readjustment, but this does not imply the neutralization of the a priori – as some cultural relativists might assume – but merely its reconfiguration. Or, to restate the larger argument I have tried to articulate, the concept of the historical a priori requires that we admit that an a priori principle can be normatively meaningful even as it is open to alteration; the a priori – as I noted above – holds until it is deemed somehow flawed or unjust. In Fraser's words, "The result would be a grammar of justice that incorporates an orientation to closure necessary for political argument, but that treats every closure as provisional – subject to question, possible suspension, and thus to reopening" (SJ72). The model Fraser advocates hence treats every ethical closure as provisional. Fraser calls this model "reflexive justice," specifying that it scrambles the opposition between the Habermasian democratic model on the one hand and the more poststructuralist, Marxist, and skeptical model (which she calls "agonistic") – the model that dominates contemporary progressive criticism – on the other. If the first of these is sometimes accused of being excessively normalizing, the second-which is essentially the model I have been analyzing in this book (with the exception of Levinas) – is, as Fraser puts it, "often seen as irresponsibly reveling in abnormality" (SJ73 ). Against this backdrop, the advantage of Fraser's model is the following: Like agonistic models, reflexive justice valorizes the moment of opening, which breaches the exclusions of normal justice, embracing claimants the latter has silenced and disclosing injustices the latter has occluded-all of which it holds essential for contesting injustice. Like discourse ethics, however, reflexive justice also valorizes the moment of closure, which enables political argument, collective decision-making, and public action – all of which it deems indispensable for remedying injustice. (SJ73-4) In this manner, Fraser declares the standard opposition between the Habermasians and the agonists to be a false one, for it is possible to admit the best insights of both by acknowledging the value of both opening (contestation) and closure (binding norms that enable ethical and political decisions). Such an approach rejects relativism, enabling normative judgments and political interventions, but without thereby locking the content of such judgments and interventions into a fixed, immutable definition. All of this of course implies that there is one norm that stands above every other: what Fraser calls "the overarching normative principle of parity of participation" (SJ60). On this view, Fraser explains, "Overcoming injustice means dismantling institutionalized obstacles that prevent some people from participating on a par with others, as full partners in social interaction" (SJ 60). In other words, for Fraser's paradigm to function, one needs a base-level faith in the democratic process even as one acknowledges that it is always going to fall short of its own ideals. Like Levinasian justice, which knows that it will never he able to live up to the demands of ethics, concrete democratic formations are invariably guilty, humiliated by their failures, but this cannot, for the Habermasians at least, discourage us to the point that we stop trying to improve them. As Benhabib explains: As with any normative model, one can always point to prevailing conditions of inequality, hierarchy, exploitation and domination, and prove that "this may be true in theory but not so in practice" (Kant). The answer to this ancient conflict between norm and reality is simply to say that if all were as it ought to be in the world, there would be no need to build normative models, either. The fact that a normative model does not correspond to reality is no reason to dismiss it, for the need for normativity arises precisely because humans measure the reality they inhabit in the light of principles and promises that transcend this reality. The relevant question therefore is: Does a given normative model enable us to analyze and distill the rational principles of existing practices and institutions in such a fashion that we can then use these rational reconstructions as critical guidelines for measuring really existing democracies? 16 Allen sums up the matter by noting that though imbalances of power are important for Habermasian critical theory to grapple with, the solution to this "can only be more discourse or debate" (PS 18). This continued faith in the perfectibility of the democratic process is what distinguishes the Habermasian feminists I have cited in this chapter from the thinkers – perhaps, again, with the exception of Levinas – I have discussed in earlier chapters of this book. The latter thinkers, as well as those aligned with these thinkers, would in fact ridicule the Habermasian stance for its naive inability to recognize how power corrupts the democratic process, how, for example, neoliberalism and global capitalism have torn democracy into shreds. As Wendy Brown explains, "This is a political condition in which the substance of many of the significant features of constitutional and representative democracy have been gutted, jettisoned, or end- run, even as they continue to be promulgated ideologically, served as a foil and shield for their undoing and for the doing of death elsewhere." 17 Indeed, what good can the ideal of participatory parity do in the context of biopolitical and other invisible forces of power that constitute us as compliant subjects well before we understand the basic principles of such parity? If our psychic lives, including our unconscious desires, fantasies, and motivations, are shaped by hegemonic power, then participatory parity seems like a mere stopgap measure – something that makes us feel slightly better about being nothing but the obedient marionettes of power.5 To some degree I agree with such pessimism about the Habermasian democratic process. But I am not convinced that the alternative approaches I have analyzed in this book necessarily fare any better in terms of being capable of addressing the problem of power. I have already explained my reservations about the ability of Zizek and Badiou to do so. Butler may at first glance seem more competent in this regard, given that the critique of disciplinary power has always been central to her theory. Yet, as I have demonstrated, I am not reassured by her assertion that opposing power is a matter of negotiating with it. Nor am I persuaded by the haphazardness of her understanding of resistance—a haphazardness that arises from her rejection of agency. Take her assertion that the Benjaminian messianic rupture of divine violence—outlined in Chapter 3—offers the possibility of a political intervention based on distraction: Perhaps we need to be more distracted, as Baudelaire was said to be, in order to be available to the true picture of the past to which Benjamin refers. Perhaps, at some level that has implications for the political point I hope to bring out here, a certain disorientation opens us to the chance to wage a fight for the history of the oppressed.1\* Butler here offers disorientation and chance—rather than action, choice, or decision—as a political strategy. As she adds, "We have to be provisional situationists, seizing the chance to fight when it appears" (PW \ 10). This is not a new problem, for long before Butler's turn to ethics, she wrote, in relation to our tendency to identify with the power structures that subjugate us: "The very categories that are politically available for identification restrict in advance the play of hegemony, dissonance and rearticulation. It is not simply that a psyche invests in its oppression, but that the very terms that bring the subject into political viability orchestrate the trajectory of identification and become, with luck, the site for a disidentificatory resistance."''' I have already expressed my dissatisfaction with the idea that the psyche invariably "invests in its oppression," but in the present instance I want to call attention to Butler's reduction of resistance—here configured as a practice of disidentification—to a kind of lucky break from the generalized background of power. Allen has noted the same problem, arguing that luck is too flimsy a basis for political resistance, and pointing out, furthermore, that Butler's reluctance to theorize the social world as anything but hegemonic makes it difficult for her to envision the possibility of social solidarity, including nonsubordinating, nonstrategic forms of mutual recognition. As Allen asserts: Without a more fully developed and less ambivalent notion of cognition, Butler is left unable to explain the possibility of collective or, ultimately, individual resistance. . . . Without an account of how the recognition of our commonality provides the basis for political community and collective resistance, Butler is left suggesting that the transformation from identification to disidentification, from signification to resignification, from subjectivation to a critical desubjectivation, is nothing more than a matter of luck. (PS 93)

#### Fourth, the constitutional protections of free speech have been shaped by a long history of pragmatist methodology. This provides extremely strong epistemic grounds for maintaining and strengthening the procedure.

Bean and Elbow summarize Dewey. Janet Bean and Peter Elbow. FREEWRITING AND FREE SPEECH: A PRAGMATIC PERSPECTIVE. JOURNAL OF TEACHING WRITING VOLUME 25.1

Free speech would not have had its long history even into the present if it were seen only as a universal absolute or metaphysical right. The soil that has nourished it in our country is the long tradition of American pragmatism. In an important book for our field (Reason to Believe: Romanticism, Pragmatism and the Teaching of Writing), Roskelly and Ronald explore how this tradition goes back to the earliest days of English settlement in this country. Cornel West celebrates the American roots of pragmatism in a striking phrase, “the American evasion of philosophy.” He insists that pragmatism involves “a kind of inseparable link between thought and action, theory and practice” (West 10, quoted by Roskelly and Ronald 56). The colonists, for understandable reasons, developed a tradition of crude, everyday, see-what-works pragmatism. But Peirce and James and others developed pragmatism as a philosophical theory. Pragmatism assumes that truth, values, and what we think of as “reality” are not eternal, universal givens but relative and contextual. As Roskelly and Ronald put it, there is a “strong emphasis on experience as opposed to a priori assumptions” and pure theory (86). The goal of pragmatism is to avoid the swamps and dead-ends that come from debating absolutes (for example, does freedom exist or not exist?). “Grant an idea to be true,” pragmatism says, then ask “what concrete difference will its being true make in anyone’s actual life” (James, qtd. in Roskelly and Ronald 87). The questions—what works? How does it matter to lived experience?—these are central to pragmatic methodology. And they radically change the nature of philosophical inquiry. As James puts it: “It is astonishing to see how many philosophical disputes collapse into insignificance the moment you subject them to this simple test of tracing a concrete consequence” (qtd. in Roskelly and Ronald 21). (Compositionists should not forget how much Ann Berthoff was indebted to Peirce). Once we understand the pragmatist frame of thinking, it’s worth looking again at the First Amendment. As the framers wrote about freedom of speech, press, assembly, and so on, they were working out a pragmatic response to the specific conditions of their lives. The founders didn’t pretend they were protecting the speech of women and slaves. What gave meaning and urgency to the first amendment were the historical and contingent circumstances they were living through. The force of the First Amendment had to do with consequences and effects—the essential pragmatic criteria. People were put in American and English jails for what they wrote and said in public, and even for gathering in groups on street corners to criticize or even just discuss government policy. The framers took concrete action to prevent the creation of explicit laws that would underwrite the use of police or troops to stop people who dared speak. Some people may fall into the trap of thinking that the First Amendment creates a perfect space for pure freedom, and others into the trap of thinking that “freedom” is nothing but a naïve illusion. But the genuine traction that free speech manages to retain in our society comes from an awareness that we continue to live in historical conditions where free speech is so easily abridged—where we are continually confronted with a choice between more freedom and less. Free speech seems all the more precious in light of the Patriot Act and other contemporary government activities. (On discouraging days, a cynical thought recurs: free speech survives as a concept but not as a practice; freewriting survives as a practice, but not as a concept.)1 First Amendment legal practice is notably complex and context-dependent. Free speech cases have always necessitated a pragmatic approach. Even though justices like Brandeis might sometimes frame free speech as human universal, Supreme Court decisions are always about particular, contingent, historical judgments. Lawyers for one side argue that the particular case should be seen as an instance of one statute or precedent, while lawyers for the other side say that a different statute or precedent should decide the case (or at least that the first rule should not apply). Pragmatism, perhaps even more than Enlightenment ideals, has shaped how the First Amendment actually operates in our society through the legal system. When legal scholars and lay people evoke the metaphor of free speech as a “marketplace of ideas” or the concept of “clear and present danger,” they are indebted to the Supreme Court Justice Oliver Wendell Holmes (who, as a young man, was a member of the Metaphysical Club with William James and C.S. Pierce). In classic pragmatist fashion, he argued that truth is contingent and must be tested by experience. The Constitution itself, he argues, is grounded in pragmatic theory: . . . the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution. Freedom, argues Holmes, is valuable because of its usefulness. Even bad ideas need to be heard (just as Peter has argued that “bad” writing needs to be committed to paper). Society—and individual writers—need an arena for uncensored expression, not only to discover the (contingent) truth but to serve the ultimate good.

#### The practical effects of arguments matters – censors claim to care about some external good but censorship always fill the same purpose – to consolidate power and serve the interest of the group in control.

Stack and Simpson 10, Stack, Sam F. and Douglas J. Simpson (2010). Teachers, Leaders, and Schools : Essays by John Dewey. Carbondale, Ill: Southern Illinois University Press. Pg 218-219. NP 3/2/17.

Another great American democrat, Abraham Lincoln, left as his heritage the statement that democracy is Government of, for, and by the people. I have italicized the preposition “by” because government cannot possibly be by the people save when and where the freedom of intelligence is publicly and actively supported. It is debatable whether it can for any long period be for the people and not for a governing clique or bureaucracy save where the rights of public discussion and criticism are held inviolate. Revolutionary periods, of which from a world-wide point of view the present is one, tend toward a concentration of power. The concentration claims for itself that it is in the best interests of the people at large. At the outset, that may be the case in fact. But nothing is more certain than unless its movement is attended by scrupulous attentive observance of the principle of freedom of intelligence in action it will rapidly degenerate into the rule of a small section, maintained by use of force, in its own special interest. It is for this reason that it is so peculiarly, almost uniquely, important at the present time not to be distracted into allowing any issue, no matter how useful in itself, to displace freedom of intelligence in public communication by means of speech, publication in daily and weekly press, in books, in public assemblies, in scientific inquiry, as the centre and burning focus of democracy. Nothing will be more fatal in the end than surrender and compromise on this point. Now, more than ever, it is urgently necessary to hold it in steady view as the heart from which flows the life-blood of democracy. I should not close without definite recal of the fact that it was the pioneers of freedom of thought and speech in France in the eighteenth century, who in spite of every sort of interference by those professing to speak in the name of moral authority and social stability made that century the period of The Éclaircisse-ment, The Enlightenment, out of which has issued all that is best and truest in the democratic spirit first in the civilization of the West and now in promise if not yet in execution of the entire world. If the peoples who have behind them and still with them the living tradition of supreme and steady regard for free-dom of intelligence in operation in all channels of communication now live up to their heritage, they, we, shall issue from the present crisis with purification of the life-blood of democracy. In surmounting the cruel trials of the present crisis we shall have opened the way to a nobler, because freer, manifestation of the human spirit.

#### This links back to the standard and precludes standard link-turns given the genetic and historical nature of the offense.

John **Dewey c**. “The Evolutionary Method as Applied to Morality: II. Its Significance for Conduct.” The Philosophical Review, Vol. 11, No. 4 (Jul., 1902), pp. 353-371. Accessed through JSTOR

The reply already hinted at is that the mere existence of a belief, even admitting that as a belief it cannot in any way be got rid of, determines absolutely nothing regarding the objectivity of its own content. The worth of the intuition depends upon genetic considerations. In so far as we can state the intuition in terms of the conditions of its origin, development, and later career, in so far we have some criterion for passing judgment upon its pretentions to validity. If we can find that the intuition is a legitimate response to enduring and deep-seated conditions, we have some reason to attribute worth to it. If we find that historically the belief has played a part in maintaining the integrity of social life, and in bringing new values into it, our belief in its worth is additionally guaranteed. But if we cannot find such historic origin and functioning, the intuition remains a mere state of consciousness, a hallucination, an illusion, which is not made more worthy by simply multiplying the number of people who have participated in it. Put roughly we may say that intuitionalism, asordinarily conceived, makes the ethical belief a brute fact, because unrelated. Its very lack of genetic relationship to the situation in which it appears condemns it to isolation. This isolation logically makes it impossible to credit it with objective validity. The intuitionalist, in proclaiming the necessity of his content, proclaims thereby its objective reference; but in asserting its non-genetic character he denies any reference whatsoever. The genetic theory holds that the content embodied in any so-called intuition is a response to a given active situation: that it arises, develops, and operates somehow in reference to this situation. This functional reference establishes in advance some kind of relationship to objective conditions, and hence some presumption of validity. If the ' intuition' persists, it is within certain limits because the situation persists. If the particular moral belief is really inexpugnable, it is just because the conditions which require it are so enduring as to persistently call out an attitude which is relevant to them. The probability is that it continues in existence simply because it continues to be necessary in function.

#### Fifth, speech codes don’t even work. The aff is procedural not consequentialist, but even if we should use consequentialism, vote aff. History proves – speech codes don’t work – they end up targeting the people they’re espoused to protect.

Nadine Strossen 90. Regulating Racist Speech on Campus: A Modest Proposal?. www.jstor.org/stable/pdf/1372555.pdf. Duke Law Journal, Vol. 1990, No. 3, Frontiers of Legal Thought II. The New First Amendment (Jun., 1990), pp. 484-573. Duke University School of Law. NP 2/23/17.

The first reason that laws censoring racist speech may undermine the goal of combating racism flows from the discretion such laws inevitably vest in prosecutors, judges, and the other individuals who implement them. One ironic, even tragic, result of this discretion is that members of minority groups themselves-the very people whom the law is intended to protect-are likely targets of punishment. For example, among the first individuals prosecuted under the British Race Relations Act of 1965 were black power leaders.368 Their overtly racist messages un- doubtedly expressed legitimate anger at real discrimination, yet the stat- ute drew no such fine lines, nor could any similar statute possibly do so. Rather than curbing speech offensive to minorities, this British law in- stead has been regularly used to curb the speech of blacks, trade union- ists, and anti-nuclear activists.369 In perhaps the ultimate irony, this statute, which was intended to restrain the neo-Nazi National Front, in- stead has barred expression by the Anti-Nazi League.370 The British experience is not unique. History teaches us that anti- hate speech laws regularly have been used to oppress racial and other minorities. For example, none of the anti-Semites who were responsible for arousing France against Captain Alfred Dreyfus were ever prose- cuted for group libel. But Emile Zola was prosecuted for libeling the French clergy and military in his "J'Accuse," and he had to flee to Eng- land to escape punishment.371 Additionally, closer to home, the very doctrines that Professor Lawrence invokes to justify regulating campus hate speech-for example, the fighting words doctrine, upon which he chiefly relies-are particularly threatening to the speech of racial and political minorities.372 The general lesson that rules banning hate speech will be used to punish minority group members has proven true in the specific context of campus hate speech regulations. In 1974, in a move aimed at the Na- tional Front, the British National Union of Students (NUS) adopted a resolution that representatives of "openly racist and fascist organiza- tions" were to be prevented from speaking on college campuses "by whatever means necessary (including disruption of the meeting)."373 A substantial motivation for the rule had been to stem an increase in cam- pus anti-Semitism. Ironically, however, following the United Nations' cue,374 some British students deemed Zionism a form of racism beyond the bounds of permitted discussion. Accordingly, in 1975 British students invoked the NUS resolution to disrupt speeches by Israelis and Zionists, including the Israeli ambassador to England. The intended tar- get of the NUS resolution, the National Front, applauded this result. However, the NUS itself became disenchanted by this and other unin- tended consequences of its resolution and repealed it in 1977.375 The British experience under its campus anti-hate speech rule paral- lels the experience in the United States under the one such rule that has led to a judicial decision. During the approximately one year that the University of Michigan rule was in effect, there were more than twenty cases of whites charging blacks with racist speech.376 More importantly, the only two instances in which the rule was invoked to sanction racist speech (as opposed to sexist and other forms of hate speech) involved the punishment of speech by or on behalf of black students.377 Additionally, the only student who was subjected to a full-fledged disciplinary hearing under the Michigan rule was a black student accused of homophobic and sexist expression.378 In seeking clemency from the sanctions imposed fol- lowing this hearing, the student asserted he had been singled out because of his race and his political views.379 Others who were punished for hate speech under the Michigan rule included several Jewish students accused of engaging in anti-Semitic expression380 and an Asian-American student accused of making an anti-black comment.381 Likewise, the student who recently brought a lawsuit challenging the University of Connecticut's hate speech policy, under which she had been penalized for an allegedly homophobic remark, was Asian-American.382

#### Banning bigotry lets sentiments fester underground and show in more virulent ways

Malik 12, Kenan. (Malik is a writer, lecturer and broadcaster) Why Hate Speech Should Not Be Banned. <https://kenanmalik.wordpress.com/2012/04/19/why-hate-speech-should-not-be-banned/> NP 2/22/17.

KM: I believe that no speech should be banned solely because of its content; I would distinguish ‘content-based’ regulation from ‘effects-based’ regulation and permit the prohibition only of speech that creates imminent danger. I oppose content-based bans both as a matter of principle and with a mind to the practical impact of such bans. Such laws are wrong in principle because free speech for everyone except bigots is not free speech at all. It is meaningless to defend the right of free expression for people with whose views we agree. The right to free speech only has political bite when we are forced to defend the rights of people with whose views we profoundly disagree. And in practice, you cannot reduce or eliminate bigotry simply by banning it. You simply let the sentiments fester underground. As Milton once put it, to keep out ‘evil doctrine’ by licensing is ‘like the exploit of that gallant man who thought to pound up the crows by shutting his Park-gate’. Take Britain. In 1965, Britain prohibited incitement to racial hatred as part of its Race Relations Act. The following decade was probably the most racist in British history. It was the decade of ‘Paki-bashing’, when racist thugs would seek out Asians to beat up. It was a decade of firebombings, stabbings, and murders. In the early 1980s, I was organizing street patrols in East London to protect Asian families from racist attacks. Nor were thugs the only problem. Racism was woven into the fabric of public institutions. The police, immigration officials – all were openly racist. In the twenty years between 1969 and 1989, no fewer than thirty-seven blacks and Asians were killed in police custody – almost one every six months. The same number again died in prisons or in hospital custody. When in 1982, cadets at the national police academy were asked to write essays about immigrants, one wrote, ‘Wogs, nignogs and Pakis come into Britain take up our homes, our jobs and our resources and contribute relatively less to our once glorious country. They are, by nature, unintelligent. And can’t at all be educated sufficiently to live in a civilised society of the Western world’. Another wrote that ‘all blacks are pains and should be ejected from society’. So much for incitement laws helping create a more tolerant society. aToday, Britain is a very different place. Racism has not disappeared, nor have racist attacks, but the open, vicious, visceral bigotry that disfigured the Britain when I was growing up has largely ebbed away. It has done so not because of laws banning racial hatred but because of broader social changes and because minorities themselves stood up to the bigotry and fought back. Of course, as the British experience shows, hatred exists not just in speech but also has physical consequences. Is it not important, critics of my view ask, to limit the fomenting of hatred to protect the lives of those who may be attacked? In asking this very question, they are revealing the distinction between speech and action. Saying something is not the same as doing it. But, in these post-ideological, postmodern times, it has become very unfashionable to insist on such a distinction. In blurring the distinction between speech and action, what is really being blurred is the idea of human agency and of moral responsibility. Because lurking underneath the argument is the idea that people respond like automata to words or images. But people are not like robots. They think and reason and act on their thoughts and reasoning. Words certainly have an impact on the real world, but that impact is mediated through human agency.

#### Speech codes make bigotry a free speech issue which turns bigots into martyrs, glorifying their speech and ultimately making censored speec more appealing

Nadine Strossen 90. Regulating Racist Speech on Campus: A Modest Proposal?. www.jstor.org/stable/pdf/1372555.pdf. Duke Law Journal, Vol. 1990, No. 3, Frontiers of Legal Thought II. The New First Amendment (Jun., 1990), pp. 484-573. Duke University School of Law. NP 2/23/17.

Parts II and III of this Article emphasized the principled reasons, arising from first amendment theory, for concluding that racist speech should receive the same protection as other offensive speech. This con- clusion also is supported by pragmatic or strategic considerations con- cerning the efficacious pursuit of equality goals. Not only would rules censoring racist speech fail to reduce racial bias, but they might even undermine that goal. First, there is no persuasive psychological evidence that punishment for name-calling changes deeply held attitudes. To the contrary, psychological studies show that censored speech becomes more appealing and persuasive to many listeners merely by virtue of the censorship.358 Nor is there any empirical evidence, from the countries that do out- law racist speech, that censorship is an effective means to counter racism. For example, Great Britain began to prohibit racist defamation in 1965.359 A quarter century later, this law has had no discernible adverse impact on the National Front and other neo-Nazi groups active in Brit- ain.360 As discussed above,361 it is impossible to draw narrow regulations that precisely specify the particular words and contexts that should lead to sanctions. Fact-bound determinations are required. For this reason, authorities have great discretion in determining precisely which speakers and which words to punish. Consequently, even vicious racist epithets have gone unpunished under the British law.362 Moreover, even if actua6 or threatened enforcement of the law has deterred some overt racist in- sults, that enforcement has had no effect on more subtle, but nevertheless clear, signals of racism.363 Some observers believe that racism is even more pervasive in Britain than in the United States.364

# K-Version – Extensions

**Primary Syllogism**

**Extend West 89:** meaning is concrete and grounded in a lived reality. Universal portrayals of the origins of ethics or suffering preclude the radical plurality of experience. Knowing occurs through an organism’s assimilation of the world.

Takes out your **K**, you stipulate a single lens to understand the axis of oppression, such a universalist story is incompatible with the particularity of human experience and localization of human knowing.

This precludes the **NC FW.** You assume we can make judgments about the true ethical theory from the armchair or debate room, that’s incoherent, knowledge of ethics is inseparable from the practice of ethics.

Takes out **Parfit**, Parfit assumes we understand identity theoretically, not practically. But that’s just a strawperson of the pragmatist theory of identity which says there is consistency in how we approach the world.

**Extend Glaude 7:** Deweyan philosophy helps us grapple with the fallibility of the present while leaving room for revision and social improvement

Outweighs and precludes your FW warrants a. your FW exists as the culmination of thousands of years of inadequate theories. Gives us near certain inductive evidence of fallibility. The fallibility of your framework is the starting point of mine, b. Glaude shows the telos of philosophical investigation is a form of social criticism and reform. Your FW fails to reason properly because it’s mistaken about the end of reason. My framework recontextualizes ‘truth’ as a concept, precluding your ‘true’ arguments.

**Extend Ralston 11:** Deweyan democracy accounts for plurality by preventing people from subordinating worldviews to a singular concept of democracy – only this provides a mechanism for negotiating difference.

Takes out **particularism** – a. criticisms of Deweyan democracy must consider whether using the theory would bring about good consequences, but it’s the only mechanism for resolving conflict which outweighs in democratic contexts since only that makes political life possible, b. It’s not about the particular vs. the universal, but the axis to use for particular judgment – epistemic claims about pragmatism preclude since they support preferability of my method

Precludes your **K**. You provide a static understanding which reinforces academic particularities as supposedly universal.

**Extend Standards Analysis**

Democracy’s procedural, not substantive – it’s a decision procedure that tells us how to approach ethical questions, but doesn’t create set answers

Takes out **PICs** – a. even if your particular exception is good, my offense shows that we were not positioned to consider the advantages of the exemption, b. we cannot trust the government with the power to determine exemptions. Even if your exemption is good, the government should not be empowered to act on that reasoning.

Your framework warrants don’t compete with the AC. The aff is not a substantive account of what is good and bad, it’s a procedural account of how we make decisions. Every one of your arguments could be true, and yet we would still make decisions as per the AC.

Takes out Epistemic Modesty. My framework is a decision procedure, not an ethical theory, just like EM is. It operates at the same level that epistemic modesty does; however, it is preferable because A) it builds uncertainty in to the theory itself, while EM limits uncertainty to the theories it adjudicates over. B) pragmatism acknowledges that the theories defend in the debate round are not exhaustive of plausible ethical assumptions. C) does not rely on a dubious meta ethical notion like expected value that can be somehow be maximized. D) it avoids reliance on abstract notions of the good that are metaphysically inaccessible

**Extend Dewey:** impacts can’t be isolated from their histories, since historical reason that prove a belief is pragmatically useful give reason to err in favor of it

This delinks their *K/PIC/CP.* It might sound good in the abstract, but it ignores the actual history of how these sorts of arguments are coopted. Delinks your offense and shows my aff turns your *K/PIC/CP*

**Additional Reason to Prefer**

**Extend Rogers 1:** deliberative democracy grows out of the pragmatist methodology – it demands policies can be critically analyzed by creating dialogue that leaves room for endorsement or rejection

*IF they have a vague or unimplentable alt*. This takes out your alternative. Without a stable point of political contestation argumentative validity cannot be established.

*IF Ideal theory FW*. This takes out your framework. The utilization of ideal theory fails to create fixed points for political acceptance. It’s impossible to truly test inferences in the way required to combat human fallibility (e.g. imagine trying to determine the right physical laws from the armchair) and even if we could determine truth it could not be mutually justified.

**Extend Glaude 7 on Dewey 2:** the past is only useful in the context of the present – all thought is situated in experience

Takes out **Wilderson** – invocations of permanence fail since they don’t situate the past in the context of present actions – the past cannot be determinant of the future

*If Abstract FW.* This takes out your framework. Meaning is tied to present situations, only that provides a framework for interpretation. This means mere abstraction fails, it must be informed by present lived experience.

**Extend Glaude 7 on Dewey 3:** only pragmatism allows us to grapple with the history of race in America – pragmatism’s recognition of uncertainty allows us to counter idealistic conceptions of history

*If Abstract FW.* Takes out ideal theory – only by butchering ideals can we grapple with the way that American history is marked by racism.

**Contention 1**

**Extend Stack and Simpson 10:** schools must create students willing to challenge authority – imposition of values on students and censorship creates students likely to reject freedom and cede to people in power. Truth only matters if people are free to accept it.

*I control uniqueness. Election proves authoritarian tendencies are on the rise in the US. Further turns your case – deference to authority precludes support for radical moral progress and resistance to statism.*

*Also outweighs of specificity. Educational contexts serve a unique social function within a pragmatic democracy – your harms are non-uniqued by free speech in society as a whole, while my offense is not.*

**Extend Burch 9:** challenging authoritative dictates and creating critical citizens allows interrogation of social structures – this is the basis of democracy

Links turns Cap – the way to counter market driven education is through revival of individual freedom and critical pedagogy. Also key because any given moral principle can be coopted by the capitalist system unless it is held subject to internal criticism.

**Contention 2**

**Extend West and George 17:** intellectual humility is central to democracy – only through willingness to listen to opposing views can we avoid idolatry to our own ideas – that undercuts dogmatism and fosters spaces of intellectual openness

*This means the aff functions as a tie breaker if there is compelling offense on both sides -- if you think there is a chance the aff is true, you affirm to preserve space for continued investigation.*

**Extend Rogers 10 summarizes Dewey:** free and open deliberation is key to maintaining openness to opposing ideas – knowledge only gains legitimacy through this kind of system. Err aff – bureaucratic processes err towards consolidation of power – neg has the burden of proof that less inclusive arrangements are preferable.

Takes means you err aff on the PIC – less inclusive arrangements mean those in power have discretion over enforcement, while maintaining an interest in their own power

Link turns your offense. Sure, hate speech might be awful but we need internal modes of criticism by which we can refine our understanding of what constitutes hate speech. Further key to understanding the broader implications of even things like speech restrictions.

**Contention 3**

**Extend Rosenfeld 98 summarizes Rorty:** only through free expression can there be space for re-description – it allows critical revision of existing social norms.

*Takes out the counterplan – in democracy, the only way to change mindsets is through discussion, not imposition of values. Affirming is the only effective mechanism of social change.*

**Contention 4**

**Bean and Elbow summarize Dewey:** the constitution is shaped by pragmatic principles, created in light of the knowledge that freedom of speech is easily threatened to advance government intersts. The supreme court takes into account particularity in every decision.

Takes out particularism, the aff is particularist – a. the constitution changes in response to different particular problems based on court judgments – that’s preferable – decisions are always made in response to a current ethical problem

Takes out your counterplans. Your freedom of speech might seem like a key exemption given conditions of the squo. But this ignores the historical realities of how individual exemptions are coopted for regressive government programs. Further, the aff provides far stronger inductive evidence that your apparently key exemption is just a result of misunderstanding created by a too particular perspective on the issue.

**Stack and Simpson 10:** evaluate arguments in terms of their practical effects – censorship is always about consolidation of power, regardless of the particular interests censors claim to promote

Takes out PICs – they claim to care about \_\_\_\_\_\_\_, but that will just be appropriate to create authoritarian social systems that preclude democratic possibilities. Outweighs – a. it’s a procedural question about how you justify arguments, which precludes the ability to evaluate claims about the badness of a particular form of speech, b. even when the offense is not coopted, the movement itself shifts towards tyranny. Empirically verified – look at the democratic party.

# Phil Version

#### Only the pragmatist ethic can account for the uncertainty of the external world

Glaude 7 on Dewey, Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (22-24) NP 2/26/17.

Why? The world of action, of doing and making, involves us in activities that in no way remove uncertainty. As Dewey writes: “The distinctive characteristic of practical activity, one which is so inherent that it cannot e eliminated, is the uncertainty that attends it. Of it we are compelled to say: Act, but act at your peril.”13Practical activity involves change, and it has been our desire to escape the frightening consequences of change that has led to misguided quests for certainty. In Dewey’s view, modern philosophy has conceived of knowledge, for example, as a private affair in which the disclosure of the invariant—the Real in itself—is the object of inquiry. Here philosophers strip away the imaginative formulations of a religious outlook, in which a sharp division between the ordinary and the extraordinary animates how we see ourselves in relation to our world and the universe, only to replace them with their own doctrine of what Dewey termed “the antecedently real,” which when grasped by thought, discloses fixed and immutable Truth. For Dewey, this search translates efforts to es-cape the exigencies of life into rational form. Deliverance from the vicissitudes of existence by means of rites and sacrifice gives way to a form of deliverance through reason, a theoretical affair that stands apart from our actual conditions of living.14The world of action, by contrast, is fraught with uncertainty. In it, events for which we have neither wished nor planned happen to us and transform our lives. Circumstances may force us to choose wrongly or to betray those whom we love. People we cherish die. We die. Indeed, the contingency of our lives and the apparent indifference of nature to our efforts jeopardize human aspirations to live good lives.15Deliverance from the exigencies of life is, in some ways, deliverance from what some take to be the tragedy of brute chance. For in the end, Dewey writes, “the quest for certainty is a quest for peace which is assured, an object which is unqualified by risk and the shadow of fear which action casts. For it is not uncertainty per se which men dislike, but the fact that uncertainty involves us in peril of evils.”16This understanding of contingency forms the background for Dewey’s philosophical formulations; it extends the Darwinian outlook, which pre-supposes that the world is processive. Dewey believes that Darwinian evolution dislodged an Aristolelian conception of the world in which all changes reflected an overarching order and were cumulative, in the sense that they tended in a predetermined direction.17Darwin’s influence on philosophy resided in his rejection of this particular view and its replacement by the principle of transition: that the environment exerts pressures on its inhabitants and that random variations among these living creatures affect how they will get on in the environment as it acts upon them. Our activity in the world, then, is one of constant adaptation and adjustment in light of the limit conditions of existence. Three crucial points for Dewey’s philosophy follow from this principle:(1) that philosophy must give up inquiry after absolute origins and fixed. Truth and turn its attention to the actual conditions of experience that generate specific values, (2) that philosophy must abandon efforts to prove that life must have certain qualities and values, over and beyond experi-ence, because of some predetermined end, and (3) that such an outlook introduces responsibility into intellectual life. We must, in Dewey’s view, look the facts of experience in the face, acknowledging both the evils they present and the goods they may promise. As Dewey writes: As long as mankind suffered from this impotency, it naturally shifted a bur-den of responsibility that it could not carry over to the more competent shoulders of the transcendent cause. But if insight into specific conditions of value and into specific consequences of idea is possible, philosophy must in time become a method of locating and interpreting the more serious con-flicts that occur in life, and a method of projecting ways for dealing with them: a method of moral and political diagnosis and prognosis.18The quest for certainty, then, is seen for what it is: an effort on the part of fragile, finite creatures to secure themselves and their world in the face of unrelenting change. Such efforts have led us to turn our backs on the world of action and, to some extent, to absolve ourselves of the strenuous work of “making and remaking” our world. Fixed reality, complete in itself, provides us with a sense of assurance that order stands behind what we experience as con-tingent. It is similar to the relief from grief we feel when we know that ourloved ones are resting peacefully in heaven. But Darwin’s insights, Dewey maintains, force us to reject this view. Disclosure of the antecedently real does nothing to arrest the changes in our world (just as knowing that our loved ones are in heaven does not change the fact that they are dead and no longer with us). Change still happens—for better or for worse. If we turn instead to experience, we give up efforts to secure our world by means of transcending it. The search for security remains. Our efforts, however, are located in practical activity, not in quests for absolute certainty. In this view, knowledge is the fruit of our attempts to resolve problematic situations and is understood in the context of communal inquiry, not in terms of private mental activity. The turn to the actual conditions of our living, then, tilts our understanding of knowledge in a different di-rection. It is no longer about absolute certainty and fixed Truth. Instead, knowledge can be properly understood only as a functional activity in the context of our experience, that is to say, in the context of interactions with our environment. The qualities and values of these experiences are not predetermined and set. Nor are they reducible to an inner event orto a backward-looking affair in which the past counts exclusively. Expe-rience, for Dewey, “is a matter of simultaneous doings and sufferings,”19aprocess of undergoing in which agent-patients seek experimentally to find the best tools to cope with the obstacles their environment presents and to anticipate future problems.

#### There is no way to explain the meaning of a word without limiting the sphere of meaning to what makes a practical difference. Otherwise there can be no fact of the matter that allows epistemic assessment.

Pierce. How to Make Our Ideas Clear. Charles S. Peirce. ((Charles Sanders Peirce was an American philosopher, logician, mathematician, and scientist who is sometimes known as "the father of pragmatism".) Popular Science Monthly 12 (January 1878), 286-302.

Bracketed for grammar

Let us illustrate this rule by some examples; and, to begin with the simplest one possible, let us ask what [do] we mean by calling a thing hard. Evidently that it will not be scratched by many other substances. The whole conception of this quality, as of every other, lies in its conceived effects. There is absolutely no difference between a hard thing and a soft thing so long as they are not brought to the test. Suppose, then, that a diamond could be crystallized in the midst of a cushion of soft cotton, and should remain there until it was finally burned up. Would it be false to say that that diamond was soft? This seems a foolish question, and would be so, in fact, except in the realm of logic. There such questions are often of the greatest utility as serving to bring logical principles into sharper relief than real discussions ever could. In studying logic we must not put them aside with hasty answers, but must consider them with attentive care, in order to make out the principles involved. We may, in the present case, modify our question, and ask what prevents us from saying that all hard bodies remain perfectly soft until they are touched, when their hardness increases with the pressure until they are scratched. Reflection will show that the reply is this: there would be no falsity in such modes of speech. They would involve a modification of our present usage of speech with regard to the words hard and soft, but not of their meanings. For they represent no fact to be different from what it is; only they involve arrangements of facts which would be exceedingly maladroit. This leads us to remark that the question of what would occur under circumstances which do not actually arise is not a question of fact, but only of the most perspicuous arrangement of them. For example, the question of free-will and fate in its simplest form, stripped of verbiage, is something like this: I have done something of which I am ashamed; could I, by an effort of the will, have resisted the temptation, and done otherwise? The philosophical reply is, that this is not a question of fact, but only of the arrangement of facts. Arranging them so as to exhibit what is particularly pertinent to my question -- namely, that I ought to blame myself for having done wrong -- it is perfectly true to say that, if I had willed to do otherwise than I did, I should have done otherwise. On the other hand, arranging the facts so as to exhibit another important consideration, it is equally true that, when a temptation has once been allowed to work, it will, if it has a certain force, produce its effect, let me struggle how I may. There is no objection to a contradiction in what would result from a false supposition. The reductio ad absurdum consists in showing that contradictory results would follow from a hypothesis which is consequently judged to be false. Many questions are involved in the free-will discussion, and I am far from desiring to say that both sides are equally right. On the contrary, I am of opinion that one side denies important facts, and that the other does not. But what I do say is, that the above single question was the origin of the whole doubt; that, had it not been for this question, the controversy would never have arisen; and that this question is perfectly solved in the manner which I have indicated.

He continues:

This is the only fact which the idea of force represents, and whoever will take the trouble clearly to apprehend what this fact is, perfectly comprehends what force is. Whether we ought to say that a force is an acceleration, or that it causes an acceleration, is a mere question of propriety of language, which has no more to do with our real meaning than the difference between the French idiom "Il fait froid" and its English equivalent "It is cold." Yet it is surprising to see how this simple affair has muddled men's minds. In how many profound treatises is not force spoken of as a "mysterious entity," which seems to be only a way of confessing that the author despairs of ever getting a clear notion of what the word means! In a recent admired work on Analytic Mechanics it is stated that we understand precisely the effect of force, but what force itself is we do not understand! This is simply a self-contradiction. The idea which the word force excites in our minds has no other function than to affect our actions, and these actions can have no reference to force otherwise than through its effects. Consequently, if we know what the effects of force are, we are acquainted with every fact which is implied in saying that a force exists, and there is nothing more to know. The truth is, there is some vague notion afloat that a question may mean something which the mind cannot conceive; and when some hair-splitting philosophers have been confronted with the absurdity of such a view, they have invented an empty distinction between positive and negative conceptions, in the attempt to give their non-idea a form not obviously nonsensical. The nullity of it is sufficiently plain from the considerations given a few pages back; and, apart from those considerations, the quibbling character of the distinction must have struck every mind accustomed to real thinking.

#### This requires a Deweyan democracy. Two warrants:

#### a) The demands of an ethical theory must be responsive to the conditions in which agents live – that demands a Deweyan theory of democracy

London 2k summarizes and quotes Dewey, Scott. Organic Democracy: The Political Philosophy of John Dewey. NP 3/25/17.

John Dewey has been described as "a philosopher who combined the stubborn perseverance of a New England farmer with the zeal of a reckless liberal." He was a progressive and far-sighted thinker with a distinctly American sensibility, one who espoused the virtues of pragmatism and experience over absolute and metaphysical truths and who advanced a social and political philosophy perhaps more thoroughly democratic than any that has been formulated before — or since. Today, a half-century after his death, John Dewey remains if not America’s premier political philosopher, then at least its greatest spokesman for civil society, community values, grass-roots liberalism, and — some would argue — even democracy itself. John Dewey was born in 1859 in Burlington, Vermont. After completing his undergraduate studies at the University of Vermont, followed by a brief stint as a high school teacher, he earned his Ph.D. from Johns Hopkins University. He went on to teach at the University of Michigan for about ten years, the University of Chicago for another ten, and finally Columbia University where he chaired the philosophy department for over twenty years. After his retirement in 1930, he remained active and continued to write many articles and books not only on philosophy and logic but on art, education, science, and social and political reform. Among his many books are Democracy and Education, Reconstruction in Philosophy, The Public and Its Problems, and Freedom and Culture. In addition to his life as a philosopher and teacher, he was a tireless social activist and championed a wide range of humanitarian causes during his lifetime. He died in 1952. A society was not an entity unto itself, Dewey said, but rather an aggregate of individuals who grow and evolve. By extension, only a society that could grow and evolve as its citizens did would be truly free. The philosophy of John Dewey is often identified with Charles Sanders Pierce, William James, and other thinkers loosely identified as "pragmatic." As a school of thought, pragmatism made its entrance into history under the banner of modernism, with its emphasis on scientific progress and its disdain of historical and metaphysical truths. The pragmatists rejected Hegel’s notion that "philosophy aims at knowing what is imperishable, eternal, and absolute." Since objective truth is not something that can be discovered through the faculty of reason, they argued, epistemology and its preoccupation with the "foundations" of knowledge must be abandoned altogether. They believed that ideas and propositions cannot be judged by objective criteria since it is impossible to establish such criteria; instead, they should be judged by the results they produce when put into practice. In Santayana’s memorable phrase, the pragmatists insisted that "it’s better to pursue truth than to possess it." In John Dewey and American Democracy, Robert Westbrook chronicles the development of Dewey’s thinking from his initial disenchantment with idealist metaphysics in the late 1880s to his formulation of pragmatic naturalism which culminated in a volume, written in collaboration with some of his colleagues, entitled Studies in Logical Theory. The book was rescued from likely obscurity by noted Harvard philosopher William James who praised it as an example of the kind of thinking he had begun to call "pragmatism." As James saw it, Dewey had abandoned the belief in an "absolute behind or around the finite world" in favor of an empiricism in which "‘life’ or ‘experience’ is the fundamental conception." Dewey welcomed the association with James enthusiastically. Studies in Logical Theory was dedicated to James, in fact, and he regarded James’s Principles of Psychology (1890) as one of his greatest inspirations. Robert Westbrook observes that James’s influence on Dewey has recently been called into question, but if one carefully specifies its character, this influence was as undeniable and important as Dewey claimed it to be. Dewey’s greatest debt to James was his pragmatic critique of epistemology. While epistemology sought to objectify knowledge as something separate from experience, Dewey clearly subordinated knowledge to action, according to Westbrook. The link between Dewey and James is significant because pragmatism has often been criticized as overly identified with individualism, capitalism, and material success, when, in fact, Dewey often spoke out against these values. If anything, Dewey saw the necessity of going beyond James’s version of pragmatism to develop a philosophy that would bind Americans to a moral community, as he put it, and provide criteria for decisions that were socially important and politically useful. It was this social dimension that informed most of Dewey’s philosophy during the second half of his life. Following his arrival at Columbia University in 1905, Dewey’s primary mission was to reconstruct philosophy and shift its attention from "the problems of philosophers" to "the problems of men." This demand for relevance grew out of his sense that social progress is the true end of philosophy, and that philosophy, if it is to have any meaning, must be firmly rooted in human experience — not in epistemological notions of an independent cogito, City of God, a priori category, or Transcendental Mind. According to Dewey, philosophers have mistakenly insisted on making a problem of the relation between the mind and the world when, in fact, "mind" and "reality" are meaningless epistemological abstractions drawn from a single indivisible process. According to Westbrook, Dewey believed that philosophy had reached a "fatal turning point" and that the role of the philosopher needed to be radically transformed to meet the needs of a progressive society. "American philosophy," Dewey stated in 1904, "must be born out of and must respond to the demands of democracy." So long as knowledge is conceived as something external to experience, he said, human beings are deprived of the capacity to direct their societies and control the institutions that affect their lives. "Pragmatism was the logic of this new conception of intelligence," Westbrook writes, "deployed to close down an epistemology industry at odds with both science and democracy in order to erect a philosophy responsive to both. Democracy was the immanent, oppositional value that Dewey’s philosophy idealized." While Dewey’s early career was deeply influenced by Hegel and other speculative philosophers, he began to turn away from the idealism of his youth in the late 1880s to explore the practical dimensions of consciousness and action. Having already defined an ethic of self-realization — the notion that each individual has a unique and normative purpose or "function" — his thinking now shifted to a systematic examination of the practical and environmental requirements of this idea. Out of this search grew a highly original and carefully worked out social philosophy that continues to influence American political thought to this day. The ideal of self-realization, as Dewey conceived it, held that freedom was the opportunity to actualize oneself as a social being. Freedom was defined in the positive, in contrast with many of Dewey’s contemporaries who maintained that freedom could only be properly understood in the negative — as "freedom from" this or that constraint. The key to Dewey’s ideal was the notion of "function" which described the relationship between an individual and his or her environment. A person’s function was a normative concept that prescribed how a person might best fit into society in order to actualize his or her highest capacities. Dewey insisted that the relationship between the individual and his or her environment must be based on mutual adjustment. In fact, he said, fitting into society might well involve radically changing it. (He later used this argument as a justification for extensive social reforms.) Formulated in this way, democracy could be seen as "organic," as synergistic and evolving, rather than "atomistic" — composed of individual parts held together by a social contract. A society was not an entity unto itself, Dewey said, but rather an aggregate of individuals who grow and evolve. By extension, only a society that could grow and evolve as its citizens did would be truly free. Dewey maintained that the ends of democratic politics were to secure the conditions for the self-realization of all the individuals in a society. Democracy was not so much a political matter for Dewey as it was a quality inherent in each individual. While this idea did not go over well with Dewey’s contemporaries, he stood fast in his conviction that "humanity cannot be content with a good that is procured from without, however high and otherwise complete that good." The way for individuals to realize the democracy "in their own hearts" was through community. As Dewey wrote, "it is through association that man has acquired his individuality and it is through association that he exercises it. The theory which sets the individual over against society, of necessity contradicts itself." Already, Dewey had firmly established himself as a political thinker in the tradition of Plato, Rousseau, and Marx — as one who believes in the inherent virtues of human beings and whose outlook is oriented toward what Glenn Tinder has called "the politics of redemption." For Dewey, the ends and means of democratic life were the fulfillment of human virtue and nobility, not the preservation of the political status quo or the securing of individual liberties. The democratic ideal represents "a demand to be realized," Dewey said. It holds that "each individual shall have the opportunity for release, expression, fulfillment, of his distinctive capacities, and that the outcome shall further the establishment of a fund of shared values. Like every true ideal, it signifies something to be done rather than something already given, something ready-made." Dewey’s social and political theory figured prominently in his educational vision. In fact, in his 1916 book Democracy and Education — which remains the book for which he is best known — Dewey went so far as to say that it was the closest attempt he had made to summarize his "entire philosophical position." He saw "an intimate and vital relation between the need for philosophy and the necessity of education." At the heart of Dewey’s educational philosophy was the importance of preparing students for democratic citizenship. He stressed that consciously guided education aimed at developing the "mental equipment" and moral character of students was essential to the development of civic character. He formulated a program for developing what he called "scientific thinking" — the mental habit of free inquiry, tolerance of alternative viewpoints, and free communication. He also believed in cultivating children’s capacity for the exercise of deliberative, practical reason in moral situations. He urged teachers to teach not "ready-made knowledge," as he called it, but a method that would enhance moral reasoning. The best way to do this, he said, was to introduce students at the outset to "a mode of associated living" characteristic of democracy. A school should be a community of full participation and "conjoint communicated experience" in which social sympathy and deliberative moral reason would develop. Dewey’s ideas encountered considerable resistance during the first half of the twentieth century. For example, in a now-famous debate with Robert Maynard Hutchins, the legendary president of the University of Chicago, Dewey defended his idea that education should be about more than preparation for lives of personal fulfillment and professional accomplishment. As he saw it, the ultimate rationale for education was to make democracy work, and education for democracy was impossible in institutions sealed off from society. Hutchins responded with the persuasive and then-prevalent view that the purpose of education — particularly the liberal arts curriculum — was to cultivate the intellect through reading and reflecting on the great works of the Western canon, preferably in an academic environment free of worldly pressures and distractions. According to educator Thomas Ehrlich, the Hutchins-Dewey debate continued well into the 1940s and helped define the terms of engagement in colleges and universities throughout the country. Today, however, there is little doubt who won the argument. Four major developments in higher education suggest that Dewey had the stronger viewpoint. First, many colleges and universities are today experimenting with community- or service-based learning. Second, discipline-based learning is giving way to problem-based learning. Third, there is a growing emphasis on collaborative learning, as opposed to individual learning. And fourth, new technologies are making teaching more individualized and interactive. What the future of American higher education will look like, Ehrlich says, depends to a large extent on how the issue that divided Dewey and Hutchins is finally resolved. Will education "continue to be shaped primarily by a small group of universities dedicated to training an elite cadre of intellectual leaders, using the model if not the substance urged by Hutchins? Or will undergraduate education be increasingly formed by the needs of its consumers and by institutions that view their primary mission as responding to those needs?" This question hinges on an issue that is central to Dewey’s social and political philosophy — the role of the public in a democracy. Dewey formulated what remains one of the most wide-ranging and persuasive arguments for a strong public sphere. His theory was initially developed in response to the widespread effort following World War I to reconstruct democratic theory according to the norms of objective science. Largely a product of the new alliance between psychology (especially behaviorism) and political analysis, this movement emphasized the irrational motivation underlying human social life and raised serious questions about the capacity of ordinary citizens for the sort of rational deliberation and judgment that Dewey found essential to democratic politics. Spearheaded by men such as Charles Merriam and Harold Laswell, the "democratic realists" argued that American democracy required a redefinition of its core principles that "considerably closed the gap between the ideal and reality," Westbrook writes. They felt that democracy "should be conceived less as a republic of active citizens than as a system of responsible elites, a system well within reach in the United States." Walter Lippmann was by far the most influential of the democratic realists and his book Public Opinion, published in 1922, represented "perhaps the most effective indictment of democracy as currently conceived ever penned," according to Dewey. Lippmann advanced the idea that most people, no matter how well educated, were open to manipulation. "A Public which directs the course of events" was a practical impossibility, he claimed, and the idea of democracy was therefore a "mystical fallacy." In The Public and Its Problems, published in 1927, Dewey strenuously disagreed with this view. While he conceded the empirical accuracy of Lippmann’s account of modern-day public opinion, and praised the democratic realists for exposing the shortcomings of democratic government and the bewilderment of the ordinary citizen, he rejected the elitist solutions offered in response. Subjugating civic self-determination in the name of efficient government could never be consistent with true democracy, he declared. Dewey’s objection to the arguments of the democratic elitists took several forms. In the first place, if the masses were as "intellectually irredeemable" as the critics implied, they would in any case have too many desires and too much power to permit rule by experts. "It could be made to work," he said, "only if the intellectuals became the willing tools of big government interests. Otherwise they would have to ally themselves with the masses, and that implies, once more, a share in government by the latter." Another objection was that without the participation of the public in the formulation of policy it could not reflect the common needs and interests of the society at large since only the public can define the public interest. Dewey also argued that just as experts could not make policy that was truly public, so too policy makers need not be experts. This was essentially an argument against professionalism, for in his view the public must have the capacity to "judge the bearing of the knowledge supplied by others upon common concerns." Unlike the democratic realists, Dewey believed that direct participation in a democracy would foster an unexpected talent for thoughtful deliberation in ordinary citizens. "We lie in the lap of an immense intelligence," he said. The difficulty was to unleash this intelligence, which remained "dormant" until "it possesses the local community as its medium." In The Public and its Problems — Dewey’s only work of formal political philosophy — he outlined an elaborate program of truly participatory democracy, one built around face-to-face interactions in "neighborly communities." "Everything about Dewey’s analysis pointed to the need for a politics of knowledge that would end the bewilderment of the public," Westbrook observes, "but this politics remained, at best, an implicit, wholly undeveloped element of his argument. In laying out the ‘infinitely difficult’ conditions for the emergence of the Great Community and offering little guidance for overcoming them, he inadvertently and ironically made almost as good a case as Lippmann had that the phantom public would not materialize." John Dewey embraced a wide range of public roles over the course of his long career — philosopher, educator, pragmatist, political activist, intellectual — but Westbrook interprets him first and foremost as a political thinker whose philosophy was always driven by a commitment to the values of community, public life, and shared experience. For Dewey, metaphysics, epistemology, psychology, and ethical theory were all means toward the same end: securing the conditions of a viable participatory democracy.

#### B) We cannot just look at which policies best accomplish our purposes. We must construct procedural mechanisms for social decision making that allow pragmatic advancement given changing ends – this supports a pragmatic theory of democracy.

Dewey. John Dewey, "Democracy and Educational Administration," School and Society 45 (April 3, 1937); 457-67. NP 2/15/17. [bracketed for gendered language]

Democracy is much broader than a special political form, a method of conducting government, of making laws and carrying on governmental administration by means of popular suffrage and elected officers. It is that, of course. But it is something broader and deeper than that The political and governmental phase of democracy is a means, the best means so far found, for realizing ends that lie in the wide domain of human relationships and the development of human personality. It is, as we often say, though perhaps without appreciating all that is involved in the saying, a way of life, social and individual. The key-note of democracy as a way of life may be expressed, it seems to me, as the necessity for the participation of every mature human being in formation of the values that regulate the living of men together: which is necessary from the standpoint of both the general social welfare and the full development of human beings as individuals. Universal suffrage, recurring elections, responsibility of those who are in political power to the voters, and the other factors of democratic government are means that have been found expedient for realizing democracy as the truly human way of living. They are not a final end and a final value. They are to be judged on the basis of their contribution to end. It is a form of idolatry to erect means into the end which they serve. Democratic political forms are simply the best means that human wit has devised up to a special time in history. But they rest back upon the idea that no [person] man or limited set of men is wise enough or good enough to rule others without their consent; the positive meaning of this statement is that all those who are affected by social institutions must have a share in producing and managing them. The two facts that each one is influenced in what he does and enjoys and in what he becomes by the institutions under which he lives, and that therefore he shall have, in a democracy, a voice in shaping them, are the passive and active sides of the same fact. The development of political democracy came about through substitution of the method of mutual consultation and voluntary agreement for the method of subordination of the many to the few enforced from above. Social arrangements which involve fixed subordination are maintained by coercion. The coercion need not be physical. There have existed, for short periods, benevolent despotisms. But coercion of some sort there has been; perhaps economic, certainly psychological and moral. The very fact of exclusion from participation is a subtle form of suppression. It gives individuals no opportunity to reflect and decide upon what is good for them. Others who are supposed to be wiser and who in any case have more power decide the question for them and also decide the methods and means by which subjects may arrive at the enjoyment of what is good for them. This form of coercion and suppression is more subtle and more effective than is overt intimidation and restraint. When it is habitual and embodied in social institutions, it seems the normal and natural state of affairs. The masses usually become unaware that they have a claim to a development of their own powers. Their experience is so restricted that they are not conscious of restriction. It is part of the democratic conception that they as individuals are not the only sufferers, but that the whole social body is deprived of the potential resources that should be at its service. The individuals of the submerged mass may not be very wise. But there is one thing they are wiser about than anybody else can be, and that is where the shoe pinches, the troubles they suffer from. The foundation of democracy is faith in the capacities of human nature; faith in human intelligence and in the power of pooled and cooperative experience. It is not belief that these things are complete but that if given a show they will grow and be able to generate progressively the knowledge and wisdom needed to guide collective action. Every autocratic and authoritarian scheme of social action rests on a belief that the needed intelligence is confined to a superior few, who because of inherent natural gifts are endowed with the ability and the right to control the conduct of others; laying down principles and rules and directing the ways in which they are carried out. It would be foolish to deny that much can be said for this point of view. It is that which controlled human relations in social groups for much the greater part of human history. The democratic faith has emerged very, very recently in the history of mankind. Even where democracies now exist, men's minds and feelings are still permeated with ideas about leadership imposed from above, ideas that developed in the long early history of mankind. After democratic political institutions were nominally established, beliefs and ways of looking at life and of acting that originated when men and women were externally controlled and subjected to arbitrary power persisted in the family, the church, business and the school, and experience shows that as long as they persist there, political democracy is not secure. Belief in equality is an element of the democratic credo. It is not, however, belief in equality of natural endowments. Those who proclaimed the idea of equality did not suppose they were enunciating a psychological doctrine, but a legal and political one. All individuals are entitled to equality of treatment by law and in its administration. Each one is affected equally in quality if not in quantity by the institutions under which he lives and has an equal right to express his judgment, although the weight of his judgment may not be equal in amount when it enters into the pooled result to that of others. In short, each one is equally an individual and entitled to equal opportunity of development of his [one’s] own capacities, be they large or small in range. Moreover, each has needs of his own, as significant to him as those of others are to them. The very fact of natural and psychological inequality is all the more reason for establishment by law of equality of opportunity, since otherwise the former becomes a means of oppression of the less gifted. While what we call intelligence be distributed in unequal amounts, it is the democratic faith that it is sufficiently general so that each individual has something to contribute, whose value can be assessed only as enters into the final pooled intelligence constituted by the contributions of all. Every authoritarian scheme, on the contrary, assumes that its value may be assessed by some prior principle, if not of family and birth or race and color or possession of material wealth, then by the position and rank a person occupies in the existing social scheme. The democratic faith in equality is the faith that each individual shall have the chance and opportunity to contribute whatever [s]he is capable of contributing and that the value of his contribution be decided by its place and function in the organized total of similar contributions, not on the basis of prior status of any kind whatever. I have emphasized in what precedes the importance of the effective release of intelligence in connection with personal experience in the democratic way of living. I have done so purposely because democracy is so often and so naturally associated in our minds with freedom of action, forgetting the importance of freed intelligence which is necessary to direct and to warrant freedom of action. Unless freedom of individual action has intelligence and informed conviction back of it, its manifestation is almost sure to result in confusion and disorder. The democratic idea of freedom is not the right of each individual to do as he pleases/ even if it be qualified by adding "provided he does not interfere with the same freedom on the part of others." While the idea is not always, not often enough, expressed in words, the basic freedom is that of freedom of mind and of whatever degree of freedom of action and experience is necessary to produce freedom of intelligence. The modes of freedom guaranteed in the Bill of Rights are all of this nature: Freedom of belief and conscience, of expression of opinion, of assembly for discussion and conference, of the press as an organ of communication. They are guaranteed because without them individuals are not free to develop and society is deprived of what they might contribute. It is a disputed question of theory and practice just how far a democratic political government should go in control of the conditions of action within special groups. At the present time, for example, there are those who think the federal and state governments leave too much freedom of independent action to industrial and financial groups, and there are others who think the government is going altogether too far at the present time. I do not need to discuss this phase of the problem, much less to try to settle it. But it must be pointed out that if the methods of regulation and administration in vogue in the conduct of secondary social groups are non- democratic, whether directly or indirectly or both, there is bound to be unfavorable reaction back into the habits of feeling, thought and action of citizenship in the broadest sense of that word. The way in which any organized social interest is controlled necessarily plays an important part in forming the dispositions and tastes, the attitudes, interests, purposes and desires, of those engaged in carrying on the activities of the group. For illustration, I do not need to do more than point to the moral, emotional and intellectual effect upon both employers and laborers of the existing industrial system. Just what the effects specifically are is a matter about which we know very little. But I suppose that everyone who reflects upon the subject admits that it is impossible that the ways in which activities are carried on for the greater part of the waking hours of the day; and the way in which the share of individuals are involved in the management of affairs in such a matter as gaining a livelihood and attaining material and social security, can not but be a highly important factor in shaping personal dispositions; in short/ forming character and intelligence. In the broad and final sense all institutions are educational in the sense that they operate to form the attitudes, dispositions, abilities and disabilities that constitute a concrete personality. The principle applies with special force to the school. For it is the main business of the family and the school to influence directly the formation and growth of attitudes and dispositions, emotional, intellectual and moral. Whether this educative process is carried on in a predominantly democratic or non-democratic way becomes, therefore, a question of transcendent importance not only for education itself but for its final effect upon all the interests and activities of a society that is committed to the democratic way of life.

Thus the standard is consistency with pragmatic democratic decision procedure. Clarification: **First**, democracy plays a procedural, not substantive roll in the pragmatic tradition. It doesn’t tell us what impacts matter most, nor is it just another impact to weigh against. Instead, it’s a decision procedure that tells us *what* questions to ask and how we determine answers to those questions. It would not matter if Japanese internment *would have* improved safety because the government cannot rightly even consider the structurally undemocratic policy. Pointing out the significant benefits of particular speech restrictions just does not matter if we are precluded from factoring those considerations into our deliberation. **Second,** impacts cannot be isolated from their history. Arguments that claim some particular speech restriction is good don’t matter if they don’t consider the history of such exemptions.

John **Dewey**. “The Evolutionary Method as Applied to Morality: II. Its Significance for Conduct.” The Philosophical Review, Vol. 11, No. 4 (Jul., 1902), pp. 353-371. Accessed through JSTOR

The reply already hinted at is that the mere existence of a belief, even admitting that as a belief it cannot in any way be got rid of, determines absolutely nothing regarding the objectivity of its own content. The worth of the intuition depends upon genetic considerations. In so far as we can state the intuition in terms of the conditions of its origin, development, and later career, in so far we have some criterion for passing judgment upon its pretentions to validity. If we can find that the intuition is a legitimate response to enduring and deep-seated conditions, we have some reason to attribute worth to it. If we find that historically the belief has played a part in maintaining the integrity of social life, and in bringing new values into it, our belief in its worth is additionally guaranteed. But if we cannot find such historic origin and functioning, the intuition remains a mere state of consciousness, a hallucination, an illusion, which is not made more worthy by simply multiplying the number of people who have participated in it. Put roughly we may say that intuitionalism, asordinarily conceived, makes the ethical belief a brute fact, because unrelated. Its very lack of genetic relationship to the situation in which it appears condemns it to isolation. This isolation logically makes it impossible to credit it with objective validity. The intuitionalist, in proclaiming the necessity of his content, proclaims thereby its objective reference; but in asserting its non-genetic character he denies any reference whatsoever. The genetic theory holds that the content embodied in any so-called intuition is a response to a given active situation: that it arises, develops, and operates somehow in reference to this situation. This functional reference establishes in advance some kind of relationship to objective conditions, and hence some presumption of validity. If the ' intuition' persists, it is within certain limits because the situation persists. If the particular moral belief is really inexpugnable, it is just because the conditions which require it are so enduring as to persistently call out an attitude which is relevant to them. The probability is that it continues in existence simply because it continues to be necessary in function.

Third, pragmatism is a decision procedure for any impact evaluation, for instance, TJFs don’t make sense since they answer the wrong question – they say what is the best framework to use for debate, theoretically, but that’s the wrong question – we should ask if we should decide the framework on theoretical considerations at all.

#### Prefer additionally

#### Individual identity is constituted by experience and interaction with the external world – moral considerations arise in response to specific conditions – only this provides a coherent notion of free action

Rogers 2 summarizes Dewey, Melvin. (Melvin L. Rogers is currently the Scott Waugh Chair in the Division of the Social Sciences and Associate Professor of Political Science and African American Studies at UCLA.) *Liberalism, Narrative, and Identity: A Pragmatic Defense of Racial Solidarity*. 2002. NP 3/12/17. [brackets in original]

The efficacy of the intentions and actions of individuals to which MacIntyre referred earlier is fundamental, but can now be specifically assessed by their ability to address, what Dewey often referred to as the problematic environment in experience. [29] Dewey develops his argument against the tendency to see moral choices as derivable from some fixed category in the mind. But this obscures, Dewey argues, the fact that our moral choices are largely made in response to problematic features of the setting in which we find ourselves. Questions of how we should treat individuals in a given situation, or how we come to have allegiances and loyalties to one group rather than another cannot, and are not often made sense of through species-wide arguments about rational communication and deliberative decision-making. Of course, pragmatists do not discount the importance of these elements, but they nonetheless believe that there are often socio-psychological elements that are central to such questions that help us to understand why one choice was made rather than another, and in assessing the resolving- capacity of the choice made. ￼20. Much like MacIntyre, for the pragmatists, to carry out an action is to achieve an end, but this action grows out of tensions, fractures, or pressures in experience. Inquiry that arises is always represented as a form of action that is concerned with "things to do or be done, judgments of a situation demanding" a response.[30] Reflection and inquiry thus develop out of immediate experience -- out of what is immediately suffered, possessed, enjoyed as good, bad and so on. George Herbert Mead characterizes it this way: "Reflection ... makes possible the purposive control and organization by the individual organism of its conduct with reference to its social and physical situations in which it becomes involved and to which it reacts." [31] This is not to say that each inquiry, for the pragmatist, always begins with immediate experience detached from all previous reflection. Rather, immediate experience is situated within, and rendered intelligible through the narrative structure of experience.[32] ￼￼￼21. This, then, tilts how we understand the most pressing moral issues that confront us in a different direction. For pragmatists, moral questions -- as for example, how we should distribute resources, how should we respond to discrimination -- are an outgrowth to the problems that we encounter not merely as private mental activity, but as social beings. The pragmatists, extending the Darwinian model of an organism engaging and adjusting to its environment, add to it a social dimension. On the pragmatists' view, the reproduction of a stable society is composed of multiple agents that confront a world that demand reflection, in moments of crisis and problems, upon their own reactive conduct. So for example, and as a prelude to section two, discriminatory practices still prevalent in the U.S. are specifically viewed by black agents as problematic environing conditions that demand adjustment or cultivation of responses. One such response is solidarity among similarly situated folk. In other words, the problems that attend social life are often experienced and responded to because individual narratives intersect and therefore allow for the identification of shared concerns. In such cases, should the response be collective action? Perhaps, but even that is itself a subject that can only be determined by the give and take element central to narrative. But this nonetheless means that the experience of social reality provides the "starting point and terminal point, [for] setting problems and [for] testing proposed solutions."[33] What is at issue in these instances is always the type of individuals we understand ourselves to be, will become, and the type of world we hope to create. The relationship between individuals and their external environment forms a permanent unity and therefore interpenetrate precisely because individuals are seeking moral and political diagnoses and prognoses to shape a better world for themselves and future generations.

## Contention

#### First, schools must be guardians of free expression – otherwise students will be willing to cede to external authorities after leaving educational institutions.

Stack and Simpson 10, Stack, Sam F. and Douglas J. Simpson (2010). Teachers, Leaders, and Schools : Essays by John Dewey. Carbondale, Ill: Southern Illinois University Press. Pg 227-229. NP 3/2/17.

There is, however, one domain in which fear of governmental action never became dominant in American life. That is the domain of education. In this field, the founding fathers proclaimed with well-nigh unanimous voice that government, local and state if not national, should act positively and constructively. This voice has been constantly re-echoed throughout the course of our history by political and educational statesmen alike. The voice has awakened a warmer response in the hearts of the American people than any other appeal made to them. Doubtless many parents have responded to the appeal because they felt that school education opened doors to material opportunity and success that were otherwise closed to their children. But the appeal and the response have not been merely material. The American faith in education has been grounded in the belief that without education the ideal of free and equal opportunity is an idle fantasy; that of all the guarantees of free development, education is the surest and the most effective. This fact imposes a great responsibility upon the schools and upon the educators who conduct them. What have the schools done to bring the social-economic goal of freedom nearer to realization? What have they failed to do? What can and should they do to combat the threats which imperil freedom? The mere raising of these questions calls attention to one phase of freedom, a fundamental one which has not been touched upon in the previous discussion—Intellectual Freedom. The Bill of Rights in the federal Constitution (unfortunately not found in all state constitutions) guarantees, as far as law can guarantee anything, freedom of belief, of speech, of the press, of assembly, and of petition. These are aspects of what I have called intellectual freedom, but which perhaps would better be called moral freedom. Eternal vigilance is even more the price of liberty with respect to these liberties than in the case of liberty of external action. The enemies of liberty of thought and expression in fields where it is felt that this liberty might encroach upon privileges possessed and might disturb the existing order, are organized and determined. The ultimate stay and support of these liberties are the schools. For it is they which more than any other single agency, are concerned with development of free inquiry, discussion and expression. Nor is it enough that the schools by example and precept should instill faith in the precious character of these forms of freedom, or even that they should themselves be living models of the practise of freedom of inquiry, experi-mentation, and communication. These things are indeed to be cultivated. But the schools have also the responsibility of seeing to it that those who leave its walls have ideas that are worth thinking and worth being expressed, as well as having the courage to express them against the opposition of reactionaries and standpatters. It is quite possible that in the long run the greatest friend of censorship, whether public and explicit or private and insidious, and the greatest foe to freedom of thought and expression, is not those who fear such freedom because of its possible effect upon their own standing and fortune, but is the triviality and irrelevancy of the ideas that are entertained, and the futile and perhaps corrupting way in which they are expressed. It is indeed necessary to have freedom of thought and expression. But just because this is necessary for the health and progress of society, it is even more necessary that ideas should be genuine ideas, not sham ones, the fruit of inquiry, of observation and experimentation, the collection and weighing of evidence. The formation of the attitudes which move steadily in this direc-tion is the work and responsibility of the school more than of any other single institution. Routine and formal instruction, undemocratic administration of schools, is perhaps the surest way of creating a human product that submits readily to external authority, whether that be imposed by force or by custom and tradition, or by the various forms of social pressure which the existing economic system produces. It is idle to expect the schools to send out [people] young men and women who will stand actively and aggressively for the cause of free intelligence in meeting social problems and attaining the goal of freedom un less the spirit of free intelligence pervades the organization, administration, studies, and methods of the school itself. Educators have a primary responsibility in this respect. In the words of the original brief formulation of the Social-Economic Goals of America, “more and more should teachers become community leaders of thought.” But teachers can-not accomplish this task alone. In the further language of the same formulation, “In that role they will need group solidarity and the support of public opinion, aroused to appreciate the fundamental importance of this aspect of freedom.” The emphasis that is placed upon a greater measure of economic freedom for the mass of the people is not final. It does not stand alone. Ultimately, the economic freedom (which is dependent upon economic security) is a means to cultural freedom, to the release of the human spirit in all its capacities for development through science, art, and unconstrained human intercourse. The school is par excellence the potential social organ for promoting this liberation. In ultimate analysis, freedom is important because it is a condition both of realization of the potentialities of an individual and of social progress. Without light, a people perishes. Without freedom, light grows dim and darkness comes to reign. Without freedom, old truths become so stale and worn that they cease to be truths and become mere dictates of external authority. Without freedom, search for new truth and the disclosure of new paths in which humanity may walk more securely and justly come to an end. Freedom which is liberation for the individual, is the ultimate assurance of the movement of society toward more humane and noble ends. [s]He who would put the freedom of others in bond, especially freedom of inquiry and communication, creates conditions which finally imperil his own freedom and that of his offspring. Eternal vigilance is the price of the conservation and extension of freedom, and the schools should be the ceaseless guardians and creators of this vigilance.

#### This links to the standard -- challenging authoritative dictates about appropriate speech is necessary to produce a democratic ontology and self-critical citizens that challenge power structures.

Burch 9. KerryBurch (Northern Illinois University). PARRHESIA AS A PRINCIPLE OF DEMOCRATIC PEDAGOGY. 2009 Ohio Valley Philosophy of Education Society/Volume 40. files.eric.ed.gov/fulltext/EJ864311.pdf (pg 79-80). NP 3/2/17.

In Democracy Matters, Cornel West theorizes parrhesia in ways that affirm its value as a pedagogical principle vital to the formation of democratic identities.26 He presents a conception of national identity grounded in the contradictory values of democracy versus the ―might makes right‖ values of imperialism. West takes aim at the myth of American exceptionalism and its symbiotic relation to the expansionist warrior ethos. Within this interpretation, the trajectory of U.S. history is driven by the unceasing clash of these opposing tendencies. One of the most compelling points West makes, echoing James Baldwin, is that in order for Americans to ―achieve their country,‖ we must develop the courage to integrate the repressed dark-side of the national memory into our civic self-conceptions. West praises parrhesia for its ability to bring radical scrutiny to the self-congratulatory platitudes which sustain dominant images of American identity. The mythic narratives of moral superiority and national innocence which inform American exceptionalism are predicated on the repression of public memories whose recovery would undermine the legitimacy of these very narratives. Thus, the pedagogical act of retrieving the forgotten memories of slavery, the nuclear attacks on the civilian populations of Hiroshima and Nagasaki, My Lai, Abu Ghraib, or other signifiers of injustice, would qualify as parrhesiatic. To avoid reproducing images of national superiority, inconvenient truths in particular need to be brought into view and integrated into the American civic self-conception. Enter parrhesia as a heuristic device for opening up questions and dialogue about these unsavory, institutionally repressed dimensions of American public life. Significantly, West offers a synthesis of parrhesia‘s political dimension with that of caring for the self: In the face of elite manipulations and lies, we must draw on the Socratic. The Socratic commitment to questioning requires a relentless self-examination and critique of institutions of authority, motivated by an endless quest for intellectual integrity and moral consistency. It is manifest in fearless speech—parrhesia—that unsettles, unnerves, and unhouses people from their uncritical sleepwalking.27 West aptly defines the content of parrhesia‘s pedagogical telos: a project that ―unsettles, unnerves and unhouses people from their uncritical sleepwalking.‖ Such a project can be directed outward toward a critique of institutions of authority or inward toward a critique of one‘s own thinking. The concept thus has the advantage of functioning both as an ontological basis for democratic ideology as well as a potential critique of that selfsame ideology To summarize, I would like to suggest a two part justification for parrhesia‘s inclusion into our pedagogical quivers. First, since one of the purposes of philosophy of education courses is to stimulate critical, independent thinking about students‘ place in the world and who they are as teachers and citizens, it follows that we are talking about educating toward a specific mode of being. This mode of being can be generalized under the heading of a ―democratic civic ontologyor a ―democratic personality formation.‖ Such a formation (by whatever label) will come into being more readily if teachers were to harness the energies and devotions of parrhesia as an intellectual and moral ideal. Further, because the interrogatory qualities of parrhesia can be directed externally or internally—toward official authorities as well as toward one‘s own thinking—it is dialectical owing to its capacity to highlight the complex relations that exist between the ―psyche and the city.‖ Secondly, parrhesia can help fulfill and integrate those dispositions which together constitute a holistic conception of democratic citizenship. The character traits that define democratic selfhood-- questioning, passion for public affairs, dialogue, the capacity to revise, imagination, initiative, a sense of equality, a concern for the common good, an ability to enact positive forms of freedom —are traits derivative of parrhesia. Moreover, as a secular and provisional form of subjective truth, parrhesia appears to be in alignment with how American pragmatists have theorized conceptions of truth conducive to a pluralistic, multicultural society.28 These marvelous qualities and democratic purposes are sequestered within its symbolic boundaries. For all of these reasons, parrhesia represents a sound pedagogical principle for achieving democratic courage in action, a principle sorely needed today to counter the debilitating effects of a market-driven education and the dogged tenacity of the American warrior ethos.

#### Second, avoiding censorship of even offensive ideas is necessary to safeguard universities as protectors of democratic values and avoid dogmatism and groupthink

West and George 17. Sign the Statement: Truth Seeking, Democracy, and Freedom of Thought and Expression - A Statement by Robert P. George and Cornel West (Robert P. George is McCormick Professor of Jurisprudence and Director of the James Madison Program in American Ideals and Institutions at Princeton University. Cornel West is Professor of the Practice of Public Philosophy in the Divinity School and the Department of African and African- American Studies at Harvard University.) March 14, 2017. NP 3/15/17.

The pursuit of knowledge and the maintenance of a free and democratic society require the cultivation and practice of the virtues of intellectual humility, openness of mind, and, above all, love of truth. These virtues will manifest themselves and be strengthened by one’s willingness to listen attentively and respectfully to intelligent people who challenge one’s beliefs and who represent causes one disagrees with and points of view one does not share. That’s why all of us should seek respectfully to engage with people who challenge our views. And we should oppose efforts to silence those with whom we disagree—especially on college and university campuses. As John Stuart Mill taught, a recognition of the possibility that we may be in error is a good reason to listen to and honestly consider—and not merely to tolerate grudgingly—points of view that we do not share, and even perspectives that we find shocking or scandalous. What’s more, as Mill noted, even if one happens to be right about this or that disputed matter, seriously and respectfully engaging people who disagree will deepen one’s understanding of the truth and sharpen one’s ability to defend it. None of us is infallible. Whether you are a person of the left, the right, or the center, there are reasonable people of goodwill who do not share your fundamental convictions. This does not mean that all opinions are equally valid or that all speakers are equally worth listening to. It certainly does not mean that there is no truth to be discovered. Nor does it mean that you are necessarily wrong. But they are not necessarily wrong either. So someone who has not fallen into the idolatry of worshiping his or her own opinions and loving them above truth itself will want to listen to people who see things differently in order to learn what considerations—evidence, reasons, arguments—led them to a place different from where one happens, at least for now, to find oneself. All of us should be willing—even eager—to engage with anyone who is prepared to do business in the currency of truth-seeking discourse by offering reasons, marshaling evidence, and making arguments. The more important the subject under discussion, the more willing we should be to listen and engage—especially if the person with whom we are in conversation will challenge our deeply held—even our most cherished and identity-forming—beliefs. It is all-too-common these days for people to try to immunize from criticism opinions that happen to be dominant in their particular communities. Sometimes this is done by questioning the motives and thus stigmatizing those who dissent from prevailing opinions; or by disrupting their presentations; or by demanding that they be excluded from campus or, if they have already been invited, disinvited. Sometimes students and faculty members turn their backs on speakers whose opinions they don’t like or simply walk out and refuse to listen to those whose convictions offend their values. Of course, the right to peacefully protest, including on campuses, is sacrosanct. But before exercising that right, each of us should ask: Might it not be better to listen respectfully and try to learn from a speaker with whom I disagree? Might it better serve the cause of truth-seeking to engage the speaker in frank civil discussion? Our willingness to listen to and respectfully engage those with whom we disagree (especially about matters of profound importance) contributes vitally to the maintenance of a milieu in which people feel free to speak their minds, consider unpopular positions, and explore lines of argument that may undercut established ways of thinking. Such an ethos protects us against dogmatism and groupthink, both of which are toxic to the health of academic communities and to the functioning of democracies.

#### This links to the standard – free and open deliberation is necessary to recognize particularity of contexts and respect democratic procedures

Rogers 10 summarizes Dewey. (Melvin L. Rogers is currently the Scott Waugh Chair in the Division of the Social Sciences and Associate Professor of Political Science and African American Studies at UCLA.) Contemporary Pragmatism Editions Rodopi Vol. 7, No. 1 (June 2010), 69–91 Dewey and His Vision of Democracy Melvin L. Rogers. P 82-83. NP 3/12/17.

The significance Dewey accords deliberation among citizens yields another point regarding the fact of conflict in modern societies that sends us back to “The Ethics of Democracy.” As he says in The Public and Its Problems: “Differences of opinion in the sense of differences of judgment as to the course which it is best to follow, the policy which it is best to try out, will still exist” (362). Writing now in his post-Hegelian period, Dewey can more easily concede this point. And he amplifies the claim years later in Liberalism and Social Action, arguing that deliberation works to bring “conflicts [among citizens] out into the open where their special claims can be seen and appraised” in understanding the depth and complexity of the political problems and policy proposals.50 To say that deliberation brings conflict out into the open is not to deny that one result of this process may be a deepening of dissonance. Indeed, we will often have conflicts among groups that will need to be mitigated with the least amount of cost to democratic commitments. But, he explains in The Public and Its Problems how he understands the centrality of deliberation: “But opinion in the sense of beliefs formed and held in the absence of evidence will be reduced in quantity and importance. No longer will views generated in views of special situations be frozen into absolute standards and masquerade as eternal truths” (362). For him, the genuineness of deliberation holds out the trans- formative possibility of un-stiffening our commitments – our commitments matter, he argues, but they should never grip us so tightly that they are beyond revision and contestation. Coextensive with democratic decision making are both the transformative role that underwrites how we come to understand political problems in their various dimensions and that contributes to the possibility of forging shared values for action, and informational purposes of communication in con- textualizing expert knowledge. These two elements, Dewey argues, mean that lay and expert knowledge gains whatever vitality it has from being forged through deliberative process that makes each responsive to the other. Without the participation of citizens – understood by Dewey as substantive input – justification of one’s actions would come uncoupled from being accountable to the public. There is a practical upshot to Dewey’s argument. For example, where decision making is based less on the continuous input from public hearings, town hall meetings, advisory councils, and other deliberative bodies, there is greater reason to be concerned about the ends to which those decisions aim and the background interests from which they proceed. Moreover, there is reason to be equally suspicious of bureaucratic processes that are resistant to expanding decision making power by taking a bottom-up approach.51 Of course there may be good reason not to take such an approach, as for example when we think Dewey and His Vision of Democracy 83 about the obstacles that limited resources and time pose for political decision making. Here Lippmann’s point about the obstacles to broad-based inclusion is inescapable. But Dewey’s argument implies that the burden of proof must rest with those who seek less rather than more inclusive arrangements.52 So to the extent that experts guide political power without taking direction from the public in the form of deliberation, the entire decision making process loses in legitimacy what it gains in suspicion.

#### Third, Pragmatism supports freedom of expression, because freedom of expression is the only method of social change that attains reliable and effective radical revisions of society.

Rosenfeld 98 summarizes Rorty. Just Interpretations Law between Ethics and Politics Michel Rosenfeld UNIVERSITY OF CALIFORNIA PRESS Berkeley · Los Angeles · Oxford © 1998 The Regents of the University of California. NP 2/10/17.

The political means Rorty considers necessary to render his hopes for redemption in this world realistic are startlingly simple and familiar. He ― 179 ― states, "I think that contemporary liberal society already contains the institutions for its own improvement. . . . Indeed my hunch is that Western social and political thought may have had the last conceptual revolution it needs. J. S. Mill's suggestion that governments devote themselves to optimizing the balance between leaving people's private lives alone and preventing suffering seems to me pretty much the last word" (ibid., 63; emphasis in original). Moreover, the principal difference between Rorty's postmodern liberal ideal and its Millian counterpart stems from Rorty's insistence on privileging the role of language and narrative to the exclusion of anything that may lie behind or beyond language. In Rorty's ideal liberal society, change is the result of persuasion rather than force, reform rather than revolution (ibid., 60). Also, since the best hope for liberal society is that it will foster useful redescriptions, uninhibited freedom of expression ranks among its paramount objectives. It is true that freedom of expression already occupied a similar prominence in Mill's vision. But Mill, who unearthed the philosophical roots of the marketplace of ideas justification of freedom of speech, was convinced that uninhibited discussion afforded the best possible means toward discovery of the truth (Mill 1859, 15-52). Rorty, by contrast, values discussion for its own sake and preaches freedom of expression as the best hope to lead to more speech instead of the use of force (Rorty 1989, 52). In short, the paramountcy of freedom of expression is doubly justified in Rorty's prophetic vision. On the one hand, it enlarges the horizon for redescription; on the other, it serves to channel conflicts toward resolution by means of discussion as opposed to force. It is Rorty's hope that in a liberal society committed to freedom of expression the poet and the innovator will prevail. And if that makes life harder for others, Rorty reassures us that we need not worry, for it will be harder "only by words, and not deeds" (ibid., 61). In the last analysis, Rorty's critical analysis and his prophetic vision can be plausibly combined to yield a seemingly coherent version of intermediate pragmatism. Moreover, since Rorty's philosophy is driven by at least one constant objective, namely the hope for more useful redescription, the intermediate pragmatism to which it apparently leads would qualify as a pragmatism of ends, at least with respect to one end. That (second-order) end is the maximization of opportunities for imaginative redescriptions, and it calls for at least one legal norm, namely affording the greatest possible protection to freedom of expression. Accordingly, in spite of their otherwise significant differences, Posner and Rorty both concur that pragmatist philosophy lends support to freedom of expression. It is now time to take a closer critical look at this common conclusion, by inquiring whether the pragmatist defense of freedom of expression can overcome the challenge posed by extremist and hate speech. Also, after this inquiry, we will be in ― 180 ― a better position to answer the question raised but left open above, that is, whether Rorty's prophetic vision is ultimately unpragmatic because of its shortcomings regarding means rather than ends.

#### Fourth, the constitutional protections of free speech have been shaped by a long history of pragmatist methodology. This provides extremely strong epistemic grounds for maintaining and strengthening the procedure.

Bean and Elbow summarize Dewey. Janet Bean and Peter Elbow. FREEWRITING AND FREE SPEECH: A PRAGMATIC PERSPECTIVE. JOURNAL OF TEACHING WRITING VOLUME 25.1

Free speech would not have had its long history even into the present if it were seen only as a universal absolute or metaphysical right. The soil that has nourished it in our country is the long tradition of American pragmatism. In an important book for our field (Reason to Believe: Romanticism, Pragmatism and the Teaching of Writing), Roskelly and Ronald explore how this tradition goes back to the earliest days of English settlement in this country. Cornel West celebrates the American roots of pragmatism in a striking phrase, “the American evasion of philosophy.” He insists that pragmatism involves “a kind of inseparable link between thought and action, theory and practice” (West 10, quoted by Roskelly and Ronald 56). The colonists, for understandable reasons, developed a tradition of crude, everyday, see-what-works pragmatism. But Peirce and James and others developed pragmatism as a philosophical theory. Pragmatism assumes that truth, values, and what we think of as “reality” are not eternal, universal givens but relative and contextual. As Roskelly and Ronald put it, there is a “strong emphasis on experience as opposed to a priori assumptions” and pure theory (86). The goal of pragmatism is to avoid the swamps and dead-ends that come from debating absolutes (for example, does freedom exist or not exist?). “Grant an idea to be true,” pragmatism says, then ask “what concrete difference will its being true make in anyone’s actual life” (James, qtd. in Roskelly and Ronald 87). The questions—what works? How does it matter to lived experience?—these are central to pragmatic methodology. And they radically change the nature of philosophical inquiry. As James puts it: “It is astonishing to see how many philosophical disputes collapse into insignificance the moment you subject them to this simple test of tracing a concrete consequence” (qtd. in Roskelly and Ronald 21). (Compositionists should not forget how much Ann Berthoff was indebted to Peirce). Once we understand the pragmatist frame of thinking, it’s worth looking again at the First Amendment. As the framers wrote about freedom of speech, press, assembly, and so on, they were working out a pragmatic response to the specific conditions of their lives. The founders didn’t pretend they were protecting the speech of women and slaves. What gave meaning and urgency to the first amendment were the historical and contingent circumstances they were living through. The force of the First Amendment had to do with consequences and effects—the essential pragmatic criteria. People were put in American and English jails for what they wrote and said in public, and even for gathering in groups on street corners to criticize or even just discuss government policy. The framers took concrete action to prevent the creation of explicit laws that would underwrite the use of police or troops to stop people who dared speak. Some people may fall into the trap of thinking that the First Amendment creates a perfect space for pure freedom, and others into the trap of thinking that “freedom” is nothing but a naïve illusion. But the genuine traction that free speech manages to retain in our society comes from an awareness that we continue to live in historical conditions where free speech is so easily abridged—where we are continually confronted with a choice between more freedom and less. Free speech seems all the more precious in light of the Patriot Act and other contemporary government activities. (On discouraging days, a cynical thought recurs: free speech survives as a concept but not as a practice; freewriting survives as a practice, but not as a concept.)1 First Amendment legal practice is notably complex and context-dependent. Free speech cases have always necessitated a pragmatic approach. Even though justices like Brandeis might sometimes frame free speech as human universal, Supreme Court decisions are always about particular, contingent, historical judgments. Lawyers for one side argue that the particular case should be seen as an instance of one statute or precedent, while lawyers for the other side say that a different statute or precedent should decide the case (or at least that the first rule should not apply). Pragmatism, perhaps even more than Enlightenment ideals, has shaped how the First Amendment actually operates in our society through the legal system. When legal scholars and lay people evoke the metaphor of free speech as a “marketplace of ideas” or the concept of “clear and present danger,” they are indebted to the Supreme Court Justice Oliver Wendell Holmes (who, as a young man, was a member of the Metaphysical Club with William James and C.S. Pierce). In classic pragmatist fashion, he argued that truth is contingent and must be tested by experience. The Constitution itself, he argues, is grounded in pragmatic theory: . . . the best test of truth is the power of the thought to get itself accepted in the competition of the market, and that truth is the only ground upon which their wishes safely can be carried out. That at any rate is the theory of our Constitution. Freedom, argues Holmes, is valuable because of its usefulness. Even bad ideas need to be heard (just as Peter has argued that “bad” writing needs to be committed to paper). Society—and individual writers—need an arena for uncensored expression, not only to discover the (contingent) truth but to serve the ultimate good.

#### The practical effects of arguments matters – censors claim to care about some external good but censorship always fill the same purpose – to consolidate power and serve the interest of the group in control.

Stack and Simpson 10, Stack, Sam F. and Douglas J. Simpson (2010). Teachers, Leaders, and Schools : Essays by John Dewey. Carbondale, Ill: Southern Illinois University Press. Pg 218-219. NP 3/2/17.

Another great American democrat, Abraham Lincoln, left as his heritage the statement that democracy is Government of, for, and by the people. I have italicized the preposition “by” because government cannot possibly be by the people save when and where the freedom of intelligence is publicly and actively supported. It is debatable whether it can for any long period be for the people and not for a governing clique or bureaucracy save where the rights of public discussion and criticism are held inviolate. Revolutionary periods, of which from a world-wide point of view the present is one, tend toward a concentration of power. The concentration claims for itself that it is in the best interests of the people at large. At the outset, that may be the case in fact. But nothing is more certain than unless its movement is attended by scrupulous attentive observance of the principle of freedom of intelligence in action it will rapidly degenerate into the rule of a small section, maintained by use of force, in its own special interest. It is for this reason that it is so peculiarly, almost uniquely, important at the present time not to be distracted into allowing any issue, no matter how useful in itself, to displace freedom of intelligence in public communication by means of speech, publication in daily and weekly press, in books, in public assemblies, in scientific inquiry, as the centre and burning focus of democracy. Nothing will be more fatal in the end than surrender and compromise on this point. Now, more than ever, it is urgently necessary to hold it in steady view as the heart from which flows the life-blood of democracy. I should not close without definite recal of the fact that it was the pioneers of freedom of thought and speech in France in the eighteenth century, who in spite of every sort of interference by those professing to speak in the name of moral authority and social stability made that century the period of The Éclaircisse-ment, The Enlightenment, out of which has issued all that is best and truest in the democratic spirit first in the civilization of the West and now in promise if not yet in execution of the entire world. If the peoples who have behind them and still with them the living tradition of supreme and steady regard for free-dom of intelligence in operation in all channels of communication now live up to their heritage, they, we, shall issue from the present crisis with purification of the life-blood of democracy. In surmounting the cruel trials of the present crisis we shall have opened the way to a nobler, because freer, manifestation of the human spirit.

#### This links back to the standard and precludes standard link-turns given the genetic and historical nature of the offense.

John **Dewey c**. “The Evolutionary Method as Applied to Morality: II. Its Significance for Conduct.” The Philosophical Review, Vol. 11, No. 4 (Jul., 1902), pp. 353-371. Accessed through JSTOR

The reply already hinted at is that the mere existence of a belief, even admitting that as a belief it cannot in any way be got rid of, determines absolutely nothing regarding the objectivity of its own content. The worth of the intuition depends upon genetic considerations. In so far as we can state the intuition in terms of the conditions of its origin, development, and later career, in so far we have some criterion for passing judgment upon its pretentions to validity. If we can find that the intuition is a legitimate response to enduring and deep-seated conditions, we have some reason to attribute worth to it. If we find that historically the belief has played a part in maintaining the integrity of social life, and in bringing new values into it, our belief in its worth is additionally guaranteed. But if we cannot find such historic origin and functioning, the intuition remains a mere state of consciousness, a hallucination, an illusion, which is not made more worthy by simply multiplying the number of people who have participated in it. Put roughly we may say that intuitionalism, asordinarily conceived, makes the ethical belief a brute fact, because unrelated. Its very lack of genetic relationship to the situation in which it appears condemns it to isolation. This isolation logically makes it impossible to credit it with objective validity. The intuitionalist, in proclaiming the necessity of his content, proclaims thereby its objective reference; but in asserting its non-genetic character he denies any reference whatsoever. The genetic theory holds that the content embodied in any so-called intuition is a response to a given active situation: that it arises, develops, and operates somehow in reference to this situation. This functional reference establishes in advance some kind of relationship to objective conditions, and hence some presumption of validity. If the ' intuition' persists, it is within certain limits because the situation persists. If the particular moral belief is really inexpugnable, it is just because the conditions which require it are so enduring as to persistently call out an attitude which is relevant to them. The probability is that it continues in existence simply because it continues to be necessary in function.

## Underview

#### History proves – speech codes don’t work – they end up targeting the people they’re espoused to protect.

Nadine Strossen 90. Regulating Racist Speech on Campus: A Modest Proposal?. www.jstor.org/stable/pdf/1372555.pdf. Duke Law Journal, Vol. 1990, No. 3, Frontiers of Legal Thought II. The New First Amendment (Jun., 1990), pp. 484-573. Duke University School of Law. NP 2/23/17.

The first reason that laws censoring racist speech may undermine the goal of combating racism flows from the discretion such laws inevitably vest in prosecutors, judges, and the other individuals who implement them. One ironic, even tragic, result of this discretion is that members of minority groups themselves-the very people whom the law is intended to protect-are likely targets of punishment. For example, among the first individuals prosecuted under the British Race Relations Act of 1965 were black power leaders.368 Their overtly racist messages un- doubtedly expressed legitimate anger at real discrimination, yet the stat- ute drew no such fine lines, nor could any similar statute possibly do so. Rather than curbing speech offensive to minorities, this British law in- stead has been regularly used to curb the speech of blacks, trade union- ists, and anti-nuclear activists.369 In perhaps the ultimate irony, this statute, which was intended to restrain the neo-Nazi National Front, in- stead has barred expression by the Anti-Nazi League.370 The British experience is not unique. History teaches us that anti- hate speech laws regularly have been used to oppress racial and other minorities. For example, none of the anti-Semites who were responsible for arousing France against Captain Alfred Dreyfus were ever prose- cuted for group libel. But Emile Zola was prosecuted for libeling the French clergy and military in his "J'Accuse," and he had to flee to Eng- land to escape punishment.371 Additionally, closer to home, the very doctrines that Professor Lawrence invokes to justify regulating campus hate speech-for example, the fighting words doctrine, upon which he chiefly relies-are particularly threatening to the speech of racial and political minorities.372 The general lesson that rules banning hate speech will be used to punish minority group members has proven true in the specific context of campus hate speech regulations. In 1974, in a move aimed at the Na- tional Front, the British National Union of Students (NUS) adopted a resolution that representatives of "openly racist and fascist organiza- tions" were to be prevented from speaking on college campuses "by whatever means necessary (including disruption of the meeting)."373 A substantial motivation for the rule had been to stem an increase in cam- pus anti-Semitism. Ironically, however, following the United Nations' cue,374 some British students deemed Zionism a form of racism beyond the bounds of permitted discussion. Accordingly, in 1975 British students invoked the NUS resolution to disrupt speeches by Israelis and Zionists, including the Israeli ambassador to England. The intended tar- get of the NUS resolution, the National Front, applauded this result. However, the NUS itself became disenchanted by this and other unin- tended consequences of its resolution and repealed it in 1977.375 The British experience under its campus anti-hate speech rule paral- lels the experience in the United States under the one such rule that has led to a judicial decision. During the approximately one year that the University of Michigan rule was in effect, there were more than twenty cases of whites charging blacks with racist speech.376 More importantly, the only two instances in which the rule was invoked to sanction racist speech (as opposed to sexist and other forms of hate speech) involved the punishment of speech by or on behalf of black students.377 Additionally, the only student who was subjected to a full-fledged disciplinary hearing under the Michigan rule was a black student accused of homophobic and sexist expression.378 In seeking clemency from the sanctions imposed fol- lowing this hearing, the student asserted he had been singled out because of his race and his political views.379 Others who were punished for hate speech under the Michigan rule included several Jewish students accused of engaging in anti-Semitic expression380 and an Asian-American student accused of making an anti-black comment.381 Likewise, the student who recently brought a lawsuit challenging the University of Connecticut's hate speech policy, under which she had been penalized for an allegedly homophobic remark, was Asian-American.382

#### Banning bigotry lets sentiments fester underground and show in more virulent ways

Malik 12, Kenan. (Malik is a writer, lecturer and broadcaster) Why Hate Speech Should Not Be Banned. <https://kenanmalik.wordpress.com/2012/04/19/why-hate-speech-should-not-be-banned/> NP 2/22/17.

KM: I believe that no speech should be banned solely because of its content; I would distinguish ‘content-based’ regulation from ‘effects-based’ regulation and permit the prohibition only of speech that creates imminent danger. I oppose content-based bans both as a matter of principle and with a mind to the practical impact of such bans. Such laws are wrong in principle because free speech for everyone except bigots is not free speech at all. It is meaningless to defend the right of free expression for people with whose views we agree. The right to free speech only has political bite when we are forced to defend the rights of people with whose views we profoundly disagree. And in practice, you cannot reduce or eliminate bigotry simply by banning it. You simply let the sentiments fester underground. As Milton once put it, to keep out ‘evil doctrine’ by licensing is ‘like the exploit of that gallant man who thought to pound up the crows by shutting his Park-gate’. Take Britain. In 1965, Britain prohibited incitement to racial hatred as part of its Race Relations Act. The following decade was probably the most racist in British history. It was the decade of ‘Paki-bashing’, when racist thugs would seek out Asians to beat up. It was a decade of firebombings, stabbings, and murders. In the early 1980s, I was organizing street patrols in East London to protect Asian families from racist attacks. Nor were thugs the only problem. Racism was woven into the fabric of public institutions. The police, immigration officials – all were openly racist. In the twenty years between 1969 and 1989, no fewer than thirty-seven blacks and Asians were killed in police custody – almost one every six months. The same number again died in prisons or in hospital custody. When in 1982, cadets at the national police academy were asked to write essays about immigrants, one wrote, ‘Wogs, nignogs and Pakis come into Britain take up our homes, our jobs and our resources and contribute relatively less to our once glorious country. They are, by nature, unintelligent. And can’t at all be educated sufficiently to live in a civilised society of the Western world’. Another wrote that ‘all blacks are pains and should be ejected from society’. So much for incitement laws helping create a more tolerant society. aToday, Britain is a very different place. Racism has not disappeared, nor have racist attacks, but the open, vicious, visceral bigotry that disfigured the Britain when I was growing up has largely ebbed away. It has done so not because of laws banning racial hatred but because of broader social changes and because minorities themselves stood up to the bigotry and fought back. Of course, as the British experience shows, hatred exists not just in speech but also has physical consequences. Is it not important, critics of my view ask, to limit the fomenting of hatred to protect the lives of those who may be attacked? In asking this very question, they are revealing the distinction between speech and action. Saying something is not the same as doing it. But, in these post-ideological, postmodern times, it has become very unfashionable to insist on such a distinction. In blurring the distinction between speech and action, what is really being blurred is the idea of human agency and of moral responsibility. Because lurking underneath the argument is the idea that people respond like automata to words or images. But people are not like robots. They think and reason and act on their thoughts and reasoning. Words certainly have an impact on the real world, but that impact is mediated through human agency.

#### Speech codes make bigotry a free speech issue which turns bigots into martyrs, glorifying their speech and ultimately making censored speec more appealing

Nadine Strossen 90. Regulating Racist Speech on Campus: A Modest Proposal?. www.jstor.org/stable/pdf/1372555.pdf. Duke Law Journal, Vol. 1990, No. 3, Frontiers of Legal Thought II. The New First Amendment (Jun., 1990), pp. 484-573. Duke University School of Law. NP 2/23/17.

Parts II and III of this Article emphasized the principled reasons, arising from first amendment theory, for concluding that racist speech should receive the same protection as other offensive speech. This con- clusion also is supported by pragmatic or strategic considerations con- cerning the efficacious pursuit of equality goals. Not only would rules censoring racist speech fail to reduce racial bias, but they might even undermine that goal. First, there is no persuasive psychological evidence that punishment for name-calling changes deeply held attitudes. To the contrary, psychological studies show that censored speech becomes more appealing and persuasive to many listeners merely by virtue of the censorship.358 Nor is there any empirical evidence, from the countries that do out- law racist speech, that censorship is an effective means to counter racism. For example, Great Britain began to prohibit racist defamation in 1965.359 A quarter century later, this law has had no discernible adverse impact on the National Front and other neo-Nazi groups active in Brit- ain.360 As discussed above,361 it is impossible to draw narrow regulations that precisely specify the particular words and contexts that should lead to sanctions. Fact-bound determinations are required. For this reason, authorities have great discretion in determining precisely which speakers and which words to punish. Consequently, even vicious racist epithets have gone unpunished under the British law.362 Moreover, even if actua6 or threatened enforcement of the law has deterred some overt racist in- sults, that enforcement has had no effect on more subtle, but nevertheless clear, signals of racism.363 Some observers believe that racism is even more pervasive in Britain than in the United States.364

# FW Version – Extensions

**Primary Syllogism**

Extend **Glaude 7:** uncertainty is inevitable – we can’t completely grasp nor control the external world. That necessitates a focus on experience and context, since that’s all we have the capacity to comprehend.

Outweighs and precludes your FW warrants. A) Your FW exists as the culmination of thousands of years of inadequate theories. Gives us near certain inductive evidence of fallibility. The fallibility of your framework is the starting point of mine. B) your framework is trapped within the modernist assumption in which truth is separable from actions. Such a concept is incoherent given the material situatedness of belief and meaning. Only the aff accounts. My framework recontextualizes ‘truth’ as a concept, precluding your ‘true’ arguments.

Extend **Pierce:** meaning is constrained to the notion of what makes a practical difference – only that creates the possibility of epistemic assessment.

*That outweighs your framework warrants* – pragmatism is a constraint on meaning – intelligibility is a consequence of pragmatics, thus the neg presupposes the truth of the aff framework. Also, Phil of language comes first, the intelligibility of arguments is a preqreq for discussion.

**Extend London 2k:** ethical theories respond to questions, and demands of particular conditions – objective truth can’t be accessed which means focus on abstract and absolute ideals is impossible. Only knowledge as a product of experience gives ethics purpose. This necessitates a theory of politics and democracy – any ethical framework and public institution must address the issues of freedom and representation.

This precludes the NC FW. You assume we can make judgments about the true ethical theory from the armchair or debate room, that’s incoherent, knowledge of ethics is inseparable from the practice of ethics.

Takes out Parfit, Parfit assumes we understand identity theoretically, not practically. But that’s just a strawperson of the pragmatist theory of identity which says there is consistency in how we approach the world.

Precludes your K. You provide a static understanding which reinforces academic particularities as supposedly universal.

**Dewey:** democracy is necessary to maintain pragmatic principles in political spheres – no individual should have the authority to determine the good for others – that necessitates a system that fosters representation and allows expression of particular interests

**Extend Standards Analysis**

Democracy’s procedural, not substantive – it’s a decision procedure that tells us how to approach ethical questions, but doesn’t create set answers

Takes out **PICs** – a. even if your particular exception is good, my offense shows that we were not positioned to consider the advantages of the exemption, b. we cannot trust the government with the power to determine exemptions. Even if your exemption is good, the government should not be empowered to act on that reasoning.

Your framework warrants don’t compete with the AC. The aff is not a substantive account of what is good and bad, it’s a procedural account of how we make decisions. Every one of your arguments could be true, and yet we would still make decisions as per the AC.

Takes out Epistemic Modesty. My framework is a decision procedure, not an ethical theory, just like EM is. It operates at the same level that epistemic modesty does; however, it is preferable because A) it builds uncertainty in to the theory itself, while EM limits uncertainty to the theories it adjudicates over. B) pragmatism acknowledges that the theories defend in the debate round are not exhaustive of plausible ethical assumptions. C) does not rely on a dubious meta ethical notion like expected value that can be somehow be maximized. D) it avoids reliance on abstract notions of the good that are metaphysically inaccessible

**Extend Dewey:** impacts can’t be isolated from their histories, since historical reason that prove a belief is pragmatically useful give reason to err in favor of it

This delinks their *K/PIC/CP.* It might sound good in the abstract, but it ignores the actual history of how these sorts of arguments are coopted. Delinks your offense and shows my aff turns your *K/PIC/CP*

**Additional Reason to Prefer**

**Extend Rogers 1:** only my framework accounts for the particularity of moral reasoning. Even if there were general moral principles, those could only be applied to particular situations by other principles leading to regress.

My offense precludes, unless we can form an understanding of the individual as a pragmatic reasoner, it is impossible for them to integrate moral reasoning with the particulars of experience.

**Contention 1**

**Extend Stack and Simpson 10:** schools must create students willing to challenge authority – imposition of values on students and censorship creates students likely to reject freedom and cede to people in power. Truth only matters if people are free to accept it.

*I control uniqueness. Election proves authoritarian tendencies are on the rise in the US. Further turns your case – deference to authority precludes support for radical moral progress and resistance to statism.*

*Also outweighs of specificity. Educational contexts serve a unique social function within a pragmatic democracy – your harms are non-uniqued by free speech in society as a whole, while my offense is not.*

**Extend Burch 9:** challenging authoritative dictates and creating critical citizens allows interrogation of social structures – this is the basis of democracy

Links turns Cap – the way to counter market driven education is through revival of individual freedom and critical pedagogy. Also key because any given moral principle can be coopted by the capitalist system unless it is held subject to internal criticism.

**Contention 2**

**Extend West and George 17:** intellectual humility is central to democracy – only through willingness to listen to opposing views can we avoid idolatry to our own ideas – that undercuts dogmatism and fosters spaces of intellectual openness

*This means the aff functions as a tie breaker if there is compelling offense on both sides -- if you think there is a chance the aff is true, you affirm to preserve space for continued investigation.*

**Extend Rogers 10 summarizes Dewey:** free and open deliberation is key to maintaining openness to opposing ideas – knowledge only gains legitimacy through this kind of system. Err aff – bureaucratic processes err towards consolidation of power – neg has the burden of proof that less inclusive arrangements are preferable.

Takes means you err aff on the PIC – less inclusive arrangements mean those in power have discretion over enforcement, while maintaining an interest in their own power

Link turns your offense. Sure, hate speech might be awful but we need internal modes of criticism by which we can refine our understanding of what constitutes hate speech. Further key to understanding the broader implications of even things like speech restrictions.

**Contention 3**

**Extend Rosenfeld 98 summarizes Rorty:** only through free expression can there be space for re-description – it allows critical revision of existing social norms.

*Takes out the counterplan – in democracy, the only way to change mindsets is through discussion, not imposition of values. Affirming is the only effective mechanism of social change.*

**Contention 4**

**Bean and Elbow summarize Dewey:** the constitution is shaped by pragmatic principles, created in light of the knowledge that freedom of speech is easily threatened to advance government intersts. The supreme court takes into account particularity in every decision.

Takes out particularism, the aff is particularist – a. the constitution changes in response to different particular problems based on court judgments – that’s preferable – decisions are always made in response to a current ethical problem

Takes out your counterplans. Your freedom of speech might seem like a key exemption given conditions of the squo. But this ignores the historical realities of how individual exemptions are coopted for regressive government programs. Further, the aff provides far stronger inductive evidence that your apparently key exemption is just a result of misunderstanding created by a too particular perspective on the issue.

**Stack and Simpson 10:** evaluate arguments in terms of their practical effects – censorship is always about consolidation of power, regardless of the particular interests censors claim to promote

Takes out PICs – they claim to care about \_\_\_\_\_\_\_, but that will just be appropriate to create authoritarian social systems that preclude democratic possibilities. Outweighs – a. it’s a procedural question about how you justify arguments, which precludes the ability to evaluate claims about the badness of a particular form of speech, b. even when the offense is not coopted, the movement itself shifts towards tyranny. Empirically verified – look at the democratic party.

# Contention F/L

## A2 Experimentation

1. Experimentation doesn’t make sense because there’s no body to engage int hat pragmatic reasoning – there’s no cross university body that can maximize chance over all – it’s not relevant to the deliberation of the aff since each university will use its own rationale and make a decision from its own standpoint – it doesn’t speak to what each individual college should decide to do for itself
2. Experimentation is constrained by the justifiability of the experiment – the aff proves an action is not justifiable, that co-opts your internal link – I can explain why experimentation is good, but not experimentation in this instance
3. History indicates it won’t be a good experiment, since colleges won’t make a decision based on what is promoting the good, just what allows their own control – they’re experimenting for the wrong end. E.g. you should not experiment with how to murder – link turns experimentation since we’re experimenting for the best way to do evil
4. No brightline for when we stop experimenting – means it can’t be a democratic procedure since it doesn’t allow you to make a decision
5. We want real experiments, not fake ones – you’re a fake experiment since there are no control variables to make sure they’re testing the same thing, so it’s probably bad information
6. You don’t experiment on things when you have compelling evidence that you already know the answer, e.g. we’re not still experimenting if we need to vaccinate – means the NC begs the question

## A2 Experimentation Bad

The purpose of real-world experiments is not causal relations.

Poel 15, Poel writes: Poel, Ibo van del. Professor, TU Delft “Morally Experimenting with Nuclear Energy.” Cambridge University Press, August 2015.

It might, however, be objected that the new criterion might help us to distinguish real-world experiments from mere observations, but that the uncontrolled character of real-world experiments nevertheless makes it impossible to learn from these experiments. After all, scientists aim for controlled experiments because they make it possible to establish cause-effect relations. I think this possible objection does not hold for several reasons. First, the learning that takes place in real-world experiments is not only, or even primarily, learning about causal relations. As pointed out earlier, in real-world experiments one can learn about social impacts (impact learning), about the proper institutions to embed a technology in society (institutional learning), and about relevant moral issues, norms, and values (normative learning). Institutional and normative learning in particular do not necessarily require the establishment of causal relations. Second, the learning in a real-world experiment is primarily aimed at better introducing a technology in society rather than at producing general knowledge about cause-effect relations (as is often the aim of laboratory experiments). When we introduce a new technology in society as a real-world experiment, we want to learn about this specific technology in a more or less specific context. A real-world experiment is in fact often more appropriate for this kind of learning than a laboratory experiment.

## A2 Hate Speech

### A2 Group Harm

#### Group harm should not be the basis for regulation of speech – it creates static conceptions of group identity constructed by the majority that disempowers minorities and undermines democratic principles and deliberation.

Post 91 summarizes. Robert C. Post, Racist Speech, Democracy, and the First Amendment, 32 Wm. & Mary L. Rev. 267 (1991), <http://scholarship.law.wm.edu/wmlr/vol32/iss2/4>. NP 3/11/17.

This argument is powerful and requires close attention. In analyzing it, we can draw on the distinction that has emerged in feminist writings between "sex," which refers to biological facts, and "gender," which refers to socially constructed roles. 49 . To confuse the two, to predicate the social content of gender upon the biological fact of sex, is to fall into "the determinist or essentialist trap."50 The political point of the distinction is to keep perpetually open for discussion and analysis the social meaning of being born female and included within the group "women.' 51 Even if one is not free to opt out of the group, the possibility ought nevertheless to be preserved that the identity of the group be ultimately determined, in the language of Nancy Fraser, "through dialogue and collective struggle.' 52 Fraser writes that "[iun a society as complex as ours, it does not seem to me wise or even possible to extrapolate" the outcome of that dialogue "from the current, prepoliticized experiences and idiolects of women, especially since it is likely, in my view, that these will turn out to be the current prepoliticized experiences and idiolects only of some women."'1 Fraser's point is that regardless of the biological basis of sex, the social meaning of gender is a political issue whose outcome, like that of all political issues, must be regarded as indeterminate. She thus applies the structure of democratic self-determination to the constitution of group identity. The individualist assumptions of that structure create a form of communication in which political indeterminacy is preserved; they guarantee that the dialogue envisioned by Fraser will remain open to the perspectives of all women. If the identity of the group "women" were understood to have a content determinate enough to employ the force of law to silence dissenting views, the law would hegemonically impose the perspective of only some women.The same logic, I believe, holds true for racial groups. We must distinguish race as a biological category from race as a social category. Even if unfortunately "the attempt to establish a biological basis of race has not been swept into the dustbin of history,"' 54 it would nevertheless be deplorable to construct first amendment principles on the basis of a biological view of race. What is most saliently at issue is rather "race as a social concept": "The effort must be made to understand race as an unstable and 'decentered' complex of social meanings constantly being transformed by political struggle."'55 To the extent that the social meaning of race is thus profoundly controversial156 - and it is controversial not merely for members of minority groups but also for the entire Nation 57 - the individualist premises of public discourse will ensure that it remains open to democratic constitution. This lack of closure may of course be threatening, for it casts the creation of group identity upon the uncertain currents of public discourse. The safe harbor of legal regulation may, by contrast, appear to promise members of minority groups more secure control over the meaning of their social experience. But that promise is illusory, for it is profoundly inconsistent with the analysis of racism prevalent in the contemporary literature. To the extent that racism is viewed as pervasive among whites, and to the extent that whites, as a dominant group, can be expected to hold the levers of legal power, there would seem little reason to trust the law to establish socially acceptable meanings for race. Such meanings cannot be determined by reference to easy or bright-line distinctions, as for example those between positive or negative ascriptions of group identity. The work of figures as diverse as William Julius Wilson,es Shelby Steele,159 and Louis Farrakhan160 illustrates how highly critical characterizations of racial groups can nevertheless serve constructive social purposes. To vest in an essentially white legal establishment the power to discriminate authoritatively among such characterizations and purposes would seem certain to be disempowering. 16 The conclusion that group harm ought not to justify legal regulation is reflected in technical first amendment doctrine in the fact that virtually all communications likely to provoke a claim of group harm will be privileged as assertions of evaluative opinion. 162 The following language, for example, gave rise to legal liability in Beauharnais: "If persuasion and the need to prevent the white race from becoming mongrelized by the negro will not unite us, then the aggressions . . rapes, robberies, knives, guns and marijuana of the negro, SURELY WILL."'163 Justice Frankfurter interpreted this language as a false factual assertion: "No one will gainsay that it is libelous falsely to charge another with being a rapist, robber, carrier of knives and guns, and user of marijuana."' 164 This interpretation, however, seems plainly incorrect. To accuse an individual of using marijuana is to assert that she has committed certain specific acts, but to accuse the group "blacks" of using marijuana is not to make an analogous assertion. Some blacks will have used marijuana, and most will not have. The question is thus not the existence of certain specific acts, but rather whether those acts can appropriately be used to characterize the group. The fundamental issue is the nature of the group's identity, an issue that almost certainly ought to be characterized as one of evaluative opinion. Because the social meaning of race is inherently controversial, most statements likely to give rise to actions for group harm will be negative assessments of the identity of racial groups, and hence statements of evaluative opinion. No serious commentator would advocate a trial to determine the truth or falsity of such statements; the point is rather that such statements should not be made at all because of the deep injury they cause. But in a context in which group identity is a matter for determination through political struggle and disagreement, the hypostatized injury of a group cannot, consistent with the processes that instantiate the principle of self-determination, be grounds to legally silence characterizations of group identity within public discourse.

### A2 no equal citizenship w hate speech

#### Equal citizenship can’t justify regulation of hate speech – there is no ultimate interpreter who can justify regulations absent public deliberation

Post 91. Robert C. Post, Racist Speech, Democracy, and the First Amendment, 32 Wm. & Mary L. Rev. 267 (1991), <http://scholarship.law.wm.edu/wmlr/vol32/iss2/4>. NP 3/11/17.

In balancing the value of equal citizenship against the principle of self-determination, however, we must ask who is empowered to interpret the meaning of the highly contestable value of equal citizenship. To the extent that the value of equal citizenship is used to justify limiting public discourse, the interpreter of the value cannot be the people, because the very function of the appeal to the fourteenth amendment is to truncate the communicative processes by which the people clarify their collective will. 3 5 In such circumstances the Ultimate Interpreter, whoever or whatever it may finally turn out to be, must impose its will without popular accountability. Our government currently contains no such Interpreter, not even the Supreme Court, whose constitutional decisions are always shadowed by the potential of constitutional amendment or political reconstruction through subsequent appointments. The impossibility of locating such an Interpreter suggests the difficulties that attend the argument from the fourteenth amendment.36

### A2 allowing racism is endorsing racism

#### Permitting racist ideas does not amount to an endorsement of them – that would make autonomy nonexistent and deliberation incoherent

Post 91. Robert C. Post, Racist Speech, Democracy, and the First Amendment, 32 Wm. & Mary L. Rev. 267 (1991), <http://scholarship.law.wm.edu/wmlr/vol32/iss2/4>. NP 3/11/17.

A second argument is that the failure to regulate racist ideas amounts to a symbolic endorsement of racist speech, which is intolerable in "a society committed to ideals of social and political equality."'1 In essence this argument rejects the public/private distinction required by democratic self-governance. 128 But if responsibility for ideas advanced by individuals in public discourse were to be attributed to government, the government could not then also be deemed responsive to those ideas in the way required by the principle of self-determination. Just as a library could not function if it were understood as endorsing the views of the authors whose books it collects and displays, so also in a democracy the government could not serve the value of autonomy if it were understood as endorsing the ideas expressed by private persons in public discourse. 129

### A2 biases make discourse impossible

#### This does not justify regulation of speech since biases are inevitable in any discussion – rather, it calls for more persuasive discussion to counter problematic ideas, not censorship

Post 91. Robert C. Post, Racist Speech, Democracy, and the First Amendment, 32 Wm. & Mary L. Rev. 267 (1991), <http://scholarship.law.wm.edu/wmlr/vol32/iss2/4>. NP 3/11/17.

Once again, the premise of this argument appears sound, but its conclusion does not. Audiences always evaluate communication on the basis of their understanding of its social context. 95 This is not a deformity of public discourse, but one of its generic characteristics. 9 6 It poses the question of how an audience's prepolitical understanding of social context may be altered, a question that confronts all participants in public dialogue. The urgency of the question does not justify restricting public discourse; it is rather a call for more articulate and persuasive speech, for more intense and effective political engagement.

### A2 discourse fails

#### Double bind – either a. free discussion is so irretrievably impacted by racism that anti-racist views can not win out, which means that if they’re winning their arguments, their claims are more likely to be racist since the anti-racist view can’t advance, or b. they are winning that their claims are preferable through open discussion which proves that open discussion is possible and discourse isn’t irrevocably damaged

#### Even the notion that free speech is irrevocably tainted can only be resolved through free discourse – makes the claim self effacing

Post 91. Robert C. Post, Racist Speech, Democracy, and the First Amendment, 32 Wm. & Mary L. Rev. 267 (1991), <http://scholarship.law.wm.edu/wmlr/vol32/iss2/4>. NP 3/11/17.

The issue on the table is whether irrationality and coercion have so tainted the medium of public discourse as to require shrinking the scope of self-government. That issue significantly affects every citizen, and its resolution therefore cannot be ceded to the control of any particular group. In fact I do not see how the issue can be adequately resolved at all unless some notion of civic membership is invoked that transcends mere group identification. Unless we can strive to deliberate together as citizens, distancing ourselves from (but not abandoning) our specific cultural backgrounds, the issue can be resolved only through the exercise of naked group power, a solution not at all advantageous to the marginalized and oppressed.203 Paradoxically, therefore, the question of whether public discourse is irretrievably damaged by racist speech must itself ultimately be addressed through the medium of public discourse. Because those participating in public discourse will not themselves have been silenced (almost by definition), a heavy, frustrating burden is de facto placed on those who would truncate public discourse in order to save it. They must represent themselves as "speaking for" those who have been deprived of their voice. But the negative space of that silence reigns inscrutable, neither confirming nor denying this claim. And the more eloquent the appeal, the less compelling the claim, for the more accessible public discourse will then appear to exactly the perspectives racist speech is said to repress.

#### Indictment of public discourse as irrational can’t justify regulation of speech since this presumes an absolute notion of truth and undermines its purpose of providing a mechanism for public reconciliation

Post 91. Robert C. Post, Racist Speech, Democracy, and the First Amendment, 32 Wm. & Mary L. Rev. 267 (1991), <http://scholarship.law.wm.edu/wmlr/vol32/iss2/4>. NP 3/11/17.

But it is one thing to use the idea of false consciousness as a weapon within public discourse to convince others of the need to break with the prejudices of the past, and it is quite another to use the idea as a justification to limit public discourse itself. The first is a familiar rhetorical strategy. It is consistent with the processes of public discourse because its effectiveness ultimately depends upon its persuasive power. The second, however, presupposes an intimacy with truth so vital as to foreclose opposing positions. The very point of using the idea of false consciousness to limit public discourse is to justify legally disregarding certain perspectives, on the grounds that these perspectives could not possibly be respected as true expressions of autonomous individuality. Circumscribing public discourse to ameliorate false consciousness thus does not protect public discourse from harm, but rather contradicts its very purpose of providing a medium for the reconciliation of autonomous wills.

### A2 minorities are silenced

#### Silencing does not justify restraint on speech since it is racist ideas rather than their expression that lead to intimidation of minorities – even this argument cedes the importance of public debate

Post 91. Robert C. Post, Racist Speech, Democracy, and the First Amendment, 32 Wm. & Mary L. Rev. 267 (1991), <http://scholarship.law.wm.edu/wmlr/vol32/iss2/4>. NP 3/11/17.

Even if this burden is lifted, however, and it is simply accepted that members of victim groups are intimidated into silence, it would still not follow that restraints on racist speech within public discourse are justified. One might believe, for example, that such silencing occurs chiefly through the structural conditions of racism, rather than specifically through the shock of racist speech. "The problem," as the Chairman of the Black Studies Department of New York's City College recently remarked apropos of the racist comments of an academic colleague, does not lie with specific communicative acts, but rather with "racism" itself, "insidious in our society and built into our culture.."20 4 If that were true, restraints on racist speech would impair public discourse without at the same time repairing the silence of victim groups. Alternatively, one might believe that racist speech silences victim groups primarily because of its "ideas," because of its messages of racial inferiority, rather than because of its incivility. The distinction is important for the following reason: although it is consistent with the internal logic of public discourse to excise in extreme circumstances certain kinds of uncivil speech that are experienced as coercive, 20 5 it is fundamentally incompatible with public discourse to excise specific ideas because they are "analogously" deemed to be coercive. Public discourse is the medium within which our society assesses the democratic acceptability of ideas; to exclude certain ideas as prima facie "coercive" and hence destructive of public discourse is to contradict precisely this function. Therefore "harm" to public discourse cannot justify restraints on racist ideas on the grounds that such ideas are perceived to be threatening or coercive. 20 6

### A2 regulations are a symbol

#### Defense of symbolic regulation of speech fails by undermining the principle of civil discourse writ large – focusing on ameliorating structural exclusion is preferable to truncating discourse

Post 91. Robert C. Post, Racist Speech, Democracy, and the First Amendment, 32 Wm. & Mary L. Rev. 267 (1991), <http://scholarship.law.wm.edu/wmlr/vol32/iss2/4>. NP 3/11/17.

I believe, however, that this invitation to balance ought to be declined. This is not because balancing can be ruled out in advance by some "absolutist" algorithm; the attraction of a purely formal democracy may itself in extreme circumstances no longer command limitless conviction. It is rather because, in the American context, the temptation to balance rests on what might be termed the fallacy of immaculate isolation.2 16 The effect on public discourse is acceptable only if it is de minimis, and it is arguably de minimis only when a specific claim is evaluated in isolation from other, similar claims. But no claim is in practice immaculately isolated in this manner. As the flag burning example suggests, there is no shortage of powerful groups contending that uncivil speech within public discourse ought to be "minimally" regulated for highly pressing symbolic reasons. 2 17 This is evident even if the focus of analysis is narrowly limited to the structure of the claim at issue in the debate over racist speech. In a large heterogeneous country populated by assertive and conflicting groups, the logic of circumscribing public discourse to reduce political estrangement is virtually unstoppable. The Nation is filled with those who feel displaced and who would feel less so if given the chance symbolically to truncate public discourse. This is already plain in the regulations that have proliferated on college campuses, which commonly proscribe not merely speech that degrades persons on the basis of their race, but also, to pick a typical list, speech that demeans persons on the basis of their "color, national origin, religion, sex, sexual orientation, age, handicap, or veteran's status.."218 The claim of de minimis impact loses credibility as the list of claimants to special protection grows longer. The point I want to press does not depend upon the intellectual difficulty of drawing lines to separate similar claims. It is rather that the remedial and political logic of equal participation applies with analogous force to a broad and growing spectrum of group claims. One might, of course, devise arguments, perhaps based on the specific history of the fourteenth amendment, to distinguish racial epithets from blasphemous imprecations, or from degrading and pornographic characterizations of women, or from vicious antigay slurs, or from gross ethnic insults. But the question is whether such arguments can withstand the compelling egalitarian logic that unites these various situations. My strong intuition is that they cannot, and hence that the claim of de minimis impact on public discourse is implausible.2 19 In the specific context of the argument from cultural exclusion, moreover, a refusal to balance is far less harsh than it might superficially appear. The fundamental challenge is to enable members of victim groups to reinterpret their experience within the American political and cultural order as one of genuine participation. There are a host of ways to address this challenge short of truncating public discourse. The most obvious and potentially effective strategy would be to dismantle systematically and forcefully the structural conditions of racism. If we were so blessed as to be able to accomplish that feat-if we were truly able to eliminate such conditions as chronic unemployment, inadequate health care, segregated housing, or disproportionately low incomes-then we would no doubt also have succeeded in ameliorating the experience of cultural exclusion.

## A2 Particularism

### Framework

A) rule following paradox is not an argument for particularism, even major particularists like David McNaughton and Piers Rawling acknowledge this — if it were an argument it would prove things like math does not use principles. Which is nonsense, just because the principles cannot be inductively defined in a way that eliminates

Intellectual humility also does not mean particularism. A) the problem would reverberate upward, you make a universal judgment that we should not use principles b) this just proves we should be willing to revise principles in light of new evidence, not that principe based decision making is bad

### Substance

#### The aff is a procedure which is necessary for allowing of particular judgments – only affirming gives needed individual flexibility for diverse responses in particular circumstances

1. The aff is particularist – the constitution changes in response to different particular problems based on court judgments – that’s preferable – decisions are always made in response to a current ethical problem. **Bean and Elbow** proves that provides the most reliable method for democracy
2. It’s not about the particular vs. the universal, but the axis to use for particular judgment – epistemic claims about pragmatism preclude since they support preferability of my method

#### Speech codes can’t account for particularism – they’re blanket bans that don’t allow for individual discretion of use of language in certain instances which leaves less room for flexibility

1. The aff is procedural, allowing those particular judgments to be made
2. I am particular too, just in a different way (e.g. constitution can change). It's not particular vs universal, it's about determining which axis to use for particular judgments
3. Speech codes diagnose causes of racism as isolated and simple rather than complex and variant – a smaller policy doesn’t make it more particular if it generalizes and oversimplifies conflict. That outweighs -- the thesis of the aff is just that speech codes are a bad thing – I don’t foreclose the possibility of more particular policies that deal with causes of racism at the route, but you do by crafting a homogenous response to certain speech.
4. Speech codes can not embrace complexity nor particularity

Nadine Strossen 90. Regulating Racist Speech on Campus: A Modest Proposal?. www.jstor.org/stable/pdf/1372555.pdf. Duke Law Journal, Vol. 1990, No. 3, Frontiers of Legal Thought II. The New First Amendment (Jun., 1990), pp. 484-573. Duke University School of Law. NP 2/23/17.

Some traditional civil libertarians may agree with Professor Law- rence that a university rule banning a narrowly defined class of assault- ive, harassing racist expression might comport with first amendment principles and make a symbolic contribution to the racial equality man- dated by the fourteenth amendment. However, Professor Lawrence and other members of the academic community who advocate such steps must recognize that educators have a special responsibility to avoid the danger posed by focusing on symbols that obscure the real underlying issues. The recent exploitation of the American flag as a symbol of patriot- ism, to distort the true nature of that concept, serves as a sobering re- minder of this risk. Joseph S. Murphy, Chancellor of The City University of New York, recently offered lessons for educators from the flag-related controversies. His cautionary words apply even more powerfully to the campus hate speech controversy, since the general responsibility of academics to call for an honest and direct discourse about compelling societal problems is especially great within our own communities: As educators, we should be somewhat concerned [about the manipula- tion of such symbols as the flag for partisan political purposes]. A best, we convey ideas in their full complexity, with ample appreciation of the ambiguity that attaches to most important concepts. We use symbols, but we do so to illuminate, not to obscure.... The real question is how we use our position in the university and in society to steer national discourse away from an obsessive fixation on the trivial representation of ideas, and toward a proper focus on the underlying conflicts that define our era.436 An exaggerated concern with racist speech creates a risk of elevating symbols over substance in two problematic respects. First, it may divert our attention from the causes of racism to its symptoms. Second, a focus on the hateful message conveyed by particular speech may distort our view of fundamental neutral principles applicable to our system of free expression generally. We should not let the racist veneer in which ex- pression is cloaked obscure our recognition of how important free expres- sion is and of how effectively it has advanced racial equality.

## A2 PICs

1. PICs don’t solve the aff -- the aff advantage isn’t about discourse, but about public institutions being disempowered to restrict speech when they deem it best. The PIC legitimizes the idea that the government can determine exemptions to free of speech, which means none of the impacts are solved.
2. [if PIC is not campus specific] Your PIC doesn’t function under the aff framework. You only prove a certain type of speech should be restricted, not that such speech should be allowed except on college campuses. The resolution asks a methodological question about deference to constitutional norms, your offense answers a different question about what those norms should be.
3. The AC impacts appeal to institutional structure, means my impacts outweigh even if we were to adjudicate impacts.

**Rawls**, John, 1955, “Two Concepts of Rules”, Philosophical Review, 64(1): 3–32.

Try to imagine, then, an institution (which we may call "telishment") which is such that the officials set up by it have authority to arrange a trial for the condemnation of an innocent man whenever they are of the opinion that doing so would be in the best interests of society. The discretion of officials is limited, however, by the rule that they may not condemn an innocent man to undergo such an ordeal unless there is, at the time, a wave of offenses similar to that with which they charge him and telish him for. We may imagine that the officials having the discretionary authority are the judges of the higher courts in consultation with the chief of police, the minister of justice, and a committee of the legislature. Once one realizes that one is involved in setting up an institution, one sees that the hazards are very great. For example, what check is there on the officials? How is one to tell whether or not their actions are authorized? How is one to limit the risks involved in allowing such systematic deception? How is one to avoid giving anything short of complete discretion to the authorities to telish anyone they like? In addition to these considerations, it is obvious that people will come to have a very different attitude towards their penal system when telishment is adjoined to it. They will be uncertain as to whether a convicted man has been punished or telished. They will wonder whether or not they should feel sorry for him. They will wonder whether the same fate won't at any time fall on them. If one pictures how such an institution would actually work, and the enormous risks involved in it, it seems clear that it would serve no useful purpose. A utilitarian justification for this institution is most unlikely. It happens in general that as one drops off the defining features of punishment one ends up with an institution whose utilitarian justification is highly doubtful. One reason for this is that punishment works like a kind of price system: by altering the prices one has to pay for the performance of actions it supplies a motive for avoiding some actions and doing others. The defining features are essential if punishment is to work in this way; so that an institution which lacks these features, e.g., an institution which is set up to "punish" the innocent, is likely to have about as much point as a price system (if one may call it that) where the prices of things change at random from day to day and one learns the price of something after one has agreed to buy it."4 If one is careful to apply the utilitarian principle to the institution which is to authorize particular actions, then there is less danger of its justifying too much. Carritt's example gains plausibility by its indefiniteness and by its concentration on the particular case. His argument will only hold if it can be shown that there are utilitarian arguments which justify an institution whose publicly ascertainable offices and powers are such as to permit officials to exercise that kind of discretion in particular cases. But the requirement of having to build the arbitrary features of the particular decision into the institutional practice makes the justification much less likely to go through.

1. Pragmatism uses systems of scientific inference to evaluate policy impacts. This takes out the PIC, we can’t make effective inference from single exemptions – it’s a question of induction and pattern determination. If 99% of free speech protection is bad it is more likely we are miss reasoning about the exemption which makes it appear net beneficial than that it actually is an exception. Further, humans are horrible at assessing one off policies, so we must defer to the AC assessment to avoid cognitive miscalculation.

## A2 Revenge Porn

#### Perm – ban revenge porn that’s not constitutionally protected – that means a narrowly tailored restriction

Liz Halloran 14 summarizes Rowland, 3-6-2014, "Race To Stop 'Revenge Porn' Raises Free Speech Worries," NPR.org, http://www.npr.org/sections/itsallpolitics/2014/03/06/286388840/race-to-stop-revenge-porn-raises-free-speech-worries, accessed 4-13-2017. NP

Her ex-boyfriend, Chiarini says, tried to sell nude photos of her on eBay, and posted them on a pornography website. Here's what she wrote in a column for The Guardian: "I Googled my name, and there I was, on a porn website. The profile included my full name, the city and state where I live, the name of the college where I teach and the campus. There was a solicitation – HOT FOR TEACHER? WELL, COME GET IT! The site had been up for 14 days and had been viewed over 3,000 times. He was pretending to be me. There were 'friends' who commented on my pictures. He was chatting with people as if it were me. My stomach hurt. I held my breath and printed every page of comments, all seventeen of them." Chiarini's story is the kind that new laws can be fashioned for, free speech advocates say, while still protecting First Amendment rights. Legislation that can withstand court scrutiny, Rowland says, should include four main elements: It must designate that the perpetrator had malicious intent, that his or her action caused actual harm, that he or she acted knowingly without consent, and that the victim had an expectation of privacy. "Without those safeguards," she said, "these laws face an uphill battle in the courts. Not only are they unconstitutional, they are unwise — there simply isn't another example I'm aware of where there are criminal penalties for sharing otherwise lawful speech."

#### That’s preferable under prag -- bans that deal with revenge porn as a monolith don’t account for the importance of free expression nor complexity

Scott R. Stroud 14. (Department of Communication Studies, University of Texas at Austin) The Dark Side of the Online Self: A Pragmatist Critique of the Growing Plague of Revenge Porn. Journal of Mass Media Ethics, 29:168–183, 2014

For those wishing to restrict the expressive action of posting such materials through legal means, two challenges loom. First, one must decide whether those who facilitate the publication of such material are legally culpable. The bulk of American legal protections currently protect websites and individuals that host such user-generated content (Goldman, 2013), with the reasoning being that they, like their larger brethren Facebook and Google, are not responsible for the free actions of those whose posts or content they enable. In other words, the individuals who run revenge porn sites are not producing the content that offends the privacy of individuals, so they should not be treated as if they were the originator of such content. 47 USC 230 protects the webhosts, bloggers, website visitors, and web administrators from most prosecution. This statute does not protect those who submitted the content from civil remedies, however. If one wants to legally coordinate the rights of online expression and eliminate all avenues for posting revenge porn, one confronts the challenge of indicating why these webmasters must be prosecuted and not other webmasters (e.g., whose sites might also contain content that emerges as privacy invading, or nonconsensual). While most agree that legal remedies make sense against those anonymous individuals posting such harmful materials, serious ethical hesitations remain about truncating too much expressive ability online in an overly broad attempt to squash the phenomena of revenge porn. The second issue that confronts one in terms of the rightness of conduct of all parties involved deals with issues concerning the origin of the pictorial content of revenge porn. If privacy is predicated on a “sphere” or “arena” that ought to be solely under the control of the individual, then privacy demands may diminish outside of that sphere. Computers quickly blur the long-standing line between private and public (Hausman, 1994). One can be “in public” while online at home. One can also try to retain his or her privacy in the online public through online pseudonyms. The origin of these pictures may matter if they are shared in a public or semi-public fashion, as seems to be the case with some (though not all) of the victims of revenge porn who originally shared a nude picture with a loved one who eventually became a vengeful ex-partner (“ ‘Revenge porn’ website,” 2013). Others who find their intimate pictures online have little idea how their pictures ended up in the hands of anyone else; in some cases, hacking into an individual’s private email account is suspected. Other computer users employ “fusking,” or the computer-aided “guessing” of urls to otherwise invisible online Photobucket albums (Read, 2012). Yet others were “catfished” by webmasters or other posters online using fake identities; the victims in such cases willingly sent their pictures to this pseudonymed online partner, but did not clearly know about or consent to the ultimate use the photographs were put to once uploaded to a revenge porn website (Peterson, 2013, February 18). Do these concerns matter in terms of legally orchestrating what freedoms we can or cannot exercise online? One quickly sees that the legal grey areas multiply, and pragmatic ethics does Downloaded by [University of Texas Libraries] at 13:10 18 July 2014 PRAGMATISM AND REVENGE 177 not encourage us to simplify the complex reality we are faced with in our lives. Some of these photos originated in conditions that may compromise one’s claims to privacy, whereas others clearly involved no consent or sharing on the part of the pictured individual. Yet others involve individuals willingly sharing their pictures with an unknown stranger, although not with the knowledge of its ultimate use by that individual. From the perspective of the right, claiming simply and monolithically that revenge porn violates or does not violate privacy rights fails to do justice to the various grades of harm and expectations of privacy involved. A pragmatist account would conclude that the individuals posting such content should refrain from such a specific use of their powers of online expression because of the clear and probable harm it might cause to others; the pragmatist ethics enunciated here would also caution against wideranging truncations of expressive freedoms through legal means because of the complexity of the matter at hand. The cases of stolen photographs being used seems to be a use of freedom that violates the privacy of pictured individuals, whereas the unintended use of freely shared images complicates matters. Do individuals expect something to remain in their control once they share it? In the case of a close relational contact, we might reasonably expect them not to share such private matters. Yet in the case of interaction with a stranger met through an online forum or website (e.g., Craigslist), sharing photographs may not come with the same depth of expected allegiance and respect for one’s privacy. All of this complexity makes dealing with revenge porn as a monolithic whole a difficult matter.

# Framework Interaction

## General

### Ideal Theory Bad

#### Abstract ideals fail – they can not account for particularity and the gap between the actual and the ideal

Glaude 7 on James, Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (20-21) NP 2/26/17.

Hook doesn’t go very far toward demonstrating how this notion of trag-edy informs the work of James and Dewey. He simply assumes it and moves on. But one can easily see this view of tragedy in the work of William James. James’s talk about the sick-soul and his tortured attempt to hold off the view that the world is a sea of disappointment testify to his intense grappling with tragedy. In “The Moral Philosopher and Moral Life” James ar-gues that the conflict of goods is an essential feature of our moral lives. He writes, “The actually possible in this world is vastly narrower than all that is demanded; and there is always the pinch between the ideal and the actual which can only be got through by leaving part of the ideal behind. There is hardly a good which we can imagine except as competing for the possession of the same bit of space and time with some other imagined good.” And when we make our choices between them, some ideal is always butchered. “It is a tragic situation,” he notes, “and no mere speculative conundrum with which [we have] to deal.”6For James, the pinch is a constitutive feature of the world of action. Victories abound. But so do defeats. Every-where we look we see what he describes as “the struggle and the squeeze,” and our task is somehow to lessen them. In this effort, we do not have re-course to fixed principles or rules. In James’s words, “Every real dilemma is in literal strictness a unique situation; and the exact combination of ideals realized and ideals disappointed which each decision creates is always auniverse without a precedent, and for which no adequate previous rule exist.” 7At the moment of decision, we can only act on what we hold dear.

### Other democratic theories

#### Abstract understandings of democratic life lead to despair about the world and undermine the notion of agency

Glaude 7 on Dewey, Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (38-39) NP 3/3/17.

I am sure West would claim that such a move does not speak to the in-dividual struggle with disease and death—that the shudder evidenced inRoyce’s solitary moment is missing here. I will bracket my concerns about the existentialist overtones of West’s objection only to make this point: that moving to the more abstract level does little to secure democratic forms of life and, more importantly, threatens those who ask such questions with debilitating despair or a sense of helplessness precisely because the alternatives they make available force us, in some way, to turn our backs on this world.67We then either give up on the possibility of our ac-tions’ effecting any significant change or we look to some other force that will, in the end, save us from ourselves. In the latter case, those of us con-cerned with bringing about radical democratic change must remember Dewey’s admonition: “[ We] will have to ask, as far as [we] nominally believe in the need for radical social change, whether what [we] accom-plish when [we] point with one hand to the seriousness of present evils APA (American Psychological Assoc.) Glaude, E. S. (2007). In a Shade of Blue : Pragmatism and the Politics of Black America. Chicago: University of Chicago Press. MLA (Modern Language Assoc.) Glaude, Eddie S. In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost.

## Hegel

#### The Hegelian approach to history fails by justifying tragedy and preventing us from coming to terms with the horrors of historical violence

West 89 summarizes and quotes Hook, Cornel. (Cornel Ronald West (born June 2, 1953) is an American philosopher, political activist, social critic, author, and public intellectual). The American Evasion of Philosophy : A Genealogy of Pragmatism. University of Wisconsin Press, 1989. The Wisconsin Project on American Writers. Pg 121-22. NP 2/26/17.

Ironically, Hook's attempt to infuse American pragmatism with a deeper and richer form of historical consciousness than that of Dewey falls back on James's view of pragmatism as mediating and reconciling extreme positions. Within the historical arena, absent in James, this mediating and reconciling is tilted toward the victors rather than the victims of history, the first category including past victims who are present-day victors. This bias looms large in Hook's comparison of pragmatism with Hegelian historicism and Christian love. There are three generic approaches to the tragic conflicts of life. The first approach is that of history. The second is that of love. The third is that of creative intelligence in quest for ways of mediation which I call here the pragmatic.22 Hook rejects the Hegelian historicist approach because it "attempts to con-sole man with a dialectical proof that his agony and defeat are not really evils but necessary elements in the goodness of the whole."23 This "tapestry" theodicy rides roughshod over genuine tragedy, refusing to acknowledge how terrible history is. Hook also casts aside the agapic approach that overlooks the conflicts between the various love commitments people have. And the love ethic yields no means of adjudicating between these conflicts. For Hook, the appeal to divine love is empty since God loves everybody equally; this leads to the objectionable conclusion, for Hook, that "God loves Stalin no less than Stalin's victims."24

## Hobbes

#### Hobbes misses the constant need to adjust in a process of inquiry- legal intelligence must be pragmatic. Kellogg 10,

Kellogg, Frederic R., Hobbes, Holmes, and Dewey: Pragmatism and the Problem of Order (August 8, 2010). Available at SSRN: https://ssrn.com/abstract=1655307 or http://dx.doi.org/10.2139/ssrn.1655307

What is missing from Hobbes’s view is the constant need for continuous adjustment in any real scheme of social ordering. It is this that I refer to as the dynamic order characteristic of pragmatism, the transactional and transformative aspect of inquiry found in Dewey’s work. The logic of the law is not the a priori dictate of legal reason but rather, paraphrasing Dewey, the product of inquiry. The dimension highlighted in retrospect through Holmes is the element of constant conflict as a catalyzing force. As Ralph Sleeper notes, Peirce’s doubt-belief formula directed Dewey’s attention to the actual processes of thought. Inherently vague, the idea of doubt has always sought specificity in Dewey’s work. For Sleeper the key to Dewey’s logic was understanding inference “as a real event of transformational force and power, causally real in the emergence of new features of things ‘entering the inferential function.’ It takes inference as action, as behavior that causes changes in reality through interaction with things.” (1986, 83). If the real process of inference begins with doubt, the doubt-belief formula needs to acknowledge that doubt is not merely spectral but must have its own physiology and history. From Holmes we gain the insight that legal intelligence is a special case of inference deriving from constant controversies that find their way into the judicial system. Doubt is palpable in the difficult case. The gradual hammering-out of belief through case-specific resolutions is visible in the record of litigation. Flawed and chaotic though it may be, the resolution of conflict by legal problem-solving provides a written record of naturalistic and pragmatic ordering, revealed in its full flawed and chaotic nature. This aspect of knowledge needs to be recognized equally in relation to the dynamic growth of universals and ideals. In an address given to the New York State Bar Association in 1899, Holmes summarized this point in a way that Dewey must have appreciated: It is perfectly proper to regard and study the law simply as a great anthropological document. It is proper to resort to it to discover what ideals of society have been strong enough to reach that final form of expression, or what have been the changes in dominant ideals from century to century. It is proper to study it as an exercise in the morphology and transformation of human ideas. (1899, p. 212) This extraordinary passage demonstrates that Holmes saw law entirely differently from Hobbes. Rather than an autonomous force suppressing conflict as pathological, it is embedded within the social processes assimilating and meliorating conflict as a natural condition. Rather than viewing legal and political theory as a prophylactic program for a discrete governing entity, legal theory is cognate with the rest of knowledge and law is viewed as a written record offering evidence of social norms and ideas as continuously cogenerated. Ideals are products of this view of knowledgeas-inquiry, and they are constantly developing in response to the changing nature of the human endeavor.

## TJFs

## K Version-Extensions

#### Extend Glaude 7 at the top of the case. Pragmatism has unique utility in reconciling philosophical extrapolation with meaningful social criticism. This means it key to allow philosophical debate to empirically inform the way we live our lives. Also precedes and turns your education impacts. The debate community is itself a constructed social and cultural community which needs to be meaningfully interrogated. My FW is a prerequisite to knowing what debate really needs.

#### Extend Ralston, my framework is better for debate because it allows a mechanism for allowing and integrating pluralistic values and concerns. Especially key in debate because people come from different backgrounds and have different interests. My framework is thus uniquely inclusive in a way that is key for fostering inclusion in debate.

#### Extend Rogers 1. My framework is key to considerations of policy within public institutions like universities. It is not just concerned with what is right, but also with the public justifiability of our values. Most proximal in debate because being able to justify our ideas is key to port those right values we learn in debate to broader social advocacy.

#### Extend Gloude on Dewey 3. My framework is key to making sure the debate space is historically informed. This is important for providing the educational resources for debate to be able to meaningfully grapple with tragic social situations surrounding systems of oppression.

## FW Version-Extensions

#### Extend Glaude 7 at the top of the aff. Pragmatism is a necessary response to human uncertainty. TJFs don’t escape this. Just as we are uncertain about truth, so too we cannot be certain about the best FW on theoretical grounds. This means determination of how we should make decisions is itself subject to pragmatic decision making. The AC therefore precludes your TJFs.

#### Also means pragmatism helps develop intellectual humility, by encouraging recognition of uncertainty. This is key for the development of intellectual virtue.

**Woods**, Jay **and Roberts**, Bob **10**. *Intellectual Virtues: An Essay in Regulative Epistemology (Advances in Cognitive Models & Arch)*. January 4, 2010. January 4, 2010. 1[[1]](#footnote-1)

Our thesis is that intellectual humility fosters certain intellectual ends when it is conjoined, in a personality, with other epistemic virtues. Our claim is not that all people who lack humility will be in all respects epistemic failures; we even think that vanity, arrogance, and other antihumility vices can on occasion contribute to the acquisition, refinement, and communication of knowledge. Rather, we claim that in the long run, just about everybody will be epistemically better off for having, and having associates who have, epistemic humility. We have been doing conceptual analysis, but now our thesis is empirical. One can imagine a study in which investigators of various sorts are tested for their intellectual humility and this trait measure is correlated with accomplishments such as discoveries of new knowledge and purveyance of knowledge to others. If it turned out that epistemic humility was predictive of more of these epistemic goods than intellectual vices like vanity and arrogance, our hypothesis would be confirmed. If not, it would be disconfirmed. But the disconfirmation of that hypothesis would not, on our account, imply that intellectual humility was not a virtue, and that intellectual vanity and arrogance were virtues. The reason is that epistemic humility does not get all of its claim to virtue status from the narrowly intellectual advantages that we believe it affords. It is a virtue because the acquisition, maintenance, transmission, and application of knowledge are integral generic parts of human life, and a life characterized by humility with respect to these activities, as well as many other activities, is a more excellent life than one that lacks it. It is an intellectual virtue because it is exemplified in the context of intellectual practices. If the empirical study showed that humility led to a slightly lower output of epistemic goods, other traits being equal, than vanity and arrogance, we would be less than elated, but would not give up our claim that humility is an intellectual virtue and arrogance an intellectual vice. ‘‘Reliability’’ is not the only intellectual desideratum. Moore’s humility about his ideas would be intellectual humility even if it did not afford him any more epistemic payoff than the professor down the hall gets from his vanity and arrogance. Intellectual virtues, like their moral counterparts, are dispositions to proper human \functioning, and what counts as proper human functioning is determined by basic human nature. Virtues are traits of the person who is functioning as persons are supposed to function. If it did turn out that intellectual vanity and arrogance delivered, on average, more of the epistemic goods than intellectual humility, we would try to explain this disturbing result by reference to some other fault in the individual or some corruption in the epistemic environment. Perhaps individuals need vanity as a motivation, because their upbringing does not instill in them an enthusiasm for knowledge as such. Or we might locate the pathology socially— say, in the fact that the whole intellectual community is warped by vanity and arrogance, hyper-autonomy and unhealthy competitiveness, so that in that fallen community some vices actually become more ‘‘functional’’ than their counterpart virtues. Let us now try to make plausible the thesis that humility is intellectually advantageous to most of us in most of our actual intellectual environments. The humility that is the opposite of intellectual vanity and arrogance has the primarily negative role of preventing or circumventing certain obstacles to acquiring, refining, and transmitting knowledge. Vanity and arrogance are epistemic liabilities that beset many people, so the intellectually humble person stands out in his or her freedom from these impediments. Much acquisition, refinement, and communication of knowledge occurs in a live social setting whose mood and interpersonal dynamics strongly affect these intellectual processes. Research is often pursued by collaborative teams, and even scholars who spend most of their working days alone consult from time to time with colleagues and come together in professional meetings to share and test their findings. Classrooms are obviously social settings. Humility promotes these processes in two dimensions: in the functioning of the individual who possesses the virtue, and in the functioning of the social context with which he or she is interacting—colleagues, teachers, and pupils. The intellectually vain person is overly concerned with how she ‘‘looks’’ to the people who count; she wants to impress, and is very concerned not to look silly at conferences and in front of her bright students. She may be genuinely concerned to accomplish intrinsic epistemic ends: to figure out what’s what and to give her students a good education. But she also has the extrinsic concern to look good intellectually, and this is often a liability. By contrast, the lack of concern to look good frees the intellectually humble person to pursue intellectual goods simply and undistractedly (think of G. E. Moore). He has one obstacle less to the correction of his views, especially in public and ‘‘competitive’’ contexts like philosophy colloquia. The humble person will be free to test his ideas against the strongest objections. His humility may also make for intellectual adventure: he will not be afraid to try out ideas that others may ridicule (here if one lacks humility, courage may be a substitute). The intellectually arrogant person is inclined to act on a supposed entitlement to dismiss without consideration the views of persons he regards as his intellectual inferiors. Young ‘‘analytic’’ philosophers sometimes exemplify this vice vis-a-vis Continental or informal philosophy, just as ` young Continental philosophers sometimes suppose the profundity of their school to warrant dismissing the work of their analytic counterparts as superficial technical gamesmanship. Highly reputed older scientists may dismiss out of hand the unorthodox proposals of their graduate students or younger colleagues. Subramanyan Chandrasekhar was once asked why he was able to do innovative work in physics well past the age at which most people retire, while most physicists do their innovative work only when young. He said: For a lack of a better word, there seems to be a certain arrogance toward nature that people develop. These people have had great insights and made profound discoveries. They imagine afterwards that the fact that they succeeded so triumphantly in one area means they have a special way of looking at science which must be right. But science doesn’t permit that. Nature has shown over and over again that the kinds of truth which underlie nature transcend the most powerful minds.¹² In face of reality’s capacity to surprise even the smartest of us, a certain skepticism about one’s entitlement to disregard the views of minorities, of the unorthodox, and of the young may be a significant asset. As MacIntyre’s comments on Aristotle suggest, the humble inquirer has more potential teachers than his less humble counterparts. And this is due not just to numbers, but also to permeability of noetic structure: in interacting with persons whose minds are somewhat alien to his own, the strongly unarrogant person is better able, in the words of James Sterba, ‘‘to achieve the sympathetic understanding of [their] views necessary for recognizing what is valuable in those views and what, therefore, needs to be incorporated into [his] own views’’.

#### Extend London 2K. Pragmatism is necessary to understand the interactions between people and government. This means its educationally key as it allows us to understand how our advocacy ports from debate to society, controls the relevance of your education impacts. Also key because it means my framework is most proximal to the question of public institutional policy. It informs a key understanding of what it means for the public to relate to the state.

#### Extend Dewey. The Aff framework is key to fostering conditions of inclusivity within a pluralistic society. Especially key in debate because people come from different backgrounds and have different interests. My framework is thus uniquely inclusive in a way that is key for fostering inclusion in debate.

## Truth Testing

\_\_\_\_ argument presupposes a 'truth-testing paradigm, however the pragmatism framework shows that even if we should evaluate truth, truth collapses to a practical comparison of actions. Thus unless an argument is coherent under comparative worlds, it is not coherent even under truth testing'

## Util

1. Even if util is true, pragmatism controls the internal link because it tells you how to assess impacts – empirically verified – no disad has ever come true in the whole history of debate, proves it’s not a reliable decision mechanism
2. Institutional questions/decision procedure always outweigh on the util question when we properly frame the form of conflict

**Rawls**, John, 1955, “Two Concepts of Rules”, Philosophical Review, 64(1): 3–32.

Try to imagine, then, an institution (which we may call "telishment") which is such that the officials set up by it have authority to arrange a trial for the condemnation of an innocent man whenever they are of the opinion that doing so would be in the best interests of society. The discretion of officials is limited, however, by the rule that they may not condemn an innocent man to undergo such an ordeal unless there is, at the time, a wave of offenses similar to that with which they charge him and telish him for. We may imagine that the officials having the discretionary authority are the judges of the higher courts in consultation with the chief of police, the minister of justice, and a committee of the legislature. Once one realizes that one is involved in setting up an institution, one sees that the hazards are very great. For example, what check is there on the officials? How is one to tell whether or not their actions are authorized? How is one to limit the risks involved in allowing such systematic deception? How is one to avoid giving anything short of complete discretion to the authorities to telish anyone they like? In addition to these considerations, it is obvious that people will come to have a very different attitude towards their penal system when telishment is adjoined to it. They will be uncertain as to whether a convicted man has been punished or telished. They will wonder whether or not they should feel sorry for him. They will wonder whether the same fate won't at any time fall on them. If one pictures how such an institution would actually work, and the enormous risks involved in it, it seems clear that it would serve no useful purpose. A utilitarian justification for this institution is most unlikely. It happens in general that as one drops off the defining features of punishment one ends up with an institution whose utilitarian justification is highly doubtful. One reason for this is that punishment works like a kind of price system: by altering the prices one has to pay for the performance of actions it supplies a motive for avoiding some actions and doing others. The defining features are essential if punishment is to work in this way; so that an institution which lacks these features, e.g., an institution which is set up to "punish" the innocent, is likely to have about as much point as a price system (if one may call it that) where the prices of things change at random from day to day and one learns the price of something after one has agreed to buy it."4 If one is careful to apply the utilitarian principle to the institution which is to authorize particular actions, then there is less danger of its justifying too much. Carritt's example gains plausibility by its indefiniteness and by its concentration on the particular case. His argument will only hold if it can be shown that there are utilitarian arguments which justify an institution whose publicly ascertainable offices and powers are such as to permit officials to exercise that kind of discretion in particular cases. But the requirement of having to build the arbitrary features of the particular decision into the institutional practice makes the justification much less likely to go through.

# K F/L

#### The role of the ballot is to vote for the debater who best advances a pragmatic approach to social policies. Prefer

1. Extend Stack and Simpson 10 – pragmatism is tightly tied to the function of educational frameworks. This means it justifies the educational spaces like debate should be oriented by pragmatist investigation.
2. Extend West 89 -- pragmatism constrains how we come to know about the world. This deeply influences our ability to even set the standards for truth – without my method, we can not know the correct response to social dilemmas nor even can we properly understand those dilemmas. Its not that my framework is better than yours, its only my framework has any hope at all. Pragmatism is the only viable mode of inquiry because there can be no approach to the world that does not orient around historical precedent and experimental methods –that’s **Glaude 7**
3. Your ROTB devolves to essentializing definitions that deprive the oppressed of agency by fitting them into one unified category – prefer my method since it enables us to understand and respond particular violence rather than fixating on undeterminable patterns of generalized violence that cant be solved

—that’s **Glaude 7 2**

#### Commitment to pragmatist methodology is necessary to confront racism and remain committed and engaged in resisting oppressive structures—that outweighs

Glaude 7, Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (ix-xii) NP 2/26/17.

Preface “Knowledge is power,” declared a young African American man attend-ing the Tavis Smiley Foundation Leadership Institute. The institute was founded to train young people between the ages of thirteen and eighteen to become leaders in their communities. They learn how to take stock of their strengths and weaknesses, to lay plans and set goals, to communicate effectively and build networks. They also learn how to apply these skills to make successful lives for themselves and, ideally, to bring about change in their communities. I was able to spend some time with these remarkable young people in the summer of2006at Texas Southern University. Cornel West, Tavis Smiley, and I held a town-hall meeting to discuss with them The Covenant with Black America, Smiley’s best-selling book on the current conditions of African Americans, and its relevance to their ambitions as future leaders. The young man who spoke was obviously excited about the occasion, and so were we. He went on to say with profound conviction, “I will do everything in my power to continue to get knowledge.” Another young man stood up and offered a slight correction to his col-league’s impassioned remarks. He said, “I agree with what has just been said, but we should know that knowledge without action is useless. We must do something with that knowledge.” The conversation that followed was instructive. Students weighed in on the matter. West and Smiley offered their views. I asked, “What if we understand knowledge not as separate from doing, but rather as a consequence of it? What if knowledge is simply the fruit of our undertakings?” To use one of Tavis Smiley’s favorite words, we proceeded to “marinate” for a while on the implications of the relation between how we think and how we act. At one level, my questions had been aimed simply at countering an implicit anti-intellectualism. But what I had also done was to invoke, verbatim, John Dewey’s definition of knowledge as the “fruit of our undertakings.” In a room full of young people with varied backgrounds and challenges in their lives, we found ourselves thinking with distinctly pragmatic tools about epistemology and how our thoughts about the subject could affect how we seek to change the world. Why John Dewey in this context? Because I believe that the tradition of American pragmatism exemplified by Dewey offers powerful resources for redefining African American leadership and politics. This book seeks to make that case. I argue that pragmatism, when attentive to the darker dimensions of human living (what we often speak of as the blues), can address many of the conceptual problems that plague contemporary African American political life. How we think about black identity, how we imagine black history, and how we conceive of black agency can be rendered in ways that escape bad racial reasoning—reasoning that assumes a tendentious unity among African Americans simply because they are black, or that short-circuits imaginative responses to problems confronting actual black people. The relationship I propose between pragmatism and African American politics is mutually beneficial. Pragmatism must reckon with the blues or remain a stale academic exercise. The blues, of course, are much more than a musical idiom. They constitute, as Albert Murray notes in his classic book on the subject, “a statement about confronting the complexities inherent in the human situation and about improvising or experimenting or riffing or otherwise playing with (or even gambling with) such possibilities as are inherent in the obstacles, the disjunctures, and the jeopardy.” Murray goes on to say, in words that I hope will resonate through the pages that follow, that the blues are “a statement about perseverance and about resilience and thus also about the maintenance of equilibrium de-spite precarious circumstances and about achieving elegance in the very process of coping with the rudiments of subsistence.”1In one sense, to take up the subject of African American politics is inevitably to take up the blues. That is to say, the subject cannot but account for the incredible efforts of ordinary black folk to persevere with elegance and a smile as they confront a world fraught with danger and tragedy. To embrace pragmatism is to hold close a fundamental faith in the capacities of ordinary people to transform their circumstances while rejecting hidden and not-so-hidden assumptions that would deny them that capacity. To bind pragmatism and African American politics together, I hope to show, is to open up new avenues for thinking about both. My book does not offer a political blueprint nor is it concerned with putting forward concrete solutions to specific political problems. It seeks instead to open up deliberative space within African American communities and throughout the country for reflection on how we think about the pressing matters confronting black communities and our nation. Reflection is not opposed to action. I hope to make clear how the theoretical and the practical are intimately connected. To be sure, the bleak realities of our country constitute the backdrop of my efforts. Our democratic way of life is in jeopardy. Fear and our clam-oring need for security have revealed the more unsavory features of American culture. The foundational elements of a free and open society are be-ing eroded, and our political leaders lie to justify their destruction. The corrosive effects of corporate greed on the form and content of our democ-racy are also apparent: the top 1percent of the population is getting richer while the vast majority of Americans, of whatever color, struggle to make ends meet. In many African American communities in particular, we see the signs of crisis: deteriorating health, alarming rates of incarceration, the devastating effects of drug economies, and the hyper concentration of poverty because work has simply disappeared. Political factions stay the course, exploiting faith communities, stoking the fires of homophobia (while denying the epidemic of HIV/AIDS in black communities), and appealing to uncritical views of black solidarity that often blind our fellow citizens to the destructive policies that, ultimately, undermine the values of democratic life. All the while, established African American leaders seem caught in a time warp in which the black revolu-tion of the 1960s is the only frame of reference, obscuring their ability tosee clearly the distinctive challenges of our current moment. In dark and trying times, particularly in democracies, it is incumbent upon citizens to engage one another in order to imagine possibilities and to see beyond the recalcitrance of their condition. Participatory democracies are always fragile, and moments of crisis serve as easy excuses to discard the values that sustain them. When we stop talking with and provoking our fellows we in effect cede our democratic form of life to those forces that would destroy it. In a Shade of Blueseeks, among other things,to make explicit the values and commitments that inform my own think-ing about African American politics and democratic life. The book con-tinuously asserts the primacy of participatory democracy, the necessity for responsibility and accountability, and the pressing need for more imaginative thinking about African American conditions of living. For me, these are not abstract concerns. I have been blessed over the last couple of years to be able to speak all around the country and talk with fel-low citizens about the challenges confronting African American commu-nities specifically and our democratic form of life generally. On college campuses from New Haven to Denver to Urbana, and in town-hall meet-ings from Oakland to Houston, I have invoked my pragmatic commit-ments as a basis for reimagining African American politics—to reject specious conceptions of black identity, facile formulations of black history, and easy appeals to black agency. I have insisted that we hold one another accountable and responsible in light of an understanding that democracy is a way of life and not merely a set of procedures—that it involves a certain moral and ethical stance and requires a particular kind of disposition committed to the cognitive virtues of free and open debate. I have urged young African Americans to take up the challenge to forge a politics thatspeaks to the particular problems of this moment and not simply tomimic the strategies and approaches of the black freedom struggle of the1960s. I have done so because of my philosophical commitment to the idea that publics come into and out of existence all the time and that our chal-lenge is to find the requisite tools to respond to the shifts and transfor-mations that call new publics into being.

#### Pragmatic institutional change requires an experimental methodology – only that catalyzes social change

Ralston 10, Can Pragmatists Be Institutionalists? John Dewey Joins the Non-Ideal/Ideal Theory Debate. Shane J. Ralston - 2010 - Human Studies 33 (1):65-84.

An emphasis on institutions, however, does not preclude a concern for individuals. According to Liam Murphy, "all fundamental normative principles that apply to the design of institutions apply also to the conduct of people" (1999, p. 251). Dewey's position agrees with Murphy's and goes one step further. Personal development for Dewey is a precondition for institutional development, since "individuals who are democratic in thought and action are the sole final warrant for the existence and endurance of democratic institutions" (1939/1996, LW 14:92). So as not to preemptively foreclose the many possible avenues for institutional change, Dewey avoided recommending a set of institutional arrangements or a final destination in the quest to realize a better form of democracy. In stark contrast, Francis Fukuyama declares that by the latter half of the twentieth-century "the end point of mankind's ideological evolution and the universalization of Western liberal democracy as the final form of human government" had been reached (1989, p. 210). Rather than advocate for "political democracy" or a discrete set of political institutions, Dewey proposed a set of leading principles or postulations in The Public and Its Problems that he together termed the "social idea" of democracy (1927/1996, LW 2:325).27 As postulations, these ideas are intended to direct subsequent investigations into the design of stable and viable governing bodies; however, taken alone, they do not directly correspond to any particular set of institutions.28 Dewey understands democracy as an open-ended struggle to achieve an emancipatory ideal which enriches individual and communal experience. Although "the measure of the worth of any social institution" is usually its "limited and more immediately practical" consequences, what the measure should be, Dewey insists, is "its effect in enlarging and improving experience" (1916/1996, MW 9:9-10).29 Realizing the ideal (i.e. the social idea of democracy) and enriching experience, therefore, demand institutional change. However, Dewey did not presume to know in advance - let alone recommend - the content of that change (i.e. the right set of institutions for a political democracy). (Ralston 2008, p.641)

## Abstraction Bad

#### YOU CAN’T READ IDEAL THEORY BAD JUST BECAUSE YOU HEARD THE WORDS VALUE CRITERION.

#### Pragmatism is non-ideal experimental philosophy interested in the possibility of institutional change.

Ralston 10, Can Pragmatists Be Institutionalists? John Dewey Joins the Non-Ideal/Ideal Theory Debate. Shane J. Ralston - 2010 - Human Studies 33 (1):65-84.

Practical philosophy, non-ideal theory and the most recent incarnation, "experimental philosophy," have, in a sense, cleared the way for philosophical inquiry aimed at the design and improvement of institutions.31 Stated differently, arm-chair philosophy, ideal theory and non-experimental philosophy are of little use to the institutional designer. According to Colin Koopman, Dewey "did not protest against the very idea of philosophy but only against the pretentious and unsustainable idea that philosophy might be able to grow its own flowers for itself without a care as to whether anyone else finds them beautiful" (2008, p. 17). So, if we take seriously the propositions that, one, philosophy is a "method... for dealing with the problems of men" and, two, philosophers should "care [about]... whether anyone finds it" relevant, these are two prima facie reasons for believing that pragmatists, who endorse both propositions, can be institutionalists. In short, they are willing to demonstrate philosophy's relevance to contemporary problems and to trace out the practical implications of their theoretical positions, including the institutional consequences. Moreover, pragmatists have not been shy to disclose their presuppositions about institutions, defining what they are (i.e. funded habits, beliefs and practices) and clarifying how institutional change should occur (i.e. through experimentation and reconstruction).

#### Extend Glaude 7: Dewey’s philosophy does not devolve to abstract questions of philosophers but rather is embedded in context and materiality – only his understanding of knowledge allows us to appreciate it as contextual and gives room for social improvement and revision of ideas

#### You can’t just read anti-ethics when you hear the words value criterion – pragmatism is just not abstract.

Glaude 7, Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (7) NP 2/26/17.

With these four general features in mind, Dewey’s view is consistent, as one would expect, with the characterization of pragmatism provided by Williams James. In Pragmatism, James powerfully describes the pragmatist as one who turns away from abstraction and insufficiency, from verbal solutions, from bad a priori reasons, from fixed principles, closed systems, and pretended absolutes and origins. He turns towards concreteness and adequacy, towards facts, towards action, and towards power.... It means the open air and possibilities of nature, as against . . . dogma, artificiality, and the pretence of finality.15The good pragmatist, then, encourages a view of philosophy as social and cultural criticism, where the neat conundrums of the scholar’s professional practice give way to a certain kind of responsibility in our intellectual lives, where we take the tools of our training and work to offer some insight into specific conditions of value and into specific consequences of ideas. In this view, philosophy becomes, as Dewey argued, “a method of locating and interpreting the more serious of the conflicts that occur in life and a method of projecting ways for dealing with them: a method of moral and political diagnosis and prognosis.”

## Anti-Ethics

#### A Deweyan conception of philosophy is necessary to understand material human experiences and methodologies to resolve struggles

West 89, Cornel. (Cornel Ronald West (born June 2, 1953) is an American philosopher, political activist, social critic, author, and public intellectual). The American Evasion of Philosophy : A Genealogy of Pragmatism. University of Wisconsin Press, 1989. The Wisconsin Project on American Writers. Pg 86. NP 2/25/17.

On the philosophical front, Dewey articulates a conception of philos-ophy that gives professional expression to the Emersonian evasion of epistemology-centered philosophy. In fact, the dominant theme of his meta-philosophy is that philosophy is neither a form of knowledge nor a means to acquire knowledge. Rather philosophy is a mode of cultural critical action that focuses on the ways and means by which human beings have, do, and can overcome obstacles, dispose of predicaments, and settle prob-lematic situations. He states this succinctly in his "Philosophy and Democ-racy" address to the Philosophical Union of the University of California (November 29, 1918), the place where James publicly put forward pragma-tism in 1898 and Santayana mused about the genteel tradition in 1911. There is, I think, another alternative, another way out. Put badly, it is to deny that philosophy is in any sense whatever a form of knowledge. It is to say that we should return to the original and etymological sense of the word, and recognize that philosophy is a form of desire, of effort at action-a love, namely, of wisdom; but with the thorough proviso, not attached to the Platonic use of the word, that wisdom, whatever it is, is not a mode of science or knowledge. A philosophy which was conscious of its own business and province would then perceive that it is an intellec-tualized wish, an aspiration subjected to rational discriminations and tests, a social hope reduced to a working program of action, a prophecy of the future, but one disciplined by serious thought and knowledge. 40 For Dewey, philosophy is a mode not of knowledge but of wisdom. And wisdom is conviction about values, a choice to do something, a pref-erence for this rather than that form of living. Wisdom involves discrimi-nating judgments and a desired future. It presupposes some grasp of con-ditions and consequences, yet it has no special access to them. Rather methods of access must be scrutinized in order to decide which ones are most reliable for the task at hand. In this way, Dewey does not devalue knowledge but only situates it in human experience.

#### Only pragmatism enables us to reconstruct philosophy to better understand social crises

West 89, Cornel. (Cornel Ronald West (born June 2, 1953) is an American philosopher, political activist, social critic, author, and public intellectual). The American Evasion of Philosophy : A Genealogy of Pragmatism. University of Wisconsin Press, 1989. The Wisconsin Project on American Writers. Pg 71.-2 NP 2/25/17.

John Dewey is the culmination of the tradition of American pragmatism. After him, to be a pragmatist is to be a social critic, literary critic, or a poet -in short, a participant in cultural criticism and cultural creation. This does not mean that Dewey provides panaceas for philosophical prob-lems or solutions to societal crises. Rather, Dewey helps us see the complex and mediated ways in which philosophical problems are linked to societal crises. More important, Dewey enables us to view clashing conceptions of philosophy as struggles over cultural ways of life, as attempts to define the role and function of intellectual authorities in culture and society. For Dewey, to take modern historical consciousness seriously in philosophy is first and foremost to engage in metaphilosophical reflection, to reform and reconstruct philosophy as a mode of intellectual activity. To reform and reconstruct philosophy is both to demystify and to defend the most reliable mode of inquiry in modern culture, namely, critical intelligence best manifest in the community of scientists. And to demystify and defend critical intelligence is to render it more and more serviceable for the enhancement of human individuality, that is, the promotion of human beings who better control their conditions and thereby more fully create themselves (Le., advance creative democracy).

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Ralston 10, Can Pragmatists Be Institutionalists? John Dewey Joins the Non-Ideal/Ideal Theory Debate. Shane J. Ralston - 2010 - Human Studies 33 (1):65-84.

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## Cap

### Pragmatism Specific Stuff

#### Perm – vote aff to embrace my democratic methodology – the aff justifies free speech to reclaim ownership of knowledge reclaims educational spheres from neoliberal elites, which means I don’t link and turns the K

#### **West 89**, Cornel. (Cornel Ronald West (born June 2, 1953) is an American philosopher, political activist, social critic, author, and public intellectual). The American Evasion of Philosophy : A Genealogy of Pragmatism. University of Wisconsin Press, 1989. The Wisconsin Project on American Writers. Pg 84. NP 2/25/17.

Dewey's third response to industrial capitalist America, now that he was living in the exemplary city of a changing country, was to invest and involve himself in the new emerging structure ofloyalty in the middle class: professionalism. Dewey was quite critical of various aspects of the rising pro-fessionalism; yet he remained its proponent and promoter. He was convinced that the only way in which America could acquire a core and cohesion was by producing and cultivating critical intelligence by experts. As head of the Department of Pedagogy (and Philosophy), he could focus on education, especially of children. As a professor, he could focus on his colleagues, i.e., occupational autonomy. The professional middle class was growing by leaps and bounds-with teachers increasing more than fourfold between 1890 and 1910 and then more than doubling again in the next decade.38 Dewey's shift to pedagogical practices was not a retreat from politics. Rather it proceeded from an acknowledgment of just how entrenched economic power was in America - seen quite clearly in the Pullman strike of 1894-and how circumscribed progressive action actually was. More-over, Chicago's school system was a national scandal as revealed by Joseph Mayer Rice's muckraking pieces in the Forum (1892, 1893). After working with and supporting the renowned Colonel Francis Parker's Cook County Normal School, including sending his kids there, Dewey emerged as the leading progressive pedagogue in the city. His laboratory school, known as the "Dewey School," opened in January 1896. The aim of the school was not only to serve as a model of how mean-ingful and enriching education could take place, but also to make a prac-tical intervention into the national debate on education. This practical intervention was, for Dewey, a form of political activism in that the struggle over knowledge and over the means of its disposal was a struggle about power, about the conditions under which cultural capital (skills, knowl-edge, values) was produced, distributed, and consumed. In sharp con-trast to curriculum-centered conservatives and child-centered romantics, Dewey advocated an interactive model of functionalistic education that combined autonomy with intelligent and flexible guidance, relevance with rigor and wonder. Of course, Dewey's functionalistic education, a critical education for democratizing society, could easily be mistaken for a func-tional education, a fitting education that simply adjusts one to the labor market possibilities.

#### Reducing understanding to class struggles erases plurality and diversity making them inconsistent with the pragmatist method – no one theory of history can account for the totality of society – reject their absolute route cause claims.

West 89 summarizes Dewey, Cornel. (Cornel Ronald West (born June 2, 1953) is an American philosopher, political activist, social critic, author, and public intellectual). The American Evasion of Philosophy : A Genealogy of Pragmatism. University of Wisconsin Press, 1989. The Wisconsin Project on American Writers. Pg 110-111. NP 2/25/17.

Notwithstanding his relative neglect of Marxism, Dewey's one effort to write about and against it is still noteworthy. In his book Freedom and Culture (1939), he attempts to take on foes of creative democracy on cultural grounds; that is, he critically compares the pluralistic and individualistic ways of life in a "democracy" and the monistic and collectivistic ways of life under "totalitarianism." The words in quotes remain abstractions throughout the book-atypical for Dewey. Yet his analyses do point out the significant degree to which Marxist conceptions of society often valorize totality, universal classes, unified movements, and homogeneous groupings at the expense of different social spheres, particular strata within classes, and diverse and heterogeneous ethnic, racial, and gender groups across classes. While Dewey hammers away at his old theme of allying democracy "with the spread of the scientific attitude,"116 he also makes claims some-what similar to those currently debated in contemporary post-Marxist circles concerning the explanatory weight of economic, political, cultural, and psychological spheres in history and society. Like Ernesto Laclau and Chantal Mouffe, Stanley Aronowitz and Frank Cunningham, Dewey raises the methodological question: Is there anyone factor or phase of culture which is dominant, or which tends to produce and regulate others, or are economics, morals, art, science, and so on only so many aspects of the interaction of a number of factors, each of which acts upon and is acted upon by the others?1l7 Dewey quickly replies that his pragmatism rejects any attempts to invoke necessity and discern any single all-embracing causal force. Instead, "probability and pluralism are characteristics of the present state of science." Therefore, "the fundamental postulate of the discussion is that isolation of anyone factor, no matter how strong its workings at a given time, is fatal to understanding and to intelligent action."118

1. The fixation on labor is inadequate – historical attempts for a communist revolution have failed; it’s not the simpliciter of communism vs. capitalism, but rather the specificities and contingencies of specific actions that only the aff can account for

#### Perm – do the alt in every other instance – the Deweyan education is necessary training grounds for resisting capitalism.

Brooks 94, William Brooks. "Was Dewey a Marxist?" St. Lawrence Institute for the Advancement of Learning. Discourse 13, Winter 1994. [www.stlawrenceinstitute.org/vol13brk.html](http://www.stlawrenceinstitute.org/vol13brk.html).

Dewey's other early essay on education, The School and Society, continues in the same vein. Most chapters were designed to stand alone as lectures in education, so they tend to repeat and elaborate on familiar themes in Dewey's work. In a chapter on "The School and Social Progress," readers are reminded that the school is much more than a collection of individuals. Students should not enter simply to acquire knowledge as a businessman enters the marketplace to acquire profit. The progress of an individual can only be seen in relation to the needs of the community. Dewey asserted that in the school "individualism and socialism are at one" and it was "especially necessary to take the broader view" over the narrow and acquisitive course. Like Marx, Dewey informed his readers that inevitable changes were forthcoming in the "modes of industry and commerce" and, again like Marx, Dewey was convinced that his predictions were based on scientific laws generated through the methods of dialectical materialism. Indeed, in one of his later works, Dewey was very forthright in declaring that "we are in for some kind of socialism, call it whatever name we please, and no matter what it will be called when it is realized, economic determinism is now a fact not a theory." In the light of his convictions, Dewey sought to conceive a new philosophy of education. Dewey's school would be intricately connected with the unfolding of materialist history or as Dewey put it "part and parcel of the whole social evolution." The new school would become an instrument of dealienation. Dewey echoed the Marxist contention that the intimate connection between men and their occupations which had existed in preindustrial societies, had been lost in the capitalist mode of production. He alerted his readers to the concentration of industry and division of labour that "had practically eliminated household and neighbourhood occupations." The new mission of the school was to become a training ground for cooperative labour, instead of a place set apart in which to learn lessons. The "mere absorbing of facts," Dewey warned, was a selfish act in which he could see no redeeming value: There is no obvious social motive for the acquirement of mere learning; there is no clear social gain in success thereat. Dewey was convinced that the introduction of manual training and the activity method would create a vigorous occupational spirit in the educational process. The school would affiliate itself with the life of the child and the community. It would become an embryonic socialist community. The new school communities would become incubators for peaceful social revolution. Dewey saw the new school providing a unique and irresistible example to capitalist society because its aim was "not the economic value of the product but the development of social power and insight." School, liberated from the religious influences -- which, like Marx, he regarded as medieval superstitions -- would demonstrate to all that it was neither God nor Providence but the earth and man's labour that were responsible for all progress. Training in "social directions" would raise the child's consciousness and allow him to "locate the source of our economic evils." Evil was hidden in the structures of late capitalism, and, like Marx, Dewey saw a rewrite of history as the key tool of the exorcist. For Dewey, there were no grounds for including classical history in the curriculum, but: Not so when history is considered as an account of the forces and forms of social life ... Whatever history may be for the scientific historian, for the educator, it must be an indirect sociology -- a study of society which lays bare its process of be-coming and its modes of organization. Dewey's entire chapter on "The Aims of History in Elementary Education" recommends nothing less than a Marxist history for the new curriculum. If history was to become "dynamic" and "moving," its "economic and industrial aspects" had to be emphasized. This alone could prevent the tendency to "swamp history in myth, fairy story and merely literary renderings" of the bourgeois culture he sought to usher out.

1. The alt can’t solve – rejection of the need for speech means we reject discourse that critiques capitalism. The entire K is a contradiction – the alt is a rejection of discourse, but the entire k rejects legalistic or pragmatic solutions, meaning that the entire thrust of your argument is that discourse does matter. This puts you in a double bind – either a. there’s no alt solvency, since it’s just discursive, or b. there is, which proves the K is false.

#### The aff is a method to pit educational institutions against the economic elite which turns the K

West 89 summarizes Dewey, Cornel. (Cornel Ronald West (born June 2, 1953) is an American philosopher, political activist, social critic, author, and public intellectual). The American Evasion of Philosophy : A Genealogy of Pragmatism. University of Wisconsin Press, 1989. The Wisconsin Project on American Writers. Pg 106. NP 2/25/17.

Similar to the concerns of Jiirgen Habermas in our own time, Dewey's preoccupation with communication proceeds out of a deep commitment to rational dialogue in an irrational culture. Dewey's notion of communi-cation, however, does not simply undergird a regulative ideal that fore-closes relativistic conclusions, but, more important, serves as the vehicle to create and constitute actual communities for the amelioration of existing circumstances. For Dewey, the move from "our Babel"lo5 to "the great community" is a matter of cultural politics, in which communication rest-ing upon shared values and promoting diversity must playa combative role. On the surface, it appears that Dewey has not really moved too far from his Thought News project with Franklin Ford of forty-three years earlier or the democratic sentiments he shared with T. H. Green, Henry Carter Adams, and his first wife, Alice (who died in 1927). But, on a deeper level, we can see that this is not so. First, Dewey is now more intent on making the experimental method accessible than on making the facts available. Second, he is more aware-though, in many ways, still not sufficiently aware-of the dynamics of power in capitalist America (especially given the Depression) than he was before. Third, his project is no longer a matter of simply making philosophy relevant by means of journalistic intervention in the popular marketplace of ideas, but rather of making society democratic by pitting popular cultural transformation against a dominating economic oligarchy.

1. Perm do both – use freedom of speech to engage in class struggle – that’s necessary for coalition building and organization to create an effective revolution
2. Even if speech is commodified, it’s a question of power – abandoning the market place of ideas means that it will be dominated by the racists/sexists/capitalists without exposure to criticism. Attempts for censorship proves that ideas are powerful, no matter if others commodify them.

### Topical Turns

#### Insistence on dissent undermines the logic of neoliberalism and calls out colleges’ complicity in the neoliberal system

Godrej 14, Farah. "Neoliberalism, Militarization, and the Price of Dissent: Policing Protest at the University of California." In The Imperial University: Academic Repression and Scholarly Dissent, edited by Piya Chatterjee, and Sunaina Maira. University of Minnesota Press, 2014. Minnesota Scholarship Online, 2015. doi: 10.5749/minnesota/9780816680894.003.0005.

The neoliberal logic entailed in the privatization of the University of California is, I have argued, necessarily interlinked with the logic of militarization and the criminalization of dissent, because it employs a militarized enforcement strategy, coupled with a political rhetoric that criminalizes the specific behaviors involved in protest and dissent against these strategies. The militarization of the university campus is thus not simply a reflection of the increasing militarization of American law enforcement based on the logic of ongoing threats to public safety encoded in years of the War on Drugs and the War on Terror.25 Rather, such militarization is one prong of a necessary enforcement strategy designed to convey that dissent against privatization is meant to be costly in inflicting various forms of legitimized violence upon those who dissent. The second prong of the enforcement strategy also conveys that dissenters will pay a high price by being criminalized, either through rhetoric that paints them as violent and therefore marginal, unworthy, and undesirable in the public imagination or through legal machinations that force them to expend tremendous financial resources on extricating themselves from prosecution. The language of cost and price here, of course, reminds us of the ongoing hegemony—and perhaps victory—of the conceptual frameworks of neoliberalism and its theoretical accompaniments, such as rational choice theory, predominantly featured in neoclassical economics. These strategies of criminalization and militarization rest on sending signals to adversaries, encoded precisely in these languages, wherein value and worth are measured in terms of indicators such as price or cost, and rational actors are assumed to be guided by a universally comprehensible incentive structure. Thus the strategies of criminalization and militarization rest on de-incentivizing dissent, so to speak, assuming that dissenters will measure the costs inherent in their actions and choose rationally to cease from engaging in such dissent. The continued insistence on dissent is therefore resistance to the logic of (p.141) neoliberal privatization on multiple levels: it not only calls out the complicity of the university with the neoliberal state and the forces of private capital but also continues to dissent despite the “incentives” offered in exchange for desisting from dissent. And in so doing, it should be signaling its rejection not simply of privatization but of the entire conceptual baggage of neoliberalism, including its logics of rational choice, cost, price, and incentive, as well as its logic of structural violence. In other words, the ongoing struggle against the logic of neoliberal privatization requires that dissent continue, despite its high “price.”

#### Notions of civil and uncivil discourse empowers the neoliberal university and punishes those who critique it

Dutt Ballerstadt ND. Reshmi Dutt-Ballerstadt, xx-xx-xxxx, "Civility, Academic Freedom, and the Neoliberal University," No Publication, https://www.aaup.org/article/civility-academic-freedom-and-neoliberal-university#.WNgP3RLyufU, accessed 3-26-2017. NP

Deploying language that undermines the commonplaces of respectable speech threatens the authority of the elite, who have the power to name as “civil” and “uncivil” those elements of our rhetoric that impose meaning (or cliché) on the various struggles of the world. Academic freedom is often a disturbance. It does not yet fully accommodate dissent. —Steven Salaita On September 11, 2014, the verdict was read. Steven Salaita, a Palestinian American professor who had been offered a tenured position in the American Indian Studies Program at the University of Illinois at Urbana-Champaign, had been “unhired.” The New York Times ran an article the next day with the headline, “Professor’s Angry Tweets on Gaza Cost Him a Job.” In Salaita’s own words, “contrary to the University’s expectations, the firing made me something of a free speech darling (or the world’s most violent person since Stalin).” Part memoir, part reportage, and part analysis, Uncivil Rites: Palestine and the Limits of Academic Freedom documents the personal, political, philosophical, and intellectual stakes of working in a profession where free speech is under attack in the name of protecting the code of civility. But what is civility? Whom does it protect or destroy? Who determines what is civil or uncivil? While these stakes form the fundamental framework for Salaita’s argument, they are not limited to the issues surrounding civility. In fact, the book can also be read as an argument for the importance of “uncivil” discourse in the fight for justice, liberation, and freedom from corporate, imperial, and colonial control and oppression. After all, as Salaita points out, “in colonial landscapes, civility is inherently violent. You simply have to learn to discuss violence the right way.” Uncivil Rites is a book not just about Steven Salaita, or his tweets, but also one about the lies and the truths we hide in academia: lies about universities and their increasing dependence on outside donors who dictate who is hired, who is fired, what is taught, and what cannot be said or taught; lies about how ethnic, sexual, and cultural minorities are actually treated, as opposed to how they are portrayed in their institutions’ multicultural and diversity initiatives; and lies about how discourse that exposes the nature of the plight of the Palestinians and the Israel-Palestine conflict is suppressed, vilified, or labeled “anti-Semitic.” Salaita is astute in pointing out that the experiences of those who support Palestinian human rights today parallel those of many Jewish students and faculty members, who “were long marginalized in the academy because of their supposed dangers to Anglo civility.” Salaita is careful not to reduce identity politics to essentialism, instead allowing the reader to witness his own complex position within the academy and within the larger society. In one of the book’s twenty-three essays, “On Being Palestinian and Other Things,” Salaita examines the hybrid nature of his own ethnic identity: his father has Jordanian-Palestinian heritage, his mother was born and raised in Nicaragua but strongly identifies with her Arab roots, and he himself grew up in Appalachia. Rather than celebrate the virtues of the postmodern hybrid identity that makes him the quintessential “displaced subject,” he makes the point that such multiple affiliations have provided a lack of rooted dogmatism, patriotism, or “ethnonationalism.” It is here that the book makes a shift from an analytical discussion of the role of the corporate and imperial university to a personal discussion of the ethics, or the efficacy, of lying, and then of the gradual uncovering of the truth. In a chapter that shares the book’s title, Salaita begins by stating, “Lying to children is not merely convenient; it is often ethical.” Yet the timing of such “ethical” lying matters. Salaita gives as an example an exchange he had with his young son just after receiving a letter from Phyllis M. Wise, UIUC’s then chancellor, informing him that her administration would not be submitting to the board of trustees a recommendation that he be appointed to the UIUC faculty in September and explaining that “we believe that an affirmative Board vote approving your appointment is unlikely.” As he read the letter in utter disbelief, Salaita turned to his wife Diane for an explanation: “Have I been fired?” “Yes.” She was unequivocal. “What the fuck?” I covered my face with both hands. I was immediately inflicted by a feeling of shame. At this precise moment, his young son, noticing his father’s distressed look, asked, “Okay, Papa?” “Yes my love,” replied Salaita. “Papa’s okay.” Yet, Salaita’s detailed and emotional narrative makes it amply clear that he was not okay. Who would be? What could he have told his young son at that moment other than a lie to cover up his own emotional state? Here, lying is not just convenient but also protective. This brief letter from Chancellor Wise, as the book recounts, would be the beginning of a series of “uncivil rites” causing a systematic destruction of Salaita’s academic career as well as the psychological and economic health of his family. It marked the beginning of a long legal battle to establish the value of academic freedom and free speech as well as the triggering event for an AAUP investigation into Salaita’s dismissal from a tenured faculty position on the grounds of his “uncivil” tweets. While Salaita has had to bear the burden of his abrupt termination, his case has become a landmark in exposing a broken system of shared governance and violations of the principles of academic freedom and tenure. It is easy to focus on the book as a case study of violations of academic freedom. Salaita notes that his case is not an exception. The neoliberal university has never been open to the kind of free speech that openly critiques the failure to provide a democratic and accessible education for everyone. He maintains that the very notion of academic freedom for all ought to be contested: “We ought to complicate academic freedom even as we vigorously defend it.” Chapter 16, “The Chief Features of Civility,” is the only chapter that provides an image, preceded by a caption: “Here is what civility looks like at the University of Illinois.” The image is of Chief Illiniwek, “the official university mascot who was forcibly ‘retired’ in 2007 because of the threat of NCAA sanction.” In fact, if Uncivil Rites can be read as a political memoir, this chapter is where the book is most powerful: “The chief, despite his ostensible retirement, is central to notions of civility and practices of diversity at UIUC. He is also partly responsible for my termination.” It is also here that Salaita reveals how his colleagues in the American Indian Studies Program have not only suffered “the indignities of the immoral mascot, but an onslaught of racism from his obsessive supporters.” The discussion of the “chief” as the mascot lays bare the relationship between civility and racism. The inauthentic chief not only stands as a visible symbol of a history of colonization and racism on the UIUC campus but also propels the unacceptable forms of institutional racism “under Chancellor Wise’s watch.” In a corporatized university, the chief is a brand, “an investment in consumer culture. . . . It produces loyalty, which in turn produces the sort of nostalgia that generates attachment and its desirable byproduct, alumni giving. The chief is a merchandised identity.” In the end, the book is not just about Palestine and the limits of academic freedom but also about a clarification––a clarification of the relationship between “civility” and academic freedom. The code of civility, according to Salaita, is used to punish those who critique the power apparatus, to disempower faculty and students who speak up against the constant erosion of their rights and democratic ideals and demand the social and racial justice that a multicultural mission aims to foster. To raise these issues of justice forcefully and clearly and call for an end to forms of dehumanization (whether in Palestine or within the classroom and the university) is marked as “uncivil.” Uncivil Rites is an unusual book, written at an unusual time in an age marked more by conflicts than by resolutions, when academic freedom and tenure are under attack and the easy acceptance of codes of civility dictated by administrations threaten intellectual freedom in many American institutions. This book serves warning to all of us: using civility as a mechanism for suppressing forms of truth or ideological opposition will ultimately cause the demise of our profession and of the institutions of higher learning that house us.

#### Free speech has historically been useful in resisting capitalism—the capitalist bourgeoisie are the ones who oppose free speech

Farber 17, Samuel. [Farber has been involved in left and socialist politics for well over fifty years. His most recent book is The Politics of Che Guevara: Theory and Practice] "A Socialist Approach to Free Speech." February 27, 2017. Jacobin. https://www.jacobinmag.com/2017/02/garton-ash-free-speech-milo-yiannopoulos/

For some left currents, free speech and other democratic freedoms serve as an ideological cover for the bourgeoisie’s defense of private property. In fact, the capitalist bourgeoisie has never been deeply committed to free speech and other civil liberties, happily coexisting with a wide variety of antidemocratic political regimes, South African apartheid and fascism included. In the last analysis, private ownership of the means of production allows capitalists to maintain social and economic power independent of the political system. Indeed, breaking the ruling class control over socioeconomic power and establishing collective ownership depends on democracy: “the first step in the revolution by the working class,” proclaimed The Communist Manifesto, “is to raise the proletariat to the position of ruling class, to win the battle of democracy.” For the most part, struggles for democratic rights — such as free speech, the abolition of slavery, universal suffrage, workers’, and women’s rights — came after the bourgeois revolution. They were democratic conquests won through popular struggle. Free speech, free association, and other democratic freedoms allowed workers to fight for their interests. Some proponents of socialism from above tend to defend democratic freedoms only for the working class, but this perspective has a narrow and parochial view of a class that should be, as Lenin argued, “the tribune of the people,” the representative of the interests of the great social majority, and runs contrary to the socialist tradition’s strong emphasis on demanding universal political rights such as suffrage. In a more cynical vein, this political current has demanded free speech and other democratic rights only when they belong to the persecuted opposition. In contrast to this view, as Hal Draper argued in his 1968 article “Free Speech and Political Struggle”: “There can be no contradiction, no gulf in principle between what is demanded of the existing state, and what we propose for the society we want to replace it, a free society.” Consistent with this approach, we must defend free speech on its own terms, not merely because it helps to organize and fight for a new society. In this, free speech does not differ from the economic advances the working class and its allies have won. They are valuable both in their own right and because they strengthen the working class and its allies in their struggle for their emancipation.

#### Freedom of speech is necessary to any criticism of capitalism – it's the only effective tool to build a radical democracy

Tyler Zimmer 16. "Why Jonathan Chait is Wrong about Marxism, Liberalism, and Free Speech." March 29, 2016. inthesetimes.com/article/19007/jonathan-chait-marxism-liberalism-free-speech-jacobin

Take, for example, individual rights like rights to free expression. The Marxist argument isn’t that free expression is a bad thing; the argument is that liberals have an anemic, purely formal understanding of free speech rights that ignores the fact that, in practice, the ability to make one’s voice heard in public debates is extremely unequally distributed. After all, on paper Donald Trump and I both have the same formal, liberal right to free speech. But in practice, Trump’s immense wealth grants him orders of magnitude greater ability to express his views in public. For the classical liberal, the wealthy media mogul who owns newspapers and TV stations has the same free speech rights as the janitor who cleans his office. For Marxists, this absurdity reveals a fatal flaw at the core of liberal politics: it’s not possible to realize ideals of democratic self-rule, freedom and equality within a system based on radical class inequality. To their credit, modern American liberals have since moved on from the earlier, classical liberal denial that capitalism is built on class inequality—modern liberals in the United States, for instance, embrace some elements of the welfare state and view the labor movement in a generally positive light whereas this would have been anathema to earlier liberal forebearers. But this shift to the left must be seen for what it really is: an attempt to shore up an uninspiring and limited political project by co-opting programmatic demands from the socialist movement, including Marxism. But even on the terrain of basic rights—where liberals ought to be on firmest ground—liberalism isn’t as convincing as it purports to be. After all, what is the point of rights, such as a right to free speech, in the first place? Arguably, the Marxist answer to this question is far more persuasive than the liberal response. For liberals, “free speech” has no raison d’etre—it is an allegedly “natural” right we always have that seems to admit of no abridgement whatsoever. For Marxists, on the other hand, freedom of expression is not a free-floating abstraction—it’s a key aspect of the radical democratic vision of building a society free of oppression and exploitation. Marxists value free speech because they are committed to building a society where all can decide matters of public concern democratically, as genuine equals. Thus, the Marxist has a consistent way of explaining why speech that aims to dominate or marginalize others should be challenged rather than protected: it is contrary to the very values animating our commitment to free speech in the first place. What’s more, since our own society falls radically short of the democratic ideals of freedom and equality, it would be absurd to say that acts of disruption or civil disobedience aimed at realizing those ideals are wrong. Indeed, the rationale for disrupting Trump’s rally in Chicago wasn’t to prevent him from saying merely offensive or disagreeable things. It was about standing up to social forces that have the publicly stated aim of marginalizing and scapegoating some of the most vulnerable members of our society. It was for the sake of democratic values, not in spite of them, that tens of thousands of people turned out to shut down Trump in Chicago. So, on the question of free speech, the Marxist view is clear: free expression is valuable because it flows from an ideal of social and political relationships among equals in a just society. This explains why, to quote Jelani Cobb, “the freedom to offend the powerful is not equivalent to the freedom to bully the relatively disempowered.” It also provides a principled, consistent basis for opposing and disrupting the public acts of openly racist organizations that seek to subordinate, harm, scapegoat or marginalize others.

### A2 Marxism

#### The alt fails -- Marxist views of history are totalizing and reductive and ignore the complexities of emancipation

West 89, Cornel. (Cornel Ronald West (born June 2, 1953) is an American philosopher, political activist, social critic, author, and public intellectual). The American Evasion of Philosophy : A Genealogy of Pragmatism. University of Wisconsin Press, 1989. The Wisconsin Project on American Writers. Pg 71. NP 2/25/17.

True to the American pragmatic grain, Dewey rejects the metaphysical residues in Marx: the Hegelian-inspired penchant toward totalizing history, universalizing collectivities, and simplifying emancipation. These residues tend to overlook the vast complexities of history, the sheer heterogeneity of collectivities, and the various complications of emancipation. Therefore, for Dewey, Marxist perspectives (given his rather frail yet still noteworthy grasp of them}2 tend toward premature totalities, and homogeneities that ignore uniqueness, difference, and diversity. Yet, like any other viewpoint, Marxisms have to be put to the tests of critical scrutiny, experimental consequences, and moral valuation. In the twenties (after his visit to Russia), Dewey celebrates the Soviet experiment in education, but by the mid-twenties he castigates Stalinism in quite harsh terms.3 For Dewey, the march of freedom in history is embodied in the best of American democracy, and the march of America in history is to be viewed criti-cally in light of the best of American democracy. He puts pragmatism on the international historical stage, yet he still views history through an American lens. In this way, Dewey -like Hegel and Marx - historicizes philosophy; and, like Emerson, James, and Peirce, Americanizes history. In short, Dewey tries to take history seriously as he creatively revises the Emersonian evasion of modern philosophy, carefully affirms the Emersonian theodicy, and critically enriches the American pragmatic tradi-tion. John Dewey is not only the giant of this tradition and the towering force in American philosophy; he is also the sifting funnel through which much of the best and some but little of the worst of American culture flow. As Horace Kallen noted in 1939, "As I see it, it will be Dewey, not Ford, not Edison, not Roosevelt, who, when the last word has been said and the last vote has been counted, will figure as the pregnant symbol of what is best in the America of today and most hopeful for the American-ism of tomorrow."4

#### Marxist social structures erase plurality and diversity making them inconsistent with the pragmatist method – no one theory of history can account for the totality of society

West 89 summarizes Dewey, Cornel. (Cornel Ronald West (born June 2, 1953) is an American philosopher, political activist, social critic, author, and public intellectual). The American Evasion of Philosophy : A Genealogy of Pragmatism. University of Wisconsin Press, 1989. The Wisconsin Project on American Writers. Pg 110-111. NP 2/25/17.

Notwithstanding his relative neglect of Marxism, Dewey's one effort to write about and against it is still noteworthy. In his book Freedom and Culture (1939), he attempts to take on foes of creative democracy on cultural grounds; that is, he critically compares the pluralistic and individualistic ways of life in a "democracy" and the monistic and collectivistic ways of life under "totalitarianism." The words in quotes remain abstractions throughout the book-atypical for Dewey. Yet his analyses do point out the significant degree to which Marxist conceptions of society often valorize totality, universal classes, unified movements, and homogeneous groupings at the expense of different social spheres, particular strata within classes, and diverse and heterogeneous ethnic, racial, and gender groups across classes. While Dewey hammers away at his old theme of allying democracy "with the spread of the scientific attitude,"116 he also makes claims some-what similar to those currently debated in contemporary post-Marxist circles concerning the explanatory weight of economic, political, cultural, and psychological spheres in history and society. Like Ernesto Laclau and Chantal Mouffe, Stanley Aronowitz and Frank Cunningham, Dewey raises the methodological question: Is there anyone factor or phase of culture which is dominant, or which tends to produce and regulate others, or are economics, morals, art, science, and so on only so many aspects of the interaction of a number of factors, each of which acts upon and is acted upon by the others?1l7 Dewey quickly replies that his pragmatism rejects any attempts to invoke necessity and discern any single all-embracing causal force. Instead, "probability and pluralism are characteristics of the present state of science." Therefore, "the fundamental postulate of the discussion is that isolation of anyone factor, no matter how strong its workings at a given time, is fatal to understanding and to intelligent action."118

## Deleuze

Only Dewey’s pragmatic theory of democracy can actualize the groundless and relational Deleuzian subject in the socio-political world. Rosenberg 16 summarizes Bignall,

Rosenberg, A. (2016). Deleuze and pragmatism. Charles S.Peirce Society.Transactions of the Charles S.Peirce Society, 52(2), 312-317. doi:http://dx.doi.org.ezproxy.cul.columbia.edu/10.2979/trancharpeirsoc.52.2.11

The chapter by Simone Bignall on "Deleuze, Dewey, and Democracy" represents an intriguing attempt at philosophical integration of Deleuze and Dewey on the theme of democracy. The problem Bignall highlights is the alleged lack of a full-fledged political philosophy in Deleuze: according to Bignall, Deleuze's commitment to a democratic ethos remains ambiguous and implicit, and needs to be integrated with Dewey's insightful understanding of democracy as a way of life embodied by people in community. Bignall is interested in showing how Dewey could supplement Deleuze in this respect, drawing attention to a number of themes common to both authors as well as to a few telling differences. Dewey's elaborate understanding of democracy as a socio-political practice that encourages the redefining of our identities amid alterity and difference seems to be a congenial fit to Deleuze's account of the ways in which we constitute ourselves and make ourselves destitute in the face of conflict and uncertainty. Bignall shows how both thinkers were interested in providing an account of experimental existence as the outcome of a "nonfoundational, continuous and creative" self-fashioning. Despite this convergence in goals, for Bignall the two thinkers part ways in their different understanding of the "event", that is of the particular conditions and workings of this activity of self-fashioning. Deleuze characterizes "the event" as the sum of those virtual and accidental elements involved in the constitution of ourselves, whereas Dewey depicts it as what shows up as "factual" and "actual" only - and one fact that shows up is what he calls the problematic situation, which is what triggers the particular form of experimental existence subjects develop to resolve the sense of uneasiness and trouble caused by such problems. According to Deleuze, subjects are neither completely in charge of their own destiny (hence defined by their own will) nor merely determined by external contingencies (hence completely alienated from their will), but rather always involved in the negotiation with the difference built into the situation they struggle with. The result of this process is an experimental renegotiation and renewal of one's individuality, which necessarily involves the encounter with the other. However, when it comes to envision the "social and political conditions associated with this particular manner of relational individuation and transformation" Deleuze, according to Bignall, is allusive at best. Dewey's elaborate understanding of the event as a state of actual uncertainty the resolution of which will eventually lead to a socio-political democratic configuration works well as a complement to the Deleuzian picture, as it provides a positive account of the dynamics of self-constitution implicit in these practices of "intelligent experimentation" in community. For Bignall, Dewey in fact worked with a "politicized concept of the "event of existence" as "simultaneously precarious and stable"", which would mirror Deleuze's anti-foundationalist picture of self-constitution. For Dewey intelligent experimentalism is "a way of life that proceeds critically from immediate experience and learns constructively from past experience, aiming to improve future experience...through social contact and communication".

#### I control the link back to imminence – we are embodied, physical beings who engage in concrete actions of interpersonal relations --- there can be nothing imminent if it is not concrete or practical because of the animal nature of human identity

Pierce. How to Make Our Ideas Clear. Charles S. Peirce. ((Charles Sanders Peirce was an American philosopher, logician, mathematician, and scientist who is sometimes known as "the father of pragmatism".) Popular Science Monthly 12 (January 1878), 286-302.

Bracketed for grammar

Let us illustrate this rule by some examples; and, to begin with the simplest one possible, let us ask what [do] we mean by calling a thing hard. Evidently that it will not be scratched by many other substances. The whole conception of this quality, as of every other, lies in its conceived effects. There is absolutely no difference between a hard thing and a soft thing so long as they are not brought to the test. Suppose, then, that a diamond could be crystallized in the midst of a cushion of soft cotton, and should remain there until it was finally burned up. Would it be false to say that that diamond was soft? This seems a foolish question, and would be so, in fact, except in the realm of logic. There such questions are often of the greatest utility as serving to bring logical principles into sharper relief than real discussions ever could. In studying logic we must not put them aside with hasty answers, but must consider them with attentive care, in order to make out the principles involved. We may, in the present case, modify our question, and ask what prevents us from saying that all hard bodies remain perfectly soft until they are touched, when their hardness increases with the pressure until they are scratched. Reflection will show that the reply is this: there would be no falsity in such modes of speech. They would involve a modification of our present usage of speech with regard to the words hard and soft, but not of their meanings. For they represent no fact to be different from what it is; only they involve arrangements of facts which would be exceedingly maladroit. This leads us to remark that the question of what would occur under circumstances which do not actually arise is not a question of fact, but only of the most perspicuous arrangement of them. For example, the question of free-will and fate in its simplest form, stripped of verbiage, is something like this: I have done something of which I am ashamed; could I, by an effort of the will, have resisted the temptation, and done otherwise? The philosophical reply is, that this is not a question of fact, but only of the arrangement of facts. Arranging them so as to exhibit what is particularly pertinent to my question -- namely, that I ought to blame myself for having done wrong -- it is perfectly true to say that, if I had willed to do otherwise than I did, I should have done otherwise. On the other hand, arranging the facts so as to exhibit another important consideration, it is equally true that, when a temptation has once been allowed to work, it will, if it has a certain force, produce its effect, let me struggle how I may. There is no objection to a contradiction in what would result from a false supposition. The reductio ad absurdum consists in showing that contradictory results would follow from a hypothesis which is consequently judged to be false. Many questions are involved in the free-will discussion, and I am far from desiring to say that both sides are equally right. On the contrary, I am of opinion that one side denies important facts, and that the other does not. But what I do say is, that the above single question was the origin of the whole doubt; that, had it not been for this question, the controversy would never have arisen; and that this question is perfectly solved in the manner which I have indicated.

#### The vagueness of the K makes it self-effacing - the only way to develop understanding of imminence is by looking at particularity, which requires concrete focus

Pappas 16. The Pragmatists Approach to Injustice, by Gregory Fernando Pappas. The Pluralist, Volume 11, Number 1, Spring 2016, pp. 58-77. Published by University of Illinois Press.

These vague generalities may be useful in designating the subject matter under investigation, but pragmatism stresses the importance of not under- estimating the particularism of the problems that provoke inquiry. Social philosophy has witnessed how empirical approaches must be sensitive to the pluralism and particularism of our social experience; this makes it less prone to start with generalizations about entire groups and the “masquerade” of universality that has been used to conceal differences and injustices. For example, the history of feminism has witnessed how even its early criticism of the universalistic starting point in philosophy assumed the universality of some particular group experience (white women), at the expense of differ- ences among women. Not acknowledging or concealing differences can have detrimental consequences for those groups ignored. Pragmatism is sensitive to this. In fact, the pluralism (hence recognition of difference) that it starts with is more radical than the idea of injustices particular to certain historical groups or people, civilizations, or cultures. As I have mentioned and continue to stress, for pragmatism, there are as many problems of injustice as there are problematic situations suffered in a particular way. Dewey cannot be more clear on how strong his particularistic commit- ment is when he writes: “We need to develop the ability (and the disposition) to look for particular kinds of solutions by particular methods for particular problems which arise on particular occasions. In other words, we must deal with concrete problems by concrete methods when these problems present themselves in our experience” (Lectures in China 53).

#### No link -- the Deweyan ethic accounts for the unfixed nature of human identity and ethical standards – we are in a process of becoming

Glaude 7 on Dewey, Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (24-25) NP 3/3/17.

This connection to the future forms the primary basis for responsibil-ity. For in the effort to secure our world for our children and ourselves, we employ methods that generate foresight. We make moral and political prognoses with an eye toward securing and expanding for future gen-erations the values we cherish. As Dewey writes in “The Development ofAmerican Pragmatism”: Pragmatism . . . does not insist upon antecedent phenomena but upon con-sequent phenomena; not upon precedents but upon the possibilities of ac-tion. . . . The doctrine of the value of consequences leads us to take the future into consideration. And this taking into consideration of the future takes us to the conception of a universe whose evolution is not finished, of a universe which is still, in James’s terms “in the making, in the process of becoming,” of a universe up to a certain point still plastic.20 Dewey’s accent on human agency presupposes a world that is always evolving. No guarantees. No fixed truths. Just the fragile attempts of finite creatures to flourish in an environment that impinges upon them daily. Here the mystery and awe we have felt in the face of a universe that is extraordinary (and which requires that we approach it with ceremonial scruples) is transferred to the human future.21 Our primary responsibility, then, is to act intelligently in order to ensure, as much as humanly possible, that this future is better than our present.

## Wilderson

#### Perm, do both: adopt the kritiks anti-state orientation while understanding that that certain actions can improve the material safety of blacks even if the system of anti-blackness can’t be removed.

#### Wilderson agrees with reform- it should be combined with the alt.

Wilderson 16 (Frank B. III, interviewed by Samira Spatzek and Paula von Gleich, “‘The Inside-Outside of Civil Society’: An Interview with Frank B. Wilderson, III.” Black Studies Papers, 2.1 (2016): 4–22, https://www.academia.edu/26032053/\_The\_Inside-Outside\_of\_Civil\_Society\_An\_Interview\_with\_Frank\_B.\_Wilderson\_III) OS

The question is, can Black political organizing in Ferguson and Balti-more and these places catch up with that, because unfortunately, we have a problem in that the country is so much more of a police state than it has ever been and you know that just by watching television. When I was in school, if you liked the American flag, if you liked the police, you didn’t have any friends. Now, I find young college students are very slow to say that they hate America, very slow to say that they hate the police. What we’re trying to do now is to infuse an antagonistic orientation in Black people who are white-collar people in college so that their intellectual skills can be enhanced by the orientation that is felt by Black people in the ghetto. If this doesn’t happen they run risk of being anointed and ap-pointed (by the power structure) to manage the anger of Black people in the street, rather than relate to that anger. So that’s a hurdle that we have to overcome. You know, I’ve been doing political education workshops for Black Lives Matter in New York and Los Angeles, and probably will do more in Chicago. And what I hope to have people do workshop exercises around is this concept that I have called “Two Trains Running (Side by Side).” By that I mean, you can do your political organizing that will help us get relief from police brutality right now. We need that. We need that. But that work that we do should be seen as puny in terms of its philosophical and theoretical orientation so that we can educate ourselves politically to be against the police as an institution and against the United States as a country, even while we are working to reform police practices, because we do not have the strength right now that we had in the 1960s and 1970s to act in the way the Black Liberation Army did, or Baader-Meinhof, we do not have the strength to act in the revolutionary mode, but that lack of strength, that lack of capacity, should not contaminate our orientation. We should not feel that we have to accept the existence of police even if we’re working in reformist measures politically. Hopefully this idea of two trains running will pick up. Black Lives Matter has done a great job in opening up a new Black political organizing space. That’s great. Now let’s use that space for an educational project that is soundly anti-American, and soundly anti-police even if tactically, we have to work for police reforms.

#### Perm – vote aff to embrace my conception of identity as co-constituted by experience and action. Your essentialist and reductive understanding of black identity erases particularity and deprives the black community of agency.

Glaude 7, Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (78-79) NP 3/3/17.

In my view, three difficulties—descriptive, theoretical, and existential—attend such accounts. The descriptive problematic involves the plotline of the story. I am reminded here of James Baldwin and Ralph Ellison’s criti-cisms of Richard Wright. Both worried that Wright’s representations of black life betrayed the complexity of African American existence. The same can be said of stories of African American experience that are mainly about liberation and presuppose a subject in constant struggle. There is much more to our living than simply resisting white supremacy. More-over, the singular focus often results in a relatively coherent account in which the internal fissures of black communities are obscured. Suffering and resistance then subordinate all other considerations—even the dif-ferential experience of that suffering and the different aims of resistance. The theoretical problematic refers to the Christian dimension of the problem of being both black and Christian. Like Anderson, I worry that God talk among black theologians, at least in their worst moments, functions merely as a source of the strenuous mood, serving simply to justify and sanctify a particular political orientation—even though it is precisely in our relation to God and His relation to us that we resist oppression.24.Lastly, the existential problematic again entails a simplification of the complexity of African American lives. The existential involves how to live, how to hope, and how to love. But if our lives are reduced simply to struggle and our stories presume an understanding of black agency as always already political, then the various ways we have come to love and hope are cast into the shadows as we obsess about politics, narrowly un-derstood, and as History orients us retrospectively instead of prospec-tively. We end up, despite our best intentions, ignoring the sheer joy of black life and unwittingly reducing our capacity to reflect and act in light of the hardships of our actual lives. Perhaps, more importantly, “our abil-ity to make delicate distinctions” is lost as History settles beforehand the difficult existential questions “Who am I?” “How should I live?” and “What should I do?”

The K is an abstraction that erases material and lived experiences of blacks – your attempt to find an ontological common denominator ignores how blacks both shape and are shaped by the particularity of their circumstances

#### A pragmatist understanding of identity as ontic not ontological enables individuals to maintain a sense of self worth while reconciling with inevitable tragedy

West 89 summarizes and quotes Hook, Cornel. (Cornel Ronald West (born June 2, 1953) is an American philosopher, political activist, social critic, author, and public intellectual). The American Evasion of Philosophy : A Genealogy of Pragmatism. University of Wisconsin Press, 1989. The Wisconsin Project on American Writers. Pg 121-22. NP 2/26/17.

In his conclusion, Hook adopts a Deweyan rhetoric, fused with Emersonian tropes of human creativity and possibility but purged of any utopian, optimistic, and subversive Emersonian elements. As I understand the pragmatic perspective on life, it is an attempt to make it possible for men to live in a world of inescapable tragedy-a tragedy that flows from the conflict of moral ideals-without lamenta-tion, defiance or make-believe. According to this perspective, even in the best of human worlds there will be tragedy-tragedy perhaps without bloodshed, but certainly not without tears ... Pragmatism ... sees in men something which is at once, to use the Sophoclean phrase, more wonderful and more terrible than anything else in the universe, viz., the power to make themselves and the world around them better or worse. In this way, pragmatic meliorism avoids ... romantic pessimism ... and grandiose optimism. Pragmatism, as I interpret it, is the theory and practice of enlarging human freedom in a precarious and tragic world by the arts of intelligent social control. It may be a lost cause. I do not know of a better one, and it may not be lost if we can summon the courage and intelligence to support our faith in freedom-and enjoy the blessings of a little luck.27 Unlike Emerson, Peirce, James, and Dewey, Hook conveys the sense of being cramped and constrained, a feeling of being hemmed in. He affirms the voluntaristic and moralistic aspects of the Emersonian theodicy, yet he refuses to accept the Emersonian idea that the world is somehow con-genial to human-especially American-aspirations. Hook believes neither nature nor history is biased in favor of human progress. In direct reference to Emerson, Hook writes: Even those unconventionally religious men like Emerson and Whitman who accept the world, and believe that man [people] can find security in cheerful affirmation of the natural conditions of his being, must recognize that Nature is no respecter of human purposes or human existence, that Nature can run amok-that the sufferings produced by the mindless intrusions of fire, ice, flood and wind in human affairs often dwarf those resulting from human cruelty. Jehova or Nature are bound by no rules of man.

#### Totalistic understandings of race that view black identity as fixed because of antecedent phenomena deny agency and moral complexity and contingency that are essential parts of life – your methodology dehumanizes

Glaude 7, Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (83-85) NP 3/11/17.

My general aim in this chapter has been to insist on the complexity of African American religious life and to resist naïve attempts to reduce that complexity to an easily manageable political reality—a tendency that is, I believe, typical of this country’s melodramatic approach to the problems of race. I am of the firm belief that appeals to a fixed and stable notion of black identity, to a conception of history as a storehouse stocked with an-swers to all of our problems, or appeals to an idea of black agency that presumes our inclination to resist limit our imaginations and in various ways blunt our capacity to modify our conditions of living, precisely be-cause each denies the active work we do in the face of problematic situations. Such appeals too often direct our attention to antecedent and notconsequent phenomena. They seek to tame the potential chaos of contin-gency but end up obscuring the moral imperative that we act intelligently and earn our deaths by passionately embracing the conundrum of life. In short, bad thinking about African American history, identity, and agency compromises what James Baldwin referred to as all of that beauty—thosefunded experiences, colored in a dark shade of blue, that enable us to invade the future with a bit more than luck.

#### Your view of history over-homogenizes – the pragmatist attention to the particular creates space for contextualizing meaningful reforms and resistance

Brown ’09 Vincent Brown, Prof. of History and African and African-American Studies @ Harvard Univ., December 2009, "Social Death and Political Life in the Study of Slavery," American Historical Review, p. 1231-1249

THE PREMISE OF ORLANDO PATTERSON’S MAJOR WORK, that enslaved Africans were natally alienated and culturally isolated, was challenged even before he published his influential thesis, primarily by scholars concerned with “survivals” or “retentions” of African culture and by historians of slave resistance. In the early to mid-twentieth century, when Robert Park’s view of “the Negro” predominated among scholars, it was generally assumed that the slave trade and slavery had denuded black people of any ancestral heritage from Africa. The historians Carter G. Woodson and W. E. B. Du Bois and the anthropologist Melville J. Herskovits argued the opposite. Their research supported the conclusion that while enslaved Africans could not have brought intact social, political, and religious institutions with them to the Americas, they did maintain significant aspects of their cultural backgrounds.32 Herskovits ex- amined “Africanisms”—any practices that seemed to be identifiably African—as useful symbols of cultural survival that would help him to analyze change and continuity in African American culture.33 He engaged in one of his most heated scholarly disputes with the sociologist E. Franklin Frazier, a student of Park’s, who empha- sized the damage wrought by slavery on black families and folkways.34 More recently, a number of scholars have built on Herskovits’s line of thought, enhancing our understanding of African history during the era of the slave trade. Their studies have evolved productively from assertions about general cultural heritage into more precise demonstrations of the continuity of worldviews, categories of belonging, and social practices from Africa to America. For these scholars, the preservation of distinctive cultural forms has served as an index both of a resilient social personhood, or identity, and of resistance to slavery itself. 35Scholars of slave resistance have never had much use for the concept of social death. The early efforts of writers such as Herbert Aptheker aimed to derail the popular notion that American slavery had been a civilizing institution threatened by “slave crime.”36 Soon after, studies of slave revolts and conspiracies advocated the idea that resistance demonstrated the basic humanity and intractable will of the enslaved—indeed, they often equated acts of will with humanity itself. As these writ- ers turned toward more detailed analyses of the causes, strategies, and tactics of slave revolts in the context of the social relations of slavery, they had trouble squaring abstract characterizations of “the slave” with what they were learning about the en- slaved.37 Michael Craton, who authored Testing the Chains: Resistance to Slavery in the British West Indies, was an early critic of Slavery and Social Death, protesting that what was known about chattel bondage in the Americas did not confirm Patterson’s definition of slavery. “If slaves were in fact ‘generally dishonored,’ ” Craton asked, “how does he explain the degrees of rank found among all groups of slaves—that is, the scale of ‘reputation’ and authority accorded, or at least acknowledged, by slave and master alike?” How could they have formed the fragile families documented by social historians if they had been “natally alienated” by definition? Finally, and per- haps most tellingly, if slaves had been uniformly subjected to “permanent violent domination,” they could not have revolted as often as they did or shown the “varied manifestations of their resistance” that so frustrated masters and compromised their power, sometimes “fatally.”38 The dynamics of social control and slave resistance falsified Patterson’s description of slavery even as the tenacity of African culture showed that enslaved men, women, and children had arrived in the Americas bearing much more than their “tropical temperament.”The cultural continuity and resistance schools of thought come together pow- erfully in an important book by Walter C. Rucker, The River Flows On: Black Re- sistance, Culture, and Identity Formation in Early America. In Rucker’s analysis of slave revolts, conspiracies, and daily recalcitrance, African concepts, values, and cul- tural metaphors play the central role. Unlike Smallwood and Hartman, for whom “the rupture was the story” of slavery, Rucker aims to reveal the “perseverance of African culture even among second, third, and fourth generation creoles.”39 He looks again at some familiar events in North America—New York City’s 1712 Coromantee revolt and 1741 conspiracy, the 1739 Stono rebellion in South Carolina, as well as the plots, schemes, and insurgencies of Gabriel Prosser, Denmark Vesey, and Nat Turner—deftly teasing out the African origins of many of the attitudes and actions of the black rebels. Rucker outlines how the transformation of a “shared cultural heritage” that shaped collective action against slavery corresponded to the “various steps Africans made in the process of becoming ‘African American’ in culture, orientation, and identity.”40

#### A categorical definition of blackness essentializes and ultimately fails – a pragmatic view of black identity is best since it accounts for particularity and the complexity of moral decision-making

Glaude 7 on Dewey, Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (50-51) NP 3/3/17.

I am also not interested in defending an essentialist conception of race or of black identity. Talk of racial essences is at best a bad way of talking about particular experiences; at worst it encourages misguided quests for certainty that aim to secure us from the contingency that is an inherent part of our lives. My intention is to offer a pragmatic way of thinking about black identity that takes seriously the problem-solving activity intrinsic to being a moral agent. My emphasis, then, will be on our capacity as black individuals to judge the respective claims of duty and desire asthey arise in concrete experience, understanding that in some cases they may indeed conflict. We will still speak of black identity but will attempt not to overextend its reach. When someone utters a sentence such as “I am an African American” in the context of a debate about public policy, she is not disclosing some-thing that was previously internal; instead, her words indicate to those around her that, in discussing this particular topic with her, another set of issues must be taken into account. Richard Rorty makes the point best: Such sentences are not used to report events going on within the Cartesian Theatre which is a person’s consciousness. They are simply tools for coordinating our behavior with those of others. This is not to say that one can “reduce” mental states such as beliefs and desires to physiological or behavioural states. It is merely to say that there is no point in asking whether a belief represents reality, either mental reality or physical reality, accurately. That is, for pragmatists, not only a bad question, but the root of much wasted philosophical energy.4The question, then, is not whether our beliefs about race and racial identities represent reality, but for what purposes it would be useful to hold such beliefs and to invoke them as crucial aspects of our identities. In what follows I sketch two ways of understanding black identity—what I call an archeological approach and a pragmatic historicist approach—in each case focusing on its ethical dimensions.5I argue that the pragmatic approach better enables us to understand the complex ethical choices that attend any talk about black identity. I further draw out the implications for contemporary debates about black identity of what I have called elsewhere a pragmatic tradition of racial advocacy, which emerged in the early nineteenth century as African Americans drew on the biblical story of Exodus to articulate a sense of peoplehood and racial obligation.6 end, I suggest that we have approached the issue of black identity from the wrong direction: it is not simply a question of who we are determining how we act in the world. Rather, the choices we make in the face of problems and meddlesome circumstances turn out to be our lives, requiring of us continual cultivation of our ability to make delicate distinctions.

#### The pragmatist view of identity that sees ourselves as constantly evolving and becoming through action = good//a static conception of blackness fails

Glaude 7, Eddie S. (Eddie S. Glaude Jr. is the chair of the Center for African-American Studies and the William S. Tod Professor of Religion and African-American Studies at Princeton University.) In a Shade of Blue : Pragmatism and the Politics of Black America. University of Chicago Press, 2007. EBSCOhost. (55-56) NP 3/3/17.

The pragmatic view of identity does not hold that identity is about discovery. Rather, identities are seen as consequences of human activity—specifically, our problem-solving activity.15In this view, character and conduct are interrelated and mutually dependent. The self is not some stable, un-changing frame of reference; rather, it is an organization of habits that is relatively stable and enduring. These habits—formed, at least in part, from previous experiences and always subject to modification as we act—constitute our character.16Or, as Dewey writes, “Character is the interpenetration of habits. If each habit existed in an insulated compartment and operated without affecting or being affected by others, character would not exist.”17 No self stands still; it is, for better or worse, constantly be-coming, and “it is in the quality of that becoming that virtue resides.”18 Moreover, our understanding of the beliefs, choices, and actions that rely on these habits arises in the context of bringing these experiences to consciousness in narrative—the history of the self. What we have done and are doing, and the stories we weave about these experiences, are absolutely critical for a pragmatic view of black identity. Unlike Tommie Shelby, I do not deny the relevance or centrality of black identity to black political struggle. Shelby argues powerfully in We Who Are Dark for a position he calls pragmatic black nationalism—“the view that black solidarity is merely a contingent strategy for creating freedom and social equality for blacks, a pragmatic yet principled approach to achieve racial justice.”19In making his argument, Shelby rejects a standard claim that African American politics requires, if it is to be successful, a notion of collective identity. He notes that such views often result in a reification of race and a conception of black life that obscures relevant differences among African Americans and frustrates individual freedom. In his view, the shared experiences of antiblack racism are sufficient for our efforts to secure racial justice. Black identity talk is simply not necessary. But Shelby fails to take seriously what a pragmatic view of black identity might suggest. The term pragmatic, as he uses it, seems to have only heuristic value and not to refer to a set of philosophical commitments. Shelby would have us believe that our identities are not particularly relevant to how we engage in struggles for racial justice. But if identities are the products of our efforts to overcome problems, then the content and consequences of our efforts impact the content of our character. We need not discard identity talk, then, but simply to reconstruct the term in light of our pragmatic commitments. The kinds of dispositions requisite for the kind of society both of us desire are, in part, formed in the context of political struggles. To the extent that character and conduct are intimately interrelated and mutually dependent, identities matter. The problem is with a certain view of collective identity, one that Shelby puts for-ward and rightly distrusts. This view motivates political practices and justifies political choices on the basis, more often than not, of an already fixed conception of black identity. But individual and collective identity can be thought of differently. Black identities and the identities of those who struggle for racial justice are as much the products of principled struggle as they are the motivation for that struggle. Who we take our-selves to be—that is, how we understand ourselves as moral agents—often guides how we engage in politics, and the sorts of choices we make while engaging in politics fundamentally shape who we take ourselves to be. Identity talk matters, then, because of its ethical and moral implications for and beyond politics.

#### Structural racism is not determinant – agents both act and are acted upon, meaning that the external world alone can not define them

Rogers 2, Melvin. (Melvin L. Rogers is currently the Scott Waugh Chair in the Division of the Social Sciences and Associate Professor of Political Science and African American Studies at UCLA.) *Liberalism, Narrative, and Identity: A Pragmatic Defense of Racial Solidarity*. 2002. NP 3/12/17.

Yet, Appiah fails to see that as a black American I am at least implicitly aware of myself as actively and purposefully projecting myself onto the external world in an effort at self definition, and simultaneously being called into question by the features of that external world. Coming to understand who I am requires others to attend to what it means to live within a set of ongoing stories that constitute my setting. "We are" -- to borrow language from another narrative theorist, Paul Ricoeur -- "oriented, as agents and sufferers of actions, toward the remembered past, the lived present, and the anticipated future of other people's behavior."[50] In the case of racial solidarity these features are the past and continued existence of racism and discrimination that continue to play a role in the U.S. These elements of the landscape are part and parcel of what is meant by setting, and they impinge on our sense of who we are and how we should orient ourselves in the world. As a result, it is partly the continued presence of discriminatory practices in the U.S. that informs the self-definition of black agents in such a way that prompts them to create and sustain camaraderie and community among similarly situated agents as a response. Apprehension and assessment of other subjects with whom we relate is partly determined by the larger context in which we find ourselves. This points, I believe, to a central problem that has long since been acknowledged regarding liberal theory, and which is appropriate in light of Appiah's argument -- namely, that moral agency is reified as a theoretical feature for understanding human subjects, political or otherwise, which, is in tension with their own historicity.[51] But we impoverish out attempts at achieving intelligibility regarding why social beings act as such in specific contexts when we fail to be attentive to what that context means to them.

## Pessimism

#### Only pragmatism enables individuals to maintain a sense of self worth while reconciling with inevitable tragedy

West 89 summarizes and quotes Hook, Cornel. (Cornel Ronald West (born June 2, 1953) is an American philosopher, political activist, social critic, author, and public intellectual). The American Evasion of Philosophy : A Genealogy of Pragmatism. University of Wisconsin Press, 1989. The Wisconsin Project on American Writers. Pg 121-22. NP 2/26/17.

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1. *Intellectual Virtues: An Essay in Regulative Epistemology (Advances in Cognitive Models & Arch)*. January 4, 2010. January 4, 2010. [↑](#footnote-ref-1)