## T- Academic Freedom

### 1NC

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

#### Academic freedom is distinct from free speech

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

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

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

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

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

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

#### Standard-

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

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

#### Voter-

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

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

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

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

### 2NC- Not Protected

#### Courts overwhelmingly have ruled against the fact that free speech includes academic freedom

**Ciclora 16** [Phil Ciciora, 5-9-2016, "Study: First Amendment offers scant protection for professors," No Publication, <https://news.illinois.edu/blog/view/6367/360125>] NB

The paper’s findings suggest that the First Amendment doesn’t adequately protect academic freedom as fully as faculty “understand the concept of constitutionally protected speech,” LeRoy said. “There have been a variety of recent controversies dealing with academic freedom, and it’s really striking to see faculty members speak up and very sincerely believe that they are absolutely protected in their speech,” he said. “The First Amendment is not synonymous with academic freedom, and my research shows that courts and faculty are essentially on two different pages regarding constitutional rights.” The study, which analyzed 210 lawsuits involving First Amendment claims by professors and college instructors against public colleges and universities from 1964-2014, found that educational institutions won more than 73 percent of cases in federal and state courts. Faculty members lost most First Amendment cases involving publishing, classroom activities, protests, social commentary and campus criticism, according to the research.