# Communitarianism NC

Justice is impossible to consider from an impartial point of view. **Walzer[[1]](#footnote-1)**

Today this [A] system [of justice] is commonly described as the one that ideally rational men and women would choose if they were forced to choose impartially, knowing nothing of their own situation, barred from making particularist claims, confronting an abstract set of goods. If these constraints on knowing and claiming are suitable shaped, and if the goods are suitable defined, it is probably true that a singular conclusion [about justice] can be produced. Rational men and women, constrained this way or that, will choose one, and only one, distributive system. But the force of that singular conclusion is not easy to measure. **It is** surely **doubtful that those same [people]** men and women**, if** they were **transformed into ordinary people**, with a firm sense of their own identity, with their own goods in their hands, **caught up in everyday troubles, would reiterate their hypothetical choice or** even recognize it as their own**.** The problem is not, most importantly, with the particularism of interest, which philosophers have always assumed they could safely—that is, uncontroversially—set aside. Ordinary people can do that too, for the sake, say, of the public interest. **The** greater **problem is with the particularism of** history, **culture**, **and membership. Even** if they are **[for individuals] committed to impartiality, the question most likely to arise** in the minds of the members of a political community **is not, what would rational individuals choose** under universalizing [certain] conditionsof such-and-such a sort? **But rather, what would individuals like us choose, who are situated as we are, who share a culture** and are determined to go on sharing it**?** And this is a question that is readily transformed into, What choices have we already made in the course of our common life? What understandings do we (really) share?

In fact, all moral rules are justified in socially specific ways. **Macintyre[[2]](#footnote-2):**

First, it is not just that I first apprehend the rules of morality in some socially specific and particularized form. It is also and correlatively that **the goods by reference to which** and for the sake of which **any set of rules must be justified are also** going to be **goods that are socially specific** and particular. For central to those goods is the enjoyment of one particular kind of social life, lived out through a particular set of social relationships and thus what I enjoy is the good of this particular social life inhabited by me and I enjoy it as what it is. It may well be that it follows that I would enjoy and benefit equally from similar forms of social life in other communities; but this hypothetical truth in no way diminishes the importance of the contention that my goods are as a matter of fact found here, among these particular people, in these particular relationships. Goods are never encountered except as thus particularized. **Hence the** abstract **general claim**, **that rules of a certain kind are justified by being productive of** and constitutive of **goods of a certain kind, is true only if** these and these and these **particular sets of rules incarnated in the practices of** these and these and these **particular communities are productive of**, or constitutive of, these and these and these **particular goods** enjoyed at certain particular times and places by certain specifiable individuals**. It follows that I find my justification for allegiance to these rules of morality in my particular community; deprived of the life of that community, I would have no reason to be moral.**

Thus, the standard is **respecting community**. This is a means based standard—the question is whether the orientation towards the community fosters participation. Also prefer this because respect for community is what allows us to be moral agents in the first place. **Macintyre 2:**

To obey the rules of morality is characteristically and generally a hard task for human beings. Indeed were it not so, our need for morality would not be what it is. It is [B]ecause we are continually liable to be blinded by immediate desire, to be distracted from our responsibilities, to lapse into backsliding and because even the best of us may at times encounter quite unusual temptations that it is important to morality that **I can only be a moral agent because** we are moral agents, that I need **those around me** to **reinforce my moral strengths** and assist in remedying my moral weaknesses. It is in generalonly within a community [do] that individuals become capable of morality, are sustained in their morality and are constituted as moral agents by the way in which other people regard them and what is owed to and by them as well as by the way in which they regard themselves. In requiring much from me morally the other members of my community express a kind of respect for me that has nothing to do with expectations of benefit; and those of whom nothing or little is required in respect of morality are treated with a lack of respect which is, if repeated often enough, damaging to the moral capacities of those individuals. Of course, lonely moral heroism is sometimes required and sometimes achieved. But we must not treat this exceptional type of case as though it were typical. And once we recognize that typically **moral agency** and continuing moral capacity areengendered and **sustained** in essential ways **by particular institutionalized social ties** in particular social groups, **it will be difficult to counterpose allegiance to a particular society** and allegiance to morality in the way in which the protagonists of liberal morality do**.** Indeed the case for treating patriotism as a virtue is now clear. If first of all it is the case that I can only apprehend the rules of morality in the version in which they are incarnated in some specific community; and if secondly it is the case that the justification of morality must be in terms of particular goods enjoyed within the life of particular communities; andif thirdly it is the case that I am characteristically brought into being and maintained as a moral agent only through the particular kinds of moral sustenance afforded by my community, thenit is clear that **deprived of this community, I am unlikely to flourish as a moral agent**.Hence **my allegiance to the community and what it requires of me** – even to the point of requiring me to die to sustain its life –could not meaningfully be contrasted with or counterposed to what morality required of me.Detached from my community, I will be apt to lose my hold upon all genuine standards of judgment.Loyalty to that community, to the hierarchy of particular kinship, particular local community and particular natural community, **is** on this view **a prerequisite for morality.**

**The aff’s focus on individual rights is incorrect—communitarianism requires that speech be seen in context of the larger academic community. The aff’s orientation toward restrictions are bad because it promotes an each to their own mindset that’s inconsistent. Fisher 94** Linda E. Fisher, A Communitarian Compromise on Speech Codes: Restraining the Hostile Environment Concept, 44 Cath. U. L. Rev. 97 (1995). Available at: http://scholarship.law.edu/lawreview/vol44/iss1/8

Despite the need for limited social intervention to safeguard each com- munity member's physical and psychological well-being, Americans historically have preferred a libertarian, marketplace of ideas approach to resolving differences, in part because it resonates with our individualistic cultural values. The academic counterpart to a verbal duel seems more effective, and less dangerous, than university-imposed limitations on the right to untrammeled free expression. 124 Moreover, to many Americans, the harms occasioned **by** verbal attacks on members of groups based on immutable characteristics pale in comparison to the looming specter of censorship.125 This is particularly true in academia, where limitations on expression could stifle the learning process.126 Bias against restraint of expression, however, distorts appreciation of the countervailing harm that exclusion causes victims.127 Thus, **sanctioning a narrow range of speech that effectuates or accompanies personal intimidation based on group membership need not be perceived as a threat to academic free- dom**. In fact, such restrictions might enhance it. In resolving the conflict between academic freedom and speech codes, the application of a conimunitarian modelto the university setting may provide a principled framework to curb the excesses of American individ- ualism without imposing a regime of censorship.128 This communitarian model seeks to achieve a practical balance of interests,129 one that abhors censorship but recognizes and justifies the need for limited regulation of expression. Accordingly, an academic community must determine when it is appropriate to rely upon either individualism or multiculturalism13 and resolve competing values through an examination of a dispute's con- text.13 1 In this way, academic conflicts can be addressed within a structure that provides a means to effectuate both the need to encourage the marketplace of ideas and the need to safeguard individual dignity. Under this view, the academic community as a whole, not just the faculty as individuals, or as a group opposed to students or the institution, retains academic freedom.132 **The community is an aggregation of individuals, each of whom has rights and interests that exist in relation to those of other community members.**133 It comprises individuals of both genders, as well as members of various racial, ethnic, and religious groups. Although interests can diverge, the individuals in the community share the common goal of promoting education.1 34 To achieve this goal, each member must exercise the maximum amount of academic freedom necessary to stimulate the learning process without impinging upon the freedoms of another.' 35 Thus, **justice is attainable when an institution recognizes and balances the rights, interests, and needs of all of the members who comprise its academic community**. Individuals need the protection of the community's academic freedom to flourish in the marketplace of ideas. Conversely, the community relies on the academic freedom that its members exercise to effectuate the freedom that the entire community possesses.136 We are social beings, but that does not require losing individual identity in that of the collective. 137 Even an individual's sense of autonomy is conditioned by and arises out of existence of the community.' 3 8 Likewise, interdependence is a *sine qua non* of education, as learning cannot occur in isolation. If the asserted academic freedom (or license) of a professor undermines that of a student,'39 the diminution of the entire community's academic freedom may be the net result.' 40 Therefore, as the United States Court of Appeals for the Fifth Circuit observed in *Martin v. Parrish,*"[t**]he 'rights' of the speaker are ...always tempered by a consideration of the rights of the audience and the public purpose served, or disserved, by his [or her] 41 speech**.'1 By providing a standard to differentiate the acceptable from the unacceptable, this model inescapably takes a moral stance. The enforcement and establishment of this moral position in practice impose restraints that prohibit conduct the community views as egregious and unacceptable. 142 Because **verbal and nonverbal behavior that threatens and intimidates others can be extremely harmful to the educational process in general and to diversity in particular, prohibitions on such behavior are acceptable under the model**.'43 Both individuals and **the community must accept some restraints to create a tolerant academic environment that supports non-majority perspectives or unconventional approaches**."' The model developed in this Article distinguishes the academic com- munity from the community-at-large, where individuals in some cases possess broader speech rights.'45 The mission of the academy is to seek knowledge in common in a rigorous and disciplined atmosphere, where members are in close intellectual and physical proximity to other mem- bers. **Participation in this community requires that some rights be surrendered and some responsibilities assumed in exchange.**' 4 6 Although the "common mission" is difficult to define in a multicultural society, at the very least it must include a commitment to respect the personhood of others, especially those traditionally excluded.' 4 7 The intellectual and cultural diversity of those views enhances the education of every member of the academic community.'48 **Forsaking absolute autonomy and prohibiting threatening treatment of those diverse individuals, moreover, does not create taboos on discussion of certain topics.'49 Rather, it fosters thoughtful discussions and discourages mere *ad hominem* debate**.'5 In addition, the model builds upon the idea that the physically close proximity of members of the academic community justifies restrictions on time, place, and manner that are not applicable in other venues.151 In many ways, students are a captive audience, unable to leave an oppressive situation.' 52 Undeniably, many types of speech restrictions would be unduly invasive in an open urban environment. There, it is generally possible to avoid more than passing, superficial contact with individuals whose views and behavior stifle one's own.'5 3 In the academic or other community setting, however, consideration of others mandates partial sublimation of an individual's own expressive behavior.154

**Hate speech isn’t individual– it’s part of a social structure that devalues people’s dignity. Public restrictions affirm the equality of all citizens and their ability to participate in the political sphere.**

Stanley **Fish 12**, professor of humanities and law at Florida International University, 6-4-2012, "The Harm in Free Speech," New York Times Opinion Pages, <http://opinionator.blogs.nytimes.com/2012/06/04/the-harm-in-free-speech/?_r=0>. Internal ellipses in original. RG [23]

But **harms to dignity**, he contends, **involve more than** the **giving** of **offense. They involve undermining a public good,** which he identifies as **the “implicit assurance” extended to every citizen that while his beliefs and allegiance may be criticized and rejected** by some of his fellow citizens, **he will** nevertheless **be viewed, even by** his polemical **opponents, as someone who has an equal right to membership** in the society. It is **the assurance** — not given explicitly at the beginning of each day but **built into the community’s mode of self-presentation** — that he belongs, that he is the undoubted bearer of a dignity he doesn’t have to struggle for. Waldron’s thesis is that **hate speech assaults that dignity** by taking away that assurance. **The very point** of hate speech, he says, “**is to negate the implicit assurance that a society offers to the members of vulnerable groups** — **that they are accepted** … as a matter of course, along with everyone else.” **Purveyors of hate** “**aim to undermine this assurance**, call it in question, **and taint it with visible expressions of hatred, exclusion and contempt**.” “Visible” is the key word. It is the visibility of leaflets, signs and pamphlets asserting that the group you belong to is un-American, unworthy of respect, and should go back where it came from that does the damage, even if you, as an individual, are not a specific target. “In its published, posted or pasted-up form, hate speech can become a world-defining activity, and those who promulgate it know very well — this is part of **their intention** — **that the visible world they create is a much harder world for the targets of their hatred to live in.**” (Appearances count.) Even though hate speech is characterized by First Amendment absolutists as a private act of expression that should be protected from government controls and sanctions, Waldron insists that “**hate speech and defamation are** actions performed in public, with a public orientation, **aimed at undermining public goods.**” That undermining is not accomplished by any particular instance of hate speech. But **just as innumerable individual automobile emissions can pollute the air, so can innumerable expressions of supposedly private hate combine to “produce a large-scale toxic effect” that operates as a “slow-acting poison.”** And since what is being poisoned is the well of public life, “**it is natural**,” says Waldron, “**to think that the law should be involved** — both in its ability to underpin the provision of public goods and in its ability to express and communicate common commitments.” After all, he reminds us, “Societies do not become well ordered by magic.”

**Outweighs their offense – the right to membership and feeling like a part of the community is more important than the ability to express a single idea, so preserving it is key.**

1. Walzer, Michael. Spheres of Justice: A Defense of Pluralism and Equality. [New York]: Basic, 1983. Print. [↑](#footnote-ref-1)
2. Is Patriotism A Virtue? By Alasdair MacIntyre

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   http://esotericonline.net/docs/library/Philosophy/Social%20and%20Political%20philosophy/Textbooks%20&%20Courses/Matravers%20&%20Pike%20-%20Debates%20in%20Contemporary%20Political%20Philosophy%20-%20An%20Anthology.pdf [↑](#footnote-ref-2)