

**Uwe Steinhoff**

**For Free Speech, “Religious Offense,” and “Undermining Self-Respect”: A Reply to Bonotti and Seglow**

*Abstract*

Recent arguments trying to justify further free speech restrictions by appealing to harms that are allegedly serious enough to warrant such restrictions regularly fail to provide sufficient empirical evidence and normative argument. This is also true for the attempt made by Bonotti and Seglow. They offer no valid argument for their claim that it is wrong to direct “religiously offensive speech” at “unjustly disadvantaged” minorities (thereby allegedly undermining their “self-respect”), nor for their further claim that this is not the case when such speech is directed at “established majorities.” Moreover, their account has either counter-intuitive moral implications or succumbs to logical or pragmatic incoherence. Thus, they have not adduced convincing reasons to further restrict speech. In fact, some of the reasons for this failure provide, in turn, positive reasons in support of free speech. Two important (not new, but newly confirmed) reasons are that restricting free speech undermines both equal civic standing as well as fact-guided (as opposed to blindly ideological) policies. Free speech, in contrast, is indispensable for both.

*Key words:*

Matteo Bonotti; free speech; harm; Islam; offense; preferred pronouns; respect; rights; Jonathan Seglow

*Introduction*

Arguments that try to justify free speech restrictions going beyond the restrictions already recognized by even very permissive and libertarian accounts of free speech as well as First Amendment law usually proceed by conjuring up all kinds of “harms” that speech considered to be protected might nonetheless produce. Allegedly, these harms are so serious as to justify speech restrictions. The normative argument for why they are serious enough is never produced; and the fact that free speech theory denies that serious harm is sufficient for justifying restrictions is almost always ignored. Moreover, credible evidence for the alleged serious harms is always lacking. Finally, while those arguments pose as viewpoint-neutral, their one-sidedness in assessing harms is conspicuous and appears to be designed for the very purpose of facilitating viewpoint-based censorship.

The recent argument provided by Bonotti and Seglow confirms this picture. To wit, they provide no valid argument for their claim that it is wrong to direct “religiously offensive speech” at “unjustly disadvantaged” minorities, nor for their further claim that this is not the case when such speech is directed at “established majorities.” Moreover, their account has either counter-intuitive moral implications or succumbs to logical or pragmatic incoherence. Thus, they have not adduced convincing reasons to further restrict speech. In fact, some of the reasons for this failure provide, in turn, positive reasons in support of free speech. Two important (not new, but newly confirmed) reasons are that restricting free speech undermines both equal civic standing as

well as fact-guided (as opposed to blindly ideological) policies. Free speech, in contrast, is indispensable for both.

*1 Bias, Lack of Evidence, a Missing (and Mistaken) Premise, and Failure to Understand Free Speech Theory*

Matteo Bonotti and Jonathan Seglow claim that “religiously offensive speech” can sometimes be wrongful. They distinguish two forms of such speech:

One is speech that is an affront to someone’s religious sensibilities. An example of this is a portrayal of an image of Muhammad that is not inherently derogatory ... but that nevertheless cuts against the Islamic tradition against pictorial depictions of Muhammad and hence is liable to scandalise a devout Muslim’s religious sensibilities. The other manifestation of religiously offensive speech is speech that expresses a demeaning attitude towards a religious belief, e.g. by considering it absurd, crazy or otherwise epistemically and/or morally deficient in some especially serious way.<sup>1</sup>

And they explain:

[T]here are two conditions that we consider jointly necessary for religiously offensive speech to be wrongful: a) that it happens against a background of structural injustice ... and b) that it undermines its victims’ self-respect and non-domination. We consider the former to be a pre-condition for the latter, i.e. it is only if and when members of religious minorities are already victims of structural injustice that religiously offensive speech can wrong them by undermining their self-respect and non-domination.<sup>2</sup>

The last sentence is ambiguous between two possible interpretations. To wit, they state that “removing condition a) would entail considering religiously offensive speech wrongful even if it targets members of established majorities which do not already suffer from structural forms of injustice.” They claim that this would be “problematically overinclusive.”<sup>3</sup> How so? They do not explain. But an explanation would be needed. After all, it does not appear to be “problematically overinclusive” to consider assault, murder, rape, or theft wrongful “even” if it targets members of established majorities holding unjust privileges. Of course, sometimes one can have a justification to inflict otherwise impermissible harm on others – namely on the basis of self- and other-defense or on the basis of a lesser evil justification.<sup>4</sup> But the attacked party’s mere group membership does not provide such a justification (and Seglow and Bonotti have certainly not even attempted to provide an argument to show otherwise). So if it is not only important for people to avoid being assaulted but also to uphold their self-respect – and Bonotti and Seglow do argue emphatically for the importance of self-respect<sup>5</sup> – then this will also be the case for people who happen to be members of an established majority. Accordingly, to simply claim without

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<sup>1</sup> Matteo Bonotti and Jonathan Seglow, “Self-Respect, Domination and Religiously Offensive Speech,” *Ethical Theory and Moral Practice* 22 (2019), pp. 589-605, at 592.

<sup>2</sup> Ibid., p. 591. “Non-domination” is actually not an independent factor in their analysis since they see it undermined by an injury to self-respect, see *ibid.*, p. 599.

<sup>3</sup> Ibid., p. 592.

<sup>4</sup> Uwe Steinhoff, *Self-Defense, Necessity, and Punishment: A Philosophical Analysis* (London and New York: Routledge, 2020).

<sup>5</sup> Bonotti and Seglow, “Self-Respect, Domination and Religiously Offensive Speech,” pp. 593-594.

argument that undermining the self-respect of majority members is unproblematic while doing the same to minority members is problematic would appear to be little more than a display of an anti-democratic and anti-majoritarian sentiment. In fact, if anything, “religiously offensive speech” that undermines the self-respect of a *majority* would be *worse* than “religiously offensive speech” that undermines the self-respect of a minority, for it undermines the self-respect of *more* people, thus being *more* harmful.

Yet Bonotti and Seglow do not want to actually say that undermining self-respect is unproblematic when it happens to majority members. Rather, they claim that “only the self-respect of members of such [unjustly disadvantaged religious] minorities would be undermined by religiously offensive speech.”<sup>6</sup> More precisely:

Our claim is that self-respect is undermined by the cumulative effect of a steady sequence of offensive incivilities where these are directed at minority citizens who already suffer from background injustice.<sup>7</sup>

But a claim is indeed all this is, for they admit that their goal is “not to *prove* that religiously offensive speech can have the effects” they posit. That, they say, would be “a task that only social science could undergo, e.g. via extensive empirical qualitative and quantitative research.” However, they provide not only no extensive empirical evidence, but no empirical evidence whatsoever. Instead, they see their task “more modestly ... in formulat[ing] ‘hypotheses’ regarding the potential effects of religiously offensive speech on its victims and, more importantly, to explain why these effects (when they are proved to have occurred) would render such speech wrongful.”<sup>8</sup> Yet, first, dismissing concerns about the self-respect of majorities on the basis of mere postulates does not refute the charge that we are dealing with anti-majoritarian sentiment here, but only confirms it. In addition, and perhaps more embarrassing for Seglow and Bonotti, formulating sweeping empirical hypotheses about minority groups without having the empirical evidence to back them up is not only not “modest” – it is the very definition of bias and prejudice. In this case, of course, the prejudice is well-intentioned as Seglow and Bonotti have the best interests of minorities at heart: since minorities allegedly do not have what it takes to withstand public ridicule of their beliefs without damage to their self-respect, they must be protected from it. Thus, Bonotti’s and Seglow’s proposal to protect minorities from free speech they are “hypothesized” as too frail to handle appears to be an example of patronizing bigotry. One might well wonder how such an attitude squares with their constant professed concern for “equal status,” and perhaps even “hypothesize” that its expression in their article might undermine the self-respect of minority members unfortunate enough to stumble across it. The whole approach appears to be self-contradictory.

In addition, even if the “hypothesized” effects did occur, Bonotti and Seglow would nonetheless still have failed in what they consider to be the more important task, namely “to explain why these effects ... would render such speech wrongful.”<sup>9</sup> Their supposed explanation runs as follows. They first state that “it is useful to begin with Stephen Darwall’s ... influential notion of recognition respect,” which “is the respect we owe to others on the basis of their inherent moral worth as persons, and of the institutionally defined roles which they occupy such

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<sup>6</sup> Ibid., p. 598.

<sup>7</sup> Ibid., p. 598.

<sup>8</sup> Ibid., p. 592.

<sup>9</sup> Ibid., p. 592.

as the role of being a citizen.”<sup>10</sup> They then claim that recognition respect “involves three counterpart notions of self-respect.”<sup>11</sup> First, “[o]n the *entitlement* dimension of self-respect, we respect ourselves for the [civic] status we enjoy, and for the rights and freedoms associated with that status.”<sup>12</sup> Second, “*agency* self-respect ... is the self-consciousness that we are active not passive, doers not done to, and self-originating sources of ends.” Third, “*agentic recognition* self-respect points to the way individuals exercise their agentic capacities collectively with others to help determine the ground, meaning, interpretation and implementation of the rights, entitlements and duties to which they are together subject in a relevant community.”<sup>13</sup> They conclude that the wrongfulness of “religiously offensive speech ... can be explained through the idea of self-respect, where the key point is that wrongful religiously offensive speech, even though it may not directly target or attack others in the way that wrongful hate speech does, nonetheless derides and degrades its victims, and thus lowers their social standing. Such speech implies that no reasonable individuals could form and hold such ‘worthless’ or ‘irrational’ beliefs.”<sup>14</sup> The connection between deriding and the idea of self-respect is the already quoted claim that “the self-respect of members of minorities would be undermined by religiously offensive speech.”<sup>15</sup>

This supposed explanation fails. The *explanandum* is the proposition: “Religiously offensive speech directed at religious minorities is wrongful.” The supposed *explanans* is: “Religiously offensive speech directed at religious minorities undermines their self-respect.” Obviously, the latter proposition does not imply the former. There is a crucial premise missing, namely: “It is wrongful to undermine the self-respect of people (or at least of religious minorities).” Yet just as Bonotti and Seglow have not provided any empirical evidence for their explicit empirical premise, they also have failed to provide any philosophical argument for their implicit moral premise. In this context, it should also be mentioned that Bonotti and Seglow are quite mistaken in claiming that it is “useful” to appeal to Darwall’s notion of “recognition respect,” which refers to “the respect we owe to others on the basis of their inherent moral worth.”<sup>16</sup> Even if we did owe others such respect, we certainly do not owe others self-respect. We can self-respect ourselves, but we cannot self-respect others. That is their own responsibility. Of course, it might still be wrong to do things that undermine other people’s self-respect – but again, for this claim Bonotti and Seglow have not provided any argument.

One can, however, provide counter-arguments. Consider someone who ties all his self-respect to being the best president ever – but is constantly derided for his policies, the way he talks, and even for his haircut, with the upshot that he is proclaimed to be the worst President ever. Suppose this relentless derision would undermine his self-respect. Would that make this derision wrongful? Obviously not. Or consider someone who puts all self-respect in being an unbeatable

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<sup>10</sup> Ibid., p. 593.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid., p. 594.

<sup>14</sup> Ibid., p. 595.

<sup>15</sup> Ibid., p. 598.

<sup>16</sup> Ibid., p. 593.

heavyweight champion – and then suffers a humiliating defeat.<sup>17</sup> Was it wrongful for his opponent to defeat him, thereby undermining his self-respect? Obviously not. Or consider someone whose self-respect is connected to the idea that a certain person will marry him, but that person refuses his proposal. Is this refusal wrongful? Obviously not. People have a right to criticize presidents, whether this undermines the self-respect of the president or not; boxers have a right to exercise their skills in the ring to the fullest rule-conforming extent, whether this undermines the self-respect of their opponents or not; and people have the right to refuse marriage proposals, whether this undermines the self-respect of their suitors or not.

Of course, Seglow and Bonotti themselves do not actually want to protect “a powerful politician” or someone’s “favourite football team” from offense because “the wrongful religiously offensive speech that has the effects we identify exploits a political context characterised by asymmetries of social standing and political power.”<sup>18</sup> But this only brings us back to a point already made above. There are only two ways to understand this argument: either their claim here is that *although* the self-respect of the politician and of the football fan is undermined by the derision, this does not matter if both belong to a well-established majority. But then one cannot help but wonder how this squares with their attempt to tie self-respect to Darwall’s notion of recognition respect, which we “owe to others on the basis of their inherent moral worth as persons.”<sup>19</sup> In other words, one cannot help but wonder what suddenly happened to the inherent moral worth of persons belonging to established majorities. It could appear then that Bonotti and Seglow, for all their talk about “equal status,”<sup>20</sup> consider some to be more equal than others. Moreover, given that our duties not to assault people or steal from them extends both to majorities and minorities, one would like to know why this is not also the case with regard to the supposed duty not to undermine a person’s self-respect. *Whence* this difference? Again, Bonotti and Seglow do not explain.

If, alternatively, however, they wish to uphold the idea of equality, then of course the absurdity of the idea that one must not undermine people’s self-respect by deriding their political performance or the performance of their preferred football team carries over to Bonotti’s and Seglow’s argument against “religiously offensive speech” – after all, they do not want to criticize it for “some intrinsic feature of it”<sup>21</sup> but on the basis of its effect on self-respect. Of course, as we saw, Bonotti and Seglow claim that normally the self-respect of majority members is immune against derision. But this claim isn’t backed up by them with any evidence. Moreover, my argument is that even if the respective acts in the examples above undermined the self-respect of the politicians, football fans, boxers, or suitors, intuitively this still wouldn’t make those acts wrongful. In fact, it would not even make them wrongful if committed by “established” white Protestants against “unjustly disadvantaged” black Muslims.

So far we have seen that Bonotti and Seglow neither provide a valid argument for their claim that it is wrong to direct “religiously offensive speech” at “unjustly disadvantaged” minorities

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<sup>17</sup> This is not an unrealistic example. Norman Mailer, in the award-winning documentary *When We Were Kings*, claims that George Foreman suffered from a two-year depression when he was defeated by Muhammad Ali.

<sup>18</sup> Bonotti and Seglow, “Self-Respect, Domination and Religiously Offensive Speech,” p. 593.

<sup>19</sup> *Ibid.*, p. 593.

<sup>20</sup> *Ibid.*, see also pp. 602 and 604.

<sup>21</sup> *Ibid.*, p. 590.



nor for their further claim that this is not true if it is directed at “established majorities.” But there is yet another claim for which they provide no argument. They state:

The wrongfulness of some religious offensive speech ... ought to be taken into account when legislating about free speech and related policy areas, rather than simply invoking an alleged absolute right to free speech under all circumstances, as some politicians and scholars often do. That *pro tanto* case may be outweighed by more powerful normative considerations, but if so our argument is still of value since it shows the ways in which such speech sets back its victims’ interests, and therefore what moral price is to be paid for the freedom to engage in it.<sup>22</sup>

No. Her saying “No, thanks” to his invitation to invite her to a drink sets back Bob’s interest in socializing with the woman at the bar, but that hardly grounds a case, not even *pro tanto*, for regulating the utterance of rebuffs in bars. One might reply that a rebuff is not immoral. Well, but Bob’s standing up a friend for dinner only because suddenly he wasn’t in the mood to go *is* immoral. In fact, it is even a breach of a promise-based claim right the friend has against Bob and thus of a duty of Bob’s toward his friend. But this is entirely compatible with Bob himself having a claim-right against both the friend and the state that his duty not be enforced. This is commonly called “a right to do wrong.”<sup>23</sup> To claim that there is a “*pro tanto* case” for legislation the moment some behavior immorally sets back interests therefore smacks of totalitarian overreach – and guarding against such overreach, in particular by the state, is precisely the function of the respective rights to do wrong. Moreover, this idea is of course a staple of free speech theory. For instance, scholars and politicians especially in the USA often think that Holocaust denial is immoral, but that nonetheless it should not be punished. The idea, thus, is not that there is a *pro tanto* case for legal sanction that has been overridden, but quite the contrary, namely that there is a negative right to free speech. The overriding, if any, would have to work in the other direction, and hence the *pro tanto* case is in favor of *not* legislating “religiously offensive speech.” We therefore must turn Bonotti’s and Seglow’s argument from its head to its feet: The claim-right against coercively interfering with free speech ought to be taken into account when thinking about legislating free speech and related policy areas, rather than simply invoking “immorality” and set-backs of interests, as philosophical enemies of free speech often do.<sup>24</sup>

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<sup>22</sup> Ibid., p. 600-601.

<sup>23</sup> Jeremy Waldron (1981), “A Right to Do Wrong,” *Ethics* 92(1) (1981), pp. 21-39; Ori J. Herstein (2012), “Defending the Right to Do Wrong,” *Law and Philosophy* 31(3) (2012), pp. 343-365.

<sup>24</sup> In fact, recent critiques of free speech virtually always do this. There is a constant whining and wailing about “interests” and “harms” and “offense,” but the right to free speech is at best mentioned, if at all, to be immediately dismissed or to be interpreted in ways entirely alien to free speech theory. It is therefore not surprising that these critiques are out of touch with free speech law, in particular with First Amendment law, even where they claim to somehow follow it or at least be compatible with it. For a particular stark example of this, see Mary Kate McGowan, *Just Words: On Speech and Hidden Harm* (Oxford: Oxford University Press, 2019). For a critique, see Uwe Steinhoff, “Really Just Words: Against McGowan’s Arguments for Further Speech Regulation,” *Philosophia*, forthcoming.

## 2 Double Standards and Self-Contradiction

Bonotti and Seglow thus provide no valid argument for their proposal to restrict “religiously offensive speech.” In addition, they try to make this proposal appear much less restrictive than it is; and they apply it in a biased way (and hence in a way that is incompatible with their professed concern for “equality”). Consider this statement:

Rather than representing a threat to free speech, our position in fact protects it by delineating the substantial sphere within which the freedom to offend ought to remain, i.e. where issues of self-respect and domination involving members of religious minorities are not engaged.<sup>25</sup>

By the same logic, the Spanish grand inquisitor Torquemada might well have said: “Rather than representing a threat to freedom of consciousness, our position in fact protects it by delineating the substantial sphere within which the freedom to think for yourselves ought to remain, i.e. where issues of the doctrine and hegemony of the church are not engaged.” Restrictions are restrictions and therefore by definition pose a threat to the freedom of what is being restricted. To be sure, some restrictions might be justified; and so the argument might be that *proper* restrictions do not pose a threat to the *proper* domain of free speech. But this is wrong, too, for proper restrictions, to have any effect, need to be formulated and can thus be misinterpreted and exert a chilling effect. Thus, while friends of free speech might grudgingly acknowledge some limitations, they would be utterly naïve to not constantly guard against their expansion (enemies of free speech will, of course, welcome such naiveté). This danger of expansion is an intrinsic feature of any limitation and hence poses a threat. Particularly grave threats are attacks on free speech that feel entitled to propose speech restrictions on the mere basis of “hypothesizing” instead of empirically and logically valid argument.

Another point to note in this context is that Bonotti and Seglow try to give the impression that the restrictions they are proposing are what First Amendment scholars and free speech theorists call “viewpoint-neutral.” Allegedly, they do not want to censor specific views or contents as such, but they only want to restrict a statement when “it disables its victims from maintaining an adequately respectful relationship to themselves.”<sup>26</sup> That is, they do not want to censor statements for the expressed views themselves, but for the effects such utterances have on people’s self-respect.

In fact, however, the constant reference to “religious minorities” and “religiously offensive speech” should raise suspicion that the line of reasoning is not all that neutral here but rather biased towards religion.<sup>27</sup> They are particularly concerned about critiques of Islam, condemning politicians who claim that Islam is “dangerous” or “a disease.”<sup>28</sup> In a footnote, however, Bonotti

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<sup>25</sup> Bonotti and Seglow, “Self-Respect, Domination and Religiously Offensive Speech,” p. 601.

<sup>26</sup> Ibid., p. 591.

<sup>27</sup> Note that the demand that we refrain from doing things that “cut against Islamic tradition” and are “liable to scandalise a devout Muslim’s religious sensibilities” (see the indented quote at the beginning of this article) amounts to a complete betrayal of Western values and a submission to Islam. (Incidentally, it figures that Bonotti and Seglow write “western” with a small “w” but keep the capital “I” for “Islam.”) It amounts, moreover, to hypocrisy if it is not also demanded that Muslims forego speech that cuts against the traditions and sensibilities of atheists, such as, for example, calling atheists “infidels” or claiming that they cannot have a morality. Muslims who don’t care about such sensibilities have no right that others care about theirs.

<sup>28</sup> Bonotti and Seglow, “Self-Respect, Domination and Religiously Offensive Speech,” p. 594.

and Seglow try to assuage such concerns about their own pro-religious and pro-Islamic prejudice. They state: “Should holders of non-religious beliefs (or no belief) find themselves in a normative context similar to that experienced by members of religious minorities in western societies, then our argument would apply to them as well. We are not aware, however, of any relevant example.”<sup>29</sup> They aren’t? That is remarkable, for one example that immediately comes to mind is atheism. In predominantly Muslim countries as well as in predominantly Muslim communities in Western countries, atheism is regularly reviled as dangerous and a disease.<sup>30</sup> Evidently, then, there is not only “religiously offensive speech”, but also offensive religious speech.<sup>31</sup>

Moreover, such speech also “takes place against the background of enduring social injustices suffered by certain minorities.” It is not a valid counter-argument to claim that in the “wider society” of Western countries atheists are not a minority anymore. First, that is flat-out wrong in some Western countries. Second, what is relevant is not only the statal background, but of course precisely the background in which the “enduring social injustices” are indeed suffered – and this can be the background of one’s family, clan, school, neighborhood, and religious or ethnic community. Thus, when Bonotti and Seglow complain about the “hateful statements, as well as the instances of actual discrimination and physical violence of which Muslims are routinely victims in western liberal democracies,”<sup>32</sup> one should perhaps note, in the spirit of fairness, the hateful statements, as well as the instances of actual discrimination and physical violence, of which many non-Muslim groups are routinely victims in predominantly Muslim communities within Western liberal democracies (not to mention Muslim states themselves).<sup>33</sup> Thus, for an atheist, a woman, a Jew, or a homosexual living in a predominantly Muslim neighborhood in Berlin, Paris, or Malmö and being confronted with religious speech that denigrates atheists,

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<sup>29</sup> Ibid., p. 591, n. 1.

<sup>30</sup> <https://magazin.zenith.me/de/gesellschaft/atheisten-der-islamischen-welt>, <https://humanists.international/2018/01/humanists-denounce-proposed-law-criminalize-atheism-egypt/>, <https://www.reuters.com/article/us-rights-atheists-idUSBRE91O0Z920130225>. The latter document, incidentally, nicely demonstrates the vile hypocrisy of certain Muslim countries shedding bitter tears about “Islamophobia” while happily killing atheists.

<sup>31</sup> Carolyn Evans, “Religious Speech that Undermines Gender Equality”; Ian Leigh, “Homophobic Speech, Equality Denial, and Religious Expression.” Both in Ivan Hare and James Weinstein (eds.), *Extreme Speech and Democracy* (Oxford: Oxford University Press, 2009), pp. 357-374 and 375-399, respectively.

<sup>32</sup> Bonotti and Seglow, “Self-Respect, Domination and Religiously Offensive Speech,” p. 594.

<sup>33</sup> For sobering accounts of such “parallel societies,” see Hamed Abdel-Samad, *Integration: Ein Protokoll des Scheiterns* (Munich: Droemer, 2018); Susanne Wiesinger with Jan Thies (2018), *Kulturkampf im Klassenzimmer: Wie der Islam die Schulen verändert. Bericht einer Lehrerin* (Vienna: Edition QVV, 2018). I draw on their accounts and further evidence in my analysis in Uwe Steinhoff, *Freedom, Culture, and the Right to Exclude: On the Permissibility and Necessity of Immigration Restrictions* (London and New York: Routledge, 2022), sections 6.2 and 6.3. For not only sobering, but downright ghastly statistics, see Ruud Koopmans (2020), *Das verfallene Haus des Islam: Die religiösen Ursachen von Unfreiheit, Stagnation und Gewalt* (Munich, C. H. Beck, 2020). Koopmans demonstrates that “violence against three specific groups – Jews, homosexuals, and women – can be traced back to a considerable degree to perpetrators from predominantly Muslim groups.” Ibid., p. 210 (my translation).



women, Jews, or homosexuals, it is of little help that the wider society doesn't do this – especially if the society is more interested in virtue-signaling its abhorrence of “Islamophobia” than in criticizing Muslim bigots.

It seems that Bonotti and Seglow share this interest. For instance, they claim that “Islamophobia ... is a form of hate speech.”<sup>34</sup> Actually, a phobia is not speech at all, neither hate nor otherwise, but rather an irrational fear of something that is unlikely to cause harm. Accordingly, the word “Islamophobia” is a propaganda term used to denigrate critics, or at least harsh critics, of Islam as irrational.<sup>35</sup> Ironically, Bonotti and Seglow state that what makes “religiously offensive speech” wrongful is precisely that it “implies that no reasonable individuals could form and hold such ‘worthless’ or ‘irrational’ beliefs.”<sup>36</sup> But this is exactly what their use of the term “Islamophobia” implies about harsh critics of Islam. Some of these critics are former Muslims now living under police protection due to the structural injustice of an international fatwah system while – adding insult to injury – being reviled by both Muslim communities and large parts of a mainstream society more concerned about religious feelings than liberal freedoms. If there ever was a minority having to endure hate speech and denigration of their core beliefs against the background of enduring social injustices – these critics of Islam certainly qualify. Thus, by brandishing the term “Islamophobia,” Bonotti and Seglow use the very same paper in which they condemn denigrating hate speech as a platform for their own denigrating hate speech.

If, however, one wants to avoid such double standards, one would then also have to give Muslim and other communities (including oppressive “woke” subcultures at universities) a taste of the medicines that Bonotti and Seglow prescribe against too much free speech. To wit, they do not actually want to press for state censorship (although it is not clear why their arguments, if successful, could not be used to do exactly that), but propose four other methods instead: “social sanction,” “seek[ing] damages through lawsuits ... in civil courts,” state-sponsored “financial and logistical means to speak back,” and creating “the social and political conditions in which individuals are more likely to regulate their offensive impulses by encouraging critical reflection on them.”<sup>37</sup> Let us then, by all means, socially sanction Muslims – including Imams in mosques, café house patrons in predominantly Muslim neighborhoods, and pupils in schools with a predominantly Muslim student body – whenever they make denigrating remarks about Jews, women, homosexuals, atheists, or simply liberals. Let us sue them for such remarks, and let us provide financial and logistical means to the victims of Muslim hate speech to speak back. How, for instance, about a state-sponsored rock concert against Muslim anti-Semitism, misogyny, and denigration of homosexuals and atheists in front of a mosque where pertinent remarks have been made in the past?

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<sup>34</sup> Bonotti and Seglow, “Self-Respect, Domination and Religiously Offensive Speech,” p. 594.

<sup>35</sup> The fashionable leftist trend to accuse people whose arguments one does not like as x-phobes or y-phobes is not only moronic, intellectually dishonest, and lazy but unsurprisingly also a rather Soviet-style way of treating dissidents. See on this Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge, MA: Harvard University Press, 2002), p. 274; Mick Hume, *Trigger Warning (Concise and Abridged Edition): Is the Fear of Being Offensive Killing Free Speech?* (London: William Collins, 2016), pp. 69-70 and 127.

<sup>36</sup> Bonotti and Seglow, “Self-Respect, Domination and Religiously Offensive Speech,” p. 595.

<sup>37</sup> *Ibid.*, pp. 601-603.

My feeling is that Bonotti and Seglow would not be amused by such consistent application of their own measures. If I am wrong about this, then they are free to correct me. In the meantime, however, it would appear that my feeling is confirmed by their remarkable one-sidedness and unwillingness to acknowledge reality when it comes to Islam and Muslims. For example, they condemn the 2005 *Jyllands-Posten* as well as the *Charlie Hebdo* cartoons of Muhammad. Yet they do not see fit, not even in a footnote, to note the fact that these cartoons triggered several murders and murder attempts carried out by Muslims. Instead, they prefer to condemn one cartoon for allegedly suggesting “that being Muslim is the reason why some Muslims are prone to be terrorists, and that we can trace this back to Muhammad himself.”<sup>38</sup> Well, the murders would appear to confirm this suggestion, would they not? In addition, there is also considerable statistical and empirical evidence indicating that proclivity towards violence and terrorism is *disproportionate* among Muslim populations (at present), as well as philosophical and historical analyses suggesting that, yes, Islam itself might have something to do with it.<sup>39</sup> But, of course, such evidence would appear to be precisely the kind of “religiously wrongful speech” Bonotti and Seglow would want to suppress – thereby suppressing the possibility of getting the complete picture.

But even leaving aside statistics or interpretations of the notorious Quran verse 33, 57- 61 and an episode in the Hadith where a person having insulted Muhammad was put to death<sup>40</sup> – at the very least it should be clear that a) Islam can be traced back to Muhammad, and b) the people who tried to or did commit the murders in question would not have done so if they had been Christians, liberals, or Buddhists: for then any motivation for the murders would have been lacking. They did so, indeed, partly because they were Muslims. This is (obviously) not to say that all Muslims are murderers (not all Socialists and National Socialists and not all Hindus or Christians are murderers either), but it is to say that some murders have indeed been motivated by Islam (just as some murders have been motivated by Socialism and National Socialism, by Hinduism, or by Christianity). To deny this is a denial of reality, and people can hardly be obliged to uphold other people’s delusions – whether those delusions support their “self-respect” or not.

On the contrary, self-respect based on delusions deserves to be shattered. At times Bonotti and Seglow seem to adumbrate this possibility, but never quite. They state:

It might be objected here ... that it is no wrong and no assault on self-respect vigorously to criticise a person’s beliefs, or to ridicule or lampoon them. ... Indeed it can be beneficial ... In such circumstances, people sometimes abandon their beliefs and arrive at new convictions, but it is not clear why a liberal should be concerned with this.

There is much in this view, but it needs to be seen in context. ... Our claim is that self-respect is undermined by the cumulative effect of a steady sequence of offensive

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<sup>38</sup> Ibid., p. 597.

<sup>39</sup> Koopmans, *Das verfallene Haus des Islam*, chs. 4 and 6; Hamed Abdel-Samad, *Der islamische Faschismus: Eine Analyse* (Munich: Droemer, 2015) (this book is also available in English); *idem*, *Mohamed: Eine Abrechnung* (Munich: Droemer, 2017). To be sure, some might want to debate the correctness of Koopmans’s and Abdel-Samad’s analyses. Debate is good. Arrogant suppression and censorship is not.

<sup>40</sup> Namely Ka’b ibn al-Ashraf.

incivilities where these are directed at minority citizens who already suffer from background injustice.<sup>41</sup>

Bonotti and Seglow are missing the point. The point is that the attack on a person's self-respect itself can be beneficial, at least if it comes via an attack on the person's beliefs. Since Bonotti and Seglow put so much stock in Darwall, it is worthwhile to further clarify what Darwall means by "recognition respect":

Strictly speaking the object of recognition respect is a fact. And recognition respect for that fact consists in giving it the proper weight in deliberation. Thus to have recognition respect for persons is to give proper weight to the fact that they are persons.<sup>42</sup>

However, personhood is certainly not the only fact that deserves proper weight in moral deliberations.<sup>43</sup> In addition, there are also negative facts that deserve proper weight in moral or more broadly evaluative deliberations. As Bonotti and Seglow state themselves: "The root of agency self-respect is the self-consciousness that we are active not passive, doers not done to, and self-originating sources of ends. Individuals are responsible to some degree for their agency self-respect; a person who lets their agency atrophy will respect themselves less on that account."<sup>44</sup> Individuals are also responsible to some degree for their agency in the process of belief formation. Yet if they are dull, passive receptacles of dogmatic nonsense poured into their brains, their atrophy of epistemic agency, that is, their sheer stupidity or gullibility, might not undermine their self-respect but rather form the basis of an undue *excess* of it. They respect themselves – but they really shouldn't, or at least to a much lesser degree. In contrast, people who scrutinize their beliefs, accept challenges (even lampooning), try to defend their views with rational argument, change them if necessary, and do not whine and clamor to be protected from "offensive" speech – these people are worthier of their own respect and that of others.

Thus, by vigorously criticizing a person's beliefs, or by ridiculing and lampooning them, one might undermine their self-respect, but that doesn't mean that it harms them in the long run (and it certainly does not mean that it is "wrongful"). The ensuing self-doubt might well prompt them to start thinking for themselves, to abandon their old beliefs and arrive at better grounded convictions. In other words, by confronting them with relentless challenge, we might enable them to gain a position in which they earn the amount of respect they mistakenly took themselves to be entitled to from the beginning. And isn't this what enlightenment is all about – telling people what they need to hear, not what they want to hear?

Of course, this idea is not very popular in certain self-proclaimed "progressive" circles anymore. The order of the day is to coddle people and afford them "safe spaces," where they can cultivate their "self-respect" along with, and often based on, their lack of critical self-reflection. This would appear to be precisely Bonotti's and Seglow's approach. But then one should be clear about one of the implications of their approach: we must be nicer to National Socialists! They are, after all – Bonotti's and Seglow's lack of awareness notwithstanding – "holders of non-

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<sup>41</sup> Bonotti and Seglow, "Self-Respect, Domination and Religiously Offensive Speech," pp. 597-598.

<sup>42</sup> Stephen L. Darwall, "Two Kinds of Respect," *Ethics* 88(1) (1977), pp. 36-49, at 39.

<sup>43</sup> See Uwe Steinhoff, "Against Equal Respect and Concern, Equal Rights, and Egalitarian Impartiality", in Uwe Steinhoff (ed.), *Do All Persons Have Equal Moral Worth? On 'Basic Equality' and Equal Respect and Concern* (Oxford: Oxford University Press, 2014), pp. 142-172, esp. section 8.10.

<sup>44</sup> Bonotti and Seglow, "Self-Respect, Domination and Religiously Offensive Speech," p. 594.

religious beliefs” who “find themselves in a normative context similar to that experienced by members of religious minorities in western societies.”<sup>45</sup> In fact, sometimes they are even legally and explicitly disadvantaged, that is, stripped of legal rights that others, including other minorities, have (this is most obviously the case in Germany, but Germany is not the only example). Socially, moreover, everybody seems to despise them. Minorities, left, center, and right revile them; even the greater part of the rather *extreme* right reviles them, carefully insisting they not be confused with them. Indeed, the very term “Nazi” is habitually used as a pejorative implying that its target is completely beyond the pale, that “no reasonable individuals could form and hold such ‘worthless’ or ‘irrational’ beliefs.”

Put yourself into the shoes of a law-abiding Nazi, who pays his taxes, violates no one’s rights, and merely exercises his own liberal right of freedom of consciousness by *being* a Nazi, that is, by subscribing to the Nazi creed.<sup>46</sup> After a long day’s work, you read a bit of *Mein Kampf* while enjoying a cool beer, and then you proceed to turn on the TV – where you are, as happens so often, immediately subjected to the vile “hate speech” of left-wing intellectuals, news commentators, and members of Antifa who claim that your non-religious creed can only be held by idiots or vicious monsters. This happens again and again, not only on TV, but also in real life. Surely, then, in the light of Bonotti’s and Seglow’s very own logic, your “self-respect is undermined by the cumulative effect of a steady sequence of offensive incivilities where these are directed at minority citizens who already suffer from background injustice.”<sup>47</sup> Accordingly, there is a *pro tanto* case for regulating ideologically offensive anti-Nazi speech by social sanction, civil suits, state sponsorship of Nazi counter-speech, and the creation of the social and political conditions in which individuals are more likely to regulate their offensive anti-Nazi impulses by encouraging critical reflection on them.

Seglow and Bonotti have two options here. They could embrace this implication and be consistent for a change. I doubt that they would do this. After all, while encouraging critical reflection is good, the first three proposed anti-Nazi-defamation regulations are entirely counter-intuitive. Since they follow from Bonotti’s and Seglow’s account, this amounts to a *reductio of absurdum* of their account itself.

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<sup>45</sup> Ibid., p. 591, n. 1.

<sup>46</sup> Of course, these days some authors claim that the mere holding of a belief can be morally “wrongful”. Bana Bashour, “Immoral Beliefs,” *Ratio* 26(3), pp. 299-309, gives the example of Michael, who without sufficient evidence believes that his friend John wants him to be miserable (among other things). Bashour contends that “we find Michael’s beliefs immoral” (ibid., p. 304). That might be true if “we” refers to totalitarian friends of thought-policing, but not if it refers to liberals. In fact, the whole recent tendency of the self-proclaimed “woke” (but in fact dogmatically slumbering) left of criticizing others for the *immorality* of their beliefs is counter-productive, at least if the aim is rational persuasion instead of virtue-signaling. I, for one, think that Bashour is morally perfectly entitled to hold her philosophical belief – but I also think that it is a silly belief. For starters, she claims that “[t]hrough his belief, Michael is in fact accusing John of failing to meet his duty as a friend” (ibid.). That isn’t a “fact” at all, for believing is not accusing – the latter requires the *expression* of the belief. If a philosopher cannot distinguish between acts and beliefs, it is not surprising that she cannot appreciate the fact that thoughts are free.

<sup>47</sup> Bonotti and Seglow, “Self-Respect, Domination and Religiously Offensive Speech,” p. 598.

The second option would be to deny that the implication does follow. How could they do that? They might perhaps contend that National Socialists are not really discriminated against in Western liberal democracies while Muslims are. However, that Muslims are discriminated against in Western liberal societies is yet another claim for which Bonotti and Seglow provide no evidence. To be sure, there is some evidence that there are certain social mechanisms (like preferences of employers and landlords) that tend to work to the disadvantage of Muslims – but that is not quite the same as to say that it disadvantages them *merely because* they are Muslims or *merely for being* Muslims. If I am reliably informed that the evil extraterrestrials have changed the brains of Methodists in such a way that 40 % of them are now prone to kill their landlords, I would not want to have a Methodist tenant – but not because I have something against Methodism, but rather because I have something against being killed. Of course, some might say that *all* kinds of racial or religious profiling are wrong, that is, that it is always wrong to use statistical information about racial or religious groups when deciding how to react to a particular member of that group. However, as the Methodist example shows, that is entirely implausible.<sup>48</sup> Moreover, even if one interpreted “discrimination” broadly enough to include religious or ethnic profiling – there is ample evidence showing that anti-Muslim “discrimination” even in this wide sense is an almost negligible factor in explaining socio-economic disadvantages of Muslims in Western liberal societies.<sup>49</sup> While there is a fashionable current trend of interpreting any kind of social advantage or disadvantage as a result of discrimination and “privilege” and thus of injustice, rational and empirical analysis proves this to be mere ideology.<sup>50</sup>

With National Socialists, on the other hand, you do not even have to look for social discrimination, because in some countries the legal discrimination is so blatantly obvious. Moreover, while in many Western liberal democracies professing Muslims have visibly made careers in political parties, NGOs, and companies, professing National Socialists will have no such luck – both because the political parties, NGOs, and companies want to avoid catastrophic PR disasters and because they genuinely and profoundly dislike National Socialists.

The last line of defense might be to claim that the legal and social disadvantages so clearly imposed on National Socialists are not really *unjust*. But why not? Presumably because they deserve, or are liable to, these disadvantages. Why? Presumably because their creed is, indeed, worthy of utter *disrespect*, while this is not true of Islam or other religions. But here lies the rub: how would Bonotti and Seglow know that? As I pointed out above, their data processing seems to be rather selective. They display absolutely no interest in considering empirical, historical, and philosophical or theological arguments capable of painting a negative picture of Islam. In fact, they would like to suppress such arguments, thereby precluding the possibility of getting a

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<sup>48</sup> See also Neven Sesardić (2018), “Is Racial Profiling a Legitimate Strategy in the Fight against Violent Crime?” *Philosophia* 46(4), pp. 981-999; Steinhoff, *Freedom, Culture, and the Right to Exclude*, section 5.4.

<sup>49</sup> Koopmans, *Das verfallene Haus des Islam*, pp. 202-209.

<sup>50</sup> Thomas Sowell, *Discrimination and Disparities, Revised and Enlarged Edition* (New York: Basic Books, 2019); Greg Lukianoff and Jonathan Haidt, *The Coddling of the American Mind: How Good Intentions and Bad Ideas are Setting Up a Generation for Failure* (New York: Penguin Books, 2018), esp. ch. 11; Susan Pinker, *The Sexual Paradox: Men, Women, and the Real Gender Gap* (New York: Scribner, 2008), esp. the epilogue.



complete picture.<sup>51</sup> In other words, Bonotti and Seglow are of necessity too uninformed to know much about Islam.

What we do know, however, is that Muslims organized in the Islamic State just recently committed terrible atrocities on a massive scale. The name “Islamic State” might be a giveaway for the connection between Islam and the organization and its atrocities. The “politically correct” thing, of course, is to speak here of “Islamic fundamentalists.” However, first, since nobody speaks of “Christianists” or “Christian fundamentalists” in the context of the crusades or of “Catholicists” in the context of child-abusing priests, this cherry-picking verbal courtesy is misplaced. Second, Islamic fundamentalists *are* Muslims in any straightforward sense of the term, just as the crusaders were Christian and the abusive Catholic priests indeed Catholic. To be sure, some Muslim critics of the Islamic State claim that the members of this organization are not “real” Muslims (others merely claim that they are confused). But said members of course reciprocate the compliment. So which standard decides here, and why? The only way to rationally settle this question, if it can be settled, is open debate, which *also* allows advancing arguments that claim an intrinsic connection between Islam and the use of unjustified violence. If we suppress such arguments, important information might get lost.<sup>52</sup> Beliefs based on suppressed evidence, however, are an unreliable basis for making decisions, let alone just decisions.

Conversely, if Islam, Christianity, and Socialism are let so graciously off the hook by saying that the crimes committed in the name of these religions or ideologies are not expressive of their true essence, as it were (as if that were a consolation), why – trigger warning! – should the same possibility not be considered in the case of National Socialism? If people are still allowed to dream of a “socialism with a human face” although the face it has shown so far is that of a lunatic mass-murdering monster,<sup>53</sup> why not do the same with regard to National Socialism? It would certainly violate “equal citizenship” if we *a priori* deny law-abiding, tax-paying National Socialists exercising their liberal right of consciousness the appeal to an argument (“Poor Socialism has been so misunderstood”) that International Socialists invoke on a regular basis, sometimes on university panels and with applause from the podium – although International

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<sup>51</sup> They are not alone in this desire, unfortunately. As Koopmans, *Das verfallene Haus des Islam*, pp. 212, notes (my translation): “It is surprisingly difficult to find systematic data regarding the extent to which perpetrators with Islamic background are involved in antisemitic violent incidents. ... This dearth of information can be called remarkable, since otherwise there is an abundance of statistics – for example regarding unemployment or educational degrees – which indeed do differentiate according to ethnicity. However, the zeal for collecting ethnically differentiated data diminishes quickly when the results to be expected cannot so easily be interpreted as stemming from discrimination. With respect to criminality, apparently one prefers to remain ignorant lest one discovers something the might not fit into the prevailing intellectual framework.”

<sup>52</sup> See on this succinctly Hrishikesh Joshi, *Why It's Okay to Speak Your Mind* (New York and London: Routledge, 2021), ch. 1.

<sup>53</sup> Anthony Leaker, *Against Free Speech* (Lanham: Rowman and Littlefield, 2020), p. vii, hopes for a “green, socialist future”. What, exactly, is the hope here? That the Gulag comes with an arboretum? In his book, Leaker constantly rails against liberalism but does not mention the crimes of socialism with a single word. This is further proof that enemies of free speech are poor guides if it comes to the worthiness of creeds.

Socialism has killed more people than National Socialism.<sup>54</sup> Islam may have killed less than either, less also, perhaps, than Christianity.<sup>55</sup> However, that Jeffrey Dahmer killed fewer people than Heinrich Himmler does not make the former a respectable person. The same goes for creeds.<sup>56</sup> Some have more of a tendency to incite violence than others; and even putting violence aside – some are also more ridiculous than others (Scientology comes to mind). In sum, how much sense a creed makes, to what degree its correct interpretation calls for violence, to what degree it has the propensity to be misunderstood and then incite violence (something that actually still counts against it), and to what degree it can be reformed,<sup>57</sup> are questions that, again, can only be settled by arguments, including arguments that people might find religiously or ideologically deeply offensive.

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<sup>54</sup> Stéphane Courtois, Nicolas Werth, Jean-Louis Panné, Andrezey Paczkowski, Karel Bartošek, Jean-Louis Margolin (eds.), *The Black Book of Communism: Crimes, Terror, Repression*, transl. by Jonathan Murphy and Mark Kramer (Cambridge, MA: Harvard University Press, 1999).

<sup>55</sup> However, one should not forget – although some interested parties would not even have it mentioned – that Islamic colonialism erected the biggest and most lasting slavery system in the history of humanity (it lasted for at least 12 centuries). „Far more sub-Saharan Africans were abducted to the core countries of Islam than across the Atlantic to European colonies, at least 17 million to 12 million.“ Obviously, this was accompanied by massive bloodshed. See Egon Flaig, *Weltgeschichte der Sklaverei* (München: C. H. Beck, 2011), esp. chs. 3 and 4. The quote is from p. 148.

<sup>56</sup> I am aware that some might find such comparisons “offensive.” Taking offense doesn’t amount to an argument, though. Nonetheless, by way of reaction, allow me to quote the following statement by an ex-Muslim calling himself “I. G.” (take a wild guess why he doesn’t state his full name): “One might find the comparison to Stalinism, Nazism, and Maoism silly and repugnant. But my point isn’t to suggest that there’s some moral equivalency between these ideologies and Islam. Rather, my point is that it isn’t necessarily bigotry to appeal to ideological factors when explaining the atrocities committed by a minority within an ideological group.” This is my point too, however lost it might be on Bonotti and Seglow. I. G. also states: “Where Islam goes in significant numbers, we start seeing acts of violence committed in its name at a rate and severity that is a threat to the very possibility of liberal democracy.” I. G., “Muslim Immigration and the West,” in Bob Fischer (ed.), *Ethics, Left and Right* (Oxford: Oxford University Press, 2020), pp. 208-215; the quotes are from pages 211 and 215, respectively. For further thoughts on the dangers posed by large-scale Muslim immigration, see Steinhoff, *Freedom, Culture, and the Right to Exclude*, sections 6.2-6.4.

<sup>57</sup> James L. Hudson (1986), “The Philosophy of Immigration,” *Journal of Libertarian Studies* 8(1) 1986, pp. 51-62, at 56, states that “Walzer is fairly to be labeled a ‘national socialist.’” To be sure, he also states that “it would be wildly misleading to call him a ‘Nazi’ or a ‘fascist’” (apparently, Hudson is under the impression that abbreviations and small letters make all the difference to moral opprobrium), but it is safe to assume that he is not trying to make a compliment here. That, however, does not preclude the possibility of drawing precisely the opposite conclusion: if *Michael Walzer*, of all people, can “fairly be labeled” a “national socialist,” maybe national socialism is not that bad after all but can be reformed and redeemed as a national socialism with a human face? Perhaps – let us be utopians! – it could even be “green”? What’s good for the goose (international socialism) is good for the gander (national socialism).

Thus, Bonotti and Seglow are in a double-bind here. Understood as it is presented, namely as viewpoint-neutrally based on the protection of a person's self-respect, their argument implies that we have a *pro tanto* case for the restriction of ideologically offensive critiques of National Socialism. That, however, is deeply counter-intuitive. Alternatively, they can drop the pretense of viewpoint-neutrality and admit that for them the self-respect of some believers counts for more than that of others (so much for "equality"), depending on the respectability or lack thereof of the creed in question. But how do they establish said respectability or lack thereof? One idea might be a Creeds Ministry where the "enlightened" elite ruminates on these issues. However, since the wider audience cannot publicly challenge them with extremely harsh critiques of certain creeds that might be able to burst the bubble, the resulting echo chamber will deprive it of any epistemic legitimacy. Moreover, it certainly has no democratic or liberal legitimacy. Indeed, an elite arrogating to itself the power to establish the worthiness of creeds while simultaneously denying the public the right to radically argue against and negate the worth of the chosen creeds is incompatible with the "free and equal citizenship" that is officially a cornerstone of Bonotti's and Seglow's account.<sup>58</sup> This solution, therefore, is incoherent. The only alternative is to forego the arrogant illusion that one can know *a priori* which creed will stand up to public scrutiny and radical criticism – and thus allow public scrutiny and radical criticism as a means to establish the worthiness of the creeds. But thereby one pursues the aim of establishing which creeds should be *exempted* from radical, potentially "offensive" criticism undermining self-respect precisely by *opening them up* to such criticism. This is also incoherent. Thus, Bonotti's and Seglow's account is either morally deeply counter-intuitive, or logically or pragmatically incoherent. It is to be rejected in favor of free speech – in the name of both the pursuit of truth and of equal civic standing.

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<sup>58</sup> Bonotti and Seglow, "Self-Respect, Domination and Religiously Offensive Speech," p. 602.

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