

Contents

<i>List of Abbreviations</i>	xi
<i>Epigraph</i>	xiii
1. Introduction	1
1.1 Hatred and Value Pluralism	2
1.2 Rights, Security, and Citizenship	4
1.3 Overview	7
2. Concepts and Contexts	11
2.1 Liberal and Democratic Models	11
2.2 Alternative Contexts	14
2.3 Democracy as Consensus Versus Hatred as Extremism	15
2.4 Freedom and Liberalism	17
2.5 Speech and Expression	18
2.6 Content and Viewpoint	19
2.7 Hate Speech and Hateful Expression	22
2.8 Public Discourse	26
2.9 Defamation: Public Figures and Groups	30
2.10 Deontology and Consequentialism	32
3. Liberalism and Value Pluralism	37
3.1 Prevailing Norms	37
3.2 Absolutism	40
3.3 Political Legitimacy	43
3.4 State Legitimacy and Democratic Legitimacy	45
3.5 The Dual Character of Democratic Law	55
3.6 Value Pluralism and Liberal Theory	59
3.7 Value Pluralism and Empirical Social Science	66
4. Democracy and Citizenship	69
4.1 Longstanding, Stable, and Prosperous Democracy (LSPD)	69
4.2 Derogations Jurisprudence and the Limits of the LSPD	78
4.3 The 'Pre-legal' Element of Public Discourse	81
4.4 Residual Liberal Domains Within and Beyond Public Discourse	84
4.5 The <i>Pro Tanto</i> Character of Legitimizing Conditions	86
4.6 Demarcating Liberal and Democratic Spheres	88
4.7 Democratic Versus Liberal Conceptions of Freedom	94
4.8 Democratic Freedom Versus Epistemic and Ethical Claims	99
4.9 Autonomy and Personhood	105

4.10	Citizenship Unmodified	107
4.11	The Active Democracy	111
4.12	Legitimizing and Optimizing Conditions	116
4.13	Egalitarianism and Social Welfarism	121
5.	The Prohibitionist Challenge	125
5.1	Direct Consequentialist Prohibitionism	125
5.2	Militant Democracy and the 'Weimar Fallacy'	129
5.3	Indirect Consequentialist Prohibitionism	137
5.4	Consequentialist Prohibitionism and Public Discourse	142
5.5	Consequentialist Oppositionism Revisited: Harms of Bans?	145
5.6	Prohibitionist Deontology (Dignitarianism)	153
5.7	Civility, Decorum, and Symbolism	162
5.8	Narrow Bans and Advocacy of Violence	165
5.9	Incitement	169
5.10	Free Expression in the Public University	175
6.	Democratic Historicism	181
6.1	Historical Determinism	181
6.2	Universals and Their Limits	194
7.	Conclusion	207
	<i>Works Cited</i>	217
	<i>Index</i>	237