



‘Argumentative Disobedience’ as a Strategy to Confront Hate Speech

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Abstract

In this paper, I examine argumentative strategies that social movements can follow to counter hate speech. I begin by reconstructing the disagreement space of the abortion debate in Argentina as a polylogue, identifying the protests of the social movement Pañuelos verdes as argumentative contributions. I then describe two different forms of hate speech used in response to the movement’s protests. I argue that hate speech discredits the position of Pañuelos verdes in the abortion debate and depicts their protests as social threats. Subsequently, I discuss three argumentative strategies that social movements can implement to address hate speech: arguing with hate speakers; advocating for a dialogue with restrictions; and opting for argumentative disobedience. Arguing with hate speakers aims to make hate speakers retract hate speech by exposing the undesirability of using hateful messages in argumentative exchanges. Advocating for a dialogue with restrictions aims to impose limited bans on public speech in order to ensure equal participation of arguers in argumentation. Finally, I propose the notion of *argumentative disobedience* to describe communicative responses to hate speech that aim to bring bystanders in line with the position of social movements in public debates.

Keywords Argumentation · Argumentative strategy · Hate speech · Social movements

1 Introduction

This paper aims to answer the question ‘What should social movements do to confront hate speech?’. It will do so by studying the broader argumentative context in which social movements are immersed when protesting.

The paper focuses, as its case study, on the social movement ‘Pañuelos verdes’ [Green Scarves] in Argentina. The movement emerged to demand the legalisation of

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abortion which had been outlawed with the establishment of the law ‘Interrupción Voluntaria del Embarazo’ [Voluntary Interruption of Pregnancy] (IVE) in 1921. The IVE dictated that women who requested an abortion, and the professionals involved in the procedure, should be punished with prison sentences of one to four years (Bessone 2020). In the decades that followed, multiple conferences and assemblies were organised throughout the country, calling for the repeal of the IVE.¹ Pañuelos verdes emerged in one of these assemblies held in Ciudad del Rosario, Argentina (2003), when the participants of the ‘XVIII Encuentro Nacional de Mujeres’ [XVIII National Women’s Meeting] organised themselves into groups to protest in the public sphere. They named the social movement ‘Pañuelos verdes’ because of their attire: a green scarf that made them easily recognisable. The movement gained political relevance in the country, especially after the campaign ‘Campaña Nacional por el Derecho al Aborto Legal, Seguro y Gratuito’ [National Campaign for the Right to Legal, Safe and Free Abortion] in 2004, which led to multiple protests in public spaces (Bessone 2020). However, as political theorists point out (Dulbecco et al. 2021), Pañuelos verdes received a barrage of hateful comments in public discourse, including on social media and in parliamentary sessions.

My aim in this paper is to explore the communicative strategies that social movements such as Pañuelos verdes can follow to respond to hate speech. To achieve this aim, I will analyse the broader deliberative context in which Pañuelos verdes are immersed through the lens of argumentation theory. Argumentation is the communicative activity of producing and exchanging reasons in situations of doubt or disagreement (Lewiński and Mohammed 2016); as such, it functions as a form of disagreement management (Jackson 2015). Argumentation plays a central role in society, especially in the context of public deliberation (Lewiński and Mohammed 2016). Public deliberation is a form of political communication that involves reflecting on and weighing the preferences, values, and interests of citizens in relation to matters of common interest (Bächtiger et al. 2018). Public deliberation is based on practical reasoning (Fairclough and Fairclough 2012; Young 2000) and argumentation is the main procedure to guide this form of reasoning (Lewiński 2017; van Eemeren 2015).

The paper has the following structure. In Sect. 2 I reconstruct the disagreement space of the public debate about the legalisation of abortion in Argentina. In Sect. 3 I analyse the damage of hate speech to the public debate. In Sect. 4 I examine three argumentative strategies to confront the harms of hate speech: arguing with hate speakers; establishing a dialogue with restrictions; and opting for ‘argumentative disobedience’, which is the strategy that I further elaborate in Sect. 5.

¹ <https://indomita.media/panuelos-verdes-historia/>

2 The Abortion Debate in Argentina

Since the establishment of democracy in Argentina (1983), the debate over the legalisation of abortion has played an important role in the political sphere (Dulbecco et al. 2021). In this section, I reconstruct the disagreement space of this debate. The disagreement space is understood as the set of the participants' commitments, beliefs and intentions that can be reconstructed from their actions and 'called out' by another participant (Jackson 1992).

The simplest reconstruction of the abortion debate in Argentina would be to see it as a two-sided debate with participants exchanging reasons for (yes-side) and against (no-side) the legalisation of abortion between the years 1983 and 2020 (Bessone 2020). Members of the position in support of the legalisation of abortion, like the one defended by Ginés González García (Minister of Health, 2003–7), exemplified their perspective by creating campaigns to legalise/secure abortion in Argentina. Opponents of the legalisation of abortion, such as Cristina Fernández de Kirchner (President of Argentina 2007–2015) and Mauricio Macri (President of Argentina, 2015–2019), defended their standpoint in multiple interviews and parliamentary sessions by characterising abortion as a criminal practice.

On closer scrutiny, this reductionist, dyadic, account of the disagreement space is unsustainable. For, as shown by Dulbecco et al. (2021), the debate featured a far wider spectrum of perspectives, endorsed by a variety of participants both within and outside the Argentinian Parliament. On the one hand, members of Parliament on the yes-side appealed to at least two distinct reasons to ground their position, namely, (i) the inevitable reduction in mortality rates (the 'health perspective'), and (ii) women's inalienable right to bodily autonomy (the 'feminist perspective'). On the other hand, those on the no-side tended to defend their position wither on the grounds that (iii) abortion is morally reprehensible insofar as it violates the sanctity of human life (the 'religious perspective'), or that (iv) having been already determined to be illegal, it should continue to remain so (the 'legal perspective'). Moreover, Dulbecco et al. (2021) identify participants to the debate outside of the Argentine Parliament (the 'social perspectives'). These extra-parliamentary participants included organizations whose positions aligned respectively with the religious perspective (the so called 'Pañuelos celestes', or 'Blue scarves') and with the feminist perspective (the above-mentioned Pañuelos verdes), as well as citizens not directly involved in the abortion debate (the 'bystanders').

Therefore, the disagreement space of the abortion debate in Argentina cannot be reduced to a dyadic difference of opinion (yes/no to legalisation of abortion). The work of Dulbecco et al. (2021) instead allows to characterise the debate about abortion in Argentina as a multi-party argumentative discussion, or *polylogue* (Lewiński and Aakhus 2023) in which 'multiple players discuss their distinct, and often incompatible, positions across a variety of places' (Lewiński 2021: 435). Applying Lewiński and Aakhus' (2023) terminology, one can identify the different 'players' on the basis of how Dulbecco et al. (2021) differentiated the 'positions' on the legalisation of abortion in different 'places': politicians advanced their arguments in parliament, social movements on social media and on the streets.

Social movements are familiar from our everyday lives. Given the key role of Pañuelos verdes as a player in the abortion debate, however, it is worth briefly expanding on the characteristics of social movements before proceeding further. Social movements are collective political agents that emerge from the efforts of ordinary people to achieve social change (Goodwin and Jasper 2014). Social movements participate in political conflicts by using extra-institutional means (the ‘protests’) that typically target socially oppressive practices, normally perpetrated by the government or people in influential positions (the ‘social actors in positions of power’) (Meyer et al. 2002). These characteristics are exemplified by the emergence of Pañuelos verdes in Argentina as the *vox populi* of women as victims of inequality in different aspects of society.² Pañuelos verdes advocated for political reform to address the challenges and obstacles to equality faced by women (e.g., gender violence, wages inequality, discriminatory promotion practices), and directed their protests towards the social actors in positions of power (such as the government, representatives of religious institutions, and the media).

How did the protests of Pañuelos verdes contribute to the abortion debate? Describing protests in speech act terms is helpful to answer this question.³ Austin (1962) briefly commented that protests express disappointment. Searle (1976) elaborates on this by describing protests as involving ‘an expression of disapproval and a petition for change’ (Searle 1976: 22). Recently, Chrisman and Hubbs (2021) have described protests as involving expressions of opposition that negatively evaluates the object of the protest, and prescriptions for redress or ameliorative reform directed at social actors in positions of power. The common point between these approaches is that protests involve both *expressive* speech acts (protesters ‘express’ disapproval towards the object of the protest) and *directive* speech acts (protesters ‘direct’ their targets, those in a position of power, towards specific redressive actions). Consider the creation of the hashtag #AbortoLegalYa [#LegalAbortionNow] on Twitter by members of Pañuelos verdes. The hashtag can be read as expressing the social movement’s disapproval towards the criminalisation of abortion, as well as directing those in a position of power (specifically the Argentinian government) towards the legalisation of abortion. This interpretation is supported by the statements that accompanied the hashtag, in which Twitter users appealed to the women’s right to decide over their bodies and to the medical implications of legalising abortion (the reduction of deaths from unsafe abortion practices) (Bessone 2020).

The next section looks at how other participants in the argument (i.e. social actors in positions of power) used hate speech in response to the Pañuelos verdes protests.

² <https://elpais.com/sociedad/2020-12-30/una-noche-en-vela-en-una-plaza-dividida-entre-verdes-y-celestes.html>

³ See Jacobs (1989) and Jackson (1992) for a description of how different speech acts contribute to argumentation.

3 Hate Speech in Response to Protests

Social movements protest to change oppressive practices, among which the use of hate speech is included. But, as I argue in this section, hate speech can also be used in response to those protests, to deactivate those social movements. 'Hate speech' is a legal term denoting a category of prosecutable actions: namely, those actions that amount to the public and explicit incitement to hatred and violence against a group on grounds of racial, ethnic, or national prejudice (European Council Framework Decision 2008/913/JHA, see also Assimakopoulos et al. 2017). Hate speech has also been the object of detailed study from both philosophical and argumentation perspectives; I rely on this literature for the purposes of the present discussion. Philosophical studies have focused on the effects that verbal and non-verbal forms of hate speech produce on the targeted group (Lepoutre 2017; Tirrell 2018; Waldron 2012). Argumentation studies have focused on unveiling the reasoning that underlies hateful messages (Domínguez-Armas et al. 2023; Gascón 2023; Picazo 2022; Serafis 2022). Recent contributions in this latter field (Assimakopoulos et al. 2017; Assimakopoulos 2020; Domínguez-Armas et al. 2023; Serafis 2022) have argued that hate speech is not limited to explicit forms of discrimination (namely 'hard hate speech'), but that there are implicit forms of hate speech that equally contribute to the hateful discrimination of the target (namely 'soft hate speech').

In the following two subsections I study instances of 'hard' and 'soft' hate speech used against the protests of Pañuelos verdes. In the third subsection I draw on philosophical studies to analyse how these forms of hate speech affected the contributions of Pañuelos verdes to the abortion debate in Argentina.

3.1 Hard Hate Speech: the Slur 'Feminazi'

In this subsection, I study forms of hard hate speech that explicitly discredited Pañuelos verdes. Some tabloids written in Spanish and representatives of conservative views in the Argentinian Parliament described Pañuelos verdes as being run by 'feminazis'.⁴ Lexical items like 'feminazi' are called 'slurs' (Jeshion 2021). Slurs are explicit forms of hate speech that convey the derogatory conceptualisation of a group and that are intended to disparage the victim (Cepollaro 2020). Slurs harm their victims because they rank people as low value in society; they typically do so by targeting one or more of the victim's legally protected characteristics (Bolinger 2017; Jeshion 2021).

'Feminazi' is a derogatory term that refers to feminist women who defend abortion.⁵ The term 'feminazi' is originally from Limbaugh's *The Way Things Ought to Be* (1992). He defines the term 'feminazi' as referring to 'a woman to whom the most important thing in life is seeing to it that as many abortions as possible are performed' (Limbaugh 1992: 194). Therefore, in referring to Pañuelos verdes as

⁴ <https://www.bbc.com/mundo/noticias-america-latina-55492942>

⁵ <https://www.theguardian.com/world/2015/sep/15/feminazi-go-to-term-for-trolls-out-to-silence-women-charlotte-proudman>

‘feminazis’, their protests were associated with genocidal practices and treated as threats to social security due to the notion of abortion as the ‘elimination of a human life’.⁶

Notably, attacking the trustworthiness of an arguer in a way that discounts the worth of their arguments is described in argumentation theory as an *ad hominem* fallacy. The fallacy can vary widely (e.g., *tu quoque*, the two wrongs fallacy, guilt by association). One form it could take is the fallacy of ‘poisoning the well’ (Walton 2006). The key idea is that, by associating an arguer with some group that holds reprehensible ideas, any argument they put forward will always be seen as simply reflecting the same bias. For instance, the association of Pañuelos verdes with genocidal practices produced by Nazism prompts the characterisation of any argument they might put forward as a social threat.

3.2 Soft Hate Speech: Provocative Insinuations

The discrediting of Pañuelos verdes also occurred through more surreptitious means. For example, the Catholic news agency ‘AICA’ reported on the protests of Pañuelos verdes in Argentina in 2018 with the headline ‘Una clínica privada de Neuquén [que se opone a realizar abortos] repudió escrache de los “Pañuelos verdes” [A private clinic in Neuquén [that opposes the practice of abortion] repudiated the attack of “Pañuelos verdes”].⁷ Although the headline reports a fact, it could also be read as conveying the message that Pañuelos verdes are violent, thereby licensing the inference that Pañuelos verdes pose a social risk because they “attack” health centres. Domínguez-Armas & Soria-Ruiz (2021) and Domínguez-Armas et al. (2023) have described sentences like the one in the AICA headline as a type of *insinuation*.

Insinuations are pragmatic off-record inferences triggered by specific sentences (Camp 2018; Oswald 2022). Insinuations consist of two messages: an unobjectionable literal on-record content and an objectionable, but plausibly deniable, off-record message. For example, imagine a situation where a driver is stopped for speeding. The driver might utter ‘I’m in a bit of a hurry. Is there any way we can settle this right now?’ (Camp 2018). Whereas this can be officially perceived as the innocent question whether there is some way to solve the situation immediately (on-record content), the implicit insinuation is an invitation to accept a bribe. The AICA headline can be described in a similar way. While the headline reports that Pañuelos verdes attacked a private clinic that refused to perform abortions (on-record content), one can read the off-record message that Pañuelos verdes *typically* provoke these actions and that they are therefore intrinsically violent. Unlike the bribe example, the implicit content of the headline is triggered by the choice of the subject and predicate used.

⁶ Although the origin of the term ‘feminazi’ referred to women who defended abortion, it is nowadays used against feminists in general. I thank an anonymous reviewer for pointing this out.

⁷ <https://aica.org/noticia-una-clnica-privada-de-neuqun-repudi-escrache-los-paueolos-verdes>

Name insinuations of this kind as 'provocative insinuations' which rely on the pragmatic mechanism of 'conversational eliciture' (Cohen and Kehler 2021). A conversational eliciture arises when, by choosing a particular predicate (among others), a speaker elicits inferences on the part of the audience that would not otherwise be drawn. For instance, by choosing the predicate 'A private clinic in Neuquén repudiated the *attack* of "Pañuelos verdes"' (instead of, e.g., 'A private clinic in Neuquén repudiated the protests of "Pañuelos verdes"' or 'A private clinic in Neuquén repudiated the actions of protesters') one is eliciting the inference that Pañuelos verdes *typically attack* private clinics.

Provocative insinuations have an argumentative function Domínguez-Armas et al. (2023). Provocative insinuations license a hateful essentialising message about the subject, which supports the conclusion that the nature of the subject somehow explains the action committed. Accordingly, the AICA headline can be understood as a premise in support of the essentialising idea that Pañuelos verdes are disposed *by nature* to be violent.⁸ To the extent that the headline links Pañuelos verdes to a crime (i.e., the attack on private clinics), the conclusion that being a member of Pañuelos verdes somehow explains the crime is inferred. Insinuations of this kind, I suggest, produced a similar effect to the use of 'feminazi' to refer Pañuelos verdes (§3.1): the discrediting of their position in the abortion debate.

3.3 Hate Speech and Social Movements

In this subsection, I explore the effects of hate speech on the means that social movements use to engage in public debates, drawing on contemporary contributions from social philosophy. Philosophical studies have drawn attention to how hate speech can silence its targets (Langton 1993; 2018). Hate speech makes the victim count as an inappropriate speaker to perform certain acts. Langton (1993) exemplifies 'silencing' by describing how pornography makes sexual refusals 'unspeakable' for women by celebrating and promoting their sexual abuse. Pornography thus makes sexual refusal not count as the intended act even if women utter the appropriate locution (e.g., 'No') and want their act to be taken as such.

Langton's (1993) idea that hate speech silences is contested (Kukla 2014; McGowan 2019). Kukla (2014) argues that silencing is a limiting case of the harm of hateful messages because they transform the intended act of the victim into no act at all. Kukla (2014) argues that hateful messages generally distort the victim's acts by promoting a different response than the one they intended solely because they belong to a certain group. In my perspective, Kukla's (2014) account is useful in describing the case of social movements: hate speech can effect a pragmatic distortion of protests by portraying them as threats to society. This idea is exemplified by hard forms of hate speech (§3.1) and soft hate speech (§3.2) used against Pañuelos verdes in Argentina. Slurs like 'feminazi' associate the defence of

⁸ See Brown and Harlow (2019) for a discussion of how the description of protests as 'violent' is conducive to the delegitimization of social movements.

abortion of Pañuelos verdes with genocidal practices. Provocative insinuations like the AICA headline convey the message that Pañuelos verdes are violent.

Having said all this, one may ask: how does hate speech affect the contributions of Pañuelos verdes in the abortion debate in Argentina? Standard theories of argumentation (i.e., pragma-dialectics) describe argumentation as requiring certain conditions to be met (van Eemeren and Grootendorst 1984). Argumentation, they maintain, requires that the hearer recognises the arguer's utterances as counting as an attempt to justify their opinion. Van Eemeren and Grootendorst call them 'recognition conditions' (1984: 42). If the recognition conditions are not met, the act of argumentation is unsuccessful. Recall that I reconstructed the protests of Pañuelos verdes as contributions to the abortion debate in Argentina (§2). The creation of the hashtag #AbortoLegalYa, the blockading of streets, the occupation of public spaces, and the organisation of rallies are understood by political theorists as the way in which Pañuelos verdes presented their views in support of the legalisation of abortion (Dulbecco et al. 2021). From that, my suggestion is that by using hate speech, social actors in positions of power were refusing to meet the recognition conditions for Pañuelos verdes protests. This idea is supported by the testimonies of representatives of Pañuelos verdes who claimed that their voices 'were not heard on equal terms' in the abortion debate due to the hate speech used against them.⁹

4 Argumentative Strategies to Confront Hate Speech

The question is: what can social movements do when social actors in positions of power use hate speech to discredit protests? This section explores *argumentative strategies* that are intended to counter hate speech. Argumentative strategies, as I will be understanding them, are those communicative practices that contribute to the management of disagreement. I begin by examining two candidate strategies offered by argumentation theory: 'arguing with hate speakers' and 'advocating for a dialogue with restrictions'. After considering their limitations, I will contribute to the 'design' (Jackson 2015) of a third alternative argumentative strategy: 'argumentative disobedience'.¹⁰

4.1 To Argue With Hate Speakers

The first argumentative strategy is to argue with social actors in positions of power by exposing the flaws and undesirability of hate speech with the aim of eventually making those same actors disclaim the utterances in question. This strategy attempts to make 'a point of order' in the public argument by creating a meta-discussion about the undesirable role of hate speech in public debates (Krabbe and van Laar

⁹ <https://amnistia.org.ar/atacadas-por-usar-panuelos-verdes-casos-de-violencia-en-el-contexto-del-debate-por-el-aborto-legal/>

¹⁰ Note that these are *categories* of argumentative strategies. They can be composed of a different set of communicative actions in addition to those considered in this section.

2021). One way to develop this argumentative strategy is, for example, to report the harm of hate speech to social actors in positions of power in the hope that it will be enough to make them reconsider their positions.

Perspectives advocating this argumentative strategy assume an ideal model of the speech situation and an ideal model of arguers as willing to consider arguments independently of the roles of the participants in the conversation. Van Eemeren et al. (1993) describe the ideal model of the speech situation as a context in which participants can freely express their perspectives and resolve their disagreements (on the merits of tenability in the face of systematic criticism). An ideal model presumes that three 'higher-order' conditions must be met for the resolution of critical discussions:

- (a) First-order conditions: the ideal model of critical discussion should be considered as a 'code of conduct' for discussants.
- (b) Second-order conditions: discussants should want to resolve the dispute and have the skill and competence in the topic under discussion to engage in an argument.
- (c) Third-order conditions: every discussant must have the right to present their point of view. Participants must be surrounded by a socio-political context of equality where none of them is dependent, subordinate, or inferior.

The ideal model of arguers is represented in Habermas's (1984) definition of the public sphere as governed by communicative rationality. According to him, public deliberation is guided by 'the force of the better argument', which depends on the formation of competent arguers capable of engaging in communicative exchanges and critically evaluating reasons. These types of arguers are willing to engage in arguments and evaluate, or even retract, their reasons if necessary.

Adopting this vision about arguers has the advantage of explaining the use of hate speech by social actors in positions of power in two ways (Lepoutre 2019):

- (i) Hate speakers are incompetent at recognising the salient facts of the debate and use hate speech as a reprehensible strategy to win the argument.
- (ii) Hate speakers are unaware of the consequences of hate speech.

In both cases, arguing with social actors in positions of power and exposing the flaws and undesirability of hate speech becomes an (almost) pedagogical activity with two sought-for outcomes: it makes social actors in positions of power aware of the undesirability of using hate speech and it may end up convincing them to retract their words.

However, this strategy faces three significant difficulties that makes it suboptimal for social movements. To begin with, Allen (2012) argues that Habermas (1984) leaves the interests of competent arguers unproblematised. Habermas (1984) presupposes that the interests of the arguer are genuine and cannot be a function of unjust social power relations (Allen 2012). Accordingly, the genuine interests of arguers collide with the use of hate speech, as the latter produces the discrimination of the targeted group (§3). Therefore, the use of hate speech cannot be explained by

(i). Hate speech would merely be an action carried out by speakers who are unaware of its consequences (ii).

The second difficulty is that responses to soft forms of hate speech, such as provocative insinuations, are ineffective in dealing with its hateful effects (Domínguez-Armas & Soria-Ruiz 2021). Consider again the AICA headline ‘Una clínica privada de Neuquén repudió el escrache de los “Pañuelos verdes”’ [A private clinic in Neuquén repudiated the attack of “Pañuelos verdes”]. We could imagine someone calling out the editor of AICA for the insinuation carried by the headline, for instance by confronting him/her with a question such as ‘Are you saying that Pañuelos verdes are violent?’. The editor of AICA can cancel the insinuation by saying: ‘No, Pañuelos verdes are not violent’ or denying ever having intended to convey that content with: ‘I didn’t say/mean that!’.¹¹ This type of response can make the off-record content the topic of conversation. Participants would leave the flow of the original debate to discuss instead whether or not Pañuelos verdes are violent and whether or not their protests pose a social risk.

Finally, the third difficulty is that this strategy assumes that social actors in positions of power are willing to engage in debates about the use of hate speech. This assumption is problematic. I second the contributions criticising the ideal characterisation of arguers as always willing to resolve their disagreements (Estlund 2006). Moreover, even if social actors in positions of power are unaware of the consequences of hate speech and arguing with them leads them to retract their words, the effects of hate speech cannot be retracted (Howard 2021; Kukla and Steinberg 2021). Hate speech sticks its harm to society because it *constitutes* (not merely causes) such damage (McGowan 2019). Hate speech reproduces social (and conversational) norms that legitimise discriminatory behaviour towards the victims in their context.

Consider the following case of Pañuelos verdes. In 2019, Natalia Mira (a young activist), participated in an interview with journalist Eduardo Feinmann for the TV channel ‘A24!’.¹² Mira explicitly stated that legislators, politicians, and the media often discredit the movement’s protests by using hate speech. However, Eduardo Feinmann continuously interrupted her, calling her ‘feminazi’, on account of Mira’s use of gender-neutral terms such as ‘les *muchaches* peronistas’ [the Peronist youth]. After three minutes of the interview, Mira refused to continue talking with Eduardo because ‘he would not listen to reasons’. Subsequently, the interview gave rise to multiple reactions on the internet, none of them related to discussing the harms of hate speech, but rather describing Mira’s intervention as ‘typically of a feminazi’, ‘ridiculous’, etc.¹³

¹¹ Speakers can convey insinuations without being held accountable (Camp 2022). Fricker (2012) says that insinuations are cancellable (she says ‘deniable’) and disavowable: the speaker can cancel their content and deny having had the intention of conveying that content. See Oswald (2022) for further discussion.

¹² <https://www.washingtonpost.com/dc-md-va/2019/12/05/teens-argentina-are-leading-charge-gender-neutral-language/>

¹³ Another reason for thinking that ‘arguing with hate speakers’ is a suboptimal strategy is that it places the burden of responsibility for correcting the deviance of hate speakers on victims (Estlund 2006). In order to engage in a “reasonable” meta-discussion with hate speakers, victims are presumed to adopt a neutral attitude, despite being discredited with hate speech. Consequently, any disruptive “non-reasonable” action that victims of hate speech might take could be used to further discredit them.

4.2 Advocating for a Dialogue With Restrictions

If arguing with social actors in positions of power is suboptimal in dealing with the effects of hate speech, then one might advocate for establishing a 'dialogue with restrictions' on what can be said as an appropriate strategy for social movements (Silva and Simpson 2022; Waldron 2012). Waldron (2012) argues for the need for coercive action (i.e., imposing prohibitions on what can be said) to repress the harm of hate speech in society. The criminal effects of hate speech, he says, easily spread to individuals with similar characteristics to the victims because 'even the flare-up of a few particular incidents can have a disproportionate effect' (Waldron 2012: 17).

Lepoutre (2017) notes that Waldron's (2012) perspective has two main advantages. First, Waldron's (2012) account is methodologically appealing: he calls for an analysis of the harms produced by hate speech from the perspective of the victims. Second, Waldron (2012) conceives the harm of hate speech as intrinsically related to its use. Hence, by imposing bans on hate speech, the harm should disappear. I note a third advantage of Waldron's (2012) perspective for social movements. By imposing bans on 'what can be said', social movements could feel safe when participating in political debates. Social movements would not have to worry about being discredited by hate speech since it would be forbidden (Silva and Simpson 2022). Hence, establishing a dialogue with restrictions seems to be an optimal argumentative strategy.¹⁴

This optimistic view confronts three difficulties, however. The first difficulty is: generally speaking, policies to ban hate speech are designed to serve primarily or even solely punitive purposes, and are thus primarily or solely directed against hate speakers. As a result, and by contrast, little or no attention is paid to the importance of providing the general public with institutional, educational, and material support to respond to hate speech (Gelber 2012). Gelber (2012) studies different laws against hate speech and concludes that they are premised on an attempt to change the speakers' behaviour merely by censoring their capacity to speak. The remedy to the harm of hate speech focuses on the hate speaker, leaving unanswered the question of how anti-hate speech policies could directly serve to assist the victims of hate speech themselves (Gelber 2012: 206). Therefore, the prospects afforded by such laws to either ameliorate the harms of hate speech, or reduce its incidence, seems limited.

The second difficulty is: advocating for the imposition of bans on what can be said is still couched in the zero-sum debate of free speech versus hate speech. I will not enter into the debate here, but it has been widely analysed in philosophy and political theory (Gelber 2012; Maitra & McGowan 2012; Silva and Simpson 2022; Waldron 2012). The idea is that 'free speech' defenders would see this strategy as reprehensible because it censors the free speech of arguers.

¹⁴ Imposing bans can be formulated as an agreement upon the rules of the debate. Pragma-dialectics describe this agreement as belonging to one of the stages of an ideal discussion procedure (i.e., the opening stage) (van Eemeren and Grootendorst 1984: 163).

The third difficulty is: the target audience of this strategy are social actors in positions of power. Recall that social actors in positions of power are those who have the authority to create restrictions and laws in society. Social movements would have to convince them to create restrictions to prevent the use of hate speech. Advocating for a dialogue with restrictions then faces the same difficulties as arguing with hate speakers (§4.1). The strategy aims to convince social actors in positions of power to censor what they can say in public debates. Thus, underlying the strategy is an ideal characterisation of arguers: arguers are willing to set limits on what can be said when there are reasons to do so.

Moreover, restrictions might not be sufficient to prevent soft forms of hate speech (Tirrell 2012). Consider the restrictions on speech in Argentina. Law 23,592 of the Argentinian Penal Code establishes discriminatory acts as crimes, based on Article 16 of the National Constitution, describing as ‘discriminatory acts or omissions those determined on grounds such as race, religion, nationality, ideology, political or trade union opinion, sex, economic position, social status, or physical characteristics’ (Sanc. 3/VIII/1988). Provocative insinuations, as described above (§3.2), do not fall under the definition of discriminatory acts given in Law 23,592 because they do not explicitly discriminate against Pañuelos verdes.

4.3 Argumentative Disobedience

There seems to be a problematic situation: social movements might find it difficult to manage public debates affected by hate speech through ‘standard’ argumentative strategies. Non-coercive means, such as arguing with hate speakers, assume an ideal characterisation of arguers and the speech situation. Coercive means, such as imposing bans, in addition to relying on an ideal model of arguers, are insufficient for dealing with soft forms of hate speech and are likely to backfire.

I suggest that argumentation theory can benefit from contemporary advances in political theory and the social philosophy of language to solve this difficulty. On this basis, I propose a third strategy: argumentative disobedience. Argumentative disobedience occurs when social movements expose the harms of hate speech to bystanders in order to strengthen their position in public debates. Argumentative disobedience is a category of disruptive public responses of social movements to hate speech in order to counter its harm (Cepollaro et al. 2023). Argumentative disobedience aims to ensure the dialectical conditions in discussions where the voices of social movements are not given a fair hearing (Tirrell 2018). To this end, argumentative disobedience brings the harms of the hate speech to the attention of third parties in order to bring them into the protests. I consider the strategy as based on three typical principles:

- (a) It is composed of communicative practices that make explicit and challenge hate speech (Langton 2018).
- (b) It corrects the hateful concepts used against social movements (Lepoutre 2019).
- (c) It aims to align bystanders with the position of social movements in public debates (Bohman 2000).

Importantly, argumentative disobedience is a polylogical argumentative strategy to counter hate speech (Lewiński & Aakhus 2023, §2). This is easily seen by observing that, first, the strategy addresses third parties of the discussion (the 'bystanders'). Secondly, the strategy is typically performed in a 'place' where it is these same bystanders who are the main audience (notice the stark contrast, on this latter count, with the strategy of arguing with hate speakers, that requires hate speakers to be the main audience).

The following utterances are two forms of argumentative disobedience written on protest signs carried by members of Pañuelos verdes during demonstrations which address the forms of hate speech presented in §3, namely slurs and provocative insinuations:

- (1) ¡Es feminista no feminazi! [It's feminist, not feminazi!]¹⁵
- (2) Quienes estamos a favor del aborto no te obligamos a abortar. Luchamos por el derecho que tienes a decidir si continúas con tu embarazo [Those of us who are pro-choice are not forcing you to have an abortion. We fight for your right to decide whether to continue with your pregnancy]¹⁶

(1) addresses the derogatory term 'feminazi' (§3.1). On my account, (1) should be read according to the principles of argumentative disobedience because (a) it explicitly challenges the term 'feminazi' and (b) it is used to highlight the association of 'feminazi' with their protests as inappropriate (c) for those reading the sign.¹⁷ Thus, (1) qualifies as a form of argumentative disobedience rejecting the hateful term used to refer to social movements and posing a correct association as salient (Gray and Lennertz 2020).

Describing (2) is a more difficult task. One may claim that (2) is an argument against the actors who defend the criminalisation of abortion in Argentina (§2). However, this interpretation is incorrect, as (2) is explicitly directed at the bystanders of the debate and corrects the hateful conceptualisation of Pañuelos verdes as endorsing and/or undertaking (possibly violent) coercive actions to force health facilities to perform abortions (§3.2). My proposal is to describe (2) as a communicative action 'blocking' (Langton 2018) the soft forms of hate speech used to discredit the protests of Pañuelos

¹⁵ <https://twitter.com/profetaargen/status/972277617582895104?lang=eu>

¹⁶ <https://efeminista.com/lucha-local-despenalizacion-aborto-Argentina/>

¹⁷ One might think that (1) is aimed exclusively at those who refer Pañuelos verdes as 'feminazis'. Even if this were the case, (1) could still be described as a form of argumentative disobedience by virtue of (a)-(b) and because (1) was uttered in a 'place' where hate speakers are not the main audience. I thank an anonymous reviewer for drawing my attention to this.

verdes. To block is to ‘hinder the passage, progress, or accomplishment of something by, as if by, interposing an obstruction’ (Langton 2018: 145). Blocking occurs when speakers interfere by hindering the accommodation of implicit information that would otherwise be taken for granted by other participants in a conversation. Consider, for example, a situation in which a fan of a football team shouts to a sluggish player ‘Get on with it, Laurie, you *great girl*’ and an alerted bystander replies ‘Hey, what’s wrong with a girl?’ (Langton 2018: 145, italics in the original). The bystander is blocking the hateful presupposition of the fan that women are gentle and obliging by making explicit and challenging the implicit content (Langton 2018: 147).

Utterance (2) can be described in a similar vein since it makes explicit and challenges the association that surreptitious hate speech such as the AICA headline (§3.2). An important aspect of (2) is its target. Rather than singling out the hate speakers, as in textbook blocking cases, the utterance’s intended audience (women) may in principle include individuals from all sides of the debate: hate speakers, victims of hate speech, and—crucially—bystanders. In light of this feature, I suggest that utterances such as (2) should be conceived as instances of *reflective blocking*.

Reflective blocking, then, is like standard blocking in that it challenges soft hate speech that otherwise would be accommodated. Unlike standard blocking, however, reflective blocking challenges the hateful association(s) conveyed by hate speech by ‘reflecting’ this challenge away from the speakers and addressing the bystanders (at least) instead. In (2), members of Pañuelos verdes describe their protests as fighting for the rights of women to continue with their pregnancy, thereby countering the description of Pañuelos verdes as a violent mob that attacks private clinics because, e.g., Pañuelos verdes want women to undergo abortion. Reflective blocking is particularly interesting in the case of social movements, as one of their goals is to recruit bystanders to join their protests (Barker and Kennedy 1996).

How to measure the success of argumentative disobedience? It has been discussed in the literature whether the success of strategies for countering hate speech should be judged in terms of epistemic outcomes, specifically by the extent to which they succeed in changing the hateful association that hate speech poses on the identity of victims (Tirrell 2018). Or, alternatively, if the confrontations should have outcomes related to the condemnation of the offensiveness of hate speech (Fumagalli 2021). By contrast, my proposal is that the success of argumentative disobedience is measured in mainly practical terms: specifically, by its impact on the management of a disagreement contaminated by hate speech. In the case of Pañuelos verdes, for example, on 29 December 2020, the Argentinian Senate legalised abortion. Political theorists defended the strengthening of Pañuelos verdes as determinant for such an achievement (Dulbecco et al. 2021). The actions described in this paper as ‘argumentative disobedience’ are just some of the means by which Pañuelos verdes gained significant support in the public sphere between 2018 to 2020. Pañuelos verdes became the ‘Marea verde’ [green tide] with rallies composed of one million Argentinian citizens.

In short, argumentative disobedience is a category of confrontational communicative practices that challenges hate speech by exposing it to bystanders with the aim of

bringing them in line with the position of social movements in public debates. But why is argumentative disobedience preferable for social movements compared with the previous argumentative strategies? First, without rejecting the importance of competent arguers in the public sphere, argumentative disobedience is not based on an ideal conceptualisation of arguers. Rather than trying to convince the hate speaker, argumentative disobedience aims to bring third parties into the discussion. One might object that 'argumentative disobedience' presupposes an idealised characterisation of bystanders as willing to participate in debates where hate speech is used. This is a problematic assumption, the objection might continue, in light of what is known in social psychology as the *bystander effect*: the phenomenon whereby individuals opt out of participating, say, in a group discussion owing to a perceived dispersion of individual responsibility to act. But argumentative disobedience is a strategy for *public debates* tainted by hate speech: when the debate concerns a social issue that relates, directly or indirectly, to bystanders in their capacity as citizens (thus avoiding the diffusion of responsibility). Additionally, argumentative disobedience does not call bystanders to directly confront hate speakers (thus avoiding the *bystander effect*), but rather to adhere to the position of social movements in public debates.

In addition, argumentative disobedience is non-coercive: unlike other strategies canvassed in earlier sections, it does not impose prohibitions on what can be said and thus does not require entering the free speech debate. Argumentative disobedience is a non-coercive strategy that does not impose prohibitions on what can be said. Moreover, argumentative disobedience can confront soft forms of hate speech, as it makes explicit the harms of these forms of hate speech. Finally, argumentative disobedience could be done as an immediate response to hate speech, in contrast to the establishment of restrictions on dialogue; which needs the consensus of the participants. See Table 1 for the differences between the argumentative strategies explored in this section.

5 Argumentative Disobedience and Rational Argumentation

The characterisation of argumentative disobedience as an argumentative strategy might raise some objections. For example, pragma-dialectics would describe argumentative disobedience as *fallacious*, as it hinders the accomplishment of critical discussions, namely, the resolution (on the merits) of a difference of opinion with social actors in positions of power. Pragma-dialectics identify several rules for an ideal model of a critical discussion that serves as a code of conduct for rational discussants (van Eemeren and Grootendorst 1984). Each rule violation is a potential threat to the successful conclusion of the discussion. For pragma-dialectics, such rule violations always amount to fallacies.

Pragma-dialectics would describe argumentative disobedience as a violation of 'Rule IV: a standpoint may be defended only by advancing argumentation relating to that standpoint' (van Eemeren and Grootendorst 1992). For example, utterance (1) ('It's feminist, not feminazi!') can be described as unrelated to the point of view of Pañuelos verdes towards the legalisation of abortion. In this case, argumentative disobedience is

Table 1 Argumentative strategies to confront hate speech

Strategy	Target audience	Objective	Example
Arguing with hate speakers	Hate speaker	Convincing the target audience of the undesirability of hate speech	Reports on the effects of hate speech in public debates
Advocating for a dialogue with restrictions	Hate speaker	The creation of laws that guarantee the equal participation of social movements in public debates	Law 23,592 of the Argentinian Penal Code
Argumentative disobedience	Bystanders	To empower the position of social movements in public debates	Communicative practices that make explicit and challenge hate speech

a form of 'non-argumentative means of persuasion' that aims to gain audience approval by means other than argumentation (van Eemeren and Grootendorst 1992).¹⁸

However, recall that pragma-dialectics describe the rules of a critical discussion as an ideal model of conduct that presumes ideal conditions (van Eemeren et al. 1993) (§4.1). The 'third-order' conditions ('every discussant must have the right to present their point of view. Participants must be surrounded by a socio-political context of equality where none of them is dependent, subordinate, or inferior') are particularly relevant for argumentative disobedience. As van Eemeren et al. (1993) argue, the resolution of conflicts (on the merits) is 'incompatible with situations in which one standpoint or another may enjoy a privileged position by virtue of representing the status quo' (van Eemeren et al. 1993: 33). Therefore, they say, the third-order conditions underline the importance of political principles such as nonviolence, freedom of speech, and intellectual pluralism.

I consider argumentative disobedience as a broadly rational argumentative strategy that social movements use to guarantee the third higher-order conditions for critical discussions. Although argumentative disobedience violates the IV Rule of argumentation, it should be considered an argumentative movement worth taking. This is so particularly in situations where social actors in positions of power violate the I Rule of argumentation ('the freedom rule of argumentation') (van Eemeren and Grootendorst 2004) by abusing their power to depict social movements as non-legitimate participants in public debates by using hate speech. In these cases, the IV Rule of argumentation can (and should) be sacrificed in order to bring about a 'good' deliberation procedure (Jacobs 2006).

Pragma-dialectics might raise a second objection: argumentative disobedience is a counter-fallacy in response to a fallacious move, which ultimately undermines the argumentative procedure (van Eemeren and Houtlosser 2007). Committing counter-fallacies to restore the rationality of discussion, they say, is analogous to a boxing match. Boxers stop looking good after ten rounds of 'restoring the balance between them'.

This objection is applicable under certain conditions, for example, when a politician commits an *ad hominem* and the response is another *ad hominem*. Consider a practical case. On 1 December 2022, the Argentinian parliament gathered deputies to discuss the creation of nine new public universities in the

¹⁸ Another objection may be that argumentative disobedience is unnecessary because, rather than trying to reach a resolution of the conflict over abortion in Argentina, Pañuelos verdes should engage in a different kind of dialogue (Walton 1998). For example, Pañuelos verdes could engage in a 'negotiation' or an 'eristic' dialogue (van Laar and Krabbe 2018). However, these reconstructions undermine the argumentative activity to which Pañuelos verdes aims to contribute for two reasons. First, individuals aim for a resolution of the dialogue according to their own sake in negotiations (Inhen Jory 2016). Social movements, on the contrary, seek a resolution of public debates in a way that is profitable for society at large (Barker and Kennedy 1996). Second, political debates are based on persuasive or deliberative types of dialogue in which perspectives on possible courses of action are discussed (Walton 1998: 172). The protests of Pañuelos verdes were described as a contribution to the political debate on abortion (§2) in order to defend the legalisation of abortion.

country.¹⁹ Cecilia Moreau led the discussion as President of the Chamber of Deputies. Deputies of ‘Juntos por el Cambio’ (JxC) opposed the proposal because of the economic impact it would have on the country. Deputies of ‘Frente de Todos’ (FdT) supported the proposal because of the educational benefits it would have in marginalised areas of the country. At one stage of the debate, deputies of JxC called Moreau ‘ret*****’ (a slur targeting the mental capacities of the victim) because ‘she was leading the discussion unjustly, not letting them speak’. The FdT deputies came to call JxC as ‘composed of murderers and corrupt politicians’. The reaction resulted in a spiral of offences and yells from the deputies. Moreau interrupted the deputies to make a point of order, but her efforts were fruitless. The parliamentary session was cancelled and the security forces had to accompany the deputies out of the building.

However, the fallaciousness of violating first-order conditions as a response to the violation of the I Rule of argumentation requires a contextual evaluation (Hundleby 2023; Jacobs 2006). There is a substantial difference between, say, members of parliament undertaking fallacious *ad hominem* attacks against each other, and those same members of parliament using hate speech to attack social movements. For, in the latter case but not the former, the relevant fallacious move will foreseeably result in one of the participants being excluded or side-lined from the public debate (§3.3). Under these conditions, then, it may be justifiable for a social movement—qua side-lined party to the discussion—to violate Rule IV of argumentation. Ultimately, the violation of Rule IV in public debates tainted by hate speech could lead to their resolution as if the ‘third-order’ conditions of critical discussions were met.

To clarify this point, it is useful to reflect on the similarities between argumentative disobedience and the (likely more familiar) practice of civil disobedience. Civil disobedience is ‘a public, non-violent, conscientious yet political act contrary to law usually done with the aim of bringing about a change in the policies’ by appealing to the ‘sense of justice’ of the citizens (Rawls 1971: 364–366). Civil disobedience arises when citizens have become convinced that the normal channels of political change no longer work, and grievances will not be heard or acted upon (Arendt 1972). Civil disobedience is justified ‘in situations in which blockades or distortions in institutionalised processes of opinion keep certain topics, arguments, or positions from entering the public debate in the first place’ (Celikates 2016: 988). In a similar vein, argumentative disobedience emerges when other strategies to confront hate speech are may reasonable be regarded as suboptimal (i.e., arguing with hate speakers or advocating for a dialogue with restrictions). Under these conditions, arguers can (justifiably) violate the IV Rule of argumentation (‘an arguer should defend their standpoint only by advancing argumentation relating to this standpoint’) to improve the conditions for public debates. Importantly, this strategy appeals to ‘the sense of justice’ for public debates. Pañuelos verdes, for example, based their actions on appealing to the establishment of a ‘horizontal’ decision-making process in the abortion debate (Sitrin 2012). A horizontal organisation is based on a level

¹⁹ https://www.eldiarioar.com/politica/escandalo-levanto-sesion-diputados-iba-tratar-creacion-nueve-universidades_1_9763020.html

of communication in which there is open and non-hierarchical participation among participants.²⁰

There are certain limits to argumentative disobedience. First, it might be inapplicable in conditions of authoritarian rule, where citizens' ability to confront social actors in positions of power is significantly diminished. Secondly, argumentative disobedience may not be sufficient to remedy the harm of hate speech. These limits are shared by the strategies of 'arguing with hate speakers' (§4.1) and 'advocating for a dialogue with restrictions' (§4.2). However, argumentative disobedience has an advantage over its rivals on this second count insofar as it hinders the normalisation of hate speech by explicitly challenging the conduct of hate speakers. In doing so, the strategy could make hate speakers aware of the damage of hate speech and help create or increase pressure on governing bodies to encode protections against more surreptitious forms of hate speech into law. Therefore, while the strategy may not be sufficient to remedy the damage already produced, it might prevent further damage from occurring.

In short, argumentative disobedience should be recognised as an optimal argumentative strategy for public debates contaminated by hate speech against social movements. Argumentative disobedience aims to manage disagreements as if the conditions for a 'good' argumentative procedure (i.e., the equal participation of arguers (Zenker et al. 2023)) are fulfilled by exposing the harm of hate speech to bystanders.

6 Conclusion

This paper sought to critically examine different strategies for confronting hate speech available to social movements. The key insight was that the question 'what should social movements do to confront hate speech?' was best answered by examining the broader argumentative context that a given movement inhabits. To do so, I reconstructed the public debate over the legalization of abortion in Argentina, where the social movement Pañuelos verdes participated by protesting. I then characterized the harms of two different forms of hate speech on movement's protests. I studied three argumentative strategies that social movements could deploy to confront hate speech (arguing with hate speakers; advocating for a dialogue with restrictions; argumentative disobedience). I proposed 'argumentative disobedience' as an optimal argumentative strategy for social movements to confront hate speech. Finally, I addressed a few possible objections to my proposal.

The present proposal paves the way for novel lines of reflection and discussion over the propriety of addressing bystanders to deal with unjust argumentative moves. Future research may consider the moral limitations of the strategy, for instance: is it justified to use hateful messages to address bystanders? Or would it contribute to

²⁰ Note that 'horizontalism' is based on equality of participation and freedom of expression, in line with the third-order conditions described by van Eemeren et al. (1993).

deepening the harms of hate speech? One thing is certain: bystanders should not be considered as mere passive agents in public debates tainted by hate speech.

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