

## Dworkin, Integrity and Hate Speakers

A popular defence of free speech argues that restrictions on the content of speech fail to treat speakers with equal respect and concern. This makes them illegitimate. An assessment of this claim is the subject of my paper. Ronald Dworkin has produced different arguments to defend this claim. In this paper, I argue that he fails to establish that restrictions on hate speech are illegitimate from speakers' the point of view.

The first part of the paper distinguishes two different strategies that can be used to defend free speech. The first one holds that the costs of speech are not harmful in a justice relevant manner. I argue that if this view is sound, then free speech is not a distinctive political principle, but only an example of a more general presumption of liberty. The second strategy concedes that speech has harmful effects, but insists that these costs are not sufficient to warrant regulation. I claim that this strategy is more attractive since it points out the special significance that liberalism grants to free speech.

The paper moves on to analyse the relation between Dworkin's equality of resources and freedom of speech. According to Dworkin, a just distribution of resources must guarantee free expression because it is an essential part of discovering the true opportunity costs of one's ambitions. This view puts free speech at the centre of distributive justice. However, I claim that Dworkin neglects the manner in which speech affects the distribution of preferences and the effects it has on people's behaviour. I explain some of these effects drawing from research in social psychology. Recent research suggests that there are forms of behaviour which are automatic in the sense that people do not control it. Some automatic behaviour reflects racial and sexist prejudice which has two sets of important effects: on the one hand, it distorts the distribution of resources for the victims of hate speech. On the other hand, it affects the manner in which non-racists can exercise their sense of justice, and form and revise their conception of the good. I also argue that equality of resources must be especially sensitive to these effects because a liberal theory cannot be neutral to distributive differentials caused by racial prejudice. For these reasons I argue that Dworkin fails to establish that free speech is necessary for equality of resources.

The second part of the paper reviews a second defence of free speech developed by Dworkin.

Dworkin argues that government must make the lives of those under its command better lives, while showing to them equal respect and concern. Two aspects are relevant to leading a good life: one is ethical integrity, the other is justice. Dworkin argues that being able to express one's views is a necessary condition for ethical integrity. But given that he also argues that living a just life is a necessary condition for living well, there seems to be problem if we consider hate speech as being unjust. Based on some comments Dworkin makes regarding Hitler, I argue that the government does not worsen the lives of hate speakers by introducing regulations on speech. At the end of the paper I explain how the argument defended here is not paternalistic.