

Hate Speech, Dignity and Self-Respect

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Abstract This paper engages with the recent dignity-based argument against hate speech proposed by Jeremy Waldron. It's claimed that while Waldron makes progress by conceptualising dignity less as an inherent property and more as a civic status which hate speech undermines, his argument is nonetheless subject to the problem that there are many sources of citizens' dignitary status besides speech. Moreover, insofar as dignity informs the grounds of individuals' right to free speech, Waldron's argument leaves us balancing hate speakers' dignity against the dignity of those whom they attack. I suggest instead that a central part of the harm of hate speech is that it assaults our self-respect. The reasons to respect oneself are moral reasons which can be shared with others, and individuals have moral reasons to respect themselves for their agency, and their entitlements. Free speech is interpreted not as an individual liberty, but as a collective enterprise which serves the interests of speakers and the receivers of speech. I argue that hate speech undermines the self-respect of its targets in both the agency and entitlement dimensions, and claim, moreover, that this is a direct harm which cannot be compensated for by other sources of self-respect. I further argue that hate speakers have no basis to respect themselves qua their hate speech, as self-respect is based on moral reasons. I conclude that self-respect, unlike dignity, is sufficient to explain the harm of hate speech, even though it may not be necessary to explain its wrongness.

Keywords Freedom of speech · Hate speech · Jeremy Waldron · Dignity · Self-respect

1 Introduction

Free speech is a freedom which, according to liberals, is especially worthy of protection, and like other basic rights, the right to free speech is often thought to be grounded in considerations of human dignity. At the same time, hate speech, as one use to which free speech may be put, disrespects its victims' dignity. It degrades, subordinates and stigmatises them, and expresses the message that they are not really members of the human community. Does it make sense to

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say that hate speech both invokes and attacks our dignity? Can dignity be part of the grounds of free speech while at the same time being a powerful moral consideration against hate speech? In this essay I shall suggest that we can make some progress on this question by shifting away from a concern with human dignity to the related idea of self-respect.

The plan of the paper is as follows. Section 2 makes some preliminary comments about hate speech, while Section 3 examines the recent dignity-based argument for hate speech legislation proposed by Jeremy Waldron. I suggest that whether hate speech really sets backs its victims' interests in dignity is, on Waldron's account, ultimately a contingent matter. Section 4 outlines a view of the dignity-related notion of self-respect and explains its importance. This is put to work in Sections 5–7. I argue that free speech can be interpreted as a collective enterprise that serves the interests of both speakers and the receivers of speech (Section 5). Hate speech, I maintain, undermines the self-respect of victims (Section 6) while at the same time not serving the self-respect of hate speakers (Section 7). I conclude that, while self-respect and dignity are plainly not the only values at work in free speech, a self-respect based argument against hate speech is a powerful reason in favour of its regulation.

2 Categorising Hate Speech

Hate speech and free speech are commonly used terms and in invoking them here I mean to include also writings, pictures, symbols and other non-verbal forms of expression. By hate speech I mean speech that attacks (and is intended to attack) its targets because of their race, ethnicity, gender, sexuality, religion and so on, and which conveys intense feelings of antipathy. As Caleb Yong (2011) points out there are different categories of hate speech. It may consist of targeted vilification of a particular individual or group. Hate speech may also vilify in a more diffuse way when its audience is sympathetic to its message and/or when it is directed towards a larger public. I take a broad view of what constitutes hate speech, and thus do not appeal to the argument that hate speech may be regulated because it is not really speech, 'fighting words' perhaps (cf. Yong 2011, pp.386–9; Brown 2015 n.4 pp.14–15). Rather, hate speech is a definite, if controversial, use to which free speech may be put; whether, and in what circumstances, it may be regulated, is precisely the question. We should note, however, that even if hate speech is a significant wrong, that is not sufficient to argue for its legal regulation (or outright criminalisation), at least not without examining the legal, political and pragmatic considerations that speak in favour of and against doing so (see Brown 2015, Ch. 9). My interest, therefore, is simply in launching a *pro tanto* case for hate speech regulation.

In fact, as Alexander Brown (2015, Ch.2) has recently shown, there are a very great variety of different kinds of hate speech laws in place across Europe and beyond, testifying to the diverse range of considerations that surround the phenomenon. Thus hate speech has been criminalised on the grounds that it constitutes group defamation; that it is an instance of negative stereotyping or stigmatisation of vulnerable minorities; that it is an incitement to racial or religious hatred, or a threat to public order; that it is a dignitary crime that subjects its victims to humiliation or degradation; that it is a violation of human rights, such as rights against harassment and/or discrimination; and that the mere expression of hatred, independent of its effects, is intrinsically wrong. This diverse list attests in part to the variety of institutional settings in which hate speech occurs and the kinds of protections we think should be accorded there. So for example, we might think that a right against discriminatory harassment is most appropriate in a workplace or university, that a legal duty not to engage in negative

stereotyping falls chiefly on broadcasters, while crimes such as group defamation or incitement to hatred apply to actors in the public sphere more generally. The diversity of the legal reasons to criminalise hate speech also reflects the variety of moral considerations which have been adduced against it, as Brown again shows. Thus hate speech has raised moral objections on the grounds that it offends its victims, assaults their dignity, invades their autonomy, causes them ill health, impedes their personal development, and more generally that it fails to respect cultural diversity or is fundamentally anti-democratic (Brown 2015). There is plainly not the space here to compare and contrast all these considerations, although I shall mention one or two of them in passing. My interest is in assembling a case for the wrongness of hate speech based on the value of self-respect, whether or not that may be bolstered by other relevant considerations.

In trying to make some progress in understanding the wrongness of hate speech, it is useful to classify the moral arguments against it into three distinct kinds. Thus hate speech may be considered (a) intrinsically wrong, and/or (b) directly harmful and/or (c) indirectly harmful (where harm is a wide, generic category). It is possible that hate speech is morally objectionable in all three of these senses, but in this paper my focus will be the direct harm that hate speech causes so I shall say something briefly about why I think (a) and (c) are less central to the phenomenon of hate speech.

The distinctive feature of (a) is that it claims that hate speech is simply wrong in itself, independent of its effects on its victims or wider implications for society.¹ Andrew Altman (1993) has argued for the intrinsic wrongness of hate speech on philosophical grounds through the idea that it involves treating some classes of people as moral subordinates. For Altman, its expressively wrongful character is a sufficient ground to regulate hate speech, at least on university campuses which is his focus of interest. More generally, we might locate the wrongness of hate speech in the wrongful attitudes harboured by its perpetrators. The expressive argument, though, fails to capture some of the central features of hate speech. It does not see the wrongness of hate speech as bound up with the fact that it attacks its victims and is intended to wound them, or view speech more generally as a concrete interaction between individuals. The expressive argument does not conceptualise hate speech as a harm, something which makes its victims' lives go worse. Thus even if there is a duty not to engage in hate speech, it is not a duty connected to our everyday understandings of suffering or injury. A black university student who was the victim hate speech, for example, would be aggrieved to learn that those responsible for it were being disciplined by the university authorities for reasons unconnected with the injury their actions had caused her. She will think that the fact that her interests were set back should figure in the rationale for punishing the hate speakers. The expressive approach, by contrast, divorces the wrongness of hate speech from the substantive effects it has on its victims.

Hate speech may also be indirectly harmful where harm is understood as a setback to a person's interests. By indirectly harmful, I mean that an instance of hate speech causes *further* harm than the original act of hate speech where that further harm is invariably perpetrated by agents other than the ones who committed the original act. Racist hate speech on a university campus, for instance, might encourage other racist students to engage in harassment, intimidation violence and so on. Thus victims of hate speech can seem to end up suffering twice, though hate speech itself and through these other kinds of harms. The indirect harm approach,

¹ Brown notes that a number of states have laws against the public expression of hate-fuelled attitudes, manifest in derogatory language used to describe certain minority groups (Brown 2015, pp.23–26).

however, raises difficult questions of causation and responsibility. Suppose that A expresses hateful views to B, C hears about them and physically injures B. If C's violence is an indirect harm that resulted from A's action, then we need to be able to sustain the counter-factual that had A not engaged in hate speech, then C would not have committed his violent act. For a number of reasons, though, that counterfactual is not always easy to assert. Perhaps C would have injured B in any case, and A's actions made no difference, or only affected its timing. C's violence might follow A's hate speech, but they might both arise from some more basic cause; a climate of hostility towards some minority might result in a variety of harms perpetrated against them, after all. There may even be occasions when A's hate speech discourages individuals such as C from inflicting harm, if C is satisfied that B has been 'punished' enough, for example. Connecting acts of hate speech to further sorts of harms inflicted on the same groups is not easy, therefore, either in theory or in practice. We will need an account of causal responsibility and an account of moral responsibility because we will need to explain how one agent (the hate speaker) can be held to account for acts committed by another (the perpetrator of violence, harassment and so on). The indirect harm approach is not incorrect, but it does not straightforwardly connect hate speech and its effects, and it is the latter connection, I suggest, on which accounts of the harm of hate speech should focus.

In contrast with the intrinsic wrong and indirect harm accounts of hate speech, the direct harm approach puts centre stage the fact that hate speech unequivocally injures its victims. That injury is the main (though not the only) reason why we are interested in hate speech in the first place. In investigating hate speech, it makes sense to start with the direct harms that it causes, and this is what I shall do in what follows, beginning with Waldron's account.

3 Jeremy Waldron's the Harm in Hate Speech

Before self-respect, there is dignity. The standard Kantian account of dignity connects it to our inherent moral worth which other persons have a duty to respect. But if human beings possess dignity inherently, it's unclear how disrespectful treatment from others can violate or set back our dignity? If we have dignity, then we have it. How then can hate speech assault our dignity? Jeremy Waldron's solution to this puzzle conceptualises dignity as a status, one expressed in the idea that all human beings, whatever their ascriptive characteristics, have moral standing.² '[D]ignity is inherent in the human person', Waldron writes, but 'as a social and legal status, it has to be established, upheld, maintained and vindicated by society' (2012a, p.60). Dignity is a legal status because in a liberal society all enjoy equal citizenship rights, are recognised as equals under the law and are deserving of the protections the law affords. Dignity is also a civic status because all citizens are members in good standing of their society and should be respected as such. The great virtue of a liberal society is that it takes the notion of high rank accorded only to a privileged minority in aristocratic societies, and extends that equally to all citizens (Waldron 2012b). Beyond legal equality, this is also achieved through prohibitions on degrading treatment since this diminishes people's elementary status as persons (2012a, 109). Equal dignity, in its wider civic sense, is also a social achievement in the sense that it is upheld in the respectful and dignified treatment which citizens accord each other in a liberal society.

Waldron's argument pushes dignity outwards, then, from the little nugget of worth that rests inside each person to the social recognition of one's equal civic status. That status is not

² For a different approach to dignity and hate speech, see Heyman (2008, esp. Ch. 10).

anterior to the complex of attitudes and practices which sustain it. A person suffering pervasive social stigma could not in his view enjoy the good of dignity just for the reason that she was excluded from the normal judgements of worth. As an example of such stigma Waldron asks us to imagine a society saturated with hate speech. Racial and other minorities are widely depicted, in posters and hoardings for example, as ‘bestial and subhuman’, or ‘criminals, perverts or terrorists’ (2012a, p.66). Numerous signs indicate that members of these minorities are not welcome in certain neighbourhoods, should not be served in restaurants or offered accommodation, and encouraging harassment and intimidation of them more generally. These calumnies, Waldron says, are a form of libel on the minorities in question. They attack their reputation on the basis of their ascriptive characteristics. They therefore undermine the basic recognition to which members of the minority are entitled, that they are citizens in good standing, social equals, and bearers of rights (2012a, p.59). In a society suffused with hateful messages towards racial or other minorities, they cannot count on the majority recognising the basic social standing to which they (like all citizens) are entitled. If a society takes no action against such activities, then minorities can no longer rely on the majority’s commitment to justice, and by that token society is not well-ordered in the Rawlsian sense (Rawls 1999, pp.397–405).

Conversely:

‘[i]n a well-ordered society, where people are visibly impressed by the signs of one another’s commitment to justice, everyone can enjoy a certain assurance as they go about their business. They can feel secure in the rights that justice defines; they can face social interaction without the elemental risks that such interaction would involve if one could not count on others to act justly (Waldron 2012a, pp.83–4).

The notion of assurance is key to Waldron’s argument. He defines it as the ‘pervasive, diffuse, ubiquitous, general, sustained, and reliable underpinning of people’s basic dignity and social standing, provided by all for all (2010, p.1630). Assurance is a public good. It benefits all citizens that the fundamentals of each other’s civic dignity are upheld, and consequently each citizen has a duty to treat her fellow citizens with the dignity that their civic reputation demands. It is this duty which hate speech laws enforce (2012a, pp.93–4). When such laws are in place, citizens have a legal duty to recognise each other’s civic status, and in particular not to subject them to the group libel which hate speech involves. Governments, of course, have a duty to uphold, maintain and enforce hate speech laws by punishing transgressors (2012a, 94). But respecting one’s fellow citizens by not engaging in hate speech is a civic as well as legal duty: each citizen undertakes to play their part in ensuring that their fellow citizens are treated with basic respect, a duty met implicitly in their myriad social interactions. Minorities are therefore able to rely on the majority’s commitment to justice. By contrast, when racists are allowed to express contempt and libel minorities, society elevates the rival public good of hate-saturated discourse and the exclusion and fear that accompanies it. In contrast with the largely silent provision of assurance, these rival goods are loud, visible and destructive of a dignitarian social environment. Hate speech laws protect society against such damaging goods.

In my view, Waldron status-based interpretation of dignity advances the cause of hate speech regulation considerably. However, Waldron says little about how the right to engage in hate speech might be grounded in the value of dignity. If dignity is a status marked *inter alia* by our possession of basic rights, then it is unclear why the dignity-justified right to express oneself how one wants should yield to dignity-protecting hate speech legislation. Waldron acknowledges that dignitarian considerations lie on both sides of the argument, both for free speech absolutism and for the regulation of hate speech, but he maintains that the group libel

which hate speech involves is a very severe assault on dignity, one which over-rides any dignitarian defence of an absolute right to freedom of speech (2012a, pp.139–43). This leaves the two sources of dignity to be balanced against each other.

Waldron may regard hate speech as intrinsically wrongful insofar as hate speakers fail to recognise others' dignity, but the core of his argument is that hate speech is a direct harm. However, because dignity describes a quite general status enjoyed by citizens, I suggest that ultimately Waldron only shows that hate speech is indirectly harmful.

According to Waldron, laws against hate speech uphold a dignitarian social environment, one where minorities can enjoy the assurance that their basic social status will be upheld. Nowhere does Waldron say, and nor need he say, that hate speech laws are sufficient for engineering such a social environment. Protecting vulnerable minorities status-based dignity also involves upholding laws against discrimination, harassment and violence, for instance, and beyond that, perhaps, laws and policies which alleviate the social and economic disadvantages suffered by minorities since those too can bolster their dignitarian status. A society where everyone enjoys status-based dignity is plainly a somewhat complex achievement. But if that is the case, it is less clear that hate speech laws are even *necessary* for a dignitarian social environment in which everyone enjoys assurance (cf Brown 2015, pp.149–52). The reputation of hate speech's potential victims, and the degree to which their equal civic status is recognised by their fellow citizens depends on many factors, of which the circulation of hate speech is just one. Wider social attitudes are shaped not just by legislation but also such things as the density and quality of interaction between minorities and the majority in the neighbourhoods, workplaces, schools and churches, for example, where many subtle, coded signals are exchanged; patterns of interracial marriage and friendship; the portrayals and visibility of minorities in the media; the distribution of social and economic advantage, among other factors. As Robert Simpson puts it in his critique of Waldron, 'liberal societies contain a complex array of social forces.... [and]... it seems odd that the conduct of hate speakers should be seen as a key factor, out of the whole multifarious jumble, in determining the social status of people in vulnerable groups' (2013, p.716). Thus, according to Simpson, the claim that hate speech laws are the key to securing people's dignitary status is an 'exercise in consequentialist speculation' (2013, p.723). The degree to which hate speech legislation protects individuals' dignitary status depends of course on how the latter note is elaborated. But once again, there seems no good reason to single out hate speech as the key component of dignitary status. It seems plausible to think that a person who enjoys positive recognition from the great majority of their fellow citizens and the protection of the kinds of laws I mentioned *but not from a law banning hate speech* nonetheless has their dignitary status intact.³ What Waldron's argument pushes us towards is a government stance of using the legal means at its disposal to secure its citizens dignitary status. If dignity is the aim and not a constraint, then his argument is ultimately a consequentialist one.

4 From Dignity to Self-Respect

If, with Waldron, we see dignity as a matter of status and reputation, then it is easier to see hate speech's impact, but other factors too impact upon status and reputation which therefore may

³ Corey Brettschneider (2012) argues that hate speech should be permitted but that the state should encourage vigorous counter-speech which re-asserts liberal democratic values. The implication of his argument for 'value democracy' is that it hate speech's victims have their civic status secure.

not give us reason enough to single out hate speech. This evacuates the promise of the direct harm approach to give us a direct link between hate speech and harm. To explain the way in which hate speech is a direct harm I suggest that we retain Waldron's emphasis on civic status, but turn away from dignity and towards the related idea of self-respect.

John Rawls (1999), Axel Honneth (1995), Robin Dillon (1997) and other writers agree that self-respect has enormous moral importance as a normative lens which structures individuals' most basic perception of themselves. Moreover, self-respect is not just a constitutive part of a flourishing life, it also seems extrinsically important as a component of values such as personal autonomy, or successful relationships with others. I understand self-respect as a person's normative evaluation of her personhood, rights, status, character, situation, achievements, and so on. My focus is on the appropriate and universalisable normative consideration involved in recognition respect; not the particular forms of self-appraisal of one's talents, accomplishments and excellences of appraisal self-respect (cf. Darwall 1977). Unlike self-esteem, where the criteria of evaluative appraisal are open and thus potentially idiosyncratic (a person might esteem his own racism), a common view is that (recognition) self-respect is an inherently moralised notion. Individuals respect themselves on the basis of reasons, and self-respect's moral nature means that those reasons are ones which third parties can in principle share. Suppose that A, a racist white person, claims to respect his own racism. Other things being equal, reasonable people have no reason to respect A for his racism. Though A might esteem his own racism, he cannot, on this definition, respect himself for it. In general, I suggest, the reasons A does have to respect himself are just those which B can reasonably endorse as a reason to respect him, and vice versa.

Self-respect is a complex concept but I want to pick out two basic dimensions of the idea. The first dimension I shall call agency self-respect and the basic thought is that through authoring their lives, individuals come to appreciate the value of their own agency, which they therefore have reason to respect. One aspect of agency self-respect is deliberation on those aims and attachments which a person wishes to pursue. This serves a person's self-respect because through such deliberation individuals recognise the independency their own personhood (they are not instruments of others' wills) and appreciate their liberty to pursue different options in life. The exercise of critical reflection helps individuals pursue aims and attachments which they value and endorse, rather than ones they regard as alien or worthless. As Rawls emphasises, an important aspect of (agency) self-respect is itself the successful pursuit of those aims, projects and attachments that agents endorses (Rawls 1999, pp.386–7). Pursuing one's aims successfully involves skills such as planning, perseverance, self-reliance, negotiation, and co-ordination as agents overcome the challenges they inevitably face as they seek to realise their intentions in the world. Both these aspects of agency self-respect require others to respect us in various ways. Individuals need the liberty to deliberate in order to secure their own agency, and an array of options to pursue. More than that, we need our agency to be recognised by those with whom we interact in order to respect it ourselves: we need others positively to affirm that we are indeed competent agents, capable of deliberating, pursuing projects and claiming rights (cf. Honneth 1995, pp.107–21). It's also worth noting that both these aspects of agency self-respect also have a collective dimension. Persons can deliberate together on what aims and ends they should jointly endorse and pursue, in a way that serves the self-respect of each of them; and in addition they can gain self-respect through pursuing aims or contributing to relationships together.

Entitlement self-respect is a second dimension of self-respect and it refers to the reasons a person has to respect herself on the basis of the rights, liberties and institutional entitlements that are recognised by those with whom she interacts. The entitlement dimension thus also

makes our self-respect vulnerable to the respect of others. A central part of entitlement self-respect is recognition of a person's human rights. Our self-respect is maintained through others' recognition of our rights to freedom of movement, freedom of conscience, and right to own property, for example. Beyond human rights, recognition of entitlements we enjoy as members of various institutions (states, firms, universities, clubs and churches for instance), which may be permissible rather than morally required, is also part of entitlement self-respect. Others' recognition of a person's institutional rights and entitlements signals that she is a member in good standing of the relevant institution; the expressive message of their being honoured is an important basis of self-respect. So too is the security which comes from the knowledge that one's institutional rights can be practically relied upon. Our rights and entitlements typically protect our agency from third party interference and are thus (often if not always) necessary for adequate agency self-respect. Entitlement self-respect is also related to agency self-respect in a further way: our rights and entitlements often need to be actively claimed in order to be activated, and such claiming is an exercise of our agency.

5 Free Speech as a Collective Enterprise

I now set out a self-respect based argument which shows that hate speech is a direct harm and thus at least eligible for legal regulation. This Section interprets free speech as a collective enterprise. Section 6 relates the value of free speech as a collective enterprise to the agency and entitlement dimensions of individuals' self-respect, thus showing how hate speech undermines the self-respect of its victims. Section 7 maintains that hate speech does not serve the self-respect of hate speakers.

The notion of free speech as a collective enterprise is the idea that it is an intersubjective phenomenon which connects speakers with receivers of speech who each have interests in free speech as a social practice.⁴ The collective enterprise view contrasts with an individualistic approach which defines free speech and explains its value through either speakers' interests in free expression or, less commonly, an audience's interest in receiving the views of speakers. C. Edwin Baker's (2009) argument that speakers have an autonomy-based interest in disclosing their values to the world is an example of the former, while T. M. Scanlon's (1972) argument that autonomous individuals have an interest in not having the free circulation of ideas interfered with by the state is an instance of the latter. In interpreting the practice of free speech as a collective enterprise I do not claim that that is *essentially* what free speech is, but I do seek to weaken the appeal of the individualistic view.

J. S. Mill's argument that freedom of speech is justified through its role in helping societies arrive at the truth, this having social utility, is perhaps the most famous instance of a collective enterprise view. Rather than employ Mill's argument, however, I draw on recent work by Caroline West (West 2012; cf. Braddon-Mitchell and West 2004) which seeks to show how speakers' and receivers' interests are implicated in free speech, considered as a social practice. For West, freedom of speech at root is the freedom to communicate with another, and its value needs to be explained that way.⁵ For one thing, free speech has little value to a would be

⁴ Compare the somewhat similar perspective in Rostbøll (2011), albeit one that emphasises deliberative democracy.

⁵ Onora O'Neill briefly articulates a similar view in her discussion of public reason. 'Expression is parasitic on communication, and all successful communication requires some sort of recognition or uptake by the other' (O'Neill 1989, p.31).

speaker who lacks the resources to convey her view to others, who has little self-confidence or who is silenced by a social climate hostile to her ideas (Braddon-Mitchell and West 2004, pp.444–5). Free speakers should have a fair opportunity to express their ideas. But suppose, she imagines, a person is able to express herself yet her audience simply does not understand what she has to say. This might be for a number of reasons including some which are the responsibility of the speaker herself. But non-comprehension can also arise because the audience lacks the practical reason to understand a speaker's views or because a third party has intervened systematically to distort a speaker's meaning. What West calls a *minimal comprehension requirement* requires that individuals do not prevent the comprehension of a speaker's thoughts by other agents (2012, pp.226–7). This promotes free speech as a social practice which consists inter alia in the free circulation of ideas. Finally, on West's third dimension of free speech, an audience might very well understand a speaker's words, but choose utterly to ignore them. In that case there would be little point in individuals speaking to their audience in the first place. Our aim in free speech is to impart some view to an audience; for that aim to succeed they must attend to some degree to our speech, and to review their beliefs and desires in the light of it. The third dimension of free speech, on the collective enterprise view, thus implies a *minimal consideration requirement* (2012, pp.229–32). As West conceptualises it this requirement implies at least some kind of duty on listeners not, systematically and dogmatically, to block their ears to others' speech, but to make at least some effort to evaluate the views imparted by speakers in a fair-minded way (West 2012, pp.230–2; cf. Braddon-Mitchell and West 2004, p.453).⁶

The collective enterprise view weakens the appeal of a purely expressive interest in free speech, one where the value of a speaker expressing her views can be spelled out solely by reference to her interests. The purely expressive interest just describes the freedom to cast one's views out into the world, regardless of their uptake, or lack of uptake, by others. I don't want to deny that there is some purely expressive value in free speech. Think, for example, of someone who values keeping a secret diary. But I do want to maintain that free speech is characteristically an inter-subjective communicative practice. As soon as one is involved in communicating one's views to others, if (as I believe) that is the point of free speech, then one needs to attend to the comprehension others have and the consideration they give to our views. More specifically, I suggest that in the case of hate speech there is little or no purely expressive interest because the archetypal point of hate speech is to communicate one's hateful feelings to the victims of one's speech, and often as well sympathetic third parties. Because hate speech attack its targets, it is actually quite important from the hate speakers' point of view that their victims understand their hateful messages, and review their beliefs and self-perceptions in their light. If that is the case then hate speech, as a characteristic not idiosyncratic form of speech, cannot be properly evaluated without reference to the interests of both parties involved. A collective enterprise approach relates speakers' and receivers' interests internally; in contrast to an individualistic view which involves balancing these interests against each other in case where they conflict.

⁶ Specifying the contours of this duty is not easy because we plausibly have some right not to listen to or read others. Yet imagine a person who is comprehensively shunned by everyone in society; everything she says is utterly ignored. It's also plausible to think that, by violating the minimal consideration requirement, the rest of us are failing to meet a duty we owe her (cf. West 2012, p.231).

6 Hate Speech Undermines its Victims' Self-Respect

West argues that the practice of free speech has value, and that hate speech, because it violates the minimal comprehension and consideration requirements, undermines that practice. As she puts it '[h]ow much attention and consideration is paid to what a speaker wants to say varies in accordance with the esteem in which the speaker is held in the community' (West 2012, p.244). I agree with the thrust of her argument, but I suggest that it requires some elaboration. As we saw in the case of Waldron, the relationship between how much hate speech a minority suffers, and the social esteem they enjoy in the community is a contingent one, and thus it is not clear that West's argument as it stands can offer a robust case for hate speech legislation. I suggest that we embed her comprehension and consideration requirements in a larger account of speakers' and receivers' interests in free speech; specifically, their interests in self-respect.

Free speech acts are an exercise of our agency and therefore augment our agency self-respect. Deliberation on our aims invariably involves communicating with other people, and so too does the successful pursuit of our aims, whether or not they are personal or involve others. When others comprehend and consider the views an individual expresses, they help realise her agency self-respect because through their comprehension and consideration they recognise and affirm that she is an independent agent capable of critical reflection, and the successful pursuit of her aims. Moreover, when agents collectively deliberate on what ends their association should adopt – whether that is a workplace, church, club, family or polity – their agency self-respect is maintained for the same sorts of reasons. Through their comprehension and consideration, each sees that the other has something to contribute to collective discussion, even if they disagree with it. Free speech, on the collective enterprise view, also serves entitlement self-respect. To engage in free speech is to exercise a right, and thus comprehension and consideration also involve individuals' mutual recognition of each other's right to free speech. As I said above, other members' affirmation of our rights in the institutions we share augments our entitlement self-respect as it expresses the view that we have a certain standing in that institution, in this case the standing to communicate, and to have a say in shaping our institution if it is minimally democratic. Self-consciously claiming our rights – for example in the case of an individual with unpopular views – is also an instance of the agential dimension of entitlement self-respect.

Receiving others' speech can also serve our self-respect, albeit in a less substantial way than speaking ourselves. Speakers and writers, in exercising speech, have reason to assume that their listeners and readers possess the agentic capacities to comprehend and consider their views. In standard cases (not when one is attempting to brainwash others or feed them propaganda), speakers implicitly confirm their audience's capacity for deliberation, for instance. In institutional settings such as clubs or workplaces, receivers of speech are also recognised by speakers as persons with the standing to consider and act upon the views which speakers put forward, a standing that non-members do not enjoy. This is a source of entitlement self-respect for the receivers of speech.

With these points in mind, we can now consider how hate speech undermines self-respect in both its dimensions i.e. harms its victims whatever intrinsic wrong it may also consist in. As I noted, hate speakers rely upon their victims comprehending and considering their hateful views, else their speech would not have its intended effects. At the same time, hate speech denies that its victims have views which merit others' comprehension and consideration, as an instance of its more general message that those victims are not properly members of the political community. This undermines agency self-respect in three ways. First, it sets back the

interest minority citizens have in deliberation on their aims, insofar as having one's views considered by others is necessary for such deliberation. Since critically reflecting on one's aims is an exercise of agency, this gives hate speech's victims less reason to value their agency. Second, by denying that minorities have views that are significant or worth considering, hate speakers also weaken those minorities' reasons to have confidence in their aims and projects, insofar as the latter reflect their views. This weakens that aspect of agency self-respect which consists in the successful pursuit of aims one endorses, at least if we think that successfully pursuing one's aims is harder if the views guiding those aims are disparaged by others. Third, hate speech deforms collective deliberation, since hate speakers do not recognise the capacity of minorities to contribute ideas for collective discussion, whether in the formal political domain or in workplaces, associations, universities and so on. The message of hate speech is that its victims have nothing worth saying, nothing worth listening to. Its perpetrators therefore fail to respect that dimension of their victims' agency which consists in their standing to be co-deliberants in collective discussion, with something to offer that discussion.

Hate speech also undermines its victims' entitlement self-respect. Hate mongers do not just communicate a message about their victims' views. They also claim, at least implicitly, that minorities do not really merit the basic civic entitlements which the majority of citizens enjoy. They say, for example, that ethnic minority students are too stupid to be at university, that Muslim citizens should be incarcerated as terrorists, that immigrants are a threat to 'our way of life' who should be sent back to their own countries, or that severely disabled people are better off dead. Hate speakers communicate the view that minorities, who are often already vulnerable and marginalised, are not members in full standing of society. In doing so, they launch an expressive assault on those minorities' rights and entitlements. The core idea of entitlement self-respect is that one values the rights, liberties and entitlements one enjoys because they signal one's civic belonging, because of the goods (e.g. education) they thereby secure, and because they are stable platform for the exercise of agency – and therefore a route to agency self-respect. Because hate speech denies (implicitly or explicitly) minority citizens' rights, liberties and entitlements, it erodes the basis for the latter to have confidence in them, and therefore to value and respect their secure possession.

I argued against Waldron that there are other sources of status-based dignity besides hate speech legislation and thus that it was open to question how salient such legislation was in securing the kind of dignity that Waldron values. Can an analogue of this argument can be levelled at the self-respect argument against hate speech? After all, there are many sources of self-respect. A Muslim university student who is the victim of hate speech may for example be respected by her family, her friends, her professors, and by co-workers at her part-time job. She may respect herself for her academic prowess and ability to juggle study and paid work. Does the hate speech undermine her self-respect?

This question brings to the fore the difference between dignity and self-respect. On Waldron's view, individuals' inherent dignity is vindicated by the treatment they receive from others, specifically their equal civic status must be affirmed by their fellow citizens. Dignity involves a person's social reputation, and that reputation may be secured in a variety of ways. Self-respect, by contrast, is not a matter of one's treatment by others; it is a mode of self-assessment which is affected by one's treatment at others' hands. If the analysis above is correct, then the damage to self-respect which hate speech causes is a direct harm: it sets back individuals' interests in morally unacceptable ways. As such, unless there are strong reasons to the contrary, we should treat it as we do other harms. It is part of the commonplace concept of a harm that the burden it involves cannot be nullified by other actions. A restaurant which gives

you food poisoning, for example, may offer financial compensation in return, but the harm still remains. Likewise, a woman who suffers serious emotional abuse from her partner suffers a setback to her self-respect even if her friends, family and colleagues go out of their way to support her. Much the same can be said about the Muslim student in the example above. As a victim of racist hate speech, she suffers the direct harm of an assault to her self-respect. If the university authorities punished the hate speakers and sought to reassure the student, she might feel better for it, but this does not remove the harm she's been caused. Self-respect is not something we possess as a net quantity where a lack in some quarters can be compensated for by other greater self-respect elsewhere. By contrast, since dignity on Waldron's view is a matter of civic reputation, it does make sense for the state to make special efforts to prosecute laws against discrimination, harassment and violence in an effort to uphold the status and reputation of minority groups whose dignity has been set back in various ways, including by hate speech.

7 Hate Speech Does not Serve Hate Speakers' Self-Respect

To complete the case against hate speech, I now argue that the freedom to engage in it does not serve the self-respect of hate speakers. On a collective enterprise view, speakers and receivers have interests which are internally related by their participation in the inter-subjective practice of speech. The attack on self-respect that hate speech inflicts comes at the direct cost to the self-respect of the attackers.

Hate speech fails to respect its victims' agency and entitlements. On the collective enterprise view, hate speakers are not casting their views out into the world, but rather putting them forward for consideration in the institutions they inhabit with others. Because their victims in those institutions reject the hateful message directed at them, they obviously have no reason to respect hate speakers' insofar as they perpetrate hate speech: no reason to endorse projects which assault their interests; no reason to respect deliberation which results in hate, no reason to respect the entitlement to express hatred which assaults their self-respect. But we can go further, for this reasoning applies not just to the direct victims of speech. I claimed in Section 4 that self-respect has a transitive moral basis: the reasons a person has to respect herself are the same reasons others have to respect her, and vice versa. If this is correct, then third parties also have no reason to respect hate speakers' for their hate speech. Third parties have no reason to respect those who abuse their entitlements and exercise agency in ways which directly sets back the interests of others in society. This is consistent with how we normally treat others' failures of respect. We do not respect those who violate others' rights, for example, at least in their role as rights violators. Thus insofar as the hate speakers' self-respect is dependent on the respect of others, they have reason to respect themselves qua hate speakers.

Three considerations limit that conclusion, however. First, hate speakers may still *esteem* themselves and each other for their hate speech. A group of racists may esteem themselves for the racism they inflict on others, for example. Because of the way that self-respect, as the reflexive dimension of the basic moral notion of respect, is a bridge between our interior self-assessments and the moral realm we have an interest in inhabiting, I do not think that the racists' self-esteem can compensate for their lack of self-respect, but there is not the space to pursue that point here. Second, though I have sought to present the collective enterprise view of free speech in an attractive light, I have not set out a systematic argument against the individualistic view, and if we accept the latter then other normative bases of free speech

become available, such as personal autonomy. Thus hate speakers might value their hate speech as part of their autonomy. Third, I have not argued that victims of hate speech and citizens at large have no reason to respect hate speakers' rights and entitlements more generally, including their right to free speech. I have claimed only that, because others do not respect them for their hate speech, hate speakers do not have reason to respect themselves for their hate speech either. Besides the social opprobrium which (we hope) hate speech garners, and the legal punishment it may deserve, hate speakers should enjoy the same rights and entitlements as everyone else in society.

8 Conclusion

The difficulty with hate speech for liberals is that there is a very strong presumption in favour of free speech while at the same time hate speech undoubtedly visits great harms on its victims. I have suggested that, at least on Waldron's account, there is a problem with conceptualising that harm through the notion of dignity, first because hate speech is only one means by which a person's dignitary status is diminished or maintained and second because the dignity of hate speech's victims needs to be balanced against the dignity constitutive of (or served by) the right to free speech, though admittedly I have not discussed the latter. On the issue of balancing hate speakers' interests against the interests of their victims, I have claimed that we can make some progress if we adopt a collective enterprise view of free speech where the interests of speakers and receivers of speech are connected through a value that free speech promotes (or undermines). Specifically, I have argued that hate speech directly undermines the self-respect of hate speech's victims and does not serve the self-respect of hate speakers. Moreover, because of its great value and centrality in our psychic lives, I think that self-respect is sufficient to explain the harm of hate speech, at least in a great many cases of it. However, in view of the many values which orbit the world of free speech, it would be arrogant to claim that self-respect is necessary to explain hate speech's wrongness.⁷

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