

Think

new things

Make

new connections

**Freedom in democracies:
navigating the collision
of identity and freedom
of expression in the
digital age**

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DITCHILLY

Terms of Reference

The concept of the freedom of the individual to define their own religious, political and intellectual identity and to express it freely is deeply embedded in the origins and core principles of all democracies. How do we reconcile these concepts in the digital and globally connected world that has emerged? The purpose of this Ditchley discussion is to contribute to the thinking on freedom of identity and expression as these are likely to be manifested shortly in precedent setting law in many democratic countries. The EU's digital services and markets acts and the UK's draft online safety bill are but two examples with draft legislation also being considered in many US states. There is therefore an urgency and immediacy to this discussion.

Societies have always had to navigate tensions between individual freedom of identity and expression and societal norms, and it is worth noting that the extension of the concept of freedom to all aspects of identity such as race, sexuality and gender, is not yet complete. But three factors make this a burning current issue of our times.

Whereas previously expression was split fairly cleanly between private and public realms, conversation, letters and phone calls on the one hand; newsprint, books and broadcasting on the other, the Internet and its platforms have destroyed that division. Every citizen is now potentially a publisher and broadcaster. Across the world, governments are developing legislation to moderate the vibrant, inspirational and innovative but also extremist, vile and cruel cascade of human dialogue that the Internet has enabled. The formulas vary but the bottom line is that if individuals can't control their own speech to limit physical and psychological harm to others, then someone else will have to – either the companies; some sort of intermediary or agency; or government. The problem is both defining harm and, indeed, deciding who gets to define harm: the individual affected; an intermediary; the courts or the government? In the EU, the UK, US states and China, regulation of digital services will be one of the determining factors for how freedom of speech and freedom of identity are reconciled. What balance should a democracy seek to strike on psychological harms in particular? When does protection of the individual turn into a loss of freedom for all?

Academic freedom of research and expression is enshrined in the laws of almost all democracies. One role of universities has been to be a safe space for debate in the sense that new and sometimes shocking ideas can be aired, debated and discredited or supported before being applied and tested in life outside of the academy. Academic freedom at present faces challenges from three directions: the first is an ideological and intellectual battle over the concept of a safe space. As human identity evolves, then there are passionate advocates for the position that any utterances that undermine the legitimacy of someone's identity should not be admitted to the debate at all. This battle is at its most intense currently around transgender rights and identity, but this may shift. The second challenge is the place of the past and history with regard to race and slavery. The underlying question is whether universities should explain history, or erase history, cutting all memorialised links to a racist and slave owning past? The link to academic freedom is whether people should and do have the freedom for argue for both sides of the argument, without being labelled as racist? The

third challenge is the increasingly close connection between the culture wars within democracies and the systemic competition globally between democracy and authoritarianism.

Authoritarian regimes are increasingly taking explicit positions on questions of sexual and gender identity in order to portray authoritarianism as consistent with national identities and destinies and democracies as degenerate departures. This began in Eastern Europe with President Putin's emphasis on Russian values and has been echoed in Hungary, Poland and other European states within the EU. But President Xi Jinping's current political, social and business 'rectification' campaign in China is now also focusing on symbols of a decline in masculinity and gender fluidity. On university campuses and of course on the Internet, this is combined with suppression of dissent and particularly an effort to extend influence and power over an authoritarian country's nationals globally, whether from Russia, China or Saudi Arabia. What should be the democratic response to this authoritarian challenge, from the perspective of freedom of identity on the one hand and freedom of expression on the other? In seeking to limit harms in the media, online and on campus, could we be undermining our offer of freedom? Or is it more important for a democracy to assert the protection of the rights of individuals for respect and freedom from psychological harm? The UK Online Safety Bill in particular introduces a concept of content that is damaging to democracy. Is democracy in the digital age best served by removal of content that undermines it or by allowing fully free debate, even if damaging?

For the middle part of the conference we will separate into four working groups to look at the sets of issues above in more depth:

Group A will explore the balance between protection of the individual, identity and freedom of speech with reference to the Internet and online safety.

Group B will look at academic freedom in the round, exploring the challenges from "cancel culture", personal identity politics and authoritarian interventions.

Group C will look more broadly at the competition between democratic and authoritarian countries to define the limits of freedom of identity and freedom of expression in the world, including and especially within democratic countries.

Group D (timed for North America but open to night owls from other time zones) will explore whether the First Amendment needs amending? The United States commitment to free speech, enshrined in the First Amendment, is much admired by campaigners for liberty in other countries and is a bulwark of the United States vibrant democracy. But the US is now also seen as the country with the deepest polarisation and perhaps the greatest threats to democracy itself. Is such a strong commitment to free speech still sustainable in the digital age, with all its tools for the amplification of extreme voices?