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HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
Lab Co-op	Labour and Co-operative Party
LD	Liberal Democrat
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Friday 10 December 2021

10 am

Prayers—read by the Lord Bishop of Carlisle.

Freedom of Speech

Motion to Take Note

10.07 am

Moved by The Archbishop of Canterbury

That this House takes note of contemporary challenges to freedom of speech, and the role of public, private and civil society sectors in upholding freedom of speech.

The Archbishop of Canterbury: My Lords, I am most grateful to the Leader of the House, the usual channels, all noble Lords who have taken the trouble to be here today and, especially, the noble Lord, Lord Parkinson, for answering on behalf of the Government in order that we may have this debate. It is a return to an Advent tradition, interrupted in recent years by elections and pandemics. Should your Lordships worry that I am infectious in some way, I have been tested to the limits of testing. I have my granddaughter's cold, for which I would like to record my grateful thanks.

We on these Benches have our critics—I have a large number—but for all our present failings you would be hard-pressed to find a more disastrous move by the Lords spiritual than when, in 1831, 21 of them lined up behind the Duke of Wellington and opposed the Great Reform Bill. Had they voted the other way, it would have passed. The people, denied their rights, responded with riots, and bishops were particularly targeted, some with violence. In Bristol, the Bishop's Palace was burned down. A dead cat was thrown at my predecessor Archbishop Howley, narrowly missing him but striking his chaplain in the face. "Be glad it wasn't a live one," Howley is reported to have responded.

I start with this dive into the past because it illustrates a present point. The grey area between, on the one hand, peaceful protest and reasoned criticism and, on the other, incitement to hatred or to violence is one that we are still trying to navigate today. The Church of England knows about that. I must start by suggesting that our society should never follow our historical example of coercion, Test Acts and punishment. There is still a prison at Lambeth Palace at the top of the Lollards' Tower, with room for eight people. It was used for the Lollards—I have a little list.

President Obama touched on the subject of freedom of speech and of religion in a powerful address on 5 February 2015 to the US national prayer breakfast. Speaking of freedom of speech, he said that, for that and freedom of religion, we need humility. He said that

"humility is also recognizing in modern, complicated, diverse societies, the functioning of these rights, the concern for the protection of these rights calls for each of us to exercise civility and restraint and judgment."

What is it that we are debating today in this House when we talk about freedom of speech and why does it matter? Free speech is not just frank speech but fitting speech. It is a necessary condition to the building of good communities—that is my essential point in this speech—which are healthy enough to disagree well and which challenge power misused. If I may use flattery, but true flattery, for a moment, your Lordships' House is such an example. Here we are in a place that, after much tragedy and disagreement, has learned that what matters is not just communication but good communication. The House encourages a community of sharp disagreement in a shared space, where politics is done in the classic Aristotelian sense, issues are settled and the classic misuses of power are rejected. Misused power is shown by killing, coercion or causing the opponent to flee. The alternative to those three things is politics.

Politics takes it for granted that human beings are not merely declarative but communicative; that is to say that there is an absolute link between freedom of speech and a healthy community. That is why it matters so much. It is not just a free-standing right, a good in and of itself, but the means—the only means—to the end of a just and generous society. That is surely something of which we all dream.

Having said that, I will touch on three of the major threats to freedom of speech today, as I see them: the fear of reprisal, the distortion of truth and the dehumanisation of those with whom we disagree. They are great threats and, as throughout our modern history, we should not underestimate the fragility of our society when it comes to the enjoyment of our freedoms. They must always be defended and guarded or they fail, and with the loss of freedom of speech go justice and generosity.

When it comes to the principle of freedom of speech, I am instinctively in favour of a maximalist and communitarian approach. When a columnist for the *Spectator* said that his hopes for the coming year included that I be

"mugged at knife-point by a gang of refugees",

I did not feel threatened or, for that matter, offended—not only because I doubt that many refugees are avid readers of his column but because, like my predecessors, I stand here in a position of privilege that, though it makes me noticed, also confers security.

In this Chamber we are all heard by virtue of our position. Sometimes, the height of that pedestal—or pulpit—means that we will be knocked off it very swiftly and publicly when we make a mistake, as I frequently have. But others do not have the privilege of a red leather cushion to land on. The dynamics of power matter greatly.

In that context, I pay tribute to those around the globe and in this country for whom freedom of speech is genuinely something to die for. We will hear more of this later, I suspect and hope. When I spend time with people who cannot speak freely, as I did recently, practise their faith freely or refuse all faith freely, I am reminded of the huge security that we have in this country and of our power, collectively, as its citizens. Those others know the dangers of constraints on speech.

[THE ARCHBISHOP OF CANTERBURY]

Our understanding of the importance of freedom of speech and the threats to it needs to keep pace with the threats to its existence. Government regulation alone cannot be the answer. I welcome the Government's moves to tackle online harms, but while we can protect those most at risk, we cannot—and should not—try to legislate ourselves to good behaviour. Dr Martin Luther King said that we cannot restrain hatred, but we can restrain haters. That is the limit of law. Fittingly robust and vehement debate should characterise our national life. Online harms Bills, or cancel culture being itself cancelled, cannot make us obey the command to engage with opponents as people, to face them and to destroy our enemies not with forms of suppression or law but

“when we make them our friends.”

That is another quote from Dr King. David Amess was an example of frank speech and strong opinions that were fitting and based in communication, not mere individualism.

In his encyclical *Fratelli Tutti*, Pope Francis spoke of the pervasive characteristic of power and violence in our societies—I am most grateful to the noble Lord, Lord Parkinson, for the water; I shall take his Lordship off my little list.

Pope Francis spoke of the need to call out the abuse of power over others rather than the building of renewed communities by sharing power with them. The vehemence of social media is often the voice of those previously unheard and for that reason it is resented by those who have always been heard.

We hear much nonsense of the snowflake generation who seek safety. Younger generations are more concerned than their older counterparts about the safety and protection of minorities and more willing to call for restrictions on speech to achieve this. We need to keep a sense of perspective here. No-platforming is not a new phenomenon and there is evidence to suggest that it is very limited. The way I can remember minorities being addressed 40 to 50 years ago shows that more concern about safety then would have been a good thing. Freedom of speech sometimes means freedom for the powerful to bully and abuse.

When we speak of freedom of speech, we create two false binaries. First, we set freedom of speech against safety. Freedom demands safety—there is no freedom in acting out of fear—and safety, in turn, demands freedom. Also, there is no conflict between freedom and community; they are absolutely interdependent.

If freedom of speech is to flourish in this country despite its enemies, how might we foster those habits of the heart and mind that encourage a society that listens, reflects and responds with generosity and grace? Just as importantly, how might we ensure that in our desire to curb the extremes we do not silence the prophetic or those who challenge injustice and speak uncomfortable truths or that we do not push them to the margins? I hope to hear more today about the institutions and bodies that can enable that to be the characteristic of our society—what my great predecessor William Temple called the intermediary institutions.

One of the most important is the BBC, in both its domestic and World Service versions. Of course, it gets things wrong, but its continual history of being banned by tyrants, which goes on to this day, demonstrates the fear that impartial reporting—true freedom of speech—generates in those who seek to stifle all liberty. The BBC usually speaks frankly but also fittingly.

Increasingly, we also see the faith communities in many places as proponents of freedom, living out the Reformation truth that free speech opens the way to communities that challenge injustice. I think today of a senior Anglican overseas, whom I speak to very regularly but cannot name for his own security, who constantly speaks for free speech in a place of great insecurity.

Timothy Garton Ash summarised three vetoes of freedom in an illuminating way: techniques to silence others include shouting them down, which he calls the “heckler’s veto”; declaring what they say to be offensive, which he calls the “offensiveness veto”; and, in extreme cases, killing them or threatening to do so—the “assassin’s veto”. We have witnessed all these throughout history. The real issue of freedom of speech has been not regulations, measures or laws that oppress it but these three vetoes, often acting in partnership. Yet attacks on freedom are shape-shifters, and their most dramatic metamorphosis has been in recent years.

MPs and Members of your Lordships’ House will know what it is to be on the end of robust criticism, which we expect; abuse, which we put up with; and sometimes physical threats, which we have learned, through grave and tragic experience, to take seriously. At its most intense, this kind of targeting can make fear the senior partner of judgment. The anticipation of being howled down on social media is a constraint on speaking freely. It is fear not of being argued with but of the abusive and threatening hecklers in their thousands and tens of thousands. The setting up of fake websites, the use of hacking and the effectiveness of bots all bring the heckler’s veto from a point of irritation to a threat to sanity and stability, even to the threat of social chaos. Algorithms reinforce choices. At the same time, we must bear in mind that, in many countries, social media has been the main bulwark of struggles for freedom.

As we will hear later, the online world has completely changed the way in which we share and receive ideas. We are increasingly our own curators, editors and publishers. The partial upending of traditional power dynamics is a good thing, but we find ourselves in somewhat uncharted territory, in grey areas where the law is just beginning to catch up, and in a different culture in which the rules of engagement are still being developed and understood. We see trade-offs, in that our exposure to variety is determined by impersonal and market-driven algorithms. Privacy is as much a choice as it used to be a given. Oh! I have two cups now.

The lesson from all times, including from monopolistic owners of media companies in the past and social media today, is that all legislation and social pressure must stand against the commodification of speech. When it becomes a tradeable commodity, it ceases to be a freedom-building community. We see this reflected

in the words of Zechariah Chafee, a key figure in the modern American First Amendment tradition, who said:

“It is hopeless for the law to draw the line between liberty and license”,

but we can look into our own hearts and make that decision before we speak out.

The struggle in a connected world is to distinguish what is morally reprehensible from that which is criminally punishable. In our society in this country, we are at the point where we say that, if we explicitly incite violence and stir hatred that will lead to violence, there should be criminal sanctions. Outside incitement or our established defences of slander and defamation, we must focus our efforts on cultivating—through education, higher education, further education and many other ways—a culture that is permissive rather than prohibitive, by which I mean encouraging of fitting speech rather than attempting to ban bad speech.

Freedom of speech also requires respect for truth. The spread of misinformation by conspiracy theorists—notably around the vaccine—political agitators or hostile actors is a serious problem that big tech companies and Governments must do more to tackle. I look forward to hearing more from my right reverend friend the Bishop of Oxford about this and online harms, which he will focus on in his speech.

The third threat to our freedom of speech is the dehumanisation of those with whom we disagree: the devaluation of others to diminish their arguments. We must be alert to how our habits of communication can stifle our creative imagination—how they might make us see others as somehow less than fully human. Much of what is problematic with the online world is that it is not conducive to seeking truth and that it gives equal opportunity to deliberate and dangerous misinformation designed to cloud the truth. To put it another way, sunlight is no more always the best disinfectant—no more than disinfectant is ever medicine for treating Covid. When people are too scared to express their genuinely held and legally protected beliefs, that is very dangerous for democracy.

Finally, as a Christian, I believe that Jesus Christ is the truth revealed—but that truth is so profound, so deep and so incomprehensible to us that, 2,000 years later, we in the Church are still deepening and reflecting on our understanding of the truth of God. That deepening of truth requires a deepening of community, and that requires freedom of speech. Within the 165 countries of today’s global Anglican Communion, we have radically different understandings on almost everything—that is far from new—but the most productive thing that we have done is forming groups called “bishops in dialogue”, where bishops from all over the Anglican Communion discuss, talk and evaluate the practical implications of what they hear and believe. This is freedom of speech, building freedom of community.

My great predecessor Lord Williams said:

“No one’s interests are best served by avoiding the hard encounters and the fresh insights.”

In John’s Gospel, Pilate asked Jesus, “What is truth?” He does not wait for an answer—he washes his hands of the situation and pronounces judgment to appease the mob. At Lambeth Palace we seek to avoid the

veto, the coercion and the causing to flee. We have published the “Difference” course, which seeks to reimagine how we engage across difference.

I believe that God’s purpose for humanity is to have not fearful slaves but loving children. We are called to treat each other as we would ourselves like to be treated, with recognition of our flawedness, space for forgiveness and support of our freedom. In so doing, we are able to create good communities of justice, truth and generosity.

I hope that this debate will be an occasion for more light than heat, which is sadly too often not the case in so much of our public dialogue about freedom questions. I greatly look forward to hearing contributions from across the House. I beg to move.

10.28 am

Lord Griffiths of Burry Port (Lab): My Lords, for a Methodist Minister to be standing second to the Archbishop of Canterbury is the nearest that he will get to preferment. I hope that it will guarantee some quick access to heavenly places in due course. We are all grateful to the most reverend Primate for securing this debate and for delivering his speech with such courage. We wish him well in getting over his ailment. This is a subject of great concern, and I did not know whether to begin my remarks by thinking of the times—the years—that I spent at Hyde Park Speakers’ Corner; freedom of speech is pretty much written into the *raison d’être* of that particular experience.

However, I start somewhere else. I am a member of the Communications and Digital Select Committee and I am happy to note that other members of the committee are here to speak on this important matter later in the debate. Our report was published in July, and many of the points in it have been raised by the most reverend Primate the Archbishop in his remarks a moment ago. Of course, all of us on the committee are looking forward very much to the day that the House gets round eventually—I repeat “eventually” for the ears of the Minister—to debating the report.

One of the people we interviewed in the course of our deliberations was Alan Rusbridger, the former editor of the *Guardian* newspaper and currently a member of the oversight board of Facebook, which we must now call Meta. I remember his rigorous defence of free speech. He insisted that offensive speech should not be regulated or banished simply because it is offensive. Bad speech should be met with better speech, offensive views should be countered with determined and constructive argument. He was clear that where offensive matter is intended to stir up hatred and even violence, it should be dealt with under the provisions of the Equality Act. Such matters are not part of the case that I wish to make now. As far as is humanly possible, civil society, public and private sectors together should envisage maintaining the possibility of open discussion, even when offensive views are uttered.

Faith communities have not, over the years, proved to be exemplary in these matters—the most reverend Primate hinted at this in his own speech. From the very beginning of Christianity, “heresy” was the word used to describe those to whom freedom of speech

[LORD GRIFFITHS OF BURRY PORT]

was to be denied: those who held divergent views from the “orthodox” mainstream. They were often persecuted or exiled—or worse. The examples of the history of the formulation of the Nicene Creed, the split between Western and eastern Christianity, the Protestant Reformation and, even at a humble level, the ejection of Methodists from the Church of England for the ignoble sin of being enthusiastic all offer ample illustration of the way that Christians have fought bitter battles which have ended in fragmentation and division. The notions of excommunication, heresy and blasphemy—polar opposites of free speech—are only too evident in the history of the Christian Church. It seems indeed to be part of our DNA: just read any account of the making of the Nicene Creed, or Aldous Huxley’s *Grey Eminence*, Fyodor Dostoevsky’s *Brothers Karamazov* or even Richard Llewellyn’s *How Green Was My Valley* to get the picture of these goings-on in the first five centuries of the Christian Church, or the 17th-century, or 19th-century Russia or even 20th-century Wales.

The Motion that we are discussing asks us to be “contemporary” in our consideration of these matters, so let me move from the past to the present and from the general to the particular. I am a Christian and, consequently, my values are focused on and flow from the person of Jesus Christ. I admire his teaching, I am ready to commend his example to all and sundry and I will proudly advocate his cause in debate with anyone, anywhere, at any time. Here is someone who has been subject to continuous and intense scrutiny down the centuries, much of it negative. So how should I take some of the treatments of this man, to whom I owe such complete allegiance? He has variously been described as an adulterer, a homosexual, a social revolutionary, a fanatic, other-worldly, a fool, a clown and much else. I could easily point to the films, poems, novels, diatribes, statues, paintings and dogmas that are inspired by these critiques.

Far from feeling threatened or offended by these often dismissive views, I must say that it somehow pleases me his persona is considered important enough to go on being given attention down the centuries. Indeed, I feel stimulated by such categorisation, caricature and critiques to put forward an alternative viewpoint. I know that the strongest recommendation for anything one believes in can come only from the way that one lives one’s life. But there is a proper place for argument, discussion and debate, and I want this to be as lively, real and honest as possible, however cantankerous it may sometimes be.

From these remarks and in the short time available in this debate, let me assure noble Lords that I would happily put on a series of lectures somewhere on the premises at any time for those who would like a fuller treatment of each of these schematic points. A Welshman who has been to university both has something in his head and, especially, the gift of being able to put it into words—so there you go; that is an offer.

In conclusion, I hope that noble Lords will feel that I have addressed the Motion before us directly and honestly—and personally. If this approach to offensive discourse is valid in the realm of faith, I suggest that it may be equally applicable in other areas of our lives too.

10.36 am

Baroness Featherstone (LD): My Lords, free speech, established by our laws and by our values, has always had its limits, but now it is under threat as we grapple with a world that seems to be full of hatred of “other” and intolerance of views that differ from our own, all amplified by the internet and social media and condoned and contributed to by those who should be setting an example of good behaviour—from the Prime Minister downward. We now have a proliferation of ways to abuse each other, whether it is because people disagree with us, or are richer than us, poorer than us, a different colour, religion, gender, class or sex, or even those who simply think differently. We have developed a sort of football team binary mentality: you are with us or you are against us.

And freedom of speech? Well, everyone is worked up about online safety—quite rightly—and we will no doubt have a worthy online safety Bill; we already have the recent inquiry, as has been said by the noble Lord, Lord Griffiths, who is a member of the same committee on which I sit and so declare an interest; and we will no doubt have a further onslaught of frenzied activity by numerous regulators and digital platforms, all of which are there to push back this tsunami of hatred, intolerance, harm and threat. All of this is sadly necessary and will curb, hopefully, the worst of the harm, lies, misinformation, cancel culture, bullying and hate, without curtailing free speech.

In the end, however, I would say that, whatever the medium, that is not the real villain; it is the human messengers and the message itself that the public, private and civil society sectors need to have a role in, as do we as individuals. That is why the most reverend Primate the Archbishop of Canterbury is so right to frame the debate in the way that he has. I congratulate him on doing so and on his wonderful speech.

So why are we all so angry, so rude, so insecure, so scared, so mean and so judgmental? Obviously, I do not mean anyone in this House. As they say, fish rot from the head and in recent days, I am sad to say, we have seen the most unedifying behaviour on show from those from whom we expect better. But I will not personalise this, as tempting as it is. The issue is no longer about being able to distinguish right from wrong and truth from lies, or to care; the issue is making money and that there is no real loss of status for bad behaviour. This is decline and fall, because the pillars of our civility are being undermined. So, yes, fish rot from the head but the tail is also angry. We have had terrible rows around Brexit and trans, all of which should not be held in the manner they are—the “I’m right, you’re wrong”, and not allowing alternative views to be expressed without shouting, whether on Twitter or in the street. However, I actually believe that most people are good and most people are decent—they are, perhaps, too silent.

Most politicians, despite what is said about us, from councillors to Lords, know right from wrong, believe in public service and have a basic desire to use their time and energy for the betterment of the human race. Sadly, we had the recent example of the appalling murder of David Amess. Only then, the truth surfaced: that he was a brilliant constituency MP and much

loved. Good news does not sell, but the media and us—well, apparently, we all prefer hate, aided and abetted by a terrible truth: we feel better if we denigrate others.

So, it is up to all of us to change our own behaviour and demand that those in public, private and civil society set a better example of behaviour. We need trusted mediums so that we can trust the message. We need facts. Truth is not arbitrary, it is actual, and without it, we have nothing. We need our institutions to rediscover their role in rectitude and uprightness. British values, of which we are rightly so proud, are falling, right now, into an abyss. The media, whether that be broadcast, internet-based, newspaper or platform, are all guilty, because arguments and misery sell.

Do not get me wrong, the media are the fourth estate and they have the wonderful ability to save us by exposing the bad, the evil and the guilty in a way that an individual cannot often do, but their *modus operandi* is sales, and if we look closely at the internet—or not even closely—the same is true. Clickbait is the model for sales of advertising. Sales and clicks are all, and they feed upon this frenzy of a downward cycle, cataloguing the cataclysm, with the emphasis on the negative and the nasty, the banal and the low-grade. Reality TV, 24-hour news, advertising, the competing society, the lack of social mobility and the inequality gap—all exist against the backdrop of a destabilising western democracy and political short-termism.

The deal always was that we behaved well because religions, parents, teachers, the police and our Government said we should, and they set an example of good behaviour and expected us to do the same. If we did, we were rewarded with approbation from our family, friends, teachers, the community or God, depending on our personal proclivity. From our establishments, our institutions and their leaders came a code of social conduct that we all basically understood. There was either a penalty for deviating from the expectation of good behaviour—such as social exclusion, civil or state punishment or excommunication—or there was the simple reward of doing the right thing to fulfil our own expectations of ourselves, stemming from our innate sense of good behaviour.

I am glad the rigidity has gone, but we certainly need to behave better on our own cognisance. I guess the trick will be to work out a new framework, for individuals and institutions—a new social contract that preserves this greater freedom while restraining licence—and all without having to resort to increasingly punitive but ultimately ineffective ways of keeping order, with ever more stringent laws, surveillance, rules, regulations, targets, punishments and curtailment of free speech, all of which achieve so very little in actually changing behaviour. It is time for some sort of radical change to give our young people a wider, broader and more challenging base; to teach them comradeship and bravery and a welcoming of discussion, argument and differing views and beliefs; to give them a new vision of how life can and should be.

10.43 am

Baroness Falkner of Margravine (CB): My Lords, I too thank the most reverend Primate for giving us the opportunity today to discuss this profoundly important

human right. In doing so, I declare an interest as set out in the register, but I emphasise that I am speaking from a personal perspective. I shall draw on my own background and experiences, as they have profoundly shaped my view of why this human right, the right to express oneself freely, is so important to those of us who care about a freedom-loving democracy.

As I grew up, I lived in several countries. What united them was that they were all authoritarian and all socially conservative. All were politically repressive in varying degrees, but the combination of the two, if you were a woman, was, at minimum, stultifying and at worst, led to a life lived in social and political ostracism. That loss of voice eventually snuffed out your fundamental autonomy. You retreated into family, religious sect and tribe, with a narrow space to express yourself that got narrower and narrower. For those of us who have been lucky enough to make it to democracies—I think I speak for many who arrive on our shores today—the allure of a democracy is palpable. It has meaning beyond knowing that you can vote; it is expressed most tangibly in the ability to think what one wants and to express that as one wishes, with bounds, but with few bounds. These two, the freedom to think and free speech, are inexorably bound together. One cannot have the one in the absence of the other.

For me, a thriving democracy is one where contestation is rife and vigorous debate allows us to change our minds, to be open to contrary perspectives and, indeed, to disagree—to disagree well, as the most reverend Primate the Archbishop of Canterbury reminded us. The role of the Opposition in a democracy's constitution reflects that public disagreement, and the reason we elevate and provide for the formal role of an Opposition is precisely because we accept that others have the right to hold a different view from ours. Periodically, we accept that their views must hold, and we peaceably move over to allow them to rule over us. That is the compact and we all observe it.

But we know that this space is being eroded, and its erosion is most dangerous in institutions which are integral to our values. I speak of education for young people and universities. In both spheres of education, there appears a diminution of the value of opposing thought, and an elevation of that of respect and tolerance, a perspective where individual “safety” is elevated as the principal objective, and where “harm” is alleged by exposure to ideas that might provoke. Let me be clear: I do not for a second believe that respect and tolerance are not important values. Indeed, without them, in this increasingly multi-ethnic and multicultural society, we could not rub along together in coexistence, so they really matter. My point is that they are values that command our loyalty only because they follow from the freedom of speech and thought that is intrinsic to a democracy. The fact that we know we can disagree and express that disagreement publicly allows us to put up with views and actions that offend us. When we do not like what is said, we can say so and be listened to.

However, as we saw in Sussex University, in the case of Professor Kathleen Stock, and numerous others, we are in danger of a situation where tolerance for one perspective applies only when it is our perspective. “Join my tribe or lose your job”. She lost her job,

[BARONESS FALKNER OF MARGRAVINE] supposedly because she made some people feel “unsafe”. Could it be that when young people open themselves up to these other, contrary ideas, which may be uncomfortable to accept, universities are actually playing an important role, beyond knowledge? They are building our resilience to prepare us for later life, when we all have to leave our tribe and rub along with, and even tolerate, those who do not hold our views. As a member of a minority, an ethnic and religious minority, I can testify that this is especially true for us. If universities become primarily spaces where, beyond a formal curriculum, in all other activities group-think prevails, eventually all are diminished, not only the academy itself.

One has only to look at the current issue of *Prospect* magazine; the noble Lord, Lord Griffiths of Burry Port, referred to Alan Rusbridger, its new editor. *Prospect* this month has an article about freedom of expression, and it has a sorry list of academics, journalists and others who have been subjected to sanctions in the United Kingdom and the US, both societies, one would have thought, that pride themselves on freedom.

I close with a simple thought: in order to uphold our freedoms, we accept the proposition that the struggle to keep them is for every single one of us—every day, every year, as we go forward. Today marks the day the Universal Declaration of Human Rights was adopted in Paris 73 years ago. It has served us well, as it enshrined for the first time freedom of expression in international law. Today is a good day to celebrate that.

10.50 am

The Lord Bishop of Birmingham: My Lords, as we have been hearing, speech is one of the most precious gifts for humanity, freedom of which is easy to take for granted, as we may do from week to week in this House, but even easier to abuse. Speech is so important that, at this season of the year, for people of Christian tradition, we even call the son of God’s appearance the word of God—the word made flesh.

In the same scriptures in which we read that story, there is warning of the danger of the use of the tongue:

“If anyone thinks he is religious and does not bridle his tongue but deceives his heart, this person’s religion is worthless.”

Of course, I do not refer to anyone who stands on the platform at Speakers’ Corner or any other venue of that kind. We remember also

“the tongue is a small member, yet it boasts of great things. How great a forest is set ablaze by such a small fire!”—

the blaze of instant phone recordings or a tweet out of context.

Good law is in place; we have just heard about the anniversary of the Universal Declaration of Human Rights in 1948, and Article 19 in it, and there is also our own Human Rights Act 1998 and its Article 9,

“Freedom of thought, conscience and religion”,

and Article 10, “Freedom of expression”. We give thanks for those, but we also notice laws around the world that need challenge and change; for example, blasphemy laws in countries such as Nigeria, Egypt

and Pakistan, where organisations such as Christian Solidarity Worldwide draw our attention to the sort of things we have just been hearing about from the noble Baroness.

Today, even when good law is in place and upheld in public, personal and public speech can perpetuate prejudice and division—or it can extend the benefit of these hard-won freedoms. Our most reverend friend mentioned the importance of intermediate activity in this area. Between the nation and the individual is the need to soften and remove the inhibitions on speaking up or speaking out, to allay the fear of exclusion or reprisal and to give new confidence in conversation. This is where civil society and faiths can create and convene safe spaces where difference can be spoken with care and understanding can be deepened, truth revealed and progress made towards a common good. I will give one or two examples of putting this into practice from my personal experience—in South Africa, Birmingham, the Church of England, as mentioned already, and the City of London.

In South Africa, following the intense need for truth and reconciliation, there are continuing deeper conversations—courageous conversations, as they are called—convened by the Archbishop of Cape Town, Thabo Makgoba. These conversations are focused on the key industry in the country, extractives and mining, and they bring together each element of people who find it really difficult to talk to each other—senior politicians, the companies themselves, the trade unions and, essentially, the communities most affected by the activity, either economically or personally. This is an accomplishment model of good, courageous conversations that could not happen in public but can happen with Chatham House rules and appreciation, in particular of the dignity of the person—starting with a relationship and moving on to possibility, opportunity, action and result. There is no quick win, but a deep transformation of relationships through honest speech.

In Birmingham, interfaith conversations have been an essential follow-up to the mechanical mechanisms of Prevent, along with other things that try to resolve extreme differences in our local society. Conversations are bringing together the six main religions—Christians, Muslims, Buddhists, Hindus, Sikhs and people from Judaism—in the same room to listen appropriately and begin to gather the issues that really matter so that we can build up a public discourse and necessary change. The Feast in Birmingham is a youth example of that, with principles of engagement in which friendship is the key. They may seem very obvious: listen to what everyone has to say, do not tell others what they believe, do not force people to agree with your views and so on.

In the Church of England, we have mentioned the difference course. There are also the six pastoral principles, which are really painful, for those of us who are grown up, mature and confident, to be aware of as we face difficult conversations which may end in disagreement. They are: ignorance, power—as has been mentioned—fear, prejudice, silence and hypocrisy. We keep those in mind when trying to face up to disagreeing well on hard-won social issues.

Finally, just to mention another example, the Financial Services Culture Board, in that great industry, is trying to develop a culture of openness and honesty, where whistleblowing is not a necessary and brave thing to do but where issues can be raised easily and functionally so that, in an assessment of progress, we can see a benchmark model of improvement in how good speech and behaviour are improving in an important part of our society.

Noble Lords may be familiar with these principles. I am arguing that the intermediate activity of each individual in their groupings is the only way forward for actually practising these principles, which are enshrined in law. Some of them need to change worldwide, but we need to practise them. I hope those examples will give us encouragement to join in and change ourselves as much as we want to change others. Let us have difficult conversations and take this place for a creative, lively, compassionate and honest use of this precious gift of freedom of speech, for the good of all.

10.57 am

Baroness Stowell of Beeston (Con): My Lords, it is a great privilege to take part in the most reverend Primate's annual debate. I think it is the first time I have done so since becoming a Member of your Lordships' House. In responding to his Motion, I will take a perhaps more practical approach than many others speaking today.

I should start by being absolutely clear that freedom of speech is critical to a healthy society and democracy. Institutions across all sectors must allow all of us to exercise that fundamental right. However, I would be concerned if we felt it necessary to make this a primary purpose for organisations which exist to serve everyone—especially in an age which feels increasingly intolerant and hostile when people disagree. Let me try to explain why.

I start by stating the obvious. Our institutions play a vital role in society. Many are the glue which unites us, so we need them to keep pace with and stay relevant in a modern world. If they have been established for the benefit of everyone more broadly, they need to retain the tacit support of everyone. Those responsible for running these institutions must be respectful of other people's points of view. To be clear, I mean views which may be different to their personal opinions. That sounds obvious, but too often in practice institutional leaders are not doing it as well or as consistently as they need to. That is often why too many of our very important institutions get embroiled in controversies and why some of them are in jeopardy. Indeed, it is why some people feel that they are contributing to society's divisions instead of helping us bridge our divides.

For me, our starting point should be demanding that our institutions, which exist to serve everyone, deliver their central purpose in a way that shows they understand and respect the expectations of everyone. In simple terms, that means being open and accountable, taking every legitimate complaint seriously and taking every complainant seriously. These are reasonable expectations in exchange for the support they rely on from taxpayers, customers or consumers, many of

whom will have different views or a different perspective on a whole range of things to those who run these institutions. Their difference does not delegitimise them. Indeed, many people whose support institutions rely on will not even have definitive opinions, ready for instant expression, about the root causes of inequality, how best to tell the story of Britain, or even on the exercise and limits of free speech. They just want what they are paying for to meet the standards that they expect and for some of our most important institutions to be an antidote to politics and division, not another front on which to wage a war against political enemies.

I know that those same institutions will say that their dilemma is how to serve everyone in this increasingly complex and fractured world without taking sides, and how to stay relevant and meet the demands of a forever-changing, modern world. The short answer is that there is no easy or quick answer, which is why, understandably, they often find it hard to resist when a new movement or campaign comes along with what seems like a short cut to modernity or easy access to an underserved section of the population that they have a duty to serve. However, any cause that promotes a position as if it is accepted wisdom and what all right-minded people think, when it is a contested matter, needs to be treated with huge caution. When you exist for everyone's benefit, you cannot jeopardise the support of your old friends in favour of some new ones. You need to think carefully and move slowly.

Our independent institutions, which are so important, need to understand that politics is not just partisan. In fact, they do not get to decide what constitutes "political" in the eyes of the public. Those who object to what they see as the politicisation of institutions are not, as is often alleged, themselves committing a political act. Their concerns need to be taken seriously by the people responsible for those institutions, not just those at the extreme of either side of a political divide or a contentious debate.

It is possible to modernise and bring everyone with you. I am proud to say that the House of Lords demonstrated that when we debated and passed the equal marriage legislation eight years ago. The critical thing we did, which was different to the way in which MPs operated in the House of Commons, was remove the politics and show respect for people who were uncertain about what was proposed. In return for that respect, we were given a hearing to make the case for something new, big and bold. That led to bigger majorities here than in the other place, so we have shown that it is possible to do these things and bring people with us.

I am grateful to the most reverend Primate for securing today's debate; as I said, it is a real privilege to take part in it. In my view, the best way for our institutions to uphold the principle of free speech is to respect and keep pace with modern public expectations in fulfilling their fundamental purpose and to stay out of all politics.

11.03 am

Baroness D'Souza (CB): My Lords, we all agree that free speech is one of the most important of our individual rights and, some would argue, the cornerstone

[BARONESS D'SOUZA]

of democracy. However, it is increasingly hijacked by social media platforms to spread sensation, hate and disinformation, and by the so-called woke community to prevent views other than its own being expressed. The issue is how to balance much-needed regulation with the protection of free speech.

It is reliably reported that large sums of foreign money were invested in recent US and UK elections, as well as in the EU referendum. In 2019, political parties or leaders in some 45 democratic countries used computer propaganda tools to amass fake voter support, and a further 26 authoritarian states used social networks to control and/or suppress public opinion and media freedoms.

Democratic public discourse is threatened by disinformation. It diminishes the quality of democracy by fostering confusion and disbelief. It distorts the electoral process, resulting in electoral instability, and limits the freedom of the individual to make informed choices and exercise their political rights. It encourages dangerous polarisation, making it easy to just tap into one's preference, and it drowns out opinions that run counter to the prevailing wisdom. It was, after all, John Stuart Mill who said that Victorian liberalism would be destroyed by the conformity imposed by public opinion. We need dissident voices, unpopular views and robust debate but we absolutely do not need vicious trolling, often contributing to loss of employment and immense personal distress.

However, regulation is a tricky area and open to abuse by those who seek to control information. In 2019, a Russia-led and China-backed UN resolution on combating cybercrime by controlling information and suppressing political dissidence was passed, despite opposition from several major western powers. Many would, for these reasons, rule out legal restrictions.

There is intense discussion at the moment in the context of the draft Online Safety Bill to find guaranteed safeguards, such as a statutory duty of care on the part of social media companies. It is hoped that self-regulation will itself become a market force as more people turn away from those sites that spread hate and disinformation. It is, perhaps, a vain hope, but it is a hope nevertheless. A proper code of practice on misinformation and annual reports from social media platforms on what content has been removed in other jurisdictions would inform the user about the degree of authoritarianism in other nations. It is also suggested that there be a Joint Committee in Parliament to consider the regulation of the digital environment and proper monitoring of compliance.

However, these mechanisms will prove effective only if the public are actively involved—for example, enabling choice as to which platforms to use, such as those that have verified their identity, or limiting any one platform from being the default search engine on mobile phones. Digital citizenship and media literacy at early school levels, kitemarks for responsible platforms and the sharing of best practice models would together create a culture of much-needed public and individual responsibility.

Finally, civil society has an important role to play. For example, Full Fact—an organisation that will be familiar to many noble Lords—is one of the first of a

growing number of independent organisations whose sole purpose is to expose disinformation by forensically examining false claims and political coercion. The US civil society organisation Blackbird has identified a Twitter campaign in the US whose goal is to delegitimise the Democratic Party because of its early warnings on Covid. Increasingly devious mechanisms are constantly being uncovered and Parliaments around the world have a duty to monitor these threats and act, preferably at the international level.

11.08 am

Lord Stevenson of Balmacara (Lab): My Lords, I thank the most reverend Primate the Archbishop of Canterbury for securing this timeless debate and for his excellent speech. Indeed, it should have been evidence to the Joint Committee on online harms; I hope that he will consider forwarding it to the members, who might well be inspired. I declare an interest as a member of both that committee and the Communications and Digital Committee of your Lordships' House.

The Joint Committee on the Draft Online Safety Bill agreed its report at 10 o'clock this morning; it will be published next Tuesday. It has been a very good experience, along the lines of what has already been referenced in this debate, in terms of working well together, the collegiate nature of what we were about and the determination, despite the limited time that we were allocated, to report in the best interests of the public. The report is embargoed so I and the noble Baroness, Lady Kidron, who will speak later, cannot quote or anticipate it, but I think that noble Lords will be able to read in what I am about to say one or two of the things that may well appear on Tuesday—do not tell the chair.

The report attempts, I hope successfully, to deal holistically with the issues already raised by several Members of your Lordships' House on how to protect freedom in the digital world and counteract the adverse impact on freedom of expression that arises from the systemic risks created—and they are created—by the social media companies themselves in pursuit of their business plans. It is true that the online world has revolutionised our lives; the underlying systems, designed to service business models, shape the way in which we experience it.

As the most reverend Primate the Archbishop of Canterbury said, algorithms decide what we see, hear and experience, like it or not. Keeping users online, regardless of what they are looking at, is the true business aim of the companies involved. This can result in amplifying the false over the true, the extreme over the considered and the harmful over the benign. There are of course huge benefits from this brave new world, but there is a human cost, which can sadly be counted in events in Myanmar, in the persistent failure to raise the level of vaccination against Covid-19, in mob violence on Capitol Hill and in children and vulnerable adults being damaged by exposure to illegal content.

Based on the evidence that we saw during the committee's work, it is my view that, for far too long, online services have argued that they should not be held accountable for the design of their services and

that regulation should not be applied to mitigate the risks presented by the content and activity that society has deemed unacceptable. This must change. I hope that our report will start that process. Because of the embargo, I cannot say more, but I am sure the noble Baroness, Lady Kidron, will be able to add a little more for your Lordships' delectation and delight later in the debate.

I will use the rest of my time to talk about a particular problem related to the world that we are now entering, namely the retention of our records, so that we can learn from the experiences that we are all having online. Noble Lords will be aware of statutory deposit, which has existed in this country since 1662 and is well known. It obliges publishers to place at least one copy of everything that they publish physically in the UK and Ireland, from books to music and maps, at one of the six designated copyright libraries.

When I was director of the British Film Institute, I led a campaign to extend statutory deposit to moving image material, because I believed that that also has a lot to contribute to our knowledge and understanding of the world. As a result—it was only a partial success, I am afraid—we have extensive collections of broadcast television, held in the BFI National Archive at Berkhamsted. The BBC archive is also well maintained and looked after and we should be grateful for that. The situation for film and sound recordings is less satisfactory, as all the material in the collections is deposited on a voluntary basis and the collections are therefore not complete.

In 2013, the Government introduced new regulations that required digital publications to be systematically preserved. Since then, the six designated copyright libraries have automatically collected UK websites at least once a year to gather a snapshot of what they contain. Some important websites, such as news sites, are collected daily. They also collect e-books, electronic journals and videos, so we have a good collection of this material, but it is a tiny fraction of the material that we all know is available on the internet. You cannot base knowledge and research, or indeed future policy, on snapshots.

Access to this material is extremely limited: historic pages for only 19,000 or so websites can be accessed through the UK Web Archive's online portals, in person at the copyright libraries and only after explicit permission has been granted by the creators to allow access—if they can be traced. The framework also permits only one researcher to use a piece of material at any one time, which is surely a rather otiose limitation when talking about digital materials.

When he comes to respond, I hope that the Minister will accept that there is an issue here that needs further investigation and that action will be needed to ensure that the record of the internet and the impact that it undeniably has on all our lives, for good or ill, is not being ignored in the process of learning from it. I would be happy to meet him to discuss this point if he thinks that that would be helpful.

11.14 am

Lord Walney (CB): My Lords, it is a privilege to follow the noble Lord, Lord Stevenson. I greatly anticipate the report that his committee is due to publish next

week on the critically important area of regulation of the internet. It is of great interest, as he will understand, in relation to the report that I am writing for publication in the new year in my capacity as the Government's independent adviser on political violence and disruption, looking at the far right, the anti-democratic far left and single-issue groups, as well as the scale of the threat that they pose and measures leading into that. It is clear that freedom of speech and the ways in which the internet can be used or misused are of significant importance to that.

I was struck by the Roger Scruton Memorial Lecture given by Lord Sumption just last month, which examined at length the issue of freedom of speech. He made the point, which has also been eloquently expounded in many of the contributions today, about the importance of freedom of speech to the proper functioning of our liberal democracy. This is not simply freedom of speech as an abstract concept, but the need to enable, allow and tolerate a breadth of opinions within it, to ensure that our liberal democracy can remain resilient, so that we are not simply a country that has elections every few years but one that has the underpinning of understanding, tolerance and an ability to move that actually makes a country a democracy.

I feel a little self-conscious talking about a secular crisis of faith in front of the most reverend Primate the Archbishop of Canterbury and probably the most revered Anglican audience that it is possible to have, but I hope that he and they will indulge me, because I feel that this is relevant. I spent most of my life as a progressive, new Labour youngster activist and then a Front-Bench Member of Parliament and am now here on the Cross Benches. In most of my time growing up, I thought that I had a sort of Enlightenment view on equalities, with the idea that there were progressive opinions that were good and conservative opinions that were bad and that there would be an onward march of progressive legislation and culture change that would lead to ever-increasing benefits to humankind. In that context, if anyone had engaged me and my fellow new Labour acolytes on the idea of freedom of speech, we would not have had a great deal of interest in it. In fact, we would have spent more time engaging in no-platforming demonstrations for reprehensible people who we thought should not be given a platform in particular places.

The clash of rights, if I can call it that—I realise that that in itself is a highly contested way of describing this—between people with different views on rights related to biological sex compared to gender has profoundly shaken my faith in this sense of an ever-expanding sense of right as opposed to a clear sense of wrong. I am pleased that my noble friend Lady Falkner mentioned the plight of Professor Kathleen Stock. I add that the way in which the author JK Rowling is being pursued, with attempts to silence her, should profoundly concern us. It plays directly into this idea that we need a breadth of opinion to be able to make changes and decide where we want to go as a society.

It is sometimes seen as heretical or an abusive thing to say if one points out that many of the campaigners who now wish to place the views expressed by the likes of Kathleen Stock and JK Rowling as outside acceptability

[LORD WALNEY]

held views of that same kind 10 or 20 years ago. That is not to say that they were wrong then and right now, or right then and wrong now, but that you need that breadth of opinion to be able to understand where we want to go. I feel that that is being profoundly questioned now by people who are doing so for the best of intentions but who may well do significant damage to our democracy in doing so.

Turning to the partly related issue of online safety, one of the reasons I am seeking guidance from the committee and others is the profound tension regarding who, if anyone, should regulate the debate. It is potentially as problematic for a Government to regulate what should be within those bounds as it is for a very narrow group of people within Facebook. If you reject both those things, you are still left with the problem of where the boundaries should be, what the level of regulation should be and how you go about reaching an understanding.

I was really pleased to hear the noble Baroness, Lady D'Souza, talk so compellingly about disinformation. I feel that too often, we put together hate speech, misinformation and disinformation. However, I hope that a greater focus from government and the state on who is perpetrating disinformation—which countries and organisations—could unite all of us in what is otherwise a profoundly contested debate over where the boundaries of freedom of speech ought to lie.

11.21 am

Baroness McIntosh of Pickering (Con): It is a great pleasure to follow the noble Lord, Lord Walney, and I add my congratulations to the most reverend Primate on leading us in this debate today. He eloquently referred to the role of democracy; I would add to that the rule of law. Clearly, during times of war, freedom of speech, democracy and the rule of law are simply swept aside.

My mother was born in Copenhagen, Denmark, in 1920 and lived through German occupation of her country during the Second World War. Many will have heard of Kaj Munk, who was a Danish pastor, a writer and a leading playwright. Through his writings and speeches, Kaj Munk became a symbol of the Danish resistance movement. That led to his assassination by the Nazis in January 1944. Listening to my family and hearing their experiences made me appreciate how Europe came together after the war and how both NATO and, I would argue, the European Union have protected our fundamental freedoms, including the freedom of speech, since that time. At no time has it been more important for us to continue to work with our NATO and European partners, both for our own safety and to ensure the freedom of speech of others. I think at this time of the people of Ukraine, Poland and other parts of Europe, who feel threatened by the active, aggressive presence of Russian troops.

I had the privilege to sit on the Rural Affairs Group of the Church of England under the excellent leadership of the right reverend Prelate the Bishop of Exeter. I pay tribute to the role of the Church in rural communities. At no time was that seen to be more effective than when, during the foot and mouth outbreak of 2001,

the then most reverend Primate the Archbishop of York pleaded with the then Prime Minister for a delay to the general election so that those living in the countryside, such as isolated farmers, could exercise their democratic right to vote. I greatly value the work of the Church and in particular the Rural Affairs Group. I make a plea to the right reverend Prelate today to ensure that rural affairs continue to hold a special place in the Church of England. Even though the rural affairs committee may be wound up, I am very conscious of the dwindling numbers, particularly in parochial councils and fundraising.

Sadly, the church where I grew up, attended Sunday school and where my husband and I were married has closed owing to rot and the floor having to be removed. It is a matter of great sadness to me that St Mary the Virgin in Middleton-in-Teesdale, County Durham—it is close to Barnard Castle, which now always gets a laugh because it is so well known in political circles—will most likely never reopen as a church but will become a heritage centre to educate people on the importance of the church and farming life in the countryside. However, I hope that it will continue to be used as a place of prayer going forward.

Finally, I would like to consider the role of social media and online harms, particularly the dangers and risks that they pose for children and young people. I was particularly grateful to the noble Lord, Lord Stevenson of Balmacara, for talking about the work that the committee has been doing, and we look forward to reading its report, which is hot off the press. I hope that the Proof of Age Standards Scheme, whose board I chair, can play its part, particularly in developing a digital standard for proof of age going forward to ensure that children and young people can access the internet safely. As the most reverend Primate put it, balancing privacy and freedom of speech—to which I would add safety of access—has proved to be one of the most difficult contemporary challenges we face.

I congratulate the most reverend Primate the Archbishop of Canterbury on introducing today's debate. Given the contemporary challenges to freedom of speech that he so eloquently addressed, at no time could this be more appropriate. Each of us in your Lordships' House has a part to play, starting with the oath we take on being introduced to this House, when we are given a voice to speak up on behalf of others. It is incumbent on each of us to use that voice wisely and to speak up on behalf of those who have no voice in Parliament or our counsels and assemblies. I welcome this debate and the opportunity for us to consider the contemporary challenges to freedom of speech, and I look forward to hearing the rest of the contributions today.

11.27 am

Lord Harries of Pentregarth (CB): I thank the most reverend Primate most warmly for initiating this debate and for his truly excellent speech.

Truth matters, and we are truth-seeking animals. To give up on truth and to take the view that one opinion is simply as good as another is not so much to sell our human birthright for a mess of pottage as simply to

throw it away. When I was growing up as a child, to tell a lie was the worst crime you could commit. You might do something wrong but if you admitted it and did not lie about it, all could come right. You simply did not lie. How does that obligation to tell the truth stand in our society now, I wonder? Does it still stand strong? I am glad it is still a crime to lie in court, and a punishable offence to lie to Parliament.

I mention this because the primacy of truth provides the moral background for our debate today. Freedom of speech matters because truth matters, and we are truth-seeking animals. Of course, people have different perspectives and they weigh facts differently. Above all, some speak from a position of power; others from one of extreme vulnerability. How right the most reverend Primate was to remind us that we should not enter into any of these debates without an acute sensitivity to the relative power relations of the people who are engaging in them. But, that said, the objective of any disagreement or debate must be to get at, or at least closer to, the truth, and we do this by rational debate.

After all, there are only two alternatives: to go on trying to resolve difference by rational discussion, or to impose one's view by force. That is of course the policy of vast numbers of countries around the world where there is no or very limited freedom of speech. But we claim to be a democracy in which freedom of speech is fundamental. If this is so, it has to characterise all our institutions, especially our universities.

However, before getting on to that, I pay tribute to those reporters in the media who are committed to discovering and reporting the truth. At what is now the main entrance to the BBC in London is a statue of George Orwell, with his words inscribed on it:

“If liberty means anything at all, it means the right to tell people what they do not want to hear”—

and this of course especially means telling Governments what they do not want to hear, speaking truth to power. This can come at a price. On the altar of the church of St Bride's in Fleet Street are the names and photos of all those reporters who in recent years have done this at the cost of their lives. There are scores of them.

Returning now to debates in universities and other institutions, we have to accept that a view might be legal but still hurtful for someone to hear it. It is fundamental to good debate to recognise that some people are very vulnerable and can, understandably, be hurt. This is obviously the case with people who are in the process of changing or have already changed their gender. They are vulnerable and need to be treated with respect and sensitivity. Nevertheless, there is a real and serious debate here between feminists about the social and political implications of someone being transgender, and it needs to be heard.

The way JK Rowling was treated for expressing one side of this debate was quite disgraceful. The way Professor Kathleen Stock was treated at Sussex University is even more shaming, for universities, above all, should be places where the truth is sought by rational discussion. I do not do social media—perhaps I am not brave

enough—but Rowan Atkinson has described cancel culture on social media as a place where a medieval mob is

“roaming the streets looking for someone to burn”.

On this issue we have to be aware not only of organised lobbying and campaign groups but of some foreign countries that are interfering in academic discussion in this country. I read recently of an academic conference on what is happening now in India, which is of course very serious. Pressure was put on some academics to withdraw their names from speaking at the conference—which, sadly, they did.

The law is quite right to forbid any kind of stirring-up of hatred because of a person's race, religion, gender or sexuality. But if an opinion, however disagreeable and however wrong, does not do this, it has to be heard and combated only by rational means. For example, I have long supported gay rights and argued that the Church should have accepted permanent, stable, loving relationships and offered a service of blessing. But I accept that a conservative evangelical can still treat someone who is gay with respect and sensitivity while holding views that are mistaken and hurtful. Their views are hurtful to gay and lesbian people, but it is as wrong to label such people as in principle “homophobic” as it is to label others “transphobic”. There is hurt, but it still has to be resolved by argument, not by ostracism and no-platforming.

This is a serious issue, absolutely fundamental to true democracy, and right at the heart of what we are as human beings: rational, truth-seeking animals. We need to get at the truth by free discussion, to uphold freedom of speech in universities and society as a whole. In recent years, it has been seriously under threat.

11.34 am

The Lord Bishop of Oxford: My Lords, it is a great privilege and honour, as always, to follow the noble and right reverend Lord, Lord Harries, one of my distinguished predecessors. I am grateful for this timely debate and to the most reverend Primate for his very comprehensive introduction. In a few days' time, as we have heard, the scrutiny committee of both Houses will publish its report on the online safety legislation: a potentially vital web of provisions to prevent harm to individuals and, I hope, to society.

The debate around the online safety Bill will raise questions of principle about freedom of speech, and I very much support the most reverend Primate's case that the free exchange of ideas is a keystone of our society and democracy. In many areas, as we have heard, those freedoms need a more robust defence. In others, the rights of the most vulnerable need protection from harm.

According to Proverbs 15, verse 1:

“A gentle tongue is a tree of life, but perverseness in it breaks the spirit.”

Words can be an immense blessing but, when amplified through social media, also weapons of mass destruction to people and societies. Consequently, as a society, we will need wisdom to discriminate and to make judgments

[THE LORD BISHOP OF OXFORD]

about the limits and boundaries of our freedoms in the light of these new technologies, and this debate in the coming months must avoid lapsing into hollow slogans on either side.

We have seen the rapid evolution and spread of social media over less than 20 years. Regulators have struggled to keep up, or even to reach the starting line. The big tech companies at present largely set their own rules and evaluate their own compliance.

I have learned that the development of ethical guidance for new technologies is not about the invention of new moral codes or principles. It is largely about the sensible translation and application of existing moral standards to the online world, especially in the protection of children, minorities and the most vulnerable. Freedom of speech is indeed to be preserved, but it, too, must be subject, online as offline, to a yet higher law of civility and mutuality. The UK Government have decades of experience in regulating broadcast content around these tensions, and it is this experience which must now be applied to new technologies.

It must be right, therefore, that major corporations which act as publishers of potentially harmful content should have a duty of care both to individuals and to society. A greater share of the immense profits realised in advertising needs to be ploughed back into protection of the vulnerable. Algorithms must be subject to scrutiny, especially when they are shown to amplify hatred and to target those already at risk. There must be robust protection for the young through careful age verification, which is urgently needed.

Anger, hatred and vitriol are all around us because the social media companies have discovered that this is where the greatest profits lie. It would be perfectly possible for social media to bring to the top of our feed stories of faith, hope and love rather than of cruelty and venom. Honest argument and exchange of ideas is one thing, but, at present, opaque microtargeting sold to the highest bidder distorts the societal context of freedom, challenging the very nature of democracy.

A century ago, the British Government took the significant step of establishing the British Broadcasting Corporation in the face of rapidly developing new technology—then, radio. The BBC was founded in an intermediate space: on a strong ethic of public service, including freedom of speech and independence of governance. Public service broadcasting has provided a model of best practice in these debates, alongside the work of regulators.

Is it possible to imagine a similar public service provider for the 21st century, search engines free of advertising, social networking freed from the blind pursuit of profit, messaging services which do not mine our data—and all protecting the rights of the child? Perhaps the Minister could indicate in his reply whether the Government might be willing to explore this kind of radical intervention—social media in public service—in this vital area.

The existing tech sector is urgently in need of both new regulation and a wise regulator, new rules which will enable all to enjoy the benefits of technology without the dangers and, I hope, a new and match-fit

regulator in Ofcom. It will be essential that Ofcom itself pays careful attention to gathering wisdom and to the ethical formation of its board and senior team.

We need a public debate on online safety that extends far beyond this Parliament, but I also hope that, as we consider the proposals that will be published in the coming days, we in this Chamber avoid a lazy caricature that uses freedom of speech as some kind of trump card to dissipate all regulation. Instead, I hope and pray that we will, through reason and argument, seek to balance the preservation of those freedoms with robust regulation and a wise and independent regulator.

11.40 am

Baroness Jenkin of Kennington (Con): My Lords, the past year or so has seen a troubling increase in intolerance and the so-called cancel culture. Many of us have been, at best, naive about what is happening at universities and among activist groups. A number of recent cases have focused on attempting to silence those who are gender-critical or biological realists. Many of them are women, from MPs Rosie Duffield and Joanna Cherry to academics Raquel Rosario Sánchez and Professor Jo Phoenix, barrister Allison Bailey and tax expert Maya Forstater, all forced to take legal action to protect their reputations and livelihoods. They also include artists, such as Jess de Wahls; only this week, dancer Rosie Kay was forced out of the charity that she set up for daring to express her view that biological sex is real.

These women have been intimidated, harassed and bullied for simply expressing opinions that everyone once took for granted: that women are adult human females, and that biological sex matters. Professor Kathleen Stock has been hounded out of her job at Sussex University for her belief that biological sex is binary and immutable—a belief that I would call a scientific fact and a fact of life. Professor Stock was accused of making trans people feel unsafe. Why should scientific facts make anyone feel unsafe?

Trans people do not all think alike. What about those who agree with Professor Stock, such as Dr Debbie Hayton? How do they feel? Debbie Hayton is a transsexual who transitioned in 2012. She has written extensively in the press, and I find her perspective rather refreshing. She has defended Professor Stock and written in support of JK Rowling. She has little time for what she calls “gender identity ideology”. Her views could be summarised in a line from one of her own articles: that

“gender identity is bollocks; you either have them or you don’t.”

It is fair to say that Hayton divides opinion with such views, but should she not have the right to express them? No, according to what she called the “transgender thought police”. She may have a point but, while they may police thoughts, they are not necessarily transgender themselves. They use transgender rights to attack and cancel others.

You do not need to search too far on social media to observe the hate directed at Hayton, presumably for being the wrong sort of trans person:

“Lord Haw-Haw Hayton, the quisling wannabe ... Debbie Hayton is a monster, a completely twisted human being”.

Sadly, such abuse is all too frequent, as are death threats. She gets those too:

“Debbie Hayton is a traitor to her community and should be afforded the proper respect as such.”

That tweet continued with images of three large knives. However, while her attackers hide behind anonymous profiles, Hayton campaigns under her own name. She is a science teacher, and it is not difficult to identify the school where she teaches. She is therefore vulnerable to being cancelled, not only on social media but in her employment. The chatter on Twitter shows that pressure is being applied:

“It amazes me that Hayton’s employer still employs her in any capacity in education and that the relevant anti-terrorist policing department hasn’t acted.”

Someone else then added:

“They’re as transphobic as she is. I’ve tried to complain a few times, they just said, ‘She’s just concerned.’”

Earlier this year, Hayton added her name to a letter criticising the decision by the Women’s Prize for Fiction to longlist a book written by a trans woman. One of her opponents tweeted the school where she teaches directly:

“How do you continue to endorse Debbie Hayton when she is happy to sign a truly transphobic letter? Your continued support for her is transphobia.”

I commend Hayton’s courage for being prepared to say what she thinks. I also praise her school for standing firm.

In many cases, employers have responded to such criticism rather differently. When we ask ourselves why more people—and, indeed, more trans people—do not speak out in support of those such as JK Rowling and Kathleen Stock and defend the rights of women, maybe we have an answer. Campaigning might be part and parcel of a democratic society, but it rarely pays the bills or puts food on the table. This debate is not a dispute between women on one side and trans people on the other. Stock and Hayton appear to be on the same side, and are both attacked for making rational arguments. It is not just abuse on social media, as if that were not bad enough. Their freedom of speech is threatened in part because their livelihoods are threatened. That is wrong. Professor Stock was hounded out of her job at Sussex University. Hayton hangs on to hers, but what are we doing as a society to protect their right to speak and not be punished for it?

Criticism of gender identity ideology is not an attack on trans people. It is not transphobic to support women’s rights. Trans people such as Debbie Hayton make this very clear. Hayton has described it as an authoritarian, quasi-religious cult—one where you must believe or be thrown out. As she rightly points out, I am an apostate. We must do better for Dr Hayton, Professor Stock and anyone willing to stand against an ideology. The rights of women and the safeguarding of children may depend on it.

11.46 am

Lord Brown of Eaton-under-Heywood (CB): My Lords, as a Jew, albeit a non-believer, I am not insensible to the sensitivities of mankind, by which I mean humankind. At school in the early 1950s, it would have been surprising, as a Jewish boy, never to have

been referred to as a “Yid”. Occasionally—rarely—one was but, generally, such a term was used entirely carelessly, not with any malice or hostility, and one was inclined to ignore it rather than allow it to interfere with established relationships and friendships.

Later in life, it became impossible simply to ignore an anti-Semitic remark, however obviously unmalicious. Because I do not look obviously Jewish, apparently, when recognising that a particular conversation might be heading in that direction, my habit has been to pre-empt such a remark by at once pointing out that I am Jewish and the speaker therefore better be careful about what he is going to say. I do this to save him the embarrassment of having to apologise and explain rather than to save myself from unintended offence. The plain fact is that most such ostensibly prejudiced remarks are not offensively intended but are the result of thoughtless, careless habit.

Of course, we should all strive to correct our ways, but some—the stupider and, let us face it, often the more elderly—are less corrigible than others. There seems today to be a growing tension, often apparently intergenerational, between those ever ready to identify themselves or others as victims and those who insist, no doubt carelessly, on invoking their general right to freedom of speech and expression. Most of my generation is deeply distrustful of wokeness. However, as was tellingly pointed out in a recent letter to the *Times* from the headmistress of Benenden, woke is merely a shorthand to describe those who are awake to the principles of social justice. Which of us would not wish to be woke in that sense? If you broaden out the debate to include, for example, such sensitive and challenging issues as the tension between trans rights and feminist rights, discussed already this morning, and, more fundamentally, the tension between freedom of expression and freedom from the expression of discomfiting views, the way ahead sometimes becomes less clear.

In the context of free speech, we all know—and I need not repeat—Voltaire’s celebrated aphorism. However, today, there appear to be those among us who would invert it. Their attitude is this: “I agree entirely with all that you say, but I will fight to the death to prevent your saying it”.

My essential point is this: let us try to take thoughtless unintended insensitivity in our stride. Those inclined to take offence should be more resilient and refrain from demonising those whom, we feel, could and should be more sensitive to the sensitivities of others. Where possible, save them embarrassment. Eschew, rather than assert, victim status. Try to pre-empt rather than await unintended insult. Whenever a clash is threatened between freedom of speech and freedom from possibly hurtful speech, start with at least a partial affection for freedom of speech.

In the context of the PCSC Bill now before the House on Report, do not enlarge the scope of hate crime to include misogyny. Obviously that is a very different kettle of fish from encouraging violence by incels but, generally, do not go out of one’s way to emphasise hate speech. Another part of the Bill deals with registering it even when it is not in the context of a crime.

[LORD BROWN OF EATON-UNDER-HEYWOOD]

In short, what we need today is more sense and less sensibility. I am sure Jane Austen would agree.

11.52 am

Lord Faulks (Non-Afl): My Lords, it is a great pleasure to follow the extremely woke noble and learned Lord, Lord Brown of Eaton-under-Heywood. Free speech is extremely important to all of us. I declare a particular interest as chair of the Independent Press Standards Organisation, which regulates the vast majority of what I might call the traditional printed press and its online manifestations. As an independent regulator, I am careful not to give my opinions on the issues of the day too often, for fear that this might be perceived as showing a lack of independence.

We in IPSO are lucky enough to have a very good communications department, which always advises me against offering my views if at all possible—wise advice, I am sure. This week, I said to our head of communications that I was planning to speak in a debate on free speech. A worried look crossed her face and she said to me, “You’ll have to be very careful what you say”. I decided to reject her advice but I will not speak about the important matters raised by the noble Baroness, Lady Jenkin, such as free speech in universities, the balance in the Human Rights Act between freedom of speech and Article 8 or the difficult issues with which the Law Commission has had to grapple. Rather, I will focus on the important role of journalism of what one might call the traditional sort.

The low point of the reputation of our press—it has had plenty of low points—was probably the practices that led to the Leveson report. Better regulation was one of the main takeaways from Leveson and the threat of state regulation of the press hovered, which worried most of us profoundly. More than seven years have passed, and the threats to the traditional press have altered. I hope that press regulation has become better; judging by the volume of complaints that IPSO receives, it is better understood by those who wish to complain. Newspapers are, on the whole, much better behaved.

Covid presented a real challenge to everyone, not least the newspaper industry. It has just about survived, so far, but there was a major decline in advertising revenue and circulation. Newspapers had to cope with the real challenge of what was truthful and accurate in reporting about Covid. IPSO has just published a report based on its analysis of how the press performed and responded to various complaints. It shows the press in an extremely good light and emphasises the value of good journalism.

The real threat to the traditional press, and thus to free speech, comes from social media, mentioned by so many noble Lords. I entirely accept the most reverend Primate’s observation that it has provided a voice for those who do not often have one but, too often, it is unaccountable, often defamatory, recklessly damaging to reputation and damaging to the interests of vulnerable members of society. Too many of us were initially enthralled by social media, I fear. Compare the position of the traditional press, which is curated and regulated—I hasten to add that newspapers are not always happy

with the decisions of the regulator—with that of social media, where news is often stolen from other sources, including local news, which is an important and dwindling asset. Editing is based on algorithms geared not necessarily to establish truth or accuracy but for commercial ends.

The Online Safety Bill has a lot of heavy lifting to do in this regard. It is innovative and will not be perfect, but I am excited to read what the committee has suggested. In the course of considering the very laudable aims of this Bill, we should not let perfect be the enemy of good. This could witness a real sea change in the attitude to freedom of speech through the media.

Of course, freedom of speech has never been an absolute. It is what my lecturers at university used to call a residual right, but there have even been challenges to what the first amendment of the United States constitution means. As pointed out by the noble and right reverend Lord, Lord Harries, traditional journalism can involve enormous risks to journalists, not just in reporting from conflict areas but in speaking out against dictatorial regimes. However, it is a central part of what we regard as valuable democratic values. Therefore, let us respect the interests of free speech served by journalists doing their job in a situation where they are properly regulated and accountable. It is a valuable contribution that we should not lose sight of.

11.58 am

Lord Kirkham (Con): My Lords, I heartily thank the most reverend Primate the Archbishop of Canterbury for today’s debate and for reminding us that free speech is fundamental to a just and generous society. Indeed, he said that it is the only means for a just and generous society. Clearly, freedom of speech is precious and should be protected.

Freedom of speech is protected by parliamentary privilege within these walls but, everywhere else in our country, it seems to be under unprecedented threat. How can it be right, as we heard from my noble friend Lady Jenkin, that senior academics are being hounded out of their jobs and prominent authors cancelled because of their views on biological sex? Speakers are “no-platformed” by universities because they may offer a view challenging the currently fashionable, progressive consensus. People are deprived of their livelihoods, without warning or notice, because they tried to tell a joke. I doubt that there is a more challenged profession in the UK in 2021 than that of the comedian, whether amateur or professional.

Unquestionably, every citizen in this country has the absolute right not to be victimised or abused for their race, religion, gender, appearance or way of life, but no one has the right not to be offended by someone else’s expression of their views or by their sense of humour, unless what they say is specifically prohibited by law. Very often we find that offence is taken vicariously by those anxious to protect the feelings of what they perceive to be sensitive minority groups. I and I am sure many of you know Muslim, Hindu and Jewish families and those of other faiths who celebrate Christmas with just as much enthusiasm as their Christian neighbours, who cannot begin to understand why

some wish to remove references to Christmas out of concern for their imagined feelings, and who most certainly do not regard people of other faiths and traditions joining in the celebrations of their own feasts and holy days as unwelcome cultural appropriation.

We have not merely bent over backwards to avoid giving offence, but contorted ourselves into an almost unbelievable mess by feeling we have to pause and think before we utter even the most commonplace phrase or saying. Will I upset someone in my audience if I kick off my after-dinner speech with the traditional words, “Ladies and gentlemen”? Indeed, what, in 2021, is an acceptable alternative? Should I add my preferred pronouns to my correspondence, even though I have yet to meet anyone doing this who does not prefer the pronoun I would instinctively have chosen for myself? Am I committing a microaggression if I mispronounce a name or raise my eyebrows when someone else is speaking?

I do not use social media, which is probably just as well, but in this context I can see the sense of inserting a personal filter and pausing to think before joining a debate—of asking myself whether what I propose to say is compliant with the law and whether any offence I might give was justified by the strength of my argument. Too few people do this, not only because they are so utterly convinced of their absolute right to free speech but because in many places they are protected by anonymity. It is far too easy to post cruel and hurtful things under the shelter of an anonymous Twitter handle that the poster would surely hesitate to say face to face, or indeed online under their own name.

In my business life, every statement made to the public via the stock exchange was carefully checked by lawyers to ensure that it was true. That is the norm. Newspapers similarly take great care to ensure that anything that might put them at risk of a libel action is similarly checked and found to be legally watertight before the presses roll. There is no such check or restraint on social media, and the quality of our discourse as a society has become cruder and crueller as a result.

Even so, the list of the things we are not allowed to say in public, or indeed in private, should be kept as short as possible. Of course no one should have the right to incite war, stir up racial hatred or persecute minorities, but equally no one should have the right to absolute protection from being offended, particularly by a joke. In an ideal world we should all be kinder to each other, with that kindness extended to understanding the challenges of the older generation, who so often struggle to keep up with the words they have used all their lives suddenly becoming offensive. If we can only apply common sense and resist the zealots on both sides of the argument, we can defend, guard and protect free speech in a way that allows all of us to enjoy the civilised conversations and healthy debate that are at the heart of any worthwhile human society.

12.04 pm

Lord Cashman (Non-Afl): My Lords, as a member of a minority, I am particularly pleased to follow the noble Lord, Lord Kirkham. This is an extremely

important debate that strikes at the very heart of the kind of country and society we are. I will introduce my personal point of view.

Recently in your Lordships’ House, we discussed freedom of speech and expression during Questions. I was particularly struck by something the noble Lord, Lord Cormack, mentioned, which was a reflection in relation to Salem. He was, of course, referring to the witch trials of Salem. As someone who is trans inclusive and has continually defended the rights of trans people to become themselves, defending trans men, trans teenagers and trans women in particular, I too have felt that it is like Salem. I will not regale your Lordships with some of the unpleasant accusations levelled against me because I have dared to defend and support trans people and their right to be themselves—their right to be treated equally. But I have noticed that the attacks on those of us who support trans equality have been particularly nasty. Organisations and institutions that defend trans equality have equally been targeted and attacked.

Individuals who voice pro-trans views in the public sphere are frequently attacked by those who wish to silence them. On social media every day, people who advance reasonable views in support of trans people are often harassed in the most vicious ways. Organisations that support trans people and their families and others that support wider equality, including trans inclusion—organisations such as the Girl Guides; Mind, the mental health charity; and the National Trust—are all attacked and piled on to because they support LGBT+ equality.

So yes, I agree that it feels like Salem. I want all sides and those in the middle to be recognised as suffering for what we believe, but it should not have to be like this. Just because I have an opinion does not make me right and it does not make me wrong. I have an opinion on this issue based in principle and in law, and in the defence and promotion of equality.

The absence of trans voices from this debate has not helped matters, but can one honestly wonder why trans people have hesitated before engaging? The defamation, stigmatisation and misrepresentation of trans people—trans women in particular—and the depiction of them as a threat are deeply toxic and place them in dangerous territory. Fears about trans people have been whipped up, often without a shred of evidence, in your Lordships’ House and the other place, and by a biased and partisan media eager to grab controversy. This helps no one—certainly not the vulnerable, nor those in fear of what they are told might happen to them. This misrepresentation diminishes every single one of us.

We are not helped when the media and members of the Government indulge in and stoke up so-called culture wars. None of us is helped by this, because what I do know is that when the rights of one minority are diminished it is not long before the rights of other minorities are attacked and diminished. The history of the 1930s so painfully reminds us that we must speak out. We must have the courage to stand in the shoes of the others.

That includes standing in the shoes of those who feel that they are threatened. So I stand in the shoes of that trans woman and I imagine what it must be like to

[LORD CASHMAN]

be her—to face the misrepresentation, defamation and dehumanisation reported in the media, regurgitated in bars and whispered on the streets as she walks along them. I wonder what it must be like to live with that kind of hatred daily. I stand in her shoes and I know that I would not want it to happen to me, and if I would not want it to happen to me, how dare I allow it to happen to others? Therefore I will not be silent, which would be easy in such a heated and whipped-up moral panic, and I will not acquiesce. I want my voice and the voices of others to be respectfully heard.

Of course we must take note of the contemporary challenges to freedom of speech but, importantly, we must also recognise our own individual responsibility in recognising and exercising the right to freedom of speech in ways that promote the freedom for us all to live our lives without fear. Freedom of expression is without question the lifeblood of a democratic society and, because of this, the right to freedom of expression, as our own human rights law recognises, comes with duties and responsibilities.

This means that we should never use freedom of expression to extinguish the freedoms of others, especially those so often unseen, misrepresented and shamefully unheard. The Constitutional Court of South Africa recently reminded us that speech is powerful:

“it has the ability to build, promote and nurture, but it can also denigrate, humiliate and destroy.”

That court eloquently reminded us that hate speech is “the antithesis of the values envisaged by the right to free speech—whereas the latter advances democracy, hate speech is destructive of democracy.”

For this reason, I am very pleased that this week the Law Commission made recommendations to strengthen the protection of trans people from the hatred that they are too exposed to. I end by reiterating that we all have a responsibility to exercise our cherished right to freedom of expression in ways that promote and do not diminish equality. Equality threatens no one. The rights of one reinforce the other.

12.11 pm

Baroness Sanderson of Welton (Con): My Lords, it is a pleasure to follow the noble Lord, Lord Cashman. I, too, thank the most reverend Primate for tabling today’s debate. As we have heard, the threats to freedom of speech in today’s world come in many and varied forms. I shall speak about the challenges in one area, and that is literature.

I was prompted to do so after reading an interview recently with Dame Rose Tremain, one of our best and best-loved writers, who has said that she is not sure whether she will write another novel. This is not because of her age—I hope she will not mind me saying that she is now in her eighth decade—nor is it because of her health. Indeed, this is a woman who refused chemotherapy after being diagnosed with pancreatic cancer because it could have damaged the feeling in her hands which could have left her unable to write. Yet now, here she is, a couple of years on from that diagnosis, with one further novel under her belt but unsure whether she will ever write again because of the climate we have somehow found ourselves

in, a climate which not only threatens our freedom of speech but in this instance, it seems, our freedom of thought and imagination as well.

Dame Rose is a writer famous for inhabiting various different characters from a transgender man to a European immigrant, books that arguably she would struggle to have published nowadays because now, as she says:

“There’s a whole debate about ... whether we’re just constrained to write about ourselves ... Supposing Dickens had only written about himself ... I feel a bit stuck as to what I can be allowed to write. What pathway can I take? How can writers like me, who have always gone elsewhere, find the next subject? I keep searching in my mind ... and thinking, ‘No, that won’t do, that won’t do.’ So whether I’ll find anything to write about is, I think, now a moot point.”

Noble Lords heard her—she said

“what I can be allowed to write.”

So who decides that? The publishers would argue that, ultimately, the market decides although, as we know, it is not that simple anymore. Once again, in this, as in so many other areas of life, we come back to social media. I, too, agree with the most reverend Primate’s point about those previously unheard, but we must also take account of the damage done when storms are whipped up and reputations torn to shreds in in just a matter of hours. When *American Dirt*, a best-selling novel by Jeanine Cummins, was deemed racist by the online mob, reviewers felt compelled to back-track on their earlier praise, while the author’s tours had to be cancelled after threats of serious violence.

Rachel Rooney, a successful children’s author, has said that her career is now over after she dared to write a book, *My Body is Me!*, helping children to understand and accept themselves rather than simply assuming they have been trapped in the wrong body. Such is the vicious nature of the current debate on this issue, as we have heard across this House today, that Rooney was accused of promoting terrorist propaganda and, after two years of online smears, has effectively been drummed out of publishing. Perhaps it should not come as a surprise that Sir Kazuo Ishiguro has warned that young writers are now self-censoring and less willing to take risks because they want to avoid being targeted by online lynch mobs.

Others will argue that this is simply the old guard failing to catch up with the prevailing ethics of the current generation, but I do not agree. We should worry about the real-life consequences of this online intimidation. As David Shelley, CEO of Hachette, told our own Communications and Digital Select Committee:

“I have not seen an instance of so-called cancel culture or people getting exercised by anything that has not originated from Twitter, Instagram or one of a few big tech platforms.”

What to do in upholding freedom of speech in this context? Personally, I do not think the answer lies in sensitivity readers, a phenomenon popular in the US and now over here, whereby people vet manuscripts for problematic language or stereotypes. It definitely does not lie in an older generation of writers feeling forced into hanging up their boots. Surely the answer, at least for the industry, lies in seeking out wider views and more authors from diverse backgrounds. Change is happening—not quickly enough, but at least it is

going in the right direction. Certainly, some of the best novels I have read in recent years have come from newer voices; they have enriched and improved my understanding of the world. Surely, that is what literature is for.

Sir Kazuo Ishiguro also said, this time in his Nobel speech:

“Good writing and good reading will break down barriers.”

As the most reverend Primate the Archbishop of Canterbury says, it should help us to disagree well. In my view, it should certainly encourage greater empathy, not lead to immovable judgment. That is why I want to read Kiley Reid and Kamila Shamsie—but I also very much hope to read a new novel by Rose Tremain.

12.17 pm

Baroness Kidron (CB): My Lords, as a young child I had an operation that meant I was unable to speak for a year. I arrived at secondary school, aged 11, complete with a horn to attract attention, like Harpo Marx, and attached to my waist a pen and paper on which I could ask or answer questions. It was embarrassing, alienating and occasionally hilarious, but from my silence I noticed who spoke, who listened and who got ignored. Even at that young age, I understood that having a voice requires the circumstances in which to be heard, as well as the freedom to speak.

I declare my interests as set out in the register, particular as chair of 5Rights Foundation and a member of the Joint Committee on the Draft Online Safety Bill. I am really sorry if I disappoint noble Lords by failing to offer spoilers; I am far too frightened of the chair, Damian Collins MP. I hope my words speak to the urgency of our recommendations.

Earlier this year, the Center for Countering Digital Hate found that just 12 accounts were responsible for 65% of Covid misinformation across 800,000 posts subsequently seen by 59 million people. In 2016, a Facebook internal review found that 64% of people who joined an extremist group did so only because the company’s algorithm recommended it. This year thousands of people, including many children, have undertaken TikTok challenges that have resulted in hospitalisations, fires, dangerous driving and the death of a 10 year-old girl from accidental asphyxiation. After 6 January, the assault on the Capitol, Twitter removed 70,000 accounts known for sharing QAnon content and thereby reduced the amount of QAnon content on its platform by 70% to 80%. If it had been done a little earlier, it may have changed those very same events. The penalty shoot-out in England’s best European Championship performance for decades meant that the young men who should have been national heroes were instead subject to sustained abuse.

In each case, speech that might in other contexts be ill-informed, frustrating, foolish or full-on hateful—but totally manageable—was supercharged and spread to epidemic proportions online. As it spreads, it mutates: disappointment turns to rage, uncertainty and suspicion; difference turns into dispute; the marginal turns into the mainstream; and the digital turns into injury and death.

I am neither a technophobe nor a tech pessimist. On the contrary, it is still possible to do anything. The digital world is synthetic, entirely human-engineered and eye-wateringly well resourced; it can set its sights on any outcome. But it is optimised for three holy grails: growth, engagement and time spent, which simply means keeping as many people online, engaging as often as possible for as long as possible. This engagement drives the value and revenue of a sector now responsible for 25% of the world’s GDP, and it has made giants of those who, often in the name of freedom of speech, have built personal fortunes by controlling what we see, read and hear from the relative safety of Silicon Valley.

When she gave evidence to the Joint Committee, Frances Haugen, the Facebook whistleblower, said that

“engagement-based ranking does two things. One, it prioritises and amplifies divisive polarising and extreme content and, two, it concentrates it ... It does not matter if you are on the left or on the right ... Anger and hate is the easiest way to grow on Facebook ... The ... system is biased towards bad actors and biased towards those who push people to the extremes.”

Those extremes become our new normal, in which children who look for exercise videos end up with material that valorises eating disorders, in which Covid misinformation is more prevalent than advice from the WHO and in which whole peoples are set against each other in tribal or religious conflict, such as those in Ethiopia and Myanmar, in both of which Facebook has played a role. Perhaps most ironic of all, they create a new normal in which girls, women, people of colour, minorities and the oppressed can be silenced by algorithmically fuelled abuse and hate in the name of other people’s freedom to speak but, perhaps more truthfully, in the company’s freedom to monetise and whip up difference.

It is frequently said that the digital world offers great opportunities but brings terrible harms. This framing is a false binary. A car with no brakes is not an opportunity, and neither is a supermarket with a poisonous product hidden on every other shelf. They are, respectively, a case for product recall and shutting up shop. But both, with some judicious redesign, would be rather useful.

Not all the harms of the world can be attributed to one sector, however powerful, but our freedoms are being exploited by a system that allows any amount of algorithmic distortion but holds no liability. Our discourse is undermined by the monetisation of engagement, and children are being denied a childhood for profit. Three weeks ago, in this Chamber, I set the Government a series of challenges that they have yet to answer. In short—and, believe me, it was not in short on that occasion—I asked why the Government did not act immediately to introduce privacy-preserving age assurance online to give children the protections that they so desperately need. And I say it here again. Children also have the right to participate, speak and assemble online, but they also have a right to protections from violent and sexual commercial exploitation.

This is not the theoretical plaything of a debating club that pits freedoms against protections but rather a matter of life and death. This is not about undermining our freedom but about finding our voice. I do not wish

[BARONESS KIDRON]

to be standing here in the new year reporting to the Minister more compelling evidence or a new tragedy for which his department will bear some responsibility. I am grateful to the most reverend Primate for bringing this debate forward, and I urge the House, as we go forward to the online safety Bill, the data Bill and multiple trade Bills, not to sacrifice our freedoms or those of our children on the altar of Silicon Valley. Instead, I urge that we find our voice and, with it, the circumstances in which others can both speak and be heard.

12.25 pm

Baroness Uddin (Non-Affl): My Lords, it is such a pleasure to follow the noble Baroness, Lady Kidron. I thank her for her outstanding championship in this regard. I am sure that if the Government have not listened, they will soon.

I am grateful too to the most reverend Primate for calling us together to consider this precious gift of freedom of speech and citing the critical pillar of interfaith work which takes place in all corners of our communities. At a glance, it can be argued that we have advanced in the freedom of expression that we enjoy, heralded by the heroic efforts of the suffragette, civil rights and disability movements, which have achieved fundamental transformation of our social, legal, cultural and political system, with embedded presumptions of the indispensable rights of individual liberty, choice and freedom of expression, belief and practice.

Like all noble Lords, I hold these values dear to my heart, underpinned by the formative years of childhood experience which instilled principles of valuing, respect and love of neighbours and friends whose faith was different from that of my family—a family that experienced the wrath and threat of far-right fascists over a prolonged period. At the same time, as a person in public life, I am also all too aware that others' freedom of speech and expression towards me and my faith is often loaded with preconceived presumptions, value judgments and interpretation.

Therefore, I am compelled to agree with the most reverend Primate that in our society there is still a great discrepancy and power imbalance in who is deemed fit to have freedom of expression. During my 24 years in this House, I have regrettably witnessed significant parts of our communities feeling disempowered and disconnected, with their rights and freedoms eroded as result of the way we do business in Parliament.

It has been clear to see that the most vulnerable in our society—the elderly, the disabled and minority women and communities—remain absent in reality and unable to access adequate resources or influence social policy. Consequently, for vast sections of our communities, the realisation of freedom of expression rings hollow, belied by marginalisation and discrimination and with an extremely limited prospect of experiencing meaningful change.

Over recent months, I have had the honour of working with a number of women-led NGOs, particularly within smaller community sectors, which strive to advocate social justice. Time and again, they share the same frustration of not being able to engage or influence

decision-makers for the betterment of their local communities or to help improve the life chances of the vulnerable. We know why: we still have a culture of who is seen and judged as the acceptable face of civic society leadership, with the majority of NGOs that are well funded and considered successful remaining in white and male leadership, even in geographical areas where large, well-established minority populations exist and thrive. Therefore, lack of effective and representative leadership is one of the prevailing challenges that impact on societal changes, which continue and maintain the deficit in the economic, social and political empowerment, particularly of women—a central tenet of our national and international aspirations.

We have spoken often in this Chamber about the gaping hole in paper strategies and policies that do not match reality on the ground, where freedom of expression is challenged and more constrained. The result is that some sections of our communities do not enjoy parity of rights and do not feel of equal value as citizens.

If the question for our consideration today is what our precious libertarian advances and freedoms have done to improve our overall conditions, the jury is out on whether citizens are able to overcome the long-standing, pervasive inequalities and barriers, as well as discrimination, which inevitably impede these rights.

The other consideration is the challenge of managing the Covid virus. We have witnessed and are experiencing seismic changes to the characteristics of our freedom, liberty, rights and choices as Covid legislation tears through our democratic processes. They are being replaced by extraordinary processes of executive decision-making, leading to structural inequalities, social upheaval and discrimination, resulting in significant sections of our communities already feeling excluded, as we are yet again considering emergency measures, including vaccine passports, which are likely to prevent citizens accessing statutory services and jobs if they cannot provide proof of vaccination. I will do my utmost to uphold my right to object to these measures.

I need not tell this House how difficult it has been to get information and data out of Ministers on what has led to the deaths of thousands of elderly and disabled people. Perplexing questions remain about DNR decisions made about those with disabilities without consulting their families. These are important considerations in upholding citizens' rights and trust in democratic governance. My misgivings are even greater when I wonder where future decision-making will take us. Even as Members of this House, we have sometimes failed to safeguard these precious democratic values and restraints on the Government. They continue to impose some of the most draconian regulations and an endless list of measures curtailing freedom of movement, prohibiting assembly, segregating by geographical tier system, and using drone technology for surveillance by police forces, disproportionately against Black Lives Matters protests. We seem to have given up on education and informed choice. As we assemble, Parliament is being asked to endorse regulations that contravene the right of choice: the Covid passport may exclude vulnerable people from receiving care and support. Questions arise about how we hold our

Government responsible, given the evident absence of the accountability which is the linchpin in upholding democracy and freedom.

I suggest that our civil liberties are under serious threat when police forces feel that it is now legitimate to use drones to monitor and film perfectly legal public protests; that includes the disproportionate use of technology against Black Lives Matter.

This conversation is reassuring and it is comforting that, as a collective, we remain ever vigilant and determined to safeguard our fundamental and absolute right of freedom of speech and expression, while at the same ensuring that we protect those who may suffer injustice and discrimination.

12.32 pm

Lord Sandhurst (Con): My Lords, my focus today will be on universities, from which come our future leaders. In December 2019, the Policy Institute at King's College London published an important report after a survey of some 2,150 students. It observed that universities increasingly face criticism over freedom of expression and for a perceived increase in safe-space policies and no-platforming. Yet this perception, it found, was often disproportionate to the number of instances where freedom of expression had actually been violated. Students, it said, were generally far more concerned about freedom of expression in wider society than in their own university. None the less, it is important to note that the same report found signs of a "chilling effect" whereby some students were reluctant to express their views for fear of repercussions.

The institute produced a follow-up report in August last year. It found, after talking to students again, that as many as 20% felt uncertain about whether they could express their views freely at their university. They did not believe that it is a university's place to shield people from intolerant or offensive ideas and felt that safe-space policies and the suppression of demonstrations or rallies representing unpopular political views posed a threat to freedom of expression. That was one-fifth of the students. So where are we going?

In March last year, Cambridge University issued a policy on freedom of speech, requiring its staff, students and visitors to be

"respectful of the differing opinions of others".

But last December, Regent House, the governing body of that university, voted by a huge majority, 87%, to overturn that obligation to respect the opinions of others. The requirement now, thankfully, is to "tolerate" others' opinions. For, as Dr Arif Ahmed, reader in philosophy, told the *Times*:

"Everyone else just becomes a little bit more worried, a little bit more reluctant to say what they think about the Empire, trans issues, Israel and Palestine, or a whole range of issues from the left or the right. The more long-term danger is that this language will be weaponised so that we will be subject to discipline if we try to invite someone who's disrespectful, or if we ourselves speak in a disrespectful way."

Events elsewhere show how prescient he was. As we have all heard, only this autumn, aggressive intolerance of Professor Kathleen Stock's writings has driven her from her post at Sussex University. The university failed to protect her against the bullies. Just this November,

a row erupted at the Oxford Union after a speech by the well-known art critic Andrew Graham-Dixon. Offence was taken not so much at the content of his speech but because, intending satire—some of his audience could not grasp that satire—his mannerisms in delivery mimicked Hitler. They simply could not see that he was mocking Hitler, making fun of him.

This week at Durham University, following an edgy speech by the well-known journalist Rod Liddle, some students took offence. I do not mind that—they are free to take offence—but student presidents of every university association at Durham University have now called for content warnings for future speakers. That is the road to censorship. I ask, what would happen to Alexander Pope or Dean Swift today? Students and academics have to regain a sense of proportion and, above all, humour. Significant numbers seem to have lost sight of the core importance of freedom of expression to the vitality of university life. Talk of safe spaces, in which students will not be exposed to contrary opinions strongly expressed, is, I suggest, dangerous nonsense.

We would do well to remember the words of Frederick Douglass, the escaped slave and abolitionist. He had suffered appallingly. He knew what a safe space really was and how it felt to risk life, limb and liberty. Speaking in 1860, Douglass said:

"To suppress free speech is a double wrong. It violates the rights of the hearer as well as those of the speaker."

One hundred and sixty-one years later, who are we to disagree? Essential liberties have not yet been lost, but they are, I fear, under constant assault. Our universities and institutions must not swaddle the oversensitive. The idea that there should be safe spaces and content warnings is absurd and dangerous. It will bring totalitarian controls of thought and knowledge. Those who do not go to university—50% of the population or more—do not enjoy safe spaces. They live in the real world. Those who enjoy the privilege of university must be exposed to challenge and disagreement. They must open their minds to edgy humour and provocative ideas. They must sharpen their intellects on the steels of humour and debate. They, and we, must all relearn to listen and even to laugh.

12.39 pm

Lord Wallace of Tankerness (Non-Affl): My Lords, I am pleased to follow the noble Lord, Lord Sandhurst, and express my delight at being able to participate in this important and timely debate initiated by the most reverend Primate the Archbishop of Canterbury. I am also pleased to speak not only as a Member of your Lordships' House but from the perspective of Moderator of the General Assembly of the Church of Scotland. That is a privilege that I cherish. Indeed, as the most reverend Primate noted in his speech—a speech that will be well worth reading again in the *Official Report*—we do well to reflect on the privilege that we have as noble Lords to speak here. But, as with all privileges, it comes with a responsibility to exercise it wisely.

From a Christian perspective, and as we approach Christmas, we should recall that when Jesus came to live among us, he was not born to a position of privilege, nor did he have a platform of contemporary power and influence. Rather, he came alongside those

[LORD WALLACE OF TANKERNESS]
at the edges of power. When exercising our freedom of speech, do we not also need to feel a moral or spiritual obligation to listen and walk in the shoes of others to understand better the fear and anxiety at the impact of words and behaviours on those without power? Should that not make all of us more careful in our own choice of words?

It was 38 years ago last June that I was first elected to the House of Commons. Over my years as a Member of Parliament and then a Member of the Scottish Parliament, I engaged in debates with other MPs and MSPs of different political hues. These debates could be very robust. We often differed, but, with very few exceptions, I always felt that my opponents, by their own lights, were expressing views that they thought best served their country and their constituents.

I also note that, during my time in front-line politics, I was spared much of today's vituperation and abusive language. There is a trend today towards ever greater bitterness, anger, slander and malice, which, I fear, risks being normalised on social media. In his book published last year, *Let Us Dream*, Pope Francis despaired that at times our politics, society and media seem like one long shouting match. I sometimes think that our female politicians are more often the victims of unacceptable targeted abuse, but it is not just politicians who are on the receiving end.

I profoundly disagree with anti-vaccination campaigners, but I acknowledge that they hold that view often passionately. But let us recall that during the summer a former nurse attacked those in the medical profession administering vaccines with the words:

"At the Nuremberg trials, doctors and nurses stood trial and they hung."

Recently, I spotted a tweet from ScotRail that reproduced a Twitter message received—with many words necessarily redacted, and certainly not repeatable in your Lordships' House—and the comment:

"This is your periodic reminder that a real human being reads every tweet and DM sent to this account. This kind of behaviour isn't acceptable in person or online".

I very much doubt whether doctors and nurses being compared to Nazi war criminals or ScotRail employees reading vicious bile in Twitter messages can possibly experience anything at all uplifting or encouraging.

When the First Minister, Nicola Sturgeon, addressed the Kirk's General Assembly in 2019, she said,

"perhaps these days we can be too quick to retreat into political tribes, with a focus on areas of conflict rather than agreement. So all of us—and political leaders especially—have a responsibility to resist the momentum for division and polarisation ... And when politicians forget or fall short of that responsibility—as all of us sometimes do—the Church is, I think, well placed to remind us of it."

I believe that, as people engaged in the political process, we have a leadership role in setting an example. If those in positions of political responsibility are ever tempted or apt to "forget or fall short", the Church has a role to remind them of the responsibility so well-articulated by the First Minister.

That should not in any way make politicians any less passionate about what they believe in. If they are prepared to put their name on a ballot paper, it is to be

hoped that they are fired up with commitment to do rather than to be. Inevitably when dealing with issues such as this, the question arises of whether the Government should strengthen legislation to tackle online abuse. The convener of the Church of Scotland's Faith Impact Forum, Dr Susan Brown, called on the Government as long ago as summer 2020 to bring forward what even then was thought to be overdue online safety legislation. Joined by faith leaders from the Jewish, Muslim and Hindu communities, among others, she said:

"Words always have consequences and we would encourage people to use them to break down barriers, not build them."

We have heard today that the committee report on the draft legislation will shortly be published. In replying to the debate, it would be helpful if the Minister could tell us when the actual legislation might be brought forward. However, one important lesson that I have learned from years of engagement in both law and politics is that they have their limitations. I have come to realise that laws do not necessarily change hearts, so we should not kid ourselves that legislation can or will fully solve the many manifest problems associated with online abuse.

To follow up on the quote from Dr Martin Luther King cited by the most reverend Primate, Dr King also said:

"Morality cannot be legislated for, but behaviour can be regulated. Judicial decrees may not change the heart, but they can restrain the heartless."

Yes, some laws are worth while, where they provide welcome and necessary protection, particularly for vulnerable groups or individuals, including ethnic and religious minorities. In the sphere of social media, some of the big tech giants need some prodding to ensure that customers comply with user agreements, which include rules on standards and codes of conduct. From a Christian perspective, however, I would claim that changing hearts requires something more than laws: it requires love. Arguably, the message of the parable of the good Samaritan would be far more effective in bringing about a society more at ease with itself than any number of Acts of Parliament.

I believe that there is a role for churches to play in trying to bring about a much-improved public debate on a host of issues. In the very contentious Scottish independence referendum in 2014, the Kirk—not least through the offices of the then Moderator, Dr John Chalmers—created space for a respectful dialogue between the two sides. I dare say that some of the voters who attended perhaps found it beneficial to have a discussion that provided more light than heat. Surely a host of contemporary contentious issues would readily lend themselves to a respectful dialogue and a responsible exercise of free speech, for which our churches and others might be facilitators.

It has been a privilege to take part in this debate. It augurs well for when your Lordships consider the online safety Bill, not only in showing the value that we place in the exercise of freedom of speech but also in giving us an opportunity to speak up for those who are on the margins and do not have the privilege of a voice in Parliament.

12.47 pm

Lord Cormack (Con): My Lords, that is a refreshing and stimulating speech to follow and I congratulate my friend, the noble and learned Lord, Lord Wallace of Tankerness. I join all others in paying tribute to the most reverend Primate for introducing this debate and for the manner in which he did so.

I was struck by a number of speeches that, in the last hour, have sought to bring a sense of perspective to this debate. I single out the speech of my noble friend Lady Sanderson of Welton—I entirely echo what she said about Rose Tremain—and the invigorating speech of the noble and learned Lord, Lord Brown of Eaton-under-Heywood, who effectively said to us, “Don’t look for offence when it is not necessarily intended”. We are in danger of becoming oversensitive, because free speech is indeed—as the noble Lord, Lord Cashman, said—the life-blood of a free society and democracy.

I remember sitting in the gallery of another place in 1965, I think it would have been. I was a young Conservative candidate for Grimsby, having bloodied myself in Bolsover in 1964. Michael Foot held the floor. He later became a close and dear friend, much as I disagreed with most of what he said, although we bonded over Bosnia and addressed a rally together in Trafalgar Square. In the House of Commons, Michael Foot was holding forth. He said, “You need vigorous debate in the House and in the country. When I am addressing rallies, I don’t duck: I wait until I see the whites of their eyes.” Michael Foot was true to that.

One of my most undying memories is of a party we had—parties are very fashionable at the moment, are they not?—in a colleague’s house not far from here to mark the 80th birthday of Enoch Powell. There were two great parliamentarians; I disagreed with both of them on many things, although I had the honour of giving the address at Enoch’s funeral. What struck me there was that the speech of appreciation was made by Peter Shore and the presentation of a silver salver inscribed with the words “Poet, scholar, soldier, orator” was made by Michael Foot. He and his wife Jill used to meet Enoch and his wife Pam on a regular and frequent basis because they respected each other as parliamentarians. You do not have to agree in order to respect. Many of the better things in this House and the other place are achieved by parliamentarians of different political persuasions working together.

A sort of intolerance has crept in, accentuated by social media; if I could have one Christmas wish, I would uninvent it, although of course I cannot. It creates a situation where recently, for instance, it came to my notice that a group of people from outside the House refused to attend a meeting inside it because they disagreed with the views of the chairman on a wholly different subject. We must get beyond that. We must really respect.

One of the problems is that we have social media but we no longer have many real meetings. When I was a young candidate, and at all the 10 general elections I won, I used to have meetings in my constituency every night. In the 1960s and the early 1970s, they were often quite packed. The attendance tended to fall off but I kept the meetings; I never had fewer than 20 people there but, in the 1960s and the early 1970s, it was not

unusual to have 100 or 200 people. There was vigorous debate but there was no bitter argument. There is a difference between vigorous debate and bitter argument. We have to try to get the bitterness out of public life and not be overly sensitive.

I do not agree with a lot of what the noble Lord, Lord Cashman, said but, to quote Voltaire—to whom the noble and learned Lord, Lord Brown, alluded—I would defend to the death his right to say it. Now we have a group of people who are saying, “I don’t like what you say and I will do everything possible to prevent your saying it”. That is a real difference.

In the area of gender, some women have been vilified to an absolutely unpardonable extent. Professor Kathleen Stock has been mentioned a number of times in this debate, as has JK Rowling. They are merely stating views and opinions—some of us would say facts—that have been indisputable since time immemorial. It is important that they are not vilified. The term “cancel culture” is perhaps the most sinister in our modern political vocabulary. The most reverend Primate has done a great service in giving us the opportunity to debate some of these things. I beg noble Lords in all parts of the House to remember, in this season of good will, that toleration and understanding are as important as they ever have been.

12.54 pm

Lord Sentamu (CB): My Lords, I, too, thank my noble and learned friend Lord Brown for his powerful speech, which is still ringing bells of challenge in my ears.

On 6 January 1941, the President of the United States of America, Franklin Roosevelt, addressed Congress on the state of war in Europe. At the close of his address, he said that he looked forward to “a world founded upon four essential human freedoms”, which he named as freedom of speech, freedom of worship, freedom from want and freedom from fear. These words are still remembered but the ideals have not been realised anywhere in the world.

In this debate, we are invited by the most reverend Primate the Archbishop of Canterbury, given the contemporary challenges to freedom of speech, to map out the role of the public, private and civil society sectors in upholding it. In a book of essays I edited in 2015, *On Rock or Sand? Firm Foundations for Britain’s Future*, I referred in my introduction to two noble and learned Law Lords. It is still my view that what they offered us is not sand but rock—that is, firm foundations that would enable us and the public, private and civil society sectors to uphold freedom of speech.

First, in his book, *The Rule of Law*, Lord Bingham has a beautiful translation of the Magna Carta, from the Latin into English. Clause 39 states:

“No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.”

Clause 40 states:

“To no one will we sell, to no one deny or delay right or justice.”

[LORD SENTAMU]

Those words from the Magna Carta were written 800 years ago, and echo the law and prophets of the Hebrew scriptures.

Lord Bingham's examination of the meaning of the rule of law makes clear that it is not an arid legal doctrine but the foundation of a fair and just society, a guarantee of responsible government and an important contribution to economic growth, as well as offering the best means yet devised for securing peace and co-operation. He advocates eight conditions that capture its essence, as understood in Western democracies. Today, I will give four of them:

"The law must be accessible and so far as possible intelligible, clear and predictable ... Questions of legal right and liability should ordinarily be resolved by application of the law and not the exercise of discretion ... The laws of the land should apply equally to all, save to the extent that objective differences justify differentiation ... The law must afford adequate protection of fundamental human rights."

Lord Bingham ends by saying on page 174 that the rule of law

"is one of the greatest unifying factors, perhaps the greatest, the nearest we are likely to approach to a universal secular religion. It remains an ideal, but an ideal worth striving for, in the interests of good government and peace, at home and in the world at large."

It is key in freeing and energising us all, in the public, private and civil society sectors, to uphold freedom of speech with cheerfulness and hope.

For me, justice goes beyond the simple administration of laws. Justice is possible only when law, religion and morals are intermingled. I call my second witness: the noble and learned Law Lord, Lord Denning, to whom I also referred in *On Rock or Sand?* Lord Denning wrote in *The Changing Law* in 1953 that the severance of law from morality, and of religion from law, has made many people

"think that religion and law have nothing in common. The law, they say, governs our dealings with our fellows, whereas religion concerns our dealings with God. Likewise, they hold that law has nothing to do with morality. Law lays down rigid rules which must be obeyed without questioning whether they are right or wrong. Its function is to keep order, not to do justice ... Although religion, law and morals can be separated, they are nevertheless still very much dependent on one another. Without religion, there can be no morality, there can be no law."

Rabbi Lord Jonathan Sacks, in his book *Morality: Restoring the Common Good in Divided Times*, published in 2020, argues that

"there is no liberty without morality, and no freedom without responsibility ... all of us must play our part in rebuilding our common moral foundation"—

the kinds of things we heard from the noble and right reverend Lord, Lord Harries. The book goes on to say that

"a nation is strong when it cares for the weak, and rich when it cares for the poor."

I ended the book *On Rock or Sand? Firm Foundations for Britain's Future* with these words:

"Individualism and consumerism are sand. Freedom, Fellowship, Service for God and neighbour, and the Rule of Law are rock. These are the firm foundations for Britain's future."

On these foundations let us uphold and restore freedom of speech. I hope we do not allow the two reactions to the book *On Rock or Sand?* to happen to freedom of speech. The first reaction was from those who read *On Rock or Sand?* Then there were those who hated it.

1.01 pm

Baroness Jones of Moulsecoomb (GP): I thank the most reverend Primate the Archbishop of Canterbury for tabling this debate. He gave an excellent speech and, in spite of being an atheist, I agreed with almost every word; I was very impressed.

This debate comes after a few years of increasing suppression of civil liberties and human rights here in the UK. Freedom of speech is about engaging with all sorts of ideas, biases and creeds to make up the public discourse. As a Green, I am well aware of how important it is to talk and try to convince people about the environmental crisis—especially those in power who can actually do something about it, however little. I might regard this Government as political enemies, and as arrogant and repressive, but I think it is worth engaging and very much hope they feel it is worth engaging with Greens.

I like the way people in society at the moment are questioning whether schools named after slave owners ought to change their names, or whether country houses need to explain to their visitors the dark side of their history by putting front and centre how their owners made their fortunes. All that is part of robust debate; if some people feel uncomfortable, perhaps they should be.

There are things I do not like. I do not like Russian bots on Twitter and the made-up Facebook profiles that distorted the discussion about Brexit and still seek to destabilise our democracy. I do not like the way social media gives the impression of free and equal debate, but has in fact allowed dark money to contaminate that debate and to give those with money the ability to divide and rule. Nor do I like the way some social media platforms created algorithms that promote rage and division. Social media should give us the chance to share information, reach out and engage, but instead it is often designed to reinforce the bubble culture of people finding others they can agree with. I definitely do not like the way some women have been silenced and de-platformed for raising concerns about what they see as an erosion of their rights. I also do not like discourse that is rude and threatening, because that is another way of silencing people who are just trying to be who they are inside.

In the UK at the moment there is a huge gap between respecting our political enemies and the sort of legislation this Government are introducing, which attempts to crush dissent. The assault on our democracy by this Government is the biggest threat to freedom of speech and even freedom of expression. That is the threat that deserves most of our attention, because each bit of legislation we pass here is making that threat grow. This Government are silencing campaigners and turning dissent into a crime while rewarding the lobbyists and money men. They are removing democratic safeguards on ministerial power while setting up a special unit to filter freedom of information requests that might reveal something damaging to them.

Things were far from perfect in the past, but the last decade has seen a vast extension of the repressive state. The old normal was undercover police spying on campaigns for justice, such as those of Doreen Lawrence—now the noble Baroness, Lady Lawrence—and

a thousand other non-violent campaign groups. The new normal is giving those undercover police legal immunity for any crimes—this came through your Lordships' House. The old normal was D notices that stopped the public finding out national secrets like the bunkers that sheltered the rich and powerful in the event of nuclear war, but the new normal is referring school kids to Prevent for supporting the eco-warriors of Greenpeace.

The old normal was the Special Branch holding files on Labour Ministers. The new normal is putting tens of thousands of people on databases as domestic extremists. I am proud to say that I was on that police database for domestic extremists while a member of the Metropolitan Police Authority, fighting, at the time, for the traffic police to get more resources to deal with road crime. Caroline Lucas, at the other end, was labelled a domestic extremist, as was a local Green Party councillor and thousands of others. We were elected to give a voice to hundreds of thousands of people who voted Green, yet we were watched and monitored by the police.

While I welcome this debate on freedom of speech, I feel that we in your Lordships' House actually can and should do more: we should be a watchdog by protecting the right to effective protest and stopping the worst excesses of state power. That starts with rejecting the draconian powers in the Police, Crime, Sentencing and Courts Bill, which we are currently dealing with and which will be with us next year as well. That rejection of those measures would be a defence of free speech.

Finally, I was in your Lordships' House yesterday and wanted to take part in a debate. The Labour Benches were quite full, so I sat on the Bishops' Bench. When I tried to speak, I was told that I could not speak from there. I tweeted about it, and someone tweeted back:

"Ridiculous they can stop you speaking the truth from the wrong seat but in the other house they can't stop you from lying from the dispatch box."

1.07 pm

Lord Hannan of Kingsclere (Con): My Lords, what a pleasure it is to follow the noble Baroness, Lady Jones of Moulsecoomb. She and I met, somewhat implausibly, on the slopes of Mount Sinai some 30 years ago. She was then in a previous incarnation as an archaeologist. I like to think that we have been friends ever since. When I say friends, I do not mean that we are on nodding terms when we pass in the corridor; I mean that we are actual friends—we like each other. I do not think that I have ever felt the need to preface my remarks by saying, "Although we rarely agree" or "Although we have very different views". It is odd that so many people feel the need to handle opponents with tongs in that way. It strikes me as both a belittling and a self-absorbed way of putting distance between people. Why on earth should we be expected to agree with our friends? Would it not have gone without saying for most of our recent history that you could have friends across the divide? No one would have thought it remarkable.

In 1644, John Milton wrote:

"Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties."

I cite the blind sage for two reasons. First, there is a certain karma in quoting him here: John Milton was no fan of the House of Lords, and he was no fan of the episcopacy in particular. Indeed, the man that Dr Johnson referred to as an "acrimonious and surly republican" was so against all kinds of authority that his libertarian principles spilled over even into his magnum opus, *Paradise Lost*, in which it is notable that the Almighty Himself gets some rather bad lines. It is as though Milton's dislike of prelates and princes spilled over into a certain disdain even towards his creator.

But I also cite him for another reason: to ask your Lordships to dwell on the extraordinary fact that those words could have been uttered in 1644. How radical, revolutionary and earth-changing they must have seemed. Up until then, every civilisation had assumed that there was a supreme truth and that it was interpreted by some aristocratic or sacerdotal class. The idea that you could reach the truth by experimentation—by argument, trial and testing ideas—was extraordinary, and it was largely developed in the language in which you are now listening to these words. The phrase "civil liberty" dates from 1644, and it was a long time before any other tongue came up with an equivalent. In English, the phrase "liberty of conscience" dates from 1580.

I want to dwell on just how extraordinary it is that we moved away from this tribal ethic that had defined our entire existence as a species until then—the fundamental ethic of "my tribe good, your tribe bad"—to this idea that you could have a constant test and would get to the truth through a cacophony of different ideas.

Milton would have shared the most reverend Primate's definition of whether it is "fitting" as well as "frank"; he made a great deal of the distinction between liberty and licence. For him, licence was giving in to your animal appetites; liberty was a virtuous application of reason, a kind of informed consent. When you had read up about the subject, you could make a free choice in a more intelligent way. "Knowledge", he once wrote, is but "opinion in good men". In other words, what people begin by putting forward as a radical idea becomes the accepted consensus if it turns out to be true: the good ideas drive out the false, over time.

This may sound terribly basic when I say it now, but I do not think it is. We have lived through this little bubble in which we have taken those ideas for granted. A lot of societies never got there; we did not until fairly recently. I wonder whether we might come to look back on recent years, the last two or three centuries, as a brief interglacial with long stretches of cold before and in front, when people went with certainty and tribal identification, rather than with the idea of piloting or trialling ideas, or letting others argue against them.

The primary duty of inculcating this rather difficult idea, of teaching people this counterintuitive thought that someone you do not like might still have something to tell you, that you do not know everything, that we all start from ignorance and can constantly refine our understanding, fell mainly on our educators. We needed constantly to habituate people to this way of thinking.

[LORD HANNAN OF KINGSCLERE]

The great philosopher Hannah Arendt, the chronicler of the Eichmann trial, once wrote:

“Every generation, western civilisation is invaded by barbarians—we call them ‘children’.”

By that, she meant that you and I came into the world with pretty much the same mental and operational apparatus that we would have done 5,000 years ago. The reason that we do not live in the way that our ancestors lived then is because we are able to build culture—civilisation—on accumulated knowledge. We are able to do that because we accept empiricism, reason, the scientific method and the ability to test ideas, refine and improve them over time. And what worries me is that we are ceasing to do that. Not only our universities but our secondary schools are reverting to a much older heuristic of holding up identity, accident of birth and physiognomy above reason.

Over the summer I participated in teaching in a school, appropriately called the John Locke Institute. Rather like what the right reverend Prelate the Bishop of Birmingham was describing in his home city, it tries to teach young people the idea of what the administrators of the course call “generous listening”. It is a lovely phrase. Generous listening means not waiting, patiently or impatiently, for the other person to stop speaking so that you can jump in. It means properly trying to engage with where they are coming from. If they use a loose word, do not pounce on it. Do not engage with their weakest argument; engage with their best argument.

The Oxford Union organised something they called “ideological Turing test debates”, where young people would be given a topical debate—should statues come down, should private schools be abolished—and you had to guess whether they really meant it. In other words, they had to master the other point of view well enough that they would have passed the Turing test and people would not have been able to tell whether they believed what they were saying. Is that not the sort of thing that all our schools and universities should be doing, in order to equip people to function in modern society? I fear that, when they do the opposite and say, “The most important thing about you is that you are female, white” or whatever it is, instead of teaching those countercyclical truths, they are teaching procyclical tribalism.

I close by citing—at some risk, in case she is watching—my elder daughter, of whom I am very proud. She is reading French and linguistics, and as a condition of being where she is at university, she was told that she needed to do an unconscious bias test. What does that have to do with French? Well, two hundred years ago, had she not been female and had been at the same university, as a condition of matriculation she would have been subject to the Test Act. She would have had to abjure the doctrine of transubstantiation: she would literally have had to swear an oath saying that she did not believe that the bread and wine in the Eucharist were the literal body and blood of our Lord. What has that got to do with French? As much or as little as the unconscious bias test—and if you cannot see that, you are in the matrix. In the 200 years between those two Test Acts flourished a free civilization. By heaven, we will miss it when it is gone.

1.15 pm

Lord Singh of Wimbledon (CB): My Lords, I too am grateful to the most reverend Primate the Archbishop of Canterbury for initiating this important debate, and it is a real pleasure to follow the noble Lord, Lord Hannan, and his very clear message.

Article 19 of the Universal Declaration of Human Rights reminds us:

“We should have the right to share our ideas with who we want, and in whichever way we choose.”

The law of the land rightly states that this right is not absolute and makes it an offence to promote hatred or fear of any individual or group.

History reminds us that it is all too easy to gain popularity by appealing to human bigotry, with devastating consequences for vulnerable minorities. It is therefore important to be able to discuss religious and cultural differences openly and honestly. This is increasingly overlooked on some university campuses, where some with perfectly valid views and concerns are not only denied a voice but publicly vilified.

Political correctness bordering on censorship is seen in the media use of camouflage words such as “Asian”, used by the BBC and the print media to obscure the fact that most members of grooming gangs in the north of England were from the Pakistani Muslim community. This led some members of the public to believe that Hindus, Sikhs and Buddhists were also responsible. The standard reply to complaints was that the description “Asian” was factually correct. It was only after I pointed out that it would also be factually correct to say that “Europeans” were responsible for the Holocaust that notice was taken and the issue taken seriously. IPSO guidance now cautions against the use of that blanket term.

Another example of near paranoia about giving offence to powerful minorities at the expense of smaller ones was seen in the BBC “Thought for the Day” attempt to censor my talk on Guru Tegh Bahadur, who gave his life standing up for the right for freedom of belief for Hindus being forcibly converted by the Mughals. The previous Archbishop of Canterbury, Rowan Williams, publicly applauded this stance. The forced conversions were being carried out by a man who had imprisoned his own father and murdered his brother to become emperor some three centuries ago. It was said that this might offend Muslims today.

Unthinking political correctness rooted in ignorance and irrational fear of giving offence to more vocal communities has led to some groups claiming special protection. Concern over anti-Semitism, rooted in the Holocaust and sometimes in the culture of this country, is understandable. Unfortunately, however, “anti-Semitic” is now used by some to smear those with genuine concerns over Israeli policies towards Palestinians. Also concerning is the use of the emotive term “Islamophobia” to curb debate and cultural or political criticism. No doubt some will see my remarks as anti-Semitic or Islamophobic. However, the Sikh daily prayer reminds us to look beyond ourselves or our group to the well-being of all.

In the past, interreligious differences, as the history of this place reminds us, frequently resulted in horrendous persecution and conflict, and a tacit consensus emerged

in the West that religion should be seen as a private matter and not a subject for public discussion. We could, of course, say nasty things about other people far away in distant lands. We could talk of “heathens”. The dictionary definition of “heathen” is someone who is not of the Abrahamic faiths, such as a Sikh or a Hindu.

Isaac Watts, the writer of some of my favourite hymns, also wrote:

“O Lord, I ascribe it not to chance ... but to your grace,
That I was born”

a Christian

“and not a Heathen or”

of the Jewish race.

Religions are essentially guidebooks, telling us what to do and what to avoid in our journey through life, but ethical and cultural guidance embedded in holy books to meet social, political and cultural norms of the distant past can be at variance with the needs of today. For example, while some religious texts take slavery for granted and refer to women in negative terms, such language has no place in the world of today.

There is now a clear need for religions to do a little spring cleaning and move us from the simple recitation of past guidance to societies that no longer exist and place underlying imperatives in the context of today’s very different world. A Christian hymn reminds us:

“New occasions teach new duties
Time makes ancient good uncouth
They must upwards still and onwards
Who would keep abreast with truth”.

This is no easy task, and it will be resisted by conservative elements who clearly see dated texts as the unalterable word of God, and by those who use them to promote hatred and violence towards others, or questionable social attitudes.

No religion has a monopoly of truth and, to emphasise this, Sikh scriptures contain uplifting verses on Hindu and Muslim saints. I frequently quote from Christian texts to underline common imperatives which I believe can help us move our suffering world to more harmonious and peaceful living.

1.22 pm

Baroness Fox of Buckley (Non-Affl): My Lords, the noble Lord, Lord Singh of Wimbledon, has, through using some very challenging and hard-hitting ideas, just illustrated the value of free speech, because we learned something. I was a bit offended, I agreed with some of it—but it had my attention, and that is what it is all about.

Like other noble Lords, I commend the most reverend Primate for holding this debate, because many of us who raise concerns about attacks on free speech have sometimes been accused, including recently, of confecting the problem in order to stir up culture wars or even to cover up our own bigotry. In a bestselling book in the United States, the author Gavan Titley states that freedom of speech

“has been adopted as a primary mechanism for validating and re-animating racist ideas.”

In other words, even arguing for free speech has been turned into a toxic idea.

This hints at one contemporary challenge. Although everyone says they believe in free speech, it is often caveated. How often do I hear, “I believe in free speech, but ...”? Often, after the “but” people will say “not for hate speech”, or “not for bigotry”. I appeal to noble Lords: when you hear the “but” after “free speech”, watch out for censorship. I also appeal that we do not take the demonising labels of hate and bigot at face value. Hate is a nebulous concept that even in hate-crime legislation is based on perception rather than objective criteria.

In this way, the subjective label of “hate” can be used to delegitimise a wide range of opinions and can be used cynically to discredit political opponents. For example, LGB Alliance, the fastest-growing campaigning charity for the rights of lesbians, bisexual people and gay men, has been maliciously and erroneously dubbed a hate group on a par with far-right extremists. Or what about the police arresting a number of street preachers for allegedly homophobic hate speech, when what they were actually doing was—wait for it—quoting the Bible? They would have a field day in here. We should note that religious freedom, the bedrock of a secular society, is very much at risk under the auspices of hate speech. Nottingham University recently initially blocked the appointment of a Catholic chaplain for explaining his—well—Catholic views on social media, which were depicted as hate-fuelled. Hate speech, I would say, is often the free speech of those views that we hate.

More generally, we have seen the ratcheting up of sensationalised labels to the level of hate in order to silence opinions which are deemed beyond the pale. For example, everyday sexism, however boorish, is now routinely exaggerated and described as misogyny or hatred of women, and we promiscuously stigmatise ever-growing numbers of people as fascists, Nazis, extremists or fundamentalists. I did a study post 2016 of the various variations of “Brexit, knuckle-dragging gammon”—I was often included in them—and there were thousands of versions of that.

While some noble Lords here suggest that we need to curtail free speech, perhaps to protect marginalised groups, in the name of social justice—although I worry that is a little condescending—many of the least powerful in society are excluded from debate by being labelled as beyond the pale by new powerbrokers, especially around identity politics, who basically describe people as not being worth debating with by using stigmatising labels such as “knuckle-dragging gammon”.

I am also worried when sceptics who wish to query political or scientific orthodoxies are similarly marginalised. In 2019, the *Guardian* updated its style guide, instructing that climate sceptics should be referred to as “climate change deniers”. The same rhetorical strategy was applied to those sceptical of some lockdown restrictions or who asked questions about the science, who have been labelled “Covid deniers”. This gross exploitation of the legacy of the Holocaust as a way of demeaning individuals and views as so morally reprehensible that they can be banned without qualm is dangerous.

Of course, some people do have repellent and bigoted ideas, and some, even if only a few, are indeed Holocaust deniers. I do not want to duck out of the hard argument.

[BARONESS FOX OF BUCKLEY]

One of the most tricky issues if, like me, you adhere to the principle of free speech is having to defend the indefensible. This is made more difficult by the fashion for falsely conflating the defence of the free speech rights of bigots with endorsing those views. Indeed, this form of guilt by association is used to get people cancelled. For me, it is important not to concede the principle of free speech, which is so foundational to democracy that we should not become squeamish about defending the right of a racist to spout garbage. I think we should answer it with more speech and—yes—sunshine. Also, as Thomas Paine explained centuries ago:

“He that would make his own liberty secure, must guard even his enemy from oppression; for if he violates this duty, he establishes a precedent that will reach to himself.”

Another contemporary challenge is that we live in a period in which we have institutionalised the idea that safety trumps liberty, brought so viscerally alive when we consider the ease with which civil liberties were suspended and online censorship officially endorsed under the heading of “misinformation” to keep us safe during the Covid virus. On this, I disagree with the most reverend Primate because I think that free speech is increasingly seen as too dangerous to go unchecked by endless regulations. JS Mill’s harm principle has now expanded in our therapeutic times.

The online safety Bill, which I think is a frightening legislative threat to free speech—but I will wait for Second Reading—proposes censoring lawful but harmful speech if it is deemed to cause harm, even psychological harm. When University of Sussex activists targeted Professor Kathleen Stock, the posters read “Kathleen Stock makes trans students unsafe”—as though a fine, reasoned, philosophical exploration of the material reality of biological sex was the equivalent of a gun or a knife. At the University of Exeter, 100,000 people have signed a petition opposing the very existence of the Students for Life society because it is argued that the pro-life group

“threatens the safety and well-being of women”.

Instead of challenging the society to a debate that they then win, my side, the feminists who are pro-choice, have the instinct to retreat, act as victims and call for a ban.

Another contemporary challenge is cancel culture, and this goes way beyond no-platforming, as noble Lords have noted today. It is a tactic of public shaming and humiliation, often targeting individual employers and demanding that people are disciplined. On the advice, one of the problems is that too many in power are cowardly in the face of cancel culture. I call for courage in facing down the cancelers.

1.30 pm

Lord St John of Bletso (CB): My Lords, I thank the most reverend Primate the Archbishop of Canterbury for initiating this debate, which is timely, this being international Human Rights Day. Coming last to the crease before the wind-up speeches, and after so many excellent speeches, I will not detain your Lordships for the full seven minutes.

There is no doubt that we live in an era wrought with cultural and political hostility, driven largely by the increasing open public discourse on social media sites. I entirely agree with my noble friend Lady D’Souza that freedom of speech has often been hijacked by social media platforms. While freedom of speech should be protected, recent examples have shown us that false information, often pedalled by digital companies, has allowed their platforms to affect real political outcomes and frame important narratives. The challenge is how to strike a balance.

One of my concerns is that social media sites have free reign to censor and moderate content as they please, often doing so unevenly and unfairly, posing a threat to freedom of speech. Facebook’s content moderation and hate speech rules, which tend to favour elites and Governments over grassroots activities and racial minorities, are a case in point. I welcome their recent efforts to tackle these issues. However, not enough has been done.

By controlling what people can and cannot see, effectively acting as publishers rather than platforms, these social media sites have effectively gained control over the dissemination of information online. Bearing in mind that many people, particularly the youth, read their news on social media, it poses the question of whether self-regulation is more stringent or more rigid regulation is needed. In many ways, it is hard not to admire the innovation and creative genius behind much of what has emerged from Silicon Valley, but one cannot doubt that the age of social media has been just as corrosive as it has been productive. As we move from the universe to the metaverse, these issues will only be exacerbated if they are not tackled now. The algorithms of platforms such as Twitter are undoubtedly designed by data scientists who may have a particular political or social agenda and great power to influence others.

I fear that some of the academic institutions in this country have been overtly censorious in nature. I refer to Amber Rudd being banned from speaking at the Oxford Union. For those who called for her to be de-platformed, my response is that they should not have banned her but challenged her and engaged her in debate. If we remain divided, and some individuals continue to feel silenced, we face the increased risk of political extremism and populist backlashes. The question is how we uphold freedom of speech that balances liberty with the protection of those who need protecting.

Institutions such as the Free Speech Union are gaining traction, stepping in to protect those who cannot, as they call it, be cancelled for controversial things that they say or do. A balance needs to be struck between regulating harmful content online, such as child pornography and hate speech, and protecting real and legitimate speech to preserve the forum as the modern marketplace of ideas. Certainly, the Covid pandemic has illustrated the far-reaching powers that social media companies have in controlling a narrative and vital information online. In summary, my call is for a level playing field where social media enterprises are held to account and where ideas, grievances and beliefs can be aired in public and be rejected, endured or challenged.

1.35 pm

Baroness Merron (Lab): My Lords, after a debate of this range and depth, I do not mind admitting to your Lordships' House that it is a somewhat overwhelming task before me, but not as overwhelming as the task for the Minister, who is surely facing a Herculean task, and I wish him well. I thank most sincerely the most reverend Primate the Archbishop of Canterbury for giving your Lordships' House a rich opportunity today to consider such an important matter of our time, which is so deeply affecting on so many different aspects of our lives. As he so wisely observed, free speech is not just frank speech, it is fitting speech, and it is the pursuit of this on which I believe the debate today has focused.

In your Lordships' House, we pride ourselves on being a pillar of democracy and, indeed, this is so. However, as the noble Lord, Lord Walney, observed, a democracy is not something that should be rigid; it should be able to flex and it also needs resilience. That means the accommodation of a breadth of opinion and thought. As my noble friend Lord Cashman said, hate speech destroys our democracy, and it is this that we must seek to protect. Yet we find ourselves challenged by a broad societal shift, whereby so much discourse seems to be conducted as confrontation. As the right reverend Prelate the Bishop of Birmingham observed, it is not just about the views that we hold but about how we conduct ourselves. So, how do we shift ourselves away from the attitude of "How can I win?" to an attitude of how do we, as a collective, win? How do we balance freedoms with a sense of personal responsibility? How do we ensure effective statutory protection from offensive behaviour? These are all questions that we will continue to have to answer in today's society.

Freedom of speech is part of a wider concept of freedom of expression, and we should remind ourselves that this includes freedom of the press, the right to petition the Government and freedom of political association. It is widely recognised as an essential foundation of a liberal, democratic society, and as we have the blessing to live in one such society, there is of course a great tendency to take it for granted. As the noble Baroness, Lady Falkner, observed, those coming to these shores are acutely aware that this is a precious gift to be treasured, and we can learn much from this.

The United Nations 1948 Universal Declaration of Human Rights, the anniversary of which we celebrate today, recognises freedom of expression is a fundamental human right to be universally protected. Article 19 reads:

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."

Yet this freedom is not an unrestricted right. The European Convention on Human Rights, adopted in 1950, was explicit that the right may be limited by law and added the caveat that restrictions may be imposed for a variety of reasons, including to protect the rights of others, something that has come through loud and clear today.

Of course the Joint Committee on Human Rights summarised what this has come to mean in the UK: everyone has a right to free speech within the law, and,

unless it is unlawful, speech should usually be allowed. So we have a strong statutory framework in this country, yet we find ourselves in a situation where the reality and practice is rather more testing for us. I certainly look forward, as I know your Lordships' House does, to the report of the Joint Committee on the Draft Online Safety Bill, as so tantalisingly promised by my noble friend Lord Stevenson. This report will indeed help us to navigate the way ahead.

My noble friend Lord Griffiths, the noble and right reverend Lord, Lord Sentamu, and many other noble Lords—unsurprisingly in this debate—spoke of the importance of faith and morality, while the noble and learned Lord, Lord Brown, spoke of what it is like to experience anti-Semitism as someone who is Jewish. I feel moved to add that hatred towards Jews does not require a Jewish person to even be in the room. It is the world's oldest hatred and, like so many hatreds, can express itself behind the cloak of free speech. It gives free speech a bad name; it is hatred, pure and simple. As I am the former chief executive of the Board of Deputies of British Jews—the organisation that represented the Jewish community in this country—I know only too well the importance of calling out wrongs wherever they come from and whoever peddles them. I know the value of bringing clarity to guide where there may be ignorance and to bring transgressors to book where hatred raises its ugly head.

As we consider today the role of public, private and civil society in the upholding of freedom of speech, I want to refer to the working definition of anti-Semitism, as laid out by the International Holocaust Remembrance Alliance, and adopted by Governments, universities, sports clubs, councils, organisations and many others across the UK and indeed across the world. It helps us to guide and confirm for us what is and is not anti-Semitism—something raised by the noble Lord, Lord Singh. For example, when talking about criticism of Israel, the definition says that:

"Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic."

So, what is anti-Semitic? It is, as the definition states—I find the examples extremely illuminating—

"Applying double standards by requiring of"

Israel

"a behavior not expected or demanded of any other democratic nation ... Drawing comparisons of contemporary Israeli policy to that of the Nazis ... Holding Jews collectively responsible for actions of the state of Israel."

I mention this definition as an illustration to assist us. As we go forward, I hope that we can be bold in offering protection through clarity and a determination to say what is right and what is wrong. I know that this House will play its part.

I am aware that ongoing attempts by some to promote culture wars are doing little to help move society in the right direction. Rather than bringing people together, it puts communities at odds. Again, as my noble friend Lord Cashman, observed, when the rights of one minority are infringed, it is not long before the rights of other minorities and groups are infringed. So we are indeed all in this together, even though some may seek to pitch us against each other.

[BARONESS MERRON]

I welcome the previous Labour Government's action in enshrining the European Convention on Human Rights in domestic law via the Human Rights Act, ensuring protection for freedom of expression while making it clear that such freedoms are subject to certain constraints and responsibilities, including protections against hate speech. It is vital that we do not give houseroom to any notion of scrapping the Human Rights Act, which would open the door to a fundamental rewriting or reinterpretation of convention rights.

The most reverend Primate has spoken previously of the need for people to disagree well; we need to challenge each other, lest we end up so firmly in our own bubbles that we are unable to relate to each other. However, it feels as though societal division has increased rather than improved. It has certainly not been our greatest hour as a society to see and hear the nature of debate on issues such as Brexit and Covid. This will not be the first or last time that political topics divide people from their families and friends, but it does feel as if people's views are so deeply entrenched these days that relationships are being needlessly destroyed purely because of differences of opinion.

On Brexit, there was the toxicity of the campaign, which focused constantly on immigration and misleading claims—for example, potential Turkish membership. There were also the media headlines, which screamed, among other things, that judges were to be seen as the “enemies of the people”. This toxicity infects the very nature of society in the way it pits person against person and throws away regard for institutions that protect our way of life.

On Covid, freedom of speech and thought is one thing, but the sight of anti-vaxxers screaming in the faces of children outside school gates is surely a bridge too far. The peddling of conspiracy theories on social media, of which the noble Baroness, Lady Kidron, spoke, threatens the health of people as well as the health of our democracy.

We have a responsibility to support the true worth of freedom of speech, while having the courage, insight and determination to put all that we need to in place to protect those who need protections and to allow our democracy to thrive. These are responsibilities from which, I am sure, your Lordships' House will not shy away.

1.47 pm

The Parliamentary Under-Secretary of State, Department for Digital, Culture, Media and Sport (Lord Parkinson of Whitley Bay) (Con): My Lords, I am very grateful to the most reverend Primate for giving us this important and, if I may say so, enjoyable debate. As he said, this is a return to tradition for your Lordships' House—a tradition which, as a relative newcomer, I have not had the privilege of participating in before.

This debate is on a fundamental issue. Without freedom of speech and open debate, no other question can be adequately settled. It is a debate that is both ancient and timely. These are age-old questions, and noble Lords have pointed to many examples down the ages where society has grappled with them. However, we are beset by contemporary challenges, as the most

reverend Primate's Motion draws our attention to. He outlined three threats in particular: the fear of reprisal, the distortion of truth and the dehumanisation of those with whom we disagree. All seem to be growing.

Free speech seems to be more complicated than ever. Many more people are involved in the conversation, and debates seem to happen with the fast-forward button on. Previously, they were curated in fora such as this, with parliamentary privilege and the mandate of election or a Writ of Summons, in academia with challenge from examiners or peer review, and in books and newspapers with selection by publishers or editors and rights of reply. Social media has changed that; as the most reverend Primate said, we are increasingly our own curators, editors and publishers.

Anyone with an opinion, however crass or simplistic, can express it, and anyone can engage with it. Those with fringe opinions can find like-minded people and caucus to amplify their voices. The powerful and mighty can be challenged and mocked in full public view. I have tried to state these changes neutrally, for they have both good and bad consequences, but they have changed the way we engage in public discourse—as have the algorithms which funnel us into silos and echo chambers and the fiat of online platforms over the content they do and do not allow, as the noble Lord, Lord St John of Bletso, mentioned.

The most reverend Primate cited Timothy Garton Ash's three vetoes: that of the heckler, the offensiveness veto, and that of the assassin. To begin with, I might say something about our work as a Government to overcome each of these.

The voices of the heckler are heard most loud online, and the online safety Bill, which has been mentioned by many noble Lords, will tackle abuse while upholding the right to free speech. As noble Lords reminded us, it is before a Joint Committee for pre-legislative scrutiny. I agree with the noble Lord, Lord Stevenson of Balmacara, that today's debate, particularly the speech of the most reverend Primate, is essential reading for the members of the Joint Committee.

That Bill will usher in a new era of accountability for tech companies, upholding free expression and pluralism online. All platforms in the scope of the Bill will need to consider and implement safeguards for freedom of expression when fulfilling their duties. Although companies must take robust action to tackle criminal activity, in order to protect free speech regulation will not require the removal of legal content, nor prevent adults accessing or posting legal content. Platforms will therefore not be able arbitrarily to remove harmful content. They will need to be clear what content is acceptable on their services and to enforce the rules consistently. Services that are high risk and high reach will have additional duties to protect democratic and journalistic content, and must consider whether the public interest in such content outweighs the potential harm it can cause.

The noble Baroness, Lady Kidron, the right reverend Prelate the Bishop of Oxford and others spoke about our particular duty to the most vulnerable and to children. The strongest protections in the Bill will be for children. Our aim is to make the United Kingdom the safest place in the world to be a child online.

I also agree with the noble Lord, Lord Stevenson, about the challenges of the disappearing record of the internet. The historian in me worries about the archives of the future and the material that will not be available to those who look back on our era. It also has an impact on the way we conduct ourselves and post such content: if we think our comments are ephemeral then perhaps we do not give them the weight and consideration they deserve. I would be very happy to speak to him about that further.

The second veto is that of offensiveness. There is no right not to be offended. Increasingly, we hear people asking for views not to be aired because they make them feel unsafe or uncomfortable. As the most reverend Primate says, a duty lies on the speaker to be fitting in what they say, but that is, in the most part, a moral duty rather than a legal one. There is a duty on the listener too to understand that the offence they take may not be shared by everybody and to allow a range of views to be heard.

History is littered with examples of what happens when we do not air dangerous views in the open and confront them head on. I agree with the noble Baroness, Lady Merron, the noble and learned Lord, Lord Brown of Eaton-under-Heywood, and others in their comments about the evils of anti-Semitism. Dangerous views fester in the darkness and grow more dangerous still.

I was very glad that the noble and right reverend Lord, Lord Harries of Pentregarth, pointed to the statue by Martin Jennings of George Orwell outside the BBC's Broadcasting House and the quotation from that author, which is worthy of repeating:

"If liberty means anything at all it means the right to tell people what they do not want to hear."

Perhaps nowhere is that more important than in the academy. Many noble Lords spoke of free speech in higher education, citing a number of instances; I hope they will forgive me if, under the pressure of time, I do not dwell on each one.

I certainly agree with the noble Baroness, Lady Falkner of Margravine, that one of the important roles of our universities is to build resilience, so that people are equipped to engage with ideas in later life, including those with which they disagree, if people feel unsafe listening to certain speakers, reading broadsheet newspapers, or even listening to debates in your Lordships' House and in Parliament. That is why the Government have brought forward the Higher Education (Freedom of Speech) Bill. We are clear that higher education providers in England must have a duty to ensure that freedom of speech within the law is secured for students, staff and visiting speakers. Academic staff must feel safe to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without the risk of losing their jobs, their privileges or their chances of promotion. The noble Baroness, Lady Falkner, cited the list in *Prospect* magazine of the many academics who pointed to the treatment they received and the fears they have as evidence that this is, I fear, a growing problem on campus.

My noble friend Lord Sandhurst alluded to the proposed new code at the University of Cambridge, which was rightly amended following a campaign by

many members of that university, including the noble Baroness, Lady Smith of Newnham. We should tolerate the views of others, but while we should always endeavour to engage respectfully, we should not be forced to respect views with which we disagree. A key sentiment that has come through in noble Lords' speeches today is that we must be free to disagree well. Following on from the comments of my noble friend Lord Hannan, I disagree with many of my friends—they certainly disagree with me—but it is important that we can maintain friendship and respectful debate while disagreeing.

I must briefly pick up on the comments of my noble friend Lord Sandhurst. He mentioned the row about Andrew Graham-Dixon. That was actually at the Cambridge Union, not the Oxford Union, an older and more distinguished society and one where, I am happy to say, the issue was quickly overcome.

The third area of veto is that of the assassin, whether literal or the challenges of violence that so many face. We see that in those who defend our open media at home and around the world, as the noble Baroness, Lady D'Souza, highlighted in her contribution. It can be seen in the award of this year's Nobel Peace Prize to Maria Ressa and Dmitry Muratov, the first journalists to receive it since 1935. Their recognition also served to underline that many jurisdictions have taken the opportunity of the pandemic to strengthen their already repressive machinery to reduce freedom of speech and critical voices.

The UK has a long and proud history of promoting freedom of expression globally, underpinned by our commitment to the Universal Declaration of Human Rights, which was signed, as noble Lords have rightly noted, 73 years ago today. We remain a co-chair, with Canada, of the Media Freedom Coalition, which is taking action to defend media freedom, including through statements on the deteriorating situation for organisations in Egypt, Belarus, Hong Kong and Russia. Ensuring that the global news industry not only survives but thrives is an essential part of our development work. The UK has provided more than £400 million of official development assistance to support global media outlets in the past five years, and we are proud of our commitments there.

These reflect our long-standing commitment to freedom of the press at a domestic level. The UK is rightly proud of its fine global reputation, underpinned by a common recognition across society that freedom of the press is fundamental to a healthy democracy. The Government do not—and will not—intervene in what the press can and cannot publish, as long as it abides by the law of the land. What we can and must do is support the efforts of those who hold the powerful to account. To that end, the UK has set up the National Committee for the Safety of Journalists, and we have published a *National Action Plan for the Safety of Journalists*, setting out concrete initiatives which will provide genuine support to journalists facing both abuse and threats to their personal safety as well as encroachments on their freedom of expression.

Another area in which we are tackling violence and intimidation is through the Elections Bill, which is guided by the Government's determination to ensure

[LORD PARKINSON OF WHITLEY BAY]

that our democracy remains secure, fair and transparent. We are the stewards of a fantastic democratic heritage which we must secure and cherish in our age. British democracy has always been robust and oppositional. Critical debate is a fundamental part of it, but a line is crossed when disagreement mutates into intimidation and abuse. In particular, intimidating someone into changing their vote or abstaining from voting is unacceptable and strikes at the very heart of our democracy. That is why a new electoral sanction against intimidation, effective all year round, will protect candidates, aspirant candidates, campaigners and elected officeholders from intimidation on and offline.

When I first saw it, I thought there might be an omission in the most reverend Primate's Motion, although I am glad to say that there was not one in his speech. He talks of the role of public, private and civil society sectors in overcoming the challenges to freedom of speech, but there is a role for individuals too—for each and every one of us. Free speech, as he says, should be fitting speech: we must choose carefully the words we use. We cannot legislate ourselves, as he says, to good behaviour. The most reverend Primate rightly paid tribute to the way we do that in your Lordships' House. Today's exchanges have been a case in point.

I will take the opportunity to speak a little about my portfolio and talk about the arts as another vital means of free expression—for art is about ideas, emotions and identity. It is a way of seeing the world through others' eyes, down the ages and across the globe. Because of this, art is often controversial, and rightly: it should provoke us, confront us and challenge us to think anew. Politicians are often asked their views on these controversies, and of course they have a right to engage in the debates that artists provoke as much as anyone else. My approach so far, which I hope to maintain, is to try to see the work of art in question before commenting on it. Context and nuance are essential, and dialogue and debate rely on both sides to engage faithfully and with open minds.

Art can illuminate the big questions that face us, such as the one that we are debating today. The Turner Prize was awarded earlier this month in Coventry, City of Culture. The winner was the Array Collective, a Belfast-based group, which won with an installation of a pub, bedecked with banners and placards representing some of the most thorny and emotively charged debates of our age: on abortion, gay rights, race and gender. But perhaps the most important message was conveyed in the list of pub rules inside that pop-up pub. These included the entreaty that, while debating these issues, you must have a laugh. In a part of our country that knows all too well the dangers of sectarianism and what happens when open debate is replaced by the violence of the bomb and the gun, how powerful and necessary it was to see a work of art that champions the shared spaces where we can talk and disagree in an open, welcoming and good-humoured way. I congratulate them on their win.

Last night, I had the privilege of attending the opening night of "Best of Enemies", the new play by James Graham—a shrewd and sensitive chronicler of our age—at the Young Vic. It concerns the televised debates in 1968 between Gore Vidal and William F

Buckley Jr. It contains so many of the themes that we have touched on in our debate today: the polarisation of political debate; the role of the media in shaping and mis-shaping that; questions of race, sexuality and national identity; and the role and challenges of political protest—in this case, the clashes on the streets of Chicago during the Democratic National Convention. Half a century on from the events in that play, the questions that it poses us are as arresting and important as ever. I warmly encourage noble Lords to go and see it.

Like every aspect of public discourse, art benefits from a wide and diverse range of voices and views. That is why it is so important that previously marginalised groups are given the chance to tell their stories and make their voices heard. That is why we must all have the humility and open-mindedness to re-examine our convictions, however long or earnestly held, in the light of new insights and perspectives. That is why we must also protect those who express heterodox views as well as those who defend or reflect old orthodoxies. I was especially pleased to hear my noble friend Lady Sanderson of Welton drawing attention to the concerns expressed by Dame Rose Tremain and Sir Kazuo Ishiguro, who have done so much to understand and increase our wider understanding of people with experiences far removed from their own.

I have already had some illuminating and thought-provoking discussions with people working in different parts of the arts, for this is a growing and impassioned area of debate. Just a few days ago, I saw that Eddie Redmayne wondered, with great care and reflection, whether he would play the role of a trans woman today, as he did in "The Danish Girl". For my part, I am glad he did, for I thought that he did so with great sincerity and brought to wider attention the experience faced by trans people. Like the noble Lord, Lord Cashman, I think that we benefit from trying to walk in the shoes of others. But what matters is not just who tells the story but how they tell it—the research that they do and the spirit in which they do it—and I agree with my noble friend Lady Sanderson that we need to hear more voices and an ever more diverse range. The answer lies in addition, not subtraction.

If there is any institution that knows the difficulties and the importance of championing the orthodox and the unorthodox, it is the Christian Church. As I say, today's debate is part of an Advent tradition—the season in which we await the arrival of that great disruptor, the child who would go on to rebuke the Pharisees, draw the ire of the Roman Empire, and inspire the devotion of new followers for more than two millennia. We have heard from noble Lords of all faiths and none but, because that is the reason that the most reverend Primate is here in your Lordships' House and has been able to give us this debate, this is an appropriate point with which to conclude my remarks. I thank all noble Lords who have taken part in this debate.

2.04 pm

The Archbishop of Canterbury: My Lords, by the grace of God my voice is giving out entirely. It is 2.05 pm and I will be relatively brief. We have just heard an absolutely magnificent summing up from the

Minister. He has saved me a lot of time in following that. I will just pick up some basic principles that seem to have come out of what, to me, has been a remarkable debate. Not a single speech has failed to attract a lot of notes in my notebook. It has been an extraordinary contribution by a wide range of very wise people.

It is a fortunate coincidence, and particularly fitting, that this is international Human Rights Day. It is also clear—I had not added it up in my mind—that not only do we have the report on online safety coming, as the noble Lord, Lord Stevenson, pointed out to us, but we also have a whole rank of legislation to which the principles we have talked about today will be applicable. I will come back to that in a minute.

I will draw on some things that seem to have been brought out. The noble and right reverend Lord, Lord Harries, and other noble Lords quite rightly emphasised the importance of truth. That centrality of what we are trying to arrive at—a truthful, generous and just society—is at the heart of what we are doing.

The noble Baroness, Lady Stowell, referred to many of the institutions, some of which she has headed, that have a role in regulation in our society. I agreed entirely with her very good speech. My only question was when she said they should not be political. I say that all existence is political. They should not be partisan, but I suspect she was using the word in the way I use “partisan”. It was very helpful as she went through those things.

The importance of truth is first. Second is the importance of debate and reason. Many things have been raised here, so I will skip over most of my notes. I simply say that I was deeply moved by the long list from the noble Baroness, Lady Jenkin of Kennington, of those who have suffered from the intolerance that many have been going through, particularly those such as JK Rowling and many academics. That is a principle we have to bear in mind as we go forward.

Third is the recognition of power. My right reverend friend the Bishop of Oxford did an extraordinary job outlining what I had referred to too briefly in my opening speech as the commodification of freedom of speech. His expertise in that area is very important. Particularly, he drew out the fact that algorithms come from money and profit. They are driven more by hatred than by politeness and courtesy.

I was particularly struck by the remarks of the noble Lord, Lord Hannan, about generous listening. I thought that was a powerful phrase, because generous and careful listening undermines power differentials. Talking of power differentials, the noble Baroness, Lady Jones, was not allowed to speak from these two Benches yesterday. I am not allowed to speak from any Bench apart from these two, so I am more persecuted than she is. I am kidding. Archbishops of Canterbury are never persecuted—although they are occasionally executed. What the noble Baroness, Lady Uddin, said about power was extraordinarily powerful. I took extensive notes and will reflect on them at some length.

Fourthly, on equipping and training for free speech, the noble Lord, Lord Sandhurst, spoke eloquently and powerfully about the danger of safe spaces. The only quibble—it is a quibble—I would make is that the

term “safe spaces” is misused. There are plenty of safe spaces that are designed as such. Think of what the noble Baroness, Lady Merron, said in her summing up: a Jewish society at a university is not obliged to invite people who deny the Holocaust. It is a safe space from that point of view. Debating societies remain safe spaces because they have rules about the quality of debate. This place is a safe space because it has rules about what you can and cannot say. If I were to say what I thought about the right reverend Prelate the Bishop of Barchester—that I believe he is a drunken, cowardly sot—I would rightly, if he existed, be picked up almost immediately. There would be cries of “order” all around and I would be asked to withdraw. That makes this a safe space. Safe spaces can exist without restricting freedom of speech. However, we need to equip and train people for freedom of speech. I draw your Lordships’ attention to the rules of the University of Chicago on freedom of speech; google it and you will find a fascinating account of how, for more than 100 years, it has been one of the formative principles of that university. It is well worth looking at.

Fifthly, we need to challenge. We need the importance of truth, debate and reason, the recognition of power, equipping in training and the challenge of vetoes and assassins—of the tendency to kill, coerce and cause to flee. The noble Baroness, Lady Merron, was particularly powerful on this in what she said about culture wars and toxicity. We met each other when she was running the Board of Deputies; the Church of England has also signed up to the IHRA, just so you know. I am sure that she knew that already but it was not mentioned. Noble Lords know the old rule: everything has been said but it has not all been said by me.

I was particularly moved by the characteristically generous and thoughtful speech of the noble Lord, Lord Singh. His call to move with the times as a way of avoiding the toxicity of culture wars was very powerful indeed. In moving with the times, I come to the question of the church of St Mary the Virgin in Teesdale, raised by the noble Baroness, Lady McIntosh. I hear from the right reverend Prelate the Bishop of Durham that there has been no decision to close it yet. There will have to be a lengthy consultation. When we do consultations in the Church of England, we think in centuries, sadly.

Sixthly, I hope that the Government will reflect on the principles that have been so wisely shared across this House as they bring forward the legislation they are bringing forward at the moment. I hope that there are ways of testing the quality of that legislation, because this is not purely political. All these subjects, including in the PCSC Bill, are extremely difficult to legislate on. May these principles, which have been so widely brought out, be the principles on which we do our legislating. They include others that I will just mention in a few sentences.

The noble Lord, Lord Cashman, talked about the way we label for exclusion. I have talked about anti-Semitism and picked up what the noble Baroness, Lady Merron, said. My final point comes back to what the noble and right reverend Lord, Lord Sentamu, said about the importance of law. That is why we must bring this debate together with the legislation because,

[THE ARCHBISHOP OF CANTERBURY]

as he quoted from two books I have also read by Law Lords, I recognise the centrality of that in expressing in words what we hope to develop in attitudes.

Finally—genuinely finally—I was deeply touched by the stories that the noble Lord, Lord Cormack, told about his friendships with people with whom he disagreed almost entirely. At the heart of freedom of speech is the interlinking between freedom of speech, just and generous communities and healthy relationships

across our society. He brought that out wonderfully. I am sure that when we take up the offer of the noble Lord, Lord Griffiths, of a series of lectures, he will be able to expand on that better than I ever could. Once again, I thank your Lordships for an absolutely wonderful series of speeches. I am deeply grateful for your taking time on a Friday and I will not detain you any longer.

Motion agreed.

House adjourned at 2.16 pm.