

**The age of offence**  
*Regulating Offence*

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[MUSIC PLAYING]

PHILIP SEARGEANT: So, the question of who gets to decide what is offensive and then what should be done about that can be a contentious one. So partly, this comes back to the issue of the power of language and intention. If I wasn't intending to offend someone, but they felt offended by what I said, who's right? Should their sense of offense overrule my lack of intention in what I was doing? So, as I say, it can be a contentious issue because of things like this. The other issue, then, is who gets to regulate it, especially when a lot of this happens on social media.

IAIN WILSON: In terms of the law, there isn't necessarily a concept of offense. And so, it's not a criminal offense, per se, to be offensive to someone. There might be circumstances in which there are additional elements of behaviour that do mean it crosses the line. For example, sending material that's grossly offensive, or hate speech is involved or the behaviour is in a public place and might intimidate or threaten bystanders.

PHILIP SEARGEANT: When people first started worrying that technology itself was, in some way, causing or exacerbating social problems, the initial reaction was to look for tech solutions, look for ways that the technology itself could resolve the issues that it was producing. But one of the big problems with this is, firstly, the scale on which it happens. On something like Twitter or Facebook, or any of the social media sites, the amount of communication, the amount of traffic is so much that a group of people themselves can't monitor it. It needs to be monitored by the technology. But at the same time, there are limits on what technology can do, especially when it comes to identifying issues within communication, mainly because technology is not particularly good at reading context.

IAIN WILSON: I think, broadly speaking, there are three things they should be doing, or doing better. Firstly, is promoting a more courteous environment on their platforms, encouraging people to consider the language that they use, to have an open mind, to be tolerant. Secondly, reporting systems could be improved.

The constant criticism we hear is that I reported this to a social media platform, and I haven't heard back from them, or you can just click a flag, you can't explain why the post is causing problems, and the nuance of it. And then thirdly, technology, in terms of platforms proactively looking for offensive content on their site. I do think we need to regulate our regulatory system. I think it would be quite easy, in theory, to implement one. I would set up a new, discrete regulator.

PETER TATCHELL: I used to support the criminalization of homophobic hate speech, but then I saw the way it was often misapplied. So, for example, Christian street preachers, who were not inciting violence or being abusive to gay people, were being arrested. And as much as I disagree with them, in a free society, they have a right to hold their opinion. My argument was let's challenge them, let's protest against them, let's show them why they're wrong, but don't take them to court, don't treat them like criminals for simply having a different point of view.

ASH SARKAR: I think that, rather than saying that the disruptive thing is always the person who says there's a problem, is that we need to work out a way to bring both parties together, hash out some kind of resolution. And yes, sometimes that resolution is painful.

PHILIP SEARGEANT: So, I think the reason why all this is important is that, ultimately, it's about cultural norms. And by arguing, or rather by debating what counts as offensive and what doesn't, this is a way of working out those cultural norms and resolving what type of society we want to live in. And this is ongoing. It's not something that you decide, and then it's set forever. But it's a very important issue.

The notion offense sets the limits of what we think is acceptable, and also what we should be doing about things which aren't acceptable. And this is why offense culture is so closely related to issues of free speech, because ultimately, if we can talk these things through and find ways to resolve them which doesn't involve too much state intervention, then we have a healthy democratic society, which is able to deal with its issues, problems, and deal with the way things are changing without resorting to actual violence.