

## International conference

### **Understanding Offence: (De)limiting the Unsayable**

Institute of Advanced Study, Durham University, 21-23 March 2024

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#### **THURSDAY 21 MARCH**

10.15-10.45 Registration and refreshments (Little Burt Room, Hatfield College)

11.00-11.15 Welcome and introductory remarks (Pemberton Rooms, PG21)  
Vice-Chancellor of Durham University, Karen O'Brien

11.15-12.30 Keynote address I (Pemberton Rooms, PG21)  
'The facts of the matter: offence and evidence'  
Stefan Collini (University of Cambridge)

Chair: Karen O'Brien (Durham University)

12.30-13.30 Lunch (Little Burt Room, Hatfield College)

13.30-15.00 Paper sessions I & II (Pemberton Rooms, PG20 and PG21)

15.00-15.30 Break (tea/coffee served in Little Burt Room, Hatfield College)

15.30-17.30 Paper sessions III & IV (Pemberton Rooms, PG20 and PG21)

#### **FRIDAY 22 MARCH**

09.30-11.00 Paper sessions V & VI (Pemberton Rooms, PG20 and PG21)

11.00-11.30 Break (tea/coffee served in Little Burt Room, Hatfield College)

11.30-12.45 Keynote address II (Pemberton Rooms, PG21)  
'From private conversations to public outrage: the legal and social regulation of  
offensive speech'  
Jacob Rowbottom (University of Oxford)

Chair: Gavin Phillipson (University of Bristol)

12.45-13.45 Lunch (Little Burt Room, Hatfield College)

- 13.45-15.15 Paper sessions VII & VIII (Pemberton Rooms, PG20 and PG21)
- 15.15-15.45 Break (tea/coffee served in Little Burt Room, Hatfield College)
- 15.45-17.15 Paper sessions IX and X (Pemberton Rooms, PG20 and PG21)
- 19.00 Conference dinner (Kenworthy Hall, St Mary's College)

**SATURDAY 23 MARCH**

- 09.30-11.00 Paper sessions XI & XII (Pemberton Rooms, PG20 and PG21)
- 11.00-11.30 Break (tea/coffee served in Little Burt Room, Hatfield College)
- 11.30-13.00 Paper sessions XIII & XIV (Pemberton Rooms, PG20 and PG21)
- 13.00-14.00 Lunch (Little Burt Room, Hatfield College)
- 14.00-15.30 Closing plenary session: New directions in research on offence (Birley Room, Hatfield College)
- 15.30 Conference ends

## PAPER SESSIONS

### **Paper session I. Incivility, symbolic violence, and sexual expression**

Thursday 21 March, 13.30-15.00

Pemberton Rooms, PG21

Chair: Emma Poulton (Durham University)

*Tolerance of political intolerance: The impact of context and partisanship on public approval of politicians' uncivil behavior*

Maja Kutlaca (Durham University) and Leon Walter (Bielefeld University)

Politicians' uncivil behaviours violate social and moral norms yet seem to be on the rise. We investigated under which circumstances politicians' uncivil behaviour towards their peers and opponents is tolerated by their supporters. We hypothesized that public support would depend on the context in which incivility is used (i.e., if it is targeted at political opponents vs. peers) and on the individuals' moral beliefs. In two studies, we asked Democrats and Republicans to evaluate a politician who belonged to their preferred party and engaged in uncivil communication with either a member of the same or the opposing party. As expected, uncivil communication was condoned more when it was directed at the opponents. In the context of intergroup conflict, binding foundations predicted more approval among Republicans, and surprisingly more disapproval among Democrats. However, differences in (dis)approval between parties were not significant across both studies. Theoretical and practical implications are discussed.

*Money saving platforms, sociological offence and symbolic violence*

Ben Main (Durham University)

The attention social science and philosophy has paid to epistemic and hermeneutic (in)justice has tended to centre the injustice(s) of circumscribing 'agency'. In sociology, a version of this debate is arguably seen in the criticism of 'structuralist' analysis for excessive 'determinism' or portrayal of agents as 'cultural dupes'. In contrast to appealing to epistemic values I argue that this critique codes a form of sociological 'offence' taken to determinist-type conceptual frameworks. This paper explores this form of sociological 'offence' by examining implications of such a framework: Bourdieu's concept of 'symbolic violence' which describes the ontological complicity of actions or beliefs that are 'undergone' without knowledge. Following Bourdieu's own development of the properties of symbolic violence with qualitative analysis (Bourdieu 2004) an internet-based analysis of contemporary money saving platforms was conducted, emphasizing how these offer entry points to the social order of capitalism. Prominent message boards themes include 'winning', even 'triumph'. While there are multiple interlaced properties in this epistemic, analytic and ontological space (and its practices) it is argued that the problem that an qualitative analysis of 'symbolic violence' poses to sociological 'offence' is that it is produced in a process whereby it 'subtends' on its own performance 'without knowledge'. From this, I ask: what is illuminated in the adjudication between an analysis that suggests that these (money saving) responses are subject to 'symbolic violence' and the potentially symbolically violent choice to analyze these responses as symbolic violence? In expanding on how sociological offence is a professional nexus of competing rationale for determinist critiques a typology of symbolic violence is also proposed.

*The Inertia of State Interference: Transformative Regulation of Sexual Expression in Historical Comparison*

Ge Chen (Durham University)

This paper contends that the consistency observed in diverse forms of regulating sexual expression reflects historical inertia, with enduring state intervention amid shifting societal norms. Tracing this trajectory, it explores how regulations mirror evolving social, cultural, and political dynamics. Beginning with the absence of censorship in antiquity and the impact of Christianity on sexual morality, it delves into the religious roots of regulation and its secularisation. Analysing English and US law, it scrutinises foundational standards for obscenity, and examines China's premodern and modern approaches, including the People's Republic of China's politicised regulation merging authoritarianism with modern principles. Critically, it questions whether such regulation infringes on postmodern free speech rights, suggesting a theocracy-like regime in China's governance of sexual expression.

**Paper session II. Offence in cultural life**

Thursday 21 March, 13.30-15.00

Pemberton Rooms, PG20

Chair: Gretchen Larsen (Durham University)

*White Mischief: contemplating the offence of Western Art Music*

Harry White (University College, Dublin)

Indictments of western culture from within are by now a principle of cultural history itself. They attain to a moral status which informs and often regulates the transmission and meaning of western art as an unwarranted domain of economic self-interest, political absolutism and socially indefensible privilege. Within the sphere of Anglo-American critical discourse, these disenchantments are racially framed and formulated as an indictment of 'white culture', a condemnation (self-evidently) underpinned and buttressed by race theory and the redress of postcolonialism. It is not difficult to identify western art music as a primary site for these indictments. 'Why not let classical music die,' the musicologist Kofi Agawu sardonically inquired in 1997, 'and with it the oppressive culture that nourished it for centuries?' In 2005, Richard Taruskin nominated the 'foreseeable' end of the literate tradition of art music as the 'number one postulate' underlying his Oxford History of Western Music, and in 2020 Philip A. Ewell began his widely-cited essay on 'Music Theory in the White Racial Frame' with the memorable assertion that 'music theory is white'. More generally, the unmistakable attrition of art music studies in school and university curricula signifies the diminuendo of Europe as a serious preoccupation in musical terms. This is also expressive of a corresponding impatience with the claims of this repertory to intellectual pre-eminence and authority, vitiated as these claims now are by the counter-claims of postcolonial theory and the overwhelming prestige of popular musical culture. In brief, western art music has become offensive to the multiculturalism in which it struggles to survive. This paper countenances the offensive condition of western art music against the grain of its currently hostile reception. It seeks to deconstruct examples of the rhetoric through which it has been impugned, and it promotes an argument in favour of its exceptional capacity for historical immanence and expressive complexity. It also dares to challenge and supervene the racist and elitist charges brought against it.

*Offence and unofficial literary censorship in twentieth-century Ireland: the case of Críostóir Ó Floinn Séamas de Barra* (Munster Technological University)

The Irish Censorship of Publications Act of 1929 was intended to prohibit from sale and circulation books, newspapers and periodicals found to be ‘in their general tendency indecent and obscene’. As implemented, however, the Act was far more restrictive in its effects than this wording might suggest and led to the wholesale banning of literary works on the basis of brief, decontextualized passages or because they were deemed irreligious or anti-Catholic in sentiment – even though the Act made no provision for a ban on these latter grounds. For Irish writers, one of the most serious consequences was the increased unofficial censorship that followed in the wake of the Act, even for those whose publications were not banned. Any perceived offence against the prevailing hyper-religious, puritanical ethos of the country – whether intended or not – could have serious consequences. The writer Críostóir Ó Floinn fell victim to this unofficial censorship twice within five years, being forced to relinquish primary-school teaching posts in 1963 and again in 1967 because the clerical school management took exception to plays he had written. On the face of it, Ó Floinn, socially conservative, a devout Catholic and a fervent nationalist, might have seemed a typical representative of the contemporary Irish establishment and an unlikely figure to attract such opprobrium. But his story highlights the stultifying effects of a narrow- and literal-minded zealotry, eager to take offence at anything that contradicted its moral and religious worldview and fanatical in its desire to punish transgression.

*Cancel culture and the arts in historical perspective*  
Patrick Zuk (Durham University)

### **Paper session III. Offence in public life**

Thursday 21 March, 15.30-17.30

Pemberton Rooms, PG21

Chair: Ian O’Flynn (Newcastle University)

*Political tolerance for controversial and hate-speech groups and the effects of climate change*  
Daniel Gloris (TU Dortmund University)

Political tolerance can be regarded as a cornerstone of liberal democracies. According to a prominent definition it “implies a willingness to put up with those things one rejects or opposes. Politically, it implies a willingness to permit the expression of ideas or interests one opposes”. (Sullivan et al. 1982) Some argue for a liberal version of political tolerance which requires a universal right (excluding physical violence) to participate in the marketplace of ideas (Gibson 2011). Other argue, as Boch (2020) in her trend analysis of political tolerance, for a differentiation between controversial and hate speech. She consequently excluded the hate-preaching Muslim clergyman and the racist from her political tolerance instrument in her analysis of the GSS. My aim is to empirically examine the effects of climate change threat on political tolerance, which can be harmful for established liberal democracies. This is an issue of pressing importance, as research on this topic is lacking. I will use the US GSS 21 data set and ISSP environment module. As I differentiate between tolerance for controversial groups and groups with hateful rhetoric (which are outside the realm of tolerance

according to a European concept of tolerance) I hypothesize different effects of climate change threat on these different concepts of tolerance. Relying on the General Process Model of Threat and Defence (Jonas et al. 2014) and experimental evidence from other studies (Fritsche et al. 2012), I expect a stronger intolerant (symbolic) response (especially for high educated liberals) related to hate speech groups in comparison to controversial groups.

*Offence in the political domain*

Henrietta Catley (Durham University)

It is well-established that outright falsehoods and misleading statements (collectively known as deceptive rhetoric) are not only offensive forms of speech, but common features within the British political domain. Such behaviour has not only contributed to a lack of public trust in both politicians and the overall democratic system, but also causes a decline in the public's use of informed and rational deliberation when engaging in democratic procedures. All this creates a context for understanding how politicians are, and could be, deterred from deceiving the public. Investigation into the existing regulatory framework supports the finding that the current approach is inadequate. Whilst there are mechanisms in place, there is no enforcement measure with which to sanction politicians who deceive the public, outside of very specific circumstances. With this in mind, I put forward an argument in favour of legal reform—specifically, a new, more general, criminal offence. In this paper, I seek to provide an explanation and justification of how such an offence should be drafted. Drawing on moral and linguistic philosophy as well as doctrinal literature, I outline what circumstances could justify the imposition of criminal liability. My aim in this paper is to provide a template of an offence which deters politicians from deceiving the public.

*The blurred boundaries of 'banter' and 'offence' within English men's football supporter culture*

Emma Poulton (Durham University)

The concurrent preoccupation within public life concerning the boundaries of acceptable speech and conflicting understandings of what constitutes unacceptably offensive speech and behaviour is writ large within the sport of football. Specifically, men's English football supporter culture – which is characterised by expressions of rivalry and boisterous partisanship – is a particular social setting where words, gestures and other behaviours have differing and contentious subcultural meanings. Within men's football supporter culture, 'banter' – a wide-ranging term used to describe a range of exchanges from wise-cracks and reciprocal 'piss-taking' through to denigrating and insulting others in a ritualised form – is commonly accepted and crucially, enjoyed as a pleasurable currency. Often distasteful (especially to outsiders), the very purpose of this discourse is to be 'offensive' as an expression of rivalry and support. Drawing upon empirical research on abuse of an antisemitic nature, this paper explains the complex and problematic nature of 'banter' and 'offence' within English men's football supporter culture as a phenomenon that is largely enjoyed by many participants, as well as examining the blurred boundaries between 'banter', freedom of expression, regulation and criminalisation. Participants are sometimes called out by other supporters (both in crowds and online) for having 'no class' as a form of informal self-regulation, which gives an indication of how and where the boundaries of acceptability, tolerance and taste are constructed within supporter culture. Yet concerns remain that the sport is being 'sanitised' and free speech is being further eroded given the inordinate amount of existing football-specific legislation.

*Hate speech and social media: evidence from the election of Bolsonaro in Brazil*

Diego Marino-Fages (Durham University)

How does the advent of new information shape societal norms and, consequently, behaviour? We delve into the aftermath of Bolsonaro's triumph in the 2018 Brazilian presidential election, examining its impact on the prevalence of hate speech online. Leveraging Twitter data spanning 2017 to 2019, we employ natural language processing techniques to differentiate tweets containing hate speech from those without. To precisely trace the influence of Bolsonaro's election on the surge in hate speech via Twitter, we adopt a difference-in-differences methodology, utilizing the election outcome as an informational shock. We find a large surge in online hate speech after to the elections, particularly in municipalities where Bolsonaro's support was comparatively low. These outcomes find reinforcement in an analysis at the individual level, indicating that both the intensive and extensive margins of individual hate speech contributed to the overall increase. We interpret these findings through the lens of a belief updating mechanism, specifically emphasizing the process of revising social norms dictating what is deemed acceptable to say (or not) in public.

**Paper session IV. Offence in the Spanish-speaking world**

Thursday 21 March, 15.30-17.30

Pemberton Rooms, PG20

Chair: Susan Frenk (Durham University)

*Slinging it sideways after the fact: responses to the 1968 Tlatelolco massacre*

Victoria Carpenter (University of Bedfordshire)

On 2 October 1968, ten days before the start of the XIX Olympic Games in Mexico City, a student demonstration was held in the Plaza of Three Cultures, Tlatelolco district of the capital. The demonstration started around 4 p.m.; by 6 p.m. the demonstrators were about to leave the Plaza. At this point, a helicopter flew over the Plaza and several fireworks were set off. This must have been the signal to the members of the Olímpia Battalion, a special plain-clothed taskforce, who, according to most witnesses, opened fire on the police and army troops. In response, the troops opened fire on the demonstrators and bystanders. Many were killed or wounded in an ensuing gun battle that lasted into the night. The massacre soon became the subject of many passionate debates aiming to establish 'what happened' and find out 'the truth' about the events in Tlatelolco. In a previous study (Carpenter 2018), I examined the relationship between the knowledge archive of the massacre and the emotions associated with it, concluding that the emotions were the driving force behind the text being accepted as 'the truth' about the massacre. Continuing with this line of argument, I will focus on two of the key contributors to the Tlatelolco discourse – Roberto Blanco Moheno, historian and journalist, and Gabriel Zaid, essayist and poet. Using the concept of the multitude (Hardt and Negri 2006), and the theory of posthegemony (Beasley-Murray 2010), I will consider the similarities and differences in the way the two authors use insults and offensive diminutives to make the audience experience a particular set of emotions, thus forming the multitude impelled into a strong reaction against the perpetrators of the massacre.

*'Just joking': taking offence in Torrente (Santiago Segura, 1998-2014)*

Matthew Hilborn (King's College, London)

This paper analyses the ongoing anxieties in Spanish cinema over how best to preserve, remember, or forget its "offensive" bogeyman: the outrageously fascist, racist, sexist ex-cop Torrente. From 1998-2014, this politically-incorrect monstrosity starred in five namesake, blockbuster films, becoming by far its highest-grossing franchise, averaging €20m per instalment. Nevertheless, the establishment largely snubbed this awkward eyesore (Merás 2014), a polemical inclusion within film histories that, debut notwithstanding, received scant official recognition. Yet, while an American remake starring Sacha Baron Cohen has seemingly vanished, and foul-mouthed copycats have failed to land, rumours of *Torrente 6* have persistently circulated, fomented not least by its actor, creator, and director, Santiago Segura, who claimed, in 2022, to have completed a script. Moreover, continuing parodies and retrospectives (Fotogramas showcase, 2021) and the rise of far-right Vox – whose image knowingly aligns with the saga – demonstrate enduring relevance. Discussing viewing 'as social practice' (Jenks 1995: 2) involving scopophobia, I explore a deliberate purpose to offend, asking, What do we *do* with Torrente? In 2020-21, streaming services FlixOlé, Filmin, and Netflix added the films – moves so controversial that senior executives offered public defences, and star Neús Asensi decried her treatment on-set 20+years prior. Firstly, this paper provides a taxonomy of 'defences', including 1) non-seriousness, 2) 'pariah' portrayals, and 3) contextualisations within cinema history. Secondly, it shows how Segura turns resentment and rejection from a (perceived) mainstream progressive consensus into a new industry of 'cancel capital', which, harnessing 'outrage' for economic gain, exploits the hyper-politicisation of contemporary comedy.

*Juan Benet's 'Duelo' and 'Después': the boundaries of acceptable speech and behaviour*

Elena Roig Cardona (Université Jean Monnet)

After three years of civil war, Spain plunged into a period of poverty, fear and despair. Franco's regime then added offence to injury by introducing censorship, a restriction on freedom of expression that made the artistic and intellectual environment of the moment even more difficult. Far from the social literature that his contemporaries created, and despite denying any relationship between his writings and the time in which he lived, the truth is that Juan Benet's stories exude an atmosphere of post-war grievances, issues of dictatorship, and oppression. Although his best-known work is *Volverás a Región*, two of his previous stories clearly convey several aspects of the offence that Francoism was inflicting on the Spanish people. In 'Duelo' offence is manifested through Indiano, a cold and violent character who tries to control the situation in a cunning and subversive way to woo a submissive and naïve Rosa, at the same time as dominating and mercilessly treating Blanco, a weak and defenceless character who is also trying to woo Rosa. In 'Después' offence is portrayed through the actions of a despotic and authoritarian father who disowns his son, locking him up in a house in the company of men who guard and control him at all times. Through the behaviour of these characters and the silences that dominate the stories, Benet shows us the subversive but subtle, almost imperceptible aspects of this manipulation that, applied assiduously over time, undermines human dignity, a manipulation that, through oppression and offence, Franco exercised throughout his mandate.

*“Our duty to defend the public from poison”*: constructing offence in the censorship of Spanish theatre  
Michael Thompson (Durham University)

Drawing on investigation of records of theatre censorship in Spain during the Franco dictatorship (1939-1975), this paper will examine ways in which offence allegedly caused (or likely to be caused) by theatrical productions was articulated by censors working for an authoritarian regime. They tended to claim that they represented and defended an unquestionable social consensus, acting on behalf of the public to protect them from morally or politically harmful language, images, behaviours and ideas. In the context of a dictatorship dominated by the armed forces and the Catholic Church, it is not difficult to demonstrate that protestations of sincere offence usually concealed calculating, partisan moves to protect particular political, ideological or institutional interests (for example, by preventing any questioning of the legitimacy of a regime imposed by force or the Church’s power to police moral values). Eventually, as social change accelerated around them and audiences increasingly showed that they were considerably more broadminded than they were supposed to be, the censors themselves came to acknowledge the lack of validity of the claim to represent a genuine consensus. Analysis of the rhetoric deployed in this period and place generates findings that illuminate other, less authoritarian contexts. A key pattern is that something expressed as a personal, emotional response evincing disgust or indignation – *I’m (going to be) offended by this* – slides into a suggestion that it is validated by being collective – *we’re (going to be) offended by this* – and then an assertion of universality – *everyone should be offended by this (kind of thing)*.

#### **Paper session V. Regulating offensive expression**

Friday 22 March, 09.30-11.00

Pemberton Rooms, PG21

Chair: Helen Fenwick

#### *Legislating offence: a view from the front line*

Nicholas Hoggard (Law Commission/UK Home Office)

It is illegal in England & Wales to send ‘grossly offensive’ communications. Despite widespread criticism of these offences, attempts to repeal or replace them have failed. Drawing on years of work on both the Online Safety Act 2023 and related Law Commission publications, this paper reflects on the legal and practical difficulties that confront attempts to replace ‘offensiveness’ in the criminal law, and offers views on a pathway to reform. The Law Commission observed that offensiveness was a conceptually poor foundation for criminal offences: the term is heavily and inescapably reliant on subjective definition, and fails to connote any inherent moral opprobrium (even with the vituperative epithet ‘grossly’). Speech may be offensive even though harm is neither likely nor intended (both of which, the Law Commission submitted, are required for a communication to be criminally wrongful). The Commission recommended that the offences be replaced with a new ‘harm-based’ communications offence that was predicated not on gross offensiveness but, instead, on an intention and potential to cause serious distress. This recommended offence was subject to sustained criticism from parliamentarians, the public and academia: the offence was variously described as vague and ‘legislating for hurt feelings’. This paper will submit that those criticisms do not withstand scrutiny. In

any event, the existing offences criminalising grossly offensive communications remain, their effects now magnified through the regulatory regime in the OSA 2023.

*Seduction and sensibility: charting the frontier of acceptability in sexual representations in advertising*  
Alexandros Antoniou (University of Essex)

My paper explores the intricate intersection of freedom of commercial expression, consumer protection, and societal norms in the context of sexual imagery in advertising. Although the UK's current advertising rules do not automatically label sexual content as offensive, they stipulate that marketing communications "must not contain anything that is likely to cause serious or widespread offence". But where is the line drawn? Focused on the period spanning 2018-2023, the paper scrutinises the recent practice of the UK's Advertising Standards Authority and seeks to identify the parameters that govern the appropriate use of sexual imagery in advertisements. Key considerations encompass the impact on vulnerable demographics, the perpetuation of stereotypes, and the potential contribution to a culture of objectification. By critically examining the application of existing advertising rules and evaluating the consistency and effectiveness of the UK's advertising watchdog in addressing concerns related to sexual content, the paper seeks to offer valuable insights for legal scholars, policymakers, and practitioners. It endeavours to map the nuanced factors involved in navigating the landscape of sexual imagery in advertising, fostering a more informed and conscientious approach in the industry.

*Regulating offensive and harmful content on social media platforms: what role for the state?*  
Gavin Phillipson (University of Bristol)

The prevalence on social media platforms of various forms of offensive and/or harmful content, including hate speech, disinformation, revenge porn, terrorism-related content etc. – is a pressing problem that has inspired a raft of initiatives. These include new legislative schemes, inter-governmental cooperation, 'voluntary' arrangements between platforms and the EU and self-regulation via the platforms' own 'community standards'. All these represent different ways of regulating what is politely termed 'content moderation', but which in practice pre-eminently means content-removal. Given the huge scale of the problem, the speedy removal of such content – as opposed to the traditional, time-consuming business of prosecuting those who post it - has rapidly become the preferred remedy for many democratic states and the European Union. Since such measures only apply to content posted on online platforms, they do not, unlike criminal sanctions or prior restraint, directly assail the individual right to articulate the 'speech' in question, assuming other modes of expression exist. However, they do at least make the message of such posts far less visible, and may, at most render it practically absent from the public sphere. Hence content moderation is now a key free speech problem, while arguments over the proper role of the state here also make it of broader constitutional concern. This paper, drawn from a longer draft with Robert Simpson (UCL, Philosophy), presents an original normative taxonomy of schemes for regulating content moderation, that is, a classification based on how the different types of state (in)action involved may be normatively assessed. It identifies five models:

(a) 'pure' self-regulation: platforms remove content that offends their own 'community standards'; this may involve purely voluntary assistance from civil society/public bodies;

- (b) ostensible self-regulation but with (sometimes covert) influence/pressure by government, stronger forms of which may amount to ‘jaw-boning’);
- (c) non-legislative, ‘voluntary’ co-regulatory models entailing state-directed removal, as under the EU’s Hate Speech Code, where the Commission and other public authorities ‘notify’ content for removal (formalised ‘jaw-boning’);
- (d) legislated co-regulatory models, defining (illegal) content to be removed, requiring enhanced processes, transparency, remedies, etc backed by fines: German NetzDG law, EU Digital Services Act, Australia’s Online Safety Act, UK Online Harms Act; 2021 Canadian Government proposals for a similar legislative framework;
- (e) compulsory, punitive state-directed content-removal, e.g. the EU’s Regulation on the dissemination of terrorist content online (2021/784) (‘TERREG’) of very broadly-defined classes of material that may not be already illegal in many participating states.

The paper then evaluates the models, explaining the particular problems raised by each of them before providing a reasoned defence of (d) as instantiating the most legitimate approach.

#### **Paper session VI. Offence and artistic expression**

Friday 22 March, 09.30-11.00

Pemberton Rooms, PG20

Chair: Kevin Bartig (Michigan State University)

*Exploring the boundaries of offence in the visual arts*

Alix Collingwood-Swinburn (Durham University)

In the world of art, the line between provocation and offense is often blurred. Discussing artworks and artists that challenge societal norms and incite reactions, this presentation will explore how to navigate the delicate balance between creativity, provocation and freedom of speech, while considering the role of the museum in collecting or displaying such artworks.

*What exactly is offence in classical music?*

Elena Dubinets (Artistic Director, London Philharmonic Orchestra)

Mark-Anthony Turnage, CBE

Representations of offence in classical music are plentiful, although they aren’t necessarily obvious even to professional musicians. At the same time, some music works have transgressive power to break taboos, violate sentiments, provoke and insult their listeners by deploying certain purely musical elements and also via subject matters selected by the composers. Such pieces might instill a physiological or neurological discomfort in audiences by attacking their aesthetic, moral and religious sensibilities. Having systematized different manifestations of offence in classical music, we will pose the following questions: Are offensive music compositions designed to provoke thought and challenge norms, or are they offensive carelessly or maliciously? When writing such music, do the composers have the explicit objective to produce works that deliberately trigger negative reactions in listeners, or do they achieve this effect inadvertently? One of the most creative and radically innovative contemporary composers who is also one of the best-known British composers nowadays, Mark-

Anthony Turnage, will help us understand his intentions behind a variety of his works engaging with subject matter that audiences may find challenging, including *Anne Nicole*, *Refugee* and others.

**Paper session VII. Hate speech: round-table discussion**

Friday 22 March, 13.45-15.15

Pemberton Rooms, PG21

Chair: Ian O'Flynn (Newcastle University)

*Participants:*

Catherine Donovan (Durham University)

Peter Jones (Newcastle University)

David Russell (Northern Ireland Human Rights Commission)

Jonathan Seglow (Royal Holloway, University of London)

This roundtable interrogates the claim that 'there is no human right not to be offended', and will comprise a presentation by the Chief Executive of the Northern Ireland Human Rights Commission David Russell with responses from other panel members. Dr Russell's presentation will set out the following case:

The statement that 'there is no human right not to be offended' is often repeated by those seeking to defend freedom of expression and, indeed, at first glance, we may be minded to support such an ostensibly liberal ideal. Our ability to say or do things that others find offensive is a fundamental liberty which gives meaning to the principle of non-interference in a democratic society. The right engaged is Article 10 of the European Convention on Human Rights, incorporated into United Kingdom law and given further domestic effect through the Human Rights Act 1998. The text of the Convention further elaborates that expression includes the freedom to hold opinions and to receive and impart information and ideas without interference by a public authority and regardless of frontiers.

As Dr Russell will argue, freedom of expression is not without boundaries. We are not dealing with an absolute right. On the contrary, even within the body of the Convention itself, the right to say or behave how we want is qualified because it carries with it duties and responsibilities. It may also be that such formalities, conditions, restrictions or penalties as are prescribed by law.

In determining where the appropriate limit for such laws might be set, a democratic society can exercise a margin of appreciation and, when doing so, the questions which arise are those of general human rights principles regarding proportionality, necessity and the legitimacy of the aim being pursued. These might include interests of national security, the prevention of disorder or crime, the protection of health or morals, protection of the reputation or rights of others, preventing the disclosure of information received in confidence, or for maintaining the authority or impartiality of the judiciary.

In short, the fundamental freedom to do or say what we want is far from absolute. For this reason, a wealth of jurisprudence has been developed addressing everything from artistic expression to defamation. It also continues to evolve, addressing a multitude of diverse subjects, from disinformation online to contemporary forms of hate speech.

### **Paper session VIII. Offence and duties of care**

Friday 22 March, 13.45-15.15

Pemberton Rooms, PG20

Chair: Maja Kutlaca (Durham University)

#### *The phenomenon of offence: revisiting offending deaths*

Douglas Davies (Durham University)

This presentation will revisit and develop the notion of 'offence' derived from my previous theory of 'Offending Deaths' in the light of current research on 'cultural betrayal' in terms of anthropological notions of reciprocity theory, trust, fear, and identity. This will include the key biblical scenario of 'betrayal' and its transcendence in the emergence of the early Christian sect, notably in its male but not female figures, and the notion of grace. It is now some years since I sketched the distinctive Cultural Theory of Offending Death in the essay 'Health, Morality and Sacrifice: the Sociology of Disasters', published in the *Blackwell Companion to the Sociology of Religion* (2000). That led to my being invited to address and share in a remarkable event in Oslo a year after their experience of Anders Breivik's 2011 killing of many young people. This was published as Douglas Davies, 'Valuing Emotion in Tragedy', in *Modernities, Memory and Mutations: Grace Davie and the Study of Religion* (2015). I am currently working on (a) 'cultural betrayal' and the offence caused when agents of the major medical, ecclesiastical, and law enforcement institutions betray the trust vested in them, and (b) on a sociology-psychology of early sectarian Christianity, its paradigmatic scenes of betrayal and of its transcendence in phenomena of apostolic leadership.

#### *Workplace words: psychological risk, duty and liability*

Francine Rochford (La Trobe University, Australia)

In the common law world an employer's tortious duty to provide a safe workplace extends to the duty to take reasonable steps to prevent psychological harm. An increasing number of cases have considered the liability of the employer for psychological harm arising from verbal statements, including vicarious liability for the actions of employees and primary liability for failing to institute policies and procedures for a psychologically safe workplace. The developing law informs interactions in increasingly juridified workplaces, universities and schools. This paper addresses the parameters of the employer's obligation to control an employee's words and the potential of that duty to widen as a result of the iterative and reiterative application of standards of care. It will analyse the current scope of the workplace requirement to take care not to cause psychological harm, including obligations arising in tort and statute. It will then consider the techniques and processes by which legal concepts become naturalised in an increasing number of lifeworld contexts. It is hypothesised that the tendency to utilise juridical concepts and language contributes to atrophied language and relationships in workplace and education settings. New social constructions of dangerous words, increasingly informed by therapeutic language, reset workplace settings for psychosocial risk.

#### *Layers of offence and challenges to dignity: an impact of COVID-19 on critical care nurses*

Peter Hamilton (Durham University), Oonagh Harness (University of Northumbria), Martyn Griffin (University of Sheffield)

In this paper we examine how dignity is discursively constructed within the experiences and coping strategies of Critical Care Nurses (CCN) during the COVID-19 pandemic. Based on longitudinal interviews conducted with 104 CCNs at three points during the pandemic, the analysis concerns how the many difficulties they experienced are discursively configured to construct a sense of individual and collective worth. Hence beyond the physical and emotional challenges that they faced working through the pandemic they also experienced various attitudes and behaviours that carried the threat of offence and challenges to dignity. These threats included family members who considered them 'dirty' by association through working with COVID-19 patients, members of the public who forcefully denied the truth of the virus's existence, patients' families with ill-considered demands channelled through abusive language and behaviour, and government providing a lack of protection and pay rise. Following on from discussing the form and nature of these and other offences that they reported we argue they were a threat to the CCNs experiencing dignity at work, defined as "a sense of self-worth and being treated as worthy by others" (Costas, 2022: 8). We go onto to consider how the CCNs responded through discourses that re-established their sense of occupational identity, affirmed their inherent value in combatting the effects of the COVID-19 virus and through selective social comparison elevated their comparative worth. Combined these discursive constructions provided a means for the CCNs to survive and manage the threats that potentially challenged their dignity at work.

**Paper session IX. Emily McTernan's *On Taking Offence*: round-table discussion**

Friday 22 March, 15.45-17.15

Pemberton Rooms, PG21

Chair: Brian Carey (Durham University)

*Participants:*

Teresa Bejan (University of Oxford)

Brian Carey (Durham University)

Emily McTernan (University College, London)

Robert Simpson (University College, London)

There is a popular perception that taking offence too easily is a bad thing: revealing some weakness or character flaw in individuals and, more broadly, threatening social cohesion and the culture of free speech. Against this, *On Taking Offence* defends the significance and positive social value of taking offence, offering a fresh understanding of this emotion. The book argues that taking offence is not a matter of hurt feelings but, rather, a reaction against an affront to one's social standing. As a result, to take offence can be a way to resist the day-to-day patterning of social hierarchies. The book examines the consequences for how we should think about the nature of social inequality, what civility requires of us, the wrongs that offensive jokes can do, and the dynamics of offence taken on social media. In this author-meets-critics session, Emily McTernan will offer a brief summary of the arguments of *On Taking Offence*, and Teresa Bejan, Robert Simpson, and Brian Carey will offer critical responses drawn from the themes and content of the book. This will be followed by a response from Emily before the discussion is opened up to the audience for a Q&A.

## **Paper session X. Offence and the marketplace**

Friday 22 March, 15.45-17.15

Pemberton Rooms, PG20

Chair: Peter Hamilton (Durham University)

### *Panel Overview*

The marketplace is no stranger to offence. In fact, it is “a fertile ground” (Liu et al. 2019: 1165) offering many and varied opportunities for offence to be given and taken. This is evidenced by the substantial body of academic research on offence in advertising (e.g. Beard 2008; Elliott et al. 1995; Phau & Prendergast 2001), specific types of offence that emerge in the marketplace such as consumption-based offence (Liu et al. 2019) and the regulation of potentially offensive marketing practices such as advertising (Auxtova et al. 2021). There has also been a notable amount of research on topics closely related to offence, such as disgust in consumption (Morales & Fitzsimons 2007) and stigma (Larsen et al. 2014), taboo (Larsen et al. 2018), and othering (Larsen 2017) in consumer society. Aside from this academic interest in offence in the marketplace, there are also numerous organisations around the world, such as the UK’s Advertising Standards Authority, employing many people whose job it is to ensure that advertising and other marketing practices meet industry standards including those linked to offence. While marketing theory and practice does not yet thoroughly address all aspects of offence in the marketplace, such as the pleasure consumers might gain from being offended by a brand or advertisement (e.g. Brown 2001), what is obvious from all this work, is that markets, marketing, and consumption are deeply implicated in processes of giving and taking offence. Building from that point, this panel aims to highlight what a marketplace-based perspective can offer to the development of an interdisciplinary, broad-based understanding of the phenomenon of offence itself, and of what is involved in giving and taking offence. Auxtova and Schreven highlight how advertising can work to create new forms of offence in society. Larsen and Patterson explore the marketing and consequences of marketization on what would commonly be understood as an offensive service. And finally, Walther examines the complex inter-relatedness of giving and receiving offence in consumption.

### *The role of advertising in creating offence in the marketplace*

Kristina Auxtova (University of Edinburgh) and Stephanie Schreven (University of Dundee)

Research on offence in advertising explores consumer perceptions of offence regarding what products are being advertised (e.g. condoms), how the advertising is executed (e.g. nudity), what media is used for such advertising (see Barnes & Dotson 1990; Beard 2008; Christy & Haley 2008; Phau & Prendergast 2001; Terlutter et al. 2022; Waller 1999), and how such advertising is regulated (Auxtova et al. 2021). However, advertising also creates new sources of offence in the marketplace. Our study explores one such instance – the deodorant and anti-perspirant industry framing smell and sweat as offensive and stigmatising in order to sell its products. Through the lens of legitimation (Humphreys 2010; Suddaby et al. 2017) and framing (Benford & Snow 2000), and using archives from the History of Advertising Trust (Moir et al. 2017), we investigate how today’s anti-perspirant and deodorant industry gained legitimacy by using advertising to render smell and sweat offensive and to stigmatise those who are ‘smelly’. Starting with the brand that stood at the birth of the industry, Odorono (*Odor? Oh no!*), our preliminary findings reveal that the advertising frames sweat and smell as problematic, objectionable, offensive, embarrassing, a handicap, a menace, or a blemish, while the use of deodorant is framed as a solution to the excessive sweat, particularly in women, and as a motivation

to remain dainty, feminine, and charming. To gain its legitimacy, the industry is observed to generate status anxiety and olfactory paranoia and exploit the consumer's fear of being socially rejected due to being smelly.

*Marketization of the oldest profession – pornographication and the advertising of sexual services*  
Gretchen Larsen (Durham University) and Maurice Patterson (University of Limerick)

This research offers a historical and culturally embedded examination of the consequences of marketization on the advertising of sexual services in contemporary society. Though routinely referred to as the 'oldest profession', and undoubtedly big business, sex work has not benefitted from sustained academic attention. This is perhaps because it is largely gendered as female, it is service work, it is often illegal or part of the shadow economy (Grant 2014), it is stigmatized and is commonly considered to be troubling and offensive (Miller 2004). While much has been written about the use of sexualized appeals in advertising (e.g. Elliott *et al.* 1995; Gould 1994; Reichert and Lambiase 2003), it is often only from a moralistic standpoint which views such advertising as simply unacceptable. Research on the advertising of sexual services is much less forthcoming and tends to focus on the restriction placed on such advertising in an effort to maintain socio-spatial order (e.g. Hubbard 2002). Our research goes some way towards addressing this lack of attention to the cultural history of this market and its marketing practices, by specifically addressing the use of 'Tart Cards'; advertising cards used by prostitutes and placed in telephone boxes in certain districts of London. Our collection of images spans 17 years, from 1992 to 2008. As we will see, these tart cards bear witness to a shift from a marketized service to a commodified one, with consequences that can be usefully understood through the lens of what is called 'pornographication' (e.g. Atwood 2007).

*Two-way offences in women's erotic consumption*  
Luciana Walther (Universidade Federal de São João del-Rei)

This ethnographic research on women's erotic consumption in Brazil revealed that taboo and prejudice against sex products still exist in some cultures, creating a two-way form of offence. People who feel offended by those products may react by offending the women who consume them. The study identified the following reasons underlying the perception of vibrators as offensive products: masculine fears of being replaced by vibrators, which are seen as a threat to couples and families; and feminine fears of becoming addicted to product-mediated orgasms, which would deter the consumer from conforming to heteropatriarchal expectations of coupling with a man. Field data revealed that both fears are imaginary and not grounded in respondents' actual practices and experiences. When feeling offended by women's erotic consumption, people may return the offence, attacking those consumers with terms that could be translated into English as "spinsters" or "on the shelf", which reveal an uninformed understanding that vibrators are made for solitary use by women who cannot find a male partner, or whose partner is not capable of sexually satisfying them. Contradictorily, these women are also offended with terms like "slut" or "whore", for being perceived as easy, too sexually active, or overly independent. However, in accordance with secondary data from industry, the present study showed that the main intention behind Brazilian women's erotic consumption is to "spice things up" with their partners. These women do not aim to eliminate men or steady relationships from their lives, which makes the offences they receive even more unfair.

## **Paper session XI. Defamation and offensive expression**

Saturday 23 March, 09.30-11.00

Pemberton Rooms, PG21

Chair: Peter Coe (University of Birmingham)

### *Defamation law and offensive speech*

Hilary Young (University of New Brunswick)

Defamation law is not concerned with offence. Name-calling, for example, is not defamatory. Words must have a tendency to make one think less of the plaintiff. Offence is relevant to damages but does not ground a cause of action. Or so the story goes. In reality, liability in defamation may result where the plaintiff has been offended, without resulting reputational harm. My paper explores the examples of calling someone a bigot and making bigoted statements. In a recent Supreme Court of Canada decision, the court accepted that an allegation of bigotry was *prima facie* defamatory, while also concluding that there was likely no reputational harm. In context, the plaintiff's own bigoted words were more likely to have caused any reputational harm than the defendant's opinions about those words.<sup>1</sup> Racist speech is also often found defamatory where it seems unlikely that it would have changed anyone's views of the plaintiff. When a white professor called a Black professor the university president's "house negro", the courts found this defamatory; no one seems to have questioned whether ordinary people would be influenced by this vile speech.<sup>2</sup> And while the "serious harm" requirement should prevent such misuses of libel law in England, the recent decision in *Blake v Fox*<sup>3</sup> suggests otherwise. I argue that bigoted speech and counterspeech are rarely defamatory and their legality is better assessed using human rights and hate speech laws, which address the broader societal impacts of discrimination while balancing free speech concerns.

### *AI analysis techniques for the detection of offensive online content*

Ryan Hodgson and Alexandra Cristea (Durham University), with John Graham (Digital Publishing)

Reveela is a digital platform aimed at addressing the time-consuming challenges faced by online publishers through the leveraging of AI analysis techniques. This session will delve into the significant hurdles the platform has successfully tackled in managing harmful and offensive content. Starting with a live demonstration of the system, we will analyse the business implications of dealing with malicious and offensive language. From a machine learning perspective, we will explore a variety of strategies for detecting harmful text content, and how we have overcome the unique challenges of each approach through an ensemble filtration pipeline. Lexical and model-based techniques for addressing malicious content will be the main focus of the presentation, where the speed of rule-based lexical analyses merits that such techniques are still relevant in an industrial setting. In comparison, we will highlight some of the unique advantages with using AI language models for the detection of malicious content, as well as the myriad of subsequent flaws in machine learning pipelines which lead to a perpetual arms race to keep up with the evolution of malicious language online.

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<sup>1</sup> *Hansman v Neufeld* [2023] SCC 14.

<sup>2</sup> *St Lewis v Rancourt* [2014] ONSC 4840.

<sup>3</sup> *Blake & Ors v Fox* [2022] EWHC 3542 (KB).

## **Paper session XII. Offence and criticism**

Saturday 23 March, 09.30-11.00

Pemberton Rooms, PG20

Chair: Valentina Sandu-Dediu (New Europe College, Bucharest)

### *Verbatim theatre and freedom of expression*

Sarah-Jane Coyle (Queen's University, Belfast)

Retractions, redactions and apologies have become a feature of modern life. Yet the pervasive focus on maintaining one's cultural and/or political currency through avoiding "offence" comes at the cost of erecting serious artifice. Art, designed as Shakespeare thought to hold "the mirror up to nature," must now contend with censorship, where even some historical works are edited to reflect contemporary sensibilities. For better or for worse, there is a sense that the improvisational element of art is in decline, with the raw mundanity of human reaction replaced by rational, considered responses (Whipple 2023). My paper will argue that verbatim theatre bucks this trend. Verbatim theatre is distinct from other theatre forms by re-creating the recorded speech of real individuals live on stage (Belfield 2018). This can derive from found artefacts containing real speech or from individual responses in interviews, which are shaped into a playscript. I will use the UK National Theatre's 2011 verbatim production *London Road*, set during the 2006 Ipswich serial murders, as a case study. In exploring the impact of sex work on a small community, the real-life characters of *London Road* share some uncomfortable and offensive views. By tracing audience responses to the play, I will argue that verbatim theatre uniquely thrives on the right to freedom of expression, embracing, rather than ostracizing its inevitable *offensiveness*. In turn, this engenders a healthy space for exploring ideas, bringing the function of art closer to its ultimate goal (Collocott 1950).

### *Critical cataloguing in museums: lessons, challenges, and opportunities*

Erin Canning (University of Oxford)

Offensive language in museum cataloguing can take various forms. In addition to instances of explicit slurs and colonialist, racist, sexist, or ableist language, object descriptions can also contain euphemisms, outdated or colonial names for peoples and cultural objects, and offensive framings. Although this language is frequently referred to as "legacy data," implying that it is a historical concern, its continued existence in museum catalogues makes it a contemporary issue, and museums today are seeking to identify best practices for addressing the offensive language in their cataloguing data. The work involved is often called "critical cataloguing"—cataloguing with an attention to the concerns of critical theory—and can be seen in museums under headings such as "terminology review" or "redescription work". In this paper, I will introduce the history and issue of offensive language in museum cataloguing and describe attempts at resolution that exist in the field—namely, the work of critical cataloguing—before focusing on what can be learned from existing practices in this area. I will present the lessons, challenges, and opportunities that can be identified when looking at five elements of practice: working with technical systems, working with language, working with internal staff, working with external collaborators, and working to performance metrics. I will conclude by arguing that this builds to identifying challenges and opportunities for working with and

attempting to change institutional culture, and that offensive language in museum cataloguing is as much a product of institutional culture and work practice as it is elements of text.

*Critical independence and the interaction with practice: redefining collegiality when working with living practitioners*

Ian Pace (City, University of London)

In the context of higher education, a range of disciplines involve a combination of independent academic study of the subject and some practical training, especially for more vocationally-oriented disciplines or courses. At best these activities complement and enhance each other, but there is equally a good deal of potential for conflicts of interest and method. In this paper, I will outline the areas for conflict in terms of academic independence and freedom in such a context, drawing upon knowledge of the field of music as a case study. I will give a brief overview of the development of the music HE sector in the United Kingdom since 1945 in terms of the relationship between academic study and practice, since in this country a dissolving of the boundaries between the two is arguably more advanced than almost anywhere else in the developed world. From this perspective, I identify some of the major issues informing questions of critical independence and academic freedom for scholars collaborating with or working alongside living practitioners, and also for those (including myself) who inhabit both roles, which I maintain are distinct in their requirements and should not be confused. In particular, I identify the difficulties of causing offence when working alongside practitioners but wishing to do more than simply replicate their own priorities and assumptions. The growth of realms of academic activity such as practice-research (most common in the UK), artistic research (more common in continental Europe) and autoethnography of practice can all be viewed as responses to these complications, but equally as means for ensuring the research credentials of certain types of practitioner in ways which deserve greater scrutiny. For specific examples of these issues, I will discuss my own work with composer Michael Finnissy, as both regular performer/collaborator but also the most prolific writer in his output, and also my attempts at autoethnographic reflection on my own practice as a pianist. I will also cite a few counter-examples, in particular involving ethnographic work, in which I believe critical thinking is compromised. In particular, I argue that certain rhetoric relating to *heteroglossia* can too easily result in the padding out of scholarly work with unmediated quotations as a substitute for genuine critical interpretation.

### **Paper session XIII. Offence and regulatory challenges**

Saturday 23 March, 11.30-13.00

Pemberton Rooms, PG21

*The Künast legal saga: countering online toxicity or narrowing the space for public debate?*

Irini Katsirea (University of Sheffield)

After a lengthy legal battle, the German Green Party politician, Renate Künast, recently prevailed in her quest to defend her general right of personality and to receive information about social media users who had posted insulting comments about her. The politician had been the target of disparaging statements on Facebook in reaction to a 2016 blog post that accused her of supporting paedophilia as long as no violence was involved. The blog post, which was accompanied by a tampered quote by the politician, took issue with an interjection by her in Berlin's House of Representatives on the Green

Party's position on paedophilia in the 1980s. The ordinary courts partly granted the politician's request for access to user data as they found that only some of the statements crossed the line of illegality. The German Constitutional Court reprimanded the ordinary courts for having failed to sufficiently take Künast's personality rights into account and to weigh them against the users' right to freedom of expression. It emphasised that the effective protection of the personality rights of politicians is also in the public interest given that people would otherwise be reluctant to assume public office. This argument signifies a certain departure from the ECtHR's position that politicians need to display a greater degree of tolerance towards criticism compared to private individuals. This paper proposes to discuss the contribution of the *Künast* saga to the online communication environment, to the legal expectations for bloggers and to platforms' moderation practice.

*Tackling online false information in the UK: The Online Safety Act 2023 and its potential implications for free speech*

Peter Coe (University of Birmingham)

The publication of false information can be harmful to the public sphere, and because of this, by its very nature, it is, at least arguably, capable of causing offence. The UK government's answer to the proliferation of online false information is the Online Safety Act 2023, which places statutory responsibilities on regulated services to prevent the publication of certain false information. In this paper I will interrogate the regime's compatibility with established free speech law and theory. Ultimately, I will suggest that there is a disconnect between the legislation and the legal and theoretical principles underpinning free speech, which could have insidious and long-lasting implications for the right and our public sphere.

*Exploring narratives about 'Cancel culture' in UK educational/employment settings under the ECHR*

Helen Fenwick (Durham University)

Some advocates of free speech are currently arguing that universities and other organisations are far too prompt to accept curbs on expression or expressive acts in relation to issues such as transgender rights, racism, feminism, religious extremism. Such curbs tend to be aimed at offence-avoidance; as a result such advocates argue that debate on these and cognate issues is in some instances being silenced. But other commentators oppose that view, arguing that merely allowing the airing of all sorts of views offensive to some facilitates intolerance and opposes equal dignity. Against the background of such ongoing debates on the concept of so-called 'cancel culture', affecting some institutions, especially universities, this paper will interrogate various restrictions on expression that some view as linked to that concept. This paper will place such restrictions within the ECHR framework by considering the balance to be struck between freedom of expression as protected under Article 10 ECHR on the one hand, and the interests of minority or marginalised groups not to be confronted with opinions or view-point-based behaviour that may denigrate them on the other. It will seek to come to some conclusions as to ways to achieve that balance, taking account of the standards set by relevant ECHR jurisprudence. The paper will ask fundamentally whether or how far the concept of curbing lawful but arguably harmful expression is compatible with those standards, especially on campus.

#### **Paper session XIV. Offence, state ideology, and cultural life: music in twentieth-century Romania**

Saturday 23 March, 11.30-13.00

Pemberton Rooms, PG20

Chair: Harry White (University College, Dublin)

*Romanian operas of the 1970s and 1980s: protest or concealment of anti-communist messages?*

Valentina Sandu-Dediu (New Europe College, Bucharest; IAS Visiting Fellow, Durham University)

My paper explores the difficult problem of musical “protest”, focussing on Romanian avant-garde works from the 1970s and 80s and their composers’ post-1990 statements which subsequently revealed their intention to protest against the dictatorship of Nicolae Ceausescu—an intention masked by the choice of classical, biblical or native mediaeval subject matter. From the outset, the decision of Anatol Vieru (1926-1998) and Aurel Stroe (1932-2008) to write operas (and sometimes anti-operas) in the style of the radical modernism of the period and strongly imbued with structuralism meant that they situated themselves outside the official ideology. The socialist realism of the 1950s and 60s and later *Cîntarea României* (The Song of Romania), the musical mass rallies inaugurated by Ceausescu, promoted a music that was “accessible”, tonal, simple and rousing, a vehicle for patriotic and socialist messages. Vieru’s mathematical models, Stroe’s system of tuning, and the complexity of the two composers’ musical forms and abstract, elitist discourse might be viewed as arguments if not for their protest against the society in which they lived, then at least for their distancing themselves from the official ideology.

*Offence as norm in the everyday life of a composer: Paul Constantinescu (1909-1963)*

Nicolae Gheorghiuță (National University of Music, Bucharest)

Paul Constantinescu (1909-1963) was one of the most prolific and important Romanian composers before and after the establishment of communism in Romania (1944), remaining for posterity the second most important Romanian composer of the interwar period, after George Enescu. Although he was initially seen as a true star in Romanian music, who received awards and was praised by the specialized press and had his music scores published by Universal Edition in Vienna and his native country, Constantinescu had an extremely turbulent destiny in the local music scene, as he was stigmatized by all three dictatorships under which he lived: the Iron Guard, General Antonescu’s, and the communist one. This study examines the reception of this musician in Romania and the offences inflicted on his private, social and artistic life throughout the three dictatorships, based on the political persecution files kept today in the former communist Securitate archives.

*Politically and ideologically motivated offence in Romanian music*

Florinela Popa (National University of Music, Bucharest)

In the totalitarian regimes that held power in Romania in the 20th century, ideological discourse was often used to manipulate, intimidate and, not least, to offend. More often than not, the right of reply was lacking, given the repressive nature of the two dictatorships I am referring to, the Legionary and

Communist ones. Musicians were not spared offence either, under the pretext of 'cleansing' Romanian musical life of 'un-Romanian' or 'bourgeois, retrograde' elements. At the beginning of the 1940s, when the Legionary movement - a fascist movement, loyal to Adolf Hitler -, proved to be extremely toxic, including in the artistic milieu (even though it held power itself for less than a year), Jewish musicians (or just suspected Jews!) became the target of insults and slanderous statements in the legionary press. After the Second World War, with the Communist takeover, Romanian musical life was again disrupted, with a number of renowned composers of interwar Romanian music becoming the object of highly inventive insults. What I propose in this paper is to comment on a few cases and, as far as possible, to identify certain 'patterns' of offensive language, ideologically justified and used against Romanian musicians in the two periods under discussion. I am equally interested in identifying the 'targets' (persons, groups, musical creations targeted), but also the motivation, the intention behind such gestures or attacks.

## PRESENTER BIOGRAPHIES

**Alexandros Antoniou** is Senior Lecturer in Media Law at the University of Essex. He researches communications law and intellectual property asset management. His work in these areas has been published in leading journals such as *The Journal of Media Law, Communications Law, Entertainment Law Review* and the *Journal of Intellectual Property Law and Practice*. He is a legal correspondent for the European Audiovisual Observatory.

**Kristina Auxtova**, PhD, is a Lecturer in Marketing at the University of Edinburgh, UK. Kristina's research on offence began with her PhD thesis which explored how shocking, offensive, and controversial advertising is interpreted, regulated, and contested, by divergent stakeholder groups. Her work on the topic of offensive and harmful advertising regulation within the UK's self-regulatory context has been published in the *Journal of Business Ethics*. She is currently working on projects relating to rhetoric in offensive advertising, advertising's role in defining what is offensive and stigmatising for the purposes of market legitimation, as well as overcoming stigma in second-hand consumption.

**Kevin Bartig**, Professor of Musicology at Michigan State University, has written widely on Russian and Soviet music. His books include *Composing for the Red Screen: Prokofiev and Soviet Film* (2013) and *Sergei Prokofiev's "Alexander Nevsky"* (2017). Other publications tackle music diplomacy, audio-visual aesthetics, and the reception of Russian music in various contexts. With theater historian Dussia Posner, he coedited *Three Loves for Three Oranges: Gozzi, Meyerhold, Prokofiev* (2021).

**Teresa M. Bejan** is Professor of Political Theory and a Fellow of Oriel College at the University of Oxford. Her research brings historical perspectives to bear on contemporary political questions and has been recognized by a Philip Leverhulme Prize, among other awards. She has published extensively in peer-reviewed journals including *American Political Science Review, American Journal of Political Science, British Journal of Political Science, Political Theory, Modern Intellectual History, and Journal of Politics*, as well as popular outlets like *The New York Times, The Atlantic, and New Statesman*. Her first book, *Mere Civility: Disagreement and the Limits of Toleration*, was published by Harvard University Press in 2017. She is currently completing her second book for HUP, tentatively entitled *First Among Equals: Equality, Hierarchy, and the Demand for Standing*.

**Erin Canning** is a DPhil student at the Oxford e-Research Centre in the Department of Engineering at the University of Oxford. Their project, "Novel applications of computational approaches in addressing problematic terminology within V&A museum catalogues," is an AHRC-funded Collaborative Doctoral Partnership co-supervised by the University of Oxford and the Victoria & Albert Museum. Erin holds Masters degrees in Information (MI) and Museum Studies (MMst) from the University of Toronto, where they conducted research examining how art museum information systems could be designed to accommodate affect as a fundamental way of knowing material culture.

**Elena Roig Cardona** is an architect with a degree in philosophy, and will shortly be submitting her doctoral thesis, entitled 'Parallel worlds, shared spaces. The early works of Juan Benet, Eduardo Chillida and José Antonio Coderch. Literature, sculpture and architecture in post-war Spain.' This research focuses on the relationship between different artistic media (literature, plastic arts and architecture) during the first twenty years of the post-Civil War period. As an architect, Elena Roig Cardona has been a member of the Incomunstudio collective since 2006, developing projects in

France and Spain. Since 2022, she has also taught Spanish language and culture at Lyon 2 University. Since 2020, she has been the author of the '89 Grados' column published in the magazine COACV, published by the Order of Architects of the Comunidad de Valencia. In 2019, she collaborated on the ProPEACE project on European heritage run by the Université Jean Monnet in Saint-Étienne.

**Victoria Carpenter**, PhD (Hull, 2000), is Head of Research Development at the University of Bedfordshire. She specializes in the relationship between emotions and factual accuracy in the narratives of violent events, and power distribution in first-person narratives of the 1960s Mexican literature. Recent publications include *The Tlatelolco Massacre, Mexico 1968*, and *The Emotional Triangle of Anger, Grief and Shame: Discourses of Truth(s)* (Cardiff: University of Wales Press, 2018); collected volumes on the representation of historical and violent events in Latin American literature; and articles on modern Mexican and Argentinean literature. She is the founder of the Latin American Literary Studies Association (LALSA).

**Brian Carey** is an Assistant Professor in Political Theory in the School of Government and International Affairs at Durham University. He works mainly on issues involving public deliberation in non-ideal circumstances, theories of linguistic justice and theories of political feasibility. He has also published work on citizenship, children's rights, and intergenerational justice.

**Henrietta Catley** is a PhD Candidate in Law at Durham University, with research interests in politics, and philosophy, as well as media and public law.

**Ge Chen** is Assistant Professor in Global Media and Information Law at Durham Law School. His research interests are media and information law and their constitutional and rule-of-law aspects in international and comparative perspectives, with a focus on China. He was a Visiting Academic of the Programme in Comparative Media Law and Policy at the University of Oxford. He was a Postdoctoral Research Associate at, and remains an Associate of, the Centre for Intellectual Property and Information Law at the University of Cambridge. He was a Resident Fellow, and remains an Affiliated Fellow, of the Information Society Project at Yale Law School. He was a research associate at Mercator Institute for China Studies, the largest China-related think tank of the European Union. He is the author of *Copyright and International Negotiations: An Engine of Free Expression in China?* (Cambridge University Press 2017), a research monograph featured in *Harvard Law Review*.

**Peter Coe** is an Associate Professor in Law at Birmingham Law School, University of Birmingham. His research interests fall within the broad field of Media Law. A primary theme within his research agenda is the changing nature of journalism, and what this means, both normatively and theoretically, for free speech, press freedom and regulation. He is particularly interested in how the development of the internet, and the ascendancy of social media platforms, have altered the press industry and our media and communication ecology more broadly, and how this has led to significant transformative effects on the public sphere by changing the way we generate, publish, and consume information, and how we engage in public discourse generally. Dr Coe has also written widely on defamation law, the protection of reputation and privacy. His work in these areas has been published in leading international journals, and his monograph, *Media Freedom in the Age of Citizen Journalism*, was published by Edward Elgar in 2021. He is the co-editor, with Professor Paul Wragg, of *Landmark Cases in Privacy Law*, which was published by Hart in 2023, and the co-author, with Dr David Acheson,

of *Principles of Defamation Law*, which will be published by Edward Elgar in 2024. Dr Coe's research has led to several external appointments. For example, in 2022 he was appointed by the Council of Europe as an independent member of the Council's Expert Committee on Strategic Lawsuits against Public Participation (SLAPPs). In the same year, he was appointed as a Senior Visiting Research Fellow at the School of Law, University of Reading, and in 2021 he was invited to join the Institute of Advanced Legal Studies and Information Law and Policy Centre as an Associate Research Fellow. His work on citizen journalism, press freedom and regulation led to him being invited to join the Impress Code Committee to support its review of its Standards Code for journalists, and between October 2021 and January 2022 he was engaged by Impress to draft its new Standards Code. During 2021-2022, upon invitation from the International Academy of Comparative Law and British Association of Comparative Law, Dr Coe acted as the UK's National Rapporteur on Freedom of Speech and the Regulation of Fake News.

**Alix Collingwood-Swinburn** is Curator of Contemporary Art at Durham University, managing the University's art collection and leading visual arts programming. She combines a specialist understanding of modern and contemporary art collections with an expertise in developing exhibitions and participatory art programmes, building partnerships with artists, communities, and organisations. Holding a BA (Hons) in Visual Culture from the University of Brighton and an MA in Art Museum & Gallery Studies from the University of Newcastle, Alix was previously Curator and Acting Senior Curator at the Middlesbrough Institute of Modern Art (MIMA) providing curatorial expertise and knowledge for the organisation's nationally and internationally respected exhibitions and collections. Alix played a significant role in Art Fund International, a £1 million funded programme to acquire and commission artworks by international artists, specifically North and Latin American post-WW2 drawing, developing a specialist knowledge and expertise in Latin American drawing to further expand the collection. Whilst at MIMA, Alix oversaw the development of the institution's first collection database platform, supported a major Arts Council redevelopment transforming a storeroom into a public research space and sat on the Visual Arts Steering Network for Middlesbrough and the Tees Valley. As a socially focused art museum, a large part of her role involved using creativity to engage and support community groups, including mental health groups, homeless charities, and refugee groups; supporting the notion that creativity should be embedded into everyday learning as a tool for research, education and change. As Curator of Contemporary Art at Durham, Alix is responsible for the management of art owned by the University - including artwork displayed within colleges and departments - utilising the collection to support and underpin research, teaching, and engagement. She leads on the development of contemporary visual arts programmes across the university and across the region, often working collaboratively with regional partners. Working closely with estates, college and department colleagues, Alix oversees the movement, installation and display of artworks across campus, including public sculpture, and advises and supports university colleagues in aspects of art programming.

**Stefan Collini** is Professor Emeritus of Intellectual History and English Literature at Cambridge University, and a Fellow of the British Academy. He is the author of, among other books, *Public Moralists* (1991), *Matthew Arnold: a Critical Portrait* (1994), *English Pasts: Essays in History and Culture* (1999), *Absent Minds: Intellectuals in Britain* (2006), *Common Reading: Critics, Historians, Publics* (2008), *Common Writing: Literary Culture and Public Debate* (2016), and *The Nostalgic Imagination: History in English Criticism* (2019). His edition (with Helen Thaventhiran) of William

Empson, *The Structure of Complex Words* appeared in 2020, and his edition of George Orwell, *Selected Essays* in 2021. He is also a frequent contributor to *The London Review of Books*, *The Times Literary Supplement*, *The Guardian*, *The Nation*, and other publications. In addition, he has contributed to international debates about higher education, principally through his 2012 book *What Are Universities For?* and its sequel *Speaking of Universities* (2017).

**Sarah-Jane Coyle** is a PhD Candidate at the School of Arts, English and Languages at Queen's University Belfast and a tutor in Criminal Law at QUB School of Law. She holds a Bachelor of Laws, a Master of Laws in Human Rights and Criminal Justice, and a Master of Arts in English Literary Studies, all from Queen's, where she received the James MacQuitty Law Scholarship in 2017. Her current research receives funding from the Arts and Humanities Research Council via the Northern Bridge Consortium and explores how verbatim theatre techniques can realise international human rights in practice.

**Alexandra Cristea** is Professor in the Department of Computer Science at Durham University, Deputy Executive Dean of the Faculty of Science, and founder of the Artificial Intelligence in Human Systems research group. She is Alan Turing Academic Liaison for Durham, N8 CIR Digital Humanities team lead for Durham and member of the IEEE European Public Policy on ICT. Her research includes web science, learning analytics, user modelling and personalisation, semantic web, social web, authoring, with over 300 papers on these subjects (over 5700 citations on Google Scholar, h-index 42). Especially, her work on gamification and frameworks for adaptive systems has influenced many researchers and is highly cited (with top papers with over 220 citations). She was classified within the top 50 researchers in the world in the area of educational computer-based research according to Microsoft Research (2015-02-10). Professor Cristea has been highly active and has an influential role in international research projects.

**Séamas de Barra** is a composer and musicologist. His compositions have been widely performed and broadcast both in Ireland and abroad. He has published numerous articles on Irish music and is a contributor to the second edition of *The New Grove Dictionary of Music and Musicians* and to *The Encyclopaedia of Music in Ireland*. He has co-edited (with Patrick Zuk) a pioneering series of monographs on Irish composers which were published jointly by Field Day Publications and the Keogh-Naughton Institute for Irish Studies in the University of Notre Dame in the USA, and to which he contributed the first volume, *Aloys Fleischmann*, in 2006. His critical study of the music of Aloys Fleischmann Senior appeared in 2010 in *Aloys Fleischmann (1884-1964): Immigrant Musician in Ireland* by Joseph P. Cunningham and Ruth Fleischmann, and *Ina Boyle (1889-1967): A Composer's Life*, which he co-authored with Ita Beausang, was published by Cork University Press in 2018. A monograph on Irish symphonist John Kinsella is in the press, and he is currently researching the life and work of composer, folk-song collector and arranger Carl Hardebeck, who made major contributions to the development of Irish music in the first half of the twentieth century.

**Douglas J. Davies** is Professor in the Study of Religion and the Director of the Centre for Death and Life Studies at Durham University. An anthropologist and theologian, his monographs include *Death Ritual and Belief* (3rd ed., 2017), *Mors Britannica: Lifestyle and Death-Style in Britain Today* (2015), *Emotion, Identity and Religion* (2011), *Theology of Death* (2008), *Anthropology and Theology* (2002), *The Mormon Culture of Salvation* (2000), and *Meaning and Salvation in Religious Studies* (1984). He

holds a DLitt from Oxford University and an honorary doctorate from Uppsala University . His is a Fellow of the Academy of Social Sciences, the Learned Society of Wales, and The British Academy.

**Catherine Donovan** is Professor of Sociology and Head of the Department of Sociology at Durham University. Catherine has researched the family and intimate lives of lesbians, gay men, bisexuals, trans and non-binary people for nearly 30 years which has ranged from family and parenting experiences to, more recently, domestic and sexual abuse. Relatedly, she has researched sexual abuse in universities. Working in partnership with hate crime support organisations Catherine has also collaborated with colleagues to produce an intersectional analysis of hate and has developed a new concept, hate relationships, to capture the situation in which individuals/families are victimised repeatedly in and around their homes by neighbours with profound physical and mental health impacts. Catherine is on the Board of WWIN, a domestic abuse service in Sunderland and the Drive Project's national working group developing interventions for LGBTQ+ perpetrators of domestic abuse.

**Elena Dubinets** is Artistic Director of the London Philharmonic Orchestra, having previously held top artistic planning positions at the Seattle and Atlanta symphony orchestras. She also serves as Curator for The Cleveland Orchestra's annual Mandel Opera & Humanities Festival. In 2018 she was named one of Musical America's Professionals of the Year. Elena is a caring impressaria whose goal is to mirror the values of the community in projects that bring people together to create and enjoy deep, meaningful explorations within music genres. Harnessing social interaction around important issues is key to Elena's work. She is a passionate and persistent promoter of BIPOC and female composers and artists, and an initiator of projects striving to reflect our time, fostering a culture of learning, and undoing historic inequities. She has envisioned and brought to successful premieres more than 120 new works by composers from all over the globe, organised tours to four continents, and overseen multiple Grammy-winning recording projects. Elena has taught at universities in the U.S., Russia, and Costa-Rica, published six books, and written hundreds of articles, liner and program notes in multiple languages. Her book *Russian Composers Abroad* about historical and sociological aspects of musical emigration from Russia and the former USSR (Indiana University Press, 2021) was awarded Choice Review's 2022 Outstanding Academic Title. Elena received her MA and PhD degrees from the Moscow State Tchaikovsky Conservatory in Russia, lived in the U.S. since 1996, and moved to London in 2021.

**Helen Fenwick**, LLB, BA, is Professor of Law at Durham University, Joint Director (and founder) of the University of Durham Human Rights Centre (until 2012), and a Human Rights Consultant to Doughty Street Chambers. She specialises in human rights, especially in relation to freedom of expression, discrimination on grounds of sexual orientation and counter-terrorist law and policy. She is author of: *Media Freedom under the Human Rights Act* (OUP 2006, with G Phillipson); *Civil Liberties and Human Rights* (Routledge, 5th edn 2017). Recent journal articles include: 'From same-sex marriage to equal civil partnerships: on a path towards 'perfecting' equality?' (with A Hayward), (2018) 30(2) CFLQ 97-120; 'Rejecting asymmetry of access to formal relationship statuses for same and different-sex couples at Strasbourg and domestically (2017) EHRLR 545 (with A Hayward); 'Terrorism threats and temporary exclusion orders: counter-terror rhetoric or reality?' (2017) 3 *European Human Right Law Review* 247-271; 'Same sex unions at the Strasbourg Court in a divided Europe: driving forward reform or protecting the Court's authority via consensus analysis?' (2016) 3 EHRLR 249-272; 'Redefining the role of TPIMs in combatting 'home-grown' terrorism within the widening counter-terror framework'

(2015) 1 EHRLR 41-56; Protecting free speech and academic freedom in universities' (with I Cram) (2018) 81(5) *Modern Law Review* 825-873; 'Finding 'East'/'West' divisions in Council of Europe states on treatment of sexual minorities: the response of the Strasbourg Court and the role of consensus analysis' (2019) 3 EHRLR, 247-273 (with D Fenwick); 'Exploring narratives about 'Cancel Culture' in UK educational/employment settings under the ECHR' 2022 in *European Yearbook on Human Rights*, P Czech, editor (2022); 'A critique of audience rights to receive information and ideas under a democratic interpretation of freedom of expression: the stance of the Strasbourg Court', Chapter in *Cambridge Handbook on Freedom of expression and democracy in Europe* (eds Girard and Auriel), in press, 2024, CUP. She recently completed an edited collection: *Supperstone, Goudie & Walker on Judicial Review* (Lexis-Nexis, 2010; latest edn 2024), and authored part of the collection.

**Susan Frenk**, PhD, is Principal of St Aidan's College, co-chair of Durham City of Sanctuary and co-Director of SIEF. She also sits on the steering committees of the Durham University Centre for Jewish Studies and Durham Pride. Following degrees from Cambridge University she lectured in Latin American Studies but her main research interests are now Migration Studies and creating community inclusion.

**Nicolae Gheorghită** is Professor of Byzantine Chant at the National University of Music Bucharest (UNMB), as well as a conductor and performer with the *Psalmodia* Choir of Byzantine music. Gheorghită has been a member of the Union of Romanian Composers and Musicologists since 2001, and has twice won the prestigious institution's prize, in 2010 and 2015, and the Music Prize of the Romanian Academy in the same year 2015, for the same book, *Musical Crossroads. Church Chants and Brass Bands at the Gates of the Orient*. Gheorghită is also the editor of the *Musica Sacra* section within the *Musicology Today* international periodical of the UNMB.

**Daniel Gloris** is a Research Assistant and PhD candidate in the Department of Philosophy and Political Science at TU Dortmund University in Germany, where he is working under the supervision of Professor Christoph Schuck. A former member of the Graduate School on Political Cohesion, which was funded by the Mercator Research Center Ruhr, he previously gained Masters degrees in Political Science and in Philosophy at the University of Marburg, Germany, where he also undertook his undergraduate studies in political science.

**John Graham** is the CEO of Reveela Technologies, a platform providing cutting edge artificial intelligence solutions for the MarComms, PR and Media industries. His work investigates industry changing, hyper personalised experiences for marketers, journalists and trade media across the globe. John is currently partnered through an Intensive Industrial Innovation Partnership (IIIP) with Durham University aimed at addressing issues in the publishing industry through predictive and prescriptive analytics technologies.

**Martyn Griffin** is Senior Lecturer in Organization Studies at Sheffield University Management School. His research explores a wide range of different themes including: democratic organizing and the barriers faced in attempting to embrace more alternative ways of working; cultural representations of work within fiction, such as animations and books; freedom in organizations, including efforts to understand the intricate ways that individuals constrain themselves and others within their working lives; and management learning in organizations through fairer and more inclusive practices. Martyn's

work is inspired and informed by his interdisciplinary academic past having graduated with a PhD in Political Theory from the University of Newcastle in 2010.

**Peter Hamilton** is Professor of Human Resource Management at Durham University Business School. His main research interests focus around discourse and rhetoric within the processes of employment relations and human resource management. Recent projects have included two research studies based on a series of longitudinal interviews. One concerned furloughed workers during the COVID-19 pandemic, the other was focused on the work of Critical Care Nurses. Peter's previous appointments include Imperial College Management School and the University of Central Lancashire. Prior to that he worked in the National Health Service.

**Oonagh Harness** is Lecturer in Critical Management at Newcastle Business School, Northumbria University.

**Matthew Hilborn** is Research Associate in Culture, Media and Creative Industries at King's College London. His monograph, *Film Comedy and Spain: Humour, Genre, and the Nation* (2024), will shortly be published by Legenda (Oxford), as will his co-authored book on the history of visual representations of Ophelia, *Misleading Ophelia: Transferrals from Literature, Painting, and Film*, published by Cambridge Scholars (Newcastle-upon-Tyne). He is currently postdoctoral researcher on the AHRC project *Screen Encounters with Britain: What do young Europeans make of Britain and its Digital Screen Culture?* (2022-24).

**Ryan Hodgson** is studying for a PhD in data science at Durham University. The main focus of his research is investigating the applications of predictive and prescriptive analytic techniques, and how these can impact upon the media and publication industry. As part of this, a significant focus has been conducted into investigations of unsupervised learning techniques within NLP, which include Topic Modelling, Clustering, and Dimensionality Reduction techniques and their impact upon downstream analysis tasks. In industry, he has contributed to the research and development of information retrieval technologies with the industry sponsor Reveela Technologies.

**Nicholas Hoggard**, Barrister, is a lawyer in the UK Home Office's Homeland Security Group and in the Law Commission. He advises on serious crime and public law matters, particularly in relation to national security, financial crime, contempt of court, and communications law. He has acted as lead lawyer for various law reform projects, resulting in the National Security Act, Online Safety Act, and Criminal Justice Bill. He regularly appears before select committees and in No10 and COBR. Dr Hoggard is a member (and former fellow) of University College, Durham, and formerly a Director of the CCLCJ at Durham Law School.

**Peter Jones** is Emeritus Professor of Political Philosophy at Newcastle University, UK. He is the author of *Essays on Toleration* (2018) and *Essays on Culture, Religion and Rights* (2020), both published by ECPR Press/Rowman & Littlefield.

**Irini Katsirea** studied at the Free University of Berlin, at the University of Leicester and at Magdalene College, Cambridge. She is Reader in International Media Law at the University of Sheffield. Her research interests are in the areas of International and Comparative Media Law and Policy. She is the

author of *Press Freedom and Regulation in a Digital Era: A Comparative Study* (OUP, forthcoming), *Public Broadcasting and European Law. A Comparative Examination of Public Service Obligations in Six Member States* (Kluwer, 2008) and of *Cultural Diversity and European Integration in Conflict and in Harmony* (Athens, Ant. N. Sakkoulas, 2001).

**Maja Kutlaca** (she/her) is a social psychologist with a passion for social change and music. She joined Durham University in September 2020. Before moving to UK, Maja lived and worked in the Netherlands and Germany. Her research interests include allyship, collective action, morality and polarization.

**Gretchen Larsen**, PhD, is a Professor of Marketing at Durham University, UK. Her expertise is in interpretive and critical consumer research. She is particularly interested the relationship between consumption, marketplace cultures, and arts and culture. Much of her work focuses on identity and its relationship to consumption, and more recently it has begun to address affective and embodied responses to sonic phenomena. An increasingly important motivation for her work is to examine those consumers and areas of consumption that have been marginalised, stigmatised and/or excluded in consumer society and in consumer research.

**Emily McTernan** is an Associate Professor in Political Philosophy at the Department of Political Science/School of Public Policy, UCL. She is an Area Editor at *Ergo* and Associate Editor of *Politics, Philosophy, & Economics*, and has held visiting positions in Philosophy, ANU and at ICREA, Pompeu Fabra University. Her monograph, *On Taking Offence* (OUP, 2023), offers a novel analysis and a political and moral defence of this neglected and much maligned social emotion. Dr McTernan has also published in *Mind; Philosophy & Public Affairs; The Journal of Political Philosophy; Political Studies;* and *The Journal of Moral Philosophy*, amongst other venues. She was awarded the 2021 Early Career Prize of the Britain and Ireland Association for Political Thought. Her research has been supported by a Leverhulme Research Fellowship, and funding awards from the Templeton Trust, the Society for Applied Philosophy, and the British Academy.

**Ben Main** is a ESRC-funded PhD student in the Department of Sociology at Durham University. Drawing on Burawoy's 'extended case method', he is exploring the relationalities of rent and rental precarisation in ethnographic research aiming—ultimately—to develop social theory around the social dynamics of exploitation and rent as a social relation. He was previously a solicitor before embarking on sociological studies at the University of London and Cambridge. He has a particular interest in political sociology and has published on the relationship between capital, state and bureaucracy in the field of pharmaceuticals. Within his PhD he is working with Bourdieu's concept of symbolic violence.

**Diego Marino Fages** is an Assistant Professor in the Economics Department at Durham University. He completed his PhD from the University of Nottingham. He also obtained an MA from Duke University and from Universidad de San Andres. His research uses experimental and observational data to study culture, social preferences and social norms. Diego's current research relies on survey data to study how migrants assimilate culturally towards the locals. He also uses experimental methods to study how group sizes affect cooperation in public good games. In more recent projects he is studying how

the results of presidential elections can affect the prevailing social norms in a country (using data from Twitter) and exploring k-level thinking in Beauty Contest Games (using online experiments).

**Ian O’Flynn** is Professor of Political Theory in the School of Geography, Politics and Sociology at Newcastle University, UK. His main research interest is in the theory of deliberative democracy – a theory that stresses the importance of public reasoning about important matters of law and public policy. He is perhaps best known for his application of deliberative theory to questions of power sharing and public engagement in deeply divided societies. His books include *Deliberative Democracy and Divided Societies* (Edinburgh University Press, 2006), *Deliberative Democracy* (Polity, 2021) and (with Ron Levy and Hoi Kong) *Deliberative Peace Referendums* (Oxford University Press, 2021). Professor O’Flynn has also published on such topics as the public interest, shared intentions and compromise. Professor O’Flynn has held visiting fellowships at some of the world’s best universities, including the Australian National University, Harvard University and the University of Pennsylvania. He has received research funding from (among others) Atlantic Philanthropies, the British Academy and the ESRC. He is the current President of the Association for Social and Political Philosophy and is a former editor of the ECPR Press. Although his work is primarily theoretical, he has conducted projects on behalf of public sector organisations such as the NHS and the Northern Ireland Human Rights Commission. These projects have been featured by (among others) the BBC, the *Financial Times* and the *New York Times*. Professor O’Flynn has a strong track record of interdisciplinary research. He is currently working with a group of political scientists and political sociologists from the universities of Geneva and Milan on a Swiss National Science Foundation-funded project that seeks to combine deliberative theory and network analysis in order to map and evaluate the integration of Muslim actors in Britain, France and Switzerland. He is also currently working with a group of political scientists and political sociologists from the universities of Canberra, New South Wales, the Victorian University of Wellington, and Yale University on an Australia Research Council-funded project on the topic of democratic resilience in the public sphere.

**Ian Pace** is Professor of Music, Culture and Society at City, University of London, where he has worked since 2010, and where he was made Professor in 2021. Previously he worked at the University of West London, University of Southampton, Trinity Laban and Dartington College of Arts. He is also an internationally renowned concert pianist with a focus on avant-garde music, having worked with many of the world’s leading composers, given well over 300 world premieres, played in over 25 countries, and recorded over 40 CDs. He is especially associated with the music of Michael Finnissy, whose complete piano works he performed in landmark concert series in 1996 and 2016, and whose five-and-a-half-hour piano work *The History of Photography in Sound* he premiered in 2001, subsequently recorded, and about which he published a monograph. As a musicologist, his areas of expertise include new music from the early twentieth century to the present day, especially in Germany during the Weimar, Nazi and early occupation era (which was the subject of his PhD), music under fascism and communism, aesthetics of romanticism, modernism and postmodernism, historical and contemporary performance practice, critical musicology, musical education and issues relating to ethnography and autoethnography. His work overlaps with disciplines of history, politics and sociology, and in 2023 he joined the Department of Sociology and Criminology at City, where he teaches modules on cultural sociology, classical social theory and popular music and society. He has published in many leading musicological journals including *Journal of the Royal Musical Association*, *Music and Letters*, *Music Analysis*, *Contemporary Music Review* and *Search*, co-edited five books, and also written for wider

publications including *Times Higher Education*, *The Spectator*, *London Review of Books*, *The Telegraph*, *The Critic* and *The Conversation*. He is currently working on a new biography of Karlheinz Stockhausen for Reaktion Books, and studies of musical modernism in West Germany after 1945, and the founding and history of the five specialist music schools in the UK. He is a trustee of the *Society for Music Analysis*, and also a co-founder of *City Academics for Academic Freedom*, and the *London Universities' Council for Academic Freedom*.

**Maurice Patterson**, PhD, is an Associate Professor of Marketing at the University of Limerick, Ireland. His research uncovers the connections between body-related consumption, individual identity projects and marketplace cultures. This research acknowledges how cultural capital endowments systematically structure consumer preferences and thwart explicit social mobility goals. Maurice's other work addresses the representation of gendered bodies in advertising the affective potential of bodies and embodied responses to sonic phenomena.

**Gavin Phillipson** has held a Chair in Law since January 2007, at University of Bristol since 2019. His research and teaching interests cover aspects of UK and comparative constitutional law and practice, and European, UK and comparative human rights law on Bill of Rights design, the 'horizontal effect' of constitutional rights, free speech, public protest, privacy and anti-terrorism and the interface of these fields with constitutional and political theory. He has published widely in these fields in top law journals in the UK, Australia, Canada and the US and is co-author of the leading text *Media Freedom under the UK Human Rights Act* (2006, OUP), with Helen Fenwick. His work has been cited in judgments by the High Court, Court of Appeal, former House of Lords and Supreme Court in the UK, by the Canadian Supreme Court, New Zealand Court of Appeal and by the Media Lawyer's Association in their intervention to the European Court of Human Rights in the *Hannover v Germany* (no 2) (2012). He held an Academic Parliamentary Fellowship in the House of Commons Library 2018-19, working on constitutional aspects of Brexit and his work has been cited extensively in parliamentary reports in both Houses on House of Lords reform, replacing the Fixed-term Parliaments Act and control of war powers. He recently gave oral evidence to the House of Commons Justice Committee on the Bill of Rights Bill 2022 and his work was relied on by counsel in argument in the Supreme Court in *Bloomberg v ZXC* (2022).

**Florinela Popa** is Professor at the National University of Music in Bucharest, director of the Department of Musicology and Music Education Sciences of the same institution and executive editor of the academic journal *Musicology Today* of UNMB. She was postdoctoral research fellow at New Europe College, Bucharest (2008; 2011-2012; 2020-2021) and Musical Institute for Doctoral Advanced Studies, UNMB (2012-2013). Her publications include the books *Mihail Jora. A European Modern* (2009), *Sergei Prokofiev* (2012), *Music and Ideologies in the 20th Century* (2022). In 2012 and 2022, she was awarded the Union of the Romanian Composers and Musicology Prize for historiography.

**Emma Poulton** is an Associate Professor in the Department of Sport and Exercise Sciences at Durham University, England. Her research interests centre around football supporter cultures, hate crime, and in particular, antisemitism within the context of football. Emma has published in a range of international peer-reviewed journals, including: *Ethnic and Racial Studies*; *International Journal of Sport Policy and Politics*; *International Review for the Sociology of Sport*; *Sociology of Sport Journal*; *Sport in Society*; *Sociological Research Online*; and *Media, Culture, Society*. Her research on

antisemitism in English football has been recognised through invited keynotes, including at conferences organised by Anne Frank House in Amsterdam, the Zentrum für Antisemitismusforschung, ZfA in Berlin, and University of Warsaw. She is currently editing a book for Taylor-Francis entitled: *Antisemitism in Football: International Perspectives*.

**Francine Rochford** is an Associate Professor in the School of Law of La Trobe University, Australia. She has researched and written extensively on civil law matters, particularly in relation to the law of torts. Her particular contextual interests include the law and policy relating to higher education, including in relation to academic freedom. In 2024 she will be an Oxford Faculty of Law Visiting Scholar. Dr Rochford has an extensive body of published research and is co-author of *Contemporary Australian Tort Law* (1<sup>st</sup> ed 2020 and 2<sup>nd</sup> edition forthcoming 2023).

**Jacob Rowbottom** is a Fellow of University College, Oxford, and Professor of Law in the Faculty of Law, University of Oxford. He was previously a University Lecturer in Law and Fellow of King's College at the University of Cambridge. He has written widely on topics including media law, freedom of expression and the legal regulation of the democratic process. Jacob is a co-editor of the *Journal of Media Law*, and author of *Democracy Distorted* (2010) and *Media Law* (now in its second edition).

**David Russell** has been Chief Executive of the Northern Ireland Human Rights Commission since April 2017. From 2009-16 he also served as a Non-executive Director at the Northern Ireland Community Relations Council. David has led the Commission's duty to advise the United Kingdom government, Northern Ireland Executive and Assembly on matters affecting human rights in the jurisdiction. In addition, he has managed research and the exercising of investigatory powers on a diversity of social policy issues from emergency healthcare to racist hate crimes; the rights of nursing care home residents addressing the legacy of conflict. In 2008, he was engaged in drafting the Commission's advice to the Secretary of State on a Bill of Rights for Northern Ireland. In 2010, he was similarly involved in the work of the Joint Committee of the National Human Rights Institutions on the island of Ireland to produce advice on a proposed Charter of Rights. David has expertise assisting governments and National Human Rights Institutions working in societies facing significant constitutional reforms. This has included providing support to capacity building and governance programmes delivered in partnership with the United Nations, United Kingdom Foreign and Commonwealth Office, Commonwealth Secretariat and European Union. From 2006-2009 David was Visiting Research Fellow at the School of Education, Queen's University Belfast, and from 2002-2004 he was a Research Associate at the University of Oxford. He holds a PhD from the University of York, MA and BA Hons from Queen's University Belfast.

**Valentina Sandu-Dediu** is Professor of Musicology at the National University of Music, Bucharest, and Rector of New Europe College, the Bucharest Institute of Advanced Study. After graduating in piano and musicology from the Bucharest Conservatory in 1990, Professor Sandu-Dediu pursued two main areas of research in the following decades: one interdisciplinary, in which she studied aspects of musical stylistics and rhetoric and proposed a definition of mannerism in musical culture; and another in which she explored the history of post-war music in communist Romania and the ideologies that shaped it. The author of numerous books and articles, she has held research fellowships in Romania and Germany, and been the recipient of many awards and honours—including the Prize of the Romanian Academy of Sciences in 1997, the Prize of the Berlin-Brandenburg Academy of Sciences in

2008, as well as prizes from the Union of Composers and Musicologists of Romania. In recent years, she has been actively involved reassessing the history of post-war Romanian music. Her book *Romanian Music between 1944-2000*, published in Romanian in 2002 and subsequently in German in 2006, examined the aesthetic outlooks of post-war Romanian composers in relation to the prevailing ideologies of socialist realism and communist nationalism. Her most recent publications include the two-volume edited collection *Noi istorii ale muzicilor românești [New Histories of Romanian Music]* (2020), produced in collaboration with Nicolae Gheorghiuță.

**Stephanie Schreven**, PhD, is a Senior Lecturer in Marketing at the University of Dundee, UK. Stephanie researches offence in the context of cultural appropriation, freedom of speech, and removing offensive speech as a form of dirty work on social media platforms. Together with Kristina, she is currently researching stigma, or how advertising mobilises smelliness as causing offence to legitimate the use of deodorant and anti-perspirant and how smelliness constrains the mainstreaming of second-hand clothes consumption.

**Jonathan Seglow** is Reader (Associate Professor) in Political Theory at Royal Holloway, University of London, where he has taught for many years. His research interests include freedom of religion and freedom of speech, and he has published numerous articles both topics. He is co-author, with Matteo Bonotti, of a short introduction, *Free Speech* (Polity, 2021). He and Matteo are currently working on a longer monograph on free speech under contract with Oxford University Press, tentatively titled, *Freedom of Speech: A Relational Theory*.

**Robert Simpson** is an Associate Professor in the Philosophy Department at University College London. He writes about free speech, social epistemology, liberalism, applied ethics, and religion, and teaches courses at UCL on free speech and autonomy, epistemology in contemporary society, and legal philosophy. Before arriving at UCL, he was a Lecturer at Monash University (2013-17), and a Visiting Assistant Professor at the University of Chicago (2015).

**Michael Thompson** is Professor Emeritus in Hispanic Studies in the School of Modern Languages and Cultures at Durham University. He worked at Durham from 1984 to 2022, teaching and researching modern Spanish culture and translation. He specializes in Spanish theatre and in particular the censorship of theatrical texts and performances. He was PI of an AHRC-funded project that led to the publication of the edited volume *Global Insights on Theatre Censorship* (Routledge, 2015) and *Theatre Censorship in Spain, 1931-1985* (University of Wales Press, 2023), co-authored with Catherine O'Leary. He has also carried out impact projects collaborating with theatre companies.

**Mark-Anthony Turnage** is indisputably among the most significant creative figures to have emerged in British music during the last three decades. *Three Screaming Popes*, *Kai*, *Momentum* and *Drowned Out* emerged during his time as Composer in Association in Birmingham with Simon Rattle (1989-1993), alongside *Blood on the Floor*, his unique score written for distinguished jazz musicians John Scofield and Peter Erskine, and Martin Robertson. His first opera, *Greek*, established Turnage's reputation as an artist who dared forge his own path between modernism and tradition with a unique blend of jazz and classical styles. *The Silver Tassie* was premiered by English National Opera in 2000, winning the South Bank Show and Olivier Awards. *Anna Nicole* played to sold-out houses at Covent Garden in 2011 and *Coraline* was staged by the Royal Opera at the Barbican Theatre in 2018, travelling

to Freiburg, Lille, Stockholm and Melbourne. Turnage has been resident composer with the Chicago Symphony Orchestra, BBC Symphony Orchestra, London Philharmonic Orchestra and London Symphony Orchestra, for whom he wrote two major new works : *Speranza* conducted by Daniel Harding in 2013 and *Remembering* conducted and recorded by Simon Rattle in 2018, co-commissioned by Boston, Stockholm, and Berlin. Several new works were commissioned in Mark's 60<sup>th</sup> birthday year, 2020 including three new orchestral scores: *Time Flies* for Tokyo, Hamburg and the BBC Proms, *Last Song for Olly* for the LSO and Cleveland Orchestras and *Up for It* for the CBSO and Adelaide. A score to accompany edited footage of the iconic 1989 semi-cup final between Arsenal and Liverpool, *Up for Grabs*, had a sensational performance at the Barbican Hall in November 2021. Turnage is Research Fellow in Composition at the Royal College of Music, and is published by Boosey & Hawkes, with works before 2003 published by Schott Music. He was awarded a CBE in the 2015 Queen's Birthday honours.

**Leon Walter** is a PhD Student in Social and Political Psychology at Bielefeld University, Germany. He is working at the University's Institute for Interdisciplinary Research on Conflict and Violence where he studies psychological substrates of political behavior, conflicts and ideology.

**Luciana Walther**, DSc, is an Associate Professor at the Federal University of São João del-Rei, Brazil. Her research on consumption, gender, sexuality, and sustainability draws on qualitative methods, namely, depth interviews, projective techniques, participant observation, and art-based research. She earned second place and honorable mention in the Sidney Levy Award for her article in the *Journal of Business Research*, analyzing identity transformations in women's erotic consumption. Her most recent work was published in the following books and journals: *The Routledge Companion to Marketing and Feminism*, *Art-Based Research in the Context of a Global Pandemic*, *Marketing Theory*, and *Sustainability*.

**Harry White** is Professor of Music at University College Dublin, and a Fellow of the Royal Irish Academy of Music. He has also held visiting professorships of musicology in Canada, Croatia, Germany and the UK. Over the course of a long career his initiatives on behalf of musicology in Ireland have included the book series *Irish Musical Studies* (1990), the founding of the Society for Musicology in Ireland (2003) and *The Encyclopaedia of Music in Ireland* (2013), which he edited with Barra Boydell. His scholarly publications include over 120 peer-reviewed essays and book chapters, five monographs and twelve edited or co-edited volumes. In 2020 he published *The Musical Discourse of Servitude* (New York), *The Well-Tempered Festschrift* (Vienna) and *Music, Migration and European Culture* (Zagreb), the last of which he edited with Ivano Cavallini and Jolanta Guzy-Pasiak. He has also published two collections of poetry to date: *Polite Forms* (2012) and *The Kenmare Occurrences* (2018). A third collection, *The Larkin Hours*, will be published in 2024.

**Hilary Young** (LL.B., LL.M., Ph.D) is a Professor in the Law Faculty at the University of New Brunswick. She is one of Canada's leading defamation scholars; other research interests include tort law, health law, remedies, and privacy. She is one of the authors of *Canadian Tort Law*. Her work has influenced legislative law reform and has been cited by courts, including the Supreme Court of Canada.

**Patrick Zuk** is Director (Arts and Humanities) of the Institute of Advanced Study and Professor of Russian Cultural Studies and Music at Durham University. His publications include the monograph *Nikolay Myaskovsky: A Composer and His Times* (Boydell, 2021). He has recently been awarded a

Leverhulme Trust research fellowship to undertake a new research project exploring envisionings of the figure of the composer in the European cultural imagination.