

Susie Alegre

In conversation with Andrew Kelly

Andrew Kelly: Hello and welcome to Festival of Ideas. I'm Andrew Kelly from Bristol Ideas and I'm hosting today's discussion. Susie Alegre is a leading human rights barrister at the internationally renowned Doughty Street Chambers. She has been a legal pioneer in digital human rights, in particular the impact of artificial intelligence on the human rights of freedom of thought and opinion. She is a Senior Fellow at the Centre for International Governance Innovation (CIGI) and also Senior Research Fellow at the University of Roehampton. Her book, *Freedom to Think: The Long Struggle to Liberate Our Minds*, is out now from Atlantic Books. This event is part of our series on the future of democracy. Susie, thank you for joining us.

Susie Alegre: My pleasure.

Andrew: You identify three aspects of freedom of thought. Can we go through these? The first is the ability to keep thoughts private.

Susie: Yes, absolutely. Before I go into how to keep thoughts private and what that means, I think it's important to make a distinction between the inner aspects of freedom of thought and the outer aspects of freedom of thought. We often hear people talking about freedom of expression, and we also hear about freedom of religion and belief. The way human rights law works makes a big distinction between what we say we're thinking and what's going on inside our heads. What I've been looking at in particular is this right to freedom in our inner lives, this right to freedom inside our heads.

And so, as you say, the first aspect of that is the right to keep our thoughts private, this right to choose what we want to share with the world, what we want people to think we're thinking, if you like, which is absolutely crucial to freedom of thought. It raises big questions about when does something cross the line, because obviously we read each other all the time. When we're

having conversations, we're sort of gauging how the other person is reacting to us. But essentially, this idea of keeping your thoughts private was grounded in the idea that no one should be coerced to reveal what they're thinking or what they believe. That you can't drag it out of someone, if you like. One of the key aspects to that as well was that the drafters of human rights treaties recognised that it wasn't just about getting the thoughts out of someone's head, but it was also about making inferences about someone's thoughts, that that in itself can engage the right to freedom of thought.

Andrew: The second is freedom from manipulation of your thoughts.

Susie: That is, I suppose, the area which we most classically think of about freedom of thought – this idea not to be manipulated. And that raises big questions around what is manipulation? And what is influence? I've spent my career as a human rights activist and also as an advocate and I trained as a barrister. My job has been to persuade people of things, but hopefully always on the right side of the line. And so this question of interference with the right to freedom of thought is really, where is that line? Where is the line between legitimate influence and unlawful manipulation? It's something the European Court of Human Rights has looked at to a degree in relation to religion, and looked at it as that question of when does preaching become brainwashing? It's not necessarily very clear where that line is, and often it's only by looking at specific case studies that you will really get a sense of where that line is, but that is the crucial question when thinking about the freedom from manipulation.

Andrew: And then the third area is that no one can be penalised for their thoughts alone.

Susie: Yes, absolutely. And this third aspect kind of loops back to the first, if you like, because one of the reasons that it's so important to be able to keep your thoughts private is so that you can't be categorised, penalised or criminalised just because of what you think or believe. And we see then the

importance again, going back to the questions of inferences... One of the classic areas that I covered in the book, looking at historical examples of violations of this inner freedom, was witch hunts. If the witch finder turns up and decides that you're a witch, it absolutely doesn't matter whether you consider yourself a witch, whether you have any beliefs whatsoever in witchcraft. If inferences are being made about your black cat and the wart on your nose that mean that somebody else thinks you're a witch, you're still going to be burned at the stake, regardless of what your actual beliefs are. I think that's one thing that's really crucial: a violation of your freedom of thought or of that inner freedom doesn't have to be based on a reality. It doesn't mean that someone necessarily has to get inside your head and manipulate you. It's about what they're doing that's based on the idea that they could, if you like.

Andrew: I want to come back to some of those violations and also attempts to overcome them later on, and also talk about freedom of thought as well as freedom of expression. But I want to situate this within a wider debate, which is why freedom of thought is important. You identify many reasons, and I was very much taken with the ideas about keeping us human, it keeps us dynamic, and gives us the space to decide whether to shut up or speak out. But there are many more, aren't there?

Susie: Absolutely. I came to this idea of freedom of thought through reading about behavioural microtargeting, the technique used by Cambridge Analytica. The first time I read about it in early 2017, it chilled me to the bone. I've worked for years on issues of privacy and technology in that space, and while I knew all the arguments and knew intellectually how important it was and why it was important, I didn't feel it in the way I did when I had this sort of lightbulb moment – that this is about my right to freedom of thought. Could I have been manipulated through looking at my Facebook feed to see the way the world is and have it confirm my worldview? And regardless of whether that was the case, it was something that I found so chilling that it sent me on this path of looking at freedom of thought and wondering why it

is that the right to freedom of thought chimes so strongly in a way that privacy never had.

And privacy is crucial – it's not to diminish the value of privacy, but privacy, if you like, operates as a gateway right to this inner freedom, to this essence of what we are and how we develop what we are. And one of the indicators, I suppose, of the fundamental importance of this right to freedom of thought inside our heads is that it's what is called an absolute right. In international human rights law, most rights are qualified rights. So you have the right to freedom of expression, but it can be limited, for example, to protect the rights of others. You have the right to liberty, but it can be limited to put people in prison following a court sentence or for various other reasons. Whereas this right to inner freedom, this right to freedom of thought, is absolute.

It's like the prohibition on torture, and the prohibition on slavery, which are the two other most commonly thought of absolute rights, which are rights which can never ever be interfered with. Thinking about it from that perspective, and when you think of those three rights together, you can see how vital they are to this idea of human dignity, to what it means to be human, to the essence of what we are.

And as you say, when I start thinking, why is this, why does it matter so much? Precisely that idea of having the space to decide how to engage with each other, having the safety to consider what you think, change what you think, form your opinions, and also vitally to sort of understand whether sharing your opinions will be dangerous, to gauge the room, to read the room, gauge the social environment, understand where you are and how your thoughts are going to land, and as well to change and evolve and innovate, have time to reflect and decide that, actually, maybe that was a terrible idea.

When we get into freedom of expression, then obviously we are testing our ideas in the outside world. But before we even get to that, we do need this sort of ground zero to be able to work out for ourselves what we should be sharing.

Andrew: And it's also a fundamental part of democracy, isn't it?

Susie: Absolutely. Democracy is built on this idea of one person, one vote, and that each person freely makes a decision as to who they want to represent them. If you lose that ability to freely decide who you're going to vote for, the idea of democracy is just worthless.

Andrew: Let's talk a little bit more about freedom of thought and freedom of expression. Freedom of expression is something we come up against sometimes. Not massively, but we'll sometimes get complaints about a speaker who might be talking about a particular subject, and get asked 'why have you invited them?', and sometimes calls to ban speakers and sometimes petitions to ban speakers. We had one of those. How do we balance this? Because it is a very difficult issue, I find.

Susie: The right to freedom of expression, as you've said, is something that is under challenge. And I think when you look at how the right is formulated in international human rights law, it does have this dual aspect as well. So with freedom of expression, we have also freedom of opinion. And again, that freedom of opinion inside your head is protected absolutely.

And that does raise this question: are there forms of expression or opinions that don't deserve airtime? So while you can think whatever you like inside your head, where are the limits of what should or could be shared with the outside world? One of the crucial things to bear in mind there is that human rights law expressly allows freedom of expression to be limited to protect the rights and freedoms of others. The European Court of Human Rights has also recognised that speech about vulnerable minorities, for example, may be

more severely curtailed because of the impact that it has. So when you're considering what the impact is on people's rights, you're also looking at what are the discriminatory impacts? What are the qualities of the people who are going to be impacted? You can limit freedom of expression, for example, to protect national security. There is quite a long list of reasons why you can limit freedom of expression, but it always has to be proportionate to the aim.

When you're talking about, I suppose, a space like you're discussing, you're not talking about the law necessarily limiting people's rights, you're talking about editorial choices, and we've always lived with editorial choices. In a way, the internet and the way we access information today means that we're exposed to many more voices than we would have been in the past. When you look at things like social media, and user-to-user content sharing, there is often no or very little editorial control. And so I think one of the things to bear in mind when you are engaging in those discussions is that actually you are talking about editorial choices. You're not talking about the government walking in and saying that this person can never speak – it is about your editorial choices.

Having said that, human rights law absolutely does not protect hate speech. So when you're tipping over into speech that incites racial hatred or discrimination, that kind of speech is not protected at all under international human rights law. The question again comes down to the lines, and where those lines are. But I think a lot of the discussions about freedom of expression that we are getting in the digital age are failing to understand that essentially what's happening with cancel culture is editorial choices, to a degree. On the other side of that, what we're also seeing is content being much more widely available in ways where you can't read the room. So you can land up with clips going viral, taken completely out of context, where what appears to be being said might provoke outrage, whereas actually in the context, with the full speech, it doesn't say what it appears to be saying, and I think that is another of the big problems, is that from an expression

point of view, it's almost impossible to read the room when the room is a global online space.

Andrew: Let's move on to some of the examples you use. You've talked about the witchcraft trials and being accused of being a witch as one of the examples. You go back even further than that, right back to the ancients. You talk about every generation having a Socrates. Why is Socrates important in these discussions?

Susie: Socrates is important for very many reasons. But the reason and the framing that I gave to the discussion about Socrates was that Socrates was famously sentenced to death by drinking hemlock for his crimes, and his crimes were essentially corrupting the minds of young Athenians and questioning the gods. They are absolutely thought crimes, if you like. That is what he was accused of. In a sense, we know about Socrates today possibly because he was put to death because of his activities, his subversive activities. And his idea was that it was about questioning, it was about stirring things up, it was about provoking debate. But the debates about whether or not Socrates was this master of open-mindedness or was actually someone who was destroying Athenian democracy by pushing in fascists continues to this day – the way people look at Socrates is very polarised. But one of the things I thought was interesting was this idea that if you think of Socrates as an ancient influencer, the fact that we're still talking about him today is potentially also what happens if you make people martyrs to freedom of thought.

Andrew: You go right through the centuries. I was very much taken with the discussion you had about seventeenth century Ethiopia and the thinker there who hid in a cave for two years after a purge of free thinkers, then right up to the present day, when you have contemporary thinkers in Ethiopia looking at how we address some of these issues today. And one of the great values of your book is bringing that new material in, I think, from some of the places we haven't seen before in the kind of literature we've had.

Susie: I found it fascinating, actually, looking at Zera Yacob and his work on equality and freedom, and as you say, interestingly in a Christian kingdom having to hide out in a cave, and coming out pre-Enlightenment with ideas that actually went far beyond what the Enlightenment thinkers were coming up with, particularly in terms of equality of women and non-discrimination. It was one of the things that I was really keen to do. And it's quite hard to do if, like me, and I assume you're the same, we've had very Western educations. I studied philosophy at university, and I got my dose of Socrates and David Hume and J S Mill, but I don't remember being taught about any female philosophers in my four years of studying philosophy, and certainly not any Ethiopian philosophers. But I really wanted to explore, is that real, you know, why is that? And so, yes, the philosophy of Yacob just really struck me as resonant.

Similarly, what we're seeing in discussions around AI ethics and the future of AI, and as you say, I mentioned people like the former Google ethicist, Timnit Gebru, who are really at the forefront of developing the ideas of what we need for our technological future. She's been cited as saying that her experience and East African heritage have really informed how she views AI ethics in a way that she wouldn't have got growing up in California.

I think that's something that is really important when we think about freedom of thought, and freedom for developing innovation for the future and how technology is going to impact on our societies, is to look at that from a truly global perspective.

Another important and crucial thing about freedom of thought and freedom of opinion is being able to get opinions from diverse sources, being able to inform yourself so that you can change your opinions. We're all very reluctant to admit to a change of position on things, but actually that's how we evolve, that's how we have human innovation, by changing our minds, and we change our minds by being exposed to different cultures. And so yes,

I thought that the East African perspective and seeing that thread coming through was a really concrete example of how we really do need to look at this.

Even in the development of international human rights law, looking at the way the UDHR [Universal Declaration of Human Rights] was drafted, with people from the US and UK, but also Lebanon, China, the Soviet Union, and seeing how freedom of thought was this common idea that was reached through very, very different perspectives. So we saw from a Lebanese philosophical perspective, it being approached as sort of the soul, somehow the spark of what it means to be human, something quite spiritual and profound. Whereas from the Soviet Union perspective, and the communist perspective, it was viewed as giving rights to the martyrs of science on the same footing as the martyrs of religion historically, and very much from that scientific perspective. And then we see from the Chinese perspective, it's about having inner freedom in order to connect intellectually, socially, emotionally with each other. It's very much an idea of a collective freedom of thought.

That was something as well that I found really fascinating looking at: where these ideas of freedom of thought come from. Traditionally, we think of J S Mill, we think of the Enlightenment, we think of a lot of European men thinking profound thoughts about thoughts. But when I actually started to dig in, the most interesting ideas of freedom of thought, particularly the most inclusive ideas, often came from unexpected places.

Andrew: I thought that was one of most brilliant parts of the book. And we should remember that the committee that led to that was chaired by Eleanor Roosevelt.

Let's talk about some of the problems these things are trying to overcome. We need to distinguish, I think, as you do in the book, between things like advertising, propaganda, and the way these try to manipulate minds, and

more coercive forms – though of course those are coercive forms in their own right. I think about growing up and seeing all the adverts about smoking, for example, and what smoking could do. I always remember one advert where you had a group of women – because at the time they were targeting more women to become smokers – and they were all sitting around with cigarettes in their hands laughing and enjoying themselves. And how desperately the sponsorship arms of some of the tobacco companies wanted to support dance companies and things like that. I even remember the British Film Institute Lecture series, which was called the John Player Lecture series for a time. These are kinds of ways of advertising directly and indirectly. But there are also quite disturbing examples, aren't there, like subliminal advertising and surveillance advertising?

Susie: Yes, absolutely. You mentioned smoking – I looked at the past and how that developed and how advertising came out of wartime and colonial propaganda efforts, which were then harnessed from the public sector into the private sector. And yes, I mean, obviously before our time, but I found it fascinating that the Lucky Strike way of harnessing women smokers in the 1920s was to brand cigarettes as torches of freedom, that cigarettes and Lucky Strike in particular were this great opener, this fantastic symbol of women's liberation, and the idea of advertising, harnessing *état d'esprit*, a whole sort of life philosophy, to sell us things that are going to kill us, which is quite ironic. And as you say, it's sort of how you get from that through to the way advertising is affecting us today.

Subliminal advertising, interestingly, this idea that you can flash images up on a screen so quickly that people don't notice them but will be influenced by them, was invented in the 1950s by a guy who clearly thought he'd come up with a fantastic idea where everyone's a winner, because you go to the cinema, and who wants to be forced to watch adverts – nobody. So we can give you the adverts without you noticing, it'll be a pain-free experience, and you can still go out and buy your cola in the break without realising where it's come from.

But clearly, many other people were less enthusiastic and optimistic than him. And therefore, from its inception, subliminal advertising has been banned at least in Europe, because it's clearly such a dangerous idea and could so easily be harnessed selling ourselves to the highest bidder, if you like. So subliminal advertising is de facto banned in Europe.

But what we've seen in the last 20 or 30 years with the development of the Internet and our accessible eyeballs – the fact that we're all constantly walking around with a direct advertising machine in our pockets – is that we're seeing advertising that's increasingly personalised. Sometimes known as targeted advertising or surveillance-based advertising. Sometimes people think, well, it's rubbish, isn't it, you go online and they're trying to sell you the oven that you'd already bought last week, so what's the point of that? And it may well be true that a lot of targeted advertising is rubbish. But what we're less aware of is the granular detail that the personalisation is potentially going on.

The online advertising business, the surveillance-based advertising business, operates through a system of what's called real-time bidding. What that means is that if you go on a website, you might notice it takes a couple of seconds for the adverts to load. What's happening in those couple of seconds is that you, your profile, with huge amounts of information about how you live your life, what you like, who your contacts are, what you're doing at a particular time – all of this information goes towards an online profile of you, which is essentially for sale by auction in real time, so that people who want to sell you stuff can decide what the value is of your eyeballs at any particular moment. And that can take account of things like your mood. It's not just that you are a man of a certain age in Bristol – it may well be you're a man of a certain age in Bristol who's just experienced something in their life, or who's up a bit late and is probably feeling tired, or whose browsing history indicates that they're feeling a bit anxious. All of those things can be used to

decide a) how much your eyeballs are worth, b) what you're going to be sold, but c) crucially, how you're going to be sold it.

And that's what we see in the idea of behavioural microtargeting that was used by Cambridge Analytica. It's this idea that you can know what kind of a person you are, whether you're a neurotic person, whether you're a confident person, and decide, based on that, which buttons to press and how your buttons are best pressed. And what we can see with the researchers who are looking at this sort of profiling and targeting online is that what they were saying was this is great for advertisers. So for example, if you're an insurer, you've got someone who's neurotic, then you advertise to point out to them that this is going to help deal with all the things that they are anxious about. Whereas if it's someone who's confident you're targeting them with a different message that's going to hook them in.

This kind of advertising has developed over the last couple of decades in a way that we weren't really aware of. We're only just starting to wake up to it. And what I found when I first started looking at this and working on it was people going, well, it's just advertising. But actually it's not just advertising. It's very different walking past an advert in the street which may be targeting a certain demographic that lives in that area, but that is very, very different to a message that is designed to influence and manipulate you as an individual at a particular moment in your life. And that is why for me this idea of surveillance advertising is a really classic example of where I think the line between legitimate influence and manipulation is crossed. It's very different to say, 'Right, here's Susie, she's looking at a camping website, we're going to sell her a tent,' to saying, 'OK, here's Susie looking at a camping website because she's feeling hemmed in and depressed and therefore maybe she'd be a good target for online gambling right now.' They are two very, very different ideas about advertising, one contextual and the other hyper-personalised in real time. And that latter example to me is an example of a violation of our right to freedom of thought, both in terms of extracting what

I am thinking and feeling at a particular time, and then using that to try and manipulate me.

Andrew: One of the big changes has been this growth in the private sector, hasn't it? I did a lot of work around how cinema worked during the First World War when the government basically used it as an arm of propaganda but in sometimes subtle ways. Similarly, with the Second World War, you had of course the use by the Nazis and the Soviets of film technology. But now, my feeds can be news stories dictated by algorithms. Social media targets me in certain ways, whether it's innocent stuff – I was talking with my partner about whether we needed to get a blind for a VELUX window, and now I just get adverts in my Facebook feed for VELUX window blinds – to more difficult things to deal with like the way they dictate news stories.

Susie: I think this curation and personalisation of our information feeds is really problematic. One of the big experiments that Facebook did about five years ago was an experiment on mass social contagion, so this idea that by manipulating your Facebook feed, they could affect how you feel. What they could see was – and this isn't about advertising, it's just about manipulating your emotional state – they could see that by tilting someone's Facebook feed to negative content, by the end of the day the person is posting sad, negative content, clearly feeling worse, whereas tilting it the other way with positive content, you can make people happier.

This idea that by tweaking the algorithm on a personalised basis you can affect the mood, the emotions of entire populations - you can see how powerful and how dangerous that is. That experiment, notably, was done on tens of thousands of people worldwide without consent. So it might have been you, might have been me – I have no idea whether I was subjected to this experiment. But this idea that you can effectively regulate the emotional temperature of an entire population is really important.

And again, going back to the question of democracy and the behavioural microtargeting issue, or even a manipulation of people's news feeds to change how they feel and how they think, when you look at behavioural microtargeting, it's not about changing someone from being a Republican voter to being a Democrat or vice versa. It's much more subtle than that, and it can be very much an emotional question. So if you know that someone is going to vote the way you don't want someone to vote, then you don't need to change their mind, you just need to make sure they don't turn up at the ballot box. Maybe that not turning up at the ballot box is because they got distracted by cat videos, or maybe that not turning up at the ballot box is because they're feeling so miserable that they can't get off the sofa. And again, which one is most likely to be effective will probably depend on what kind of a person they are. So if you know what kind of a person they are, and you know which way they're likely to vote, and you have access to their online feeds, you can see how powerful and how dangerous that that could be.

And one of the crucial things about it as well is that even if it doesn't work... What we saw with Cambridge Analytica is that's what they were selling. What it said on the tin was, we can understand the minds of millions and manipulate them to make them behave one way or another to affect an election. Regardless of whether that was snake oil, that has to be something that should be illegal. It's just not OK. And yet in the UK, it is still legal. All of the main political parties in the UK can use these tactics. They have an exemption in the Data Protection Act which allows them to use personalised data for profiling and targeting in ways that other actors cannot. And interestingly, that same law was passed in Spain, or a similar law was passed in Spain, but the Spanish Constitutional Court found that it was unlawful because it was a violation of the right to private life. But they also looked at it from the perspective of ideological freedom, which is a constitutional right in Spain, and that this was such a fundamental threat to ideological freedom, particularly for political parties to be profiling and targeting us in this way. The justification for it is about voter engagement, but there are many more

direct ways, more honest ways, I suppose, that you could say that we should be exploring voter engagement than that, but at the moment, it remains legal in the UK.

Andrew: And didn't Obama use microtargeting?

Susie: Absolutely. The Obama campaign was, I think, probably the first big campaign to use these kinds of techniques, certainly in the US or in the northern hemisphere. And it's very interesting that you'll find a sort of political polarisation where people are horrified that Cambridge Analytica could deliver Trump. But actually it doesn't matter if it's delivering Trump or Obama. If these techniques are wrong, which in my view they are, then they should be just simply banned. No one should be allowed to use them. Because if they're wrong, it doesn't matter what you're trying to deliver with them, you can never justify it.

Andrew: There are a number of chilling moments in your book, of which the Facebook exercise you talked about there is one of them. Another one is you were having a conversation about torture with someone on a training course, who said how can you get anyone to confess if you can't beat them? This was horrifying. But torture has reemerged, hasn't it, in certain places?

Susie: It has. And it's actually been very interesting, having been working on human rights for so many years, and particularly for the first half of my career on human rights and counterterrorism. In the post-9/11 period, torture suddenly became open season, having got to the point where everybody pretty much accepted, globally, torture is absolutely prohibited, can never be justified. We suddenly started getting discussions around grey areas – 'Well, maybe it would be OK to torture someone if then they would reveal that there was going to be a bomb going off somewhere.' The ticking bomb scenario. Or, 'Well, is waterboarding really torture?' Where is the line? We landed up with all of those sorts of discussions and we're still seeing them today in the questions about, 'Well, is it OK to send someone

somewhere where they might be tortured, or where torture evidence might be used against them? Because we don't want them here.' These political discussions around torture have blown up in a way that I think pre-9/11 would have been absolutely unthinkable.

And it was very interesting talking about the right to freedom of thought as an absolute right. I found people – particularly philosophers and people who haven't been grounded in this broader human rights debate – would start asking interesting philosophical questions – Should the right to freedom of thought be absolute, because...whatever the discussion is of the day. It would often be coming back to questions around terrorism or child abuse and sort of, 'Well, if we could stop these things, surely it doesn't matter if we trample over freedom of thought.'

It really does then come back to that question of our fundamental humanity and of the protection of this core of what it means to be human. And the broader debates that we're having around human rights at the moment do reveal how vulnerable our rights are at any given moment, and how we really do need to understand why we all need them, why they matter to all of us. And again, I suppose, going back to that witchcraft question, the witch trials that I looked at in northern Spain – and it was the same across the UK and North America – people being tortured to admit that they're a witch is the absolute classic example of why torture doesn't work. There are very many other reasons why torture should be prohibited. But the same goes for the right to freedom of thought. We need to protect these inner spaces, and having pragmatic, utilitarian discussions about them really misses that underlying question about humanity.

One of the things that I really wanted to do in the book was to remind people why we all need human rights, how all of our human rights are potentially affected in the digital age in very real ways, and why that should matter. Hopefully that, as well as raising awareness about what the dangers are to freedom of thought, will also raise awareness of the sort of fundamental

dangers to our human rights right now, and remind people of why we should all be worried about losing them.

Andrew: There are many other things in the book to talk about. I'll just talk about two more. The first is about facial recognition technology. I was in London recently and there were two big signs up by the Metropolitan Police saying that this was going to be a test area, and that I had the right to say no to passing through this area. I had no idea, though, when this was meant to start; how I was able to say no; what use will be made of this beyond identifying known criminals that they want to find. How dangerous is this?

Susie: I think there are various ways of coming at it. One thing is the ubiquity of surveillance, and this idea that we are all getting used to being constantly under surveillance, whether by corporations or by governments around the world. I think London is one of the most surveilled cities in the world from CCTV and monitoring. And the idea of facial recognition in general, we're slightly given this idea that if you've got nothing to hide, you've got nothing to fear. But the way that facial recognition is being developed and can be developed, it goes way beyond just that question of comparing two photographs and deciding is this a wanted person. There are problems with that about mistaken identity, and there's been a lot of research as well about how facial recognition technology has a lot more false positives, for example, with people with dark skin, and so there are discriminatory problems there.

But one of the things that I find most disturbing about the way that facial recognition technology and other types of biometric surveillance is going is that it's increasingly being developed and used to make inferences about what we're thinking, about what we might be thinking about doing. And it's relatively easy then to add that on, once you put the infrastructure in place... It's a software upgrade, if you like, to put emotion recognition technology onto that. We're seeing in some places around the world, shopping malls using this kind of technology to identify people who they think are thinking about shoplifting. You don't need to think very far to realise why that's

dangerous, how easy it would then be for an algorithm to criminalise vast swathes of society because they're deemed suspect.

And to be saying, well, this is just about very clever technology understanding what people are going to do. We see it again in the security sphere, and we see it also, increasingly, in lie detector-type technology. You see it in the insurance field, but also in borders and security. You do a video and the algorithm decides whether or not you're telling the truth based on whatever clever technology. And again, going back to the witchcraft example, it doesn't matter if you are telling the truth, if the computer says no, try arguing about it.

And then going another step further, as to the way technology is being developed to read us, and to your question of you don't know how the data will be used, you don't know where it'll go, what it'll be used for... What we're seeing increasingly with work on facial recognition is researchers trying to identify inner aspects of people from their photographs. There's a researcher in the US called Michal Kosinski who developed what was colloquially called the virtual gaydar, where he and his colleagues said that they could tell purely from a still photograph of someone, with a fairly high degree of accuracy, what their sexual orientation was. This idea that your photograph from LinkedIn, from Facebook, from your dating profile, whatever it is, could be used to decide what your sexual orientation is – in a world where that could be a death sentence – is extremely disturbing. And even if it's not your face, your photograph may be being used to train the algorithm to put someone else to death. And so having looked at it from a sexual orientation perspective, some later research that they did claimed to be able to tell with a fairly high degree of probability what your political opinion was. Again, you think about how that might be used in practice – you walk up to the polling station, and somebody runs your picture through an algorithm that decides that you're going to vote the wrong way, and suddenly your ID isn't valid. You can see how easily these things can be

manipulated and put to use in ways that absolutely undermine the way our democratic societies are built.

And again, that future use question, which I think is quite disturbing, is research that was done on brain patterns, that looked at brain scans and found that they were able to identify with a pretty high degree of certainty whether someone was liberal or conservative based on a brain scan – that research was done on the basis of brain scans that had been done for a completely other purpose. They were people who had gone into an experiment that was about how your brain responds to risk like gambling, but at a later date, that same data was compared against voting registers in the US to be able to show that actually how your brain responds to risk is also going to be an indicator of which way you're likely to vote. And so that question of how information about you can be used, how it might be used in the future, I think is a really important question that we need to be thinking about right from the start of using technology. But at the moment, the way things are being rolled out in such a sort of mass scale, it's not giving us time to stop and think.

Andrew: Just before we move on to solutions, a final point on this is about the particular pressures on young people. You kept a diary when you were younger, which was for your eyes only, you weren't living a public life in the sense that we all seem to live, or most of us seem to live, these days. Nowadays, we often bare our emotions openly on social media, which sometimes solicit support, sometimes can solicit more dangerous things. Do you think there's a particular pressure on young people?

Susie: I think there absolutely is this pressure to be constantly sharing. As I've said, for me, writing a diary, even writing stories or poetry, you're going back to what we were talking about at the very beginning – you choose which bits of it you want to share. You write it down and then you decide whether you're in a safe space, who you want to share it with, how you want to share it, whether you want to share it at all. When I first started working on the

book in early 2020, I found myself in an absolutely surreal situation, going into a lockdown reading *Nineteen Eighty-Four* like some sort of masochist. One of the things that really jumped out at me as I was reading *Nineteen Eighty-Four* was Winston Smith buying a notebook and a pen, writing in the notebook, away from the eyes of the telly screen, this all-seeing monitoring system, was in itself a thought crime. It didn't even matter what he wrote. Just the fact that he stepped away from the monitoring was in itself suspect. And that's something that we're finding increasingly today. It's almost if you don't have an online presence, that is suspect. And if you do have an online presence, it's going to be used against you at some point, whether that's in a job interview, whether it's indirectly through the way your data is being used to judge how much you're going to pay for car insurance. You don't know how it's going to be used, but the ability to not share has almost been taken away.

Andrew: And you contrast Aldous Huxley and *Brave New World* with *Nineteen Eighty-Four* and George Orwell. I've always found *Brave New World* more frightening than *Nineteen Eighty-Four*, and I'm pretty frightened of *Nineteen Eighty-Four*.

Susie: Absolutely. And it was Aldous Huxley writing post-war in *Brave New World Revisited*, who said that the jackboot-style oppression of *Nineteen Eighty-Four* was going to be replaced with the comforting distractions of commercialism to manipulate and divert us. That's certainly something that I found looking at the way that technology is being harnessed today. I think actually it's both. It slightly depends where you are as to which one is in the ascendant, but essentially they're quite symbiotic.

One of the things that I found very interesting in the emergence of technology and the way technology has evolved, certainly in the last 20 years, and how that's gone in parallel with a diminution of respect for human rights in the kind of public sphere, was that the *Brave New World*-type, consumerist manipulation has been allowed to thrive because of the

jackboot desire to keep control, to guarantee security, and the two have actually really supported each other in the last 20 years, very, very freely.

Andrew: Coming on to what we do about this. Your book has many solutions put forward. We do have something strong to build on now, don't we, with all the work on human rights that was done almost 75 years ago. One thing that I made a note of when I was reading your book was it's the 75th anniversary of the Universal Declaration next year, and we really must do something on that.

We've got a good basis to build on. I wanted to ask you about the role of the state, the role of companies, the role of international bodies, but also our role. And I wanted to start with that. How complicit are we in this? I'm as bad as anyone when I sign up to a website, and I tick the terms and conditions without reading the 70 pages that I'm presented with. But we also had Francis Fukuyama speak a while ago, and he felt that we've been particularly complacent about defending democracy over the past decades. What's your view on that, about our role?

Susie: I think we have become complacent, but I'm not sure that that's accidental. It could be. There's a degree of the sort of wave of history, if you like, that things go up and down, and plus ça change, plus c'est la même chose, and, as you say, it's 75 years, which means that now our generation, certainly in the UK and Western Europe, don't really know what it means to be under oppression.

I remember, probably now about 20 years ago, talking to a Spanish friend who was obviously horrified that I hadn't voted in an election. And she said, 'Susie, if you grow up in a dictatorship, you understand that there is no way you can fail to vote in an election, you can't let it happen.' And that difference, even between Western European countries, that really struck with me. So I think there is a degree of complacency.

But I think it's also curated complacency. Human rights law puts limitations on governments as to what they can do. It says, these are the limits of how you can engage with your citizens, how you can treat your citizens, you can't round them up and put them in concentration camps, that's never going to be allowed. And so you'll find at a certain point that politicians don't like having the brakes put on. And as I say, I think the security dynamic in the post-9/11 world allowed a big degree of flexibility and fearmongering, to sort of say, 'Well, human rights are preventing us from keeping us secure.' Whereas, clearly, protecting us from terrorism is a fundamental function of the state and of human rights, an obligation to keep us safe.

So I think we have become complacent in a way, but when you're talking about things like agreeing to the terms and conditions, my impression is that the state we're at, and the reliance we have on technology, and the way it's operating in all our lives, makes it impossible for us as individuals to really push back. If I want to see my GP, I'm probably going to have to do it through an online system, and if I refuse to tick the terms and conditions and accept, I'm not going to get health care. And so that's not a freely given consent. That's not a fair deal. It's something completely different.

When I was researching the book – and people always want solutions, it's, 'What can I do?' – what it felt to me was that the biggest thing you can do is actually support the people who are working to protect our human rights. Go and donate to the human rights organisation of your choice in your country dealing with the issues that matter to you. Because those are the people who are holding governments to account, who are getting the laws changed to protect our human rights. As an individual, you can't just push back, you need collective action. And that is civil society, it's the right to protest. It's pushing back. And so I think as individuals, the most important thing we can do is recognise our human rights and recognise why they matter and support the people who are fighting the fight.

Andrew: And that was, I think, one of the critical points that I wanted to discuss, because the role we play in terms of voting, in terms of protesting, in terms of campaigning, we can all do something on that. And that's critical, really. What about companies? There's all this talk about the precautionary principle – you shouldn't do it if it's going to harm. Jamie Susskind has written about this recently in his book about the digital republic. But we can't really trust the companies to do this, can we? Is self-regulation going to work?

Susie: I don't believe in self-regulation in this space. And the flip side of human rights – on the one hand, it puts obligations on states not to infringe our human rights, and it also puts obligations on them to protect our rights from others. One of the cases that I used as an example in the book was a case against Romania in the European Court of Human Rights, where a woman was attacked by a pack of wild dogs in Bucharest and was severely injured and then eventually died. The case was brought to say that the Romanian authorities had failed to protect her physical integrity. That case was upheld, it was found to be a violation of her human rights, even though it was the dogs that did the damage – the authorities were very well aware of the wild dog problem and did nothing to address it. I think that gives a very good analogy to big tech. Nobody in government can say that they are unaware of the potential threats of big tech, in certain directions, on our human rights. And so the question is, what is government going to do to put in place laws and regulations that protect us from these things? It's the same as the laws that are put in place to protect us from each other. Effective laws to prevent rape, effective laws to prevent murder. They are there to ensure all human rights, and it's the government's responsibility to put them in place.

Andrew: And currently, Government's taking through the Online Safety Bill, which has been paused. What's your views on that?

Susie: The Online Safety Bill as it's currently drafted, in my view, doesn't really get to the heart of the problem. The other thing that I think is really important when you're looking at something like the Online Safety Bill, or any regulation of technology, is that you can't have regulation in a bubble. If we lose human rights protection, if we lose the ability to challenge law and decisions in court, if we lose our right to personal data protection, we're none of us are going to be safe online, or offline.

Andrew: Right at the end of the book, you talk about the ideas coming from around the world. And this is going back to the ideas that contributed to the Universal Declaration on Human Rights, from different cultures, from different thinkers, from different beliefs. You talk about looking at things like Bhutan's happiness approach, Chile's draft law on neuroscience, more Ethiopian scientists working on behavioural science and so on. I think one of the key things that we can do as individuals as well as trying to get the law changed, campaigning, donating and so on, is to remain curious and to look at what's happening elsewhere and what we can draw down from these other places, wherever they exist around the world.

Susie: I agree completely with that. And being myself a small islander from the Isle of Man, one of the things I'm most proud about the Isle of Man is that it was the first place to give women the vote in national elections, ten years before New Zealand and many decades before the rest of the British Isles got the vote. The fact that that change came about as a result of a suffragette going for a speaking tour over the summer and within six months, voilà, women's suffrage without any fighting, without anyone chaining themselves to the railings. The reasoning behind it may be suspect – some people suggest it's more about taxation than women's rights – but it's a fundamental change happening in a small jurisdiction. I think we might see big shifts coming from small places where there are perhaps less heavy lobbying interests, less competing interests, less difficulty getting legislation through. So keeping an eye on the small places, I think, is really important in looking for how to manage our technological future.

Andrew: And sometimes this work is the work of years, sometimes it's decades, sometimes even longer. But sometimes it can happen quickly as well. And I think it's trying to make it happen, and to make it happen for the long term, that counts. That's why I think the Universal Declaration, celebrating its 75th anniversary next year and putting it out there again as such a fundamental part of the way the modern world should work and does work in certain ways.

Susie: Completely. And it's an opportunity to look back and to reflect and to maybe regain a bit of that sense of optimism which came out of such a dark time. We feel now that we are in dark times in many ways, but that's what the Universal Declaration on Human Rights was born out of, and I think it's a real beacon of hope and optimism. I agree that next year is a really good opportunity to remember that and to reflect on what that means for our future.

Andrew: Thank you very much, Susie. *Freedom to Think: The Long Struggle to Liberate Our Minds* is published by Atlantic Books and is available now. We recommend it highly. Thank you, Susie, for joining us today.

Susie: My pleasure. Thank you so much for having me.

This interview has been lightly edited for length and clarity. The full version of the interview is in the recording.