

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM JOHN M MACPHERSON

Thank you for the opportunity to express my views on the proposed Hate Crime Bill.

I agree that the current law on blasphemy should be abolished.

I have grave concerns about the scope of the intended legislation and its almost certainly negative impact on free speech, which is a cherished and fundamental aspect of our British (and Scottish) way of life. There is existing legislation which covers threatening or abusive behaviour likely to cause fear or alarm, which makes unnecessary any new legislation. Clearly we must not condone the stirring up of hatred, but to suggest that any speech or conduct that is "likely" to stir up hatred where such hatred has never been "intended" would open the door to frivolous accusations and put a damper on legitimate debate disagreeing with other people's views or behaviour. Furthermore, a law which criminalises what some people may consider "abusive" or "insulting" behaviour is far too subjective. An example of this could be when a person seeks robustly to defend traditional views on abortion or marriage, leaving the door open to those who want to silence such views, claiming that they are stirring up hatred against other groups, even though no hatred is felt or expressed.

It is significant that Police Scotland has said that stronger free speech clauses are vital in the bill to save it having to deal with vexatious and time-wasting accusations.

It is also of importance that Lord Bracadale's report insists that there should be a clear distinction between what he calls "rabble-rousing" and legitimate debate. I agree with his recommendation that the word "insulting" should be removed from the proposed legislation, though I would go further and stress the need to remove the word "abusive", which may be perceived as abusive by some, when it is nothing of the sort.

John M MacPherson
07 July 2020