

## JUSTICE COMMITTEE

### HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

#### SUBMISSION FROM GORDON THOMSON

To whom it may concern,

I write with respect to the Hate Crime and Public Order Bill and wish to express my views specifically on question 6 as mentioned on the Call for views website which asks:

"6. Do you have views on the merits of Part 2 of the Bill and the plans to introduce a new offence of stirring up of hatred?"

In order to correctly ascertain the intent of a given statement it would be necessary to somehow be able to view the speakers hidden thoughts: something outside the realm of possible enquiry. To this end, if this bill is enacted, we are left with an impossible scenario: policing the minds of the people. As you will hopefully see, this isn't something that can be reasonably undertaken.

My concerns with the bill are extensive and varied and include:

- Unwitting offence when the speaker has honest intent but says something that another party deems offensive.
- Free speech being destroyed and a single narrative becoming (more) persuasive in society with harmful outcomes. We **must** be able to safely debate controversial and difficult topics without facing legal action. This is a mark of a healthy society: being able to discuss without fear of persecution. An unhealthy, totalitarian society suppresses free speech.
- I note that religious gatherings are not excluded, and also other gatherings of non-religious groups. In both contexts, discussing the beliefs of the group could be construed as offensive and as such members could be persecuted. This isn't progress by any stretch of the imagination!
- I'm concerned that free speech on contentious matters would be affected: take for example the current Zeitgeist of sexuality: if we cannot discuss the issues and the core teachings of the current movement, then we are already lost. Robust challenges strengthen valid ideologies and should be encouraged. To silence through "offence" is a backwards step and promotes an echo chamber situation where no new ideas or challenges can be heard.
- I note that threatening and abusive behaviour is already covered under criminal law so have to wonder why this bill oversteps the mark by so much as to criminalise speech and by extension, thoughts?
- Have Lord Bracadale's findings been ignored here? He seems to suggest a more tempered and reasonable approach, acknowledging that robust discussion may generate offence, but that offence isn't always bad if it results in positive change. Think back to the abolition of slavery - many were offended, great good resulted.

There are many, many more objections which I could list, but can summarise them all under "This Bill should not go ahead as it steps over the line in many places".

Kind regards.

Gordon Thomson

Gordon Thomson  
23 July 2020