

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM CHARLES SWAN

I write to you concerning the Hate Crime Bill and in particular Question 6 which asks - "Do you have views on the merits of Part 2 of the bill and the plans to introduce a new offence of stirring up hatred?"

I have a number of issues concerning this.

1. These new stirring up hatred offences could be made by someone who had no idea of the ideological/religious position of the other person with whom they are talking to.
2. Free speech is a foundation pillar of any society which has been hard won over perhaps 400 years in this nation of Great Britain. On any religious or moral issue it is crucial that people should be able to debate, even vigorously, which may cause a change of mind. In saying this I am certainly not supporting genuinely threatening and abusive behaviour. The Bill is capturing any 'abusive' behaviour 'likely' to stir up hatred. 'Likely' is a very broad word and could be used to accuse anyone, whether the hatred was true or not. It is one person's view or another person's opinion. This is far too loose in accuracy. For instance many who oppose biblical truth claim that any disagreement is hatred. By bringing in hatred offences this could be used as a new tool to close down debate and silence Christians. There already is a criminal law that covers threatening and or abusive behaviour likely to cause fear or harm. We do not need another law.
3. What about the situation of a church service where in the sermon, the minister quotes from the Bible the words that the Lord Jesus Christ spoke, "I am the way and the truth and the life; no one comes to the Father but through Me." John 14:6. Someone listening to this and its exclusivity could be really quite offended by this statement. If you read this statement of Jesus carefully He is indirectly saying that all other religions are false and the ONLY way to God is through the Lord Jesus Christ. So this person says, 'this is hate speech' - is this bill going to bring this minister to account over preaching this message? And I may say many other opinions in current society that run contrary to the Bible. My point too is that this Bill is opening up a situation where no one can say anything that 'might' offend another. This is simply not the way to go forward.
4. What about politics - politically motivated complainants could label any disagreement as hatred in an attempt to silence their opponents.
5. The point I am alluding to in No 3 is that the mere threat of prosecution for stirring up hatred may silence free speech altogether; muzzle debate which in its correct way is so healthy, so needy, so vital in society. Look back in history when people brought forward ideas and were told to shut up or worse even killed for having these ideas. Later on these ideas turned out to be right and beneficial for society.
6. I refer lastly to Lord Bracadale's Independent Review on hate Crime report. He stressed the need for a clear distinction between legitimate debate and

rabble rousing. There is a very big difference between the two. This Bill does not come anywhere close to reflecting this.

Charles Swan
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