

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM MURRAY McNICOL

General

1. Do you think there is a need for this Bill and, if so, why? Are there alternatives to this legislation that would be effective, such as non-legislative measures, wider reforms to police or criminal justice procedures? Are there other provisions you would have liked to have seen in the Bill or other improvements that should have been made to the law on hate crime?

No, Scotland does not need this Bill or any other such Bill or alternative measures. I am in favour of free speech with restrictions - on intimidation, advocacy of violence and rabble rousing etc.

It used to be said that someone 'took offence' to something that was said. This phrasing has fallen out of favour in recent times, which is a real pity because it encapsulates the reality that everyone has a choice of whether to be offended, or not.

The Bill promotes the idea that people are feeble and must be protected from things others might say. This is demeaning and restricts genuine discourse on issues where people can hold opposing views.

If someone says something unjustifiably hateful then that person demeans himself not the target of his hatred.

Consolidation

2. The Bill brings together the majority of existing hate crime laws into one piece of legislation. Do you believe there is merit in the consolidation of existing hate crime laws and should all such laws be covered?

Hate crime laws should be repealed. How to prosecute hate crime?

3. Do you think that the statutory aggravation model should be the main means for prosecuting hate crimes in Scotland? Should it be used in all circumstances or are there protected characteristics that should be approached differently and why? For example, the merits of a statutory aggravation for sex hostility rather than a standalone offence for misogynistic harassment?

I don't think hate crimes should be prosecuted at all. There should be no 'statutory aggravation'. If there are to be hate crimes then the concept of protected characteristics should be removed. Why should some people be protected by legislation and not others?

The difficulties inherent in prosecuting hate crimes arise from trying to define 'hate'. I trust all would agree 'hate' is legitimate in some circumstances. I hate injustice, which will be worsened by this Bill.

4. Do you think that a new statutory aggravation on age hostility should be added to Scottish hate crime legislation? Would any alternative means be measured effective? For example, would there have been merit in introducing a statutory aggravation (outwith hate crime legislation) for the exploitation of the vulnerability of the victim?

No, there should be no statutory aggravation on age, although older people are the most hated and abused in our country By some margin. Witness the heartless approach of the NHS in decamping Covid infected old people into nursing homes. I believe there is legislation already to protect vulnerable people from commercial exploitation. If not, then there should be but this has nothing to do with hate crimes.

Other forms of crime not included in the Bill

5. Do you think that sectarianism should have been specifically addressed in this Bill and defined in hate crime legislation? For example, should a statutory aggravation relating to sectarianism or a standalone offence have been created and added?

No, sectarianism should not be addressed in this or any other bill.

Stirring up offences

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?

Yes, I have a view - one person's stirring up hatred is another person's speaking the truth. Therefore, I am utterly opposed to this.

One's worldview underpins one's belief and we are rapidly approaching a totalitarian position where only one worldview is permitted. The outcome of Part 2 will be to align Scotland with North Korea or East Germany, of old, where no dissent from Government approved belief will be tolerated and no impure thought may be expressed in the privacy of one's home.

How can there be hate where there is no intent to hate? Surely hate is conscious volition. How can hate be inadvertent?

People must be able to debate freely on all matters of conduct, morality and religion, including our new and increasingly dogmatic secular religion. There must be a clear line between legitimate debate and rabble rousing per Lord Bracadale. The Bill completely fails on this point.

Existing law covers abusive and threatening behaviour.

7 Do you have any views on the Scottish Government's plans to retain the threshold of 'threatening, abusive or insulting' behaviour in relation to the stirring up of racial hatred, contrary to Lord Bracadale's views that 'insulting' should be removed?

Insulting should be removed. How can 'insulting' possibly be prosecutable? We must be free to criticise anything and anyone (without being abusive or threatening) without fear of prosecution.

I find this draft Bill insulting. Where is my remedy against the Scottish Government? Some insults are more insulting than others it would seem.

Other issues

8. Do you have any comments on what should be covered by the 'protection of freedom of expression' provision in the Bill?

Free speech should be covered, within the limits I described above. That's all we need.

9. Do you agree with the Scottish Government that Section 50A of the Criminal Law (Consolidation) (Scotland) Act 1995 about racially aggravated harassment should not be repealed?

I don't believe in the concept of hate crimes and therefore believe it should be repealed and not replaced.

10. What is your view on the plans for the abolition of the offence of blasphemy?

The Bill does not abolish blasphemy, it merely reassigns it from the Christian God to the new secular religion.

If, as per this Bill, one cannot say something because it may offend someone else, then we have a law of blasphemy against the feelings of a subset of the population based on the Government's chosen protected characteristics.

Your response does not need to cover all of these areas and you can focus on those that are relevant to you or your organisation. Also, you are welcome to cover other areas in your submission that you think are relevant to the Committee's consideration of the Bill.

Murray McNicol
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