

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM RICHARD DAVIES

As a Scottish citizen, I'm deeply concerned about the content of this bill.

In spite of the fine sounding words in the policy memorandum, on closer scrutiny it appears dangerously loose, vague and subjective: 'Stirring up hatred'? and: 'Hate crime is the term used to describe behaviour which is both criminal and rooted in prejudice'?

Where exactly does hate stop and the right to free speech start? What about artistic freedom to make work exploring cultural taboos?

I'm an award-winning artist and composer. Since graduating in 1982 I've been creating, exhibiting and arguing art - and as a musician, I've played in many Glasgow bands, performing both covers and original material.

I've been discussing this with other artists and we agree this legislation has every chance of destroying the Scottish cultural dynamic overnight.

No more challenging, exciting literature. No more edgy Turner prize-winning paintings or sculpture. No more provocative songs that make people think. Serious adult poetry about the dark side of humanity? Forget it. Plays that explore double standards in different cultures? No way.

Every artist in Scotland will be restricted to making anodyne, trite work out of fear of a criminal conviction.

For over fifty years, students at the four Central Art Institutions (Glasgow, Edinburgh, Dundee and Aberdeen) have produced graduate shows often exploring themes including sexuality, race and identity. The international art world has rightly praised them (the Glasgow School of Art has gained an especially high reputation, as I'm sure you're aware) particularly regarding work that takes chances and goes into difficult territory.

No artist in this country will risk painting, writing or composing anything that asks serious questions about culture, identity and ethics again. Congratulations. From now on, be ready for Brigadoon, highland cows and cheap tourist tat.

It's almost impossible to articulate the level of cultural vandalism that will be weaponised by this bill. What's to stop a malicious or misguided individual walking through a typical degree show at the School of Art and getting half a dozen students into legal trouble by claiming 'offence'?

So, is this a fair prediction? Consider the broader context:

Author JK Rowling tweets personal opinions about trans persons, explicitly explaining she wishes ill-will on no-one, and immediately gets accused of 'hate crime' by a twitter mob trying to end her career and more, including death threats.

Historian David Starkey makes a definitional distinction between slavery and genocide and immediately gets 'cancelled' i.e. his academic and public career ended.

Online comedian Marcus Meecham - aka 'Count Dankula' - makes a very bad taste practical joke with his partner's dog (his partner being the target of the joke) and gets a conviction plus a fine.

In these cases, a scrupulous observer might ask: exactly who is the doing the hating and who is being hated? And who gets to decide? No-one was threatened, no-one was physically harmed, no material damage was done but in the current climate, these cases are being perniciously defined as 'hate crimes'. Really? Whether I like or agree with them is neither here nor there. They should have the right to say it.

Also, what about those cruel, spiteful individuals lurking in every society who are ready to cause mayhem and misery, using this bill as a hater's charter? How many so-called social justice warriors are right now planning vexatious litigation out of a sense of fashionable outrage? How many public figures are ready to tag along, cynically claiming 'offence' just to gain political advantage?

Let's be honest about the McCarthyite, cult-like tone of what's behind this kind of legislation. People will be signing up out of fear, not conviction. No-one wants their career ended in court. As the old saying goes, everyone votes for the crocodile in the desperate hope that it will eat them last. Until assurances can be given that artistic expression will be protected, I'm totally opposed to this bill.

Finally, it's worth considering that sooner or later, the Diversity, Inclusion and Equity crocodile might think nothing of swallowing a government official or two.

Richard Davies

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