

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM RALPH MARTIN

Question: 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?

Justice Committee.

Answer: Yes. To introduce this new offence of hatred would seem to me to be a step too far. I say this because there is a clear danger that there might result gross failure to discern between what is claimed by an antagonist to be a stirring up of hatred and what is an honest but non-threatening expression of an opinion. A clear opinion may, furthermore, be expressed out of love and concern for the antagonist. The antagonist either does not understand, or strongly disagrees with, or is making political capital out of a subjective judgment of the accused person/party. This could result in unjust legal procedures damaging to freedom of speech and therefore to society. Whatever one's theological, philosophical, social, and gender alignments are, the opportunity for malevolence to cloud what was intended as an honest discussion of controversial topics is clearly real. Threatening behaviour is easier to recognize than a supposed abusive use of ideas or language. Threatening conduct is clearer than a possibility of hatred being stirred up or an intention to do so.

To allow this Bill to become Law would obliterate the clear distinction that there is between legitimate debate and expression of beliefs and destructive intentional actions made by deliberate antisocial rebellious acts.

I write this with great concern for life in Scotland, a Scotland in which it should be possible to talk together about any world view without the threat of accusations aimed at silencing unwelcome views.

Thank you for your consideration.

Ralph Martin
20 July 2020