

**JUSTICE COMMITTEE****HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL****SUBMISSION FROM KATJA PAAVOLA**

With respect to 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?”*

Protections seem to be missing for individuals who *intend* no offense but who are *interpreted* as having offended (the interpreter taken as infallible, unlike the Pope). While it seems obvious that ‘hatred’ is a known element, it’s not clear that what one group might consider vigorous debate, critical discussion, etc., another might interpret as hatred, an attack upon one’s identity, invalidating, etc. This is especially relevant – and concerning - given the current state of identities-related discussions wherein any kind of criticism is viewed as invalidating, prejudicial, \*phobic. Just look at Twitter, where ‘hatred’ and ‘phobias’ are used as a means of silencing, cancelling, deplatforming. Further, consider that we’re told that words are violence and silence is complicity. These are dangerous times to be playing word games.

And what of genuine belief? It’s entirely possible for one to be engaged in critical discussion without believing what one is saying, but what of the individual who *does* believe in what they’re saying? Do they hold to forbidden views? Who are the Mustapha Mond’s that determine as much? Is it only that they ought to keep quiet? But then where has the ‘virtue’ of tolerance gone? Clearly the intent is to allow discussion so long as there’s no ‘hatred’, but can that be the case if very many voices cry ‘hatred’ along with an appeal to ‘lived experience’ whenever the slightest disagreement crops up (see Twitter)?

There further seems to be no provision for the location of utterance: in public or in private; in a religious institution, philosophy club; online; what protections are there for *past* statements? Is the religious preacher who holds to a view or ontology that might not be compatible with, say, transgenderism be at risk of inciting hatred – what, then, too, of the Platonist or Aristotelian? What of the sex researcher, or biologist, who might argue on scientific grounds that men aren’t women and vice versa, without also making value judgments about people but having been perceived as doing so by those who erroneously view such statements to be transphobic? It’s been written that “Evidence from a single source is sufficient to prove that an offence is aggravated by prejudice”, but in what possible world is this reasonably obvious, that someone propelled by prejudice has but a ‘single source’?

What of the transgender individual who takes a different approach and is at odds with what ought to be one’s own community? ‘Hate’ laws without strong protections are means of silencing even those who might hold views that are the least bit controversial except that they aren’t the mainstream.

It seems to me that there ought to be stronger protections for the individual, their beliefs, and their freedom of speech wherein no one should be made to feel awful for what they believe, while genuine, vigorous disagreement can happen without fear of retribution for thinking wrongly. So, too, views founded upon science, or rooted in

deeply robust philosophical tradition ought to be protected. Allowances ought to be made for protecting these disagreements and differing views such that *intellectual* diversity is preserved, as with other kinds of diversity.

But what you have here is a pernicious erosion of freedom of speech, and an implied demand that all Scots say the words and nod their heads while slowly dying on the inside for fear that anything they say, anything, could be interpreted as 'hate'. Who defines hate, and when does the definition end? Exactly those who shouldn't define it, and it will never end. Freedom of speech only works if the speech of those we disagree with is as protected as the speech that we *do* agree with. Thinking is inevitably offensive; the pursuit of truth is inevitably offensive, and some people will interpret both as hateful when they encounter views and opinions they don't like.

We find ourselves wading further into a society marked by wrongthink, and it's a disgrace.

Katja Paavola  
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