

## **JUSTICE COMMITTEE**

### **HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL**

#### **SUBMISSION FROM WILLIAM BAIRD**

Thank you for the invitation to make a response to the Justice Committee on the Hate Crime Bill. My comments are attached.

#### **Response to the Scottish Government Justice Committee on the proposed Hate Crime and Public Order Bill**

1. In his introduction to the Hate Crime and Public Order Bill the Justice Secretary wrote that 'a cohesive society is one with a common vision'. I would dispute this in that while everyone in the country may share an aspiration to see full employment, an end to child poverty, a fully-functioning health service – and other similar public policy objectives – there will be groups, movements and individuals with different visions. Your vision for Scotland will differ dependent on your political stance, on whether you are a person of faith or of a secular viewpoint, or on your particular philosophical worldview.

My opinion would be that a cohesive society is one where a variety of viewpoints can be accommodated with tolerance and shared respectfully while working towards agreed goals. My fear is that the Hate Crime and Public Order Bill does little to achieve this accommodation but rather differentiates and separates groups within society, likely to lead to suspicion between groups and an encouragement for groups to assert their rights above those of other groups or of society in general.

The bill perpetuates the current trend for there to be a set orthodoxy of beliefs imposed on the rest of society by a small elite of influential individuals. In recent days this has been exemplified by abusive comments, especially online, over differing views on the transsexual issue.

2. The Justice Secretary in his introduction also regularly used the word 'prejudice'. What to one person is a well thought out viewpoint can to another be seen to be prejudice, and any legislation which discourages the free exchange of views is detrimental. This bill certainly does not encourage a tolerant exchange of views but rather provides a stimulus for individuals or groups to seek out opportunities to complain of victimisation. The philosopher Michel Foucault was of the opinion that if you legislate for something then you help to create it. In this instance I believe the bill will lead to increased division and suspicion between groups and individuals rather than fostering unity within Scottish society.
3. The statistical analysis of the original consultation of this bill makes interesting reading. There is a marked dichotomy between the responses from individuals and those from groups/organisations. Consistently, groups/organisations appear

much more at ease with the contents of the bill whereas the responses from individuals portray a degree of unease with what is being proposed. I cannot see anything to suggest that since that consultation the Scottish Government has made any move to assuage the obvious discomfort of the general public with the bill. One sometimes wonders whether consultations play any role at all in the formulation of legislation.

4. The Scottish Government must realise that any proposed legislation which is able to unite in opposition the Scottish Secular Society, the police, newspaper editors and many faith groups – among others – should be legislation which requires to be reconsidered.
5. The low threshold in the bill of abusive behaviour likely to stir up hatred will inevitably lead to inconsequential complaints. Definitions such as ‘abusive’ are unreliably subjective; the defining characteristic should be threatening conduct.
6. A bill of this nature should have as its principal aim the protection of minorities who might be particularly likely to be a target for hateful discrimination such as was the original race relations legislation. By including age as a protected characteristic, so that everyone in society is included, highlights the absurdity and the needlessness of the bill.

William Baird  
20 July 2020