

**JUSTICE COMMITTEE**

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

**SUBMISSION FROM EUAN MORRISON**

Please find below my submission for views on the proposed Hate Crime Bill.

regards,

Ewen Morrison

**Hate Crime and Public Order (Scotland) Bill Call for Views**

*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?

ANSWER: There is no need for this new legislation as existing legislation is competent to prosecute persons committing an actual offence. There is a need for accurate and higher quality education to address the types of discrimination listed under the Bill. In Scotland, as in any other country or culture, there is no widely accepted definition of 'hate'; such thoughts and feelings are of course widely subjective, hence cannot be addressed by law.

*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?

ANSWER: In a modern democracy there should be no such thing as hate crime law. There should conversely be laws to underpin and strengthen 'freedom of speech', so long as such freedoms do not demonstrably lead directly to acts of crime and violence. There is little to nothing proposed to protect an individual who has genuinely sought to cause no offence to a particular group identity.

*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?

ANSWER: The statutory aggravation model should be the main means for prosecuting speech that demonstrably leads directly to acts of crime and violence.

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 effectively? 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?

ANSWER: As with all of these new categories they are ill-defined and subjective. At what age does 'age hostility' apply? Are certain groups more likely to be hostile to older people than others and for a variety of different reasons? Who is more likely to be believed in court: an elderly gentleman with early-onset dementia pressing charges on a group of youths who have allegedly assaulted him? It is imperative in society that the elderly are protected against malice, but again, this flows from other means such as effective education not 'hate crime legislation'.

*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?

ANSWER: In 2018 the Scottish Government failed in its attempt to introduce its Offensive Behaviour at Football Act. Primarily the proposed act was seen to be unfair and unworkable. So, what has changed in the past couple of years? Is this a further attempt by the Scottish Parliament to introduce football bigotry laws that are impractical and cannot be implemented by Police Scotland, a police authority that does not have the time or resources to enact the legislation?

*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?

ANSWER: This legislation is being introduced primarily to give power to a vociferous mob (i.e. stirring up hatred) motivated by particular political ideologies; that presently being LGBTQ+ and its bedfellow - race political ideology. This legislation will be used as a weapon to beat someone holding or expressing an alternative position, with a view to silencing free-speech. These new powers are to be given to those groups that are particularly favoured by the so-called progressive SNP. It is clear that in almost all future cases any new hate crime legislation will be used for alleged thought crimes against LGBTQ+ and race ideology and for little else. For instance, it is unlikely that groups advocating on behalf of age, disability, religion etc will have the activism to report 'hate crimes' to anything like the level for LGBTQ+ and racism. Even within the category crime of 'racism', the laws will only be used to strengthen those that advocate on behalf of particularly 'oppressed' groups. For example, anyone thinking or feeling aggrieved by the expressions of BAME groups will receive the full force of the law. Anyone expressing anti-white views will not be prosecuted. Preferential treatment is to be prioritised to minority causes that shout the loudest.

I find it somewhat ironic that the person introducing the Bill, Mr Yusuf Hamza, recently made what could easily be perceived as a 'hate-filled' anti-white racist rant in the Scottish Parliament, where he raged about the lack of BAME candidates in key positions in Scottish institutions. This incredibly destructive and ill-conceived speech was I understand warmly received by parliamentarians. If Mr Hamza had been of the

'established white patriarchy' ranting against the lack of white chefs in Indian restaurants in Scotland, we know that his job at the parliament would be over before he sat down. Mr Hamza's speech was clearly and unashamedly racist and exactly the sort of 'hate-filled' language that this proposed legislation is supposed to address. The contradictions of such biased attempts at law to expedite a political ideology could not be starker. There is also an increasing absurdity the more law is used to prop up a particular belief system, i.e. the 'Cult of Woke'.

In our current tribal, identity politics culture any such new hate crime legislation favouring one group over another will lead to further fracturing of society. Hate crime laws in a short timeframe will serve to fuel ageism, racism, anti-gay, anti-disabled etc crime and violence - not solve them. You cannot solve 'hate' by legislating, only by education and by creating inclusive communities that celebrate group and individual 'diversity' in the truest sense of the word. Such laws alienate the majority centrist opinion.

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?

ANSWER: Taking the logic of (or lack of) this legislation, why stop at 'insulting'? In terms of the intersectional ideology that pervades postmodern school education, academia, corporate, arts and media you cannot stop at 'insulting'. Any group that perceives it is oppressed to the smallest degree possible must have a hearing, so even if someone feels like they have received the tiniest micro-aggression from someone from another identity group must also be covered by the legislation. Why not call the behavioural threshold: "threatening, abusive, insulting +" so that no-one is left out, all angles are covered and such threshold completely loses its meaning and relevance altogether?

#### *Other issues*

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

ANSWER: Yes, re-write and re-title the legislation entirely in order to protect free speech as a foundation of our liberal democratic state.

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?

ANSWER: No comment.

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

ANSWER: Clearly as in the case of Pakistan, blasphemy laws can be as dangerous as hate-crime laws. In many respects, if one was to consider the present radical-progressive agenda as a religion then a hate-crime law is in effect a blasphemy law where the offender is being prosecuted against a prevailing dogma or orthodoxy. I find the reason to repeal being that it "no longer reflects the kind of society in which we live" particularly weak. Such a response raises the question of what kind of society do we currently live in, is it homogenous and what will it look like in future? Scotland has clearly become over the past 200 years or so increasingly secularised

and it could be argued that blasphemy laws no longer apply to a secular state. However, I see that the vacuum left by Christianity is being replaced with an equally religious and fundamental ideology that is totalitarian in nature. This new religion does not have the virtues of its predecessor such as individual freedom of expression and upholding of human rights.

Euan Morrison  
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