

## JUSTICE COMMITTEE

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

#### SUBMISSION FROM DR STEPHEN COWLEY

I am writing to express my opposition to the principle of the Hate Crime Bill currently before the Scottish parliament. As you may know, a majority of individual respondents to the consultation already opposed the principle of the Bill. My reasoning is as follows:

#### General

- It is my view is that crime (e.g. harassment, breach of the peace, assault) is crime and that is enough as a legal principle.
- The effect of adding punishments related to accompanying beliefs is a step towards political control of personal beliefs that is inconsistent with freedom of speech and inquiry. If an assault leads to a fine of £100.00 and expression of a negative view of a protected characteristic increases it by £50.00, is the logic not that a negative belief, e.g. the Bible's view of sexuality, or a belief represented as negative, e.g. the conclusion of revisionist history, is inherently criminal?
- It is likely that this law would be used as a means of lawfare and malicious prosecution by minority activist groups intent on social engineering of belief.
- The terms of the proposed law are vague and likely to lead to work for lawyers to the detriment of free expression.
- Writers like John Stuart Mill, in *On Liberty* and Joseph Priestley, in *Essay on the First Principles of Government*, give cogent and persuasive arguments for free speech and for its priority as a principle over systems of social control.
- Scotland's international reputation will be damaged by breaking with the history of freedom for which the Anglosphere is famous.

#### Other offences

- The concept of "stirring up" an emotion and of "hatred" itself are vague. If it were consistently applied, it would apply to the Declaration of Arbroath or Blind Harry's *The Wallace*, but these are recognised as literature. Would the poet William Dunbar's reference to Mohammed as Mahoun be legal? What implications would this have for teaching Scottish literature?
- Is it not normal to love virtue and hate vice? Hate is thus part of human nature. Human beings have plenty of resources for dealing with and reprovng negative emotion, e.g. disapproving looks, answering back, ostracism. There is no need for law to step in here, save in cases that are already common law crimes (e.g. harassment).

#### Freedom of Expression

If necessary, I would extend this provision greatly to cover any sincerely held belief, or any belief that could be sincerely held, including any matter of historical fact or

theological position. Perhaps, any belief, which, if it were true, it would be reasonable to express should be excluded.

Other points - A thought bubble

The committee should consider that they might be part of a bubble. The fact that the Bill has been proceeded with despite the opposition of a majority of individual respondents would suggest this. Some of the organisations who responded were in receipt of Scottish government funding.

I trust that you will communicate these considerations to the committee and they will reflect on the above considerations and reject the Bill on principle, as well as on any more detailed scrutiny.

Thank you for giving the above views your attention.

Yours sincerely  
Dr Stephen Cowley MA CA