

**JUSTICE COMMITTEE**

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

**SUBMISSION FROM RICHARD STALKER**

**AN OPEN LETTER TO THE MPs OF SCOTLAND**

Dear Sir/Madam

I'm writing this letter to each of the respective representative members of parliament in Scotland regarding the recently proposed Hate Crime Bill which has by some camps been lauded in the press as a positive in not only abolishing the past Blasphemy laws in Scotland but also in strengthening the laws around hate crime and hate speech.

The first point that I'd like to address is the abolishing of Scotland's blasphemy laws. I agree with this and I do so in the principle of freedom of speech and as a Christian as well, might I say. I don't believe that anyone should be compelled by law to say or to be made not to say anything with which they do not agree. I'm in favour of this because I believe in the underlying principle of truth. The only way that truth can be properly begotten is through the process of open and free discourse and dialogue. Therefore, no one's personal opinions and their susceptibility to offence should be held above anyone else's.

It's thence much to my dismay that upon further reading on the matter, that the abolition of Scotland's blasphemy laws seem simply to be a mirage for what is actually an updated and more modern and ambiguous version of blasphemy laws.

"Stirring up of hatred can contribute to a social atmosphere in which discrimination is accepted as normal. Our legislation, if passed, would offer greater protection for those who experience this kind of behaviour. We all have a responsibility to challenge prejudice in order to ensure Scotland is the inclusive and respectful society we want it to be."

Mr Yousaf's statement here lies at the core of the problem with hate crime/hate speech regulation. There are already very clearly defined laws in place to state that one cannot incite violence against anyone regardless of their gender, their race or their sexual orientation or any other of their minority group identifying factors – of which there are an almost infinite amount. Since this is already covered by law, this new bill is quite clearly about compelled speech separate from incitement and in this case about compelling people NOT to speak about certain things or people.

So, who is responsible for the defining of what is to be considered offensive hate speech? Well, the government of course and at the head of that committee is Mr Yousaf himself. So the question remains, what is it exactly that qualifies anyone for deciding what exactly hate is and what it isn't? I don't believe anything. For if there's any matter of any genuine importance that needs to be discussed it will involve offending people in such a way that can be defined as hateful.

One such example might be the issue of the legality of abortion. In general, people are split down the middle on this point. One camp will certainly find it offensive and equally hateful to suggest that a baby in the womb is merely a blob of cells and that the woman has rights over that blob of cells in order to end its life if she so desires. Whereas, those who are in favour of abortion will find it hateful and offensive to suggest that a woman should be forced to carry (what they consider not even to be a human life until after birth) to birth, when she could go through so much pain and trauma.

In the above scenario there is a truth – a correct argument. I'm not saying what that truth is, but merely that to find it we need open and honest debate. However, if the current government has the power to actually define what is hateful to say regardless of what one's actions are – then the possibility for an honest debate is off the table and the only argument that can be made is the arguments that the government has pre-approved.

This applies to every single one of the important issue of today; abortion, gender equality, immigration, national sovereignty, environmental sustainability, personal liberties and so on. All things of political importance are important because they are polarised and thus potentially offensive to discuss. The government has no place in defining hate unless it seeks soft dictatorial power over its people.

It has been stated, once again by Mr Yousaf, that:

“Criticising Scottish Government policy won't be a criminal offense under the hate crime bill – unless it's done in an abusive and threatening manner that's intended or likely to stir up hatred.”

However, again, this entails the government's self-appointed definition of what is hateful and offensive when considering the public's criticisms of the new policy. Should this become law, then the government has every power available to them to define hate as that which they disagree with, thus making it exactly a criminal offense to criticise the government. So what should be said is that one is free to criticise the government in exactly the ways in which the government has approved for them to do so.

It ought not to be a criminal offense to criticise government policy under this bill or any other, full stop.

At least when blasphemy laws were in place historically, people knew what they weren't allowed to criticise, now, with this bill the guidelines are so vague that almost anything could be considered hate if the government so desires, meaning people are forced into silence for fear of thought crime.

Finally, I beg you consider the nature of a democracy and the potential use of this legislation. One might be inclined to think that even if this law is vague and thus malleable to persecute those that one disagrees with, that it is right and just because one is sure and steadfast in their belief that they are in the right and that their political opponents are in the wrong, therefore justifying the enforcement of this law. However, democracy itself is ever-changing and the political climate in which one

finds oneself as of now is equally malleable to change and at one point in the future, public opinion may change and one's political opponents may be voted into office.

How then might they put this form of legislation into practice? Might not they use this law to persecute you? Might they not equally consider themselves justified under the same line of reasoning to persecute your opinions that they disagree with? The simple answer is yes. If it truly is your imperative to defend freedom of speech, including your own, then it is also your imperative to fight this bill.

Yours Sincerely,

A Concerned Scot