

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM ROBERT NOZICK

General

1. Do you think there is a need for this Bill and, if so, why?

There is a distinct lack of a need for this type of bill. It would be interesting to see what feedback from actual members of the public would've been in the engagement sessions rather than the political interest groups you knew would support authoritarianism like this. The sort of bill that needs to be introduced is one that actually enshrines freedom of speech and thought into law rather than one which seeks to curtail it on the false premise you just want to silence the bad people whoever they are.

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?

There should be a rolling back of these dangerous types of law that seek to control people rather than protect them. Society has been perfectly capable of policing people who are hateful in the past. We don't need the state inserting itself into private life like this where it does not and never will belong.

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?

How do you even decide what type of "hate crime" has been committed? The woolly language and vagueness of all of this is very worrying. It leads one to assume that the law will be interpreted to suit the individual case and therefore allow the courts to hammer some people and to let others off. None of these types of laws are good ideas because they seek to criminalise that which is not a crime. You want to police people's speech. The answer is you should have no aggravation model and should have no law. The only speech that ought to be punishable is a call to action such as shouting fire in a crowded room when there is no fire or inciting someone to do physical harm to another.

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 effective? 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?

No. It should be removed along with all other qualifiers for "hate crimes" leaving only room for actual crimes.

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?

No, because sectarianism along with all the other areas of life in society as a whole is nothing to do with the state. I can't stress that enough. Stop interfering with people and sneaking these horrifyingly Orwellian laws past them.

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?

What qualifies as "stirring up hatred"? Once again I think we have an issue where you can decide to interpret this anyway you like to punish those who disagree with you while letting off those that do. This is very worrying and is wandering into the realms of fascism. It will be vehemently denied but it certainly seems to lay the groundwork for denying people the right to criticise government in the not too distant future.

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?

There is no right to not be insulted. This proposed law insults me. Am I to be protected from it? By all means clamp down on those that threaten other people but what is "abusive" and/or "insulting"? When does something stop being insulting and start being abusive? Once again it's easy to understand wanting to stop threatening language because it tends to be a threat ie because you did this I'm going to do this to you. The other two however, who decides this and will the criteria be applied fairly and consistently. I somehow doubt it. Not just because of the partisan nature of people but also because it's impossible to apply fuzzy laws that's are being fudged through in this manner consistently. Hence it's better to just leave us alone.

Other issues

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

All forms of speech and expression should be fully protected under the law with the exception of where the speech is to incite physical violence etc against another or the action commits physical violence etc against another. The second already being covered under laws that protect us from actual crime such as murder etc. The

Scottish government has an opportunity to be a truly liberal force in protecting our hard won over hundreds of years freedoms but instead seems to be bent on Marxist authoritarianism. One can only hope the damage being done by the SNP now can be quickly undone if we can ever get rid them.

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?

No, this should be repealed along with all the other laws of this ilk.

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

I believe you should abolish the blasphemy laws however I also believe with this new "consolidation" you will still punish people for blasphemy only now it'll be called "hate speech" and the religion being protected will not be Christianity.

Robert Nozick
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