

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM THE EDINBURGH SECULAR SOCIETY

We are grateful for the chance to contribute towards a discussion of this proposed bill.

Firstly, can we offer our unqualified support for the abolition of the archaic blasphemy law which it seems will be a part of this process.

There is no reason that religious ideas should be exempt from the scrutiny to which all ideas should be subject. Furthermore, the retention of a common law offence of blasphemy, however vestigial, projects a sense of solidarity with countries where blasphemy is a very serious crime indeed.

We applaud the Scottish Government's concern to protect all its citizens from being targeted as members of minority groups and we do not want to play down the pain of victimhood of any sort. There is social work evidence of more manifest harm caused to an individual and their community when an attack is levelled on grounds of the individual's identity. They feel it more personally and we should acknowledge this.

The offence of "stirring up hatred" which, till now, has been largely concerned with race is now proposed to cover the additional "protected characteristics" of : age, disability, religion, sexual orientation and gender identity.

What stands out as qualitatively different in this list surely is religion. The others are not a choice.

Religious belief is something you can freely enter into or walk away from, and many people do both.

While no one should suffer discrimination for any reason, there is no parity between someone's very identity as gay or disabled, and another person's choice of religious philosophy. We have concerns about the wording and the implications for free speech of this bill, when it comes to religion being a "protected characteristic."

We saw a grim example of this during the "No Outsiders" protests in Birmingham. Religious parents, and opportunist others, harassed teachers and the school over its policy of providing books as a learning aid to children's understanding of the different sorts of families they saw around them. Incredibly, the angry campaigners claimed that the school was "teaching kids to be gay," and justified their position by arguing that the religious belief, on which they based their prejudices, was a comparable protected characteristic. They were essentially claiming to be victims of discrimination in being denied the right to discriminate.

The new bill seems to criminalise not only "stirring up hatred" but the "likelihood" of stirring up hatred, even incidentally. This bypassing of intent leaves the law open to misapplication by religious groups whose sensitivities might sometimes be a little

esoteric. The distinction between “abuse” and “criticism” as is reached for by this new legislation, may not be as clear in the minds of the faithful. The Scottish bill also goes further than the English and Welsh one which already has sanctions against “threatening behaviour.” It prohibits “threatening and abusive behaviour.” This is too vague. Who defines what abuse is? No Christian has ever been attacked in the street over *The Life of Brian*. What if the tables were reversed? Some holy books are happy to advocate the death and eternal torture of non-believers and to condemn homosexuality as an “abomination.” With the proposed new criminalisation of “communicating threatening or abusive material to another person” it may be less absurd that you think to imagine a lawsuit taken out against proselytising groups such as Gideons who zealously do exactly that.

Question 5 of the consultation asks about sectarianism and if there should be further specific sanctions against that. Sectarianism is rightly called “Scotland’s shame,” and is a blight on many communities but we already create social division by the tax funding of religious schools and the allowing of orange marches in our streets. For the state to tolerate the underlying causes of the problem and yet propose further legislation against the hate speech manifest of it, seems top-down and bolting the stable door.

As secular campaigners we defend the freedom of adults to choose any sort of personal religious belief for themselves.

However, we argue that religion’s unscientific ideas should not be imposed on state school children; its agendas should not have privileged access to governmental bodies; and its sometimes illiberal views should not be exempt from equality laws which apply to all. To what extent will the language of this bill leave us vulnerable to accusations of abuse?

This proposed Hate Crime Bill in its commendable, if misplaced attempt to “send a message” about prejudice, might, as far as religious belief is concerned, foster a timidity around public debate and discussion of ideas, which is in no one’s best interest.

Edinburgh Secular Society  
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