

## JUSTICE COMMITTEE

## HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

## SUBMISSION FROM SOLAS CENTRE FOR PUBLIC CHRISTIANITY

Solas (Centre for Public Christianity) is an organisation which sets out to persuasively communicate the transforming truth of who Jesus is and empowers others to do the same. Solas welcomes the Justice Committee calling for views on the Hate Crime and Public Order (Scotland) Bill and would wish to make the following comments.

1. As a Christian organisation we support the Scottish Government in seeking to condemn hatred and abuse in the strongest of terms. As all human beings are made in the image of God; they have inherent worth and dignity and should not be treated in a degrading or abusive way. We support any attempt to use the law to seek out abusive behaviour but are concerned at any attempt to use the law to intimidate people into suppressing their beliefs and simply assenting to “received” beliefs for fear of punishment. We think that people have to be persuaded to abandon beliefs, even beliefs which can result in harm; we believe that where people are in disagreement the way to secure agreement is through debate, persuasion and argument. We are therefore concerned at any attempt to curtail free speech.
2. We are particularly worried by such an idea in a society where normative behaviour is to feel that if we disagree with someone’s beliefs, opinions or practices this means that we “hate” them. This hatred is then often translated into a lynching by social media. We consider that some new proposed provisions of the Hate Crime and Public Order (Scotland) Bill encourage this view and therefore the resultant unpleasant behaviour.
3. We have no issues with Part 1 of the Bill which seeks to consolidate the existing legislation. We also are in favour of the abolition of blasphemy. We believed that it had already been repealed by the doctrine of desuetude but see no harm in formally repealing it. A blasphemy law tends to lead to the State forcing people to believe certain things and we believe this is harmful to society.
4. We are convinced that our beliefs in the life, death and resurrection of Jesus are true and that they can stand up to scrutiny. We want people to honestly and openly engage with those beliefs. We encourage debate and discussion as a means of persuading people that our faith
5. is true. Moreover, we believe people should be completely free to disagree with our faith in any way, including mocking and ridiculing us. This is how freedom of speech should operate.
6. Our major concerns centre around the new offences of “stirring up hatred” and “possession of inflammatory material”.
7. **Stirring up Hatred**. The new offence of “stirring up hatred” lacks clarity and is incredibly subjective. What exactly is meant by stirring up hatred? We note that

the offence can be committed unintentionally and so someone who clearly had no intention of stirring up hatred could face imprisonment or a fine. This would be a major curtailment of freedom of speech. The work of Solas leads us into discussion on a whole range of Christian doctrines relating to personal and public morality and to the desired nature of society and indeed there are many people who hold beliefs that are widely different to ours. If this Bill were enacted, we would have to vet major areas of discourse to avoid breaking the law or assert our right to freedom of speech and end up having to defend ourselves in court and endure imprisonment and fines. We would be unable to engage in debate and discussion with our colleagues who hold divergent beliefs and who challenge ours. It is therefore both damaging to us and to those who oppose our views. This is evident in the fact that it has drawn together criticism both from Christians and the National Secular Society.

8. **Freedom of Expression.** We note that there are ‘freedom of expression’ provisions in the Bill designed to counter this chilling effect on free speech. However, in our view it is not possible to offer adequate protection of free speech through those clauses.
  - a. Freedom of speech means the right to say things which people disagree with and may even personally find offensive. The very nature of the offence of stirring up hatred undermines this freedom.
  - b. However, if the Scottish Parliament do insist on creating this offence, we believe more robust freedom of expressions clauses are needed. We note that in relation to religion, the protection of freedom of expression is narrower than the equivalent English provision under Section 29J of the Public Order Act 1986 and we would favour the wider protection of Section 29J:
  - c. In relation to sexual orientation the protection of freedom of expression is particularly narrow, confining itself to discussion of sexual conduct or practices and urging people to refrain from those practices.
  - d. We also note that there is no clause protecting freedom of expression relating to transgender issues. Under the current provisions of the Bill with no protection for freedom of expression in relation to transgender, we would be prevented from stating our beliefs regarding this phenomenon and its impact on the lives of many other people.
9. **Possessing Inflammatory Material.** We are exceedingly worried by the proposed new offence of “possessing inflammatory material” combined with the right for a warrant to be issued to enter a premise (including private homes) and remove inflammatory material and ultimately destroy it. This could lead to certain books and publications being banned. We cannot engage in debate on divergent world views and beliefs if we cannot access the material in which they are expounded. Bookshelves across the land are full of books which contain material with which many people would disagree, but it is a major part of our human freedom that we can access such material and make our own judgements and arguments. Indeed, there are parts of the Bible ( and of the

Qur'an) that some people consider offensive and if they do, will we really find Government instructing police to remove Bibles or parts of Bibles and of the Qur'an from our homes and in our case from our offices?

It is hard to believe that the drafters of the Bill really intended to set up an apparatus that would be familiar in totalitarian regimes, but it is a fact that the Bill does have this potential impact. The Bill would also curtail the production and publication of material deemed hateful by those who disagreed with it and should they succeed in persuading the Courts it would be deemed so by the State. We can hardly imagine that this is consistent with the European Convention of Human Rights.

Solas was founded by Gordon Wilson, a former leader of the SNP. I wonder if he would have been dismayed by this Bill's potential to damage the organisation that he founded and depressed that one of the fruits of his vision for political independence would be that one of the constituent countries of the UK would have much less freedom of speech than its neighbours.

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Dr Andrew G. Bannister Director & Chief Executive Officer, SOLAS  
On Behalf of the Trustees of Solas

24 July 2020