

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM RIVER FOR LIFE CHURCH

Dear Committee

I'm writing on behalf of the River of Life Church in Dumfries in response to your Call for Views on the Hate Crime and Public Order (Scotland) Bill.

I attended one of the initial consultation events in Lockerbie last year and then submitted a written contribution to the consultation after that, on behalf of our Church and our position remains that we are deeply concerned about the impact of this bill to free speech in Scotland.

Our Church is a diverse mix of over 100 people from many backgrounds and we unite in a common love for Jesus Christ, the Bible and our fellow humans. We currently hold the lead role in Dumfries Christian Network – a gathering of most of the Christian Churches in and around Dumfries. We are deeply involved in the wider local community through a food bank operated in the Church building, a social enterprise (town centre coffee shop) and representation on boards of organisations supporting the community.

We have reservations about the bill but in particular we do not believe the free speech clauses are drafted in a way which gives any real protection to individuals and organisations expressing traditionally held views or indeed any views which do not conform to a tight set of criteria.

In response to some of the points mentioned by the committee, I'll separate our views in the order listed on the Committee's Call for Views web page:

1. We do not believe the bill to be necessary. As adherents of the Christian faith, we are sometimes subjected to negative or derogatory comments but having the weight of the law behind us would not, we believe, change people's approach. Indeed it may actually drive a wedge between us and the wider community. As a Church we work very hard to integrate and to destroy barriers between us and the rest of society, so to have protected status would not engender reconciliation, but division. Existing laws protect from the most harmful type of reaction. Beyond that we are very happy to agree to disagree, reaching out in love as a response to hate. This legislation although well-meaning appears to combat hate with more hate. The real way to deal with aggression towards oppressed communities is dialogue, understanding and establishing friendships; not by legislation.

2. We do not believe there is any merit in bringing together existing hate crime laws into one piece of legislation. They already function effectively as they have naturally evolved.
3. We don't have enough experience/expertise to comment on this point.
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5. We do not believe that legislation is the way to deal with sectarianism. It has been shown through the failed bill relating to sectarianism in football, that making laws and trying to prosecute people does not foster understanding and respect between communities, but in fact further divides. Sectarianism in Dumfries is at an all-time low. This has not always been the case, but loving, understanding approaches from both sides has achieved wonderful results as evidenced by the organisation we are heading at present, Dumfries Christian Network, comprising catholic, protestant and independents in a spirit of respect and love.
6. We have strong views in relation to a proposed new offence of 'stirring up hatred'. The terms used in the bill are easily prone to misinterpretation. In particular, the word 'hatred' is very difficult to define, since it describes an attitude rather than an action. Commanding people to love would be just as difficult to define, since it's an emotion rather than a deed. Likewise, commanding people not to hate, or face the consequences is just as ludicrous. For instance, I may love someone, but because of the way the person perceives my speech or even body language, it may be interpreted as the opposite. This happens all the time in society and relationships, so there's no reason to think it won't be reflected in the application of this proposed legislation. Perfectly innocent people will be criminalised simply because of misinterpretation of emotions. We believe any legislation relating to expressions of emotion to be untenable or worse still potentially grossly unfair and open to be easily abused.
7. Again, the word 'insulting' is especially open to interpretation. For instance someone may express a view which disagrees with someone else, who then interprets the disagreement as an insult. Likewise a joke or satire would easily be taken by another as an insult. As Christians, we frequently hear people use the names of Jesus, Christ, God, the Virgin Mary, and many other expressions used as derogatory statements about characters we hold dear. It would be unreasonable and divisive for us to claim they are insults, even though for us they are insulting the central features of our faith. In a tolerant and broad society, we realise we should not to take insults to heart and it's our responsibility to understand and forgive, not to retaliate through seeking legislation or any other means.

8. The bill's attempt to protect free speech and freedom of expression is grossly inadequate, in our opinion. This is the major concern to people from our Church. In Scotland and in our town of Dumfries, we all appreciate the freedom to express our opinions – whether Bible teaching, theological debate or a host of other matters over which Christians have strong convictions. We believe this is a basic tenet of a free society and can see how this bill is on track to hamper and persecute people who don't line up with certain ways of thinking and speaking. One of our families, from Dumfries, currently resides in Hong Kong and they have asked their comments to be added to this submission (see appendix). They wish their names and identity to be withheld, for fear of repercussions back home in HK. Their story makes sombre reading and highlights the extremely dangerous path the Scottish Government is taking with this bill. Likewise we are more than happy for people to disagree with our faith and the values we hold dear. As the cliché goes, "It's a free country" – let's make sure it continues to be free, by seeing free speech as sacrosanct. This bill does not.
  
9. We are a mixed race Church, with around 12 different ethnicities represented and we treasure our integrated community. However none of our community have mentioned difficulties over the Section 50A legislation referred to, so we don't have enough experience/expertise to comment on this point.
  
10. We are generally happy with the abolition of the offence of blasphemy, so long as it is not replaced by a new type of 'blasphemy' which now applies to a new defined set of subjects we are not allowed to criticise. This is the danger, as expressed above, which we are concerned will occur, leading to innocent, well-meaning people being prosecuted and an oppressive culture of fear in Scotland that simply stating contrary opinions makes us a criminal. It was for such that our Saviour, Jesus, was crucified, even though he committed no sin. Don't swap an old blasphemy law for a new one!

APPENDIX FROM A CHURCH MEMBER CURRENTLY RESIDING IN HONG KONG (identity withheld for security reasons):

*Up until recently I would not have needed to be anonymous but now I do because free speech recently ended in Hong Kong. I know what a former free speech society looks like and I can tell you it's not pretty.*

*People have been arrested here recently for merely telling the truth about the government or proclaiming an opposing view to the Chinese Communist Party. Such things were unheard of in Hong Kong's entire history. Scotland currently is a country of free speech but now I see a possible future of people doing time alongside people who committed actual for merely telling the truth or proclaiming a view someone else decided was offensive.*

*Such an action should never be criminalised, because if it does then Scotland, just like Hong Kong, will become another former free speech society and I*

*can't bear to see that happen, or people will be sending anonymous messages from Scotland in the future.*

I believe you will hear and consider our opinions and concerns seriously – they are heartfelt and genuine. Please feel free to contact me for any further comments or queries.

Kind regards and God bless.

Mark Smith  
Senior Pastor

River for Life Church  
24 July 2020