

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM DR SHELAGH NODEN

To whom it may concern

This bill worries me and I see it as a serious threat to free speech. It offers no protection to anyone attempting to engage in debate about current issues such as sexual identity, transgenderism amongst others. These are important subjects and deserve proper debate. If this bill is passed it becomes possible for one person to stifle discussion simply by claiming that the expression of views contrary to their own is an expression of hatred.

Yes, any speech that incites violence or hatred should be condemned, but engaging in robust argument is a totally different matter. Even expressing an opinion would be fraught with risk of being reported and incurring heavy penalties. I believe that the free speech clauses regarding religion should be strengthened, so that people may criticise certain religious practices or religions without being accused of stirring up hatred, and it should also apply to sexual orientation, as it does in England. I note that there is no free speech clause at all referring to transgender identity. As this is a particularly contentious issue, it deserves proper debate and people should not be afraid to give their views, on both sides.

What happened to Lord Bracadale's recommendation that free speech on these subjects should be allowed, even if it 'shocks, offends and disturbs'? This sort of thing is not the same as hate speech, it is robust debate of the relevant issues, certainly not incitement to hatred. There is a difference.

Existing legislation is already sufficient to deal with hate crime. It is reported that Police Scotland are not in favour of this bill, because the lack of adequate free speech protection would involve them in having to deal with a great deal of time-wasting accusations.

I was appalled to learn that people could be prosecuted for expressing opinions within their own home. This type of thing is associated with totalitarian states like the former East Germany. Do we really want the Stasi here? An article in the Spectator recently stated that, if this bill were to succeed 'Scotland would become the most aggressive regulator of citizens' speech in the UK and one of the most aggressive in democratic Europe.' Even within Scotland many people are concerned. At Abertay university, Dr Stuart Wilson, an expert in criminology, has stated 'Today Scotland is leading the way in the criminalisation of wrong ideas. We face another fight for the most basic of freedoms expected in a democracy'. This is not the sort of country I want Scotland to be. Remember that Edinburgh used to be called 'the Athens of the North', because of the high standards of public debate and philosophic thought. Let's be known as a country of rational debate, not one that terrifies people into not daring to express themselves freely for fear of arrest.

Ideas may be wrong, but that in itself doesn't make them criminal. All the more reason to let those ideas be expressed and properly debated and where necessary refuted by convincing argument. If you forbid people to express their strongly held views you create resentment, and certainly don't change their minds. That seems to me to be a potentially dangerous situation and shows that this bill would do considerably more harm than good.

Yours faithfully
Dr Shelagh Noden
14 July 2020