

JUSTICE COMMITTEE**HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL****SUBMISSION FROM S KHAN**

Dear Sirs/Madams,

I am writing in response to the call for views on the Hate Crime and Public Order (Scotland) Bill. I am deeply opposed to this bill as it is intensely authoritarian, creates profound inequalities, and violates our most essential human rights. The day this type of bill is passed will be a dark day for our democracy, and I cannot in good conscience allow a law that vastly increases government oppression to pass without expressing my strong opposition.

Policing speech is inherently authoritarian and anti-democratic. Giving the State the power to prosecute anyone based on the words they say is a fascist concept and destroys free speech. Those in a democracy are supposed to have the freedom to speak their mind: the freedom to not be offended does not exist as offense is taken, not given. The definition of what constitutes hate speech is entirely subjective and different for each individual person. Both sides of the political spectrum hold opinions that the other side would deem to be hate speech. A law cannot be created based on the subjective nature of defining which speech is 'acceptable' or not, as each individual person and circumstance is different.

In previous hate speech convictions such as Markus Meechan and Chelsea Russell, the intent surrounding the 'problematic' speech (joke and rap lyrics respectively) were ignored to secure the guilty verdict by removing the context surrounding the words. The prosecution then injected their own context to paint the defendants as using the words in a purposely hateful way.

Have I committed a hate crime in addressing the receivers of this letter in the manner above? Can the State assume what thoughts I had in my head at the time of writing and use that fabricated context to paint me as transphobic? Do I deserve to have a criminal record because my speech does not fall into the category of 'correct' or 'acceptable' thought that the State deems I should be allowed to think? We have already seen calls to deem critics of the Black Lives Matter movement as hate criminals; how long before criticism of other political groups or even the Scottish Government itself is deemed hateful and offensive by the State under this new Act? It is very troubling that the State can arrest you based on thoughts that they claim you were thinking instead of considering the visible context surrounding the incident. This new bill expands the justification for the State to do this to you, and this new power is permanent. Do not believe that only the current governments political opponents will be persecuted by this Bill. This power will eventually be wielded on everyone, including you and me. What falls under hate speech can be expanded or changed at will to suit the State's intentions.

If, in the future, a far-right government were to take power who were racist and wanted to regress our society back to the 1950s, this Bill would easily give them the power to arrest and prosecute pro-democracy and anti-racism protestors, by claiming that their speech is hateful. When it comes to granting this much power to the State, we must not think only of the present but to the future too. Political parties come and go but the power of the State is eternal.

Putting the wrongly-accused hate speech cases to one side, this Bill does not even accomplish the goal of reducing real racism and bigotry. This Bill will not change people's opinions but will instead push racist ideology underground where it cannot be challenged and will be allowed to fester. Defending the free speech of racists and other ideologies that we do not agree with is vital to allow those ideologies to be challenged and debated. Open dialogue and discourse are the only way to de-radicalise white supremacists.

A recent example of this was when the BNP leader was invited onto Question Time. People called for him to be de-platformed and banned, but the BBC gave him a platform and his views were soundly beaten by the rest of the panel and the audience members.

If we instead ban the opinions we disagree with, we cannot change minds and that ideology can grow unchecked and unchallenged away from the public eye, which is very dangerous. This Bill would exacerbate this problem. We must instead defend the free speech of those we despise to prevent them from spreading their views unopposed. This is the truly democratic way instead of the fascist policy of banning thoughts and speech that we disagree with.

Furthermore, the removal of gender as a factor in this bill and the subsequent proposal of misogyny in its place is also deeply troubling. Aside from the already mentioned subjective nature of attempting to prosecute based on these sort of factors, it is not at all fair or equal to give women a legal right to protection against misogyny, while not also giving men that same protection from misandry.

This proposal creates a deeply unethical inequality as it gives one gender legal supremacy to disparage and denigrate freely, while affording them protection against disparagement and denigration in return. It is a blatant declaration by the government that we are not all equal under the law, and that some citizens are more equal than others. It would be preferable to remove misogyny from the bill entirely, but if that is not possible then misandry must also be included to avoid unequal gender rights under the law.

In conclusion, the Bill is repealing one old blasphemy law yet is creating a new blasphemy law, one with far wider reaching consequences that obliterate free speech and kill any form of debate. With this Bill you will create an atmosphere akin to Germany during the 1930s and 40s, where people are too terrified to speak freely in public and must adhere to the State's narrative at all costs, for fear of prosecution. The definition of the word 'liberal' is the 'willingness to respect or accept behaviour or opinions different from one's own'. Fascism, on the other hand, is a governmental system that wields complete power over the minds and bodies of its subjects. It forcibly suppresses disagreement and criticism, has no tolerance for opposing opinions, and believes that individual interests are to be repressed for the good of the nation.

I shall leave it to your consciences to decide which of these directions you wish to take Scotland down. I beg that you look objectively at the content of the Bill you are proposing and the impact it has on free thought and on democracy. Bear in mind that political parties and the morals and ethics of leaders change, but the State will always retain its power and will wield entirely subjective laws like this against whoever is in opposition to their narrative.

Please make your choice wisely. Our civil freedoms are at your mercy.

Regards,

Steven Khan

15 July 2020