

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM MIKE BURLEIGH

To the Justice Committee,

I welcome the fact that as citizens we continue to be invited to contribute our views to proposed changes in the law. With regard to the call for views on the Hate Crime and Public Order (Scotland) Bill my specific concerns are as follows:

1. The proposed 'stirring up of hatred' offences could prevent the teaching and development of discussion skills at primary, secondary and tertiary education phases in Scotland, as well as debate in wider society. By making 'abusive' speech thought 'likely to stir up hatred' criminal, they will contribute to a climate of fear in which people are afraid to share their personal views, even in private. Whilst hatred against others is wrong and should be discouraged, forthright discussion of ideas relating to age, disability, religion, sexual orientation and transgenderism is legitimate. In a free society, this must include discussion that is deemed offensive. The term 'abusive' means rude and insulting. This is much too low a threshold for a criminal offence.

2. The proposed offences undermine freedom of speech. Undermining free speech is a trend common to authoritarian Governments such as the fictitious 'Big Brother' depicted in George Orwell's book Nineteen Eighty-Four, and seen today in China where children are encouraged to denounce the private views of their parents if they run contrary to the ideals of the communist state.

3. Free, respectful and courteous discussion and debate are foundational to any democratic society. When they are limited, society as a whole suffers.

4. The proposed 'stirring up' offences could make differences of opinion on ideas relating to age, disability, religion, sexual orientation and transgender identity liable to prosecution as a hate crime. This would introduce fear into normal daily life and would affect people who produce comedy, art and literature.

5. Legislation is already in place to catch 'threatening and abusive' behaviour. The proposed 'stirring up' offences would encourage wrongful and malicious reporting and impose an impossible and ever-growing demand upon the police to investigate each and every accusation. This would distract them from investigating other serious crimes.

6. Scotland has a strong heritage of free speech. It helped establish our Universities, including St Andrews, Glasgow and Aberdeen, which were founded in 1400s. Any move to undermine free speech would trample on this proud heritage and affect these institutions that have given Scotland and the world so much.

7. Throughout history, and today, Christian believers have laid down their lives in order that freedom to share the Gospel, and freedom of expression, be protected in the UK. Threatening free speech and religious liberty is an affront to these people, and to

Christians like myself living in Scotland today.

With respect,
Mike Burleigh
16 July 2020