

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM MATTHEW LANG

Hate Crime and Public Order (Scotland) Bill

The Bill creates exceptions for speech which criticises or seeks to discuss religion or sexual orientation but not where such speech is perceived or deemed to be abusive or threatening. Such provision is a very real infringement on freedom of speech/expression. The expression of sincerely held religious or political views may well cause those with equally sincerely held contrary views to be upset/offended but for the Bill to determine criminality by the perception of the hearer with no regard for the intent of the speaker strikes at the heart of liberty of expression. Indeed, perceived upset/offence has elsewhere been regarded as a necessary price to be paid for the maintenance of freedom of speech. Furthermore, it is surely a misuse of the criminal justice system if criminal prosecutions are brought on the basis of perceptions with no regard to the actual intent of the one perceived to be causing offence/stirring up hatred.

Whilst exceptions are made in the Bill to allow for a measure of criticism relating to religion and sexual orientation no such allowance is made concerning gender identity. Gender theory, on which there is genuine disagreement, is a contentious issue. Conservative Christianity and indeed other religions and traditions see us as being biologically and sexually different. There has to be room for genuine public debate on this issue. Such debate is seriously hampered by the way in which the Bill is presently drafted. This would have the effect of rather than there being freedom of speech there would be speech constrained and compelled by the threat of criminal conviction. Such limitation, in particular through the use of criminal law, strikes at the root of our long tradition of freedom of expression in this country.

What can one say concerning the invitation to comment on the plans to abolish the offence of blasphemy? Whilst it is noted that there have been no prosecutions in the past 175 years it is evident that mainstream Christianity continues to acknowledge that blasphemy is an issue. However, it is also evident that our increasingly secular society has no concept of blasphemy comparable to that of those who were responsible for the introduction of the offence. Many would wish to see not so much prosecutions for blasphemy but more for enlightenment about the nature and person of the Christian's God and his son Jesus Christ.

Matthew Lang
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