

JUSTICE COMMITTEE

HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL

SUBMISSION FROM ADRIAN CLARK

Hello

I am extremely concerned about news reports that say this Bill will criminalise debate in society if statements are made that could be construed as stirring up hatred, even when they are not intended that way. Just because I have an opinion about religion and morality does not mean that I personally hate the object of my opinion. For example, I might disagree with a Muslim man about who God is, not in a hateful way, but in a way that expresses my opinion based on my understanding from the reading of the Bible. But the problem would seem to be that the Muslim with whom I am debating might decide that I am being hateful towards his religion, even though I am not, and make a complaint, leading to my arrest and conviction. That is basically stifling the debate and could potentially criminalise one of the basic freedoms we have in society - free speech.

Although I can understand in part why this Bill has been drafted, it's the unintended consequences that will have far-reaching effects removing from our society the right to hold an opinion. This is particularly the case with issues of morality, because there is no absolute standard about what is right and what is wrong. So different opinions must be allowed to be expressed.

I should say that in a pariah state, the legislature adopt the right to dictate how people should think and speak, but this is not something I would expect to see in Scotland.

So I would respectfully ask that if you wish to continue with this legislation then the Bill is aligned much more closely with the equivalent English legislation, which seems to be more balanced, and the recommendations of Lord Bracadale, who said that any legislation should make a clear distinction between "rational argument" and "rabble-rousing". He also said that the right to free speech "protects expression which shocks, offends and disturbs other people"

Many thanks

Adrian Clark
18 July 2020