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## **Why are Mr. Bean, and Christian Churches, opposing Scotland's new hate speech law?**

***Catholics, Evangelicals, and famous comedians all claim that the draft "Hate Crime and Public Order Bill" threatens free speech and religious liberty.***

By Massimo Introvigne

Bitter Winter (18.02.2021)- <https://bit.ly/37sXOLb> - It does not happen often in Scotland that leaders of the Roman Catholic Church, the Free Church, and the Evangelical Alliance join forces to protest against the government. In fact, it never happened before. When they are even joined by Mr. Bean, the government should start being concerned.

The bone of contention is a new draft law called "Hate Crime and Public Order Bill," expected to be passed next month. The laudable aim of the new bill is to get rid of the century-old Scottish law against blasphemy. Although it was almost never enforced in recent decades, everybody agrees it should go.

What many do not agree with is the content of the bill that will replace the old anti-blasphemy statutes. [The new bill](#) punishes with jail penalties up to seven years those guilty of "stirring up hatred" through the expression of "bigoted and offensive opinions" against groups of people identified by "disability, race, religion, sexual orientation, and transgender identity." A provision allows the law to be revised in the future including "sex" among the protected categories, thus punishing those who would offend women or men as general categories.

It would seem that religions should be happy that those who offend them will go to jail. This is not the case, explain [a letter dated February 12](#) and signed by the Roman Catholic Church, the Free Church, and the Evangelical Alliance. "We believe that people should be completely free to disagree with our faith in any way, wrote the main Christian leaders of Scotland, including mocking and ridiculing us. We are convinced that our faith is true and has a sufficient evidential basis to withstand any criticism, we therefore welcome open debate."

Churches are also concerned that calling another religion heretical or false, something which is common in religious controversy, will be punished by the law, just as in Russia those who call "false" a religion different from their own are punished as "extremist" (unless they belong to the majority Russian Orthodox Church).

Comedians agree, and here is where Rowan Atkinson—actually, *Sir* Rowan Atkinson, due to his achievements as Mr. Bean—[comes into the picture](#). He is one of many celebrities

who want to keep “the right to critique ideas, philosophical, religious and other.” The government has tried to reassure them by stating that only those whose intent is to offend and discriminate will be punished, but they are not reassured. How will the intent be ascertained?

The churches, mindful of a recent controversy that involved Jane Rowling, the Scottish author of *Harry Potter* fame, are also concerned about the reference in the law to “sexual orientation and transgender identity.” The churches agree that violence and insults against LGBT people should not be tolerated, yet ask whether those churches that teach that homosexual acts are a sin will be punished because of this teaching. They also note in their letter that “transgender identity has been the subject of extensive and emotional public discussion. Such free discussion and criticism of views is vital as society wrestles with these ideas.” They state that they “cannot accept that any position or opinion at variance with the proposition that sex (or gender) is fluid and changeable should not be heard... A right to claim that binary sex does not exist or is fluid must be matched with a right to disagree with that opinion; and protection from prosecution for holding it.” The churches do not want that those who “mock and ridicule” Christians, inter alia criticizing them as homophobic, will be punished by the law. But neither they want Christians to go to jail for expressing unpopular opinions on gender issues, that some may find wrong or outdated but nonetheless should have a right to be freely expressed, as part of religious liberty and free speech.

Photo: The Scottish Parliament building

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## **Confusion over free speech protection on religion in hate crime bill**

National Secular Society (18.02.2021) - <https://bit.ly/2ZxIZn3> - New proposals from the Scottish government could substantially weaken the protection for freedom of expression on religion in its current hate crime bill – even though this appeared to be settled.

The bill, which was introduced last year, would create new offences of 'stirring up hatred', including on the grounds of religion.

Earlier this week the Scottish parliament's Justice Committee approved several amendments to it, one of which would provide greater protection for freedom of expression on religion.

But on Thursday the committee issued a call for views on [four new options for freedom of expression protections](#), which have been proposed by the justice secretary.

Only two of the options contain the agreed amendment on free speech on religion. The other two substantially dilute protection for freedom of expression on religion in comparison.

The committee has requested that views on the proposals be submitted by 10:00 this coming Monday (22 February).

The National Secular Society has been among those warning that the 'stirring up hatred' offences within the bill pose a threat to freedom of expression, and has criticised the latest confusion.

## How the new options differ from the agreed amendment

A conviction for 'stirring up hatred' on religious grounds would require the prosecution to demonstrate that the accused had behaved in a manner which is "threatening or abusive" and intended to stir up hatred.

One of the amendments would have provided greater protection to expressions of "antipathy", "ridicule", "dislike" or "insult" of religion or belief.

The Scottish government previously agreed to the amendment, and the committee approved it unanimously this week.

But two of the four options now proposed only say behaviour would not reach the threshold for prosecution "solely on the basis that it involves or includes discussion or criticism" of religion.

The NSS previously argued that the original amendment should be toughened further, to bring it in line with [an equivalent clause](#) in England and Wales's Racial and Religious Hatred Act.

## NSS comment

NSS chief executive Stephen Evans said the Scottish government's position was "perplexing and farcical".

"The level of protection for freedom of expression on religion in this bill appeared settled. The agreed amendment was a significant step in the right direction and the Scottish government shouldn't be reopening this.

"This episode simply reinforces legitimate concerns that the bill will unacceptably intrude on freedom of speech. With this in mind, and amid a deeply confused and rushed process, MSPs should press pause on the relevant section of this bill."

## NSS lobbying

The NSS has warned that the 'stirring up hatred' offences in the bill pose a threat to freedom of expression since it was introduced last year.

The NSS has lobbied for substantial changes, including a robust [protection for free speech on religion](#).

The society has also joined [the Free to Disagree campaign](#), which is warning of the threat the bill poses to free speech.

Last week the NSS was among civil society groups who signed a [joint letter](#) urging ministers to defer scrutiny of the 'stirring up hatred' proposals until after the May election.

## Amendments since introduction of bill

The Scottish government has previously announced several amendments to the bill.

These have included the introduction of a "reasonable person" test, to apply when charges are brought on the basis that behaviour was "abusive", and a requirement to demonstrate intent to secure a conviction for 'stirring up hatred'.

The bill as initially drafted would have also enabled convictions in circumstances where it was "likely" that hatred would be stirred up.

Photo : Humza Yousaf, the justice secretary, speaking to the Justice Committee this week.

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