



Written by [James Murphy](#) on October 29, 2020

New Scottish Law Would Criminalize “Hate Speech” Even in Private Homes

A proposed new law currently wending its way through the Scottish Parliament would make it a crime to utter so-called hate speech, even in one’s own home. The speech-quelling bill is being championed by Scotland’s Cabinet Secretary for Justice Humza Yousaf.

Entitled the [Hate Crime and Public Order Bill](#), the new law, if passed, would criminalize so-called hate speech and create a new crime for “stirring up hate.” Critics of the bill believe that it would have a chilling effect on entertainment, especially comedy, and could lead to entertainers, writers, and other public figures being arrested for offering opinions or jokes that the government deems offensive.



AP Images

Not to mention the bill would basically disallow off-color jokes or opinions that the government does not officially sanction even in a citizen’s home.

During a Tuesday session, Members of Scottish Parliament (MSP) questioned Yousaf about the new law. Glasgow MSP Adam Tomkins questioned just how the law could punish offenders for a public crime when such “offenses” were committed in the privacy of one’s own home.

“When we are considering the scope of the criminal law in this Parliament, we’ve got to be careful not to under criminalize and also guard against over-criminalization and make sure we are not inadvertently rendering criminal that we think ought to be free to do,” Tomkins said.

Liam Kerr, an MSP from Scotland’s Conservative Party was much more blunt.

“The hate crime bill was a mess when the SNP (Scottish National Party) first brought it to parliament and it still contains serious issues that need to be fixed,” Kerr said. “Tinkering around the margins will not fix the most controversial bill in Scottish Parliament history.”

Kerr went on: “The latest admission from the justice secretary confirms what so many respondents to the consultation have warned — that as drafted, this Bill means free speech could be criminalized within the home with friends you’ve invited over for a dinner party, and that Mr. Yousaf is perfectly comfortable with that.”

Scottish Conservatives also complained that they were left in the dark about the contents of the bill until the last minute and that the leftist-lead Scottish Parliament failed to consult the Scottish Courts and Tribunal Service — a non-aligned government agency that exists in part to act as a liaison between Parliament and the Scottish judiciary.

Yousaf defended the bill. “The point of stirring up offences and the reason why I think we need these



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offences is their effect is or could be to motivate people who carry out acts of hatred, violence, assaults and so on against members of groups who belong to particular communities,” Yousaf said before being interrupted.

Yousaf continued: “What it does is if you’re stirring up religious hatred against Jews, with the intent of stirring up hatred in your private dwelling with your children in the room, with friends you’ve invited over for a dinner party, if they then act upon that hatred and commit offenses that would be prosecuted by the law, should the person who, with the intent of stirring up hatred if their behavior was threatening or abusive, should that person not be culpable? Should they not receive criminal sanction?”

Yousaf demurred just a bit by saying that the Scottish Government would be open to look at protections for free speech in a subsequent revision of the bill.

But, on the other hand, Yousaf also favored broadening the bill’s scope to include acts of “antipathy, dislike, ridicule or insults.”

Scotland’s Parliament is heavily left wing led by the Scottish National Party (SNP) which, in addition to pushing for Scotland’s independence from the United Kingdom, describes itself as center-left. It holds 61 of the 129 seats of the Scottish Parliament. Along with the SNP are 34 members from the Labour Party, the Green Party, and the Liberal Democrats. With such a left-wing alliance, chances are solid that this odious bill, in some form, will become law in Scotland.

While we can be happy that America has the First Amendment to thwart this kind of nonsense from becoming law, we should also be aware that the ideology that fuels bills such as this is alive and well and waiting to pounce — even here — if given a chance.



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