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Written evidence from Peter Spurrier (FOE0059)

I am an interested individual.

I want to belong to a culture in which people are allowed to express different ideas, to question beliefs, to pursue truth and to debate what is true or right or desirable. In most societies through history, this has not been allowed much and, to the extent that some societies have developed it, it is a precious thing and I would like it to be protected.

Democracy (a system under which the people have the freedom to choose their government or laws) can only function meaningfully if the people have the freedom to express their views. Also, a society in which people are not allowed to pursue truth, seems less likely to discover what is true.

Freedom of expression is not part of the tradition in all societies, but our country was one of those which did develop a culture which permitted it. However, that culture of free speech now seems to be under serious threat from within our own society and establishment. If that freedom is not defended within societies in which it is traditionally permitted, it seems unlikely that it will be defended much anywhere.

In terms of limits to free speech, I would draw the line at threatening behaviour, harassment or instigation of violence. For one thing, those kinds of behaviour undermine, rather than promote, freedom of expression. However, if we are to have any meaningful freedom to express our views on what is true or on what is right and wrong, we shouldn't ban speech simply because other people don't like it, or find the ideas expressed disturbing, offensive or even insulting.

In order to be able to freely debate beliefs, we should be able to say what we think about other people's beliefs (so we should not be compelled to show respect for their beliefs), but we should allow them a right to hold and express those beliefs. This should apply regardless of what those beliefs are, including in the case of beliefs which many people consider to be deplorable, such as beliefs which are racist or sexist or, indeed, beliefs which are opposed to free speech. This is partly because, if we are to be free to debate and pursue the truth about any issue, we need to be free to argue for, or against, every view on that issue.

On the question of whether hate speech law need to be changed, I would say the following. I believe that existing hate speech law already goes too far. As I've explained, I don't think threatening behaviour, harassment or instigation of violence should be allowed. But I would say that simply expressing a view, an opinion or a feeling should be permitted, regardless of what that view or feeling is and regardless of whether it will encourage others to think or feel the same. Thus, although they may often be unpleasant, expressions of hatred are not, in my opinion, actually the kind of thing which should be banned. There are examples where it is common or normal to feel and express hatred, such as towards racists, terrorists or paedophiles. Should we say that it's all right to express hatred towards some people for some reasons, but not towards other people for other reasons? What qualifies anyone to make such a judgement about who other people should be allowed to hate and why? Furthermore, why are expressions of hatred banned if the hatred is on the basis of some characteristics (such as race, sex, sexual orientation or religion), but not if it's on the basis of others (such as political beliefs, personal temperament, personal rivalry, or even musical taste, etc.)? There are occasions when hatred, on the basis of one of the first set of characteristics, is no more passionate and genuine than hatred on the basis of one of the second set.

I agree, of course, that actual physical persecution of people, of the kinds carried out by Nazi Germany or Stalin's Russia, should never be permitted. But I do not believe that cruel, inhumane persecution on the basis of race, or on the basis of any of the other currently 'protected characteristics', is any worse than equally cruel, inhumane persecution on the basis of some other kind of reason (for example the kind of reason for which people were victimised under Stalin). In such a case, surely all that matters is the degree of inhumanity, not the kind of reason for which it is done. We appear to have forgotten this.

However, I believe that we should be allowed to criticise others and to to express our feelings about them, whether they like it or not. We may consider that their behaviour deserves to be strongly criticised.

Regarding the Racial and Religious Hatred Act, 2006, I do not believe that it should make any legal difference if the intention, behind some threatening words, was to stir up religious hatred, rather than some other intention. It should not be illegal to hate all, or any, religion, any more than it should be illegal to hate any other ideology.

Taking account of all the above, I would advocate that all laws relating specifically to 'hate crime' and 'hate speech' should be repealed. However, I believe that the Law Commission of England and Wales is proposing that these laws should actually be made stricter, by, in most cases, removing any reference to the need for 'intent' in relation to stirring up hatred, by extending the number of 'protected groups' the law applies to and by actually applying the law to remarks made by people in their own homes! All of these proposed changes should be opposed and the last one, about what people say in their own homes, would be particularly appalling and oppressive and is the kind of policy found in totalitarian states.

On the question of whether current police guidance and practice on hate speech law helps promote freedom of expression, I would say the following. My understanding is that if anyone claims that some words were motivated by hostility or prejudice based on a range of 'protected characteristics', then this is designated as a 'hate incident' and the police consider that it is their business to investigate such incidents. Several things seem to be very wrong with this. First, something should not be considered to actually be a 'hate incident' merely because of something that is alleged rather than proven. Second, it should not be a crime to feel hostility or to be prejudiced and nor should it be a crime (except in certain limited instances, such as when acting as a public servant) to express those views. Third, this should not be any business of the police.

I understand there have been a number of cases of such undesirable police practise. In one case I believe police actually said that someone had committed an offence because posters, which they had put up, said, in effect, that the word 'woman' means adult human female. (This apparently is considered an offensive idea by some 'trans activists'.) Thus, it was considered an offence simply to state something which most people would believe to be true.

In another example, police in Yorkshire are currently investigating, as an alleged hate crime, a case of a Christian saying that transgenderism is a false ideology and that a particular person who claims to be a man is actually a woman. Police practise of this sort is clearly a force against freedom of speech.

On another question, it should not be any business of employers what their employees say (in a private rather than work capacity) on social media.

Free speech seems to be under serious threat in our society. In addition to the laws, referred to, much of the threat comes from people losing their jobs for expressing the 'wrong' opinions, and from intolerance of such 'wrong' opinions in universities and schools. This is because of a widespread attitude which is hostile to freedom of expression, and which, in the name of diversity and tolerance, insists on conformity (of opinion). For example, a teacher at well known public school has been sacked for taking the line that a questionable politically correct theory (that all psychological differences between men and women are a social construct) should be questioned. In another recent example, it was considered unacceptable for the chairman of a well known sporting association to inadvertently (in an attempt to be politically correct) use a phrase which is now considered, by the 'progressive' wing of society, to be politically incorrect and, merely for this, he was pressured into resigning.

Free expression is essential to democracy and both of them are more important than the 'progressive' ideals of those who are opposing freedom of speech in our society.

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