

Scotland's Authoritarian Blasphemy Law Takes Effect

By Madeleine Kearns, *The National Review*, April 3, 2024

The recently implemented bill criminalizes “stirring up hatred”—an offense that occurs when a person says, displays, publishes, distributes, gives, sends, shows, or plays something that “a reasonable person would consider to be threatening, abusive, or insulting” toward a protected characteristic. There needn’t be any specific victim of the crime. Third-party reporting sites are now operational where citizens can go snitch on each other for “hateful” speech. One of these sites is a sex shop in Glasgow. Another is a salmon and trout wholesaler in Berwickshire. (I’m not kidding.)

The maximum sentence for this offense is seven years’ imprisonment.

While sexual orientation, religion, and transgender identity all make the list of protected characteristics, sex, notably, does not. Naturally, this has left some wondering how the law is likely to affect the transgender debate, a live political issue in Scotland. Or Edinburgh’s International Festival Fringe, scheduled for the summer, in which comedians might need to rethink their more offensive jokes.

In 1859, John Stuart Mill warned of the “tyranny of the majority,” the persecution of those with minority views. But the Scottish government’s regime is even more egregious, a tyranny of the minority. Most Scots oppose gender self-ID (the idea that you should be able to change your legally recognized gender simply by filling out a form). It is patently obvious that men cannot become women and that pretending otherwise inflicts grave injustice on women.

On the day the new law came into effect (ironically, April Fools’ Day), Rowling, an outspoken critic of transgender ideology, posted a series of tweets in which she described trans-identifying men as men. She wrote: “I’m currently out of the country, but if what I’ve written here qualifies as an offence under the terms of the new act, I look forward to being arrested when I return to the birthplace of the Scottish Enlightenment.”

Police Scotland, after reportedly receiving thousands of complaints in relation to Rowling’s post, stated that the author’s comments were “not assessed to be criminal and no further action will be taken.” But on what basis?

Rowling responded, saying, “I hope every woman in Scotland who wishes to speak up for the reality and importance of biological sex will be reassured by this announcement, and I trust that all women—irrespective of profile or financial means—will be treated equally under the law.”

Of course, as Rowling knows, there is no reason to trust a government that would pass such a law, which is, by its very nature, subjective and arbitrary.

An additional irony is that when the law was first introduced, it was done so purportedly to amend a dormant blasphemy law from 1837. It is frankly ridiculous that—in a law repealing blasphemy—the “hate crime” bill has to spell out that it’s permissible to discuss, criticize, ridicule, or insult religion or try to convince someone to abandon their religious beliefs but that, when it comes to transgender ideology, only “discussion” and “criticism” are permitted.

As I wrote when the bill was first introduced, the Hate Crime and Public Order Act simply swaps one blasphemy law for another. The religion it’s now illegal to disrespect is that of social progressivism.

No one had been prosecuted under the 1837 law in well over a century. Still, secularists wanted to make a statement. Scotland is a post-Christian society. True though that is, nature abhors a vacuum, and what is filling the void is hardly an improvement.

This was the admission made by Richard Dawkins in a recent interview. Dawkins, author of *The God Delusion* and a leader of the New Atheist movement, describes himself as a “cultural Christian.” He recently told LBC presenter Rachel Johnson:

I feel at home in the Christian ethos. I feel that we are a Christian country. Statistically the number of people who actually believe in Christianity is going down. And I’m happy with that. But I would not be happy if we lost all our cathedrals and our beautiful parish churches. . . . If we substituted any alternative religion, certainly that would be truly dreadful.

In response, Tom Holland, author of *Dominion: How the Christian Revolution Remade the World*, described Dawkins as a man “sitting on the branch he’s been sawing through and gazing nervously at the ground far below.”

The Judeo-Christian foundation of Western civilization, which has evolved and adapted to produce secular concepts such as human rights, is under sustained attack. Before deciding to undermine it further, citizens should consider its alternatives. Authoritarian progressivism? Islamic theocracy? In what kind of country do we want to live?