

Discourses of Trans Subjectivity and Scottish National Identity as mediated through the *Gender Recognition Reform (Scotland) Bill 2022*

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ABSTRACT

This thesis conducts a critical discourse analysis of media and civil society discourses surrounding the *Gender Recognition Reform (Scotland) Bill 2022*. The Reform Bill aimed to make the requirements for changing your legal gender easier, and was the first Scottish Parliament bill ever blocked by the British Parliament. Situated within the context of increasing transphobia and growing fractures between the Scottish and British parliaments, this thesis unpacks how trans subjectivity alongside discourses of Scottish national identity are mediated in discussions surrounding the Reform Bill. This research addresses the fact that much of the literature on Scottish nationalism fails to critically interrogate the racialised and gendered violence embedded in the nation-state system. At the same time, much of the literature on transphobia takes Britain as a unit of analysis and fails to capture the complexities and colonial dynamics between the nations within Britain. By conducting a critical discourse analysis of both media sold in Scotland as well as transcripts from interviews conducted with members of civil society involved in consultations for the Reform Bill, this research unearths the manifest ways the trans subject is imagined alongside discourses of Scottish national identity. By mapping media along locality, political positioning and unionist/nationalist stance, the trans subject was imagined through discourses on subverting borders; temporalities of (European) progressiveness; separating out the trans subject from “regular” Scottish people; speaking for trans people’s (imagined to be liberal) interests; and, contestations over legitimate forms of feminism. The civil society interviews invoked Scottish national identity to make arguments for the Reform Bill in three main ways: transphobia is not part of Scottishness; Scotland is more progressive than England; and Scotland as an underdog in its relationship with the British Parliament. The results indicate an Othering of Scottishness from Englishness and Britishness, the latter two often being used interchangeably. At the same time, the trans subject is seldom included within the concept of the Scottish nation, being separated out both by transphobic actors as well as by trans/feminist actors who make the trans subject a special case or symbol for broader politics (e.g., nationalist goals). This thesis critically engages with the concept of civic nationalism within imaginings of Scottishness to expose how even articulations against British coloniality can reinforce normative gendered and racialised understandings of the Scottish nation.

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A SMALL NOTE

A thesis captures a moment in time, for example this was written in a particular juncture in Scottish politics and this will be immediately obvious to the reader no matter when they read it. What will be less obvious to the reader in years to come, is the circumstances under which this was written. I am referring here to the fact that my academic institution continued business as usual during the escalation of israel's genocide against Palestinians. In the spirit of CEU's values of "open society" I would like to express my sincere anger and regret that the everyday life of our university marched on, whilst our protests demanding the institution to acknowledge their complicity in the genocide remain unheeded. I can only thank CEU for further radicalising me against a "liberal" position which so obviously will choose the side of fascism time and time again. When CEU condemns this genocide in years to come, when it is safely confined to a "history" liberals feel safe to critique, those of us who studied here at this time will never forget your complicity in colonial violence, and we will never forgive.

DECLARATION

I hereby declare that this thesis is the result of original research; it contains no materials accepted for any other degree in any other institution and no materials previously written and/or published by another person, except where appropriate acknowledgment is made in the form of bibliographical reference.

I further declare that the following word count for this thesis are accurate:

Body of thesis: 25,972 words

Entire manuscript: 30,590 words

Signed..... Rose Heffernan

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LIST OF ABBREVIATIONS

CDA: Critical Discourse Analysis

EU: European Union

EHRC: Equalities and Human Rights Commission

GRC: Gender Recognition Certificate

GRR: Gender Recognition Reform

LGBTQ+: Lesbian Gay Bisexual Transgender Queer plus

MP: Member of (British) Parliament

MSP: Member of Scottish Parliament

NGOs: Non-Governmental Organisations

SNP: Scottish National Party

TERF: Trans Exclusionary Radical Feminists/Feminism

UK: United Kingdom of Great Britain and the North of Ireland

US: United States (of America)

Additionally, I shortened the names of some of the legislation referenced in the text, for ease of writing. These are as follows:

The 1707 Act: *The Act of Union 1707*

The 2004 Act: *Gender Recognition Act 2004*

The 2010 Act: *The Equality Act 2010*

The Reform Bill: *Gender Recognition Reform (Scotland) Bill 2022*

1. INTRODUCTION

1.1 Scotland in Britain

The Act of Union 1707 (hereafter the 1707 Act) incorporated Scotland into Great Britain, and until the end of the 20th century, the nation was governed by the Westminster Parliament in London. In 1997, Scotland undertook a referendum on devolution, and voted in favour of having a Scottish Parliament. Under the Scotland Act 1998 (hereafter the 1998 Act), it was agreed that certain powers would be reserved to the UK Parliament (to which Scotland elects 57 out of 650 Members of Parliament (MPs)), and other powers would be devolved to this new, Scottish Parliament (which comprises 129 members). The Scottish Parliament is colloquially called Holyrood, due to where it is situated in Edinburgh, the nation's capital.

The new Scottish Parliament redefined the parameters of Scottish politics, and led to the formation of new political parties as well as civil society groups that emerged due to the new devolved legislature. Scottish versions of the main British parties emerged; The Scottish Liberal Democrats, Labour, Conservatives, and Greens. Whilst these had always existed, they now became formalised as part of the institutional apparatus of the devolved Scottish state. Additionally, The Scottish National Party (SNP), which began in the 1930s and up until now had been restricted to contesting the UK Parliament elections, began to focus their efforts on the Scottish Parliament, having previously been unable to gain a foothold under the UK Parliament's "first past the post" electoral system. The first two elections to the Scottish Parliament brought a Labour-Liberal Democrat coalition government, with the SNP in opposition.

In 2014, following the SNP's landslide win in the 2011 Scottish General Election, which brought the first majority government since Holyrood's inception, Scotland held a referendum on independence (colloquially known as "Indyref"). The main campaigns were the

“Better Together” campaign for voting no/naw and “Yes Scotland” campaigning for the yes/aye vote. The Green Party and the SNP campaigned along nationalist lines (the “yes/aye vote”), with the Liberal Democrats, Labour and Conservatives campaigning for unionism (the “no/naw vote”). On 18th September 2014, 55% of referendum voters voted to stay in the UK. However, the UK’s subsequent withdrawal from the European Union (EU) in 2016 (in which 62% of Scottish voters voted to remain), alongside various scandals emerging from within the (until recently) ruling UK Conservative Party, have resulted in increased demands for another referendum from the SNP, who have been in power in the Scottish Parliament since 2007. The SNP, and independence supporters more generally, position themselves as forward thinking and inclusive in comparison to the British government (Morrison, 2021). The UK’s exit from the EU (colloquially referred to as “Brexit”) has fostered increased polarisation in the UK Parliament, as the Conservative Party moves more to the right, invoking hate against marginalised groups to garner support in times of political crises. The most recent UK general election was held on July 4 2024, and resulted in a landslide victory for Labour. However, Labour under their leader and now Prime Minister, Keir Starmer, remains similar to the Conservatives, as seen by their first few weeks in government. Since July, there has been a renewed commitment to austerity through ending the winter fuel allowance, maintaining the two child benefit cap, as well as suspending the whip for any of its MPs who did not agree to vote for such proposals (Financial Times, 2024). Additionally, the hate mongering towards marginalised groups that has become typical of British parliamentary politics remains unaddressed, as transgender youth recently occupied the Department of Education to protest the increasing institutionalised transphobia they experience (Them, 2024).

1.2 The Gender Recognition Reform (Scotland) Act

Against this political and cultural backdrop, in the 2016 Scottish General Election, the SNP included a pledge in their manifesto to reform the Gender Recognition Act 2004 (hereafter the 2004 Act), as had been passed by the British government. Following the SNP's electoral victory, they began to develop the Gender Recognition Reform (Scotland) Bill (hereafter the Reform Bill) to make the process for changing your legal gender easier. A key amendment to the 2004 Act in this regard is Section 8C, which stipulates four conditions for granting a Gender Recognition Certificate (GRC). This is the most contentious amendment to the 2004 legislation as it:

1. reduces the age at which you can apply for a GRC from 18 to 16; and
2. reduces the amount of time you have to live as your preferred gender to apply for a GRC. Previously this was 2 years, but has been changed to 3 months (if you are 18) or 6 months (if you are 16-17). (Scottish Parliament, 2023a)

Proponents of the Reform Bill argue that this makes young transgender (hereafter trans) people's lives easier, whereas opponents argue that the lowering of the age and the reduction of the temporal requirement for the granting of a GRC is irresponsible and does not safeguard children. The latter arguments are made alongside traditional transphobic arguments of defending "sex-based rights" and the safety of cis women in women's only spaces. The process of the Reform Bill's development continued following the 2021 Scottish General Election and the formation of a Scottish Greens and SNP coalition government. Following intense debates from all sides of the political spectrum that were widely covered in Scottish media, the Reform Bill was passed on 22 December 2022 by a majority of 86 to 39, with 0 abstentions and 4 not voting (Scottish Parliament, 2023a). Despite the proposal being started by the SNP, the Reform Bill was not voted for along party lines, with some SNP politicians defecting from the party for their opposition to the Reform Bill, as well as some Scottish Labour, Liberal Democrats, and Conservative MSPs supporting the Reform Bill. Yet on 17 January 2023, the UK

Parliament voted 318 to 71 to block the bill, utilising an instrument known as a “Section 35 Order”, referred to as such due to the UK Parliament’s powers in this regard stemming from the corresponding section of the 1998 Act (UK Parliament, 2023). This is the first time in the history of the Scottish Parliament that one of their bills has been blocked, which has implications for both Scotland’s future in Great Britain as well as the increasing transphobia perpetrated by right-wing parties and transphobic “women’s rights” defenders alike.

1.3 Research Questions

Situated within this context then, I have one overarching question that frames my research, and two sub questions which correlate to the two results chapters:

- How are civil society and media narratives regarding the Reform Bill mediated through discourses of trans subjectivity and Scottishness?
 - How does mass media sold in Scotland construct the trans subject in conjunction with Scottishness?
 - How do narratives within trans/feminist civil society invoke Scottish national identity to make their argument?

1.4 A note on wording

I wish to briefly explain my differentiation between the United Kingdom (which includes the North of Ireland) and Great Britain. Since I do not recognise Britain’s continued occupation of the six counties of Ireland, I have restricted my use of “the UK” to when it is used in quotes or when it is referring to legislative space that the UK government has power over. I use Scotland’s relation to “Britishness” and “Britain” more generally as I view the UK government

as a vehicle for this colonial concept of Britishness, which I expand on in my theoretical chapter.

2. LITERATURE REVIEW AND THEORETICAL UNDERPINNINGS

2.1 Introduction

In order to answer my research questions I must set out the theoretical framing that will inform the analysis in my results section. The natural beginning for me was understanding Scotland's place within Britain, and so here I begin with understanding Scotland's position as both a colonised Celtic periphery within the formation of the British empire, and then as perpetrator of the British colonial core violence abroad. From here, I outline the traditional understandings of Scottishness within the literature that focus on civic nationalism and imagined communities. Such analyses do not go far enough in critically engaging with the violent formulation of the nation-state system as it relates to gendered and racialised subjects, and so I subsequently outline my critique of the nation-state system in this regard. Finally, I touch upon the development of transphobic narratives and feminisms, and how they tie into these nation-state formulations.

2.2 British Coloniality and Scotland

Most of the literature on Scottish national identity tends to not critically examine the colonial foundations of Scottishness. It is argued that Scotland cannot be called a nation-state in the traditional sense, as the nation was "submerged" by the British entity in the Act of Union in 1707 (Martin, 2009; Soule *et al*, 2012; Whigham, 2014). However this implies a pre-existing Scottish nation that merely became part of Great Britain, or in the case of Soule *et al's* (2012) analysis, a nation that could not develop a modern national identity due to it being embedded in the British state apparatus. Such readings do not capture the colonial dynamics inherent within the making and remaking of Scottishness through the 1707 Act. The 1707 Act can be considered internal colonialism; I rely here on Hechter's (1975) analysis in their book *Internal Colonialism: The Celtic Fringe in British National Development*, in which they argue that

England, as the core, colonised the Celtic periphery. Evidence of this can be seen in the anglicising of the Celtic nations' Gaelic language as well as the forced displacements that took place during the Highland Clearances in Scotland in the 17th century (Armitage, 1997). Additionally, the 1707 Act merely enlarged the English Parliament, and despite the integration of the Scottish and Welsh ruling class into the new British elite, this was largely done through the new British public school system which was based on existing English culture (Langlands, 1999). The persistence of the Celtic periphery is highlighted as the only ethnic group that remains in Britain today, with the Celtic ethnicity remaining despite the subsumption of the Picts, Frisians, Angles, Saxons, Danes, and Normans into Britishness (Hechter, 1975).

This is not to say the Celtic periphery is homogenous. In fact, the making of the British ruling class was shaped by Britain's colonisation of Ireland. Scots and Irish were considered unruly Celtic nations who had to be "managed" by the new British ruling class (Armitage, 1997: 62). Scots – as well as Irish – were considered a primitive "Other" to be contrasted with English civilisation (Martin, 2009). During the colonisation of Ireland through the Ulster plantations at the start of the 17th century, Scots and English were encouraged to view themselves as British, in part to distance the Scots from Irish solidarity as they began to form the British colonial class (Armitage, 1997). In 1801, an Act for the Union of Great Britain and Ireland led to the creation of the United Kingdom of Great Britain and Ireland. For McVeigh and Rolston (2021), this is evidence of Scotland being submerged into the concept of Britishness whilst Ireland remained an "Other" to be colonised. So, whilst the formation of Britain was based on an English core and a Celtic periphery, this co-opted Scots to form the British ruling class based on English culture. This formation allowed for a British core that is responsible for the violent colonisation of most of the world (including Ireland). Coloniality espoused by Quijano (2007) is best suited to understanding Britain as a phenomenon, as one that is constantly colonising. There was no end to colonialism; we see this in the continued

occupation of Ireland's six counties and the role that Britain plays in the continuation of its colonial violence further abroad e.g., in Israel's genocide against Palestine.

Most useful for understanding England's position within this empire is McVeigh and Rolston's (2021: 101) naming of England as "the ghost in the machine" where Englishness is seldom named despite being the principal agent in the process of imperialism.

England can be described as the bit of Britain that is 'not Wales', the bit of Great Britain that is 'not Scotland'; and after 1801, the bit of the UK that is 'not Ireland' (McVeigh and Rolston, 2021: 102).

This lack of naming is part of the power of the internal colonisation of Britishness. As English national identity has often been secure in its conflation with Britishness, the instability of what it means to be English becomes apparent. As Henderson *et al* (2017) argue, most recent studies on British national identity tend to take "Britain" as a unit of analysis. In doing so, they discount the North of Ireland as "too difficult" to incorporate, and focus on England, Scotland and Wales, where the English dominate. British national identity then, as a unit of analysis, can obscure Englishness. Therefore, we must consider a bottom up approach to discourse that examines the new meanings that Britishness takes in different contexts. This dual core-periphery analysis therefore allows for an understanding of the dynamic nature of Scottishness within the British imperial project, which is often overlooked in the literature.

2.3 Contesting Imagined Communities and Civic Nationalism

Most of the findings in the literature that focus on Scottish national identity conceptually rest on Anderson's (1983) ideas of "imagined communities". It is argued that an imagined community is based on shared cultural and social bonds that are not always tangible, as many people do not ever meet those they imagine to be sharing the nation with. Anderson's (1983) argument rests on the assertion that the nation is modern, and that print media, national anthems, flags etc. allow individuals to imagine the shared community of the nation whenever

they see them. Such analysis is helpful in highlighting the vehicles through which national myth-making develops. This constitutive role of the state institutions and political media are repeatedly emphasised in the literature, and have informed my decision to focus on the particular legislative act alongside Scottish broadsheet and tabloid media. Scotland's distinctive civic institutions such as its judiciary, media, education system and church pre-date the devolved government and are therefore a valid forum for understanding what constitutes Scottishness (Soule *et al*, 2012; Whigham, 2014). The judiciary in particular is deemed to be unique in constituting Scottish civic space as it predates the 1707 Act, and is therefore evidence of the double core-periphery relationship (Soule *et al*, 2012).

A core ideal underpinning Scotland's "imagined community" are the myths about inherent Scottish qualities, such as the idea that Scottish people are more egalitarian than their English counterparts (Bone, 2023; Hearn, 2000, Whigham, 2014). Such myths are often expressed in proverbial statements of identification, such as, "we're a' Jock Tamsons's bairns", which expresses the idea that Scotland's citizens see themselves equal (Virdee, 2016 in: Davidson *et al*, 2016). Similarly, the identity category a "lad o' pairts" conveys a socially mobile boy who can become what he wants due to his merits (Bone, 2023; Bryant, 2006). Such ideas of national belonging were my initial inspiration for this thesis, as I wanted to see if they translate into discussions around Scotland's more "progressive" gender recognition bill. Yet the gendered presumptions of the above quotes are not critically interrogated when they are cited in the literature. Similarly, much of the literature that outlines Scottish national identity does not critically engage with imagined communities as a concept. For example, as Marx (2002) has argued, Anderson fails to adequately capture the processes of exclusion that are embedded in the language of imagining the community. i.e., who is not imagined, or who is imagined as the other? As Mooney (2016 in: Davidson *et al*, 2016) has stated, it is important

that we have a critical understanding of Scottish society itself, rather than accepting egalitarian mythmaking.

The idea of civic nationalism is prevalent in the literature, as a natural outcome of both Scottishness being defined by unique Scottish institutions as well as egalitarianism (Bryant, 2006; Leith, 2012; Leith and Soule, 2011; Mycock, 2012). Civic nationalism was outlined by Kohn (1944) and opposed to ethnic nationalism, in which the former is associated with civic elements of political entities and the latter with cultural, linguistic ties. This false dichotomy oversimplifies the constituent elements of nationalism, and has also been used in colonial imaginings to create the idea that western nation-states are based on “good, civic nationalism” and eastern nation-states are based on “bad, ethnic nationalism” (Bugge, 2021). The SNP is often credited in the literature as the party with the appeal to Scottish “civic” nationalism (Liinpää, 2018).

The critical study of civic nationalism itself then, can reveal processes of racialisation around Scottish national identity. Scotland’s role in colonialism is often downplayed through the ideological appeal to the myth of Scotland being more inclusive (Virdee, 2016, in Davidson *et al.* 2016). Yet the country profited greatly from colonialism, with Glasgow as the second city of the British empire (Bryant, 2006; Virdee, 2016, in: Davidson *et al.*, 2016). Contemporary public discourse in Scotland is still a long way from recognising this colonial past. The SNP has engaged in a “historical balancing” act, whereby their positioning as a periphery in English internal colonialism in the formation of Great Britain is equated to the peripheries formulated in Great Britain’s violence abroad (Mullen and Gibbs, 2023: 923). This narrative has changed somewhat recently since the SNP got into government, and since 2014 there has been more recognition of Scotland’s role as a coloniser, and the SNP have spoken of reparations (Mullen and Gibbs, 2023). Although there is some evidence that Englishness is more exclusive to non-white people than Scottishness, the idea that racism is an “English problem” is fanciful

(Douglas, 2021; McCrone and Bechofer, 2015). The existence of such myths further highlights Scotland's uneasy relationship with Britishness. Insofar as discourses of Scottish nationalism rely on this myth of egalitarianism, they hide certain realities of Scottishness.

For example, whilst there is evidence that the Indyref was a time of grassroots democracy, as Introna (2016) has argued there is also “missing Scotland”: younger, poorer, voters in social housing whose voices were missing from the mainstream independence debate. Such trends seem common in Scotland, as Mooney (2016, in Davidson *et al.* 2016) has argued, the assertion that Scotland is a grassroots democracy obfuscates the unequal class structure present in Scottish society. When such narratives are espoused by the SNP, they are often couched in left-wing populist terms that associate any negative neoliberal welfare reform e.g., privatisation, as being entirely driven by the UK government. As Massetti (2018) has argued, the SNP engage in left-wing populism to present themselves as leader of the anti-austerity struggle against the ruling classes. This serves to separate out the British from the Scottish ruling class. This democratic deficit narrative is an old one used by the Scottish nationalist movement (Whigham, 2014). It combines narratives of egalitarianism with the power imbalance between the two countries, as Scotland is imagined as an “underdog” that is morally superior in terms of being more socialist, but is unable to achieve these goals due to British rule (Hague and Mackie, 2014; Whigham, 2014). Such narratives are an object of interest in relation to the Reform Bill, as it is the first bill ever blocked by the British government. This highlights that many of the powers of the devolved Scottish government are still conditional on British Parliamentary politics, and therefore reiterates the power imbalance between the devolved and centralised governments. The fact that this power has been exercised once means that there is an impetus for it being used again. At the same time, extrapolating this only to the level of government relations obscures the inequalities that are present in Scottish democracy.

My focus here then, is on how these narratives will imagine the transgender subject as part of myth-making around Scottish civicness.

Another distancing from the British government that the SNP engage in is to link their brand of civic nationalism with the European project (McGarvey and Stewart 2016). This branding is contrasted with the concept of the British state that was espoused by the Brexit movement; described as “Global Britain”, which is as a foreign policy narrative that can be understood as an extension of the Anglo-Saxonist project. This post-Brexit foreign policy narrative highlights McVeigh and Rolston’s (2021) “ghost in the machine”, as it is rooted in a “British, and specifically English, exceptionalism” (Vucetic, 2021: 13). Here we see the duality of the British “core” at work, as a national identity centred on Anglo-Saxon political culture as separate from and superior to Europeanness is emphasised. According to this narrative of Anglo-Saxist superiority, Britishness has an essential orientation toward freedom that Europeans do not. As Whitham (2023) asserts, such arguments are evidence of British coloniality, as they evoke earlier articulations such as Zionist Lord Balfour’s justification for colonising Palestine. This identity can therefore be seen as a continuation of British coloniality, as well as a divergence from the Britishness emphasised by the New Labour government that was couched in terms of liberal Europeanness (McGarvey and Stewart, 2016). If Scotland engages in such distancing from this British formulation, then is also an object of my study.

Scotland’s relationship with Britain is one of multiplicity, in which Scots were indeed colonised as part of the British imperial project, which at its core was an English endeavour. Yet many were then co-opted to form the British ruling class, who to this day continue their coloniality from Ireland to Palestine. “British” is then sometimes an Other to “Scottish”, depending on the context. Additionally, English and British are sometimes used interchangeably by Scots in this process of Othering. Whilst narratives of egalitarianism and an emphasis on the distinctiveness of Scottish civic institutions often form the basis of

boundary making with either England or the British project, these should not be overstated. A critical examination of such myths and institutions is often missing from the literature, and as a result leads to a more neutral reading of Scottish nationalism as well as the nation-state system itself. As the creation of such systems is violently upheld by colonialism, of which the British ruling classes were a part – we must critically interrogate them in our process of understanding Scottish national identity.

2.4 Decolonial Perspectives on Scottishness

Theorising about nation-states by men in the Global North during the enlightenment period promoted the idea that there existed a “state of nature” in which, without the rule of a sovereign, there would be a system of aggression and anarchy (Hobbes, 1651). This theory was then tempered by Locke (1690) who argued that a nation consists of similar people with shared linguistic, ethnic and cultural backgrounds who consent to being governed by the political power of the state in return for guarantees of stability and property. Such readings continue to inform the traditional way we view nation-states today, insofar as an ideal nation-state is a nation with shared cultural backgrounds with an emphasis on an individualistic liberal relationship to the state. Similarly, the existence of an anarchic state of nature outside of nation-state borders informs much of the modern justifications for the nation-state system as well as understandings of international relations. Such readings are masculinist in constructing a man who is naturally aggressive in the state of nature, but can rationally work with his fellow man under liberal individualism as mediated by the state. This depiction of the liberal nation-state that provides security to its citizens obscures the colonial violence of the formation of the nation-state system itself. Additionally, the enlightenment period has a twofold relevance here. First, it requires inspection if we are to unpack patriarchal and colonial formations of citizenship in the Scottish context. Second, the enlightenment is still considered a source of

national pride in Scotland, with the three prestigious Scottish universities (Glasgow, Edinburgh and Saint Andrews) emphasising their historical role during this period. The unwillingness of these universities to take responsibility for their role in colonial epistemological production provide a prime example of the realities that are obscured by Scotland's emphasis on civic mythmaking.

This masculinist idea of state power and the modernist formation of the nation have been well documented, and conceptualised as a "convenient fiction" (Yuval-Davis, 1997: 24). This fiction is convenient insofar as it perpetuates the continuation of the nation-state, as well as the domination of the core in prescribing what an ideal nation-state democracy should look like. Heterosexuality also has an important role to play in this fiction, as the heterosexual white man is the default national citizen in the imperial core, and he is defended by the violent military apparatus of the state (Nagel, 2005). Wittig (1982) has argued that the categorisation of sex serves as a way to make heterosexuality and men's domination of women natural. Similarly, the patriarchal nation-state categorises its subjects into male and female, based on their presumed pairing to reproduce the nation's children. In analysis of the 2004 Act, this persistence of sex as a biological category is seen in the institution of the legal system which is bound up with homophobic law making (Sharpe, 2007a). A "successful" state in this sense is one that is representative of a nation of gendered individuals, forming heterosexual family units (Meadow, 2010). As Jenkins (2000) outlines in his discussion of official classification as a definitive practice of the modern state, the state relies on processes of categorisation in order to make sense of who it is governing. These oversimplified categorisations can be conceptualised both as a method of control and as a definitive process whereby "uncategorisable" people can be excluded, further reinforcing the identity of the "in" group. Although the Reform Bill is proposing a more nuanced categorisation in which there is less emphasis on sexed bodies, it is still based on a binary and linear transition from one gender to

the other. Scotland's attempts to garner recognition within such a system of nation-states means the government is likely to continue such narratives.

The state binds people together in the name of a nation, but also importantly “unbinds, releases, expels, banishes” (Butler, 2007 in: Butler and Spivak, 2007: 5). Citizenship is a key site here, as being categorised as a citizen places you within a specific national subject that people either can or must identify with (Aizura, 2006). Additionally, understanding citizenship is vital in order to unpack some of the debates regarding the Bill, as opponents argue that the differing legislation between Scotland and the rest of the UK – alongside the nonexistent internal border – would mean people would travel to Scotland to change gender. I aim then to understand the narratives around the Reform Bill in relation to this ritualised institutional order which categorises people into citizens or non-citizens, often through arms of the state, and which is reinforced through other categories such as gender and sexuality. Butler (1993: 225) has called these “network[s] of authorisation and punishment”, and by delineating the boundaries of categories, states can authorise which identities are legitimate whilst punishing those that are not. Individuals are expected to repeat such ideas at the interactional level and they often become embodied by the subjects (Cooper and Renz, 2016). Not only are you a citizen of a certain country, you are a man or a woman from that country, with all the subsequent implications. The nation-state governs these male-female paired subjects. Yet this relies on the creation of those who are not governable, abject people who have not yet become subjects (Butler, 1993: 3). Those who do not identify with their gender categorisation, are subsequently deemed not worthy of inclusion with the nation-state system. This leads to my focus on the trans subject then, as one who is situated within this nation-state system as a national subject and also constructed alongside these sex based categorisations.

Borders are an area where we see these politics of gender categorisation by states play out, as they separate those who do not belong from those who do, and delineate the boundaries

of legitimate governance (Aizura, 2006; Yuval-Davis *et al*, 1989). The border itself is an institutional setting in Jenkins's (2000) sense, an area constituted through buildings, territories and visible symbolism. Here bodies are policed, for example Quinan and Bresser (2020) highlight how security agents at airports in the United States (US) press a pink or a blue button on a machine to denote what kind of body is being checked. This interactional process reveals the power of agents of the state to decide which bodies are legitimate or not. Individual bodies that do not fit into this binary idea of gender are complicated at the border and face additional hurdles. We can also think of borders as institutional settings made between citizens. For example, Aizura (2006) argues that for gender variant bodies, the borders at which identity documents might be demanded are anywhere, from health care provision to a public toilet. These interactional settings between embodied individuals reinforce the institutionalisation of gender categories and the legitimacy of documentation in denoting such categories. Instruments such as the Reform Bill then can be understood as legislative measures within these broader matrices of power, determining who receives such documents and who is "recognised" as "one of us".

2.5 Gender Recognition Reform as a site of identity formation

It is within this context that the Reform Bill itself can be seen as a site of identity formation where the dominant narratives of the nation-state and the conditions of "citizen" are formulated in relation to the trans subject. Much has been written on its predecessor, the 2004 Act, which outlines the provisions under which UK citizens can change their legal gender. Sharpe (2007a; 2007b; 2009) has written extensively on the inadequacies of the 2004 Act. One key issue for them is that it reproduces the gender binary as there is no room for non binary identities (Sharpe, 2009). The 2004 Act can be considered homophobic legislation in that it stipulated a marriage could be annulled if the person did not disclose that they were transgender to their

partner before getting married. Furthermore, as gay marriage in the UK was only legalised in 2014, the 2004 Act stipulated that any existing heterosexual marriage where one partner transitioned would be terminated (Sharpe, 2007a). The requirement for recognition focuses on sexed bodies because it depends on a medical diagnosis of gender dysphoria (Humphrey, 2022). Whilst the applicant does not have to undergo surgery to change their genitals, failure to do so may lead to questioning whether the applicant “truly” has gender dysphoria (Sharpe, 2007b). Such practices reinforce what Morgan (2017: 244) calls a “pathologising discourse” around transgender people and reinforces the idea that they are mentally unwell.

Situated within this context, homonationalism may be an appropriate lens under which to view the gender recognition reform process in Scotland. Homonationalism, as defined in Puar’s (2007) book, is the process whereby LGBT subjects are co-opted into (often neoliberal) nation-building projects in order to divert the critical gaze from the state’s colonial violence abroad. Whilst Scotland is not in charge of its own foreign policy as this is a power reserved for the British Parliament, the state is still embedded in violent colonial formations. We see this for example in the existence of large weapons manufacturers based in Glasgow and Edinburgh that receive Scottish government grants to produce weapons for Israel’s genocide of Palestinians (Briggs and Dobson, 2024). Turning inward, homonationalism can also be used as a lens to explain the “no problem here” conceptualisation of racism that Scotland espouses (from *No problem here, understanding racism in Scotland*. Davidson *et al*, 2018). Scotland and the SNP’s brand of civic nationalism and “welcoming” attitude towards migrants and refugees, creates a veneer whereby the racism and coloniality in Scottish society remains unaddressed (Liinpää, 2018). The gender recognition reform process itself does not seek to fundamentally alter the state’s relations with queer subjects but rather continues to co-opt normative understandings of sex and gender through the politics of recognition at a historical moment where the state hopes to gain support from queer subjects through this normalisation. Nirta

(2021) highlights that the 2004 Act assumes gender identity is formed through a “linear negotiation”. According to this one has to have a sustained commitment to their preferred gender until death. This process of linear negotiation can be linked to the liberal individualism of the nation-state system, whereby individuals come together to negotiate with the state for recognition and legitimisation. Whether this discourse of homonationalism is visible in Scottish media and feminist civil society is a focus of my research where I seek to understand if the argument of “more pro-LGBT” as a particular expression of “more egalitarian than the British” is made in discourses of homonationalism in the debates around the Reform Bill. Additionally, the idea of linear negotiation is relevant in unpacking the ways in which civil society are said to represent groups of individuals in their relation with the Scottish state.

2.6 Transgender Feminisms and Transphobia

Before setting out the debates surrounding transphobic arguments and trans inclusive feminisms, I must set out the understanding I have of transgender as a category situated within my work. Important to me in this regard is Valentine’s (2007) book *Imagining Transgender*, an ethnographic study of gender-diverse communities in 1990s New York. Valentine (2007) highlights the instability of transgender and sexuality as categories throughout his work, conducting an ethnography with *inter alia* the middle class white people in the Cross Dressers International Debutante Ball; the Black and Latinx members of the Clubhouse in Hell’s Kitchen; and sex workers from New York’s “meat market”. In his work, many of the participants make simultaneous gender and sexuality claims without invoking the terminology “transgender”. This contextualises some of the debates around trans politics, arguing that politics of identity have become charged around boundaries, and linking these with flashpoints of recognition (Valentine, 2007: 179). Valentine does not create a neat history of trans politics, and argues for a focus on how both status- and identity-based forms of recognition intersect.

Similarly, I view gender and sexuality as dynamic and co-constitutive of each other both in understanding transgender as a space of identity and status based recognition, as well as transphobic arguments against this. It is important to note that when I speak of the dynamic nature of a category I do not mean that it is necessarily transgressive. As Davis (2009) has argued, feminists often fall into the trap of placing the bulwark of dismantling binary gender systems on transgender people, and assume that fluidity always equals transgression or subversion of categories. In highlighting how trans people sometimes invoke rigid identities whilst navigating their everyday life, she challenges the commonly held belief that trans people must always be subversive. Similarly, in my work I hope to avoid romanticising transgressions and instead focus on the multiple meanings of the category of transgender within national discourses.

When analysing transgender feminisms or transphobic actors it is seductive to split the development of the arguments into a “two sideism” debate, wherein one side argues for “trans inclusion” and the other for exclusion. I strive to move away from such an approach in my analysis here for three reasons. Firstly, I believe that this obscures the complexity of transgender lives. Secondly, there is a multiplicity of transphobic narratives that cannot all be traced to the same movement, and need to be understood in order to be unpacked effectively. Finally, I do not view both “sides” as engaged in a traditional either/or debate, instead, one is best conceptualised as an active violent oppressor of the other.

Most analysis in the literature that looks at transphobia (under the guise of feminism) as an organised movement begins at the second wave radical (and lesbian) feminist movement in the US. (Elliot and Lyons, 2017; Pearce *et al*, 2020; Saeidzadeh and Strid, 2020; Thurlow, 2022). Key figures include Janice Raymonds and her transphobic book on the alleged “transsexual empire”, alongside other prominent radical feminists, such as Germain Gear, or Robin Morgen (Elliot and Lyons, 2017). Some key events that can be found across the literature

include the US West Coast Lesbian Feminist Conference in 1973, where trans and lesbian singer Beth Elliot had to leave following the flyering of the event by a radical lesbian group called “Gutter Dykes”, who protested Elliot’s inclusion as a trans woman (Thurlow, 2022; Williams, 2016). Similarly quoted is the example of the late 1990s Michigan Womyn's Music Festival, where feminists excluded trans women from the space, arguing for a “womyn-born-womyn” politics (Davis, 2009; Elliot and Lyons, 2017; Koyama, 2020; Saeidzadeh and Strid, 2020). Both events come up repeatedly, and in my reading they seem indicative of the centrality of the US feminist movement in producing transphobia as a movement splintering from feminism. However, there are scholars such as Pearce *et al* (2020), who do not place Raymond’s book as the “beginning” of feminist discussions on transsexualism. They instead cite Susanne Kessler and Wendy McKenna’s (1978) “Gender: An Ethnomethodological Approach” as an earlier text that is curious rather than overtly critical. Similarly, Williams (2016) observes how many lesbian feminists defended Elliot. Whilst we must be aware of such nuances when we trace temporality, they do not change the compelling argument that the current upsurge of transphobia within feminist spaces can be linked to many of the arguments made by these original actors in the 70s, for example, those of concerns about women’s “safety” and political representation. This helps contextualise my own research, as although I am looking at a short time period within a country as small as Scotland, it is indicative of wider trends.

The centrality of the US and British movements within gender studies academia and knowledge production, which dictates “accepted” understandings of feminism, merits discussion here, as even those readings which take Britain as a case study reference the aforementioned US events as a starting point. The development of queer theory beginning with the scholarship emerging from HIV/AIDS activism in the US have also lent new insights and rebuttals to transphobic narratives within academia (Bettcher, 2006). The interconnectedness

of the US and British social movements means such understandings are valuable for my current research and understanding of the development of these movements. Additionally, it could be argued that transphobia is more prevalent amongst radical and lesbian feminist groups due to the fact that in both the US and Britain, they are largely made up of white middle class women who prioritise the category of woman over other categories indicative of social position (Koyama, 2020). This leads to the exclusion of gender non conforming bodies as well as racialised and disabled bodies (Hines, 2019; Hines, 2020). As Bettcher (2006: 205) has argued, much of the transphobic debate is centred around discussions of authenticity of gender presentations and inclusion in gender segregated spaces, and the “right” of people to categorise an individual’s sexed body. They link this to racialisation, as much of the argumentation around authentic gender presentations is linked to whiteness as the standard. Similarly Clare (2013) connects this with our understanding of disability, where certain groups (e.g., people who are disabled, trans, or racialised) are not afforded bodily privacy. In my work I connect this with our understanding of borders. What is interesting to me in particular is how this process of border making and demanding of authenticity are inscribed within normative understandings of national subjects. Authenticity often intersects with documentation, which can be connected to the institutions of the state who legislate upon sexed bodies and deem which receive documents (Camminga, 2019). In this sense, understanding transphobic arguments lends itself well to understanding processes of exclusion centred around the “nation”. Instruments such as the Reform Bill, which make changes to how these documents of authenticity can be acquired, often provide sites of moral panic which transphobic social movements mobilise around.

Connected to these understandings of the nation are the ways in which recent transphobic discourses within feminism have developed alongside current geopolitical trends; including the rise of right-wing, nationalist, actors utilising an “anti-gender” narrative. Rather than being confined largely to debates within certain spaces such as feminist academia or

radical and/or lesbian social movements, transgender lives have become an issue of mainstream public debate. Zanghellini (2020) situates the change alongside non-academic platforms replacing scholarly works in discussions around trans inclusion. Simultaneously, we also see development of new terminologies and debates surrounding them, e.g., “trans exclusionary radical feminism” (TERF) is attributed to Viv Smythe’s work in 2008, where she attempted to differentiate between feminisms which include trans women and those that do not (Thurlow, 2022). In response to the criticism, transphobic actors now argue that TERF itself is a slur, and many have rebranded their work as being more “pro-women”, utilising discourses around “sex-based rights” (Thurlow, 2022). At the same time, trans people have become a target of right-wing groups in a political climate that is characterised by intense polarisation and “culture wars” (Koyama, 2020). In a time of post-truth, where objective facts are less influential in shaping public opinion, it is becoming normalised to question the extent to which trans people should be allowed in public spaces (McLean, 2021; Pearce *et al*, 2020).

The literature often describes the alliance between trans exclusionary “feminists” and right-wing actors as if they are wholly distinct things, for example Pearce *et al* (2020) group various TERF organisations together with far right organisations and religious groups, whilst Thurlow (2022: 12) describes TERFs as “strange bedfellows” with the far right. Such arguments make it harder to understand the amalgamation of transphobic arguments which are proliferating in current discourses. For example, lesbian arguments for excluding trans people often rely more on their identity as a lesbian and their fought for rights within LGB(T) spaces (Elliot and Lyons, 2017); whereas some women highlight their fought for rights within women’s only spaces e.g., women's shelters or public bathrooms (Zanghellini, 2020). Other arguments focus on the sexed bodies of trans individuals, arguing they accept people who have “fully transitioned” but not people who use neo- or non-binary pronouns. Evang (2022: 368) highlights the complexity of the different (national) iterations of the anti-gender movements in

Europe. For example, some argue that they are pro gay rights but not trans rights, others linking “gender ideology” with Western neoliberalism and feminist legislation such as the Istanbul Convention (Graff and Korolczuk, 2022). This relationship between right-wing actors and transphobic feminisms are mutually beneficial in that right-wing actors in positions of power give transphobic actors what they want (legislation hostile to trans people), whilst also using trans people as a strawman for other political issues, under the guise of women’s rights (Evang, 2022). As Thurlow (2022) argues, this gives them more legitimacy within public discourse. I do not see all of these groups as ontologically distinct, and believe that drawing rigid boundaries based on a left-right political spectrum and transphobic arguments undermines an understanding of the complexities at work here. Within such contexts it is important that we are aware of such nuances, and this leads us to the question of whether we should use the terminology TERF or not. I believe that using the word TERF obscures the multiplicity of the positions and opinions that I have described. Whilst stressing that the outcome of transphobia is the same and so these actors can be put under a broad transphobic umbrella, I seek here to understand how these multiple narratives are invoked alongside nationalist and unionist discourses in Scotland.

This research aims to remedy the fact that little has been written on situating transphobic social movements within Scottish civil society. One key author who does write on Scottish feminist civil society is Morrison (2016; 2021), whose work is particularly valuable in highlighting how positions of power within the feminist movement in Scotland are largely occupied by white middle class women, and that LGBT and lower class voices are ignored. This seems to be connected to, *inter alia*, Bettcher (2006), Clare (2013), and Koyama’s (2020) arguments about the normative racialised and embodied understandings of who is included within the feminist project. This process of who is included takes on new forms when we consider Scottish civil society has been described as distinct from British civil society in that

many of the key actors are constantly re-constituting their basis for power in a post-devolution context (Bryant, 2006; Hearn, 2002). Such dynamics can be seen in the proliferation of feminist and transphobic non-governmental organisations that have sprung up in Scotland in recent years due to the Reform Bill, such as For Women Scotland, Fair Play for Women and Lesbian Strength Scotland (Scottish Government, 2021). These reflect some of the diversity of the transphobic arguments: for example, For Women Scotland focus on children's and women's rights; Fair Play for Women focus on legislation relating to gender segregated spaces such as sport and prisons; and Lesbian Strength Scotland positions trans women as a threat to lesbian identities. Similarly, small trans feminist organisations have sprung up in order to respond to the Reform Bill, such as Anent Transphobia, Argyll & Bute Trans Youth chat, and Pink Saltire (Scottish Government, 2021). Due to the novelty of these organisations, they are largely missing from analysis in the literature, although it should be acknowledged that Turnbull-Dugarte and McMillan (2022) include some of these Non Governmental Organisations (NGOs) in their analysis of transphobic narratives within the 2021 Scottish Election Study.

Part of my research is therefore focused on whether the same dynamics as described in the literature regarding British and U.S. transphobic and feminist spaces are replicated or changed when it comes to focusing on Scotland. The unique nature of Scottish civil society's relationship to broader British society, combined with the position of the Scottish government in relation to the British government, means that responses to the Reform Bill provide a forum for understanding how the Scottish national subject is constructed through transphobic and transfeminist arguments.

2.7 Conclusion

Current analyses of Scottishness tend not to critically examine the nation-state system or take queer feminist perspectives on citizenship. At the same time, analysis of transphobia within

Scotland often takes Britain as a basis for analysis without engaging with the formulation of Britishness as a concept. My work here aims to bridge these gaps, by relying on a decolonial critique of the liberal democratic nation-state system and what this means for understanding Scottishness and trans subjectivity.

3. METHODOLOGICAL APPROACH

3.1 Critical Discourse Analysis

The methodology underpinning this analysis is based on Gee's (2014) concept of discourse. He asserts that there is a dynamic, mutually constitutive link between saying, doing and being. In saying something, we engage in actions other than just conveying information (Gee, 2014: 2). This intertwined relationship is related to being – what we say and do is integral to our identity and how we view ourselves in relation to others. Discourse can then be understood as “language [enmeshed] in use”, and it is where knowledge is actively shaped, not merely described (Gee, 2014). This approach means that meanings are shaped relative to the context in which they are articulated (Gee and Handford, 2013). Critical Discourse Analysis (CDA) is the subset of discourse analysis that this research will rely on. CDA is explanatory as it explains existing realities, showing how they have entered the order of discourse due to existing mechanisms or social structures (Fairclough, 1989). Discourse analysis differs from other research methods as it seeks to understand and conceptualise how the social world is constructed rather than just interpreting this world as it exists (Phillips and Hardy, 2002). Jäger (2001) highlights that reality is constructed through discourses rather than described by them. If a discourse around a certain “object” changes, this object not only changes its meaning but becomes a different object (Jäger, 2001: 42). What makes CDA a critical approach, argues Fairclough (2003), is its objective to explore how (much) any given meaning of a concept comes to be invested in the maintenance of the existing power relations as if “natural”, “obvious”, or impossible to change.

Discourse analysis is a “messy method” insofar as unearthing discourses does not depend on a rigid step-by-step process (Tonkiss, 1998: 250). Nevertheless, there are some key elements that should be considered. One of them is the interpretative context, the social setting in which a discourse is said to be located in. In this regard, I find my position as a queer person

who has grown up in Scotland for 22 years to be valuable in helping me unearth the manifest dynamics that make up the interpretative context of my work. Yet I aim to reflexively approach the source material in a way that I do not “know” anything for certain about the discourses I am analysing. This understanding is important in order to find contradictions or tensions within multiple discourses any text draws on for its formulation, and also lends itself well to a Foucauldian approach to discourse that views power as coming from multiple sources in constantly shifting ways (Howarth, 2000). Finally, using Fairclough’s (2003) method of connecting social practices with texts, I highlight that discourses and social practices are dialectically connected through genres, discourses and styles. Making meaning in this sense is an indexical socially related practice, and since I am using a critical approach to discourse analysis that examines power structures, more specifically their investment in particulars meanings (of Scottishness and transness) over others, I shall focus on claims to factuality and how they are utilised within my interviews and media sources (Fairclough, 2003). This can be done through an analysis of what is said to exist, what can or will be the case and what is considered to be good or desirable within a text.

3.2 Civil Society Interviews

Originally, I planned to focus solely on interviews with civil society activists, and I began by preparing a research paper on the Bill itself, in order to find out which organisations were most involved at each of the three stages of the Bill’s passage through Parliament. However, after reaching out to numerous civil society organisations I received little in response. This was, in part, due to the limited capacity of the organisations, as well as to the sensitivity of the topic itself. In the end, I was able to secure three interviews with representatives from three different Scottish/British NGOs that work on trans feminist issues to varying capacities. One works on feminist topics, another provides a service for trans people and the final is involved in trans

analysis. All three supported the Reform Bill and were involved in the Scottish government's consultation thereon. Upon conducting the interviews and my own preliminary research of NGOs' websites, it became clear that much could not be said publicly regarding Scottishness as it is related to the work of the NGOs. The NGOs could not talk about political parties, nor about the British or Scottish government. This is partially because it is not seen to be within the remit of the NGOs, as well as the risks the expression of any stance in this regard may pose to funding opportunities. Therefore, I decided to reflect on these dynamics as well as the interviews themselves in a chapter that will make up part of my research results. I decided to supplement this analysis with the study of media discourses, as a key player in the Scottish civic space.

Semi-structured interviewing can be considered an integral tool for understanding informal civil society perspectives. The interview can capture more radical opinions than those that would be present in quantitative data or by merely analysing information publicly available online (Belina, 2022). However, with the interview process there also arises issues of reflexivity in the way that I engage with my subjects, in particular in reflecting on how the work that I do will benefit them (Kaliber, 2018). I see the interview process as a broader one than what will be contained within my thesis. As Cvetkovich (2003) asserts, there are often valuable moments of intimacy when the camera or microphone is off. Indeed, whilst I did find such moments in the process of my research in the Summer of 2023, I did not transcribe them all into the thesis, but rather see the interview process as a valuable discussion that informs my discourse analysis method, and of which parts will be written up as a chapter.

3.3 Mass Media Analysis

Whilst the focus on such "traditional" forms of tabloid and broadsheet media may appear outdated, from my own personal experience of watching the public discussion around the Bill

unfold, news articles on the Bill often act as sparking events when shared on social media, and contribute to broader public discussions. Therefore, even though only 1/3 of Scottish adults read print media (OfCom, 2020), many engage with these same tabloids and broadsheets through social media platforms and online apps. They are, then, a valuable medium for understanding discourses on Scottishness as mediated through discussions of the Reform Bill.

The literature tends to focus on the independence referendum in 2014 as pivotal in understanding the media landscape. Singer (2009) highlights how the deictic centre of Scottish newspapers during indyref were firmly rooted in the pro-union “no” camp, and antagonistic to nationalists. This distancing from Scottish nationalism could be partially attributed to the fact that Scottish national identity growing at the turn of the century coincided with the Scottish press passing out of Scottish hands (Blain *et al*, 2016). Unsurprisingly, the owners of much of Scotland’s mass media – as members of the British ruling class – are invested in the maintenance of the union. Despite this overwhelming support for unionism, the media landscape in Scotland *is* tailored to Scottish people, and is therefore a valuable medium for understanding constructions of national identity (Kieley *et al*, 2006). Blain *et al* (2016) argue that the “fact” of a Scottish nation and identity has been known by those who own Scottish media outlets. Although it has been found that Scottish media conducts minor alterations to render a story spatially relevant to Scotland, as well as alter stereotypes of negative judgements, I would disagree with Blain *et al*’s (2016) argument that the Scottish nation is pre-existing and appealed to by Scottish media (Rosie *et al*, 2004). Rather I see the Scottish media landscape as co-constitutive of Scottish national identity, since it is bound up with British interests while appealing to a broad Scottish readership who do not have uniform views. Petersoo (2007: 299) has found evidence of a “wandering we” in the national deictic centre of the media, and Rosie *et al* (2004) argue that such conceptualisations have utility in the polyvalence of the concept of Britishness. By analysing a variety of Scottish mass media, I aim to investigate such claims in

terms of how they relate to constructions of Scottish national identity when formulating transphobic or trans-inclusive narratives.

Utilising the way in which media outlets appeal to readers is often the formulation of grouping them. Much has already been written on the media landscape in Scotland, Law (2001), for example, cluster newspapers based on their press type as it relates to England/Scotland, as well as the Scottish indexical markers in their work. A study by Rosie *et al* (2004) similarly grouped media in terms of where they were based, editorial change, and where they were bought.

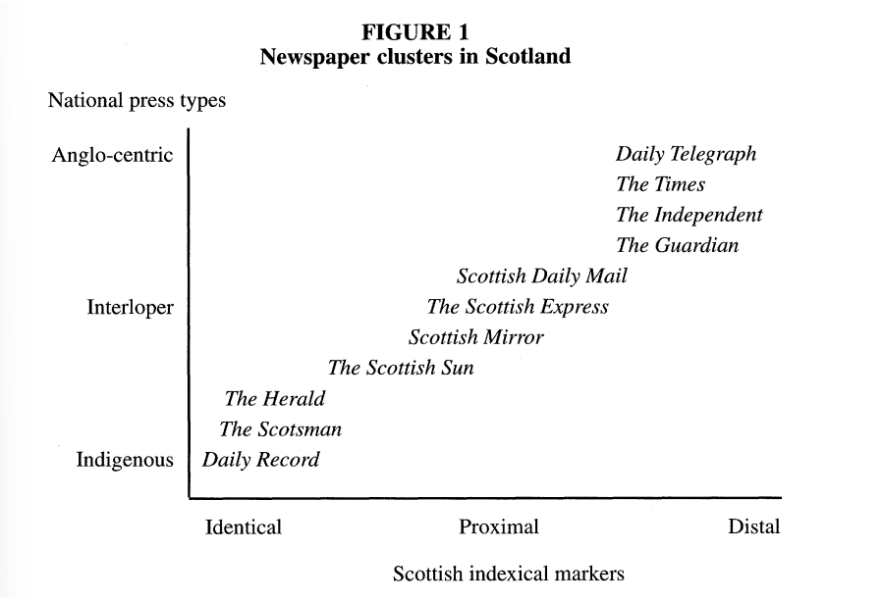


Figure 1: News Paper Clusters in Scotland (Law, 2001: 304)

Table 1 Newspapers covered in the survey

Papers bought in Scotland			
(1) Papers bought in England	(2) London-based (little editorial change)	(3) London-based (substantial editorial change)	(4) Scotland-based
Telegraph, Times, Guardian, Independent, Daily Mail, Daily Express, Daily Mirror, Sun, Daily Star	Telegraph, Times, Guardian, Independent, Scottish Mirror, Daily Star of Scotland	Scottish Sun, Scottish Daily Mail, Scottish Daily Express	Daily Record, Herald, Scotsman, Press and Journal, Courier and Advertiser

Figure 2: Papers Bought in Scotland (Rosie et al, 2004: 442)

Using the above framework, I have developed my own mapping of media in Scotland to capture three separate axes; the press type, their nationalist/unionist stance, and whether they are left or right-wing.

I decided to select the particular media outlets on the following grounds. I chose the most popular ones based on their dominance in the existing literature, whilst supplementing them with more recent data from OfCom (2020). I also chose media outlets that were referenced in my interview responses, and so decided to focus on the following online versions of media outlets:

1. Indigenous: The Herald, The Scotsman, The Daily Record, The National

2. Scottish versions of British press: The Scottish Daily Mail, The Scottish Sun, BBC Scotland

3. British press sold in Scotland: The Guardian, The Times

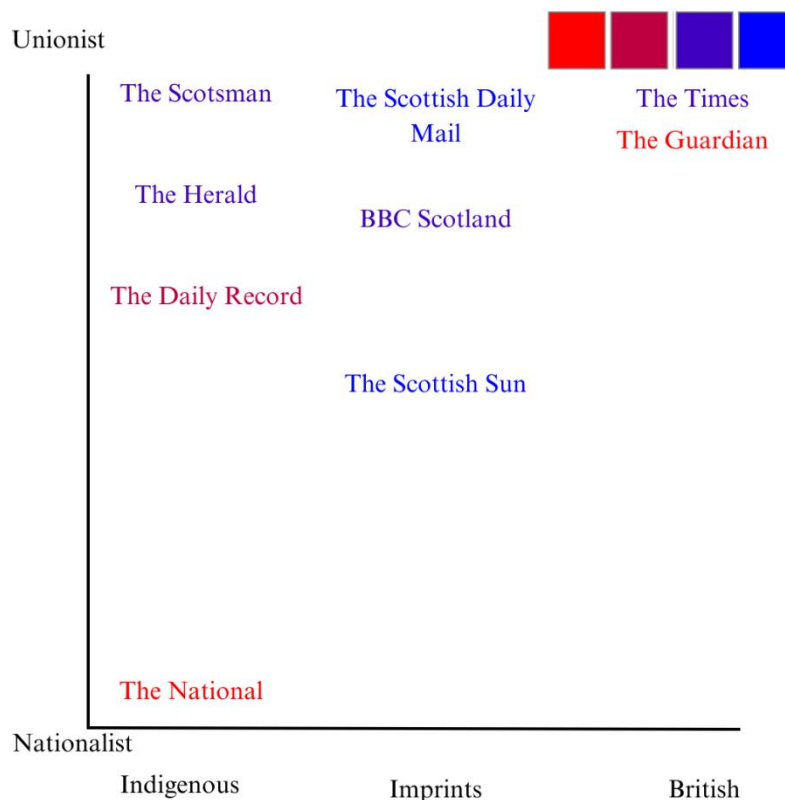


Figure 3: Mapping of media along locality, nationalist sentiment, and political positioning

(Author's own)

Upon selecting these media outlets, I conducted the above mapping (Table 3). The colour coding should be read as follows: dark red means left-wing; light red means centre-left; light blue means centre-right; and blue means right-wing. *The National* is considered the only wholly nationalist outlet as it is the only one to have an explicit pro-independence stance. *The BBC* was found to be biased in its reporting on indyref, and so had been placed closer to the unionist grouping (Douglas, 2021). *The Scottish Sun* changes editorial framing as opposed to the British version of the Sun, and so has been placed closer to the centre (Sargsyan and Zimina, 2022). *The Daily Record* was also “neutral” on independence but as Douglas (2021) asserts it had a three page special on “The Vow” which was framed in a way to get people to support unionism, which is why I have placed it slightly above. *The Herald* was the most difficult to place as *The Sunday Herald* explicitly supported independence but since then has been merged with *The Herald* as the pro-unionist editorial staff took over (Mayhew, 2018). I have therefore placed it closer to the unionist side as this is the editorial team that is largely in charge. *The Scottish Daily Mail*, *The Times*, *The Guardian* and *The Scotsman* all support the union (Black and Whigham, 2020).

The overton window is a concept that is hard to use without first articulating your positionality. All of the above media analysed in this thesis I would consider to not be left-wing, if I was positioning them in relation to myself. The development of Thatcherism, followed by New Labour, twelve years of Conservative rule and now Starmerism has led to the embedding of the neoliberal status quo in Britain. This means that what is considered “centre” politically today is far further right-wing than it would have been merely a few decades ago. I would like to point out that when mapping the media along the left/right-wing spectrum, I believe this to be helpful as the audience is important in any discourse analysis, and these media outlets still purport to appeal to these audiences (e.g., readers of *The Guardian* likely identify as left-wing, even if what that means has become diluted). I decided to map the media along

their positioning in the literature as well as popular discourse in Scotland. This places *The Guardian* and *The National* as left-wing, *The Daily Record* as centre-left, *The Herald*, *The Scotsman*, *BBC Scotland* and *The Times* as centre-right and *The Scottish Sun* and *Scottish Daily Mail* as right (Dekavalla, 2016).

My aim with this mapping is to adequately capture the complexity of the Scottish media landscape. In my understanding, I feel that press type, their nationalist-unionist stance, and political positioning will all impact how they construct the transgender subject in relation to discourses of Scottishness.

3.4 Positionality

I do not believe that listing random characteristics about myself makes for a valid statement of positionality. Rather, I wish to outline how I came to be interested in this subject as an object of study and how that interest has developed and grown with the research itself. As someone who grew up in Scotland I have been subject to discussions on Scottish nationalism and Scottishness for as long as I can remember. My interest in transgender feminisms has been part of reflections on my experiences as a queer person, which I have often been forced to confront due to the increasingly transphobic public discourse I have seen in Britain.

The process of this research has also been one of self-reflection for me, as I have had to confront some of the illusions that I had about Scotland's "inclusivity". As a white person in Scotland, I believe we do not do enough to reflect on our role in the British empire, and by contrasting ourselves to the increasingly fascist English or British government we can claim to be "for everyone". I am conscious that when analysing discourses around the Reform Bill that there is a certain conceptualisation of who counts as a Scottish citizen that is likely being promoted, namely one that is white, not disabled, and middle class. Whilst I do not wish to

unearth every single possible identity construction within the mediums I analyse, I do see my work as an act of unpacking the meanings of normativity embedded within ideas of Scottishness.

I do not think research needs to be objective to be valuable, and in fact I reject such assumptions as part of a positivist focus on “objectivity” that has been part of patriarchal and colonial conceptualisations of science. That is why I have chosen a situated, discursive approach to carrying out my analysis. Politically, I explicitly support an independent Scotland, an independent Wales and an Ireland free from British occupation. The final vestiges of the internal colonialism of Britishness must fall in order to bring about decolonial changes. At the same time, I am extremely critical of liberal democratic notions of the civic nation-state which I believe obscure the violence involved in the formation of states. As a result, I believe queer and trans ways of living should not confine themselves to the narrow parameters of state recognition and normativity.

3.5 Ethics

My research has the ethical considerations that come with working with people in social science research. I have followed CEU’s ethics policies in this regard to ensure my semi-structured interviews remain ethical, and have submitted the ethics checklist accordingly.

Additionally, my research is on a politically sensitive topic (transgender rights) that is highly relevant at the moment. Therefore, I have taken the relevant steps to anonymise my participants and ensure their safety. I have not communicated the names of the participants with anyone, and their information is stored in a two-factor authenticated Google folder. When uploading transcripts and recordings I gave the participants pseudonyms and deleted all geographical and institutional information that could identify them. Prior to my interviews, I

had a “pre-interview” call with interviewees during which I explained my intentions and the research process involved to them so I could establish some basic level of trust. In these calls I gained important insights into how the participants were experiencing the rise of transphobia in Britain and how this had impacted their work. Whilst these discussions were “off the record” and therefore not quoted within this thesis, they have of course shaped my analysis and perceptions, as many of my experiences do.

4. IMAGINING THE TRANS SUBJECT: MEDIA DISCOURSE

4.1 Introduction

In the following chapter I explore the research question, namely: how does mass media sold in Scotland construct the trans subject in conjunction with Scottishness? I examine the construction of the trans-subject in mass media sold in Scotland (see figure three) over the period 2020-2024. I chose this time period because 2020 was when the Bill started to gain more public attention as it passed through the Scottish legislative process. I collected relevant articles using the Press Reader database, by searching in particular for those that contained the terms *Gender Recognition Reform* *Scot-* and *Trans-*. This initially resulted in a media corpus of 22229 words. I then did a preliminary inductive coding of three random articles in order to define the parameters of the coding framework (Daily Record, 2024; The National, 2024; The Scotsman, 2023). From this, I determined codes as: borders; bodies; the interests of the trans subject; transphobia; temporality; predators; and impacts on regular Scottish citizens. Following the coding I then collapsed the category of predators into the category on borders, as the predator imaginary was constructed as subverting borders. Similarly I brought the discussion of bodies into the category of the interests of the trans subject, and their interests were often defined in relation to their bodies. Collapsing some of the categories in this way helped improve my analysis and bring together common themes I found after the coding was completed. This resulted in five categories, which follow the structure of this chapter. These are; border making, temporality, speaking for regular Scottish people, the interests of the trans subject, and “feminisms”.

As a general observation, I would like to underscore that the trans subject in relation to Scottishness is imbued with different meanings depending on who and which media is speaking, but rarely are the voices of trans lives reported in any of the media analysed. In the few cases when trans voices are centred, they are done through large LGBTQ NGOs, whose

directors speak for trans people. The trans subject is considered able to subvert borders and threaten the constitutional space of the UK. Additionally, they are placed in a temporal stasis. The limbo of the Reform Bill means they cannot see whether they will join the other liberal democratic colonial core countries that supporters of the Reform Bill wish to join in passing the law. The trans subject as vital to the imagining of the Scottish nation as emblematic of the fate of the nation within Britain is a common construction used by the SNP. In opposition, Conservative and some SNP politicians against the Reform Bill construct the trans subject as not part of the Scottish nation, as the Bill is not something “regular” Scottish people care about. All debates are produced as a simplistic either/or, with those for/against the Reform Bill, obscuring the complexities of the discourses.

4.2 Border Making

One of the main factors shaping constructions of transness seen in the articles was the idea that the Bill would be subject to “men” seeking to exploit changing their gender in order to access “women’s only” spaces. This argument is espoused by a variety of actors who are grouped under the “opponents” to the Reform Bill, reinforcing a dichotomy of the Reform Bill as being a simple for/against issue. This construction of trans people varies, but articulates the image of a perverse man who would want to access women’s spaces in order to commit sexual assault. The term predator/sexual predator was used by three right-wing publications, ranging from The Times (2022) which highlighted how First Minister Nicola Sturgeon was dismissing claims that predators could abuse the system, to The Scottish Daily Mail (2022, 2023b) and The Scottish Sun (2022, 2023b). Additionally, The Scotsman (2023a) quotes Shadow Cabinet Secretary Anneliese Jane Dodds in saying the Bill does not have enough provisions to prevent it being taken advantage of by predators. Constructed alongside the predator then, are the places and people they are to prey on; women and girls in “female- only spaces.” “Women and girls”

are used by Scottish Conservative equalities spokesperson Rachael Hamilton MSP in *The Scottish Sun* (2022) and *The Scottish Daily Mail* (2022), LGB Alliance in *The Scotsman* (2020), as well as by “opponents” in *The Times* (2023c) and BBC Scotland (2022). Spaces exemplified were toilets, changing rooms, prisons, and shelters. The fact that such outlets are all right leaning shows the dominance of the construction of the trans subject as a predator in the right-wing media discourse.

In the context of voicing concern about the modification in terms of women’s safety, the Equality Act 2010 (“the 2010 Act”) is repeatedly referenced as a way of enshrining the safety of women and girls as well as the aforementioned spaces. The 2010 Act contains seven protected characteristics of the social subject; age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. Out of these seven categories, the discussion of the Reform Bill in the media centres on the protected characteristic of sex. This is again grouped alongside a dichotomy of those who are for and against the Bill, with both reverting to discussing the 2010 Act:

The UK Government has raised concerns the Holyrood legislation could impact on the UK-wide Equalities Act, which allows exemptions to be made for trans people to be excluded from single-sex spaces. (*The Herald*, 2023)

Scottish Conservative MSP and deputy leader Meghan Gallacher [said]: “In addition, the Bill impacted on equalities law south of the border, which is why the UK Government had no option but to issue a Section 35 Order.” (*The Scottish Sun*, 2023b)

Alister Jack, [Conservative MP serving as Secretary of State for Scotland] was quoted in *The Times* (2022): “We will look closely at [the] ramifications for the 2010 Equality Act and other UK wide legislation.”, and *The Guardian* (2023b) “My decision today is about the legislation’s consequences for the operation of GB-wide equalities protections and other reserved matters.”

Each quote represents a different category of media location: *The Herald* (indigenous); *The Scottish Sun* (imprint); and *The Times* and *The Guardian* (British). Regardless of media locality then, the 2010 Act therefore becomes the primary site in which a commitment to fighting against the figure of the trans pervert can be enacted. By tying this to “UK-wide”

legislation, this also portrays the British government as the arbiter of safety of women and girls against the trans-pervert. Similarly, the emphasis on the “border” by Gallacher in *The Scottish Sun* (2023b), alongside the “no choice” in invoking Section 35 portrays the British government as acting justly to preserve the rights threatened by the Scottish government. In this way, the Scottish government legislating within their own space is considered to be outwith their control. This narrative is pervasive, as even those who are part of the “pro Bill” camp assure they are not jeopardising the British legislative space, exemplified in the following quotes from the three imprint media outlets:

A Scottish government spokesperson said: “Our proposals to reform the current Gender Recognition Act do not introduce any new rights for trans people or change single sex exceptions in the Equality Act.” (BBC Scotland, 2023)

[SNP MSP and Scottish Social Justice Secretary] Shona Robison said: “The legislation makes no change to the reserved Equality Act 2010 and that principle is enshrined in the Bill. As I have made clear, the Scottish Government continues to support the provision of single-sex services and the rights of women.” (Scottish Sun, 2022)

Ms Robison added: “Our support for trans rights does not conflict with our continued strong commitment to uphold the rights and protections that women and girls currently have under the 2010 Equality Act.” (Scottish Daily Mail, 2022)

The importance of “single sex” spaces and the fact that the Reform Bill does not impact the 2010 Act shows the limits of the discursive space in the unionist media (of which all of these outlets are a part). The binary construction of those for/against the Reform Bill assert their commitment to the protection of women and girls. In this way, we can say that the Reform Bill is constructed as a double threat insofar as it could lead to the perverse man attacking women and girls in their sanctified spaces, but also that it challenges the British government’s ability to provide this protection throughout the area in which it rules.

It is not only the cis woman figure and her spaces that are argued to be threatened by the trans women figure. The constitutional make-up of Britain is also portrayed as threatened by the Reform Bill:

Another UK Government source said: "This will put us on a constitutional collision course with Holyrood." (Scottish Sun, 2022)

Underscoring the growing divide over local control of legislation in the nations of the United Kingdom... The decision [to invoke section 35] highlights the tensions inherent within constitutional arrangements that cede authority over many areas of daily life to the "devolved" administrations in Scotland. (Scottish Daily Mail, 2022)

Unsurprisingly for the right-wing unionist newspaper the Scottish Daily Mail, the role of the Scottish government is trivialised. "Local control" trivialises the power of the national government of Scotland, similarly with putting devolved in brackets like this. "Tensions" and "constitutional collision" portray the Reform Bill as potentially threatening to the integrity of British rule. This ignores that many such differentiated laws exist already in the UK, for example the legal age of marriage is 16 in Scotland but 18 in England (Turnbull-Dugarte and McMillan, 2022). The reason for the fragility of the constitutional set up is again placed upon the abject figure of the trans person, who is accused in unionist papers The Times and The Guardian:

The move aims to combat fears that Scotland's new Gender Recognition Reform Bill, which will make it easier to change gender, could lead to "gender tourism" whereby people travel north of the border to obtain a gender recognition certificate (GRC) to bypass stricter rules in the rest of the UK. (The Times, 2023a)

Following UK government briefings that the new law would create "legal chaos" and result in "gender tourism". (The Guardian, 2022a)

The redefinition of the changes to the conditions of access to trans medicine as a matter of tourism implies a heavy value judgement. Trans people are imagined to arrive in Scotland to exploit the system for their own benefit without giving anything back to the country. This argumentation is similar to the immigration rhetoric espoused by the Labour and Conservative parties whereby immigrants are deemed to only be valid subjects if they "give back" to Britain. In this way, the trans subject is separated out from the national body. The vague wording of "combat fears" without identifying who is feeling fearful creates an imaginary scenario that is hard to oppose, as the fears are unattributed and generalised. The figure of the gender tourist is

not necessarily the same as the trans pervert, but they could be said to have similar characteristics in that they undermine both the legislative power of Britain (“legal chaos”) as well as changing the dynamics at the border. One imagined scenario depicted by a “Whitehall insider” in *The Scottish Sun*, combines the gender tourist with the predator:

A senior Whitehall insider... gave the example of a biologically male Scottish prisoner in an English jail requesting to be transferred to a female prison after being granted a gender recognition certificate under the Scottish self-ID scheme. (*Scottish Sun* 2022)

This imagined scenario constructs Scotland as a place whereby the trans-predator could easily acquire a gender recognition certificate. Their abjectness is highlighted by them being “biologically male”. Upon being incarcerated in England they then use this deception to place themselves in a protected space – a women’s prison.

We see here making the double border at work, in Aizura’s (2006) sense of the term. The border of the sex-segregated public space as well as the English-Scottish border are imagined threatened by the trans (woman) figure. The sovereignty of the UK Parliament – a key marker of British identity – is reasserted through these discourses around the 2010 Act as reported in the unionist press. This concern about sovereignty narrows the possible arguments in the debate - even those who are presented as “for” the Reform Bill must make appeals to the British law in order to assert its legitimacy. The onus of these disruptions to sovereignty and safety are placed on the threatening figure of the trans person *if* the Reform Bill were passed, who has the power to subvert both national and interpersonal borders.

4.3 Temporality

The Reform Bill itself is placed on a time scale as part of a chain of LGBT legislation:

The Social Justice Minister, Shona Robison, said that, like equal marriage and civil partnership legislation before it, “this is an important step to creating a more equal Scotland”. (*The Guardian*, 2022a)

[Scottish Greens MSP] Maggie Chapman said: “People will remember the scare-mongering in previous decades about how gay and lesbian people were a threat to children and society. The same rhetoric is now prevalent against trans people.” (The Herald, 2022b)

Two earlier pieces of legislation that progressed LGBT rights in Scotland, the Marriage and Civil Partnership (Scotland) Act 2014 and the earlier Civil Partnership (Scotland) Act 2004, sparked heavy debate and controversy at the time of their passage through the Scottish Parliament. Through its association with these Acts, the Reform Bill is constructed as something that is controversial now, but will not necessarily be so in the future, as neither the 2014 nor the 2004 Acts are debated as part of public discourse any longer. Additionally, by Maggie Chapman comparing the previous hate that gay and lesbian people received to that received by trans people today, they construct a future whereby trans people achieve the same level of acceptance as gay and lesbian people. This construction does not capture the complexity of queer identities, insofar as the problems of queer lives that require legislating on include marriage and gender recognition. In doing so, this reasserts that recognition by the state is a necessary part of the path of acceptance for queer lives, when in fact many queer people are against such recognition as part of their criticism of the heteropatriarchy imbued in the nation-state system.

The Reform Bill is situated temporally as placing Scotland ahead of the Britain, through ambivalent constructions in unionist newspapers The Times and The Guardian:

Scotland has become the first part of the UK to pass a law that would allow people to change their legal gender without medical diagnosis in as little as three months. (The Times, 2022)

The bill... would have made Scotland the first country in the UK to introduce a self-identification system for people who want to change their legally recognised sex. (The Guardian, 2023a)

This ambiguous wording could imply that Scotland is taking the lead in the UK, as the ranking of “the first country” may imply that in the fullness of time, others will follow. An alternative reading places Scotland as an exceptional country that is going against the status quo in Britain.

Despite being constructed similarly, the fact that the right-wing Times and the left-wing Guardian have different target audiences leaves the understanding of this up to reader interpretation. Other “supporters” of the Reform Bill who are regularly quoted use this twofold meaning of “first” to place Scotland as distinct from the rest of the UK in a favourable sense. This can be seen specifically in the context of criticising the Conservative Party in the UK across three of the left-leaning media outlets:

Jamie Greene, a gay Conservative MSP, voted against his party to support the government, insisting he must look himself in the mirror each day and know he is “on the right side of history”. (The Times, 2022)

The body [LGBT charity, Stonewall] said: “The UK has fallen off track as an international leader on LGBTQ+ rights. Just eight years ago, we had the best LGBTQ+ rights in Europe, in 2023 we stand in 17th place.” (The Scotsman, 2023a)

The Stonewall charity said: “Twenty years on from the repeal of Section 28, the Prime Minister risks re-toxifying his party’s brand by repeating historic mistakes”. (The Herald, 2023)

The sources of both of the above quotes, Stonewall and a “gay” MSP, are described in a way that lends them some authority on LGBT matters. Greene is described as separated from his party, the Conservatives, in his support for the “government” (SNP-Green Coalition). This presentation ignores the fact that the Reform Bill itself has cross party support, including members of the Liberal Democrats and Labour, and also saw defectors from the SNP (Scottish Parliament, 2022). This simplistic construction places the Scottish government as being on the right side of history whereas the UK government – read as the Conservative Party – is implied to be on the wrong side of history. The fact that Greene’s sexuality is highlighted also ties the Reform Bill with other LGBT issues. The UK’s decline in international rankings of LGBT rights are pointed to, and eight years is significant as this is approximately when the Conservative-Liberal Democrat coalition ended and Conservative sole rule began. Europe is treated as a benchmark for LGBTQ+ rights, emphasising the “European values” that the Scottish government is supporting, which is juxtaposed with the British government’s

dismissal of them. Section 28 of the Local Government Act 1988, which banned local authorities and schools from “promoting homosexuality”, was one of the first Acts that the newly devolved Scottish Parliament revoked. The re-invoking of the highly charged term, “re-toxifying”, from 20 years ago, positions the Conservative Party as outdated while, for the reader who would be aware that Scotland repealed this legislation first, the term also signifies Scotland’s progressiveness.

Scotland’s relationship with Britain is also represented temporally by SNP members as in a period of stasis by two left-wing media outlets:

SNP MP Tommy Sheppard has said: “it ought to be for the people of Scotland to decide what social policy they want...that is precisely what framed the Devolution Act back in 1997. The Tories are trying to roll back history” (The National, 2022b)

Responding to celebration from the Scottish Conservative benches that “the SNP’s dangerous GRR bill is in the bin where it belongs”, Somerville [SNP MSP and Scottish Secretary for Social Justice] retorted: “For the avoidance of doubt, this bill is not in the bin and is waiting [sic] an incoming UK government that has more respect for devolution.” (The Guardian, 2023a)

The fact that these outlets represent both indigenous/nationalist (The National) and British/unionist (The Guardian) press allows identification of a left-wing allegiance as a likely explanatory factor for their highlighting of SNP criticism of the Conservative Party. “Rolling back history” links the 1998 Act with the Reform Bill, as the Tories could be argued to be rolling back history in terms of trans rights but also in terms of Scotland’s ability to legislate for itself. This logic is typical of the argument that Scotland is more democratic than the UK government. Scotland is depicted as having to combat the politics of the Conservative government and await a future in which they can legislate for themselves, where the Bill can be passed, without the threat of the UK Parliament blocking it. Somerville’s articulation about waiting for an incoming UK government that has more respect for devolution could also be an indicator towards the Conservatives’ rapidly declining popularity, which was consolidated in their vast losses in the UK General Election in July 2024.

Whilst Scotland is rhetorically separated as being above and against Britain in relation to trans rights alongside narratives of being on the right side of history, it is also spatially reconfigured on a transnational scale to be joining a group of countries who are also “ahead” on trans rights.

“This unfortunately means more uncertainty for trans people in Scotland, who will now be waiting once again, to see whether they will be able to have their gender legally recognized through a process that is in line with leading nations like Ireland, Canada and New Zealand,” the LGBTQ+ rights group Stonewall said in a statement. (The Scottish Daily Mail, 2023b)

Denmark, Malta, Ireland, Norway, Luxembourg, Portugal, Iceland and Switzerland, are other European countries that already have self ID, while Argentina introduced the policy in 2012. (The National, 2022a)

It brings Scotland into line with international best practice and once again establishes itself as a world leader on human rights, (The Guardian, 2022a)

It is important to point out that the “leading nations” represented in the Stonewall quote are all core countries. Scotland’s addition to these leading nations is made logical in part by a construction of whiteness and a liberal discourse of human rights. Similarly, The Guardian presenting Scotland as a “leader” in human rights contributes to such a discourse. The list given in The National also focuses on European countries, and separates out Argentina. Omitted from these arguments are a variety of non-European countries which have similar laws such as Chile, Pakistan and Colombia. This logic creates an imaginary group of countries who are “ahead”, whilst depicting others as “behind” – such trajectories of value judgments on “progress” are part of narratives that link Scottish ideals with the European project whilst separating them from and above post-Brexit formulations of Britishness.

Such constructions are evidence of homonationalism insofar as the trans subject in Scotland must be patient and abide by the liberal democratic process in order to achieve their rights. Using this at the same time to distance Scottishness from Britishness also creates a backwards “Other” as part of the homonationalist discourse. The trans subjects' interests are inherently bound up with the interests of Scottish nationalists (or at the very least, those who

want more devolution). They must be ideal subjects who wait for a change in recognition so they can join the ranks of the already recognised lesbian, gay and bisexual groups before them. Joining these ranks also means joining the colonial core countries that have implemented similar legislation.

4.4 Speaking for “regular” Scottish people

The Reform Bill is related to the citizens of Scotland in two ways. The first is the popularity of the Bill itself among Scottish people, whereby Scots are depicted as either for or against the Bill in the common either/or construction that is seen throughout the media outlets. The second strategy that relates the Bill to Scottish citizens emphasises “Scottish democracy” in relation to the UK government’s decision to block the Bill. Often the first strategy is couched in terms of party politics. Both the right-wing imprint Scottish Sun and the left-wing British Guardian give voice to Scottish Conservatives:

Scottish Conservatives MSP Megan Gallacher said: "It’s disappointing that the SNP-Greens are determined to double down on their reckless gender self-ID Bill, when a majority of Scots firmly oppose it. (The Scottish Sun, 2023b)

The Scottish Conservatives’ equalities spokesperson, Rachael Hamilton, told Robison that her government [SNP-Green Coalition] had not brought the people of Scotland with them (The Guardian, 2022a)

The “majority of Scots” and the “people of Scotland” are contrasted to the SNP, Green and Labour MSPs. The charge that they do not bring the people of Scotland with them implies that this group of MSPs has been working unilaterally in order to develop the Bill, and ignoring the wishes of “Scots/people of Scotland”. Firstly, this ignores the fact that the Reform Bill was subject to rigorous consultations and testimonies from people in Scotland in its development. Secondly, this implies a group of “Scots” that are homogenous in their dislike for the Reform Bill, which does not include queer or trans- Scottish people. These Scots are described as feeling “astonished”, “outraged”, and “dismayed” by the Reform Bill in articles by the same

outlets (The Guardian, 2022a; The Scottish Sun, 2022). The speakers, from the Conservative party, then claim to speak for these Scots in opposing the Bill and expressing their emotional state. This construction of Scottish people is one in which trans-queer- and those supporting the legislation are a small group whose interests are being prioritised over the feelings of the majority of Scots who do not want this legislation.

Michelle Thomson [an SNP MSP] said: “If we fall under . . . state capture, where small groups of the strongly driven capture political debate and discourse at the expense of the people we are all here to serve, we need to be aware of the motivations of those who seek to influence us. Approaching the politics of this by requiring the dark arts of the whips was wrong.” (The Times, 2022)

Fergus Ewing, the former SNP cabinet minister, said: “Following this latest court defeat for the Scottish government, their ministers need to stop wasting taxpayers’ money pursuing needless legal action and focus on the real issues which matter to people in Scotland — such as growing the economy and cutting waiting lists.” (The Times, 2023c)

These two quotes in The Times from SNP members reiterate the idea that there is a small group of people who are pushing the bill despite the interests of “regular” Scottish people. “The dark art of the whips” reiterates the idea that this group has captured the state and is determined to push it through regardless of democratic procedures. Similarly, Ewing’s quote on “real issues” juxtaposes trans legislation as a “non-real issue”. The “regular” Scottish person is an inversion of the trans subject, one who is cisgender , and cares about things like economic growth and access to healthcare, but not gender recognition certificates.

Whilst the above quotes allude to the ideals of democracy by portraying a small group of politicians who do not represent real Scots, many quotes from members of the SNP highlight explicitly that the Reform Bill is bound up with Scottish democracy and the rights of Scottish people. This second strategy is represented by quotes from people from the SNP, who emphasise “Scottish democracy” to counter the UK parliament’s decision to invoke the Section 35 order. These quotes tend to speak for the ideals of Scottish citizens as well as the rights they have under a devolved government:

The Equality Network issued a furious response to the letter, with director Tim Hopkins claiming that the EHRC [Equality and Human Rights Commission] board was “directly appointed” by the UK government and was “failing to stand up for equality for trans people”. (BBC Scotland, 2023)

The Equality and Human Rights Commission being directly appointed by the UK government makes passing of the Reform Bill an issue of democracy, as it is suggested that an undemocratic body is going against the decision of the democratically elected Scottish government. This is also connected to the role of this commission, to monitor human rights along nine protected characteristics linked to the 2010 Act. In this way the dominance of the British government through the 2010 Act is challenged. Later in the article, he is quoted as saying “we do not need UK government appointees telling us in Scotland how to legislate in devolved areas” (BBC Scotland, 2022). This emphasises that these people are foreign, creating an “us in Scotland” versus the “appointees”. The use of the word “appointees” and “telling us” de-legitimises the claims from the London based EHRC.

High-ranking members of the Scottish National Party are quoted to point out that the debate over the Reform Bill itself is in fact about the principle of devolution:

The SNP leader [Humza Yousaf] last month argued the court battle was about the “principle” of devolution. “You can’t have self-government that is ‘Only when we tell you you’re allowed to govern for yourself’. That’s not true self-government.” (Daily Record, 2023a)

SNP Westminster leader Stephen Flynn said: “This is not just a question about the GRR [Gender Recognition Reform Bill] or people’s individual views on it. This is about democracy.” (The Herald, 2023)

SNP MP Tommy Sheppard has said: “It’s yet another attempt to undermine devolution and demonstrates they were never committed to it in the first place. They can’t be trusted with it.” (The National, 2022b)

Seen from the perspective of devolution, in the three indigenous and left-leaning outlets, those who oppose the Reform Bill are expected to still support the challenge to the Section 35 order because the Reform Bill now becomes symbolic of democracy in Scotland as a whole. The UK government is portrayed as interfering and untrustworthy, as the Bill becomes symbolic for the

precedent it sets in terms of the UK government blocking further legislation from the Scottish government. “People’s individual views” and “the legislation itself” are subverted to the “principle” and the “right” of Scotland to govern itself through devolution. The right-wing imprint Scottish Sun quotes both Nicola Sturgeon and transphobic MSP Joanna Cherry:

The First Minister suggested Scotland was being treated like a UK colony by saying Scottish Secretary Alister Jack was acting like a “governor-general” by blocking the Bill...But Ms Cherry said: “If we were an independent country with a written constitution, I predict this bill would be facing a legal challenge bid on the concerns about its impact on equality law and human rights.” (Scottish Sun, 2023a)

The use of the term “governor-general” is emotive in its connotation with the British empire, whereby British subjects would be appointed to “rule” over areas of the colonised people and land. Alister Jack is the Scottish Secretary appointed by the Conservative Party, and his decision to invoke the Section 35 order is depicted as a colonial ruling. Joanna Cherry, who is a transphobic SNP MSP and ardent criticiser of the Bill, frames the Section 35 order as one that could have come from within Scotland if it was an independent country. Her logic legitimises the blocking of the bill but does so by framing it still in pro-independence terms.

The trans subject exists as an inverse depending on the arguments being made. For the politicians who support the Section 35 order, who are given voices across a variety of media outlets, the trans subject is not part of regular Scottish people. For the SNP politicians, who are highlighted in the indigenous left-wing outlets, the rights of the trans subject become emblematic of the rights of everyone in Scotland, as the Reform Bill is about Scottish democracy and Scottish ideals.

4.5 The interests of the trans subject

The Reform Bill itself is presented in all the articles regardless of their political standing, location of publication, and refers to “trans people” as a homogeneous category. This collective identity category is represented from different perspectives though, when it is attributed to

politicians who are supportive of the Bill as opposed to trans people themselves. When the politicians speak, the discourse is twofold; one that there is a small stigmatised group in society of trans people who are being unnecessarily vilified, as well as the importance of the Reform Bill itself in delivering them rights to live more equal lives as part of the rest of Scottish society. When the voices of trans people are centred in the press, they are reported to point out that the Reform Bill has only become important due to the framing of the debate by transphobes, and also assume a relationality of negotiation with the state. left-wing indigenous outlets The Daily Record and The National both emphasise the values of equality and justice:

Justice for trans people, which translates as a fairer, quicker process for changing gender, is as far off as ever now. (The Daily Record, 2023b)

Greens MSP Maggie Chapman was quoted as saying: “We will always stand by our trans siblings, and will do all that we can to deliver the vital step for equality that was promised.” (The National, 2023)

Even if the voices of the allies argue for equality for their “trans siblings”, evoking a familial bond with trans people, that stance rests on the assumption that equality can be achieved by granting access to a gender recognition certificate, which reduces the complexity of trans lives to a single issue of the Reform Bill. Furthermore, whilst including “siblings” within the Scottish nation-state, the group is also represented as stigmatised and vulnerable by unionist outlets the BBC and The Times, the latter of which again quotes Greens MSP Maggie Chapman:

Maggie Chapman, the [Scottish Green] party’s equality spokeswoman, said the ruling was “a democratic outrage, crushing basic rights and equality for some of Scotland’s most marginalised people”. (The Times, 2023c)

The Scottish government argues that the current process for obtaining a gender recognition certificate is too difficult and invasive, and causes distress to an already marginalised and vulnerable minority group. (BBC Scotland, 2022)

The Scottish government is constructed in the above quotes as an actor who sees itself as standing up for the rights of this vulnerable and stigmatised group. As the Reform Bill becomes emblematic of trans people’s general rights, the Scottish government comes to position itself as a representative of trans Scottish people in between them and the UK government. The UK

government is constructed as not truly caring about the lives of trans people as they are using them for their own means. Both unionist outlets The Times (2023b) and The Guardian (2023a) quote Nicola Sturgeon, who stated that trans people were being used as a political weapon by the UK government. Similarly, the chief executive of the NGO Stonewall said in The Guardian (2023a) that the Prime Minister has allowed trans people's lives to be used as a political football. This tactic is problematic in assuming a powerful position "on behalf" of the trans subject, which removes their agency, and ignores the fact that the Scottish Government are using this legislation to symbolise their political project of nationalism.

The same arguments are made by actors who are against the Bill, arguing that the Scottish government does not have a genuine interest in trans people. In the converse, two quotes from high ranking members of the Labour party emphasise rationality, in the unionist newspapers The Scotsman and The Times:

She [Annalise Dodds] said: "Last year, the Scottish National party's cavalier approach to reforming gender recognition laws seemed to be more about picking a fight with Westminster than bringing about meaningful change." (The Scotsman, 2023a)

Ian Murray, the shadow Scotland secretary, said: "This is another demonstration of why both governments have to work together rather than spending taxpayers' money fighting in courts and pitting communities against each other." (The Times, 2023c)

Here the blame is put entirely on the SNP, and "picking a fight with Westminster" implies that the subsequent fall out and Section 35 order was something the SNP wanted. Murray's use of "pitting communities against each other" is vague on which communities they are talking about, which is useful insofar as it can vaguely appeal to transphobes.

Trans people are often spoken about by those quoted in the press outlets as a grouping which have a uniform set of interests that different politicians are seen to be representing to various degrees of adequacy. Yet when the process of receiving a gender recognition certificate is spoken about, it is often with reference to trans bodies. This ignores the fact that a gender recognition certificate has nothing to do with receiving gender affirming healthcare, and is a

separate process relating solely to official documentation. For example, the part of the Reform Bill that is repeatedly emphasised is the removal of a medical diagnosis of gender dysphoria, and is mentioned by nearly every news outlet as one of the key features of the Reform Bill (except in the indigenous press *The National* and *The Herald*). *The Times* (2022, 2023a) describes this stipulation in the Reform Bill as “without medical diagnosis in as little as three months”. The adverbial quantifier “as little as” emphasises the assumption that people would be able to hastily change their gender, and that it could be a rushed process.

They [two Scottish Conservative MSPs] said they were “concerned that the removal of the requirement for gender dysphoria and the requirement for medical evidence may extend the GRC process to a large and more diverse group of people”. (*Scottish Daily Mail*, 2022)

[Quoting Annalise Dodds] “It can help refer trans people into the NHS for support services. Nearly a quarter of trans people don't know how to access transition-related healthcare. Requiring a diagnosis upholds legitimacy of applications and confidence in the system. (*The Scotsman*, 2023a)

The “concern” in the first quote that the removal of the diagnosis for gender dysphoria would increase the number of applicants for the GRC process to more diverse people can be seen as a continuation of the concern over the trans subject as “predator”. Once this group of applicants is larger and more diverse, their bodies become harder to police. In the second quote, Dodds can be presumed to be speaking on behalf of the British system due to their position as British Shadow Secretary of State for Women and Equalities at the time. Keeping the requirement of a medical diagnosis is considered to be of the benefit of trans people because they allegedly “don’t know” how to access healthcare. Not only this, but their legitimacy in their transness is questioned without a diagnosis. The use of “confidence in the system” separates out the Scottish trans subject from the rest of the British nation if the Reform Bill was to be passed, alluding to the idea of the “predator” that the state must protect the rest of the nation from. In this way, the state becomes a caretaker for the trans subject through controlling their bodies.

When the opinions of trans people are reported in the press they are often done through quoting the heads of large trans organisations. This can be seen in the following quotes from unionist media outlets:

As Vic Valentine, the manager of Scottish Trans, said when they welcomed the news: “Trans people across Scotland will be feeling pleased and relieved that this bill has passed after many years of difficult public debate that has often felt like people are talking about us, and not to us.” (The Guardian, 2022b)

He [Vic Valentine] added: “For the UK government to seek to block implementation of this act would be disastrous for trans people, who deserve far better from their government.” (The Times, 2023a)

Stonewall’s director of nations, Colin MacFarlane, said: “This is a tremendous step forward for trans rights and for LGBTQ+ people in Scotland...by making a small change which brings dignity to trans people who deserve to be legally recognised for who they are.” (The Guardian, 2022a)

This construction allows for the speakers of these organisations to represent the trans subject. Being part of a large NGO that is embedded in the liberal order of the nation-state creates a trans subject that must comply with this order to be recognised as legitimate.

Only the two left-wing newspaper outlets – The Guardian and The National – reported voices from trans people who were not part of this NGO sector. The article in The Guardian (2022b) outlined the opinions of a variety of trans people on the Bill, titled “mixed emotions in the trans community”. In the article they highlighted a variety of people identified as “a queer activist” “a climate activist” “a writer and a filmmaker” and “a marine biologist”. This challenges the monolith of “trans people” that are outlined in previous articles. Many expressed the significance of the bill due to the hostility it had faced, but emphasised that there are more important issues such as long waiting lists, conversion therapy, and hate crime. Additionally, the fact that the Bill does not cover non binary people was also emphasised. Similarly, a trans activist was quoted in The National:

“This whole thing has nothing to do with the reality of the GRA and its upcoming reforms, it’s a proxy political war over trans people’s existence in society.” (The National, 2022a)

These few instances that highlight the voices of trans people are an exception in the media I examined, and are therefore important as exemplifying as outliers. Typically, the interests of the trans subject are spoken of through the articles with the voices of politicians, who, when in favour of the Reform Bill claim to be representing a homogenous group of trans people in a fight for justice and equality. Similarly, the voice given to trans people when they are portrayed as speaking for themselves is through the directors of large NGOs. Both of these constructions of those “for” the Reform Bill imply that the trans subject requires legitimisation from the liberal-democratic state in order to achieve their presumed goal of equality with the rest of the nation. At the same time, those who are portrayed as “against” the Reform Bill are quoted as making reference to the bodies of trans people, who must be controlled by the medical apparatus of the state in order to keep the rest of the nation safe. In this way, both the “for” and “against” arguments presented regarding the interests of the trans subject separate them out from the body of the nation’s citizens. Both arguments also legitimise the state as the provider of either safety for the legitimised trans subject within the national body, or protection of the national body from the illegitimate trans subject.

4.6 “Feminisms”

Similar to the ways in which the interests of the trans subject are portrayed as represented by politicians and large NGOs, reporting on the Reform Bill by centre-right media also gives voice to two groups of civil society campaigners who have vested interest in the Bill. These are called feminist, women’s rights campaigners, trans-rights campaigners, and in this way, the category of feminist becomes contested and takes on multiple meanings depending on what is being reported on and by whom. A distinct lack of the word “transphobia” is found in descriptors of the groups, which allows for a reformulation of transphobic narratives as ones related to feminism or women’s rights.

Emblematic of the BBC's evocation of this dichotomy is the phrase "campaigners from both sides of the issue have rallied outside the Scottish Parliament" (BBC Scotland, 2022). In doing this, those who are "for" or "against" the Reform Bill become grouped into simple dichotomies as they are presented as campaigning around an issue. This framing obscures the complexities of the way that transphobia has developed in Britain. One such element is an unwillingness to call these groups transphobic, for example in the *The Times* (2022):

The Gender Recognition Reform (Scotland) Bill was approved by the Scottish Parliament by 86 votes to 36, to a wall of applause by trans activists, and cries of "shame on you" from feminist campaigners in the public gallery.

In this reading, trans activists are opposed to feminist campaigners, with "feminist campaigners" being used to describe the transphobic groups who were protesting. On the contrary, *The Herald* (2022a), describes those who are supporting the Reform Bill as "feminist campaigners", with *The Scotsman* (2023a) calling them "feminist activists". This slippage reflects the broader debate amongst those who self-identify as feminists over who may legitimately call themselves a feminist. Nicola Sturgeon, the former Scottish First Minister, is quoted in multiple articles when describing herself as a feminist in the debate for the Reform Bill to be passed (*The Times*, 2022; *The Scottish Daily Mail*, 2022). Prominent transphobe Posie Parker is called a "gender critic" by the *Scottish Daily Mail* (2023a):

A controversial gender critic has thanked the Scottish Government for "waking up" the country after the row over the placement of a double rapist in a women's prison.

This is evidence of the right-wing media outlet perpetrating the term that transphobic groups prefer to call themselves, indicative of their alignment with such groups' politics.

This discussion over who gets to call themselves a feminist is also reflected in which civil society groups are given legitimacy,

"It is also important to note that the [GRR] Bill was backed by every established women's organisation in Scotland, including Women's Aid, Amnesty International, Engender and Rape Crisis Scotland. (*The Scotsman*, 2023a)

“Every established women's organisation” creates a historical legitimacy for these NGOs. By tying their established status with their role as a women's organisation, their legitimacy is reflected in their ability to represent the “women” of the nation. In this particular instance, these NGOs then, are portrayed as showing “women’s” support for the Reform Bill, where “women” becomes a distinct category separate from trans people. The quote also implicitly contrasts the organisations cited with the recent transphobic organisations that have sprung up during the development of the Reform Bill. One such organisation is For Women Scotland, which is quoted in The Herald (2022b) as being a “women’s” organisation. The naming of a women’s organisation then, also gives legitimacy to arguments surrounding the Reform Bill, in the same way that the naming of “feminist” does. The relationship between civil society and the government is depicted as one in which there is a linear negotiation between the groups who are representative:

However, the group [LGB Alliance] has been criticised as “transphobic” as unlike other similar representative bodies, such as Stonewall Scotland, it does not represent trans people. (The Scotsman, 2020)

The issue with LGB alliance here then is not their transphobic stance but just that they do not include the “T” in LGBT. The formulation of the LGB alliance is a unique aspect of transphobia, which reifies binary understandings of gender through appeals to homonormativity. By describing this as merely an issue of lack of representation, The Scotsman obscures this understanding and reduces the transphobia within this group as one of not representing trans people within the liberal democratic nation-state.

The “spread” of transphobia is represented as a dynamic one, depicted as both an import and an export in the UK:

[Quoting Professor Canoot]: “Finding the arguments in the Terf [Trans Exclusionary Radical Feminist] wars that are going on in the UK, they are slowly spreading to our context.” (The National, 2022a)

Around one third of responses to the latest round of consultation came from outwith Scotland. Mr Cole-Hamilton said: “This misinformation is being floated by the religious right in America.” (The Herald, 2022b)

The transphobia is located in the UK by the Belgian professor of law and diversity in the first quote and singled out as the origin of that stance spreading to the European context. This quote ignores that transphobic “feminisms” also have a basis in Europe, for example as found by Bassie and Lafleur (2022) that anti-gender movements have been organised across Europe in the 1990s, and sometimes rely distinctly on European Catholic ideas of womanhood, making them distinct from British articulations. The leader of the Scottish Liberal Democrats associates transphobia as an import from the US, in particular regarding the consultation process for the Reform Bill.

The trans subject is made invisible in the discourse around feminisms, as there is a distinct lack of the word transphobia. By labelling such transphobic actors as feminists, women’s campaigners or gender critics, the very real threat they pose to the safety of transgender lives is ignored. Instead, the focus of the Reform Bill’s impacts becomes centred on those who are for/against the Bill, who are portrayed as engaging in a debate over who gets to call themselves a feminist.

4.7 Conclusion

Here I have analysed how the mass media in Scotland constructs the trans subject. Although there is not a clear causality between the mapping of the media outlets and the narratives found, there are some clear themes in imagining the trans subject that merit explanation.

The narrative of the predator is common in right-wing outlets, and unionist media focuses on the danger this constructed predator presents in undermining the single sex spaces as well as the trans person subverting the English-Scottish border. However, this discourse is pervasive as regardless of media outlet there is an emphasis on the 2010 Equality Act in

safeguarding against the trans predator, reiterating the primacy of the constitutional space of the British government in terms of legislating upon the trans subject to ensure the safety of the rest of the population.

The media outlets analysed engage in a temporal construction whereby Scotland is constructed as “ahead” of the UK. In unionist outlets, this is presented more ambivalently, so as not to label Scotland as necessarily more progressive but rather highlight it as an outlier. Left leaning media outlets are more likely to criticise the Conservative party as being “behind” in LGBTQ rights. Additionally, these outlets give voice to the SNP politicians who espouse liberal discourses of human rights to link the Reform Bill with the idea of progressive European politics as part of discourses of homonormativity.

The trans subject is separated out from the rest of the Scottish nation as both imprint and British media outlets give voice to conservative and SNP politicians who argue that the Reform Bill is not in the interests of the Scottish people. Indigenous and left leaning media outlets separate out the trans subject in an entirely different way, in that they amplify the voices of high ranking members of the SNP who argue that the Reform Bill is symbolic of Scotland’s nationalist movement insofar as the Section 35 order and the EHRC has led to British dominance of Scottish affairs.

The interests of the trans subject then are often spoken of by politicians and NGOs and rarely centre the voices of trans people themselves (except in two articles from left-wing outlets). Discourses of equality and justice are highlighted by left-wing indigenous outlets who present the trans subject as stigmatised and vulnerable. This assumes a powerful position on behalf of these politicians and NGOs insofar as they speak for the trans subject in a linear negotiation with the state. When the material reality of the trans subject is spoken of, it is often through reference to their bodies via medicalising discourse.

Finally, the impacts of increasingly transphobic discourse in Britain are undermined, as the media outlets fail to label transphobia as such. Instead, the groups campaigning around the Reform Bill are often presented in dichotomous terms of who gets to call themselves a feminist.

The narratives present in the media analysed do not centre the trans subject, and rely on simplistic dichotomies. By unpacking such narratives I have sought to show the multiplicities at work within the articles analysed.

5. NARRATIVES OF SCOTTISHNESS: INTERVIEWS WITH MEMBERS OF TRANS/FEMINIST CIVIL SOCIETY

5.1 Introduction

The following chapter is my analysis of three interviews I have made with members of trans/feminist civil society organisations over the Summer of 2023. I want to understand how narratives within trans/feminist civil society invoke Scottish national identity to make their arguments relating to the Reform Bill. After reaching out to numerous civil society organisations, I managed to secure only three responses. This was in part due to the limited capacity of the organisations, as well as to the sensitivity of the topic itself. Nevertheless, the following interviews present important findings related to the construction of the trans subject and trans/feminist movements in relation to ideas of Scottishness, Englishness, and Britishness. I have given the three interviewees the pseudonyms of Lisey, Christine and Carrie. Lisey is the founding member of a trans support services group based in Glasgow. Christine is the board member of a trans watchdog NGO based in London, and finally Carrie is an officer at a feminist NGO based in Scotland. The focus of the interviews was the Reform Bill, as each participant's organisation had been involved in the development of the Reform Bill.

I carried out the interviews in Scotland, with some of them being online. Each interview lasted around 1.5 – 2 hours. I coded the interview transcripts (which were 31,265 words altogether) alongside the categories of: media; feminist civil society; political actors; and the legislation itself. I came up with these codings based on my preliminary research of the main actors involved in the construction of national ideas, following an analysis of the literature as well as research on the development of the Reform Bill. I analysed the extracts using a framework partially derived from Wodak *et al's* (2006) discourse analysis, which focuses on temporality, spatiality, and values informing the emerging ideas and meanings of the “nation”. Additionally, I incorporated the idea of Self and Other relationships since the way the Self is

defined impacts how Others are viewed, I focused on Scotland as Self and British and English as Other (Condor and Abell, 2006). This I supplemented with a focus in particular on the narratives of exclusion and inclusion around the transgender national subject as outlined in my literature and theory section.

I discuss the articulations of Englishness and Britishness, and point out the slippages between the two, shared by all three interview participants. This reflects the fact that English people are more likely to claim a British identity than Scottish people, and in turn, Scots are more likely to use the terms English and British interchangeably (Condor and Abell, 2006: 65 – 69). It is a noteworthy finding in itself that the terms British/English were used interchangeably by my three participants, evidencing McVeigh and Rolston's (2021: 102) concept of the "ghost in the machine" of the English identity within the British core's relationship to the Celtic periphery. This is also in line with the findings in the literature about the polyvalence of the concept of Britishness in that it takes on new meanings depending on who is utilising the concept and for what purpose (Rosie *et al*, 2004). I outline three narratives that emerged regarding Scottishness in the interviews. These are; transphobia is not part of Scottishness, Scotland is a better place to be trans, and Scotland as an underdog in Britain.

5.2 Transphobia is not part of Scottishness

Transphobia is constructed not to be part of the Scottish civil society space, neither temporally, through invoking a second wave feminist generational divide, nor spatially, through indicating that transphobia is an import.

Lisey and Carrie, the two interviewees from Scottish civil society spaces, expressed an awareness that Scottish civil society is considered to be made of largely white, middle-class individuals. In response to me asking "What are the demographics of the people [who use your service]?", Lisey responded:

You've got everything from your working-class people up to your middle-class people. Wanting to go into [the] class thing... and everything in between. So it's not just a middle-class club. (Lisey)

Lisey's refutation "it's not just a middle-class club" indicates an awareness on their part that there exists a presumably common assumption that people using their NGO's service are middle class. This assumption is reflected in the finding that Scottish feminist civil society has a history of discounting Black and working class voices (Morrison 2016, in: Davidson *et al*, 2016: 64). Notably, Lisey's response does not make a distinction between the people who avail of their services and the people whose voices actually shape their organisation's politics, a distinction that is crucial in ensuring that an organisation's politics is reflective of the voices of its constituents and responds to class, racial and other disparities that mediate these politics.

Carrie was more overtly critical of their organisation regarding its class politics:

[Name of organisation] has not always been very good with intersectionality in terms of it's a very white organisation. It's a very middle class organisation, you know, but that's a work in progress. But I think in terms of LGBTQ plus rights, it's always been something that has been quite central and I think that's to do with a feminist set of values and the people who were in leadership at the time just really cared about that kind of part [of] intersectionality. (Carrie)

Carrie understands the relevance of intersectionality when considering if and how much her organisation can account for multiple relations of power at the same time. In terms of class and racial relations of power, she is disappointed with her NGO but, "LGBTQ plus rights" and therefore the various categories of identity in terms of sexuality and gender identity are covered adequately within their organisation. This understanding that their organisation falls short except with regards to LGBTQ rights could also be indicative of the fact that LGBTQ rights is a central marker of Scotland's perceived progressiveness. This is evidence of homonationalist rhetoric where issues such as race and Scotland's colonial past are de-centralised within Scotland's construction as a better place to live out and queer compared to England. In this understanding, Scotland's relative progressiveness on a liberal democratic conceptualisation of LGBTQ rights is a distraction from their colonial history and the

government's inability to adequately address racism within Scottish society. Similarly, this evokes the idea of "missing Scotland" as espoused by Introna (2016), where voices of working class communities were missing from the mainstream civil society independence space during indyref. This liberal selectivity of aspects of intersectionality ignores the history of intersectionality as emerging from the specific context of African American feminist struggles in the U.S. Further, it collapses LGBTQIA+ political fights into a liberal feminist rights-based, single-issue approach, failing to account for how gender and sexuality are co-constitutive of other aspects of identity (e.g., class or racialisation). This is supported by Christoffersen and Emejulu's (2023) finding that feminist NGOs in Scotland and England embody additive intersectionality based on a "diversity within" model, whereby a predefined social group (e.g., women) is sought to be expanded on through "diversity" principles. Such work does not tackle the hegemonic status quo of white liberal feminism perpetrated by NGOs.

The feminist movement that Carrie considers themselves a part of is one that has more consideration for racialised groups when compared with transphobic actors in a process of othering. They described how the Reform Bill "snowballed" into a much larger issue than the Bill actually warrants, leading to a more organised opposition to the Bill and increased polarisation:

Researcher: So what do you think has led to this "snowballing" then, as you called it?

Carrie: I think there's a few different factors. I think the mainstream feminist movement is incredibly, em, oppressive in lots of ways and there is a second wave of feminists who are extremely influential and powerful. So they are in the media, they are elected politicians, they hold the minimal amount of representation that women have... [this representation was] disproportionately held by people of a certain generation who fought for their rights at a certain time, and they weaponise their sense of injustice to actually oppress others. So if you bring up, you know, black women's experiences or trans women's experience. It's like, "yes, but I'm talking about me" and it's like all they can think about is their own journey and their own victimhood. (Carrie)

Here blackness and transness are equated as being something that the second wave of feminism does not account for, even though the speaker admits that their organisation also does not work

well on race as an intersectional issue. This contrast is created through the narrative of association with second wave feminism, of which the speaker does not include their own organisations or others who are pro the Reform Bill. This echoes Morrison's (2021) finding that the left in Scotland invoke a generational divide to explain an additive conceptualisation of intersectionality within the movement, which obscures some of the nuances of the debate and does not tackle hegemony. As Koyama (2020) has argued, much of the "debate" around trans inclusion is by white middle class women because these are the groups who hold space in both trans/feminist spaces and transphobic ones. By constructing the Scottish feminist space as a "work in progress" its lack of intersectionality can be forgiven, whereas the association of transphobic actors with second wave feminists is considered an integral part of shaping their transphobia. As such, the Scottish feminist space is temporally situated as marching forward into an intersectional future, while second wave feminists are left behind in a stasis due to their inherent transphobia.

Not only are transphobic actors temporally placed "behind" Scottish feminist civil society through association with second wave feminism, they are also spatially othered as being an import from abroad, articulating a nationalist discourse. Transphobic actors are othered by both Christine and Lisey when they associate them with the US:

I'll use the word cancer... entered British politics. This idea that gender recognition would harm women's rights. It comes from a particular right-wing perspective on politics. It's the same perspective in the States. (Christine)

The connection between British right-wing perspectives and anti-transness are located alongside similar developments in the US. This is made more explicit by Lisey:

I know there's actually some people who think the gender recognition reform process was possibly a catalyst for the anti-trans movement to get going. But it [had] already started from the US. (Lisey)

The use of the metaphor of "cancer" implies "deadly" as the constitutive element of anti-transness, the idea that transphobic politics began in the US, places them somewhat outside of

the British identity, but now it has “spread” like a deadly disease to Britain. It is important to note that “Britishness” rather than “Scottishness” is implicated here through the interviewee’s claim that the US movement’s emergence “here”, i.e., in Scotland, was coming via England. For example, Lisey, takes the idea further to say it has taken on new forms now it has taken hold in the UK:

I think the thing about the UK is – I refuse to use the term TERF because none of them are fucking feminists at all. So I tend to just call them anti trans bigots because that is the most accurate description of them – In America it's the very ultra right that are the bigots. Over here, for some reason this anti trans bigotry is a game that all the political parties play. From the far left to the far right, and everything in between. That is why I think it has taken hold more here because the left don't know they're being played at all...America are much more blatant. They will just legally try and ban trans care, in all the states. But the UK is far more sleekit and subtle. They're just trying to ban it by making it impossible to get the care.

“Sleekit and subtle” indicates the more insidious forms that anti trans work is taking in the UK. This is extrapolated to the British level by Lisey. This formation of anti-transness is also expressed by Christine, who said, “We're currently trying to export our brand of anti transness around the world”. “Our” brand of anti-transness is indicative of the idea that there is something unique about British anti-transness, and is also used to further Other it from the Scottish idea. McLean (2021) has pointed to this importation of anti-transness from the US to the UK, and also associates it more broadly with the culture war in the UK, which was a recurring theme amongst all participants. Transphobia then, is considered part of the British Anglo-Saxon identity with its connections to the US, and is something foreign to Scotland. This is also reflected in Lisey’s understanding of the media landscape:

[In relation to discussing indigenous Scottish newspapers] I don't think they're quite as obsessed. I mean, the Scotsman and the Herald are supposed to be the quality broadsheets, but they're not quite as obsessed as the UK wider media, like the Tory graph [The Telegraph], the slimes [The Times] and the daily heil [The Daily Mail]. (Lisey)

This assertion that the indigenous Scottish newspapers are not “quite as obsessed” as the British newspapers separates out the media environment between Scotland and Britain, by placing the

responsibility of the transphobic narratives more with the British press. This ignores the fact that The Scotsman and The Herald are engaged in similar constructions around the trans subject, as evidenced in my media chapter.

5.3 Scotland as more progressive than England

The idea that Scotland is more progressive than England is articulated regarding structural factors such as the lack of transphobic NGOs proliferating as well the evoking ideas of Scotland as more left-wing in its politics and history. This translates into ideas of Scotland being a better place to be trans than England.

Scotland is constructed as more progressive than England both through defining the “Self” and the “Other”, explained in terms of their place on the left- right- wing political spectrum. Association with progressiveness as an indicator of the “in group” was articulated in discussion of Scottishness. When pushed to explain the essence of Scottishness, my participants struggled, and often deferred to mapping themselves and the civil society sector onto the left-right spectrum:

You just get these kind of big waves across civil society in Scotland where everyone just comes together. Because pretty much everyone is anti Conservative legislation. I don't think we've really got any right leaning civil society organisations I wouldn't say that are hugely active anyway. They probably exist, but they're not the big players in the space. (Carrie)

My three participants, when asked about the Conservative Party in power, othered the government as part of a broader othering of English/British politics. Scottish civil society is described as unique from general British civil society due to its positioning as not right-wing, although this vague terminology encompasses much under the left-wing umbrella. Their stance is similar to general dynamics within Scottish nationalist civil society that Duclos' (2020) identified. Duclos (2020) found that these spaces of civil activism are ideologically coherent in terms of seeing themselves as in opposition to British politics, which they perceive as right-

wing. Utilising the left-right spectrum as a marker of Scottishness was a recurring theme in the interviews, although due to the contested nature of the concept of the left-right spectrum itself, what actors are considered part of the right or left can take on new meanings depending on who is speaking. Lisey, for example, who is a supporter of the Scottish National Party, include Labour within the “right”:

Well, politically England is far right. At the moment, I would say that politically Scotland could be centre left, centre, right. The SNP used to be called the tartan Tories, But now Labour... are the red Tories as far as I'm concerned. So the SNP under Sturgeon were pursuing very much a centre left political path and also [a] path of equality and inclusion and diversity... So they have consciously tried to move Scotland more centre-left, I think. (Lisey)

Scotland and England are contrasted as the former is centre and the latter is seen as far right. This divide is intensified when the SNP and the former Scottish First Minister, Nicola Sturgeon are described as forces actively moving Scotland on a centre-left path, which is associated with the values of equality, inclusion, and diversity. This favourable opinion of the SNP makes sense when we consider Turnbull-Dugarte and McMillan’s (2022) finding that those who support the Reform Bill generally identify as left-wing, as well as tend to be supporters of the SNP and the Green Party. Christine, when asked about the trajectory of British politics, did not associate themselves with political parties but rather argued that trans people themselves are left-wing and in opposition to the British establishment:

I think the British Empire and British prosperity was founded – that's why they call us, from far left revolutionaries, us trans people. – I think British power was founded on stealing from the rest of the world, and it won't end well. (Christine)

When Christine self identifies “far left revolutionaries, us trans people”, they underscore that trans people do not belong to traditional conceptualisations of the British nation. This is the principle of categorisation that sets up the strongest contrasts against and over , and contrasts the concept of “British right-wing-ness” with transness itself. The fact that Britishness is conceptualised as a colonising power (“the British empire”) shows both that the British identity here is viewed as exclusionary to trans people, and that Britishness is colonial. Trans people

are portrayed as outside this colonial legacy of Britishness, and even indirectly implicated as therefore political revolutionaries.

Scotland is depicted as a better place to live and be trans in comparison with England, in part due to the state of government funding. Namely, there is a financial barrier to the formation and/or proliferation of transphobic organisations in Scotland:

But overall in Scotland, [the] women's sector [is] broadly supportive of trans inclusion, which is great. It's a good position to be in. And part of the reason you don't have an emboldened set of organisations who are anti trans is because a lot of the funding comes from [the] Scottish Government within [the] civil society sector... we're very lucky to be in that position, because that's not the position of England. (Carrie)

Carrie goes on to explain how the Scottish government and civil society space broadly support trans rights, and so funding is given to LGBTQ organisations which hinders the proliferation of anti-trans organisations. This reflects my initial research findings of many small anti-trans organisations that responded to the Scottish government's call to gender recognition reform but since then seem to have been disbanded. This is also contrasted with England as Other, as their civil society space is considered more hostile. This was expanded on by Christine, who said they knew many people “considering leaving” due to the hostile environment of England towards trans people:

This is the thing... definitely leaving England. Some people think that really you need to leave the UK as a whole. Some people believe that you could achieve most of your safety by moving out of England. So some people do that... they can achieve that safety with Scotland. And I know a fair few trans people who've done that now. (Christine)

Whilst arguing that England is not a safe place to be trans, Christine at the same time counters the dominant British narrative that the Bill itself would create new spatiality insofar as it would have differing age requirements for obtaining legal gender recognition:

Firstly, that's easily fixed. They fixed it with the marriage legislation. So what they're effectively saying is you can't just go to Scotland and marry at 16. You have to domicile in Scotland. Now okay, domicile is not an altogether difficult test, but what it means is that they put in place of the mechanism which makes it harder for you to just go... They could very easily have done the same with gender recognition. There was nothing to stop them putting in a clause for an understanding that in order to achieve Scottish gender recognition... You actually have to go and domicile yourself there. (Christine)

My three participants redefine the consequences of the Reform Bill in terms of the spatiality of Scotland within Britain. Scotland is depicted as a safer environment to be a trans person, which can be considered a counter narrative to the unionist argument that the Bill would splinter the UK. Lisey evokes this when asked to explain their stance that there are more pressing issues to the trans community than the Reform Bill (e.g, healthcare):

Lisey: And it's about to get much, much worse in England.

Researcher: Why?

Lisey: Because they won't give puberty blockers unless you agree to be on a research protocol. This will be English... This will be what the Tavistock [The National Health Service's gender clinic for children] is proposing to do, or whatever they call their new gender clinic for teens. They're basically trying to get rid of any trans care for under 16 or under 18.

These constructions of Scotland Others England insofar as they remake the dominant spatial narrative, both through civil society as well as the general culture of fear felt by trans people. This spatiality is reiterated by a dichotomous temporal reconstruction whereby England is depicted as declining in terms of its safety for trans people, whereas Scotland is presented as still having a hopeful future:

I'm hoping and keeping fingers crossed that there's still a good commitment to transgender rights in Scotland. But transgender rights in England are being thrown right under the bus. (Lisey)

This temporality further Others England, by creating a contrast in terms of Scotland's progression in the right direction and England's decline. This is in line with Mooney's (2016, in: Davidson *et al*, 2016) finding that "progressiveness" is one of the key markers of differentiating Scotland from England.

5.4 Scotland as an underdog in Britain

Scotland as an underdog in its position in Britain came up in the interviews, as the idea that Scotland has goals that would be beneficial to its people – alongside discourses of egalitarianism – that are being thwarted by the British Parliament. When I asked Christine to clarify if they think there's a difference between Scottishness and Britishness, or Englishness, they responded:

Ohh yes yes, very, very much. There is a bit of the Scottish establishment, as everywhere there's a bit of the Scottish establishment that has been collected and certain Scots co-opted into the imperial project. But the Imperial project, first and foremost, was English. And it was about spreading English culture and well.. it wasn't about spreading English culture, but English people. Stealing things from all the rest of the world, basic as that and the Scots helped. (Christine)

Christine's answer reflects the duality of the core-periphery, with the “ghost in the machine” of English cultural dominance within the British idea. The imperial project is constructed as an English one that the Scots have been involved in but not leading, which paradoxically contributes to their underdog mentality. This power imbalance is relevant to the discussions around the Bill as it is reflected in the disparity of power between the Scottish government and the British government. This disparity was expressed by Carrie with regard to the Scottish branches of civil society offices that have their main operations in England:

They're UK funded ones, so it's not like they're not Scottish specific. They'll be like a branch of The UK organisation. They always have like two people that work in the Scotland office. (Carrie)

This power imbalance is reflected in the contrast of sizes between Scottish and British civil society spaces. Similar dynamics were spoken of by Lisey when they spoke of the difference between Scottish and British versions of the political parties:

[They're] trying to forward a different identity, but they're still under the thumb of UK labour... Scottish Labour is theoretically a different party, but when you're being critical of Scottish Labour, they're just called the branch office. (Lisey)

This hierarchy between the British and Scottish versions of the political parties is in opposition to the finding of Soule *et al* (2012) that all of the Scottish versions of parties have a specific Scottish outlook. In Lisey's case, Scottish Labour's decision to abstain on the vote for blocking

the Reform Bill shows the power imbalances between the two governments. For Lisey, this power imbalance is epitomised by the British Parliament's blocking of the Bill:

I mean at least the Scottish Government was still committed to the reform, but they have been shot in the back [by the UK Parliament] (Lisey)

Lisey is referring here to the Section 35 order. This conceptualisation that Scotland is an underdog was expressed by all three participants in different ways, from the British colonial project to the current imbalance in civil society spaces and governmental power. The Bill itself is a crux of this differentiation, as it is exemplary of the lack of power Scotland has over certain aspects of its legislative space.

This lack of power was further exemplified by the argument that the Reform Bill is being hijacked as part of a culture war propagated by the British government. The Reform Bill itself was described by participants as a necessary piece of legislation insofar as receiving documentation with your preferred gender can be validating. However, the Reform Bill is seen as having a relatively small impact on the lived experience of trans people compared to *inter alia* healthcare and safety. All three participants spoke of the Reform Bill as situated within a broader culture war stoked by the Conservative UK government:

Basically the Tory - the Conservative government - in the UK just continually stoke the culture war at every angle. They have a politically conservative EHRC [Equality Human Rights Commission] which they've appointed actively transphobic people to run... I would say parallel almost to the stop the boats and the way that they've ramped up anti immigration rhetoric, trans rights is just another string to that bone of culture war, so they'll just find any kind of marginalised group to latch onto. (Carrie)

When Boris Johnson came in as Prime Minister UK politics pretty much went into culture war mode and it was clear that some senior Conservative politicians were going out of their way to use trans as an issue to further their interests, and were definitely planning or intending to make life worse for trans people. (Christine)

I think it's opportunistic populism, and the Australians tried it, Scott Morrison in Australia tried the whole anti trans shite and then he was kicked out. Trump also tried more anti trans shite and then he was kicked out. So now the UK is trying anti-trans shite. And the only thing they've got left is a culture war. (Lisey)

The three participants call the backlash the Reform Bill is facing alongside the intensification of British transphobia a “culture war”. The culture war is said to be connected with broader trends in imperial core countries such as Australia and The US in Lisey’s account. It is placed as a last effort of the Conservative party, before they lost the general election in July 2024. At the same time, the Reform Bill is placed alongside other events that the Conservative government have utilised to garner British nationalist support, such as the anti-immigration rhetoric in Carrie’s response. In this way the trans subject is constructed as an Other to the British national identity, in the same way that migrants have been. Scotland’s ability to act in a way that improves the lives of these trans people is described as hindered by *inter alia* the Conservative government and the EHRC.

The idea that the Conservative party is stoking this culture war was reiterated by Christine who places the election of Boris Johnson as the beginning of this trend, which also coincides with the Brexit referendum in the UK, and reflects Thurlow’s (2022) finding of an increasingly populist culture war rhetoric around trans rights since 2016. Additionally, the culture war is defined as serving the Conservative politicians’ goals, in terms of furthering their populist rhetoric to get re-elected. Aizura’s (2006) analysis of Weeks’ (1998) work is important in this regard as they outline how transgressions from heteronormative understandings take on new weight when they are confronted in public spaces such as making claims to the potentially violent nation-states for gender recognition. Although the Reform Bill is barely transgressive of heteronormativity, it is still not within the British logic of its increasingly exclusive national identity. The Reform Bill then becomes a vehicle for other exclusionary elements of this identity. One key actor here is the Equality Human Rights Commission, highlighted by Carrie as being filled with transphobic actors. By associating the EHRC with a culture war being stoked at every angle, the Reform Bill is placed alongside these other protected characteristics that the Conservative government have been latching onto. Similar to the media accounts that

evoke border-making, the challenging of British power is articulated through the discussion of the implementation of the 2010 Equality Act.

The media was also strongly associated with the development of transphobic discourse within Britain, and Carrie pointed out some similarities between this and my own findings regarding the media analysis.

It's just the perfect environment for that gender critical movement to grow in, because anyone who disagrees or is from a marginalised background who wants to speak about this just has no platform. They have no platform anyway. So this debate, it's just people who are in power can choose who they want. They're like, "ohh these people are supporting our rigid idea of gender roles which I'm really comfortable with, so I'm going to give them a column", whereas they're not gonna pick a gender nonconforming person who's like gender is a spectrum... and so it's basically just a giant echo chamber... It's a very powerful force as we have seen with narratives on migration. Brexit has created a toxic public narrative in which people who previously literally couldn't care less about this because it doesn't affect them are now being radicalised into thinking this is like a bogeyman threat, a straw man thing. (Carrie)

For Carrie, the power the media holds is one in which only certain voices are given space, as was seen in the lack of trans and queer voices in my media analysis. By saying "people in power who choose who they want", Carrie highlights the link that role the media has in dominant political narratives. By linking this to both rigid gender roles as well as Brexit, Carrie formulates the dominant concept of Britishness as one that is exclusionary of transgender people for not fitting into these rigid models, as well as immigrants and refugees for not complying with the Anglo-Saxon British idea. For Christine, the media is actively demonising not just transgender people but anyone who is advocating for trans rights:

The press have sort of created this completely. I wouldn't say fictitious. They've created this monster category of trans rights activists... A figure that [name of organisation] uses a lot is back in 2012, the press covered about thirty six stories. [But now] the press are absolutely obsessed. Over 7000 stories [this year] is just ridiculous. Especially as the vast majority of those are done in a hostile fashion. (Christine)

Christine's use of the word "monster category" implies how this category has mutated due to its focus in the press. The use of the word "monster" evokes similarities to the trans-pervert conceptualisation within the media, in terms of being alien and threatening, but Christine

broadens this to include trans rights activists within categories of demonisation. Pointing to the increase in British articles [the focus of her NGO], using the word “hostile” creates a grouping whereby the trans-activists are being unfairly subject to abuse from the media and those in power.

5.5 Conclusion

The three interviews I conducted showed the manifest ways civil society in Scotland invoke Scottish national identity in articulating their positions in and understanding of the Reform Bill. Whilst these narratives indeed differ from the media analysis, there are some commonalities in terms of invoking temporal and spatial imaginings of Scottishness and transness.

Transphobia is constructed as not part of Scottishness, as Scotland’s feminist movement is considered a work in progress that is succeeding when it comes to LGBTQ rights. Therefore even though Scottish organisations may neither be inclusive of e.g., racialised groups nor adequately address the systemic inequalities that mediate their politics, they are still considered ahead of British organisations temporally as they are less transphobic. This is explained through *inter alia* intersectionality, whereby mainstream British feminist movements and second wave feminists are considered less intersectional and as a result, more transphobic. Scotland is spatially reconfigured as more progressive on transness as transphobia is considered to be an import from Britain and the United States.

This idea of Scotland’s progressiveness is pertinent, and translates into the notion that because Scotland is more left-wing and has a more progressive civil society, Scotland is a safer place to be trans. Scotland’s future is depicted as more hopeful than that of England, and in England the lives of trans people are constructed as getting worse under *inter alia* processes of medicalisation.

The Reform Bill is presented as evidence of Scotland's limited parliamentary and legislative power within Britain, thus constructing Scotland as an underdog within the Union. This, combined with the interviewees perception of Scotland as more progressive led to the idea of an "underdog mentality". Emphasis was given to the idea that the imperial project is largely an English one, as well as the size difference and hierarchy between Scottish and English organisations. The idea that the Reform Bill was part of a culture war stoked by the Conservative party in order to secure votes by promoting an Anglo-Saxon conceptualisation of Britishness through *inter alia* the media also surfaced, highlighting the perceived power that British politicians and media have in shaping Scottish political discourses.

These narratives show the ways in which my interviewees perceived themselves as different to the powerful media outlets and politicians. At the same time, their narratives cannot be entirely separated out from each other as they are also in positions of power in terms of being members of civil society and contributing to discourses around the Reform Bill.

6. CONCLUSION

My research here has sought to bridge the gap between queer understandings of the nation-state as it relates to transness, alongside unpacking discourses of Scottish nationalism. Such perspectives are lacking in the state of the art, whereby analyses of trans subjectivity often focus on Britain as a unit of analysis, and obscure the dynamics that can be found in Scottish-English relations, or Scotland's position within Great Britain. At the same time, much of the theorising around Scotland's position as a nation within Great Britain does not challenge the idea of the nation-state itself and the subsequent implications this has regarding *inter alia* borders and citizenship.

By using a critical discourse analysis I have brought in my own political understanding as a queer Scottish nationalist who is critical of the nation-state system and the violence inherently contained within it. Utilising an analysis of media sold in Scotland mapped alongside locality, political positioning and nationalist sentiment, I have unearthed the manifest ways that discussions around the Reform Bill imagine the trans subject. These include the trans subject's relation with borders, temporally placing the trans subject as on a path to human rights, the trans subject as separate from the Scottish nation, NGOs and politicians speaking for the trans subjects interests, and transphobia framed as part of a debate around "feminism". My interviews with members of feminist civil society unearthed more nuances than those portrayed in the two sideism of the media, although this is not to make a value judgement and say the outcome of these interviews gave a "better" understanding of Scottishness and transness, but rather that they allowed for more complex articulations. Scottishness was invoked to make arguments for the Reform Bill by articulating the ideas that transphobia is not part of Scottishness, Scottishness is more progressive than Englishness or Britishness, and that Scotland is an underdog in its relation with the British Parliament. I now want to briefly tie together my findings as they relate to my overarching research question: How are civil society

and media narratives regarding the Reform Bill mediated through discourses of trans subjectivity and Scottishness?

There is evidence for Hechter's (1975) imagining of Scotland's double core-periphery relationship, whereby Scotland is the periphery in its relation to English centred Britishness, and Britain is the colonial core. The first part of this relation is evidenced in the fact that left indigenous newspapers give voice to the idea that the Reform Bill is about broader Scottish nationalism and Scotland's unequal place in the Union. Similarly, my interviewees expressed the idea that Scotland is an underdog, in terms of having less power in the Union which means it is unable to achieve its political goals. At the same time, the British or English identity was ascribed by interviewees as being exclusionary in terms of narratives around Brexit and anti-immigration alongside transphobia. This second part of the British colonial relationship whereby Scots do indeed make up members of the British ruling class who engage in colonial violence abroad came up in my research only when one interviewee expressed the coloniality of Britain –including Scots– excludes trans people. This is in part due to an othering of Britishness/Englishness, the slippages between the two highlighting McVeigh's and Rolston's (2021) idea of the "ghost in the machine" of Britishness whereby English culture dominates.

Civic nationalism, although not named as such, came up repeatedly in my research. The idea that Scotland is more progressive than England/Britain based on a mapping on a left–right-wing political spectrum invokes ideas common in imaginings of Scottish civic nationalism in the literature (Bone, 2023; Hearn, 2000, Whigham, 2014). Similarly, the idea espoused in left-leaning media outlets that Scotland is joining a liberal democratic group of European nations, reproduces colonial understandings of the core being a better place for "human rights" and mapping these onto trans rights. In this way, England/Britain is separated out from Scotland and placed further away from Scotland's grouping with liberal European nations. This reifies the whiteness embedded in the ideas of Scottishness as part of Europeanness, for example the

inability for Scottish civil society to adequately address issues of racism (Morrison, 2016; 2021) is distanced from the general idea that Scotland is more progressive. The Conservative Party is a key actor in this regard, as they are temporally placed behind Scotland in the left-leaning media outlets in terms of being less progressive. The idea that the transphobic discourses around the Reform Bill are part of a broader culture war stoked by the conservative government was used by interviewees to distance themselves both temporally and spatially from this dominant discourse. Vehicles such as the EHRC and the 2010 Act become symbolic of the constitutional power that the Conservative Party has within this space, both by interviewees who reject the EHRC and by politicians quoted in media outlets who assert the importance of the EHRC and the Equality Act. Scotland's inability to express its progressive politics within Britain is linked with the imagining of Scotland as an underdog, whereby the Reform Bill becomes symbolic of Scotland's expression of its civic interests and its distancing from the Anglo-Saxon British exceptionalism which at its core is English (Vucetic, 2021)

The narratives in right-wing newspapers construct the trans subject as a pervert who has the ability to subvert both the borders of single sex spaces as well as the border between England and Scotland. This evidence of Aizura's (2006) double border making separates the trans subject out from the British nation as they are threatening its existence. Yet when nationalists tie together the Reform Bill with the broader case for Scottish nationalism, the trans subject is still separated out from the Scottish nation, and the British discourse is not challenged. In a variety of media outlets, the ideas espoused by SNP MSPs that the Reform Bill is about Scotland's place in the Union without giving voice to the trans subject allows for them to be spoken for, whilst portrayals of trans people as a small stigmatised group exceptionalises them. When the trans subject is represented, it is through liberal democratic NGOs that neatly separate out issues of sexuality and gender, and so the trans subject becomes a liberal democratic citizen who must comply with Scotland's civic institutions in order to gain

recognition from the state alongside discourses on human rights. My interviewees highlighted that the Reform Bill itself is not the most important issue for trans people, but that it has become bigger due to a culture war that is propagated by media outlets and politicians in power. Transphobia serves these actors' interests as it inscribes normative understandings over who is considered to be part of the nation, alongside discourses of homonormativity.

Transphobia is not named as such by any of the media outlets except one, and the debate is framed as a two sideism one in which both sides are contesting feminist positions related to the Reform Bill. The increasing transphobia in public discourse was acknowledged by my interviewees, although it was also separated out from ideas of Scottishness. This was done in a myriad of ways, by explaining that there is a commitment to trans rights in Scotland as well as a lack of transphobic NGOs. Scotland then becomes imagined as a better and safer place to be trans, and transphobia is distanced as both an import from the US and something that is getting worse in England.

This research has been limited by the fact that it is a Master's thesis, and the subsequent time constraints that come with producing such a piece of work. Whilst the theoretical approach is novel regarding the specific case of the Reform Bill, there are still areas that could be further developed. Most important for me would be if I had the time and ability to interview more grassroots organised groups, to understand more of the nuances and lived realities of those coming up against normative understandings of Scottishness in their queer organising. Additionally, this research would benefit from a larger media sample that could give a fuller picture of the media discourse surrounding the Reform Bill. In developing this work further, I would hope to contribute to understandings of Scottishness that do not rely on old tropes of civic grassroots democracy. Instead, I hope to see more work that whilst explicitly supporting the Scottish nationalist struggle against British coloniality, disentangles the normative gendered and racialised understandings of the nation-state.

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