Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written submission from Kevin Rooney

I write in response to your call for evidence with regards to the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill. I write in an individual capacity – I am Head of Politics and Sociology at a large comprehensive school outside London, I have been writing and commentating on issues related to sectarianism in Scottish football for many years, and I am a season ticket holder at Celtic Football Club.

Introduction

I welcome the Scottish Parliaments decision to slow down the implementation of this Bill and consult widely before moving to legislation. The people who will be most affected by these new laws are Celtic and Rangers fans. As such I hope the well informed and considered views of football fans will be taken especially seriously by law makers. As one such fan I am extremely concerned about the Bill. I believe that it is disproportionate, a dangerous attack on freedom of speech and will actually increase tensions amongst football fans. My reasons are laid out below:-

1. **Existing criminal laws cover key offenses.** While these new laws have been presented as a response to the violent events of last season, including death threats and attacks on the Celtic manager Neil Lennon, all these offenses are already covered by existing criminal law. Governments should not rush to create new laws without a compelling reason – that case has not yet been made.

2. **The legislation makes a dangerous leap between words and actions.** Societies have long made the distinction between thoughts and words on the one hand and actions and deeds on the other. This law assumes that offensive words inevitably lead to sectarian or violent deeds without any evidence whatsoever to prove that. Linking the sending of letter bombs to the singing of traditional rebel songs or shouting of loyalist chants is misleading and dangerous.

3. **All laws should be measured and proportionate.** This law could result in football fans serving jail terms greater than those for rape or violent crime for an offensive chant at a football game. This is clearly disproportionate.

4. **The laws are a ‘victims charter’.** By allowing the ‘victim’ to define what passes as ‘offensive’ the Scottish parliament is creating a victims charter which will encourage football fans to accuse rival fans of causing offence. Just one small example of this tension appears in one submission to the Consultation which refers to a protest at a game one year ago when a group of anti war Celtic fans unfurled a banner in saying “No Blood Stained Poppies on Our Hoops.” According to the submission “For fans who have lost family members serving in the Armed Forces, or whose loved ones are presently on active service, such actions are deeply offensive, and are certainly every
bit as offensive as many of the other specific categories which feature within the Bill.” Yet exactly the same could be said by fans who have lost loved ones at the hands of the Armed Forces in conflicts in Ireland and elsewhere who could claim equal right to be ‘offended’ by open displays of support for the armed forces.

5. **Conflicts have been sorted out between the clubs without the need for outside intervention.** Both the media and the authorities have exaggerated and sensationalized many of the disputes at Celtic/Rangers games. A closer look demonstrates clearly that the clubs are good at sorting out differences easily and quickly. Within a couple of hours of the televised ill-tempered spat between Neil Lennon and Ally McCoist at an old Firm game the two managers had issued a statement saying that they had resolved their differences and made up. It was deeply ironic that when the two clubs were summoned to Holyrood for talks about on pitch tensions, they had a pre-meeting with each other first to agree key messages, proving that the clubs do not need outside intervention from politicians or legislation to resolve problems.

6. **These laws will increase rather than decrease tensions amongst fans.** You do not need to go to Celtic/Rangers games to see football rivalry in action. Yet now Celtic and Rangers fans will be able to seize on these new laws as another stick with which to beat their rivals. Even before the laws have come into place there are unhealthy examples of rival fans scouring each other’s websites searching for ‘crimes’ to report to the police. One case we are likely to see more of under the new laws was the reporting of Celtic manager Neil Lennon to police for allegedly making racist remarks to a black Rangers player. Hundreds of fans reported the incident forcing the police to interview Lennon. When Lennon robustly denied the accusation lip readers were even brought in by the police to examine video footage. The investigation was only dropped when the Rangers player himself rejected the accusations. Fans may not be so quick to absolve their rivals and the spectacle of fans spying on each other’s websites and lip reading insults at games is likely to increase tensions rather than reduce them.

7. **These laws are anti-working class.** There is a strong whiff of anti-working class prejudice in the language and tone used by MSPs and commentators supporting these laws. Such has been the demonization of fans over the past few years that it’s now acceptable to talk about Celtic and Rangers fans en masse as potential bigots, wife beaters and parcel bombers. One national newspaper columnist welcomed the news that police will walk thought the stadiums filming fans in the following way “they will film the morons as they spout their sectarian filth..and beat the bigots who stain the game”. In the name of reducing offensive behavior political leaders have given carte blanche to insult football fans.

8. **Sectarian chanting is more than ever restricted to games.** Part of the problem with the disproportionate nature of these laws is the notion that sectarianism is a bigger problem than ever in Scottish society. This is simply not true and many objective commentators and historians have made the point that sectarianism in Scottish society is at an all time low. While many football fans might indulge in some
traditional sectarian chants from the terraces in the course of a 90 minute game, most now go back home or into work the next day with partners and workmates of a different religious persuasion.

9. **Football terraces are not for the faint hearted.** Despite the many attempts to gentrify football in recent years it remains the case for many clubs in Scotland and throughout the UK that football stadiums are a place of high passions and uncouth shouting. Apart from the problem of excluding sections of society whose idea of fun is not standing for 90 minutes surrounded by people shouting, noisy football fans do not harm anyone and bringing heavy handed policing and draconian criminal laws onto these terraces will not protect anyone in wider society.

10. **Draconian rules already dominate old firm games.** It’s important to note that the proposed Bill comes in the wake of a bewildering array of restrictive rules already imposed on Celtic and Rangers fans over recent years. Don’t drink inside the ground; don’t drink outside the ground; don’t swear; don’t sing this list of songs; don’t wear that T-Shirt; don’t unfurl that banner, and so on. Fans are already faced with life time bans by their clubs if they transgress and the police are on hand everywhere to enforce these rules – even stationed in the toilets of the pubs used by fans before and after games. For anyone to conclude that what Old Firm games need is more laws and policing beggars belief for the fans who are already at the sharp end of draconian laws and policing at every game.

11. **These laws are an attack on the fundamental right of all citizens to free speech.** Anyone who knows or cares about protecting the right to free speech will know that the test of support for this principle always lies in whether you are prepared to extend it to those whose speech you do not like or agree with. As Voltaire once said, “I detest what you have to say, but I will defend to the death your right to say it”. Of course there is nothing noble about much that is shouted at football games but free speech means just that – the freedom to say what you want to say without fear of censorship or repression.

Kevin Rooney
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