

Justice Committee

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

Written Submission by Professor Graham Walker

The political and media response to the dispiriting events of the 2010-11 football season in Scotland has been lacking in perspective and balance, and has led to a situation where possible legislative changes may bring about regrettable illiberal consequences and may indeed exacerbate the problem they are seeking to address.

The controversy over the Scottish government's proposed legislation has become mired in imponderable questions around what is and is not acceptable to sing and chant, so much so that, where football in Scotland is concerned, the authorities appear to be more concerned with the words of certain songs than with actual thuggery. The proposed legislation, in its preoccupation with 'offensive' singing, may in fact provoke some supporters to be even more defiant in assertion of their identities as they perceive them.

The negative publicity surrounding the last football season certainly damaged Scotland's external image; yet the eagerness of the country's political figures and opinion-formers to be seen to be taking action has arguably produced ill-considered and glib proposals. If those who regularly pronounce on 'Scotland's Shame' were serious about addressing it they would have to conduct a proper investigation into its historical causes, into the complex circumstances which sustain it, and indeed into the question of how precisely the issue is defined. The term sectarianism itself has become a convenient label for all sorts of anti-social behaviour, and where the term is defined it is usually done in a reductionist manner designed to heap the blame on one side, or even on one set of football fans.

If it is the case – as I would argue – that Scotland should have confronted the sectarian question long before this, it might be suggested that the impact of the troubles in Northern Ireland was a key factor in causing the delay. From the late 1960s there was a real fear in Scotland of contagion, and perhaps this led many to deny the extent of the problem in Scotland. Perhaps, too, as Scotland largely steered clear of Northern Ireland's tragedy, it was too readily accepted that problems of an 'Orange and Green' nature were without substance. Certainly, the public discussion of the issue in Scotland only gained momentum when the Northern Ireland peace process kicked in during the 1990s. By this time the context for the discussion was very different to what it would have been in the 1960s: there was by the end of the century much more emphasis on ethnicity and identity politics, rather than social class, and much more doubt about the future of the Union and the UK. The sectarianism debate has become linked, if ambiguously, to the constitutional debate about what a 'New Scotland' or Independent Scotland should look like. Maybe, more contentiously, the delay in discussing sectarianism has distorted that discussion, and dubious concepts and fashionable preoccupations have been brought to it and have rendered it more problematic.

I highlight the Irish dimension to the question since I believe that any attempt to tackle sectarianism in the football context or elsewhere is glaringly incomplete

without it. There is some impatience among commentators about the perceived requirement to become expert in Irish history, and there is a strong tendency to regard this as simply another Scottish problem with a Scottish solution. But the fact that so much attention is paid to the Irish songs – whether Orange or Republican – sung by Old Firm fans, to the use of ‘Fenian’ and ‘Orange’ as abusive epithets, and to the personal identity profile of Celtic manager Neil Lennon, makes abundantly clear the tangled Scottish-Irish nature of this issue, both historically and in its current manifestations. The events of last season in Scotland indeed fed back into the situation in Northern Ireland. We need to be aware, for example, of the position of the Unionist/Loyalist community in Northern Ireland, the particularity of the Ulster-Scottish link, and the emotional support which a slice of the Protestant community in Scotland lends to this group and its cause, however ill-defined that may be. This is reflected among Rangers supporters just as continuing support for the attainment of a 32 County United Ireland is reflected among Celtic fans. For Ulster Protestants or Unionists there is a real need to feel they belong to a wider ‘British’ family, not necessarily that they represent all that Nationalists see as retrograde about the concept of Britishness.

I suggest that, prior to any new legislation, ways of engaging purposefully with representatives from both sides of the community divide in Northern Ireland be explored. One way of doing this would be to initiate a joint venture between Scotland, Northern Ireland and the Republic of Ireland through the medium of the British-Irish Council, the Secretariat of which is now based in Edinburgh. Scotland needs to become more aware of how the question of segregated schooling has been debated in Northern Ireland, and how changes in the supporters’ culture around the Northern Ireland international team have led to a Celtic player – Paddy McCourt – receiving rapturous acclaim in stark contrast to the abuse meted out to another Celtic player (Neil Lennon) in the 1990s. The issue of Rangers players being abused while on international duty in Dublin has also become a matter of public discussion in the Republic of Ireland.

It would also help if notions of sharp binary divisions and monolithic Protestant and Catholic blocs are effectively challenged in the Scottish debate. If, as many suggest, there is a derogatory concept of the Catholic ‘Other’ abroad in Scotland, then, equally, there is a Catholic tendency to conceive of ‘Protestant Scotland’ as a single community of interest whereas it is a highly diverse and fractured entity, if such it can be called at all. Catholic perceptions of their place in Scottish society often seem to carry assumptions about the Protestant community which make little allowance for denominational and class divisions. Moreover, such perceptions often fail to factor in consideration of how important matters of public interest, such as the Catholic Church’s historically hard-line stance on mixed marriages and how children should be raised in them, impact on non-Catholic Scots. If the point may be extended to football, how well known is it that the General Assembly of the Church of Scotland formally congratulated Celtic for their European Cup win in 1967? How well appreciated is it that the same Church of Scotland campaigned energetically during the 1970s and 80s against Rangers’ apparent practice of not signing Catholic players? The simplistic narrative of an anti-Catholicism supposedly ‘officially’ sanctioned in Scotland needs to be seriously critiqued.

The proposed legislative changes appear to be on firmer ground in relation to the internet and football supporters websites and individual blogs. While liberal objections can again be raised, it is clear that such sites encourage a culture of conspiracy, paranoia and demonization. I believe that lurid postings and extravagant claims of victimhood on such sites may have contributed tellingly to a wider atmosphere of ethnic and sectarian antagonism last season, resulting in the developments which have been well publicised and which form the basis for the current legislative proposals.

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