

Criminalizing songs and symbols in Scottish Football: how anti-sectarian legislation has created a new ‘sectarian’ divide in Scotland

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Abstract

Since the 1990s the regulation of football fans has increasingly shifted from the policing of actions to the policing of words. With this in mind, this paper looks at the impact of the anti-sectarian 'industry' in Scotland. In particular it looks at the impact that legislation in Scotland, that criminalised football fans' songs and chants, has had on Glasgow Celtic, and especially Glasgow Rangers, supporters. The article is based on participatory action research with football supporters in Glasgow who were opposing the Offensive Behaviour at Football Bill, in 2011. Through this work two issues became necessary to address; firstly the impact of the anti-sectarian 'industry' in Scotland, which has grown precisely at a time when sectarianism appears to be declining. Secondly the emergence of a new tension, divide, or form of intolerance, that is developing amongst fans (particularly Glasgow Rangers fans), that has been created by this anti-sectarian industry.

Keywords

Criminalisation, sectarianism, tolerance, football, offensiveness, Scotland

Introduction

In the early 1990s Joli Jensen, discussing fan culture and the media, usefully noted how discussions about fans often focuses on the irrational, and at times, the pathological nature of fans to explain their behaviour and rivalry.ⁱ Relating to Jensen, Carlton Brick argues that following Hillsborough and the Taylor Report the discourse

about fans as irrational deviants changed. By 2000, he argues, there had emerged a ‘tyranny of safety’, and regulations and forms of control developed to keep everybody safeⁱⁱ. Part of this ‘tyranny’ was a new ‘etiquette’ that attempted to change the way fans behaved and the language they used at games.

In part, and arguably in large part, the criminalisation of football fans’ language, across the UK, developed in relation to racism and racist chants. More generally, this can be understood within the emerging practices within the Criminal Justice System to target ‘hate speech’, a concept that developed most clearly in the United States in the 1980s and was imported to the UK in the subsequent decades.ⁱⁱⁱ Increasingly, ‘speech’ of this nature has been redefined as ‘offensive’ and also as ‘intolerant’,^{iv} and in Scotland, the policing of ‘intolerance’ has centred less on the issue of racism than upon that of sectarianism.^v

There has been a significant debate in Scotland for more than a decade about the importance of sectarianism in Scotland generally and in Scottish football in particular.^{vi} Like in England, the discourse surrounding fans’ behaviour has largely (although not entirely) moved away from the ‘hooligan’, or violence, framework, to one that is centred on the concerns about language and ‘behaviour’ that can be defined as sectarian. In particular it is the behaviour of Glasgow Rangers and Glasgow Celtic football fans that have been targeted as particularly problematic, as ‘offensive’ and ‘intolerant’. And yet, as we will see, these concerns, this discourse of sectarianism, and indeed myriad laws and initiatives, have emerged at a time when it is increasingly recognised that sectarianism itself, as a serious political or religious issue, is less significant than it has been for generations.^{vii}

Michael Lavalette and Gerry Mooney have usefully observed the targeting of Celtic fans that has taken place with the introduction of the Offensive Behaviour Act.^{viii} Lavalette and Mooney's sympathy with these fans appears, in part, to be because of the self-proclaimed socialist and Irish Republican nature of Celtic groups like the Green Brigade. Here we are more concerned to look at the criminalisation of Rangers fans who are associated with 'British Loyalism' - a group of fans who have arguably been most targeted by tolerance based forms of regulation.

The campaign against criminalisation

This paper has developed out of the author's involvement in a campaign to oppose a piece of legislation in Scotland, the Offensive Behaviour at Football and Threatening Communication Bill.^{ix} This bill is now an act, and targets football fans for being offensive at games, with a potential (if unlikely) sanction of five years in prison for such action.^x Having given a written submission to the Scottish Parliament about the bill, I was invited to speak at the parliament's justice committee on 6th September 2011.^{xi} This event was streamed live and watched by a number of football fans who subsequently contacted me about my submitted evidence. This resulted in my involvement with fans from both Glasgow Celtic and especially Glasgow Rangers football clubs who were opposing the bill. Initial email exchanges and online fan debate forum discussions led to me being invited to speak at two events on the subject of criminalising fans, organised by Rangers and Celtic supporters associations.^{xii} Rangers 'ultra' fan groups also invited me to attend a game to see how they were being policed in the ground when they attempted to protest against the proposed bill.

Finally, I joined a group of mainly Celtic fans to protest about the new law on the day that it was being passed in the Scottish Parliament. My involvement in what was an existing campaign to oppose the legislation was both partisan, but also constantly questioning of the views held by fans and fan groups. In this respect the campaigning and research overlapped as a form of action research intended to encourage the agency of fans, and what I saw as the only way to defeat the bill, by arguing for a need for unity between the two sets of ‘opposing’ supporters, who were both campaigning against this bill separately.^{xiii} The fans failed to prevent the legislation, although by the time it was passed all of the political parties, bar the majority Scottish National Party, had shifted their position and opposed the law.

In an attempt to make sense of these developments, this paper has developed from a sociological examination not of sectarianism, but rather anti-sectarianism: The concern about sectarianism itself, being understood here as a form of *governing through tolerance*. This research was additionally informed by work on liberty^{xiv} and tolerance^{xv} and with an interest in Žižek’s understanding of tolerance as an ‘ideological category’. For Frank Furedi, tolerance has changed its meaning, from a defence of freedom of speech, towards its opposite, a therapeutic defence and protection of individuals from offensive words. For Žižek modern day tolerance represents, what he calls, the culturization of politics, a development that means that social problems and divisions are not resolved, rather differences are ‘tolerated’, regulated and policed.^{xvi}

Here, the outcome of the policing of intolerance, in the form of anti-sectarianism, and also the managing of ‘offensiveness’ in football is explored.

Sectarianism and anti-sectarianism

The exponential growth in concerns about sectarianism in Scotland began in the late 1990s and continued into the new century. By 2002 the Labour leader and First Minister Jack McConnell started his own campaign against sectarianism in Scotland. Sectarianism now became ‘Scotland’s Shame’. New laws were also passed to tackle sectarianism at this time and to tackle the newly conceptualised ‘hate’ within society.^{xvii} Anti-sectarian initiatives began to grow prominently at this time, with grants being awarded to beat bigotry. In schools, anti-sectarianism is now described as something that is at the heart of the new Curriculum for Excellence. ‘Education,’ the Scottish government notes, ‘can play a pivotal role in challenging sectarian attitudes and religious intolerance’. As such, anti-sectarian initiatives are crucial for developing ‘informed responsible citizens’. In prisons this attempt to develop ‘positive attitudes’ was also given a boost in 2011 when the funding for anti-sectarian training of prisoners was doubled (*Scotland on Sunday* 25th September 2011). Also, in November of 2011 it was announced that anti-sectarian training would also be available for the staff of the Scottish Parliament (*Herald on Sunday* 20th November 2011). Despite initiatives against sectarianism having a long history, there has never been such an extensive and intensive discourse on this problem nor such a widespread incorporation of anti-sectarian initiatives across institutions in Scotland, forming what could be described as an ‘anti-sectarian industry’.^{xviii}

For some, like Steven Bruce^{xix} sectarianism has never been a serious problem in Scotland. For others like Tom Devine,^{xx} sectarianism was a problem but can no longer

be seen as a serious issue, despite the growing political interest in it. At a structural and institutional level Steve Bruce, Tony Glendinning, Iain Paterson and Michael Rosie in *Sectarianism in Scotland* have argued that Catholics in Scotland are not discriminated against. While some challenge Bruce (et al) findings, there has been little challenge to the statistical evidence they have produced. Even for researchers who argue that the effects of discrimination still impact on Catholics, like Walls and Williams for example, there is recognition that this is age related, with younger age groups far less affected by discrimination in Scotland.^{xxi} Looking at the issue of religion more generally, and the potential ‘sectarian’ tensions caused by religious differences, there is little to suggest that Scotland is becoming a more religiously divided society. As David McCrone notes, ‘We can safely conclude that by the 1990s...it is difficult to talk in any meaningful sense of a ‘Catholic community’ or a ‘Protestant community’...individuals of all faiths and none now work together, drink together, and, most significantly marry each other’. In this respect McCrone argues, ‘the songs of Glasgow’s football terraces...are, to a great extent, nostalgic echoes of another time and place’.^{xxii} Half of Catholics in Scotland under the age of 35 marry a non-Catholic today. Indeed, religion has been eroded considerably as a force in Scottish society and is arguably less significant than it ever has been in modern historical terms.^{xxiii}

Perhaps more importantly when looking at the conflicting symbols, songs and indeed tensions surrounding the Old Firm over the last half a century we must also note the potential significance of what can be called (mistakenly in the author of this paper’s opinion) ‘political sectarianism’.^{xxiv} As Joseph Bradley notes, Rangers songs and symbols are often dominated by pro-British and Unionist themes, themes that are

themselves often layered with pro-military and pro-paramilitary content, ‘especially in terms of the historical Irish-British colonial conflict’.^{xxv} Burdsey and Chappell have noted that in the mid-1990s, for example, there was a clear divide between Celtic and Rangers fans on the issue of Irish independence, with three quarters of Rangers fans believing Northern Ireland should remain part of Britain, whereas four fifths of Celtic supporters favoured Irish reunification.^{xxvi} In the 1980s, during times of bombings by the Irish Republican Army (IRA) some Rangers fans would sing *Rule Britannia* and *God Save the Queen*, while some Celtic fans sang Irish rebel songs, flew the Irish tricolour and chanted ‘anti-British slogans’.^{xxvii} For the author of this paper, the historical conflict over Ireland and Northern Ireland is the most significant factor when looking at potential ‘sectarian’ (or perhaps more accurately - political) tensions between Rangers and Celtic football fans. As Mark Ryan argues, it would be hard to overestimate the significance of the ‘troubles’ in the north of Ireland in the 1970s and 1980s, for the British governments, British politics and the British state.^{xxviii} It was arguably the most important and explosive political (indeed military) issue of the time, one which animated the animosity between at least some of the supporters of Glasgow’s two biggest football clubs.^{xxix}

Loyalties, allegiances and indeed prejudices held by different groups in society do not disappear over-night because of changes in society. However, the level of political tension that was once generated around the issue of Ireland has declined significantly throughout the UK. The British Army does not remain as an ‘occupying force’ in Northern Ireland, nor is there an armed struggle being fought by Irish Republicans against Britain. In terms of structural inequality and discrimination, religious affiliation and importance, or regarding ‘political sectarianism’, there is a weight of

evidence to suggest that, firstly, sectarianism is not a growing problem in Scotland, and secondly, that it has declined as a social problem.

Tom Devine, who has argued that sectarianism was a problem for Scotland in the past, now argues that this is no longer the case. Examining the relatively small number of ‘sectarian aggravated criminal charges’ in Scotland in 2012-3, Devine argues that it is not the problem of sectarianism that academics need to investigate, but rather, the ‘fascinating question of anti-sectarianism’. Writing in *The Herald*, he concludes that:

For most of last century when the disease [of sectarianism] was rampant and noxious it was little discussed or debated in public. Like an unpleasant smell at a middle-class dinner party, everyone knew it existed there but nobody wanted to talk about it. Today, with the old monster in its death throes, sectarianism has spawned a new growth sector: a well-financed anti-sectarian industry. A delicious irony indeed.^{xxx}

Old Firm Sectarianism

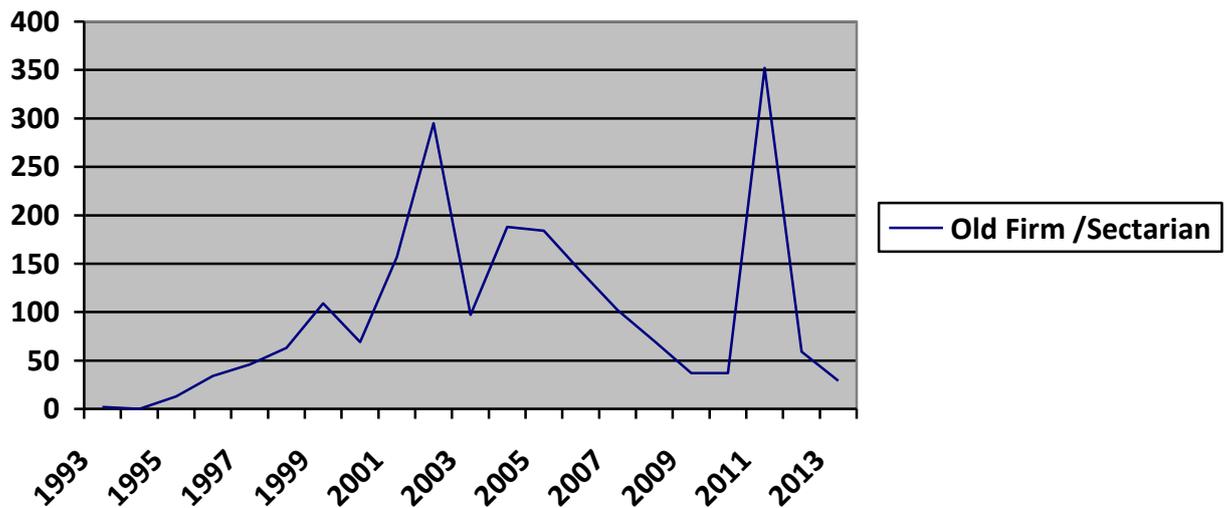
With limited (if any) structural issues that can be addressed regarding sectarianism, a key focus of concern and focus for new laws has become the issue of sectarian behaviour at football matches. Researching the frequency of newspaper articles in the Glasgow based press and the national *Scotsman* newspaper, that mention both the terms, ‘sectarian’, and the ‘Old Firm’, it is noticeable how this ‘problem’ has increased as a public issue, or at least as something that has become seen as

newsworthy since the mid-1990s. From an issue and an association that was barely newsworthy in the early 1990s, the idea of sectarianism amongst Old Firm fans has become a significant focus of press and political attention.

From a social constructionist perspective, social problems are understood to exist, only when they are defined as such, by, usually, key individuals, groups and campaigners (claimsmakers).^{xxx1} As we can see in Table 1 below, the associated problem of sectarianism with the Old Firm has grown significantly since the early 1990s. From two such articles in 1992, by 1999 there were over a hundred Old Firm/Sectarian articles. The political campaigning around ‘Scotland’s shame’ by the Labour First Minister significantly escalated this issue within the press in 2002 when there were almost 300 articles. For the next 5 years the issue remained relatively significant, both as a product of the politicised nature of it, and with the various initiatives that can be seen as part of the establishing of the ‘anti-sectarian industry’. Once established, and with no political party or key political figure promoting the issue it declined quickly as a focus for discussion within the press, until 2011, when the now Scottish National Party leader and First Minister Alex Salmond launched his own campaign and new law to tackle sectarianism – ‘Scotland’s shame’.

Table 1: Old Firm/Sectarian Articles

Lexis Nexis search for articles in The (Glasgow) Herald, Scotsman/Scotland on Sunday, Daily Record and Sunday Mail.^{xxxii}



The emergence of the concern about sectarianism as a serious problem in Scotland can be seen to have been generated, not, by an escalation of sectarian beliefs or behaviour, or due to the problem of structural inequality in Scottish society, or indeed by any shift or deterioration in the behaviour of football fans themselves,^{xxxiii} but rather by the ‘claimsmakers’ of, in the main, Scotland’s political elites, constructing the problem and establishing anti-sectarianism as a politicised issue and an institutionally accepted problem to address. It is noticeable for example that once the year-long campaign and discussion about the problem of offensiveness and sectarianism in Scottish football by Alex Salmond and the SNP ended, this apparent ‘social problem’ that was described as ‘Scotland’s shame’, very quickly declined and practically disappeared as an issue of any relevance for the press. In effect, as John Flint and Tom Devine have argued, this increasing focus on the ‘problem of sectarianism’ reflected not an increase in sectarianism but a transformation in the form of governing in society, reflected in the rise of the political and institutional development of the anti-sectarian industry.^{xxxiv}

The New ‘Sectarian’ Divide

With this in mind, the views of football supporters need to be considered less in terms of the impact of sectarianism on their behaviour, than with reference to the impact of the institutionalisation of anti-sectarianism.

As discussed previously, during the passage of the Offensive Behaviour at Football Bill through the Scottish parliament I was involved in a number of meetings, online debates, public events and extended email exchanges with fans from both Celtic and Rangers Football Clubs who were (as I was) opposed to this new piece of legislation. Sociologically the information gained at these events and at games themselves amounted to both an ethnographic study and a piece of participatory action research. One of the unexpected findings of this work was the extent to which a new type of division had emerged amongst some fans. Rather than simply an ‘old’ form of religious or political ‘sectarianism’ being expressed, there was a new offence based division emerging and a new anger being generated by those who felt that opposition fans were becoming chronically offended ‘tell-tales’ who were subsequently helping to criminalise fan behaviour.

Rangers Football Club and fans, in particular, have come under severe pressure in the last decade to stop singing certain songs that have been deemed sectarian, or more recently, racist. Despite, the fact that in theory (and in much law), fans should only be arrested if their offensive words are deemed to be a public order issue. In actuality, fans are highly conscious of the fact (as are the lawyers who represent them when arrested) that it is their words that have been criminalised.^{xxxv} Essentially, what are

speech crimes, result in certain words, when said in an offensive context, being outlaw. As one young Rangers fan told me, 'F*** the Pope is a jail cell right away, seems like nothing can beat it'.

A major source of anger amongst some Rangers fans about the criminalisation of their songs is that they believe Celtic Football Club and their fans, have acted as 'grasses' for the last ten years, reporting Rangers fans to the authorities and trying to get songs outlawed. For these Rangers fans, the wider development of anti-sectarian forms of governing were experienced (or interpreted) as something that was a direct result of Celtic football club and their fans making complaints about certain songs and symbols heard and seen at Rangers games. In this respect, the passion and anger generated amongst these Rangers fans towards Celtic fans was not in relation to Celtic's religious or political affiliations (although as we will see this still existed for some fans – at least rhetorically), but was a result of the new regulation of fans that was understood to have been encouraged by Celtic Football Club.

A key thing to note at this time is that the new Offensive Behaviour Bill, by targeting 'offensive', rather than more specifically racist or sectarian, behaviour, now meant that Celtic fans would also be targeted for singing certain songs, like pro-IRA songs (which could offend some people) - whereas up to this point it was largely (although not exclusively) Rangers fans who had been targeted by laws that focused on songs that were deemed to be offensive based on religious prejudice.^{xxxvi}

As part of a challenge to Rangers (and Celtic) fans to stop blaming each other and to start to work together to decriminalise football fans I wrote a 'statement' sighting the

paraphrased Voltaire quote, ‘I may hate what you say but will defend to the death your right to say it’, and sent it to Rangers and Celtic fans, fan groups and online forums.^{xxxvii} The main reaction to this came through a re-posting of the statement in September 27th 2011 in the online Rangers forum *Follow Follow*, where there were 250 responses. Here these responses are broken down to assess in detail the nature of these Rangers fans’ reactions to the idea that they had a common cause with Celtic fans to campaign against the criminalisation of football fans. Because of the significance of the issue of language, the offensive language used here has been retained to give a clear a picture as possible about the nature of the statements.^{xxxviii}

Divided Fans

Debates on fan sites are generally carried out through pseudonyms. Despite these pseudonyms many of those using the site know the individuals behind the names, or at least know some of the real names of those posting. I was aware of only one of these individuals’ real identities and as such there is no background information available about the vast majority of those who posted here. This is a clear limitation when assessing the honesty of the postings or the background of the individuals in question, however, as we will see, the exchanges being made were more than frank and often quiet detailed, with some contributors posting numerous comments. Indeed, as with many online or social media comments, the problem is perhaps less that we find people hiding their true feelings than there is a tendency for reactive bluster and indeed offensiveness that may not reflect the general everyday thoughts or behaviour of those posting their comments.^{xxxix} Despite these added complications of analysing

data of this kind, there were very clear and common, as well as contested ideas, being presented and debated.

Despite there being 250 postings in this discussion a number of individuals posted more than one comment. Once taken into account we find that there were 124 different people, or at least different pseudonyms, discussing the issue of free speech at football. Looking at the number of posts by each contributor, the majority - two thirds - of the comments were one off comments with no follow up response. Most of those who posted more than one comment made two or three posts. Only nine individuals posted five or more times, with *Hillheadbear*, who argued for free speech at football, being by far the most active individual on the site, making 26 comments. The one off postings tended to be more reactive, often offensive, using swear words and insults, although the opinions behind these comments, as we will see, were not all the same.

Broken down into categories the two key themes within this discussion site were the issue of free speech and the support for free speech, and the question of trust, or the lack of trust felt towards Celtic fans. The word trust was mentioned 67 times, often with reference to the fact that Celtic fans could not be trusted and that they were hypocrites. This idea of hypocrisy related to the fact that Rangers fans had been criminalised for years for singing their songs, and now that Celtic songs were about to be targeted there was a discussion about the possibility of a united campaign to stop the bill. *Hillheadbear* argued that, 'fans should not be locked up for singing songs', but notes that, 'there is a serious issue of trust when it comes to the Celtic-minded....they are not trustworthy and I think that is the consensus on this thread'.

Archimedes argued that, 'The problem with this is, if we came out and said we support Celtic fans' right to sing what they want, those bastards would stick the knife in and say they don't support our right to sing our songs'. *WWE*, with reference to racist conflicts during the civil rights protests in America, argued that 'It's like asking Rosa Parks to join Thomas Blanton to complain about bus fares'. Again, raising concerns about the historical lack of support from Celtic supporters for Rangers fans being criminalised, *Deedle* argued that, 'I can't remember one Celtic fans group - or even one fan - speaking out against the marginalisation and demonisation of the Rangers support over the last few years'. *GioVan8* likewise expressed his/her support for free speech but argued that Celtic fans believe, 'they should be able to sing whatever they like, but that Rangers fans should be criminalised'. *Davyloyal* emphasised the modern division between Old Firm fans, noting that, 'historical differences aside, the main problem is one of trust'. *Davyloyal* supported the idea of an outsider getting the fans together but noted that a key problem was the 'more vociferous of their support pursue another agenda, which has very little to do with football'.

Within this discussion the clearest and most common expression of anger and resentment targeted at Celtic fans and Celtic football club related to this issue of the criminalisation of Rangers' songs and the lack of or loss of trust towards Celtic on this issue. A fifth of the 250 comments related directly to this subject of untrustworthy Celtic fans who had criminalising Rangers fans. Many of the others did so indirectly. Despite this, there were still calls for free speech to be promoted, even by commentators who raised this issue of a lack of trust. Again this related to around 20 percent of the comments. Some simply argued that Rangers fans did and would

continue to support free speech, others saw a need for united action with Celtic fans, whose songs should also be defended. *Number7*, despite describing the Green Brigade as 'scum', believed that many Rangers fans simply wanted to have football songs decriminalised for all fans. *Deedle* argued that fans should not 'be locked up for singing songs, and that applies to Celtic'. *Briggs_Bear* attacked those who were simply saying 'f*** Celtic', pointing out that if the new Offensive Behaviour Bill was passed, 'many bears will be getting their doors kicked in, charged, [and] sacked from their jobs', concluding that, 'This bill cannot be allowed to pass, it is 100% against football fans and will be dangerous to each and every one of us if allowed to pass'. *TNT* noted that 'It would be good if discussions/negotiations could take place between the trusts'. *StonedandHappy* argued that those refusing to recognise the need for free speech for all were sticking their 'head in the sand'. He continued, 'Look at the bigger picture guys. Once this bill is passed, it will just be the beginning. Freedom of speech will become a thing of the past. It's the first step to a totalitarian society where censorship is the norm'. *Number_Eight* agreed, arguing that,

Increasingly, a 'free' Scotland begins to resemble a Gaelic-signposted road to ills and strife; a backwater where freedom is historic rather than contemporary, a land where obedience is prized and individuality is trampled on. Ironically, in a country where right-wing political influence barely registers, it is the snobs of the political left who are the engineers of oppression.

New York Bear had no expectation that Celtic fans would support Rangers fans but nevertheless noted that if this new bill was allowed to pass we would get even more Rangers fans and also now, Celtic fans, being arrested and that this did Rangers fans

no favours. 'Start by denying this legislation,' he concluded, 'and use it as a springboard to return free speech to football grounds'. Citing the famous poem about the cowardice of German intellectuals in the 20s and 30s, 'First they came for the communists and I didn't speak out....', *BlueNoseCaby* argued that, 'Sadly the one party state that is Scotland is the most dangerous form of governance, with no strong opposition and a lacklustre sleeping electorate, this can only lead to one thing, erosion of basic civil liberties'. Finally, *FishPakora* explained that he did not join in with banned Rangers songs, but thought that it should not be a criminal offence if others did. More generally he noted the importance of the idea of rights as absolute, explaining that,

I recently had an argument with a Celtic supporter on another forum, he was keen to promote the concept that freedom of speech comes with responsibilities. I find that to be something of a politically-correct cliché. It is not 'freedom' if it is constrained by 'responsibilities' defined by self-appointed or even elected arbiters of 'good'.

'Sectarian' Reaction?

About one in ten of the comments, often those who posted only once, would simply say 'f*** them'. This was aimed at Celtic in general and often specifically at the Green Brigade, who were both the main visible opponents of the Offensive Behaviour Bill, and the main group of Celtic fans who were 'hated' by some Rangers fans for their Irish Republicanism. This outright 'two fingers' towards Celtic was most clearly and most often expressed with reference to the issue of terrorism and to the singing of

songs by some Celtic fans in celebration of the IRA. Again about a tenth of the posts were of this nature. Using offensive and industrial language was more common amongst these posts. *Whos_the_dado* for example said, 'I would rather spend a weekend in a crack den with Aids ridden junkie whores than offer the Green Brigade any help'. *Girvan Loyal* summed up this attitude, stating, 'Well read it and weep you scummy bastards, you celebrate in the attacking of protestant and British values, you celebrate the death of British soldiers, you sing praise of proscribed terrorists, then cry victim when the heat is on'. Celtic songs were depicted as supporting 'child murderers'. *WWE* suggested a specific form of free speech, arguing that we could 'allow freedom of expression, whilst throwing into jail those who promoted proscribed terrorist organizations, sedation and treason'. To this end *Larkie_Deek* suggested the 'proposed sectarian bill' be dropped and instead, argued that, the authorities should use the 'anti-terrorist bill'.

In terms of issues associated with the idea of sectarianism, or at least with the historical divide between Rangers and Celtic, the issue of terrorism was by far the most often sighted reason for 'hating' Celtic. Religion was less of an issue although terms like Taig or Tim and Fenian were used, often as a term of abuse (approximately 15 percent of posts used one of these comments). Eighteen posts mentioned Protestantism, seven mentioned Catholics. *Replay*, again attacking what he/she saw as the hypocrisy of Celtic fans, called them 'bead-rattlers' who had 'opened a can of worms when they started all this shite and it has come back to well and truly bite them on the arse'. *Blackyboy*, questioned why criticisms or comments could not be made about the Catholic Church or the Pope, 'Is that not what the Protestant faith is about? Protesting against the RC Church?' A small number of comments also mentioned the

state funding of Catholic schools which they saw as 'sectarian', and as a form of employment discrimination.

Girvan Loyal argued that, 'This plastic parliament saw fit to join the attack on the hunt for a few taig votes, now, the taig threatens to turn on them for daring to shine the sectarian spotlight on them'. Here the issue of politics and who was to blame for the demonization of Rangers fans was raised, with *Girvan Loyal* believing that, 'For years these pricks have been relentless. Politicians, Media, The legal system, Councillors and the educated professors have queued up to attack our club, our history and our way of life'. *Deedle*, unlike many on the site, argued that the 'Green Brigade is largely an irrelevant', focusing more on the politicians who had introduced badly drafted laws and who now were introducing a law that, 'is so ambiguous that it could be argued to include just about anything anyone dislikes', this he argued was made even more problematic given that 'the police force are now politicised to a degree that would have been unimaginable before devolution'.

The blame for the policing of songs was, in the main, targeted at Celtic. However, UEFA was mentioned 32 times and was also attacked by a number of fans. *Livingston Loyal* for example argued that, 'The reason this bill is even being talked about is because of the Tims complaining about OUR songs to Uefa etc over the last 10 years'. *Hillheadbear* disagreed, blaming the politicians who had introduced the laws in Scotland, and the criminal justice system that interpreted these laws: 'None of this is down to UEFA'.

This led to *FishPakora* arguing that,

UEFA dictate what you can and cannot sing/chant just as much as any Scottish law. They do that as an unelected and unaccountable governing body. I would suggest they infringe on your rights much more than a Scottish politician. At least you can (in theory) get rid of the latter.

Discussion

The debate about free speech on the *Follow Follow* fan site was of interest, not only to look at the nature of the new division and anger amongst fans, but also to assess the levels of ‘old school’ sectarianism amongst Rangers fans. Looking at the question of a religious divide for example, there were a number of references to Taig or Tim, although this was still from a minority of fans. It is difficult to assess the extent to which this name calling was backed up by strong religious ideals or conviction that could illustrate a strong sense of division, distance or hatred. However, if this did exist there was little elaboration of it amongst these comments: Specific references to the differences between Protestants and Catholics for example, were mentioned in only a handful of posts. Rangers supporters tend to be Protestants and Celtic fans tend to be Catholics (although not necessarily in a practicing religious sense) but, in what is a largely secular society, religious ideals, beliefs or passions, did not appear to be animating the animosity between these football fans.

Earlier, it was suggested that the more significant divide amongst Celtic and Rangers fans, in recent decades, has not been religion, but politics, and specifically political divisions associated with Northern Ireland and the ‘troubles’. If the above postings are

reflective of the opinions of Rangers fans, this does indeed appear to be the case. Despite the fact that the 'war' in Ireland ended twenty years ago, there was a clear amount of anger and animosity felt towards Celtic fans and especially the Green Brigade, due to their pro-republican songs and banners. Twenty two of the 250 posts (approximately ten percent) mentioned terrorists. Many of these were insulting about Celtic and often opposed to free speech, demanding that IRA songs be criminalised. The language of these posts was more inflamed, emotional, and suggested a clear and deep hostility (by a minority of fans at least) towards opposition fans who celebrated 'child murderers'. For around ten percent of these Rangers fans the issue of IRA terrorism appeared, at least in part, to fuel the division between these fans.

By far the greatest level of animosity and anger generated by these Rangers fans towards their Celtic rivals was related to the criminalisation of Rangers fans' songs and the support that some Celtic fans, individuals and institutions had given to this criminalising process. The lack of trust towards Celtic fans animated these Rangers supporters who felt they had been 'stabbed in the back' by their rivals. More than the issue of terrorism and far more than the issue of religion, the greatest sense of a gulf between these fans was not something connected to historical tensions between 'different communities', but was something that had been constructed relatively recently by political and legal powers - by the anti-sectarian industry itself.

For a significant minority of these fans, free speech was something they supported. The possibility of uniting with Celtic was even seen as desirable by some, although few believed that Celtic fans would ever support this. Celtic and Celtic supporters were attacked for their role in criminalising football songs in Scotland. 'They are no

friends of freedom', argued *Number_8*, while *Blu14evr* said, 'They don't want "freedom for all" they want freedom for themselves to persecute others, THAT is the problem, particularly with the Groin Brigade'.

A significant problem with this development is that, especially with the passing of the Offensive Behaviour Act, the potential for fans to claim offence against their opponents could multiply. Mark Dingwall of the Rangers Supporters Trust made this very point at the Justice Committee discussion on the bill in the Scottish Parliament when he observed that everything was now up for grabs in terms of being offended. In a debate I helped organise, with academic John Kelly and Mark Dingwall, he argued that:

It's turned us, me, into a grass...What we're doing is handcuffing ourselves to Aberdeen fans and Celtic fans and saying if you find things we say offensive we are going to start complaining about you. People are literally sitting there with stop-watches and videoing games...you write to the match commander, you write to the police because that's the only way we see we can get out of this corner is to handcuff ourselves to other fans and pull them over the edge with us.

Another unintended consequence of this criminalising of football chants is that traditional sectarian hatreds can also be played out through finding offence in other fans' songs and behaviour. This was a concern raised by an editor of a Scottish broadsheet - that 'old fashioned bigots', would watch out at games, or trawl the internet, in search of offensive words, uttered by people they 'hate'. The new

Offensive Behaviour Bill, in this respect was giving a moral right to bigots to express their intolerance by being offended: 'The underlying assumption here is that the sensitivities of those who detest either Catholicism or Britain have to be respected. This Bill, whatever its intention, legitimises intolerance' (*Scotland on Sunday* 26th June 2011).

It has been argued here that sectarianism is not a growing problem in Scotland nor does it have a political or religious basis for becoming a problem. However, this does not mean that there are not bigoted individuals. The suggestion made here is that the offence legislation can in fact allow these individuals to use the new laws to have their 'enemy' arrested and possibly imprisoned.

Whether the individuals concerned are bigoted or not, the new institutionalised and legalised governing of language at football grounds appears to be encouraging claims of offence. Celtic fan and writer on football and sectarianism, Kevin Rooney, believes that in Scotland, being offended and reporting your fellow fan to the police has become institutionalised and is likely to become an increasing source of tension between fans, a new divide. Rooney notes for example that despite the significant decline in 'offensive' songs that he hears at Old Firm matches, fans have taken to 'more sinister methods of playing out their hostility towards rival teams'. As he explains, 'Now we have the situation where fans are using new media including YouTube, Twitter and Facebook to monitor the behaviour of rivals and expose every expression of sectarianism or 'offensive' remarks made'.^{x1} Rooney usefully notes that it is not only Celtic fans who have started to report Rangers fans to the police, but that

Rangers fans have also begun to contact the police about Celtic fans and also Celtic players and their manager, for offensive comments.^{xli}

Thoughts

In most substantial respects, this paper has argued that there are no significant differences in Scotland - in terms of a sectarian divide – between Catholics and Protestants, and consequently between Rangers and Celtic football fans. But that a new division is being constructed, not around political or religious ideals, but around the prism of tolerance and offensiveness.

One of the ideals of modern day tolerance is that we tolerate one another's differences. More particularly, this ideal of tolerance promotes the notion that these differences are only acceptable so long as they do not result in the offending of 'others'. If they do, it is increasingly the case that the law will be used to punish your 'intolerant' behaviour.

Through this prism of tolerance, Furedi argues, a more fragile form of cultural identity is encouraged, in this case in relation to the 'Scots-Irish' Celtic fans or the 'British-Loyalist' Rangers supporters.^{xlii} For Žižek this process is understood to be concretising identities, actually constructing and institutionalising differences that subsequently need to be managed.^{xliii}

In this paper the extent to which more rigid cultural identities are forming amongst some Rangers (and Celtic) fans has not been explored, but this is an important area to

address in future. However, it does appear to be the case that the divisive logic of tolerance policing has helped to stimulate a new division based on the policing of offence and what Rangers fans see as the claim of victimhood by Celtic supporters and Celtic Football Club. The extent to which Celtic as a club or as fans can be held responsible for this claiming of offence is debatable, and indeed some Rangers fans themselves recognised the wider role of politicians, football bodies, key individual ‘claimsmakers’ and the media in promoting the laws that have resulted in Rangers fans being arrested for singing certain songs. However, what must also be considered is the extent to which some Rangers fans are themselves adopting the framework, not of politics or religion, but of ‘offence’, to understand their own animosity towards Celtic fans.

On the one hand, a number of Rangers fans in this research defined Celtic supporters as ‘vicTims’ who complain, and subsequently defined themselves in opposition to those who claimed to be offended. However, a minority of Rangers fans, on various fan sites and on the discussion board examined above, talked about the offensive nature of Irish Republican songs. These posts were often the most intolerant, in terms of the use of language (describing Celtic fans as ‘filth’ and ‘scum’), and in their refusal to engage with anything ‘Celtic-minded’. There was also, in this vein, a sense of outrage expressed about Irish Republican songs sung by Celtic fans, something that was seen as the celebration not only of terrorists but of ‘child murderers’. In part this could be seen as simply a rhetorical put down, but it appears to be one that is modern and specific, relating more directly to an emotional sense of victimhood that gave these Rangers fans a sense of moral right and a special claim for sympathy and action by the authorities. This elevated sense of victimhood can equally be seen at Rangers

Football Club (and indeed across the UK) in the more therapeutic *empathy* for ‘Our Boys’, compared with what was once a *celebration* of the Armed Forces. This shift from a political and nationalistic support for the military into a more victim based identification with ‘Our Boys’, and opposition to those who sing about ‘child murderers’ is more likely to encourage a sense of hurt amongst sections of the Rangers fans who can now file their own complaints about the intolerance offensive Celtic fans.

Conclusion

A key issue to consider then is the impact of the state criminalising words and protecting people from offence. What may have started as a progressive desire to overcome divisions in society and reduce animosity between people has resulted in the opposite occurring. Old political or religiously based sectarianism may not be able to energise animosity between Old Firm fans, but through the anti-sectarian industry, two ‘sides’ have been created through the language of ‘respecting difference’. The subsequent criminalisation of words and the promotion of the idea of contacting the authorities when you are offended has resulted in the reanimated of a potentially serious division between some of these fans that goes way beyond football rivalry.

The new framework of governing through tolerance that developed in the 1990s is predicated upon the idea of tolerance meaning the protection of different peoples from offence. Within this context we can start to see how a new form of anti-sectarianism emerged when it did. A form of tolerance that was less about free speech related to politics or religious differences, than it was a form of therapeutic protection of

individuals and groups. It is no accident for example that the new ‘anti-sectarian’ law in Scotland is called the Offensive Behaviour Act – this is because being sectarian is now more centrally equated with being offensive. In a sense anti-sectarianism gets its moral authority today not from the fight against (political/religious) sectarianism as such, but rather as part of a ‘tolerant’ fight against offensiveness and the demand that you ‘respect difference’.

In terms of future research, while new laws are being introduced to regulate fan chants and behaviour, little is done to understand the depth of meaning of these words that are spoken at games. For a number of academics, especially Steve Bruce, the suggestion is that there is little depth of meaning to what appears on the surface to be sectarian behaviour at football games. If this is right what we are witnessing is not the criminalisation of bigots, but simply the arrest and at times the imprisonment, of generally young working class men, who are simply using offensive words.

One significant, if unintended consequence of the development of the ‘anti-sectarian industry’, and in particular the new laws to criminalise ‘sectarian behaviour’ at games, has been to create a new division amongst Old Firm football fans. More work is needed to assess the extent to which this ‘new sectarianism’ – this new animosity developed around offence taking and reporting rivals to the police - is developing amongst fans. With the new Offensive Behaviour Act now in place the capacity for Rangers fans to claim offence and get their Celtic rivals arrested has been established. If the arguments set out here are correct, this will be the new basis for divisions, anger and hatred to flourish amongst these fans.^{xliv}

Finally, at a basic level in terms of the law, there is a clear problem that for a significant number of these fans, the existing laws that criminalise words are seen as being entirely illegitimate. Further research is needed to assess whether this outlook reflects a wider view amongst Scottish people. If it does it raises questions and problems about the moral legitimacy of these laws.

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- ⁱ Jenson, *Fandom as Pathology*.
- ⁱⁱ Brick, 'Taking Offence', 158, 161.
- ⁱⁱⁱ Jacobs and Potter, *Hate Crimes*.
- ^{iv} Furedi, *On Tolerance*.
- ^v Flint, *Governing Sectarianism*.
- ^{vi} For example, see, Kelly, 'Sectarianism'. Also, Kelly, 'Challenging sectarianism'. Flint and Kelly, *Bigotry Football*. Also see Murray, *The Old Firm*. And Moorhouse, 'Consultation'.
- ^{vii} Old Firm is a term used to describe the two largest Glasgow football teams, Celtic and Rangers.
- ^{viii} Lavalette and Mooney, 'The Scottish state'.
- ^{ix} The concern of the author related to the question of tolerance and free speech developed via Mill, *On Liberty*, and Locke, *A Letter*.
- ^x See the Act at <http://www.legislation.gov.uk/asp/2012/1/contents/enacted>.
- ^{xi} See justice committee debate at http://news.bbc.co.uk/democracylive/hi/scotland/newsid_9582000/9582406.stm.
- ^{xii} Due to the fact that these events were organised on the same day I was only able to attend the event at Ibrox. The event organised by Celtic fans was attended by a group of Rangers supporters and a heated argument occurred about Celtic fans having supported the criminalisation of Rangers songs and chants.
- ^{xiii} Chevalier and Buckles, *SAS2*.
- ^{xiv} Mill, *On Liberty*.
- ^{xv} Furedi, *On Tolerance*.
- ^{xvi} Erickson, *Why tolerance*.
- ^{xvii} Goodall, 'Tackling Sectarianism'.
- ^{xviii} Bradley, 'Differences and Distinctiveness'.
- ^{xix} Bruce, 'Social divisions'. Also Bruce et al, *Sectarianism in Scotland*. And Bruce et al, 'Religious discrimination'.
- ^{xx} Devine, *Exploring the past*. And Devine, *To the Ends*.
- ^{xxi} Walls and Williams, 'Religious discrimination', 765.
- ^{xxii} McCrone, *Understanding Scotland*, 25.
- ^{xxiii} Bruce et al, *Sectarianism in Scotland*.
- ^{xxiv} Finn, 'Racism, Religion'.
- ^{xxv} Bradley, 'History and Memories'.
- ^{xxvi} Burdsey and Chappell, 'Soldiers, sashes'.
- ^{xxvii} Bradley, 'Ethnic and religious'.
- ^{xxviii} Ryan, *War and Peace*.
- ^{xxix} Geraghty, *The Irish*.
- ^{xxx} Devine, 'Sectarianism in death'. This idea of an 'anti-sectarian industry' was something that Tom Devine spelled out more fully at a public lecture on 5th March 2014 at the Gilmorehill Centre in Glasgow, as reported in the online *Glasgow Sociology* available at <http://www.glasgowsociology.com/eminant-scottish-history-professor-tom-devine-attacks-anti-sectarianism-industry-and-calls-for-qualitative-research-to-inform-policy/>. Accessed 2nd September 2014. Written by Paul Goldie, the review of Devine's speech notes that, 'Tom Devine now proclaims his focus will be on the 'anti-sectarian industry' which he feels is receiving large sums of government money without any evidence to justify its very existence'.
- ^{xxxi} Best, *How Claims Spread*.
- ^{xxxii} This Lexis Nexis search was carried out on 12th September 2014. The Herald, Daily Record and Sunday Mail are Glasgow based newspapers. The Scotsman is the national daily printed in Edinburgh.
- ^{xxxiii} It was noticeable that during the promotion of the Offensive Behaviour at Football Bill, a flagship piece of legislation for the Scottish National Party government, there was no attempt by the police or politicians supporting this legislation to suggest that violence at football matches had increased. Some attempt was made to highlight the rise of 'religious hate crime' but as Devine has noted above this was a relatively insignificant number, and as **** has noted (2011: p11) almost half of these 'hate crimes' were incidents involving the police themselves, and only a fraction of these crime involved violence. Indeed, even the notorious 'Game of Shame' between Celtic and Rangers, that helped boost the argument for new legislation in 2011, involved antics by players and managers not by fans (***) p12)
- ^{xxxiv} Flint, 'Governing Sectarianism'.
- ^{xxxv} See ****. 38 and 51.
- ^{xxxvi} Some Celtic fans had been arrested for singing IRA songs, but if they were contested in court, the case was almost invariably dropped.

^{xxxvii} See <http://takealiberty.blogspot.co.uk/2011/09/celtic-and-rangers-must-unite-to-beat.html>.

^{xxxviii} Occasional grammatical errors, or loose 'text talk' grammar, like the omission of capital letters, have been changed for ease of reading, but in the main the statements are represented as they appeared.

^{xxxix} Murthy, *Twitter*.

^{xl} See <http://www.spiked-online.com/newsite/article/10448#.VBHOc8KwIqc>. Accessed 11/09/14.

^{xli} Available at <http://www.spiked-online.com/index.php/site/article/10448/>

^{xlii} Furedi, *On Tolerance*.

^{xliii} Žižek, 'Tolerance as an Ideological Category'.

^{xliv} For a discussion about the impact of 'hate crime' legislation in the USA see Jacobs and Potter, *Hate Crime*.