



McBride, Maureen (2013) *Can new legislation really succeed in wiping out the sectarian problem in Scotland? Analysing the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2011 from the perspectives of key stakeholders.* [MRes]

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‘Can new legislation really succeed in wiping out the sectarian problem in Scotland? Analysing the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2011 from the perspectives of key stakeholders’.

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Chapter One

Introduction – The ‘Problem’ of Sectarianism in Contemporary Scotland

1.1 Context of the Study

Sectarianism has become an increasingly topical subject in Scotland over the past few years, with the police politicians and media commentators decrying supposedly sectarian behaviour as the ‘scourge’¹ of Scottish society and seeking to implement new ways to tackle the problem. The most high profile strategy thus far has been to introduce specific anti-sectarian legislation into the criminal code in relation to behaviour at football, as opposed to focusing on education or raising public awareness through other means. Whether this development can impact positively on the rates of sectarian-related crimes and behaviours remains to be seen and is the subject of much debate. In Scotland, sport is one of the key cultural sites where political, national and ethno-religious identities are played out, and sectarianism is often conflated with football-related disorder. Consequently, it has been argued that football supporters are made ‘scapegoats’ for a wider social problem (Bradley 2006).

A particularly important part of the current debate centres on the definition and interpretation of sectarianism. The Scottish Government was unable to decide on a definition and as a result the implementation of the Offensive Behaviour at Football and Threatening Communications (OBTC) legislation relies heavily on the individual interpretation of police officers, procurator fiscals and judges. Of course, all laws are open to judicial interpretation to some extent, but the lack of clarity around what may or may not constitute offensive or sectarian behaviour makes this more of an issue. Recent incidents highlighted in the media emphasise the tensions involved in this process, with judges dismissing cases brought under the new law as a result of differing opinions on whether certain acts can be deemed sectarian². This throws up questions of legitimacy and credibility of the Act, and has contributed to a growing sense among some football supporters that they are being unfairly targeted

¹ Roseanna Cunningham, Scottish Government Community Safety Minister, claimed that sectarianism is the ‘scourge’ of Scottish society and this choice of language is regularly replicated in media coverage

² In April 2013 a case brought to court under the OBTC Act resulted in a Celtic supporter being found not guilty of singing a song supposedly glorifying a terrorist organisation. Referring to the legislation, Sheriff Davidson added: "Somehow the word 'mince' comes to mind."

and ‘criminalised’. Seen in the wider context of increasing regulation within society (Dixon and Gadd 2006, Waiton 2012) and a tougher approach to hate crimes, legislating against what is considered to be unacceptable behaviour raises questions around freedom of speech and expression. Although it is too crude to claim that football is a ‘working class game’, particularly given the cost of season tickets, the legislation does raise questions around class. Indeed, one commentator suggests that football supporters tend to be “poorer, less educated and exist within a cycle of violence and deprivation. As such, they will always be easy targets for the detached, affluent, political intelligentsia who purport to act in their best interests” (Kevin McKenna, *The Observer*, 18th December 2011). Parliament’s decision to target this new legislation solely at football supporters has been contentious. Critics have questioned why the law is not extended to all sporting events where there are large crowds, and suggested that this is a sign of a class-based legal system in which the educated middle classes attending rugby matches or other sporting events are not subject to the same scrutiny as football supporters, who are more likely to come from a working class background. As such, questions of inequality and class must be central to any analysis. It is important to note that the content of the OBTC Act does not specifically mention sectarianism, although the government’s rhetoric when discussing the legislation, particularly when it was at bill stage, makes it clear that the focus is on tackling sectarian-related behaviour at football. The reasons for, and the consequences of, this lack of clarity will be explored throughout this study.

1.2 Objective of Research

There is a dearth of studies on the issue of sectarianism in Scotland, as compared to, for example, racism and gender discrimination. This dissertation will go some to filling that gap. Given that the OBTC Act came into force less than eighteen months ago, this study is among the first pieces of research to consider football-related disorder and sectarian behaviour in relation to the new legislation. The aims of the study are as follows:

- To analyse the new legislation by considering the motivations for its introduction it, what it specifically introduces that did not exist in previous legislation, and issues around implementation.
- To explore how the Act may affect the work of the criminal justice system when dealing with issues such as football-related disorder, sectarian behaviour and hate crime
- To assess the argument that the introduction of the new legislation, and the ways in which it has been enforced thus far, could be considered the ‘criminalisation’ of football supporters in Scotland
- To explore wider social issues such as the role of the state in regulating society
- To consider issues of class and inequality within this framework

It was felt that a qualitative approach would be most useful in terms of unearthing views and experiences of the legislation and sectarianism in general. As such, qualitative semi-structured interviews were carried out with eight key stakeholders.

1.3 Layout of the dissertation

The current chapter, Chapter One, has introduced the thinking behind and overall aims of the study. Chapter Two examines the existing literature relating to the project. This literature is described under the following headings: Can sectarianism be defined?; Sectarianism in Scotland – background; Is sectarianism still a problem in contemporary Scotland?; Criminalisation of football supporters and Existing analysis of the legislation. The chapter demonstrates that there is a lack of consensus on the definition of sectarianism and whether it can be considered a problem in contemporary Scotland. It also shows that the OBTC legislation has provoked a great deal of debate, much of it critical, and raised questions about wider issues such as the criminalisation of football supporters and other social issues. Chapter Four discusses the methodological approach in more detail, including the fieldwork process and analysis. Chapter Five then focuses on data derived from the interview, interspersing the views and experiences of the respondents with comparators from the literature described in Chapter 2. The chapter looks at the key themes identified in the interview data and explores the interviewees’

perceptions of the new legislation and the wider issues of sectarianism, identity, the criminalisation of football supporters and the role of the state in an increasingly regulated society. Chapter Six, the concluding chapter, presents an explicit statement of the overall thesis, recording all the arguments and supporting illustrations. By doing so, it illustrates the contribution to knowledge that is being made.

Chapter Two

Literature Review

2.1 Introduction

This chapter reviews the academic literature on sectarianism in Scotland, examining the various arguments which reflect a lack of consensus on whether or not sectarianism remains a problem in twenty-first century Scotland. It also considers the existing literature on the new OBTC legislation and wider perspectives on the apparent attempt to criminalise football supporters. This chapter argues that there is evidence to support the argument that football fans are being unfairly targeted because particular expressions of identity at football matches are regarded as sectarian and therefore deemed at odds with the ‘values’ of Scottish society.

2.2 Can Sectarianism be defined?

Various stakeholders have criticised the Offensive Behaviour and Threatening Communications Act because it does not define sectarianism or clarify what might be considered sectarian behaviour. That said, there is similar disagreement among scholars on how the phenomenon can be defined, with some suggesting that the use of the term itself is problematic. Gerry Finn argues that “‘sectarianism’ is capable of so many interpretations as to be unhelpful” (2003: 904) and Graham Walker echoes this sentiment by stating it “is doubtless an over-used and too casually used concept” (2001: 53). In Scotland, it is generally understood to be religious sectarianism relating to tensions between Catholics and Protestants (Skeide, 2010: 28). Steve Bruce suggests that sectarianism can be characterised as “a widespread and shared culture of improperly treating people in terms of their religion” (2004: 4). Coreen Walsh attempts to define the origins of sectarianism in a recent study and argues it can be

described as “a system of attitudes, actions, beliefs and structures – at personal, communal, and institutional levels – which always involves religion, and typically involves a negative mixing of religion and politics” (2009: 14). Yet this definition is surely lacking: as ‘sectarianism’ increases, so institutional religious adherence (including church attendance) decreases. According to Finn, “the complexity of religious labelling means that it is too limiting to restrict the analysis of sectarianism to religion alone” (2008: 4). Rosie and McCrone (2000) question what is meant by ‘Catholic’ within a Scottish context. They note that there are various elements associated with Catholicism, including specific doctrinal beliefs, religious practice, schools, culture or politics – for example a belief in the legitimacy of a united Ireland (p.200). Of course, ‘Protestant’ is also a complex term, with varying traditions within the different Protestant denominations, but the ambiguity over what ‘Catholic’ means in terms of the current debates on sectarianism is particularly important. This is largely because Catholics in Scotland, particularly Irish Catholics, have traditionally been the victims of religious-based discrimination (Finn 2000, Bradley 2006); however as this thesis will show, this discrimination has been about more than just religion, with ethnic, cultural and other social factors coming into play. Moreover, McKerrell (2012) points out that the differences between the Catholic and different Protestant traditions – for example the role of the Church itself, the Papacy, transubstantiation, the individual relationship with God – rarely if ever enter the debates on sectarianism. This suggests that a particular view of sectarianism which is defined as being about Roman Catholics and Protestants, is somewhat lacking.

It is also insufficient to point to a ‘clash’ between Protestants and Catholics in Scotland because this neglects the specific historical relations between the two religions, particularly mistreatment towards the Irish Catholic immigrant community. Finn argues that this popular definition of sectarianism:

“avoids any identification of causality, neglects any analysis of social and political power within Scotland and implies equal culpability for prejudice between majority and minority communities” (1990: 5-6).

In short, it is not enough to define the problem as simply religious, nor is it sufficient to deem both sides 'equal', because this ignores the historical patterns of inequality and oppression in Scotland and Ireland. Moreover, much of the political and media discussion of sectarian behaviour among Scottish football fans often focuses on their expression of 'Irish' identities, what Walker calls "a popular culture of the Irish Question" (2001: 53). Such identities may be somewhat rooted in religion, but there are undoubtedly political, racial, cultural and social factors at play. Indeed, Finn suggests that use of the term 'sectarian' to explain away certain behaviours is geared towards helping:

"retain the myth of Scotland as a democratic and egalitarian society, free from the stain of racism. Much that is claimed to be sectarianism is better described as anti-Irish racism" (1990: 5-6).

Joseph Bradley points out that "the words "Catholic" and "Irish" are essentially interchangeable in the West of Scotland" (2008: 98), further complicating any attempt to define sectarianism in relation to Scotland. The centrality of Irish identity to the concept of sectarianism is emphasised by Kelly, who argues that that for some, "having a stated position on Irish politics....is sufficient condition to be labelled sectarian" (2010: 2). This all leads to what he terms "an apolitical and culturally naïve version of sectarianism" (3). There is no doubt that the lack of consensus on what sectarianism means will impact upon the current debates on sectarianism and ultimately influence the effectiveness of the new legislation. This is particularly salient given that examples of cases brought under the OBTC Act thus far are often for expressions of what could be called 'political sectarianism', support for extreme political groups such as the IRA, UVF or Palestinian Liberation Organisation.

2.3 Sectarianism in Scotland – background

Religious animosity in Scotland can be traced back as far as the sixteenth century, but most accounts focus on the period from the 1840s onward, when mass immigration of Irish Catholics resulted in tensions with the native Scottish (predominately Protestant) population. There was a significant Irish population before then and an anti-catholic narrative running throughout the eighteenth-century, however the nature of this narrative was changed with larger-scale immigration of Irish Catholics,

who it has been contended were generally located in ‘segregated villages’, mostly around the central belt (Devine 2000: 101). Until relatively late in the twentieth-century, Catholics from Irish backgrounds suffered discrimination in the economic, political and social spheres as well as being disproportionately victims of religious-motivated violence (MacMillan 2000, Walls and Williams 2003). It is important to note that not all Irish immigrants were Catholic and Scotland had an indigenous Catholic population. However, as previously noted, the terms ‘Irish’ and ‘Catholic’ became interchangeable. Criticisms of Irish Catholics were often racial in nature, with one report commenting that “In immigration-era Scotland, the Catholic religion was racialised” (Nil by Mouth Report, 2005: 31). According to Kidd (2003), the arrival of Irish Celts, at a time of ‘obsession’ with racial classification, was regarded in some quarters as a threat to the native Scottish ‘race’. In this respect, “racialism added a gloss of scientific respectability to nativist and sectarian opposition to Irish Catholic immigration” (883). This feeds into Finn’s argument about the interlinking of sectarianism and anti-Irish racism. Religious discrimination against and stereotyping of Irish Catholic immigrants became a common feature of Scottish society, particularly in the West of Scotland.

The anti-Catholic discrimination that permeated Scottish society for many years has arguably contributed to the development of a particular ‘outsider’ identity amongst the immigrant community, posited against the dominant Scottish Protestant identity. Indeed, Colley (1996) argues that British national identity was anchored to an “uncompromising Protestantism” by defining itself against the Catholic ‘other’ (18). The role played by Scotland in historical events such as the colonisation of Ireland further complicates the sense of identity amongst the Irish diaspora (Bradley, 2006: 1192). This historical context is crucial; it contextualises the sectarian problem within a specific system of social relations, illustrating how this may affect many people’s sense of identity in contemporary Scotland. However, politicians and other public figures that rush to label and condemn certain behaviours as ‘sectarian’ largely overlook this. The failure to consider historical factors has three important consequences, all closely linked. Firstly, it leads to the implication that in terms of discrimination and expressions of identity, both sides are ‘equally bad’, whilst in fact, if one examines the underlying forms, Irish Catholic descendants have generally been the victims of such

discrimination. Secondly, it somewhat de-legitimises the ‘Irishness’ of many ‘Scots-Irish’ (including Irish Protestants), and their right to consider themselves “in some way Irish and not “typically” Scottish” (Bradley 2008: 101). Thirdly, a lack of historical context throws up confusion around what can be considered a ‘sectarian’ act. There is a general tendency to throw together various expressions of identity such as songs, flags and other symbols as examples of sectarianism, without a proper examination of the historical context involved. This will be discussed further in the following section which looks at how sectarianism is played out in contemporary Scotland, particularly within the realm of sport. The historical relations between Celtic and Rangers football clubs are inextricably linked to the religious, socio-economic and racial tensions resulting from reaction to the immigration of Irish Catholics to Scotland. However, there is little consensus on whether this is a genuine problem warranting specific legislative intervention.

2.4 Is sectarianism still a problem in contemporary Scotland?

Towards the end of the twentieth-century there was a general consensus that anti-Catholic discrimination was a ‘thing of the past’, with intermarriage between Catholics and Protestants now commonplace and various studies suggesting equality in terms of employment and educational prospects (Bruce 2006). According to Devine (2000), the economic context of the 1980s onwards helped to redress the problems of inequality, as privatisation and market trends meant that senior management was often not of Scottish origin, therefore having far less interest in what school prospective employees came from, or pursuing anti-Catholic policies. Scholars such as Steve Bruce argue that the renewed attention on sectarianism in Scotland sparked by James MacMillan’s 1999 lecture on anti-Catholic bigotry (and the subsequent publication of *Scotland’s Shame*) served only to mislead the public about a problem that no longer really existed. High-profile incidents such as the murder of teenager Mark Scott ³ were regarded as isolated incidents carried out by individuals whose bigoted motivations and attitudes were not reflective of the vast majority of Scottish people. However, in 2011 the problem was deemed serious enough to warrant specific attention from the criminal

³ Mark Scott was a young Celtic fan murdered in 1995 in a sectarian-fuelled attack by Jason Campbell, a UVF-supporting Rangers fan, because he was wearing a Celtic top on the way home from a football match

justice sphere. Various events contributed to the decision by the Scottish Government to introduce legislation directly targeting supposed sectarian-related behaviour, including the infamous ‘Shame Game’ between Celtic and Rangers in March 2011, the attack on Celtic manager Neil Lennon by a Hearts supporter during a match and, most notably, the fact that various high-profile Catholic figures closely associated with Celtic Football Club received death threats, bullets and parcel bombs. Such incidents questioned the credibility of the argument that there is no problem of sectarianism in Scotland, although whether or not it is confined to a fringe element is less clear.

The majority of empirical based research and statistics available suggests that sectarianism, specifically anti-Catholicism, is merely a historical issue which has little relevance in contemporary Scotland - a so-called ‘sectarian myth’ (Bruce 2004). Why, then, did the Scottish Government call an emergency summit and attempt to rush through as a priority legislation tackling this issue, after a few years of little notable policy interest from the SNP in the area? Much of this has to do with the fact that despite the arguments outlined above, there is still a perception in contemporary Scotland that sectarianism is indeed a pressing social problem. And there is some evidence to support this claim. In a small qualitative study of discrimination in the workplace in Glasgow, Finn, Uygur and Johnson (2008) found that religious discrimination was still a factor in twenty-first-century Scotland. Drawing on six focus groups with younger workers (aged 26 years and under) and Primary Education undergraduates and interviews with trade union officials, the study revealed that anti-Catholic attitudes persist in some areas, albeit in a subtler, ‘underground’ form than the direct discrimination of past decades. While this study was small, and its findings therefore not generalizable, it does offer relatively recent evidence of sectarian discrimination in Scotland. As part of a larger study of disadvantage among those of Irish descent in Britain, Walls and Williams (2003) conducted 72 in-depth interviews with Protestants and Catholics in two areas in Glasgow. Seven of the 39 Catholic respondents reported personal experience of discrimination at work. Furthermore, economic disparity between Catholics and non-Catholics was a reality until relatively recently, and Walls and Williams highlight the fact that the majority of Catholics over the age of fifty in the West of Scotland “have lived their lives at an economic disadvantage, probably now irreversible” (2003: 765). Devine notes

that this has been changing rapidly over the last two decades. In 2001, Catholics were still more likely than Protestants to work in lower status jobs. Older Catholics, aged 55+, are behind their Protestant counterparts and have higher than average levels of long-term sickness and disability, but among those between 18 and 34 the gap has closed dramatically. Devine's analysis also states that Catholics are no longer under-represented among Scotland's managers, senior officials and professionals. (2008: 202-203). Yet it is only by taking into account this wider social and historical context that we might begin to arrive at an understanding of the situation today, including any lingering effects of historic discrimination.

While much of the literature does indeed highlight a negative legacy, it rarely has manifested itself in the form of violence. Holligan and Deuchar's (2009) qualitative study of fifty young people in Glasgow aged 16-18 years suggests that there is not a direct link between sectarianism and violence. Their study does provide evidence to support the continuing problem of sectarianism, for instance through the normalisation of sectarian language and humour and the role of older male family members, suggesting that even if sectarian-related violence is rare, sectarianism does appear to form part of the West of Scotland masculine identity, as does territorial violence. Clayton (2005) argues that sectarian attitudes and behaviours are generally only identified at football matches, suggesting that the problem is limited to a form of 'football sectarianism' as opposed to a serious social problem, which is in keeping with Bruce et al's (2004) argument of 'tribalism' or what is also sometimes referred to as '90 minute sectarianism'.

Rosie and McCrone (2000) make an important distinction between sectarianism and discrimination, stating that the latter is far easier to measure because it is "behavioural" whereas sectarianism "occupies a much more shadowy corner: it's about attitudes and prejudices" (p. 200). Similarly, McKerrell (2012) argues that "the key context for understanding sectarianism is not statistical, structural or societal; the key context where sectarian actors have their most significant agency is cultural" (370). In this view, statistical analyses have an important role to play, but they "do not offer insights into *how sectarianism means*" – essentially, it may be possible to identify and measure how many sectarian-related incidents take place but says nothing about the level of sectarian attitudes or

motivations behind them. A study on hate crime legislation raises questions around whether it is safe to treat the use of racist language or symbols as “conclusive evidence the of racial (or religious) ‘hostility’ required by section 28 (of the Crime and Disorder Act 1998) when its use is viewed from the *subjective* position of an offender who has assimilated and articulated attitudes prevalent in his or her community” (Dixon and Gadd 2006: 312). It is crucial to question whether those accused of sectarian behaviour or offences understand the meaning (which itself is contested) behind particular words, symbols or slogans used, and if these are reflective of hardened sectarian attitudes. As has been seen, central to the criticisms of the new legislation is the fact that the Scottish Government failed to agree upon a clear definition of sectarianism and therefore what may be deemed a sectarian act. As a result, the first year of the legislation saw various instances of sheriffs dismissing cases because of the difficulty in establishing whether or not certain behaviours could be considered sectarian.

Much of this uncertainty could be attributed to debates around what can be considered ‘acceptable’ identities. The ‘Irish question’ is central to the identity of many Scots, and the role of Scotland in Irish history and politics – including colonisation, the Great Famine and more recently during the ‘Troubles’ with the presence of British Army in Northern Ireland – adds a further dimension to the question of identity. Bradley (2006) suggests that for the Irish diaspora in Scotland this has resulted in the development of an ‘outsider’ identity. Walker (2012) suggests that “there needs to be due awareness of the emotional support that a slice of the Protestant community in Scotland lends to the Unionists/Loyalists of Ulster, and of the continuing commitment to the goal of a 32 County Ireland that is central to the Celtic supporters’ culture” (376). Notwithstanding the conflation of Nationalist and Republican tendencies with Celtic supporters, this is an important point about the political nature of sectarianism which is often neglected. Political context is crucial, particularly in relation to the upcoming referendum on Scottish independence as the way in which the government deals with the supposed sectarian problem will impact on the type of ‘Scotland’ it envisages post-independence. This is because the SNP have stated that they want Scotland to be a progressive, self-sufficient country that displays inclusiveness and tolerance. However, there is a risk that the chosen methods

may result in the alienation of some sections of society. Walker also alludes to the importance of class when considering the nature of sectarianism. He argues that traditionally in Scotland (particularly in the west) Labour attracted the bulk of working class voters, including those from an Irish Catholic background, and as such “held the respective Orange and Green passions in check” (377). Devolution and the subsequent rise of the Scottish National Party changed the political landscape dramatically, and as such a space was created for the development of these identities. The fact that Labour remains essentially a unionist party and the nationalist tendencies of many Irish Catholic immigrants does not always translate to support for Scottish nationalism, further highlights the complexity of political identity. The Scottish National Party’s response to growing ‘Orange’ and ‘Green’ identities and cultures when expressed through football has been to delegitimise them, as these are not in keeping with what they regard as appropriate ‘Scottish’ values and behaviours. Consequently, the ‘celebration’ of these identities in particular ways – through symbols, flags and songs – are regarded as offensive and criminalised through the new legislation.

2.5 Criminalisation of football supporters

Sport, particularly football, can play an important role in the construction of social identities. Identifying with a specific team can help to develop a sense of shared identity with one particular group; with fellow supporters defining themselves collectively in terms of what they are (Giulianotti and Armstrong, 2001: 267). This does not necessarily have negative connotations; however it is often the case in sports that this shared identity is differentiated from the ‘other’, as “people define themselves through understandings of what they are not” (ibid: 267). In this sense sport can “reflect social tension and cleavages” (Bradley, 2008: 96) and become an arena in which tensions are played out, either through violence or symbolic expressions of identity such as certain flags or songs. According to MacClancy, this understanding and classification can be achieved either “latitudinally or hierarchically” (1996: 2), lending weight to the argument that significant power relations are at play between ‘those at the top’ and the somewhat marginalised football supporters.

The Scottish Government's attempts at tackling what it perceives as unacceptable conduct amongst football supporters can be viewed in the wider political context in the UK, as at present there seems to be a growing tendency towards developing and refining laws to deal with what are considered 'hateful' words or behaviours. Waiton (2012) cites as an example the fact that the Public Order Act of 1986 is being used more flexibly against extremist groups, with serious repercussions for free speech. The Scottish Government also introduced specific 'hate crime' legislation in recent years through the Offences (Aggravation by Prejudice) (Scotland) Act 2009. According to Waiton, the introduction of the Racial and Religious Hatred Act (2006) and the Terrorism Act (2006) has meant that "the connection between words and actual violence has been collapsed further" (61). The same concerns can be applied to the new Offensive Behaviour at Football legislation, as a strong focus is on controlling what kind of language can be used – for example banning songs celebrating extreme political groups such as the IRA or UVF. The notion of criminalising speech, which also includes the policing of social media posts for distasteful comments, is concerning to many critics. Within this framework it is also useful to consider the emphasis on 'political sectarianism', which seems to be a key focus of the new legislation. As Waiton points out, this was "rarely if ever" mentioned by politicians when they were introducing the legislation (47), and therefore throws up questions about whether the government could be seen to be misleading the public about the true objectives of the legislation, because to admit to targeting political expression raises broader questions about human rights. It is far easier to justify such measures when they are apparently pursuing a group that is routinely vilified.

Many opponents of the new legislation argue it is an attempt to criminalise football supporters, a group that is often made an 'easy target' for politicians and the media, and which has become subject to increasingly authoritarian measures since the 1970s. This trend is not unique to Scotland. Waiton (2012) cites the example of the Hillsborough disaster to illustrate the ways in which elite views of football supporters as an 'underclass' have been perpetuated by the (particularly tabloid) media, helping to mobilise support for new laws designed to control a group that has been "separated and labelled as different" (20). The 1970s and 1980s saw a sense of 'moral panic' over supposed

football hooligans, developing within the wider social and political context of the Conservative Government targeting ‘deviants’ such as youth gangs, trade unions and the infamous case of ‘black muggers’ in London (Hall et al, 1979), culminating in the Public Order Act (1986). Such legislation was designed to control behaviour which was seen as being at odds with the ‘values’ of the dominant social group. Some scholars suggest that this period saw the development of an increasingly marginalised white working class (Webster 2008, Treadwell and Garland 2011) whose values and behaviours were often derided. Increased regulation of football supporters continued under New Labour, a period in which using legislation to tackle perceived social problems became common policy. However Waiton notes that the end of the 20th century saw a shift away from the previous ‘policing the crowd’ approach towards controlling other types of behaviour including offensive banners and songs. The Offensive Behaviour at Football Act is an example of the trend towards criminalising what is offensive, which of course is subjective as what one person finds offensive may not have been intended that way or may be perceived very differently by another individual. This raises serious questions about what constitutes an act of ‘offensive behaviour’, a decision which has been left to the discretion of police and sheriffs with apparently little guidance.

2.6 Existing analysis of the legalisation

Many critics suggest that the new legislation has been politically motivated, a move away from how ‘troublesome’ football supporters were previously dealt with. According to Hamilton-Smith and Hopkins (2012), the Football Banning legislation (FBOs) which existed in Scotland before the new Act “[was] markedly free of political interference, with professionals being left to use the available legislation as they saw fit” (14). It has also been contended that the Offensive Behaviour at Football and Threatening Communications Act does not introduce anything that was not already covered by existing legislation, including Breach of the Peace. Therefore, there is much to suggest that the decision to bring in this law was politically motivated, influenced by increased media coverage and upcoming parliamentary elections and a need to be seen to be ‘doing something’. The fact that there was an attempt to rush through a hastily-drafted version of the legislation through emergency legislation procedures supports this argument. The level of criticism from various quarters did lead to

a more consultative process, and the Scottish Government was forced to take into account analysis from legal experts and other key stakeholders before the Bill was passed, but the extent to which this advice was sought from all appropriate corners and sufficiently considered is debatable. Key stakeholders were asked to submit evidence outlining their concerns to the Justice Committee in 2011, and the report highlights the general fears about the legitimacy and feasibility of the proposed legislation (Scottish Parliament Report on the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill at Stage 2). The main criticisms centre on concerns over freedom of speech, a lack of definition of ‘offensive behaviour’, the absence of sectarianism from the content despite it dominating the discussions, and whether or not there was a gap in existing legislation which would justify the introduction of the Act. Many scholars contend that the Bill does not justify the insufficiency of the existing legislation, raising questions of whether the problem was with a lack of enforcement of the existing legislation. If that is the case, further legislation would arguably complicate rather than alleviate the problem. Evidence submitted to the Justice Committee of the Scottish Parliament for its Stage Two report highlights problems with the lack of a clear definition:

“even if no prosecution was proceeded with, the fact is that having such a broadly defined offence on the statute book will exert a chilling effect on freedom of speech, with individuals indulging in self-censorship and/or harbour an unwillingness to publicly express their true religious beliefs for fear of running foul of the law” (Scottish Parliament Report on the OBTC Act, paragraph 225).

The potential impact upon freedom of expression/thought/speech is concerning, and was therefore one of the key themes used to guide the interview discussions.

2.7 Conclusion

The available literature gives a useful grounding on the issue of sectarianism in Scotland and the initial findings regarding the new legislation. It supports the argument that sectarianism still exists in Scottish society in various forms; therefore the frequent conflation of sectarian behaviour with

football is ambiguous and leads to an unfair criminalisation and of football supporters who are made scapegoats for a wider social problem.

Chapter 3

Methodology

3.1 Introduction

The main empirical data on which the dissertation is based are eight interviews with key stakeholders: two academics, an anti-sectarianism worker, two MSPs, a representative from Police Scotland, a Senior Civil Servant at Scottish Government and a journalist. The following chapter describes the chosen research strategy, as well as the various theoretical and methodological issues arising from it.

3.2 Qualitative Methodology

As outlined in Chapter One, a qualitative approach was chosen as the basis of the thesis because the aim of the study was to gain an insight in to the views and experiences of key stakeholders regarding the new legislation. Quantitative methodologies may have been more effective if the objective was to establish the frequency with which the legislation has been used in the first year or so of its enactment, or to test other preconceived ideas. However the purpose of this research is to say something meaningful about the problem of sectarianism in contemporary Scotland in relation to this legislation. Qualitative methodology allows researchers to take a more flexible approach to data collection and to help understand a situation in context. Richards (2005) comments that “qualitative data are records of observation or interaction that are complex and contexted, and they are not easily reduced immediately (or, sometimes, ever) to numbers” (34). Within criminology, the qualitative tradition developed as a response to growing criticism of quantitative methods which were closely linked with

positivism and an increasing tendency amongst researchers to strive to explore the ways in which crime is socially constructed. Noaks and Wincup (2004) argue that using qualitative methods in criminological research is particularly useful by “elucidating the contexts in which offending takes place and the meanings attached to such behaviour” (p. 11). However, scholars such Silverman (2006) argue it is important not to over-emphasise the differences between qualitative and quantitative methods because each approach generally includes elements of the other, and mixed-methods studies are increasingly popular.

3.3 Interview Method

The benefits of using interviews as a form of data collection are well documented, and interviews have become the most popular research method. Among these is the detail of the data generated and the interactivity associated with interviews. According to Bryman (2008), qualitative interviewing has a stronger emphasis on finding out the interviewee’s point of view than quantitative interviews, as there is more opportunity for dialogue. Similarly, Olsen (2012) argues that the content of a semi-structured or unstructured interview is mutually constructed by the interviewer and interviewee, whereas in questionnaires or structured interviews the content is largely dictated by the person(s) constructing the interview schedule or questionnaire. Olsen suggests that interviews allow for the collection of rich data then analysis in context, “allowing these data to be the subject of further reflexive consideration” (p. 49). Likewise, Noaks and Wincup point out the advantage of face-to-face interviews when attempting to build rapport with participants, thereby encouraging them to open up and provide more detailed information. Of course, it is important to note that there are some criticisms of interviews as a research method, not least because the interpretation of data can result in ‘researcher bias’. The data collected through interviews can be messy, and the meaning of a word can change depending on who is speaking and who is listening. As Silverman points out, an important methodological issue is “whether interview responses are to be treated as giving direct access to ‘experience’ or as actively constructed ‘narratives’ involving activities which themselves demand analysis” (48). The importance of language in reflecting societal values and attitudes is discussed further in this chapter; particularly that an awareness of subjectivity in the analysis of interview data

helps to limit the problems associated with the interpretation of data. Reflexivity is extremely important in this sense.

3.4 Research Process

The research took the form of semi-structured interviews with eight individuals with different areas of interest relating to the legislation. The interviewees included two academics, both of whom have published on the Act/sectarian issues in Scotland; one anti-sectarianism worker; one journalist from a local newspaper; two MSPs; one representative from Police Scotland and a Senior Civil Servant at Scottish Government. The research would have benefitted, time and access permitting, from further interviews with sources such as judges, procurator fiscals and representatives from football clubs and fans' organisations. The first people approached were academics who had written papers/books on the topic of sectarianism and/or the new Act, and further contacts were established by speaking to such academics who recommended individuals within policy, practice and media fields. Prospective interviewees were approached initially via email and were selected using purposive 'snowball' sampling. There was no attempt to sample research participants on a random basis or generalise the findings to a population, so the fact that the sample was small does not impact on the quality of the research.

A thematic interview schedule was drawn up and used to help guide the interviews (see Appendix 1), which at initial testing were approximately 40 minutes long. However, the interviews themselves averaged around one hour in length, which is perhaps unsurprising given that participants were chosen based on the knowledge that they would have a significant level of interest in the discussion. The interviews were designed to be open-ended with probing and prompting but minimal interruption. Initial questions were developed on the basis that they would open up conversation on the issue of sectarianism in Scotland and help to illuminate the different perspectives on the initial impact of the new legislation. Ensuing themes were based on the existence and nature of sectarianism in Scotland, the ability of the legislation to tackle sectarian behaviour, the effectiveness of the OBTC Act thus far and the potential criminalisation of football supporters. However due to an inductive view of the

relationship between theory and practice, it was anticipated that these initial questions would lead to further areas that might not have been obvious when preparing the schedule. This more flexible approach allowed the interviewer to deviate from the set questions depending on how the conversation was going and give interviewees space to expand their answers and to discuss tangential issues.

The majority of interviews took place in person, at the workplace of the participant to make it as convenient as possible for them. Due to time and distance constraints, one telephone interview was undertaken, but the concerns often associated with telephone interviews did not apply as the interviewee was very expansive in his responses. Interviewees were asked in advance if they consented to the conversation being recorded, and assured that all data would remain confidential and anonymous. One participant requested that the interview was not recorded as he felt that his professional position may have been compromised if direct quotes were used. All other interviews were recorded and transcribed in full to allow for greater examination of exactly what each interviewee said compared with just taking notes.

3.5 Analysis of data

Once transcribed, the data was analysed using thematic analysis to identify key themes and patterns. Systematic critical discourse analysis (CDA) was not possible due to time constraints, but many of the key concepts of CDA were taken into account. Transcription took place after each interview as opposed to in bulk at the end of data collection, which improved the quality of the interviews as they progressed as different themes emerged from each interview that helped influence the approach of future interviews. Such ongoing analysis also fits into the grounded theory approach (Glaser and Strauss 1967), as the research sought to be inductive rather than deductive and had no specific preconceived hypothesis at the outset. Though explorative, the study did not fall into the category of purely inductive research which, for example, would present difficulties in selecting a sample and delay the literature review until much of the data had been collected (Charmaz 2006: 47). Such an approach was not feasible for this project, and so some themes were outlined at the beginning of the

research, which became more focused as the research progressed. Grounded theory emphasises the importance of coding as a method of analysis, as ‘conceptual labels’ are assigned to the data in order to identify different themes and patterns (Hodkinson 2008: 87). Specific categories were refined as the research progressed into a smaller number of broader concepts, while still trying to capture as much information as possible through reading and re-reading transcripts and interview notes.

The importance of language in the debates around sectarianism in general, and discussion relating to the new legislation, has been noted. Fairclough developed the connection between social structures and discourse, and argued that a critical analysis of texts can help us to identify how groups or individuals are represented and often stereotyped (Smith and Bell 2007: 82). The linkage between discourse and the norms and values inherent in social structures is further outlined by Hall, who comments that:

“We are born into a language, its codes and its meanings. Language is therefore...a social phenomenon. It cannot be an individual matter because we cannot make up the rules of language individually, for ourselves. Their source lies in society, in the culture, in our shared cultural codes, in the language system – not in nature or in the individual subject” (1997: 34).

This view supports the views of many critics of the new legislation who argue that the increased focus on the types of language which are regarded as ‘acceptable’ or ‘offensive’ is a worrying trend in contemporary Britain. Traditional discourse analysis considers how ideology might underpin the use of certain language – for example words that imply a “value judgement” (Philo, 2007: 188). Van Dijk (1992) goes beyond this by arguing that ideologies are often developed or employed in order to sustain or legitimate power relationships, and to promote the interests of a particular group. Despite the frequent use of the term ‘language’, critical discourse analysis is concerned with social problems, so the focus is not on the use of language *per se* but “the linguistic character of social and cultural processes and structures” (Richardson 2007: 26).

3.6 Ethical Issues

This research was carried out in accordance with the British Society of Criminology Code of Ethics. An assessment was made of the potential risks and benefits to participants, and it was established that the work posed minimal ethical risks whilst the contribution to the growing body of research on sectarianism was important. As the research participants were key stakeholders involved in the creation and/or implementation of the recent anti-sectarian legislation (as opposed to victims of sectarian crime or offenders charged under the new legislation, for example), the work did not deal with vulnerable people or particularly sensitive information. Informed consent was obtained as all participants were provided with a clear, jargon-free description of the study, objectives and uses of the data before asking to give their voluntary consent. All participants were told that they could withdraw from the research at any time or refuse to answer questions that would cause them discomfort (please see appendices 2 and 3 for the plain language statement and consent form). All participants were offered a limited guarantee of anonymity. The researcher could not provide a full guarantee of anonymity because other professionals in the field may be able to identify participants from the experiences and opinions espoused. However, participants' names or identifying details were not used in the final dissertation (or related outputs). Participants are only referred to by their role in their organisation (e.g. local councillor, police officer etc.). Participants were also assured of confidentiality, as only the named researcher will have access to the information provided. The only circumstances where we will pass on information provided by participants are if they tell us that they or someone else is at risk of harm. Participants were warned about this beforehand. Finally, the safety of the researcher and participants was ensured by arranging for interviews to be conducted in a private room at participants' place of work or at the university, during office hours when the building was occupied.

Chapter Four

Findings

4.1 Introduction

The aim of this research is to consider the views and experiences of key stakeholders regarding the new Offensive Behaviour at Football and Threatening Communications Act and ask whether the legislation can tackle the sectarian problem. It is a unique study given that the law came into force less than eighteen months ago. The legislation provides a useful lens through which to view more general views on issues such as disorder at football matches, the nature of sectarianism in Scotland and wider social concerns such as the role of the state in regulating behaviour. Thus, this section begins with a focus on the OBTC Act itself, including the motivations for its introduction and some of the problems around implementation, before considering the key themes from the interview data. An a priori approach meant that much of the discussion was based on themes set out in the interview guidelines; however there were a number of emerging themes from the data that have been analysed. Opinion was much divided on the definition and nature of sectarianism in Scotland, where to ‘draw the line’ in terms of expressions of identity and whether the implementation of the legislation in the first eighteen months reflects a process of ‘criminalising’ football supporters.

4.2 OBTC Act – comments and criticisms

As the interviewees were chosen based on their different links to the legislation – for example having a publicly-stated stance either in support or opposition to the Act, an involvement in drafting it or a major role in its implementation – it was unsurprising that there were a number of strong opinions regarding the motivations for introducing the legislation, the contents of the Act and issues around its implementation. The Civil Servant interviewed on behalf of the Scottish Government, the Police Scotland representative and the SNP MSP were most supportive of the legislation, an opposition MSP, the anti-sectarianism worker and one academic interviewee were strongly critical. The journalist and the other academic were largely neutral. Interestingly, when asked about the Scottish Government’s reasons for bringing in the new law, every interviewee used the phrase that they “had to be seen to be doing something”. However, there was a great deal of disagreement regarding what exactly it was that required ‘something to be done’. It was not clear whether it was sectarianism itself that required specific action or just general problems within football, or whether the SNP simply looking for a high profile issue through which they could show themselves as a strong party of government. Was a midweek Scottish cup game between Celtic and Rangers really the trigger for one of the most contentious pieces of legislation ever to be brought before parliament? Most interviewees felt that the aforementioned football match was a decisive factor, often called the ‘flashpoint’, although some respondents pointed to the fact that the clash between the two managers was in fact quite unremarkable, scenes replicated on a regular basis in England and across world football, particularly between ‘rival’ teams. One MSP referred to the incident as an “excuse” for the SNP to introduce legislation that would target Scottish football, and an anti-sectarianism worker interviewed claimed that it was “very overstated”. Much of this was to do with an unprecedented level of media coverage after the game, which may well have exaggerated the incident. The influence of the media is alluded to in comments from one interviewee, a MSP critical of the legislation:

“Most people heading home from that match that night didn’t think they had been at the Shame Game, they only discovered that the following morning when they discovered it in the paper” (interview with Opposition MSP)

At the same time as this relatively unexceptional football match, an ongoing campaign of hate towards certain high-profile Catholics in Scotland was also the subject of intense media focus. Neil Lennon, the Celtic manager, received death threats and, along with two Celtic players (also Catholics from Northern Ireland), bullets in the post. Attempts were also intercepted to send parcel bombs to Lennon, his QC Paul McBride and MSP Trish Godman (both high profile Celtic-supporting Catholics), as well as to Cairde na hÉireann, an Irish Republican group based in Glasgow. The Civil Servant interviewed on behalf of the Scottish Government stated that these events formed the ‘background’ for the introduction of the OBTC legislation, although he acknowledged that it was “not just a football issue”. However, this again raises questions regarding the conflation of football, republicanism, religion and politics. It is important to point out again that although the rhetoric around the OBTC Act was about sectarianism, it is not mentioned in the legislation, the focus instead being ‘offensive behaviour at football’, which is a much broader theme. Yet the sectarian attacks noted above were directed at individuals based on their respective religions, political and republican positions, as well as a possible link to a football club. Thus, although there is a link with football, legislation specifically targeting offensive behaviour in the context of football matches in the name of ‘tackling sectarianism’ makes little sense.

There was a general consensus amongst interviewees that the SNP had been seeking an issue through which it could demonstrate the ‘type’ of Scotland outlined by Alex Salmond in his 2011 acceptance speech. According to one MSP interviewed, Salmond “wants Scotland to feel it is a strong country, a proud country, that it can go forward to independence and support itself”. Salmond’s speech was also referred to by a Senior Civil Servant when asked about the motivations for introducing the legislation, who reiterated the notion that the government wanted the world to see Scotland as a progressive, tolerant society, within which there are certain behaviours that are acceptable and certain behaviours that are not. Indeed, Salmond specifically referred to his commitment to eradicating sectarianism:

“Sectarianism must stop, and it will: not because it is embarrassing to our national image - though it is. Nor that it is embarrassing to ourselves - though it is that too. But because it is a

pointless cause pursued by the pitiless. Such hatred - of the self, of others and of our society - shall end". (Alex Salmond, May 2011).

However, it was pointed out by several interviewees that this represented a significant policy u-turn, as sectarianism was certainly not a priority of the SNP government in the first four or five years; in fact, it was not even on the agenda. The anti-sectarianism worker interviewed pointed out that during that period there was less funding to support anti-sectarianism initiatives and it was rarely publicly discussed. There were very different perspectives on what provoked this relatively sudden turnaround, even accounting for the backdrop of the aforementioned incidents which were well-highlighted in the media. Aside from politicians liking to be seen to act on issues in general, it was contended that specific political motivations, including the run up to independence referendum and electoral cycle of the 2011 Scottish elections, influenced the decision to make this a policy priority. Those generally supportive of the OBTC Act (see below) pointed to issues such as the apparent ineffectiveness of the existing legislation, for example concerns that Breach of the Peace legislation had been 'watered down' in recent years. Some interviewees also pointed to pressure from other sources, for example the police looking for extra resources, as influencing policy agenda. Those critical of the legislation used terms such as 'political opportunism', a desire for 'headlines' and 'grandstanding' on the government's part. However there was a feeling from some respondents that both 'sides' put politics above sensible policy, with one of the interviewees, an academic, commenting that there was an element of 'grandstanding' from the opposition as well. Therefore, it is clear that a number of factors influenced the SNP government's decision to make tackling sectarianism a policy priority; however, as the subsequent discussion shows, the ability of the OBTC legislation to meet these objectives is less clear.

4.3 'Legislation won't win hearts and minds'

Following on from questions around why the legislation was introduced, interviewees were asked about their opinions on the extent to which legislation and the OBTC Act in particular could help to 'wipe out' the sectarian problem, a problem that all but one agreed still existed. Most were lukewarm

at best in their responses and even those in favour of or involved in the creation of the legislation stressed that it is only part of the solution, with education mentioned by everyone as a far more valuable strategy. The anti-sectarianism worker suggested that “the truth is it is the hearts and minds you have to win and you’re not necessarily going to win that through legislation”. Those interviewees hostile to the Act went further, with comments such as “a bad law is worse than no law at all”. The criticisms of the legislation were wide-ranging – it was generally felt that it is too broad and ambiguous, and perhaps ‘trying to do too much’. Unsurprisingly, the attempt to ‘rush through’ the Act was believed to have caused problems due to a lack of debate and scrutiny, especially over certain sections. This led to accusations that the law was ‘knee-jerk’ and ill-considered, which could backfire on the government and create serious problems with implementation. This was said to be the key reason for the well-publicised hostility from various corners including from sheriffs. Critics also argued that the wording of the legislation was “unfortunate”, particularly concerning the ambiguity of the word ‘offensive’. This is because ‘offensive’ is open to different meanings and interpretations, which raises concerns that the law could be used for minor offences, open to potential abuses of power from the police. It was argued that the law causes confusion, because football supporters are not clear on what they allowed to do, what songs they are allowed to sing and what banners with political slogans may result in them being arrested. Legislation is supposed to give greater clarity; therefore the fact that the law does not define what is offensive was a real source of concern to some interviewees, with one politician commenting:

“So they’ve brought in the legislation to show that they’re doing something, but they can’t actually say what it is that they’re trying to get at other than they don’t like football fans expressing opinions that some other people might consider to be offensive”

This also raises questions about the targeting of football supporters, a theme that is explored further later in the discussion.

As noted in the literature review, one of the main criticisms of the OBTC Act is that it did not introduce anything which did not already exist under current legislation. Within the group of key

stakeholders interviewed, there was a consensus that a significant element of duplication had taken place; however this was not necessarily regarded as a bad thing.

Some interesting points were raised regarding the broader issues of the role of legislation in society. One of the interviewees, a law academic, suggested that labelling a ‘problem’ is sometimes helpful, even if the specific legislative powers might already be covered elsewhere, because “it isn’t just how lawyers use the law but how the public sees it” that is key. In this view, legislation is not just functional but can be an important tool in provoking public debate on a given subject, and raising the profile of important social issues. As a result, people become more self-aware and start to think more about their behaviour. Other examples cited by interviewees included drink driving and domestic abuse, which have become increasingly socially unacceptable in recent decades partly as a result of high-profile legislation. A Police Scotland representative interviewed suggested that in some respects it could be considered more damaging to be charged with the OBTC Act than with Breach of the Peace legislation. Therefore, the Act could be seen as ‘sending a message’, with the notion that being charged or threatened under its provisions has value in itself, impacting positively on behaviour. Conversely, others believed it does not have the ability to change attitudes, and attempts to do so can have negative consequences. One academic critical of the Act claimed that there are real dangers in ‘legislating against what you think’ and various interviewees raised concerns over civil liberties, although it was suggested that the freedom of speech debate has been ‘hijacked’ to a certain extent, being used to defend or excuse a lot of behaviours that are unacceptable. Again, an interesting comparison can be made with Dixon and Gadd’s study on ‘The Criminalisation of Hate’. The authors argue that the ‘deterrent effect’ sought by using such legislation to ‘send a message’ is outweighed by the “unnecessarily criminalisation of already marginalised and relatively disadvantaged people” (2006: 324) – a theme that will be explored further in this paper.

4.4 Sectarianism – impossible to define?

Unsurprisingly, the general consensus was that sectarianism is a difficult concept to define, and most respondents offered rather broad explanations that go beyond the narrow religious-based definition,

such as a general “fear of difference”. There was an acceptance that since organised religion is undoubtedly declining in importance in today’s society and individuals’ links to faith are seemingly loosening, it would be inadequate to confine definitions of sectarianism to religious conflict although often sectarian behaviours are carried out “in the name of religion”. It was pointed out that although in the context of Scotland (and the wider framework of Britain and Northern Ireland) sectarianism is predominately between Catholics and Protestants, there are various different examples internationally such as conflict between different sects of Islam in Iraq and rising sectarian tensions in Egypt and Syria. Indeed, it was suggested that since sectarianism in Scotland has never reached such levels of open conflict or violence, the problem is often exaggerated:

“It’s not that people are getting beaten up all over the place for their religion. People aren’t burning down Catholic and Protestant churches, there aren’t political parties forming around religious identity.” (Interview with academic)

Interestingly given the Scottish Government’s failure to debate or define political sectarianism, all interviewees emphasised that recognising the political nature of what is often termed sectarianism in Scotland is crucial if we are to reach a genuine understanding of the issue. Religion and politics are interlinked in this context, and it is often difficult to distinguish between the two when it comes to expressions such as songs, banners and marches. It was felt that the political aspect of sectarianism is downplayed, often wilfully, by politicians and the media and that people use different definitions to suit themselves and their own agendas. That is because openly targeting political expression through legislation is likely to provoke a public backlash as it could be viewed as an attack on human rights. Therefore, it would be in the Government’s interests to mute discussion of the political aspect of sectarianism. The specific historical context in relation to sectarianism in Scotland, most notably the immigration of Irish Catholics, was frequently referred to, however the ethnic element was rarely mentioned and sectarianism seemed to be regarded as quite separate from racism. This became apparent by the third interview, so it was directly addressed in future interviews.

4.5 ‘Still gets discussed around the dinner table but you wouldn’t see it in the factories now’

As discussed in the literature review, there is a lack of consensus amongst the academic community as to whether sectarianism can be deemed a feature of contemporary Scottish society. Only one interviewee in this project, an academic, felt that it was not a significant problem; most respondents agreed that it still exists in various forms despite becoming less significant in recent years. It was suggested that the issue has been trivialised by some people, although interestingly the majority of interviewees who said they believed it was still a problem gave examples of issues such as anti-Asian racism, poverty and discrimination based on gender which they believed were more salient. All agreed that it is less of a problem than in the past, particularly declining in the structural sense. Interviewees gave various examples of how sectarian discrimination occurred in areas such as employment in the recent past – for example particular media outlets, legal firms and local councils not employing Catholics – however it was stressed that, based on their personal and professional experiences, this is not something that happens in twenty first century Scotland. When asked about the ways in which sectarianism manifests itself, most participants mentioned marches, possibly influenced by the fact that interviews were carried out during the peak of marching season. Marches were generally depicted in a negative manner, described as ‘depressing’, ‘outdated’ and not reflective of the communities that they purport to stand for, although an academic with experience researching different marches pointed out that not all marches are the same, something which she felt was rarely acknowledged in public discussions or by the media, helping to sustain the generally negative image of marchers. One MSP pointed out that he believed the number of marches has increased in recent years⁴ and are taking place in areas outside the West of Scotland where they didn’t previously, which is at odds with notion that sectarianism no longer exists or is in decline.

Responses generally supported the argument set out in the literature review that although we may no longer see overt examples of sectarianism in Scotland, sectarian prejudices remain and can be identified in more subtle underlying forms. Most agreed that attitudinal sectarianism was still an issue – for instance, it was suggested that intermarriage between Protestants and Catholics was evidence that the problem no longer existed but one interviewee pointed out that people still refer to these at

⁴ I was unable to locate statistics to show whether or not there has been an increase in the number of marches

times as ‘mixed marriages’ (the anti-sectarianism worker) and another (an MSP) admitted that “you’ll still get some people quite upset about somebody in their family marrying someone from the other side”. Again, these comments were based on a combination of the interviewees’ personal and professional experiences. Interestingly, interviewees felt that it is important to distinguish between people having particular attitudes and actually acting on them, and this distinction is important when considering whether and in what way you legislate against this issue. This distinction – that having a prejudice is not the same as acting on it – was emphasised less clearly by the interviewees who supported the legislation; for instance, a Scottish Government employee discussing the motivations for and objectives of the new law commented on a problem with the ‘old attitudes’ of certain football fans. It is often suggested that sectarianism is a ‘generational’ problem, however the fact that 60% of the 700 people per year arrested for sectarian offences in Scotland are under the age of 30 would suggest otherwise (Scottish Government Report, ‘Religiously Aggravated Offending in Scotland 2010-11’ November 2011). This raises questions about youth culture in general, and also the influence of older relatives in terms of ‘passing on’ attitudes. Indeed, the role of older male family members was considered by Deuchar and Holligan (2009) as a key factor in the prevalence of sectarian behaviour among youths. Therefore, it is crucial to consider *why* young people are seemingly increasingly engaged in sectarian behaviour, which leads onto exploring issues around identity.

4.6 Unacceptable Identities

An interesting theme that emerged from the interviews was the different ways in which participants considered the issue of identity in their analysis of football-related disorder and sectarianism in Scottish society. As previously noted, 60% of recorded sectarian offenses in Scotland are carried out by young people. In relation to sectarian behaviour at football, the ‘Green Brigade’ (the most prominent ‘ultras’ group and arguably one of the main targets of the new legislation) is made up of predominately young people. If we are to believe that sectarianism is a pressing social problem, particularly amongst youths, where do these sectarian attitudes come from? The values and opinions that we develop are passed down through generations, with beliefs and family cultures often handed

down to us. One interviewee (a journalist) suggested that the prevalence of sectarian attitudes amongst young people can partly be attributed to the legacy of discrimination and injustices towards certain groups, because “grievances travel”. This point was also acknowledged by the anti-sectarianism worker interviewed, however he argues that it is important to question our personal and national histories to find out what is real because taking for granted the history told by parents and grandparents, or through songs, can lead to the development of identities that are not rooted in reality.

It is important to consider the reasons why young people might be seeking an identity, aside from the general search for a personal identity as part of the developmental stage of adolescence. It is worth noting that the ‘clampdown’ on the flags, banners and songs at football grounds in Scotland is not limited to those which focus on Irish or British politics or history. Indeed, banners celebrating Israel, the Palestinian Liberation Order and the Basque movement are examples of what has been targeted thus far. This suggests that wider political expression, particularly a ‘politics of resistance’, is at play. Events such as the London riots of 2011 raise the question whether there is a sense of disenfranchisement, particularly among those from poorer backgrounds who are somewhat detached from a society that emphasises individualism and materialism. Tom Devine, a prominent historian, has commented that “the de-industrialisation of many areas of lowland Scotland has spawned a generation of young men in the post-religious era seeking an identity” (*Sunday Herald*, 24 April 2011). Again, the decline of religion in our lives is referred to, as well as the wider economic and social changes that young people are facing in twenty-first-century Scotland. Time and space do not permit a detailed analysis of this, however it is worth noting that in an increasingly fragile and uncertain world there is what could be described as a ‘crisis of identity’, in particular, a ‘crisis of masculinity’, amongst young men (Mac an Ghaill 1994). This may have some influence on the motivations of some people (particularly young men) to embrace specific identities. Cultural and social change as a result of deindustrialisation and secularisation has led to an erosion of employment-based identities and masculinities, eliciting different forms of masculinity such as those expressed at football matches. This theme will be explored further in future research.

The idea of identity crisis was discussed to some extent in the interviews. For example, one politician acknowledged that “a lot of people don’t have an identity and if it wasn’t this they’d find something else, I suspect”. However, most interviewees shared a sense of disdain when discussing the reasons why some football supporters, particularly those supporting Celtic and Rangers, choose to express the particular identities that they do. Celtic Football Club was formed by an Irish Catholic immigrant with the intention of supporting the immigrant community, and to this day is regarded as symbolising Irishness, Catholicism and Republicanism. In contrast, Rangers Football Club is seen to represent a Protestant-loyalist identity and, along with some other Scottish football clubs, developed an anti-Catholic identity in response to the expression of ‘Irish’ identity through Celtic. Irishness is clearly central to both identities; indeed, the connection between Scotland and Northern Ireland is sustained partly through supporters of either side of the ‘Old Firm’ travelling to Glasgow from Northern Ireland on a weekly basis (Burdsey & Chappell, 2003: 6), impacting upon the tensions between the pro-Irish, Republican identity of the Celtic supporters and the anti-Irish Loyalist identity of the Rangers supporters. While this obviously varies significantly amongst different fan groups, there is undoubtedly a “strong minority for whom that is their main thing” within the respective supporters. There was a notion that these identities are somehow not valid – particularly due to a lack of knowledge of the politics and history involved, often referred to as ‘ignorance’. An interviewee from Police Scotland used the word “schizophrenic” to describe the identity espoused by members of the Green Brigade because “their politics” makes little sense given their youth and the fact that most of them were not born in Ireland. Of course, it is important to note that these are the views of elite interviewees and could be interpreted as class-based.

Without the space necessary to examine concepts such as social identity theory, it is worth recalling that as discussed in the literature review, group identities are often strongest when this shared identity is posited against an external ‘other’. In some cases, ‘otherness’ is achieved hierarchically; for instance, by attaching a label of inferiority to a minority group. The minority group may challenge the hegemony of the dominant group but “their acceptance within a given society is subject to the actions and attitudes of the majority group” (Burdsey & Chappell, 2003: 5). It is therefore

particularly important to consider how, through sport, the distinctiveness of the minority identity can be disregarded, demeaned and disempowered (Bradley, 2008: 97). A consequence of this is often the strengthening of such identities against a perceived external threat. What is particularly interesting about the case of football supporters in Scotland in general, and particularly 'Old Firm' fans, is the fact that this marginalisation and ridicule does not only apply to what would traditionally be considered the 'minority' group. Some interviewees suggested that Celtic supporters from Catholic and/or Irish backgrounds may feel their minority identity to be under threat especially as a result of poor treatment historically, however it could also be argued that the supposed 'majority' identity has also been attacked due to fact that 'Britishness' is often not regarded as a particularly positive identity. This was a point raised by some of the interviewees and reflected the personal opinion of one. One politician participating in the study stated that he dislikes seeing Rangers supporters flying the Union flag at matches, although he did not specify why when probed, and an academic with an interest in the subject suggested that the negative portrayal of religious marches serves to undermine any notions of a positive Protestant identity. Again, there is a sense through these examples that what used to be acceptable expressions of British nationalism are now represented in a negative manner.

Clearly there are a range of opinions on what expressions of identity are acceptable, and some contradictions are evident within the responses of some interviewees. For example, the politician cited above also stated that he strongly supported the promotion of multiculturalism "rather than trying to make everything one grey norm". In this sense, differences should be encouraged, not just tolerated. The anti-sectarianism worker interviewed stated that there is a need to accept and respect the existence of different identities in Scotland, including an Irish identity, Britishness and Orange culture, and be wary of attempts to marginalise these in favour of an overarching 'Scottish' identity. He comments that "the Saltire does not trump the Union flag or the Tricolour". An interesting comparison can be made between treatment of Old Firm supporters and supporters of the national team. For instance, Alex Salmond declared in his acceptance speech that the songs sung mainly by Celtic and Rangers supporters had no place in modern Scotland because they were fixated on battles fought centuries ago:

“I will not have people living in fear from some idiotic 17th Century rivalry in the 21st century. And I will not have Scotland torn apart by the memory of battles that no-one alive fought in, and by confected rivalry between faiths that long ago united in the ecumenical movement” (Alex Salmond, May 2011).

Yet it was pointed out by several interviewees that the First Minister leads a parade to Bannockburn each year, commemorating a battle that no-one alive fought in. A similar point can be made regarding which songs football supporters are allowed to sing. Scotland supporters frequently sing ‘Flower of Scotland’, which does contain anti-English sentiment, yet Celtic supporters could be arrested for singing ‘Boys of the Old Brigade’ which contains lines of a similar nature. This corresponds to the argument put forward by John Kelly, who claims in his analysis of media coverage that condemnation of fans based on their lack of historical and political knowledge does not extend to supporters of the national team, who sing of 700-year old battles against the English (2010, p.10). It also supports Finn’s (2000) argument that there exists a ‘national myth’ portraying Scotland as a tolerant, egalitarian society free from racism. Moreover, an MSP interviewed argued that since the OBTC Act is designed to cover discrimination in all forms at football matches, the fact that Scotland supporters at a recent Scotland vs. England friendly sang an openly homophobic song⁵ they should technically be subject to the same sanctions as any other football fan. Yet such songs are generally portrayed as harmless and nothing more than ‘banter’, lending weight to the argument that the government and police are targeting certain fans and not others. It also suggests that Scottish nationalism is considered to be more acceptable than Irish or British nationalisms and raises the question of whether the condemnation of expressions of British and Irish culture would be tolerated if they were directed towards any other ethno-religious group. The peculiarity of an explicitly nationalist Government legislating against particular expressions of nationalism, particularly Irish and British nationalism, was not lost on those respondents critical of the legislation. Discussing issues around identity produced arguably the most interesting data, and questions raised included “where do you draw the line in terms of expressions of identity?” and “what *is* acceptable and what isn’t?” This leads onto

⁵ “We hate Jimmy Hill, he’s a Poof” is a Scottish football chant about the English Football personality

another common theme, that football supporters have become scapegoats for the sectarian problem due to the ways in which they express particular identities at football matches, and that there is a process of ‘criminalisation’ going on.

4.7 Criminalisation of football supporters

Sectarianism and football in Scotland are undoubtedly conflated in spite of a lack of clear evidence to suggest that football is the main arena in which sectarian prejudices and tensions are played out. A lack of clear evidence is a wider problem when attempting to understand the nature of sectarianism in Scotland and indeed the effectiveness of the new legislation. Central to the justifications put forward by the government throughout the debate about the OBTC Act is that sectarianism and football-related disorder and violence (again, two concepts that are frequently made out to be the same thing) are closely related by the media and politicians to issues such as alcohol abuse and domestic violence. One MSP critical of the legislation pointed out that although there has been an undeniable increase in domestic violence rates around the dates on which Celtic-Rangers matches were played, no distinct link had been made between physically attending the game and committing domestic violence, nor was it shown that those people would not have committed domestic violence anyway. Indeed, with domestic violence rates peaking at times such over the festive period, suggesting a causal link between football and wider social problems can be dangerous. It is also important to note that the reported domestic violence rates may reflect policing practices. Similarly, a report in the *Sunday Times* at the time that the government was trying to push through the OBTC legislation pointed out that 85% of sectarian crime is not football-related (15 May 2011). Why, then, do the two seem to be inextricably linked?

The connection between football and sectarianism was a cause for debate in this research. Some interviewees argued that sectarianism does generally manifest itself in football now, while others strongly believed that football is merely an ‘easy target’, a convenient scapegoat for a problem which is much more deep rooted in Scottish society than certain people would care to admit. It was felt that to equate sectarianism with football was to neglect crucial historical context, with one MSP commenting that:

“Religious division in Scotland didn’t start with the creation of Celtic Football Club. You know, I think there was a thing called the Reformation in about 1560 where people started to go at odds with one another on this issue...” (Interview with Opposition MSP).

The *Sunday Times* report referred to above also stated that according to conviction statistics, Catholics are still six times more likely to suffer sectarian attacks than Protestants (15 May 2011). This lends weight to the argument that sectarianism runs far deeper than football, and that anti-Catholicism should be considered a root cause of sectarianism in Scotland. As such, targeting football supporters specifically in the name of ‘tackling sectarianism’ seems unfair and lends weight to the argument that there is a process of ‘criminalisation’ of football fans going on. Many critics, including one MSP and one of the academics interviewed for this research, argue that the debate on sectarianism has been used as an excuse to ‘go after’ football supporters who have subsequently been made scapegoats for a wider social problem. Arguably, it is easier to identify (alleged) sectarian behaviour at football grounds than it is to decipher subtle forms in the workplace or the housing market. As such, football supporters could be described as an easy target for a government looking to show strength on a social issue that nobody is likely to disagree with, because they express their identities (which are deemed to be sectarian) in a public manner.

‘Old Firm’ fans in particular as a group are often vilified and typecast as alcohol-fuelled bigots, with little reference to the fact that there are various different types of supporters. Indeed, although it is fair to say that football supporters do tend to hail from the working classes more so than those attending rugby matches, for example, the argument that as a group they are working class and less educated could be described as patronising. One academic interviewed pointed out that fans are sometimes portrayed as not having the capacity to understand that their behaviour might be offensive, interestingly including by those who are supportive of them and critical of the legislation. However, others suggested that football is simply a forum to behave in a way that you would not normally, and the behaviours often known as ‘tribalism’ are relatively harmless and not worthy of criminalising. As previously noted, Scottish football is strongly associated with expressions of identity which are particularly strong amongst minority groups such as the Green Brigade at Celtic Park and those who

promote a loyalist, Ulster-scot identity at Rangers. It could be argued that through the perceived criminalisation of football supporters, the legislation has actually ‘breathed life’ into these extreme groups. Several interviewees suggested that the treatment of such groups has resulted in ‘making martyrs’ or ‘heroes of the oppression’, with moderate fans becoming more supportive of those who hold extreme views because they do not like the way that these people are being treated by the authorities. One politician commented that there was a sense of solidarity amongst fans against criminalisation:

“People who wouldn’t have wanted to be associated with some of the elements at Ibrox who sing the songs that they sing, and were getting that football club a reputation...but they wouldn’t want to see those people being criminalised for having the views that they have”
(Interview with MSP).

This could be linked to a growing backlash against increasing regulation in society, which leads on to the final theme identified from the data – the type of society that we have become.

4.8 Role of the state in policing our lives

Participants’ discussions of the legislation, specifically the arguments made that it perhaps represents an attack on freedom of speech and freedom of expression, raised some interesting points on the wider role of government in legislating and policing society. Most interviewees acknowledged a shift towards a more regulated society, in which the authorities dictate how we should behave and how to be a good citizen, which has developed particularly since the election of New Labour. Those critical of the legislation frequently used the terms ‘political correctness’ and ‘PC brigade’. One academic and one MSP interviewed suggested that a consequence of so many politically correct policies is the advent of a more easily offended, vulnerable and fragile society, which can be seen at an individual and group level. The academic argued that the development of ‘state-approved identities’ causes divisions to form and encourages people to be offended based on mistreatment towards their ‘group’ and to ‘tell on each other’. As such, elevating an issue like sectarianism creates problems as opposed to solving them. The issue of class was raised by the same academic, who suggested that for working

class people in particular the development of being ‘encouraged to be offended’ is at odds with the traditional working class identity:

“I mean, today we’re meant to report everything to the police, but historically especially from a working class perspective, telling the police on your neighbour or fellow supporter would be seen as fairly despicable, whereas today that’s encouraged and seen as being a good citizen”
(Interview with academic).

However, this notion of a ‘victim identity’ was contrasted by views from other interviewees, including the Police Scotland representative, the Civil Servant and another academic, who regarded a focus on protecting members of the public, and particularly victims of crime, as a positive development. For example, the Civil Servant interviewed stated that the Government are trying to implement a more victim-centred approach to the criminal justice system in general. When discussing the ‘Threatening Communications’ aspect of the OBTC Act, which focuses on sectarian and offensive behaviour online, he argued that if a threat is made against someone it does not really matter whether the perpetrator had the capability or intention of carrying it out, the impact on the victim is the same. There has been an interesting shift in relation to this emphasis on ‘victims’ and ‘victim mentality’ – it was not so long ago that those who complained about sectarianism were dismissed by the media and politicians and accused of being paranoid and politically-correct, particularly Irish-Catholics and Celtic supporters (MacMillan 2000, Finn 2000). Now we are arguably drifting towards a more politically-correct society, a development that has been top-down, and sectarianism has quickly moved from being ‘not a problem’ to ‘one of the biggest problems we face’ in Scotland.

The role of the police was a particularly contentious issue. All interviewees accepted that under the new legislation the police have an important part to play in terms of establishing what is acceptable or expected behaviour. Because any instance of alleged sectarian behaviour ‘has to be seen in context of event’, the decision on whether to arrest an individual could depend on the police officer present and whether or not he or she was offended or believed the behaviour would be ‘offensive to a reasonable person’. In relation to behaviour at football matches, it is important to point

out that there is no list of songs or banners that have been deemed unacceptable. As such, an individual could use particular language on one occasion without threat of arrest yet could be charged on another occasion. The Police Scotland representative stressed that offensive behaviour is only criminalised if there is a risk to public order; therefore concerns over freedom of expression are unfounded. However, he also conceded that disorder does not actually have to occur – for example, if it could be argued that disorder ‘might’ have occurred had police not been in a particular sections of a football ground to prevent riots. The opposition MSP relayed examples of police mistreatment that he became aware of as a result of his work with some constituents. He cited frequent complaints of intimidation by police towards football supporters, including identifying individuals at football matches and arresting them at a later date through a process of dawn raids. This raises questions about whether we are increasingly becoming a ‘surveillance society’, and indeed surveillance equipment was viewed very differently by interviewees either supportive or critical of the law. Those in favour of legislation, including the Police Scotland representative and Scottish Government Civil Servant, considered the use of handheld cameras at football matches as useful tool in collecting evidence. Conversely, critics regarded it as infringing on civil liberties, targeting individuals with a view to trying to get them collectively to behave in a way that is ‘approved’ by the state. The fans’ concerns over the role of the police have had significant consequences, as the relationship has been damaged since the legislation was introduced and there is a great deal of tension, particularly with certain groups of fans such as the Green Brigade who believe they are being targeted. There is some evidence to suggest their concerns are not unfounded. One MSP gave an example of a match that he attended (which did not involve Celtic or Rangers) when the abusive behaviour of a small group of fans meant that they could have been charged under the OBTC Act. The police chose not to take action, commenting that it was not the ‘type’ of behaviour they were ‘after’, suggesting that there are particular behaviours amongst particular fan groups that are the target of this legislation. The journalist interviewed pointed out that “in any situation in society in general, the police require the willingness of the people to be policed.” Whether this tension will have significant impact on the success or failure of this legislation remains to be seen.

4.9 Conclusion

The above discussion was based on a small interview sample of key stakeholders who were either involved in the creation of the new OBTC legislation or have professional interests in how the law is implemented and the broader social effects it may have. Many interesting themes emerged from the interview data, which of course was interpreted in a particular way as influenced by the researcher's own values and experiences. The analysis found an interesting divergence of opinion regarding the credibility of the OBTC Act, as some expressed concerns over technical details of the law but remaining broadly supportive of using legislation to tackle sectarianism and problems at football, whereas others were highly critical about the idea of introducing legislation in the first place. Those critical, particularly the anti-sectarianism worker, one of the politicians and one of the academics, were more likely to discuss wider social issues such as identity, youth culture and a drift towards a more regulated society.

Chapter Five

Conclusion

This dissertation has investigated issues surrounding the Offensive Behaviour at Football and Threatening Communications (2011) Act, using the legislation as a lens through which to look at wider issues such as football-related disorder and sectarianism in Scotland. Its aim has been to examine the perspectives of key stakeholders on the above issues through qualitative interviews. In this chapter I present the conclusions based on that analysis.

Examination of the academic literature on sectarianism in Scotland reveals that sectarianism continues to exist in some forms in the twenty-first-century. There is a lack of consensus with regards to a definition of sectarianism, as the traditional focus on religion is inadequate when attempting to understand the nature of sectarianism in Scotland, which has important political, social and cultural aspects. The literature also suggests that the lack of a clear definition of what sectarianism actually means has important effects on the potential effectiveness of the OBTC legislation, which was introduced as part of the SNP Government's strategy to tackle sectarianism. It is argued that while the problem of sectarianism is not as bad as it used to be, it can still be identified in Scottish society, albeit largely in attitudinal rather than structural ways. Reasons for the prevalence of sectarianism in Scotland is particularly interesting amongst young people, because it challenges the notion that sectarianism is a generational problem that is 'on the way out' and suggests that the legacy of past injustices towards a 'group' can still be felt and may have an impact on young people who are

searching for an identity in an increasingly insecure world. The literature also points to a process of criminalisation of football supporters by the authorities, which raises questions around power relations, class and inequality. Seen in the wider context of an increasingly regulated society, the frequent introduction of new legislation which attempts to tackle different forms of discrimination is said to reflect a growing trend towards the Government 'legislating against what you think'.

The central argument of the analysis of the interview materials is that the lack of consensus identified in the literature review regarding how to define sectarianism and to what extent it remains a pressing problem in contemporary Scotland, as well as the ability of legislation such as the OBTC Act to meaningfully challenge social problems such as sectarianism was reflected in the interviews. Those interviewees who were broadly supportive of the legislation focused more on the positive motivations for such a law in terms of how it is designed to help make a 'better' society and protect the public from unacceptable and offensive behaviour. However, it could be argued that targeting football supporters who express particular types of identities supports the argument that the debate on sectarianism fails to adequately address the structural and historical causes but instead emphasises the poor 'values' of some individuals. There is a clear denial of the legitimacy of these identities in twenty-first-century Scotland, as even those respondents who opposed the legislation and believed that there is an unfair process of criminalising football supporters going on suggested that fans could help themselves by not singing particular songs in public. Given that these were largely the views of elite interviewees this is perhaps not surprising, as power relations are at play helping to marginalise and delegitimise what could be seen as the 'outgroup' – in this case football supporters. That an explicitly nationalist SNP Government decrying expressions of national identities, whilst encouraging expressions of Scottish nationalism is a further complicating factor.

Public debates on sectarianism have evolved over time, from what was considered a tolerance (through denying the existence) of religious bigotry (particularly anti-Catholicism) and a suggestion that the problem was exaggerated by 'paranoid' groups, to a universal condemnation of (alleged) sectarian behaviour. This research has shown that sectarianism is increasingly conflated with football in Scotland, with the consequence that particular supporters are vilified and held responsible for a

social problem, being targeted specifically under the OBTC legislation. How the legislation is used over the coming years is an area of great interest, and will continue to influence the debates on wider social issues. The findings from this dissertation suggest the need for a greater examination of the reasons why particular identities are expressed at football matches, as opposed to simply introducing legislation to attempt to 'get rid' of them. My own future PhD research intends to look in more depth at issues regarding the identities of young people in twenty-first-century Scotland, including notions of masculinity in a society that has been de-industrialised and secularised and is arguably increasingly insecure.

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Appendix 1



Interview Schedule

- Title of Project:** Can new legislation really succeed in wiping out the sectarian problem in Scotland? Analysing the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2011 from the perspectives of key stakeholders.
- Researcher:** Maureen McBride

Many thanks for agreeing to participate in the above research project. Below is a list of questions which are intended to facilitate our discussion, which will take approximately 45 minutes. Please note that these are intended as a guide only and further questions are likely to be generated from our discussion.

Nature of the problem

- How would you define or explain what constitutes sectarianism?
- To what extent do you consider sectarianism to be a feature of Scottish society at present? What is the nature of sectarianism in contemporary Scotland? What particular forms does it take?

Tacking sectarianism

- What are your views on the best ways to meaningfully tackle sectarianism and sectarian-related violence?
- What are your views on the ability of legislation to combat sectarianism and sectarian-related violence?

Effectiveness of the 2011 Act

- What involvement, if any, did you have in the creation of the 2011 Act?
- What do you believe the motivations were for the creation of the Act?

Do you believe that it supplements or duplicates existing legislation?

- To what extent have the stated objectives of the legislation been achieved? [What has changed? Why has it changed? (i.e. due to legislation or something else?) How has it changed? (i.e. have things got better, worse or stayed the same?) Who was affected? (What positive and negative effects have impacted on which groups?)
- Has the legislation had any unintended effects? (What? Why? How? Who?)
- What were the costs of the legislation and how do they compare to the benefits?
- What factors, if any, have hindered progress? (e.g. unclear definition, cumbersome measures, political opposition...?)
- What has been the reception from stakeholders? How does it differ between different stakeholders?
- Do you have any further comments or criticisms to make about the legislation? If so, what are these?
- In what ways (if any) do you believe the legislation could be improved?

Appendix 2



Consent Form

Title of Project:

Can new legislation really succeed in wiping out the sectarian problem in Scotland? Analysing the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2011 from the perspectives of key stakeholders.

Name of Researcher:

Maureen McBride

1. I confirm that I have read and understand the Plain Language Statement for the above study and have had the opportunity to ask questions.
2. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving any reason.
3. I consent to interviews being audio-taped, and understand that transcript copies will be made available to me for verification if I wish.
4. I understand that my name will not be used in any publication arising from the research, and a pseudonym will be used instead.
5. I agree / do not agree (delete as applicable) to take part in the above study.

Name of Participant

Date

Signature

Researcher

Date

Signature

Appendix 3



Plain Language Statement

Title of Project: Can new legislation really succeed in wiping out the sectarian problem in Scotland? Analysing the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2011 from the perspectives of key stakeholders.

Researcher: Maureen McBride

You are being invited to take part in a research study. Before you decide it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Ask me if there is anything that is not clear or if you would like more information. Take time to decide whether or not you wish to take part.

Thank you for reading this.

What is the purpose of the study?

My name is Maureen McBride and I am a student at Glasgow University. As part of my criminology degree I am undertaking a dissertation analysing the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2011 from the perspective of key stakeholders. I am particularly interested in this because it is closely related to my intended PhD research, which will aim to provide an alternative perspective on the problem of sectarianism in Scotland by privileging the ‘view from below’ – focusing on the perspectives of the football supporters who form the group that this legislation has been designed to target.

Why have I been asked to take part?

You have been chosen because of your specific involvement in the creation / implementation of the new legislation, and the subsequent insight you will have into how it has developed.

What will happen to me if I take part?

Taking part would involve being interviewed by me about your views and experiences of the new ‘Offensive Behaviour at Football and Threatening Communications (Scotland) Act, focusing on to

what extent and in what ways the legislation can meaningfully tackle the problem of sectarianism in Scotland. Interviews will last approximately 45 minutes and will take place at a location that is convenient for you, or can be conducted over the telephone if you prefer. A copy of the interview questions can be made available to you prior to the interview.

Do I have to take part?

No. Participation is entirely voluntary and you are free to withdraw your contributions at any point. You are also free to refuse to answer any questions without giving a reason.

What will happen to my answers?

If you agree, the interview will be audio recorded to get an accurate record of what was said, and then transcribed into a written record. The recording, transcript and any notes made will be anonymised and stored securely. Only the named researcher will have access to the information you provide.

Will my taking part in this study be kept confidential?

The only circumstances where I will pass on any information that you provide are if you tell me that you or someone else is at risk of harm. I would discuss this with you first.

What will happen to the results of the research study?

The data collected will be used to inform my Masters dissertation, PhD and any associated publications. Your views and experiences may be discussed in these outputs but will be referred to in a way that tries to make sure that you are not identifiable.

Limited guarantee of anonymity

I cannot provide you with a full guarantee of anonymity because other people (e.g. colleagues) reading the dissertation may be able to identify you from the experiences and opinions you share, the language you use (i.e. particular phrases) or if you discuss your participation in the research with other people. In order to try to ensure you remain anonymous I will not use participants' names or identifying details in the dissertation or any related outputs. Participants will only be referred to by their role in their organisation (e.g. academic, newspaper journalist, senior police officer).

Further questions or concerns

This study has been approved by the School Ethics Forum for Social and Political Sciences at the University of Glasgow. For further information about the study, please contact me by email: 0207154m@student.gla.ac.uk, or you can contact my supervisor, Dr Susan Batchelor, using the details below:

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If you have any concerns regarding the conduct of the study, you can contact the Convenor of the School Ethics Forum, Dr Mo Hume: mo.hume@glasgow.ac.uk