

## An 'anti-sectarian' Act?

### Examining the importance of national identity to the “Offensive Behaviour at Football and Threatening Communications (Scotland) Act”

The 2010-11 football season in Scotland was affected by many incidents of violence and threatening behaviour. Fans of the two Glasgow clubs, Celtic and Rangers, were involved in the majority of these incidents. Players and officials of Celtic were targeted by loyalist terrorists and sent bullets through the post. The Scottish government felt that many of the incidents were motivated by religious, ethnic, and national hatred, and introduced an Act of Parliament in order to tackle the problems that had arisen. The “Offensive Behaviour at Football and Threatening Communications (Scotland) Act” came into law on 1 March 2012, representing a governmental judgement that Scottish football is negatively affected by inter-communal tension. The Act criminalises violent incidents and threatening behaviour related to the expression of religious hatred towards football fans, players, and officials. It also explicitly targets expressions of hatred on ethnic and national grounds. This is significant because in the contemporary era, much of what is termed “sectarianism” in Scotland is directly related to national identity, particularly British and Irish identities. The modern iconography of Celtic and Rangers has comparatively little to do with religion, and relates to differing visions of Scotland, the United Kingdom, and the island of Ireland. Incidents that are termed “sectarian” are often best examined through the prism of nationalism, for in contemporary Scotland it is national identity that is most significant to those who perpetrate the actions that the Act seeks to tackle.

**Keywords:** Identity, Scotland, Football, Culture, Nationalism, Sectarianism, Unionism, Loyalism, Northern Ireland, Scottish Independence.

#### Introduction

In Scotland there is inter-communal tension and conflict between ideologically opposed groups whose origins lie in religious affiliation, but whose identities are now defined by a number of different but inter-related cultural practices and political beliefs. The tension between these groups is often deemed to be “sectarian” but religious affiliation is only one part of a wider enmity between them. Just as in Scotland’s near neighbour Northern Ireland, the process of secularisation in Scotland has recast religious identities and the terms “Catholic” and “Protestant” are now associated with a number of different identity elements, including national, political, and cultural identities, amongst others.

Enmity between different groups is by no means as violent in Scotland as it is in Northern Ireland. It also does not affect politics and culture to the same all-encompassing extent, and it is not the intention of this article to claim otherwise. There is, nevertheless, a clear tension in Scotland between people who claim different national identities and affiliations. This is particularly obvious within the context of football, to the extent that on 1 March 2012, the Scottish government brought into law the “Offensive Behaviour at Football and Threatening Communications (Scotland) Act”.

This Act has rendered specific types of behaviour associated with football supporters illegal. Offences are ‘punishable through a range of penalties up to a maximum five-year prison sentence and an unlimited fine’ (Scottish Government 2012). These offences relate firstly to:

‘any hateful, threatening or otherwise offensive behaviour expressed at and around football matches which is likely to cause public disorder’. (Scottish Government 2012)

This includes chanting and/or the display of banners which are deemed to incite racial, national, or religious hatred. The Act is designed to punish such behaviour whether it is carried out by fans, players, officials, or managers at football matches. It also targets behaviour that is carried out by people who are identified as football supporters but are not actually at football matches. This allows police to target “offensive” behaviour which is deemed to be football-related, without that behaviour taking place in or around football stadia.

The second new criminal offence brought in by the Act confirms that football-related abuse is deemed to be an offence no matter where it occurs. The Act is designed to punish ‘the communication of threats of serious harm or which are intended to stir up religious hatred, whether sent by post or posted on the internet’ (Scottish Government 2012). This means that football supporters can be punished for producing abusive posts on web forums or on social media, or for sending offensive or

threatening communications through the post. Again, this gives police a wider remit to target what is considered by legislators to be the culture that surrounds support for certain clubs in Scotland (principally Rangers and Celtic, and to a lesser extent Heart of Midlothian and Hibernian). The legislation that has been introduced aims to target a perceived culture of abuse which is not confined to stadia, and does not just occur within the context of football matches.

Subsection (2) (a) (ii) of the Act confirms that the behaviour that it covers includes “expressing hatred of, or stirring up hatred against, a group of persons based on their membership (or presumed membership) of a social or cultural group with a perceived religious affiliation” (Act, ref). This clearly targets behaviour which can be termed “sectarian”. However, subsection (2) (a) (iii) also confirms that the Act is designed to tackle the expression of hatred against people based upon “*nationality*” and “*ethnic or national origins*” (Scottish Government 2012). There is a clear intent to tackle discrimination on the basis of national identity, and this is particularly significant and thus far, not analysed to the extent that it warrants. The behaviour that the Act targets is deemed to specifically be motivated not just by religious difference, but national differences. This element of the Act has not been thus far been analysed in detail, and this article will add to existing scholarship by drawing attention to the significance of national identities within the social problems that the Act targets.

## Methodology

Previous examinations of the Act have focused largely on legal issues; the Act’s relation to banning orders and other pre-existing legislation is analysed by Hamilton-Smith and McArdle (2013) While this particular publication contains an authoritative examination of the legal aspects of the Act, it does leave a space for analysis of the motivations behind the Act itself and also the motivations behind the offences it legislates against. Where the motivations behind offences have been considered, they have largely been interpreted as being “sectarian” in

nature (particularly in the print media, but also in Hamilton-Smith and McArdle (2013) to a lesser extent). While there are undoubtedly sectarian elements within the incidents discussed in this article, it is important to acknowledge and explore the national factor that also motivates much of the abuse and violence associated with football in Scotland. As the wording of the Act itself confirms, this is a significant motivating factor. However, it is as yet under-researched and this article aims to make a contribution in this area.

The primary focus is upon adding to existing interpretations of the Act by focusing primarily upon the national factor within it. This is important, particularly in the context of the growth of Scottish nationalism, which has put national identity to the forefront of academic and public debate in Scotland. It is clear that nationalism (in its various forms) is a particularly important element of contemporary Scottish experience and the Act has the strongly stated aim of targeting extreme expressions of national identity. It needs to be understood in its context as an attempt to tackle not just religious hatred, but hatred motivated by nationalism.

Active religious worship and association with various denominations within the Christian church continues to decline in Scotland, but highly visible acts of inter-communal violence have increased in recent years. This is partly due to differences in national identity. The incidents examined in this article are one result of tension between groups with very different ideals, particularly with regard to the future of Scotland and Northern Ireland. Discrimination solely on religious grounds is rather less prevalent than in the past (Bruce 2011), yet there is still tension between different communities in Scotland. As will be explored in this article, much of the oppositional behaviour that is termed “sectarian” is inspired by anti-Irish, anti-British, or even anti-Scottish sentiment, rather than solely or primarily by religious hatred.

The Act was brought in after the 2010-11 football season, in which a number of violent incidents took place that were a significant factor in

determining the Scottish government's actions. Some of these will be examined in detail in this article, and although regrettably there is not space for in-depth analysis of all the major incidents, a sufficient overview will be provided. A summary of the enmity between opposed clubs in Scotland will precede this, to provide context for the analysis that follows. The national factor within that enmity will be the particular focus of examination. This will involve assessing the extent to which identities that have often been termed "sectarian" are motivated by ideas about national identity.

The primary focus is upon offering a new interpretation of the Act influenced by political and social theory, and therefore discussion will focus upon this aim. The two main football institutions affected by the Act are Celtic and Rangers. Their officials, players, and fans were involved in the vast majority of the incidents that directly preceded, and were the final catalyst for, the introduction of the Act. The way that the clubs and their fans (as a broad group), as symbols of national identity, are targeted and affected by the Act is considered.<sup>1</sup> Regrettably, given limitations of format and the general scope of this article, it is not possible to include the reactions of individual fans and fan groups to the Act. The author is currently preparing another article which will explore these reactions, with particular focus upon the way that the national factor within the Act is perceived by fans of Scottish clubs.

### **Cultural and National Divisions in Scottish Football**

In terms of both participation and non-participatory interest, football is the most popular cultural pursuit in Scotland. Pittock (2008: 45) reports that 'every weekend, two percent of the entire population of Scotland are at a football match'. Many thousands more watch matches on television, and football cannot be considered an insignificant element of Scottish culture, cut off from the mainstream. In many ways, football is the mainstream of culture in Scotland. Rather than solely through mainstream politics, attendance at church, or through economic decisions, it is 'at major sporting events that modern men proclaim their loyalties' in

Scotland (Bairner 1994: 11). These loyalties remain sharply defined and often aggressively defended, and this causes friction between Scotland's various cultural groups.

The Act examined in this article can be considered as an attempt to tackle a problem that exists between those who often express rival, non-Scottish national identities. All the major incidents discussed in this article involve Rangers and/or Celtic, the two largest clubs in Scotland in terms of support and two of the most successful clubs in world football. Between them, the two clubs have won 99 Scottish league championships, with Rangers winning 54 to Celtic's 45. Celtic are a club that maintains an Irish identity, while Rangers have a British identity. In the context of the Scottish independence referendum, this was very significant. Rangers were a strong symbol for those who supported a "No" vote, and their position as the most important cultural symbol of Unionism was cemented during the referendum debate.

Celtic's high level of support derives from two major factors. The club's continual success certainly helps to make it an appealing proposition for supporters, but Celtic's cultural identity is of even greater significance. Through Celtic, those of Irish descent are able to celebrate their origins and their sense of identity. It has been said that in Scotland:

'For many Catholics of Irish extraction, football provides an environment in which to make known otherwise repressed or unarticulated political attitudes, cultural affinities, national allegiances and prejudices. The prestige afforded by victories in the football arena cannot be underestimated in terms of their value for many in that community' (Bradley 1998: 142).

In the above quote, it is notable that Bradley emphasises political, cultural, and national attitudes. Nowhere does he mention attitudes to religious worship or doctrine.

The successes of Glasgow Celtic are perceived as not simply sporting, but also cultural. Through Celtic, those of Irish descent are able

to celebrate their origins and their sense of identity. Celtic matches, therefore, 'provide the social setting and set of symbolic processes and representations through which the [Irish] community's sense of its own identity and difference from the indigenous community is sustained' (Bradley 1998: 143). Bradley's implicit suggestion that the 'indigenous community' of Scotland is a homogenous mass can certainly be challenged, but it is still the case that Celtic matches provide a key ritual in maintaining a strong sense of identity amongst the club's supporters.

It is important to note that there are two different but intertwined elements of identity within the culture associated with Celtic. It is often argued that Celtic are a "Catholic" club, but most of the symbols associated with Celtic actually relate to Ireland rather than solely to Catholicism and are therefore primarily nationalistic. It is fair to say that in modern Scotland, Catholicism and "Irishness" have become so intertwined that the two are often understood as part of the same overarching identity. Sectarian abuse is often felt to contain a strong anti-Irish element, and for this reason what is termed "sectarianism" is often an expression of national, rather than religious difference (Bradley 1998; MacMillan 1999). It is difficult to consider "sectarian" incidents without considering a wider context of anti-Irish sentiment, and for this reason, analysis of the Act discussed in this article should contain a discussion of the national dimension behind football-related violence and abuse.

Celtic Park is festooned with Irish tricolours on matchday and supporters also sing traditional Irish songs. Some supporters also sing songs that show support for the Irish Republican Army (IRA). The support expressed by Celtic fans for the unification of Ireland has attracted particular attention, and the symbols and rituals repeated during every game played at Celtic Park are considered contentious by many. Celtic's affiliation with Ireland is strong and in the contemporary era the club's Irish identity is the main reason for the enmity that supporters of other Scottish clubs, but particularly Rangers, feel towards them. There are strong links not just between Celtic and the Republic of Ireland, but also

between Celtic and the Irish nationalist community in Northern Ireland. Celtic attract a large following in Northern Ireland, because the club has become symbolic of Irish nationalism outside the Republic of Ireland itself. This is arguably the club's most significant cultural function in the 21<sup>st</sup> century.

In the same way as "Catholic" and "Irish" have come to be used interchangeably, the terms "Protestant" and "unionist" are often used to refer to the same communities in Scotland. Walker (2001: 54) certainly uses the terms "Protestant" and "unionist" as interchangeable; his concern in 2001 was that 'disaffected Protestants [could become] more politically alienated in the context of a devolved Scotland'. In this context, "Protestant" is also considered to be a cultural and political identity. Without knowledge of the wider cultural meaning of the term, it is not obvious why those of a particular religious background should object to a political process.

The idea that Protestant=Unionist is contested, and not all Protestants are Unionists (and vice versa). However, it is clear that Rangers are a club whose origins were Protestant and whose ideology is based upon the political and cultural affiliations held by many Protestants in Scotland; broadly speaking, this is Unionism. As a result of the strong links that exist between Protestantism and unionism, Rangers have become a totemic symbol for those in Scotland who wish to remain a part of the United Kingdom (MacMillan 2000). The defence of Unionist ideals at Rangers matches is important, as the culture expressed by many Rangers fans is not defined by religious belief, but national identity.

Broadly speaking, Unionists adopt a "British" identity and have a primary loyalty to the United Kingdom. However, the Unionist identity is in itself multi-layered and contains different cultural groups. The sharply defined cultural divergence between hardline unionists and other Scots is prominently displayed at football matches, and this often results in rituals and chanting that should ideally be examined through the prism of nationalism, given the strong national identity expressed within them. In



previous discussions of the Act, the relationship between sectarianism and nationalism has not been fully considered, but it is reasonable to argue that one of the most significant functions of the Act is to address hatred expressed on the basis of perceived national, rather than solely religious affiliation.

It is no longer the case that Scottish and British nationhood are automatically connected as one and the same thing, and formulations such as that used by Bradley (1998) that see the two as interchangeable are challenged by the political and cultural changes that have occurred in Scotland over the last thirty years. There is a sharply defined cultural divergence between hardline unionists and other Scots which is prominently displayed at football matches, and demonstrates the existence of separate national identities in Scotland. As Cosgrove (cited in Giulianotti and Gerrard 2001: 35) argues, 'Scotland is not a concept that Rangers are entirely comfortable with...at times it seems like they are living in exile within a foreign country'.

Walker (2001: 52) suggests that in the past, dominant ideas about Scotland were based upon 'confident notions of a nation infused by Presbyterian rectitude exerting influence out of proportion to its size in the context of the Union and the Empire'. Presbyterianism is located within the Protestant tradition, and is a form of biblical Christianity that has been particularly influential in Scotland and also in Northern Ireland, due to the links between the two. Scottish influence in the Union has waned; the importance of the Church of Scotland has also declined, and its membership has dropped to below 500,000, just under half of what it was in the 1950s (The Herald, 8 May 2008). While this figure is not a precise reflection of the number of people who directly engage with religion in Scotland, it is indicative of the waning influence of an institution that has been central to Unionist identity, not just in religious terms, but also culturally.

It is generally accepted that identities across the Western world are becoming increasingly secularised, and Scotland is no exception to this

process. Religious affiliations are now often understood to be a strong marker of wider cultural identities, rather than providing their own entirely separate context. Durkheim rejects the idea that religion was or is primarily concerned with 'supernatural beings or gods'; rather, 'religious beliefs express the character of the social totality' (Giddens, 1978: 81). Essentially, for pre-modern societies (pre 19<sup>th</sup> century, although scholars continue to argue over the exact times and dates) religion acted as a kind of social glue, bringing individuals together. In modern society, nationalism has superseded religion in performing this role. As Régis Debray (cited in Brennan, 1989: 27) argues, in modern, Western society, 'nationalist doctrine takes over religion's social role' as a force that unites people behind a common cause. This argument is central to modernist interpretations of the role and status of nations, and is certainly applicable in the case of Scotland.

As a consequence of the changing cultural status of Protestantism, and the declining appeal of Unionism, it is fair to say that 'many people in Scotland today feel a sense of disorientation regarding the passing of certain ways of life and the discrediting of certain ideas of Scottishness' (Walker, 2001: 52). Many of these people gravitate towards Rangers. As Giulianotti's (2007) work confirms, many who support Rangers still value Scotland's place in Britain and Scotland's role in the British Empire, and they feel, rightly or wrongly, that they are in a minority. The 2014 referendum on Scottish independence resulted in a victory for the unionist "No" campaign, but Glasgow itself voted for independence, with 53.49% of voters answering "Yes" to the question "Should Scotland be an independent country?" (McInnes, Ayres, and Hawkins 2014). This indicates that while support for the Union is still present in Scotland, it is certainly not the majority view in Glasgow. It also is a view of declining popularity amongst younger Scots, with polling conducted by Lord Ashcroft on voting patterns revealing that while those between 55-64 and over 65 voted "No", those in every other age bracket voted "Yes" (Curtice, 2014).

Unionism is seldom examined as a form of nationalism, but in the case of Rangers fans, many of the rituals and the symbolism involved are the same as those used in the promotion of national, rather than state identities. It has become increasingly clear that many people consider Scottish and British identities to be separate, with the latter being considered not just as a layer within “Scottishness”, but a different identity in its own right. In the 2011 Census, 3,306,138 respondents felt that their identity is “Scottish only”, whilst 968,759 felt “Scottish and British only”. 443,275 reported a “British only” identity (Scotland’s Census, 2011). Using such basic data can be problematic because it does not investigate the reasons for the answers given. However, the numbers quoted do illustrate the fact that “Scottish” and “British” are commonly felt to be separate identities by a significant number of the respondents. They also illustrate that a sizeable minority report that they are “British” and do not feel they have a Scottish identity. Some of these will be of English origin, but certainly not all.

Giulianotti (2007: 278) reports that ‘Rangers fans complain that no suitable political movement accords with their particular identity’; the Unionist Rangers fans that Giulianotti interviewed feel that they are increasingly marginalised in Scotland’s current political climate. For this reason, Rangers’ matches play a very significant role within the promotion of unionist ideals, because they provide an opportunity for the club’s supporters to proclaim their allegiance to the British state and to a British identity. Rangers’ fans achieve this by festooning their stadium with Union flags and singing pro-British songs such as “Rule Britannia”, expressing support for the continued existence of the United Kingdom in aggressive displays.

Just as there is a connection between Irish nationalist communities in Northern Ireland and Scotland, there is also a link between the Ulster loyalist and Scottish unionist communities. Rangers have a large following in Northern Ireland, and attract this support predominantly from the loyalist community. The connection between Northern Irish loyalism and

Rangers strongly influences the rhetoric expressed by supporters of the Glasgow club, as acknowledged by respondents to Giulianotti's (2007) survey of the political beliefs of Rangers fans. As will be explored in the next section of this article, many of the incidents that occurred during the 2010-11 season have as much relevance to Northern Ireland as to Scotland.

Many Rangers supporters display their allegiances ever more prominently in an attempt to defend what is seen as an "embattled" position. This mirrors the situation in Northern Ireland, where members of the Ulster Protestant community invoke what has been termed the 'myth of siege' (Bairner, 1998: 173). Enthusiasm for the Union is strongly influenced by the fact that it maintains a formal political link between Northern Ireland and Scotland. The culture expressed at Rangers matches is inspired by Ulster loyalism; many of the rituals associated with support for Rangers can also be seen at Windsor Park, and the identities expressed by fans of Rangers and the Northern Irish national team involve the display of red hand banners, and singing anti-Irish songs.

It is well known that some Rangers fans sing these anti-Irish songs. In 2008, four years before the introduction of the "Offensive Behaviour at Football" Act, Strathclyde Police stated that if Rangers fans continued to sing the particularly inflammatory "Famine Song" they would be arrested for a breach of the peace (BBC Sport 2009).<sup>2</sup> One Rangers fan, William Allison, was convicted of a breach of the peace for singing the song; his appeal was turned down on the grounds that the song is racist. Allison also lost his job and was banned from Rangers matches for an indefinite period (Scottish Television News 2010). The problems that the "Offensive Behaviour at Football" Act attempts to address have existed for a long time. However, the escalation of these problems during the 2010-11 season meant that the Scottish government felt it was necessary to take action.

## **The 2010-11 season and the events that were the catalyst for the “Offensive Behaviour at Football and Threatening Communications” Act**

In the months of February and March 2011 alone, there were over 400 arrests for football-related disorder before, during and after matches between Celtic and Rangers (The Guardian, 3 March 2011). The majority of these arrests were made outside the stadium and many involved fans who had been drinking heavily; charges were brought for sectarian, racial and violent incidents and those arrested had to be driven to cells up to 50 miles from Glasgow because Strathclyde Police had reached full capacity inside the city itself. These incidents led to a renewed discussion of the policing problems caused by Old Firm derbies, with the head of the Scottish Police federation, Les Gray, calling for the games to be played in closed stadiums because ‘what happens on the pitch is reproduced throughout Scotland; on the streets, in pubs, in homes. You cannot justify it. It can't keep on going’ (The Guardian, 3 March 2011).

Gray made it clear that, in his opinion, the tensions on the field reflect those off it, and the two feed off each other to produce an escalating level of violence. He was, in part, referring to two Scottish Cup matches between Celtic and Rangers in which a total of five players were sent off (BBC Sport, 2<sup>nd</sup> March 2011).<sup>3</sup> The two managers, Neil Lennon and Ally McCoist, remonstrated with each other, and players and officials from both teams were involved in further remonstrations as they walked off the pitch (BBC Sport, 2<sup>nd</sup> March 2011). Gray argued that Scotland can no longer afford to police Old Firm games and that the violent incidents that occur are placing an unmanageable strain on Scottish society.

Violent incidents throughout the West of Scotland continued as the 2010/2011 season went on, to the point that conditions in Glasgow and its surrounding districts were described as ‘incendiary’ by the head of the Scottish FA, Stewart Regan (The Guardian, 3 March 2011). In response to the escalating violence, the Scottish First Minister, Alex Salmond, was moved to call a “summit” between himself, Celtic and Rangers, and Strathclyde Police to discuss the problems that had arisen (Scottish

Government 2011). The “Offensive Behaviour at Football and Threatening Communications” Act was a consequence of this meeting, and was proposed by the Cabinet Secretary for Justice, Kenny MacAskill MSP.

Many of the incidents that took place during the 2010/11 season involved Celtic’s then-manager, Neil Lennon. Lennon had already been a target for abuse from hardline unionists in Northern Ireland; he was due to become the first Celtic player to captain the territory before receiving a death threat from the Loyalist Volunteer Force (LVF) (The Guardian, 22<sup>nd</sup> August 2002). On 12 May 2011, Lennon was sent bullets through the post; this was the second time this had happened to him; along with Lennon, two Northern Irish Catholic players at Celtic, Patrick McCourt and Niall McGinn, were sent bullets in the post in January 2011 (The Guardian 11 January 2011). On the day prior to receiving the second set of bullets through the post, Lennon was attacked by a Heart of Midlothian supporter on the touchline during that club’s game with Celtic, and this incident led to a charge of assault and breach of the peace aggravated by religious prejudice.

Lothian and Borders police argued that the assault was motivated by sectarian bigotry on the part of the supporter; this was found “not proven” (The Guardian, 12 May 2011). Another case involving Lennon did result in a successful prosecution, however; in April 2012, two men from North Ayrshire were sentenced to five years imprisonment for sending parcel bombs through the post to Neil Lennon and a number of other high profile Catholics in Scotland, including Trish Godman MSP (BBC News, 27 April 2012). In addition to these parcel bombs, Lennon has had to operate in accordance with 24-hour security measures that Celtic put in place with Strathclyde Police. No other sportsman in the United Kingdom has had to live under such conditions.

Lennon himself has said that that the death threats against him and his family started because ‘of the choice of club, they [his detractors] saw me as something they detested’ (Neil Lennon quoted in Reid 2001: 66). As a prominent member of the Irish nationalist community of Northern

Ireland playing for and managing a club that is totemic to Irish nationalists, Lennon has become a symbol of everything that some hardline unionists hate and fear. Lennon has said that the problems he has faced result from:

‘a social issue [that is] not just for football authorities to deal with, it's maybe for politicians to deal with. It starts in the home and it's obviously passed down from generation to generation’ (BBC Sport 15 April 2011).

Furthermore, Lennon has stated that the issues he has faced are ‘too ingrained in Scottish culture to disappear’ completely despite recent interventions by the football authorities and Strathclyde police, and the Act under discussion in this article (BBC Sport 15 April 2011).

As a victim of inter-communal violence Lennon is well placed to comment on the seriousness of the issue and his high profile has helped to bring matters to a head in Scotland. Politicians have begun to listen to those who have called for them to act and Lennon has been supported in his suggestions by his employers. Peter Lawwell, Celtic’s chief executive, has said that:

‘[Celtic] are the only club to be the subject of such vile, sustained and relentless attacks [as those on Lennon]. It is intolerable that any football club, or individual, going about their lawful business in the name of sport should be subjected to this ongoing campaign of hatred and intimidation. This is Scotland's shame and it is high time Scotland addressed it’ (The Guardian 12 May 2011).

However, Celtic and their employees are not alone in being the targets of intimidation. In April 2011, bullets were sent in the post to a number of senior Scottish Catholics, including Cardinal Keith O’Brien, the then-leader of the Catholic Church in Scotland (Evening Express 21 April 2011). The bullets were sent by a group in Northern Ireland called the “Protestant Action Force”, a cover name for the Loyalist paramilitary group the Ulster Volunteer Force (UVF) (Belfast Telegraph 25 April 2011). The incidents that involved Celtic were part of a wider campaign against prominent Catholics

in Scotland; however, the first targets were Celtic employees. That the campaign began with Celtic is an indicator of the club's position within Scotland and also in Northern Ireland; those responsible for the threats targeted Celtic in order to gain maximum publicity.

Celtic's employees have become a target for violence and intimidation because the club that they represent have long been seen as a figurehead for the Irish community in Scotland and further afield. Although members of both sets of fans were guilty of violent acts in the 2010-11 season, it also cannot be argued that fans of the two clubs were involved to the same extent in terms of intimidatory activity. The most extreme acts of intimidation were all perpetrated by those affiliated with the Unionist community in Scotland and Northern Ireland. At an institutional level Celtic were often victims of intimidation and threats of violence, while Rangers were not. Celtic representatives called for action against those who targeted them, and the Scottish Government acted. This is significant because historically, Celtic have been considered outsiders while Rangers were felt to be the team of the Scottish institutional establishment (MacMillan 2000). There has been some change in the way that the two teams and their fanbases are perceived by Scottish institutions and particularly the Scottish government, and this will now be analysed.

### **Political Background to the Act**

The need for the Act itself on purely legal grounds appears questionable, as Hamilton-Smith and McArdle (2013) and Waiton (2012) discuss. Existing legislation could have been used to tackle the problems that the Act targets. While it may not have been necessary in purely legal terms, however, the Act has strong political and cultural aims. It is unsurprising that through the Scottish Parliament, the ruling SNP looked to tackle the issue of inter-communal tension in the build-up to a referendum on Scottish independence. The party generally attempts to promote the idea of a unified Scottish consciousness, and the incidents seen during the



2010-11 season undermine that ideal. This is especially the case when the nationalistic element of many of the incidents is considered.

The Act also serves a political purpose in that it appears to demonstrate that the Scottish Government is committed to tackling inter-communal tension in a way that successive Westminster parliaments have not. As Hamilton-Smith and McArdle (2013: 1) rightly argue, the policy of Westminster administrations (both historic and more recent) has been characterised by 'wilful denial' of inter-communal problems in Scotland. In introducing the Act, the SNP have been able to appear a "party of action" on a current social issue that has been much-discussed and reported upon. This is by contrast to other political parties, who have not acted with any particular and dedicated commitment to tackling the problems that the Act targets.

The Act is very much the work of the SNP and did not receive a broad level of support across the political spectrum. All four opposition parties in the Scottish Parliament argued against its introduction. Scottish Labour, the Scottish Conservatives, Scottish Liberal Democrats and the Scottish Green Party all argued that the Act would lead to confusion and be difficult to enforce. A motion was put forward by Scottish Labour, arguing that the Scottish government had 'failed to make the case for the requirement' of the Act (BBC News 3 November 2011). This was defeated by 64 votes to 53. Despite the burgeoning incidents of physical violence and threats made against the safety of Celtic employees, Scottish Labour also argued that existing legislation was adequate and that introducing new criminal offences was unnecessary. Existing analyses of the Act suggest that this could be considered a legally sound stance, but it is also tinged with political naivety as it allowed the SNP to appear the only party willing to act on an issue that had received widespread press coverage and was therefore a "hot topic" politically.

Action against football-related inter-communal violence and intimidation has been repeatedly called for by Celtic's representatives. The Act targets violence and intimidation by all football supporters, and it

does target Celtic, but it can be argued that it also aims to protect a club whose culture is less obviously opposed to Scottish independence and arguably less problematic to the SNP than the culture associated with Rangers. This is the case firstly because Celtic as an institution were victims in 2010-11 to a greater extent than Rangers were, and also because Celtic's representatives called for a response to the violence and intimidation that they had suffered. In responding to a call to action by an institution that is the most prominent symbol of Irish identity in Scotland, and introducing a measure that can be seen as designed to protect people of Irish descent, the SNP have been able to outflank Labour amongst a group that would once have been considered staunch Labour voters (Gallagher 2000).

It is clear that the SNP have gained ground amongst those of Irish descent in recent years, and the Act, whilst not necessarily a calculated attempt to court those of Irish descent, may be considered by some as evidence of the SNP's commitment to tackle anti-Irish sentiment. This is of clear political advantage to the SNP. Historically it has been considered that Irish identity is antagonistic to "Scottishness" but this is not always the case in the contemporary era. Hussain and Miller (2006) argue that many people with an Irish family background have "mutated" any Irish sympathies into Scottish nationalism, which is now more appealing to those with a Catholic background. This process was predicted by Gallagher (2000), who describes it as 'the political equivalent of escaping from the ghetto and making one's way in mainstream society'.

Unionism is now the true "other" for many Scots of Irish descent, and Hussain and Miller (2006) suggest that one of the qualities that is transferable between Irish and Scottish varieties of nationalism is a dislike for the Union. Pittock (2008: 51) argues that many of Irish descent have 'an open and positive - if coded and cautious - attitude' towards leaving the United Kingdom. Irish nationalism and Irish culture are separate from Scottish equivalents but are not as obviously antagonistic to Scottishness as they have been in the past, and indeed many people in Scotland feel

able to hold both Irish and Scottish identities. The 2011 Census reveals that despite the large number of people of Irish heritage in Scotland, only 54,090 people reported Irish as their primary ethnic identity. Raw data of this type can be misleading but it is nevertheless indicative of the integration of people of Irish descent.

While Irish identities can no longer be considered as definitively antagonistic to Scottishness, the hardline form of British identity expressed by many Rangers fans is extremely antagonistic to Scottish nationalism and particularly to the idea of Scottish independence. The violent expression of non-Scottish (if one accepts that Scottish and British identities are separate – many Unionists do not, despite the obvious differences between them) identities has become increasingly problematic to wider Scottish society, as highlighted by Les Gray. Violence involving fans who primarily express a Scottish (or no national) identity has been rare in the contemporary era, while violence involving “British” Rangers fans was rather less than rare during 2010-11 and a number of preceding seasons.

One of the most important elements of the Act is that it explicitly criminalises extreme expressions of Unionism. In the context of a referendum on independence from the United Kingdom, this targeting of a hardline form of British identity is important. One important element of “Britishness” in Scotland has been effectively criminalised and portrayed as harmful to Scotland. This “othering” of a significant and particularly visible element of British identity in Scotland is of potential benefit to the SNP. The Act does not solely target extreme Unionists but it does legislate against them, and its timing makes it clear that it is a response to their actions. The SNP are unlikely to win votes from the Unionist community at any time, but may gain votes from those who are opposed to extreme Unionism.

While it would be too cynical to say that the Act was introduced purely as a vote-winner, acting against football-related violence in Scotland is a low-risk and potentially a high-yield strategy for the SNP. In

responding to Celtic's call for action, the party have been able to appear sympathetic to those of Irish descent. The SNP have also been able to specifically legislate against extreme Unionism and present some forms of identity as non-Scottish, and also as potentially dangerous and damaging. Finally, the Act has allowed the SNP to appear a "party of action" on what is commonly seen as a social problem in Scotland, as compared to decades of inactivity from Westminster. The potential political yield of the Act is high, despite its generally accepted lack of legal necessity.

## **Conclusions**

Football rivalries exacerbate existing tension between different groups in Scotland, but they are not the sole cause. Faith groups, academics, cultural figures, and members of the public in general all report the existence of an inter-communal tension in Scotland. What is commonly termed "sectarianism" is not a simple matter of groups being divided due to the dominant religious tradition in their community. It is both informed by, and a constituent part of, a wider inter-communal tension between hardline Unionists and other groups, including those of Irish descent. The culture that has developed around Celtic and Rangers celebrates ideals that are commonly held to have "Catholic" or "Protestant" roots. However, in the contemporary era the culture that surrounds Celtic and Rangers is defined by nationalism and opposed viewpoints on the future of Scotland and Northern Ireland within the United Kingdom.

Incidents that have been described as "sectarian" should be understood in their correct light as nationally defined rather than primarily caused by religious difference. The legislation discussed in this article acknowledges that national identity is a factor in the violence and threatening behaviour that it targets. This should inform academic and media discussion of the Act in question and the behaviour that it targets. While it is difficult to influence media discussion through an academic article (although not impossible), it is hoped that this article will influence

future discussions of football-related violence and threatening behaviour in Scotland so that the national factor within them is considered fully.

It can be argued that the Act is an attempt to tackle the expression of non-Scottish identities where such expressions have a violent context. When considering the reasoning behind the Act and its ramifications, it is important to remember that the incidents that it aims to punish do not just have significance within the context of football, but have a wider cultural importance. The Act looks to tackle discrimination (or perceived discrimination) based upon membership of a cultural group with religious affiliations. It also looks to tackle discrimination based upon membership of a national or ethnic group. Secularisation has changed the points of reference of the rivalry between Celtic and Rangers supporters in Scotland, which should primarily be understood as a rivalry driven by competing visions not just of Scotland, but of the United Kingdom and the island of Ireland.

There is particular opposition between hardline Unionists and other groups in Scotland, and the Act discussed in this article attempts to tackle just one manifestation of a multi-faceted social issue in the context of a referendum that may see the end of the Union. However, the Scottish authorities, and particularly the SNP, have presented inter-communal tension as a problem which develops from the identities expressed by football supporters, and as such they have taken steps to curb the elements of Scottish football culture that are perceived to be problematic. Inter-communal violence and intimidation within Scottish football has been a long-standing problem. However, the issues faced became particularly clear during the 2010-11 football season, during which there was a very high level of incidents of violence and threatening behaviour, particularly related to the rivalry between Celtic and Rangers.

The “Offensive Behaviour at Football and Threatening Communications (Scotland) Act” is the SNP’s response to this, implemented through the Scottish Parliament. The SNP have, in part, chosen to act on the issue of football-related inter-communal violence

before the Scottish independence referendum because it is politically expedient to do so. The SNP has been able to portray itself as active on an issue that successive Westminster governments have failed to tackle. The SNP have also been able to “other” elements of British identity in Scotland, albeit at the extreme end of the spectrum. The party is able to be seen as interested in and responsive to the need of Irish-affiliated institutions in Scotland; in the context of increased identification with Scottish (as opposed to British) identities amongst those of Irish descent, achieving this was considered to be important for the SNP’s chances of winning the independence referendum in September 2014, and of attracting support from those of Irish descent in future elections.

1 It is of course accepted that not all fans (of Celtic, Rangers, or any other club) have any national, religious, or other affiliation whatsoever outside their affiliation to their club. It is also generally accepted that there are particularly strong identities attached to Celtic and Rangers, which are not motivated primarily or solely by football, in and of itself. The author does not believe that it is unreasonable to suggest that national identity is a strong factor within the identities attached to Celtic and Rangers as institutions, nor is it unfair to say that many fans of the two clubs have particularly strong identities within which nationalism is a factor of considerable importance.

2 To the tune of the Beach Boys' "Sloop John B", the song contains the lines 'Why don't you go home? Why don't you go home? The famine's over, why don't you go home?'

3 The red cards were widely taken to be evidence of the "out of control" nature of Old Firm games, although four were received for second bookings, and one for a professional foul. None were received for violent conduct.

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