



The Scottish Parliament
Pàrlamaid na h-Alba

Official Report

JUSTICE COMMITTEE

Tuesday 6 September 2011

Session 4

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JUSTICE COMMITTEE
5th Meeting 2011, Session 4

CONVENER

*Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)

DEPUTY CONVENER

*James Kelly (Rutherglen) (Lab)

COMMITTEE MEMBERS

*Roderick Campbell (North East Fife) (SNP)
*John Finnie (Highlands and Islands) (SNP)
*Colin Keir (Edinburgh Western) (SNP)
*John Lamont (Ettrick, Roxburgh and Berwickshire) (Con)
*Alison McInnes (North East Scotland) (LD)
*Graeme Pearson (South Scotland) (Lab)
*Humza Yousaf (Glasgow) (SNP)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Mark Dingwall (Rangers Supporters Trust)
Jeanette Findlay (Celtic Trust)
Dr Neil Havis (ERIN Hibernian Supporters Trust)
Greig Ingram (Aberdeen FC Trust)
Pat Nevin
Martin Riddell (Association of Tartan Army Clubs)
Derek Robertson (ArabTRUST (The Dundee United Supporters Society))
Graham Spiers (The Times)
Dr Stuart Waiton (University of Abertay Dundee)
Professor Graham Walker (Queen's University Belfast)
Derek Watson (Heart of Midlothian Supporters Trust)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

Committee Room 1

Scottish Parliament

Justice Committee

Tuesday 6 September 2011

[The Convener *opened the meeting at 10:03*]

Decision on Taking Business in Private

The Convener (Christine Grahame): Good morning. I welcome everyone to the fifth meeting of the Justice Committee in this session of the Parliament. I remind everyone to switch off mobile phones and other electronic devices, as they interfere with the sound system even when they are switched to silent. No apologies have been received.

We move to item 1 on the agenda. The committee is invited to agree that item 5, which is on the appointment of a budget adviser, and item 6, which is consideration of our work programme, be taken in private, as is the usual practice. Is the committee agreed?

Members *indicated agreement.*

Offensive Behaviour at Football and Threatening Communications (Scotland) Bill

10:03

The Convener: Item 2 is the Offensive Behaviour at Football and Threatening Communications (Scotland) Bill. Following the extension of the timetable for the bill, the committee agreed to take further evidence at stage 2. This is the first of the committee's three evidence sessions. I will explain for everybody the layout and why we are doing it this way. Before we move to questions, we will have declarations of interest from members.

The meeting is a slight deviation from our normal format because of the number of witnesses. Our seven witnesses are—whether they like it or not—interspersed among MSPs, which it is hoped will allow for a more open discussion of the bill. Our second panel will follow the usual seating format. I advise the witnesses that my intention is to throw out a general question and that they should indicate if they want to comment. You do not need to press the button in front of you: the light will come on if you are the one who is speaking.

I will keep a list of witnesses who want to speak and will give them notice that I am coming to them. The idea is that witnesses will interact. In addition, members will ask questions, although there will be less interference from them to start with, if I can put it like that. I am sorry—that did not go down well. I will keep a separate list for members.

Before we start, it is appropriate for me to ask whether any members have loyalties or ties to particular football clubs to declare.

John Finnie (Highlands and Islands) (SNP): I am a member of the Heart of Midlothian Supporters Trust, although I have had no direct communication with the organisation on the bill.

Humza Yousaf (Glasgow) (SNP): Although I am not officially part of any supporters trust, I am a keen Celtic fan—I had better put that out there before someone else does.

Colin Keir (Edinburgh Western) (SNP): My position is rather like Humza's, except that it is Hearts that I tend to follow.

Roderick Campbell (North East Fife) (SNP): I am a not-very-active supporter of Hibernian. [*Laughter.*]

The Convener: I do not know how that went down with Hibernian supporters elsewhere.

Mercifully, I have nothing to declare on the matter of football support.

We have looked at the written evidence from witnesses who sent us some—thank you very much indeed. The first question is rather like the “Discuss” question that you are asked at school. Broadly, the witnesses seem to think that the bill is not a very good idea. Discuss. To start the ball rolling, who wants to comment on whether the bill is a good idea?

Mark Dingwall (Rangers Supporters Trust): I think generally—

The Convener: I beg your pardon. Before you answer, it would be fair of me to say who the witnesses are. Mark Dingwall is a board member of Rangers Supporters Trust; Jeanette Findlay is the chair of the Celtic Trust; Dr Neil Havis is secretary of ERIN Hibernian Supporters Trust; Greig Ingram is a board member of Aberdeen FC Trust; Martin Riddell is an Edinburgh Tartan Army representative of the Association of Tartan Army Clubs; Derek Robertson is a board member of ArabTRUST—the Dundee United Supporters Society; and Derek Watson is chair of the Heart of Midlothian Supporters Trust. We have with us a great sprinkling of supporters clubs.

Mark Dingwall: The first thing that has come back from our members and from members of other supporters trusts and associations is that the debate on the bill has been conducted in an air of slight unreality, with regard both to behaviour at football clubs and to the nature of Scottish society. We would say that Scottish society is settled and that, in the words of the First Minister, Scotland is

“the best wee country in the world”,

yet there is a hysteria around football that paints Scotland as a very dark place to live and which hypes up the violence and the prejudices in society. I do not think that that marries up with most people’s life experiences.

Jeanette Findlay (Celtic Trust): I do not want just to repeat everything that is in our submission, but, to summarise, we do not think that any case has been made for separate legislation to deal with the issue. I should make a distinction between the part of the bill that relates to offensive behaviour at football matches and the part that relates to internet threats; I am addressing the first part of the bill. Nothing that happened last season—or, indeed, in any recent times—justifies separate legislation that is aimed solely at football supporters.

The climate in which the debate has been conducted publicly has been very unhealthy. People who have no connection with football and who never go to a football game would think that hundreds of people are being arrested at football

grounds, that violence is widespread and that football grounds are extremely unsafe and dangerous places to be around, but that is absolutely not the case.

I will give one example. Even at the so-called shame game on 2 March at Celtic Park between Celtic and Rangers, which appeared to kick off the debate, there were some red cards on the park, there was a slight argument between the two managers at the side of the park and there were 34 arrests in the ground, none of which was for violent offences.

We think that the climate in which the debate is being conducted is unhelpful and paints a false picture of what it is like to be at a football match. There is no case to be made for creating separate legislation. The bill, as it is drafted, is unworkable because it is unclear exactly what types of behaviour would be criminalised.

The bill is also unhelpful in that it would basically criminalise football fans, which would, largely, mean young men up to the age of about 25, who are already disproportionately present in the prison population. They would most likely be charged with offences that they would subsequently be found not guilty of committing, because the legislation, if it were to be enacted as it stands, is so poorly worded that it would be subject to appeal. Nevertheless, they would spend time overnight in a police cell and would continually have to go back for court appearances and so on. We think that the legislation is dangerous, that it is anti-football and that it has no justification. We also think that the more serious behaviours that the bill ostensibly seeks to address are already covered in existing legislation, which should be applied.

We find the other part of the bill less problematic, and there may well be a case for it. Current legislation would cover such behaviour, although the sentencing powers are relatively light. All that the bill would do is allow for a heavier sentence, but even then the heavier sentence would be applied only in the most serious cases.

As somebody who has been the subject of debate and discussion for over 20 years on various websites, I have to say that never once has anybody laid a hand on me. Threats have been made, but I would certainly not have wanted anybody to be locked up for five years for being stupid enough to write something on a website. However, I do not think that such behaviour is a good thing and people should be discouraged from it. Legislation to address that might therefore be a good thing, but people should be careful about criminalising stupidity, because an awful lot of people might fall under that, in addition to football supporters.

Greig Ingram (Aberdeen FC Trust): The other day I read in another context that when a politician sees a problem, their solution is another piece of legislation.

The Convener: Excuse me—not this politician and not others round this table. We are here to test the legislation.

Greig Ingram: Okay. Point taken. Nevertheless, you asked in your initial question why we are against the bill and that would be an explanation. Why should legislation set offensive behaviour solely in the context of football? As Jeanette Findlay and Mark Dingwall have said, that approach probably relates back to events at a particular game last season, which maybe resulted from the teams' overexposure to each other over the seven fixtures involving Celtic and Rangers last season, so there might also be a football solution to the problem.

As an Aberdeen supporter, the bill tends to come across to me as an attack on all football supporters and it may be a case of a mallet being used to crack a nut.

The matters that the legislation deals with in relation to football seem to be covered by a range of other legislation, so why is there duplication simply for the football context? Can you define a criminal activity solely in the context of football? If it is legislation to deal with a particular problem, why not address that problem instead of there being the fog of all the other legislation and other issues around it? The legislation should be about not only football, but matters that are not covered in relation to offensive behaviour in our society in general.

Jeanette Findlay said that there seem to be two parts to the bill: the offensive behaviour at football part and the threatening communications part. The threatening communications part seems to have great merit, but it is only concerned with "religious hatred". Why have that context in one part of the bill and a catch-all in the other part of the bill? A catch-all approach is taken only in the context of football.

10:15

There was recent press coverage of a poll that found that 90-plus per cent of people want something to be done about sectarianism. If a bill is aimed at addressing an issue that is related to sectarianism, why does it not cut to the chase and do that? That would require the law to have a much clearer definition of sectarianism and the related offensive behaviour, but as I see it the bill does not provide a clear definition of those. That will result in police commanders at games making subjective decisions about what is and is not acceptable, which will put a tremendous onus on

them. I am sure that it will also result in inconsistency and leave the police open to accusations of unfair treatment.

The lack of definition in the bill will also result in considerable difficulties in bringing charges and securing successful convictions. In another context and another career, I was always told not to make a rule that I could not enforce. There is a danger that the bill is unenforceable.

Derek Robertson (ArabTRUST (The Dundee United Supporters Society)): I agree with some of what Greig Ingram said. Our main concern is that, although the offensive behaviour part of the bill covers all forms of offensive behaviour, some sections of the media have already christened it the "bigotry bill". That is where the focus of attention has been up to now and where it will be for many supporters. However, sectarian songs and chants are not defined anywhere in the bill. Therefore, interpreting those provisions will be open to personal opinion, which runs the risk of sending out an indistinct and irregular message to supporters.

As well as having been involved in the trust movement for about 12 years now, I was director of communications at Dundee United Football Club for about 10 years, so I have seen the matter from the perspective of clubs and fans. Politicians must be absolutely sure to give a clear and distinct message to supporters, otherwise they will not understand what the politicians are trying to do. You need to clarify that, because the law could fail at the courts and in the message that it is trying to get across to supporters.

The Convener: Does anyone else from the supporters groups want to comment before I invite questions from members?

Dr Neil Havis (ERIN Hibernian Supporters Trust): I reiterate the comments that my fellow trust members made. I also have a comment that has not been made so far on the bill's enforceability. We have concerns about how the police would identify individuals who were singing proscribed songs and how they would take action against certain individuals in a packed football stadium. We cannot see how that would be workable.

Martin Riddell (Association of Tartan Army Clubs): The Association of Tartan Army Clubs by and large supports the bill on the basis that something must be done, because our national game is being tarnished. As has already been mentioned, however, parts of the bill will be difficult to enforce and it will be difficult to identify offenders, which might leave the police in a tricky position. However, the clubs, the supporters groups and football in general seem to be doing very little. There are various initiatives, but they

are not working at the moment and the problem continues.

The Convener: Will you tell us what the initiatives are? Give us an example of some that are not working.

Martin Riddell: Time and again I have heard Rangers and Celtic supporters say that the club is working to improve things and to try to get rid of people who behave offensively, but it is clearly not working because we have seen what has happened in the past year or so. The Association of Tartan Army Clubs is glad to see the Scottish Government making some kind of attempt to make changes.

James Kelly (Rutherglen) (Lab): Leading on from that and from Mr Ingram's point about politicians seeing an issue and thinking that legislation is the answer, do the witnesses accept that offensive behaviour, as I will call it, is a problem in football? What do they think the clubs and supporters groups should do to tackle and resolve the issue so as to avoid the need for legislation?

Martin Riddell: As a Scotland fan, I can say that Scotland fans had a fairly bad reputation in the 1970s and 1980s, predominantly when Scotland travelled south to play against England in the oldest international football match. That rivalry seemed to bring out some bad aspects of the Scotland supporters. I do not think that we ever had the outright thuggery that is evident in some parts of football supporting—it was more mass alcoholism that brought about that behaviour.

A couple of things happened in the 1980s and early 1990s that improved the reputation of the Scotland fans. The first was the England fans and English teams being banned from Europe. Supporters of the English national team were causing trouble abroad, which meant that Scotland fans almost appeared to be some kind of antidote to the behaviour of our rivals—because England is generally our rival team. When Scotland played in the international arena—when we went off on tours or away from home—we left a good impression everywhere we went.

The second thing was that we introduced a form of self-policing. It is difficult to come up with a blueprint to give to the clubs to say, "Here you go. This is what we want you to do." It came down to respect, and to older or more mature members of the support pointing out to immature or younger members that they were out of line. I do not necessarily want to tarnish younger members; as Jeanette Findlay pointed out, there is a disproportionate amount of them in prison as it is. It is about having respect and, when people step out of line, older and more mature members trying to make them stop. Somebody has to take a lead

in the support when they see something unacceptable happening. That is certainly what has happened for the Scotland fans. Most of the trouble has been eliminated and Scotland fans are largely welcome wherever they travel in the world.

The Convener: Do you agree that there is offensive behaviour? How can football cure itself, as it were?

Jeanette Findlay: I would say more or less the same thing as Martin Riddell. Celtic fans are welcome everywhere in Europe. Sometimes I think that we are more welcome in Europe than we are in Scotland. We have a good reputation. As Martin Riddell said, when there is an overwhelming mix of alcohol and testosterone, wiser heads usually help to calm down the situation.

We have had a long-running discussion with the club about allocation of tickets. If tickets are allocated through supporters clubs, rather than individually, supporters clubs have a connection to everyone who has been allocated a ticket. You come to know them, you come to identify with each other and you are able to engage in the kind of self-policing that Martin Riddell was talking about. The way in which tickets are allocated, particularly for away games or European fixtures, could help to improve the level of self-policing because it would create that connection among fans who are travelling.

On whether I believe that offensive behaviour takes place, sometimes I am offended, but I do not necessarily think that I have a legal right not to be offended—I am not sure that anyone does. Sometimes I do not like what people sing—sometimes I find it unpleasant. Sometimes I also find things outwith football unpleasant. I sometimes find things that I read in the press—in the tabloids—unpleasant and offensive, but I do not necessarily think that they should be banned or have legislation applied to them. I am not as sensitive as that.

Where there is clear evidence of hate crimes, racism or extreme bigotry against any group, that should be dealt with. However, I am not sure that it is dealt with, which is maybe part of the problem. What is not needed is new legislation. Perhaps you should just enforce the existing legislation and deal with that.

There is nothing in the bill that affects Celtic supporters, because they do not engage in mass hate singing against any of the groups that are identified in the bill, so in that sense we do not have a problem with it. However, the problem that we have is that we think that the legislation is so lacking in clarity that it would be unenforceable and so in the meantime, while it is being proven to be unenforceable, lots of young football supporters will fall foul of it and will be damaged.

The Convener: At this stage we are, of course, dealing with the bill as introduced. We do not expect you to be technicians about this, but it is possible to amend the bill to tighten it up. What we are really discussing at the moment is the principle of the bill. Do you think that, in principle, we need the legislation? There may be difficulties in enforcing it, and it is quite right to talk about difficulties in enforceability and definitions.

Jeanette Findlay: We do not think that the first part of the bill—the offensive behaviour part—is necessary or justified, or has been motivated in any proper way. Can I just say something about the statistics around that? I said earlier that people who do not go to football probably get a picture of hundreds of people being arrested for violent offences at every game. I have rarely seen any sort of violence whatsoever at a football match. I take my children and I have no difficulty in doing that, so I think that there is a problem with that picture.

I think that there is also a problem with the statistics that have been bandied around relating to other types of violence away from football grounds. In particular, there has been a discussion around domestic violence that says that it somehow spikes during certain types of games, which may be true. The Celtic Trust made a freedom of information request to Strathclyde Police for statistics, and they showed that the biggest spikes in domestic violence are around Christmas and new year. The committee may also want to look for evidence—we do not have it as part of that FOI request, because we did not ask for it—that concerts at Hampden result, I understand, in more criminality than do football matches, but nobody is talking about having legislation directed at concertgoers.

Derek Robertson: Can I ask a question, because I agree with what Jeanette Findlay said?

The Convener: You can ask a question of another witness, but not of us.

Derek Robertson: Okay.

The Convener: We are not here to give evidence.

Derek Robertson: Well, I will try to pose the question in such a way that it is maybe not a direct question. I agree with what Jeanette Findlay said. When I first read the bill, my first impression was that much of it is covered by existing legislation. Then I read the explanatory notes that came with the bill, which indicated that the existing legislation might not be sufficient to cater for the offences. However, I am not a lawyer, and I do not understand why that should be the case.

Mark Dingwall: Mr Kelly asked whether there is a problem with football. Obviously, there is a

problem. There has been and always will be a problem at football games. There have been problems at football games, mostly because of young men with too much drink in them, for 150 years. However, let us not beat ourselves up in Scotland. We have very safe grounds and we have arrest, ejection and prosecution rates that are the envy of European football.

On the enforceability of the proposed new legislation, we already have the necessary powers. If you think that there is a problem with the police not doing their duty, get the match commanders in and talk to them. However, I think that you will find that the match experience for most fans is that they get to the game and go home from the game, and in between they are not particularly offended or subjected to threats, and are in particular not subjected to violence in any great degree.

The Convener: If you will allow me, I will now let some members come in. Graeme Pearson will be first, then John Finnie, whose point might be connected to Graeme's, but let us see.

Graeme Pearson (South Scotland) (Lab): First, thank you very much for the submissions that we have received, which were very helpful. I am sure that all the committee would agree that there is a lot of food for thought there. I was very interested in what Mr Riddell said earlier about the change in culture for Scotland fans travelling, which was achieved without any amendment to legislation. I hope that later we will come on to the responsibility of the authorities and so forth. However, I want to return to a particular notion.

If you have experienced a problem within football—I think that we acknowledge that there are problems—do you feel that the current arrangements for enforcement whereby, I think, police officers have to a large extent withdrawn from stadia and left enforcement to stewards, have played any part in that? In your experience, is there sufficient enforcement of the current legislation?

10:30

The Convener: Is your question along the same lines, John? If so, you might want to put it now.

John Finnie: No.

The Convener: Right. Does anyone want to answer Graeme Pearson's question?

Mark Dingwall: The submission from Rangers Football Club, which I have taken the time to read, makes the point that fans take police rather more seriously than they do stewards, so I would certainly not be in favour of replacing police with stewards to any great degree.

The Convener: But has it happened? That is what we are asking you.

Mark Dingwall: It has happened. The training of the stewards can be somewhat haphazard because stewards tend not to come under police discipline, so there can be occasions when people are not briefed, are misbriefed, or do not understand the instructions from the police. Perhaps that can be tightened up. If there is disorder, given the surveillance by the stewards, the police and the clubs themselves, most of the major grounds in Scotland are very safe. There is no history over the past 20 years of much violent disorder within the grounds or the precincts of the grounds.

The Convener: Perhaps somebody would be good enough to tell us what the stewards do. What is their role? What exactly do they do and how many would be at a match? If you could give us an idea, that would be very helpful. Ms Findlay is indicating that she can answer that, but I will let somebody else in first, if they want—not that I am stopping Ms Findlay from answering. No one else wants in.

Jeanette Findlay: The role of stewards at a football match is almost exactly the same as the role of the police, which is to facilitate the arrival of fans to the ground, to make sure that they are seated and everything is fine and to facilitate their exit at the end of the match. I happened to be in a meeting yesterday with the match commander responsible for Celtic Park, who said that there are minimal problems in terms of arrests and arrestable offences at Celtic Park. In fact, the police have withdrawn slightly and have left it more to the stewards.

The issue is not whether enforcement should be done by police or stewards but how police or stewards conduct themselves. Where police or stewards conduct themselves in a confrontational and aggressive way, they will create tension. Where their motivation is—as it should be—to facilitate the attendance and safe entry and exit of fans, far fewer problems arise. Graeme Pearson is right to talk about the training of stewards and having properly trained stewards and police officers who are properly instructed by the match commander. That is by and large what we observe. I attend every Scottish Premier League ground, but that is certainly what happens at Celtic Park.

Derek Robertson: I think that you will find that the stewards at football games now all have to be licensed. The difference in what they are capable of doing now compared with what they were capable of doing a few years ago is quite significant. At some of the lesser-category games—games that do not involve the old firm clubs or games that are not derbies—you will find,

I hope, a reduction in the number of police compared with the number of stewards employed by clubs.

John Finnie: I want to give a little preamble before I pose a question, if I may, convener. We have heard phrases—if I have noted them correctly—such as “air of unreality”, “climate of the debate” and “attack on football supporters”. I am delighted that the supporters groups are here, because I think this issue is key. I am a regular attender at football matches. I am a season ticket holder and I go to the occasional away game, too.

We have heard from the Lord Advocate that there is a gap in the legislation. We have heard from the Association of Chief Police Officers in Scotland that the police are capable of enforcing the bill. We have heard from the rank-and-file officers’ representatives, the Scottish Police Federation, that they are very happy with the bill; they would like some more money but, as a former federation man, I know that we always ask for more money. We have also heard that the bill is unenforceable, but that is clearly not the view of the professionals.

As a football supporter who goes to matches with his son and daughter and, occasionally, his grandchildren, I have nothing to fear from the bill. I would like to hear from each of the groups what specifically they fear from the bill as individual supporters.

The Convener: Ms Findlay is indicating that she can answer that. I am delighted that you are here, because you have made great contributions.

Jeanette Findlay: As I think I have already said, my fears about the bill relate to its lack of clarity. You might say that the Association of Chief Police Officers in Scotland and rank-and-file officers believe it to be clear, but all the submissions from law professionals and other groups have made it clear that there are problems of interpretation with the bill. I do not think that it is clear. What we have to fear is exactly what I have already highlighted: largely young men between the ages of 16 and 25 being arrested as a result in the first instance of a police officer’s interpretation of the bill under guidance. It is not nothing to be arrested. Those young men will be held overnight; they might then have to attend the sheriff court, possibly on three or four occasions as a result of the delays that can sometimes happen; and they might lose their job as a result. That will happen to quite a lot of people before we finally work out that the bill is not good.

You can have as many pieces of legislation as you like that prevent people from being racist, bigoted and homophobic. We do not have a problem with that, because we do not engage in attacks on people who fall into those categories or

in offensive singing of that type. That said, although we do not fear that in principle, we fear how the bill will be applied and its undue impact on a particular group of what might well be young people.

Greig Ingram: The point is that an activity or something that someone does at a football match could be deemed offensive and, as Jeanette Findlay has pointed out, end up in arrest. However, if someone committed the same act outwith the football context, they would not be arrested. As a result, a person could be criminalised for their activities at football alone.

I am interested in the claim that the law is enforceable. There is a huge gap in the definition of what might constitute offensive behaviour. For example, I am an Aberdeen supporter; if someone were to chant about my predilection for or alleged activities with farm animals, would that be offensive?

The Convener: I am so glad you put it that way. [*Laughter.*]

Greig Ingram: I suppose that some reasonable person might deem that to be offensive. Are match commanders going to start arresting people who chant such things? There is a whole range of different things constituting offensive behaviour and applying such definitions will be a minefield.

John Finnie: On Greig Ingram's initial point, I hope that the supporters accept that individual officers are already exercising discretion with regard to, for example, offences such as breach of the peace. My specific question was about what the individual supporters around the table have to fear from the legislation. Jeanette Findlay's comment that she, personally, fears nothing and that it is a matter for others ties in with Martin Riddell's comment about self-policing. Will there be an opportunity for more self-policing to take place?

The Convener: I will come back to that, because it relates to James Kelly's question about football solutions. James, do you want to come back in with a supplementary to John Finnie's question?

James Kelly: My question is not on that—I simply want to drill down into the detail of what constitutes offensive behaviour. Over the summer, we as individual MSPs certainly received a lot of representations about what might be described as the songs debate. Do the representatives here think that certain songs that are sung at football matches are unacceptable? How should we root out the singing of such unacceptable songs and what role might the bill play in that respect?

Mark Dingwall: The bill refers to any "reasonable person". Earlier, Martin Riddell

wondered what the fans organisations have done with clubs apart from pontificating from a perceived position of superiority as the fans who actually go to the games. With Rangers, once we became aware of the mood music in Scottish society, we had meetings with supporters clubs to tell them that, under the proposed legislation and, probably more important, under the enforcement of the current legislation by the police, anything can be deemed to be offensive.

Part of the background is the ceasefires and the decline of the troubles in Northern Ireland. Overtly paramilitary songs are now very rare at Ibrox, and other songs and chants that were generally deemed to be offensive have been ripped out. However, our fans and their organisations have started to say that, if we are going to clean up our act, everybody else needs to do the same. We can all swap anecdotes about what other supporters have sung but, in general, if that is going to happen to our repertoire, it must happen to everybody's. Therefore, everything that is offensive that is sung by the supporters of any football club—whether it is under the guise of a regional or sporting rivalry or just winding up the opposition—has to go. If it is going to happen to us, it should happen to everybody.

Therefore, there is almost an incitement to people to escalate their offendedness. I can deem that I am genuinely offended by a banner or chant and can argue to a police officer that they need to do something about it. If they do not, they will be subject to disciplinary procedures and all sorts of professional problems. That is where we have got to. There is an air of unreality, to the extent that people are asking where we can take this in football.

Martin Riddell: Mark Dingwall makes a good point. The football supporters who are here as witnesses today are all big boys and girls and we can take any flak that we hear against us at football games.

I would just be concerned about the fans I represent; I could not really care less about any other club's or country's fans. Earlier, I pointed out that, in the 1980s and 1990s, Scotland fans went out of their way to be seen as the opposite of our rivals, the England fans. There is an opportunity for Rangers, Celtic, Hibs or Hearts fans, or whoever, to say, "Look how good we are," and not to concern themselves with anybody else. They should concentrate on what they can change, which is their supporters.

The Convener: I see that Mr Dingwall is frowning.

Mark Dingwall: Mr Riddell is in essence saying, "We'll decide for you. We'll put your house in order, but you don't get to question our set of

fans.” Well, I am afraid that Rangers fans, collectively, have decided that that will not be the case. If we see something that offends us, we will go after the opposition fans in the way that people have gone after us. You reap what you sow—that is the way it is.

Derek Robertson: That makes it more important to have a definition of exactly what constitutes offensive behaviour, certainly in relation to the sectarian and religious part. Everybody knows what hate crime is. However, I have lived all my life in Dundee in the east of Scotland and have never been exposed to offensive sectarianism. Maybe it is just because of my background, but I could not even recognise a sectarian song or chant, apart from the extreme and well-known ones. For example, last week, I was surprised to read that the police say that singing “The Sash” is not offensive, when I had always assumed that it was. There lies the rub. I cannot be the only one who feels the same and who comes from that background. Unless we define the offensive behaviour, the bill will be difficult to enforce. As another witness said, we run the risk of criminalising innocent people who do not know what they are doing.

The Convener: The clerk has confirmed to me that the Lord Advocate promised that he would issue guidelines for prosecutors on what constitutes an offence. I put it on the record that the committee will want to have those guidelines delivered to us in an accelerated way and put in the public domain to assist with the definitional problems in the debate that witnesses have rightly raised.

10:45

Humza Yousaf: I appreciate the fact that supporters have come to the committee. It cannot be easy to be articulate on such a difficult subject.

I am interested in self-policing, but it only works if people believe that what they are saying or doing is wrong. There was a good example last season with a well-documented case of a couple of Celtic fans who went to the police to document and highlight a case of racial abuse by one of their own fans that they said was unacceptable. That is a good example of self-policing, but it only happens when people clearly believe that what they are doing is wrong.

Perhaps that is not the case currently, and a couple of examples of that have come out during this evidence session. The Celtic Trust submission says—and Jeanette Findlay has reiterated the point—that

“Celtic supporters do not engage in mass singing of any songs of hate for any other group of people on grounds of

religion, nationality or any of the other categories listed in the Bill.”

I am a Celtic supporter and I go to some of the games where I hear hundreds, if not thousands, of people singing, “Go home ya Huns”. If the word “Hun” does not refer to nationality, religion or any of the other categories that are listed in the bill, on what basis is that song sung?

Mr Dingwall said that Rangers fans will go after any of the opposition that goes after them. If that is the nature of the self-policing that is going on, it has not worked and it is not going to work. That is why I think that we need a mixture of self-policing, legislation, and education. Perhaps I am looking at the issue incorrectly and certain elements of supporters and supporters trusts are not in denial but, from an outside perspective, there seems to be a question about whether self-policing would work when it clearly has not worked so far.

Jeanette Findlay: I am quite happy to answer that. I do not know how long Mr Yousaf has been going to Celtic matches but, in all my life, the term “Hun” has never been used to apply to a Protestant or any member of a religious group. It refers to a Rangers supporter. Until about two years ago, Rangers supporters referred to themselves as Huns. I have heard Andy Cameron on television referring to himself as a Hun, and people saying things such as, “I am a Hun,” and, “This is a good Hun shop”—

Humza Yousaf: Hearts supporters have been referred to as Huns as well.

Jeanette Findlay: It is just applied as a football rivalry term. It does not have any religious connotation whatsoever; it never has had. In the same way, we are referred to as Tims, and I do not take offence at that—it just means that I am a Celtic supporter. It is a term of rivalry. I have never heard it used or understood it in any way other than to refer to Rangers supporters.

It is sometimes used to refer to Hearts because we call them the wee Rangers.

The Convener: It is a new world.

Mark Dingwall: This is where we enter the Gobi desert of the theology of football fans. Quite simply, Celtic fans refer to Airdrie fans as Lanarkshire Huns, Hearts fans as Edinburgh Huns, and so on. There is obviously a problem with the use of the word and Celtic fans obviously see it as a derogatory term. Perhaps I used slightly intemperate language earlier when I talked about going after the opposition. Nevertheless, if other fans do not accept that they, their behaviour and their songs are subject to the law, and they say that it is always someone else who is in the wrong, that is up to them, but times have changed and, if a club has a song repertoire that other

people find offensive, the bill is giving a specific warning that, although they could have been done for a breach of the peace under current law, Scottish society will now come after them. That is what we are talking about.

The Convener: Do some people not just sing the songs because they like the tunes and they do not mean to offend? Surely a mix of people sing these songs. One of the academics talks about how being at a football match is like being part of the theatre of the sport, and how the singing of the songs and so on is part of the game. It is audience participation, in a way. I do not want to minimise really offensive behaviour, but is there not a mix of things happening rather than just a whole group of people behaving in the same way?

Mark Dingwall: I do not want to minimise the effect of the issue, but a lot of people use the word “Hun” without knowing where it comes from or what it means, and some people just go along with what their friends and relatives have sung. Take, for instance, Manchester United fans. One of their most popular songs talks about burning Scousers and Manchester City fans and murdering people from Yorkshire. Why are they not subject to some of the Union of European Football Associations strictures? Let us be frank: we can find such examples at virtually every club in the United Kingdom and abroad.

Derek Robertson: I have to agree with Jeanette Findlay in this instance. Every club in Scotland will sing, “Go home ya Huns”. It is a derogatory term, but there is a distinction between derogatory and offensive in what the bill is trying to achieve. Frankly, if someone is as easily offended as that, they should not go to a football game.

Greig Ingram: This provides a perfect example of where the confusion comes in: the interpretation of what is offensive and what is not. There must be a clearer definition. There is so much fog around the part of the bill that deals with offensive behaviour at football and so many different behaviours that would require to be defined that it is a minefield. If the bill is really about sectarianism—which is what it was sparked by—why not just cut to the chase and define sectarianism and its related behaviours and deal with it?

The Convener: Not in a football guise—is that what you are saying?

Greig Ingram: Well, in general. Sectarianism is unacceptable whether it is at a football match or anywhere else.

Humza Yousaf: My question follows on from what has just been said. I appreciate the feedback, Mr Ingram, but I do not think that it necessarily highlights confusion over the bill; it highlights confusion over what would happen if we

were to rely only on some sort of self-policing. Some people’s self-policing would not be up to the standards that other people would expect in dealing with offensive behaviour.

It will be useful for the politicians, the supporters trusts and the football clubs to see the Lord Advocate’s guidelines on what constitutes an offence. However, it may be difficult to note down specific songs, chants or terms that might be offensive because those things will probably always be adapted—the tunes and the titles of the songs will change. In the context of racial aggravation and the use of racist language, for example, if we had written down that the N-word is unacceptable in referring to a black person, people would not have been prosecuted for monkey chants and so on. These things evolve and people tend to use other means. As a breed, football fans and those who go to sports can be quite canny in evolving language should they need to, and that is where the difficulty comes in proscribing certain songs or chants. I would be interested in following up on the Lord Advocate’s guidelines.

The Convener: I think that you were giving evidence there rather than asking a question, Humza, but I will let that pass.

I am conscious of the fact that we have not heard much from Hearts and Hibs, although matches between those clubs are usually seen to be in the same category as Rangers v Celtic matches. You are being a bit coy. Are we being precious about language? Are there no problems? Is all happy on the Hearts-Hibs front?

Derek Watson (Heart of Midlothian Supporters Trust): I think that it more or less is. I have been going to Tynecastle for 40-odd years. It was quite a frightening place for a little while, but the club evolved, the stadium became all-seated and I feel very safe taking my kids to the stadium now. I am rarely if ever offended at Tynecastle.

The Convener: Is that because you have toughened up?

Derek Watson: No, not at all. The behaviour of both the Hearts supporters and the visiting supporters has improved dramatically over the past 20 or 30 years and there is a much safer atmosphere now. The Hearts-Hibs rivalry is not in the same boat as the Rangers-Celtic rivalry, although that might be an age thing—it might be because I know a lot of Hibs fans and do not have any problem with them. These days, I do not see any trouble at Hearts v Hibs matches, which there used to be 20 or 30 years ago. Part of that could be the result of self-policing; part of it is down to the change in Scottish society; and part of it is people recognising what is expected behaviour.

I think that there has been a great improvement at Hearts, which I hope will continue. Somebody

from the press phoned me and talked about the number of arrests that there had been at Tynecastle last year. In the whole season, there were about 14 arrests, all for very minor offences such as trying to get into the stadium while drunk. I remember when 10 times that number of arrests were made at one game. That was 30 years ago, but behaviour has improved greatly since then.

My personal view is that the first part of the bill is probably using a sledgehammer to crack a nut.

Dr Havis: I agree with what Derek Watson said. Obviously, we went through a fairly bad patch at the end of the 1970s, when hooliganism was a problem, but if you look at television pictures of Hibs v Hearts games prior to that, you see that the crowd was completely mixed—there was no segregation.

The whole atmosphere around a Hibs v Hearts match is completely different from that of an old firm one. We do not have the media attention and hype that go with those games. You see people going to the game together, splitting up for it and meeting up afterwards. The policing outside the ground is different as well. The streams of fans can cross over and mix when they come out of the ground. The whole atmosphere is completely different in how the match is policed—there is no tension.

Graeme Pearson: John Finnie was accurate about the three submissions that we received about enforcement. I said at a previous committee meeting that Governments love introducing new legislation and police always love enforcing it but that does not mean that it is right. We have about 70 other submissions that are not in sympathy with the view expressed in those three. It is interesting to see the overlap between the various supporters club reps from the clubs. Would you expect the football authorities and clubs themselves to do more in the current situation, or do you feel that they have now extended as far as they can and that it is therefore unsurprising that the Government needs to step into the vacuum?

Greig Ingram: That has to be part of the scene: there must be solutions within football. Mr Yousaf mentioned education, which is a big part of it as well in the long haul. There are lots of programmes already in education that should be enhanced, and within football there is the respect agenda, which should be emphasised as well.

There must be football solutions. If UEFA can fine clubs for racism and indeed ban or fine them for chants that are unacceptable, why can the Scottish football authorities not do the same thing? There is now a referee's observer at every football match. Could the observer not decide whether there is unacceptable singing at a game and, if so, issue a report at the end of the game that says

that the club will forfeit any points that it gained in the match? The supporters who are doing damage would then be doing damage to the club that they purport to be supporting. There are football solutions that should be looked at.

The Convener: Are the clubs actively seeking those solutions? They have known that this bill was coming down from the Government, so are the leagues coming to the Government with alternatives?

Nobody knows. We will need to ask the Government, as it is something that we would like to know. We need specifics—Greig Ingram has kindly given us a specific idea.

Martin Riddell: I echo Greig Ingram's points that more has to be done by the football associations. I know that it is not the job of the Scottish Parliament to tell the Scottish Football Association or the SPL how to run their game, but you can pretty much bet that if there were meaningful fines, points deductions and games ordered to be played behind closed doors with no fans in attendance, a lot of the problems would stop, probably in their entirety.

Alison McInnes (North East Scotland) (LD): I have a couple of follow-on questions. Mr Dingwall sounded quite aggrieved, and I got the impression that he thought that the bill was aimed at him. He used the phrase "coming after us"; will he clarify that?

I want also to ask Jeanette Findlay to follow up on something. She said that she has been going to football matches for 20 years or so—or longer than that—and that she has not been offended by anything. Are there things that are chanted or shouted at a football match that she would be offended by in any other situation?

11:00

Jeanette Findlay: I did not say that I was not offended. In fact, I specifically said that I have heard plenty of things that offended me. I have heard racist songs sung, although thankfully that seems to be dying out. Basically, if they are hate songs—things that would otherwise be criminal—of course I object to that but, by and large, I do not mind if people want to sing songs that I do not like. Greig Ingram gave an example of a song that is traditionally sung to Aberdeen fans, and there are songs that people sing when they come to Parkhead, about our Glasgow slums and that kind of thing, which I do not like. I do not spend time thinking about that and I would not want someone criminalised for it. Being offended and wanting someone arrested for it are two quite different things. I have heard some things that are criminal but, in the main, I focus on the football—I am there to watch a game of football.

The Convener: Singing those songs within the context of a football match has a different impact from singing them in the street, at a bus stop for example. You are saying that certain things are part and parcel of going to a match and that there is no problem.

Jeanette Findlay: That would be more frightening. If I was standing next to someone at a bus stop and they began singing some of the songs that I have heard at matches, I would be concerned for my safety. If I am standing in a football match, I have no concerns whatever for my safety.

The Convener: That point about the context—about where the singing is taking place—is important.

Mark Dingwall: The way in which the debate has gone in the past few years, is that Rangers have been the club that has taken most of the bashing. However, now that the debate has been expanded into offensiveness in general and not just offensiveness by Rangers fans, many supporters of other clubs have had to be dragged kicking and screaming to face up to their own behaviour. For instance, there are the Aberdeen fans with their repertoire about the Ibrox disaster. They said, “That’s football banter.” Is it? They have had to be dragged to the point at which they admit to that.

The political defence that Celtic Football Club tried to put up because of the problems with its fans singing Irish republican songs at away games has collapsed. The message went out from the usual suspects to the Celtic support saying, “That has got to go because this club will end up in front of a court one day attempting to justify it.” That is not a place that the club wants to be.

The Convener: You said that the club would be up before a court. Would it not be the individuals?

Mark Dingwall: It would be a bit of both, but what happens if a club attempts to justify behaviour on the grounds that the songs are political, even though they are about an organisation that has murdered hundreds of people on the sole basis of their religion? It is a bit difficult to go in front of a court and say, “We are non-sectarian because we murder Catholic police officers.”

Graeme Pearson: If people have come to understand that such songs are unacceptable and if they issue directives that they should not be sung, is that progress and self-policing?

Mark Dingwall: It is certainly progress. However, are we reaching a stage at which every football club in Scotland can be held to ransom by a handful of crackpots who will take their sentence and never darken the door again, while the

ordinary fan who pays his or her money and behaves decently will be punished as well, because of the behaviour of that handful of crackpots? That is what we are talking about.

The statistics tell us that most of the time, Scottish football fans behave well, and that the grounds are almost unbelievably safe compared with the grounds in every other major footballing nation in western Europe. Are we beating ourselves up too much about this? Rather than talking Scotland up, and talking about the good things that we do in Scottish football, are we talking Scotland down over what I would say is a relatively minor issue?

The Convener: There is a distinction between safe and offensive.

Mark Dingwall: Offensiveness is something that can put people in a state of fear and alarm. That is common sense. Your colleagues Mr Pearson and Mr Finnie would no doubt have found, hundreds of times in their police duties in a former life, that they had to make those decisions. Perhaps the common sense of the average Scottish police constable is a better guide than the eminence even of this committee.

The Convener: Heavens! I will let that pass. You are being hard on us—you do not know what we are capable of.

John Finnie and Humza Yousaf want to come in, but I will take Colin Keir first as he has not yet asked a question.

Colin Keir: In view of the problems that have been pointed out in the bill in the last wee while, particularly with regard to context—for example, how someone might feel when they see or hear these things at a bus stop rather than in a stadium—and given the opposition that I am starting to hear to the bill itself, are we effectively saying that there should be different standards of behaviour of any kind simply because we pay money to go into a football ground? I would like to hear supporters’ comments on that because, at some point, that discussion will have to be had. Is the standard different? Do we lower our standards or do we raise them to the same level as outside? Where are we going with this?

As for the game of shame that has already been mentioned, I should point out that, whether we like it or not, over the years—and indeed, as a number of people have pointed out, back in the 70s and 80s—things have been an awful lot worse. For example, we had the Hampden park incident, with the use of horses at a cup final and all that sort of thing; I remember going to not very pleasant Hearts-Hibs games in the 70s and 80s. Given what has happened over the past number of months to certain individuals, one of whom is a former member of this place, should we not be

looking at this matter and, instead of saying what we cannot do, trying to be a bit more positive about what we should be able to do and aim at?

The Convener: You have raised several issues, Colin, but you began by asking whether there should be different criteria for behaviour in different places. For example, if people pay to get in somewhere, can they behave differently from how they would behave in an ordinary public place?

Colin Keir: In particular with football, which is obviously a very passionate game; indeed, supporters get very passionate. Someone has already mentioned the introduction of all-seater stadiums. In the days when we were all crammed into football grounds, people were definitely more passionate in their singing and all the rest of it—and some of it was not terribly nice.

The Convener: It was not like sitting in the audience for the royal ballet or something.

Colin Keir: It is certainly a lot quieter now. Are we, in effect, giving people licence to behave differently simply because they pay money to go into a football match?

The Convener: John, do you want to ask your question on the same matter?

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): My question is sort of connected to Colin Keir's point, but it was actually prompted by the analogy that Jeanette Findlay drew with bus stops and the context in which statements are made. Clearly the bill is aimed at behaviour in football grounds and connected with football matches. Does sectarian behaviour take place in Scotland only in that context or do you have any other examples of such behaviour outwith the context of a football match? If so, are you concerned that by passing this bill we are saying that sectarian behaviour within the context of a football match is unacceptable and that anything outwith that context is perhaps not as serious?

Jeanette Findlay: I will return to Colin Keir's question in a moment, but in response to John Lamont I should point out that nowhere in the bill is the word "sectarian" mentioned. It simply does not appear. Indeed, I am unclear about that matter.

If you are asking whether the manifestation of sectarianism is a football problem, my answer would be no. It is only the most visible place where it is manifested. In Scotland, the term is inextricably linked with an ethnic background—in other words, a national origin coming from Ireland. There is already legislation in place to deal with discrimination on that ground.

The Parliament's Public Petitions Committee has been considering for some time why a disproportionate number of Catholics are in prison. One of the submissions to the committee told us that that is the case because Catholics are disproportionately represented in the poorer areas and show up badly against other social indicators, so the problem clearly goes wider than football. The Parliament might want to have a look at that. Sectarianism might manifest itself more visibly in a footballing context, but in a way that is probably overstated.

To return to Mr Keir's question about whether different standards of behaviour are acceptable in different places, that is what the bill is saying. It is saying that it is okay to say certain things outwith a football ground but that it is not okay to say them inside a football ground. My response is that that is what the bill is saying, and that that is wrong.

However, it is certainly the case that in other areas of law, such as employment law, the context is everything. In some workplaces, certain behaviours are accepted by everyone and that is okay, but in other workplaces they are unacceptable. The law recognises that. It is perfectly acceptable to sing "Baa, baa, black sheep", but you certainly cannae sing it at 2 o'clock in the morning underneath someone's window. That is different—that is a breach of the peace. Context is everything—behaviours that are acceptable in one place are not acceptable in others, and we all recognise that.

The Convener: I will wind up the session in exactly four minutes because another panel is waiting. I ask John Finnie and Humza Yousaf to put their questions and then we will stop on the button at 11.15—I will not stop people mid-sentence, of course, but I ask for short questions.

John Finnie: My question is for Mr Watson and it touches on what Dr Havis covered. I fear that Mr Watson paints a glowing picture of the club that I hold dear. I was going to give a specific—

The Convener: I want a question, John.

John Finnie: Do you think that the response from a minority of Hearts fans in the aftermath of the unprovoked assault on the Celtic manager at Tynecastle stadium indicates that there is not a sectarian problem at the club?

Derek Watson: There has always been a small minority of fans who present a sectarian problem for the club. They are a relatively small group, but it is very hard to force them out. The trust and the Hearts board, as it was—a committee sits now, which is slightly different—have tried to work out how to solve that problem. It arises in the ground, in the lower part of the stand towards the away end. We all know where we are talking about. It is a question of how to force those people out or to

get them to change their behaviour. I do not think that they will change their behaviour because they have behaved in the same way for years. We are probably talking about 20 to 30 people, roughly. I would have thought that the police could use their present powers to do something about that problem and that they could work with the club to eradicate it. That is the one issue that is left.

I think that the glowing picture that I painted was, in general, true, even though there is that little pocket of fans who present a problem that still has to be solved.

Humza Yousaf: I am not sure that there will be time for my question to be answered.

Evidence from the Scottish Government and even from the police showed that there might be gaps in the current legislation. If there are not enough people present to be caused fear and alarm, it is difficult for the police to enact breach of the peace measures. Do you believe that if supporters of your clubs sing songs, whether in pubs or on coaches, that fall into the religious aggravation category or any of the other categories in the bill, and that is not challenged by law authorities, that normalises the behaviour? If so, is that a matter on which the Parliament and the Government should step in?

The Convener: Do you think that it normalises the behaviour? We touched earlier on the point that it just becomes part of the atmosphere and, therefore, one is immune to the offence, but what if the behaviour is somewhere else?

11:15

Greig Ingram: We are back to the point about defining offensive behaviour or behaviours solely in the context of football. Is that context simply inside a stadium or does it include a bus going to the stadium?

To take it away from football and return to Mr Keir's point, the bill seems to be driving the interpretation of behaviour solely in the context of football. Is a better standard of behaviour expected at football or is it just different? Is the behaviour acceptable outwith football or unacceptable inside it? That is the problem. The bill defines behaviours solely within a football context and that is extremely difficult to do.

The Convener: Let us say that people take it as read that a song is all right within the stadium. However, what if a big group sings the same song on public transport—say, in a train carriage? Is there a distinction? Should they be prosecuted for singing the song in one place and not the other?

Derek Robertson: It goes back to the definition of what is offensive and what is not.

The Convener: So they might be prosecuted for singing a song on the Glasgow to Edinburgh train because people are upset, but not for singing the same song at the stadium. It is just a matter of where they sing it. Is that a fair assessment of context?

Greig Ingram: If a behaviour is offensive, it is unacceptable whenever it happens. If it is offensive on a train, it is offensive in a football ground as well; if it is offensive in a ground, it is offensive on a train. It is offensive full stop.

The Convener: Is that what you all say?

Jeanette Findlay: If a person went into a train carriage or bus where there was a large number of ordinary travellers, women or children, and shouted, stamped their feet and sang in the travellers' faces, it would not matter whether they were singing a Patsy Cline song or something else. That would be quite alarming for people. It depends on the way that people sing.

All that is already covered. Breach of the peace is a very wide-ranging offence and can be used in many circumstances. It has a large maximum sentence. As we have just been discussing, it is debatable whether the "fear and alarm" standard can be reached. That is not the standard that is meant to be reached. Breach of the peace can already be used and is used where it is appropriate.

That seems to me to cover the matter. If somebody behaves in a way that upsets people to the extent that they feel alarmed for their own safety, that clearly should be addressed. However, I am not aware that anybody inside a football ground is alarmed for their own safety at any time. I certainly never have been.

The Convener: The clerks have reminded me that we are concerned with the singing of songs—or whatever other behaviour—going to or from a football match. That takes us back to Mr Ingram's point that the bill would criminalise behaviour only in relation to football.

I am sorry that we have to leave it there. Your evidence was extremely interesting. I was going to ask whether you wanted to say anything else to us that we had not asked. I am sure that you do. Please write to the committee if you have afterthoughts or if you listen to other evidence that we take, not only from the next panel of witnesses but from other panels and, indeed, the minister in charge of the bill. We would be happy to hear any further comments that you have to make because, if the bill proceeds, it will affect you most of all. Thank you very much indeed.

I suspend the meeting for five minutes.

11:18

Meeting suspended.

11:30

On resuming—

The Convener: I welcome the second panel of witnesses, many of whom sat through the previous evidence session. Pat Nevin is a broadcaster and former professional footballer; Graham Spiers is a sportswriter at *The Times*; Dr Stuart Waiton is a lecturer in sociology and criminology at the University of Abertay Dundee; and Graham Walker is professor of political history at Queen's University Belfast. I thank those who gave us written submissions, which were extremely useful.

This will be a little different from the previous session, as the witnesses will contribute in a panel format. Members will come straight out with questions; if the witnesses wish to respond they should indicate that to me. I will call them to respond, and their microphone will come on automatically. If other witnesses also wish to contribute, I will let them know that they will be called after that.

Humza Yousaf: I thank the witnesses for turning up and sitting through the previous session. My question, which is probably for Mr Spiers or Mr Nevin, became clear in my mind before the meeting and was confirmed by the previous session. Is there a collective paranoia among supporters—a denial that this is a problem—and a view that it can be sorted by self-policing only? Is that an issue?

Graham Spiers (The Times): There has been dragging of feet by many supporters. The bill is aimed principally at the old firm, where the substantial problem exists—not to exclude other clubs. There has been some denial and supporters groups have had to be dragged to the table kicking and screaming to get certain songs banned.

We have been talking about self-policing. I have watched football for nearly 40 years—throughout my childhood, as a teenager going to games and then as a journalist covering games. I grew up supporting Rangers—I was steeped in Rangers as a kid—so I followed the Rangers case closely. On two or three occasions, Rangers has been clobbered by the European football governing body, UEFA, for offensive chanting by its supporters. Every time we think that we have crossed the Rubicon, we go backwards. When UEFA punished Rangers in 2006, the club had campaigns and acted commendably by getting supporters on board, but it was perfectly obvious from the debate on the internet that many supporters did not want to come on board. They wanted to keep singing offensive chants. The

same applies to Celtic, but on two or three occasions, a governing body in Switzerland has had to come into Scotland and punish Rangers for offensive chanting because the Scottish authorities could not do that. We had that in 06 and 07, and there was a recent case of Rangers being rebuked by UEFA for offensive chanting. Every time we have had those decrees by the European governing body, we think we have made progress and crossed the Rubicon. We think the songs have stopped but they have not, because there is an element of denial and some supporters have been dragged kicking and screaming to the debate.

I heard some articulate debate this morning from various supporters who said in public that these songs should be stopped, although many of these supporters, in private, quite like the songs and quite like singing them. However, they do not like admitting to it in a public forum such as this. Rangers knows that and Celtic knows that. There is public posturing to a degree by supporters, but a lot of supporters like the old, offensive, bigoted chants around the old firm. They do not want the chants to stop. There is some denial and people have been dragged to the table.

To answer Christine's question—

The Convener: Please refer to me as the convener.

Graham Spiers: I beg your pardon. The answer to the convener's question is that I am in favour of this bill in principle. If someone asks whether I want to live in a country where thousands of people can shout about the Pope and say "F the Pope", I say that I do not want that in a football stadium in my country. In principle, I am in favour of the bill.

Pat Nevin: During the previous evidence session, I was slightly surprised to hear some of the witnesses say that we do not have a problem and we should not bother being here at all—we should all just go home. I strongly disagree with that.

I agree that some clubs have had a problem with accepting the degree of the problem that we face just now. Historically, Rangers practised what we could call religious apartheid until 1989, which to me was very wrong. Over the past few years, Rangers has addressed that and further problems, arguably following the UEFA ruling, and the club has spoken out about the problem, making comments in the press and programme notes and so on.

Graham Spiers talked about people being dragged towards the legislation. I am slightly disappointed in the attitude of some people in the Celtic camp. I should say that I was a Celtic supporter for 30-odd years. I was brought up in the

east end of Glasgow, in the Irish Catholic diaspora, so there is no reason for me to be biased or bigoted against Celtic in any way at all. I supported Celtic for most of my life, but one day, I found myself sitting in the stand with my son, who had started to take an interest in football, hearing the song "Ooh ah, up the RA". I could not accept bringing up my son alongside that, so I was driven away from the club that I loved. I was very disappointed about that.

Earlier someone asked what other organisations have been brought in to talk to the clubs. Nil by Mouth was one, and Celtic Football Club started the boys against bigotry campaign, which I was delighted with at the time because it was needed. I am not convinced that the initiative has been followed through for some time. During the past few years, Celtic's refusal to accept that there are problems has disappointed me. Someone once said to me that Celtic had the moral high ground and has now lost it. I did not make that argument myself, but I thought that it was interesting.

I am now in the position of feeling slightly intimidated. A number of people within the Celtic family—certainly, a number of supporters—e-mailed the BBC to ask that I be sacked from my job because, during a cup final, I suggested that I was disappointed with the sectarian singing. That became a semantic debate about what "sectarian" means. The song went something like: "As a young man, I'm going to join the IRA (provisional wing)". It offended me and I do not want to hear it at a football ground. I was shocked and surprised that Celtic Football Club and a great number of fans complained to the BBC, because I expect to hear them say that they do not want to hear that sort of song at their ground. It is a football ground; it should not be a political ground.

The Convener: Dr Waiton, I suspect that you have a different view.

Dr Stuart Waiton (University of Abertay Dundee): There is so much confusion in the debate. I would really like the previous two speakers to spell out what they are talking about. One of the issues that needs to be nailed down is what we mean by "sectarianism".

Also, why is it just football? For me, the fact that a discussion of sectarianism is almost always to do with football suggests that, if we look at it sociologically, or in terms of a dynamic in society, it does not exist. If we were to talk about racism, and the only examples of racism that we could find were at a football ground, we would say that it was a strange social phenomenon. Of course, we do not just find racism at a football ground. We find Pakistanis being beaten up constantly and issues around immigration, deportation, police harassment and so on. If sexism existed only at football grounds or was connected only to football,

we would ask why. Surely it is related to the home, discrimination in the workplace and so on.

However, whenever we talk about sectarianism, we talk about Celtic and Rangers; that is it. That is because sectarianism does not exist at any social or sociological level.

So we are talking about etiquette. Graham Spiers wants fans to be polite, because he is offended by words that are chanted by Rangers fans. Similarly, Pat Nevin seems to want the correct etiquette. Arguably, shouting an IRA song is a political thing—it is debatable whether it is sectarian at all. A form of west-end dinner-party etiquette is being demanded at football. That is genuinely what is happening. The bill is potentially a snob's law. It targets football fans specifically, and not comedians or anybody else. It is aimed at rowdy football fans, which means rough working-class blokes and lads who shout and sing songs for 90 minutes and then go home to their Catholic wife, Protestant grandparents and so on.

It is farcical to think that the bill is anything to do with a genuine social problem of sectarianism, or the shame of Scotland. I genuinely believe that, if the media, politicians and police did not make such a big deal about the problem of sectarianism, we would not discuss it any more, because all we would be talking about is Celtic and Rangers football fans, who hate each other in a tribal rivalry that exists in football. We should recognise that that is what football is about. A lot of the time, the point about being a football fan is to be offensive. That is why the bill is so problematic, because that is what people do at football—they offend the opposition, the players and so on. We might not like that, but that is how football operates. As far as I can tell, for the vast majority of football fans, the tribal rivalry is part of the excitement and their love of football.

The Convener: Before I let Graham Spiers or Pat Nevin back in, Professor Walker wants to say something.

Professor Graham Walker (Queen's University Belfast): I preface my remarks by saying that I am a Rangers fan, and have been since the days of Jim Baxter—it never got any better than that.

Many people in Scotland, particularly but by no means exclusively in the west of Scotland, have a need for an outlet for identities that seem to be fashioned to a great extent by the Irish problem. One main theme on which I would like more discussion is the way in which the Irish question interacts with Scotland, culturally and socially. There is a strong sense of tribal belonging. Rangers and Celtic are a football or sporting expression of that, but it goes deeper; it is a social subculture in Scotland. Many people have fears

that the proposed legislation is designed to curb expression of those identities.

We can talk about the offensiveness and crudity of certain songs. I endorse what Graham Spiers said about the fans' perspective. They see the songs as battle hymns that add to the atmosphere—it is in the blood. Attempts to curb them, as well as running into all sorts of difficulties to do with civil liberties, create a defensive mentality and can lead to defiance on the part of football fans. More widely, we are getting into areas of challenging the validity of people's identity and of the expression of that identity in Scotland. Again, I am talking about the impact of the Irish question. Many people in Scotland have Irish roots and connections.

Graham Spiers: I hope that Stuart Waiton has a habit, either in his work or socially, of representing people's views more clearly than he has just done in trying to represent mine. He gave a complete misrepresentation of what I said and think. He might think that I want a polite atmosphere at football, or a kind of west-end luvvies party, but nothing could be further from the truth. That was a ludicrous misrepresentation of my world view on football.

I have probably been to 100 times more Scottish football games and old firm games than Stuart Waiton has and I have repeatedly said that football needs a ribald atmosphere, banter, songs, chanting and counter-chanting. I do not want at all a Mary Poppins atmosphere at football—that would be terrible and would kill the game. We can do without some of those ludicrous misrepresentations of what people are saying.

11:45

I take Graham Walker's point. I have a lot of respect for what he has written and said on the subject. There is tribalism, political baggage and cultural traditions at football clubs, which we should not try to erase, delete or sanitise, because that would kill football. My point is that, in forging the bill, it would be good if we could make a concrete distinction in this country between disparaging or offensive chanting that might be acceptable and downright discrimination or prejudice. Religious discrimination is not banter or even disparaging: it is downright prejudice. Racism is not just disparaging or banter: it is downright prejudice. I want to maintain the ribald atmosphere of football, but we should kick out religious discrimination and racism. Right now, around the old firm, we have that, and we should try to get rid of it.

Pat Nevin: On the west-end dinner-party attitude that we have—*[Interruption.]*

The Convener: You have really stirred things up, Dr Waiton, but I will let you back in later.

Pat Nevin: I do not know—

Dr Waiton: I apologise if I offended you both.

The Convener: No, no—let Mr Nevin speak.

Pat Nevin: I do not know when they moved Easterhouse, where I was brought up, to the west end. Actually, a lot of my attitudes were possibly born a wee bit nearer the west end, where I was educated, but they also come from moving out of Scotland and going to live in England. In 1983, in one of the earliest Chelsea games that I played in—I scored the winning goal—as one of our players came on the park he was booed by our own fans for being black. There was a racist problem within our club—there was a massive problem within the game of football in England.

I stood up afterwards and spoke not about the football but about how disgusted I was with the racist problem within the game. I was abused by various people who said, "You can't do that. You're only a footballer. You don't have any right." In fact, a similar thing was said to me before this meeting: that I do not have any right to be here. When I was at Chelsea I stood up and said—it is important that someone says this—"You need to start somewhere." However, I was told—I also heard this at the previous meeting of this committee—"You'll never change this. It's always been the way." That is what I was told about racism in England.

Well, we can now see the effect that the campaign around racism has had on the English game. It is unacceptable in the English game for racist chants to be made—it has been all but torn away. The campaign has not had the effect on society that I greatly hoped it would have, but it has certainly had nothing but a positive effect. That is the answer to the question why we should try to have an effect on sectarianism. Such campaigns have an effect on society. I heard it said that sectarianism does not exist in Scottish society, but I do not believe that and am stunned by that view.

The Convener: You have a right of reply, Dr Waiton.

Dr Waiton: I have clearly offended both Mr Spiers and Mr Nevin, although—

The Convener: It was in the context of offensive behaviour at a committee meeting rather than at football.

Dr Waiton: Exactly.

I suppose that I was really lumping together what I think is the essence of the bill rather than just what the two previous speakers said. Pat Nevin's point about the racism example is

interesting because you could say that the expression of racism at football games was an expression of a wider problem of racism in society. In the 1980s, racism was a significant problem involving riots, police actions, political nationalism and so on. If you can find similar examples of significant discrimination in housing, employment, police action and so on against Catholics rather than Protestants, you might have a point that there is an issue. However, I would still not agree that you should try to police the problem out of existence.

Roseanna Cunningham's point in the newspaper regarding the recent poll was interesting. The poll said that 85 per cent of people think that sectarianism should be illegal or a criminal offence. Roseanna Cunningham jumps in on that and says "There you go. That just shows what people think."

Of course, the fascinating point is that Roseanna Cunningham is saying that we should have a thought crime—it should literally be illegal to be sectarian or think or say sectarian things. That is a serious problem, if that is the line that we are going down. The word "hate" is always attached to crime, but I think you can see that there is a profoundly intolerant underpinning to a lot of the arguments that are being presented, which is "I don't like these ideas." I do not like these ideas either; I have been an active anti-racist and have campaigned against prejudice my entire life. I have always been on the left of politics and so on. I do not like these ideas, but in this context you have to get a grip of what we are actually talking about. If you are saying that sectarianism is a serious problem in society, you have to prove it. Does banning things and using the law to stop people's thoughts and words help us to have a democratic, tolerant society? I would argue that it does not; it does the opposite.

The Rangers guy who was in before expressed beautifully what is being created here. He has become the chronically offended Rangers man who is going to trawl through websites and look at every possible offensive thing that other people are saying to try to show that he is offended by fans from Aberdeen or wherever. You could create an avalanche if the most thin-skinned, chronically offended individual is being encouraged to complain and run to the police. As far as I can see, that would just create incredible levels of tension and hatred among different fans, who would then entrench themselves in their football identity. That does not help anybody; it creates a more and more authoritarian and illiberal climate, as far as I can see.

Professor Walker: I would not like the committee to take from what I am saying that I do not want things to change in the way that Graham

Spiers and Pat Nevin have suggested that they should change. All of us here would probably agree that we want things to change in that way. The issue is how we do that and whether the bill is the best way of doing it.

I think that you have to cut with the grain, if I may use that term. I will draw on my experience in Northern Ireland to try to illustrate my point. I have lived and worked in Northern Ireland for 20 years and I attend Northern Ireland international football matches. Not so long ago—in the 1990s—they had a real problem there. There was the well-documented case of Neil Lennon—again—turning out for Northern Ireland and being abused by a small minority, but nonetheless a significant number, of Northern Ireland fans. However, a matter of weeks ago, a Celtic player called Paddy McCourt was given rapturous acclaim when he played for Northern Ireland—his name was chanted from the stands and so on. That was from a crowd that, by and large, is drawn from the unionist community in Northern Ireland. A lot has happened in Northern Ireland in the intervening period in terms of education, community projects and getting the message out to people that you can hang on to your identity without being offensive with it. In Northern Ireland they have done that in a number of very interesting ways from which we can learn. It is another aspect of the Northern Ireland experience on which we should be drawing.

The Convener: Will you develop for us the interesting ways in which Northern Ireland has done that? You appear to be suggesting something other than legislation. Perhaps you are not—I do not want to put words in your mouth.

Professor Walker: They appointed someone who turned out to be very good at his job—a man called Michael Boyd—who went out to the supporters associations and into the most hard-line areas. He was not daunted by that or by the scale of his task. The team that he built up was probably quite modestly funded. There was also a message about self-policing, which we heard about earlier. The message went out—I think that this is a comparable case to that of the tartan army, which we heard about earlier—that the Northern Ireland fans could go and have a good time and leave a good impression and, at the same time, proclaim the identity that they say that they possess. They did that through constructing numerous songs, such as "We're not Brazil, we're Northern Ireland", which took the place of other songs that were borrowed from over here. You have an example very close to home, with all sorts of parallels. We have to look at such examples.

The Convener: I will let some members ask questions now, but I will certainly come back to the witnesses if they would like to return to that theme.

Roderick Campbell: I will follow up on three themes that were developed in the earlier session. I would like to hear the panel's views on the suggestion by the Rangers representative in the previous session that by legislating we are using a sledgehammer to crack a nut, and any comments on the context and clarity of the legislation, particularly from Graham Spiers and Pat Nevin.

Graham Spiers: There is probably some substance to that complaint. As much as I wish the bill well, it seems to me—although I am not an expert on the statute book—that there are already contingencies in place such as religious hate crime law, breach of the peace, and other laws that give the police powers such as banning orders to apprehend supporters. There is a lot of stuff currently on the statute book that could deal with many of these problems, so I am a bit mystified as to why we must have an extra load of law—if I can put it in that way—to deal with the issue.

I suppose I need to qualify that by saying that I have been aware this morning that a lot of people are complaining about the anomaly between crimes that are committed in a football stadium and crimes that are committed in the street or in a bus shelter. People have said that that is odd, but a part of me says that it is not. I have been going to these games for decades, and there can be a particular poison in a football stadium. The expression of that may be found out in the street, on the factory floor or wherever, but it nonetheless finds particularly acerbic expression in a football stadium, so a part of me wants some type of specific law to deal with that.

That answer is perhaps as clear as mud, but I hope that you get what I am trying to say.

Pat Nevin: Whether we choose to deal with such behaviour through legislation or by working with clubs and fans' organisations, I would like to make it culturally unacceptable. Legislation may well be needed to do that, because I do not think that the problem has so far been addressed.

I feel that we—or at least a number of people—do not accept that there is a problem. I do not want to go back to the earlier discussion, but it was suggested that there is not a problem, and that if we let Celtic and Rangers get on with it they will be fine. However, UEFA does not agree with that and we have to find an answer.

If that means passing a version of the legislation, I believe—much like Graham Spiers—that this is your gig and you must take care of it yourselves, but I hope that good legislation can be passed that will not involve using a sledgehammer to crack a nut. I have read many things that tell me that if we do not get the legislation right, the wrong people will suffer viciously for it. I understand and

accept the point, but I hope that this place can provide good legislation.

The Convener: I see that Dr Waiton wants to answer that specific question.

Dr Waiton: Graham Spiers's point is interesting. He said before that he does not want to change the atmosphere, and he distinguished between someone being disparaging or offensive, and being downright discriminatory. Now he makes the point that he goes to games and there is a sense of poison. One can create a sense of poison by being offensive and disparaging, so there seems to be something else there, which is a sense of venomous hatred.

I therefore wonder whether that distinction is necessary. The bill does not discriminate: section 52 relates to any form of behaviour that can be deemed offensive and could lead to a public order issue. It states that the bill will target behaviour that will

"incite public disorder related to football as well as any other behaviour likely to cause public disorder related to football which would be offensive to a reasonable person in Scotland."

It relates not only to sectarian behaviour, but any form of behaviour.

The Convener: I think that you are talking about the policy memorandum, because there are not that many sections in the bill.

12:00

Dr Waiton: Yes. It relates to any form of behaviour that could be viewed as offensive and could lead to public disorder. For example, I go to Sunderland games. I am filled with poison if we are playing Manchester United, whom I hate. I do not hate them when I am not at Sunderland games, but I do when we are playing them. If we are playing Newcastle, I obviously detest Newcastle. I will swear, shout and point, and I will be red in the face. If I have my kids with me at a game, I will try to keep my swearing to a minimum, but I might explain to them that I may blurt out a swear word at some stage if, for example, we get beaten by Blackpool 2-0 at home even though we have 37 shots on target. That is what football is like. I do not then leave the stadium filled with poison and go to search out a Blackpool fan or a Newcastle fan. I live in North Shields; all my friends are Newcastle fans.

When you see poison in football grounds, you need to have a reality check. It is a pantomime. There are a few idiots who might take it further, but there is a problem if—as is going to happen—we are saying that thousands of people singing in an aggressive manner a song that includes the line

“up to our knees in Fenian blood”

is a crime. To me, that is a profound problem and a misunderstanding of what is happening at a football ground. It is not criminal behaviour. If someone is standing in the street, shouting a similar thing in my face, we could argue that a criminal offence is taking place because it is a violent personal act. In a crowd of 50,000 people, shouting whatever you like at another crowd should not be a crime. The fact that potentially thousands of people will be criminalised seems a problem.

I am sorry to go on, but I set up a petition against the legislation and within a couple of weeks more than a thousand people had signed it. There seems to be a fundamental problem in the morality and legitimacy of law in this country if there is a significant minority—which I think that there is; arguably, there is more than that—who think it is wrong to put people in prison for up to five years for shouting an offensive or abusive song. Not only that, a lot of people do not think that it should be a crime. If that is true, which I think it is, it seems to be a fundamental problem for the legitimacy of the law.

Graham Spiers: By poison within football grounds, I was referring to sectarianism and bigotry. Stuart Waiton has used the phrase “thought crime” and said how dangerous that is and that we are going to punish people for thought crimes. No freedom is unfettered. I do not want to live in a country where we have the freedom to stand up, shout and be anti-Semitic, anti-Catholic or racist. If somebody deems that a thought crime and refers to how awful it is to be punished for a thought crime, I say that I think that some thoughts should be criminalised.

I must repeat this: nobody wants to sanitise football. I am steeped in football and I love the game. Disparaging chants are part of the colour, appeal and atmosphere of football, but if we are saying that the bill is ridiculous and that we should have thousands of people happily chanting “F the Pope”—a problem that Rangers FC has had—I say, “No thanks.” No freedom is unfettered, so let us have legislation to stop such behaviour.

The Convener: This is a difficult area, as we knew it would be, on the balance of freedoms and civic responsibilities. We will keep arguing on this theme, which is what the bill is really about. Before I take a question from Humza Yousaf, John Finnie will ask a supplementary question.

John Finnie: Thank you, convener, and thank you, Dr Waiton. I enjoyed your submission, and I think that it is important that we have a wide range of views. I dissent from many of yours but, nonetheless, I think that it is important to have a wide range.

In your submission, you state:

“substantial sections of the population do not see”
the legislation

“as appropriate or valid.”

I do not see a reference to where that is drawn from, but over the page you cite a Glasgow City Council survey and draw conclusions from that.

In the last few days, we have received a submission from Action for Children Scotland, saying that it is one of the UK’s leading charities, working with 156,000 children on 420 projects. It points out:

“47% of those who participated in the survey confirmed that sectarianism was a big problem within their community, and 65% said”

it was

“increasing in Scotland”

and so on. Is it genuinely your submission that there is no issue with sectarianism and that you genuinely believe that shouting and screaming at a football match will be made a serious criminal offence?

Dr Waiton: I am glad that you referred to the Action for Children Scotland submission, which I read with interest. The report that I cited from Glasgow is also interesting because, again, you need to question why sectarianism is seen as such a problem. In fact, I want to look at and carry out some research on that issue. In Glasgow, something like 75 per cent of people said that sectarianism was a problem and a similar percentage said that they thought that it was increasing. That is interesting. After all, Pat Nevin has already pointed out that up to 1989 Rangers would not have a Celtic player—

Pat Nevin: A Catholic player.

Dr Waiton: Sorry—a Catholic player. There was also a hugely significant conflict in Ireland. As someone who had sympathy for Irish freedom at the time, I can tell you that raising the issue in England, in particular, was like calling yourself a paedophile. If people think that sectarianism is actually increasing now, they must have very short memories.

As I said, the Action for Children Scotland submission is interesting. It does indeed say that 47 per cent believe that sectarianism is “a big problem”; however, when you look at the quotations from the survey that it carried out, you find that they are all related to football. One respondent asked:

“Why can’t you just be allowed to support your team?”

Another said:

“It’s only friendly banter, don’t take it so serious”.

To the question:

“Is sectarianism a big problem in your community?”

someone replied,

“Only when the Old Firm are playing”

and others made comments such as

“It’s terrible what’s happening with Neil Lennon”,

“It’s just a game, get on with it”

and

“You need to look at the role alcohol plays, in the build up to matches”.

Just about every single comment about sectarianism relates to football. In fact, what they are talking about is football rivalry and kids being unpleasant towards each other about Celtic and Rangers. There is not a single comment on other forms of discrimination, on housing, on things their parents have faced, on pogroms and so on—this is a football issue that comes in the guise of sectarian language, clothes and so forth. Again and again, that seems to be the reality. People might not like that but it does not mean that sectarianism is genuinely a wider political and social problem in Scotland. I simply do not believe that it is.

The Convener: If, as you are suggesting, the issue is de minimis in the wider community, does that not support the introduction of a bill specifically connected with football stadia and travelling to and from football matches?

Dr Waiton: If, as I would argue, sectarianism is not a problem, that means that, with football, you must be looking at something else. You are, in effect, looking at football rivalry. If you want to criminalise fan culture, that is fine—just come out and say that. After all, the bill is targeting not just sectarianism but offensive behaviour that could create public disorder. If the police want to look at and target all aggressive, obscene and unpleasant football behaviour, they would all, as far as I can tell, fit into that.

Football is a pantomime. These people are not criminals; the vast majority of them are not even sectarian. This bill is criminalising the behaviour of ordinary people who are not criminals.

The Convener: Could it not be argued that this is the last port for sectarianism, that it has been dealt with in wider society and that this is where it is now, as it were, corralled? Is that not why the bill has been introduced?

Dr Waiton: That could be an argument, and it is the argument that you would have to pursue. If there is very little evidence of sectarianism anywhere else, all that it suggests is that that is football. At football, supporters shout what will offend the opposition. If you are Manchester

United supporters, you wave money at Liverpool supporters because they are poor; Liverpool supporters might sing a Munich air disaster song. That is what you do. Fans offend each other—that is the point of it. If a fan can say, “You Hun” and know that it offends, they will blurt that out. The nice middle-class people there might have been educated and be aware that they are not meant to use such words, but a lot of working-class lads will blurt out those words or sing those songs in the passion of a football game. They could then be arrested and put in prison for a substantial amount of time, but they are not criminals.

Pat Nevin: I am slightly surprised by that argument about lads not knowing what they are saying and it being just a bit of banter. Substitute the words “black” and “racism” and you would not say any of those things. Your argument sounded hugely similar to some of the arguments that I heard in the 1980s that, although someone was shouting the n-word or throwing bananas, they were not really a racist. I am concerned about that. I understand your argument—although Jeanette Findlay would disagree strongly with your suggestion that there has been no discrimination—but it worries me and, from living in the community that I was brought up in, I am not sure that it is true.

Graham Spiers: Are witnesses allowed to ask fellow witnesses questions?

The Convener: Yes, but you are not allowed to ask us MSPs questions—we are relieved of that.

Graham Spiers: Okay. I have got the rules. Stuart Waiton depicts an image of banter and fans slugging each other off. Within that lovely, colourful, bantering atmosphere, does he think that it is okay to shout anti-Semitic, racist or anti-Catholic slogans? Does he think that is okay or not okay?

Dr Waiton: I do not think that it is okay, but I do not think that it should be a crime. I would like to develop a culture in which people challenge such things themselves and they become unacceptable—which is what has happened with racism. Racism has become a substantially less politicised issue than it has been historically.

I throw the question back to you. You said that some thoughts should be criminalised. I hope that you realise the profoundly authoritarian and anti-democratic nature of that argument. It says that, if you are a racist or a sectarian, you should be arrested because we do not like your thoughts. The whole point of tolerance historically—in the philosophy of John Locke and John Stuart Mill—is that we tolerate ideas that we dislike so that we can challenge them. That is what liberalism was built on. We challenge people’s ideas if we do not like them; we do not make them illegal. We do not

make religions or political views illegal; we challenge them. It is profoundly authoritarian to argue that thoughts should be criminalised.

Graham Spiers: Every instinct that I have is liberal, and the argument against the bill is that it is illiberal. However, my liberalism does not go so far as to say that I want to live in a country where we are free randomly to shout prejudice, bigotry, racism, anti-Semitism and anti-Catholicism. I am not so liberal that I want that. I do not think that freedom should be that unfettered.

Dr Waiton: It is called living in a free society and a democracy.

Professor Walker: There is a sense of righteousness about what Graham Spiers is saying that is at odds with the social reality that we have to face up to. At the risk of sounding repetitive, I refer to the fact that Scotland did not go the same way as Northern Ireland. Maybe one reason for that was the fact that politics in Scotland was, to a great extent, conducted along social class lines. The debates tended to break down around class—around the Conservatives, Labour and so on.

12:15

When the Labour Party was the dominant party—which it was until its spectacular meltdown—it seemed to contain the issue of sectarianism. It did that in two ways. On one hand, it made space for it—which, by Graham Spiers's lights, might sound dodgy. On the other hand, it tried to combat it by offering the alternative of the politics of social class and class interest. It did that with a great degree of success. The fact that it did not expunge the sectarianism that Graham Spiers is complaining about should not detract from its achievement or prevent us from saying that, in many ways, that is what made Scotland different from Northern Ireland.

I do not think that it is helpful to go on a righteous crusade. The reality is that people value their orange and green identities and we have to find ways of accommodating them. That is the big challenge in the new political context, with the Scottish National Party as the dominant party. It is up to the SNP to show that this Scotland is one in which there are many cultures and identities, and that those cultures and identities include those that are involved in the age-old problem that we are discussing, as well as newer immigrant and ethnic groups.

The Convener: This is lovely. It is like a Radio 4 debate. We are expanding it out into a wonderful discussion. I thank everyone on the panel for that. The discussion is extremely interesting.

Graeme Pearson: We are entering into fascinating areas here, particularly with regard to the Northern Ireland experience. As I understand it, Northern Ireland has not gone down the road of introducing legislation of the character of the legislation that we are discussing. That is interesting in itself. Listening to what Graham Spiers and Pat Nevin have had to say in that regard has raised some challenging issues.

I am a Glasgow man. I was brought up in Glasgow, living in an area in which some of the sheds and factories were occupied exclusively by Catholics and others were occupied exclusively by Protestants. I have also dealt with crime in the east end, where people were being stabbed and occasionally murdered because of the side of the turf that they came from. I am very much in the same court as Graham Spiers and Pat Nevin when they say that this cannot be tolerated. My problem concerns whether legislation is the way in which we can bring about social change and a liberal approach without despoiling the game that we love.

Earlier, we heard that UEFA had taken strong action but that the Scottish football authorities could not do so. Is it that they cannot or that they will not? We talk about football as if it is some sort of romance, but it is a multi-million pound business and, if it was a nightclub, we would shut it down. If you were given a magic wand that would enable you to dictate the future, would you introduce legislation or would you want the football authorities to take responsibility for what happens?

The Convener: Or both?

Graeme Pearson: Or both.

Graham Spiers: There were various elements in your question. First, what could the Scottish football authorities do? UEFA has had to step into Scotland's patch and sort out Scotland's problem.

Graeme Pearson: Once in a blue moon.

Graham Spiers: The Scottish football authorities have been cowardly about this issue. They have been scared to act. Nothing would make supporters stop being bigoted in the arena more than the thought that their clubs might be docked points. You would have to be the most dim person not to stop and think, "Hang on a minute. I love my team. Why should I hurt them by causing them to be docked points?" I think that that would be a deterrent to fans who love going to the games. Banning orders would also be a great deterrent. If you say to a football fan who wants to shout about the Irish Republican Army, the Pope or whatever, "You can't come back here for three years", that will work as an extremely strong deterrent. As I understand it, that provision is currently on the statute books.

Professor Walker criticised me. I will kindly compliment him in return. I take on board what he said. The Northern Ireland situation has been interesting. I am not an expert on it but I have spoken to people who, like Graham Walker, have said that the progress that has been made in the past five, six or 10 years on the deep-seated problem of prejudice among followers of football in Northern Ireland has been almost miraculous. That might be something that we should consider more closely. Doing so might mean that you guys can escape the sledgehammer-to-crack-a-nut syndrome that you are being accused of.

The Convener: The committee is not being accused of that; it is the Government.

Graham Spiers: Yes. Docking points is one idea. Imagine if Rangers or Celtic were threatened with having points deducted. I cannot be absolutely sure about this, but I think that that has been done in at least one other league in Europe. That would certainly be a strong deterrent.

Pat Nevin: You have to consider some way of affecting the fans. It comes down to the clubs to some degree. They need to make statements on websites and programmes and in the media. They should not deflect the problem and say, "They're worse than us" or, "Oh, look at that lot over there." If they have a problem, they should accept that they have a problem, even if it is a small one.

I do not want to sound holier than thou. When I was chief executive at Motherwell, we had a problem there. Someone asked earlier how you can arrest all those people. I work in the television industry now and, trust me, the cameras can pick up problems very quickly. It is not just TV cameras—the closed-circuit television cameras that the police use can do it as well. We had a problem: much like the Hearts fans that were mentioned earlier, some supporters placed themselves down beside the away supporters. We targeted them—we got some spotters in there and we got rid of them. We banned them for life and ensured that they did not come back.

The clubs have probably done that, but on top of that you have to make it clear that you will not tolerate racism, sectarianism or sexism in your club. You have to put it on a mission statement in your programmes—not somewhere in the back—and make it clear that this is something that you will fight against. It would help if it was clear that the clubs believed that and wanted to push it through. That will have a cultural effect on the fans. However, if the fans hear excuses, wriggling or spinning, others will join them and have that argument with them.

I know that, as usual, I will get abuse on the websites for saying that, but I think that that approach would help the clubs. You will find that a

better family atmosphere develops and that people are not driven away, as I was in the past. We will have a healthier environment in which our sport can be played. Remember, chaps, that it is a sport.

Professor Walker: I want to make a point about websites, which have been mentioned. We have concentrated a lot on what are, I suppose, obvious expressions of offensiveness or what people think is offensive. We have talked about songs and chants and so on in football grounds. There is no evidence to suggest that the songs and chants that we are all familiar with, and that maybe we all deplore, are the cause of the kind of deplorable events that happened last season. I am talking about really serious matters such as items sent in the post and so on. Again, it is only an opinion, but I think that the way in which web culture has developed has a lot to do with that.

I would caution against going for the obvious, which is to deduce that people will be more influenced by a blatantly offensive posting. In fact, I would say that the postings on blogs and websites that are perhaps more dangerous are the ones that are not using intemperate language—the ones that are, on the face of it, quite reasonably argued but have concluded, "Our group is being victimised," "They are doing it to us," or, "Scotland does not like us." In recent years, such phrases have crept into the vocabulary of the debate among Scottish football supporters. I do not think that it is any coincidence that the rise of the internet happened at the same time. Over the past few years, I have detected a change in the language and the concepts that are used in debates between football fans. Claims of victimhood are now sprinkled throughout the debate, which I think is leading to a dangerous situation in which people believe that they are being persecuted.

The Convener: Can I take it from your comments that the second part of the bill might have merit?

Professor Walker: I said in my written submission that I thought that the framers of the bill were on stronger ground with the second part of the bill, because it chimes with what I have just explained is my impression. However, that is not to say that it will be a straightforward case of picking out people who have put up offensive postings. In fact, I think that postings that are argued in quite a complex way, without using intemperate language, could be more to blame.

Dr Waiton: It is not just this law. The problem is that this law builds on existing legislation and just seems to push the boat even further. To all intents and purposes, there seems to be a shift towards arguing that if something offends, it should be illegal. That has profound implications for the basic

harm principle, which is that, unless somebody physically puts you at threat or attacks you, there should be a free society in which people are able to say what they think. We are now shifting towards words becoming illegal, so if you say something online that can be deemed to be offensive, you can be arrested.

We can therefore get the strange situation that arose last week when a 12-year-old and a 14-year-old girl were investigated by the police for putting a racist comment on Facebook. I do not want a society that is racist or sectarian, but that is a fundamental shift relating to speech, words and language.

I can say that I am offended. As our Rangers friend tells us, once you start down that line, you will have an avalanche of offended people using the criminal justice system and the courts, and a potentially massive amount of time, energy and police resources will be used up on all sorts of people who are offended by all sorts of things. That seems to be a problem and it does not seem to resolve wider problems in society, to the extent that they do exist. It also creates an extremely illiberal framework, in which people are frightened about what words they can and cannot use in their everyday life. That does not seem very helpful in creating a vibrant, liberal or tolerant culture.

The Convener: I am mindful of time. I certainly do not want to truncate the debate and some members are waiting to ask questions, so I ask Colin Keir and James Kelly to ask their questions and those will be answered. Humza Yousaf and John Finnie also have questions. I will take members in pairs, if that is okay, so that we can try to get through our questions within our timetable—otherwise we will go way beyond it and we have other business today.

Colin Keir: The questions that I was going to ask have been answered.

James Kelly: I will touch on an issue that has not yet been raised: the role of the media. To an extent, the journey that we are on today started on 2 March at the cup game at Parkhead. It was the pictures of Ally McCoist and Neil Lennon squaring up to each other being run and rerun on television that caused a lot of public outrage and drove us down the road to legislation. I know that there were other more serious matters after that, but that was the start of it. To an extent, that shows the power of the media. What role can the media play in the debate to influence a positive change in attitudes and in culture?

12:30

Graham Spiers: The media can be very influential. The old cliché about the power of the pen contains a lot of truth. Because I have written

about this problem so much during the past 10 years, I have been accused of misusing my power, or writing in an inflammatory way about the bigotry problem. Other people have taken a contrary view.

For example, I have written a lot about Rangers, which was my team when I was a kid, because it has had a significant problem. In my experience of Rangers trying to fix the problem, the media's role was influential because, in a way, Rangers were prodded into action by humiliation in the media. That is what happened. These songs were being sung, and I was aware of them for decades, but when parts of the media began to highlight the issue at Rangers, it became embarrassing for the club. I know for a fact that UEFA was alerted to what it regarded as the Rangers problem by what was written in the Scottish papers—to my great surprise, that was explained to me by someone at UEFA five years ago.

The media can have an influence, and if people say that I or Pat Nevin or anyone else can misuse that power, they might, at times, have a point. I plead guilty to sometimes lampooning bigots in print in my column. People would say to me, "Graham, you shouldn't really do that." Maybe they were right, but I got so fed up with making no progress. Someone said to me that people do not like being ridiculed or lampooned, and I was guilty of that. The media can be powerful and I dare say that we have to exercise that power carefully. Maybe I have not always done that in my own field.

Pat Nevin: James Kelly suggested that, to use footballing parlance, it seemed to kick off after the little McCoist-Lennon kerfuffle. Some of us feel that it was happening before that. Two months before that incident, I went to Radio 5 Live, for which I make documentaries, to say that I felt something different was happening up here, that I felt a change, and that things were getting uglier. It was very hard to explain, but I wanted to make a documentary to look into the causes of that. We never got it together in time before the current situation kicked off, but the station came to me and said, "That's amazing." I said that people on the ground felt the change coming. All this is therefore not just a knee-jerk reaction to what happened on that night. I felt it coming before then and, in my defence, I took it to Radio 5 Live and said that it should look into the issue from both sides to see the reasons for it.

There is a wide field in the media and we are all individuals within it. We do not have one set voice and can only say what we believe. Although I feel slightly embarrassed by the word, I am seen as a pundit. A pundit is someone who gives their opinion on something and it can be no more than that. I hope that what I have said can be seen for what it is—it is about making our society better.

Dr Waiton: I am going to make friends and influence people again, as usual.

The Convener: I could see it coming; you were rubbing your hands together. Your body language was a giveaway.

Graham Spiers: He is loving this.

Dr Waiton: Which offence should I take?

We are talking about prejudice and all the rest of it, but I genuinely think that the most profound prejudice and hatred that I have seen expressed in this whole issue have come from the media and politicians and been directed towards ordinary football fans. What Pat Nevin is describing almost has the sense of a pogrom. If you read *The Guardian* or know any *Guardian* readers, you will be well aware—or perhaps not, if you are a *Guardian* reader—that there is a kind of moral—

The Convener: You are not trying to offend the committee as well, are you? Well, why not? Go for it.

Dr Waiton: Yes, *The Guardian* is a good paper; what can I say?

I often ask my students, “If you are at a dinner party, what is something that you must not be today?” and the answer that they usually cotton on to is “racist”. You should not be a racist—that is an absolute. If you went outside and shouted, “Hands up everyone who defends sectarianism!” probably no hands would go up. It is a great thing to stand on—it gives a great sense of moral righteousness and superiority, which I think the press are drenched in. The idea that there is a kind of pogrom out there—

Graham Spiers: We need names—name names.

Dr Waiton: Pat Nevin just talked about this.

The Convener: Are you glad that you are in the middle, Professor Walker? You are like a referee.

Graham Spiers: Professor Walker agrees with Dr Waiton.

Dr Waiton: Pat Nevin talked about the sense of impending doom that he feels. As far as I can see, that is probably because he reads *The Guardian* too earnestly and has lost any genuine sense of what people are like at Celtic and Rangers games. As far as I am aware, violence inside and outside the ground has decreased rather than increased, so let us get a handle on the issue. Ally McCoist and Lennon had a bust-up—big deal. Andy Goram made the point that there was a fight at a darts match, something happened at a rugby match and such-and-such happened at another match but nobody cared, yet when those two guys throw a few handbags at each other, it is seen as a big deal.

Then, of course, the BBC had to apologise. That is where the danger lies. Because being against sectarianism is such an accepted absolute, we end up with problematic and prejudiced reporting. The BBC had to apologise to Ally McCoist because of its depiction of him laughing. He was asked a question about violence at old firm games and the pictures were switched so that he was shown laughing when the question was asked. He challenged the BBC about it and the BBC had to apologise for the editing of that piece. That is the problem. It has become the case that there is such a profound prejudice and such an absolute moral certainty among the cultural elite that almost anything seems to go. If you want to know what the problem is with the media, that is the problem.

Finally—I talk far too much, for which I apologise—I will give an example of that. The verdict in the Hearts case was really interesting. I wanted to know why the guy in question got off with assault. To start with, I could not find out from anything that I read whether he had been charged with assault, aside from the sectarian aspect. I thought that the jury had not found him guilty because they were not convinced that he was sectarian. Ironically, as usually happens in such cases, it turns out that the guy’s father was a Catholic and his child was christened a Catholic. That shows the nonsense of what that means in that context.

I still do not know why the jury said no to assault because, as far as I am aware, not a single media outlet has explained what happened in court or what the arguments for and against conviction were. They have all just been shocked and outraged at the jury. Why did the jury reach its decision? The presumption is that the jury must all be bigots of some description and that there is something wrong in Scottish society. I have no idea why the case played out in the way that it did because, as far as I am aware, no one has reported on the ins and outs of the arguments that were made about assault. That shows the problem with the media.

The Convener: I think that that is simply because jury deliberations are and always have been—and, I suspect, always ought to be—private.

Dr Waiton: I am not talking about the deliberation. I am talking about the arguments in court. There must have been many arguments by both sides as to whether it was assault.

The Convener: I presume that the case was heard in open court and that if you had sat there, you would have heard the arguments.

Dr Waiton: I would have, but I would have hoped that someone would report on those

arguments, and I have not seen any such reporting.

The Convener: Perhaps that will happen now and we will get the details. There were reports about the case, of course, but I do not want to get into that because we are into extra time. I do not want to use too many football metaphors, but I will blow the whistle shortly.

I want to get to Humza Yousaf—I am sorry; Professor Walker would like to comment on the role of the media, which is an important issue.

Professor Walker: It is just a quick point. I want to come back to what Graham Spiers said, because there is a danger of saying that all the people who indulge in sectarian behaviour at football matches are numskulls. That is not the case. In my experience, they are highly intelligent people who—I support Stuart Waiton here—let themselves go at football matches.

The Convener: Perhaps they read *The Guardian*.

Professor Walker: Perhaps they do.

Graham Spiers has a reputation for going for Rangers fans. He has explained why he has done that, and that is fair enough. However, what he neglects to take into account is that those fans have a right to come back at him and say that the issue is wider than some sectarian ditty that he is constantly going on about. It connects, for example, with the issue of segregated schools—I am sorry, but I have to raise it—their impact on wider Scottish society and the attitude that they form. The issue is huge and I think that we are spending too much time on a few songs sung by fans in a particular context.

The Convener: I must move to the final two questions. I apologise to members but we have a lot more business to conclude. What is your question about, Humza?

Humza Yousaf: I suppose I will just ask it.

The Convener: Oh! That is a bit impertinent. It has been a long day, I know. Ask your question and I will see whether John Finnie wants to ask the same thing.

Humza Yousaf: It is about some of the wider aspects that Professor Walker raised, but it is more to do with the incitement element in the bill.

The Convener: Is your question about the same thing, John?

John Finnie: It is about one of the specific provisions in the bill.

The Convener: Okay. I did not really mean that you were being impertinent, Humza. I am tired—it

has been a long morning. You are a lovely person. On you go.

Humza Yousaf: Thank you very much.

Mr Spiers, I do not know whether it will be any comfort to you but this morning when I tweeted that I was on my way to the Justice Committee and that we would be hearing from various supporters trusts as well as from Mr Spiers and Mr Nevin, I had Rangers and Celtic fans coming down on you and saying that you were on the other side. I suppose that, if you have both sets of fans going after you, it might indicate that you are somewhere right in the middle.

I am interested in the incitement side of things. Dr Waiton—and indeed Pat Nevin—suggested that there are either thoughts or actions. That seems to me a very linear, simple and base way of looking at the world and does not take into account such a thing as incitement. Although he did not quite get there, Pat Nevin—or perhaps it was Graham Spiers—seemed to be drawing an analogy with German fans shouting anti-Semitic remarks or saying that they were knee deep in Jewish blood and suggesting that that might be seen as an offence but not as a crime. However, I really struggle to see how that would not be seen as incitement and I would be interested to hear your thoughts on the matter. After all, the bill refers to incitement rather than to offence or just action.

I wonder whether the witnesses can expand on a point that was made by Professor Walker. None of us is suggesting that this bill is, by any stretch of the imagination, a magic bullet but in what respect are politicians not being brave enough in tackling the wider issue? Are there certain institutions on which we should be, but are not, focusing? In the debate that we had on the bill just before the summer recess, my colleague John Lamont made a very brave speech that tried to touch on some of those issues.

Dr Waiton: The incitement issue is very interesting. On the website for the anti-sectarian authoritarianism petition, people can write things—I liked in particular the comment from Ryan Muldoon. You need to follow the logic of the argument, but he said:

“Stupid law. Theoretically, the perpetrator could stab the person they're directing the chant at and get a lighter sentence.”

He means that if someone in a football ground were to stab a person who had been chanting “You Fenian bastard” over and over in an aggressive manner, the person doing the stabbing could end up with a year in prison while the person doing the chanting could, arguably, get five years in prison. That is remarkable. By having been incited to stab the other person, the first person has almost been given the justification to do so.

Obviously, no one is really justifying such an action but our argument is that, in such cases, it is the person doing the chanting who is responsible for the other person reacting and smashing a bottle over his head. That, to me, seems to be a profound problem.

An important distinction has always been made between words and actions. You should be free to argue, shout and do various things—

Humza Yousaf: So, in your opinion, incitement does not exist in society.

Dr Waiton: It certainly does. If I were to run up to you and start swearing in your face and you were to hit me, I would expect you not to be charged. However, if you are standing 100yd away, shouting “Sunderland are crap” or something much more offensive, and I go and smash your face in, it should be me, not you, who gets done.

12:45

Humza Yousaf: So where is the boundary between those who should be charged with incitement and those who should not?

Dr Waiton: It is a personal, aggressive offence. If I am shouting in your face, that is a borderline act of violence. The question is whether there is violent intent in the action or whether you could understand that there is violent intent. If I am swearing in your face and being racist and you defend yourself, it would be seen as self-defence because there is a potential for violence. If I am 100yd away, shouting “Your team is a joke”—

Humza Yousaf: So it is a question of distance and intent.

Dr Waiton: There is no evidence that I am going to smash your face in if I am shouting at a football ground. Otherwise, let us just arrest all fans because they shout things that are offensive and because you think that that might be incitement—which is basically what the bill is leading to.

Humza Yousaf: I think that the bill—

Dr Waiton: That is a fundamental difference—

Humza Yousaf: I think that the bill touches—

Dr Waiton: —which you know yourself. You have been to football games. Do you think that, because someone is shouting at you and taking the piss, they will come and smash your face in?

Humza Yousaf: I think that the bill—

Dr Waiton: No, you do not, because you are not frightened.

The Convener: Do not talk over each other. I want you to debate, but not to speak over each other.

Humza Yousaf: The incitement provision in the bill purposely touches on those areas of a person’s characteristics that they would feel threatened about—colour, race, nationality, ethnic or national origins, sexual orientation, transgender identity or disability, as noted in section 1(4). I think that you would agree that if someone was shouting at you about those types of things, you would—

Dr Waiton: You would take offence at that, but that does not mean incitement to violence.

Humza Yousaf: Not just take offence at but, regardless of the distance between you, you would see it as a deep personal attack rather than just a shout that your football team is crap.

Dr Waiton: That is right: you would find that extremely offensive verbally, but that is not incitement.

Humza Yousaf: So, if the shouts were on a personal characteristic, such as those that are categorised in the bill, that would not be seen as incitement.

Dr Waiton: If someone was shouting something extremely offensive that you found personally offensive and you went over, found the person and glassed them, I would put you in prison and not the person who was shouting a stupid song.

Humza Yousaf: That was not the question I was asking.

The Convener: There is also the issue of incitement in degrees. Incitement can be general, but people may also specifically incite by what they are doing, well aware that they are persuading or driving somebody towards taking such actions.

Dr Waiton: That is possible, but you are infantilising fans: you are making fans become childlike and not responsible for their own actions.

The Convener: No, I am not doing that. I am saying that fans are not a collective. There can be people in the match—individuals or certain groups—who are inciting with the deliberate purpose to have an action taken, and there can be others who, by what they are singing for example, may be inciting in a general way but are not aware of it. There can be purpose behind certain actions: deliberate incitement. In those circumstances, like Humza I would make a distinction. You said that it would be just the person who wields the knife or hits the blow who commits an offence, but I think that it is also the person who set about making sure that those actions occurred.

The situation is rather like somebody who makes the paper pellets at the back of the classroom and hands them to someone else to use them, as I found out to my regret. I threw the pellets at the teacher, but the other person knew perfectly well what they were doing—there was incitement there. I agree with Humza that there are differences and degrees.

Dr Waiton: If that is what is being argued in the bill—I think that it partly is—there is a problem. I can guarantee that, if I go to a football match, there is nothing that anybody from the opposition can shout at me that will make me be violent against them. If you want to give me an excuse and say that a shout can be an incitement to violence, that seems a problem. It undermines the idea of our being responsible not to be violent. Football fans are offensive as hell against each other, but people deal with that when they are at a football game. They just get on with it and shout back. It is part of the banter, rivalry and hatred, but people should not be violent and we should not encourage a sense that incitement is almost acceptable or understandable in that context.

The Convener: Before we move on, I want to ask Mr Spiers and Mr Nevin whether small groups of people go to matches deliberately to make things happen by the way that they sing songs and to cause things to happen to opposition supporters by incitement. Is that not some people's purpose for being there? They are not there for the football.

Graham Spiers: Of course we cannot generalise, but you are absolutely correct that groups of football fans, of all teams, go to matches and hope that it all kicks off because that is exciting. I have real trouble accepting Stuart Waiton's lampooning of the situation as involving luvvies, or as *Guardian*-reading intelligentsia basically kicking in the good old working-class football fan, which seems to be the position that Stuart takes. It is nothing like that. I share many things with Stuart. I love football. I get the distinct impression that he is proud of his working-class roots. My family had working-class roots and we were steeped in football. For me, the issue is not a class thing. It is not about sanitising the game or making it a Mary Poppins environment. The banter is critical to football. I just think that racism and religious prejudice should be erased. However, the convener is of course right that some fans go to matches hoping that it all kicks off because that will be really exciting.

The Convener: What do you mean by "it all kicks off"?

Graham Spiers: I mean verbal aggro and maybe some physical aggro.

Pat Nevin: There is a slight dichotomy. I think that we have been misrepresented. Recently, I

had to cover four games in the space of a week: Barcelona v Real Madrid, Real Madrid v Barcelona, Liverpool v Manchester United and Celtic v Rangers. I enjoyed the Celtic and Rangers game the best. It was an astonishing and wonderful atmosphere, apart from a small part. To say that we are *Guardian* readers who want football cleaned up is a complete and total misrepresentation. I do not want that to happen. My background is exactly the opposite of that.

The Convener: We should defend *Guardian* readers, as they are coming in for a hard time.

Dr Waiton: I read *The Guardian*.

Professor Walker: I want to return to the point about what politicians can do in the debate. There has been an unfortunate tendency to push the debate into tramlines—if I can risk that metaphor here in Edinburgh. [*Laughter.*] As a Glaswegian, I am allowed that.

The Convener: No, you are not.

Graeme Pearson: Yes, you are.

The Convener: This is not a pantomime.

Professor Walker: My serious point is that there is an important integrated schooling lobby in Northern Ireland. It has existed now for 20 or 30 years and has been built up during the troubles in Northern Ireland. More parents than ever before from Catholic and Protestant communities are sending their children to integrated schools. Because those schools respect religious and cultural difference and make space for it, there is an ethos that appeals across the board.

It is unfortunate that people reacted in the way that they did when a committee member brought that issue into the debate some weeks ago, because it is an important subject. We are not necessarily saying that a certain group of schools are the problem; we are saying that, in Northern Ireland, there might be an alternative that can run alongside the other sectors and that it could do a bit of good by contributing to a better atmosphere in society. There is that wider problem. Politicians have a duty to explore all aspects of the debate.

The Convener: Yes, but our agenda for today is to consider a specific bill, although I appreciate that we have to look at the context and the workability.

John Finnie has the final question.

John Finnie: I will pass, convener, because my question was within the realms of Humza Yousaf's question on incitement.

The Convener: The debate has been most intriguing, and the interaction between the witnesses has been stimulating, although I am not any clearer on what I think about the bill at the end

of it. However, that is good, because you have introduced a load of subtleties and difficulties about freedom of expression and what constitutes offensive behaviour and incitement. The area is complex. I thank all the witnesses for their interesting evidence. I hope that Radio 4 broadcasts the debate, because it was extremely interesting.

I want to move on quickly, because we are running up against the buffers.

Agenda item 3 is a standard item to enable me, as convener, to authorise the payment of expenses that are incurred by witnesses who give evidence on the bill. Agreeing that now avoids individual claims having to be processed on an ad hoc basis. Do members agree to allow me to authorise expenses for witnesses?

Members *indicated agreement.*

Reporter (European Union)

12:54

The Convener: Agenda item 4 is the appointment of a European Union reporter. Members are invited to nominate a member as the committee's European Union reporter.

Humza Yousaf: I nominate Roderick Campbell.

The Convener: As there are no other nominations, I ask Roderick whether he accepts the post.

Roderick Campbell: I do.

The Convener: Thank you very much.

12:55

Meeting continued in private until 13:02.

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