

Institution: University of Cambridge		
Unit of Assessment: 31		
Title of case study: Instigating the Repeal of the <i>Offensive Behaviour at Football Act</i>		
Period when the underpinning research was undertaken: Sept 2011 – Sept 2013		
Details of staff conducting the underpinning research from the submitting unit:		
Name(s):	Role(s) (e.g. job title):	Period(s) employed by submitting HEI:
Dr Joseph Webster	Research Fellow; Lecturer	2011-2013; 2019-
Period when the claimed impact occurred: Aug 2017 onward		
Is this case study continued from a case study submitted in 2014? No		
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>Through direct engagement with the Scottish Parliament and the media (including 16 newspaper articles and a live TV debate), Webster's research at the University of Cambridge was instrumental in repealing the <i>Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012</i> (hereafter <i>OBFA</i>) on 15/3/18. Key stakeholders include all football fans in Scotland, Police Scotland, Irish-migrant populations, and civil liberty groups UK-wide. Since repeal, 'at risk' football fans (mostly young men from deprived communities) will no longer have their prospects blighted by criminal records classing them as sectarian offenders. Webster's research called for non-legislative solutions to sectarianism via early years education, leading the Scottish Government to allocate GBP530,000 to anti-sectarianism education in 2019 [E1].</p>		
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>Working as a Research Fellow at the University of Cambridge (2011-2013), Webster engaged in ethnographic research on the Orange Order in Scotland, including 13 months of immersive, full-time fieldwork. In addition to 44 ethnographic interviews, Webster undertook in-depth participant observation among Orangemen and Rangers Football Club (RFC) supporters in an Orange Social Club. Webster made 12 trips to Scotland's Grand Orange Lodge, attended 11 loyalist parades, six loyalist street protests, five Orange church services, and 20 other loyalist events (totalling 1500+ hours of observation and 200,000+ words of fieldnotes). Webster also took 3000+ photos of Orange parades, recorded 43+ hours of audio (interviews, speeches, and sermons), and analysed 350+ documents. He also conducted a week of interviews among Orangemen in N. Ireland, and comparative fieldwork on Irish republicanism in Scotland.</p> <p>This 2011-13 ethnography provided the foundational empirical data for Webster's policy engagement on the <i>OBFA</i> – data analysed and interpreted in conversation with Prof. Robbins (Anthropology, Cambridge), Dr Jenkins (Divinity, Cambridge), and Dr Wydra (Politics, Cambridge). Webster's research, published as a 110,000 word monograph [R1], was of particular relevance to his case for repeal of the <i>OBFA</i>, and, post-repeal, to his advocacy of non-legislative solutions to football sectarianism via early-years education [E6].</p> <p>In the Introduction and Chapter 1 of <i>The religion of Orange politics</i>, Webster reassesses the role of religious hate in human experience, arguing that hate is embraced as a social and moral good by fans engaging in sectarian football chanting. Chapter 2 examines attitudes to hate crime, analysing the impact of the Orange/loyalist contention that Catholic perpetrators are excused while Protestant victims are ignored. Chapter 3 traces extensive institutional and cultural connections between Rangers supporters and the Orange Order, explaining how the exclusionary nature of their shared ultra-British and ultra-Protestant ideology shapes public debate about sectarianism at football matches and Orange parades. Chapter 4 analyses Orange expressions of sectarianism in relation to football fandom and fraternal drinking, presenting new data on football chanting as it was policed before the repeal of the <i>OBFA</i>. Chapter 5 documents how religion and football fandom influenced loyalist/republican voters during the Scottish independence referendum, tracing links between Scottish unionists, Rangers fans, and loyalist paramilitaries in N. Ireland. The Conclusion analyses sectarian football fandom and expressions of British-Protestant chosenness to reveal the theological roots of Orange claims to being a 'race apart' – an exclusionary process</p>		

that, Webster argues, was exacerbated by *OBFA*-led policing, because RFC fans who felt unfairly targeted by the legislation further intensified intra-group bonding via heightened sectarian chanting. In sum, Webster contends that policies which restrict sectarian expression are designed by politicians who misunderstand why individuals value hate – a situation which rendered the *OBFA* a counterproductive failure.

Webster has been invited to present his research on the *OBFA* at international conferences, including to the *Football Collective* (where UK/Irish academics and policy makers discuss football and social policy), as well as to an *Anthropology of Christianity* conference in Zurich. Demonstrating impact work feeding back into research, both of these papers were based on data gathered as a consequence of Webster's prior invitation to submit a policy report to the Scottish Government's ***Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion***. Webster was also invited to present his new theorisation of 'The Good' of hate within the Orange Order to the *American Anthropological Association* (Denver) – a foundational argument to his parliamentary testimony [E4] about the failure of the *OBFA*.

3. References to the research (indicative maximum of six references)

R1. Webster, J. (2020). *The religion of Orange politics: Protestantism and fraternity in contemporary Scotland*. Manchester University Press. ISBN: 9781526113764

As publisher name indicates, output is of international quality, meeting min. 2* requirement.

4. Details of the impact (indicative maximum 750 words)

Webster did not embark on research with RFC fans with plans for policy engagement on sectarian football disorder. Instead, this issue arose organically from ethnographic engagement with Orangemen and RFC fans concerned about the negative impact of the *OBFA* [R1]. Webster was asked by the Scottish Government Justice Committee to give expert testimony about repeal based on this ethnography conducted primarily in 2011-13.

4.1 Impact: Pre-Repeal

Webster's ethnographic study of religious identity politics within the Orange Order [R1 *passim*] initially contributed to the Scottish Government's ***Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion*** (10/9/16). Webster was asked to write a report to the Chair of the Advisory Group (Prof. Duncan Morrow) on hate crime, community cohesion and the Old Firm, and later submitted evidence (now published on the Scottish Government website) to the Justice Committee on the proposed repeal of the *OBFA* [E2].

Webster's written Justice Committee evidence was subsequently quoted in an article in the ***Express*** newspaper (20/8/17) about the *OBFA* as it relates to anti-Semitism:

"Dr Joseph Webster [argues]... it is 'legally and practically impossible' to legislate against people chanting on football terraces, in pubs or in the streets, adding: 'To do so would require mass arrests of hundreds if not thousands of people... – a situation that few members of Scottish civil society would consider practical or desirable. In short, "offensive behaviour" as defined by the 2012 Act ... requires cultural change, not legislation.'" [E3]

Even at this pre-repeal stage, Webster's research was influencing debates beyond football sectarianism, about religious hate as it pertains to UK-wide concerns about anti-Semitism.

4.2 Impact: During Repeal

Following this submission, Webster was invited to appear before the **Scottish Government Justice Committee** to give oral evidence on repeal (14/11/17). Webster was questioned extensively over 82 minutes (see video [E4] and transcript [E2]). Webster outlined his case for repeal, arguing that the legislation was unenforceable, unjustified on free speech grounds, and based on a misunderstanding of football chanting as inter-group rivalry rather than as fostering intra-group solidarity [R1 Chapter 4 and Conclusion]. Those on both sides praised the usefulness of Webster's evidence. Justice Committee member **Fulton MacGregor MSP**, who opposed repeal, described Webster's evidence as providing new insight:

"It was to pick up on a point that Dr Webster made ... it's the first time we have heard that angle on things, that actually people who are engaging in [illegal] songs and behaviour are

doing so to their own fans and supporters. ... your point was well made and it was made in a different way that we haven't heard before ... It was interesting to hear that angle." [E2]
Likewise, **James Kelly MSP**, leading the repeal effort, praised Webster's evidence:

"Your evidence at the committee was very impressive and helpful to my case. The fact that you were able to back up views with such a strong evidence base added good quality to your oral and written submission. This is very useful as source points in the Justice Committee reports and parliamentary debates that will follow." [E5]

Following this oral evidence, Webster's contributions were quoted extensively in the **Justice Committee Stage 1 Report on Repeal**: (i) regarding what 'message' repeal would send to those who engage in sectarian behaviour (§76, p. 23), (ii) how certain football fans believe themselves to be unfairly targeted by the legislation (§89, p. 27), (iii) how the legislation is unjustified on free speech grounds (§97, pp. 29-30), and (iv) on the definition of sectarianism (§178, p. 58). Webster's quoted contributions totalled over 640 words of the report [E2].

Following this, Webster's evidence was twice quoted by **Liam Kerr MSP** during the Scottish Parliament's **Stage 1 Debate**, firstly on the social impact of repealing the *OBFA* [E2]:

"Dr Webster said that repeal does not mean affirming the validity of... proscribed behaviour. He considered that how repeal is perceived is all our collective responsibility. He is right: it is all our duty to send a message that hate crime is illegal—and still will be."

And secondly on how the law changed fan behaviour without reducing sectarianism [E2]:

"Dr Webster said: 'What fans have done is change their behaviour by holding their hands in front of their mouths while singing certain songs in order to prevent CCTV from capturing them... replac[ing] certain songs and chants with other words in order to skirt the law.'"

Following Stage 2 (suggested amendments to the legislation), the Scottish Parliament moved to **Stage 3 to debate and vote on Repeal**. During this debate, Webster's research and oral and written evidence was again quoted by Liam Kerr MSP [E2]:

"Webster told the committee: 'The 2012 act has made the policing of sectarianism more difficult, because fans have got wise to how to circumvent the law.' Worse, he went on to say: 'it has led to a deterioration in relationships between the fan bases and between them and the police.' ... Webster was clear in saying to the Justice Committee: 'Has the singing decreased? No, it has been redirected. Is the law working? No, we need to replace it with other methods of behavioural change... [namely] early years education.'"

Maurice Corry MSP also quoted Webster's evidence [E2]: *"Dr Joseph Webster ...—and he should know—also told the committee that 'the act is not justified on free speech grounds.'"*

Following this debate, a vote on Repeal was held, with 62 for repeal and 60 against. As advocated for by Webster's evidence, the legislation was formally repealed on 15/3/18.

During this time, Webster also engaged extensively with the media on the repeal debate. On 10/3/18, the **Herald** (Scotland's largest newspaper; circulation 28,900), ran a front-page story (above and below fold) on Webster's research under the headline "*Sectarianism at football is about tribal solidarity, says academic.*" This 275-word article discussed Webster's analysis of football sectarianism as motivated by intra-group solidarity [cf. R1 Chapter 4 and Conclusion]. This front-page article was followed by a 700-word article in the same edition (page 3) titled "*Sectarianism among fans is kept in their own tribe, says academic.*" This article examined Webster's research [R1] in more detail, accompanied by a 230-word supporting article on falling conviction rates using the *OBFA*. Webster also had a 600-word op-ed in the same edition titled "*Scrap Act that misses point on reality of sectarianism*" [E6].

These articles were picked up by three other newspapers, with the **Sun** (circulation 1,496,558), the **Evening Times** (circulation 23,696) and the **National** (circulation 8,500) running stories on his research [E6]. The *Evening Times* article provoked significant reaction in Scotland and internationally. **FollowFollow** (the leading RFC forum) debated it in the thread "A leading academic's take on sectarian chanting", as did **Gersnet** and **Kerrydale Street** (RFC/Celtic FC forums) and **Qiumi.de**, a German Bundesliga forum. Jeanpaulvalley commented "*Good article - rare common sense from academia*"; Cross Keys Rab stated "*That's probably the closest opinion I've read to actual reality that you'll find anywhere*" [E7]. The **Herald** profiled Webster's research again a week later (17/3/18), this time on page 2. This 660-word article reported on Webster's findings about the difficulty of voluntarily maintaining ethno-religious segregation in Scotland, as compared with N. Ireland [R1 Chapter 1]. The article profiled Webster's call for anti-sectarian initiatives to refocus on early years

education [cf. R1 Chapter 2] rather than the current proposals for new legislation [E6]. Thus, in addition to repeal, Webster's research fostered new debates about the behavioural causes and effects of sectarianism, offering a new framework for a post-repeal approach.

4.3 Impact: Post-Repeal

Beneficiaries of repeal include football fans, Irish and other ethnic/cultural minority groups, and Police Scotland. Jeanette Findlay, Convenor of **Fans Against Criminalisation** testified:

"His contribution was extremely important in terms of providing a credible and convincing evidence base which clearly impressed the Committee Members. This is the first (and only) piece of legislation enacted by the Scottish Parliament itself to have ever been repealed. In our view Dr Webster's expertise lent academic weight to the campaign and played a significant part in the repeal of the Act." [E5]

Similarly, Danny Boyle, Parliamentary and Policy Officer of **BEMIS Scotland** (the national umbrella body supporting the ethnic minorities voluntary sector in Scotland), testified:

"The comprehensive analysis of Dr. Webster's work evident in his verbal submission [on the OBFA Repeal Bill]... helped provide a necessary richer understanding of where socio-cultural indicators that help define individuals and communities play a positive role in broader societal and intra community relations. BEMIS have found that the rush to use the criminal law... [suppresses] significant dynamics of community identity in a Scottish/British/Irish context. As outlined by Dr. Webster at the justice ctte and on STV News these cultural indicators form intrinsic characteristics of individual and community identities... It is on [the] basis of mutual respect... that we can make progress in understanding why people think and act the way they do. This can only take place in a meaningful way beyond the realm of criminal law. [...] Webster's analysis and research helped progress this line of inquiry." [E5]

An '**Independent Review of Football Policing in Scotland**' [E8] commissioned by **Police Scotland** stated repeal had helpfully refocused policing on violent offending (as opposed to surveilling verbal and symbolic sectarianism), since *"the 'noise' relating to the [OBFA] legislation... led to the focus on football violence being diluted"*. As well as assisting **Police Scotland** in better addressing violent football disorder, repeal of the **OBFA** helped safeguard the life-chances of 'at risk' football fans. Such fans were encouraged to plead guilty under the **OBFA**, even for low-level offences (e.g. swearing at police), and even if they contested the charge and had no previous convictions. The result was a criminal record as a 'sectarian' offender – a major impediment to obtaining employment [E9]. Now, with **OBFA**-type offences prosecuted under less stigmatised breach of the peace law, marginalised youth from deprived communities no longer face disproportionate policing measures which harm their life-chances.

Webster's engagement with the Scottish Government has also led to wider impact beyond the repeal of the **OBFA**. James Kelly MSP submitted a response to the **Lord Bracadale Hate Crime Review**, which on three occasions referred to Webster's evidence [E10], which was thereby included in the consultation. In this policy context, Webster's research on religious hate [R1 *passim*] led to an 850-word **Scotsman** op-ed (20/10/18) [E11]. This piece commented on a Scottish Government anti-hate campaign, itself reported as a hate crime by a prominent Christian minister who accused it of labelling all preachers 'bigots'.

This aspect of Webster's research [R1 Chapter 3] also led him to be a major contributor to public debate about freedom of expression regarding a proposed ban on loyalist/republican marches following a sectarian riot in Govan in 2019. After the riot, Glasgow City Council took the unprecedented step of banning five loyalist/republican marches, with the **SNP Administration** supporting a permanent ban. Webster was contacted by the **Times** to write a 500-word article (page 2) explaining why his research [R1 Chapters 2, 4, and Conclusion] recommended against a ban (02/9/19) [E11].

This prompted a 340-word article in the **Sun** titled "'PROBLEMATIC' Scots loyalist and republican march bans would 'accelerate bigotry and erode human rights'" (02/9/19) [E11]. As a result, on the following day the **Times** published a 400-word 'Thunderer' op-ed authored by Webster, titled "Banning sectarian parades would only deepen the hatred" (03/9/19) [E11]. Following the banning of five marches after the Govan riot, Webster appeared live on STV's (ITV) premier news programme **Scotland Tonight** (12/9/19) in their lead story to debate the ban with former Glasgow Lord Provost Michael Kelly. The debate between Webster (against the ban) and Kelly (for the ban) lasted for half the 14-minute segment [E11]. Two weeks after

Webster argued that the ban unjustifiably curbed free speech, Glasgow City Council publicly conceded that there was “no legal basis” for their actions and ceased its ban.

Following sectarian attacks on Glasgow’s statue of William III during **Black Lives Matter** protests, the **Times** published a 400-word op-ed by Webster, titled “Statues are worth both defending and vandalising” [based on R1] and a 600-word profile of his book [R1] (18/6/2020) [E12]. This led to a 250-word **Irish News** profile on Webster’s book, and commentary in the **Scotsman** [E12]. Marc Horne, senior reporter at the **Times** testified:

“Dr Webster’s extensive and immersive research has provided a fresh and timely insight into... religion, politics and sectarianism in urban Scotland. His work has shone a light into a corner of society that has often been overlooked and misrepresented by opinion formers. His work, which has been published in The Times, has provoked debate and challenged preconceptions at a time when the politics of identity are dominating global headlines” [E5].

So prominent is Webster’s research on sectarianism that it is now a case study to be taught in FE colleges in Scotland as part of a **Scottish Qualifications Authority** module in Anthropology titled ‘Ethnographies of People in Scotland’. Richard Irvine [E5], of SQA, stated:

“The work of Dr Webster, and in particular his testimony on the [OBFA], has been of tremendous value in communicating the importance of the contemporary Anthropology of Scotland. Students at FE colleges are enthused by material that they can connect with social life in Scotland right now, and it is particularly valuable for them to see the potential policy implications of ethnographic research. I am grateful to Dr Webster for his participation [which] really brings the social sciences to life for young people in Scotland.”

Since repeal, Webster has influenced wider debate about hate crime, with the **Independent Review of Hate Crime Legislation Final Report** advising against statutory replacement for Section 1 of the **OBFA** [E10], as per his Justice Committee testimony and media commentary.

Webster’s research on sectarianism in Scotland has been instrumental in bringing about important legislative change. Not only has repeal of the OBFA improved the life chances of young ‘at risk’ football fans (many of whom are from already deprived communities), but it has assisted the police in more effectively tackling violent football disorder. Webster’s research has shaped a much broader debate about the nature of sectarianism and hate crime. His research has influenced current and future anti-sectarianism policy in Scotland by engaging with politicians, journalists, campaigners, and FE colleges to redefine sectarianism not as a juridical problem, but as a social problem which requires a societal solution. As the Scottish Government currently debates new ways to tackle hate crime, Webster’s research continues to influence draft legislation by assisting politicians to learn from the mistakes of the OBFA.

5. Sources to corroborate the impact (indicative maximum of 10 references)

- [E1] [Scottish Government: Confronting Sectarianism](#) (30/3/19)
- [E2] [Offensive Behaviour at Football and Threatening Communications \(Repeal\) Bill](#)
- [E3] Newspaper article [Express](#) (20/8/17)
- [E4] [Scottish Parliament TV](#) Justice Committee. (14/11/17)
- [E5] Personal emails: [MSP] (17/11/17); [FAC] (26/5/20); [BEMIS] (26/5/20); [SQA] (07/4/20); [The Times] (18/6/20)
- [E6] Herald [Front Page](#); [Page 3](#) with [supporting article](#); [Op-ed](#) (10/3/18); [Herald](#) (17/3/18); [Sun](#) (10/3/18); [Glasgow Evening Times](#) (10/3/18); [National](#) (12/3/18)
- [E7] [FollowFollow](#) (10/3/18); [Gersnet](#) (10/3/18); [KerrydaleStreet](#) (10/3/18); [Quimi](#) (28/3/18)
- [E8] [An Independent Review of Football Policing in Scotland](#) (12/18).
- [E9] [The OBFA \(Scotland\) Act 2012 - Assessing the Case for Repeal](#). *EdinLR* 21 (2017) 234
- [E10] Independent Review of Hate Crime: [Kelly Response](#) (01/11/17); [Final Report](#) (31/5/18)
- [E11] [Scotsman](#) (20/10/18); [Times](#) (02/9/19); [Sun](#) (02/9/19); [Times](#) (03/9/19); STV (12/9/19)
No longer available online; video available on request.
- [E12] Times: [Op-ed](#) and [Pages 18-19 \(18/6/20\)](#); [Irish News](#) (20/6/20); [Scotsman](#) (19/6/20)