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**‘That’s what it’s all about’?  
Football songs, religious hatred, and the strange case of *The Hokey Cokey***

*Author’s note on the text below:*

*Herein lies a tale. The article presented here was originally submitted to an academic human rights journal, and was sent back to me for only minor revisions after peer review. After these revisions were done, however, the editors of the journal asked me to make clearer the practical implications of my conclusions. This led to me redrafting the last section of the article, to include the numbered points on what lessons could be learned and what measures could be adopted in light of the points raised. One of these points focuses on the necessity of human rights education and training, specifically with reference to the right to freedom of expression, and necessary restrictions of that right. The editors accepted most of these points but felt that, here, I should have stressed how the songs cited can be used to demonstrate what is and what is not “hate speech”. Since I felt that this actually contradicted my argumentation as a whole, and if it was to be dealt with properly would open up a whole new can of worms, I cut the relevant point in its entirety – I was already far over the word limit, and by this stage the review and revision process had taken the best part of a year. The editors deemed this latest version almost ready for publication, but requested that I include a new paragraph in the conclusion. They were even generous enough to draft this paragraph for me: lo and behold, it stated that The Billy Boys and The Hokey Cokey could be used in education to show what is and what is not hate speech, respectively. I can only presume the many finer points of my argument, and in particular the issues I raised concerning musical communication and related cultural practices, had escaped the editors, as had the irony of their telling the author of an article on freedom of expression what she should write. At this point, and for all these reasons, I withdrew the article from the journal in question.*

*In the meantime, the debate on sectarian songs has moved on, particularly in the context of the new Offensive Behaviour Bill that I touch on only briefly at the end of this article. To some extent, then, the information contained in this article is slightly out of date, but the main points raised regarding the nature and meaning of musical communication, and also the meaning of songs for the people who sing them, remain valid. Since resubmitting at this stage would require considerable reworking, I’m pleased to release the article in this open access form and look forward to any feedback its readers might want to give.*

**Summary:** In December 2008, it was reported that the children's party song *The Hokey Cokey* could be banned at football matches in Scotland due to its supposedly sectarian content. These reports came after concerted efforts by footballing organisations, Scottish politicians, the Scottish judiciary and several NGOs to prevent football fans singing certain songs; these efforts were part of a wider programme aiming to end sectarian tensions and violence between some fans of arch-rivals Glasgow Celtic and Glasgow Rangers. Using insights from music sociology, and based on analysis of media reporting and of fans' comments on the issue in internet fora, this article argues that songs and other participatory musical practices are far from a peripheral issue here. They are central to fans' experience and identities, but can thus also perpetuate discriminatory attitudes where, by tradition or implication, the songs attack the religious or ethnic identities of rival supporters. Tracing developing attitudes to problematic songs, the article argues that there is growing but still insufficient awareness of how musical and other cultural practices can become sites of tension in an intergroup conflict. Moreover, there is a significant risk of increasing rather than decreasing tension when their use is subject to restrictions or even criminal sanctions, and this needs to be taken into account when formulating initiatives and measures to resolve conflicts. Analysis of attitudes to this issue in the fan communities and the media also points to persistent and widespread public misunderstandings on issues surrounding necessary and proportional restrictions of freedom of expression. Moreover, uncritical media reporting of attempts to curtail inciteful and provocative practices can be part of the problem rather than solution.

**Key words:** hate speech, freedom of expression, music, sport, sectarianism, songs.

## Introduction

*You put your left hand in  
Your left hand out  
In, out, in, out, shake it all about  
You do the hokey cokey and you turn around  
That's what it's all about!*<sup>1</sup>

When is a song a song, and when is it an expression of religious hatred? A few days before Christmas 2008, a well-known children's party song hit the Scottish headlines in anything but a festive context. According to media reports, leading representatives of the Catholic Church in Scotland had claimed that singing *The Hokey Cokey* could constitute a faith hate crime. The reports referred to comments supposedly left in internet discussion forums by supporters of Glasgow Rangers Football Club, traditionally the 'Protestant' club in the west of Scotland and long-time rivals of the 'Catholic' club Glasgow Celtic. The reference to *The Hokey Cokey* was, the reports said, inspired by the (probably apocryphal) belief that the phrase 'hokey pokey'/'hokey cokey' arose as a derivative of 'hocus pocus', and that the song and its accompanying actions originated as an eighteenth-century Puritan parody of the movements of Catholic priests during the Mass.

Recent years have seen increased attention given to the question of racism and other forms of discrimination in professional football and sport more generally. Most recently and prominently, this has included a panel discussion on the subject chaired by the UN High Commissioner for Human Rights, Navi Pillay, on the 2013 International Day for the Elimination of Racial Discrimination. The importance afforded this issue by human rights defenders reflects growing recognition that far from being confined to the stadium, cultural practices surrounding football can impact on society at large, with seriously detrimental effects where these practices include the expression and even celebration of prejudice and hatred. The present article will use the strange case of *The Hokey Cokey* to open up wider issues regarding the difficulties facing lawmakers and law enforcers, human rights practitioners and others when they challenge long-accepted cultural practices which may perpetuate discriminatory attitudes and behaviour. As a musicologist, my primary interest here is musical elements of such practices. Musical practices, and discourses around music, can contribute to patterns of discrimination and marginalisation in a number of ways (Grant, 2014), but there is still relatively limited research on musical practices within the specific dynamics of long-term intergroup conflicts. In terms of human rights case law, a few high profile cases – notably the trial of the musician Simon Bikindi at the International Criminal Tribunal For Rwanda

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<sup>1</sup> One version of the opening verse of *The Hokey Cokey*, taken from oral tradition.

(Parker, 2013), and the conviction in Germany of Michael Regener, frontman of the right-wing extremist band Landser (Dyck, 2012) – have brought the role of music in promoting and facilitating hatred and hate crimes to public attention, but otherwise the issue is still under-reflected by jurists and academics alike.

The two cases just mentioned, focusing as they do on the criminal responsibility of individual musicians, differ in several respects to the issues discussed here, which concern participatory musical activities carried out in the context of a group, and which to an outsider may appear unproblematic. In a particular social and historical context, however, symbols, expressions and customs whose meaning is clear to insiders, but not always transparent to outsiders, can nevertheless perpetuate division and may thus be implicated in violence that arises in such contexts. Understanding the precise historical and cultural context of such practices is thus of prime importance in establishing, for example, when a song is *not* just a song, but a factor in a conflict. The first section of this article therefore provides background on the rivalry between Rangers and Celtic and on the debate on sectarianism in Scotland, while the second section deals in detail with sectarian songs. This provides the backdrop to an analysis of responses in the media and from fans. The fourth section discusses different ways of theorising the role of musical practices in such contexts, and the conclusion suggests some practical implications.

Throughout this article, I use the word ‘sectarian’ in the sense it generally has in Scotland, namely, to describe tensions and conflicts between Protestants and Catholics on the level of individuals, groups and institutions; in the Scottish context, the term often has ethnic and/or political connotations as well: Gerry Finn (2000) has suggested, for example, that the term ‘sectarianism’ is problematic when it becomes more or less a euphemism for what is actually a continuation of anti-Irish racism prevalent in the earlier twentieth century. The difficulties faced by lawmakers and others in defining hate speech and hate crime, particularly as regards the (perceived) differences between racial and religious hatred, will be a key issue in this article.

Since this article’s focus will be certain songs sung by sections of Rangers’ fan base, I should stress at the outset that there has also been criticism of some Celtic fans’ use of songs and chants supporting Irish paramilitary organisations and causes. That stage of the debate on sectarian songs came slightly later than the incidents discussed here, and this in part accounts for feelings of imbalance and unfair treatment expressed by some Rangers’ fans, as discussed below.

## **The ‘Old Firm’ and Sectarianism in Scotland**

Football is probably unique amongst modern team sports in the extent of its popularity and the level of importance attached to it locally, nationally and internationally. It is

generally a safe way to play out rivalries at all these levels – rivalries which are not uncommon, and which often reflect existing political and religious divisions (Armstrong & Giulianotti, 2011; Murray, 2003: Chapter 1). Very occasionally, however, competition on the pitch spills over into more serious conflagrations off it. In February 2011, for example, UEFA’s Michel Platini stated that if violence continued to surround matches between teams from Croatia and Serbia, both countries could be excluded from participation in European-level matches; the statement came during a meeting between Platini and the (state) presidents of both countries (UEFA, 2011).<sup>2</sup>

Nevertheless, the rivalry between Glasgow Rangers and Glasgow Celtic – clubs which together are known in Scotland simply as ‘The Old Firm’ – is unparalleled in terms of its longevity and social impact. As Raymond Boyle wrote in 1994, ‘few sets of supporters are more acutely aware of their club’s history (or particular versions of it) than those of Celtic and Rangers’ (Boyle, 1994: 76). The histories in question relate not only to the immigration to largely Protestant west-central Scotland of mostly Catholic Irish people from the mid-nineteenth century, but also the longer-standing political history of Great Britain and Ireland, including the Troubles in Northern Ireland: the significant number of Celtic and Rangers fans in both Northern Ireland and the Republic of Ireland is just one indication of this.

Just how and why Rangers and Celtic came to be synonymous with Protestant and Catholic communities respectively is still a subject of debate. Celtic F. C. was set up in 1887 by a Marist monk to cater for the local Catholic community; it quickly became one of the best teams in Scotland. Celtic was not the only team to emerge from the Irish immigrant community: the Edinburgh team Hibernian, and the team now known as Dundee United, also originated as Scots-Irish teams. Yet for neither of these clubs has the team’s identity as Irish/Catholic remained as central as for Celtic. One reason may be the long-standing rivalry with Rangers: some researchers have argued that Rangers’ mutation into a self-consciously ‘Protestant’ team, and the rise in support for Rangers from the late nineteenth century, happened because they were the only team good enough to challenge Celtic (e.g. Bradley, 1995). Other researchers have questioned this interpretation, suggesting that Rangers’ Protestant identity was forged independently of the rise of Celtic (e.g. Burdsey & Chappell, 2001; Finn, 2000; see also Giulianotti & Gerrard, 2001: 24 ff). Whatever the reason, it is generally accepted that Rangers’ structure and management came to reflect this sectarian divide in the first half of the twentieth century, including in the form of a refusal to sign Catholic players which extended into the 1980s.

The identities of the two teams cannot, however, be reduced to the two major Christian denominations in Scotland. Given that Celtic was set up to cater to Irish

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<sup>2</sup> Here, too, there is a longer history: according to Armstrong and Giulianotti, the primarily Croatian team Dynamo Zagreb was instrumental in promoting Croatian nationalism to the extent that riots following a match between Dynamo Zagreb and the Serbian team Red Star Belgrade helped trigger the civil war. Armstrong & Giulianotti, 2001: 271.

immigrants, and that – barring existing Catholic communities in certain parts of the Highlands and Islands – the Catholic population of Scotland was until recently largely descended from this diaspora, Celtic's identity has always been quite self-consciously Irish. Much is made of the fact that many Celtic fans support Ireland rather than Scotland in international fixtures (c.f. particularly Bradley, 1995: 91 ff.), an allegiance explained variously as arising from ill-feeling regarding the way Celtic players have reputedly been overlooked in the national team, and from the fact that there is still a sizable community in Scotland which regards itself as an Irish diaspora but has little chance to express this identity other than through football (Bradley, 2006: 1194 ff.)<sup>3</sup> For a significant part of the twentieth century, the main markers of Scottish identity were linked to Protestantism and Unionism, though political and cultural developments from roughly the 1970s onwards have altered this situation. The complex interweaving of religious and ethnic identities with regard to Celtic and Rangers continues, however, up to the present day: fans of both clubs are frequently criticised in the media for flying the Irish tricolor (Celtic) or the British Union Jack (Rangers) instead of the Scottish Saltire at international fixtures.

Though it is recognised that sectarianism and sectarian discrimination were widespread in Scotland earlier in the twentieth century, the present situation is more controversial. Recent years have seen a resurgence of debate on the topic, triggered in part by a speech given by the Scottish composer James MacMillan at the Edinburgh International Festival in 1999. Under the title 'Scotland's Shame', MacMillan argued that discrimination against Catholics was still rife in Scotland; the speech was later published in a volume of essays bearing almost the same title (Devine, 2000). MacMillan's was the most public, but by no means only contribution to a heated debate on whether or not Catholics in Scotland still experience discrimination and disadvantage, or whether sectarianism is more myth than reality (see especially Walls & Williams, 2003; Rosie, 2004; Bruce, Glendinning, Paterson & Rosie, 2005; Walls & Williams, 2005).

This debate came back into focus around the same time that the issue of religious hatred was pushed onto centre stage internationally by quite different events. In the aftermath of the 9/11 terrorist attacks in the USA, legislators and politicians across the UK began to discuss whether a separate offence of incitement to religious hatred was required in addition to existing legislation on racial hatred. In England and Wales, the result was the *Racial and Religious Hatred Act (2006)*, which act's journey through parliament was marked by extensive debate on what actually constitutes religious hatred. In Scotland, this debate had a slightly different focus. The report of a cross-party working group set up by the Scottish Executive to investigate whether Scotland also needed religious hatred legislation focused for the large part on Catholic-Protestant

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<sup>3</sup> Introducing a now slightly outdated review of literature on football and sectarianism in Scotland, Burdsey and Chappell note that most of this literature focuses on the Celtic angle of the Celtic/Rangers pairing. They suggest this is because Celtic is seen as representing the minority group. Burdsey & Chappell, 2001: 95.

sectarianism (Scottish Executive, 2002).<sup>4</sup> Both this report and the action plan on sectarianism published by the Scottish Executive in 2006 looked extensively at the issue of football; an additional action plan specifically focusing on football was also published (Scottish Executive, 2006/1, 2006/2). Among further areas of concern, reference was also made to marches and parades organised by various fraternal organisations linked to the Protestant-Unionist or Catholic-Republican causes, discussed briefly later.

### **Football Songs and Sectarianism in the ‘Old Firm’**

It is not uncommon for football songs, chants and slogans to include statements of an offensive and also racist, homophobic or otherwise discriminatory nature. Murray (2003: 29) lists examples including

Torino fans praising those of Liverpool for killing Juventus fans at the Heysel in 1985; Liverpool fans abusing those of Manchester United with reminders of the dead bodies on the runway in Munich in 1958; Nigerian players taunting Ethiopians with gestures to their mouths and stomachs mocking their hunger.

Musicologists Reinhard Kopiez and Guido Brink discuss further examples in one of only a few academic texts to specifically address football music and songs (Kopiez & Brink, 1998, particularly Chapter 13).<sup>5</sup> Drawing on Marsh, Rosser & Harré, 1980, they note that one of the main functions of football songs is ‘to ritually insult the opponent’. They point out further that

there is nothing gentile about these calls, which can cover the whole repertoire of comments as long as these are firmly below the belt. The basic principle is to attack the manhood of the opponent. This form of ritualised aggression rarely spills over into physical violence – rather, it is a valve for letting off steam. (Kopiez & Brink, 1998: 13-14, my translation)

There is increasing recognition, however, that chants, songs and other forms of expression that denigrate or mock particular groups and identities are not only a serious form of verbal violence in themselves, but potentially a seed-bed for physical violence as well. No later than the early 1970s, this led Rangers’ then manager Willie Waddell to

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<sup>4</sup> Advocacy of religious hatred had already been recognised as a criminal offence in Northern Ireland as early as 1970: the *Prevention of Incitement to Hatred (Northern Ireland) Act 1970* had made it an offence ‘to stir up hatred against, or arouse fear of, any section of the public in Northern Ireland on grounds of religious belief, colour, race or ethnic or national origins’.

<sup>5</sup> Ken MacLeod’s recent book on popular music and sport focuses less on participatory musical practices and also less on political and social issues than his title suggests. He does however include reference to the debate on sectarian songs. MacLeod 2011, especially Chapter 6.

suggest banning sectarian songs; this suggestion came in a ten-point plan to combat hooliganism introduced after a riot between Rangers fans and the police at the final of the European Cup Winners Cup in Barcelona in 1972. Though other suggestions in Waddell's plan – such as an alcohol ban at matches – were later adopted into law, the proposal to ban sectarian songs was initially passed over (Giulanotti & Gerrard, 2001: 29-30). Almost twenty years later, the *Football (Offences) Act 1991*, which applied to England and Wales, included a prohibition on 'chanting of an indecent or racist nature'; 'chanting' is defined as 'the repeated uttering of any words or sounds in concert with one or more others' while 'of a racist nature' is taken to mean 'consisting of or including matter which is threatening, abusive or insulting to a person by reason of his colour, race, nationality (including citizenship) or ethnic or national origins' (3.(1) a,b). A later version of the act, the *Football (Offences and Disorder) Act 1999*, adapted the definition of chanting to allow for it to be an individual and not only a collective act.

In the Scottish context, there has been growing consideration of the issue of sectarian songs in the past ten to fifteen years, possibly because of a concomitant change in public attitudes generally. In 1999, for example, the Vice-Chairman of Rangers FC, Donald Findlay QC, stepped down after being caught on film singing sectarian songs at a private party (see McKerrell, 2012 for a fuller discussion). This incident, one of the inspirations behind MacMillan's speech at the Edinburgh Festival, coincided with a critical time in the Northern Ireland peace process, and led to renewed efforts by the Rangers management to combat sectarian songs: this included one instance where Kilmarnock FC changed the pre-match music normally played through the public address system since Rangers fans had attached sectarian lyrics to the songs at previous matches (Giulanotti & Gerrard, 2001: 29-30).

An incident in 2006 was to have more lasting impacts. Following a match between Rangers and the Spanish club Villarreal, UEFA began proceedings against both clubs: against Villarreal for organisational and security issues; and against Rangers for 'improper conduct and hooliganism' and 'discriminatory chants' used by some Rangers fans (UEFA 2006/1). In particular, this concerned the song *The Billy Boys*, one of the most popular of Rangers songs though rejected by many fans due to its blatantly violent content. Sung to the tune of *Marching Through Georgia*, it appears to have derived from a text first sung by a Glasgow gang in the 1920s.<sup>6</sup> The 'Billy' referred to is King William of Orange, whose defeat of the Catholic King James VII/II at the 1690 Battle of the Boyne remains one of the most important reference points for Loyalists. The most well-known and notorious part of the song is the chorus:

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<sup>6</sup> The original sheet music to Henry Clay's *Marching Through Georgia* can be viewed online at the Library of Congress website (LOC call number Music B-2018). It is worth noting that the incipit, or start of the song, follows almost exactly the same melodic contours as the internationally used sporting chant *Olé, olé*.

*Hullo, Hullo  
 We are the Billy Boys  
 Hullo, Hullo  
 You'll know us by our noise  
 We're up to our knees in fenian blood  
 Surrender or you'll die  
 For we are  
 The (Brighton) Billy Boys.*

The word ‘Fenian’ is a popular term of offence against (Irish) Catholics, though it actually derives from the name of a movement to overthrow the British government in Ireland.<sup>7</sup>

*The Billy Boys* has long been controversial. However, when it entered the dock in the context of UEFA proceedings in the case mentioned, UEFA’s disciplinary body initially found the club not guilty on this charge:

In examining the alleged discriminatory chants, the Control & Disciplinary Body admitted that the nature of the song concerned – ‘Billy Boys’ - related to a social problem in Scotland. The body also believed that the disciplinary decision in this case had to be taken in the context of Scotland’s social and historical background [...] The Control & Disciplinary Body conceded that supporters have been singing the song ‘Billy Boys’ for years during national and international matches without either the Scottish football or governmental authorities being able to intervene. The result is that this song is now somehow tolerated. [...] Given this social and historical context, the Control & Disciplinary Body said it considered that UEFA cannot demand an end to behaviour which has been tolerated for years. (UEFA, 2006/2)

UEFA appealed the decision.<sup>8</sup> The Appeals Body found partly in favour of UEFA, and as a result Rangers FC was fined €19,500 and warned about the consequences of such conduct being repeated. The incident was instrumental in prompting UEFA to provide clearer guidelines for clubs on how to combat discriminatory behaviour, guidelines which make specific reference to chants and chanting (UEFA, 2006/4: 35).<sup>9</sup> The best practice examples cited by UEFA (which include using stewards in plain clothes to monitor fan behaviour, and publicly informing supporters that discriminatory behaviour will not be tolerated) make clear that tackling racism and other forms of hatred and

<sup>7</sup> This definition and derivation is based on the one in the 1998 edition of *The Chambers Dictionary*.

<sup>8</sup> UEFA has three independent committees relating to disciplinary issues: the Control and Disciplinary Body, the Appeals Body and UEFA Disciplinary Inspectors, which in the words of the organisation itself have a function akin to that of a state prosecutor. See <http://www.uefa.com/uefa/footballfirst/matchorganisation/disciplinary/index.html>, retrieved April 30 2013.

<sup>9</sup> Specifically, point one suggests that clubs ‘Issue a statement saying that racism or any other kind of discrimination will not be tolerated, spelling out the action that will be taken against those who engage in racist chanting’ while point two suggests clubs ‘Make public address announcements condemning racist chanting at matches’. Chanting and singing can be understood to be synonymous here.

violence in football begins in the stadium itself; referees and match stewards – and not just the police – must have powers to intervene, and in extreme cases to halt the match.

In 2007, the Scottish Premier League (SPL) introduced their own guidelines on sectarian songs. The current version of these rules makes clubs responsible for preventing and effectively dealing with unacceptable conduct, including disorderly conduct, defined as

- (i) conduct which stirs up or sustains or is likely or designed to stir up or sustain, hatred or ill will against or towards a group of persons based on their membership or presumed membership of a group defined by reference to a category mentioned in Rule H7.4.5 or against an individual who is or is presumed to be a member of such group; (ii) using threatening, abusive or insulting words or conduct; or (iii) displaying any writing or other thing which is threatening, abusive or insulting. (Scottish Premier League, 2010)

In autumn 2008, a new controversy erupted, focusing on what is known as *The Famine Song*.<sup>10</sup> As with most football songs, this song sets new words to a well-known tune, in this case that of the Beach Boys' song *Sloop John B*. The text refers to the famine that precipitated large-scale emigration of people from Ireland in the nineteenth century. It can therefore also be understood as a riposte to *The Fields of Athenry*, a ballad on the Irish famine written in the late 1970s which is now the unofficial anthem of many Celtic supporters. While *The Fields of Athenry* tells the story of a man imprisoned for stealing corn during the famine, the several verses of *The Famine Song* focus initially on the migration of Irish people to Scotland, but go on to list the perceived demerits of this immigrant population (including a direct reference to the protagonist of *The Fields of Athenry* as a criminal). The controversy surrounding the song has largely focused on the refrain 'The famine's over, it's time to go home', condemned by many as racist for specifically targeting descendants of Irish immigrants. According to media reports, concerns about the song were raised by the Irish consul general in Scotland as well as former MP and Celtic chairman John Reid.<sup>11</sup>

*The Famine Song* prompted a series of interventions by police and the criminal justice system and ultimately by Rangers FC itself. In late October 2008, the club produced information material for fans and ran messages in the stadium warning that police may arrest anyone caught singing the song, though a statement issued by the club at the time distanced it somewhat from this police warning (Rangers FC, 2008). The following month, Rangers fan William Walls was arrested following a match against Kilmarnock FC and charged with racially aggravated breach of the peace. According to the charge, his conduct included shouting, swearing, singing sectarian songs and

<sup>10</sup> For a fuller discussion of the controversy surrounding this song, see McKerrell, 2012.

<sup>11</sup> The issue seems to have arisen in September 2008, with Reid's comments - which were widely reported in the media - coming at the end of the same month. See e.g. BBC News, 2008/1, 2008/2.

shouting comments ‘of a religious and racial nature’.<sup>12</sup> Statements from stewards and police officers present at the match referred specifically to Walls singing the refrain of *The Famine Song*. Following a court case at Kilmarnock Sheriff Court in late November 2008, Walls was found guilty as charged. He appealed the decision, his appeal case being coordinated by the aforementioned Donald Findlay QC and heard by Lord Carloway. Amongst other points, the appeal case argued that shouting, singing and hurling abuse, in the specific context of a football match, could not be considered a breach of the peace. In rejecting the appeal, the appeal judge stated that Walls’ behaviour went well beyond what could be considered acceptable. Though he had claimed that knowledge of song’s refrain did not imply knowledge of the rest of the song or support for its sentiments, the appeal court judges ruled that ‘In the context of a football fanatic [...] who has presumably attended other Rangers’ matches where this song has been sung, even if he did not know all the words to all the verse, he would be well acquainted with their general import and sentiment’. They also held that Walls’ conduct had been racially aggravated.<sup>13</sup>

### **The Strange Case of *The Hokey Cokey***

This, then, was the backdrop against which *The Hokey Cokey* briefly became the latest song which media sources suggested was considered an expression of religious hatred. The story broke in *The Sunday Times* of 21 December 2008, appearing both in the news section and, in abbreviated form, in the *Faith* section; the headlines were, respectively, ‘Do the Hokey Cokey and You End Up in the Pokey’ and ‘Hokey Cokey Is “Faith Hate Crime”’ (Allardyce 2008/1, 2008/2).<sup>14</sup> The news section article is more substantial and the apparent basis for further media reporting of the story. The article reports that ‘the Catholic church and politicians in Scotland have warned that singing the Hokey Cokey could get you arrested because it contains a sinister, sectarian message’. As a response to bans on other songs, the article suggests,

discussions are taking place on fan websites about singing the Hokey Cokey at matches. Politicians have urged the police to arrest anyone caught singing the song in a sectarian context under legislation on incitement to religious hatred.

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<sup>12</sup> Scottish Appeal Court/High Court of Justiciary appeal number XJ230/09, Opinion of the Court, 1[1]. For the full text of the Opinion, also the source for the other material in this paragraph, see <http://www.scotcourts.gov.uk/opinions/2009HCJAC59.html> retrieved 29 April 2013.

<sup>13</sup> Scottish Appeal Court/High Court of Justiciary appeal number XJ230/09, Opinion of the Court, 3[22],[23].

<sup>14</sup> The former article appeared on page seven of the main section of the print edition, while the latter seems only to have been published in the online edition.

The remainder of the article includes statements from Peter Kearney, spokesman for then Scottish Cardinal Keith O'Brien, and Michael Matheson, a Member of the Scottish Parliament (MSP) for the Scottish National Party. The article quotes Kearney as saying

‘This song does have quite disturbing origins. It was devised as an attack on, and a parody of, the Catholic Mass [...] If there are moves to restore its more malevolent meaning then consideration should perhaps be given to its wider use’.

Matheson, meanwhile, is reported as stating that

‘It is important that the police and football clubs are aware of the sinister background to this song, and take the appropriate action against individuals and groups who use it at matches or in other situations to taunt Catholics’.

The article in the *Faith* section of *The Sunday Times* also includes a response from Murdo Fraser, deputy leader of the Scottish Conservative and Unionist Party, reported as saying ‘I can’t believe Scottish children performing the Hokey Cokey are doing so in pursuit of any sort of anti-Catholic agenda.’

*The Hokey Cokey*, which is very well-known in many English-speaking countries, had popped up in connection with Celtic before, but in quite different contexts. Contributors to the internet forum threads consulted during this research mentioned that when Celtic played Kilmarnock F.C., *The Hokey Cokey* would be relayed over the tannoy as a jibe at the Celtic pre-match ritual known as the ‘huddle’ – the implication being this was reminiscent of the actions of the song. Celtic fans themselves reputedly sang a parody of the song called the ‘Holy Goalie’ in reference to former Celtic goalkeeper Artur Boruc, who had been cautioned by police after making the sign of the cross during an Old Firm game in 2006.<sup>15</sup> And somewhat ironically, on Monday, 22 December 2008, as the story was breaking elsewhere, Scotland’s two major quality newspapers, the Glasgow-based *Herald* and the Edinburgh-based *Scotsman*, opened their sport supplements with the headline ‘Okay Koki’ and a picture of Celtic footballer Koki Mizuno, who had scored his first goal for the club the previous Saturday.

Newspaper reporting of the *Hokey Cokey* story was widespread though initially low-key.<sup>16</sup> The story was picked up by the *Sunday Telegraph* website, appearing there from the afternoon of Sunday 21 December. The next day, it was reported in several daily newspapers, generally referring to either or both of the statements by Kearney and

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<sup>15</sup> This religious gesture was deemed provocative in the context; the caution, for breach of the peace, was also issued on the basis of further provocative behaviour during the match. The decision was highly controversial.

<sup>16</sup> For the purposes of this research, I concentrated for the most part on the Scottish print media. Specifically, I have focused on *The Herald*, *The Sunday Herald*, *The Scotsman*, *The Daily Record*, *The Sunday Mail*, and *The Evening Times*. I referred to all relevant sections of the original editions, particularly the news, comments, letters, and sports pages. I myself became aware of the story through a report on the BBC Scotland television news programme *Reporting Scotland*. My research strategy is similar to that adopted by McKerrell (2012) in specifically discussing the debate surrounding *The Famine Song*.

O'Brien; the headlines also echo the original headlines' claim that singing *The Hokey Cokey* could be a 'faith hate crime' leading to prosecution. Some articles also referred to police sources: the *Daily Record* stated that police had 'promised to investigate any complaints made – and could lock up anyone found singing the song in a sectarian context' (Ferguson, 2008), while *The Sun* quoted a source from Strathclyde Police, the constabulary with responsibility for Glasgow, as saying that 'Any singing, chanting or other behaviour perceived as being racist or sectarian in nature and we will take positive action' (Carson, 2008). Some newspapers included statements from other politicians and from Rangers fans. The day the story appeared, it was the fourth most-read article on *The Scotsman* website; the Glasgow-based *Evening Times* was the only major local paper not to mention the story at all.

Closer analysis of the stories themselves, and of activity on the largest Rangers discussion forum, points to several discrepancies, however. Many headlines implied that leading Scottish Catholics or the police had said singing the song could constitute a criminal offence, but as the statements quoted above show, there is no direct corroboration of this, merely comments on what *could* happen *if* the song was performed in a manner that could be considered sectarian. As discussed later, there is also little indication that fans had indeed been discussing the song to the extent insinuated in the media.

A heated debate on the *Letters* page of national broadsheet *The Scotsman* provides some clues as to the reasons for this discrepancy. On 23 December, two letters accused the Catholic Church of spinning the story; two further letters in the same vein also appeared the next day. On 26 December, two responses were published, including one from James MacMillan, who suggested on the contrary that

the whole story is a bogus controversy manufactured by a journalist from a Sunday newspaper. I should know – I was contacted by him on Friday last week, and knew immediately what he was up to.

MacMillan was not quoted in any of the articles, which he suggests shows

that the journalist found nothing 'incriminating' in my remarks that would have made Catholics look trivial and small-minded, which has been the intended exercise of this particular spin, as usual. (MacMillan, 2008)

Another correspondent wrote that he had heard a similar version of events from Michael McMahon MSP (who he erroneously says was quoted in the article; McLoughlin, 2008).<sup>17</sup> A post in one of the internet forum threads analysed below also refers to a radio

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<sup>17</sup> Michael McMahon MSP (Member of Scottish Parliament) was the Scottish Labour MSP for the constituency in which the author of the letter lived. Michael Matheson MSP was the serving member for Falkirk.

interview with Michael Matheson in which he, too reported being contacted by a reporter and not vice versa.<sup>18</sup>

Discussions on Rangers fansites also suggest that the story was largely a fabrication. My survey looked in particular at entries on the largest Rangers fansite, [www.followfollow.com](http://www.followfollow.com) as well as material found on other sites including [www.thebluenose.co.uk](http://www.thebluenose.co.uk).<sup>19</sup> The website *Follow Follow* is an offshoot from a popular though controversial Rangers fanzine;<sup>20</sup> its name derives from another of well-known Rangers songs, a non-sectarian song officially adopted by the club perhaps for this reason. Over 30,000 people were registered for the site's message board in April 2010, when much of the research for this article took place. By comparison, [www.thebluenose.co.uk](http://www.thebluenose.co.uk), which advertises itself as being the 'home of the Rangers supporters assembly', had over 4,000 registered users at the same time. I focused on the period immediately before and after the story broke, but also took into consideration some older and newer threads.

Media reports on the *Hokey Cokey* story claimed that the controversy had been triggered by discussions on Rangers fansites, but did not mention which. Given that people often frequent several forums and that those posting are often avid fans with numerous other networks to other fans, one would expect the largest Rangers discussion forum – on *Follow Follow* – to give at least some information on the story's provenance.<sup>21</sup> Instead, many contributors expressed disbelief at the story and at least one person echoed MacMillan's view that it was a hoax:

My immediate reaction was that it was a joke, but Jason Allardyce seems to be taking the mickey out the RC Church. The piece is clearly based on a couple of phone calls. Kearney tries not to overreact but is still very condemnatory, but the SNP MSP has fallen for it hook, line and sinker.<sup>22</sup>

Some posts suggests the story may have originated with *Follow Follow*, but have been blown out of all proportion: 'To think somebody posted here ironically this week that they'd try and target the Hokey Cokey';<sup>23</sup> another poster responds that s/he had

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<sup>18</sup> Comment posted by 'Blueheaven' in the forum of [followfollow.com](http://followfollow.com), 23 December 2008 at 17:19, thus concurrently with the radio broadcast concerned.

<sup>19</sup> Forum threads on [www.thebluenose.co.uk](http://www.thebluenose.co.uk) can only be accessed for eighteen months after the last posting, making a retrospective comparison impossible.

<sup>20</sup> In 2002, Rangers F.C. distanced themselves from the magazine and prevented it being sold inside the grounds of the club, due to its sectarian content. Murray 2003: Chapter 9.

<sup>21</sup> Due to the amount of activity on both sites, and due to technical limitations with keyword searches which made it impossible to trace all references (and to corroborate some points retrospectively), this is neither an exhaustive nor necessarily representative selection of forum debates. Furthermore, the usual caution necessary when dealing with such sources also applies here: it is impossible to corroborate who posts, how representative the posts are, and even if posters mean what they write.

<sup>22</sup> Comment posted by 'deedle' in the forum of [followfollow.com](http://followfollow.com), 21 December 2008 at 10:26.

<sup>23</sup> Comment posted by 'DuncanMcA' in the forum of [followfollow.com](http://followfollow.com), 21 December 2008, 15:42.

predicted this might happen.<sup>24</sup> Another post mentions ‘some talk of singing it on Saturday’.<sup>25</sup> One contributor suggested there had been a fruitless attempt years before to get fans singing the song at an Old Firm game. There is also a reference to ‘the original story which appeared on here several months ago and taken from an English paper’.<sup>26</sup> This refers to comments made by the canon of Wakefield Cathedral in 1999 regarding the song’s origins. A few posts refer to a parody sometimes referred to as the ‘Orange Hokey Cokey’, which seems repeatedly to have been posted on YouTube and repeatedly to have been removed.<sup>27</sup>

It would thus appear that the forum debates on the song were triggered by newspaper reports and not the other way around. When some forum commentators suggested that the song should indeed be sung at the upcoming Old Firm game as a riposte to the media reports (either with the original text or a new one – one poster noted that ‘it’s not unheard of for some lyrics to be posted on here and spread throughout Ibrox’);<sup>28</sup> but other commentators vetoed this idea, some even suggesting that the whole point of the story may have been to provoke Rangers fans into incriminating themselves in this way.<sup>29</sup> However, the forums also reveal much that is of wider relevance to the issue of the role songs play in group identity and in intergroup conflict, as the next section will discuss in more detail.

### **Group Song as Site of Conflict: ‘Proxy War’ or ‘Sung Community’?**

Amongst the most frequented of all threads on the sites I consulted are threads on songs – specifically, on what one thread title called ‘songs we can’t sing’.<sup>30</sup> In March 2010, for example, the thread with the most hits on [www.thebluenose.co.uk](http://www.thebluenose.co.uk) was entitled ‘Bring back the Billy Boys’; It began with the following post:

A sadly missed and much loved song we [*sic*] must make a stand in a court of law to bring this anthem back. No song we have sung since can match the sound of it being sung at Ibrox.<sup>31</sup>

<sup>24</sup> ‘I said last week that they would go after it because of the songs [*sic*] origin.’ Comment posted by ‘electric\_ian’ in the forum of [followfollow.com](http://followfollow.com), 21 December 2008 at 17:29.

<sup>25</sup> Comment posted by ‘zxxxxxxx’ in the forum of [followfollow.com](http://followfollow.com), 22 December 2008 at 13:37.

<sup>26</sup> Comment posted by ‘waverley’ in the forum of [followfollow.com](http://followfollow.com), 22 December 2008 at 10:55.

<sup>27</sup> In the course of this research, I found one YouTube video with a *Hokey Cokey* parody which may be the one referred to here: its content was inciteful enough for it to have been removed from YouTube by the next time I checked. Another poster on *Follow Follow* noted it was ‘pretty controversial to say the least’ (comment posted by ‘jonas’ in the forum of [followfollow.com](http://followfollow.com), 23 December 2008 at 20:26).

<sup>28</sup> Comment posted by ‘Jimenez’ in the forum of [followfollow.com](http://followfollow.com), 21 December 2008 at 01:22.

<sup>29</sup> Comment posted by ‘BroomhouseBear’ in the forum of [followfollow.com](http://followfollow.com), 22 December 2008 at 09:34.

<sup>30</sup> Title of thread started by ‘andydav’ in the forum of [thebluenose.co.uk](http://thebluenose.co.uk), 20 September 2009 at 20:27

<sup>31</sup> Comment posted by ‘gazborangers’ in the forum of [thebluenose.co.uk](http://thebluenose.co.uk), 10 September 2009 at 15:30.

Opinion on the issue was divided, but intensive. When the discussion reached almost 200 comments from a total of 93 posters, the topic was locked by site administrators

Although in the case of *The Hokey Cokey* the most striking feature of the comments is the posters' incredulity concerning the story, there too we encounter sentiments common from the other threads mentioned. The fans' reactions to the subject of football songs and their prohibition reflects concerns raised by fans of many professional clubs regarding their 'ownership' of their club, their identity as a member of this group, and the importance ascribed to certain songs as expressions of that identity.

This question of 'ownership' can also extend to songs. The strength of feeling which fans displayed on the issue of banned songs was one of the most striking aspects of the discussions I consulted. This type of emotional attachment between social groups and the songs with which they feel that group is associated, is well-documented in other cases as well. Group songs – songs that a particular group claim as their own, or which are felt to be integral to the group's identity – often become contested: many of us can probably think of examples of arguments over the correct way to sing a song, or about its origins. But in a political context or against a backdrop of conflict, such debates can have much more serious implications – particularly when the debate concerns whether a favourite song may be sung at all, or is to be replaced by another.<sup>32</sup>

Songs are not the only musical practices to which this applies. One very telling and relevant example is the issue of parades in Northern Ireland. The parading tradition is one of the most obvious visual and audible representations of sectarian divisions in several parts of Britain and Ireland; parades by the Protestant Loyalist orders are better known, but there are Catholic/Republican parades as well. These parades are often sites of tension, as reflected in the attention afforded them in several Scottish Executive strategies on combating sectarianism. In the years since the Good Friday Agreement (1998) the fledgling peace process in Northern Ireland has more than once been under threat because of disagreements over the policing and routing of Loyalist parades (see e.g. Smithey, 2011 for a comprehensive discussion). The sanctions facing Rangers and its fans for singing sectarian songs – including stadium bans for individuals, and exclusion from European tournaments for the club – are hardly comparable to the threat of breakdown of a ceasefire, but nevertheless have what for the fans would be serious consequences: the Scottish Executive's working group on religious hatred has noted that the threat of a stadium ban is likely to prove a bigger deterrent to fans even than the risk of a custodial sentence (Scottish Executive, 2002: 10). The question that arises is thus: why are people prepared to risk so much in order to maintain cultural practices like these?

Two possible hypotheses can be suggested here. The first is that we are dealing here with something akin to musical 'proxy wars'. In other words, the conflict is actually about something else, but tensions are played out with reference to a musical practice instead – not least because this is viewed as an acceptable way to do so.

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<sup>32</sup> See here particularly Daughtry, 2003; also, Adela Peeva's documentary film *Whose Is This Song?* (2003), which focuses on a song claimed by several south-eastern European countries as their own.

Arguments, aggression and defensiveness regarding a musical practice are often linked to underlying, persistent and potentially serious tensions between the groups in question. Yet as convincing as the idea of musical ‘proxy wars’ may be, it downplays the importance of these practices to those concerned; it implies, amongst other things, that these practices can be separated off from the rest of the package. In actual fact, fans’ comments on what singing these songs with their cohorts means to them demonstrate just how integral this is to their experience.

This brings us to the second hypothesis: far from being peripheral, the practices in question are essential to or even constituent of the experience of the group. *Pace* Benedict Anderson (Anderson, 1983), group identities are not merely imagined or felt, but created and consolidated through particular practices, including ritual practices and practices that involve coordinated action (Grant, 2011). If this is the case, then removing the practice presents a serious threat to the functioning of the group. The question then must be what benefits (material, social, psychological) members of the group gain by participating in these practices, and what they will lose by not participating.

Insider accounts of communal singing and other forms of coordinated action at football matches testify to the particular power of such experiences (see e.g. Irwin 2006 for a light-hearted but insightful documentation). A Celtic supporter quoted by Bradley (2006:1195) described what this meant for him:

I went to see Celtic up till I was about eighteen. I went to see Celtic because I felt everybody standing there in the Jungle [=a stand at Parkhead Stadium] was the same as me. But all these guys had the same views, sang the same songs and just thought the same as me. I mean I could be totally wrong, but standing there in that crowd, that was the feeling I got and it was the only time in the whole week I could get that feeling . . . every week you could stand there and sing to your heart’s content and it made me feel really Irish, it made me feel this is good, here’s other guys who think the same as me.

The speaker is a Celtic fan but the experience itself is broader and by no means limited to fans who perceive themselves to belong to a minority. Important to note is firstly the positive connotations of the fan’s description; secondly, that it is unique in terms of the fan’s everyday experience; and thirdly, that singing is not just the icing on the cake, but a central factor in experiencing this group as such.

Recognising the important role often played by singing and similar practices is essential if we are to respond appropriately and constructively to situations where these practices help prolong or exacerbate discriminatory attitudes and behaviour. Until now, I have avoided directly addressing the central question of whether songs and singing are a cause or a symptom of sectarian attitudes and, more seriously, sectarian violence. This is a complex issue, not least given the danger – always near the surface in discussions of music’s political and emotional effects – of oversimplifying music’s impact and its potential for influencing human attitudes. Nevertheless, there is increasing agreement in

the human rights community that the expression of discriminatory sentiments, particularly those based on essentialisation or generalisation, are not merely offensive but can lay the groundwork for more serious forms of discrimination and targeted violence. This being the case, group song and other similar forms of musical practice present us with a very particular problem. As we have seen, emotional attachments to songs, particularly to their tunes, can lead them to be vehemently defended against calls for change. In particular where songs are sung as part of a longer-standing tradition, and are integral to a group's identity, discriminatory expressions or expressions of hatred in those songs will be resistant to change. Due to the significance of songs' tunes – themselves markers of particular identities and sentiments thanks to their customary use – simply retexting the offending tunes is not necessarily the answer. Moreover, non-texted music can just as easily become associated with a group or cause as music with explicit textual statement of this affiliation, and thus has just as much potential to be used in an inciteful or provocative manner.<sup>33</sup>

One other aspect of musical communication may be important here. Messages and sentiments couched in song frequently transgress social norms; we often accept things that are 'said' in songs that would be unacceptable in plain everyday speech. This in part explains why UEFA's appeals body originally played down the glorification of hatred and violence in *The Billy Boys*. As the revision of the UEFA decision reflects, however, simply because a statement is couched in song does not mean it should go unchallenged.

At the same time, and as the discussion above has demonstrated, there are risks associated with banning or restricting certain songs, particularly those with which a group strongly identifies – not least a risk of alienating those involved and creating a wholly counterproductive sense of resentment and injustice. Comments on banned songs on the Rangers forums analysed often give voice to a sense of injustice, with many commentators arguing that Rangers fans have been unfairly targeted while Celtic fans were not reprobated for singing songs linked to the IRA. There is also a sense of disillusionment regarding the supporters' position vis-à-vis the club they support; many threads feature complaints that the club management is not doing anything in defence of the fans. Such sentiments are not limited to this precise issue: expressions of disillusionment and a feeling of disenfranchisement, particularly relating to the commercialisation of the game, have become increasingly common across football supporters' networks in recent years (see e.g. Irwin, 2006, also Boyle, 1994). Rangers fans' reactions to the subject of football songs and their prohibition thus also reflects larger issues surrounding fans' feelings of 'ownership' of their clubs.

This tension between fan culture and developments in the professional game is also reflected in how singing and other musical practices function amongst football

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<sup>33</sup> A fact neglected by the judges in the ICTR case against Bikindi, which focused only on the lyrics and relegated the rest to what was called "background music" (International Criminal Tribunal for Rwanda, 2008: 46-47).

fans. Group singing in contemporary football culture is very much a grassroots phenomenon: attempts to steer it in a particular direction from the outside are notoriously prone to failure, and even those fans who have become unofficial leaders of musical behaviour at football matches often state that it is very difficult to predict which songs will be adopted and which rejected. If fans are highly resistant to being told what to sing, it is only a logical extension to realise that they will be just as resistant to being told what not to sing. Initiatives for change thus need to come from supporters themselves, and not or not just the clubs.<sup>34</sup> Action taken from the outside – including in the form of legal and other sanctions, and supported by educational and other measures – may be necessary to get this process moving. But the lasting success of such measures will depend on dialogue with and among the fans themselves.

## Conclusion and Outlook

For human rights to receive the best possible protection, an understanding of those rights, the logic behind them, and how they are interconnected, is vital – and this in all sectors of society. In the discussions referred to in the course of this article – both in the forums and in media outlets – the language used is frequently the language of human rights, sometimes more, sometimes less explicitly. Though this can be viewed as a positive development, the way human rights is referenced does raise some concerns. For one thing, the discussions generally demonstrate an all too common lack of clarity regarding the nature and limits of the right to freedom of expression, perhaps not surprising given that this an area of continued debate amongst even the most experienced of human rights advocates. More worrying, perhaps, is a certain scepticism regarding human rights as a whole. Rather like the boy who cried wolf, the sources consulted suggest a widespread mistrust even of the concept of human rights when this is invoked in public discourse.<sup>35</sup> Other commentators raise the call of ‘political correctness gone mad’; many criticise the description of *The Hokey Cokey* and other

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<sup>34</sup> As seems to have been the case in Northern Ireland: the commitment and initiative of fans in promoting and supporting alternatives to “The Billy Boys” and other sectarian songs is regarded as an important step in the national football association’s “Football For All” campaign, which built on the UEFA ten-point plan mentioned above. See Boyd, 2012, also e.g. McKenna, 2013 on the longer context. I am grateful to an anonymous reviewer for drawing my attention to this.

<sup>35</sup> A quite typical example can be found on the Letters page of *The Herald* on 27 December 2008: “I now realise that my failure to be selected during *The Farmers’ In His Den* coupled with my conscription into the frankly militaristic *Grand Old Duke of York* has been an infringement of my human rights” (Lewis 2008).

songs as potentially ‘offensive’ as vague and open to abuse,<sup>36</sup> something which on the face of it chimes well with the precautionary note struck by UN experts but which leaves unanswered the question of how, instead, to promote the mutual respect that is the basis for any successful resolution of conflict. Some of the responses equate – or confuse – the question of *The Hokey Cokey*’s supposed historical hidden meaning with the meaning that potentially could be attributed to it or derived from it in the specific context in question (see e.g. Douglas Home 2008). This is by no means a trivial issue, since the exact dynamics of a particular conflict (and the potential dangers not only of inciteful but also provocative actions) are more important for a measured response in a case like this than any question of a song’s meaning in any other context. What is important is not what the song means generally or historically, or for other groups, but its potential meaning and impact in this particular time and place.

Such an approach also underlines that measures aimed at the supposed purveyors of sectarian values must not distract us from the role of other institutions and civil society. The story of *The Hokey Cokey* as ‘faith hate crime’ was, to all intents and purposes, invented by and kept alive by the media, who demonstrated a strikingly uncritical stance regarding the story’s origins. Journalistic commentary on the issue often tended to lay the blame at the door of ‘bigots’ and ‘bigotry’, words used very frequently – I suspect too frequently – in the Scottish context (see e.g. Douglas Home 2008; Bell 2008). Given the negative connotations of these terms, their repeated use may send a clear message that sectarian behaviour is not socially acceptable, but also may alienate exactly those people that measures to combat sectarianism must reach.<sup>37</sup> It may also serve to distance policy makers, practitioners and the media from considering their own part in the dynamics of this situation.<sup>38</sup>

What, then, are the direct implications for human rights practice that follow from the analysis presented above? They could be summarised as follows:

i. *Take musical practices seriously.* There is a tendency in modern Western societies to downplay the role of music in social and political life. But musical practices are often essential to a group’s sense of identity and heritage. Participatory musical practices can help promote a sense of community and agency, which is especially

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<sup>36</sup> See for example both the Letters page (p. 34) and the summary of calls to Radio Clyde 1 Superscoreboard Hotline (p. 51) in *The Daily Record* of 23 December 2008; see also Broadfoot, 2008. Some months earlier a spokesman for Index on Censorship criticised a mooted ban of *The Famine Song* on the basis that ‘seeking to outlaw any kind of insulting or offensive speech/songs does become very problematic, because someone will always take offence’; he also suggested that ‘Considering we all know that there have nasty, offensive songs at Old Firm games for years, making it into a national issue seems absurd and dangerous. It’s trying to set a legal limit on speech that isn’t incitement to violence’. Pdraig Reidy, quoted in McDonald, 2008.

<sup>37</sup> *Herald* football writer Darryl Broadfoot’s statement that ‘Sectarianism is not an epidemic. It is a crutch for life’s irrelevants’ is only one of many examples of this attitude (Broadfoot, 2008). In this regard, it is slightly ironic that the supposed ‘bigots’ were among the first to see through the story as it was reported.

<sup>38</sup> A similar point is made by Finn when he points to the tendency to equate racism in football with hooliganism, and to oversee the connections between more serious forms of racial abuse and ‘everyday’ racism (Finn, 2000: 54). See also McKerrell, 2012, who specifically focuses on what he terms the ‘mediatisation’ of *The Famine Song*.

important in cases where the individual concerned otherwise feels excluded from full participation in cultural and political life. Taking all musical practices seriously ultimately means taking the people that participate in them seriously. This also applies where those concerned themselves state that what they are involved in is “just a song” but at the same time make clear from their reactions to attempts to stop them singing it that it is, in reality, much more than “just a song”. This, incidentally, is an issue not just confined to the topic in hand but has more far-reaching consequences for the human rights community (as explored further in Grant, 2014).

ii. *Recognise that the ends of musical practices are not always positive.* Musical practices that are provocative or inciteful (I discuss this distinction in the next point) should not be tolerated where their performance can be expected to result in lasting harm to community relations. Different situations will merit different approaches to combating the acceptance and further use of such practices: these may include, but should by no means be limited to, legal action or criminal charges. Care must however be taken to ensure that any measures taken to combat such practices do not make the situation much worse before they make it better: this is particularly the case where longer-standing traditions are involved. Recognising this may be the first step towards constructive dialogue on how positive aspects of such practices can be maintained while negative aspects are challenged.

iii. *Give due consideration to practices that can reasonably be assumed to constitute provocation of the other group in a conflict, and not only to those that may constitute incitement to violence or advocacy of hatred and discrimination.* In certain forms of intergroup conflict it is not uncommon for musical and other communicative practices to be explicitly and provocatively directed at the opposite group. Where there is a history or realistic threat of violence, acts that may be deemed ‘offensive’ but which do not constitute acts of incitement to violence may, in real terms, be just as dangerous. In a forest parched of rain, a fire can as easily be started with a spark as with a flame.

iv. *Promote more knowledge on the right to freedom of expression, the “special duties and responsibilities” that go with that right, and why restrictions to this and other rights are sometimes necessary to protect the rights of others.* In specific cases, this could also extend to promoting understanding and open discussion in affected communities on why certain cultural practices are deemed problematic. There is clearly a real need for improved human rights education on issues surrounding the nature, logic and reasoning behind human rights standards relating to hatred, prejudice and discrimination, particularly but not only where these intersect with the right to freedom of expression. Just as important as the focus and content of such educational measures is however the question of where they are directed. A “bottom-up” approach – which could include improved human rights education in schools<sup>39</sup> – is necessary but not sufficient here. Human rights education needs to be directed at opinion-makers as well:

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<sup>39</sup> Or, indeed, *any* human rights education in schools.

media reporting can be part of the solution in such cases; all too often, however, it is in fact part of the problem.

For the most part, the Scottish authorities have taken very seriously the question of how cultural practices may perpetuate patterns of discrimination and hatred. The approach they have favoured is in general proportional, pragmatic and principled. As this article has discussed, there is a growing awareness amongst footballing organisations, the policing and justice systems, community organisations and many others regarding role songs and other musical practices can play in promoting hatred and intolerance. Practical and educational measures have now been joined by a new *Offensive Behaviour at Football and Threatening Communications (Scotland) Act (2012)*, the development and remit of which, not to mention its application, cannot be discussed in full here.<sup>40</sup> Violence between supporters is nowadays much less in evidence at Old Firm games than at other matches – the Old Firm game in December 2008, just after the Hokey Cokey debacle, passed off almost without incident. However, there is another side to this apparent success story: it is now known that incidents of domestic abuse rise sharply following Old Firm matches.<sup>41</sup> The violence, it seems, have not stopped at all – it has merely been displaced.

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<sup>40</sup> One difference between the Bill as first submitted and as enacted is worthy of mention here, however: the latter includes an explanatory passage highlighting that stirring up religious hatred does not mean “(a) discussion or criticism of religions or the beliefs or practices of adherents of religions, (b) expressions of antipathy, dislike, ridicule, insult or abuse towards those matters, (c) proselytising, or (d) urging of adherents of religions to cease practising their religions.” This clearly reflects the tone of UK-wide debates on what constitutes religious hatred as opposed to behaviour which is offensive but not inciteful.

<sup>41</sup> A press release issued by the Scottish Crown Office and Procurator Fiscal ahead of an Old Firm game in September 2011 quoted figures in connection with two Old Firm matches in February of the same year: in the first case, the Domestic Abuse Unit of the Glasgow Procurator Fiscal received 48 reports on the Monday following one game (a rise of around 33% over the average) and in the second, 70 reports (75% more than average). The first match was a draw, in the second case Celtic won 3-0 (Crown Office and Procurator Fiscal Service 2011).

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