

**How
Coercion
creates
Consensus -
Censorship
& the
Ideology of
the State**

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In this article I want to examine part of the political context within which Irish Broadcasting censorship takes place. Essentially: what has been the basis for the imposition and continued acceptance of the need for Section 31 of the Broadcasting Act by Irish Governments since 1971; and what has been its effect on RTE as a public service broadcaster. I particularly want to begin an exploration of why it has precisely been self-proclaimed champions of political pluralism and openness in Irish society generally who have been to the fore in the promotion and defence of political censorship - in other words to the fore in denying political pluralism and openness in Irish broadcasting. This will be part of a larger study on the regulation by the state of Irish broadcasting in its socio-economic context.

First of all I would like to examine how Section 31 operates and its consequences for RTE journalism and journalists.

Section 31 of the Broadcasting Act (as amended in 1976 by the then Minister for Posts and Telegraphs, Conor Cruise O'Brien and as extended by a subsequent minister, Paddy Cooney, in 1981) controls RTE and independent radio stations by way of an annual Ministerial Order. "Where the Minister is of the opinion" that a type of broadcast might incite to crime or "undermine the authority of the state" he may prevent RTE from broadcasting it. This Ministerial Order is directed principally at republican groupings, primarily Sinn Fein, and also the Irish Republican Army (IRA). One former minister, Paddy Cooney, has admitted that Sinn Fein is the main target. Another former minister, Dr. Conor Cruise O'Brien has commended the usefulness of Section 31 as a means of preventing any electoral advance by Sinn Fein in the South - in other words as a means of denying the electorate information which might lead them to support Sinn Fein in greater numbers (The World at One, RTE Radio One, March 30, 1993) The view that Section 31 is aimed primarily at Republican is also appreciated - but not shared - by the general public (see Table I).

The main purpose of section 31 is to prevent RTE from

broadcasting:

- (1) an interview or report of an interview with spokespersons for Sinn Fein;
- (2) any broadcast, including party political broadcasts, inviting support for Sinn Fein;
- (3) a broadcast by anyone representing or purporting to represent Sinn Fein.

This legal censorship has been extended into a pervasive system of internally administered self-censorship within RTE which has turned it into a system for the social control of broadcast journalists and journalism. A regime of severe regulation has affected all items about the North, but especially as they concern Sinn Fein and the IRA. IT has particularly affected all coverage on all subjects where a Sinn Fein member might be present in a newsworthy context. In essence RTE offers no latitude to its broadcasting staff. Every item which involves a member or spokesperson for Sinn Fein must, whether it breaches the Order or not, be referred up to the Director General. Not only has this involved RTE in an illegal extension of Section 31, it has also meant that a far wider area of self-censorship has affected the broadly nationalist viewpoint.

In 1977 the National Union of Journalists conducted a survey on the effect of Section 31 in the RTE Newsroom. The NUJ reported that:

The ultra-cautious atmosphere which Section 31 and the [RTE] guidelines have fostered in the newsroom and programme sections has meant that enquiries into controversial issues have not been encouraged...there is no great enthusiasm to dig deep into the facts. Establishment views (security forces, Government, Church, etc.) are aired at great length, often without analysis or counterpoint. Over a period of time a lop-

TABLE I:

Question: "Can you name an organisation or individual banned from being interviewed under Section 31":

Respondant's mentioning:	Republican Groups	74.5%
	Loyalist Groups	17.7%
	Subversives, etc.	6.9%
	Incorrect	7.7%
	Don't Know	23.0%

(Note: Respondant's could give more than one response (i.e. 'Sinn Fein' with 'UDA'). Also a correct and incorrect response could be combined (i.e. 'Sinn Fein' with 'Workers Party')

[From Meehan & Horgan, 1987:13]

sided prominence is given of establishment thinking. The corollary of this is that there develops a considerable public insensitivity and disinterest in views which are radically at odds with the establishment. Section 31 and the guidelines have now taken such a grip on RTE news and programme executives that there is now a general anxiety about tackling stories which might embarrass the government on the issue of security.

These comments were made at the conclusion of Dr O'Brien's sojourn as Minister for Posts and Telegraphs, 1973-1977. O'Brien lost his seat in the 1977 General Election.

Tom McGurk, a former RTE journalist, observed (Sunday Tribune, January 11th, 1983) that

Perhaps the most dangerous element that emerged from the "Section 31 mentality" was the temptation on journalists and editors to involve themselves in self-censorship. Section 31 was the law of the land and RTE now found it convenient to cover up its serious shortcoming on northern reportage by hiding behind this fact.

RTE's internal regime helps to discipline the workforce. McGurk points out that an "era of timidity and self-censorship" rendered RTE unable to cover developments concerning British miscarriages of justice, such as the Guilford Four and the Birmingham Six. McGurk recounts how RTE Programme Controller, Muiris MacConghail, refused to broadcast material on RUC brutality allegations in 1977. MacConghail suggested instead that he mention the story "to our BBC colleagues at our next meeting with them". (ibid) This story was broken by the BBC and led to a British government investigation, the Bennett report, and the involvement of Amnesty International.

Writing on the comparatively more liberal situation in Britain some years ago Professor Nicholas Garnham made a telling observation on the need to hold on to one's job being a powerful ideological reinforcing mechanism. As McGurk (ibid) acknowledges:

Reporters and editors were very soon to realise that to fight against the official line and involve their department in confrontation with the Director General's office and thereby with the Minister was walking a tight-rope to nowhere. There was simply no future in being branded as a "trouble maker" and thereby, as was frequently done, being moved to another area of less sensitive broadcasting.

The need to preserve your employment status is exacerbated in RTE with the taking

on of staff on short-term contracts. The 'Father' of the NUJ Chapel in the RTE News Room, Eoin Roynane, said at an NUJ press conference in October 1989 that journalists on short-term contracts are even less likely to challenge accepted self-censorship practice since it could materially affect their prospects for being re-employed.

In March 1988, a contract journalist, Jenny McGeever, was sacked for inadvertently breaching Section 31 of the Broadcasting Act on a morning news programme. This occurred during her report of the return of the bodies of three IRA volunteers, shot by the SAS in Gibraltar on March 6, to Ireland. McGeever's colleagues were intimidated by the immediate public intervention of the Minister for Communications, Ray Burke. They failed to rally to her defence, despite an instruction from the NUJ. McGeever became a management scapegoat for government anger over the breach and was dismissed. The RTE Newsroom branch of the NUJ presented an "ultimatum" which management were more than willing to accept: no action to be taken against permanent staff. RTE later made an out-of-court settlement to McGeever, as a result of a case brought for wrongful dismissal.

RTE has based its rigorous adherence to Section 31 by reference to its need to stay within the law. At the same time RTE management, especially those in journalistic posts, often proclaimed their opposition to, and utter disdain for, the Section 31 Orders they are forced to labour under. For instance, in answer to a fact finding mission from the International Federation of Journalists, RTE's Head of News, Wesley Boyd, proclaimed an intention to stick "by the letter" of Section 31 in order to show "how stupid it is, showing up that we cannot even interview a Sinn Fein member on rose growing or wine" (in Doorneart and Larsen, 1987:7). The practical consequence of both of these assertions, the need for a law abiding stance and the intention of proclaim the "stupidity" of Section 31, is that RTE has been found to be acting outside the law precisely by illegally extending Section 31 to Sinn Fein members not acting as spokespersons. In O'Toole vs RTE a Sinn Fein trade unionist, Larry O'Toole, successfully challenged an RTE refusal to interview him in his capacity as chairperson of a strike committee and as a National Executive member of the Bakery Union, solely on the basis of O'Toole's membership of Sinn Fein. RTE lost in the High Court in July 1992 and lost again on appeal to the Supreme Court in March 1993. The International Federation of journalists termed RTE's position "outrageous"; the US Newspaper Guild declared that RTE were involved in an

"astonishing" "self-bondage plea". The NUJ described RTE's behaviour as "extraordinary".

Indeed the failure and confusion inherent in RTE's strategy in relation to Section 31 is shown by its inability to ever willingly make any reference publicly to its "stupid", never mind more orthodox, applications of the Section 31 Order. How were people to know of the stupidity of Section 31 if RTE kept it to themselves? The IFJ pressed RTE management on this point by asking whether RTE indicates on air "every time" Section 31 interferes with normal broadcasting practice.

The response was "we do this when appropriate...But it's impractical to mention this every time, and there can be other reasons why we restrict coverage; time, news value etc..." (ibid:8)

In a letter (dated January 27, 1987) to Tom Hartley, the Sinn Fein Runai (General Secretary), the RTE Director General Vincent Finn, stated:

RTE does not agree that it could reasonable be required to advise its audience on a daily or similar frequency basis in reference to its news, current affairs or other programmes about the existence and effect of an Order which has been essentially in existence for over 15 years. Any reference is an editorial on-the-spot matter.

The response was in reply to a letter (dated January 13, 1987) from Hartley pointing out that in reports of talks between John Hume and Gerry Adams at that time RTE only rarely, if ever, mentioned the existence of Section 31 reporting restrictions. In effect, therefore, RTE has no policy on the central issue of informing its audience that normal broadcasting standards have been suspended.

At the time of writing RTE is again reporting talks between the leader of the Social Democratic and Labour Party, John Hume, and the Sinn Fein Leader, Gerry Adams. There is still no explicit mention by RTE on air of the existence of a provision preventing them from interviewing Gerry Adams. John Hume has been interviewed on numerous occasions and, in the normal course of events (ie in the absence of censorship), one would have expected interviews with Gerry Adams. Yet this interference with professional and ethical balance requirements is not covered by any RTE policy of always informing its audience of the fact. This failure on RTE's part has the effect not only of denying the audience the right to know but also of denying them the right to know they are denied the right to know. There is every indication that the

audience would appreciate being informed that the news is censored.

RTE, on numerous occasions, refused to meet with Sinn Fein to discuss the inconsistencies and extensions of Section 31 which RTE were wholly responsible for. It is probably a consequence of the "anxiety", to which the NUJ document quoted earlier alludes, which rendered, and still renders, RTE unable to rationally explain the implications and operation of Section 31 to Sinn Fein or, indeed, to any other individual who takes the trouble to attempt to explore it with RTE.

Professor Garnham's observation, noted above, was made in the course of a criticism and dismissal of the concept of an Ideological State Apparatus subconsciously creating acceptance of the prerogatives of the status quo. I suggest, in agreement with Garnham, that more prosaic and direct mechanisms relating to prospects for continued employment, interference by government through its exchequer disbursement powers and security apparatus, and the identity of interest generally between owners and controllers of the media in maintaining the continued good health of the capitalist state, act as their own powerful bulwark against the proliferation of anti-establishment views. In other words coercion creates its own consensus.

This observation is particularly true of the situation in Republic of Ireland. While it might be helpful to think of RTE's output on the North as reinforcing the State's ideological interest this output is actually conditioned by the state's repressive rather than its ideological apparatus. Censorship, through Section 31 of the Broadcasting Act, is part of the panoply of repressive measures monopolized by the state in its defence. Section 31 is imposed by the state through the agency of successive governments and its constitutional validity has been upheld by the courts (Lynch vs Cooney, 1982). It has been responsible, directly or indirectly, for the sacking of one journalist and of a sound recorder (who "miked" a Sinn Fein spokesperson during filming), the dismissal of an entire RTE authority in 1972, the imprisoning of another journalist for contempt of court (see "There is no such thing as journalists' privilege" by Frank Clarke, SC., Irish Times, December 4th, 1992) and the disciplining and sidelining of countless other staff in RTE.

Let us now look at the response to this state of affairs, or rather these affairs of the state. In broad terms the constraints RTE

faces concern the most important and complex political story in Ireland. According to an Irish Times (June 26, 1983) MRBI poll, television in Ireland is the public's primary source of information on current events. The conflict in the North is a story which, therefore, one might argue requires the most comprehensive, exhaustive and unrestrained information gathering techniques at a broadcaster's disposal. From the unrestrained plurality of voices and opinions comes the pluralism Irish society is said by many to be lacking. In fact, because of censorship and RTE's peculiar extension of its provisions, coverage of the North is boring, repetitive, unimaginative and ritualistic. At its worst, coverage of the North has been open to the charge of manipulation by political forces hostile to Irish nationalism and Republicanism.

However, many politicians prominent in this society over the past thirty years have aspired to the creation of a society based on pluralism, that is one based on toleration and an acceptance of diversity. In short it is part of an aspiration toward an open and liberal society. The paradox we have to face, however, that those who promote these aims tend to be the most vociferous and tenacious defenders of political censorship. On the face of it, this seems like a contradiction in terms. If so, where does this contradiction come from. Take Dr Conor Cruise O'Brien, for example. He is considered the quintessential "liberal", in terms of a distinguished family history, international experience with the UN, critical and historical insights. Throughout the 1970's, particularly during his stewardship of the Ministry for Posts and Telegraphs, O'Brien was commenting avidly and writing prodigiously on what he perceived to be the dangers of Irish republicanism and nationalism.

In his capacity as a Labour Party Minister in the 1973-'77 government O'Brien reinforced and copperfastened Section 31. This was the crowning point of his campaign to root out what he termed in 1974 the IRA's "spiritual occupation" of RTE. The former Taoiseach and Minister for Foreign Affairs in the '73-'77 government, Garret Fitzgerald, was also a product of a new "liberalism" in Irish political culture. Fitzgerald joined O'Brien in asserting that the problem in the North was not one of British imperialism and unwarranted interference in Irish affairs but a problem of conflicting cultures on this island. While O'Brien asserted that there were two irreconcilable nations Fitzgerald said that a union of hearts and minds was possible, albeit in different states. In short both were openly partitionist in their outlook, something which had not been a feature of Irish political leadership heretofore. Both were agreed,

also, that the main threat to the Unionist-British culture or nation was the aggressive irredentist demands of Irish nationalism. Fitzgerald was also part of the old right-wing Cumann Na nGaedhal/Fine Gael tradition which asserted the need to shore-up and protect the state at all costs from its enemies, these traditionally being Irish Republicans. This particular government has been accused of being responsible for one of the most infamous examples of police brutality and miscarriages of justice in the history of the state. (For an account of the Nicky Kelly case and a flavour of the period, see Kerrigan and Dunne, *Round up the Usual Suspects*, Magill Publications, 1983.)

Irish nationalism was portrayed as part of a backward and essentially populist catholic social formation seeking ancient solutions to the age-old problems unhappily obtruding on a 'modern' world setting. Indeed it was this desire to be modern above all else, to be part of a perceived European culture and civilisation which came to predominate the thinking of the Southern Irish intelligentsia in their reaction to the failings of, and their feelings of increasing condescension towards, Irish nationalism. The desire to be "European", not merely as a fact of geographic life but as the ideological badge of a new and larger imagined community, was crystallised in our membership of the European Economic Community which Southern Ireland joined in 1973. It was part of a package which would seemingly sweep away the cobwebs of the past, bound up as they were with the manifold failures of the Irish state with its history of high unemployment, emigration, poverty, peripherality, conservative catholicism and all-round narrow-mindedness. It was also, ironically enough, a rhetorical anti-British device, in that the state would cease its economic and political dependence on Britain while becoming dependent on the EC instead.

An explanation of the material basis for the success of this enterprise in ideological terms will have to wait for another article. To sum up, in the context of this initial analysis, Irish broadcasting was transformed in the period 1971 to 1977 into an institution with a conservative and semi-totalitarian approach to the Northern Ireland crisis. It was forced into this situation by precisely those representatives of the liberal intelligentsia who proclaimed the need for a break with the past. Instead, they transformed themselves into effective defenders of a conservative status quo and, as I shall attempt to show in a future article, ineffective proponents of a break with the subservient and dependent nature of Irish politics.