Chapter 4

The media and Northern Ireland

Censorship, information management and the broadcasting ban

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Information and representation are not simply epiphenomena in modern societies. Communication is central to the conduct of politics and the lived experience of culture. Direct censorship is one of the key weapons of the information manager. It excludes information from the public sphere and helps to structure the information which is available. Censorship is centrally related to the exercise of power and the management of experience. It is not surprising, therefore, that the use of direct censorship increases in times of acute social, political or military conflict. But the use of direct censorship in societies legitimated by a commitment to liberal democracy presents the state with problems as well as opportunities. The legitimation of censorship is itself one of the major tasks of information management in liberal democratic societies.

LEGITIMATING INFORMATION CONTROL

The legitimation of information control varies with the outcome of struggles over the definition of the type and intensity of conflict. These relate both to the actualities of conflict and to the strength of internal opposition to the government. Such opposition will vary partly in relation to the success of official or alternative information-management attempts.

In a situation of total war such as between 1939 and 1945, the rights and liberties of peacetime are suspended in a battle for national survival. In partial engagements such as Suez, the Falklands or the Gulf, different rules apply. Comprehensive censorship is less easy to legitimate and dissent less easy to marginalize. A counter-insurgency conflict like that in Northern Ireland is a further step down in terms of the threat to the central state. Whereas, in the Gulf War of 1991, systematic disinformation was regarded as legitimate it has not been so regarded in Northern Ireland since the mid-1970s. A step down from counter-insurgency in intensity are serious internal disturbances, including inner-city riots/uprisings and large-scale industrial disputes. In Northern Ireland, it has been possible for the state to use the full range of information-management tactics. By contrast, the use of censorship and

disinformation was not nearly so well developed in relation to the inner-city disturbances of the 1980s or the 1984/5 coal dispute. Instead, sophisticated public relations and the intimidation of the media were relied upon.

However, not all counter-insurgency campaigns are the same. The conflict in Northern Ireland is different from the fifty-three other counter-insurgency campaigns conducted by the British army between 1945 and 1969 (Ministry of Defence 1969). Northern Ireland is close to Britain and is, supposedly, an integral part of the UK state in which democratic conditions are held to obtain. Media access to and interest in Northern Ireland have also been greater than in previous colonial counter-insurgency campaigns. Such differences have made the practice of extrajudicial killing and systematic disinformation much more difficult and have, therefore, often hampered military strategists.

This point has been acknowledged by some counter-insurgency writers. In the late 1970s, David Charters was a colleague of Maurice Tugwell, the head of disinformation at British army headquarters in Northern Ireland in the early 1970s. Charters has written:

> The Army's counter-insurgency doctrine, evolved over 25 years of fighting insurgency in the Empire, was difficult to apply in Ulster because the doctrine was not designed for domestic use.... The restrictions and harsh measures which had made a successful campaign possible in Malaya could not be applied readily in Britain, with its long tradition of individual liberty and freedom of the press. In Malaya, thousands of miles away from home, operations beyond the jungle fringe could be conducted in almost complete secrecy; in Ulster, the daily movements of a patrol may be seen on TV that evening in Belfast and in London. Moreover, because Northern Ireland is constitutionally part of the United Kingdom, the problem is a domestic one, and politicians in London are more inclined to intervene directly in the actual conduct of security policy and operations
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> (Charters 1977: 25–6)

Here we find one of the key military objections to the presence of the media in a counter-insurgency conflict like Northern Ireland. The army wanted to treat Northern Ireland as if it were simply another colony. We might ponder how the British army would have conducted itself had 'harsh measures' been possible. The legitimation of British rule in Northern Ireland, however, rested on the official propaganda view that Northern Ireland was an intimate part of the British state, and therefore the appearance of liberal democracy and the freedom of the press had to be preserved.

METHODS OF CONTROL

We can divide methods of information control into four: public relations, intimidation and the use of the law, self-censorship, direct censorship. This chapter briefly summarizes the impact of the first three limits and then goes

on to examine the ban on broadcasting interviews with members of Sinn Féin and ten other Irish organizations.

Public relations

In the absence of serious political conflict or armed violence, the most important weapon of information control is routine public relations. In Northern Ireland routine official PR has been dedicated to promoting the view that the conflict is caused either by deep and irreconcilable divisions between Irish nationalists and Ulster Unionists, or simply by 'terrorism'. In either case it is nothing to do with the relationship between Britain and Ireland, and Britain is held to be a neutral arbiter. The routine PR operation includes a wide range of PR tactics. In areas of more controversy, such as the conduct of the 'security forces', disinformation becomes a more important PR tactic. This is to say that official sources, especially the army and the police, routinely release information which is known to be false when security personnel are involved in shooting incidents (Miller 1994).

Use of the law and intimidation

To support the PR effort there have been official attempts to impose tight controls on media practice. This is done, both by the use of the law and by the routine use of government intimidation of the media. In the former case, the number and severity of powers available to circumscribe the media have steadily increased since the 1970s. They include the Prevention of Terrorism Act, the Emergency Provisions Act, the Official Secrets Act and the Police and Criminal Evidence Act, which have all been passed and/or tightened since the 1970s (Ó Maoláin 1989). In particular the 1989 revision of the PTA allows the police to demand access to any journalistic material should they believe that it is likely to have 'substantial value' in a terrorist investigation. The 1989 Official Secrets Act further narrowed the sphere of debate by making it illegal for anyone associated with intelligence or security matters to speak or be reported in the media. No public-interest defence is permissible.

Intimidation is often used in tandem with the law or threats of the law. After a series of controversies in the 1970s, successive governments were able to stop broadcasters interviewing active members of the IRA and INLA. The INLA interview on BBC's *Tonight* was the last occasion on which such an interview was heard on British television. The controversy, in July 1979, was also Prime Minister Thatcher's first serious conflict with the broadcasters. Other major rows followed throughout the 1980s. In 1980 *Panorama* filmed the IRA on patrol in Carrickmore. The outcry in parliament and in the press allowed the police to seize the unbroadcast film. These two controversies represent a turning point in relations between broadcasters and the state.

The use of the Prevention of Terrorism Act against the media was

considered for the first time with the INLA interview and Section 11 of the Act was actually used for the first time to seize the Carrickmore footage. The next major row was in 1985 and concerned the representation of Sinn Féin in an edition of the BBC series *Real Lives*. The government went further than ever before in trying to pressure the BBC not to broadcast the programme. The BBC buckled and pulled the programme. The government were less successful with Thames TV's *Death on the Rock* in 1988, which raised the possibility that the SAS killings in Gibraltar had been extrajudicial executions. The new powers available under the 1989 revision of the Prevention of Terrorism Act to seize material were supposed to be used to combat paramilitary racketeering. Yet in 1991 they were used against Channel 4 and an independent production company who alleged, in a *Dispatches* report, that there was a secret committee of Protestant paramilitaries, business people and security-forces personnel directing the assassination of Republican suspects. The broadcasters were found guilty, but pragmatically the court decided not to shut the channel down. Instead, in a landmark judgement, Lord Justice Woolf ruled that in the future, there would be no doubt about the scope of the law, thus warning programme-makers not to use unofficial confidential sources when reporting on Northern Ireland.

Self-censorship

The effect of the use of the law and intimidation has been that broadcasters have continually tightened the internal procedures used in making programmes about Northern Ireland (Miller 1994). All programme ideas on Northern Ireland had to be 'referred up' to senior management in the BBC and independent companies. The reference-upwards system was inaugurated in 1971 after the first skirmishes over coverage of Northern Ireland. Broadcasters' response then was to assure the government, in the words of Lord Hill, chair of the BBC, that 'as between the British Army and the gunmen the BBC is not and cannot be impartial' (Hill 1974: 209).

Direct censorship: the broadcasting ban

On 19 October 1988 Douglas Hurd introduced a Notice under clause 13 (4) of the BBC Licence and Agreement and section 29 (3) of the Broadcasting Act 1981 prohibiting the broadcast of direct statements by representatives or supporters of eleven Irish political and military organizations. The broadcasting ban, as it became known, is the first and, so far, the only use of this power since the beginning of British broadcasting history directly and overtly to rule out a whole class of political viewpoints. The minister responsible for broadcasting has the power to require the broadcasters in writing 'to refrain at any specified time or at all times from sending any matter or matters of any class'.[1] In principle this allows the government to prevail in any conflict with

the BBC over editorial matters. Until 1988, however, its use had been limited to less controversial or general provisions.

The Notice was introduced after a year of confrontations between the government and the media and an increase in IRA attacks. The first major confrontation was over government attempts to gain access to small amounts of untransmitted footage of an attack on two soldiers who drove into a funeral cortege in West Belfast. The funeral was of an IRA volunteer killed at the funerals of the three IRA members who were killed by the SAS in Gibraltar. The Gibraltar killings also led to the next major row with the broadcast of *Death on the Rock* in Thames Television's *This Week* series, which suggested that three IRA members had been shot while giving themselves up and had been finished off on the ground. The government's prolonged attacks on Thames prompted Philip Whitehead to observe that *Death on the Rock* 'was enough to lose the IBA its remaining friends in government' (*New Statesman & Society*, 26 August 1988).

The 'last straw' for Margaret Thatcher (*The Times*, 22 October 1988) was the IRA bombing of a British army bus in which eight soldiers died, together with the aftermath of the bombing of the Co. Down home of Sir Kenneth Bloomfield, head of the Northern Ireland civil service. Following this latter attack, Gerry Adams was reported, by the *Sunday Times* (23 October 1988), as saying that civil servants working for the British government 'ran the risk' of attack.

These events provided the immediate rationale and trigger for direct censorship, but the shift in media–state relations from the period of 'cosy chats', through pressure and public intimidation, to overt censorship has a rather longer lineage. The skirmishes and rows over Northern Ireland starting in 1971 had meant a continual tightening of broadcasters' internal regulations, so that by 1980 the voice of armed Republicanism had successfully been banished from the screen (Curtis 1984; Schlesinger *et al.* 1983). The challenge to government policing of the media, which the rise of Sinn Féin represented, produced further attempts at control under successive Thatcher administrations. The logic of the attempt to remove Republican views from the screen was to stop Sinn Féin from being interviewed at all, but since they were a legal political party, such a step was hard to legitimize. This left the government in a bind, unless a way could be found to separate Sinn Féin as 'politicians' from Sinn Féin as 'terrorists'. In all the controversy around the *Real Lives* affair, this dilemma remained relatively obscure. But there is evidence that some top broadcasters were thinking this issue through to its logical conclusions. For example, the BBC Assistant Director-General, Alan Protheroe, had recognized the tendency:

> Does the government therefore wish to prevent the expression on the air of views with which it disagrees from democratically elected supporters – at local council, Assembly or parliamentary level? Or does it wish to say,

> 'You can use Sinn Féin people on the air if they're talking about the drains in the Bogside or the state of the pavements in West Belfast – but you can't use them if they mutter a word about the need for the maintenance of the armed struggle?'
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> (Protheroe 1985: 6)

The former option would exclude all statements from people representing Sinn Féin and would have been more restrictive than the latter option which would allow Sinn Féin representatives to expound party policy on all issues except support for the armed struggle. The government eventually opted for the former, more stringent option.

The British Home Office Notice prohibits the broadcasting of 'any words spoken' where '(a) the person speaking the words represents or purports to represent' a specified organization; '(b) the words support or solicit or invite support for such an organisation'.

CONFUSION

The precise implications of this were not immediately clear and broadcasters spent the following weeks drawing up guidelines. Channel 4's original 'worst case'[2] interpretation was that the ban applied to a press statement 'read by a commentator with a view to casting contempt upon it' as well as to 'works of fiction'. ITN, though, interpreted the ban to mean that reported speech and fiction were allowable. Following a meeting between the BBC and the Home Office Broadcasting Department, officials elaborated further in a letter (also copied to the IBA) 'so that the BBC would be left in no doubt' (reproduced in BBC 1989b: Appendix V).

This letter stated that reported speech was allowable and that 'the Notice permits the showing of a film or still picture of the initiator speaking the words together with a voice-over account of them, whether in paraphrase or verbatim.... Programmes involving the reconstruction of actual events, where actors use the verbatim words which had been spoken in actuality, are similarly permitted.' It should be noted therefore that the government explicitly envisaged the use of interpreting techniques in its letter to the broadcasters. The use of such techniques cannot, therefore, be said (as they sometimes have been) to indicate that broadcasters are attempting to get round the Notice. A second confusion related to the meaning of the term 'represents' in the Notice. The Home Office confirmed that:

> A member of an organisation cannot be held to represent the organisation in all his daily activities. Whether at any particular instance he is representing the organisation concerned will depend upon the nature of the words spoken and the particular context. Where he is speaking in his capacity as a member of an organisation which does not fall under the Notice (for example, an elected Council), it follows, from that inter-

pretation, that paragraph 1 (a) will not apply.

(BBC 1989b: Appendix V)

BBC television news made use of this definition of 'represent' for the first time on 16 February 1989 when they interviewed Gerry Adams about jobs in West Belfast. Thirty seconds of sound on film was broadcast in Northern Ireland, with Adams speaking as MP for West Belfast rather than *Sinn Féin* MP for West Belfast. The *Media Show* (8 May 1990) took the definition of 'represent' to its logical conclusion when they interviewed Sinn Féin councillor Jim McAllister speaking about his role in Ken Loach's film *Hidden Agenda*. McAllister was speaking as an 'actor' rather than as a Sinn Féin councillor, even though his acting role in the film is that of a Sinn Féin councillor.

The Home Office clarifications still left some doubt in the minds of broadcasters, particularly about the lineage of some of the organizations covered and about the questions of historical and fictional coverage (Miller 1990). However, the government argument was that although the Notice imposed some restrictions on broadcast coverage, there was no provision in the text of the Notice which restricted television and radio from carrying as many interviews with Sinn Féin as before the ban. This was accompanied by a clear desire to remove Sinn Féin from the screen. However, this latter wish could not be made too clear in public since it would hamper the legitimation of the ban.

Confusion in broadcasting circles has been complemented by caution. Top broadcasters have been unambiguous in public about their opposition to the ban. John Birt (1989) has argued that the ban 'crosses a line that governments in democratic societies should not cross'. However, this has not meant that broadcasters have reported as fully as before the ban. The National Union of Journalists called off its one-day strike after assurances from BBC and ITV executives that 'health warnings' would be used to indicate the effect of the ban. But warnings were only used when Sinn Féin were interviewed, rather than to indicate the absence of a Sinn Féin interview.

Covering up censorship

The BBC's confidential Editorial Policy Meeting (EPM)[3] advised that the warning, or 'programme reference' as BBC executives preferred to call it, should be 'specific'. A 'blanket' warning should be avoided because it 'could sound propagandist' and 'It was important to avoid frivolous or point scoring references' (EPM, 15 November 1988). When health warnings have been used they have been woven into the text of reports by the journalist rather than being announced by the newscaster at the beginning of an item as has been the case with coverage from some other parts of the world. Here the principle of doublespeak is very important. At one end of the scale is 'censorship' and

'propaganda' which are practised by our enemies. Thus television reporters talk of IRA or Libyan 'propaganda' or Iraqi 'censorship'. At the other end of the scale we have 'reporting restrictions' and the 'fight against terrorism'. These are practised by our friends. Somewhere in the middle are those states allied to the west which, for one reason or another, have a blemish on their reputation. Countries such as Apartheid South Africa or pre-peace-deal Israel might be described as practising 'censorship' or the less shameful 'reporting restrictions' might come into play. This principle – you censor, we restrict for operational security – was used to great effect in the Gulf War of 1991 as ITN reporter David Mannion has revealed:

> We did use the word censored. We tried to be as accurate as we could in what we said in front of reports. In Iraq, in Baghdad we said reports were subject to Iraqi censorship. You notice that phrase. That is not to say that every report was censored, in fact some reports were not censored. But they were all subject to Iraqi censorship and we thought it right, even when they were not censored, to let viewers know we were working under those particular conditions. In Israel where reports were censored, we said they were censored. In Saudi Arabia where we had to leave out certain details for operational reasons, we said just that – we had to leave these details out for operational reasons. If you can't understand that, that's your problem.[4]

All broadcast coverage of Northern Ireland under the ban was subject to government censorship, and yet not a single news bulletin in the year after the ban was preceded by a warning. Indeed the BBC went further than this and introduced a ban on the use of subtitles in its news programmes. After BBC Northern Ireland subtitled an interview with Danny Morrison (*Inside Ulster*, 24 January 1989) the BBC decided that subtitles would no longer be used on the local news, because, in the words of one BBC Northern Ireland executive, 'it looked so dramatic – it looked like we were seeking to make a point'.[5] In the year following the ban the single occasion on which subtitles were used on BBC network news was an item on *Newsnight*.[6] The *Newsnight* report was shown at the next Editorial Policy Meeting and the BBC Northern Ireland decision was endorsed and extended to network news. On 18 April 1989 John Wilson, controller of editorial policy, was recorded as saying:

> The use of voice-overs in cases where supporters of the named organizations could not be quoted directly was preferable to the use of sub-titles. This was the practice already followed in Northern Ireland. Sub-titles were odd and formed a further barrier in a restricted report between the audience and the speaker which was unnecessary. Robin Walsh agreed, and strongly favoured a moving, rather than a still picture in such cases, with a voice-over in the style of an interpreter.

Overall, subtitles were used on only five other occasions on network news in the year after the ban, all of them on *Channel 4 News*.[7] In the year following

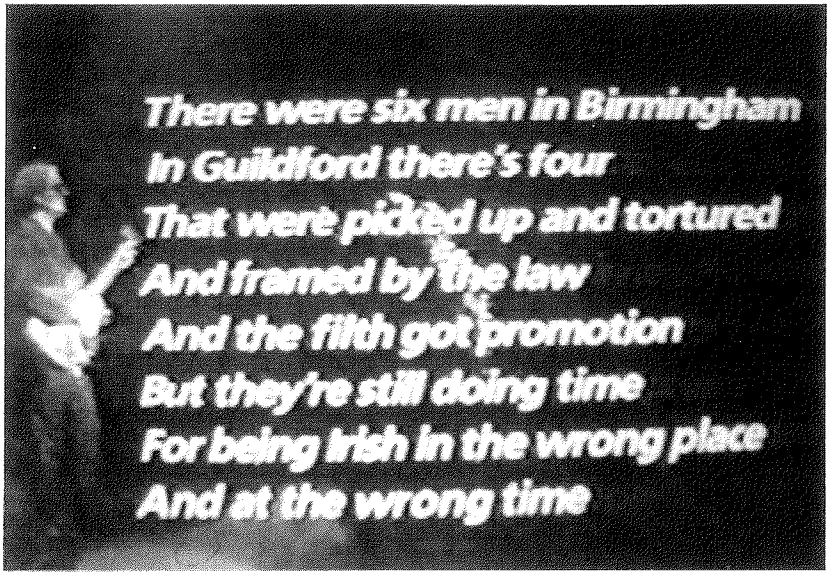
the ban, the most common way of dealing with the restrictions was to give a 'health warning', cut the sound of the interview and use the voice-over technique. One interview with Danny Morrison used an actor's voice (BBC 2, *Newsnight*, 27 January 1989).

The Editorial Policy Meeting also debated the finer points of what constituted an 'appearance' by a 'supporter' of 'terrorism'. In one example, BBC news broadcast footage which included shouting in Irish. The Editorial Policy Meeting noted that: 'The chanting had, in fact, been an IRA battle cry, and Chris Cramer warned all to get their Irish translators in before using material of this type' (EPM, 29 November 1988). By the next meeting the controller of editorial policy, John Wilson agreed that this type of material 'was undoubtedly covered by the restrictions' (EPM, 13 December 1988).

These discussions had the effect of tightening the already strict referral procedures for programmes on Northern Ireland. As BBC guidelines acknowledge, 'The need for referral and special consideration was increased by the Notice served ... in October 1988' (BBC 1989c: 38). John Conway, then editor of news and current affairs, at BBC Northern Ireland, has described the impact of the tightened-up procedure on working practices in Northern Ireland.

> The perception has grown up that we can still interview Sinn Féin about the state of the roads, blocked drains or other innocuous local issues. Not so. Every broadcast interview with a member of the party has to go through a much finer filter and that's what becomes so time consuming for editors and their journalists.... To ensure that an interview with [a] councillor could be broadcast, the news editor at [Radio] Foyle had to check with me in Belfast and I, in turn, had to consult with senior colleagues in London about potential legal and policy implications before the green light to broadcast was given. All that for the everyday voice of grassroots politics which local radio is there to articulate.
>
> (Conway 1989)

Under the ban it is in principle possible to interview representatives of any of the listed organizations as much or even more than had been the case before the Notice was introduced so long as their voices are not heard. However, in practice the broadcasters extended the ban well beyond its literal meaning. There are several reasons for this, such as the extra time it takes to get clearance for interviews with Sinn Féin and the time it takes to subtitle or voice-over an interview. Broadcasters also often argue that subtitling or lip-syncing don't make for 'good television'. On the other hand the confusion resulting from what John Birt has called the 'Byzantine' restrictions (Birt 1992) is often given as the excuse for any limitation in broadcasters' coverage. Whatever the merits of such arguments, they should not in principle be insurmountable. Yet it is clear that journalists on tight deadlines have



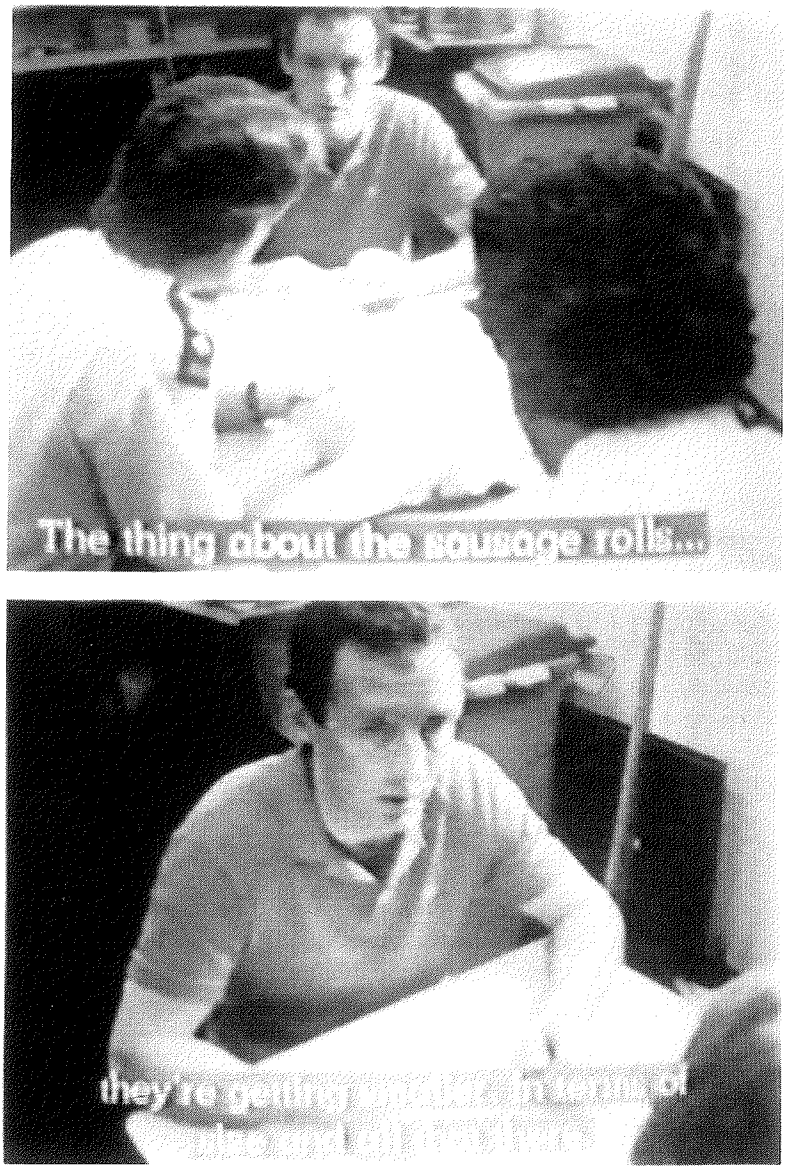
'Streets of Sorrow/Birmingham Six' shown on ITN.

frequently succumbed to the time-saving temptation to simply leave Sinn Féin out.

The caution of the broadcasters has meant that there have been very few attempts to test the limits of the ban. Among these are the responses of ITN to the banning of a song by the Pogues and a BBC documentary on the Maze prison. When the IBA banned the Pogues' song 'Streets of Sorrow/ Birmingham Six', ITN reported the IBA decision by showing footage of the Pogues in concert and rolling the words up on the screen. The reporter then recited them in an arguably more intelligible way than the Pogues' vocalist Shane McGowan:

> There were six men in Birmingham
> In Guildford there's four
> That were picked up and tortured
> And framed by the law
> And the filth got promotion
> But they're still doing time
> For being Irish in the wrong place
> And at the wrong time
>
> (ITN, 17:45, 20 December 1988)

'Enemies within', made for the BBC's *Inside Story* series by Steve Hewlett and Peter Taylor, operated right up to the limit of the Notice. The programme featured extensive interviews with Republican and Loyalist prisoners in the H-Blocks of the Maze prison. When the prisoners were speaking in a personal capacity their voices were heard, but when they were



Subtitling of IRA spokesperson on food.

speaking as representatives of the IRA, the Notice was given maximum visibility. The interviewees were voiced over with an out-of-sync actor's voice, indicated by a caption at the top of the screen. Meanwhile at the bottom of the screen the words were also subtitled. This operation to the limits of the ban (but not beyond) allowed some prisoners to be heard giving a Republican political analysis in a personal capacity while others were subtitled when talking about innocuous topics in their capacities as representatives of the IRA. Thus the IRA spokesperson on food was subtitled when shown negotiating with prison officers over the size of sausage rolls served up in the prison.

The effect on coverage

Coverage of Sinn Féin prior to the ban was minimal and when interviews were broadcast the hostile interview technique was routinely used (Schlesinger *et al.* 1983; Curtis 1984). In the year leading up to the ban,[8] BBC network television news featured a total of 633 formal interviews on Northern Ireland. By far the largest category of interviewee was members of the Conservative Party with a total of 121 interviews including 50 interviews with the Northern Ireland secretary Tom King who was on more than anyone else. British politicians together with representatives from the army, RUC and civil service accounted for 172 interviews or more than 25 per cent of all interviews on Northern Ireland that year. By contrast other political parties had a much lower showing. The Labour Party was on 38 times (6 per cent), the Social Democratic and Labour Party (SDLP) and Ulster Unionist Party (UUP) exactly balanced at 36 interviews each and the DUP slightly trailed at 30. By contrast Sinn Féin was interviewed a total of 17 times in the entire year. Sinn Féin comments tended to be limited to short sound bites or single responses to journalists' questions.

Conducting an interview in the television studio is one indicator of the importance which broadcasters accord to an interviewee. It confers status and, especially on programmes like *Channel 4 News* and *Newsnight*, allows for exchanges of views between 'opposing' commentators or politicians and gives interviewees the opportunity to respond to points from journalists or other politicians (Henderson *et al.* 1990). In the year prior to the ban Conservative, Labour, UUP, DUP and SDLP MPs were invited into the studio but Sinn Féin were not allotted any studio interviews on British network TV news. Coverage of Sinn Féin in the year before the ban was very limited both in quantity and quality. Sinn Féin representatives appeared[9] on television, or their voices were heard, a total of 93 times. In the following year the number fell to 34, a drop of more than 63 per cent. It is also clear that when interviews with Sinn Féin did occur they were shorter and less informative.[10] Top broadcasters have acknowledged this point in private. The BBC's Editorial Policy Meeting was told by John Conway that when Sinn Féin councillor,

Francis McNally, was interviewed as a brother of a murder victim, the interview had 'said much less than it would have prior to the ban' (EPM, 29 November 1988).

The obvious corollary of this is that some news items are simply not filmed. This seems also to have been the case in relation to current-affairs and documentary programmes. Paul Hamman, the BBC producer who made *Real Lives*, went on to become head of documentaries at the Corporation. He has said that on taking up the post he 'had a couple of Irish films up [his] sleeve, new ways of looking at Northern Ireland, but since the [ban]...both of these films have bit the dust' (*Guardian*, 8 May 1989).

It is difficult to argue that 'confusion' is responsible for the steep decline in Sinn Féin interviews. The confusion arises in relation to the manner of covering Sinn Féin rather than in relation to covering them at all. In fact the result of the restriction has been largely to excise Republican sentiment from British television screens.

The most obvious and measurable impact of the ban has been on members of Sinn Féin, with a slight impact on the UDA. The second part of the Notice has had less obvious, though more far-reaching, effect. Interviews cancelled are the tip of the iceberg since it is difficult to tell which people and views are not even considered for inclusion. Whereas the Notice refers to words which 'support or solicit or invite support' broadcasters have interpreted it to cover attempts at understanding or explaining the conflict (Curtis and Jempson 1993; Irish Information Partnership 1990).

In November 1988 the IBA banned the song 'Streets of Sorrow/ Birmingham Six' by the Pogues. The song simply proclaims the innocence of the Guildford Four and the Birmingham Six, jailed for IRA bombings in the 1970s, but the IBA deemed it to be 'supporting or soliciting or inviting support' for a listed organization because it contained a 'general disagreement with the way in which the British government responds to and the courts deal with the terrorist threat in the UK' (*Observer*, 20 November 1988).

Ironically, the convictions of first the Guildford Four and then the Birmingham Six were finally acknowledged by the courts to be unsafe and all ten were released. The IBA would not lift the ban after the Guildford Four were released because in the words of one spokesperson, 'The Birmingham Six are still serving sentences as convicted terrorists' (*Sunday Correspondent*, 22 October 1989). When the Birmingham Six were released the Radio Authority revoked the ban. But the Independent Television Commission said only that 'it is highly unlikely' that they would intervene if the song was broadcast on television.[11]

That a popular song might 'contain a general disagreement with government policy' or make a 'political point' was now considered in some parts of broadcasting as being identical to supporting Sinn Féin or the IRA. This raises the key question of the acceptable range of opinion on the Northern Ireland conflict and how differing views are categorized. Margaret Thatcher posed the

choice simply: 'Either one is on the side of justice in these matters, or one is on the side of terrorism' (BBC 2, *Newsnight*, 22:50, 22 March 1988). There is, however, no intrinsic reason why this view should be accepted by the broadcasters. As the ban became more entrenched in journalistic working practices so more decisions were taken which collapsed any critique of British policy into support for terrorism. This resulted in the category of prohibited views expanding markedly, yet almost imperceptibly. Irish Republicanism was joined by Irish nationalist and Left critiques, together with more centrist views, beyond the pale of acceptable broadcasting.

The most far-reaching decision resulted in the subtitling of Bernadette McAliskey, the former civil-rights activist and People's Democracy MP for Mid-Ulster together with members of a studio audience. 'Killing for a cause', part of a series titled *Nation*, used the examples of the conflicts in Northern Ireland and South Africa to ask if the use of political violence was ever justified. Bernadette McAliskey was one of a panel of three, including Conservative MP and former Northern Ireland minister, Peter Bottomley, and a member of the ANC. The moderator, Trevor Phillips, introduced McAliskey as a former supporter of 'the use of violence in the cause of Irish Republicanism'.

Asked about her current views on violence in the cause of Irish Republicanism McAliskey started by saying 'Well, I have to put it in context'. These were the only words directly broadcast. From that point on every word was subtitled. What she then said was:

> Quite honestly, if I supported it fully, if I could justify it, I would join the IRA. But since I am not a soldier, since I cannot within myself justify it, then I'm not. But I can understand it, I can explain it, I can articulate it and I can offer, what I believe to be a rational way out of it, which is discussion and negotiation, wherever it is in the world. But I don't think that a limited and emotionally packed statement like 'Do you support violence'.... No sane human being supports violence. We are often cornered into it by powerlessness, by lack of democracy, by lack of willingness of people to listen to our problems. We don't choose political violence, the powerful force it on us.

For BBC lawyers these were the key words which seemed to them to be sufficiently supportive of the IRA to fall within the terms of the Notice. The controller of editorial policy, John Wilson, who had been on holiday when the decision was taken, was apparently not happy. He wanted to offer McAliskey an apology, but he was overruled by the Director-General and a compromise reached.[12] This involved asking for external legal advice from an independent lawyer. David Pannick, the QC concerned, largely backed up the internal BBC advice, apparently making it difficult for the BBC simply to repudiate the treatment of McAliskey. Prior to this the BBC guidelines on what was covered by this part of the Notice maintained that 'generalised comments

Subtitling of Bernadette McAliskey on *Nation* series.

about or even in favour of terrorism in Ireland or about Irish Republicanism are not prevented' (BBC 1989c: 40). Following the Pannick judgement the controller of editorial policy rewrote the guidelines although he maintained that 'I will continue to apply the guidelines as narrowly as I reasonably can.'[13]

The central problem here is that understanding the actions of the IRA could apparently be construed by the broadcasters as being identical to support for the IRA. The BBC's difficulty in telling 'understanding' and 'support' apart was heightened by Peter Bottomley's public complaint that: 'If I had been asked to explain or give an understanding of the republican or loyalist killings, I could have done so.'[14]

Broadcasters and the ban

There is a long history of broadcasters accepting the official definition of Republican opposition. Lord Hill's 1971 declaration that 'as between the British Army and the gunmen the BBC is not and cannot be impartial' (Hill 1974: 209) set the pattern. The BBC echoed this view in the aftermath of the 1989 bombing of the Royal Marines at Deal in Kent. They dispensed with their signature tune and closed their main evening news bulletin with the Marines' band playing over slow-motion footage of a young boy in uniform laying a wreath to the dead (BBC 1, 20:55, 23 August 1989). When a contributor to Channel 4's *Right to Reply* complained that this was not news but 'pure emotionalism', the BBC responded that:

> The day before this item was broadcast ten Marine bandsmen had been murdered and around twenty injured. We are satisfied that the item properly reflected the feeling of many people in the aftermath of such an event.
>
> (Channel 4, *Right to Reply*, 7 October 1989)

This view remains strong in broadcasting. David Nicholas, editor of ITN, objected to the ban on the grounds that ITN interviews with Sinn Féin were conducted 'responsibly':

> Because we all understand what these extremist organizations stand for is abhorrent to many people. British public opinion has never been more resolute than it is now, in my opinion, in defeating terrorism and that owes a lot to the full and frank reporting that we've been able to conduct on Northern Ireland over nineteen years.
>
> (ITN, 22:00, 19 October 1988)

Here Nicholas claims to act 'responsibly' in the name of 'public opinion'. Opinion which, he maintains, the broadcasters have helped to create with their 'full and frank' coverage.

The close coincidence of the views of the broadcasters and the state on 'terrorism' helps to explain why much coverage of Sinn Féin has been directed at discrediting the party as part of the campaign to defeat 'terrorism'. One of the objections of the broadcasters has been that they no longer have control over their part of the campaign. This is to say that in part the caution of the broadcasters is not simply about being intimidated by the government,

it also includes a strategy to defend their legitimacy to the outside world. Thus broadcasting executives are opposed to the Notice, but they are not in favour of free reporting. They would prefer the government to trust them not to be really impartial.

The rationale for the ban

It is essential that the British government present itself as acting within the rule of law so that it can claim that the conflict in Ireland is one of 'democracy' versus 'terrorism'. Many measures can be justified under the cloak of fighting terrorism. Let us now turn to a detailed consideration of the rationale given by the government for introducing the ban.

First, appearances by 'paramilitary organisations and their political wings ... have caused widespread offence to viewers throughout the United Kingdom, particularly just after a terrorist outrage' (Hansard, 19 October 1988, col. 893). Second, 'Those who live by the bomb and the gun and those who support them cannot in all circumstances be accorded the same rights as the rest of the population ... those who practice and support terrorism and violence should not be allowed direct access to our radios and television screens' (Hansard, 2 November 1988, col. 1074). Third, 'The terrorists themselves draw support and sustenance from access to radio and television.... The government have decided that the time has come to deny this easy platform to those who use it to propagate terrorism' (Hansard, 19 October 1988, col. 893). Later Hurd said, 'direct access gives those who use it an air and appearance of authority which spreads further outwards the ripple of fear that terrorist acts create in the community' (Hansard, 2 November 1988, col. 1080). Fourth, 'We are dealing not just with statements that are offensive, but with the use of the media to deliver indirect threats' (Hansard, 2 November 1988, col. 1080).

John Birt, the then Deputy Director-General of the BBC, has stated that 'There is no evidence the BBC can uncover that our audiences are offended by responsible and relevant journalism' (Birt 1989). The IBA also claimed to have received no complaints (cited in Henderson *et al.* 1990). The Home Office did not commission their own research on this topic, nor, it seems, did they consult the research undertaken by broadcasters and academics. Although there are very few pieces of research in this area, they are consistent with each other. The last time British broadcasters interviewed a professing member of a Republican paramilitary organization in 1979, BBC audience research with members of the British public showed that 80 per cent of those sampled thought it right to broadcast the interview with a member of the INLA. Perhaps more importantly, from the government perspective, it also apparently increased hostility to the IRA and INLA and aroused sympathy for the police and army (BBC 1980).

This finding gains credibility from audience research carried out by David

Docherty and his colleagues. They conducted discussions with audience groups in Belfast and found that, far from being offended, most were opposed to broadcasting restrictions or censorship:

> the right of free speech is not impugned by the [audience] groups; the Protestants, with reservation, were willing to bite the bullet over the IRA, and the Catholics likewise the Protestant militants. But this is not enough for them; they want the debate to enter into complex areas where religion, politics and class fragment, and where real debates take place.
>
> (Docherty *et al.* 1988: 171)

Let us note that there is some evidence that public opinion on this issue is not nearly so conservative as is assumed by government, broadcasters and many others.

The tenor of the government case suggests that, before the ban, 'terrorists' and their 'supporters' constantly appeared on the broadcast media either urging the IRA on to victory or issuing some new threat against military personnel or others associated with the British government. As Douglas Hurd put it, 'What I used to hear, are supporters of Sinn Féin having the skill to stay just within the law and using the right of direct access to the media to glory in violence and death' (Hansard, 19 October 1988, col. 897). Furthermore it suggests in some places that both Sinn Féin and the IRA were continually able to gain *favourable* coverage on television. In fact, as we have seen, this was far from the case.

'The terrorists themselves' have not been able, as Douglas Hurd put it, to 'draw support and sustenance from access to radio and television', since interviews with active, professing Republican paramilitaries by British broadcasters have not been shown on television since 1979 and the IRA have not been interviewed since 1974. Let us remind ourselves that of 633 formal interviews on Northern Ireland on BBC network news in the year before the ban only 17 were with members of Sinn Féin. This compared with 121 with members of the Conservative Party, including 50 alone with Tom King, the then Northern Ireland secretary. This is already a very great imbalance, but in addition current BBC guidelines require that in interviewing 'terrorists' 'challenging questions should be used to get valid contributions to the examination of the issues' (BBC 1989c: 79). Journalists are also advised to 'take care not to show terrorists or people closely associated with them in an approving light' (ibid.: 80). The resulting coverage is hardly favourable to Sinn Féin. In the same year there were no interviews with members of the IRA. Indeed, it is doubtful whether any professing, current member of the IRA has been interviewed on British network television news in the entire period of the Troubles.

British government personnel have themselves occasionally acknowledged that representatives of Sinn Féin did not gain favourable coverage prior to the ban. One of the biggest news stories in the year before the ban was the

Enniskillen bombing, featuring eleven Sinn Féin appearances on British network news. The Chief Constable of the RUC at the time, Sir John Hermon, has commented on his view of the tenor of the coverage:

> Who could gainsay or forget the power of the poignancy of the images brought to us and to the whole world by the news media out of Enniskillen in 1987? Out of the coverage of that tragedy by the media came dignity, compassion, hope, and a powerful indictment of terrorism.
>
> (Hermon 1990: 41)

It is clear that much of the coverage of Sinn Féin was very negative for the party. Most Sinn Féin statements are not in fact about violence or the IRA nor could they in any way be construed as supporting the IRA. Sinn Féin have regularly complained that such statements are ignored by journalists in favour of questions about the IRA and violence (Morrison 1989). In fact were Sinn Féin never to make any statement which could be construed as supporting the IRA or 'terrorism' their words would still have been covered by the ban.

The fourth reason given for imposing the ban was that some statements were intended to be, and in some cases were, intimidating. The example used in Home Office affidavits before the High Court in Belfast and London (Scoble 1989, 1990) and in off-the-record briefings when the ban was introduced[15] is the aftermath of the IRA bombing of the home of Sir Kenneth Bloomfield, the head of the Northern Ireland civil service. The government alleged that Gerry Adams had said that civil servants working for the government 'ran the risk' of attack. However, in an extraordinary turn of events, the government then acknowledged that this example was simply inaccurate. In the High Court consideration of the ban in London, Lord Justice Watkins had challenged the example and Christopher Scoble, the head of the Home Office Broadcasting Department accepted that Adams' comments were 'not broadcast as a direct statement by a person covered by the notices' (Scoble 1990: 2). In fact Adams was referring to a statement by the IRA and his remarks were prefaced by the statement 'I'm not here as a spokesperson for the IRA' (BBC Radio Ulster, *Talkback*, 12 September 1988). However, in mitigation, Scoble claimed that the statement was issued through the Republican Press Centre. He went on to say: 'while I accept that the statement was not broadcast in a way which would have been caught by the notices, I nevertheless submit that the statement is evidence that terrorist organisations do make statements intended to intimidate' (Scoble 1990). Of course in the original submission the government had complained specifically about '*broadcast* statements'. The government have not been able to produce any evidence that Sinn Féin members have made such statements. Furthermore, the ban contained no provision which would stop the *reporting* of IRA statements that might be intended to intimidate.

In the year before the ban very few Sinn Féin appearances in the aftermath of IRA actions could easily be interpreted as intimidatory. There were a small

number which related to distinctions between 'legitimate' and 'illegitimate' targets and the Republican contention that the war situation provides the context of IRA actions.

In summary, the access gained by 'terrorists' themselves on British television prior to the ban was virtually nil and in the year before the ban most Sinn Féin comments were not related to supporting the IRA. Let us remember, the ban was not aimed only at statements made by Sinn Féin which contained support for the IRA or the 'armed struggle'. It also applied to *any* statement made by Sinn Féin representatives.

British strategy

There has been little examination of the government's rationale for phrasing the Notice in such limited and vague terms. It is said that the government felt that it had to do something to react to the intensified IRA campaign of summer 1988 and the ban was the ill-thought-out result of that impulse. There may be some truth in this, but it seems clear that some careful thought was given to the precise terms of the ban for reasons of legitimation. It is remarkably convenient that the ban is phrased in vague terms and that, accordingly, broadcasters have to interpret its precise meaning. Because of the caution of broadcasting management in the face of government intimidation throughout the 1980s, Republican interviewees all but disappeared from network television news. The advantage of this from the government point of view is that the broadcasters can then be blamed for any over-zealous application of the Notice. In the case before the European Commission on Human Rights the government emphasized the limited nature of the Notice and tried to absolve themselves of responsibility for the actual implementation of the ban. Under the European Convention on Human Rights, a government may infringe freedom of expression so long as the infringement is strictly limited and corresponds to a 'pressing social need'. The fight against 'terrorism' is held by the government to be such a need and the limited nature of the ban means, they say, that it is precisely targeted and limited.

The strength of the official approach to the broadcasting ban is its conflation of the democratic activities of Sinn Féin with the political violence of the IRA under the single heading of 'terrorism'. If this view of 'terrorism' is seen as a political perspective rather than a simple truth, however, the official position is harder to sustain. The official position is also hampered by the fact that Sinn Féin remains a legal political party and by the government acknowledgement that Sinn Féin is not 'actively and primarily involved in terrorism' (Hansard, 2 November 1988, col. 1078). Nevertheless the British government's attempts to legitimate the ban paid off when the European Commission on Human Rights refused to refer the case to the European Court in 1994.

In the House of Commons Douglas Hurd had described the ban as applying to

appearances by 'terrorists'. However, it is clear that 'terrorists' do not appear on British television. The government argument seemed to be that Sinn Féin and the IRA are so closely connected in the public mind that any statement by Sinn Féin is likely to increase the support for and legitimacy of 'terrorism'. This would be so even if the Sinn Féin policy on flood damage, maternity hospitals or post offices (all actual examples) were the same as that of the government. It seems clear then that the ban does not target statements which support terrorism (which are already illegal under the Emergency Provisions Act and would result in Sinn Féin councillors being disbarred from office under the Elected Authorities [Northern Ireland] Act 1989 [the 'oath of non-violence']); rather it is quite clearly directed against Sinn Féin as a party. It is part of the British strategy of attempting to marginalize Sinn Féin by managing public opinion in order to 'contain' the Troubles (O'Dowd *et al.* 1982; Rolston 1991).[16]

Legitimation

It is fundamental to the legitimation of a 'democracy' that there is the appearance of freedom of speech and of free elections. This is part of the reason why the ban is replaced during election times by the Representation of the People Act. Sinn Féin were able to make party election broadcasts and appear directly on television and radio in the same way as other parties pending the election. As Douglas Hurd noted in the House of Commons:

> I have always regarded the obligation of impartiality as an important part of holding free elections, and, in turn, the holding of free elections in Northern Ireland as a crucial part of our stance there. I did not want to do anything which undermined that.
>
> (Hansard, 19 October 1988, col. 895)

There were, however, other reasons for this exemption. To have prohibited direct statements in the run up to an election would have raised, as Hurd put it, 'significant legal difficulties' (Hansard, 2 November 1988, col. 1074).

When Douglas Hurd announced the ban he argued, 'This is not a restriction on reporting. It is a restriction on direct appearances by those who use or support violence' (Hansard, 19 October 1988, col. 893). Later he asserted, 'This is not censorship, because it does not deal with or prohibit the reporting of events' (Hansard, 19 October 1988, col. 898). The claim that the Notice does not amount to censorship is a key part of the attempt to legitimate the ban. Indeed, the distinction between a ban and 'restrictions' has been emphasized in British Public Relations in the US. In a letter to the *Washington Post*, a British Embassy information counsellor claimed that 'there is no "media ban" applying to terrorists or anyone else in the United Kingdom':

> There is no ban on terrorists and their supporters appearing on television. There is no ban on reporting what such people have said. There is no ban

> on people criticising the government's policy. There is simply a requirement that television companies refrain from broadcasting the actual voices of anyone representing or soliciting support for either an illegal terrorist group or one of the three organisations with a history of apologising for terrorist violence.... The British government has made it quite clear that the interpretation of the restrictions is a matter for the broadcasters themselves. It is for them to decide whom they wish to interview.
>
> (*Washington Post*, 26 November 1990)

Of course, this clearly does not relate to the actual effects of the ban on broadcasting, which it seems the government are quite happy with. They have at no stage complained about the broadcasters' over-enthusiastic implementation of the Notice. Indeed according to a Home Office press officer on the second anniversary of the ban:

> There will be grey areas and occasional isolated incidents where the prohibition might appear to be skirted, but generally we think it's been very effective and there are no present plans to change it.
>
> (*Washington Post*, 21 October 1990)

Did the ban work?

Critics on the Left and the Right and amongst civil-liberties organizations have suggested that the ban is 'stupid', 'risible' or 'silly'. On the Right there have been complaints that the ban is too limited. The journalist Herb Greer (1990) has argued that using an actor's voice to lip-sync Gerry Adams' words was a 'stunt engineered to circumvent the silly half-ban'. Calls for a total ban or for the outlawing of Sinn Féin are associated with this type of argument. From a different direction, amongst civil-liberties organizations there has been opposition to the Notice on the grounds that 'it is easily evaded and can operate in such a way as to add lustre to the arguments it is attempting to stifle' (Committee on the Administration of Justice 1991). Roy Hattersley, then deputy leader of the Labour Party, suggested the ban was stupid because it was:

> apparently perfectly legal to record an interview with a member of a banned organisation and broadcast it, *after dubbing with the voice of an actress or actor* ... – an example of how stupid the new regulations actually are.
>
> (Hattersley 1988: 19, his emphasis)

In this view there was no overwhelming reason to introduce the ban; indeed it is likely that the Notice would have a damaging effect on the fight against terrorism. As Hattersley argued:

> If censorship does not contribute to victory over terrorism, it is impossible

> to justify the price to be paid for its introduction.... Abandoning our traditional freedoms in order to prevent Gerry Adams from appearing on our television screens is likely to have exactly the opposite effect to that intended by the censors.... The terrorists ... have been provided with a new weapon.
>
> (ibid.)

The underlying theme of all these arguments is that the Notice is counter-productive. As Hattersley put it in the House of Commons, 'I cannot see what damage is done to terrorism and terrorists in Northern Ireland by the Government making themselves look ridiculous by imposing that sort of meaningless and pointless restriction on broadcasters' (Hansard, 2 November 1988, col. 1081–2). The evidence for this view is, first, that the ban is evaded by duplicitous broadcasters or that it is made to look stupid by the use of interpreting techniques.[17] Second, it is argued that the ban benefits Sinn Féin since it allows them to point out that they are being censored and to evade hostile questioning in the aftermath of IRA bombings.

As we have already seen, the Home Office explicitly acknowledged that voice-overs and actor's-voice techniques are allowable under the ban. Much of the evidence for the view that broadcasters are evading the ban rests not on actual evasions but on those instances where the limits of the ban have been tested by journalists willing to take the restrictions to their logical limit.

In fact there were few occasions on which broadcasters tested the limits of the ban. None actually broke it. Let us be clear about the second part of the argument; the ban allowed Sinn Féin to claim that they were being censored precisely because they *were* being censored. The logic of this argument is that only if no one knew that the censorship existed (or, in Hattersley's terms, if it worked) would it be acceptable. This is really a plea for broadcasters to be allowed to censor themselves. There is, however, some factual basis to the second part of this complaint. It is clear that Sinn Féin have used the existence of the Notice as a reason why they could not put forward spokespersons in the aftermath of some IRA actions (Birt 1992). But in the end the real question is the quality of information which people in Britain and Northern Ireland have access to in order to make up their minds on the conflict. The wider issue that this criticism of the ban raises is the proper role of journalism in a conflict like Northern Ireland.

THE EFFECT OF THE BAN

The ban does not appear to have been one of the catalysts which brought about the Hume–Adams process, the Downing Street declaration and an IRA ceasefire. Indeed it has been argued that cutting off what Margaret Thatcher has described as the 'oxygen of publicity' may have bolstered those sections of the Republican movement in favour of a more straightforward military

strategy (Ó Maoláin 1989: 98). The ban has obviously made the democratic activities of Sinn Féin more difficult. In this respect it is no different from a number of government initiatives designed to marginalize the party, whether through the oath of non-violence, the refusal of officials to meet with Sinn Féin representatives, exclusion from Britain or raids on Sinn Féin offices. Such marginalization contributes to the general sense that Sinn Féin are not worthy of inclusion in news reports. Together with the ban this has an effect on the public-relations skills of Sinn Féin spokespersons. Sinn Féin director of publicity, Danny Morrison, has commented:

> It even has an effect on a person like myself. For example, when you're used to the cut and thrust of regular interviews – right – and very heavy interviews – it keeps you sharp. And I found that the first time the ban was lifted – as a result of the local-government elections and European elections in May and June 1989, I didn't feel quite up to it. I didn't feel as confident as I had been in previous times. So it has that effect.
>
> ('Politics', *Media Skills*, UTV, 2 February 1990)

There is little evidence, however, that the ban hampered the military activities of the IRA.

There is one criterion used by the government to justify the ban which has some validity. Appearances by members of the IRA have not had the effect of increasing the standing of the IRA since there have been no interviews with British broadcasters since 1974. On the other hand, Sinn Féin have been interviewed on British television, precisely because they are elected politicians. In a democratic society election to a properly constituted assembly of the state does mean that those so elected have a right to communicate through the public media. Such appearances, even though they were treated in a hostile manner by broadcasters, do confer a certain legitimacy on Sinn Féin politicians – the legitimacy partly earned by election to a council or to parliament. It is this which was adversely affected by the ban and which helped the government to marginalize Sinn Féin from the political process. In this sense, the ban was effective in helping to push Sinn Féin to the margins of political life and in helping to exempt state actions from effective scrutiny.

THE 'PEACE PROCESS' AND THE LIFTING OF THE BAN

So far, I have painted a general picture of ever tightening controls on the media and ever increasing journalistic self-censorship. But this all changed with the reappearance of Sinn Féin on British television screens in late 1993. Then, in September 1994, the ban was lifted by the government.

With the emergence of the Hume–Adams process, in which John Hume and Gerry Adams reached an agreement that John Hume called the 'best chance' for peace in twenty-five years, the basics of political reporting again required a glimpse of Republican perspectives. Sinn Féin's *de facto* exclusion from the

news was ended and Gerry Adams and other Sinn Féin representatives appeared extensively. For the first time since the introduction of the ban and perhaps since the early 1980s Sinn Féin representatives were accorded status-conferring studio interviews, in many cases lasting some minutes. This so enraged some Tory MPs that Dame Jill Knight requested that John Major tighten the restrictions. The Prime Minister responded that 'I think many people felt that the [interviews] did stretch the present guidelines to the limit and perhaps beyond'. The criticism that the lip synchronization of the Sinn Féin leader's voice with the actor speaking his words was so close as to give the impression that Gerry Adams himself was speaking. Yet it is clear that such interviews are explicitly allowed by the ban. In any case, after a decent period had elapsed it was announced that a Department of National Heritage review had concluded that the ban should stay as it was. Sinn Féin continued to appear on the news, for example, on the question of clarification of the Downing Street declaration, as the peace process ebbed and flowed in news value. For the first time the ban began to look unsustainable.

It was the IRA ceasefire on 31 August 1994 which put the final nail in the coffin of the ban. On 16 September John Major announced in Belfast that it was being lifted. The development of the peace process and, in particular, the revelation of secret contacts between the British government and Sinn Féin, meant that broadcasters now felt able to interview Sinn Féin members more freely than previously. The fact that Sinn Féin were central to the change in political circumstances meant, additionally, that reporting the peace process required some accessing of Republican views. Sinn Féin were now harder to ignore.[18]

Sinn Féin interviews from the end of 1993 did comply with the restrictions. However, the frequency, length and depth of the interviews meant that, for the first time, the ban began to be counter-productive for the government. This was acknowledged by John Major when he lifted the ban: 'I believe the restrictions are *no longer* serving the purpose for which they were intended. Ways have been found to circumvent them' (emphasis added). In fact, as we have noted, the ban had not been circumvented. Major went on to state the other major reason for the lifting of the ban, which was the changed relationship between Sinn Féin and the government: 'Most importantly, we are now in very different circumstances from those of 1988 when the restrictions originally came in.'[19] The lifting of the ban was one indication of the process whereby Sinn Féin were brought in from the cold and the peace process advanced. This in turn meant that broadcasters had less cause to worry about government displeasure at their accessing of Sinn Féin. When John Major instituted an inquiry into the ban in December 1993 in the aftermath of the IRA bombing of the Shankill Road, the BBC reported Whitehall sources as dismissing the inquiry, as 'part of the Shankill backlash' (Miller 1993).

The greater leeway this has allowed broadcasters on Northern Ireland has

been complemented by less hostility towards the BBC from the Conservative Party and by the weakness of the Major government in this period. In contrast, when the ban was introduced in October 1988, the Thatcher administration was at the height of its power. This difference has had an impact on the atmosphere in broadcasting organizations. The changing relationship between the government and the BBC has been described by John Naughton, the television critic of the *Observer*, using the example of BBC's flagship current-affairs programme, *Panorama*.

> *Panorama* functions as a weathervane indicating how the wind blows in the BBC. Under Alasdair Milne it was a cheeky, nose-thumbing, fuck you kind of outfit. Under the early Birt regime it was a spavined hack kept under a tight leash lest it offend Mrs Hacksaw. It is significant that virtually the only seriously embarrassing *Panorama* investigation to reach the screen in that period was [a] report on [Robert] Maxwell – a well-known Labour supporter who funded Neil Kinnock's private office. Anything which might have been embarrassing to the Tories ... was held back until the moment of maximum impact had passed. But now the wind has changed. The Charter is in the bag and the government is in disarray. After years of relentless sucking up to the Tories, John Birt is suddenly seen dancing the night away at Mrs Tony Blair's birthday party. Labour front benchers can henceforth look forward to an endless round of BBC boxes at Ascot and Wimbledon.
>
> (Naughton 1994)

It is the combination of these changed relationships among the government, the media and the Republican movement that resulted in the extraordinary sight of former Northern Ireland minister, Michael Mates, debating with Gerry Adams in a BBC 2 *Newsnight* interview in late September 1994. Mates was dispatched to the US to try to counter the perceived PR advantage gained by Adams on his two-week visit. Their appearance, sitting next to each other in the same studio (with a handshake as they walked into camera shot), was the first occasion in history in which a debate between Sinn Féin and a British government representative had been televised. Its significance was reinforced by the treatment of Adams by *Newsnight* presenter Peter Snow. Less than two weeks after the lifting of the ban the hostile interview technique used to control and direct interviews with outlaws had partially gone. Instead, when Snow tried to interrupt Gerry Adams early in the exchange, Adams responded by saying, 'Can I just make a point that I want to debate with Mr Mates not with you, Peter?' (BBC 2, *Newsnight*, 28 September 1994). Snow then more or less withdrew and Adams and Mates were left to debate with each other for over 4 minutes. Such an interview and the way it was handled by the BBC would have been unthinkable even a month before.

The change from the hostile interview technique towards the grilling of the 'legitimate politician' gathered pace in the remaining months of 1994 and

early 1995. On television news Sinn Féin regularly appeared and were asked to contribute to bulletins almost as legitimate politicians. Jon Snow of *Channel 4 News* has explained the change in interviewing practice:

> I think we're now in a completely different circumstance from the one under which the ban operated. Then he [Adams] was linked with active terrorism, now he's part of a peace process ... Gerry Adams is amongst a number of people who have made a difference in Northern Ireland ... That's inescapable.
>
> (*Right To Reply*, Channel 4, 25 March 1995)

Meanwhile in current affairs programming, the boundaries of the permissible were also shifting. Extended interviews with IRA volunteers were broadcast in Ros Franey's 'Talking to the enemy' which was introduced with an acknowledgement of their previous impossibility: 'Four months ago this film could not have been shown. Now, with the ceasefire, the media can speak to the IRA' ('Talking to the enemy', *Network First*, 20 December 1994).

This was followed by *Panorama*'s 'The man we hate to love', in which John Ware profiled Gerry Adams of Sinn Féin. Ware had been behind a 1983 *World in Action* titled 'The Honourable Member for West Belfast', in which he described Adams as:

> the man whose following is set to crush, once and for all, any chance of reconciliation.... [This] is the story of a ruthless man and his rise through the ranks of the Provisional IRA. A man who has planned mass murder in Ireland and England and emerged victorious at the ballot-box.
>
> (*World in Action*, 19 December 1983)

Eleven years later the reporters' view had changed. The programme was introduced by Ware standing in a darkened studio in front of a bust of a bespectacled Adams: 'Tonight *Panorama* reveals how the man we hate to love has become the best hope for peace since Ireland was divided' (*Panorama*, BBC 1, 30 January 1995). Here was real evidence of the process of 'Mandelization' in which Adams was transformed in the manner of Nelson Mandela from 'terrorist godfather' to 'legitimate peacemaking politician'. Yet even here Sinn Féin are not being treated in the same way as other politicians discussing Northern Ireland. The long-standing Unionist practice of refusing to appear in the same studio as Sinn Féin continued and the broadcasters continued to accede to this restriction. According to Gerry Adams:

> The current situation is that broadcasters are bowing – perhaps not too reluctantly it must be said – to unionist demands that Sinn Féin spokespersons are interviewed separately from them. If this is not adhered to, unionists have threatened to withdraw from the debate.
>
> (Adams, 1995: 51–2).

CONCLUDING COMMENTS

The broadcasting ban was the only example of direct censorship in Britain since the beginning of broadcasting history. It was the furthest the British government has gone to control the media directly. The key effects of the ban were that, first, Sinn Féin appearances on television radically declined, second, broadcasters extended the ban to cover non-supporters of Sinn Féin or the IRA and, third, the ban helped to marginalize Northern Ireland in the British public sphere. The ban was very effective in limiting criticism of British government policy on Ireland.

However, the lifting of the ban does not mean that the media will suddenly take up the role of fourth-estate watchdog. Direct censorship may be gone but the three other main limits on reporting – public relations, intimidation and the use of the law, and self-censorship – remain to constrain the media.

But these limits are also affected by the lifting of the ban and more importantly by the developing peace process. Intimidation, the use of the law and even self-censorship have become less important as limits and the government has relied increasingly on public relations to manage media coverage. The shifts in political culture brought about by the peace process are exemplified in the glasnost which has started seeping into broadcasting as Sinn Féin have been brought in from the cold. The hard tactics of state censorship, intimidation and legal action are now less easy to legitimate and the pressure on journalists to censor themselves has somewhat dissipated. Instead we are faced with sophisticated political public relations tactics from the government as attempts are made by all sides to manage the political agenda and to negotiate in private and in public via megaphone diplomacy in the news media.

NOTES

1 Now clause 13 (6) of the Licence and Agreement (BBC 1989a: 112).
2 According to Liz Forgan, then director of programmes at Channel 4, the first C4 guidelines on the ban were made as restrictive as possible as a 'worst case' scenario in order to pressure the government by showing them how unworkable the ban was (conversation with Liz Forgan, *John Logie Baird Centre Seminar*, Ross Priory, Drymen, 14–16 June 1991).
3 Every two weeks the confidential BBC Editorial Policy Meeting (EPM) convenes to discuss editorial policy. We have obtained the minutes of these meetings for a nine-month period after the introduction of the ban. They show how the top people in the BBC dealt with the difficult issues which arose in the course of everyday coverage of Northern Ireland.
4 Quoted in *Free Press*, no. 63 (May 1991: 1).
5 Interview with the author, 28 July 1989.
6 BBC 2, *Newsnight*, 13 April 1989, using library footage from BBC Northern Ireland's current-affairs series *Spotlight*, broadcast on 27 October 1988. The item reviewed the effect of the ban.
7 14 November 1988, 21 November 1988 (twice) and 18 October 1989 (twice).

8 19 October 1987 to 13:00 hrs on 19 October 1988.

9 We looked at Sinn Féin appearances on network television news for a twelve-month period before and after the introduction of the broadcasting ban (19 October 1987 to 19 October 1989). Our statistics were compiled from computer printouts from BBC news and ITN databases, checked against our archive video tapes of news bulletins from the period. Where we found a Sinn Féin appearance on one bulletin we checked all other bulletins from that channel on that particular day. We took an 'appearance' to mean any occasion when the voice of a member of Sinn Féin or other Republican group was heard before the ban or was reported after it. Where two members 'appeared' on the same news we counted this as two appearances. Where the same footage was used on different bulletins we again counted these as separate appearances. Thus an 'appearance' would include any direct speech regardless of whether the words were spoken (a) in a personal capacity or as representative of a political party, or (b) in a formal interview or press conference, at a rally or simply heard on film at any news event. In this sense an 'appearance' is different from an 'interview'. Throughout this chapter the term 'interview' refers to a formal interview or statement whereas an 'appearance' also includes informal comments, press conferences, sound on film, excerpts from speeches at rallies and demonstrations and chanting at demonstrations. We have made this distinction because BBC and ITN computer records use it, but also because it is clear that the Home Office and the broadcasters have considered chanting and sound on film as covered by the ban.

10 See Henderson *et al.* 1990 for more details.

11 Letter to the author from Robert Hargreaves, deputy director of programmes, Independent Television Commission, 17 March 1993.

12 Information from a very senior BBC source in an interview with the author.

13 See John Wilson, 'Censorship and the BBC', *Guardian*, Letters to the Editor, 5 October 1992, in response to David Pallister, 'BBC to intensify gag on Ulster broadcasts', *Guardian*, 2 October 1992. See also Bernadette McAliskey's own account, 'Silenced', *Weekend Guardian*, 5 September 1992.

14 In David Pallister, 'BBC "put McAliskey's life at risk"', *Guardian*, 4 September 1992.

15 For example, in the *Sunday Times*, 23 October 1988.

16 I am not arguing that that strategy is either particularly well thought out or coherent or that there are not divisions over it within government. Douglas Hurd, for example, is said to have been uneasy with the Notice (Moloney 1991: 28). Nevertheless it clearly forms part of wider 'anti-terrorist' strategies.

17 For example, Mandrake, 'What are they doing about Gerry Adams?', *Sunday Telegraph*, 15 April 1990; Robert Shrimsley, 'BBC shows Sinn Féin MP interview despite ban', *Daily Telegraph*, 2 October 1990.

18 This does not mean that broadcasters suddenly dropped the hostile interview technique reserved for political outlaws or that they felt particularly able to note the contradictions of official policy (which maintained that there would be no talks with Sinn Féin until the IRA stopped its campaign, at the same time as secret talks were in fact continuing) (see Miller and McLaughlin 1994 for an analysis of some of this coverage).

19 The full text of Major's statement is in 'Referendum will guarantee honest outcome says Major', *Irish News*, 17 September 1994: 3.

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