

# Balance, Binary Debate and Missing Women: A Discourse Analysis and Creative Response to 30 years of the Abortion Debate on RTÉ Current Affairs Television, 1983-2013

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I, Hilary Dully, declare that this thesis and film practice is my own personal effort. I have not obtained a degree in NUI Galway or elsewhere on the basis of this work. Furthermore, I submit that the work is original and has not been taken from other sources except where such work has been cited and acknowledged within the text.

Signed \_\_\_\_\_

Date \_\_\_\_\_

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## Abstract

Since the introduction of a foetal right to life into the Irish Constitution in 1983, abortion has persisted as a contentious issue in public debate in Ireland. This practice-based study investigates Irish public discourse on abortion conducted in the context of television current affairs programming in national media. Public affairs programmes about contentious issues such as abortion adhere to the convention of balanced and objective debate. This thesis argues that the concept of balance in broadcasting has worked to limit the scope of the debate, especially in relation to the experience of the thousands of Irish women who travel each year to other jurisdictions to avail themselves of abortion services legally available elsewhere.

The thesis provides a discourse analysis of 52 television current affairs programmes concerned with the subject of abortion over three decades, 1983-2013, and broadcast by RTÉ television (the Irish national public service broadcaster). The analysis focuses on four selected timeframes (1981-83, 1992-94, 1997-99 and 2011-13) as examples of contentious periods in the Irish abortion debate. The interrogation of the current affairs data is textual, intertextual, historically contingent, and analysed with reference to the production conventions of the current affairs format. Norman Fairclough (1989) argues that resistance to ideology working through language is dependent on people developing a critical consciousness of discourse, rather than just experiencing it. This observation provides the foundation for the approach in this knowledge production project.

The film practice element of the project has produced a creative critique and response to the binary construction of abortion discourse in the form of a dual-film installation. In Film One, the television current affairs programmes examined in the discourse analysis were reconfigured and edited to create a representative summary of the public abortion debate over three decades. Film Two is a recreation of the abortion journey taken by Irish women across the Irish Sea. A two-sided screen format constructs a dual perspective, which allows the audience to move freely between Film One and Film Two, or between two sides of the same story.

## **Chapter 1 Introduction**

The practice of abortion is a worldwide phenomenon, which engenders moral disagreement, binary protest and divisive debate. From 2010 to 2014 there were 35 abortions per 1000 women aged 15-44 worldwide, which translates to over 56 million abortions globally per annum (Sedgh et al., 2016, p.258).<sup>1</sup> Several decades after the emergence of legal frameworks for pregnancy termination internationally, the battle between those opposed to abortion and those in favour of legal pregnancy termination, in all or some circumstances, continues as a staple of national discourse in many countries. Today, over 60% of the world's population has access to legal abortion, while the remainder live in regions, including Ireland, where termination of pregnancies is generally prohibited except to save the life of the woman (Centre for Reproductive Rights, 2014).<sup>2</sup> In common with many other countries, Ireland has grappled with the issue of abortion; the resulting public discourse has ebbed and flowed for over thirty years with renewed debate often set in motion by the emergence of hard case narratives arising from the legal framework of Irish abortion law.

### **The Irish Constitution and Abortion Legislation**

In 1983, following a period of public debate, 67% of the Irish electorate who cast their ballots<sup>3</sup> voted to confer a constitutional right to life for the unborn, with due regard to the equal right to life of the mother, into the Irish Constitution<sup>4</sup>; this right is enshrined in Article 40:3:3 of Bunreacht na hÉireann:

The state acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right (Bunreacht Na hÉireann/ Constitution of Ireland, 2012, p.152).

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<sup>1</sup> Abortion incidence between 1990 and 2014: Global, Regional and Subregional Levels and Trends published in The Lancet, 11 May 2016 (accessed online)

<sup>2</sup> Worldwide Abortion Statistics, 2014 published by the Centre for Reproductive Rights (accessed online)

<sup>3</sup> 53.67% of the total electorate voted in the 1983 Referendum, Election Ireland.org (accessed online)

<sup>4</sup> The ballot paper asked voters who approved of the proposal to mark X opposite the word YES, and opposite the word No if they did not approve of the proposal, Irish Statute Book (accessed online)



Article 40:3:3, commonly known as the Eighth Amendment, was subsequently modified by enactment of two further Amendments in 1992 when three proposals – the Twelfth, Thirteenth and Fourteenth Amendments – were put to the Irish electorate. The amendments to Article 40:3:3 were deemed necessary following the *Attorney General v. X (1992)*, when a female minor was initially prevented by state injunction from leaving the country to secure an abortion in Britain. The injunction was subsequently lifted by the Supreme Court on the basis that there was a threat to the life of X by reason of suicide (*The Supreme Court of Ireland, Important Judgments, n.d.*).<sup>3</sup> Over 65% of the electorate rejected the Twelfth Amendment, which purported to clarify the distinction between the life and health of the mother, and to eliminate the risk of suicide as grounds for abortion. While the Irish electorate rejected the Twelfth Amendment, they approved the Thirteenth and Fourteenth Amendments. The Thirteenth Amendment deals with freedom to travel, while the Fourteenth, commonly known as the Information Amendment, is concerned with the provision of abortion information about ‘services lawfully available in an another state’ (*Bunrecht Na hÉireann/Constitution of Ireland, 2012, p.152*).

In 2002, a second attempt took place to exclude suicidal risk as legal grounds for an abortion by constitutional amendment. The Twenty-fifth Amendment of the Constitution (Protection of Human Life in Pregnancy) was narrowly rejected by Irish voters in a referendum in March 2002. Eleven years later in 2013, the Protection of Life During Pregnancy Act 2013 was signed into law. The Act provides for the implementation of the X Case judgment in 1992 and clarifies the circumstances and procedures for the provision of abortion in Ireland in situations where there is a substantial risk to the life of mother, including the risk of suicide (*Electronic Irish Statue Book (eISB), Protection of Life During Pregnancy Act 2013, p.10*).<sup>4</sup>

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<sup>3</sup> Supreme Court of Ireland *Attorney General v X 1992* (accessed online)

<sup>4</sup> Irish Stature Book, *Protection of Life During Pregnancy Act, 2013* (accessed online)

## **Women and Abortion in Ireland**

The legal and social impediments to the full realisation of reproductive rights for women in Irish society are rooted in the foundation of Irish State in 1922, when a patriarchal, conservative and Roman Catholic dominated state emerged after the Civil War [1922-23] (MacCurtain, 1978, p.56). Consequent to their reduced status in the new Irish State, Irish woman had no legal means to control their fertility and often resorted to desperate measures, including infanticide. In 1929, a judge in a courtroom in Cork declared that the number of infants who were murdered by their mothers ‘surpassed belief’ (Kavanagh, 2005, p.26). For some Irish women, the 1930s provided an option in the form of ‘nursing homes’ in Dublin, where midwives and doctors allegedly carried out abortions, in a surreptitious fashion (Kavanagh, 2005, p.68). Their implements and methods were often crude and occasionally resulted in the death of the patient, but, nonetheless, they provided a service for women who wished to terminate pregnancies. However, when John Charles McQuaid became Archbishop of Dublin in 1940, the lenient approach of the authorities to clandestine abortion facilities came to an end; practitioners were jailed and the services were shut down (Kavanagh, 2005, p.86). The 1967 Abortion Act in Britain (excluding Northern Ireland, which also has restrictive abortion legislation) opened an alternative route for Irish women with unwanted pregnancies and established the travel option, which has continued to facilitate abortion for thousands of Irish women up to the present time.

The closed, insular society that emerged after the Irish Civil War continued up to the 1960s when a new optimism and openness began to penetrate into society, marked, in particular, by the beginning of the Women’s Movement in Ireland. The growing politicisation of women led to a sustained period of action and demonstration, with demands for equality in law, in the workplace, and for control over fertility, through access to legal contraception. The Irish women’s movement played a crucial role in social transformation by ‘informing and politicising an entire generation of

women, who achieved much in terms of changing attitudes and changing the law' (Ferriter, 2012, p.658).

In the decade that followed, however, the battles fought by the women's movement in the 1970s are described by Ailbhe Smyth (1988) as 'mere skirmishes, a phoney war' prior to the combat of the 1980s against 'the serried ranks of church and state' (Smyth, 1988, p.340). A pro-life amendment campaign, which advocated for the insertion of foetal rights to life into the Irish Constitution, began in the early 1980s, with the intention of preventing any moves to legalise abortion in Ireland through legislation or a Supreme Court judgment. Unlike the USA and UK, where pro-choice groups spearheaded movements for safe and legal abortion, the Irish abortion debate was politicised by anti-abortion organisations and individuals. The stance then was anticipative – 'a strategy of attack' as 'the best form of defence' against the possible introduction of abortion legislation in Ireland (Hesketh, 1990, p.2, 4). Ruth Hubbard examines the implications for women when foetal rights are enshrined within a legislative or constitutional framework: she argues that where foetal rights are enshrined in law, pregnancy becomes 'a conflict of rights between a woman and her foetus', in which lawyers and judges are inserted into the experience of pregnancy as advocates for the foetus (Hubbard, 1984, p.349). In the Irish context, a legal scenario, as envisioned by Hubbard, emerged in February 1992, when the High Court granted an injunction preventing a 14-year-old rape victim from traveling to England to have an abortion. The Attorney General sought and was granted the injunction under Article 40.3.3 of the Constitution. The High Court Judgment held that the right to life of the unborn child, as enshrined in Article 40:3:3, superseded the wishes of the young girl and her parents to terminate the pregnancy. The parents of X appealed the decision of the High Court to the Supreme Court. In early March the Supreme Court held that a woman had a right to an abortion under Article 40:3:3 if there was 'a real and substantial risk' to her life, and that the threat of suicide constituted such a risk (The Supreme Court of Ireland, n.d.). The X Case ruling caused outrage in Ireland and abroad; thousands of people took part in demonstrations, both for and against the

decision of Supreme Court. The defining national mood that prevailed during this period was ‘one of moral uncertainty’, when the perception that the insertion of the Eighth Amendment ‘guaranteed an absolute ban on abortion was undermined’ (Smyth, 2005, p.11). The circumstances of a pregnant fourteen-year-old and her family presented as a materialisation of the reality of Irish abortion law; the X Case became a defining legal event in the history of Irish abortion debate.

Five years later, in November 1997, a young girl, publicly known as C, was pregnant and in state care; C, her parents, and her state guardians decided that an abortion was the best option for a pregnant thirteen-year-old girl. The C Case, while sharing some similarities with the X Case (the girls were roughly the same age and pregnant as a result of rape) was in many ways quite different. In the case of C, the state, as represented by the Eastern Health Board, was the chief advocate for an abortion, as opposed to five years earlier when a state representative (the Attorney General) sought an injunction to prevent X traveling for an abortion. The parents of C, who originally wanted their daughter to have the abortion, then changed their view and tried to prevent the abortion through court action. On the 28th of November the High Court ruled against the parents of C and the young girl was taken by care workers to England where the pregnancy was terminated.

A decade later in 2007, Miss D, a pregnant seventeen-year-old, also in the care of state, discovered that the child she was carrying had a fatal foetal abnormality. She did not wish to take the unviable pregnancy to full term and stated her intention to have an abortion. However, Miss D was not willing to invoke suicidal intent as her reason for terminating the pregnancy. Attempts to legally prevent D travelling outside the jurisdiction were initiated by the Health Service Executive (HSE) (the HSE replaced the regional health boards in 2005 as providers of health and health-related social services for the Irish Republic); in response Miss D took a High Court action. This action was successful and established her right to travel to another jurisdiction to terminate the pregnancy.

In 2010, three women took a case challenging Ireland's restrictive abortion laws to the European Court of Human Rights. The court judgment in *A, B & C v. Ireland* found that in the case of Applicant C the failure by Ireland to implement the constitutional right to an abortion when a woman's life is at risk was a violation of Article 8 of the European Convention on Human Rights. As Maeve Taylor (2015) argues, the legal framework in Ireland regarding reproductive rights exemplifies how laws restricting access to abortion impair 'women's bodily integrity, their dignity, and their lives' (Taylor, 2015, p.93). Two years later in October 2012, Savita Halappanavar, an Indian national, who was 17-weeks pregnant, was admitted to Galway University Hospital. When it became clear that she was miscarrying, Ms Halappanavar made a request to terminate the unviable pregnancy. However, a foetal heartbeat was still detectable and her request was denied. On the 28<sup>th</sup> October, Savita Halappanavar died as a result of septicemia. A report into her death found that delay in medical intervention until the foetal heart stopped, together with failures in infection and sepsis management, were contributory factors in her death (Holland, 2013, p.242). On the 30 April 2013 the Protection of Life During Pregnancy Bill was published and was passed into law on 12 July 2013. Over twenty years after the X Case, the Act legislates for restricted abortion, according to the Constitution and the Supreme Court decision in 1992. The Protection of Life During Pregnancy Act limits abortion rights in Ireland to cases where the mother's life, as distinct from her health, is at risk, including the risk of suicide.

In November 2013, the Centre for Reproductive Rights in conjunction with the Irish association Terminations for Medical Reasons (TFMR) filed a petition in the name of Amanda Mellet with the United Nations (UN) Human Rights Committee alleging human rights violations. TFMR was set up by Irish women and couples to advocate for the availability of legal abortion in Ireland in cases of fatal foetal abnormality, which is not included as a grounds for abortion in the Protection of Life During Pregnancy Act 2013. The petition alleged that following a diagnosis of fatal foetal abnormality in 2012, Ms Mellet had been denied access to an abortion in Ireland and was obliged to travel to Britain to undergo the procedure there.

In June 2016, the UN Committee ruled in favour of Amanda Mellet on the basis that Irish abortion law subjected a woman to cruel, inhuman and degrading treatment. In 2014, a second case pertaining to the treatment of Irish women was filed with the UN Human Rights Committee. The campaign to repeal Article 40:3:3, in order to allow for abortion in Ireland in cases of fatal foetal abnormality in particular, and beyond that for cases of pregnancies as a result of rape or incest, is ongoing.

The enactment of Article 40:3:3 in 1983 has given rise to a series of court cases and challenges in subsequent decades, centred on conflicts between the rights of women and the rights of the unborn arising from the equal right to life provision of the Eighth Amendment to the Irish Constitution. Consequently, the issue of abortion has persisted as a periodic and contentious issue in public debate in Ireland.

### **Public Opinion, Consensus and Dissent**

The public mood and the majority consensus against abortion, largely prevalent in 1983, have gradually changed to become a more qualified position in the intervening years. In 1997, 14 years after the enactment of Article 40:3:3, an Irish Times/MRBI (Market Research Bureau of Ireland) poll found that 77% of respondents believed that abortion should be allowed in certain circumstances, with only 18% expressing the view that abortion should never be permitted. In the same poll, 28% of respondents had a liberal attitude to abortion, agreeing that it should be provided for those who want it (Kennedy, The Irish Times, December 11, 1997).

In October 2014, another Irish Times MRBI poll found 68% of respondents were in favour of a referendum to liberalise abortion legislation in cases of rape and fatal foetal abnormality. Support for a new referendum was highest amongst 18-24 years olds, where 77% were in favour. A month previously, in September 2014, a Sunday Independent/Millward Brown opinion poll found that 56% of respondents favoured a new referendum to repeal the Eighth Amendment to the Constitution, while 69% agreed that abortion was

acceptable when a woman is pregnant as the result of rape. More interesting, perhaps, is the steady increase in the percentage of people, almost a third of respondents in 2014, who favour a liberal abortion regime for Ireland, often described as ‘abortion on demand’. This figure had increased to 38% in an Amnesty International Ireland/Red C poll carried out in March 2016, which also found that 87% of respondents were in favour of wider access to abortion in Ireland, with only 5% against abortion in all circumstances. Additionally, when compared to the Sunday Independent/Millward Brown poll in 2014 the percentage of people in favour of a new referendum on Article 40:3:3 had risen by 17%, from 56% to 73% in less than two years (Irish Family Planning Association, Abortion: Public Opinion, n.d.).<sup>5</sup> These opinion poll findings, as a sample of polls conducted over the last three decades, demonstrate a shift away from a national consensus against abortion in all circumstances and a steady rise in the numbers of people in favour of holding a new referendum on the retention or removal of the Eighth Amendment to the Irish Constitution.

The results of opinion polls in the decades since 1983 establish that national attitudes about abortion are often nuanced, qualified and complex. However, when the debate is communicated in broadcast media it is constructed primarily in the form of binary oppositional debate between those who oppose the legalisation of abortion in all circumstances and those in favour of access to legal pregnancy termination in Ireland, albeit in a variety of qualified circumstances. Broadly speaking, these two positions are represented by those who self-characterise as pro-life advocates, whose opposition to abortion is unqualified, and those who position themselves as pro-choice in all or in some circumstances.

### **Key Aims and Methods of Research**

Key to this research is the contention that while the findings of Irish opinion polls in recent years suggest that a more liberal response to abortion has gradually emerged, facilitators of national debate have failed to keep pace

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<sup>5</sup> Irish Family Planning Association, Abortion: Public Opinion (accessed online)

with the shifts and subtleties of national attitudes. Therefore, the characteristics of binary oppositional debate and the effects of polarised debate from 1983 to 2013 are fundamental focal points in this research. In particular, the exclusion or near absence of non-binary positions such as experiential discourse, is an important consideration in the overall analysis of televised abortion discourse.

As the binary debate format is a central tenet of the genre, television current affairs programmes present as apposite texts for investigation of national abortion discourse. Additionally, and importantly in the context of research over three decades, current affairs programmes offer a continuity in terms of programme strands and structures, where the basic studio-bound format of the genre has remained fixed and relatively unchanged. The research will incorporate an examination of the concept of objectivity as a theoretical construct and also as the primary principle in broadcast journalism. The research method centres on a discourse analysis study of 52 Raidió Teilifís Éireann (RTÉ television) current affairs programmes in four selected timeframes from 1983 to 2013, which aims to isolate and critically examine discourse patterns emerging from the national public service broadcaster. The four timeframes of the study, 1981-83, 1992-94, 1997-99 and 2011-13, were selected to correspond with crisis or important moments in the national debate, beginning with the Eighth Amendment debate in early 1980s and ending in 2013, following a sustained period of national abortion debate set in motion by the death of Savita Halappanavar in late 2012 and culminating in the enactment of the Protection of Life During Pregnancy Act in 2013. Current affairs discourse from each of the four selected timeframes will be closely analysed to facilitate a broad examination of abortion discourse over three decades. Central to this analysis is the argument that the commitment to ‘balance’ in a binary debate construct has served to hinder and obstruct the emergence of an inclusive, wide-ranging and nuanced debate about the morally complex subject of abortion. It will be argued that strict adherence to the implementation of a for-and-against structure in public discourse abbreviates and simplifies the complexities of abortion, and corrals discourse into a binary construct, whereby broadcasters effectively act as



gatekeepers in public debate. The virtual absence of experiential discourse about abortion in current affairs programmes is one indicator of containment and control of discourse.

Legislation, journalistic principles and organisational rules ensure that broadcasting organisations cannot deliberately act to change a consensus or work to unduly influence an audience to adopt a particular point of view. The issues around shaping or altering a national consensus, particularly the potential for abuse of media power, are multifarious and challenging on several levels. However, the principle of keeping pace with a changing consensus remains an important and vital concern for a state broadcaster. The power of a media organisation like RTÉ rests in their capacity to describe and characterise how an issue is represented; therefore the imperative to present a true and current reflection of national issues is fundamental to good broadcasting practice. Clearly, broadcasters can and should accommodate scrutiny of a changing consensus in order to reflect the nuances of complex issues and the full breadth of public narratives. Indeed, RTÉ's in-house publication 'Journalism Guidelines' (2014) refers to the importance of taking account of changes in Irish society, and specifies that broadcast journalists should endeavour 'to reflect the main trends of thought and the major currents of opinion' (RTÉ, Journalism Guidelines, revised September 2014, p.9).

### **Discourse Analysis Study**

The research will focus on a close analysis of abortion discourse as conducted in television current affairs programmes in four decisive timeframes from 1983-2013. The timeframes are 1981-83, 1992-94, 1997-99 and 2011-13. The periods were selected to coincide with key moments in the Irish abortion debate, commencing in the early years of the 1980s debate, which preceded the enactment of Article 40:3:3. The narratives of dramatic moments involving individual girls and women (such as Miss X in 1992) and commonly referred to as 'hard cases', frequently act as triggers for renewed national debate. Hard case discourse is a key component of the

abortion debate and is generally concerned with a case or cases of particular mental or physical hardship involving crisis pregnancy and restricted access to abortion. The timeframes facilitate period-specific analysis of the impact, both momentary and sustained, of hard case narratives on discourse patterns. It is important, however, to note that particular periods in the study will not be examined solely as autonomous units of historical discourse; they represent open ended and connected discourse with elements of time-specific narratives often re-emerging to be retold or repackaged in subsequent periods. Additionally, the emergence of hard cases is often historically contingent on past legislation and constitutional amendments. For example, there is a distinct legal and narrative trail from the 1983 constitutional amendment to the X Case in 1992, when the practical and legal implications of the insertion of article 40:3:3 into the Irish Constitution materialised as a family crisis. This narrative and legislative pathway continued to the C Case in 1997 and onwards to the tragic death of Savita Halappanavar in 2012.

A key contention of this research is that discourse patterns were fixed from the outset in the polarised frames of 1983 public debate and this binary mode has continued in patterns of broadcast discourse over the subsequent thirty-year period. The persistence of the binary construct is an important consideration in abortion debate, not least because the dominance of prescribed frames of debate acts to exclude other possible frames (Fairclough, 2001, p.124). Ruth Fletcher (1995) contends that the polarised nature of public debate ‘closed any entry point’ for the expression of personal experience (Fletcher, 1995, p.56). If abortion discourse is controlled by the imposition of balance, dominant frames of discourse tend to repeat and sustain themselves, which serves to contain or exclude narratives of lived experience.

### **Relationship of Research to Film Practice**

This research is a practice-(film)-based research project. ‘Practice-based’ is a descriptive term for research with art practice, normally conducted within the strictures of the Academy. However, other descriptive terms for research

with a practice element are also available, such as practice-led research, practice as research, or research with practice: In my experience, there is widespread confusion about the exact meaning of these terms, often exacerbated by their apparent interchangeability in different settings or circumstances. However, Christopher Bannerman (2004) contends that practice-based research can be distinguished from other available terms; practice-based research, he argues, is research that may ‘be based in practice, but there are, or may be, other modes used to further the work’ (Bannerman, 2004, p.65). Suze Adams (2014) contends that in practice-based research, the practice becomes ‘a critical and creative developmental tool’, which maintains the ‘potential to both inform and transform practice as well as theoretical understanding’ (Adams, 2014, p.218).

While the interrogation of the language and production practices of television current affairs texts serves as the primary method of investigation in this research project, the scope of the research extends into the realm of creative practice. The filmmaking element of the research offers a new way to examine abortion discourse in a visual form through the selection, transposition and re-ordering of the texts that form the basis of the research. As such, the television current affairs programmes examined in the discourse analysis study have been reconfigured, edited and creatively manipulated as a comment on the Irish abortion debate. To take account of discourse patterns while always bearing in mind discourse absence, the practice takes the form of a film duo, produced as a two-sided screen construct for exhibition. While the first film of the duo sets out a linear selection of the familiar binary debate as an act of creative scrutiny, the second film explores abortion as a crossing over, which is visually represented by a journey across the Irish sea as made by Irish women, who travel to Britain to terminate unwanted or unviable pregnancies. This second film is constructed as an emotional passage into the unknown, to reflect the fractious journey. Patricia Leavy (2015) contends that practice-based research ‘offers ways to tap into what would otherwise be inaccessible’; this summary provides a good description of my overall intention for this practice-based research project (Leavy, 2015, p.210).

Norman Fairclough (2001) argues that ideology works through language (Fairclough, 2001, p.73). If we are to understand, or indeed defy this process, then judicious awareness of how public discourse is constructed and controlled is vital. A discourse analysis of abortion discourse in Ireland, through the prism of current affairs programmes, serves as the foundation of this research. The film practice is a representation of the historical trajectory of abortion discourse and, beyond this, is a creative and critical response to the Irish Abortion debate 1983-2013.

## **Chapter 2 Literature Review**

This thesis examines the binary oppositional structure of current affairs broadcasting, the ensuing polarisation of discourse, and how such constructs have limited the scope of the abortion debate in Ireland. The marginalisation of subjective viewpoints, particularly experiential discourse about abortion, is a central focus in the research project. The review of literature examines texts concerned with the theoretical constructs and social contexts relating to the discourse analysis of RTÉ television current affairs programmes about the subject of abortion, 1983-2013, and the film practice arising from the study. The review will be presented in four sections, corresponding to distinct, yet inter-related, chapters of the research, including the film practice.

The first section of the review will consider texts that provide historical context for the broad issue of abortion, with a focus on literature emanating from Ireland. Additionally, texts that provide an analysis of specific modes of discourse, explicitly medical discourse, will also be examined. The texts reviewed in this section provide background context and historical perspective relevant, in particular, to the discourse analysis study of current affairs material in Chapter 5 of the thesis.

Section II examines texts related to objectivity as a concept, especially related to the effect of objective practices on the production of knowledge. This material relates primarily to Chapter 3 of the thesis, and includes work that engages with the concepts of objectivity and balance in journalism. As a counterpoint, the work of feminist scholars who present Feminist Standpoint Theory as an alternative method to the paradigm of objectivity, are also included in this section of the review. Texts that engage with the history and particularities of Irish current affairs programming, in the specific context of the institutional framework of RTÉ television, will also be examined.

Section III is a review of the literature and practical concepts that correlate to Chapters 4 and 5, including texts concerned with Discourse Analysis and Issue Framing, which inform the methodology for the discourse study of RTÉ current affairs programmes central to this research.

The final section of the review corresponds to the meditation on film practice in Chapter 6, which includes an appraisal of the role and influence of theoretical constructs in the development of my thinking about practice. This section of the review also considers Feminist Standpoint Theory as it relates specifically to creative expression. Additionally, Section IV examines texts that theorise the practice of montage, and includes the work of the Situationist, Guy Debord, and the practice he describes as ‘Détournement’.

## **I Abortion: Historical Context and Analysis**

As previously referred to in the Introduction, the discourse study of RTÉ current affairs programmes 1983-2013 relates to four specific timeframes, corresponding to flashpoint or crisis episodes in the Irish abortion debate. A central aim of the research is the examination of polarisation evident in the national debate arising from the current affairs format, which limits and excludes non-binary discourse, including experiential discourse about abortion. The social and political setting in which discourse events are produced is an important consideration in a discourse analysis research project. In this regard, Emily O’Reilly (1992) and Tom Hesketh (1990) provide historical context pertaining to the aspirations and strategies of various abortion movements in Ireland, which are key to understanding tactical framing of discourse in the timeframes of the study. Hesketh confines his analysis to the referendum debate in 1983, whilst O’Reilly examines the campaigns of pro-life organisations in 1983, the X Case (1992) and the three-part referendum in November 1992, dealing with the provision of information, the right to travel, and what was referred to as the substantive issue – whether or not to remove the suicide clause in the aftermath of the X Case. While it can be argued that both analyses convey the ideological stance of the authors regarding abortion (O’Reilly

foregrounds women; Hesketh is broadly sympathetic to a pro-life position), Hesketh, in particular, provides a comprehensive review of how the abortion debate was contested during the first amendment debate; his examination of the inner workings, aims and framing techniques of abortion movements during the 1983 referendum debate includes an analysis of newspaper coverage, the content of Dáil Éireann debates, press conferences and press releases, interviews with activists, and minutes and accounts from meetings of organisations on both sides of the debate in 1983. O'Reilly's allusion to gender imbalance within the various power structures that influenced the campaign in 1983 provides a pertinent addendum to Hesketh's forensic research methods. Apart from Julia Vaughan (Chairperson of the Pro-life Amendment Campaign (PLAC)), the campaign was directed by men:

The political leaders and deputy leaders of the political parties were all men. The ministers and the opposition spokespersons central to the drafting and passing the amendment were all male. The lawyers consulted by P.L.A.C and by government were all male...the Supreme Court judges, who would later interpret that amendment were all male. The Catholic hierarchy, who would so staunchly support the amendment, were all male. (O'Reilly, 1992, p.83)

Clergy, particularly Catholic priests, were highly visible during the referendum debate in 1983. Notwithstanding the patriarchal ideology underpinning Catholicism, it would appear that the Catholic Church set out to protect a distinct religious identity by reframing its claims 'within debates on women's reproductive health' (Mullally, 2005, p.89).

It is widely acknowledged, by Hesketh and others, that a broad societal debate, where abortion was the central, but not the overriding, issue, was a significant feature of the 1983 debate. Hesketh analyses the effect of a politico-constitutional frame in 1983, as articulated through the sectarian/pluralism argument; he concludes that public discourse was not centred on the issue of abortion per se, but was instead conducted in a wide-

ranging debate about the Constitution of the Republic of Ireland and the nature of Irish society. Consequently, the rights/injustice frame relating to women and reproductive choice was overshadowed and sidelined (Hesketh, 1990, p.75). Siobhán Mullally (2005) supports Hesketh's broad conclusion; she argues that female human rights claims were lost in the entanglement of religious and national principles in the decade of the 1980s. While Hesketh focuses on the sectarian/pluralism argument, Mullally attributes the attenuation of discourse about reproductive rights to a mode of debate that positioned abortion as a threat to 'Ireland's inherited religious and cultural traditions' (Mullally, 2005, p.83). From the perspective of this research project, the marginalisation of a rights-based or woman-centred argument in the first timeframe of the study is significant not only for the 1981-83 period, but also pertains to the continuity or disruption of this wide societal debate in subsequent timeframes. In the 1981-83 timeframe of the discourse study, the evidence suggests that abortion was not discussed primarily as an autonomous issue in public discourse, but was instead framed more generally in the context of traditional values.

Ruth Fletcher (1998) contends that those who invoke an absolutist position 'see the existence of moral diversity as part of the problem'; their objective, Fletcher argues, is the creation of homogenous values, which in the case of the 1983 debate were pro-life values (Fletcher, 1998, p.8). In abortion discourse, the presentation of the foetus as autonomous yet vulnerable is an important construction for the communication of pro-life values. Tribe (1990) argues that any acknowledgement that the foetus 'is part of the woman's body sacrifices any moral claim on its behalf'. Embedded in this argument is the belief that the value of the foetus is enhanced if it can be presented as an 'entirely separate or alien being' (Tribe, 1990, p.102). In broad agreement with Tribe, Lisa Smyth (2005) refers to the rhetoric of the 'vulnerable defenseless foetus' as a key figure in the 1983 Amendment Campaign (Smyth, 2005, p.66). The right to life for the unborn was a significant frame of debate in the 1981-1983 period of the study, principally because the debate centred on a referendum concerned with the insertion of



foetal rights into the Irish Constitution, which also established the foetal right to life as being equal to that of its mother. The unconditional right to life for the unborn is the cornerstone of the pro-life position and, because it is an absolutist position, the unborn rights frame of debate persists as a mainstay in abortion discourse. Therefore, in an Irish context, the emergence of a crisis situation, where, inevitably, one right must take precedence over the other, marked a significant turning point in the trajectory of abortion discourse.

The advent of the X Case in 1992 – when the legal consequences of constitutional provision for the right to life of the unborn became apparent – served to refocus public discourse about abortion in Ireland. Lisa Smyth (2005) and Ruth Fletcher (1998) are proponents of the view that the X Case had a transformative effect on the Irish abortion debate. Fletcher contends that the seeds of the X Case were sown in 1983 when a fundamentalist narrative was recast as a legal and social narrative, whereby the Eighth Amendment to the Irish Constitution brought ‘pro-life absolutism to a climax’. However, the X Case, almost a decade later, ended the underpinning legal narrative when ‘the fundamentalist principle of absolute foetal rights was finally rejected’ (Fletcher, 1998, p.4). Smyth concurs with Fletcher; she contends that the ‘framing of Irish abortion politics, through which a coercive anti-abortion regime had operated legitimately, and with increasing momentum, during the previous decade’ was transformed by the X Case (Smyth, 2005, p.1). Pivotal to this adjustment was the emergence of moral uncertainty after 1992 (Smyth, 2005, p.11). The facts of the X Case, involving a suicidal minor, pregnant as the result of rape, and framed as a family crisis, evoked widespread public empathy. It is arguable that the X Case presented as the quintessential hard case, exposing the absolute ban on abortion as overly proscriptive. However, Smyth also acknowledges that there were ‘significant continuities’ in the public debate (Smyth, 2005, p.103). While it is predictable that the emergence of such an affecting hard case would disrupt discourse patterns in the short term, this research will examine the longer-term effect of the X Case, and subsequent hard case

narratives, on the Irish abortion debate in the thirty years of the study. Fletcher argues that the rejection of the fundamentalist narrative following the X Case opened the abortion debate to the possibility of a frame of discourse that acknowledged reproductive rights in the debate (Fletcher, 1998, p.35). While this possibility should to be taken into account, the discourse study will examine if frames of debate foregrounding the rights of women did indeed materialise, and, crucially, if this mode of discourse was sustained in current affairs debates after 1992.

The C Case in 1997 provided the impetus for renewed debate about abortion in a national context, which correlates to the second timeframe of the discourse study (1997-99). Lisa Smyth (2005) asserts that in the aftermath of the C Case, which, like the X Case, involved a minor pregnant as the result of rape, the Irish judicial view of abortion was revealed by the judge's remarks, when a heavy sentence was imposed on C's rapist. The sentence was justified by stating that the rapist was also involved in the death of a child by abortion. Smyth argues that discourse about the rights of the unborn were re-articulated by the judicial agents of the state, when, paradoxically, the state had assisted and paid for the abortion (Smyth, 2005, p.15). The example of dualistic thinking about abortion, identified by Smyth, is also a feature of the wider debate in Ireland. This is, perhaps, most starkly illustrated by the presentation of Ireland as an abortion-free regime, running parallel with the fact that thousands of Irish women terminate pregnancies each year in other jurisdictions. In this scenario, dualistic thinking can only function if the experiences of these women are ignored or only fleetingly acknowledged in public debate. The analysis of discourse in the current affairs programmes of this study will examine how theoretical discussion in a polarised debate format serves to limit the scope of debate about abortion, especially as it relates to the marginalisation of the experiences of Irish women, who travel daily to terminate pregnancies in Britain and elsewhere. It would appear that the colloquial description 'secret journeys' holds true in public discourse about abortion.

While the review of relevant Irish literature places the contemporary debate about abortion in a national cultural context, Tribe (1991) considers the possibility of a debate that takes account of the ideologies and power struggles underpinning abortion. Although he writes primarily about the abortion debate in the USA, the historical contextualisation is nonetheless relevant for this research project, regarding, in particular, the contexts in which abortion discourse functions. Tribe is instructive about the history of the abortion debate in the USA, and this reveals the similarities, albeit conducted in different historical timescales, between the public abortion debates in Ireland and the USA, including the transformative effect of hard case discourse and the role of physicians in debates about legislative change. As has been the case in Ireland, tragic or difficult cases of actual women, which became public in the USA in the 1960s, helped to transform and expand the debate about abortion. The fact that in the latter end of 1960s 1.2 million American women were undergoing illegal abortion each year – a stark disconnect between practice and legislation – served as an impetus to ‘the legislative crescendo’ in 1967-1973, in the USA (Tribe, 1990, p.42). Tribe also argues that, prior to the enactment of legislation in the mid to late nineteenth-century, a medical frame of discourse expanded in America, when doctors became public advocates for change in abortion law. This resulted in the enactment of legislation, which was drawn up to protect the medical profession, rather than the foetus or the pregnant woman. The nineteenth-century laws made provision for abortion decisions made on the basis of ‘the opinion of a physician’ (Tribe, 1990, p.34).

Abortion, albeit involving a medical procedure, is not a medical problem; it is rather a social, political and cultural issue. From the perspective of examining abortion discourse in an Irish context, the participation of physicians, who are presented as experts in the debate, is especially relevant in relation to the experiential dimension of abortion and the issue of agency in abortion discourse. In Ireland, post-2013, a woman may have her pregnancy terminated if her life is in danger, or if she is suicidal as a result of her pregnancy. Doctors and psychiatrists determine if her symptoms (in

danger of dying or expressing suicidal ideation) merit the treatment (an abortion). The woman can 'apply' to terminate a pregnancy but a panel of medical experts makes the 'decision'. This gives rise to a situation where the complex moral decisions of women about abortion are 'co-opted' by experts (Dooley, 1992, p.169).

Waitzkin (1989) argues that the language of doctor-patient interactions can be 'distorted communications', which feature elements such as professional domination through language (Waitzkin, 1989, p.225). Experts, such as doctors, are seen to occupy powerful subject positions, where their particular knowledge, often articulated in specialist jargon, bestows expert status (Fairclough 2001, p.53). Medical discourse then, including healing, curing and therapy has 'profound anthropological significance' (Wilce, 2009, p.199). Wilce (2009) argues that the reification of social problems through the process of medicalisation lessens the potential to critically engage with such issues (Wilce, 2009, p.199). This can occur when social problems are represented as symptoms and treatments, thereby taking on the aura of scientific facts. The medical frame of discourse re-configures the experience of pregnancy and childbirth, and pregnant women are 'fragmented into symptoms, cases, and complications' (Murphy Lawless, 1992, p.70). Pauline Conroy Jackson sees an analogy between the medicalisation of female reproduction and the role played by medical elites in discussion and debate about abortion in Ireland (Conroy Jackson, 1992, p.120). This focus on the 'voice of medicine' (physiology, pharmacology etc.) rather than the 'voice of the lifeworld' (the experience of being human) serves to cut out 'contextual issues' (Waitzkin, 1989, p.232). The question must then be asked – if doctors are the arbitrators in abortion, how does this impact on the role of women as decision makers in reproductive matters? Does medical discourse, which reconfigures abortion as a matter of medical judgment, create new boundaries in discourse, which curtail, albeit in a new way, the scope of the debate?

Expert or professional discourse, including medical discourse, is an important instrument in the control of individuals in, for example, a doctor-

patient encounter. When medical discourse is adopted as a mode of address outside this context, such as in a current affairs debate about abortion, the basic ideological message of the medical encounter is expanded out to a wider audience (Waitzkin, 1989, p.226). The medicalisation of abortion has particular relevance for the discourse analysis in final timeframe, 2011-13, when doctors and psychiatrists regularly debated the issue in the polarised context of current affairs programmes. Wilce argues that the medicalisation and psychologisation of social issues renders the issues immune from criticism, or indeed change (Wilce, 2009, p.209). It is this contention that makes the analysis of the role of medical discourse in the abortion debate significant, and positions the medicalisation of abortion as an important frame of discourse for analysis in this research.

## **II Objectivity and Balance in Broadcast Journalism**

Central to this research and film practice is the examination of abortion discourse in a national, historical context, which includes the factors that influence the construction of abortion discourse in the television current affairs genre. Moreover, the research also aims to expand the possibilities for public debate about abortion, particularly in the film practice, through a process of constructing a representative abortion journey and a twin parallel film – an assembly of existing archive. Juan Ramón Muñoz-Torres (2012) argues that there is a need to find new media and journalistic practices that recognise and engage with both objectivity and subjectivity, reason and experience (Muñoz-Torres, 2012, p.579). The film practice engages with ‘objective’ abortion discourse (as signified by current affairs discourse) and the subjective, experiential dimension of abortion (represented by a reconstructed abortion journey) in order to represent two dimensions of the same issue. The distillation of thirty years of televised debate, corresponding to the four timeframes of the study, stands as testament to the persistence of binary oppositional debate about abortion over three decades. The impetus behind a polarised construct, in the form of binary oppositional debate, is ordinarily unquestioned, and is indeed regarded as the norm for public discussion about abortion. The polarisation of debate arising from the

form and structure of current affairs debate is connected to rules governing broadcast journalism, where balance and objectivity are pre-determinants for the construction of programme material. With this in mind, it is important to examine the concepts that inform media practice, in particular the concept of objectivity, and, crucially, the relationship between binary constructions and the wider philosophical concept of truth.

The terms objectivity, balance and impartiality are often interchangeable in broadcast journalistic theory and practice, and are frequently regarded as synonymous concepts. Objectivity is a complex concept, which can be historically contingent and analysed from many different standpoints. It is not surprising, then, that a clear definition of objectivity, or indeed the systems or conventions for its implementation in practice, remains elusive. The problem of objectivity is rooted in philosophical thought, and this, Juan Ramón Muñoz-Torres (2012) argues, unites it with other challenging philosophical concepts, such as truth (Muñoz-Torres, 2012, p.566). Debates about objectivity, he argues, have proved to be fruitless because such debates have been ill conceived. Objectivity is an ideal, which is unattainable in practice and should instead be viewed 'as an ill-conceived question' (Muñoz-Torres, 2012, p.566).

Charlotte Wien (2005) contends that, in general, journalism, and by extension journalist practitioners are not well informed about the historical origins of the concept of objectivity, or indeed, the complexities of operating within an objectivity paradigm (Wien, 2005, p.13). Yet objectivity is fundamental in journalism, where it has 'fully permeated its principles and practices' (Muñoz-Torres, 2012, p.571). Wien argues that the greater portion of journalistic practice is positivist in approach (Wien, 2005, p.13). But the problem with a positivist objectivity paradigm is that although practitioners may scrupulously adhere to gathering objective facts, they are, nevertheless, then obliged to place such facts within a context, be it a print article or a current affairs programme (Wien 2005, p.5). This practice has special relevance for broadcast journalism because studio debate is often the preferred method for clarifying the facts of an issue. As such, the content,

and the choice of pannelists, involves, to a large degree, subjective decisions. Often this choice is informed by the perceived need for balance, which, in its simplest manifestation requires that participants present opposing or polarised perspectives in debate. Carl Fox (2013) contends that the methodologies employed in the assembly and presentation of an issue are of vital significance in journalistic practice because the concept of objectivity is deeply embedded in the idea of journalism itself (Fox, 2003, p.260). In the case of a moral issue like abortion, the facts are widely viewed as emerging from conflicting moral positions, and, as such, current affairs debate is constructed to adhere to the binary oppositional structure, where opposing positions can, in effect, speak for themselves. A contention of this research is that the binary oppositional structure bestows a false impression of balanced debate when, in fact, the format merely serves to limit the debate to a representation of two polarised positions. The principle of balance, which posits objective analysis of the issue of abortion as central, fails to address the complexity inherent in any moral issue, where conflicting rights are in play. In effect then, the current affairs debate format constructs a discourse that eliminates the middle ground – where positions can be complex, unfixed and held without the certainty that often epitomises binary oppositional debate.

Debates about objectivity are not confined to journalistic practice but are rather a ‘variant of the theory of scientific objectivity’, which comes from the epistemological hypothesis that distinguishes judgments of fact from judgments of value; this distinction between facts and values has been adopted by journalism (Muñoz-Torres, 2012, p.571). Therefore journalists, including broadcast journalists, are required to present the facts of an issue with a view to ascertaining the truth. However, binary oppositional debate, like positivist science, can be criticised ‘for creating a much too simplified pictures of much too small bits of reality’ (Wien, 2005, p.13). In the case of abortion debate, the ‘simplified pictures’ are manifest in a theoretical debate about the subject and the ‘too small bits of reality’ exclude important dimensions, including experiential discourse about abortion.

## Feminist Standpoint Theory: Objectivity and the View from Somewhere

The limits, and effects of objective practices in the production of knowledge and the practices of power are also important questions in feminist critical theory. Feminist Standpoint Theory, which emerged in the 1970s and 1980s, is broadly a theory of method or methodology to guide future feminist research. Standpoint posits that knowledge produced within conceptual frameworks is always socially situated, and distinctive institutional and cultural interests can be located in what is presented as neutral research. Sandra Harding (2004) contends that this effectively nullifies the concept of objectively produced research because human thought cannot completely erase the fingerprints that reveal its production process. Harding argues that accepted forms of scientific method provide no rules or procedures to identify (or eliminate) the social concerns and interests of knowledge producers (Harding, 2004, p.128).

As it applies to this research, fundamental questions posed by feminists about the application of objective criteria to research practices, particularly concerning the positioning of women, are significant, especially in relation to the concept of objectivity in broadcast journalism. In this respect, an important point of departure is the work of Carol Gilligan (1982, 1993), who, although not strictly an advocate of feminist standpoint, explores gender difference in the process of psychological development. In a letter to readers in the 1993 edition of *In a Different Voice*, Gilligan contends that, historically, studies of psychological development used male criteria, which, she argues, has served to ‘eclipse the lives of women and shut out women’s voices’ while also failing to consider the ‘particularities of voice and inevitable constructions that constitute point of view’ (Gilligan 1993, p.xiii, xviii). Gilligan was criticised for her research methods as being ungrounded in empirical data (Walker [1984] and the Oberlin research study [1987]). However, Gilligan’s unorthodox approach, as a method to unlock a different (female) voice, was almost certainly the real value of the study. Her method seeks to see ‘beneath the surface’ and to ‘pick up the undercurrents of the human conversation: what is known and then not known’ (Gilligan, 1993,



p.x). *In a Different Voice* (1982) presents the findings of three separate studies – ‘The College Student Study’ (1972-78), ‘The Abortion Decision Study’ (1974-76) and ‘The Rights and Responsibilities Study’ (1977-80), all conducted while Gilligan was an associate/assistant professor at the Harvard Graduate School of Education. Gilligan’s analysis of the data in her Abortion Decision Study, based on interviews with twenty-nine pregnant women who were in the process of deciding whether or not to terminate their pregnancies, is most pertinent to this research. The aim of the study was to explore the relation between thought and experience, and the role of conflict in development. Gilligan interviewed women and girls, in a morally complex moment in their lives, before and in the aftermath of an abortion decision, in order to help them tell their own stories, in their own words, and from their perspective. It could equally be called personal testimony, where, crucially, their experience was validated in public space. In the Irish abortion debate, private experience and public discourse are separated modes of discussion, where the influence of the public on the private is significant, yet the morally complex arguments of private experience are either absent, or fail to penetrate public debate in Ireland to any significant extent. Standpoint feminists, like Sandra Harding (1993) argue that subjective voices and relativist accounts are crucial for the production of knowledge (Harding, 2004, p.128). It is a contention of this thesis that the construction of abortion discourse as polarised debate limits the opportunity for the emergence of subjective accounts in influential public forums such as television current affairs. In the context of this research, feminist theoretical engagement with the problems of objective criteria in the production of knowledge raises interesting questions about the unconscious bias that may be inherent in the criteria that control public discourse about abortion.

### RTÉ, Objectivity, Balance and Institutional Practice

Carl Fox (2013) argues that journalism plays a vital role in liberal democracies, with many functions including that of public watchdog and perhaps, most importantly, acting as a channel for information to flow to

citizens (Fox, 2013, p.257). It is this informative function that confers responsibility on media organisations to ensure the veracity of the information that emanates from the organisation. This is because media discourse has the capacity to influence social structures and institutions (Fairclough, 2001, p.2). However, media discourse is also determined by the wider society, and therefore functions to maintain societal continuity, while, conversely, it also works to reflect changes in society (Fairclough, 1995, p.9). In the discourse analysis model employed in this study, social and cultural contexts are important factors in the overall analysis; therefore, it is pertinent to investigate abortion discourse in relation to the social institutions from which such texts emerge. In this respect, the rules governing broadcasting in Ireland, along with institutional governance of RTÉ television, present as interesting points of departure. A number of texts proved valuable in this regard, including Horgan (2004), Corcoran (2004), Bowman (2011) and Purcell (2014).

Current affairs programming has an interesting and sometimes fraught history in RTÉ. From its launch in 1962, the national audience for RTÉ television was engaged ‘in a communal activity’, with an important political dimension (Horgan, 2004, p.1). News and current affairs broadcasting have been, and continue to be, an important component in the RTÉ television schedules. As the providers of public service broadcasting, with an important role in public affairs, RTÉ functions as an investigative unit working in the public interest. Yet, to some degree, the broadcaster is also dependent on the good will of the political establishment it investigates. This tension in remit stems from the dual funding model for the national public service broadcaster, whereby RTÉ, both radio and television, is maintained by licence fee and from advertising revenue. This places RTÉ in an incongruous position; the organisation is required to fulfil its public duty to probe and question state policies and business interests, while at the same time being reliant on the good will of the state and advertisers for a portion of their revenue stream. The complex nature of the relationship between the Irish state and public service broadcasting, and the ambiguity underlying this relationship, is central to understanding how RTÉ current affairs

programmes are subject to the swings and roundabouts of common and conflicting interests. John Bowman (2011) contends that from the beginning the relationship between politicians and current affairs broadcasters was characterised by the forces of ‘the well-intentioned ideologues’ attached to work in the new medium and the belief by the Taoiseach of the day that RTÉ should be entirely supportive of government policy (Bowman, 2011, p.55). From the outset, then, the current affairs output from RTÉ television has been the subject of debate and scrutiny, primarily concerned with issues of bias, balance, objectivity and the relationship between politics and broadcasting. While Horgan (2004) locates the sacrosanct nature of objectivity in factual broadcasting in a 1950s ideology, what he terms the ‘holy grail of journalism’, this aspiration persists, and continues to be enshrined in Irish broadcasting legislation and organisational guidelines, up to the present day; the broad, and often interchangeable, concepts of impartiality and objectivity are enshrined in Section 18 (1) of the 1960s Broadcasting Act (Horgan, 2004, p.24). Former RTÉ producer, Betty Purcell (2014), alludes to an undercurrent of pressure from conservative Ireland prevalent in RTÉ in the early 1980s, evidenced by the minutes of the RTÉ editorial board, which include accusations of unbalanced programming (Purcell, 2014, p.51). What is clear from authors Corcoran, Horgan, Bowman and Purcell is that ‘while broadcasting lives in permanent and dangerous proximity to the political process it must nonetheless strive to create distance from the influence of the state’ (Hogan, 2004, p.2).

Farrell Corcoran (2004) maintains that RTÉ facilitates and nurtures ‘contentious public argument’, where carriers of ideological messages contest their entrenched positions (Corcoran, 2004, p.17). However, Corcoran fails to critique this approach to public debate, unlike Carl Fox (2013), who argues that it ‘not enough to present the extreme sides of an argument’ (Fox, 2013, p.261). The aspiration for objectivity and impartiality in the practice of broadcasting, as exemplified by broadcasting codes of ethics and broadcasting legislation, fosters a belief that objectivity can be ensured by the expression of a range of different viewpoints on a series of subjects, including abortion. Fundamental to this research is the contention

that the centrality of objectivity and balance in the broadcast practice of RTÉ television acts to hinder full engagement with the complex subject of abortion; this approach also contributes to the failure to keep pace with hegemonic shifts about the subject in the national consciousness.

### **III Discourse Analyses and Issue Framing**

In a simple definition Michael A.K. Halliday (1978) describes language as something that occurs in daily life when people exchange meaning with others. However, he also recognises that language is not merely an exchange of meaning through sentences but also involves texts and discourse (Halliday, 1978, p.3). Michael A.K. Halliday and Ruqaiya Hasan (1989) define text 'as language that is functional', and thereby identifiable as a discourse of meaning (Halliday and Hassan, 1989, p.10). While Halliday is concerned with how language functions in a social and semiotic context, where the analysis of discourse is instrumental in the interpretation of a text or texts, Wodak and Meyer (2009) argue that texts are often sites of struggle, and, as in the case of current affairs discourse, are frequently multidimensional productions where a number of people and processes are involved in their production (Wodak and Meyer, 2009, p.10). In the current affairs texts of this study different positions are negotiated, while opposing discourses and ideological positions compete in a discursive contest to achieve a degree of hegemony. However, as Jorgensen and Phillips (2002) point out, 'no discourse is a closed entity', and struggle, particularly in a moral contest such as abortion debate, is ongoing (Jorgensen and Phillips, 2002, p.6). Discursive differences are also governed by genre, and the rule bound nature of current affairs debate is a case in point.

Fairclough (2001) places particular emphasis on the concept of 'commonsense' assumptions in discourse; he contends that widely held assumptions are often 'embedded in features of discourse' (Fairclough, 2001, p.64). Discourse Analysis can be applied in order to locate and interrogate such assumptions. The frequently implicit conventions of linguistic interaction, which legitimise the 'commonsense' acceptance of power relations, can be located in the language, debate structure and genre

conventions of the television current affairs format; these serve to limit and control discourse. The ‘commonsense’ view of abortion debate as polarised adheres to the fixed conventions of the current affairs format and assumptions and expectations established over time. This is because the effects of media power are cumulative rather than incidental (Fairclough, 2001, p.127). Repetitious ideological constructs in abortion discourse, such as the primacy of unborn rights or, conversely, the right to bodily integrity, are examples of ‘commonsense’ views, which work to construct ideological boundaries in the debate.

### Framing: Generation and Contestation

Benford and Snow (2000) contend that actors or players in social movements are signifying agents who engage in the production and maintenance of meaning for the benefit of fellow movement actors, opposition movements, and for a wider audience (Benford and Snow, 2000, p.612). As movement actors, more commonly known as activists, are frequently guest panellists in current affairs debates about abortion, the language they employ plays a significant role in the maintenance or disruption of particular modes of discourse. It is important, then, in the context of this research, to understand how framing techniques employed by activists influence and shape the abortion debate.

Movement activists are producers of meaning in debates about societal issues and are frequently presented as experts in media texts, where they engage in ‘the politics of signification’ (Benford and Snow, 2000, p.613). This meaning construction is defined as framing, which involves both agency and rivalry in the construction of reality. As such, the location and interrogation of frame generation and disruption is an important aspect of the discourse analysis study. Of particular interest for this thesis is the concept of ‘narrative fidelity’ in framing abortion, which involves the location of particular frames that persist throughout the 30 years of the study (Benford and Snow, 2000, p.614). Of course, framing is a contested process and ‘there are a variety of challenges confronting all those who engage in movement framing activities’ (Benford and Snow, 2000, p.625). The

mechanics of frame transformation (transforming a traditional understanding of a problem to a new understanding by naming, or counter naming terms or concepts) is of particular interest in this research project. A simple example, in the case of abortion, is the referent term used for an unborn human; it can be the collective noun ‘the unborn’ or the singular ‘unborn child’ but it can also be denoted as ‘the foetus’. The choice of term employed by an individual can be a marker as to the ideological position held by the speaker. Equally, there is contestation and struggle about how an issue will be framed. When a fatal foetal abnormality becomes a baby with a life-limiting condition, clearly the process of frame transformation is in play. By examining discourse frames and how they persist or transmute intertextually, in the context of a wider social and historical perspective, the discourse study of this research proposes to locate active frame generation associated with, in particular, crisis periods in the abortion debate. The study aims to trace the trajectory of singular frames, for example the unborn rights frame of discourse, and to examine the trajectory of such frames. It also aims to establish how dominant frames of discourse that become established over time in the binary debate construct act to exclude or curtail other frames, including the experiential abortion frame from emerging in debate.

#### **IV Literature and Practice**

While the interrogation of data in the form of the language and the production conventions employed in current affairs programmes about abortion are very important, Fairclough’s wider aim of social action or change as a result of knowledge produced by discourse analysis is also applicable to the broad intention of this research, particularly as it relates to film practice. Research through film is characterised primarily by interaction with artistic practice, resulting in film practice that positions the film form as central. Practice-based research is therefore a complex mix of influences, some known, many unknown, and includes aesthetic principles and intuition, technical possibilities, pre-existing fiction, nonfiction, academic literature, and, as in my case, long term personal and professional

interaction with the subject matter.

Over the course of this research, the production of two parallel films for exhibition in a two-sided screen format has emerged as the conceptual premise in my film practice. The first film of the duet sets out to make visible, by appropriation and pastiche, the role of journalistic objectivity in the construction of an ideological and non-personal debate about abortion; this film is called Film One. The second film, Film Two, evokes the interiority of an abortion decision, by rendering its dogged intrusion into the imagery of an exterior journey taken across the Irish Sea. The films are not set up in opposition to one another, yet logically Film One runs counter to the lived experience represented by Film Two. The film duet is constructed to forge a simple dichotomy between a public representation of a problem and the lived experience of terminating a pregnancy. However, it was not a conventional review of literature that primarily led to the development of the form and structure of the practice films, but was rather the result of creative trial and error, centering on montage experimentation. Nonetheless, the research component, literature review and film practice are intrinsically linked, consciously and unconsciously, albeit in non-conventional manner.

The approach to meditation about practice is two-pronged. The primary method is the construction of explanation about, or commentary on, the process for the film practice, and the relationship of practice to the wider research project. Claire Aitchinson (2015) and Robin Nelson (2013) provide some helpful insights about the process of integrating theory with practice. Engagement with their work was very helpful at various stages of the research practice, and will be discussed in more fully in Chapter 6.

The second component, in this section of the review, is an appraisal of literature related to the research question and the filmmaking process. The approach applied to the examination of literature concerned with practice was unconventional, rather than as something linear, connective and deterministic. According to Donna Haraway (2004), accounts of the real world do not depend on the logic of discovery, but are contingent on ‘a power changed relation of conversation’. She describes knowledge projects

as active entities, with room for surprises and ironies (Haraway, 2004, p.95, 96). As befits an organic, creative approach to the integration of the visual and textual elements of my research project, this review is somewhat eclectic; the management of the integration of the written thesis and the practice was sometimes a struggle, and, conversely, was always an academic and artistic source of intrigue. In the early stage of research, I anticipated light bulb moments of neat explanation, when this cultural theory or that feminist theorist would hotwire the theory/practice connections. However, the interconnection between theory and film practice was already, irredeemably, forged; the pathways remain mysterious but the flow of theory to practice was nonetheless in process and, from the outset, facilitated an unconscious, interactive conversation between the two realms.

Without doubt, a number of texts and authors have influenced my approach to the development of Films One and Two. Several authors helped with the formation of provocative questions about the journey to termination of a pregnancy, the subject matter of Film Two. Carol Gilligan (1982, 1993) was informative and persuasive about complexity and gender difference in moral decision-making. While acknowledging that the study methods for her renowned moral reasoning study are, in a strict social science paradigm, open to question, her conclusions sit more easily in a creative construct, where instinct, anecdote and personal experience play an important role. Other feminist scholars who engage with standpoint theory were also influential in the creation of the point of view narrative construction of Film Two. For example, Patricia Hill Collins (1986) considers the complex nature of silence. Silence, she contends, can be indicative of outward conformity, but can also mask covert opposition to prescribed subject roles (Hill Collins, 2004, p.114). Her analysis of the dual nature of the silence position can be related to the historical silence that surrounds abortion experience in Ireland and influenced my decision to limit voiceover to a minimum in Film Two. Covert opposition to dominant narratives, or the notion of split reaction, can find expression, Hill Collins argues, in creativity (Hill Collins, 2004, p.104). In my film practice resistance to the dominant narrative of binary oppositional discourse about abortion is



central. In this sense, the adoption of a gallery exhibition model rather than producing, for example, a television documentary is, to some degree, in tune with a critique of conventional approaches to abortion debate. Film Two was also influenced by bell hook's (2004) concept of marginality, where the occupation of a marginal position affords an advantaged, rather than a peripheral vision (hooks, 2004, p.157). The rejection of a conventional documentary format was an important marker in the development of my practice. hook's engagement with the process of 're-vision', where spaces can be interrupted, appropriated, and transformed through artistic practice was also influential (hooks, 2004, p.159). I came to realise that the constraints of mainstream production, be they institutional or economic, would be incompatible with the 'political act' intentions of my film practice.

### Production Technique

In terms of the physical production of the parallel films, the technique of montage is the bedrock in the construction of Film One and Film Two. As Reisz and Millar (1968) assert, the term montage is used widely in many different contexts and therefore requires definition. In its most simple form, montage is the method whereby individual shots are cut together to create meaning. In the framework of my film practice, the term montage is synonymous with creative editing, as it was understood by the early Russian film innovators, Vsevolod Pudovkin and Sergei Eisenstein, in particular. In 1928 Pudovkin described editing or montage as 'the creative force of filmic reality' (Reisz and Millar, 1968, p.15). The Russian directors and theorists working at the birth of film language regarded montage, and the creative potential of editing, as greater than simply a device to move narrative forward in linear sequence. As Reisz contends, they planned 'by means of new editing methods, not only to tell stories but to interpret and draw intellectual conclusions from them' (Reisz and Millar, 1968, p.27). Montage, as a technique to expand narrative and enhance film language, was developed by Pudovkin and his mentor Kuleshov. They engaged in practical experimentation with montage, with particular emphasis on shot juxtaposition when a sequence of new meaning could be created (Reisz and

Millar, 1968, p.112). Additionally, Reisz describes the film by the American filmmaker, Edwin S. Porter, 'The Life of an American Fireman' (1902) as the first example of the construction of a film from previously shot material, whereby the meaning of a pre-existing shot 'was altered by its placement in a sequence with others' (Reisz and Millar, 1968, p.17). Experimental montage with both pre-existing footage and self-generated material is the fundamental basis of my practice. And, in common with the early innovators of film language, the practice is engaged with 'the sidelights and overtones of the story' rather than the direct exposition of oppositional rhetoric in the abortion debate (Reisz and Millar, 1968, p.33).

In relation to Film One, the work of the Situationists, particularly Guy Debord, and the concept of *détournement*, provides a theoretical, and practical, framework for my film practice. Put simply, *détournement* can be defined as the use of pre-existing elements for the purpose of creating new combinations or, according to Debord, 'the flexible language of anti-ideology' (Debord, (1967) 2012, p.150). His intent, to imbue layers of meaning and advance film language through montage, is not dissimilar to the ambitions of the early Russian film theorists and practitioners. Debord's work is steeped in the filmic materialisation of cultural and political critique. His best-known critical work *The Society of the Spectacle* (1967), also became a film bearing the same title.

Guy Debord was a prominent member of Situationist International, a collective of artists, writers and theorists who came together in 1957. In the following decade they advanced both a critique of society and innovative practical mechanisms to alter societal structures. Colin McCabe (2003) argues that the Situationists remain perhaps 'the most fertile source of ideas from the Parisian sixties' (McCabe, 2003, p.249). *Détournement*, the appropriation and reconstruction of pre-existing work, is central to situationist practice and involves using the vast cultural heritage of humanity for political or propaganda purposes. However McKenzie Wark (2013), in a re-appraisal of the situationist project, argues that *détournement* is very different from the non-political 'remix culture' (Wark, 2013, p.198).

Imbued with political intent, *détournement* acts to reveal a historical trajectory, placing the familiar in a sequence that shifts the context, and begs new questions. Film One employs *détournement* to expose the limitations of binary oppositional debate about abortion, while also introducing an audience to the debate presented in a historical context.

Finally, the context for the exhibition of the two films – the two-sided screen – was influenced by the work of the Canadian artist Michael Snow and his 1974 film installation ‘Two Sides to Every Story’. Kate Mondloch (2010) and Bruce Elder (1980) provided useful context for the work of Michael Snow in general, and specifically valuable insight for the possibilities of a two-sided screen for the film practice of this research. The process behind the practical application of the theories, ideas and strategies focusing on practice in this section of the review will be expanded and developed in Chapter 6.

## **Conclusion**

In this review of literature, I have set out the various theoretical stands that have influenced and informed this research project and related practice. The literature examined in this review forms a broad range of texts, theoretical methods, schools of thought, standpoints and positions. The common thread is perhaps the social engagement, cultural critique and political intent of the various perspectives and standpoints examined in the review, and the suitability and ease of their practical application to this practice-based research project.

### **Chapter 3 Current Affairs Discourse: Objectivity, Framing and Institutional Practice**

As discourse is a vital component for shaping, maintaining and changing society, the public forums for abortion discourse, like current affairs programming, present as valuable sites for the investigation of a national abortion narrative. This chapter will examine the form and structure of the current affairs television programme, and consider how the format functions within an institutional or public service framework, particularly that of RTÉ television. The rules governing broadcasting, including legislation and institutional codes of practice, work to regulate broadcasting organisations and to ensure that broadcasters operate for the common good within the state. The requirement for balanced debate, enshrined in legislation and implemented institutionally, is key to understanding the binary oppositional debate structure, which is the primary instrument for the construction of abortion discourse in current affairs programmes in Ireland.

The theoretical constructs underlying concepts of objectivity, impartiality and balance in broadcast journalism will be examined, with an emphasis on how the professional aspiration for balanced reportage and debate affects broadcasting practice, especially as it applies to current affairs programmes about abortion. An example of how the constraints of objectivity and balance operate in practice will be examined by investigating the broadcast of the film *50,000 Secret Journeys* (1994). The film, which features three women who had terminated pregnancies in Britain, was originally commissioned by RTÉ current affairs as a stand-alone programme. It will be argued that the insertion of the film into a binary debate structure, ostensibly to balance the abortion narratives, served to moderate the experiential content and to diminish the significance of women breaking the silence about personal experience of abortion on Irish television.

## The Current Affairs Programme: Format and Influence

Television current affairs programming is a recognised programme genre, which functions primarily as an adjunct to, or a deeper analysis of, newsworthy items and subjects. While television news bulletins present the narrative in a broadly factual manner, albeit with some dramatic musical, visual and graphic cues, current affairs programmes employ a discursive style of presentation, in the shape of studio debates and interviews. While a current affairs programme can take the form of an investigative film report focussing on a single issue or event, the studio-based programme is the preferred format in an Irish context. However, the studio format can be augmented by filmed reports, presenter-to-camera monologues and graphic aids. The emphasis is generally on explanation and debate presented in a formal, controlled manner.

The current affairs genre provides a social framework for topical and important issues and events, nationally and internationally. The influence of current affairs broadcasting in a national context, both in terms of audience reach and impact, is notable. *Prime Time*, the flagship RTÉ television current affairs programme, had a peak audience of 670,000 viewers in 2014, and was the seventh highest rated programme on RTÉ in October 2015 (TAM Ireland, 2015).<sup>1</sup> In terms of impact, a study of attitudes and behaviour of the Irish electorate in the referendum on the Treaty of Nice (2001), which examined why the Irish electorate voted against the Treaty, found that respondents rated television news and current affairs as the most valuable sources of information, outstripping radio news and current affairs and newspapers; 45% of respondents described television current affairs programmes as a valuable sources for increasing their understanding of an issue (Sinnott, 2001, p.iv).<sup>2</sup>

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<sup>1</sup> Viewing Figures, October 2015, TAM Ireland (accessed online).

<sup>2</sup> Attitudes & Behaviour of the Irish Electorate in the Referendum on the Treaty of Nice (accessed online)

While this study does not relate directly to the subject of abortion, it does underline the importance of television news and current affairs as a source of information for an audience engaged with a contentious issue.

### **Formal Properties of the Genre**

The format of the current affairs programme is highly structured and involves a series of choices, commencing with the selection of programme topics, and continuing in a succession of interrelated editorial decisions. These choices contribute to the overall construction of a discourse event, represented by the selection of panellists, interviewees and contributors, and the inclusion, or not, of a filmed report. Editorial decisions affect the status accorded to a topic within the programme structure, for example, by the division of programme resources between items, and the duration allocated to individual topics within the programme. However, the chain of decision and selection employed in the construction of current affairs programmes is rendered invisible by the formal properties of the genre: when the programme goes on air, the pre-production procedures and the production artefacts, such as cameras, microphones, studio lights, are rarely visible to the television audience. The production properties of the genre construct the current affairs programme as an event, which, in common with other television formats, can be placed within the concept of Western dramaturgy. The structure includes ‘opening and closing temporal brackets and bounding spatial brackets’ (Goffman, 1975, p.252). Such dramatic properties can be located in the current affairs genre in the form of opening and closing credits, theme music, and visual cues of studio lights fading up and down. The studio segment in RTÉ current affairs programmes is often broadcast live, and can include a studio audience. The construction of a programme as an unfolding event facilitates audience engagement with the studio performance. In the theatre of current affairs production, different discourses gather together onstage, and discourse representatives, in the form of programme participants, contest ‘for the right to define truth’ (Jorgensen and Phillips, 2002, p.13).

## **Modes of Address**

Politesse or formality in discourse has particular effects on language, such as a tendency towards a restrained mode of address (Fairclough, 2001, p.54, 55). Formal engagement is an important element of current affairs discourse, particularly in the traditional studio debate, where a programme presenter manages opposing viewpoints. The obligations of the programme format, the stated, if problematic, aspiration to be fair and impartial, and the long established conventions of the genre, combine to impose a proscribed mode of discourse, which is formal and rule bound. These conventions are generally fixed and are enforced by the power holders within the broadcasting institution, in the form of presenters, producers, editors and managers (Fairclough, 2001, p.51). Fairclough contends that formality in discourse constricts the contents, subjects and relations of the debate. Furthermore, while participant inclusion is associated with personal status and professional reputation, the corollary – an implied and widely understood system of entry restrictions, also applies (Fairclough, 2001, p.53).

## **Programme Panellists**

According to Wodak and Meyer (2009), while discursive events, like current affairs programmes, are often shaped by commonsense views about an issue, they can also be reflective of change, thereby impacting public opinion (Wodak and Meyer, 2009, p.6). The current affairs programme, then, is a valuable medium for the examination of abortion discourse because the formal properties of the genre work to sustain a commonsense view, but also serve to facilitate discourse struggle. In public discourse, ideological contests are often represented by spokespeople for the maintenance of the status quo and by those who oppose the existing order, who contribute as panellists in current affairs programmes as spokespeople for special interests. Fairclough contends that participants in discourse must be able to perform in the discourse type, with recognised abilities to converse in the language of the genre. Programme panellists are therefore

required to be familiar with the conventions, and the formal structure of current affairs debate (Fairclough, 2001: p.54, 55).

Conventions in broadcasting practice are upheld by the perception that moral issues, such as abortion, have need of expert analysis. As a result, questions concerning the requisite qualifications for the role of panellist in televisual abortion debates arise; in other words, what is required of a panellist or spokesperson in a current affairs debate? Jorgensen and Phillips point to how different identities are constructed for speakers, such as 'layperson' or 'expert' (Jorgensen and Phillips, 2002, p.2). When a participant is accorded expert status they make 'statements which clearly embody truth claims' (Jorgensen and Phillips, 2002, p.142). The presence of expert panellists, who claim particular expertise, is embedded in the formal structure of the current affairs genre. In debates about abortion, moral experts, who often frame their discourse in the language of legal or medical expertise, are thus presented as the de-facto authorities, who are present to explicate and elucidate the significance of issues under discussion. The binary oppositional imperative of the studio debate format often places disagreeing moral experts as opponents in current affairs programmes about abortion. An examination of the entry criteria for programme panellists also establishes the nature of restrictions to admission, inherent in the conventions of the genre. This is helpful for the identification and examination of marginal discourse, including non-expert, subjective or experiential discourse about abortion. When binary oppositional expert analysis becomes the dominant debate format for contentious discussion, the cumulative effect is the creation of a commonsense view about the issue, which serves to construct ideological limits in the debate. As Gamson et al. (1992) argue, even when issues are 'hotly contested' in discourse there may be 'subtle messages about what is commonly understood as 'normal' in discursive events' (Gamson et al., 1992, p.382).

The composition of panels in current affairs discourse is important from a number of perspectives, not least because 'exclusion of people from particular types of discourses and subject positions lowers their publicly



acknowledged status' (Fairclough, 2001, p.53). The production and reproduction of discursive practices can have important ideological effects, including the creation and maintenance of disproportionate relations between various groups (Wodak and Meyer, 2009, p.6). It is generally acknowledged that women with abortion experience have a status deficit in the national abortion debate; their subject construction within, or exclusion from, current affairs discourse will be a significant element in the discourse analysis of abortion footage in Chapter 5. The positioning of subjects and standpoints, as represented in 30 years of current affairs discourse about abortion is key to understanding how commonsense views about the issue are constructed and maintained.

### **RTÉ and Public Service Broadcasting**

Jorgensen and Phillips contend that texts should be investigated by reference to the conditions of their production (Jorgensen and Phillips, 2002, p.81). It is important, in the context of this research, to examine the institutional nature of RTÉ television, as the producers of the texts under investigation, and following from this, the rules governing broadcasting in a national context.

Irish broadcasting began in 1926 when the first radio channel operated by the Irish Free state, 2RN, went on air. In 1933, the radio station became known as Radio Éireann. Twenty-seven years later, Radio Éireann was transferred into the control of an independent semi-state authority, under the Broadcasting Authority Act, 1960. The Act established the criteria for a new television service and removed broadcasting from the direct control of Government. Telefís Éireann began broadcasting on New Year's Eve, 1961. It is reflective of the era that opening night festivities included a blessing from the Archbishop of Dublin and Primate of Ireland, John Charles McQuaid. The launch programme also included an address by the former President of Ireland, Eamonn DeValera, in which he expressed concern about the potential impact of the new television station on Irish society, declaring 'never before was there in the hands of men an instrument so

powerful to influence the thoughts and actions of the multitude’ (Bowman, 2011, p.1).

### **RTÉ Television: Organisation and Structures**

Prior to the inauguration of Telefís Éireann, there was ‘animated debate’ about the structures of the new television service (Savage, 2010, p.40). The two available models for the operation and financial management of television channels are the public service model, funded by license fee, and the independent, commercial model, where a license to operate is granted to private organisations by the state. In the commercial model, broadcasting activities are funded by revenue generated from advertising. However, private channels are also subject to state control, as laid out in national broadcasting legislation. In 1960, Telefís Éireann adopted a hybrid model, funded by a license fee but also by advertising revenue. Robert Savage (2010) contends that the tension between the commercial and the public service remit restricted the output of new channel; the first chief executive, Edward Roth, argued that the public service requirement was basically antithetical to commercial broadcasting (Savage, 2010, p.43).

The hybrid structure of RTÉ television not only affected the early years of broadcasting but has also had an ongoing effect on Irish television, principally because of the potential for both governmental and commercial interference in broadcasting output. Pressure can be exerted on the broadcasting organisation by the state when setting the rate for or when making decisions about the dispersal of the license fee. Government also has the power to directly interfere in the commercial activities of RTÉ. An example of direct interference was the imposition of a cap on advertising revenue for RTÉ, introduced by former government minister, Ray Burke, in 1990. The cap, which was removed in 1993, was widely seen as a political attempt to undermine RTÉ, and to favour new commercial radio stations, in particular. The direct interference, which undermined the commercial base of the station, is one example of the susceptibility of the hybrid system to political manipulation. Writing in 1990, Colm Kenny questioned the

sustainability of the public service remit in an era of technological change, when the de-regulation of television ‘has provided a circuitous opportunity for governments to kick the supports from under public-service broadcasting’. Kenny also argues ‘that the history of broadcasting is full of rows between current affairs programmes and governments’ (Kenny, 1990, p.28). Several authors, who have written about the inner workings of RTÉ television, concur with Kenny, including Corcoran (2004), Bowman (2011), Horgan (2004), and Purcell (2014). While broadcasting organisations must strive to create distance from the state to preserve a level of autonomy, it is their public service duty to inform that often produces the conflict with governments and other ideological forces, which tend, in the main, to defend the existing order (Horgan, 2004, p.2); (Kenny, 1990, p.28).

State interference, ongoing from the beginning of RTÉ television, was not limited to broadcasts about specific subjects or moral issues, and was often distinctly political in nature. In 1969, Erskine Childers, the Minister with responsibility for broadcasting, took exception to ‘over aggressive’ interview techniques employed by RTÉ personnel, declaring that he did not want ‘a Frost style of interviewing’ on Irish television, which, he argued, was ‘totally unsuited to our needs’ (Horgan, 2004, p.78). Coming from the opposite angle, in 1983, the former RTÉ broadcaster turned government minister, Ted Nealon, responding to an accusation of bias on the current affairs programme *Today Tonight*, declared that ‘self censorship,’ as a result of overreaction to outside criticism, presented the greatest threat to RTÉ (Hogan, 2004, p.173). From the outset, then, the current affairs output from RTÉ television has been the subject of debate and scrutiny, primarily concerned with issues of bias, objectivity and the relationship between politics and broadcasting.

The methods for internal and external control, both in the selection of subjects, and thereafter in the treatment of content in television current affairs, provide a useful backdrop for the discourse analysis of broadcast material. Legal controls, such as Section 31 of the Broadcasting Act, are overt and enshrined in legislation. Section 31 was made operational by

Ministerial Order from 1971-1994, in conjunction with a period of serious political unrest in Northern Ireland: the order forbade the broadcast of interviews with members of organisations who ‘engage in, promote, encourage or advocate the attaining of any political objective by violent means’ (RTÉ, Section 31 and Press Freedom).<sup>3</sup> But, control over broadcasting does not come only from external laws and broadcasting guidelines, influence can also be covertly exerted through a myriad of unofficial channels; additionally, structures of control can be internalised in the practices of broadcast journalism (Horgan, 2004, p.26).

### **Legislation and Professional Codes of Practice**

RTÉ Television, the national public service broadcaster, has a public service remit, defined in the Public Service Charter as reflecting ‘the democratic, social and cultural values of Irish society’ and by the need ‘to preserve media pluralism’. The charter also aims to reflect cultural and societal diversity, and to avoid editorial biases in terms of gender, age, disability, race, sexual orientation, religion or membership of a minority community (Department of Communications, Marine and Natural Resources, 2004, p.2, 3).<sup>4</sup>

The first Broadcasting Act to govern the new RTÉ television service was enacted in 1960. Since then, there have been a number of additional Acts and amendments including those of 1988, 1990, 1993, 2000, 2001 and 2009. The Broadcasting Act 2009 amended the regulatory framework for broadcasting in Ireland by establishing the Broadcasting Authority of Ireland (BAI) as the principal supervisory body for all broadcasting media in the state. The BAI remit is broad; it includes the support of democratic and pluralistic values in the state, and also operates the systems for complaint and redress in national broadcasting (BAI, Codes and Standards).<sup>5</sup> Irish Broadcasting legislation includes sections dealing

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<sup>3</sup> Section 31 and Press Freedom, RTE (accessed online)

<sup>4</sup> Public Service Charter, Department of Communications, Marine and Natural Resources (accessed online)

specifically with the governance of current affairs programming: the Broadcasting Acts of 1960 and 2009 are particularly relevant in this regard.<sup>5</sup> Both Acts refer to the requirement for objective and balanced broadcasting practice. Section 18 of the 1960 Act refers to the RTÉ Authority's duty to ensure the presentation of impartial information:

18. —(1) It shall be the duty of the Authority to secure that, when it broadcasts any information, news or feature which relates to matters of public controversy or is the subject of current public debate, the information, news or feature is presented objectively and impartially and without any expression of the Authority's own views.

The 2009 Broadcasting Act, under the heading 'Broadcasters, Codes and Rules', section 39 (b) requires that:

The broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of his or her own views, except that should it prove impracticable in relation to a single broadcast to apply this paragraph, two or more related broadcasts may be considered as a whole, if the broadcasts are transmitted within a reasonable period of each other.

Comparing section 18 (1) in the 1960 Act and 39 (b) in the Broadcasting Act 2009, it is clear that the aspiration for balance in current affairs programming, enshrined in the legislation, has remained relatively unchanged for almost sixty years. In both Acts, there is a requirement to present information impartially and objectively, without expression of the Authority's or the presenter's own views. Both Acts also present an almost

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<sup>5</sup> Broadcasting Authority Act 1960 & Broadcasting Act 2009 (accessed online).

identical reference to the treatment of matters of public controversy or subjects of current public debate. However, a noteworthy difference in the 2009 Act is that there is a concession to balance across programmes, whereas the 1960 Act could be interpreted as requiring balance in each programme, as individual units.

As can be seen from the relevant sections, the obligation for the implementation of fairness and impartiality in broadcasting is presented in broadly aspirational, rather than proscriptive, terms. However, as David Feldman (2015) contends, legislation works, in the main, by psychological means, and vague aspirational terms are not uncommon in legislation. The act of legislating, Feldman argues, involves the affirmation of a particular type of power, based on a commonly held belief in the legitimacy of the state. Legislation concerned with the functions of state institutions, including broadcasting legislation, is not generally coercive (Feldman, 2015, p.12). Feldman also argues that legislation for the establishment of institutions is aimed primarily at those who will establish and run the institutions (Feldman, 2015, p.10). As such, broadcasting codes and guidelines emanating from the governing authorities, such as the RTÉ Authority (1962-2009) and the BAI, are obliged to make secondary provision for impartiality and balance through the publication of guidelines for news and current affairs broadcasting, in particular. ‘The Code of Fairness, Objectivity & Impartiality in News and Current Affairs’, published by the BAI in 2013, sets out a number of guidelines for current affairs broadcasts.<sup>6</sup> The publication aims to present the minimum standards and practices applicable to news and current affairs content, including the principles underpinning fairness, objectivity and impartiality (Broadcasting Authority of Ireland, 2013).<sup>56</sup> However, in common with broadcasting legislation, no attempt is made to define the meaning of the terms, or to set out how objective principles translate into broadcasting practice.

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<sup>6</sup> The Code of Fairness, Objectivity & Impartiality in News and Current Affairs (2013) available Appendix E

The RTÉ Journalism Guidelines (revised September, 2014) restate RTÉ's editorial values, incorporating a commitment to operate in the public interest and to provide 'news and current affairs that is fair and impartial, accurate and challenging' (RTÉ, 2014, p.2). In common with the BAI code, the RTÉ publication interprets and expands the general principles found in Section 39 of the Broadcasting Act, 2009. The RTÉ guidelines state that factual broadcasting should aim to address a broad range of subjects and issues, maintaining 'a balance of opinion that reflects the weight of evidence'. The guidelines espouse an 'open-minded' approach, and provision 'over time' for the representation of all significant strands of thought. Additionally, the guidelines assert the need for sensitivity with regard to changes in Irish society, and advocate the representation of societal transformation that avoids 'oversimplifying complex issues or arbitrarily excluding relevant minority viewpoints', while acknowledging that minority viewpoints 'stand counter to the main trends of thought and the major current of opinion'. The guidelines also affirm the need for programme makers to present 'the weight of evidence' fairly. Diversity, the guidelines state, must be reflected by values represented in programming and by programme contributors, to include minority viewpoints and diverse opinion (RTÉ Journalism Guidelines 2014, p.9).

The RTÉ Guidelines explicate the concept of impartiality in broadcasting practice, and suggest methods for the application of fairness and balance in practice. However, the guidelines do not address the potentially problematic nature of objectivity as a concept, or indeed specifically how it applies in broadcast journalism practice. There is an assumption, also embedded in broadcasting legislation, that a clear and unambiguous definition of objectivity is commonly known and understood; therefore balance can be achieved in operational practice when broadcast journalists work with 'the weight of evidence'. Objectivity and balance, the guidelines imply, are realisable when individual journalists or programme teams 'weigh evidence' about issues or events. But, weighing evidence is clearly a subjective matter, which is open to interpretation and contestation. In the RTÉ Guidelines, then, any clarification about the application of objective journalistic practice

is sidestepped by obfuscation, with the presentation of another, equally undefined practice, namely the weighing of evidence. Irish legislation and institutional codes of practice for broadcast journalists regard the concepts of objectivity and impartiality as apparently unproblematic, and also as the unquestionable cornerstones of good broadcasting practice.

### **The Problem with Objectivity, Balance and Impartiality**

Wodak and Meyer (2009) agree that media discourse has significant social consequences, thus raising important issues of power and relations of power in societies. Discursive practices in representational events, like current affairs programmes, are ideologically significant because they work to position issues and people in particular ways (Wodak and Meyer, 2009, p.9). Media discourse has a dualistic purpose; it functions to preserve continuity, and to effect transformation (Fairclough, 2001, p.14). Nicole Westmarland (2001) contends that the traditional method for measuring knowledge is linked to a determination about how objective it is. In this paradigm, objective practice is essential, if the truth is to emerge. However, Westmarland argues, the paradigm is problematic on two fronts. Firstly, there is an assumption that complete objectivity is achievable, and additionally that objectively produced knowledge is desirable (Westmarland, 2001, p.2).

Balance in journalism is defined 'primarily on the basis of its opposite': discourse is deemed to be unbalanced when it is regarded as having a preferred angle, or a one-sided approach (Wien, 2003, p.9). In current affairs programming, debate is constructed to adhere to the binary oppositional structure with the assumption that objectivity is safeguarded by the exclusion of subjective analysis. Clearly, since editorial decisions are not entirely subjective, or entirely objective, the imposition of the objectivity principle merely creates a false dichotomy. It is arguable, then, that the incorporation of objective aspirations and assumptions into media production practice is problematic, and, furthermore, that the rules of balance operate as a barrier to full engagement with a complex subject like



abortion. Wien further contends that, on the whole, journalism is rooted in a positivist approach (Wien, 2003, p.4). In general, positivism employs verifiable or scientific evidence as a methodological approach to the study of society. In journalism, a positivist approach seeks to separate judgments of facts from judgments of value (Muñoz-Torres, 2012, p.571). However, in abortion discourse, judgments of value can be presented as judgments of fact, which is a further impediment to the partition of the subjective from the objective.

Betty Purcell (2014) contends that the imposition of objectivity in broadcasting encourages the emergence of ‘ideological centre groups’ and thus ‘the identification of conservatism with truth’. However, she also acknowledges that the outcome of such practice is the production of programming that is ‘tacitly accepted’ as impartial content by an audience (Purcell, 2014, p.12). Yet, broadcast journalism remains wedded to aspirational impartiality, and current affairs practice continues to apply the criterion of objectivity to the investigation of complex issues. There are a number of notable difficulties with this approach. For example, in the presentation of an issue like abortion, where the fundamental terms of the debate are themselves subject to contestation, language is not neutral. In a single discourse event, a foetus can be re-expressed as an unborn baby, while a call to revisit legislation can be re-configured as a request for abortion on demand. In this context, any attempt to impose objectivity on abortion discourse seems at best problematic, and, at worst, futile. Carl Fox (2013) argues that the establishment of the truth about different perspectives on an issue may be impossible to determine. He advocates engagement with ‘the facts in the right way’, and sees the methods employed for the presentation of an issue as the most important concern (Fox, 2013, p.259). In this respect, the application of objective criteria and balance in the form of the binary oppositional studio debate fails to accommodate, for example, the complex subjectivity of a personal abortion experience. Therefore, while an objective approach can be applied to the structuring of contentious debate, caution about the effects of the application of rigid balance is also required.

The aspiration for objectivity and balance in the practice of broadcasting, as exemplified by broadcasting codes of ethics and broadcasting legislation, fosters a belief that objectivity can be ensured by the expression of different viewpoints on a series of subjects. This, in turn, gives rise to a second assumption – that attention to objective principles will guarantee that the ideology of one group or another will not dominate in, for example, a current affairs programme about abortion. By facilitating a range of viewpoints in programme content, broadcasters assume that the production will meet the criteria of objective debate. The difficulty arises when we begin to examine what constitutes a range of viewpoints, and additionally, whether some points of view might fall outside a permissible range.

Twenty years after the publication of *In a Different Voice*, in the preface to a new edition, Carol Gilligan references Ronald Dworkin's 'Feminism and Abortion', published in 1993, when he followed up on the women Gilligan interviewed for her abortion study carried out in 1973. In the article, Dworkin refers to the difference between those women's voices and the language and the terms of the public abortion debate, which he describes as 'the screaming rhetoric about rights and murder' (*New York Review of Books*, June, 1993). His observation, which compares the experiential voice of Gilligan's study with the language of public debate, draws attention to normative abortion discourse, and how it functions. The maintenance of binary oppositional debate as the central tenet in public discourse about abortion serves to prevent the emergence of new discourses and points of view. In this regard, current affairs programmes, which propagate binary debate, present a significant channel for the maintenance of the status quo of polarised discourse about abortion.

A misguided and over-rigid approach to maintaining objectivity and balance in televisual abortion debate is a key factor in the construction of abortion discourse in Ireland. The distortion in representation occurs when moral complexity is packaged as a binary debate, and ideological positioning becomes the main feature of the discourse event. The structuring of abortion discourse as between those who might be described as anti-abortion in all

circumstances and those favouring a more liberal approach fails to include the full complement of diverse and shifting attitudes about abortion in the national context, thus constraining the debate within limited boundaries. Such boundaries tend to exclude the experiential voice, especially when abortion is presented as an acceptable, or indeed preferable, option to continuing with an unviable, unplanned or unwanted pregnancy.

### **Implementing Balance: A Case Study of *50,000 Secret Journeys***

Writing in *The Irish Times* on the 30 March 1994, journalist Patsy McGarry states that ‘concern about balance’ was understood to be the reason that RTÉ decided to defer transmission of *50,000 Secret Journeys*, a film ‘which deals with abortion’. The film, which features three Irish women who speak openly about terminating pregnancies in Britain, was commissioned by RTÉ for inclusion in the *Tuesday File* current affairs series, scheduled for broadcast on 29 March 1994. McGarry writes that debate within RTÉ about the programme, which centred on the suitability of the film for a current affairs series, had continued for over a week. The article also quotes the response from senior RTÉ management, who argue that views expressed in a current affairs programme ‘should be seen to be challenged’. In the same article, Ruth Riddick, Education Officer of the Irish Family Planning Association, is quoted as expressing disquiet; Riddick expresses her concern that following a decade of very emotive debate about abortion, it would appear that ‘the voices of those women central to that debate must remain taboo’ (*Irish Times*, 30 March 1994).

In an article in the *Irish Independent* in January 2013, the former editor of the *Tuesday File* series in RTÉ and the commissioner of *50,000 Secret Journeys* in 1994, John Masterson<sup>7</sup>, writes that he looks forward to televised discussion about abortion that would exclude the ‘usual suspects debating with their forensic skills’. He refers to the 1994 controversy about *50,000*

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<sup>7</sup> John Masterson was editor of the *Tuesday File* series in 1994; he resigned from this position following the initial decision not to broadcast *50,000 Secret Journeys*. He was subsequently appointed as Producer for the popular RTÉ entertainment show – *The Late Late Show*. He no longer works for RTÉ. Masterson presently (2017) writes a weekly column for the *Irish Independent*, is the morning show presenter on KCLR96FM (Kilkenny/Carlow Local Radio) and is Managing Director of the Media and PR company Purcell Masterson.

*Secret Journeys* and questions the concept of ‘balanced’ abortion debate when the estimated 150,000 Irish women who have terminated pregnancies are not represented (*Irish Independent*, 6 January 2013).

Working in 1994 as an independent television producer, I was the co-producer and director of the film *50,000 Secret Journeys*. While the machinations within RTÉ, prior to the decision to defer the broadcast, are interesting, the format in which the film was finally broadcast seven months later serves to exemplify the perceived requisite for the binary oppositional debate structure in maintaining commonsense assumptions in abortion discourse. The placement of the film within an event entitled *The Abortion Debate*, while ostensibly fulfilling the requirement to balance the content of *50,000 Secret Journeys*, actually functioned, it will be argued, to disempower and marginalise the experiential narrative. The film was originally commissioned and produced as a stand-alone current affairs film. When it was repositioned as one element in a wider debate structure in the programme broadcast on 27 October, the film was reconstructed as a ‘filmed report’, thus re-contextualising, rather than balancing, the content of the film.

### **The Structure of *The Abortion Debate***

Following the programme deferral in March, *50,000 Secret Journeys* was transmitted on 27 October 1994 as part of a television event entitled *The Abortion Debate*, broadcast post-11pm. The programme opens with a presenter ‘piece to camera’ of 3 minutes and 20 seconds duration – an extended monologue in the context of television production. The presenter, Marian Finnuane, tells the audience that the programme is about a topic that is ‘inappropriate for children’ and which ‘remains unfinished business in this state’. She then gives a condensed history of the abortion debate in Ireland, focussing particularly on the various legal rulings and challenges post-1983. Finnuane places the film *50,000 Secret Journeys* in the overall context of the programme when she says that the hundred women each week who have gone to Britain for abortions form ‘part of’ the context of the abortion debate. The presenter then sets out the framework for the event,

where there will be two films, followed by a panel debate, to discuss ‘the many thorny issues’ about abortion. The decision to introduce a second film into the format of *The Abortion Debate*, further recontextualises *50,000 Secret Journeys*, which *The Irish Times* referred to as a ‘landmark’ film about abortion (*Irish Times*, 30 March 1994). The film is thus presented as simply the first of two filmed reports to be shown within the context of *The Abortion Debate*.

### **50,000 Secret Journeys**

*50,000 Secret Journeys* is just over 25 minutes in duration, as was the required length for a film scheduled in the *Tuesday File* slot. The production format is relatively simple, with the three interviews forming the bedrock of the film. Archive news footage is used between interview sections to explicate the history of abortion discourse, and a dramatised abortion journey also features. In the production, the three women are basically asked the same questions, which include their reactions to discovering they were pregnant, why they decided to terminate the pregnancy, the decision-making process, recollections of travel and the medical procedure, emotional impact after the termination, along with their impressions about how the subject of abortion is discussed in Ireland. The interviews both reflect the experiences of the women and explore their reactions in the aftermath of an abortion experience. None of the three women express regret, which in discussions with RTÉ was one reason put forward for asserting a lack of balance. Refuting the claim that there was an issue of balance, John Masterson, the original commissioner of ‘50,00 Secret Journeys’ and former editor of the *Tuesday File* series, contends that this was, in his opinion, a mistaken interpretation of what constitutes balance, and he questions how an appropriate level of regret about abortions might be gauged, and presented (John Masterson, 2015, Interview with Researcher).<sup>8</sup> Following the initial decision not to broadcast *50,000 Secret Journeys*, Masterson resigned his position as editor of the *Tuesday File* series, and moved out of current affairs broadcasting. He felt obliged to

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<sup>8</sup> Interview via email with John Masterson, 10 August 2015. See Appendix C.

resign because he ‘was basically being asked to broadcast a lie, namely that regret is part of the psychological aftermath of abortion’ (John Masterson, 2015, Interview with Researcher).

### **The Balancing Film**

At the end of *50,000 Secret Journeys*, the programme returns to the studio, where the presenter introduces the studio panel. Following this, the lead into the second film begins by stating that ‘not all pregnancies end in abortion, thousands of women, 10,000 actually last year in Ireland, had babies outside marriage’. The filmed report that follows is, in effect, presented as balance to *50,000 Secret Journeys*, with an implied distinction between some women who choose to terminate pregnancies and others (a greater number actually) who, regardless of marital status, take their pregnancies to full term. In the context of the subject of abortion this is a problematic binary, not least because the marital status of women is not the sole determinant in pregnancy termination; clearly, some married women choose to have abortions. Nonetheless, the producers adhere to the perceived requirement to balance the views expressed in *50,000 Secret Journeys*, by, it would appear, presenting the alternative.

The film report about ‘unmarried mothers’ is a comprehensive and conventionally structured current affairs film report. There are a number of contributors, who are presented as expert analysts. They include an academic, who has written a report on the subject, two co-ordinators of support groups for lone parents (one Catholic, one non-denominational), a senior social worker, and an academic lawyer. Each contributor is interviewed about the changing nature, and the difficulties of single parenthood for women. However, the subjects of the film, ‘single mothers’, are not interviewed for the report (there is no real engagement with the role of fathers). Whether by accident or design, or by merely adhering to the conventions of expert analysis, the film is a testament to the production practices that *50,000 Secret Journeys* set out to avoid. In effect, then, a film that excludes the subjects and focuses on experts was employed as a method

to balance experiential or subjective discourse, which includes personal testimony and excludes expert analysis.

### **The Panel Discussion**

On returning to the studio, the presenter places the subject of abortion in the context of the programme's intentions. She commences by referring to 'perceptions' coming from 'two extremes' in the abortion debate, which, she states are 'perceptions not realities'. The preferred mode of the discourse for *The Abortion Debate* is contextualised as a debate for the vast majority of people 'who have enormous and deep concerns about these very important issues'. Nonetheless, despite the stated intent, the panel adheres to the conventional construction of binary abortion discourse. There are five panellists: Gerry Whyte, a senior lecturer in law; Maxime Brady, representing the Irish Family Planning Association; Caroline Simmons, of the Pro-Life Campaign; Mary Henry, a senator and medical doctor, and Ciaran Craven, also a medical doctor, representing the pro-life organisation Doctors for Life. The ideological and oppositional nature of the panel, with the addition of the neutral lawyer, renders the construction of a non-normative mode of discourse moot from the outset. The panel contains two pro-life contributors, a representative from a reproductive health organisation (advocating a pro-choice position) and a neutral expert, who is present to explicate, rather than comment on abortion law. The fifth panellist, Mary Henry, straddles a number of possible categories; she is on record as being against abortion (*Today Tonight* 18 February 1983), yet she was a prominent member of the 1983 Anti-Amendment Campaign – a loose coalition of individuals and groups who canvassed against the insertion of Article 40:3:3 in the 1983 referendum campaign. Her position might best be described as one that foregrounds women in the abortion debate, where she accepts the reality of abortion practice, but argues that it can never be 'the preferred outcome' for a crisis pregnancy (*Today Tonight* 18 February 1983). Panellists who foreground women in abortion debates are often, by default, positioned as adversarial to those who foreground the rights of the unborn. However, this construction does not necessarily equate to delineated, and

oppositional pro-choice and pro-life positions.

The studio debate is structured to discuss the issue in legal terms, dealing with travel, information and ‘the substantive’ issue in rotation. The presenter employs a controlled interview technique; each panellist is allotted speaking time, in response to each new issue raised by the presenter. However, contrary to the debate aspirations as outlined in the opening presentation, several examples of ideological positioning materialise in panel contributions. For example, in the discussion pertaining to the issue of information, Ciaran Craven (one of two pro-life panellists) highlights the difference between ‘abortion information’ and ‘abortion assistance’. He contends that there is ‘huge contradiction’ between the constitutional protection for the unborn and the type of information ‘the sole purpose of which is to allow unborn life to be destroyed’. Craven also expresses concern about non-directive pregnancy counselling, when the option of abortion ‘which is really killing’ is included. Craven’s pro-life ideological position is again evident when he argues that in non-directive counselling ‘a woman could not be advised not to have an abortion, which would set up enormous contradictions’, in relation to article 40:3:3 of the Irish Constitution. Here, Craven is effectively making the case for abortion counselling, which directs against abortion. Mary Henry, in her response, foregrounds women as patients; she expresses concern about women travelling to Britain for abortions without referral from an Irish doctor. Henry exemplifies a hypothetical case where a woman might have a serious underlying medical condition, which is unknown by the abortion clinic in Britain.

Debate about the ‘substantive’ issue also elicits responses that reveal the ideological stance of panellists. Caroline Simmons, a pro-life advocate, argues that abortion is ‘is a question of values’, and the people should be ‘given the option of refusing to accept abortion’. In response, Mary Henry expresses the hope that court cases about abortion will not be ongoing because ‘every time we go back to court that is another woman, it’s not a court case, there is a person at the centre of that’. In reply, Caroline



Simmons argues that ‘there’s a baby at the centre, that’s what you should remember’. In this instance, the foregrounding of women and their health by Mary Henry is interpreted as antithetical to protecting the life of the unborn. Ciaran Craven agrees that he has concerns about the perception ‘that women are being put in danger’, and, in response, the presenter alludes to disagreement in the medical profession about medical intervention when the life of a pregnant woman is in danger. Craven contends that doctors are not necessarily disagreeing ‘about the objective medical evidence’; he suggests that the conflict is rather an expression of ‘what amounts to their own value system’.

Throughout the debate, Maxime Brady (IFPA) is consistent in her articulation of a pro-choice position, foregrounding women and their reproductive health. She calls for the creation of an environment where the Irish nation supports women’s decisions. Caroline Simmons, however, suggests ‘that there is a big hypocrisy in saying we are going to protect the unborn child in our constitution, but please be free to take the boat to England’. Marian Finnucane ends the panel discussion by addressing anyone who is pregnant and worried, and gives a list of agencies that can offer advice.

### **Experiential Discourse about Abortion: A Radical Endeavour**

Carol Gilligan (1982, 1993) contends that the recording and publishing of the subjective voices of the women interviewed for her Abortion Study in the USA in 1973, which, she argues began as ‘a straightforward method of investigation’, was transformed to become ‘a radical endeavour’ (Gilligan, 1993, p.xxiv). Unburdened by ideological challenge, the subjective voices of the study were allowed to speak for themselves. This was also the intention behind the production of *50,000 Secret Journeys*. However the radical potential of experiential abortion discourse, as identified by Gilligan, was curtailed and disempowered by the artificial context in which the film was broadcast. John Masterson argues that it was ‘important for the viewer to see the women to form a full impression of them, and see that they were ordinary people’ (John Masterson, 2015, Interview with Researcher). In this

context, the perceived requirement to devise a structure to contain and contextualise personal narrative highlights both the import of and the scale of the anxiety about subjective abortion discourse.

Lack of balance was presented as the reason why *50,000 Secret Journeys* could not be broadcast as a stand-alone film, and this raises questions about the constitution of objectivity in media events, and the role of subjective decisions in the pursuit of balance. For example, *The Abortion Debate* was constructed in accordance with abortion discourse norms, as evidenced by the subject matter, the production properties of the second film, and by the composition of the panel. Clearly, other choices were available, including the participation of one of the women featured in *50,000 Secret Journeys* in the panel, which was suggested by the filmmakers. Furthermore, *50,000 Secret Journeys* might have been placed as the concluding item in *The Abortion Debate* where, arguably, it would have made more impact. John Masterson contends that the film would have been much more effective as a stand-alone programme, in the original time slot (9.30pm), where it could have ‘added some maturity to the discussion’ (John Masterson, 2015, Interview with Researcher). The binary oppositional construction of *The Abortion Debate*, including balancing one film with the content of another and the addendum of the ‘balanced’ studio debate, serves to illustrate the power of the normative mode of address for constructing commonsense abortion discourse. Equally, it demonstrates how experiential discourse is seen as disrupting this norm. *The Abortion Debate* as a programme construct also illustrates how contentious, yet seemingly fundamental concepts such as objectivity and balance serve to undermine the power of subjective accounts in the production of knowledge. Brent Cunningham (2003) contends that ‘our pursuit of objectivity’ can actually sidetrack our journey to truth. There is an assumption that if knowledge is subjective it is inevitably unreliable; knowledge, Cunningham argues, requires both reason and experience (Cunningham, 2003, p.26).

## **Conclusion**

Juan Ramón Muñoz-Torres (2012) contends that in media journalism at any

given time there is a process of issue selection, according to graded significance in terms of the societal, political or cultural import of the issues or events of the day (Muñoz-Torres, 2012, p.573). This observation highlights the ongoing routine application of selection criteria in broadcast journalism, where one issue, or one aspect of an issue, will be preferred over others. From the outset, then, subjective decisions are endemic in broadcast journalism, and while objective criteria manage and control the implementation of structure on current affairs debate, such criteria cannot be considered as paramount in a process that only adheres partly to objective principles. In this context, the concept of objectivity, instead of raising standards of impartiality in broadcast journalism, actually works to create 'objectivist presumptions' (Muñoz-Torres, 2012, p.576).

There is an essential problem with production methods that consciously allocate uniform and equal treatment to opposing parties in current affairs debate. This is especially relevant when objective practice is applied to moral values. Can the same value really be accorded to every position on every issue in every situation? And, if not, then subjective choice, often informed by imbued commonsense about subjects like abortion emerges as the true arbitrator for the construction of television current affairs discourse. Media producers must learn to recognise 'the accepted narratives' and to question how such constructions work to perpetuate commonsense views about issues (Cunningham, 2003, p.30). The 'accepted narrative' of the Irish abortion debate, which began in 1983 and continues over thirty years later, will be examined in the following chapters of this research project.

## **Chapter 4 Discourse Analysis Study Methodology**

### **Discourse Study: Data and Objectives**

The role of language in the production of meaning about abortion in Ireland is a central concern of this research. This chapter explicates the methodology employed in the Discourse Analysis Study of 52 television current affairs programmes concerned with the subject of abortion, broadcast on Irish national television during key periods from 1983- 2013. The study aims to analyse specific, identifiable, measurable, historically contingent and influential modes of discourse as disseminated in current affairs programmes on national television over the three decades of the study.

The television current affairs genre was chosen as the site of investigation for a number of reasons, which are related to the form and structure of the format, and also influenced by my own experience with the production of abortion-related material, as previously outlined in Chapter 3. The current affairs genre is suitable for discourse analysis because it is a reactive medium, dealing, as its title implies, with events that are current and significant; crisis events often shape programme content and consequently the composition of panels in current affairs discourse. Additionally, the genre is governed by the rules of balance, which, as was previously argued in Chapter 3, corrals debate into a binary oppositional construction. The moderated studio debate is a key component of the current affairs format; studio debate is generally a performance of opposing viewpoints, often articulated by panellists who are ideologically invested in the debate. The genre, then, facilitates access to a mode of discourse, where frame generation and historically contingent ideological struggles can be identified and analysed, both within individual programmes and across the timeframes of the study.

The discourse analysis study seeks to identify dominant discourse frames and to examine their trajectories over a thirty-year timeframe. The findings in relation to patterns of discourse will function to isolate specific frames of

discourse, thus mapping the dominant frames of the debate, while also highlighting significant absences and important disruptions in abortion discourse. While there is broad consensus regarding the virtual absence of experiential discourse in the Irish abortion debate, this study, through an analysis of discourse patterns in current affairs programmes, aims to prove this widely held postulation.

Finally, while the study will engage in a process that seeks a form of ‘objective’ knowledge about discourse patterns and hidden meanings in current affairs programmes, the primary aim is not knowledge production about abortion discourse per se; it is rather a necessary precursor for movement into a different articulation of abortion in an Irish context. As such, the current affairs data of this research is also important as a resource for the investigation of new forms of production and innovative ways of interrogating established abortion discourse in the film practice. This process will be explained in greater detail in Chapter 6.

### **Methodological Approach: Preliminary Determinations**

My personal history as an independent TV producer/director predisposed me to choose television current affairs as a source of data, as opposed to radio or other media, including newspapers. This decision was also made with regard to the influence of the medium, not least the wide audience reach potential. I was also aware that abortion discourse patterns in television current affairs had not previously been researched in Ireland, notwithstanding the fact that the medium is a potent source for such investigation. Additionally, and crucially, television current affairs programmes are a visual medium, which relates directly to the practice element of this research project. The current affairs programmes – the raw data from the study – will be used as the source for ‘Détournement’ in Film One of the dual film construct, referred to previously in the Introduction and in Chapter 2.

The research began with a basic and wide-ranging strategy, to apply discourse analysis to Irish television current affairs debates about abortion

over a thirty-year period. As three decades is an extensive timeframe with a consequentially large body of material available, the first task was to restrict the programme data to specific sources and programmes, without compromising the broad nature of the investigation. A decision to restrict programme data to television current affairs texts broadcast by the national public broadcaster, RTÉ television, was taken at the outset of the study. The primary reason is that RTÉ television presented as the sole indigenous broadcaster of self-generated current affairs programmes from its inception in 1962, operating as a national broadcasting monopoly until 1998, when the privately owned channel, TV3, began broadcasting; subsequently in 1999, TG4, formerly known as Teilifís na Gaeilge, came on air. As such, RTÉ programmes presented a continuity of material for the entire timeframe of the study. Additionally, the public service broadcaster has historically played an important role in facilitating public discourse about social change in a national context, and continues to maintain a dominant position in Irish broadcasting, both in terms of social influence and audience ratings. On a practical level, access to RTÉ Television archives is procedurally straightforward. Academics can request information about programme availability, which they can then view and copy at RTÉ headquarters in Dublin; DVD copies of the programme material allows for ongoing reference to the data throughout the study.

Following the decision to restrict the study to RTÉ television current affairs programmes, the next step was to narrow the scope of programme research, with reference to the particularities of the central research focus. This decision concerned the selection of specific timeframes within the overall thirty-year period. As a primary aim of the research is to examine the scope for non-binary discourse in current affairs programmes about abortion, and particularly relating to the positioning of women who have undergone terminations outside the jurisdiction, the study timeframes were selected to coincide with crisis periods in the national debate. Flashpoint moments are initiated by the emergence of a hard case abortion narrative into the public sphere, often represented by a specific case, where an Irish woman or girl comes into conflict with Irish abortion legislation, including Article 40:3:3

of the Constitution that guarantees the right to life of the unborn.

Various scholars have written about abortion in Ireland including Fletcher (1998), Smyth (2005), Mullally (2005), Smyth et al. (1992), often related to historically important or crisis moments in the national debate. The 1983 period was selected as the site for the commencement of sustained discourse about abortion when the initial parameters of the debate, including the positioning of women, were established. A number of academics and journalists have examined this period, which was widely regarded as a divisive and pivotal moment in national social history. The second period, 1992 -94, including the emergence of the X Case (1992) and subsequent constitutional change, is also perceived as a very significant period in the Irish abortion debate, with reverberations, both legal and social, over subsequent decades. The relatively large body of literature directly concerned with the X Case and its aftermath supports this perceived significance, particularly from a feminist or woman-centered perspective. The C Case in 1997, although less extensively examined in the literature, is also regarded as an important flashpoint period in the abortion debate, by Lisa Smyth (2005) in particular. Finally, 2011-13 includes debate regarding the death of Savita Halappanavar (2012), which preceded the enactment of the Protection of Life During Pregnancy Act in 2013. Again, this period is significant, generating considerable national and international debate about abortion in an Irish context. With the exception of 1982-84 timeframe, the personal narratives of individual women and girls, and their materialisation into the realm of public discourse, was the trigger for these flashpoint moments. While other periods were considered, such as 2002 when the 25th Amendment to the Constitution (Protection of Human Life in Pregnancy Act 2002) was rejected by the Irish electorate, or 2010 when the European Court of Human Rights ruled on the A, B and C v. Ireland case, these did not meet the criterion of immediate or significant crisis, and were thus excluded from the study.

In summation, then, the four timeframes were selected in the wider context of the research project, presenting as crisis moments in the national debate.

The two-year window within each timeframe allows for an analysis of discourse prior to, during and in the aftermath of crisis moments. The study timeframes coincide with the Eighth Amendment to the Constitution debate (1983), the X Case (1992), the C Case (1997), and the death of Savita Halappanavar (2012), and the subsequent legislative changes in 2013.

### **Theoretical Constructs and Methods**

Discourse Analysis as advocated by Halliday and Fairclough requires comprehensive textual analysis. However, consideration of the wider social context and the application of intertextual analysis are also key components for the practical application of a discourse analysis model. Therefore, the methodology for this study must take account of the current affairs material as single texts in a broader environment ‘where language and discourse are a sum of many contexts’ – cultural, historical and sociological (Halliday, 1978, p.6). Literature related to specific timeframes in the study, previously examined in Chapter 2, provided constructive historical and social context for the investigation of programme data. Additionally, the examination of the rules governing the current affairs genre in the previous chapter, particularly the role of institutional production practices, objective principles and binary debate in the format construction, provided a second and imperative context for the discourse study.

### **Study Methods**

In March 2013, I made contact with the RTÉ visuals library requesting access to specific data information. Once my application for academic research had been approved, I began the process of locating programmes from the selected timeframes available in the RTÉ archives. The archive research began with the word ‘abortion’, as the key search word, which was restricted to the four timeframes of the study. The librarian assigned to assist the research emailed the results of this search.

From the RTÉ list, I compiled a viewing request list for each timeframe, which included all available current affairs material from the selected timeframes. A number of days were booked in the viewing area of the



visuals library in RTÉ over the following months, where the pre-selected material was viewed, and DVD copies of programmes were created. Following additional viewing and programme research, the decision was taken to further restrict the data to two main current affairs series, *Questions & Answers* (1988-2009) along with its short-lived successor *The Frontline* (2009-2012), and *Today Tonight* (1980-1992), re-branded as *Prime Time* in 1992, which still operates as the flagship current affairs programme in 2016. My decision to exclude other current affairs productions was based on a number of factors. *Prime Time*, re-branded from *Today Tonight* in 1992, is generally perceived to be the flagship current affairs programme in RTÉ, broadcasting twice or three times weekly in a peak time slot (directly after the main evening news at 9pm). *Questions & Answers* and its successor *The Frontline* also broadcast weekly and presented as significant in terms of scheduling, audience reach and public service remit. The format of *Questions & Answers* and *The Frontline* incorporated public participation, where individual audience members direct their questions, via the chair, to invited panellists, thus contributing to and shaping the programme content.

My decision to limit the source data to *Today Tonight*, *Prime Time*, *Questions & Answers* and *The Frontline* was taken following an appraisal of other current affairs programmes and series available from the selected timeframes, which indicated discourse replication, rather than innovation, in abortion debates across current affairs programming. In other words, it would appear that historically contingent patterns of discourse were reproduced almost generically in the current affairs genre, regardless of the perceived individuality of particular programmes. Finally, and importantly, I was cognisant of the correlation across the study timeframes, provided by *Today Tonight*, *Prime Time*, *Questions & Answers* and *The Frontline* when format continuity and consistency of production norms would aid the process of analysing discourse intertextually.

RTÉ current affairs programmes are generally presented in two formats, and both are studio based. *Prime Time* and *Today Tonight* represent the first programme type. While the format and running order can vary, an opening

presenter 'piece to camera' generally introduces the programme issue(s), followed by a film report on the subject; this is followed by a studio debate(s) with invited panellists. There are normally two or three, generally unrelated, subjects covered in each programme. *Questions & Answers* and its successor *The Frontline* represent the second format option. A presenter, who facilitates interaction between a panel of invited participants and a studio audience, chairs the programme. An invitation to apply for audience tickets in future episodes is normally made at the conclusion of each broadcast. But it should also be noted that the standard format practice is that the audience construction is subject to proportional invitation; a percentage of the audience will be activists, or advocates for and against programme topics, who are invited to formulate questions by the members of the production team. Audience questions are vetted in advance, and participation is subject to moderation by editorial staff and the debate chair. The format consists of 4-6 questions from the audience, on separate and generally unrelated subjects, to which each panel member (usually four or five) and audience members respond. Normally, the subject matter of the questions is related to issues current in public discourse, with a lighter, more whimsical question posed at the conclusion of the programme.

### **Data Analysis**

Following the location and copying of relevant programmes, the next task was to list, view and synopsis the available programme data (Appendix A). This synopsis was revised, if it was required, through subsequent viewings, when additional observations were added. There were 52 programmes available in total, amounting to a considerable quantity of material. Nonetheless, a decision was made to include all the available material in order to produce a comprehensive analysis across the four programme strands. However, in many cases only a section or sections of the study programmes were abortion-related; as previously mentioned, sectional construction is the norm for television current affairs programmes in an Irish context. In the case of *Questions & Answers*, for example, there might be four or five audience questions put to the panel in the hour-long programme, of which one or possibly two are abortion-related. *Today*

*Tonight* and *Prime Time* generally deal with two to three topics in each programme, and again, one or possibly two segments might be abortion-related. Nonetheless, while viewing and logging of the programme data was time consuming, it also served as a method to engender familiarity with the material, which was a significant benefit in the ensuing stages of data analysis. The addition of a time code bar on each DVD, imprinted during the copying process in RTE, facilitated the notation of important, or striking debate exchanges during the viewing process, by reference to their DVD number and time code. Once all the programme material was viewed, noted and synopsised, the next stage involved the creation and implementation of a data management method to facilitate the discourse analysis of the programme material.

### **Pilot Study**

At this juncture a pilot study, with the aim of creating a data analysis template, was conducted. In constructing the template consideration was given to how, following preliminary viewing and notation of the study data, observations about the current affairs material could be converted to a form of discernable knowledge. The aim of the pilot study was to assist in the production of a template for the break-down of data into conceptual units, particularly in relation to programme participants, as the primary carriers of meaning in the programme content. Also, the characterisation of participants, and their relationship to other participants, can be an indicator of pre-conceived expectation or indeed pre-ordination in the debate construction. The primary objective of the pilot was to test the feasibility of converting programme data, such as participation type, into units of conceptual currency.

The discourse analysis study aims to function as a broad, yet comprehensive, framework for closer scrutiny of language and discourse patterns in current affairs programming concerning the abortion debate. The methodology is performed through an initial strip down approach, where individual programmes are reconfigured as a series of data units, for the purpose of analysing significant and persistent modes of discourse.

### **Discourse Analysis: Terms and Categorisation**

Abortion discourse in current affairs programmes is regularly performed by those who are ideologically invested in the debate; their positioning in the debate is usually signified by appellation, terms and phrases, which can be ideologically specific and subject to dispute. The labels of pro-choice and pro-life are normatively used to denote clearly invested participants in abortion discourse, in order to identify their ideological positioning in the debate. However, such labels are open to contestation and are regularly reframed by opponents. For example, a pro-life position can also be labelled as anti-abortion, anti-choice or 'so called' pro-life. Similarly, a pro-choice identification can be reframed as pro-abortion, which, it might be argued, is a broadly analogous designation. In this instance the re-framing intent is the confutation of the pro-choice position as positive. On the other hand, pro-choice activists regularly object to the title pro-life for their opponents; they argue that pro-choice advocates are also pro-life, albeit in a different understanding of the term. What is clear is that individual and group self-signification in the abortion debate is contested, and re-framing of identifying terms is a struggle over language, just as ideological struggle takes place in language.

A further difficulty is that within the binary oppositional construct of abortion debate signifiers, that is pro-life and pro-choice, there are additional available positions along the scale, where, in particular, a pro-choice position can be qualified and confined within certain defined parameters. For example, a person or group might self-define as pro-choice only in the case of fatal foetal abnormality, or hold a position where they favour choice for fatal foetal abnormality but also include cases of pregnancy as a result of rape and incest. This position might best be defined as pro-choice for 'hard cases' only. Yet, within that construct the definition of what constitutes a hard case is open to further contestation and ranges from a very limited (confined to saving the life of the mother) to a very broad definition (all difficult cases, including mental health and suicidal ideation in pregnancy). Conversely, the pro-life position tends to be articulated as unqualified, but nonetheless it is possible to be in favour of

choice for some hard cases and also position oneself as pro-life.

Opinion polls, as outlined in Chapter 1, suggest that there are increasing numbers of Irish people who hold qualified positions about abortion, especially in relation to making exceptions for hard cases. As Cook, Jelen and Wilcox (1993) have argued, in polling the framing of questions on abortion has an effect on the estimates of population proportions that favour various legal options. For example, surveys that include questions that require a more nuanced appraisal of the issue, including consideration of specific circumstances, results in a less polarised result, and an increase in respondents who qualify their position and name the boundaries of their pro-choice position (Cook, Jelen and Wilcox, 1993, p.21). In reality, then, the normative terms of binary oppositional debate are unequal to the task of capturing the numerous possible ideological positions that are available in abortion discourse. A determination about the use of terms, and how to position programme participants as bearers of ideological meaning, was important for this study. After due consideration the normally used terms, that is pro-life and pro-choice, emerged as the least problematic characterisation for the purpose of computing a general position in the debate. While other possible terms were considered, including anti-choice, pro-abortion, anti-abortion and so on, a conclusion was reached that none of the possible, and easily understood, terms available were ideologically untainted. For example, the term anti-choice is used by pro-choice activists to denote those who wish to be characterised as pro-life, and in the same manner pro-life proponents reframe the term pro-choice to pro-abortion. As such, the simplest and least confusing solution is to employ the widely used terms, which are generally adopted by activists to self- identify their position in the debate. The terms pro-life and pro-choice will apply in the study. However, the question of qualified pro-life and particularly pro-choice positions cannot be ignored. It was determined at this point that a reference to qualified positions would be a requirement in the study, especially as the position of women, often publicly represented by hard cases, is central to understanding the nature of abortion discourse in a national context.

## Template Construction

I began the process of creating a template for content analysis of the televised abortion debate in Ireland 1982-2013 by reviewing sample current affairs programmes from each of four selected periods in the three-decade timeframe of the research – 1982-1984, 1992-1994, 1997-1999 and 2011-2013. The following programmes were chosen randomly to serve as pilot material for the creation of a data management template.

### *Today Tonight Special 10 March 1983*

This *Today Tonight* programme, facilitated by John Bowman, was a live broadcast of over 60 minutes duration, with invited panellists– Julia Vaughan (Chair of the Pro-life Amendment Campaign (PLAC), Adrian Hardiman (Lawyer, Anti-amendment Campaign (AAC), Mary Henry (Doctor, AAC), and Jim Sexton (Lawyer, PLAC), plus an invited studio audience representing different positions in the amendment debate. This programme deviates from the normal genre structure of *Today Tonight*, and presents as precursor to the home produced version of the BBC's *Question Time* and the format model for RTÉ's *Questions & Answers* (first broadcast in 1988). The *Today Tonight* programme was produced prior to a government decision about the final wording of the Eighth Amendment to the Irish Constitution, which was subsequently passed by referendum.

### *Today Tonight 18 February 1992*

This programme was broadcast after the High Court decision, and before the Supreme Court appeal, in the X Case, when a court injunction prevented a 14-year-old rape victim from travelling to Britain for an abortion. The film report revisits the 1983 referendum campaign and includes interviews with Mary Lucey (pro-life advocate), Mary Henry (formerly of AAC) and Mary Holland (journalist). The film is followed by an interview link to London with Helen Axby (Director Pregnancy Advice Clinic), conducted by Brian Farrell. The studio debate has two separate panels consisting of panel A, chaired by Olivia O'Leary, with William Binchy (academic lawyer and pro-life activist) and Michael McDowell (lawyer and politician). The second

panel, convened by Brian Farrell, has four panellists – Jim McDaid (politician), Alan Dukes (politician), Brian McKeivitt (Catholic priest representing the organisation Women Hurt by Abortion, pro-life) and Anne Kennedy (Life organisation, pro-life).

#### Questions & Answers 04 March 1997

The sample 1997 episode of *Questions & Answers* chaired by John Bowman, was broadcast prior to the emergence of the C Case, later in 1997. This was a relatively uncontroversial period in the abortion debate. The question from the audience is the second question put forward in the running order of the programme, and concerns the reluctance of politicians to debate the issue of abortion. The panellists are Mervyn Taylor (politician), Marian McGuinness (politician), Ivana Bacik (pro-choice academic lawyer) and Gerald Casey (academic and pro-life activist).

#### Prime Time 20 November 2012

This episode of *Prime Time* was broadcast after the Savita Halappanaver story became public in November 2012, but before the results of any inquiries into her death were known. The programme begins with a film report, which details the events surrounding Savita Halappanaver's death, and the public reaction, both in Ireland and worldwide. The panellists for the subsequent debate, chaired by Keelin Shanley, are Berry Kiely (doctor and medical advisor to the Pro-life Campaign), Dr. Peter Boylan (obstetrician), Billy Kellegher (politician) and, by link from London, Roger Clements (retired obstetrician).

### **Categorising Participants**

The process of developing a content analysis template commenced with preliminary viewings of these sample programmes from each of the four time periods. This involved notation for each programme, recording the primary identifying features of panellists, audience members, and those who take part in film reports. I noted their gender, their professional status, and if their position was stated or un-stated in the abortion debate. In the case of

issue positioning, I noted that there is a distinct difference between the debate in 1983 and the three other periods of the study. In 1983, those who expressed a view were, in the main, either pro-amendment or anti-amendment, and this subject position is particular to the period. This categorisation for 1983 is replaced in ensuing content sheets with pro-choice, pro-life or un-stated. In the process of viewing material, an un-stated category was added to the template, as a number of contributors to the debate do not explicitly state their position about abortion. It was also noted that those who situate themselves as pro-life are more likely to explicitly self-position in the debate.

The professional categorisation of the content template is a marker for analysing participants as carriers of meaning in the sample programmes viewed. The audience participation programme format was problematic in this respect. Audience members are generally introduced by name only, and their professional status is rarely explicated. The template category of 'Other' is used in these instances. For example, in the *Today Tonight* live audience and panel debate, broadcast in March 1983, there are 18 audience members in the Other category. In contrast, in the *Today Tonight* episode from 1992, which followed the normal panellist format for this genre, there are no participants who are categorised as Other.

The professional categories represented in the sample programmes are lawyer, doctor, journalist, politician, pro-choice activist, pro-life activist, religious, and, as previously stated, the category of Other. The category of women with abortion experience was added in the context of the overall research, although such women were not featured in any of the samples considered for the purpose of creating the content template. Their absence is significant, and worthy of note. While the categories denoting activists from both sides of the debate and women with abortion experience are not professions in the normative use of the term, these categories were created to take account of the primary participant identification in the context of the programmes, and the research aims.



The professional identification categorisation also presented an additional problem in the construction of the template in the pilot stage. The difficulty arises when participants straddle two categories in the same column; this occurs when programme panellists are presented in both a professional and activist capacity. In the pilot study this dual role is most apparent in the case of pro-life contributors; for example William Binchy is presented in the debate as a lawyer, and as a pro-life advocate, and Berry Kiely is a doctor, yet she also a medical advisor to the Pro-Life Movement. However, less frequently, it also occurs for pro-choice panellists; in the 1997 *Today Tonight* programme, Ivana Bacik is identified as a lawyer, but she is also widely recognised as a pro-choice advocate. Where this dual professional categorisation occurs, the participant is identified in their primary professional role, i.e. as lawyer and doctor. However, the inclusion in this column line of the categories total pro-life, total pro-choice and un-stated alleviates this difficulty of dual categorisation. The pilot study proved very useful as a mechanism to identify problems such as dual or multi-categorisation for programme participants. The creation of additional template categories was necessary during this process, to mitigate against the creation of singular participant labels.

The categories denoting gender, professional status and issue positioning are identical for the separate column lines concerned with panel debates, audience participants and film reports, to facilitate comparison, should it be necessary, between the three types of discourse within the current affairs format. The durations of programme, be it film report or panel debate, or indeed the entire broadcast durations for programmes without a sectional format, are included in the template. The position of an abortion question in the programme running order, i.e. first, second, final etc., is also important; question positioning is often key to locating the relevance of, or importance accorded to, the issue in public discourse of the period.

### **Discourse Categorisation**

The final line category in the content analysis template is labelled discourse analysis, and is used as broad guide for discerning discourse patterns. It is

important to state, from the outset, that this categorisation was included for the benefit of the researcher only. Throughout the sample programme pilot viewing process, the main discourse categories in the programme content were noted, and subsequently a number of additional columns, based on the initial viewing of material and knowledge about the historical trajectory of the debate, were added. Using the very simple method of applying a scoring system each time a contributor adopted an identifiable discourse mode, it was possible to establish broad discourse patterns. While conducting the pilot, the pervasiveness of struggle in abortion discourse was clearly evident, primarily identified in robust frame generation and counter-framing by programme participants. By default, the development of a method for discourse categorisation also engendered familiarity with the processes of frame generation, where repetition, framing fidelity and counter framing act to simplify the debate concepts, thus limiting the range of discourse in the debate.

The study template includes a number of discourse category columns in the template, as a referent for the future location of examples of discourse, where pivotal frames of debate are evident and significant. The isolation of discourse frames in each programme, and subsequently each timeframe, facilitates comparison across periods; the process of conceptualising discourse frames as data units, however loose, acts then as a guide for locating and interrogating intertextual patterns.

It should be emphasised that this method was used to provide a general framework; the method is subject to numerous caveats, not least of which is the impossibility of replicating the results. However, the notation of discourse frames and the application of numerical value to discourse categories were helpful as the research progressed. Perhaps the approach can best be compared to the taking of notes while examining data, where conceptual categorisation acts as a useful pointer for further investigation, rather than discernable knowledge per se. The following categories of discourse were included in the discourse notation: 'Baby'; 'Mother'; 'crisis pregnancy'; 'backdoor/floodgates'; 'choice/women's rights';

‘moral/religious’; ‘politics’ (expert groups etc.); ‘legal/constitutional’; ‘medical’; ‘hard cases’ (including a referent for hard cases type); ‘equal right to life’; ‘abortion statistics’; ‘experiential discourse’. Obviously, some of these discourse modes are particular to the issue of abortion, for example the category of ‘unborn rights’, while others, such as medical or legal discourse are more generally applied, and are often used in other contexts. Indeed, medical and legal discourse are identifiable both as categories of discourse, and also overlap as particular forms of language, more commonly labelled expert jargon.

In the final analysis, a number of the discourse categories were not included as specific frames of discourse in the study findings. Nonetheless, their inclusion at the preliminary stage of investigation provided a comparative framework to facilitate the emergence of dominant discourse frames for the study. The construction of a method to compute the frequency of designated discourse categories also provided a general referent for the rate of occurrence of individual discourse modes.

Following this process, a study template was finalised as a working model base chart for the content analysis of each of the 52 programmes in the study (Fig. 1).

Fig. 2 shows a completed sample individual programme chart for *Today Tonight* 17/02/1992 from the pilot study.

Fig.1

Name of programme Date  
Convenors

Panel

<b>panellists</b>	male	female	lawyer	doctor	journalist	politician	prochoice activist	prolife activist	religious	other	women with abortion experience	total pro choice	total pro life	un-stated
	<b>total</b>													
<b>audience participants</b>														
<b>Ask question or make statement</b>	male	female	lawyer	doctor	journalist	politician	prochoice activist	prolife activist	religious	other	women abortion experience	total pro choice	total pro life	un-stated
<b>total</b>														
<b>Duration</b>	5-15 mins		15-30mins			30-45mins		45-60 mins		60 mins plus		other		
<b>of debate</b>														
<b>filmed report insert</b>														
<b>interviewees</b>	male	female	lawyer	doctor	journalist	politician	prochoice activist	prolife activist	religious	other	women abortion experience	total pro choice	total pro life	un-stated
<b>total</b>														
<b>discourse analysis</b>	baby	mother	crisis pregnancy	backdoor floordgates	foetal unborn rights	choice women rights	moral religions politics expert group hearings	legal/ constitution issues	medical issues	hard cases rape suicide fatal foetal ab.	two patient equal right to life	abortion statistics	The views of women who have abortions	
<b>no. of mentions</b>														

Fig. 2

Today Tonight 18/02/1992  
 Filmed report Studio discussion  
 Convenor Olivia O' Leary Brian Farrell

Panel A- William Binchy Michael McDowell  
 Panel B- Anne Kennedy Fr. Brian McKeivitt  
 Jim McDaid Alan Dukes

Panelists	male	female	lawyer	doctor	journalist	politician	prochoice activist	prolife activist	religious	other	women with abortion experience	total pro choice	total prolife	un-stated	
	<b>total 7</b>	5	2	2			2	1	1	1	C		1	3	3
Audience participants	NA														
Ask question or make statement	male	female	lawyer	doctor	journalist	politician	prochoice activist	prolife activist	religious	other	women with abortion experience	total pro choice	total prolife	un-stated	
Duration of programme	5-15 mins		15-30mins			30-45mins		45-60 mins		60 mins plus		other			
filmed report insert	✓														
Interviewees	male	female	lawyer	doctor	journalist	politician	prochoice activist	prolife activist	religious	other	women with abortion experience	total pro choice	total prolife	un-stated	
<b>total 3</b>		3		2	1								1	2	
discourse analysis	baby	mother	crisis pregnancy	backdoor floodgates	foetal unborn rights	choice women rights	moral religions		sectarianism	legal/constitution issues	medical issues	Hard cases suicide rape fatal-foetus	two patient equal right to life	abortion statistics	The views of women who have abortions
no. of mentions	5	5	2		9	1	2		12		9	R	1	1	

## **Implementing the Pilot Study**

Once the template was finalised the next stage was to complete a study chart for each of the remaining 48 programmes. The method of two viewings per programme was applied for optimal accuracy in both participant column lines and to facilitate familiarity with discourse in individual programmes. Once the participant data charts were completed for each timeframe, the information was computed in an additional timeframe chart, where the data for the entire period was processed, and numerical data was converted to percentages for participant categorisation. This was done for ease of comparison across the four timeframes and to militate against the difference in the volume of programme material for different timeframes. For example 7 programmes were examined for the 1981-83 period compared to 21 programmes broadcast in the 1992-94 timeframe.

An example of a timeframe-specific data sheet, where the 1997-99 period has been processed, can be seen in Fig. 3. : Fig.4 shows the completed chart for participant analysis for all four timeframes. The participant and discourse timeframe charts for the four periods are available in Appendix B.

Fig.3

1997-99 Content Analysis  
8 PROGRAMMES 2.30 HR

<b><u>PARTICIPANTS</u></b>	<b>male</b>	<b>female</b>	<b>lawyer</b>	<b>doctor</b>	<b>journalist</b>	<b>politician</b>	<b>PL activist</b>	<b>PC activist</b>	<b>religious</b>	<b>other</b>	<b>w/m abort exper</b>	<b>Total PC</b>	<b>Total PL</b>	<b>unstated</b>
Q&A 03/02/97	4	5	1			2				6			5	4
Q&A 04/03/97	6	5	1			2	5	1		2		1	6	4
PT 21/03/97	2		1		1								1	1
PT 18/11/97	3	1	2		1	1							1	3
PT 19/11/97	2	1					1			2			1	2
Q&A 24/11/97	4	11		1	1	2				11		1	6	8
PT 15/06/99	1	2	2							1		1	1	1
Q&A 21/06/99	3	4			1	2				4				7
<b>TOTAL PERIOD</b>	<b>25</b>	<b>29</b>	<b>7</b>	<b>1</b>	<b>4</b>	<b>9</b>	<b>6</b>	<b>1</b>		<b>26</b>		<b>3</b>	<b>21</b>	<b>30</b>

Fig.4

PERCENTAGE PARTICIPANTS DATA  
4 PERIOD CHART

<b>PERIOD</b>	<b>1981-1983 %</b>	<b>1992-1994 %</b>	<b>1997-1999 %</b>	<b>2011-2013 %</b>
<b>MALE</b>	61	50	46	42
<b>FEMALE</b>	39	50	54	58
<b>LAWYER</b>	12	11	13	17
<b>DOCTOR</b>	16	5	2	12
<b>JOURNALIST</b>	1	5	8	8
<b>POLITICIAN</b>	8	27	17	28
<b>PRO-LIFE ACTIVIST</b>	13	6	11	8
<b>PRO-CHOICE ACTIVIST</b>	3	2	0	4
<b>RELIGIOUS</b>	11	3	0	1
<b>OTHER</b>	36	42	49	18
women with abortion experience	0	0	0	4
<b>*TOTAL PRO-AMENDMENT/ LIFE</b>	39	31	39	35
<b>**TOTAL ANTI-AMENDMENT /PROCHOICE</b>	51	8	6	*** 21
<b>UNSTATED</b>	10	61	55	44

\*PRO-AMENDMENT 1983 ONLY

\*\* ANTI-AMENDMENT 1983 ONLY

\*\*\*8% OF 21% DECLARED PRO-CHOICE FOR HC

(Note: HC = hard case)



As can be seen from Fig. 4, the individual line data for participant type is presented in percentages. For example, 61% of programme participants are male in the first timeframe, while males accounted for 42% of contributors in the 2011-13 period. Another example is the religious participant category (professional clerics) accounting for 11% of participants in the 1981-83 period, and declining substantially in the following periods – to 3% of programme partisans in 1992-97, absent in 1997-99, and accounting for 1% of contributors in the final timeframe of the study. The timeframe comparative chart provides a simplified reference for measuring participation levels in each timeframe, which assists in making a comparative analysis of discourse intertextually.

As the participant charts were computed, so too were the individual discourse columns, previously referred to. However, as the study progressed the reliability of this data was continually questioned. At this point in the study, while the discourse columns were computed and converted to percentages, the usefulness of applying numerical value to frames of discourse was superseded by a growing familiarity with the programme data through repeated viewing, research notation and ongoing interpretation. It became clear that content observation of the current affairs programmes in the study served not only as a precursor to interpretation, but that interpretation was also a growing part of the observation process. In this regard the computation of the frequency of individual discourse frames, through a rough process of applying numerical value, was useful only as an additional referent for mapping the trajectories of modes of abortion discourse. For example, the combined participant comparison chart in Fig. 4 shows a rise for doctors, from 2% of participants in the 1997-99 timeframe, to 12% in 2011-13. A referral to the combined period discourse computation chart also showed a considerable rise in the incidence of medical discourse (See Appendix B). Nonetheless, it became apparent that as a system to compute the frequency or absence of discourse frames, the process, although useful, cannot be replicated in the sense that these are qualitative judgments. While mapping discourse frequency was a constructive in the

early stages of engaging with programme material, the methodological limitations prohibit its use as independent evidence for the findings of the study.

### **The Study: Strengths and Limitations**

The discourse analysis studied 52 current affairs programmes, broadcast on RTÉ television concerned with the subject of abortion. The study was confined to four timeframes, 1981-83, 1992-94, 1997-99 and 2011-13. The programmes represent the entire archive available from RTÉ for the four selected prime-time current affairs series related to the study timeframes. The study aims to isolate and plot the trajectories of specific modes of discourse and to use this data to interpret how abortion discourse has been constructed in current affairs programmes. The positioning of women, particularly those who have abortion experience, is of central concern. The role of dominant discourse frames in the construction or curtailment of experiential abortion discourse is a key focus in the interpretation and analysis of the data. The study isolated discourse frames with important and historically contingent trajectories; these frames will be subject to interpretation in the next chapter.

### **Methodological Limitations**

The wide-ranging scope of the investigation, although necessary for comprehensive intertextual analysis, was a difficulty in the research process. There was considerable time devoted to location, viewing, synopsis and analysing the programme data, which amounted to many hours of assessing current affairs footage. A sampling method might have afforded a more manageable system for investigation. Programme sampling would also have provided greater scope for detailed textual analysis and closer scrutiny of discourse patterns in sample programmes. For example, Fairclough often uses a newspaper article, or single events to exemplify his approach to discourse analysis. However, sample programmes from each period could not provide the broad analysis required for the purposes of this study. If, for example, two sample programmes were chosen from each period, then a

total of 8 rather than 52 programmes would be examined in the study. Significant data would be lost in such an approach, and the risk of biased selection of programme samples would be increased. While the introduction of random selection for programme samples would militate against biased sampling, it would also increase the probability of missing material of significance for this particular research study. The design of the study, with all programmes emerging from one source (RTÉ) and including two distinct programme stands, affords a superior model for the location and mapping of dominant discourse frames when compared with a programme sampling method. While the study is subject to various restrictions and data management, the 52 programmes of the study represent a broad and comprehensive example of current affairs debate conducted on Irish television in the thirty-year period of the study.

The management of discourse categorisation, including the application of conceptual value to frames of discourse, was also an ongoing methodological issue in the course of computing programme data. At the commencement of the study, the application of a scientific and verifiable method was the preferred methodology for the purpose of charting changes or continuities in discourse patterns. But, the employment of a scoring system for frames of discourse was only partly ameliorated by the analogous record of participant data according to their positioning in programme debates. For example, a significant rise in the participation of doctors in programmes from one timeframe to the next, presents as a valuable indicator of similar rise in the preponderance of medical discourse. However it is not a definitive method, and can only be verified by close textual analysis of programme content. A scientific method for computing individual frames of discourse in a numerical form was not possible within the boundaries of this study. While the general computation method, previously outlined, was applied, it was not precise, or verifiable, and as such could be used only as an indicator for further investigation. The question of how to apply value to individual frames of discourse was overcome in part through repeat viewing of programme material and extensive notation. In conjunction with the analysis of participant data, these

observations serve as a combined method for ongoing interpretation of discourse patterns in the programme data. The programme synopsis already referred to is available in Appendix A, while the participant and discourse analysis data for the four timeframes in the study can be found in Appendix B.

### **From Observation to Interpretation**

The final stage in this discourse study of current affairs programmes related to the Irish abortion debate is the interpretation of the discourse patterns located in the study. This is essentially the analytic constituent of the discourse study. The findings, in Chapter 5, will be presented with reference to the interpretation of programme data outlined in this chapter. The close textual analysis of examples of discourse, as representative of individual frames of discourse and observed in this stage of research, will be exemplified and interpreted in the next chapter. The discourse analysis aims to illustrate the effects of domination, contestation and new frame generation in abortion discourse, with reference to the role of historically contingent events, binary oppositional constructs and the positioning of experiential discourse in the Irish abortion debate.

## **Chapter 5 Study Findings**

### **Content and Discourse Analysis of RTÉ Abortion-Related Current Affairs Programmes, 1983-2013**

This chapter will set out and draw conclusions from the findings of the discourse analysis study of RTÉ current affairs programmes concerned with the subject of abortion, broadcast in four timeframes – 1982-1984, 1992-1994, 1997-1999 and 2011-2013. The study employed a data management strategy for programme discourse through the development of a series of participant charts for individual programmes, culminating in a comparative data chart for the four periods 1983-2013. As previously outlined, the four study timeframes present as important or crisis periods in the overall thirty-year abortion debate 1983-2013. The objective was to categorise participant type according to professional status and ideological positioning. The categorisation was prepared for each period of the study in order to map similarity and divergence between the four timeframes. Significant themes, as articulated in dominant frames of discourse expressed by programme participants, were subjected to close textual analysis to facilitate the emergence of discourse patterns related to each timeframe of the study.

The study investigates how discourse framing and contestation have shaped abortion discourse in RTÉ television current affairs in the four timeframes of the study. Equally, the study refers to social context, in particular the positioning of experiential abortion discourse and the effect of hard case narratives on discourse patterns. A central objective is to examine how dominant frames operate in abortion discourse to constrict or subordinate subjective standpoints, thereby creating and maintaining commonsense assumptions about abortion. Furthermore, the study will map change, disruption and continuity in discourse patterns in order to produce an overview of abortion discourse in RTÉ television current affairs programmes 1983-2013.

## **Period 1 1981-1983: Making the Case for the Unborn**

In the first current affairs programme available for this period of the study, an edition of *Today Tonight* broadcast on the 18 February 1983, Julia Vaughan, an obstetrician and Chairperson of the Pro-life Amendment Campaign (PLAC) describes the proposed amendment, which will guarantee the right to life of the unborn, as necessary because ‘surely the most defenceless are those in the womb’ (*Today Tonight* 18-02-1983). The vulnerability of the unborn under threat in ‘the womb’ is emphasised, as is their defencelessness against ‘direct killing’ because, Vaughan argues ‘in America it is a most dangerous place to be because one in three people in the womb are killed’. Important in the construction of the foetus as vulnerable is the parallel establishment of abortion as a murderous act. The framing of the womb as a place, rather than as an organ within a woman’s body, serves to separate women from their internal physiology, and by extension their unborn children. The autonomous womb becomes a ‘dangerous place’, where the inhabitants require protection. Embedded in this argument is the implicit valuation of unborn life as equivalent to those already living, which expands the unborn claim to life. Once the problem has been defined, the solution, which is constitutional protection for the unborn, is presented by Vaughan as the preferred method to prevent ‘the direct killing of the unborn here’ (*Today Tonight* 18-02-1983). Additionally, Vaughan’s assertion, which equates abortion with ‘killing’, is presented not as a value judgment, but simply as a fact. Echoing Vaughan’s view, an audience member in a *Today Tonight* programme in March 1983 contends that ‘this is what we’re talking about, killing human life’ (*Today Tonight* 10-03-1983). The presentation of conception as the point for commencement of life is also represented in programme discourse as factual, rather than as something that may be open to interpretation. One female audience contributor argues that ‘human life, the uniting of sperm and ovum scientifically begins at conception and not at implantation, which is not a medical issue to be discussed and debated, it is a medical fact’ (*Today Tonight* 10-03-1983).

The establishment of the unborn as legally unprotected, and therefore in need of human rights, is an important frame of discourse in the 1983 debate. Jim Sexton, a programme panellist and a lawyer representing PLAC, argues that ‘we believe that this right [to life] should be extended as a natural indication of the growth of our democracy to those who don’t yet have it – the human beings who are not yet born’ (*Today Tonight* 10-03-1983). Here, Sexton forges a connection between ‘the growth of democracy’ and the establishment of human rights for the unborn. William Binchy, a lawyer, pro-life advocate and panellist on a programme in September 1983, argues that ‘the issue of the human rights of the unborn against abortion’ is of ‘such a nature’ that a constitutional referendum is vital (*Today Tonight* 08-09-83). In this instance, the guarantee of human rights for the unborn is directly positioned against the threat of abortion. The right to life for the unborn is routinely articulated in current affairs programmes in 1983, and any potential conflict, arising from the competing rights of women and the unborn, is carefully sidestepped.

To counteract discourse about the balance of rights, programme participants who foreground the rights of the unborn position superior maternal rights as tantamount to the liberalisation of abortion legislation. In a programme in June 1983, John Bonner, a professor of obstetrics and pro-life advocate, argues that should the foetus be accorded ‘less rights than is in this amendment, and it becomes a situation where its rights are very far below those of the mother, it automatically follows that you have liberal abortion’ (*Today Tonight* 01-06-1983). His contention centres on the proposition that failure to enshrine unborn rights constitutionally will lead to abortion on demand. Bonner argues that granting superior rights to the mother would be ‘unsafe’ because strong maternal rights acts as a mechanism for the creation of a liberal abortion regime. A fellow obstetrician, Eamon O’Dwyer, in an earlier edition of *Today Tonight* in 1983, also presents this ‘slippery slope’ proposition. In developing his argument, O’Dwyer describes how the British Abortion Act 1967 was ‘a limiting bill initially’ but then became ‘abortion on demand, as it is now’. By equating failure to confer foetal rights as synonymous with the liberalisation of abortion law, O’Dwyer

presents strong foetal rights as the only way to prevent ‘abortion on demand’ (*Today Tonight* 18-02-1983). An audience member in the same programme also evokes the example of Britain: ‘While this programme is on the air thirty babies will be aborted in Britain. When the law is changed like that [as in Britain] you are writing the baby out of the equation’ (*Today Tonight* 18-02-1983). Again, unborn rights are framed as paramount in order to prevent the liberalisation of abortion. However, the primacy of unborn rights does not go unchallenged in programmes in the 1983 referendum debate. In response to the previous contributor, the programme presenter, John Bowman, interjects and draws the argument back to the Irish situation by arguing that ‘while this programme is on the air one Irish woman will travel to Britain for an abortion’ (*Today Tonight* 18-02-1983).

The ‘backdoor’ to Britain is mentioned by a number of audience contributors in the same programme. Ann O’Donnell of the Rape Crisis Centre, contributing from the audience, refers to the argument, as put forward by pro-amendment advocates, that abortion will come into Ireland via ‘the backdoor’. She asserts that this argument is ‘total moral hypocrisy’ and furthermore that ‘abortion is currently going out the backdoor [to Britain], and we are doing nothing about it’ (*Today Tonight* 18-02-1983). In a later contribution, Julia Vaughan employs a tangential approach in response to the use of ‘the backdoor’ to Britain for abortion services. Couched in the context of her role as a doctor, Vaughan exemplifies the potential negative effects of abortion for women. She contends that if ‘you have a patient who does not want a pregnancy’, who you then ‘subject’ to an abortion, how, Vaughan asks, ‘is this person going to live with herself for the rest of her years’ (*Today Tonight* 18-02-1983). Vaughan concludes by saying that ‘we have all seen the stigma and trauma that results from taking life’ (*Today Tonight* 18-02-1983). The language Vaughan employs in this instance is interesting: firstly, she positions abortion as a procedure that a ‘patient’ is ‘subjected to’, and not as something a woman might choose to do. Additionally, she frames an abortion decision as ‘taking life’, involving ‘stigma’ and ‘trauma’ in the aftermath. This contribution from Vaughan



mirrors her repeated assertion, in this and other programmes, that abortion involves ‘the direct killing of the unborn’, and further to this, she now implicates women as the perpetrators in the act of ‘killing’.

Over half of the contributors in programmes broadcast in the 1982-84 period argued against the amendment proposal, frequently as spokespersons for the Anti-Amendment Campaign (AAC), and often framing their opposition in social, legal and medical modes of discourse. In a *Today Tonight* programme broadcast on 1<sup>st</sup> June 1983, a number of doctors, members of ‘Doctors against the Amendment’, outline the potential difficulties with the proposed amendment, which guarantees equal rights to a pregnant woman and an unborn child. The doctors highlight the ‘medical and medico-legal dangers associated with the present wording’, including concerns that ‘if the amendment is passed it will be difficult to choose between mother and foetus if they have equal rights’ (*Today Tonight* 01-06-1983). This argument exposes the potential difficulty for the determination of equal rights, in the context of medical emergency, where one set of rights must be preferred over another. In the same programme, but on a separate panel discussion, John Bonner responds to concerns about medical practice and abortion. He states that ‘it is utterly unacceptable to say that any woman’s life is going to be put at risk with this amendment’. Bonner argues that the constitutional amendment will not affect established practice. What it will do, he contends, is ‘simply prevent legal abortion coming into Ireland’ (*Today Tonight* 01-06-1983). Once again, the amendment is presented as a safeguard against abortion, and of no real import for ‘established’ medical practice. However, fellow obstetrician and panellist, Fergus Meehan, disagrees. He argues that according equal rights to the unborn is unnecessary: ‘We never had to give equal rights to life to the foetus [in practice]. There is no country in the world that has done that’ (*Today Tonight* 01-06-1983). In this instance, Meehan presents his contrary assessment of established medical practice, which he argues does not accord, in a worldwide context, equal rights to a foetus and the mother.

In 1983, the referendum debate was conducted from the opposing and delineated positions of those in favour of the amendment, and those against. As such, the debate fragmented into a number of issues, many of which were not directly related to the issue of abortion, including the potential illegality of certain contraceptive devices post-amendment and the issue of sectarianism. Discourse pertaining to sectarianism arose from the perception that the amendment embodied Catholic moral teaching, regardless of the beliefs and values of citizens of other religions and of none. Clergy were well represented as contributors in current affairs programmes during the 1981-83 timeframe of the study, where they accounted for 11% of total participants, as compared to the highest scoring professional category of doctors at 16%. Protestant clergy, who are often described as representing the minority church in Ireland, were unusually visible in public discourse in 1983: as programme contributors Protestant clerics were almost on a par with their generally more vocal and well represented Catholic counterparts (7 Protestant clergymen and 8 Catholic priests appeared in the eight programmes in this first timeframe of the study). This sizeable presence reflects the emergence of a frame of debate focussed on the sectarian nature of the amendment. This is because ‘underlying this proposal [the amendment] are very complex religious, moral and social issues’, as one Protestant clergyman/programme contributor argues; consequently ‘the state should not be obliged to choose one side or the other, nor should it be a matter for a majority vote’ (*Today Tonight* 01-06-1983). A male lay contributor in the same programme argues that ‘the people of Ireland have begun to move for change and they are not going to allow a right wing Catholic grouping to turn it back’ (*Today Tonight* 01-06-1983). Adrian Hardiman, a lawyer representing the AAC, concurs with this point of view, asserting that a right wing catholic organisation is ‘trying to impose one view on the whole country’. This argument, articulated primarily through the sectarian/pluralism frame, encompasses many aspects of Irish society in the early 1980s when, for a variety of reasons, traditional values were coming under increasing pressure. The sectarian frame of debate, which gained traction during the referendum debate, served to widen the parameters of discourse to encompass a broader societal discussion.

However, it is arguable that the position of women in Irish society was not paramount in this broad debate; in programmes in this timeframe there is no identifiable discourse that foregrounds women's rights in terms of reproductive choice.

Wide parameters of opinion were evident in the public campaign against the amendment, including an anti-abortion position. For example, in a programme in February 1983, Mary Henry, an anti-amendment campaigner and spokesperson for the AAC, declared that she had 'been in the privileged position of being publicly able to vote against abortion' at an international conference, where she cast a vote against a resolution to bring in abortion in various countries. However, she also expresses empathy with the position of women who choose to have abortions, from her standpoint as a doctor: 'How will any patient who has been to England and may have had an abortion feel that she can come in to see her doctor in this country if he or she stands up and says you are a murderer' (*Today Tonight* 18-02-1983). Mary Henry implicitly draws attention to the language of the debate and exemplifies the potential problem that could arise in a post-abortion doctor-patient encounter, when the act of murder is equated with abortion in public discourse.

In the national referendum debate in 1983, current affairs programmes were constructed to maintain balanced debate between those in favour of constitutional rights for the unborn and those against the amendment, who broadly, though not exclusively, foreground constitutional and communal concerns. Diffusion of the anti-amendment case into diverse frames of societal discourse acts to moderate, or entirely exclude, more specific frames, including experiential discourse about abortion. Furthermore, the rights of women in reproductive choice, when they do emerge, are consistently framed within the confines of medical practice, and, as such, are positioned as a matter of medical judgment, rather than an issue of personal choice. In contrast, from the commencement of the campaign in 1983, pro-amendment campaigners articulate a single, unambiguous position, advocating for constitutional protection for the unborn. The

discourse study reveals that proponents of the amendment in 1983 present a consistent frame, which almost exclusively centres on the rights of the unborn; consequently the rights of the unborn are positioned as paramount in the debate.

In 1983, the Irish people voted three to one in favour of inserting Article 40:3:3, which is also widely referred to as the Eighth Amendment, into the Irish Constitution. In a *Today Tonight* programme broadcast following the referendum result, Mary Robinson<sup>1</sup>, a lawyer and anti-amendment campaigner, argues that injunctions preventing women from travelling to procure abortions in other jurisdictions has become ‘a real legal possibility now’. Robinson’s argument centres on the constitutional protection for the unborn created by the amendment, which is ‘entitled to its remedy, it is entitled to be asserted’ (*Today Tonight* 08-09-1983). Almost a decade would pass before Robinson’s prophetic assessment would materialise, when a young girl, known as X, was the subject of an injunction brought by the state to prevent her leaving the country to procure an abortion in Britain.

### **Period 2 1992-1994: Hard Cases and Unborn rights. The Moral Dichotomy**

In March 1992, the narrative of X, a fourteen-year-old girl, pregnant as the result of rape, propelled the amendment, then known as Article 43:3:3, (which equates the life of the unborn as being equal to the life of the mother) into prominent public discourse once again. The large body of current affairs programmes available for this period (21 in total) is reflective of the public concern and media interest in the situation, when, initially, a teenage girl was prevented by state injunction from travelling to procure an abortion in Britain. The High Court injunction was subsequently lifted by a decision of the Supreme Court, which held that a woman had a right to an abortion under Article 40.3.3 if there was ‘a real and substantial risk’ to her

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<sup>1</sup> Mary Robinson was subsequently elected the 7<sup>th</sup> President of Ireland (1990-1997) – the first woman to hold the office. Following this, she became the United Nations High Commissioner for Human Rights (1997-2002).

life. While this right did not extend to a risk to the health of a woman, it did exist if the risk to her life was the possibility of suicide.

The 1992–94 discourse analysis points to a decline from the 1981-83 timeframe in the participation rates of identifiable pro-life activists, falling from 13% to 6% of total participants in current affairs programmes. The decline in participation rates for pro-life activists coincides with a fall in clerical participation, decreasing from 11% in 81-83 to 3% in 92-94. Conversely, there is a substantial rise in the participation rates for politicians, moving from 8% in 1983 to 27% of participants in programmes in this timeframe. This may be reflective of the political crisis engendered by the decisions of the courts in the X Case, and also by the level of national disquiet and international media interest. But it may be equally reflective of a disinclination on the part of politicians to engage with the 1983 amendment debate.

The anti-amendment position, as articulated by over half of programme participants in the 1981-83, does not translate into a discernable pro-choice position in 1992-94. This might be seen as a legacy issue from the 1983 referendum debate, when a repetitive frame of discourse about unborn rights facilitated the emergence of a commonsense view about abortion, and a consequent failure to establish the rights of women as central in abortion discourse. This is because repetitive framing of discourse can lead to the construction of boundaries, where the ideological limits of the debate are set. Then, through a process of hegemonic agreement, certain positions are placed outside the boundaries of abortion debate; positions such as advocating for choice are rendered taboo or illegitimate, even in cases where a choice frame of discourse is restricted to exceptional or hard cases. In the previous 1981-83 timeframe hard case discourse is relatively insignificant in the study programmes. Theoretical discussion about potential hard cases, primarily conducted through the prism of a hypothetical woman, pregnant as a result of rape or incest, is evident, albeit as a cursory, almost fleeting frame of discourse. However, in 1992 when the theoretical hard case of 1983 materialises in reality, the effect on abortion

discourse is transformative. As politician Mary Harney, a programme panellist reacting to the X Case, argues ‘when we deal with an individual when it’s personalised we are a forgiving nation’ (*Today Tonight* 24-02-1992).

When the X Case became public in February 1992, current affairs discourse was conducted primarily in tandem with the unfolding story, and was initially focussed on discourse about the competing rights of pregnant women and the unborn. When asked on a *Today Tonight* programme about the original decision of the High Court to place an injunction on X to prevent her from travelling outside the jurisdiction, lawyer Tom Coonan argues that, rather than being benign, Article 40:3:3 of the Irish Constitution has been revealed as ‘a wolf dressed up in red riding hood granny’s clothing’, and ‘the potential for destroying women in this society is absolutely enormous now’ (*Today Tonight* 19-02-1992). Here, his forceful contribution foregrounds the position of women. Nonetheless, discourse foregrounding the unborn also remains consistent during this period. Responding, some weeks later, to the decision of the Supreme Court to lift the injunction on X, Bernadette Bonar, a pro-life advocate, states that ‘it’s a sad day for Ireland, it’s a sad day for women, and it’s a sad day for this little baby who is now going to be executed’ (*Today Tonight* 24-02-1992). In this instance, Bonner relates the decision as being ‘sad for women’ but emphasises the position of ‘the baby,’ who will be subjected to execution. As these two examples show, the facts of the X Case enable programme panellists to articulate their views in strong emotive language.

The emergence of a binary debate, between those who foreground the position of women and those who foreground unborn rights, is a feature of this timeframe. The contributions from two audience members in an edition of Questions and Answers in March 1992 exemplify this mode of binary discourse. One woman argues that the debate raises issues about the value placed on women in society and asks if we ‘value them and define them in terms of their reproductive capacities or do we value them as full human beings’. In response, a second female contributor contends that ‘a lot of

politicians are talking about the value a woman has to offer to society' but it seems that because 'the unborn child isn't doing anything and doesn't have a vote, doesn't earn money that somehow they are considered less' (*Questions & Answers* 02-03-1992). Intrinsic in this contribution is the belief that the unborn child, no matter 'what stage of development they are', has the same value as a woman in society, while the previous contributor, who foregrounds the position of women, makes her argument without any reference to the position of the unborn. In this emergent frame of debate, it would appear that the existence of the other party is diminished or ignored for the purpose of expanding the claims of either women or the unborn.

When the Supreme Court ruling in the X Case held that a woman had a right to an abortion under Article 40:3:3 if there was a real and substantial risk to her life, including the risk of suicide, discourse about suicidal ideation in pregnancy emerged as a new frame in abortion debate. In a two-person panel discussion on *Today Tonight* in March, Bernadette Bonar frames her opposition to the Supreme Court judgment by contending 'there is no such thing as limited abortion'. She exemplifies 'America, England, right through Europe' where, she argues, abortion was legalised for cases of rape, incest and the life of the mother. She is challenged by politician Mary Harney, who asks if Bonar is suggesting 'that in a tragic case like this somebody should die or commit suicide rather than be allowed terminate her pregnancy'. Harney is, however, interrupted by Bonar who asks: 'But what about the baby, Mary?' (*Today Tonight* 05-03-1992).

Framing in debate is a contested process and these disputes can be identified in the relationship between frames and events. The circumstances of the X Case, which brought the rights of the mother into conflict with the rights of the unborn, is reflected by the division of programme participants in polarised debate. Frame contestation can also be identified in counter-framing by opponents when the familiar assertions in the abortion debate are supplanted or reframed to take account of a new social reality. In 1992, while polarity between those who foreground the unborn and those who foreground women is clearly evident, counter or re-framing is also

identifiable in a shift from the unborn rights as entirely autonomous to a more qualified frame of debate, which emphasises the protection of two lives, the mother and the unborn foetus. This is articulated in a two-victim frame of debate, which emerges to take account of the difficult circumstances of the X Case. In February 1992, Anne Kennedy, representing the pro-life organisation 'Life', summarises the narrative of the X Case as being about a young girl who was raped in tragic circumstances and 'out of that experience for her a child has been conceived'. Kennedy argues that there are 'two victims to this act of violence, the young girl and her baby and I think that we need to reach out in a compassionate way and offer help to both of them' (*Today Tonight* 18-02-1992). While Kennedy ostensibly expresses concern for the 'two victims', nonetheless she implicitly foregrounds the unborn by offering help 'to both of them'. In effect, she argues for a continuation of the pregnancy, notwithstanding the fact that should X proceed with an abortion, as was her and her parent's stated intent, one party will no longer exist. Fellow panellist, Catholic priest and pro-life advocate, Brian McKeivitt, representing the organisation 'Women Hurt by Abortion', develops Kennedy's contribution. The presenter asks McKeivitt, if, in light of the X Case, he continues to adhere to the principle of protecting the unborn established in 1983. The priest replies by asserting that in the circumstances of the X Case there is an assumption that an abortion 'would in some way benefit this young girl', and that putting her through the 'violence of abortion' would be helpful. The correct approach, McKeivitt suggests, would be 'to support her in protecting her child'. While Anne Kennedy, in the earlier contribution, evokes a compassionate frame, McKeivitt adopts more proscriptive language, arguing that X should continue with the pregnancy in order to protect the unborn baby. However, when the presenter asks about the wishes of the girl and her family, McKeivitt exposes the limitations of the two-victim frame of discourse within the overall the pro-life position. 'Up to this', McKeivitt argues, 'the girl who is raped is an innocent victim'. However, he expands on this statement by stating that if X is put through the 'violence' of an abortion, the girl will be turned from being 'an innocent victim into a participant in the violent destruction of her own child' (*Today Tonight* 01-



06-1983). Notwithstanding the widely acknowledged desire of the young girl to terminate the pregnancy, which has occurred as a result of rape, it appears that the frame of debate positioning the right to life of the unborn as paramount persists.

However, while the unborn right to life frame of debate is periodically identifiable in programmes in this timeframe, albeit in an altered form (the two-victim frame, as articulated by contributors McKevitt and Kennedy), discourse that foregrounds the position of women is also evident, with resulting polarity in debate. Lawyer, Tom Coonan, argues that ‘down the line given the reasoning of the court’ it is possible that ‘we will have women being forcibly taken into surgeries and being delivered of their foetuses’ (*Today Tonight* 19-02-1992). This hypothetical scenario is characterised by fellow panellist and lawyer, Mary McAleese<sup>2</sup>, as ‘very hysterical language that is not very helpful’. She suggests that, following the High Court injunction in the X Case, there is a very strong consensus emerging ‘among people who would not share the same view on abortion necessarily’, but who would share a view ‘about the drawing of the line’. She further contends that, for the first time in the debate, ‘there is a degree of consensus’, and the kind of language that ‘pushes out the horizons of the debate’ will contribute to a situation ‘where consensus may very well get lost in the debate’ (*Today Tonight* 19-02-1992). McAleese’s presentation of a compromise position, where agreement about ‘drawing the line’ might be possible, is not however taken up or sustained in subsequent programmes. Indeed, in a *Today Tonight* programme in the latter end of 1992, William Binchy states that there cannot ‘in any realistic sense’ be a consensus view about abortion because ‘it is a debate about values’, and to look for agreement ‘is a folly’ (*Prime Time* 18-11-1992).

Within the binary structure of current affairs programming there is an apparent impetus towards the construction of polarity in abortion debate between participants who foreground the unborn, and those who position

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<sup>2</sup> Mary McAleese later served as the eighth President of Ireland (1997-2011), succeeding Mary Robinson (1990-1997) (see footnote 1).

women as primary in abortion discourse. In some instances, the spectre of liberal abortion laws is evoked as the alternative to Article 40:3:3, characterising any relaxation in the legal framework as being ‘like pieces of elastic’ that inevitably finally lead to ‘abortion on demand’. This argument, presented by Dennis Faul, a Catholic priest, in a *Questions & Answers* programme in March 1992, sets out the proposition that there can only be ‘no abortion’ or ‘abortion on demand’. In a subsequent contribution, Faul positions himself as an advocate for the unborn when he argues that ‘the foetus can never be touched. That is a grave sin and a grave crime’ (*Questions & Answers* 02-03-1992). Conversely, on the same panel, Evelyn Conlon, a writer, contends that the issue of abortion must be ‘between the doctor and the woman when it comes to an issue of her health, be it her mental or her physical health’. In foregrounding women and emphasising their physical and mental health, she effectively argues for a regime that permits abortion for mental health reasons. While Faul employs moral discourse, characterising abortion as a ‘grave sin’, Conlon positions the issue as a medical decision made by a woman in consultation with her doctor (*Questions & Answers* 02-03-1992).

Abortion discourse in current affairs programmes during this period exemplifies how an event can become embedded in discourse, when framing struggles can be located in disputes about how to resolve the crisis event. Such struggles are particularly evident in debates conducted at the latter end of 1992, when discussion centred around the proposed three-part referendum, held on 25 November 1992, which concerned the right to travel, the right to information and the proposal to remove the suicide clause – effecting a re-instatement of an absolute ban on abortion by referendum. In an edition of *Today Tonight* in October 1992, William Binchy argues that the amendment debate is not just about wording, but is also about values, and about ‘reconciling the right to life of not only the mother of course in this area, but also about the right to life of the unborn child’ (*Today Tonight* 12-10-1992). His position is, however, characterised as ‘one of absolutism’ by politician, Mary O’Rourke, who contends that Binchy is looking for ‘a standard of absolutism at the expense of the woman’ (*Today Tonight* 12-10-

1992). An analysis of discourse in programmes concerned with the 1992 referendum reveals ongoing polarity in contributions that either foreground women or the unborn, with the majority of contributions exclusively focussed on one group or the other.

Foregrounding the position of women, journalist and writer, Nuala O'Faolain, argues that women in the middle will feel 'that they are being treated as pieces of beef, that they're either living or dead' but that the quality of their life is irrelevant and only 'life and death matters' (*Today Tonight* 12-10-1992). In response, William Binchy frames his argument in the form of a question about how society should structure its laws in relation to abortion. He characterises 'abortion on demand' as a situation where 'I'm not going to impose my morality on you'. However, the problem with this approach, he argues, is that 'there's a victim in that particular system and the victim is of course the unborn child'. Binchy further characterises such values as 'crucial values about the right to life' (*Today Tonight* 12-10-1992). In this contribution, Binchy re-iterates the core pro-life value system, which positions the right to life of the unborn as 'crucial' and fundamental.

The primacy of unborn rights, the dominant discourse in the 1983 debate, is contested in programmes in the second timeframe of the study. The context of the unusual event is an important factor in this disruption to commonsense abortion discourse; the facts of the X Case served to highlight the issue of the balance of rights in pregnancy, while the resultant decision of the Supreme Court created a qualification to the right to life of the unborn. The exposition of the moral dichotomy of conflicting rights represented by the X Case narrative gives rise to significant polarisation, facilitated by the binary oppositional debate format and enabled by an emerging binary pattern in discourse. Discourse examples point to a recalibration in discourse, whereby the pre-eminence of the right to life for the unborn is re-ordered by the emergence of the hard case perspective. A binary oppositional mode of discourse becomes more discernable, where contributors either foreground women or the unborn, with cursory, or no engagement with the contrary position in individual contributions.

Participants who adopt a pro-life position are therefore required to reframe their arguments to include, if only superficially, the rights of women. This has the overall effect of transforming their predominantly combative position in the previous timeframe, to a more defensive debating stance in the wake of the X Case.

### **Period 3 1997-1999: Continuity, Contestation and Double Standards**

In 1997, public discourse was once again set in motion by the emergence of a hard case narrative into the public realm, when the threatened suicide of a pregnant minor, known as C, re-ignited the national debate about abortion. The details of the C Case became public in November 1997. The construction of abortion discourse as polarised debate between those who foreground the unborn and those who foreground women persists as a mode of debate in 1997-99 period. Notable also in the 1997-99 timeframe is an increase in the participation rate for pro-life activists in current affairs programmes, which almost doubles from 6% of participants in 1992-94 to 11% in the 1997-99 period. This rise may reflect the balance imperative in current affairs programmes, where pro-life panellists are positioned as one side in a purportedly two-sided narrative.

As the two cases, involving X in 1992 and C in 1997, shared many similarities (C and X were thirteen and fourteen years old respectively), the two-victim frame of discourse, first identified in programmes in 1992, is also identifiable in current affairs programmes pertaining to the C Case. Responding to the facts of the case in a 1997 edition of *Questions & Answers*, Anne Kennedy, previously featured as a programme panellist in the X Case debate in 1992, expresses concern that those who advocate for a solution other than abortion are regarded as somehow ‘lacking in care for the two victims’. She defines the problem as one with ‘two victims of rape, one thirteen years and the other is thirteen weeks’ (*Questions & Answers* 24-11-1997). The two-victim frame is consistent with what she advocated in 1992, which is echoed in this instance by a contribution from the audience by a young man who identifies himself as a member of ‘Youth Defence’ (a proactive anti-abortion organisation). He argues that ‘there are two children

in this case, the thirteen-year-old and the unborn child' (*Questions & Answers* 24-11-1997). In an earlier edition of *Questions & Answers*, William Binchy presents a similar argument. He contends that what should not be forgotten in the 'human tragedy' of the C Case is 'that we are dealing here with a girl who has been violated, horribly at a very young age' but 'we are also dealing with the unborn child who is 'a human being' (*Questions & Answers* 18-11-1997). Inherent in this mode of discourse is an expression of sympathy for the position of the young rape victim, but the addendum of the unborn as the caveat serves to rank their claim to life as at least equally valid. In this debate stalemate, where it appears that conflicting rights cannot be reconciled, a counter-argument, which highlights the nature of abortion, and particularly the negative effects on women, is identifiable in programmes of this period. If, as pro-life programme panellist Anne Kennedy has argued, 'abortion is being equated with compassion' then the presentation of abortion as a practice that damages women acts as a counter-offensive in the discourse struggle between those who foreground the unborn and their opponents, who foreground women (*Questions & Answers* 24-11-1997). Evoking the frame of discourse that positions abortion as damaging to women, a programme panellist and psychiatrist, Patricia Casey, quotes from research published about the psychiatric effects of abortion on women. She contends that five years after an abortion 10% of women 'develop depressive disorders, full blown depressive illness', which, she argues, is as common as post-natal depression. Casey also states that 'the trauma of abortion is never talked about'. However, a fellow panellist, journalist Susan McKay, responds by arguing that Casey, as a representative of pro-life movement, would hold that the young girl in the C Case 'doesn't even have a right to make up her own mind about one of the most important and traumatic things in her life' (*Questions & Answers* 24-11-1997). McKay does not directly contest Casey's arguments about abortion as damaging to women, and chooses instead to focus on the prescriptive nature of the pro-life position.

It is important to note at this juncture that the language and frames of abortion discourse are not experienced by an audience in isolation, but

rather in relationship with a series of historical programmes, related to the subject matter. As such, the materialisation of two hard case narratives involving minors, pregnant as a result of rape, provides a noteworthy trajectory for the discourse analysis of current affairs programmes about abortion. In this regard, the increase in the participation rate for journalists in current affairs programmes is worthy of note. It is significant that a rise of 4% in journalist participants, from a negligible 1% in 1981-83 timeframe, occurs concurrently with the emergence of the hard case narrative of X, which rises to 8% for both the 1997-99 and 2011-13 timeframes. The investigative and interpretative role of journalists positions them as societal commentators in current affairs programmes. In this respect, it is notable that journalistic engagement with the issue, pertaining particularly to hard case narratives and actual abortion practice, serves to alter modes of discourse within individual programmes. In their role as commentators in debate, journalists often highlight the human essence of hard cases, rather than re-coding the narrative as a legal or a medical problem. With reference to the pro-life organisation 'Youth Defense' in an edition of *Questions & Answers* in November 1997 journalist Susan McKay, argues that 'the complete lack of humanity at the heart of that organisation' has been revealed by the fact that 'they have freely admitted in this case [C Case] they want this young girl to have a baby against her wishes' (*Questions & Answers* 24-11-1997).

In the study timeframes post-1983, individual contributors discuss the situation of Irish women who travel to Britain for terminations in a resolute way, and not in the perfunctory manner, more common in the 1981-83 programmes of the study. In 1997 a female audience member compliments Susan McKay for expressing a perspective that 'nobody's willing to take'. The contributor contends that thousands of Irish women travel out of Ireland to avail themselves of abortions and wonders 'what message are you giving to them?' The audience member concludes: 'You're saying go back into the closet and don't acknowledge that it's a problem in Ireland' (*Questions & Answers* 24-11-1997). Engagement with the reality of the abortion practice of Irish women exposes the duality inherent in the theoretical aspiration for

an abortion-free nation, regardless of the fact that thousands of Irish women leave the country each year to terminate pregnancies in other jurisdictions.

Discourse that underscores double standards is apparent and significant in programme content in the 1997-99 timeframe. This frame of discourse places the abortion practice of Irish women as being at variance with pro-life idealism. Dualistic thinking about abortion is challenged by historian, Mary Daly, in the first programme located for 1997-99 period, an edition of *Questions & Answers* broadcast on 3<sup>rd</sup> February 1997. Daly argues that Ireland actually has a high abortion rate, in comparison to other European countries, and she challenges the legitimacy of the aspiration for the protection of unborn life, as presented in the Irish Constitution. Responding to William Binchy, who articulates the pro-life argument for a new referendum, Mary Daly argues that the protection of the unborn would require the introduction of 'a police state', involving the pursuit of women to abortion clinics in Britain. She contends that if we are to 'be logical' about protecting the unborn in Ireland there is a need to 'go the whole hog' because, she states, 'legislation in this country of its own will not seriously change the number of abortions one way or another' (*Questions & Answers* 03-02-1997). This contribution presents the extreme, but 'logical' corollary of enforcing Article 40:3:3 in practice, and highlights how the aspiration to protect the unborn is negated when set against the fact that thousands of Irish women terminate pregnancies each year. Following Mary Daly's contribution, the presenter, John Bowman, asks William Binchy if he thinks that people are comfortable with the 'agreed hypocrisy' in the abortion debate. Binchy does not respond directly to the question but instead contends that 'people in this country are against legalised abortion'. He continues by describing the unborn as 'invisible,' and 'often forgotten about' reverting to the consistent unborn rights frame, which, in this instance, avoids engagement with the reality of abortion statistics. In an edition of *Prime Time* in February 1997, politician, Frances Fitzgerald, asks if the constitutional provision against abortion actually does anything in terms of reducing the number of women who travel to avail themselves of legal abortions in other jurisdictions: 'Did the words in the constitution

make any difference to one of those women ?’, she asks (*Prime Time* 18-02-1997).

The unqualified unborn rights frame is nonetheless still identifiable, and continues to be articulated in programmes in this timeframe. In an edition of *Questions & Answers* broadcast on the 4 March 1997, panellist and pro-life activist, Gerald Casey, advocates for another referendum; he argues that equal treatment (as defined by the Supreme Court judgment on X) ‘means that one of the two people involved could be directly and intentionally killed’. His reference to the intentional and direct killing of the unborn is reminiscent of the defining frame, first located in panel contributions made by pro-life advocate, Julia Vaughan, in 1983. Casey continues by stating that ‘in abortion the one who is threatened is the one in the womb’ (*Questions & Answers* 04-03-1997). However, once again, the counter-frame of the abortion statistics for Irish women is evoked by politician and lawyer, Ivana Bacik, to challenge the contradiction inherent in the presentation of Ireland as a place where the unborn are protected:

The real issue is that there are over 100,000 women who have had abortions in England and we doing them no service in refusing to take a stance on the issue’. (*Questions & Answers* 04-03-1997)

The persistence of the counter-frame, which evokes the abortion practice of Irish women, often by reference to statistics, is also evidenced in a contribution by Tony O’Brien, representing the Irish Family Planning Association, in an edition of *Prime Time* broadcast in June 1999. He refers to the statistic of 5,900 Irish women travelling to Britain to have abortions in 1998, and equates this statistic directly to ‘the aspirations that were had for the Eighth amendment in 1983 to create this so called pro-life Ireland’. He argues that this is ‘just an aspiration’ and ‘while we hear a lot’ about the constitutional protection it confers, the reality is that ‘there is no constitutional protection’ for the unborn (*Prime Time* 15-06-1999). The exemplification of verifiable abortion statistics, which underscores the failure of Article 40:3:3 to prevent abortions taking place, effectively



exposes the pro-life position as merely aspirational, and the abortion-free nation as an ideal, which is not representative of reality. While abortion statistics for Irish women have been present in current affairs discourse from 1981-1983 onwards, albeit at a low level, it is the veracity and the consistency of the exemplification of the actual abortion practice of Irish women that alters the nature of discourse in programmes in the 1997-99 timeframe, in particular. This also serves to highlight increasing polarity in the debate, where, in common with the second timeframe, binary discourse either foregrounding women or the unborn is identifiable.

The dramatic materialisation of hard case narratives into public discourse potentially facilitates a wider, more nuanced appraisal of the abortion question. The effect of hard case narratives on abortion discourse in the programmes of this study suggests that the impact is both momentary and cumulative, and acts to facilitate engagement with real life experience in public discourse. While the narratives of women who have terminated pregnancies do not emerge in their own voices, the articulation of their experience by others acts as an effective counter-frame to expose the dualistic thinking, which remains central to understanding the abortion debate in Ireland.

#### **Period 4 2011-2013: The Medicalisation of Abortion and Personal Testimony**

The death of an Indian national, Savita Halappanavar, in University College Hospital in Galway in October 2012, brought the issue of the equal right to life for a woman and an unborn child, as presented in Article 40:3:3 of the Irish Constitution, into the public realm, once again. Contemporaneous with this event and the subsequent opportunity for change in legislation and medical practice, the participation of doctors as panellists in current affairs programmes rises from 2% of total participation in 1997-99 to 12% in 2011-13; their debate contributions, and the discourse of non-medical panellists who adopt or resist the medical frame, present as a useful point of departure for an analysis of medical discourse, and the role of medical experts in Irish abortion debate.

Following a miscarriage at 17 weeks, Savita Halappanavar's request for a termination was denied because a foetal heartbeat was still detectable at that point. As a result of the delay in performing an abortion, and the onset of septicaemia, Savita Halappanavar died on the 28<sup>th</sup> October 2012.

It is noteworthy that following her death, her identity, image, and the testimony of her husband circulated in the public realm without restriction, as opposed to the more usual anonymous treatment of previous hard cases in Irish abortion history. In public discourse, the Halappanavar case was initially presented as a matter of medical judgment, where the facts of the case, and ensuing questions about obstetric practice and abortion legislation, were framed primarily in medical terms. In the discourse study of current affairs programmes medical experts, primarily medical doctors, obstetricians, gynaecologists and psychiatrists have cyclically materialised as panellists in current affairs programmes. The positioning of 'experts' such as doctors is important from the point of view of establishing how perspective (whose and in what context) features in current affairs debates about abortion. Doctors are seen to occupy powerful positions in society, where their particular knowledge, often articulated in specialist jargon, bestows expert status. The corollary of the medical expert is the position of patient, which is generally regarded as a less powerful and subordinate position. Furthermore, medical language deals with symptoms, cases, complications, disease and treatment as isolated concerns. In other words, medical discourse is not a holistic mode of address. In an edition of *Prime Time* dealing with the death of Savita Halappanavar, Roger Clements, a retired consultant obstetrician/gynaecologist, states that as 'the cervix was dilated, the membranes were ruptured' medical practice in Britain would be to perform an abortion because 'to get to viability this foetus has to survive another five or six weeks and with the cervix dilated it certainly won't do that' (*Prime Time* 20-11-2012). In medical language the abstraction of physical organs from the human entity is normal, thus 'the cervix' can be discussed as an autonomous organ, detached from the event of pregnancy, the female physical body and the tragic death of a young woman.

In programmes in this timeframe those who present a pro-life position, foregrounding the unborn in abortion discourse, present a collective intent to reframe medical questions in ideological terms, or, in some cases, to negate or undermine the frame of medical discourse in debate.

The reframing and counter-framing is primarily exercised in two ways – firstly by emphasising through frame repetition the safety record of obstetric practice in Ireland, and secondly, by framing abortion as something that causes long-term mental health issues for women. These framing and counter-framing techniques are directly related to the social context in 2013, when the government began the process of legislating for the X Case.

Current affairs programmes contemporaneous with debate leading up to and following the enactment of Protection of Life During Pregnancy legislation in July 2013 present numerous examples of discourse struggle, often located around the framing of abortion as a medical issue. The repetitive frame generation highlights the good record of Irish maternal health and mortality rates, which in a *Prime Time* programme in July 2012, pro-life advocate and senator, Rónán Mullen describes as ‘the lowest maternal mortality in the world’; this leads to the assertion that ‘we don’t have a medical problem we have a legal technical issue’. In response, politician and panellist, Michael McNamara, reaffirms the medical frame, insisting that it is a medical problem if ‘thousands of Irish women go abroad to have terminations’. However, this is re-characterised as being ‘a big social tragedy’ but emphatically ‘not a medical problem’ by Mullen, who cautions against going ‘the route of legislation for abortion’ (*Prime Time* 19-07-2012). Pro-life advocate and lawyer, Cora Sherlock, in a November 2012 edition of *The Frontline*, echoes the maternal healthcare frame when she contends, somewhat illogically, that abortion is never necessary to save the life of a woman, because Ireland has ‘the lowest maternal mortality in the world’. In the same contribution Sherlock argues that ‘abortion never improves a woman’s mental condition’ (*The Frontline* 19-11-2012). In this instance, Sherlock brings the two dominant pro-life frames of this period in concert – the safety of obstetric practice, with an emphasis on maternal care, and the damage frame, where abortion is presented as being bad for women and their mental health.

The counter frame, which positions women and doctors as the correct arbitrators in abortion decisions, is articulated by politician, Clare Daly, in a *Prime Time* programme that coincides with the publication of the proposed legislation. Daly argues that ‘in these very difficult, tragic situations’, the decision about abortion should be left to the woman, who is directly affected, and her doctor ‘as in other medical and health matters’ (*Prime Time* 30-04-2013). Clare Daly advocates for the normalisation of abortion within the wider context of medical practice, where pregnancy termination is positioned as a medical procedure, rather than, for example, a moral or legal matter. Medical discourse often constructs social concerns, such as abortion, within the confines of a doctor-patient consultation, medicalising what is, in effect, a social, moral and political issue; this contribution from Clare Daly exemplifies this mode of problem construction within a medical frame.

In a subsequent panel debate, in the same *Prime Time* programme, Wendy Grace, a pro-life advocate, argues that ‘there is absolutely no evidence to show that abortion is ever good for women’. Journalist and writer, Susan McKay, responds by acknowledging that there are women who regret their abortion decisions but there are also women ‘who regret not having abortions and there are women for whom abortion was a very good choice’ (*Prime Time* 30-04-2013). This presents as an important moment in the discourse study, when McKay directly challenges the general, and often unsubstantiated assertion that abortion damages women, by presenting a different perspective. While McKay acknowledges that some women regret their abortions, she emphasises that abortion represents a very good choice for others. McKay’s contribution in 2013 contrasts with her response to psychiatrist and pro-life advocate, Patricia Casey, in a programme in 1997, referred to in the analysis of the previous timeframe. In 1997, Casey argues that in the aftermath of abortion women can become depressed; McKay sidesteps the issue with an indirect response, which highlights the proscriptive nature of pro-life organisations in relation to reproductive choice (*Questions & Answers* 24-11-1997). However, in 2013, McKay directly challenges the assertion that abortion is damaging to women; her contribution is reflective of a discernable and growing confidence,

articulated by participants' foregrounding women in debate, who challenge the perception of abortion as damaging to women. In agreement with McKay, fellow panellist and psychiatrist, Dr. Veronica O'Keane, expands the argument by asserting that 'the vast majority of women, the tens of thousands in Ireland', who do not regret having abortions and 'who are not depressed or psychotic are a testament to the fact that abortion does not damage your mental health' (*Prime Time* 30-04-2013). This framing and counter-framing of the abortion experience as either negative or positive for women is mirrored in a *Prime Time* programme broadcast in July 2013 when Cora Sherlock contends that women, who have been through 'the trauma of abortion', should not be dismissed when they are coming forward to 'share their very negative experience of abortion with other women'. The counter-frame, typifying the many thousands of women who have had abortions, is presented in a July edition of *Prime Time* by politician and lawyer, Ivana Bacik, who points to the '150,000 of our friends, our mothers, our sisters, our cousins who've had abortions, who are living in this country and who are not deeply traumatised' (*Prime Time* 10-07-2013).

Medical discourse concerning abortion in the study is conducted in the binary oppositional construct of the current affairs debate; in this polarised structure ideological positions become evident through a medical frame of debate. This is particularly apparent in discourse pertaining to the Protection of Life During Pregnancy Bill in 2013, including the determination of how medical practice might manage suicidal ideation in pregnancy. This form of ideological struggle is manifest in an edition of *Prime Time*, broadcast in January 2013, when two psychiatrists, Jacqueline Montwill and Veronica O'Keane debate the issue of suicide and abortion. Montwill argues that the treatment for a pregnant woman who is suicidal 'is never an abortion', thereby designating termination of pregnancy as the incorrect medical approach in such circumstances. Montwill further contends that 'suicidal ideation resolves with treatment', and that 'a young adolescent might just need a week in hospital'. However O'Keane disagrees with this assessment and exemplifies a situation where a patient 'doesn't wish to be hospitalised'. Montwill responds by advocating involuntary admission in that instance,

arguing that ‘their life is better saved by having treatment in hospital against their will’ (*Prime Time* 10-01-2013). In response, O’Keane contends that ‘there are people who are suicidal because of unwanted pregnancy’ but argues that this is not equivalent to psychiatric illness, and, as such, women ‘cannot be detained in a psychiatric hospital’. Montwill disagrees and continues by directly equating an unwanted pregnancy with a psychiatric disorder:

A person who has a crisis pregnancy is in crisis.... and if they have a depressive reaction to commit suicide [*sic*] that’s most definitely a psychiatric illness. (*Prime Time* 10-01-2013)

Here, Montwill posits the problem of an unwanted pregnancy as a disorder that can be addressed by psychiatric treatment. This example of debate, and particularly the contribution from Montwill, is representative of medical discourse, where doctors exercise power over patients, in accordance with the conventions of the doctor-patient interaction. In the case of the abortion discourse in this timeframe of the study, a pregnant woman is repeatedly constituted in the subject position of patient, under the care of medics.

While the medicalisation of abortion in current affairs discourse serves to position the health of the woman as paramount, it also serves to normalise a subject position for pregnant women and to establish doctors as arbitrators or co-arbitrators, both legally and medically, in abortion decisions. Analysis of discourse in this final period of the study establishes that there is clear resistance by those who foreground the unborn to the medical frame of debate. The shift to discourse centred on women’s health is resisted by pro-life advocates and persistent discourse struggle is evident in programmes in 2011-13. In this instance, the medicalisation of abortion functions to widen the definition of health, to include the mental health of pregnant women. This frame of debate is expanded in the final timeframe of the study, consequent to, in the first instance, the hard case narrative of Savita Halappanavar and subsequently through the issue of suicidal ideation in pregnancy. Therefore the social context of hard case narrative and

legislative change served to undermine and occlude the rights of the unborn in discourse of this period. Discourse struggle is clearly evident in current affairs programmes in 2011-13, but, nonetheless, debate often centres around when or how a pregnant woman's life is endangered, and in what circumstances her life should take precedence over the life of the unborn. Arguably, the medicalisation of abortion functions to position the health of women as paramount, yet conversely also maintains and augments their subject position as patients, where medical experts speak on their behalf.

An increase in discourse that positions abortion as a medical issue is identifiable in discourse from programmes broadcast in 2012 and 2013. Medical discourse about abortion serves to 'professionalise' the debate by presenting abortion as an argument between medical experts, who assume, or are assumed to have, authority to speak on behalf of their patients. While medical panellists in current affairs debates are presented as experts, an analysis of their discourse reveals that they tend to be ideologically invested in the abortion debate. This may be reflective of a genuine binary in medical thinking, or equally may reflect the impetus for binary oppositional debate in current affairs programmes. The presentation of abortion as a broad moral question in 1983 has transmuted to a debate dominated by doctors' foregrounding abortion and medical practice in 2011-13. However, the moral frame of abortion discourse is identifiable in the construction of debates as oppositional, where the ideological position of individual medical experts is revealed through an analysis of their discourse.

### **Owning and Articulating Personal Narrative: The Fatal Foetal Abnormality Debate**

It is notable, that in this study, which spans 30 years of the current affairs abortion debate, there is only a negligible participation rate for women with abortion experience in the programmes of the study. In the first three timeframes – 1981-83, 1992-94 and 1997-99 – there are no contributions from women who speak from the perspective of abortion experience. In the final period, 2011-13, 4% of panellists engage from the perspective of personal abortion experience, although these contributions arise exclusively

from the experience of termination for medical reasons. Nonetheless, the articulation of the emotional and practical hardship of travelling to Britain to terminate an unviable pregnancy in the 2011-13 timeframe functions within the programme content to connect the act of abortion with the emotional and material facts of women's lives. The presence of women who advocate for terminations for medical reasons is congruent with a medical frame of discourse in debate, augmenting, in particular, mental health considerations. Yet, perhaps more significantly, the public appearance of women who have personal experience of abortion in programmes of this timeframe is indicative of a new frame of discourse pertaining to personal testimony in the Irish abortion debate.

In 2013 *Prime Time* covered the issue of fatal foetal abnormality on three occasions— 2 May, 27 May and 12 November 2013. From the perspective of locating discourse struggle between the life experience of women and the world of ideology, the programme broadcast on 5 May is of particular relevance. The *Prime Time* edition features a two-way debate between Sarah McGuinness, who travelled to Britain to terminate an unviable pregnancy, and Berry Kiely, Medical Advisor to the Pro-Life movement; presenter Miriam O'Callaghan moderates the debate. Sarah McGuinness begins by narrating her story, including details about the day of the diagnosis, and the subsequent discovery that, should she wish to end the unviable pregnancy, she would be obliged to travel to the UK for a termination. She talks about the circumstances of the journey and other particularities of the experience, including 'the trauma, the added trauma' of having to travel to another jurisdiction following the diagnosis of fatal foetal abnormality. Berry Kiely is invited to respond; she begins by expressing sympathy, describing Sarah's story as 'heart rending'. However, Kiely then defines 'what is at the heart of this debate', which is 'cherishing and respecting all human lives', including the unborn and including 'those with a terminal illness as in the case of Sarah's baby' (*Prime Time* 02-05-2013). It is important to note that ideological struggle takes place in language pre-eminently but it can also manifest as a struggle over language. In this respect, Berry Kiely reframes the issue of fatal foetal abnormality as being about 'those with a terminal



illness', which she then applies to 'the case of Sarah's baby'. Kiely highlights the importance of language by asking what the phrase 'incompatible with life' actually means (*Prime Time* 02-05-2013). The imperative is to counter-frame within the discourse by questioning the appropriateness of phraseology, and by reconstituting the quasi-medical and impersonal terms 'incompatible with life' and 'fatal foetal abnormality' to 'those with a terminal illness'— a description that bestows humanity and engenders emotional weight. Aphorisms like a 'baby suffering from a terminal illness' are ideologically constructed, and are often implemented in a conscious and oppositional way.

In this instance, the discourse struggle is identifiable in the framing and counter-framing of key phrases and concepts, which can be vigorously contested. For example, Sarah McGuinness rejects the frame of terminal illness and contends that 'an anencephalic baby will not live, except for a period of hours'. She continues by asking: 'Why would people in this country make me grow a baby bigger just to watch it suffer and die'. Berry Kiely responds by asserting that there are babies in the medical literature with anencephaly 'who have lived for months' and, as such, she asks 'where do you draw the line'. Kiely then advances the diagnostic framing of the problem of 'terminal illness' by introducing the prognostic frame of perinatal hospice, which she describes as 'really important' as it would provide 'infinitely more support' for 'every mother in her [Sarah's] situation'. The objective is to present an alternative scenario for women who experience a diagnosis of fatal foetal abnormality, which is to carry the pregnancy to full term with the provision of 'infinitely more support'. In the same way as she rejected the diagnostic frame, McGuinness rejects the prognostic frame by re-iterating that 'the diagnosis is fatal, there's no terminal illness there; the baby is going to die outside the womb'. In response, Kiely continues to argue the case for perinatal hospice as a support for women, eventually linking the issue of fatal foetal abnormality to the concept of post-birth abortion; Kiely argues that 'if the baby is born alive and does live for a while and the mother finds this very difficult to deal with should that mother have the right to have her baby killed even

though it's still living?'. The presenter interrupts by asserting that 'no-one's suggesting that, I don't think'. Nonetheless, Kiely reaffirms her position, which is posed as 'whether or not we cherish the lives of those who are seriously ill'. Sarah McGuinness concludes by also re-articulating her standpoint, centred on the issue of choice – 'all we're looking for is choice.... It's just barbaric the way women in this country are being treated' (*Prime Time* 02-05-2012).

The issue of fatal foetal abnormality has particular relevance for equality of rights between an unborn child and a pregnant woman because the balance is delineated in quite a stark way, with the mental health of the pregnant woman on the one side, and the absolute right to life of the unborn on the other. Polarised positions are clearly evident in the Kiely-McGuinness debate, which sets the experience of the women, as articulated in experiential discourse, against an absolutist value system, as presented in an ideological argument about the value of all human life. This gives rise to a discourse struggle centred on language, which positions a choice frame of debate in opposition to unborn rights discourse. This example illustrates the significance of experiential discourse in a debate that hitherto was conducted without the participation of women directly affected by abortion legislation. As the analysis of discourse from this programme clarifies, the emergence of personalised accounts of abortion experience shifts the debate parameters by positioning the life experience as counter to absolutist ideology. The fatal foetal abnormality discourse, as a counter-frame to discourse about the rights of the unborn is, however, frame specific and confined to choice only in the context of an unviable foetus. The women who featured in current affairs programmes in 2013 often describe their pregnancies as 'wanted', and arguably, the vast majority of Irish women who terminate pregnancies do so because their pregnancies are unwanted. As such, discourse about the experience of abortion remains confined within the fatal foetal abnormality frame in current affairs programmes of this period. Nonetheless, there is evidence from the study that the trajectory of hard case discourse, commencing with the X Case in 1992, has led to the point in 2013 where women with abortion experience are an emergent voice

in public discourse. As consultant psychiatrist, Veronica O’Keane, comments, in an edition of *Prime Time* in April 2013: ‘This marks a point where we can move forward from abstract moral arguments that have no reflection in the reality and complexity of life’ (Veronica O’Keane, *Prime Time* 30-4-2013).

## **Conclusion**

As current affairs programming conforms to a structure of binary oppositional debate, it presents as a medium for an analysis of abortion discourse, not least because polarity is also the central tenet of the debate in a wider context. Put simply, public debate about abortion is normatively conducted by those who foreground women versus those who foreground the unborn, with a tendency for both perspectives to argue their case to the exclusion of the other party. As such, there is a clash of perspectives, which is easily transferable into the production practices of current affairs programming.

The study is an intertextual discourse analysis of abortion discourse, with a focus on the trajectories of change over thirty years of abortion debate, from the first referendum in 1983 to the enactment of the Protection of Life during Pregnancy Act in 2013. Key modes of discourse, which serve to highlight frame generation, discourse struggles, and counter-framing, are useful pointers for mapping change, which, in the Irish abortion debate, is often related to crisis events. Unborn rights discourse, hard case discourse, medical discourse and experiential discourse presented as the most significant frames of debate for the intertextual analysis, relating to the positioning of women in particular.

An analysis of the first time frame of the study, which commences in 1983, establishes that programme discourse in this period works to position unborn rights as primary in the public debate. On the one hand, it is unsurprising that the rights of the unborn are foremost in discourse of this period as the debate centred on the proposal to insert the right to life for the

unborn into the Irish Constitution. On the other hand, the forceful assertion of unborn rights in programmes of the study in 1983 was a significant determinant in the construction of the primacy of such rights, with important implications for the positioning of women in the Irish abortion debate. The equation of abortion with murder or killing and the establishment of the foetus as vulnerable and defenceless are key frames of pro-amendment discourse in programmes in the 1981-83 timeframe. Additionally, human rights discourse pertaining to the unborn and the spectre of ‘abortion on demand’ are also significant.

The second timeframe of the study, 1992-1994, exemplifies the effect of the crisis event on public discourse about abortion. The facts of the X Case serve to alter discourse patterns, particularly in relation to the positioning of women in the debate. The primacy of unborn rights is challenged in discourse, and those who foreground women gain an important and sustained foothold in the debate. Nonetheless, and despite the emergence of the two-victim frame to counteract the impact of the X Case narrative, there is a continuum in discourse that foregrounds the unborn. The pro-amendment and anti-amendment positions of the first timeframe are reconstituted in 1992, and a more recognisable polarity in keeping with the broader abortion debate emerges. The impact of hard case discourse, which presents as a strong determinant for positioning women as central in the debate, is discernable in discourse in programmes in this period.

The emergence of a second hard case in 1997 involving a minor – the C Case, fuels another period of public debate about abortion. Of particular significance is discourse about the discrepancy between ideological aspiration for the protection of unborn life and the actual abortion practice of Irish women. The exemplification of double standards in programme discourse acts to expose the futility of the theoretical aspiration for the preservation of unborn life, when Irish women simply travel to procure abortions. The double-standards frame of discourse, articulated by those who foreground women, is a strong feature of this timeframe.

The final timeframe of the study is significant for a number of reasons, including the potency of, and rate of recurrence of medical discourse in programme material; this can be seen as both progressive and retrograde in relation to the positioning of women in current affairs discourse. While the medicalisation of abortion can shift the parameters of discourse to include mental health concerns, it also serves to establish pregnant women in the subject position of patients.

The emergence of experiential discourse in the content of current affairs programmes in 2013, although confined to the hard case frame of unviable pregnancies, is an important moment in Irish abortion discourse. The positioning of the life experiences of women as central and significant in the context of current affairs debate elevates the status of personal testimony in the overall debate. Additionally, the true binary of abortion debate, which is one between those who advocate for choice and those who argue against choice, requires that women who know and understand the complexity of abortion through personal experience participate in the public debate about abortion.

The study of discourse over thirty years of the Irish abortion debate in television current affairs reveals that those who foreground women are ascendant in the debate and the primacy of unborn rights, established in discourse in the first timeframe of the study, no longer holds sway. This transformation began with the X Case in 1992, which propelled hard case discourse in public debate and strengthened arguments foregrounding the position of women. The emergence of other hard case abortion narratives in subsequent decades created the environment for the gradual establishment and intensification of a frame of discourse focussing on women. While the materialisation of hard case narratives facilitates the expansion of a frame of debate that foregrounds the position of women, it is not generally articulated in the programmes of this study by such women themselves. Indeed, many hard cases are publicly known only by letters (X and C for example) and frequently their personal stories are re-configured and dissected in current affairs debate as legal cases.

In the final time period of the study the fatal foetal abnormality debate provided a platform for women to speak about their abortion experience, when personal testimony about abortion became a legitimate and acceptable mode of discourse in current affairs debate. However, while such testimony represents the experiences of women in relation to abortion, the discourse is, nonetheless, embedded in a hard case frame of debate. The situation of fatal foetal abnormality is tragic and exceptional, and the women only advocate for choice in qualified circumstances. Irish women who directly experience abortion law, or who have had abortions outside the context of fatal foetal abnormality remain predominantly absent from current affairs debate in Ireland. Politician, Mary Banotti, makes reference to their silence in Irish abortion discourse in an edition of *Questions & Answers* in March 1992. She argues that ‘probably 100,000 have left the country to obtain abortion services’, and she is ‘particularly upset.... over many years listening to the way the issue has been discussed’. She contends that, despite the fact that arguably every family in Ireland has been touched by abortion, a blanket has been drawn ‘over the experience of these women which condemned them to a silence’ (*Questions & Answers* 22-03-92). It remains to be seen if a wider ambit of experiential discourse about abortion will find a place in current affairs discourse in the future.

The current affairs genre, governed by the aspiration to be objective, balanced and impartial, is not amenable to complex moral argument. The imperative to create binary oppositional debate sets ideological limits on abortion discourse and creates an expectation of polarised debate. Within this structure, complex moral questions are simplified, and false binaries stand in for ethical complexity. There is a need to expand the public debate beyond the confines of binary debate. Chapter 6, which focuses on the film practice element of this research, will present the framework for creating a different mode of expression, which both critiques and explores the abortion question in Ireland.

## Chapter 6 Creative Practice Emerging from Research

The experience of embarking on a research project that includes artistic practice might be compared to starting a journey without a map: early and robust engagement with the possible interconnections between the written thesis and the practice is a requisite for forging the route to the journey's end. Nelson (2013) exemplifies 'the intense binary between theory and practice' as reflected in their partition in distinct and unconnected institutions of learning and, more widely, their separation in western intellectual traditions (Nelson, 2013, p.9, 25). For a PhD with practice, the difficulty lies in what we might term 'the written up' findings as one distinct element and the creative representation/response as another, and the perceived requirement to make them work together as a unified unit of knowledge production (Atkinson, 2015, p.1294).

In the context of this research, the imperative was to establish how, or indeed if, the discourse analysis and related theoretical concepts in previous chapters would influence and shape the film practice. However, as the process evolved, the simplistic notion of one element of knowledge production impacting in an accountable way on the outcome of the other gave way to the sense of a more complex, fluid exchange between realms. As the writing progressed the organic interchange between the writing and the film practice proceeded, often unconsciously. As Aitcheson (2015) contends, an entrenched 'product-focussed' discourse, as prevalent in research cultures, fails to recognise 'the epistemic properties of doctoral writing embodied in the process' of "coming to know" and "coming to be". She argues that the recursive method of working with text is analogous with the creative process; both are 'sites of struggle' where the researcher 'comes to know' their material, and how to creatively manage a reflection of such knowledge (Atkinson, 2015, p.1294). The notion of 'coming to know' is intrinsic in any research process but has particular relevance for a process of knowledge production that encompasses creative practice. In this research project, for example, the integration of theory with practice began at an early stage when workday schedules moved between periods of reading and

writing, followed by filming, drawing, or film editing experimentation. Later, viewing, synopsising, notation and data analysis of the current affairs programmes worked in harmony with conversion of the archive material from DVDs to MPEG files, which then transferred onwards to an edit assembly of footage. The work method was instinctive as much as planned; nonetheless it facilitated the process of coming to know the footage as units of discourse in the first instance, and subsequently as material for the creative filmmaking process. Familiarity with the current affairs programmes, engendered through repeat viewing and notation, eased the related process of locating interesting or important debate contributions for the edit assembly.

Nelson (2013) engages with the concept of embodied knowledge in creative practice, which he describes as ‘a form of just knowing’, where knowledge is produced by practice (Nelson, 2013, p.58). Nonetheless, he argues that some form of articulation about the process leading to the creative artefact is necessary in practice-based research. Writing about practice is important because it can express ‘the workings’ in a ‘framework of reflective conversation’, as opposed to just presenting the completed artistic artefact without context. However, Nelson also acknowledges that there is a difference between a mathematical problem, which has both a clearly defined process and a conclusive answer, and creative practice ‘which is not analytic in this way’ (Nelson, 2013, p.63). While Nelson argues for a method to explicate the creative process in practice-based research, Darren Newbury (1996) proposes that future development of research with creative practice depends on how the divisions between the academic and the practical ‘can actually dissolve’. Newbury sees the division of creative practice from academic research as ‘institutionalised divisions of knowledge, rather than intellectually justifiable ones’ (Newbury, 1996, p.217).

Atkinson (2015) contends that in practice-based knowledge production the researcher’s individualised journey of ‘becoming’ is by way of ‘coming to know’ their field, their practice and ‘the possibilities for expressing this



knowledge' (Atkinson, 2015, p.1294,1295). While creative practice may be intuitive and idiosyncratic, the placement of artistic artefacts as legitimate sources for knowledge production within the academy requires some form of critical reflection on practice, and some method for 'disseminating a commentary on the process and intent of the completed artefact' (Nelson, 2013, p.58). While it is unlikely, and probably undesirable, for creative progression to be presented as a linear process from A to Z, key influences and processes in the journey provide some insight into the 'knowledge making', which Atkinson argues is the objective of all doctoral scholarship (Atkinson, 2015, p.1294).

### **The Practice**

As befits a journey towards the production of knowledge, this research project began with intent to travel and a destination in mind. The traditional research component of the expedition was complicated by the parallel production of creative film work, as a reflection of, or response to the discourse analysis findings of the research project. Where these two paths might interconnect, diverge or eventually conjoin was an unknown. However, from the outset, the archive abortion footage provided the basic correlation between the traditional thesis and the film practice: the current affairs material was the object of investigation in the dissertation, and also presented as a creative resource for film practice. Initially, the broad intention was to use selected footage as one component in a traditional film/television documentary about three decades of the abortion debate in Ireland. In this standardised documentary mode, archive material functions to provide historical context. The inclusion of a representational abortion journey in the proposed documentary was also an important consideration: the journey presents as a response to the current affairs footage where the expression of abortion experience is largely absent. However, like all interesting expeditions, the process to journey's end was not straightforward or indeed fully accountable; nevertheless, there were key moments and theoretical constructs that helped to shape the final outcome – the

emergence of the dual film, two-sided screen installation artefact of Film One and Film Two.

A method for exposition of the archive material as commentary on abortion discourse was the primary objective for the film practice. How the archive might best be utilised to expose the repetitious and ultimately unproductive nature of binary oppositional debate was a central concern. The process of integrating the archive into a larger construct, such as a documentary, proved to be creatively challenging and over time a conventional documentary model became less appealing. This was primarily because the archive, as one component in a conventional documentary, sat uneasily with the critical intent of the film practice. Ultimately, an archive-only structure emerged as an apposite mode for audience interaction with abortion discourse, which also mirrored the basic configuration of the discourse analysis study of the dissertation. By constructing Film One as purely archival, and without commentary, the apparently unmediated historical discourse functions as a comment on itself. Of course, Film One is not actually unmediated; the archive is carefully selected, distilled, juxtaposed and edited. Yet, while the footage is clearly managed, the film is constructed to present a condensed history of the key moments and discourse trajectories of thirty years of the Irish abortion debate. As Clements (2012) explains:

The boundaries between previous notions of originality and creation, and the use of forms that are already loaded with their own cultural boundaries, signifiers and histories, are becoming increasingly blurred by artists who select, edit and disrupt existing work to create new meaning and narrative. (Clements, 2012, p.251)

While creatively satisfying in one respect, the basic structure for Film One as purely archival raised further issues, particularly in relation to the absence of the experiential voice in abortion discourse. By merely reproducing the dominant binary debate as stand-alone archive this film, on its own, fails to sufficiently address the absence of Irish women who have

had abortions from the binary oppositional debate. This dilemma led to a process of experimentation in practice, where the juxtaposition of the two strands – archive footage, representing the public debate, and an illustrative abortion journey as the private experience – emerged as a possible creative path. However, through a process of editing trial-and-error, the difficulty of integrating the two elements soon became apparent. The narrative was simply too busy, resulting in imagery overload and a disharmonious film. This busy-ness can be partly explained by the creative intentions for the abortion journey, whereby the emotional journey is conveyed through layered imagery, differentiated sound levels and text laid over a re-created journey to London (this stylistic approach will be further explicated below). The trial-and-error through editing practice continued for some time. Finally, the idea of presenting the experiential and public discourse narratives as two distinct perspectives in the abortion story, rather than incorporating them into one entity, came to the fore. It is important to note at this point that learning through practice was fundamental in this process, leading to the important discovery that the nuance and complexity of making an abortion journey does not sit easily with the prescribed mode of public debate about the issue.

### **Film One**

The central theoretical concept that guides Film One is the theory and practical application of ‘Détournement’ as espoused by Guy Debord and the Situationist International movement. Détournement can be loosely explained as plagiarism with political intent whereby the original meaning of previously existing material is reworked to subvert or comment on the source material. Debord was born in Paris in 1931 and might best be described as a political theorist and filmmaker, although his approach to both was decidedly unconventional. In the 1960s, until it was dissolved in 1972, he led the group ‘Situationist International’ – a coalition of various avant-garde groups, radical artists and thinkers. Debord’s seminal text *Society of the Spectacle*, first published in 1967 is a formulation of the theory of the spectacle, which sets out to describe the characteristics of human existence in the late phase of capitalism and the role of the mass

media in social control. Presented in 221 theses, the mass media are, Debord contends, the ‘most glaring superficial manifestation’ of the spectacle (Debord, [1967] 2012, p.51). McKenzie Wark (2013) differentiates between the concept of the spectacle and the generic term media. Wark points to Debord’s more precise description of the spectacle as ‘a social relationship between people mediated by images’ (Wark 2013, p.11). In an introduction to a 2012 edition of *Society of the Spectacle*, Sam Cooper argues that control of representation is central to understanding the mechanics of power inherent in the spectacle (Cooper, 2012, p.26). Cooper also contends that the situationists ‘catalysed seismic shifts in political and aesthetic discourse’ (Cooper, 2012, p.25).

While Debord presents as a significant cultural theorist in his writing, it is transposition of the concept of *détournement* from the text *Society of the Spectacle* to a film of the same title, which is of most interest for my own practice. Tom Vague (2011) explains that *détournement* as espoused by Debord is a process that invokes pre-existing aesthetic elements for the creation of a new artefact and as ‘a method which testifies to the wearing out and loss of importance of those spheres’: Debord describes it as a technique to expose the contradictions inherent in the spectacle by using ‘the fluid language of anti-ideology’ (Vague, [2011] 2012, p.5); (Debord, [1967] 2012, p.150). The practical application of *détournement* has influenced my approach to archive material in Film One. In practice, this process involves the appropriation of pre-existing elements, which are then remixed to create a new artefact. The application of *détournement* is imbued with political intent; it is not neutral, it is not straightforward plagiarism. In Debord’s film ‘Society of the Spectacle’ (1973) the text of the book becomes the voiceover, recorded by Debord himself and read in rather banal style. The images from four sources – news footage, TV advertisements, photographs from magazines and classic films – were edited to the pre-recorded soundtrack in a non-representational fashion. By refashioning imagery in a new montage, Debord seeks to remove images of the spectacle from their original genres to create ‘a new ensemble of significance’ (Wark, 2013, p.132). Wark contends that isolated historical moments ‘contained

within narratives that neutralise them’ can be retrieved by the process of détournement to create a new critical artefact from the old (Wark, 2013, p.135).

Debord’s theoretical and film work is a wide-ranging philosophical exploration of representation, with particular focus on the process whereby ‘everything that was directly lived has moved away into a representation’ (Debord, [1967] 2012, p.45). Notwithstanding the wide scope of his analysis, Debord presents as a pertinent guide for my film practice, particularly as it relates to Film One. While my subject is specific and examined within clearly defined parameters, the practice of détournement works as a means to reconnect seemingly detached moments in the long-running Irish abortion narrative. The appropriation of footage from the vaults of the spectacle (in this case RTÉ archive) followed by reassembly of the abortion narrative as a linear trajectory of discourse creates a film artefact with historical context. In this construct the latest legal dilemma is reattached to both pre-existing legal rulings related to abortion post-1983 and to the source of the problem – Article 40:3:3 of the Irish Constitution. Equally, apparently isolated controversies are contextualised as being connected to others, pointing to a circular discourse repeating over time. Finally, the détournement of the abortion archive allows for the reproduction of the public abortion conversation in a short visual package: this abbreviated account of Irish abortion history, focusing on the four key periods of the research, facilitates unconscious audience engagement with discourse patterns and disruptions as identified in the discourse analysis of current affairs material. Film One does not present as being overtly political, yet many silent questions are planted within its configuration.

The final structure of Film One emerged through a process of editing experimentation: for example, in the early stages of assembling the trajectory for the film there were repeated attempts to make connections between modes of discourse in divergent timeframes by inter-cutting out of linear time. Ultimately, this approach did not work. The difficulty lay in the impression of the discourse connections as too obviously constructed and

the attempted linkage as clearly contrived. In the final analysis, the straightforward linear structure, duplicating the four timeframes of the discourse study as distinct units, serves the purpose of presenting the narrative coherently, and without directing an audience to a particular point of view. In the end, the story is presented and the audience becomes the final arbitrator.

## **Film Two**

Engagement with the lived experience of Irish women who have had abortions in Britain and elsewhere was a key objective for this research project from the outset; the imperative to include experiential narrative in creative practice was born out of my filmmaking experience with ‘50,000 Secret Journeys’ in 1994 (analysed in Chapter 3) and from a personal frustration with the dearth of experiential discourse in the Irish public debate about abortion over several decades. While the objective was clear from the beginning, the creative structure for the representation of the abortion experience was constantly in flux. It was difficult to pin down a filmic style; dalliances with prospective approaches came and went. Potential configurations included straightforward interviews about abortion experience (as in ‘50,000 Secret Journeys’); engagement through the art practice with interviewees in a documentary (i.e., the incorporation of their creative responses through painting, film, sculpture, creative writing etc); the assimilation of real testimonial accounts into a script for a short representational film; and, as previously stated, the production of a film representing the boundaries and interplay between the private experience of abortion and the conduct of the public debate about the issue. There were many possibilities but none that seemed to fit with my intentions for the film.

The emergence of a dual film model was an important juncture in the creative process; clarity about the archival structure for Film One was also a significant moment. Following the construction of Film One, the basic idea for Film Two in the form of a recreated abortion journey, came more clearly into view; it was always the missing perspective – the reality of the

emotional and practical journey to another jurisdiction to terminate a pregnancy, as told from the margins of Irish life.

The decision to have an abortion can be a complex and difficult choice for a woman. Anecdotally, Irish women experience particular distress, not least because travelling to another country for an abortion is often a clandestine act. The anonymous testimonies of women who have travelled for abortions are recounted in *The Irish Journey: Women's Stories of Abortion* (2000) – the fact that the women are given pseudonyms to protect their identities speaks for itself. The book was published by the Irish Family Planning Association to bring the abortion testimonies of ‘modern Ireland’s hidden Diaspora’ into the public realm (Ruane, 2000, p.10). Medb Ruane contends that Irish society ‘needs women’s silence to keep its good opinion of itself’. She also argues that notwithstanding ‘all the talk and high rhetoric of the endless abortion debate’ Irish women generally remain silent, not daring to ‘become visible’ (Ruane, 2000, p.6).

In any given case of crisis pregnancy, several people may be party to discussions about an abortion decision, but the final legal arbitrator is the pregnant woman. As such, the positioning of the experiential perspective as central is pivotal for the production of new knowledge about abortion in Ireland. Therefore, in Film Two the intention is to rebalance the story in favour of a neglected and marginalised standpoint: this is a very deliberate act. While there might be multifarious tensions and influences at play in abortion decisions and all cases differ, in a legal abortion clinic it is the pregnant woman who signs the consent forms and undergoes the procedure. In more recent times the availability of abortifacients for purchase via the Internet presents another possible solution to medically end an unwanted pregnancy. Yet regardless of the circumstances of an abortion, it is the woman who makes the final decision by consenting to the termination with her signature on a legal document or through the act of ingesting medication. Yet in Ireland, the standing of the pregnant woman is both legally and publicly diminished – by virtue of article 40:3:3 of the Irish Constitution in the first instance, and from a representational viewpoint by

the near absence of experiential discourse in public debate over the last 30 years. Therefore rebalance is fundamental to the creative intent of this project.

The broad concept of Feminist Standpoint Theory provides a conceptual bedrock for the socially situated practice in *Film Two*. As Louise Archer (2004) contends, ‘notions of difference and representation have long constituted important issues for feminist theory, politics and practice’ (Archer, 2004, p.459). Standpoint theory posits that research should begin from the perspective of marginalised groups; Irish women who travel to Britain for abortions are marginalised in the sense that their existence is hardly acknowledged and their standpoint is rarely heard in the centre of power and influence. Yet, women who have abortions are the main actors in the abortion narrative; they are the perpetrators of the act. Mary Hawkesworth (1999) argues that from its origins Feminist Standpoint Theory promised ‘a novel epistemology that could ground research in the truth embodied in women’s experience’ (Hawkesworth, 1999, p.135). There are, of course, difficulties with this ‘novel epistemology’ not least the construction of women as a homogenous group, regardless of social position or ethnicity. But, as Hawkesworth explains, there have been notable reappraisals by feminist scholars concerning the concept of one true vision as told from a site of situated knowledge. Hawkesworth exemplifies the work of Haraway (1991), Hill Collins (1990), and Harding (1991, 1992) as examples of revisions that take account of the range and diversity of female experience. While Standpoint Theory presents as an attractive construct in terms of feminist research projects, its application to creative knowledge production offers far more interesting possibilities. As Uma Narayan (1989) contends, non-analytic and non-rational forms of discourse may be superior to more conventional modes of address for the conveyance of complex life experience (Narayan, 2004, p.220).

The point of departure for *Film Two* is women’s experience; the objective is to represent the complex and often conflicted experiential abortion narrative, which is difficult to convey in conventional genres. *Film Two*



aims to reflect the experience of abortion as a method to challenge the abstract moral, legal and medical discourse pervasive in public debate about abortion in Ireland. Mary Hawkesworth (1999) contends that the analytical tool afforded by Feminist Standpoint Theory may provide ‘new conceptual means to engage contemporary political issues’ (Hawkesworth, 1999, p.136).

The basic structure of an imagined abortion journey from Ireland to Britain emerged as a stylistic foundation for Film Two. The journey might be conveyed as a trip from Ireland to Britain on planes, trains and tubes. It can also be represented as a metaphorical crossing – an emotional expedition where the difficulty is exacerbated by the obligation to leave your homeland in the first instance. It is a journey to an enforced temporary exile. While an hour-long flight might be dismissed as a minor inconvenience, for some women the practical hardship of raising the money and making arrangements is a double burden. When women return they enter the silent ranks of those who have gone before them. They are re-exiled as statistics. Film Two sets out to convey all of this.

### **Making Film Two**

The images for the abortion journey were filmed on a number of trips by plane to London. I followed the route from home to clinic, and back. I was interested in capturing the sense of isolation in urban crowds, and travelling with the tide of movement in a large city with grim intent. These images form the outer layer of the film. I then began to experiment with this footage, cutting in and out of sequence and creating short rough edits of a representational journey films. These editing experiments helped to identify what was missing, and how effectively, or not, the personal internal journey could be conveyed through the imagery of the external journey. Some edits were more successful than others. Over time, I began to pull the best of the journey imagery together, and to eliminate shots and sequences from the assembly.

Through this process I came to realise that Film Two would require a more complex structure than the basic *détournement* approach applied to Film One. The representation of the abortion journey required a layered approach. If you conceive the straightforward journey footage as the primary layer, then subsequent layers of images or sounds are added to convey deeper meaning, or conversely to reflect disharmony between what is seen in the journey and what cannot be seen. The layering experimentation continued in editing. There were frustrations, aesthetic difficulties and junctures when the layers of imagery became so overloaded that they ceased to convey anything. It was important to pull back at times. Every so often I simply returned to the stripped back travel footage and began again.

Once I reached a rough assembly of footage, I focussed on text and how this might work as a further layer to convey experience. At the beginning of this practice-based research, as part of my ‘coming to know,’ I asked a number of women of my acquaintance who have travelled to have abortions to write about their experience. I suggested that they should feel free to write in any mode – fiction, non-fiction, essay, or poetry. The only stipulation was that they should try to express the nature of the experience, and to be as honest as possible. I was not interested in the conveyance of political positions through experiential writing – it was the nature of the experience I wished to represent. Five women responded. Snippets from their writing emerge periodically as text in Film Two.<sup>1</sup> The soundtrack is either muted or noisy, to reflect changing moods, and consists, on the whole, of live sound or silence; for certain moments of the journey quietude seemed to convey more than contrived comment.

In Film Two, I was interested in transmitting fragments of memory, emerging from real experience. In this sense Film Two is non-political. However, the narrative is not disengaged from the politics of abortion discourse. From my perspective as a filmmaker, the attempts to contain the

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<sup>1</sup> The women whose writing features as text in the film were invited to view Film Two prior to completion and after the viewing each of them signed an individual permission slip. Their anonymity is not comprised; the brief extracts from their testimonies are not credited.

uncontested experiential abortion discourse in '50,000 Secret Journeys' in 1994 were revelatory. The methods used for curtailing female testimony in that instance begs several questions, including the ostensible imperative to suppress experiential narratives about abortion in public debate. Perhaps, over two decades later, the film practice of this research can be seen as a response to the fate of '50,000 Secret Journeys' in 1994, when the commonsense construction of abortion discourse, as presented in Film One, was employed to re-contextualise the experiential discourse, which is now re-presented as the subject matter of Film Two.

### **The Emergence of the Two-sided Screen Model**

Once the basic configurations for Film One and Film Two were determined, the question of how the two separate films might work symbiotically emerged as the next creative challenge. Different exhibition possibilities were considered and weighed against the basic construction of Film One and Film Two as two separate, yet intrinsically linked perspectives on abortion in Ireland. While public discourse proceeds with theoretical and often abstract debate about the act of abortion, the chief actors who propel the activity continue their abortion journeys, albeit off the national stage. In this sense the public and the private representations of Film One and Film Two present two disconnected modes of address: the challenge was their presentation as symbiotic narratives, while also exposing the paucity of experiential expression in the normal construction of public debate.

Two screens side-by-side was the first exhibition method considered. Within this construct several methods of presentation are possible. The method of showing Film One in its entirety followed by Film Two or vice versa was a possibility, as was showing portions of each film, and switching between screen one and two as appropriate. There were appealing aspects to this exhibition model, including the implicit ease of connection between the films by positioning the screens side-by-side. The possibility of locating the two screens in separate but interconnected spaces was also considered. In this model the films exist both as separate units, but by the creation of a

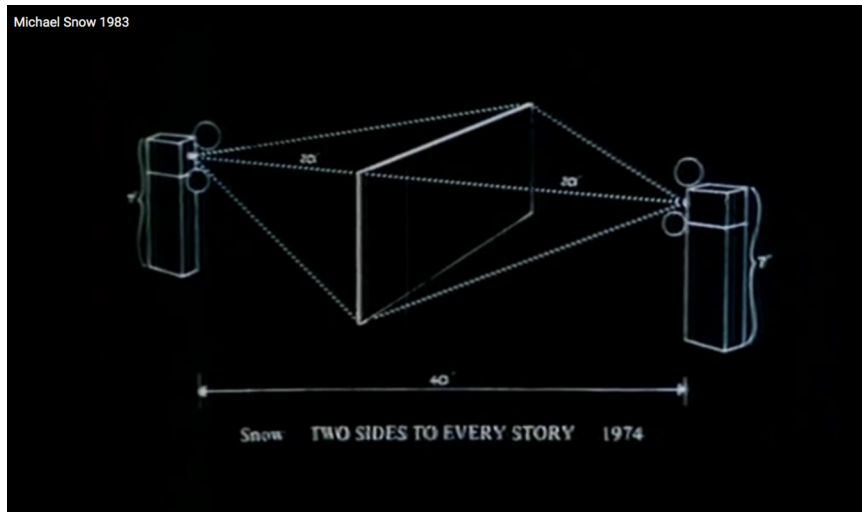
signposted walkway from one space/screen to the other, once again, the linkage between the two films is forged. While all of these methods could probably be made to work, none seemed to present as an ideal solution. Central to the problem was the sense of contrived movement between screens in these constructions, whereby progression from one representation/film to the other was predetermined for an audience to some degree. It was at this point that I came across the work of experimental filmmaker and artist Michael Snow, and stumbled upon his film installation ‘Two Sides to Every Story’ (1974): such are the serendipitous associations that can be forged in web searches for something entirely unrelated.

Michael Snow is a Canadian artist, best known for his experimental film work, consisting of twenty-three films or film installations made between 1956 and 2008. His artistic practice is not confined to film and encompasses sculpture, photography, music and writing. Bruce Elder (1980) argues that Snow’s work is multifaceted to ‘accommodate and to reconcile diversity’<sup>2</sup> (Elder, 1980, p.62). In a profile film made in 2012 to coincide with an exhibition of his sculpture at the Art Gallery of Ontario, Snow describes himself as ‘a director of attention’, while Elder argues that Snow’s work is ‘decidedly analytic in character’ (AGO Art Gallery of Ontario, 2012)<sup>1</sup> (Elder, 1980, p.64). In this respect, Elder contends that the analytic act is ‘one that depends upon identifying and splitting apart differentiated units’ (Elder, 1980, p.65). This method of working with differentiated units is exemplified in the film installation ‘Two Sides to Every Story’ (1974).

Kate Mondloch (2010) describes Snow’s 1974 installation as ‘two analogous 16MM color films projected synchronously onto both sides of a smooth, rectangular aluminum screen suspended in mid-air at the centre of a dimly lit room’. The two films are projected in a continuous loop so that an audience can move around the screen and leave or enter at any stage (Mondloch, 2010, p.13).

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<sup>2</sup> *Objects of Vision (2012)* available on Youtube (accessed online).



This simple diagram illustrates the basic design for 'Two Sides to Every Story'. The image was taken as a screen shot from *Visions – Interview and Profile of experimental filmmaker Michael Snow*, produced by Large Door Productions, broadcast on Channel Four Television in January 1983<sup>3</sup>

In Snow's installation the two sides on either side of the two-sided screen focus on the process of filmmaking and position the audience as either viewers of the completed film, or as onlookers of the process of making the film on the opposite side of the screen. While the installation was constructed to facilitate Snow's particular vision, where, Mondloch argues 'the two films jointly chronicle their own production', the application of the basic installation design to other visions and film narratives is a viable proposition, which presents an appealing aesthetic model (Mondloch, 2010, p.13). From the perspective of exhibiting Film One and Film Two, Snow's exhibition design offers an optimal method for the presentation of a dual perspective on a single issue. The positioning of the screen as the central focus in an exhibition space 'physically calls the viewer to engage with the two sides' or 'the many sides within the two sides' (Mondloch, 2010, p.14). Mondloch contends that when a familiar narrative is placed on one side of the screen it is 'made strange' by the placement of a less familiar narrative on the opposite side of the same screen (Mondloch, 2010, p.18). The connection between the films is physically fused and therefore unbreakable, but you cannot see both at the same time. In order to see the two

<sup>3</sup> Large Door Productions (1983) *Visions* available on Youtube (accessed online).

perspectives viewers always have to leave one behind. But, of course, the audience brings the memory of one screen to their engagement with the reverse side film.

The free movement between films, perspectives and representation facilitated by the two-sided screen allows an audience to take a circular journey, moving around the screens and between perspectives, or alternatively to simply go from one side of the screen to the other. Either way, Snow's two-sided design allows for connectedness between perspectives while also facilitating a singular engagement with one perspective at a time.

### **Conclusion**

This account of the process of knowledge production by practice, and the relationship of the written research to the film installation model cannot be fully comprehensive. This is simply because moments of clarity in my thoughts about creative methodology were often superseded by their problematic or unsuccessful implementation in practice. What seemed like a great idea in theory was often revealed as ineffective when applied to an edit of material. While the creative process can be presented as a narrative, it cannot be fully accounted for in conventional language. However, the process of writing about practice has been very helpful, and has often served to clarify and hone the frequent fluctuations in my intentions for the film practice. Indeed, my practice intent was often subtly changed by the knowledge gained through the process of analysing abortion discourse. Newbury (1996) argues for interaction 'between the personal, intuitive and sensory response' in practice, and the more traditional research (Newbury, 1996, p.218). I believe that such an interaction influenced the content and shape of my creative work.

I would argue that the traditional research element and my film practice in this knowledge production project were intrinsically interlinked from the outset by their duplication as source material in both realms – research and practice. Newbury (1996) argues that the growth of self-reflexivity in

contemporary art is ‘blurring the boundaries between the theorist and the practitioner’; this is, I believe, a useful and pertinent observation for those engaged in practice-based PhDs (Newbury, 1996, p.217). It is also what makes the process of interaction difficult to describe because the boundaries can become blurred in ways that are not easily articulated. In terms of knowledge production in a broad sense, and specifically in relation to this research project, the traditional research, which required a measure of objective analysis, actually emerged as formidable bedrock for engaged and indeed intentionally political creative practice. That was the surprising discovery.

## Chapter 7 Conclusion

This research study set out to analyse public abortion discourse in Ireland through the prism of television current affairs programmes broadcast by RTÉ television 1983-2013; the intent was to examine the trajectory of the national conversation about abortion as a binary construction and to investigate how the polarised debate format acts to restrict or exclude divergent or non-binary discourse from standardised abortion debate in Ireland. Television current affairs programmes presented as pertinent texts for this investigation because, in the first instance, the genre adheres to the concept of balanced debate, which is often signified by the binary oppositional debate format; the significant role played by current affairs programmes in the description and definition of issues in Irish public life was also an important consideration. The question of how mainstream media frame the parameters of the Irish abortion debate, or facilitate pre-existing frames, is fundamental in any discussion concerning the national discourse about abortion.

Spurred initially by a referendum in 1983 and the insertion of Article 40:3:3 into the Irish Constitution, the national conversation about abortion persists as contentious binary debate. The subject has been substantially analysed and critiqued by scholars, and extensively discussed by politicians, activists and commentators in the national parliament and in the media. A number of feminist scholars including Ailbhe Smyth et al. (1992), Ruth Fletcher (1995, 2001, 2005, 2014) and Siobhan Mullally (2005) have made valuable contributions to knowledge production about abortion in Ireland, examining the subject from socio-political, medical, legal, human rights and ideological perspectives. Others, for example Hesketh (1990), O'Reilly (1992), and Holland (2013), have written about particular events or periods in the Irish abortion debate. However, scholarly research centring on the language and framing of the public debate is less extensive. Laury Oaks (2002) utilises a discourse analysis approach in her examination of two Irish abortion narratives, the X Case in 1992 and the C Case in 1997. Oaks evaluates the content of a range of publications in order to juxtapose social



and political reactions to abortion debates in 1992 and 1997, and to determine ‘the radically different understandings of the meaning and place of abortion’ in modern Ireland (Oaks, 2002, p.327). The documents she examines include official policy documents, activist position papers, newspaper articles and Dáil debates. Oaks also incorporates a content analysis of the televised hearings before an All-Party Oireachtas Committee in 2000; however, her analysis does not extend to the content of scheduled television or radio programmes broadcast in the timelines of her study. Lisa Smyth (2005) examines the effect of the X Case in 1992 on Irish abortion politics and, along with a number of other documents, she considers the content of newspaper articles, as one component of her analysis. However, once again, Smyth’s examination of discourse is confined to printed formats.

In the international context, Tracey Feltham-King and Catriona Macleod (2015) provide an extensive analysis of discourse about gender and abortion in South African newspapers spanning twenty-seven years, 1978-2005. In line with the discourse study of my research, the extensive timeframe of the Macleod and Feltham-King study facilitates a linear trajectory of discourse analysis, whereby patterns and changes can be plotted over a significant period of time. However, in an Irish context, I am not aware of any study of abortion discourse that is similar to the research project presented here. The discourse analysis of this study is conducted through a specific and defined medium and covers an extensive period of three decades; the research is also conducted as analogous and interactive with the film practice, and is therefore concerned with how the findings of the discourse analysis can effect change.

### **Discourse Analysis and the Problem with Balance**

Discourse Analysis begins with the acknowledgement that language provides an entrée to understanding issues and events. In a discourse event, like a current affairs programme, the issue of abortion is ascribed meaning; therefore, discursive struggle or changes in discourse patterns can be indicators of change or flux in the wider social world. The discourse

analysis methodology employed in this study was developed to take account of the interrelationship between the discourse in current affairs programmes and the cultural and historical context in which these texts were produced. Equally, constructs that act to constrain frames of discourse by limiting the parameters of permissible debate can affect how an issue is processed and understood. Binary oppositional debate determines that discourse will be polarised, since it acts to reconstitute multifaceted issues as simply two-sided. It is a central contention of this research that the imposition of a balance principle in abortion debate in general, and specifically in Irish television current affairs programmes, restricts and contains the emergence of wide-ranging debate about this complex issue.

The decision to analyse abortion discourse in television current affairs texts was also influenced by my experience as a filmmaker in 1994, when the film ‘50,000 Secret Journeys’ was deemed to be unbalanced by the commissioners of the film – RTÉ Television. The film, which features the testimonies of three Irish women, had been listed for broadcast in a current affairs slot and advertised in the national media, yet was pulled from the schedule days before it was due to be broadcast. The decision by RTÉ to defer the broadcast was justified by invoking the imperative for balance, whereby the broadcaster argued that experiential discourse required contestation and wider context. The counter-argument – that the film merely rebalanced debate by presenting the legitimate and neglected standpoint of personal abortion experience, normally absent from public discourse – held no sway. Some months later, the institutional determination to place the film within a specially produced programme called ‘The Abortion Debate’ raised further questions about how the balance imperative works to contain and disempower non-binary, experiential discourse about abortion. The analysis of the content and structure of ‘The Abortion Debate’ in Chapter 3 leads to the conclusion that the transmission of ‘50,000 Secret Journeys’ as part of a specially constructed broadcast event, served to moderate and re-contextualise the personal testimonies in the film. The fact that RTÉ felt an obligation to produce content to weigh against a film featuring personal testimony about abortion points to an over zealous concern with balance:

the response of the national broadcaster also exemplifies the restrictive function of balance as the primary construct in national abortion discourse. This professional experience as a producer of abortion-related documentary material in 1994 ensured that I had an ongoing interest in the construction of the abortion debate in a national context. Such awareness provided the entry point for this research, which began with the premise that Irish abortion discourse required deeper analysis.

### **Key Findings**

By mapping discourse similarities and divergences in the Irish abortion debate, the discourse analysis in Chapter 5 facilitates comparative analysis of discourse patterns across three decades. The provision of social, historical and legal context in the introductory chapter, along with an examination of objectivity and balance in broadcast journalism in Chapter 3, presented as essential precursors, prior to the discourse analysis of the current affairs programmes of the study. The issue of balance in journalism, as informed by the objectivity paradigm, was key to establishing the reasons for and effects of positioning balance as a central tenet in journalistic practice. RTÉ is the national public service broadcaster and therefore conforms to the norms of institutionalised broadcasting practice, as set out in legislation and regulatory guidelines. In programme-making practice apparent adherence to the principle of balance routinely materialises in binary representations of issues with an underlying assumption that debate between two opposing perspectives guarantees that the discourse event is objectively produced. There are two essential problems with this representation of balance in binary debate. Firstly, there is an assumption that ‘the truth’ about an issue will emerge from binary oppositional debate; secondly, it points to a supposition functioning as a principle, which is that balanced debate is analogous to dual perspective debate, or simply equivalent to presenting one perspective as the opposite of the other. This research contends that the establishment of ‘the truth’ or ‘truths’ about a complex issue like abortion is not determinable in a binary oppositional construct: furthermore, the imposition of balance on debate about abortion merely perpetuates the futile

re-telling of diametrically opposed narratives.

The discourse analysis study in Chapter 5 sets out to analyse abortion discourse as a binary construct, as exemplified in television current affairs debates in four key timeframes in the period from 1983-2013. The study takes account of pivotal or significant moments in the abortion debate in Ireland. Historical context was the primary method for the selection of the four timeframes: this cultural significance was corroborated by the clustering pattern of abortion related programmes in the RTÉ archive, which correlated with the timeframes selected. The four study timeframes relate to the amendment debate and aftermath in 1983; the X Case and subsequent amendments in 1992; the C Case in 1997; and finally, the period 2012 and 2013, which includes the death of Savita Halappanavar in 2012 and, in 2013, the enactment of abortion legislation and the public emergence of the fatal foetal abnormality debate.

The first timeframe, which coincides with the referendum debate in 1983, produced some noteworthy findings. For example, specific discourse modes established during this timeframe persist as frames of debate throughout the subsequent three decades of the study. The construction of unborn rights as autonomous, and therefore unconnected to the rights of women, is a dominant frame of discourse in this timeframe, as is the related characterisation of the unborn as defenseless and in need of state protection. This presentation, where the unborn are portrayed as autonomous, yet vulnerable, endures as a pivotal discourse frame in binary oppositional debate for the duration of the study. Significantly, in this first timeframe, those who are positioned as anti-amendment do not contest the portrayal of unborn rights as absolute in any substantial way. One of the difficulties with plotting the binary of pro and anti-amendment discourse in current affairs programmes in 1983 is the prevalence of wide-ranging societal discussions, which persist during the course of the referendum debate. As such, discourse fragments into a number of issues not directly related to the subject of abortion. For example, a debate about plurality in Irish society may work as a counter-argument against the amendment, but expansive

societal arguments distract from the issue at the heart of the referendum – the constitutional establishment of unborn rights as equal to the rights of pregnant women. In this respect, when they are discussed the rights of women are repeatedly framed within the boundaries of medical judgment in pregnancy, while abortion access is rarely framed as an issue involving personal choice. In this timeframe, then, the tendency to restrain and diminish the rights of women in Irish abortion discourse begins.

However, in 1992 the hard case narrative of Miss X materialises in the public realm; consequently the unborn right to life transpires as being in conflict with the equal right to life of the mother. There is vigorous contestation in current affairs debates in 1992, exemplified by a frame of debate that specifically foregrounds the position of women. Undoubtedly, the particular circumstances of the X Case invoked widespread public empathy, which clearly impacts on national discourse about abortion. Nonetheless, it is equally noteworthy that, despite the poignant particulars of the X Case, discourse about the right to life for the unborn as articulated by pro-life panellists persists as an absolutist frame of debate. While there is some attempt to reframe the pro-life position as one of concern for ‘the two victims’ in the X Case (X and her unborn child), this frame can only be sustained in the abstract – in practice it is clear that one right must take precedence over the other. The second timeframe of the study marks the point when binary oppositional debate about abortion emerges as a clear contest between those who foreground women and those who foreground the unborn; individual panel contributions are often exclusively focused on one group or another. Discourse analysis of programmes in 1992 point to the beginning of a defined polarity in current affairs debate, and illustrates how the binary oppositional construct serves to perpetuate polarised patterns of debate.

As we reach the third timeframe, 1997-99, the absence of personal testimony about abortion in current affairs debate is very manifest. At this point, there is no identified component of experiential discourse in the programmes of the study. While the position of women continues to be

articulated by panellists who foreground women, the study confirms the widespread, anecdotal belief that personal accounts of abortion are absent, or virtually absent, from the mainstream national debate. However, in the third time period a frame of debate that highlights the dualistic thinking inherent in the Irish abortion debate begins to have impact in the overall discourse. The exemplification of the actual abortion practice of Irish women frames the argument as being one of reality versus idealism and this acts to expose the duality underlying the entire debate; in effect, Ireland cannot be portrayed as having an abortion-free regime if thousands of Irish women terminate pregnancies each year, albeit by travelling to avail of legal abortions in other jurisdictions. While this frame of debate emerges periodically in the previous timeframe, and references to the abortion statistics for Irish women feature sporadically throughout the study, the exposition of dualistic thinking about abortion is particularly intense in the 1997-99 timeframe. This presents as an important and effective frame of debate for those who foreground women, particularly as the constitutional framework for abortion is itself open to dualistic interpretation. Abortion is illegal in Ireland, except to save the life of the mother (including the risk of suicide), yet the Thirteenth Amendment to the Irish Constitution was specifically drawn up so that Irish women can have freedom of movement. There is an essential dichotomy in a legal framework that bans abortion except in very restricted circumstances, yet also paves the way constitutionally for women to travel freely to another jurisdiction to terminate pregnancies on a less restrictive basis. It is hardly surprising then that dualism, cross-purpose and contradiction are readily identifiable in the current affairs discourse of this study.

The final timeframe of the discourse analysis study raises further significant questions about the positioning of women in the Irish abortion debate. It also points to the ongoing effects of structuring the debate as a polarised contest. In 2012, the death of Savita Halappanavar in University College Hospital in Galway activated a prolonged period of national abortion debate, culminating in an Oireachtas decision to pass the Protection of Life During Pregnancy bill in July 2013. In television current affairs debates in

this timeframe, a medical frame of debate comes to the fore, centred on the question of suicidal ideation in pregnancy and specifically about how this will be managed in legislation and in medical practice. When abortion is presented as a matter of medical judgment, the nature of debate is transformed; the focus shifts to discourse pertaining to the correct medical response rather than what might be morally right or morally wrong. It is evident from the study that pro-life activists are often resistant to the medical frame, which tends to position the health of the woman as paramount. However, as the study also illustrates, the shift in emphasis, from a moral frame to a medical one, is not at all straightforward. Doctors and psychiatrists, who are regular panellists on current affairs programmes in this timeframe, tend to present as being ideologically invested in the debate and, as such, the binary oppositional nature of abortion discourse is unchanged. In this sense, the ideological contest merely becomes quasi-medical. Additionally, the presentation of abortion as a medical issue, while progressive in the sense that it elevates the broad issue of women's health in the debate, also, somewhat ironically, serves to demote women to the subject position of patients. As has been the pattern throughout the discourse study, experts, be they moral, legal or medical, present the case from their expert position as the arbitrators of what is best for women. In this timeframe, this tendency is clearly illustrated by an increase in discourse that positions abortion as either positive or negative for women, whereby the experiences of women are often appropriated to serve as ideological 'fodder' in the abortion debate.

Yet, 2013 also marks the point when the absence of personal testimony from televised current affairs comes to an end. This happens when women and their partners from the group Terminations for Medical Reasons (TFMR) materialise as panellists and contributors in television current affairs programmes, and in the wider public realm. Their stories about making difficult journeys to Britain to terminate pregnancies following a diagnosis of fatal foetal abnormality are poignant and emotional. The effect on discourse is perceptible, particularly when women with personal knowledge challenge the theoretical or ideological pro-life position. For the

first time in the discourse study, women with experience of abortion are featured in current affairs programmes as advocates for choice. Although experiential discourse about abortion does affect the tone and content in individual current affairs programmes, this alteration in abortion discourse is not entirely unproblematic. This is because the issue of fatal foetal abnormality is clearly an extreme case, and the context in which the experience of abortion is discussed is confined to a specific condition. Nonetheless, it is the first example of sustained self-definition by women through personal testimony, when identifiable contributors speak openly about abortion and choice in television current affairs debate. Therefore, it marks a moment of significance in the abortion debate in Ireland.

The format of current affairs programming is, at a basic production level, a process of narrative encodement, where raw events and issues are manufactured and packaged in a broadcast narrative, which is easily understood, decoded and processed by a wide audience. Clearly, the constrictions of the current affairs genre serve to produce a strictly mediated discourse where the narrative is regulated by legislation and controlled by professional norms. The context in which the narrative is produced, the current affairs format, is easily corralled into the presentation of a common sense view where some meanings are preferred. One such meaning is that abortion is an ideological and moral argument and this construction then becomes the commonsense or accepted norm in abortion debate. However, the wide parameters of human experience and the multifaceted dilemma of abortion cannot be accommodated in restrictive theoretical or absolutist binary contests, especially when repetitious assertion of formal principles is the primary frame of discourse. Carol Gilligan (1982) contends that the moral complexity of abortion can only be revealed through the narrative of women's experience, and this premise was pivotal in the production intentions for the film '50,000 Secret Journeys'. Experiential discourse challenges hypothetical discourse about abortion and facilitates movement beyond discussing abortion as a subject from two polarised perspectives. The construction of debate as an ideological contest between those who foreground women and those who foreground the unborn forces abortion



discourse into a structure with preordained boundaries, heavily policed by notions of balance. This research illustrates that adherence to binary oppositional structures in public debate limits and simplifies discourse about abortion in Ireland. But, our national abortion conversation is far from finished; it is timely now to re-imagine how the public debate about abortion can be represented in an expansive and creative way.

### **Research into Practice; Practice into Research**

This research was undertaken as an academic and creative exercise to critically engage with abortion discourse and to draw conclusions about the historical trajectory of the abortion debate in Ireland. But, that was not the sole objective; from the outset there was an intention to invoke the research findings and the two-sided screen film installation to instigate change in the Irish abortion conversation. The research findings are obliquely visible and discernable in the practice, while the construction and content of the film artefact is undoubtedly inspired by the discourse analysis study; the analogy of ‘twins’ applies to the dual components of the research – intrinsically linked, and essentially autonomous. The broad intention is that both components of this knowledge production project will work in a unified way, but it is also important that the creative exhibition and the research findings can be viewed or disseminated as separate entities. The two-sided screen exhibition, with Film One and Film Two projected on either side of a constructed screen, will be set up for viewing to coincide with the examination of this research project. The exhibition will also be contextualised by a card notice and handouts, which will place the work within the overall debate about abortion in Ireland, and specifically within the context of this practice-based research. This initial showing will also serve as the launch pad for the film duet installation and to generate interest in future public showings.

As the public debate about abortion, and particularly the effect of Article 40:3:3 of the Irish Constitution, comes full circle in 2016, citizen-led and activist demands for a referendum to repeal the Eighth Amendment enacted in 1983 are growing. My objective is that the discourse analysis findings

and the film practice will be interwoven into this discussion, through exhibition, publication and related discussion. The contexts and spaces in which the research and films will be publicly disseminated and exhibited are at this stage provisional; but, whatever the context, the thesis and the film installation will be presented as a critique of the historical trajectory of abortion discourse in Ireland, and as a preamble for change.

Ruth Fletcher (2014) wonders why feminist advocates and academics have not been more successful in changing official abortion policy and law in an Irish context (Fletcher, 2014, p.10). Perhaps widespread acceptance of abortion discourse as a binary oppositional debate has been a factor in the slow pace of change and because repetitious theoretical debate has become so normalised we have ceased to question the validity of this construct. As was indicated in the Abstract, Fairclough argues that resistance to ideological indoctrination is dependent on citizens developing judicious awareness of discourse, as opposed to merely experiencing it (Fairclough, 1989, p.3). As this research concludes, Fairclough's assertion should be re-acknowledged as the intellectual rationale that has driven this investigation and film practice.

The abortion debate is ongoing in Ireland and it is important that future research engages with the many facets of this complex issue, both nationally and internationally. It is a subject that divides opinion on several levels, yet abortion remains an important choice in the lives of many women. As the discourse analysis of this study required an end point, the enactment of legislation in 2013 seemed to provide a conclusive moment. But, as long as the abortion debate continues in Ireland, the discourse that propels it will require creative scrutiny and scholarly research. While outside the scope of this research project, future studies of public abortion discourse will require analyses that engage with the impact of social media on the public debate; the growing prevalence of unmediated opinion exchange, as disseminated through a wide range of internet channels of communication, has emerged as a new portal for abortion debate and activist mobilisation in recent years. Additionally, the intersection of peer-to-peer online discourse with

traditional journalism and broadcasting genres will likely play an increasingly important role in public abortion discourse, both in Ireland and globally. As binary oppositional debate is a significant driver of ideological presuppositions in abortion discourse, ongoing research about how the debate is structured and curtailed, in conjunction with sociological, medical, legal, philosophical and rights based research, will be required to broaden our understanding of this multifaceted issue. This research should be proactive in advancing our collective desire to ‘change the record’ of polarised discourse about the subject of abortion. As Jorgensen and Phillip argue, a change in discourse is the means by which the social world is changed (Jorgensen and Phillips, 2002, p.9).

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## **Interviews**

Hilary Dully email interview conducted with John Masterson October, 2015 (See Appendix C).

## **RTÉ Television Current Affairs Archive for Discourse Study**

Available from RTÉ Visuals Library, RTÉ Donnybrook Dublin.

### **1981-1983**

*Today Tonight*, broadcast 18 February 1983

*Today Tonight*, broadcast 03 March 1983

*Today Tonight Special*, broadcast 10 March 1983

*Today Tonight*, broadcast 15 March 1983

*Today Tonight*, broadcast 01 June 1983

*Today Tonight*, broadcast 01 September 1983

*Today Tonight Referendum Special*, broadcast 08 September 1983

### **1992-1994**

*Today Tonight*, broadcast 18 February 1992

*Today Tonight*, broadcast 19 February 1992

*Questions & Answers*, broadcast 24 February 1992

*Today Tonight*, broadcast 26 February 1992  
*Questions & Answers*, broadcast 02 March 1992  
*Today Tonight*, broadcast 05 March 1992  
*Today Tonight*, broadcast 10 March 1992  
*Today Tonight*, broadcast 25 March 1992  
*Today Tonight*, broadcast 09 April 1992  
*Today Tonight*, broadcast 14 April 1992  
*Questions & Answers*, broadcast 04 May 1992  
*Today Tonight*, broadcast 05 May 1992  
*Questions & Answers*, broadcast 22 June 1992  
*Prime Time*, broadcast 08 October 1992  
*Questions & Answers*, broadcast 12 October 1992  
*Questions & Answers*, broadcast 19 October 1992  
*Prime Time*, broadcast 05 November 1992  
*Questions & Answers*, broadcast 16 November 1992  
*Questions & Answers*, broadcast 30 November 1992  
*Prime Time*, broadcast 14 April 1994  
*Questions & Answers*, broadcast 07 November 1994

### **1997-1999**

*Questions & Answers*, broadcast 03 February 1997  
*Questions & Answers*, broadcast 04 March 1997  
*Prime Time*, broadcast 21 March 1997  
*Prime Time*, broadcast 18 November 1997  
*Prime Time*, broadcast 19 November 1997  
*Questions & Answers*, broadcast 24 November 1997  
*Prime Time*, broadcast 15 June 1999  
*Questions & Answers*, broadcast 21 June 1999

### **2011-2013**

*Prime Time*, broadcast 19 July 2012  
*Prime Time*, broadcast 02 October 2012  
*Prime Time*, broadcast 19 November 2012  
*Prime Time*, broadcast 20 November 2012  
*Prime Time*, broadcast 21 November 2012  
*Prime Time*, broadcast 22 November 2012  
*Prime Time*, broadcast 18 December 2012  
*Prime Time*, broadcast 10 January 2013  
*Prime Time*, broadcast 30 April 2013  
*Prime Time*, broadcast 02 May 2013  
*Prime Time*, broadcast 27 May 2013  
*Prime Time*, broadcast 11 June 2013  
*Prime Time*, broadcast 13 June 2013  
*Prime Time*, broadcast 10 July 2013  
*Prime Time*, broadcast 11 July 2013  
*Prime Time*, broadcast 12 November 2013

**Television Current Affairs Archive**

*The Abortion Debate* broadcast, RTÉ, broadcast 27 October 1994

*50, 000 Secret Journeys*, The Picture House for RTÉ, broadcast 27 October 1994.

## **Appendix A**

### **Television Current Affairs Programme Synopsis**

The researcher compiled the following synopses of each of the 52 programmes from the four timeframes of the study, in order to record identifying programme features and preliminary observations. The synopses were amended, as required, following subsequent viewings. The programme synopses served as a reference both for the Discourse Study and for the edit of Film One.

#### **Period 1 1981-1983**

##### **TODAY TONIGHT**

**18/02/1983**

This panel discussion programme, chaired by John Bowman, was broadcast in a period of ongoing legal discussion about the proposed wording for the Eighth Amendment, following the intervention of the Attorney General, and the Director of Public Prosecutions; both men had expressed concern about the pro-life wording. This edition of the programme was also broadcast in the wake of an Irish Times MRBI opinion poll, where 53% of those polled were in favour of inserting a constitutional right for the unborn into the Constitution, 16% were against, 19% undecided and 12% declaring an intention not to vote. As regards the necessity for a pro-life referendum, 47% considered it necessary, 37% did not, and 16% had no opinion. The panellists are Julia Vaughan, obstetrician & Chair of PLAC; Mary Henry; doctor and member of AAC; William Binchy, pro-life academic lawyer; Eamon O'Dwyer, pro-life obstetrician; Michael Solomans, obstetrician and anti-amendment campaigner; and Kevin Boyle, academic lawyer.

##### **TODAY TONIGHT**

**03/03/1983**

This programme opens with a brief introduction from studio to a film report; the film lasts for the entire programme duration. The film details the lead up to the referendum campaign, the political climate, past referendum campaigns and the birth of PLAC. The film follows both campaigns, for and against the amendment, and interviews 31 people in the report. The film is classic reportage with factual information, interspersed with the views of experts and campaigners. The film also gives the impression of being carefully balanced, in terms of allocated time to arguments on both sides.

##### **TODAY TONIGHT SPECIAL**

**10/03/83**

This *Today Tonight* Special, facilitated by John Bowman, was a live broadcast with invited panellists – Julia Vaughan PLAC; Adrian Hardiman, AAC; Mary Henry AAC; and Brendan Sexton PLAC, plus a studio audience from both sides of the amendment debate. This is a break with the traditional format for Today Tonight; the programme presents as a precursor to the home-produced version of the BBC *Question Time* in the form of RTE's *Questions & Answers*, which began broadcasting in 1988. This

*Today Tonight* programme was broadcast prior to the decision on the final wording for Article 40:3:3 of the Irish Constitution.

### **TODAY TONIGHT**

**15/03/1983**

This pre-recorded interview (in a longer programme dealing with other topics) is with John Wilke, a renowned pro-life activist from the USA. He is on a visit to Ireland where he met with the Taoiseach to discuss the proposed wording for Article 40:3:3. John Bowman conducts the interview.

### **TODAY TONIGHT**

**01/06/1983**

This programme features members of Doctors Against the Amendment, a newly formed group, and consists of a report with five interviews with doctors who are members of the group and who oppose Article 40:3:3. The filmed report is followed by a studio discussion with panellists – both obstetricians – John Bonner pro-amendment and pro-life; and Fergus Meehan, who is anti-abortion, but also against the amendment. As expected, medical discourse predominates with discussion centring on the equal right to life debate including the consequences for obstetric practice should the amendment be passed, especially as it relates to non-viable pregnancies and cancer in pregnancy.

### **TODAY TONIGHT**

**01/09/83**

This episode of *Today Tonight* was broadcast a week before polling in the 1983 referendum. The programme consists of a report that focuses on both sides of the amendment campaign, paying particular attention to the debate about how Catholics should vote. There are a large number of interviews with people as they are canvassed in the campaign, conducted in a vox pop style (this content accounts for the large number in the category Other in content analysis for this programme, as they are not given titles).

### **TODAY TONIGHT REFERENDUM RESULTS SPECIAL**

**08/09/1983**

This programme, a referendum results special, was broadcast the night after the results were counted. 66% of the electorate voted in favour of inserting the right to life for the unborn into the constitution, 33% against – a 2/3 to 1/3 split. John Bowman convenes a panel discussion with Mary Robinson, AAC; and William Binchy, pro-life advocate (both are lawyers) and presents the breakdown of regional results. This is followed by a second panel discussion, chaired by Brian Farrell, with James Hartin, a Protestant cleric and John Healy, journalist. A third panel consisting of four male politicians – Michael Noonan, Michael Woods, Tomas McGiolla and Ruairí Quinn – is also chaired by Brian Farrell. It is interesting to note that politicians, noticeable by their absence in other programmes about abortion in this period, are present now to discuss the result. It is also notable that sectarianism is now discussed as pluralism; the same basic subject is presented in a new frame, where the word minority is also liberally utilised.



There appears to be a retrospective attempt to reframe the sectarian argument in more positive language.

## **Period 2 1992-1994**

### **TODAY TONIGHT**

**18/02/1992**

This programme was broadcast after the High Court decision, and before the Supreme Court Appeal, in the X Case. The film report revisits the 1983 referendum campaign and interviews Mary Lucey (doctor, formerly PLAC); Mary Henry (formerly AAC); and Mary Holland, journalist. The film report is followed by an interview link to London with Helen Axby (Director Pregnancy Advice Clinic), conducted by Brian Farrell. The studio debate has two separate panels consisting of panel A, conducted by Olivia O’Leary, with William Binchy (pro-life academic lawyer); and Michael McDowell, lawyer. The second panel, convened by Brian Farrell, has four panellists – Jim McDaid, politician; Alan Dukes, politician; Brian McKevitt, a Catholic priest representing the organisation Women Hurt by Abortion; and Anne Kennedy of the pro-life organisation Life.

### **TODAY TONIGHT**

**19/02/1992**

This programme was broadcast when the Supreme Court lifted the injunction on X, but before the text of the full judgment was available. The programme has four strands. Panel A consists of two academic lawyers, Mary McAllese and Tom Cooney. The second strand features an interview with Deirdre Curtin, also an academic lawyer, based in Utrecht in Holland. The next interview is with Patricia Casey, pro-life campaigner and psychiatrist, who discusses the psychological effects of the injunction on X and her family. The political panel consists of three female politicians – Madeline Taylor Quinn, Marie Geoghan Quinn and Mary Harney.

### **QUESTIONS & ANSWERS**

**24/02/1992**

This episode of *Questions & Answers* was broadcast after the High Court Injunction and before the Supreme Court ruling in the X Case. The panellists are Desmond Fennell, journalist; Mary Harney and Ruairí Quinn, both politicians; and Anthony Clare, psychiatrist (who makes some very interesting contributions). Desmond Fennell makes reference to media bias against the pro-life argument. He also contends that there is too much media emphasis on the issue of abortion. There are three related questions asked in this programme: 1. Will it be necessary to revisit Article 40:3:3? 2. A question about the media treatment of all sides in the present controversy and 3. What the panel thinks about the recent suggestion from a Catholic priest, Michael Cleary, that the X Case might be set up as a test case in relation to Article 40:3:3 (as articulated by Cleary as a panellist on *The Late Late Show*- RTE entertainment programme on 21/ 02/1992).

## **TODAY TONIGHT**

**26/02/1992**

This episode of *Today Tonight* has a four-person panel, with Mary Lucey, doctor and pro-life advocate; Alan Shatter and Willie O’Dea, both politicians; and Ann O’Donnell of the Rape Crisis Centre.

## **QUESTIONS & ANSWERS**

**02/03/1992**

This edition of *Today Tonight* is interesting for a number of reasons, including the panel of the Catholic priest, the pro-choice writer, the pro-choice (though not overtly stated) politician, and the ‘fence sitter’, respectively Dennis Faul, Evelyn Conlon, Mary Banottii and politician Michael Smith. The audience questioner asks if the panel thinks that the time is right to have a limited form of abortion in Ireland. There are some lively exchanges, and forthright points of view expressed in this programme.

## **TODAY TONIGHT**

**05/03/1992**

This *Today Tonight* programme was broadcast after the details of the Supreme Court ruling on X were released, and is the first item in the running order of the programme. The issue is explored by three panels/ interviews – the first with William Binchy and Adrian Hardiman, the second with Mary Harney and Bernadette Bonar (The Responsible Society – pro-life), and finally an interview with the then Minister for Justice, Pdraig Flynn.

## **TODAY TONIGHT**

**10/03/1992**

This programme consists of a filmed report and a panel discussion. The report is partly filmed in London at the Lineker Centre, an advisory body to the British Catholic hierarchy on ethical and moral matters. The film attempts to deal with ethical issues, such as when life begins, and the Catholic teaching on such matters. The interviewees are Luke Gormally, philosopher and representative of the Lineker Centre, Baroness Warnock, ethicist; Rev. Alan Clarke; Rev. Kenneth Kearon; and Desmond Clarke, a philosopher and university lecturer. The report attempts to examine absolutist positions. The panel discussion that follows somewhat reverts to type, with panellists Health Minister, Pdraig Flynn; and Patricia Bannon, a doctor representing the Pro-life Campaign.

## **TODAY TONIGHT**

**25/03/1992**

This programme is studio-based with separate interviews with Des Hannifin, politician and pro-life advocate; Mary Harney, politician; and journalist Emily O’Reilly. The emphasis is shifted to an analysis of the abortion situation in a wider political context. Particularly, questions arise about how the government will act in relation to the protocol to protect Irish abortion law, which has been inserted by the government into the Maastricht Treaty. The effect of this protocol on the upcoming referendum (June) is

discussed. The emphasis is still on the issues of travel, information, the protocol, and politics. There is no debate between panellists in this programme.

### **TODAY TONIGHT**

**09/04/1992**

This programme is introduced with the caption ‘The Maastricht Muddle’, followed by pre-recorded interviews with Caroline Simons, pro-life lawyer; and Catherine McGuinness, lawyer. Presenter Olivia O’Leary attempts to unravel the complications of a number of issues including the right to travel and information, the call for a new referendum or legislation, and the entanglement of the abortion issue with the vote on the Maastricht Treaty. Olivia O’Leary interviews Des O’Malley, politician. At the end of this interview there is a brief response by Ruairí Quinn, politician. The programme is concerned primarily with debate about the decision by government to have the Maastricht Treaty referendum before the issues arising from the Supreme Court decision on the X Case are dealt with.

### **TODAY TONIGHT**

**14/04/1992**

As the confusion around the Maastricht Treaty continues to grow, this programme attempts again to unravel some of the complications. The filmed interviews are with Bernadette Bonar, pro-life advocate and with Iseult O’Malley and Tom Cooney, both lawyers. The first studio panel consists of Frances Fitzgerald, Council for the Status of Women; Michael McDowell, lawyer and politician; and Brigid Laffin, academic. The second panel is made up of three male politicians – David Andrews, Gay Mitchell and Brendan Howlin.

### **QUESTIONS & ANSWERS**

**04/05/1992**

The panellists in this programme are T.J. Maher, politician; MEP, Avril Doyle, politician; Adrian Hardiman; and Brian O’Shea, politician. The abortion related question is the second question of the programme and is linked to an opinion poll stating 58% of the electorate were in favour of limited abortion in line with the Supreme Court decision in X.

### **TODAY TONIGHT**

**05/05/1992**

This programme begins with a filmed report including IVs with pro-life protesters outside the Dáil. It also includes some footage from the PD (political party) conference. The views are extreme. The studio panel consists of Frances Fitzgerald (CSW); Brendan Howlin, politician; and Shane Murphy, a pro-life lawyer.

### **QUESTIONS & ANSWERS**

**22/06/1992**

This programme, the final of the summer season, has Declan Kiberd, academic; Nuala O’Faolain, journalist; politicians Noel Dempsey and Michael McDowell, as panellists. The question about abortion is the final

question in the programme; it follows questions about the Maastricht victory, peace talks in Northern Ireland, and the dress code in the Dáil. The abortion question concerns the issue of referendum versus legislation for abortion, following the Supreme Court decision in the X case. This is interesting as it comes in the wake of the resounding Yes vote for Maastricht – an endorsement for European integration, despite the abortion protocol. It is also interesting as it is in ‘peace’ time so to speak, when the abortion situation has calmed following the Supreme Court judgment in the X Case.

### **PRIME TIME**

**08/10/1992**

This programme, convened by Olivia O’Leary, is entirely devoted to discussion about the wording for the ‘substantive issue’ in the forthcoming abortion referendum. The first panel discussion is with two doctors, and highlights an interesting shift into medical discourse. The doctors are Berry Kiely, who is pro-life, and David Gibney of Doctors for Information, who is advocating for the provision of abortion information. The second panel is primarily a political one, with the exception of panellist William Binchy, pro-life lawyer. The politicians are Mary Harney, Pionnsias De Rossa (who presents a fairly overt pro-choice position), Nora Owen, Brendan Howlin and John O’Connell, Minister for Health. There is considerable confusion. The debate about direct and indirect abortion, which is essentially a theoretical argument, is couched in medical language. This programme highlights the confusion within government and the potential legal minefield produced by the wording of Article 40:3:3.

### **QUESTIONS & ANSWERS**

**12/10/1992**

Panellists on this programme are Mary O’Rourke, politician, Nuala O’Faolain, William Binchy and Adrian Hardiman. The question on the abortion issue is the first question put from the audience, which asks if the proposed wording for the substantive issue in the upcoming referendum will bring abortion into Ireland. There are a number of interesting contributions in response. Firstly, the issue of absolutism is overtly raised by one panellist (Mary O’Rourke) and also there is a sense of movement from the former emphasis on legal issues to a medical frame of debate. In terms of the broader study it worth noting this evident shift in this programme.

### **QUESTIONS & ANSWERS**

**19/10/1992**

The panellists are Frances Fitzgerald representing the Council for the Status of Women; Charlie McCreevy, politician; Louis Courtney, pro-life doctor; and Ruairí Quinn, politician. The abortion question is the 2nd last question of the programme and asks if the Irish people are being asked to vote for some abortion rather than no abortion. This question relates to the wording of the substantive issue in the referendum. There are some very revealing contributions from Courtney, especially as he argues against any possibility of a scenario similar to what actually happened in the Savita Halappanaver case twenty years later, almost to the day.

## **PRIME TIME**

**05/11/1992**

This episode of *Prime Time* starts with an interview with Joseph Duffy, spokesperson for the Catholic hierarchy. The Irish bishops have issued a statement on the three-part referendum and Olivia O’Leary questions Duffy about the contents of the statement. The item is the first in the programme and is a relatively short in duration. Brian Farrell conducts the bridge interview to the next item with a midlands journalist, who maintains that the issue of abortion will not feature largely as an election issue. The subsequent debate is about the upcoming general election.

## **QUESTIONS & ANSWERS**

**16/ 11/1992**

The panellists for this programme are Mary Holland, journalist; and politicians Pdraig Flynn, Pionnsias De Rossa, Nora Owen, and Niamh Bhreathnach. The abortion question is the last question of the programme and concerns the intervention of Archbishop Desmond Connell in the abortion referendum debate. There are a number of interesting responses from Pdraig Flynn, especially in relation to the issues of travel and suicide.

## **QUESTIONS & ANSWERS**

**30/11/1992**

This programme was broadcast after the general election of 1992, which was held on the same day as the abortion referendum on Travel, Information and what was called the Substantive Issue. The travel and information amendments were carried, while the substantive issue was defeated. The question is the fourth question of the programme and is asked by a young Rónán Mullen, who, in later years, emerges as prominent pro-life spokesperson. He asks the panel how they interpret the no vote in the abortion referendum, and what the political response should now be. As to be expected, the discourse is almost entirely political, framed in legal/constitutional language, and reflective of the political moment. This moment is also reflected in the composition of the panel, consisting of four politicians – Mary Harney, Charlie McCreevy, Eithne Fitzgerald and Alan Dukes. However, it is interesting that Charlie McCreevy, at the end of the allotted time, declares that legislation ‘is ready to go’, although this does not actually happen for another twenty years.

## **PRIME TIME**

**14/04/1994**

This episode of *Prime Time* deals with the issue of abortion information, and what constitutes ‘referral’ as opposed to ‘information’. The film report is about an abortion information phone-line in Galway, which is the subject of a complaint to the Gardaí. Again, lack of clarity allows panellists to interpret the situation from their particular standpoint. A studio panel discussion with lawyer William Binchy, and politicians Liz O’Donnell and Alan Shatter follows. They debate the legal and constitutional questions around the provision of abortion information, following the 1992

referendum on Information. The discussion is interesting because the voice for choice, albeit somewhat muted, is heard, both in the film report, and in the contribution from Liz O'Donnell in the panel discussion.

## **QUESTIONS & ANSWERS**

**07/11/1994**

This 1994 programme revisits the question of abortion information and is concerned with the interpretation of what constitutes information. The issue is whether abortion information is actually 'referral' or 'promotion' of abortion. The government is in the process, it is claimed, of drafting legislation. The question from the audience concerns the issue of information and if this now should be part of abortion legislation. The programme panellists are Emily O'Reilly journalist; Nora Owen and Seamus Brennan, both politicians; and William Binchy. One of the audience participants is a young Maria Steen, who emerges as a prominent pro-life spokesperson in the 2011-13 period. Binchy's reference to hypocrisy is interesting, as is his clarity about the lack of a constitutional right to an abortion abroad.

## **Period 3 1997-1999**

### **QUESTIONS & ANSWERS**

**03/02/1997**

In this programme the audience questioner asks if abortion should be an issue in the forthcoming general election; this is the third question in the running order, after a question about Michael Lowry (controversial politician) and one about the film 'Michael Collins'. The panellists are William Binchy; Alan Dukes; Mary Daly, historian; and Síle De Valera, politician. It should be noted that when William Binchy is a contributor in a programme the rights of the unborn are continually restated. What is also interesting, in this particular programme, is Binchy's emphasis on the importance of protecting these rights, because, he states, the unborn are invisible and silent.

### **QUESTIONS & ANSWERS**

**04/03/1997**

This programme was broadcast prior to the emergence of the C Case, later in this year, 1997. This was a relatively uncontroversial period in the abortion debate. The question from the audience, probing the reluctance of politicians to debate the issue of abortion, is the second question in the programme. The panellists are Mervyn Taylor and Marian McGuinness, politicians; Ivana Bacik, pro-choice advocate and academic lawyer; and Gerald Casey academic and pro-life activist.

### **PRIME TIME**

**21/03/1997**

This programme was broadcast prior to a General Election, and therefore political issues predominate. But will abortion be a general election issue? Stephen Collins, journalist and political commentator, is interviewed about the position of the two main parties (FF and FG) on the issue of abortion.

Prior to this, the programme presenter, Eamon Lawlor, gives a brief overview of the history of the Irish abortion debate since 1983. William Binchy, once again, makes his case for a new referendum, rather than legislation for the X Case. This is a short item, followed by two other unrelated items in the programme running order.

### **PRIME TIME**

**18/11/1997**

This edition of *Prime Time* begins with an interview with *Prime Time* reporter Mike Millotte, who has spent some time with the parents of the child at the centre of the C Case. The programme presenter Eamon Lawlor then gives a history of the abortion question in Ireland since 1983. A panel discussion about the C Case and its implications follows, with William Binchy; and Liz McManus, politician; and then separately with Adrian Hardiman. They discuss the failure of the legislature to legislate, and consider if it is the job of politicians or the courts to deal with the fallout from the X Case judgment.

### **PRIME TIME**

**19/11/1997**

The first section in this programme is concerned with the C Case, and begins with a pre-recorded interview with Niamh MacMathúna (Youth Defence), who provides an explanation about the involvement of this organisation with the parents of the young girl, known as C. A two-person panel, convened by Brian Farrell, with Cian O'Tighearnaigh (ISPCC), follows this interview and Eoin O'Sullivan, both experts in child protection and care issues. The topic moves somewhat from abortion to child protection.

### **QUESTIONS & ANSWERS**

**24/11/1997**

This is an interesting programme with panellists Patricia Casey, psychiatrist; Seamus Brennan, Jim Higgins, both politicians; and Susan McKay, journalist. The first question is asked by Joanna Tuffy (who re-emerges some years later as a national politician) and concerns the C Case and the role of Youth Defence in the case. An audience member, who interrupts the panel, breaks the normal rules of the current affairs programme and, despite the intervention by convener John Bowman, refuses to adhere to the rules of the format; he continues to make his point about his belief that the pro-life perspective is not being adequately represented in this programme, and the media in general. Interesting also is the attempt by Youth Defence to take control of the C narrative, perhaps to counteract the effect of the X Case on the national discourse. There is a good point made by a woman in the audience about a female minor 'making the law' for the country again, as was the case with X. A related question from the audience asks if the government is hoping that its term of office will be over before it has to deal with legislating for abortion. Patricia Casey discusses Irish maternal mortality rates (the first instance I have located of this frame of discourse). Just as Joanna Tuffy will emerge again as a public contributor in the abortion debate, so too will audience member Cora Sherlock (pro-life), who

becomes a prominent spokesperson in 2012/ 2013 debate. In this programme she makes an audience contribution towards the end of the debate.

### **PRIME TIME**

**15/06/1999**

The filmed report revisits the history of abortion in Ireland since 1983. The studio panellists are Ivana Bacik; Tony O'Brien of the Irish Family Planning Association; and pro-life lawyer Caroline Simons. The debate centres around the possibility of a new referendum on the substantive issue. There are some interesting moments; for example there are several assertions from the pro-life panellist that mothers' lives are not in danger, and considerable effort is made to move the debate into the language of medical discourse. This debate is also worthy of note because there is no specific crisis, and the issue is debated in a relatively rounded manner, with some discourse about the experiences of women who have abortions.

### **QUESTIONS & ANSWERS**

**21/06/1999**

This issue of *Questions & Answers* with panellists – politician Avril Doyle; Eamon Dunphy, journalist; Ronan Fanning, historian; and politician Mary Hanafin – is concerned primarily with political issues, as these relate to the abortion question. The question from the audience specifically concerns Brian Cowen (Minister for Health), and if he was correct to return the Green Paper report on abortion for re-drafting. There is speculation about his reasons for doing this, with suggestions that the issue of abortion is something that politicians don't want to deal with. Cowen's colleague, Mary Hanafin, suggests that the paper was returned simply because of drafting issues. As there is no particular crisis, the debate is fairly muted.

## **Period 4 2011-2013**

### **PRIME TIME**

**19/07/2012**

This *Prime Time* programme covered three subjects, the crisis in Syria, abortion, and Electroconvulsive Therapy. The short report about abortion is primarily concerned with the politics of the issue, and the upcoming publication (expected in September) of the report of the Expert Group on Abortion. This group has been convened to examine the European Court Judgment in 2010 in the A, B and C cases, and the need to legislate for X. The studio debate with panellists Rónán Mullen, politician and pro-life advocate, and Michael McNamara, politician, considers the likelihood of legislation rather than referendum or regulation, pending the recommendations of the Expert Group. The discourse frames of 'best maternal health care in the world' and 'women hurt by abortion' are set out by Mullen. There are some very interesting and revealing exchanges in this debate.



## **PRIME TIME**

**02/10/2012**

This programme begins with a film report about the possible contents of the forthcoming report of the Expert Group on Abortion. There is some articulation of the hard case frame, in particular cancer in pregnancy and the plight of women dealing with a diagnosis of fatal foetal abnormality, which requires a qualified pro-choice position. The report features Niamh Uí Bhriain (formerly Mac Mathúna) and a politician (both pro-life); a journalist; another politician; and three women, who have experienced difficulties with Irish abortion law. The interview with one of these women, a cancer patient, is from the archive; she is now deceased. The discussion following this report is more polarised than usual, with Niall Behan of the IFPA presenting an overt pro-choice position, while Caroline Simons, legal advisor to the pro-life movement, represents the opposite view. There is a sense from the debate that the tide may be moving against the pro-life position, and that politics are now paramount in the debate. The pressure from the EU, following the ruling in the A, B, and C v. Ireland Case, to regulate the position or to legislate for limited abortion, will force the government to act on the recommendations from the Expert Group, due to report soon. Interestingly, the views of women who have had abortions, and openly admit this, are represented in this programme; the narrative is couched in the language of hard cases, in situations where the foetus will die in any event. However, this does represent a move forward from the double effect ethical argument, which distinguishes between intentional harm and harm that is merely foreseen (Catholic teaching concerning abortion states that the intention must only be to save the woman's life, and not to intentionally kill the foetus). Undoubtedly, as this debate clarifies, the question of termination for medical reasons is a very difficult one for the pro-life movement.

## **THE FRONTLINE**

**19/11/2012**

Pat Kenny presented this short-lived programme strand, a replacement for *Questions & Answers*. This episode was broadcast after the death of Savita Halappanaver, when the first HSE inquiry was set up. The inquiry, its remit and personnel, is debated with panellists: Joan Burton, politician; Rónán Mullen; and Gerry Whyte, academic lawyer. After discussing the inquiry with Burton, Pat Kenny interviews audience member, Grainne Bray, who had a serious medical complication after losing twins at seven weeks. Pat Kenny then reverts to panel member, Gerry Whyte, for legal clarification. Legal and medical matters predominate in the ensuing discourse, often overlapping. Some frames of debate begin to emerge as significant. These include: The life as distinct from the health of the mother; the mother's life at risk; maternal care statistics; direct and indirect abortions; and the two-patient model. Maria Steen (pro-life spokesperson) contributes from the audience. One young male audience member questions a particular frame of discourse – Ireland as one of the safest places in the world to give birth. There are also a number of interesting contributions from Rónán Mullen in this debate.

## **PRIME TIME**

**20/11/2012**

This edition of *Prime Time* was broadcast after the Savita Halappanaver story broke in November 2012, but before the results of any inquiries into her death became known. The programme begins with a film report, which details the events surrounding Savita Halappanaver's death, and in the immediate aftermath. The film is interesting in that a member of Galway Pro-choice, directly involved with bringing the story into the public realm, is interviewed as part of the report. The discourse in the following studio debate is mainly medical, with detailed discussion about dilation of the cervix, infection, foetal viability and so on. It is becoming clearer that discourse is shaping into a frame of medical dilemma, as it relates to the care of pregnant women. In this frame of discussion, doctors are the agents and arbitrators and women become the passive receivers of medical wisdom; pregnant women lose agency, facilitated by a frame of benign concern and assistance, but crucially without consultation with the woman, now reconfigured as patient. In the debate, an obstetrician, Peter Boylan, makes the point that women should, in fact, be involved in the decision of when, where and if to terminate a pregnancy, through the evaluation of medical risk in the context of their own lives. The panellists are Berry Kiely, medical advisor to the Pro-life Campaign; Peter Boylan, obstetrician; Billy Kellegher opposition spokesperson on Health; and, by link from London, Roger Clements – a retired, British obstetrician.

## **PRIME TIME**

**21/11/2012**

It is worth noting that this episode of *Prime Time* has a pre-broadcast run in, which illustrates how presenters and guests prepare themselves in a studio prior to broadcast. The programme is a *Prime Time* Special, including an interview with Praveen Halappanavar, who discusses the death of his wife Savita. The interview is not used for content analysis in the study, as its specificity renders the content problematic; the interview is only loosely concerned with the wider issues about abortion in Ireland. However, it is interesting to note that Halappanavar uses the term foetus, rather than baby, as a natural description. His wife was 17 weeks pregnant when she died. The presenter, Miriam O'Callaghan, however, refers to the foetus as a baby, and subsequently Praveen Halappanavar takes his cue from this. The 'natural' language is interesting here, and may be symptomatic of cultural difference in abortion discourse. Halappanavar uses the term 'termination' frequently and naturally. The interview is emotional and focuses on the events leading up to the death of Savita Halappanavar. As the interview nears conclusion the issue of the proposed inquiry is also considered. The interview is followed by a panel discussion. The panellists are Susan McKay, a journalist and a pro-choice advocate; Asim Sheikh, a lecturer in legal medicine; Stephen McMahon representing the Irish Patients Association; and Maria Steen, a lawyer and board member of the Iona Institute (an organisation that advocates for traditional family values, with a strong Catholic slant). The panel react to the preceding interview and to the proposed HSE inquiry into the death of Savita Halappanavar.

## **PRIME TIME**

**22/11/2012**

This programme is principally concerned with the report of the Expert Group on Abortion, which the programme reporter has seen in advance of its publication. The film report considers the four key recommendations. In studio, presenter, Miriam O'Callaghan, has two guests – Jim Walsh, and Clare Daly, both politicians. The discussion centres on the recommendations of the Expert Group. Jim Walsh presents as pro-life, in the sense that he would vote against changing the law in line with the ruling in the X Case, if suicide, or what he refers to as mental health grounds, are included in the legislation. This item is a relatively short one in the overall programme duration.

## **PRIME TIME**

**18/12/2012**

The programme opens with a short film clip of the Taoiseach, Enda Kenny, talking about proposed legislation, and other short film clips are interspersed with the studio discussion between Miriam O'Callaghan and the programme's in-house political correspondent, Katie Hannon. Also featured in these clips are Lucinda Creighton and Kathleen Lynch, both politicians. The studio discussion is focussed on the potential political fallout, as the debate about the legislation continues, and also discusses the politicians who will potentially vote against the bill.

## **PRIME TIME**

**10/01/2013**

This programme begins with a report by Katie Hannon, the *Prime Time* political correspondent, in which she synopsis and analyses the Oireachtas Oral Hearings on Abortion. The emphasis is on the suicide debate; the greater part of the report consists of film clips from the hearings. The panel discussion that follows has four female panellists, 2 pro-choice – Ailbhe Smyth, representing Action on X, and a consultant psychiatrist, Veronica O'Keane (who does not declare herself as pro-choice but presents a covert pro-choice position), along with two pro-life panellists, Maria Steen of the Iona Institute; and Jacqueline Montwill, a psychiatrist. The debate focuses on the suicide issue, and the danger of opening the floodgates to a liberal abortion regime. The discourse in this section of the programme is worthy of note because the panellists do not present as neutral, and their mode of discourse makes this clear. It would suggest a continuation of actual polarity in public discourse, and the emergence of unambiguous and clearly stated positions in the abortion debate. A frame of discourse, used frequently during this period, which contends that abortion is not a treatment for suicide ideation, is evident in this panel discussion. The panellists debate various arguments, from different perspectives, about how abortion affects the mental health of women.

## **PRIME TIME**

**30/04/2013**

This programme, *Prime Time* in a new format (to replace *The Frontline*, which was discontinued), includes an audience participation element. This edition has a number of different strands, which makes for lively discourse. The episode opens with a report by Katie Hannon, synopsising the Irish abortion debate since 1992. The programme is concerned with the Maternal Life During Pregnancy Bill (original title), which is about to be published, and the possible details of the legislation, especially those related to the suicide clause. The trend of increasing polarisation in discourse continues in the first debate, with Clare Daly and Rónán Mullen as panellists. It is clear that Daly argues from a pro-choice perspective and Mullen from a pro-life position. In this debate the issue of suicide during pregnancy dominates. The discussion moves to the audience, where clearly some members have been invited. Cora Sherlock, a pro-life activist, makes a contribution, as do two women who have terminated pregnancies as a result of fatal foetal abnormality. These women are members of a group that is campaigning for termination for medical reasons to be included in Irish abortion legislation. They articulate this hard-case position through their experience of having to travel to Britain to terminate non-viable pregnancies. A second panel, all female, then debates the issue with the two sparring psychiatrists, Veronica O'Keane and Jacqueline Montwill, who have some lively exchanges. Fellow panellists are Susan McKay, journalist and Wendy Grace from the organisation Catholic Comment. There is evidence of polarisation in views expressed by these panellists. The two psychiatrists, in particular, articulate oppositional standpoints, regardless of the fact that they share the same profession and engage in practice with the issues under discussion. From the perspective of discourse analysis, this is a revealing panel discussion, where the struggle to control language, in particular polarised professional knowledge, is clearly evident. The most interesting debate is at the conclusion of the panel discussion when both perspectives, although polarised (women hurt /women relieved) seek to represent the narrative of the women who have had abortions.

## **PRIME TIME**

**02/05/2013**

This programme has a segment that deals exclusively with the issue of fatal foetal abnormalities and considers the absence of such hard cases from forthcoming legislation. Sarah McGuinness, who experienced a fatal foetal diagnosis in her first pregnancy and was obliged to travel to Britain for a termination, debates the issue with Berry Kiely. The exchange is very revealing from the perspective of agency; choice and absolutism are viewed through the prism of this hard-case scenario. This debate reveals the power of the narrative of women who are denied agency in their own country and who are obliged either to carry an unviable foetus to full term or travel to Britain for a termination. The narrative of women in real life dilemmas is very powerful, especially when lined up against absolutist principles. However, this frame of hard-case discourse also raises the question of the good abortion/bad abortion dividing line. Do such narratives advance the frame of choice, or do they indeed further contribute to the sense that bad

abortions, i.e. those performed on healthy foetuses, are shameful and unacceptable? At this juncture, it would appear that the narrative of the wanted pregnancy that ends in tragedy is the only permissible mode of representation for Irish women in current affairs programmes.

#### **PRIME TIME**

**27/05/2013**

The ten-minute item on abortion in this programme is predominantly concerned with the fatal foetal abnormalities debate, and if terminations on these grounds might be legislated for in the forthcoming Protection of Life During Pregnancy Bill. Miriam O'Callaghan convenes the debate. The panellists are two academic lawyers, Gerry Whyte and Jennifer Scheppe, the latter speaking by link from the Limerick studio. The discussion is concerned with how, or indeed if, the issue can be dealt with in the forthcoming legislation. The debate also focuses on constitutional questions. There are some interesting contributions by Gerry Whyte in particular; his statements about the unconditional nature of constitutional protection for the unborn in Ireland, and the absolutist nature of Article 40:3:3 are noteworthy.

#### **PRIME TIME**

**11/06/2013**

This episode of *Prime Time*, primarily concerned with the issue of smoking, begins with a short radio clip from an interview with Archbishop Eamon Martin, who has intervened on behalf of the Catholic hierarchy in the debate about the forthcoming Protection of Life During Pregnancy legislation. He suggests that the Irish people are effectively being hoodwinked into allowing the culture of abortion to enter the country. This is followed by a short interview on the topic with the Minister for Health, James Reilly, who responds to the Catholic hierarchy's intervention and discusses the details of the forthcoming bill. It is interesting that the rights of the unborn re-emerge as a strong discourse category in this interview, articulated, in particular, by the programme presenter, Pat Kenny.

#### **PRIME TIME**

**13/06/2013**

This programme was broadcast on the day that the HSE enquiry into the death of Savita Halappanavar was published. The report identified multiple failures in her clinical care. The first interview is with Denis Cusack, an expert in forensic and legal medicine. As one would expect, medical discourse predominates. Co-incidentally, the Protection of Life During Pregnancy Bill was also published on this day. The second panel discussion in the programme features two wavering politicians, one who now feels she can vote for the bill and the second who will not. They are Regina Doherty and Peadar Tóibín respectively. With Miriam O'Callaghan as convenor, the panel debates the content of the forthcoming legislation, particularly the clause relating to suicide. One might expect the political implications to predominate, but in fact moral issues around suicide in pregnancy are central in this debate.

## **PRIME TIME**

**10/07/2013**

This *Prime Time* Special was broadcast on the night of the final vote for Protection of Life During Pregnancy Bill in the Dáil. The programme opens with a brief archival summary of the history of the abortion debate in Ireland. Katie Hannon reports from outside Leinster House – the first of three outside broadcasts. Hannon interviews Paul Bradford a politician, who is also the husband of Junior Minister, Lucinda Creighton; she is a high profile member of the government who has declared her intention to vote against the bill, resulting in the loss of her ministerial job, and the party whip. The programme then returns to studio to introduce the panel of Rónán Mullan, Susan McKay, Emer Costello (politician) and pro-life lawyer, Cora Sherlock. There are a number of interesting exchanges in the debate, which is convened by Claire Byrne. This is the first time in the programmes of the study that the pro-life movement has to respond to outright defeat; the contributions are particularly interesting in this regard. Another outside broadcast live insert interrupts the discussion, with Katie Hannon updating from the Dáil, where she conducts an interview with Charlie Flanagan, politician. The interview focuses mainly on the political fallout from the passing of the bill. In the studio, a second panel discussion examines the political repercussions. The panel also debates the legal and constitutional implications of the new legislation. The panellists are Gary Murphy, and James McDermott, both academics, specialising in politics and law. After a commercial break, we return to the first panel, with Ivana Bacik taking the place of Emer Costello. Bacik self-identifies as a pro-choice feminist and speaks from this perspective. Cora Sherlock and Susan McKay have some interesting exchanges, with an attempt by Sherlock to represent the narrative of those who have had abortions as one of regret and pain. The debate is interrupted to return again to the outside broadcast and reporter Katie Hannon. She interviews Róisín Shortall and John O'Mahoney, both politicians. Shortall has voted against the bill, objecting to the absence of gestational limits for terminations. Following the interviews, the programme returns to studio and the previous panel discussion. The final panel discussion of the programme is with Veronica O'Keane and Jacqueline Montwill, both consultant psychiatrists. Again, this discussion, although quite technical, reveals how ideological difference can be expressed through the conduit of medical discourse and argument. This final panel debate is mainly concerned with suicidal ideation in pregnancy.

## **PRIME TIME**

**11/07/2013**

This episode of *Prime Time* was broadcast on the night following the final vote on the Protection of Life During Pregnancy Bill. The programme focuses almost exclusively on the decision of Lucinda Creighton to vote against the bill, resulting in her automatic expulsion from the parliamentary party of Fine Gael, the majority party in government. The programme is broken up by two short film reports, the first focussing on contributions to the Dáil debates, and the second dealing with Lucinda Creighton and the reasons she voted with her conscience and against the Bill. There are a number of references to abortion as a moral issue related to conscience.

The second film report considers the exchange of letters between Fine Gael (majority government party) and the pro-life movement, prior to the previous election. Following this, there is an interview with Lucinda Creighton outside Dáil Eireann, to discuss her expulsion from the Fine Gael parliamentary party. This IV is followed by a studio panel discussion chaired by Claire Byrne with retired politician, Gemma Hussey, and Ger Howlin, a public affairs commentator. The whole tenor of this debate is political; the issue of abortion per se has slipped into the background. As the bill becomes law, the political implications come centre stage. The final interview, again live from the Dáil, is with Regina Doherty, who although a one time waverer, has now voted with her fellow members of the government in favour of the legislation.

## **PRIME TIME**

**12/11/2013**

Following on from another *Prime Time* programme broadcast in May of this year, this programme segment deals with the issue of Fatal Foetal Abnormality. There is an attempt to have two sides to the debate, but the issue of choice remains paramount. It is difficult to argue that women must carry an unviable pregnancy to full term in Ireland (whether they want to or not) unless they choose to travel to Britain for a termination. This issue has only recently emerged in public abortion discourse in Ireland. Women carrying a foetus with a fatal abnormality had previously gone silently to have terminations in Britain, until Kathy Sheridan of [The Irish Times](#) newspaper highlighted their plight in March 2012. The emergence of this new voice and the power of personal testament are very evident in the debate, articulated from the different perspectives of Cliona Johnston of the organisation One Day More, and James Burke of Terminations for Medical Reasons. The danger, of course, is the emergence a two-tier abortion narrative, the good versus the bad abortions; the wanted, versus the unwanted. This is a potential schism that might serve to narrow, rather than broaden the debate. The question – will this discourse strand facilitate the emergence of a wider choice discourse, which will include the vast majority of Irish women who have abortions in Britain – remains open.

## Appendix B

### Timeframe Charts, Four Period Percentage Comparison; Participants and Discourse.

PERCENTAGE PARTICIPANTS DATA  
4 PERIOD CHART

PERIOD	1981-1983 %	1992-1994 %	1997-1999 %	2011-2013 %
MALE	61	50	46	42
FEMALE	39	50	54	58
LAWYER	12	11	13	17
DOCTOR	16	5	2	12
JOURNALIST	1	5	8	8
POLITICIAN	8	27	17	28
PRO-LIFE ACTIVIST	13	6	11	8
PRO-CHOICE ACTIVIST	3	2	0	4
RELIGIOUS	11	3	0	1
OTHER	36	42	49	18
women with abortion experience	0	0	0	4
*TOTAL PRO-AMENDMENT/ LIFE	39	31	39	35
**TOTAL ANTI-AMENDMENT /PROCHOICE	51	8	6	*** 21
UNSTATED	10	61	55	44

\*PRO-AMENDMENT 1983 ONLY

\*\* ANTI-AMENDMENT 1983 ONLY

\*\*\*8% OF 21% DECLARED PRO-CHOICE FOR HC

PERCENTAGE DISCOURSE DATA  
4 PERIOD CHART

PERIOD	1981-1983 %	1992-1994 %	1997-1999 %	2011-2013 %
BABY	2	2	1	4
MOTHER	4	5	5	5
CRISIS PREGNANCY	2	1	1	0
BACKDOOR/ FLOODGATES	5	2	1	4
FOETAL/ UNBORN RIGHTS	18	9	11	8
CHOICE WOMENS RIGHTS	1	3.5	3	5
MORAL/ RELIGIOUS	13	5	4	2
PARTICULAR ISSUES/ POLITICS	7	28	22	17
LEGAL	23	24	25	18
MEDICAL	11	5	6	15
HARD CASE RAPE SUICIDE FATAL FOETAL AB	3	8	8	16
TWO PATIENT/ EQUAL RIGHT TO LIFE	7	4	6	3
ABORTION STATS	4	3	7	2
ABORTION EXPERIENCE	0	0.5	0	1
PARTICULAR ISSUES				
SECTARIANISM	7	2	15	5
PROTOCOL TRAVEL/ INFORMATION			1	8
protocol travel/information				
inquiries hearings expert group				
BREAKDOWN HARD CASES				
Rape	2	3	2	1
suicide	0	3	4	9
hard case general	1	2	2	1
fatal foetal abnormality	0	0	0	5



## Appendix C

### **Transcript of Interview with John Masterson, former RTÉ Producer and former Editor of the *Tuesday File* series (October 2015).**

The interview with John Masterson, the original commissioner of the film '50,000 Secret Journeys' was conducted via email between 6 and 8 October 2015. Hilary Dully emailed the questions on 6 October and John Masterson sent his written reply on 8 October 2015. The transcript presented here includes the questions by Hilary Dully and the answers by John Masterson, with minor grammatical adjustments.

#### **Interview via email with John Masterson.**

##### ***Question One***

*The film '50,000 Secret Journeys' was commissioned by the Current Affairs Department in RTÉ. As balance and impartiality are considered to be the cornerstones of current affairs programming, did you ever consider that balance might be an issue during the production of the programme?*

##### **Answer One**

Balance and fairness are always important. They are things that one thinks about within a programme and across the series and indeed schedule. This was a programme in which people discussed a personal experience that had received little or no air time. As such it was redressing an imbalance. So my focus would have been on its relevance to our audience, and that it was presented fairly and accurately so as to stimulate informed discussion on an important topic.

##### ***Question Two***

*Why did you consider it was important in 1994 to make a programme that focused on Irish women who had terminated pregnancies? You were adamant, if I remember correctly, that the women would speak openly. Why did you consider that to be so important?*

##### **Answer Two**

It was obvious from the data that a large number of Irish women were travelling for an abortion. People did not talk about it, in many cases not even to a friend or family member. If 50,000 people have done something that they felt was the right thing for them, but were afraid to talk about it in the Ireland of the day, then it was important for the viewer to see the women to form a fair impression of them and see that they were ordinary people.

##### ***Question Three***

Briefly, can you remember the chain of events that unfolded in the run up to pulling the original broadcast? For example, when were you first aware that there might be a problem, and how far up the chain of management did the decision not to broadcast travel? Additionally, do you know who (or what management level) finally made the decision to pull the programme?

##### **Answer Three**

I cannot remember the exact chain of events but it was late in the day. The decision was made by Clare Duignan in her role as Head of Department [Factual Programming] as I recall. I attended a meeting with her and Peter Feeney [Editor Current Affairs]. I have no idea if the instruction came from higher up, but I would suspect it did in some form or another.

***Question Four***

*In discussions about the film, when it was due for broadcast, was the issue of balance central? In retrospect, was the film unbalanced in your opinion, considering the fact that none of the three women featured regretted their decision?*

**Answer Four**

I do not see this as what balance means. What is the appropriate level of regret? 10% 20% 50%. .... Mild depression or a nervous breakdown? I am aware of seeing previous programmes where regret was the only message and there was no presence of people expressing no regret or satisfaction with their decision.

***Question Five***

*Do you think there were conservative forces within the station who objected to the content of the programme?*

**Answer Five**

Probably. But I don't know who they were.

***Question Six***

*As a former producer of current affairs programmes do you have an opinion on how RTE has covered the subject of abortion since 1983? For example, the binary oppositional debate format is generally used in RTE current affairs. Is this, in your opinion, an adequate or suitable format for discussing a complex moral issue like abortion?*

**Answer Six**

I don't think RTE has dealt with it well over the years. It has only come back on the agenda in a realistic way recently with a large number of women talking about it and that is 20 years and arguably 60 to 100 thousand abortions later.

***Question Seven***

*When the film was finally broadcast it was placed within a wrap around current affairs studio debate. Did this neutralise the content of the film, or merely add balance to the content of 50,000 Secret Journeys?*

**Answer Seven**

There was one small insignificant cut [to the film] and the discussion. The programme would have made much more impact on its own in the time slot where it was advertised in my view.

***Question Eight***

*Do you know who devised the format for what was called 'The Abortion Debate,' chaired by Marianne Finnuccane? (It was clearly carefully structured).*

**Answer Eight**

I believe that format was decided upon by Clare Duignan, perhaps with input from Peter Feeney. I had no involvement.

***Question Nine***

*You obviously felt very strongly about what happened, and resigned your position in current affairs. Why did you feel it was important to take that stand?*

**Answer Nine**

I felt I had to resign because I was basically being asked to broadcast a lie, namely that regret is part of the psychological aftermath of abortion. I had dealt with you and Fintan [ co-producer of 50,000 Secret Journeys, along with Hilary Dully] honestly. We had all dealt with the Editor of Current Affairs, Peter Feeney, fully. We had not sprung any surprises on anybody. If anything we were particularly cautious because of the subject matter. It was a good programme delivered as commissioned. It should have been transmitted as it stood.

***Question Ten***

*Now, over twenty years down the road, do you think that the film would be broadcast without fuss, by RTÉ? (It is worth noting that it was only broadcast once!).*

**Answer Ten**

I don't think any programme about abortion can be transmitted without some fuss. But we should allow the fuss and deal with it in the way that programme makers deal with all sorts of sensitive issues. A programme in which real people talk of real experiences would have, I believed, added some maturity to the discussion.

## **Appendix D**

**DVD Film One (2016) and DVD Film Two (2016)**  
**DVD 50,000 Secret Journeys (1994)**

**Film One**

## **Film Two**

**50,000 Secret Journeys (1994)**

## **Appendix E**

### **BROADCASTING AUTHORITY OF IRELAND CODE OF FAIRNESS, OBJECTIVITY & IMPARTIALITY IN NEWS AND CURRENT AFFAIRS (2013)**

Page numbers in this publication as per original document (Text Pages 1-13)



ÚDARÁS  
CRAOLACHÁIN  
NA hÉIREANN

BROADCASTING  
AUTHORITY  
OF IRELAND

# Code of Fairness, Objectivity & Impartiality in News and Current Affairs





**BAI Code of Fairness, Objectivity & Impartiality  
in  
News and Current Affairs**

**April 2013**

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## Introduction

This Code deals with matters of fairness, objectivity and impartiality in news and current affairs content. It is prepared by the Broadcasting Authority of Ireland (BAI) in accordance with sections 42(1), 42(2)(a) and 42(2)(b) & (e) of the Broadcasting Act 2009 ('the Act').

Section 42 of the Act provides that:

- (1) The Authority shall prepare, and from time to time as occasion requires, revise, in accordance with this section, a code or codes governing standards and practice ("broadcasting code") to be observed by broadcasters.
- (2) Broadcasting codes shall provide –
  - (a) that all news broadcast by a broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views,
  - (b) that the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster's own views,
  - (e) that a broadcaster does not, in the allocation of time for transmitting party political broadcasts, give an unfair preference to any political party.

In developing the Code of Fairness, Objectivity and Impartiality in News and Current Affairs the BAI had regard to a range of matters set out in section 42(3) of the Act. It also had regard to its own statutory objectives, set out in section 25, in particular that, in performing its functions the BAI shall:

- Endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld,
- Provide a regulatory environment that will sustain independent and impartial journalism,
- Seek to ensure that any measures it takes are proportionate and will produce regulatory arrangements that are stable and predictable.

In devising the rules, the BAI has also taken into account the European Convention on Human Rights and in particular the provisions relating to freedom of expression, the right to privacy and the securing of rights without any discrimination on any ground.<sup>1</sup>

## **Jurisdiction**

The Code applies to broadcasters within the jurisdiction of Ireland. It does not apply to other services commonly received in this State, but licensed in the United Kingdom or other jurisdictions.

The term 'broadcaster' is understood in the context of the definition provided in the Broadcasting Act 2009, which is as follows:

*“Broadcaster means a person who supplies a compilation of programme material for the purpose of its being transmitted, relayed or distributed as a broadcasting service (whether that person transmits, relays or distributes that material as such a service or not).”*

## **Guidance Notes**

It is not intended that this Code will set out each and every rule in relation to the preparation, treatment and broadcast of news and current affairs content. In this regard, broadcasters, programme makers and citizens should have regard to the Guidance Notes which have been developed in conjunction with this Code. These notes are provided as an aid to understanding the intent of the principles and rules and the manner of their application in a broadcast context. The BAI will update the Guidance Notes from time to time.

## **Complaints**

If a viewer or listener has a complaint or is dissatisfied with the manner in which a broadcaster is complying with this Code, the matter should, in the first instance, be referred directly to the relevant broadcaster. Further information on the complaints process is available on [www.bai.ie](http://www.bai.ie) or by phoning 01 6441200.

The effective date of this Code is 1st July 2013.

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<sup>1</sup>To access a copy of the ECHR [click here](#) or go to [www.ehcr.coe.int](http://www.ehcr.coe.int)

## 1. Code Objectives

The objectives of the Code are:

- To set out clearly the minimum standards and practices that are expected of broadcasters in their treatment and broadcast of news and current affairs content;
- To provide general guidance to broadcasters to assist in their decision-making processes, as they pertain to news and current affairs content;
- To promote independent and impartial journalism in the provision of news and current affairs content;
- To inform and generate awareness among citizens with regard to standards they may expect in relation to news and current affairs content;
- To protect the interests of citizens, in their right to access fair, objective and impartial, news and current affairs content.

## 2. Principles Underpinning the Fairness, Objectivity and Impartiality Rules

This section outlines the principles which underpin this Code. In addition to the specific rules outlined in Section 4, the principles provide direction as to the general standards expected in order to achieve fairness, objectivity and impartiality in the treatment of news and current affairs content. Thus, a broadcaster is expected not only to comply with the rules, but also to apply these general principles to its news and current affairs content.

The principles which shall be applied in this Code, together with a brief narrative, are set out below:

***Fairness:*** The BAI is committed to ensuring that, through the implementation of this Code, individuals and organisations that are the subject of news and current affairs content, or persons who contribute to news and current affairs programmes or items, are treated fairly and honestly. Viewers and listeners have a legitimate expectation that a broadcaster will demonstrate an even-handed approach to how news and current affairs content is presented and interrogated and how contributors are treated. The principle of fairness does not necessarily require that all possible opinions on a subject are addressed or that they should receive equal air-time.

The approach to covering issues, including those of public controversy or current public debate, should be guided by ensuring equitable, proportionate coverage.

**Objectivity & Impartiality:** The principles of objectivity and impartiality are concerned with ensuring that news and current affairs content is compiled, produced and presented in a manner which is and can be seen as independent, unbiased, and without prejudgement. The rules set out in this Code with regard to objectivity and impartiality should not be taken to imply that a presenter or a reporter cannot convey critical views or pursue vigorous lines of questioning. Indeed, this is often required in order to achieve fairness, objectivity and impartiality. What is necessary, however, is that production, reporting and questioning on any news or current affairs item is credible, trustworthy and editorially independent.

**Accuracy & Responsiveness:** Audiences are entitled to, and do, trust that the news and current affairs content they access from the broadcast media is accurate. Accurate information enables citizens to participate more fully in a democratic society. Accuracy is therefore a fundamental principle associated with the broadcast of news and current affairs content and should always take priority over the speed with which content can be delivered. It is also acknowledged that despite best efforts, inaccurate information can sometimes be conveyed, whether explicitly or implicitly. The principle of responsiveness is designed to ensure that broadcasters adopt fair, timely and appropriate remedies in handling the broadcast of inaccurate information.

**Transparency & Accountability:** the principles of transparency and accountability are concerned with ensuring that practices and procedures adopted by broadcasters in sourcing, compiling, producing and presenting news and current affairs are visible, open to scrutiny, robust and accessible. This is particularly the case where a decision to broadcast may impact on an individual's privacy.

### **3. Compliance & Assessment**

- In the treatment of news and current affairs content, broadcasters shall comply with the principles and rules specified in this Code. Broadcasters should be mindful of all the provisions of this Code as programme material may be required to comply with one or more applicable provision.
- News and current affairs content shall be assessed in whole and in context and with reference to:-
  - The provisions of the Broadcasting Act 2009 (as amended);
  - The principles of the Code;
  - The rules of the Code;
  - Contextual factors including, but not limited to, the type of programme concerned and audience expectations;
  - The procedures, practices and policies of the BAI.
- Broadcasters shall comply with the spirit as well as the letter of the Code.

## 4. Rules

The following rules shall apply to the treatment of all news and/or current affairs content.

### ***Fairness, Objectivity and Impartiality - Statutory Duties of Broadcasters***

1. In their treatment of news and current affairs content broadcasters shall comply with section 39 (1) (a) & (b), section 39 (2) and section 39 (5) & (6) of the Broadcasting Act 2009.

#### **39.—**

*(1) Every broadcaster shall ensure that—*

- (a) all news broadcast by the broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views,*
  - (b) the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of his or her own views, except that should it prove impracticable in relation to a single broadcast to apply this paragraph, two or more related broadcasts may be considered as a whole, if the broadcasts are transmitted within a reasonable period of each other,*
- (2) Nothing in subsection (1)(a) or (b) prevents a broadcaster from transmitting party political broadcasts provided that a broadcaster does not, in the allocation of time for such broadcasts, give an unfair preference to any political party.*
- (5) A broadcaster shall ensure that the broadcast treatment of any proposal, being a proposal concerning policy as regards broadcasting, which is of public controversy or the subject of current public debate, which is being considered by the Government or the Minister, shall be reported and presented in an objective and impartial manner.*
- (6) Paragraphs (a) and (b) of subsection (1), in so far as they require the broadcaster not to express his or her own views, do not apply to any broadcast made under subsection (5).*



2. In their treatment of news and current affairs content broadcasters shall comply with the following principles as articulated in this Code:
  - Fairness;
  - Objectivity & Impartiality;
  - Accuracy & Responsiveness;
  - Transparency & Accountability.

### ***Fairness Rules***

3. A broadcaster shall deal fairly with contributors to current affairs content or with persons or organisations referred to in that content.
4. In the normal course of events, interviewees for news and current affairs content shall be made generally aware of the subject matter and the nature and format of their contribution, so that their agreement to participate constitutes informed consent.
5. A broadcaster shall not generally broadcast any news or current affairs interview with any person without the consent of that person. The broadcast of any news or current affairs content in the absence of consent must be editorially justified. Requests for withdrawal of consent shall be given due consideration by the broadcaster, having regard to the public interest, natural justice and the principles of fairness, objectivity and impartiality.
6. Care shall always be taken with the inclusion of interviews with children or vulnerable people in news or current affairs content. In all cases, the overriding principle must be to avoid the broadcast of material that may be unfair or detrimental to their interest.

The consent of a parent, guardian or legal representative shall generally be obtained prior to the broadcast of any interview with a child less than 16 years of age or a vulnerable person, where the subject matter is of a sensitive or serious matter or where not to do so could be deemed unfair. A decision to broadcast an interview in the absence of such consent must be justified in the public interest.

7. Where a person or organisation refuses to contribute to news and current affairs content or chooses to make no comment, the broadcast shall make this fact clear and shall report in a reasonable manner the person/organisation's explanation for declining to participate, where not to do so could be deemed unfair.
8. The refusal of a person or organisation to participate will not preclude the broadcast of news and current affairs content. However, the broadcaster has a responsibility to reflect, as far as practicable, the views of the absent party and to do so fairly.
9. The editing process shall not distort the context or meaning of the original interview.
10. A broadcaster shall ensure that the re-use of any material in a news and current affairs context, including the use of archive material, does not create unfairness or result in inaccuracies.
11. The re-construction or re-enactment of an event in news or current affairs content shall be clearly identified as such and should be authentic in its depiction of the event(s) in question.
12. The use of secret or undisclosed recording or filming in current affairs content shall only be used in exceptional circumstances. It must be warranted and a broadcaster shall have appropriate procedures in place for the authorisation of such recordings at the most senior editorial level. Such authorisation shall be in writing.

The following considerations are essential elements in determining if secret or undisclosed recording or filming is warranted:

- The item being covered is demonstrably in the public interest and the broadcaster has evidence of matter that merits coverage;
  - The co-operation of the subject is unlikely to be forthcoming;
  - There is reason to believe that coverage of the subject matter will be frustrated as the content cannot reasonably be obtained by other means.
13. Any person secretly filmed or recorded shall be afforded the opportunity to participate in the news and current affairs content that will include the recording if, in the opinion of the broadcaster, not affording the opportunity to participate would be unfair to that person.

14. By its nature, a direct unarranged approach (“door-stepping”) to an interviewee may contravene fairness. However, in appropriate circumstances it may be justifiable to dispense with the normal practice of making arrangements for an interview directly with an interviewee, or with a representative, and with suitable notice. “Door-stepping”, may be appropriate in circumstances where:
  - The item being covered is demonstrably in the public interest;
  - The interviewee is unlikely to co-operate if approached in the normal way, and;
  - The approach to the individual(s) is necessary to the authenticity and credibility of the content in question.
15. Broadcasters shall have in place appropriate policies and procedures for handling contributions via social media.
16. Any undertaking given to a contributor relating to confidentiality or anonymity shall be clear and be honoured. Any associated audio-visual techniques utilised in both filming and editing shall be carefully applied to ensure complete confidentiality is achieved and commitments given are fully honoured.

### ***Objectivity & Impartiality Rules***

17. News and current affairs content shall be presented with due accuracy, having regard to the circumstances and the facts known at the time of preparing and broadcasting the content.
18. Two, or more, related broadcasts may be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.
19. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. Presenters should be sensitive to the impact of their language and tone in reporting news and current affairs so as to avoid misunderstanding of the matters covered.
20. A significant mistake shall be acknowledged and rectified as speedily as possible, in an appropriate and proportionate manner. A broadcast correction or clarification shall have regard to the time and circumstances of the original broadcast.

- 21.** A news presenter and/or a reporter in a news programme may not express his or her own view on matters that are either of public controversy or the subject of current public debate.
- 22.** It is an important part of the role of a presenter of a current affairs programme to ensure that the audience has access to a wide variety of views on the subject of the programme or item; to facilitate the expression of contributors' opinions – sometimes by forceful questioning; and to reflect the views of those who cannot, or choose not to, participate in content. This being so, a presenter and/or a reporter on a current affairs programme shall not express his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated.
- 23.** 'Personal view' or 'authored' current affairs segments or programmes can be appropriate, subject to normal editorial controls. This does not exempt the segment or programme – or a series of related segments/programmes – from the statutory obligations to be impartial, objective and fair to all interests concerned. Similarly, an "authored" item or programme may be permitted if part of a series of related segments/programmes which, taken together, will discharge the statutory obligations.
- 24.** A 'personal view' or 'authored' programme or segment shall be clearly signalled to the audience at the outset, or in the case of a series of segments or programmes, at the start of each one.
- 25.** Each broadcaster shall have and implement appropriate policies and procedures to address any conflicts of interests that may exist or arise in respect of anyone with an editorial involvement in any news or current affairs content, whether such person works on-air or off-air.
- 26.** Any personal, professional, business or financial interest of anyone with an editorial involvement in news or current affairs content that calls into question (or that might reasonably be perceived as calling into question) the fairness, objectivity or impartiality of a programme or item, shall be brought to the attention of the audience. To this end broadcasters shall satisfy themselves that they are in a position to be aware of the relevant interests of the personnel concerned, and to determine whether the interest concerned is of such extent as would warrant the withdrawal of any person from further involvement in the item or programme.

### ***Election & Referendum Coverage***

27. Coverage of an election or a referendum shall comply with guidelines and codes of practice issued from time to time by the BAI.

### ***Legal Requirements and Guidance***

28. Broadcasters and programme makers shall adhere to all legislative requirements when sourcing, compiling, producing and presenting news and current affairs content.
29. Broadcasters shall have due regard to guidance issued in respect of this Code.

