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Censorship in the Two Irelands

1922-1939

Peter Martin

Submitted in fulfilment of the requirements for the degree of Doctor in Philosophy at the University of Dublin, Trinity College

November 2002

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Summary

Methodology

This thesis was based on archival research in the repositories named in the bibliography. This was supplemented by secondary sources where primary sources were inadequate or unavailable. Archival research has been supplemented by statistical analysis. In the case of film censorship this has been compiled from the Record of films Censored, the Film Censor's Notebooks and the Reserve Books in the National Archives of Ireland.

In the case of book censorship a database was prepared of all the books banned by the Censorship of Publications Board between 1930 and 1939. Taking information from the 1940 *Register of Prohibited Publications* and *Iris Oifigiúil* for the period, a Microsoft Works database was created. This listed all the titles, authors, publishers, dates of prohibition, editions prohibited and causes of prohibition. These books were then looked up in the *Times Literary Supplement*. Those books that had been reviewed were then given the following additional information: genre, review rating and controversy rating. The later figures were numerical assessments of the tone of the reviews and the extent to which the reviewers considered the books controversial. This database provides the basis for much of Chapter 7.

Principal Findings

1) Extent of censorship in Northern Ireland

This thesis shows that censorship in Northern Ireland was most extensive in regard to security matters. Republican, nationalist and socialist newspapers, meetings and displays were frequently suppressed when they were deemed seditious or likely to result in a breach of the peace. There was censorship of films by local authorities and this fitting in with contemporary British practice. There was little or no censorship of publications on moral grounds apart from a few seizures under the Obscene Publications Act, 1857.

2) The role of the Roman Catholic Church

While this thesis does conclude that the Roman Catholic Church was influential in the introduction of the censorship of films and publications in the Irish Free State, it emphasises the importance of intellectuals and lay people rather than the hierarchy. The

campaigns for censorship began with organisations like the Catholic Truth Society of Ireland and the Irish Vigilance Association, supported by individual priests. They were then supported by the hierarchy.

3) The nature of southern film censorship

The film censorship applied similar rules to those used by British and American authorities but applied them more strictly. This gave the Irish Free State an unusually rigorous system but there were few novel moral rules applied.

4) The nature of the southern censorship of publications

This study concludes that the majority of the books banned by the Censorship of Publications Board were not pornographic. They were usually novels or books, some of which concerned contraception. The majority were reviewed in the *Times Literary Supplement* and although they were of variable quality, these were usually considered legitimate by British reviewers. The censorship of periodicals was ineffective due to the poor design of the censorship legislation and the board's restricted interpretation of the conditions under which a publication could be banned for advocating birth control.

5) Censorship and social class

This thesis demonstrates that social class played a significant role in censorship on moral grounds. A censorship of films was introduced was to protect children and working class audiences. The Free State film censor believed that different standards should be applied to film as compared to theatre or literature because of the class of its audience. Campaigners for a censorship of publications emphasised the dangers of the British popular press and cheap novels.

Table of Contents

Acknowledgements	i
Abbreviations	iii
Tables	v
Introduction	1
Chapter 1: Security and censorship 1922-29	21
Chapter 2: Film censorship 1922-29	63
Chapter 3: Censorship of publications 1922-29	98
Chapter 4: Broadcasting and theatre 1922-39	147
Chapter 5: Security and politics 1930-39	174
Chapter 6: Film censorship 1930-39	212
Chapter 7: Censorship of publications 1930-39	273
Conclusion	329
Sources and bibliography	338

Acknowledgements

Throughout the time that I have been preparing and writing this thesis, I have found myself dependent on the advice and help of others. Some of that help was professional, some was personal but all of it was essential.

My supervisor Professor David Fitzpatrick has been of enormous importance to this project from the very beginning. His criticisms of my work, arguments and style have been rigorous, sometimes ruthless, usually correct and always helpful. This work has been substantially improved by his advice and especially by his ingenuity in finding new ways to analyse old or sparse data. I want to thank him for his trust in me and his support.

The staff of the Department of Modern History have been very welcoming to me. In particular I would like to thank Professor Eunan O'Halpin and Professor Aidan Clarke for their advice. I would also like to acknowledge the support and advice of my fellow postgraduates in the department. I would also like to thank Professor Mary Daly of UCD for her advice.

My research was greatly helped by the courtesy and efficiency of the staff in many archives and libraries. In particular, the National Library of Ireland, the Public Record Office of Northern Ireland, Trinity College Library (particularly the staff in Early Printed Books), the PRO, the UCD Archives, the Dublin and Armagh Diocesan Archives and the BBC Written Archives Centre.

Finally I wish to thank my family who have supported me wholeheartedly throughout this project: my mother and father, Marie and Frank Martin, as well as Joseph, Anne and Anna Louise. They provided a place of sanity in the most difficult times. I would also like to thank John and Rose Coleman for their support and friendship.

Most of all I must thank my colleague, advisor and wife, Dr. Marie Coleman who made every effort both professionally and personally to see to it that I finished this thesis while still of sound mind and body. Her advice and careful proofreading have been indispensable.

This thesis was prepared with the assistance of a Government of Ireland Research Scholarship from the Irish Research Council for the Humanities & Social Sciences. I am grateful to them and hope that this enlightened policy of state funding for research in the arts will continue.

Abbreviations

BBC	British Broadcasting Corporation
BBFC	British Board of Film Censors
CASPA	Civil Authority (Special Powers) Acts
CEL	Committee on Evil Literature
CPB	Censorship of Publications Board
CTSI	Catholic Truth Society of Ireland
CYMS	Catholic Young Men's Society
DFIN	Department of Finance files
DMP	Dublin Metropolitan Police
DORA	Defence of the Realm Act
DORR	Defence of the Realm Regulation
DJUS	Department of Justice files
DT	Department of the Taoiseach files
FFA	Fianna Fáil Archives, UCDA, Belfield
IAL	Irish Academy of Letters
IHS	*Irish Historical Studies*
IJA	Irish Jesuit Archives, Dublin
ILHSA	Irish Labour History Society Museum and Archive, Dublin
INTO	Irish National Teachers' Association
IRA	Irish Republican Army
NAI	National Archives of Ireland, Dublin
IVA	Irish Vigilance Association
KRSGBI	Kinematograph Renters' Association of Great Britain and Ireland
LOL	Loyal Orange Lodge
MPPDA	Motion Picture Producers and Developers of America
NAA	National Archives of Australia, Canberra
NCCL	National Council for Civil Liberties
NIHC	Northern Ireland House of Commons
NIMHA	Northern Ireland Ministry of Home Affairs
NIS	Northern Ireland Senate

NLI	National Library of Ireland, Dublin
NUI	National University of Ireland
PRO	Public Record Office, Kew
PRONI	Public Record Office of Northern Ireland, Belfast
RNBSA	Retail Newsagents', Booksellers' and Stationers' Association
ROIA	Restoration of Order in Ireland Act
ROIR	Restoration of Order in Ireland Regulation
RUC	Royal Ulster Constabulary
TCD	Trinity College, Dublin
TLS	*Times Literary Supplement*
UCCC	United Council of Christian Churches
UCD	University College Dublin
UCDA	University College Dublin Archives
UDC	Urban District Council

Tables

2.1: Drama Films Censored 1923-29 74

2.2: Reasons for Rejection and Results of Appeals 74

3.1: Postal Packets stopped in the UK 1926-1928 142

6.1: Irish Free State - Films Censored 1930-39 251

6.2: Decisions of the Film Censorship Appeals Board 252

6.3: Film Censorship in Europe 1930 267

6.4: Decisions of the Australian Film Censorship 1930-39 269

7.1: Books banned 1930-39, reasons for ban & number reviewed in *TLS* 286

7.2: Periodicals banned 1930-39 & reasons for ban 287

7.3: Authors with the most books banned by the CPB, 1930-39 289

7.4: Publishers and numbers of books banned, 1930-39 290

7.5: Genres of books banned, 1930-39 290

7.6: Fiction books banned, 1930-39 290

Introduction

What is censorship?

Communication is an important part of what makes humans feel that they are separate from other animals. It is perhaps for this reason that we find the idea of controlling expression an uncomfortable one. This thesis is an attempt to investigate how expression was controlled in Northern Ireland and the twenty-six counties between 1922 and 1939. The first challenge is to define the subject itself. The *Oxford English Dictionary* is, for once, unhelpful: it defines a censor firstly as an office in ancient Rome, then as an official put in charge of the control of the production of plays and films. Finally it produces something useful: 'one who exercises official or officious supervision over morals or conduct' or an official who examines publications before publication.[1] These leave obvious gaps: what about censorship by non-governmental groups such as the British Board of Film Censors, or censorship after publication which is the *modus operandi* of both the Irish Censorship of Publications Board and the judiciary in the UK? A better definition is given by Harold Laswell: 'Censorship is the process of restricting the public expression of ideas, opinions, conceptions and impulses which have or are believed to have the capacity to undermine the governing authority or the social or moral code which that authority considers itself bound to protect'.[2] Paul O'Higgins offers something even broader: 'the process whereby restrictions are imposed upon the collection, dissemination and exchange of information, opinions and ideas.'[3]

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[1] *Oxford English Dictionary*, Vol. II, p. 1029.
[2] Harold Laswell, 'Censorship' in E. R. A. Seligman (ed.), *Encyclopaedia of the social sciences* (London, 1930), Vol. 3, p. 290.
[3] Paul O'Higgins, *Censorship in Britain* (London, 1972), p. 11.

These definitions provide the parameters of censorship for the purposes of this work. It is essential to look next at what kinds of censorship are possible. To do this we must consider the idea of the right to free expression. We must firstly consider what kinds of expression are protected by the right: this is known as its coverage. We can then consider what the limitations are on what is covered. This is called the protection offered by the right. Combining the two we can analyse the freedom of expression principle at work; that is the extent to which expression is given a privileged place in society.

Prior censorship is a term given to the control of expression before it is disseminated. Repressive censorship describes regulation after dissemination. For example, the Irish film censorship is a prior censorship because it requires all films to be examined before they can be screened publicly but the Irish censorship of publications is a repressive censorship as the Censorship of Publications Board only examines books that are already on sale. There are a huge variety of practices that can be considered as censorship. This work will examine censorship on moral grounds and on grounds of national security. Other restrictions on freedom of expression such as the law of defamation did not change substantially during this period. It is also impossible within a thesis to discuss the issue of self-censorship adequately. To examine the enormous number of decisions taken by writers, editors and political leaders and to ascertain why exactly they removed certain parts of their work would require detailed studies of each individual.

Sources and historiography

Despite considerable public interest in the subject there is not a great deal of secondary material available on Irish censorship. Michael Adams's *Censorship the*

Irish Experience[4] has been very influential in this field. It remains the standard text and both Terence Brown's *Ireland a social and cultural history 1922-1985*[5] and J. H. Whyte's *Church and State in Modern Ireland*[6] draw heavily on it. This thesis was born out of a belief that previous work on the subject had suffered somewhat from hindsight. Adams's book was written in the late 1960s when it seemed obvious to everyone that the censorship was an anachronism. Although it is a fine work of contemporary history it reflects that view somewhat. So does Kieran Woodman's *Media Control in Ireland 1923-1983*[7] which takes it for granted that those arguing in favour of censorship were wrong. James P. O'Connor's thesis on film censorship is a well researched work but its fundamental argument is badly tainted by the author's determination to impose modern judgements of artistic merit on the film censor's decisions.[8]

I propose to incorporate the history of censorship in the wider history of social reform movements and state security in Ireland in this period. Maurice Curtis,[9] Susannah Riordan,[10] and Margaret O'Callaghan[11] are among those who have reassessed the role of Roman Catholic groups in Irish social history. They have done so by assessing these groups according to their own aims and the contemporary context. In a similar fashion, Eunan O'Halpin,[12] Laura K. Donohue[13]

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[4] Michael Adams, *Censorship the Irish Experience* (Alabama, 1968).
[5] Terence Brown, *Ireland a social and cultural history 1922-1985* (London, 1985).
[6] J. H. Whyte, *Church and state in modern Ireland* (2nd edition, Dublin, 1980).
[7] Kieran Woodman, *Media control in Ireland 1923-1983* (Carbondale & Edwardsville, USA, 1985).
[8] James P. O'Connor, 'Censorship of films 1894-1970, Hollywood, London and Dublin.' PhD thesis, UCD 1996.
[9] Maurice Curtis, 'Catholic Action as an organised campaign in Ireland 1921-1947' PhD thesis, UCD 2000.
[10] Susannah Riordan, 'The unpopular front: Catholic revival and Irish cultural identity, 1932-48', in Mike Cronin and John M. Regan (eds.) *Ireland: the politics of independence, 1922-49* (London, 2000), pp. 98-120.
[11] Margaret O'Callaghan, 'Language, nationality and cultural identity in the Irish Free State 1922-7: the *Irish Statesman* and the *Catholic Bulletin* reappraised' in *Irish Historical Studies*, vol. XXIV, no. 94 (Nov. 1984), pp. 226-45.
[12] Eunan O'Halpin, *Defending Ireland: the Irish state and its enemies since 1922* (Oxford, 1999).

and Colin Campbell[14] have assessed the issue of state security in Northern Ireland and the south from a point of view based on contemporary sources rather than modern politics.

The contemporary sources in question exist mostly in the National Archives of Ireland and the Public Records Office of Northern Ireland. Both institutions possess a huge range of material of many aspects of the question that has rarely been used before. Of particular importance in Dublin were the files of the Department of Justice concerning censorship of films and censorship of publications. These files present a problem as the Justice collection is badly incomplete and very few files are available for the period after 1935. This is a serious problem for all researcher which puts in doubt the extent to which the National Archives Act 1986 is being implemented. Annual releases have done little to fill the vacuum for this topic. In Belfast, the Home Affairs files dealing with subversives and those concerning the operation of the Civil Authorities Special Powers Act provide an enormous amount of detail concerning both policy and individual cases. The archives of the Dublin and Amargh arch-dioceses of the Roman Catholic Church provide essential information on the role of the hierarchy and their relationships with both the governments and Catholic Action groups. Unfortunately the Church of Ireland's House of Bishops files remain closed to researchers, as do those of several of their Roman Catholic counterparts such as Bishop Browne of Galway. The UCD archives contain a wealth of personal papers as does the National Library of Ireland. What is striking to a researcher with access to these collections is how accurate Michael

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[13] Laura K Donohue, *Counter-terrorist law and emergency powers in the United Kingdom*, 1922-2000 (Dublin, 2001).
[14] Colm Campbell, *Emergency law in Ireland, 1918-1925* (Oxford, 1994).

Adams was despite his reliance on published material and documents made available to him privately.

As well as manuscript sources, there are a large number of contemporary articles dealing with the censorship question. I have often dealt with these at length although in some cases the arguments involved were not of a high quality. My purpose is to paint an accurate portrait of the arguments from all sides of the censorship questions and from a wide variety of sources. These publications can be divided into several types. There were some such as *Irish Ecclesiastical Record* or *Ireland To-Day* with small circulations but which were nonetheless read by people of influence and which were responsible for providing the intellectual foundations for the debate. There were also a range of popular publications, Catholic Truth Society magazines, the *Sacred Heart Messenger* and the *Irish Rosary* that were widely read. Though they often lacked the intellectual rigor of their more elite counterparts, they were often the point of contact with the debate for ordinary people. The value of publications from the radical fringe such as the *Catholic Bulletin* is disputed. They were not representative of opinion within mainstream Roman Catholic or government circles.[15]

It is not the purpose of this work to decide the issue of whether censorship is justifiable or not. It is for the reader to assess the relevance if any of the debates of seventy years ago to the present day. The objective of this work is to offer as balanced an account as is possible and in particular to examine the arguments for and against censorship in their contemporary contexts. It is also an attempt to look at the subject in a broad way, including security, film and publications. The period 1922 to 1939 was the state building phase of both territories when they took on their

[15] For more on these publications see O'Callaghan, 'Language, nationality and cultural identity in the Irish Free State 1922-7: the *Irish Statesman* and the *Catholic Bulletin* reappraised'.

legal and social characteristics. They did not start with a blank slate and before treating of the period as a whole it is important to survey briefly the important legacies of censorship in Ireland under British rule.

Censorship before 1922

Obscenity and the law

Obscene libel was an offence under British common law and had been defined since 1727. It was a misdemeanour and was tried before a magistrate. In the nineteenth century the Society for the Suppression of Vice began a campaign against obscene literature that saw them bring 159 prosecutions between 1802 and 1857. In the latter year Lord Campbell succeeded in getting his Obscene Publications Bill passed. This allowed magistrates to order the destruction of obscene publications or publishers to be prosecuted and was an attempt to codify anti-obscenity law.[16] In 1868 the prosecution of the publisher of a series of anti-Catholic pamphlets raised the question of whether a crime of publishing obscene material existed where there was no intent to corrupt. On appeal to the Queen's Bench, the case was heard by Chief Justice Cockburn. He decided that the intent of the publisher was not relevant and defined obscenity as, 'whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences, and into whose hands a publication of this sort may fall.'[17] His judgement was to define the issue throughout this period. It meant that questions of the intent of the author or the publisher or the artistic merit of a work were rendered irrelevant. All that mattered was the effect of the work on a hypothetical 'young person' whose mind

[16] Norman St John-Stevas, *Obscenity and the law* (London, 1956), pp. 66-69.
[17] Regina v Hicklin, quoted in Adams, *Censorship the Irish Experience*, p. 14.

was open to immoral influences. It was confirmed in 1877 with the trial of Charles Bradlaugh and Annie Besant who were found guilty of selling a pamphlet on sex education despite the jury's decision that they had no corrupt motives in doing so.[18]

Moral campaigners were concerned at the rise of novelists like Henry James, Thomas Hardy, George Moore and Oscar Wilde. These authors faced the opposition of the circulating libraries who controlled the publishing trade because they were willing to buy expensive three volume sets in bulk. George Moore fell foul of Mudie's and W. H. Smith's libraries when they refused to buy *A Modern Lover*, *A Mummer's Wife* or *Esther Waters*. Hardy had trouble getting a publisher for *Tess of the D'Urbervilles*. Most of all, the moral campaigners sought to prevent the public reading the works of Emile Zola. When Henry Vizetelly published cheap, one volume editions of the French author's works he was prosecuted and eventually sentenced to three months in prison. The last important obscenity trial of the nineteenth century was that of Havelock Ellis whose book on homosexuality *Sexual Inversions* was tried in part because the police wanted an excuse to prosecute the publisher.[19]

In the period leading up to the Great War, these legal precedents remained in place and was supported by a large amount of other legislation: the Dublin Police Act 1842, the Town Improvement (Ireland) Act 1854, the Customs Consolidation Act 1876, the Indecent Advertisements Act 1889 and the Post Office Act 1908.[20] These equipped the authorities with the power to seize obscene material in the post, at the ports, in public advertisements or on the newsstands and to bring prosecutions. What it did not offer was any way to circumvent the courts and ban controversial material outright.

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[18] St John Stevas, op. cit., pp. 70-74.
[19] Ibid, pp. 75-84.
[20] Adams, *Censorship the Irish Experience*, p. 14.

Obscenity in Ireland

Moral campaigners in Ireland took a serious interest in publications from about 1909. By then the university question had been resolved and the Roman Catholic hierarchy had become perturbed both at the worldwide rise of modernism and the alliance between the Irish Parliamentary Party and the Liberals. The papal encyclical *Pascendi Gregis* (1907) which condemned 'pernicious books' was also influential. In 1909, the Catholic Truth Society's annual conference discussed the press and Bishop O'Dwyer of Limerick issued a pastoral condemning English books and newspapers. He was a strong supporter of the Limerick Men's Confraternity of the Holy Family at the Redemptorist church. Several of its 7,000 members joined the vigilance committee set up in the town in 1911. A vigilance committee had already existed in Dublin but had been mostly concerned with proselytism. It began to take in interest in objectionable literature around 1907 and in November 1911 that became its main focus. Campaigns against 'evil literature' became part of Irish expression of Catholic Action in this period.[21] Some protestant leaders, such as Bishop O'Hara of Cashel, supported the movements.[22]

The campaigns against objectionable literature at this time worked by lobbying local authorities,[23] holding public protests[24] and by vigilantism. The all of these strategies were supported by the hierarchy. For example, the Bishop of Galway's 1916 Lenten pastoral called on Roman Catholics to shun the sellers of 'evil literature'.[25] In Dublin in 1913 the vigilance committee claimed credit for the

[21] Maurice Curtis, 'Catholic Action', pp. 46-49, 53-8.
[22] Alan Megahy, *The Irish protestant churches in the twentieth century* (London, 2000), p. 124.
[23] Minutes of Dublin Municipal Council, 16 June 1913.
[24] *Galway Observer*, 14 June 1913.
[25] Ibid, 11 March 1916.

returning of two tons of English newspapers, many in unopened bundles.[26] Later, W. B. Joyce, who was an activist in Limerick before the revolution, claimed that the vigilance committee had persuaded all the newsagents to sign undertakings not to stock immoral papers and books. His group were allied with the labour organisations and the Gaelic League and they patrolled the streets, picketed offending shops and stoned the agents of English publishers.[27] It seems that such activity was more influential than the judicial system as it was directed against popular newspapers that would not have been considered obscene by a court.

The censorship of films

Britain had two parallel systems of film censorship. The 1909 Cinematographic Act was intended to regulate public safety in cinemas by allowing local authorities to licence them. As complaints about films began to increase, the film trade decided that self censorship was their best protection against further controls and set up the British Board of Film Censors (BBFC) in 1912. Local authorities began to experiment with special conditions in licences regulating the attendance of children at cinemas and the types of films that could be shown. In 1915 a series of councils called for a central, state, film censorship to make the systems uniform. The film trade offered to reform the BBFC and this was combined with model conditions for cinema licences issued by the Home Office to local authorities.[28]

These events had echoes in Ireland. In 1913 Dublin Municipal Council added a condition to its cinema licences regulating the attendance of children at films.[29] In 1915 the Irish Vigilance Association (IVA) asked the council to appoint film

[26] Ibid, 5 July 1913.
[27] Joyce, evidence to the Committee on Evil Literature, 21 April 1926, NAI, JUS7/2/12.
[28] 'Development of the Film Censorship', 1922, PRO, HO45/22906.
[29] Dublin Municipal Council, Minutes, 6 October 1913.

censors and add conditions to the cinema licences preventing the showing of immoral films.[30] The council declined initially but decided to do so in 1916 after discussions with the IVA.[31] Two cinema inspectors were appointed but over time more were required.[32] Later even this number proved insufficient (see chapter 2). These inspectors watched films in the cinemas to ensure that they were keeping to the terms of the licences.

In Galway in 1915 Roman Catholic leaders demanded that the attendance of children at cinemas be regulated. The urban council and the cinema managers both agreed to this but the council decided not to issue licences with moral conditions.[33] In 1917 the Lord Lieutenant circulated the model conditions drawn up by the Home Office which asked councils to put conditions in licences preventing film 'that will offend against morality and public taste' from being shown.' They were encouraged to accept the verdicts of the BBFC.[34] The same year Dublin Municipal Council appointed two nominees of the IVA as cinema inspectors.[35]

In Belfast, the corporation's Police Committee waited until 1920 before considering a system of film censorship. When they did so it was 'in view of the effect which some films may have on children and young people'.[36] The reason for the delay was that the Belfast cinemas had been showing only films passed by the BBFC. The committee decided to place new conditions on the licence to require that if a cinema wished to show a film not passed by the BBFC it had to submit a synopsis to the committee and allow its representative to view the film in advance.

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[30] Ibid, 9 August 1915.
[31] Ibid, 9 October 1916; Report of the Public Health Committee, 15 August 1916, Dublin Corporation Reports 1916 Vol. 2, No. 153.
[32] Report of the Public Health Committee, 14 August 1917, Dublin Corporation Reports 1917, Vol. 3, No. 173.
[33] *Galway Observer* 10 April 1915.
[34] Ibid, 3 March 1917.
[35] James P. O'Connor, 'Censorship of Films 1894-1970', p. 382.
[36] Minutes of Police Committee, 1 July 1920, PRONI, LA7/10AB/1/17.

The committee also reserved the right to prohibit any film.[37] There were only a few occasions before 1922 when these powers were used.[38]

Censorship for national security

The Defence of the Realm Act 1914 included an offence of 'communicating with the enemy or obtaining information for that purpose'. This was expanded in the Defence of the Realm (No. 2) Act of August 1914 to include 'reports likely to cause disaffection or alarm'.[39] These regulations were strictly enforced in Ireland. In 1915, a Belfast man was sentenced to six months in prison for sending a letter to his sister in Germany. His offence was to give it to a man to post in America instead of using the local post.[40] In Dublin, several people were arrested for making speeches against recruiting and another man was fined for writing 'God Bless Germany' on a wall.[41] Although the numbers of seditious leaflets reported in Ireland by the RIC increased from five in 1912-13 to sixteen in 1914, this was not objectively a very large number.[42]

The Sinn Féin paper *Scissors and Paste* was kept under close scrutiny. It criticised the war throughout December 1914. It was seized in Cork on 2 January 1915 and kept under close watch thereafter. As it published extracts from other papers there were questions about whether it offended against the DORA.[43] In February, the paper was suppressed.[44] Not every paper was treated so harshly. *The Worker* was seized in 1915 in Glasgow but although 4,000 copies were sent from

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[37] Ibid, 19 August 1920.
[38] Ibid, 26 November 1920, 30 November 1920, 16 December 1920.
[39] Campbell, *Emergency Law in Ireland*, pp. 10-12.
[40] *Down Recorder*, 5 June 1915.
[41] Ibid, 19 June 1915.
[42] 'List of seditious leaflets and notices circulated in Ireland from 1905 to the present', November 1914, PRO, CO/904/161/3.
[43] Treasury Solicitor's opinion, 15 February 1915, PRO, CO/904/160/2
[44] DORA order, 27 February 1915, ibid.

Belfast to Dublin, the military felt that it was not necessary to act against it.[45] The *Leinster Leader* escaped suppression between 1914 and 1916 despite its constant opposition to recruiting.[46] The *Dublin Evening Telegraph* was asked to give the name of an anonymous correspondent in 1915 but no action was taken when it refused.[47] The *Enniscorthy Echo* was warned about its anti-recruitment position in 1914[48] and post intended for its manager, editor and staff was detained.[49] This was only done because a seditious pamphlet was produced at the paper's offices.[50]

Postal censorship was defined by the government as 'the right exercised by a government to examine and dispose of all communications in the interests of public safety.'[51] This means that only that part of postal "censorship" involving the actual suppression of communications need concern us here. According to Novick, postal censorship in Ireland was used mostly against political targets.[52] Warrants were issued by the Lord Lieutenant or the Lord Justice of Ireland at the request of high ranking members of Dublin Castle, the Post Office or the Irish Command's military intelligence section. The latter was the source of most requests. The majority of this work was aimed at intelligence gathering so actual prevention of the communications would have been counterproductive. To prevent its targets becoming too suspicious, censorship was applied to a particular person for only a month at a time.[53] The enormous numbers of letters posted in Ireland in this period made a general censorship of the mails impossible. 192 million letters were posted

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[45] GO C in C to Under secretary for Ireland, 25 January 1915, ibid, CO/904/161/7.
[46] PRO, CO/904/160/3.
[47] Ibid, CO/904/160/3.
[48] W. McConnell, District Inspector General to County Inspector, Wexford, 2 December 1914, ibid, CO/904/160/4.
[49] Post Master General, warrant, 12 January 1915, ibid.
[50] Mathew Nathan to Secretary, GPO, Dublin, 15 January 1915, ibid.
[51] Ben Novick, Postal Censorship in Ireland, 1914-16' in *Irish Historical Studies*, Vol. XXXI, No. 123, (May 1999), p. 344.
[52] Ibid, p. 345.
[53] Ibid, p. 348.

in 1914-15 while the censorship consisted of one officer with five assistants.[54] The RIC stopped sixty-four packets of correspondence between November 1915 and March 1916 but were aware that this was only a small contribution to the fight against seditious literature.[55]

There was also an official press censor: Lord Decies. Despite Maume's description of him as 'notoriously dimwitted and inefficient', Decies's reports showed that he was well aware of the conditions of the country and the limitations of his office.[56] His role was initially to regulate news about the war. Reports of the Somme were initially heavily censored. Readers of the *Belfast Telegraph* were told that after ninety minutes of bombardment, troops had confronted heavily fortified German positions that were protected by machine guns. They 'had marched towards the front singing songs and with merry hearts – clearly the soul of Tommy'. On 5 July the paper printed a leader which warned that casualties had been large but no figures were printed. Only over the succeeding days did lists appear.[57]

The Home Office also dispatched warrants for the examination of post, parcels and telegrams to Decies.[58] Interestingly not all citizens objected to this. The Irish Post Office Clerk's Association requested that correspondence between Ireland and America be censored in Dublin instead of Liverpool thus requiring the hiring of one hundred girls at £1 per week.[59] Censorship of post between Ireland and Canada was also re-introduced in the hope of intercepting material destined for the USA.[60] Post

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[54] Ibid, p. 350.
[55] Ibid, p. 351.
[56] Patrick Maume, *The long gestation – Irish nationalist life 1891-1918* (Dublin, 1999) p. 187. Maume bases his assessment on the verdict of Frank Gallagher in *Four glorious years*. Given Gallagher's own political position it was in his interests to contrast the failures of British propaganda and censorship with his own successes.
[57] Malcom Brodie, *The Tele: a history of the Belfast Telegraph* (Belfast, 1995), pp. 33-4.
[58] Warrants issued, 25 April 1916, PRO, HO45/199665.
[59] *Down Recorder*, 22 January 1916.
[60] Graham Mark, *British censorship of civil mails during World War I, 1914-19* (Bristol, 2000), p. 99.

to and from Irish prisoners was also censored. Convicts were allowed to write and receive one letter every three months while internees were able to write weekly and could receive any number of letters. Inmates letters were also examined by their own "postmasters" before submission to British censors. Similar provisions were applied to the German Plot prisoners.[61]

After 1916 the censorship system had to deal with the rise of advanced nationalism as well as the war. Decies treated the former primarily as a threat to British security and the war effort. As his role was somewhat similar to that of the southern censor, Piaras Béaslaí in the Civil War (see chapter 2), it is worth examining in some detail.

Reports of the state of the prisoners in Frongoch caused difficulties. Decies complained that 'there are many articles now being published giving absolutely untrue statements as regards the conditions of Frongoch prisoners.' He had warned the press 'to be careful what they published'.[62] Such warnings were little use in dealing with papers like the *Cork Free Press* under the editorship of Frank Gallagher. which was suppressed when it accused the British authorities of lying about the situation.[63]

From August 1917 on, Decies made it his priority to suppress 'statements which are a frank defiance of all Government and authority in Ireland'. The suppression of the *Kilkenny People* had the effect of greatly increasing the number of submissions to the censor from other editors.[64] His job was made difficult by the skill with which propagandists like Arthur Griffith skirted the line between criticism of the government and sedition. He also had to censor news coming from the Irish

[61] Ibid, pp. 133-4.
[62] Decies to Under Secretary, 19 November 1916, ibid, CO/904/160/3.
[63] Ibid, 24 November 1916.
[64] Report of the censor, August 1917, ibid, CO/904/166.

Convention in an attempt to keep that assembly free from political pressure. Despite behaving leniently at the start of the year, by the end of 1917, Decies believed that the censorship should be applied strictly and wanted the government to apply the Defence of the Realm Regulations [DORRs] in full.[65]

As Sinn Féin orators continued their campaigning most papers were willing to submit their reports in advance but some did not and these were often the subject of action under the DORRs. Decies warned in April 1918 that if censorship were relaxed, an anti-war campaign was very likely.[66] That month he made examples of the two papers which 'had an effect of the most salutary nature on the whole Irish press'. Decies warned that the press was united in its opposition to conscription. The Chief Secretary ordered him to censor all appeals to force, incitements to strike and, where appropriate, passive resistance.[67]

By mid-1918, Decies detected a diminution in the amount of seditious oratory in the country. Letters from the interned leaders to the press were sent to him before publication and he allowed only the harmless ones – this made their publication unattractive to editors.[68] Decies censored all Sinn Féin reports very strictly which led to complaints from the press.[69] The effect was to deter them from printing anti-recruiting articles or speeches.[70]

When the war ended there was a change in the censorship policy. In the last month of the conflict, Decies censored all reports of the torpedoing of the *Leinster* between 10:30 a.m. and late in the day on the orders of the Admiralty. The *Evening Herald* printed the story at 7:30 p.m. and was suppressed for it. In particular Decies

[65] Ibid, September to November 1917.
[66] Ibid, March 1918.
[67] Ibid, April 1918.
[68] Ibid, July 1918, CO/904/167.
[69] Ibid, August 1918.
[70] Ibid, September 1918.

was careful 'to prevent the publication of the fact that a large number of soldiers were on board the "Leinster", and so far no mention of it has appeared in any Irish paper.'[71] He then faced the job of censoring coverage of the 1918 general election. This was quite relaxed and only incitements to violence and attacks on the military were forbidden. After the result Decies offered his resignation, citing the strain of the job and the fact that he believed the censorship should be withdrawn.[72] He stayed in office until May 1919.[73] During this time the censorship was gradually relaxed.[74]

It is important to note that the censorship was far more effective in regard to well established newspapers than against the short lived productions of advanced nationalist propaganda. It was designed as a system of prior scrutiny but was unsuccessful in preventing men like Arthur Griffith and Herbert Pim from producing newspapers.[75] All it did was make their jobs more challenging. It was arguably more effective in dealing with local and national papers whose editors were known and which had fixed premises and machinery.

British censorship during the period 1920-21 was based on the Restoration of Order in Ireland Act 1920 and its attendant regulations. The act made all extant DORRs into Restoration of Order in Ireland Regulations (ROIRs).[76] These allowed the authorities to arrest people for possession of seditious material, suppress newspapers, ban public meetings, remove flags and otherwise act to suppress expressions of what they considered sedition. Essentially this marked a return to military censorship from the civilian authority administered by Decies and his

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[71] Ibid, October 1918.
[72] Ibid, December 1918.
[73] *Galway Observer*, 3 May 1919.
[74] Report of the censor, January 1919, February 1919, March 1919, PRO, CO/904/167
[75] Ben Novick, *Conceiving revolution – Irish nationalist propaganda during the First World War* (Dublin, 2001), p. 36.
[76] Campbell, *Emergency Law*, p. 27.

successors. This was a logical response to the problems experienced by the official prior censorship when faced with advanced nationalist propaganda. It had the negative effect of diminishing the government's moral authority. As Campbell put it, 'Martial Law served to de-legitimise a state response which sought to portray itself as upholding constitutional standards in the face of terror and mayhem.'[77]

The government's censorship was directed against separatist propaganda and displays as well as regular newspapers. Inquests were prohibited in many counties to prevent embarrassing verdicts and outbursts.[78] Responding to the limited effectiveness of postal censorship during the Great War, the War Office suggested the introduction a passport system for everyone travelling to and from Ireland. This was intended to prevent persons carrying uncensored mail through the ports but was rejected as the Home Office considered it 'absolutely absurd and unworkable.'[79] Telegram censorship was introduced in September 1919 and was intended 'to guard against acts of sedition, to prevent disloyalists from getting aid or support, pecuniary or otherwise, from outside sources in the United Kingdom or elsewhere, and to obtain information as to undesirables'.[80]

The British administration's policy on censorship was weakened by the competing aims of its publicity and military sections. The press were warned in August 1920 to avoid publishing 'incitement to murder or disaffection' or 'spreading false reports'. Despite this the newspapers were not prevented from expressing political opinions hostile to the crown forces.[81] As Townshend has pointed out, the army, as represented by Brigadier General Brind who was

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[77] Ibid, p. 3.
[78] Ibid, p. 27.
[79] W. M. P., minute, 27 February 1920, PRO, HO45/19665.
[80] Col. Arthur Browne, 'Orders for emergency censorship of telegrams to and from Ireland', [September 1919], ibid.
[81] Michael Hopkinson (ed.), *The last days of Dublin Castle: the Mark Sturgis diaries* (Dublin, 1999), p. 44 (23 September 1920).

responsible for censorship, had little interest in the freedom of the press as an abstract principle. This approach was opposed by Basil Clarke, a former war correspondent who was placed in charge of propaganda.[82] Clarke advocated a system of 'propaganda by news' as opposed to one in which stories were repressed and denied.[83] He believed that the censors should liase with the propagandists: the latter were to correct errors in the press and advise the censors on the degree to which newspapers should be considered culpable for breaches of the rules.[84]

The press faced two possible forms of censorship. The *Freeman's Journal* suffering formal suppression in December 1919 for attacking the government.[85] It challenged the decision in court but lost its case.[86] The paper was allowed to resume publication in January 1920.[87] In December 1920 its editor and proprietor were convicted by a court martial for an article about the shooting of policemen in Tullow, Co. Carlow.[88] The British press reacted strongly against this decision and the British government ordered their release.[89]

Newspapers also faced the prospect of violent repression by both sides. In December 1919, IRA men smashed machinery in the *Irish Independent*'s offices in Abbey Street, Dublin.[90] In September 1920, the *Galway Express* suffered similar treatment at the hands of the Black and Tans who dismantled and removed printing

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[82] Charles Townshend, *The British campaign in Ireland 1919-1921: the development of political and military policies* (Oxford, 1975), p. 116.
[83] Clarke to Assistant Under Secretary, 10 March 1921, PRO, CO/904/840-843.
[84] 'Notes on the above chart' [August 1921], CO/904/579.
[85] *Down Recorder*, 20 December 1919.
[86] Ibid, 23 December 1919
[87] *Galway Observer*, 31 January 1920.
[88] Ibid, 27 November 1920.
[89] Townshend, *The British Campaign in Ireland*, p. 159.
[90] *Down Recorder*, 27 December 1919; *Galway Observer*, 27 December 1919.

machinery.[91] Within the martial law areas, in the later stages of the conflict, the press was kept under 'firm control' according to Strickland.[92]

The British legacy

The above discussion of censorship under the union above shows that both the Irish regions inherited several legal and philosophical principles from Britain. The first was a tradition of legislative and judicial action against immoral publications dating back to the nineteenth century. The Cockburn judgement of 1868 had set a standard by which obscenity could be judged and, although it had grave deficiencies, it defined the terms of the debate about moral censorship in the emerging states. The situation in regard to film was less clear cut. The British film censorship was a chaotic one based on a compromise between local authorities, the film industry and the central government. This made it very flexible but to those who wanted clear, strict definitions of what was or was not to be allowed it was weak.

In the realm of state security, the new governments had two British models on which to draw: *ad hoc* repression by security forces or the courts or prior censorship by a state official. The former model worked best against an enemy that was capable of producing propaganda rapidly and changing its titles, printers and methods of distribution quickly. The prior censorship was quite effective in dealing with established newspapers which could be effectively prosecuted or shut down. It had the advantage of being less arbitrary than *ad hoc* repression and allowing extensive consultation with friendly or neutral papers. As we shall see, the Northern Irish government opted for the *ad hoc* system while the pro-treaty southern government

[91] *Galway Observer*, 11 September 1920, 25 September 1920.
[92] Townshend, *The British campaign in Ireland*, p. 176.

initially tried a prior censorship before using a repressive system once the Civil War proper was coming to an end.

In 1922 both governments faced violent threats to their existence at home as well as the challenge of defining their new states in relation to Great Britain and the wider world. Censorship both of sedition and obscenity was to be used to deal with both problems.

Chapter 1: Censorship and security 1922-29

I: The years of crisis 1922-24

State security and freedom of expression in southern Ireland 1922-24

Both the northern and southern administrations emerged in the midst of a crisis. In the south, the Treaty split the IRA and the new pro-treaty government found itself treating former allies as traitors. The situation in the north was no less serious. Craig's government, lacking the independence of action of its southern counterpart, was confronted with a continuing IRA campaign, a nationalist population which was unwilling to give the new state even a semblance of recognition and an upsurge of sectarian violence and bitterness. Both governments had similar objectives but used different legal strategies to pursue them. The southern state used a system of official prior censorship similar to that used by the British between 1916 and 1919 (see Introduction).

The southern authorities began to censor newspapers in July 1922. The system used depended on the co-operation of the newspapers themselves and on the help of Eason & Son Ltd. who controlled the vast majority of the wholesale market. On 3 July 1922, Charles Eason met with a government official and was told to stop selling English papers.[1] This proved to be a temporary step but from then on the chief military censor, Piaras Béaslaí, would work closely with Eason. Throughout July and August, the company dispatched papers to the censor's office as they were landed at port and sent

[1] L. M. Cullen, *Eason & Son: a history* (Dublin, 1989), p. 214.

the list of titles to Béaslaí.[2] He trusted Eason enough to allow him to handle the *Financial Times*, *Financial News* and *Financier* 'without submitting every copy'.[3] Eason also undertook to send lists of magazines to Béaslaí and to submit any issues containing Irish articles for censorship.[4] There is no evidence that Eason ever tried to resist or circumvent the will of the censor. On the contrary, their good relationship helped the wholesaler to keep his clients happy by speeding up the issuing of permits.[5] Béaslaí's office recognised the help it was getting. When several uncensored copies of British magazines went on sale through a rival newsagent, the assistant censor commented that 'Eason who have dealt fairly with us are penalised by whatever newsagent is ignoring the rules.'[6] Eason also refused to distribute the *Voice of Labour* until the firm received assurances that it was submitted to the censor every week before publication.[7]

Béaslaí was primarily concerned with military and political censorship. It is clear from his memorandum on the 'work of the censor's department' that his authority covered 'any matter bearing on the fighting, the military and political situations'. His office checked proofs of the Dublin morning and evening papers, all the British and foreign reporters' wires and all photographs and films of military operations. Other subordinate censors dealt with their local newspapers. The office acted as a liaison with the press, providing them with copies of all general headquarters' official bulletins. It also authorised private firms to use ciphers and controlled the censorship of private

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[2] Easons & Sons Ltd. to Béaslaí, 14 July 1922 and after, National Library of Ireland (NLI), Piaras Béaslaí Papers, Ms. 33915 (14).
[3] Charles Eason to Béaslaí, 12 July 1922. ibid.
[4] Cullen, *Eason &* son, p. 216.
[5] Eason to Béaslaí, 12 July 1922, NLI, Béaslaí Papers, Ms. 33915 (14).
[6] P. Hoey to Béaslaí, 26 July 1922, ibid Ms. 33915 (16).
[7] Cathal O'Shannon to Eason & Son Ltd., 26 July 1922, Cathal O'Shannon papers, Irish Labour History Society Museum and Archive, COS/51.

wires and post.[8] Postal censorship focused mostly on letters to the press but covered a large amount of correspondence; in the first two weeks of August 1922, for example, 416 letters were referred to Béaslaí.[9] The censor's office suggested sending copies of wires to the Intelligence Department[10] but it seems that that office had its own arrangements with the Post Office.[11]

The politician responsible for censorship was Desmond FitzGerald, the Minister for Publicity. His instructions to the press showed that the censorship had a dual role: it was intended to assist the pro-treaty military campaign by prohibiting the reporting of troop movements, logistical information or continuing military operations and it had a propaganda function, denying the trappings of legitimacy to the Republican side. FitzGerald went into great detail over the terminology to be used in describing the conflict. The pro-treaty forces were to be called the 'Irish Army', 'National Army' or simply 'the troops' while the Republicans were to be described as 'bands', bodies' or 'armed men' and were to be designated 'irregulars'. The new government was to be called the 'Irish government' not the 'Provisional government' while the Republicans were never to be called the 'Executive forces'. The ranks of Republican officers were not to be printed. Neither were stories about the treatment of Republican prisoners to be printed. Any news or correspondence about peace was to be censored. Despite these strictures, FitzGerald's instructions echoed Béaslaí's conciliatory tone towards the press: censors were not to rewrite reports in their own words, for example.[12] Despite at least one private complaint against a paper on moral grounds, there is no evidence that

[8] 'Memorandum on the work of the censor's department', [no date], ibid, Ms. 33915 (8).
[9] Béaslaí to Superintendent, Sorting Office, GPO, ibid, Ms. 33915 (6).
[10] Commandant, General, Army Publicity Director to Mr. Butler [censor's office], 15 August 1922, ibid.
[11] Acting Military Secretary to Commander-in-Chief to the Director of Intelligence, 2 August 1922, University College Dublin Archives (UCDA), Mulcahy Papers, P7/B/4/83.
[12] 'Military censorship, general instructions' [no date], Desmond FitzGerald Papers, UCDA, P80/282(12/2).

censorship in this period was motivated by anything other than military or propaganda considerations.[13] Indeed, in the case of the *Morning Post*, Béaslaí passed what he considered a 'consistently scurrilous and blackguardly' paper as it was 'in no way detrimental to our military or political interests.'[14] Béaslaí felt that his job was not taken seriously by the military authorities and in July 1922, after only a few weeks in office he threatened to resign as his staff had not been paid and he had had to reimburse them from his own resources and by borrowing money from Desmond FitzGerald.[15] His departure was avoided but as a military man reporting to a civilian his position was unusual.[16] This incident was indicative of the confusion surrounding the censor's office. The overall impression from the Béaslaí papers is that it was unclear whether his position was civilian or military, what the extent of his powers were or how his office should be organised.

The newspaper trade chaffed under these rules, however. The secretary of the Dublin and Provincial Retail Newsagents, Booksellers and Stationers Association, wrote to Béaslaí to complain about the seizure of English Sunday papers. He demanded that censorship be applied to only 'the smallest number of papers' and that his members receive timely notice of prohibitions.[17] Sean Lester of the Department of Publicity also complained against the banning of the *Daily Herald*, commenting that it had been a 'staunch and courageous friend' of Ireland in the War of Independence and he found it 'extraordinary' that the *Daily Mail*, *Daily Sketch*, and *Daily Mirror* were permitted.[18] Béaslaí explained that the ban on the *Herald* was not a punishment but was imposed because the paper had published Republican bulletins. He complained that 'it is useless

[13] Norris Goddard to Béaslaí, 22 July 1922, NLI, Béaslaí Papers, Ms. 33915 (12).
[14] Béaslaí to Postmaster General, 28 October 1922, ibid, Ms. 33915 (8).
[15] Béasaí to Adjutant General, 22 July 1922, ibid, Ms. 33915 (10).
[16] Gearoid O'Sullivan to Béaslaí, 26 July 1922, ibid.
[17] J. J. Hart to Béaslaí 13 July 1922, ibid, Ms. 33915 (11).

to expect me to carry on my job as censor if English papers are allowed to circulate matters in Ireland which the Irish papers are prevented from publishing.'[19] He also criticised the *Evening Mail* after it published material banned by the censor. The paper was 'jeopardising the relationship between censor and press' and he complained that it failed to appreciate 'the unpleasant and thankless task I have to perform' and stressed that he did not want to take action against the paper.[20]

Film was taken seriously by the pro-treaty government. On 12 July, Michael Collins wrote to Béaslaí to ask about his plans for film censorship. Béaslaí had already ordered picture houses not to display 'pictures or titles of pictures' unless his department had passed them.[21] By 16 July this order was amended so that only 'war films' would be censored.[22] These were defined as 'all topical films and posters dealing with or bearing on the fighting or military operations in Ireland at the present time.'[23] In response to requests from cameramen and filmmakers, the southern government set up a film censorship office in London in July 1922.[24]

Despite the detail of the censor's instructions, there were several errors and abuses of the system. Béaslaí complained of letters being opened without his authorisation.[25] Later, he had to explain that the postal censors were 'a little too zealous' when English journalists complained at the mangling of their copy.[26] A more serious abuse of power occurred in Waterford where the acting military censor dictated to the editor of the *Waterford News* how to lay out his paper on the day of the funeral of a pro-treaty

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[18] Lester to Béaslaí, 14 July 1922, ibid Ms. 33915 (13).
[19] Béaslaí to Adjutant General, 19 July 1922, ibid Ms. 33915 (5).
[20] Béaslaí to Mr. Murphy, 9 August 1922, ibid, Ms. 33915 (6).
[21] Béaslaí to Collins, 13 July 1922, ibid, Ms. 33915 (5).
[22] Superintendent J. J. Purcell to Chief Commissioner Dublin Metropolitan Police [hereafter DMP], 16 July 1922, National Archives of Ireland [NAI], DJUS, H/84/7.
[23] Béaslaí to exhibitors, 17 July 1922, NLI, Béaslaí Papers, Ms. 33915(5).
[24] Béaslaí, 'Memorandum No. 3' [n.d.], ibid, Ms. 33915 (10).
[25] Béaslaí to Superintendent Sorting Office, GPO, 21 July 1922, ibid.

officer. Even the headline, 'Hero laid to rest', was specified.[27] Béaslaí was furious, describing the orders as 'indefensible' and contrary to his own instructions.[28]

His own decisions could be eccentric. In August, for example, he banned an government advertisement seeking a supplier of coffins which, he felt, 'would be quoted by the Irregulars as showing that we expected a long and bloody slaughter.'[29] The death of Michael Collins prompted the censorship to go beyond political and military matters. FitzGerald complained that the *Sunday Independent* leader on the subject was too short and insufficiently condemnatory of the Republicans.[30] Béaslaí also wrote to three newspapers condemning a biography of Collins by Hayden Talbot.[31] When the *World's Pictorial News* ran a story entitled 'the secret history of Michael Collins', he banned the paper as it had given 'much pain and annoyance' to Collins' friends and relatives and had placed the late general 'in a ridiculous light.'[32] Around the same time, Béaslaí ordered the press not to print full accounts of the inquest of Patrick Mannion, a Republican shot dead by the Free State forces. Béaslaí believed that the government had not presented its case well at the inquest and wanted to buy it time to give its side of the story in the Dáil.[33] Instead he handed the Republican side a

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[26] Béaslaí to Minister of Defence, 27 July 1922, ibid, Ms. 33915 (10).
[27] C. S Quinlan [Acting Military Censor] to Editor *Water ford News*, 18 August 1922, UCDA, FitzGerald papers, P80/282 (11/4).
[28] Béaslaí to Desmond FitzGerald, 6 September 1922, ibid, P80/282(12/1).
[29] Béaslaí to Officer in Charge of Contracts at Portobello Barracks, 15 August 1922, NLI, Béaslaí papers, Ms. 33915 (6).
[30] 'Memo re: Dublin Press' 29 August 1922, FitzGerald papers, P80/295(35).
[31] Béaslaí to *Daily Express, Irish Independent, Freeman's Journal*, 5 September 1922, NLI, Béaslaí Papers, Ms. 33915 (7).
[32] Béaslaí to the editor *World's Pictorial News*, 13 September 1922, ibid.
[33] Béaslaí, 'Memorandum on the inquest of Patrick Mannion [26] September 1922, UCDA, FitzGerald Papers, P80/285(14).

propaganda opportunity. Dorothy MacArdle[34] and Count Plunkett[35] wrote to the *Irish Independent*, alleging that the inquest evidence had been suppressed.[36]

From early on, the pro-treaty side was considering the abolition of censorship. Even in July, as censorship was just being established, FitzGerald and Collins had agreed that their ideal was to relax censorship 'almost to vanishing point'.[37] Collins argued that the public 'discounts, to an undue extent, censored news, and in any case we have the situation so well in hand…that the newspapers themselves may be trusted to do what is right.'[38] As the conflict moved from conventional warfare to guerrilla actions by the Republicans, steps were taken to wind down the machinery of censorship. By the first week of October, Béaslaí had heard that his office was to be abolished. Though he was furious that he had not been consulted,[39] he readily complied with the order issued on 12 October 1922 to begin closing down the censorship system.[40] Over the next two weeks, newspapers were told not to send Béaslaí proofs unless 'you do not care to take responsibility for publishing' dubious material.[41] The censorship of letters and telegraphs was discontinued from 18 October.[42]

The pro-treaty side was not alone in its desire to control the media. In January 1922, machinery was damaged at the offices of the *Clonmel Nationalist* when it refused to publish an anti-treaty manifesto.[43] When its rival, the *Clonmel Chronicle*, protested Republicans seized the town's supply of the *Chronicle* and threatened further action

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[34] *Irish Independent*, 20 September 1922.
[35] Ibid, 19 September 1922.
[36] FitzGerald Papers, op. cit., P80/285(10).
[37] FitzGerald to Collins, 25 July 1922, ibid, P80/283(1).
[38] Collins to FitzGerald, 26 July 1922, ibid, P80/283(2).
[39] Béaslaí to Commander-in-Chief, 4 July 1922, NLI, Béaslaí Papers, Ms. 33915 (8).
[40] Commander-in-Chief to Béaslaí, 12 October 1922, ibid.
[41] Béaslaí, letter to newspaper editors, 13 October 1922, ibid, Ms. 33915(8).
[42] Béaslaí to Postmaster General, 28 October 1922. ibid.
[43] *Northern Whig,* 20 January 1922.

against the *Nationalist* when it resumed production.[44] In April 1922, a consignment of newspapers was thrown into the river Foyle before being fished out by pro-treaty forces.[45] A consignment of Belfast morning papers were seized at Dundalk and burned the same week.[46] That month several thousand copies of the pro-treaty *Sligo Champion* were destroyed and, some weeks later, its offices were damaged.[47] As pro-treaty censorship slackened in October, the Republicans tried to force newspapers to favour their agenda. In March 1922 the *Freeman's Journal* published a report of a speech by Tom Barry. In retaliation armed men smashed its printing machinery in Dublin.[48] The editor of the *Freeman's Journal* was later warned not to refer to the anti-treaty IRA as 'irregulars' or to print their ranks in parentheses. A fine of one pound would be levied for each offence with the threat of more severe action for persistent abuses.[49] Similar letters were sent to the *Irish Independent* and *Irish Times*. The latter paper did use 'republican' while the *Independent* cut 'irregular' much to the disgust of the Free State authorities.[50] By November the Republicans were winning the battle for terminology and FitzGerald was warned that 'the newspapers generally are now obeying the orders they received recently from Ernie O'Malley'.[51] He warned his colleagues that although the *Freeman's Journal* was holding out, it would come under pressure if the others were 'allowed to 'placate the irregulars.'[52] Within a few months, however, the papers had reverted to Free State language, possibly because of a diminished Republican threat to them.

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[44] Ibid, 26 January 1922.
[45] Ibid, 8 April 1922.
[46] Brodie, *The Tele*, p. 42.
[47] *Northern Whig*, 22 April 1922.
[48] John Horgan, *Irish Media a critical history since 1922* (London, 2001), p. 9.
[49] Assistant Adjutant General for GHQ IRA [Ernie O'Malley] to the Editor, *Freeman's Journal*, 28 October 1922, UCDA, FitzGerald Papers, P80/281(13).
[50] L.O'S [Assistant Adjutant General] to Cmdt. General Ó Murthuille, 30 October 1922, Béaslaí Papers, op. cit., Ms. 33915(10).

As the Republicans became more desperate they threatened cinemas and newspapers. On 14 March 1923, the anti-treaty Minister of Home Affiars, P. J. Ruttledge proclaimed a time of national mourning for recently executed Republicans during which, all amusements were to be suspended. The Free State government responded by ordering events to go ahead - which most did.[53] In late March, Kevin O'Higgins met cinema owners and ordered them to open or be taken over by the state.[54] The cinemas did stay open despite two bombing attempts. In both cases the bombs were petrol bombs and were probably designed to aggravate the Free State forces and terrorise the cinema owners rather than to destroy the properties.[55] When the proprietors protested in April that they were losing money during holy week and needed to be allowed to either open only when it was profitable or claim compensation, O'Higgins only offered to consider an application for complete closure by any cinema if it was for a specific period of time.[56] Clearly the authorities wanted to avert any bad publicity. In April, the Republicans issued over one hundred orders to businesses not to advertise in those newspapers opposing them. The Free State forces refused to offer any protection to the advertisers as it was believed that the anti-treaty camp was trying to tie up government forces.[57] These actions were not meant solely as censorship since their aim was not only to restrict expression but also to distract the Free State's forces and terrorise the civilian population.

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[51] Press Room, 'Memo', 6 November 1922, Desmond FitzGerald Papers, op. cit., P80/295(44).
[52] FitzGerald, 'Memo Re: Dublin Press', ibid, P80/295(45).
[53] Station Report, Mountjoy, 20 March 1923, NAI, DJUS, H84/13.
[54] P. J. Munden to Minister for Home Affairs, 3 April 1923, ibid.
[55] DMP Station Report 23 March 1923 & 29 March 1923, ibid.
[56] Kevin O'Higgins to P. J. Munden, 5 April 1923, ibid.
[57] Director General's Office CID to Henry O'Friel 13 April 1923, ibid, H180/11.

Emergency law and freedom of expression in Northern Ireland

In the Northern government's battle for survival, censorship acted both as a way of controlling public opinion and as an easy way to criminalize those who opposed the state. The key legislative weapon in the government's armoury was the Civil Authorities (Special Powers) Act 1922. The man who wielded it, Richard Dawson Bates, had been rewarded for his party loyalty and vigorous opposition to the third Home Rule Bill with the Home Affairs ministry.[58] His enemies spread rumours that he slept with a revolver and a copy of the Special Powers Act under his pillow.[59] The act (hereafter referred to as the CASPA) itself was a draconian work, based on the Restoration of Order in Ireland Act 1920 and the wartime Defence of the Realm Acts. The military recommended that it be stronger than its predecessor as 'it was not contemplated [during the war of independence] that forces of the crown would meet with the armed resistance which they are now liable to meet.'[60] Its first article set the tone, giving the minister power 'to take all such steps and issue all such orders as may be necessary for preserving the peace and maintaining order.'[61] The act banned incitement or solicitation to violate a regulation.[62] It was also a crime not to inform the civil authorities of a person who had or was about to commit such a deed.[63] The most remarkable features of the act were articles 2.4 and 2.6, derived from wartime legislation. Under these provisions it was a crime to do anything contrary to the preservation of the peace, even if it was not specifically outlawed, and if a person claimed that he was acting legally, the burden of proof was on him. Several provisions

[58] S. J. Connolly (ed.), *The Oxford Companion to Irish History* (Oxford, 1998), p. 40.
[59] James Kelly, 'Memories of the *Irish News* 1929' in Eamon Phoenix (ed.), *A century of Northern Life: the Irish News and 100 years of Ulster History 1890s - 1990s* (Belfast, 1995), p.41.
[60] Maj. Gen. Cameron to Secretary to the Cabinet, 20 March 1922, PRONI, CAB/9B/83/1.
[61] Civil Authorities (Special Powers) Act 1922, Article 1.1
[62] Ibid, art. 2.2.
[63] Ibid, art. 2.3.

of the act directly affected freedom of expression. The Minister of Home Affiars could prohibit meetings, processions, assemblies as well as the wearing of uniforms or badges.[64] Collecting, publishing or communicating details on the police force was forbidden.[65] The unauthorised use of codes and ciphers was also banned.[66] Article 24 made it illegal to promote the objects of an unlawful organisation, furthermore if any person possessed documents relating to an such a group it was up to him to prove he was not a member. Under article 25, the police were given special protection: no-one could spread false reports about them, or make statements, films or stage productions which would interfere with them or discourage recruiting.[67]

The most important censorship provision was article 26, under which the minister could ban any newspaper for a specified period. As the act was renewed every year such prohibitions had to be renewed or allowed to lapse every twelve months. The Civil Authority acted by making regulations which were not subject to parliamentary debate: the first thirty-six such regulations formed a schedule to the CASPA, thus making it impossible to challenge them in court as *ultra vires* the act.[68] Some sixteen regulations affected freedom of expression and fifteen of these were derived from the wartime Defence of the Realm Regulations (DORRs).[69] The derivation of the CASPA tells a great deal about the context in which the regime saw its censorship powers. With the exception of section 24, which concerned documents relating to illegal associations, all of the sections relating to freedom of expression were based on the Defence of the Realm Regulations of 1914 to 1918.[70] In other words, the CASPA was a war powers act

[64] Ibid, art. 3.1.
[65] Ibid, art. 10.
[66] Ibid, art. 12.
[67] Ibid, art. 25.
[68] Campbell, op. cit., p. 333.
[69] Ibid, pp. 383-405.
[70] Campbell, op. cit., pp. 388-400. Section 24 was based on the Restoration of Order in Ireland Act 1920.

used in an internal conflict by government not authorised to declare war. The republicans were seen, not merely as enemies of the state but as invaders. Newspapers or individuals who did not support the authorities were to be treated as if they had given comfort to the enemy in the Great War. These facts were recognised in a memorandum for the British Home Secretary. He was advised that there was a risk that the CA(SPA) would make the troops 'the agents and servants of the local instead of the Imperial government'. This, it was feared, would become a problem if the northern government was ever replaced by one 'less easy to co-operate with' in other words a coalition of Nationalists and Labour.[71]

The Civil Authority (Special Powers) Bill sailed through the parliamentary process with minimal scrutiny. Dawson Bates's Parliamentary Secretary, Megaw, presented the government as the underdog against the IRA which 'has at its command a yellow press, which for the production of foul and slanderous lies would be hard to equal. That press daily vomits its calumnies against our Ulster people, against our parliament, and against our government.' The theme of censorship being necessary to exclude hostile, alien influences would recur in both territories. Megaw reinforced the idea that the IRA were an alien threat by claiming that there had been no IRA organisation in the six counties prior to the truce.[72] Thus the IRA became the invasion force of a foreign power. The speech demonstrated that censorship was intended to be part of the government's fight against the IRA from the start. The crucial article 25, limiting reporting on the police, was introduced as a late amendment at committee stage. Although the timing of the changes was queried, there was no vote and the

[71] 'Restoration of Order in Ireland Act 1920': memorandum by Army Council No. 2, 16 October 1923, Public Records Office, Kew (PRO), HO/45/19,666.
[72] Northern Ireland House of Commons (NIHC) debates, Vol. II, 21 March 1922, 89.

amendment passed without further comment.[73] The Senate managed no debate of substance on the freedom of expression provisions.[74]

As Campbell has pointed out, the Northern government had no legal power to impose martial law and the British government would have had problems doing so as long as the ROIA remained in place.[75] This problem was clear to the media of the day, with the added fact that many unionists did not trust the British government to look after their security. The *Belfast Newsletter* had opposed martial law because it feared the Imperial government would 'kow-tow to the Provisional government in Dublin'. It supported emergency powers as they allowed the Northern government to take its own action.[76] The nationalist *Irish News*, on the other hand, saw the CASPA as a danger to its people. It made it clear that it trusted neither the government nor the police to enforce the law fairly on both communities.[77] It particularly resented the censorship provisions of the act, commenting; 'If every man who has "spread false reports or made false statements" in printed publications was put in jail, how many of those who adopted the Belfast Coercion Act [CASPA] would be at liberty?' instead, the paper feared that Roman Catholics would be returned 'to the era of the penal code'.[78] When the bill was finally passed, the paper summed up its case that 'during the period of the Great War the press was not free; but the restrictions were accepted as necessary evils and, for the most part, rigidly adhered to, while those entrusted with the work of censorship were persons whose impartiality could not be questioned or doubted' but this was not true of a Unionist government and Dawson Bates in particular.[79] This view was,

[73] NIHC, Vol. II, 23 March 1922, 185-6.
[74] Northern Ireland Senate (NIS) debates, Vol. II, 6 April 1922.
[75] Ibid, pp. 325.
[76] *Belfast Newsletter*, 15 March 1922.
[77] *Irish News*, 22 March 1922.
[78] Ibid, 24 March 1922.
[79] Ibid, 6 April 1922.

more politely, endorsed by Bishop MacRory who questioned how the powers could be necessary in the light of the newly signed Craig-Collins pact and called for them to be applied with 'strictly impartial justice'.[80]

One of the earliest modes of expression affected by the government was that of local government. During March and April 1922, some seventeen local bodies – Poor Law Unions, Rural District Councils and Urban District Councils – were dissolved with appointed commissioners replacing the elected officials. The purpose of the dissolutions was not so much related to what was being said or done by the bodies as their refusals to give allegiance to the Northern government but it had the effect of limiting local debate.[81]

Despite its new powers the cabinet hesitated before attempting to censor press reports. Unlike their southern counterparts they never introduced a prior censorship of the press. When troops complained that the Belfast press were being 'one sided' and were publishing names of military witnesses, the government only authorised Dawson Bates to act 'unofficially.'[82] The administration also delayed in seeking to have the IRA proclaimed. By 16 May 1922, it was still resisting the military advice that republican organisations be banned.[83] Four days later, the situation was agreed to be too serious to allow further delay and Lord Londonderry was dispatched to 'get the matter carried through' with the Lord Lieutenant.[84] At the root of this tardiness, Craig explained to Londonderry, was a desire to avoid martial law if at all possible.[85] On 23 May 1922, a few weeks after the CASPA became law, five newspapers were seized from the headquarters of the Sinn Féin club. A worried Charles Eason contacted A. P. Magill, the

[80] Ibid, 1 April 1922.
[81] *Belfast Gazette*, March – April 1922.
[82] *Irish News*, 19 April 1922, PRONI, CAB/4/40.
[83] Cabinet Conclusions, 16 May 1922, ibid, CAB/4/42.
[84] Ibid, 20 May 1922, ibid, CAB/4/43.

Assistant Secretary at the Ministry of Home Affairs to ask if he should continue to sell these titles in the North.[86] Magill contacted the RIC divisional commander in Belfast to ask his opinion. He was told that sales should be continued but that the proscription of the papers was being considered.[87] The northern government also asked the British to help it censor post to, from and within the region.[88] The problem was that, as the Republicans could communicate freely with the south, complete censorship of the mail was impossible. Furthermore, local post offices were unreliable which made even an internal censorship of the post difficult. The northern administration asked for a travelling censorship with the power to make surprise inspections of the post. The objective of this plan was not to gather intelligence but to force Republicans to use other, more easily watched, means of communication.[89]

In fact the censorship actions of the government under the CASPA can be grouped into two categories. In some cases, publications were banned from circulation for various periods of time. In others, documents were branded as 'seditious' to expedite the arrest, detention or harassment of suspected republicans. When it came to the proscription of periodicals, section 26 allowed the minister to ban almost anything for a limited period. As the CASPA was renewed every year, this period was never more than twelve months at a time. The CASPA was not the only part of the censorship process. Having banned a newspaper, the minister had to apply to the Lords Justices of Northern Ireland and to the Governor to have copies of the paper sent by post detained.[90] Despite nationalist opinion, the Minister was prepared to move against papers not directly

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[85] Craig to Londonderry, 23 May 1922, ibid, CAB/4/44/10.
[86] A. P. Magill, 'Memo' 30 May 1922, Northern Ireland Ministry Home Affairs Files (NIMHA), PRONI, H/5/544.
[87] A. Solly Flood to Secretary , NIMHA, 1 June 1922, ibid.
[88] E. M. Archdale, to Winston Churchill, 24 May 1922, PRO, HO45/19665.
[89] C. R., 'Censorship in Northern Ireland', 14 June 1922, ibid.
[90] NIMHA, PRONI, HA/5/558.

connected to violent action. In mid April 1922, Dawson Bates considered issuing an order to prohibit the publication of the names of witnesses[91] but did not have to do so as the major newspapers, including the nationalist *Irish News*, gave voluntary undertakings to 'exercise great discretion'. The RIC officer asked to get similar commitments from the local press was told to warn them that the CASPA could be used if they did not co-operate.[92]

In June, the *Irish News* accused the 'specials' of torture and arson during a raid in Derry. Although even the Ministry admitted privately that the arson claim was true[93] it pressed for a prosecution and ordered a raid on the newspapers offices. Aware of the risk of embarrassment, the official responsible warned that 'it is very important that the prosecution should not fail' due to carelessness. Despite this the case was dropped by the Attorney General.[94] Similarly when an article appeared in the *Irish Independent* entitled 'War on Belfast Catholics' and allegedly written by Mr. Anderson, the special correspondent in Belfast for the *Manchester Guardian*, the ministry's immediate reaction was that 'proceedings should be taken against him'.[95] When it emerged that he had fled to England after receiving a threatening letter, and that the article had really been written by nationalist historian Alice Stopford Green, it was decided not to proceed.[96] The implication was that the government was more concerned with the possibility of there being an unfriendly correspondent in place than with the article itself.

The *Newry Telegraph* was prosecuted under section 25(b) of the CASPA – banning reports interfering with the police - for printing a priest's accusation that the

[91] H. T[opping] to Lt. Col. Maylor, 18 April 1922, ibid, HA/32/1/31.
[92] S. W[att] to Divisional Commander RIC, 24 April 1922, ibid.
[93] H. Topping to Attorney General, 16 July 1922, ibid, HA/5/994.
[94] H. Topping, Minute, 21 August 1922, ibid.
[95] R. P. Pim, note 23 June 1922, ibid, HA32/1/192.

police were guilty of a local murder. The editor was fined £20.[97] In August the *Freeman's Journal* and the *Dublin Evening Telegraph* were banned for attacking Lord Justice Andrews; the latter ban required the seizure of 24,255 papers.[98] An official statement was issued to the press rebutting the allegations against the Lord Justice in detail.[99] When the *Irish Catholic* criticised the Belfast assizes under the headline 'Orange Travesty of Justice'[100] the Ministry of Home Affairs decided to act despite the risk of 'a caluminous [sic] outburst in doing so'. Although the ministry officials would have preferred a prosecution, the minister banned the paper for a month on the advice of the Attorney General.[101] Within the government the decision was justified on the grounds that that the article was a 'violent attack on the Northern Judiciary'[102] The Prime Minister duly gave his full approval.[103] After the ban had elapsed, the government press officer complained that the *Irish Catholic* had reported the murders of Catholics, the ministry decided that there was 'nothing much in this' and declined to take action.[104] Likewise, when the nationalist *Ulster Herald* published letters from internees, it was left alone.[105] This suggests that there was a difference between a paper criticising the government or reporting embarrassing news and one attacking the institutions of the state or the police.

Explicitly republican publications were closely scrutinised. The republican newspaper *Phoblacht na h-Eireann* was banned from 7 April 1922.[106] In that case, one

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[96] Haldane, minute, 1 July 1922, ibid.
[97] A. Henry for District Inspector, report, 13 September 1922, ibid, HA/5/979.
[98] District Inspector's report, RIC, Newry, 7 August 1922 NIMHA, PRONI, HA/51/16.
[99] *Down Recorder,* 19 August 1922.
[100] *Irish Catholic*, 12 August 1922.
[101] Minute [no author name] 16 August 1922, NIMHA, PRONI, HA/5/260.
[102] Watt to Blackmore, 21 August 1922, ibid.
[103] Blackmore to Watt, 1 September 1922, ibid.
[104] A. P. Magill, note on letter from D. G. W. Cowell to the Secretary to the Ministry of Home Affairs, 26 September 1922, ibid.
[105] S. Watt, Minute, 26 January 1923, ibid, HA/5/307.
[106] Campbell, op. cit., p. 282.

civil servant complained that 'this publication is never lawful. It is in its name and nature seditious to the utmost limit. No temporary remedy or punishment is suitable. It should be seized as seditious literature whenever and wherever found without any time limit.'[107] *Éire,* which replaced *An Phoblacht* in February 1923 was not banned until it defended guerrilla warfare in its second issue.[108] When the ban was reviewed, the reason given for renewing it was that 'the paper advocates a Republic for all Ireland, and has no other raison d'être'.[109] The limits of the government's power were highlighted by the fact that, as the paper was published in Manchester, they had no powers to prevent it entering Northern Ireland.[110] It was not considered possible to involve the Imperial government as it was not likely to act on behalf of Northern Ireland but exclude Britain.[111] The police had to rely on intercepting banned papers after they were received. In one case, they captured 140 copies of *Éire* addressed to a lady in Belfast but were unable to do more than warn her as she had never been in possession of them.[112] The strongly republican paper *Sinn Féin* was similarly left unscathed, despite the urgings of the RUC that it be banned, as it had a tiny Northern circulation and 'does not comment on the Northern Administration.'[113] Crucially, it was 'not very violent'.[114] When the two papers merged in 1924 a confused District Inspector of the RUC reported that Cathal Brugha was the new editor, to which the assistant secretary retorted that 'if

[107] J. R. Moorhead, Minute, 7 August 1922, NIMHA, PRONI, HA/5/643.
[108] J. W. E. Poynting to the Secretary, 7 February 1923, ibid, HA/5/307.
[109] J. W. E. Poynting to the Secretary, 4 April 1923, ibid.
[110] J. W. E. Poynting to the Secretary, 26 May 1923, ibid.
[111] S. Watt, note 28 May 1923, ibid.
[112] J. W. E. Poynting to Chief Crown Solicitor, 19 May 1923, ibid, HA/5/366
[113] Inspector General RUC to the Secretary, Ministry of Home Affairs, 20 August 1923, ibid, HA/5/549.
[114] J. W. E. Poynting, Minute, 21 March 1924, ibid.

Cathal Brugha is editing this paper it must be hot stuff'.[115] The existing ban on *Éire* then applied to the combined paper.

Nationalist and republican papers seem to have fared worse than those of other political hues. The Larkenite *Irish Worker* was not banned as it lacked 'any advocacy of immediate violence'.[116] It is clear that while strict limits existed as to what could be said or reported, it was possible for a newspaper to function even if it was not approved of by the minister. It was not always necessary for the minister to use the CASPA, however. Following complaints from the *Armagh Guardian* that its loyalty in refusing Sinn Féin advertisements had not been rewarded with the receipt of government business,[117] the parliamentary secretary ordered that 'no bargains can be made with respect to advertisements but the attention of those in charge of selecting newspapers for advertisements should be called to those which issue disloyal or illegal paragraphs whether in the shape of advertisements or news.'[118] The relationship between the major unionist papers and the Unionist Party meant that the government had little to fear from them. Thomas Moles, editor of the *Belfast Telegraph* was a Unionist MP in both the UK and Northern Irish parliaments throughout the decade, as was his counterpart at the *Northern Whig*, Robert John Lynn, while William Anderson, editor of the *Newsletter* was close to the unionist leadership.[119] They did criticise the government on various issues but they were all unfailing supporters of a strict security policy.

Under the CASPA, a variety of written material could be banned or branded 'seditious'. This might appear to have been a form of censorship. However, an

[115] District Inspector RUC to the Secretary, Ministry of Home Affairs, 22 December 1924; A. P. Magill note, 29 December 1924, ibid, HA/5/549.
[116] J. W. E. Poynting note to letter, District Inspector RUC to Secretary, Ministry of Home Affairs, 18 July 1923, ibid, H/5/1287.
[117] D. Trimble [editor *Armagh Guardian*] to Dawson Bates, 19 September 1923, ibid, HA/5/1311.
[118] R. D. Megaw, Minute, 22 September 1923, ibid.

examination of some of the case histories makes it clear that the objective of such cases was more complicated. As well as seeking to prevent the distribution of republican literature, the authorities found it much easier to charge a suspect with possession of seditious literature than to prove sedition. In the case of Thomas Bennett, for example, who was arrested in June 1922 for possession of documents relating to Cumann na mBan and Sinn Féin, his defence that he had no knowledge of the documents was invalid under the CASPA. He was fined.[120] The case of Michael McGleenan is also relevant. Found in possession of several seditious documents, he was not prosecuted because it all dated from the period 1919-20. Clearly what was at stake was not whether he possessed republican material but whether he himself was still politically active. The material was still confiscated, which shows that censorship was at least part of the authorities' aim.[121] The clearest example of the use of the seditious documents regulations to obtain a conviction occurred in Spring 1923. Vincent McCabe was arrested by the RUC, who believed that he was the quartermaster for the IRA. He was prosecuted, however, for possessing IRA accounts, training manuals and orders along with a two year old copy of the *Leader*.[122] Despite his protests that he was no longer politically involved, McCabe was convicted and bound over.[123]

The sort of material banned says a great deal about the objectives of those responsible for security. While Bennett was prosecuted for having Sinn Féin pamphlets and a summons to a Cumann na mBan meeting, McGleenan had the 1916 proclamation and various songs and poems. In a more straightforward case of censorship in1923,

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[119] Dennis Kennedy, *The Widening Gulf: Northern attitudes to the independent Irish state 1919-49* (Belfast, 1988), pp. 14-17.
[120] HC RUC Armagh report, 28 June 1922, 7 July 1922, 19 July 1922, ibid, HA/5/1478.
[121] RUC report to District Inspector Armagh, 29 August 1922; J. W. E. Poynting to Inspector General RUC, 19 September 1922, ibid, HA/5/1481.
[122] District Inspector's report RUC, 13 April 1923, ibid, HA/5/344.
[123] J. W. E. Poynting, minute, 2 May 1923, ibid.

Dawson Bates issued a forfeiture order for the sheet music collections, 'Ireland's Songs of Freedom', 'The Irish Lament' and the 'Barricade Song Sheet'.[124] Also captured in 1923 were pamphlets by Darrell Figgis, Eamon de Valera and the IRA publicity department.[125] In another case, a man was prosecuted for possessing anti-Treaty propaganda,[126] while in August 1922, police raided the shop of Patrick Dempsey and seized a large quantity of material including newspapers, song books, ballads, flags, buttons and brooches, books and pictures of the 1916 leaders.[127] Although even the official at the ministry admitted that 'I am unable to point to any item which could be made the subject of a prosecution',[128] Dempsey was held for four weeks on a detention order and five books and twenty other items were confiscated permanently.[129]

The regime did become somewhat more lenient after the early crisis of 1922-3 had passed. In 1924, a woman found selling banned newspapers was not prosecuted because 'it is doubtful whether a court would impose a serious penalty'[130] and a man was not prosecuted because he had only possessed a single copy of the proscribed publication *Éire*.[131] In both cases, the publications were confiscated. In 1925, Joseph McGurk, was found in possession of material directly relating to the IRA so he was prosecuted and, having refused to recognise the court, was jailed for three months.[132] The implication is that the seditious literature clauses of the act were used more to expedite the charging of suspected insurgents than as a method of repressive censorship of the nationalist population.

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[124] Order 13 June 1923, ibid, HA/5/369
[125] District Inspector for Inspector General RUC to Minister Home Affairs, 4 April 1923,
[126] *Ulster Gazette*, 1 July 1922.
[127] Minute J. W. E. Poynting, 5 September 1922, PRONI, Ministry of Home Affairs, HA/5/1014.
[128] Minute J. W. E. Poynting, 25 August 1922, ibid.
[129] Order under Civil Authorities (Special Powers) Act 1922, 12 December 1922, ibid.
[130] J. W. E. Poynting to Attorney General, 8 August 1924, ibid, HA/5/478.
[131] J. W. E. Poynting to Attorney General, 7 August 1924, ibid, HA/5/477.
[132] *Belfast Newsletter*, 22 September 1925, ibid, HA/5/510.

The government also concerned itself with more private expressions of sedition. In response to a parliamentary question in October 1922, Dawson Bates confirmed that letters had been censored 'for some time back...to assist them [the northern government] in dealing with the exceptional situation'. The questioner, Mr. Thompson Donald, pointed out that 'grave anxiety has been caused to Loyalists through their letters having been censored' and he demanded that the government 'be more careful in censoring the letters of loyal subjects'. The minister asked that any complaints be brought to his attention.[133] The system was fully functioning in 1923 when several pamphlets were intercepted at Enniskillen.[134] Even in the comparative calm of 1925, Dawson Bates insisted that 'correspondence for delivery to or emanating from persons in Northern Ireland suspected of engaging in seditious activity is liable to censorship...the time has not yet arrived when this valuable precaution can be safely abandoned.' The work was carried out by two officials of the Ministry of Home Affairs under the supervision of a Post Office official.[135] As Northern Ireland did not control the Post Office, this could only have been done with the consent of the UK authorities. It also affected the Irish Free State. After a letter from Dublin to Donegal was opened in 1922, the two governments agreed that mail from one part of the Free State to another would not be censored while passing through Northern Ireland and that the southern post office would not detain mail for the North which did not originate in the twenty-six counties.[136] They later agreed that northern censors on the train from Belfast to Dublin

[133] NIHC debates, Vol. II, 27 October 1922, 1136.
[134] Gilfillan (District Inspector for Inspector General RUC) to Minister of Home Affairs, 4 April 1923, PRONI, Ministry of Home Affairs files, HA/5/334.
[135] NIHC debates, Vol. VI, 28 April 1925, 223
[136] Devonshire to Healy, 11 December 1922; J.J. Walsh to Cosgrave, 13 December 1922 NAI, DJUS, H197/10.

would be allowed to take parcels off the train at Portadown so that any northern mail they contained could be censored before it were sent on.[137]

A serious incident during the elections of 1923 raises questions as to whether the CASPA was used for purely political purposes. In a circular extolling the virtues of a unionist candidate critical of Craig, several allegations were made accusing the Prime Minister of betraying the union by meeting southern leaders and favouring Catholics in public appointments. A Home Affairs official drafted a note to the RUC in which he originally described the pamphlet as 'most objectionable and libellous', which it probably was, but he amended the letter to describe the circular as 'a seditious and criminal libel' for which the authors 'should be made amenable.'[138] The change might seem merely rhetorical but an experienced civil servant must have known that by introducing the phrase 'seditious' he had opened up the possibility of the Special Powers Act being used in a political dispute. This is confirmed by his account of a discussion with the Chief Crown Solicitor who told him that to arrest the distributor would be 'a stretch' of the CASPA but 'he could however be "questioned" [his quotation marks] which might prove equally efficacious'.[139] A request was sent to the Postmaster in Belfast for permission to inspect the register of those who had delivered election literature for postage.[140] He replied that he required a warrant from either the Governor of Northern Ireland or the Home Secretary in London.[141] Meanwhile the distributor of the documents had proved to be a boy of sixteen who had simply handed out a handful after finding them on the street.[142] When the Ministry of Home Affairs attempted to get a warrant to examine the postal records they were rebuffed by the

[137] L. Simon [GPO London] to the Secretary, GPO Dublin, 1 June 1923, ibid.
[138] W.A. Magill to Inspector General RUC, 6 December 1923, PRONI, NIMHA, HA/32/1/409.
[139] W.A. Magill, Minute, 11 December [1923], ibid.
[140] S. Watt to Postmaster, Belfast, 11 December 1923, ibid.
[141] T. M. MacDowell to Minister of Home Affairs, 12 December 1923, ibid.

Imperial Secretary's Department: 'I am now told by them [the Home Office] that procedure by warrant in this case does not seem appropriate, and I am afraid that I cannot properly send on the warrant to the Governor.'[143] The whole embarrassing incident demonstrated both the dangers inherent in an act as broad as the CASPA and the tight limits to the sovereignty of the Northern administration.

A crucial part of the government's security strategy was the imposition of curfews. While not primarily intended as a form of censorship they obviously had that effect by limiting the ability of the public to congregate. All curfews operated under the same basic rules: people in the area affected had to remain 'in their usual places of abode', visitors were required to stay in registered lodgings or to notify police of their whereabouts, inmates and employees in schools, hospitals and charitable institutions were allowed to remain at work and persons could be conveyed to hospital.[144] The early focus for the curfew orders was Belfast, particularly areas such as Ardoyne and Marrowbone that had experienced significant disorder.[145] Other contested urban areas were also affected. From April 1923, the curfew was extended to the six counties.[146] Police enforced the curfew and the evidence suggests that they took this duty seriously. In July 1922, for example, a patrol in Enniskillen shot a man who ran away when caught out after hours.[147] The law required, however, that the accused be actually caught in violation of the curfew, merely proving that he was not at his place of residence was not

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[142] Commissioner RUC to Minister Home Affairs, 13 December 1923, ibid.
[143] Tallent to W. B. Spender 29 December 1923.
[144] *Belfast Gazette*, 28 April 1922.
[145] Ibid, 19 May 1922.
[146] Ibid.
[147] *Fermanagh Times*, 13 July 1922.

enough.[148] More compliant offenders were simply fined five to ten shillings by the courts, a leniency lamented by some unionist papers.[149]

The curfew proved controversial, especially in quieter areas and this led to requests from Lurgan and Portrush urban councils to have it relaxed by half and hour to facilitate theatre goers and others.[150] The Council of Ulster Tourist Associations also asked for it to be relaxed for the Easter holidays in 1924.[151] Such calls went unheeded. The rules were unpopular with the nationalist community as evidenced by the controversy over midnight mass in Armagh Cathedral in 1924. Cardinal Logue applied to have the curfew relaxed to allow a midnight mass for Christmas on the grounds that 'there is absolutely no disturbance in this area'. The application was nonetheless refused on the orders of a 'higher authority' according to Logue who threatened to proceed regardless, if necessary by keeping the congregation in the Cathedral until the curfew ended at 5 am.[152] This threat was condemned as 'monstrous' by the unionist press but Logue eventually backed down rather than risk defying the government directly.[153]

When in 1925, the government decided that things had settled down enough to allow them to abolish the curfew some in the unionist community were disappointed. Many felt that the timing was wrong as the Boundary Commission was soon due to report while others extolled its beneficial impact on the community: men came home to their wives at a reasonable hour, the causes of temperance and health were aided and 'the greatest good of the greatest number' was promoted.[154] It was no coincidence that such sentiments were heard in the border areas, especially Fermanagh where the County

[148] *Witness*, 21 March 1924.
[149] *Fermanagh Times*, 3 August 1922.
[150] *Ulster Gazette*, 11 November 1922.
[151] *Witness*, 21 March 1924.
[152] *Irish Catholic Directory* 1924, p. 545.
[153] *Tyrone Constitution*, 5 January 1923.
[154] *Fermanagh Times*, 1 January 1925

and Urban Councils both demanded its return; the chairman of the latter demanded, with scant regard for constitutional or diplomatic niceties, that it be re-imposed for five miles either side of the border.[155] Dawson Bates was forced to defend his policy, pointing out that improving male behaviour, stopping street noise and keeping youths out of mischief were not the reasons for which the curfew had been imposed and the security situation no longer demanded its retention.[156]

The government took action to control the large public meetings that were an important part of contemporary political life. This issue is somewhat problematic for the purposes of this study. It is clearly not an act of censorship for the state to prevent a large and unruly gathering from assembling in an area where it is likely to become riotous. On the other hand, it is a restriction of freedom of expression to prohibit an assembly because of its political or cultural associations. The problem in Northern Ireland was that the official reason given for prohibiting a march was usually that it represented a threat to public order. In many cases this was the case: in 1922, for example, the Minister of Home Affiars, introduced regulations restricting bands and processions in Belfast that did not have authorisation from the police or the city commissioner. This regulation was issued for fear that such displays on routes where they were considered provocative would worsen the already bad situation in the city.[157] A similar concern led to the banning of a carnival in the city in 1923 as it was planned to hold it 'on the border between the two parties'.[158] Somewhat more doubtful were cases such as the ban on a concert in St. Patrick's Hall, Portadown in January 1923. The ban was issued as the local RUC believed that money, raised ostensibly for a football

[155] Ibid, 8 January 1925; *Derry People*, 17 January 1925.
[156] *Ulster Gazette*, 24 January 1925
[157] Divisional Commander to Secretary Ministry of Home Affairs, 26 April 1922, NIMHA, PRONI, HA/5/945.
[158] H. Topping, Minute, 23 March 1923, ibid, HA/5/1261.

team would be used for more sinister purposes.[159] Underlying this was a view that, although nationalist and republican parties were not banned, 'Sinn Feiners' should not be allowed to hold public meetings: this attitude led to the state preventing the opening of a hall in Lisnaskea in June 1923, event though the official cause was that the event would tend 'to disturb the peace and impose extra duty on the local police force.'[160]

The institutional opposition to expressions of nationalism can be seen in the debate with the Ministry of Home Affairs over whether to ban a performance of a play in Portaferry in November 1923. It was described as 'of a seditious character' and the artists as 'stated to have Sinn Fein tendencies'.[161] The District Inspector of the RUC favoured a ban but the County Inspector demurred, arguing that 'its suppression would tend to stimulate seditious feeling in Portaferry which lately have been dormant.'[162] His pragmatism won out over departmental paranoia and the play was performed: in fact the players had edited the play and the local RUC could find no fault with the performance which attracted several local protestants.[163] The incident illustrated a view within the Ministry of Home Affairs which went far beyond a justifiable desire to hinder subversive activities and instead tended to see anything with a nationalist or republican tint as seditious.

This mentality also affected the attitude of the security forces to the display of flags and emblems. During the 1922 elections, the RUC in Derry, Tyrone and Fermanagh were ordered that 'as it is *possible* that a display of Sinn Fein flags during the election may lead to a breach of the peace, they should not be permitted [my

[159] Capt. H. Andrew (RUC Portadown) to County Inspector Armagh, 24 January 1923, ibid, HA/5/1173.
[160] *Down Recorder*, 23 June 1923.
[161] W. A. Magill, Minute, 23 November 1923, PRONI, Ministry of Home Affairs, HA/5/135.
[162] J. McReady, County Inspector to District Inpsector McDaid, 20 November 1923, ibid.
[163] Report of Sgt. P. Byrne, 24 November 1923, ibid.

emphasis].'[164] This later drew the opinion in the Ministry of Home Affairs that, while it was 'a matter of policy' to seize flags, 'the legal right to order their removal where a breach of the peace is not apprehended seems doubtful.'[165] The RUC took a provision intended to prevent a real and present danger of a breach of the peace and extended it into a policy to cover all occasions where Sinn Fein flags were displayed. In practice the rules could be applied pragmatically. In 1924, the RUC had to police the arrival of the remains of Joseph McKelvey, an IRA man executed in Dublin. Fearing that the coffin would be paraded through the streets wrapped in a flag, the authorities decided to have the flag removed while the coffin was in public but not to object if the flag covered it in the cemetery.[166] This procedure was followed and few protests ensued but, the RUC reported, 'it could be observed from the demeanour of the crowd that determination was still there, and were it not for fear of the consequences would be as rampant as ever, to enforce their disloyal tendencies.'[167]

II: Consolidation: 1924-29

State security and freedom of expression in the Irish Free state

The Free State government used a variety of emergency legislation for most of its first six years in office. While this legislation contained few explicit references to controlling freedom of expression, it did have some effects in this area. All the Public Safety Acts were based on the 1923 Public Safety (Emergency Powers) Act. The central provisions of this act concerned imprisonment without trial and the establishment of special Appeals Councils but it also banned the wearing of state uniforms by unauthorised

[164] R. T. Hamilton (County Inspector) for Inspector General, RUC to County Inspectors for Derry, Tyrone & Fermanagh, 14 November 1922, ibid, HA/5/1383.
[165] J. W. E. Poybting, Minute, 31 March 1925, ibid.
[166] A. P. Magill to Inspector General, RUC 29 October 1924, ibid, HA/5/1383.
[167] E. Gilfillan (District Inspector) for Inspector General to the Secretary, Ministry of Home Affairs, 1 November 1924, ibid.

persons, coercion and incitement to overthrow the state.[168] Under the Treasonable Offences Act 1925, further offences of inciting the civil service, military or police to mutiny, desert or neglect their duties were introduced. More importantly, the act permitted a justice of the District Court to issue a search warrant allowing the Gardaí to search for 'treasonable documents' which were any material relating directly or indirectly to the commission of a treasonable act.[169] This provision led to controversy on several occasions when the Gardaí used the act to seize post. In 1925, the Department of Justice decided that a Garda had acted within the law in seizing a letter as he had waited until the minute the postman delivered it before using a normal search warrant on the addressee's premises.[170] By contrast in 1926, a Garda ordered a Tralee post office to hand over six letters addressed to the local IRA. The Minister for Justice had to send a special warrant authorising such seizures.[171] After a similar occurrence in Bandon the Garda Commissioner was forced to issue special instructions reminding his men that they could not behave in this way.[172]

Another method for controlling potentially treasonable documents was through the Customs who would hold the offending person and material until the Gardaí arrived.[173] Article 10) of the 1927 Public Safety Act gave the Minister for Justice the right to apply to a judge of the High Court for the power to ban a periodical which had published seditious libel or otherwise encouraged its readers to offend against the act within the previous month. The government denied advertisements to 'anti-state' newspapers after 1924 but only two papers the *Waterford News* and the *Kerry News* lost

[168] Public Safety (Emergency Powers) No. 2 Act 1923.
[169] Treasonable Offences Act 1925.
[170] O'Friel to Secretary, Dept. Posts & Telegraphs, 6 October 1925, NAI, DJUS, H235/269.
[171] Ibid, 9 November 1926,
[172] O'Friel to Garda Commissioner, 10 January 1927, ibid.
[173] O'Friel to Revenue Commissioners, 16 September 1927, ibid, H308/36.

advertising as a result as they were the only opposition papers that had previously received it.[174]

Public meetings and assemblies received a varied response from the state. In 1923 John A. Costello, then a solicitor in the Attorney General's office, drew up a memorandum on the law of free assembly. In it he pointed out that there was no such specific right under British law. Interference with a lawful assembly was only illegal in so much as it was a violation of the rights of the individuals involved. There were no special places where free assembly was protected. An unlawful assembly was normally defined as a group which intended to commit a crime or which gave a firm and courageous person reason to believe a breach of the peace was likely. Having a lawful object did not of itself make a gathering lawful. While a lawful meeting could not be prohibited just because of the action of a few wrongdoers, the authorities could prevent even a peaceful assembly to prevent a breach of the peace.[175] These basic principles applied in both Irish jurisdictions.

Republican gatherings were frequently banned; for example, a demonstration at Newbridge detention centre in November 1923 was prohibited for fear that it would cause the prisoners to 'mutiny and riot'.[176] The government also seemed uncomfortable with large crowds getting too close to ministers. The Gardaí were directed to prevent demonstrations, whether favourable or otherwise from crowding Cosgrave and his ministers as they left the Pro-Cathedral after funerals.[177] The National Army also found it hard to forgive their former enemies and the government had to issue guidelines to

[174] A. D. Codling to Secretary of the Department of the President, 21 May 1932; S. A. Roche to Secretary of the Department of Finance, 14 June 1932, NAI, DFIN, S3/11/34.
[175] 'The right of public meeting' [1923], ibid, JUS/8/438.
[176] Sean Hughes [Military Governor Newbridge Barracks] to Supt. Civic Guard, 3 November 1923, ibid, H75/23.
[177] O'Friel to Chief Commissioner DMP, 22 November 1923, ibid, H75/25.

them after several disguised soldiers were involved in fights with republicans in Limerick.[178]

In contrast to this attitude, the Gardaí evolved a general policy of tolerance towards public assemblies. In advance of the 1923 elections, O'Duffy issued instructions that the function of a Garda at a meeting was to help the speaker to be heard. He should intervene only if an attempt was underway to disrupt the meeting and should act in a 'good humoured and pacificatory way.'[179] Such skills were useful when coping with near riots such as those which disfigured the 1923 Irish Labour Party and Trade Union Congress. Johnsonites, Larkinites and striking dockers all converged on the Mansion House, the latter two determined to prevent the former from meeting.[180] Despite allegations of violence on behalf of the authorities towards the dockers, the meeting went ahead eventually.[181] The state was less sympathetic to republican demonstrations. An alleged 'Monster Meeting' arranged for Kildare street to campaign for protectionism was banned in 1924 on the grounds that it would obstruct the traffic.[182] Over one hundred Gardaí were deployed to control a crowd of about 300 and the organiser, an elderly man later described as 'considerably demented' was arrested.[183] There were also frequent allegations from Fianna Fáil of harassment by the CID.[184]

Northern Ireland and the politics of normality

Writing in May 1925, District Inspector Gilfillan, on behalf of the Inspector General of the RUC, gave the Ministry of Home Affairs an optimistic view of affairs: 'the IRA as

[178] O'Friel to Secretary Ministry of Defence, 8 November 1923, ibid, H75/24.
[179] O'Duffy, 'Circular to all officers', 16 August 1923, ibid, H236/14.
[180] Report of Inspector P. Colohan, DMP, 6 August 1923, ibid, H75/19.
[181] O'Friel to T. Nagle TD, 7 August 1923, ibid, H156/39.
[182] Public Notice, 22 June 1924, ibid, H75/26.
[183] Report of Sgt. R. Buttimer DMP, 25 January 1924, ibid.
[184] See for example, Letter from Martin J. Corry, *Irish Independent* 6 November 1927, ibid, H236/14.

an organised force cannot be said now to exist in Northern Ireland'.[185] The reason for his candour was that he was briefing the Prime Minister before the latter gave an interview to United Publishers News. UPN was also informed that 'the Civil Authorities Act [CASPA], although still in force, is comparatively seldom invoked...for all practical purposes the government of Northern Ireland is now carried on under ordinary law.'[186] While it was true that a person committing a crime could expect to be dealt with under normal law, the CASPA was still very much in use and had become a normal part of the working of government. This was recognised in part of the briefing which warned that the border question posed a danger and that 'leniency to the rebellious elements' under the Imperial Government had led to outbursts of crime in the past. It was not a mistake the northern government intended to make.

The British government also recognised the changed situation and considered abolishing the Restoration of Order in Ireland Act. A committee established by Baldwin reported that the act should be removed and new powers of search and interrogation added to British law. The Home Secretary was concerned that the act might be needed once again in Northern Ireland: 'we cannot ignore the possibility that troops may have suddenly to take extensive action – not only to aid the civil power to maintain internal order – but to defend the frontier.'[187] The northern government was sanguine about the matter and told Westminster that the act 'may go as we no longer act on it'.[188] It was eventually decided that the act should be retained although it was not needed while the

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[185] E. Gilfillan to the Secretary, Ministry of Home Affairs, 11 May 1925, PRONI, NIMHA, HA/32/1/456.
[186] 'Note on the state of Northern Ireland when the Government was set up and on the present condition.', ibid.
[187] Report of Committee on ROIA, 1924, PRO/HO45/19666.
[188] A. B. Babington to C. H. Blackmore, 21 September 1926, ibid.

Unionist government was in office in Northern Ireland 'but in the event of a Labour-Nationalist coalition, circumstances might be very different.'[189]

Nonetheless, the emergency of 1922-3 was certainly over. Local bodies had been reconstituted in 1924 and the curfew had ended. There was still a question about whether expressions of nationalist and left wing opinions were to be treated the same as unionist views. To the nationalist community, the prosecution of the *Irish News* for spreading false reports was a worrying sign. The paper had reported that a bomb had been planted at a Roman Catholic house: finding that the report was not accurate, the Resident Magistrate determined that it was 'calculated to stir up a feeling prejudicial to the maintenance of law and order' and fined the paper and its editor £10 each plus costs. He declared that while only the law only applied to false reports that were prejudicial to the maintenance of order, it was not necessary to prove that the editor or publishers had known that they were false. The only concession because of their ignorance was the small fine.[190] The authorities were more lenient towards the *Belfast Telegraph* in 1926 when its headline 'Republican Uprising – Attacks in Six Counties' turned out to refer to Cork, Tipperary, Waterford, Meath and Kilkenny. Although feeling that the report 'might have led to panic and possibly disturbances in Northern Ireland' the Minister decided to talk privately to representatives of the paper.[191]

Republican newspapers were still banned and the ban on *An Phoblacht* was re-imposed regularly. There was more debate within the Ministry of Home Affairs about several other publications. *Irish Freedom* was banned because although 'its contents may possibly not do much harm but the paper is out to decry everything that the

[189] minute, 4 February 1927, ibid.
[190] *Irish News*, 24 December 1924, *Fermanagh Times*, 1 January 1925
[191] E. W. Shewell, Minute, 20 November 1926, PRONI, Ministry of Home Affairs, HA/5/1443.

ordinary loyalist respects'.[192] Likewise in regard to *The Nation*, one civil servant felt that 'there is really very little in this. I would be inclined to give them a little more rope',[193] but the paper was banned in March 1929. By 1930, the RUC felt that the paper's tone had moderated but that as 'the official organ of the Fianna Fail party, it would print seditious material if allowed to circulate in Northern Ireland.' The Ministry of Home Affairs agreed that 'it is of course, anti-English and anti-Imperial' and continued the ban.[194] When *The Nation* was replaced with the *Irish Press* in 1931, the ministry decided not to ban it as its content was deemed acceptable.[195]

The northern government saw communism as a threat to the state and acted accordingly. A problem arose with regard to censoring left-wing newspapers as they were generally published in Britain. In 1927, for example the *Communist International* came to the attention of the RUC and the Ministry of Home Affairs would have liked to ban it as, despite its low circulation and relatively high price, it was seen as influential among the communist leadership. As the paper was published in Britain, the northern government felt that it had to be a specific threat to the peace and security of the province before they could ask the British government for help in suppressing it.[196] Another paper, *Worker's Life*, was banned as it had a circulation of over one hundred and was considered a threat. The difference in security cultures between Northern Ireland and the rest of the UK was expressed by a minute commenting that 'it [*Worker's Life*] is seditious in almost every line and it seems extraordinary that it should be allowed to be printed and circulated in Great Britain.'[197]

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[192] E. W. Shewell, Minute, 1 February 1927, ibid, HA/5/588.
[193] W. A. Magill, 6 March 1929, ibid, HA/5/1468.
[194] E. W. Shewell, Minute, 24 February 1930, ibid.
[195] Gilfillan to Secretary Ministry of Home Affairs, 22 September 1931, ibid.
[196] E. W. Shewell Minute 18 February, 1927, ibid, HA/32/1/515.
[197] Ibid, 3 March 1927, HA/5/558.

Managing the public utterances of the police when they were predominantly unionist in membership was a challenge for the administration. The most significant case was that of District Inspector John Nixon who was dismissed in 1924 for making a political speech. The real question in this case, however, is why it took so long for Nixon to be dismissed. He had been a thorn in the government's side since he was passed over for promotion to County Inspector in 1922. He was allowed to build a strong base of support among loyalists in East Belfast which included founding his own Orange Lodge within the local RUC. As a result of his disappointment, he circulated a letter in which he savagely criticised superiors, accusing them of a 'conspiracy against Ulster' for promoting four men from the twenty-six counties ahead of him as well as making several allegations about the running of the Belfast RUC.[198] Several loyal institutions passed resolutions on his behalf on that occasion and the government's military advisor Solly-Flood advised Craig to brief their leaders before dismissing Nixon. Criag refused to do so and complained of 'undue delay' in dealing with the troublesome officer.[199] A year later, Nixon was still in place and, at an Orange Lodge meeting, he criticised another RUC officer as untrustworthy and hinted that he would break the police code rather than deal with him.[200] Craig again told the ministry to act quickly but by October, Nixon had been awarded the MBE.[201]

In January 1924, the Inspector General issued a circular reminding his men that although they enjoyed greater leniency in political matter than had the RIC - they could vote and were only barred from those secret societies which were disloyal – it was still 'improper for any member of the force to abuse their privileges by expressing

[198] General Letter by J. Nixon, 11 July 1922, PRONI, Cabinet Office, CAB/9B/18/1.
[199] Craig to Megaw, 6 September 1922, ibid.
[200] Megaw to Craig, 6 September 1923, ibid.
[201] R. Armstrong to Craig, 4 October 1923, ibid.

manifestly political or sectarian opinions'. Rather, he ordered, RUC men should not even speak at discussions where such opinions were likely to be uttered.[202] Perhaps overestimating his position, Nixon made a speech on 29 January 1924 in Clifton Orange Hall in which he promised that unionists in the cities would come to the aid of their fellows on the border if needed.[203] The government felt it had no choice but to act and the Inspector General proceeded against Nixon by Court of Inquiry. The attempt was a failure due 'owing to the intimidation of witnesses'.[204] The various loyal institutions responded with a furious defence of Nixon, and resolutions poured in from orange lodges, Black Chapters and other organisations: the presence of many identical wordings suggests there was some central organisation involved.[205] Some of these contained direct threats to unseat ministers at the next election.[206] In May, District Inspector Nixon was dismissed and the government weathered the storm.[207]

In 1925, Sir Basil Brooke told a Unionist Party meeting at Bessborough that any loyalist who didn't vote was 'a Lundy who intended to open the gates and let the enemy in.'[208] Such sentiments might well have been deemed normal in local unionist politics had it not been for the facts that Brooke was a Special Constable and one civil servant commented 'I don't see how, after the Nixon episode, we can pass over this'.[209] Brooke was asked to account for himself but took the rebuke with little grace commenting that the Special Constabulary was made up of 'people with country interests...[who joined] as a patriotic duty' and explained his political interests as arising out of the fact that 'I, myself, will pay very considerable rates and taxes.' He did, however, accede to the

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[202] C. G. Wickham, Circular to RUC members, 17 January 1924, ibid, NIMHA, HA/32/1/455.
[203] Charges against Nixon, CAB/9B/18/1.
[204] Cabinet conclusions, 15 December 1924, PRONI, CAB/4/100.
[205] PRONI, CAB/9B/18/1.
[206] John Camlin to John M. Andrews, no date [March 1924], ibid.
[207] *Down Recorder*, 17 May 1924.
[208] *Northern Whig*, 28 October 1925, PRONI, NIMHA, HA/32/1/455.

demand that he refrain from politics while he remained a 'special'.[210] After a slow start the Government had imposed its authority but the cost in terms of its own image and that of the RUC had been high.

Another challenge awaited the government in responding to the plans of Archbishop Daniel Mannix of Melbourne to visit Northern Ireland during his Irish tour in 1925. The Ministry of Home Affairs judged that 'Mannix is an ardent protagonist for complete Irish freedom and wields a strong influence over Irish circles in Australia' and it was decided to prepare an exclusion order to prohibit him from Northern Ireland. As was usual, the order was phrased so as to allow him into one district of the province, in this case part of Ballymena. This strategy had been devised to prevent any claim that Northern Ireland was exceeding its constitutional powers by preventing free movement from one part of the UK to another. The order was kept secret and copies issued to the local RUC stations with orders not to serve it 'unless an agreed code word is wired to [the] counties'.[211] Publicly, Dawson Bates warned that Mannix would be banned if he entered Northern Ireland as his speeches 'are calculated to revive dissension and ill feeling'.[212] When Mannix backed down, the order was recalled but not revoked and was kept at hand, to be reissued if necessary.[213]

There was also no consensus between the communities on the issue of what flags should be flown. The 1925 election proved a testing ground on the matter. At Derrytrasna in Armagh, the parish priest refused to open the local school as a polling booth until two Union Jacks were removed from it. They were placed elsewhere

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[209] Note by A. P. Magill, 1 April 1915, ibid.
[210] Basil Brooke to Inspector General 16 April 1925, ibid.
[211] E. W. Shewell, note 1 October 1925, ibid, HA/32/1/463.
[212] *Newsletter*, 5 October 1925, ibid
[213] E. W. Shewell to Inspector General RUC, 20 November 1925, ibid.

instead.[214] The RUC sergeant responsible explained that he lacked the men to stop republicans causing trouble over the issue and the Ministry of Home Affairs supported him.[215] It is interesting to compare the attitudes of the Ministry of Home Affairs to the display of the red flag with their approach to the tricolour. In the former case, the ministry decided that it did not 'have the power to order its removal except where it may be likely to lead to a breach of the peace.' Although the red flag was a recognised emblem of revolution, 'nowadays its display in connection with the advanced labour movement has become a commonplace event.'[216] The ministry opposed the flying of the tricolour as it was 'the recognised flag of an illegal association' but recognised that it was also the flag of the Irish Free State. The Chief Crown Solicitor warned that it was doubtful that the state possessed the power to remove a flag unless it was likely to cause a breach of the peace.[217] The County Inspector of the RUC in Co. Down had noted that 'Sinn Fein colours were removed from cars during the last election and I would have no hesitation in doing so again.'[218] The Ministry instructed that 'unless the police have reason to believe that the display of such a flag will not lead to a breach of the peace it will be well to prevent it.'[219] Unionist opinion supported this attitude. Derry Urban Council, for example, forbad any flags but the Union Jack and the Derry Arms on civic buildings.[220] When the tricolour was flown from a private residence opposite as the Governor passed, a question was asked in parliament and Dawson Bates condemned 'this outrage' to the derision of Nationalist members.[221] In response to a Nationalist question in 1928 he explained that it was not an offence to wear a tricolour but that if

[214] *Belfast Newsletter*, 4 April 1925, ibid, HA/5/1384.
[215] Sergeant R. J. Wilson, Report 4 April 1925; WA Magill, Minute, 20 April 1925, ibid.
[216] E. W. Shewell, Minute, 9 April 1925, ibid, HA/5/1385.
[217] Ibid, 23 April 1925, HA/5/1383.
[218] County Inspector, note 20 April 1925, ibid.
[219] D. L. C. (for Assistant Secretary) to Inspector General RUC, 27 April 1925, ibid.
[220] *Derry People*, 20 June 1925.

illegal organisations adopted it or if its display was 'likely to be prejudicial to the maintenance of peace' then such display was prohibited 'even where the colour of the emblems so adopted and displayed happen to coincide with those of a neighbouring state.'[222]

Posters and emblems were also controversial. An example of what could be considered seditious was a poster put up by a republican candidate for the Newry South Poor Law Ward in 1927. Robert Kelly's poster complained against the oath 'of allegiance to a foreign power', calling it 'a brand of slavery' which 'would lead to the stabilisation of the unnatural partition of Ireland'. For this he was sentenced to two months without hard labour.[223] During Easter Sunday 1928, eight people wearing republican emblems to a demonstration in Belfast were asked by the police to remove them and arrested when they refused. On the orders of the Attorney General, they were released within a week. When these events were debated in the House of Commons, the Under-Secretary for Home Affairs explained that 'the display in Belfast on Easter Sunday of any emblem indicating Republican sympathies was calculated gravely to imperil the peace of the city'.[224] The absence of prosecutions even under the relatively easy terms of the CASPA cast doubt on these claims. By 1929, even Labour posters were the objects of the ministry's hostility. The Ministry of Home Affairs ordered the removal of two posters: one of these quoted James Connolly and was deemed 'calculated to encourage disloyalty' while the other quoted Patrick Pearse but was 'merely socialistic'. Nonetheless, the RUC were ordered to remove all such posters.[225]

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[221] NIHC debates, Vol. VI, 10 November 1925, 1783.
[222] Ibid, Vol. IX, 1 May 1928, 1161.
[223] *Down Recorder*, 28 May 1927.
[224] NIHC debates, Vol. IX, 24 April 1928, 954-5; unsigned note, NIMHA, PRONI, HA/5/2606.
[225] EW Shewell to Inspector General RUC, 7 February 1929, ibid, HA/5/572.

The labour movement suffered considerable disruption of its meetings and public speeches during the decade. A meeting in Sandy row, Belfast held by Harry Midgley was broken up by a mob during the 1924 general election, for example.[226] In 1926, several thousand organised demonstrators with drums disrupted an Irish Labour Party meeting in Belfast and followed it around as the organisers tried to move it to a safe place. The RUC attitude was unsympathetic, dismissing the incident as 'useful propaganda which will be welcomed by the Labour Party' but also recommending that such meetings not be interfered with.[227] The trouble had originated in a dispute between Labour and a group of Christian volunteers over the use of a meeting place. When the organisers of this disruption attacked a Labour meeting the next week, police held the sides apart - the 2,000 or so demonstrators outnumbering the 750 Labour supporters.[228] The Labour Party leaders planned another meeting for the next week but it was prohibited on the advice of the Belfast City Commissioner.[229] A meeting the next summer was cancelled, leading District Inspector Gilfillan to comment 'this will remove a possible source of serious trouble.'[230] This illustrated the central problem with the Ministry of Home Affairs's approach: it was focused solely on the problem of preventing a breach of the peace without regard for the rights of those involved.

The state was suspicious of the Labour movement, fearful of the prospect of socialist revolution. In one case, a man was prosecuted for a speech advocating violent revolution and attacking the government, Craig and the Royal Family. The authorities were concerned that he was trying to provoke them but felt they had to act. After he

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[226] Graham S. Walker, *The politics of frustration: Harry Midgley and the failure of Labour in Northern Ireland* (Manchester, 1985), pp. 34-6.
[227] Gilfillan (DI for Inspector General) to Secretary Ministry of Home Affairs, 8 September 1926, PRONI, NIMHA, HA/32/1/508.
[228] R. R. Spears (DI) to Inspector General RUC, 13 September 1926.
[229] E. W. Shewell, minute no date, ibid.
[230] Gilfillan to Secretary, MHA, 17 June 1927, ibid.

completed a six month sentence than the held a meeting in Shankill calling for revolution. Faced with six months hard labour he paid bail and undertook to keep the peace for a year.[231] A Nationalist MP compared this man's treatment unfavourably with the lack of action over a speech by the Grand Master of the Co. Antrim Grand Orange Lodge in which he allegedly promised that there would be no united Ireland while one Orange man remained with one rifle. The government treated the question with derision.[232] Regardless of whether the allegation was justified, the question summed up a widely held view that unionist causes were given more leeway and protection, both from prosecution and intimidation than left wing or nationalist movements. As we will see, this view would be reinforced by events in the 1930s.

State security and free speech in the two Irelands

Both jurisdictions on the island of Ireland showed little reverence for freedom of expression during this period. Censorship was used as one of the weapons available to the state in its fight against subversion. In the period up to 1924 this was understandable; both governments were threatened with destruction and in the context of the death and destruction of the time censorship must have seemed like a small thing. Both governments used censorship to suppress opposition to the state rather than to their own particular policies.

Both governments showed signs that they had learned from the experience of the period 1912-22. The southern censorship under Béaslaí was similar in structure and tone to that of Decies during the war. There were also echoes of Basil Clarke's emphasis on the propaganda value of news rather than repression in the approach taken

[231] ibid, HA/5/1299.
[232] NIHC debates, Vol. VIII, 24 May 1927, 1907.

by FitzGerald in his attempts to police the newspapers use of language and reporting of the Republican campaign. Both relied on the co-operation of the press as they lacked resources and personnel.

By contrast, the Northern Irish authorities never attempted to impose a prior censorship. This was likely due to the political complexion of the press in the region. Unionist papers, which had close political ties to Craig's government did not need censoring and the Nationalist press was unlikely to have co-operated with a unionist censor. Instead the CASPA gave the Minister of Home Affiars substantial powers to suppress papers for sufficient time to either punish their owners or to diminish their influence.

Chapter 2: Film Censorship 1922-29

The northern and southern jurisdictions inherited the same system of film censorship but developed it differently. In most cases both received films that had already been seen by the British Board of Film Censors so regardless of local rules all films were censored to some extent. It was then up to the urban local authorities to attach conditions to the licenses issued to cinemas under the Cinematograph Act 1909 to control the moral content of the films they displayed. The southern government decided very early on to replace this system of local, repressive censorship with a state run, central, prior censorship. Despite several demands for such a system, the northern government refused to follow suit.

The Censorship of Films Act 1923

As we have seen, film censorship in the Irish Free State before 1923 was carried out by local councils (see Introduction). By 1922 there were between twelve and twenty municipal censors in Dublin at a time, nominated by the Vigilance Association, Priest's Social Guild and Dr. Gregg, the Church of Ireland Archbishop. The system cost £350 a year to run which was raised by tripling the cost of cinema licenses to £10 10s. This made the film exhibitors unhappy: they argued that the Cinematograph Act 1909 allowed a fee of only £1. Had they been proved correct, the council would have needed legislative sanction to continue its censorship.[1] The system was not running smoothly anyway and the council passed a motion in May 1922 calling for its replacement by 'a

[1] Dublin Municipal Council, Report of the Public Health Committee 1922, No. 317, 21 November 1922.

Board of Film Censors for all Ireland.'[2] In November 1922, a deputation from the IVA, Priests' Social Guild and the Church of Ireland addressed the council and criticized the censors.[3]

Many other local authorities had systems of censorship although the standards and rules varied greatly. For example, the license issued by Tipperary South Riding was considered reasonable both by the cinema owners and the Department of Home Affairs. It forbade any film 'likely to be injurious to morality or to encourage or incite to crime or to lead to disorder or to be offensive to public feeling, or which contains any offensive representations of living persons.' It also required that publicly accessible areas of the cinema be well lit, and that films passed by the licensing authority be shown in the form they had approved. The regulations also extended to posters. The license issued by Clonmel Borough in 1921 was considered too restrictive. It forbade cinema opening on Sundays, Christmas, the last three days of holy week and outside the hours of noon and eleven p.m. A synopsis of every film to be exhibited had to be given to the committee of censors three days before the performance and one month's notice of forthcoming bookings was required. Children under fourteen were banned from all shows after 7 p.m. The cinema owners resented such regulations as they treated them differently than dance halls or theatres.[4]

Representatives of the Roman Catholic Church also expressed their unhappiness with the state of the cinemas. Galway priests condemned the 'virtually lawless passions', divorce stories and the 'reckless gaiety of Bohemian life' displayed on the

[2] Minutes of Dublin Municipal Council, 1 May 1922.
[3] Ibid, 6 November 1922 & 27 November 1922.
[4] Charles M. A. O'Farrell to Theatre and Cinema Association, 6 December 1923, NAI, DJUS H231/26.

screen and called for a municipal censorship.[5] The Bishop of Galway, Thomas O'Dea, took up the issue in his 1922 Lenten pastoral. He feared that if young people 'feed their eyes and their minds on sexual indulgence whether at the cinema, or in books, or papers or in sex companionship, they will eventually become degraded, and brutalized and corrupted.'[6]

This was the context for a meeting between Kevin O'Higgins, the Minister for Home Affairs, and a deputation representing the IVA, Priests' Social Guild and the Roman Catholic, Protestant Episcopalian and Presbyterian Churches in March 1923. They sought a national film censorship to replace those of the local authorities, which, they alleged, had broken down. They also wanted government licensing of the cinemas and a special levy on them to finance the new system. They argued that these measures were made necessary by the youth of Irish cinema audiences and the effect of undesirable films upon them:

> It is obvious that the mental and moral outlook of those who frequent such picture houses must be largely formed by what they see in them...It is evidently undesirable that our people should be accustomed to see and applaud scenes of murder, robbery, violence of every kind, offensive suggestiveness [and] sexual immorality.

The deputation had no time for self-censorship by the film trade. They believed that greed would overcome even a well-intentioned cinema owner.[7]

The Free State Department of Home Affairs consulted local authorities in spring 1923 about the idea of a national film censorship. Twenty-four expressed their approval, several in strong terms. Youghal UDC described the proposal as

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[5] *Cork Examiner*, 27 January 1922.
[6] *Galway Observer*, 4 March 1922.
[7] 'Statement by Deputation to Minister for Home Affairs on the Licensing of Films and Picture Houses in Ireland' [no date], NAI, Department of the Taoiseach [DT], S3026.

'most essential in the interests of public morals',[8] the Mullingar Town Commissioners considered it 'very advisable',[9] Cork City Council described it as 'a proper step'[10] while Bray UDC, having consulted the local Vigilance Committee, called it 'a crying necessity for some years past.'[11] Kilkenny Corporation decided to 'take no action in the matter'.[12] This may have been due to the influence of Senator Peter de Loughry, Mayor of Kilkenny, who was opposed to film censorship and chaired that meeting of the Corporation.[13] Wexford Corporation opposed the plan. It preferred its own system whereby five censors attended films for free 'as they may find it convenient' to ensure that nothing immoral was shown. 'Considering the state of the national exchequer', they felt it was 'inappropriate' to create a national censorship.[14] In fact the plan envisaged involved charging a fee for censoring films, thus making it self-financing.

Kevin O'Higgins introduced the Censorship of Films Bill in the Dáil on 3 May 1923. He referred specifically to the 'thoroughly representative deputation' that had visited him and to the call from the Dublin Municipal Council for a national censorship a year earlier. He also emphasized the fact that the system would be financially self-supporting.[15] A week later, as he introduced the bill at its second stage, he again mentioned public dissatisfaction with the local censors and outlined his proposals for reform. There would be a prior, state-run censorship by a single official censor. If the film renter disagreed with the censor's decision he

[8] M. A. Walsh to Minister, 16 March 1923, NAI, DJUS, H84/12.
[9] A. B. Carroll to Minister, 21 March 1923, ibid.
[10] William Hegarty to Minister, 28 March 1923, ibid.
[11] John McCaull to Minister, 15 March 1923, ibid.
[12] E. O'Connell to Minister, 23 March 1923, ibid.
[13] *Kilkenny People*, 10 March 1923.
[14] A. Browne to Minister, 3 April 1923, ibid.
[15] Dáil Debates, Vol. III, 3 May 1923, 586-7.

could appeal to the honorary Appeals Board. The bill ruled out appeals to the board from the public and O'Higgins suggested that if members of the public disagreed with the censor they should go to their TDs. The minister presented the bill as enjoying widespread support, although he admitted that the film renters were uneasy about paying for the process.[16] With 150 cinemas in Ireland, and 31 in Dublin alone, attended by some 20,000 people every day, he argued, it was unsurprising that local control had failed. O'Higgins envisaged that the censor would act according to 'the average outlook of decent, respectable people' which would reflect the 'improvement in the social standard' since the eighteenth century.[17]

Thomas Johnson, leader of the Labour Party and therefore of the opposition, decided not to fight the bill. He did express some doubts about the scheme. Based on his own experiences of 'trying to make certain films unpopular' he questioned the efficacy of 'this kind of censorship'. He pointed out that nearly all films shown in Ireland were already censored by the BBFC. He also expressed concern that the clause in the bill banning films 'contrary to good morals or social order' might be applied to productions about property relations.[18]

William Magennis, TD for the National University of Ireland and Professor of Metaphysics at UCD, gave one of the few speeches to explore the thinking behind film censorship. Unusually he started from the basis that cinema was an art form. An educated community would have no need of censors, he claimed, but 'we are not an ideal community'. Instead, 'works of art are "occasions of sin for some

[16] Ibid, 10 May 1923, 751-2.
[17] Ibid, 763-4.
[18] Ibid, 752-3.

people"' and a standard of art 'applicable with regard to the individual spectator is not applicable to the whole crowded audience, particularly mixed audiences that witness in the same city Dante's Inferno and Charlie Chaplin.' The censor could not afford to act with 'liberality and breadth of mind' or 'appreciation of the photographer's art' when dealing with the 'general audience' threatened by the 'veiled presentation of vice'. Few people could read 'the worst French novels' but many could go to the cinema. Only education immunized a man to such threats.[19]

The bill moved to the committee stage where Johnson attempted to alter the definition of an objectionable film from 'contrary to good morals or social order' to 'contrary to public morality'. The latter words were taken from the Free State constitution and carried no odour of politics. Although O'Higgins claimed that the original words were 'very innocent' he accepted the amendment. The final draft used the phrases, 'principles contrary to public morality' and 'subversive of public morality'. This illustrates the fact that the government was concerned to ensure that the censorship was concerned solely with moral matters.[20] Johnson also suggested that the Appeals Board should overturn the censor's ban unless it unanimously voted to uphold it thus establishing that 'the "prisoner" should have the benefit of the doubt'. O'Higgins rejected this idea strenuously. He feared that it would make the whole system unworkable, especially if the censor and a clear majority of the Appeals Board wished to ban a film. Magennis suggested that the size of the board be increased. Under the original proposal for a five member board with a quorum of three, two people could have upheld a ban. O'Higgins offered a compromise: the

[19] Ibid, 752-60
[20] Ibid, 17 March 1923, 998-9.

Appeals Board would be increased in size to nine with a quorum of four, but if a ban was upheld by a majority of less than four or if the vote was tied, the whole board would have to meet to vote on the appeal.[21] Johnson still advocated that in case of a tied vote, the film be permitted on the grounds of '"in all things doubtful, liberty.' O'Higgins refused but assured him that 'there will be no war on new ideas but rather on old and unsavoury ideas.'[22]

The measure passed the Seanad quickly. De Loughry stated that the industry welcomed it although he did not. He also extracted a promise from Ernest Blythe, who was taking the bill in O'Higgins's absence, that fees would be reduced for those films previously passed by the Dublin censors.[23] Blythe rejected a proposal to exclude members of the film business from the Appeals Board but promised that the minister would never appoint such people anyway. He also refused to exclude children under sixteen from cinemas, although this had been demanded by pro-censorship campaigners.[24] This suggests that the government saw the bill as a middle way between the pro-censorship activists and the film trade.

The press responded favourably to the new law. The *Cork Weekly Examiner* welcomed 'real and effective control of Irish cinemas by Irish authority'.[25] The *Irish Catholic*, which was a vigorous critic of the film industry, praised the government's fight against the 'moral plague' of bad films. The paper did consider that cinema had great potential for education and pointed to the USA, France, Germany and the dominions as examples of countries where the state had taken

[21] Ibid, 1003-10.
[22] Ibid, 28 May 1923, 1178.
[23] Seanad Debates, Vol. I, 6 June 1923, 1141.
[24] Ibid, 7 June 1923, 1143-7.
[25] *Cork Weekly Examiner*, 19 May 1923.

action to control films.[26] The *Irish Times* considered the proposals 'shrewd and sensible.' It accepted the logic of having a single censor who would be swift and decisive and also agreed that restricting access to the appeals process to the film renters would prevent frivolous complaints. Above all it advised the prospective censor to be moderate hoping that if he had 'good taste and a vigilant eye and is free from fads, he will not be a bad censor.' It particularly hoped that the censor would tackle films whose 'long-drawn-out ineptness, vulgarity and triviality' was a greater danger to the man on the street than more obviously immoral material.[27] The *Church of Ireland Gazette* made no mention of the new law. This may suggest that there was no great controversy about the censorship on the southern Protestant side.

Twenty-seven people applied for the post of film censor, four of whom were women. Of the candidates, five had experience as municipal censors, five were connected to the cinema business, three were artists, three had political backgrounds on the pro-treaty side, three mentioned connections to Roman Catholic lay organizations and three had experience as journalists. Five had no special qualifications. More applicants emphasized their interest in films than stressed their moral qualifications.[28] The authorities decided to exclude both members of the film trade and those who had campaigned for the establishment of the censorship.[29] It was probably on this basis that the application of Frank O'Reilly, secretary of the

[26] *Irish Catholic*, 26 January 1924.
[27] *Irish Times*, 4 May 1923.
[28] 'List of Applicants: Censor of Films', [August 1923] NAI, DJUS H84/9.
[29] Secretary, note on letter from Aubrey Clancy to Minister for Home Affairs, 13 March 1923, ibid.

Catholic Truth Society of Ireland (CTSI), was rejected despite his claim to have had the support of the Catholic hierarchy.[30]

James Montgomery, a man with no obvious qualifications, was selected. Fifty-three years old and educated by the Christian Brothers in Westland Row, Montgomery had worked in the Alliance and Dublin Consumers' Gas Company until he was forced out by ill health.[31] At the time of his appointment he was a member of the Standing Committee of Cumann na nGaedheal.[32] Writing on his behalf, Ernest Blythe's wife asked O'Higgins to give him the job on account of his young family and loyal service to the pro-treaty party. She also pointed out that he was 'a man of very considerable culture.'[33] The decision meant that the standards for film censorship would be decided by a man lacking a background in either the vigilance campaigns of the past or the realities of the film trade.

The Free State film censorship in action

James Montgomery faced opposition from the film exhibitors who disputed the fees they were asked to pay. Renters and exhibitors agreed not to show officially censored films. *The Hunchback of Notre Dame* was boycotted because it had been submitted and its distributor complained to the Department of Home Affairs.[34] The Attorney General recommended prosecutions[35] but the police found that witnesses did not wish to come forward as the trade hoped for an out of court settlement.[36] The threat of

[30] Frank O'Reilly to Minister for Home Affairs, 24 April 1923, ibid.
[31] Royal Irish Academy, *Dictionary of Irish Biography* (Forthcoming).
[32] John M. Regan, *The Irish Counter Revolution 1921-1936* (Dublin, 1999), p. 231.
[33] E. Bean de Blaghad to Kevin O'Higgins, 31 August 1923, NAI, DJUS, H84/9.
[34] European Motion Picture Company to Irish Bonded Film Store, 21 May 1924, NAI, DJUS, H231/13.
[35] Attorney General to Chief State Solicitor, 3 June 1924, ibid.
[36] CID report, 6 September 1923 [sic], ibid.

police action was effective and the boycott was ended.[37] The dispute caused the IVA and the Priest's Social Guild to publicly support the censor. The *Irish Catholic* condemned the 'control of Jewish and cosmopolitan financiers' over the film business and asserted that 'the official censorship is as necessary as are sanitary laws.'[38]

The first few years of the censorship established the procedures under which different types of film would be regulated. The Department agreed that trade shows would not be subject to censorship as they were not open to the public.[39] Pathé Ltd. made representations about its newsreel *Pathé Gazette*. As it was the only topical news film depicting Irish events and was not very profitable, the company asked that it be exempt from censorship fees. This view was supported by W. T. Cosgrave and the Department of Publicity; the Secretary of the Department of Home Affairs, Henry O'Friel, also believed that 'news films should not be censored.'[40] The legislation did not allow for a full exemption so a reduced rate, half that for a normal film, was charged for newsreels and the censor agreed only to make the minimum changes necessary.[41]

The special rates for news films inspired the distributors of weekly serials to seek similar treatment. As the films were only delivered on Saturdays before being shown on Mondays, the trade hoped for concessions. They found the Department of Home Affairs unsympathetic and were told to get their deliveries in earlier.[42] Montgomery insisted that 'all episodes in a serial should be censored. There are many

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[37] Minute to Secretary 29 November 1924, ibid.
[38] *Irish Catholic*, 7 March 1925.
[39] O'Friel to Revenue Commissioners, 22 February 1924, DJUS, H84/30.
[40] Pathé Ltd. to Ministry for Home Affairs, 14 November 1923; President's Office to O'Higgins, 15 December 1923; Note by O'Friel, 14 November 1923, ibid, H231/5.
[41] O'Friel to Seán Lester, 11 December 1923, ibid.
[42] O'Friel, notes of meeting with representatives of Gaumont, Universal and Pathé, [March 1924], ibid, H231/6.

complaints of the unhealthy sensationalism of these pictures, and I propose adopting a very exacting attitude when dealing with future imports.'[43]

From 31 March 1924, cinema owners showing uncensored films became liable to be prosecuted.[44] There was still the difficulty that the police had to catch the cinema in the act of showing such a film. To assist them in this it was decided to make a regulation requiring the exhibition of the censor's certificate before each showing of a film.[45] Despite the law against showing unlicensed films, there was nothing to prevent someone from possessing one.[46] Montgomery expected distributors to withhold films that might face a ban and in 1925, after rejecting *Locked Doors*, he commented 'I can't understand why a film of this nature was imported. You would think that by this time it would be recognized that such an immoral picture could not by any chance receive a certificate.'[47] He was opposed to the creation of special title cards for films to be shown in Ireland as the film might be subsequently re-imported in its original form.[48] The Censorship of Films (Amendment) Act 1925 made film advertisements as well as posters, handbills and cards promoting a film subject to censorship. It was passed without controversy thus completing the range of powers needed by the censor.

Montgomery dealt with large numbers of films, averaging four or five per day. His own estimate of the number of drama films he cut or rejected is given in Table 2.1.

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[43] Montgomery to O'Friel, 27 March 1924, ibid.
[44] O'Friel to Montgomery, 20 March 1924, ibid, H231/11.
[45] Montgomery to O'Friel, 30 October 1924, ibid.
[46] S. A. Roche to Montgomery, 16 September 1927, ibid.
[47] Register of films rejected, 7 September 1925, NAI, DJUS, FCO4 98/29/1.
[48] Ibid, 11 November 1925, FCO4 98/29/2.

Table 2.1: Drama Films Censored 1923-29[49]

Year	*Total*	*Cut*	*%*	*Rejected*	*%*	*Passed*	*% Passed*
1923/4*	1307	166	12.7	104	7.9	1037	79.1
1925	1205	172	14.3	115	9.5	918	76.2
1926	1327	166	12.5	121	9.1	1040	78.4
1927	1211	219	18.1	145	11.9	847	69.9
1928	1121	224	20.4	134	11.7	763	68.1
1929	1284	290	15.8	127	9.8	867	67.5

*November 1923- December 1924.

Based on his figures for 1928, drama films accounted for 64% of films censored but 98% of films cut and 92% of films rejected were of this type. The remainder was made up of 'interest' or educational films.[50]

The reasons for his decisions to reject and the decisions of the Appeals Board are given in Table 2.2:

Table 2.2: Reasons for Rejection and Results of Appeals[51]

Reason	*1923/4*	*1925*	*1926*	*1927*	*1928*	*1929*
Immorality	57	66	69	70	71	102
Infidelity/Divorce	27	40	32	34	41	22
Crime	12	14	6	7	9	12
Religious	2	3	2	3	2	1
Nudity	3	7	16	14	23	27
Offensive to a Foreign Country	1	1	6	6	5	1
Other/unclear	3	0	8	29	15	3
Appeals made	20	18	19	39	46	28
Decisions reversed	3	3	1	4	4	3
Reversed with cuts	1	5	7	16	20	9

These figures show that there was an increase in the proportion of drama films rejected or cut from 1927 on. This was accompanied by an increase in the numbers of appeals made and the number of censor's decisions reversed with cuts. This suggests that Montgomery was becoming stricter but that this development did not have the full support of the Appeals Board.

[49] Montgomery to O'Friel, 23 September 1930, ibid, H231/34.
[50] Ibid, 9 October 1929.
[51] Register of Films Rejected, ibid, FCO4 98/29/1-2.

The most common cause of rejection was 'immorality' or as Montgomery sometimes called it 'the morals of the poultry yard'.[52] He ruled that 'sexational [sic] pictures...should not be imported for general exhibition'.[53] The prohibition extended to sensational titles and he declared that 'if it were the story of Cinderella, I would not pass it with the title of "The Pagan Princess".'[54] The increase in the number of these rejections may have been caused by the popularity of films aimed at a youth audience and starring young, attractive actresses like Clara Bow, Colleen Moore and Constance Talmadge as free-spirited "flappers".[55] In 1928, Montgomery noted 'numerous complaints are made about American co-ed films. The caddish boys and brazen girls are not regarded as desirable models for our young people'.[56] He also complained about the love scenes in such films which had provoked numerous complaints: 'we have had enough of faces 10 ft long with mouths 3 ft wide engaged in "close up" kisses!'[57] The women in these pictures were the opposite of his ideal of female morality; he complained of the characters in the Marion Davies film *Varsity Girl*, 'if American girls are like these it may account for the number of American men who came to Europe cheerfully to "win the war"...I can't stop it for vulgarity, wish I could.'[58]

Clara Bow, at the time one of the most popular film stars in America, was a particular object of Montgomery's ire. Commenting on *Hula* he summed up both the essence of her appeal and of his objection:

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[52] Ibid, 24 November 1923, FCO4 98/29/1.
[53] Ibid, 23 August 1924.
[54] Ibid, 19 March 1925.
[55] Barry Paris, *Louise Brooks* (London, 1991), pp. 125-6.
[56] Reserve Book, 19 December 1928, NAI, DJUS, FCO3 98/28/2.
[57] Ibid, 9 and 12 May 1928, FCO3 98/28/1.
[58] Record of Films Censored, 20 January 1928, ibid, FCO2 98/27/1.

> Miss Clara Bow's great asset is said to be "It" which is the euphemism for "Sex Appeal" adopted by that edifying novelist Elinor Glyn. This film was evidently designed to get 100% of "It" and "It" has succeeded so well that I reject "It" with pleasure.[59]

In another case, despite having 'hoped for one Clara Bow film that I could pass uncut' he found it impossible to do so as 'Clara must show her seductive figure'.[60]

One of the censor's most common complaints was nudity or semi-nudity. Increasingly a reason for rejection from 1926 on, nudity was also often a part of the broader allegation of immorality. His instructions for cuts to *Garden of Eden* show the strictness of Montgomery's views on the issue: 'eliminate *all* glimpses of the semi-nudity of the heroine whether unhealthily suggested through diaphronous drapery or actually revealed in scant stage clothing or in underclothing [his emphasis].'[61] He was also adamant that 'there will be no naval [sic] displays on the screens of Ireland.'[62] The use of scantily dressed dancers was similarly disapproved of and led to the rejection of several films.[63]

Montgomery used a broad definition of his power to prohibit blasphemous films. In one case he rejected a film which 'asks for the acceptance of the doctrine of reincarnation and of humanity being the helpless toys of an ironic fate. Consider these anti-Christian ideas on the screens of the Saorstat and their effects on the minds of many.'[64] He rejected *The Man in the Iron Mask* because he considered 'the anti-Catholic aspect is offensive'.[65] He also ordered cuts in Erich von Stroheim's

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[59] Ibid, 27 July 1928.
[60] Ibid, 2 July 1928, FCO2 98/27/2.
[61] Reserve Book, 15 March 1928, FCO3 98/28/1.
[62] Ibid, 2 March 1928.
[63] Ibid, 20 December 1928, FCO3 98/28/2; Register of Films Censored, 16 November 1928, FCO2 98/27/1.
[64] Films Rejected, 19 July 1927, FCO4 98/29/2.
[65] Ibid, 21 January 1925, FCO4 98/29/1.

magnificent if eccentric *The Wedding March* as scenes of conversation and the depiction of the elevation during the mass 'display the cynical disregard of Hollywood for the sincere feelings of Catholics.'[66] In another case he decided that 'the story of a priest who has broken his vows is not a desirable subject for exhibition in Ireland.'[67] Montgomery found himself in a quandary over Cecil B. de Mille's controversial epic *King of Kings*. Since 1925, he had not allowed films 'in which Christ is materialized' but, perhaps aware that the film had been praised by several religious sources, he suggested an appeal.[68] The Appeals Board allowed the film with cuts.[69]

Films featuring divorce combined religious and moral issues and were thus doubly opposed by Montgomery. In several cases he demanded radical cuts to remove any suggestion of divorce from a story.[70] His approach combined strict Roman Catholicism with a crude rendition of Irish law. He considered such films to be 'subversive of public morality'.[71] In a case in 1928 he argued that 'the [divorced] "heroine" is a bigamist according to the moral and civil codes of the Saorstat' and demanded that the renter 'get rid of the husband by sickness or accident.'[72] Although he had misrepresented Free State law, he later defended his view:

> It is not absurd to say that the heroine in the film is a bigamist. There was no mention of an annulment in the story as presented to me – divorce was definite…so far as Saorstat Eireann is concerned it has ceased to take its civil code from Westminister, and I'm sure it won't take its moral code from Wardour Street.[73]

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[66] Reserve Book, 30 September 1929, FCO3 98/28/3.
[67] Record of Films Censored, 22 May 1928, FCO2 98/27/2.
[68] Ibid, 13 December 1928, FCO2 98/27/3.
[69] Films Rejected, 13 December 1928, FCO4 98/28/2.
[70] Ibid, 27-29 February 1924, FCO4 98/29/1
[71] Ibid, 10 February 1925.
[72] Reserve Book, 3 August 1928, FCO3 98/28/1.
[73] Ibid, no date [August 1928].

Montgomery was strict with regard to crime films because of his fear of the influence they might have on children. In a private note to the Appeals Board in 1928, he explained, 'I have constantly in my mind when dealing with underworld films the memory of a crowd of children from the neighbouring slums attending the Picture House in Pearse Street.'[74] He was worried by films that showed crimes 'with instructive detail' and this problem was exacerbated by his refusal to issue certificates for adults alone.[75] Montgomery was particularly opposed to rape scenes, or 'sex struggles' as he termed them, declaring that he wanted 'to put an end' to their presentation on Irish screens, usually by ordering cuts.[76]

How foreign countries were portrayed in films was a sensitive matter. In 1924, the German Consul General wrote to the Minister for External Affairs to complain that *The Four Horsemen of the Apocalypse*, which he alleged was anti-German, was shown in Ireland. [77] He was told that there was no provision in the 1923 Act allowing the censor to ban such a film.[78] Montgomery was very sympathetic to the German view. In another case he noted, 'I conscientiously believe that such [anti-German] pictures are a menace to peace and I feel that the admission of Germany to the League of Nations should not be made to coincide with the exhibition of this and similar films.'[79] Nor was his sympathy confined to Germany. He rejected *Beau Geste* in 1926 because it insulted the French Foreign Legion, although it was passed on appeal.[80] In rejecting such films

[74] Films Rejected, 1 November 1928, FCO4 98/29/2.
[75] Record of Films Censored, 1 & 21 November 1928, 19 December 1928, FCO2 98/27/3.
[76] Films Rejected, 28 September 1925, FCO4 98/29/1.
[77] G. von Dehn to Minister for External Affairs, 18 July 1924, NAI, DJUS, H231/14.
[78] O'Friel to von Dehn, 22 July 1924, ibid.
[79] Films Rejected, 18 October 1926, FCO4 98/29/2.
[80] Ibid, 6 December 1926.

Montgomery was acting contrary to the law and seems to have acted on principle in the hope that the Appeals Board would not oppose him.

Kevin O'Higgins reacted to the protests from France and Germany by proposing new legislation 'so as to make it mandatory on the Film Censor to reject any film which in his opinion is calculated to be offensive to the people of a friendly nation.'[81] The Department of External Affairs was consulted and agreed although it wanted the right to send a report to the Appeals Board in such cases.[82] The proposed law would have amended the grounds for banning a film to include 'tending to promote racial hatred, rivalry or ill-feeling or be calculated to give offence to people of a friendly state.' The minister would also have the right to refer films passed by the censor to the Appeals Board if he received complaints about them on such grounds; these reviews would be free of charge and would be attended by a representative of the Minister for External Affairs.[83] After O'Higgins was assassinated on 10 July 1927, the bill was given a low priority, probably because it lacked an influential patron and because the government needed to pass a large body of emergency legislation quickly.[84] In 1928 it was postponed for twelve months and, as the new minister, James Fitzgerald-Kenney, showed little enthusiasm for the measure, it was not proceeded with.[85] The censor had in the meantime made it his practice to cut such films until 1928 when an appeal was lodged against the cuts.[86]

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[81] Minute, 10 March 1927, NAI, DJUS, H266/53.
[82] Secretary Department External Affairs to Secretary Department of Justice, 22 March 1927, ibid.
[83] Draft bill, 'The Censorship of Films (Amendment) Bill 1928', ibid.
[84] John A Costello to O'Friel, 30 December 1927, ibid.
[85] O'Friel to Fitzgerald-Kenney, 29 May 1929, ibid.
[86] Reserve Book, 28 April 1928, NAI, DJUS, FCO3 98/28/1.

Montgomery was a middle class, Roman Catholic man of conservative tastes and his opinions on comedy and vulgarity reflected this. He disliked 'the trousers off stunt' deeming it to be 'vulgarity without fun'.[87] This disapproval extended to other aspects of slapstick from 'the sanitation of a baby' to the comedic use of skeletons.[88] Although he personally disliked 'stage Irish' performances he 'reluctantly' passed them as he had no power to do otherwise.[89]

Montgomery believed that stricter standards had to be applied to film than to plays or books. This was because the latter appealed 'to a more sophisticated class than the average cinema patron.'[90] Rejecting *Carmen* he wrote, 'one must dismiss memories of opera, novel and drama and remember that this is a work of the screen with a dangerous appeal to unsophisticated minds by its flattery of the passions.' The Appeals Board disagreed and passed it with cuts.[91] Despite this, there were occasions when he showed respect for the artistry of a film. Admiring *The Divine Woman* (1928), which starred Greta Garbo, he admitted that although he considered it 'almost vandalism to alter an artistic film' he had tried to save this one through cuts but had been unable to do so and rejected it.[92] Likewise he rejected 'one of the finest films I have seen', *Faust* (1927), as 'I am unable to cut it without injury to its artistic side.' The distributors appealed whereupon it was passed with cuts.[93]

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[87] Ibid, 25 April 1928.
[88] Ibid, 1 June 1928; 18 June 1928.
[89] Record of Films Censored, 23 October 1928.
[90] Films Rejected, 21 June 1926, FCO4 98/29/2.
[91] Ibid, 5 July 1927.
[92] Record of Films Censored, 23 May 1928, FCO2 98/27/2.
[93] Films Rejected, 1 April 1927, FCO4 98/29/2.

Film and public opinion

The establishment of the film censorship did not silence the debate on film in the Irish Free State or the efforts of private groups and local authorities to control it. In January 1924, the secretary of Monaghan County Council asked Minister for Home Affairs whether it was possible to control the nature of the pictures screened by a cinema by attaching conditions to its license. The fact that the question was put implies that the councillors had no idea what the Censorship of Films Act contained but also that they were concerned about objectionable films.[94] The act did not prevent local authorities from adding other restrictions to licenses and this was used in Waterford to close cinemas on Sundays. The proponent of the motion made it clear that he did not believe the censor could cope with the 'backwash of English picture houses and music halls' shown in the town. The motion was passed by twenty-three votes to two and had the support of the local Roman Catholic clergy.[95] Dublin Corporation also used this procedure to restrict the hours in which unaccompanied children could attend the cinemas.[96]

Vigilante action against films occasionally occurred. In 1929, a group of students staged a demonstration against *Smiling Irish Eyes*. The group included Cearbhall Ó Dálaigh, Cyril Cusack and Liam O'Leary. They objected to its stage–Irish characters.[97] Violent republicans also took action against films they disliked. In 1925, the Masterpiece Theatre in Dublin was raided and its copy of the war film *Ypres* was

[94] Secretary, Monaghan County Council to Minister for Home Affairs, 22 January 1924, NAI, DJUS, H84/27.
[95] *Irish Catholic*, 22 January 1927.
[96] Dáil debates, Vol. XXXII, 27 November 1929, 1439-41.
[97] Louise Burns-Bisogno, Censoring Irish Nationalism: the British, Irish and American suppression of republican images in film and television, 1909-95 (North Carolina, 1997), pp. 51-52.

taken. After the cinema procured a new copy, the front of the building was blown up with a land mine that shattered nearby windows.[98] Charles Eason commented to his cousin that the incident 'shows that the unruly elements are not yet under control.'[99] Later that year, in Galway, a copy of *Zeebrugge* was seized by masked men who burned it, describing it as a 'British propaganda film'.[100] Two years later, a cinema in Dundalk was raided and *Mons* was seized and burned.[101]

Criticism of the cinema was especially impassioned within Roman Catholic circles. In 1923, soon after the passage of the Censorship of Films Act, the Catholic Young Men's Society (CYMS) protested to the Department of Home Affairs against 'the introduction of indecent pictures' into Ireland.[102] Fr. J. S. Sheehy, the Dean of All Hallows College in Dublin, at an IVA meeting that December, made the case against the cinema. 'The "living picture" is like a drug' he argued. Even the best films had 'highly erotic scenes' and the worst were 'positively indecent and immoral'. These were not the problem as any censor would ban them. It was the 'border-line [films]...for which the renters of pictures would make a great fight, and try to stampede the censor into letting them through' which posed the greatest threat.[103] This critique was echoed by the *Irish Catholic* which claimed that 'unwholesome' films were the most profitable and therefore the renters could not be trusted.[104]

There were some correspondents who argued that, rather than condemning films constantly, the Catholic Church needed to act to improve them but this challenge was

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[98] *Galway Observer*, 16 November, 21 November 1925.
[99] Cullen, *Eason & Son*, p. 218.
[100] *Fermanagh Times*, 3 December 1925.
[101] *Down Recorder*, 4 June 1927.
[102] Honorary Secretary to Minister for Home Affairs, 21 November 1923, NAI, DJUS, H84/24.
[103] *Irish Catholic Directory* 1925, pp. 547-8.
[104] *Irish Catholic*, 26 January 1924

not taken up.[105] Bishops tended to be very critical when commenting on film. Three statements on film: a sermon by Bishop Keane of Limerick,[106] another by Bishop O'Doherty of Galway[107] and the statement on the subject by the Maynooth synod of October 1927[108] all show a consistent approach. All three pointed out that cinema had great potential for good. They expressed suspicion of the film industry and expressed the fear that profitable films would not be wholesome. The synod statement also suggested that crime films could incite young boys 'to do deeds of theft and violence.' Similar sentiments were expressed by other bishops throughout the period.[109] The Church of Ireland was less vocal with its opinions but a letter from Bishop Grierson of Down to his clergy in 1929 suggested that he believed films had improved in quality. The *Church of Ireland Gazette* agreed but argued that 'with regard to the portrayal of sinful passions by the cinematograph, the Irish Free State, with its admirable film censorship, must be reckoned as ahead of Northern Ireland.'[110]

There were some expressions of dissatisfaction with the censor, mostly from those who felt he was not strict enough. One letter writer to the *Irish Catholic* claimed that his local cinema had to further cut the films supplied to it.[111] W. B. Joyce, principal of Marlborough Street Training College, told the Committee on Evil Literature in 1926, 'from all I can see I cannot believe that films are censored.'[112] Despite such sentiments, the IVA publicly supported Montgomery in 1925. It offered 'special congratulations' for his 'splendid work' and protested 'against any attempts to intimidate the censor or

[105] Ibid, 9 February 1924.
[106] Ibid, 15 November 1924.
[107] Ibid, 19 April 1924.
[108] Ibid, 8 October 1927.
[109] *Irish Catholic Directory* 1927, pp. 561 & 579.
[110] *Church of Ireland Gazette*, 22 March 1929.
[111] *Irish Catholic*, 18 August 1928.
[112] Evidence of W. B. Joyce to Committee on Evil Literature, 21 April 1926, NAI, JUS 7/2/12.

dictate to him or his colleagues, the manner in which they should carry out the duties imposed on them by the Oireachtas.'[113] There were also many who were satisfied with the situation. In 1926 the *Galway Observer* doubted 'that the moving pictures influence boys to become bandits'. It argued that although films often portrayed a false picture of life and promoted materialism they were potentially positive and useful.[114]

Film Censorship in Northern Ireland

While Northern Ireland was not free of voices condemning the cinemas, they were neither as well organized nor as powerful as those in the south. An article in the *Irish Churchman* expressed the common view that film 'vitiates the character in the young, and destroys all hope and opportunity for the development of the better qualities of the mind.'[115] The *Northern Whig* carried a report of a speech at the Educational Association conference in which it was argued that 'it is a defect of the cinema that utterly false aspects of life may be presented, familiarizing spectators with garish travesties of truth without any call upon the mind or the attention.'[116] Non-subscribing Presbyterians were particularly incensed that a church in Newtownards had not only been sold but had been turned into a cinema.[117]

As Buckland has pointed out, northern local authorities were reluctant to take on any responsibilities that might force them to raise the rates.[118] There was a film censorship in Belfast, carried out by the Police Committee of Belfast

[113] *Irish Catholic Directory* 1926, p. 563.
[114] *Galway Observer*, 16 October 1926.
[115] *Irish Churchman*, 1 February 1923.
[116] *Northern Whig*, 2 January 1923.
[117] *Down Recorder*, 24 June 1922.
[118] Patrick Buckland, *The factory of Grievances: devolved government in Northern Ireland 1921-39* (Dublin, 1979), p. 4.

Corporation, and cinemas were closed on Sundays in some towns such as Omagh.[119] Belfast also had special children's cinemas where films were censored by a committee of women.[120] In July 1923 the Home Office in London sent a circular to the British local authorities with the aim of producing 'substantial uniformity' of local cinema license regulations.[121] The Home Office also suggested changes in the model conditions it had first recommended in 1917 (see Introduction). Now it recommended that no film be permitted without the consent of the local authority unless it had received a 'U' certificate from the BBFC.[122]

The circular was not binding in Northern Ireland and the Ministry of Home Affairs officials there were not sure initially what censorship powers the Northern government possessed.[123] They considered two options: either try to get local authorities to follow the Home Office's model conditions or set up a film censorship for the region. Despite the 'obvious advantages' of a centralized censorship, it was felt that 'so vital a difference in practice between Great Britain and Northern Ireland would dislocate the trade and would give rise to much opposition both from the trade and the local authorities.'[124] The police had no responsibility for the moral character of films but also felt that:

> there does not appear to be any necessity for a more stringent censorship of cinematograph films...None of the films shown can be said to be of a dubious moral type, and generally they are not of a character which would tend to encourage crime...The precautions taken [in Britain]...to ensure that film picture shown in Great Britain are clean, is [sic] sufficient protection for Ulster.[125]

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[119] *Tyrone Constitution*, 9 March 1923.
[120] *Church of Ireland Gazzette*, 18 May 1923.
[121] L. B. Freestone, 'The Censorship of Cinematograph Films', 6 July 1923, PRONI, NIMHA, HA/8/639.
[122] Freestone to A. Glen [Imperial Secretary's Department], 10 July 1923, ibid.
[123] A. P. Magill, note on letter, A. Glen to A. P. Magill, 11 July 1923, ibid.
[124] W. A. Magill to Secretary NIMHA, 16 August 1923, ibid.
[125] C. Davis [for Inspector General RUC] to Secretary NIMHA, 18 September 1923, ibid.

The ministry decided to issue a circular to the licensing authorities. It emphasized that the minister 'doesn't want to interfere in any way' with the rights of local bodies but recommended that they adopt the model conditions suggested by the Home Office.[126] The secretary of the department, Watt, believed that 'it would be much better, if anything is to be done, to have a central censorship than to entrust such decisions to local bodies whose decisions may vary.' He warned that this should 'wait until some form of central censorship is established in ENGLAND [his capitals]'.[127]

Although there were many in Northern Ireland who objected to cinema or to specific films, they were not as well organized or as effective as their counterparts in the South in the 1920s. The churches were all-Ireland institutions and Roman Catholic teaching on the subject applied as much in Belfast as in Dublin. That church did not have a relationship with the Northern government that would have allowed it to press for censorship, however. The Protestant churches, as in the south, were not opposed to censorship but it was a lower priority than their campaigns on temperance and education. Opposition to cinema came from isolated individuals and groups and there is no evidence that it was supported by the loyal institutions with any strength.

There were intermittent calls for stricter film censorship. In 1925, Belfast Corporation asked the government if it had plans for it among other measures.[128] The Ministry of Home Affairs replied that while it was considering regulating pawnbrokers and servants' registries, there were no plans to censor films.[129] Within the ministry the reason given was that 'the cost of establishing a censorship for Northern Ireland would

[126] Draft Circular, 10 October 1923, ibid.
[127] S. Watt, Minute, 18 March 1924, ibid.
[128] Town Clerk to Secretary, Minister for Home Affairs, 3 March 1925, PRONI, NIMHA, HA/8/639.
[129] W. A. Magill to Town Clerk, Belfast Corporation, 13 March 1925

be heavy'.[130] Later that year, the Belfast Women's Advisory Committee asked the Corporation what its arrangements for censorship were.[131] They also asked the government and were told that Northern Ireland relied on the BBFC to scrutinize films.[132] Cinema was also discussed by the Belfast and District Christian Citizenship Council that year.[133] In 1929, the Mothers' Union of the Church of Ireland Diocese of Armagh demanded 'stricter censorship of the cinema films displayed in the six counties of Northern Ireland and requests that the regulations now adopted in England and in Dublin may be brought into effect in Belfast and in other towns of Northern Ireland.'[134]

In 1927, the British government introduced a new Cinematograph Films Bill to establish quotas of British produced films to be shown in British cinemas. This was a response to the aggressive marketing of American films which was increased after Congress set up the Motion Picture Department within the Department of Commerce at the request of the film industry.[135] The dominance of US films in the British market created both a commercial and moral debate as shown by an address to the British Women's Patriotic League which was reported in Northern Ireland. The speaker argued that 'many of these American films are a shocking travesty of life and ought not to be tolerated'; they were 'alien to all ideas of life and thought in this Britain of ours'.[136] The Northern government was initially enthusiastic about the new bill and asked for it to be applied to the region but then decided to draft its own measure as it feared that 'amendments to adapt the Imperial measure to Northern Ireland conditions would be

[130] R. Pim , Minute, 5 March 1925.
[131] Belfast Corporation Police Committee, Minutes, 5 November 1925, PRONI, LA/7/10AB/1/18.
[132] D. L. Clarke to E. S. Montgomery, 30 October 1925, NIMHA, HA/8/639.
[133] *Irish Churchman*, 4 March 1925.
[134] Resolution, no date [1929], PRONI, NIMHA, HA/8/639.
[135] Ruth Vasey, 'The world wide spread of cinema' in Geoffrey Nowell-Smith (ed.), *The Oxford History of World Cinema* (Oxford, 1996), p. 57.
[136] *Down Recorder*, 17 March 1926.

likely to embarrass the Imperial government.'[137] The nature of the embarrassment became clear the next year. The Imperial legislation required that 5% of films shown be British. The Northern Minister of Commerce advised the cabinet that 14% of films shown in Belfast were British at that time but that if a quota was imposed the resulting price increase would reduce the number they showed to the minimum.[138]

Film censorship remained in the hands of the local authorities that implemented it with varying rigor or, in most cases, not at all preferring to rely on the opinion of the BBFC.[139] There were several controversial films in this period that showed the policies adopted both by these bodies and the government in Belfast. The most important market for films was Belfast which had 31 licensed cinemas in 1922.[140] The Police Committee of Belfast Corporation examined films not passed by the BBFC. In some cases the procedure was quite casual: for example, *White Slave Traffic*, was permitted after a favourable report from the executive officer of the committee.[141] The fact that Belfast could act in this way showed the relative unimportance of Northern Ireland to the UK film censorship system. When the London authorities disagreed with the BBFC over *Married Love*, a compromise was reached in which the BBFC passed a cut version to prevent the system from collapsing.[142] No such arrangements were required for a small provincial city like Belfast. There was also a degree of self-censorship by the distributors and cinemas: *Irish Destiny* was not shown in the UK.[143] The manager of the

[137] NI Cabinet Conclusions, 25 April 1927, PRONI, CAB/4/192.
[138] Ibid, 19 April 1928, CAB/4/208.
[139] A. Robinson to T. M. Wilson, Lisburn UDC, 23 July 1929, NIMHA, HA/8/639.
[140] Belfast Corporation Police Committee, Minutes, 29 December 1921, LA/7/10AB/1/17.
[141] Ibid, 4 October 1928, LA/7/10AB/1/19.
[142] James C. Robertson, *The British Board of Film Censors: Film censorship in Britain, 1896-1950* (London, 1985), p. 32.
[143] Burns-Bisogno, *Censoring Irish Nationalism*, p. 45.

Midland Picture House also rejected several titles sent to him by film companies on the grounds that they were 'unsuitable for our audience'.[144]

In 1928, *Dawn* was rejected by the BBFC because it was deemed to be offensive to Germany. The Imperial government was also believed to want local authorities not to show the film.[145] This provoked some disquiet and questions in the British House of Commons.[146] The film was shown in Enniskillen[147] and the Belfast Police Committee allowed it without a screening on the grounds that the London County Council and several other British authorities had passed it.[148] This suggests that the Corporation was more responsive to local practice in Britain than a desire to please the Imperial government.

As in the south, *King of Kings* excited controversy in Northern Ireland. The BBFC had forbidden portrayals of Christ since it began work in 1912. The film's producers avoided the board and submitted it instead to individual local authorities.[149] Letters of protest followed both in Britain and Northern Ireland.[150] One correspondent condemned the film as an 'attempt to exploit the personality and life of our Blessed Lord for the purposes of making money'.[151] In Armagh the film was delayed for nearly a year but was shown. The cinema owners emphasized the fact that it was a 'reverent' treatment of its subject.[152] The film was shown initially to 'a considerable number of clergymen of all denominations' who were, the cinema owners claimed, 'loud in their

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[144] J. H. Craig to First National Pictures Ltd., 23 November 1925, PRONI, D3413/3.
[145] *Down Recorder*, 25 February 1928.
[146] *Fermanagh Times*, 1 March 1928.
[147] *Fermanagh Times*, 13 September 1928.
[148] Belfast Police Committee, Minutes, 17 May 1928, PRONI, LA/7/10AB/1/19.
[149] Tom Dewe Mathews, *Censored* (London, 1994), p. 67.
[150] *Down Recorder*, 27 August 1927.
[151] Ibid, 24 December 1927.
[152] *Ulster Gazette*, 7 April 1928, 16 February 1929.

praises'.[153] Belfast Corporation Police Committee also passed the film after viewing it.[154] Lurgan, however, prohibited the film on the grounds that 'it would open a very wide door if they allowed pictures to be shown which were not passed by the British Censor.'[155]

Cinemas were also under pressure not to open on Sundays. The powers of local authorities were limited in this respect. In 1924, the Armagh city council considered banning Sunday opening but was told that they would have to amend the cinema licenses to do so. Instead a resolution was passed calling on cinemas to close on the Sabbath. Its chief advocate explained that 'it would be painful to see a queue lined up at the picture house when people are coming out of church.' The motion was proposed to put pressure on a single cinema that was breaking an unwritten rule.[156] When the cinema ignored the resolution the council decided to single it out for an inspection by the City Surveyor to see if it met the appropriate health and safety requirements.[157] The cinema passed this test and the councillors reluctantly accepted this.[158] In Belfast, the Police Committee had sole discretion as to whether to grant permission for shows on a Sunday. In practice this was done only for religious shows usually organized by clergymen.[159] In Enniskillen there was controversy at the Urban Council over a showing of *The Ten Commandments* in the Town Hall, for charity, on a Sunday.[160]

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[153] Ibid, 23 February 1929.
[154] Belfast Corporation Police Committee, Minutes, 20 December 1928.
[155] *Down Recorder*, 6 April 1929.
[156] *Ulster Gazette*, 6 December 1924.
[157] Ibid, 10 January 1925.
[158] Ibid, 7 February 1925.
[159] Belfast Corporation Police Committee, Minutes, 24 September 1925, 28 January 1926, PRONI, LA/7/10AB/1/18.
[160] *Fermanagh Times*, 5 November 1925.

Northern Ireland seems to have experienced fewer concerns over film than its southern neighbour. *Gift of Life* was shown in Belfast although it had only been approved in London for adult viewing.[161] In Armagh, *Foolish Wives* was shown, despite its 'puritan critics'.[162] *The Kelly Gang* was also shown whereas in the south it was initially rejected as 'at present the showing of this picture would be dangerous', though it was passed on appeal.[163] Even Clara Bow's films were shown without comment.[164] At the same time the City Cinema in Armagh liked to advertise the fact that it catered 'for the needs of picture-goers who desire "clean stuff"'.[165] An article praising the cinema could even appear in Northern papers. One such piece praised the artistic value of cinema and expressed the belief that bad films were no worse than bad plays or novels and 'speedily die a natural death'.[166]

The UK government occasionally acted against communist films through the expedient of issuing warrants for their seizure. New Scotland Yard sent these to the RUC to allow them to seize the films in Northern Ireland. Customs were a reserved service. Some of the films banned through this method included several that were undoubtedly communist but were also among Russian cinema's greatest achievements: *The Mother*, *Battleship Potemkin* and *Ten Days that Shook the World*.[167] In practice these were treated differently to other seditious documents. Whereas the latter were frequently used as a means of getting convictions, the aim of the police where communist films were involved was to seize them: in 1929, for example, the Minister

[161] Belfast Corporation Police Committee, 20 October 1927, PRONI, LA7/10AB/1/19.
[162] *Ulster Gazette*, 3 January 1925.
[163] Register of Films Censored, 1 October 1924, NAI, DJUS, FCO4/98/29/1
[164] *Ulster Gazette*, 15 September 1928.
[165] Ibid, 1 November 1924.
[166] *Fermanagh Times*, 10 July 1924.
[167] M. Connnor [New Scotland Yard] to Inspector General RUC 2 May 1927, PRONI, NIMHA, HA/32/1/518.

for Home Affairs refrained from banning a meeting at which a copy of *Battleship Potemkin* was to be shown so that the RUC could capture it.[168]

The international context

The censorship systems of the two Irelands did not operate in a vacuum. Films were scrutinised by the studios during pre-production or distributuion. They were then censored before entering Britain by the BBFC. From 1926, the BBFC codified its rules and these bore several similarities to those applied by Montgomery. The British censors opposed nudity, semi-nudity, shadow nudity and leering at underclothes. Abortion, rape, brothels and venereal disease were not allowed. Religiously sensitive material included the materialized Christ, irreverence and mockery of services. 'Themes which are likely to wound the just susceptibilities of our allies' were to be avoided. Infidelity and collusive divorce was discouraged. A range of sexually suggestive scenes and characters ranging from habitually immoral women to passionate and unrestrained embraces drew the censors' ire. Imitable crimes and sympathy for criminals were among the forbidden portrayals of crime. Cruelty to children and animals was, along with realistic torture scenes, firmly banned. What differentiated the BBFC from the Irish film censor were the facts that the rules were applied more flexibly by the former and that it issued 'A' or adult only certificates which Montgomery refused to do.[169]

In the United States, the Motion Picture Producers and Distributors of America (MPPDA), under the presidency of former Postmaster General Will Hays, produced a loose set of rules called 'the formula' in 1924 to deflect criticism of their product. This

[168] W. A. Magill note, 16 December 1929, ibid, HA/32/1/569.
[169] Robertson, *The British Board of Film Censors*, pp. 180-2.

was refined in 1927 into the first production code, familiarly known as the 'Don'ts and Be Carefuls'. The eleven 'Don'ts' were not to 'appear in motion pictures irrespective of the manner in which they are treated.' They were: profanity, licentiousness or suggestive nudity - 'in fact or in silhouette', illegal drugs, sexual perversion, white slavery, miscegenation, venereal disease, actual childbirth, children's sex organs, ridicule of the clergy and wilful offence to any nation, race or creed. The 'Be Carefuls' were subjects where 'special care' was required. These included: international relations, a wide variety of crimes, marriage, seduction, religion and 'excessive or lustful kissing'.

Other countries had their own systems. In the Netherlands and Scandinavia, violence was considered more serious than sex. South African and Australian censors were considered more prudish than their British counterparts. In France film censorship was, from 1928, directly connected to issues of trade and national interest and all Soviet films were banned.[170] In 1927, the Roman Catholic Church in France, responding to the urgings of Pope Pius XI, set up the *Comité Catholique du Cinema* to publish notes on new films for local clergy.[171]

Censoring Sound Films

The 'talkies' posed a special challenge to the Irish Free State censorship. The BBFC was equipped with the relevant technology quite quickly. In Northern Ireland, the local authorities censored films by watching them in cinemas either in regular performances or special screenings. The cost of converting to sound was, therefore, borne by the

[170] Richard Maltby, 'Censorship and Self-Regulation' in Geoffrey Nowell-Smith, *Oxford History of World Cinema*, op. cit., pp. 236-41.
[171] Colin Crisp, *The Classic French Cinema 1930-1960* (Indiana, 1993), p. 255.

cinema owners. The advent of sound films caught the Irish Free State completely by surprise. The early sound systems were disk based which meant that it was impossible to censor the sound if the film was cut. The censor's office lacked the expensive equipment needed to hear sound films and it was doubtful whether the legislation covered the spoken word element of the 'talkies'. Montgomery made do for a time with copies of the screenplays but complained that the fashionable musicals contained ostensibly harmless lyrics that became 'charged with double entendres' when sung.[172] As the 1923 Act was not considered sufficient, he was unable to accept an offer from Warner Bros. to send him to London to censor their films in a fully equipped theatre.[173]

The need for new legislation and equipment became clear when the Appeals Board declared itself unable 'to come to any decision on a talking film, where only the pictures and not the words or sound can be submitted' and adjourned itself pending the introduction of a new bill.[174] The Minister for Justice claimed that he was reluctant to bring forward new proposals without 'a clear and definite public feeling' and denied that the board had any right to adjourn in this way.[175] Quite what he was waiting for is not clear; even the *Church of Ireland Gazette*, which had been deeply unhappy with the Censorship of Publications Bill, had predicted that sound films would require 'more stringent control' throughout the world.[176] The problem was the cost of updating the censor's equipment.[177] Eventually a compromise was reached: the Appeals Board would hear cases on a temporary basis and the department would expedite the

[172] Montgomery to O'Friel, 17 September 1928,NAI, DJUS, H231/33.
[173] O'Friel to Montgomery, 23 February 1929, ibid.
[174] L. Ní Bhraonáin [Secretary to the Appeals Board] to O'Friel, 5 June 1929, ibid.
[175] S. A. Roche to Ní Bhraonáin, 7 June 1929, ibid.
[176] *Church of Ireland Gazette*, 3 May 1929.
[177] J. O'Farrell to Secretary Department of Justice, 11 October 1929, NAI, JUS, H231/33.

necessary legislation.[178] Acting with great caution, the minister set up a committee to examine the issue that took five months to report. It discovered that sound films had grown in 1929 from one per cent to fifty four per cent of all films produced and predicted that soon all films would have sound. The problems facing the state in dealing with this were not philosophical but legal and financial.[179] They were resolved by the Censorship of Films (Amendment) Act 1930 which extended the censor's powers to allow him to deal with sound films..

Two Irelands - two regimes.

Attempts to control cinema in the two Irelands took place within different religious contexts. Although there were few substantial divisions between the major denominations over what kind of material they considered unsuitable there was a difference of emphasis. Roman Catholicism combined a deep suspicion of the film business with a greater degree of activism against objectionable films than that of Irish Protestantism at this time. It also possessed a unique relationship with the Free State government that won it a more sympathetic hearing for its views.

The southern government had other reasons for acceding to the requests of the churches for a film censorship. Most independent countries had some system for weeding out objectionable films and the Free State used the opportunity to separate itself simultaneously from the laws of Westminster and the morals of Wardour Street, to paraphrase Montgomery. The form of censorship adopted was shaped by suspicion

[178] Ní Bhraonáin to O'Friel, 6 September 1929, ibid.
[179] 'Report of the Committee on Censorship of Talking Films', 5 February 1930, ibid.

of film business, which ruled out self-regulation, and by a lack of confidence in local government that seemed to make a British style system ineffective.

The Northern Irish government represented a reverse image of the south on this issue. In some ways the absence of a distinctively Northern Irish censorship was an assertion of Unionism. What was good enough for Britain would serve Ulster. This tendency was supported by the lack of organized pressure for stricter regulation. The churches were more concerned with education and temperance reform, the police with security and the loyal institutions seemed to have paid the cinema little heed. Government parsimony completed the case against radical reform.

Censorship served to defend the conservative, Christian values of the vast majority of the population of both regions in this period. Films were censored according to a common philosophy. What is remarkable about the sentiments expressed in Montgomery's notes, the BBFC rules and the 1927 Hollywood production code is their similarity. All were concerned with defending piety and morality and protecting young people from criminal influences. Montgomery's strictness reflected both his personal beliefs and the greater homogeneity of southern Irish society, especially where divorce was concerned. Operating in a predominantly Roman Catholic country amid vocal calls for stricter censorship it was not remarkable that he went beyond British and American norms; had he not there would have been no need for him.

Underlying the censorship of film lay a fear of the effect of a mass medium on the social order. Every campaigner for censorship expressed concern for children and Montgomery made it explicit that cinema could not be treated like the theatre because it was seen by a working class audience. This approach could not be reserved to film.

Working class audiences bought popular novels and Sunday newspapers. Censorship campaigners felt obliged to address this issue also but faced the problem that publications were not as easily regulated as films.

Chapter 3: Censorship of Publications 1922-29

As part of the legacy of the union, the two Irelands possessed the same set of laws regulating the printed word as Britain (see Introduction). One difference between the two jurisdictions was that Northern Ireland had no control over customs matters.[1] Therefore the history of censorship in Northern Ireland was intimately involved with that of the UK as a whole. The Irish Free State had more freedom of action and some campaigners argued that censorship could act as a barrier, isolating independent Ireland from foreign – especially British – cultural imports.

The moral environment

Campaigners against controversial publications came from the main Christian churches across the island. Their desire for reform of the laws on obscenity was rooted in a sense that there had been a decline in morality during the previous eight years of war and revolution. According to Rev. M. H. MacInerny, the editor of the *Irish Rosary,* 'the turmoil of the last four years [1918-22] has crippled the [vigilance] association's activities with the result that the banned [sic] Sunday papers now circulate almost as freely as ever'.[2] The *Irish Catholic* described the state of the country in 1924 as 'a pathological crisis' as the nation was 'convalescing from the fever and prostration of two wars.'[3] The vigilance committees seem to have lost some of their zeal: Eason received less correspondence from them[4] and important members like Richard Devane SJ began to concentrate on seeking legal reform. During this period, the British Home Secretary, Sir William Joynson-Hicks, was similarly concerned with indecent

[1] C.W. Shewell, minute, 8 April 1929, PRONI, NIMHA, HA/8/639.
[2] M. H. MacInerny, 'Catholic lending libraries' in *Irish Ecclesiastical Record*, 5 series, Vol. 19 (January-June 1922), p. 562.
[3] *Irish Catholic*, 23 February 1924.
[4] Cullen, *Eason & Son*, p. 262.

literature and he presided over an increase in the number of prosecutions for the importation of indecent books.[5]

The Northern Irish press was also active in the matter. An article in the *Derry People* in 1922 that was reprinted from the *Catholic Truth Annual* put forward arguments that would soon become familiar. The author condemned 'a class [of literature] emanating from no well-known author of established literary repute, and which in style or the manner of treatment of the subject can hardly be called classic.' By this he meant the 'abominably written' modern novel. Books, he asserted, should not contain 'moral or immoral conundrums', 'mysteries of psychology', 'bigamy, divorce nor hereditary disease'. All of these themes were prominent in the books that flooded bookstalls and libraries. He informed his readers that 95% of books borrowed from libraries were novels and that these were not the classics, by which he meant Dickens, Trollope or Scott, but '*risqué* and frequently prurient' books. He claimed that the borrowers were mostly women.[6]

In January 1922, *Our Boys* began a campaign for clean literature. It published resolutions signed by forty-two newsagents pledging not to stock 'literature calculated to lower the Catholic mind of the young'. By February, the newsagents' representative had expressed a willingness to set up a committee of the their members, the vigilance associations and the board of film censors (presumably local authority censors).[7] In March the congregation assembled at St. Patrick's Cathedral in Armagh to receive the papal benediction from Cardinal Logue heard a sermon by Fr. Joseph from Dublin on the perils of obscene literature.[8] The Roman Catholic Bishops' Lenten pastorals of 1924 served as a call to arms on the subject of public

[5] Alan Travis, *Bound and gagged: a secret history of obscenity in Britain* (London, 2000), p. 87.
[6] *Derry People*, 14 October 1922.
[7] Cullen, op. cit., pp. 261-2.
[8] *Irish Catholic Directory* 1923, p. 555.

morality. Although they reserved their strongest barbs for the evil of immodest dancing, the hierarchy also condemned 'unclean' literature in no uncertain terms. The Bishop of Clogher alleged that thirty tons of newspapers reporting 'the scandals of the world' were 'dumped on our shores' every week. He connected this sort of journalism to the 'pleasure-mad, self-gratifying, materialistic mode of life' of the modern age epitomised by the lifestyles surrounding the theatre, cinema, billiard club and jazz music.[9] Cardinal Logue, in Armagh, condemned the decline in modesty he had observed among women, while Archbishop Byrne of Dublin advocated a revival of a strong, Catholic public spirit to combat these evils.[10] The Archbishop of Tuam, addressing a Catholic Truth Society conference later that year, called for the exclusion from Ireland of 'corrupting books'.[11] Not every locality experienced as much pressure. Two sermons by different priests in Kilkenny both pointed out that the demand for Sunday papers and novels in the town was unusually low.[12]

Protestant churchmen also raised the issue. Rev. W. A. James from Belfast preached against Sunday papers which 'catered for low moral taste, and as for as he could see, contained mainly accounts of murder trials and divorce actions.[13] The *Irish Churchman*, commenting a recent murder case, recorded 'our protest against the disgusting and demoralising manner in which these facts were dangled in the public eye, especially in the columns of English newspapers.'[14] The paper later carried an article attacking such papers for their irreverent attitude to Christianity.[15] The Presbyterian *Witness* commented sadly that 'there seems to be a growing habit

[9] *Irish Catholic*, 15 March 1924.
[10] Ibid, 8 March 1924.
[11] *Irish Catholic*, 11 October 1924.
[12] *Kilkenny People*, 12 & 29 March 1924.
[13] *Church of Ireland Gazette*, 2 March 1923.
[14] *Irish Churchman*, 18 January 1923.
[15] Ibid, 1 March 1923.

of buying and reading the Sunday newspapers.' At the Belfast synod the Rev. J. W. Gibbs complained that 'the Sunday newspaper was not only on sale but regularly bought and read by their people.'[16] He mentioned the issue again the next year.[17]

Events abroad had some effect on the debate. In 1923, the Second International Convention on Obscene Publications was signed in Genva. This agreement failed to define obscenity due to a dispute between Britain and France over jurisdiction. It also left open the question of whether publications advocating birth control were obscene. It did form an agreement, at least in principle, that countries would act to end the trade in obscene publications and prosecute those involved.[18] The British government consulted Northern Ireland about applying the convention to the province. The Home Office advised the northern cabinet that 'all parts of the British Empire should co-operate in bringing this disgraceful trade to an end.'[19] Northern Ireland agreed and British ratification ensued. This brought the UK, New Zealand, South Africa and India into the convention, the Irish Free State signed separately.[20]

In the UK, Sunday papers came under increasing criticism for their lurid reporting of divorce cases. In 1922, the Home Secretary promised action to curtail such publications. The *Irish News* welcomed this as 'not too soon' and hoped the Irish Free State would also act. It made its feelings about its less savoury fellow newspapers clear:

> After some experience of their [the laws'] operation it may fortunately be discovered that there are other matters besides divorce cases in which certain newspapers require censorship in the public interest. The decent public do not want the wretched stuff which attracts the coppers of the

[16] *Witness*, 27 April 1923.
[17] Ibid, 28 March 1924.
[18] Norman St. John-Stevas, *Obscenity and the Law* (London, 1956), pp. 96-97.
[19] John Anderson (Home Office, London) to the Imperial Secretary to the Governor of Northern Ireland, 6 November 1923, PRONI, Cabinet Secretariat, CAB/9B/102/1.
[20] R. H. Campbell (Foreign Office) to the Secretary General of the League of Nations, 9 December 1925, ibid.

> mob and we would be glad if it were made impossible for any publication to poison feeble minds in the manner at present so general, especially in the weekly press.[21]

The unionist *Down Reporter* agreed with such sentiments, especially after the reporting of the celebrated Russell divorce case. It claimed that in every other country in the world it was impossible to print anything other than the results of a divorce case and that the excesses of the British popular press were 'unparalleled possibly in any country in the world'.[22] It is interesting that there were no calls for exclusively Northern Irish legislation. The northern government had no control over what was published in Britain and the lack of agitation for censorship of this sort in the region suggests that newspapers published there were not among the offenders. This is confirmed by reading Northern Irish newspapers for the period. A letter to the *Down Recorder* in 1923 congratulated them on 'not following the bad example of their British contemporaries'. The paper's editorial argued that 'the Sunday newspapers are such sinners...that it is little wonder that a ban has been put upon them in various parts of Ireland.' [23]

The bill introduced in the UK parliament proposed to ban indecent matter, medical, surgical or psychological details 'calculated to injure public morals or otherwise be to the public mischief' in separation, divorce or nullity cases.[24] The bill was finalised only in 1925 when the *Down Recorder* welcomed it as a balanced reform in which 'the freedom of the press is carefully preserved, it is only the abuse of that freedom which is restricted'.[25] When the bill passed its second reading in 1926, the *Irish Churchman* welcomed it, as 'we believe that the passage of this

[21] *Irish News*, 20 July 1922.
[22] *Down Recorder*, 29 July 1922.
[23] Ibid, 24 March 1923.
[24] Ibid, 4 August 1923.
[25] Ibid, 11 April 1925.

measure into law would have a very salutary effect.'[26] The eventual Act was not applied to Northern Ireland, a fact that was regretted by the Presbyterian General Assembly of 1927.[27] This suggests that the government did not feel that the northern press required such measures to prevent abuses.

The libraries

Many Irish people got their books through the public libraries. Since 1913, these had been run by the Carnegie trust. Books were kept at repositories in county towns and distributed periodically to local centres.[28] The Irish Advisory Committee to the trust became controversial in July 1924 when its president, Lennox Robinson, published a short story, 'The Madonna of Slieve Dun', in Liam O'Flaherty's short-lived paper *Tomorrow*. The Talbot Press had already refused the story, which concerned single motherhood, and rumours began that the Free State government would intervene and ban the new paper. The Carnegie committee split bitterly and both the Roman Catholic and the Church of Ireland representatives resigned in protest at Robinson. In December the Carnegie trust intervened by suspending the committee and dismissing Robinson.[29]

After the scandal the Galway circulating libraries decided to send their catalogues to the Catholic Archbishop of Tuam for vetting. Several books were withdrawn including 'treaties [sic] on philosophy and religion which were definitely anti-Christian works' and novels which fell into one of five categories:

> (1) Complete frankness in works dealing with sex matters; (2) insidious or categorical denunciations of marriage or glorification of the unmarried mother and the mistress; (3) the glorification of physical passion; (4)

[26] *Irish Churchman*, 22 April 1926.
[27] *Presbyterian General Assembly Report 1927*, p. 112
[28] Library Association of Ireland, *Report of the Executive Board 1928/29*, pp. 8-10.
[29] Lennox Robinson (ed.), *Lady Gregory's Journals* (Dublin, 1946), pp. 276-81.

> contempt of the proprieties or conventions; (5) the details and the stressing of morbidity.[30]

In the Kilkenny county rural libraries, even before the scandal, the works of Bernard Shaw were banned. The *Kilkenny People* considered it ridiculous that 'the most brilliant living writer for the stage in any country in the world' was banned in Kilkenny. It argued that if Irish people were only allowed to read things they agreed with 'our brains will soon be reduced to pulp.'[31] According to Cathal O'Shannon, many libraries withdrew the novels of Liam O'Flaherty and Thomas Hardy from their shelves at this time.[32]

In acting in this way, the county committees most likely felt they were carrying out their duties 'to see that the books provided are in every way suitable.'[33] In 1925 the Carnegie trust decided that counties that had failed to establish a library scheme by 1930 would be ineligible for help from it. Local authorities were required to strike a rate to maintain the libraries and by 1929 there were fifteen county library schemes in the Irish Free State and five in Northern Ireland. In the latter the Public Libraries Bill enabling the setting up of such schemes was debated in 1924 and passed into law. The only questions regarding book selection were posed by Dehra Chichester MP for Londonderry County. She pointed out that literature 'can do an inestimable amount of harm unless it is properly supervised and selected.' She demanded that the books chosen for Northern Irish libraries should be 'suited to the needs of the Ulster population' and questioned the provision of books on Irish history, which she called 'a debatable subject' and not

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[30] *Galway Observer*, 6 December 1928.
[31] *Kilkenny People*, 12 July 1924.
[32] Cathal O'Shanon, 'The fight over censorship in the Irish Free State' in *Evening Times*, 24 February 1928, Irish Labour History Society Museum & Archives [ILSHA], Cathal O'Shannon papers, COS/51.
[33] Library Association of Ireland, *Report of the Executive Board 1928/29*, p. 10.

one written from 'an Imperial standpoint'.[34] Senator James Leslie also advised that 'we do not want to banish classics from our libraries but we do want to exercise some discrimination' against 'trashy' or 'pernicious' books.[35] Based on the reports of meetings of library committees in various local newspapers and local authority minutes, book selection worked in one of two ways. In some cases, such as Belfast and Lurgan, the librarian was solely responsible for selecting books and the library committee confined itself to matters of finance. In others, such as Antrim and Fermanagh, a library selection committee decided what books would be bought. Antrim adopted a quota system whereby adult fiction was limited to 35% of books purchased and juvenile fiction to a further 30%.[36] In Fermanagh, the Book Selection Committee encouraged members of the library to report books they considered unsuitable. Three members of the selection committee judged such books. If two of them voted to withdraw the book, it was removed from the shelves and kept by the librarian to be given out if specially requested. If all three decided the book should be removed, it was withdrawn altogether.[37] In Belfast, when a complaint was made, the Library Committee followed the advice of the librarian and took no action.[38] Libraries in the Irish Free State seem to have followed similar procedures.

The campaigns for censorship

In 1925 the Catholic Truth Society of Ireland was substantially reorganised under the leadership of its energetic secretary Frank O'Reilly and the organising secretary Hugh Allen, who was a journalist at the *Evening Herald*. The Roman Catholic

[34] NIHC debates, Vol. VI, 6 May 1924, 725-6
[35] Northern Ireland Senate debates [NIS], Vol. III, 20 March 1924, 41.
[36] Minutes of Co. Antrim Book selection committee, 7 March 1925, PRONI, LA/1/3AG/40.
[37] *Fermanagh Times*, 9 July 1925.
[38] Minutes of Belfast Library, Museum and Arts Committee, 30 December 1927, PRONI, LA/7/14/AA/2.

hierarchy supported the organisation and preachers from the religious orders gave special sermons in parishes across the country.[39] Bishop O'Donnell of Armagh endorsed the society in his Lenten pastoral of 1925.[40] It organised a campaign in Derry in December where priests gave sermons condemning 'the corruption of countless minds' by 'evil literature' and the 'suggestive filth flung upon the screen of the cinema.'[41] It also organised in Belfast.[42] The society increased its membership and activity greatly over the next several years. In Tralee, for example, the number of publications it distributed grew from 9,628 in 1926 to 62,698 by 1929.[43]

In May 1925, the CTSI set up a special sub-committee to examine the issue of 'evil literature'. This body included William Magennis, Michael Tierney, professor of Greek at UCD, and Rev. M. H. MacInerney, the chairman of the IVA and the editor of the *Irish Rosary.* They recommended that the society follow the example of Fr. Richard Devane and put forward 'reasonable and effective demands' supported by public opinion.[44] Several members of this committee were members of the Knights of St. Columbanus which also had a strong presence within the other vigilance organisations. Many councils of the Knights had their own vigilantes who watched the ports and lobbied for quotas to be placed on imported newspapers and for more customs inspectors to be hired.[45]

The Irish Vigilance Association announced a 'New Forward Movement' in January 1925. One of its leaders, Rev. J. S. Sheedy outlined its programme, warning against the 'recrudescence towards paganism as part of the aftermath of the Great

[39] *Derry People*, 17 January 1925.
[40] *Irish Catholic Directory 1926*, p. 559.
[41] *Derry People*, 12 December 1925.
[42] *Irish Catholic*, 30 May 1930.
[43] *Up and Doing*, Vol. 1, No. 1, May 1935, p. 20.
[44] Curtis, 'Catholic action', pp. 178-9
[45] Evelyn Bolster, *The Knights of Saint Columbanus* (Dublin, 1979), p. 50.

War.' The new campaign would recruit the young to lobby for a ban on unfit 'periodicals, novels and newspapers' and the enforcement of 'certain guiding principles' in the theatre. He accepted that voluntary action alone was not going to solve the problem - a significant change in the tactics of the vigilance organisations. Instead he called on the government to find a definition of 'indecency', which would make the law effective.[46] By the autumn of 1925, the *Irish Catholic* was praising the efforts of the Dublin based Good Literature Guilds, affiliated to the IVA, which promoted Catholic newspapers.[47] The *Derry People* also praised the campaigners for 'the cause of good literature'. It echoed the reformers claim that 'day by day many tons of filth are deposited on the shores of Ireland brought into the most out of the way rural districts'. It argued that while such publications might initially be read out of curiosity, it would soon become habit forming until 'readers are the slaves to the degraded appetite that can only be satiated with the records of the most repulsive crime that English criminals are addicted to.'[48]

In August 1924, a newsagent in Tuam reported to the Gardaí that he feared that vigilantes would destroy papers sold by him because they appeared on the *Our Boys* list. In common with many others, the seller was an agent for a newspaper, in this case the *Connacht Tribune*, and could not refuse to sell the papers although he had been forced to sign an undertaking to do so.[49] In 1925 Eason's agent in the town reported that 'all 2d novels are stopped here'. [50] The local vigilance association, spurred on by the support of the Catholic Archbishop, had recruited the help other local organisations including the Society of Saint Vincent de Paul, the Sacred Heart

[46] *Irish Catholic*, 24 January 1925. According to Curtis [op. cit., p. 181], the IVA was by this time run by the CTSI but it is not clear how he came to this conclusion.
[47] Ibid, 5 September 1925.
[48] *Derry People*, 7 March 1925.
[49] H. Ruddy [Tuam Superintendent's Office] to Chief Superintendent, 22 August 1924, NAI, DJUS, H180/16.
[50] Cullen, *Eason & Son*, p. 263.

Sodality, the Pioneers and the local Sinn Féin club.[51] The same year, the commander at the Curragh banned several papers sold by the Eason shop at the camp.[52] Charles Eason had been warned that the Catholic Truth Society was behind agitation against publications sold in his shops.[53]

The Irish Free State government response

In 1925 Kevin O'Higgins, the Minister for Justice, met representatives of the Priests' Social Guild and the Irish Vigilance Association. He avoided committing the government to their agenda arguing that the country could not afford the measures they wanted and that a whole new department might be required.[54] In January 1926, the Secretary of the Department of Justice, wrote to the High Commissioner in Britain, Eoin MacNeill in exasperation. His minister was 'being subjected to considerable pressure' from vigilance associations, the Catholic Truth Society, priests and bishops to control indecent literature and 'certain inventions of a contraceptive order.' In his opinion the problem was 'bristling with difficulties.' Contraception would 'be one of our big rocks', he wrote, as the main Christian churches held 'radically different views' on the subject. He feared that if the state banned advertisements or literature about birth control, it would find itself under intense pressure to ban the 'contraceptive articles themselves'. He accurately foresaw that 'many clergy would expect us to do this and I do not see that it is our business.' He believed that the state had no right to dictate to people what they could buy in accordance with their consciences. He concluded that 'the subject is not very savoury but as the pressure on the minister to do something is great, the

[51] *Irish Catholic*, 15 August 1925.
[52] Cullen, *Eason & Son,* p. 263.
[53] Ibid.
[54] M. H. MacInerny, 'Comments on the foregoing article' in *Studies,* December 1927, p. 555.

whole question has to be considered.'[55] MacNeill firmly advised him to avoid legislation, arguing that the government could 'use the Customs Acts most effectively' and threaten the newsagents that 'if need be you will examine every book in every consignment'; those dissatisfied with the results of this policy would have to take their complaints to court where 'a public outcry on their behalf is unlikely.'[56]

MacNeill clearly underestimated the ferocity of the campaign for reform of the obscenity laws. Brother Craven, the editor of *Our Boys*, sent the Minister for Justice large petitions collected around Cork by boys from the local Christian Brothers schools and warned that if this government did not act he would seek help from De Valera.[57] The CTSI was demanding extreme measures and confidentially circulated a draft bill to license booksellers in the same manner as pubs. District Justices would be able to refuse licenses to applicants who had not 'taken all reasonable precautions to guard against the distribution of immoral or dangerous literature', a register of prohibited publications would be prepared by the Department of Justice and, in the event of a publication being banned, all the output from the printer or publisher would also be prohibited.[58] It seems likely that this proposal was circulated for tactical purposes: to define the terms of the debate and to maintain the pressure for reform. The CTSI's own committee on the subject had not managed to develop a suitable definition of obscenity or to agree on an easy remedy. The government's decision, in early 1926, to set up a Committee on Evil Literature to examine the whole question was, therefore, understandable. It gave the appearance of action while making no commitments. While the committee sat, newspapers were

[55] O'Friel to MacNeill, 21 January 1926, NAI, DJUS, JUS7/1/4.
[56] MacNeill to O'Friel, 13 March 1926, ibid.
[57] Craven to Minister for Justice, 10 December 1926, ibid, JUS7/1/5.
[58] 'Outline of suggested legislation for the suppression of immoral and indecent literature in the Irish Free State', UCDA, Tierney papers, LA30/333(19).

seized and destroyed in Kanturk, Cobh, Killiney and Cork. In the latter case, those accused of the damage were defended by local clergymen and at a monster meeting in Grand Parade, a letter from the local bishop supporting tighter controls on newspapers was read and a motion to that effect was moved by the Minister for Post and Telegraphs, J. J. Walsh.[59]

The arguments for censorship

When discussing censorship, the danger of anachronism is always present. Woodman has dismissed the case put forward by pro-censorship campaigners as 'a motley crew of arguments'.[60] It must be asked how then, these supposed intellectual pigmies not only won the debate in the nineteen twenties but preserved their victory for at least another thirty years. To explain this phenomenon it is necessary to look afresh at what those who wanted stricter laws were saying.

The campaign against immoral publications concentrated first of all on imported newspapers, especially the Sunday press. These were an easy target: they were populist, somewhat vulgar and many carried advertisements for suppliers of birth control products. MacInerny described them as 'not fit reading for Catholic people' as their appeal was based on 'stories of crimes and sexual infamy served up hot and strong' to make them attractive. He also pointed out that 'most of them were brutally anti-Irish during the whole period of the Troubles'.[61] The foreign press found its most determined opponent in the person of Fr. Richard Devane SJ. The son of a Limerick merchant, he had been a curate in a working class parish between and garrison chaplain in his home town for several years before joining the Jesuits in 1918. He was, by 1925, director of a retreat house for working men and was

[59] Cullen, *Eason & son,* pp. 264-7.
[60] Kieran Woodman, *Media Control in Ireland 1923-1983* (S. Illinois, 1985), p. 43.
[61] MacInerny, 'Catholic Libraries', p. 561.

forty-nine years old.[62] He was energetic, committed and intelligent: capable of formulating detailed and logical arguments supported by huge quantities of factual material.

Devane argued that 'our new-won powers to legislate according to Irish ideals and Catholic standards'[63] should be used to break what he later called 'the stranglehold of an alien press' which offered 'overpowering competition' to the Irish newspapers.[64] Despite the fact that the Irish press had 'upheld morality in the face of many inducements from cross channel purveyors of filth'[65], the British press sold so well that 'no other civilised nation is dependent on outside journalism to the extent we are' he claimed.[66] This sort of intellectual protectionism could be used to counter even legal difficulties: Devane complained to Fr. Dempsey of the Committee on Evil Literature that 'the legal mind is still dominated by English tradition and practice'.[67] Devane campaigned for Irish newspapers to be protected by both stronger obscenity laws and a tariff on foreign competitors. This had the attraction of linking a moral issue to a fashionable economic cause and connecting the campaign for clean literature to the 'Irish-Ireland' ideals held by many at the time. Devane intended the tariff to apply only to 'popular' publications: literary, scientific, artistic and trade journals would be exempt.[68]

Devane's view was backed by MacInerny[69] but Michael Tierney, then a Cumann na nGaedheal TD for the NUI and no longer a part of the pro-censorship

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[62] Obituary, *Irish Province News*, Vol. VI, No. 1, January 1950, p. 82, IJA, Devane papers, J44/1.
[63] R. S. Devane, 'Indecent Literature - some legal remedies' in *Irish Ecclesiastical Review*, 5 series, 25 (1925), p. 182.
[64] R. S. Devane, 'Suggested tariff on imported newspapers and magazines' in *Studies*, 16 (December 1927), p. 545.
[65] R. S. Devane, 'Indecent Literature', p. 194.
[66] R. S. Devane, 'The gravity and extent of the evil of certain English press publications' NAI, DJUS, JUS7/2/9.
[67] Devane to Dempsey, 21 April 1926, ibid.
[68] Devane, 'Suggested tariff', p. 551.
[69] M. H. MacInerny, 'Comment on the foregoing article', pp. 554-6.

campaign, had his doubts. He claimed that 'a good deal of the attacks on the alien press...[are] hypocrisy so long as they let our own equally objectionable press go free.' His answer was to ban all reporting of foreign crimes.[70] Senator P. J. Hooper, the former editor of the *Freeman's Journal*, also expressed misgivings about simplistic solutions. He argued that the problem was one of public taste, which not even censorship would improve, and a lack of enterprise among Irish publishers.[71] Most proponents of censorship denied this. The Catholic Writers' Guild told the Committee on Evil Literature that all bad newspapers were imported and, while it exempted some such as the *Sunday Times* or *Observer*, the foreign press was guilty both of making feature stories out of the reporting sexual crimes and - even worse in their view - carrying advertisements for birth control products.[72]

While advocating intellectual protectionism, those in favour of censorship also presented their proposals as part of an international trend. MacInerny had held New Zealand up as an example of a state, which had legislated to keep out 'noxious' papers.[73] The Catholic Truth Society of Ireland, in its evidence to the Committee on Evil Literature, spoke in glowing terms of the restrictions on birth control literature and products in France, the USA, Canada, New Zealand and the Australian states of Tasmania and Victoria.[74] The Committee held its own investigations into the subject and examined extracts from the Australian Trade and Customs Orders and parliamentary debates, the Canadian Postal Guide, the 'black list' of publications banned in Canada, the South African Union Customs Management Act, and the League of Nations International Convention for the Suppression of the Circulation

[70] Michael Tierney, 'Comments on the foregoing article' in *Studies* 16 (December 1927), p. 558.
[71] P. J. Hooper, 'Comments on the foregoing article', ibid, pp. 558-60.
[72] Evidence of P. de Búrca to CEL, 28 April 1926, NAI, DJUS, JUS7/2/5.
[73] Rev. M. H. MacInerny, 'Catholic Libraries', p. 563.
[74] 'Evidence of the Catholic Truth Society to the Committee on Evil Literature' [1926], Michael Tierney papers, UCDA, LA 30/333(3).

of and Traffic in Obscene Publications (1923).[75] This demonstrates that, while Irish-Ireland concerns were a part of the censorship debate, the policy was not drafted in isolation nor were its architects oblivious to international practices. Their source for most of this material was Richard Devane. In a curious twist he had received it from the British Association for Moral and Social Hygiene who had got it from the British Home Office.[76]

The most contentious item on the reformer's agenda was birth control. As we have seen, the government was afraid of alienating the Protestant community and interfering in people's private lives if it were to be forced to ban contraceptives. On the other hand, advertisements for contraceptives and articles supporting birth control were, as far as the pro-censorship lobby was concerned, among the most objectionable features of the foreign press. In 1925 Devane had argued that there had been a massive growth in birth control literature since the war referring particularly to the popular press and the Stopes trial.[77] The CTSI supported this contention and supplied the Committee on Evil Literature with a long list of offending publications ranging from books by Marie Stopes, Isobel Hutton and Oster Mann, through advertisements in newspapers and magazines and including articles in the press on the subject which backed the views of the birth control advocates. The society endorsed the views of the Rev. Vincent McNabb OP that birth control was 'mutual marital masturbation'.[78] Other anecdotal evidence was given, including the allegation, from the Catholic Headmasters' Association, of 'a Jew who had a lot of Marie Stokes's [sic] books and went through the country

[75] DJUS to Committee on Evil Literature 12 February 1926, NAI, DJUS, JUS/7/1/2.
[76] PRO, HO45/20912.
[77] Devane, 'Indecent Literature', p. 194.
[78] 'Evidence of the Catholic Truth Society of Ireland' op. cit., pp. 6 & 11.

selling them.'[79] W. B. Joyce, a former activist with the Vigilance Association asserted that 'some of the Sunday papers were good journals...we objected to certain advertisements.'[80] The government was put in a difficult position later in the year when the Archbishop of Dublin complained that he had received, unsolicited, circulars advertising a 'very objectionable type of publication [probably birth control literature].'[81] A mortified J. J. Walsh promised that 'every possible step has been taken' and that the state's defences against such intrusions would be tightened.[82]

The campaigners were clear enough about what they wanted banned: indecent publications, reports of divorce cases and sexual crimes, exploitative reports of other crimes and advertisements for or articles endorsing birth control. They had more difficulty, however, finding a definition of obscenity or indecency. This had been a problem with obscenity law for decades; based mainly on the fact that most definitions of the words in question were vague at best. The prevailing legal standard had been set by Lord Justice Cockburn (see Introduction). The campaigners believed that this test had been so strictly interpreted as to become ineffective. Devane, claimed that 'English social and moral ideals and teachings', had undermined the judgement.[83] Nonetheless, he admitted to the Committee on Evil Literature that 'if we make it [the definition] too comprehensive I think it will involve us in continual prosecution.' He felt that this reinforced the case for a censorship board, which could develop a blacklist without going through the courts. He firmly adhered to the view that standards should be set based on what one would

[79] Evidence of Rev. M. Quinlan SJ to CEL, 21 April 1926, NAI, DJUS, JUS7/2/3.
[80] Evidence of W. B. Joyce to CEL, 21 April 1926, ibid, JUS7/2/12.
[81] Fr. O'Donnell, Secretary to Dr. Byrne to Minister for Posts & Telegraphs, 6 November 1926, DDA, Byrne papers, Posts & Telegraphs file.
[82] Walsh to O'Donnell, 8 November 1926. ibid.
[83] Devane, 'Indecent Literature', pp. 189-90.

put 'into the hands of a girl of sixteen years of age.' [84] His preferred formulation was 'anything calculated to influence the passions or to suggest or invite to sexual immorality or in any other way to corrupt or deprave.' This was supported by other organisations, particularly the Catholic Headmaster's Association.[85] By contrast, the Catholic Writer's Guild opposed the idea of a strict definition, preferring a system of minimum standards. These would have outlawed material on birth control or venereal disease, and that 'offensive to moral sense or decency'.[86] The Christian Brothers recommended that the definition be broad and suggested 'insulting to modesty.'[87] The Marian Sodalities agreed that the terms 'indecent' and 'obscene' were unhelpful and argued that it was also pointless to try to prove that harm had been caused as 'a sanitary engineer in condemning a drain does not need to show that it has made a particular person sick.'[88]

The CTSI's arguments on this subject showed considerable care. It first defined decency as 'the sense of honest shame caused by the apprehension of something likely to outrage propriety, modesty or honour.' Indecency was therefore more serious in regard to children who were not yet protected by a fully developed sense of decency. Furthermore, obscenity was culturally conditioned, the CTSI argued. It could be defined only as material 'offending the cherished traditions of their [the committee's] and our Irish ancestors.'[89] At a rhetorical stroke, modernism, internationalism and the foreign media were vanquished. Common to all the arguments of the pro-censorship lobby was the belief that formulating a legal form

[84] Evidence of R. S. Devane to CEL, 24 June 1926, NAI, DJUS, JUS7/2/9.
[85] Evidence of Rev. M. Quinlan S. J to CEL, 21 April 1926, ibid, JUS7/2/3.
[86] Evidence of P. de Búrca to CEL, op. cit.
[87] Evidence of Br. Craven to CEL, [March 1926], ibid, JUS7/2/7.
[88] Evidence of Rev. Thomas F. Ryan S.J. to CEL, 28 June 1926, ibid, JUS7/2/15.
[89] Evidence of the Catholic Truth Society to CEL, UCDA, Tierney papers, LA30/333/(3).

for these aspirations was a job for lawyers. The Irish Vigilance Association did not even offer a suggested definition.

The question of whether to give special treatment to works of artistic value was hotly debated. The Catholic Truth Society stated, promisingly enough, that 'different people have quite honestly widely different views as regards certain types of books' but concluded 'standards of public opinion and good taste are not as high as they might be.'[90] The same organisation had previously declared that 'we don't mind if eminent poets call us fanatics. Eminent poets are not our pastors. We deal in realities. Knowing the Church to be the Infallible Church we wish to establish its spirit in Ireland.'[91] Devane had also pronounced on the issue. Noting that Canada had banned the works of Guy de Maupassant he declared that,

> a similar drastic treatment of some of our own plaster-of-Paris realist poseurs would do the Anglo-Irish literary revival a world of good. Indecency is indecency even when though the cunning hand of some degenerate artist pretends to hide its nakedness under the transparencies of a seductive style.[92]

Fr. Thomas F. Ryan SJ for the Marian Sodalities gave as examples of works that deserved censorship: *The Tent* by Liam O'Flaherty, *Ulysses* and 'books relating to psycho-analysis for other than scientific purposes'.[93] W. B. Joyce believed that 'Shakespeare could well be served by Bowdler' but was more afraid of the modern authors who gave sex undue prominence and approval. There were, he believed, three types of dangerous book: those concerned with birth control, 'authors like Balzac and Rabelais' and 'an alluring class of current fiction bursting with dangers'. He included James Joyce in the third category and the chairman interjected to add Elinor Glyn.[94]

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[90] 'Evidence of the Catholic Truth Society of Ireland', op. cit., p. 42.
[91] *Irish Catholic*, 4 April 1926.
[92] Devane, 'Indecent Literature' p. 197.
[93] Evidence of Fr. Thomas F. Ryan SJ to CEL, 28 June 1926, NAI, DJUS, JUS7/2/15.
[94] Evidence of W. B. Joyce to CEL, op. cit.

The Committee on Evil Literature was subjected to organised campaigning by the pro-censorship side. During its hearings, witnesses frequently endorsed the CTSI's published proposals. CTSI groups around the country submitted resolutions, as did a wide range of clubs, associations and local authorities; most enclosed a form text supplied by the society itself.[95] The society tried to co-ordinate its evidence with that of the Catholic bishops and initially refused to give any testimony until it was sure the hierarchy was not going to.[96] Frank O'Reilly went as far as to ask whether the committee had the power to compel witnesses to attend and asked if evidence would be given under oath, having been assured that no such powers existed he agreed to testify.[97] Internally the society understood that it would appear as if its campaign had not been serious if it did not give evidence.[98] It also feared that the committee would be influenced by the government to endorse the existing law.[99] To prevent this the CTSI raised public support with advertisements in the Munster press outlining other country's restrictions on the reporting of divorce and attacking existing Irish laws as an inadequate remnant from English rule.[100]

The name of Fr. Richard Devane was frequently mentioned to the committee. The Bishop of Galway, in declining to give evidence recommended that the committee interview Devane as he had shown the Bishop 'some horrible things'.[101] Devane, although not in good health, was working hard 'to organise evidence and get witnesses and was fairly successful': he met the Knights of St. Columbanus, the

[95] NAI, DJUS, JUS7/1/5.
[96] Frank O'Reilly to the secretary to the CEL, 24 February 1926, NAI, DJUS, JUS7/2/4.
[97] Note of telephone conversation, 29. April 1926, ibid.
[98] Curtis, 'Catholic Action', p. 182.
[99] Ibid, p. 184.
[100] *Munster News,* 13 March 1926; *Limerick & Clare Advocate*, 13 March 1926.
[101] Bishop of Galway to CEL, 15 March 1926, NAI, DJUS, JUS7/2/20.

Catholic Writers Guild and Dean Kennedy.[102] Devane's importance was emphasised by the committee itself when it sent two of his articles to Garda Deputy Commissioner Eamon Coogan for him to consider before giving evidence.[103] When the committee came to interview Devane the chairman told him that it was 'largely in agreement' with him on birth control.[104]

Sceptical opinions of censorship

The pro-censorship cause had almost a free hand in regard to the Committee on Evil Literature. Many of those who would most vehemently oppose the censorship of publications bill were conspicuous by their absence from the debate in 1926. Under these circumstances the book trade had to make a case for itself. It was represented by the Retail Newsagents', Booksellers' and Stationers' Association (RNBSA) and the Catholic Writers' Guild. Other groups who may have had misgivings, such as the, largely Protestant, Schoolmasters' Association and the Dublin YMCA declined to give evidence.

The RNBSA expressed the view that 'the extent of the evil is exaggerated by the vigilance people.' They still accepted that objectionable literature was a problem and 'rejoiced' that action was to be taken. To protect themselves from blame for the problem they wanted a censorship board representing the trade as well as government, religious bodies and the public.[105] The representative of the Catholic Writers' Guild also denied that objectionable novels were a serious problem as 'Irish people are not, I think, a reading public.' It did, however, accept that birth control literature was a danger as were bad English newspapers. The guild was

[102] Devane to Fr. Dempsey 21 April 1926, ibid, JUS7/2/9.
[103] Evidence of Rev. R. S. Devane SJ to CEL, op. cit.
[104] Secretary Committee on Evil Literature to Coogan, 27 May 1926, ibid, JUS7/2/11.
[105] Evidence of D. Bridgman [RNBSA] to CEL, 26 May 1926, ibid, JUS7/2/13.

opposed, however, to the establishment of a state censor, which would be 'cumbersome and costly'. It preferred to trust a system of jury trial under new obscenity laws. It highlighted the risk that censorship would 'encourage this new tendency to autocratic control.'[106] Committee member William Thrift, who was TD for Dublin University and Professor of Natural and Experimental Philosophy at TCD, suggested that education was the way forward and that 'cultured people pass by these vulgar publications'.[107] The *Irish Times* had declared its hand early in the debate with the assertion that 'censorship would feed the national vice of self-complacency [sic].'[108] It also condemned the culture which had led to the campaign against evil literature and which included those who had protested at the character of a streetwalker in the Abbey's production of *The Plough and the Stars*, commenting that if children wanted to see prostitutes 'they can rub shoulders with the real thing every night of the week in the central streets...it is only when a prophet like Mr. O'Casey traces the malady to its source...that the name of decency is invoked.'[109]

Charles Eason also expressed doubts about censorship. He asserted that of over one hundred papers banned in Canada, none were on sale in his shops and the authorities 'without any additional legislation' could seize all.[110] Eason had thought deeply about the problem of censorship and although he opposed a state censor he did dislike birth control literature and believed that a return to religion would discourage people from buying bad books and papers. He refused, however, to use his position as a large wholesaler to force papers to conform to his opinions. He advocated a combination of voluntary, self-censorship by libraries, publishers,

[106] Evidence of P. de Búrca to CEL, 28 April 1926, ibid, JUS7/2/5.
[107] Evidence of W. B. Joyce to CEL, 21 April 1926.
[108] *Irish Times*, 13 February 1926.
[109] Ibid.
[110] *Irish Times*, 18 October 1926.

newsagents and the press combined with a system of restricting the sale of some materials, such as birth control literature, to those who had placed orders for them. He also believed in abolishing the term 'obscene' for 'whatever is obscene is indecent' and clarifying the definition of 'indecent' in line with the Cockburn judgement. Only in extreme cases - reports of divorce cases and sex crimes for example - would a ban be necessary.[111] The Protestant Dublin Christian Citizenship Council preferred positive measures to improve public opinion to prohibition. It advocated banning the sale of birth control literature to anyone under twenty-one and restricting the advertising of such literature and products. It favoured banning the reporting of divorce cases.[112] What was notable about all of these opinions is both their conservatism and their moderation. All accepted that bad literature was to be discouraged and most believed in some form of legal prohibition. They were representative of commercial, professional or minority interests with little popular support.

At this time, the debate centred mainly on newspapers and advertisements; books were hardly mentioned by either its advocates or opponents. Two of the witnesses most closely involved in education had, while strongly favouring censorship, been unable to provide evidence that bad books were hurting the young. M. Quinlan SJ of the Catholic Headmasters' Association admitted that he had only come across one case of boys possessing bad books[113] while W. B. Joyce, of the Dublin branch of the Irish National Teachers' Organisation, revealed that 'I have not had as a teacher one case of reading matter I could object to in the hands of schoolboys.'[114] Liam O'Flaherty was convinced that the campaign for censorship

[111] Evidence of Charles Eason to CEL, 26 May 1926, NAI, DJUS, JUS7/1/2.
[112] Evidence of Dublin Christian Citizenship Council to CEL, ibid.
[113] Evidence of M. Quinlan SJ to CEL, 21 April 1926, ibid, JUS7/2/3.
[114] Evidence of W. B. Joyce to CEL, 21 April 1926, ibid, JUS7/2/12.

was 'mostly all directed against Yeats, Lennox Robinson, Joyce and myself, under the pretence of being directed against Sunday newspapers. That's what I like', he commented, 'I must write a story about sodomy in Irish seminaries as a fitting reply.'[115]

The Gardaí, the Post Office and the Customs

The officers of the state themselves were given a chance to present their case before the committee. The Garda Crime Branch declared that 'the existing acts are inadequate'. It wanted measures to make it easier to get search warrants as well as detailed definitions of obscenity and indecency. The Gardaí also favoured a censorship board and a ban on the reporting of divorce and murder cases. It also asserted that a 'considerable traffic in indecent prints, postcards etc. through the post existed.'[116]

The Post Office revealed that its officials were already withholding contraceptives sent from abroad as obscene articles. Birth control literature could only be held, however, if it contained obscene words or pictures. Prior to 1908, it had been possible to prosecute the sender of contraceptives but the British courts would no longer uphold such cases. In this area at least, it seemed, Irish standards were already being applied. In fact, if any obscene matter from Britain on Northern Ireland was intercepted it was returned to the British Post Office and it was up to them to take action. The Irish Post Office lacked exact guidelines on obscenity and indecency recommending the use of 'ordinary common sense and the generally accepted meaning of those terms in Ireland'. It admitted that postmasters were 'inclined to be over-scrupulous' in such matters. A hierarchy of judgement operated

[115] O'Flaherty to Edward Garnett, 11 October 1927, in A. A Kelly. (ed.), *The letters of Liam O'Flaherty* (Dublin, 1996), p. 197.
[116] Statement by Garda Crime Branch, 17 May 1926, DJUS, JUS7/2/11.

in which an officer would refer a suspicious article to his superior, who would stop it and send it up the chain of command to the postmaster who would then send it to Dublin for a final decision. Under the 1903 Post Warrant No. 10777, no indecent or obscene prints, paintings, photos, lithographs, engravings, books, cards or other articles could be sent by post, nor could materials with indecent or obscene covers be sent.[117]

The Customs authorities had a similar system but submitted suspicious items to the Revenue Commissioners if they were dutiable or sought government direction if they were not. Lacking any kind of black list, however, the customs officers rarely searched for obscene material, as they feared the customs would be held liable for wrongful detentions. The idea of a tariff on foreign publications was dismissed as unlikely to work.[118]

The report of the Committee on Evil Literature

The Committee on Evil Literature reported in December 1926.[119] It recommended that the legal definitions of 'indecent' and 'obscene' be widened, that the reporting of judicial proceedings be regulated, that it be made easier for the police to get warrants to search for indecent publications and that the maximum penalties for violations of the Indecent Advertisements Act 1889 be increased. The two most important recommendations of the committee were concerned the setting up of a censorship committee and the banning of publications advocating contraception. The committee accepted in the case of objectionable newspapers 'no new definition of the terms "indecent" and "obscene" would enable the authorities to check what is

[117] Evidence of Dept. Post & Telegraphs to CEL, 10 May 1926, ibid, JUS7/2/17.
[118] Evidence of Mr. J. Redmond, Superintending Inspector of Customs and Excise to CEL, 9 June 1926, ibid, JUS7/1/2.
[119] Adams, *Censorship the Irish Experience*, p. 24.

an undoubted evil.' This led it to favour the creation of a board of censors who could use their judgement to ban publications harmful to 'public morality rather than applying a legalistic approach.[120] The proposed board would have between nine and twelve members, representing religious, educational and artistic interests would scrutinise publications and recommend to the Minister for Justice which ones should be prohibited. It reported that books were not as important as newspapers for its purposes but that witnesses had been divided on how to deal with them. It rejected the *virginibus puerisque* approach but condemned a decline in standards among modern writers. It believed that it would be easy for a censorship board to 'recognise books written with a corrupt intent' and recommended that those with 'a purely literary aim' should escape censure. Pornography should be banned.[121] The committee unanimously recommended a ban on literature advocating contraception, the effects of which it described as 'vicious in the extreme'.[122]

The report received a broad welcome. The *Irish Independent* saw it recommendations as 'very moderate', which was not necessarily a complement, but believed that the report proved that the present law was inadequate and that the State had a duty to intervene.[123] The *Evening Herald* also welcomed its 'quite reasonable' conclusions and recommended that the 'great menace to public morality' of evil literature be dealt with as a matter 'of great urgency'.[124] Even the *Irish Times*, always suspicious of censorship, found 'no positive fault with the report' but believed that 'if old fashioned manliness were revived among our people there would be no need for a censorship other than public opinion.'[125] The *Irish*

[120] *Report of the Committee on Evil Literature*, (Dublin, 1926), p. 10.
[121] Ibid, p. 18.
[122] Ibid, p. 15.
[123] *Irish Independent*, 1 February 1927.
[124] *Evening Herald*, 1 February 1927.
[125] *Irish Times*, 1 February 1927.

Catholic welcomed the report and called on the customs and postal authorities to tighten their scrutiny until its implementation.[126]

Within a few months, the reformers were getting impatient. The Irish Vigilance Association warned that legislation on the issue seemed 'hung up' and Brother Craven, editor of *Our Boys*, called on the IVA membership to write articles for the newspapers demanding change.[127] The Roman Catholic bishops' Lenten pastorals for 1927 and 1928 strongly condemned 'evil literature' and demanded legislation.[128] The *Irish Catholic* began to raise the idea of censoring the theatre.[129] Direct action against newspapers resumed. In May 1927 a group calling itself the 'Angelic Warfare Association' held up a train at Dundalk and burned its cargo of Sunday newspapers.[130] Kevin O'Higgins warned that 'we have got to work away from that tradition of direct action'.[131] *An Phoblacht* supported the report, hoping censorship would 'check the flow of filth from Britain into Ireland.'[132] A deputation from the Roman Catholic bishops had met Kevin O'Higgins early in 1927 and had been promised legislation. His successor, James Fitzgerald-Kenney, reiterated that promise in January 1928 when lobbied by the Bishop of Galway.[133] In the June 1927 election the CTSI sought commitments of support for legislation from all candidates for the Dáil. Of the 114 who replied, 112 promised their support. One of these was Kevin O'Higgins who pledged that the legislation was being prepared and would be introduced if he were again made Minister for Justice. P. S. Doyle, a Cumann na nGaedheal TD and member of the CTSI kept O'Reilly informed on

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[126] *Irish Catholic*, 5 February 1927.
[127] Ibid, 11 June 1927.
[128] Ibid 5 May 1927, 25 February 1928.
[129] Ibid, 2 April 1927.
[130] Ibid, 7 May 1927.
[131] Ibid, 28 May 1927.
[132] *An Phoblacht*, 11 February 1927, quoted in Peter Hegarty, *Peadar O'Donnell* (Dublin, 1999), p. 184.
[133] *Galway Observer*, 12 May 1928.

what the government was doing. He reported that the government did not believe the issue could be tackled in one bill. This led the society to renew its lobbying.[134] Fianna Fáil decided to support the Committee on Evil Literature's report in April 1928.[135] In May 1928, Cosgrave promised a bill within months.[136] This did not prevent further direct action from more radical persons, including the burning of thousands of papers in Sligo in 1928 while the censorship bill was being debated in Dublin.[137]

The Censorship of Publications Act

The bill that emerged in August 1928 was very different from the report of the Committee on Evil Literature. The Censorship of Publications Board was to have only five members. The definition of indecency was very broad and referred to 'public morality'. Most controversially the bill allowed the minister to give private groups the power to submit material to the censorship board. Such 'recognised associations' were to be the only mechanism whereby the public would be able to complain about a publication. The first group to express disquiet were the largely middle class, Protestant readers of the *Irish Times*. Opinion in the paper's letter columns was uniformly negative. Many of these commentators questioned whether a Catholic board could censor for the Protestant population given that the latter churches believed in allowing people to take an independent line, especially on birth control.[138] Fears were also raised about how 'future administrations' might amend

[134] Curtis, 'Catholic Action', pp. 187-8
[135] Fianna Fáil Parliamentary Party Minutes, 17 April 1928, UCDA, Fianna Fáil Archives [FFA], P176/443.
[136] *Irish Catholic*, 19 May 1928.
[137] Cullen, *Eason & son*, p. 268; *Irish Times*, 15 September 1928.
[138] Letters to the *Irish Times* from: Dudley Fletcher 5 September 1928, G. W. Murray 1 September 1928, J. W. Poynter 16 August 1928, 'Another Protestant Gael' 10 September 1928.

the bill to make it less acceptable.[139] The *Church of Ireland Gazette* was initially aloof, describing the bill as applying to 'the Roman Catholic population' as Protestants did not buy evil literature.[140] Very quickly, however, it became worried that 'a censorship, once established, will tend to extend and tighten, rather than relax, its grip.'[141]

Wilbraham F. Trench, Professor of English at TCD, emerged as the principal Protestant defender of the bill, despite his desire to amend it in the Dáil. He argued that what was proposed was very different to wartime censorship whereby the press were told in advance what they could write. Instead, as with the film censor, the press and writers could write whatever they liked and the censors would prohibit only 'specified classes of matter'. This, he argued, followed practice in other dominions and was acceptable in principle.[142]

Many of his co-religionists were unconvinced, however. A Church of Ireland deputation saw the Minister for Justice on 15 October 1928. One of its members, Bolton Waller, who had been an independent candidate in the 1927 election, reported that Fitzgerald-Kenney was 'polite and patient but extremely obdurate'. The minister was 'unyielding' over the recognised associations and the use of the term 'public morality' in the bill. He explained that he wanted to ban anything 'attacking the institution of marriage'. The deputation was left with the impression that 'there may be prohibition on the strength of a single passage in a book'. On the question of contraception 'the minister was still more stiff' and opposed anything which 'even incidentally advocated it.' When asked if this included Shaw or Dean Inge he replied that 'he was not afraid of big names...if they were as I alleged they

[139] Gerald Dawes to *Irish Times*, 8 September 1928.
[140] *Church of Ireland Gazette*, 14 September 1928.
[141] Ibid, 5 October 1928.
[142] Ibid, 21 September 1928.

would have to go.' Waller told Michael Tierney that 'a large number of Protestants do, absolutely genuinely and sincerely regard this as an intolerant and unfair bill', although he did not think that was the government's intention. 'I want to avoid sectarian controversy of the old type but this bill makes it very difficult' he complained.[143] Many Protestants had already been alienated by the administration's position on divorce. Archbishop Gregg of Dublin implicitly criticised the idea of censorship during a sermon in Belfast: he compared it to a failed attempt by Belfast Corporation to censor the racing results in newspapers many years earlier.[144]

Fr. Richard Devane wrote to several TDs, including Tierney, to defend the bill against charges of sectarianism. He pointed out that several members of the Committee on Evil Literature had been Protestant and that such Protestant states as Canada, the United States and Germany all had some form of literary censorship.[145] The CTSI was less accommodating. As the Dáil debated the bill, its committee of management wrote to Michael Tierney who was seeking to amend it. The society lectured him that 'it is necessary that all Catholic forces should be united in the endeavour to prevent any weakening of the Catholic position in connection with the Censorship Bill.'[146] It opposed Thrift's suggestion that clergy be excluded from the censorship board on the grounds that no minister of religion should suffer discrimination. [147] The fact remained that the prospect of Catholic priests deciding what Protestants could read was a disquieting one for the minority. The bill was also strongly supported by the Roman Catholic Archbishop of Cashel and the Bishops of Kildare and Waterford. The latter, Dr. Hackett, condemned 'the secret influence employed to mutilate the principles of the Evil Literature Bill' and argued that

[143] B. C. Waller to Michael Tierney, 16 October 1928, UCDA, Tierney papers, LA 30/334(6-8)
[144] *Irish Times*, 26 February 1929.
[145] Devane, letter to TDs, no date [1928], ibid, LA30/333.
[146] Catholic Truth Society to Michael Tierney, 21 December 1928, ibid, LA30/334(13).
[147] Catholic Truth Society, Statement of 24 November 1928, ibid, LA30/334(16).

'there can be no compromise with these [people] who, under the plea of safeguarding liberty would minimise the provisions of this bill.'[148]

The most fervent opponents of the bill, if not the most effective, were writers and artists. Desmond FitzGerald, the Minister for External Affairs, had many friends in these circles and received their full wrath. Francis Hackett wrote to him that 'this Evil Literature legislation! Ireland = Paraguay. We are, on this side of affairs, probably the most ludicrous nation outside the Negro state of Liberia.'[149] Ezra Pound was relentless, 'what the HELL does this mean...Can't you keep condoms and classics in separate parts of your law books?!!!'[150] Pound also questioned whether such legislation would help the cause of a united Ireland.[151]

Three titans of Irish literature, Æ (George Russell), G. B. Shaw and W. B. Yeats, published articles in *Irish Statesman.* Of the three, Æ made the most effective case. Echoing the view of many of the bill's opponents he condemned the grounds for censorship as vague. He questioned what 'public morality' was to include: would it mean banning socialist, agnostic or rationalist works? He was especially perturbed by the idea of recognised associations, commenting that 'uniting their intellectual obscurity into a recognised association will not create a collective wisdom.' Unusually for a commentator on the issue he tried to deal with the philosophy behind the bill denying that 'people could be made moral by an act of parliament.' He also questioned whether it was a good idea to censor even intelligent discussion of contraception when it was being debated internationally.[152] Shaw also defended the need to discuss birth control, if only to prevent quacks from

[148] *Derry People*, 23 February 1929.
[149] Hacket to FitzGerald, 2 July 1928, UCDA, FitzGerald papers, P80/1219(31).
[150] Pound to FitzGerald, 16 August 1928, ibid, P80/1207(10).
[151] Ibid, 6 December 1928, P80/1207(12).
[152] [Æ (George Russell)], 'The censorship bill' in *Irish Statesman*, vol. 10, no. 25 (25 Aug.1928), pp. 486-7.

exploiting the ignorant. The rest of his article, however, tried to treat the subject satirically. It was not one of his best attempts. Predicting that the Catholic Church would have to make statues of the Virgin ugly lest they excite sexual passion was clever but unconvincing while condemning the pro-censorship lobby as 'a handful of morbid Catholics, mad with heresyphobia, unnaturally combing with a handful of Calvinists mad with sexophobia' was never going to win over TDs or ordinary voters.[153]

Yeats produced two articles on the bill. One eschewed analysis for whimsy. Putting forward the proposition that it had been Catholic Thomism that had allowed the revival of sensual art from Giotto to Titian, he claimed that banning material 'calculated to excite sexual passion' was against Catholic teaching. He conceded there was 'such a thing as immoral paintings and immoral literature' but denied that a legal definition was possible. Instead he preferred that censorship be left to 'men learned in art and letters' or 'average, educated men'.[154] That Yeats was serious about this is clear from his suggestion to Ernest Blythe that the state establish an academy of literature to adjudicate on the artistic merit of a book. Scientific books could be sent to the Royal Irish Academy.[155] Blythe demurred, arguing that the proposal was too controversial.[156] It was rumoured in 1926 that the Royal Irish Academy had planned an Irish *Académie des Belles Lettres* but had been unable to resolve the difficulty of whether to include controversial writers like Joyce, Robinson and O'Flaherty.[157]

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[153] G. B. Shaw, 'The Censorship' in *Irish Statesman*, vol. 11, no. 11 (17 Nov. 1928), pp. 206-8.
[154] W. B. Yeats, 'The censorship and St Thomas Aquinas' in *Irish Statesman*, vol. 11, no. 3 (22 Sept. 1928), pp. 47-8.
[155] Yeats to Blythe, 14 October 1928, UCDA, Blythe papers, P24/470.
[156] Blythe to Yeats, 15 October 1928, ibid, P24/470(2).
[157] Liam O'Flaherty to Jonathan Cape, 14 December 1926, in Kelly (ed.), *Letters of Liam O'Flaherty*, op. cit., p. 170.

Yeats's second article was a more effective critique of the bill. He compared the 'men and women of intellect' who opposed the bill with its supporters: 'ecclesiastics who shy at the modern world as horses in my youth shied at a motor car.' He warned that the CTSI was likely to be among the recognised associations and that the censorship of material relating to birth control would threaten respectable journals. Yeats particularly felt that censorship would give the government 'control over our very thought'. He admitted that no-one intended this to occur 'but in legislation intention is nothing, and the letter of the law is everything'. Had there been a censorship of the stage, he commented, the Abbey would never have existed. Yeats saw the issue as one defining the relationship between church and state. If the government wanted to pass legislation that was desired by the church, it had to show that the good of the state demanded it, he argued. 'Those who belong to the Church of Ireland or to no church should compel the fullest discussion', he believed, especially on the issue of birth control. He had been told by a government official that those supporting censorship 'cannot understand why the good of the nine-tenths that never opens a book should not prevail over that of the tenth that does'.[158] Taken together these articles show both Yeats's passionate support for freedom of artistic expression but also his inability to fight the populist arguments of the pro-censorship advocates. He did not discuss the potential effects of censorship on ordinary people but on artists and intellectuals. His defence of free speech was limited to that which was of aesthetic or intellectual value.

FitzGerald was privately contemptuous of Yeats, writing that 'Uncle William and the *Irish Times* notwithstanding, the [censorship] committee will be

[158] W. B. Yeats, 'The Irish Censorship' [Version A, 1928], NLI, Yeats papers, Ms. 30,105.

enlightened' and would not 'prevent any single person from reading anything that you [Pound] or I think it desirable should be read.'[159] Artists may have been outraged and they could muster a strong case, but they could not woo the same public and politicians to whom the pro-censorship campaigners had sold the trinity of intellectual protectionism, international practise and opposition to birth control. They did have some powerful supporters, Andrew Jameson wrote to Yeats to thank him for his articles. He blamed the situation on 'the pathetic condition of ignorance they [the Roman Catholic bishops] have kept their flocks in and their loss of control over the young. No bill of this kind will remedy these things.'[160] Frank Gallagher was enraged by the criticisms of the bill. He told a correspondent that the bill's opponents 'hold Ireland up to ridicule. Æ has a scandalous attack in the London *Nation*. It makes me squirm to have been praised by him.'[161]

The argument was taken up in the Dáil. Michael Tierney and Sir James Craig, a surgeon and independent TD for Dublin University, called for books to be excluded from the bill's remit.[162] Hugh Law, a Cumann na nGaedheal TD for Donegal, was of the same mind, arguing that books were harder than newspapers for the censors to judge. He put forward four test cases: *Boule de Suif* by de Maupassant, *Les Trois Filles* by Dupont, and two works by Shaw, *Mrs Warren's Profession* and *An Intelligent Woman's Guide to Socialism and Capitalism*. All were adult, three dealt with prostitution and venereal disease while one was about birth control. Law had no confidence that such works would be protected under the bill.[163] Tierney warned that they ran the risk of producing 'a list of prohibited

[159] FitzGerald to Pound, 13 December 1928, FitzGerald papers, P80/1207(13).
[160] Jameson to Yeats, 2 October 1928, in Richard J. Finneran, George Mills Harper and William M. Murphy (eds.) *Letters to W. B. Yeats, vol. 2* (London, 1977), p. 485.
[161] Gallagher to Rosamund Jacob, 5 January 1928, NLI, Gallagher papers, Ms. 18,353 (9).
[162] Dáil Debates, Vol. XXVI, 18 October 1928, 657.
[163] Ibid, 625-8.

books...which will make a laughing stock of this country.' He condemned the Canadian black list, so beloved of the reformers, pointing out that there were many good books on it.[164] Other TDs defended the censorship of books vigorously. Dublin deputy J. J. Byrne, a Protestant, particularly condemned *The Well of Loneliness* and *Lady Chatterley's Lover*.[165] Domhnall Ua Buachalla, a Fianna Fáil TD from Kildare, argued that the object of the bill was to ban cheap novels, which were just as harmful as newspapers and were 'bought principally by young girls'. Somewhat begging the question he declared the classics to be safe from the censor as 'we all know that the amount of harm that is done by these books is infinitesimal.'[166] The minister declared that books should only be condemned if they were 'systematically indecent' though that phrase did not appear in the bill. He was not clear about what this meant. He seemed reluctant to concede any protection to artistic value, commenting 'I cannot understand the class of book which would excite some person just to proper love and might not excite others towards unlawful lust.'[167]

P. J. Ruttledge, speaking for Fianna Fáil, offered moderates no support; 'we cannot see, on this side of the house, at any rate, how in any way whatever, literature or art can suffer in the slightest degree from the passing of this bill.'[168] Fianna Fáil's policy on the bill was heavily influenced by Seán Lemass and P. J. Little. When the party's justice committee was slow to produce amendments to the bill, Lemass had the issue moved to the general committee where he could be more closely involved.[169] That body decided that the party would seek to amend the bills

[164] Ibid, 645
[165] Ibid, 676-88.
[166] Ibid, 690-1
[167] Ibid,
[168] Ibid, 615.
[169] Minutes of the Fianna Fáil Parliamentary Party, 15 November 1928, UCDA, FFA, P176/443.

provisions relating to the definition of 'public morality' and the size of the censorship board.[170]

Those looking for special provision for literature were hampered by the fact that they were, quite openly, campaigning for the rights of an elite. Patrick Hogan, the Minister for Agriculture, admitted that 'Thomas or Pat Murphy, who lives anywhere between Donegal and Cork, is not likely to read either Balzac or Aristophanes even in translation.'[171] Indeed this was presented as positive reason to exempt the classics; they were unlikely to be read by the uneducated anyway. In the Senate, Sir John Keane believed that 'the mass of people' - who comprised two thirds of the population - read too little to be concerned with banned literature.[172] Tierney admitted that Gibbon's *Decline and Fall of the Roman Empire* and Burton's *Arabian Nights* were obscene in parts but defended them as not only great works of literature but also expensive and hard to get. His amendment to prevent a ban unless the book was 'wholly indecent' failed.[173] Another amendment proposed that the publisher or editor be allowed representation before the censorship board. T. J. O'Connell, leader of the Labour Party and a former member of the Committee on Evil Literature, questioned the logic of this proposal. He argued that the board was not meant to rule on the intentions of author, editor or publisher but on the effect the book was likely to have. Fitzgerald-Kenney seemed to agree and the amendment was lost.[174] The pressure from moderate forces, including a cabinet minister and several government TDs, told and the minister introduced a series of amendments to

[170] Minutes of the Fianna Fáil General Committee, 25 September 1928, Ibid, P/176/452.
[171] Dáil Debates, 24 October 1928, 829.
[172] Senate Debates, Vol. XII, 11 April 1929, 57.
[173] Dáil Debates, Vol. XXVIII, 27 February 1929, 268-484.
[174] Ibid, 496-98.

make the censors take account of the artistic value of a book, the class of its prospective readership and the language in which it was written.[175]

The debate over how to define indecency was complicated. Essentially it was over two issues: the first was whether indecency was to be determined from the objective content of a book or periodical or by the intent of its author, editor or publisher. The minister was adamantly in the former camp. His initial definition of indecent as including 'calculated to excite sexual passion or to suggest or excite sexual immorality, or in any other way to corrupt or deprave'[176] was roundly condemned as too vague. Seán Lemass questioned the use of the term 'sexual passion' pointing out that there was nothing intrinsically wrong with such passions.[177] At the committee stage, a series of amendments were put down. William Thrift, TD for Dublin University, wanted to ban only material that 'in its purpose' incited to sexual immorality.[178] P. J. Little of Fianna Fáil countered that the law should follow the practice in libel cases where intention was not important but rather the effect on public opinion. Fitzgerald-Kenney was firmly of the same view, 'you are not dealing with intention. You are dealing with books objectively. You are considering what the effect of the book is going to be.'[179]

The second controversy concerned whether the bill should be restricted to matters of sexual morality. Fianna Fáil, the experience of Civil War censorship still fresh in their minds, were afraid, as Lemass put it, that the bill would 'not be used solely for the purpose of suppressing indecent literature.' They were especially concerned by the use of the phrase 'public morality' in Section 7 of the bill.[180] T. J.

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[175] Ibid, 509.
[176] Ibid, Vol. XXVI, 18 October 1928, 596.
[177] Ibid, 639.
[178] Ibid, Vol. XXVIII, 20 February 1929, 86.
[179] Ibid, 95.
[180] Ibid, Vol. XXVI, 18 October 1928, 638-40.

O'Connell agreed, pointing out that the committee had been unanimous that 'the type of immorality it sought to prevent was sexual immorality.'[181] Patrick Hogan, unusually, agreed with Lemass but he commented acidly that more harm was done to public morality by 'pushing bibles away and affirming oaths' than by indecent literature.[182] By contrast, Tierney and Law argued that the bill's remit should be extended to include the reporting of violent crime.[183] The minister accepted both points, deleting the phrase 'public morality' and, reluctantly, including a clause allowing the board to ban reports of sordid trials. That he did the first despite the opposition of the Catholic Truth Society illustrates the limits of its power.[184]

The origins of Tierney and Law's amendment were curious. Tierney's stance on the bill was an embarrassment to the CTSI as he had previously sat on the committee which had decided its position on obscenity. After he made his criticisms of the bill public, the CTSI leaders met Tierney privately and agreed to accept some amendment to the bill on the subject of literary and artistic merit. In return, Tierney promised to introduce the amendment on the reporting of crime.[185] This is not to suggest that he did not support such a measure anyway. Both men accepted the principle of censorship; indeed Law was scathing in his criticism of the press.[186] Tierney was likewise unequivocal in advocating the censorship of the press while protecting the rights of serious authors.[187] Neither man was making a liberal case for freedom of speech, rather both were making a more sophisticated form of the conservative argument, which had underpinned the censorship campaign from the start. Despite this they faced ferocious criticism from the pro-censorship side. The

[181] Ibid, 617.
[182] Ibid, 24 October 1928, 830.
[183] Ibid, 625 & 642
[184] Catholic Truth Society, Statement of 24 November 1928, UCDA, Tierney papers, LA30/334(16).
[185] Curtis, 'Catholic Action', pp. 190-1.
[186] Dáil Debates, Vol. XXVI, 18 October 1928, 623.
[187] Ibid, 642.

CTSI publicly criticised these moderates and opposed allowing the importation of books for private use, limiting the censorship only to cheaper books and prohibiting only books that were intentionally obscene.[188]

The bill proposed to ban all birth control literature without requiring a decision from the censorship board. The only dissenters to this decision were Tierney, Thrift and Craig, in the Dáil and Keane in the Senate. It is important to note that none of these were directly elected by the public. The silence of TDs from ordinary constituencies suggests that the public supported this part of the bill at least. The first two TDs both accepted the legitimacy of some restrictions on birth control literature but felt that the bill went too far; an amendment from Tierney to have the censorship board deal with such cases failed.[189] Fitzgerald-Kenney refused to accept the idea on the grounds that it was essential that birth control books be banned even if the censorship broke down. It was up to retailers to check their own stock and remove offending publications.[190] Craig was the only member to actually speak out in favour of birth control.[191] Keane was one of the few speakers in either house to raise the religious question. He contrasted the Roman Catholic policy of 'prohibition and control' with Protestant respect for 'liberty of thought and freedom of conscience'; he argued that the Roman Catholic Church should be left to control its members without state help. Inevitably, given the tone of his remarks and the weakness of the Senate, he was ignored.[192] The only limitation to the bills provisions on the subject was an amendment in the Senate, accepted by Fitzgerald-Kenney, to exempt publications from prosecution if they merely advertised other publications about contraception but did not comment on it. The censors would still

[188] Curtis, op. cit., p. 191.
[189] Dáil Debates, Vol. XXVIII, 21 February 1929, 271.
[190] Ibid, 274.
[191] Ibid, 28 February 1929, 708.
[192] Senate Debates, Vol. XII, 11 April 1928, 67-71.

be free to ban these, however.[193] This was to prove an important modification in later years (see Chapter 7).

The actual mechanics of censorship received much discussion. The minister was challenged on two important points. The first was the size of the censorship board; the second, and most embarrassing was the idea of recognised associations. The minister had advocated a five-person board to prevent the formation of factions and to promote consistency. Bryan Cooper, a former military censor, supported this argument but Fianna Fáil opposed it and on a division a nine-person board was accepted by one vote.[194] The minister was able to reverse the change by amendment in the Senate but a proviso was included that two members of the board could always stop a ban.[195]

The recognised associations were the minister's most significant addition to the report of the Committee on Evil Literature. His argument for them was that they would keep the censorship process in touch with reality and would prevent it from falling into disuse through public apathy. They would not have any judicial power but would act as gatherers of complaints. He strongly resisted pressure to ensure that they would have to read a book in its entirety before referring it.[196] This reflected the thinking of Devane who had told the Committee on Evil Literature that it was hard to 'maintain public interest' and that he did not think 'that the censorship committee will have many matters brought to their notice or be inundated with demands for censorship.'[197] The minister's opponents were scathing, however: Ruttledge wanted to know if the associations recognised would include

[193] Dáil Debates, Vol. XXXI 11 July 1929, 897.
[194] Ibid, Vol. XXVIII, 20 February 1929, 97-110.
[195] Ibid, Vol. XXXI, 11 July 1929, 890-5.
[196] Ibid, Vol. XXVI, 18 October 1928, 601; 21 February 1929, 226.
[197] Evidence of R. S. Devane to CEL, 14 June 1926, NAI, DJUS, JUS7/2/9.

CID[198] and Law remarked that what he 'was afraid of was the busybodies', not the bishops.[199] Fitzgerald-Kenney watched as the Dáil unceremoniously dumped his proposal by a twenty-vote majority. Nor did the Senate agree to give it a second chance. The decision to drop the recognised associations was implicitly welcomed by the *Church of Ireland Gazette*, which observed that, 'they would have been largely composed of cranks and the kind of people who try to see evil everywhere'.[200] The Censorship of Publications Bill represented something of a disaster for Fitzgerald-Kenney. He had been forced to accept Fianna Fáil amendments, to broaden the scope of his bill and to face down a rebellion that included his cabinet colleague Hogan. He had clearly lost control of the house. Things could have been worse, as O'Halpin has shown. Lemass had wanted to put down more amendments and had criticised his party's justice committee for failing to do so.[201]

Implementing the Censorship of Publications Act

The day-to-day organisation and interpretation of the Act was now up to the civil service. The first test case occurred in August 1929 long before the appointment of the first Censorship of Publications Board. A letter from the Department of Justice warned newsagents that the magazine *Health & Strength* was now banned as it contained articles advocating birth control. The police were not sent in immediately 'in view of the fact that the Act is a recent one'.[202] Eason and George Croker Ltd.

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[198] Dáil Debates, Vol. XXVI, 18 October 1928, 614.
[199] Ibid, 627.
[200] *Church of Ireland Gazette*, 1 March 1929.
[201] Eunan O'Halpin, 'Fianna Fáil party discipline and tactics 1926-32' in *Irish Historical Studies*, Vol. XXX, No. 120, (November 1997), p. 587.
[202] O'Friel to newsagents, 23 August 1929, NAI, DJUS, H305/14.

replied that they had already stopped selling the magazine.[203] The department made it clear to the sellers that even after the board was appointed they would have 'a responsibility' under section 16 of the act to remove birth control literature from their stock.[204]

The Catholic Truth Society was also quick to test the new law. Its executive secretary, Frank O'Reilly submitted a novel, *Roper's Row* to the Minister for Justice that, he claimed advocated birth control.[205] The complaint was rejected as 'on one page out of 400 there are a certain number of rhetorical questions regarding doubts on the question of contraception', though even this was deemed to tread on delicate ground.[206] A week later, the editor of *The Standard*, Rev. Joseph Deeny, submitted an issue of *Passing Show* and complained that it advertised books on birth control. His complaint was rejected, as the advertisements themselves did not advocate contraception and 'advertisement *simpliciter* of such works in other publications' was not illegal, however the minister decided it would be submitted to the Censorship Board when it was established as it was 'sailing so close to the wind'.[207] The Catholic Truth Society issued a circular to its members instructing them to examine books and encouraging them to organise groups to deal with papers and magazines. They were instructed to look out for denials of the divinity of Christ, blasphemy, spiritualist practices, attacks on Roman Catholicism and violations of the Censorship of Publications Act.[208] By contrast, the Protestant population was not impressed by the new legislation. As the minister later admitted to the Bishop of Ossory, 'much Protestant support was lost to the government over the Immoral

[203] Eason Ltd. to O'Friel 28 August 1929; George Croker Ltd. to O'Friel, 29 August 1929, ibid
[204] O'Friel to News Bros. Ltd., 6 September 1929, ibid.
[205] O'Reilly to Minister for Justice, 8 October 1929, ibid.
[206] O'Friel to O'Reilly, 19 October 1929, ibid.
[207] O'Friel to Deeny, 4 November 1929, ibid.
[208] 'Examination of books, newspapers and periodicals in connection with the Censorship of Publications Act 1929', DDA, Byrne papers, Lay Organisations (5).

Literature Bill [sic]' and, as a result, he refused to press ahead with a ban on the importation of contraceptives.[209]

The northern experience

Having decided against introducing new laws to regulate publications, Northern Ireland had to implement the existing ones in a new context. In this respect the region did not operate independently but as part of the UK. Customs were a reserved function and decisions reached in Britain had effects on what could be sold in Northern Ireland. The issue was not discussed until 1927 when the UK authorities decided that it was 'desirable that we should come to some understanding as regards cases arising in Northern Ireland.' This resulted from a few, unnamed, cases of 'indecent wares' being sent from France to the province. In the case of letters sent from England or Scotland ordering indecent material, the letter was forwarded to the Home Office, which would then decide whether to take action against the prospective purchaser or to simply retain the letter. When material from abroad, usually France, destined for England or Scotland was intercepted the Home Office again decided whether to allow delivery of it, detain it or hand it over to the Director of Public Prosecutions.

The question was whether the Home Office should be allowed to make such decisions for Northern Ireland or whether the Ministry of Home Affairs in Belfast should take charge. In the event of a prosecution arising, it was to be dealt with by the Belfast authorities. The Home Office favoured handling such material itself as it would be quicker and concluded that 'it is desirable that the Home Office should act

[209] 'Report of Deputation to the Minister for Justice 8 November 1929', ibid, Ossory Correspondence.

in regard to Northern Ireland in the first instance'. [210] The Northern Ireland Ministries of Commerce and Home Affairs both agreed to this on the grounds of convenience.[211] Effectively, the northern government had handed over most of its powers to deal with obscene or indecent publications to the Imperial government.

The British government dealt with obscene matter in a somewhat *ad hoc* way. When the secretary of the Associated Booksellers of Great Britain and Ireland asked the Home Office for a copy of its list of banned books he was told that there was none. Instead the ministry promised 'to report to him confidentially…the names of any books about which we received complaint and the complaint did not appear to be without foundation.'[212] The Home Office also liked to exert unofficial influence. For example, in 1928, the Home Secretary Sir William Joynson-Hicks wrote to a director of Mudie's circulating library about the scandal caused by the publication of Isadora Duncan's autobiography:

> You would be doing a very valuable service if you would use your influence as one of the Directors of Mudie's to persuade your firm and other circulating libraries and the important booksellers and publishers to agree together to have nothing to do with the publication or circulation of books which are of an offensive character.[213]

In 1929 there were warrants in force to allow the search of post from 115 addresses to the UK. The vast majority of these were in France. The Post Office regularly seized only ten books. The most commonly found were *The Well of Loneliness* by Radcliffe Hall, *My Secret Life* by Frank Harris and *Lady Chatterly's Lover* by D. H. Lawrence. Between 1923 and 1929 there were seventy-three prosecutions, usually as a result of the interception of indecent wares in the post. In 271 cases, a warning was given instead. Many of those warned were university and public school

[210] C. M. Martin-Jones to C. H. Blackmore, 22 August 1927, PRONI, Cabinet Secretariat, CAB9B/102/1.
[211] W. D. Scott [NI Ministry of Commerce] to C. H. Blackmore, 27 August 1927; Secretary, NIMHA to C. H. Blackmore, 19 September 1927, ibid.
[212] S. W. Harris, minute of meeting with W. J. Magennis, 12 December 1928, PRO, HO45/15139.
[213] Hicks to Sir Alan Burgoyne, 17 May 1928, ibid.

students.[214] Table 3.1 gives the numbers of postal packets stopped in the UK under Home Office and Post Office warrants:

Table 3.1: Postal Packets stopped in the UK 1926-1928[215]

	Home Office				*Post Office*				
	Books	*Periodicals*	*Photos*	*Total*	*Books*	*Periodicals*	*Photos*	*Total*	*Grand Total*
1926	149	2189	49	2387	160	13	28	201	2588
1927	100	1355	17	1472	12	13	19	44	1516
1928	125	329	7	461	21	11	16	48	509

According to the Home Office, the decline in the number of seizures was due to the increasing strictness of the French authorities. 'The majority of the books which are now intercepted are flagellation works and cheap borderline books either in English or French'.[216]

The London Public Morality Council wanted stricter obscenity laws. According to one Home Office memorandum, they were 'flirting with the idea of censorship (influenced no doubt by what has been proposed in Ireland)'. Their campaign was also similar to that in the Irish Free State in that it emphasised the effects of cheap books more than outright pornography.[217] In 1928 the Home Office had examined the Free State's Censorship of Publications Bill and concluded that it was 'a bold proposal' containing 'drastic and courageous provisions'[218] Not surprisingly the ministry concluded that 'the proposals of the Free State government would not be acceptable to the general public in this country.'[219]

Campaigners for censorship had some presence in Northern Ireland. The *Derry People* was to the fore in seeking censorship of publications in both jurisdictions. The unionist press also printed criticism of modern writing without

[214] J. H., 'Obscene Publications', 5 March 1929, ibid.
[215] Ibid.
[216] Ibid.
[217] Ryder, Memorandum for Home Secretary, 6 March 1929, ibid.
[218] A. H. S., 'The Irish Free State censorship of publications bill, 1928', 5 September 1928, PRO, HO45/20912.
[219] A. C., minute, 8 September 1928, ibid.

always calling explicitly for censorship. An example was the speech by the Liverpool novelist Dr R. W. MacKenna to the Association of Booksellers of Great Britain and Ireland that was quoted at length by the *Ulster Gazette*. The modern novel 'was acclaimed as the voice of genius but it was only the gruntlings of a pig wallowing in its own mire', he claimed.[220] Presbyterian writers published several articles which argued that bad books could do serious and lasting harm to the reader, these articles did not argue for censorship but instead recommended that the reader stick to wholesome literature.[221] The northern Roman Catholic bishops also campaigned on the issue. Bishop McHugh of Derry condemned 'infidel, irreligious and filthy literature' from 'across the channel' in his Lenten pastoral of 1925.[222] Archbishop O'Donnell of Armagh also condemned imported indecent literature and called on people to supported the CTSI. Bishop O'Kane of Derry took the opportunity to emphasise the differences between the churches on this issue. He argued that the policy of allowing unrestricted reading had devastated other churches.[223] 'Evil literature' was the subject of sermons during the mission of June 1928 in St. Patrick's Cathedral, Armagh.[224]

There was some reaction to the Irish Free State Censorship of Publications Act. The *Derry People* was enthusiastic about the new arrangements. The bill would 'be welcomed by the vast majority of the people of Ireland', it said. It particularly hoped that something would be done about the 'cheap novels with which our bookstalls are flooded' and which were 'morally harmful to a class of people who would never dream of purchasing one of the more infamous Sunday newspapers.' It

[220] *Ulster Gazette*, 30 May 1925.
[221] *Witness*, 27 January 1922, 24 February 1922 & 12 January 1923; *Annual Report of the Presbyterian General Assembly*, 1927, p. 33.
[222] *Down Recorder*, 28 February 1925.
[223] *Derry People*, 17 December 1927.
[224] *Ulster Gazette*, 2 & 9 June 1928.

also called for action against Irish writers who 'produce novels that no self-respecting person would read...under the guise of realism'. Lastly the paper argued that 'the northern government, in this as in other matters, would do well to follow the example of the Saorstát'.[225] There was little response to the legislation in the unionist press. Lynn Doyle, who would later serve on and resign from the Censorship of Publications Board, expressed his reservations in the *Ulster Gazette*. His argument was that morality was only of value if freely arrived at. He asked if the Free State would be truly moral if it eliminated all vestiges of indecent literature. 'Obviously not,' he concluded, 'since the nation would be no more truly moral than the man deprived of alcohol is truly temperate.' He also feared that the censorship of literature would herald a return to Victorian standards of taste and dress. This would be counterproductive because 'the best way to promote vice is to make virtue ridiculous'.[226]

Not all censorship in Northern Ireland concerned indecent literature or security matter. Along with the rest of the UK, the northern government tried to keep southern-based sweepstakes from advertising in their region. In 1922 the *Belfast Telegraph* advertised a charity sweep and the *Irish News* advertised one for the Mater Hospital in Dublin. Both newspapers were informed that they would be prosecuted unless they gave undertakings not to advertise such events again.[227] In 1923, both the *Belfast Telegraph* and the *Derry Standard* took the precaution of sending advertisements to the Ministry of Home Affairs for clearance. Both were refused permission to publish.[228] All the principal northern papers were warned in

[225] *Derry People*, 27 October 1928.
[226] *Ulster Gazette*, 2 February 1929.
[227] Chief Crown Solicitor to W. G. & Baird Ltd. 14 November 1922; Chief Crown Solicitor to Irish News Ltd. 14 November 1922, PRONI, NIMHA, HA/8/320.
[228] Chief Crown Solicitor to A. Stewart [*Belfast Telegraph*] 27 February 1923; Chief Crown Solicitor to John C. Glendining [*Derry Standard*] 21 April 1923, ibid.

1923 not to publish notices of sweepstakes or lotteries.[229] In 1924, a sweep planned by the Royal Naval Branch of the British Legion was prevented by the Ministry of Home Affairs, acting at the request of the Home Office.[230] A suggestion in the *Irish Churchman* that the government ban the publication of betting odds was not acted on, however. Other forms of publication were controversial. James Kelly recalled that as a reporter for the *Irish News*, he was taught that 'the seamy side of life' was sometimes 'so shocking that it could not be reported.'[231] The fact that campaigners against Sunday newspapers did not target the domestic press suggests that such self-censorship was normal.

Censorship and self-determination

Censorship of publications was an attractive policy for Irish social reformers for many reasons. It served to correct what they saw as the decline in morality that had taken hold since the war. It also acted as a defence against dangerous ideas such as birth control. It allowed the Irish Free State to define itself culturally in a way that took control of the cultural revival out of the hands of the artists and writers who the reformers regarded with suspicion. In their ideal world, Irish culture would be cleansed of modernism, realism, socialism and other imported evils. Censorship would also shut out foreign, especially British, newspapers and magazines with their reports of crime and divorce and their discussions of birth control. The campaigners were remarkably successful in presenting censorship simultaneously as a defence against the outside world and as an essential part of the apparatus of a modern state. By constantly referring to Canada, Australia and the United States,

[229] Chief Crown Solicitor to the Manager, *Derry Journal*, 15 February 1923, ibid.
[230] Ernly Blackwell to Imperial Secretary to the Governor of Northern Ireland, 21 June 1924; W. A. Magill to Imperial Secretary to the Governor of Northern Ireland, 3 July 1924, PRO, HO267/461.
[231] James Kelly, 'Memories of the *Irish News*' in Eamonn Phoenix (ed.), *A century of Northern Life: the Irish News and 100 years of Ulster history 1890s-1990s* (Belfast, 1995), p. 43.

they were able to portray themselves as progressives. Their campaign was effectively organised through a variety of Roman Catholic lay organisations and supported by the hierarchy. By contrast, the artists who opposed censorship failed to provide either an effective intellectual critique of the conservatives' policies or any organisation to defend their interests. This was partly caused by their contempt for conservative Catholicism, which is clear from the letters of O'Flaherty, Yeats, Hackett and Pound. As a result, they were ignored by the political parties.

Northern Ireland experienced many of the same religious and social pressures as the Irish Free State. It had no interest, however, establishing its independence, cultural or otherwise, from the UK or in following the example of foreign countries. Given the ambivalence of the protestant churches with regard to contraception, it would have been impossible for a northern government to legislate on the subject without offending one of the denominations. The Roman Catholic Church lacked the influence with the northern government that it enjoyed in the south. It also was less prepared to deal directly with Craig's administration. In the absence of significant campaigns from the protestant churches or the loyal institutions, it was in the government's interest to follow British practice. While the British state did intercept a certain amount of material in the posts or through the Customs, the total quantity was small in the context of the population of the United Kingdom. It is therefore likely that obscene publications, as defined by the Home Office, were rare in Northern Ireland and the government had no pressing need to introduce special provisions for them.

Chapter 4: Broadcasting and theatre

The theatre and radio were media of considerable power in both parts of Ireland in this period. It may seem surprising that they were not subjected to formal restrictions like films and publications. The Lord Chamberlain had never exercised a censorship of plays in Ireland and neither governments chose to impose any state censorship of theatre. Nor was broadcasting put under external controls. The reasons for this apparent anomaly lay in the manner in which broadcasting was controlled and the governments' view of the theatre audience.

I: Broadcasting

The Irish Free State

Wireless broadcasting represented an early challenge to the Free State's policy makers. The Treaty gave the government control of radio but limited the state's right to set up a station capable of broadcasting to listeners outside Ireland.[1] In June 1922 the Marconi Company had asked the Postmaster General for permission to set up a Dublin broadcasting station. He preferred to wait and observe developments in Britain and the Civil War caused a further delay as private wireless sets were banned.[2] Despite this, the government commissioned a confidential report on the subject by Professor W. B. Lyons of the Municipal Technical Institute in Kevin Street, Dublin, which recommended that the state establish and regulate an Irish broadcasting company and restrict the availability of amateur licences.[3] In

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[1] Horgan, *Irish media*, p. 15.
[2] Rex Cathcart, The most contrary region: the BBC in Northern Ireland 1924-1984 (Belfast, 1984), pp. 11-12.
[3] W. B. Lyons, 'Report on wireless telegraphy and telephony in Ireland', UCDA, Mulcahy Papers, P/7/B/308.

November 1923, the Post Office published a white paper with similar proposals.[4] The matter was referred to a committee of the Dáil.

Private wireless sets were officially prohibited in the state as the Postmaster General, J. J. Walsh, refused to issue licences. His justification for this policy was extremely complicated. He considered it unethical for people to receive the BBC without paying for it, describing it as 'pirating or stealing other people's property'. Until the state had a broadcaster to make reciprocal agreements with others, it would be vulnerable to a legal challenge from manufacturers who could claim that their customers were being charged for a licence that carried no entitlements. Lastly, he was determined not to attend the coming League of Nations conference on the subject as a representative of a nation taking broadcasted 'product' but supplying none.[5] The effect was that only the minority of applicants who were seen as genuine applicants for experimental licences were allowed, officially at least, to own receiving sets.

The commission eventually decided against a separate company and in favour of direct control of broadcasting by the Post Office. The director of the broadcasting station was to have a 'duty of preserving a proper standard of taste and morals'.[6] The white paper and the committee hearings gave Walsh a platform to express his philosophy of how such a service should be controlled. He was opposed to allowing politics on the airwaves, especially from overseas. He described all government statements broadcast by the BBC as 'propaganda' and, when a government TD said that he had heard nothing wrong with a recent speech by Lloyd

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[4] White Paper on Broadcasting, NAI, DT, S3532(A).
[5] Dáil Éireann, *First, Second, Third Interim Reports and the Final Report of the Special Commission to consider the Wireless Broadcasting Report together with proceedings of the Committees, minutes of evidence and appendices* (Dublin, 1924) [hereafter, *Committee on broadcasting 1924*], pp. 6-7, 196.
[6] *Committee on Broadcasting 1924*, p. xi.

George, the Postmaster General replied that 'the sooner we take steps to see that you do not hear it again the better.'[7]

Walsh was unhappy at the idea of a state run service saying that the government was 'riding for a fall' if it followed this option.[8] His objection was logical and prescient, 'we may conceivably find ourselves endeavoring to decide whether an Irish artist or an English artist should be employed, or whether an Irish say or an English song should be sung, or whether a particular speech, made in a particular way, was one which could be endorsed by a government department.'[9] His white paper planned that only official government news would be broadcast before 7pm.[10] The newspaper industry was also unhappy with the idea of competition for advertising revenue and news services.[11] The white paper also proposed no broadcasts on Sundays but Walsh was open to the idea if the public wanted it.[12] He was strongly opposed to carrying news from race meetings describing them as the greatest scandal in the country.[13] The service was thus seen as a source of sober entertainment. Other witnesses called for 'very rigid' control of day to day programming[14] or at least the use of 'official authority' in times of national stress.[15]

The Wireless Telegraphy Act 1926 put the broadcasting industry completely in the hands of the government. Section 10 gave the government the right, during an emergency, to control the possession of wirelesses, the sending of signals and virtually all other uses of such equipment. At any time, it was to be illegal to send

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[7] Evidence of J. J. Walsh, 16 January 1924, ibid, p. 52.
[8] Ibid, p. 63.
[9] Ibid, 14 January 1924, p. 2.
[10] White Paper, op. cit., NAI, DT, S3532(A).
[11] *Committee on Broadcasting 1924*, op. cit., pp. 308-9.
[12] Evidence of J. J. Walsh, 25 January 1924, op. cit., p. 192.
[13] Ibid, 16 January 1924, p. 63.
[14] Evidence of Prof. F. Hackett, 26 February 1924, ibid, p. 293.
[15] Evidence of E. C. Handcock, ibid, p. 127.

messages that were obscene, indecent, offensive or subversive of public order (Section 11). The Minister for Posts and Telegraphs, as the Postmaster General was by now known, was solely responsible for setting up radio stations, subject only to the approval of the Minister for Finance (Section 17). An advisory committee was to help the minister to run these stations. The station was eventually given the call sign 2RN.

The problem of how to provide a news service was difficult to solve. The hostility of the national press led the Department of Posts & Telegraphs to approach local newspapers and British news agencies but they were put off by the cost.[16] Instead a journalist compiled broadcasts from an array of sources: the news services of foreign governments, Dáil reports, reports from local postmasters and Gardaí, market reports from the Department of Lands and Agriculture and Irish and British financial news courtesy of the Dublin Stock Exchange. The whole arrangement cost a third of what the news agencies would have charged but at a cost to quality and independence. [17] This system lasted until 1929 when the department came to an agreement with the newspapers.[18] The Dublin correspondent of the *Cork Examiner* provided two nightly bulletins.[19] It was alleged that he did this without formal approval of his editors but that they conveniently ignored it as long as no Cork news was broadcast.[20]

Government control of 2RN inevitably led to censorship. On one occasion, a the last minute inclusion of a sketch called 'Loyalty' in a BBC programme led to the cutting of the 2RN relay of that broadcast. In another case, a relay from Belfast

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[16] Secretary Dept. P&T to Secretary Dept. Finance, 17 April 1926, NAI, DFIN, S104/5/27.
[17] Ibid, 12 May 1926.
[18] *Irish Independent*, 18 February 1929, ibid.
[19] Secretary Dept. P&T to Secretary Dept. Finance, 13 February 1930, NAI, DFIN S104/5/27.
[20] Ibid; J. B. Clark to Controller of Programming, BBC, 5 June 1935, BBC Written Archives Centre [hereafter BBC WAC], E1/947.

was cut when a song proposed the health of the King.[21] In 1926, a proposal that the budget debate be broadcast to 'stimulate interest in the proceedings of the Oireachtas' was vetoed by the Executive Council who decided against any broadcasting of speeches in the Dáil.[22] In 1928 Mrs. Sidney Czira, who had broadcast under the name 'John Brennan' wrote to the *Irish Times* to protest against a speech in the Senate that had linked the 'Irish Volunteers' [IRA] with the murder of Kevin O'Higgins. Czira claimed that such speeches could prejudice the forthcoming trials of members of that organisation. She was sacked and told that her services would not be required again. She did not return to the airwaves until Fianna Fáil took power in 1932.[23]

The most blatant abuse of the Minister for Posts and Telegraph's control of 2RN occurred during the 1927 election. Walsh had the station broadcast an announcement that Cumann na nGaedheal would not enter coalition as a party announcement. In fact it came solely from Walsh himself. He tried to cover his mistake by approaching the other parties for announcements but it became obvious that he had misused his position. No repercussions resulted as he left the country in August 1927 and did not contest the October election. The incident led to a decision not to allow political broadcasts at all. It was also felt that if such broadcasts mentioned the Civil War or other controversial matters, they would cause offence but if they were censored, there would be allegations of political partiality.[24]

The opposition frequently criticized the government over broadcasting. An alternative philosophy of broadcasting was outlined in 1926 by the Labour Party. The party's Assistant Secretary argued that 'access must be given without

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[21] Maurice Gorham, *Forty Years of Irish Broadcasting* (Dublin, 1976), p. 40.
[22] Executive Council Minutes, 23 March 1926, NAI, DT, S7321.
[23] Gorham, op. cit., p. 59.
[24] Robert J. Savage, 'The Origins of Irish Radio' MA Thesis, UCD (1982), pp. 89-90.

distinction of persons or subjects.'[25] The Minister for Posts and Telegraphs did set up a Broadcasting Advisory Board that involved members of the Oireachtas, the Gaelic League, the Wireless Society of Ireland, the Royal Dublin Society as well as artists and musicians.[26] Robert Briscoe, Fianna Fáil TD for Dublin South, attacked the use of BBC news programmes as 'propaganda' as it was controlled by 'British censorship'.[27] Barry Egan, a government TD from Cork, also attacked the minister for allowing foreign manufacturers of baking powder to advertise on the station. The minister disputed the idea that there was an Irish manufacturer of baking powder but assured the Dáil that no foreign products would be advertised if an Irish product were in competition with them.[28]

The most difficult problem for 2RN was money. According to a BBC representative even paying performers required government approval. Fees of over three guineas needed the permission of the Ministry for Posts and Telegraphs while those over seven guineas necessitated a decision by the Department of Finance. The station's newly refurbished control room still looked like 'a BBC provincial control room of at least six or seven years ago.' The result was that 'government control of the service obviously makes for unimaginative rigidity.'[29]

Broadcasting in Northern Ireland

Unlike the Irish Free State, Northern Ireland had no power to control broadcasting. Under the Restoration of Order in Ireland Act, it was impossible to buy a wireless set without a licence. Licences were issued only with the permission of the Ministry

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[25] *Irish Radio and Musical Review*, September 1926.
[26] Ibid.
[27] Gorman, op. cit, p. 62.
[28] Dáil Debates, Vol. XXVII, 14 November 1928, 5.
[29] J. B. Clark to DEFS, 27 October 1934, BBC WAC, E1/947.

for Home Affairs through a special arrangement with the Post Office in Britain.[30] The Civil Authority (Special Powers) Act did not apply, as the Post Office was a reserved service.[31] The Ministry of Commerce was unhappy about the small number of licensees and proposed liberalizing the regime.[32] The police opposed a change of policy[33] but the coming of the BBC to Northern Ireland made demand for licences too strong to allow such a restrictive policy to remain.[34] The police were given the right to check Post Office records of who had been given licences.[35] The government also claimed the right 'of stopping transmission at any time'.[36]

In 1924, the Director of Programmes told the Belfast Station Director, Major Scott that he should try to broadcast light entertainment. This required that he warn 'every humorist, in as tactful a manner as possible, that a wireless audience includes women and children and others unaccustomed to broad humour. Nothing must be transmitted by wireless that will offend sensitive folk'. If tragic material was to be broadcast, a warning was to precede it telling 'invalids and others' to lay down their headphones. Talks were to be dealt with carefully to ensure that no advertising be broadcast. It was also laid down that 'under no circumstances may they contain political matter' and they were to be edited in advance by Scott. The same rules applied to after-dinner speeches. There was to be one nightly news bulletin and it was to be scrutinised in advance. Unsuitable material was to be removed, as were party statements, except for those by cabinet ministers or leaders of parliamentary groups. The news was to give 'but the barest publicity to tragedies and other sordid

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[30] M. Ward [GPO London] to Secretary NIMHA, 6 February 1922, PRONI, NIMHA, HA/5/734.
[31] S. Watt to Secretary, Ministry of Commerce, 21 July 1922, ibid, HA/5/735.
[32] R. P. Pim Minute 27 April 1924, ibid, HA/5/751.
[33] Wickham to Secretary NIMHA, 3 July 1923, ibid.
[34] W. A. Magill, to Inspector General, RUC, 17 April 1924, ibid, HA/5/735.
[35] A. P. Magill to PMG, Belfast, 22 November 1924, ibid.
[36] W. P. Henry to Charles Blackwood, 24 April 1923, quoted in Gillian MacIntosh, *The force of culture: unionist identities in twentieth century Ireland* (Cork, 1999), p. 74.

happenings.' The news was also to avoid mentioning matters 'useful to gamblers.' If the station did a weekly sports broadcast it was not to deal with that day's events.[37] The news bulletin was given by John Sayers of the *Belfast Telegraph* until 1930 when the BBC appointed its own news editor for Northern Ireland. Sayers went on to edit the *Telegraph* from 1937 until his death in 1939.[38]

In 1927, the then Station Director for the Northern Ireland service, Gerald Beadle, advised the Director General that 'our position here will be strengthened immensely if we can persuade the Northern government to look upon us as their mouthpiece.' He went on to ask, 'can I unreservedly place the station at the service of this government, to be made use of at this government's direction?' Reith replied that as the Belfast station was responsible, through Head Office, to the Postmaster General, he was willing 'to place our medium at the disposal of the Government of Northern Ireland, but it must be clearly understood that this is a courtesy from the Corporation and that responsibility is not towards the Northern Ireland Government.'

Beadle wondered whether in the event of an emergency the government should be expected to ask for the BBC's assistance or to order it. If the former was the case, should the request go to head office? If it were the latter Beadle felt that the station 'must fall in with his [the Prime Minister's] wishes, whatever they may be'. Reith considered this policy 'injudicious' and warned that while the government could ask for help it could not require it. Beadle wondered what would happen if a minister wanted to make a speech which would normally require Head Office sanction. Reith reminded him that 'the decision rests with your headquarters, to whom you alone are responsible. In a private note to his secretary who was

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[37] Director of Programmes to Station Director, 5 September 1924, BBC WAC, R13/366/1.
[38] Brodie, *The Tele*, pp. 52, 62.

drafting his reply, Reith developed his position. 'We cannot help the government in a *party* question. We can help them in uncontroversial things', he explained. An emergency, as far as he was concerned, could only be declared 'by the King in Parliament' in which case 'they take us over'.[39] Later, Beadle offered the government the chance to make a special broadcast on the Northern Ireland constitution. Craig demurred on the grounds that it might make it look like the case required 'bolstering up' by 'special pleading'.[40]

Some still saw the BBC as a tool of the government. John Nixon, the independent unionist MP, alleged that preference was given to 'official unionist' questions in parliament. He demanded that the BBC broadcast whatever was on the order paper.[41] The BBC replied that they gave attention to what was newsworthy and that Nixon's questions about Cabinet Ministers' expenses, the cost of public service salaries and the pig marketing board had given way to a question on Northern Ireland's share of rearmament.[42] Nixon responded that as the BBC was not a private company like a newspaper, 'it is no part of your duty to set yourself up as a judge of what political speech, question or matter is or is not important.'[43] The exchange illustrated both the BBC's determination to retain control over what it broadcast and fact that by giving preference to party leaders and news of national importance, the corporation made it harder for independent voices to be heard.

The BBC Charter also promoted a conservative ethos by forbidding controversial broadcasts.[44] The special circumstances obtaining in Northern Ireland also had their effect. It was decided not to include Irish history in the schools'

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[39] Beadle to Director General, 1 March 1927; J. C. W. Reith to Beadle, n. d., BBC WAC, R13/366/1.
[40] NI Cabinet Conclusions, 25 April 1927, PRONI, CAB/4/192.
[41] Nixon to Northern Ireland Region Director [NIRD], 26 March 1939, BBC WAC, NI/23/133/1.
[42] APD to NIRD, 27 March 1939, ibid.
[43] Nixon to G. L. Marshall, 29 March 1939, ibid.
[44] MacIntosh, *Force of culture*, p. 99fn.

broadcasts, as many schools did not teach it. The Education Officer for the North Western Area of the BBC concluded that 'even a superficial acquaintance with Irish affairs is sufficient to make one realise that there is wisdom in this and that any attempt of the BBC to provide Irish History broadcasts intended to "bring history to life by means of dramatic interludes" would be as unnecessary as they would be inadvisable.'[45] Another proposed series of talks on 'How Ulster is Governed' was cancelled for reasons 'of a political nature'.[46] In the case of a series of talks on town planning the BBC sought the permission of the Minister of Home Affairs who was so enthusiastic that he introduced the series himself.[47] While the station took account of local feeling, this did not prevent a talk on the *Titanic* disaster being given despite fears that it would prove controversial in Belfast.[48] The BBC was very concerned not to be seen to endorse any group or product so the Belfast branch of the British Film Institute was not allowed to give a talk on its activities with the aim of boosting its membership.[49] In 1936, Denis Johnston was told that a talk he had proposed on Irish writers was too controversial as the station was anxious 'to avoid any opinions or reminiscences of contemporary figures which might be calculated to give offence, however well meant.' He was told instead to write something 'quite rambling and inconsequential.'[50]

The station had to deal with the national question in Northern Ireland with great delicacy. In 1937, a series of broadcasts by the Northern Region on 'Northern Nationalities' began with 'The Irish' in which Irish listeners were invited to stand

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[45] '"School Broadcasting in Northern Ireland", Report on the visit of the Education Officer for the North Western Area to Northern Ireland: 11-24 November 1938', BBC WAC, R16/129/2.
[46] Programmme Director to Director of Talks, 14 October 1936, ibid, R51/356/1.
[47] McMullan to Adams, 8 July 1936, ibid.
[48] Programme Director to D. R. R., 19 August 1936, ibid.
[49] Director of Talks to Northern Ireland Regional Director [NIRD], 18 March 1935, ibid.
[50] E. W. M. Richardson to Denis Johnston, 5 May 1936, Denis Johnston Papers, TCD, 10066/290/275.

for the 'Soldier's Song'. This caused the Northern Irish director to rebuke his colleagues. 'There is no need to emphasise how disastrous it is for a region of the BBC to radiate a rebel song and to invite listeners to stand while it is played', he wrote, adding that 'it raises the acutest indignation in the six counties where the Irish have remained loyal.'[51] The North Regional Director accepted that the broadcast had been 'perhaps unwise' but wondered facetiously why Ulster listeners were offended when they continually proclaimed that Erse [Irish] was a foreign language to them and both the announcement and anthem had been in that tongue.[52]

Religious programmes were also a source of potential controversy. A religious advisory committee was formed to organize such broadcasts. The Roman Catholic Church refused to take part so the membership was entirely Protestant. Catholic sermons were taken from other BBC stations instead.[53] Successive Northern Ireland Regional Directors tried to entice the Archbishop of Armagh to change his mind. Scott 'succeeded in getting into the Palace' but nothing 'transpired but except a cup of tea.'[54] Beadle, accompanied by the Moderator of the Presbyterian Church, visited O'Donnell soon after his appointment but the Archbishop had no interest in broadcasting. MacRory proved even less enthusiastic.[55] The hierarchy in Ireland was unique in its attitude. In 1929, when the BBC began to broadcast distinctively Roman Catholic services, Reith commented that 'with the exception of Northern Ireland, there are now, I think, none of our important stations where there is any want of co-operation.'[56]

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[51] NIRD to North Regional Director, 28 July 1937, ibid, E1/947.
[52] Salt (for North Regional Director0 to NIRD, 3 August 1937, ibid.
[53] Cathcart, op. cit., pp. 29-30
[54] J. C. Stobart to R. M. B., 15 May 1929, BBC WAC, R34/820.
[55] Beadle to Education Director, 15 March 1929, ibid.
[56] J. C. W. Reith to North Regional Director, 4 February 1929, ibid.

The refusal of the Roman Catholic Church to involve itself with the BBC had other effects. In 1932, special broadcasts for the 500th anniversary of St. Patrick were planned. The increasing controversy over the saint, involving Protestants and Roman Catholics disputing possession of him, put paid to this. If Irish Protestant celebrations were broadcast, 'no matter how uncontroversial the sermons may be, there is a danger of our [the BBC] appearing to support the Protestant claim', wrote Beadle.[57] It was decided to use preachers from outside so the Archbishop of Canterbury preached at Armagh while the Bishop of Birmingham gave the sermon in Belfast to honour the patron saint of Ireland.[58] In general the Religious Advisory Committee was usually more concerned with the quality of the service or venue than questions of content. The only case in the BBC archives of a service being rejected for controversial content was that of the Church of the Covenanters, an evangelical group.[59] The main churches were free to give their services and, unusually for the BBC, even the Unitarians were represented on the Religious Affairs Committee, along with five other small denominations, and they were allowed a broadcast every eighteen months or so.[60]

Some Catholics attacked the 'aerated form of bible dumping' involved in broadcasting so many Protestant sermons.[61] The experts of the *Irish Ecclesiastical Record* determined that while listening to such broadcasts was not technically *communicatio cum hereticis in divines* [consorting with heretics], it was a potential danger to faith.[62] There was a controversy over whether any Sunday broadcasts should be allowed. Those opposed based their case on the sanctity of the Sabbath

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[57] Beadle to Religious Advisory Committee, 28 January 1932, BBC WAC, R6/73/1.
[58] Minutes of the Religious Affairs Committee, 13 February 1932, ibid.
[59] Ibid, 24 March 1937.
[60] Beadle to Religious Director, 12 March 1934, BBC WAC, R34/805/1.
[61] *Irish Catholic*, 10 March 1928.
[62] *Irish Ecclesiastical Record*, Vol. XXIX (1927), p. 411.

while those in favour pointed out that one could always turn off the set and that continental broadcasts were already available.[63] It was not until 1925 that religious services were broadcast on Sunday afternoons.[64] In 1931, Cardinal MacRory criticised a broadcast by a Roman Catholic priest, the noted Anglican Dean Inge and a scientist on the reconciliation of faith with science. He denounced it as 'anti-Christian propaganda' which should not be allowed in a country where Christianity was the state religion. As the broadcast originated with the BBC in Britain no notice was taken.[65] The BBC also limited its coverage of the loyal institutions. The director wrote that 'attempts are made to get us to broadcast a commentary on the 12th July processions' but they had not done so. He discussed the matter with Craigavon who promised not to interfere in the matter.[66]

Objections to the content of broadcast programmes

Both stations had to confront the hostility of some listeners to popular music. Although this music was labelled "jazz" it was far from the sound of Louis Armstrong, Duke Ellington, Benny Goodman or Gene Krupa. From contemporary discussions, it appears that this was popular dance music that swung lightly if at all. Despite this, criticism of the music appeared in Irish papers on both sides of the border from the 1920s on.[67] Opposition was strongest in the south during the mid 1930s and was led by the Gaelic League and the *Irish Radio News*. The latter mentioned in 1928 that the titles of "jazz" tunes were so risqué that they could not even be announced.[68] Its commentator, A. Z., declared that,

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[63] *Irish Churchman*, 22 January 1925.
[64] *Irish Radio Journal*, 15 January 1925.
[65] *Down Recorder*, 24 January 1931.
[66] NIRD to Controller of Programmes, 23 June 1939, BBC WAC, R34/224.
[67] See for example, *Northern Whig*, 1 February 1922
[68] *Irish Radio News*, 10 March 1928.

> 'Jazz' is essentially an American product or rather it is a nigger product taken up by the United States and popularised to such an extent that, like an infectious disease, it spreads throughout the world to the detriment of true music.[69]

He blamed the BBC in particular for this plague but also faulted 2RN. Later he called for a censorship of the music. The fact that it was popular worldwide was 'not a very sound argument as to why we should not discard – if necessary by decrees – the music of the nigger in favour of products of our own artistic creation and the creation of a cultured people.'[70]

In 1934, the Gaelic League in Leitrim mounted a campaign against "jazz". They 'excluded no dance that was in keeping with Christian decency' but '"Jazz" was something that should not so much as be mentioned among them, as it was borrowed from the language of the savages of Africa'.[71] The *Derry People* believed that it was 'undisguised barbarism and bound to have a degrading effect on public taste'.[72] The worst culprits, as far as the campaigners were concerned, were the sponsored programmes on Radio Éireann. At a Gaelic League protest in Mohill, Co. Leitrim, a speaker attacked the Minister for Finance for 'selling the musical soul of the nation for the dividends of sponsored jazz programmes.'[73] The Gaelic League also sought support from local authorities in its campaign to have "jazz" removed from the airwaves.[74] In the campaign against popular music, the cultural protectionism that had give rise to censorship of films and publications was merged with blatant racism and artistic conservatism. This may explain why the campaign was unsuccessful. The music was popular and the campaign never attracted the sort

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[69] Ibid, 24 March 1928.
[70] Quoted in Savage, 'The Origins of Irish Radio', p. 88.
[71] *Irish Times*, 9 February 1934.
[72] *Derry People*, 13 January 1934.
[73] Ibid, 6 January 1934.
[74] Minutes of Dublin Municipal Council, 5 February 1934 and 21 March 1925.

of support from Catholic Action groups in the south or the loyal institutions in the north which would have strengthened its case.

Plays were sometimes controversial. The Theatrical Managers' Association in Northern Ireland initially refused to allow any to be broadcast – though for fear of competition, not because of content. They relented in June 1925.[75] Plays intended for BBC Northern Ireland were screened by a reader appointed by the director. The reports of these readers for the period 1931 to 1936 are available and show that several were rejected, as one might expect. Rejections usually occurred because a play was of poor quality or because there were not enough actors of quality available to perform it. There were no cases of a play being rejected because of controversial content.[76]

II: Theatre

Irish theatres had never been subject to the Lord Chamberlain's censorship, as the relevant legislation had never been made to apply to them. When self-government came about in the two Ireland's there was little immediate pressure for this situation to be altered. Plays were controlled by unofficial, local action and protest rather than by the state. In 1924, Dublin Municipal Council appointed four members of the Irish Vigilance Association as inspectors of the city's theatres. It is not clear whether the council had any legal right to do this or what exactly the inspectors did. There are no reports of action having been taken by them or of prosecutions. Nor are they mentioned in the letters, diaries or memoirs of those involved in Irish drama at the time. It must therefore be supposed that they exercised at most an unofficial, restraining influence.

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[75] *Irish Radio News*, 1 October 1924, p. 479; 15 June 1925, p. 910.
[76] BBC WAC, R19/840/1.

In Northern Ireland the question of licensing plays was discussed. In 1922, the northern government asked its southern counterpart for a specimen of an occasional licence for dramatic performance. The Ministry for Home Affairs in Dublin could find no such licences for any county outside Dublin. There is no sign that the northern government took any action as a result.[77] Sometimes the crowd acted as censors. In 1927 the public in Limerick stopped *Biddy: an Irish Stew in Three Helpings* after twenty minutes. The offending scene involved a priest offering the village squire a dispensation in return for a contribution to the school building fund. The play had been performed in Belfast without controversy.[78]

The Abbey, the state and the nation

The Abbey was placed in a unique position by its receipt of a government grant. This gave the state an uncertain influence over the theatre. It allowed Blythe to specify that the theatre should take on a Roman Catholic director to balance Lennox Robinson but it is not clear if he expected this director to act as a watchdog.[79] The case of *The Plough and the Stars* highlighted the issue. There were concerns within the Abbey when the play was submitted about the suitability of its language. The normal practice at the theatre was to consult the actors about this as they knew 'the mind of the audience better' than the directors.[80] This was complicated by O'Casey's resistance to changing his work and by the role of the director recommended by Blythe, George O'Brien.

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[77] Secretary Ministry of Finance to Henry O'Friel, 9 October 1922, O'Friel to Secretary to the Governor of Northern Ireland, 20 October 1922, NAI, DJUS, H75/10.
[78] *Down Recorder*, 10 December 1927.
[79] Lennox Robinson (ed.), *Lady Gregory's Journals* (London, 1946), p. 85.
[80] Ibid, p. 87.

As reported by Lady Gregory, O'Brien first objected to the text in late September 1925. She insisted that when Blythe had sought O'Brien's appointment, 'there was no word at all of his being a censor, but only to strengthen us on the financial side.'[81] O'Brien was concerned the love scene between Clitheroe and his wife in Act I and the introduction of a prostitute in Act II. Yeats's response was interesting, he agreed that the love scene was inappropriate because he felt that it was artistically false as 'O'Casey is there writing about people he does not know, whom he has only read about.' He defended the inclusion of the character of the prostitute as 'to eliminate any parts of it on grounds that have nothing to do with dramatic literature would be to deny all our traditions.'[82] On similar grounds he defended the use of the word 'bitch' in Act IV. O'Brien responded that he feared that the play as written might 'provoke an attack on the Theatre of a kind that would seriously endanger the continuance of the subsidy.' This led to a confrontation at the directors' meeting where Lady Gregory forced O'Brien to admit that he 'had mistaken my position' and the play was accepted on a majority vote.[83] Blythe's statements in the Dáil introducing the subsidy seem to support Gregory's views. He commented that 'we certainly are not too desirous to take responsibility for the working of such an institution [the Abbey].[84] Gregory and Yeats still intended that the play should be altered during the rehearsal process. Since the first night of the *Playboy of the Western World*, actors had been free 'to leave out anything they liked.' This produced confrontations between O'Casey and Eileen Crowe and F. J. McCormack who refused to say some lines.[85] O'Casey described these objections

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[81] Ibid.
[82] Ibid, p. 89.
[83] Ibid, pp. 91-2.
[84] Dáil Debates, Vol. XI, 13 May 1925, 1480.
[85] Robinson (ed.) *Lady Gregory's Journals*, pp. 94-5.

as 'a Vigilance Committee of the Actors.'[86] The words complained of were quite trivial but the incident demonstrates that the play was controversial even within the artistic community.

The disruption of the play by outraged republicans is well documented. They objected to the portrayal of a prostitute, the presence of the tricolour and the starry plough in a public house and the generally irreverent approach to the revolution. Their position was put by Hanna Sheehy-Skeffington in a series of letters to the press and in a public debate with O'Casey. She insisted that the protest 'was on national grounds solely'. She attacked 'the Abbey, in short, that helped to make Easter Week, and that now in its subsidised, sleek old age jeers at its former enthusiasms.' She proclaimed that 'the only censorship that is justified is the free censorship of popular opinion.'[87]

O'Casey responded that his play was unpopular in some quarters because 'some of the tinsel of shame was shaken from the body of truth'. He defended the setting of a public house as, 'some of the men of Easter Week liked a bottle of stout and I can see nothing derogatory in that.' He claimed the play reflected his own knowledge and experience. He dismissed her as hypocritical and nostalgic; 'the heavy hearted expression by Mrs. Sheehy-Skeffington about "the Ireland that remembers with tear-dimmed eyes all that Easter Week stands for" makes me sick. Some of those men can't get a job.'[88]

She countered that his supporters had no greater concern about poverty than had the republicans. She alleged that the play 'omits no detail of squalid slumdom...yet omits any revelation of the glory and inspiration of Easter Week.'

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[86] O'Casey to Lennox Robinson, 10 January 1926, David Krause, (ed.), *The Letters of Sean O'Casey 1910- 41 Volume I* (New York, 1975), p. 165.
[87] Sheehy-Skeffington to *Irish Independent*, 15 February 1926 in Krause, op. cit., p. 167.
[88] *Irish Independent*, 20 February 1926 in Krause, p. 170.

She also claimed that it represented the Irish Citizens' Army as cowards.[89] Their public debate reiterated these points but was less illuminating as O'Casey was ill and spoke poorly. Sheehy-Skeffington used it to raise an interesting view of the protests. To her the issue was not the right of self-expression of the playwright but of the audience. If a theatre was happy to accept applause, it should also accept boos, she claimed. She linked this with the Abbey subsidy, alleging that the theatre had been reduced to a 'kept house'.[90]

There are a few points to be made about this: The play went ahead unhindered on its opening night. The protests against the play were countered by many in the audience with applause.[91] It was never banned, nor did the Abbey discontinue it. The incident allowed O'Casey, Yeats and the *Irish Times* to make strong statements defending artistic freedom. The latter pointed out that the opposition to the play was not merely political but was also inspired by the presence of a prostitute among its characters. As the paper pointed out, young people did not need the Abbey to meet prostitutes, 'they can rub shoulders with the real thing every night of the week in the central streets…it is only when a prophet like Mr. O'Casey takes the malady to its source…that the name of decency is invoked.'[92] A few years later, in Omagh, *The Plough and the Stars* was the subject of a demonstration by local unionists who booed and threw stink bombs.[93]

The subsidy was frequently used as a rod with which to beat the Abbey. In 1926, one TD declared that the theatre had produced a new form of the stage Irishman and demanded that 'if this be a national theatre and if the taxpayers are to

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[89] Ibid, 23 February 1926 in Krause, pp. 171-2.
[90] Ibid, 2 March 1936, pp. 177-80.
[91] *Galway Observer*, 13 February 1926.
[92] *Irish Times*, 13 February 1926, NAI, DJUS, JUS7/1/4.
[93] *Irish Times*, 6 October 1937.

support it by subsidy, then the board for selecting plays should be representative of the whole nation, and not any small clique or minority'.[94] Blythe opposed such ideas, commenting that 'I think it would be impossible for the state to control the theatre' and claiming that 'we cannot act as censors and there is no use in blaming the playwright because he writes a particular sort of play.'[95] In 1929, P. J. Little asked that 'the minister might exercise a certain influence in getting plays acted in the Abbey which are closer to real Irish culture.' Blythe's response distinguished between his personal views and political policy: 'I do not doubt that the particular type of play produced in the Abbey Theatre lately will go out of fashion in due course,' but he refused to interfere.[96]

In 1931, the directors refused to allow Saor Eire to use the theatre for its conference because, as Yeats explained, 'we are a state theatre and we cannot admit a meeting that wishes to destroy the state.'[97] Peadar O'Donnell rejected this and wrote angrily that

> when Dublin workers protested against a play in the Abbey you stood up to the clamour and demanded a space for the dramatist and his audience but when a meaner censorship demanded that you shut your doors against the staging of a drama lit up with a greater mission and potency you collapsed. You stand exposed; your intellectual freedom wilts into the nothingness of a painted sham. I am ashamed for you.[98]

O'Donnell here confused freedom of expression with artistic freedom. As has already been seen, Yeats was unequivocally committed to the latter but was more ambivalent about the former. By 1931 MacEntee presented the Fianna Fáil complaint about the Abbey grant in a slightly new way. He claimed that O'Casey's plays were 'a legitimate interpretation of one aspect of Irish life' but argued that the

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[94] Dáil Debates, Vol. XVI, 22 June 1926, 1512.
[95] Ibid, 1514.
[96] Ibid, Vol. XXXI, 4 July 1929, 504.
[97] W. B. Yeats, 'The Abbey Theatre and Saor Eire' [n. d.], NLI, Yeats Papers, Ms 30,159.
[98] O'Donnell to the Abbey Directors, 28 September 1931, ibid, Ms 30,675.

theatre put them on specifically when British tourists were in the city and this offended many Irish people who wanted visitors to be given a better impression of Irish life.[99] After Fianna Fáil came to power in 1932, the grant was cut to £750.[100]

The Abbey's opposition to government interference was to be tested. In 1933, the company toured America. Roman Catholic groups complained that they were performing *The Playboy of the Western World* and *Juno and the Paycock.* The government told the theatre that 'if we are to retain our grant we must leave out of our American repertory all plays that offend such persons or societies'. Yeats's answer was clear: 'we refuse such a demand; your minister may have it in his power to bring our theatre to an end, but as long as it exists it will retain its freedom'. The government also proposed to appoint Professor William Magennis, as its nominee to the board. Again, Yeats stood firm, 'we refuse to admit Professor Magennis to our board as we consider him entirely unfit to be a director of the Abbey theatre.' The board threatened to refuse the subsidy rather than accept him.[101] The government consoled Professor Magennis with a place on the Censorship of Publications Board.[102] In 1934, the government tried a gentler approach and asked that no plays by O'Casey be performed in America or, failing that, that it be made clear that the Irish government was not responsible.[103]

Sean O'Casey's *The Silver Tassie* was controversial for two reasons. It was rejected by Yeats because he thought it a poor play, not because of objections to its content. The Lord Chamberlain did demand that the language be toned down before it could be performed in London and it was the play's success in England that led to

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[99] Dáil Debates, Vol. XXXI, 9 July 1931, 1885.
[100] Morash, op. cit., p. 188.
[101] Yeats to de Valera, 1 March 1933, NLI, Yeats Papers, Ms 30,229.
[102] Adams, *Censorship the Irish Experience*, p. 245.
[103] Secretary, NAI, DT to Lennox Robinson, 17 April 1934, NLI, Yeats Papers, Ms 31,067.

its being performed at last in the Abbey. The protests that resulted sprang from a belief summed up by J. Murphy of University College Galway:

> When the Abbey Theatre Company accepted a grant from an Irish Government, it thereby created the taxpaying subjects of that government as its critics. Now I think that the Church of the majority of these critics and their National University may have at least a small claim to voice the opinion of the Abbey's legal governors – the people.[104]

Other correspondents saw the play as 'a statement, not a solution of suffering' and a work of 'Christian realism' although most considered it to be flawed.[105]

Aodh de Blacam had pre-empted the debate the previous March by attacking the Abbey for straying from what he considered the proper base of Irish culture: Irish Roman Catholicism. He claimed that 'it is not the purpose of all imaginative writing to teach morality' but believed that a great writer 'must be sound in his morality'. Such a writer should deal with 'great, central, simple themes' in a manner 'consistent with our own [Roman Catholic] culture.'[106] James Devane (no relation to the campaigning Jesuit) defended those who protested at theatres: 'it seems a fine and healthy sign that the Irish should be interested enough in their own drama to raise a riot in the national theatre.'[107] Other critics called O'Casey 'a terrible menace to the morale of Young Ireland.'[108] Again the important fact was that although the play did not run for long, the Abbey's grant was not withdrawn and no one was prosecuted. The incident divided the Abbey board and led to the resignation of Brinsley MacNamara. He alleged that parts of the play were altered at his demand after the second night.[109] The board claimed that it had issued specific instructions 'to the company that no word of a play's text should be altered

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[104] *Irish Times*, 3 September 1935.
[105] Ibid, 4 September 1935.
[106] Aodh de Blacam, 'What do we do with the Abbey?' in *Irish Monthly*, March 1935, p. 199.
[107] James Devane, 'Nationality and Culture' in *Ireland To-Day*, December 1936, Vol. I, No. 7, pp. 13-14.
[108] John Dowling, 'The Abbey Attacked' in *Ireland To-Day*, Vol. 2 No.1 January 1937, p. 43
[109] *Irish Times*, 7 October 1935, Krause (ed.) *Letters of Sean O'Casey Vol. I*, p. 589.

or omitted by a player' so it is unclear what occurred.[110] The *Silver Tassie* affair showed the outer limit of what would be tolerated on an Irish stage. It also illustrated that theatres had more freedom than cinemas or publishers as well as more allies to defend them if controversy erupted.

Theatre censorship and government policy

In 1927, the *Irish Catholic* called for a prior censorship of the theatre on the English model, particularly to deal with sketch and revue shows.[111] The lack of action by the government in this regard was significant. It should be remembered that members of the Roman Catholic clergy could not attend theatres under normal circumstances. They were allowed to attend amateur dramatics in a school or temperance hall but these were not ideal places to educate them in the state of modern theatre.[112]

Opinion within the southern government on the censorship of theatre was made clear in 1930 when the Department of Finance considered the Censorship of Films (Amendment) Bill 1930. It was suggested that if sound films were to be censored, the same should apply to theatre. It was argued that the two were different for five reasons: there was a large number of cinemas in the country compared to theatres, far more films were produced than plays, more towns had a cinema than had a theatre, cinema was far more popular than theatre and the number of performances of each film was greater than that of a play.[113] The sanction of last

[110] Ibid, 3 September 1935, p. 582.
[111] *Irish Catholic*, 2 April 1927.
[112] *Irish Ecclesiastical Record*, Vol. XXXIII (1929), pp. 528-9.
[113] Fagan to Lynd, 21 March 1930, NAI, DFIN, S/84/3/30.

resort was the cancellation of a theatre's charter but this had never been done. It was also felt that 'the audience can have a corrective influence on the live actor.'[114]

These discussions illustrate the fact that the theatre was seen as an entertainment for a comparatively small elite which was capable of protecting its own morals. This contrasted sharply with the belief that lower class and young audiences could not be trusted to decide what to read or what films to see. It is interesting that the civil servants did not provide any statistical evidence for their claims. This suggests that so strongly did they believe that theatre was less well attended than cinema, and by a different class of patron, that they did not believe any proof was necessary. According to Morash there were seven main theatres in Dublin in 1930 – though there were several smaller ones.[115] Although specific figures for Dublin are not available, by 1935 there were 181 cinemas in the Free State. Of these sixty-one had a capacity of over five hundred seats.[116] These figures indicate that cinema was probably more popular than theatre.

In Northern Ireland there were even fewer established theatres and both the Ulster Literary Theatre and the Belfast Repertory Theatre faced a constant struggle to find a home.[117] There were also obvious logistical problems with censoring plays. A government would have to introduce a prior scrutiny of scripts, as existed in England, or a system of inspection by the police or other officials – possibly both practises would have been required. Prior censorship of plays was controversial in England and many plays banned there had already been performed in Ireland, from *The Shewing up of Blanco Posnet* by Shaw in the Abbey before independence to

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[114] J. Herlihy to Godling, 21 March 1930, ibid.
[115] Christopher Morash, *A history of Irish theatre 1601-2000* (Cambridge, 2002), p. 185.
[116] Deputy Commissioner Garda Siochána to Secretary, Department of Justice, 9 January 1935, NAI, DJUS, H290/28.
[117] Morash, op. cit., p. 196.

Wilde's *Salome* in the Gate in 1928.[118] The inspection of theatres would have had echoes of the failed censorship of films by local authorities and would either have put extra demands on the resources of the police or given power to vigilante groups like the CTSI.

Popular Theatre

Northern Ireland experienced few protests against plays. In 1930 at Newry Town Hall, a travelling company found the audience becoming restless when their play, entitled *Other Men's Wives*, was a quarter the way through. Local politicians began to protest at the start of Act 2 and the actors stopped the play. They asked what parts gave offence and were told 'all of it'. The audience spurned an offer of a refund if they left. The cast tried to explain that the play had passed the Lord Chamberlain but were informed that 'it will not pass in Newry'. They then appealed to the audience to be broadminded but Mr. Connellan, the local MP, responded that 'we know what that means' and eventually the actors were forced to perform another play instead.[119]

In 1934 the Theatre and Cinema Association of Ireland met the Lord Mayor of Dublin to reassure him about the standards they applied to popular theatre. They promised him that all the shows they put on were in the form passed by the Lord Chamberlain in England. They accepted that British audiences were 'less sensitive than we are in this country'. The Gaiety had a clause in its standard contract requiring touring managers to remove 'anything of an offensive nature', particularly 'suggestive and indecent jokes.' Artists were to be suitably clad and the theatre forbad costumes consisting only of brassiere and trunks. All shows were viewed by

[118] Ibid, p. 183.
[119] *Derry People*, 20 December 1930.

the resident manager and offensive material was cut. On one occasion, the managers boasted, they had incurred costs of £1,000 by cancelling a 'play they considered a reflection on the Irish character'. The Lord Mayor accepted their sincerity but pointed out that he still received a number of complaints from the clergy and the public.[120]

Smaller companies could not always survive attacks. In 1938, the Birr Little Theatre Company tried to put on *Shadows and Substance* by Paul Vincent Carroll. The play involved an educated parish priest who is forced by his curate into a confrontation with a local schoolmaster. The local vigilance association objected and the company lost both money and confidence. One actor claimed 'it was as if someone had died on us'.[121] This suggests that local theatres were more vulnerable to moral coercion and that such unofficial censorship, although there are few reported cases of it, may have affected their choice of material.

Censorship without censors

The histories of broadcasting and theatre in Ireland reveal two media that were restricted by very different mechanisms. Broadcasting was tightly controlled by the state in the south and, in Northern Ireland, by a corporation that saw itself as a having heavy responsibility to avoid controversy. The BBC in Northern Ireland was not a neutral onlooker to the disputes between the two communities but saw itself as a natural, albeit independent, ally of the state. The southern broadcasting service was restrained by poverty, bureaucracy and conservatism. It was potentially vulnerable to political interference and the wonder must be that this did not happen

[120] *Irish Times*, 4 December 1934.
[121] Morash, *A History of Irish Theatre*, pp. 190-1.

more regularly. The dull, conformist nature of most of the programmes broadcast may have served to make it difficult to turn them to a political agenda.

Theatre successfully faced down all attempts by the state to control it. However, it faced public censors who saw it as their right to demand changes to plays in mid performance. *The Plough and the Stars* and *The Silver Tassie* were challenged in a very public and large-scale version of this. Theatre retained a special status that allowed politicians like Blythe to assert confidently that it could not be censored. Books, magazines, newspapers and films did not receive such treatment. Although theatre was subject to many pressures it affected fewer people than cinema and was more restrained than the printed word. It appealed to an educated class and was centred in urban areas; this gave it a degree of freedom not granted to other art forms.

Chapter 5: Security and politics 1930-39

The opening years of the 1930s found the two Irish governments in very different positions. In Northern Ireland, the Craig government had defeated .the military threat to the province's existence and, despite political problems, enjoyed considerable security. The southern government under Cosgrave was under increasing political pressure and it was not certain that any transfer of power would be peaceful. Both governments had amassed an array of powers to suppress resistance. In each case it was questionable whether the circumstances warranted their retention. Despite this, the decade, although far more peaceful than its predecessor, saw each regime cling firmly to the comfort blanket of these security laws.

The legislative basis

The Civil Authorities (Special Powers) Act 1933.

The Northern government remained committed to the maintenance of the Civil Authorities (Special Powers) Act. The decision in 1928 to renew the Act for five years rather than one saved the government from the annual ritual of criticism from the nationalist side. When the Act came up for renewal in 1933, Dawson Bates presented a memorandum to the cabinet proposing that it be made permanent. This developed the arguments put forward in 1928, namely that what had begun as an exceptional measure to deal with a state of civil war was still necessary to deter potential subversion. Dawson Bates attributed 'the immunity from organised disturbance which has obtained for some years past' to the CASPA. He admitted that the act was still used to prevent 'meetings with the avowed object of spreading

revolutionary propaganda', although officially meetings were usually suppressed on the grounds that they could lead to a breach of the peace. The minister was making explicit in private that the act was used to suppress republican political activity as well as violence. Despite this, he asserted that 'public opinion now recognises that there is no danger of these powers being arbitrarily employed.' He went further arguing that 'even if it were never again necessary to utilise its special powers it would be most unfortunate from the point of view of the preservation of peace and order if this effective weapon were not available in reserve.'[1] The proposal put before the Northern Ireland House of Commons made two significant changes to the 1928 act: it was to be indefinite and the minister was to have the powers to delegate his powers under the act to a Parliamentary Secretary or senior RUC officer. Due to the absence of Nationalist MPs there was little debate on the measure with only John Beattie, the Labour MP for Belfast East, and Nixon questioning it. Beattie asked why such powers were necessary in a time of peace while Nixon demanded that the minister not delegate his powers to anyone lacking a history of loyalty to Ulster.[2]

The National Council for Civil Liberties Report

The decision to make indefinite the CASPA drew attention to the government's continued use of it. The National Union of Vehicle Builders described the act as a 'curtailment of any measure of freedom which the workers now have'.[3] The Labour Party also protested[4] as did the National Union of Railwaymen[5] and the Irish Trade

[1] 'Memorandum by the Minister of Home Affairs in regard to the Civil Authorities (Special Powers) Act – extension of period of duration', 31 January 1933, PRONI, CAB/9B/83/1.
[2] NIHC debates, Vol. XV, 14 March 1933, 847-851.
[3] William Boyd (Branch Secretary) to Craigavon, 11 April 1934, PRONI, CAB/9B/83/1.
[4] John Campbell to Craigavon, 25 September 1934, ibid.
[5] W. J. Donaldson to Craigavon, 23 February 1935, ibid.

Union Congress.[6] The most substantial criticism came from the British National Council for Civil Liberties (NCCL). In its annual report of 1934 it reported that a meeting called to protest against the Unemployment Insurance Act had been banned and its organiser arrested for trying to read a resolution. The NCCL decided to undertake an inquiry about the workings of the CASPA and declared itself 'determined to demonstrate the amazing degree to which the fundamental principles of British law have been abrogated under the Northern Parliament.' It was particularly concerned that the practice of making a person accused under the CASPA undertake to 'keep the peace' 'would have prevented him from engaging in any political activity' due to the vagueness of the phrase.[7]

In April 1935, representatives of the council met with northern contacts – mostly Labour party and trade union members - to decide on the composition of a committee.[8] The four person committee comprised: E. Alymer Digby, a KC, JP and retired Naval Commander; Margery Fry, a former secretary of the Howard League for Penal Reform and principal of Somerville College Oxford; William McKeavy, a Liberal MP and solicitor of the High Court and Edward Mallalieu, also a Liberal MP and a former Parliamentary Secretary to the President of the Board of Education. The inquiry was to examine and report on: the Civil Authorities (Special Powers) Acts, the manner in which regulations were made and powers delegated, and the act's effects on 'political life and on the liberty of the subject in Northern Ireland.'[9]

The northern government paid close attention to the council's activities and its members were kept under observation by the RUC while they conducted their

[6] Donohue, *Counter terrorist law,* p. 114.
[7] *National Council for Civil Liberties: Annual Report 1934* (London, 1934), p. 22, PRONI, NIMHA, HA/32/1/619.
[8] E. Gilfillan to Secretary Ministry for Home Affairs, 12 June 1935, ibid.
[9] *Belfast Newsletter*, 10 June 1935.

investigations. Although the investigative committee used the premises of the National Union of Allied and Distributative Workers in Belfast, the police believed that 'the officials of the different trade unions were not at all keen on the inquiry and few, if any, attended the session.'[10] In May 1936 the report was finished and the government and the NCCL began a campaign of propaganda over the result.

On 23 May 1936, the editor of the *Northern Whig*, wrote to Craigavon to tell him that the press had been warned that the report would be out the next week and that it would be 'violently hostile' to the CASPA. He recommended that the Prime Minister give the paper an official statement or a personal interview on the same day.[11] The next day the paper attacked the council for 'boostering' the report.[12] On 23 May, a representative of the NCCL travelled to Belfast and called at bookshops and newspaper offices to drum up interest in the report.[13] The *Irish News* made much of the report in a leader headed 'Legal Dictatorship',[14] while the *Belfast Newsletter* headed its leader 'An Impudent Report' and claimed it had been composed by little known people, hostile to Ulster and influenced by anti-unionist propaganda.[15] The government's own response went through several drafts that became steadily more *ad hominem* in their approach. It complained of the 'absence on it [the NCCL committee of inquiry] of any person of note' and claimed that only twenty-one people had come to its meeting. Neither charge was entirely true. The committee members might not have been well known but they were noteworthy and the meeting referred to was an organising committee to which only a small number were invited. The government pointed out a few errors of fact in the report and

[10] E. Gilfillan to Secretary, Ministry of Home Affairs, 3 July 1935, PRONI, NIMHA, HA/32/1/619.
[11] F. M. Adams to Craigavon, 20 May 1936, ibid.
[12] *Northern Whig*, 21 May 1936.
[13] E. Gilfillan to Secretary Ministry for Home Affairs, 27 May 1936, PRONI, HA/32/1/619.
[14] *Irish News*, 23 May 1936, ibid.
[15] *Belfast Newsletter*, 25 May 1936, ibid.

detailed the desperate state of the province in 1922 which led to the introduction of the CASPA. It concluded that ' the only thing the government requires from the citizens of Northern Ireland is loyalty to the Throne and Constitution and obedience to the rule of law.'[16]

The NCCL report had several results. It was reported around the world, notably in Australia and South Africa, emphasising Northern Ireland's image as a repressive, one party state.[17] It gave the nationalist community an external authority to bolster its belief that it was being persecuted while reinforcing unionists' sense that they were the victims of republican propaganda. In the northern House of Commons, Sir Robert Lynn denounced the NCCL as 'the home of all the cranks in England' and condemned its committee as a group of atheists and anarchists.[18] Despite such vehement criticism of the NCCL, there was never any suggestion of acting to prohibit or restrict access to the report. Unionist papers carried its findings in some detail, albeit with caustic editorial commentaries and Nationalist papers were able to print it in great detail. Nor was the committee prevented from holding meetings or receiving evidence – though several witnesses decided not to send material through the post as they knew it would be opened.[19] When a letter reiterating many of the NCCL's charges was published in the *Boston Post* in 1937, C. H. Blackmore asked whether 'we can do anything to prohibit the publication of such libellous articles'?[20] He was told this was not possible because the letter 'is substantially accurate' but 'it is very easy to present facts in such a way as to

[16] Statement by Dawson Bates 26 May 1936, ibid.
[17] *The Sydney Morning Herald* 8 June 1936; *The Star Johannesburg*, 25 June 1926, ibid.
[18] NIHC debates, XVIII, 23 June 1936, 1966.
[19] Gilfillan to Secretary of the Ministry of Home Affairs, 12 June 1935, PRONI, NIMHA, HA/32/1/619.
[20] Blackmore to W. A. Magill, 23 August 1937, PRONI, CAB/9B/83/1.

convert the statement into what is practically a definite falsehood.'[21] The government's usual course when faced with such criticism was to claim that the CASPA was supported by most of the Northern Irish population, that law abiding citizens had nothing to fear and that the equivalent legislation in the south was even stronger.[22]

Emergency law in the south.

In 1931 the Free State government introduced a powerful public safety act in the form of a new constitutional article – Article 2A, introduced by the Constitution (Amendment No. 17) Act 1931. Section 23.1 of the article dealt with prohibited documents. It effectively banned all documents 'issued or published on behalf of an unlawful association'. Such associations were to be determined solely by order of the Executive Council. Any person found to have published, sold, distributed or offered for sale any banned document could be fined £100 or imprisoned for up to six months. Possession of such documents was also an offence. The new article also allowed the Executive Council to ban any meeting it felt could lead to 'a breach of the peace or to be prejudicial to the maintenance of law and order.' The Gardaí were given powers to stop and search anyone suspected of carrying seditious documents and to search premises believed to contain such documents. Reaction to the bill was mixed. The *Irish Independent* gave it enthusiastic support, emphasising its role in combating communism. It portrayed the bill as regrettable but necessary.[23] The *Irish Times* was also in favour of the measure although it admitted that it encroached on the liberties granted by the constitution. 'Nevertheless', it argued, 'the case for strong measures stands until Mr Cosgrave's essential statements are refuted and

[21] Magill to Blackmore, 25 August 1937, ibid.
[22] Blackmore to Miss Virginia Jones, 29 September 1937, ibid.
[23] *Irish Independent*, 15 October 1931.

every reader of the newspapers knows that they cannot be refuted.'[24] Predictably, papers supporting Fianna Fáil were less enthusiastic. The *Irish* Press called the amendment 'the most far-reaching measure of coercion since the Act of Union.'[25] The *Derry People* felt that 'the law as it stands should be capable of dealing with the incidents which have occurred of late but on the other hand if these incidents are the work of an organisation bent on intimidation and terrorism to achieve their ends, then the act is quite justifiable as any reasonable person will agree.'[26]

Bunreacht na hÉireann.

The 1937 constitution substantially changed the situation regarding freedom of expression. It marked the end of article 2A thus reversing the stringent powers discussed above but the rights granted were heavily qualified. Article 40.3.2 put the right to a good name on a par with that to life person or property. Article 40.6 defined civil liberties but these were only to be guaranteed 'subject to public order and morality'. As if this was not sufficient qualification, the right to freedom of speech (Article 40.6.1.i) was clarified as follows:

> The education of public opinion being, however, a matter of such grave import to the common good, the state shall endeavour to ensure that the organs of public opinion, such as the radio, the press, the cinema, while preserving their rightful liberty of expression, including criticism of Government policy, shall not be used to undermine public order or morality or the authority of the State.
>
> The publication or utterance of blasphemous, seditious, or indecent matter is an offence which shall be punishable with law.

The last phrase is unusual for a constitution in that it did not enable or even mandate the government of the day to ban the relevant forms of expression. Instead

[24] *Irish Times*, 15 October 1931.
[25] *Irish Press*, 15 October 1931.
[26] *Derry People*, 17 October 1931.

it placed the common law offence of blasphemy in the constitution and criminalized the publication and utterance of indecent matter – without defining indecency.[27]

Contemporary commentators considered the provisions of this article quite limited. Professor John Marcus O'Sullivan, the Fine Gael TD, described it as a set of 'splendid sentiments' but 'two of the most autocratic States in Europe at the present moment, are autocratically ruled because they took in hand the "proper" political education of their people, because they got control of the press, the radio and the cinema.'[28] His party colleague, Cecil Lavery claimed that 'it is not hard to see how such a power could be used by a Government which wished to restrain a press which was critical of it.'[29] De Valera himself had argued that 'liberty is not inviolable. Liberty may mean licence, and licence has to be checked and curbed in the common interest.'[30]

Some of the tortured phrasing of this article had its origins in Roman Catholic teaching. The wording suggested by Irish Jesuits, including the noted right wing intellectual Fr. Edward Cahill, in October 1936 was couched in similar terms: freedom of speech and of the press would 'not extend to the utterance, publication or circulation of anything that is subversive of the Christian religion, or Christian morality or of public order in the state'.[31] As he did throughout the constitution, De Valera had made significant changes: there was no reference to Christianity, nor was the circulation of offensive matter made unconstitutional. Nonetheless, the article gave Cahill and his allies at least some of the support they sought in their fight against 'apostate and semi-apostate writers who in varying degrees have used

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[27] John Kelly, Gerard Hogan & Gerry Whyte, *The Irish Constitution* (3rd Edition, Dublin, 1994), p. 943.
[28] Dáil Debates, Vol. LXVII, 12 May 1937, 225.
[29] Ibid, 11 May 1937, 128.
[30] Ibid, 62.
[31] Irish Jesuits Archives, Cahill Papers J55/68.

their undoubtedly high literary gifts to excel in pornography and in bitter contempt for the Catholic faith.'[32] John Charles McQuaid had also advised de Valera on the matter through quotations from the popes of which one, from Leo XIII, anticipated the constitution's eventual ambivalence: 'If unbridled license of speech and of writing be granted to all, nothing will remain sacred and inviolate;' but 'in regard, however, to all matters of opinion which God leaves to man's free discussion, full liberty of thought and of speech is naturally within the rights of free speech.'[33]

Kelly has argued that de Valera saw these rights as 'primarily a set of "headlines to the legislature"' and 'did not see himself as calling into being a sort of legal shredding machine, which a later generation of lawyers and judges would use with devastating effect on the Acts of the sovereign Irish people's own parliament.'[34] The effect of Article 40.6.1.i was to leave the question of freedom of expression in the hands of the legislature rather than, as in the United States, opening the way for significant judicial review. Kelly has pointed out that the article is at best vague and at worst self-contradictory. Is, for example, the 'rightful liberty of expression' given to the radio, press and cinema in paragraph 2 included in the 'right of citizens to express freely their convictions and opinions' or is it an extension of it? Does the latter right include factual information? It seems that de Valera expected the Oireachtas to decide.[35] As such there was at best a very weak freedom of speech principle embodied in the constitution.

Article 40.6.1.ii, regulating freedom of assembly, retained a vestige of Article 2A of the 1922 constitution by allowing laws to control meetings 'calculated to

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[32] Cahill to de Valera 8 May 1937, quoted in Seán Faughnan, 'The Jesuits and the drafting of the Irish Constitution of 1937' in *Irish Historical Studies*, Vol. XXVI, No. 101 (May 1988), p. 95.
[33] UCDA, de Valera Papers, P150/1052/2.
[34] John Kelly, 'Fundamental rights and the constitution' in Brian Farrell (ed.), *De Valera's constitution and ours* (Dublin, 1988), p. 166.
[35] Kelly, *The Irish Constitution,* op. cit., pp. 923-5

cause a breach of the peace or to be a danger or a nuisance to the general public and to prevent or control meetings in the vicinity of either house of the Oireachtas.'[36] As mentioned earlier (see Introduction), it was accepted in Irish law that the authorities had the right to disperse a lawful assembly to protect public order. It might also be suggested that the rise of Fascist and Nazi forces in Europe had an influence on these clauses. The Report of the Constitution Committee in 1934 recommended changes to the 1922 constitution to allow laws or police action 'to control open-air meetings which might interfere with normal traffic or otherwise become a nuisance'. They also outlined the provisions for freedom of assembly in Belgium, Czechoslovakia, Denmark, Estonia, Germany, Spain and Jugo-Slavia. Several of these required prior notice before a meeting could be held and all allowed meetings to be controlled by law.[37]

The world's press paid little attention to the articles on freedom of expression and assembly, preferring to pursue the debate – which today seems bizarre – over whether the President could become a dictator. The *Manchester Guardian* commented that 'nothing is done to strengthen the security for the liberty of the subject' and 'intellectual liberty is far from secure under an unintelligent censorship'[38] De Valera further elaborated on his own philosophy of press freedom in a speech to the Dublin and Irish District of the Institute of Journalists in January 1938. He defended the constitution as offering 'a reasonable meaning' of freedom of the press. He was concerned that without extensive qualifications the courts would overrule the state even when it acted 'as the supreme guardian of the common good', instead it was up to journalists to realise that,

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[36] Ibid, p. 959.
[37] Report of the Constitution Committee 1934, UCDA, de Valera Papers, P150/1047/1.
[38] *Manchester Guardian* 4 May 1937, ibid, P150/1036/2.

> the press is a teacher that should realise the extent of its power for good or evil and the dignity of its function ... No reasonable man would blame the public authority for restraining newspapers that, by reason of its commercial interests had set out to foster a war fever, for example, or that callously pandered to unlawful passions or that really endeavoured to overthrow the lawful authority of the family or state.

The *Irish Times* detected 'a vaguely sinister ring' about the fact that he (and the constitution) left it to the government to judge whether the press had abused its rights. 'Does Mr. de Valera seriously contemplate a time when he will deem it necessary, for the national security, to control the press?' it asked.[39] It would be answered in less than two years.

The Offences Against the State Act, 1939

The old emergency legislation enshrined in Article 2A of the Free State Constitution disappeared with its replacement so, when the government became concerned at the level of IRA activity in early 1939, they needed to reacquire those powers they had discarded in 1937. Although the Labour party disputed the necessity for such strong measures, P. J. Ruttledge, the Minister for Justice, was inflexible:

> It is all very well to treat proclamations and documents of that kind lightly when one is satisfied that there is not the will, or the force, or the power behind it to do anything about which the Government, as custodians of the people's interests and the people's rights, need worry, but is has gone further that.'[40]

Fine Gael's deputies found themselves in a quandary as to how they should oppose an act based so closely on their own legislation of the previous decade. They decided to debate the detail rather than the principle of the bill. No doubt remembering their own experience of emergency law during the Blueshirt period, they also claimed that by incorporating such powers into the ordinary law the

[39] *Irish Times*, 31 January 1938.
[40] Dáil Debates, Vol. LXXIV, 2 March 1939, 1289.

government had taken a more drastic step than had its predecessor.[41] In particular they attacked the proposal to ban public meetings deemed likely to lead to a breach of the peace. Cosgrave correctly surmised that this would allow persons opposed to a meeting to have it banned by threatening violence themselves. 'Surely it is not the intention that ten persons who are going to obstruct or create disturbance at a public meeting have a right to stop it', he argued.[42] James Fitzgerald-Kenney opposed the fact that the bill 'gives abnormal powers in normal times to guard or to soldier, or gives the right to suppress public meetings to police officers' for under the proposal a Garda Superintendent possessed such powers.[43] The party also questioned the sections of the bill that criminalized possession of incriminating documents but defined these as any document emanating from an illegal organisation. Patrick McGilligan saw the truth of the matter when he asked if the government would have been happy were Dawson Bates to have introduced similar legislation.[44] The proposals in the Offences Against the State Bill were very similar to the provisions of the CASPA and its regulations as regards meetings and publications.

Security and Freedom of Expression in Practice

Subversive publications

The two Irish jurisdictions had strict laws relating to the possession of documents related to illegal organisations. For example, not only were two women prosecuted for possessing documents relating to Cumann na mBan in 1932, they were also found guilty of being at a residence where such material was found, which

[41] Ibid, Vol. LXV, 19 April 1939, 614
[42] Ibid, Vol. LXIV, 2 March 1939, 1295.
[43] Ibid, 1353.
[44] Ibid, 1398.

illustrates the severity of the law in this regard.[45] In Northern Ireland, arrests were made in Dungannon because of posters which the government claimed 'were of an openly seditious character, advocating armed revolution' but which the Nationalists argued were simply calling for the release of prisoners.[46] There was little new law in this regard, not least because the existing system allowed the police in both parts of the island a convenient method of prosecuting people they believed were subversives without having to prove that they were members of a subversive organisation. The northern government did consider trying to bring in a wider ban on subversive literature but the idea was abandoned because it would have given 'the impression that a general literary censorship was being established.'[47]

The suppression of newspapers remained a government tactic. The most blatant and controversial case of this in the Free State was the trial of Frank Gallagher, the editor of the *Irish Press* on the rarely used charge of seditious libel. Between December 1931 and February 1932, Gallagher published a series of statements by prisoners alleging that they had been physically abused while they were in military custody. He argued that there was 'reason to fear' that police violence was systematic. The paper called for Cosgrave to intervene and for the practice of holding prisoners in military custody without access to their families to be ended. It also criticised the government for its inaction and demanded an end to emergency powers.[48] The government charged Gallagher with intending to 'bring the administration of law into disrepute and to scandalise and vilify the government and the Garda Siochána.'[49] Gallagher's defence was that, although he had in the

[45] *Irish Times* 16 January 1932.
[46] NIHC debates, Vol. XII, 1 April 1930, 489-91.
[47] E. W. Shewell to Chief Crown Solicitor, 17 March 1930, PRONI, NIMHA, HA/32//1/569.
[48] Order of the Constitution (Special Powers) Tribunal 17 February 1932, Schedule, NLI, Gallagher Papers, Ms. 18365 (3).
[49] Mark O'Brien, *De Valera, Fianna Fáil and the Irish Press* (Dublin, 2001), p. 39.

past refused to publish allegations he considered exaggerated or that lacked authentication, he had 'a public duty' to act in this case because the charges were supported by Frank Fahy TD and he believed the men in question were in danger. He claimed that he did not approach the Minister for Justice because opposition complaints on the issue had already been ignored and Gallagher did not believe any action would have been taken. He had used the editorial column of the paper rather than the news pages 'in order not to agitate public opinion more than need be'.[50]

Among the witnesses questioned was Stephen Roche of the Department of Justice. Gallagher's counsel questioned why his client had been charged with seditious libel instead of criminal libel, and alleged that it was because the latter would have required the tribunal to investigate whether his allegations were true. Roche pointed out that only the seditious libel charge existed under the emergency legislation but this did not explain why the government took such extreme measures. Roche admitted that the issue of whether prisoners had been abused was in the public interest and that the *Irish Press* had no legal obligation to submit the reports to the state before publishing them, although 'prudent publications' did so. He asserted that sedition had occurred nonetheless because the paper had not ascertained the truth or falsehood of the reports before publishing.[51] The tribunal found Gallagher guilty but the penalty was a mere £100 fine.[52] His supporters subscribed £500 in contributions and the *Irish Press* gained valuable publicity. The affair was damaging to Cumann na nGaedheal as the general election loomed and it may have been that the government's pyrrhic victory served to deter future regimes from following their example.[53]

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[50] 'Editor's line of defence' Gallagher Papers, NLI, Ms. 18365(1).
[51] *Irish Press* 3 February 1932.
[52] Order of the Constitution (Special Powers) Tribunal, 17 February 1932, op. cit.
[53] O'Brien, *De Valera, Fianna Fáil and the Irish Press*, p. 40.

The Gallagher case was one of the few occasions when emergency legislation was used against a mainstream newspaper in the Free State. The *Derry Journal* was removed from sale in some towns by the Gardaí amid rumours that the Military Tribunal was about to ban it for carrying reports of speeches made at a Fianna Fáil convention.[54] The next day the incident was dismissed as a 'misapprehension' and the government assured the public that the issue in question had been examined and found to be 'quite innocuous'.[55] The situation arose because the suppressed paper *Republican File* had carried reports from the *Derry Journal* that led a solicitor acting for the Military Tribunal to conclude that it was necessary to suppress the latter paper as well. What he failed to take into account was the fact that the law only allowed an issue of a paper to be seized if that issue was seditious. The Garda action in regard to the *Derry Journal* was illegal and illustrated both the limitations of the southern emergency law and how easy it was to abuse.[56]

Tribunals did allow the banning of several organs of fringe or radical groups such as *The Irish World, The American Industrial Liberator* and *Irish Freedom.*[57] In the case of the *Irish World,* Eason & Sons had contacted the Department of Justice and asked for instructions before they distributed it. This meant that the department had advance warning that the publication might be seditious and were saved the effort of seizing it from individual newsagents.[58] After Fianna Fáil came to power Section 2A was temporarily suspended which lead the republican press to gain confidence. In October 1932, *An Phoblacht* had published an article attacking Cumann na nGaedheal headed 'No Free Speech for Traitors' claiming that 'the only

[54] *Irish Times*, 5 January 1932.
[55] Ibid. 6 January 1932.
[56] Commissioner C. S. Branch to S. A. Roche, 5 January 1932, NAI, DJUS, JUS/8/696.
[57] *Irish Times*, 3 January 1932.
[58] Eason & Sons Ltd. to Department of Justice, 2 November 1931, 5 November 1931, NAI, DJUS, JUS/8/696.

speech a traitor has a right to is an act of contrition' and that its enemies had 'earned shooting or hanging'.[59] The next week's issue continued in similar vein.[60] The government was under pressure from Richard Mulcahy to take action. Roche, then Deputy Secretary in the Department of Justice, advised the Attorney General that the past record made the value of suppressing such publications questionable. It was hard to get convictions in the ordinary courts and the paper would get publicity during a trial.[61] It was decided not proceed. The Cosgrave government had withheld government advertising from the *Derry Journal* and *Fáinne an Lae* but Fianna Fáil reversed the policy.[62] In 1933, a Military Tribunal imprisoned Joseph Dennigan, a journalist with the *Irish Independent*, for refusing to reveal his sources. While not strictly an issue of censorship, the case illustrated the scant protection available to the press in this period when confronted with emergency law.[63]

The government reintroduced emergency powers in August 1933 to deal with the perceived threat of the Blueshirts.[64] Both *United Ireland* and *An Phoblacht* were seized under these laws in December 1933[65] and the former was again seized in February 1934.[66] It was later published with portions deleted by the police.[67] This was the result of a voluntary agreement between the printers and the police that potentially seditious parts of the paper would be removed. Although the Attorney General denied that such a 'gentle hint' was censorship it is difficult to describe it as anything else.[68] In 1935, the Gardaí, using a similar tactic, warned several Dublin

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[59] *An Phoblacht*, 15 October 1932, NAI, DJUS, H305/31.
[60] Ibid, 22 October 1932.
[61] Roche to Attorney General, 31 October 1932.
[62] Arthur Codling [Department of Finance] to Prof. J. W. Whelehan [Stationary Office], 22 March 1932; Codling to S. O'Neill [Department of Education], 26 March 1932, NAI, DFIN, S003/0011/34.
[63] *Irish Times*, 16 January 1934.
[64] Maurice Manning, *The Blueshirts* (Dublin, 1970), p. 85.
[65] Ibid, p. 115,
[66] Ibid, p. 117.
[67] *Irish Times*, 16 February 1934.
[68] Ibid, 17 February 1934.

papers not to publish communications from 'unlawful associations' though they would not name the organisations concerned.[69]

An Phoblacht was under constant scrutiny during this period. It was suppressed in October 1931 which led to allegations from Fianna Fáil that the government was censoring political material. The Department of Justice evaded the question somewhat in its briefing for Cosgrave:

> 'there is no intention of establishing a "censorship" in the full sense of "issuing orders for the guidance of printers and publishers", but these businesses were responsible for seeing to it that they did not produce seditious material and should know better than to publish 'a notorious journal like *An Phoblacht*'.

The memorandum also recommended that the government indicate 'that it will not encourage Deputies to ask questions on behalf of seditious persons and journals.'[70] Printers, publishers and newsagents were warned that *An Phoblacht* was the organ of a proclaimed organisation and this many shops from stocking it.[71]

After the Fianna Fáil government renewed the policy of suppressing *An Phoblacht*, the state faced the problem that seizing individual issues of the paper was not effective. It also put the burden on the police of deciding whether each issue was sufficiently seditious to be referred to the Military Tribunal. In 1934, the government considered prosecuting the publishers. This was especially advocated by Stephen Roche, the Secretary of the Department of Justice.[72] By this time the suppression of the paper had evolved into a *de facto* censorship. Garda officers would seize an issue if they believed it was seditious, the printers would then edit it and bring out a new, less controversial edition.[73] Although the Gardaí were instructed not to tell the printers which passages of the paper were seditious, thus

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[69] Dáil debates, Vol. LV, 4 April 1935, 1896-98.
[70] 'Note for the President' [November 1931], NAI, DJUS, JUS8/696.
[71] Commissioner Garda Siochána to Minister for Justice, 30 October 1931, ibid.
[72] Roche to Attorney General, 19 October 1934, ibid, JUS8/68.
[73] Roche to Attorney General, 28 November 1934, ibid.

avoiding taking on an actual censorship role,[74] there were cases of Garda officers examining proofs and telling the printers what to remove.[75] The Attorney General told the Department of Justice that 'the practice of censorship of all papers should be stopped. There is, I think, no legal justification for it.'[76] Apart from the illegality of prior censorship it also made things too easy for the producers of the paper, in Roche's view: 'the object which the Departmental instructions are intended to secure is to cause the printers and publishers of seditious issues of *An Phoblacht* the maximum of inconvenience and financial loss'.[77] This policy drew protests from member of the old IRA and the National Union of Journalists.[78]

The northern government also preferred to ban those publications espousing the views of a radical fringe. Such bans were more frequent in the 1930s than in the previous decade. Between 1924 and 1929 eight orders were issued against five publications under Regulation 26 of the Civil Authorities (Special Powers) Act. From 1930 to 1939 the figures were fifty-three orders against ten publications.[79] The government adopted a policy of annually renewing bans on a number of publications, effectively making such bans permanent. The papers against which this system was used regularly were: *An Phoblacht*, *The Irish World and American Industrial Laborer* and *Irish Freedom*. The left wing paper the *Vanguard* was kept under close observation but ceased publication before it strayed over the line between what one civil servant called 'truculent' and seditious.[80] Surprisingly there does not seem to have been any proposal to allow for longer bans even after the

[74] Roche to Commissioner Garda Siochána, 25 March 1935, ibid.
[75] Roche to Commissioner Garda Siochána, 4 June 1935, ibid.
[76] Attorney General to Roche, 28 May 1935, ibid.
[77] Roche to Commissioner Garda Siochána, 4 June 1935, ibid.
[78] Seamas O'Brien to Minister for Justice, 26 June 1936; Sean Piondar to Minister for Justice, 29 June 1936, ibid.
[79] Donoghue, *Counter Terrorist Law*, pp. 89-90.
[80] E. W. Shewell, note, 8 March 1930, NIMHA, PRONI, HA/5/79.

CASPA was itself made indefinite nor did the government copy its southern counterpart and introduce a general ban on subversive publications. The Chief Crown Solicitor was advised that 'it would be difficult to frame a regulation on this subject which would not give the impression that a general literary censorship was being established.'[81]

The government was prepared to use emergency legislation against more popular papers. The *Irish News* was prosecuted in November 1932 for publishing a story relating to the Orange Order; the state alleged that the story could have caused a breach of the peace. The editor printed a letter referring to the visit of the Prince of Wales that described the proposed honour guard as 'liars and perjurers'. He was charged under the CASPA with spreading false reports that were: prejudicial to public order, calculated to cause disaffection, likely to interfere with the work of the RUC and intended to hinder recruitment to the force.[82] The paper's defence was that it frequently published reports of statements that might be considered inflammatory or controversial but, as these had been made by loyalists no prosecutions resulted. It also contended, unconvincingly, that the letter referred to the unofficial 'guard of honour' arranged by the Orange Order, rather than the official RUC guard. The editor was found guilty of spreading reports likely to interfere with the work of the police and fined the maximum £100 and costs.[83] In 1938, the Ministry of Home Affairs threatened to ban the *Daily Mirror* and went as far as to draw up a draft order banning the paper after it erroneously reported that a riot had taken place in Belfast on 12 July. The mistake had been caused by a

[81] E. W. Shewell to Chief Crown Solicitor, 17 April 1930, PRONI, NIMHA, HA/32/1/569.
[82] *Irish News*, 22 November 1932.
[83] Ibid, 29 November 1932.

misplaced full stop in a telegram and, after a long correspondence, the paper corrected its story.[84]

The symbols of independent Ireland in Northern Ireland.

One of the most complicated problems confronting the Northern Ireland Ministry of Home Affairs was what to do about two symbols of republicanism that were shared with the southern state: the tricolour and the 'soldier's song'. A regulation made in 1933 prohibited the flying of the tricolour even if no breach of the peace was likely and the RUC were instructed to remove it unless it was clearly being flown as the flag of the Free State.[85] In 1934 they were further ordered to remove it when it was used as the emblem of the Republic at election meetings.[86] When a tricolour was displayed in Londonderry in 1934 as a nationalist group returned from a meeting in Letterkenny, arrests resulted and five people were bound over.[87] Later that year, the Nationalist MP Joseph Stewart, protesting at the arrest of three men for flying the flag, produced a tricolour in the northern House of Commons and declared 'this is the flag of the Irish Free State!' The speaker dismissed the protest, telling Stewart that he was 'entitled to bring any handkerchief he pleases into the House.'[88] The government were still not happy with the situation as it was incumbent on the prosecution to prove that the flag was being flown as an IRA emblem. The Minister of Home Affairs wanted to make it easier to secure convictions but this seems not to have been possible.[89]

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[84] NIMHA, PRONI, HA/32/1/665.
[85] NIHC debates, Vol. XV, 20 December 1933, 137.
[86] Donohue, *Counter Terrorist Law*, p. 95.
[87] NIHC debates, Vol. XVI, 26 June 1934, 2248.
[88] Ibid, Vol. 4 December 1934, 339.
[89] Conclusions of Cabinet Meeting 16 January 1935, PRONI, CAB/4/333.

Dawson Bates was also exercised over the 'Soldier's Song'. Although there were instances of individuals being convicted for singing the air,[90] it was harder to enforce a ban during large meetings or other events. Unionist opinion as represented in the columns and letters page of the *Belfast Newsletter* was unhappy with this.[91] Dawson Bates decided to resolve the situation in time for the 1935 elections and commanded that the playing of the offending song 'should not in any circumstances be allowed to take place.'[92] The RUC reported that the demand was impractical. As the actual playing or singing of the anthem was not an offence, it could only be prohibited if it was likely to cause a breach of the peace. Where the singing occurred in nationalist districts such as the Falls, South Down or South Armagh, they feared that they would face proceedings in the courts if they attempted to stop the singing and such an attempt would quite possibly cause disorder.[93] The ministry set to work drafting a specific order to ban the 'Soldier's Song'. By the end of November they had 'boiled down the suggested order... to the smallest possible compass'. Unfortunately, this involved leaving out any reference to the IRA so that it would be an 'offence to play this objectionable air even if played bona fide as the national anthem of the Irish Free State, and we may be accused of international discourtesy, but I think you [Dawson Bates] are not worrying about this aspect of the matter.' The idea of a general order allowing the minister to prohibit songs, followed by an order against this specific one was rejected as 'the other side would immediately press for having orders made prohibiting "Dolly Brae" etc.'[94] The

[90] See for example, *Irish News* 31 October 1935, *Belfast Newsletter*, 1 November 1935, PRONI, NIMHA, HA/32/1/621.
[91] *Belfast Newsletter* 7 November 1935, ibid.
[92] W. A. Magill to Inspector General RUC, 8 November 1935, ibid.
[93] Gilfillan to Secretary NIMHA, 9 November 1935, ibid.
[94] W. A. Magill to Dawson Bates, 27 November 1935, ibid.

Attorney General noted that 'I don't approve of the regulation itself' and warned that it should only be promulgated if necessary.[95]

This advice was followed until 1938 when the idea was revived. This time the RUC Inspector General protested that 'the police already have ample powers to deal with any conduct likely to cause a breach of the peace and the proposed Regulation would place them in no stronger position.' In fact, he felt that it would be impossible to enforce and would give nationalists an incentive to sing the song for the purpose of 'defying the police' while drawing complaints from unionists if it was not enforced rigorously. The RUC would either have to attend nationalist events such as political meetings or GAA matches in overwhelming force or not at all 'to avoid being impotent in the face of a breach of the Regulation.'[96] Faced with a complaint from Captain JR Percival Maxwell, the chairman of the East Down Unionist Association about the singing of the offending song, Dawson Bates made a final attempt to ban it.[97] A new draft regulation was prepared which included the phrase 'in such a manner as is likely to cause a breach if the peace or to give offence to any of His Majesty's liege subjects'. The RUC Inspector General reiterated the force's objections and pointed out that the police already had powers to prevent a breach of the peace and interpreted the causing of offence as likely to cause such a breach.[98] The proposal was abandoned. Overall it seems that this was a political issue which neither addressed a real policing concern nor offered the police any useful powers. Although it is clear from the Inspector General's comments that the RUC considered the singing of republican songs to be a more serious offence

[95] Note by Attorney General to Minute from WA Magill (29 November 1935), 9 December 1935, ibid.
[96] C. Wickham to Secretary NIMHA, 19 May 1938, ibid.
[97] W. W. [Private Secretary] to Secretary NIMHA, 10 November 1938, ibid.
[98] Wickham to Secretary NIMHA, 3 December 1938, ibid.

than singing loyalist ones, in at least one case a man was bound over for singing 'Dolly Brae' in 'a dangerous place'.[99]

Governments were not the only forces seeking to control the press. In 1935, the *Irish Times* was told by the Federation of Old IRA Associations not to publish photos of the Remembrance Day celebrations. Although no action was taken when photos were published it was an attempt to put pressure on the paper to conform to the majority opinion.[100] In 1937 persons claiming to be from the IRA visited the *Irish Times* offices in Cork and demanded that they remove photos of the King and Queen, put there for the coronation, from their windows.[101] The government took no action as neither act was strictly illegal.

The Blueshirts

The conflict between the de Valera government and the Blueshirts that occurred in the courts, the newspapers, the Dáil and on the streets from 1933 to 1934 raised several issues related to freedom of expression. As we have seen, the government revived emergency powers and used them to suppress newspapers. It also used them against Blueshirt members and their parades. After Eoin O'Duffy backed down when his intended parade of August 1933 was proclaimed, he attempted, unsuccessfully, to hold assemblies at local churches but was frustrated by the refusal of the hierarchy to co-operate.[102] His decision to proceed with parades in local districts led to the government banning his National Guard on 21 August 1933. The northern government had done the same a month earlier because of the

[99] *Belfast Newsletter*, 21 November 1935, ibid.
[100] *Irish Times*, 14 November 1935.
[101] Ibid, 13 May 1937.
[102] Manning, *Blueshirts*, p. 85.

organisation's support for a united Ireland.[103] As an illegal organisation, it effectively lost most of its freedom of expression rights under the constitution. The Southern government went further and ordered manufacturers not to even make blue shirts so that the new Young Ireland Association (YIA) would find it harder to adopt the Blueshirt identity.

Even after Fine Gael replaced the YIA with the League of Youth, the government continued to obstruct meetings and take action against its members. In December 1933, O'Duffy was arrested for trying to address a meeting at Westport and his lieutenant, Ned Cronin, was charged with sedition after accusing police of planting evidence.[104] Although Cronin was found not guilty on the sedition charge, O'Duffy was charged before a Military Tribunal with an array of offences including membership of illegal organisations, urging people to join illegal organisations, inciting his audience to murder de Valera and accusing members of the government of murdering Collins and O'Higgins.[105]

This resulted in a legal challenge by Fine Gael to the authority of the Military Tribunals. That it was the first such challenge of significance was due to the fact that, unlike the IRA, they were happy to use the courts and, unlike communist fringe groups, they had lawyers of the highest quality available to them. The Tribunal postponed the O'Duffy trial to avoid a clash with the courts. The Attorney General argued that the powers of the Military Tribunal were deliberately made so wide that they were not subject to the courts at all. They were, he said, answerable only to the Executive Council.[106] The High Court ruled that although Section 2A was inconsistent with the rest of the constitution it was a valid amendment and

[103] Ibid, p. 78.
[104] Ibid, pp. 114-5.
[105] Ibid, p. 116.
[106] *Irish Times*, 21 January 1934.

could not be overturned. The Military Tribunals were therefore legal.[107] The court ruled that although O'Duffy could not be tried for sedition or incitement by a Tribunal;[108] he could be tried for membership of an illegal organisation but an important right of freedom of speech had been asserted.

The government's most drastic attempt to disrupt the public display which was central to the Blueshirts, the Wearing of Uniforms (Restriction) Bill, was defeated, in an act of self-immolation, by the Senate. Before the Blueshirts disintegrated amid the tension between Fine Gael and an increasingly Fascistic O'Duffy, it would face further convictions in the Military Tribunals; in 1934, 349 convictions involved the Blueshirts compared to 102 involving the IRA.[109] The government was under constant pressure from local Fianna Fáil organisations to act against the Blueshirts throughout the period.[110] None of this is to hold O'Duffy or his movement up as defenders of freedom of expression but the Blueshirt crisis marked a new phase in the use of emergency legislation and pushed Fianna Fáil into the enthusiastic use of such powers.

Processions and public meetings

Both governments faced the problem of policing large demonstrations and protests on a regular basis. In the south the IRA, reinvigorated by the Fianna Fáil government's decision to release republican prisoners, made several threatening statements against the former pro-treaty side. There is less evidence that the IRA actually disrupted a large number of meetings or posed a real threat to Cumann na

[107] Ibid, 26 January 1934.
[108] Manning, *Blueshirts*, p. 117
[109] Ibid, p. 136.
[110] NAI, DJUS, H306/31, H306/61.

nGaedheal members but there were several individual instances of IRA activity against its perceived enemies.[111]

In Northern Ireland, religious events, which often aroused sectarian controversy, were treated differently to political meetings. Despite this, the government was unsympathetic to a group of Roman Catholic pilgrims attacked on their way to the Eucharistic Congress of 1932. The Ministry of Home Affairs warned that the clergy had not taken police advice and had processed in their vestments. Had the police known this was planned, the Bishop of Down and Connor was told, the procession would have been banned as a danger to the peace.[112]

The northern government was placed in a delicate position when the Catholic Truth Society of Ireland, the vanguard of Catholic Action in the country, decided to hold its annual congress for 1934 in the Ulster Hall in Belfast. As might be expected this brought down the wrath of those for whom this was a sacred site of protestant loyalism. Thousands attended a protest meeting in the hall.[113] The *Irish News* accused those present of committing acts of 'hooliganism' on their way home until they were stopped by police.[114] The protest was condemned by Cardinal MacRory and the Belfast Presbytery expressed its 'grave disappointment'.[115] The Dean of Belfast, Rev. W. S. Kerr condemned the protest and pointed out that the Irish Church Congress had held exhibitions in the Mansion House, Dublin, in 1933 without any trouble.[116] The *Ulster Protestant* urged its readers to 'Ban the Papal Tricolour' and warned that thousands of armed rebels would follow the CTSI into

[111] Manning, op. cit. p. 35.
[112] W. A. Magill to Bishop of Down and Connor, 1 July 1932, PRONI, CAB/9B/201.
[113] *Belfast Newsletter*, 25 May 1934, NIMHA, PRONI, HA/32/1/609.
[114] *Irish News*, 25 May 1934, ibid.
[115] *Belfast Newsletter*, 30 May 1934, ibid.
[116] *Irish News*, 4 June 1934, ibid.

Northern Ireland.[117] The Ulster Protestant League in Larne passed resolutions declaring that 'Ulster is a protestant territory'.[118] Eventually the CTSI agreed to use other halls and the Roman Catholic Bishop Magean asked his flock not to put up street decorations.[119] Two protestant protesters were charged in relation to their inflammatory speeches and were give the benefit of the Probation of Offenders Act and bound over to keep the peace respectively.[120]

Easter commemorations by nationalists and republicans were a different matter as far as the government was concerned, despite their religious dimension. In 1933, the RUC were told to stop all such meetings, even those not banned specifically by order, despite concerns that this would mean stretching the concept of preventing a breach of the peace.[121] The policy was applied again in subsequent years. In 1934 several hundred people were kept out of the Milltown cemetery by half as many police.[122] Sinn Féin flags were torn down, Easter lilies were removed and men were arrested for putting up posters.[123] In 1935, the *Northern Whig* justified the bans as it claimed 'that such assemblies would be calculated to provoke disorder or create disaffection is evident from their very nature.[124]

In general between 1933 and 1939, the authorities allowed some purely religious acts such as the saying of prayers and the laying of wreathes but prohibited speeches, demonstrations, graveside orations, flags and posters. Dawson Bates made it clear that the government objected to the political content of the speeches and commemorations,

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[117] *Ulster Protestant*, May 1934, ibid.
[118] Resolution, 14 May 1934, PRONI, CAB/9B/219.
[119] *Irish News*, 18 June 1934, NIMHA, PRONI, HA/32/1/609.
[120] *Belfast Newsletter*, 13 June 1934, ibid.
[121] Donohue, *Counter Terrorist Law*, p. 83.
[122] *Irish News*, 4 April 1934, NIMHA, PRONI, HA/32/1/468.
[123] Gilfillan to Secretary NIMHA, 9 April 1934, ibid.
[124] *Northern Whig*, 19 April 1935, ibid.

> I believe I would be doing a very wrong thing in allowing these treasonable speeches to be made. After all, what are they celebrating? They are celebrating one of the most treacherous and bloody rebellions that ever took place in the history of the world and so long as I stand in this House I will not permit treasonable meetings of that kind to be held in Northern Ireland.[125]

Against this, Devlin argued that far more inflammatory speeches could be heard in Hyde Park and, more relevantly, that suppression caused 'subterranean dissatisfaction and resentment, which ultimately bursts forth.'[126] Easter lilies were tolerated in nationalist areas – probably because any attempt to remove them would have itself caused disorder – but were removed in mixed or unionist areas or when the wearer was talking to the police.[127] In Dungannon in 1930, for example, three men were arrested for wearing 'emblems indicating Republican sympathies [Easter lilies] under circumstances and conditions likely to lead to a breach of the peace' and were detained for several hours.[128]

In the first six years of the operation of the CASPA (1922-28), eight meetings were banned; between 1929 and 1936, 47 such bans were imposed. The orders were overwhelmingly directed against nationalist, republican and left wing gatherings. In 1932 an illegal meeting of outdoor relief workers in Belfast descended into a riot against the police in which two workers were shot dead.[129] The *Derry People* argued that 'the decision of the authorities in proclaiming a meeting called to voice a perfectly protest … merely served to precipitate the crisis that led the workers to open defiance of law and order.'[130] A proposed series of marches from Dublin and Derry, converging on Belfast in October 1933 was banned by the Northern authorities and the Dublin marchers found the journey to be beyond their strength

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[125] NIHC debates, Vol. XIV, 22 March 1932, 541.
[126] Ibid.
[127] PRONI, NIMHA, HA/32/1/468.
[128] NIHC debates, Vol. XII, 7 May 1930, 1020.
[129] Walker, *The Politics of Frustration,* pp. 62-3.
[130] *Derry People*, 15 October 1932.

and stopped at Dundalk. The unionist press were supportive of the government's action.[131] In 1934 a procession was planned by the Irish Unemployed Workers Movement to commemorate the events of 1932 but was also banned and one of its organisers convicted under the CASPA.[132]

In contrast, no loyalist gathering was ever directly banned under Section 4 of the CASPA. The only case of a banned loyalist march occurred in 1935 when a general ban on parades in Belfast was issued and some Orange processions were caught in this. The ban was swiftly revoked and Dawson Bates considered issuing an apology.[133] The 1935 ban was the clearest example of a situation in which government action was required to control persistent rioting. By exposing the potential for sectarian violence underlying northern society the riots in Belfast illustrated the difficulty in judging the validity of the government's policy on demonstrations. Nonetheless, it is clear the political purpose of demonstrations was a consideration as well as its potential to result in disorder.

Connected with the issue of meetings and parades was that of monuments, around which many of these would centre. In July 1931 there were complaints that an IRA monument in east Tyrone would serve as a republican rallying point. This led to the introduction of Regulation 8A of the CASPA permitting the Civil Authority to prohibit the erection of monuments dedicated to proscribed organisations.[134] This was used once more, in 1938, when the Newry Urban Council decided, by majority vote, to grant a site for a monument to the dead of 1916 to 1922 and Irish patriots through the ages. The application for the plan had come from

[131] *Belfast Newsletter*, 9 October 1933; *Northern Whig*.
[132] PRONI, NIMHA, HA/32/1/469.
[133] Donohue, *Counter terrorist law*, p. 77.
[134] *Ulster Gazette*, 9 August 1931; *Belfast Gazette*, 27 July 1931.

the Newry branch of the Northern Old IRA Remembrance Association.[135] Local unionists protested that the monument was being erected by an illegal organisation and would stand opposite a protestant church.[136] The monument was duly prohibited, to the disgust of the *Irish News*, which contrasted this with the fact that the British Legion had been allowed to erect a war memorial.[137]

In 1938 the somewhat perverse fact that, under the Irish legal system, a lawful public assembly could be prohibited if those opposed to it were likely to disturb the peace came to the fore. A large nationalist anti-partition meeting to be held Newtownbutler was planned for 20 November. On 13 November the local Orangemen announced a meeting, generally understood to be a counterdemonstration, for the same date. The government responded with an order banning all meetings.[138] The *Irish News* expressed nationalist fears that this would lead to loyalists effectively banning all nationalist meetings by threatening to hold counter demonstrations.[139] In the northern House of Commons, Dawson Bates made it clear that he had no interest in protecting such gatherings. He claimed that the meetings 'have as their object the bringing about of the destruction of the Constitution ' and would not be tolerated.[140]

A nationalist meeting in Newtownbutler was set for 27 November but was postponed for a week after loyalist objections. A meeting in Dungannon was also planned for 4 December but also faced threats of disruption.[141] Craig, however, preferred that in such cases, 'nothing should be done to prevent hot air from

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[135] *Belfast Newsletter*, 11 October 1938, PRONI, NIMHA, HA/32/1/669.
[136] Samuel J. Baird [Secretary Newry Unionist Association] to James Brown MP, 11 October 1938, ibid.
[137] *Irish News*, 27 October 1938.
[138] Gilfillan to Secretary NIMHA, 25 November 1938, PRONI, NIMHA, HA/32/1/473.
[139] *Irish News*, 18 November 1938, ibid.
[140] *Fermanagh Times*, 1 December 1938.
[141] Rowley Elliot to Dawson Bates, 14 November 1938, PRONI, op. cit.

escaping'.[142] On 2 December, the government again banned all meetings.[143] The nationalists postponed their meetings again for a week when they were again banned.[144] The Ministry of Home Affairs considered issuing a general ban against all anti-partition meetings but found insuperable difficulties in framing one.[145] The meeting was finally held in Donegal in March.[146]

The incidents did more than simply increase tension. It is hard to take seriously the argument that public order was the issue. Dawson Bates's House of Commons speech made his views clear and as one nationalist put it there was no doubt that an Orange procession would be less likely to be banned because of a nationalist counter demonstration.[147] What is at issue is not whether the government's decision was correct but the fact that it showed what kinds of political demonstrations were considered legitimate expressions and what kinds were not.

In certain cases, loyalists were prevented from marching or flying flags. For example, in 1932, an RUC man was instructed not to fly Union Jacks from his house during July[148] and Coalisland Loyal Orange Lodge No. 93 had to take a new route after a period of trouble between the communities in the town.[149] In these cases, there was no government criticism of the nature of the displays or parades, just a pragmatic policing decision.

In southern Ireland, there were cases of loyalists being prevented from marching by republicans. In July 1931 the Royal Black Preceptories of Cavan and Monaghan were stopped from parading at Cootehill when hundreds of men with

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[142] C. H. Blackmore to W. A. Magill, 28 November 1938, PRONI, CAB/9B/83/1.
[143] W. A. Magill to R. Gransden, 2 December 1938, ibid.
[144] Gilfillan to Secretary NIMHA, 15 December 1938, ibid.
[145] Magill to Gransden, 2 December 1938, ibid.
[146] Donohue, *Counter terrorist law*, p. 82.
[147] *Irish News*, 21 November 1938. PRONI, NIMHA, HA/32/1/473.
[148] NIHC debates, Vol. XIV, 29 November 1932, 185.
[149] Ibid, 189.

sticks and hurleys assembled to prevent them.[150] Although the Gardaí were present, they were too outnumbered to be of any use. The response of the authorities was to take no action but to suggest that action might be necessary to restrict meetings 'which were, by their nature, likely to cause a breach of the peace.'[151] Similar incidents occurred the next year in Monaghan.[152] The response of the authorities reflects the majoritarian culture in independent Ireland and the lack of sympathy, if not outright hostility, with expressions of loyalism. As Ewan Morris has pointed out, this hostility extended to the playing of 'God Save the King' though the southern government did not follow the example of its northern counterpart and consider banning the anthem.[153]

Postal Censorship

The northern government used censorship of the posts to gather intelligence on nationalists and left wing leaders. It was quite open about this when asked: Dawson Bates explained in 1930 that 'correspondence for delivery to, or emanating from, persons suspected of being engaged in seditious activities is still subjected to censorship in the interests of public safety.'[154] He was less open about the mechanics of the process, and declined to explain how the Northern Irish Ministry of Home Affairs could exercise the censorship when the Post Office was a reserved service. Until 1925, the UK Home Secretary had issued a general warrant allowing the northern authorities to censor the posts themselves but this was discontinued

[150] *Irish Times*, 13 August 1931.
[151] Ibid, 14 August 1931.
[152] *Ulster Gazette*, 9 July 1932.
[153] Ewan Morris, '"God save the king" versus "the soldier's song": the 1929 Trinity College national anthem dispute and the politics of the Irish Free State' in *Irish Historical Studies,* Vol. XXXI, No. 121 (May 1998), pp. 72-90
[154] NIHC debates, Vol. XII, 13 May 1930, 1143.

after the boundary settlement as it was manifestly unconstitutional.[155] In theory the warrant should have been issued by the Governor of Northern Ireland but it was illegal for any northern minister to advise him to do so. It was decided that the Government of Northern Ireland would send the details to the Home Office which would send draft warrants to the Governor.[156] In practice the northern Ministry of Home Affairs sent a list of persons whose post was to be examined and 'it was understood that the Home Office would not be concerned to scrutinise the names.'[157] The files concerning individual cases of postal censorship in the PRO remain closed. The southern government had no such constitutional difficulties and its emergency powers gave it ample authority to censor post. Again there are no files available referring to individual cases.

Socialism and communism

Both jurisdictions expressed a common horror at communism and a suspicion of any left wing movements. In part this was in keeping with what was happening in other countries such as the USA, Britain and Australia. It was also influenced by the rise to prominence of left wing activists such as Peadar O'Donnell in the IRA especially during time when Saor Éire was active. As Mike Milotte has pointed out, communists were thin on the ground in Northern Ireland.[158] Despite this, Saor Eire was added to the list of organisations banned under the CASPA in October 1931[159] and communist films were still subject to Home Office warrants (see Chapter 6). In September 1930, a communist activist was jailed for six months after a speech in

[155] 'Northern Ireland detention of correspondence of disloyal persons', PRO, HO/45/24839.
[156] Maxwell, 'Detention of Postal Correspondence in Northern Ireland', ibid.
[157] 'Northern Ireland detention of correspondence of disloyal persons.' ibid.
[158] Mike Milotte, *Communism in Modern Ireland: the pursuit of a workers' republic since 1916* (Dublin, 1984), pp. 122-26.
[159] *Belfast Gazette*, 30 October 1931.

which he claimed that 'it was only when you took the gun and threatened society that you ever got anything'.[160]

In the south, communism became a favoured target of Catholic Action in the 1930s. The *Workers' Voice* faced constant pressure from Roman Catholic activists. The *Irish Catholic* called for its suppression 'for the immediate and effective stamping out of the plague that threatens to affect Irish life'.[161] In 1930, Frank O'Reilly, secretary of the CTSI, threatened to withdraw his organisation's business from the paper's printers, the Longford Publishing Company, if it continued to produce it. The paper was forced to move to the smaller Progressive Printing Company.[162] In September 1931, Cosgrave, trying to rally support for his government's emergency legislation, wrote to Archbishop Byrne of Dublin to warn him of the rapid growth 'of subversive teachings and activities' which were a 'threat to the foundation of all authority'. He enclosed clippings from republican papers of a socialist and anti-clerical tone. This was part of a government effort to recruit the hierarchy into its anti-communist crusade which involved briefings for the bishops by the Minister for Justice.[163]

After the passage of the 17th Amendment to the Free State Constitution, the bishops issued a pastoral on 'the growing evidence of a campaign of Revolution and Communism.'[164] In Kilkenny, where a group of activists had set up the breakaway Irish Miners, Quarries and Allied Workers' Union, the Roman Catholic Bishop, Collier, told his people that they could not 'buy, sell, read, receive or support any Communist literature, journal or paper such as the *Workers' Voice*.'[165] He also

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[160] Milotte, op. cit., p. 125.
[161] Ibid, pp. 103-4.
[162] H. O'Friel, memorandum to Executive Council, 7 August 1930, NAI, DJUS, JUS8/692.
[163] Cosgrave to Byrne, 17 September 1931, DDA, Byrne Papers, Government and Politics 1922-39.
[164] *Irish ecclesiastical record*, Vol. 38, (1931), pp. 540-3.
[165] Milotte, *Communism in modern* Ireland, p. 116.

called for vigilance committees against 'the Red Menace'. This call was echoed in the pastorals of the bishops of Kildare, Kilmore and Derry. The campaign culminated in violent attacks on a series of communist offices and meeting places in Dublin following a service in the Pro-Cathedral. In August 1933, the communist leader Jim Grafton was deported.[166] When Irish communists finally founded a party, they did so in rooms rented under the name of the 'Dublin Total Abstinence Society' because they were unable to do so openly.[167]

The new printers of the *Workers' Voice* wrote to the Department of Justice after the passage of the 17th Amendment. They wanted to know what their responsibilities were under the new law. They were told that it would be better if they stopped printing the paper altogether as 'it is probable that future issues will be of such a nature that it will be necessary to take action without notice against the proprietor, publishers and printers.'[168] As this would have led to the printers losing money, they agreed instead to censor the paper themselves before printing it.[169]

The northern government pursued the same policy as their southern counterparts, using exclusion orders as their weapons of choice. Harry Pollit, the General Secretary of the Communist Party of Great Britain was deported before he could address a meeting, and the replacement speaker was served with an exclusion order. When he broke the order to speak in Belfast, he was jailed.[170] Protestant and Roman Catholic leaders warned the working class members of their flocks to beware of communism.[171]

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[166] Ibid, p. 118-20.
[167] Ibid, p. 141.
[168] Roche to Progressive Printing Works, 17 October 1931, NAI, DJUS, JUS8/696.
[169] J. E. Duffy, minute, 26 October 1931; Progressive Printing Works to Roche, 26 October 1931, ibid.
[170] Milotte, *Communism in modern Ireland*, p. 147.
[171] Ibid. p. 138.

The outbreak of the Spanish Civil War intensified the pressure from religious leaders on both sides of the border. Bishop O'Kane of Derry condemned both Irish supporters of the republican cause and those who tried to 'combine profession of the Catholic faith with communism which Pius XI declares impossible'. Cardinal MacRory, in a detailed Lenten pastoral, carefully rebutted the idea that communism was compatible with the Catholic faith. The Bishop of Raphoe was more direct and condemned the 'Red Menace' as the 'most formidable that Christian Europe has to face at the moment' and one in which 'press, radio, cinema, novel, [and] drama are all used with an unholy zeal to spread the gospel of class warfare and militant atheism to the ends of the earth.'[172] The board of Trinity College Dublin refused to recognise the Socialist club.[173]In Queen's University Belfast, a meeting of the Literary and Scientific Society was banned by the Students' Representative Council and Students' Union because Peadar O'Donnell was due to speak on Spain. It was claimed to have been the first time in the society's history that a speaker was prohibited.[174] The *Catholic Truth Quarterly* described communism as a plague that 'is virulent, it is highly infectious'.[175] *Ireland To-day*, an intellectual journal with a small but influential body of readers, faced considerable pressure due to its support for the Republican cause in Spain. In the face of boycotts by shops and a decline in sales and advertising, the journal sacked its foreign affairs editor, Owen Sheehy Skeffington. He was asked to write a valedictory address but in the event this was not published. This did not save *Ireland To-day* which ceased publication soon

[172] *Derry People*, 13 February 1937.
[173] *Irish Times*, 28 November 1936.
[174] *Derry People*, 13 March 1937.
[175] *Catholic Truth Quarterly*, Vol. 1, No. 2, October/December 1937, p. 1.

afterwards.[176] Despite these campaigns, the southern government view was that 'the communist organisation in Dublin is insignificant in numbers and influence',[177]

Sedition and freedom of expression

The issue of parades and commemorations went to the heart of the northern government's attitude to freedom of expression. Only in countries with a very strong freedom of speech principle is it permitted to advocate the overthrow of the state by violence. It is more common to allow expressions of great dissatisfaction with the state as well as the government. In Northern Ireland, displays critical of the government were usually permitted but those expressing allegiance to the south or attacking the institutions of the state were not. The northern government's actions can be seen as short-sighted. Devlin claimed that it was making a political mistake in treating Easter commemorations, the flying of the tricolour, the singing of 'the Soldier's Song' and anti-partition meetings as if they were as dangerous to the constitution as the intense IRA activity of the 1922-25 period. Arguably this fed the nationalist belief that their aspirations would never be considered legitimate, thus making constitutional progress more difficult. Against this must be put the fact that the government was under constant pressure from local Unionist Party organisations and loyalist bodies to take a tougher approach. The size and visibility of nationalist and left wing displays made the government more likely to act. By contrast the tiny number of Fascists in Northern Ireland were not interfered with because the authorities did not want to draw attention to them.[178]

Comparing the northern government's attitude to that pertaining in the south is dangerous given that the latter ruled a largely homogenous population and that,

[176] Donal O'Donovan, *Little old man cut short* (Bray, 1998), pp. 14-16.
[177] Dáil Debates, Vol. LXIV, 4 November 1936, 10.
[178] PRONI, HA/32/1/509.

while armed groups did threaten the state, the threat came from other republican forces not groups diametrically opposed to the government. This led Cosgrave and de Valera to act in ways that can more clearly be seen to have been political such as the trial of Frank Gallagher or the censorship of the *United Irishman*. On the other hand, expressions of pro-British opinion whether in singing 'God Save the King' or showing coronation films were not prohibited by law – notwithstanding the actions of vigilantes - in the south as displays of Irish loyalty were in the north. What north and south had in common was a very limited and carefully circumscribed view of freedom of expression. Neither the 1922 nor 1937 constitutions would have prevented most of the CASPA being incorporated into southern law; indeed the 1939 Emergency Powers Act is remarkably similar to that northern legislation. Powers adopted in the worst years of civil war became the norm in what were, by the mid 1930s, fairly peaceful societies and an opportunity to establish the authority of the state within the framework of normal law and a generous regime of freedom of expression was lost. This attitude was not unique to matters of security and it was on moral questions that the weakness of freedom of expression in southern Ireland would be exposed.

Chapter 6: Film Censorship 1930-39

I: Campaigns concerning film censorship

Film renters and the film censorship in the Irish Free State

In September 1930, the Irish Advisory Committee of the Kinematograph Renters' Society of Great Britain and Ireland (hereafter KRSGBI) sent a statement to the government complaining about Montgomery's conduct as Film Censor. The statement, which was reported in the press, essentially accused him of being too harsh and ignoring the financial position of the renters. He should, they argued, adopt 'a less rigid and narrow point of view' and stop disregarding the public taste. They claimed that he made unjustified inferences: labelling a flirtatious female character as a "mistress", "harlot" or "prostitute", for example. 'The censor does not display a sufficiently broad mind on subjects of common occurrence in everyday life', they argued. They were particularly upset over his opposition to images of women in scanty theatrical outfits, gym clothes or bathing costumes. He delayed them in their business and insisted on having a script in front of him adding to the inconvenience. They wanted a three-man censorship board composed of businessmen under the age of 45. The Appeals Board was inadequate, they claimed. It met infrequently and often only the female and clerical members attended. It rarely overturned the censor's verdict. They wanted it reconstituted to exclude women and the clergy.[1]

As we have seen, (chapter 2) Montgomery was a strict censor. There is a context to the statement, however. The film industry was in the midst of a costly change over from silents to "talkies", and, as Vasey has pointed out, 'sound movies

[1] Irish Advisory Committee, KRSGI, Statement, 10 September 1930, NAI, DJUS, H231/41.

were difficult and expensive to modify once they entered distribution.'[2] It was therefore in the financial interests of the renters, who had to cut the films, to minimise censorship of their product. There was also the fact, articulated by Montgomery, that,

> so far as Hollywood is concerned, the Free State does not exist, it is not even mentioned in their year book. So far as British production is concerned we are only a territory smaller than Manchester, consequently our influence on production is negligible.[3]

It could also be argued that Montgomery was not always wrong in his assessment of what the films were about but was instead correctly decoding the ambiguous characterisations and plots by which filmmakers concealed issues such as prostitution, abortion, suicide and pregnancy. Hollywood films of the period were frequently about sexual matters. As Vasey argues they were socially conservative, ignoring the corruption, poverty and labour radicalism that was part of American public life at the time. Instead their staple fare was illicit sex and pure romance.[4]

In his defence, Montgomery denied that he was delaying the renters; it was they who were not sending films regularly enough. He accepted that there had been an increase in the number of rejections since 1929 but blamed this on three factors: a 'rising tide of unsuitable films', the fact that as he now had sound equipment he was rejecting films with unsuitable dialogue or songs, and the fact that the disc sound system on some films was impossible to cut, necessitating their rejection for quite small elements of unsuitability. He pointed out that the censors of Montreal and Quebec were also under attack from the renters and that 'there is a growing demand for a state censorship in Great Britain and in Northern Ireland'. In the eighteen months when he had been unable to censor sound because of lack of

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[2] Vasey, *The world according to Hollywood*, p. 63.
[3] Montgomery to O'Friel, 23 September 1930, NAI, DJUS, H231/41.
[4] Vasey, op. cit., p. 195.

legislation (chapter 2), there had been numerous complaints about the films permitted and many exhibitors had refused to show them. In the cases of girls in bathing costumes he claimed this referred only to beauty contests at which men were seen 'pawing girls' or 'vetting them' or to ' "close ups" which are obviously pandering to exhibitionism'. The script was required by law and was essential in case his attention should wander for a moment and he should miss 'and undesirable gesture or action'. Unlike the BBFC, he allowed the renters to present their case, although he was distressed that some sent 'young girls to witness many filthy stories.' He viewed the call for an age limit as being an attempt to get a more agreeable censor and defended his use of 'police court names': 'A rape will not be called "an erotic impulse", a paramour will not hide behind the euphemism of "lover" or "sugar daddy", and I will certainly not wrap a piece of tawdry tinsel around a prostitute or mistress by calling her a "Gold Digger"'[5]

The Appeals Board also rejected the renters' complaints that they did not meet regularly and always approved the censor's decisions. As the censorship was supposed to be about moral values, they found the idea of taking financial interests into account unacceptable but they already consulted renters about proposed cuts to minimise the expense. They expressed their 'astonishment' at the idea of excluding clergy and deemed it 'a rather valuable indication of the views and outlook of the renters regarding the standards to be observed in the selection of pictures for public exhibition.'[6] This view was endorsed by the Roman Catholic *Standard* that saw a plan 'to force the censor to pass films that Christian morality and feminine modesty abhor.'[7]

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[5] Montgomery to O'Friel, 23 September 1930, NAI, DJUS, H231/41.
[6] J. O'Farrell to Minister for Justice, 1 October 1930, ibid.
[7] *The Standard*, 4 October 1930, ibid.

A somewhat chastened delegation of renters met the Minister for Justice in October. They denied being opposed to the censorship; on the contrary they favoured it. They had certainly not leaked the statement to the press nor had they organised propaganda against the censor. All they wanted was a censorship based on 'modern public opinion and standards'.[8] Having alienated the censor, the Appeals Board and, most importantly, the Roman Catholic Church, they had little prospect of achieving their aims and no reforms were instituted.

Film censorship and public opinion in the Irish Free State

In 1934, James Montgomery ruefully noted 'there are at least one million censors in Ireland, I am only the official censor.'[9] That year eighteen million tickets were sold in southern Ireland's 190 cinemas, according to a paper given to the Statistical Society of Ireland in 1936. The people of Dublin averaged twenty-three visits apiece.[10] In 1935, the Department of Justice counted 181 cinemas in the Free State. Of these 160 were equipped for sound. The vast majority (120) were under 500 seats, fifty-one had between 500 and a thousand seats while there were ten with capacities of over 1000 seats.[11] Cinema was therefore the largest source of popular entertainment in the country and this was the source of the disquiet it caused many people. The specific debate on children and cinema will be dealt with later but first it is important to examine the broader debate on film censorship.

During the Dáil debate on the Censorship of Films (Amendment) Bill 1930, one deputy called for 'positive' censorship; that is the power to 'reject not merely

[8] Minute of meeting 9 October 1930, ibid.
[9] *Chin Chin Chow*, 3 August 1934, NAI, Film Censor's reserve books, FCO3/98/28/10/1.
[10] *Irish Times*, 29 May 1936.
[11] Deputy Commissioner Garda Siochána to Secretary, Department of Justice, 9 January 1935, NAI, DJUS, H290/28.

immoral and debasing pictures, but pictures that are entirely worthless.'[12] An Ríoghacht made a similar call at its annual meeting the same year and focused its attention on soviet films[13] although these were rarely screened in Dublin or even submitted for censorship – a fact lamented by cinema aficionados.[14] In 1931, Donegal County Council declared that many films passed by the censor were 'unsuitable and harmful' and called for a ban on all films 'dealing with matters of a sensual or criminal nature.'[15]

There were few constructive suggestions but a group calling itself the Friends of Film wrote to the Minister for Justice asking him to counteract the 'one sided portrayal of American manners and morals in our cinemas' by following a scheme recommended by Fr. Richard Devane. They wanted an interdepartmental committee on the effects of cinema, cinema and education, domestic film production and the rental system. They also sought a reduction in tax for films of educational or artistic value.[16] No action was taken because the scheme was deemed impractical and because some of Devane's other ideas were considered undesirable: such as restoring the powers of local authorities to attach conditions to licenses while maintaining a central censorship.[17]

Most commentators were not so favourable about cinema. The headmaster of Blackrock College, Fr. John Charles McQuaid condemned Hollywood's portrayal of religion as designed 'to show Christ only as a great man and a member of the Jewish race' and alleged that 'the powerful Masonic and Jewish group, the Benai Berith compelled the Jewish film producers even to alter the sacred history of the

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[12] Dáil debates, Vol. XXXIV, 11 April 1930, 988.
[13] *Irish Independent*, 3 November 1930, NAI, DJUS, H315/28.
[14] *Irish Times*, 26 February 1935.
[15] Secretary Donegal County Council to Minister for Justice, 26 May 1931, NAI, DJUS, H231/43.
[16] 'Memorial to the Minister for Education and the Minister for Justice on Cinema', 11 March 1932, NAI, DJUS, H231/43.
[17] Minute [unsigned] to S. A. Roche, 23 March 1932, ibid.

Gospel!'[18] The Lord Mayor of Dublin, Alfred Byrne, wanted changes to the law to make it more difficult for the Appeals Board to overturn the censor's decision.[19]

By the middle of the decade, as the effects of the reforms in Hollywood began to be felt, the campaigners' tone moderated somewhat. An Ríoghacht, a conservative, Roman Catholic group founded by Edward Cahill SJ, considered setting up a special organisation to improve cinema and turn it to 'the work of restoring Catholic ideals.'[20] The organisation still felt that although a film could be cut to remove obscenity, it could remain a menace if its essential character was immoral.[21] Similarly, Fr. Owen Dudley, superior of the Catholic Missionary Society, told the audience packing the Gaiety theatre that there had been a marked improvement in the previous six months. The Roman Catholic Church was not opposed to cinema, he argued, only to those films 'tending definitely to evil'. These included films dealing with free love, promiscuity, near nudity, dirty speech and wise cracks as well as 'crime films into which ugliness, brutality, vileness, murder and suicide are packed.' He claimed that research in the USA showed that audiences saw nudity and sex appeal as pornographic even if it was portrayed artistically and interviews with criminals showed that they were influenced by crime in films.[22] Fr. Richard Devane echoed this new willingness to see cinema positively in a radio broadcast in June 1935 in which he called for the setting up of a National Film Institute. The *Irish Times* commented that 'everyone seems to be agreed that the cinema has an enormous power for good and for evil but very few are inclined to do anything about it except in a purely negative way.'[23] This was not

[18] John Cooney, *John Charles McQuaid: ruler of Catholic Ireland* (Dublin, 1999), p. 71.
[19] *Irish Times*, 4 December 1934.
[20] *Waterford News*, 29 March 1935, IJA, Cahill Papers, J/55/39.
[21] *Mayo News,* 30 March 1935, ibid.
[22] *Irish Times*, 18 February 1935.
[23] Ibid, 11 June 1935.

always easy, however. The official journal of the CTSI, *Up and Doing*, printed a film guide provided by the League of Decency in the USA. Unfortunately it had to stop this as too many of the films had been cut or banned by the Free State censor and 'quite obviously the American standards of decency do not harmonise with ours'.[24] This, it felt, was a good thing as: 'first of all our Film Censor is doing his work well; secondly, Ireland in its standards of propriety is still pronouncedly Catholic'.[25] Despite this new approach to cinema from the advocates of Catholic Action, the appreciation of cinema in Ireland was hampered by the lack of a large following for artistic films. The *Irish Times* lamented the fact that G. W. Pabst's *Kameradschaft* was withdrawn after only six days because it could not find an audience while similar fare played to packed houses in the Abbey and the Gate.[26] It took private clubs like the Dublin Little Theatre Guild to show films such as *Battleship Potemkin*.[27]

The publication of the papal encyclical *Vigilante Cura* in June 1936 stimulated the debate on cinema still further. It argued that the motion picture industry had reformed itself only after pressure from the Church.[28] The *Irish Times* responded that the gangster film was not the only danger to the public. Instead, it argued, cinema was responsible for a subtle 'twisting of the normal values' of truth. In historical films, for example, facts were often ignored to promote drama while many American films carried real but unacknowledged political morals.[29] At the 1936 CTSI conference in Tuam, Aodh de Blacam condemned films in strong terms. The *Irish Times* film correspondent responded while there were criticisms to be

[24] *Up and Doing*, Vol. 1, No. 5 September 1935, p. 2.
[25] Ibid, Vol. 1, No. 3, July 1935, p. 2.
[26] *Irish Times*, 29 January 1935.
[27] Ibid, 18 February 1936.
[28] *Fermanagh Times*, 6 August 1936.
[29] *Irish Times*, 26 June 1936.

made, he was more surprised at how clean most films were. The studios, he argued, were too afraid of audiences to incorporate the worst features of modern novels into their offerings. He suggested that the critics attend the cinema for a few months before speaking out.[30]

Fr. Richard Devane continued his campaign to reform the censorship in a more positive way centred on his proposal for a National Film Institute. This will be further examined under the heading of national identity but here it is worth looking at how his campaign operated. In 1937 Devane asked de Valera to receive a delegation seeking a government enquiry on cinema. The proposed delegation members of trade unions, the GAA, the Gaelic League, academics, magistrates, a member of Dublin Corporation and the Dean of Christ Church.[31] The comparison with the tactics used by pro-censorship campaigners in 1923 and 1926 is striking. De Valera did not meet them but did set up an interdepartmental committee on cinema.[32] Devane had a low opinion of this committee which would not meet in public.[33] Regarding censorship, he wanted 'an adequate censorship code of a detailed character' to reflect the standards 'of the normal Irish Christian family', to guard the Christian faith, marriage and the family and to punish breaches of the moral law.[34]

Devane was offered another chance to promote his ideas by the Archbishop of Cashel in 1939. He and the Roman Catholic Bishop of Ardagh & Clonmacnoise were to prepare a report on film censorship on behalf of the hierarchy and wanted a summary of Devane's ideas that they could present 'as our own requests'.[35] Devane

[30] Ibid, 30 June 1936.
[31] Devane to de Valera, 22 April 1937, IJA, Devane Papers, J44/10.
[32] Devane to provincial, n. d. [1937], ibid, J/44/12.
[33] Devane, note 'In confidence', ibid, J44/13.
[34] 'My suggestions for terms of reference for proposed cinema enquiry' n. d. [1937], ibid, J44/14.
[35] Archbishop of Cashel to Devane, 29 January 1939, ibid, J44/15.

also received letters of support from the Bishops of Ossory and Waterford.[36] The report, which the hierarchy presented to the Minister for Justice and the Interdepartmental Committee on the Cinema Industry, was strongly influenced by Devane's ideas. They wanted a detailed code, in plain language, which could be amended by the censor with the approval of the minister. They also sought that a woman be appointed to work alongside the censor, as 'a man is quite unable to appreciate the moral and mental reactions of a child in the way a woman can.' Like Devane they wanted the standard to be 'that of the traditional Christianity of our people' and the 'angle of evaluation' to be that of 'a normal Irish Christian family.' They opposed the portrayal of divorce or infidelity unless these were clearly shown to be evil. There was to be no 'excessive and lustful kissing, lustful embraces or indecent postures and gestures'. 'Wild life' and suggestive dancing were to be forbidden, as were suggestive bedroom scenes, bathing scenes, vulgarity, drunkenness - particularly drunken women – pregnancy, maternity wards, childbirth and the ridiculing of any religious faith. Heroic criminals and instructive details of crime and cruelty were not to be passed. Their wording for these sections derived from the Quebec code and the US Production Code both of which had been researched by Devane.[37]

The interdepartmental committee dragged on and war broke out before the government had to make a decision about whether to alter the film censorship. The hierarchy's proposals were not substantially different to what film censor was already doing and were typical of a view among Roman Catholic activists that the censorship was much laxer than was really the case. This view was endorsed by the

[36] Bishop of Ossory to Devane, 13 June 1939; Bishop of Waterford to Devane, 2 June 1939, ibid.
[37] 'Memorandum on Film Censorship presented to the Minister for Justice, Eire and the interdepartmental committee on the cinema industry by Most Rev Bishop of Ardagh and Most Rev Bishop of Kilmore', 5 July 1939, DDA, Byrne Papers, Government and Politics 1922-39.

CTSI's journal the *Catholic Truth Quarterly* that claimed that 'a film censor, manacled by the liberalistic principles imposed by law, can do only his poor bit to protect us in our cinemas.'[38]

The concern over whether films were harmful to children existed in both parts of Ireland but was especially prominent in the south. This stemmed from the film censor's decision never to issue 'adults only' certificates for films. In 1930 he explained that he had offered to issue such certificates if the cinemas in question would exclude children at all times but 'the offer was not availed of'. If he did issue 'adults only' certificates, there would have to be precautions taken to prevent children seeing the films and it 'would stimulate morbid curiosity and possibly excite the precocious to evade the law.' Instead he endeavoured 'to pass films suitable for family entertainment.'[39] Given the popularity of cinema among children it was unrealistic of him to expect any cinema owner to exclude children completely from his cinema.

In 1930, the Archbishop Harty of Cashel warned the people of his diocese that the young should only go to the cinema if the films were of educational or religious advantage or at least entirely innocuous.[40] The same year, the *Irish Churchman* printed an article arguing that children under twelve should not see any films at all.[41] It also quoted research from Switzerland that purported to show that the films seen by children usually contained scenes of rape, adultery, murder, robbery, arson, murder and often suicide.[42] Limerick County Borough Council circulated a letter to other local authorities requesting that the government legislate to exclude persons

[38] *Catholic Truth Quarterly*, Vol. 1, No. 7, January – March 1939, p. 1.
[39] Montgomery to J. E. Duff, 5 May 1930, NAI, DJUS, H231/33.
[40] *Irish Catholic Directory* 1931, p. 590.
[41] *Irish Churchman*, 10 April 1930.
[42] Ibid, 26 June 1930.

under sixteen from films 'dealing with matters of a sensual or criminal nature.'[43] The *Irish Times* reported the views of several school principals – most of whom had rarely or never attended the cinema. They were perturbed by the increase in American slang among children. One commented that 'the standard they [the censor] have set is mostly an adult or at least, an adolescent one', while another felt that while girls were less easily influenced by immoral films than boys, they learned slang from the talkies.[44]

Although the *Irish Times* usually took a positive approach to cinema, it was in favour of special arrangements for children. It compared the fact that theatres offered pantomimes for children to the lack of special arrangements in cinemas. This it blamed on the censor as 'the official view of what is likely to pervert our minds is hardly complementary. On the other hand its attitude towards the child's mind is all too flattering.' It favoured strictly enforced adult and child classifications. According to the paper, foreigners were often shocked at the films considered acceptable for children in Ireland. It compared the Irish situation to Holland, Denmark and Belgium where 25-30% of films were declared unsuitable for children.[45]

At the same time, Roman Catholic groups were renewing their campaigns for changes to the film censorship. The CTSI did not favour the prohibition of all children from cinemas, although some of its members did. It was concerned that declaring films to be unsuitable for children would only increase their attractiveness.[46] Fr. Dudley, in his aforementioned speech in 1935, claimed that studies in the USA had shown that films increased sleeplessness in children and

[43] Dublin Municipal Council Minutes, 4 May 1931, Dublin City Council Archives.
[44] *Irish Times*, 15 January 1932.
[45] Ibid, 11 December 1934.
[46] Curtis, 'Catholic Action', p. 200.

damaged their performances at school. He was supported by Terence de Vere White.[47] The INTO also called for 'legislation to regulate the admission of children to cinemas.'[48] The difference between the Catholic Action campaigners' demands and those of the *Irish Times* was that the latter wanted less strict censorship of films for adults while the former wanted stricter regulation all round.[49] Despite the pressure applied by these powerful organisations, the government refused to bring in new regulations. Montgomery's refusal to issue different certificates was part of the problem. There was also the question of enforcement and how to stop an 'A' certificate becoming a lure for children.[50] It was a problem that the government preferred to leave alone.

Film censorship campaigns in Northern Ireland

Film was a source of concern in the highly religious society of Northern Ireland. Like its southern counterpart, northern opinion on film censorship was affected by events in Britain, Rome and the USA. For reasons that are not entirely clear the members of the protestant and Roman Catholic churches began to seek reform of the film censorship system with greater enthusiasm in this decade. Inevitably given its size, Belfast was the most important site for this campaign but it also affected other urban areas culminating in an experiment in strict censorship in Armagh in 1935.

In 1930, there were signs that the protestant churches were becoming concerned about films when the American evangelical Dr. John Mott visited Belfast and warned his audience that films were undermining the work of church missions

[47] *Irish Times*, 18 February 1935.
[48] *Irish Independent*, 30 March 1935, IJA, Cahill Papers, J/55/39.
[49] *Irish Times*, 23 April 1935.
[50] Dáil debates, Vol. LVI, 2 May 1935, 169-70.

in the East by showing westerners in a bad light.[51] That year, the United Council of Christian Churches (UCCC) set up a committee composed of Anglicans, Presbyterians, Methodists, Unitarians, Roman Catholics and Jews to examine the film question. It expressed its dissatisfaction with the BBFC as it was run by the film trade and its approval of the fact that more towns in England were making their own censorship arrangements.[52] Their views were expressed by one of their members in a letter to the Ministry of Home Affairs: he was concerned at 'the kind of pictures displayed in our local cinemas and the language used' and wanted 'to redeem such a potent and popular engine of good from impure and dangerous use.'[53] Some campaigners suggested that exhibitors should only show films passed by the Free State censor but this idea was dismissed both because his decisions had no authority in Northern Ireland and because, as one exhibitor put it 'it's not censorship it's a butchery.'[54]

In September 1930, the UCCC film committee sent a letter to the distributors explaining its views. It wanted to raise standards and change the censorship rules to ensure this happened. The distributors responded that they had not received complaints from the public previously, that the government and the local authorities already had ample powers and that films passed by local censors in England and Scotland were turned down by the Northern Irish distributors because the people there would not tolerate bad films.[55] A member of the committee also wrote to Viscount Brentford asking for his support but he declined to give it.[56] Joseph Connellan, MP for South Armagh demanded 'the enforcement of a more stringent

[51] *Irish Churchman*, 24 April 1930.
[52] *Belfast Newsletter*, 23 May 1930, PRONI, NIMHA, HA/8/639.
[53] Canon Thomas Brown to Brentford, 30 May 1930, ibid.
[54] *Northern Whig*, 18 September 1930, ibid.
[55] Ibid.
[56] Mrs. U. B. Kinahan to Brentford, 18 October 1930, ibid.

censorship' of films and advertisements. Dawson Bates responded again that the BBFC was 'in every way adequate', that local authorities had the power to act if need be and that there was no need for new legislation.[57] Although some, such as Harry Midgley, protested against censorship particularly by religious groups,[58] the more common view echoed the sentiments of the Presbyterian minister who warned that Ulster faced 'a moral abyss' produced by 'Hollywood's most fleshy productions' and would face the same fate as Pompeii if it did not reform.[59]

At the 1930 Down Synod of the Church of Ireland, Bishop Grierson congratulated the UCCC committee and said that, 'the extreme puritanical kind of censorship we do not want, but we do want blatant impurities kept out.' A motion was passed supporting the committee's efforts 'to keep the cinema pure for the children in the diocese.'[60] The bishop wrote to Dawson Bates in January 1931 asking him to issue new model conditions for the local authority film licenses. The UCCC film committee was not, he claimed, a 'narrow or over puritanical' body and 'there is no doubt, I think, that at times pictures of a very objectionable nature, suggestive of much that is indecent are shown in some of the cinemas.' In common with other censorship advocates on both sides of the border, he was concerned that as the BBFC was appointed by the film trade, 'some of the worst [films] *are* passed by that board'.[61]

Such a letter was too important to ignore and a minute was prepared assessing the state of film censorship in the North. It concluded that a great deal of the problem was the public image of the BBFC which the campaigners saw as a 'smokescreen' for the film trade whereas 'if these people appreciated the fact that

[57] NIHC debates, Vol. XII, 29 October 1930, 2192.
[58] *Belfast Newsletter*, 4 November 1930, PRONI, NIMHA, HA/8/639.
[59] *Northern Whig*, 17 November 1930, ibid.
[60] *Belfast Newsletter*, 30 October 1930, ibid.
[61] Bishop Grierson to Dawson Bates, 17 January 1931, ibid.

the British Board of Film Censors is a *bona fide* concern they would probably be more or less satisfied.' There were obstacles to reforming film censorship in the province: exhibitors had spent heavily to upgrade their cinemas for sound films, the sound films themselves were hard to cut and strict censorship required a long period of notice so the that film could be screened, altered and still released on time. The minute concluded that the use by local authorities of their powers of censorship was appropriate 'if it is thought that urban councils are fit persons [sic] to judge matters of morals and taste.'[62] The Permanent Secretary of the Ministry of Home Affairs wrote to the bishop to defend the government's policy. He claimed that although the BBFC was appointed by the film trade, it was independent in the exercise of its functions. He also claimed that 'it would be folly for us to contemplate the appointment of a special Board of Censors for such a small community as Northern Ireland.' Instead he proposed to issue new model conditions.[63]

The BBFC seemed to confirm the campaigners' sense that films were becoming increasingly immoral. In January 1931, the board issued a circular to local authorities in which it commented that there was a 'tendency to produce incidents of prolonged and gross brutality and sordid themes'. In such cases, 'no modifications, however drastic, can render such films suitable for public exhibition' so the board promised that it would not pass films 'in which the theme, without any redeeming characteristic, depends upon the intense brutality or unrelieved sordidness of the scenes depicted.'[64] A deputation from the UCCC film committee met the Belfast Police Committee in March 1931. They made six demands: no films should be screened that were immoral or incited people to commit crimes, only

[62] R. P. Pim, Minute, 21 January 1931, ibid.
[63] G. A. Harris to Grierson, 9 March 1931, ibid.
[64] BBFC, circular to local authorities, 1 January 1931, Minutes of Belfast Corporation Police Committee, 22 January 1931, PRONI, LA/7/10AB/1/19.

films passed by the BBFC should be allowed, no children under the age of sixteen should attend an 'A' film, no advertisement should be permitted if it was immoral or incited the audience to commit crimes, no additions should be made to any film passed by the BBFC before its arrival in Ireland and, finally, cinemas should send a list of forthcoming performances to the local authority ever week for scrutiny. The film trade dismissed these demands, arguing that a weekly list of forthcoming performances was impractical as films were booked a year in advance, no film was ever added to after being passed by the BBFC and the remaining demands were already being fulfilled.[65] They objected to a complete ban on children attending 'A' pictures, claiming that they did not want to be held responsible for children slipping in.[66]

Against this background the Ministry of Home Affairs struggled to draft new model conditions to be added to the local authority cinema licences that would satisfy all sides. Taking the English regulations as a starting point, the minute on the subject argued against placing 'on the cinema managers the responsibility properly belongs to parents.' It suggested that the usual phrase prohibiting films 'injurious to public morality or that encourage or incite to crime' be replaced as the BBFC already dealt with these. Instead it recommended the words 'likely to be offensive to public feeling' or 'likely to lead to disorder' which 'gives licensing authorities quite as much power as the English regulation...but it does not sound so silly.' Regulation No. 7 in the English list, commanding that the cinema remain well lit at all times, seemed to have been 'composed by someone during a nerve storm' and was not retained in the Northern Irish regulations.[67]

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[65] *Northern Whig*, 12 March 1931, PRONI, NIMHA, HA/8/639.
[66] R. P. Pim, minute, 21 January 1931, ibid.
[67] R. P. Pim, minute, 16 March 1931, ibid.

The new model conditions for the province had five clauses: no films, except current affairs and news films, were to be allowed unless they had been passed by the BBFC, the BBFC certificate and category were to be displayed on screen, licensing authorities were allowed to prohibit films likely to offend public feeling or to lead to disorder, no objectionable advertisements for films were to be displayed, and a notice giving the BBFC categories for each film on show was to be displayed outside the cinema.[68] The ministry informed local authorities that the purpose of the new conditions was to resolve the present anomaly whereby 'A' and 'U' films were shown 'indiscriminately in Northern Ireland.' They would also allow the authorities to ban films that 'while unobjectionable generally, might cause offence in some areas'.[69] It was also made clear that 'in practice very little supervision will be necessary in rural areas' as all films on show there would have been censored in urban areas already.[70]

The conditions were adopted in Armagh[71] and Londonderry[72] but Belfast Corporation only included some of them because of its doubts about restricting the entry of children to 'A' films.[73] Despite pressure from the churches,[74] the Belfast Corporation Police Committee did not automatically prohibit children from attending 'A' films, as they did not consider them unsuitable, merely intellectually advanced. They allowed the film committee run by the churches to advise the Police Committee of any 'A' films that were unsuitable these were rare. They also felt that to put up large signs in these circumstances would only have enticed children into

[68] 'Cinematograph licences: model conditions' [March 1931], ibid.
[69] Circular letter to the town clerks of the county borough councils, the clerks of the UDCs and the Town Commissioners, 26 March 1931, ibid.
[70] A. Robinson to Secretary Down County Council, 4 June 1931, ibid.
[71] Secretary Armagh County Council to Secretary NIMHA, 31 March 1931, ibid.
[72] Londonderry County Council minutes 9 May 1931, ibid.
[73] Sub-Committee of the Belfast Corporation Police Committee minutes, 10 April 1931, PRONI, LA/7/10AB/1/19.
[74] Joint Honorary Secretaries of the Film Committee to Belfast Corporation Police Committee, 5 March 1931, ibid.

the cinemas.[75] The film exhibitors in the city agreed with this as they did not want to be held responsible if they mistakenly believed a child was over sixteen.[76] The churches wanted stricter rules, prohibiting children from attending 'A' films even when accompanied by their parents and called for the appointment of a special censorship for children's films.[77] The *Belfast Newsletter* supported the churches' campaign. While the paper did not believe that immoral films were common, it did accept that they were shown in Belfast and that 'strong meat has no place in a diet for babies' who needed protection 'against the unwisdom [sic] and apathy of their parents.'[78] The representatives of the Belfast film trade, the Amusement Caterers' Association, agreed to give two members of the churches' film committee free admission to afternoon screenings, except on Wednesdays and Saturdays, so that they could advise the Police Committee of what it should see for itself.[79]

The government's new conditions did not meet the approval of the film trade or the UCCC film committee. The trade demanded that all films booked by them should be allowed whereas the churches wanted stricter regulation.[80] In Londonderry, the corporation debated creating its own film censorship committee but decided not to because many of its members, including the Mayor, believed that it was not appropriate to take on the functions of the 'British censor [sic]'.[81] This reflected a common misconception among people debating film censorship: that the UK had an official censor. In June, the Presbyterian General Assembly adopted a

[75] Minutes of Belfast Corporation Police Committee, 8 December 1931, ibid.
[76] Ibid, 16 April 1931,
[77] *Belfast Newsletter*, 24 November 1931, PRONI, NIMHA, HA/8/639.
[78] Ibid, 1 February 1932.
[79] Belfast Corporation Police Committee, minutes of sub-committee, 11 February 1932, PRONI, LA/7/10AB/1/19.
[80] *Northern Whig*, 18 April 1931, PRONI, NIMHA, HA/8/639.
[81] Ibid, 22 April 1931, ibid.

resolution demanding 'a rigid censorship of films, books, and literature calculated to have an evil effect on the morals of the rising generation.'[82]

The churches' organisation (now called the United Council of Christian and Religious Communities in Ireland) debated the issue in November 1931. They recognised that cinema was an integral part of modern life but remained convinced that 'the amount of control of pictures exhibited is inadequate and unsatisfactory.' They argued that the BBFC allowed films portraying cases 'of marital infidelity and of a fast life as normal features of society and actual pictures of morally risky situations, bedroom scenes etc.' They wanted it replaced with a censorship 'representing the most responsible elements in Northern Ireland.'[83] In St. Anne's Cathedral Belfast, Rev. W. Popham Hosford, preached a sermon arguing that bad films were symptomatic of a wider moral decline comparable to those of classical Greece and Roman before their civilizations fell. In the past twenty years, he said, standards in the UK had declined so that 'as a national consequence – perhaps I should say a divine punishment – our country is suffering from commercial disaster and the collapse of credit.'[84] In Derry, the Roman Catholic Bishop Bernard O'Kane discussed the cinema in his Lenten pastoral for 1932. He warned that

> our children's morals are being slowly sapped by the licentious picture house. In the Free State there is at least an effort at censorship; here it is nominal and a farce … the best of modern pictures are dangerous; the worst abominable, rivalling the indecency of the paintings in the baths of Pagan Rome.[85]

Londonderry Corporation decided to use its Law Committee to scrutinise films and asked the cinemas to give its members free admission.[86] The *Irish News* also supported stricter censorship, arguing that Roman Catholics wanted 'a remedy'

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[82] William Mitchell to Minister of Home Affairs, 8 June 1931, ibid.
[83] Resolution of the United Council of Christian and Religious Communions in Ireland, 13 November 1931, ibid.
[84] *Belfast Newsletter*, 25 January 1932, ibid.
[85] *Derry People*, 13 February 1932.
[86] *Northern Whig*, 13 February 1932; *Irish News*, 15 February 1932, PRONI, NIMHA, HA/8/639.

to bad films. It refused to blame the cinema owners who, it claimed, had 'very little room to exercise their own preferences' so that 'they deserve pity rather than blame.' It traced the problem back to its source: 'censorship when films reach the distribution and display stage is never likely to be either successful or fair. This work must be done at Hollywood and Elstree during production.'[87] The churches' film committee reiterated their demand for radical reform. Although they co-operated with the exhibitors in Belfast, they continued to campaign.[88]

Some protestant churchmen found themselves casting envious glances south, for example the Methodist Rev. Richard Waugh, in Newry, claimed that the 'chief of the Irish Board of Censors [sic] in Dublin was leading the world in fighting evil films. There was a fine censorship there.'[89] The Armagh diocesan synod of the Church of Ireland heard the report of the Diocesan Board of Temperance and Social Welfare. The report was introduced by the Rector of Lisnadill, Rev. Henry Lamb, who claimed that films held up 'the sayings and doings of crooks, brigands, and immoral characters and undesirables' in a positive light. The board considered the censorship in Belfast successful but concluded that

> although good work may be done by local authorities in setting up committees of censorship, we believe that action should be taken by the government of Northern Ireland to appoint a board of censors similar to that in existence in the Irish Free State.

Lamb claimed that judges and magistrates blamed films for an increase in crime by young people. He was opposed by the Rev. Canon Robert Ford who suggested that they 'content themselves with the evils they knew, and not fly to the evils – of censorship – they knew not'. In the Free State, he claimed, cinemas could not show films about the royal family or play 'God save the King'. Instead the church should

[87] *Irish News*, 19 February 1932, ibid.
[88] *Belfast Newsletter*, 27 February 1932, ibid.
[89] *Northern Whig*, 15 March 1932, ibid.

work against bad films in the parishes.[90] The *Derry People* praised the example of Quebec in banning children under sixteen from all cinemas. 'On the whole, the cinema is a curse to the growing generation. There is no such thing as a good moving picture for children.'[91] This seems to have been one of the few complaints in the year 1933. Why the campaigners quietened down is not clear. The new model conditions may have pacified them, or perhaps they were waiting to see the effects of the reform movement in the USA. For whatever reason, the campaign did not re-emerge until late 1934 in Armagh.

At the Armagh diocesan synod of the Church of Ireland in October 1934, Lamb reiterated his committee's call for a film censorship modelled on that of the Irish Free State. He commented that a friend of his had seen a film in both Belfast and Dublin and 'he wouldn't have recognised the picture as being the same.'[92] The result was a deputation of clergy from the Church of Ireland, Methodists and Presbyterians that was received by the City Commissioner, George Hanna, who was running Armagh while the borough council was suspended. The deputation demanded that cinemas close on Sundays; they considered cinemas to be a great temptation to young churchgoers, felt that it was unfair to make employees work that day and claimed that only Londonderry, Newry and Armagh allowed Sunday opening. They also wanted a strict censorship as many films 'were calculated to have an evil effect on the minds of young people.' Hanna responded that, as a Presbyterian, he was very sympathetic to their demands on the Sunday opening of cinemas but that as commissioner 'he was bound to appreciate that the majority of the citizens did not belong to the same faith as himself...unless the ministers of the other churches urged him to close them [the cinemas] he could not accept

[90] *Ulster Gazette*, 8 October 1932.
[91] *Derry People*, 11 March 1933.
[92] *Ulster Gazette*, 13 October 1934.

responsibility.' In other words he needed to know if the Roman Catholic Church would accept such steps. He was unwilling to act as censor but if the churches set up a committee he would delegate 'such portion of his powers as he could do to it' while reserving the power to review their decisions.[93]

Hanna then sought and received the approval of a representative of Cardinal MacRory.[94] He also met with the managers of the town's two cinemas and told them of his decision.[95] He then formally set up a film committee made up of a Church of Ireland and a Roman Catholic priest and four laymen. Each of the clergy was allowed to appoint one of these lay members. They would inspect posters and synopsises for films 'a reasonable time' before they were shown. The titles of films prohibited by the committee would not be made public. If the cinema managers were unhappy they could appeal to the commissioner. In addition to this he ordered all cinemas to close on Sundays from 31 March 1935 and to stop holding children's matinees on a Saturday.[96] The latter ruling was made on the suggestion of MacRory's representative.[97]

It promised to be the most radical experiment in film censorship yet seen in Northern Ireland and the first to be run by the churches. The cinema owners were concerned that their competitors in nearby towns would advertise that they showed films 'banned in Armagh'.[98] They met the commissioner and asked him to lift his ban on Saturday matinees and Sunday performances. Other exhibitors worried that their towns would follow Armagh's example.[99] The *Ulster Gazette* opposed the

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[93] Ibid, 8 December 1934.
[94] Armagh UDC, Minutes of the General Purposes Committee, 5 December 1934, PRONI, LA/10/15AA/7.
[95] Ibid, 18 December 1934.
[96] Armagh UDC, minutes, 18 December 1934, PRONI, LA/10/2CA/6.
[97] Minutes of meeting with Canon Quin, 5 December 1934, ibid.
[98] *Ulster Gazette*, 12 January 1935.
[99] Ibid, 19 January 1935.

ending of Saturday matinees as these alleviated the Saturday evening crowds and spared adult audiences the chatter of children. It supported the ending of Sunday shows, which it believed were 'unwanted'. It was not happy with the censorship committee as it wanted this role to be taken by the central government.[100]

The cinema owners were particularly unhappy with the closure of their businesses on Sundays and decided to hold a plebiscite on the subject. Hanna allowed them to use the city hall for the purpose while at the same time rescinding his ban on Saturday matinees and added two representatives of the cinema owners to the censorship committee.[101] The plebiscite divided the churches as the Church of Ireland clergy saw it being mostly a problem for the Roman Catholics.[102] The First Armagh Presbyterian Church called for the ban on Sunday opening to be kept.[103] The vote descended into farce because of a dispute over a children's film. When the censorship committee reviewed *Tarzan and his Mate* it decided not to ban it but verbally informed the town clerk that the cinema owner should not show it. This he refused to do as he was contracted to show the film unless it was prohibited. The Roman Catholic representative on the committee promptly resigned and sermons were preached criticising the cinemas and ordering a boycott of the plebiscite.[104] Only 527 out of an electorate of 2600 voted. Even for these, it was unclear whether the 'for' and 'against' marked on the ballot papers referred to 'for opening' or 'for closing' on Sundays. With whatever intention, 'for' won by 302 votes to 219 with six votes spoilt.[105] At this point, Hanna gave up trying to reconcile the factions. He disbanded the film censorship committee and appointed the Town Clerk as sole film

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[100] Ibid.
[101] Report of the General Purposes Committee, 4 February 1935, Minutes of Armagh UDC, PRONI, LA/10/2CA/6.
[102] *Ulster Gazette*, 2 March 1935
[103] Ibid, 9 March 1935.
[104] Armagh UDC, minutes, 1 April 1935, PRONI, LA/10/2CA/6; *Ulster Gazette*, 6 April 1935.
[105] Armagh UDC minutes, ibid; *Ulster Gazette,* 23 March 1935.

censor. He would read synopsises of films in advance and view them if necessary. The prohibition on Sunday opening was retained.[106] The debate drew the attention of the cinema press in Britain and was reported in *Today's Cinema*. It was also watched closely by Fr. Edward Cahill, the southern Irish Jesuit who was engaged in his own campaign for reform of the Free State film censorship.[107]

Sunday opening was not merely a concern in Armagh. Though banning Sunday picture shows was not strictly speaking a matter of censorship as no distinction was made as to the content of the films prohibited, it did restrict access to films. Some, including some cinema owners, felt that it was unreasonable for staff who were already working a six-day week to come in on Sundays.[108] When the proposed Sunday Performances Bill in the UK Parliament raised the possibility that local authorities would lose their power to regulate such events, Newtownards UDC passed a resolution opposing it.[109] Enniskillen narrowly decided not to endorse the motion but the local McKinley LOL No. 1539 supported it.[110] The urban council occasionally allowed films to be shown on Sundays for fundraising purposes.[111] It refused a request from the local cinema to allow it to open every Sunday, by a narrow margin.[112] Another issue of concern was that crowds would distract worshippers at nearby churches. This led the Independent Loyal Orange Institution in Belfast to complain about the proximity of cinemas to places of worship.[113]

Derry and Omagh did not allow Sunday opening of cinemas despite challenges in the county courts and Downpatrick only decided not to ban them

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[106] *Ulster Gazette*, 6 April 1935.
[107] *Today's Cinema*, 1 April 1935, 5 April 1935, IJA, Cahill Papers, J55/39.
[108] *Belfast Telegraph*, 26 January 1932, PRONI, NIMHA, HA/8/639.
[109] *Down Recorder*, 7 May 1932.
[110] *Fermanagh Times*, 5 May 1932.
[111] Ibid, 7 October 1937.
[112] Ibid, 8 September 1938.
[113] *Irish Times*, 14 July 1936.

when it became clear that such a rule would force the town's cinema to close.[114] Strabane decided to allow Sunday performances despite the opposition of several religious figures. The fact that no churches were actually open on Sunday nights in the town helped the case for relaxing the rules.[115] Belfast enforced its own prohibition so strictly that even the Belfast Zionist Representative Council was not permitted to show *Modern Palestine* on the Christian Sabbath.[116] Despite the experience of Sunday closing in Armagh in 1935, a correspondence on the subject broke out in the local press in 1939. Those advocating Sunday opening saw cinema as a relatively harmless recreation compared to simply loitering about the streets, they also complained that people simply went to Dungannon.[117] The majority of letters favoured the ban; one writer suggesting that people should be at home reading their bibles after church on a Sunday night. The *Ulster Gazette* pointed out that protestant churches were opposed to all Sunday entertainments and the paper agreed with them.[118]

While Armagh tried its own experiment in including the churches in the film censorship process, other campaigns continued apace. The nationalist *Derry People* compared 'the Catholic spirit of traditional Irish decency' which motivated the Free State censorship with the objectionable displays on view in the 'partitioned six counties.'[119] Bishop O'Kane of Derry, in his Lenten Pastoral of 1935, praised the tactics of US reformers in boycotting objectionable films which made cinema-goers 'ashamed to be seen frequenting such shows.' Cinema, he claimed, was 'seldom elevating, sometimes positively indecent [and] nearly always suggestive of

[114] *Daily Film Renter*, 20 March 1935, IJA, Cahill Papers, J55/39.
[115] *Down Recorder*, 10 February 1934.
[116] Belfast Corporation Police Committee, minutes, 31 January 1935, PRONI, LA/7/10AB/1/20.
[117] *Ulster Gazette*, 24 February 1939.
[118] *Ibid,* 10 March 1939, 24 March 1939.
[119] *Derry People*, 15 December 1934.

indecency.'[120] The next month, *Today's Cinema* contemplated the situation: it singled out the efforts of Rev. Henry Lamb of Lisnadill who had organised a deputation of clergy to meet the Minister of Home Affairs.[121]

Events in the USA seem to have overtaken the Northern Irish campaigners at this time. In April 1935, the *Irish News* praised the success of Will Hays and 'the great Catholic campaign for the elimination of improper films'.[122] In June the General Assembly of the Presbyterian Church in Ireland did not hear a bad word about cinema, much to the shock of *Today's Cinema.*[123] Even Lamb and his Board of Temperance and Social Welfare reported 'a marked improvement in the type of film had taken place during the past year [1935-1936].'[124] The Bishop of Down and Connor, Daniel Mageean, was less critical of cinema than usual but pointed out that while 'the pictures are not so grossly immoral and suggestive yet they often represent an outlook that either ignores religion or is openly anti-catholic.'[125]

In this climate, supporters of cinema were able to be more open. In 1935, George Bernard Shaw, in a widely quoted BBC talk, argued that 'there are no "undesirable films". No film studio would spend £50,000 in making a film unless it was a very desirable film indeed possibly not desirable by an archbishop, but certainly desirable by that very large section of the human race that are not archbishops.'[126] Harry Midgely questioned the censorship system in the House of Commons[127] and the Socialist Party of Northern Ireland complained to Belfast Corporation about the banning of several films.[128] The Belfast Film Society was

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[120] Ibid, 9 March 1935.
[121] *Today's Cinema*, 1 April 1935. Cahill Papers, J55/39.
[122] *Irish News*, 10 April 1935, ibid.
[123] *Today's Cinema*, 13 June 1935, ibid.
[124] *Ulster Gazette*, 10 October 1936.
[125] *Down Recorder*, 13 February 1937.
[126] *Irish Times*, 21 January 1935; *Ulster Gazette*, 29 January 1935.
[127] NIHC debates, Vol. XLX, 27 April 1937, 1049-50.
[128] Belfast Corporation Police Committee, minutes, 22 April 1937, PRONI, LA/10AB/1/21.

given permission to submit films not passed by the BBFC to the Police Committee for a special viewing.[129]

II: Film Censorship in Action

The Free State censorship and sound

Three years after the *Jazz Singer*, the Film Censor of the Irish Free State still watched films in silence and struggled to spot inappropriate dialogue with the help of a script. Despite several years of investigation and discussion, it was not until June 1930 that he could hear a film.[130] The Censorship of Films (Amendment) Act 1930 was enacted on 4 June 1930 and a statutory order requiring exhibitors to submit a script with the film was signed on 26 June 1930.[131] Even given new powers and equipment, the censor was not always able to deal adequately with 'talkies'. At the time, one of the competing forms of sound technology involved the use of a disc, similar to a record, which was synchronised with the picture. The disc was unalterable so it was almost impossible for the censor to cut such films. Fortunately for Irish audiences, the format was not common and did not survive.

The film censor and the film trade

As we have seen, the film censor was the subject of a series of complaints from the film trade who were unhappy with the way he did his job. He was hardly less complimentary about them. One of his most frequent complaints was that companies were cutting films before submitting them to him. His attitude to this practice has been criticised by O'Connor as 'hypocritical thinking'[132] as he would

[129] Ibid, 4 November 1937.
[130] *Woman Trap*, 19 June 1930, NAI, Record of Films Censored, FCO2/98/27/6.
[131] Censorship of Films (No. 1) Order 1930.
[132] O'Connor, 'Censorship of Films', p. 211.

then order even stricter cuts so it is worth examining Montgomery's own explanations:

> I must place on record the danger of passing films which are cut before presentation for censorship. This was brought home to me to-day when I had to deal with the import of a second copy of a film 'Hard to Handle'. This film was cut [on 22 September 1933], and the deleted parts were impounded – when a second copy is imported, the renter sends a notice to me – (I have no power to enforce this). I check-in by projecting the impounded parts, and comparing it by vision and measurement with the import. To-day there was a big shortage – in fact a most important scene was left in the film and omitted from the cut. If this can happen with impounded cuts, what about cuts we haven't seen?[133]

He expressed fear of 'some incident we have not seen being slipped into the film after the certificate is issued.'[134]

Montgomery was also frustrated that he was receiving 'many justified complaints by the public' about 'film butchery' for which he was not entirely responsible.[135] By the 1930s, prior cutting was 'a growing practice, which is subjecting the censorship to ridicule.'[136] On this basis it seems unfair to accuse Montgomery of hypocrisy. He was certainly insensitive to the needs of the film renters many of whom were doubtless simply removing material they knew would be cut. He was also being somewhat petulant about the fact that the public blamed him when they saw a film that had been crudely edited. The fact remains, however, that his motives were sincere and based on his distrust of the film renters who, he feared, would circumvent his decrees if given an opportunity. The evidence suggests that he had an uneasy relationship with them. For example, when deciding on cuts to *Sign of the Cross* he commented that 'the renter contends that Poppeas's "dress" is *"period"* [his emphasis]. I question this – anyhow if he is correct what

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[133] *Hot to Handle*, 15 February 1934, NAI, Reserve Book, FCO3/98/28/9.
[134] *I Love that Man*, 17 October 1933, Register of Films Rejected, FCO4/98/29/3.
[135] *Smiling Lieutenant*, 5 November 1931, ibid.
[136] *Rockabye*, 23 May 1933, Record of Films Censored, FCO2/98/27/9.

are we to do if a Garden of Eden film is presented?'[137] On another occasion, when censoring Colleen Moore's attire, he commented that 'it may be contended that she wears a flesh coloured bodice but it suggests semi-nudity'.[138] These comments suggest that there was a good deal of dialogue between the censor and the renter.

The Free State censor and outside influences

Although the law did not prohibit the film censor from taking advice, he was supposed to act independently. Montgomery sought guidance on occasion and from two sources in particular: the Roman Catholic Church and the Gardaí. In this period, he became more open about the extent to which he took advice from the clergy. When he viewed Chaplin's *City Lights* he noted that 'Monsignor Cronin and Fr. Dempsey saw this and said pass without a cut.' They were influential in encouraging Montgomery to cut less of the film than he had intended.[139] Monsignor Cronin was also present when *Alexander Hamilton* was screened.[140] Montgomery also rejected or cut a variety of films as 'his Grace the Archbishop [of Dublin] will not allow the Canon of the Mass or the Monstrance in procession or Benediction to be shown in Dublin cinemas.'[141] In the case of *Cloistered*, a documentary about cloistered life, he commented that 'it is fine photography but some Catholics and high ecclesiastics to whom I showed the film were pained and indignant. If the renter insists, I'll issue a Limited Certificate for exhibition in such places as the "Father Mathew Hall" under the auspices of the "Fathers"...If the renter will withdraw the film I'll return the censorship fee.'[142] This is an extraordinary

[137] *Sign of the Cross*, 8 April 1933, Reserve Book, FCO3/98/28/8.
[138] *Footlights and Fools*, 8 April 1930, ibid, FCO3/98/28/3.
[139] 15 May 1931, Record of Films Censored, NAI, FCO2/98/27/7.
[140] 12 January 1932, FCO2/98/27/8, ibid.
[141] *The Holy Ghost Fathers*, 6 November 1937, Reserve Book, FCO3/98/28/14.
[142] 21 June 1937, ibid, FCO3/98/28/13.

statement for several reasons. Montgomery gave no grounds for prohibiting the film – indeed his offer to refund the fee indicated that he had none. He also admitted showing the film to a variety of people who had no official role in the film censorship and sought to have the film withdrawn on the basis that they were 'pained'. Lastly there was his offer to grant a 'Limited Certificate' for a controlled screening. Given his continuing opposition to granting 'Adults Only' certificates, this was a departure from his normal practise.

He was also more subtly influenced by his own faith and the religious climate around him. His opposition to beauty shows was partly motivated by the fact that they had been 'condemned by the clergy and all decent minded people in Ireland.'[143] In the case of *Green Pastures*, which portrayed God as a black man, he commented

> the naivety of a nigger's idea of Deity may be entertainment for people who understand the negro mind, but in Ireland such materialisation – however noble and dignified – may appear as blasphemous. Consider the effect on the visual memory of a child.[144]

It would appear that two concepts were intertwined here. One was Montgomery's long-standing objection to the portrayal of the materialisation of Christ – a view he shared with the BBFC. He reiterated this view strongly in the 1930s, rejected *From the Manger to the Cross* as 'I consider that the exhibition of the materialisation of the figure of Christ for commercial profit in an ordinary picture theatre to a general audience amounts to blasphemy.'[145] There was also a specific problem of the effect that he believed the image of a black God would have on the faith of children. A similar problem had occurred in 1933 with *Father Noah's Ark* which showed 'the

[143] *Glamour Girl*, 9 August 1938, Register of Films Rejected, FCO4/98/29/4.
[144] 11 February 1937, ibid.
[145] 28 July 1938, ibid.

singing of the negro spiritual by Noah and his family. Fancy the effect on the "Child Mind"'.[146]

He was similarly protective of the image of religious. He rejected one film, as 'caricatures of the clergy are not passed here.'[147] Rejecting another, he complained that 'the heroine – a war mother – enters a convent under false pretences in order to secure custody of her illegitimate son. She is shown in the habit of a Dominican nun and there are many people who may not consider that mother love would justify such an act.'[148] Perhaps because of this strong respect for the Church, he agreed to prepare a report for Monsignor Curran of the Irish College in Rome for a congress called in 1936 to celebrate the promulgation of *Vigilante Cura*, papal encyclical on cinema. Although O'Connor argues that this demonstrates Montgomery's subservience to the church, his own comparison of the censor's report with that of Frank O'Reilly raises interesting issues. O'Reilly argued that the country needed a specifically Roman Catholic body, with Episcopal authority to deal with film. He accepted that the censor stopped films that were 'definitely dangerous to faith and morals' but claimed that the increase in juvenile crime was due to the influence of gangster films. Montgomery denied that there was a need for any body working parallel to the censor. He also claimed that 'the influence of films in juvenile crime is debateable.'[149] As it is clear from Montgomery's notes that he did worry about the effect of films on children, it seems logical that he was trying to prevent any outside body interfering with his work.

Montgomery was also respectful of advice from the police and other legal authorities. In 1934 he remarked that 'suicide by gas is becoming quite common

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[146] 13 December 1933, FCO4/98/29/3.
[147] *Strictly Legal*, 8 March 1935, ibid.
[148] *Melody Lingers On*, 19 February 1936, FCO4/98/29/4.
[149] O'Connor, 'Censorship of films', pp. 202-3.

owing to its ease – and I have been repeatedly recommended by the coroner and the police to delete it from all films. Its appeal to a morbid and precocious child in this instance is dangerous.[150] He also noted that

> at the request of the Chief of Police – which completely endorses my own attitude – I have never allowed scenes of all in wrestling on the newsreels – it is the most brutalizing form of "sport" since the days of the gladiators.[151]

This practice of banning wrestling scenes was not appealed until 1936. In his notes to the Appeals Board Montgomery included 'correspondence with the British Board of Film Censors – and the Assistant Commissioner of the Garda, also Australian censor's findings.'[152] Unfortunately, as the Board's records are not available for this period, we do not know what these documents said but it is safe to assume that they supported Montgomery's position. Nevertheless, the board passed the film. This may have had something to do with the fact that, as 'interest' (non-fiction) films, newsreels were understood to be subject to different standards than drama.

The question must be asked whether Montgomery was behaving properly in taking such advice from clergymen and the authorities. O'Connor clearly believes that the censor had an obligation to act autonomously.[153] The Censorship of Films Act 1923 contained no such requirement. It merely required that the censor 'be of the opinion' that a film was unsuitable (Section 7). How he came to form that opinion was not regulated by law and it may be seen as laudable that he sought expert help, especially where the police were concerned. When we consider church influence the question should not be whether Montgomery was autonomous but whether his opinion was unfairly biased due to his personal religious beliefs. Here there is no doubt that, in common with many of his contemporaries, he considered

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[150] *Little Friend*, 8 August 1934, Reserve Books, FCO3/98/28/10/1.
[151] *Pride of the Force*, 14 March 1935, Register of Films Rejected, FCO4/98/29/3.
[152] *All in Wrestling*, 20 March 1936, ibid, FCO4/98/29/4.
[153] O'Connor, op. cit, p. 204.

Roman Catholicism as normative when dealing with religious and moral issues. Therefore, concerns that were exclusive to Roman Catholics, such as the showing of the Canon of the Mass, were incorporated into the censor's standards for all Irish cinemagoers. Given the failure of the legislature to define the terms 'obscene', 'blasphemous' or 'public morality' it is not surprising that the censor's religious views would be involved. There was also no rule preventing Montgomery writing a report for the benefit of any group in Rome.

The Free State film censor's decisions

Montgomery's standards remained identical to those he had been applying since 1923. A film involving divorce was still 'unfit for exhibition in countries where matrimony is a sacred contract. It might pass where the difference between marriage and a day licence is merely the cost.'[154] Nudity was strictly forbidden. This caused him to complain about beauty shows and dances. Montgomery described the former as 'indecent...girls paraded and pawed like cattle.'[155] The censor was so strict about dance scenes that in one case he favoured a cut because 'it [the body] is covered but it suggests nudity.'[156] He also ruled that 'I never have and never shall pass a nude waisted picture of a woman (except in travel films showing natives).'[157] He maintained this rule although 'people say you can see it on the stage of the Royal – maybe they're right but I certainly will not accept the Royal as a criterion for decency.'[158] The problem for him was that the films were changing for the worse. The coming of sound had led to a plethora of musical comedies. One successful example was *Gold Diggers of 1933* part of a popular series of *Gold Diggers* films.

[154] *The Keyhole*, 13 July 1933, ibid, FCO4/98/29/3.
[155] *Movietone News*, 4 March 1930, ibid, Reserve Book, FCO3/98/28/3.
[156] *Rio Rita*, 31 January 1930, ibid.
[157] *Sally*, 7 April 1930, ibid.
[158] *Pictorial*, 22 June 1936, ibid, FCO3/98/28/13.

The first two reels contained 'so much semi-nudity, indecency and double meaning gags that I don't see how to deal with them.' He cut two bath scenes, two songs with double meanings and pronounced that 'girls who walk home has only one meaning'. He also deleted several 'cheap and vulgar kisses'.[159] What the audience made of the result can only be guessed.

These changes were consistent with Montgomery's policy since his appointment and he was proud of his record. In 1933 he noted that,

> this censorship is now ten years at work and it is a strange reflection on the mentality of film trade that notwithstanding the inevitable rejection of divorce and bigamy stories by censor and Appeals Board, such films as this [*Second Hand Wife*], with its monkey-house morality and nauseating sentimentality are still imported.[160]

Some new problems did present themselves. Increasingly the censor referred to films as 'sophisticated'. This meant a film that was not so much immoral as too strong for children. As Montgomery refused to issue 'adults only' certificates, he rejected these films regularly despite the fact that they were artistic works. In the case of *Sylvia Scarlet*, he said, 'this well acted picture might be described as a sophisticated and cynical idyll – cutting it would be a venal sin but passing it for general exhibition would be mortal so I reject it.'[161] Similarly King Vidor's film of the Pulitzer Prize winning play *Street Scene* was dismissed as 'an ugly cross section of tenement life in New York. The murder of "a woman caught in adultery" by her husband is the crisis of the story. It is far too sophisticated and realistic for general exhibition.'[162] In some cases the Appeals Board passed such films, for example:

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[159] 4 August 1933, ibid, FCO3/98/28/9.
[160] *Second Hand Wife*, 1 May 1933, Register of Films Rejected, FCO4/98/29/3.
[161] 28 February 1936, ibid, FCO4/98/29/4.
[162] 22 January 1932, Record of Films Censored, FCO2/98/27/8.

Man About Town, which Montgomery praised as 'a very fine film – if I were a drama critic I should pass it'.[163]

The consequence of the censor's policy was that films of genuine artistic value were heavily cut or not shown at all in Ireland. This may partly explain the low esteem in which cinema was held among the arts in Ireland. As Montgomery only passed films suitable for children, it was easy for audiences to conclude that films were not of interest to adults. His cuts often rewrote important parts of a story such as the ending of *Dodsworth* where he directed that the renter 'end [the] film *on deck of steamer – thus deleting his return to Edith* [his emphasis].'[164] As similar fate befell *Camille* starring Greta Garbo which he described as 'not only highly immoral but decidedly unhygienic – of course it may be advanced that "Traviata" is the same theme, however the censorship is dealing only with morality irrespective of art.'[165]

The most pressing new development for the censor was the popularity of violent films, particularly those about gangsters. The 1931 version of *The Maltese Falcon* (starring Ricardo Cotez as Sam Spade) proved 'extremely difficult to cut' as 'the whole atmosphere is amoral'.[166] *Public Enemy* was allowed through with cuts, partly because it had been substantially edited before submission and also because it concluded 'with victory for law, dramatic justice.' This made it 'very rough stuff but a lesson.'[167] Montgomery also took this approach with the prison drama *20,000 Years in Sing Sing* which he allowed as 'it isn't sexy, and as it contains a fair moral

[163] 8 September 1932, Register of Films Rejected, FCO4/98/29/3.
[164] 13 January 1937, Reserve Book, FCO3/98/28/13.
[165] 10 April 1937, ibid.
[166] 7 August 1931, ibid, FCO3/98/28/7.
[167] 8 December 1931, ibid, FCO3/98/28/7; Record of Films Censored, FCO2/98/27/8.

bias'.[168] By 1934, however, he was becoming frustrated, especially with the films of James Cagney:

> Cagney is the most dangerous model to offer to our unemployed young men. His treatment of his women is always brutal. It is about time to stop the gilding of the crook he-man, and the showing of crime and criminals as if they were subjects for comedy. Adolescents are the greatest patrons of the cinema and this class of entertainment is poison for them.[169]

The G-Man, although it featured Cagney as a good guy, contained 'all the ingredients that make the gangster film such a menace', he claimed. He ordered the distributor to cut scenes of a scantily dressed actress, the details of a bank robbery, a shooting and the rescue of a criminal. He also demanded the removal of the gangster's defence. He was particularly concerned about the climactic shooting, remarking that 'Greek tragedy was greater than Hollywood horror yet it did all its murders "off stage"' and so he told the renter to deal with it 'with great restraint remembering the outcry in the IFS about these scenes.'[170]

He was also becoming less convinced that a moral ending could justify violent content. In 1935 he declared that 'making the law triumphant is merely Hollywood's trick to fool the Censors.'[171] This approach led him to alter *Angels with Dirty Faces* in a particularly strange manner. The film concludes with the gangster (James Cagney) repenting and, as he is being dragged to the electric chair, feigning terror so that the children who idolise him will think he was a coward and will not follow his example. His childhood friend, a priest (Pat O'Brien), tells the children that the story of his cowardice is true. Montgomery, in a fit of myopia, resolved that ' "no motive, however good, can excuse a lie" so; the priest's lie must come out. Delete the shot showing Cagney being dragged to "the chair", his

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[168] 13 March 1933, Reserve Book, FCO3/98/28/8.
[169] *Lady Killer*, 28 June 1934, Register of Films Rejected, FCO4/98/29/3. The film was passed by the Appeals Board.
[170] 24 July 1935, Reserve Book, FCO3/98/28/12.
[171] *Men without names*, 27 August 1935, Register of Films Rejected, FCO4/98/29/4.

screams are more than enough.' He ordered the renter to delete the words "it's true boys every word of it. He died like they said" and thereby considerably lessened the moral power of the film's ending.[172]

The censor's concern for impressionable children was not confined to gangster films. The word "lousy" was always removed, along with other, harder terms.[173] He also cut "the raspberry", 'against which there has been a well merited public protest'.[174] In 1934 he was confronted with a film in which 'an intestinal dyspeptic sound is emphasised and projected. It is a new development in screen vulgarity and makes us wonder how much lower Hollywood will travel on this sound track.' He was also disturbed that ' "gee" has come closer to the sacred name and it is now "jeeze" – we must stop this.'[175] Laurel and Hardy did not escape censure: *Way Out West* was broadcast in Ireland without a dancing scene, an attempted hanging, jokes about sex appeal and 'the entire dialogue about pants'.[176] The Marx Brothers' *Animal Crackers* fared even worse. Jokes about bigamy, double entendres and vulgar antics were omitted, leaving one suspects very little for the audience. Seeing this Montgomery rejected it instead.[177]

Audiences in the Free State were also not allowed to hear Popeye remark "I must be losing my sex appeal"[178] or see an 'obscene cow with apron' meet Tom and Jerry.[179] *Tarzan the Ape Man* received considerable attention. Although Montgomery admitted that 'this film is so removed from probability that one cannot take it seriously' he was unable to tolerate the ending in which 'Jane elects to

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[172] 27 January 1939, Reserve Books, FCO3/98/28/14.
[173] See for example, *Cotton and Silk*, 13 November 1930, ibid, FCO3/98/28/4.
[174] *Love Business*, 9 November 1931, Register of Films Rejected, FCO4/98/29/3.
[175] *Jimmy the Gent*, 8 October 1934, ibid.
[176] 10 November 1930, Reserve Book, FCO3/98/28/4.
[177] 8 July 1931, ibid, FCO3/98/28/5.
[178] *I yam sick*, 17 July 1934, ibid, FCO3/98/28/15.
[179] *Barnyard Bunk*, 11 October 1932, Record of Films Censored, FCO2/98/28/9.

remain in the jungle with Tarzan. There is no suggestion of even a Hollywood marriage but it is evident that his he-manity is the lure'.[180] The Appeals Board passed the film but ordered cuts.[181] Montgomery returned to the theme for the sequel *Tarzan and his Mate*: 'it shows a "civilized" girl co-habiting with a "wild man"...Both Tarzan and "his mate" are practically nude – the woman's nudity is the most daring and indecent exposure I've seen'.[182] The Appeals Board again allowed an edited version of the film to pass. In fact Montgomery was factually correct. *Tarzan and his Mate* was the last of the series to show Jane (played by Maureen O'Sullivan) dressed in a halter-top and tiny skirt. In later films she would wear knee length dresses and the couple would adopt a son. Montgomery was also unhappy with the serial *Flash Gordon*. 'This plot is absurdly unsophisticated and could only be accepted by the young and adolescent, for that reason the persistence of the indecent dress of all the women in the cast is most demoralising.'[183]

It could be argued that Montgomery had a point in refusing to accept happy or moral endings as justifications for violent or immoral films. As Vasey has pointed out, Hollywood in this period developed a variety of strategies to cope with the diverse moral climates to which it exported. Moral endings, the changing of a character's role from that in the original novel, and other systems were employed to allow films to deal with violence, divorce, abortion, rape and other issues without saying so. As Vasey puts it,

> subjects vulnerable to objection, while occasionally abandoned were more often rendered sufficiently cryptic to defray hostile analysis or displaced into forms that roundly declared their own fictional status, such as screwball comedies or "fantasies" set in mythical kingdoms.[184]

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[180] 30 August 1932, ibid, FCO2/98/17/8.
[181] 30 August 1932, Register of Films Rejected, FCO4/98/29/3.
[182] 5 September 1934, ibid.
[183] 17 July 1936, ibid, FCO4/98/29/4.
[184] Vasey, *The world according to Hollywood*, p. 226.

Montgomery's powers of analysis may have owed more to the catechism than to a deep understanding of film studies but he frequently was successful in decoding these meanings. The problem was that the standards he applied were so strict. He commented that an adulterer's 'death satisfies the Hollywood code of honour' which suggests that he did not accept that code.[185] He also complained, with some accuracy, that 'any dirt can be projected provided the last reel is devoted to sentimentality'.[186] His analysis of *Scarface* was coherent, if conservative,

> this is undoubtedly anti-gangster propaganda, and law is triumphant; but I consider that such films pander to sensationalism. What is to be gained morally by the exhibition of brutes with their mistresses and the horrors of gun bullies at their butchery? If this propaganda is justifiable where will it stop? Similar realism might be offered for say – the white slave traffic – or other social evils – apart from every other consideration is it desirable that our young should become familiar with such savage gunnery.[187]

In common with other censors, Montgomery was concerned about horror films and he dealt with them through substantial cutting. *Dracula* was passed after the renter deleted 'some of the horrors'.[188] *King Kong* was 'not a "horror" to the sophisticated but it is too much for children' and was permitted after substantial cuts.[189] *Frankenstein* he considered 'horrid' and rejected. His main reason was that 'the child murder incident is the central theme and outrages on children have become very common.'[190] The Appeals Board passed it despite Montgomery's protest that it was 'unfit for exhibition even to an adult audience'.[191] *Dr Jekyll and Mr Hyde* was rejected because 'although very heavily cut before presentation to me the lengthy summary of this film (whose title is taken from RLS [Robert Louis

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[185] *Dangerous Ground*, 25 August 1932, Register of Films Rejected, FCO4/98/19/3.
[186] *Born to be bad*, 16 October 1934, ibid.
[187] 19 August 1932, Record of Films Censored, FCO2/98/27/8; Register of Films Rejected, FCO4/98/29/3.
[188] 8 May 1931, Reserve Book, FCO3/98/28/5.
[189] 29 April 1933, ibid, FCO3/98/28/8.
[190] 5 February 1932, Record of Films Censored, FCO2/98/27/8.
[191] 5 February 1932, Register of Films Rejected, FCO4/98/29/3.

Stevenson]) is unfit for General Exhibition.' On appeal, however, the film was passed.[192]

Table 6.1 shows a considerable decline in the number of objections by the censor after 1934. The percentage of drama films passed intact rises from 61.2% in that year to 79.4% in 1935 and reached 89.1% in 1936; it stayed at around that figure for the rest of the decade. Furthermore, while the percentage of films cut fell from 27.2% in 1934 to 9% in 1936, the percentage of films rejected fell even more sharply from 11% to 2%. This reflected the impact of the system of self-regulation established by Hollywood in the form of the Production Code. The relatively larger fall in the proportion of films rejected demonstrates that they were also becoming easier to 'save' through editing. This suggests that the overall themes of films were becoming more acceptable to the censor and the problems that did arise had to do with individual incidents.

Table 6.1: Irish Free State - Films Censored 1930-39[193]

Year	Drama Films Presented	Passed Intact	%	Cut	%	Rejected	%
1930	1321	934	70.7	202	15.3	185	14.0
1931	1369	831	60.7	309	22.6	229	16.7
1932	1251	710	56.8	345	27.6	196	15.7
1933	1232	743	60.3	340	27.6	149	12.1
1934	1504	930	61.2	409	27.2	165	11.0
1935	1587	1260	79.4	239	15.1	88	5.9
1936	1683	1499	89.1	151	9.0	33	2.0
1937	1463	1315	89.9	124	8.5	24	1.6
1938	1506	1335	88.6	142	9.4	29	1.9
1939	1325	1187	89.6	109	8.2	29[194]	2.2

The Film Censorship Appeals Board

Table 6.2 shows the decisions of the Film Censorship Appeals Board. It should be noted that the success rate of appeals was quite high. Normally over 40% of appeals

[192] 27 June 1932, ibid.
[193] Compiled from: Report by James Montgomery to Centro Catolico Cinematographico, December 1936, reprinted in James P. O'Connor, 'Film Censorship', p. 386; also reports of film censor's report in *Irish Times,* 1930-40
[194] 3 rejected under Emergency order.

resulted in either the overturning of the censor's decision or the passing of an edited version of the film. This suggests that renters had become aware of what sort of films could be put before the board with a good chance of success and also that the board was more liberal than the censor. In the absence of the board's records for this period, is hard to draw any conclusions about how exactly its views differed from those of Montgomery. Based on Montgomery's own comments it seems to have been a more pragmatic body. When he rejected *Morning Glory* because 'I don't see how it can be cut, every film fan I've met knows the plot' the board simply cut it and let the fans see for themselves.[195] He may have been referring to this approach when he complained 'is this censorship being forced to alter its standard of decency in order to conform to Hollywood and British ideals?' when rejecting a film for displaying indecent costumes. If there was a difference of standard, it was not made public.

Table 6.2: decisions of the Film Censorship Appeals Board[196]

Year	Total Appeals	Censor's Decision Upheld	%	Passed by Appeals Board	%	Passed with Cuts by Appeals Board	%
1930	64	36	56.3	13	20.3	15	23.4
1931	61	40	65.6	9	14.8	12	19.7
*1932				16		21	
1933	102	53	52.0	16	15.7	33	32.4
1934	93	46	49.5	15	16.1	32	34.4
1935	60	30	50.0	11	18.3	19	31.7
1936	31	18	58.1	5	16.1	8	25.8
1937	19	9	47.4	4	21.1	6	31.6
1938	23	12	52.2	6	26.1	5	21.7
1939	13	9	69.2	1	7.7	3	23.1

*The total number of appeals for 1932 was not published in the press.

Neither the censor nor the members of the board gave much information to the press. Senator O'Farrell, the chairman of the Appeals Board, suggested one possible difference of opinion between himself and the censor when he argued that 'this

[195] 2 February 1934, Register of Films Rejected, FCO4/98/29/3.
[196] As Table 3.

board has nothing to say to education or vulgarity' when as we have seen Montgomery frequently took exception to vulgar language or jokes. O'Farrell agreed with the censor that 'We are not concerned with whether a film is artistic or not; but we cannot pass one because it is artistic if it be immoral.'[197]

In a later interview he claimed that the board took 'adult mentality as the basis of its decisions. It would be futile to try to scale down pictures to the child standard.' Despite this, he defended the censor's policy of only issuing certificates for 'General Exhibition' on the grounds that 'Adult Only' films would 'arouse a morbid and unhealthy interest in the picture' while special children's cinemas would not have been commercially viable.[198] Normally the censor did not attend meetings of the Appeals Board but instead sent a written report that was read by the members prior to their deliberations. On very rare occasions, more informal methods were adopted. In 1936, Montgomery rejected an interest film featuring all in wrestling and as 'the Appeals Board was on vacation, I asked the chairman to see the all-in wresting with me.' The board later confirmed this decision.[199] On another occasion, a quorum could not be found and the renter was convinced to accept 'arbitration' by two members of the board and Montgomery.[200]

Film censorship in Northern Ireland

As film censorship in Northern Ireland was less active and less centralised than its southern counterpart, there were fewer films censored and fewer records kept of how and why they were so treated. Before 1930, the RUC had seized subversive films under warrant from the Home Secretary in London. These were directed

[197] *Irish Times*, 6 January 1932.
[198] Ibid, 14 July 1934.
[199] *Danno O'Mahony*, 21 August 1936, NAI, Register of Films Rejected, FCO4/98/29/4.
[200] *Chance of a High Time*, 4 July 1931, 4 August 1931, Record of Films Censored, FCO2/98/27/7.

against communist films but there were questions about its constitutionality so in 1930, the Northern Irish government introduced a regulation under the Civil Authorities (Special Powers) Acts allowing it to prohibit films or gramophone records.[201] The British Home Office promptly withdrew all outstanding warrants and left matters to the Belfast authorities.[202] The *Irish News*, predictably, opposed the new regulation as it covered private screenings and, the paper argued, subverted the role of the BBFC.[203] The *Northern Whig* called the decision 'a mild sensation' and expressed more surprise at the fact that soviet films were seen as a problem in the province than at the regulation to control them.[204] In fact it seems that the Ministry of Home Affairs had never considered the regulation to be anything but a precautionary measure. It only applied to films or records against which a specific order was made and it was not expected to affect the cinemas, as they were not in the habit of showing soviet films.[205] The police were told that 'no seizure of films or records should be made except in pursuance of any order which may in future be made under the new regulation.'[206]

Local authorities, on which the burden of film censorship largely lay, approached their task with varying degrees of diligence. The most important centre remained Belfast and the Police Committee there showed considerable independence of mind. *Scarface* was passed although banned by the BBFC.[207] *Outward Bound* received the same treatment.[208] In the case of *Mother*, the

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[201] George A. Harris to C. M. Martin Jones, 2 April 1930; Regulation 26A, 2 May 1930, PRONI, NIMHA, HA/32/1/569.
[202] Trevor Bingham to C. G. Wickham, 31 May 1930, ibid.
[203] *Irish News*, 27 May 1930, ibid.
[204] *Northern Whig*, 26 May 1930, ibid.
[205] 'Notes regarding new regulation under the CA(SP) Act.' n.d. [1930], ibid.
[206] R. P. Pim to Wickham, 13 June 1930, HA/32/1/640.
[207] Minutes of the Belfast Corporation Police Committee, 9 November 1932, PRONI, LA7/10AB/1/19.
[208] Ibid, 15 April 1931,

committee screened the film before upholding the BBFC's decision.[209] *Grand Hotel*, a star-laden production of the novel by Vicki Baum, produced complaints from the religiously run Film Committee but the Police Committee did not act as several members who had seen the film assured the others that it was unobjectionable.[210] In the Free State, the film was heavily cut.[211] In the case of *Damaged Lives*, which was promoted by the British Social Hygiene Council, the committee gave its permission after viewing the film but set certain conditions: no-one under sixteen was to be admitted, all publicity material was to be approved by the committee and only travel, interest, topical or educational films could play on the same bill with it.[212] Despite the protests of several religious organisations, the committee decided to allow *Green Pastures* to be shown.[213]

One of the most controversial decisions of the films censors in Northern Ireland, and Belfast in particular, concerned *Frankenstein*. In April 1932, Rev. W. Popham Hosford, the joint honorary secretary of the Belfast Film Committee, wrote to the Police Committee to complain about the horror film. They viewed it and ordered it to be withdrawn, offering no explanation. [214] The proprietors of the cinema were shocked, as the film had been passed by the BBFC and even in the Free State. Their offer to cut the film was refused.[215] The cinema owners' association, the White Cinema Club, met and its members described the censorship as 'a menace' and 'high handed'. They threatened to take legal action over the decision.[216] The letters published in the press were overwhelmingly hostile to the

[209] Ibid, 13 October 1930.
[210] Ibid, 13 February 1933.
[211] 26 November 1932, 7 January 1933, 7 February 1933, NAI, Reserve Book, FCO3/98/28/8.
[212] Minutes of Belfast Corporation Police Committee, 19 February 1934, PRONI, LA/7/10AB/1/20.
[213] Ibid, 19 March 1937.
[214] Ibid, 20 April 1932
[215] *Belfast Newsletter*, 21 April 1932, PRONI, NIMHA, HA/8/639.
[216] Ibid, 22 April 1932.

decision. Of the members of the Police Committee, only John Nixon was prepared to defend the ban. He claimed that 'in our opinion this particular picture was clearly blasphemous' and also mentioned the child murder and the subsequent scene of the body being carried through the streets.[217] A special screening of the film was arranged for the Corporation, the members of the Northern Irish parliament, the newspapers and the cinema owners.[218] This failed to change the decision of the corporation.[219] Harry Midgley tried to have the ban lifted but the committee refused to discuss it.[220]

Frankenstein highlighted the strengths and weaknesses of the UK's film censorship system. Despite the decision in Belfast, cinemas around the province were able to show the film.[221] Londonderry Corporation's Law Committee acted as film censor for the first time and decided to pass the film.[222] Ballyclare UDC was unable to prohibit the film, as it did not know its own legal powers in the matter.[223] Other local authorities were similarly led to examine their own arrangements. Portrush, Newry and Warrenpoint UDCs all debated the issue of film censorship in 1932. These debates revealed the haphazard nature of the process outside Belfast. In Newry a censorship committee had been appointed some years previously but had been inactive until a cinema owner asked for a ruling on an unnamed film. The committee was swiftly reconvened and banned the film.[224] Similarly in Warrenpoint, when considering a motion to establish a film censorship committee, the council discovered that they had passed such a motion several years earlier and

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[217] *Belfast Newsletter*, 22 April 1932; *Northern Whig*, 22 April 1932, ibid.
[218] *Northern Whig*, 28 April 1932, ibid.
[219] Ibid, 3 May 1932.
[220] Minutes of Belfast Police Committee, 26 May 1932, PRONI, LA/7/10AB/1/20.
[221] *Northern Whig*, 23 April 1932, PRONI, NIMHA, HA/8/639.
[222] *Belfast Newsletter*, 1 June 1932, ibid.
[223] Minutes of Ballyclare UDC [extract], 5 May 1932, ibid.
[224] *Belfast Newsletter*, 9 August 1932, ibid.

decided to appoint five laymen and two clergy.[225] In Portrush, the council had to ask the Ministry of Home Affairs for advice on how to set up a film censorship.[226]

One of the reasons for this lack of rigour in the region's local censorship was that the fact that the cinema exhibitors practiced extensive self-censorship. One official commented that the 'purity enthusiasts' were,

> making a great fuss about nothing...the Belfast Exhibitors are extraordinarily careful not to offend anyone, and as a matter of fact, I could mention films which are generally regarded by critics as having been the best films of the past year, which have not been shown in Belfast simply because the exhibitors thought they might give offence.[227]

The government's opinion of the situation was that 'interference with business is unwelcome in Northern Ireland as it is in Great Britain'[228] When the Armagh City Commissioner, George Hanna, banned the Mae West film *I'm No Angel* in 1934, the cinema managers were unhappy. It was the first film Hanna had prohibited and he came to the decision only because he had happened to see it when in Belfast and felt that it would offend religious sensibilities. The proprietor of the City Cinema, which had booked it, argued that films should not be banned for dialogue but only for what was seen. His rival at the Russell St Cinema dismissed the banned work as lacking merit and emphasised that he always gave the commissioner a synopsis of forthcoming films three months in advance and had, on Hanna's suggestion, forbidden children from seeing a recent horror film.[229] Many people simply travelled to Portadown to see West's film as the council there, after initially prohibiting it, decided to allow it.[230] Mae West fared so badly at the hands of the Free State film censor that when one of her films was finally passed on appeal the

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[225] Ibid, 22 August 1932.
[226] W. I. Cuningham to Secretary NIMHA, 13 October 1932, ibid.
[227] R. P. Pim, Minute, 9 January 1932, ibid.
[228] M. H. Kirk, Minute, n.d. ibid.
[229] *Ulster Gazette*, 25 August 1934
[230] Ibid, 1 September 1934.

news merited a special mention in the *Irish Times*.[231] In Newry the council banned *I'm No Angel* but the cinema showed it anyway. The owner was required to promise to abide by the conditions of his licence in future and to contribute £10 to charity.[232]

Film censorship and national feeling

Both jurisdictions were faced with a small number of films that either roused or offended national feeling. The adaptation of *Juno and the Paycock* by Alfred Hitchcock was seized and publicly burned in Limerick when it was screened in 1930.[233] A group of National University of Ireland students, including Cearbahll Ó Dálaigh, Liam O'Leary and Cyril Cusack, stormed a cinema to stop the screening of *Smiling Irish Eyes,* starring Colleen Moore, on the grounds that it was insulting to the Irish.[234]

Republican vigilantes, many of whom were acting on behalf of the IRA, frequently attacked films they deemed tainted by loyalism. In 1933, six Galway men were convicted of stealing the film *Gallipoli* from a local travelling show. They were also found guilty of being members of an illegal organisation and claimed to be 'soldiers of the Irish Republic.'[235] In 1934, several hundred men forced their way into the Savoy cinema in Dublin and stopped the showing of a film of the Duke of Kent's wedding.[236] Similar scenes took place in Kilkenny[237] and a Waterford cinema cancelled its planned showing of the film.[238] The incidents were very embarrassing for the Gardaí and the officer reporting made what excuses he could.

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[231] *Irish Times*, 18 November 1934.
[232] Minutes of Newry UDC, 11 June 1934, PRONI, LA/58/2CA/9.
[233] Rockett, Gibbons and Hill, *Cinema and Ireland* (London, 1987), p. 53.
[234] Ibid, pp. 54-5.
[235] *Irish Times*, 7 November 1933.
[236] Report of Garda J. Dooly, 4 December 1934, NAI, DJUS, JUS8/72.
[237] Dáil Debates, Vol. LV, 13 March 1935, 670.
[238] *Irish Press*, 6 December 1934, NAI, DJUS, JUS8/72.

To have prevent the vandalism in Dublin would have required 'a force out of all proportions to that which would be justified', he claimed. He also showed little sympathy for the cinemas or their patrons:

> Cinema mangers in this country who book this film must be prepared to suffer some consequences...Advantage is being taken of these news reel films to further political propaganda and I think that some steps should be taken to subject such films to some form of censorship before they are released in this country[239]

The civil servant reading this considered it 'astonishing that the police should be so out of touch with what is going on in the city underground that a raid of this kind could be carried out.' He also pointed out that the majority of the audience had wanted to see the film.[240]

The next year cinemas decided not to show newsreels of the King's jubilee because they feared republican attacks.[241] In 1937 a group calling itself the Association of Republican and Labour Organisations attempted to ban the showing of films about the coronation. Cinemas received threatening letters claiming that the films were part of 'the influence of British imperialistic propaganda that is flooding the country'. The film renters met the campaigners in a conference. Fox, Pathé, and General Film Distributors represented the trade, while the objecting organisations included Cumann Phoblachta na hEireann, the Dublin Constituents Committee, the Labour Party, the Republican Congress, the National Association of Old IRA Men, the Irish Citizen Army and Cumann na mBan.[242] Eventually it was agreed that no full length film of the coronation would be show, that the event could not occupy more that half of any newsreel and that there would be no colour footage or close

[239] Report of Garda Thomas Clarke, 4 December 1934, ibid.
[240] J. P., note on the above, 7 December 1934.
[241] *Irish Times*, 7 May 1935, 14 May 1935.
[242] Ibid, 11 May 1937.

ups shown.[243] The next year a group of republicans were allowed to see and comment on *Victoria the Great* before it went on show at the Astor in Dublin. Despite this precaution, three men held up the cinema and stole the film anyway.[244]

James Montgomery had his own political and national objections to some films. *Black Fury* was rejected because its hero engaged in sabotage at the end and 'the imitation of this method of a strike would be most mischievous in the event of labour trouble in Ireland.'[245] He also tried to ban *Two Against the World* for being favourable to socialism but his decision was overturned on appeal.[246] He wanted to prohibit *The Informer* as it was

> based on a nest fouling novel purporting to depict the "Black and Tan" period in Dublin...It is a sordid and brutal libel and the issue of a certificate by the censorship could be used as an advertisement of the Free State's approval of the truth of the picture

but it was passed by the Appeals Board.[247] He also lamented the fact that the 'barefaced historical travesty (in more than a facial sense)' of Clark Gable playing a clean-shaven Parnell could not be rejected for 'insults to the feelings and intelligence of the Irish people'. He tried, instead to ban it for 'dealing with divorce and justifying the consequent bigamy' but the Appeals Board saw things differently and passed an amended version of the film.[248] *Lives of a Bengal Lancer* was altered for Irish audiences by the removal of the poem 'England, my England' and the replacement of 'God Save the King' with 'Land of Hope and Glory' at the end.[249]

Roman Catholic groups also wanted films to be brought into line with national feeling. Devane, in a broadcast in 1935, called for the establishment of a National Film Institute to counter Ireland's 'cultural dependence on Great Britain'. His

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[243] *Ulster Gazette*, 15 May 1937.
[244] *Irish Times*, 13 March 1938.
[245] 3 July 1935, NAI, Register of Films Rejected, FCO4/98/29/4.
[246] 13 December 1932, ibid, FCO4/98/29/3.
[247] 28 June 1935, ibid, FCO4/98/29/4.
[248] *Parnell*, 19 August 1937, ibid.
[249] *Irish Times*, 30 April 1935.

proposed body was to take over the role of the censor and also control educational films, train teachers and produce documentaries and propaganda films. He even gave credit to the Soviet Union for its 'use of the cinema in the rebuilding of a nation' and Japan for producing films of 'a patriotic character'.[250] Aodh De Blacam, always more suspicious of cinema, was more concerned about who controlled the studios:

> If our schools were handed over to Jews there would be an immediate outcry. No clerical managers would allow a Jew, a non-Christian, even if he were a good man, as many of them are, to control a Catholic school, by this [film] trade is controlled by the very worst of them, and cinema has more to say in the moulding of the imagination and the ideals of the race than the schools have.

Interestingly part of his remedy was to abolish censorship so that people would be forced to use their 'Catholic consciences'. [251] In 1939, the Irish Roman Catholic bishops, in their report on film censorship argued that the Irish state should allow nothing derogatory to the Irish race, no "stage Irish" production, no film calculated to offend friendly nations or stir up feelings against other races, no promotion of political ideologies, and no films about class struggle.[252]

In Northern Ireland films dealing with the Irish revolution were especially controversial. The region was partly protected by the BBFC. In 1934 the board demanded the deletion of five pages of dialogue from *The Informer* when the MPPDA asked for its opinion on the script.[253] *Ourselves Alone* was more controversial. One unionist condemned it as 'Sinn Féin propaganda' and feared that trouble would result if it were shown.[254] Special showings of the film were held for the Belfast Corporation Police Committee, the Ministry of Home Affairs, the RUC

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[250] Ibid, 11 June 1935.
[251] *Irish Times*, 18 April 1938.
[252] Hierarchy Report on Film Censorship, 5 July 1939, DDA, Byrne Papers, Government & Politics 1922-39.
[253] Burns-Bisogno, *Censoring Irish Nationalism*, pp. 68-71.
[254] *Belfast Newsletter*, 28 November 1936. PRONI, NIMHA, HA/32/1/640.

and members of the press. The *Belfast Newsletter* predicted that the film would offend extremists on all sides by trying too hard to be balanced.[255] The Police Committee decided to allow the film but an order was issued under the CASPA on 27 November 1936 prohibiting it.[256] The *Irish News* blamed pressure from the minister's Unionist party colleagues for the decision claiming that by accusing the film of having republican tendencies, politicians had created a situation whereby showing it might have led to disorder and therefore justifying a ban.[257] John Maxwell of the Associated British Picture Corporation wrote to Dawson Bates to ask him to reconsider. The film had been produced in good faith, he claimed, and to ban it now would cost the company £1,000. The film had not produced complaints in Britain, even in Liverpool or Glasgow.[258] The minister was advised that the company might be planning to claim compensation.[259] The reply therefore emphasised the risk of social disorder should the film be shown.[260] An offer by the renters to cut the film was turned down.[261]

In 1937 *The Dawn*, another film about the war of independence, was not banned but there were threats that screenings of it would be disrupted. It was shown with police present in Enniskillen.[262] In Omagh it was believed that 'organised interference' was threatened and RUC officers guarded the film on the one occasion when it was shown.[263] *Parnell* was also allowed by the Belfast Corporation Police Committee despite its nationalist plot.[264]

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[255] Ibid, 26 November 1936.
[256] PRONI, NIMHA, HA/32/1/640
[257] *Irish News*, 30 November 1936, ibid.
[258] Maxwell to Dawson Bates, 9 December 1936, ibid.
[259] W. A. Magill to Dawson Bates, 11 December 1936, ibid.
[260] W. A. Magill to Maxwell, 15 December 1936, ibid.
[261] W. A. Magill, note, 21 December 1936, on Private Secretary to B. Hurst, 17 December 1936, ibid.
[262] NIHC debates, XIX, 27 April 1937, 1049.
[263] *Fermanagh Times*, 2 September 1937.
[264] Minutes of Belfast Corporation Police Committee, 24 December 1937, PRONI, LA/7/10AB/1/21.

III: The International Context

Hollywood self censorship

For many Irish people the international cultural centre to which they looked was not London or New York but Rome. As it had previously tried to deal with the press, so Roman Catholicism attempted to devise principals by which to judge cinema. In 1930 the International Catholic Cinema Conference was held and widely reported in Ireland. Delegate countries included France, Germany, Holland and Spain. They proposed the establishment of Catholic cinemas, an idea that echoed that of the Catholic press.[265]

Such measures were never likely to achieve the church's aim of reforming Hollywood and other large film producers. In 1930, Will Hays, the Presbyterian head of the MPPDA, and Martin Quigley, a Roman Catholic publisher with close ties to the film industry, drew up a code of practice for Hollywood. They enlisted the help of Fr. Daniel Lord SJ, a professor of dramatics and an advisor on *King of Kings*. The code regulated how filmmakers dealt with: sex, vulgarity, obscenity, profanity, costume, dance, religion, locations, national feeling, salacious titles and repellent subjects.[266] The studios resisted the code, setting up a 'Hollywood jury' made up of producers to arbitrate on its rulings.[267]

It took a combination of three factors to make the code enforceable. The reformers had an intellectual foundation in the form of studies carried out by the Payne Fund that were widely and sensationally publicised. The studies seemed to confirm that films had a significant influence on morality and behaviour.[268] These

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[265] *Derry People*, 19 July 1930.
[266] O'Connor, 'Censorship of Films', pp. 53-9.
[267] Jacobs, *Wages of Sin*, p. 19.
[268] Vasey, *The world according to Hollywood*, pp.125-6.

were especially influential in Protestant circles and by 1933 a large number of religious and educational bodies had passed resolutions calling for federal censorship.[269] In 1933, an apostolic delegation of the Roman Catholic Church denounced the influence of bad films and the American bishops appointed a committee on motion pictures. In April 1934 the Legion of Decency was founded, although this was primarily a Roman Catholic group it had the support of Protestant and Jewish leaders. Its tactic was to organise boycotts of objectionable films.[270] The campaigners were fortunate that the studios were in serious financial trouble because of the depression.[271] They also had powerful allies within the studio system in the shape of Joseph Breen and Will Hays who took control of Hollywood's regulatory apparatus. Breen, a conservative Roman Catholic, was made head of the Production Code Administration (PCA) that had the power to enforce the code by barring the release of offending films in cinemas run by the studios. In 1934 this meant that 77% of all cinemas were effectively under Breen's control.[272]

It is important not to overstate the repressive nature of the PCA censorship. As Maltby has pointed out, the studios publicised the new regime 'to create a dividing line' between the periods before and after 1934.[273] As Jacobs describes it the reality was that 'industry censors negotiated with producers throughout the pre-production process. Self-regulation was above all a way of figuring out how stories deemed potentially offensive could be rewritten to make them acceptable.'[274]

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[269] Richard Maltby, 'Censorship and Self-Regulation' in Nowell-Smith (Ed.), *The Oxford History of World Cinema*, p. 243.
[270] Vasey, op. cit., pp. 130-1.
[271] Maltby, op. cit., p. 243.
[272] Jacobs, op. cit, p. 20.
[273] Maltby, op. cit, p. 243.
[274] Jacobs, op. cit, p. x.

British film censorship

The emergence of the sound film affected the BBFC much as it did its Irish counterpart, although it acquired the necessary technology more swiftly. One effect of the practice of censoring talking pictures without sound was that the board became attached to the practice of viewing scripts before production. Most English films were checked in this way and Hollywood was sometimes happy to oblige given the huge market that Britain provided for its films. The growth of horror films led to the introduction of a 'H' certificate in 1932 at the request of local authorities. This was intended to guide parents in deciding whether to allow their children to see such films.[275]

The BBFC seemed to have a considerable degree of public support. Between 1928 and 1931, only 21 of 603 local authorities received complaints about films. 586 of the authorities (97%) did not ban films if they had been passed by the board.[276] In the early 1930s, such Hollywood fare as films featuring Jean Harlow were strictly censored.[277] Mae West's films were also heavily cut.[278] The board tended to accept Hollywood films produced under the Production Code[279] and British producers were sufficiently well aware of what would be rejected that they rarely produced such material.[280]

The question of whether to admit children to the cinemas was treated seriously in Britain where the Incorporated Association of Assistant Masters of Secondary Schools called for a government inquiry into the effects of films on children.[281] In 1930, an all-party deputation of MPs asked the Home Secretary, Clynes, to hold a

[275] Guy Phelps, *Film Censorship* (London, 1975), pp. 35-6.
[276] Dewe Mathews, *Censored*, pp. 55-6.
[277] Ibid, p. 74.
[278] Ibid, p. 75.
[279] Ibid, p. 77.
[280] Ibid, p. 57.
[281] *Irish Times*, 4 January 1930.

public enquiry into film censorship but no action was taken.[282] Liverpool City Council tried to prohibit children from 'A' films without the express consent of the licensing authorities but the resultant flood of applications overwhelmed the city's censors and a deal was done privately with the cinemas that they would notify the authorities of any films from which children should be excluded. Similar arrangements were made in Sheffield.[283] Croyden banned 200 films between 1932 and 1934. In 1933 Beckenham set up its own board of censors that cut films to which it objected. The public responded by not going to the cinema and, when the cinema owners refused to pay their rates, the experiment was abandoned after only nine months.[284] In Scotland, there was concern that large numbers of children were attending 'A' pictures. The Home Office considered the matter but refrained from action as there was little public outcry and its policy was not to interfere publicly with the BBFC.[285]

Film censorship around the world

Since censorship represented an added cost for the producers of films, there was an incentive for the studios to modify their product to avoid incurring a ban. This incentive was proportionate to the size of the market with the result that a small market like Ireland had no real importance to Hollywood. The UK provided 30.5% of the US film industry's income from abroad, Australasia 15.2%, France 8.5%, Argentina and Uruguay 7.5%, Brazil 6.8% and Germany 5.25%. Ireland was not even considered a separate region.[286] What the American studios called 'A' pictures were made on large budgets and designed to earn money worldwide. The 'B'

[282] *Belfast Newsletter*, 4 July 1930, ibid.
[283] PRO, HO/45/15206.
[284] Mathews, op. cit, p. 56.
[285] S. W. H., minute, 6 February 1935, PRO, HO45/17073.
[286] Vasey, op. cit, p. 85.

pictures were intended for distribution in the USA, UK and Australia.[287] Therefore, as part of the UK region, Ireland received more cheap films than a comparable country in mainland Europe or South America. If a country were considered important, changes would be made to a film to avoid giving offence there. For example, *The Boudoir Diplomat* was set in 'the kingdom of Luvaria' rather than France or Spain as originally intended.[288] After protests about *Scarface*, Will Hays told the Italian ambassador that it was now his policy to 'eliminate any reference in crime pictures to individuals with names that could be connected with any foreign country.'[289]

In Britain, it was suggested that the BBFC should do something similar to ensure that British films were suitable for the entire Commonwealth. Appendix 4 to the summary of proceedings of the Imperial Economic Conference at Ottawa in 1932 provided that films should be 'of a character and format requiring the minimum of censorship'.[290] The BBFC interpreted this as an invitation to act as censor for the whole empire with the member countries acting like British local authorities.[291] The proposal never acquired any real significance.

Table 6.3: Film Censorship in Europe 1930[292]

Country	*Submitted*	*Passed*	*%*	*Cut*	*%*	*Rejected*	*%*
Italy	773	585	75.7	141	18.2	47	6.1
Holland	2354	2117	89.9	211	9.0	26	1.1
Great Britain	2287	2084	91.1	191	8.4	12	0.5
Denmark	1249	1183	94.1	61	4.9	5	0.4
Germany (Berlin)	3152	3113	98.8	25	0.8	14	0.4

Table 6.3 gives results of the film censorships in five European counties. In Denmark, all cinemas were licensed by the government and film censors, appointed

[287] Ibid, pp. 159-60.
[288] Ibid, p. 117.
[289] Ibid, p. 120.
[290] PRO, HO/45/15207.
[291] J. F. Henderson to Brooke Wilkinson, 6 November 1933, ibid.
[292] PRO, HO/45/1/5207.

by the state examined all films. Children under sixteen could only attend films passed for universal exhibition. Film were prohibited if they were deemed to have a 'brutalising or demoralising effect on the audience'. This meant that scenes of sexual immorality, imitable crime or depictions of religion that were irreverent or lacking artistic value. In Germany the official Board of Film Censors checked all films imported into the country. They banned all films likely to endanger public order, brutalise or demoralise the German people or endanger the country's relations with foreign powers. No children under sixteen could attend the cinema and the films to which a person under eighteen could go were limited. In Holland there was a mixed system similar to that in Britain. Each film was examined by a five members of an eighty-five person central censorship committee. Films were classified for all ages ('A'), over fourteens ('B') or over 18s ('C'). Films were not to endanger public order or Holland's relations with other countries, present immoral situations or imitable crimes. In addition, local burgomasters could attach conditions to cinema licences. Italy had a five member board of examiners which objected to films containing obscenity, threats to national decorum or public order and insults to national institutions, the police, military, public authorities or private citizens. Films that condoned crime, suicide, cruelty or class hatred were also prohibited. This may explain why so few films were submitted.[293]

In France, a board of censors that included dramatists, critics and civil servants scrutinized films. The films industry was allowed to send representatives when a film was being examined. Most of the censorship was political. Films criticising the military were often cut.[294] In moral matters the system was quite lenient. After 1936 there was a largely unsuccessful campaign in France for a

[293] Ibid.
[294] *Manchester Guardian*, 9 May 1932, ibid.

version of the US Production Code. The French film commission of control was overhauled: the film industry's representation was removed and the commission was placed in the hands of public servants.[295]

One of the censorship systems most comparable to the Irish Free State was Australia. There a committee of three film censors examined films imported into the country. As Australia was a federation, they operated under the customs law that only gave them authority over foreign films and some states also had their own censorships. Table 6 gives the results of the federal film censorship of drama films for this period.

Table 6.4: Decisions of the Australian Film Censorship 1930-39[296]

Year	*1930*	*1931*	*1932*	*1933*	*1934*	*1935*
Submitted	580	466	463	425	476	481
Passed Intact	307	223	212	253	257	335
%	52.9	47.9	45.8	59.5	54.0	69.6
Cut	205	164	207	192	183	115
%	35.3	35.2	44.7	45.2	38.4	23.9
Rejected	68	79	44	50	36	31
%	11.7	17.0	9.5	11.2	7.6	6.4

These figures are not directly comparable with those for Ireland as the definitions of a drama film varied. The trend was very similar however. After 1934, and the reforms instigated by Hollywood, the percentages of films cut or rejected fell sharply. This demonstrates that Montgomery's opinion that films were improving echoed that of other censors. They also resembled Montgomery's views in their belief that British films were of an inferior moral standard to those of America after 1934. If we examine the final rejection rates for British and US films submitted the Australian censors we discover that the rates for UK films were consistently higher between 1929 and 1931.[297] Following the BBFC report of 1931, which warned of declining standards, the rejection rate for UK films fell from 8.7% to 4.0% in1932,

[295] Colin Crisp, *The Classic French Cinema 1930-1960* (Indiana, 1993), p. 251.
[296] Film Censorship Reports 1930-39, National Archives of Australia (NAA), A425/65939
[297] 'Film Censorship Report', 1932, NAA, A425/65939/61.

and to 0.9% in 1933.[298] They rose to 3.1% in 1934 because of 'cheap and nasty "quickies" made to comply with quota legislation.'[299] In 1935, 6.5% of UK films were finally rejected.[300] By contrast, the censors concluded that the US campaigns had 'a marked influence upon film standards' in Hollywood.[301]

Like their Irish counterpart, the Australian censors lamented that 'Australia is too small a portion of the world's market to induce producers to pay too much attention to our censorship procedures.'[302] They were concerned about the effects of film on children and felt that 'a higher standard should be imposed than if only a literary or dramatic censorship were exercised' which meant that 'films are frequently banned which have appeared in literary form or on the stage.'[303]

In 1932, the British Commission on Educational and Cultural Films issued a report entitled 'Film and National Life'. It concluded that,

> From a social point of view it is unsound to think of the cinema on terms of the stage or of popular literature; it has an infinitely wider scope than either and a much greater influence on the mentality of either and who do not normally analyse their emotions but absorb what they see and hear uncritically, provided it supplies cheerful entertainment. They may be increasingly caustic criticism of incidents depicted in any one film but a composite impression of a number of film stories remains in the mind and has to-day a major influence in the public consciousness.[304]

This report was quoted with approval by the Australian film censor. It also shared themes found in the notes of James Montgomery. Film censorship originated from the belief that the popularity of cinema among the mass of the population made it more dangerous than other art forms. In Ireland, Britain and Australia this view was still held at the end of the 1930s and the censors acted accordingly.

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[298] Ibid, 1933, A425/65939/51.
[299] Ibid, 1934, A425/65939/46.
[300] Ibid, 1935, A425/65939/10.
[301] Ibid, 1934, A425/65939/45.
[302] Ibid, 1930, A425/65939/92
[303] Ibid, 1929, A425/65939/106.
[304] Ibid, 1932, A425/65939/64.

The success of film censorship

The systems of film censorship in use in the two Irelands each fulfilled the role intended for it. In the Free State Montgomery was appointed to mark out the difference in standards between the Irish on the one hand and the British and Americans on the other. He did this successfully, establishing a strict but consistent censorship based on Roman Catholic morality and middle-class Irish manners. It was only when Hollywood adopted its own set of Roman Catholic guidelines that he began to allow more of their films to pass. He was not an enlightened or even an imaginative censor. He was at least partly responsible for the poor reputation of film among the Irish artists and intellectuals because by applying standards appropriate for children he infantilised much of what was shown on Irish screens. He did so, however, against a background of constant pressure for a stricter censorship from clerical and lay activists.

In Northern Ireland, censorship of films followed two guidelines: British practice and the least interference possible with private enterprise. These principles were adhered to in the face of a campaign to introduce a more restrictive regime and controversy over the political content of some films. This campaign was at its height just as the American film industry began to reform itself and in its demands and criticisms it echoed much of what was being said across the Atlantic.

The island of Ireland was an insignificant entry in the accounts of the big Hollywood studios. Like Australia it could not look to the producers of films for changes to plots, scripts or standards. Northern Ireland, by accepting British standards at once asserted its British identity and became part of an economic unit of sufficient size to warrant the attention of the studios. The Irish Free State, by

using its own standards was able to simultaneously assert its independence and ally itself with the huge mass of Roman Catholic opinion around the world.

Chapter 7: Censorship of publications 1930-39

The 1930s demonstrated the extent to which the two Irelands had diverged in regard to the censorship of publications. The Irish Free State faced the challenge of making its new system work while Northern Ireland found that policy on obscenity was dependent on decisions reached in Westminster and the courts of England. The sections of this chapter on the southern Irish censorship are based on the Department of Justice files in the National Archives in Dublin. Unfortunately these files are incomplete and unavailable for the period after about 1934. This means that files on incidents such as the resignation of Leslie Montgomery (Lynn Doyle) are not accessible to researchers. Fortunately the earlier files are very revealing about the procedures by which the censorship operated in its early year and the evidence from Montgomery and others suggests that there were no radical changes in the succeeding five years.

The early days of the Censorship of Publication Board

The Censorship of Publications Act was a poorly drafted piece of legislation; substantially amended and stricken by compromises, it was not the draconian instrument of Catholic Action for which advocates of censorship had campaigned. The Censorship of Publications Board (hereafter CPB) which was appointed to implement the act was not very promising. It was chaired by Canon Patrick Boylan, the Professor of Eastern Languages at UCD and a scriptural scholar. He was joined by Professor W. E. Thrift of TCD and W. B. Joyce of the Dublin branch of the INTO who had testified in favour of censorship to the Committee on Evil Literature.

W. J. O'Reilly and Patrick J. Keawell completed the board. None of these was a literary expert – a fact pointed out by Æ in the *Irish Statesman*.[1] The board's immediate problem was not choosing what to ban but finding anything to examine. At its first meeting, it banned a small number of books but were afraid that if it published so few titles, 'undue attention would be attracted to the books included in the list'. It asked the government if it could purchase a selection of books 'which are likely to be the subject of an adverse report' and hoped that 'the public, having got a lead in the publication of the early lists could be trusted to do the rest.' The CPB initially wanted to buy *Elmer Gantry, Stories of Strange Happenings, Portrait in a Mirror, Jew Süss* and *Marriage and Morals*.[2] It was given ten pounds but warned that the system laid down in the legislation had intended that the public should pay for the work of the board.[3]

Within a few months the board again looked for ways to get the censorship process moving. It asked for permission to spend five pounds of the funds previously allocated on a three volume subscription to the *Times* book club.[4] The officials in the Department of Finance were intrigued by this 'bright idea' as 'the subscription would obviate the need for the purchase of any books'. They were so pleased with the idea that they decided not to ask for the return of the remaining money.[5]

After four months of work, the board reported to the Minister for Justice that there had been very few complaints from the public. It suggested that the regulations regarding the submission of books and periodicals be relaxed so that less

[1] Adams, *Censorship the Irish Experience*, pp. 64-5.
[2] S. A. Roche to Secretary, Dept. Finance, 11 March 1930, NAI, DFIN, S/13/20/30.
[3] J. Herlihy to Roche, 7 May 1930, ibid.
[4] Secretary Dept. Justice to Secretary Dept. of Finance, 22 May 1930, ibid.
[5] J. S. to Herlihy, 23 May 1930, ibid.

copies of a publication be required.[6] By July, Stephen Roche, Assistant Secretary of the Department of Justice, informed the Department of Finance that 'very few complaints are received.' This was disappointing as 'it was hoped at the time [that the legislation was passed] that the public would display a greater interest in the work of the board.' The CPB wanted to renew their subscriptions to the *Times* Book Club so that it could immediately ban objectionable books when it heard about them.[7] The request was approved as 'the committee have a thankless task to perform and the Department of Justice is anxious to meet them in every way possible.'[8] The subscription to the *Times* and later *Switzer's* circulating libraries was maintained throughout this period.[9] When the library did not carry a book it was bought by the secretary to the board or through the Stationary Office - which got a discount.[10]

Complaints to the CPB

There can be no doubt that the burden of supplying multiple copies of every book deterred potential complainants. Some of those who did complain were cranks. One sent in newspaper clippings showing photographs of swimmers whose groins he had circled in pencil. Another protested at the display of a photo of nude sculpture in the *Radio Times*. A third was offended by a picture in the *Daily Mail* of a female figure skater whose knickers could be seen.[11] Another complainant refused 'to supply you with free copies of books'.[12]

One group which was not deterred was the Catholic Truth Society of Ireland, still under the leadership of Frank O'Reilly. At the end of its first year, the CPB

[6] B. McMahon, report, 28 June 1930, DJUS, H315/126.
[7] Roche to Secretary Dept. Finance, 1 July 1931, DFIN, S/13/20/30.
[8] J. S. to Herlihy, 23 October 1930, ibid.
[9] S. A. Roche to Secretary Dept. Finance, 22 September 1938, ibid.
[10] S. A. Roche to Secretary Dept. Finance, 19 January 1930, ibid.
[11] NAI, DJUS, H315/6.
[12] M. J. Garrett to H. O'Friel, 15 July 1930, ibid.

reported that the CTSI 'has furnished the majority of the complaints received'. The society itself claimed to have five hundred activists at work locating objectionable publications.[13] Adams claims that this level of activity did not continue because Frank O'Reilly felt that the society should promote good literature rather than spending its money locating bad books.[14] He supplies no evidence for this claim and it is not supported by the Department of Justice files up to 1934. If the CTSI did diminish its activities after that date it would seem unlikely that it was due to any change of heart by O'Reilly given his fervent opposition to evil literature for the preceding decade. The board noted that few other social organisations had helped at all, despite the fact that their efforts were essential to the success of the censorship.[15]

In the first few months of the CPB's existence, the CTSI showed either a dubious understanding of the legislation or a desire to test it to the limit. O'Reilly submitted a complaint against a novel in April 1930, claiming that it contained a chapter advocating birth control, but it was rejected by the CPB.[16] In May, he complained that English papers had carried a speech that included comments on birth control. This was dismissed by O'Friel, the Secretary of the Department of Justice, as not 'a serious contribution to the working of the Act.'[17]

Other questionable complaints concerning birth control literature were submitted referring to such title as *Caged Birds,* the *Leader* (an English racing paper), *Reynold's Illustrated News* and *Poultry World,* which all carried advertisements for books on the subject. There was also a complaint against the

[13] Curtis, 'Catholic Action', p. 193.
[14] Adams, *Censorship the Irish Experience*, p. 66.
[15] 'Report of the Censorship of Publications Board', 31 March 1931, NAI, DFIN, S/106/9/31.
[16] O'Friel to O'Reilly, 19 April 1930, DJUS, H305/14.
[17] O'Reily to Minister for Justice, 20 May 1930, note by O'Friel, n. d., ibid, H315/6.

Spectator for publishing a review of a book on birth control.[18] Such complaints exposed the limitations of the Censorship of Publications Act. Although advocacy of birth control was forbidden, advertisement of publications which advocated it was not. This distinction escaped many complainants.

O'Reilly often pushed the boundaries of what could be objected to under the law. In August 1930 he complained about an issue of *John Bull* which contained an article by Evelyn Waugh which, O'Reilly held, advocated birth control. It was a somewhat more subtle piece than he claimed: Waugh argued for the division of sex-education between the church and the state with the former teaching sacramental values and the latter teaching birth control and sexual health.[19] The Minister for Justice made it clear that he would not order the prosecution of distributors of the paper.[20] The CPB did not recommend a ban either. Instead, Charles Eason asked the publishers to ensure that such material was omitted from their Irish editions in future.[21] As is discussed below, this was to become a common practice.

In November 1930, O'Reilly submitted several copies of *Locomotive Journal* alleging that it was indecent, obscene and advocated birth control. This worried the Minister James Fitzgerald-Kenney. Noting that the magazine had such a small circulation that Eason didn't even stock it,[22] he feared 'that a certain amount of ridicule might be directed against the [Censorship of Publications] Board and the Department of Justice'.[23] The Department asked the publishers of the periodical to stop including advertisements relating to birth control instead.[24]

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[18] Ibid, H315/7.
[19] *John Bull*, 28 August 1930, ibid, H315/30.
[20] Roche to O'Reilly, 6 September 1930, ibid.
[21] J. S. Elias to S. A. Roche, 8 November 1930, ibid.
[22] Eason to Roche, 6 December 1930, ibid, H315/40.
[23] S. A. Roche to Secretary CPB, 10 December 1930, ibid, H315/40.
[24] Roche to Secretary, Associated Society of Locomotive Engineers and Firemen, 10 December 1930, ibid.

The first year of the CPB's operation was a frustrating one for all concerned. Fitzgerald-Kenney responded to criticism by the CTSI by arguing that the problems with the censorship were the fault of the 'onslaught' on his bill a year earlier by the *Irish Times* and *Irish Statesman* which had led to the removal of the provisions for recognised associations.[25] Frank O'Reilly replied in a letter to the *Irish Independent*, claiming that the system for complaints was still too costly and complicated. He also demanded that sellers of publications advocating birth control or carrying advertisements relating to birth control be prosecuted.[26] The Private Secretary to the Minister for Justice replied, pointing out that advertisements about birth control were not prohibited unless they actually advocated it. He also claimed that prosecutions of sellers were more difficult than O'Reilly imagined because they could claim not to have known the contents of their wares.[27] The CPB complained that it was being expected to replace the efforts of the public and the library committees who should have been sending it complaints. Instead the public's contribution 'consists of misdirected criticism of the board.' This led the board to argue that the papers should not be allowed to print the names of banned books. The public did not know the scope of the act, it claimed, and failed to understand that the people were ultimately responsible for the success or failure of censorship.[28] The CTSI for its part declared that it had no objection to what the board had banned but was unhappy that books and periodicals which the society believed advocated birth control were escaping prohibition.[29]

The next month, the CTSI submitted a complaint about *The Passing Show Christmas Annual* demanding that the police take action. The Department of Justice

[25] *Irish Independent*, 3 November 1930.
[26] Ibid, 5 November 1930, NAI, DJUS, H315/28
[27] Ibid, 6 November 1930.
[28] 'Report of the Censorship of Publications Board', 1931, NAI, DFIN, S/106/9/31.
[29] *Irish Times*, 15 October 1931.

reiterated its explanations as to why this was impractical.[30] This was soon bolstered by the advice of the Attorney General that, under Section 16(3) of the act, the seller could claim that 'by the exercise of reasonable care' he could not have known the contents of the publications he sold. 'This defence may be a general one', he warned.[31] In effect, the act was unworkable when faced with reality of the newsagents' business. In 1931, responding to a complaint about the *Sunday Times*, Roche explained the problem to O'Reilly,

> As, in practice, a newsagent has not time to make himself acquainted with the contents of periodicals...it would be unduly harsh to instigate such proceedings, which in any case would probably fail on the grounds that the newsvendor was not aware of the fact that the periodical in question contained objectionable matter.[32]

O'Reilly refuted this, pointing out that the offending article had been advertised on the front page of the paper. 'The only possible interpretation of your letter is, I submit, that the Minister has decided that Section 16 of the Censorship of Publications Act 1929, is inoperative as far as newspapers are concerned.'[33]

Unofficial influence and the censorship process.

The Censorship of Publications Act seemed to lay down strict procedures. The complainant was to submit several copies of the offending publication, the CPB would give a verdict and the Minister for Justice then decided whether to impose a ban. In practise, the system was more flexible and unofficial contacts, in particular with Charles Eason, were used to avoid embarrassing decisions.

Several publishers attempted to get the advice of the Department of Justice about whether their products would face censorship. In March 1930, the Director

[30] S. A. Roche to O'Reilly, 5 December 1930, NAI, DJUS, H315/42.
[31] Attorney General's Directions, 8 December 1930, ibid, H315/34.
[32] S. A. Roche to O'Reilly, 12 December 1931, ibid, H315/7.
[33] O'Reilly to Roche, 14 December 1931, ibid.

and Manager of the *Irish Independent* asked if there would be problems with a set of illustrated advertisements for 'Twilfit Corsets'. He was reassured that 'the minister would not consider it necessary to direct the institution of criminal proceedings'.[34] In 1932, the British Social Hygiene Council got a very different reception when it asked for an opinion about a set of newspaper advertisements it had commissioned and which might find their way into the Irish Free State.[35] They were told that 'the Minister cannot undertake to anticipate any decision which the board might come to in such a case.'[36] In 1937, on the advice of J. C. M. Eason, the *News of the World* received unofficial permission from the Minister for Justice to sell a sanitised Irish edition.[37] This could be a dangerous strategy, as the publishers of *Medical Views on Birth Control* discovered when they sent an advance copy to the CPB to ask if it would be banned given that the majority of views expressed in it were opposed to birth control.[38] The next they heard was when the Department of Justice wrote to tell them that the book had been banned in Ireland.[39] The next year, a book of poetry was sent to the CPB prior to its publication. In its draft reply the board stated that it had refused to consider the book because it did not want to 'imply an assumption of licensing powers'.[40] The Assistant Secretary of the Department of Justice, Stephen Roche, intervened and suggested that 'we might leave the [publisher's] letter unanswered' to avoid creating a precedent.[41] In another case, the Department of Justice received a complaint from a Dublin priest about a

[34] S. A. Roche to James Donohoe, 10 March 1930, ibid, H305/26.
[35] Secretary General, BSHC, to Secretary, CPB, 28 November 1932, ibid.
[36] S. A. Roche to Secretary General, BSHC, 7 December 1932, ibid.
[37] Cullen, *Eason & Son*, p. 274.
[38] Thorsons Ltd. to 'The Official Censor', 20 January 1931, NAI, DJUS, H315/46.
[39] S. A. Roche to Thorsons Ltd, 28 January 1931, ibid.
[40] B. MacMahon to Felix Barbier, 12 April 1932, ibid, H315/110.
[41] Roche, note on above letter, 13 April 1932, ibid.

book. Instead of having it formally examined, the secretary to the CPB 'sent it to the most extreme member of the Board who said it was not worth considering'.[42]

Eason & Sons and the censorship

Charles and J. C. M. Eason were the most important figures in the unofficial censorship of publications. As their company had a near monopoly of the wholesale newsagent trade, they were uniquely placed to act as intermediaries. Their cooperation was essential to the working of the censorship. After the banning of the *World's Pictorial News* in May 1930 for excessive reporting of crime, Eason took action, as he was required to do, to prevent it being imported or sold through his outlets.[43] He later informed the Department of Justice that the publishers had renamed the paper the *Competitors' Guide* and that this would not report crime. He promised to send a copy to the department and that his shops would abide by its decision.[44] In the event, the department 'informed Mr. Eason that there was no objection to the circulation of this paper.'[45]

He helped the censors again in June 1930. The Secretary of the Department of Justice reminded him that he had offered that 'if you were informed unofficially of the facts, that you might be in a position to take the matter up with the publishers and secure the removal of the offending matter.' The periodicals, *Caged Birds* and *Boxing, Racing and Football* were both innocuous enough but carried advertisements for birth control products. The CPB had refrained from making a report but if Eason could not convince the publishers to remove such material from

[42] Note by B. MacMahon, 19 January 1934, to letter Secretary Dept. Justice to Rev. E. Gallen, 4 November 1933, ibid, H315/6.
[43] C. Eason to H. O'Friel, 19 May 1930, ibid, H315/5.
[44] H. O'Friel to Attorney General, 22 May 1930, ibid.
[45] C. Eason to O'Friel, 24 May 1930, note by O'Friel, n. d., ibid.

future issues sold in Ireland, they would be banned.[46] Eason was able to get the necessary guarantees.[47] As seen above, Charles acted in this way in the case of *John Bull* in August 1930. He also did the same in October when a complaint was made against *Chamber's Journal* for publishing advertisements relating to birth control.[48] This procedure was also used when the CPB was powerless to act. In July 1932, a complainant submitted a free copy of the *Sunday Dispatch* which had been delivered to her, describing it as 'filth'.[49] As the CPB needed three recent issues, there was no official action that could be taken.[50] The department called on Eason instead, telling him that the Minister for Justice 'is disposed to think' that the CPB would ban the publication if future issues were of the same type.[51] Eason procured a promise that 'the editor will give special attention to this matter as a result of the communications which the office received from me.'[52]

The serialisation in newspapers of novels banned in Ireland was a special problem. When the *Sunday Chronicle* planned to serialise *Grand Hotel* in 1931 using expurgated extracts, it asked the Department of Justice if this would incur the wrath of the CPB.[53] The Department refused to advise them but warned Eason that, although the prohibition order on the book did not apply to the serialisation, if a complaint were made it would be considered by the CPB in the usual way.[54] The Eason family, and Charles in particular, served as an informal liaison between those English publishers, who were ignorant of the laws and procedures of Irish

[46] H. O'Friel to C. Eason, 14 June 1930, ibid, H315/112.
[47] C. Eason to O'Friel, 30 June 1930, ibid.
[48] J. C. M. Eason, to Fitzgerald-Kenney, 16 October 1930, ibid, H315/32.
[49] B. Bean Mic a Báired to Minister for Justice, 10 July 1932, ibid, H315/127.
[50] Roche to B. Bean Mic a Báired, 13 July 1932, ibid.
[51] Roche to Eason, 14 July 1932, ibid.
[52] Eason to Roche, 19 July 1932, ibid.
[53] J. Drawbell to Minister for Justice, 13 March 1931, NAI, DJUS, H315/39.
[54] Roche to Robert Eason, 18 November 1931, ibid.

censorship, and the Department of Justice, which was unable to show flexibility openly but was willing to do so quietly.

Unofficial complaints

The CTSI also made private representations to get publications to make changes. In 1933, O'Reilly did this with the *Nursing Mirror* as he believed it was publishing 'contraceptive propaganda'. When this failed he reported it to the CPB.[55] They faced a dilemma. Advertisements relating to birth control only appeared in one of the three issues submitted and they were also unsure (after three years operating the act) if such advertisements were sufficient grounds for a ban.[56] Reassured by the Department of Justice, they banned the periodical.[57] This decision shocked the management of the *Nursing Mirror* who protested to the Irish High Commissioner in London that they had no policy on birth control but merely reported papers read and reviewed books on the subject.[58] Irish nurses who read the periodical to find job advertisements were also inconvenienced.[59] As the first banning of a periodical lasted only three months, the *Nursing Mirror* was soon available and the ban was not renewed.

The CTSI used its power against other publications. The *Irish Times* did not get CTSI advertisements and *Dublin Opinion* was forced to withdraw advertisements for 'art pictures' after threats from the society. When an Ennis newsagent resisted a CTSI campaign against the *Daily Express*, O'Reilly wrote to his parish priest. Hugh Allen, the society's organising secretary toured the country

[55] O'Reilly, complaint, 6 May 1933, ibid, H315/145,
[56] B. MacMahon to Secretary, Dept. Justice, 24 May 1933, ibid.
[57] Prohibition Order, 12 June 1933, ibid.
[58] Secretary Dept. External Affairs to Secretary Dept. Justice, 10 July 1933, ibid.
[59] S. B. Skeffington to Sydney Walton, 28 June 1933, ibid.

and reported regular intimidation of newsagents by local CTSI branches.[60] O'Reilly met his match however when he complained to Eason over the stocking of a periodical called *Freethinker*. Although O'Reilly threatened to organise a Roman Catholic boycott of the shop, Eason replied that they only sold twelve copies a week to customers who requested it and refused to be bullied. At this O'Reilly let the issue alone.[61]

The supposedly strict regulations concerning the submission of complaints to the board could prove surprisingly flexible when it suited the CPB or the Department of Justice. In 1932, a Co. Wicklow curate read two books which he considered objectionable. He consulted the chairman of the CPB, Canon Boylan, who recommended that he submit a complaint. He did this by sending in the two books accompanied by a letter.[62] Although his submission was not on the proper form or correctly worded, the CPB was advised that 'the books can, of course, be considered by the board and reports made if they so think fit on their own initiative'.[63] One of the books, *The New Law* by Lillian Clifford, was subsequently banned by this method.[64]

What the board banned

A qualitative assessment of the books and periodicals banned by the CPB is essential to a proper understanding of censorship in southern Ireland. It sheds light on the standards set by the board as well as the effects of censorship on Irish culture. Despite its importance, such an assessment presents considerable problems.

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[60] Curtis, 'Catholic Action', pp. 172-5.
[61] O'Reilly to Fr. Dunne 21 March 1934, Eason to O'Reilly 20 March 1934, DDA, Byrne Papers, Lay Organisations (5).
[62] John Dillon CC to CPB, 13 February 1932, NAI, DJUS, H315/109.
[63] S. A. Roche, memo to CPB, 23 February 1932, ibid.
[64] O'Friel to Dillon, 22 March 1932, ibid.

The board banned 1193 books and 111 periodicals in this period: a daunting body of work for any critic. While many of the books were famous, most are now obscure.

There are also two problems with any such assessment. The first is that books now considered classics were often not well received in their own time and books once celebrated are now forgotten or denigrated. Therefore, hindsight is a significant problem for the historian of literature. The second problem is the lack of scientific test of literary quality: not only do critics disagree on what constitutes a good book but there is no agreement on how to define a term such as 'pornography'.

Michael Adams's approach to this problem was to look at the titles of the banned books. In 1982 he argued that notwithstanding the prohibition of many works of literature, 'most of the 1900 titles banned in the first seventeen years read as if they came out of a sex-shop catalogues'.[65] This was also his claim in his 1968 work, *Censorship the Irish Experience* wherein he gives a 'short list of titles' intended 'to indicate the nature of some other books banned'.[66] The validity of this test is dubious: titles are misleading and such enticing examples as *Lady Chatterley's Lover*, *Pied Piper of Lovers* and *Delilah Upside Down* appear in Adams's own list of famous books banned.[67] A work entitled *The Pearl* could be the novel by Steinbeck or one of the most notorious pornographic periodicals of the nineteenth century. Adams postulates a stark dichotomy between good novelists and pornographers. The fact that a book may have been unworthy of a place in the canon of classics but may be of value as a piece of popular fiction or a literary experiment seems to be outside his scheme.

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[65] Michael Adams, 'Censorship of Publications' in Desmond M. Clarke (ed.), *Morality and the Law* (Dublin, 1982), p. 75.
[66] Adams, *Censorship the Irish Experience*, p. 243.
[67] Ibid, pp. 241-2.

To assess the types of books banned by the censorship board, it is necessary to evaluate them by contemporary standards. In order to do this I have compiled a database of the books banned by the CPB between 1930 and 1939 and have then examined the reviews of these books in the *Times Literary Supplement*. This reduces the subjective element to my own assessment of whether the review was positive or negative. It also provides a valuable filter in that we can safely assume that the *TLS* was not so liberal as to review outright pornography.

These figures draw into question both the proportion of books banned that were pornographic and the importance of the issue of birth control in the censorship process. Given that many of the books on birth control were not reviewed by the *TLS*, it seems that very few of the books banned by the CPB would have been defined as pornography by contemporaries. That is not to say that they were not considered obscene in Ireland but that issue will be dealt with later.

Table 7.1: Books banned 1930-39, reasons for ban & number reviewed in *TLS*[68]

Year	*Books Banned*	*Obscene & Indecent*	*%*	*Birth Control*	*%*	*Reviewed In TLS*	*%*
1930	46	29	63.0	17	37.0	26	56.5
1931	96	84	87.5	12	12.5	76	79.2
1932	115	108	93.9	7	6.1	73	63.5
1933	118	114	88.1	14	11.9	85	72.0
1934	119	108	90.8	11	9.2	83	69.7
1935	151	129	85.3	22	14.7	108	71.5
1936	167	155	92.8	12	7.2	128	76.6
1937	106	95	89.6	11	10.4	69	65.1
1938	133	118	88.7	15	11.3	85	63.9
1939	142	134	94.4	8	5.6	102	71.8
Total	1193	1064	89.2	129	10.8	835	70.0

The figures put in doubt later claims that the censorship was intended primarily to deal with birth control propaganda and only encapsulated novels through the perversity of the board.[69] The list of books banned in 1930 included a large number of referrals by the CPB to itself and also contains the highest

[68] Sources: *Register of prohibited publications 1940*; *Iris Oifigiúil* 1930-39; *Times Literary Supplement* 1919-39.
[69] See for example, Oliver St. John Gogarty, *Irish Times*, 6 February 1935.

percentage of books banned on the grounds that they endorsed birth control. Thereafter there was a sharp fall in the number of such prohibitions despite the fact that at this time the largest number of referrals came from the CTSI. This suggests that the society's activists were unable to find books on birth control, unwilling to submit them or unable to secure prohibition. The second is highly unlikely given the organisation's passionate opposition to contraception. The third is possible in the sense that the society did frequently submit books with only slight references to the issue but which the CPB did not believe advocated birth control. This does not explain why the CTSI failed to send in more obvious examples unless it was unable to locate them. This suggests that there was far less literature on birth control in the country than activists had claimed during the previous decade. The fact that they continued to submit large amounts of allegedly obscene material seems to indicate that the crusade against contraceptive literature could not have been their only objective.

Table 7.2 shows the equivalent figures for magazines prohibited in the same period:

Table 7.2: Periodicals banned 1930-39 & reasons for ban[70]

Year	*Periodicals Banned*	*% of All Publications Banned*	*Obscene & Indecent*	*%*	*Birth Control*	*%*	*Reporting Of Crime*[71]	*%*
1930	16	25.8	3	18.8	4	25.0	9	56.3
1931	6	5.9	1	16.7	3	50.0	2	33.3
1932	2	1.7	2	100.00	0	0	0	0
1933	4	3.3	3	75.0	1	25.0	0	0
1934	3	2.5	3	100.00	0	0	0	0
1935	5	3.2	5	100.00	0	0	0	0
1936	2	1.1	2	100.00	0	0	0	0
1937	17	13.8	8	47.1	0	0	9	52.9
1938	24	15.2	18	75.0	1	4.2	5	20.8
1939	32	18.4	23	71.9	1	3.1	8	25.0
Total	111	8.5	68	61.3	10	9.0	33	29.7

[70] Source: *Irish Oifigúil* 1930-39.

[71] Books could not be banned for excessive reporting of crime so there was no equivalent figure in the sort of books banned.

These statistics confirm Frank O'Reilly's complaint that the censorship of periodicals had virtually ceased by 1936. Despite promising beginnings when 25.8% of all publications banned were periodicals that proportion fell to single figures and stayed there until 1937. Thereafter there was a surge in the number of periodicals banned. It is also interesting that 61% of the publications banned were those which were considered obscene. Prohibitions due the advocacy of birth control were only a significant proportion of the total in 1930 and 1931. This suggests that unofficial interventions by Eason, the CPB's inability to ban periodicals merely for advertising birth control books and products and the CTSI's disillusionment combined to reduce the numbers of complaints on these issues after 1931. The numbers of periodicals banned for reporting crime grew from 1937 on. The periodicals banned were often published in the United States. As there are no government records available for these years, it is unclear whether the changes after 1937 reflected increased popularity of periodicals reporting crime or increased activism by pro-censorship campaigners.

A surprising element of the list of publications banned in Ireland is what it omits. It is well known that *Ulysses* was not banned but examining the list we find no *Decameron* or *Fanny Hill* and nothing by Rabelais, Balzac, Zola or Apuleius. There is only one work by de Sade. Comparing it with the US Customs list of publications proceeded against for 1928, we find only five matches – three of them books about contraception.[72] The US list contains many books in foreign languages, the Irish list very few. This suggests that not only were the concerns of the guardians of public morality in the US and Ireland very different but that the variety of material available for submission to the CPB was somewhat limited. Given that

[72] Deputy Commissioner of Customs to Customs Officers, 27 August 1928, PRO, HO45/15139.

the importers of pornography were unlikely to send it to the CPB and that Catholic Action activists were unlikely to find it on their local bookstalls, the only other sources were the Customs or Gardaí. It is interesting that the CPB report did not mention the Post Office. Nor do the Post Office files in the National Archives show any great concern with the censorship process.

Table 7.3 gives the most commonly banned authors:

Table 7.3: Authors with the most books banned by the CPB

Author	*Banned*	*TLS*	*Author*	*Banned*	*TLS*
Anonymous/NA	15	7	Vicki Baum	5	5
George Ryley Scott	9	1	G. Courtenay Beale	5	0
Neil Bell	9	9	John Brophy	5	4
Maurice Dekobra	8	1	Erskine Caldwell	5	4
David H. Keller	8	0	Joan Conquest	5	2
Marie Stopes	8	3	Elliot Crawsley-Williams	5	2
Richard Aldington	7	7	Rupert Croft-Cooke	5	5
Colette	7	6	Aldous Huxley	5	5
Rhys Davies	6	6	Norah C. James	5	5
William Faulkner	6	6	Jack Lindsay	5	5
Vardis Fisher	6	5	Norman Lindsay	5	2
Philip Lindsay	6	6	Liam O'Flaherty	5	5
Margaret Sanger	6	1	Kitty Shannon	5	2

This shows that nineteen authors, not counting the anonymous, were responsible for 151 of the books banned. Such authors were generally reviewed in TLS or wrote on the subject of birth control. It is very likely that they would have gained a reputation among those making complaints and therefore had all of their books referred to the CPB. It also illustrates that a large variety of authors were banned. The fact that seven of the anonymous works reviewed by the *TLS* shows that the term did not simply signify a pornographer.

Table 7.4 gives the publishers whose books were most often banned. These nineteen publishers were responsible for 738 banned books, 62% of the total. The names should come as no surprise. Victor Gallancz, Jonathan Cape, Heinemann and Chatto & Windus, among others, were famous for making the work of adventurous writers available on the British market.

Table 7.4: Publishers and numbers of books banned.

Publisher	*Banned*	*Publisher*	*Banned*
W. Heinemann	70	Collins	38
Jonathan Cape	68	Putnam	29
Victor Gollancz	66	Faber & Faber	27
T. Werner Laurie	59	Arthur Baker	23
Jarrolds	51	Martin Secker	21
John Long	46	Bodley Head	20
Chatto & Windus	42	Peter Davies	20
Hutchison	41	Methuen	19
Cassell	40	Grayson & Grayson	18
Constable	40	Other	455

Table 7.5 details the genres of the books reviewed by TLS and banned by the CPB and table 7.6 gives a detailed breakdown of the fiction category.

Table 7.5: Genres of books banned.

Genre	*No.*	*%*	*Genre*	*No.*	*%*
Anthropology	3	0.3	Politics	3	0.3
Autobiography	21	2.5	Psychology	9	1.1
Biography	5	0.6	Sociology	21	2.5
Fiction	734	88.0	Travel	3	0.3
History	2	0.2	Other	31	3.7
Medical	3	0.3			

Table 7.6: Fiction books banned[73]

Genre	*No.*	*Genre*	*No.*	*Genre*	*No.*
Drama	257	Melodrama	47	War	26
Realist	163	Satire	45	Crime	14
Historical	60	Short Stories	32	Adventure	8
Ideas	54	Science fiction	27		

Even taking into account the fact that many books banned on grounds relating to birth control were not reviewed in the TLS, the proportion of fiction books is striking. Fiction was the most popular type of book at public libraries, as will be discussed later. If censorship was directed at ordinary people rather than intellectuals, then the emphasis on fiction makes sense. Almost all of these novels were advertised in TLS as being on sale for between 7s and 8s 6d. The books banned by the CPB did almost certainly include pornography but what the list really demonstrated was how wide the gap between British and Irish opinion was. In an

[73] It is important to note that these categories are quite subjective and are based on my reading of book reviews of the novels. The exact point at which a drama becomes identifiable as a realist novel or a melodrama is problematic in any case. I am using the term 'ideas' novel to denote books directed more at making a political or social point than at telling a story but without the use of humour associated with satire. Science fiction should be considered to include fantasy.

attempt to delineate the tenor of the reviews and the extent to which the reviewers considered the books to be controversial, I have broken each into five gradients. For the purposes of measuring controversy, grade A refers to a book that excited no comment while grade E refers to a work that was considered very controversial. Table 7.6 gives the results for these:

Table 7.6: quality and character of the books reviewed in *TLS*

Quality	*Very Poor*	*%*	*Poor*	*%*	*Average*	*%*	*Good*	*%*	*Very Good*	*%*
Books	18	2.3	107	13.4	406	50.8	272	34.0	7	0.9
Controversy	*A*	*%*	*B*	*%*	*C*	*%*	*D*	*%*	*E*	*%*
Books	218	26.6	290	35.4	214	26.1	93	11.5	4	0.9

These figures show that the majority of the books reviewed in *TLS* and banned in southern Ireland were considered either of average or good quality. Very few were hailed as instant classics but neither were they of no literary value, according to the British reviewers. Nor were they considered especially controversial by the reviewers.

The role of the Customs and Gardaí

It was not enough just to ban a book. It fell to the law enforcement authorities to prevent its importation and distribution. In September 1930, the Revenue Commissioners made an informal arrangement with the CPB that they would detain all books dealing with birth control and forward them to the board. Such actions were not allowed by the act 'strictly speaking' but as a prohibition order 'would inevitably be made…the slight irregularity would be covered up.'[74]

To import a banned book, a permit from the Minister for Justice was required. The most common applicants under this system were university libraries. In September 1930, the librarian at Trinity College Dublin informed the Minister for Justice that a book on contraception had been seized by the Customs authorities.

[74] Minute, 26 September 1930, NAI, DJUS, H315/31.

Previously, he pointed out, books intended for copyright libraries were not examined. If they were to be scrutinised, great delays would result. The books were not for sale or distribution and any banned books were placed 'in a special press in the librarian's room' and only issued with his permission. He wanted a general exemption for the library.[75] The Secretary of the Department of Justice, Henry O'Friel, told him instead that he should submit a list in advance and apply for permits.[76] The Revenue Commissioners for their part agreed to this but warned that they retained the right to search consignments addressed to the library to safeguard revenue. They agreed to instruct their people to do so with the minimum of inconvenience.[77] This system seems to have worked adequately. The government did sometimes try to use its power over the university; in 1931, for example, the librarian was refused a permit for the *Daily Worker* but this was issued when he applied again four months later.[78] University College Cork library suffered a similar problem when it tried to collect a complete set of Liam O'Flaherty's writings in the hope that 'somebody such as Professor Corkery will write a slashing attack' on him.[79] The Minister for Justice had to issue permits for the books after the Customs seized them.[80]

Members of the general public were also inconvenienced by the customs. the brother of a professor at TCD, had his holiday reading confiscated in June 1931 until the Minister for Justice issued a permit for the offending books.[81] James H. Webb, the chairman of Standard Hotels Ltd., attempted to liberate his copy of

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[75] J. Gilbert-Smylie to Minister for Justice, 18 September 1930, ibid.
[76] O'Friel to Gilbert-Smylie, 6 October 1930, ibid.
[77] A. J. Donnelly to Joseph Hanna, 16 October 1930, ibid.
[78] Gilbert-Smylie to Minister for Justice, 10 August 1931; permit, 27 August 1931; permit, 7 January 1932, ibid.
[79] Alfred O'Rahily to Minister for Education, 22 October 1932, ibid.
[80] James Geoghegan to O'Rahilly, 12 November 1932, ibid.
[81] James Johnson to Secretary, Department of Justice, 4 June 1931; Secretary Department of Justice to Johnson, 16 June 1931, ibid.

Grand Hotel by Vicki Baum on the grounds that 'all literature having reference to hotels is of special interest to me.'[82] The request was initially denied but as he persisted the minister reconsidered. Having decided that Webb was a 'respectable man not given to reading indecent literature' who was also making a fuss, he decided to 'let him have the book, if that can be arranged rather than prolong this foolish controversy.'[83] The next month Webb asked to import Bertrand Russell's *Marriage and Morals*.[84] When asked for a reason why he should be allowed to do so he replied that he was a Quaker, an article in the *Friend* had referred to the book and he liked 'to keep in touch and up to date'. Furthermore, 'I am a 58 years old and a grandfather, and I submit that it is not at all likely that my morals will be unduly interfered with.'[85] The permit was granted. Francis Toner, a doctor at the Central Hospital Galway, was less lucky. He sought to import Havelock Ellis's *Psychology of Sex* and the novel *Stallion* as part of his research for 'a complete and exhaustive study of sexual abnormalities'.[86] He was allowed to import the book by Ellis but not *Stallion*.[87]

In 1934, in a Senate debate, Sir John Keane raised the question of how the Customs dealt with the importation of books. He spoke on behalf of 'a substantial number of people with intellectual interests' and questioned how the authorities were co-ordinating the application of Section 42 of the Customs Consolidation Act, 1876 and the Censorship of Publications Act 1929. He claimed that the customs act was applied in an arbitrary fashion with a book passing easily through one port and

[82] Webb to Minister for Justice, 21 September 1932, ibid.
[83] Minute to Duff, 12 October 1932, ibid.
[84] Webb to Minister for Justice, 15 November 1932, ibid.
[85] Ibid, 22 November 1932.
[86] Toner to Minister for Justice, 7 August 1933, ibid.
[87] Domhnall de Brún to Toner, 18 August 1933, ibid.

being held up at another. He named three books, none of which had yet been banned by the CPB but which had been held up at the ports.[88]

Prior to the debate, Keane had consulted J. C. M. Eason who had told him that he was quite satisfied with the conduct of the Customs. He had seen only eight cases of seizure; six led to the books being banned, one book was released and one case was a mistake. Other booksellers had similar views.[89] The departmental briefing given to the Minister for Finance following Keane's speech explained how the system worked. The Censorship of Publications Act 'in no way derogates from the powers of seizure...under Section 42 of the Customs Consolidation Act 1876, in regard to indecent or obscene books and the like'. The customs had the power to seize any books they suspected of being obscene and could then send it to the CPB. 'In fact the Revenue Commissioners estimate that nearly half of the books which appear on these lists [of books prohibited by the CPB] were taken by their officers in the first instance and then brought by the commissioners to the notice of the [Censorship of Publications] Board.' In the event of a conflict of views between the Revenue Commissioners and the CPB, the former 'would be prepared to accept the considered view of the Board.'

The specific case Keane referred to was the confiscation of *Straphangers* by Norah C. James from his sister. The officer in charge decided that 'the general tenor of portions of the book was definitely indecent'; 'one of the principal Dublin booksellers' didn't stock it because he considered James's works immoral.[90] The book was sent to the CPB and banned. It is interesting to note that in his speech, Senator Keane mentioned that the book had been well reviewed in the *Times Literary Supplement*.

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[88] Senate Debates, Vol. XVIII, 20 June 1934, 1663-7.
[89] Cullen, *Eason & Son*, p. 270.
[90] 'Note for the Minister', 21 July 1934, NAI, DFIN, S13/20/30.

The question of how the Minister for Justice decided who should be granted permits was raised in 1936 by J. Walter Beckett, the Fine Gael TD for Dublin South, who wondered why a person known to him was refused a permit in November 1935 when another person had been allowed to import six copies of the same book that year.[91] This seems to refer to the case of Seán Ó Faoláin who was allowed to import his book *Midsummer Night Madness* and to give it to his friends as a Christmas present.[92] The author was not named at the time. The *Irish Times* criticised the Minister for giving such a vague reply that it suggested that he was 'thoroughly ashamed' of the censorship. To the paper, the censorship of publications was a bad joke.[93] It had a point but it may have missed the real purpose of the system. All of the people discussed here who were allowed permits were academics, businessmen, doctors or writers. They were educated and in many cases financially comfortable. In short they were 'respectable'. They were also mature. The corollary of this was that young, uneducated, poor people would not be given permits. Indeed, the procedures required even to apply for one meant that the issue was unlikely to arise: a farm labourer, factory worker or shop girl was unlikely to be in a position to import a book from abroad, write to the minister seeking permission in advance and have a professional reason for needing to read it. The permit system was only futile if one believes that the censorship was intended to prevent the educated middle-classes from reading what they wanted. On the contrary it was ideally suited to allow them their freedom while limiting that of others.

The Gardaí served as both an enforcement and a reporting agency for the censorship. At first there was some confusion over the way they should operate the new act. In January 1930, a Garda seized a copy of *Point Counter Point* by Aldous

[91] *Irish Times*, 11 March 1936.
[92] M. Ó Cuinneáin to Ó Faoláin, 5 December 1935, NAI, DJUS, H315/114.
[93] *Irish Times*, 11 March 1936.

Huxley from a local circulating library. The Obscene Publications Act 1857 having been repealed, he was left in a quandary about what to do with it. In the meantime, the CPB banned it so it could not be returned to the library, much to the relief of the local clergy. He was instructed that unless the former owner wanted it back, 'the matter should be allowed to rest'.[94] Three years later, the procedures were still unclear. A Dundalk Garda sergeant was told by a priest that an obscene magazine had arrived in the local Woolworths. He promptly got a warrant under the – now defunct – Obscene Publications Act and seized the offending item; a copy of *Real Detective* that had been sent to the normally sedate retailer by mistake. His manner of operation rendered any attempt at prosecution futile and the matter ended there.[95]

The police were capable of helping the CPB. An example, which seems typical, of how they operated concerned *Women's Friend.* A garda saw a poster advertising the magazine that emphasized such articles as 'sex knowledge', expert advice for the girl in her teens', 'the bride to be' and 'married happiness'.[96] The Sergeant recommended that it be banned as 'it is likely to have a bad and evil effect on the minds of young people.'[97] Two copies of the magazine were procured at Eason. It was not a very spicy publication; the cover commanded the reader to 'knit these cosy undies!' Inside there was an advice column by 'Dr. Mary' who responded to questions about contraception by asking the reader to write to her privately and told a childless couple to go to the doctor.[98] The CPB did not ban it but they did recommend that it be kept under close observation.[99]

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[94] S. A. Roche to Commissioner Garda Siochána, 19 December 1930, NAI, DJUS, H305/24.
[95] F. W. Woolworth to Chief Supt. Garda Siochána, Dundalk, 5 April 1933; Dept. Commissioner Garda Siochána to Secretary Dept. Justice, 3 May 1933; Domhnall de Brún to Commissioner Garda Siochána, 9 May 1933, NAI, DJUS, H305/18/1.
[96] Report of Garda Thomas Bryan, 25 January 1932, ibid, H315/105.
[97] Report of Sgt. Edward Ryan, ibid.
[98] *Women's Friend*, 23 January 1932, ibid.
[99] B. MacMahon to Secretary, Dept. Justice 7 March 1932, ibid.

The Gardaí also acted as a buffer for frivolous complaints. In 1931, for example, the editor of the *Irish Catholic*, P. J. Fogarty, forwarded a book titled *The Jesuits: Religious Rogues* to the Gardaí – he had bought it in a communist bookshop.[100] The Department of Justice recognised instantly that no prosecution or prohibition order was possible as the book's offence was political rather than moral. No further action was taken.[101] In another case, in 1932, a complaint was received that the magazine *Talkie Topics & Theatrical Review* was being sold with a photographic supplement *The Era Screen and Stage* enclosed with it.[102] There was nothing the CPB could do unless the periodicals could be shown to be regularly objectionable, nor was a prosecution possible as the publishers of *Talkie Topics* had not produced the supplement.[103] The gardaí were dispatched to talk to the proprietors of *Talkie Topics* and they received an undertaking that the supplements would not be included again. They had been enclosed in an attempt to increase sales.[104] The Department of Justice admitted that in such cases there were real difficulties using the Censorship of Publications Act but that the influence of the Gardaí had solved the problem.[105]

Opposition to the censorship of publications

Censorship was a painful experience for a writer. Marie Stopes wrote to three members of the CPB to protest at the decision to ban *Radiant Motherhood.* She argued that it was not at all a book advocating birth control and indeed that she had only written one such book in her career. She was also angry that she had been

[100] Deputy Commissioner, Garda Siochána to Secretary Dept. Justice, 26 February 1931, ibid, H315/6.
[101] Duff to Commissioner Garda Siochána, 2 March 1932, ibid.
[102] F. O'Reilly to Minister for Justice, 12 March 1932, ibid, H315/112.
[103] C. A. Maguire to Secretary Dept. Justice, 23 April 1932, ibid.
[104] Report of Detective Sgt. P. Cullinan, 6 May 1932.
[105] S. A. Roche to F. O'Reilly, 13 June 1932, ibid.

given no right to make representations on the book's behalf.[106] Her letters received no reply.[107]

Writers of fiction also expressed their upset at the actions of the CPB. When the CPB banned George Viereck's *My First Two Thousand Years* and *Salome the Wandering Jewess* the author complained and enclosed letters of support from nine fellow writers including Lennox Robinson, Havelock Ellis and Padraic Colum.[108] Fitzgerald-Kenney told Cosgrave that he had trouble replying as it was impossible to be 'at once truthful and placating'. He considered the first work 'a thoroughly undesirable book depending almost entirely on obscenity for its market.'[109] Cosgrave told Viereck that 'it is the right of any people...to decide through their institutions what does and what does not conform to their standards.'[110] J. Cunliffe Owens commented that he was 'very surprised to indeed to hear of it [the banning of his book *Bencomo*] especially as I am a Catholic.'[111] Padraic Colum also protested that 'the censorship will drive writers out of Ireland...it will strengthen the feeling that a Catholic State is intolerant as regards the presentation of certain compelling ideas'.[112]

When *The Puritan* by Liam O'Flaherty was banned, W. B. Yeats wrote to the *Manchester Guardian* to protest. He defended it as a good novel and an important satire on the very people who had objected to it. It is worth noting that Yeats claimed that this was his first criticism of the CPB because up to that it had behaved 'as fairly as could be expected'. This is a somewhat strange view of a body that had already banned works by O'Flaherty, Sinclair Lewis, William Faulkner, Aldous

[106] Stopes to P. J. Keawell, 1 April 1931, ibid, H315/43.
[107] S. A. Roche to Keawell, 21 April 1931, ibid.
[108] Viereck to Minister for Justice, 19 December 1930, ibid, H315/43.
[109] Fitzgerald-Kenney to Cosgrave, 11 December 1930, ibid.
[110] Cosgrave to Viereck, 29 January 1931, ibid.
[111] Owens to Minister for Justice, 6 November 1933, ibid, H315/150.
[112] Colum to G. S. Viereck, n. d. [1930], ibid, H315/43.

Huxley and John Dos Passos. It shows that even Yeats set a high, and eccentric, standard before giving a novel the protection of artistic licence.[113] Another contemporary opinion of O'Flaherty was less sympathetic. *An Leabharlann's* reviewer of the year's fiction dismissed him as 'not worth mentioning'.[114] The Department of Justice's policy in regard to correspondence from writers was simply to quote back to the them the wording of the prohibition order that the book 'was in the opinion of the censorship of publications board, indecent in its general tendency' or advocated contraception.[115]

Under the leadership of W. B. Yeats, the Irish Academy of Letters (IAL) took up the cases of several controversial cases of prohibited books. The most famous case of this in the early years was that of G. B. Shaw's *A black girl in search of God* which was banned in 1933. The Minister for Justice, P. J. Ruttledge, initially refused to meet the IAL's delegation until he had consulted the CPB.[116] He did meet a group including Yeats, Russell and Frank O'Connor on the 12 June and they asked him to reconsider the ban. As a result of this meeting, the minister asked the CPB for a new report.[117] The board's reasoning was never published but it remains in the Department of Justice files. Its members considered Shaw's book 'a blasphemous composition, deliberately offensive to the cherished sentiments of the vast majority of the people irrespective of religious opinion'. They pointed out that it had been excluded from several libraries in Britain. They then admitted that 'considerations of this character' could not be entertained under the law. Even so

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[113] *Manchester Guardian*, 24 February 1932, NLI, Yeats Papers, MS. 30224; Kelly, *Letters of Liam O'Flaherty*, p. 252fn. Kelly is incorrect in stating that the resulting embarrassment for the government prevented *The Puritan* being listed in the *Register of Prohibited Publications*. Its prohibition was announced in *Iris Oifigiúil* of 19 February 1932 and the book was listed in subsequent editions of the Register.
[114] *An Leabharlann*, Vol. 2, No. 2. March 1932.
[115] S. A. Roche to J. Cunliffe Owens, 14 November 1933, NAI, DJUS, H315/150.
[116] Domhnall de Brún to George Russell, 24 June 1933, ibid, H315/43.
[117] De Brún to B. MacMahon, 12 June 1933, ibid.

they asserted that the book 'is objectionable in its references to sex, indecent in its general tendency and liable to corrupt in sexual matters.' They particularly criticised 'the coarseness and vulgarity of the illustrations.'[118] A later note by MacMahon, the secretary to the CPB, undermines these pieties. He commented that 'the illustrations are the only justification under the act.'[119]

Why then did the Minister stand over such a questionable decision? He was advised that 'it is unlikely that the Attorney General would direct a prosecution for blasphemous libel' and it was hard to justify the argument that the book was obscene and indecent.[120] De Brún, the Secretary of the department counselled that 'it may be dangerous to over-rule the Censorship board. The Board is doing good work. They do not appear to be unreasonable and they are working voluntarily'. Clearly he felt that members of the CPB would become demoralised or even resign if their decision was reversed in the case of a book that was also controversial in Britain.[121] The Attorney General agreed that there was 'ample evidence' of blasphemy. Shaw had written 'an extremely clever attack on the fundamental basis of the Christian religion' It was 'more difficult' to show that the book was 'in its general tendency indecent.' He refused to commit himself, writing simply that 'I am not prepared to say that they [the CPB] are not entitled to arrive at this conclusion.' He argued that to lift the ban would be 'a serious matter' as it 'would stimulate interest...even though he [the Minister] may feel that if he were dealing with the question for the first time he would have taken a different view from theirs.'[122] According to Yeats, Ruttledge told him,

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[118] MacMahon to de Brún, 3 July 1933, ibid.
[119] Note by MacMahon, 23 July [1933], ibid.
[120] S. A. Roche, minute, 4 July 1933, ibid.
[121] Note by de Brún to Roche minute above, ibid.
[122] Report of the Attorney General, 24 July 1933, ibid.

> I have been trying to get round that book but I can't get round it. Nothing to be done. I take the ban off it, what happens? All the censors resign. I am not a narrow man but what is to be done?[123]

The next controversy concerned *Bird Alone* by Sean Ó Faoláin. The ban provoked outrage in the letters column of the *Irish Times*. W. F. Trench of Trinity College wrote that 'an offence of the utmost gravity has been committed against the human spirit'. He believed that this was a case of 'powers given to officials for one purpose being utilised by them for another'. In other words, the book had not really been banned for indecency but because the narrator was a lapsed Catholic. Trench's contribution was significant because he supported the principle of censorship.[124] An anonymous correspondent to the Department of Justice later asked how *Bird Alone* was worthy of a ban when *Vile Bodies* was not. It also claimed that there were rumours that Waugh's book was not banned because 'ecclesiastical influence' had been exercised 'to prevent the scandal of the banning of a convert's book.'[125] The CPB refused to revise their estimate of the book. It was 'an immoral and dangerous book, the more so because there is some good writing in it.' It may have been harmless to 'age-hardened professors' but not to the seventeen to twenty-two year olds who would form nine-tenths of its readers. Furthermore, 'the writer seems rather to gloat over the sexual incidents he presents', they concluded.[126]

In 1935, a Dublin centre of the PEN club, a world association of writers, was established. At its inaugural meeting, Francis Hackett argued that the author needed to be free of communism, language movements, 'and one Action or another'. The *Irish Times* also criticised the "official" school of Irish literature that excluded

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[123] W. B. Yeats to G. B. Shaw, 30 July 1933, NLI, Yeats papers, Ms. 31020.
[124] *Irish Times*, 22 October 1936.
[125] Anon., 23 February 1937, NAI, DJUS, H315/38. While it is impossible to put any trust in an anonymous, uncorroborated complaint it is interesting that gossip so hostile to the CPB was in circulation at the time.
[126] Copy of censor's minute [copy dated 23 February 1937], ibid.

protestants, any criticism of Irish characteristics or non-Irish subjects. It argued on the other hand that there was nothing wrong with the writer being engaged in society. Leslie A. Montgomery, who wrote under the name Lynn Doyle, told the PEN meeting that writers needed to 'at least mitigate [the censorship] in such a way that the writers should tell the truth as they genuinely felt it.' He felt that writers had partly brought about the censorship as 'in order to promote the sales of their works they stressed offensive problems unnecessarily'.[127]

In January 1937, Montgomery was appointed to the CPB to replace W. B. Joyce. There should be no doubt as to the significance of this decision. A writer who had been critical of censorship was replacing an INTO official who had testified in its favour to the Committee on Evil Literature. In February he resigned and published his reasons in the press. His most important complaint was the process whereby passages in the books were marked by a Department of Justice official in accordance with the page numbers specified in the complaint. Montgomery complained that 'it is nearly impossible to report on the general tendency after reading a marked passage. Even when one reads the book through afterwards, one is under the influence of the markings.' He also complained that the system was arbitrary in that it required that an offensive book be spotted by a complainant before it could be examined.[128] Montgomery's point about the marked passages was a valuable one. His verdict seems to be supported by an earlier comment from de Brún that 'several books have been prohibited by reason of offensive matter contained in a few pages well advanced in the book.'[129] Every complaint form required the complainant to specify the pages on which he or she believed the indecent parts of the book existed. This was contrary to the spirit if not

[127] *Irish Times*, 5 February 1935.
[128] Ibid, 13 February 1937.
[129] De Brún to Secretary to the Dept. of the President, 2 May 1933, NAI, DJUS, H315/131.

the letter of the law's requirement that the book be judged to be obscene in its general tendency. Part of the problem was that that phrase was itself never defined. Did it mean that a book which contained a few offensive passages should be let through? Or did it require an artistic judgement as to whether those passages were exceptions or an expression of the central themes of the book? Montgomery had not had an easy time on the board. Other members had refused to sit with him until he had withdrawn his earlier criticisms.[130] This meant that he did not see the CPB at work in a normal fashion but it did not weaken his main criticisms.

Montgomery's letter ended on a cynical note:

> I admit that in practice the Irish censorship works wonderfully well. Between a book's issue and its banning the more cultivated and the more hardened readers have read it. The unsophisticated have not in general got to know about it. But I d not think that it is worthy of our state to trade on an act whose excellence consists in its bad drafting.[131]

This was not out of keeping with the arguments of other writers. The IAL's defence of Shaw and Ó Faoláin was based on the principle that they were not obscene or that greater licence should be extended to great works of art. This formed part of O'Casey's argument against the IAL itself. In refusing to join the academy, he complained that it would impose 'the censorship of dull authority' by creating a hierarchy among writers and deciding which ones were worth defending.[132] Although he did not use the analogy, O'Casey seemed to want to transfer the trade union code by which a hurt to one is a hurt to all to the creative arts. Despite this he told Gabriel Fallon that, while he was passionately opposed to censorship, 'I don't see why dirty and smutty things shouldn't be given the go-by.'[133]

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[130] Adams, *Censorship the Irish experience*, p. 73.
[131] *Irish Times,* 13 February 1937.
[132] *Irish Times*, 11 October 1932.
[133] O'Casey to Fallon, 8 May 1939 in Krause (ed.), *Letters of Sean O'Casey*, p. 796.

Sean Ó Faoláin also offered a rigorous critique of the censorship. At a meeting of the Irish PEN club he put down a motion 'that this meeting is of the opinion that the Censorship Board has exceeded its powers' by banning books that were not obscene or were of artistic value. The motion was opposed by Professor James Hogan of University College Cork who argued that 'no person who accepted the Catholic point of view would place the claims of art before those of morality, truth and goodness.' The meeting divided between those like Stephen Gwynn and Monk Gibbon who opposed the censorship and those who saw it as necessary. The meeting did not accept Ó Faoláin's motion but instead adopted an anodyne amendment from Trench.[134] In 1936, Ó Faoláin returned to the theme in an article in *Ireland To-Day*. He was provoked by the banning of Francis Hackett's *The Green Lion*, Austin Clarke's *The Singing Men of Cashel*, and his own *Bird Alone*. His criticisms fell into two parts: the system of censorship and the principles underlying it. In practice, he felt that the system was unfair and brought the law into disrepute because there was a long delay before books were banned. There had been numerous scandals where books were banned that should not have been. He also demanded that an appeal process be established. As regards the principle of censorship he claimed 'we are not asking for the free circulation of books, we ask merely that the circulation of books should be interfered with only with the utmost circumspection'.

He attacked the advocates of censorship. They were an alliance of 'Gaelic revivalists' and 'Catholic Actionists' who were afraid of 'the influence of European, and especially English literature' for reasons of nationalism and piety. This suggested that they believed that the Irish were too morally weak to resist 'a

[134] *Irish Times*, 14 November 1935.

flighty book by some English chit of a girl-journalist;...a whiff from Mr. John Dos Passos, a touch of anti-clericalism from Mr. Sinclair Lewis, a hearty laugh from Mr. Shaw'. Instead censorship had inculcated a double life among Irish people whereby they publicly avowed loyalty to Roman Catholic teaching but privately lived their own lives. Public opinion was being pre-empted by the banning of books before the general public could read them. 'By depriving morality of its freedom it reduces it to a machine without virtue' and reduced the community 'to a condition of moral slavery'. Irish intellectuals were made to earn their living abroad while residing in Ireland. This had the advantage of removing any ulterior motive from their commentaries but it made Ireland 'a country deliberately deprived of its own intellectuals'.

He sought the formation of a 'spearhead' of independent, Catholic thinkers made up of 'University professors, professional men, private students, journalists and so forth. Intellectuals needed to act as 'the sole bulwark between the national character and the disintegrating influence of the Censorial mind.'[135] The article reads like a draft for the sort of sort of critical thinking that would characterise *The Bell* some years later. What Ó Faoláin did was to turn the arguments of the censorship advocates against them. Where they demanded restriction to prevent social collapse and moral decay, he identified censorship as a cause of these very problems. He argument was also significant in that he did not merely uphold the right of art to be free from restriction, as Yeats had done, but put the onus on the censors to ban only when they could show it was necessary. His article illustrates what Riordan has described as the division created by censorship between the liberal and Roman Catholic intelligentsias. Both sides agreed on the need for a

[135] Sean Ó Faoláin, 'The dangers of censorship' in *Ireland To-Day*, Vol. I, No. 6, November 1936, pp. 57-63,

national literature but they could not agree on the proper role of the author in society.[136]

Similar complaints were made by other writers and intellectuals. Oliver St. John Gogarty complained that a bill intended to stop birth control propaganda was 'now directed at any form of literature which will criticise or explode the Stage-Irishman'. 'If this country had produced great sinners there might be something to censor but even the Carrigon report [sic] was not made public so we didn't know what is the enormity of our crimes.'[137] Some protestant correspondents to the newspapers complained that the censorship of publications violated freedom of religion, was a usurping of the role of the church by the state or would lead to Roman Catholic standards being adopted in Irish law.[138] The presence of members of the Church of Ireland on the CPB may have assuaged some of these fears. It should also be noted that with the exception of the birth-control issue, there was little disagreement between the churches about what constituted an obscene book. One man made his protest by referring the Censorship of Publications Act to the CPB. He complained that it violated St. Paul's injunction to treat the body as a temple and that it was a 'suggestive and prurient work'.[139]

Intellectuals in favour of censorship

Although many writers and intellectuals protested against the censorship, there were many other people who approved of it and wanted it strengthened. Their resolve was reinforced by the 1930 papal encyclical *Casti Conubii* which reiterated the

[136] Susannah Riordan, 'The unpopular front: Catholic revival and Irish cultural identity, 1936-1948' in Mike Cronin & John M. Regan (eds.), *Ireland: the politics of independence, 1922-49* (London, 2000), p. 107.
[137] *Irish Times*, 6 February 1935.
[138] See for example, *Irish Churchman*, 10 April 1930; *Irish Times* 21 October 1938.
[139] Complaint by Hamilton Stuart Gaold-Verschayle, 1 December 1931, NAI, DJUS, H315/90.

Roman Catholic Church's opposition to contraception. It asserted that 'the conjugal act is destined primarily by nature for the begetting of children' and that to curtail this purpose 'is beyond the reach of any human law'.[140] The reference to nature is significant as it meant that the encyclical claimed not just to offer Roman Catholic teaching on the subject, as its teachings on the mass or the priesthood did, but to state the natural law which was to be obeyed by all people regardless of religion. It was this view that led the *Catholic Mind*, a small radical paper, to denounce pharmacists who sold contraceptives.[141] Bishop Browne of Galway claimed that birth control advocates 'regard motherhood exactly as a prostitute does, something to be avoided at all costs.'[142]

The supporters of censorship were not simply concerned with birth control. Their aversion to the modern novel was partly rooted in a deep suspicion of psychoanalysis evidenced by this answer to a question on the subject from the CTSI publication *Up and Doing*,

> Q: What is the Catholic attitude to psychoanalysis?
> A: Psychoanalysis destroys the unity of the human personality, and makes the continuity of consciousness impossible. Free will becomes a delusion, moral responsibility an impossibility, and sin non-existent...such teaching is mere pagan parody of the Catholic doctrine of the Fall and Original Sin[143]

Given such views, it was inevitable that the modern novel, partly a child of Freudian thinking would also face their opposition. Aodh de Blacam claimed that seven-tenths of modern literature was anti-Christian and only one tenth was free of immorality.[144] The noted critic, Fr. Stephen J. Brown SJ argued that sex was not a proper subject for a novelist because, unlike science, literature was not merely an

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[140] Anne Fremantle, *The papal encyclicals in their historical context* (New York, 1965), pp. 235-9.
[141] Dermot Keogh, *The Vatican, the bishops and Irish politics* (Cambridge, 1986), p. 269fn.
[142] *Catholic Truth Quarterly*, , Vol. 1, July-September 1938, No. 5, p. 6.
[143] *Up and Doing*, Vol. 1, No. 12, January – March 1937, p. 16.
[144] *Irish Times*, 29 October 1936.

enquiry after truth but also possessed a power to harm. Vice could only be dealt with if it was treated as a sin.[145] As Riordan has pointed out this power to harm was considered to extend even to accidental exposure to unclean literature; an innocent could be corrupted by reading the wrong things.[146] Rev. Cornelius Lucey put it as follows,

> There is something seductive about the written word. Those who read it come almost unconsciously to make its ideas and its outlook their own. Only if they find one writer contradicting another do they exercise anything like judgement on it. Hence whoever can control the reading matter in a community can control too the minds and emotions of the citizens.[147]

Brown put forward a detailed defence of censorship in 1936. The government existed for the temporal welfare of the people. This must include public morality. If an act was deemed detrimental to the general welfare of the people it could be prohibited. As the government was powerless to stop the actual use of contraceptives, it needed to control their availability and propaganda for them. In the case of immoral literature, he distinguished between pornography, which even those opposed to censorship abhorred, and 'the book that makes a fetish of sex'. Such over-emphasis on sex was wrong he argued. Furthermore, it was a matter of public morality because writing was an outward act. He countered the argument that censorship curtailed liberty by pointing out that all laws did so. He also refused to accept that an artist could not take into account the possible effects of his work as no-one could evade his responsibility under the moral law. In the case of immoral books, censorship was the lesser of two evils. The fact that the ban often came late was not an argument against the system as most novels stayed in circulation for

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[145] Stephen J. Brown, 'The Catholic novelist and his themes' in *Irish Monthly*, June 1935, pp. 436-8.
[146] Riordan, 'The unpopular front', p. 109.
[147] Cornelius Lucey, 'The freedom of the press' in *Irish Ecclesiastical Record*, 5th Series, Vol. 50, July-December 1937, pp. 584

about ten years so even if they were if banned after one or two, some good was done. The law existed for the ordinary citizen who 'is not looking for obscenity' and 'above all, the law is intended to protect the adolescent'. There was no right for 'adults, any more than of the young and innocent, to arouse and indulge in sensual feelings or to fill their imaginations with foul images.' In conclusion he believed that 'the repression of evil literature ought to be regarded as a matter of sanitation'.[148]

James Devane's assessment of the modern Irish novelist was scathing. 'He has no reading public here. Nine out of ten of his sales are sales out of Ireland', he complained. 'He can reflect Irish life as seen by an Irishman through the eyes of a British publisher and a British public.' By a rhetorical stroke, Irish writers had become foreign in Devane's eyes.[149] Aodh de Blacam came to a similar conclusion and he argued that Irish liberals were 'fifty years behind their intellectual capital, Chelsea'. They dodged between arguing that art had no moral obligations, and that the church had no authority. De Blacam believed that artistic merit was no justification for a bad book, indeed it made it more dangerous because good writing made it more enticing.[150] Patrick J. Gannon SJ admitted that the censorship 'complicates the author's task' but claimed that in many cases it was used by vain writers as to excuse their own failings, for an offensive book was an artistic failure. 'One would imagine that the Inquisition existed here, and had hauled off author after author to its torture chamber' he remarked. Instead, all that was required by the censorship was that 'thou shalt not write pornography'. Writers might be the

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[148] Stephen J. Brown SJ, 'Concerning censorship' in *Irish Monthly*, vol. LXIV, no. 751 (Jan. 1936), pp. 26-35.
[149] James Devane, 'Nationality and Culture' in *Ireland To-Day*, December 1936, Vol. I, No. 7, pp. 10-13.
[150] Aodh de Blacam, 'Catholic Action and criticism' in *Irish Monthly*, vol. LXV, no. 780 (Aug. 1937), pp. 556-9

best judges of literary quality but not of morality and he did not believe in letting them control what was published. He believed that even in the cases of Aristophanes. Chaucer and Shakespeare, a censor could have 'cut out every unsavoury passage and their fame will not moult a feather of its plumage.' Works of literature were 'legitimate only in so far as they promote the higher good of man'.[151]

This preparedness to sacrifice even great art to protect the innocent was crucial to the outlook of the pro-censorship intellectuals and was entirely consistent with the logic of their arguments. It also made accommodation with the anti-censorship writers, for whom art was intrinsically unable to do harm, impossible. They took to an extreme the suspicion of the modern novel expressed by a reviewer in the *Times Literary Supplement*: 'a century ago the rural scene was depicted in an agreeably sentimental pastoral style; to-day no novel with a country background can be considered complete without several seductions and a rape or so.'[152]

Organised advocacy of censorship

Pro-censorship intellectuals produced a variety of arguments many of which were logical. It fell to other organisations to present popular forms of these to the people. As we have seen, in the early 1930s, the strongest supporter of the censorship was the CTSI. This support was expressed in its publications and at its meetings. As well as objecting to obscenity and advocacy of birth control, the CTSI complained about risqué humour,[153] homosexuality,[154] prostitution,[155] suicide,[156] adultery[157] and

[151] Patrick J. Gannon SJ, 'Literature and censorship' in *Irish Monthly*, vol. LXVII, no. 793 (July 1939), pp. 434-7.
[152] *TLS*, 23 February 1933, p. 129.
[153] Frank O'Reilly, Complaint to CPB, 8 April 1931, NAI, DJUS, H315/71.
[154] Ibid, 11 February 1932, H315/107.
[155] Ibid, 15 January 1932, H315/101.
[156] Ibid, 6 May 1931, H315/66.
[157] Ibid, 7 March 1931, H315/57.

blasphemy.[158] The society preached a simple faith requiring complete obedience to the church's teachings. This was exemplified by its complaint against *Reubens, Prince of the Jews*, O'Reilly wrote that

> The second half of the book is historical, but refers very much to the duplicity and other defects of the Pope and Papal government that are better forgotten. Some of it may be true, most of it exaggerated and disrespectful and none of it edifying reading for Catholic youth or for Catholics who have only a superficial knowledge of Medieval Church history...it is beautifully written and so enticing and extremely interesting as to draw the reader on to the end.[159]

An attack on Sigrid Undset, the Nobel prize winner and Dominican tertiary who wrote long, intricate novels about medieval Christianity, took the same approach. 'The picture drawn by Madame Undset may be historically accurate, but there ought to be some indication that it is philosophically false...realism is not only bad art it is bad morals too.' She was a Catholic who wrote novels but not a Catholic novelist.[160]

The society and its publications constantly attacked modern literature. Modern writers were

> slavishly following conventions and forgetting (simply because their conventions are new) that there are realities and eternal realities, standards and eternal standards; foundation. The result in art and letters has been a growing decentralisation (or in the most exact sense of the word a growing "eccentricity") which may be disastrous...At the present moment the destructive mind in literature is popular, fashionable.[161]

Literary merit was distrusted by the CTSI activists. O'Reilly complained of one book 'there is nothing vulgar or downright indecent, but this makes the subtle undercurrent all the more dangerous.' The book was banned.[162] The Roman Catholic Archbishop of Tuam told the CTSI Congress in 1936 that it was evil

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[158] Ibid, 9 December 1931, H315/93.
[159] Ibid, 11 August 1933, H315/149.
[160] 'A Catholic criticism of a Catholic Novelist' in *Up and Doing*, No. 1 Vol.1, May1935, p. 21.
[161] *Up and Doing*, Vol. 1, No.1, June 1935, p. 15.
[162] O'Reilly complaint to CPB, 19 December 1933, NAI, DJUS, H315/98.

literature that had caused Spain to descend into anarchy – a fact which Irish Roman Catholicism blamed on the anti-clericalism of the Republicans.[163] In 1937 the society set up a committee to review the censorship laws. It reported that the system was failing as it was too slow and did not deal adequately with periodicals. The society proposed a better funded censorship with ten boards of three censors each and changes to make it easier to ban periodicals. Despite the society's pressure, the government decided not to amend the act.[164]

The CTSI was joined in its campaign against evil literature by An Rioghacht. At its 1930 ard fheis it adopted a resolution characterising the new censorship system as inadequate. It demanded the examination of all foreign publications and the prohibition of any that offended 'the traditional standards of the people' or carried Soviet propaganda.[165] In 1931 and 1932 it circulated a similar resolution to the county councils and municipal corporations.[166] It claimed to have the support of Cork, Limerick, Waterford and Clonmell corporations, Limerick, Offaly, Waterford, Dublin, Wexford, Tipperary North Riding and Tipperary South Riding county councils as well as three boards of health and three public library committees.[167]

The An Rioghacht resolutions seems to have sparked an interest in censorship within the Fianna Fáil party. A resolution was proposed at the party's 1932 ard fheis 'that steps be taken to prevent the spread of anti-Irish and Anglicising propaganda through the medium of the foreign daily papers' and was adopted by

[163] *Irish Times*, 29 June 1936.
[164] Adams, *Censorship the Irish Experience*, p.77-9.
[165] *Irish Catholic Directory*, 1931, pp 642-3.
[166] Minutes of Dublin Municipal Council, 5 January 1931, 7 March 1932.
[167] 'Reasons why the Government should enact measures of protection against the imported press', n. d. [1933], NAI, DJUS, H315/131.

the national executive.[168] The Department of Justice resisted the idea and informed de Valera that it would require new legislation.[169] A second motion was passed at the 1933 ard fheis calling for the censorship of 'anti-national propaganda' during the Economic War.[170] That May, de Valera received a delegation from An Rioghacht which included Fr. Edward Cahill, the intellectual leader of the organisation. Cahill told him that the censorship was insufficient and stricter customs controls and the registration of books was required. De Valera questioned the practicality of the scheme and pointed out that it would require a huge staff to implement. He also noted that Roman Catholics were not united on the issue of censorship.[171] An Rioghacht, perhaps responding to some of the controversy about the CPB, insisted that its scheme be classified as 'protection', not 'censorship'. In fact this meant that it used terms and structures from economics to conceal a proposal for censorship. There were to be three classes of imported publications. 'Class A' were to be positively useful publications which would be allowed in for free, 'Class B' would be harmless but serving no useful purpose and would carry a tariff, 'Class C' were to be 'degrading, immoral, irreligious or otherwise harmful' material and would be prohibited. There were to be exceptions for prose fiction of 'exceptionally high literary merit' if they were unobjectionable.[172]

The Department of Justice dismissed the proposals as being 'of the most drastic and revolutionary character'. Its secretary pointed out that the country imported a large amount of literature and that the public had very varied tastes. Furthermore, there was a problem with the logistics of the proposal. A large staff

[168] Report of the Fianna Fáil ard fheis 1932. UCDA, FFA, P176/746.
[169] Duff to Private Secretary to the President, 7 December 1932, NAI, DJUS, H315/131.
[170] Report of the Fianna Fáil ard fheis 1933, UCDA, FFA, P176/747.
[171] J. O. Duff, minute of meeting, 1 May 1933, NAI, DJUS, H315/131.
[172] 'Reasons why the Government should enact measures of protection against the *Imported* press', op. cit.

would be needed to license all imported publications and putting together a censorship board capable of making consistent decisions would be nearly impossible. Interestingly, de Brún also claimed that it was 'highly fallacious' to argue that a censor could decide the tendency of a work on the basis of a few pages or chapters, given that his department was at the same time busy marking offensive passages to aid the CPB.[173] The campaign to license imported publications was supported by Fr. Richard Devane in 1934 as a mechanism for 'shaking ourselves off from the intellectual dominance of the English press' but the battle had already been lost in government.[174] The Irish Free State was committed to economic protectionism but refused to take the drastic step of extending it to cultural imports.

Other groups supported the censorship. Although the INTO was officially neutral on the subject, one of its members was on the CPB and John D. Sheridan, the editor of *Irish Schools Monthly* the union's magazine and himself a popular writer, was an enthusiastic supporter. He used its pages to endorse the actions of the CPB, to criticise writers who attacked it and to advocate the use of Roman Catholic standards in the selection of library books.[175] As well as endorsing the An Rioghacht campaign, several local authorities protested against the *Daily Mail* when it published a series of articles on the life of Christ in 1931.[176]

The Catholic Young Men's Society took an interest in censorship in the later years of the decade. Its objectives were the suppression of bad films, indecent dances, evil literature and Communism.[177] At its conference in 1938, the society called on the government to extend censorship to include publications that

[173] De Brún to Secretary to the President, 2 May 1933, ibid.
[174] Devane to de Valera, 9 March 1934, ibid.
[175] Noel Ward, 'The INTO and the Roman Catholic Church', MA Thesis, UCD, 1987, p. 87.
[176] NAI, DJUS, H315/6. The complainants were Kilkenny, Youghal and Tullamore UDCs, Tipperary South Riding County Council and the Kilkenny County Library Committee.
[177] *Irish Independent*, 2 April 1935, IJA, Cahill Papers, J55/39.

supported suicide, divorce, euthanasia or free love and to establish a prior censorship. Canon Boylan, the chairman of the CPB reproved them for seeking new laws when 'not one of them would help the censors keep the filth of modern romance out of the country'.[178] The society sought guarantees from election candidates that they would support a stronger censorship.[179] They set up a vigilance committees in the Archdiocese of Dublin and Tuam to find immoral books and submit them to the CPB. In the diocese of Ross, censorship was 'one of the main activities' of the society and they were supported in this by the bishop. In Bray they forced sellers to remove undesirable magazines, in Clonakilty they had four books banned and in Kilkenny four more books were taken off the shelves after the society put pressure on the sellers.[180]

Book selection in libraries

The county library system grew rapidly in both northern and southern Ireland in this period. Although the regulation of the libraries was slightly different in each region and there were two different associations of librarians, the systems remained very similar. The essential dilemma of the librarian was expressed in 1932 by the Cork county librarian, Donal Cronin. They were overwhelmed by the quantity of books needed. They had to cater for "highbrow", "middlebrow", "lowbrow", and "nobrow" readers. In the south, the 'cumbersome' censorship had not helped 'by making a certain and not insignificant section of the population censorship-conscious'. There were five ways to select a book, he claimed: shopping in a bookshop was the ideal solution but was too time consuming, dust jackets were not a reliable guide to a book's contents, book reviews and publishers' catalogues were

[178] *Irish Times*, 6 June 1938.
[179] *CYMS Quarterly*, Christmas 1938, Vol. 1, No.1, p. 40.
[180] Ibid, pp. 10, 43-9.

also problematic die to the differences between Irish and British tastes and readers who requested books were usually acting on sources of information available to the librarian. The usual complaints about a book, according to Cronin, were as follows: that it was anti-religious, or anti-Irish, silly, insincere, historically inaccurate, immoral, or that it advocated birth control, evolution or divorce. He wanted the Free State to set up a national panel of readers which would filter out such books for the librarians. Perhaps harking back to the days of the nineteenth century British circulating libraries he hoped such a body would influence publishers and improve the standard of literature.[181]

James Barry, the Dublin municipal librarian and the editor of *An Leabharlann*, read a paper on the same subject in 1934. He emphasised the power of the librarian; 'it is my experience that the majority of borrowers are prepared to accept without complaint the fiction we give them'. There was little demand for banned or otherwise objectionable literature, he claimed. He recommended that his colleagues remember their responsibilities to the thousands of readers trained by the schools every year who drifted into 'the haphazard selection of reading matter solely for amusement' that was 'absolutely without value from an educational standpoint.' For that reason they should avoid ordering modern fiction until it had proved its worth. The paper was well received by other librarians. They complained that the libraries needed better classification for fiction and did not have the time to select it properly. Fr. Stephen Brown SJ commented that libraries were much safer than some people thought but wanted better classification so that 'inferior publications' did not get confused with the classics.[182]

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[181] Donal Cronin, 'The problem of book selection in Irish libraries' in *An Leabharlann*, Vol. 3, No. 4, December 1932, pp. 118-123.
[182] James Barry, 'The place of fiction in the public library' in *An Leabharlann*, Vol. 4, No. 2, November 1934, pp. 90-4

Galway county librarian Samuel Maguire, outlined the system of censorship applied in southern Irish libraries in 1933. He argued that the Roman Catholic Church had become more hostile to the library movement after the Lennox Robinson affair (see Chapter 3). To preserve the support of the clergy, many libraries allowed them to examine their catalogues and promised 'that every care would be taken to keep out all and any books dangerous to faith and morals'. Books contrary to Canon Law or appearing on the Index Librorum Prohibitorum were removed. He believed that it was still inexcusable for such books to find their way into a library. Fiction represented a real challenge because it was often propaganda 'subtly veneered in the guide of novels'. He rejected a wide range of books: 'the psychology-cum-biological efforts of the declared literary elite', romance, detective and adventure stories that contained blasphemy, pornography or 'attacks on the universally recognised standards of what is honourable and decent and the sanctioned, honoured forms of social conduct'. He also opposed books, modelled on those of D. H. Lawrence, that conjoined mysticism with sex. He admitted the standards applied by the library committees around the country differed; for example, Du Maurier's *Trilby* was allowed in Dublin and Cork but not in rural libraries. He also conceded that some objected to these restrictions and felt that they should only be applied to Roman Catholics.[183]

At this time, the southern library system was growing rapidly despite paltry funding. In 1929 110,000 people had used the southern Irish libraries, borrowing 2.5 million books. In Britain the recommended ratio of books to total population was 3 to 10. In the Irish Free State the real ratio was 2 to 25.[184] In 1933/4 that entire Free State public library system, serving a population of 2.8 million received

[183] Samuel J. Maguire, 'Censorship in Irish county libraries' in *An Leabharlann*, Vol. 3, No. 4, December 1933, pp. 125-8.
[184] Report of Monaghan Co. Library, *An Leabharlann*, Vol. 1, No. 1, June 1930, p. 26.

£54,427, by contrast the city of Liverpool (population 861,000) spent £64,930.[185] Readers showed a preference for fiction, a fact which excited some controversy. *An Leabharlann* recommended that libraries stock a good range of fiction to attract 'large numbers of readers who would not otherwise use the library' the librarian could then reform these unfortunates,

> It is difficult to convert the fiction reader but his supply can be reduced, and so the troublesome section is cut down in numbers to a small percentage of the whole stock, and as far as possible none but books of some literary merit stocked in it.[186]

This was not always of much use to a librarian whose readers had abandoned westerns but was now faced with an 'urgent demands for thrillers.'[187]

The exact method of book selection was up to the county library committees. In Roscommon for example, the committee contained three priests, two women, and two lay men, one of whom was a TD. The librarian submitted a list of books to them which they often passed without changes. As the county librarian expressed it, the library's mission statement was to provide 'good, sound healthy literature to counter-check indulgence in the reading of the indiscriminate publications with which every country town is provided in its book-shop and railway stalls without supervision.'[188] At the Cork conference of the Library Association, one old hand commented that while he was impressed with the eloquence of the younger librarians as they explained their problems with book selection, he remembered similar discussions in the 1900s but the profession had survived somehow.[189] In Donegal, the Library Committee ordered books on approval.[190] In 1938, they

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[185] Eugene Carbery, 'The state and public libraries in the Irish Free State' ibid, Vol. 5, No. 2, December 1935, p. 60.
[186] Editorial, ibid, Vol. 1, No. 4, March-May 1931, p. 85.
[187] Meath County Library Report, ibid, Vol. 2, No. 2, March 1932, p. 53.
[188] Roscommon County Library Report, ibid, Vol. 2, No. 1, October 1931, pp. 17-18.
[189] M. K. MacNevin, 'Impressions of the Cork Conference', ibid, Vol. 3, No. 3, September 1933, p. 69.
[190] *Derry People*, 3 March 1934.

rejected forty books sent to them as unsuitable. The chairman of the committee, rather than the librarian, seems to have been mostly responsible for reading the books.[191]

Like their southern counterparts, Northern Ireland's libraries were often poorly funded and had a many readers who were not interested in literary greats. In Armagh, for example, 317 of the 478 registered readers were non-ratepayers and the most popular types of books were westerns and detective stories.[192] Fermanagh county library increased the number of books it issued in 1934 by 6% due to the increasing levels of unemployment.[193] Fiction usually made up the vast majority of its issues.[194] This led to controversy when the library's grant was cut from £200 to £150 in 1934. One councillor proposed cutting it by £100 as so many fiction books were issued and these were not 'of practical utility to the readers.' He deemed 'the reading of books of fiction to be a lunacy'.[195] In Armagh library, book selection was in the hands of the librarian who did not order books 'of that [offensive] kind'. Despite this there were sometimes complaints about the books.[196] In one case, Senator Thomas McLoughlin complained that the library stocked 'a class of literature…which was not for the good of the community' but would not specify any individual books.[197] Such self-appointed censors were a hazard facing librarians in both regions.

[191] Ibid, 12 November 1938.
[192] *Ulster Gazette*, 5 January 1935.
[193] *Fermanagh Times*, 2 August 1934.
[194] Ibid, 28 July 1932.
[195] Ibid, 20 December 1934.
[196] *Ulster Gazette*, 8 April 1938.
[197] Ibid, 6 January 1934.

Censorship of publications in Northern Ireland

Northern Ireland adopted no legislation or special procedures for dealing with objectionable publications in this period. This did not mean that there were no distinctively Northern Irish views on the question. Bishop Mageean of Down & Connor used his 1930 Lenten Pastoral, which came out some months before the encyclical to condemn contraception and evil literature.

> I trust it is not too much to hope that the Free State will be henceforward largely free from this direful pest. Unfortunately we have as yet no such protection in the six counties. But it is to be hoped that here also something will be done to guard at least innocent children against such dangers.[198]

In the Northern Irish House of Commons, Cahir Healy complained that 'this city is full of books of an immoral character' and asked 'do you [the government] intend to doing anything with regard to the flood of immoral literature scattered throughout the city?' Comparing the government's decision to bring in an order under the CASPA allowing it to ban seditious films and gramophone records with its inaction over obscene publications, Healy accused it of 'shying at straws and jumping over camels and beginning at the wrong end'. He declared that the government was 'afraid of that subject'.[199] One of his colleagues argued that there was a public demand for 'a much more rigorous censorship'; citing a recent resolution at the Church of Ireland diocesan synod in Armagh condemning bad books and films he asked if the minister believed that the system in place was adequate.[200] Dawson Bates answered that he did consider that system sufficient and said that he had not received any resolution from the synod.[201] To a great extent he

[198] *Derry People*, 8 March 1930.
[199] NIHC debates, Vol. XII, 29 May 1930, 1630.
[200] Ibid, 2192.
[201] Ibid, 2193.

was avoiding the issue as such resolutions were common and it is not credible that he was unaware that such opinions had been expressed.

These views were supported by articles in the press. One writer complained that 'our country is once more being ravaged by invaders of a "cunning, skilful and unscrupulous" neighbouring race.'[202] The government's view in 1934 was that 'no cases have come under their [the police's] notice in recent times that appear to justify prosecution.'[203] The government thus stubbornly insisted on conducting the debate on legalistic grounds rather than discussing the question of whether Northern Ireland needed a different system from that of the rest of the UK.

The demand for stricter censorship came regularly from nationalist politicians and church leaders. They may have been motivated in part by reports that books banned in the Free State were advertised as such and sold at a higher than usual price in some Belfast bookshops.[204] Cardinal MacRory used the occasion of confirmations in Cookstown in 1934 to warn against 'the reading matter imported from Russia'.[205] That year the fact that the CTSI held its conference in Belfast inspired the *Derry People* to complain that 'the majority of current literary publications is definitely evil'. These were made up of definite attacks on the faith and attacks on morals. Fiction was the main carrier of the problem and it affected the rich less than the poor because 'people of means can discriminate in their reading matter, and good books are often dearer proportionately than bad books.'[206] In 1935, one MP asked the Minister of Home Affairs to set up a censorship board 'so that immodest and undesirable pictures shall cease to be exhibited, unbecoming

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[202] *Derry People*, op. cit.
[203] NIHC debates , Vol. XVII, 4 December 1934, 338.
[204] *Irish Press*, 19 October 1931.
[205] *Ulster Gazette*, 16 June 1934.
[206] *Derry People*, 10 March 1934.

plays withdrawn and prurient books and papers in circulation banned.' Dawson Bates again flatly refused, claiming that the existing law was sufficient.[207]

There were calls for change from protestant and unionist sources but they were more scattered. The *Fermanagh Times* raised the issue of war novels that emphasised the sordid and disgusting elements of soldiering.[208] At one Orange service in Armagh, a speaker asserted that 'many of the leading English newspapers were, strictly speaking, under Romish influence.'[209] The Presbyterian Church in Armagh heard that bad literature was a problem in the presbytery area but confined itself to calling on religious leaders to send a clear message.[210] Individual complaints, of which these are just a sample, never amounted to a concerted campaign by protestant groups. It is also important to distinguish condemnations of obscene literature – which were common to all churches – from demands for an official censorship. Unionist papers sometimes published articles opposing censorship. In 1932, the novelist L. A. Strong argued that 'you cannot prohibit one sort of free speech without endangering others' and claimed, 'it is better to have freedom and punish the abuse of it than to have no freedom in case abuse may come.'[211] This summed up the attraction of the British system to many protestants. Northern Ireland's newspapers took little interest in the obscenity trials of the period. In particular, the trial of *The Well of Loneliness* drew no press coverage from the provinces daily papers despite the fact that it was covered by the major British papers. It is not clear whether this was due to

This period saw few practical changes in British government policy. The British Customs list of books to be seized was not revised between 1930 and the

[207] NIHC debates, Vol. XVII, 22 October 1935, , 2669.
[208] *Fermanagh Times*, 8 May 1930.
[209] *Ulster Gazette*, 1 July 1933.
[210] Ibid, 9 March 1935.
[211] Ibid, 2 July 1932.

1950s. This was not a comprehensive list and only detailed borderline cases, which were mostly of French origin. Customs officers were expected to seize obviously pornographic material whether or not it was on the list.[212] A list of periodicals recently banned by the courts had a decidedly French flavour with titles like *Venus*, *Paris Plaisirs* and *Paris Sex Appeal*. There were also a large number of American magazines[213] These publications fell into a variety of categories: some were illustrated or contained advertisements for erotic photographs, others were made up of flagellation stories or material that was considered borderline, lastly there were sealed envelopes containing stories of sadomasochism or child pornography.[214]

The Northern Irish authorities were given copies of the British list but had little to add to it.[215] Prosecutions for obscenity were rare in the province: there were none between July 1937 and June 1938. Later in 1938 two shops in Belfast were raided by the police and a quantity of magazines taken. The publications seized included a number of American titles with such enticing names as *College Humour*, *Film Fun* and *Stocking Parade*. There were also several titles which at least purported to bear a French influence: *Gay Parisienne* [sic], *Paris Gayety* and *Allure*. Of fourteen titles found by the police, nine were not on the British list. This showed that some material, though probably not much, did escape the UK customs and find its way into Northern Ireland. It also illustrated the randomness of the British system and the fact that it did not offer comprehensive protection against the importation of such material.[216] There is no evidence that the authorities were concerned about the possibility of obscene material being smuggled into southern

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[212] Travis, *Bound and gagged*, p. 118.
[213] 'Titles of Periodicals recently condemned by courts in the United Kingdom, PRO, CUST 49/2334.
[214] Home Office circular letter 678,544/9, 8 April 1938, ibid.
[215] H. C. Montgomery to Secretary to the NI Cabinet, 12 October 1938, PRONI, CAB/9B/102/1.
[216] Assistant Secretary NIMHA to Secretary to the NI Cabinet, 15 November 1938, ibid.

Ireland. Constabulary patrols engaged in customs work on the border were told to look out for explosives, munitions and dangerous drugs but obscene articles were not mentioned.[217]

In 1933, the Ministry of Home Affairs considered introducing a bill to regulate printers. Based on the Newspaper, Printers and Reading Rooms Repeal Act of 1869, it would have required that 'all printed and duplicated documents shall bear the name and address of the printer.' This would act to deter them from producing 'objectionable matter'. It was not made clear whether the matter in question was objectionable from a moral or a security point of view – possibly he hoped to deal with both problems at once.[218] The cabinet gave its permission for a bill to be prepared[219] but, several months later, Dawson Bates announced that he no longer wished to proceed with it.[220] No explanation was given for this decision. The incident suggests that the content of material printed in Northern Ireland had become a matter of concern to the government but that the matter was not sufficiently urgent to justify new legislation.

The biggest effort to control post and publications on moral grounds concerned the Irish Hospitals' Sweepstake. The northern government decided to take a much tougher line on the advertising of sweep tickets than did the British. Dawson Bates consulted the Home Office as to whether they would accept this. He proposed a ban on all advertisements and notices for the sweep in any paper circulated in Northern Ireland. He particularly felt 'that certain articles which are appearing in the Free State papers published in Northern Ireland dealing with the recent lottery…constitute a far greater evil than "advertisements"'. He hoped that

[217] 'Instructions for Constabulary Patrols employed on Customs work', [1923], PRO, HO267/49.
[218] Dawson Bates, memorandum for Cabinet, [Nov. 1933], PRONI, CAB/9B/222/1.
[219] Cabinet conclusions, 6 November 1933, ibid.
[220] Ibid, 6 June 1934.

the UK government would also prosecute such papers.[221] Sir John Anderson at the Home Office 'told him quite definitely that we would not do so.'[222] The British authorities told their Northern Irish counterparts that they did not object 'to articles or reports in newspapers relating to a lottery or to the publication of a proposal or list of drawing. Should however the article amount to a publicising of a proposal or scheme for the sale of tickets action should be taken.' They had legal advice that the 1823 Lotteries Act did not prevent favourable comment or the giving of information on a lottery. The Home Office recommended that the warrants issued to the Northern Irish Ministry for Home Affairs to search post in 1926 be applied to searches for sweep tickets also.[223]

The Northern Irish authorities were forced to rethink their strategy as a result of the opposition of the Home Office.[224] The Northern Irish Attorney General advised in March 1931 that 'news items in relation to the sweep after the draw has taken place are not objectionable.'[225] Newspapers were warned not to publish advertisements for any lottery.[226] The English *Sunday News* took the plans badly. 'What is news in England is poison in Belfast' it complained. It also pointed out that the new rules had not applied in the days of the Calcutta Sweep and its ilk. This, the paper felt, showed that the Northern Irish policy was motivated by dislike of the Free State.[227]

In 1933 the Northern Irish Attorney General still complained that 'the activities of the Irish Hospitals' Sweepstakes Ltd area source of constant irritation to us'. He again suggested to the British that all references to the sweeps in the

[221] Dawson Bates to Anderson, 10 January 1931, PRO, HO45/24839.
[222] Anderson, note to the above, ibid.
[223] Ernly Blackwell to Dawson Bates, 14 January 1931, PRONI, HA8/320.
[224] George Harris to Blackwell, 16 January 1931, PRO, HO45/24859.
[225] W. A. Magill to Chief Crown Solicitor, 6 May 1936, PRONI, HA8/320.
[226] Harris to Blackwell, 28 January 1931, PRO, H045/24839.
[227] *Sunday News*, 5 April 1931, ibid.

press should be banned. In support of this he presented a variety of rumours that the organisers were highly paid and maintained an 'army of workers and helpers'. They gave lavish parties and spent huge amounts of money advertising the draws. 'On all grounds, moral and constitutional, the activities of this Trust, outside their own territory should be curtailed as far as possible'. The Northern Irish press supported the plans as they did not want 'to publish this class of news'.[228] The idea intrigued the Home Office. The British Attorney General, Inskip, suggested that this was an ideal chance to tighten UK law on the Sweeps.[229] There were problems, however, the existing legislation had never been used so extensively before and the Royal Commission on Lotteries and Betting did not favour the idea.[230] The Home Office told the Northern Irish government that the British government would not be embarrassed if they chose to legislate and felt that it would test public opinion.[231] No such legislation was introduced, perhaps because the northern government could see that it would be acting on its own. The treatment by the Northern Irish government of the sweepstakes demonstrated that it was possible for the province to have its own system of censorship. It also demonstrated that such a policy would have required new legislation, close co-operation with and support from the Home Office and the Customs and a strong political will from the northern government.

Publications and free expression in the two Irelands

The one thing common to all the comments generated by the Censorship of Publications Act in southern Ireland was that no-one seemed satisfied with it. To writers and liberals it was a unfair imposition on the writers and readers alike. To

[228] A. B. Babington to Sir John Gilmour, 3 November 1933, ibid.
[229] Inskip to Gilmour, 13 November 1933, ibid.
[230] F. A. N., Minute, 18 November 1933, ibid.
[231] Gilmour to Babington, 22 November 1933, ibid.

those who had campaigned for censorship for much of the previous decade, it was a disappointment. The act failed to deal satisfactorily with periodicals, although these had been an important issue in the campaigns of the 1920s. It worked inefficiently and mostly banned works of fiction. It was easy for middle-class intellectuals to evade the censorship by buying books abroad or getting licences to import them. It was less easy for those without wealth or standing to do so and we cannot tell how many rural youths were deprived of some of the best examples of modern literature, because their local library or town bookshop could not stock it. Censorship of publications failed to do what its advocates had wanted it to but that did not mean that it had no effects. It was part of the apparatus by which nineteenth century moral values were preserved in Ireland for half a century after their demise in other countries. Anthony Comstock, the American anti-obscenity crusader, would have understood the reasoning of the CPB perfectly – and his views had been considered outdated thirty years earlier.

Northern Ireland provides an interesting contrast to the south. The weakness of the Roman Catholic Church meant that it could preach against evil literature but not act against it. The Northern government followed British procedures in attacking pornography but made little effort to fight a sustained campaign to clean up publications. It reserved its zeal for the far more protestant pursuit of fighting the Irish Hospitals Sweepstakes in the region. Even in this it was restrained by its relationship with rest of the UK. As discussed throughout this work, the desire to express independence that led the south to introduce censorship was not only absent in the north but the northern government avoided following that path.

Censorship can be said to affect, not what authors write but what they might have written and we can never know to what extent southern writers self-censored

or, and here the case of Liam O'Flaherty springs to mind, became deliberately more outrageous. The true victims of censorship were, as its architects intended, people whose books came from a local library or news stand. In 1933 in New York, Judge John M. Woolsey rejected the Cockburn judgement as a test of obscenity in the case of James Joyce's *Ulysses.* He decided that a work should not be banned because of its effects on the most susceptible members of society but should be tested against the instincts of an average person.[232] In both Irelands the earlier test remained for several decades to protect the innocent 'young person' of legend from the threat of modernity.

[232] W. B. Lockhart & R. C. McClure, 'Why Obscene?' in John Chandos (ed.), *'To deprave and corrupt': original studies in the nature and definition of 'obscenity'* (London, 1962), p. 55.

Conclusion

Censorship as described in this work does not define the only limits to free expression. It does give an idea of the worth ascribed to that freedom by a particular society. Comparing the two Irelands in this period it is possible to gain an understanding of some of the limitations placed on the right of free expression.

National security

In both regions, the right of the state to security was considered much greater than that of its inhabitants to express ideas freely. Despite this, both governments were careful in the kinds of restrictions that they placed on political speech. The emergency legislation used for this kind of censorship had a common parentage in the Defence of the Realm Acts and the Restoration of Order in Ireland Act. Concepts such as special military tribunals, an all powerful Civil Authority and proscribed organisations were familiar to Irish emergency law.

There were differences between the approaches of the northern and southern governments to sedition. Northern Ireland had, in the CASPA, a simple, powerful procedure for the control of seditious publications. The Minister of Home Affairs had the power to ban these for a year. The police had broad powers of search and seizure. The fact that the act became part of the state's law indefinitely showed that it was effective. The government's refusal to consider a prior censorship of the press showed both a commitment to following British conventions and the fact that it was too closely allied with the unionist press to require a censor and too alienated from the nationalist press to be able to expect their co-operation.

The northern government was prepared to punish publications and organisations for any attempt to undermine the state but was in fact quite restrained when purely political issues were at stake. It was usually possible to criticise the government's policy and performance. Measures were taken when a publication was seen as threatening to public order or the existence of the state. The problem was that there was a large grey area between these two extremes: nationalist publications were, by definition, dedicated to the eventual ending of the northern state. The extent to which they could pursue this policy without incurring the wrath of the government was hard to judge at any time. The result was the prosecution or proscription of publications like the *Irish News* or the *Irish Catholic* for attacking the police or the courts in too robust a manner.

In the south, there were many more acts, each containing different provisions on the question of sedition showed a greater ambivalence about the issue. The prior censorship of the Civil War was designed to combat Republican propaganda and to control foreign coverage of the conflict. To this extent it showed the influence of British policy in the period 1914-21. The short life of the Civil War censorship also showed that the government understood its limits. It should be seen as much as a part of the pro-Treaty propaganda campaign as an attempt to control the media.

Later southern security legislation would have less influence on the normal press and would instead concentrate on the publications of illegal organisations. Compared to the CASPA, the Treason Act, 1925 and Article 2A of the Free State constitution were clumsy instruments for censorship. The government did not have sufficient authority to ban publications as it wished and as the attempts to control *An Phoblacht* showed, the southern government was not as decisive in this regard as its northern counterpart. When it did attempt to use security legislation to silence its

critics, such as during the prosecution of the *Irish Press*, the government looked partisan and achieved only pyrrhic victories.

The two regimes' responses to controversial assemblies had much in common. The issue was more pressing in Northern Ireland where the competing demands of nationalists and loyalists to express their opinions through public gatherings drew an inconsistent response from the government. The policy which evolved placed more emphasis on the political objective of an assembly than on its likely outcome and led to nationalists feeling that they were the victims of bias. At the same time the government was careful to distinguish between political assemblies, with speeches, marches and flags, and commemorations and religious occasions which were permitted as long as their political components were muted.

Southern Irish policy on assemblies was less clear cut. Rather than consistently prohibiting gatherings associated with subversive organisations, the state acted when there was an atmosphere of crisis or when it feared public disorder. In part this must be ascribed to the fact that the ideologies of the two sides in southern Ireland were much closer than those in the north. Republicans and Free-Staters were both competing for the same symbolic inheritance and so it was harder to be sure what should be considered a legitimate assembly. In Northern Ireland nationalist gatherings were presumed to be illegitimate unless the government could be certain that they would be peaceful. The Blueshirts offered the Irish Free State a similarly clear-cut division of ideologies and it responded in a manner which would have been very familiar to Dawson Bates.

In regard to minority political beliefs, such as socialism, neither state showed much regard for pluralism. As discussed above, both sought to suppress organisations, publications and assemblies which challenged the legitimacy of the

state and even small communist parties were included in this category. The result was that left-wing organisations in both regions faced censorship by the state and were left undefended by it when opposed by private groups. The unionist minority in the south was also treated with scant sympathy by the state when it was attacked by republicans. While the state did not prohibit loyalist marches or films of royal events, it offered little support when republican groups attempted to suppress these expressions of unionism.

Overall, both governments allowed free criticism of their policies and actions: opposition parties were not prevented from speaking at election time, newspapers hostile to the government were usually permitted. This freedom was conditional on the parties or newspapers doing nothing to attack the legitimacy of the state or its institutions. When nationalists in Northern Ireland tried to call for the integration of the region into southern Ireland, they did face censorship. Likewise when it appeared that the Blueshirts, republicans, or socialists were a threat to the survival of the Irish Free State, they were also suppressed.

Censorship on moral grounds

The differences between the practice of censorship in Northern Ireland and the south said less about the moral climate in the two regions than about the power and priorities of religious groups. There were specific differences in the moral teachings of the major churches. These were clearest in regard to contraception: the Roman Catholic Church believed in the suppression of all discussion of the issue, whereas the protestant churches, and the Church of Ireland in particular, considered it open to debate.

The churches agreed about the issue of obscenity, however. They combined in both regions to call for state censorship of films: in 1923 in the Irish Free State and in Armagh in Northern Ireland in the 1930s. There were many people in every church who were disturbed by the popular press, modern novels and films. The difference between Northern Ireland and the Irish Free State was in the power of religious bodies.

Censorship offers a case study in the power of Roman Catholicism in the Irish Free State. The campaigns for the censorship of films and publications began with a group of Roman Catholic activists: men like Richard Devane SJ, Fr. M. H. McInerny, Brother Craven and Frank O'Reilly. It was heavily influenced by papal teaching on Catholic Action, cinema and public morality. Where these groups could acquire protestant allies, as in the case of the censorship of films, they did so. When, as in the case of the censorship of publications, they found protestant opinion divided, they pressed on regardless.

The state was not always enthusiastic about these campaigns. Although the government was happy to establish a film censorship, it was less happy about a censorship of publications. It agreed to do so only after several years of campaigning, pressure for action on the issue by the Roman Catholic bishops and the report of the Committee on Evil Literature. This was not a case of the state taking orders from the hierarchy. Indeed, the papers of Archbishop Byrne of Dublin and the Archbishops of Armagh, show that little activity on the issue was initiated by bishops. Instead the censorships of films and publications were the results of well organised, well run campaigns by priests and members of the laity which gained the support of individual bishops.

In Northern Ireland, the churches were quite capable of involving themselves in politics. The issues of education and temperance united protestant denominations and the loyal institutions around causes that were no less complicated or radical than that of censorship. Nor was there anything inherent in Protestantism as a religious belief that prevented its followers from advocating censorship: the main campaigners for censorship in America and Britain in the nineteenth and early twentieth century had been protestant. Irish protestants did condemn immoral publications but they were reluctant to call for a state censorship. Synods and meetings did hear about the problem of obscenity but they usually called for the reform of society rather than of the law. The loyal institutions remained unmoved by the issue and the absence of their voices from the calls for censorship must have been significant.

The Roman Catholic Church in Northern Ireland was never in a position to campaign for censorship. Its refusal to engage with the government or institutions like the BBC for many years, even on issues like education meant that it had little influence. Nor was it likely that a Unionist government could have done as the church asked even had it agreed with it: to do so would have risked accusations of 'Rome Rule'.

While the southern government was reluctant to censor publications, the government of Northern Ireland was opposed to any censorship on moral grounds. For the south, censorship was part of a series of measures which allowed the state to distinguish itself from Britain. The northern government had the opposite objective. In the cases of film censorship and the treatment of reports about the Irish Hospitals' Sweepstake, the government considered more radical policies but did not follow them because of a desire to keep its practice in step with that of Britain.

In the areas of broadcasting and theatre, neither government took special action to control moral content because there was no need to do so. Although theatre in southern Ireland was controversial, it was seen by the state as an elite pursuit which was unlikely to affect public morality. This did not prevent private groups in both regions from taking action when they disliked what was on stage. This action could be a spontaneous demand from an audience for changes in a play or a script or more persistent pressure of the sort which caused theatres like the Gaiety to make a feature of their codes of morality.

Broadcasting was always heavily controlled at source by the BBC and 2RN themselves. The results were schedules lacking in excitement and heavily emphasising music. It is interesting that such self-regulation was more acceptable to moral campaigners than that of the film industry. The difference was that the radio stations were more conservative and more closely linked to the state: indeed, 2RN was an arm of the government. The work put into choosing plays, talks and even music ensured that actual censorship was almost never necessary. Instead an ethos emerged at each station whereby the avoidance of controversy was instinctive. Despite this issues like the playing of 'jazz' or of national anthems could still cause controversy.

Censorship and self-determination

The importance of censorship as an expression of self-determination must be remembered. It is the explanation for many of the excesses of the censors in the south. Had the film censor or the Censorship of Publications Board followed international example, there would have been no point in appointing them. Ireland was an importer of culture: almost all the film shown were British or American,

most books were published in Britain and many British newspapers and magazines were on sale. This was true of both Northern Ireland and the south. This state of affairs presented a significant challenge to nationalist ideas of cultural revival and self-sufficiency. The Irish Free State was not unique in this regard. Fear of American film imports led to the British quota system and Australian censors complained of the morals they saw in imported film.

The urge to set unique standards led to one of the most extensive censorships of films and publications of any liberal democratic state in this period. Despite this censorship was often characterised as ineffective. It is hard to judge the success of southern Irish censorship unless its objectives are considered. By these standards, film censorship was effective. It strictly controlled portrayals of sex, nudity, crime and religious imagery. Although it was often accused of being too strict in some respects, opposition to it was not widespread. By contrast, the results of the censorship of publications were not what the pro-censorship campaigners of the 1920s had envisaged. Whereas they had emphasised the danger of British popular newspapers, birth control literature and the commercial power of the British press combines, most of the publications banned were novels. This was partly due to the drafting of the act which made it difficult to ban periodicals. The failure of the campaigners for censorship to submit complaints was also a factor. The exception to this was the CTSI which was one of the most important influences on the whole issue of censorship in this period.

Freedom of expression in the two Ireland

Citizens of Northern Ireland and the Irish Free State or Éire enjoyed more freedom of speech than their counterparts in many countries in Europe in the 1930s. The

years 1913-1923 had seen a huge amount of violence, sectarian conflict and rhetorical attacks on the authority of the state. This made the control of sedition a priority for the new governments. They were also confronted with a general sense that those years had brought about moral chaos. The southern government introduced censorship both to silence campaigners for moral retrenchment and to establish the distinctive cultural values of the new state. Northern Ireland faced a far weaker campaign for censorship: the energies of moral reformers were directed towards temperance campaigns and education reform instead. They kept closely to British policy on obscenity and film censorship thus avoiding having to deal with such difficult issues and breaking culturally with the UK.

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