

Don't let Video Kill the Radio – in Court

Nic Groombridge argues that the courts should be broadcast, and that radio would be the best medium to open the way to a more democratic court system.

Broadcasting Courts is the title of the Department of Constitutional Affairs (DCA) Consultation Paper CP28/04, yet the neutrality of this title is immediately undermined by the Lord Chancellor's foreword; the first paragraph of which runs: "Justice must be done and justice must be seen to be done. That notion exactly catches the argument about television and the courts".

Were it put to him that he casts the arguments solely in terms of television he might make the nice point that only television can allow justice to be seen. Yet throughout the rest of the foreword he moves from talking of broadcasting to the first line of his conclusion where he states, "cameras in the courtroom would be a big step".

The Lord Chancellor's words tend to presume that the debate will be about televising the courts, and looking at media coverage confirms this; we see the debate couched entirely in terms of the advisability of televising the courts. The OJ Simpson and Woodward trials are dangled before us as awful warnings as to the overheated nature of such media interest.

Criminologists and the Home Office – often for different reasons – fulminate against media coverage of crime. The media is accused of exaggerating crime, which leads to fear of crime. Left/liberal criminologists may see this as part of an ideological

content analysis of radio news bulletins on Radio 1, Radio 4 and Independent Radio News shows that crime is featured and suffers some of the same distortions to which it is subject in other media but that there is room for some limited optimism.

Not only do broad accusations of over-simplification of atypical crimes and stereotyping levelled against the media tend to obscure differences between press and TV but also between channels and between tabloids and broadsheets as well as local, regional and national differences. News values dictate that media-reported crime will not match victim-reported crime so volume crimes will not be reported unless a celebrity is involved. So criminology should stow its prim complaints and work out how to engage with the 'media'. Radio might be the way in and broadcasting the courts might be the issue.

One reason that radio may be ignored is that it sits quietly in the corner and makes few demands. Press headlines scream and the visual nature of television demands a degree of attention. There are also methodological and presentational issues. It is easier to measure newsprint and to show videos.

Radio is often discussed in media histories as a precursor to television but once TV is established discussion of radio is dropped. Yet radio has survived and, with the aid of digital technology, is thriving. It is more portable as a medium for

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project to legitimate state intervention; Home Office and Treasury politicians and officials throw their hands up at the cost. In all of this, nebulous accusations against 'the media' tend to boil down to press and TV. Films and novels are sometimes seen to influence views of policing and prisons, and the DCA document acknowledges that many people's knowledge of the courts is second-hand or derived from 'fictionalised dramas'. Many commentators would note then that our knowledge was accordingly tilted towards the United States experience to the extent that English law and procedures are misrepresented – even in UK-made dramas.

The document does mention radio, text and internet although the wider debate, like the Lord Chancellor's foreword, seems destined to focus on TV. The real difficulties raised by televising the courts that take up much of the document and the Lord Chancellor's personal conclusion is that: "Justice should be seen to be done. But our priority must be that justice is done".

My research shows radio is consistently overlooked as a medium for exploration in both media studies and criminological engagement with 'the media'. Or, unthinkingly, it is aggregated with TV in a denunciation of the media. A search of the limited radio-specific literature and exploratory

both transmitting and receiving information and suffers less from the tyranny of pictures. Several of my respondents pointed out the visual anonymity of radio that had allowed journalists to cover youth justice issues and the work of the Parole Board. The benefits of TV are seen to be obvious and its disadvantages manifest. The DCA consultation paper doesn't do enough to present radio's benefits, particularly in countering some of the arguments against TV.

In addition to the cooler, more 'broadsheet', approach of radio news, I examined Radio 4's *The Archers* and a programme by BBC Radio Shropshire called *Section 18*. In *The Archers*, episodes over a convincing time span saw Edward Grundy arrested, charged, tried, sentenced and undergoing community punishment for minor burglaries. I was able to interview the ACPO in the West Midlands who had advised the BBC. It was clear what the programme makers wanted and the time lag between script, production and broadcast meant he was unable to influence a related story line.

Section 18 was aired on BBC Shropshire, Stoke and Hereford and Worcester over ten twenty-minute episodes covering the build up to and fall out from a scuffle in a pub car park. The station's editor and the local Crown Court judge liaised on the

programme and the court was made available for recording. Local criminal justice agencies and professionals played themselves in the drama; only the 'accused' and witnesses were actors. The episodes went out over two weeks in 2000 in the mid-morning show with a longer evening omnibus where even greater detail about the criminal justice process was given. In each of the episodes different parts of the criminal justice system – police, lawyers, CPS, courts etc. were featured in their appropriate order. The programme was always followed by discussion in the mid-morning show with a representative of the appropriate agency and phone-ins, including one featuring the judge. Two programmes were recorded to complete the drama: one a 'guilty' version, the other a 'not guilty' version with the station's audience acting as the jury by phone. A jury of volunteers was also empanelled, but the judge's request to the higher judiciary that their deliberations be recorded was denied. Thus art imitated reality.

In a time when most streets and even many police stations have CCTV it seems strange that this level of surveillance has not reached the courts. It may do, but the two dramas set out above and the work on youth justice and parole indicate the particular power and practicality of using radio to cover these important issues. Radio in the courts would overcome many of the perceived difficulties and, just as it has in Parliament, eventually overcome resistance to the cameras.

Nic Groombridge teaches criminology and media arts at St Mary's College, University of Surrey. The research referred to was part of a dissertation for a Masters in Journalism Studies at the University of Westminster. The full text can be found on <http://www.groombridges.freeserve.co.uk/>

Eighth Annual Bill McWilliams Memorial Lecture

Anti-racist Practice in NOMS: Reconciling Managerial and Professional Realities

to be given by

Hindpal Singh Bhui

HM Inspector of Prisons

Wednesday, 29 June 2005 at 12.30pm

**at The Banqueting Suite, Council House,
Victoria Square, Birmingham B1 1BB**

This is the eighth of a series of annual memorial lectures planned to be given in the spirit of Bill McWilliams's work. In addition to individual invitations there will be a limited number of places available (on a first come first served basis) for others interested in attending. The 2005 lecture is to be hosted by The West Midlands Probation Area.

If you are interested in attending, please contact Mrs Hazel Holmes, Secretariat Business Manager, West Midlands Probation Area, 1 Victoria Square, Birmingham B1 1BD tel: 0121 248 6651; email: hazel.holmes@west-midlands.probation.gsx.gov.uk

The Bill McWilliams Memorial Lecture is supported by the Barrow Cadbury Trust

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getting stoned, finding a handgun in their father's study, 'do you think it's loaded?' (Bang!).

Seventy years after the anti-marijuana film 'Reefer Madness', there are few academics who would publicly advocate de-illegalising this plant. In 2003, Dr. Geoffrey Guy, founder of *GW Pharmaceuticals*, the company who intend marketing cannabis-based medicine, stated: "If it wasn't called marijuana, by now there would have been an entire biotech industry built around this plant". Conversely, Columbine killer Eric Harris's drug use (research approved legal antidepressants) was not seen as instrumental to his crime (though Marilyn Manson was).

These are but a few examples of what Dutch researcher Peter Cohen terms "the poisoned production of knowledge about drugs" (Gardner, 2004). Governments are not interested in reading good news about drugs that they have already banned, and the task for academics, looking for drug research funding, becomes reassuring the government by finding some (more scary) bad news to prove that they were right in banning them.

In the absence of tangible results, a predictable list of potential long-term effects is invoked (e.g. brain-damage, mental-illness, reproductive problems, immune-deficiency, wasting-diseases such as Parkinson's, even baldness!). There is no need for academics or the media to be right about these long-term effects because in 25 years, when all the (research grant) money has been earned these will all have been forgotten and another drug scare will be functioning. In this scenario the real long-term effects are the dubious consequences of forever mushrooming prohibition.

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