

Chapter 8

Analysis and Discussion

This chapter will analyse and interpret empirical data and relate this to concepts and theory from relevant literature. The purpose here is to realise the study's central aim of examining the personal, interpersonal, social and organisational dynamics of participants campaigning against miscarriage of justice. Part 1 began with a review and analysis of literature from miscarriage of justice, victimology, pressure group and media discourses. This analysis sought to conceptualise miscarriage of justice and to relate this to notions of victimisation and the role and function of pressure groups campaigning against miscarriage of justice. In this regard the chapter will demonstrate that the study contributes to existing theories and understanding in these fields. After examination of relevant literature, Part 2 progressed to the analysis of empirical data collected through participant observation, semi-structured interviews and the documentary evidence. Part 2 considered three main areas: Chapter 5 examined the early experiences of campaigners including what motivated the participants to continue campaigning despite setbacks. An important dimension of pressure group activity is the idea of groups cooperating within a miscarriage of justice community. Chapter 5 examined the notion of 'community' and whether the miscarriages of justice community has features that help define it. Following this Chapter 6 examined the strategies and tactics employed by justice campaigns and whether campaign priorities influenced relationships between the primary and secondary victims of miscarriage of justice. Chapter 7 examined data concerning political dimensions of justice campaigns against miscarriage of justice. The chapter examined the internal workings of groups and whether participants were involved in decision-making and encouraged to participate in campaign strategy. Building on this Chapter 7 examined the

'special' role of women in justice campaigns and why some groups supporting campaigns against miscarriage of justice appear to be predominantly female.

The purpose of this chapter is to analyse and relate the study's literature with the findings from participant observation, interviews and documentary evidence in order to further knowledge and understanding in the field of campaigns against miscarriage of justice. The study, however, makes important contributions to other dimensions and critically to the relationship between pressure group discourse, victimology and media discourses.

First Experiences of Campaigning against Miscarriages of Justice

This section, as discussed in Chapter 5, will analyse data regarding the early experiences of participants campaigning against wrongful conviction including initial problems and difficulties experienced during the process of the campaign. Many participants experienced a significant number of setbacks whilst campaigning against miscarriage of justice. The section will analyse the issue of motivation and resilience and further understanding as to why some campaigners when faced with major obstacles to their campaign remain resilient.

Setting up a Campaign Group and First Decisions

The over-riding reason indicated by most participants for setting up a campaign was because they wanted to take an active role in fighting the wrongful conviction of an appellant. Savage *et al* (2007: 6) suggest that campaigns against wrongful conviction act as '...unofficial sources of influence over the machineries of law-enforcement and criminal justice'. As such several participants indicated they had taken passive roles whilst preparing for the first trial but that following the wrongful conviction initiated an active campaign to influence the criminal justice system and overturn the conviction. Most participants in this study had initially left the defence solely in the hands of their legal team often because they were in

shock and unable to cope emotionally. Some expressed that their passivity was the result of acquiescing to judicial practitioners who they viewed as authority figures or those with 'expertise' and knowledge. Following the conviction many participants began to question the expertise of their legal team and sought to make their own contribution to the defence strategy through a campaign group. This supports Rock (1998: 137) who argues that victims' groups '...came to spurn the authority of experts to define and manage their condition, and asserted their own existentially-based competence in its place'. Most campaign teams acknowledged an important psychological shift followed the conviction or dismissed first appeal leading many participants to 'reposition' their role and status in the defence team. This applied equally to those participants with previous convictions. Despite some participants having experienced police investigations regarding their own previous criminality, the 'innocence' of some participants meant that they were often unprepared psychologically and emotionally for the current charge and conviction against them and adopted passive roles in relation to their defence strategy and towards their legal team.

The issue of why some individuals set up a campaign group is multifaceted. Common elements, however, emerged through the process of data collection. Savage *et al* (2007: 19) suggest that campaigning organisations '...can add *legitimacy*' to a campaign against wrongful conviction. Rock (1998: 134) discussing self-help groups suggests that survivors '...were so consumed by a restless, turbulent energy, compounded out of anger and sorrow, that they had to secure a release through vigorous action'. Developing the idea of case legitimacy, the study questions whether notions of personal legitimacy similarly impact on some participants desire to set up or join a campaign group. Goffman (1963: 5) examining issues of personal identity in public institutions (including prisons) suggests that some individuals 'possess a stigma, an undesired differentness' and that this can lead to such persons seeking ways to adjust to their situation. For some participants in this study their sense of identity appeared to be 'spoiled' following the charge and conviction and the campaign appeared to represent an opportunity to safeguard and redefine notions of Self. Howarth and Rock (2000: 70) examining

parallels that inform the experiences of bereaved 'survivors' coping with the effects of homicide and similarly the families of serious offenders, suggest that both sets of victims experience feelings of '...oppression, vulnerability, guilt, stigma, and isolation'. Many of these victims then sought support and companionship in self-help groups. Most participants in this study have been stigmatised by the mass media and in certain cases by their own geographical communities following the charge and conviction. Rock (1998: 327) suggests that some survivors '...take a large part of their identity from the new organizations' and this appears to be the case with regard to alleged victims of miscarriage of justice (Rock, 1988). It appears that the process of campaign and protest through pressure groups provides a moral career for some participants and contributes to a process of transformation where the participant emerges from feelings of victimization and stigmatization to that of campaigner, constructing their own sense of personal reality and identity (McCann and Pearlman, 1990). This is reminiscent of Foucault's (1977a) theories of 'limit experiences' whereby activities are employed and boundaries marked in '...an attempt to establish a new identity, to achieve self-determination, and to resist the feeling of helplessness' (Jewkes, 2005: 382).

The process of campaign provides primary and secondary victims of miscarriage of justice with their own '...unique adaption to trauma' enabling some to '...construct their own personal realities as they interact with their environment' (McCann and Pearlman, 1990: 6). The subject of 'mediated identity' (Jewkes, 2002) and 'identity making' has received attention (Bettelheim, 1960; Turner, 1982; Giddens, 1991a; Exley and Letherby, 2001; Hockey, 2003; Crewe, 2009). Additionally, identity-making in relation to the 'aftershock' of receiving a life-sentence has been problematized (Jewkes, 2002). The idea here is that for some inmates sentenced to life imprisonment, '...taken-for-granted' assumptions about life course events can be seriously disrupted leading some to adopt 'redemption narratives' (Jewkes, 2005: 384) that enable the prisoner to rebuild and transform their sense of identity. Maruna (2001) suggests that life sentence prisoners employ a variety of strategies including the use of prison work, religion, body-building and education to create 'strategies of resistance and empowerment that allow inmates to form entirely

new, 'unspoiled' identities independent of their past or present circumstances (Jewkes, 2005: 376 cites Maruna, 2001). Many of the participants in this study spoke of the trauma they experienced when the appellant first received their life-sentence. At that moment the life course of the appellant was immediately disrupted and that of their wife, partner, sibling or parent. Particular rites of passage such as weddings, funerals, the birth of a child, attendance at a school play, school or college parents' evenings and other family events, once occasions that denoted important symbolic representations of moving between and through important stages of life, now seemed to contribute to the overall sense of trauma experienced by the appellant and their family. In these circumstances the appellant and family appeared to use the campaign group not only to challenge the conviction but to provide the participants with an opportunity to transform their situation and sense of identity. The participants wanted to experience self-determination and reject their initial feelings of helplessness following the conviction. For those participants who experienced 'shame' following the conviction, despite believing the appellant to be innocent of the offence, the campaign provided a powerful 'redemption narrative' enabling the campaigner to '...traverse the boundaries of experience and find ways of being free (Jewkes, 2005: 382 cites Foucault, 1977a).

The study concludes that contrasting ideas appear to impact on the motivations of participants to set up a campaign group against wrongful conviction. The study accepts notions of 'legitimacy' suggested by Savage *et al* (2007) but extends the motif to include 'personal legitimacy' whereby the appellant and their family seek to engage in activities that encourage personal autonomy and through this to construct support mechanisms to help redefine the appellant following stigmatisation and associated feelings of shame, powerlessness and alienation. The participants similarly sought to align themselves with a pressure group for the purposes of support, encouragement and companionship. Their identification with others in similar positions of trauma appeared to provide many participants with a renewed sense of purpose and identification. They were no longer isolated but

identified with and were part of a miscarriage of justice community. This will be further developed later in the chapter.

One of the first decisions taken by most participants was to dismiss their 'old' legal team and involve the 'new' solicitor in the campaign. Whilst solicitors' will not generally associate themselves with campaign activities the campaigners believed it was important that the campaign group worked with the legal team and not for or against them. A particular area of concern for some solicitors was contact with the media. Following the conviction first decisions often involved whether to make contact with the media and particularly investigative journalists. This suggests that one outcome of setting up a campaign is that it encourages campaigners to access 'campaigning networks' (Savage *et al*, 2007: 16) and through this to extend the influence of their campaign by working with other campaigning organisations, the mass media, investigative journalists and judicial practitioners experienced in miscarriage of justice.

A second key decision was whether to join other pressure groups against miscarriage of justice or to manage personal justice campaigns in isolation to other groups. Most participants were under considerable strain following the conviction and initially sought support and companionship through contact with other 'miscarriage' families or pressure groups against miscarriage of justice (LAI, 2010). Rock (1998: 143) discussing the initial aims of The Compassionate Friends (a victim support group for parents and relatives who have been bereaved by the death of a child) states that one of the primary aims of the group was to '...offer friendship and understanding' and that important themes were 'listening...and consolation'. Following contact with support groups many participants felt emotionally strong enough to begin their own campaign. Participants indicated they needed others to listen to their stories and that through sharing personal narratives had found companionship through meeting with other campaigners. Some participants set up their own campaign first and then joined a pressure group for increased support or to increase their knowledge of the criminal justice system and its procedures. United Against Injustice states that one of its aims is to 'provide advice, support and an information network to member groups' (UAI, 2010). Most participants sought

information and knowledge from member groups particularly regarding the appeals process.

Despite the support offered by the wider miscarriage of justice community many campaigns continued to face major problems and difficulties. The three areas identified by participants as generating most anxiety included the difficulties associated with managing a new way of life; coping with the appellant; and, relationships with the legal team.

New Way of Life

As discussed in Chapter 2, Grounds (2008) refers to the particular sense of injustice experienced by victims of miscarriage of justice and their families. Research suggests that many of the negative effects of wrongful imprisonment are similar to those rightfully convicted (Maruna, 2001; Petersilia, 2003; Codd, 2008). The participants in this study indicated that the loss of someone they were close to, often a son, husband, brother or partner was traumatic and that their feelings of despair and sadness impacted on their ability to campaign during the first year. Many suggested that they 'closed down' (S.V: participant 4) and retreated from contact with others around them. As such contact with the 'miscarriage' community became an important adjunct to their ability to campaign. During the appellant's time on remand and through the criminal trial many families expressed the view that their lives were significantly disrupted for as much as two years. After the conviction the participants often struggled to find their own equilibrium and so organising a campaign was harder than anticipated. The appellants likewise found it difficult to cope with wrongful imprisonment and the loss of family and friends.

The process of campaigning against miscarriage of justice cannot be disassociated from the trauma and distress caused by wrongful conviction and imprisonment (Jamieson and Grounds, 2005). Most participants stated their desire to campaign was fuelled by their relationship with the appellant. Charman and Savage (2009: 3) argue that 'families...can provide the glue around which campaigns can be

sustained'. Although family relationships sustained many campaigns in this study, this was usually after the immediate aftermath of the conviction. For most participants, the trauma caused by the wrongful conviction led to psychological and emotional distress during the first months and this impacted on the ability of participants to campaign effectively.

Coping with the Appellant

Most primary and secondary victims indicated the appellant was under considerable stress following their conviction and wrongful imprisonment. Their behaviour and moods were affected during the first months of imprisonment so the campaign's priorities were often to support the appellant by writing letters, receive phone calls and organise prison visits. During the appellant's incarceration the participants indicated that setting up and managing the campaign particularly during the first year created tensions with the appellant. Campaign decisions sometimes had to be made without the approval or involvement of the appellant and this created tensions within the relationship. Many campaigners suggested that the first year of incarceration impacted on their ability to campaign effectively. The emotional stress and anxiety felt by many appellants meant that the campaign group had to expend considerable time and energy supporting the appellant cope with symptoms associated with post-traumatic stress disorder.

Relationship with the Legal Team

(Green, 2010) suggests that many campaigns against miscarriage of justice are frustrated by decisions made by the legal team during the first trial. The participants indicated they often experienced fraught relationships with their legal teams. Disagreements in strategy and tactics meant that arguments sometimes led to 'prickly' relationships that required time to heal. Most participants indicated they had been 'let down' by their trial solicitor and legal team and that one of their first decisions was to dismiss the solicitor and reappoint a new one. The appointment of

a new solicitor was often problematic not least because they were unaware of which solicitors were recognised as legal practitioners specialising in miscarriage of justice and police malfeasance. Savage *et al* (2007) suggest that one outcome of campaign groups is that they can provide access to legal specialists. Whilst many participants asked others within the miscarriage community, the specialism's and mental predilections of particular solicitors, coupled with the personality of the solicitor and appellant, meant that it often took considerable time to find a solicitor who the appellant and family could trust.

A second issue identified by participants was that because the appellant was incarcerated many legal meetings involving the solicitor had to be supplemented with meetings with the family or lead campaigner. The length of time it took for a solicitor to travel to see an appellant was a problem raised by participants. The participants suggested that additional meetings with the solicitor, particularly when the solicitor was unable to visit the appellant, created tensions with the appellant who sometimes felt marginalised despite the appellant's central role in the case. This issue will be discussed later in the chapter.

Despite the challenges of campaigning against miscarriage of justice, the participants displayed resolve, resilience and high levels of motivation. The next section examines three common themes identified by the campaigners as contributing to their resilience and motivation to continue.

Motivation and Resilience

A significant factor identified by Savage *et al* (2007) as contributing to campaigner resilience and motivation levels was the *relational bond* between the campaigner and alleged victim of miscarriage of justice. For mother's campaigning for their son's, wives their husband's or sister's their brother, no further motivation was required. Several mother's in this study commented that their lives ceased from being their own the moment their son was convicted. The alleged victims of miscarriage of justice similarly suggested that relationships outside prison were an

important factor in providing them with the resilience to continue. Many men talked of their own children or other family members providing them with the strength to continue challenging the conviction and prison regime.

A second factor that motivated the participants was that the appellant was *innocent* and therefore wrongfully convicted and imprisoned. Factual innocence was central to most campaigns and was an important motivating factor and one that provided the participants with resilience. For many appellants factual innocence was synonymous with being a miscarriage of justice (Naughton, 2010). It appeared to be a core element of their own identities and influenced their behaviour, decisions and thinking throughout the campaign and their life in prison (Quirk, 2007). For most secondary victims innocence was similarly an essential component of their motivation to campaign and to successfully negotiate setbacks. The campaigners were moved by the injustice of the appellant's situation and that the appellant had been targeted by agencies of the State. Savage *et al* (2007: 19) identifies campaigns and the activities of victims of miscarriage of justice as 'empowering the powerless'. Many participants and their families interpreted their plight in terms of State oppression and that their human rights had been neglected (Schwendinger and Schwendinger, 1975). As such a campaign against wrongful conviction provided the 'victims' with opportunities to challenge the activities of the State and criminal justice agencies.

A third factor was the role of the miscarriage of justice community in providing support. Several campaigners indicated there were times when they did not know how they were going to find the strength to continue campaigning following the dismissal of the first appeal or failed CCRC application. The participants indicated they were strengthened by the knowledge they were part of a wider community. The fact that participants were not alone and that others had experienced wrongful conviction provided participants with additional resolve to continue with the campaign. Although most indicated that their contact was primarily with others from the miscarriage of justice community, some female campaigners were also members of other pressure groups concerned with oppression and injustice. Many of these groups had predominantly female memberships and were considered a

major source of emotional and practical support (See Chapter 7). These too contributed to sustaining the motivation and resilience levels of other activists campaigning against miscarriage of justice. This issue of gender and campaigns against miscarriage of justice will be discussed later in the chapter.

During the process of data collection I discussed with participants their understanding of a 'miscarriage of justice community' and whether they conceptualised their own campaign in terms of being part of such a community. This is the subject of the next section.

Miscarriages of Justice Community

As discussed in Chapter 5 the data suggests that many associated with miscarriage of justice as defined by wrongful conviction consider themselves part of an identifiable community. Naughton (2007) suggests that the wider community extends to academics, investigative journalists, campaigning lawyers and forensic scientists. Most participants in this study had joined the miscarriage of justice community following the wrongful conviction of someone they knew. Other supporters or those working professionally to challenge wrongful conviction were similarly considered part of the community. Many, however, understood the core community as those who had actually experienced miscarriage of justice either as primary or secondary victims.

The community appears to have its own value system and culture which is often reinforced either at group meetings, conferences or other venues where members meet to support each other and restore '...connections between ideas and people' (Kingsley, 2010). This connects with notions of 'social capital' which Savage *et al* (2007:18) identify as a possible contributory factor to 'effectiveness' and to the management of a successful campaign. Savage *et al* (2007: 18) cite Szreter (2000) who defines social capital as '...mutually respecting and trusting relationships which enable a group to pursue its shared goals more effectively than would otherwise be possible'. Harvey and Houle (1994) cited by Wheaton (2007: 294) suggest that

community in relation to New Social Movements 'approximates a sense of citizenship that transcends national borders'. The participants identified with others campaigning against miscarriage of justice regardless of their personal situation. The important issue was whether they were campaigning against wrongful conviction.

Rock (1998: 51) in relation to victim support groups suggests that '...the bereaved share a community of pain and sympathy that is quite palpable' and that '...people who had been set apart against an alien world were brought together to find a common understanding and a new identity' (Rock: 1998: 141). This similarly characterises the identification of many victims of miscarriage of justice with pressure groups who then seek empathetic responses from others who have experienced wrongful conviction. Whilst there were variations in how the participants interpreted and defined the community two factors were prevalent, namely that members of the community had a shared history, experiences and common objectives. Secondly, that many within the community felt marginalised and alienated following the conviction and therefore sought support and identification with others either in the same predicament or who could empathise with their situation.

Gilbert (1995: 144) examines the importance of 'reciprocal relationships' to a community. The participants shared common experiences in terms of wrongful conviction and this factor appeared to contribute to providing the community with its core values, attitudes and culture. Rock (1998:328) stated that survivors from Justice for Victims and SAMM would often share stories of suffering and personal hurt and that these accounts '...cemented the group together in a special sharing of truth'. Most participants who had experienced miscarriage of justice would prioritise the sharing of personal narratives during campaign group meetings. These provided a powerful and symbolic act of shared unity for the participants and provided a conduit through which participants bonded emotionally with one another.

For many participants the community's culture was antithetical towards the criminal justice system and particularly towards the police, the courts and the judicial system. The experiences of participants were characterised by their nomenclature which often employed the language of confrontation and warfare against 'the State' or 'the system' and which usually targeted criminal justice agencies. Terms such as 'stitched up', 'fighting' the conviction and that their engagement with the criminal justice system was 'a battle' or 'a war' was regularly used. Many participants were critical of the State and adopted views that resonated in radical and Marxist perspectives of victimology which question both the underlying purpose of the criminal justice system and the economic and political system of capitalism (Friedrichs, 1983). In terms of the operation of the judicial system the activities of the courts are not viewed as 'neutral' and impartial (Sumner, 1990) but as protecting the power relations of a ruling minority. A significant number of participants campaigning against miscarriage of justice suggested that their campaign against wrongful conviction was frustrated by the Court of Appeal (Criminal Division) who appeared to protect the system rather than uphold justice and human rights.

Whilst some might interpret miscarriage of justice solely in terms of due process, an important core value described by participants was their belief in the innocence of the appellant. Consequently being factually innocent rather than legally innocent (through breaches in due process) contributed to what the miscarriage of justice community understood as a rightful miscarriage of justice (Naughton, 2007, 2010). Belief in the participant's innocence provided many campaigners with the platform on which their attitudes, values and culture rested. Many were not prepared to contemplate 'their' appellant being wholly or partly responsible for the offence and suggested that their role as campaigner was synonymous with their appellant's innocence (Roberts, 2003; Quirk, 2007).

Whilst membership of the community varied in terms of the experiences of activists it was 'wrongful conviction' and 'innocence' that dominated the discourse of miscarriage of justice (See Chapter 1). What became apparent was that some participants had not considered adequately how the CACD interprets miscarriage of

justice and that 'innocence' is not a concept they address but whether the conviction is 'safe' or 'unsafe' in law. For some appellants, despite their protestations of 'innocence', the procedures of the CACD are rarely designed to prove innocence or following a successful appeal, to declare the appellant innocent of the crime (See Chapter 1). Similarly the CCRC is not primarily concerned with innocence but 'reviews alleged miscarriages of justice in a legal sense, which is not to be confused with wrongful conviction of the innocent as miscarriages of justice are properly understood' (Naughton, 2010: 2). This raises complex issues in relation to how the miscarriage of justice community interprets its core values. Whilst most participants spoke of breaches in due process or poor legal representation as reasons for the initial conviction, several campaigners appeared to campaign solely on the basis of 'innocence', rather than focusing on breaches in due process or whether the defendant had experienced a fair trial. Additionally, whether there was evidence not heard by the original jury that if heard might have changed the original verdict (Roberts, 2003; Green, 2010).

An exception to this rule are the campaigns of activists associated with anarchist and other extreme left-wing political groups. In some cases, activists highlight the nature of the criminal justice system and particularly that it appears to target vulnerable working class groups. In such cases the central issue is not one of 'innocence' but that marginalised groups sometimes have to resist the State and accordingly come into direct opposition with criminal justice agencies (MOJOUK, 2009). Many animal rights activists similarly argue that some of their members have been wrongfully convicted and imprisoned. The campaigners do not accept the conviction because they argue that the laws which were broken are unjust (Animal Liberation Front, 2009).

As individual campaigns focus on innocence so pressure groups supporting campaigners against miscarriage of justice highlight innocence in order to confirm to interested observers and potential members key points of cultural identity. The pressure group London Against Injustice is a member group of United Against Injustice and seeks to 'provide support for people who maintain their innocence against criminal convictions (usually still in prison) and their supporters' (London

Against Injustice, 2010). Quirk (2007: 776) suggests that it is often the media and campaigners who focus on innocence as a means of generating public interest and to initiate reform. This study suggests there are other reasons why innocence criterion is fundamental to appellants and campaigning families. Innocence is important to notions of personal identity as articulated by (Goffman, 1984; Elliott, 2008) and is the concept which provides the actors with the inner strength and resilience to continue fighting the conviction. For other participants their relationship with the appellant and their role as a campaigner is linked to belief in the appellant's innocence. In some cases if there is no innocence there is no campaign regardless of whether due process procedures were abused. During campaign meetings concerned with miscarriage of justice, both personal campaigns for an appellant and pressure group meetings that seek to support campaigners, the discourse of innocence is prevalent in most discussions. The participants in Chapter 5 spoke of innocence as a means of defining their campaign and redefining who the appellant is following stigmatisation, often by the media. For appellants convicted of serious offences, the family campaigning for them often feel the need to reassert the innocence of the appellant to protect their identification of self and that of the appellant and to confirm their membership of the miscarriage of justice community.

Other participants suggested it was feeling *marginalised and alienated* from mainstream society that persuaded them to seek support from others in positions of vulnerability. Their sense of marginalisation was rooted in their opposition to the criminal justice system and particularly the belief that the system was trying to undermine their family. A belief by some participants that they were in direct opposition to 'the establishment' led some to become 'anti-establishment' and opposed to agencies of the State. Reiman (1979) comments on the power relations within society that can contribute to State oppression. The participants often spoke of feeling 'vulnerable' to attack from the State particularly as they were challenging powerful agencies within the criminal justice system. The participants spoke of having a common adversary and that their vulnerability as individuals meant they were safer in communities which were similarly anti-establishment and which

supported radical change to criminal justice policy. In relation to an identifiable 'miscarriage' community the participants indicated they felt connected to others in the community and that their feelings of antipathy towards the State and specifically to criminal justice agencies provided them with a 'sense of belonging'. Another important aspect of community culture was the renewed sense of loyalty felt by several campaigners. Some participants suggested they had been rejected or let down by friends, work colleagues and family members and that this had increased their feelings of vulnerability. The participants suggested that loyalty 'to the cause' and to others fighting wrongful conviction was an important cultural shibboleth and that it provided the group with the resilience to continue campaigning.

Although the participants identified themselves with the miscarriage of justice community there was disagreement as to the scope of the community and who should rightly be included. Rock (1998: xxi) suggests that for some survivors associated with victim support there are fundamental differences between '...those who are 'like us' and those who have not actually experienced the trauma of bereavement after violent death'. Some participants applied a broad interpretation to community membership and argued that anyone who was supportive of campaigns against wrongful conviction or who supported someone wrongfully convicted was rightly a member. Others took a more narrow interpretation and suggested that it only included those who had been wrongly convicted and their immediate family, friends and supporters who constituted 'the core of the community' (PV: participant 11). Other participants suggested that membership was sometimes defined by the specific roles adopted by individuals. If someone is involved in challenging a conviction or in supporting someone affected by wrongful conviction, then they should be counted as part of the miscarriage community '...provided people are sincere and they want to stand with us, they're part of it (SV: participant 31). For most alleged and actual victims of miscarriage of justice there was an identifiable culture within the community which appeared to resonate with notions of oppression and subjugation.

The culture of the community appeared to be reinforced by regular networking (Savage *et al*, 2007). The participants met socially and through pressure group meetings and conferences to discuss miscarriage of justice. At meetings specific cases of wrongful conviction were discussed. Many participants were interested in criminal justice issues and would share newspaper articles, current legislation and their own personal experiences. The focus of many conversations was the practice and procedures of the police, the CCRC and the courts. The participants regularly identified the police and other agencies as their common adversary. This appeared to generate feelings of loyalty within the community and reinforced close friendships. This study has contributed to the literature on 'community' and concluded that campaigners fighting miscarriage of justice believe in the concept of a miscarriage of justice community and that their community has particular features that help define it.

This section has analysed data from Chapter 5. The conclusions contribute to the literature base of miscarriage of justice, victimology and pressure group discourse. The study concluded that the reasons for setting up a campaign are multi-faceted but resonate in the desire of appellants and their families to overturn an alleged wrongful conviction. The participants identified many difficulties experienced by campaigners but three were described as being particularly significant: learning to cope with a new way of life; coping with the psychological and emotional turmoil experienced by the appellant; and, relationships with the legal team. During the course of the study the participants demonstrated high motivation and resilience levels whilst campaigning against miscarriage of justice. The relational bond between the appellant and campaign was a significant factor but others included belief in the appellant's innocence and the support afforded by the miscarriage of justice community. The section analysed data regarding the miscarriages of justice community and concluded that the participants 'shared' experiences and feelings of marginalisation and alienation contributed to campaigners aligning themselves with others who could empathise with their situation and experiences.

During the course of the study participants identified a range of strategies and tactics they prioritised with a view to correcting wrongful conviction or challenging

criminal justice legislation. The next section will examine the primary strategies and tactics used by participants.

Strategies and Tactics

As discussed in Chapter 6, strategies of resistance and tactics are an important dimension of campaigns against miscarriage of justice. Savage *et al* (2007: 18) identify a number of critical success factors that contribute to effective campaigns including relationships between the appellant and family with campaigning organisations; the media and concomitant publicity; and, access to 'social and professional networks', including access to campaigning lawyers. (Savage *et al*, 2007: 26).

The participants identified a variety of issues that became a focus of their campaign at particular moments whilst challenging the conviction. After deciding on a particular focus, the participants were then in a position to identify strategies and tactics in order to achieve specific outcomes. Through the process of data collection a number of common elements were prioritised by the participants including: working with and developing close ties with their legal team; emotional support for the campaign team; strategies to generate media influence; working with the CCRC; and, providing support for the appellant. These core elements will now be examined.

Campaign Focus

A key focus for many participants, particularly during the early stages of the campaign was to appoint a new *legal team*. This often happened following the conviction or the dismissed first appeal. Other participants took the decision to appoint at a much later date during the campaign but still highlighted the importance of doing so. Some participants stated they remained with their 'old' legal team out of misguided loyalty despite expressing their concerns during

preparations for the first trial or appeal. This supports Green (2010) who highlights the difficulties appellants can face when submitting an application to the CCRC following poor legal representation at the first tribunal. The decision to find and appoint the 'right' solicitor was regarded as the pivotal decision made by the campaign group. Most victims of wrongful conviction indicated that without the expertise of their solicitor the case might never have reached or been successful at the CACD. Many participants stated that the poor performance of their trial solicitors and barristers was the primary reason for their wrongful conviction and that if evidence had been submitted that was available at the first trial or if the case had been managed more diligently, then the result of the trial might have been different. The participants similarly regarded the role of the solicitor as important to the management of the campaign. Many successful campaigns involved the solicitor in campaign decisions and discussions regarding campaign strategy and tactics.

Another key focus which remained constant throughout most campaigns was *emotional support*. The participants indicated that at various times during their campaign they had suffered from depression, anxiety and many of the symptoms associated with post-traumatic stress syndrome as articulated by (Simon, 1993; Grounds, 2004; Jamieson and Grounds, 2005). Most successful campaigns in terms of outcome had taken many years to be referred to the CACD and during this time the emotional support they received enabled them to continue campaigning despite setbacks and disappointments.

Nobles and Schiff (2002) and Savage *et al* (2007) suggest that *media involvement* is an important component when seeking to interpret miscarriages of justice and understand campaign effectiveness. An important focus for some campaign groups was their desire to stimulate *media interest*. Most participants who had worked with the media indicated they believed some involvement with the media was highly beneficial to any campaign against wrongful conviction. One area of influence deemed important was stimulating public interest. Some appellants had been ostracized by the media and so the campaign viewed media interest as providing the group with opportunities to increase public interest and sympathy.

Richard Foster the current chairman of the CCRC argues that the media, in some circumstances can cause miscarriages of justice. Even before the criminal trial 'inappropriate press coverage...can influence police investigations, prejudice juries and affect expert witnesses (Hill, 2011). Following the murder of Joanna Yeates on 17 December 2010, the first suspect, Chris Jeffries was arrested and vilified by tabloid newspapers, including the Sun and Daily Mirror, before the eventual arrest of Vincent Tabak who later admitted manslaughter. Many considered newspaper reports at the time of Jeffries arrest might lead to an unfair trial and possibly contribute to a miscarriage of justice. Jefferies has since been vindicated and has sued for libel against the Sun, Daily Mirror, Daily Mail, Daily Express, Daily Star, Sunday Mirror, Scotsman and Daily Record (Sabbagh, 2011). The attorney general, Dominic Grieve, has likewise taken court action against the Sun and Daily Mirror regarding the newspapers reporting of the Yeates case (Binham, 2011).

Following prejudiced media reporting some campaign teams in this study wanted to change 'the climate of opinion' (Grant, 1989: 81-84) so that the appellant's case might be reconsidered without prejudice. Where appellants had received significant media coverage at the time of the criminal trial they were often able to interest the media during their campaign. However, where the case had received little media attention before or during the first trial, the campaigners often struggled to find any media practitioners who were prepared to report the case (See Chapter 1). Some journalists, including investigative journalists, are drawn to cases involving murder or cases which incorporate specific news values that make them newsworthy (Chibnall, 1977; Rock, 1998; Jewkes, 2004; Mason, 2010). Some campaigns against wrongful conviction have, in part, been successful in generating support for the appellant and in challenging residual prejudice because of media interest. The prejudice and hostility against the Bridgewater Four was significant following the convictions but a well managed and orchestrated media campaign involving the mothers of Michael and Vincent Hickey finally led to the appellants being referred back to the CACD where the convictions were quashed (Whelan, 1998). Other reasons to interest the media included the campaign's desire to influence and generate political friends. Jordan and Maloney (1977) describe those

cases which appear underdeveloped but following media interest the campaign profile grows sometimes leading to policy change or new legislation (See Chapter 3). The campaign initiated by Sara Payne and supported by the News of the World following the murder of her daughter saw politicians from many political parties joining to support changes to legislation regarding the management of sex offenders (Payne, 2004; Moorhead, 2009; Savage and Charman, 2010). Most participants believed that support from politicians was beneficial to their campaign and that to achieve political support media interest was an important precursor to political involvement, particularly from their local Member of Parliament (MP). The issue of 'networks of influence' is similarly identified by Savage *et al* (2007: 20) as an important component in campaigners seeking to persuade those in positions of power and authority.

The relationship of the appellant and campaign group with the *CCRC caseworker* was identified by many participants as being pivotal to a successful campaign. The work of the CCRC and caseworker investigating a case of alleged miscarriage of justice often dominated campaign group discussions and prison visits between the appellant and family members. Although many participants indicated they have never met their caseworker, others stated they had and that the meeting was useful and permitted them to express their commitment to the case as well as providing the caseworker with an alternative perspective. Most believed that the campaign group had an important role in supporting the caseworker through the provision a united front behind the appellant's claims of innocence. In some cases, participants indicated that their caseworker had expressed a personal view that the appellant was innocent, despite the discourse of innocence not being articulated 'officially' in the stated aims of the Commission.

Finally, a key focus of most campaigns was to *support the appellant whilst in prison*. Many alleged victims of miscarriage of justice detailed the pressure they had endured whilst incarcerated leading some to suffer emotionally and psychologically. Some participants indicated that the negative consequences of wrongful imprisonment were the root cause of their current bouts of depression and anxiety. Grounds (2004: 177) suggests that many released victims of miscarriage of justice

continue to suffer the effects of post-traumatic stress disorder and 'enduring personality change'. Two areas identified by participants was the pressure applied to appellants to admit guilt and to engage in offence focussed courses (Naughton, 2005). A second area concerned the additional time spent in prison after the tariff had been served because the appellant refused to accept guilt. Naughton (2005b) argues the one problem is that the prison service and parole board refuse to acknowledge wrongful conviction. This increases the anxiety felt by many campaigners and contributes to families remaining bitter and resentful following release (Simon, 1993; Grounds, 2004). The participants believed that the campaign group had an important role in supporting the appellant and in ameliorating the consequences of what was seen as institutional bullying.

The participants suggested their campaign group's 'effectiveness' was sometimes through the use of specific tactics designed to contribute to the release of the appellant. It is to this subject we now turn.

Campaign Tactics

Rock (1998: 221) examining the pressure group 'Justice for Victims' suggests that they employed a variety of tactics that appeared to be common to other pressure groups including '...petitioning, marching, demonstrating, questioning, heckling, lobbying Members of Parliament, attending political conferences and writing letters'. Many pressure groups challenging miscarriage of justice employ many of these techniques to greater or lesser degrees at particular moments in the yearly cycle of the group. Although the participants identified several campaign tactics three emerged as being significant to the achievement of campaign aims of most campaign groups.

The primary tactic used by all participants and throughout their campaign was *networking* through writing letters and emails, attending meetings and conferences and, visiting individuals who might be of assistance to the campaign. The participants engaged in a number of activities to network with a view to persuading

others in the integrity of their campaign and other associated campaigns challenging criminal justice legislation. Savage *et al* (2007: 18) similarly identifies 'social networks and social resources' and suggests that this process can lead to some campaign groups moving '...from ad hoc/single issue activity to broader justice campaigning' such as the Stephen Lawrence campaign (See Chapter 3). Other outcomes of networking were the ability of campaigns to persuade other campaigns against wrongful conviction to engage in 'direct action' strategies including demonstrations and to involve other campaigners in activities such signing a petition.

A second tactic was making contact with the *media and with investigative journalists*. Although some expressed disquiet at making contact with the press, particularly with tabloid journalists, many were more optimistic about contact with investigative journalists specialising in miscarriage of justice. Some participants were to lament the decline of investigative programmes for television such as 'Rough Justice' and 'Trial and Error'. Although most participants had not been personally involved in either programme many viewed the making of programmes that investigated suspected cases of miscarriage of justice as an important conduit through which to challenge public perceptions that miscarriages of justice are rare and secondly, to raise the profile of a particular case. Some participants similarly raised the issue as to why there appeared to be fewer investigative journalists specialising in miscarriage of justice writing regular features in national newspapers. Jessel (2011) discussing the role of the CCRC remarked that the CCRC represented '...the nationalisation of the miscarriage of justice industry'. Some participants were encouraged that the CCRC was an independent organisation able to reinvestigate cases but were equally disappointed that the investigative roles taken by journalists and programme makers into suspected cases of miscarriage of justice appeared to have dwindled since the creation of the Commission.

As already stated, many were to become disillusioned with the media when journalists appeared disinterested in their case either because of the offence or because it was not sufficiently newsworthy. In these cases journalists rejected some campaigns against wrongful conviction because they did not meet particular news

imperatives or values as articulated by (Chibnall, 1977; Jewkes, 2004a; Mawby, 2010) or because the journalists believed the story had already been sufficiently reported and was not considered sufficiently newsworthy. Rock (1998: 228) suggests that 'news is self-reproducing...it is also self-silencing'. In some cases of alleged miscarriage of justice the participants had received news coverage during their original trial but the media were not sufficiently interested in the 'new' evidence or with other evidential matters because they had already been reported and the current narrative account differed little from previous reports. Rock (1998: 229) refers to media practitioners who no longer refer to a particular story as newsworthy because '...professional colleagues have already reported it as news'. Some campaigns against miscarriage of justice were able to generate and sustain media interest throughout the campaign but this was often because the victim of miscarriage of justice was able to find new evidence which permitted the media to present the '...changes and contrasts' of the case (Rock, 1998: 229).

A third tactic employed by most campaigners was the use of *websites and the dissemination of information on the internet*. Many pressure groups against miscarriage of justice manage their own websites which provide members with information regarding who they are; their philosophy and meeting times. Some groups similarly presented brief outlines of those cases they represent and how supporters can make contact with an appellant (INNOCENT, 2010). For those campaigns with limited support organisations such as Miscarriages of Justice United Kingdom (MOJUK) offer alleged victims of miscarriage of justice a free web page enabling any individual prisoner to disseminate information about their case and campaign for justice (Lomax, 2011). Campaign websites similarly provide information on demonstrations and other direct action events against miscarriage of justice. Personal campaigns also made use of their own justice website to garner public interest and support, including the use of social networking sites such as facebook, MySpace and twitter. This is a growing trend within campaigns against wrongful conviction. Lomax (2011: 21) suggests that the use of social networking sites '...can be a double edged sword' particularly if material leads to misunderstanding and 'incorrect opinion' that is left unchallenged. The participants

in this study, however, who used social networking websites found them a useful adjunct to their campaign. The social networking and justice websites of appellants are usually managed by a member of their campaign team who remains in regular contact with the appellant so that they are able to respond to supporters or others interested in their case of wrongful conviction. Another reason identified by participants for the use of justice or social networking sites was to present evidence that might undermine the prosecution case. The behaviour of criminal justice agencies involved in their case was something the participants believed should be incorporated into their justice campaign and that the internet was a useful mechanism to disseminate such information. Most participants commented that when incorrect information was sent to the social networking or justice website, the website manager was responsible for correcting errors or challenging prejudiced or incorrect views.

The participants discussed a range of tactics used throughout their campaigns but one factor which presented some campaigners with additional challenges was the issue of 'bad character evidence'. This is the subject of the next section.

Previous Convictions and 'Bad Character'

Lifestyle theories can be linked to theories of repeat victimisation as examined by (Walklate, 2007). This study contributes to the literature on victims, victimisation and miscarriage of justice through articulating links between lifestyle, victim culpability and miscarriage of justice. These dimensions are not covered by existing theories and literature within the field of victimology. Whilst ten defendants were able to stipulate at trial they were of previous 'good character', five participants had previous criminal convictions and this influenced the tactics used by their campaign group following the conviction. The participants discussed their previous convictions and suggested that their criminal 'lifestyle' (including drugs, armed robbery and burglary) had been a factor in their initial arrest particularly as they were well known to the investigating police force. The lifestyle of four participants,

including their social activities, often brought them into contact with professional criminals and with other offenders who then persuaded them to engage in criminal activity. This suggests that in some cases patterns of behaviour might contribute to notions of victim culpability or proneness as examined by (Keat and Urry, 1975) and lead to a victim of miscarriage of justice being charged and convicted of an offence of which they are factually innocent. In this case, the criminal behaviour of some appellants contributed to their conviction and imprisonment. The participants accepted their previous convictions because of their guilt. What the convictions contributed to, however, was increased interest by the police when similar crimes were committed in the participant's criminal jurisdiction. Whilst some commentators are critical that lifestyle theories might suggest the victim is culpable or at least contributes to their victimisation, as articulated by (Hope, 2007; Walklate, 2007b), some participants, whilst angry because of the wrongful conviction, indicated that their current predicament was in some way linked to their criminal lifestyle. In short if they had not operated within the criminal community it is unlikely they would ever have been arrested for their most recent charge.

The previous convictions of some participants had ramifications on how their justice groups campaigned for them. One problem concerned media involvement and how to persuade politicians to support their cause. The participants took the view that they needed to be explicit about any previous convictions and persuade interested parties that their past convictions had nothing to do with the index offence. One participant indicated that early in his campaign he had tried to ignore his earlier convictions but as his campaign progressed the media used his previous lifestyle against him. Some of this material was provided by the investigating police force. Mawby (2010) examining the relationship of the police and crime news suggests that the media is an important vehicle through which the police communicate with the general public. Although 'law-and-order news' remains a disputed area, '...the relationship is increasingly asymmetrical in favour of the police' (Mawby, 2010: 1060). In relation to the murder case of Rachel Nickell and the acquittal of Colin Stagg (See Chapter 1) the media directed a campaign against

Stagg following the acquittal and suggested that he had been fortunate to escape conviction. This increased the emotional trauma experienced by Stagg and extended the period of time he required psychological support (Stagg and Hynds, 2007). Cohen (2006) commenting on the case suggests that the denigration of Stagg had much to do with the media and the police having too close a relationship and that this had contributed to the suffering experienced by Stagg following his acquittal. Some participants in this study believe that the relationship between the police and the media contributed to their wrongful conviction and prolonged the time the appellant remained in prison. Most participants suggested that where the defendant had a case to answer or where previous convictions required explanation because of negative media reporting the appellant's campaign website was a useful tool to disseminate information and challenge erroneous reporting.

After the appellants had been released from the CACD or prison, most participants continued to campaign. The legal status of the actual and alleged victims of miscarriage of justice, however, impacted on their campaign and governed what they campaigned for. This area is discussed in the next section.

Campaigns Following Release: 'Official' and 'Alleged' Victims of Miscarriage of Justice

As discussed in Chapter 7, most alleged and actual victims of miscarriage of justice continued to campaign post-release. The findings contribute to pressure group discourse and further understanding into the activities of official and alleged victims of miscarriage of justice. Some participants continued with their campaign following release from imprisonment and prioritised different areas of campaign focus depending on whether their conviction had been quashed or whether they had been released having served their tariff. Rock (1998: 331) commented that survivors sometimes felt resentment when '...acquaintances appear to expect survivors to change, recover and resume their 'normal' lives'. Most participants could not countenance the possibility of not campaigning post-release and

indicated that their feelings of anger had to find expression in protest and campaign. Many indicated that their lives would never recover and that the negative effects of wrongful conviction and imprisonment might never heal. Some family members indicated that since the release of the appellant they had been unable to resume their 'normal' lives with the appellant and that the appellant was consumed with 'protest' and campaign.

For those participants who were counted as 'official' victims of miscarriage of justice their campaign focus was aimed at trying to persuade the police to re-open the investigation (Campbell, 2011) and, where appropriate, to seek the prosecution of police officers they believed had committed malfeasance during the police investigation. Robert Brown was wrongfully convicted in 1977 for the murder of a 51 year old woman in Manchester. After 25 years of wrongful imprisonment his conviction was finally quashed in 2002 at the CACD. Brown continues to campaign for justice and particularly that police officers he believes committed perjury at his trial in 1977 be investigated (Allison, 2004).

The reasons for participants seeking a prosecution against alleged malfeasance by police officers appeared to be two-fold. Firstly some participants believed their emotional recovery from wrongful conviction was being frustrated because specific police officers had not been brought to justice. Secondly, that by not prosecuting the offending officers it was less likely the case would be reopened. This might have consequences on their own emotional equilibrium and possibly on the original victim's family. This resonates in a statement made by Ann Whelan who sought to persuade the CPS to prosecute police officers involved in the investigation into the murder of Carl Bridgewater because of alleged malfeasance. Following the successful appeal of the Bridgewater Four which involved her son, Michael Hickey, Whelan commented:

Michael will only go forward when the people responsible for knowingly putting him in prison are behind bars themselves' (BBC News, 1998).

Other participants similarly campaigned for compensation from the Ministry of Justice. The issue of compensation appeared to be linked to notions of justice and

participants desire for the State to acknowledge wrongful conviction. This supports Campbell and Denov (2004: 155) who comment that the wrongfully convicted sometimes seek compensation '...more for its symbolic rather than its actual value'. Most participants had suffered financial hardship whilst campaigning including those who had received legal aid. Several participants and their families were in debt as a direct consequence of the wrongful conviction and believed that justice dictated that the victim of miscarriage of justice was compensated for their years of wrongful imprisonment. The issue of compensation was not, however, most participants primary objective. For some victims of wrongful conviction their release from imprisonment only marked the beginning of their quest for justice.

The situation is markedly different for those appellants who have been released but who continue to campaign against their conviction. In these cases their priority remains working with the CCRC in the hope of being referred to the CACD. The issue of campaigns continuing post-release contributes to literature that seeks to understand the motivations and resilience of activists campaigning against miscarriage of justice. Savage *et al* (2007: 17) suggests that some justice campaigns are primarily 'single issue' groups and that once the primary objective of justice has been achieved then the campaign might come to an end. Most participants in this study who had successfully challenged their conviction continued to campaign but their focus now shifted. Most prioritised pressurising the police to reopen their case. Others joined broader protest movements which extended beyond the criminal justice system and to campaigning with other pressure groups challenging perceived areas of injustice.

Relational Disharmony and Conflict

Rock (1998: 40) commenting on survivors suffering bereavement after violent death suggests they can feel:

'...numb, shocked, anxious, enervated, breathless, oversensitive to noise, sleepless, exhausted, nauseated, and unable to concentrate. They may have

impaired memory, palpitations, headaches, panic attacks, and muscular aches. They can have nightmares, hallucinations, and wild imaginings'.

Many of these symptoms similarly characterise the lives of victims of miscarriage of justice and their families. Additional difficulties described by participants included their adaption to their new environment and that they experienced relational problems. Rock (1998: 47) states that in relation to the lives of survivors associated with victim groups '...survivors claim that they are exceptionally prone to divorce'. Although many problems experienced by released victims of miscarriage of justice probably have their roots in the negative consequences of wrongful conviction and imprisonment and the concomitant trauma suffered by the primary and secondary victims, some relational problems described by participants appear to be associated with tensions directly related to the management of the campaign. The leading campaigners associated with the Bridgewater Four campaign have not continued to associate with each other following the quashed convictions and even close relationships within the campaign have been affected by the strain of campaigning and the associated problems of wrongful conviction (Allison, 2004). Julie Browning who campaigned for seven years against the wrongful conviction of Eddie Browning was to experience relational problems following her husband's release from wrongful imprisonment. The couple managed to sustain their marriage for two years but have since divorced. The strain of the campaign and her husband's later mood swings were cited as reasons for their divorce (Linder, 1997).

Although the participants identified several areas of campaign and relational disharmony both during and after the appellant's release, one area emerged as being particularly significant: the question of 'who' ultimately, was responsible for the leadership of the campaign?

Whilst the appellant was the focus of the campaign, the work of campaigning was often initiated and led by a lead campaigner who was usually the mother, wife, partner or sibling of the appellant. Some appellants occasionally felt that their involvement in strategic campaign decisions was unwittingly undermined by those closest to them. One reason was that the campaign team sometimes took 'short-

cuts' to achieving consensus because of the appellant's incarceration. Whilst many decisions were accepted by the appellants, other decisions taken in isolation to their wishes harboured resentments that occasionally lingered following release. Both official and alleged victims of miscarriage of justice indicated that after their release the frustrations and powerlessness they felt because key campaign decisions had been made in isolation to their wishes contributed to placing additional strains on their relationship. From the perspective of secondary victims they believed that decisions had to be made and activities organised. The appellant was incarcerated so explaining campaign decisions by phone or by letter was sometimes a difficult task as letters were censored and phone calls sometimes monitored. In some circumstances the campaigners believed they had to make decisions in isolation to the appellant but that these were not common events. Most campaigners, however, believed they did consult with the appellant but most accepted that residual resentments from earlier arguments regarding campaign decisions persisted post-release.

This section has analysed data from Chapter 6. The conclusions contribute to the literature base of miscarriage of justice, victimology, including the negative effects of wrongful imprisonment, and pressure group discourse. The section concluded that campaigns against miscarriage of justice seek to translate campaign aims into action and through that into outcomes. Different strategies have different outcomes that are prioritised at specific times during the campaign depending on which judicial benchmarks are the focus of the campaign group and appellant. The tactics used by campaign groups are varied but the study concluded that three campaign tactics were common to all the campaigns examined in this study: networking; seeking contact with the media; and, the use of websites and the dissemination of information on the internet.

The section similarly analysed data regarding the impact of previous convictions on the campaigns of participants. The study concluded that whilst lifestyle theories and notions of victim proneness or culpability need to be handled sensitively, the criminal lifestyles of some appellants appeared to contribute to their initial arrest leading to wrongful conviction. The study further concluded that unlike many

'single issue' protest groups, most campaigners against miscarriage of justice continue to campaign in some form post-release. All the actual and alleged victims of wrongful conviction in this study have been released either from the Court of Appeal (Criminal Division) or from prison having served their tariff. Despite this most victims of miscarriage of justice and appellants continued to campaign and protest against aspects of the criminal justice system and/or other areas of injustice. The appellants indicated that they continued to suffer from the negative effects of wrongful imprisonment and that the anger they felt regarding their treatment by the criminal justice system contributed to their need to continue with protest activities.

Most participants viewed themselves as 'activists' engaged in a political struggle against criminal justice agencies and against the State. The next section will examine the politics of pressure groups against miscarriage of justice and analyse the views of grass roots campaigners and activists.

Typologies: Understanding Justice Campaigns

As discussed in Chapter 3, various pressure group typologies have been suggested with a view to analysing principles that operate across pressure groups rather than attempting to analyse groups in isolation. The purpose of these typologies is to assist analysis of pressure groups and to suggest particular classificatory models. A notable typology is the 'insider' and 'outsider' typology which identifies those groups which engage closely with government in the formation of public policy and those who do not seek or who are not invited to consult with government (Grant, 1989). The typology is divided into other subdivisions which reflect particular associations with insider and outsider status.

Pressure groups challenging wrongful conviction are primarily 'outsider' groups as their interests fall outside 'mainstream' politics as opposed to 'insider' groups who engage with government in the development of public policy. The typology, however, suggests three categories of outsider group with most justice campaigns

falling under the classificatory models of 'outsider group by necessity' or 'ideological outsider groups' (Grant, 1989: 17) (See Chapter 3). The groups are primarily 'single issue' groups (Savage *et al*, 2007: 17) focusing on wrongful conviction of the factually innocent. A factor categorising some single issue groups is that once the primary objective has been achieved the need for the pressure group might cease (Alderman, 1984). Savage *et al* (2007: 17) suggest that in relation to some 'single issue' justice campaigns once the principal aim of justice has been achieved then it could mean '...the end of the campaign itself'. This might be a distinguishing feature of some single issue campaigns but most justice campaigns managed by participants in this study, as already discussed, continued with their campaigns despite the quashing of the appellant's conviction.

Five political perspectives were examined in Chapter 3 including pluralism, neo-pluralism, corporatism, New Right and Marxist perspectives. The diversity of pressure group membership means it is problematic discussing which perspectives most accurately reflect the beliefs and values of campaigners as individual participants operate as campaigning activists in markedly different ways from other campaigners even within the same group. Despite this most campaigners were committed to the notion of pressure groups contributing to citizen empowerment and similarly those pressure groups were an important means of counter balancing excessive concentrations of power by government, as articulated by (Truman, 1951; Grant 1989). The perspective of pluralism most readily accords with the values and beliefs of most participants, although some participants adopted views compatible with Marxist perspectives particularly that notions of democracy were artificial and that power divisions across society were unfairly distributed in favour of the ruling classes. Some participants spoke of the power of the State and that the courts, including the Court of Appeal and the CCRC were simply foils to give the impression of 'fair justice' and to legitimize the criminal justice process and notions of democracy.

Rock (1998: 135) argues that '...many activist survivors see organizing as a personal and collective project which will...rebuild the self but also...restore moral proportion and sense to a society gone seriously awry'. Many activist victims of

miscarriages of justice are no longer prepared to simply focus on their own situation but seek to challenge perceived injustice in other areas of criminal justice policy. Some pressure groups concerned with miscarriage of justice like MOJO adopt ambiguous positions within the insider/outsider typology depending on their audience and campaigning activities. As such they become 'threshold' groups moving between insider and outsider distinctions (May and Nugent, 1982: 7). INNOCENT and other justice groups sometimes oscillate between categories within 'outsider' status either because of their ideological stance or because their current activities are not in line with government policy (Grant, 1989). Both organisations, whilst assisting the campaigns of individual appellants and their families, usually focus on wider criminal justice issues and the support of campaigners fighting wrongful conviction.

Many justice groups share characteristics with NSM's in that they are concerned with single issue politics and are '...anti-authoritarian, anti-bureaucratic' and 'activist-orientated' (Wheaton, 2007: 285). Whilst some commentators are critical of the term New Social Movements (Sutton, 2004; Yearly, 1994; Anderson, 1997) others use the term and see NSM's as being primarily concerned with 'facilitating meaningful lifestyles' (Chaney, 2002). The function of most pressure groups against miscarriage of justice is to return the appellant to their previous lifestyle and end their incarceration. Most justice campaigns similarly seek to mobilise their membership around a specific goal, usually the wrongful conviction of an imprisoned appellant. The notion of mobilising activists around a particular objective is another characteristic shared by many NSM's (Melucci, 1980; Touraine, 1981).

Most participants viewed their campaign and 'activism' as a form of political engagement against the criminal justice system and against agencies operating in the system. For many 'new' campaigners the wrongful conviction of an appellant consumed their lives particularly during the initial process of familiarisation with the criminal justice system and with the miscarriage of justice community. What was significant was that through the process of recovery some campaigners began to see the wrongful conviction more in terms of systemic error and with those

processes and procedures of the criminal justice system that lead to miscarriage of justice. For some participants wider political engagement contributed to their sense of 'empowerment' (Savage *et al*, 2007: 19) and ultimately to their recovery as victims of miscarriage of justice. The participants did not see their political activism or allegiance connected to any one political party or to the party system. In fact some suggested they would work with any party or politician that might be willing to support their cause or support changes to criminal justice policy. Whilst most participants indicated they had identified themselves with mainstream politics before the wrongful conviction they now saw their political involvement more in terms of achieving political influence through pressure groups, 'protest' and activism.

Some campaigners suggested that seeing their campaign as a form of political activism encouraged their involvement in other 'protest' activities and extended their activism beyond wrongful conviction. Three participants were members of environmental groups whilst some participants were activists with animal rights groups. Six participants were involved in local community justice groups which addressed issues from police brutality to working with local residents challenging attitudes to drugs, knives and firearms in the community. Nine participants were active in working with anarchist groups and had extended their campaign to include support for political and social prisoners and wider protest activities against the State and criminal justice agencies. Other participants have become involved in anti-capitalist groups with the aim of challenging the current political consensus. The participants indicated that their involvement in other forms of protest was stimulated by their campaign against wrongful conviction and their belief that forms of injustice are linked through political oppression as articulated by (Quinney, 1972; Taylor, Walton and Young, 1975; Reiman, 1979; Friedrichs, 1983).

Some campaigns against miscarriage of justice were supported by militant activists and other less militant campaigners who focused exclusively on campaigning against wrongful conviction. Despite differences in the levels of political involvement the participants indicated that support within the group was paramount and that each campaigner's involvement in other forms of protest had

to be their decision and reflect their current predicament and lifestyle. For some women still coming to terms with the psychological and emotional loss of a son or husband (Bandeled, 1999), involvement in other forms of protest was difficult. They were, however, supported by other more militant activists who understood their plight and situation. For other campaigners and appellants who felt 'locked out of justice' (SV: participant 31), usually initiated by setbacks to their own campaign, the notion of extending their protest against criminal justice legislation appeared an attractive option. Some campaigners suggested they had become more confident through the 'process of protest' and through their changed circumstances.

Justice groups have diverse memberships with participants engaged in different forms of protest. The participants, however, were emotionally connected by their personal (hi)stories of wrongful conviction and supported one another emotionally and practically regardless of their level of activism or militancy. The next section will examine the central findings regarding issues of democracy and the degree to which members contribute to their group's overall strategy and tactics.

Campaign Groups, Democracy and Agendas

Most campaign groups were started by a family member or friend of the appellant following conviction. Charman and Savage (2009: 3) examining the special role of women in campaigns suggest that families can often provide the resilience necessary for a successful campaign '...more than other players in the justice process'. One strategy employed by most 'personal' justice campaigns was to acquire more supporters in order to increase the campaign's influence and ability to support the appellant. Some groups had in excess of 300 supporters and kept their membership informed through newsletters and the internet. 'Membership' of the campaign group in this case was not a 'formal exercise' and members were not interviewed or assessed as to their suitability. Supporters 'joined' and received information when they expressed an interest in the case. This supports Rock (1998: 206) who comments that membership of some self-help groups '...did not denote a

recognisable and well-defined position'. Most campaign groups against miscarriage of justice appeared to be managed by a small group of activists who worked closely with the appellant. Bukski and Johansen (1979: 209) refer to groups with less than six permanent staff as 'weak insiders'. The core group of most campaigns against miscarriage of justice, however, were not paid activists and were not 'permanent staff' employed by the group, but were usually connected to the appellant through family ties. Although some groups had large and diverse memberships, most supporters were not involved in day-to-day decision-making but could make suggestions and offer advice through the campaign's website. Two reasons suggested for operating on a 'minimalist democratic basis' (Maloney, 2009: 284) are that decision-making and the general management of the campaign are easier in the hands of a small number of core activists (Jordan and Maloney, 2007; Pattie *et al*, 2004).

Rock (1998) examining the pressure group 'Justice for Victims' notes that whilst its membership could count the many who sign petitions, demonstrate or who are included in newspaper articles, '...the most visible face of Justice for Victims was a tight, cohesive, mutually-supporting, quasi-familial, London-based cluster of four people'. As such Justice for Victims '...was small enough to be untrammelled, adaptable, and fluid' (Rock, 1998: 207). Many campaigns against miscarriage of justice can cite large numbers of supporters but the core group, usually family members of the appellant, constitute the heart of the campaign.

A second reason for the core group needing to tightly manage the campaign concerns the nature of the campaign and that the group have to deal with highly sensitive information. Some information handled by justice groups is directed against criminal justice agencies and organisations supportive of the prosecution case. In addition, some campaigns are pursued by journalists who occasionally seek additional information regarding the campaign with a view to using any newsworthy data (Chibnall, 1977; Jewkes, 2004a). Although most groups kept core activists closely involved with all aspects of the campaign's progress, other supporters received more mundane information and advice as to how they might help the campaign. Many groups whilst appearing open are, in fact, secretive and

wary of providing sensitive information to anyone because of the possibility of it being passed on to the police or the media.

Another factor influencing participatory democracy is the level of 'ideological commitment' of members, as articulated by (Lansley, 1996; Maloney, 2007). Most activists involved in a campaign against miscarriage of justice wanted to be kept informed and involved in the strategic decision-making of the group. They often wanted to attend conferences and other political forums to network and advance the cause of the campaign. It was not enough to only receive '...updates and newsletters' (SV: participant 1). This contrasts with the needs of other supporters who appear content to leave the management and 'activism' of the campaign to the core group who have access to all relevant evidence and information, as examined by (Crenson and Ginsberg, 2002). For the core activists, it is their active participation that draws them more centrally into the miscarriage of justice community providing them with a sense of belonging. A second benefit of active participation is that by attending campaign meetings and events an individual is more likely to be trusted with sensitive information which, in turn, might contribute to their feeling an integral part of the group, as articulated by (Moe, 1980).

Although most activists recognised that many supporters did not want to become too involved in active campaigning they believed that the wider support group had an important but different role from that taken by the core group. The importance of being able to mobilize a large number of supporters for the purposes of letter writing, providing financial resources and importantly as a symbolic show of strength and commitment cannot be underestimated. Other campaigners believed that mobilizing a larger number of supporters might generate more media interest which in turn might influence public opinion, as examined by (Baggott, 1995; Savage *et al*, 2007).

Two methods used to mobilize the wider membership was the use of justice websites and newsletters posted out to members. When mobilizing member organisations to demonstrate against miscarriage of justice in London, United against Injustice used their own website to send out a copy of the programme and information to its member organisations. These organisations then sent out a flyer

to their members including a printable pdf version (United Against Injustice, 2010a). When newsletters are sent they usually present information simply, but use emotion to convey the injustice suffered by the appellant. Degregorio (2005) examining how interest groups use messages and communications highlights the use of 'emotion' when seeking to achieve their strategic aims. Many participants indicated that their campaign favoured personalised information in which the reader was encouraged to share in the life of the appellant. The participants indicated that only providing factual information was rarely sufficient. The purpose was to mobilise members to action (Edelman, 1964; Degregorio, 2005) usually through letter writing or through contributing financially to the campaign's aims. This supports Degregorio (2005: 480) who suggests that '...group leaders behave strategically as if to manipulate the sentiments of citizens'.

The reasons posited as to why individuals joined justice campaigns when they neither wanted active participation or knew the appellant were mixed although two reasons were prevalent amongst the campaigners. Firstly, some had experienced negative associations with the criminal justice system and were therefore more inclined to join a campaign against wrongful conviction. Others became involved because they believed in the cause and were opposed to State injustice, as examined by (Poulantzas, 1975; Anderson, 1979; ABC, 2010). The notion of individuals supporting the activities of a pressure group against miscarriage of justice for reasons other than their support for the appellant similarly resonates with 'by-product theories' which suggest that some individuals in organisations join a group not because of the group's focus but because of services the group provides the membership (Olson, 1965; Grant, 1989). The provision of regular updates and information might, in some respects, contribute to some members feeling involved in 'protest' but from the relative safety of their own home. In relation to mobilizing the core activists no effort was usually required. Many activists were closely associated with an alleged victim of miscarriage of justice and believed fully in the integrity of the case. Secondly, they often had close relational bonds with the appellant that inevitably provided them with the motivation and

resilience to continue, as articulated by (Savage *et al*, 2007; Charman and Savage, 2009).

The level of democratic participation within the core group was usually high. Members attended group meetings which planned the next stage of the campaign and organised and reviewed campaign activities. Although most agendas were decided by the core group many evolved and responded to events since the last meeting. The role of the media, particularly in high profile cases, meant that the group would sometimes have to respond to media reports about the case and discuss a response from the campaign group. Other issues included legal letters and progress with the CCRC. When information was provided by any of these groups then the planned agenda would often be revised so that the group could concentrate on present matters. Most participants, however, believed they could contribute to agenda setting and that they were provided with ample opportunities to contribute to their group's strategic focus.

The active involvement of the core group both in the management of the campaign and in their bond with the appellant meant that disagreements within the core group were rarely destructive. Rock (1998: 332) examining divisions created by differences in approach between 'quieter styles of action' and more militant approaches suggest that notions of group unity were sometimes disrupted. The activities of The Compassionate Friends, Parents of Murdered Children and Support After Murder and Manslaughter in England and Wales were sometimes frustrated as officers were '...preoccupied with the management of rifts' (Rock, 1998: 332). One dilemma for these groups appears to be that they were torn between approaches that prioritised support and those who argued for 'militant politics' (Rock, 1998: 332). Whilst most campaigners against miscarriage of justice indicated that contrasting levels of militancy rarely interrupted group harmony, when this did occur, the democratic procedures already in place were sufficiently robust to tackle serious disagreements. Most disputes were settled through debate and the sharing of ideas at group meetings or social meetings attended by the membership. A related factor is that most core group campaigners are so closely associated with the appellant that their emotional bond with the appellant meant that all efforts

were made to deal with any major disagreements for the sake of the campaign and alleged victim of miscarriage of justice. These findings contribute to the literature base of pressure groups and victims. The research contributes to both fields independently and furthers understanding regarding the relationship between the two fields.

‘Direct Action’

Benewick (1972:13) argues that direct action is ‘a legitimate form of political behaviour in a democratic State’ and that it is sometimes employed by campaigners when they believe their views are being ignored by the system as articulated by (Ridely and Jordan, 1998; Bennie, 1998). Some participants were more inclined to engage in confrontational ‘protest’ activities. Their primary focus was often challenging laws and legislation operating within the criminal justice system rather than campaigning for an alleged victim of miscarriage. Other activists were campaigning for an appellant but decided to extend their protest to address other areas of perceived injustice. Several participants have been campaigning in excess of ten years for an appellant still imprisoned for a crime they say the appellant did not commit. In these circumstances some campaigners believe they can no longer rely on the system and specifically the CCRC as examined by (Eady, 2010; Kerrigan, 2010; Naughton, 2010; Robins, 2011) to right what they perceive to be an injustice.

Two forms of direct action used by some participants are demonstrations and attending court hearings to support the defendant or appellant. During a recent demonstration in London approximately 200 activists gathered in Trafalgar Square to demonstrate against wrongful conviction (Chapter 7). The campaigners had not sought permission for the demonstration but nevertheless marched up the Mall stopping at Downing Street before moving on to Parliament Square. The campaigners, most of whom were women campaigning for sons, husbands and brothers, made impassioned pleas directed towards the House of Commons and watching police officers that the criminal justice system had failed them.

In relation to attending court, several campaigners, through their network of support, contacted other campaigners and supporters to attend re-trials or appeals

as a means of demonstrating their solidarity with a defendant or appellant. In one campaign, the participant asked supporters to suggest times they could attend court so that the appellant and family were supported throughout the retrial. The pressure group 'London Against Injustice' similarly contacted its membership on the 14 July 2010, through the group's website, to attend proceedings at the CACD to offer support for Karen Horlock's son, Kelvin Horlock, convicted of murder under joint enterprise. Their purpose was to oppose the misuse of joint enterprise which they believe contributes to increased numbers of factually innocent defendants being unjustly convicted.

Many participants who engaged in more direct forms of protest indicated they had become more militant since joining other pressure groups which used direct action as a regular campaigning strategy. Grant (2005) suggests that where activists observe campaigns successfully using direct action techniques then other campaign groups are more likely to employ such strategies. For some pressure groups direct action techniques are an effective and well-used tactic when applying pressure to government over proposed legislation. The perceived success of some direct action encouraged some participants to apply their experiences of direct action with other protest groups to their campaign against wrongful conviction. What is significant, however, is that some participants took a strategic decision not to engage in direct action. Many participants were still suffering from the psychological effects of fighting criminal justice agencies and particularly the police. Some campaigners were anxious concerning their relationship with the police and did not want to incite them further. Other campaigners had applications with the CCRC and were fearful that if they campaigned aggressively the campaign could undermine their relationship with the CCRC and with their case worker. For other participants their anxiety concerned the media. Many participants had experienced varying degrees of trauma through press reporting that left the participants emotionally drained and alienated within their own geographical communities. The participants were fearful of employing campaign tactics that might provoke the media against their campaign.

‘Victims’ and ‘Survivors’ of Miscarriages of Justice

Most participants chose to refer to themselves as ‘victims’ of miscarriage of justice or as ‘victims’ of the criminal justice system. Whilst some feminists equate the use of ‘victim’ with notions of passivity, many participants were active in campaigning against wrongful conviction and did not view their activities or personal identification as that of a ‘passive’ victim, but as victims actively protesting against injustice (Walklate, 2004: 54). The use of the term ‘victim’ was, however, questioned by some campaigners. What was significant in these cases was that participants involved in other ‘alternative’ pressure groups whose preferred term was ‘survivor’, sometimes employed this terminology. In these circumstances the participants appear to have adopted cultural nomenclature from other groups and used these meanings to contribute to their own understanding of personal identity as articulated by (Goffman, 1984; Elliott, 2008). Differences in how participants used the victim or survivor motif did not, however, create division or argument between the campaigners. The participants were sanguine about the use of either term believing that what was important was the personal journey of the campaigner and the degree to which they were able to fight against the criminal justice system. Rock (1998: 264) argues that the pressure groups Justice for Victims and Support After Murder and Manslaughter (SAMM) ‘...wished to ratify homicide survivors not as lesser, secondary, or indirect victims but as victims tout court’. Most participants campaigning for an appellant did not refer to themselves as ‘secondary victims’ but as victims of miscarriage of justice. The primary victims of miscarriage of justice likewise referred to their families as ‘victims’ of miscarriage of justice and that the emotional trauma they suffered was tangible and sometimes just as painful.

Walklate (2004:54) suggests that the use of different terms could denote different aspects of the experiential journey experienced by individuals. This did have application to the journeys experienced by several participants particularly those whose activism was stimulated through joining alternative protest groups. In these cases the women borrowed terminology from another cultural setting and applied it to themselves whilst operating within another cultural environment and community. Rock (1998: x) in relation to victim groups also suggests that the use of

survivor ‘...borrows from the language of other support groups’. Most male participants likewise used the expression victim of miscarriage of justice. The use of the victim motif did not appear to challenge their preferred construction of masculinity but like the female campaigners, what was important was that they were victims engaged in ‘active’ protest and struggle.

‘Victims’ of Miscarriages of Justice and ‘Survivors’ of Crime

A significant conclusion concerns the attitudes of the ‘official’ victims of miscarriage of justice and their families towards the ‘other’ survivors of crime involved with the prosecution team. The adversarial system of justice sometimes calls the original survivor and/or the victim’s family to the criminal trial to give evidence against the defendant or simply to be observers of the criminal trial (Rock, 1998). After conviction survivors sometimes achieve a degree of resolution when the perpetrator has been convicted. This supports Ming (2008) who after campaigning for the law on double jeopardy to be changed witnessed Billy Dunlop, the killer of her daughter Julie Hogg, being sentenced to life imprisonment in 2006 (See Chapter 1). Dunlop had earlier been acquitted of the murder in 1991 but later confessed (Rozenberg, 2006). The law, however, regarding double jeopardy prevented Dunlop for standing trial a second time for the same offence (Ashworth and Redmayne, 2005). The campaign orchestrated by Ming (Rozenberg, 2006; Ming, 2008)) and the case of Stephen Lawrence (Hall, Grieve and Savage, 2009) led to changes in the law concerning double jeopardy which enabled a prosecution to be brought against Dunlop for the same offence (Ming 2008) . Following the conviction of Dunlop, Ming expressed that she was now able to ‘...put everything related to the case in a big red box which I have labelled history’ (Jardine, 2008). Despite this some survivors coping with bereavement following murder suggest that reopening a case might create additional stress for the family. Following the release from the CACD of the men convicted of murdering Carl Bridgewater, the father of Carl Bridgewater commented that:

I think if the case were reopened it would be too traumatic for the entire family. I don't think people realise what we have gone through. I wouldn't want it to start all over again (Varma, 2008).

Criminal cases where the appellant's conviction is quashed by the CACD mean that the 'offender' suddenly becomes a 'victim' of miscarriage of justice. This can create tensions between the two groups of 'victims'. The psychological and emotional shift for all victims involved in a case can sometimes appear insurmountable and leave the parties unable to heal. Howarth and Rock (2000) examining the impact of serious crime on the relatives of offenders suggested that many were not provided with sympathy and could not change others negative perceptions regarding their status following the offence. It appeared that some viewed the relatives of offenders as being less than wholly innocent. Many participants indicated that the response of the original victim's family was often one of mild hostility or suspicion. At times some participants were met with verbal abuse when entering the court or when leaving it. What is significant is that despite the quashing of the conviction some participants believed that the antipathy between the two sets of secondary victims remained. Many participants were not prepared to discuss their feelings towards the original victim and/or their family, such was the strength of feeling the subject engendered. Following the successful appeal of the Bridgewater Four case (See Chapter 1) one of the released victims of miscarriage of justice, Vincent Hickey, stated that:

I really do sympathise with the Bridgewater family and what they are still going through. I want this case solved not only for them but also for the sake of my own family (Varma, 2008).

Although some participants in this study were sympathetic towards the 'other' victims of crime many expressed their frustration particularly if the appellant believed the original victim's family had 'used' the media to denigrate the appellant as a means of assisting the prosecution case either to secure the conviction or dismiss the appeal. The media in some cases appeared to use the tension between the two families to construct news stories that helped create particular narratives

that 'mythologize' some of the primary actors in the story, including the defendant as examined by (Jewkes, 2004).

Rock (1998: 231) comments on the media's desire for 'neutrality and balance' and that this is sometimes accomplished by '...aligning spokesmen or women from opposing positions'. A complication for some female campaigners is when the media juxtapose their role and campaign against an alternative campaign aimed at securing the appellant's continued incarceration. Some participants expressed disquiet that their campaign as the sister, mother or wife of an appellant was sometimes undermined by their female counterpart from the 'original' victim's family. A male appellant convicted of murder was supported by his sister who similarly led his campaign for justice. A significant challenge for the campaign was when the original victim's sister campaigned that the appellant should remain incarcerated for life. The 'dispute' between the two women was considered 'newsworthy' and presented additional problems for the campaign. When the appellant's campaign received favourable press, other journalists would seek the 'other' victim's response. The issue of female representation in the media and the role of 'mothers' and other females leading campaigns are highlighted by other cases in which the female lead is challenged by other female campaigners representing the 'original' victim. The case of Helen Newlove, the widow of murdered Garry Newlove and Janet Cunliffe the mother of convicted Jordan Cunliffe is a noteworthy example of two women leading different campaigns initiated by the same case but with markedly divergent aims (Allison, 2010). Many participants in this study are women campaigning for their son, husband or brother. In some cases the media appropriate the females leading oppositional campaigns in order to present a symbolic confrontation between two females.

The additional tensions created at the time of the first tribunal, sometimes assisted by the media, enables journalists to achieve journalistic imperatives and news values when constructing their narrative account of the offence and criminal proceedings (Jewkes, 2004a; Mason, 2010). Rock (1998: 110) in relation to the different perspectives inherent in both positions states that '...one pole would come to embody all that was admirable, the other all that was deplorable, the dead

and those who mourned them being idealised and the offender demonised'. It appears that the adversarial system of justice which, by its very nature, encourages confrontation between two opposing sides contributes to the tension and hostility experienced by some 'victims' of miscarriage of justice towards the other survivors. Despite the quashing of the conviction deep-seated resentments sometimes continue with some victims of miscarriage of justice unable to forget past behaviours and comments made by the other victims.

An additional challenge for some victims of miscarriage concerns those cases where the 'victim' stems from same family unit as the appellant. In cases where the victim is the spouse or child of the appellant then the victim of miscarriage and other family members sometimes have to negotiate a difficult campaign pathway through the criminal justice system. The process of grieving meant that coping with an investigation became even more problematic for the appellant and their family as did engagement with any subsequent campaign challenging the conviction. This supports Rock (1998: 64) who comments on survivors grieving the violent death of a family member but who then comes under suspicion following the offence. In such cases '...just at the time that a family is trying to assimilate the unassimilable, they may find themselves under suspicion, stripped of control, kept at a distance, and subject to repeated, intense, and often aggressive interrogation'. Although the trauma suffered by survivors in these situations is intense, for the victim of miscarriage of justice the trauma continues and is aggravated by the wrongful conviction and incarceration. Another complication concerns the relationship of the appellant with other campaigning family members. Rock (1998: 47) examining victim groups suggests that 'matters can become even more unbearably complicated when the victim and the offender both stem from the same nuclear family because relations will then be riddled by divided allegiances, feuds, and moral ambiguities'. Relationships between appellants and members of their campaign team were sometimes strained as the appellants tried to cope with the loss of their spouse or false allegations made by a victim from their primary family. This resonates in the literature on loss and bereavement where the survivor sometimes experiences feelings of hopelessness, suspiciousness and extreme

anxiety. Other traits can similarly include deterioration in communication patterns and feelings of guilt, despair and restlessness which can lead to physical illness as articulated by (Amick-McMullan *et al*, 1989; Parks, 1993; Rando, 1993; Freedy and Hobfoll, 1995; Lepore *et al*, 1996; Wortman *et al*, 1997). The major complication for alleged victims of miscarriage of justice is that most campaigns against miscarriage of justice are set up and managed by the family of the appellant. Where the 'victim of crime' is part of the campaigning family this can create major obstacles to campaign cohesiveness and undermine notions of campaign resilience and motivation of some family members.

Leadership, Resources and Staffing

Most justice campaigns had democratic procedures in place which permitted campaign aims, strategies and tactics to be planned and organised. The groups studied did not have rigid leadership hierarchies but participants within the core group of 'personal' campaigns were usually led by family members or close friends of the appellant. Baggott (1995) suggests that good leadership is an important component of pressure groups because they often have to incorporate many different views that might lead to conflict. Some participants agreed on the importance of leadership but viewed effective leadership as the core group taking collective responsibility for the management of the campaign. Rock (1998: 139) similarly comments that victim groups tend '...to be little democracies, their organisation characteristically anarchistic and hierarchically flat...equal suffering bestowed equal authority'. The participants in this study accepted that some campaigners were more experienced and that these individuals often took a lead during campaign meetings but that their role was not one of hierarchical or managerial seniority. Whilst Baggott (1995) suggests that conflict can lead to pressure group fragmentation this did not appear to apply to conflicts within most justice campaigns. The participants indicated there was little serious conflict within the campaigns and that their shared experiences and emotional connection with the appellant often assuaged disagreements between campaigners. What was

significant, however, in terms of public perceptions of the leadership of some campaigns, was the decision by some participants to appoint a female campaigner as their spokesperson. This subject will be examined later in the chapter. Whilst several participants suggested there might be advantages in having a recognised leader in terms of networking and liaising with politicians, most believed that having a more centralised approach to decision-making might affect the solidarity and commitment of members as articulated by (Schmitter and Streeck, 1981; Whiteley and Winyard, 1987).

Most justice campaigns have serious resource problems (Naughton, 2007) with many participants struggling to fund projects and events. Many campaigns are run by voluntary workers who are often related to the appellant. Other groups were similarly managed by volunteers because they could not afford to pay the salary of part-time or full-time staff. Individual campaigns often required additional funds to supplement the work of their legal team or to pay for private investigators, forensic experts or to pay for other expertise and technical knowledge. Some campaigns were seriously hampered by financial constraints and by their inability to fund necessary defence work (Bird, 2010). Some larger justice pressure groups concerned specifically with miscarriages of justice were similarly compromised by financial constraints. MOJO extended its remit to include support for the wrongfully imprisoned and currently seeks to buy and manage a retreat for victims of miscarriage of justice suffering from the negative effects of wrongful imprisonment. The organisation has limited funds and has been unable to finance the project. They were, however, successful when applying for funding for a conference held in Glasgow in 2008. The funds were provided by government and marked an occasion when the organisation became a 'threshold' group (May and Nugent, 1982) moving from 'outsider' to 'insider' status. This contrasts with victim support groups like Support After Murder and Manslaughter (SAMM) which receives an Office of Criminal Justice Reform Grant enabling the self-help group to fulfil its aims which include supporting survivors 'bereaved through homicide (SAMM, 2010). SAMM's funding has since been withdrawn. Rock (1998: 195) similarly comments on the activities of Victim Support and the pressure group Parents of Murdered Children in

relation to raising funds and suggests that ‘...the raising of money proved to be remarkably easy’. Most participants campaigning against wrongful conviction indicated that the quality and effectiveness of their campaign would be significantly improved if financial resources were made available. Most, however, had limited monies and modest proposals were often rejected through lack of funds.

A significant factor within campaigns and justice groups against miscarriage of justice is that whilst most victims of miscarriage of justice are male, many leading campaigners are women. Some female campaigners then joined other pressure groups fighting injustice in order to receive support whilst they led their own campaign groups. Many of these pressure groups are predominantly female. The next section will analyse participant responses to this issue and examine possible reasons for the gender differential of some groups.

Women for Justice: Gender Differential of Justice Campaigns

Although it is acknowledged that men play an important role in justice campaigns many campaigns against miscarriage of justice appear to be led by women. Charman and Savage (2009: 3) argue that ‘...it is the female family members, as mothers, sisters, daughters and even nieces, who would seem to play a particularly significant role’. What was also of consequence was that many women involved in campaigns against miscarriage of justice joined other justice groups that were predominantly female. Similarly, some joined other pressure groups focusing on other forms of injustice which were likewise predominantly female groups. The participants identified a number of factors they believe help explain the phenomena. These include a need to campaign within a ‘secure environment’ and differences in how woman grieve and cope with loss.

Secure Environment

The female participants indicated that from the arrest and charge of the appellant they had suffered enormous loss culminating in symptoms associated with post-traumatic stress disorder. Many female participants were campaigning for a son, brother, husband or long term partner and this familial relationship appeared to be 'the glue' which kept the women motivated and resilient (Charman and Savage, 2009: 3). During the campaign the women indicated they required opportunities to talk with others who could empathise with their situation. Attendance at other pressure groups provided many women with a *secure environment* in which they could express their fears and concerns without being judged. The women having joined other predominantly female groups continued with their involvement following the appellant's release often because they had developed close ties with other women in similar circumstances. Many women whilst attending groups were tactile with each other and demonstrated affection and solidarity with one another both at the beginning and end of meetings and social functions.

The benefits of attending justice groups persuaded several women to join other protest groups. The time spent campaigning against miscarriage of justice stimulated their militancy and need to be involved in other forms of activism. The women identified links between different forms of injustice and saw their involvement in other forms of protest as contributing to their fight against established institutions and government. Their involvement in other protest groups similarly provided them with a secure environment in which to 'protest'. As well as being able to talk freely and share with other women, participant knowledge and understanding of how to develop their campaign improved. Several women stated that ideas suggested by other groups stimulated their thinking and encouraged them to consider other campaign tactics.

Most women indicated that at various times they had felt marginalised and vulnerable to attack from criminal justice agencies and the media. The process of the criminal investigation had left many campaigners emotionally drained and some were anxious that the police might take further action including media manipulation as articulated by (Mawby, 2010). Several women continued to live in the same communities and were anxious that the investigating police force

continued to operate in and around their home environment. A similar situation existed in relation to their contact with the local press. Some female campaigners had experienced considerable trauma following the conviction from media reporting on the appellant. Some of this reporting was 'inaccurate' and was sometimes directed at family members of the appellant. This had the effect of marginalising some of the campaigners from their own geographical communities who, in response, then sought to identify themselves with other sympathetic communities as examined by (Harvey and Houle, 1994). Many women indicated that their involvement with other groups permitted them to join with others and to feel part of an alternative culture and community. Some participants who had successfully campaigned for an appellant continued to attend protest group meetings, events and functions so that they could continue to share their knowledge and contacts. Others continued to attend because they had made close friends who had experienced similar tragedy. Despite some participants being counted as legally innocent, many continued to suffer from the effects of post-traumatic stress disorder. Those participants who had coped with wrongful imprisonment now had to negotiate the problems associated with release. Several female participants found their 'alternative' pressure group a form of release where they could share their concerns with other women.

Despite the benefits identified by some female participants most male victims of miscarriage of justice and other male campaigners did not attend alternative justice pressure groups for support. Whilst most male participants were prepared to indicate they were suffering emotionally and psychologically from their experiences, they regularly suggested they were uncomfortable discussing their 'private' affairs with strangers associated with justice groups or other organisations. The male campaigners often spoke of such groups as 'not for me' or that 'it works for her'. Despite requiring support, most male participants suggested that their support came from within the family. This differed markedly from the female campaigners who needed and sought other groups.

Coping with Loss and Differential Grieving

Grounds (2008) describes the trauma of wrongful conviction as a form of bereavement in which the actors experience personal loss often culminating in a significant period of grieving. The wrongful conviction can affect the primary family and particularly the children of the appellant who then have to cope when the victim of miscarriage of justice returns to the family home (Grounds, 2004; 2008). The participants indicated that the loss of a family member to wrongful conviction had devastated the family and that it affected them in quite profound ways. For the woman involved in the campaign against wrongful conviction, the sense of loss was often extreme particularly when the appellant was a son, husband, sibling or father. The wrongful conviction would similarly affect the extended family and their relationships within the primary family.

In relation to participants in this study what was significant was that the female campaigners grieved their loss differently from the male campaigners and this affected both how they campaigned and the support they received. Most male campaigners coped with their loss by 'staying busy' and organising specific meetings or events. Charman and Savage (2009: 11) suggest that men will sometimes use a return to work or the resumption of 'normal' activities as a coping mechanism when dealing with loss. Whilst most male participants highlighted a need to return to work related activities, there were also particular roles within the campaign, like meeting with the solicitor, chairing a group meeting or researching possible expert opinion that appeared to fit their construction of masculine identity and what roles they should take within the campaign. In this context staying busy within the confines of the campaign appeared to be one strategy adopted by the men to cope with their sense of loss. Charman and Savage (2009: 9) suggest, however, that notions of differential responses to grieving do not indicate that men suffer less from their loss but that the response is often 'more private and internalised'. This supports Martin and Doka (2000) cited by Charman and Savage (2009: 9) who discuss notions of the 'instrumental' griever whereby the griever focuses on problem-solving rather than sharing their feelings (See Chapter 2).

The stance taken by most female participants was markedly different. The participants appeared to be more reflective and willing to discuss their feelings about the campaign and how their family was coping. Most women did want to talk regularly about their situation and, in addition to talking with their families, sought other groups from which they could seek support and ideas for their campaign. Charman and Savage (2009: 9) cite Martin and Doka (2000) who similarly refer to the 'intuitive' griever. In this case the griever vocalises their feelings and seeks to articulate their emotional response. The female participants were active campaigners and were often prepared to look beyond the family and the immediate confines of their own campaign to network and take advice from other campaigners. As such the women were sometimes involved in a 'search for meaning' (Charman and Savage, 2009: 10) in order to understand the circumstances of their loss. The women actively discussed the appellant and laced their concerns and strategic plans for the campaign with stories about the appellant and how they felt about what was happening to them and their family.

Campaigns, the Media and Issues of Gender Representation

A significant factor in relation to how some campaigns are led and presented is the decision by some groups that the leading female campaigner should take the symbolic lead during the campaign and specifically that they should be the group's spokesperson when liaising with, and discussing the campaign, with the media. Although Ann Ming was the focal point for media interest during her campaign to change the law on double jeopardy, Ming (2008) comments that the campaign was actually led by herself and her husband:

We knew Dunlop was responsible and my husband and I were determined not to rest until he had been brought to justice (BBC News, 2006).

Although some female participants led their campaigns without the strong support of their family, others were led by male and female family members, often the parents of a young convicted male. In some circumstances the male and female

campaigners shared the responsibilities of leadership but decided that the campaign was better served if a woman 'fronted' the campaign and was the main point of contact with the media. This was sometimes for the purpose of influencing public opinion and to increase the level of sympathy towards the appellant. This resonates with arguments which suggest that the female campaigners because of their '...greater emotional and affective proximity to family members than males, are typically better placed to evoke sentiments of sympathy than men' (Charman and Savage, 2009: 13). For some participants the decision that a female should take the symbolic lead appeared to be a planned strategic decision for the purposes of redefining the 'offender' as 'victim'. What was also significant was that the media sometimes support and engineer some narratives so that it is a female campaigner who appears to be at the forefront of the campaign. As such a symbiotic relationship develops between the media and some campaigns to present an alternative narrative that presents the appellant as 'victim' through the image of female representation.

The subject of female representation and crime in the media has received attention (Birch, 1993; Smith, 1997; Heidensohn, 2000; Jewkes, 2004) but literature on female representation in campaigns against miscarriage of justice is limited. The findings from this research suggest that female representation is an important factor when examining the effectiveness of campaigns against miscarriage of justice. In many cases the representation of the 'mother figure', 'loyal wife' or 'devoted sister' had significant ramifications on how the campaign was perceived by the media and the strategies then used by the campaign to raise public awareness. In other cases, however, the female leading the campaign was sometimes presented negatively and the participant mythologised as 'the mistress' or as the 'mad sister' as articulated by (Jewkes, 2004).

Support for the Appellant: Campaigner Responsibilities and the Issue of Gender

In relation to individual campaigns and the support provided to the incarcerated appellant, the roles of female and male participants differed significantly. Although

some male participants indicated that other males provided emotional support for the appellant, it was acknowledged that it was often the female campaigners and family members who took the primary responsibility. The male campaigners were usually comfortable fulfilling practical tasks to assist the legal team and the campaign. The women, too, took these roles but in addition seemed to take the leading roles in terms of supporting the appellant emotionally. Charman and Savage (2009: 13) identify the 'social construction of masculinities' as a possible contributory factor in helping to understand the roles of men in justice campaigns. The female participants often took responsibility for letter writing, both to the appellant and to other individuals who might assist the campaign. The women likewise took the primary responsibility for visiting the appellant in prison. This was encouraged by some appellants who indicated they found it easier to talk to a female about their own vulnerabilities and suffering. This particular role often placed the campaigning female at the forefront of the campaign because it was she who 'connected' with the appellant and through close emotional contact understood the appellant's needs and wishes for the campaign. During justice group meetings where women could meet other campaigning women, the experiences of female campaigners after a prison visit were often discussed with other women. The visit, as such, was an important part of the campaign, sustaining the appellant and campaigner during the years of incarceration.

This study has made an important contribution to gender, victims, the media and the criminal justice process. It is significant that women are at the forefront of many justice campaigns against miscarriage of justice. What is also significant is that many female participants then join other pressure groups which are also predominantly female. The study has provided possible reasons to explain these phenomena and linked different fields of literature, including gender, pressure groups and bereavement and loss. Another important contribution to the literature on gender, the media and pressure groups concerns the strategic and symbolic roles taken by females when 'fronting' a campaign against miscarriage of justice. The study concluded that female members of a campaign were often the first point of contact for the media. This was usually for the purpose of influencing public

opinion and generating more support for the appellant. In relation to the roles employed by female and male participants the study has contributed to understanding the social construction of masculinity and to understanding the different roles self-adopted by participants campaigning against miscarriage of justice.

Conclusion

This study has made significant contributions to the literature in the fields of miscarriage of justice, victimology, pressure group and media discourses and gender and campaigns against miscarriage of justice and, specifically, the interface between them. The chapter has sought to integrate relevant literature and empirical data in order to study the personal, interpersonal, social and organisational dynamics of campaigns against miscarriage of justice. The chapter began by analysing empirical data and literature regarding the early experiences of campaigners as discussed in Chapter 5. The early experiences of participants were usually marked by a desire to actively fight against the wrongful conviction of an appellant, usually a family member or close friend. The early years were similarly spent coping with loss and with symptoms associated with post-traumatic stress disorder. As such most participants indicated that the campaign group became an important means of locating emotional support and companionship. The chapter concluded that the key areas of anxiety identified by most participants included coping with a new way of life without the appellant; coping with the emotional turmoil experienced by the appellant (usually still in prison); and, managing the campaign's relationship with the legal team. The first decisions taken by most participants relate to their 'old' legal team and campaign decisions to appoint a new solicitor. Another pivotal decision for most participants was their desire to receive support and advice about campaigning against miscarriage of justice. Most participants joined other pressure groups concerned with miscarriage of justice either before or after setting up their own justice campaign. Throughout the study the motivation and resilience of participants has been identified as a significant

component to understanding campaigns against miscarriage of justice. The chapter analysed three important factors which contributed to sustaining high motivation and resilience levels. These include the relational bond between campaigner and appellant; the participants sense of injustice that the appellant had been convicted for an offence of which they are allegedly innocent; and, support from the miscarriage of justice community. The chapter concluded that the miscarriage of justice community provides an important means of support for campaigns and campaigners fighting against miscarriage of justice and provides many participants with campaign 'legitimacy' in addition to supporting notions of personal identity and belonging.

Building on from this, as discussed in Chapter 6, the chapter analysed the primary focus of campaigns against miscarriage of justice and the strategies of resistance and tactics identified by participants. Although participants identified a wide range of tactics three were prioritised and included networking through writing letters, emails and attending conferences and meetings; using the media and investigative journalists; and, the use of websites. During the course of some campaigns the participants had to deal with setbacks and with complications to the campaign often generated by the media. Some appellants had previous convictions and these had to be managed in order to assuage the concerns of other citizens, including journalists who might report on these convictions and so undermine the campaign. The chapter concluded that although many justice campaigns are considered 'single issue' groups the justice campaigns of many participants did not end following the release of the appellant from the CACD or prison. Most participants indicated that the campaign continued with 'official' and 'alleged' victims of miscarriage of justice adopting different priorities. A significant finding during the course of data collection was that many victims of miscarriage of justice and lead campaigners experienced relational disharmony and that some of this appeared to be associated with decisions relating to the campaign. The chapter analysed this issue and concluded that campaign leadership is one possible issue contributing to relational disharmony.

A key objective of this study, as discussed in Chapter 7, was to examine theoretical perspectives of campaigns and pressure groups and to investigate the politics of justice campaigns against miscarriage of justice. The chapter has examined various pressure group typologies and considered issues of leadership, decision-making and the allocation of resources. Many campaigns against miscarriage of justice employ 'direct action' strategies and extend their protest to include other perceived areas of injustice within the criminal justice system. The chapter analysed direct action techniques, including demonstrations and attendance at important court hearings, and similarly examined why some participants chose not to employ such strategies. Three areas identified by the study were concerns with the police, the CCRC and the media. Some participants, many of whom were highly 'protective' of the incarcerated appellant, did not want to engage in any behaviour that might create problems for the appellant. For those appellants and their families who had been rejected by the CCRC and the courts there was less concern about offending official agencies. These participants were more likely to engage in militant or direct action strategies.

The participants in this study are both 'victims' and 'survivors' of miscarriage of justice. The chapter examined these concepts, as discussed in Chapter 7, in order to problematize participants understanding of their own campaign journey. Most participants chose the 'victim' motif but others chose to use the term 'survivor' particularly when wanting to make a 'political' point, often to the media. Other participants who attended additional pressure groups where 'survivor' was the preferred term continued with its use in their own justice campaign against miscarriage of justice. A significant finding in relation to notions of victimhood was the attitudes of the victims of wrongful conviction towards the other original 'survivors' of crime'. The adversarial system of justice appeared to create acrimony between the parties that sometimes continued after the quashing of the appellant's conviction. The chapter analysed this issue and whether feelings of acrimony might contribute to victims' inability to find resolution. The chapter concluded with an examination of the special role of women in justice campaigns and considered why female participants chose to join other pressure groups for support that were also

predominantly female. The chapter identified two factors that help explain the phenomena. These include the female participants desire to campaign in a secure environment and differences in how women grieve and cope with loss.

The next chapter will present the project's central conclusions.