

Conclusions

The core aim of this study has been to examine the personal, interpersonal, social and organisational dynamics of participants campaigning against miscarriage of justice. In relation to examining these dimensions the study applied itself to a series of research questions with the aim of contributing to the knowledge across four broad areas of campaign experience:

- Personal: What are the personal experiences of participants campaigning against miscarriage of justice?
- Interpersonal: What are the key relationships of participants campaigning against miscarriage of justice? How do these relationships manifest themselves in relation to the activities of participants?
- Social: To what extent do those campaigning against miscarriage of justice respond to, and associate with, the miscarriage of justice community?
- Organisational: What are the key organisational factors that impact on campaigns against miscarriage of justice? Do these factors differ between the personal campaigns of participants and the activities of other pressure groups supporting campaigns against miscarriage of justice?

In order to address these questions key fields of literature are examined in Part 1, including miscarriage of justice; pressure group discourse; victimology, including the negative effects of wrongful imprisonment, and media discourses. After examining these fields of literature, Part 2 began with the presentation and analysis of empirical data collected through participant observation, interviewing and documentary evidence. Three main areas were identified in the study, the purpose being to interrogate the study's core aim and associated research objectives. These included:

- Early experiences of participants campaigning against miscarriage of justice.
- Strategies of resistance and tactics used by participants.

- Political and organisational dimensions of campaigns and pressure groups fighting miscarriage of justice.

Chapter 1 examined varying perspectives of justice in error including legal, political and sociological discourses. Understanding what is meant by the expression 'miscarriage of justice' is important when contextualising the purpose, roles, and function of campaigns against miscarriage of justice. The chapter examined miscarriage of justice and innocence discourse and considered to what extent factual innocence helped define what constituted wrongful conviction. In relation to miscarriage of justice the issue was not whether the appellant was 'technically' or 'legally' innocent, but whether they were factually innocent of the offence. Although the criterion of innocence promoted by pressure groups and the media can be useful in terms of motivating and sustaining individual campaigns and when promoting reform to the criminal justice system, innocence, though seductive in its intent and meaning, might actually contribute to undermining the rights of defendants and appellants. The overall conclusion of Chapter 1 is that there are competing discourses in relation to conceptualising miscarriage of justice. Fundamental to this argument is the place of 'innocence' and whether factual innocence should be the primary guide that informs legal and other interpretations of miscarriage of justice. The differences in exposition provide a multi-faceted landscape as to what constitutes a miscarriage of justice but these differences similarly leave some campaigners fighting convictions that do not reflect legal interpretations of what constitutes justice in error.

Chapter 2 examined literature and research on victims of crime and sought to understand theories of victimology as they relate to miscarriage of justice. The participants involved in this study were either primary or secondary victims of alleged or actual miscarriage of justice and following the conviction had initiated campaigns against wrongful conviction. The chapter examined definitions of victimhood and the use of terms such as 'victim' and 'survivor'. Following this the chapter examined the negative effects of wrongful conviction and imprisonment on victims of miscarriage of justice and their families and the support mechanisms available post-release. The chapter examined the impact of victimisation when it

concerned the death of a spouse or child. The purpose here was to understand the particular trauma experienced by campaigners fighting wrongful conviction when the original victim and appellant stemmed from the same nuclear family.

Chapter 3 examined theoretical perspectives of campaigns and pressure groups and sought to understand the interrelationship of protest groups with those groups that campaign against miscarriage of justice. A variety of pressure group typologies were examined including 'insider' and 'outsider' groups and 'threshold' groups which move between insider and outsider distinctions. Pressure groups operate within a political context. The chapter examined five political perspectives including pluralism, neo-pluralism, corporatism, New Right and Marxist perspectives. The chapter built on this and examined pressure group effectiveness including resource limitations, group organisation and how members are mobilised. A significant factor regarding campaigns against miscarriage of justice is the role of the mass media in publicising suspected cases of miscarriage of justice and in assisting campaigns to network. The chapter examined the media and pressure groups and considered a number of illustrative examples of successful campaigns which have worked cooperatively with the mass media.

Chapter 4 examined the methodological decisions made before conducting the research project. A significant factor in relation to this study is that it has been conducted by a social scientist researching a community of which they are also a member. The chapter examined the issue of insider research and concluded that the relationship between researcher and participants enabled the researcher to uncover rich data. Also significant was that the researcher was provided with access to the often private world of participants and through this was able to examine the hidden concerns and behaviours of participants. The chapter examined the research methodology and reflected critically on these methods including the choice of participant observation and semi-structured interviews. The study concluded that these were appropriate methods and permitted the participants to express their personal views and experiences in a variety of settings, including individually and in groups. The chapter further concluded that a multi-method

approach to data collection enabled the researcher to triangulate data and mitigate research bias.

Following an examination of relevant literature from miscarriage of justice, victim and pressure group discourses the study moved to Part 2 beginning with an examination of the early experiences of participants campaigning against wrongful conviction.

Chapter 5 examined the early experiences of participants as they campaigned against miscarriage of justice. The study found that most participants set up a campaign group because they wanted to take an active role fighting the conviction of an appellant. Most participants were family members, usually the wife, mother or sister of the appellant. The chapter concluded that the first decision of most 'new' campaigners was to meet with their legal team to discuss and agree upon the role of the campaign group. A second area of priority was whether to join an additional pressure group for support, advice and information regarding the appeals process. Many participants were members of alternative pressure groups that focussed on miscarriage of justice. Others chose to join anarchist groups supporting social and political prisoners; revolutionary political groups like the Socialist Workers' Party or pressure groups challenging other areas of perceived injustice and oppression.

A significant conclusion is that most participants are involved in other pressure groups in addition to working with their own campaign group. It appears that campaigning against wrongful conviction stimulated the activism and militancy of some participants and persuaded them to join other areas of protest. The chapter examined the problems and difficulties experienced by participants and concluded that three areas were prevalent. These included the trauma of adapting to a new life without the appellant; supporting the appellant whilst they were incarcerated; and, relationships with the legal team. Despite the challenges of campaigning against miscarriage of justice the study noted the high motivation and resilience levels of many participants. The study concluded that three areas were significant. Firstly the relational bond between the appellant and campaigner appeared to

provide the primary motivation for most participants and that this relationship sustained them during setbacks and disappointments. A second factor was that the participants believed in the 'innocence' of the appellant. Most participants indicated that factual innocence was synonymous with being a victim of miscarriage of justice and that believing the appellant to be innocent sustained them when faced with adverse situations and obstacles. A third factor was the participant's relationship with the miscarriage of justice community. Most participants suggested that their relationship with other pressure groups and particularly with other campaigners fighting injustice was an important support mechanism that sustained their motivation and resilience to campaign. The chapter acknowledged that notions of community can be problematic but concluded that the term miscarriages of justice community has legitimacy because the concept is used regularly by campaigners when discussing other campaigns challenging wrongful conviction. Despite the community being diverse in terms of the militancy or otherwise of its membership, most participants clearly identified with the community and considered it an important means of garnering support for their own cause. The study concluded that participants believed in notions of community because of their shared experiences with others who had similarly experienced wrongful conviction. Other participants referred to their feelings of alienation following the conviction and that their support and desire to feel 'included' was assisted through contact with the miscarriages of justice community.

Chapter 6 examined the experiences of campaigners as they moved to strategies of resistance. During the course of the research, participants highlighted a number of priorities that were to become a focus at specific times during the campaign. Although some areas of focus remained constant throughout the campaign, others though vital to the campaign's success, once achieved were then redundant. Some areas of campaign focus were peculiar to individual campaigns. Others, however, were similarly identified by other pressure groups challenging miscarriage of justice. Although participants provided an extensive list of priorities for their own campaign group, the study concluded that common elements could be identified including decisions relating to the group's legal team; emotional support (for the

victim and secondary victim of miscarriage of justice); media influence, including how to stimulate media involvement in the campaign; working with the CCRC and particularly building a relationship with the CCRC caseworker; and, support for the appellant whilst incarcerated. In order to achieve campaign aims, either within personal campaigns or through other justice groups, the participants identified a number of tactics. The study concluded that the primary tactics used by most participants included networking through writing letters, emails and contact through the internet; contact with the media, including investigative journalists; and, the use of campaign websites. A recent trend is the use of social networking sites such as facebook, Myspace, twitter and Youtube. Some participants suggested that networking sites enabled appellants to liaise with supporters and to communicate with wider groups of potential supporters. The study concluded that most sites were managed by a campaigner who had been designated to manage the site. Pressure groups supporting activists campaigning against miscarriage of justice similarly employ this tactic and use their sites to promote the interests of alleged victims of miscarriage of justice protesting their innocence.

The chapter examined the post-release campaigns of participants and found that both successful appellants and those who remained alleged victims of wrongful conviction continued to campaign but that the focus of their campaigns differed. The successful participants campaign for justice and that the police investigation into the crime is reopened enabling them to be fully vindicated. For some participants this meant seeking to persuade the CPS to prosecute police officers accused of police malfeasance during the investigation into their case. A third priority was to campaign for compensation. The situation was markedly different for appellants still campaigning against their conviction. In these cases the participants prioritised working with the CCRC in the hope of being referred back to the CCRC. Other participants were angry and had lost all hope of persuading the CCRC to refer their case. For some participants their campaign priorities involved working with pressure groups committed to challenging the State through the employment of anti-establishment protest activities.

Another significant research conclusion concerns campaign disagreements which have contributed to estrangement between the lead campaigner and the appellant. Most participants suggested they had experienced relational problems during and after the campaign. Whilst some of these relational problems will be caused by a complex array of factors, the participants indicated that campaign decisions made during the appellant's incarceration contributed to relational disharmony that sometimes extended post-release. Although many campaign issues were raised as contributing to relational tension, issues of leadership and who was ultimately responsible for the leadership of the campaign was the prevalent issue raised by most participants.

Chapter 7 examined the politics of pressure groups campaigning against miscarriage of justice including the internal workings of such groups. Most participants were members of alternative pressure groups, anarchist groups or members of left-wing revolutionary political parties. The purpose here was twofold: to receive support from other sympathetic activists and to extend their activism. The study concluded that the level of involvement in other areas of protest was often determined by the experiences of the participant and whether they were recent campaigners. The study found that most 'new' campaigners focussed on being referred back to the CACD and if the first appeal was unsuccessful working with the CCRC to be referred back a second time. For participants whose cases had been declined by the CCRC and where the appellant had been released but was still counted as legally guilty, the feeling of being refused justice often encouraged participants to extend their campaign activities and to join other more militant groups.

A significant conclusion concerns the relationship of victims of miscarriage of justice towards the other victims or survivors of crime. Following the quashing of the conviction the convicted 'offender' becomes a victim of miscarriage of justice. This has implications on the relationship between the survivors of the original crime and the victim of wrongful conviction and their family. Whilst some participants communicated sincere empathy for the 'other' victims, some participants expressed mild hostility. The adversarial system of justice places the defence and prosecution in opposition to one another. During the first tribunal some

participants expressed disquiet that the 'other' family had contributed to their suffering through their cooperation with the media and the prosecution. The hostility between the two 'opposing' families appeared to continue, for the victims of wrongful conviction, despite the quashing of the conviction. The importance of this conclusion is that for some victims of miscarriage of justice their ability to heal and recover from the negative effects of wrongful conviction appeared to be exacerbated by unresolved feelings of antipathy towards the original victims of crime and criminal justice agencies.

Other relational difficulties concern cases when the victim of crime and the appellant stem from the same nuclear family. The trauma of fighting wrongful conviction is challenging both on the appellant and their family but when the victim of crime comes from within the family then the difficulties appear to be exacerbated. The study highlighted that the motivation and resilience to campaign is often assisted by the relational bond between the appellant and their family. When the victim is the appellant's spouse, child or other close family member, then members of the appellant's campaign team can experience split loyalties.

Chapter 8 analysed and interpreted literature from the field of discussion with empirical data. The chapter concluded that campaign groups managed by appellants and their family and, other pressure groups supporting activists campaigning against miscarriage of justice, provide a significant extra-judicial role supporting alleged victims of miscarriage challenge their conviction. Most individual campaigns were managed by a small core of people who were usually family members or close friends. The research concluded that all groups were committed to encouraging their core members to participate in decision-making including the prioritisation of agenda items for discussion at group meetings. The groups sometimes had a membership in excess of 300, but the wider support group were rarely involved in planning campaign strategy. The study concluded that the primary reason was that much of the information the group handled was highly sensitive and the group wanted no evidence or sensitive data to find its way to the police or the media. Most campaigners who attended other pressure groups managed their own campaign or had done so in the past. These groups also

encouraged their membership to engage in decision-making including agenda setting and the formulation of strategy.

An area of strategy important to pressure groups was the issue of direct action techniques. The research concluded that two strategies used by participants were the use of marching and demonstrations; and, the practice of attending court hearings in large numbers to support the defendant/appellant and their family. The research concluded that individual campaigns were usually led by a family member close to the appellant. Most of these were led by the wife, sister, mother or parents of the appellant. In terms of the leadership of pressure groups there was often no one leader, but seasoned campaigners supported and offered advice to other new members. In terms of resourcing, the study concluded that most campaigns and pressure groups fighting miscarriage of justice had serious resource limitations. Many individual campaigns expressed concern that they struggled to find additional funds to fight the conviction. Even well established pressure groups experienced resource problems including a lack of staff and finances. In terms of the completion of administrative tasks most pressure groups were staffed by a small group of volunteer workers who were usually managing their own campaign against wrongful conviction. The study similarly concluded that most pressure groups challenging miscarriage of justice or other justice issues are predominantly female in composition. The study examined the phenomena and concluded that female participants desire for a secure environment when discussing their feelings of loss sometimes meant that they were motivated to attend groups that permitted them to discuss their emotional placement and which supported them during the process of campaign.

The principal message of this study is that it is through understanding campaigns against miscarriages of justice that the full implications and impact of wrongful conviction on primary and secondary victims can be contextualised and understood. In relation to much of the discourse concerning miscarriages of justice the focus has often been on specific areas of policy or practice. Areas of discourse have included the causes of miscarriages of justice; the role of the legal team including legal argument and precedent; the conceptualization of miscarriage of

justice and what specifically constitutes justice in error; government legislation and the mechanisms of State to correct miscarriages of justice; the role of the media; and, the academic community and their role in examining and interpreting contrasting discourses of justice in error, including human rights discourse. These areas are important and recent studies have contributed to further understanding of miscarriage of justice and particularly wrongful conviction. Surprisingly, the subject of campaigns and pressure groups against miscarriages of justice has received little attention despite campaigns representing an essential and symbolic act of counter-discourse which aim to correct possible cases of miscarriage of justice and highlight potential areas of reform.

The principal conclusions of this study are encapsulated in the study's aims which include examination of the personal, social and organisational dynamics of campaigning against miscarriages of justice.

In relation to the *personal dynamics* of campaigning against miscarriages of justice this research has shown that most participants initiated a campaign in order to challenge the conviction of a family member or close friend. The campaign provided the appellant and family with the hope, motivation and resilience to negotiate setbacks during the process of appealing the conviction. Whilst most participants indicated they had taken passive roles before or during the first trial they now believed that working actively with their legal team was essential if the conviction was going to be successfully challenged. Following the conviction most participants spoke of the pain and deprivations of wrongful conviction. Many suggested they were 'in shock' following the conviction and sentence and that they suffered from symptoms associated with post-traumatic stress disorder. These symptoms which included anxiety, panic attacks, paranoia, moodiness, irritability and depression affected both the primary and secondary victims of miscarriages of justice and influenced the abilities of the participants to set up and manage a campaign particularly during the first year. An important challenge for most participants was in adapting to a new way of life. Most had no experience of being party to a criminal investigation, a criminal trial or had any prior experience with the prison service either as a prisoner or as a visitor. The conviction meant that for many

participants their world was 'turned upside down' and they were forced to reassess their lives, family routines and priorities. For the appellant, many of whom in this study were incarcerated for the first time, the pains of deprivation following loss of liberty meant that they were often unable to initiate a campaign because of the inner turmoil they experienced following their entry into prison. The challenge for many secondary victims was initiating a campaign whilst simultaneously supporting an appellant suffering from severe psychological and emotional trauma. One consequence of this was that it was often the lead campaigner who had to take the major responsibility working with and monitoring the progress and performance of the legal team. This sometimes placed an additional strain on the relationship between the lead campaigner and appellant that occasionally contributed to relational tension during the period of incarceration and post-release. Despite the major challenges faced by primary and secondary victims of miscarriage of justice all the participants displayed high levels of motivation and resilience. The relational bond between the appellant and lead campaigner was a significant feature of most campaigns with family members requiring no further motivation other than the fact that they were the mother, father, sibling, wife or partner of the appellant. Another important factor which kept campaigners resilient was the belief that the appellant was innocent. The sense of injustice felt by most participants was described as a lived experience which permeated their thinking and belief system. Innocence, in this context, provided many participants with the inner determination to continue campaigning even when the obstacles appeared insurmountable.

In terms of the *social dynamics* of campaigning against miscarriages of justice this research has shown that most participants considered themselves part of an identifiable community which they referred to as the miscarriage of justice community. Many participants considered membership of the community an essential constituent of any campaign against wrongful conviction and a necessary accompaniment to the effectiveness of their own personal campaign. The community has a strong identifiable culture which is reinforced through networking and attendance at pressure group meetings which additionally provide campaigners with opportunities to share their personal narratives of suffering, campaign and

protest. In the context of a miscarriages of justice community, the notion of culture is central to how social relations are conceived and reproduced. Most of the participants held deeply ambivalent views towards the criminal justice system and particularly towards the police and the courts. The language used by participants in relation to these agencies, often using the nomenclature of confrontation, strengthened notions of identification and belonging and furthermore contributed to participants understanding of self and identity. Throughout the course of the study the importance of factual innocence in conceptualizing miscarriage of justice in relation to wrongful conviction was highlighted both privately and in group environments where campaigners met with other members of the miscarriage of justice community. Although some understood the scope of the community more widely in terms of any citizen who was supportive of campaigns against wrongful conviction, many believed that those who were rightly at the centre of the community were the primary and secondary victims of miscarriage of justice because they had experienced wrongful conviction first hand. Most participants suggested they joined the miscarriage community because they felt stigmatized and vulnerable. The alienation experienced by many participants meant that they sought to identify with others in similar circumstances. Literature on identity often speaks of two separate identities whereby prisoners and those suffering the pains of deprivation construct notions of the private self, which prioritises 'difference' and a public identity which enables them to integrate within the prevailing culture. The notion of 'spoiled' identity, sometimes following conviction and any concomitant media coverage, meant that the desire for some participants to balance notions of 'difference' with conceptions of 'sameness', meant that the miscarriage of justice community provided an important conduit through which participants negotiated their identity and how they understood notions of Self. The marginalisation and alienation experienced by victims permeated the lives of appellants and their families during the period of incarceration and post-release. Following release from prison or the Court of Appeal, most appellants and their families, regardless of whether the conviction had been successfully quashed or the appeal dismissed, continued to feel 'different' and marginalised from mainstream society. Many sought to extend their activism and joined other anti-establishment

and activist orientated groups whose role was to challenge the hegemony of the State. This study demonstrates how victims of miscarriage of justice can feel 'displaced' and how their need to make sense of their experiences leads many to integrate themselves and identify with others similarly displaced by the State.

In relation to the *organisational dynamics* of campaigning against miscarriages of justice this research has shown that most participants managed their own personal campaign against wrongful conviction and were members of other justice pressure groups whose primary function was to provide support to those fighting miscarriage of justice. A significant percentage of the participants in this study, many of whom were women, had little interest in political engagement before the conviction of a family member. Following the conviction or dismissed first appeal the women then appeared to redefine who they were and the person they wanted or needed to be in order to 'rescue' a family member. As such the study of campaigns and pressure groups against miscarriages of justice provides an insight into how organisationally-mediated identities supply moral careers for campaigners coping with the effects of miscarriage of justice. Issues of democratic functioning were important to the participants but this was primarily in relation to their membership of other pressure groups. These groups were often hierarchically flat and most participants expected to be involved in all decisions relating to campaign strategy. An important organisational dynamic was the decision by some participants to engage in direct action strategies. This usually involved the use of marches and demonstrations and the act of mobilising other campaigners to attend retrials and appeal hearings to confirm group solidarity. Despite this, many participants chose not to engage in direct action because they were fearful of antagonising criminal justice agencies and the Criminal Cases Review Commission. Most campaigns employed a variety of campaign tactics although networking through letter writing, attending meetings and conferences, the use of websites, including social networking sites provided the principal strategies adopted by most campaign groups. Another tactic employed by most campaigns was to contact investigative journalists and media practitioners in order to influence public opinion and furthermore, to undermine arguments presented by the prosecution. The

media was seen as an essential component of any campaign challenging wrongful conviction. Despite this, some participants were anxious about making contact with the media because of earlier reporting which mythologized the appellant and sometimes presented inaccurate and harmful articles. For other participants the challenge was in persuading media practitioners to consider their case and engage with the campaign. Some campaigns were frustrated in their attempts to interest the media because the case did not meet important crime news values.

For most participants in this study, pressure groups provide an opportunity for interdependent individuals to come together to resist the State and affect their own social environment. Most participants viewed themselves as activists and their campaign against wrongful conviction as political engagement. This contributes to campaigners' sense of empowerment that they are able to challenge and resist the criminal justice system and demonstrate the power of human agency. Following wrongful conviction some commentators might view the legal team as being primarily responsible for correcting a miscarriage of justice or that the media provide the key to unlock the appellant. Whilst an able and committed legal team is an essential requirement, providing the evidence is available, legal teams are appointed by their clients who have the ability to dismiss their solicitor or barristers. Legal representatives do not work in isolation to the appellant but work with the client and inevitably with appellants' campaign groups. The media, likewise, can provide an important means of generating public support for the appellant but their relationship with the appellant is rarely in isolation to their wishes and involvement. The media and particularly investigative journalists, often work with and through the campaign group. The important message here is that if the reader wants to understand the subject of miscarriage of justice and the pains of wrongful conviction then it is through understanding campaigns against miscarriage of justice that the observer will discover the hidden turmoil experienced by the leading actors in the struggle. It is similarly the relationship of primary and secondary victims with legal and media practitioners; the Courts, police and other criminal justice agencies, including the prison service; and, professionals representing the Criminal Cases Review Commission which provide a

more thorough analysis of miscarriages of justice than might otherwise be achieved if the focus of any analysis remains on disparate areas, rather than viewing the miscarriage of justice experience holistically.

This study contributes to the literature base of miscarriages of justice, victimhood, pressure group and media discourses. The study furthers knowledge in these areas but has importantly contributed to the interface of these disciplines and analysed and interpreted the intimate relationship between victimization and mobilisation.

Future Research

The terrain of campaigns and pressure groups requires further research in a number of important areas. Firstly, the issue of 'innocence' and what constitutes a 'miscarriage of justice' continues to remain unresolved with disagreements between judicial practitioners resulting in ambiguity when advising clients regarding claims for compensation. These issues impact on campaigns and pressure groups against miscarriage of justice particularly when determining the role and function of a campaign against wrongful conviction. Secondly, during the process of campaigning and following the release of the appellant many campaigners and victims of miscarriage of justice experience symptoms associated with post-traumatic stress disorder. Although there is limited literature on the psychological effects of wrongful imprisonment, there is a dearth of literature on how wrongful conviction and imprisonment impacts on the lives of campaigners particularly as many appellants continue to campaign post release. An important factor related to continuing campaigns is that of the fifteen appellants or victims of wrongful conviction interviewed, eight were estranged from their lead campaigner, often the wife or partner of the appellant, within two years of being released. The whole area of why some campaigners become estranged from the appellant at the centre of the campaign is complex and fraught with difficulty if the intention is to suggest possible reasons for the relational disharmony. The study suggests, however, that further research would be beneficial considering that estrangement has major ramifications on the ability of all parties to recover from their experiences. A third

area concerns the relationship between the victims of wrongful conviction and the 'survivors' of the original crime. Following the quashed conviction or acquittal the 'offender' suddenly becomes a 'legalised victim' learning to cope with the associated trauma of wrongful conviction. For the original 'victims of crime' the resolution they thought they had through the defendant's conviction now appears undermined. Research is needed into this area and particularly into the relationship between both sets of victims and how restored relationships might contribute to healing and resolution. Finally, an important gap in the literature concerns the continuing 'protest' activities of campaigners whose campaigns against miscarriage of justice stimulate further activism. Some primary and secondary victims of miscarriage of justice in this study joined revolutionary and anarchist groups in order to challenge the State and criminal justice agencies. Little research exists in this area and particularly those factors that persuade some campaigners to extend their protest.