

# Introduction

The murder of Maxwell Confait on 21 April 1972 led to the arrests of three young suspects. Despite two of the suspects suffering from learning disabilities, the three youths were interviewed without a parent or guardian in attendance or any other adult other than investigating police officers. The defendants were convicted 11 November 1972 but following a campaign against the convictions and subsequent new evidence, the then Home Secretary, Roy Jenkins, referred the case back to the Court of Appeal Criminal Division (CACD) where the convictions were quashed (Baxter and Koffman, 1983; Price and Caplan, 1976; Price, 1985). A full inquiry followed under the leadership of Sir Henry Fisher whose remit was to consider the procedures whereby suspects, particularly children, were treated during a police investigation (Fisher, 1977). The inquiry's conclusions led to a second and more fundamental inquiry, the Royal Commission of Criminal Procedure (1979-81) which itself led to the Police and Criminal Evidence Act (PACE), the Prosecution of Offences Act (1985) and to the establishment of the Crown Prosecution Service (CPS). The introduction of PACE (1984) and the establishment of guidelines to govern police investigations suggested that reform of laws governing police powers and criminal evidence might contribute to reducing the incidence of miscarriages of justice (Sanders and Young, 1994; Reiner, 2000). Despite the optimism generated by PACE, the number of quashed convictions since 1983 has been significant with an estimated 90,000 successful appeals against criminal conviction between 1983 and 2003 (Colman, Dixon and Bottomley, 1993; Pattenden, 1996; Naughton, 2007). Gareth Peirce the campaigning human rights lawyer commenting on miscarriages of justice in the forward of Michael O'Brien's book concerning his wrongful conviction of a Cardiff Newsagent indicated that:

I used to find the words 'miscarriage of justice' inadequate to describe the horror of wrongful conviction. The phrase implied to me an accident, and wrongful convictions can never be written off as an accidental. Later, however, I realised that

the description, of course, meant 'death', and this is exactly right – a total death of justice (O'Brien, 2008: 7).

Other cases of miscarriages of justice that have been harbingers of change within the Criminal Justice System include the cases of the Guildford Four and Birmingham Six (Ashworth and Redmayne, 2005). Both cases concerned the wrongful convictions of people falsely accused of bombings carried out by the Provisional Irish Republican Army in the 1970's (See Chapter 3). These cases, and other less publicised cases of miscarriages of justice (Nobles and Schiff, 2002) contributed to the decision to establish a Royal Commission on Criminal Justice, chaired by Lord Runciman, in March 1991 which itself led to the Criminal Appeal Act (1995).

Appellants claiming wrongful conviction have at their disposal the appeals process by which they hope to see their convictions quashed. A subsequent development established by the Criminal Appeal Act (1995) is the Criminal Cases Review Commission (CCRC or the 'Commission') which has the power to order reinvestigations of alleged miscarriages of justice and to send cases back to the CACD under s. 17 of the Criminal Appeal Act (1968). The Commission was formally established on 1 January 1997 and is an independent public body able to receive applications from appellants whose claims of wrongful conviction emanate from England, Wales and Northern Ireland (Hungerford-Welch, 2009). The Commission considers the applications of appellants whose previous appeals against conviction have failed but where they continue to challenge the validity of the conviction. The CCRC, however, operates under a number of constraints including that referrals are dependent on new evidence or arguments not heard at trial or an earlier appeal (Criminal Appeal Act, 1995). When weighing up the likelihood of a referred case being upheld by the CACD, the Commission only refers where there is a 'real possibility' of success which again is dependent on the quality of any new evidence (Hungerford-Welch, 2009: 702). The criterion for making a referral is set out in the Criminal Appeal Act 1995 which argues that a referral should not be made unless '...the Commission consider that there is a real possibility that the conviction...would not be upheld' (Criminal Appeal Act 1995, s. 13). The issue of what constitutes a 'real possibility' has been discussed in the Divisional Court during

a judicial review hearing regarding a CCRC decision in *R v Criminal Cases Review Commission, ex p Pearson* [2000] 1 Cr App R 141. The Lord Chief Justice, in relation to the 'real possibility test', indicated that it '...plainly denotes a contingency which in the Commission's judgement is more than an outside chance or bare possibility but which may be less than a probability or likelihood or racing certainty'.

For some factually innocent appellants in particular, the appeal process appears designed to hinder rather than facilitate examination of an alleged miscarriage of justice. The process through which a citizen appeals against wrongful conviction means that during any hearings prior to submitting an application to the CCRC, the appellant has usually used their new arguments or evidence making a fresh application to the Commission on the basis of additional new evidence or argument even more problematic.

A recent Open Meeting at the House of Commons on 30 November 2010, chaired by John McDonnell, MP for Hayes and Harlington, debated the question of whether the CCRC is fit for purpose in light of the Commission's refusal to send the case of Susan May back to the CACD (Robins, 2011) (See Chapter 8). The percentage of cases referred by the CCRC to the CACD following a reinvestigation currently stands at approximately 4 per cent with approximately 70 per cent of referred cases being upheld by the CACD (Nobles and Schiff, 2001). Critics of the CCRC cite the high numbers of cases which are not referred or if referred are then dismissed by the Court of Appeal. Hill (2011: 13) commenting on the role of the CCRC states 'of the 13,368 applications received since it was set up, only 470 have been sent back to the Court of Appeal. Of the 449 so far ruled on, 314 have been quashed'.

A general concern with the approach being taken by the CACD and CCRC led to the formation of the Criminal Appeal Lawyers Association (CALA) a body which seeks to promote '...better representation for those persons seeking to appeal their convictions' (CALA, 2010). Despite criticism of the CCRC from isolated quarters (Woffinden, 2010) the Commission remains the only body with the authority to send suspected cases of miscarriage of justice back to the Court of Appeal. Justin

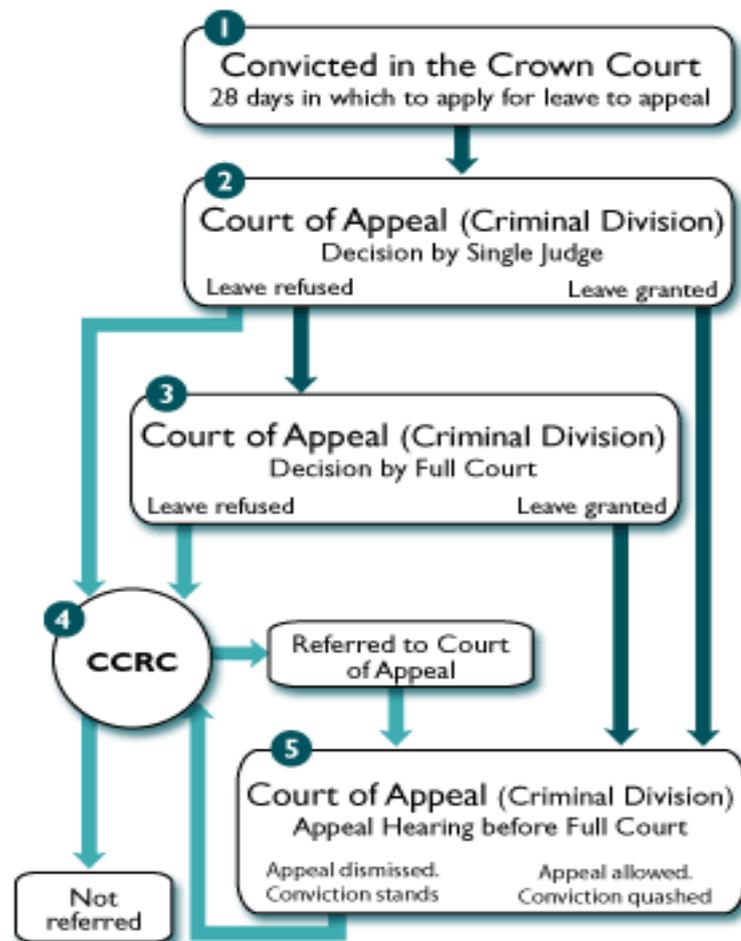
Hawkins, Head of Communications at the CCRC responded to criticisms made of the work and effectiveness of the CCRC in *Inside Time* arguing that:

We don't claim to be perfect. Investigating alleged miscarriages of justice is difficult, complicated and time consuming and there are very few clear cut cases. After all, if spotting the causes of wrongful convictions was simple, then there wouldn't be any wrongful convictions (Hawkins, 2010).

Ashworth and Redmayne (2005) similarly recommend caution when questioning the efficiency and number of CCRC referrals suggesting that the ability of the Commission to refer miscarriages of justice is often dependent on factors outside of its control. The issue of limited resources continues to influence the ability of the Commission to perform its central role of investigating claims of miscarriage of justice (Hill, 2011). Importantly the Commission also has to take account of the Court of Appeal's understanding of its own procedures and practices and how these should be interpreted. This sometimes means that the Commission is trying to 'second guess' the response of the Court of Appeal. This can be a difficult task bearing in mind the '...degree of unpredictability in the Court of Appeal's approach to appeals' (Ashworth and Redmayne, 2005: 359).

The response of many alleged victims of miscarriage of justice and their families is to set up a campaign group against the alleged wrongful conviction. For those appellants who are refused an appeal or a referral by the CCRC, the role and function of their campaign can change with some campaigners campaigning against criminal justice legislation, in addition to campaigning against the conviction. The decision to campaign can be viewed as a symbolic act of counter discourse where the appellant and their family refuse to accept the Court's decision to convict. What follows is a campaign against wrongful conviction in addition to using the procedures and appeal mechanisms instituted by government. The procedures used by appellants include seeking leave to appeal from a single judge and, where appropriate, submitting an application to the CCRC.

The following flowchart indicates the key stages of the appeal process from conviction in the Crown Court to an appeal hearing before the Court of Appeal (Criminal Division) (CCRC, 2011b).



A notable case in which the victim and their family campaigned against the wrongful conviction concerns the case of Barry George who was convicted of the murder of Jill Dando on 2 July 2001 and sentenced to life imprisonment. Following a campaign led by the appellant's sister, Michelle Diskin, the conviction was quashed by the CACD on 15 November 2007 and a retrial ordered (Hughes, 2008). The retrial took place at the Central Criminal Court in London on 9 June 2008 and on 1 August 2008 the defendant was finally acquitted (Bird, 2008).

The murder of Jill Dando generated considerable media interest from the outset and following George's conviction the media reported stories regarding his personal life and previous convictions (Lomax, 2005). In 2002 George appealed against his conviction. The main grounds of appeal argued by the defence concerned identification evidence (the defence argued that the delay in arresting George meant that witnesses were unreliable); forensic evidence (the defence argued there was no DNA or fingerprint evidence linking George to the crime); and, decisions relating to procedure by the trial judge, Mr Justice Gage. The CACD, however, dismissed the appeal stating that the case against George was safe (BBC News, 2002). Following the failed appeal, the family of Barry George continued to campaign against his conviction. In particular, the appellant's sister liaised with the appellant's legal team and with the media and sought to increase the profile of what they believed to be a miscarriage of justice (Hughes, 2008). In September 2006, Panorama broadcast a programme and presented new evidence which suggested that the George conviction was unsafe. Following this the programme-makers and George's solicitor submitted new evidence to the CCRC which included arguments surrounding gunshot residue, eyewitness testimony and psychiatric reports. On 20 June 2007 the CCRC announced that it was referring the case back to the CACD (BBC News, 2007). The key ground of appeal concerned the gunshot residue found on George's coat but which the defence now argued should not be used as conclusive proof that George was at the scene of the crime. Alternatively, the residue could have appeared on the appellant's coat through cross contamination when the coat was seized by police officers investigating the case. During the appeal expert evidence both from the prosecution and the defence cast doubt on the evidence concerning Firearm Discharge Residue (FDR) which was an important argument presented by the prosecution at the first trial and dismissed first appeal. In upholding the appeal the senior judges concluded that if the jury had heard this evidence they might have reached a different conclusion. The appeal was allowed and a retrial ordered (BBC News, 2007).

The second trial was fought on very different grounds from the first trial. Due to the evidence regarding FDR being ruled as inadmissible by the trial judge the

prosecution case centred on the character of the appellant and particularly that the defendant was highly obsessive and a 'danger to women' (Sturcke, 2008). The Criminal Justice Act (2003) now permitted the use of 'bad character' evidence and so evidence not heard by the first jury was now allowed as having probative value. Despite the inclusion of bad character evidence which presented the defendant's previous convictions, the jury rejected the prosecution case and George was unanimously acquitted (Sturcke, 2008). After the verdict Michelle Diskin spoke to the media outside the Central Criminal Courts and questioned the police investigation against her brother.

The success of Barry George's fight for justice had much to do with the campaign orchestrated by his sister who became the symbolic figurehead of the campaign to free her brother (Hughes, 2008). The campaign worked closely with other campaigning groups, including the Miscarriage of Justice Organisation (MOJO); United Against Injustice (UAI) and with investigative journalists specialising in miscarriage of justice (Woffinden, 2008). Diskin worked closely with her brother's legal team and throughout George's incarceration regularly visited her brother to support and brief him on campaign progress (Hughes, 2008). An important aspect of the campaign was to network with other activists and campaigners and to seek advice and support from academics, legal practitioners and media professionals (Campbell, 2008a; Woffinden, 2008). In April 2008, two months before her brother's retrial, Diskin spoke at a Miscarriage of Justice conference organised by MOJO which sought to highlight the negative effects of wrongful imprisonment (MOJO, 2009). Diskin spoke about her brother's case and her campaign to raise awareness both of his plight and the needs of vulnerable defendants when first arrested. Since the acquittal she has continued to campaign against miscarriage of justice and has recently spoken at conferences organised by United Against Injustice in Leeds and London (United Against Injustice, 2010). The relevance of this case is that it is illustrative of many campaigns against miscarriage of justice. The campaign drew upon a varied and representative interplay of factors that ultimately saw the appellant and lead campaigner celebrate the appellant's freedom.

## **Aim of the Thesis**

The core aim of this thesis is to examine campaigns against miscarriage of justice as defined by wrongful conviction. The thesis will consider the personal, interpersonal, social and organisational dynamics of participants campaigning against miscarriage of justice. Wrongful conviction in this context concerns those appellants who are claiming they are factually innocent rather than those appealing on the basis of technical irregularities. The campaigns operate within the jurisdiction of England and Wales. During the course of the study victims of miscarriages of justice will be identified as 'official', meaning their convictions have been quashed by the CACD; or as 'unofficial', meaning they continue to campaign against their wrongful conviction despite their release from imprisonment and current legal status. The research will examine the personal campaigns of actual and alleged victims of miscarriages of justice and their families as well as exploring other pressure groups campaigning against injustice. Some of these have prioritised issues relating to the criminal justice system and offered support to individual campaigns against wrongful conviction.

The study's objectives support the core aim and cover six principal areas which are mirrored in the chapters:

- To conceptualise miscarriage of justice and understand and apply theories of innocence as they relate to miscarriages of justice.
- To examine literature on victims of crime and to understand and apply theories of victimology in relation to miscarriage of justice and wrongful conviction.
- To examine theoretical perspectives of campaigns and pressure groups and investigate the politics of pressure groups campaigning against miscarriages of justice.
- To examine the early experiences of participants as they campaign against miscarriages of justice including issues of motivation, resilience and strategies of resistance.

- To examine the notion of miscarriages of justice community and those features that help define it.
- To examine the issue of gender as it relates to campaigns against miscarriage of justice.

Despite a general absence of literature in the area of campaigns against miscarriages of justice notable work has been conducted that examines the ‘critical success factors’ behind campaigns against miscarriage of justice (Savage, Poyser and Grieve, 2007). Two factors were identified as being instrumental to the success of a campaign, namely ‘campaigning networks’ and ‘victims and families’. Charman and Savage (2009:1) have examined the issue of gender and campaigns against miscarriages of justice and in particular the role of women in justice campaigns. The study argues that women are often at the forefront of campaigns against miscarriages of justice and that their roles are ‘...interwoven with familial relationships’. Other notable work has been conducted on victims’ self-help groups and particularly those ‘survivors’ suffering bereavement after violent death through homicide (Rock, 1998). Howarth and Rock (2000) take a similar approach when examining relatives of serious offenders. The study examined the now defunct self-help group Aftermath, which provided support for families of serious offenders before its final demise in 2005 (Condry, 2007). Many ‘survivors’ (those coping with bereavement after homicide) and relatives of serious offenders appear to share characteristics and affinities with primary and secondary victims of miscarriages of justice with many victims of wrongful conviction and their families also suffering from symptoms associated with post-traumatic stress disorder. These issues will be examined later in the study.

Literature on miscarriages of justice suggests that most victims suffer from the effects of Post Traumatic Stress Disorder (PTSD) and that this affects their ability to cope with existing and new relationships (Campbell and Denov, 2004; Grounds, 2004, 2005; Jamieson and Grounds, 2005). Family members of the victim of miscarriage of justice, including children of the appellant, likewise suggest they have suffered psychologically because of the defendant’s wrongful conviction and imprisonment. This influences the ability of victims to campaign effectively

particularly following the conviction when the appellant and their family are coming to terms with the outcome of the criminal trial. An additional factor in relation to the trauma experienced by some miscarriages of justice and their families concerns those cases where the 'victim' is related to or stems from the same family unit as the appellant. In such cases the family are 'secondary victims' and experience many of the symptoms associated with PTSD (Rando, 1993; Wortman, Battle and Lemkau, 1997). In cases where the 'victim of crime' has been murdered or suffered another serious offence, the spouse or parent will often experience acute trauma leaving them feeling confused and angry (Rock, 1998). If the 'secondary victim' is then charged and convicted with the offence, the consequences for the defendant and other family members can be catastrophic. The helplessness experienced by the victims can create major obstacles to the campaign and frustrate the appellant's ability to campaign effectively against the conviction.

The psychological tensions created by wrongful conviction sometimes affect personal relationships between the victim of miscarriage of justice and their lead campaigner. For many appellants, most of whom are male, this relationship often involves their partner, wife, mother or sister. During the process of campaigning the negative effects of wrongful conviction can sometimes lead to arguments and tensions between the appellant and those leading the campaign. What is significant is that many of these tensions continue post-release sometimes leading to estrangement.

An important element in regard to this study is that it has been conducted by a researcher engaged in research with a community of which they are also a member. In July 1998 I was convicted of murder and sentenced to life imprisonment. I served six years imprisonment in four prison establishments culminating in my release from Belmarsh prison in July 2004 following the quashing of the conviction at the Royal Courts of Justice. In February 2006 (following two retrials) I was formally acquitted having experienced three murder trials, (two at the Old Bailey); two appeals at the Court of Appeal (Criminal Division) and a CCRC investigation. After my release I was supported by the Miscarriages of Justice Support Service. The organisation, formed in 2005, is based at the Royal Courts of Justice and supports

released appellants whose convictions have been quashed by the Court of Appeal. The challenges and opportunities of conducting insider research will be examined further in Chapter 4. Details of my experiences as an appellant, including wrongful imprisonment, are discussed in another publication (Jenkins and Woffinden, 2008).

The Criminal Cases Review Commission investigated my case for over two years referring the case back to the Court of Appeal on 12 May 2003. By this time I had been moved to Wakefield Prison in West Yorkshire. My solicitor received the Commission's 'Statement of Reasons' on 12 May 2003 in which they said: 'There is new evidence, not before the jury, that suggests that Mr Jenkins could not have committed the murder' (CCRC, 2003: 21). The appeal was heard on 30 June 2004. During this time I resided at Pentonville Prison and was taken to the Court of Appeal by security staff to attend Court every day. On 16 July 2004 my conviction was quashed and a retrial ordered. The retrial took place in Number 1 Court of the Central Criminal Court in London (the Old Bailey) and commenced 22 April 2005. On 11 July the jury returned stating they were unable to reach a verdict. The prosecution requested a second retrial. This retrial began on 31 October 2005 and ended again with the jury being unable to agree on a verdict. The prosecution stated they were not prepared to seek what would have been a fourth trial and so the judge, Justice David Clarke, ordered that I be formally acquitted and released. The day was the 9 February 2006.

It is difficult to remember when the decision to set up my own campaign group was made but I suspect the pivotal decision followed a meeting between members of my own family, close friends and the investigative journalist, Bob Woffinden, who on July 10 1998, eight days after my conviction, had an article published by the New Statesman. The front cover led with the headline 'Wrong again: Sion Jenkins is innocent'. From the moment I was convicted I campaigned on the basis of my factual innocence. Although questions of 'doubt' are commonplace in miscarriage of justice discourse, my campaign group and supporters sought to present relevant evidence pertaining to the wrongful conviction (See Chapter 5).

During the first year of my incarceration friends set up a campaign website and each month meetings were organised involving my family, friends, and journalists. My solicitor was similarly involved in most campaign decisions. Over the next six years my campaign group liaised with the media and several articles appeared in national newspapers stating that evidence existed which demonstrated my innocence. The Channel 4 documentary programme, 'Trial and Error', which investigated suspected cases of wrongful conviction, made a documentary about my case which was screened whilst I was in prison. During this time the campaign grew in size and within a relatively short period of time the campaign was sending out newsletters to over a thousand members. Many of these supporters wrote letters to their own Member of Parliament and to other politicians interested in possible cases of miscarriage of justice. I was contacted by other pressure groups campaigning against miscarriages of justice including INNOCENT, the Manchester based campaign group, Miscarriages of Justice UK and the Miscarriages of Justice Organisation (See Chapter 5). Throughout my contact with other campaign groups I received letters from other victims of wrongful conviction and their families who offered support and who occasionally provided advice regarding the appeal process and how to survive prison whilst fighting wrongful conviction. My first letter whilst in Belmarsh Prison was from Susan May who outlined the process of appeal and shared her own personal experiences. Whilst incarcerated I received prison visits from campaigners, journalists, including those concerned with miscarriages of justice and from family, friends and other supporters. My own campaign group and the support offered by other pressure groups provided me with hope and resolve that one day I would be vindicated.

The process of campaign and protest placed heavy demands on my family and friends responsible for leading and managing the campaign. In terms of the emotional demands of fighting wrongful conviction, members of my family and close friends suffered throughout the period of my incarceration with some family members having to seek psychotherapeutic support. The financial demands on my immediate family were also significant. Whilst most pressure groups supporting campaigns of alleged miscarriages of justice do not require significant funds, this is

not the case for those personal campaigns challenging the conviction of an alleged victim of miscarriage of justice (See Chapter 7). In order to fight a conviction monies are often required to cover the work of legal practitioners, expert opinion and for the overall management of the campaign, including travel to and attendance at conferences and meetings in order to network, plan and garner support for the campaign. Whilst legal funding is sometimes available to cover some legal work it is sometimes refused for other work the legal team and campaign group believe to be essential. In many cases of suspected wrongful conviction expert opinion is required, possibly a medical practitioner or forensic scientist, in order to challenge the prosecution case. In many instances applications to fund expert opinion are refused. The monies to fund much of the work of fighting wrongful conviction rest with those managing the campaign. Many campaigns are unable to generate adequate funds and therefore seek to persuade other supporters to contribute funds to support the campaign. During my own campaign, monies were needed to fund legal fees, expert opinion and other work that contributed to the overall management of the campaign (See Chapter 8).

When my conviction was quashed and following my acquittal I remained active in the miscarriages of justice community and continued to meet with other campaigners. This sometimes involved visiting men and women in prison who were active in fighting their alleged wrongful conviction. I attended and spoke at various conferences and campaign meetings to discuss miscarriages of justice and met with the families of several victims of wrongful conviction to offer advice and support. Following my decision to conduct doctoral research I approached both primary and secondary victims to discuss their involvement in a project which aimed to further understanding into campaigns and pressure groups against miscarriages of justice. The victims of wrongful conviction and their families expressed warmth and enthusiasm that I was prepared to revisit and engage with the community again and on such an intimate level.

In relation to conducting this research one area that did concern me was the extent to which my research might be coloured by my own experiences. In order to prepare myself as a researcher both intellectually and emotionally I studied for a

Master's degree in Criminology and Criminal Justice at the University of Portsmouth and then a year later completed a second Master's degree in Social Research Methods, again at the University of Portsmouth. Other campaigners and friends questioned whether I might be re-traumatized through spending significant periods of time re-visiting environments that had been a source of psychological and emotional strain. As part of the process of data collection I developed strategies with my family and others to monitor and discuss my feelings and emotional equilibrium throughout the process of collecting empirical data.

## **Structure of the Thesis**

The thesis is presented in two parts: Part 1 examines literature and research from the field of miscarriage of justice; victimology and miscarriage of justice; pressure group and media discourses; and, concludes with an examination of the study's research methodology. Part 2 examines and interprets the project's empirical data collected through participant observation, interviews and documentary evidence. The study concludes by analysing and interpreting the empirical data and relating this to theoretical concepts and arguments examined in Part 1. The thesis concludes with the study's main conclusions.

## **Part 1**

In more specific terms, Chapter 1 seeks to define miscarriage of justice and conceptualise the discourse of 'innocence' in relation to understanding what constitutes a miscarriage of justice. The chapter examines legal definitions of miscarriage of justice and questions whether these provide sufficient transparency particularly for those seeking claims of compensation following a successful appeal. The conceptualisation of miscarriage of justice is approached from two perspectives: a rights-based approach which argues that human rights should be seen as integral to the workings of the criminal justice system; and, the

deconstruction of miscarriage of justice. In this an alternative typology is examined which proposes different categories of miscarriage of justice including 'exceptional', 'mundane' and 'routine'. This redefines the numbers usually cited each year '...from 18 cases to over 4,700 cases each year over the last twenty years' (Naughton, 2007: 10). The role of the media in defining miscarriage of justice is explored particularly the 'miscommunication' that sometimes exists between the judiciary and the media (Nobles and Schiff, 2002). The chapter concludes by examining crime news and the subject of selectivity and the values attributed to media news. This has implications for campaigns against miscarriage of justice with some campaigns struggling to interest the media whilst other cases are considered newsworthy.

Following this Chapter 2 examines the extent to which literature on victims and victimology contributes to conceptualising miscarriage of justice. This involves exploration of victim definitions, including examination of terms such as 'victim' or 'survivor'. The chapter examines the literature on the negative effects of imprisonment on the wrongfully convicted and similarly considers the literature associated with grief, loss and bereavement. Many families campaigning for a wrongfully imprisoned appellant comment that the loss of someone they know intimately feels like 'a bereavement' (van Nijnatten, 1998; Grounds, 2008). This resonates with arguments that the issue of differential grieving helps explain the resilience of women involved in campaigns for justice (Charman and Savage, 2009). Many victims of miscarriage of justice receive limited or no support following release from imprisonment. The chapter concludes with a brief examination of the support available to prisoners and their families including the Miscarriages of Justice Support Service (MJSS).

Chapter 3 examines literature and research on campaigns and pressure groups. The chapter begins by exploring the diversity of pressure groups operating in the UK. The chapter builds on this and examines a number of pressure group typologies and considers whether specific classificatory models help problematize pressure groups and contribute to understanding justice campaigns. Pressure groups operate within a particular political context. The chapter reviews five political perspectives including pluralism, neo-pluralism, corporatism, New Right and Marxist

perspectives. Following this the chapter examines pressure group effectiveness and particularly group organisation, resources and how group members are mobilised. In relation to group priorities, the role and support of the media is often considered an essential requirement if a campaign is going to succeed. The chapter examines this issue and considers a number of illustrative campaigns involving the mass media.

Chapter 4 examines the research methodology used throughout the thesis. The study employed a qualitative approach to data collection using participant observation, semi-structured interviews and the analysis of documentary evidence. The approach was chosen because it is considered suitable for studies that seek to reveal the experiences of participants and the meaning they allocate to those experiences (Rubin and Rubin, 1995; Rock, 1979). A significant factor regarding this study is that it has been undertaken by a researcher conducting research with an identity group of which they are also a member. The chapter examines the epistemological, ontological and methodological challenges of conducting research as an 'insider' researcher.

## **Part 2**

Chapter 5 explores the early experiences of campaigners and specifically their involvement with the miscarriage of justice community. The chapter begins by examining the first decisions of campaigners and their motivation for setting up a campaign group. An early decision taken by many campaigners is to join another pressure group against miscarriage of justice for the purposes of support and knowledge about the criminal justice system and particularly the appeals process. The study examines this area and then develops this theme through exploration of the key problems and difficulties faced by campaigners. Despite facing major challenges the high motivation and resilience levels enabled participants to continue with their campaign despite setbacks. The chapter examines those factors that provide campaigners with the resilience to persevere in the face of

extraordinary odds. An important dimension of support for appellants and their families is the miscarriage of justice community. The chapter examines the notion of a miscarriages of justice community and considers whether the community has particular features that help define it.

Chapter 6 examines the strategies and tactics used by miscarriages of justice and their campaign teams. The chapter considers the focus of campaigns including relationships with the legal team; emotional support; and, generating media interest. The range of tactics used by campaign teams is varied. The study identifies key tactics used by participants including an examination of campaigns that have had to acknowledge an appellant's previous convictions as part of their on-going campaign. During the process of data collection the participants commented that the process of campaigning had placed considerable strain on their relationships. Many participants were anxious about sharing their feelings on this area because of the hurt and emotional strain some were still experiencing following their estrangement from the lead campaigner. In most cases the lead campaigner had been the wife, partner or sister of the released victim of miscarriage of justice. The chapter examines issues of relational disharmony and conflict and examines a significant factor that contributed to relational problems between lead campaigners and the victims of miscarriage of justice.

Chapter 7 examines political dimensions of campaigns and pressure groups and considers the internal workings of such groups. The chapter explores decision-making within pressure groups campaigning against miscarriages of justice and the extent to which participants are able to contribute to campaign strategy. Many campaigns employ 'direct action' strategies in order to achieve their aims. The study considers this aspect of campaign protest and includes data collected from a demonstration organised by United Against Injustice. Building on this the chapter examines issues of leadership and resources and particularly the resource constraints experienced by many justice groups. An important focus of this study has been the gender differential of campaign and pressure groups. Many justice pressure groups are predominantly female. Some women involved in such groups then seek support from other predominantly female groups in order to find support

and encouragement during their campaign against wrongful conviction. The chapter concludes with an examination of why women feature so strongly in justice campaigns against miscarriages of justice and why many then go on to engage in other forms of protest with pressure groups that have a predominantly female membership.

Chapter 8 focuses on the analysis and interpretation of empirical data and relates this to literature from the field of discussion. Following Chapter 8 the thesis ends with the study's central conclusions. These will focus on the early experiences of campaigners; the strategies and tactics used by campaign teams; and, the politics of pressure groups against miscarriage of justice. The Conclusions will similarly consider what questions remain to be answered.