

# Chapter 3

## Campaigns and Pressure Groups

As a response to wrongful conviction some alleged victims of miscarriage of justice and their families pursue extra-judicial activities as a means of challenging the conviction and persuading criminal justice agencies, the CCRC and the media that the conviction should be overturned. Following the conviction alleged victims of miscarriage of justice have at their disposal the appeals mechanism whereby they submit grounds of appeal in order that the conviction might be quashed. For those cases where the alleged victim of miscarriage either fails in their attempt to be awarded an appeal or where the first appeal is dismissed, their campaign for justice often begins with the family or friends of the appellant setting up a campaign group to protest against the conviction and to raise public awareness that an alleged miscarriage of justice has taken place. In addition to setting up a campaign group some families join other federated campaign groups fighting miscarriage of justice. Two influential groups are the Miscarriage of Justice Organisation and United Against Injustice (See Chapter 7). These groups provide families of the victim of miscarriage of justice with advice and support whilst they fight the conviction and seek to influence public opinion and achieve specific objectives. For most victims of miscarriage and their families key objectives usually involve mobilizing public support and seeking to persuade the CCRC to refer the case back to the CACD.

The purpose of this chapter is to examine theoretical perspectives around campaign and pressure groups as a means of understanding campaigns and pressure groups against miscarriage of justice. The chapter will compare and contrast differences between pressure groups and analyse how such groups operate within a democratic framework and across a range of political perspectives. The need to

effectively mobilize resources is an important factor if pressure groups hope to influence public opinion or achieve specific objectives. In light of this the chapter will consider organisational and resource factors and examine the relationship between pressure groups, the media and government. The ideas and concepts discussed in this chapter will be used to inform and interpret data examined in Part 2 regarding campaigns and pressure groups against miscarriage of justice.

### **Pressure Group Diversity**

There is disagreement regarding how a pressure group should be characterised (Coxall, 1986; Richardson, 1993) and even whether it is possible to find an agreed working definition. One of the difficulties is the number of pressure groups and the fact that the range and diversity of groups makes it unlikely that a working definition could be found (Wootton, 1970). Many pressure groups operating within the UK are small and relatively unknown and do not seek to influence the political agenda (Baggott, 1994). Their concerns are highly specific and often involve a small number of associates who might or might not require formalised membership to participate in the activities of the group (Castles, 1967; Wheaton, 2005). This situation can be contrasted with those groups which have large memberships and which in turn employ and represent significant numbers of people. The Trades Union Conference (TUC); the British Medical Association (BMA) and the Confederation of British Industry (CBI) are three such examples (Alderman, 1984; Fogarty, 1990). There are similarly major differences in how individual pressure groups seek to influence public policy and their relationship with the political system (Holmes, 1982; Maloney, 2009). Some groups operate at a national level whilst other pressure groups choose to focus their activities on local issues (Barber, 1984). Increasingly some pressure groups are seeking to influence public policy in Europe (Kirchner and Swaiger, 1981; Butt, 1985) and others to influence the decisions of politicians at a global level (Jilberto and Hogenboom, 2008).

Grant (1989) argues that pressure group activity is an important aspect of the political process in the United Kingdom (UK) and suggests there are more citizens involved in pressure groups than in political parties. Membership of pressure groups is dominated by the National Trust with a membership of 2,189,000 (1993) and the Royal Society for the Protection of Birds with a membership estimated at over 1,000,000 (Jordan, 1998). Grant (2005: 369) similarly notes that '...the RSPB has more members than all Britain's political parties combined'. Possibly as a consequence of this many citizens believe that particular 'causes' are best pursued through pressure groups rather than through political parties (Jordan, 1998). Grant (2000) argues that there has been a change in emphasis within pressure group politics from a 'politics of production' to a 'politics of collective consumption'. Whilst the politics of production could be viewed as a struggle between 'management and labour', collective consumption is more concerned with the 'outcomes of the production process.' The idea of 'collective' consumption is to distinguish between private forms of consumption with those that link individual choice with 'broader social values and some notion of a public good' (Grant, 2005: 366). The distinction, however, between protest activities that seek a common good and those that are more concerned with self-interest are difficult to unravel. Grant (2005: 367) considers those who protest against new developments including telephone masts and airports and argues that whilst more altruistic reasons could motivate some protesters, one concern might be to protect their own interests. Such groups are increasingly involved in direct action tactics like the destruction of telephone masts often as a result of not having established relationships with political-decision makers (Grant, 2005: 368).

The next section will review possible definitions of pressure groups and then seek to distinguish pressure groups from political parties, government agencies, and interest and cause groups.

### *Defining Pressure Groups*

In a collection of essays on pressure groups in the UK there were over 21 terms used to define pressure groups (Kimber and Richardson, 1974). The variety of available definitions mirrors the perspectives of commentators who seek classifications to suit the emphasis of their particular argument. Grant (1989: 90) suggests that one possible definition of a pressure group could be:

An organisation which seeks as one of its functions to influence the formulation and implementation of public policy representing a set of authoritative decisions taken by the executive, the legislature, and the judiciary, and by local government and the European Community.

Alderman (1984: 21) considering the history of pressure groups and pressure group theory defines pressure groups as:

Those units, organised or not, of the democratic process which have a set purpose or set of purposes, but which are nonetheless neither political parties nor formal agencies of government.

The definition is more inclusive and seeks to distinguish pressure groups from government. Alderman (1984: 21) argues that pressure groups should not only be defined as groups seeking to influence government as an aim of some pressure groups might simply be to influence public opinion or a section of the population. Alderman (1984: 11) cites Finer (1958: 2) who defines interest groups as 'economic associations which exercise power' but Alderman (1984) finds this too narrow an interpretation. Some pressure groups can clearly not be classified as 'economic associations' (Holmes, 1982) and their aim is not to seek 'power'. Finer (1966: 3) seeks to understand the power differential inherent within pressure group activity by suggesting that another definition might include:

The sum of organisations in so far as they are occupied at any point in time in trying to influence the policy of public bodies in their own chosen direction; though (unlike political parties) never themselves prepared to undertake the direct government of the country.

The definition continues the theme of pressure groups seeking to influence public policy and government. Roberts (1971: 173) defines a pressure group as:

An organised group which has as one of its purposes the exercise of influence...on political institutions, for the purpose of securing favourable decisions or preventing unfavourable ones.

The notion of 'influence' is a reoccurring theme within pressure group theory whether it is to influence public policy or to bring about political change (Kimber and Richardson, 1974; Frost, 1975; Brennan, 1985; Richardson, 1993; Simpson, 1999; Baggott; 2000). This idea is developed by other commentators who seek to define pressure groups as:

Any group attempting to bring about political change whether through government activity or not, and which is not a political party in the sense of being represented at that particular time in the legislative body (Castles, 1967: 1).

Organisations whose members act together to influence public policy in order to promote their common interest (Pross, 1986: 9).

Social aggregates with some level of cohesion and shared aims which attempt to influence the political decision-making process (Ball and Millard, 1986: 33).

The subject of interest groups will be discussed later in the chapter, but in extending the motif of 'influence', to what extent can pressure groups be said to 'pressurize' in order to achieve their stated aims? Finer (1966; 3) argues that the use of the term 'pressure' is itself problematic because it suggests:

Some kind of sanction will be applied if a demand is refused, and most groups, most of the time, simply make requests to put a case; they reason and they argue, but they do not threaten.

One difficulty in accepting this interpretation is that although it might have application in certain circumstances it is not always the case that pressure groups seeking to influence public policy invariably enact sanctions if their arguments are refused (Wigley, 1980). Finer (1966: 3) prefers the term 'lobby' to pressure group suggesting that lobby encompasses all groups which 'seek to influence public policy'

and that an aim of lobbying is to 'influence government'. The use of the term becomes problematic, however, if the activity of pressure groups is restricted to influencing government (Davies, 1985). Other commentators prefer the term 'interest' group (Norton, 1984; Wilson, 1990) suggesting that the term is less confrontational than 'pressure group' but still retains the idea of groups seeking to clarify their aims in relation to public policy.

Isolated definitions often remain unhelpful as they are unable to manage the multiplicity of groups operating in the UK (Roberts, 1970; Richardson and Jordan, 1979) and furthermore they are unable to adequately differentiate between the operation of pressure groups and associations and pressure groups and government (Baggott, 1995). The difficulty of categorizing pressure groups has encouraged the development of typologies that seek to contribute to the theoretical and practical understanding of pressure groups. The next section will examine and evaluate a range of alternative typologies.

## **Pressure Group Typologies**

Despite a number of typologies operating within pressure group discourse their use is only of benefit if they increase understanding and ameliorate the degree of confusion that can exist when examining classificatory types and groups (Castles, 1967; Marsh 1983). One purpose of generating typologies has been to examine general principles that operate across different pressure groups rather than attempting to analyse specific groups in isolation. Stewart (1958: 25) suggests a typology that focuses on 'sectional' and 'cause' interests. The typology distinguishes between the two groups suggesting that sectional groups 'represent a section of the community' and that their focus is to protect 'the common interest of that section'.

Authors using 'sectional' and 'cause' group typologies argue that useful generalisations can be studied that have theoretical and practical value (Stewart, 1965). Sectional groups, for example, tend to focus on specific targets that are not

of immediate interest to the public at large (Grant, 1978) and have a defined membership. The Royal College of Nursing (RCN) is open to nurses and seeks to support and represent nurses whilst also working with government to shape health policies (RCN, 2009). The National Association of Schoolmasters/Union of Women Teachers (NASUWT) is open to those involved in education and seeks to 'influence, protect and campaign' on behalf of its members (NASUWT, 2009) (Coates, 1972). The aims of sectional groups reflect the interests of their members and because they tend to focus on issues broadly in line with the values of society, their goals are generally not contentious with the electorate (Jordan and Richardson, 1987: 21). Cause groups do not focus on the specific interests of their members but seek to benefit society as a whole or a section of it. The Royal Society for the Prevention of Cruelty to Animals (RSPCA); Greenpeace, Amnesty International and Age Concern (now combined with Help the Aged to form Age UK) are examples of cause groups with large memberships although the membership of some cause groups is significantly smaller. Despite the use of the sectional or cause group typology some groups do not fit comfortably in either categorisation. The NASUWT is an interest group but it similarly campaigns to improve the quality of education in the UK (Barber, 1992). Sometimes established interest groups set up campaigns to promote a specific cause as when the Royal College of Physicians set up the pressure group Action on Smoking and Health (ASH). Other two tier typologies are developed by Cawson (1982: 39) who suggests a coupling of 'corporate' and 'competitive' groups. In this model the corporate group functions within an economic context and its influence is dependent on the function it adopts within society and its relationship to the State. Competitive groups conversely operate as individuals coalesce to further their collective ideals and goals. Moran (1985) similarly takes a two tier approach but prefers the terms 'functional' and 'preference' groups. Although using different terms his typology corresponds with the classification of Cawson (1982). Two tier models are attractive in their simplicity but their use is dependent on typologies being used flexibly and recognising that the analysis of many pressure groups falls within an indistinct hinterland in which definitions remain obscure. In this context, 'forcing' a pressure group into a particular classificatory model could have the opposite effect and undermine the

very purpose of the typology (Jordan and Richardson, 1987). Nevertheless typologies have contributed to pressure group discourse and to problematizing their role, function and purpose. A notable typology developed by Grant (1978, 1984) sought to distinguish between 'insider' and 'outsider' groups. This typology has been influential in pressure group discourse because of its flexibility. The next section will examine the insider/outsider classification and their respective subdivisions.

### *'Insider' and 'Outsider' Groups*

Grant (1989) suggests a typology which identifies two divisions: 'insider' and 'outsider' groups which are then divided into various subdivisions. Insider groups are considered legitimate organisations by government and as such engage with government in the development of public policy through various consultative frameworks. Conversely outsider groups do not want to engage in a consultative process with government and as a consequence of this stance do not acquire the status or recognition of insider groups. Grant (1989: 15) suggests that such groups might be viewed as 'protest' groups because their interests fall outside 'mainstream' politics. Within the insider classification Grant suggests three further subdivisions. Insiders can be 'high profile' or 'low profile' depending on the degree to which they cultivate media support to strengthen their relationship with government. Another subdivision is the 'prisoner' category which concerns those groups who are dependent on the government for funding or other kinds of assistance (Fogarty, 1990). The pressure group Action on Smoking and Health (ASH) receives approximately 80% of its funding from the Department of Health and in some respects is tied to government policy for its continued existence (Baggott, 1987; Edwards, 2004). Grant (1989: 17) similarly divides outsider groups into three categories. 'Potential insider' groups are those who seek to become insider groups but whose current status means they have to pursue a strategy that will bring them in line with government policy. A second category is the 'outsider group by necessity'. These groups might want to become 'insider groups' but their political

naivety and lack of sophistication means that their status as an insider group is impeded. 'Ideological outsider groups', a third subdivision, do not expect to be embraced by government because of the radical nature of their aims.

Fathers 4 Justice was founded in 2002 with the aim of strengthening the voice of UK fathers regarding access to their children following divorce. The group is able to mobilize a core group of activists who, dressed in Batman or Spiderman costumes, claim to use 'humour' to promote their cause. When, however, activists threw condoms full of purple powder during Prime Minister's Question Time from the public gallery many questioned whether the group had alienated many from their cause. Grant (2005: 372) suggests that whilst some within the protest might see getting their cause on the political agenda as sufficient progress this is, in fact, only the start of a process by which they are able to influence how legislation is implemented in the courts. The 'outsider' protest role taken by Fathers 4 Justice has had limited success in terms of influencing the courts and the Children and Family Court Advisory and Support Service (CAFCASS). An alternative 'insider' role is employed by 'Parents for Equality' who eschew protest and rely more on education and reasoned argument directed at decision-makers (Grant: 2005).

The Animal Liberation Front (ALF, 2009) states that one of its aims is to 'liberate animals from places of abuse...laboratories, factory farms, fur farms' and to 'place them in good homes...' Achieving the aims of the organisation and in particular, violent campaigns by some of its members, brings them into direct conflict with government and with criminal justice agencies with some members being imprisoned. The group post details of members serving prison sentences and refers to them as 'political prisoners' (ALF, 2009). The organisation's ideological stance means that the group will be unlikely to be regarded as 'legitimate' by government until it changes its aims and methods of working. Despite this, animal rights militants have achieved success in challenging public policy. The University of Cambridge abandoned its plans to build a research centre in which neurological experiments would have been carried out on monkeys. One reason given was the excessive costs of providing adequate security to protect the facility. Despite the government amending its Anti-Social Behaviour Act in 2004 the government has

been criticised by some of the leading pharmaceutical companies including GlaxoSmithKline and AstraZeneca who threatened to withdraw funding for new research unless the government took more effective action against animal rights militants. Grant (2005: 375) suggests that apart from the economic consequences of such protest movements and direct action ‘...if the tactics used by the animal rights militants continue to be seen to be effective, they could be copied by other groups, increasing the strains on the political process as a whole’.

Wheaton (2007) has examined the role of New Social Movements (NSMs). Such groups operate outside the workplace or mainstream politics and their interests usually prioritise a particular goal. As such they are usually recognised as ‘single issue groups’. Some justice campaigns and pressure groups against miscarriage of justice share many of the characteristics of NSMs including their memberships being primarily activist-orientated and anti-authoritarian (See Chapter 7). Whilst commentators differ on how NSMs should be characterised many see their remit as being ‘anti-authoritarian’ and ‘anti-bureaucratic’ with their organisation being ‘activist-orientated, with fluid membership and networks that often go beyond the nation state’ (Barker, 2000: 125; Wheaton, 2007:285). Whilst many NSMs choose not to align themselves with any traditional political party, Wheaton found that the Surfer’s Against Sewage (SAS) pressure group whilst not involved in party politics did see themselves as politically motivated. Wheaton (2007: 289) cites Hines (co-founder of SAS):

We are the politics of our campaign – we are the politics of clean seas...it is very strongly political but we are not politically aligned to anybody. We will align ourselves with any party whose policy on sewage treatment is good.

A criticism made of some single issue movements is that they tend to be less effective with regard to challenging broader social issues including issues of capital and power (Jordan, 1999). Wheaton (2007: 290) found, however, that some activists, were ‘avid environmentalists and anti-capitalists’ and demonstrated their commitment to change through active participation in other pressure groups including Greenpeace, Ocean Conservation Society and Amnesty.

The typology suggested earlier by Grant (1989, 2005) challenges classifications that rigidly adhere to the cause/interest group dichotomy. Some groups fall outside particular definitions and are therefore not readily classified as an interest or cause group. Ryan's (1978) study of the Howard League for Penal Reform shows that a 'cause' group can achieve 'insider' status. Alternatively Grant (1989: 15) cites the National Union of Ratepayers' Associations as an interest group that has not achieved insider status. One of the strengths of the insider/outsider typology is that it focuses on 'status' which can fluctuate according to changing circumstances. The issue of 'status change' seems to be linked to effectiveness and to the ability of the outsider group to move and argue coherently within the political arena. The language and mores of Whitehall need to be understood by outsider groups if they are going to be accorded insider status. Grant (1989: 18) suggests that the inability of many outsider groups to appreciate the intricacies of the political system leads them to make demands that are inevitably rejected by government. Returning to Ryan (1978) study of penal reform, the Howard League for Penal Reform was treated as an insider group by government whilst the Radical Alternatives to Prison (RAP) and PROP, an organisation dedicated to the advancement of prisoners' rights, were not consulted on matters of penal policy. The government in both cases appeared to decline opportunities to consult on the basis that they criticised government policy and in the case of PROP, advanced a policy of exclusion towards it (Ryan, 1983).

May and Nugent (1982) have modified the insider/outsider classification to include 'threshold' groups, to account for those groupings which move between insider and outsider distinctions and which unveil 'strategic ambiguity and oscillation between insider and outsider strategies' (May and Nugent, 1982: 7). The Trade Unions sometimes fall into this category depending on the political environment of the day. A change in government or in government policy can change the political standing of a union so that it moves from 'insider' to 'outsider' status or vice versa. Despite the changing status of some pressure groups most appear to desire 'insider' status and the 'legitimacy' that insider status brings. However, in terms of the effectiveness of a group in achieving its aims, insider status can bring

responsibilities which in turn might undermine its ability to pursue policies and strategies that are fundamental to its aims and rationale (Nettl, 1965).

The conceptualisation and analysis of pressure groups needs to take account of the political context in which they operate. In the UK pressure groups function within a democracy and are subject to different political perspectives. It is to the subject of pressure groups and democracy we now turn.

## **Pressure Groups, Democracy and the Political System**

Any examination of pressure groups, including those who campaign against miscarriage of justice, suggests that however 'neutral' a pressure group might want to be few can ignore the political arena or the activities of actors operating within the political system (Alderman, 1984: 49). Pressure groups operating in the UK do so within a democratic environment in which different political perspectives influence how pressure groups are defined and how their roles and function in a democratic society are interpreted and explained (Dahl, 1961, 1982). The next section will examine five political perspectives that have particular relevance to the analysis of pressure groups in the UK. They include pluralism, neo-pluralism, corporatism, New Right and Marxist perspectives.

### *Pluralism*

Although pluralism lacks a definitive statement outlining what it actually is (Jordan, 1990, Smith, 1990) there are principles central to pluralism which enable the role of pressure groups within pluralist thought to be conceptualized (Lijphart, 1977; Dunleavy and O'Leary, 1987; Cox, 1988).

Walz (1995: 690) suggests that pluralism could be conceived as:

A condition marked by the multiplicity of religions, ethnic groups, autonomous regions, or functional units within a single state; or a doctrine that holds such a multiplicity to be a good thing.

The definition covers a range of different political perspectives but inherent within all pluralist thinking is the importance of pressure groups in the development of public policy within the democratic framework (Dahl, 1982). The importance of pressure groups is that they operate as a counter balance to excessive concentrations of power and enable citizens to participate and engage in policy decisions (Truman, 1951). In this context what is 'pluralized' is not religious preference or culture but 'political opinions and conceptions of material interest' (Walz, 1995). Principles central to pluralist thinking include the notion that power should not be concentrated within the confines of a minority but that it should be dispersed across the State and that government should operate by consent from the people (Lijphart, 1977; Brown, 1989). Secondly, that participation in the decision making process by citizens should be encouraged. As a concomitant to this ideal, pluralists argue that associations and groups that enable citizens to participate in politics are an important complement to the electoral process because they permit individuals to more adequately express their views on a wide number of specific issues (Wilson and Stoker, 1991). As such pressure groups are an important channel of communication between the government and governed and act 'as a counter weight to undue concentrations of power'(Grant, 1989: 25). Maloney and Beckstrand (2008: 4) suggest that government supports groups for two reasons: they provide 'legitimacy' to policy decisions providing groups have been actively involved and consulted. Secondly, groups encourage 'civic vibrancy' encouraging notions of shared identity which in turn might generate ideas and solve problems. Maloney (2009: 281) cites Ripley and Franklin (1986: 28) who comment that bureaucracies will 'sometimes take the initiative in creating and funding the existence and activities of interest groups that will then subsequently lobby for decisions favourable to their interests'. The practicalities of encouraging more citizens to participate in the political process is examined by Parry, Moyser and Day (1992) who suggest that pressure groups offer an important means of support, enabling individuals through encouragement and practical support to participate in a range of activities.

Pluralist theory suggests there should be no barriers to the creation of groups and that ideally no single group should become too powerful to the detriment of other groups and to the political decision-making process (Dahl, 1961). Pluralist thinking, however, has never suggested that all groups will be equal in terms of their influence and resources (Grant, 1989). The pluralist point is that although groups might not have access to the same resources, the political system should enable all groups who have a concern within a particular area to present their case and be heard (Jordan and Maloney, 2007). Where groups contend with each other for dominance in a specific area they rarely succeed in gaining absolute control and sometimes the competing ideologies of pressure groups actually neutralise each other (Richardson and Jordan, 1979). Examples of this economy of pressure are the campaigning groups 'ProLife' and 'Pro Choice' groups which seek to persuade the public of their respective positions on the issue of abortion (Hindell and Simms, 1971; Marsh and Chambers, 1981). Similarly the pressure group, Action Against Smoking (ASH) seeks to persuade the public of the harm caused by tobacco whilst an alternative campaign is orchestrated by the Freedom Organisation for the Right to Enjoy Smoking Tobacco (FOREST) (Baggott, 1987). The notion of different groups contributing to the political process is fundamental to pluralist theory; in fact, some commentators suggest that political activity can only be conceptualised in terms of the balance of groups operating within the political system (Bentley, 1995). Certainly a central argument in political pluralism is that:

The ruling group, whatever its character, concedes that its ideas about how to govern are not the only legitimate ideas and that its understanding of the common good must incorporate some subset of more particular understandings (Walz, 1995: 690).

The notion of legitimacy similarly extends to the democratisation of pressure groups themselves. Just as government should be based on consent, so pluralist thinking argues that there should be democratic procedures operating within pressure groups rather than 'control' residing in the hands of an individual or group with little opportunity for others to influence the direction of the group, or to

question the group's leadership (Wilson and Stoker, 1991). This subject is discussed in Chapter 7.

Maloney (2009) has considered the extent to which we can expect pressure groups to contribute to participatory democracy and the generation of social capital. Many groups operate on a 'minimalist democratic basis' where the membership has little direct involvement (Maloney, 2009: 284). Whilst many commentators and activists might have problems with more ephemeral involvement, the time restrictions of many members and the strategic aims of groups often mean that shallow involvement is the preferred option. Saurugger (2007) comments on the increased professionalism of many groups and their need for increased levels of technical knowledge and expertise to forward their aims. The priority is sometimes not generating more members but members who have specific skills. Bosso (1995) likewise comments that it is sometimes '...lawyers, scientists and policy experts' that are required rather than additional members making up the numbers. Crenson and Ginsberg (2002: 147) suggest that changes in how groups operate and the strategic aims prioritised by groups focuses attention on those members 'who have ideas and expertise rather than to those who assert interest and preferences'.

Two explanations for groups offering limited involvement is that they can operate more efficiently when decisions are made by a smaller unit of members with expertise and secondly, for some members, less active involvement is seen as a benefit (Jordan and Maloney, 2007; Pattie *et al*, 2004). Lansley (1996) suggests that the size of the organization and the 'depth of professionalization' within the group will influence the levels of active participation and democracy enjoyed by the wider membership. A third factor of specific relevance to this thesis is the issue of the 'ideological commitment' of members. Where supporters have chosen a group because of their ideological commitment then the leadership of the group will need to pay greater regard to issues of internal democracy. Where members have chosen a group, with little ideological commitment then the membership are less likely to make demands on the group and specifically in relation to the group's strategic focus and day to day running (Lansley, 1996: 222; Maloney, 2007: 279). The majority of groups, as will be seen, campaigning against miscarriage of justice have

strong ideological associations and their memberships, some of whom are involved in direct action, seek active participation through their group's democratic structures and framework (See Chapter 7).

The assumptions propagated by pluralists have not been without challenge (Westergaard and Resler, 1976; Smith, 1990) particularly in relation to pressure group discourse. Pluralists have sometimes intimated that the creation of pressure groups is a relatively straightforward matter but this aspect of pluralist thinking has been criticised as not reflecting an adequate understanding of pressure group theory. A notable contribution by Olson (1965) is that pluralists have not accounted for groups with economic interests and as such their theories are underdeveloped. Olson (1965) cited by Grant (1989: 27) argues that individuals in large organisations might be less likely to work hard for a specific cause than in a smaller group because the achievement of goals by the larger group is likely to be met regardless of whether the individual actor increases their effort or not. Olson (1965) similarly drew attention to 'by-product theory' whereby members join a group not because they feel committed to the aims of the group but because of the services the group might offer its membership. An important development generated by such theories concerns the issue of pressure group membership and participation. In terms of membership the costs of joining a group might not be high and might only involve a small financial contribution. The issue of participation is a different matter as active involvement can place greater practical demands on the member. Participation, however, also brings other benefits including a sense of belonging that group members are standing together to fight a particular cause (Moe, 1980: 188). A second benefit is that by attending and participating on a regular basis members are trusted with information that might be sensitive and important to the achievement of group aims. This in turn creates a sense of solidarity and belonging with the group (Moe, 1980). Many participants in this study, as will be seen later, discussed evidential matters concerning their own cases and campaign. This appeared to generate notions of solidarity and group loyalty with campaigners expressing trust in the integrity of the group through the sharing of sensitive information.

The development of pluralist theory has encouraged some commentators to reformulate ideas and to rethink the pluralist perspective. This had led to the development of neo-pluralist interpretations. The next section will examine neo-pluralist theories and their impact on pressure group discourse.

### *Neo-Pluralism*

A key departure from the traditional pluralist position in terms of pressure groups is that the neo-pluralists conceive the relationship between government and groups in different terms (Dahl, 1982; Smith, 1990). Whilst the pluralist position is that groups are able to contribute to public policy through influencing government, the neo-pluralists argue that government influences groups in order to persuade them to support their aims and policies (Dunleavy and O'Leary, 1987). The issue here is not simply that government operates from a distance but that it is actively involved in the creation of its own policies through groups (Dahl, 1982). This has implications for the autonomy and independence of groups and particularly those that receive funding and other resources from government. Many groups could not operate in their current form without government assistance and secondly would not want to risk their 'privileged' position by opposing government directly on an important policy issue (Nettl, 1965). A second development suggested by the neo-pluralists is that they reject the pluralist position that regulatory strategies within a democratic framework prevent any single set of groups from becoming too powerful. By far the most influential groups are those that operate within the business world and particularly within economies committed to capitalist principles (Lindblom, 1977). Government works with the business world and supports its pressure groups because both share similar aims (Grant and Sargent, 1987). This is often a 'closed' world with membership of groups being highly selective and policy decisions being made without recourse to democratic principles (Lindblom, 1977; Dahl, 1982). A second group which have considerable influence are those which offer 'expert' or technical expertise. The British Medical Association (BMA) (Eckstein, 1960; Jones, 1981) for doctors; the Bar Council representing the interests of barristers and the

Law Society representing solicitors are influential groups within their own specific spheres of activity. Their influence, however, does not equate with that of business groups who operate interdependently with government (Dahl, 1982). The key issue for the neo-pluralists is that pressure groups are not the independent groups they might appear but are influenced and sometimes manipulated by government to achieve their aims (Galbraith, 1974; Smith, 1990). The relationship of government to pressure groups has also been approached using corporatist theories. The next section will examine corporatism and pressure groups and consider the main criticisms made against corporatist theories.

### *Corporatism*

One difficulty when assessing corporatist theories is that there is disagreement as to what corporatism is and how it should be interpreted (Williamson, 1989). One debate concerns whether corporatism should confine itself to the analysis of 'tripartism' (bringing together government, business and the trade unions) or whether 'bipartite' arrangements (often involving the government and a profession) should be incorporated into corporatist theories (Grant, 1989). Despite theoretical uncertainty a number of agreed principles have emerged that fix the perspective within a democratic framework and which support the notion that corporatism could be viewed as a 'subtype' of pluralism (Pahl and Winkler, 1974; Cawson, 1985). One of the key arguments of corporatist theory in relation to pressure groups is that a group's influence comes from its 'close' relationship with government (Schmitter and Lehbruch, 1979). Pressure groups often adopt this role not because they are harassed or manipulated into doing so but because they choose to accept an interdependent relationship with government believing they are more likely to influence policy decisions (Cox, 1988). However, there are consequences in terms of pressure group independence and internal democracy. In 1976 the TUC was able to delay a proposed strike by the seamen, by suggesting that if the strike went ahead the National Union of Seaman might be expelled from the TUC. The TUC was prepared to discipline its members because it wanted to uphold

the government's incomes policy and thereby strengthen its own relationship with government. Grant (2005: 375), however, draws attention to the Trade and Industry Secretary criticising both the Confederation of British Industry and the Trades Union Conference in September 2004. The decision exemplifies the changing landscape of pressure group politics since the 1970's when government was more concerned with acquiescing to the overtures of pressure groups in an attempt to uphold tripartite relationships. One argument of corporatist theory is that the perspective encourages stability because both government and pressure groups want to protect the relationship. This encourages consensus when debating policy issues and a desire to find negotiated settlements. Serious criticisms, however, have been made of corporatist theory. Cawson (1982) comments that corporatist arrangements might encourage more 'authoritarian' decision making and that this could lead to policies that undermine accountability and democratic principles. Certainly many pressure groups are dominated by their leaders according to corporatist theory makers (Cawson, 1982; Bull, 1992) but this might be more prevalent in situations where there is a lack of supervision and where there are inadequate checks and balances to authoritarian rule (Cox, 1988). One outcome of groups prioritising cooperation and bargaining strategies with government is that the primary aim of solving problems is lost to the 'management of avoidance of conflict' (Stringer and Richardson, 1982: 22). Some commentators take the argument further and suggest that one outcome of close relationships between groups and government is that 'the policy process has if anything excluded the general public from any effective influence' (Richardson and Jordan, 1979: 174). Central to corporatism is the relationship between government and groups but this is similarly its weakness. The theory does not adequately explain the nature of the relationship or elucidate why groups might be prepared to relinquish their independence (Cox, 1988; Bull, 1992). Despite weaknesses in corporatist argument the perspective is wedded to the notion that pressure groups exert more influence when cooperating with government and that the relationship is both symbiotic and interdependent (Lijphart and Crepaz, 1991). An opposing stance is taken by adherents of New Right ideologies. The next section will examine New Right ideas and consider adherents views on pressure groups.

### *New Right Perspectives*

Whilst pluralist perspectives take a more optimistic view of the role of pressure groups, and corporatists less so, supporters of new right ideologies adopt more confrontational attitudes towards pressure groups seeing them as obstacles to public policy and to the effective running of government (Olson, 1982). The central feature of New Right ideology is that it can be viewed more as a collection of ideas assembled from contrasting political traditions rather than as a single unitary doctrine (Gamble, 1988). Within the ideology competing beliefs have found a way to co-exist, incorporating authoritarian discourse with a commitment to the nation state, as opposed to free market liberals who seek less government control in matters of economic policy (Green, 1987; Whiteley, Seyd and Richardson, 1994). Despite differences in philosophy between these two doctrines both hold dismissive views on the role and benefits of pressure groups. Government is viewed as the only legitimate author of policy and rule with pressure groups categorised as self-interested organisations attempting to undermine the interests of the majority to the advantage of their membership (Pirie, 1988). This interpretation is dependent on the belief that individuals join pressure groups because they believe there are economic advantages in them doing so (Olson, 1982). As a consequence of this, New Right theory argues that some sections of society are underrepresented by pressure groups not because of the intrinsic worth of the areas but because the economic advantages of membership of some groups is not as favourable (Olson, 1982).

The notion of economic advantage being a key factor in persuading individuals to join pressure groups has received extensive criticism (Marsh, 1977; King, 1985; Dunleavy, 1988). The reality of pressure group organisation indicates that many groups are formed despite little or no economic advantage to the membership. Olson (1965) whose views have been used by the New Right suggests that economic 'inducements' are another reason why pressure groups attract members but this is contradicted by evidence which suggests that the membership of pressure groups value political engagement as much and sometimes more so, than other 'services' provided by the group (Jones, 1981). Another problem with

'Olsonian' thinking is that it equates motivation for group membership with individual economic advantage but this view is contested (Grant and Marsh, 1977). For example, many environmental groups (Lowe and Goyder, 1993; Dalton, 1994); peace groups (Byrne, 1988) and countless other interest areas (Jones, 1981) do so because their membership is motivated by the 'cause' and not because of any material advantage they might accrue through involvement with the pressure group (Ridely and Jordan, 1998).

It is apparent so far that the diversity of pressure groups and the extent to which they are able to influence public policy is determined by many factors including the relationship of pressure groups with government. Some of the components necessary to exert pressure on the political agenda are beyond the control of pressure groups but others are possibly within their remit and concern their effectiveness as 'political' units. The next section will examine Marxist perspectives and explore some of the criticisms made regarding pressure group effectiveness.

### *Marxist Perspectives*

The Marxist position takes a similarly negative view of the role of pressure groups but for fundamentally different reasons. The primary focus for Marxists is the uneven social divisions across society and the distribution of power (Korsch, 1970; Anderson, 1979). This relates to the social processes that protect the ownership of capital from those who have to sell their labour (Lukacs, 2002). Whilst some Marxists can see the benefits of trade unions as a means of initiating political change (Miliband, 1992) others question whether such groups are able to effectively challenge capitalist interests (Clarke and Clements, 1977). A central argument of mainstream Marxists is that capitalism has managed to survive because it has provided working class groups with political concessions that have enabled them to manipulate social values and maintain an 'ideological hegemony' (Gramsci, 1971). As such pressure groups are unable to facilitate lasting change because the environment in which they work is dominated by capitalist interests (Clarke and Clements, 1977). Despite this Miliband (1992) argues that pressure

groups can and do operate within capitalism and suggests that pressure groups under the aegis of the women's movement, peace movements and ethnic minority groups are examples of groups which are able to challenge government policy. Whilst it is accepted that there are underlying differences between groups within the capitalist state, pressure groups campaigning for or representing their own interests can have a significant impact (O'Conner, 1973; Poulantzas, 1975). There is a sense, however, in which capitalism tolerates the activities of pressure groups because they legitimize the State and notions of democracy. Marxists, however, take a more critical view of democracy under capitalism and suggest that democratic principles are often no-more than a sham (Anderson, 1979). Pressure groups operating within this environment rather than challenging the State might actually lend support to the continuance of those principles that uphold the operation of capitalism (Clarke and Clements, 1977). These political perspectives will be examined later when considering which are most relevant in relation to participants campaigning against miscarriage of justice (See Chapter 8).

The next section will examine pressure group effectiveness and consider group organisation, resource implications and the extent to which group cooperation contributes to advancing an agreed cause. For many groups campaigning against miscarriage of justice their effectiveness appears to be influenced by the extent to which they cooperate with other pressure groups campaigning against miscarriage of justice. Many groups operate federal arrangements whereby they focus on their own needs but similarly endorse agreed aims and objectives supported by other pressure groups campaigning against miscarriage of justice (See Chapter 7).

### **Pressure Group Effectiveness: Organisation, Resources and Group Cooperation**

Organisational factors, resource considerations and the extent to which pressure groups cooperate with one another are important determinants of whether a pressure group might successfully influence public policy (Buksti and Johansen,

1979). Despite this, literature on group effectiveness is scarce. Whiteley and Winyard (1987: 111) suggest that 'the question of interest group effectiveness is probably the least adequately researched aspect of the study of pressure groups'. A reason for this might be the conceptual and practical difficulties of problematizing what the term 'effective' means and how 'effectiveness' might be measured (Prethus, 1973). One complication stems from the difficulty of actually gauging the objectives of a group and then deciding how achievement of these might be measured and evaluated (Whiteley and Winyard, 1987). The situation is further exacerbated when evaluating a group with several objectives. Some of these might be of interest to dominant sections of the group but of limited significance to other members (Grant, 1989). Savage *et al* (2007: 14) in relation to campaigns against miscarriage of justice and 'critical success factors' argue that

Given...campaigns for justice can have multiple outcomes, some of which were not part of original campaign goals, it is important to view campaigning as a *process* whose 'success' or otherwise is dependent on the interplay of individuals and agencies associated with the campaign and the environment in which they operate'.

To assist the process of measuring 'effectiveness', a number of typologies have been created and used within pressure group discourse (Prethus, 1974, Schmitter and Streeck, 1981; Whiteley and Winyard, 1987) and these have been utilised by Grant (1989) when presenting an alternative typology. The typology (Grant, 1989: 117) is divided into three categories with the first seeking to examine the 'environment of groups' and their 'domains'. This concept was first developed by Schmitter and Streeck (1981) but developed by Grant (1989) to include pressure group organisation and representation. The second category concerns resource implications and includes the decision-making structures of groups; staff and financial resources; mobilisation of support; and, sanctions. The final category considers the 'economic and political' environment and includes how economic conditions and changes in political party influence might modify the role and function of pressure groups. Some of these categories will be developed in the next section.

## *Organisation*

Buksti and Johansen (1979) highlight the importance of groups developing sophisticated organisational strategies as a means of achieving their objectives and influencing public policy including the creation of mechanisms to resolve conflict. Possible sources of conflict have been identified by several authors (De Dreu and de Vliert, 1997; Rahim, 2001; De Dreu and De Vries, 2001; Deutsch, Colman and Marcus, 2006). Baggott (1995), however, identifies good leadership as an important component of successful pressure groups and argues that because pressure groups often have to incorporate many different views within their membership, the management of conflict can take a pivotal role in the achievement of group objectives.

Baggott (1995: 58-59) categorises group conflict into three areas and identifies economic factors (where conflict emerges through 'market conditions'); geographical factors (where conflict is 'underpinned by economic and occupational differences') and ideological factors (where different groups adopt policies on the basis of a particular ideology). One argument is that conflict could be seen as indicating that the membership is sufficiently in tune with the procedures of shared decision making. This view, however, is open to question because conflict could lead to group fragmentation and undermine the pressure group's ability to lobby and persuade politicians and civil servants of their position (Baggott, 1995). Despite ideological differences, some insider groups wedded to working with government and outsider groups advocating direct action can coordinate their activities and enter into a mutually beneficial coalition. The National Farmers Union (NFU) is an insider group with established links with government. The 'outsider' protest group Farmers for Action uses 'direct action' techniques based on the French model and is now recognised as being an influential player within the political arena. Despite earlier antipathy between the two groups, the NFU has moderated its stance towards Farmers for Action and in 2004 entered into a coalition with the 'outsider' group to protect the interests of dairy farmers. Whilst the group has not abandoned direct action techniques it has moderated the frequency of its protest and this has been a source of criticism from some of its members. Grant (2005: 378) argues that

outsider groups are often susceptible to criticism from some members when their militant credentials are questioned. The main point made by Grant (2005) in relation to the NFU and Action for Farmers is that coalitions between insider and outsider groups are not only possible but that they may well become more prevalent as insider groups witness the success of outsider, direct action protest (Grant, 2005: 378). A complementary feminist perspective advocated by Kenney (2003: 200) suggests that definitions of the policy community should be broadened to include social movements and grassroots politics. The move from interest groups to social movements contributes to understanding the process of agenda setting and to understanding the relationship between insiders and outsiders (Flammang, 1997). Kenney (2003) argues that radicals often question working within the system and the State. Liberals, however, often prefer '...incremental change to subvert rather than confront directly dominant discourse'. What feminist policy suggests is that both are required rather than having to make a choice between the two alternatives. Kenney (2003: 201) argues that we need to understand the relationship of insiders and outsiders and that '...rather than working in opposition to one another, we need to accommodate both perspectives'.

Other factors supporting improved organisation include staffing issues, (staff development; staff retention); the development of procedures to enable the membership of groups to contribute to policy discussion and the ability of groups to harness the expertise of their staff or membership (Rahim, 2001). In terms of pressure group staffing, Baggott (1992) comments on the small number of staff employed by many pressure groups and that a random study of over a hundred pressure groups revealed that half the groups had fewer than twenty staff.

Buiski and Johansen (1979: 209) commenting on staff size describe groups with less than six permanent staff as 'weak insiders'. One outcome of poor staffing levels is that the completion of administrative tasks necessary for the effective running of a group could be undermined (Bratton and Gold, 2007). The debate as to what constitutes an effective group similarly focuses on issues of accountability and representation and whether the membership have opportunities to actively contribute to the management of the group through effective channels of

communication. Although it is argued that large pressure groups such as trade unions or voluntary organisations require highly developed systems of communication (Castles, 1967; Simpson, 1972; Fogarty, 1990) the effectiveness of smaller groups can improve with more centralised structures. Gamson (1975) comments that groups which operate bureaucratic systems are sometimes more 'effective' in terms of their organisational arrangements because they are able to respond to problems and initiatives without recourse to protracted negotiations with the membership. Moran (1983: 51) comments on group bureaucracy and suggests that:

The characteristic way in which powerful interests have influenced policy making in modern Britain may be summarised in one word: they have done so *bureaucratically*.

Lowe and Goyder (1983) suggest that more centralised approaches enable pressure groups to liaise more flexibly with government when negotiating on matters of public policy. The problems of centralised approaches, however, are that if the views of the membership are perceived to be ignored this could have the effect of compromising the legitimacy and cohesion of the group (Schmitter and Streeck, 1981; Whiteley and Winyard, 1987). The focus so far has been on the management of resources through effective organisation. The next section will examine the resources that groups have at their own disposal including the mobilisation of the membership and their ability to initiate sanctions.

### *Mobilisation and Sanctions*

The ability of groups to mobilise their membership to further a specific cause is an important resource and one that has been used to good effect in campaigns that have involved 'direct action'. Benewick (1972: 13) suggests that direct action is 'a legitimate form of political behaviour in a democratic State' and is often employed by groups when they perceive the system is 'unresponsive' to their arguments. Some participants in this project, as will be seen, employed non-violent direct

action strategies particularly when they believed possible routes back to the CACD via the CCRC were closed (See Chapter 7).

Group mobilisation was a crucial factor in the campaign against the Springbok tours of 1969-70 as a means of publicly rejecting apartheid in sport. Hain (1972: 193) comments that there was 'no coherent overall organization' but despite this the campaign was able to mobilise significant numbers of supporters 'who saw the opportunity to influence directly the issue of protest'. The topic of mobilisation and participation needs, however, to acknowledge the nature of operating within a 'time-poor society'. Grant (2005: 368) draws attention to those members who for different reasons do not seek active participation but who choose limited involvement with the knowledge that others have the time, inclination or expertise to fully participate in the activities of the pressure group. Another outcome when groups are able to mobilise significant numbers is that they are more likely to generate media interest which itself might influence public opinion (Baggott, 1995).

Degregorio (2009) examined over 400 press releases to understand how groups mobilize relatively small numbers of activists to engage in group action. In their role as communicators, groups make choices regarding communications between the elected and unelected. Groups often want to present complex policy decisions and legislation in common-sense language that is understood by different sections of their audience and as such these choices are framed to accommodate citizens' desire for simplicity (Goffman, 1974; Degregorio, 2009). The argument is developed by Degregorio who suggests that 'talk' itself does not in and of itself constitute the 'political' but that when language is framed to accommodate opinion then the '...messages are strategic (intentional), political (aimed at aggregating preferences for desired outcomes) and worthy of scrutiny' (Degregorio, 2005: 464). At different times within cause orientated groups, priorities will fluctuate from providing straightforward information to mobilizing their audience (Kollman, 1998).

Degregorio (2005: 472) draws attention to two frames that encourage mobilization, namely emotion whereby provocative language is used to generate feelings of anger, loyalty or pride and secondly, a 'call to action' in which citizens are encouraged to engage in direct action.

In relation to campaigns and miscarriages of justice, the 1970's similarly witnessed ideological and organisational changes in how some groups sought to extend their strategies of protest in order to engage with a wider group of supporters. During the mid 1970's prominent Irish republicans argued that unless they extended their campaign to include strategies other than armed conflict then their aim of uniting Ireland might be undermined (Wilson, 1994). The President of Sinn Fein at the time was Gerry Adams who was at the forefront of reassessing campaign strategy. Adams argued that they needed to employ alternative strategies to armed struggle and employ '...a wider political campaign designed to win mass support throughout Ireland' (Wilson, 1994: 3). During this period a number of major trials in the United Kingdom for IRA bombings, including the Birmingham Six, Guildford Four and Maguire Seven, encouraged some within the Irish community and beyond to challenge the convictions. As a response to the British government's suspension of civil liberties and '...measures to curtail public discussion in the name of effective security', new campaign strategies were developed to encourage protest and reform (Murdock, 2006: 104).

Following a Birmingham pub bombing, five Belfast-born Roman Catholics and one from Derry were stopped and searched whilst travelling back to Belfast for a funeral. The men were transferred to the custody of West Midlands' Serious Crime Squad police unit. On the 12 May 1975 the men were charged with murder and conspiracy to cause explosions. On 15 August 1975 the six men were found guilty and sentenced to life terms (Mullen, 1986). The six men appealed against conviction but the appeal was dismissed by Lord Chief Justice Widgery (Woffinden, 1987). What followed was an orchestrated campaign against the convictions involving the media and investigative journalists sympathetic to the campaign. In 1985 the first of several 'World in Action' programmes which cast doubt on the convictions was screened (Mullen, 1986). The investigative work for the programme was led by journalist Chris Mullen, who later became a Government minister. Later in 1986 Mullen published 'Error of Judgement – The Truth About the Birmingham Pub Bombings'. The book detailed the inconsistencies of the case and suggested that the men were factually innocent (Mullen, 1986). The case was referred to the Court

of Appeal (Criminal Division) but was dismissed again in 1988. Following the dismissed appeal the campaign to vindicate the men continued with newspaper articles, television documentaries and books arguing that the convictions of the men were unsafe. There was similarly growing support in the United States for the six men. The case was referred a third time to the Court of Appeal in 1991 (Pallister, 1991). Five of the men were represented by the human rights solicitor, Gareth Peirce who submitted evidence that highlighted police fabrication and suppression of evidence. The appeal was allowed (Pallister, 1991) and in 2001 the men were finally awarded compensation (INNOCENT, 2011a).

The campaign waged by the Birmingham Six and their supporters provided a template for future campaigns against miscarriages of justice. Patrick Hill, one of the Birmingham Six, set up the Miscarriages of Justice Organisation which campaigns against wrongful conviction and imprisonment. The organisation supports victims of wrongful conviction and their families and provides advice on a range of topics including information on specialist legal practitioners experienced in dealing with miscarriages of justice (See Chapter 5).

The West Midlands Serious Crime Squad which operated from 1974 to 1989 has since been disbanded after an investigation set up by the Independent Police Complaints Authority and conducted by West Yorkshire Police (INNOCENT, 2011). Following the quashed conviction of Keith Twitchell in 1999 for manslaughter and robbery, lawyers have suggested that other cases investigated by West Midlands Serious Crime Squad need to be reviewed as the police unit ‘...could be responsible for dozens of wrongful convictions that have not yet come to light’ (Burrell and Bennetto, 1999). Gareth Pierce, the solicitor who represented and campaigned for the Birmingham Six suggested that:

I have no doubt there are dozens of people who have served time in jail but were innocent. The Serious Crime squad were operating like the Wild West. They were out of control (Burrell and Bennetto, 1999).

The significance of radical politics in the 1970’s could be that the emergence of alternative forms of protest, coupled with campaigns against miscarriages of justice

during the 1970's and 1980's, has provided a template for later campaigns against wrongful conviction.

## **Pressure Groups, Influence and Public Policy**

The ability of pressure groups to influence public policy is multifaceted and many characteristics identified as contributing to group effectiveness overlap and do not fall into a single typology. Other factors that might impact on a group's ability to influence include the difference the elected political party can make (the newly elected Conservative government of 1979 sought to systematically undermine the influence of the Trade Unions) (Turner, 1993); the ability of pressure groups to form broad coalitions and work together rather than remain in competition (even though the Automobile Association and the Royal Automobile Club compete for members they continue to work together on matters of road safety policy) (Whiteley and Winyard, 1987; Jordan and Maloney, 2007); the financial resources of groups and the size of their membership can influence their ability to mount a campaign (Grant, 1989); similarly the choice of tactics employed by the pressure group can have significant ramifications on their level of influence (Richardson and Jordan, 1987). Perhaps, however, one of the most important factors contributing to pressure group influence and its ability to generate public support is through the mass media. The next section will examine the role of the media in pressure group politics and consider notable campaigns by pressure groups that have generated media support. The focus of attention will be on two forms of mass media communication significant to pressure groups: the press (newspapers and magazines) and broadcasting (television and radio).

### *Pressure Groups and the Media*

An important campaign objective for many campaigns against miscarriage of justice is to garner media support in order to stimulate media reporting that highlights a

possible miscarriage of justice (See Chapter 1). It is ironic that a contributory factor leading to wrongful conviction is the role of the media through sensationalist reporting (Jewkes, 2004) yet they are similarly acknowledged as being a significant contributory factor in relation to exposing miscarriages of justice (Nobles and Schiff, 2002). Savage, Poyser and Grieve (2007: 23-24) examining campaigns against miscarriage of justice suggest that media involvement is a 'critical success factor' and can make a significant contribution to three campaign areas: 'publicity, influence and the power to investigate'. In relation to the benefits of publicity the media are able to provide a campaign with 'social and professional networks' of specialists and 'highly placed individuals' that might be able to assist with the campaign (Savage, *et al*, 2007: 26). The role of the media in terms of providing 'investigative skills' through the use of investigative journalists (Savage *et al*, 2007: 27) is a significant area and one that has provided some campaigns with invaluable advice and assistance leading to a wrongful conviction being overturned by the CACD (Woffinden, 2008).

Pressure groups have long recognised the importance of furthering their aims by using the media as a means of influencing public opinion and government (Seymour-Ure, 1991). One reason for this is the ability of the media to present the views of pressure groups to a large section of the public and, as a possible consequence of this, to influence policy-makers. The importance of the role attached to the media by pressure groups can be seen in the time and resources that groups invest in securing and improving their media relations (Seymour-Ure, 1991). Many larger groups, associations and unions have full-time public relations staff whilst others employ public relations firms to handle all media related matters (Beharrell and Philo, 1977). Other smaller groups designate staff that have media experience or call on the expertise of specialists who are openly sympathetic to their cause (Baggott, 1992). There are a number of reasons for this not least because the media is a powerful group which has enormous financial resources at its disposal. Additionally, the media has close connections with politicians and policy-makers, some of who fear the media, and through its reporting is able to influence and form public opinion (Seymour-Ure, 1991, Manning, 1998). The issue

of how pressure groups use the media is examined by Grant (1989: 81-84) who distinguishes six possible areas: 'visibility, information, climate, reactive response, influence and content'. *Visibility* concerns the use of the media to assert a group's 'presence' and to recruit and retain members'. *Information* as a resource enabling pressure groups to identify key actors they need to influence. *Climate* refers to the efforts of groups to change or influence the 'climate of opinion'. *Reactive response* concerns those news stories that pressure groups have to respond to particularly if the story is a negative account of their cause. *Influence* focuses on the use groups make of the media to influence government and policy-makers. *Content* refers to the attempts by pressure groups to lobby the media in order to 'influence the content of its output'. Other techniques of managing the media have been identified as 'news management' (Seymour-Ure, 1991) and refer to opportunities presented to pressure groups because an area of interest to the group is currently newsworthy. This has similarities with Grant (1989) 'reactive response'. Many campaigns against wrongful conviction sometimes have difficulty generating media interest but this can change when a high profile case of miscarriage of justice becomes newsworthy again following a judicial or CCRC decision (Woffinden, 2010a).

A successful justice campaign which has used the mass media includes the 'For Sarah' campaign orchestrated by Sara Payne the mother of the murdered eight year old Sarah Payne in 2000. Following the conviction of Roy Whiting in December 2001, Sara Payne began a campaign, supported by the News of the World, to change the law surrounding the dissemination of information on convicted paedophiles and specifically that there should be restricted public access to the sex offenders' register. The campaign for Sarah's Law was inspired by Megan's law which operates in the United States following the murder of seven year old Megan Kanka in 1994 (Payne, 2004; Savage and Charman, 2010). The campaign, following significant media interest in the criminal case, was adopted by the News of the World who conducted online petitions and petitions through the Sunday newspaper (For Sarah Campaign, 2010). The campaign led to the introduction of legislation which tightened the laws governing child sex offenders. The aims of the

campaign had the backing of the Chief Police Officers, the National Society for the Prevention of Cruelty to Children and the Association of Chief Officers of Probation. Sara Payne later became patron of the Victims of Crime Trust (BBC News, 2008) and the Victims' Commission.

Despite most pressure groups targeting the media as an important means of influencing policy-makers not all media representation is helpful. Whilst some of it could be referred to as 'passive reporting', other media representations of groups are biased and adopt a hostile perspective (Beharrel and Philo, 1977). The Campaign for Nuclear Disarmament in the 1960's received hostile and inflammatory press particularly as the campaign began to influence public opinion (Barnaby and Holdstock, 1982). Other campaigns though successful in terms of media representation sometimes lose media sympathy, or sections of it, following the victory. One such case concerns the campaign by Greenpeace against the Shell UK of a proposal, accepted by the British Government, for the deep sea disposal of an oil storage facility in the North Sea. In 1995 Greenpeace activists occupied the Brent Spar facility as part of their on-going campaign to stop ocean dumping. The campaign brought them into direct conflict with the UK Government and with the then-largest oil company in the world (Bennie, 1998). Central to the campaign waged by Greenpeace, which saw Shell UK reverse its decision, was its relationship with the media. Rucht (1995: 71) comments that building a relationship with the media '...was the group's primary function' as media influence was considered paramount if the campaign was to succeed. It appeared as if Greenpeace, following the capitulation by Shell UK, had 'perfected the protest formula' (Bennie, 1998: 98) but this, in terms of unequivocal media support was not the case. Immediately after the withdrawal by Shell the media was highly supportive of the campaign and suggested that it represented a 'victory for Greenpeace and the public' (Bennie, 1998: 90). A number of broadsheets, however, questioned this view after the initial furore and suggested that such campaigns might even be undemocratic in terms of the influence one pressure group can exert (Bennie, 1998: 99). An alternative perspective is suggested by Ahmed (2006) who suggests that Shell UK orchestrated a series of sophisticated strategies, involving the media, to challenge and

ameliorate threats by Greenpeace that challenged Shell UK's political and ideological viewpoint. Despite the apparent oscillation by sections of the media in this case other campaigns have received consistently balanced coverage as when the Sunday Times and other broadsheets built public support on behalf of those suffering from the Thalidomide drug in the 1960's (Evans, 1984).

Perhaps one of the most significant justice campaigns to use the mass media was the campaign managed by Kate and Gerry McCann following the alleged abduction of their daughter in Praia da Luz in Portugal on May 3 2007. The case received considerable media attention (Melville-Brown, 2007) with both parents employing strategies to generate media interest and support as a means of publicising the case and raising public awareness. Media reporting was initially helpful to the parent's campaign but became more ambivalent when the McCann's were named as *arguidos* (or suspects) by the Portuguese police. Their status was not lifted until 21 July 2008. During this time the parents received considerable negative press with Kate McCann singled out by sections of the media as a 'bad mother' (Brown, 2007; Turner, 2007; Melville-Brown, 2007; Collins, 2008; Goc, 2009). The media reporting appeared to undermine the campaign despite appeals from the parents to focus on their daughter's disappearance. Following the lifting of the *arguidos* status the Madeleine Fund was set up to generate funds towards hiring private investigators. The campaign has continued although the parents now limit their media involvement and concentrate on other aspects of the campaign including the management of their website, 'Find Madeleine' (Find Madeleine, 2010) and working with criminal justice agencies and politicians (Gordon, 2010).

Other factors involving successful campaigns include those 'causes' whose profile is underdeveloped but following media interest their profile becomes significantly stronger leading to policy change and sometimes to the passing of new legislation (Jordan and Maloney, 1997). The 'Snowdrop Appeal' was formed following the Dunblane massacre in 1996 when Thomas Hamilton, a licensed gun holder, entered a local primary school and killed 16 pupils and their teacher. The appeal was formed by parents in central Scotland with the aim of banning the private ownership of guns. The first stages of the appeal began quietly with parents setting up a table in

a shopping centre to ask shoppers to sign their petition. A turning point in terms of political influence came, however, when the media (including the Sunday Mail, Sun and Sunday Times) adopted the appeal ensuring 'that Snowdrop grew from its original intentions' (Thomson, Stancich and Dickson, 1998). The Firearms (Amendment) Bill became law on 3 March 1997. Another significant case which characterizes the role of the media in pressure politics concerns the campaign to achieve justice for Stephen Lawrence.

The case of Stephen Lawrence involved the murder of a black teenager who was stabbed whilst waiting for a bus in south-east London in 1993 (See Chapter 1). Although five suspects were arrested during the initial investigation they were later released. Afterwards it was suggested that the murder had racist overtones and that the management and investigation of the case by the Crown Prosecution Service (CPS) and Metropolitan Police had been compromised by issues of race (Cathcart, 2000). The family of Stephen Lawrence in their determination to seek justice mobilised support to challenge the initial investigation. Their efforts led to an inquiry which was headed by Sir William Macpherson the main details of which were to radically influence police management and policy '...and even the general law on race relations' (Savage, Poyser and Grieve, 2007: 7). Attempts to identify why the Lawrence case, rather than others, became such a herald for change within the criminal justice system identify a number of factors including the level of media support enjoyed by the family in the later stages of the campaign (Cathcart, 1999; Hall, Grieve and Savage, 2009:39).

## **Conclusion**

This chapter has attempted to explore the role and function of pressure groups and to examine their influence in matters of public policy and when seeking to achieve specific objectives. The priority has been to identify the diversity of pressure group influence and to examine various typologies as a means of categorizing groups. Significant typologies include the 'insider' and 'outsider' typology of Grant (1989)

and May and Nugent's (1982) 'threshold groups' which move between insider and outsider classifications. The chapter similarly sought to identify those factors that contribute to the operation and effectiveness of groups, including how the membership of groups are mobilised. A significant factor when seeking to mobilise members and garner public support is the role of the media in pressure group activity. The chapter concluded that the mass media is an important means of influencing policy makers and of achieving a pressure group's primary objectives. For campaigns against miscarriage of justice the publicity provided by the mass media enables campaigns to influence public opinion and well-placed individuals who might be able to assist the campaign.

The principal aim of this thesis is to research the personal, interpersonal, social and organisational dynamics of participants campaigning against miscarriage of justice. The next chapter will present the project's research methodology. This will include an examination of the methodological challenges of a 'native' researcher conducting research with a community and identity group of which they are also a member. The study employed a multi-method approach to data collection which included participant observation and semi-structured interviews. The chapter will examine theoretical approaches underpinning these methods.