

Chapter 4

Methodology

This chapter will examine and justify the methodological decisions I made before conducting research with victims of miscarriage of justice, appellants and their campaigning families. The chapter begins with an examination of the study's aims and objectives and why particular methods were chosen. Additionally, the study has been conducted by a social scientist conducting research with a community of which they are also a member. In light of this the chapter will review literature on 'insider' or 'native' research and further consider reflexive methodologies. The thesis has involved a mixed-methods approach to data collection including participant observation, semi-structured interviews and the analysis of documentary evidence. The chapter will review the literature on participant observation and interviewing because of the specific challenges both methods present the insider researcher in relation to research bias. The chapter will then examine ethical considerations, including the issue of informed consent.

Aims and Objectives: Justification of Chosen Methods

The central aim of the study is to examine the personal, interpersonal, social and organisational dynamics of participants campaigning against miscarriage of justice. In order to examine the project's core aim and principal objectives a qualitative approach to data collection was employed as this permitted the participants to express their experiences of campaigning against miscarriage of justice and to engage reflexively with the researcher. The study's objectives and the methods used to achieve each objective are outlined in the next section.

Objective 1. To conceptualise miscarriage of justice and examine innocence discourse as it relates to miscarriage of justice. **Methods:** Literature Review, Participant Observation, Interviews and the Analysis of Documentary Evidence.

Objective 2. To examine literature on victims of crime and to understand and apply theories of victimology in relation to miscarriage of justice and wrongful conviction. **Methods:** Literature Review, Participant Observation, Interview and the Analysis of Documentary Evidence.

Objective 3. To examine theoretical perspectives of campaigns and pressure groups and investigate the politics of pressure groups campaigning against miscarriage of justice. **Methods:** Literature Review, Participant Observation, Interview and the Analysis of Documentary Evidence.

Objective 4. To examine the early experiences of participants as they campaign against miscarriage of justice including issues of motivation, resilience and strategies of resistance. **Methods:** Participant Observation, Interview and the Analysis of Documentary Evidence.

Objective 5. To examine the notion of a miscarriage of justice community and those features that help define it. **Methods:** Literature Review, Participant Observation, Interview and the Analysis of Documentary Evidence.

Objective 6. To examine the issue of gender as it relates to campaigns against miscarriage of justice. **Methods:** Literature Review, Participant Observation, Interview and the Analysis of Documentary Evidence.

The research process began with a review of relevant literature across three broad areas: literature conceptualising miscarriage of justice and innocence discourse; victims of miscarriage of justice and the contribution of victimology to wrongful conviction; and, campaigns and pressure group discourse and the extent to which this literature informs campaigns and pressure groups against miscarriage of justice. Following this empirical data was collected involving fifty-five (n=55) participants. The methods of data collection used will be discussed later in the chapter. The justification for using these methods were that they permitted the

researcher to study campaign teams from a variety of perspectives, including personal accounts by participants when they were on their own but also how they functioned in group and family settings. Additionally, I collected empirical data in both formal environments (CACD; other court hearings including Crown Court trials, Committee meetings in Parliament) and informal environments (family home, family occasions, social gatherings with campaigners). As an 'insider' researcher a multi-method approach to data collection similarly enabled me to triangulate my findings and reduce research bias. During the process of conducting this research I completed a pilot to test methods for the study (See Appendix 3) and afterwards discussed with participants methods of data collection for the main research project. This included discussions on interviewing and whether structured, semi-structured or unstructured interviews were preferred.

An important factor which impacted on the choice and direction of the thesis is that I am a victim of miscarriage of justice researching campaigns against miscarriage of justice. This involved working with other victims of miscarriage of justice and their families. The challenges of being an 'insider' researcher are examined in the next section.

'Insider' Research and Miscarriages of Justice

It was after a short presentation to other PhD students and University staff that I was first questioned on the challenges of being a 'native' researcher. The main import of the questioning was whether I had considered the ethical, epistemological and methodological issues that might ensue during the course of my research. I am a victim of miscarriage of justice researching justice campaigns with participants who have similarly experienced wrongful conviction. The nub of the issue appeared to be whether I as a 'victim' of miscarriage of justice could ensure sufficient objectivity and rigour within the research project or whether the trauma I had experienced over a ten year period might undermine the decisions and choices I made as a social scientist. The questioning had two elements. Firstly,

whether I as a victim of miscarriage of justice might be persuaded to 'go native' and in doing so might undermine the trustworthiness of the findings through too close an identification with the research participants. Secondly, whether the issue had less to do with being a member of the miscarriage of justice community and more with being a member of an oppressed or marginalised group? Alternatively, that the challenges I might face could be a combination of the two. In this context the insider is often a victim who has come through a period of trauma and who has redefined themselves as a 'survivor' (See Chapter 2). Our desire to question aspects of our own identity has ramifications on how we define and understand the concept of 'Self' (Goffman, 1984; Church, 1995; Elliot, 2008). This might, in turn, have implications on the research design and methodology chosen by those social scientists called to '...work the hyphen of Self and Other' (Fine, 1994: 74). These challenges are implicit in all research but are more acute in native research and are further complicated in reflexive 'insider' methodologies.

One outcome of this debate has been research into "native" or "insider" research in which social scientists conduct studies with identity groups and communities of which they are also members. The focus of these analyses has been primarily two-fold. The native researcher as 'insider practitioner' i.e. research conducted by a professional within their own sphere of employment, has received attention not least because of the scale of research conducted by professionals. To a lesser extent the native researcher as 'insider campaigner' i.e. research conducted by an individual who has dual roles both as researcher and campaigner, has similarly been documented. What has received little attention in the literature is the role of the 'survivor' as researcher i.e. research conducted by an individual which explores a subject in which they have experienced trauma and 'survived', and the extent to which reflexive methodologies within this group might undermine rigour and objectivity. Alternatively it could be argued that by acknowledging personal involvement and through 'interpreting our own interpretations', studies that adopt a critical eye towards one's own authority and position might provide inquiries that are rich in data and analysis (Alvesson and Skoldberg, 2000).

Academic research has traditionally been seen as a quest for objectivity where emotional distance was seen as the position most likely to produce findings that were less contaminated by bias. The issue in this context concerns the challenge of conducting research with a community or identity group of which one is also a member (Hayano, 1979; Narayan, 1993). Yet in many respects this is not unusual. Educationalists, medical practitioners, probation officers, social workers, police officers and a significant number of other practitioners conduct research involving their own professional communities. In these cases and, providing the research is conducted rigorously, do we question the ethics of insider research or view it as an opportunity for the practitioner researcher to contribute to the knowledge within their respective field? Generally speaking it is the latter that holds sway as is demonstrated by the number of practitioners who conduct research degrees. In terms of insider research from the perspective of being a member of a marginalised group there have been major contributions from scholars who are members of the lesbian and gay community (Hidalgo, 1995; Homfray, 2007; Kanuha, 1990), who have written about the experience of disability (Frank, 1998; Toombs, 2001), people of colour (Firestone, 1973; Spelman, 1988; Omolade, 1989; Rice, 1990) and feminists (Carlen, 1985; Edwards, 1990; Hartstock, 1983; Naffine, 1997). In these circumstances researchers have challenged many of the epistemological and ontological traditions within academia and presented a specific standpoint based on their own experiences and identity. A number of methodological ideas have developed that support native researchers on their journey to acquire richer data including reflexivity, auto-ethnography, heuristic inquiry, standpoint and 'positionality'. Feminist studies have been particularly influential in these areas. Through reflexive methodological approaches some feminists have encouraged the researcher to acknowledge their own experiences and 'standpoint' and to bridge the chasm that can sometimes exist between researchers and researched.

From as early as the 1970's the feminist movement, including feminist developments in research theory and methodology, saw women seeking new ways to comment on the experiences of other women and girls. There was a rejection by

some women of more 'masculine' forms of research and the belief that the traditional positivistic, scientific/objective paradigm was not suited to their ways of working both as researchers and as women. As such, feminism has made major contributions to the methodological approaches of standpoint, positionality and reflexivity (Burns and Walker, 2005; Marshall, Woollett and Dosanjh, 1998; Reinharz, 1992). The desire for more egalitarian methodological approaches that fostered more proportionate relationships encouraged many feminists to lower the barriers between researchers and researched. Rather than remaining anonymous as researchers, women wanted the participant and reader to know and understand what had influenced them and how their background and experiences co-created a research dialogue with the researched. The use of the first person pronoun 'I' became more accepted as women and men, influenced by feminist theoretical perspectives, chose to present their findings personally and to acknowledge who they were and how their life experiences had contributed to the research. Stanley (1991: 209) suggests that:

By employing the sociological concept of reflexivity to produce 'first person' accounts we not only challenge the traditional objective/subjective split within traditional research practices we also produce 'accountable knowledge' in which the reader has access to details of the contextually located reasoning process which gives rise to our findings.

Leatherby (2002) whilst exploring infertility and 'involuntary childlessness' acknowledged that she too was involuntary childless. As an academic and feminist she approached questions of possible bias by stating that '...it is better to acknowledge our involvement rather than pretend to objectivity...' The tensions, however, inherent within reflexive methodologies and specifically arguments between objectivity and the subjective 'Self' are examined by Rosaldo (1993: 7) who suggests that:

If classic ethnography's vice was the slippage from the ideal of detachment to actual indifference, that of the present-day reflexivity is the tendency for the self-absorbed 'Self' to lose sight altogether of the culturally different 'Other'.

Davies (2008) suggests that the situation could be exacerbated by research that adopts a more autobiographical framework when the personal biography of the researcher becomes the focus of the project. Lal (1996) a South-Asian woman of colour residing in the United States whilst completing postgraduate studies, returned to Delhi to conduct research into the lives of female factory workers. She viewed herself as an 'insider' but found that areas of identification and similarity with her research participants were complicated by other factors, including class differences, which only highlighted her '...dislocation even within that space that I had thought of as home' (Lal, 1996: 193). It is questionable whether the researcher can ever become the 'complete' insider even if the focus of the research is one's own family. Panourgia (1995) adopted the role of insider researcher to examine the social and cultural transformations of her family following the death of her grandfather. During her research she noted that despite her intimate knowledge of the research setting she could not assume that her insider role gave her access to knowledge that was complete or undeniably true. Panourgia (1995: 11) suggests that '...simply by being of the country/culture/group/family, one is not automatically guaranteed infinite and interminable self-knowledge'. The dilemma for the insider using autobiographical experience is similarly examined by Murphy (1987) who conducted research on his own disability and how his paralysis affected his status in society and his own concept of 'Self'. Murphy had earlier conducted ethnographic research on the Amazonian Indians but at the age of 48 was diagnosed with a spinal tumour. The following years saw him moving inexorably to becoming a quadriplegic. Murphy examined his personal circumstances but did so through exploration of theoretical and methodological perspectives so that his research remained that of the 'informed' scientist. Despite his 'insider' role he understood the tensions and dilemmas inherent within the project and later suggested that his role as researcher probably enabled him to resist the idea that he was severely disabled and to promote '...a personal myth of almost-normalcy' (Murphy, 1987: 126). The debate concerning reflexivity, standpoint and indigenous research is not without its detractors. Hammersley and Atkinson (1995: 16) suggest '...researchers will be shaped by their socio-historical locations, including the values and interests that these locations confer upon them'. The comment has application

to all research but resonates particularly with the challenges of conducting insider research. The issue of bias is one that we will return to later but within 'emancipatory' projects it is a factor that for some social researchers undermines research communities although most accept that little convincing research exists to support such a view (Hammersley and Gomm, 2000).

Despite some dissenting voices (Morse, 2000) the methodological approach of reflexivity whereby researchers acknowledge their 'position' has grown both within the qualitative and quantitative traditions. Researchers attempting to uncover "thick" descriptions (Geertz, 1973) have sought new ways of understanding and engaging with participants particularly when they have situated themselves personally and politically with the participants they are researching. Rock (1998: xvi) commenting on 'thick description' suggests that:

It is achieved by adopting a restricted focus, piling detail on detail, and using primary and secondary documents, observation and interview...to furnish...a minute, densely textured, and many-layered analysis of the relations between actions, situations, and interpretations.

Gough (2003: 23) suggests that reflexivity implies making the 'Self' explicit within the research process and highlighting '...those motivations, interests and attitudes which the researcher has imported to the research'. Reflexive approaches are therefore used across many research traditions and operate at different levels. For many social scientists there is agreement that it is difficult to separate the researcher as 'Self' from the context and province of any research project, regardless of whether or not the project adopts a reflexive methodology.

For reflexive research the collection and analysis of data often involve a strong relationship between researcher and participant that aims to co-create meanings and 'stories' that are negotiated (Finlay, 2003). This relationship whilst generating 'rich' data could be seen by some within the research community as undermining the reliability and validity of the research experience through too close attention to the 'subjective' voice. What becomes clear when interrogating what we mean by reflexivity is that we are talking more about 'reflexivities' rather than a single

definition or approach (Banister, 1994; Finlay, 2002; Lynch, 2000) (See Appendix 4). Dimensions of reflexivity are used in this study but these are employed as a technique to gather rich data.

The next sections will examine research methodology including observational method and the interview. The section ends with an examination of the ethical principles used during the course of the study.

Method of Data Collection.

This project has used a mixed methods strategy to data collection. Robson (2004) suggests that multi-method data collection typically involves the use of structured, semi-structured or open interviews, field observations or documentary analysis. Bryman (2008: 603) argues that the term mixed methods should be reserved for those studies that use both quantitative and qualitative research but this approach is rejected by many authors who suggest that mixed method projects could include methods of data collection within the same research strategy (Moran-Ellis; Alexander; Cronin; Dickinson; Fielding and Sleneny, 2006). The rationale for employing a mixed method approach is that through the process of triangulation I have been able to examine and compare phenomenon in complementary ways which has then enabled me to more accurately analyse and evaluate the data (Easterby-Smith, Thorpe and Lowe, 1991). The chosen methods of data collection for this project are field observations with participants, semi-structured interviews and the analysis of documentary evidence.

Observational Method

An important aim of observation is to gather data through listening and observing participants in their own setting and through this to examine the social relations, meanings and activities being observed (Gray, 2004). The methodology involves the researcher experiencing the situations and lives of the participants and through

'immersion' in their environment learning to understand their experience in order to make sense of their symbolic world (Foster, 1996; May, 2001; Gray, 2004: 241). Researchers generating data that seeks to understand the actions of people often need to understand the environment in which the participants are operating. This will involve the researcher joining the 'environment' as it is through this exchange that the researcher will better understand how the participants make sense of their own lives including issues of culture and language (Foster, 1996; Becker, 1979; Lofland and Lofland, 1984; May, 2001). An important outcome of this level of interaction is that the researcher is less likely to impose their own sense of understanding and reality on the social world they are researching (May, 2001). Rock (1979) argues that participant observation is a key methodological approach to data collection in that:

It directs the sociologist to place himself in the scenes which he wishes to analyse, requiring him to observe and participate at the same time. Its justification stems from the definition of knowledge as an ongoing practical activity (Rock, 1979: 178).

The fieldwork role adopted by the researcher will affect the quality and type of data collected whilst observing participants (Ditton, 1977; Stanley and Wise, 1990). Whilst we might not be able to take a specific role because of the nature of the research and environment this might nevertheless inform the research project in terms of social relations and power within the environment being studied (May, 2001). Gold (1969) identifies three roles within fieldwork observation including the *complete participant*; the *participant as observer* and the *observer as participant*. Robson (2002) adds to this list the *marginal participant*. Integral to these roles is the notion of the researcher reflexively engaging with the participants in order to examine and understand the social dynamics and relations between participant and researcher (Gergen and Gergen, 1991; Foster, 1996). Gold's analysis will now be considered in greater detail.

The *complete participant* involves the researcher becoming a full member of the group being investigated and concealing their true identity. Whilst it has been argued that the technique has many advantages in terms of the quality of data

generated in the field (Ditton, 1977; Festinger, Riecken and Schachter, 1956) others cite the ethical and methodological problems of concealing ones identity from the group being investigated (Robson, 2002). The *participant as observer* involves the researcher making their role clear to the group from the outset. The observer then attempts to develop trusting relationships with the group's membership as a means of generating rich data (Van Maanen, 1978; Campbell, 1984). This aspect of the role is important particularly if the observer is seeking data that is sensitive and emotionally poignant to individuals within the target group. The role of participant observer similarly enables the observer not only to participate in the activities of the group but to ask questions at specific moments when clarification is required or when the observer wants to record how the participants are feeling (Douglas, 1976; May, 1991; Robson, 2002). The dual role of being both a participant and observer can be challenging and criticisms of the approach have included the dangers of 'going native'. Gold (1969) cited by Rock (1979: 196) suggests the fieldworker 'may "go native"...achieve self-expression in the role but find that he has so violated his observer role that he is almost unable to report his findings'. May (2001: 156) however, suggests that '...for many researchers who possess the capabilities to understand, listen and learn, these are not problems and reflect a particular view of scientific inquiry which has been subjected to scrutiny and found wanting'. Despite becoming a 'participant' the observer does not become 'fully' one of group and does not attempt to engage in activities that might undermine their position as an investigator (Polsky, 1985). The *observer as participant* describes situations where the researcher takes no real part in the activity and where the research does not involve any lasting contact with the participants in the study (Gold, 1969). Gold (1969) draws attention to the possibility of the observer misunderstanding the culture and language of the group through not spending sufficient time in the field. Robson (2002) draws attention to the *marginal observer* which offers a role with less active participation than the participant as observer. In this role the observer adopts a more passive function yet their role is accepted by the group. One challenge of this technique is that the observer needs to remain focussed and attentive to the possibilities offered by the group dynamic rather than becoming distant through lack of practical engagement. The challenges of participant

observation are occasioned by the researcher needing to be both an observer and participant. The dilemma for the researcher is that the two roles 'cannot be synthesised' and that excessive regard to any one role could undermine the quality of the research (Rock, 1979: 237). Despite competing theories as to how best to resolve the challenges inherent in participant observation Rock (1979: 238) argues that they are probably best resolved 'in practice and not in speculation'.

I have immersed myself in the miscarriage of justice community for over three years in order to examine the lives and behaviours of campaigners operating within pressure groups and with victims of miscarriage of justice (official and unofficial) operating from seven locations in England and Wales. My role has been that of a '*participant observer*' in that my role, purpose and intentions have been made explicit to the campaigners and victims of miscarriage of justice (Douglas, 1976; Campbell, 1984; May, 1991; Robson, 1993; Bryman, 2008). Perhaps the pivotal benefit of participant observation in this study is that it enabled me to build trusting relationships with participants. Many participants had not been interviewed before or had had any involvement with researchers examining their personal lives as primary or secondary victims of miscarriage of justice. The participants had experienced varying degrees of trauma culminating in the wrongful conviction and imprisonment of an appellant. Some participants were still grieving the loss of a spouse they had been wrongfully convicted of murdering or the loss of other relationships through imprisonment. The conflict experienced by the participants through resisting criminal justice agencies meant that many participants were suffering from high anxiety levels and were fearful of undermining their position through saying something antithetical to the campaign.

My role as participant and observer enabled me to better understand the personalities and situations of the participants so that when conducting unstructured and semi-structured interviews the participants were comfortable sharing their views and experiences. The role of participant observer has similarly enabled me to question participants and seek clarification during interviews and when attending conferences and social functions with the participants. As such some of the experiences shared by participants were when completing daily tasks

at home or when socialising with friends and family. Downes and Rock (2011: 33) cite Goffman (1968) in relation to participant observation who suggests '...a good way to learn about any of these worlds is to submit oneself in the company of the members to the daily round of petty contingencies to which they are subject'. During the process of participant observation I have sought to share aspects of the lives of participants and to enter their world as campaigners against miscarriage of justice. An important factor within this study is that it has been conducted by an 'insider' researcher who has used reflexive techniques to gather sensitive data. Bray (2008: 306) suggests that participant observation could reduce '...the researchers preconceived ideas and prejudices, which may have remained unconscious'. A challenge for the insider researcher engaged in participant observation is that friendships with participants might develop, particularly with those who have shared experiences and affinities. This has the potential to impact on group social dynamics. Insider researchers need to be both an 'insider' and 'outsider' so that the analysis of data empathizes with participants' lives but that it does so critically and without negative bias (Roper and Shapira, 2000; Agar, 1996; Bray, 2008). Despite the complexities of operating as an insider and outsider during this project, the participants were aware that I had direct experience of miscarriage of justice and regularly sought to ask questions of me regarding my own personal experiences. It appeared both churlish and rude to ignore such prompting and so I responded to their questions whilst reminding myself regularly through the process of data collection of the purpose of the encounter and discussion. Downes and Rock (2011: 33) suggest that '...it is never easy to remain aloof and disengaged; one's sheer presence may be read as an indication of collusion, interest, or complicity'. Whether this 'dual role' can be successfully held in the balance is open to debate although Gray (2007: 242) cites Hall (2000) who suggests that '...the best the ethnographer can achieve is to negotiate a position in which one is in some way 'at home' and considered as 'one of us' without becoming completely immersed'. The next section will examine issues of access and observational bias.

Access

In order to participate in the lives of a particular group it is important that the observer is 'accepted' and that relationships of trust are built and developed (Bruyn, 1966). When approaching various justice campaigns I already had links with various organisations and groups having campaigned against my own conviction from 1998 and through to 2006. Lofland (1971) refers to 'pre-existing relations of trust' as a contributory factor in being more readily accepted. Many operating within the miscarriage of justice community, as will be discussed later in the study, are suspicious of 'outsiders'. The membership of some groups sometimes share highly sensitive information which they do not want released to criminal justice agencies or to the media. This can create feelings of anxiety particularly when new members first arrive. As part of this study I have attended two conferences on miscarriage of justice; a demonstration against miscarriage of justice and wrongful conviction; a Marxist conference (attended by three participants); campaign meetings and a series of political meetings convened by various left wing political groups including the Social Workers' Party and Anarchist Black Cross. After interviewing each participant I was often invited to spend the rest of the day with the campaigner and in some cases stayed overnight. This enabled me to meet other family members and to collect data in a more relaxed and informal setting. I have attended two weddings, a graduation ceremony, three memorial services and other family events. I have also attended a retrial at the Old Bailey and appeals against conviction at the CACD as part of the process of data collection. Researching participants in such intimate and emotive surroundings as an 'insider' raises the issue of observational bias. It is to this subject we now turn.

Observational Bias

Whilst observation has many advantages as a means of data collection it is important to understand how bias might undermine the collection of observational data so that strategies can be employed to help neutralize the bias (Foster, 1996). Robson (2002) identifies three aspects of observational bias including selective

attention; selective encoding and selective memory. *Selective attention* concerns the prioritisation we give to specific aspects of the research encounter rather than others. Our own personal interests, experiences and attitudes might persuade us unconsciously to focus on particular areas. Robson (2002: 324) advises to ‘...make a conscious effort to distribute your attention widely and evenly’. *Selective encoding* concerns the recording and encoding of data based on our personal biases. During the process of encoding, Robson warns against categorizing data too quickly and not permitting data to be triangulated and re-categorized by other information that comes to light during the process of observation or interviewing. Robson (pg: 324) argues that one way to counteract this type of bias is to ‘...try to start with an open mind – and keep it open’. *Selective memory* is more likely to occur when data is written up too long after the observation took place. Robson suggests that the longer the observer waits to write up their notes the more likely their own preconceived ideas are likely to take precedence. One solution is to ‘write up field notes into a narrative account promptly’ (Robson, 2002: 324).

An alternative analysis in relation to research validity is suggested by Bruyn (1966) who identifies six indices that concern ‘subjective adequacy’. The indices include time, place, social circumstances, language, intimacy and social consensus. The first index is *time*. The central point here is that the quality of observation will often be linked to the time spent in the field. Bruyn (1966: 207) suggests that:

It is time which often tells us how deeply people feel about certain subjects. It is time that tells us how long it takes an outside influence to become a meaningful part of the lives of people in a culture. Those social meanings which really count in people’s lives cannot be calculated by reference to the temporally limited, stimulus-response framework of the experimentalist. Cultural influences have an incubation period which takes time and close association to study.

Despite being a ‘native’ researcher I have observed the campaigners and alleged and actual victims of miscarriage of justice for a significant period of time. Although already familiar with the culture and language of participants, particular aspects of the study called for significantly more time than a one-off encounter. Secondly, *place* refers to the location or site of the observation. May (2001) suggests that the

physical environment is an important factor in observation and that relevant details should be recorded. Whilst conducting observation the behaviour and language of the participants differed depending on their physical environment. This was particularly so when meeting in formal environments such as the House of Commons or the Court of Appeal. Thirdly, *social circumstance* refers to the types of observation conducted. The point made by Bruyn (1966) is that the more varied the sites of observation in terms of role, activity and status, the more likely this will increase the observer's level of understanding. The fourth issue is *language* and the belief that the more familiar the observer is with the language of the particular setting the more likely they are to interpret their observations correctly. Bruyn (1966: 212) refers to language in its wider context and includes para-linguistic devices including body language and facial expressions. Fifthly there is *intimacy*. This index refers to the personal involvement the observer has with the participants. The point made here is that through more intimate personal involvement the observer is better prepared to understand the nuances of language and behaviour and grasp the hidden concerns of participants. May (2001) cites Goffman (1984: 129) in relation to observations from the 'backstage behaviour' of people:

There tends to be one informal or backstage language of behaviour and another language of behaviour for occasions when a performance is being presented. The backstage language consists of reciprocal first-naming, co-operative decision-making, profanity...The front stage behaviour language can be taken as the absence (and in some sense the opposite) of this.

This study has involved observation in both formal and informal settings, with the latter incorporating social and family events. This has increased the level of intimacy between researcher and researched and strengthened understanding of the motivations and actions of participants and how they make meanings of events within their lives. Finally there is *social consensus*. This concerns the degree to which the observer is able to share and articulate the culture and meanings of the research setting with others. This extends to issues of verifiability and reliability within the research project. The point argued by May (2001: 163) is that

understanding is achieved by social researchers when they can articulate the rules and culture operating in a social setting to another person ‘...in such a way that they could enter that setting and feel part of it’.

The study has similarly involved the use of unstructured and semi-structured interviews. The subject of the interview will be examined in the next section. Through intimate participation in the lives of campaigners and victims of miscarriage of justice, I was better prepared to conduct interviews having acquired a deeper knowledge of the issues that concerned the participants (Foster, 1996; Bryman, 2008). The two methods of data collection, observation and the interview, are highly compatible (Gerson and Horowitz, 2002) with observation informing the interview schedule and the interview assisting the researcher to interpret what they have observed (Whyte, 1984). Additionally, I was able to observe participants as a group and individually, observing participants in different situations paying regard to the dynamics of the group and how ideas were exchanged and developed (Bray, 2008: 307). This sometimes involved participants adopting different roles depending on the environment and situation they were in (Douglas, 1976). The next section will consider the interview and the subject of interview bias.

The Interview Method

The theoretical basis of the interview is that it is an interactive encounter between the interviewer and interviewee in which questions are asked either in a structured or unstructured manner (Gubrium and Holstein, 2003; Silverman, 2006). It is the nature of this human encounter that makes interviewing such a useful tool when gathering data. Arksey and Knight (1999: 32) suggest that interviewing ‘...is a powerful tool of helping people to make explicit things that have hitherto been implicit – to articulate their tacit perceptions, feelings and understandings’. This method of data collection, however, is not without its challenges. There can be a lack of standardization which might raise issues of reliability and interview bias. However, data gathering through the interview ‘...has the potential of providing rich and highly illuminating material (Robson, 2002: 273). The subject of

standardised and non-standardised approaches to interviewing in relation to the 'interviewer effect' has been discussed at length within the research community (Arksey and Knight; Bray, 2008; Bryman, 2008; Mishler, 1986; Robson, 2002; Silverman, 2006). Fielding and Thomas (2008: 255) discuss these methodological stances in relation to all research and suggest that:

While advocates of non-standardised interviewing value and analyse the part played in the discussion by the interviewer, proponents of standardised approaches regard these effects as undesirable and maintain quality controls seeking to reduce the interviewer's impact on what the respondent feels able to say.

During the pilot study three types of interview were used in order to determine which methods best enabled the participants to express their views and experiences (See Appendix 3). The structured interview '...entails the administration of an interview schedule' (Bryman, 2008: 193). During the pilot the researcher administered a schedule which involved the participants being asked exactly the same question and with the same interview cues. The order of the questions was identical for each participant. The purpose of the structured interview is to enable the interviewer to aggregate the replies of interviewees which can be '...achieved reliably only if those replies are in response to identical cues' (Bryman, 2008: 193). The use of the structured interview, however, does not '...fit easily into flexible design studies' (Robson, 2002: 277). The participants during the pilot appeared uncomfortable restricting their responses to a specific question particularly where the question concerned their relationship with a family member. The structured interview appeared to encourage a '...loss of meaning from asking questions in a standard way' (Fielding and Thomas, 2008: 247). The use of a standardised approach was therefore rejected. During the pilot the researcher also considered the use of a group interview but the nature of the subject matter and the anxiety of some participants meant that the proposal was rejected.

This study has involved participants expressing views and opinions on sensitive and complicated data, including their feelings towards other family members and their feelings of anxiety and distress relating to wrongful conviction and imprisonment.

The use of non-standardised approaches facilitated participants expressing their thoughts on subject areas that were highly sensitive. The semi-structured interview is often used in flexible designs (May, 2001). Although an interview schedule is used in non-standardised approaches the interviewer has more freedom in the sequencing of questions and in the choice of words used for each question. Additionally, the interviewer can respond to the interviewee and provide more time to specific areas of research focus (Robson, 2002). During participant observation and when meeting with participants in their homes, the researcher similarly employed unstructured and informal approaches to interviewing (Robson, 2002). During these occasions the researcher had a list of topic areas that acted as an interview guide. Despite using unstructured and informal interviews (a type of unstructured interview which permits the interviewer to respond informally when the opportunity arises) the primary method of interviewing was through the use of semi-structured interviews

The semi-structured interview permitted the researcher and participant to develop ideas and themes which enabled the participant to expand their ideas and views. An essential requirement of this process is still to generate data that is reliable and valid. The challenge for the researcher is therefore to reduce 'interviewer bias' so that the data is trustworthy. Gray (2004: 202) argues that for the interview to be reliable it must consistently 'measure what it set out to measure'. He suggests that even where the interview adopts a standardized approach, interview bias can infect an interview and undermine its reliability. Gray (2004: 220) suggests that one way of avoiding systematic bias is to '...standardize not only the interview schedule, but the behaviour of the interviewer' but this advice is problematic when employing flexible design strategies. Behar (1996) suggests that the kind of research encounter we develop when using reflexive interview techniques does not focus on eradicating personal bias through greater standardisation, but on permitting our 'biases' to be seen and understood by the participant and reader.

Whatever methods are employed the specific requirements of the research project need to be taken into account. In terms of reflexivity, the semi-structured interview involves a dialogue between the interviewer and participant that sometimes breaks

with the usual rules and paradigms of more traditional models. Wengraf (2002: 3) argues that the reflexive encounter is ‘...a joint process, a co-production, by you and your interviewee’. In this context ‘disengagement’ through procedures designed to reduce the interviewer effect might be unsuitable for some research projects (Gubrium and Holstein, 2003). There appear to be differences in how different research traditions and paradigms within research methodology understand the purpose of research and how possible interview bias is to be regarded. Gray (2004: 220) cites Oppenheim (1992) who suggests bias can occur through ‘careless prompting’, ‘biased probes’, or through the ‘biased recording of verbatim answers’. Oppenheim (1992: 89) similarly suggests that the issue of rapport between the interviewer and participant is a factor that can impinge on the quality of the interview. He makes the point that a balance needs to be found between over familiarity and unnecessary distance and that too close a rapport between the researcher and interviewee might change the research relationship and so undermine the quality of the findings. The emphasis, however, on ‘over-rapport’ is questioned by some adherents of feminist and reflexive methodologies who argue that at times the interviewer has to respond creatively and openly with the participant. Fontana and Frey (2000: 657) are stronger and suggest that interviewers should sometimes ‘...forget how-to rules, and adapt themselves to the ever changing situations they face’. This will mean that interviewers, when appropriate, will knowingly share something of their own experiences and reject standard textbook advice to avoid close engagement. Rock (1998: xv) commenting on the challenges of researching survivors suffering bereavement after homicide suggested ‘...it would have been difficult to remain altogether dispassionate in the face of the manifest pain suffered by survivors’. In relation to researching victims of miscarriage of justice, appellants and their families it was difficult for me not to share and respond to their distress. The use of semi-structured and unstructured interviews provided the researcher with opportunities to use reflexive techniques as a means of stimulating the participants to share rich data.

The Participants

This study examines forty-two interviews (n= 42) with members of the miscarriage of justice community and data collected from participant observation. Twenty-seven interviews (n=27) were conducted with campaigners who are members of justice campaigns and/or pressure groups. Eight interviews (n=8) were conducted with eight 'official' victims of miscarriage of justice (the appellant's conviction had been quashed by the CACD) and seven interviews (n=7) with seven 'unofficial' victims of miscarriage of justice (the appellant had been released from prison but their conviction remained) living in England and Wales. The unofficial cases of miscarriage of justice were chosen because they were regarded as having 'high legitimacy' in terms of the momentum of their campaign against conviction. One 'official' victim of miscarriage of justice dropped out of the research project two days after being interviewed. Twenty-one of the twenty-seven campaigners are female. Thirteen of the fifteen actual or alleged victims of miscarriage of justice are male. Two alleged victims of miscarriage of justice and four campaigners are from African Caribbean backgrounds. The ages of the participants vary between 23 and 68 years of age. Data was additionally collected from seven activists demonstrating in Parliament Square on 9 October 2010 and with six activists attending the Anarchist Bookfair in East London on 23 October 2010 (an annual conference in which activists gather to network, listen to conference speakers and meet in groups to discuss protest activities and experiences). During the presentation and analysis of empirical data the participants are numbered (to protect their anonymity) but their status as a participant is indicated. The actual or alleged victims of miscarriage of justice will be referred to as the Primary Victim (PV) and other participants as Secondary Victims (SV).

Initial contact was made with eleven released victims of miscarriage of justice and other campaigners whilst attending a Miscarriage of Justice conference who then suggested other individuals who might be willing to participate in the project. This method of sampling (snowball sampling) involves the researcher identifying a member of the population of interest. When these participants have been interviewed they are then asked to identify other members of the target population

who are then used as informants to suggest others who might be willing to be interviewed (Lewin, 2005; Bryman, 2008). The method is useful when it is difficult to identify individuals in the population or when the activities of the group are 'clandestine' (Robson, 2002: 265). One limitation of the method is that a sample could be defined by the pre-existing relationships of participants within the sample group (Downes and Rock, 2011). Although some primary and secondary victims of miscarriage of justice were identified through snowballing, others were approached directly through contact at conferences, court hearings and campaign meetings. Whilst the study recognises some of the restrictions of snowballing regarding pre-existing relationships, the study similarly acknowledges that the miscarriage of justice community operates as a small network of traumatised individuals where the development of supportive relationships is encouraged (See Chapter 5). When the participants had been identified the next stage involved explaining the nature of the project and seeking informed consent. The next sections examine the ethical procedures adopted during the course of the study and the method of recording data.

Ethics and Informed Consent

Before the process of data collection the researcher gave serious consideration to ethical principles. Ethics are sometimes taken to refer to '...general principles of what one ought to do' (Robson, 2002: 66). Bryman (2008: 118) in relation to research ethics suggests that they are often discussed in relation to 'transgressions'. Diener and Crandall (1978) cited by Bryman (2008: 118) breaks these down into four areas:

1. Whether there is harm to participants.
2. Whether there is a lack of informed consent.
3. Whether there is invasion of privacy.
4. Whether deception is involved.

Before beginning participant observation and interviews I discussed ethical considerations with all participants and specifically issues of anonymity and confidentiality. In terms of anonymity we agreed that all participants would be referred to by a number and that measures would be taken to avoid details that might reveal the identity of a participant. We discussed issues of confidentiality and the treatment of the information provided at interview and through observation. I guaranteed that all data would be kept in a secure place and would only be used for the purposes of the research project. I explained that data from the interviews and observation would be used in a PhD thesis and that I would give until three weeks after the interview for any participant to withdraw all or part of their interview including the use of direct quotes. I emphasised to all participants that participation in the project was entirely voluntary and it was on this basis that I was seeking informed consent. As part of the process of comparing and contrasting the responses of campaigners and alleged victims of miscarriage of justice five couples were interviewed. I discussed issues of confidentiality and anonymity with the couples and indicated that it might be difficult to conceal the identity of a participant from their partner. The five couples accepted the proviso and reaffirmed their desire to be involved in the study. Although the activities and practices of several pressure groups have been explored no group is named in relation to its procedural or campaigning activities to protect the anonymity of the participants. The individual campaigns against wrongful conviction have likewise not been identified to protect the anonymity of the alleged victims of miscarriage of justice and the lead campaigners and their family. Before beginning the research project I presented detailed plans of the proposed study to the University of Portsmouth Ethics Committee. The Committee approved my plans for the study including data collection methods.

Recording of Data

Informed consent to engage in observational research was achieved with participants. One concern was that during participant observation details of

particular criminal cases might be discussed and that some of the material presented might be highly confidential and sensitive. A second concern was the role of the media and, in particular, the written press. A number of the campaigners, as will be discussed later in the study, expressed their sadness at the manner in which the media had reported their case. Eight participants stated that it was very important that none of the material collected found its way to any professional working in the media. Related to this was the fact that some participants were working closely with the Criminal Cases Review Commission and wanted nothing to compromise their position. I assured the participants that issues of anonymity and confidentiality were of paramount importance. My status as a victim of miscarriage of justice was important to the participants in assuaging many of their concerns. A second related issue concerned the method of data collection after the first interview. Following the first interview many of the participants invited me to remain with them for the rest of the day. During this period the participants were more relaxed and willing to share and discuss their situations. On some occasions I stayed with the participants overnight and this contributed to the informality of data collection and the participants desire to share their views and experiences. In order to ensure that all data collected was ethically obtained I discussed with the participants that any material shared during any private moments or time whilst I was with them would be shown to the participants and that I would seek permission to use any direct quotes. Whilst spending the day with participants I kept a note-book with me and made notes of any relevant comments. Later in the year all data collected from each participant was shown to them and specifically which quotes might to be used in the final thesis. Consent was provided in every case.

I met with the twenty-seven campaigners between February and July 2009 to discuss the issue of being interviewed. The subject of anonymity and confidentiality was raised by most participants who expressed the view that they did not want any comments made to reveal their identity or the identity of the person they were campaigning for or the identities of others involved in their campaign. Initial contact suggested the participants were enthusiastic about their identities being

made explicit in the thesis believing that 'promotional' data regarding their campaign and alleged victim of miscarriage of justice might be beneficial. This initial enthusiasm was tempered somewhat when it was suggested the study would be exploring relational issues and problems encountered during the course of the campaign.

I outlined two methods of recording data: note-taking and audio-recording. Twenty campaigners indicated they were prepared to be audio-recorded providing that issues of data security and confidentiality remained paramount. Seven campaigners indicated that they preferred note-taking during the course of their interview. Although tape-recording is almost universally accepted as the preferred method of recording conversations (Davies, 1998; De Vault, 1990; Robson, 2002; Gray, 2004) some participants were anxious about sharing information that would be audio-taped because of their experiences with the police. Other campaigners expressed the view that they had been observed by me as a participant observer and that the method of recording used was note-taking. Some participants were 'comfortable' with notes being taken during social gatherings and this remained their preferred means of data recording.

I approached fifteen actual or alleged victims of miscarriage of justice between March and July 2009 to discuss the possibility of them being formally interviewed for the study. Ten participants stated they preferred notes to be taken rather than the researcher use audio equipment. One of the recurring reasons given for participant anxiety was that some had experienced distress and trauma through the police using their tape-recorded interviews to successfully prosecute.

The data from those participants willing to be audio-recorded was part transcribed whilst the interviewer was in the field. All participants received a copy of their interview transcription and have since indicated they are satisfied it is an accurate account of what they said either during the taped interview or afterwards during the process of note-taking. The transcription also included notes taken during participant observation.

The process of interviewing participants began in January 2010 and ended July 2010. Most interviews were conducted between February and May 2010.

Recording Interviews: Note Taking

The issue of participant anxiety in relation to sensitive information being recorded by audio equipment meant that of the forty-two participants, twenty-five agreed to be recorded by audio-tape; seventeen declined and preferred their interview to be recorded through note-taking. One participant dropped out of the project following a taped interview. The distress felt by this participant appeared to be related to the sensitivity of information that he had shared during the course of the interview (Rafaeli *et al*, 1997).

Following the tape-recorded interviews most participants were then interviewed informally for the remainder of the day through note-taking. The process of note-taking, however, is not without its problems (Patton, 1990; Silverman, 1993; Rafaeli *et al*, 1997). Patton (1990: 347) suggests that:

No matter what style of interviewing is used, and no matter how carefully one words interview questions, it all comes to naught if the interviewer fails to capture the actual words of the person being interviewed.

In response to this I recorded key elements of the interview verbatim and showed all notes to the participant after the interview. I similarly indicated to the participant those sections of the recorded narrative that were likely to be used in the thesis and asked whether the quotes, as recorded by me, were an accurate recording of what they had said either in interview or afterwards.

I have sought to ensure that all participants are comfortable with the procedures employed throughout the process of data gathering. Integral to this is the fact that I am an 'insider' researcher and a member of the community being researched. The nature of the research and my role within this community has meant that I have always sought to engage with the participants so as to 'cause no harm' (Etherington, 2004). The methods selected to collect data for this project have been

influenced by the nature of the research and the fact that many participants are still resisting criminal justice agencies and the Home Office. The participants are generally secretive regarding their respective cases and anxious that nothing said during the course of the study might undermine their ability to return to the CACD. Some campaigners operated from the perspective of being 'successful' campaigners (the conviction had been quashed by the CACD). Their campaigns for justice, however, continued and many were still in direct opposition to the Home Office and the police force who managed their investigation.

Conclusion

This chapter has attempted to justify and explain the research methodology used in this study and to explore associated factors that have influenced the choices and decisions made during the course of the research. An additional factor was to examine the methodological challenges of a 'native' researcher conducting research with a community and identity group of which they are also a member. The justification for employing the chosen methods was that they best permitted the researcher to examine the personal, interpersonal, social and organisational dynamics of victims of miscarriage of justice campaigning against wrongful conviction. The methods further encouraged the participants to express personal experiences and to do so in a variety of formal and informal settings and both individually and when in a group setting. The study employed a mixed methods approach to data collection and the chosen instruments were participant observation, semi-structured interviews and the analysis of documentary evidence. The chapter has presented a theoretical analysis of observation and interviewing because of the particular challenges both methods present the native researcher.

The next chapter will begin the process of examining the empirical data. Part 2 will include three chapters of empirical data and a final chapter of data analysis and discussion ending with the project's main conclusions. The next chapter will focus on the experiences of participants including their reasons for joining a justice

campaign and what they hoped to achieve. The chapter will explore setbacks and frustrations experienced by the campaigners and examine issues of resilience and motivation.