

**“In the Name of Social Justice” : The Wrongful Conviction Network in Canada**

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&  
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## ABSTRACT

“In the Name of Social Justice”: The Wrongful Conviction Network in Canada

Amanda Dies

This thesis explores the emergence of social justice collectivities, such as the Association In Defense of the Wrongly Convicted (AIDWYC) and other wrongful conviction organizations In Canada. It approaches this multi-disciplinary topic through an anthropological lens, and is based on interviews conducted in a multi-site field work context. Using the theoretical notions of “networks” and “membership” to frame the analysis, it is shown that the formation and dynamics of wrongful conviction networks are centered on the notion of social justice. This notion serves to regroup a diverse array of individuals and organizations by providing them with a shared aspiration. Furthermore, this aspiration enables the constituent members of such networks to both work together across difference in an effort to achieve justice for individuals who have been wrongfully convicted, and to thrive and continue to grow as organizations. The main contribution of this research lies in its explanation of the network’s formation and dynamics, which may in turn serve as a model for comparison with other networks. The thesis concludes with a series of recommendations for action by wrongful conviction networks, and a series of reflections which highlight how ethnographic descriptions may be used by varying audiences for differing purposes.

## ACKNOWLEDGEMENTS & DEDICATIONS

First and foremost, this thesis would not have been possible without a number of individuals – all of whom contributed to the successful completion in their own unique and varying ways. However, to enumerate each and every individual's contribution to my research would take up a significant amount of time and would detract from the main purpose of this text. As such, I wish to explicitly acknowledge and dedicate my work to those who helped shape the course of both my thesis and Master's degree.

Firstly, I would like to acknowledge the hard work of my professors and colleagues in keeping me motivated to continue as well as helping make my thesis comprehensive. These individuals include faculty and staff members from Concordia's Anthropology and Sociology department; Dr. David Howes, Dr. Laura Huey, Dr. Sally Cole and Jody Staveley. I would also like to extend thanks to all of my "readers"; Shireen "Kash" Kashmeri, Rob Parungao and Joan Donovan. The time they spent reading and re-reading different portions of my thesis as well as offering advice contributed significantly to my development as a researcher and a scholar.

I would also like to thank Suzy Comeau and my co-workers at Blockbuster for patiently listening to me talk endlessly about my thesis from beginning to end. If it was not for their help with my work schedule and support in this academic pursuit, I expect that the time it took for me to go through the research process and complete my thesis would have been increased – delaying my graduation.

I must also thank my friends and family for all their support – even when they had no clue what I was talking about. Their positive reactions to my progress and

endeavors to become a scholar have had a tremendous effect on my decision to continue. Admittedly, there were times when I was not so certain about the completion of my Master's and these individuals in particular helped me to realize my capabilities and the potential success my academic skills could yield.

I also must express my gratitude to my "gatekeeper" – who wishes to remain anonymous. Although this individual's contributions are mentioned in the actual thesis itself, it is important that I emphasize how none of my work would have been possible without their involvement. When I approached this individual during the proposal phase in March 2007, there was not only an interest in my potential research, but also an eagerness to help in whatever way possible.

Finally, I dedicate this thesis to those who have been wrongfully convicted and those who work to overturn these convictions and correct this type of miscarriage of justice. Their work is an inspiration to all those who work in social justice related fields and reinforces the importance of aspirations to live in a just society.

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*'Innocent Man Condemned to Death', that's novel...that's exceptional. And in the history of wrongful conviction, and the history of any kind of convictions, there was no story bigger – there still has never been a story bigger – than the story of Steven Truscott...for anybody that grew up in the 1950's. (Julian Sher, 2007)*

## **Chapter 1: Introduction**

Each time an individual is convicted for a crime he or she did not commit, the fallibility of the legal system is exposed. It is the unease I felt in response to such miscarriages of justice that drew me to this research topic for my Masters thesis.

Wrongful convictions occur when a person is convicted and sent to prison for a crime they did not in fact commit (Brandon and Davies, 1973: 19). There are – unfortunately – numerous such cases worldwide, but for the purposes of my thesis I have focused on the Canadian contexts. By way of beginning, I present the cases of Steven Truscott, Guy Paul Morin, Donald Marshall Jr., William Mullins-Johnson and Thomas Sophonow.

### **Stephen Truscott**

On June 9<sup>th</sup>, 1959, 12 year old Lynne Harper disappeared from the Royal Canadian Air Force (RCAF) base near Clinton, Ontario (Anderson and Anderson, 1998: 111). Although her father and brother searched that night, she was not officially reported missing until the following morning (Anderson and Anderson, 1998: 112). Her body was found two days later, on June 11<sup>th</sup>, 1959, raped and murdered in a nearby tractor trail known as Lawson's Bush (Anderson and Anderson, 1998: 113). Although Truscott stated, and maintains, that he saw Harper get into a car as he was riding his bicycle away after walking her to the Number 8 Highway, he was charged with her murder on June 13<sup>th</sup> 1959 (Anderson and Anderson, 1998: 113).



The trial concluded on September 30<sup>th</sup>, 1959 with one of the most astonishing results to date as Truscott was found guilty by a jury of local community members and sentenced to death by hanging (Lockyer et al, 2007: 2). Although his appeal to the Ontario Court of Appeal in January 1960 was dismissed, his sentence was commuted to life imprisonment in February of the same year (Lockyer et al, 2007: 2). Subsequent appeals to the Supreme Court of Canada based on the original police investigation were also denied, but Truscott was released on parole on October 21<sup>st</sup>, 1969 (Lockyer et al, 2007: 2) after spending ten years in prison for a crime he did not commit.

On August 28<sup>th</sup>, 2007, the Ontario Court of Appeal acquitted Truscott based on fresh evidence in proceedings (AIDWYC Cases: September 2007). Immediately following this decision, a team of lawyers<sup>1</sup>, including Hersh Wolch; Marlys Edwardh; Adriel Weaver; and Jenny Friedland, represented Truscott in the final compensation phase by making the submissions to Justice Robins (AIDWYC News: July 2008). The case of Steven Truscott has become the most notable Canadian wrongful conviction case and was cemented into legal history by being Canada's youngest death-row inmate with a sentence to be hanged on December 8<sup>th</sup>, 1959 (Anderson and Anderson, 1998: 117).

### Guy Paul Morin

Guy Paul Morin is a well known and discussed case in legal literature relating to wrongful convictions (King, 1998: 8). Morin lived with his parents next door to the

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<sup>1</sup> This compensation team is comprised differently from the AIWYC lawyers who represented Steven on the application to the Minister of Justice and the reference to the Court of Appeal. This team included: James Lockyer, Philip Campbell, Marlys Edwardh, Hersh Wolch, and Jenny Friedland.

Jessop family in Queensville, ON. On October 3<sup>rd</sup>, 1984 the Jessop's daughter, Christine, went missing from her home and a search immediately began within the York Region to find her (King, 1998: 8). The search continued until December 31<sup>st</sup>, 1984, when her dead body was found 56 kilometers away on Ravenshoe Road in the Durham Region (King, 1998: 8). While it was later stated, that "everyone in Queensville" was a suspect, the investigation quickly focused on Morin as the prime suspect because he was regarded as "weird" by the York and Durham region police, as well as the community itself (King, 1998: 8). After only a few months of evidence collection, Morin was arrested on the evening of April 22<sup>nd</sup>, 1985 for the murder of Christine Jessop (King, 1998: 8).

Despite the evidence and spending fifty weeks in custody, Morin was initially found not guilty of the crime by a jury at the Ontario Superior Court (King, 1998: 8). However, the Crown exercised its right to appeal the verdict on the ground that the trial judge made two fundamental errors; specifically in relation to reasonable doubt and the evidence of Morin's psychiatric condition (Kaufman, 2004: 37). They argued that these errors prejudiced the Crown's right to a fair trial (Kaufman, 2004: 37). Although it was successful in these appeals, the new trial ordered in 1987 by the Ontario Court of Appeal did not actually begin until November 5<sup>th</sup>, 1991 (Anderson and Anderson, 1998: 86). The delays of the second trial were based upon Morin's appeal to the Supreme Court of Canada in 1988 concerning police suppression of evidence favourable to his defense (Anderson and Anderson, 1998: 84).

The Supreme Court of Canada upheld the Ontario Court of Appeal's decision, but only on the reasonable doubt instruction (King, 1998: 8). On July 23<sup>rd</sup>, 1992, at

the conclusion of the second trial, Morin was convicted of murdering Jessop and sentenced to life imprisonment, before being taken into custody once again (King, 1998: 8). Morin's saga was to conclude shortly after this trial as new DNA evidence excluded him as a suspect on January 20<sup>th</sup>, 1995 (Anderson and Anderson, 1998: 89). This subsequently led to the setting aside of the murder conviction and an acquittal was entered instead (Anderson and Anderson, 1998: 89).

#### Donald Marshall Jr.

Donald Marshall Jr. is a Mi'kmaq Indian who was charged with murder. He was sentenced to life imprisonment for murdering acquaintance Sandy Seale in 1971 (Anderson and Anderson, 1998: 31). Marshall and Seale had been walking around Sydney, Nova Scotia's Wentworth Park during the late evening on May 29<sup>th</sup>. They confronted and attempted to rob Roy Ebsary, an eccentric elderly man they encountered in the park (Anderson and Anderson, 1998: 29). A short scuffle occurred when Seale tried to get some money from Ebsary, but having been mugged in the park several times before, Ebsary was not willing to let it happen again. In a matter of seconds, Ebsary stabbed Seale in the stomach and slashed Marshall's arm. Seale subsequently slumped to the ground, while a terrified Marshall ran from the scene (Anderson and Anderson, 1998: 30). In the subsequent interviews with Marshall – in both the hospital where Seale was taken and the Sydney police station – no notes were taken by the police (Anderson and Anderson, 1998: 31). Sergeant of Detectives John MacIntyre was in charge of the investigation and he quickly formulated a theory that Marshall had killed Seale in the course of an argument (Anderson and Anderson, 1998: 32).

From the beginning, the system seemed determined to prove that he was guilty. The preliminary hearing into the case was held in June 1971, but Marshall was bound over for trial on November 2<sup>nd</sup>, 1971 (Anderson and Anderson, 1998: 35). During the trial, the defense suffered several blows and Marshall's lawyers realized they had little choice but to put Marshall on the stand (Anderson and Anderson, 1998: 37). Unfortunately, Marshall's testimony of the night's events was so disjointed and erratic, it caused irreparable harm and the jury returned after only four hours of deliberation with a verdict of guilty to Marshall's second degree murder charge (Anderson and Anderson, 1998: 38).

Although Marshall's case was turned down by the Supreme Court of Canada when it was on appeal in early September 1972, events of the next decade unfolded to make his trial and conviction one of the most celebrated cases in the annals of Canadian legal history (Anderson and Anderson, 1998: 40). Several witnesses at the original trial recanted their testimonies, while other individuals came forward. As more evidence of Marshall's innocence accumulated, the prosecution recommended on April 5<sup>th</sup>, 1982 that Ebsary be charged with murder and that the process of freeing Marshall be implemented (Anderson and Anderson, 1998: 43). The appeal hearing began on December 1<sup>st</sup>, 1982 and concluded with an unprecedented move by Crown Prosecutor Frank Edwards to argue that Marshall had ensured his own conviction because he had not informed the court or his lawyers that he and Seale had planned a robbery in the park.<sup>2</sup> Yet in his summation, Edwards argued that since there was no evidence that Marshall had committed the murder, the court should acquit him

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<sup>2</sup> In doing so, Edwards had put his own job in jeopardy because he was intentionally arguing for an acquittal (Anderson and Anderson, 1998: 45).

(Anderson and Anderson, 1998: 44). Three months after the appeal court reconvened in February 1983, the court came down with its decision that no reasonable jury could find Marshall guilty based on the evidence presented. Twelve years after his original arrest, Marshall was finally acquitted (Anderson and Anderson, 1998: 45).

It is important to note that the five appeal judges were not about to admit that a miscarriage of justice had indeed taken place; instead Marshall's arrest and conviction were rationalized as being a product of his own lies and evasions during the course of the investigation and trial (Ibid). However, when the appeal court blamed Marshall for his conviction, the public was outraged and the government appointed a Royal Commission to investigate the Marshall affair. Hearings began on September 9<sup>th</sup>, 1987 and resulted in the \$8 million, seven-volume report, released January 26<sup>th</sup>, 1990 as a damning indictment of Nova Scotia's criminal justice system (Anderson and Anderson, 1998: 48).

#### William Mullins-Johnson

William Mullins-Johnson was convicted in 1994 of first-degree murder in the death of his four-year-old niece, Valin Johnson, in Sault Ste. Marie on June 27, 1993 (Lett, 2008). He had been babysitting for her when she was found dead in her bed. Four pathology specialists, including a Dr. Charles Smith, concluded that the child had been sodomized, sexually assaulted and strangled or smothered at the time of death, which contradicted defence evidence that the child had died of natural causes (Lett, 2008).

Dr. Smith's opinion was essential to the jury's verdict of first-degree murder (AIDWYC Cases, 2007). Reports that Dr. Smith had misplaced crucial evidence

prompted an audit of tissue samples from autopsies performed at the Hospital for Sick Children in Toronto since 1991. During this audit, the missing exhibits of concern were suddenly discovered on Dr. Smith's desk in late May (AIDWYC Cases, 2007). In 2002, Dr. Smith was reprimanded by the Ontario College of Physicians and Surgeons. On June 7<sup>th</sup>, 2005, Ontario's Chief Coroner ordered a formal, independent review of Dr. Smith's involvement in over 40 cases where he performed an autopsy or offered an expert opinion (Ibid).

Mullins-Johnson was released on bail on September 21<sup>st</sup>, 2005, after 12 years in prison, pending ministerial review of his s. 696.1 application (Ibid). During this same time period, pathologists were reviewing the original evidence – including the tissue samples – and determined that no crime had taken place (Lett, 2008). In July 2007, Federal Justice Minister Rob Nicholson ordered the Court of Appeal to review the case stating that "a miscarriage of justice may well have occurred." On October 15<sup>th</sup>, 2007, the Ontario Court of Appeal acquitted Mullins-Johnson of all charges at the request of the Crown prosecutors – who apologized in court for the wrongful conviction (AIDWYC Cases, 2007).

### Thomas Sophonow

Three days before Christmas morning in 1981, a series of events unfolded to ensnare Thomas Sophonow in one of the most bizarre criminal cases in Canadian history (Anderson and Anderson, 1998: 93). On December 22<sup>nd</sup>, Sophonow left from Vancouver and headed towards Winnipeg where he hoped to visit his estranged wife and young daughter. Then on December 23<sup>rd</sup>, at 8:30pm the Winnipeg police were called to the Ideal Donut Shop on St. Boniface's Goulet Street. Barbara Stoppel, a 16

year old employee of the shop, was found lying propped against the wall in the women's washroom with a nylon cord tied tightly around her neck. Although she was revived after being rushed to a nearby hospital, she died five days later in a coma (Anderson and Anderson, 1998: 93). Witnesses had mentioned that the individual was wearing a cowboy hat, but could not definitively identify him.

Over the next few months, the public began to question why Stoppel's killer had not been arrested (Anderson and Anderson, 1998: 95). Then, near the end of January 1982, Detective Sergeant Bill Van Der Graff remembered a case about a young hitchhiker who had gone missing in July 1981 – a case which Sophonow had been involved in. In that case, Sophonow had contacted the RCMP in Hope, BC, informing them that he had given a young woman fitting the missing person description a ride to Winnipeg. Unfortunately, the girl was never found, but a similarity in composites of both girls lead Van Der Graff to contact the Vancouver police (Ibid).

Shortly afterwards, Sophonow was informally questioned about his whereabouts the night of Stoppel's attack. The police took limited notes, but did not let Sophonow check them for accuracy. Sophonow was flown to Winnipeg from Vancouver for further questioning and was subsequently charged with Stoppel's murder (Anderson and Anderson, 1998: 96). At the preliminary hearing, the Crown argued that the simple fact that witnesses had placed him at the scene of the crime – despite the fact that none could pick him out in the police lineup – was enough to cause him to be held over for trial. Judge Charles Rubin agreed and bound Sophonow over for trial beginning October 18<sup>th</sup>, 1982 (Anderson and Anderson, 1998: 98). In

the first trial, the jury deliberated for 28 hours before informing the judge they had reached an impasse. Judge Louis Deniset had no choice but to declare a mistrial and set the second trial date for February 21<sup>st</sup> – Sophonow’s application for bail was denied (Anderson and Anderson, 1998: 99).

Justice John Scollin presided over the second trial, but his charge to the jury was not favourable to the defence as he failed to adequately discuss the credibility of specific key witnesses for the prosecution and encouraged the jury to reject critical witnesses for the defence (Anderson and Anderson, 1998: 101). Not surprisingly, the jury returned with a guilty verdict and Sophonow was forced to return to prison. One year later, the Manitoba Court of Appeal ordered a new trial based on the fact that Scollin’s charge to the jury was biased and on February 4<sup>th</sup>, 1985, Sophonow was back in court for an unprecedented third trial after spending a year in jail. At the third trial – presided over by Justice Benjamin Hewak - Sophonow’s defence was subjected to several blows; the most critical being when Hewak dismissed the one juror who believed that Sophonow was not guilty (Anderson and Anderson, 1998: 106).

At the Manitoba Court of Appeal, the three chief justices – Kerr Twaddle, Joseph O’Sullivan and Charles Huband – all strongly agreed that a number of serious errors had occurred during the trial. They specifically cited the charges to the jury, the rejection of critical witnesses and the dismissal of the juror as constituting grounds for setting aside the verdict. The chief justices were emphatic in their opinion that Sophonow was not to face a fourth trial, which the Supreme Court of Canada agreed to in their refusal of the Crown’s request for leave of the appeal (Anderson and Anderson, 1998: 106).



### Association in Defense of the Wrongly Convicted (AIDWYC)

In response to cases such as these, a variety of organizations have formed to work for justice for those who have been wrongfully convicted. AIDWYC is one such Canadian example, which is entirely non-profit and voluntary. It has two broad objectives: first, eradicating the conditions that can cause miscarriages of justice; and second, participating in the review and correction of wrongful convictions.

AIDWYC's offices and core legal team of over 30 lawyers is located in Ontario, but there is another formal chapter in Manitoba as well as informal chapters forming in Newfoundland and Calgary. It was founded in 1993 as the direct successor to the grassroots organization that formed to support Guy Paul Morin immediately following his wrongful conviction. When Morin was released on bail, the organization re-constituted itself as AIDWYC with the goal of acting in defence of *all* persons<sup>3</sup> who have been wrongly convicted of murder.<sup>4</sup>

### "Picture Perfect" Contexts

Anthropologists experience their fieldwork in ways which are unique to each individual. My fieldwork experience was no exception to this and can be described as being "jump-started" by the airing of arguably the single most critical event in wrongful conviction history in Canada: the reading of the decision in Steven Truscott's appeal on August 28<sup>th</sup>, 2007. On that day, I was up at my cottage in

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<sup>3</sup> AIDWYC's current active adopted cases also include Robert Baltovich, Christopher Bates, Wilbert Coffin, Romeo Phillion, Kyle Unger and Erin Walsh. AIDWYC has also participated in the Lamer Inquiry (Ronald Dalton, Randy Druken and Gregory Parsons), the Milgaard Inquiry (David Milgaard), the Driskell Inquiry (Jim Driskell). Specific case and inquiry information can be found at <http://www.aidwyc.org/cases/>.

<sup>4</sup> Information on AIDWYC was retrieved from the organization's website at <http://www.aidwyc.org/>.

Haliburton, Ontario watching TV and on the edge of my seat scribbling down everything I could. This included notes about the case, the decision and the comments made afterwards by Michael Bryant (Ontario's Attorney General at the time), Truscott and his lawyers as well as representatives of AIDWYC.

Despite my obvious interest in what I – and many others – deemed a monumental day in wrongful conviction and legal history, my mother was completely oblivious to the fact that what I was watching was critical to my research as she bombarded me with a series of questions relating to my domination of the television. I explained the situation and how critical it was that I pay attention to what was going on – without interruption – for it could possibly have a massive effect on the outcome of my fieldwork. Despite her not-so-silent protest, she conceded and changed the direction of the conversation to a series of questions and statements relating to the case; most of which reflected her own disbelief at the level of injustice in this case.

I consider this single decision as the catalyst to my data collection and my experiences in the field generally. Without it, both my data and experiences would likely have been much different. Although it is merely conjecture, I also suspect that if the decision had either: (a) occurred at another time (i.e. a year before or after I entered the field) or, (b) not turned out so positively (i.e. had Truscott not been acquitted) – it is very likely that the data I received from my interviewees would have been much different. Questions and conversations related to work, interest and motivations in relation to wrongful convictions would have produced different responses at a different time. However, given the recent decision, many of the people

interviewed made their comments and replied to my questions by referring to the Truscott appeal decision.

After one of my first face to face interviews, Jonathan – a young lawyer and case reviewer for the AIDWYC noted how the timing of my fieldwork coincided with the recent reading of the Steven Truscott decision. During the elevator ride down from his office, he said that I was starting at an optimal time and would more than likely be able to get more interviews from those working to correct this type of injustice – especially due to the success from the Truscott appeal. Although I had thought about this in passing just after the decision, it never really occurred to me that it might actually offer me more opportunities to talk to people because of the fact that all their hard work and dedication had paid off – or at least in this specific case.

Another interviewee, Douglas – a close and personal friend of Truscott's – also discussed the Truscott decision in the interview, but in a much more direct, passionate and extremely personal way.

Me: How do you feel about the outcomes of the cases, like the actual outcomes versus what you feel should have happened...so we'll take the Truscott case for example?

Douglas: [chuckles] Oh I think *exactly* the right thing happened<sup>5</sup> in this case. They, I think, well...it got blurred a little bit by the Attorney General's comment.<sup>6</sup> But as far as I'm concerned, they found him not guilty – they acquitted him. Surely you don't have to prove your innocence in this country. It's their job to prove you guilty and they didn't.

Douglas went on to say,

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<sup>5</sup> Italics added for emphasis. Douglas' facial expressions, body language and tone of voice clearly articulated the satisfaction he had with the recent Truscott decision.

<sup>6</sup> Michael Bryant is the Attorney General in Ontario who made the comment after the reading of the decision that the matter is concluded in the eyes of the law, but the case is now officially an unsolved murder. Bryant also indicated that Crown would not appeal or begin a new trial. (\*Based on field notes taken on August 28<sup>th</sup>, 2007)

...can't wish for anything more than they recognize and admit that there was a miscarriage of justice. And now that he is free, the question of compensation becomes an issue...<sup>7</sup>

The way Douglas articulated his thoughts and emotions about the Truscott decision was also re-assuring for me as I was beginning to understand exactly what Jonathan had meant about conducting research on a subject that had recently seen some success. As I would later learn, this would not only increase the quantity of my interviews, but also the quality.

The Truscott decision, and case generally, was also referred to by other interviewees. Julian Sher, an investigative journalist, wrote the book "Until You are Dead": Steven's Long Ride into History<sup>8</sup> and also played several critical roles in the CBC's Fifth Estate documentary entitled The Steven Truscott Story: Moment of Truth. His quote at the beginning of this chapter illustrates the sense of passion Julian felt about his job and this specific case because of the intricate ways he was involved in overturning of the conviction. As with Jonathan and Douglas, I once again found myself in disbelief at the incredible luck of timing I had in conducting my fieldwork in the wake of such a landmark decision and achievement in wrongful conviction work.

#### A "Wrongful Conviction Network"

Barrie Anderson and Dawn Anderson, a retired associate professor of social and justice studies and a sociology graduate student respectively, have studied wrongful convictions in Canada and argue that analysis of wrongful convictions must focus on the social structure itself – on Canadian society (1998: 16) – because of the

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<sup>7</sup> Steven Truscott's compensation is discussed more thoroughly in the conclusion.

<sup>8</sup> Originally published in 2001, but an updated version (including the latest decision) was published and released in 2008.

way justice acts as a system of social control (1998: 20). Upon review of six Canadian cases<sup>9</sup>, Anderson and Anderson reflect that the lesson from these past failings is that governments are incompetent agents of social change (1998: 134). In response to this, they note that while many obstacles will be faced in the pursuit of justice for these individuals, the process of change must begin with small groups acting collectively for a cause (1998: 136). It is one of these “groups” that I sought to investigate in attempts to understand the perspectives and motivations of those that tirelessly work in the name of social justice; namely AIDWYC.

Together with other social justice collectivities as well as individual members, a collectivity is formed into what I call the “wrongful conviction network”. For the purposes of this thesis, the “network” is defined as being comprised of both individuals and multiple organizations linked together by the notion of social justice. As my objectives are to describe and understand this network, it is appropriate to discuss the terminology used to describe collectivities in anthropological terms. Although a popular term within the discipline, “community” can be simultaneously helpful for the development of knowledge *and* hurtful to the process. Political anthropologist Vered Amit notes this and argues,

Like their counterparts in sister disciplines, many anthropologists have noted the ‘slipperiness’ of the notion of community, arguing that it is too vague, too variable in its applications and definitions to be of much utility as an analytical tool (Bauman, 1996: 14; Cohen, 2002: 165). [...] [A]s Gerd Bauman aptly observed, in public rhetoric, ‘community’ is often opportunistically stretched to accommodate a wide variety of categories. (2002: 13)

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<sup>9</sup> Anderson and Anderson discussed the cases of Donald Marshal JR, David Milgaard, Wilbert Coffin, Guy Paul Morin, Thomas Sophonow and Steven Truscott.

It is this description of ‘slipperiness’ that I am seeking to avoid by using an alternative, more descriptive term: “networks”. It should be noted briefly that during my interviews I referred to the collectivity as a “pseudo legal community”, but I was also careful to acknowledge that the term was subject to change at the analysis stage. Upon review of my data, the portrayal I offered seemed extremely problematic. One interpretation may lead to the view that this collectivity is “pretend” or “simulated” – when in fact it is quite real. As a result, the terminology I had used in the field had to be altered to more accurately describe and represent the specific social justice collectivity which I will be referring to.

### Research Question

When I began this research, I was interested in the motivations of the members of this network. Using an interdisciplinary approach, I had originally integrated social psychological models to frame my research questions. Additionally, I was interested in using Max Gluckman’s<sup>10</sup> works on conflict theory as my link between motivations and a social psychological model.<sup>11</sup> However as time progressed, it seemed evident that these questions required some amendments. As a result of my field research and interviews, I had to re-evaluate my questions and identify what is important from the data. During my analysis, I noticed several patterns in the data pertaining to the structure of the collectivity as well as the emphasis my interviewees placed on justice. It is out of these contexts that my new research question developed, which is as follows:

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<sup>10</sup> See Gluckman (1940, 1955, 1963) for conflict theory discussions.

<sup>11</sup> My original theories are discussed more thoroughly in Chapter Two.

## **What can anthropological theory contribute to understandings of the formation and dynamics of social justice collectivities, such as AIDWYC?**

### Objectives

In this thesis I explore the ways in which individuals interested in social justice for wrongful convictions form a network as well as how the dynamics of their membership unfold. By identifying this social justice collectivity as a wrongful conviction network, I argue that although there are varying motivations to participate, the network's membership is based upon the notion of social justice. Further, I argue that the anthropological understandings of networks and membership are particularly useful to comprehend the "wrongful conviction network". These understandings provide the framework for both my analysis and my conclusion, where I posit that if the network is to ensure its existing success into the future, it is crucial to strengthen itself by increasing organization, advertising and fund raising efforts.

### Outline

Chapter Two moves the discussion forward by providing a literature review of the relevant theoretical concepts of networks and membership. Chapter Three presents the methodology I adopted to execute this research. The following two chapters, Chapters Four and Five, comprise the data analysis sections. In Chapter Four, I examine four dimensions of 'networks' – as I interpret them – to comprehend the data I collected. These four dimensions include: Composition, Organization, Communication/Interaction and finally, Relationships. Each dimension is substantiated using quotes from the selective transcription of the interviews. Chapter Four also includes the profiles of the interviewees to introduce the reader to the

individuals whose words provide the basis of my findings. Chapter Five, is designed to engage more thoroughly with the latter two dimensions by addressing the variation in motivations and the notion of social justice. In this latter chapter, I examine five categories of motivations: Strategic, Academic Interest, Altruistic, Personal Connection and Wrongful Conviction Experience. After illuminating the differences in motivations between each member, the discussion shifts to focus on the one similarity between all members – and hence the foundation for membership – the notion of social justice.

Finally, my conclusion is designed around offering recommendations for the network. To do so, I briefly summarize the critical points of my thesis as well as the implications of my research. In this final chapter, my aim is to underscore the importance of using anthropology to grasp the complexities of this example of a social justice collectivity as well as the individuals that comprises it.



*Theory is tested in the field through the practical information provided by the anthropologist but framed by theoretical assumptions. If theories or parts of them are not applicable, they are rejected or modified at the point of intervention. (Ervin, 2000: 9)*

## **Chapter 2: Theory and Literature Review**

Anthropologists are trained to learn how to think on our feet while observing the reactions, responses and body language of those we wish to study. This being said, it is important for any anthropologist to pick up on signals that may be indicative of critical problems with our theoretical suppositions. When necessary, anthropologists may be forced to re-evaluate their original hypothesis and theories to better understand the contexts surrounding their subjects of study. The circumstances that developed with the progression of my fieldwork exemplify this sort of change as my original choice of a social psychological model was no longer useful to grasp the complexities of this particular network. When I began my research, I developed my theoretical framework around the model developed by social psychologist L. J. Skitka and Elizabeth Mullen, which holds that “moral mandates” are the specific attitude positions or stands that people develop out of a moral conviction that something is right or wrong, moral or immoral; have characteristics of extremity, importance and certainty, but more importantly contain motivational and action components (2002: 36).<sup>12</sup>

They continue to note that this definition can provide some insight into why people sometimes feel compelled to “take a stand” to express, and defend, their core moral beliefs (Skitka & Mullen, 2002: 36). Prior to entering the field, I made the argument that these “moral mandates” may be used to explain the composition of

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<sup>12</sup> See Skitka & Houston’s (2001) and Skitka & Mullen’s (2002) moral mandate discussions.

motivations of those who are involved in the wrongful conviction network as well as the translation of thoughts on social justice into action. However as time and interviews progressed, it became clear that this particular theory was inadequate for it could not account for the variation in both the motivations and the notion of social justice. As a result, many of my interviewees had trouble comprehending the theoretical approach I was taking and my data was inconclusive. As such, I had to 'intervene' – as Ervin states – and re-work my questions based on what was important to all of my interviewees.

I experienced the same sort of “filtering process” with the questions that pertained to noted anthropologist Max Gluckman’s conflict theory and the Manchester anthropological school of thought. This notion of conflict was originally used to extend these bodies of literature in social psychological theory and provide the framework with which to think about how motivations and “moral mandates” could be linked. The crucial thing part to take notice of in the conflict theory is the unfolding of social processes involving a divergence in beliefs, perspectives and/or ideologies (Colson, 1979). Moreover, since the school is best characterized by a theoretical interest in conflict and conflict resolution in actual situations, it seemed useful in the development of knowledge concerning conflict’s presence and role in society (Ibid).

Gluckman has been described as playing the most instrumental role in bringing about this particular school of thought throughout his career (Werbner, 1984: 157). Unlike the anthropologists before him, Gluckman emphasized the recognition of conflict within order – specifically the inconsistency and contradiction inherent in

the social system and the ways in which such conflict is resolved (Rao and Walton, 2007). His arguments in Custom and Conflict (1955) reflect this concern as he attempted to answer the challenging problem of how and why social systems hold together - despite ever present internal conflict. Here, Gluckman demonstrates that inconsistencies and contradictions in social systems are a part of social life and custom serves to exacerbate these conflicts. In doing so, custom also restrains the conflicts from destroying the wider social order through violence (1955: 2).

Like the idea of “moral mandates”, my interviewees were not interested in these anthropological concepts and theories. Rather than thinking about conflict from the theoretical standpoint that I offered, responses seemed to focus on their disagreement with the actual decisions as well as the injustices wrongful convictions entail. Additionally, since the data of “moral mandates” proved inconclusive, the use of Gluckman’s conflict theory and the Manchester school seemed inefficient to link the bodies of literature and present what each individual was communicating to me about their knowledge and experiences in the network. As a result, this data was also deemed inconclusive and I was forced yet again to re-examine my theoretical presuppositions.

### Point of Intervention

In review of the transcriptions of my interviews and notes taken in the field, I noticed that there seemed to be significant emphasis on the motivational discussions as well as the suggestion of individuals constituting a network based upon social justice. Each individual responded more enthusiastically to the questions and probes on these specific topics. Rather than simply answering “yes” or “no”, each person

went into great detail and offered anecdotes based on their experiences to help shape my understandings. As such, I decided to develop these latter notions for they best helped me comprehend the wrongful conviction network and offered a possibility for me to represent what is important to individuals working for social justice.

My focus then became based upon a conscious decision to develop an understanding of how they could be described as a network and why the notion of social justice is at the core of its membership. This was not only to facilitate my own understandings as an apprenticing anthropologist, but also because my research serves as an attempt to solidify the network's place in the contexts of a larger legal community. Although I use anthropology to frame my analysis, the thesis includes perspectives from other disciplines to conceptualize the network. Lucas – a student researcher at a small Ontario university – acknowledged the importance of disciplines working together in this fashion if current literature is to be expanded.

Lucas: ...you know I think that, social scientists have left this issue for far too long, and um, legal scholars have actually been crying out for quite some time to get involved. They definitely want work done in the area and they are starting. But it is kind of a burgeoning topic.

### Social Justice Collectivities

In light of the fact that justice is the focal point not only of this thesis, but also of the formation and dynamics of the wrongful conviction network, it is important to engage in a brief discussion about the definition of the term “justice”. According to Anderson and Anderson:

Justice is essentially an abstract concept based on the rather vague ideas that people share about law and society, crime and punishment, good and bad, and justice will change as society itself changes. Many of these ideas, including our laws, become institutionalized and regarded as natural truths. (1998: 17)

Although they are referring to justice as it relates to wrongful convictions, their words can be used to draw parallels with other examples of social justice collectivities.

Activist and advocacy groups alike draw upon the universalistic principles informing this notion to guide actions by both individuals as well as organizations. The notion of social justice thus provides individuals with a cause to congregate together and formulate collectivities.

It is important to note that this sort of mobilization is not uncommon for social justice collectivities – like the wrongful conviction network. The gathering of individuals for a specific reason – even if it is not wrongful convictions – is essential to any mobilization of individuals into advocacy or activist groups. I am simply designating the wrongful conviction network as exemplifying one mobilization, which stems from the notion of social justice. In doing so, I can also distinguish the subjects of my research from other examples of social justice collectivities.

While there is a wide range of examples of social justice collectivities, legal anthropologist Sally Engle Merry's discussions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is akin to the wrongful conviction network I discuss.<sup>13</sup> In her article, "Constructing a Global Law", Merry provides an ethnographic analysis of how the Convention is similar to state law, despite its lack of enforceability (2003: 941).

To substantiate her analysis, Merry describes the history of the Convention's development to contextualize its formation and the dynamics. According to Merry's research, CEDAW focuses on eliminating discrimination against women that violates

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<sup>13</sup> See Merry (2005 and 2004) for other legal anthropological discussions of CEDAW.

the principle of equality of rights and respect for human dignity. The 30 articles to the Convention cover a broad array of social issues such as political participation, education, employment, health, and the special difficulties faced by rural women. State parties are required to eliminate discrimination in the exercise of civil, political, economic, social, and cultural rights both in the public domain and in the family (2003: 950-51). In this example, the elimination of violence and discrimination against women acts as the catalyst for action by a network of individuals, countries as well as nation states in the name of social justice. Merry notes that the critical feature of the CEDAW process is its cultural and educational role: its capacity to coalesce and express a particular cultural understanding of gender (2003: 973).

### Theoretical Concepts

Since it is clear that the objectives of my thesis are centered upon how my research can contribute to creating visibility and understandings of the wrongful conviction network, it is constructive to shift attention onto two theoretical concepts that are particularly relevant to guide my analysis: networks and membership. These two concepts are particularly useful to understand the network I studied as well as to illustrate the contexts from which the recommendations in my conclusion will be based.

#### *Networks*

While there are several perspectives on the theoretical concept of networks, Annelise Riles – a professor of law and anthropology at Cornell Law School and Cornell University respectively – offers a distinctive definition in her book The Network Inside Out. Riles uses the term “network” to refer to a set of institutions,

knowledge practices, and artifacts that internally generate the effects of their own reality by reflecting themselves (2000: 3). In other words, the reality of any given network is based upon their own self-description: by describing how the network is formed and operates, it is able to generate its own reality – including whether it is successful in accomplishing its goals or not. Riles explicitly notes this as the central insight of her book and states,

The effectiveness of the network is generated by the network's self-description. The naming of a network is the existence of a network, and the existence of a network is synonymous with action on its behalf. The network *is* analysis (the missing "link"), and it supersedes reality; in other words, one need not show a link once one pronounces the existence of a network. (2000: 172)

She continues to note that networks must be created, sustained and made to expand, and this need enlists collective interest and commitment to action (2000: 174). It is these processes of creation, maintenance and growth that are essential to understanding any given network's formation. The wrongful conviction network is no exception to these processes, so it is pertinent to examine how they operate.

While Riles' work is helpful to conceptualize the naming of any given network as it relates to success, it does not explicitly articulate how networks are developed. For this I turn to Amit's description of a social network. This latter definition is particularly valuable to the analysis of my data in regards to the network's formation. She suggests,

Personal social networks are not simply the means for the creation of organized communities. Such networks operate in their own right and on distinctive terms. They are ego-based, that is to say they arise through particular individuals' efforts, experiences and history. As such, and especially so in complex metropolitan environments, they are likely to extend across many different categories and situations. Nor is it necessary or even probable that all the people a particular

individual knows will interact with each other independently of this shared link, or even necessarily have knowledge of each other. Because this form of social connection is not institutionalized, it is highly sensitive to the vagaries and life cycles of interpersonal relationships. This, then is a framework of social linkage that requires perhaps the most intensive, self-conscious and constant efforts from its key protagonists, but which is also the most structurally ephemeral. (2002: 22-23)

Although this quote is rather extensive, it is quite useful to paint a picture of all the dimensions of networks: Composition, Organization, Communication/Interaction and Relationships.<sup>14</sup> These dimensions are based upon *my own* interpretation of her definition and are applied to my data. Composition identifies who it is that makes up the network in its entirety. Organization takes notice of the diversity in structure and mandate(s) among each collectivity in the network. Communication/Interaction acknowledges the geographical distance that characterizes this network in order to understand the existing mode of communication/interaction. Finally, Relationships explores the conscious efforts each member must exert to develop and maintain relationships – both within the network as well as outside of it. Taken together, this network’s Composition, Organization, Communication/Interaction and Relationships illustrate the processes by which it is formulated and maintained.

### *Membership*

Riles’ and Amit’s work speak to the formation of the wrongful conviction network, but is also important to draw attention to the cause of the formation in the first place: membership based on the notion of social justice. This is especially important if we are to understand how the dynamics of membership in this network

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<sup>14</sup> To be discussed more extensively in Chapter Four.



unfold and function to create convergence in spite of diversity. It is this second theoretical concept that I argue is ideal for obtaining a more holistic understanding of this network for the way it addresses unity despite difference.

In her recent book, Friction: An Ethnography of Global Connection, environmental anthropologist Anna Tsing studied social justice movements in Indonesia during the 1980s and the early 1990s, which had developed in response to the deforestation taking place at the time. In this book, Tsing stresses the importance of cross-cultural and long-distance encounters in forming culture(s) in a global world. As she explains, cultures are continually co-produced in the interactions she calls “friction”<sup>15</sup>: the awkward, unequal, unstable, and creative qualities of interconnections across difference (2005: 4). Tsing describes the movement she based her findings upon as,

...an amalgam of odd parts: engineers, nature lovers, reformers, technocrats. [...] Activists argued against the hegemony of centralized development with ideas of human rights, farmers’ rights, and indigenous rights. However, environmentalists [also] played a role in articulating dissatisfaction with the state – especially in regard to rural issues. (2005: 17)

Her discussion of this diversity culminates in the latter portion of her book when she emphasizes the importance in acknowledging collaboration across difference. She poses the question “Can any cause for common justice emerge across these differences?” to her readers and answers,

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<sup>15</sup> Tsing elaborates on her definition of the term “friction” and notes, “Speaking of friction is a reminder of the importance of interaction in defining movement, cultural form and agency. Friction is not just about slowing things down. Friction is required to keep global power in motion. It shows us (as one advertising jingle put it) where the rubber meets the road. Roads are a good image for conceptualizing how friction works: Roads create pathways that make motion easier and more efficient, but in doing so they limit where we go. The ease of travel they facilitate is also a structure of confinement. Friction inflects historical trajectories, enabling, excluding, and particularizing” (2005: 6).

To ask this question well, we must move beyond the common-sense assumption that solidarity means homogeneity. Differences invigorate social mobilizations. [...] Difference is thus both a pre-established frame for connection and an unexpected medium in which connection must find local purchase. All this means that social mobilizations are facilitated by their appeal to diverse social groups, who find divergent means and meanings in the cause. (2005: 245)

Tsing's work not only offers a second example of a social justice collectivity, but more specifically a collectivity with similar membership. The membership among the network she studied intentionally highlights the differences between the rationale for each individual and organization(s) to not only participate, but also to work together. The conclusions drawn from the dynamics of the network Tsing's studied are further explored in Chapter Five, but it is constructive to draw attention here to how these differences are used to 'invigorate social mobilizations'. Within the wrongful conviction network, the differences can be seen both in the motivations of the individual members as well as their various interpretations of social justice. As I argue, these differences act as the site of convergence within the network and not only 'invigorate social mobilizations', but also help the network to thrive.

One body of literature that is particularly helpful to think about the dynamics of membership in the wrongful conviction network is in relation to the motivations of individuals to participate in social movements. Of particular interest were the sociological discussions from Jeff Goodwin & James M. Jasper. Their conceptualizations of social movements pose ten fundamental questions to facilitate understandings of key concepts in this literature. Their question of "Who joins or supports movements?" was especially pertinent to the original design of my

research.<sup>16</sup> Goodwin & Jasper note that social scientists still have a lot to learn about why people stay in or pull out, especially as individual motivations may become subject to change with the level of involvement within the organization and the passing of time (2003: 93).

In response to this question, Goodwin & Jasper highlight three specific kinds of recruitment strategies for social movements: social networks, collective identities and moral shocks (2003: 51-54). While each of these showed promise in attempts to explain the recruitment strategies of the wrongful conviction network, my data demonstrates that individual member motivations are much more complex than these explanations. Yet, this particular question (and response) is also indicative of the possibility of differential reactions or responses to wrongful conviction cases. This possibility suggests that the development of motivations can vary from person to person and subsequently alter how they are eventually recruited for membership as well as what forms their participation will take.

Although Goodwin and Jasper were useful to begin conceptualization of membership within the wrongful conviction network, it became evident as my research progressed that the network's dynamics are riddled with far more complexities than I had originally anticipated. It seemed instead that membership is also based upon the notion of social justice – in addition to the variation in motivations. It is useful to turn to sociologist Mario Diani's essay on networks and

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<sup>16</sup> Jeff Goodwin and James M. Jasper pose ten questions in regards to social movements, which include the following: When and why do social movements occur?; Who joins or supports movements?; Who remains in movements, and who drops out?; What do movement participants think and feel?; How are movements organized?; What do movements do?; How do the state and mass media influence movements?; Why do movements decline?; What changes do movements bring about?. Although these questions prove useful in understandings of the wrongful conviction network, I have selected the one that relates specifically to the motivation as a focal point in analysis of the dynamics of membership within this network.

participation, which provides an alternative depiction of the dynamics in this network.

Diani uses the notion of CATNETs – a concept he borrows from social scientist

Charles Tilly's From Mobilization to Revolution – to describe network dynamics as

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...collective action associated with the co-presence in a given population of *cat*(egorical traits) and *net*(works). While the former provided the criteria on the basis of which recognition and identity building would take place, the latter constituted the actual channels of communication and exchange which enabled the mobilization of resources and the emergence of collective actors. (2004: 341)

Similar to Tsing's focus on differences leading to collaboration, Diani's discussion also focuses on the membership dimension that is essential to the production of a collectivity. Here we see that membership is based on a single category, which members recognize and identify with. This category translates membership into "mobilization" and establishes action through participation. In the wrongful conviction network the category is the notion of social justice and it acts as the vehicle for mobilization. Although he dedicates a significant amount of time to the development of the notion of CATNETs, Diani does delve further into the membership issues and suggests,

There is a dynamic, diachronic element to this process: while people often become involved in specific movements or campaigns through their pre-existing links, their very participation also forges new bonds, which in turn affect subsequent developments in their activist careers (and, indeed, in their lives at large). (2004: 339)

With this quote, we see references to the differences and collaboration Tsing mentions, whereby involvement within a given social justice collectivity "forges new bonds" and individuals who would otherwise have no reason to be in contact with one another, now are. The contexts of the network which I sought out reveal similar

patterns and dynamics to Diani's descriptions; especially as it pertains to "development in activism".

### Extending Theory to Locate My Research

This chapter develops the contexts of my research and underscores the importance of locating my research within anthropological literature in addition to work done by other disciplines. The theoretical concepts of "networks" and "membership" have been introduced to direct the focus of my thesis and the analysis of my data. Specifically, these two concepts enable me to develop an ethnographic description of the wrongful conviction network's formation and dynamics and provide insights into the development and operation of the network itself. This will allow my work to expand upon existing literature on wrongful convictions, but through an anthropological lens. Since the literature review and theoretical groundwork has been laid out to contextualize my research, it seems appropriate then to recognize the actual production of my data in the next chapter on methodology.

*Whether [s/he] is attempting to reach conclusions about one society or about many or all societies, [the] procedure is the same: to reach, by analysis, abstractions from complex social actualities, and then to relate these abstractions to one another in such a way that total social relations can be presented as a design, and so perceived by the mind in perspective and as an interconnected whole, with their significant features brought into relief. (Evans-Pritchard, 1962: 124)*

### **CH. 3: Methods**

One of the cornerstones of traditional anthropological research was its use of the participant-observation method for data collection in a single geographic field site outside the “Western world”. Anthropologists Timothy J. Finan and John van Willigen acknowledge this and have noted that core anthropological research method has been participant observation and the key informant interview (2002: 63). Yet as the contexts in which anthropologists work have evolved in an increasingly globalized setting, the tools which they have at their disposal have diversified significantly.

Finan and van Willigen have also suggested that “...as the typical anthropological unit of inquiry has shifted from relatively isolated populations to local communities within more complex social systems, theoretical questions have begun to focus as much on forms of external integration as on internal social dynamics” (2002: 62). My research seeks to examine this integration process in order to grasp the formation and dynamics of the network itself. To do so, I adopted the strategies of contemporary anthropology and studied in multiple locations in and around Toronto, Ontario between September 2007 and December 2007. I also elected to implement interviewing as my primary strategy for data collection. It is in these contexts that I am able to provide an example of anthropological field research and illuminate the advantages of my selection of tools to implement.

Although I plan to use the theoretical concepts of networks and membership to analyze my data, my research is not designed exclusively to contribute to discourse on these two concepts. Rather my work also seeks to contribute to the wrongful conviction community in practical ways by presenting the human experiences of my interviewees. My research relies heavily upon an acknowledgement of the holistic nature of the network through a portrayal of individuals caught up in a culture organized around the production of social justice. Yet, any ethnographic portrayal should be evaluated against the anthropologist's relationship to their subjects. Applied anthropologists Satish Kedia and John van Willigen draw attention to the importance of this relationship and state,

Increasingly the path followed in applied anthropology has been to work with study subjects in a more collaborative or participatory way. In this approach, the goals of the anthropologists become aligned with those of the community and individuals being studied through the anthropologists' sharing of their skills and knowledge. (2005: 349)

What is important to draw attention to in this last quote is the term "collaborative" because of the way it describes the relationship between anthropologists and their subjects of study. This is particularly important in anthropology as the researcher will be the acting as a "cultural broker or co-culture mediator/liaison"<sup>17</sup> and representing the individuals in recommendations. Although I did not begin my research with the purpose of providing recommendations for the wrongful conviction network, I did find myself collaborating with my interviewees as I asked them for their thoughts and opinions about my perceptions of the network.

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<sup>17</sup> Term taken from Kedia and van Willigen, p. 349.

The relationship that developed from this methodological strategy may be described as a 'collaborative or participatory' one that also functions to guide my analysis. Since the goal of my research was to describe and understand the formation of a social justice collectivity, this relationship became vital if I was to draw attention and represent my interviewees individually as well as link them together. The best route to accomplish this – as I originally thought – was to obtain some feedback on my position that they constituted a social justice collectivity. By developing a relationship with each of my interviewees, I was able to access information that pertained to both individual and collective knowledge. Although as an apprenticing anthropologist, I had to learn to balance my obligations to protect their individual best interests<sup>18</sup> while making optimal use of the relationships I developed and communicate the data I collected. As a result, this balancing act became especially important for me to produce an insightful ethnographic portrait of this network.

### Interviews

Alexander M. Ervin has made the argument that the use of interviewing is essential because the researcher cannot observe everything and does not know what the issues or circumstances under question feel like to the persons involved (2000: 155). This has become a deeply engrained understanding within the discipline as the anthropologist seeks to move from the "outsider" to "insider" perspective. Thus making use of this particular methodological tool can facilitate this transition and in the process, generate data and knowledge. Each of the 14 interviews I conducted lasted approximately one hour with a 10-15 minute variation (depending on the

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<sup>18</sup> By "best interests", I am referring to the protection of their reputations (work or otherwise), futures, relationships with family as well as with those also in the network.



course of the conversation) and was tape recorded when possible. The interviews were also conducted at a location of the interviewee's choosing.

It is important to acknowledge that I made use of several different methodological tools to best suit my research. More specifically, I implemented person-centered interviews coupled with periods of observation whenever possible. Social cultural anthropologists Robert I. Levy and Douglas W. Hollan clarify the definition of person-centered interviewing as a style that moves back and forth between the interviewee and the respondent modes (1998: 336). They go on to elaborate on the distinction between the two modes:

The distinction between interviewee and respondent is relevant in approaching these questions. An interviewee is asked to give systematically a set of verbal descriptions of local phenomena. This can be accomplished *comparatively* quickly. A respondent, on the other hand, is asked, in a sense, to *react* to a set of questions and probes. (1998: 352)

This distinction accurately describes the style and content of my interviews as my interviewees were asked questions designed to elicit a combination of responses. The "interviewee" questions were centered upon the phenomena of wrongful convictions generally. They were also asked more specific questions in terms of the work each individual does, how they are involved, etc. These types of questions were designed so as to differentiate each individual interviewee and allow ease in comparisons. However, I also included several "respondent" questions in order to gather data that could be generated out of an interviewee's reaction(s). These latter questions focused more on individual experiences within the wrongful conviction network, their motivations as well as the suggestion of other possibilities.

In conceptualizing the person-centered interview style, Levy and Hollan also include the observation element and note,

Person-centered interviews also engage the interviewee [...] as an object of systematic study and observation in him – or herself. The interviewer observes and studies the interviewee as he or she behaves in the interview setting, as he or she reacts or responds to various probes, questions, and topics. It is the balanced combination of interviewee and respondent modes of interviewing that is characteristic of person-centered interviewees and that distinguishes them from most other types of interviews. (1998: 336)

In my interviews, I also incorporated questions to let the interviewee decide if they preferred to answer as an “interviewee” or as a “respondent”. These included the theoretical topics of moral mandates and conflict theory.<sup>19</sup> During these latter types of questions, I was curious to see: (a) how they would respond to being presented with theoretical material, and (b) what they thought of my suppositions.<sup>20</sup> When taken together with the intentionally separated “interviewee” and “respondent” questions, the observations that I made during, after and now about each interview were remarkably revealing. Particularly in terms of what each person said in addition to what it suggested about them as members of the wrongful conviction network.

### Multi-Sited Research

In order to accommodate the contexts of my field site – based on the circumstances of the people I elected to study – I decided that it would be best to implement the multi-sited mode of research. Contemporary anthropology has not only

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<sup>19</sup> During the analysis stage of the process I decided not to include these portions of the interviews in my final argument of this thesis. Although they were central during my original proposal, while in the field I found them to be of less significance than the motivational aspects for my interviewees.

<sup>20</sup> I later realized that could also be described as my assumptions about the individuals and now feel it would be unethical for me to include these portions as credible/legitimate data. Also, since the interviewees seemed to more enthusiastic in the responses to the motivational and social justice questions, I could not ignore the emerging patterns. This is also why I have shifted my focus onto this particular element (see above footnote).

recognized the advantages of this strategy, but also made use of it to gain knowledge of networks that traverse varying geographical settings in global contexts.

George E. Marcus, an anthropologist known in part for his contributions on multi-sited research, describes this multi-sited research as,

...designed around chains, paths, threads, conjunctions, or juxtapositions of locations in which the ethnographer establishes some form of literal, physical presence, with an explicit, posited logic of association or connection among sites that in fact defines the argument of the ethnography. (1998: 90)

He goes on to list and discuss six possible “threads” to be followed. These include: follow the people; follow the thing; follow the metaphor/story/allegory; follow the life or biography and lastly; follow the conflict. It is the last “thread” that best characterizes my research as Marcus notes,

This approach follows the parties to conflict. In the more complex public spheres of contemporary societies, this technique is a much more central, organizing principle for multi-sited ethnography. Beyond the context of the anthropology of law, most notable contested issues in contemporary society involve simultaneously spheres of everyday life, legal institutions, and mass media. (1998: 94-95)

In my research the “conflict” is the issue of wrongful convictions, which occur in “complex public spheres of contemporary society”. More specifically, the conflict has a unique relationship with mass media that trace the legal institutions and the consequences it has in everyday life. Since each interviewee was selected in part based on their decision to become actively involved in the wrongful conviction network, the “thread” of my research became based on the connections among the individuals. In this case, the connection is the notion of social justice, which I use to

better understand the formation and dynamics of the wrongful conviction network in Canada.

In discussion of this “thread”, Marcus states that they are “strategies of quite literally following connections, associations, and putative relationships are thus at the very heart of designing multi-sited ethnographic research” (1998: 81). Although a more thorough analysis of this “thread” across Canada follows in the subsequent chapters, it should also be noted that my research began within the AIDWYC office in Toronto, Ontario.<sup>21</sup> Even though important legal and advocacy work is done at this location, the appearance of the office itself resembled its grassroots origins. Rather than law offices in larger firms, AIDWYC’s offices do not contain expensive tapestries, large mahogany desks and marble floors, for example. Instead, the offices have the feel of their grassroots origins with files in a chaotic, but yet organized, fashion littered all over the desks, chairs and floors of several small rooms. It was obvious after my first visit that all of the individuals associated with AIDWYC could not possibly work there on a regular basis and I realized the necessity of a multi-sited data collection strategy over my original strategy to conduct my research at the Toronto office alone.

### Discussion

The strategies of following the “thread” that Marcus suggests can be seen in both Merry’s work on CEDAW as well as Tsing’s work on the environmental group

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<sup>21</sup> This was where I met with my “gatekeeper”, but at this person’s request I will not elaborate any further except to acknowledge that they graciously gave me everything I would need to begin and work on my research – specifically the names and contact information (i.e. phone numbers and/or emails) for what were to become my interviewees. However, since this person was never formally interviewed and yet was critical to the success of my research, they are referred to as “my gatekeeper” – a term we discussed and agreed to prior to the start of my fieldwork.

in Indonesia. In Merry's work, the "thread" can be seen as the Convention on the Elimination of All Forms of Discrimination Against Women itself linking together the sites of research. Here, the adoption of the Convention by 170 nation states<sup>22</sup> allows for the possibility of multiple combinations of sites for comparison. Tsing's research may also be viewed as an example of multi-sited research on a social justice collectivity. She notes,

My narrative follows how a community-managed forest emerged in one time and place through the collaborative energies of village leasers in the Meratus Mountains of South Kalimantan (Ch.3), nature lovers from the provincial capital of Banjarmasin (Ch.4), and New Order-era national activists from the Indonesian capital, Jakarta (Ch.5). (2005: 246)

In this example, Tsing's multi-sited strategy was designed so as to provide a description of a single cause for one example of a social justice collectivity. This line of thinking is analogous to the contexts of the wrongful conviction network for each of the individual members of the network is dispersed geographically, rather than congregating together in a specific location.

As the discipline emphasizes the importance of context as a critical element in research designs, researchers face decisions about the most appropriate strategies to investigate the research question. It is important for anthropologists to remain flexible in their methodological strategies throughout the process in order to accommodate a field site and the participants in their research. This chapter has illustrated the need to develop a multi-sited methodology to conduct interviews with a range of individuals who I consider to be members of a wrongful conviction network. To return to Evans-

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<sup>22</sup> This figure is as of 2002, which did not include the USA, Afghanistan and Somalia and 16 other states (2003: 949).

Pritchard's quote at the beginning of this chapter, my research does not necessarily seek to reach conclusions about networks beyond the one I investigated, but the procedure I followed conforms to the one he describes. The subsequent chapters of this thesis analyze and interpret my data so as to illuminate how interviewee perspectives may differ, but converge on the notion of social justice.

*Qualitative research, as exemplified by ethnographic fieldwork constitutes the best set of skills that anthropologists can bring to applied research. (Ervin, 2000: 155)*

#### **Chapter 4: Networks**

In this chapter, I explore my first theoretical concept – networks – to develop the framework with which to conceptualize the wrongful conviction network. Using Amit’s definition from Chapter Two to guide my data analysis, I will be drawing out the four dimensions to frame my analysis of this social justice collectivity’s formation: Composition, Organization and Communication/Interaction and Relationships. Although each of these terms are discussed thoroughly in this chapter, what demands immediate attention is in regards to the way in which my alternative description of a network can still function to contribute to understandings of “holism” and “human behaviour”. The Composition and Organization dimensions of networks are useful to develop understandings of “holism” and the importance of the latter two dimensions, Communication/Interaction and Relationships, speak to the “human behaviour” aspects anthropologists are interested in. Together, these understandings provide the framework with which to approach an ethnographic description of the network’s formation and dynamics.

##### **Composition**

I interviewed 16 people who range in age from early 20’s to late 60’s. However, I was also in contact with a number of other individuals in the network whom I did not interview. Although my sample includes 10 males and 6 females, there seems to be a fairly even division along gender lines which composed this network; many of those whom I did not formally interview were female. This eclectic mix of individuals helped contribute to the interpretation of a network based upon

social justice, which I developed in conducting this research. This section has thus been designed and included in response to the question of “who” is behind the voices that I – as an apprenticing anthropologist and ethnographer – am trying to represent. In doing so, a written portrait emerges and the reader may interpret each individual as they see fit.

To help delineate the context within which my interviewees are articulating their perspectives, I have included a brief portrait of each individual. My selection and inclusion of information is meant to provide the framework for my argument that these individuals can be interpreted as being members of a wrongful conviction network. The pseudonyms I have used to refer to each individual are designed to ensure confidentiality.

#### *Vanessa*

I conducted my first interview on September 25<sup>th</sup> 2007 over the phone with Vanessa, a director of an innocence project.<sup>23</sup> A face to face interview was not feasible with her, so I elected to conduct my first interview over the phone. Before the innocence project, Vanessa articulated with a criminal defense firm and the Attorney General’s office in Ontario. After being called to the Bar in British Columbia, she worked as an associate criminal defense lawyer and later as a prosecutor. She also briefly ran her own criminal practice before getting involved in the innocence project. In addition to this work, Vanessa has also taught a class on wrongful convictions at a university near where she lives.

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<sup>23</sup> Innocence projects are similar to AIDWYC, except they are more clinical in nature and seek to help defendants prove their innocence after being convicted.



### *William*

The second interview took place the next day at the Toronto branch of AIDWYC on September 26<sup>th</sup> with William, a graduate from The College of Law in London, England who went on to complete his Master's from Osgoode Hall Law School in Toronto. As one of the organization's founders, he has been involved for fourteen years. When AIDWYC re-constituted itself, he was its first president and also formerly the chair of the board. His interest began with the Morin case, which he followed in the Globe and Mail. At the time, William was a civil litigator and a member of a group of Quakers who visited prisoners. At first, he contributed by writing a contact in Kingston to make sure Morin was not hurt while he was in prison. Now, William is more involved and plays an intricate role within AIDWYC and is currently a board member of AIDWYC and an exofficio member of its Executive Committee. In addition to his work with AIDWYC, in the 1990's William was on the board of the Advocacy Centre for the Elderly (ACE), a legal aid clinic, for five or six years; one of which he was the chair. He has an incredible amount of commitment and dedication to the organization and the wrongful conviction cause generally, which has undoubtedly motivated others to get involved and stay committed.

### *Jonathan*

My next interview was not until October 2<sup>nd</sup>, when I went down to the law firm in Toronto to interview Jonathan, a lawyer who also volunteers as a case reviewer at AIDWYC and makes recommendations on cases. What struck me immediately was that he is very young and extremely accomplished for his age. Jonathan first made contact with AIDWYC in 2005 inquiring about opportunities to

get involved. Initially he was given three cases to assist on and build some rapport with, but now Jonathan handles cases himself and is currently the youngest member sitting case review committee at AIDWYC. He also contributes by writing articles for the AIDWYC Journal in addition to his responsibilities as a lawyer.

### *Laura*

The next three interviews were conducted within a 24 hour period (October 10<sup>th</sup> and 11<sup>th</sup>) as I had pre-planned and made a specific trip across eastern Ontario to conduct interviews with select individuals who were a fair distance away in person – as opposed to over the phone. The first was on October 10<sup>th</sup> with Laura, a researcher and assistant professor at a small Ontario university who also teaches a class on wrongful convictions. Laura’s work is primarily focused on psychological research, but she is currently conducting research with students to find out what they know about the justice system. In the latest survey and research project, Laura asked about student knowledge of wrongful convictions. Currently she has about two years of research data that she is currently coding and analyzing with Lucas, another interviewee. Laura specifically mentioned that applying her skills and expertise in research was her way of contributing to the network. Following the interview she took me to meet Lucas, whom I had the chance to sit down and talk to at a later date.

### *Douglas*

My next stop was several hours later at the “Flying J” rest stop just outside of Kingston, Ontario. This was where I met Douglas, who is directly associated with Steven Truscott. Douglas spent a significant amount of time telling me anything and everything about his relationship with Truscott as well as his experiences with the

case. Although he is retired now<sup>24</sup>, Douglas was a protestant chaplain at Collins Bay in Kingston, ON. He was also with the parole board in the Peterborough district in Ontario from 1968 to 1993 as a board member and eventually as Regional Vice Chairman in Ontario. In the Truscott case specifically, Douglas was asked to review the case and the possibility for Truscott to live in a community or return to prison. Truscott ended up living with Douglas after his release for a few months prior to moving to BC to live with his grandfather.

### *Elena*

The last stop on the research trip was Ottawa, Ontario. I arrived on October 10<sup>th</sup> and stayed overnight. The next day, on October 11<sup>th</sup>, I headed down to the University of Ottawa to interview Elena. Like Jonathan, Elena is young, highly motivated and has accomplished quite a bit despite the fact that she has yet to complete her law degree. However, her interests are rooted in her undergraduate degree in criminology – where she was first exposed to wrongful convictions. In addition to her title as a law student, she is one of the original founders and organizers of the Band AIDWYC fund raiser, which has been running annually since 2005; 2008 will be her third year. Elena has also worked on a symposium where people in the Ottawa area gathered and spoke on topic of wrongful convictions.

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<sup>24</sup> Douglas is still supplying regularly as a minister with the United Church of Canada, but no longer works for the parole board or Collins Bay penitentiary.

### *John*

My seventh interview marked a turning point in my field research as it was the first interview in which I implemented my modified list of questions.<sup>25</sup> I tested the new set of questions<sup>26</sup> on October 17<sup>th</sup> with John, a private investigator who does pro bono work for AIDWYC. Although John comes from a family that thought police never made mistakes, he is very confident about his work and is best described as “full of life”. He often strayed off topic and seemed to prefer to talk more about private investigations generally. As the president of a major investigative firm, John does work in pre-trial litigation and provides support to lawyers working on criminal cases. Specifically, his firm locates and interviews witnesses in order to establish if evidence is correct and/or provide fresh evidence. Although, he came across AIDWYC by accident<sup>27</sup>, John has been working for 5-7 years by assisting in the preparation of the cases, as well as in providing expert witnesses.

### *Stephanie*

The new questions proved successful once again a couple of days later when I went down to Toronto on October 19<sup>th</sup> to interview Stephanie, who works at AIDWYC on a daily basis and has been directly linked to the organization’s operations for just under two years. She is very passionate about her work because she sees it as directly related to social justice – an important area of interest for her. Stephanie’s work primarily consists of administration, finances and operational

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<sup>25</sup> I had spent the days prior to the interview reviewing my original set based on which questions I had seen success with, which ones I had not even asked and which ones I had recently added. Afterwards, I simply consolidated it all onto a new question sheet. (See Appendices A & B)

<sup>26</sup> See Appendix B.

<sup>27</sup> At the time, John had been working on a high profile case which AIDWYC adopted. He was asked to assist on that case and has since then been involved with many other cases.

management responsibilities. She explained that she cares about the cases as well but her responsibility is more to ensure that processes are possible and being conducted correctly. She also discussed her work in capturing the organization's image, supporting databases as well as the work she does on the journal (The AIDWYC Journal) as the chief editor. In this latter job, Stephanie seeks out articles, collects information and writes. Her work responsibilities extend further as she also seeks out donors and volunteers, assists in drafting president's reports, seeking legal and academic documents and photos. As she sees it, her work at AIDWYC is a transferable skill.

*Michael*

On October 23<sup>rd</sup> I was able to add an element of authority to my data when I interviewed Michael, currently a provincial judge and formally closely associated with AIDWYC. Meeting and interviewing a judge, in my opinion, is simply daunting and not something one does on a daily basis. However, Michael was very pleasant during the interview and seemed to go to great efforts to make me feel comfortable. He explained that his involvement with AIDWYC began around the time of Guy Paul Morin's appeal, when he quickly became apart of the core group. He also did a lot of work at public inquiries into wrongful convictions as well as drafting position papers, making appearances and acting as counsel for AIDWYC in several cases.<sup>28</sup> When Michael became a provincial judge, he could not remain a member of any legal advocacy organization, so he had to end his almost a decade long relationship with AIDWYC. His thoughts on wrongful convictions were rather diplomatically framed as he focused on the issue of factual wrongful convictions and the definitional

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<sup>28</sup> John was careful to note that he was not actually involved in the case review.

problems besetting the phrase. According to him, the greater the profiling exposure of success in overturning these convictions, the greater the effect is on re-invigorating the importance of due process. This exposure also leads to a heightened sensitivity to the risk of wrongful convictions and draws attention to the fact that due process is not just a ritual performed by the courts.

### *Caleb*

My tenth interview on October 30<sup>th</sup> also marks a milestone in my fieldwork as I was finally able to get an interview that I had been after from the beginning. This interview was a change of pace because it provided data from an alternative organization – the Innocence Project at Osgoode Hall, York University. My interviewee, Caleb, is the executive assistant and is currently finishing his law degree. Like Jonathan and Elena, He is very young and accomplished for his age – which seemed to be a pattern among my younger interviewees. Caleb got involved in 2004 as a volunteer and because he feels it is the only time in his life that he will be able to be involved in something so demanding. He is now responsible for the co-ordination of people within the Innocence Project and other lawyers, police, etc. He also facilitates the administrative work as a case manager who has a say, at the discretion of the Director<sup>29</sup>, in the review of cases the Innocence Project takes on.

### *Lucas*

The next interview quickly became one of the best interviews I had had to date. On November 1<sup>st</sup>, I made the trek out to the same small Ontario university again to meet Lucas – a mature undergraduate student. Lucas is the student researcher that I

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<sup>29</sup> I have chosen not to mention the name of this individual as I did not have a chance to interview them.

had met briefly after my interview with Laura on October 10<sup>th</sup>. He was, by far, the most intense individual I talked to. He had a “fire in his eyes” whenever he spoke, which set him apart from all of my other interviewees because of the level of engagement he has with the topic. In addition to being a student at the university, Lucas works for Laura as a research assistant<sup>30</sup> and sits on an international review committee, which handles primarily American and Australian cases. He also supervises and organizes the field placement that deal with wrongful convictions for students in the criminology program.

### *Kash*

A week later, on November 8<sup>th</sup>, I was able to get a second set of data for the Innocence Project perspective when I made another trip to Osgoode Hall Law School to speak with Kash, an undergraduate student currently involved with the program. While she was very soft spoken and quiet, Kash was still a very opinionated and compassionate student. She has been involved in the Innocence Project at Osgoode Hall for approximately a year.<sup>31</sup> As a student volunteer, Kash is given new cases and reviews them to find any instances of blatant injustice. She looks primarily for evidentiary issues; for example anything that was withheld, never collected or even the possibility of new evidence. After reviewing the case, she then decides – or suggests – whether the file should be taken on by the Innocence Project.

### *Julian*

After my interview with Kash, I hit a “lull” in my fieldwork and was not able to conduct another interview until a couple of weeks later on November 21<sup>st</sup> during a

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<sup>30</sup> Recall the survey work mentioned earlier in Laura’s profile.

<sup>31</sup> However, the time when I conducted my research was Kash’s last year and she noted although she will not be continuing with this particular organization, she has thought about working with AIDWYC.

trip to Montreal. While there, I met with Julian Sher, an extremely busy and well known investigative reporter – who explicitly asked to have his name included and not changed to a pseudonym. I was extremely excited to meet Julian as I had been reading his book and had seen the Fifth Estate documentary. While he used to work for the Fifth Estate, Julian now does independent exposés on injustices and several on wrongful convictions. His other work includes reports on wrongful non-convictions as well as Hells Angels and more recently child predators – all based upon the notion of the ‘bad guys that got away’. Julian’s involvement with wrongful convictions started in 1997 when he met Truscott for the investigation for his case; which ultimately turned into the aforementioned book and CBC documentary.

### *Matthew*

I conducted my fourteenth interview on December 11<sup>th</sup> and met with Matthew, a volunteer at AIDWYC who approached the organization eight years ago. His membership evolved from simply reading about wrongful convictions to using the time he had on his hands to contribute to what he felt was a good cause. Matthew has much flexibility with his schedule as his income is based on breeding horses, trades, stocks as well as a number of other ventures. When he got involved, there were no volunteers with AIDWYC, so he was not really encouraged to question what he could do. As a result, Matthew started organizing benefits and contributing however and whenever possible and is currently involved with fundraising efforts. He elaborated on this by noting that there was no budget to do anything, so he took upon himself to generate funds and actually spent some of his own money. In reflection of



this Matthew said he was not really concerned about being paid back because things seemed to be falling into place with the development of the organization.

*Bob*

The same day I talked to Matthew, I conducted another phone interview and got my first wrongfully convicted perspective from Bob.<sup>32</sup> In the summer of 1988, Bob was arrested for the death of his wife, Lee, in their Canadian home. Ten days later he was released on bail, but was forced to wait until November 1989 when his trial began. In December 1989, he was convicted of second degree murder and taken to prison the same day. Bob then spent the next eight and half years in a maximum security prison. The province in which he was convicted had no legal doctrine in place at the time to ensure appeals were followed up upon and consequently, he had to wait until June of 2000 for the second trial. Bob was ultimately found not guilty and acquitted after forensic evidence showed that his wife had accidentally died due to asphyxiation. (From field notes taken during phone interview with Bob, December 11<sup>th</sup> 2007)

Considering his life story, which dominated the conversation during the interview, Bob offers a perspective that is uniquely positioned to give the reader a sense of “feedback” on what people who are involved with this network do. Before his conviction Bob worked as a banker, but now he works with AIDWYC by speaking publicly about his case and the wrongful conviction issue. Similar to Lucas,

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<sup>32</sup> Please note that names and locations have been changed in the following case review in order to protect Bob's identity.

Bob is very intense<sup>33</sup> and suggested that the business of being infallible, as the justice system seeks to be, is the most frightening thing.

*Sally*

The last interview I conducted during my fieldwork was with Sally on December 18<sup>th</sup>, a professor<sup>34</sup> who is closely related to the Donald Marshall Jr. case. She is uniquely involved with wrongful conviction work as she has been Donald Marshall Jr.'s "partner"<sup>35</sup> for thirteen and a half years in the case. Sally has been of assistance specifically in helping "JR" – as she refers to him – revisit problems related to wrongful convictions for the purposes of compensation. After JR's case was resolved, people began to contact them and wanted to tell them about their own wrongful convictions. In addition to doing what she could for these people, Sally would also put people into contact with AIDWYC, other advocacy organizations on social justice as well as human rights commissions. However, as a researcher and professor, she primarily works in aboriginal law with a focus on societal issues and systemic problems in the justice system. Yet, Sally is also very interested in the processes in how one becomes wrongfully convicted and how to get some resolution for the problem.

Since it is clear that all of my interviewees are involved in different ways through different kinds of work, it is logical to assume that the wrongful conviction network is not restricted to a single job category – for example, all lawyers or all

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<sup>33</sup> This was observed through the tone of his voice as well as the words and phrases he used to articulate his thoughts and opinions.

<sup>34</sup> She was formerly a professor of mine at York University in the later years of my undergraduate degree.

<sup>35</sup> "Partner" was the term Sally used in reference to the relationship she has with Donald Marshall Jr. In elaborating on the relationship, she noted that it is committed based on years spent listening to what happened to him in order to try and ease the suffering. She went on to mention that she considers the Marshalls to be "family".

students. Instead, this network appears to be constituted by a wide diversity of people from different classes, careers and cultural backgrounds. One of my interviewees, Bob, described the network as “basically a rag tag group of do-gooders”. Although a simplistic phrasing, it is probably the most accurate one I had heard used to describe the network.

### Organization

In addition to variation in individuals, the composition of any network also related to the objectives and foundations from which the network developed. Not only will individuals be attracted to certain organizations, but certain organizations also have the tendency to work together due to similarities in objectives and goals. One topic that came up frequently in my interviews was in reference to the different types of organizations centered upon wrongful convictions. As mentioned earlier, the wrongful conviction network is comprised of both individuals and of multiple organizations. Sally suggested,

I think AIDWYC is a pretty unique entity. It might make more sense analytically to incorporate all people that are involved in wrongful convictions because AIDWYC has a unique set of circumstances around it.

Her description of AIDWYC acknowledges the differences in circumstances among the varying types of organizations within the wrongful conviction network. It is also indicative of the importance to recognizing that the wrongful conviction network is constituted by numerous organizations in addition to individuals. Of the many that currently exist, I came across the Innocence Project at Osgoode Hall Law School, York University; references to various innocence projects in the United States; Centurion Ministries in New Jersey; the UBC Innocence Law Project; the Criminal

Law Students Association (CLSA); and the Innocence Project at the University of Ottawa. There was also mention of other innocence projects in the United States by several of my interviewees. Lucas specifically noted the Innocence Network in this discussion as it functions like an “umbrella organization” to link all the different collectivities together.

These examples illustrate that while multiple organizations exist, they all possess similar objectives and foundations related to social justice for wrongful convictions. While this similarity may be pertinent to understanding general understandings of the network, it is pertinent to examine how the specific individuals that compose the network actually get involved with specific organizations. As Amit suggests, networks are “ego-based and arise through particular individuals’ efforts, experiences and history”. In the case of the wrongful conviction network, this is an effective way to communicate how individuals may get involved in any given organization of the variety that currently exists. It should be noted briefly that the majority of my interviewees can be associated with AIDWYC and as such, the organization is my primary reference. However my research also indicates that individuals may be attracted to other organizations, but again for similar reasons as those for which they are associated with AIDWYC.

As AIDWYC is the direct successor of a grass roots organization developed in response to a specific wrongful conviction case, it fits perfectly with Amit’s description of a network. Here we see a network of individuals who originally gathered together based upon the case of a particular individual – Guy Paul Morin – who has had experience, and therefore a history, with wrongful convictions. This is

not to suggest that all of the individuals involved in the wrongful conviction network, and AIDWYC specifically, became involved because of this one case. Rather, it is to illustrate that efforts were actively put into rectifying this and other legal injustices by providing an opportunity for those who are interested in wrongful convictions and social justice to work together.

Amit also notes that social networks “operate in their own right and on distinctive terms”, “they are not institutionalized” and finally, they are “structurally ephemeral”. These three criteria – as I have categorized them – are helpful to further explore the Organization dimension because of the way they directly address the network’s structure. As mentioned above, each organization will inevitably operate with unique objectives. Although it is also important to note that I obtained data from individuals associated with AIDWYC primarily, my data from the other organizations corroborates these findings with regards to structure.

Since the organizations and individuals in this network are specifically focused upon social justice for wrongful convictions, the way in which the organization is structured to operate must correlate to its objective. With regard to AIDWYC, the “distinctive terms” Amit refers to is represented by what Bob refers to as a “mandate to let the incarcerated exhaust all the formal remedies first and only get involved in the last effort.” Here, the suggestion is that the organization may seem to reserve its intervention until absolutely necessary. One could posit that the contexts for this particular style of intervention are the explanation for a delayed response. The time Bob is referring to was during what Michael described as when AIDWYC used to be a “kitchen table organization. As AIDWYC’s roots are as a grassroots

organization, they take pride in the fact that they are not “institutionalized” and can be described as “operating in their own right” – as Amit suggests.

Unfortunately, this also leads to several concerns for the organization’s vulnerabilities, which upon closer examination of the data, interviewees independently articulated without being solicited. While there were concerns for finances and resources – which will be elaborated during my recommendations in the conclusion – several of my interviewees also expressed concerns specifically for the structure of these organizations; or what Amit refers to as the “structurally ephemeral” criteria. Sally suggested:

Sometimes there’s...you’ve got unequal power relations [...] but you have got people like AIDWYC coming together because the dominant forces from the outside are pushing on them. [...] Well what also happens is this group of people, trying to fight this, they have to articulate within them who they are and what they are going to do. And sometimes, they need to articulate that identity against the dominant force.

Here we can see the concern for the amount of pressure these types of organizations face. These “dominant forces” that Sally is referring to include, but are not limited to: the justice system; the government; the police; the media as well as society. This resonates with Anderson and Anderson’s arguments that the government is an unsuccessful agent of social change (1998: 134). Following this rationale, this failure may be interpreted as due to unequal power relations between these “forces” and wrongfully convicted individuals. Moreover, since these individuals often cannot withstand the pressure alone, organizations – like AIDWYC – provide assistance. The problem in doing so, however, is that they also become vulnerable to potential collapse under these same pressures.

This concern for the network's vulnerability to collapsing is echoed in Julian's thoughts when he stated that the community "is a loose, amorphous, constantly changing and fortunately growing community of concerned individuals who are passionate and angry about the abuse of the most powerful systems in our country". Here, Julian offers a commentary on the "distinctive terms" with which the organization operates in addition to the structure of AIDWYC – despite a lack of institutionalization. Lucas's concerns resonate with Julian's as he mentions, "some people identify the wrongful conviction movement as similar to a new civil rights movement, but it is very unorganized." Lucas goes on to pose some suggestions about what needs to be done; namely "there needs to be some cohesion happening and this is what I think the Innocence Network is trying to do." Just as Julian offered his concerns and/or criticisms before elaborating, Lucas performed the same act but makes more of a reference to the structure of AIDWYC and other organizations like it.

#### Communication/Interaction

The Composition and Organization dimensions are uncomplicated for basic understandings of the formation of this network. But there are complex elements between the individual members. This is what is meant by the Communication/Interaction dimension for it is an attempt to explicate a topic of interest to anthropology as a discipline. With regards to this element, Amit notes that networks are likely to "extend across many different categories and situations", especially in "complex metropolitan environments". Also, Amit points out that it is "not necessary or probable that all the people an individual knows will interact with

each other or even have knowledge of each other.” I use these as criteria of Amit’s definition in order to generate an understanding of AIDWYC’s Communication/Interaction. More specifically, this dimension is of particular interest for my research because it is representative of the types of communication and interaction that are present amongst the wrongful conviction network generally.

Although it somewhat contradicts what Amit notes about it not being “necessary or probable”, I’m making the argument that in this case the necessity or probability that individuals do not know each other is moot. It seemed as though everyone I had spoken with either knew my other interviewees or had at least heard of one another. One important observation is that this was even the case for those who were not directly involved with AIDWYC – but instead worked with one of the other organizations. Several of my interviewees actually volunteered information about the communication and interactions between the organizations in order to facilitate my understandings of this critical element of the network. For example,

Caleb: The Innocence Project has been working with AIDWYC because [our] goals are the same and [incorporation is possible]. There is no animosity between the two organizations and [we] would gain a lot from working more closely.<sup>36</sup>

Kash: The difference is that they are specialized, which is all the better for the people who have been wrongfully convicted. [...] I also think that all the different groups should corroborate because then if they are in trouble, they can always get help from one another.

Lucas: Some of the graduates of the program stay on as volunteers and contribute here, rather than go to AIDWYC. But I want to be clear that this is not AIDWYC...there is no formal agreement or nothing. [...] I don’t want to give the impression that everything we

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<sup>36</sup> Taken from notes taken during interview; the tape of my audio recording of the interview snapped and is no longer available.



do is AIDWYC...they don't endorse us...just similar in the objectives.

Laura: I have met with Stephanie when talking about my research for an educational purpose, [...] but the connections aren't...it's not like I'm really a part of the organization.

Each of these quotations is indicative of the communication and interaction between organizations centered upon wrongful convictions. Rather than having direct face to face interaction on a daily – or even a regular – basis, this organization's communication/interaction is comprised of what is best described as “associations”. The contexts, as I gather from the data, is that individuals tend to remain loyal to a single organization, but they are all related via their goals and objectives for social justice.

These associations apparently are not restricted to those that work within the organizations and instead also extend outside the network. By interacting with individuals independent of the network, its goals and objectives can be effectively communicated to those not yet involved. Julian articulated this latter perspective, but specifically as the network relates to the media.

...as in any community, as in any society, journalism and the media play a central role. [...] Without the media, communities wouldn't speak to each other. In this particular case, because you are dealing with a very small community [...], their whole goal is to change society. Without us, without journalists, they could never do that because of several reasons. Obviously one is if no one ever heard about the wrongful convictions, no one would get upset and people wouldn't join. Second, if journalists didn't do a lot of the investigations to expose the wrongful convictions – journalists have often actually been in the forefront for a variety of reasons...we may not have all the legal tools, but we can expose things and bring things to the court. [...] They come to us with stories that we can bring to the public and get other people upset and other people join the community. [...] So, if I don't report and bring to the public the investigation that AIDWYC and Lockyer do, then it is not going to

get out. [...] So, investigative journalism becomes the waterways, the canals that connect this community with all the other communities around it, so they can have an impact. But we are not messenger boys, that's the important thing. We become active players, influence the communities, change the events by uncovering the injustices and help the communities grow.

Julian explicitly, but thoroughly, describes the importance of this particular relationship to facilitate communication and interaction between the network and the other "forces" enumerated above. Here, the relationship is described as one of mutual respect where the network is able to communicate with the public via the media's connections. The result is a multi-layered interaction between the network, the media and the public – with all working to correct the injustice(s) related to wrongful convictions. Douglas also offered a view on the role played by the media and suggested how important it is for the network to target certain journalists to keep informed, so they can also effectively campaign for more contributions to work for social justice. As he says,

If you can arouse public action, you can get things done. And I'm convinced that's what happened in Steve's case and I don't know how AIDWYC would have done if public hadn't been very supportive and they were very supportive. I've just got a feeling that the courts would have been more tempted to take no action.

In his reflections, we can see an acknowledgement of the importance of generating support from the public – which can be achieved through the assistance of the media and journalists. The pattern appears to be that if this network is to be formulated and maintained, then communication and interaction with the peripheral is necessary. Sally picked up on this and suggested several other possible ways for communication and interaction among the network as well.

I think it needs to keep up its momentum and get out there – AIDWYC in particular – and really maintaining its voice and enhancing its voice. I think society has a tendency to become complacent and these things start to slip away. But if you look at the increasing number of wrongful convictions across the country, there is a lot of work to be done. And...I think that the stories have to keep being told, being told, being told and you know exposed – on and on. [...] But there has to be other ways – you know – I know there [are] the education programs and the outreach – I think they are a key way. But how can you get the public to really you know, start putting pressure on the state to take a look our justice system?

The point to take notice of is that regardless of how the organizations are linked – which will be developed further in the next chapter – communication and interaction between them is critical to understanding social relations within this network. Since the network is comprised of multiple different types of social relations – at both individual and collective levels – this dimension becomes based upon a need to effectively communicate and interact in spite of geographical difference and loyalties to a single organization.

Considering that my research was conducted in and around the metropolis of Toronto, Ontario, the wrongful conviction network appears to have the ability not only to “extend” as Amit describes, but also to thrive. This is perhaps the reason that although not everyone is in communication or interaction with one another, the network continues to grow as more people become members of organizations like AIDWYC. Combined with technological advances – including the advent of email and Facebook<sup>37</sup> – individuals in this network can effectively communicate with one another without ever having to come face to face with each other. In fact, all of my

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<sup>37</sup> Currently there are two groups on Facebook dedicated to wrongful convictions: Help to Prevent Wrongful Convictions (100 members as of September 2008) and AIDWYC (143 members as of September 2008).

interviews were orchestrated either via telephone or email<sup>38</sup> and the first time I met many of them was moments before the interview commenced.

Despite this apparent lack of face to face communication, I was able to collect meaningful data from these individuals; which speaks to the passion they feel for their work – which is where my interests lie in the first place. If my interviewees are able to engage in discussions about wrongful convictions and comfortably articulate their thoughts to someone who may be viewed as a stranger or “outsider”, it may be concluded that communication among members in this network does not necessarily *need* face to face interaction to be effective and meaningful. Instead, what we can elicit from the data is that internet communication and interaction among the wrongful conviction network is simply an important factor facilitating maintenance and strengthening the bonds which already exist between members of this network.

### Relationships

This final element of networks is intrinsically linked to the communication/interaction element for it is effective to clarify the bond between members. Although it was discussed in the previous sub-section on communication/interaction, Amit’s suggestion that it is “not necessary or probable that all the people an individual knows will interact with each other or even have knowledge of each other” may also be viewed as a criterion of the relationship dimension as well. However, since it has been established that relationships fit best under a definition that does not necessarily require face to face interaction, further examination requires more of a focus on what it is that creates the relationship.

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<sup>38</sup> The majority of the information to do so was acquired through a face to face meeting with my “gatekeeper”.

Amit's notation is useful in this respect for as she states, "this framework of social linkage require[s] the most intensive, self-conscious and constant efforts from its key protagonists." The suggestion seems to be that since networks do not need to come face to face, they require a conscious effort to maintain the relationships. This particular criterion is then valuable to draw attention to what is required from the individuals in order to sustain relationships within the network.

It is evident from the profiles of each interviewee that everyone is thorough with regards to the work they do and they all possess a consciousness of both their position in relation to the organization as well as an awareness of the wrongful conviction network itself. Further, every interviewee indicated their endeavors to contribute are as much as they can – regardless of status as a key protagonist or not. The desire to contribute is part of what establishes the relationships that ultimately develop and a key feature of this dimension in the network's formulation.

One thing that I observed while in the field is that there seemed to be a sense of comfort among all the interviewees when discussing the topic of wrongful convictions. It seemed as though this was a common interest – in addition to the notion of social justice; to be discussed further in the subsequent chapter – and the basis of the relationships that develop. Individuals in the wrongful conviction network appear to develop similar feelings and can relate to one another about what they feel is important. This in turn becomes paramount for the strengthening of the bonds between members and reinforcing relationships which are still developing. Julian provided an anecdote as to how this process occurs when he met Thomas Sophonow.

I had never met Thomas Sophonow. I got to meet him because he got to speak at a homicide conference. [...] The point of my story is

that I got to meet Thomas Sophonow – I've never met this man before and we sat down and we instantly connected and bonded. Now, you know, I had been writing a magazine article about his speech, but why is that? It's...he felt more relaxed with me than he would with most other journalists. In fact, he contacted me and came to me because he had seen the work I had done with Truscott...so in meeting with him, he was instantly at ease with me and I could instantly relate and talk his language because I knew Truscott.

This anecdote illustrates how the Composition, Organization and Communication/Interaction can work together to develop a relationship between select individuals in the network; in this case, between Julian and Sophonow. Bob and Lucas also referred to this type of relationship, which developed from a shared connection derived out of the formation of the wrongful conviction network. Bob mentioned that Morin and he were able to converse quite easily the first time they met – despite never having been formally introduced. A similar pattern apparently emerged between Lucas and Mullins-Johnson. While these three narratives are indicative of relationship strengthening, what can also be drawn out of the data is that the relationship dimension can mean something different to each member. Julian had never met Sophonow prior to the conference they both attended, but he developed a social relationship with Sophonow based on similar interests in the injustice of wrongful convictions. Lucas on the other hand, had been in communication with Mullins-Johnson prior to having him speak at the small Ontario university and since then they have become good friends.

What is important to pay attention to is the fact that there are strong feelings and conscious efforts which go into each relationship and without these, the network may deteriorate. This addresses the increased sensitivity to the vagaries and life cycles of these types of interpersonal relationships, which Amit mentions. Similar to

all relationships, the ones in the wrongful conviction network also seem to be vulnerable to stress based on circumstances outside of the network including careers and social or personal lives.

John: I sometimes feel really guilty that I haven't given enough time. I wish I could dedicate my full time hours to it, unfortunately it is like being a dentist – if you are doing all the work for free, you wouldn't have anything. I often feel guilty that I can't put more time into some of the cases – I'd like to help with every one of them. [...] If anything, my desire to help more has increased. The difficulty is that I can't create more time in a day. Actually when I retire, which will be probably in the next three years, I will be able to dedicate some full time efforts to AIDWYC.

William: "There have been a lot of interesting people come and go. They come because they see it as a good cause, but they go because of pressures of time and the need to set one's own priorities."

John and William's narratives are helpful to illuminate the types of obstacles that many – if not all – of the individuals of this network are faced with. This is not to suggest that all the individuals experience the same financial and/or familial obligations. Rather, these narratives have been included to acknowledge the reality of these possibilities in this network and how individuals attempt to sustain relationships with each other in spite of them.

As a wrongfully convicted individual, Bob exemplifies this effort to maintain relationships with his own family in a unique manner. He served his jail time in eastern Canada, but most members of his family were several provinces away. As he noted in our phone interview, he and his wife went from a young couple with kids doing well one day and the next day he was charged with her murder. Being convicted of the crime a year later, his children were orphaned and all he could do was maintain contact on a monthly basis. This was especially troubling for him

because he had been used to being there on a daily basis. Interestingly, Bob noted that his family and children were one of the things that kept him going – in spite of the fact that they were the best and worst part of being in prison. More specifically, they gave him focus and something to keep fighting for, but it was also difficult because he missed them and had to endure the culture shock of being without them; instead having to be in a prison setting.<sup>39</sup>

Bob's experience alongside that of the others then seems to offer solutions for these obstacles and stabilize the network itself. By reminding individuals that despite the circumstances their relationships are susceptible to, there are positive aspects to strengthen their bonds with the network. Rather than see family as an obstacle to membership, family members may become intentionally incorporated into strategies to participate in the network in whatever way possible. For example, when Stephanie got involved in AIDWYC, she was on maternity leave and was asked to return to work. Stephanie noted that she had always planned to go back to work, but that it "just happened to be earlier than anticipated". John is another example of a member's integration of their family for participation in the network.

I got asked to be involved in the Steven Truscott case and I remember, the day after I got asked to be involved. I had to go and find all the old books that were written on Steven Truscott, but they were out of print, you know. So I went to a used book store and I found one of the books written by Isabel Lebourdais, called The Trial of Steven Truscott and I started reading that...at the time, I had a fourteen year old son and as I read the story about Steven – I mean I knew the story – but it was sort of bringing it back, you know because I had heard about it as a child. And I was reading the story and I was reading about how Steven as a fourteen year old was

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<sup>39</sup> Bob also mentioned that he had the opportunity to speak with British psychologist Dr. Adrian Ground, who has studied wrongfully convicted individuals specifically. For a summary of his findings, see Grounds, 2004.



pulled down to the army base and interrogated by the police and these accusations were made. And I thought of my fourteen year old son who was sitting on the chesterfield watching TV as I was reading, and my first thoughts were 'he would not be able to withstand that pressure'. And here is a fourteen year old boy that was sentenced to hang for a crime he didn't do and the thought of something like that even happening to one of my sons made me question the whole process and I'm convinced that Steven Truscott was innocent of that crime.

While Stephanie's strategy of getting back into the workforce after her maternity leave to balance her personal life with her work life, John's strategy appears to instead combine the two as his fear for his own sons' freedom and liberties forms the intention. Vanessa's involvement with the network resonates with the accounts Stephanie and John provide about the relationship dimension and family. As a mother of three (2, 6, and 8), Vanessa's life is very busy and being hired on a part time contract works for her because it allows her to spend time with her kids. She did mention that if she didn't have children at home, she would likely still be working at a criminal law practice doing defense work, but for now, she is willing to accept less pay. Taken together, these three examples highlight the importance of considering family in understandings of the network's formation and maintenance.

### Concluding Remarks

These four dimensions – Composition, Organization, Communication/Interaction and Relationships – are practical to interpret the data and conceptualize this particular collectivity. As all networks can be viewed in light of these four key elements, examining them individually is helpful to understand the importance of them collectively. This is especially pertinent as this social justice collectivity does not congregate on a regular basis. However, as we have seen, this is

also not to suggest that there is not *any* face to face contact. Activities which involve parts of the network (i.e. individual members and organizations) are also a feature of the network's formation. In my time in the field, I was also fortunate enough to attend one of these activities: the AIDWYC Annual General Meeting on December 1<sup>st</sup>, 2007 in Toronto, ON.<sup>40</sup>

I was given the opportunity to participate in and observe a portion of the network gathering together<sup>41</sup>; specifically AIDWYC and a variety of individual members not directly associated with the organization. It was at this meeting where I was able to see all the dimensions at work – a rare occurrence for this network since everyone is usually geographically dispersed. Since individuals associated with AIDWYC as well as other organizations were present, the Composition and Organization dimensions operated to gather individuals for a specific activity centered upon wrongful convictions. The Relationship dimension contributes to this process by drawing upon pre-existing bonds – via the Communication/Interaction dimension – to gather together individuals and contribute to the maintenance of the network.

The central meeting room itself was set up like an open forum. There was only a single registration and information table upon entry into the room, which was set up with chairs in a crescent shape surrounding a single podium in the center. Behind the podium, there was a large AIDWYC banner strung across the window ledge. Although there was no assigned seating, individuals gathered together with

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<sup>40</sup> See Appendix C for an electronic copy of the invitation.

<sup>41</sup> Descriptions taken from notes taken during the meeting. With the permission of the organizers of the AGM, I attempted to tape the proceedings, but my tape recorder experienced technical difficulties and I had to rely upon observational notes.

those they either knew or had heard of. This informal setting seemed ideal – perhaps even intentional – so as to provide attendees with the opportunity to chat easy; providing a setting where everyone felt welcome and included. I sat closer to the back of the room taping what I could and writing down my observations.

The meeting itself served as an annual organizational form of “housekeeping”, which included – but was not limited to – updates on current cases, an opportunity to pass specific motions, hear the results of various reports as well as nominate individuals for Board positions. Co-President Elisabeth Widner paid tribute to the wrongly convicted individuals who open their lives to AIDWYC and the public. Among those in attendance were Gary Comeau, Romeo Phillion and Ron Dalton. She also extended her appreciation to the many volunteers and donors who enable AIDWYC to function (Lebourdais, 2008). One report, delivered by Executive Director Tanya Gerber, highlighted that,

- In 2006–2007, more than 140 volunteers gave some 11,682 hours to AIDWYC. The figure is likely even higher as some volunteers have lapsed in recording their hours. Quite obviously, the organization could not function without volunteers.
- Currently, AIDWYC has 55 Canadian cases under review – as well as approximately the same number internationally. I shudder when I imagine how many other wrongly convicted people have not contacted AIDWYC or whose cases have no hope.
- AIDWYC is also endeavouring to tighten its operations, which includes applying for charitable status and a number of grants, re-organizing office procedures, creating new databases, re-designing the association’s Journal, and hiring its first Volunteer Coordinator.

There was also an acknowledgment and expression of appreciation to The Law Foundation of Ontario, Ontario Trillium Foundation, The Criminal Lawyers Association, and anonymous individuals and corporate donors for their ongoing

financial support. James Lockyer<sup>42</sup>, a key figure in the wrongful conviction network provided updates on Canadian cases. After summarizing the cases, Win Wahrer – Director of Client Services – was introduced as the “heart and soul” of AIDWYC. She provided a review of international cases and said that it was her “greatest honour” to introduce the wrongly convicted who were present and said, next to her family, no one was closer to her than AIDWYC’s clients. She continued by praising the “indomitable spirit” of all the wrongly convicted (Lebourdais, 2008).

Steven Truscott himself was expected to appear in order to discuss his acquittal. Unfortunately, due to extenuating circumstances, the Truscott’s were unable to attend and instead a statement was read by AIDWYC’s president, Paul Copeland, on the family’s behalf:

We [...] would like to thank AIDWYC for all they have done for us to date and in the future. Our “dream team” deserves the most accolades for their tireless efforts in making my dream of an acquittal finally come true [...]

The statement goes on to thank his “dream team”<sup>43</sup>, the work that AIDWYC has done specifically and the issue of wrongful convictions generally. Despite my dismay in missing the opportunity to meet Steven Truscott, as soon as I heard these words I could not help but think back to that day in August when Truscott was finally acquitted and feel that the work that members of the wrongful conviction network was essential to redress this type of miscarriage of justice.

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<sup>42</sup> Since Lockyer and I had been in contact via email, we briefly spoke at the meeting. However, I was unable to conduct a formal interview with him during my time in the field.

<sup>43</sup> Truscott’s “dream team” refers to a number of lawyers who worked on his case for several years in attempts to have his name cleared. These individuals are James Lockyer, Phil Campbell, Jenny Friedland, Marlys Edwardh and Hersh Wolsh. The term “dream team” comes directly from Truscott who has used it and noted these specific individuals publicly on several different occasions.

Following the meeting, there was a luncheon held for everyone to do a “meet and greet” – this is where several opportunities for me to make new contacts became available and I made sure to take advantage. Apart from catching up with Stephanie and my “gatekeeper”, I was able to reconnect with Lucas who graciously took me around the room and introduced me to several different individuals, including: professors, fellow researchers and some of the wrongfully convicted individuals. I was also able to set up and confirm dates for interviews with Matthew, Bob and Sally as well as discuss the possibility of interviews with a couple of other people<sup>44</sup>.

In an article written after the AIDWYC AGM, Julien Lebourdais – son of Isabel Lebourdais who wrote one the well known book The Trial of Steven Truscott – described the meeting as,

...much more than a business meeting. It's an opportunity for all of us to rededicate ourselves to the task of acquitting the wrongly convicted and creating a process where future miscarriages of justice are less likely to occur.

It is out of these contexts that I was able to observe the network's formation and begin to comprehend the dynamics of each individual's membership. The observations I made at the meeting not only produced an exceptionally rich source of data, but also an opportunity to see the network “at work”. Rather than simply theorizing each dimension in attempts to develop an understanding of the contexts in which my interviewees gathered together, this meeting provided a chance to explore the practicalities of applying this particular theoretical concept. Moreover, in focusing on each dimension individually to understand networks generally, I can apply my

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<sup>44</sup> Unfortunately I was unable to get the interviews with the latter group.

knowledge to set the contexts within which to make recommendations for the wrongful conviction network.

*By 'social relays' (Ohlemacher 1996), we refer to organizations or groups where membership does not generate collecti[ve] action per se, but creates opportunities for people with similar presuppositions to meet, and eventually develop joint action. (Diani, 2004: 345)*

## **Chapter 5: Membership**

Anthropology, as a discipline, takes as its primary interest topics related to humankind and distinguishes itself from the other social scientists by being holistic (Harris & Johnson, 2007: 2). In addition to studying collectivities, anthropologists also study the individuals which comprise them, to understand – and ultimately explain – the processes that influence and explain all aspects of human thought and behaviour (Ibid). In Chapter Four, the formation of the wrongful conviction network was described as one example of a social justice collectivity. In this Chapter, I extend the Relationship dimension to focus on the dynamics of membership within the network. Here, I demonstrate that although there are varying motivations for participation, this network's membership is based on the notion of social justice.

In the wrongful conviction network, this notion is critical to understanding how they give membership content and meaning. Not only does justice provide the basis for membership, but it is also important to acknowledge how this same concept is understood in varying ways and used to link the individual members together. As we shall see, both the motivations to become members and the understandings of social justice vary from one individual to the next. However this diversity does not hinder the network's formation or its dynamics. Instead, it provides an outside observer with an opportunity to gain a more holistic understanding of the network. By acknowledging the differences amongst these individuals – in addition to their

similarities – a more comprehensive understanding can be reached. Anna Tsing articulates the importance of acknowledging both and states,

Parties who work together may or may not be similar and may or may not have common understandings of the problem and the product. The more different they are, the more they must reach for barely overlapping understandings of the situation. (2005: 246-47)

She also comments on difference within a common cause and notes that perhaps this is more important than we ordinarily think. Tsing proposes that this kind of overlapping, linking differences as a model of the most culturally productive kinds of collaboration (2005: 246). This rationale is pertinent for an analysis of membership within the wrongful conviction network because it describes the contexts of membership. On the one hand, there exists much variation in motivations and understandings of social justice, which exemplifies the difference Tsing discusses. On the other hand, the “overlap” – or similarity – she refers to is found in the shared belief each individual member has in the concept of social justice. In the wrongful conviction network, differences in motivations and tasks from member to member are productively used to achieve justice – both socially and legally – for those that have been wrongfully convicted.

#### Varieties of Motivation

Since the process necessary for overturning a wrongful conviction is arduous, time consuming and demands a significant amount of dedication and commitment, the motivations behind the effort and work are critical to its success. My thesis seeks to understand this key factor by drawing attention to the variability in individual motivations to partially illuminate how the dynamics of this network are informed. It is important to note that the individuals presented here are not necessarily classified



by specific categories of motivations because they were asked about all types of motivations – in addition to what drives them personally.

As I began my interviews, I had a preliminary idea of what some potential motivations may be to get involved in the overturning of wrongful convictions. In my initial list of interview questions, I specified examples for potential motives including: family and/or friends with someone who has been wrongfully convicted; education and/or raising awareness; as well as a pure interest in the topic. As time and interviews progressed, it seemed my list was not nearly extensive enough as the possibilities for the motivations of each individual seemed quite complex, making it an important topic for investigation.

For heuristic purposes, I have grouped the motivations into five categories: Strategic, Academic Interest, Altruistic, Personal Connection and Wrongful Conviction Experience. The names of these categories are based upon a combination of my own ideas of potential motivations (before entry into the field), suggestions from both interviewees and colleagues as well as patterns in the data during the analysis of my field notes and the transcripts of the interviews. Some motivations may additionally fall into other categories than the ones I have placed them under, but each has been placed under one category for the way it communicates the thought and behaviour of each individual. Classifying the motivations this way helps to develop the holistic analysis I am making of the wrongful conviction network. Each of these categories will be explained and substantiated with excerpts from my interviews.

## *Strategic*

The term “strategic” is selected to describe this first category because it links human thought and behaviour. Although an unanticipated discovery during my time in the field, the data suggests that this category includes motivations based on some sort of advancement including; financial, future employment or establishing one’s reputation. My interviewees indicated the importance of these motivations in relation to a sense of satisfaction due to the prospect of some future gain.

One potential strategic motivation is based on financial gain. As AIDWYC is a Canadian volunteer organization, it is not funded by the government and therefore it must rely on those who give up their time and energy without compensation to undertake the work necessary for the achievement of justice. When asked about this as a possible motivation, most interviewees were taken aback at the mention of being paid for this type of social justice work.

Stephanie: I see very few of them on the ‘it’s a job for me, whatever I’m getting a pay check’ [motivation] ...like I have not really seen any of those! (laughs)

Sally: ...if it’s financial, unfortunately, I think they are barking up the wrong tree! (laughing)

Caleb: Realistically speaking, everyone needs some degree of financial security... If that is a prime motivator, I think there’s a lot better (chuckles) ways to make money and if that is what is motivating you, I don’t see it as lasting for a very long time [...] because work is pro bono.<sup>45</sup>

The insinuation is that “the paycheck” is not a driving force for members in this network and instead seemed to evoke a rejection of this motivation possibility. Since much of the work is done pro-bono, there seemed to be a general consensus that this

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<sup>45</sup> This section was written before the tape on the audio recording broke.

was not a popular motivation. Stephanie, Sally and Caleb put into words here the views on this motivation held by most, if not all, members of this network. However, Stephanie also suggested that strategic financial motivations may be alternatively interpreted as including gain in terms of future employment – based on the work for the cause of wrongful convictions. Interestingly, it was only in the interview that Caleb realized and conceded to this particular possibility – despite the fact that he plays a key role in the Innocence Project at Osgoode Hall and is likely to have his work recognized in future legal career endeavours.

Caleb: ...hadn't considered this work as something that was going to lead to financial gain in the future specifically. I mean, everything you do leads to something in the future and if the good work that you do here leads to some greater degree of financial security in the future, then all the better (chuckles)...<sup>46</sup>

Caleb's realization simply provides an instance where one's strategic motivations may have various forms of financial gain – whether it is intentional or not. Just as Stephanie suggests, this latter understanding of strategic financial motivations can have the potential to open doors in other arenas; making employment a second possible strategic motivation based on an opportunity to advance in one's career – academic or otherwise.

While it seems that financial gain can take multiple forms, my interviewees indicated that there was also the possibility that wrongful conviction work may eventually lead to other forms of advancement. A third strategic motivation evident in my data involved the benefits for one's reputation. Here, advancements can be made in either careers or academic work or both.

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<sup>46</sup> This section was written before the tape on the audio recording broke.

Elena: I mean, there is always this more cynical view that says that, for criminal lawyers, it is a good way to promote your name if you find a case that you really think is going to hit the media – whether or not that is a legitimate criticism is another story, but there is always that other view out there that it may not be completely selfless reasons that people are helping out with these causes.

John: I, uh, you know what (...) it is always in the back of someone's mind that maybe they'll get... I think it's not the financial gain or a public recognition. I think that there is a small part of every one of us that appreciates the recognition for volunteering from your peers. (...) So, if you are asking me or trying to determine whether we do it because of the public recognition – absolutely not. I mean certainly, I have to admit that there some recognition that you do get from what I call 'the industry' or 'the profession' when you are successful with these cases, but I don't think that's the [primary] motivation.

Sally: I can see how if you are law student and you want to get involved in this 'sexy' cause to further your career...

These quotes indicate that the while advancements may not necessarily be guaranteed for one's reputation, it is certainly possible to benefit from at least the recognition of this type of work. Moreover, none of my interviewees indicated any disappointment at the thought of recognition for the work they do as members of the network.

This recognition seems was put forward by several interviewees independently (i.e. it was not suggested by me) as a fourth strategic motivation. This last strategic motivation pertained to how the advancements can be related to opportunities to make more contacts; primarily made possible through membership and participation.

Jonathan: in a way, it really is – not necessarily ego – but definitely a way to raise your profile within the legal community in Toronto in particular. There are a number of lawyers that are really just starting out on their own now and are actively involved because they get to network with some of the 'top dogs' in the city and in the legal community. And really it is an informal networking opportunity...

Stephanie: ...you know, the sense I get from being here, yes there is a certain amount of prestige – especially for the board members – that giving so much...it doesn't outweigh...it's not a valid benefit [because] they are giving away more than they are receiving.

Vanessa also mentioned this when she noted that another part of her motivations were based upon keeping a foot in the door, which may mean eventually being employed with the Innocence Project full time.<sup>47</sup> Here we see that recognition – within the network or otherwise – for this type of work can operate as a motivator to participate through various forms of work. The logic here seems to be that the longer one stays, the more recognition one receives. Further, the more recognition one gets, the more one is exposed to opportunities to make new contacts. It seems appropriate then to deem contacts as a vital part of the strategic category as ultimately the individual has the potential to benefit in the future from any contacts made through their work on wrongful convictions.

#### *Academic Interests*

The Strategic motivations illustrate the variation in possible forms of advancements as cause to join the wrongful conviction network. The link between human thought and behaviour revolves around intent to succeed in one's own career. This intent can also be seen in the second motivation category: Academic Interests. This particular category was acknowledged and discussed by all of my interviewees and is characterized by its focus on opportunities surrounding the transition from students in academia to a career. Stephanie describes this process and notes,

I think that getting involved in this is because it will 'help me learn the law' or 'help me learn criminology'... [which] will also be a good networking opportunities to get a job or into the field.

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<sup>47</sup> Vanessa briefly mentioned that she has already had several offers.

Although not a student herself, Stephanie seemed to sympathize with the efforts students must put into preparing their professional profiles – for academia or otherwise. Here we can see that membership within the network can be critical to obtaining future goals. Stephanie is simply suggesting that one way to go about achieving this is to take advantage of any networking opportunities which present themselves as a result of membership and participation in the network.

In addition to the importance of networking opportunities in the academic interest category of motivations, my interviewees indicated a second possibility – which I call – the “looks good on the CV” motivation. Although it may seem more of a Strategic motivation than an Academic Interest, this motivation is especially interesting because of the way it simultaneously allows for more contacts to be made in an individual’s future in academia, a career or both. Of all my interviewees, it was no surprise that it was the students who responded most to this particular motivation.

Caleb: ...especially in this context, the work we do at the Innocence Project, we’re all students and trying to differentiate ourselves on our resumes [...] it just depends on where you want to go.<sup>48</sup>

Kash: Another reason that I joined – and this reason might not really help – was because I wanted to do some intensive program, um, so that it would look better even on the resume instead of just all different courses on a transcript because doing an intensive program gives me more exposure.

What is interesting here is that both Caleb and Kash are not opposed to the benefits this type of motivation produces. However, it is also important to acknowledge at this point that Caleb and Kash, nor the rest of my interviewees, cited this as their *primary* motivator. Rather, in a similar way to strategic financial motivations, it seems to be an unanticipated “perk” of membership in the network.

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<sup>48</sup> This portion was written before the tape of the audio recording broke.

### *Altruistic*

Strategic and Academic Interest motivations emphasize opportunities for advancements and/or benefits from participation in various forms of work. The third category of motivations, Altruistic, represent a stark contrast as the benefits are not for the individual member's sake, but rather for wrongfully convicted individuals specifically. Further, these motivations can be – and usually are – non-materialistic in nature. In this third category, individuals conveyed and emphasized the importance of the work necessary to overcome the obstacles to overturn a conviction. They noted that although it is a lengthy and laborious process, there is a sense of fulfillment once justice had been achieved.

The key feature of this category of motivations is its basis upon the notion of raising awareness. The data suggested that maintenance of the wrongful conviction network requires individuals to do work (i.e. participate) in very specific ways if social justice objectives are to be achieved. One example can be seen through Vanessa's motivations to become a member of the network. During our phone interview, she talked about the innocence project she works with and noted that part of her motivation was based on the fact that there was no other innocence project in the area she lives. During preparation for her wrongful conviction class, she came across examples of these types of projects and simply decided to start one in an area where there was not anything similar. Laura echoes Vanessa's rationale and suggests,

Laura: ...start working on this because 'it's a problem' and 'what are we going to do about this' and I don't know about the answer [...] My expertise is research and so for this issue I would like to bring my research expertise to get the answers. If I knew what questions needed to be asked, I could arm people with the answers.

Here we can see that raising awareness can be an avenue of work and act as a positive – and necessary – method of contribution. Although this was agreed upon by all of my interviewees, each individual had differing understandings of how best to achieve these goals of raising awareness. This would explain the diversity in types of work members perform as well as the diversity in organizations discussed in Chapter Four. The important thing to take notice of though is that participation based on this type of motivation is critical to the formation of the network and the maintenance of its dynamics. Without people willing to confront miscarriages of justice, many individuals would remain wrongfully convicted and the awareness of the topic would be limited.

Although raising awareness is a key feature of this category of motivations, a second type of Altruistic motivation was suggested to me in an informal meeting by my gatekeeper: religion. Here, as it was explained to me, religion can also operate as the motivator for an individual to participate in work on wrongful convictions. This feature is based on possible motivations to “help those that may not be able to help themselves” – a notion that Douglas responded to most passionately.

... probably the time I was a pastoral charge here in Kingston, I started doing some part time work with the chaplain at Kingston Penitentiary [...] and uh, it intrigued me – I really became interested in that type of work. So that’s when I then looked for and got the job as protestant chaplain at Collins Bay.

Douglas is the only interviewee who elaborated on the possibility of religion as a motivation.<sup>49</sup> While most agreed it was an altruistic motivation – and admirable one

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<sup>49</sup> In a discussion after the interview, Douglas was careful to note the difference between “religion” and “faith”. He noted that faith is a vital component of the whole process. In the Truscott case, for instance, Douglas had absolute faith in his innocence and thinks that religious people have a blind faith in the



at that – but the general consensus was that it is not a popular one for getting involved in this network. Nonetheless, it is clear that religion is an example of a possible altruistic motivation – even if it is not the most common.

### *Personal Connection*

The fourth category, Personal Connection, describes those motivations that contribute to the Relationship dimension discussed in Chapter Four. This particular category of motivations is unique because all my interviewees can be described as fitting into it. Although there may be much variation and difference in the work done by each member in the network, it all seems to have begun based on a link to a single case. I use the terms “direct” and “indirect” to describe the different types of possible relationships to a wrongfully convicted individual or case. Direct relationships are understood as when the member (or interviewee) in question is related to the wrongfully convicted individual; either as a friend or family member. Indirect relationships, on the other hand, involve a connection to a specific case, but the member (or interviewee) is not necessarily related to the wrongfully convicted individual.

Interviewees instantly recognized these ‘relationship’ possibilities as reasonable motivators; especially since the daunting nature of the work necessary can also function to perpetuate participation and enhance commitment. The direct relationship as a motivation proved to be more popular among my sample of interviewees than originally anticipated. To the suggestion of this as a motivation,

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doctrines which they were taught. Faith is a matter of using the "eyes of your soul" and is not the opposite of doubt – instead, it is the opposite of certainty.

their replies reflected the importance of their relationship to the wrongfully convicted individual and a reminder as to why they got involved in the first place.

Laura: ...I think [my motivation] is more similar to the people you know type of approach and with those we thinking about those that have been affected by it personally. Whereas, with mine, it is someone else I know that is very passionate about the cause...so it's not that he's been wrongfully convicted [...] but more knowing someone that is passionate about the cause...It is infectious because you start reading this and then the injustice of it all sort of overwhelms you.

Douglas: [I got the job at Collins Bay] and that's when I first met Steven Truscott. And we got to know him, by "we" I mean for family visits, my wife would go in and we'd take the kids in, not just to meet Steve, but to meet the other inmates...but he got to know them. Well then, I transferred to the parole service and it became my job then...they told me 'you know the case, so you take the file and develop the case for the board'. That's where we really got to know him better and worked out the release plan to live with us and so on and so forth.

Julian: I met Steven Truscott in 1997 [...] Steven Truscott contacted us, right, and we met with him and as I said in the book, we said "we're not defense lawyers. If you want to prove you are innocent, find a lawyer. But if give us permission to dig everywhere, we'll dig everywhere we dig and we'll share the results, but we are not interested in proving your innocence or guilt". And he, as I said in the opening to the book, he said "Go! Go for it! I'm not afraid of what you'll find!" As we started doing the investigation, uh, we realized it would be good if we could try and see if there's DNA right. So we connected him with Lockyer and AIDWYC...

Sally: I was a believer in my youth that there was 'one law for all' (giggles) and 'our justice system is good' and 'our judges have rightful authority'...I didn't like police too much (giggles)...but I didn't, you know...and then I found out about JR's story and I was just horrified. And so that was a conscious raising awareness because I was like 'holy shit!'(...) But my relationship with JR, I think, one of the reasons why I would be so committed to helping him whatever way I could is having spent years listening to his horrible, horrible stories about what happened to him. And...it's just such a powerful experience to listen and listen and see him survive the suffering and to try and ease that suffering in a relationship or whatever the relationship may or may not be. The level of suffering

was so horrific that I just couldn't *not* help and so I continue to help in whatever way I can.

Laura, Douglas, Julian and Sally effectively convey the importance of this direct relationship as a category of motivations by using terms such as “overwhelm” and “horrified” in their reflections. Here, a link to a specific individual and case acted as a catalyst to their membership and ultimately their involvement in the wrongful conviction network.

Although these individuals are able to convey their motivations based on their experiences in a direct relationship, there are other individuals who referred to indirect relationships. In this latter type of relationship, the experience with a specific case still seemed to be of equal importance – despite the fact that they do not hold a connection to the wrongfully convicted individual like the direct relationships mentioned above.

**Kash:** In my undergrad, I did a big research project on Truscott and so that was the first thing that got me interested in wrongful convictions. As I was reading through all the material for Truscott, it was just I don't what I thought, but I thought like you know it was absolutely appalling like the way the lawyers behaved and [...] how there was tunnel vision involved in the case– it really bugged me and got me mad. That's why I decided to join [the Innocence Project].

**Jonathan:** In 1995, I was in high school and I was working on a murder case as a co-op student and that particular case, I was convinced that our client was innocent. He was ultimately convicted of first degree murder and so I always wanted to be involved in any subsequent review of that case. As time went along, Guy Paul Morin's inquiry came out, David Milgaard's inquiry came out and then suddenly AIDWYC was formed. Once I had got my law degree and became aware that that particular case was being reviewed by AIDWYC, I initiated contact with them. (...) I basically just called up [\*my gatekeeper] and described the case to her and told her the case name, what my involvement was then and asked if there was an opportunity for me to get involved now. At that point in time, a lot

of work had already been done, but there was a fair chunk of work remaining. So she put me in contact with the lawyer that was reviewing that case. I got in contact with her and we started working very closely together. (...) It didn't take a lot for me to get involved, it was just a natural progression of my own thoughts for 10 years (...) in a sense I knew the case better than anyone and I (...) would be able to contribute a lot quicker than someone who was just picking up this massive file for the first time.<sup>50</sup>

Based on Kash and Jonathan's experiences, it seems evident that individuals may instead be focused on the overturning of convictions for the sake of all wrongfully convicted individuals – whether they know them or not. Although Jonathan is more intimately involved in the case that sparked his membership than Kash is with the Truscott case, the goal is still the same: to benefit wrongfully convicted individuals regardless of the costs of the work.

#### *Wrongful Conviction Experience*

Unlike the other categories of motivations, this last category is important to acknowledge because only a handful of individuals across the wrongful conviction network can identify with it. In this case, individuals possess a distinctive knowledge based on personal experience in being wrongfully convicted or accused. Since organizations like AIDWYC operate to assist these individuals, often this motivation is also based upon a desire to “give back to the network”; which may also take a number of forms.

During our phone interview, Bob noted that his case was different from many of the other wrongful conviction cases handled by AIDWYC because it saw success at the first appeal where he was acquitted. Interestingly, AIDWYC only got involved in the tail end of this appeal and later in the public inquiry. Bob noted that AIDWYC

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<sup>50</sup> Names and details of the case not given.

wanted to appear before the Royal Commission to make recommendations as to how this type of injustice could be avoided in the future – citing his case as an example. He has continued to stay in touch with AIDWYC as a way to give back to the organization and raise awareness about wrongful convictions generally through public speaking engagements as well as participation in the network's collective activities.

Lucas also offered some interesting insight with respect to this particular type of motivation.

...after working with Laura for awhile, she asked what, you know, do you want to do and I said 'oh okay, wrongful convictions'. (...) I like most people, have been wrongfully accused of something I didn't do...even if it is only stealing from the cookie jar. But we all know that terrible feeling and the desire to clear your name.

While it is a wide spectrum from the cookie jar to murder, Lucas does make a good point about everyone having been blamed for something they did not do at least once in their lifetime. However, those that can identify with the "murder" end of the spectrum are in a unique position to be motivated based on this specific experience. The important thing to acknowledge here is that it is not the same as a pure interest in the topic of motivations. Rather, individuals that fall under this last category of motivations must also possess much more extensive experience with this topic than those that have not endured a wrongful conviction or accusation. I argue that this category is distinctive because had these individuals not been wrongfully convicted or accused, there is a possibility that they may have never developed an interest in the topic to the same extent.

## Convergence Emerging From Diversity

The categories I have enumerated above represent the various motivations to become a member of the wrongful conviction network. Moreover, the individuals I interviewed struggled with defining themselves as participating based on a single motivation. Instead, many identified multiple motivations to best describe their decision to become members and participate in the network. This difficulty in identifying a single motivation suggests that individual members are subject to any number, or any combination, of motivations to participate (see Goodwin & Jasper, 2003). Thus, to categorize individuals as fitting into any – and only – one of the above categories runs the risk of completely misunderstanding their rationale for their membership and the dynamics of their participation.

Instead the motivations of these individuals can be seen as constituting an “overlap” in differences, which Tsing argues can be used to create a sense of similarity amongst them. This similarity – and link between them – is the notion of social justice. Although each individual participates in the network based on unique combinations of motivations, several of my interviewees spoke of justice as one motivation in and of itself. For these individuals, it was not simply about the money, recognition or raising awareness – or any combination of them. Rather, the achievement of social justice seemed to be the reason to become members of the network generally and with AIDWYC specifically in some cases.

**Caleb: We are addressing a fundamental issue in the criminal justice system, therefore it is useful to see it firsthand [...] and anyone that works with the organization has a prime motivation of social injustice, even though each person has their own motivations.<sup>51</sup>**

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<sup>51</sup> Taken from notes taken during interview; the tape of my audio recording of the interview broke.

Stephanie: I've always had an interest in social justice and equity for decades almost...it's true...umm and non profit organizations. [...] It's not really for the pay check really, you know. I turned down a job for \$20 000 more for profit or whatever...for this.

Matthew: It just so happens that the way my life has unfolded [...], it's just such an important cause that I had the time and wanted to get involved in whatever way I can. [...] There are those that feel strongly about wrongful convictions to get involved and it becomes a big part of their life. [...] the only thing they have in common is the interest in a justice objective. [...] everyone is completely different that's involved in this, but the main...main component...is very strong feelings about wrong and right.

Caleb, Stephanie and Matthew convey the importance of social justice as a motivation for membership in addition to combinations of the five categories I enumerated. Moreover, all the members in my sample seemed to possess this motivation, indicating the development of a pattern where social justice is fundamental to membership because it acts as the common "thread" (see Marcus, 1998) linking them all together. In this context, membership can be simultaneously informed by differences in motivations as well as the overlap in the notion of social justice. Each interviewee seemed to have something different to say on this topic, making it useful to recall my five labels for motivation variation to illustrate the how convergence emerges out of diversity.

### *Strategic*

Just as the link between human thought and behaviour is critical to understanding strategic motivations, these components are also applicable to comprehend the strategic form of achieving social justice. The best demonstration of this can be seen in the human thought and behaviour associated with the diversity of

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resources which characterize the wrongful conviction network. My observation of the type of work that each individual does in the network suggests that, similar to motivations, members are not bound to a single type of work. Instead, members of the network actively participate through contributions in whichever form to best suit their specific contexts.

Douglas: People when they feel strongly about something, they will....they will work like you couldn't hire them to do, you couldn't hire them to do the same thing, you couldn't pay them, they wouldn't do it. But if they have a cause and they can be persuaded that there is a cause, people will go to unbelievable lengths to work with you.

Kash: I definitely think that my motivations are helping me do the work and also that the work being assigned. I get fulfillment from it because I get to work on cases that I feel some injustice was done.

Elena: A bunch of us at the beginning of the year wanted to get involved with AIDWYC and because it's based in Toronto, the best way we could do that was fundraising because we couldn't really go into their office or do any work for them because of the location difference.

Matthew: With AIDWYC, I do whatever I can...I mean I'm not a lawyer, so I can't help them in that respect. But...uh...any running around or odds and ends. Basically what I got involved in primarily was fundraising because it was something they needed – even though I didn't have a lot of experience with it, I decided to do whatever I could.

Julian: ...no injustices are ever righted unless there is strong pressure and some kind of advocacy group. It can sometimes be an individual, it can be a trade union leader, it can be one outspoken worker, it can be one outspoken lawyer. But it is a lot harder if you don't have a sort of a bank of expertise, a support network, a coordination network and strategy.

Douglas, Kash, Elena, Matthew, and Julian each contribute and work in specific ways. As students, Kash and Elena contribute as an apart of their education. This different from Matthew's approach to work in whatever way his skills best allow. The



accounts provided by Douglas and Julian, on the other hand, address a more abstract definition of work as a “resource”. Here resources are pooled to yield social justice for individuals who have been wrongfully convicted. Although they may work in different ways, their combined efforts significantly contribute to the achievement of social justice. As a result, diversity in the resources can be strategically used to “thread” together differences and create overlap based upon a common understanding of the importance of achieving social justice.

While pooling together resources is crucial to the success of the network, their efforts alone are not enough to sustain the thriving nature of these organizations individually and the network collectively. Instead, it is important to also draw attention to the strategic relationship the network has with the media. Julian noted that most journalists do not consider themselves as part of this network because there are often conflicts of interest due to friendships with the police and the public. However, he also stated that he is different from most other journalists because AIDWYC does consider him a part of the network. Julian went on to say that he also considers himself a part of the network because of the work that he contributes and the contacts he has made with them. Here we see a membership developing based upon a common interest in drawing attention to miscarriages of justice. This ultimately leads to a relationship of mutual respect between the network and its periphery.

#### *Academic Interest*

The strategic form of achieving social justice is useful to illuminate convergence on a single notion based on diversity in resources and relationships. While this process is used to frame the Academic Interest motivation category in the

previous section, it is used instead in this context to develop understandings of how to productively increase education about the network's relationship to institutions in society. Many of my interviewees indicated that while working towards social justice is important, it is also crucial to acknowledge the network's position in relation – both as individuals and as organizations – to larger institutions; represented by the legal and/or justice system in Canada.

Laura: It is more the justice system that I get outraged at because that seems to be where the flaws are. And I would get more upset at the prosecution than the police...I get a lot of outrage about that. They are breaking the law right there – it's not about winning, it supposed to be about the truth.

William: There are systemic problems with the justice system fundamentally.

Sally: There is also an issue of access to justice...I mean potentially people could be motivated by just wanting to increase the access to social justice. [...] People probably just see the justice system as such a huge and rigid force that they as individuals just can't change.

Elena: ...they need to have some type of interest in the criminal justice systems in some way [...] and I think that also they recognize that the system is imperfect.

John: [Wrongful convictions] are a travesty and any person [who] has to spend time in jail, or even have the stigma of being wrongfully convicted, is a travesty to our judicial system and the government should be working to try and find ways to avoid [them].

Julian: There was a shared excitement at exposing an abuse of power, so ugh yes. [...] They would all get excited when they uncovered another piece of evidence that proved an abuse of power, but it is the same reaction. We have different reasons of how we are going to use it and so have different motivations of how we think this might help our individual causes, but it is definitely that common bond. And again, as I said, you can also sense it – like when you first meet or when you contact someone in the wrongful conviction community, you know you are looking at the same kind of....thing, the same kind of purpose – speaking the same kind of

language. [...] The imbalance of power is extreme because we are up against the state/government.

Jonathan: ...there are so many other cases and the fact that the system can fail over and over again for the same reasons.

Douglas: ...I have the feeling that often it is because the Crown has crossed the line between what they *should* be doing and what they *actually* do.

These narratives echo Anderson and Anderson's (1998) arguments by highlighting the imperfections in the legal and justice system as a product of imbalances of power. As mentioned earlier, the formation of organizations like AIDWYC are subject to pressures that result from this imbalance. Yet here increasing education about these imperfections and abuses of power are thought to be a crucial step in the achievement of social justice. While Caleb adopts this perspective, he is also careful to draw attention to the responsibilities of the system.

Caleb: ...very few that are dedicated to it, but there is a requirement on behalf of the profession to address its own short comings. Therefore it is important to address situations of individuals who feel they have been wronged.

Similar to the above narratives, there is a focus on the importance of overcoming personal feelings of powerlessness by remaining cynical about power and the government. Instead of believing nothing can be done to rectify this imbalance, members of the wrongful conviction network intentionally set out to correct it. Increasing education about this topic is thus a useful way to contribute towards of goals of achieving justice by pooling resources – in a similar fashion to how I am currently offering my scholarly resources. This method of achieving social justice is yet another point of convergence within this network as membership can be catalyzed

by desires of some individuals to raise awareness – in both academic and non-academic settings.

### *Altruistic*

The key feature of the Altruistic category of motivations lies in its dissimilarity to the advancement feature(s) in the Strategic and Academic Interest categories. Instead, the term “altruistic” is used at this juncture to frame social justice because of the way it describes characteristics of individual personalities. Bob mentioned in our phone interview that his snapshot description of the collectivity would be that the people who support AIDWYC have a shared value system with similar ideas. According to him, these people come from all walks of life and are working in the community performing different roles. Although some individuals are prominent public figures and some are not, all are doing the same thing, which bonds them together.<sup>52</sup>

Although what individual members believe about wrongful convictions and social justice may seem obvious, a deeper probing of the topic reveals that membership in this network can be related to character traits. In fact, several of my interviewees also pointed out that there are similarities in personalities among all the members.

**Kash:** I would describe their personalities as passionate, very passionate and they have to be to do this type of work.

**Caleb:** Association with these organizations is definitely connected to something you believe in.<sup>53</sup>

**Julian:** Anybody can join...just sort have to have the heart, a real critical mind and passion.

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<sup>52</sup> Taken from notes taken during interview over the phone.

<sup>53</sup> Taken from notes taken during interview over the phone.

Stephanie: I think [people] have a similarly loaded social justice faction [group] is required to jump on and take action. [...] They all have those measures around a feeling per se.<sup>54</sup>

The important thing to take notice of in this data is that these similarities in personalities translate a common interest in social justice into membership in the wrongful conviction network. However it is not just a single personality trait, but rather a shared value for social justice. If individuals are to be motivated to become involved (thus becoming members) and participate through work in a variety of ways, a link or “thread” must exist. Valuing social justice in society appears to serve this purpose because there is a feeling that their work makes a difference.

Michael: There is almost a crusading element about it, [...] but it is not simply *just* about defending the abstract idea of justice. An interest in social justice is the most appropriate motivation description for me [...] and those that participate in AIDWYC likely share that view.

Jonathan: We are all driven by the sense that we can help. [...] There is definitely that push for justice, but there is also – probably – a bit of ego involved in it as well in a sense that we are right sometimes. [...] I think that is pretty consistent...ugh...it is certainly true for me and I think the majority of those that are on the review committee, it is the same.

Caleb: There is a compulsion that runs through the entire pseudo community and all feel some sort of mandate, but in this case is towards justice...but ideas of justice are somewhat different.<sup>55</sup>

Here, the terms “crusade”, “driven” and “compulsion” are used to describe the shared value and the process by which one becomes a member. For the individual members

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<sup>54</sup> Stephanie went on to agree that people participating in this cause seem to possess certain personalities.

<sup>55</sup> Taken from notes taken during interview; the tape of my audio recording of the interview broke.

in this network, as soon as their interests in social justice and wrongful convictions are ignited, the two collide and the necessary “thread” for membership is formed.

### *Personal Connection*

Much of the discussion thus far has focused on collective convergence emerging from individual diversity within organizations like AIDWYC. However, it is also pertinent to draw attention to individuals who do not necessarily view themselves as members of one particular organization, but simply a part of the network independently. These individuals, more than others, are especially helpful to identify social justice as a key concept because their membership in the network is explicitly linked through an interest in social justice as opposed to an association or affiliation with one particular organization. Each of the following narratives comes from individuals who considered themselves as independent of any given wrongful conviction organization – but all acknowledged some form of relationship with AIDWYC.

Sally: Pretty well most of my work is done around the justice system that’s been transformed in Nova Scotia by JR’s experience.

John: I don’t know if I fall into that category... [...], but I believe very strongly that a society that has a justice system needs to bring those that are guilty of crimes to justice. And some may say that that is a trade off of having the type of society that we have is that half the percent of the people are going to be wrongfully convicted, but at least we are putting away all the bad guys.

Elena: I think it is a good cause. Also, when you hear the stories in the news and what not, it hits close to home because you think that this could be you whose life is turned upside down.

Michael: Because of my career, I cannot be a part of any activist cause [...], but I maintain an interest in the matters that AIDWYC deals with.

Sally, John, Elena and Michael reflect on their membership in the wrongful conviction network and how it has evolved. Just as in this category of motivations, links to individual cases – and the cause of wrongful convictions generally – acts as the “diversity” which develops into convergence upon the notion of social justice. The point to take notice of is again that, regardless of the specific case, the result is the same: a convergence of efforts to achieve social justice.

### *Wrongful Conviction Experience*

Although membership is centered upon social justice for individuals both directly and indirectly involved in specific organizations, another interesting point to take note of has to do with the types of membership that are possible within the network. This is best evidenced by the differences in rationale between those who have been wrongfully convicted or accused and those that have not. Just as in this motivational category, a distinctive knowledge of wrongful convictions is based upon these specific experiences and this distinguishes them from members who do not have this experience.

Bob, who has himself been wrongfully convicted, exemplifies an individual whose membership is different, but he also shares experiences with other members by talking to those that have been through the same experience. Bob’s membership is representative of this special type of membership because his experience allows him to possess a distinctive knowledge about wrongful convictions and this carries with it a particular criterion of membership and dynamics. Unfortunately, since Bob was the only wrongfully convicted individual I had the opportunity to interview, it is difficult to develop and analyze this site of convergence for there is little data for comparison.

What can be drawn from the data is that the dynamics of Bob's membership and involvement in the network are a direct result of his experiences in pursuits of social justice – which none of my other interviewees could speak to.

### Concluding Remarks

There is an overwhelming amount of evidence in the data I collected to suggest that social justice is at the crux of membership for this network. Those from organizations similar to AIDWYC echoed the importance of social justice in their organizations – indicating that this notion is not limited to AIDWYC and instead is found throughout all the organizations in the network. Vanessa, who is linked to another innocence project in Canada, said that she not only had a personal interest in social justice, but that she was also moved by it. Other interviewees who are loyal to organizations other than AIDWYC shared the same view.

Lucas: I don't want to lump them all in the same group again, but there are some I think that that is the case. On the other hand, I just think that some people might just see the extreme injustice of it all and pathetic – you know – sort of drastic of the criminal justice system. And they just see it as outrageous and therefore become very passionate about it.

Kash: One thought that kept bugging me since first year: we call the system the justice system, but personally I'm not comfortable with the terminology because after all the exposure I've gotten reading the cases, I don't really feel that the justice system is just at all. There is a lot of injustice and a lot of randomness [...] personally I don't see it as the pursuit of truth.

Vanessa, Lucas and Kash's comments indicate that the notion of social justice is critical to link all members in the wrongful conviction network. In addition to being sites of convergence, these various forms also allow for an understanding of the complex dynamics involved in membership. Although each one of my interviewees



had varying motivations to get involved in the network, it seems clear that they all recognize the importance of achieving social justice to correct wrongful convictions.

While some spoke about social justice specifically as it relates to power and the legal institution, others spoke of social justice generally as it relates to values and personalities. In either case, the notion of social justice acts as the link between them. Caleb mentioned that where we build our positions may start at different locations, but it ends at same place.<sup>56</sup> His thoughts are useful to reiterate how convergence on the notion of social justice by individuals and organizations serves to constitute membership in the wrongful conviction network. Without social justice as the common variable, membership would be less clear and lead to a possible decline in the network's success.

Returning to Ohlemacher and Diani's quote at the beginning of this chapter, it is evident that the "opportunities for people with similar presuppositions" criterion can be satisfied because individual members in the wrongful conviction network have similar presuppositions about social justice. Since membership is based on this notion, individuals inevitably take advantage of the opportunities granted to them by the network and begin contributing in their own ways for joint action against the miscarriages of justice that wrongful convictions represent.

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<sup>56</sup> Taken from notes taken during interview; the tape of my audio recording of the interview broke.

*Besides being in a better position than other people to discover what the facts are, anthropologists are sometimes more likely to estimate correctly the effects of administrative action, because their training accustoms them to look for repercussions where laymen might not look. [...] It is not an anthropologist's task, however, to suggest what policy should be adopted. (Evans-Pritchard, 1962: 119)*

## **Chapter 6: Conclusions**

Social justice is a major theme that emerges when discussing wrongful convictions. My analysis has been centered upon the formation of a network and identifying what it is that links the individual members and organizations together. By addressing network formation and dynamics, it has become evident that the wrongful conviction network is comprised of a combination of differences and similarities. Individual members and organizations contain as much diversity as they do uniformity. Although this may seem contradictory and problematic to develop an understanding of the networks, it speaks to the importance of acknowledging the contexts – whatever they may be – if a holistic understanding is to be acquired.

In the case of the wrongful conviction network, an analysis of its formation as well as an understanding of the dynamics of membership requires an acknowledgement of its contexts. To do so, I have opted to use an anthropological lens to examine a multi-disciplinary topic and substantiated my analysis with work from other disciplines. I located my research within the works of Riles (2000) and Amit (2002) on the concept of networks to develop the contexts for an ethnographic description of this network's formation. Similarly, Tsing (2005), Diani (2004), Goodwin & Jasper (2003) provide relevant material pertaining to the dynamics of membership in this particular network. Taken together with other works, such as the research done by Anderson and Anderson (1998), my analysis has been informed by a

blend of disciplines and provides an explanation of a network not yet studied by anthropologists.

In examination of the wrongful conviction network's formation following Amit, I have relied upon four dimensions – Composition, Organization, Communication/Interaction as well as Relationships – to develop one example for comparison to other example of social justice collectivities. I briefly discussed Sally Engle Merry's work on CEDAW as well as Anna Tsing's study of social movement networks in Indonesia. These particular examples provide striking examples of congregations of individuals based on the notion of social justice. They also provide the framework with which to think about the wrongful conviction network as a mobilization that seeks to forge new bonds in pursuit of social justice.

My data also substantiates each of the theoretical claims and/or discussions of membership by documenting an observable pattern in how the individual members and different organizations interact. Some individuals are similarly inclined to act in the name of social justice – hence making it useful to examine them as one example a social justice collectivity. By establishing the wrongful conviction network as one example of a social justice collectivity, I have attempted to explicate not only the rationale for individuals – and organizations – to take action, but also what it is that links everyone together. By directing attention to five different categories of motivations as well as the notion of social justice – namely Strategic, Academic Interest, Altruistic, Personal Connection and Wrongful Conviction Experience – I have been able to highlight how the dynamics of this network are based upon convergence across diversity. This portion of my text not only expands upon the

previous section, but also reveals the nature of the network's objectives and goals; namely to achieve social justice through the overturning of wrongful convictions.

### Implications of My Research

I have argued that this network is comprised of individuals with much variation in their motivations to participate as well as the forms and meanings social justice may take for each member. The site of convergence that I have identified lies in each of their aspirations to live in a more just society. Moreover, these individuals and organizations believe they can make a difference and are prepared to work to achieve this. This in turn has informed the formation of the network as well as what constitutes the basis of its membership. In addition to forming the core arguments of my thesis, these ideas also offer an avenue with which to think about how shared goals of social justice can act as a vehicle to motivate human behaviour in complex and unequal societies.

What remains to be addressed are the implications of this text; specifically as it relates to identifying the individuals and networks in this way. My intentions, as discussed in Chapter One, began with a simple recognition of the work done to achieve justice for wrongfully convicted individuals. As my thesis progressed, this recognition seemed to not only draw attention to void in academic literature, but also became an attempt to fill it. To do so, I examined relevant anthropological literature – in addition to literature from other disciplines – to maximize my own understandings so that I would be able to better communicate my findings to *any* audience in the most coherent way possible. The result has been a presentation of data that articulates

and explains the contexts for the structure of this network to both academic and non-academic audiences.

The answer to my research question then lies in my use of the theoretical concepts of networks and membership. By drawing attention to these two elements, my work contributes to understandings of networks by hypothesizing and highlighting what it is that links them together and why this is important to understanding their success. In the case of AIDWYC – as well as the other wrongful conviction organizations I came across during my fieldwork – understandings of social justice operate as the critical link in the network to ensure success and continued participation. My data can then be useful to help solidify membership in the network for it explicitly identifies the commonality between all of its participants. I should be clear though, my data (and thesis) are not designed as a validation of their work, but instead as my way of describing the formation and dynamics for one specific network.

### Recommendations

The only thing left for contemplation is then how exactly these insights may be used by the network itself. Since my research explores formation and dynamics, my first response to this inquiry is that my work – and hence its contributions – will serve to expand the academic literature on wrongful convictions. In addition to contributing anthropological analysis to wrongful conviction literature, my descriptions of the contexts for this specific network can be used as an example for future academic comparison to other examples of social justice collectivities.

Use of my research for future comparison may also be done by the network itself – which brings me to my recommendations. Most, if not all, networks are interested in strengthening operations and the generation of more participation. These two interests are used to inform my recommendations and highlight how ethnographic descriptions may also be used by the subject(s) for their own benefit. To develop my recommendations, I rely upon data from the transcripts of my interviewees to understand which areas of this network require attention to ensure continued existence and future success. Two of my interviewees, Lucas and John, proposed some interesting concerns.

Lucas: It is not just money that is a problem, but it is also a failure to organize.

John: I think that in some ways in our society – especially in Canada – there is a certain amount of empathy with people in our society. And I think in some instances, people have to be prompted to act. And that's why we see the majority of the people have been prompted in one way or another. [...] I think that if AIDWYC did a stronger job of advertising the fact that they need assistance, and they really do, they probably get more. [...] But even from a funding standpoint, I think that AIDWYC has its' own frailties and one of the problems or frailties that it has is it doesn't have ability to promote itself as strongly as it could for...umm...volunteer and public funding. I find it in some ways disturbing that we do not have a government organization that can help fund these types of groups that has a very important and real purpose in society. [...] I think that if there were some other type of funding – even if it is privately funded – that AIDWYC could afford to pay the professions that the need to see quicker resolution of the cases.

Although Lucas gets right to the point about his concerns for the network, John is careful to go into detail about his apprehensions. Both express worry about the structure of wrongful conviction organizations like AIDWYC and its vulnerabilities

to potential collapse. Since these worries come directly from members of the network itself, they are valuable to frame my recommendations.

I have three main recommendations for the wrongful conviction network to ensure continued existence and future success. Namely, I feel that the network would be best served by: (a) addressing internal disorganization to strengthen the network's operation, (b) generating more participation through increased advertising, and (c) increasing fundraising events to resolve financial issues.

My first recommendation addresses what Lucas describes above as, "a failure to organize". The mere fact that several organizations have formed around the injustices caused by wrongful convictions indicates a level of order and regulation is *already* present within the network. However, there was also an indication that the network experiences some problems with its maintenance. There has been some response to this with the development of the Innocence Network, which "acts as an affiliation of organizations dedicated to providing pro bono legal and investigative services to individuals seeking to prove innocence of the crimes of which they have been convicted and working to redress the causes of wrongful convictions" (Innocence Network Home, 2008).

I recommend increased participation and work with this umbrella type of organization to solve maintenance problems. In addition to sorting out each organization according to its geographical location, they could also be sorted by their objectives or mandates so as to offer a diversity of possibilities for pursuits of social justice. Individual members may also be best served by this type of cataloging because their specializations would be stated more specifically.

While it is important to work on the arrangement of existing organizations and members, it is also crucial to generate more membership – and participation – within the network. To achieve this goal, I recommend the further development of the relationship with the media. John noted that AIDWYC needed to do a stronger job of advertising and it is my argument that the best way to go about this is to work more closely with members of the media. This would enable to AIDWYC and other wrongful conviction organizations to communicate their goals, their work as well as their success – especially as it relates to social justice – more effectively. I am of the position that an increase in appearance within the media would best serve the network’s success as it could attract others who have yet to hear of the wrongful conviction network or individual organizations.

Although I am contradicting Evans-Pritchard’s quote at the beginning of this chapter, I also would like to note that I believe it is possible to adopt both these recommendations and solve funding problems. While some of my interviewees articulated this concern more explicitly than others, there seemed to be some unanimity that finances are important to understanding the contexts of this network. Since AIDWYC – among other organizations within the wrongful conviction network – is not a government funded organization, it has to rely upon generous donations and fund raising efforts to achieve its goals.

Natasha and Matthew are two members that have already contributed in this regard, there needs to be an increase in both the number and type of events. Another example includes the play Innocence Lost: A Play About Steven Truscott, written by



Beverley Cooper and directed by Miles Potter.<sup>57</sup> The play itself is an exploration of the effects of crime and punishment within the Truscott case and proceeds from select performers go to support AIDWYC's work in seeking justice (Sholdice, 2008). It should be noted that the play is not intended to act as a fund raiser, but it nonetheless contributes to the financial issues surrounding the network. Although there are several different examples of fund raisers that I came across in my research, resources are admittedly already used to their maximum potential and often there is simply a lack of personnel to put together such events. Yet with increased organization as well as efforts to generate membership, it is possible to address any financial concerns.

#### Parting Comments

Pursuing justice is a time-consuming and strenuous endeavor – especially when it comes to wrongful convictions. In this network, however, these efforts are rewarded when a wrongful conviction is overturned and compensation issued for the miscarriage of justice. Currently, the wrongful conviction network is being rewarded for its efforts as the wrongdoing against Steven Truscott have finally been addressed. The efforts of both the Truscott family and members of the wrongful conviction network were rewarded on July 7<sup>th</sup>, 2008 as Attorney General Chris Bentley announced that Truscott was to receive \$6.5 million dollars for the 1959 guilty verdict (AIDWYC News, 2008). In response to this announcement, the Truscotts said in a public statement,

This is a bittersweet moment for us. When we began this journey more than a decade ago, we thought only of exonerating Steven - the possibility of compensation never entered our minds. Although we are grateful for the freedom and stability this award will provide, we

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<sup>57</sup> It is playing at the Blyth Festival in the historic Blyth Memorial Community Hall in downtown Toronto, ON. The show is running from July 30<sup>th</sup> to September 13<sup>th</sup> 2008 (Sholdice, 2008).

are also painfully aware that no amount of money could ever truly compensate Steven for the terror of being sentenced to hang at the age of 14, the loss of his youth, or the stigma of living for almost 50 years as a convicted murderer. (AIDWYC News, 2008)

This compensation is an explicit example of a successful achievement of the wrongful conviction network's goals for justice. Their efforts to clear Steven Truscott's name have resulted in not only an acquittal, but also recognition of the systemic errors in this case. Moreover, each time cases conclude with these sorts of results, members of the network are given a confirmation that their work has not been done in vain. Later in the same statement to the public, the Truscott's acknowledged the efforts of members in the wrongful conviction network in support of their pursuit for justice by noting,

All of our lawyers brought great commitment and creativity to a series of very difficult tasks, and we know we would not be here today without each of their efforts. The staff at AIDWYC, especially Win Wahrer, were always present behind the scenes, and while their work was perhaps less visible, it was no less important. [...] On a more personal note, we wish to thank our children, Lesley, Ryan and Devon, for their unwavering support. They stood by us when we made the difficult decision to re-open the case, and have continued to do so despite the stress and loss of privacy that has resulted. We also wish to thank the thousands of Canadians – and individuals around the world – who have expressed their support over the years. Your care and kindness have sustained us through some very difficult times, and we are thrilled to be sharing this good news with you today. (AIDWYC News: 2008)

Canadians are still coming to terms with outcome of the Truscott case. The general feeling is one of both satisfaction – due to the achievement of social justice – and concern for the future. The timing of my anthropological research seems to be right for the adoption of my recommendations if the network is to continue thriving. While my research provides some very feasible solutions to some of the basic

concerns of the network, I would also advocate for a more thorough survey of alternative suggestions and recommendations to ensure the network's success. If the Truscott decision has taught society one thing, it is to remain devoted to our goals – no matter how impossible they may seem at times.

## Epilogue

In light of the questions raised in the defense, I would like to take this opportunity to address four points that require further attention. Although many interesting points were raised in the defense, these four have been selected because of the way they speak to my understandings of the data and inevitably my ethnographic description of the network's formation and dynamics.

The first point I wish to address is the question of why wrongful convictions happen in the first place and continue to persist in spite of public attention to them. It has been my experience that this question does not actually have one answer, but instead has many. Jerome Kennedy, the Minister of Justice and Attorney General for Newfoundland and Labrador, notes that since wrongful convictions are common to all jurisdictions, there are several common factors that appear to contribute to the conviction of the innocent (2004: 198). According to his work, these factors include presumption of innocence becoming an assumption of guilt; perjured testimony of the co-accused or other witnesses; the use of eye-witness testimony or evidence that results in wrongful identification of suspects; the use of faulty forensic evidence or testimony; prosecutorial misconduct; ineffectiveness of counsel, including the use of bad trial tactics; incompetent and/or biased trial judges; the use of jailhouse informants; and finally, police misconduct and "tunnel vision" (2004: 199-200).

In his article, Kennedy discusses each factor individually and cites several reports and legal inquiries to substantiate his arguments.<sup>58</sup> Here we see that there are a number of reasons why wrongful convictions occur and continue to persist. However,

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<sup>58</sup> Kennedy cites the Guy Paul Morin Inquiry (Cory, 2001), the Donald Marshall Jr. Inquiry (Royal Commission on the Donald Marshall Jr. Prosecution, 1989) and the Thomas Sophonow Inquiry (Kaufman, 1998).

what should also be noted is that each case is the result of differing combinations of these factors – much like the diversity in motivations and notion of social justice. Not every wrongful conviction case will be the result of wrongful identification or faulty forensic evidence, for example. Although, the number of wrongful conviction cases – and subsequent inquiries – also suggest that some factors are more of a problem than others. Kennedy suggests that the factor that appears to have the most significant influence on wrongful convictions is police misconduct and “tunnel vision” (2004: 200). He goes on to note that this is particularly a problem because it can lead to the use of worthless evidence, the consideration of erroneous forensic science, and a reliance on the testimony of jailhouse informants (2004: 201) – all of which are other factors enumerated above. The interaction between these factors alone leads to a vicious cycle wherein the final product is the wrongful conviction of innocent individuals – a cycle that has yet to be stopped.

The second point I wish to discuss pertains to the issue of access to justice. In the questioning following my oral defense, this topic was raised specifically as it pertained to the need to improve the current state of access. Dr. Ikeda, one of my thesis committee members, noted that there is much inequality in terms of the level of access that individuals have to justice. This particular point speaks not only to the inequalities among gender, ethnicity as well as socio-economic status (to name a few), but also to the differences between individuals who have been wrongfully convicted of varying crimes.

In response to this, I wish to draw attention to two main points. The first is that my research was not focused on the inequalities among gender, ethnicity and

socio-economic status of individuals that have been wrongfully convicted. While it is true that there is a pattern and disproportionate number of convicted individuals that may be deemed as “minorities” in society and who fall into the lower socio-economic category, but I do not have the exact statistics. However, it may be assumed that if – and when – these individuals are wrongfully convicted, their access to justice declines significantly for they lack the resources necessary to go up against the institution of law. Moreover, the same can be said for those individuals who may not be a “minority” and may be in a higher socio-economic category for once they are sent to prison, they lose all liberties anyway – including access to their resources.

The second point addresses a slightly different issue, but is more focused on AIDWYC as an organization facilitating current levels of access to justice. As mentioned above, individuals may be wrongfully convicted of any crime and these individuals must seek out ways to increase their access once this has occurred. In this research, AIDWYC is seen as one avenue in which access to justice may be increased. By providing their collective skills and resources to wrongfully convicted individuals, members of AIDWYC – and other organizations in the wrongful conviction network – are able to alleviate some concern about these types of cases free of charge.

The problem is that AIDWYC currently only takes on murder cases and the cases must go through a rigorous review period before it is officially taken on by the organization. Investigators (like John) and lawyers (like Jonathan) are recruited to evaluate and assess each case before AIDWYC offers its services. This may be viewed as being a discerning approach to the achievement of social justice, but it is

nonetheless their attempt to tackle the existing problem of wrongful convictions. Since murder is the one of the most appalling crimes in any given society, it is appropriate to at least acknowledge the attempts made by organizations – on behalf of individuals without access to justice – to seek redress for instances of wrongful convictions. This is what individual members of the network, AIDWYC and other organizations in the wrongful conviction are attempting to do.

The third point I would like to draw attention to concerns my understandings of the structure of the wrongful conviction network itself. As I have argued, the network is constituted of both individuals and organizations who have shared goals of achieving social justice. While the focus of my research was on members and associates of AIDWYC, I used my data to suggest similar patterns may be found in other organizations in the network.

One shortcoming in my analysis is in terms of the structure of AIDWYC itself. Although the components of the network were examined in this thesis, there are several points of interest which could have better served my analysis had I included them in my interviews. More specifically, the social organization within AIDWYC could have been examined more thoroughly to help explain issues of hierarchy and power as they relate to gender, for example as well as other issues.

As mentioned in Chapter Three, I interviewed 16 individuals – 10 males and 6 females. Although I was in contact with a number of other individuals in addition to these, my data indicates that there is a pattern whereby females are subordinated to males. An example of how this affects the social organization of AIDWYC may be seen in light of the fact that all of the organization's presidents have been male. Here,

we can see what I call an “uneven distribution of power” – leading to a hierarchal system with males on top. Interestingly, the females I spoke with from AIDWYC did not seem concerned with this fact – but then again, this may have been because they simply did not feel the need to articulate that particular aspect of AIDWYC’s social organization. Another study on this specific wrongful conviction organization – or any social justice collectivity for that matter – may be best served by looking into this structure more thoroughly in order to gain some insight as the effect it has on the organization’s membership and ultimately success.

Finally, a comment should be made as to the constant revision process involved in this thesis – or *any other* thesis for that matter. Throughout the research process, there were a number of unexpected developments and revelations, which arose directly out of interactions with my interviewees. Since anthropological literature is based upon interactions with our subjects of research, it is inevitable that these experiences will shape the course of the research making it no surprise that my thesis took the form that it did. Namely, that multiple interactions changed the direction of my analysis multiple times.

To use a metaphor, I would describe it as like learning to ride a bicycle: when I began, I had training wheels in the sense that I was conducting my research under the direction of my supervisor and at the same time becoming responsible for the conduct of my own research. I “fell off the bicycle” a number of times as I ran into obstacles in collecting and analyzing the data. For example, my theoretical frameworks began with the use of a social psychological approach and concluded with a blend of anthropology and sociology. This change and the changes in my



methodological strategies discussed in Chapter Three illustrate how I decided to “get back on the bicycle and try again” by adapting to the contexts of my research.

With some more practice, the training wheels can be removed and I will be able to “ride” on my own. It is also important to note that not every thesis will unfold in the way mine did and it is possible for scholars to “learn to ride without falling”. Yet, the experience of learning how to respond to “falling” through developments in the process is often what makes the work the most enriching – which is what I learned in the course of completing the thesis.

## APPENDIX A

### *PRELIMINARY QUESTIONS FOR INTERVIEWS*

#### **Interviews with Participants in Social Justice Organizations (SJOs)**

##### **Basic Information: (5 min)**

- basic background
- name
- job title/role description in SJO
- age
- gender
- years of education
- How do you feel about wrongful convictions generally?

##### **SJO and Participation: (10-15 min)**

- Where/how did you hear/find out about the organization?
- How did you become involved with this organization?
- Describe what it is like to be a participant of a wrongful conviction social movement?
- How long have you participated?

##### **Motivations: (20-25 min)**

- Why did you decide to participate?
- How would you characterize motivations generally of participants in these types of SJOs?
- Statements about motivations to participate in SJO → agree/disagree; scale
  - o friends and family of individuals – work to help them
  - o help the cause
  - o raise consciousness about wrongful convictions
  - o religious reasons
- What are some other motivations to participate?
- Have your motivations to participate changed at all? If so, in what ways?

##### **Moral Mandates: (20-25 min) → Concept will be explained to each interviewee**

- Do you think you have a moral mandate about the outcomes of these cases?
- How would you characterize this moral mandate?
- How do you feel about the actual outcomes in wrongful conviction cases?
- Do you feel these events were fair or unfair?
- Were moral standards achieved by the outcome of these cases? How so?
- How do failures to achieve standards for the outcome of a case impact your perception of justice?

##### **Motivations, Moral Mandates and Conflict (\*If time):**

- Do you think your motivations are informed by moral mandates? If so, how?
- What are your thoughts on notion of conflict and wrongful convictions?

- How do you see the notion of conflict playing a role in motivations generally? Your motivations specifically?
- Is the notion of conflict important for discussions of wrongful convictions? Of moral mandates? Of motivations?

### **Interviews with Wrongfully Convicted Individuals**

#### **Basic Information: (5-10 min)**

- name
- crime convicted of
- number of years in prison
- organization handling your case
- amount of time interacted with corresponding SJO

#### **Motivations, Moral Mandates and Conflict: (50-55 min)**

- Use statements from data about participant motivations and thoughts on other motivations to probe initial discussion
- How do you feel about statements (agree/disagree/why)?
- How do these motivations affect your perception of wrongful convictions?
- Statements about moral mandates, motivations and conflict in relation to wrongful convictions SJOs
- How do you feel about statements (agree/disagree/why)?

\* Times are only meant to reflect the time spent in a single interview. I may additionally decide (and/or need) to conduct multiple interviews with the same individual in order to acquire sufficient data.

\*Questions have yet to be finalized and are also subject to change depending on the unfolding of each interview.

## APPENDIX B

### NEW INTERVIEW QUESTION ORDER

#### Background and General Info

- thoughts on term/topic of wrongful convictions → first thing that comes to mind
- word done in field of wc and/or with SJO → describe/explain
- how did you find out/hear about the SJO
- how did you get involved
- how long have you participated

#### Motivations

- why did you decide to participate/get involved?
- characterize own motivations (similar to above question)
- data from pre-fieldwork research and other interviews suggest following motivation possibilities:
  - o experience being wrongfully convicted or accused → direct relation
  - o friends/family → indirect relation
  - o raise awareness/education
  - o religious reasons → do work of God by helping those that can't help themselves
  - o reputation gain and/or looks good on CV/resume
  - o financial gain → linked to reputation gain
    - thoughts/feedback on possibilities
    - fit into these categories
    - can think of any others not already mentioned
- thoughts on those who don't actively participate
  - o i.e. those whose motivations have not compelled them/led them to take action
- do motivations correspond to the work (ex. driving force) → in what ways

#### Moral Mandates → Skitka & Houston

- like internal codes/values or "heart strings"
- **DEFINITION:** specific attitude positions or stands people develop that something is right or wrong (moral or immoral); also have characteristics of extremity, importance and certainty, but more importantly contain motivational and action components
- describe 2 studies/observational periods
  - o 2 sets of newspaper clippings for same case
  - o person is clearly guilty based on facts, but one study find him innocent and the other finds him guilty
  - o observed and compared reactions (based on perceptions of justice dictated by moral mandates) of informants
    - study stopped at what it is that compels people to act
    - where my research picks up

- relate to wc → analogous because convictions tug on “heart strings” (i.e. moral mandates) and compels/motivates ppl to do work/participate
  - o existence of wc creates membership for pseudo legal community
- feedback/thoughts on this theory
- related at all to interviewee’s motivations?

**Conflict Theory → Manchester School of Thought and Max Gluckman**

- DEFINITION of conflict (in this work): state of opposition between persons, ideas or interests
- have interpreted it as a “necessary evil” → Gluckman: must recognize conflict within order
- dual purpose:
  - (1) divide and unite: divides people based on acceptance of decision and unites individuals into groups who either do or do not accept the decision (\*this is a group united by unacceptance of the decisions and therefore similar motivations/mandates)
  - (2) re-establishes social cohesion: legal system is adversarial by nature, therefore it is customary to have conflict
- relate to wc → analogous because conflict occurs in various forms/places
  - o investigation
  - o representation → prosecution and/or defense
  - o actual decision to convict
- thoughts/feedback on theory of conflict to think about wc
  - o any other suggestions/ideas of how conflict theory may apply

**Pseudo Legal Community Picture → my theory/interpretation**

- traditional anth study have been of unknown communities that live/eat/breath together
  - o my work untraditional because studying a group that does NOT do these things and rarely even congregates
  - o BUT all members (i.e. participants) seem to have similar moral mandates and motivations compelling them to act → links them together and creates membership
- thoughts/feedback on my interpretation
  - o missing anything
  - o take anything out
  - o how they would state/picture/describe the community

**Interview Wrap Up**

- any last words on wc, motivations, moral mandates, conflict theory or picture of community
- review of anonymity and highlighted blurbs
- give timeline
- stay in touch in case need more information

APPENDIX C



**THE ASSOCIATION IN DEFENCE OF THE WRONGLY CONVICTED  
NOTICE OF ANNUAL GENERAL MEETING**

You are cordially invited to attend the Annual General Meeting of the **Association in Defence of the Wrongly Convicted** being held at **Friends House (Meeting Room), 60 Lowther Avenue, Toronto, Ontario at 11:00 a.m. on Saturday December 1, 2007** for the following purposes:

- A. To hear reports by Elisabeth Widner and Paul Copeland, AIDWYC co-presidents.
- B. To elect members of the Board of Directors, to replace members of the Board of Directors who are retiring or who have completed their term of office.
- C. To hear the Treasurer's Report and to appoint Auditors for AIDWYC.
- D. To transact such further or other business as may be necessary or desirable, in connection with the organization of AIDWYC or otherwise.

**Following the business meeting, case updates will be provided and brief addresses from Steven Truscott and Bill Mullins-Johnson.**

A light Lunch will be served following the meeting.

**Please RSVP 416-504-7500.**

Win Wahrer, Director of Client Services; Tanya Gerber, Executive Director

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