



The Zemiological Afterlife of Wrongful Conviction: Spoiled Identity, Repair and Survivorship

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Abstract

Building on the recent global interest in ‘innocence projects’, this article critically examines the various harms experienced by the wrongfully convicted after their release from prison. Locating itself within the zemiology literature, it uses the memoirs of a number of wrongfully convicted persons to conduct a narrative victimological critique of social harms that are often unacknowledged in policy and practice around the reintegration of the wrongfully convicted and in media and societal discussion of their experiences. Insights from these memoirs, it is argued, problematise the various forms of repair offered to the wrongly convicted because these often compound rather than alleviate particular post-release social harms. However, the first-hand accounts contained within their memoirs also illustrate how, far from being caught in a state of passive victimhood, the wrongfully convicted often regain agency through activism and telling their story.

Introduction

The popular serialisation of miscarriage of justice through Netflix docuseries like *Making a Murderer* (Ataalla, 2020) and the concomitant growth in ‘innocence projects’ (Greenwood, 2021) shows how the plight of the wrongfully convicted stirs the sensitivities of conscientious students, academics, lawyers and journalists. The exoneration of the wrongfully convicted might seem like the ultimate success for any innocence project, yet the enduring image of the wrongfully convicted smiling defiantly upon release masks how release presents new challenges (Westervelt & Cook, 2008; Madrigal & Norris, 2022). The harmful effects of wrongful imprisonment do not disappear upon release (Campbell & Denov, 2004; Clow & Ricciardelli, 2016); the direct harm suffered during imprisonment is, to borrow from Michael Naughton (2003), only the tip of a much larger zemiological iceberg. Despite this, academic literature has largely neglected the post-release impact of wrongful conviction (Hoyle, 2016:274) by focusing on its *causes* rather than its *consequences* (Cole, 2009). The recency of engagement with the post-release life stories of the wrongfully convicted (Westervelt & Cook, 2012:1; Westervelt & Cook, 2013:261; Madrigal & Norris,

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2022), means the less obvious non-physical harms of wrongful conviction that are more diverse, longer lasting and difficult to diagnose (Naughton, 2007:164) remain obscured.

Accepting the inherent potential in narrative criminology to decentre the criminal justice system's discourse (Presser & Sandberg, 2019), this article builds on recent narrative victimological interventions in the study of wrongful conviction (Hearty, 2021; Umamaheswar, 2022) to further our academic understanding of the post-release harms the wrongfully convicted experience. The article starts from the core narrative victimology premise that it is direct engagement with victim narratives, rather than the discourse of the criminal justice system, that provides us with the best insight into the lived experience of victimisation (McGarry & Walklate, 2015; Walklate et al., 2019; van den Ven & Pemberton, 2021). Proceeding from this position, the article engages directly with the memoirs of several people wrongfully convicted for high-profile Irish Republican Army (IRA) bomb attacks in England during the 1970s. By tracking the less visible long-term harms that the 'sustained catastrophe' (Westervelt & Cook, 2008) of wrongful conviction brings, these memoirs are well placed to illuminate the large body of Naughton's zemiological iceberg that remains hidden under the water level.

After outlining the methodological and theoretical approach it has taken, the article identifies the range of post-release harms that emerge from within the narratives of the wrongfully convicted. A critique of how material and symbolic forms of redress compound or create as many difficulties as they seek to ostensibly remedy then follows. The article concludes by discussing how the wrongfully convicted have transitioned from 'victim' to 'survivor' through activism and telling their stories. By exploring these often-neglected aspects of wrongful conviction, this article builds on recent criminological interventions that have used victims' narratives to expose blind spots in official discourses, resettlement policy and practice (Naughton, 2007:5; Hoyle & Tilt, 2018; Hearty, 2021; Umamaheswar, 2022), to demonstrate how narrative helps victims work through a 'spoiled identity' (van den Ven & Pemberton, 2021), and to critically examine victims' post-victimisation growth (Green et al., 2021).

Materials & Methods

Thematic analysis was conducted on memoirs published by six people wrongfully convicted of IRA bombings. Judith Ward (1993) tells her story of being an English-born Irish republican sympathiser who spent 18 years in prison after falsely confessing (while vulnerable and struggling with her mental health) to the February 1974 M62 coach bombing that killed 12 people. Gerry Conlon (1993) tells how he spent 15 years in prison after making a violently coerced false confession implicating himself and others (the Guildford Four) in the October 1974 Guildford bombing that killed 5 people. Armstrong (2017) spent 15 years in prison after being wrongly implicated in the same bombing. Seven other people (the Maguire Seven) were wrongfully convicted of bomb-making offences in March 1976 due to Conlon's confession. This included his uncle Patrick Maguire Sr, his aunt Annie Maguire (1994), and their teenage sons Vincent and Patrick (Maguire, 2009). Paddy Joe Hill (1995) tells his story of being arrested and violently interrogated along with five acquaintances (the Birmingham Six) as they travelled from Birmingham to Belfast to attend the funeral of an IRA bomber. They would spend 16 years in prison after being wrongfully convicted of the November 1974 Birmingham pub bombings that killed 21 people.

These memoirs have a shared socio-political context that reflects broader patterns of anti-Irish racism as political violence spread from the North of Ireland to Britain. Suspicion of and hostility towards the Irish ‘suspect community’ (like Conlon, Armstrong, Hill and Annie Maguire) and those politically sympathetic to them (like Ward) thus pervaded Britain’s criminal justice system, media and wider society (Hearty, 2021). In addressing experiences of wrongful conviction within this context there is, then, a neat ‘intertextual relationship’ (Livholts & Tamboukou, 2015:20) whereby the chosen memoirs could be read and analysed as connective stories with shared themes. The analysis of the chosen memoirs focused on the ‘told’ rather than on the ‘telling’ (Riesmann, 2008:54), with a ‘narrative research as process’ approach being adopted so that themes emerge from within the memoirs (Livholts & Tamboukou, 2015:7). Relevant sections about post-release life in each memoir were ‘dissected’ through a categorical content analysis to identify differences and similarities between and across each victim’s narrative (Lieblich et al., 1998). When analysed like this, autobiographical content can provide an insight into the harms experienced individually *and* collectively by victims (Walklate, 2018:380). Reintegration, trauma, family life, stigma, repair and activism emerged as significant themes as the analysis moved from the specific (i.e. individual narrative) to the general (i.e. collective narratives). Following the categorical content approach, the emphasis was on *what* the victims said about *post-release life* rather than on *how* they storied their experiences of *wrongful conviction*.

In addition to ensuring that each of the ‘Irish cases’ of miscarriage of justice are included within the data, the chosen memoirs also accounted for gender-based and age-related differences in lived experience *and* the storied of lived experience at different temporal points after release. For example, while some accounts, like Judith Ward’s, (1993), were written in the immediate aftermath of release, longer lasting social harms that may not have been apparent then will have been captured in later accounts by Patrick Maguire (2009) and Paddy Armstrong (2017). Later accounts will also reflect the changed socio-political context as the Irish peace process emerged and Britain’s Muslim community became the new post-9/11 ‘suspect community’ (Hearty, 2021). Through tracking the victims’ experience over time (Walklate, 2019:79) and changes in their perspectives (Presser & Sandberg, 2015:3), these life stories demonstrate the longevity of social harm.

Furthermore, critically examining the memoirs of *a number of victims* provides a fuller insight into the subjectivity of post-release harms; how they manifest themselves, how they are interpreted and how they are repaired (or not). The inherent subjectivity in how individuals experience harm (Naughton, 2004:112) means that different victims will have different narratives (Pemberton et al., 2019). Hence, Paddy Armstrong (2017:302) acknowledged that ‘my story is different from everyone else’s. We all suffered in different ways. And dealt with it differently. And where we’ve ended up is very different’. The chosen memoirs therefore represent a multifaceted and rich dataset that captures the *commonality of victimisation* through wrongful conviction yet the *subjectivity of lived experience* of post-release harm.

Admittedly, whether we can ever truly understand the suffering of others may be questioned. Even if telling their story allows victims to find some meaning in their experience, any retelling cannot recreate that experience (Presser, 2022:6), exposing how narrative enquiry into the suffering of others constantly encounters ‘the limits of language, sense and meaning’ (Wilkinson, 2005:11). Moreover, given that the researcher is both ‘reader’ and ‘analyst’ of these narratives (Riesmann, 1993:15), the victim cannot determine what is made of (or from) their narrative (Canning, 2017:89). While this may *limit* narrative engagement with lived experience of post-release harm, it should not *preclude* it. The aim

of the endeavour, after all, is not to reach a presumptuous position of saying ‘I now know what it is to be harmed through wrongful conviction’ but rather a reflective one that says ‘I now know that wrongful conviction causes these harms that we must acknowledge, explore and address’.

Biographical content assumes greater importance here because official statistics, whether on wrongful conviction (Naughton, 2004:105) or social harm more generally (Leighton & Wyatt, 2021:5), do not, and indeed *cannot*, capture the lived reality of harm. Understanding harm, as Canning and Tombs (2021:7) argue, is about understanding it as lived experience rather than in an abstract sense. This necessitates appreciating the human significance of harmful events and experiences (Wilkinson, 2005:3) and accepting such experiences as empiricism (Raymen, 2023:83). Narrative research on harm, then, is not about misguidedly trying to literally recreate lived experience from representation but about making hidden harms visible in academic and public discussion (Wilkinson, 2005:6). Even if it cannot grant us the lived experience of another in the literal sense, engaging with the memoirs of the wrongfully convicted to understand post-release harms is nevertheless ‘a means to bring the evidence of lived experience to bear upon theoretical terms of analysis and public debate’ (Wilkinson, 2012:148).

Social Harm

Before exploring the post-release harms the wrongfully convicted experience, what ‘social harm’ conceptually means must be clarified. Going ‘beyond criminology’ (Hillyard & Tombs, 2004), zemiology has brought conceptual clarity to the study of social harm, with most analyses now seeing the concept as acts or inactions that inhibit human flourishing (Pemberton, 2015; Canning & Tombs, 2021). For Hillyard & Tombs (2017:289) social harm can be physical, financial, psychological or cultural, while Simon Pemberton (2015) views it as the prevention of ‘self-actualisation’ through physical and mental ill-health, the lack of capacity for autonomous action (autonomy harms), and exclusion from personal relationships and social networks (relational harms). Whether through the exclusion that relational harm brings or the blocked opportunities that autonomy harms cause, social harm results in losing ‘control over one’s own circumstances and worth’ (Canning & Tombs, 2021:81).

Canning & Tombs (2021:67) highlight the complex ‘dimensions of harm’ whereby some harms may work cumulatively or separately to impact differently on different people and groups, some may be more readily apparent and have more immediate impact than others, and some may be interpersonal in nature while others can impact individuals, households and communities. Existing studies on wrongful conviction refer to this latter phenomenon as ‘circles of harm’ (Madrigal & Norris, 2022; Umamaheswar, 2022). These ‘dimensions’ of harm expose the connective thread between systemic harms and interpersonal harms via macro-level structures, policies and practices of exclusion and inequality (Pemberton, 2015:2; Boukli & Kotze, 2018). More importantly, zemiology captures the harms that arise within, and as a result of, the criminal justice system (Hillyard & Tombs, 2004). It is therefore receptive to the many ‘pains of imprisonment’ (Sykes, 1958) that the criminal justice system inflicts, while the narrative approach similarly deconstructs how these harms are either hidden in or justified through the criminal justice system’s discourse (Presser & Sandberg, 2019).

To be sure, the wrongfully convicted *do not* have a monopoly on the ‘pains of imprisonment’, yet at the same time any harms they experience are compounded by an enduring

sense of injustice (Clow & Ricciardelli, 2016), particularly over the ‘stolen time’ (Bhatia & Canning, 2021) that the criminal justice system has unjustly deprived them of. Their perception of harm, then, can encompass not only material loss but also more abstract loss (Clow et al., 2011), including missed life opportunities and the prospect of happiness in an alternative life. For example, Judith Ward (1993:144) frankly admitted that ‘there are times... when I resent all those lost years. I fiercely regret that my chances of having a marriage and children of my own have been robbed from me’. For Paddy Joe Hill (1995:272) release meant ‘I had to face the harsh facts of life. I was forty-six, with no wife or family, no home, no job, no income and no prospects’. In this case, ‘temporal harm’ is about the uncertainty of the future as much as it is about the losses of the past (Canning & Tombs, 2021:84).

If zemiology is about understanding the experience of being socially harmed (Canning & Tombs, 2021:7), then the chosen memoirs represent the ideal empirical lens for exploring post-release harms through. Zemiological engagement with these memoirs reveals as much about the value of victims’ narratives (what they can tell us and how we can engage with them) as it does about social harm (what social harm is and how it is experienced).

Post-Release Harms

The memoirs reveal a multitude of post-release relational (concerning relationships and identity) and autonomy (concerning capacity for life choices) harms that the wrongfully convicted experience. These include struggling to adapt to everyday life outside the penal institution; emotional/psychological harm; familial disruption; and enduring stigma. Each of these is explored below.

Post-Prison Everyday Harms

One of the most significant challenges following long-term imprisonment is readjusting to life outside the penal institution. This is a protracted process that begins with physical release from the formal control of prison then the slow adaption to becoming a functioning person in outside society before concluding, ideally at least, with a settled existence as a member of society (Moore, 2011). Although there is now an admittedly imperfect resettlement service in place for the wrongfully convicted in England and Wales (Hoyle & Tilt, 2018), the memoirs studied reflect how they traditionally fell through the cracks of resettlement policies for long-term prisoners that were not designed for those who experienced wrongful conviction (Clow et al., 2011). Even if readjusting to outside life is a significant challenge for *all* long-term prisoners, the unexpected sudden release of the wrongfully convicted means that they will not have benefitted from pre-release schemes that other long-term prisoners have (Naughton, 2013:196).

Gerry Conlon’s experience is instructive. Conlon and Paddy Armstrong were suddenly moved to Brixton prison without knowing why. While the prison officers and other prisoners were aware that the pair were being released, Conlon and Armstrong only learnt of this from a radio news report (Conlon, 1993:224). Conlon later noted that where other long-term prisoners prepare for the practicalities of post-release life through exercises in handling money and day release schemes, the sudden nature of his release meant that ‘I had none of this. I was just reborn into the world’:

I had to deal with people in shops, with officials, with bus conductors. I had to learn to cross the road. I had to begin to make relationships with friends and family that were fifteen years older than when I last saw them. I had the enormous worry of sorting out how I was going to relate to women in this new world (Conlon, 1993:232).

If social harm involves the removal of ‘social resources necessary to enable the exercise of life choices’ (Pemberton, 2015:3), then the woeful ill-preparedness for the most seemingly trivial ‘problems of everyday life’ (Westervelt & Cook, 2013:264) represents an autonomy harm that compromised Conlon’s ‘self-actualisation’. Even if he is free from the penal institution, it is clear that, initially at least, Conlon lacked the capacity to make informed post-release life choices. As such, post-release freedom of choice brings the obstacle of coping with uncertainty rather than the luxury of personal autonomy.

Emotional/Psychological Harm

Memoirs also provide an insight into the post-release psychological harm the wrongfully convicted experienced. Common with the experiences of long-term politically motivated prisoners (Shirlow & McEvoy, 2008), and perhaps unsurprising given the violence and injustice they endured, the wrongfully convicted often suffer from Post-Traumatic Stress Disorder (PTSD) and depression (Grounds, 2004; Jamieson & Grounds, 2005). Such prolonged psychological harm had a deleterious impact on many aspects of their lives, often diverting them into destructive lifestyles. For example, at the nadir of his post-release life Paddy Armstrong was drinking a bottle of vodka a day and gambling away his compensation. Eventually his friend and lawyer Alastair Logan had to intervene to extricate Armstrong from the web of self-destruction he had become ensnared in (Armstrong, 2017).

Likewise, Patrick Maguire (2009:234) documents how long-term imprisonment at such a formative age changed him from being ‘a friendly easy-going bloke’ to an aggressive person that ‘went off the rails’. By his own admission, Maguire’s life descended into an unstable existence of petty crime, addiction and rehab. This immediate psychological harm naturally reverberated to inflict further emotional harm on family and friends who had to witness and/or deal with this self-destruction. The serious emotional harms caused by wrongful conviction evidently follow the wrongfully convicted out of the prison gates to devastating effect.

Familial Disruption

The overlapping ‘dimensions’ of relational harm that prevented Maguire and his family from enjoying a settled family life can be best understood through his admission that ‘I’ve been an absent father, a wayward brother and a troubled son’ (Maguire, 2009:426). Of course, for Maguire the foreseeable challenge of rebuilding relationships was further complicated because both his parents were undergoing a process of readjustment having been wrongfully convicted themselves. Remarking on the difficulty of reconnecting with his father upon their release he said:

I didn’t know this man. I knew he was my dad, but the last time I was so close to him, without a table between us, or bars on the windows, or screws standing around, watching and listening to every word we said, I’d been just a boy. The only thing we had in common now was prison, and I wanted nothing more to do with that part of my life (Maguire, 2009:350).

He further spoke of the post-release ‘gap’ between him and his mother, conceding that ‘try as I might, I couldn’t close it’.

Release, then, does not spell the end of the familial disruption experienced by the wrongfully convicted. Rather, this disruption manifests itself in a different way in a new post-release context. Even if there is no longer a painful physical separation enforced by prison walls, an equally problematic and damaging emotional and psychological separation allows relational harm to persist into their post-release lives. Release does not, and *cannot*, bring a magical reversion to family life as known pre-prison.

Stigma

Given how long-term imprisonment fundamentally alters a person’s identity (Becker, 1963; Lemert, 1967; Liebling & Maruna, 2005), the wrongfully convicted understandably struggled to rebuild a meaningful post-release relationship with the rest of society. Often this creates a sense of stigma around the wrongfully convicted (Hoyle & Tilt, 2018), and even if stigma may seem a lesser concern than pressing material needs it can nonetheless have longstanding and far reaching implications (Clow et al., 2011). Stigmatised persons develop ‘spoiled identities’ whereby they become ‘a blemished person... to be avoided’ (Goffman, 1963:1). Having a ‘spoiled identity’ is naturally conducive to social exclusion, as can be seen when Annie Maguire (1994:143) frankly acknowledged how her ‘spoiled identity’ brought enduring social and financial harm through limiting her post-release employment prospects to a job cleaning for a friend.

A significant aspect of the social exclusion that stems from a ‘spoiled identity’ is feeling that society neither understands nor cares about you (Goffman, 1963:22). This is especially relevant in the case of the wrongfully convicted, where there is a mismatch between how they see themselves and how they are framed by the criminal justice system and media (Jenkins, 2013). Although the wrongfully convicted might see acquittal as vindication that they were innocent, ‘false believers’ will nonetheless maintain that they simply ‘got off’ on a technicality (Cole, 2009). While maintaining their innocence is vitally important to their self-identity (Hearty, 2021), the receptiveness of the wrongfully convicted to what Annie Maguire (1994:151) calls whispers of ‘no smoke without fire’ allows relational harm to impede upon their post-release readjustment. Patrick Maguire (2009) offers an insight into the practical consequences of this by detailing how the police continued to harass him following his release. While others might not have endured the same physical post-release scrutiny as Patrick Maguire, they were nonetheless conscious of their vulnerability to it. Judith Ward (1993:18) highlighted her abiding fear that the police would link her to IRA bomb alerts in London that happened while she was shopping there. Similarly, Paddy Joe Hill (1995:265) would suffer panic attacks and experience an ‘irrational fear’ every time he heard police sirens. This exposes the ‘dimensions’ of relational harm that the wrongfully convicted continue to experience; the emotional challenge of trying to ease back into a functional lifestyle is compounded by the abiding psychological harm that a ‘spoiled identity’ causes.

A ‘spoiled identity’ is harder to shed where wrongful conviction has been particularly high-profile (Clow et al., 2011)—compounded even further in the cases at hand given the gravity of the offences involved. There is, then, a loss of anonymity that continues to mark out the wrongfully convicted as ‘other’ and costs them their individuality. The wrongfully convicted are thus primarily identified by society with an act they *did not* commit and with what they *went* through in prison rather than what they are *going* through post-release.

Their resistance to having their identity perpetually ‘spoiled’ like this can be seen in Gerry Conlon’s (1993:234) determination that ‘I am certain of one thing, I don’t want to spend the rest of my life being known only as one of the Guilford Four’. Relational harm experienced by the wrongfully convicted, then, includes the longer-term harm caused to their social capital and sense of identity (Hoyle & Tilt, 2018).

Repairing Social Harm

Memoirs also provide a useful first-hand critique of the policies and practices designed to alleviate the harms endured by the wrongfully convicted. Even if *some* of the harm suffered by the wrongfully convicted is irreversible (Grounds, 2004), they have nevertheless been offered material (compensation) and symbolic (apology) forms of repair.

Compensation

A nuanced and critically reflective discussion on monetary compensation emerges from within the memoirs. Whether victims can ever be truly repaired by money, and whether any sum accurately reflects the gravity of the harms the wrongfully convicted experienced, has long been questioned (Madrigal & Norris, 2022). While no amount of money will enable the wrongfully convicted to retrieve ‘stolen time’ (Bhatia & Canning, 2021), compensation can nevertheless alleviate post-release financial harm. For Paddy Joe Hill (1995:275).

Money will never be able to compensate me adequately for my life being destroyed. But I believe I have a right to a payment which would reflect the injustice done to me and would help to alleviate the problems I will clearly face in the future.

Hill revealed how, after giving each of his children a lump sum from his interim compensation payment, he spent his compensation on a house. While the latter was in direct response to his pressing need for housing, the former arose out of ‘a combination of feeling guilty at not having been around as they grew up and a desire to buy the love I had never known’ (Hill, 1995:264). When Hill (1995:268) used another interim payment to take his family to Disney World in ‘a big effort to build a proper relationship with my children’ he was left ‘horrified’ that ‘all they could do was fight’. Hill’s experience exposes the paradox of monetary compensation for wrongful conviction; it can usefully address pressing material needs but it has less usefulness in alleviating emotional harms stemming from lost or disrupted familial relationships. It shows that monetary compensation can compound rather than alleviate existing emotional harm whenever it does not have the impact that the victim anticipated it having.

Paddy Armstrong (2017:248) similarly acknowledged the limitations of monetary compensation in addressing his post-release psychological harm. He argued that money

won’t give me 15 years back. Won’t stop me panicking every time I see a police car or running out of a shop because there’s too many people. It won’t prevent me fearing that people will recognise me, that they’ll think I did kill them people and they’ll hurt me.

More pointedly, he highlighted how ‘it won’t stop me drinking a bottle of vodka a day when I move out of Alastair’s. In fact, it’ll just make me drink more because I can afford to’. Just like in Hill’s case, monetary compensation compounded emotional harms for Armstrong.

Whether it involves providing the wrongfully convicted with plentiful access to alcohol or creating misguided visions of an unattainably idyllic family life, there is a ‘dark side’ to monetary compensation beyond alleviating financial harms.

Apology

The inherent limitations of monetary compensation have led to symbolic forms of redress emerging, with apology being increasingly recognised in the restorative justice (Van Ness, 2002; Pemberton et al., 2007) and transitional justice (Tarusarira, 2019) literatures. A formal apology can allow the wrongfully convicted to shed their ‘spoiled identity’ because it removes residual suspicion and destigmatises them as ‘innocent’ (Westervelt & Cook, 2008). Without an apology, their ‘spoiled identity’ is reinforced, causing secondary victimisation and enduring relational harm (Savage et al., 2007).

An official apology for the Guildford and Maguire convictions eventually came following a private meeting in February 2005 where then UK prime minister Tony Blair recognised that they ‘deserved to be completely and publicly exonerated’ and acknowledged the ‘trauma that the convictions caused... and the stigma which wrongly attaches to them to this day’ (CAIN, 2005). While there is a natural scepticism about the sincerity and utility of such apologies, newspaper coverage indicates that both Gerry Conlon and Annie Maguire responded positively to Blair’s apology. Maguire told reporters that ‘the people who were still doubting us should now believe that we were totally innocent’ (McKittrick, 2014). Her response suggests that apology carries a potent acknowledgment of innocence for the wrongfully convicted.

Even if the Blair apology was absent in the pre-apology memoirs of Gerry Conlon and Annie Maguire, Patrick Maguire and Paddy Armstrong *do* offer critical reflection on it—and at a greater temporal distance than Annie Maguire’s immediate reaction. Paddy Armstrong (Armstrong & Tynan 2017:290) was ‘taken by surprise by the strength of my own emotions’ following the apology, observing further how ‘something changes for me’. Like Annie Maguire, Armstrong saw in the apology an official acknowledgment of innocence that would dispel any lingering suspicion: ‘It’s official now. For years there have been the doubters, the nay-sayers. *They got off on a technicality. They did it. Everybody knows.* Now, nobody can say that ever again. The British government don’t make apologies lightly’. Yet, at the same time Armstrong rued how the wording of the apology—‘the case of Gerard Conlon and all the Guildford Four’—had reinforced his ‘spoiled identity’. Questioning why each of the victims had not been listed individually by name, Armstrong (Armstrong, 2017:290) protested that ‘I’m one of all the Guildford Four, but we are only the Guildford Four because of them. They created the infamous Guildford Four. We didn’t. We have real names and identities. We’re real people. Where are our names?’ There is a paradox here whereby even if the apology helped to destigmatise Armstrong as innocent it nevertheless reinforced his ‘spoiled identity’ as ‘one of the Guildford Four’.

Patrick Maguire (2009:418) appeared somewhat indifferent towards the Blair apology. For him, the day was more useful in helping him forgive Gerry Conlon after shaking his hand in the corridor. Reflecting on the event he argued that

For me, that was the best part of the day. The apology from Tony Blair, which came a bit later, didn't mean much to me. First, Dad wasn't with us. Second, it was just politics. Third, it was thirty years too late.

Although seemingly ambivalent about it, the apology was still symbolically important enough for Maguire to feel aggrieved when Blair initially intended to apologize only to the Guildford Four before later extending it to his family. More problematically, though, the apology in this case compounded the secondary victimisation of others like Paddy Joe Hill and the Birmingham Six who were still enduring a 'whispering campaign' that they 'were only let out on a technicality to help the peace process along' (McKittrick, 2014).

Just as with compensation, then, the above suggests that apology will be differentially received by victims, will repair them in different ways, and will not meet all their needs.

Survivorship

It would be a misstep to see the wrongfully convicted as irreparably damaged victims living in perpetual post-release helplessness and passivity. Even though they do experience post-release harms, there is movement away from the passivity of the 'victim' towards the agency of the 'survivor' (Ben-David, 2020) because the very act of telling their story is in itself an agentic endeavour that is simultaneously an act of self-repair, an act of reclaiming their own experience and an act of trying to prevent the recurrence of past abuses. It empowers victims to 'speak for themselves' (McGarry & Walklate, 2015:4), to 'make sense' of how their experience has changed them as a person (Green et al., 2021), to educate others about their experience (Westervelt & Cook, 2008; Westlund, 2018) and to challenge ongoing and future abuses of power (Savage et al., 2007; Hearty, 2021). Memoirs therefore offer an insight into the transition from 'victim' to 'survivor' when the wrongfully convicted integrate the process of healing into their life story, come to better understand themselves and their experiences, and realise their potential for growth through contributing to a better future for themselves and others (Ben-David, 2020).

Post-Release Activism

The wrongfully convicted emerge from their experiences with a greater intolerance for injustice (Campbell & Denov, 2004), leading many of them to use their lived experience to speak out against other miscarriages of justice. This was often underpinned by the close bonds the wrongfully convicted had forged with each other. For example, Gerry Conlon (1993:209) recalled how he and Paddy Joe Hill had promised each other that the first one to get released would campaign for the release of the other. Conlon (1993:4) made good on this promise when he called for the release of the Birmingham Six during his first post-release television interview. The Birmingham Six would subsequently 'pay forward' this support on their release by speaking out in support of Judith Ward (1993:139).

Paddy Joe Hill eventually set up an organisation to help victims of miscarriage of justice. Having accumulated a working knowledge of the criminal justice process through his own first-hand experience, he felt 'it would be such a waste not to pass on the benefit of that expertise to those who desperately need it, and who should not have to spend years acquiring it the way I did'. Doing so would also 'bring some real meaning to my own life' (Hill, 1995:286). Here, Hill is reclaiming some personal autonomy while also offsetting relational harm by building new social networks and relationships. Through making the

conscious decision to give his life ‘real meaning’ in this way, Hill is transitioning to ‘survivor’ by *providing* support to, rather than *requiring* it from, others. As a ‘survivor’, then, Hill recognises how fortunate he was to have survived his own victimisation and has made this a catalyst for supporting others in a similar position today (Ben-David, 2020).

Gerry Conlon and Paddy Joe Hill were still actively campaigning against miscarriage of justice decades later, most notably taking up the (ongoing) case of Brendan McConville and John-Paul Wooton who were convicted for killing a police officer despite concerns over witness testimony and forensic evidence (McCaffery, 2013). Even if the pair were admittedly more active campaigners than most victims, their post-release activism nevertheless shows the capacity of the wrongfully convicted to shed the assumed passivity of the victim through using their previous lived experience to challenge wrongful conviction.

Narratives to Heal & Educate

Patrick Maguire’s (2009:428) memoir was written in response to his sons asking him about his experience. Telling his story thus allowed him to provide his sons with an insight into his experience but it also had a cathartic effect. He noted that.

When I started to talk to them I realised that the fury had to go. For one thing, it was killing me and for another I didn’t want them to be infected by it.... Then, I began to write this book and more anger went. During the writing of this book, some things in my life have improved.

It would appear, then, that the act of telling his story has helped Maguire to address relational harm by providing his sons with an understanding of his background and allowing him to process the harms that he experienced. This highlights the role that narratives can play in helping victims to work through their ‘spoiled identity’ and to acknowledge their post-victimisation growth (Green et al., 2021; van den Ven & Pemberton, 2021). As a ‘survivor’, Maguire sees himself as being traumatised yet recognises how he is healing from this trauma for the benefit of himself *and* his sons (Ben-David, 2020).

Contrasting his initial post-release avoidance of speaking out with Gerry Conlon’s public campaigning, Paddy Armstrong (Armstrong, 2017:297) critically reflected that ‘perhaps I went to the other extreme by pushing it all down. Ignoring it. Maybe there’s an in-between? Talking about it enough to purge it, to heal. Maybe I need to let it out more’. While this points towards narrative as catharsis, Armstrong (Armstrong, 2017:302) also saw educative potential in his memoir: ‘I decide I want to write it all down, while I still have time—for the record, for my children, for history. So that what happened to us is never forgotten. And so it can never happen again’.

Inasmuch as Armstrong’s telling of his story is premised on providing his children with an insight into what he went through, it is also predicated on using narrative to prevent the recurrence of past abuses. Through telling his story, Armstrong has transitioned to ‘survivor’ in two ways; having gotten through his traumatic experience intact he is able to integrate it into his life story and he is determined to use his life story to raise awareness of wrongful conviction (Ben-David, 2020).

For Paddy Joe Hill (1995:273) writing his memoir was ‘a therapy’ that helped him to ‘come to terms with all that has gone on’. More significantly, telling his story was a means of moving beyond the ‘spoiled identity’ of the passive victim by encouraging others to adopt a more critically reflective approach to wider societal complicity in or indifference towards wrongful conviction:

Whenever I am introduced to strangers they inevitably want to know about our ordeal and I accept that. I'm happy to talk about it. But to those people who offer me their sympathy I always say this. Don't be sorry for me. Be angry. Because everything that happened to me was done in your name (Hill, 1995:288).

For Hill (1995:283), this was important because the establishment of the Criminal Cases Review Commission (CCRC)—set up to prevent miscarriages of justice after the Birmingham Six's release—did not go 'far enough' in addressing the procedural and structural causes underpinning wrongful conviction. Given that subsequent academic analyses show the failure of the CCRC to eliminate wrongful conviction and that the misuse of emergency legislation continued long after the Birmingham Six's release (Naughton, 2007, 2013), Hill's concerns seem well founded. In moving beyond passive victimhood, Hill as 'survivor' is leveraging his lived experience to continue raising awareness of and campaigning against ongoing wrongful conviction. Again, this is *not* to deny his past suffering but rather to acknowledge his capacity for using this in pursuit of a better future (Ben-David, 2020).

Through telling their story and engaging in activism, the wrongfully convicted have reclaimed sufficient agency to transition from a state of passive victimhood into agentic survivorship. Even if the wrongfully convicted had no choice as to whether or not they were victimised, in telling their story of victimisation to heal the self, to share their experience, and to highlight the ongoing plight of others they *did* choose to transition from 'victim' to 'survivor' (Ben-David, 2020). While their memoirs naturally include some truly horrific experiences, they also demonstrate how victims' narratives can be premised as much on overcoming suffering as on that suffering itself (Cook & Walklate, 2019:241).

Conclusion

Narrative victimological engagement with the life stories of the wrongfully convicted reveals the long-lasting consequences that the 'sustained catastrophe' of wrongful conviction brings. A multitude of enduring relational and autonomy harms are experienced by the wrongfully convicted as their 'self-actualisation' is inhibited through the inability to exercise life choices, physical and mental ill-health attributable to self-destructive behaviours, the failure to rebuild familial relationships and the persistence of a 'spoiled identity'. Although this naturally obstructs their ability to adapt post-release and rebuild a meaningful relationship with society, these enduring social harms are not captured in official data (McNaughton, 2003), are often overlooked in policy and practice (Hoyle & Tilt, 2018), and go unacknowledged in the official discourse of the criminal justice system (Mc Naughton, 2007). Departing from the criminal justice system's rigid way of 'seeing' and responding to the harms of wrongful conviction (Hearty, 2021), first-hand insights from victims offer a telling insight into the true enormity of the zemiological iceberg.

Yet the importance of and necessity for engaging with first-hand accounts proffered by victims goes beyond getting an insight into these harms. Victim testimony can help to critique and problematise redress schemes, ensuring that these programmes accurately identify what harms the wrongfully convicted suffer in the longer term and how these can be best addressed (Hearty, 2021). This is imperative given the limitations of financial compensation in alleviating certain emotional harms or the danger of it potentially increasing access to destructive lifestyles that perpetuate, rather than solve, relational harm. Inasmuch as this can allow victim testimony to usefully highlight policy

gaps around the enduring harms that a 'spoiled identity' can cause (Hoyle & Tilt, 2018), the memoirs of the wrongfully convicted also have a role to play in victims' self-repair, in allowing them to speak out against ongoing injustices, and in empowering them to reclaim their experience from the criminal justice system that victimised them. The emergence of agentic survivors among the wrongfully convicted is *not* to deny or minimise the many harms that they suffered (and perhaps continue to suffer). Rather it is to acknowledge and accept that victims of wrongful conviction can step out of a state of helpless victimhood by consciously and deliberately bearing witness to harm after their release.

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